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PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

SENATE—*Thursday, November 16, 1989*

(Legislative day of Monday, November 6, 1989)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. ROBB].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In those days there was no king in Israel: every man did that which was right in his own eyes.—Judges 21:25.

Father in Heaven, hearing the profound message of labor leader Lech Walesa made us aware of the insidious repression of godless government. With unspeakable gratitude, we thank You for 200 years of freedom. The sober word from the Bible reminds us that no authority breeds anarchy, "* * * every man did that which was right in his own eyes," when there was no king.

Help us, mighty God, to recover the faith of our fathers who believed that freedom is the gift of God under the restraint of His moral law, lest we abandon the faith that has made us great, equate liberty with doing as I please and replace moral order with moral anarchy, to our own destruction. While millions throw off repression, save us from the fatal error of regression. Forbid that we should abandon God to a religious ghetto, throw off the restraint that comes from faith in Him, and take the perilous course of rights without responsibility.

In the name of Jesus, Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business until 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10:30, the Senate will begin consideration of H.R. 3566, the Labor-HHS appropriations bill. Senators should be alerted that votes will occur throughout the day on this and other measures that will be before the Senate today.

Mr. President, in just a few minutes, the Senate Committee on Environment and Public Works will meet to begin markup of the Clean Air Act. This will be an important meeting. This is important legislation. Since entering the Senate nearly 10 years ago, I have worked to obtain reauthorization and improvement of our Nation's clean air laws. Unfortunately, during the past decade, we have not been able to obtain that reauthorization and improvement for a variety of reasons. But now the prospects for action are good.

I commend President Bush for his decision to reverse the policies of the previous administration. President Reagan was adamantly opposed to clean air legislation. President Bush has expressed his support for it and has submitted a proposed bill of his own.

I have advised the members of the Senate Committee on Environment and Public Works that if the committee reports that legislation prior to sine die adjournment—and I hope very much that it will do so, and as a member of the committee, I am working toward that end—it is my intention that when the Senate reconvenes on January 23, 1990, the first item of business before the Senate will be the Clean Air Act.

This is complex legislation. It involves interests and individuals in every State in the country. Many Senators have a very keen interest in the legislation, and if there is a period of several weeks between sine die adjournment and the second session on January 23, Senators will have ample opportunity to study the legislation, to review the committee report, and be prepared for a full and what I expect to be vigorous, contested debate when the Senate returns on January 23.

This schedule, I believe, is the best way to accommodate all of the various interests, the interests of those who want such legislation to be enacted. I include myself among them, and I include the President among them, and I include a large number of Senators. Those who oppose such legislation will want a chance, understandably and appropriately, to carefully review the legislation before it is presented on the Senate floor, and ultimately, the most important interest, the national interest, in seeing that fair, meaningful, comprehensive legislation which serves to stem the dramatic adverse effects of pollution in our society is enacted as soon as possible.

So, Mr. President, I am pleased to make this announcement, and pleased to say that I hope very much we can pass this legislation next year. It will have been 10 years since I began working on it, and I believe one decade is enough for one issue. I do not wish to make this my life's work. I hope to take on something else in my second decade in the Senate, and am looking forward very much to the day when the Senate will approve, by what I am confident will be an overwhelming margin, meaningful clean air legislation that is so badly needed.

I hope very much the committee will be able to complete action before sine die adjournment. I know it will be difficult and time consuming. There are a number of amendments that the committee will have to consider to the pending legislation, but I am confident that under the effective and able chairmanship of Senator BURDICK, the full committee, and Senator BAUCUS of

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the Subcommittee on Environmental Protection, the committee will complete its work and that we will, when we return on January 23, have before us for the first time in more than a decade comprehensive clean air legislation.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my time. I reserve all of the leader time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM pertaining to the introduction of S. 1886 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. KASSEBAUM. I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERREY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORARIA

Mr. DOLE. Mr. President, there has been a lot of talk lately about pay raises, ethics, and honoraria. They are issues that make for good press copy. For good editorials. But they also lend themselves to sensationalism and cheap distortions.

Such was the case this week when a New York Times editorial made the newspaper look more like a supermarket tabloid, thanks to a misguided November 12 editorial entitled "Eliminate Honorariums."

Instead of making its case based on fact, the Times uses the broad brush smear of—quoting here—"conflict of interest, real or apparent"—to taint Members of Congress who earn speaking fees.

Without any examples or evidence of conflict, the Times simply questions the integrity of Senate leaders—including the distinguished majority leader—because we are sometimes paid to speak to groups such as the American Dental Association, the University of Southern California and Pizza Hut. Frankly, the notion that a speech to the Iowa Association of Electric Cooperatives—in the Times own words—"insults democracy," is laughable.

It is a cynical view and a hypocritical one, too, if the Times truly believes that accepting millions of dollars of advertising revenue every year does not influence editorial or news judgment.

I do not believe advertising dollars influence the New York Times, any more than I believe a speech to the Iowa Co-Ops influences the Senator from Kansas.

Adding insult to injury, the Times also published a list of my 1988 speaking appearances that supposedly reveals honoraria I—quote—"accepted." In fact, $31,750 of the total was sent directly to charity—sent directly, at my request—to expressly avoid any hint of conflict. This is standard procedure for me and goes beyond required disclosure regulations. I do it to let the public know I am avoiding payment from any narrowly focused group.

Unfortunately, that is not good enough for the editorial crew at the Times. They never tell their readers which of my speaking fees, the potential "conflicts," were donated to charity. There is no asterisk or accompanying footnote to tell the readers which fee is going to charity.

So, Mr. President, let me do that now, not that anybody will read the RECORD as compared to the New York Times, but it makes me feel better, in any event.

For example, $13,000 of the $15,000 honoraria paid by the American International Automobile Dealers Association went directly to the Foundry Methodist Church in Washington and the Lakemary Center for the Disabled in Paola, KS.

Likewise, the $2,000 paid by the American Health Care Association went directly to the Kansas Society for Crippled Children. The Times conveniently overlooked these "insults to democracy."

Mr. President, because the Times overlooks so much, I ask unanimous consent that records of my honoraria and contributions to charity be made a part of the official record.

Also, the Senator from Kansas would like to also include at this point a 5-year summation of my honoraria and contributions to charity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE PUBLIC FINANCIAL DISCLOSURE REPORT—ROBERT J. DOLE HONORARIA

Date received and source	Speech, article, or appearance	Amount
Mar. 3, 1988: Organization Management, Inc., Fairfax, VA.	Speech	$2,000
Apr. 21, 1988: Avon Products, Inc., New York, NY.	do	2,000
May 15, 1988: American International Automobile Dealers Association, Washington, DC.	do	2,000
May 10, 1988: National Commercial Finance Association, New York, NY.	do	2,000
May 23, 1988: American Supply Association, Chicago, IL.	do	2,000
June 14, 1988: American Society of Plastic & Reconstructive Surgeons, Inc., Arlington Heights, IL.	do	2,000
June 15, 1988: Coalition Against Regressive Taxation, Washington, DC.	do	2,000
June 20, 1988: Ackerley Communications, Inc., Seattle, WA.	do	1,000
June 20, 1988: Reagan National Advertising, Inc., Salt Lake City, UT.	do	1,000
June 23, 1988: E. Bruce Harrison Co., Inc., Washington, DC.	do	2,000
Sept. 8, 1988: Labor Policy Association, Inc., Washington, DC.	do	2,000
Sept. 9, 1988: National Automobile Dealers Association, McLean, VA.	do	2,000
Sept. 19, 1988: American Pharmaceutical Association, Washington DC.	do	2,000
Sept. 26, 1988: National Association of Medical Equipment Suppliers, Alexandria, VA.	do	2,000
Oct. 4, 1988: The Fay Improvement Co., San Francisco, CA.	do	2,000
Oct. 9, 1988: American Dental Association, Chicago, IL.	do	2,000
Nov. 9, 1988: American Stock Exchange, New York, NY.	do	2,000
Nov. 10, 1988: Excaliber Financial Group, Middlebury, CT.	do	2,000
Dec. 4, 1988: American Academy of Dermatology, Evanston, IL.	do	2,000
Total, honoraria received		36,000
Subtract honoraria (reported above) which was donated to charity.	0	0
Honoraria accepted		36,000
In addition to honoraria received, the following honoraria were donated directly by the payor to the charities listed. Although not required to be reported, they are listed for information purposes:		
Dec. 3, 1987: Iowa Association of Electric Cooperatives, Urbandale, IA: Donated to Ronald McDonald House.	do	750
Feb. 18, 1988: The Liberty Corp., Greenville, SC: Donated to American Heart Association.	do	2,000
May 15, 1988: American Internat'l Auto Dealers Association, Washington, DC: Donated to:		
Foundry Methodist Church	do	10,000
Lakemary Center	do	3,000
June 7, 1988: American Health Care Association, Washington, DC: Donated to Kansas Society for Crippled Children.	do	2,000
June 22, 1988: Service Corp., International, Houston, TX: Donated to Dole Foundation for Employment of the Disabled.	do	5,000
June 23, 1988: Merrill Lynch, Pierce, Fenner & Smith, New York, NY: Donated to Dole Foundation for Employment of Disabled.	do	5,000
Sept. 9, 1988: National Automobile Dealers Association, McLean, VA: Donated to Garrett Frey Trust Fund.	do	1,000
Dec. 14, 1988: Business International Corp., New York, NY: Donated to:		
National Society for Autistic Children.	do	1,000
Kansas Association for Mental Health.	do	1,000
Academy of Mount St. Scholastica	do	1,000
Honoraria (reported above) which was donated to charity.		31,750

Dole honoraria 1984-88—74.4 *percent goes to charity*

1984

	Amount
Total honoraria received	$115,929.88
Honoraria donated to charity	95,579.88
Net honoraria accepted	20,349.00
Percent donated to charity	82

1985

Total honoraria received	127,993.00
Honoraria donated to charity	106,618.00
Net honoraria accepted	21,375.00
Percent donated to charity	83

1986

Total honoraria received	119,575.00
Honoraria donated to charity	87,500.00
Net honoraria accepted	32,075.00
Percent donated to charity	73

1987

Total honoraria received	108,700.00
Honoraria donated to charity	80,400.00
Net honoraria accepted	28,300.00
Percent donated to charity	74

1988

Total honoraria received	67,750.00
Honoraria donated to charity	31,750.00
Net honoraria accepted	36,000.00
Percent donated to charity	47

1984-88

Total honoraria received	539,947.88
Honoraria donated to charity	401,847.88
Net honoraria accepted	138,099.00
Percent donated to charity	74.4

Charity

1984

	Amount donated
Soc. for Autistic Children, KS chptr	$2,000.00
Assn. for Mental Health, KS chptr	3,833.00
KS Assn. for the Deaf	3,333.20
Foundry Methodist Church	13,333.20
Leukemia Soc. of America, Kansas chptr., Wichita, KS	2,500.00
KS Children Service League	1,750.00
Lakemary Center, Paola, KS	5,999.60
American Heart Assn	3,333.20
Institute of Logopedics, Inc., Wichita, KS	3,666.20
National Easter Seal Society	2,000.00
Agriculture Hall of Fame, Bonner Springs, KS	1,333.32
The Capper Foundation, Topeka, KS	1,333.20
United Cerebral Palsy	3,333.20
American Lung Assoc. of Kansas	2,999.76
KS Soc. for Crippled Children	2,666.66
KS Society, Topeka, KS	1,333.20
Vietnam Memorial Fund	1,333.20
United Negro Fund	6,666.40
Russel City Hospital Foundation	1,333.20
Trinity United Methodist Church	2,000.00
The Dole Foundation	10,000.00
KS Fdn. for the Blind	5,500.00
American Inst. of Applied Politics	2,000.00
KS Wesleyan College	1,333.20
Academy of Mt. St. Scholastica	2,000.00
Mid-American All-Indian Center	666.60
William A. Steiger Cong. Fellowship	666.60
Fellowship of Christian Athletes	1,333.20
KU Endowment Assn	666.60
El Centro	666.60
KS Assn. of Retarded Children	2,000.00
Kansas Masonic Home	1,333.20

1985

Am. Lung Assn., Topeka, KS	2,000.00
Nat'l Immigration Archieves, Phil., PA	118.01
Foundry Methodist Church Wash., D.C	13,000.00
United Cerebral Palsy of KS	4,000.00
KS Soc. for Crippled Children, Wichita, KS	1,500.00
Academy of Mt. St. Scholastica, Atchison, KS	2,000.00
Inst. of Logopedics	1,000.00
KS Assn. for the Deaf	2,000.00
Lakemary Center, Paola, KS	10,000.00
Agricultural Hall of Fame & Nat'l Ctr., Bonner Springs, KS	1,500.00
American Heart Assn., Topeka, KS	4,000.00
Leukemia Society of America, KS chapter	3,000,000
KS Comm. for Prevention of Child Abuse, Topeka, KS	1,500.00
KS Fdn. for the Blind	4,000.00
Russell City Hospital Foundation	2,000.00
KS State Hospital Society	1,000.00
Soc. for Autistic Children, Topeka, KS	4,000.00
United Negro College Fund, New York, NY	6,000.00
Nat'l Hispanic Scholarship Fund.	5,000.00
Goodwill Ind. of Greater Wichita	2,000.00
KS Assn. for Retarded Citizens	2,000.00
Nat'l Kidney Fdn. of Kansas and Western Missouri	4,000.00
Benedictine College	3,000.00
Mid-American All Indian Center	1,000.00
Sarah's Circle	1,500.00
Speech Emporia State Univ	2,000.00
The Wm. A. Steiger Cong. Fellowship	1,000.00
Fellowship of Christian Athletes, Kansas City, KS	2,000.00
Inst. of Logopedics	3,000.00
American Heart Assn	2,000.00
Huntington Disease Fdn. of America, Kansas chapter	2,000.00
Capper Fdn. for Crippled Children	3,000.00
Allyn Cox Memorial Art Fund	1,000.00
Kansas Wesleyan College	1,500.00
Amer. Lung Assn	2,000.00
KS Assn. for the Deaf	2,000.00

1986

Kansas Special Olympis/Kansas Masonic House	2,000.00
Foundry Methodist Church, Wash. DC	9,000.00
Lakemary Center, Paola, KS	12,000.00
American Heart Assoc	4,000.00
Kansas Assoc. for Mental Health	2,000.00
Kansas Commission for the Prevention of Child Abuse	2,500.00
Kansas Foundation for the Blind	2,000.00
Kansas Soc, for Crippled Children	2,000.00
Trinity United Methodist Church	2,000.00
Nat'l Kidney Foundation of Kansas & Western Missouri	2,000.00
Institute of Logopedics	2,000.00
American Lung Assn. of Kansas	2,000.00
United Negro College Fund	4,000.00
Nat'l Hispanic Scholarship Fund.	4,000.00
Benedictine College	2,000.00
Academy of Mt. St. Scholastica	2,000.00
Kansas Foundation for the Handicapped	2,000.00
Hutchinson Heights, Inc	1,000.00
Nat'l Society for Autistic Children	2,000.00
Marymount College of Kansas/ Kansas Wesleyan College	2,000.00
Kansas Assn. for the Deaf	2,000.00
American Cancer Society, Kansas Div	2,500.00
Huntingtons Disease Foundation of America, Kansas chapter	2,000.00
KS Jaycees Cerebral Palsy Foundation	2,000.00
Goodwill Industries Easter Seals Soc. of Kansas, Inc	2,000.00
Cystic Fibrosis Foundation, Sunflower Chapter	2,000.00
The Congressional Award	2,000.00
Donald R. Fortier Children's Fund	2,000.00
Nat'l Rehabilitation Hospital	1,000.00
U.S. Assn. of Former Members of Congress	1,500.00
Kansas 4-H Foundation, Inc	1,500.00
The Dole Foundation	4,000.00
USO of Metropolitan Washington	500.00

1987

Foundry Methodist Church, Washington, DC	10,000.00
Lukemia Society of America, Inc., National Capital Area	1,000.00
Lakemary Center, Paola, KS	6,000.00
Kansas Masonic Home	1,000.00
Cystic Fibrosis Foundation	1,500.00
American Heart Assoc	2,000.00
Kansas Society for Crippled Children	2,000.00
National Kidney Foundation of Kansas and Western Missouri	2,000.00
National Society of Autistic Children	2,000.00
Washburn University of Topeka School of Law	1,000.00
Leukemia Society of America	1,000.00
Academy of Mt. St. Scholastica	2,000.00
Goodwill Industries/Easter Seals Society of Kansas, Inc	2,000.00
The Kansas Jaycees/Cerebral Palsy Foundation	2,000.00
The Dole Foundation	17,000.00
United Negro College Fund	4,000.00
Nat'l. Hispanic Scholarship Fund	4,000
Kansas Foundation for the Blind	4,000.00
Kansas Kiwanis Foundation	2,000.00
Benedictine College	2,000.00
Kansas Community for the Prevention of Child Abuse	1,000.00
Marymount College of Kansas	1,500.00
Kansas Commission on the Bicentennial of the United States	500.00
The Samartian Counseling Center of Atchison	250.00

The Smilin' Bob Heart Attack Fund, Inc	250.00
Kansas' Assoc. for Mental Health	2,000.00
First Lady Prayer Luncheon	400.00
1988	
Ronald McDonald House	750.00
American Heart Assoc	2,000.00
Foundry Methodist Church, Washington, DC	10,000.00
Lakemary Center, Paola, KS	3,000.00
Kansas Society for Crippled Children	2,000.00
Dole Foundation for Employment of Disabled	10,000.00
Garrett Frey Trust Fund	1,000.00
National Society for Autistic Children	1,000.00
Kansas Association for Mental Health	1,000.00
Academy of Mt. St. Scholastica	1,000.00

Mr. DOLE. This Senator has always supported full public disclosure of honoraria. In my view, all the facts should be on the table for the public—and the media.

It is unfortunate that some journalists are apparently only interested in some of the facts to suit their own negative agenda.

After reading the Times editorial, I considered writing a letter to the editor. But there is no guarantee the letter will ever run; it never quite matches the headline distortions; and the print is too small.

Mr. President, there will be plenty of stories in the coming day about honoraria. In fact, I notice today in a New York Times editorial they call it a scandal. I wonder if they apply the same measure, the same yardstick, to members of the media who make big money, big speaking fees. Are they influenced when they appear on talk shows and give a view because they accept $10,000, $15,000, $20,000 speaking fees for one speech? I think if we are going to ask the question, we have to ask it across the board.

But, in any event, I hope the reporters of the New York Times paper—which I respect, though it is very liberal in its views; I do not always agree with their views, but I respect it as a great American paper—I hope that the reporters and the editorial writers would take time to check all the facts and that other reporters will do the same and not just follow the Times' reckless lead.

Mr. President, I reserve the remainder of my leader time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 1887 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. SANFORD. Mr. President, is there an order for a specific time involving morning business?

The PRESIDING OFFICER. The Senate goes to a specific piece of legislation at 10:30.

Mr. SANFORD. Mr. President, I ask unanimous consent that the time for morning business be extended for 5 minutes beyond the hour of 10:30, and I would like to yield the first 5 minutes to the Senator from Washington, who I believe was here before I was.

The PRESIDING OFFICER. Without objection, the time for morning business is extended.

Mr. GORTON. Mr. President, I thank the Senator from North Carolina. I am still doing a little editing. If he is ready to speak, I would be happy to defer to him.

Mr. SANFORD. Very well.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

THE PUBLIC EXPECTS HONESTY

Mr. SANFORD. Mr. President, it is difficult to get across to the American public the details of a great many governmental activities. These citizens have better things to do, and they rely on their elected representatives to attend to the details.

But the public does, as it should, demand honesty. The public is outraged, and feels betrayed when dishonesty is revealed.

In the middle of October 1989, we approved an increase in the debt limit, the amount of money our Government can borrow. At the request of the President and the Secretary of the Treasury, we increased our borrowing authority to over $3 trillion ($3,100,000,000,000). At our present rate of deficits, we can expect to raise the debt limit again and again until in 1993 when it will be $4,000,000,000,000.

When President Reagan took office at the beginning of 1981, we had a national debt of over $980 billion, which was the accumulation of all the debt of all the Presidents of all the depressions and of all the wars for all the years of the United States of America. Indeed, when President Reagan presented his first budget to the Congress in February of 1981, he asserted that "the ship of state was out of control" because the Government's total outstanding debt was nearly $1 trillion. Yet, President Reagan immediately insisted on a tax cut and greatly increased military expenditures. Since then, we have averaged annual deficits of about $250 billion (one-quarter of $1 trillion). The current fiscal year 1990 budget will increase our debt more than three times what it was when President Reagan first took the oath of office.

That alone is bad enough. But there is a sadder story. While all of this debt was accumulating, the truth was being withheld from the American public.

At the same time this debt was building up, the President was telling the public that he was reducing the deficits each year. The truth is that in the budgets he presented to Congress, he was concealing a little more each year by bookkeeping trickery, to make it look like he was reducing the deficits. Congress let him get away with this deceit by going along with it.

This is the story of how our tremendous national debt just slipped up on us.

What can we do? The first thing we can do is to insist on honest bookkeeping, and honest reporting to the public. We can insist that the true deficit be published, not a deficit manufactured to comply with the President's unrealistic reduction goals. We can insist that the White House Budget Office quit cooking the books.

Congress can do this insisting. Citizens can insist that their Congressmen call on the President for truthful budget figures.

I wish we could get as many calls about truthfulness in budgeting as we are getting about the pay raise.

This insisting is necessary, if we are to have an honest budget. It is sad to report that President Bush has picked up President Reagan's deceitful budget reporting. Right now the budget on the White House drawing board shows a deficit of about $290 billion, and their present plan is to cover-up $200 billion, so we will be fooled into thinking our deficit has been reduced to $70 billion.

Until we are honest with the American people and honest with ourselves, it will be impossible to honestly assess the magnitude of the problem we face or the urgency of the need to address our debt problem.

It is time to have an honest budget.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Washington.

FREEDOM AND DEMOCRACY FOR CHINA

Mr. GORTON. Mr. President, yesterday Lech Walesa's appearance here provided all Americans with an occasion to celebrate the triumph of liberty, not only in Poland, but in Hungary, in part at least in East Germany, and even in the Soviet Union itself. I spoke here yesterday morning in praise of the importance of our own American ideas and ideals on the now-triumphant drive for feedom in Eastern Europe.

But that triumph, above all, was due to the courage of the Lech Walesas and the Andre Sakharovas of this world, and of the members, mostly

anonymous, of groups like New Forum in East Germany and other similar organizations across Eastern Europe. Truly, they provided the spark of freedom based, I hope, on American ideas. Truly, as Stephen Vincent Benet wrote, "Freedom is a hard-bought thing."

But the love of freedom, Mr. President, once lit in the minds of men and women anywhere, cannot be put out.

Nevertheless, as we celebrate the adoption of liberty and democratic values by one eastern bloc nation after another, by tens of millions, perhaps hundreds of millions, of people, we should not forget this year's failure in that respect; we should not forget the prodemocracy movement which erupted just 6 months ago in the People's Republic of China.

Since the June 4 massacre of peaceful demonstrators in Tiananmen Square, Chinese leaders violently have continued to attempt to extinguish the spark of freedom and democracy through the use of guns, tanks, arrests and executions. I am convinced in the long run, Mr. President, that attempt will be as vain as it is violent. But we should remember always that hundreds of millions, perhaps a billion people, have lost their fight for freedom, at least temporarily.

It is not at all surprising that the Chinese press has given extremely limited press coverage to the opening of the Berlin Wall and other changes in Eastern Europe. Although the Chinese Government may be able to prevent another public display of support for the prodemocracy movement in the immediate future, I am confident it can never crush the spirit.

Many Chinese recall the words of Lu Xun, "Lies written in ink cannot obscure a truth written in blood."

Despite heightened efforts to suppress the democracy movement in cities in China, the current leaders of that country eventually must acknowledge that progress and change are inevitable for the students and for all Chinese.

Chinese students and visitors in this country have spoken out for freedom and democracy in China. We should permit them, Mr. President, to remain here in the United States until that freedom is assured.

Soon, I trust, we will have the opportunity to consider the conference report on H.R. 2712, a bill that will offer necessary but limited protections for Chinese students in our country. The conference report to H.R. 2712 contains two key provisions to protect Chinese nationals. The first waives a requirement of our immigration law that forces most Chinese students in this country to return to China upon completion of their studies. This is by far the most urgent and effective means of physically protecting these students while liberating them from their present fear and anxiety so they may freely join in the struggle for democracy and human rights. The second provision protects Chinese nationals who face forced abortion or forced sterilization on account of China's birth control policies. The conference report provides strong protection from such human rights abuses.

Mr. President, personally, I would have gone much further with H.R. 2712 and offered permanent residence to all of the Chinese students in this country, not only as the most effective possible way of indicating to the leaders of the People's Republic of China the error of their ways, but because of the immense contribution which those dedicated and well-educated students could provide to this country.

Nevertheless, even in its present form, H.R. 2712 deserves our full and immediate support. Against the backdrop of the tide of liberty in Eastern Europe, Congress should continue to send the unequivocal message that America stands for freedom and democracy everywhere and will protect those who fight for those rights and values which Americans all hold dear.

In Lech Walesa and Solidarity we have seen the strides that a movement for freedom and democracy, with dedicated leadership, can make in the short span of 10 years, even against the most resistant of tyrannies. The new wave of freedom sweeping Eastern Europe is symbolized by the figurative, and partial, literal, destruction of the Berlin Wall. We Americans should not stand idly by as a new wall is being erected and strengthened in China.

The PRESIDING OFFICER. The Senator from Kentucky.

AVIATION LEVERAGED BUYOUT LEGISLATION

Mr. FORD. Mr. President, I want to discuss for a few moments with my colleagues, S. 1277, the aviation leveraged buyout legislation.

Mr. President, last week the distinguished majority leader received a letter, of which I received a copy, signed by four members of the President's Cabinet. When I first saw it I assumed that there was a computer effort in the printing of the letter. It starts out discussing S. 1277, and expresses the administration's objectives. It then proceeds to describe a bill that in my mind bears no resemblance to S. 1277.

Mr. President, S. 1277 is a bill that would simply require the Secretary of Transportation to review potential changes in control of airlines in advance to be sure that the acquisition would not adversely affect the carrier's fitness and ability to conduct air transportation in a manner consistent with the highest degree of safety.

The only major change from current law is that this review would be in advance, not after the transaction is completed, when it is too late to do much about it. This is hardly a radical proposal.

In addition, Mr. President, the bill would charge the Secretary of Transportation with assuring that any financial arrangements not violate current law prohibiting control of air carriers by foreign citizens. Again, this simply moves the review process to a point in time before the transaction is completed.

Perhaps the most incredible assertion in the letter is the statement by the four Cabinet Secretaries that the bill "would impede the flow and increase the cost of capital for air carriers, and in so doing create more uncertainty for the investors in the airline industry."

Nothing, absolutely nothing, could be further from the truth. We have just been through several months when airline stocks have been so violent that many experts blame the Friday the 13th market crash on the collapse of the United Airlines buyout proposal.

Meanwhile, other airline stocks have been on a roller coaster ride of unprecedented proportions. It is hard to imagine a situation in which there is already so much uncertainty for investors. This bill will bring stability and certainty to the market, not the opposite.

After 9 years of laissez-faire treatment of airline antitrust policy, once again the administration is saying: Trust me. They argue that they already have sufficient authority to monitor safety and other fitness requirements. The record, however, is not reassuring.

Judging from its letter, apparently this administration is determined to continue the "just say yes" policy of its predecessor when it comes to airline industry ownership.

During the entire term of the Reagan administration, the Department of Transportation approved every merger before it, even those that were suggested by the Justice Department they not approve. The end result is a concentrated industry that has reduced competition in a manner that will cost us dearly for decades ahead.

Once again, the administration wants us to stand back while the market works its magic. Otherwise, we are told, the bill will "further undermine international competition or competitiveness by providing undesirable exemption from the competitive pressures of the domestic marketplace."

Mr. President, this is utter nonsense. I cannot, for the life of me, understand how loading up United Airlines or American Airlines with $6 or $7 or

$8 billion in debt will enhance the competitiveness of the United States.

Indeed, precisely the opposite is true. We have seen the workings of an unfettered market in the airline industry, and the results are disturbing. The very real benefits of deregulation have been placed into jeopardy by the Government policy of hands off when it comes to airline antitrust and ownership policy.

Congress has finally reached the point, I believe, where we are not going to put up with it anymore. The House passed a bill, H.R. 3443, similar to the Senate bill, S. 1277, by more than a two-thirds margin.

Mr. President, I hope and expect that the Senate will enact S. 1277 by a similar margin.

Ultimately, the issue is safety. The primary airline safety concern of the 1990's will be the aging fleet of aircraft. The U.S. aviation industry has a record number of new aircraft on order that can replace the older equipment currently in operation. These new planes will be safer, quieter, and more fuel efficient, but they cannot be purchased by carriers deeply in debt.

There is nothing we can do that will do greater harm to the ability of carriers to buy this equipment than to stand idly by while the industry falls deeply into debt.

Make no mistake, the planes currently on the production lines of Boeing, McDonnell Douglas, and Airbus will be sold, but if U.S. airlines cannot buy them because of too much debt, they will be snapped up by foreign competitors. This is the real threat to our international competitiveness and the real threat to our responsibility to our domestic fleet of aging aircraft.

The bill in question passed by an overwhelming vote of the Senate Commerce Committee. It is completely a bipartisan effort led by myself and Senator McCain. We have close to 40 cosponsors for the bill and many, many more commitments to vote for it.

I, for one, will be deeply disappointed if we lose this opportunity to take a stand. I hope we will get this bill to the floor and show the support of Congress for modest limits on the buyout frenzy on the airline industry. This industry is simply too important in terms of public safety and economic health of the Nation to allow it to wallow in debt or to give it up to foreign control.

I have held two hearings on S. 1277. Two interesting points were made by witnesses representing Wall Street financial institutions and from the Department of Transportation.

Secretary Skinner, testifying on October 4, 1989, indicated that he believed that S. 1277 would make the Department of Transportation's airline acquisition review process "cleaner and more efficient."

To my colleagues who are concerned that Government intervention will deter investors, I also heard from a Wall Street analyst on July 14, 1989, who believes that the financial markets will welcome the prior approval process outlined in this bill. It was apparent from the testimony and questions asked by many of my colleagues at the hearings that a major consideration in airline acquisition is the amount of equity contributed by foreign airlines and foreign securities.

How that investment could lead to change in control of the carrier and what if the leveraged buyouts go sour, Mr. President, was on the minds of many members of the Commerce Committee.

There is little data available on LBO performances, and the news media has recently highlighted deals that have fallen apart. So it is difficult to predict what would happen. One thing for certain is that if a public official does not have the ability to review the deal, that we may end up with fire sales of airlines and the group with the largest percentage of equity in charge. No one, not even Wall Street gurus, can predict how serious the risk of insolvency is in the event of business reversals.

If the deal goes sour, Mr. President, then the foreign investors will have an American airline for fire-sale prices.

The airline industry is too important to the overall economy and transportation system of this country to risk individuals who are only interested in quick profits and not in long-term competition and financial health.

After all the only thing this bill requires is that an entity acquiring an airline be prepared to show the Secretary of Transportation in advance that the new control will not "adversely and materially affect such air carrier's fitness and ability to conduct air transportation in a manner consistent with the highest degree of safety." Anyone who cannot pass that simple test clearly should not be allowed to own an airline.

Let me just place the corporate raiders and buyout artists on notice. If we are unable to enact this legislation into law this fall because of time constraints, it will be my first item of priority when Congress returns in January. I intend that the effective date of October 1, 1989, stay in place. So you are on notice that this legislation will be retroactive and will apply to any transaction commenced while Congress is not in session. If my nose count is correct, there are enough Members of Congress who are sufficiently unhappy with the status quo that we will be able to override a veto if that is necessary. I sincerely hope it is not. I urge the administration to rethink its views.

PALAU

Mr. SANFORD. Mr. President, I address you today on behalf of the people of Palau. This exquisite 180-mile archipelago includes eight islands and is located some 700 miles east of the Philippines. Recent legislation (H.J. Res. 175) will allow for domestic self-government and $500 million in U.S. aid over the next 15 years in return for U.S. military rights.

I submit to you that the ecological well-being of Palau is considered to be in danger by its 15,000 inhabitants. These citizens have repeatedly demonstrated their opposition to having their beautiful home subjected to the housing of nuclear products.

The splendid natural beauty of Palau was brought to my attention by a friend, who enclosed a moving article and series of photographs, and I ask unanimous consent that the article be printed in the Record immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SANFORD. Mr. President, I only regret that these spectacular pictures I have in my hand cannot be projected on the wall for our colleagues to view. Your breath would be taken away by the deep azure seas, the prosperous coconut palms, and the untouched sparkling beaches.

The elation of governmental independence felt by the people of Palau will be drastically tempered if one-third of Palau's land is mandated to store nuclear powered armed vessels. This has become an issue of economic dependence on one hand versus national independence and environmental protection on the other.

We should not lose sight of sensitivity toward splendid beauty. Nor should we flippantly cast aside the will of a people. We must pursue a balanced relationship between the need for an adequate defense and our commitment to protect our natural resources. If nuclear waste violates Palau's natural diversity, there will be nothing left to defend. The fish will become unedible, the waters polluted, and the land manipulated.

Palau is only third in importance as a fallback facility from the Philippines after Guam and the Northern Marianas according to the Director of the Office of Freely Associated States. Is it worth tarnishing our reputation by exercising continued paternalism over an island that has recently been named one of the underwater's seven wonders of the world?

Let us not lose perspective of our responsibility to be good stewards of our world.

EXHIBIT 1

PALAU

(By Douglas Faulkner)

WHAT NOW FOR PARADISE?

Imagine a large yet delicate coral reef community encircling and intermingling with 160 square miles of volcanic and limestone-formed islands. Most of these islands are clothed in jungle, of great beauty, but are unsuitable for sizable human communities. All the smaller islands together—including Peleliu, Angaur and Koror—total less than 30 square miles. The balance, somewhat less than 130 square miles, is Babeldaob, Palau's largest island, in acreage a little over 82,000.

Of the modest heritage allotted the people of Palau, the United States Government wants 2,530 exclusive acres for military requirements and 30,000 non-exclusive acres for various marine guerrilla warfare maneuvers with adjoining mangrove areas for land-craft operations.

To better understand the magnitude of the military's request, imagine this parallel: the island of Manhattan is 22.7 square miles in area, in acreage, 14,500, a sizable chunk of real estate by any human standard. And yet the United States military considers it necessary to request, not 22.7 square miles, but rather 50 square miles of property from the Palauans.

Since the end of WWII the islands of Palau have remained under the stewardship of the United Nations Trusteeship Council. In May of each year, the member nations of China, France, England, the USSR, and the United States meet to make recommendations to the Security Council on matters of national importance concerning the islands and people of Palau.

Palau, being strategically located in the Pacific, has long been viewed by the U.S. military establishment as a prime location for the extensions of America's "security" network. The current uncertain future of the relationship between the U.S. and the Philippines has made the islands of Palau even more valuable as an alternate location for the continuation of America's military presence in the Pacific.

Palau's constitution contains a non-nuclear clause that must be amended by a 75% referendum before an American military presence could be established in the islands. Six times this mandate for constitutional change has been rejected by the Palauans; yet the pressure for such a change increases. The islands of Palau are heavily subsidized by American foreign aid; the island economy has become dependent on this aid for its survival. The reality of this economic dependence versus a people who cherish national independence has resulted in a violent polarization of the population. It is a dilemma with no easy solutions. In maintaining their non-nuclear stance, they risk withdrawal of American aid and the sure economic chaos that would ensue. In accepting an American nuclear military presence in the islands, they risk even a more frightening future. The question is: What now for paradise?

When I speak out to save the life of islands or reefs or of a dugong, strangely it becomes a political matter—even though political arenas are distasteful to me. And a more astute photojournalist would not as a businessman be here in my shoes

All of us play out our favorite games, but the game of Monopoly is fun to play only so long as it is still fun to win. What will the grandchildren of 14,000 Palauans be eating in 2081? With heavy industry or the military, probably not fishes or claims from the waters of their lagoons.

The reefs and jungle covered islands are a wonderland from the air. Most ironically, the United States military is quite familiar with the view. Their helicopters, Coast Guard and cargo planes, their reconnaissance aircraft, have surveyed it, yet their grand master plan reveals an incredible lack of sensitivity to the obvious beauty before them.

Before returning to the water. I stand a moment and listen. The sunlight filters through the trees, touching a fern here, there a leaf. A slight breeze ripples the surface of the water.

For billionaires, peasants, leaders of nations and fishermen of the seas or of society to lose sight of the stars or of a leaf is to lose sight of their condition. To be out of harmony with the universe is to exist without humility as a people. Certainly, an abiding source of happiness for mankind is a sense of wonder in the miracle of our existence.

"Uninhabited" regions of the earth exist when we forget plants and animals are people, too. Thereby we give ourselves license to dynamite, dredge, pollute, and to poison our land, water, and air with nuclear wastes, and in so doing, murder untold billions of creatures, including ourselves. In the shape of man or manatee, we are flesh and blood. Nuclear scientist, manufacturer or sea lion, none is immune. When we injure the earth, we damage the soil, water, and air within our bodies. We harm our children and their children.

There are only two societies in the whole world. One is the society of the people, and the other is the society of money. In the society of the people—and that is the society that we have and which we live in—the land, the water, the ocean and the people are the source of life. In that society human life is valued more than military equipment and other tools of destruction and death. In the money society people are no longer human but are another form of computer where they are programmed to do things.

"Thus in all the work they do they must put economic interests above human life, and weapons of destruction and death are considered more important than people. In the society of the people, life is a simple but happy one. If we do accept the military bases here in this state, or in Palau as a whole, then that means we are giving away our society of the people and accepting the society of money, as the two societies cannot exist together in Palau. We will not survive, for in the society of money only a few and rich survive."—The Chief of Ngaremlengui.

I question the use of the words "proper flow of current." If there is a lagoon in between a barrier reef and a fringing reef, and then the land, the way to guarantee the proper flow of the current in that space is to leave it as it is. If you build a causeway across the top of a reef, or a dock running across a reef flat, from the land to the front of a barrier reef or a fringing reef, to create a dock facility for ships, you are restricting the proper flow of the water. Even though you might put pipes underneath the bridge or the causeway to facilitate the flow, the result is not a "proper flow." A reef is like a super organism, a larger organism made up of many components—many different plants and animals that all have to function as components in a larger entity. If you destroy, say, one or several marine organisms that others feed on or that in some way energize others, you have broken a kind of link and there can be a general breakdown. The greater the degree to which that is done, the greater the degree to which the reef as a whole, as a healthy organism, is destroyed.

Lee Marvin, like Marlon Brando, was in need of a Pacific paradise, but the people of Kayangel politely declined his offer. They told Mr. Marvin they could not sell Ngerebelas because it was their picnic island. When the picnic at Ngerebelas, the women have a happy time hunting for coconut crabs in the jungle. They tell poems and are full of laughter and happiness.

Are not 14,000 people at liberty to say to the United States: "Palau is where we wish to work, to play, to eat in joy. We have no islands that are not our picnic islands. We have none, nor any reefs. No lagoons to spare for warships. No islands for tanks, troops and munitions. We have no spare children if we are harmed by weapons storage or nuclear attack. We thank you for your offer but it pleases us not. We could have no joy later in having accepted it."

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, do we still have time under the standing order for morning business?

The PRESIDING OFFICER. We do not.

Mr. D'AMATO. I ask unanimous consent I be permitted to speak 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NATION SHOCKED AND HORRIFIED

Mr. D'AMATO. Mr. President, last year New Yorkers in particular, but the Nation was shocked and horrified at the brutal execution-style killing of a 22-year-old police officer by the name of Eddie Byrne.

Eddie Byrne sat in his police vehicle in the early hours of the morning guarding a witness' home. The word had gone out from the drug dealers to make an example to show that they were not going to be driven out of their turf and to get a cop.

That is how it is that Ed Byrne's life was snuffed out execution-style as he sat in his police vehicle. He was to be made an example by the drug dealers that they were not going to back down to law enforcement. He was going to be their statement.

Not only were New Yorkers shocked and horrified, but the entire Nation, indeed, Mr. President, as a result of that murder. I believe that it galvanized the Senate of the United States and the Congress into taking a small step forward into combating that kind of ruthless execution-style killings as it relates to the drug dealers.

We passed a Federal death penalty for that limited purpose in scope which said that anyone who orders the killing—a drug kingpin—and the

actual executioner can be held accountable.

We passed that bill. We recognize, Mr. President, that there will be very limited application of that, but it is a testimony to our seriousness to undertake the battle against those who have taken our streets and beaten our people down to their knees.

What has taken place since? Has the situation improved?

No, it has not. It has become more horrible. Just this past Monday two detectives, who were taking a prisoner back to his cell, were brutally murdered execution style, their lives snuffed out. In my State of New York, where we should have a death penalty for these kinds of assassinations, we fail to muster sufficient votes in the legislature to see to it that that becomes the law of our State, because, as Ed Byrne was killed so savagely, no one can say that the death would have taken place were there the death penalty for that kind of an execution, and no one could say for sure whether or not Keith Williams and Richard Guerzon, the two detectives who were brutally murdered this past Monday, might not be alive had the killer known that he faced the possibility of the death sentence being imposed as it related to this kind of execution-style murder.

We in the Congress cannot do what New York and its legislative body should do. And, by the way, they should heed the overwhelming opinion of the people of that State and pass this bill overwhelmingly in both Houses. It has passed before, but not by wide enough margins to override a veto.

The fact remains that we can do something. It is not going to win the war. I do not say that. But it sends out a message. It galvanizes this country. We are going to have to win this war by winning the minds and hearts of our youngsters, by education, by prevention, by drug testing, by the entire amalgam, by working with those countries like the Colombians that seek to take on the drug cartel.

Mr. President, I will be introducing, before we go out of session, a bill, which now has 27 cosponsors, that calls for the death penalty for major drug dealers, those who are trafficking in death, because they are certainly as responsible for the death of the children and the innocent and the deaths that are caused and created on our streets and in our homes as if they actually executed someone. We are not talking about the average street corner seller. We are talking about major dealers who are dealing in hundreds of pounds of cocaine and heroin, who are deeply involved in the distribution, production, and sale of that which is taking our society and turning it asunder.

Mr. President, I hope for two things: that when we come back next year we will send out a clear message that this body is sincere, that we will enact, and demonstrate that we are concerned, not only legislation and funding that deals with education and prevention but the death penalty for major drug dealers. As surely as New York needs a death penalty to protect its police officers from future assassinations so that people may think twice, we have to send a message nationwide to those who are trafficking in death that we are serious, purposeful, and of resolve.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPONSE OF SENATOR CRANSTON TO COMMON CAUSE

Mr. CRANSTON. Mr. President, this morning I delivered to the Senate Ethics Committee my response to a complaint filed by Common Cause. As the complaint has been widely publicized, I believe my colleagues may be interested in my response.

I ask unanimous consent that my response, consisting of a letter by me with an attachment and of a statement submitted by my counsel, be printed in this place in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 16, 1989.

Hon. HOWELL HEFLIN,
Hon. WARREN B. RUDMAN,
Chairman and Vice-Chairman, U.S. Senate Select Committee on Ethics, Hart Senate Office Building, Washington, DC.

DEAR SENATORS HEFLIN AND RUDMAN: This is in response to your letter to me dated October 16, 1989, attaching a letter from Common Cause.

I have engaged counsel to advise me whether any of my conduct in connection with the Lincoln Savings matter violated laws, ethical standards, or rules of the Senate, and to submit a formal response on my behalf to the Common Cause letter. That response is enclosed.

Counsel demonstrates that my actions did not violate laws, standards or rules of the U.S. Senate. Beyond the legal question, however, I want to say again here, as I have said elsewhere, that my inquiries to the FHLBB concerning Lincoln Savings were totally consistent with inquiries I have made for other constituents with credible complaints about their treatment by a federal agency.

When I went to the meeting with Mr. Gray in Senator DeConcini's office, I knew the following:

a. Lincoln Savings employed 740 people in California and had 140,000 depositors.

b. The FHLBB had been conducting an examination of Lincoln for what seemed like an unreasonable, and perhaps unprecedented, length of time.

c. The examination was having a damaging effect on the institution.

d. There had been unusually rancorous relationships between some examiners and some Lincoln officers and employees.

e. There had been an unusual number of leaks of sensitive information concerning Lincoln.

f. Mr. Keating held the opinion that Lincoln was the subject of unfair treatment by FHLBB staff.

g. Responsible people and institutions with nationwide reputations, including Alan Greenspan and the big eight accounting firm of Arthur Young & Co., were publicly attesting to the soundness of Lincoln Savings as a lending institution.

The problem as conveyed to me at the time not only by Mr. Keating but also by Mr. Greenspan and Arthur Young & Co., was that federal examiners bore substantial responsibility for creating a most destructive and irrational state of limbo for this institution, and that the FHLBB needed to act promptly. As you know, the FHLBB's own Enforcement Review Committee confirmed in its report of April 1988 that many of Lincoln's complaints about the investigation were true. I enclose, for your information, a copy of that report.

There was nothing unethical or improper in my raising concerns with Mr. Gray or others that his agency act promptly and responsibly. Mr. Gray, who has continually criticized the Senators for scheduling the first meeting, himself suggested and arranged a subsequent meeting with federal examiners from San Francisco who were more knowledgeable than he about Lincoln Savings. As you know, I was present for less than one minute of this subsequent meeting. Similarly, there was nothing unethical or improper in my suggesting to Chairman Wall, in 1989, that if the sale of Lincoln to a group headed by former California Republican Congressman John Rousselot met FHLBB requirements, it should be approved.

It was certainly my consistent message to FHLBB officials that regulated entities, as well as the general public, are entitled to prompt and fair action. I have conveyed this same message to heads of agencies, indeed to cabinet officers, many times in my years in the United States Senate, and I expect to do so again. I have conveyed it on behalf of constituents who have helped raise campaign funds and for those who have not. I have conveyed it on behalf of constituents who support nonpartisan voter registration projects in which I am deeply interested, and those who do not. For example, at or around the same time as the events in question here, I was also requesting fair and prompt resolution of problems that constituents were experiencing with several other federal agencies:

a. *INS.* In May 1987, a meeting was held in my Senate office with Immigration and Naturalization Service (INS) Commissioner Alan Nelson as well as three California Congressmen (Reps. Berman, Roybal and Torres). We four Members of Congress urged INS Commissioner Nelson to interpret recent immigration legislation more liberally than INS had done in recent regulations that we felt had the potential to tear apart immigrant families. *See* "Californians Ask INS to Go Easy with Alien Law," S.F. Chronicle, May 21, 1987, at p. 16. I subse-

quently sent an August 25, 1987 letter to Commissioner Nelson requesting follow-up meetings and again "urg[ing] [INS] to adopt a uniform national policy advising all INS district directors to utilize their authority to provide relief from deportation for ineligible family members, and work authorization where appropriate, to assure family unity." Obviously, my efforts in this regard were not undertaken to benefit political contributors, but instead were designed to benefit persons who are among this country's most politically powerless citizens or putative citizens.

b. *LSC.* In 1987, I also assisted a San Francisco organization providing legal services for the poor under federal funding through the Legal Services Corporation (LSC). The organization had complained that LSC field monitors had treated it unfairly, and had caused funding uncertainty and delay pending resolution of certain controversies that had arisen during LSC field monitoring. In a February 10, 1987 letter to new LSC President John Bayly, I explained that I was "deeply concerned" about what I felt was the "totally unjustifiable" action and inaction by LSC to date. I reiterated these concerns during a February 26, 1987 meeting with Mr. Bayly in my Senate office, and in a July 30, 1987 letter to Bayly. This July 30th letter again expressed "my strong concern about the length of time that the Legal Services Corporation had taken in completing the monitoring process," and requested "an immediate response as to the current status of this situation and a timetable" for resolving the situation. On August 24, 1987, the Director of this program wrote my office a letter thanking us "for the crucial role [we] played in forcing [Bayly] to make this decision" returning the Center to full funding, and stating that Bayly "may very well have sat on this decision and done nothing in the absence of pressure from Senator Cranston."

c. *State Department.* In 1986, I called then Secretary of State George Shultz regarding the Semiconductor Industry Association's unfair trade practices case against Japan. This resulted in my attendance at a State Department meeting with Secretary Shultz as well as representatives of the semiconductor industry, in which we stressed the need to settle the pending case against Japan, as well as the importance of the semiconductor industry to California and the nation. While some members of the Semiconductor Industry Association were contributors to my 1986 campaign, most were contributors to my opponent Ed Zschau.

The above examples illustrate the breadth and types of inquiries I made during the very same time period at issue here. In each case, I was concerned that the federal agency act fairly and promptly, in accordance with the law, to resolve controversies that had arisen with respect to my constituents. I have always viewed it as an essential part of my role as a Senator not only to help enact federal laws, but also to help oversee that enacted laws are applied equitably, fairly and promptly to all constituents. My actions in the Lincoln case were nothing more and nothing less than this.

I would also like to correct some misimpressions, fostered in the press and elsewhere. I am not responsible for loss of taxpayer funds through a delay in shutting down Lincoln or the losses of innocent California bond investors. I never attempted to derail any investigation of wrongdoing at Lincoln, nor did I ever suggest to Chairman Gray, Chairman Wall, or any other official that an investigation be delayed. Even Mr. Gray's recent testimony before the House Banking Committee expressly denies that my actions or those of any other Senator were the cause of any delay regarding Lincoln. Quite to the contrary, I urged that the FHLBB act promptly, in fairness to Lincoln's employees and depositors as well as its owners. I believe it is ethically proper to urge the head of a federal bureaucracy to act promptly and fairly on matters affecting a constituent. When my conduct is fairly evaluated based upon what I knew at that time, I believe you will conclude that I was not attempting to help Mr. Keating or his companies evade the requirements of the law.

Finally, I must emphasize that at no time did I seek or receive personal benefits from Mr. Keating or anyone associated with him. Mr. Keating, like countless other individuals and groups, assisted with some political fundraising for my 1986 reelection campaign. In addition, in 1987 and 1988, following my reelection, Mr. Keating arranged contributions to nonpartisan voter registration groups that I actively support. I had no reason to believe that the contributions were not lawful under federal and state law or that there was anything improper about them. Most important, Mr. Keating never received from me any reason to believe that those contributions were in exchange for my help with the FHLBB, or with anybody else.

I do not know what the ultimate verdict on Mr. Keating's operation of Lincoln Savings will be. I understand there are allegations of serious wrongdoing by him and others. The fact that a constituent who requests a Senator's help is subsequently accused, or indeed convicted, of violations of the law does not suggest that a Senator acted improperly. I assure you that I did not.

Sincerely,

ALAN CRANSTON.

FEDERAL HOME LOAN BANK BOARD,
Washington, DC, April 30, 1988.

From: Jordan Luke.
To: Chairman Wall, Board Member White, Board Member Martin.
Subject: Recommendation of the Enforcement Review Committee relative to Lincoln S & LA, Irvine, CA.

The attached recommendation of the Enforcement Review Committee has been prepared in response to a request from the Director of ORPOS. He has asked that we forward it to you and convey his request for a closed Bank Board meeting about this matter as soon as possible.

The five Committee members have spent a great deal of time on this matter and welcome the opportunity to discuss it with the Bank Board. We believe that we have given all interested parties an opportunity to be heard and their views have been carefully considered by the Committee.

In light of the prior "leaks" of confidential Bank Board materials about Lincoln, I am submitting this report only to those named herein, and will ask that you make further distribution to your staff and assistants only as deemed absolutely necessary.

FEDERAL HOME LOAN BANK BOARD,
Washington, DC.

To: Chairman Wall, Board Member White, Board Member; Martin.
From: Enforcement Review Committee.
Subject: Lincoln Savings and Loan Association, Irvine, CA ("Lincoln").

BACKGROUND

During January 1988, Darrel Dochow, Executive Director, ORPOS, requested that the Enforcement Review Committee ("ERC") consider what should be the appropriate supervisory response to the present facts and circumstances involving Lincoln. The request was made in light of (1) the Federal Home Loan Bank of San Francisco's belief that Lincoln's operations present unacceptable risks to the FSLIC; (2) Mr. Dochow's opinion that Lincoln's financial future need not be as bleak or hopeless as it is viewed by the FHLBank; and (3) Lincoln's strong belief that it conducts a safe and sound operation that has been damaged by a "vendetta" attitude and deliberate "leaks" of confidential information by past and present FHLBank System employees.

Last year, the FHLBank recommended that the Bank Board issue a Notice of Charges in an attempt to obtain an Order to Cease and Desist against Lincoln primarily because (1) a majority of its assets are direct investments and large ADC loans that the FHLBank views as high risk, (2) its underwriting as documented in the 1986 report of examination was inadequate, and (3) its tangible net worth was then less than 3%. In February 1988, the FHLBank submitted a new recommendation to the ERC for the appointment of a conservator for Lincoln in light of the FHLBank's belief that the association has continued its high risk operations, has demonstrated a continuing unwillingness to comply with regulatory requirements, and will become insolvent in the foreseeable future.

Throughout the last two years, Lincoln's representatives have alleged that certain Bank Board employees have engaged in a systematic attempt to destroy Lincoln. As evidence, they point to a series of leaks of negative confidential information, an unusually lengthy and detailed examination, and allegedly overzealous supervisory actions and strident statements by Bank Board members, employees, and agents about Lincoln's "illegal" actions and imminent demise. Lincoln admits to being a nontraditional savings and loan association that depends on real estate transactions and other direct investments, rather than an interest rate gap, for profits, and the association has challenged in Court the Bank Board's authority of limit direct investments. At the present time, Lincoln is reporting approximately 6% net worth.

Lincoln's principals assert that the current source of the alleged destruction scheme is at the FHL Bank of San Francisco, although they say they firmly believe that it began under the direction of the former FHLBB chairman at the time that Lincoln determined to publicly and strongly oppose the Board's proposed restrictions on direct investments in 1985. Accordingly, Lincoln has offered to execute a "Memorandum of Understanding" (attached as Exhibit A) and to agree not to file a lawsuit regarding the leaks and other actions that have lead to business losses if the Bank Board permits Lincoln to transfer its headquarters and its FHLBank membership, and thus be supervised by another FHLBank district.

The Memorandum proposed by Lincoln would acknowledge the association's imminent transfer of FHLBank Districts, provide for an immediate examination by the staff of that new FHLBank District, require the establishment of specified reserves, increase Lincoln's net worth requirement to "offset"

certain questionable investments, increase its capital by a $10 million cash contribution by its parent holding company and by undertaking to sell $50 million of preferred stock. The Memorandum also would essentially "freeze" Lincoln's present level of equity risk investments and would require the adoption and submission of a new business plan, underwriting standards, and investment policies. The proposed Memorandum is not subject to automatic enforcement in an administrative or judicial setting although Lincoln has agreed that it would not raise jurisdictional objections to the Bank Board's seeking and injunction in U.S. District Court for material breaches of the document.

The FHLBank of San Francisco believes that Lincoln's proposed Memorandum of Understanding is totally inadequate and that permitting Lincoln to change districts would send the wrong message to institutions that they can shop for a more lenient regulator if they encounter problems with their existing supervisory agents.

The Enforcement Review Committee has not on eight separate occasions, spending in excess of 22 hours together to listen to interested persons, and consider the complex issues and differing points of view regarding Lincoln. Attached as Exhibit B is the one-page agenda for those meetings, and the minutes of the meetings are available if the Board members wish to review them. Considerable additional time has been spent reviewing the submissions of materials made by ORPOS and the FHLBank, and considering the facts and arguments presented to the ERC by Lincoln's holding company's principal shareholder, Charles Keating, its independent auditor and its lawyers. Presentations also were made to the ERC by the Office of Enforcement, the California S&L Commissioner, and another FHLBank that Lincoln approached about the possible transfer of its headquarters to that District.

ERC'S CONCLUSIONS

The ERC's recommendations are based on four primary factual conclusions. First, present facts available to the ERC indicate that Lincoln is not insolvent now and will not necessarily be insolvent in the future. Second, there are many significant disagreements among experienced, competent, and thoughtful individuals about the soundness of, and risks involved in, Lincoln's operations. Third, Lincoln and the Agency Functions Group at the FHLBank of San Francisco presently have a seriously adversarial relationship that prevents normal supervisory communications. And, fourth, there have been repeated leaks of confidential Bank Board information that have damaged Lincoln's reputation and possibly its business opportunities. Accordingly, the ERC believes that this is a unique situation that justifies a unique resolution, which, under these circumstances, should not be viewed as a precedent for other unhappy institutions to shop for their supervisors.

The ERC also must note its serious concern about the lack of current examination results. The last examination conducted by the FHLBank of San Francisco is over two years old. Moreover, the California S&L Commissioner advised the ERC last month that although the State recently began an examination of Lincoln, his staff is too few and too inexperienced to conduct a meaningful examination. Thus, the ERC urges expeditious consideration of this matter so that, whatever option is pursued, it will include the initiation of a new examination of Lincoln as soon as possible.

RECOMMENDATION

The ERC does not believe that there is a single correct "solution" to the situation presented by Lincoln, and offers instead two options, either of which the ERC believes the Board could reasonably pursue, which could resolve the present impasse. If these options are not acceptable to the Board or, later, to Lincoln, the third option, of course, is to maintain the current supervisory structure with Lincoln at the FHLBank of San Francisco. The ERC does not believe that the Memorandum of Understanding offered by Lincoln contains an acceptable combination of restrictions and permission to transfer FHLBank Districts immediately. However, the ERC believes the Board would be well advised to try to find an approach that included accepting many of the restrictions and requirements offered by Lincoln in that document and thus would incorporate several of those provisions in the first two options outlined below.

Options (More detail about these options follows in the next section):

1. Lincoln would execute a supervisory agreement to address regulatory matters and generally freeze its current level of investments; a new exam would begin under the direction of ORPOS with no FHLBank of San Francisco involvement; an examiner would be assigned to perform on-site monitoring of all significant business decisions; if exam findings warrant and if problems disclosed by that exam are then addressed, in a form and in substance satisfactory to ORPOS, Lincoln could apply to and transfer FHLBank Districts. Lincoln would agree not to sue the FHLBB, its employees or agents.

2. Lincoln would be permitted to transfer FHLBank Districts immediately, conditioned on its execution of a final cease-and-desist order that is acceptable to OE and the receiving FHLBank and is enforceable in U.S. District Court. The order would address all regulatory violations and underwriting concerns, and require a phasing-down of Lincoln's high risk assets and other direct investments. A new exam would be initiated as soon as possible by Lincoln's new FHLBank District. Lincoln would agree not to sue the FHLBB, its employees or agents.

3. Lincoln would be advised that the Bank Board will not entertain its request to transfer FHLBank Districts, with examination and supervision functions to be handled by the FHLBank of San Francisco.

ERC Voting Members George Barclay and Darrel Dochow have a preference for Option No. 1; ERC Voting Member Jordan Luke has a preference for Option No. 2. ERC Non-Voting Members Rosemary Stewart and Karl Hoyle would prefer that Lincoln be given its choice of Options No. 1 and No. 2.

There follows a more detailed description of the three options summarized above, with a brief pro and con discussion following each.

Option No. 1:

Lincoln and the Bank Board would execute a supervisory agreement with the following provisions: Lincoln would agree not to sue the Bank Board (or its employees or agents, past or present, for conduct within the scope of their employment). The document would recite the provisions in Lincoln's proffered Memorandum of Understanding regarding underwriting improvements, reserves, the increased net worth requirement, the capital infusions, the freeze on specified investments, and other provisions deemed appropriate by ORPOS. The Bank Board immediately would initiate an examination of Lincoln under the direction of ORPOS with a national examination team (not including San Francisco examiners). In addition, a senior examiner would be assigned to monitor, on-site, Lincoln's major transactions until the examination and any follow-up work are completed. Subsequently, the findings of the examiners would be reviewed by ORPOS and others as requested by ORPOS. Within three to six months, the examination would be completed and analyzed, and ORPOS would decide whether and what type of supervisory or enforcement action is appropriate based on the findings of the examination. Based on the nature of the examination findings and Lincoln's resolution of the concerns by voluntarily correcting and/or voluntarily entering into supervisory or enforcement action(s) deemed appropriate by ORPOS, Lincoln would then be allowed to transfer its headquarters to another FHLBank District so long as it made an appropriate application and met normal requirements related to such a transfer.

Pro's to Option No. 1:

Puts a final resolution on "hold" until new exam findings are available, which is appropriate in light of the age of the latest exam report (2 years old). Allows the Board to make an informed supervisory decision based on current findings.

Gives Lincoln the assurance of a transfer to another FHLBank District but only if the new examination findings so warrant and any concerns resulting from those new findings are satisfactorily resolved by supervisory or enforcement action deemed appropriate by ORPOS.

Puts immediate supervisory "controls" on Lincoln and freezes its current level of most investments, the extent of which could not be obtained in a litigated proceeding. Document is enforceable in a cease-and-desist proceeding.

Avoids lawsuits against the Bank Board for leaks of FHLBB information, alleged harassment, etc.

Con's to Option No. 1:

Does not "resolve" the outstanding issues: is indecisive, particularly on the issue of FHLBank District transfer.

The agreement would not be enforceable in U.S. District Court, violations could result in the initiation of a cease-and-desist proceeding only.

A supervisory agreement may be viewed as too weak a response in light of the FHLBank's findings from the 1986 exam and conclusions about the institution's future.

The understanding about Lincoln's future application to transfer FHLBank Districts may be too uncertain to persuade Lincoln to accept Option No. 1.

To include a provision about Lincoln's future ability to transfer FHLBank Districts sends a bad "signal" that unhappy institutions may shop for their supervisors.

Option No. 2:

The Bank Board would permit Lincoln's immediate transfer to another FHLBank District (again upon Lincoln's having made an appropriate application and having met normal requirements related to such a transfer). Conditioned on Lincoln's execution of a final cease-and-desist order that is enforceable in federal District Court. A new examination would commence immediately by the FHLBank District to which Lincoln will be transferring its headquarters. The order would require a "phasing-down" of

Lincoln's high risk assets and an overall reduction in direct investments, as well as set out requirements for improved underwriting and recordkeeping. Again, the document also would include the provisions in Lincoln's proferred Memorandum of Understanding regarding underwriting, reserves, an increased net worth requirement, and the capital infusions. This order and each of its provisions would have to be satisfactory to the ERC and the FHLBank District to which Lincoln intends to transfer; it would be negotiated by OE in close consultation with ORPOS and the new FHLBank District. As an alternative, the document could be styled an "agreement" but expressly enforceable in U.S. District Court as a final cease-and-desist order under 12 U.S.C. 1730(k)(2). Again, Lincoln would agree not to sue the Bank Board (or its employees or agents, past or present, for conduct within the scope of their employment).

Pro's to Option No. 2:

Puts immediate "controls" on Lincoln that could not be obtained in a litigated proceeding.

Gives the FHLBB an order, fully enforceable in U.S. District Court, to address regulatory violations, supervisory concerns and high risk lending; requires a phasing down of Lincoln's high level of direct investments, particularly in equity securities and real estate developments.

Addresses, in an indirect manner, the disadvantage and harm caused Lincoln by the illegal releases of FHLBB information by giving the association a "fresh start" with a new FHLBank District.

Addresses in a direct manner the seriously adversarial relationship that has developed between Lincoln and the FHLBank of San Francisco.

Avoids lawsuits against the Bank Board for leaks of FHLBB information, alleged harassment, etc.

Con's to Option No. 2:

It may be too harsh on Lincoln to require a cease-and-desist order and to require the phasing down of its direct investments when the evidence that its current investments threaten Lincoln's financial condition or the FSLIC fund is disputed and subjective in nature, and when the last exam is two years old.

It may be premature to get an order or to allow the transfer of FHLBank Districts prior to receipt of a new examination, i.e.: If a new exam reveals new problems, they will not have been included in the order/agreement so new disagreements could arise.

To allow Lincoln's transfer of FHLBank Districts sends a bad "signal" that institutions may "shop" for their supervisors.

Option No. 3:

Maintain the current supervisory structure with Lincoln at the FHLBank of San Francisco. This will likely result in the FHLBank's: (1) initiation of new exam, with resistance at every opportunity by Lincoln: (2) further pursuit of its conservatorship recommendation based on its belief that Lincoln has dissipated assets due to regulatory violations and unsafe or unsound lending practices; and (3) pursuit of its recommendation to initiate a cease-and-desist proceeding against Lincoln.

Pro's to Option No. 3:

Demonstrates that the FHLBB stands behind its supervisory staffs at the FHLBanks and will not permit forum or regulator "shopping".

Assures that future action with respect to Lincoln will be based on the examination findings of the FHLBank of San Francisco, which is much more familar than ORPOS or any other FHLBank District with Lincoln's operations, conduct and practices.

Demonstrates to Lincoln that its lack of cooperation with its supervisors will not be tolerated, and that its allegations of misconduct will not be used to alter standard examination and supervision processes.

Con's to Option No. 3:

Prevents the imposition of any FHLBB supervisory restrictions on Lincoln at this time or until a cease-and-desist proceeding is completed (a minimum of one year).

Continues an unsatisfactory situation in which Lincoln will resist the examination and supervisory efforts of the FHLBank of San Francisco, possibly to the point of requiring litigation to compel its cooperation.

Creates a likelihood of legal action against the Bank Board and past and present employees of the FHLBank System, not only for the "leaks" of confidential FHLBB information but for alleged harassment and unfair treatment.

The Enforcement Review Committee Members are prepared to meet with the Bank Board about this matter at any time.

Enforcement Review Committee:

DARREL DOCHOW.
JORDAN LUKE.
GEORGE BARCLAY.
ROSEMARY STEWART.
KARL HOYLE.

RESPONSE OF THE HONORABLE ALAN CRANSTON TO THE SENATE SELECT COMMITTEE ON ETHICS

I. INTRODUCTION

We are pleased to submit this Response on behalf of Senator Alan Cranston to the letter from Chairman Heflin and Vice-Chairman Rudman. That letter attached a letter from Fred Wetheimer, President of Common Cause, and requested the Senator to respond.

The Lincoln Savings matter has received substantial attention in the media in recent weeks. The press has reported with great flourish Chairman Gray's sensationalized version of his meeting with Senator Cranston and others and Mr. Gray's novel views about ethics and criminal law. The Washington Post editorial page for November 14 featured a long and misguided contribution to public opinion on the matter.

We have not attempted to take issue with every insult flung at Senator Cranston by misinformed pundits or discredited former bureaucrats. We are compelled to observe, however, that the charge that Senator Cranston, or any other Senator, is responsible for the failure of Lincoln Savings or the losses of people who bought its bonds is thoroughly unfair. It is easy to report the failure of Lincoln in the same article or letter which refers to a meeting between Chairman Gray and Senators. Mr. Wertheimer blithely uses the innunedo, citing extended delay following the April 2, 1987 meeting, but makes no allegation that any Senator requested or caused Lincoln's losses to mount. We understand that there are explanations for the delay, mostly having to do with internal FHLBB decision-making. *See* House Banking Committee Testimony of Edwin Gray and Shannon Fairbanks. Even Mr. Gray has conceded that the delay during his watch was not attributable to Senator Cranston. Senator Cranston's primary inquiry to the agency was "Why is this taking so long?" Regardless of where the responsibility for Lincoln's failure may lie, it is false and indeed politically malicious to blame Senator Cranston for it.

We note that Mr. Wertheimer is careful to avoid accusing Senator Cranston of actual misconduct. He requests this Committee to decide *whether* it is unethical for a Senator to "intercede" with the head of a regulatory agency on behalf of a constituent who has made contributions to his campaign and nonpartisan to voter registration organizations which he supports. The word "intercede" of course requires more definition than Mr. Wertheimer provides, but for purposes of answering his question, we assume it means "mediate", *See* Webster's Ninth New Collegiate Dictionary 630 (1988), "exhort", or even "call for a particular administrative response." The evidence does not suggest that Senator Cranston sought a specific result on the merits of the controversy, but if he had, it would not be illegal or unethical. Senators and Congressmen interact on a regular basis with regulatory agencies on behalf of constituents, some of whom are political supporters and fund raisers. Mr. Wertheimer asks this Committee to adopt Common Cause's views regarding political fundraising and apply them to this case. We respectfully submit that these views are not the applicable standard and this Committee should not apply them here.

II. COMMITTEE PROCEDURES

The United States Constitution expressly grants to the Senate (as well as to the House) the power and responsibility to "determine the Rules of its Proceedings, punish its Members for Disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member." U.S. Const. Art. I, §5, cl. 2. It is pursuant to this constitutional charter that the Senate has promulgated ethics standards and rules of procedure, and has established the Select Committee on Ethics as the body charged with interpreting and enforcing the standards of conduct. Significantly, in its most recent substantial overhaul of the ethics standards and procedures, the Senate *rejected* a proposal that would have vested an outside panel with the responsibility for conducting ethics investigations. 123 Cong. Rec. 9105-07 (Mar. 25, 1977); *See, e.g., id.* at 9106 (Sen. Thurmond) "(Official conduct and ethics procedures are internal matters for the Senate to determine, and adoption of the pending amendment will be a step in the wrong direction").

Accordingly, it is the study of the Senate Select Committee on Ethics—not any outside body or person—to "receive complaints and investigate allegations which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, . . . and to make appropriate findings of fact and conclusions with respect thereto." Ethics Committee Rules (Organic Authority) Part I(A)(2)(a)(1). The operative ethical standards are set forth in the Senate Code of Official Conduct (currently Rules 34 through 42 of the Standing Rules of the Senate), as enacted in S. Res. 110, 95th Cong., 1st Sess. (1977) and subsequent enactment. The operative procedures are prescribed by the Committee's organic authority and by those rules adopted by the Committee pursuant to that authority.

Upon receiving an unsworn letter based upon news reports, such as that forwarded by Common Cause in this case, the Chairman and Vice Chairman of the Committee may begin a "preliminary inquiry." Rule 3(c)(1)(A). The Chairman and Vice Chair-

man may determine that "[n]o further action is appropriate because there is no reason to believe that the alleged improper conduct or violation may have occurred." Rule 3(c)(3)(B). Alternatively, the Chairman and Vice Chairman may refer the matter to the full Committee for determination whether an "initial review" is warranted. Rule 3(c)(3)(C). An initial review shall be undertaken only when "there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred." Rule 3(d)(1)(B).

The Committee's organic resolution defines "investigation" as "a proceeding undertaken by the Select Committee *after a finding*, on the basis of an initial review, that there is substantial credible evidence which provides *substantial cause* for a Select Committee to conclude that a *violation* within the jurisdiction of the Select Committee *has* occurred." Ethics Committee Rules (Organic Authority) Part I(A)(2)(b)(4) (emphasis added); *see also* Committee Rule 5(a) (same). The legislative history underscores that this definition is "a term of art with a specific, narrow meaning," and that an investigation can take place only "after the Committee has concluded that there is substantial credible evidence which, if true, would constitute a violation" of applicable ethics standards. S. Rep. No. 49, 95th Cong., 1st Sess. (1977) (Nelson Committee Report accompanying S. Res. 110). Moreover, given the "severe" political consequences that flow from an investigation, *see id.* at 58, the organic resolution "require[s] a high standard of proof" *before* "an investigation can begin." *Id.* at 55; *see also* 123 Cong. Rec. 8040 (Mar. 17, 1977) (remarks of Senator Nelson explaining determinations that must be made by full Committee as prerequisite to investigation).

Thus, according to its own rules of procedure, the Committee does *not*, as Common Cause apparently requests, investigate first and determine the applicable later. The Common Cause assertion that outside counsel is presumptively required overlooks the critical determinations that must be made *by the Committee before* an investigation commences. As made clear by both the Nelson Committee report and by Senator Nelson's floor comments, retaining outside counsel is presumptively proper only "in the relatively rare cases which necessitate an investigation." S. Rep. No. 49, 95th Cong., 1st Sess. 59 (1977); 123 Cong. Rec. 8040 (Mar. 17, 1977).

We demonstrate below that nothing in Mr. Wertheimer's letter, or the press reports to which it refers, constitutes "a violation within the jurisdiction of the Committee." S. Rep. No. 49, 95th Cong. 1st Sess. 55 (1977), and therefore that no "investigation" is necessary or appropriate.

III. APPLICATION OF SENATE ETHICS RULES TO CONDUCT OF SENATOR CRANSTON SET FORTH IN COMMON CAUSE LETTER

The Common Cause letter asks this Committee to determine whether it is unethical for Senators to make inquiries and/or express opinions about matters pending before federal regulatory agencies such as the FHLBB. The letter further asks whether such actions become unethical if undertaken on behalf of someone who has made or will make political contributions to the Senator or to political organizations supported by the Senator.

Senate ethics, rules, legislative history, Supreme Court opinions, and precedents of both the House and Senate recognize that it is not only ethical, but indeed is part of a Member's duties, to assist constituents experiencing problems with federal regulatory agencies. Nothing that Senator Cranston did, and nothing that he is even alleged to have done, in contacting FHLBB officials violated Senate ethics rules. His inquiry was not rendered unethical because it was undertaken on behalf of a political contributor. There is a critical distinction, entirely overlooked in the Common Cause letter but consistently recognized in the Senate ethics rules and decisions, between prohibited personal gain and permissible political contributions.

A. Senate ethics rules do not prohibit Senators from advocating with Federal regulators on behalf of constituents

Common Cause suggests that Senator Cranston's actions, as reported in the press, may have constituted "improper conduct which may reflect upon the Senate." First, Senators are subject to discipline only if they violate laws or ethical rules, not for offending someone else's notion of what is improper.[1] Second, what Senator Cranston did was not "improper."

The First Amendment to the Constitution expressly protects the right of all citizens to petition government for redress of grievances. Congressional bodies, as well as courts, have long recognized that it is a common and entirely legitimate practice for Members of Congress to intercede with executive and independent agencies on behalf of their constituents or others. The House Ethics Committee, for example, has instructed that a Member, "either on his own initiative or at the request of a petitioner, may properly communicate with an Executive or Independent Agency on any matter to . . . [among other things] . . . urge prompt consideration; . . . express judgments; [or] call for reconsideration of an administrative response which he believes is not supported by established law, Federal Regulation or legislative intent. . . ." Advisory Opinion No. 1 of the House Committee on Standards of Official Conduct; *see also* Ethical Standards in Government, Committee Print, Subcommittee of the Senate Committee on Labor and Public Welfare, 82d Cong., 1st Sess. 28 (1951) (describing it as "probably desirable that legislators should provide this function"). Likewise, the Supreme Court has judicially noticed the fact that "Senators generally perform certain acts in their official capacity as Senators;" for example, Senators "are constantly in touch with the Executive Branch of the Government and with administrative agencies—they may cajole, and exhort with respect to the administration of a federal statute. . . ." *Gravel* v. *United States*, 408 U.S. 606, 626 (1972); *see also United States* v. *Brewster*, 408 U.S. 501, 512 (1972) (it is "well known" that Members of Congress engage in "a wide range of legitimate 'errands' performed for constituents, the making of appointments with Government agencies, assistance in securing Government contracts, . . . [etc., which] are performed in part because they have come to be expected by constituents, and because they are a means of developing continuing support for future elections"); *Peter Kiewit Sons' Co.* v. *U.S. Army Corps of Engineers*, 714 F.2d 163, 170 (D.C. Cir. 1983) (in rejecting claims that Senator Levin's communications to Defense Department regarding debarment proceedings against convicted company constituted undue interference, court stressed that "[c]ongressional oversight serves as a vital control on the quality and propriety of low visibility executive decisionmaking").

Mr. Gray has reportedly said that what Senator Cranston did was "worse than anything Jim Wright did." Since he has invited the comparison, it is appropriate to refer this committee to the decision of the House Ethics Committee in that case because it is instructive in the conduct it found to be blameworthy and that which it did not. The House Committee conducted an extensive inquiry into congressional contacts by Speaker Wright with Mr. Gray and other FHLBB officials regarding Texas constituents. *See* Report of the Special Outside Counsel in the Matter of Speaker James C. Wright, Jr., House Committee on Standards of Official Conduct, at pp. 192-278 (Feb. 21, 1989). Counsel found that Speaker Wright had: (1) pressured Mr. Gray to change "specific regulatory results" of Bank Board investigations, *id.* at 216, 233; (2) sought to have FHLBB attorney William Black fired due to a personal vendetta, *id.* at 276; (3) sought to "get rid of" H. Joe Selby, described by others as the top banking regulator, by claiming he was a homosexual, *id.* at 255-59; (4) arranged what one official described as "special deals" for constituents with regulatory problems before the Bank Board, including appointment of an outside investigator in an "extremely unusual, even extraordinary" process that one official believed wasted taxpayer money, *id.* at 248-51; (5) asked for or was successful in delaying the shut-down of at least two insolvent Texas thrift institutions, *id.* at 248-49, 269; (6) caused Mr. Gray to violate Bank Board regulations by meeting directly with one of the Speaker's constituents, *id.* at 253-54; (7) held up a FSLIC recapitalization bill, needed to provide funds for shutting down insolvent thrift institutions and mounting losses, in reprisal for Bank Board regulatory actions, *id.* at 235-37; and (8) engaged in what counsel concluded were an "ill-considered series of interventions" before the FHLBB, *id.* at 278.

The Committee, which took strong action against Speaker Wright for improper personal gain, specifically *rejected* any suggestion that the Speaker had violated applicable ethics rules by intervening with the Bank Board on specific matters. The Committee's reasoning is especially instructive here:

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[1] The "improper conduct" language is taken from the organic resolution granting the Committee authority to "receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, *violations* of law, *violations* of the Senate Code of Official Conduct and *violations* of rules and regulations of the Senate. . . ." Part I(A)(2)(a)(1) (emphasis added). Since a formal investigation possibly leading to disciplinary measures is warranted only after the Committee "conclude[s] that a *violation* within the jurisdiction of the Select Committee has occurred," Part I(A)(2)(b)(4) (emphasis added), formal investigations are limited to violations of some specific law or Senate rule. *Id. See also* part I(A)(2)(a)(2) (discipline limited to "such violations" as set forth in preceding paragraph). On the other hand, a determination following a preliminary inquiry or initial review that no specific rule was violated but that "improper conduct" may have occurred can lead only to a "recommend[ation] to the [full] Senate, by report or resolutions, [of] such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate. . . ." Part I(A)(2)(a)(3); *See also* Committee Rule 8(c). For reasons discussed in the text, the conduct attributed to Senator Cranston here was not improper, and any new rule or standard that would make it so could not be applied retroactively. *See* Part I(A)(2)(g).

"It is clear that under our constitutional form of government there is a constant tension between the legislative and executive branches regarding the desires of legislators on the one hand and the actions of the agencies on the other in carrying out their respective responsibilities. The assertion that the exercise of undue influence can arise based upon a legislator's expression of interest jeopardizes the ability of Members effectively to represent persons and organizations having concern with the activities of executive agencies."

Statement of the [House] Committee on Standards of Official Conduct in the Matter of Representative James C. Wright, Jr., at p. 84 (April 13, 1989). The Committee concluded that, "while it may be that Representative Wright was intemperate in his dealings with representatives of the Federal Home Loan Bank Board," there was *no* "reason to believe" those actions violated any applicable ethics standards. *Id.*

Senator Cranston's alleged "intervention" with Chairman Gray is not even remotely comparable to that for which the Committee exonerated the Speaker. Mr. Wertheimer does not allege that the Senator sought to have any regulator fired, or that he held up legislation to achieve specific regulatory results for an individual or to retaliate against the Bank Board. Any suggestion by Common Cause that the number of Senators somehow increased "the appearance and the reality of pressure on the regulatory agency" likewise fails to distinguish this case from the Wright case. *See* House Outside Counsel Report at p. 217 (initial meeting in Speaker Wright's office was attended by the Speaker and three other Members of Congress); *id.* at p. 232 ("Several congressmen" asked FHLBB officials about one specific case, and an unnamed Member "was especially persistent"). More important, there is no Senate ethics rule, nor is it fairly discernible from any such rule, that ethical conduct by one Member is rendered unethical if other Members act jointly or individually to express similar concerns.

Mr. Gray simply does not know what he is talking about when he says that it is unethical or even criminal for a Member of Congress to express concern about, or urge delay or retraction of, a federal agency regulation. It is a fundamental principle of constitutional and administrative law that an agency such as the Bank Board may make law through regulations only so far as Congress sees fit to authorize it. *Bowen* v. *Georgetown University Hospital,* 109 S.Ct. 468, 471 (1988); *see, e.g., FAIC Securities, Inc.* v. *United States,* 768 F.2d 352 (D.C. Cir. 1985) (Scalia, J.) (striking down FHLBB regulation that exceeded grant of congressional authority). Accordingly, Advisory Opinion No. 1 of the House Ethics Committee specifically allows a Member of Congress to "express judgments [and] call for reconsideration of an administrative response which he believes is not supported by established law, Federal Regulation or legislative intent." Thus, even assuming that one or more Senators called upon Mr. Gray to delay or rescind the so-called direct investment regulation, that was no lesss consistent with congressional responsibilities than the resolution co-sponsored by over half the Members of the House of Representatives to the same effect.

Finally, the contacts by Senator Cranston are not rendered unethical because Mr. Keating had made political contributions to the Senator, to the California Democratic Party, or to nonpartisan voter registration organizations. For example, at least one of the constituents for whom Speaker Wright contacted Mr. Gray and the FHLBB was a major democratic fundraiser and a Wright campaign contributor, *see* Outside Counsel Report at 243-44, but the House Ethics Committee did not accord this any significance in finding that no ethics rules had been violated. Senate Ethics Rule 37 (former Rule XLV), which "prohibits Members, Officers or employees from intervening with Federal Agencies for the Purpose of furthering their financial interest or receiving compensation from a constituent," *see* 123 Cong. Rec. 8037 (Mar. 17, 1977) (Sen. Nelson), is limited to agency intervention "resulting in measurable *personal* financial gain" to the Senator. S. Rep. No. 49, 95th Cong., 1st Sess. 41 (1977) (Emphasis added). The Senator received none.

B. Senate ethics rules do not prohibit solicitation and receipt of political contributions from persons interested in influencing congressional actions

The overriding principle addressed by Senate ethics rules is that public office should not be used for private gain. *See, e.g.,* 123 Cong. Rec. 8062 (Mar. 17, 1977) (Sen. Haskell); 123 Cong. Rec. 8591 (Mar. 22, 1977) (Sen. Hayakawa); 123 Cong. Rec. 9001 (Sen. Durkin); 123 Cong. Rec. 9174 (Sen. Huddleston). Toward this end, Senate Rule XXXV (35) prohibits the acceptance of "gifts" having an aggregate value over $100 in any calendar year from any person with a direct interest in legislation. Rule 35 specifically *excludes* properly reported "political contributions" from the definition of prohibited "gifts." In this regard, the Nelson Committee report emphasizes: "That a contribution is not a 'gift' is underscored by proposed Rule XLVI(2) [current Rule 38(2)] which makes explicit the present policy of the Senate by stating that a political or campaign contribution cannot be converted to personal use." S. Rep. No. 49, 95th Cong., 1st Sess. 36 (1977).

The critical reality in this case is that Common Cause does not attempt to allege that Senator Cranston received a prohibited *personal* benefit from Mr. Keating. It asserts that Mr. Keating made campaign contributions, a contribution to the California Democratic Party, and contributions to nonpartisan voter registration organizations (after the Senator's 1986 reelection). It is not unethical to receive, or indeed to solicit, contributions for these purposes. Common Cause points to no rule or standard supporting its position, and Rule 35 (which Common Cause conveniently overlooks) is expressly to the contrary.

Common Cause suggests that a provision of the Code of Ethics for Government Service precluding receipt of "favors of benefits" might be read in some undefined circumstances to preclude receipt of political contributions. The cited provision is primarily applicable to executive branch officials, *see* 5 U.S.C. § 7301 (statute under which Code is reprinted speaks of "regulations for the conduct of employees in the executive branch")—who are not subject to popular election and therefore cannot raise private campaign funds—and it certainly may not be applied in a manner which is inconsistent with specific ethics rules that the Senate has adopted after full debate and consideration.[2] It is noteworthy that even the 1977 proposals, which would have precluded receipt of honoraria from persons interested in legislation, allowed *political fundraising* from persons who have legislative objectives. *See* 123 Cong. Rec. 8836 (Mar. 23, 1977) (colloquy between Sens. Biden and Dole).

It may well be, as President Carter suggested while the Senate ethics rules were being debated, *see* 123 Cong. Rec. 8604 (Mar. 22, 1977), and as Common Cause apparently has long advocated, *see* 123 Cong. Rec. 9780 (Mar. 31, 1977) (remarks of Sen. Hansen), that congressional campaigns should be financed by the public rather than by private contributors. Recognizing that political contributions are often given "in order to further legislative objectives" of the donor, *see* S. Rep. No. 49, 95th Cong., 1st Sess. 8 (1977), neither the Senate nor the House has decreed that otherwise lawful political contributions constitute impermissible favors or benefits. On the contrary, the Senate, as dicussed above, has specifically exempted lawful "political contributions" from the category of "gifts" that Members may not accept from persons with a direct interest in legislation.

The United States Supreme Court has likewise recognized the critical distinction, explicit in the Senate ethics rules but overlooked by Common Cause, between private financial gain and political contributions. In *United States* v. *Brewster,* 408 U.S. 501, 557-58 (1972), Justice White's dissenting opinion called it a "fact of American political life" that "[c]ongressional campaigns are most often financed with contributions from" interested persons and that "[i]t will be the rare Congressman who never accepts campaign contributions from persons or interests whose view he has supported or will support. . . ." Justice White expressed the concern that an overzealous federal prosecutor might fail (as Common Cause has failed here) to "distinguish between campaign contributions and payments designed for or put to personal use." *Id.* at 558.

Common Cause thus cannot suggest that Senator Cranston's receipt of campaign contributions violated ethics rules or laws. It is on even weaker footing in suggesting that the Senator's solicitation of contributions to the California Democratic Party or to nonpartisan voter registration organizations may have violated applicable rules or laws. The benefit to Senator Cranston, if any, as opposed to the California Democratic Party or the public at large, was indirect at best, as were the contributions to the nonpartisan voter registration organizations (by far, the largest amounts at issue). In addition, the contributions to the nonpartisan voter registration organizations occurred *after* the Senator had won reelection in 1986. In any event, any direct gain to Senator Cranston was political, not personal, and was clearly permitted.

Senator Cranston has expressly denied that there was any linkage between the political contributions and his contacts with federal officials, and no one has demonstrated the contrary. It is not a violation of any rule or law for a Senator to act in a manner that benefits a political contributor. As the Senate recognized when it adopted the Code

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[2] The 1958 resolution (H. Res. 175) expressing the "sense of Congress" regarding this Code had no legally binding effect and, as a concurrent resolution, expired at the end of the Congress, which adopted it. *See* Riddick, *The United States Congress, Organization and Procedure* (1949). In any event, the critical point is that the broad language of the Code may not be applied in a manner that makes practices specifically approved by the Senate, such as political fundraising, unethical.

of Official Conduct, and as the Supreme Court has said, political contributions are often made with the donor's hope that a Member of Congress will take actions benefitting the donor, and Members frequently act to benefit their political contributors.

This Committee has recognized the critical distinction between acceptance of prohibited personal benefits and acceptance of permissible things that benefit a Senator only in his capacity as an office-holder or seeker. For example, Interpretative Ruling No. 386 (issued Aug. 8, 1984) holds that even though loans of items such as office furnishings (*unlike* political contributions) arguably constitute "gifts" prohibited under Rule 35, a Senator is not precluded from accepting such items. The "first" of the "compelling reasons" cited by the Committee for its conclusion was that "the items are not meant for the personal use or permanent possession of Members or staff."

For the above reasons, Senate Rule 35, its legislative history, Supreme Court opinions, and opinions of the Senate Ethics Committee all make clear the critical distinction between permissible political contributions and impermissible personal gain. Senator Cranston received no personal gain, and any campaign contributions or contributions to nonpartisan voter registration organizations which may have redounded, directly or indirectly, to his political benefit were received in full accordance with federal and state law. Accordingly, there is no basis for concluding that he violated any Senate ethics standard.

IV. CONCLUSION

It is always easy, with the benefit of hindsight, to criticize the conduct of public officials. The function of this Committee, as its uniquely nonpartisan composition attests, is not to evaluate the political wisdom of actions by taken by Senators but rather to determine whether those actions violated established ethical or legal prohibitions. When all is said and done, the critical and undisputed fact is that Senator Cranston received no personal gain from Charles Keating or any organization he owned or controlled. Common Cause's contention that a Member of Congress ought not be allowed to receive political (as distinguished from personal) contributions has been repeatedly addressed to Congress and to the public and it has not prevailed. The Committee should determine that no further action against Senator Cranston is warranted.

Respectfully submitted,

WILLIAM W. TAYLOR III,
SEAN CONNELLY
(ZUCKERMAN, SPAEDER, GOLDSTEIN, TAYLOR & KOLKER), COUNSEL FOR SENATOR ALAN CRANSTON.

WASHINGTON, DC, *November 16, 1989.*

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today is the 1,706th day that Terry Anderson has been held captive in Beirut.

His captors cannot possibly believe that they have accomplished anything or served any goal by holding Terry Anderson for more than 4½ years. They cannot hope to gain by continuing this barbaric captivity.

Terry Anderson must be released; he must be allowed to return to his home and family. Let us firmly hope that we will see this happen on this Thanksgiving.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1990

The PRESIDING OFFICER. Under the previous order, the hour of 10:50 having arrived, the Senate will now proceed to the consideration of H.R. 3566 which the clerk will now report.

The legislative clerk read as follows:

A bill (H.R. 3566) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

The Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, this bill, H.R. 3566, is the fiscal year 1990 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies. It is identical to the House-Senate conference agreement on H.R. 2990 which was passed here just a few week ago with the exception of the language relating to Medicaid-funded abortions.

Mr. President, since September 30, we have been operating on a continuing resolution which funds agencies at the lower of the House or Senate-passed versions of H.R. 2990. This has had the net effect of providing about $1.3 billion less in Federal funding for the discretionary programs within the jurisdiction of this subcommittee. This amount is further reduced by $2.2 billion by the effect of the sequester.

In other words, the conference agreement provided $43.4 billion for discretionary programs. The combined effect is spending at the lower of the House or Senate levels and the sequester only permits spending of $39.9 billion, or an effective cut of $3.35 billion in these programs.

Mr. President, many good programs are being penalized by the effects of the continuing resolution. For example, the childhood immunization program has been cut $20.35 million under the continuing resolution. This means that 800,000 fewer children will be immunized from measles and hepatitis B. Initiatives to deal with family violence, child abuse, abandoned infants, runaway and homeless youth are reduced by $21 million meaning fewer children and families are receiving services.

Funding for chapter 1 compensatory education would be reduced by more than $325 million. This will result in more than 400,000 disadvantaged children being denied compensatory education services.

The community health centers programs is reduced by more than $18 million by the continuing resolution. Programs for the homeless are cut by $27 million under the terms of the continuing resolution, a full 18 percent below the level provided by the conference and by H.R. 3566 now before us.

These are just a few of the examples. There are many more, Mr. President. It is my hope that we can pass H.R. 3566 and get it down to the President for his signature so that we can get the levels of funding up for these much needed programs.

Mr. President, this bill provides $156,746,250,000 in total spending with $43,149,904,000 provided for current year discretionary programs. There is no need in reciting these huge figures other than to say we are within our 302(b) allocation, and we have a $2.2-billion outlay reserved for the child care initiative.

Without going through all of the other things that are in the bill, Mr. President, in the administration of the funds provided by this bill, it is our intention that the executive branch shall follow the reports of the House and Senate committees on appropriations and the joint committee of conference as well as the related floor debates that relate to H.R. 2990.

Mr. President, I would like to again express my appreciation to Senator SPECTER for all of his help and work on this. I also want to thank all of the staff for all of their hard work. It has been a long year, but we had a very good conference.

I am sorry we are now revisiting this issue again but due to the veto we had to go back to the floor of the House, get the bill back up again, and get it here for final approval.

Again, we have worked as a good team, and his advice and counsel have indeed been valuable. I would again like to thank Senator SPECTER, and I yield to Senator SPECTER at this time for any statement he would wish to make.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa for those very gracious remarks. I am pleased to say that it has been reciprocal. I think Senator HARKIN has done an outstanding job chairing this very complex subcommittee with so many demands.

In my view the time has ended for discussion and debate, and we have to move ahead to conclude this conference report so that we can remove

these very important functions from the continuing resolution. We had the issue as to Federal funding on abortion where the language had been accepted by the Congress, except in cases of rape and incest, and it was vetoed by the President. That veto was sustained in the House by a vote of 231 to 191. That is the conclusion of that issue.

So the time has come for us to move ahead and approve this conference report, and conclude the business of this Congress. As I see it time for talk has ended.

Mr. HARKIN. Mr. President, the Senator is right. The time for the talk is ended. The leader said last night that we would be on the bill at 10:30 this morning. We are here.

I remind Senators present and those in their offices that the last time this bill was on the floor Senator SPECTER and I sat here for 3 hours—3 hours—without one amendment being offered waiting for Senators to offer amendments.

I only know of about three amendments which Senators want to offer to this bill at this point. I urge those Senators with those amendments to come over. Every Senator that I have talked to on both sides wants to get out of here by Thanksgiving. I think everyone would like us to be out of here, including our constituents.

Mr. SPECTER. By Saturday.

Mr. HARKIN. Thank you.

Mr. SPECTER. This Saturday.

Mr. HARKIN. That is true. I think if we can expedite this, I think we can be out this week. And I understand reconciliation is going along very well. They are very close.

Mr. SPECTER. They decided to become very serious about it at 11:59, and it is almost 11:59.

Mr. HARKIN. So I again hope—and if Senators do not show up it is my intention to sit down and ask the Chair to proceed to third reading.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Ed Tasca be given floor privileges during consideration of the fiscal year Labor-HHS labor education appropriation bill.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ADAMS). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 1144

(Purpose: To maintain fiscal 1989 Medicare reimbursement rates for rural referral centers)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself, Mr. HARKIN, Mr. DOLE, Mr. SYMMS, Mr. NICKLES, Mr. COATS, and Mr. HATFIELD, proposes an amendment numbered 1144.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 F.R. 36485), relating to the classification of rural referral centers.

Notwithstanding any other provision of law, the amount available for transfer to Health Care Financing Administration Program Management as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds are hereby reduced by $15,000,000.

Mr. McCLURE. Mr. President, I offer this amendment on behalf of myself, Mr. HARKIN, Mr. DOLE, Mr. SYMMS, Mr. HATFIELD, Mr. NICKLES, and Mr. COATS. This amendment does a part of what we have done once before dealing with rural referral centers and the downgrading of rural referral centers for the purposes of Medicare, Medicaid repayments.

This change under regulations became final in September and went into effect on October 1. The beginning is already causing a decrease in the reimbursement rate to certain rural referral centers across the country. There is no doubt in my mind that this will eventually be taken care of in another way. But every day we delay, this is a reduction in the payments made to these hospitals. It seems much wiser to me to stop that hemorrhaging right now, rather than have to deal with the larger problem later.

This was a part of the package of rural medicine corrections that were contained in the reconciliation package. It has already been approved in both the Senate and the House. There are, I believe, 46 members of the Rural Health Care Caucus in the Senate that have signed a letter. I think Senator KERREY also signed a letter separately from that. So 47 Senators have already publicly supported this kind of action.

As most of my colleagues know, after we instituted the Prospective Payment System, we realized that certain larger rural hospitals needed special consideration for Medicare reimbursement purposes. These rural referral centers are reimbursed at a rate higher than their smaller rural counterparts.

Hospitals in rural America are in real trouble. I believe we must eliminate the entire urban/rural differential, and we are moving in that direction. However, until we can devise a plan to treat all hospitals fairly, we must not make the situation any worse by allowing HCFA to downgrade some rural referral centers to a rural status. That is exactly what is happening.

On October 1, 1989, regulations went into effect which will designate 43 rural referral centers. Nine of these hospitals were affected on October 1 and are already receiving the lower reimbursement rate. The other 34 will be given the ax over the next 8 months.

It has been obvious that Congress intended to deal with this problem. Both the House and the Senate reconciliation bills contained provisions that grandfathered rural referral centers until such a time as the entire urban/rural differential could be addressed. However, despite these clear signals, HCFA forged ahead and implemented the regulations.

I offered an amendment to the regular Labor, HHS, Education appropriations bill that would have allowed no funds to be expended to put these regs in place. It was accepted in the Senate. When we got to conference with the House, I accepted the assurances of the Health Care Financing Administration that they would hold off on these regulations until Congress determined what it would do during reconciliation. I had the absolute assurances of the Comptroller at HCFA that the regs would not go into effect.

Three weeks after that agreement, HCFA reneged and went ahead with notifying rural referral centers of their downgraded status.

So far, I have not received a satisfactory explanation of these actions. Two weeks ago, 46 members of the Senate Rural Health Care Caucus sent a letter to Secretary Sullivan asking him to reconsider and withdraw the notification of downgrading of these rural

referral centers. To my knowledge, no reply has been sent.

I frankly am disgusted with the manner in which HHS and HCFA have handled this matter. They are acting in an arbitrary manner and are exercising poor judgment. By accepting this amendment to this bill, we will send a clear message to HCFA that their actions in this regard are unacceptable. I understand that the Finance Committee and Ways and Means are still conferencing on the medicare provisions that we stripped out of the reconciliation bill. One of those provisions is the grandfathering of all rural referral centers.

I want to be right up front with all my colleagues. This amendment costs money. It cost $15 million according to the CBO. The original House and Senate reconciliation bills dealt with this cost in the overall medicare savings package. Rather than attempt to single out $15 million dollars in savings right now, I would hope that there would be an agreement that the Finance Committee and Ways and Means Committee be allowed to determine how to deal with this cost as they continue to work on the reconciliation bill. It is not a lot of money and I have every expectation that my colleagues who sit on the conference committee on reconciliation will deal with this.

Mr. President, this matter is not the subject of debate between the House and the Senate. It has already been agreed upon by both bodies and we are in agreement that the problems being faced by rural referral centers need to be fixed. It needs to be fixed now. I am sick and tired of HCFA ramrodding these regulations through and I think most of my colleagues share that feeling. I have distributed a copy of the letter from the Senate Rural Health Care Caucus to each Senator's desk and this clearly should have sent a message to HCFA and HHS that we are serious about this issue. Apparently, that message was not received, or it was ignored. In any event, it is time to send the message again, and in a form that they cannot ignore.

I urge my colleagues to save the rural referral centers in their States and to vote for my amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am proud to be a cosponsor of Senator McCLURE's amendment. As the Senator says, it is intended to prevent a cutback in Medicare reimbursement to a group of hospitals that are known as rural referral centers, centers which even the smaller hospitals refer cases to. I am also cosponsor of the authorizing legislation to accomplish this purpose.

The Senator is absolutely correct. We have passed this before here. It was included in the original bill, but it was deleted—I might add without prejudice—in a conference with the House. Again, at that time, the Senator is correct, we thought it was going to be taken care of in another piece of legislation—reconciliation. It may yet be, but we do not know what is going to happen there. I am assured that the House will accept this amendment this time as it is offered.

It is for 1 year only, and it gives us a chance next year through the authorizing legislation to make a permanent change in this. Its $15 million cost is offset by reduction in the Health Care Finance Administration trust fund. So, again, there is an offset that the Senator from Idaho has proposed. It is a good offset. It keeps us within our 302(b) allocation.

This offset was made possible by savings which are imminent from certain repeal of provisions of the catastrophic health insurance legislation.

I point out that this reduction in the health care financing administration funds should not come—and I repeat for emphasis' sake "should not come"—from Medicare contractor activities and should in no way reduce payment safeguard activity below the current services levels again which we mandated here in a bill which I believe is in the present bill.

So I urge adoption of the amendment.

I wish to ask the Senator and I have a note to add Senator LEVIN as a cosponsor.

Mr. McCLURE. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment of the Senator from Idaho?

Mr. McCLURE. Briefly, because the Senator from Iowa did mention the fact there is offset in the bill, I would assume that if the distinguished chairman of the Finance Committee constructed a reconciliation bill in which they would choose to have a different offset, that action would preempt this. I would assume that would be the case because their action would come after ours.

I mention that as a possibility because I want to assure the Finance Committee and the distinguished Senator from Texas, the chairman of that committee, that we are in no way trying to supplant the judgment of that committee with our own. I want them to know we are trying to work with them to accomplish an end that simply must be accomplished, and I think they agree with that as well.

I am ready to vote.

Mr. SYMMS. Mr. President, I want to voice my support for the amendment introduced by my colleague, the senior Senator from Idaho, to the Labor/HHS appropriations bill, extending the rural referral center designation. This amendment is vital to my State of Idaho as it is to many other States.

The rural referral center status, which was discontinued for several hospitals in October, provides additional funding to certain hospitals which meet the criteria under the Medicare Prospective Payment System. Congress established this system, recognizing that regional hospitals serving a large area, need an adjustment to the amount paid to other hospitals. These facilities have been designated as rural referral centers, providing service to small urban areas as opposed to rural. This status allows them a reimbursement rate under Medicare that is 11 percent higher than the rural rate.

Rural referral centers treat those patients who are most in need, or rather those who are severely ill or have very complex conditions. These patients require a broad range of treatment and supplies. Therefore, the equipment used is more complex, and the cost of use and maintenance are much higher than in a rural hospital.

Because these facilities provide services for such a large area, they must be equipped much the same as an urban hospital, offering specialized services and employing several different types of specialists. Essentially, we have a rural hospital serving a large number of people with costs comparable to those of an urban hospital. Therefore, they must be reimbursed accordingly.

My State of Idaho has seven rural referral centers which account for more than 50 percent of all the admissions in the State. If these hospitals had to operate at the rural reimbursement rate, most would close, leaving hundreds of Idahoans without a health care provider within a reasonable distance. Clearly, the rural referral center designation is very important.

I, along with several members of the Senate Finance Committee, worked very hard to ensure that the rural referral provision would be included in budget reconciliation. When the bill was stripped of extraneous provisions, the Senate leadership promised that those provisions would soon have another chance to move through the legislative process. I have been prepared to offer the entire rural health package that passed the Senate Finance Committee on several bills and I am repeatedly told that this will be taken care of. Yet, I have not seen any action to do so.

This legislation cannot wait until next year. These hospitals are in desperate need of assistance and we must give it to them before they have to shut their doors, thus increasing the many problems rural America already faces in the health care field.

I would also add that the rural health package provides some excel-

lent provisions for our hospitals. It would give them some much-needed relief from the financial burdens currently facing health care in rural America. I intend to push for this package when Congress reconvenes in January and I would hope to have support from my colleagues who also represent rural America.

Mr. GRASSLEY. Mr. President, I rise in support of my colleague from Idaho.

Before we sent our reconciliation bill to the other body, we stripped out a great many provisions we decided were not strictly relevant to deficit reduction in the current fiscal year. I supported that step, as did the overwhelming majority of my colleagues. I think most of us feel that loading up reconciliation bills with extraneous provisions which are difficult to change once the legislation comes to the Senate floor is not the best way to legislate.

Many of the Medicare provisions we stripped out of the reconciliation bill were good provisions on which a great many individuals and groups had worked hard and long. Many, if not most, of these Medicare provisions can be carried over until next year.

However, this rural referral center provision which my colleague from Idaho wishes to add to this conference report cannot wait until next year. Already some of the 226 rural referral centers around the country have lost that status and the greater reimbursement levels which accompany it.

The Health Care Financing Administration, as I understand it, has estimated that up to 25 percent of the 226 rural referral centers around the country will lose that status.

They have lost that status because the Health Care Financing Administration published new final regulations for the program in October which apply stricter qualification standards for hospitals seeking to be classified as rural referral centers. And the department has been so far unwilling to back off implementation of those regulations until the clear intention of the Congress to grandfather current rural referral centers can be completed.

In Iowa, Mr. President, we have seven rural referral centers. As I understand it, one of these hospitals is borderline, but will probably not lose its rural referral status.

However, one of our centers, in Ottumwa, will lose that classification, and, as I understand it, they will lose around $1 million in the next year in Medicare reimbursement if they do lose that status.

I have personally visited the Ottumwa Regional Health Center, Mr. President. This is a hospital which serves an eight county area in southeastern Iowa. Like other rural referral centers around the country, it takes patients referred to it from smaller rural hospitals. By definition, the patients it gets are more seriously ill. Because they are more seriously ill, it costs more to care for them.

If the Ottumwa Regional Health Center loses this classification and the additional reimbursement which goes with it, not only will the hospital have to cutback drastically on the care it can provide, but the patients from the eight county area which it serves will have to go elsewhere, and in many cases travel much greater distances, to find the appropriate level of hospital care.

Mr. President, we need to fix this problem before the Congress adjourns for the year. Given the urgency of this matter, it should be possible for this Congress to find a way to get it done, or to find a way to convince Secretary Sullivan to postpone implementation of the regulations pending Congressional action.

Mr. HARKIN. Mr. President, I compliment the Senator on his amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senator HATFIELD be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1144) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANFORD. Mr. President, I am pleased to join my colleagues in supporting this amendment to restore full Medicare reimbursement to those rural referral hospitals throughout the country that lost their rural referral status on October 1 of this year. Two hospitals in North Carolina, Johnston Memorial Hospital in Smithfield and Rutherford Hospital in Rutherfordton, lost their eligibility for the higher reimbursement rate. This translates into an annual loss for those two hospitals alone of about a half million dollars each.

These rural hospitals cannot continue to operate with the lower reimbursement. We are experiencing a health care crisis in rural America. While we are gradually improving rural health care delivery, but there is so much more yet to be done. I hope that Congress will enact early next year a comprehensive rural health care package that will include those provisions stripped from budget reconciliation this year.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1145

(Purpose: To prevent Federal funding for the distribution of needles and bleach for the injection of illegal drugs)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS], for himself and Mr. HELMS, proposes an amendment numbered 1145.

At the appropriate place in the bill, add the following:

None of the funds appropriated under this act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

Mr. COATS. Mr. President, this amendment that I just sent to the desk and was just read is identical, word for word, to an amendment that this body agreed to on September 21, 1989, by a 99-0 vote.

It simply is an attempt to reinstate this language and have it enacted into law. It reinforces the specific prohibition against the free distribution of needles and bleach for the purposes of cleansing hypodermic needles that is specifically prohibited in section 2025 of the Anti-Drug Abuse Act of 1988. It is consistent with congressional intent and Federal law.

It is supported by Congressman RANGEL, chairman of the House Select Committee on Narcotics Abuse and Control, and members of his committee who have held several hearings on the issue and have strongly supported it.

As I said, it is identical to the modified amendment that was proposed on September 21, and I believe it is acceptable to the majority.

I do not know that we need a lot of time discussing this particular issue, but I am happy to do that.

It is exactly the discussion we had on September 21. As I said, it was supported by a 99-to-0 vote. I urge that we add this language to the bill at hand.

Mr. HARKIN. Mr. President, we will accept the amendment without any problem at all. This is, as the Senator said, the same exact amendment that we had adopted before on a 99-to-0

vote. We did protect it in conference. It went to the White House. It was part of the bill that was vetoed. It came back. All I can say is, I do not know all of the nuances of why it was not included in the House bill when they redrafted it, but they did not. I have been in contact with my counterpart on the House side. They said they have no problems with taking this. So we will take it.

I just wanted to again ask a question of the Senator from Indiana and the Senator from North Carolina. I had a conversation with the Assistant Secretary of Health and Human Services. They were somewhat concerned about not the distribution of needles, not the needle exchange thing, but the bleach. As I understand it, they do not want to be able to buy bleach and distribute it, as the amendment specifically said, but they are concerned that sometimes people are coming in to get treatment and they do not have a slot for them and they send them back home and they say, "well, come back in 3 weeks." But, in the meantime, they give them a packet of information on what to do. They want to be able to include in that packet of information I guess advice or information on using bleach on needles, as awful as that sounds. I just want to make sure we clear that up here.

Mr. COATS. I think we can, Mr. President, because, first of all, the language of the amendment only prohibits its distribution of bleach, not dissemination of information relative to bleach. Second, the amendment indicates that if the President certifies that programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs, the program can go forward, including the distribution of needles. So we are giving authority to the President, and, of course, his advisers, that if they can certify that these programs are effective they are allowed. So it is not a blanket prohibition.

I think with that quarantee and the fact that it is only prohibiting the distribution, the situation that my colleague from Iowa described could go forward.

Mr. HARKIN. I appreciate that clarification on that issue.

Mr. SPECTER and Mr. HELMS addressed the Chair.

Mr. SPECTER. Mr. President, I yield to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I learned a long time ago when you make a sale, do not say anymore.

Mr. SPECTER. That is why I am waiting to hear whatever else the Senator has to say.

Mr. HELMS. Mr. President, I thank the Senator from Indiana for offering the amendment. I was downstairs with the Prime Minister of Israel, Mr. Shamir.

Mr. President, this amendment once again puts the Senate on record opposing the use of taxpayers dollars to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach to clean those needles.

Unfortunately, the House deleted this provision. In fact Mr. NATCHER, chairman of the Appropriations Subcommittee on Labor-HHS, told our colleague Mr. COATS that the Helms-Coats language was deleted by mistake. I think we should quickly correct that mistake.

Mr. President, this language is the same as language which became law as part of the omnibus drug bill of 1988. This amendment also has additional language, suggested by the junior Senator from Pennsylvania [Mr. SPECTER] which would allow needle and bleach distribution if the President of the United States certifies that such programs are effective in stopping the spread of HIV and, more importantly, do not encourage the use of illegal drugs.

For the information of Senators this get tough attitude toward drug abuse has the support of Bill Bennett and Secretary Sullivan. Indeed, Congressman CHARLES RANGEL has introduced the Drug Abuse Treatment Policy Act of 1989 which would prohibit the use of Federal moneys for the distribution of needles and bleach for the injection of illegal drugs.

Mr. President, a few years ago I read a report recommending that the Government dispense clean needles to drug addicts as a method of AIDS prevention. How ridiculous, I thought. Illegal drug use is killing and injuring thousands of Americans. This Nation is in an all-out war with drugs. To date, we have spent over $5 billion to prevent or control the use of narcotics and other dangerous drugs. No one in his right mind, so I thought, would embrace the idea of retreating from the drug war to take up arms against the AIDS.

Yet, that is exactly what has happened, Mr. President. State and local governments are now seriously reviewing—and at least one local government has actually approved—a clean needle program where drug addicts are given needles for illegal drug use. There are several Members of this body who would actually cave into the AIDS lobby rather than get tough on drugs.

Drug use is immoral. It is illegal. It is killing thousands of Americans. We should not give up on one battle for the sake of another.

As a matter of fact some Members of this body held up the fiscal year 1990 appropriations process because they said that President George Bush's war on drugs did not spend enough and was not tough enough. Here is your chance to put your rhetoric into action.

I have heard a great deal about how this Government has to do more for treatment. That's fine, but take a closer look at what is happening to the average American. Drug users are not the only ones dying in the drug war, Mr. President. The shopkeeper, the gas station attendant, the bank teller, the pedestrian, and thousands of others are dying at the hands of the drug addict. Drug use is feeding the fires of crime. How many times have you picked up the paper and read about an atrocious violent crime which was linked to drug use?

And, Mr. President, we cannot forget another innocent casualty of the drug war—the children who are born addicted to narcotics. In New York State alone, the New York State Division of Substance Abuse estimated that in 1987 8,000 children were born to drug addicts and over 500,000 children under 18 live with parents who are drug addicts.

Distributing clean needles won't help to diminish these atrocities, Mr. President. As our colleague Mr. RANGEL said in March, "Needle distribution puts public authorities in the business of death on the installment plan."

New York City has a needles distribution program. It does not work. Police Commissioner Benjamin Ward condemns it. Sterling Johnson, the chief prosecutor of the New York special narcotics division, calls the logic of giving needles to addicts ridiculous. How does one expect addicts who don't clean themselves to clean needles?

I will not take any more of the Senate's time. I think the issue is clear. Let us get tough on drugs, not condone drug use.

I do thank the managers of the bill for their consideration. I look forward with interest to hearing what the Senator from Pennsylvania has to say.

Mr. SPECTER. Mr. President, I was with Senator HELMS with the Prime Minister of Israel and we are now back to take care of this issue.

We had an extended debate about this matter when the bill was up before. The resolution which the distinguished Senator from North Carolina and the managers reached was to leave it to the discretion of the President. We had the issue of whether it would be sufficient to have the Secretary of Health and Human Services render the certification and we concluded it should be the President. So there can be some modification even as to the distribution of needles or the distribution of bleach if it rises to the level of getting the President's certification. That is the safety valve.

When the chairman, Senator HARKIN, commented about the advice on the use of bleach, I think the distinguished Senator from Indiana cor-

rectly said that there is no prohibition in this amendment to dissemination of information as to bleach, just a prohibition as to the distribution of bleach itself. In light of the fact that we had worked this out before and we have had a 90-to-0 vote by this body, I concur in the acceptance of the amendment with the colloquy and the clarification that has been added today.

Mr. CRANSTON. Mr. President, I rise to express some very serious concerns with the amendment by the Senator from Indiana [Mr. COATS] which would ban the distribution of clean needles or bleach as a means to slow the spread of AIDS. This amendment is identical to an amendment that the Senate passed 2 months ago when this legislation was first debated.

Since that time, some new information about the impact this amendment would have has come to light that I believe deserves careful consideration. Although this amendment appears straightforward on its face, it may actually serve to cut off funding to more than 60 ongoing federally funded research projects.

The National Institute on Drug Abuse is currently supporting AIDS prevention outreach and research programs that involve the distribution of bleach to IV drug users. If this amendment is enacted, this very valuable and important research may be abruptly halted.

How are we ever going to know if these programs work unless we allow the research to go on? How are we ever going to know if these programs are effective in bringing IV drug users into treatment programs or in slowing the spread of the AIDS virus unless we allow the research to go on?

Mr. President, preliminary results from one such program in San Francisco, called "bleach and teach," are very encouraging.

Dr. John Watters, assistant professor at the School of Medicine, UCSF, reports that, among individuals who participated in the program, demand for drug treatment by addicts increased from 40 to 60 percent from 1986 to 1989. Disinfection of syringes by drug users has become a common practice, and needle sharing has dropped dramatically.

The most important question that the research addresses is can bleach distribution slow the spread of AIDS? Dr. Watters reports that HIV infection among heterosexual IV drug users in San Francisco has remained stable since 1986 when the program was introduced. That's a remarkable finding given that the overall HIV infection rate among IV drug users has continued to rise.

Mr. President, I want to make clear that there is a significant distinction between a bleach distribution program and a needle exchange program. Bleach distribution does not place drug paraphernalia into the hands of drug users. In testimony before the House Energy and Commerce Committee last April, Health and Human Services Secretary Sullivan said, "a bleach program is one that really works with those individuals who are IV drug abusers—who, by whatever means they may have this equipment—to really try and prevent the spread of the virus."

Any concerns that a needle exchange program may contribute to greater drug usage simply do not apply to a bleach program. In the words of a recent New York Times editorial, "Whatever Congress thinks about needles, the ban on bleach is murderous mischief."

Finally, Mr. President, the National Commission on AIDS—which the Congress and the President established to advise us on policies concerning AIDS—strongly supports the continuation of research and demonstration projects involving the distribution of bleach to reduce the spread of HIV among intravenous drug users until the efficacy of this approach can be determined.

I urge colleagues not to lose sight of the single most important issue that must be considered on any AIDS issue—whether a given policy will help save lives. We must be willing to look beyond the traditional way of doing things—if it will help stop the spread of this deadly virus. In particular, we need novel approaches to reach IV drug users—to encourage them to seek treatment and, where that's not possible, to encourage them to change behaviors that could spread the HIV.

The single most important thing we can do to prevent newborn babies from being born with this terrible disease is to reduce the spread of AIDS among IV drug users. Bleach distribution programs may be successful in this regard. Let's not stop this important work from going forward.

Mr. President, for these reasons, I oppose the Coats amendment. I ask unanimous consent that the October 23 Times editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 23, 1989]

MURDEROUS MISCHIEF ON AIDS

The language that Jesse Helms insisted on inserting into legislation appropriating money for AIDS prevention could condemn many innocent people to death. Congress needs to take a second look.

The Helms amendment was attached to the Health and Human Service Department appropriations bill. It begins by banning use of funds, without Presidential permission, to give sterile needles to drug addicts.

The amendment appealed to many senators. Because AIDS spreads as addicts share needles, some public health officials favor distributing sterile syringes to inhibit the disease. That's controversial; needles are not always easy to obtain; giving them away may facilitate drug abuse.

But the Helms amendment goes on. It would also restrict funds for distribution of bleach to clean addicts' needles. AIDS prevention workers have arisen in protest. Because they are so rarely permitted to distribute needles. AIDS prevention programs encourage addicts to keep needles clean with bleach, often giving out small quantities along with lectures on drug abuse and AIDS.

There is no basis for asserting, with Mr. Helms, that giving out bleach condones drug abuse in the same way giving out needles might. Cleaning with bleach complicates the injection of drugs and reinforces the fear of needles. Outreach that begins with bleach may wind up persuading addicts to seek treatment.

Language banning bleach was contained in the anti-drug abuse act passed in 1988, but it attracted little notice because it applied only to Federal drug treatment funds. Most AIDS prevention programs are financed with money for public health—H.H.S. spent nearly $100 million on AIDS prevention last year. The Helms amendment, affecting that money, would vastly expand the ban on bleach.

Giving out bleach protects drug addicts and also their sex partners and children, now showing up on the AID wards in alarming numbers. Whatever Congress thinks about needles, the ban on bleach is murderous mischief.

The PRESIDING OFFICER. If there is no further debate on the amendment, the Chair will put the question.

The question is on agreeing to the amendment.

The amendment (No. 1145) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there future amendments to the bill?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 5 minutes as in morning business.

HUNTSVILLE TORNADO

Mr. SHELBY. Mr. President, I would like to bring to the attention of my colleagues a terrible tragedy that has

occurred in my home State of Alabama. Tornadoes touched down in various parts of the South yesterday, but Huntsville, AL was clearly the hardest hit suffering the loss of at least 19 lives and hundreds more were severely injured.

Tornadoes of this magnitude devastate, leaving in their wake only tragedy. I commend the city and local officials of Huntsville for their swift reaction to this disaster. Rescue workers were at the scenes quickly, searching through the rubble to save lives and treat injuries. These workers braved the elements—blinding rain and rapidly falling temperatures—in their rescue efforts. I would also like to applaud the teachers at Jones Valley Elementary School for their well-prepared reaction during the tornado. Quick thinking by teachers and school employees may have saved the lives of many children.

I extend my greatest sympathy to the families and friends of the tornado victims and concern for my fellow Alabamians who suffered injuries and for those who have not yet heard news of missing family members. I am currently working to insure that the necessary Federal aid be sent to Huntsville so that some semblance of normalcy may be returned to the area. I have contacted the White House, to request that the President declare Huntsville a national disaster area.

I applaud the many individuals not only in Huntsville but in the surrounding communities who united to perform rescue efforts and those who provided much needed medical assistance and support. My thoughts and prayers are with every member of this community.

Mr. President, I yield the remainder of my time.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1990

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, this is our last chance to fix the dial-a-porn law this year. The dial-a-porn language in the House budget reconciliation bill most likely will be stripped out. And even it if stays in the budget bill, the President has stated that he may veto the whole bill for other reasons.

So if we do not address dial-a-porn on this vehicle we will have to wait until next year—but we cannot afford to wait until next year.

While Congress sits idly by, the lives of children are being ruined by this garbage. We cannot afford to wait any longer. For the sake of innocent children we cannot wait until next year.

Mr. President, this amendment is almost identical to the language as the Dingell-Markey bill that passed the House as part of the budget reconciliation bill.

Mr. President, this dial-a-porn amendment is essential for two reasons. First, the dial-a-porn amendments last November, inadvertently deleted the FCC's authority to impose fines on dial-a-porn providers. The FCC cannot effectively attack dial-a-porn until the FCC regains its authority to levy fines against violators. Congress has failed to remedy this problem for over a year.

Second, the law needs to be amended to reflect the Supreme Court's decision of June 23, 1989. The Court in Sable Communications versus FCC held that the FCC cannot completely ban indecent dial-a-porn, but they can regulate such services.

But Congress has failed to revise the dial-a-porn law, and as a result, the FCC has been precluded from attacking indecent dial-a-porn for almost 5 months.

This amendment deletes the ban and allows the FCC to promulgate regulations to keep minors from gaining access to indecent dial-a-porn services.

Mr. President, the dial-a-porn industry continues to run wild. Some experts estimate that the profits generated by this pornographic "service" exceed $2 billion annually. Mr. President, while the dial-a-porn operations and the telephone companies were raking in the profits, countless lives were being destroyed.

Mr. President, I wish every Member of this body could witness the human tragedies I have seen through the testimonials of those ravaged by dial-a-porn. Unfortunately, the litany of wrecked lives goes on. In Alaska recently, a 12-year-old boy, babysitting two 3-year-old infants, made one repulsive dial-a-porn call. After hearing that one message, he walked up the stairs and began re-creating what he had heard. The victims were those same 3-year-old babies.

Under current law, pornographic phone services operate without fear of Federal penalties, as long as their calls don't go beyond the State line. If the pornographers use the instrumentalities of interstate commerce, they should be stopped, whether they send their despicable messages across State borders or not. As long as the pornographers have access to the public phone lines, our children will continue to fall prey to this garbage.

The amendment I will offer would end this travesty. It must, Mr. President. It is estimated that between 300 and 400 dial-a-porn services continue to exist because they operate solely within State borders alone.

Let's take a closer look at examples of what dial-a-porn has done.

In Arizona, the dial-it operation is called "scoopline." This outfit offers a range of special phone lines. Most are the average weather or sports information services. But "scoopline" also has another feature: sexually oriented conversations. As a result of this type of entertainment, one 12-year-old boy was charged with two felonies.

This particular youngster, a junior high student, ran up more than $700 in "scoopline" charges. Most of his calls went to the line known as "Dial Cindy." Cindy offered the young man live conversation, with special instructions on how to show off to the girls at his school. He followed Cindy's advice. He wrote a girl in his school a pornographic message and attached a classmate's name to it. The young lady turned the message over to the school authorities and the boy was charged with providing obscene material to a minor.

According to the Arizona Republic, the boy's father told an investigating commission, "my son is a victim, my family is a victim." His son simply became one face in the sea of children who have acted out the words of the pornographic telephone message. We cannot begin to count the human cost.

In Cleveland, a city councilwoman came home to find that she had a 40-page telephone bill with $3,200 in calls charged to her phone. She had used the phone for her precinct business. Instead of business, the phone had become the vehicle for a community "sex hot line."

Another nameless child tapped into a local dial-a-porn service. He was 16. Upon hearing the message, he proceeded to sexually abuse a 3-year-old little girl. Again, Mr. President, intrastate dial-a-porn. How many more families have to be torn apart by this filth?

Mr. President, what kind of country are we? We allow the Government to regulate mud guards on trucks which travel on intrastate roads on the pretense that it affects interstate commerce. Yet we remain conspicuously silent about intrastate dial-a-porn.

Mr. President, we hear so much about the importance of the family. Everyone has a handout or a program to enhance the strength of America's families. I support efforts to strengthen the family. However, I don't believe that this strength can be restored with some slick program or some catchy slogan. The viability of America's families and ultimately America's greatness can be restored only by rebuilding the moral foundation upon which this country was founded. Without that foundation, we are no different from the Roman Empire and I believe that we will meet the same fate.

Mr. President, let me summarize the minor changes we made to the House proposed language. A few, relatively minor revisions to the dail-a-porn legislation proposed by Chairman DINGELL would greatly enhance the Commission's ability to enforce the statute.

First, and most important, in subsection (b)(2)(A), it is better to prohibit indecent communication for commercial purposes to any person, rather than specifying minors and unconsenting adults. If the statute specifies minors, dial-a-porn providers will continue to argue that the Commission and DOJ must prove that a child called a given phone number and listened to an allegedly indecent message on each day for which the defendant is being prosecuted and fined.

Second, the phrase "for commercial purposes" is replaced by "in connection with a commercial enterprise." This will forestall the argument that the dial-a-porn provider is not making a profit on a particular call.

Third, the amendment lists the methods of limiting access to children that have already been approved by the Commission and the Court. This will permit the Commission and DOJ to begin enforcement immediately, rather than waiting for new rules to be adopted. Including the existing FCC regulations as elements of the prohibited activity will also enhance Commission and DOJ enforcement powers. The statute also requires the Commission review methods for restricting access and provide that it is an affirmative defense to comply with any regulations the Commission may promulgate in the future. This allows the Commission to take advantage of future technology that may be more effective in preventing access to children.

Fourth, adds the word "knowingly" to subsection (c)(1): "knowingly" is generally read into criminal statutes in any case. The amendment deletes (c) (2)(B) and (3), which are unnecessary when the word "knowingly" is added.

Fifth, change the effective date to 30 days instead of 150.

Sixth, the amendment adds that the blocking request must be in writing, which was clarified in the House Energy and Commerce markup.

AMENDMENT NO. 1146

Mr. HELMS. Mr. President, I send to the desk the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. COATS, proposes an amendment numbered 1146.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with because I have discussed the nature and the purpose of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following section:

SEC. . RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(1) AMENDMENT.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by striking subsection (b) and inserting the following:

(b)(1) Whoever knowingly—

(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined in accordance with title 18, United States Code, or imprisoned not more than two years, or both.

(2) Whoever knowingly—

(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes which is available to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(3) It is a defense to prosecution under paragraph (2) of this subsection that the defendant restrict access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than $50,000 for each violation. For purpose of this paragraph, each day of violation shall constitute a separate violation.

(5)(A) In addition to the penalties under paragraphs (1), (2), and (5), whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

(B) A fine under this paragraph may be assessed either—

(i) by a court, pursuant to civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

(ii) by the Commission after appropriate administrative proceedings.

(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

(c)(1) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested in writing the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

(A) any action which the carrier demonstrates was taken in good faith to restrict access pursuant to paragraph (1) of this subsection.

(B) any access permitted—

(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar action in a court. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access.

(2) CONFORMING AMENDMENTS.—Section 2(b) of the Communications Act of 1934 is amended by striking "section 224" and inserting "section 223 or 224".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 120 days after the date of enactment of this Act.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I thank my fellow Senators, and I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to thank the Senator from North Carolina for offering this amendment. There is considerable discussion about what the proper vehicle was to bring this amendment to the floor for discussion and vote. I share the reservations of those who think that perhaps this could have been done a different way.

However, now that we are at the end of our session and very limited in terms of what vehicles we can use to enact an amendment that I believe has the support of both the Senate and the House, that has been tediously worked out to conform to the Supreme Court's ruling in terms of what is constitutional in this regard, it is very appropriate for us to go forward in the most expeditious way as possible. I

trust we will be able to fairly quickly enact this amendment today and that the House of Representatives will follow suit very quickly and bring about its enactment into law.

The reason why I think it is so important to do this is that every day which goes by allows use of dial-a-porn by minors that I think is causing serious harm to our Nation's youth and is a practice which this legislative body has every right and every obligation to attempt to restrict.

I use the word "restrict" because it is clear under the Supreme Court decisions we cannot totally eliminate that.

We attempted that a year or so ago. The law was passed, signed into law by the President but challenged in the court case. The Court returned its decision indicating that Congress went too far on a constitutional basis in terms of an outright ban of dial-a-porn. In that decision they laid out a number of criteria which have formed the basis for this amendment that is before the body today.

That criteria has been looked at very carefully and painstakingly translated into legislative language which has been accepted by the House of Representatives and I believe ought to be accepted by this body. The Supreme Court in the Sable decision ruled that dial-a-porn telephone messages that are obscene may be banned in total, and those fall under the definition of obscenity, which has been clearly defined by the Supreme Court in a number of cases over the years, we have every right to ban outright.

What the Court said, however, was that in questions where there is indecent expression we are running into some first amendment problems. As I said, the result of that has been a description by the Court in the Sable decision outlining guidelines that have allowed us to come forward in this amendment that meets, we believe, the constitutional test.

Essentially what we are doing is imposing procedures which will make it very difficult, if not impossible, for minors to receive obscene and indecent dial-a-porn messages over the telephone. The language of the amendment does that by providing a procedure called subscription blocking, which is automatic blocking of access to the message unless an adult specifically, in writing, requests access.

We have worked with the various telephone companies, and we have worked with others in terms of determining that these procedures can be technologically implemented. The language in the amendment before us has the support of most, if not all, of the telephone companies.

The burden of complying with the provision relative to content, which formed the basis for previous objection by the telephone companies, has been changed to place that burden of compliance on the dial-a-porn message provider. By complying with that provision, we have met the objections of the telephone companies, so they support this.

Second, we have allowed families to protect their children from sexually explicit telephone material without blocking access to other information services that are offered by the phone companies such as dial-a-sports or weather information or a whole host of emerging new technologically available messages through the telephone service. We do not want to block those. But we do want to separate and set aside access to what I believe most of us feel is a tragic misapplication and misintepretation of the first amendment rights to provide sexually explicit material to minors.

So the amendment before us is one that most of us who have been involved in this issue for a number of years believe meets the constitutional test, has the support of the various telephone companies that provide the services, and has the support of Members of Congress.

I cannot stress enough the damage that occurs when young people become hooked on dial-a-porn messages. The Senator from North Carolina has outlined by some of the consequences. Most of us have heard the stories of the hundreds of thousands of dollars of telephone bills incurred over a very short period of time as young people either singly or in groups literally become addicted to the messages that are delivered over these phone lines.

I would note that the marketing practices of the dial-a-porn providers have been blatantly nondiscriminatory in terms of how they are distributed and the availability of the numbers to call and the messages to be received. They are mailed on an indiscriminate basis to households across the Nation. They are targeted to neighborhood areas and fliers and cards are left on windshields, on doorsteps, in public places.

One of my staff members just a few blocks from Capitol Hill found on a park bench an envelope labeled "sent to cart sort resident" at a particular address which indicates the mass mailing techniques being used, an envelope that on the front is stamped in bold letters "for adults only." If that is not an invitation for young people to open it up, I am not sure what it is. I guess they thought by putting that message on there it met compliance.

But in addition to that are cards distributed without any prohibition except something typed in such small type that I have to hold it at least 3 or 4 feet from my eyes to see it and then can just barely see it, and in the smallest type imaginable it says "must be 18 years of age or older."

It also indicates, "I'm waiting, $6 plus toll, if any, for each call." The message in bold letters—you do not have any trouble reading this—"Sexy Linda is what they call me. I want to make love to you. Call me any time." Or another card, "Susie is my name. Sex is my game. Call me any time."

These are distributed at random. They are sent at random to households. They are cart sort delivery. They are available to young people, and they are enticing young people into not only making one but repeated calls.

The whole purpose of the call is to entice you to make the next call. If you want to hear more, call again. And for a young person 12, 13, 14 years of age, it becomes highly addictive. We have had story after story presented to us of tragic results which have occurred from young people running up hours and hours and hours of these calls in a single day and hundreds of thousands of dollars of charges on the phone bill.

Mr. President, I do not know that we need to go into a lot of explanation on this. I have discussed it with the floor managers of this bill. There may be questions that they want to ask, but absent that I think it is important to summarize by saying that the amendment presented is consistent with first amendment guidelines issued by the Supreme Court in the Sable decision. It is supported by major local-long distance service providers. It is a major step toward a goal that I believe every Member ought to share keeping sexually explicit telephone material out of the hands of young children.

I hope we can go forward with this. I hope the House of Representatives will accept it because delay of each day means that hundreds and thousands of additional calls are being made by minors, and not having the protection that we can offer them.

The FCC has commented that they are waiting for Congress to give them the authority to issue the guidelines necessary that have been worked out with the telephone companies necessary to provide this blocking to minors. I want to reiterate that to my colleagues, whatever your opinion is of this particular type of message.

This does, we believe, meet the requirements of the Supreme Court decision.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

The remarks of Mr. PELL pertaining to the submission of Senate Resolution 210 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions."

Mr. SPECTER. Mr. President, we have an amendment which has been proposed which has the laudable thrust of protecting children from indecent communications, and it has been proposed in the context where there had not been previous notice that we would be facing this issue. There are extemporaneous speeches and there are impromptu speeches. I do not know what category to place a response or an analysis as one of the comanagers of this bill on such an important measure affecting childen in this country which has been considered by the Supreme Court at some considerable length, and is extremely complicated.

At the outset, I wish to make it plain that I believe the children of this country need protection from obscenity, and I have introduced legislation on that subject as chairman of the Juvenile Justice Subcommittee. I supported Senator THURMOND's bill last year, and very much want to see effective legislation move forward through the Congress.

When a similar measure was attempted last year or the year before, it resulted in being declared unconstitutional by the Supreme Court in the Sable case, and the concern that this Senator has, I am going to discuss this matter with Senator COATS, who like this Senator is a member of the bar, and with Senator HELMS when he returns—is that we may be rushing to an unconstitutional bill again, and may be delaying rather than advancing the important cause of protecting juveniles from dial-a-porn.

When I was district attorney in Philadelphia for some 8 years, the protection of children from pornography was high on my agenda.

I had experience with this dial-a-porn one day, and it is worth telling a short story. I received a call from my wife, Joan Specter, who is a councilwoman in Philadelphia, saying they were distributing leaflets about calling a long-distance number, which was a California number, and it looked like obscene materials.

I said to Joan, "Well, what did the call sound like?"

And she said, "I did not want to place the call."

I said, "How do you know what it is like, if you do not call?"

She said, "I would rather you do that."

I did; I had a WATS line in my Philadelphia office, and I called this line, and I could not believe what I heard. It was extraordinary; it was titillating; it was salacious; it was just incredible that this kind of a message is available, over the telephone, especially. Subsequent to the call, I investigated the matter and had some hearings.

I recall my days as district attorney, when we had to put rough language into the record, because you cannot convict someone of rape or indecent assault unless you say what happened, and how jurors and judges would blush on what was said. But in the hearing I held in Scranton, and one in Lancaster, I played the dial-a-porn, message and everybody's hair stood on end as to what was said. These calls are available for children. And I do believe, Mr. President, in agreement with the distinguished Senator from North Carolina, that there is a causal connection between obscenity and acts of sexual violence. I recognize, that is a debated subject. But I have seen, in my own experience as a district attorney, that kind of a connection. So that we are dealing here with a matter of very, very considerable importance. When you hear these kinds of materials—and it might be instructive, I think, if C-SPAN II would actually carry it, if we actually played some of this, to acquaint America with how serious this is. They would recognize the size of the problem we face.

The last time the issue of dial-a-porn was presented to the Congress, it was an amendment very much in this posture, without being carefully and deliberately crafted to ensure it would pass constitutional muster.

If the Chair will indulge me for one moment while I confer with my colleague.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I had been saying that the amendment which is pending is a very important amendment. I was interrupted briefly to try to accommodate some housekeeping details as to how we are going to proceed in the closing days of the Congress. There are many, many senatorial duties in process right now. Many other groups are meeting, and it is necessary for Members to be absent from the floor.

We may not be in a position to proceed with a discussion on this issue at this time, because neither of the sponsors of the bill can be present. The concern that I am in the midst of expressing is whether the current amendment satisfies the requirements of the Supreme Court of the United States. Particularly considering that when the amendment was added last time to protect children from dial-a-porn, it was struck down. When it was struck down, that means there has not been this protection for children from dial-a-porn. And for all of those who wish to protect children—and this may be a unanimous vote in this body or very close to it—we ought to find a way to do it which is constitutional. That is the concern which this Senator has and the issue which I seek to discuss with the managers of the bill or others who have had an opportunity to study this issue.

The Supreme Court of the United States handed down an opinion on June 23 of this year, and no action has been taken to my knowledge, although I am not certain of that, without the other Senators on the floor, to correct this problem from June 23 until November 16. When the Supreme Court of the United States struck down the last effort on dial-a-porn they were not too complimentary about what the Congress did. This is what the Supreme Court had to say at page 14 of the slip opinion:

> The bill that was enacted, however, was introduced on the floor; nor was there a committee report on the bill from which the language of the enacted bill was taken. No Congressman or Senator purported to present the considered judgment with respect to how often or to what extent minors could or would circumvent the rules and have access to dial-a-porn messages.

That is a nice way for the Supreme Court of the United States to say that the Congress did not follow the usual procedures of having a bill introduced and having hearings on it, hearing witnesses on the facts and then hearing witnesses on the constitutional implications and then having staff and Senators draft a very carefully constructed bill.

The Supreme Court in the same opinion, in striking down what Congress had done, said this:

> The Government has a legitimate interest in protecting children from exposure to indecent dial-a-porn messages, but the bill was not sufficiently narrowly drawn to serve that purpose.

Then the Court goes on to say that the Court has recognized that there is a compelling interest in protesting the physical and psychological well-being of minors. I am paraphrasing some of this, but this is the substance of what the Court said. The Government may serve this legitimate interest, but to withstand constitutional scrutiny it must do so by narrowly drawing regulations designed to serve those interests without unnecessarily infringing

on first amendment freedoms. It is not enough to show that the Government ends are compelling; the means must be carefully tailored to achieve those goals.

That is what this Senator is concerned about, as to whether this bill is sufficiently closely tailored to meet those constitutional interests.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. SPECTER. In just one moment.

What we have here is a decision which says that you may not limit adults from seeing indecent materials. I do not see on my reading, which I will say was a hasty reading this morning, because I just sent for the opinion and have read it and that is why I wish to discuss it, but as I read this opinion it does not say affirmatively that you may limit indecent materials as to minors, just with a definition of indecent.

There is, Mr. President, as I recollect the law, a different standard on obscenity for children as opposed to adults. I believe this is a case going back perhaps 15 or 20 years, that I recollect from my days as a district attorney, but there definitely is a double standard, and in an appropriate sense, where you can limit what children have access to as opposed to what adults have access to.

So there is no doubt that you can take certain materials which adults can see or listen to and children may not. And that is what we need to define and to delineate. I would like to be as sure as we can that that is accomplished.

Mr. President, I had earlier referred to the proceeding on the conference report, and that is technically not correct because when a bill is vetoed it is gone. The old bill and the conference report are no longer in existence and what often happens then is what happened here, a new bill is introduced which incorporates all the provisions of the old bill except for the language as to abortion which was the cause for the President's veto, and that veto was sustained.

So now while we are trying to deal with the provision for appropriations to the Departments of Labor-Heath and Human Services and Education, we are dealing with a new bill and the bill is freely amendable as the rules of the Senate provide.

So we now have, and I again emphasize that I concur with my distinguished colleague from North Carolina, an important provision; we have a provision which is technically in the jurisdiction of the Commerce Committee, and I notice the distinguished chairman of the Commerce Committee has come to the floor, and it has some implications for the Judiciary Committee where we deal with the issues of obscenity, and Senator BIDEN, the chairman of that committee, was on the floor, but neither of those committees has had an opportunity to examine the bill.

It may be that we can have the kind of a discussion and analysis of this bill which will satisfy the Supreme Court if, as, and when it reviews this measure, and it probably will because it reviewed the last measure which was considered.

I do not think Senator HELMS was present and perhaps he has had an opportunity to see the Supreme Court's comment.

Mr. HELMS. I have it.

Mr. SPECTER. Where they were critical of the last proceeding where the bill was introduced on the floor, no committee report, and they say, No Congressman or Senator purported to present a considered judgment with respect to how often or to what extent minors could or would circumvent the rules and have access to Dial-a-Porn messages.

Senators very frequently have something to say with some forcefulness what we consider to be absence of a considered judgment by Justices of the Supreme Court. But when they say there is no Congressman or Senator purported to present a considered judgment, et cetera, I would like to be as sure as I can that we pass constitutional muster with this bill.

So the question which we really have to satisfy for the Court, and I think this discussion would be very useful, is the specifics as to how we meet the constitutional requirement that we have a carefully tailored bill to meet these compelling interests.

Mr. President, I wonder if the distinguished Senator from North Carolina would be willing to interrupt this for just a moment, because the distinguished Senator from New Mexico has been waiting to offer an amendment which can be disposed of within a few minutes and he is involved in a reconciliation matter and many other matters. What I would do at this point is ask unanimous consent that we temporarily set aside the pending amendment so that we may consider the amendment from the distinguished Senator from New Mexico on the condition that immediately upon disposition we revert to Senator HELMS' amendment.

Mr. HELMS. Mr. President, reserving the right to object, and, of course I shall not object, that is precisely the purpose of my coming to the floor. I want to do that. We can continue this discussion.

But I will say to the Senator that we have consulted constitutional scholars on the precise language of the pending amendment. As a matter of fact, they almost wrote it for us because I am not a lawyer. But we did it purposely and purposefully to comply with what the Supreme Court said. I have no objection.

Mr. SPECTER. I thank the distinguished Senator from North Carolina.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is temporarily laid aside.

The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

AMENDMENT NO. 1147

(Purpose: To make a technical correction regarding the fiscal year 1991 advance appropriation for the Health Care for the Homeless Program)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of myself, Mr. ADAMS, Mr. DOLE, and Mr. KENNEDY and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. ADAMS, and Mr. DOLE, proposes an amendment numbered 1147.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 4, strike all beginning with the word "period" through the word "1991," on line 5, and insert in lieu thereof "quarter beginning October 1, 1990, and ending December 31, 1990,".

Mr. DOMENICI. Mr. President, the Senate is now considering a bill that contains funding for major programs critical to the health and well-being of this Nation's citizens.

Following the President's veto of H.R. 2990 on October 21 because of his objections to abortion language in the bill, the House failed to override the veto necessitating action on the pending bill.

Since the Senate had an opportunity to consider H.R. 2990, I have become aware of a very serious, although technical, problem with the language providing funding for the Health Care for the Homeless Program through the Health Resources and Services Administration.

That problem is that while providing a total of $46 million for health care services for the homeless, $11.9 million is made available as an advance appropriation for fiscal year 1991.

Mr. President, according to the language in the original bill that was vetoed, and the bill now before the Senate, the $11.9 million advance appropriation is available to run the program throughout the entire fiscal year. Because of the way the program operates, however, these funds are needed during the first quarter of the fiscal year.

If they are apportioned on a full-year basis as the language would indi-

cate, these vitally needed health care programs will run out of funding during the final quarter of their program year, which runs from January to January rather than from October to October as does the Federal fiscal year.

I foresee these programs facing a funding crunch at the onset of the winter season when the homeless are most at risk and the services are most needed.

The full year funding for these services for the January to January program year is $46 million. The Senate indicated its intent to fund this program level when it adopted an amendment offered for me by Senator DOLE when the Senate considered H.R. 2990 on September 21.

That amendment stated the sense of the Senate that the conferees recede to the higher House funding levels for the McKinney Act homeless assistance programs. The House funding level for the Health Care for the Homeless Program was $46 million compared to a Senate level of only $22.2 million.

I commend the distinguished chairman and ranking member for all they have done to live up to the Senate amendment. However, only by adopting this amendment to ensure that the full-year funding level of $46 million is made available for the program year for the Health Care for the Homeless program, will the Senate live up to its intent.

We must be certain that these funds are available in a timely fashion to provide important health care services for the homeless. I urge my colleagues to adopt the amendment.

Mr. ADAMS. Mr. President, I believe this amendment clarifies the intent of the appropriations conferees around the fiscal year 1990 health care for the homeless appropriation. I have had a lot of inquiries about this from my State of Washington. As you know, this program has about 109 projects that are currently providing primary health care, substance abuse, and mental health services to homeless people. Most of these people have no health insurance and no other source of health care. According to the HHS, the annualized operating level of the projects is around $46 million. This is a very effective McKinney program, which HHS indicates exceeded its goals in its first year of operation, serving 231,000 homeless people.

As I indicated in the conference, we have three of these projects operating with McKinney funds in my State, including an outstanding one in Seattle. The mayor of Seattle has asked me to help provide sufficient funding for these projects to continue.

Now because of the tight budget situation this year in our subcommittee, we were not able to provide the full $46 million from the fiscal year 1990 appropriation, but in order to enable the projects to continue their services to the homeless without experiencing major cuts in their annualized Federal grant support levels, we provided $34 million in fiscal year 1990 funding for approximately 9 months of fiscal year 1990 and $12 million in advance fiscal year 1991 funding for use in the October through December quarter of calendar year 1990. It certainly was our intent that we were trying to get these projects through calendar year operations at a $46 million level without experiencing cuts.

The amendment offered by Senator DOMENICI, which I am pleased to cosponsor, makes clear our intent. I thank the Senator from New Mexico for offering it.

Mr. DOMENICI. Mr. President, let me say this amendment is necessary if we are going to maintain for the homeless in this country a 12-month health care program that we have funded in this bill. This is a technical problem in that the $11.9 million advance appropriation made available in fiscal year 1991 for the health program for the homeless would be available over the full fiscal year rather than in the first quarter of fiscal year 1991 as is needed.

This program is on a January-to-January cycle, and this amendment simply makes the $11.9 million advance funding available in the first quarter of fiscal year 1991 to ensure that the program is fully funded during the last 3 months—October, November, and December—of the program year.

The distinguished chairman who is managing the bill this morning indicated that he has no objection to this amendment; indeed, he will accept it. I understand the Republican manager concurs.

With that I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. HOLLINGS. Mr. President, we appreciate the Senator's concern over the funding of this important program. We believe that full funding for it should be provided at the level of $46 million. We have studied the amendment and concur with the Senator from New Mexico. We have no objection.

Mr. SPECTER. Mr. President, on this side of the aisle, we have consulted with the distinguished Senator from New Mexico in advance and agree that his amendment achieves an important purpose and are willing to accept it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment numbered 1147, offered by the Senator from New Mexico.

The amendment (No. 1147) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, we return to the pending amendment numbered 1146.

Mr. HOLLINGS, Mr. President, I ask unanimous consent that we temporarily set aside amendment No. 1146 for one other agreed-to amendment relative to the distinguished Senator from Florida, Senator GRAHAM, on the State legislation impact assistance grants.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

AMENDMENT NO. 1148

(Purpose: An appropriation for fiscal year 1992 to compensate for a reduction in fiscal year 1990)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. GRAHAM (for himself, Mr. KENNEDY, Mr. BENTSEN, Mr. WILSON, Mr. CRANSTON, Mr. MACK, Mr. DECONCINI, Mr. MCCAIN, Mr. WIRTH, Mr. SIMON, Mr. DIXON, Mr. PACKWOOD, Mr. REID, Mr. BRYAN, Mr. MOYNIHAN, Mr. GRAMM, and Mr. SIMPSON), proposes an amendment numbered 1148.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 35, strike lines 5 through 14 and insert in lieu thereof the following:

Section 204(a)(1) of the Immigration Reform and Control Act of 1986 is amended—

(1) by inserting "(A)" after "IN GENERAL.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) Funds appropriated for fiscal year 1990 under this section are reduced by $555,244,000.

"(C) for fiscal year 1992, there are appropriated to carry out this section for costs incurred on or after October 1, 1989 (including Federal, State, and local administrative costs) out of any money in the Treasury not otherwise appropriated, $1,000,000,000 (less the amount described in paragraph (2)) less the amount made available for allotments to States under subsection (b) for fiscal year 1990.".

Mr. HOLLINGS. Mr. President, when we first considered this bill on September 26, a committee amendment and four floor amendments reduced the fiscal 1990 appropriation for State legalization impact assistance grants by $555,244,000.

Senator GRAHAM of Florida, for whom we present this amendment, of-

fered an amendment which restored the amount in fiscal year 1991, the last year appropriations were authorized by the 1986 Immigration Reform and Control Act. The conferees agreed to the restoration, but in fiscal year 1992. However, the Immigration Reform and Control Act does not authorize appropriations for SLIAG, as we call it, in fiscal year 1992.

This amendment gives the 1992 restoration and underlying authorization that will ensure to the maximum extent possible that the restoration will occur. The authorizers in the House, Congressman MORRISON, and in the Senate, Senator KENNEDY, support the amendment.

I think it has been cleared on the Republican side.

Mr. SPECTER. Mr. President, this provision relating to SLIAG was the source of very extended debate in subcommittee, full committee, and on the floor. I believe that the current amendment will go a sizable way toward resolving some of the problems which we had with it. It has been analyzed on this side, and we find it acceptable.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1148) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1149

Mr. HOLLINGS. Mr. President, I have two amendments, technical in nature, that simply correct drafting errors made in the conference agreement on H.R. 2990. These errors are therefore reflected in the bill before us today, H.R. 3566.

The changes necessary to accomplish the intent of the conference committee have already been agreed to by the Senate. The first amendment includes the necessary citation to permit the expenditure of $50 million now in the bill for the independent living component of the Foster Care Program.

The second amendment provides bill language earmarked for two chapter 1 programs, State administration and State program improvement, to permit the spending for these two programs to be at the level agreed to by the conference committee.

I ask unanimous consent, Mr. President, that the two amendments be considered en bloc.

I send the amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from South Carolina [Mr. HOLLINGS] proposes amendments en bloc numbered 1149.

The amendment is as follows:

On page 37, line 15, insert before the period the following: ", of which $50,000,000 shall be for carrying out Section 477 of the Social Security Act".

On page 46, line 20, after "subpart 3 of part D" insert the following: ", $50,797,000 shall be for section 1404, and $12,699,000 shall be for section 1405".

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the two amendments be considered en bloc and adopted.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. SPECTER. Mr. President, that is acceptable to this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendment (No. 1149) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the vote on the Helms amendment numbered 1146 occur at 1:15 or 1 o'clock.

Mr. SPECTER. Well, on this side the request was made for 1 o'clock. Senator HARKIN advised he would be back before 1:15.

Mr. HOLLINGS. Let us make it at 1:15; is that all right? How about 1:05?

Mr. SPECTER. 1:05. He said he would be back by 1:05, 1:10. I think that would be acceptable.

Mr. HOLLINGS. 1:10.

Mr. SPECTER. You fill in the blank, Senator Hollings.

Mr. HOLLINGS. I ask unanimous consent that the vote occur at 1:10 that no further amendments or motions be in order with respect to the bill; that immediately upon disposition of the Helms amendment, the Senate, without any intervening action or debate, proceed to third reading and vote on final passage of the bill.

The PRESIDING OFFICER. This is on Amendment No. 1146?

Mr. HOLLINGS. That is correct.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. I want to make sure that I asked not only for consent that we vote on that Helms amendment, but that, immediately upon disposition, there be no intervening action or debate, but rather proceed to third reading and vote on final passage.

Mr. SPECTER. The only question is whether there is to be a vote on final passage.

Mr. HOLLINGS. Whether or not there is going to be a rollcall vote. We have not said either way.

Mr. SPECTER. I think it is acceptable. The question had been raised on this side of the aisle whether there would be a rollcall vote. Of course, there will be a vote.

There will be a request for a rollcall vote on final passage on this side. But in the present form, the unanimous-consent agreement is acceptable.

Mr. HOLLINGS. I believe it was accepted. Let me restate that unanimous-consent request to the Chair.

I ask unanimous consent that the vote on the Helms amendment 1146 occur at 1:10; that no further amendments or motions be in order with respect to the bill; that immediately upon disposition of the Helms amendment, the Senate, without any intervening action or debate, proceed to third reading and vote on final passage of the bill.

The PRESIDING OFFICER. Is there objection. The Chair hears none. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair and my distinguished colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1146

Mr. SPECTER. Mr. President, we have been discussing the amendment offered by the distinguished Senator from North Carolina. What we are searching to do here is to find an effective law which will prohibit the dissemination of indecent materials to minors.

The last dial-a-porn provision which has been offered has been stricken by the Supreme Court of the United States. As I said earlier, I believe it is very important to protect minors. I had introduced legislation and had supported legislation on that as chairman of the Juvenile Justice Subcommittee and my prior activities as district attorney.

One of the concerns I have with the current amendment is the provision in subsection 2 which refers to indecent communications to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call.

We have the statement of Sable that the district court concluded that the Government has a legitimate interest in protecting children from exposure to indecent dial-a-porn. This district

court concluded that the bill was not sufficiently narrowly drawn to serve that purpose and thus violated the first amendment. The Supreme Court then added the language, "We agree," which states on its face that there is a different standard on protecting children as articulated in the prohibition against indecent dial-a-porn messages.

But where we have in subsection 2(a) a provision which prohibits the dissemination of indecent materials to any other person, and that would include someone above the age of 18, without that person's consent, I have a question as to whether that might be stricken or whether it really performs some indispensable purpose.

I would direct that to the distinguished Senator from North Carolina. It seems to me if we were to strike the language, "or to any other person without that person's consent," unless that is a very important provision, and it does not deal with those under 18, we may be avoiding the constitutional issue, because we cannot limit the dissemination of information to someone above 18 if it is indecent as opposed to its being obscene.

What I am really trying to do is some drafting on the floor, I say to Senator HELMS, that might leave intact what he seeks to accomplish.

Mr. HELMS. I understand that and I appreciate it, if the Senator will yield. What the Senator is saying is that that is almost an editorial comment.

Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have just had a discussion with the distinguished Senator from North Carolina, reviewing some of the language. In a moment I will make a unanimous-consent request, but there is a concern which I have raised and which we want to address with respect to the language about making available indecent communication to anyone under 18 years of age, as to whether that would also limit the availability to someone over 18.

The law, as I understand it, and again I repeat we have only had a few minutes to consider it today, prohibits limiting availability of indecent material to those over 18. The law does permit limiting the availability of obscene materials to those over 18. But if on a telephone it may be available to both adults and to minors and it is indecent materials, that may not pass constitutional muster because it may be viewed to limit it as to adults. You may not limit it as to adults under the Supreme Court's interpretation as to indecent material, but you may limit it to adults as to obscene materials.

What the distinguished Senator from North Carolina and I decided to do is ask unanimous consent that we conduct a colloquy for purposes of legislative history when we have an opportunity at greater length to examine the questions and the responses and then, perhaps even in conference, to consider these issues so that we have considered the legalistic pitfalls that may be presented by the Sable Communications opinion, to do our very best to satisfy the Supreme Court so that we have an effective bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, reserving the right to object and, of course, I will not, I want to thank the distinguished Senator from Pennsylvania because the problem is not between him and me. The problem is making the record sufficiently clear so that the Court will not come down that path again.

I am persuaded, based on meetings with the various scholars with whom I have consulted, that the amendment is constitutional.

Senator SPECTER and I have gone over the Court's opinion, which he has before him and I have before me. The Court says "* * * the FCC's technological approach to restricting dial-a-porn messages to adults who seek them would be extremely effective * * *."

What we are trying to do is make the dial-a-porn law consistent with the Court's decision. I think the Court would be predisposed to approve an amendment limiting this garbage, but we have to make the record clear with a little more evidence than we had before. I do not object and I, in fact, express my appreciation to the Senator from Pennsylvania for his assistance on it.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from North Carolina for his kind remarks.

We share the common concern about protecting children from dial-a-porn, and if we can get a bill which will pass constitutional muster we will get the job done. If we have one which is declared unconstitutional, then we are not going to get the job done and the children will be exposed to more dial-a-porn.

From my reading of the Supreme Court opinions, I might have this one minor disagreement with the distinguished Senator from North Carolina. That is on the hostility of the Court whenever Congress acts in this field. If you take a look at the congressional actions or the State court actions on the obscenity line, they have been subjected to very, very rigorous standards which does impose upon us the obligation to be as careful as we can.

Mr. HELMS. Very well. I thank the Senator.

Mr. SPECTER. Mr. President, last year, the Congress amended section 223(b) of the Communications Act of 1934 to prohibit certain obscene and indecent telephonic communications. As I have noted, the Supreme Court declared portions of this legislation unconstitutional in Sable Communications of California versus Federal Communications Commission. Now the distinguished Senator from North Carolina has offered an amendment to restore certain restrictions on dial-a-porn activities.

The Sable court held that obscene telephone communications could constitutionally be prohibited, but that indecent telephone communications are not subject to a flat ban. According to the Court, Government may regulate indecent communications to protect the physical and psychological well-being of minors, but must do so narrowly without unnecessarily interfering with first amendment freedoms.

The Senator's amendment seeks to respond to the constitutional requirements set forth in Sable, but some questions remain. First, is the language in subsection (2)(A) overly broad? The provision would prohibit indecent commercial communication "which is available" to minors. Would the communication be prohibited if it is available to both adults and minors, even if it does not actually reach minors? In addition, the amendment prohibits such communications if available to unconsenting adults. I am concerned that these restrictions may restrain protected speech beyond what the Supreme Court would sanction.

Second, the amendment creates a defense for a provider who restricts access to the communication by utilizing the subscription mechanism described in subsection (c). That mechanism requires individuals to affirmatively request access to the indecent material. It may be that this mechanism unduly burdens access to constitutionally protected communication. A more narrow restriction might place the burden of contacting the telephone company on those who wish to block the availability of the indecent communication on their telephone lines.

Third, I have concerns about the impact of this amendment on common carriers. For example, the amendment seeks to limit civil suits against common carriers for actions taken to restrict access to indecent communications, but subsection (c)(2)(A) appears to place the burden of persuasion on the telephone company to "demonstrate" that the action was taken in good faith.

Finally, could a telephone company be subject to criminal sanctions under this amendment? The language of the amendment might be read to authorize prosecution of common carriers as

well as dial-a-porn providers, although I do not believe this to be the intent of the amendment's authors.

I would appreciate clarification on these issues from the distinguished Senator from North Carolina.

Mr. HELMS. I understand the Senator's first point. The language "which is available" only applies to communications made to minors.

This is intended to make it clear that the liability of a dial-a-porner does not depend on a child's actually having placed a call. The mere fact that the message is indecent and a message provider has not restricted access to its messages in any of the ways specified by the Commission pursuant to its authority under this section is sufficient to support a conclusion that the service was available to children, and therefore was unlawful. We do not want to force a child to listen to this filth in order to prosecute a case.

Thus there are two aspects to section (2)(A). First, we intend the FCC to promulgate regulations to keep minors from gaining access to dial-a-porn. The language "which is available" applies only to this aspect of the section.

Second, we say dial-a-porn providers should not convey their messages to unconsenting adults. The language "which is available" does not apply to this aspect of section (2)(A).

I also point out, that the dial-a-porn provider has an affirmative defense to a prosecution if he complies with the regulations set forth by the FCC—regulations that will be intended to keep children from gaining access to dial-a-porn services. Therefore, if the dial-a-porn provider complies with FCC regulation, he will not be in violation of this law.

Furthermore, I refer the Senator to the Sable case. The Supreme Court specifically recognized that it is constitutional to protect children from indecent dial-a-porn. I quote:

[W]e have recognized that there is a compelling interest in protecting the physical and psychological well-being of minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards. (109 S. Ct. at 2836.)

The Supreme Court spoke favorably of the former FCC regulation.

[t]he FCC, after lengthy proceedings, determined that its credit card, access code, and scrambling rules were a satisfactory solution to the problem of keeping indecent dial-a-porn messages out of the reach of minors. The Court of Appeals, after careful consideration, agreed that these rules represented a "feasible and effective" way to serve the Government's compelling interest in protecting children. 837 F. 2d at 555. (109 S. Ct. at 2837.)

Finally, the Supreme Court specifically said in Sable, "the FCC's technological approach to restricting dial-a-porn messages to adults to seek them would be extremely effective."

So the Supreme Court clearly indicated that allowing the FCC to regulate indecent dial-a-porn is the way to proceed.

As to the second part of the Senator's first question, I do not think it is overly broad to keep dial-a-porn providers from sending these indecent messages to unconsenting adults. This is consistent with other laws, like section 223(a) which prohibits obscene, indecent or harassing phone calls to an unconsenting adult. It is also consistent with section (c) that requires subscription services.

Second, adults can still gain access to dial-a-porn—all they have to do is request it. We only limit the ability of dial-a-porn providers to convey indecent dial-a-porn to unconsenting adults.

The Supreme Court has recognized that the Government has an interest in protecting unconsenting adults.

The Court addressed that issue in *Rowan* v. *Post Office Department*, 397 U.S. 728 (1970). The Court made it clear that a person had a right to object to receiving sexually explicit mail. The Court went on to say the following:

We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even "good" ideas on an unwilling recipient. That we are often "captives" outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere. (397 U.S. at 738.)

Second, the Senator asks whether it is constitutional to impose a requirement that common carriers implement subscription services. I think it is constitutional.

The Supreme Court stated in Sable that the FCC, and thus the Government can regulate indecent dial-a-porn. The regulation merely has to be a reasonable way to serve a compelling interest in the least restrictive manner. As I did earlier, I quote the Supreme Court:

[t]he FCC, After lengthy proceedings, determined that its credit card, access code, and scambling rules were a satisfactory solution to the problem of keeping indecent dial-a-porn messages out of the reach of minors. The Court of Appeals, after careful consideration, agreed that these rules represented a "feasible and effective" way to serve the Government's compelling interest in protecting children. 837 F. 2d at 555. (109 S. Ct. at 2837.)

Thus, subscription service is merely a form of permissible regulation.

Third, the Senator raises a question about section (c)(2)(A) and whether that imposes a burden of proof of good faith on the telephone company. It is not my intent to impose such a burden on the telephone companies. If that is a problem with the current language, then maybe we should deal with this in conference.

As to the Senator's final point, the telephone companies are not intended to be subject to criminal liability. Section (b), which contains criminal sanctions, is only intended to apply to dial-a-porn providers, not common carriers.

I ask unanimous consent that several letters in support of this amendment be printed in the RECORD along with a copy of the report language from the House budget reconciliation bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FAMILY
ASSOCIATION FOUNDATION,
Tupelo, MS, November 16, 1989.

Senator JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I am pleased to offer the support of the American Family Association for the dial-a-porm amendment you have offered. As you are aware the American Family Association represents over 360,000 individuals and church leaders across the United States. We are a pro-family organization committed to the preservation and promotion of traditional family values.

The amendment you have offered to address the growing problem of pornographic telephone services and their availability to children is within the constitutional parameters and will be an effective solution. In response to any constitutional questions that may have arisen concerning the amendment I would like to offer a few brief comments.

The most recent guidance concerning the regulation of indecent dial-a-porn messages is found in *Sable Communications of California, Inc.* v. *Federal Communications Commission*, —— U.S. ——, 109 S.Ct. 2829 (1989). In determining that the total prohibition of indecent messages was not supported by the legislative record, the Court looked to the history of FCC action with respect to dial-a-porn regulation. The Court noted that "[t]he, FCC, after lengthy proceedings, determined that its credit card, access code, and scrambling rules were a satisfactory solution to the problem of keeping indecent dial-a-porn messages out of the reach of minors. The Court of Appeals, after careful consideration, agreed that these rules represented a 'feasible and effective' way to serve the Government's compelling interest in protecting children. 837 F.2d at 555." 109 S.Ct. at 2837. The Court's citation, with approval, of such methods designed to restrict access to juveniles is an indication that they meet constitutional muster.

The limitation in the present amendment require a prior written subscription to the telephone service. This limitation serves to permit unrestricted access to adults who wish to receive the service while preventing, to the extent reasonably possible, access to children. The written subscription requirement is no more onerous than the burden alleged by consumers of pornographic magazines who must contend with laws regulating the public display for such material. See, *American Booksellers Assn., Inc.* v. *Commonwealth of Virginia*, 882 F.2d 125 (4th Cir. 1989). The burden to adult con-

sumers of pornographic telephone messages in minimal at most.

Presumably, the dial-a-porn service would not attach a fee to the subscription process therefore the consumer would not face an additional cost. The time and effort required to complete a simple, non-intrusive form is minimal and would not burden the individual. The subscription process to receive dial-a-porn services is analogus to a magazine or newspaper subscription. It is inconceivable that a person who may, in all likelihood, subscribe to a daily newspaper and two or three weekly or monthly periodicals would find the simple subscription process identified in your amendment burdensome.

In addition, the providers of pornographic telephone services have no constitutional right to compel individuals to receive such material. In addressing this issue the Court in *Rowan* v. *United States Post Office Department*, 397 U.S. 728, 738 (1970), stated that "[w]e therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even 'good' ideas on an unwilling recipient. That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere. [citation omitted]. The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain." As with unsolicited advertising, the dial-a-porn service providers have no Constitutional right to invade the province of the private dwelling to peddle their message. Therefore the subscription service requirement is ideally designed to meet the needs of willing consumers while protecting the sensibilities of immature or unwilling listeners.

Finally, the governmental interest underlying this amendment is substantial. As the Court further noted in Sable. "[w]e have recognized that there is a compelling interest in protecting the physical and psychological well-being to minors. This interest extends to shielding minors from the influence of literature that is not obscene by adult standards." 109 S.Ct. at 2836. The subscription requirement is specifically aimed at protecting the physical and psychological well-being of our nation's children.

Taking this step to limit a child's access to graphic, sexually explicit messages is a responsible act of government. To do otherwise would be to abandon the welfare of the country's next generation.

Again, I commend you on your efforts in seeking passage of this amendment.

Sincerely,

PEGGY M. COLEMAN,
General Counsel,
American Family Association Foundation.

CHILDREN'S LEGAL FOUNDATION,
Phoenix, AZ, November 16, 1989.

Senator JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: We are greatly encouraged by the Senate's vote to amend the Dial-a-Porn statute and wish to express our support to the bill.

Following the decision of the Supreme Court in *Sable Communications* v. *F.C.C.* in June, the provisions for indecency in 47 U.S.C. § 223(b) required amendment by Congress. We think the changes in the bill as passed by the Senate today reflect the intent of the *Sable* decision and should be upheld as constitutional.

In *Sable*, the Court found "that the congressional record contains no legislative findings that would justify us in concluding that there is no constitutionality acceptable less restrictive means, short of a total ban, to achieve the Government's interest in protecting minors." The present bill is clearly a "less restrictive means" to protect minors and unwilling listeners and is not a total ban.

We read the new bill as making two distinct offenses: (1) making an indecent commercial communication "which is available" to minors, and (2) actually making such a communication to a person without his or her consent. Therefore, only when Dial-a-Porn is proven to be available to minors or foced on unwilling listeners can an offense occur. This is not a ban on Dial-a-Porn which is restricted to consenting adults and is not available to juveniles. In many cases, cited in *Miller* v. *California*, 413 U.S. 15, at 18–19 (1973), the Court recognized the greater power to regulate speech "when the mode of dissemination carries with it a significant danger of offending the sensibilities of unwilling recipients or of exposure to juveniles." Since the bill is not a total ban, the *Sable* decision, as it distinguished *FCC* v. *Pacifica Foundation*, should now be satisfied by this bill. In addition, even when Dial-a-Porn is available to minors or is made to unconsenting persons, there is a defense in the bill where prior written requests was made by a subscriber or where the Dial-a-Porn provider uses one of the three technological devices; "credit cards, access codes, or scrambling" which have been adopted by the F.C.C. and reviewed with approval by the U.S. Court of Appeals for the Second Circuit and by the Court in *Sable*.

The narrow restrictions imposed by this bill can be justified as the least restrictive means necessary to protect minors and the unwilling public from receiving indecent Dial-a-Porn. Adequate methods remain for Dial-a-Porn providers and phone companies to reach consenting adults, and therefore the *Sable* decision should support the constitutionality of the present bill.

We look forward to seeing this new law enacted and fully expect it will meet the approval by the U.S. Supreme Court.

Respectfully submitted,

ALAN E. SEARS,
Executive Director.

REPORT ON BUDGET RECONCILIATION ACT

DIAL-A-PORN

Section 4702(c) amends Section 223(b) of the Communications Act, and adds a new subsection (c). These revisions contain a statutory response to the United States Supreme Court's June 23, 1989 decision in *Sable Communications of California, Inc.* v. *Federal Communications Commission*, in which the Court upheld the obscenity ban in the dial-a-porn provision contained in last year's omnibus education bill, but struck down the ban on indecency. This subsection combines the outright ban on obscene telephonic communication for commercial purposes with a mandatory, technically feasible subscription approach for regulation of indecent telephonic communication for commercial purposes. The legislation requires that, unless a subscriber affirmatively requests access to indecent dial-a-porn messages, their phone would automatically be blocked from accessing such communications.

In addition to this mandate, the Committee extends the criminal penalties for both obscene telephonic communications and indecent telephonic communications to persons under 18 to intrastate as well as interstate communications. The inextricable technological link between the intrastate and interstate communications networks make clear that the intrastate networks do strongly affect interstate commerce in communications. These provisions are intended to clamp down further on dial-a-porn providers, leaving unaffected other information service providers, and pass constitutional muster under the test articulated in the *Sable Communications* decision.

Section 4702(c) amends Section 223(b) of the Communications Act of 1934, and creates a new subsection (c).

Subsection (b) of Section 223 is amended to restate the existing ban on obscene communications for commercial purposes and to correct a technical error. It is further amended by striking the out-right ban on indecent speech, consistent with the Supreme Court's decision in *Sable Communications FCC*. The Committee intends that there be no interruption in the ban on obscene speech as the result of this amendment.

Subsection (c) of section 223 requires that common carriers, to the extent technically feasible, provide access to communications specified in subsection 223(b) of the Communications Act, and for which the carrier collects from the subscriber an identifiable charge that the carrier remits in whole or in part directly to the provider of the communication, only to telephone subscribers who have previously requested access to such communications. The Committee finds that these new subsections precisely further a compelling governmental interest to protect minors from the communications identified in subsection 223(b). In light of the recent Supreme Court decision in *Sable Communications* v. *FCC*, the Committee also believes that the framework created by these narrowly drawn provisions meets the requirements of the First Amendment of the Constitution while still being reasonably calculated to lead to the elimination of access by minors to so-called dial-a-porn services.

The responsibility of carriers acting pursuant to subsection 223(c)(1) is that they act in good faith and, in particular, take technically feasible steps to provide access to 223(b) communications only to telephone subscribers who have previously and in writing requested access to such communications. This subsection does not require that a carrier give unlimited program-by-program choices to subscribers. Rather, it merely requires that carriers provide access to a category of programs containing a variety of services, including communications referred to in subsection 223(b). The intent of this provision is to place the responsibility for restricting access pursuant to subsection 223(c)(1) on the common carrier who directly provides communications facilities, and collects from subscribers an identifiable charge that the carrier remits, in whole or in part, directly to providers of communications specified in section 223(b).

In those limited local areas where pre-subscription is not technically feasible, carriers are expected to make good faith efforts to restrict access to communications specified in subsection 223(b) through one or more lawful and appropriate means. Such means would include mandatory use of credit cards for access, or the blocking of all calls from such limited local areas to communications

specified in section 223(b) that are provided within the carrier's local service area for which the carrier collects from the subscriber an identifiable charge that the carrier remits in whole or in part directly to the provider of such communications.

In those cases where it is not technically feasible to provide interstate subscription for calls to 223(b) communications, the carrier providing facilities directly to a provider of communications specified in section 223(b) may block all incoming interstate calls to 223(b) communications. Carriers which do not directly provide facilities to providers of communications specified in section 223(b) will not be considered in violation of subsection 223(c).

With the limited exception of an action for declaratory judgment or similar relief, paragraph (2) of subsection 223(c) protects common carriers from actions brought in state or federal courts or administrative bodies by information service providers arising out of the common carriers' good faith efforts to comply with the requirements of subparagraph 223(c)(1). This paragraph's protections extend to common carriers and any of their affiliates, including their officers, directors, employees, agents and authorized representatives. Thus, a common carrier which demonstrates that it acted in good faith to allow subscribers control over access to 223(b) communications offered by information providers, would be entitled to a dismissal of causes of action other than seeking a declaratory judgment or similar relief.

Acting in good faith includes, but is not limited to, restricting access as required by section 223(c)(1) pursuant to declarations of obscenity or indecency under state law.

The carrier's exemption from liability extends to circumstances in which the carrier relies, in good faith, upon the lack of any representation of an information provider that such provider provides communications specified in subsection 223(b) or if a specific representation did not give a carrier sufficient time within which to restrict access to 223(b) communications. Acting in good faith includes, but is not limited to, a mandate to take into consideration complaints in addition to representations made by information providers.

Paragraph 223(c)(3) specifies that, notwithstanding paragraph (2), a provider of communications services to which subscriber access is restricted pursuant to paragraph 223(c)(1), may bring an action for declaratory judgment or similar action before a court, or the Commission. The provision in paragraph 223(c)(3) limits such actions to the question of whether the services which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access. If a carrier refuses to take action consistent with and necessary to effectuate a declaratory judgment issued pursuant to paragraph 223(c)(3), that carrier would not be acting in good faith and may be subject to an action by a provider pursuant to paragraph 223(c)(2).

The Committee's intent is that common carriers may lawfully discriminate under section 202(a) of the Communications Act between providers of information services described in section 223(b) and other providers of information services so long as such discrimination is authorized by section 223(c). Such discrimination shall not be deemed a violation of section 202(a) of the Communications Act. The Committee does not intend through this legislation to alter the legal status of this type of carrier action under other circumstances.

The Committee's intent is that no preexisting judicial decree of order may serve as the basis for obstructing common carriers from fulfilling the requirements of this section.

The purpose of this provision is directed solely at the uniquely troubling dial-a-porn problem and is not intended as a precedent of any kind for the broader delivery of information or information services. Furthermore, the Committee notes the importance of the information services industry as an essential building-block of a productive, well-educated society that is competitive in the international marketplace.

The Committee intends that nothing in this section shall be construed to preempt any state or local laws which prohibit the transmission of obscene communications for commercial purposes.

Section 4702(c)(3) stipulates that the amendments made by Section 4702(c) shall take effect 150 days after the date of enactment. It is the Committee's intention that the ban on obscene "dial-a-porn" messages upheld by the Supreme Court in *Sable Communications* v. *FCC* shall remain in effect until the amendments contained in Section 4702(c) take effect.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 1:10 having arrived, the question is on agreeing to the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent. I further announce that the Senator from Illinois [Mr. SIMON] is absent because of a death in the family.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illnesss.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—96

Adams	Boren	Byrd
Armstrong	Boschwitz	Chafee
Baucus	Bradley	Coats
Bentsen	Bryan	Cochran
Biden	Bumpers	Cohen
Bingaman	Burdick	Conrad
Bond	Burns	Cranston
D'Amato	Humphrey	Nickles
Danforth	Inouye	Nunn
Daschle	Jeffords	Packwood
DeConcini	Johnston	Pell
Dixon	Kassebaum	Pressler
Dodd	Kasten	Pryor
Dole	Kennedy	Reid
Domenici	Kerrey	Riegle
Durenberger	Kerry	Robb
Exon	Kohl	Rockefeller
Ford	Lautenberg	Roth
Fowler	Leahy	Rudman
Garn	Levin	Sanford
Glenn	Lieberman	Sarbanes
Gore	Lott	Sasser
Gorton	Lugar	Shelby
Graham	Mack	Simpson
Gramm	McCain	Specter
Grassley	McClure	Stevens
Harkin	McConnell	Symms
Hatch	Metzenbaum	Thurmond
Heflin	Mikulski	Wallop
Heinz	Mitchell	Warner
Helms	Moynihan	Wilson
Hollings	Murkowski	Wirth

NOT VOTING—4

Breaux	Matsunaga
Hatfield	Simon

So the amendment (No. 1146) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREVENTION SERVICES DEMONSTRATION

Mr. LEAHY. Mr. President, I would like to clarify that conference report language in the Labor, Health and Human Services appropriations bill for fiscal year 1990 directing the National Institute of Mental Health to increase its financial commitment to prevention services demonstration projects as authorized by the 1988 Drug Bill encompasses all of the projects in section 520A(a) of the Public Health Service Act.

Mr. HARKIN. Mr. President, that is correct. The conferees intend that up to $4 million of the funds provided above the budget request for Community Support Demonstrations be used for demonstration projects, as authorized in section 520A(b) and section 520A(a) of the Public Health Service Act. Projects to be funded under section 520A(a) are not limited to those concerning prevention of youth suicide.

AIDS FUNDING

Mr. HATCH. Mr. President, I wonder if the two floor managers would clarify how the AIDS prevention funds will be spent by CDC under this bill. As the managers know, both Houses of Congress overwhelmingly passed an omnibus AIDS bill during the last Congress. That legislation called for approximately 60 percent of the authorized AIDS prevention funds going through a block grant to the States and approximately 40 percent of the prevention funds going in the form of categorical grants.

As I understand it, the legislation before us contains approximately $449 million dollars for CDC AIDS efforts.

Of this money, approximately $140 million of this is to go for surveillance, epidemiology, and lab studies. Approximately $119 million should go to State testing and counseling programs to be used in accordance with State law. That leaves approximately $195 million for AIDS education and information programs.

If we were to follow the framework of the authorization statute, approximately $75 million of this would be used by CDC for categorical programs and approximately $120 million would go to the States in the form of a block grant. Since we all recognize that this is a transition year, it is my understanding that the approximately $195 million for AIDS education and information programs will be spent in the following way: CDC will distribute to the States approximately 60 percent and the remaining 40 percent will be distributed for national programs.

Is that understanding correct?

Mr. HARKIN. The Senator is correct, that is how the funds under this legislation should be spent. And it is my feeling that this goes a substantial way toward the implementation of the policy intent of the AIDS authorization statute.

Mr. SPECTER. Yes, the Senator is correct, it is our intent that this is a transition year and, therefore, we are starting the process of shifting to the block grant.

Mr. HATCH. If the Senators would further yield. I think it is important that people who are receiving funds currently, know what to expect in out years. There is currently no specific authorization for AIDS prevention categorical grants to State governments, instead the only specific State AIDS prevention program authorization is for the block grant program. Therefore, would the Senators confirm that it is their intent next year to appropriate available funds in accordance with the specific AIDS authorization contained in Public Law 100-607?

Mr. SPECTER. Yes, as I have said, this is a transition year, and therefore, next year, we plan to appropriate available funds in accordance with the authorization statute.

Mr. HARKIN. As the Senator knows, in the past there have not been any specifically authorized AIDS programs so the appropriations legislation has had to respond. Now that we have Public Law 100-607, we will work to provide appropriations within the budget constraints for AIDS prevention and education programs consistent with the provisions of that act. Public Law 100-607 of course, does not require all AIDS prevention education moneys to go back into a block grant, but allows also for a national effort.

Mr. KENNEDY. I thank the Senators for that clarification, because it makes clear that the Appropriations Committee supports the Authorizing Committee's role in setting policy on this critical public health area. We all worked vigorously in enacting this legislation and I am pleased to see that we can now work cooperatively in implementing it.

I would like to make sure that the managers share my feeling that in accordance with Public Law 100-607, when the CDC makes the determination of which programs should be shifted into the State block grant it shall continue to directly fund community-based organizations and cities which have been hard hit by the epidemic. These dollars are authorized to target special populations that have been underserved to date and are central to our comprehensive scheme. Is that the managers understanding?

Mr. HARKIN. Yes, both the CDC and Appropriations Committee have set-aside dollars for direct funding to community-based organizations and cities and we certainly believe that such funding should be maintained to the fullest extent feasible given appropriation levels.

Mr. SPECTER. I would like to reaffirm what my colleagues has said. These dollars are critically important for underserved and minority populations and they must be maintained.

Mr. KENNEDY. I would just like to clarify one more aspect of the State prevention block grant program. Public Law 100-607 requires that States with a significant incidence of AIDS, pass through at least 50 percent of these block grant dollars to community-based organizations and localities for targeted education. Is it the floor managers' understanding that this provision of the block grant program will be implemented when the block grant is funded?

Mr. HARKIN. Yes, to the extent that the block grant is funded, States with more than 1 percent of the total number of AIDS cases would be required to pass through half their dollars. Because of my own concerns with expediting this procedure, we are directing that the CDC shall require that States pass through their dollars within 30 days of receipt of these funds.

Mr. SPECTER. I certainly agree.

Mr. HATCH. I certainly support that also since one of the reasons for shifting to a block grant was to get the funds out as quickly as possible. That means not only to the States, but from the States to the local governmental entities and community based organizations as well through the pass through.

Mr. HARKIN. Mr. President, I would like to take a moment while we are considering this bill to address the Senate on an important issue relating to the Pell Grant Program. As I have stated before on the floor and in the Senate committee report that accompanied H.R. 2990, I have been greatly disappointed by the manner in which the administration has handled the funding situation for the Pell Grant Program during this session. I will not take up the time of the Senate and repeat myself on all these matters now.

I must take time to note, however, that the President's veto message to H.R. 2990 included a statement asserting that the original Labor-HHS-Education bill inadequately funded the Pell Grant Program. I think it is important for Members to know, first, that the concern voiced by the President is a red herring. I think it is fair to speculate that the administration went looking for other reasons to voice objection to the original bill in an attempt to detract attention from the abortion issue. I believe this to be true, especially in the light of the fact that the bill before us is identical to the original Labor-HHS bill with the only exception of the abortion language and the administration has informed us that they support its passage without reservation.

Second, I think it is very important for Members to know that the original bill as well as the bill before us more than adequately funds the Pell Grant Program. The conferees recognized the very difficult funding situation that we face with the Pell Grant Program and took a number of steps in the orignial conference report and the bill before us to reduce costs in the program. In fact, the Congressional Budget Office has estimated that as a result of our actions, the bill before us actually overfunds the Pell Grant Program by $286 million. For this reason, these funds have been placed in a contingency reserve which will only be available to the Secretary should he find it necessary at the end of the 1990 award year.

Mr. President, the real threat to the Pell Grant Program does not lie here with this appropriations bill. The real threat to the Pell Grant Program lies with a threat by the Bush administration to impose a new policy for the financing of current year funding shortfalls in the Pell Grant Program. In previous years, the administration has financed perceived funding shortfalls during the school year from funds made available for the following school year. This has been done whether or not the agency was granted explicit statutory authority to draw down these funds in the Appropriations Act. In fact, I am informed that as we speak, the administration has already drawn down $200 million for current year costs without any explicit statutory authority to do so as is consistent with previous practice.

The bill before us, like the original Labor-HHS conference report, provides explicit authority at the level of $131 million for use in the current

award year. However, I wish to make clear that in reserving this amount for the shortfall, it was not intended that the Secretary of Education be precluded from using other available funds in the Pell grant appropriation, as done in previous years, to cover the unfinanced costs for the current academic year. As was stated in the conference report to the original Labor-HHS appropriations bill, "the conferees consider any attempt to impose a linear reduction of Pell grant awards in the current academic year to be both unacceptable and unnecessary."

Mr. President, I believe it would be ironic in the extreme if President Bush, who wishes to be known as the education President, seeks to impose a new change in policy and practice that puts grants for some of the neediest currently enrolled college students at risk. As I mentioned before, credible cost estimates by the CBO indicate that the bill before us provides $286 million more than is likely to be necessary to finance this program for the remainder of 1989 and 1990. Any attempt to reduced student awards would be especially tragic considering the fact that such an action it totally unnecessary given the funding levels and legislative provisions in the bill.

Mr. DIXON. Mr. President, I voted against H.R. 2990, the Labor, Health and Human Services, and Education, and related agencies appropriations bill, when it initially came up on the Senate floor. Essentially for the same reason, I now intend to vote against H.R. 3566.

I want to dispell any notion that my vote against H.R. 2990 was at all related to the provision on abortion. My position on this issue has been consistent through the years: Although I am generally opposed to the Federal funding of abortions, I do support Federal financing in the very limited cases of rape, incest, and preservation of the life of the mother. I continue to feel strongly about this issue.

My opposition to the fiscal year 1990 Labor-HHA-Education appropriations is based on my growing frustration with the business as usual approach to our urgent budgetary situation.

Mr. President, the political maneuvering on the part of the White House and Congress has basically brought the appropriation and reconciliation process to a grinding halt. Neither the President nor Congress has been willing or able to marshal the leadership necessary to honestly address and reduce our soaring deficit. Conspicuously absent from the deficit reduction talks have been a commitment to develop spending priorities and to exert discipline.

The President and Congress cannot continue to operate in this manner—it is long past time to put away the budgetary blue smoke and mirrors. We must restore order to the appropriations and budgetary process.

The failure of the President and Congress to deal directly with our soaring Federal budget deficit is a serious disservice to the American people.

We must have real deficit reduction and tough decisions must be made. I regret having to oppose this bill. There are many important programs that desperately require increased funding to meet our national needs. At the same time, many of these worthwhile programs are smothered by special interest spending provisions tucked away and buried in this measure.

I have no illusions that my opposition will cause this bill to fail. I fervently believe, however, that Congress and the President must work together to get our budgetary house in order; we cannot afford the long-term costs of our failure to seriously address the deficit problem.

Let there be no mistake. These persistent Federal deficits are not cost free; they are robbing us of our international competitiveness. They are stealing our future prosperity.

While the spending increases in this bill are generally well justified, they cannot be purchased through the kind of budgetary trickery, shams, and games that have characterized Federal fiscal policy so far in the eighties. It is time to stop.

If a rollcall vote on this measure were requested, I would be compelled to vote against this bill. It is my hope that the position I am taking will help to focus attention to the urgent need for real, meaningful deficit reduction. I know we can do much better than we have done so far.

Mr. HARKIN. Mr. President, with the President's veto of the original Labor, Health and Human Services, and Education appropriations bill we missed an opportunity to remedy for the first time in 8 years the economic discrimination that results when poor women are denied their right of choice in the case of rape or incest.

As my colleagues know, the language which triggered the veto of the Labor-HHS bill modifies the prohibition of Federal funding of abortions under the Medicaid Program to include an exception for women who are pregnant as a result of rape or incest, promptly reported to a law enforcement agency or public health service.

What we are talking about here, Mr. President, is denying to the poorest women in our country, who are pregnant through no fault of their own and who wish to terminate their pregnancy, a legal medical procedure readly available to women who can afford it. To me that is an unconscionable result because what we are saying is, if you are a poor woman you have no choice, if you are the pregnant victim of rape or incest.

I believe the time has come to remove those restrictions and demonstrate our commitment to upholding a woman's right to exercise choice regardless of her economic status, when she has been raped or is the victim of incest. I do not think any of my colleagues would contend the decision whether to have such a procedure is one that is taken lightly. Yet when added to that is the severe trauma of having been raped or being the victim of an incestuous relationship, who are we to remove a woman's ability to make the decision to end that pregnancy simply because the woman is poor?

I also want to respond to the opponents of the Senate position—and the position of a majority in Congress—who often contend that it will create a large loophole through which the number of federally funded abortions will be significantly expanded.

The fact is, in 1979, the last year for which complete data are available, there were only 72 federally funded abortions for poor women who were the victims of rape or incest. It is astounding and demeaning to suggest that women will come forth en masse and lie about the fact that they have been raped or are the victims of incest. Such an insinuation was made by the President in his letter, vowing a veto on the Labor-HHS bill. I will quote from the President's message.

> If abortion funding were expanded it would be difficult to limit to the few cases of actual rape or incest, and could have the unintended consequences of allowing the taking of countless other lives of unborn children, well beyond the few cases argued as reasons for the proposed legislative change.

The implication that women, poor women to be specific, are not trustworthy on these matters, I believe is repugnant. I would also add that the weight of public opinion over the last 16 years is overwhelmingly in favor of permitting the right of choice for women who have been sexually assaulted. In fact, the most recent Louis Harris poll conducted after the Webster Supreme Court decision showed that 84 percent of Americans believe that abortion should be available to women who are pregnant due to rape or incest.

Mr. President, my preference, as chairman of the Appropriations Subcommittee on Labor, Health, and Human Services and Education, would have been to pursue an amendment to permit Federal funding in these egregious instances of rape or incest. But I chose not to do so. The reason being, the President has said he would veto such legislation and we have no reason to believe he has changed his mind in the last month. Therefore, by adding such an amendment, which I believe would have passed readily on the Senate floor, the entire bill would

have been subject, once again, to the Presidential veto.

That means all programs that were in there to help poor children: Head Start programs, maternal and child health care programs, the health care programs for the elderly, congregate meals, Meals on Wheels, guaranteed student loans, Pell grants—all of that would have gone down as it did before because of the President's insistence on vetoing the right of poor women to exercise the same choice as women who can afford it, can exercise.

Again, this strikes me as pure and simple class legislation. What we are saying is that if you can afford it, if you have the money, then you have every right as a woman available to you under Roe versus Wade.

If you are, however, a poor woman, you do not have that right. I do not believe that our Constitution and our country is founded on the principle that we do not have equal justice under law but we have unequal justice; that if you have the money, you have the right to exercise your freedom of choice, but if you are poor, you have absolutely no right whatsoever.

What we are saying to women who have money is that you have the right to exercise your choice without Government interference. That is what this debate is all about, not how one feels about abortion, whether they feel it is right or wrong. The real issue is who decides? Is it the woman making perhaps the most painful, agonizing decision that she may ever have to make, or is it going to be the heavy hand of the Government inserting itself in this kind of personal, moral decision? That is the issue, and the issue that confronts us in terms of federally funded programs. It is whether or not we tell a poor woman that in this most personal, agonizing, and most moral of decisions that she may have to make, that because you are poor, you cannot exercise that choice, but the Government, the heavy hand of the Government will come in and exercise that choice for you.

As I said, I find that repugnant. So I leave it on the conscience of the President that poor women will continue to be denied their right of choice when they become pregnant by an act of extreme sexual brutality.

We know the vast majority of American people are with us. We know the vast majority of American people do not want the heavy hand of the Government coming in to make that decision, regardless of whether you are rich or whether you are poor. So we know the American people are with us; we know the majority of Congress is with us. So I say, we will be back next year to right this egregious wrong.

Ms. MIKULSKI. Mr. President, I would like to acknowledge Senator HARKIN, chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education for proceeding with the Labor, HHS and Education Appropriations Act and congratulate him for being such a fine example of hard work and job devotion. I would also like to thank his excellent subcommittee staff: Mike Hall, James J. Sourwine, Peter Rogoff, Carol C. Mitchell, Amy J. Schultz, Nancy C. Anderson, and Sandra J. Kruhm. Furthermore, I would like to recognize the ranking minority member Senator SPECTER as well as his staff, Craig A. Higgins, and Dona L. Pate. Their indepth knowledge of the subject matter, candor with the others, hard work, long hours and courtesy were instrumental in the successful, and timely completion of the conference.

As a member of the Senate Appropriations Committee, I would like to briefly mention a few of the important items contained in this conference report.

Funds are included for the Job Training Partnership Act. The JTPA provides funding for training economically disadvantaged adults and youth, as well as for training dislocated workers. This program is critical for moving people from welfare to work. A commitment to adequate training is essential to a successful effort.

The bill also provides funds for automation of State activities under the Social Security Act. Activities such as the automation field center will be funded. Our National Automation Field Center demonstration project makes Maryland a leader in the automation of employment, training, and unemployment insurance and will provide valuable and timely assistance to individuals.

Another project which received money is the Unemployment Insurance Administration which provides a temporary, partial wage replacement for individuals who are out of work through no fault of their own. With these funds, Maryland's Unemployment Administration will continue rural service and will not have to reduce staff or hours in metropolitan areas.

The State Employment Service is another important project which benefits from this bill. This organization provides a basic labor exchange function to employers and citizens by matching job seekers with employers. The Employment Service is closely linked to the Unemployment Insurance Administration system and assists claimants in securing new employment.

The OSHA State-administered inspection provides funding for the State administered inspection and compliance program. Maryland is one of 23 States that enforces Federal OSHA laws on behalf of the U.S. Department of Labor. This appropriation enables Maryland to continue this effective program while saving the Federal Government money.

The Job Opportunities and Basic Skills Program is part of the Family Support Act. The act provides education, job training, and other support services to welfare recipients. The Family Support Act was passed to reform the welfare system into a job training and education program. The act specifies the type of welfare-to-work system to be offered by the States, expands the population to be served, and mandates services to be provided for all clients.

Another program is the Federal Mediation Conciliation Service. In addition to making available skilled professional mediators, this service provides a grant program to support the establishment and operation of plant, area, and industry labor-management committees. Throughout the country, these committees have demonstrated excellent results. The $1.5 million provided by the conference will facilitate continuation of this important program. I sincerely hope this program will grow at an even greater rate next year.

Another funded program is the Childhood Disability Management Information Program. This program designs and implements a permanent and comprehensive data collection and analysis system that describes children with preventable diseases, or who are at risk of developing them. This type of demonstration project is critical in preventing childhood disabilities. With a national program established, Maryland can continue to be one of the leaders in disability prevention and service planning.

Low-Income Home Energy Assistance provides funds to States to help low-income residents pay for their winter heating costs. Although the funds provided are below our request, the program will continue at levels above those appropriated last year. Deeper cuts would have meant fewer people could have been helped with lesser services. There is a great need for this program; no one should have to choose between food and fuel.

Another worthy program receiving funds is the Impact Aid Program. This program is designed to reimburse school districts for the loss of tax revenue because of the presence of Federal facilities. The Impact Aid Program provides grants to local school districts when Federal activities lead to increased enrollments or loss of revenues and are of great importance to our State, Maryland.

The Pell Grant Program is another worthy education project. These grants provide financial assistance to needy undergraduates to pay college costs. This program is designed to assure the financial accessibility of higher education for students from

low-income families. With the rising cost of education, the increase in spending was needed.

Once again Mr. President, I would like to acknowledge the job Senator HARKIN and his staff have done. They must skillfully handle numerous and varied requests for funds choosing from the many deserving projects. Their efforts are truly commendable.

Mr. LAUTENBERG. Mr. President, I would like to commend Senator HARKIN for bringing the Labor-HHS appropriations bill to the floor again. Vital areas of national interest have received deserved attention and support.

In a time of concern for budget deficits, preparing such appropriations legislation and reports requires a keen sense of national priorities and a sensitivity for fiscal restraint. The Labor-HHS Appropriations Act for fiscal year 1990 will fund several specific projects that are especially important for the people of New Jersey and the Nation. These provisions are identical to those that were included in the appropriations bill the President vetoed earlier.

The bill includes $5 million for computer education to provide computer systems for our schools. We know that many schools have so little computer hardware that 50 students are forced to share the same equipment. And yet, without a good foundation in computer usage, the odds of graduating and going on to land productive jobs are vastly reduced in many occupational areas.

It includes $4 million nationwide for lead poisoning screening. At least $500,000 of that money must go to New Jersey and a priority is given for cities with a high prevalence of old housing stock. In New Jersey alone 177,000 children have been determined to be at high risk from lead poisoning. However, in 1987 only 59,700 children were screened.

The bill includes $2.5 million for children with aids research for the National Pediatrics AIDS Resource Center, and $500,000 million for planning for an AIDS Patient Care Facility in Newark. Newark is facing one of the highest overall incidence rates of AIDS-HIV-positive patients in the world.

It provides up to $4.0 million nationwide for suicide prevention grants—$150,000 for Bergen County, NJ—to tackle a problem that couldn't be more tragic. Fourteen young people die each day from suicide. That's 5,000 to 6,000 per year. Funded demonstration projects should provide new insights and answers to suicide prevention.

And it includes up to $2.5 million for annual identification of labor shortages by occupation and planning to reduce the shortages identified. Labor shortages limit economic growth, increase inflation, and damage U.S. competitiveness. Recent surveys indicate that 80 percent of New Jersey's businesses are feeling the effects of the Nation's labor shortage.

These are forward-thinking allocations that have long-term and positive implications for my State and the Nation.

CLARIFICATION OF NEEDLES AND BLEACH AMENDMENT

Mr. HARKIN. Mr. President, I want to be clear about the amendment we adopted earlier which was authored by the Senator from Indiana. It is intended that the amendment restricted only the purchasing of bleach and needles with Federal funds. It must not be construed to impinge upon the other elements of the current outreach and research efforts currently underway at the National Institute of Drug Abuse [NIDA] and the Centers for Disease Control [CDC]. Specifically, this language should not be construed to restrict any of the following activities: The establishment and operation of street-based, storefront facilities to conduct the demonstration research programs; the employment and retention of outreach staff who provide information about strategies for avoiding exposure to the virus; the design, development, and distribution of literature describing and portraying strategies for risk reduction among IV drug users; the distribution of materials not otherwise precluded by this language which may prove effective in reducing the risk of transmission of the HIV virus; counseling and educational activities focused on behavior change strategies to reduce the risk of HIV transmission; and the development and distribution of videos, films strips, and other educational displays promoting risk reduction.

It is not the intent of the Senate to significantly impinge upon the operations of these important research demonstration programs nor to halt current research programs designed to stop the transmission of HIV among the IV drug population. There is a strong recognition that a variety of strategies must be fully explored for the development of a national AIDS prevention effort. Indeed, as we indicated in the Senate report on the Labor-HHS appropriations bill (S. Rept. 101-127), we encourage the continuation and expansion of a variety of research efforts to explore the efficacy of these interventions.

Furthermore, Mr. President, let me clarify that services and programs that currently distribute bleach shall not be in any way restricted from current activities as long as those activities do not include the purchasing of bleach and needles with Federal funds appropriated under this act.

REGARDING SLIAG

Mr. WILSON. Mr. President, I rise in strong support of the amendment that my friend from South Carolina, Senator HOLLINGS, is offering on behalf of Senator GRAHAM regarding the State Legalization Impact Assistance Grant Program, or SLIAG as it is also known.

Mr. President, as a cosponsor of the Graham amendment and having spent many years in local government, I cannot overstate the importance of this amendment, if we are to ensure the fiscal sanity of the State and local governments that are affected by large populations of legalized aliens.

The conference report before us today slashes critical fiscal year 1990 SLIAG funding by over $555 million, and I oppose that. I can assure my colleagues that this action has spread fear among California's State, county, and municipal leaders because it signals yet another departure from the Federal-State-local partnership. As I and others have repeated here on the Senate floor, immigration is a Federal responsibility. That responsibility, Mr. President, is not met by efforts to shift the financial responsibility for immigration to local governments as these cuts would do.

On the other hand, this conference report does contain appropriations language to restore $555 million in fiscal year 1992. But the problem with that approach, Mr. President, is that IRCA does not authorize any SLIAG appropriations in fiscal year 1992. Simply stated, the honest and accurate amendment offered here by Senator GRAHAM would restore the $555 million to SLIAG in fiscal year 1992, but it does so by directly amending IRCA with authorizing language to give the payback provisions an underlying authorization.

This amendment is critical to California where about 1.6 million of the some 3 million eligible legalized aliens reside. And of that number, almost 750,000 reside in Los Angeles County. Moreover, the California Department of Education informs me that preliminary results from the first 100,000 IRCA pre-enrollment appraisals indicate that over 80 percent of this population are functioning at a level roughly equivalent to a fifth grade education. Most do not speak English, are unable to perform basic skills, and, sadly, are illiterate in their own language. Knowing these facts, it is clear that shifting IRCA-related educational activities to the States would be inappropriate.

Should we fail to provide the full repayment of the $555 million in fiscal year 1992, California will lose at least $320 million. For these reasons, I commend the Senator from Florida for offering his amendment, and I urge its adoption.

I ask unanimous consent that my letter to the President, dated November 7, 1989, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 7, 1989.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am extremely disappointed that your veto message to the Congress relative to H.R. 2999, the FY90 Labor, Health and Human Services, and Education Appropriations bill, cited as partial justification provisions relating to the State Legalization Impact Assistance Grant (SLIAG) program.

Many of us in Congress strongly disagree with the characterization of the SLIAG funding provisions as "unnecessary advance funding." Quite to the contrary, California and many other states are relying very heavily on the continued availability of SLIAG funds as guaranteed by Public Law 99-603, the Immigration Reform and Control Act of 1986.

In 1986, Congress enacted sweeping immigration reform legislation that included the legalization of over 3 million persons. Recognizing that the costs associated with the legalization provisions are a federal responsibility, Congress and the Administration reached a bipartisan agreement and established SLIAG to reimburse state and local governments for public assistance, health services, and educational services provided to newly legalized aliens.

Continued Administration and Congressional raiding of the SLIAG program only serves to confirm what many local government officials in California have come to fear: when it comes to a federal-state-local government partnership, the federal government backs out of its commitment, shifting the fiscal burden onto the shoulders of local governments. Immigration is a federal responsibility. That responsibility is not met by efforts to shift it to the states already hard pressed by the burdens of refugees, recent influxes of political asylee populations, and the continual stream of illegal aliens.

Let me attempt to clarify what has been a longstanding matter of confusion both within your Administration and among certain members of Congress regarding this funding mechanism. Section 204(a) of this law authorizes and appropriates $1 billion for SLIAG in each of the first four fiscal years of the program, FY88-FY91.

The law and legislative history is clear: while the appropriations were authorized only in these four years, the authorizing statute clearly provides that states will have seven years to apply for reimbursements. This was done with the clear understanding that the major impact of the legalization process would occur in the final years of the program, particularly in the areas of indigent health care and education. In recognition of this expectation, Congress specifically provided that SLIAG funds would carry forward at the end of each fiscal year and remain available through September 30, 1994.

Disregarding this commitment, the Office of Management and Budget was called for a substantial rescission of SLIAG and, most recently, proposed financing the drug war by reducing the SLIAG fund by $320 million. Following your lead, members of Congress anxiously raided SLIAG for other purposes, none of which carry the urgency of the drug war or deficit reduction. After the "feeding frenzy" had ended, FY90 funding for SLIAG was slashed $555 million.

The provision you oppose in your veto message is a minimal attempt on the part of members of Congress from the affected states to provide a measure of assurance that the $555 million would be restored in FY92. Because the law states that $4 billion would be available through FY94, the honest and accurate amendment offered by Senator Graham of Florida and cosponsored by many of us would quite simply make sure that the full appropriation would remain available. Despite our wishes, the Labor-HHS conference report provision is no guarantee, but at least reiterated Congressional intent to honor a part of the true federal obligation. Without the funds, California and other states will be seriously hampered in their ability to administer these programs.

In addition, there continues to be a considerable amount of misinformation regarding whether or not the states actually need SLIAG funding. As there are about $1.6 billion currently available, it is asserted that no new funds will be needed.

Let me assure you, Mr. President, that this level is not a barometer of the actual need. The funds have not been used up to now because of the program's extremely slow start-up period, owing mainly to bureaucratic delays within both the Department of Justice and the Department of Health and Human Services. The SLIAG program has only been operational for 16 months, and because SLIAG payments are for costs incurred—a reimbursement—it is perfectly normal that some delay in the spend out rate has been built into the program.

In summary, there is presently but only temporarily a surplus in SLIAG funds both by design and because of federal bureaucratic impediments. When the federal government looks only at the actual amount of SLIAG funds disbursed to the states, it ignores service liabilities that are accrued—services that have been provided by and paid for by local governments as the law provides—but not yet billed and paid.

The states fully expect to spend all SLIAG funds by 1994, and they have planned their budgets accordingly. To change the rules in the middle of the game by taking away these funds will wreak fiscal havoc on state and local governments where the impact is already the greater and, sadly, deny to the eligible legalized aliens the very services that are so essential to the success of the legalization program.

I cannot overstate my hope that you and your advisors will revisit this issue with a view toward understanding the history and rationale behind the SLIAG program. To judge a program solely based on phantom budgetary figures, without regard to the human factor or the federal commitment behind it, is both unfair and certainly not in keeping with the partnership that was forged between the federal, state and local governments in enactment of Public Law 99-603.

Sincerely,

PETE WILSON.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will move to third reading. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. McCLURE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Idaho.

Mr. McCLURE. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is not a sufficient second.

Mr. McCLURE. Mr. President, I withdraw my request.

The ACTING PRESIDENT pro tempore. The bill, having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3566), as amended, was passed.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Acting President pro tempore [Mr. ROBB] appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. McCLURE, Mr. COCHRAN, and Mr. GRAMM to be conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, earlier this morning I had indicated that our schedule today would include action on the measure just completed and that we would then, in response to a request by the White House, proceed to consideration of the nomination of James E. Cason. We are prepared to do so and have set aside time this afternoon for that purpose.

I would like to inquire of the distinguished Republican leader whether they are prepared to proceed to that nomination at this time.

Mr. DOLE. Mr. President, if the majority leader will yield, I indicate we are not prepared at this time. We prefer to take up something else and maybe someone else after that.

Mr. MITCHELL. That is fine. I appreciate that.

I want it understood we are prepared to proceed as soon as possible and will proceed at such time and in such

manner as the Republican leader indicates.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate next proceed to the State Department authorization bill.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

Mr. BYRD. Mr. President, reserving the right to object, I hope that the distinguished majority leader will not proceed to this conference report at this time.

I want to be the last Senator here to get in the way of the majority leader and to do anything that would slow down the activities of the Senate at this point.

But I feel very strongly about this conference report. When the bill was before the Senate, there were certain floors in that bill, and, at that time, I discussed with Senator PELL the floors, and indicated opposition to them, because floors in an authorization bill essentially confine the Appropriations Committee to being just an accounting committee.

In other words, the Appropriations Committee cannot appropriate less than the dollars set forth in the floors.

After discussions with Senator PELL, he agreed to an amendment to take out those floors. I offered the amendment and the floors were taken out. The bill went to conference, and the conference report now, I am advised, has come back with floors in the conference report, some of which were those that were stricken on the Senate floor when the State authorization bill was before the Senate.

Mr. President, I have only been the chairman of the Appropriations Committee during this year, and I do not know how long this practice has been going on, but I was advised when I became chairman that it had been going on for quite some time.

I must say at this point that when Senator NUNN's Defense authorization bill came up on the floor, it contained certain floors, and after discussions between the two of us, Senator NUNN took those floors out of the bill. It went to conference, and the House insisted on putting floors in it, and Senator NUNN told House conferees, "that is nonnegotiable." So the Defense authorization conference report did not come back to the Senate with floors in it.

The Appropriations Committee, by the same token, in my judgment, has no right to go above ceilings that are established in authorization bills. I think that the responsibility of the authorizing committees is to establish a ceiling, and I do not think the Appropriations Committee ought to go above those ceilings. If the Senate wants to adopt an amendment going above those ceilings, then that is the parent body that can do anything it wants. But I do not think authorizing committees have any right to establish floors below which the Appropriations Committee may not go.

I apologize to the leader for reserving the right to object and taking so long, but I want the leader to understand why I am doing this.

There may be circumstances that develop between the time an authorization bill passes the Senate and the time that an appropriation bill is taken up which clearly militate against appropriating the amount of moneys that a floor in the authorization bill establishes.

So it is obvious that the Appropriations Committee should not be hamstrung in this way. To the credit of Senator PELL, he agreed to take those floors out when his bill was on the floor. I offered the amendment; he was willing to agree to it. The Senate adopted it. It went to conference, as I say. Now it is back before the Senate with the floors restored.

I cannot in good conscience see the Appropriations Committee have its prerogatives and authorities straitjacketed in this manner. I do not think it is a good way to appropriate. I do not think it is a good way to authorize legislation.

So I must say to the distinguished majority leader that I have a right—I believe he has asked that the Senate go to the conference report; I do not want to do this to my leader—I have a right to ask that the conference report be read. And it will be read. There is no way to call off the reading except by unanimous consent. It is not overly long; I suppose it would take a couple of hours. I do not want to do that, but I will do it if necessary.

I respectfully suggest to the distinguished majority leader that he not pursue this at the moment or, if he does, that, instead of taking the time to read this report, that he, by consent, establish a certain amount of time so that we can debate this matter so that we can have a full airing of it before taking up the report. I would rather do that than just have the report read. There will be a full airing on the conference report once it gets up in any event.

I have other alternatives which I will pursue because I am determined that those floors will not stay in that conference report. There are no amendments in disagreement on this conference report. If there were, I would simply offer an amendment and send it back to the House. But there are no amendments in disagreement, so my alternatives are limited.

The only way that I will accept this is for the Senate to roll me over on it. There are 29 members of that Appropriations Committee, and I think the other Members of this body who do not sit on the committee have something involved here as well. If the Appropriations Committee is going to be hamstrung in this way, this chairman is going to feel hamstrung when Senators come to the committee and want items. Now, that is not a threat, and it is not a veiled threat, even.

We cannot accommodate all Members around here who want items that are very important to their States, but we will certainly try to accommodate them all we can. But they ought to remember not to hamstring this committee and say that it has to have a certain floor, because, if we are forced to appropriate up to a certain floor, that is going to take a certain amount of the allocation that is allotted to a particular subcommittee.

Consequently, the subcommittee may not be able to help Senator John Doe with his important project which he wants, because the subcommittee will have to say, "Look, we do not have anything left in our allocation. The authorizing committee has said that we have got to appropriate, say, no less than $78 million for another item. Now, if it were not for that floor, Senator, we could take that down to about $40 million and we could help you."

So that is no threat, that is just practical politics. It is not even practical politics; it is pure necessity. If we cannot reduce funds below floors, limited as we already are, straitjacketed as we are by the allocations, we are not going to be able to aid other more worthy programs of higher priority at that given point.

So I say to my leader, I am fond of him, and I am a supporter of my leader, but I also have the responsibility of being chairman of this committee, and practices that have been used in past years that are not right do not necessarily have to continue.

I very much regret to do this because Senator PELL is one of the most likable Senators who ever came to this body. As far as I am concerned, he is Mr. Integrity of the Senate. He did what he could do on the Senate floor to ameliorate the problem. He went to the conference, and the floors were restored.

I am not going to stand still and let this happen. I can be rolled over. Whatever the Senate's decision is, I will always accept the Senate's decision, but it is going to have a time doing it. So I say to my leader that, if he wants to set aside a couple of hours—may I inquire of the Chair how long it might take to read the conference report?

The ACTING PRESIDENT pro tempore. The Chair is informed that the formal papers have not been received at this point from the committee. It is a thick document, about 2 inches

thick, as the Chair looks at the document.

Mr. BYRD. So it could not be called up at this point without the papers?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. Then I will take my seat.

Mr. MITCHELL. Mr. President, I, of course, understand and appreciate the concerns of the distinguished chairman of the Appropriations Committee. We had scheduled for this afternoon the Cason nomination and action on this bill, and it appears that we are not going to be able to proceed to either at the moment. I think no useful purpose would be served by requiring a reading of the papers.

Accordingly, Mr. President, I am going to ask unanimous consent that there be a period for morning business with Senators permitted to speak therein until 2:30 p.m., during which time it would be my intention to meet with the distinguished Republican leader and perhaps discuss with the chairman of the Appropriations Committee how best to proceed to resolve the various matters before us and begin to move forward on them.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. RUDMAN. Mr. President, reserving the right to object, I want to comment on the distinguished chairman's remarks. I can easily do that now or, if the majority leader prefers, allow the request to be agreed to and say it in morning business.

Mr. MITCHELL. If the Senator would permit it, and it does not inconvenience him, then he could make his remarks at that time.

Mr. RUDMAN. I do not object.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Without objection, there will now be a period of morning business not to exceed beyond 2:30 p.m. with Senators permitted to speak therein for up to 5 minutes.

The Chair recognizes the Senator from New Hampshire [Mr. RUDMAN].

THE APPROPRIATIONS PROCESS

Mr. RUDMAN. Mr. President, I want to say while the chairman of the Appropriations Committee is on the floor, and while Senators and their staffs are within hearing, there is an interesting irony as to what has happened with this particular bill and conference report that my friend, the chairman of our committee refers to.

It was only several weeks ago, Mr. President, that the Foreign Relations Committee came to the floor and objected to the fact that the State-Justice-Commerce Appropriations Subcommittee had waived that section of the State Department authorization law which insists that before money can be spent, there be an authorization bill in place. And we argued that on the floor and we lost. We accepted the judgment of the Senate. We went to conference and were judicious and prudent in our handling of our conference to ensure that we did not exceed any of our authority as appropriators and did not infringe upon the authorization and the jurisdiction of the authorization committee. We did that.

Senator HOLLINGS, of course, is the chairman of that subcommittee. We went to conference with the House. That is exactly what we did. We accepted what the Senate stated.

Now I look at this report and I find out that the authorization committee, not content to be an authorization committee, has become an appropriations committee.

If we are going to allow, as the distinguished chairman has said, not only ceilings but floors, I am going to suggest to the chairman we dissolve the Appropriations Committee. We will just then have a computer program. We can take whatever numbers are given to us by the authorizing committees, plug them in, do a mathematical calculation and give each department their allocation.

Obviously that is absurd. That is not what the committee was designed to do.

I hope the Foreign Relations Committee will consider strongly the request of the chairman of the Senate Appropriations Committee, the distinguished Senator from West Virginia, because his request is proper, it is within the rules, it is within the custom of how these rules operate.

We do not believe we have the right to exceed our appropriations authority. It is fair to state that they do not have the right to exceed authorization authority.

I do not have all the papers with me. I have looked at them. They are in my office. There are a whole series of earmarks by the committee. They should be stricken. Those floors should be stricken. And any other material that infringes upon the Appropriations Committee jurisdiction should be stricken or else we will have a debate here next year on these bills which will not be in anyone's interest.

I hope the Foreign Relations Committee will heed the request of the Senator from West Virginia, the chairman of our Appropriations Committee, and do what they should have done during their conference.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Tennessee is recognized.

HIGH DEFINITION TELEVISION AND RELATED TECHNOLOGIES

Mr. GORE. Madam President, I rise to speak on the subject of technology research and development and particularly high definition television and technologies related to high definition television.

Reports in the news media this morning indicate that the administration has ordered the Defense Advance Research Projects Agency to suspend and cancel contracts related to research into high definition television. The report also indicate that technologies, such as x-ray lithography, are also being zeroed out; that is, the administration is ordering that the work be stopped.

Other reports indicate there is a debate now underway in the administration as to whether or not the current initiative to save America's semiconductor industry, semitech, and as to whether or not Government participation will be eliminated there as well.

I rise, Madam President, to express my extreme concern about these reports.

I had heard them before they were published. Many of us who have done committee work in these areas have heard the troubling signals for almost a week now and have wondered what is going on in the administration. Do we want to be completely dependent upon the Japanese for the key technologies of semiconductors, flat-plate displays, x-ray lithography, the new generation of computer chips that will make high-definition displays possible? I do not think we want to be completely dependent upon the Japanese for those technologies.

Last week, advanced copies of a report on America's electronics industry were made available to some in the Congress. Next Tuesday, the administration may finally have the formal release of that report.

What it says is that the American semiconductor industry is in very deep trouble, and all of the related industries are in very deep trouble.

The report says that millions and millions of American jobs are at stake. Some other nations, including Japan, have developed a partnership approach to support certain key technologies knowing that the front-end capital investment in research will be recovered many times over as private industry then applies that research to the creation of new products.

Many in the United States have argued that when we can clearly recognize a new technology that is going to be important for the future, we should actively consider such a public-private partnership to get the research done. The Secretary of Commerce, Mr. Mosbacher, began his tenure in office saying HDTV is just such a technology. He began arguing for a Govern-

ment role, but he was muzzled, ordered not to continue those statements.

Over in the Defense Department, however, they have a different kind of mission. They have to look carefully at technologies that are important not only for civilian competition but also for our national security. Computer chips now tell missiles how to find their correct flight path. They now guide most of the advanced weaponry we have.

In order to be secure as a nation, we have to pay attention to what happens in high technology. And so the Defense Department began a small but very effective program to stimulate research into these HDTV technologies to safeguard America's security and position in the world.

Most of us who have looked at it in the Congress believe that makes a lot of sense, but there are some ideologues in the administration who wish to take the Government completely out of any such role.

The reports in the news media today indicate that the ideologists are winning and they are succeeding in eliminating these important projects and this important research.

I hope that the reports turn out to be wrong. I hope that the President will give personal attention to the importance of these projects. We cannot win in world competition unless we pay attention to what our competition is doing, unless we recognize there are certain ways to gain leverage over the future. That is what the DARPA programs have been doing. They should be allowed to continue.

THE BRAVERY OF CHICAGO POLICE OFFICER GREGORY JAGLOWSKI

Mr. SIMON. Mr. President, I would like to take this opportunity to pay tribute to Chicago Police Officer Gregory Jaglowski, who was recently named Police Officer of the Year by the International Association of Chiefs of Police. Officer Jaglowski showed courage and bravery beyond the call of duty for stopping a drug-crazed gunman who had killed four people, including his partner, Officer Irma Ruiz, at a Chicago school. "Had it not been for Greg, it could have been a massacre. We owe him our lives," Principal Bernard Karlin told Parade magazine. Officer Jaglowski was wounded by the gunman in both legs, but continued to exchange fire until fatally wounding the gunman. Officer Jaglowski, a 16-year veteran of the Chicago Police Department, has since recovered and has resumed patrol at the school.

Officer Jaglowski is a credit to the police force, school, and community he serves. I'm proud that such a fine example of a Chicago police officer and American has been honored by police chiefs across the Nation.

Mr. President, I ask unanimous consent that a copy of an article from the October 15, 1989, Parade magazine describing Officer Jaglowski be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Parade Magazine, Oct. 15, 1989]

THE POLICE OFFICER OF THE YEAR

(By Pam Proctor)

Wounded in the leg by a deranged gunman who had just slain three persons, Chicago Police Officer Gregory Jaglowski staggered toward the school where the killer had fled.

He heard gunfire. His partner, Officer Irma Ruiz, was in there, along with nearly 200 children and teachers.

For his ensuing actions, in which he killed the gunman and thereby saved perhaps dozens of lives, Gregory Jaglowski, 39, has been named the Police Officer of the Year by the International Association of Chiefs of Police. The award, also sponsored by Parade, will be presented by the association on Oct. 17 in Louisville, Ky.

"Had it not been for Greg," says Bernard Karlin, principal of the Moses Montefiore School, where the incident took place, "it could have been a massacre. We owe him our lives."

Chicago Police Supt. LeRoy Martin concurs: "Anybody who crossed the assailant's path that day was going to get shot and killed. He had already killed innocent people, two in an auto-parts store and one of the engineers at the school. He was hell-bent on destruction."

Greg Jaglowski's story is also the story of a partnership between two officers.

"Greg was a shining example of what a policeman should be," says Karlin, who worked closely with Jaglowski and Ruiz during their four years together as school-patrol officers. "He treated all the kids much the way he treated his own daughters," says Sgt. Tom Fuller, a police supervisor.

Jaglowski's partner was like a mother figure. With four children of her own at home, Irma Ruiz "knew exactly what to say to kids," says Victor Zapatka, a guidance counselor at Montefiore.

Typical was the time Ruiz and Jaglowski came upon a woman scolding her 8-year-old son. "If you're not good," the woman warned the boy, "these policemen will put you in jail."

"Oh, I'd *never* put you in jail," replied Ruiz, looking warmly at the child. "I know you're too good a boy."

On Sept. 22, 1988, Montefiore reported that a student had assaulted a teacher, but by the time Ruiz and Jaglowski got there, the boy had gone home. Then came the report of shots. Jaglowski was first out the door. A bullet hit him in the leg, knocking him down. He dove for cover as the gunman raced into the school.

"I thought Irma had gone for cover," says Jaglowski. "I hoped she had."

As a shot rang out, Jaglowski headed back inside the school, dazed and bleeding from his wound.

There, in a pool of blood, lay his partner. Irma had been shot once in the chest. She was dead at age 40. The gunman, later identified as Clemmie Henderson, had ducked into the school library to reload. As Jaglowski looked up, he came out shooting from only a few feet away.

"It looked like fire coming out of his gun," recalls Jaglowski. "It was like slow motion; I could almost feel the bullets going by me."

The cop fired back, trading bullets with the gunman, who shot him in his other leg, severing an artery. Jaglowski kept pumping rounds into the man.

Nothing seemed to stop the gunman. But with his last bullet, Jaglowski finally dropped Henderson, a jobless neighborhood figure with a history of erratic behavior. In his blood and urine, according to the medical examiner, were traces of the drug PCP, also known as angel dust.

For Jaglowski, a new battle was just beginning.

"Sometimes I still can't believe that Irma is dead," says the 16-year police veteran. "You get angry when you think about those things. Sometimes it bothers me why God would take someone like that."

"His wounds are healing," says Jaglowski's wife, Diana. "He's walking and he's functioning. But what's rough is the mental part of it—losing Irma and seeing her kids not having a mother and her husband not having a wife." Today, more than a year since the shooting, Diana adds, "it's still as fresh as it was then."

Jaglowski could have remained outside the school, tending his own wounds and calling for help, says Cmdr. Ettore DiVito, his chief in the Youth Division. "But the fact that he did go back into the school—that's what separates a hero from just a good, solid police officer."

Today, Gregory Jaglowski accepts such accolades with a self-effacing smile and then sets the record straight.

"Remember Irma," he tells the kids, "Never forget what she did."

Mr. GORE. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I understand, that in a moment the majority leader intends to call up the State authorization bill, which contains appropriations floors. We in the law learn, as Judge Mitchell would know, the difference between negligence and willful misconduct, and in the criminal law between, say, a reckless homicide and murder. Of course, murder is with malice aforethought.

Now, the way you measure the malice is to measure the activity of our distinguished chairman of the Foreign Relations Committee and his colleagues. We called up a little bit earlier here, a couple of weeks ago, the appropriations bill for the State Department, and at that time we emphasized that everything in that particular measure was in conformance with the Senate-passed authorization bill for the State Department save the additional amount for sea lamprey control in the Great Lakes that was at the

written request of the distinguished chairman of the Foreign Relations Committee. And we did then under section 15 all we could do to conform our bill to the present authorization and say thereafter when they came together, it would be conformed to their bill because we did not have an approved 1990 authorization bill.

While it took the Committee on Foreign Relations six—no, excuse me, eight tries, I know the record would show, to get a quorum to report out an authorization bill, it did not take them 8 seconds to get a quorum on the floor to vote against the appropriations bill.

It was very interesting that they came in all doors and all of a sudden started voting in conformance to the charges made on the floor by the various members that we were trampling the authorization, we were trashing the authorization but all under the whole cloth, which of course we were not doing, and we were practically rolled.

I thought we had sort of settled down and gotten away from that histtrionic nonsense. That was until now and we see this is with malice aforethought, malicious, if you please, mischief, when they start intentionally putting floors in appropriations measures.

What they are saying then to the Senators with respect to appropriations: We do not care what you think; we are going to maneuver and manipulate and limit whether we have authority to do so or not.

So I am not only constrained to go against this, but we can talk, Mr. President, for a little while on this measure even after it is called, I would say, because I want the record to be crystal clear that this shenanigan has to stop. If we do not have camaraderie and trust amongst the Members and count on the Appropriations Committee staying within its confines, which the distinguished chairman, Senator BYRD, has kept our feet to the fire on, or otherwise keep the authorizing committees restricted to their authorization and not appropriating, we will just have chaos within our own procedures.

I hate to see that kind of breakdown. But you cannot characterize this other than malicious mischief on their part. They intentionally are going against what they crowed. It is hypocrisy to stand on the floor with all Members dutifully zeroing in about trampling the authorization process when it was not trampled and then come in with a State Department authorizing measure that definitely tramples the appropriations process.

I thank the Chair.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1990 AND 1991—CONFERENCE REPORT

Mr. MITCHELL. Madam President, I thank the distinguished Senator for his remarks.

I have discussed this with all of the principal participants, including the Republican leader, and I understand there will be no objection to proceeding to the State Department authorization bill but that there will be a detailed discussion of the points raised by the distinguished chairman of the Appropriations Committee and the distinguished chairman of the Commerce Committee.

Accordingly, Madam President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1487, the State Department authorization bill.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1487) to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 9, 1989.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I have already indicated my concerns about this conference report, and the bases for those concerns.

I believe that the Appropriations Committee has not only the right but also the duty to determine the bases, the facts, and circumstances; and, when conducting the hearings and the markup of appropriations bills, to act in accordance with the facts and circumstances at that time. That goes for every one of the 13 appropriations subcommittees.

When I came to this Senate 31 years ago, it was my understanding—after having been a Member of the other body 6 years, a member of the West Virginia Senate for 2 years, and a member of the West Virginia House for 4 years—that authorizing committees are to authorize appropriations for programs. They are to establish programs, and help to conduct the oversight responsibilities of the Congress. And they are to establish ceilings on appropriations beyond which the appropriations committees should not go.

So, I have always believed that when appropriations bills come to the floor, and while they are being marked up in the committees, the Appropriations Committees do not have the right to exceed the ceilings set by the authorizing committees without their approval.

That does not say that once an appropriations bill is on the floor, Senators do not have a right to offer amendments that might go above those ceilings. Circumstances may have changed since the authorizing committees brought their authorizing bills to the floor and the Senate acted thereon. It might be that in the light of new circumstances, a ceiling set forth in an authorization bill should be exceeded, but in that case I think it should be the Senate that makes that determination. I do not think the Appropriations Committee ought willynilly to start exceeding ceilings in authorization bills.

By the same token, I do not think that authorizing committees have a right to set floors below which appropriations committees cannot go because, by the same token, as I said before, circumstances may have changed subsequent to the time the authorizing bill passed the Senate. And the changed circumstances might necessitate a reduction of the appropriations for a given authorized item for which a floor had previously been set.

It would be silly and a waste of the taxpayers' money to then proceed to appropriate the full amount of money that had been set as a floor in the authorizing bill, when, under the changed circumstances, it would be obvious that to do so would be a waste of money.

So, I think the Appropriations Committee should live up to the ceilings set by authorizing committees, but authorizing committees should not set floors below which appropriations committees cannot go.

When the State Department authorization bill was on the floor earlier this year, I took this matter up with the distinguished chairman of the authorizing committee, Senator PELL, and stated that there were floors and earmarks in that bill that ought to come out for the reasons I have just stated. Senator PELL, after we discussed this for awhile, agreed to take them out. I offered an amendment to take them out of the authorizing bill, and Senator PELL accepted that amendment. Then the Senate adopted it.

So the bill went to conference without those floors, but in conference something happened. The conference report as it has been brought back to the Senate now again has the floors in

it. The conference report on the State Department authorization bill has floors in it to say that the Appropriations Committee cannot appropriate money below those floors.

Something happened, as I say, in the conference. I said earlier today that I regard Mr. PELL as "Mr. Integrity." That is not the first time I have said that about Senator PELL. I have said it many times in years gone by. I have served with him here now for a quarter of a century, give or take. I have always found him to be a man of his word, a man of upright character, and a man whom I respect without any reservation whatsoever.

I think that he and I have an honest difference of opinion as to what the functions of the authorizing and appropriations committees are here, and I respect that honest difference of opinion. But I have only been chairman of the Appropriations Committee 1 year, almost a year. I have served on it now for about 31 years. During the long years that I served in the leadership in the Senate—as Secretary to the Democratic Conference, as majority whip, as majority leader, then as minority leader, and then again as majority leader—I have felt that it was my responsibility to be on the floor almost constantly. I was on the floor.

So for 22 years, I was not able to be in the Appropriations Committee as much as I would otherwise have been. I was not aware that some practices perhaps were being followed. When I became chairman of this Appropriations Committee, I found that floors were being set in the authorizing legislation.

So I have tried to resist that practice because it is wrong. It is not the way the legislative process was meant to operate. It is not the way it ought to operate, and I want to do what I can to rectify and correct what has been going on. This year is not the first year, apparently. It was done heretofore, I am told.

Let us take another case, the Armed Services Committee, of which Senator NUNN and Senator WARNER are the chairman and ranking member, respectively. The Armed Services Committee brought its Defense Department authorization bill to the Senate floor—and I found in that authorization bill some floors which would have limited the Appropriations Committee in appropriating moneys below those floors. I discussed the matter with Senator NUNN, and Senator NUNN took the leadership in removing those floors from the Defense Department authorization bill. I also took the position that it is the responsibility of the authorizing committees to establish ceilings.

He went to conference, and in conference the House wanted to put the floors back in. Senator NUNN's response was that that matter was "not negotiable." That was the end of that.

So the floors did not come back to the Senate in the defense authorization bill, unlike the situation with which we are now confronted on the State Department authorization bill. That is the background of the situation that confronts us here at this point.

I do not have many alternatives. There are no amendments in disagreement on this conference report.

I want, this afternoon, to discuss this matter at some length, and I have colleagues on the Appropriations Committee who will do the same on both sides of the aisle. Senator PELL is here, and we are not saying anything behind his back. He will have his say. But we might as well just have a showdown on this, and let this be high noon while it is before us today.

I am not going to keep the floor long at this point. I am sure others want to talk. But I will be prepared to talk at whatever length is required, given all the other circumstances. I do not intend to stand in the leader's way to get other work done.

But this conference report will not be the last of this matter. I have no way of amending this conference report. I intend to offer an amendment to the conference report on the Department of Defense authorization bill that will wipe out these floors in this conference report.

I am limited to doing anything on this conference report, but when the DOD appropriations conference report comes before the Senate, whether this afternoon, tomorrow, or Saturday—or I have heard some talk we might even be in here on the Sabbath—when that appropriations conference report comes up, I want to alert our colleagues that I will offer an amendment at that time to wipe out these floors that are in this State Department authorization conference report. That is the only alternative I have. So that maybe next year, all of us can start out with the understanding that there is one way to go around here, and that is the right way. We ought to try to travel in that direction.

I think I have said enough at this point. I see my good friend from South Carolina here, as well as the chairman of the Senate Foreign Relations Committee, and the ranking member of the Senate Foreign Relations Committee.

I yield the floor at this time, to let others carry on the discussion. I will be back while it is still high noon, before the sun goes down.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I am pleased to bring to the floor the conference report on the Foreign Relations Authorization Act for Fiscal Years 1990 and 1991. This important piece of legislation has been the subject of extensive consideration in the Foreign Relations Committee, on the floor of the Senate, and in the committee of conference.

This legislation authorizes appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, U.S. contributions to the United Nations and other international organizations and for certain specialized agencies. Overall this bill authorizes $4,701,942,000 to the foreign affairs agencies for fiscal year 1990 and $5,001,679,000 for fiscal year 1991. These amounts will permit these agencies to carry out their crucial missions at a time of great change in our world.

In addition, this legislation provides funds sufficient to meet all current U.S. obligations to the United Nations and the specialized agencies, as well as to begin the process of paying past arrearages. These authorizations are a recognition of the vital role of the United Nations in peacemaking and peacekeeping. In the last year and a half, the United Nations has produced the ceasefire that halted the bloody decade-long Iran-Iraq war, has secured the withdrawal of all Soviet forces from Afghanistan after a 10-year long occupation, and has supervised the astonishingly successful elections in Namibia which will end nearly a century of colonial and then illegal South African rule over that territory. The cost of peace is high, but it is a fraction as compared to the direct costs of military confrontation and preparedness. For example, this year's increase for the U.S. share of all U.N. peacekeeping activities is just one-third of the annual cost of the escort operation for Kuwaiti shipping in the Persian Gulf during the war, costs which were themselves only a fraction of the expenses the United States incurred in protecting U.S. interests in that region.

Similarly, the U.N. and its specialized agencies are playing an increasingly important role in addressing a broad range of global problems. In the last several years public attention has begun on the truly catastrophic potential of global climate change. Yet this phenomena cannot be solved on a national basis. It is a global problem and requires a global solution. Only the U.N. and its related agencies can provide a forum and a vehicle for concerted international action on the government. In this new era of superpower relations the potential for cooperation is vast.

I am therefore very distressed that we have been unable to appropriate funds sufficient to meet this year's obligations to the United Nations. Our failure to meet our treaty obligations

puts us in the disgraceful position of being the world's greatest deadbeat. Worse, it compromises American leadership at a time of great potential for peace and for cooperation in addressing the world's common problems. I recognize that our payment shortfalls are the direct result of a decade of irresponsible fiscal policies—of an era of borrow, borrow, spend, spend—but, I do hope funding can be found to meet the authorizations in this bill.

This act includes numerous legislative provisions. Let me cite several of the most important. First, the bill includes an amendment offered by the distinguished senior Senator from New York, Senator MOYNIHAN, which prohibits an executive branch officer or employee from: First, accepting or using any funds; second, assisting any transaction where funds are provided to a third party; or third, providing U.S. assistance to a third party where the purpose of such act is to carry out activities for which U.S. assistance is expressly prohibited. In short, the Moynihan provision requires the executive branch to obey the law.

I realize that the executive branch had many concerns about the original version of this amendment. However, Senator MOYNIHAN has worked assiduously to meet the concerns of the administration and has very substantially changed the text of his amendment from that which originally passed the Senate. I commend my colleague for the spirit of cooperation which has characterized his work with the administration. As the provision now stands it is extremely narrowly drawn and does nothing more than require the executive branch to obey the law. I would be astounded if the President were to veto this bill over such a provision.

Second, this bill contains certain economic and other sanctions against the People's Republic of China. This is a long overdue response to the brutal crackdown on the prodemocracy demonstrators last June. Related to the China sanctions provision are numerous provisions to assist the people of Tibet in their struggle for human rights and freedom. This bill includes my amendment creating 30 USIA scholarships for Tibetans, my earmark of refugee money for Tibetan refugees, as well as a provision offered by Senator HELMS and myself establishing a new VOA service in Tibetan.

The legislation preserves existing law which prohibits both the State Department and USIA from closing posts overseas unless emergency conditions require such closure or the closure has been made to facilitate opening a new post. For the last decade the United States has been in retreat around the world. As changes in Eastern Europe and the Soviet Union create new opportunities, the United States should be extending its diplomatic representation and not pulling down the flag. For the last decade our Washington-based foreign affairs bureaucracy has been growing while our overseas posts have been declining. In USIA, for example, we have gone from 3,000 U.S. employees in Washington in 1980 to more than 4,000 in 1989. Meanwhile, as the total agency budget tripled, the number of Americans overseas declined from 1,042 to 1,040. This bill attempts to reverse this trend.

Finally, let me clarify our action on several provisions. First, the bill permits USIA-TV to resume the production and acquisition of programs provided they meet certain criteria. Critical to the legislation is a provision that required USIA to use commercial or public television programming in each and every case where such comparable programming is available and is cheaper than the cost of USIA production. This section reflects the conferees' belief that high quality commercial or public television such as the network news of PBS' MacNeil-Lehrer report are less expensive and of vastly higher quality than anything USIA could produce. It is our expectation that future USIA programming will consist largely, if not entirely, of programming such as this. This legislation also changes the name of what was once referred to as Worldnet to emphasize that the new USIA-TV is not a U.S. Government network but rather a satellite delivery system providing quality programs to foreign broadcasters.

Second, the legislation changes the name of the Bureau of Educational and Cultural Affairs' Private Sector Program to the Citizen Exchanges Program. This is to emphasize that the purpose of this program is to facilitate exchange programs conducted by citizen organization and that it is not a slush fund for conferences or other political activity. The original Senate provision had merged the Youth Exchange Program into the new Citizen Exchanges Program. The conference report preserves the independence of this office. Third, the bill makes a minor alteration in the authority for the Samantha Smith Memorial Exchange Program to permit very limited activities related to the exchange of young people such as pen pals. This authority is very narrow and in no way should be construed by USIA as permitting any significant change in the current operation or mission of the Samantha Smith Program.

The legislation reestablishes the U.S. Advisory Commission on Public Diplomacy as a bipartisan commission. The Congress removed the requirement of bipartisanship when Reagan administration appointments of Democrats who were in fact strong political supporters of Republican candidates made a sham of the bipartisanship requirement. Commission members have assured me that new Democratic appointees will in fact be bona fide supporters of our party and its candidates. Genuine bipartisanship is essential if the Commission's recommendations are to have credibility, and the failure of the previous Commission to be bipartisan was one reason that its recommendations were often ignored. Finally, I would note the provisions on continued service of Commission members should be read consistent with the Constitution and Court decisions on matters relating to the Tenure of Office Act.

The legislation requires the United States to withhold financial support from the United Nations or any specialized agency that admits the PLO as a full member. I consider this an important provision to deter an action that would be contrary to international law and inimical to vital U.S. interests. This provision shall not be construed as prohibiting the United States from protecting vital U.S. interests through use of the Security Council veto or by participating in the nonproliferation inspections of nuclear reactors.

Mr. President, the House conferees refused to discuss numerous Senate provisions that they considered relevant to foreign assistance or to legislation in the jurisdiction of committees other than Foreign Affairs. As a result, many important provisions had to be stripped from this bill, including those relating to Taiwan, Armenia, the environment, and refugee protection, which I considered extremely important. On the other hand, I have a certain sympathy for the House viewpoint. This bill is not the appropriate forum to address immigration issues or foreign aid issues. I would hope that early next year the Senate will take up the foreign assistance bill so that legislation can be accomplished in the regular order. I would also hope that, in the future, Senators might wait for the appropriate vehicle for their amendments so that the State Department bill might again be the routine bill it once was.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Madam President, at the outset, I pay my respects to the distinguished chairman of the Appropriations Committee, the former majority leader of the Senate and native of North Carolina. He is exactly right in what he has said, and I certainly understand his indignation at some of the turns of events.

I think he has performed a real service because I have a notion, I will say to my friend from West Virginia, that there will most likely not be a repeat of some things that have brought us to the confrontation.

But I pay my respects to him and, as one Senator, I thank him for it.

Mr. BYRD. Madam President, I thank the distinguished Senator from North Carolina for his comments.

I recall that when this matter was before the Senate earlier on the occasion of taking up the State Department authorization bill, the distinguished Senator from North Carolina made somewhat the same comments with respect to the subject at that time.

Mr. HELMS. I thank the Senator.

Madam President, I am a Baptist, and I do not know much about the Presbyterian Church. Some of my Presbyterian friends say that the Presbyterians, or a great many of them, believe that things in life are preordained—what will be will be.

I feel pretty much that way about this authorization bill.

The distinguished H.F. Sewell, Jr., whose father was the chief justice of North Carolina—and the younger Mr. Sewell was a very successful and well-known and prominent lawyer—once said after a certain event had transpired, "Well, I feel like the Presbyterian who fell down the steps. He brushed himself off and said, 'I am glad that is over.' "

That is how I feel about the process that brings us to consideration of the conference report on H.R. 1487. The discussion on the bill prior to and during the conference was quite difficult, and I regret that the bill is not, in my judgment, as good as the Senate bill which was passed back in July.

That is an understatement, if I ever made one. We have had to overcome one obstacle after another, and here we are in the closing days of the 1st session of the 101st Congress with another obstacle. But knowing my friend from West Virginia, I believe that will be resolved satisfactorily. I hope so.

The Senate passed its State Department authorization bill on July 20 after 5 days of Senate consideration, but the House did not agree to go to conference until October 5, when House conferees were appointed. The House Democratic Members apparently, at least it seemed apparent to me, delayed action hoping to pressure the Senate into acting on the foreign aid authorization bill, which is an even more controversial piece of legislation.

In any case, when we finally did get to conference in late October, the House conferees took the rather curious position that they would not conference more than 50 of the sections of the Senate passed bill, more than 50 of them, I will say to the distinguished Presiding Officer. Some of these sections fell within the jurisdiction of other than the House Foreign Affairs Committee, but approximately 30 of them were solely within the jurisdiction of the House Foreign Affairs Committee.

What I am about to say, with full respect for my colleagues on the conference committees, my Senate colleagues who took the position that they would not go along with the Republican conferees, is that all Senate provisions should at least be considered in conference. Ultimately, the vote was on a straight party line. Our Democratic colleagues voted to yield on all of these 50 provisions.

Again, with all due respect for my colleagues, I very much regret this massive retreat from positions taken by this Senate on this floor. Senator PELL and I sat here hour after hour while the Senate considered various amendments and proposals, and it was a good bill that the Senate passed, with one or two exceptions.

I hope all Senators will understand that we did the best we could to preserve their provisions in the Senate bill when this bill went to conference with the House of Representatives.

Probably the greatest obstacle from the outset has been the Moynihan amendment. If my information from the White House still stands, this bill will be vetoed because of the Moynihan provision, because the White House takes the position—and I think the White House is correct—that it is an intrusion upon the President's constitutional foreign policy prerogatives.

I regret that this provision will kill this bill, at least temporarily. Maybe we can work something out. I hope so.

I regret that discussions between the very able Senator from New York [Mr. MOYNIHAN] and the administration have not resulted in an acceptable compromise which would address the concerns of the Senator from New York without infringing upon the President's constitutional authority.

Surely, there is some middle ground that can be reached, and I continue to hope that will be the case, but at this point it seems unlikely.

I commend the Senator from New Hampshire [Mr. RUDMAN] for his contributions as a mediator and negotiator in attempting to resolve this very difficult issue.

Having said what I have said, let me acknowledge, and I do so gladly, that many of the shortcomings of the bill I first discussed during the committee markup and on the Senate floor in July have been remedied. The conference report, I would say, with the exception of the Moynihan provision, is acceptable. None of us are going to dance a jig about it. It is acceptable, with the exception of the Moynihan provision. But the Moynihan provision is a fatal potion insofar as this bill escaping a veto by the President of the United States.

Mr. President, allow me to outline some of the bill's most significant provisions.

Aside from the Moynihan provision, which will likely prompt a veto, the most important provision of the bill is that found in title IX, providing for a suspension of U.S. programs for the People's Republic of China.

Mr. President, the urgency for this title should be apparent. Since the massive crackdown in Communist China on June 3 and 4, the situation there has continued to deteriorate. The Chinese Government, after having killed hundreds of prodemocracy demonstrators, has engaged in a systematic campaign to imprison and intimidate thousands of others.

The President's initial actions need to be reinforced with congressionally endorsed sanctions against the government of the People's Republic of China. The conference report closely follows the legislation adopted by the Senate on July 14.

Mr. President, I am also pleased with the initiation of the Television Marti Service to Cuba which should prove a useful adjunct to existing Radio Marti Service.

The conference report also includes, in section 414, a limitation on future U.S. funding of United Nations or any specialized agency thereof which accords the Palestine Liberation Organization the same standing as member states.

This provision is in response to the PLO's efforts this year to join the World Health Organization and other U.N. agencies. Under section 414, such acceptance as a member would result in the withholding of U.S. contributions.

Mr. President, the Palestine Liberation Organization, and its offshoot terrorist groups, for whose actions the PLO is directly responsible, have victimized American citizens. It has ordered the violent deaths of American citizens. It has given the nod of its head for the kidnaping, injuring, and hijacking of our constituents—of innocent Americans.

Despite the grisly, anti-American record of the PLO, the State Department is now conducting face-to-face negotiations with these terrorists. As I have stated on this floor before, Mr. President, terrorism is nurtured on the belief that violence against innocent men and women and children can, over time, produce tangible political results.

Unfortunately, I fear that, over the long run, terrorism will be encouraged by the State Department's recognition of the PLO, and acceptance of this terrorist group as a legitimate player in the Middle East.

As my colleagues recall, the State Department dialog with the PLO commenced on the basis of a commitment made by Yasser Arafat that the PLO renounces terrorism, recognizes Israel, and accepts United Nations Resolutions 242 and 338.

Of course, the PLO has not abided by Arafat's commitments. PLO terrorism continues under the guise of PLO member groups for which the State Department has decided not to hold Arafat responsible.

Title VIII of the conference report will measure PLO compliance with Arafat's commitment. It combines two pieces of legislation introduced in the Senate early this year. One is Senate Resolution 97, which I introduced with 25 cosponsors. As part of this title, it requires the State Department to inquire in its talks with the PLO about 14 specific reported PLO terrorist activities. It also requires the State Department to report back to Congress on any response given by the PLO in regards to these terrorist activities.

The other bill folded into title VIII is S. 473, was introduced by Senators MACK and LIEBERMAN. I am proud to be 1 of 30 cosponsors of this legislation. As included in the conference report, it provides a framework for monitoring PLO compliance with Arafat's commitment, and a mechanism for making public the PLO record in regard to Arafat's commitment.

If the State Department erred in recognizing the PLO, how it has conducted its negotiations with this terrorist organization shows a callous disregard for past terrorism against Americans. All for the purpose of sustaining the diplomatic process in the Middle East, earlier this past summer, the State Department commenced negotiations with Salah Khalaf—otherwise known as Abu Iyad.

I was shocked when I found that we were treating this man as a legitimate diplomat, when in fact he is widely believed to have personally ordered the brutal killing of two U.S. diplomats, Ambassador Cleo Noel and George Moore in Khartoum, Sudan on March 2, 1973.

When the Senate considered the State Department authorization bill on July 14, I offered an amendment which would have cut off funds for negotiations with any representative of the PLO "unless and until the President certifies to Congress that he has determined that the representative did not directly participate in, or conspire in, or was an accessory to the planning or execution of a terrorist activity which resulted in the death, injury, or kidnaping of an American citizen."

After days of heavy lobbying by high-level administration officials, this amendment was rejected by the Senate. In its place, the Senate approved an amendment which is now section 108 of the conference report. This amendment would cut off funds for "the conduct of the current dialog on the Middle East peace process with any representative of the PLO if the President knows of and advises the Congress that that representative directly participated in" a terrorist activity against an American.

I voted against this amendment because it does not require the President ever to report what he knows to Congress. Indeed, I doubt any President would ever unilaterally, and voluntarily choose to cut off his own funds by reporting to Congress.

I hope that President Bush will report to the Senate on what the Government knows about the role of Abu Iyad and other PLO terrorists in attacks on Americans. But in light of the extraordinary enthusiasm of the State Department bureaucracy for the diplomatic process in the Middle East, I am not optimistic.

Mr. President, in the years immediately preceding the Second World War, those governing Britain and France chose to ignore Nazi rearmament, treaty violations and aggression for the expediency of keeping the peace. German rationalizations for its transgressions were swallowed whole by those who feared the consequences of the truth. The price was the most terrible war in man's history.

Today, the PLO is trying to convince America that it is the sole representative of the Palestinian Arab people. This notorious group of terrorist operatives does not represent the Palestinian Arabs. The PLO has propped itself up on the blood of American and other victims of its terror.

It has killed Palestinian Arabs who have dared to opt for peace rather than the radical, ultimately destructive agenda of the PLO. The PLO insists over and over again that peace between all people in Israel is impossible until Israel hands to the PLO all of its demands.

The PLO hopes that history will repeat itself, and that by holding out the promise of peace, people will ignore the true nature of the PLO, its crimes and its goals, and rather accept its rationalizations.

For the sake of keeping the process of diplomacy moving along, the State Department has decided to forgive the PLO for its past crimes against Americans and ignore its continuing transgressions. The major media has done its best to spread and promote PLO rationalizations for these crimes and transgressions.

Unfortunately, history has shown that this is the path to disaster. The cause of peace in the Middle East can only be served by recognizing the PLO for what it is—a terrorist organization bent on the ultimate elimination of Israel and destruction of United States influence in the Middle East.

To the extent the facts regarding the true nature of the PLO and its activities continue to be ignored by our policymakers hope for long-term peace and stability in the Middle East is diminished, not enhanced.

Mr. President, titles II and III of the conference report contain authorizations for a number of important public diplomacy programs.

Specifically title II authorizes $960 million for USIA for fiscal year 1990. Of the $960 million, the conference report authorizes $69 million for an important VOA radio construction program. This effort will modernize our seriously outdated VOA radio transmitters and will enhance significantly our international public diplomacy capabilities.

Our current VOA facilities are rapidly becoming obsolete, as a number of our transmitters are decades old. This authorization will permit VOA to move forward with the construction of important transmitter sites in Thailand and Morocco. These sites will permit VOA to extend the quantity and quality of broadcasts throughout the world. They will also enhance our capability to overcome the effects of jamming. In view of budgetary constraints, the conferees retained a provision offered by Senator PRESSLER that provides VOA with the authority to enter into contracts for radio construction over a period of 5 years. This authority will permit VOA to move forward with this program immediately, and will avoid costly delays in the awarding of contracts.

This report also contains authorization for USIA to begin broadcasting television programs into Cuba. This television program, or TV Marti, is a logical extension of the highly successful Radio Marti that broadcasts daily radio programs into Cuba. Although TV Marti enjoys broad support in Congress, there were significant difference between the House and Senate versions of this provision. The conferees agreed upon a compromise provision that enjoys the support of the administration and provides them with the authority necessary to move forward with this important initiative. The conferees likewise agreed upon an authorization of $16 million for both fiscal years 1990 and 1991 in order to get this program underway.

In recognition of the broad bipartisan concern for the people of Tibet, the conference report requires VOA to establish a Tibetan language service that provides daily broadcasts into Tibet. The provision requires that VOA establish a Tibetan service within 90 days of the enactment of this act, and that they provide a full report to Congress by the end of 1990. I understand that VOA has already begun to lay the groundwork for the Tibetan language service.

Mr. President, this report also lifts a number of the restrictions on USIA's television and film services. Members may recall that there was broad concern in the Senate with USIA's previous claims about the effectiveness of

the film and television service. I shared a number of those concerns. Therefore, the conference agreement provides the necessary authorities to the Director of USIA to acquire, produce and broadcast television programs. However, the agreement also specifies the types of programs that may be broadcast over the service.

Overall, the conference report authorizes $31 million for USIA's Film and Television Service. Out of the $31 million authorization, the conferees agreed to a House provision placing a $12 million cap on those programs formerly comprising the Worldnet daily service. Let me emphasize that the cap applies solely to the daily service as described in section 207 of the House Foreign Affairs Committee report 101-17.

Mr. President, this report contains a number of line-item authorizations for the Bureau of Educational and Cultural Affairs. In my view, a number of these line-item authorizations are unnecessary. The report additionally renames the Office of Private Sector Programs as the "Office of Citizens Exchanges." The Office of Citizens Exchanges will appropriately be located within the Bureau of Educational and Cultural Affairs and will receive its funding for program activities from the salaries and expenses account of that Bureau.

Title III of this bill provides authorization for important activities of the Board for International Broadcasting. Specifically, it provides authorization for the construction of an important radio transmitter site in Israel. Although the House provided full authorization for the transmitter, the chairman's initial draft bill in the Senate did not provide 1 cent for this important public diplomacy effort. Therefore, during markup in the Foreign Relations Committee, I offered a committee amendment to restore the full $194 million request for the BIB transmitter. That amendment was approved overwhelmingly by the committee.

Since both the House and the Senate bills authorized $194 million for the BIB transmitter, I expected this would not be an issue for discussion in the conference. All the documents that I received prior to the day of the conference indicated that this was not an issue of contention. Yet on the last day of the conference, the House chairman circulated a funding table that reduced the authorization level for fiscal year 1990 to $183.5 million, the amount proposed to be appropriated in the fiscal year 1990 appropriations act.

Let me add that this was not the only surprise with regard to funding levels. Although both the House and Senate approved $16,932,000 for the Inter-American Foundation in fiscal year 1990, the chairman of the conference proposed $25 million for fiscal year 1991. Mr. President, this massive increase in funding was never discussed with me or any of my staff prior to the day of the conference. It is totally unjustified and in my view irresponsible.

The authorization for the migration and refugee assistance account was likewise beyond the legitimate scope of the conference. The authorization approved by the conference was more than $11,000,000 higher than the level approved by either the House or the Senate. Again, the figure before the conferees seemed to appear out of nowhere on the day of the conference with no prior consultations.

Mr. President, another important issue addressed in this bill concerns the U.S. Advisory Commission on Public Diplomacy. Despite efforts to alter the status of this Commission, the Senate Foreign Relations Committee during markup on this bill adopted an amendment to restore the bipartisan nature of the Commission. Unfortunately, the report language accompanying the Senate bill did not accurately reflect the committee's action on restoring the Commission.

Therefore, I would like to make the legislative history clear on this matter. The conference report restores the U.S. Advisory Commission on Public Diplomacy and ensures that those currently serving on the Commission may remain on the Commission to serve out the full remainder of the terms to which they were originally appointed. The legislative language in this bill is clear on that point.

Section D of the conference report on H.R. 1487 deals with a number of personnel questions in foreign affairs agencies. As a general rule, Mr. President, I am deeply concerned that U.S. foreign policy, particularly at the senior levels, is conducted very substantially by elite males who attended Ivy League institutions. This is certainly the case in the Foreign Service. It is essential that the Foreign Service be opened up so as better to reflect the diversity of the American citizenry, and I applaud new diversity of the American citizenry, and I applaud new efforts in this regard in the conference report.

At the same time, Mr. President, Foreign Service elitism has a second, but highly significant, impact on employees of foreign affairs agencies who are general service, that is civil service, employees. Denied the chance to compete and win the highest jobs, GS employees at the State Department are treated as second class. After resisting the law for 2 years, the State Department has finally appointed an ombudsman for GS employees. Congress expects that to be an influential position, and encourages the State Department to staff that office fully.

Some employees appear to be even less than second class. They lack the career rights that GS and Foreign Service officers have. One such group is classified GG and works at the U.S. Mission to the United Nations in New York City. I have come to believe that this class of persons should immediately be given the opportunity to become GS employees. This would make those employees much more secure and would assist in the hiring difficulties chronically facing the U.S. Mission.

Regarding personnel issues, then, Mr. President, I believe the State Department has light years to travel before favoritism and elitism is overcome. This Senator will join with affected employees and organizations representing them to end the blight of a good old boy's private club.

Let me turn to some of the specific provisions in the conference report to help establish some legislative history.

Section 142 is an essential reform to prevent agents of foreign powers from serving as so-called public members of foreign service selection boards. I initially offered this suggestion in the Foreign Relations Committee during markup; I am pleased to report that the prohibition has survived the tortuous conference process.

Section 144, I believe, could be subject to abuse. It provides for a new program of visiting scholars at the Foreign Service Institute. Abuse, to this Senator, would be the consistent selection of participants representing either the U.S. foreign policy establishment or scholars and experts associated solely with one political philosophy. If this program is needed, the best experts ought to be selected from throughout the country. Until the Foreign Service becomes more representative, it is absolutely essential that they have an opportunity to hear from a wide range of scholars.

Section 149 is a provision proposed by Congressman DYMALLY, the able chairman of the House Foreign Affairs Subcommittee charged with State Department oversight. Like the ranking member of the Foreign Relations Committee, Mr. DYMALLY knows that foreign policy in our country is made by a small elite. In general, I can fully support these two provisions.

For example, in an amendment to section 1202 of the Foreign Service Act of 1980, paragraph (c)(1), it is the clear intent of Congress that this provision not be considered to have exclusive applicability. The language, more properly, should have read, "Students enrolled full time in institutions of higher education, including those from groups which are underrepresented * * * shall be eligible to be interns in programs under this chapter."

Later in the same paragraph, the conference report states that the first

and second internships can be with the U.S. Congress. I have mixed feelings on this, Mr. President. I believe it is almost always useful for State Department employees to learn about Congress first hand, and I suspect the reverse is also the case. I personally have had good experience with such detailees. However, we must never forget that the purpose of a Foreign Service internship is to lead to greater familiarity with career service in international affairs.

Section 153 of the conference report is long overdue and it gives me a real sense of satisfaction that it has survived. This section represents a Helms-Dymally provision intended to increase the cultural, geographic, and ethnic diversity of the Foreign Service and the Department of State.

For the first time, Congress and the American people will be able to see a comprehensive data base on the makeup of the Foreign Service. This Senator hopes that the State Department, armed with the figures, will finally commit itself to broadening recruitment efforts. As an insurance policy, Mr. President, the existence of such statistics will guarantee that Congress can act if the State Department and other foreign affairs agencies do not.

In compiling the report and using its results, I hope the State Department will keep this Senator and the rest of the minority staff of the Foreign Relations Committee fully apprised of progress and results.

One provision of section 153 was forced on conferees by a House committee which asserted its jurisdiction. The result was the insertion of the term "handicapping conditions" in section 153(c) of the conference report. As the statement of managers makes abundantly clear, it is not the intent of the committee of conference to impose definitions in the Rehabilitation Act on the State Department. For ideological reasons, alcoholism and drug abuse or addition are considered "handicapping conditions" in current version of that law. Regulations to be promulgated by the Secretary of State should be as broadly drawn as reasonable, but it is clearly unreasonable to expect an application which is that broad.

Further, although it was clearly a technical and conforming provision, it was not possible to change section 153(g)(1) from sexual to gender. Conferees intend that men and women not be treated differently in the employment context because of their gender, but the provision is not aimed at so-called sexual preferences.

The conference report in section 153(h) takes the unwise step of setting up a new program called "Foreign Service Fellowships." This is of questionable value of precisely the same reasons as the Visiting Fellows Program at the Foreign Service Institute. I will not repeat the discussion of this matter, except to say that the intent of Congress is clearly that participation in this program not be festooned only with former Foreign Service officers and figures of the foreign policy establishment of this or other countries. It would seem entirely reasonable, for example, for outstanding former Ambassadors such as David Funderburk and Shirley Abbott, to name only two, to participate in this program. And of course it would also be appropriate that key staff members from the majority and minority staffs of the Foreign Relations Committee be considered for such posts.

Section 153(h) also contains the same technical problem which was uncorrected elsewhere. Ideally, the language should read, "Such program shall give priority to the extent practicable in the award of fellowships. * * *" In other words, conferees clearly intend that fellowships be awarded in accordance with the constitutional rights of all Americans.

Mr. President, now let me turn to a few other provisions which are of concern to me and which require further elaboration.

Section 408 is the product of discussions between this Senator and the senior Senator from New York. In short, and in spite of intensive lobbying on its behalf, the United Nations Educational, Scientific and Cultural Organization [UNESCO] is still hopelessly lost in an ideological forest, and continues to have serious management problems.

An outstanding editorial, "No Tears for UNESCO," appeared in the Wall Street Journal of November 1, 1989. The substantive complaints which led to United States and British withdrawal from UNESCO remain. Fortunately in this country we have an outstanding Assistant Secretary for International Organization Affairs, Mr. John Bolton, whose competence and outstanding acuity have served us well on UNESCO and other issues.

According to a report in the Foreign Broadcast Information Service [FBIS] of October 27, 1989, UNESCO continues to rush toward thought control on a global scale. At a meeting in Harare, Zimbawe, that country's Information Minister opened a conference of media specialists on the new world information order by stating that:

> The establishment of the new international information and communications order should witness the birth of a new and vigorous people-oriented media, highlighting their real concerns as opposed to vulgar distortions of reality which are mistakenly regarded as free flow of information.

He continued:

> But this will not come on a silver platter. Third country journalists will have to struggle for the new order along with their progressive counterparts in other parts of the world.

This, he said, means that—

> Freedom of the press (is) only within the framework of the struggle and not as an abstract concept unrelated to the day-to-day lives of our people.

UNESCO still moves along the path of thought control and other programs. The United States should be in no hurry to rejoin. The Moynihan-Helms language makes this very clear. In addition, Mr. President, let me especially compliment Mr. Terry Miller, a public servant who keeps an eye on UNESCO activities in Paris for the United States Government.

Section 411 is a limited endorsement by conferees for a careful assessment of the International Court of Justice. The addition of the phrase "where appropriate" in paragraph 10(b) represents the significant recognition of the fact that this body has, in recent years, not merited trust in the settlement of international disputes.

Section 417 places in permanent law provisions of the DeConcini-Helms amendment to the Dire Emergency Supplemental Appropriations Act. It requires the President to certify that certain conditions have been fulfilled prior to releasing United States contributions to United Nations peacekeeping forces in southern Africa. Without consultation with Congress, such certifications have been produced and signed by the President under provisions of the earlier Appropriations Act. In addition to plowing familiar ground, conferees intend that minority and majority sides of the relevant authorizing committees be consulted and be informed of developments so that a fair assessment can be made of conditions necessary to release these funds.

Section 1005 of the conference report represents a generous pat on the back for the current Pakistani regime. The concept of an Association of Democratic Nations is appealing, Mr. President, depending on how democracy is defined. States with fully representative Governments such as El Salvador and Argentina, and increasingly Chile and South Africa, have important democratic attributes utterly absent in the Peoples' Republic of China, Zambia, and East Germany. In this sense, endorsement and proposed funding for this proposal by the current president of Pakistan could be premature. Finally, it is important to remember that in Pakistan itself, it was President Zia ul-Haq who made the return to a representative government possible.

Madam President, I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, we oppose this conference report on the Foreign Relations Authorization Act. The position taken, of course, stems from the debate on October 31. The difference is, I say to the distinguished chairman of the Committee on Foreign Relations, when the State Department's appropriations bill was before the Senate on that day, the Senator from Rhode Island had an amendment in disagreement that he could work with.

Today, we can only vote up or down on the conference report and have no opportunity to offer amendments to make the bill acceptable. That is the particular frustration we have. It goes further to the point, Madam President, of what I characterize as malicious or intentional, because they could not have but fresh on their minds their very strong statements about trashing or trampling upon the process.

On October 31, the Committee on Appropriations was accused of authorizing on an appropriations bill. Our horrible transgression was to say that if the authorization bill was not enacted into law by November 30—2 full months after the fiscal year began for the appropriations it authorizes—then the Department of State and U.S. Information Agency would operate on the basis of the appropriations bill and its terms and conditions for the fiscal year 1990.

We lost that fight, but we must have made some progress in that effort on the authorization bill for it is now before us 15 days later. While the Senate had passed H.R. 1487 on July 21, it has taken until now November 16 to move it further, but, at least we have moved it along.

In the conference report, we have the opposite situation wherein the Committee on Foreign Relations is appropriating in an authorization bill. I would hope that the Senators who joined the chairman of the Committee on Foreign Relations in protecting the authorizing committee on October 31—which incidentially we have protected—will vote with us today to prevent an injustice to the responsibilities for the committee process here in the U.S. Senate.

Madam President, there are many excellent features in the final form of S. 1487, the China sanctions, the support of the United States participation in the international environmental organizations and on and on. As the author of the television Broadcasting to Cuba Act, I am pleased that part D of title II authorizes the $16 million for TV Marti for both fiscal years 1990 and 1991.

Incidentally, we did appropriate in accordance with the authorization bill when we brought it before the Senate in October. Both the House and the Senate had passed authorizations for TV Marti.

I would have preferred that the final form be closer to the Senate version, but with the administration's strong support I am sure we can get TV Marti up and running. Incidentally I visited TV Marti this past weekend, and also Radio Marti, going through the facility down in Marathon, FL.

Now, what is so objectionable that compels me to urge my colleagues to reject the conference report? Let me give you a few examples. Take the Asia Foundation which both our former Ambassador and present Ambassador to Japan have personally endorsed. I thought the Committee on Foreign Relations shared the general priority for the Asia Foundation, as the Senate version of H.R. 1487 authorized $18 million for its activities in 1990. That was more than we could provide in the appropriations bill, due to the deal on the budget resolution that reduced foreign affairs spending some $367 million below the amounts requested, and this conference report reduces the authorization to our level of $13,900,000. That is no problem, there. But the stipulation that $1,324,000 of that amount can only be used for expansion of programs and services, including the establishment of the field office, in Oceana, Madam President, that is a disaster.

It is a disaster in what it does is that our $200,000 increase for 1990, trying to go along with our Senate Foreign Relations Committee, and in trying to go along with our ambassadors and the fine work being done by the Asia Foundation, which incidentally is not in Oceana. In effect, what we have done is cut the ongoing programs of the Asia Foundation by $1.1 million and the vital work the Foundation does in the Philippines, Korea, Thailand, Pakistan, and other areas of major interest to the United States.

So, with the limitation and floors that they put in the authorizing bill, they not only cut appropriations that are deserved, needed and attested to, but are gone way over in Oceana both by way of policy and geography, and put the money there and cut the meaningful programs. That is truly a disaster by way of appropriating in an authorization bill and cutting the good programs there.

The Senate will recall the major sticking points between the Committee on Foreign Relations and the Committee on Appropriations are section 15 of the State Department's Basic Authorities Act and 701 of the U.S. Information and Educational Exchange Act. These sections are unique as they stipulate the appropriations are not available unless first authorized. In the conference report, we find that restriction extended to the Board for International Broadcasting.

Now, Madam President, I can refer to the CONGRESSIONAL RECORD, and I heard with my own ears the distinguished chairman of the Senate Foreign Relations Committee said that was a provision all of us want to get rid of; namely, having a specific provision that no appropriation be expended unless absolutely authorized. That sounds on the face of it very orderly. But what happens is just this: they use that kind of thing to force-feed a foreign aid bill. That is exactly what is occurring and we all know it.

It was put in at a time that I was a Member of the Senate by our distinguished former chairman, Senator Fulbright, when he could not get the Nixon administration's attention. Since that time it has caused grief to both in the USIA and the Department of State and, of course, to the distinguished chairman of the Foreign Relations Committee, because he stated that quite frankly on the floor.

Now here out of whole cloth they want to extend that, if you please, to the Board for International Broadcasting.

If this conference report becomes law the broadcasts of Radio Free Europe and Radio Liberty—which undoubtly were a factor, Madam President, in the enormous changes we are witnessing in East Germany, Poland, and Hungary, the Soviet Union, itself—will now also be hostage to the pace of the Committee on Foreign Relations or more specifically to the foreign aid bill.

In the USIA we have a direct conflict in the bills. In the appropriation bill that was not contested by the Committee on Foreign Relations when we had the conference report on the floor on October 31, we provided $32,800,000 for television and film service. With full knowledge of that, the conferees on this bill placed a ceiling of $31 million on the appropriations for the television and film service.

This is so incredible that I can only believe the staff did not really let Members know what was being included in this document itself.

I could go on and on, Madam President, but instead of detaining the Senate, I ask unanimous consent that a record of the listing of all the earmarks on the authorization be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONFERENCE REPORT ON FOREIGN RELATIONS AUTHORIZATION ACT (H.R. 1487)

EARMARKINGS AND OTHER INTRUSIONS IN THE APPROPRIATIONS PROCESS

Department of State

Section 101(a)(1): Not less then $250,000 shall be available only for use by Bureau of International Communication and Information Policy.

Section 101(c): There shall be available to Office of Munitions Control such amounts as necessary to maintain at least 53 full-time equivalent personnel.

Section 102(a)(2): Of the amounts authorized for Contributions to International Organizations, $1,249,000 shall be available only for the South Pacific Commission.

Section 102(c)(2): Prohibits obligation or expenditure of the appropriation if U.S. delegation to meetings of the Conference on Security and Cooperation in Europe does not include representatives of the Commission on Security and Cooperation in Europe.

Section 106: Protects earmarks in authorization bill by requiring proportional reductions to earmarks if appropriations are less than amounts authorized.

Section 149(b): $100,000 in 1990 and $150,000 in 1991 only available for a new Foreign Service Internship Program.

United States Information Agency

Section 201(a)(2): $31,000,000 is authorized for the Television and Film Service. (Appropriations Act earmarked not less than $32,800,000.)

Section 201(b)(2): Would not allow funds authorized for any educational and cultural exchanges, Voice of America programming to China, or any overseas post of the USIA to be transferred or reprogrammed for any other purposes.

Section 205: Adds sec. 505(e)(3) to USIA Act that $1,500,000 is only available for purchase of programs produced with Grants to the Corporation for Public Broadcasting or produced by United States public broadcasters.

Section 221(b): $150,000 in 1990 and $200,000 in 1991 only available for the training at the University of Maine and in Washington, D.C. of media personnel from developing French-speaking countries.

Section 225: Not less than 30 scholarships to be made available to Tibetan students, and 15 scholarships to Burmese students, who are outside their countries.

Section 234: Requires VOA to establish within 90 days of enactment a service broadcasting 2 hours a day to Tibet.

Section 236: Requires 12 hours of daily VOA broadcasting to Peoples' Republic of China.

Board for International Broadcasting

Section 302(a): Requires that appropriations to Board for International Broadcasting first be authorized before they are available for obligation and expenditure. (Probably will not apply to fiscal year 1990 since appropriations have already been made.)

Asia Foundation

Section 501: $1,324,000 in 1990 and 1991 shall be available only for the expansion of programs and services (including the establishment of a field office) for Oceania.

Miscellaneous Provisions

Section 1002: Requires the assignment of three commercial officers and other necessary staff to the United States Mission to the European Community in Brussels.

Mr. HOLLINGS. Madam President, as I noted previously to the Senate, the appropriations bill included an amount that went beyond the authorization bill. That was for the Great Lakes Fisheries Commission. And we did that at the written request—I had that letter printed in the RECORD—from the distinguished chairman of the Senate Foreign Relations Committee. He said, please exceed the authorization, and made his case in that letter to me. And we responded.

You would think, of course, when he got in with the authorizing conference that there they would certainly conform the authorization to his emergency request of the appropriators that we exceed the authorization and conform the authorization with an additional $1.3 million required for the lampricide to control sea lampreys on the Great Lakes which was just exactly what his request was.

After discussing that twice on the Senate floor, everyone would think that would have been the first thing they would have attended to in the conference. But, if you look at page 7 of the printed conference report we find the same $11 million authorization for the International Fisheries Commissions that passed the Senate. There is no additional $1.3 million that was requested in the chairman's letter to me, dated September 11, 1989.

Let me assure the Senators from New York, Pennsylvania, Ohio, Michigan, Indiana, Illinois, and Minnesota, the Departments of Fish and Wildlife in those States and all the Izaak Walton Leagues, Trout Unlimited chapters, and the many concerned sportsmen and others in the region who wrote the thousands of letters that we received about the need to control the sea lamprey in the Great Lakes, that we have the additional $1.3 million for 1990 protected in the appropriations bill. But this bill authorizes the appropriations for 1991 as well as 1990 and the conference report does not provide for this in 1991. It only provides an additional $440,000, or a mere inflation adjustment over the $11,000,000 they have for 1990 for all the International Fisheries Commissions for 1991.

If we cannot get rid of the archaic section 15, we are not going to be able to help next year.

Madam President, obviously this conference report is not a satisfactory response to the needs of the Nation. It offers much, when it comes to the big policy items. But the staff has been allowed too much play in the appropriations authorizations. I respect the right of every Senator to substitute his judgment for that of the Secretary of State. But I do not think it is wise procedure to turn it over to the staff and engage in these kind of shenanigans of appropriating, in an authorization bill, after they had so strenuously objected last month that we were doing exactly the forbidden, namely authorizing on an appropriations bill. Which, of course, was totally wrong. Every item in that bill conformed to the authorization bill as it passed the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know we are debating very important matters on the State authorization bill. I, of course, support the position of the Appropriations Committee in a wholehearted fashion, but I would like to exercise the prerogative of a Senator to speak on another matter during this debate. I would like to take a minute, if I could, to talk about El Salvador.

Mr. President, while I was presiding, my staff sent over to me an AP news brief that informed me that 6 Jesuit priests were tortured and killed in the most grisly manner and that approximately 700 people have been killed, most of whom were civilians. Really all sides are responsible for the current violence.

Mr. President, I will not go through a grisly description of how the men of God died; their loyal housekeeping staff was also brutalized. At the same time, weapons are being used against many civilians.

Mr. President, I wanted to bring to the attention of the Senate these events that are going on and ask the Senate to turn their attention to them. I have joined with Representative JOE MOAKLEY, in the House, in sending a telegram to both the El Salvadoran Government and to the guerrilla faction, asking them to heed the appeal of the International Red Cross to allow for the evacuation of the wounded from conflicted areas. There are people who have been severely wounded and are not able to be evacuated to receive medical treatment. Both sides are ignoring the appeal of the Red Cross. We call upon them to heed it.

We are also asking both sides to adhere to the principles of the Geneva Convention and take every measure possible to avoid civilian casualties. We are asking that the FMLN, the guerrillas, allow civilians to leave areas where there is a continuing guerrilla presence. And we ask the Government to refrain from aerial attacks against civilian neighborhoods.

We also ask that negotiations be resumed immediately at the highest level.

Mr. President, I hope our own President, President George Bush, will ask his Secretary of State to take all steps possible to evaluate the situation, to play what role the United States can to bring about negotiations and to advise the Congress on these actions.

Mr. President, yesterday was a very heady day for us, as we welcomed Lech Walesa, truly a hero of democratic revival around this country. In the midst of our joy and enthusiasm on that occasion I hope we will not turn our heads away from suffering people in our own hemisphere. Mr. Walesa feels the success of Poland was attributed to the great spirit of Poland and to the grace of God.

We have in our own hemisphere people who are being brutalized. We also ask that the grace of God prevail and that those democratic nations that can exercise an influence in bringing peace to El Salvador will do so.

A movie is going to open in Baltimore on Friday night about Archbishop Romero. We will see a movie about a wonderful archbishop, assassinated by his own people. Now those circumstances continue to be reenacted. They are ghoulish, they are grisly, and they are unacceptable in this world today.

I ask my colleagues in the Congress to exercise their power and judgment to help bring this conflict to an end.

The PRESIDING OFFICER. Who yields time? Who seeks recognition?

The distinguished President pro tempore, the Senator from West Virginia.

Mr. BYRD. Mr. President, I again call attention to the conference report on H.R. 1487 and the fact that it is replete with appropriations floors. There are at least seven such floors in the report, I am advised, which essentially force the spending of money for specific purposes at specific levels.

I will not itemize the particular sections here but can do so later, if necessary. The list is available for all Senators to review if they wish.

What we see happening, is that the authorization conference report is telling the Appropriations Committees of the two Houses what they shall appropriate, and that they shall not appropriate below certain floors.

If we are going to follow this procedure, Mr. President, what we are going to have is several Appropriations Committees in the Senate and in the House. Each authorizing committee will be doing its own appropriations. In essence, that is what it means.

There was a time, Mr. President, when authorizing committees did the appropriating of moneys. The Finance Committee at first appropriated moneys. The Appropriations Committee was created in 1867, and prior to that time the Finance Committee not only raised the revenues but also appropriated the moneys. There was also a time when the Commerce Committee, the authorizing committee, did the appropriations for rivers and harbors.

I do not think that the Senate and the House want to go back to that circumstance. That is why other members of the Appropriations Committee and I are resisting the effort here on the part of the House to bring about such a situation again in connection with the Foreign Relations Authorization Act.

Let me say, so that it will be indubitably clear for the record, so that all those who listen and view what is being said in the Senate, nothing that I have said, nothing that I say now, nothing that I shall say in the future should be interpreted as criticism of the chairman of the Foreign Relations Committee, Mr. PELL.

If there is one Senator in the body who has not offended anybody in this body ever, as long as he has been in the Senate, if there is one Senator who has not said a cutting word or made a sarcastic, cynical remark about another Senator, if there is one Senator who is not engaged in badinage and persiflage, and castigation of other Senators, veiled or unveiled, if there is one Senator whose word is his bond—I take every Senator's word as his bond—but if there were only one and I had to limit my own opinion to one only, I would say it is Senator CLAIBORNE PELL.

I doubt that he has ever harbored an unkind thought of another Senator. He has always been perfectly up front, frank, kind, courteous, considerate, understanding toward me, and I am sure that he has been that way with every other Senator. He is a gentleman in every sense of the word. He does not look up to anybody; he does not look down on anyone. I simply think he is a victim of circumstances here.

When the original bill left this Chamber, the floors had been taken out. When it went to conference—and at the insistence of the other body—the floors were restored.

So I say and I will say again, if need be, that I am not directing any of my remarks at the Senator from Rhode Island. It is the wrong way to authorize, and I do not think we ought to tolerate a straitjacket on the Appropriations Committee. I do not think it is in the best interest of the taxpayers; I do not think it is conducive to the wise appropriations of moneys; and I believe that in the interest of the American people, certainly in the interest of the legislative process, we ought to insist that floors not be contained in authorizing legislation.

We did have a discussion on the bill on this floor on July 19 of this year on the matter of floors in this bill. I offered an amendment which removed a number of floors from the bill and did that with the full knowledge of, and the consent of, the chairman of the Foreign Relations Committee. As I stated during that debate, aside from raising jurisdictional questions, spending floors and restrictions on management activities in authorization bills complicate the appropriations process, and it is complicated enough at best. Inevitably, we are forced to waive such provisions if the appropriations figure is lower than the authorization for the accounting question in order to avoid the detrimental impact which such provisions can cause.

The proper relationship between the appropriations and authorization committees has regularly been ignored when authorization bills purport to place floors on spending and when the Appropriations Committee has attempted and has broken through authorization ceilings or appropriated funds for agreements which were not authorized. The situation has become complicated when the Appropriations Committee includes funding for programs that were authorized by the Senate authorization committees, but then were removed for one reason or another in the authorization conferences.

In many instances, the authorization and the appropriations conferences are running simultaneously or, even worse, if the authorization conference is behind the appropriations conference. Since that happens from time to time, good faith efforts to conform to the general principle of guiding the basic relationship between the two committees do not always arrive at perfect results.

We are all realists in this complicated relationship, but I believe that the conferences should attempt to bring back bills without floors, just as appropriations conferences ought to be reported back to the Senate with no violations of authorization ceilings. I recognize that the structure of appropriations conference reports do allow a mechanism to present to the Senate as a whole for a vote, if necessary, or for the consideration and approval of the Senate as a whole, programs which might not have been authorized but for which moneys were appropriated.

In those cases, the matter would come back as an agreement in disagreement, in order to allow the parent body to vote. And so it is the parent body that has the last word. The committees are the arms, the instruments, the creatures of the parent body. The parent body was not created by the committees. The parent body was not created for the convenience of the committees. The committees were created by the parent body—by the Senate, by the House—and they were created to help to facilitate and expedite the work of the parent body.

On those committees, we expect to see Senators and Members of the House of Representatives who, by virtue of their experience and long service on those committees, have developed a thorough knowledge of the subject matter within the jurisdiction of the respective committees.

So the parent body then, when amendments come back in disagreement, will have an opportunity to make a final decision as to actions in the conference. This conference report today has no amendments in disagreement, so the Senate is faced with a take it or leave it situation. We can vote the conference report up; we can vote it down. We cannot send the conference report back to conference because when the other body adopted the conference report, it discharged its conferees. There is nothing in disagreement between the two Houses, so the Senate is left with the single option of voting the conference report up or voting it down. That is a Hobson's choice.

I do not think it is a wise process. It was not the process that was here when Senator Hayden was chairman of the Appropriations Committee 31 years ago. It was not the process when Senator Russell was chairman of the Appropriations Committee. It was not the process when Senator Ellender was chairman of the Appropriations Committee. It was not the process when Senator McClellan was chairman of the Appropriations Committee.

But somewhere along the line, may I say to my friend from North Carolina, Mr. HELMS, the process got mixed up and authorizing committees started to put floors in their bills. When they did that, the Appropriations Committee lost—unwittingly, unknowingly, or knowingly—some of its rightful authority.

The attempt Senator HOLLINGS and I and other Senators on the committee are making and will be making is to bring the matter back where it ought to be, to restore it to its rightful place.

We are not trying to take anything away from the Foreign Relations Committee. We are not trying to take any of its authority away. I am sure that the distinguished chairman of the Foreign Relations Committee is not ignoring or intentionally wanting to take any rightful authority from the Appropriations Committee, but it is being done. Something happened between here and the other body, somewhere along the line, and the floors were reinstituted.

So I will make every effort to clean up the relationship that is so important to doing the business of the Senate expeditiously.

Seeing my good friend from South Carolina reminds me of a time when Coleman Blease was a Senator from South Carolina. I can take lessons from Senator HOLLINGS, with respect to the former Senators from South Carolina.

I have been very much amused about Coleman Blease. It was back in the days when the inauguration of the President took place on March 4, and the old Congress expired at noon on March 4. In those days, an individual Senator could filibuster a bill to death within the last 2, 3, or 4 days prior to the expiration of the Congress.

Members of the Senate often took advantage, when they saw that day draw near, if there was something they wanted to put into a bill, they simply threatened to filibuster until they got what they wanted.

And in the course of that filibuster, of course, they would not kill a certain bill; they would also kill other bills being backed up. Coleman Blease decided one day that he wanted some money put in for South Carolina. So he insisted that $47,000 be put into a bill to defray a debt which was owed to South Carolina, from the War of 1812.

Well, the accountants for the Government had determined that actually the State of South Carolina was owed the total sum of only 34 cents. But Blease said it was $47,000. So he threatened to filibuster all remaining bills.

He had a stack of books by the desk. He had a book on Byron's poems, open, ready to use. The Senate capitulated and put in that $47,000.

The bill went to conference, and Representative Cannon was chairman of the Appropriations Committee at that time. It was not Clarence Cannon. It was Representative Joe Cannon. He was chairman of the Appropriations Committee, chairman of the House conferees.

He went back to the House and complained bitterly of the rules of the Senate that would allow one Senator, to force the Senate to capitulate during those last days of an expiring Congress to put in money; not only force the Senate to capitulate, in fact, but actually force the other body to do so as well. Well, Coleman Blease got his $47,000.

I have acquired a great deal of admiration for Coleman Blease in reading some of the old records. I will have something to say about him on a later day, and about John Randolph of Roanoke, and a few of the other outstanding filibusterers. I might even say a little bit about the late West Virginia Senator, Rush D. Holt, who once threatened to read all of "Aesop's Fables" to the Senate.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. I appreciate the leadership that the distinguished chairman of our Appropriations Committee has given, as a former majority leader, and really the historian of our body recalling the days of Coleman Blease.

I think the chairman made it crystal clear perhaps to the embarrassment of the Foreign Relations Committee, the inappropriateness of accusations to the effect that Sentors are trampling on the process. Especially inasmuch as they violate exactly the principle they say we are violating, which, incidentally, is off the mark entirely.

Our actions were all in conformance with the authorization. We have to adhere to the rules of the process and do a good job, our subcommittee on State, Justice, Commerce particularly. Then they misled the body into a vote which we will ultimately correct with the repeal of that section 50.

Mr. President, let me use this occasion to provide a broader perspective to this body concerning Government's role in the sphere of commerce.

Traditionally, the primary function of our State government is public education; while the primary function of our National Government is national defense. But today, with the disintegration of the Soviet Empire, national security and national interest are more and more a matter of economic strength and commercial competitiveness rather than military might.

On that score, the imperative facing this Government is to meet the economic challenge of Europe and Japan by returning to the activist, assertive governmental tradition of Jefferson, Madison, and Hamilton.

I have been troubled for some time by the political establishment in this country which loves to parrot the mindless phrase, "free trade, free trade, free trade," as though it were a religion. Likewise, I resent the cheap accusation that, and I quote, "Government is the problem, not the solution". These two trends—free trade fanaticism and antigovernment demagoguery—have together put the American ox in the ditch.

The outstanding outcome of the fall of the Berlin Wall is that we will get away from our obsession with military security. Of course we will provide for prudent defensive needs. I will fight for a strong defense as long as I am in this body. But having said that, we in this body must realize that national security in the 1990's is going to be defined principally in economic and commercial terms. And, in that regard, we are in big trouble.

I harken back to the earliest days of our Republic, when the British tried to persuade us to accept a flood of their manufactured goods, all in the name of comparative advantage and free trade.

That was David Ricardo's theory. He enunciated the idea that each country should take advantage of its natural resources and natural advantages to produce what it can produce best—better and more cheaply than other countries. Each country would follow this principle of comparative advantage, importing products which it could not produce more cheaply than

other countries. As a result, Ricardo said, we would have free trade, free trade, free trade; there would be no tariffs, no barriers, and everyone would prosper.

Of course, this was the self-interested advice of the developed nation to the undeveloped. Specifically, this was the wonderful advice of the developed British empire to the undeveloped United States 200 years ago.

Fortunately, Alexander Hamilton, Washington's Secretary of Treasury and economics czar, would have nothing to do with this British seduction. He authored his famous "Report on Manufacturers," in which he urged the development of a strong domestic American manufacturing capability. In so many words, he told the British so-called free traders to "bug off."

At that time, 96 percent of the U.S. economy was agricultural. We had no industry to speak of; little manufacturing. But we did have vast natural resources. So England was telling the fledgling United States, in effect, to remain a colony, to remain economically dependent on Britain. Hamilton said, "No." He said, "We are going to enact statutes to protect our economy and build our industry."

The very first bill that passed this body, on July 4, 1789, was a tariff bill of up to 50 percent on some 30 products, beginning with steel and going down the list. We suckled this great industrial economic giant, the United States of America, on what is now characterized as "protectionism."

So those who parrot the shibboleths of free trade, free trade, simply do not understand the history of our Nation. American history is overwhelmingly the history of strong, activist, assertive government standing up for U.S. economic interests.

Just before the Civil War, they admonished President Lincoln to buy British steel to build the transcontinental railroad. He wisely said "No." He said, "We will build our own steel plants, and it will require sacrifice." Lincoln said, "We will sacrifice and build our steel plants and build our own transcontinental railroad, and when we are through, we will have both."

Under Franklin Delano Roosevelt, with a tough-minded policy of reciprocal free trade, we again bolstered the U.S. economy. In 1935, FDR passed the Export-Import Bank to finance the sale of our wheat to Russia at a cheaper rate. We saw the intervention of an activist government, leading our agricultural and industrial development, pulling the U.S. economy out of the Depression.

Activist government devised the Marshall plan at the end of World War II, and it worked. The truth of the matter is it has worked all too well. We were then the developed nation responding to the undeveloped. We preached unabashed free trade, true free trade, in order to rebuild those shattered economies. We not only sent our aid and our industry, our technology and our expertise, but we sent over America's industrial leadership, corporations that became very quickly multinationals. They found out that they could produce overseas and make a guaranteed profit and would not have to worry about paying for the American standard of living.

Mr. President, several days ago we passed an increase in the minimum wage. We said, "I do not care what your skills, what your talent, what your education, if you work you are worth at least $4.25." We thus intruded into the free market. It was government intervention to maintain the American standard of living. Yet we expect companies paying menial laborers $4.25 an hour, to compete with virtual slave labor abroad.

In Thailand, I happened to visit a company that pays some 40,000 employees four bowls of rice plus $3 a day. So this wonderful bipartisan, well-intentioned political leadership that shouts "free trade, free trade, free market, free market," intrudes in the market to put U.S. companies at a competitive disadvantage, and then we turn around and tell them to get off the golf course and get more competitive. It is hypocritical on our part to demand U.S. businesses to pay for the American standard of living—high wages, health care, day care, early retirement, strict environmental laws, you name it—and also expect them to compete with virtual slave labor abroad.

The Yankee trader still has the right stuff. He is as competitive as there is in the world. Indeed, what you are seeing in the magnificent productivity of Europe and the Pacific Rim is the impact of the Yankee trader, leading the way with the Marshall plan and the revival of Japan after the war.

We saw MacArthur's leadership. He organized corporate Japan to rebuild and compete, and he laid the prototype for MITI. Through a controlled economy, namely, protrust—we have antitrust—and with their government in the lead, Japan rebuilt into an economic powerhouse.

I hope now with the fall of the Berlin wall, that we will move at long last to address the needs of the American people. It is time to sober up.

Yes, after World War II, we were fat, we were rich, and we were happy, but today we are not fat and we are not rich and we are not happy any longer. We cannot agree on how to pay the bills and get our national finances in order. That would be the single greatest thing we could do to restore American competitiveness: raise revenues and cut the budget to eliminate our Federal budget deficit.

I recommended a value-added tax with this intent, because I do not believe liquor taxes and beer taxes and cigarettes taxes and telephone taxes are going to do the job. If you increase the gas tax 10 cents on the gallon, you get only $10 billion. If you put in franchise and sales taxes you get another $6 or $7 billion. Meanwhile the interest cost on the national debt is jumping $25 billion this year. So you obviously need a dramatic measure on the order of a value-added tax of 5 percent, exempting food, housing, and health care, that will bring in $70 billion for starters.

And on that score our competitors are outdistancing us economically. The European Economic Community has an average value-added tax of 17 percent, and in the Pacific Rim the value-added tax is up to 25 percent, and they are taking us to the cleaners.

Do not tell me it is regressive. When we enacted the sales tax in South Carolina 40 years ago, that is exactly what they told us. We were poor, low-per-capita South Carolina. We did not have any money. And they said, "Oh, my gosh, that is regressive. Look at the poor people."

But it is the poor people who supported it. And as I look back, that is the most progressive thing we ever did. It paid for the schools. It paid for the technical training system that was a magnet industry. South Carolina has boomed ever since.

In similar fashion, today, we need an activist government to tackle the deficit, to enforce our trade laws, our antidumping laws, to demand the removal of foreign barriers to trade; right on down the list.

Instead, we in Congress get on our high horses and tell American industry to get competitive, get competitive.

We intrude in the workplace with minimum wage, unemployment compensation, Social Security, clean air, clean water, safe working place, safe machinery, plant-closing notice, and you can bring up seven other things. These all factors into the cost of production, diminishing competitiveness. Then we tell business to come off the golf course and get competitive. I submit that if we are going to legislate a handsome standard of living, then we should be prepared to protect it from assaults from abroad.

Take Glass-Steagall, for instance, I worked with Ambassador West sometime ago, the Ambassador to Saudi Arabia. An American contractor was competing against West Germans who had a bank as a partner. And as a result the German bank would withstand the performance bond on $1.5 billion and save $62 million. The Germans got the contract.

That Glass-Steagall Act has to be updated. Specifically, it has to be updated with respect to our antitrust

law. I will never forget when ITT and AT&T met in the Cairo Hilton in order to bid on an Egyptian communication contract. They got a call from Ben Civiletti at the Attorney General's Office, and they closed up their briefcases and went home, and the French got the contract.

We are in a trade war, and it is already in the fourth quarter. Certainly the European Economic Community is not organizing for free trade. The EEC is organizing to compete.

By the year 2000, in a little over 10 years, the GNP of Pacific Rim countries will exceed that of the EEC and the United States combined. So the EEC says, "Look, we Germans, French, Italians, and British may not love each other, but if we do not band together then, as Franklin said, we will hang separately. So they are gearing up to compete.

We in this Congress must exercise elementary economic common sense. The Japanese will only deal fairly when we make it in their economic interest to do so. You do not bash Japan. You do not moan and groan like a baby crying, "fair trade, fair trade." Who, in the dickens, ever heard of business being charitable and kind. Business is not a social club. It is an economic contest.

Likewise, you do not fuss about Japan's success. They are richer now than you and me, 45 years after the war. Their people are happy. They are strong. They are developed. They are taking our market share. They are taking over American economic assets. So it would be silly for the Japanese to change unless we make it to their economic interest.

Mr. President, we are losing. We are sacrificing America's industrial backbone. And if we cannot collect our wits, and move quickly to bolster the economic and industrial strength of the United States, then the game is over. If we do not get productive and competitive at the Government level, then we can't expect American business to do it alone. There is nothing wrong with this country's businesses. They are producing; they are competitive.

What is not producing and not competing is our Government in Washington. And it just hit me crystal clear listening to Lech Walesa yesterday when he said, "We were stubborn. We knew what we wanted and we were willing to sacrifice." Yet here in the U.S. Government we are not willing to sacrifice anything. Instead we have a higher minimum wage and a crusade for lower capital gains taxes, and we have the most craven politics of all, symbolized by the words, "read my lips."

I hope we can take heed from the fall of the Berlin Wall. This time the bell tolls for us. If we do not seize control of our economic destiny, then say goodbye to America as we know it today. We desperately need a mature, assertive trade policy that demands reciprocity and true free trade. It is time for the American Government to go to bat and play hardball as our competitors do.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes Senator KASTEN from Wisconsin.

Mr. KASTEN. Mr. President, I associate myself with the views of the distinguished chairman of the Appropriations Committee and the chairman of the State, Justice, and Commerce Subcommittee. I came over to the floor right now from the committee hearing, because I think what is going on with regard to this conference report is absolutely unacceptable in terms of the process, and at one point we have to stand up and protect the process.

I have watched the distinguished chairman of the Appropriations Committee here protecting the process, and I think we simply have to call a halt to this kind of ongoing, nibbling back and forth between different kinds of committees and different kinds of jurisdictions. We can nibble, nibble here and there and pretend it is not going on. The fact is the process is deteriorating. And I think right here and right now we should stop it.

I express a strong concern, a grave concern about a number of provisions in this conference report which have the effect flat out of appropriating funds.

We establish funding floors. They earmark for specific programs in such a manner that the State Department and U.S. Information Agency and others will be required to expend appropriated funds for purposes not included in the Appropriations Act.

Not only is this a de facto appropriation, but the effect of this, and all of us understand this as appropriators, we have a mixed process here in which we have an overall total, a 302(b) allocation. We spend up to that total.

If you start allocating funds within these programs, it affects all the other funds whether it is in the foreign operations bill where earmarked countries take preference and all the other earmarked countries fall aside, or in this bill where we earmark certain funds, and if they establish priorities, it affects all the others not simply the ones that are earmarked or pulled out. So it affects the whole bill.

But in addition, this conference report provides that no appropriated funds may be obligated or expended for the Board of International Broadcasting in the absence of authorization. Thus, the International Board would be put in the same position as the State Department and the U.S. Information Agency. I think this is a mistake, Mr. President.

Let me be clear about one thing. My objections to these provisions and this pattern here are not directly connected with the issue. The provisions which establish floors and earmarks are an intrusion on the process. I may or may not be for a certain amount of money for different agencies, or I may even agree that some of these spending levels would be good. The point is not whether the spending levels are good, bad, or indifferent. The point is that the spending levels are an intrusion on the appropriations process, and it has got to stop.

I do not have any objection, and I do not think any of us do on the Appropriations Committee, to the requirement that authorization precede appropriations if it is understood that if an authorization is not enacted by the beginning of the fiscal year appropriations should proceed.

Several weeks ago the Foreign Relations Committee objected to the appropriations conference report for the State Department on the basis that an authorization did not exist. Here we are today the middle of November finally considering an authorization bill, and as a result of a delay, the State Department and USIA are operating not at the new level but at continuing appropriations levels.

Mr. President, clearly these continuing skirmishes that I described as a nibbling away at the system between the Appropriations Committee and the Foreign Relations Committee benefit nobody. I do not think the Foreign Relations Committee wins. I am sure that the Appropriations Committee does not win.

I, however, find it amazing that just a couple of weeks ago the authorizing committee would be concerned about protecting its jurisdiction, just 1 week ago, and is now back, if you will, the mirror image, the flip side, violating the jurisdiction of the Appropriations Committee all within a period of 2 weeks or 10 days. If this is the attitude that we start to develop in this body, we are going to see a slippery downhill slope as we all said, and we are on it right now.

I strongly agree with the views that have been expressed by the distinguished chairman of the Appropriations Committee. I strongly agree with and support the distinguished chairman of the State, Justice, and Commerce Appropriations Subcommittee.

Mr. President, I think all of us in the Senate have to be concerned about this process. And all of us in the Senate, one way or another, must stop it. If that means that this conference report ought to be defeated, I will vote against the conference report on that basis, and I will follow the distinguished chairman of the Appropriations Committee if that is the direction he chooses.

If, on the other hand, there is a way to remedy these problems in a bill that

might be before us later tonight or tomorrow, that would in effect put a fix, would repair the problems, the damage that is being done, I will support and follow the distinguished chairman of the Appropriations Committee. This process is more important than this jurisdictional battle. This process is at the heart of the way our Senate is supposed to work. There is no one who understands that more or better than the distinguished chairman of the Appropriations Committee.

All of us, Mr. President, have got to work together now to stop this process, to get back to the way it is supposed to be, and stop this nibbling around into wasteful kinds of discussions and debates that we have seen as everyone is trying to get at each other's committee and bump into each other's jurisdiction.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, at the time of the original Senate consideration of the State Department authorization bill, I agreed to an amendment to strip out the earmarks. I did so believing there would be no legislative language in the appropriations bill. However, when the Commerce, Justice, State appropriations bill came out of conference, three significant legislative provisions were inserted without a word of consultation with the Foreign Relations Committee. Those provisions related to TV Marti, Worldnet, and a waiver of the authorization requirement.

Under these circumstances, where the Appropriations Committee, I believe, was infringing on the jurisdiction of the authorizing committee, I was in a difficult position to hold the line in the conference concerning the insertion of the earmarks in that bill.

I would add that I have been here for a long time and my recollection is that for at least the past dozen years there have been earmarks on authorization bills. The House will continue to insert on earmarks no matter what we do on this side. Each of the foreign relations authorizations acts of this decade have had extensive earmarking in them.

Our objective here is not a question of just turf protection but trying to make sure that things go in an orderly manner. I realize that personalities are not involved here. I have an affectionate and high regard for, and we have been friends for almost 30 years, our President pro tempore. But we each have diverging views. Our legislative difference is a lot like this glass of water, it is half full or half empty. It depends on how you look at it. To my mind, the idea of earmarks for the authorizing committee is a raison d'etre of our existence.

I would suggest as a proposal that we agree that there will never be legislation on an appropriations bill in return for which we would also agree that there would never be an earmark on an authorizing bill. Would that be agreeable to the Appropriations Committee? I know that I would be willing to make such an understanding, clear-cut, no legislation on an appropriations bill and no earmark on an authorization bill. Further, we should agree that we will not overturn a ruling by the Chair excluding legislative language on an appropriations. That would be an interesting thought to develop.

Mr. BYRD. Will the distinguished Senator yield?

Mr. PELL. Certainly.

Mr. BYRD. There is already in the rules provisions for points of order to be made against appropriation bills on which legislation is included. So that is already in the rules, rule XVI.

Mr. PELL. May I say I respect the President pro tempore who knows more about the rules than, I think I can honestly say, any other Member of this body. But maybe the rules could be adjusted so that the authorizing committee would have the same treatment. But this is an idea that would seem to me as a matter of fairness might be acceptable.

In any case what we have here is the national good trying to move along these bills. My understanding is that our President pro tempore, the chairman of the Appropriations Committee, is in the process of figuring out an ingenious way of moving the items that are most objectionable to him in the defense bill. And I must say, after some consultation and assessing the whole situation, that would be agreeable to me.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. PELL. Certainly.

Mr. BYRD. Is the distinguished Senator saying to the Senator from West Virginia that he is willing to support an amendment which I will offer to the defense appropriations bill?

MR. PELL. I think there are seven items?

Mr. BYRD. On the floor items.

Mr. PELL. There are seven.

Mr. BYRD. Is the distinguished Senator saying to me that he is willing to support my amendment which can be offered in that situation because there are amendments in disagreement?

Mr. PELL. In the presumption that the Senator from West Virginia would be supportive of my——

Mr. BYRD. I was just getting around to that.

If I understand the distinguished Senator from Rhode Island to say he will support my amendment, then there will be a cease-fire immediately, and I will vote for his conference report.

Mr. PELL. Good. That will be agreeable to me.

Mr. BYRD. I do not know that I could carry the vote on this conference report as I do not know I could carry the vote on my amendment without the Senator from Rhode Island.

Mr. PELL. As one Senator, as chairman, that would be agreeable to me.

Mr. BYRD. The cease-fire is in place, and then as far as I am concerned, if the distinguished Senator from South Carolina and the distinguished Senator from Wisconsin are willing, I am willing to go to a vote now.

Is there a desire for a rollcall vote?

Why do we not suggest the absence of a quorum and let the leaders and others determine that?

Mr. PELL. That is fine.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is the conference report to H.R. 1487.

Mr. PELL. Mr. President, I urge the adoption of the conference report.

Mr. HELMS. Mr. President, I have no objection to a voice vote on this measure because it is another one of those bills that is going nowhere. The reason it is going nowhere is because it is going to be vetoed, and there will certainly be enough votes to sustain the President's veto.

Having said that, I ask unanimous consent that a letter and attachment that I received from Lawrence S. Eagleburger, Acting Secretary of State, and Brent Scowcroft, Assistant to the President for National Security Affairs, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, November 16, 1989.

Hon. JESSE A. HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: We are writing concerning the "leveraging" provision in the State Department Authorization Act (the Moynihan Amendment). Because of its vague and sweeping restrictions, the provision will chill, through the threat of criminal penalties, a wide range of routine and unobjectionable diplomatic activity. This will severely hamper the conduct of U.S. foreign policy and would impose an unfair and unreasonable burden on our diplomats and on the conduct of our diplomacy and intelligence activities. The proposal infringes on the President's authority under the Constitution to conduct the foreign policy of the Nation. As such, it is unacceptable.

We enclose for your information the alternate language we proposed on this issue, together with more detailed explanation of our problems with the Moynihan Amendment.

We have worked hard to try to reach a compromise that would minimize the chilling effect on U.S. diplomacy, while still addressing congressional concern that U.S. assistance not be used to circumvent legislative restrictions on the provision of aid. We provided a carefully crafted proposal that would prohibit provision of assistance pursuant to an agreement whereby in exchange for the receipt of U.S. assistance the recipient was required to provide aid that the United States was itself prohibited from providing. Our proposal was rejected, and the vague, sweeping language in the Moynihan Amendment was retained. We proposed deferring until the future the question of what sanctions were appropriate for violations of the provision. In our view, only when Congress identifies the activities to which the prohibition should apply is it appropriate to determine the penalty for violations. Our proposal was rejected, and criminal sanctions were retained for violations with respect to all prohibitions on assistance to which the provision might in the future be applied, even though no one now knows what those might be. We have talked at length with interested members from both parties, and their staffs, to try to work out these differences, but we have been unable to reach a compromise.

Our concerns are exacerbated by the possibility that the provision will be applied to a wide range of prohibitions on U.S. assistance. Some proponents of the measure have argued that it would only be rarely invoked, although if that were the case it could be specifically adopted in those rare instances where it was meant to apply. The fact that a leveraging prohibition is being included in so-called model form suggests that it is intended to serve as standard boiler-plate in future aid proponents of such a measure have already indicated to apply it across-the-board. This possibility makes the sweeping language contained in the provision all the more dangerous and all the greater a threat to the proper conduct of foreign policy.

Because we have recognized the desire on the part of some members of Congress for legislation on this subject, we have worked in good faith to arrive at a compromise acceptable to all sides. Regrettably, that effort has been unsuccessful to date, and we are now faced with a bill that will subject Executive branch officials to unfair and unreasonable risks and that will interfere with the President's constitutional responsibilities in an entirely unacceptable manner. Therefore, if this legislation is presented to the President, senior advisors will recommend that he veto it.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary of State.

BRENT SCOWCROFT,
Assistant to the President, for National Security Affairs.

ADMINISTRATION SUBSTITUTE

(a) Prohibition.—(1) Whenever any provision of United States law expressly refers to this section and expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual for all or specified activities, then—

(A) the provision of United States assistance is prohibited when such assistance is provided to a foreign government (or any instrumentality or agency thereof) pursuant to an agreement under which, as an express condition for receipt of such assistance, the recipient is required to provide, and subsequently provides, funds or material assistance to such region, country, government, group, or individual for carrying out a specified activity for which United States assistance is expressly prohibited under such provision; and

(B) no official or employee of the United States may receive, accept, hold, control, use, spend, disburse, distribute, or transfer any funds or property from any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, if the purpose and effect of any such act is to provide funds or material assistance to such region, country, government, group, or individual for carrying out a specified activity for which United States assistance is expressly prohibited under such provision.

(2) The President may authorize action otherwise prohibited by subsection (a)(1) if he determines such action is important to the national interest of the United States. Any action taken pursuant to such authorization which would otherwise violate subsection (a)(1) shall be reported to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate within thirty days. Such notification may be submitted in classified form.

(b) Whenever any provision of United States law invokes the prohibition in subsection (a)(1) above, Congress may specify the remedies and penalties, if any, to be applied in the event of its violation, and no remedies or penalties shall otherwise be imposed under this section.

(c) Construction.—(1) Nothing in this section shall be construed to limit—

(A) the ability of the President, the Vice President, of any official or employee of the United States to make statements or otherwise express his views to any party on any subject;

(B) the ability of an official or employee of the United States to express the policies of the President; or

(C) the ability of an official or employee of the United States to communicate with any foreign country, government, group, or individual, either directly or through a third party, with respect to a prohibition on United States assistance covered by subsection (a)(1), including the reasons for such prohibition, and the actions, terms, or conditions which might lead to the removal of such prohibition.

(d) Definitions.—for purposes of this section—

(1) the term "person" includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any nongovernmental organization, association, or other group;

(2) the term "United States assistance" means—

(A) assistance of any kind under the Foreign Assistance Act of 1961,

(B) credits and guaranties under the Arms Export Control Act, and

(C) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order 12333 (December 4, 1981), excluding any activity involving the provision, collection or sharing of intelligence information or technical assistance and any activity taken pursuant to a Presidential Finding; and

(3) the term "United States assistance account" means an account corresponding to an authorization of appropriations for United States assistance.

Section 109 of the State Department Authorization bill differs in significant and unacceptable respects from the compromise language proposed by the Administration. This memorandum describes these differences and their importance.[1]

1. *Leveraging (section 109(a)(1)(C) and (a)(2)).* A critical difference exists between:

(a) providing assistance funds as a condition for a recipient taking certain action ("leveraging"), and

(b) merely encouraging that country to take certain action without providing assistance as an inducement ("advocacy" or "encouragement").

Congress can regulate "leveraging" through its power to establish conditions on the expenditure of funds appropriated for assistance. Congress might thus use its appropriations power to tell the President that he cannot offer U.S. assistance as a *quid pro quo* for certain action by the recipient. This is very different from attempting to regulate "advocacy" or "encouragement" by the President—whether it is to other governments in conducting foreign policy or to the American people.

Section 109(a)(1)(C) is structured to prohibit the provision of assistance for the purpose of furthering or carrying out particular activities; assistance which is provided for those purposes is then defined, in subsection (a)(2), to "include[] assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to further those activities." The definition is unclear, however, because it fails to indicate what else might be "included" within the definition. Without an appropriate change, then, section 109 would require an examination into the purpose for which the provision of assistance was undertaken, an inquiry that inevitably would entangle the courts in political questions to discern the state of mind of the President, or of his subordinates, in carrying out otherwise permissible activities.

The definition would be too vague for inclusion in a criminal statute, however, even if the word "includes" were replaced with the word "means." for instance, it is not clear what might fall within the scope of the phrase "further those activities." Section 109 should be limited to arrangements expressly conditioning the provision of assistance (rather than exposing to risk of criminal prosecution any number of perfectly innocent transactions that might be characterized as involving "implied" conditions). Nor should persons be exposed to the risk of such prosecutions without even the minimal safeguard of a requirement for the prosecutor to establish that the solicited activity has actually occurred.

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[1] There have been expressions of interest on the part of some sponsors to modify Section 109 to address some, but certainly not all, of the concerns raised in this memorandum. This memorandum is based on Section 109 as included in the conference report.

The provision's broad and ambiguous sweep creates a serious and unjustifiable risk of criminal prosecution for routine diplomatic activities by Executive branch officials. Diplomacy by its nature involves give-and-take. Many routine diplomatic activities could be misconstrued as somehow involving leveraging or solicitation of a type prohibited by the provision. Given the ease with which such activities could be so misconstrued, and the likelihood of calls for criminal investigations in such instances, the provision inevitably would chill U.S. diplomats in the proper discharge of their duties. The result would be a dangerous timidity and disarray in the conduct of U.S. foreign policy.

2. *Use of Funds by U.S. officials (section 109 (a)(1)(A), (a)(1)(B), and (a)(2)). An additional critical difference exists between:*

(a) encouraging a third country to provide assistance directly to a particular foreign country, and

(b) encouraging a third country to furnish funds to the United States, which the United States, or a United States official, would then provide to the country to which U.S. assistance is prohibited.

Current subsection (a)(1)(A) appears at first to recognize this distinction by attempting to address only the second situation—*i.e.*, where the U.S. accepts non-appropriated funds or property to use where it could not use appropriated funds. Thus, this subsection would appear to apply to situations in which a third country gave money to a United States official to spend for the benefit of a prohibited recipient, and situations where the United States received material directly from a third party and arranged for its transportation to a prohibited recipient. Although this provision is in fact extremely sweeping, the Administration has expressed its willingness to accept a provision along the same lines in view of the concerns that Congress has expressed in this area, so long as the unacceptable purpose test (as set forth in lines 5–8 on page 15 of the bill) is appropriately modified. (*See, e.g.*, discussion of purpose test in section 1, *supra*).

The Administration cannot, however, accept the inclusion of subsection (a)(1)(B). It is simply not clear, and no convincing explanation has been offered, what subparagraph (B) could legitimately add to the statute that is not already included in subparagraph (A).

3. *Penalties (subsection (b)).* A decision as to the appropriate and exclusive penalties should be made by Congress at the time it triggers the prohibitions contained in the section (as would be the case under subsection (b) of the Administration's compromise language). In this way, any penalties to be imposed could be tailored to the particular prohibition on assistance at issue.

4. *Notification Requirement (subsection (c)).* Subsection (c) of section 109 purports to require a notification in every instance where an Executive branch official "advocates, promotes or encourages" particular actions—whether appropriated funds are involved or not. It would, on its face, regulate even discussions between Executive branch officials, or discussions between Executive and Legislative officials, in which the provision of assistance was advocated.

5. *Exclusion of Congressional members and staff (in various subsections of bill—e.g., subsections (a)(1) and (d)).* Prohibitions under section 109 should only be triggered by statutory prohibitions which Congress feels require enforcement of the extraordinary statutory scheme section 109 constitutes. In such circumstances, it appears incongruous that the sanctions would not apply to Congressional members and staff. If Congress feels that this provision is sufficiently well-tailored, that it affords those covered fair notice of what it covers, and that the prohibitions to which it apply are sufficiently important, there is no reason why its sanctions should not apply to Congressional personnel as well.

6. *Definition of "United States Assistance" (subsection (e)).* This definition is faulty in two important respects. First, it extends the definition of assistance beyond its ordinary meaning under the Foreign Assistance Act (and related legislation). It thus broadens the coverage of the statute to include a range of activities, none of which involve the provision of assistance on a grant or concessional basis at expense to the United States, in an area in which the likelihood is particularly high that perfectly innocent activity will be misconstrued or misdescribed as criminal.

Second, section 109(e)(2)(D) would bring the entire regime contemplated by the statute into play in the sensitive area of intelligence activities involving contacts with other nations. Such activities are already subject to a separate and comprehensive statutory regime, under which they are closely monitored by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. These separate regimes reflect the different considerations pertinent to assistance, on the one hand, and intelligence activities, on the other; no good reason exists to change this practice and treat the two as identical for purposes of this statute. The Administration thus believes that this section 109(d)(2)(D) should be eliminated entirely. At the very least, there is no reason why section 109 should seek to make criminal activities taken pursuant to a Presidential Finding.[2]

7. *Construction (subsection (d)(1)(B)).* Subsection (d) sets forth specific rules of construction regarding section 109. Section 109(d)(1)(B) states that nothing in the provision is to be construed to limit the expression of "publicly enunciated policies of the President." There appears no reason in this context to differentiate between publicly enunciated policies, on the one hand, and other views and policies of the President, on the other hand. There can be no constitutional basis for such a distinction and it should be eliminated.

8. *Derogation provision (subsection (d)(2)).* Subsection (d)(2) confuses the relationship between section 109 and other provisions of law. It should be deleted.

Mr. HELMS. Mr. President, the entire letter is of interest, but the concluding sentence tells it all: "Therefore, if this legislation is presented to the President in its present form, we and the rest of the President's senior advisors will recommend that he veto it."

The ACTING PRESIDENT pro tempore. If there be no further debate the question is on agreeing to the conference report.

[2] We note that there is also a question regarding the omission of collection and technical assistance from this subsection, but the Administration's understanding is that the sponsors are willing to amend their provision to include this language.

The conference report was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will Senator withhold?

I simply want to thank the distinguished Senator from Rhode Island for his suggestion that we move along the lines that proved to bring about the cease-fire. I think it was a reasonable approach and I appreciate his consideration and his wisdom.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that I may be permitted to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized to proceed as in morning business.

CYANIDE MYSTERY

Mr. HELMS. Mr. President, I hope Senators will take the time to read a story that appeared in this morning's Wall Street Journal. It is headed: "Cyanide Mystery. In Chilean Grape Case, New Data Raise Doubt As to What Happened."

Momentarily I am going to ask unanimous consent that the entire story of the Wall Street Journal be printed in the RECORD. But let me make one or two preliminary comments. I have been following this story from the very beginning.

The distinguished occupant of the chair, Mr. ROBB, may recall that another nationwide scare occurred last March when two grapes out of a line of crates of grapes from Chile on the docks in Philadelphia were found purportedly to have been injected with cyanide. At the time, I raised questions about how the FDA knew which two grapes out of a million, more or less, had been doctored with cyanide. I still have no response of any consequence, but a GAO investigation is going on at my request and also at the request of the distinguished Congressman LEON PANETTA.

This was a put-up job from the very beginning. I do not know the culpabil-

ity of the FDA, if any. I do not understand how the FDA can claim that it acted responsibly, and I certainly commiserate with the people who lost many millions of dollars as a result of this episode. The sale of grapes from Chile was banned throughout the country by the FDA because of two grapes found by the FDA purportedly doctored with cyanide.

The Wall Street Journal story covers this whole episode in a remarkable fashion. But some months ago, a month or 6 weeks at a minimum ago, an excellent job was done by Herbert Denenberg, of the Philadelphia television station WCAU-TV in exposing this whole episode in terms of its irrelevant responsibility. But for the time being, for openers, the story in this morning's Wall Street Journal tells it all. Mr. Bruce Ingersoll, the Journal's reporter, evidently did a great job of patient old-fashioned journalism, doing a lot of legwork. As a former journalist and editor myself, I can appreciate the hard work that went into preparing a story of this scope. I hope Senators will take a look at it, either in the paper itself or in the RECORD, so that they may be alerted in terms of the details of what really happened last March.

Mr. President, I ask unanimous consent that the Bruce Ingersoll article from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 16, 1989]

CYANIDE MYSTERY: IN CHILEAN GRAPE CASE, NEW DATA RAISE DOUBT AS TO WHAT HAPPENED

(By Bruce Ingersoll)

PHILADELPHIA.—It was at a long line of inspection tables in a cavernous terminal here in the Delaware River that the Food and Drug Administration last March pulled off the Great Grape Catch.

Out of hundreds of thousands of crates of Chilean fruit on a ship docked here, FDA inspectors plucked two cyanide-laced grapes, bearing white crystalline rings around tiny holes as if injected with a syringe. After lab checks, the agency held up all Chilean fruit cargoes at the peak of the shipping season, warning consumers against eating Chilean fruit already distributed.

FDA officials likened their discovery of the two tainted grapes from among 280 million on board the freighter Almeria Star to "finding a needle in a haystack." It was assumed the fruit had been contaminated in Chile, since the search grew out of terrorist threats phoned to the U.S. embassy in Santiago. The FDA's action rocked the economy of Chile with an estimated $300 million loss, and its cost U.S. commercial interests milions as well.

LOOKING DEEPER

But new evidence casts serious doubt on the FDA's miracle find.

Most significantly, new research strongly suggests that the cyanide contamination occurred in the U.S.—not in Chile. And a review of thousands of pages of FDA memorandums, laboratory reports and other documents obtained under the Freedom of Information Act shows the grape affair to be riddled with inconsistencies and seeming implausibilities.

For starters, despite FDA officials' insistence that they had no guidance beyond the vague telephone threats, it now appears likely that the agency was not on a hit-or-miss mission when it singled out the Almeria Star from the armada of fruit-laden freighters and dispatched inspectors to the docks as it was unloading.

In addition, independent chemists question the accuracy of the laboratory findings on which the agency based its momentous March 13 decision to detain all fruit from Chile—the primary fruit source at that time of year. The chemists, after reviewing the FDA labs' work papers, conclude that the agency couldn't be sure how much cyanide was in the two grapes.

FOUR HOURS

What's more, most of the agency's own cyanide-injection experiments since the grape scare buttress contentions, first made by Chilean government officials and researchers, that the contamination took place in the U.S. Researchers at the University of California in Davis, working for Chilean exporters, have taken it one step further; they have compiled preliminary evidence that suggests that the grapes somehow became contaminated after they were unloaded here in Philadelphia—while in FDA hands. Their initial conclusion is that the grapes probably got tainted only about four hours before FDA chemists began testing them.

"It had to occur after the grapes were unloaded, presumably on the dock or in the control of the FDA," asserts David Holzworth, a Washington-based attorney for Chilean exporters.

No one suggests deliberate FDA poisoning, but some U.S. and Chilean chemists propose that accidental tainting of the grapes in the lab may have been to blame.

A BIT TOO PLUMP

Amid much confusion, one conclusion now isn't in great dispute: If injected with cyanide, red seedless Flame grapes wouldn't hold up very well on a two-week voyage from Chile. FDA and Chilean experiments on hundreds of Flame grapes show that they generally become partly discolored one day after being injected with cyanide, start wrinkling after one week, and start shriveling after 10 days to two weeks. Yet the forbidden fruit shown in FDA photographs is round and full, quite appetizing-looking but for the tiny punctures with white rings around them. Grapes injected in Chile and put on a ship "could never arrive in the form they were supposedly discovered in," asserts Phillip Maxwell, a California grape grower and major importer.

The FDA's Philadelphia regional director, Richard Davis, vehemently rejects the notion that the grapes could have become contaminated in FDA hands, inadvertently or any other way. He also denies that agency inspectors had been tipped about where to look for them. And he stoutly defends the quality of the agency's laboratory work. "Nobody has proven to me this analytical work is false or erroneous in any way," says Mr. Davis, who adds that at least one FDA chemist smelled the unique burnt-almond odor of cyanide gas.

Who might have tampered with the grapes and why remain a mystery, Mr. Davis says the FDA hasn't a clue. "Our opinion is that it didn't happen on the docks, but who knows?"

FDA officials and many in the fresh produce industry would prefer to forget the whole thing. But the Chilean government and populace, still smarting from the economic body blow and still suspecting foul play, won't let the matter drop. A judge, acting somewhat like a special prosecutor, is aggressively investigating, and recently sent interrogatories to FDA and other U.S. officials. "This incident is serious," says a Chilean embassy spokesman in Washington. "We want to clarify it."

The issue remains alive in the U.S., too. Agents of the Federal Bureau of Investigation have questioned some FDA staffers. The General Accounting Office is conducting a congressional inquiry for Rep. Leon Panetta, a California Democrat, and for Sen. Jesse Helms of North Carolina, who maintains the FDA overreacted in what he calls "the most bizarre episode" he has ever seen. "Until they provide me one scintilla of evidence, I don't believe it happened in Chile," says Sen. Helms, the ranking Republican on the Foreign Relations Committee.

The man most intent on unraveling the mystery is Ricardo Claro, senior partner in Chile's oldest law firm, Claro & Cia, and chairman of Compania Sud Americana de Vapores, a major steamship concern. The British-owned Almeria Star and the terminal where she was unloaded are under lease to his company, whose interests in the U.S. are represented by the New York law firm of Shearman & Sterling. Unlike many others, Mr. Claro has a distinct theory about what happened. In television appearances and his weekly radio commentary in Chile, he has charged that the whole crisis was manufactured by a ring of State Department mavericks, working through the FDA.

"I believe a group of U.S. government officials engaged in an unauthorized covert action," he says in a long-distance interview. Their objective? To demonstrate, he speculates, the power of U.S. economic sanctions, should the Pinochet government be plotting to stay in power beyond the end of its term in March 1990.

Mr. Claro specifically accuses George Jones, until recently the deputy chief of mission at the U.S. Embassy in Santiago, of a key role in the alleged conspiracy. Mr. Claro says that over a lunch in early 1988, Mr. Jones sounded him out on what the Chilean reaction might be to a U.S. ban on fruit from Chile, the Latin nation's second most important export. One year later, Mr. Claro notes, the hypothetical happened.

Mr. Jones, now vice president of the American Foreign Service Association, won't comment on his luncheon discussion with Mr. Claro or on the conspiracy allegation. "I don't want to get into ancient history," he says. In Santiago, U.S. embassy officials deny any U.S. scheme to provoke a crisis in the Chilean economy. And in Washington, a State Department official dismisses the Claro theory as "ridiculous."

WHAT DID FDA KNOW?

The murky affair, particularly the grape find against huge odds, has aroused almost as much suspicion here on the Philadelphia waterfront as in Chile. The anonymous caller didn't say what kind of fruit had been poisoned, let alone which ship or crate it was in, according to the embassy in Santiago and to Frank Young, the outgoing FDA commissioner. But many importers and dock officials who were here at the Tioga Fruit Terminal on March 11 and 12, a

Saturday and Sunday, can't believe the search was random.

"All of a sudden, I saw an army of guys," says pier superintendent John Hamilton. "They never told us what they were looking for, but it was obvious they knew which tree to bark up."

"Saturday was random all the way," says Bernard Gilbert, the dock boss. Twenty-nine pallets of grapes were set aside for examination, including two headed for a New York firm called Direct Fruit Import Inc. But on Sunday morning, Mr. Gilbert recalls, an FDA inspector named Richard C. Cherry asked him: "Where do you have Direct Fruit, Crispy Brand?"

"That was the only brand name they asked for," says Mr. Gilbert. "I'm sure of it."

Five more Direct Fruit pallets were pulled for inspection, Mr. Gilbert says, and by about 10 a.m. the punctured grapes had been found—sitting on the top layer of grapes in a Crispy Brand crate.

The reason for singling out Crispy Brand, says Mr. Davis of the FDA, was that "we were trying to make sure we had a sample of each producer's product."

The grapes came from the vineyards of Julia Saavedra, a small grower who had shipped just 26 pallets—out of 4,045 fruit pallets aboard the Almeria Star. That the FDA inspectors would zero in on so many of hers is "extremely suspicious," says Herman Chernoff, a Harvard University statistician. He estimates the odds of their doing this in a random inspection at one in 10,000, adding: "This suggests they had been pointed in a certain direction or they engaged in very silly practices from the point of view of random sampling."

Rep. Kika de la Garza, the House Agriculture Committee chairman, doesn't tip-toe around the issue. "The information I have is that party or parties responsible informed the FDA what shipment, what box, what corner of the box the two grapes were in," the Texas Department declared at a hearing this summer. How does he know? Rep. de la Garza says that a high FDA official briefed him on it.

THE OFFICIAL STORY

That certainly isn't the FDA's position now, but it took the agency a while to get clear on what had happened. It wasn't till April 17 that the agency's emergency operations division developed a "coordinated single version of the grape discovery," as it was described by one of four separate internal chronologies of the crisis.

The man officially credited with the Great Grape Catch is William Fidurski, one of 150 inspectors mobilized for the most intensive food-safety investigation in FDA history. Nonetheless, discrepancies in FDA documents indicate that the agency really doesn't know who made the find.

In a memo, Mr. Fidurski reports spotting two punctured grapes, saying nothing about a third. The FDA photograph shows three grapes—two punctured and a third slightly gashed. Mr. Fidurski's memo describes both of his as having "a pinhole-size puncture centered in a circular, dome-shaped discolored area that was a whitish, yellowish pussy color." The three in the photo don't look discolored at all.

Mr. Fidurski's memo says he turned the two grapes he found over to Shirley Isbill, one of the two supervisors on the long line of inspection tables. Mr. Isbill's report doesn't mention receiving any such grapes. However, the other supervisor, Rob Deininger, reports having three grapes brought to him. Yet he says they were brought by a different inspector, whose name he doesn't remember.

All three of those were still on the bunch and had "almost a perfect circle with a mark in the middle," the supervisor says. Mr. Fidurski—besides describing the area around the holes differently—recalls accidentally nudging one of his grapes off its stem.

FDA Commissioner Young wouldn't return phone calls seeking comment, and the FDA would allow only certain senior officials to comment.

DOWN AT THE LAB

It isn't clear from the documents who took the suspicious-looking grapes downtown to the FDA laboratory in the Philadelphia U.S. Customhouse. Two sisters, Bettina and Yvette Henry, were the chemists assigned to test the two punctured grapes for cyanide, according to FDA documents.

After the juice was squeezed out of the grapes, a solution of diluted sulphuric acid was added to the sample for a "cyantesmo test," according to the sisters' work papers. The acid would react with any cyanide present, releasing hydrogen cyanide gas. The sample, plus a small strip of paper coated with a reagent that would change color if hydrogen cyanide gas was present, was a stopper. Within a few minutes. the paper turned blue—a sign of cyanide contamination. A second cyantesmo test was run, and it too came up positive.

To confirm these findings and to measure the amount of cyanide, the sisters ran yet another test, a so-called chloramine T test. It was at this point that the FDA chemists made a big error, according to Chilean and U.S. chemists who have reviewed their work papers. Instead of distilling the sample, they used a centrifuge to remove any solid materials from the juice. The centrifuge, however, isn't as effective as distilling. When the FDA chemists then added the reagent chloramine T. it produced a pink-purple color, whose intensity was measured to determine the level of cyanide. Outside chemists contend the residual materials not removed by the centrifuge resulted in too high a reading.

"I have serious problems with what they did," says James Girard, chairman of American University's chemistry department. "I think the data is highly questionable."

The FDA chemists reported measuring 0.51 part of cyanide per million parts of grape. By Prof. Girard's calculations, they should have come up with an even more minuscule level, 0.28 ppm, which is just below the test's detection limit of 0.30 ppm. Independently, two chemists at the Serccal Ltd. laboratory in Santiago did the same analysis of the sisters' work papers and concluded the level should have been substantially below 0.51 ppm.

"The precision of their [the FDA chemists'] analysis is certainly in question," says David Stafford, director of the forensic toxicolgy laboratory at the University of Tennessee medical school. Messrs. Girard and Stafford aren't the first to question the FDA's lab work, though. This summer Herbert Denenberg, a consumer reporter with WCAU-TV in Philadelphia, reported that two Tufts University chemists had also concluded the FDA erred in testing the grapes. (The FDA wouldn't let the Henry sisters comment.)

The critics don't question whether there was cyanide in the two grapes, disputing only the measurement. Both their calculations and the sisters' show levels much too low to be a threat to human health. However, the apparent testing imprecision takes on significance in view of later, conflicting tests by the FDA itself.

Right after the testing in Philadelphia, the FDA flew the sample to its Cincinnati lab for further analysis, along with the still-untested third grape and the rest of the bunch. There, says the FDA's top forensic chemist, Frederick Fricke, testing found no cyanide in either the sample, the third grape or any other grape in the bunch. Yet, strangely, in Cincinnati white rings were found on two additional grapes.

The negative result in Cincinnati didn't surprise FDA officials, who presumed that the remaining cyanide was lost from the sample during the testing by the Henry sisters in Philadelphia.

All the second-guessing infuriates Mr. Davis, the FDA's regional director in Philadelphia. "We know by what we found that the grapes contained more cyanide than was detected," he asserts. The agency uses a centrifuge in chloramine T tests at all its labs because it's quicker than distillation, he contends, and in any case, the chloramine T test result is "one little bitty piece of evidence," Mr. Davis complains that critics have lost sight of the other evidence of contamination—the smell one person detected, the cyantesmo "positives" and the telltale white rings.

But it turns out that FDA chemists don't know what to make of the crystalline rings that Commissioner Young focused on when he decided to hold up Chilean fruit imports. The FDA's Cincinnati lab has tried in vain to identify the rings' chemical makeup. Its top chemist, Mr. Fricke, is clear on one thing about the ring substance: "It wasn't cyamide."

Scientists have learned a good many other things about cyanide-laced fruit in the frenzy of research that began in the U.S. and Chile even before the poisoned grapes were found. They have learned that it takes skill to inject cyanide into grapes without most of it seeping back out—and that it is impossible to inject a lethal does without ugly, unappetizing blemishes rapidly appearing

They have also found that cyanide, once injected, seems to dissipate very rapidly, some vanishing into the air as a gas. After a day or so, only a small fraction can be detected.

The FDA's Cincinnati lab has one study that leaves open the possibility of grapes having been spiked in Chile. Though most grapes injected with even a little cyanide had shriveled and darkened 16 days later, two stayed in good shape. They weren't shrunken "like a raisin," and "to me, they weren't discolored very much," says Mr. Fricke, though he volunteers that he is a bit color-blind. All other Chilean and FDA lab studies available discount the contamination-in-Chile possibility.

Could the grapes have become contaminated while aboard the Almeria Star, which was at sea for about two weeks with a Philippine crew and West German officers? This possibility seems remote. Refrigerated fruit ships sail with their multiple decks crammed high with steel-strapped pallets, shipping-industry officials explain, leaving very little crawl space. A sailor would have to poke a syringe through a narrow crate slat and a plastic bag to reach paper-wrapped bunches, then try to inject individual grapes without spurting cyanide all over. "Impossible," says one shipping executive.

Industry officials aren't so ready to rule out foul play on the Tioga Marine Terminal dock. Despite bristling barbed wire, cyclone fences and guards, says one shipping executive, "security here is a joke." More than 300 people—longshoremen, coopers, fork-lift operators, truck drivers, fruit fumigators, importers and government inspectors—are swarming about when a ship is being unloaded. "That's a lot of people to keep under control, to see what they're doing every minute," adds the executive.

FDA officials, nonetheless, don't believe it happened at the terminal. The Almeria Star was unloaded under extra-tight controls, they say. If so, where and when did it happen?

THE FOUR-HOUR THEORY

The University of California at Davis researchers have come up with preliminary evidence that the grapes could have become contaminated sometime after the remarkable find—at about 10:00 a.m.—but before the lab work began—at about 2 p.m.

The California researchers injected grapes with 160 micrograms of cyanide and then, after waiting four hours, followed the FDA sisters' testing procedures step by step—two cyantesmo tests plus a chloramine T. with one variation, however: Instead of centrifuging the grape juice, they distilled it. They could detect only 3.6 micrograms of cyanide, on average, in the grapes.

They calculate that a 100-microgram injection in a grape four hours before the test would have produced the Philadelphia lab's cyanide reading of 3.1 micrograms, or 0.51 ppm. To get the 0.51 result from a cyanide injection more than four hours before the test, more cyanide would have had to be used, and in that case the grape would have been more blemished. And four hours before the Philadelphia test was just about the time the grapes came into FDA possession.

"If true, this is an FDA scandal," says Mr. Girard of American University, a frequent expert witness in "toxic torts," such as the Times Beach, Mo., dioxin case.

Since nobody suggests an FDA insider deliberately spiked the punctured grapes, FDA insistence that there wasn't any accidental contamination in the lab only deepens the mystery. And still hanging unanswered is the question of motive.

The man who phoned the threats to the U.S. embassy talked vaguely about social and economic injustice in Chile under Augusto Pinochet. U.S. officials thought his poison threats probably a hoax, but the FBI has investigated the possibility that the caller had collaborators in the U.S.

OTHER THEORIES

Could it have been labor sabotage? That's very unlikely, importers here say. There was no labor strife on the Philadelphia waterfront last spring, and besides, longshoremen and other unionized dock workers draw about one-third of their annual wages from Chilean fruit jobs.

Would rival U.S. fruit producers have done it? No way, say fruit industry officials. It would boomerang on them. "Our industry is very sensitive to these kind of scares," says Mr. Maxwell, the California grape grower and importer. "Anything done to harm the image of Chilean grapes harms our table grapes just as much."

Then there is the conspiracy theory of Ricardo Claro, the Chilean lawyer and shipping magnate. The FDA's Mr. Davis scoffs at the idea of a U.S. warning to Mr. Pinochet not to try to hang on to power. But some U.S. importers tend to embrace it for want of any better explanation. "I feel somebody had it in for us and the Chilean government and somehow penetrated the FDA system to make it happen," says Mr. Maxwell.

In the face of rank skepticism, Mr. Claro continues to assert his dark view of the whole affair. On Aug. 17, in a meeting with former Senate Foreign Relations Chairman Richard Lugar and Ambassador Charles Gillespie on the U.S. Embassy in Santiago, he repeated his charges that the grape scare was the clandestine work of State Department mavericks.

Mr. Gillespie didn't say a word throughout, Mr. Claro says. "He was as white as this paper," Mr. Gillespie has repeatedly denied any U.S. conspiracy, and Sen. Lugar says he doesn't buy the theory either.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I would like to speak briefly in the absence of any pressing Senate business about a hugely important subject which was touched upon in the conference report on the Foreign Relations Authorization Act for fiscal years 1990 and 1991, which just passed the Senate.

This measure passed the House last evening by a voice vote. It contains the amendment which I originally offered in the Committee on Foreign Relations in May, and which was adopted by a vote of 54 yeas and 42 nays on this floor in July. It was discussed in the conference committee, has passed the House, and now has passed the Senate. A bill with a similar provision also passed the House by a vote of 324 to 93 two days ago.

Mr. President, I rise in the context of the letter received this afternoon from General Brent Scowcroft, who is assistant to the President for national security affairs, and Lawrence Eagleburger, the Acting Secretary of State, which discusses their "problems with the Moynihan amendment." They stated that if this amendment were to be contained in the bill, they would have to recommend a veto. Now it is clear they will do so. We may anticipate a veto from the President should the measure reach him before our adjournment, at which point we will have the opportunity to reconsider. Alternately, it will reach him after we have adjourned sine die and a pocket veto is possible, although much more problematic inasmuch as there are measures in the bill which both the Executive and the Congress want. These will have been lost in that process.

May I say that I would like to express great appreciation to General Scowcroft and to Secretary Eagleburger, who came here yesterday to talk with us about this. I wish they had come five months earlier. I think they wish they had done it.

They have now produced a confrontation between the Congress and the Executive where none need have occurred. They recognized that during the summer and the fall informal discussions with the Department of State, and most recently directly with the Honorable Abraham Sofaer, Judge Sofaer, the legal adviser to the Department, had brought many positive responses from us.

They recognized that the most distinguished Senator from New Hampshire had joined us in this matter in a bipartisan spirit: Senator RUDMAN, a master draftsman, a person of the law, with the uttermost respect for it and command of it.

He worked with us to revise our draft, to refine our legislation. Ours is a criminal statute. A criminal statute has to be drafted with the greatest care, specificity and narrowness to survive the scrutiny of courts, as ought to be the case.

A similar measure was brought up as part of the bill which passed the House 2 days ago 324 votes to 93—a 3-to-1 vote, more than sufficient to override a veto as such. What will happen remains to be seen.

Mr. President, what I would like to address for a moment is the constitutional crisis now developing over the relationship of the executive and the Congress in foreign affairs. It is a crisis.

This crisis recently reached a peak in what has been called the Iran-Contra affair, but it has been developing for longer than that; for generations, perhaps for half a century in some ways.

It involves the necessary comity between the two branches. In foreign affairs, the Constitution provides for shared powers. The Federalist could not be more explicit in explaining the Constitution in that matter. Hamilton stated:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a President of the United States.

The Federalist explained that the powers were shared, the advice and consent clause being the most explicit one, and the distinguished Presiding Officer, who represents the Commonwealth of Virginia, will recall that while the Capital was still in New York, a number of treaties with Indian tribes were negotiated under George

Washington. He went personally to the Senate Chamber to say, "Shall we talk?"

The talk got heated, as it sometimes did in those days and will do even now, and he left saying he was blanked if he would ever come back, and no President has.

But still, that shared power on treatymaking is at the heart of the constitutional distribution of powers.

More important, of course, is the fact that the Congress appropriates money and no moneys may be spent save the Congress has appropriated them.

The history of the constitutional provision with respect to appropriations is a very long one. It goes back to the struggle between the English kings and the English Parliament over who may do what with respect to raising moneys and with respect to the division of powers in foreign affairs.

For the longest time, the English kings would raise moneys more or less privately, independent of parliament. They were known as emoluments. Having raised their moneys, they went about building castles in Spain or France or wherever, much as they wished to do, claiming that it was their money and they could spend it as they would.

Only very slowly did the Parliament assert its power to say, "Here is money; you may spend it for this and no other thing." I believe the first known clear instance of a parliamentary appropriation goes back to 1340.

In that case, the Parliament in Westminister appropriated money with a provision that said: "The money shall be put and spent upon the maintenance and safeguard of our realm of England and on wars in Scotland, France, and Gascony, and in no place elsewhere during said wars." Gascony is part of what we now think of as France. "Scotland, France, and Gascony, and in no place elsewhere during said wars."

Recently, Mr. President, Stephen Elkin, of the University of Maryland, has noted that this first appropriation could have been taken word for word and used as the Boland amendment or other similar amendments adopted by Congress during the 1980's. I am much indebted to him for that observation and for some of the other items I have cited this afternoon.

During the 1980's it was my responsibility in the Senate to bring to the floor authorizations for the intelligence community containing the Boland amendment—myself and the revered Senator from Arizona, Barry Goldwater. And we were, in our committee, faithful to those amendments just as if they had originated with us.

The administration was not. They chose not only to ignore them, but, beyond that, to do so in ways which have brought great pain to the former President, to Government, and to other individuals, such as the former national security adviser who is about to go on trial a few blocks from here. The President knows all that.

But something more is involved. What is involved is not a crisis of individuals, but a crisis of shared power. More and more we hear from members of the Executive that the President is entirely independent of Congress in foreign affairs and this letter from Mr. Scowcroft and Mr. Eagleburger epitomizes this view. We are hearing that no limitations may be placed on his behavior, that he is—here I cite Elkin's paper "Contempt of Congress: The Iran-Contra Affair and the American Constitution" "the recipient of a prerogative power." Very king-like: a prerogative power.

I have heard able, learned Senators on this floor on that side of the aisle describe the attitude of the National Security Council lawyers in almost identical terms, that they view with alarm and scorn any effort by the Congress to simply require that the law be followed in foreign affairs. That is what the amendment in question does. It says that what is prohibited under law may not be done. These are laws which, after all, only become laws when the President himself has signed a bill.

All our amendment does is say that what the law says you cannot do, you may not do, and if you do it, you are subject to criminal sanctions. This is nothing unusual or out of the ordinary. It says the President may advocate whatever he wishes—I ascribe to that—and that the President is free to advocate to anyone he wishes. As the head of the executive branch he is free to advocate anything to anyone at any time. No power of the Congress rests with us to limit what he may advocate anymore than he may limit what we say. However, this proposition has mutated into a principle of Presidential prerogative: the Congress may not interfere at all.

We learned during the Iran-Contra hearings that plans were discussed to create a sufficient fund of moneys, privately acquired, so that the President would have available an off-the-shelf covert action capacity so that he could just reach out and have the resources available—unknown to Congress, not provided by Congress, certainly not controlled by Congress—and exercise his power.

I do not wish to exaggerate what happened, but if you have an off-the-shelf covert action capacity, which is the capacity to use violence. Why not a private army, an off-the-shelf marine division? Not that the Marines would put up with that, but if you could imagine a comparable group of men and women: a private army. They are not unknown to history. To the contrary.

Those Virginians do continually startle you with what they foresaw. In a letter to Jefferson, Madison said that "management of foreign relations appears to be the most susceptible of abuse of all trusts committed to a government."

Why? Very simply because so much of it is private, if not in fact secret. It involves the interests of parties by definition very different from ourselves: other government; other nations. It can involve violence, sudden and overwhelming. And it has ever been the prerogative of kings. Only the British Parliament, in all of the experience of mankind up to that time, tried to say, "Now, wait, there are some things you cannot do. Here is money for war in Scotland, France, and Gascony and no other place."

James I insisted on raising money on his own and spending it on his own. In the end it was taken to the point of trial, condemnation, and execution.

In our time, that extraordinary New Yorker, if I may say—I must say something on behalf of New York—Robert Jackson from Jamestown, NY, who was Attorney General under President Roosevelt, and later Justice Jackson, wrote his concurring opinion in Youngstown Sheet and Tube Co. of 1952:

> The actual art of governing under separateness, but interdependence, autonomy, but reciprocity.

I was earlier discussing the attitude of White House attorneys, National Security Council attorneys, in asserting a Presidential prerogative power.

I have once read, sir, a letter from that same Robert Jackson, then Attorney General to President Roosevelt, expressing disappointment that the President seemed intent upon getting himself a lawyer in the White House. "Mr. President," he said in effect, "I am your lawyer. I am the Attorney General; why would you need another lawyer?"

Well, sir, one of the great events that has changed is the increasing power of Presidential staff. Woodrow Wilson not only wrote his own speeches; he typed them. Franklin Roosevelt required about five persons on the payroll of the Department of Agriculture, who he asked have a passion for anonymity.

We would never, in Mr. Roosevelt's time, have received a letter about something as important as the constitutional relations between the Congress and the President over foreign affairs from anyone but the President himself. There would not have been anybody to write it. But now we have lawyers who have lawyers.

I recall that it was only in 1981 that for the first time an individual signed his name as "Chief of Staff" to the President. There is now an Office of the Chief of Staff and Deputy Chief

of Staff, if I am not mistaken. In the process, they have developed a theory of Presidential prerogative in foreign affairs, which is incompatible with this Constitution, our Constitution, and which not only ensures, Mr. President, but enjoins a protracted constitutional crisis.

We have had the bombing of Cambodia, without any declaration of war on even the knowledge of this body. We have had Iran-Contra. We have had the mining of Nicaraguan harbors in clear violation of international law, a violation confirmed by a 14-to-1 vote in the International Court of Justice. We have had a President near impeachment; and we have had other discussions of impeachment.

We have been seeing scraps of paper, including NSC minutes, emerge from the Iran-Contra criminal trials. We now know that Secretary Shultz, to his great credit, during a June 25, 1984 meeting said that you cannot do this, spend money which is not appropriated by Congress. He said that if you do that, you can be impeached. Well, they decided to do it anyway.

I do deeply regret that President Bush has allowed himself to be pushed in the direction of intensifying this constitutional conflict, which is really his own conflict with the Constitution. Let me be clear. I did not mean the conflict intentionally built into the arrangements of the Constitution: the checks and balances which are designed in that way. The great work "The American Presidency," described foreign relations as "an invitation to struggle" between the executive and legislative branches. But, sir, there has not ever been in our history the likes of the appearance of a doctrine of Presidential prerogative. Such a doctrine does not acknowledge a congressional "check" or legislation as a legitimate "balance".

Week after week, since May, we have had lawyers from the executive branch telling us that the Congress can not do what we had done in the so-called Boland amendments; that we can not do what we have done today in the Moynihan amendment. I use the phrase because it is used here in the letter from Brent Scowcroft and Lawrence Eagleburger. It is their term, not mine. I accept it. They have been saying that you cannot provide penalties for violating the explicit laws of the land regarding conduct of foreign affairs. Laws passed by Congress and signed by the President.

Mr. President, I have stated my views on this matter. I record once again that a bill with a similar amendment in it passed the House 3 to 1 recently. This bill passed both Houses by voice vote. It now goes to the President. I would hope we might meet with him. I would hope he would understand that this bipartisan assertion of concern is real. It is not directed with any animus. But for the President's advisers to say it would be vetoed is very close to saying that the Presidency is above the law in foreign affairs. That, sir, has led Presidents to ruin, or near ruin, in the past. I hope it will not do it again.

But I say, what this veto threat today has done, rather than to ease a crisis, is to intensify it; rather than to create a prospect of some gradual reconciliation, is rather to set us on the course of protracted conflict which the Congress did not intend, but from which the Congress in the end will not recede. We take the same oath the President does, to uphold and defend the Constitution of the United States of America against all enemies, foreign and domestic. I emphasize the phrase "and domestic."

Mr. President, in recent months our negotiations have astounded me and any number of Senators involved. We find what I would only describe as unwitting, but determined enemies of the Constitution within the executive branch today.

Mr. President, I ask unanimous consent that the letter to me from General Scowcroft and Secretary Eagleburger be printed in the RECORD.

I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, November 16, 1989.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: We are writing concerning the "leveraging" provision in the State Department Authorization Act (the Moynihan Amendment). Because of its vague and sweeping restrictions, the provision will chill, through the threat of criminal penalities, a wide range of routine and unobjectionable diplomatic activity. This will severely hamper the conduct of U.S. foreign policy and would impose an unfair and unreasonable burden on our diplomats and on the conduct of our diplomacy and intelligence activities. The proposal infringes on the President's authority under the Constitution to conduct the foreign policy of the Nation. As such, it is unacceptable.

We enclose for your information the alternate language we proposed on this issue, together with more detailed explanation of our problems with the Moynihan Amendment.

We have worked hard to try to reach a compromise that would minimize the chilling effect on U.S. diplomacy, while still addressing congressional concern that U.S. assistance not be used to circumvent legislative restrictions on the provision of aid. We provided a carefully crafted proposal that would prohibit provision of assistance pursuant to an agreement whereby in exchange for the receipt of U.S. assistance the recipient was required to provide aid that the United States was itself prohibited from providing. Our proposal was rejected, and the vague, sweeping language in the Moynihan Amendment was retained. We proposed deferring until the future the question of what sanctions were appropriate for violations of the provision. In our view, only when Congress identifies the activities to which the prohibition should apply is it appropriate to determine the penalty for violations. Our proposal was rejected, and criminal sanctions were retained for violations with respect to all prohibitions on assistance to which the provision might in the future be applied, even though no one now knows what those might be. We have talked at length with interested members from both parties, and their staffs, to try to work out these differences, but we have been unable to reach a compromise.

Our concerns are exacerbated by the possibility that the provision will be applied to a wide range of prohibitions on U.S. assistance. Some proponents of the measure have argued that it would only be rarely invoked, although if that were the case it could be specifically adopted in those rare instances where it was meant to apply. The fact that a leveraging prohibition is being included in so-called model form suggests that it is intended to serve as standard boiler-plate in future aid prohibitions. Indeed, we understand some proponents of such a measure have already indicated their intent to apply it across-the-board. This possibility makes the sweeping language contained in the provision all the more dangerous and all the greater a threat to the proper conduct of foreign policy.

Because we have recognized the desire on the part of some members of Congress for legislation on this subject, we have worked in good faith to arrive at a compromise acceptable to all sides. Regrettably, that effort has been unsuccessful to date, and we are now faced with a bill that will subject Executive branch officials to unfair and unreasonable risks and that will interfere with the President's constitutional responsibilities in an entirely unacceptable manner. Therefore, if this legislation is presented to the President in its present form, we and the rest of the President's senior advisors will recommend that he veto it.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary of State.
BRENT SCOWCROFT,
Assistant to the President for National Security Affairs.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from North Dakota.

RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1990

Mr. BURDICK. Mr. President, I submit a report of the committee of conference on H.R. 2883 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2883) making appropriations for rural development, agriculture, and related agencies for the fiscal year ending September 30, 1990, and for other purposes, having met, after full and free conference, have agreed

to recommend and do recommend to their respective Houses this report, signed by all of the conferences.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 15, 1989.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I am pleased to present for consideration by the Senate the conference report to accompany H.R. 2883, providing appropriations for agriculture, rural development, and related agencies for fiscal year 1990.

In recent weeks, Senate and House conferees have reached an accord on each of the 97 amendments to H.R. 2883 in disagreement. The final legislation provides a total of mandatory and discretionary spending for the U.S. Department of Agriculture, the Commodity Futures Trading Commission, the Food and Drug Administration, and related agencies at $43.6 billion. The conference agreement is within the Subcommittee on Agriculture's 302(b) allocation in budget authority and outlays.

Major emphasis is given to important programs of the Department of Agriculture in the coming fiscal year. Substantial increases will foster rural development through loans and grants for water and sewer facilities, and for community and industrial development projects. For rural housing, Congress has rejected the administration's voucher proposal and has restored almost $2 billion in housing loans and grants.

The bill continues funding for many areas of great importance to rural America, including conservation, rural electrification, and Farmers Home Administration programs.

The conference agreement reaffirms Congress' commitment to end hunger at home and abroad. The agreement provides $15 billion for food stamps; over $2 billion for the women, infants, and children's feeding program; and almost $5 billion for child nutrition programs. To aid our needy neighbors internationally, this legislation provides an appropriation of $992 million for commodity donations and sales.

In this legislation, marketing, inspection, and research programs receive increases above the administration's budget. New research initiatives for water quality, rural economic development, and nonfood uses of agricultural products are supported through USDA and university-based projects. Cooperative academic research projects will address unique regional concerns, and the Extension Service will continue to operate its base programs in the field.

For the Food and Drug Administration, the conferees provide increased funds to support needed resources to enable the agency to meet its mission. The conference agreement also makes funds available to ensure the integrity and operation of the Commodity Futures Trading Commission, the Farm Credit Administration, and the Farm Credit System Assistance Board.

The fiscal year 1990 appropriations for agriculture, rural development, and related agencies represent a careful and deliberate balancing of national and regional priorities.

Mr. President, I am pleased to offer this conference report for approval by the Senate at this time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we have before us the conference report which was finalized yesterday among conferees. It was approved earlier today by the other body.

H.R. 2883 makes funds available for the many programs administered by the Department of Agriculture such as research and extension, conservation, rural housing and farm loans, and farm income and price support programs.

A rather large portion of this bill, around 44 percent, consists of funding for the various domestic food programs administered by the Department of Agriculture. These include the Food Stamp Program, the School Lunch and Breakfast Programs and the Women, Infants, and Children Program. I believe that adequate funding levels are provided for these very beneficial nutrition programs by this bill.

Total obligational authority in this conference agreement is $43.6 billion. Of that total, $39.5 billion is new budget authority. The difference of $4.2 billion represents funds transferred from Customs receipts for use in various nutrition programs. The budget authority total of $43.6 billion is $26.1 million below the President's budget request and $3 billion below last year's level.

For the Commodity Credit Corporation, which is the funding source for our farm programs, reimbursement for net realized losses of $4.2 billion, approximately 10 percent of the bill's total, is provided. This is about one-half the amount provided last year to reimburse the CCC for net realized losses.

Mr. President, I am pleased to report that this conference report places increased emphasis on rural development. In fact, almost one-fourth of the bill total is available for programs that assist rural areas.

Specifically, the agreement provides increases for the rural housing programs and for rural water and waste disposal loans and grants. It provides funding at current levels for industrial development loans and community facility loans for rural towns and villages. And it continues to support REA program levels that will make adequate and affordable electric and telephone service to rural areas. This conference agreement also provides a much needed increase for the activities of the Food and Drug Administration. These additional funds should help ensure that FDA is better able to carry out its responsibilities under the law.

In addition, funding is provided for the Commodity Futures Trading Commission and the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation, and limitations are established on the administrative expenses of the Farm Credit Administration and the Farm Credit System Assistance Board.

The committee of conference on H.R. 2883 considered 97 amendments in dissagreement between the two Houses. Although the conferees were faced with some major challenges, I believe those challenges were met and the differences were resolved to make this agreement fiscally responsible, reflective of true needs, and acceptable to both Houses of Congress, as well as to the administration.

I have received positive indications that the President will sign this appropriation bill.

I urge my colleagues to approve this conference report today. We are already into fiscal year 1990 and the third and final continuing resolution is due to expire on Monday, November 20.

In conclusion, Mr. President, I thank our able staff members, Irma Hanneman, Rocky Kuhn, and Debra Dawson who worked very hard to provide excellent dedicated professional assistance to our appropriations subcommittee.

Mr. HATCH. Mr. President, I would like to take this opportunity to speak in support of the conference report to H.R. 2883, a bill making appropriations for rural development, agriculture, and related agencies programs for the fiscal year ending September 30, 1990.

I am pleased to note that both the Senate and House committee members have been very supportive of the efforts of the Food and Drug Administration in this conference agreement. I know that the members and their staffs have worked long and hard to bring this agreement to the floor today. And, I thank them for their efforts. The conferees have agreed to provided the FDA with $560,271,000 for salaries and expenses for the FDA and $8,350,000 for buildings and facilities for the FDA.

The Food and Drug Administration is one of the Nation's vital resources in

protecting the public health. The FDA is responsible for regulating more than 700 billion dollars' worth of goods sold annually to Americans—constituting about 25 percent of the total dollars spent for personal consumption in the United States each year. The average American pays about $2 a year to have the agency assure the soundness of goods worth an average of $3,000 to each consumer.

In recent months the FDA has been rocked by the generic drug scandal. We now have to examine the role that we have played in allowing this to happen by our failure to provide the FDA with adequate resources. If the FDA is to continue to meet the mandates given to it by Congress, it will need new resources. Whether it be protecting the consumer from cyanide in Tylenol or Chilean grapes, ensuring the safety of the Nation's blood supply, or swiftly bringing new products to desperately ill patients in the face of a national epidemic, the FDA must have the resources to do their job effectively. I am pleased that the conferees have taken a major step toward this goal in their government.

In the past, instead of being given new resources to meet these unexpected crises, the FDA has been forced to pull dollars and manpower from one part of the agency to another. For example, as today, the FDA has 808 investigators; and, at least 100 of those have less than one year of experience. In 1982, the investigators totaled 894 with 90 percent of those having significant experience.

In the years ahead, the FDA will be asked to respond to the many innovations in medicine, medical devices, and food products that American technology will inevitably develop. Developments in biotechnology alone are changing the face of science and adding to the demands on the FDA. In order to meet these challenges, and to continue to successfully react to unanticipated crisis, the agency will require more resources. I am pleased that the conferees have recognized this need by supporting the efforts of the FDA to assist small business in navigating the regulatory process at the FDA. We all recognize the importance of small businesses in the development of many of today's medical devices. Small manufacturers are the life blood of innovation in America. They should not be stifled, and resources must not be wasted because of lack of expertise in complying with Federal laws.

I am very pleased with the conferees direction to the FDA to expand their efforts to expand regulatory training and scholarship programs to create a large pool of qualified candidates to fill agency staff requirements. The fundamental building block of ahy organization is personnel, and the personnel foundation of FDA is a team of talented scientists, researchers, and other medical professionals. This scientitic base must be continuously revitalized, and the agency must have the ability to recruit and maintain new talent. The GAO has confirmed many of the problems that we have heard in recent years; between fiscal years 1985 through 1988, the FDA lost from 18 to 22 percent of its medical officers each year. In fact, three-quarters of FDA senior staff will be eligible to retire in the next decade. And, FDA has been unable to recruit a supervising scientist since 1978. This change will prove very helpful in curing this situation.

Our personnel base must be continually revitalized, and the agency must have the ability to recruit and maintain new talent. I have introduced legislation, S. 845, entitled the "FDA Revitalization Act," which strengthens the infrastructure of FDA. One part of this legislation would establish a Senior Health Scientific Service so that top scientists can get paid up to 110 percent of an SES Executive I. They are currently paid up to $68,000. This would allow them to receive up to $109,450.

Another important consideration is the working conditions under which these professionals are asked to perform. The FDA is currently scattered among 23 different buildings at seven different sites in the Washington, DC, area. One laboratory is in a converted chicken coop built over 50 years ago; other offices are remodeled bathrooms and freezers. One FDA field office in particular is so run down that it has a net suspended above its entrances to catch falling debris and protect the employees from serious injury. The FDA laboratories have serious problems—including inadequate electrical, heating and cooling, and waste disposal systems. These can result in damaging scientific equipment and result in inaccurate test results. Mr. President, I am pleased that the conferees have directed the FDA to provide the requirements necessary for either the renovation or consolidation of the FDA facilities. I look forward to seeing the report requested by the Appropriations Committee to be submitted by the FDA at the end of this year.

The conferees have noted the need for the FDA improve their management information system, and I applaud them for directing the FDA to address this problem. The FDA does not have a state of the art computer system. The FDA needs to enter the computer age by automating the application process, reducing the mountainous paper flow under which the agency is now laboring. In a recent visit to the FDA, I saw the piles of paper that FDA staff must handle, over 100,000 pages of paper for a new drug application. I was told that because of the limited space that the frequent complaint of, the FDA is setting on my application, was actually true because there frequently is no room for a chair in the reviewer's office. The FDA revitalization bill, S. 845, calls for automating all of FDA and updating their systems. The FDA should have a centralized computer data processing capability.

We also need to support creative training and fellowship programs to get more scientists interested in FDA policy review. And, we need to expand our current small business training and technical assistance program that is currently available for small medical device manufacturers to all areas under the jurisdiction of FDA. I support the conferees efforts and support of this program.

The need for resources has been validated by GAO. I was joined by Senator's KENNEDY, BURDICK, and COCHRAN in a request to the GAO last fall to assess the resources at the FDA in light of its current and future responsibilities. I recently reviewed that report. That report substantiates many of the stories that we have heard in recent years. It makes some very sound suggestions to the Congress and the FDA that will help make S. 845 better. The conferees are to be commended for taking the findings in the GAO report and molding them into requirements for the FDA to act on those findings.

With a revitalized FDA, the result may be newer and safer food products to replace those that are less safe. It may be revolutionary products that will only enhance our reputation as having the finest minds in the world working to overcome deadly diseases. And, it may be getting your products approved in a timely and scientifically sound manner.

Mr. LAUTENBERG. Mr. President, I rise to express my support for funding that has been included in the conference report for research into urban pest control.

Mr. President, over three-quarters of all Americans live in urban areas, where pest control is vitally important to residents health and well-being. Every year, cockroaches, fleas, termites, mosquitoes, and other pests cause a variety of diseases and significant damage to buildings and other property. Property damage from termites, ants, and other wood destroying organisms exceeds $1 billion annually.

Research into urban pest control is undertaken through the Agricultural Research Service. Yet funding for such research has been very limited to date. Most pest control research has focused only on agriculturally related pests, while urban pest control research has received inadequate attention and support.

Research into pest control promises to help develop improved technology that is efficient in controlling pests, environmentally sound, and safe for

consumers. This might include, for example, insect growth regulators, hormones, attractants, and repellants.

The funding provided in this bill will be helpful in promoting urban pest control research. But it still is not adequate to meet the real need that exists. I hope that a higher funding level can be provided in the next fiscal year.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I ask unanimous consent that the amendments of the House to the amendments of the Senate that are reported in disagreement be considered and concurred in en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments in disagreement considered and concurred in en bloc are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 9 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$592,339,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$56,543,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$341,994,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$363,146,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 39 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$13,500,000 shall not become available for obligation until October 1, 1990, (for the purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119, September 29, 1987), to the extent that this action has the effect of transferring an outlay of the United States from one fiscal year to an adjacent fiscal year, such transfer is a necessary (but secondary) result of a significant policy change) and $475,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 46 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$4,120,159,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,250,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For grants and loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $5,000,000, to remain available until expended: *Provided,* That this amount will be in addition to any amounts generated by the interest differential on voluntary cushion of credit payments made by REA borrowers.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 74 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further,* That $500,000 shall be available to establish the Food Service Management Institute at the University of Mississippi".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 76 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$15,707,096,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

"SEC. 636. In fiscal years 1990 and 1991, $30,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, such purchases to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries: *Provided,* That these funds shall be in addition to funds made available for this purpose by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460).".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 641. (a)(1) Not later than 20 days after the end of each fiscal year, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the Department during that fiscal year for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

"(2) Each report submitted under paragraph (1) shall include a list with the following information:

"(A) All contracts awarded for the procurement of advisory and assistance services during the fiscal year and the amount of each contract.

"(B) The purpose of each contract.

"(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

"(b) The Comptroller General of the United States shall review the reports submitted under subsection (a) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.".

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have a matter involving an agriculture nomination that I will be addressing the Senate about.

Mr. COCHRAN. Will the distinguished Senator yield for a motion to wrap up this conference report?

Mr. LEAHY. I will yield without losing my right to the floor.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendments in disagreement were concurred in en bloc.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Vermont.

NOMINATION OF JAMES E. CASON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE

Mr. LEAHY. Mr. President, 6 months ago, the White House sent to the Senate for confirmation the name of James Cason to be Assistant Secretary for Natural Resources and the Environment at the Department of Agriculture.

Mr. President, I was concerned when the name first came to the Senate and raised questions about Mr. Cason. I have discussed my concerns in both speeches and articles, as well as during hearings.

Mr. President, I believe that if we voted on Mr. Cason now, he would not be confirmed. He would be defeated. There are not enough votes to confirm him. If the votes are not there to confirm Mr. Cason, then I suggest the White House withdraw his name and do that today. Then the President can work with Senators from both parties who are committed to the environment in this country and find the best man or woman for that job. If the White House took that cause and submitted such a nominee, we would be ready to have hearings at the beginning of the new session and the nominee could quickly be confirmed.

I think that if the nomination could be withdrawn by the White House—and I would strongly urge that it be withdrawn—it would end a decade of

assault and battery on the environmental laws of the United States.

James Cason is the wrong man for the wrong job at the wrong time.

As chairman I have not taken this controversial nomination lightly. When the Agriculture Committee received it, I directed the committee staff to undertake the most thorough and bipartisan evaluation of a nominee since I became chairman of that committee. I questioned Mr. Cason personally and in private for over 2 hours. I asked the executive agencies and departments to provide hundreds of pages of materials relevant to the nomination. I instructed the committee staff to analyze thoroughly Mr. Cason's record, to interview a large number of individuals and review hundreds of pages of documents. Mr. Cason testified before the committee for an unprecedented 2 days of hearings. We gave him scores of followup questions. I think it is fair to say that we closely examined his record.

In fact, when the hearings were completed, when people had testified both for and against him, I held the record open for several more days and told Mr. Cason that if he had anything further to say or any response he wanted to make to those who were opposed to him or anything he wanted to add to those who were supporting him, the record would remain open for him to do so. It was one of the most thorough, most fair, and complete examinations of a nominee that I have seen in the 15 years I have been in the Senate.

But here is what we found out. During the last administration, Mr. Cason took an oath of office to enforce all laws, including environmental laws, and to act as a trustee for our national heritage. At the same time, Mr. Cason was part of a team that frequently overrode the long-term national consensus to protect our environment. Instead, he favored the short-term economic gain of a few, mostly the timber, oil, and gas interests.

In 2 days of hearings before the Senate Agriculture Committee, Mr. Cason tried to shed his record, claiming that, as an administration official, he was merely following the orders of higher-ups. He promised an open mind if he was confirmed to his new post.

Unfortunately, he cannot run from his prior record. Particularly troublesome are his efforts to suppress a critical report on an endangered species, the northern spotted owl, and the four decisions made during the waning days of the Reagan administration. These decisions demonstrate his failure to protect the public trust and the environment. Each of these four decisions has been reversed, in whole or in part, by the Bush administration.

I ask the President to submit another nominee, a man or woman who is sensitive to the overwhelming public consensus that we must do all we can to protect our environment, not for ourselves but for our children and our children's children.

Mr. President, if we vote on the nomination of James Cason to be the Assistant Secretary of Agriculture for Natural Resources and Environment, this nomination will be defeated on the Senate floor. It would be defeated because both Republicans and Democrats would vote against him, not because of partisan considerations. Members of both parties would vote against him because this Assistant Secretary position requires a man or woman dedicated to protecting the environment. Mr. Cason's past record does not indicate he has this dedication.

He is a bright and personable man. I am sure there are other jobs he may well be very qualified for. But this is a sensitive position, involving the protection of the environment, and he is not qualified for this responsibility.

No Senator takes lightly a vote against a Presidential nomination, and none of us, myself especially, wants to deny a President his nominee. But in this case, Mr. Cason is the wrong man for the wrong job at the wrong time.

Rather than have the President face this loss on the Senate floor, I would strongly urge him to withdraw the name and work with concerned Members of this body from both parties to find a person who can fulfill the environmental requirements of this job. If the President can do this, I pledge that the day we come back in session, I will set a day for a hearing as quickly as possible.

Mr. President, this is not the time, this is not the place, this is not the person, this is not the job. Let us understand what has happened here. Let us understand the concerns that have been expressed both publicly and privately by Republican and Democratic Senators alike. Let the name be withdrawn.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, I have just returned from a meeting with the Speaker of the House and have had the opportunity to discuss briefly with the distinguished Republican leader the schedule for the remainder of this session. Many Senators have expressed an interest in what we would be doing in the next several days so that they could organize their schedules, as of course have many House Members.

As all Senators know, the principal remaining matters are the reconciliation bill, the several appropriations bills, the ethics package, and catastrophic health insurance, all of which we are committed to and intend to act on this year.

The Senate will take up the ethics legislation tomorrow. We are proceeding in, I think, prompt fashion with respect to the appropriations matters and hope we will be able to continue with those this evening and tomorrow.

The reconciliation and catastrophic measures are now in conference with the principal remaining subjects in conference before the Senate Finance and House Ways and Means Committees. The Speaker and I have asked the respective chairman of those committees if they could, together with their fellow conferees, to bring those to a conclusion sometime tomorrow. We then would anticipate that the Senate would not be in session on Saturday because it will take about a day for the staff to prepare the papers necessary for action.

We then anticipate the Senate returning to session at 1 p.m. on Sunday, to take up the remaining matters, in the hope that we could complete action by Monday.

If all of this occurs as hoped, we could complete action in this session by Monday and I hope very much that we will be able to meet that schedule.

As all Senators know, both Senator DOLE and I have for some weeks now been attempting to proceed in a fashion that would permit the sine die adjournment prior to Thanksgiving and if we are able to meet this schedule this would enable Senators to make their travel plans to be with their families in good time for Thanksgiving.

So I will summarize briefly and repeat the schedule.

The Senate will be in session this evening and tomorrow with a possible late session tomorrow, depending upon the pace at which we are able to complete action on the remaining appropriations measures and the ethics package.

The Senate would not be in session Saturday, assuming that agreement has been reached on the remaining matters on reconciliation and catastrophic. That day will be used to prepare the papers for presentation to the full House and Senate.

Then we would return to session on Monday, at 1 p.m., and hope to complete action on those and other remaining measures by Monday. So that the target date now for completion of action is Monday.

That requires a great deal of work and a great deal of cooperation on all sides. We have certainly had that in

recent weeks and we certainly hope we will be able to proceed in that regard. So I am pleased to inform Senators of this anticipated schedule and would now be pleased to yield to the distinguished Republican leader for any comments he may have.

Mr. DOLE. If the majority leader will yield, just for clarification, let us assume we get bogged down tomorrow on the ethics package. If that happens, can it be assumed that we would be here on Saturday?

Mr. MITCHELL. Oh, yes. Yes.

Mr. DOLE. In other words, the majority leader is talking about finishing, getting some agreement on catastrophic, doing the defense appropriations conference report, the ethics honoraria pay package, and so there is nothing really hanging around except details to be worked out on Saturday, staff drafting and thinking of that kind?

Mr. MITCHELL. That is correct. If we are not able to complete action on those measures tomorrow, we obviously would have to stay over until Saturday. I am hoping that that will be an incentive to complete action tomorrow.

In addition, there are a number of measures, as we know, that are still going back and forth between the Senate and the House. We have to try to complete action on those.

For example, I hope to be able to take up shortly the Poland-Hungary aid conference report, on which I understand we have received a message from the House, so there are a number of matters that have to be done.

I must say, I believe this is a realistic and attainable schedule if we are able to gain cooperation from Senators in having full debate. I want no Senator to be deprived of the opportunity to discuss any issue as he or she wishes, but to move with some promptness in getting these completed.

Mr. DOLE. In addition, there are a number of bills we have unanimous agreement on and will be able to pass. We have just received the message from the House on Polish aid. There are a couple of Members who want to take a look at the language, probably more than that, and hopefully we will be in a position to agree to that later this evening.

When we originally passed the Department of Transportation appropriations bill, we put in additional money for drugs. We also put in some legislative language which Mr. Bennett felt he needed to start a successful program. That was later withdrawn from the appropriations bill.

As the majority leader knows, we passed a separate bill. We are now in conference with the House. I am hopeful that at least some of those conferences can come to an agreement. There are two or three provisions.

I know the Speaker is aware of that, and I talked with Congressman GEPHARDT, and hopefully we will have the cooperation of the Speaker, the majority leader, and the Republican leader on the House side.

I share the majority leader's view. We cannot leave here without final action on catastrophic illness.

Mr. MITCHELL. We cannot.

Mr. DOLE. I think there is some movement. On reconciliation, I am not sure whether Senator DOMENICI and Senator SASSER have had a chance to visit this afternoon. It seems to me we are making some progress, at least on the Senate side. I see no reason why we cannot complete action, but you never know.

Mr. MITCHELL. It is clear that we do not have agreement in that regard yet. As I said, much work remains to be done, but I think with a good-faith effort on both sides, I think with what is occurring and what will occur, I am hopeful we will be able to accomplish it.

With respect to the drug legislation, yes, I believe we should act on that, and I hope very much that we do so and that the conference will be concluded in due time so that we can act in that regard.

On catastrophic, it has been my view, and it remains my strongly held view, that both Houses have expressed themselves, albeit in different forms, but nonetheless unanimously, to change the current law.

Although I personally would have preferred a decision other than that made, this is a democracy and we must accept the clearly expressed will of the majority. I hope very much those conferees will be able to reach agreement on that in the future.

This schedule is ambitious in the sense that it contemplates a great deal of work occurring between now and Monday, but there is no reason why it cannot be done if we are determined to do so and are prepared to act in good spirit.

I think the reconciliation bill is obviously of paramount importance to all concerned. As the distinguished Republican leader knows, he and I met yesterday with the chairman and ranking member of the Budget Committee. I think there is a genuine good-faith effort underway there, and we have conveyed to the House leadership our interest in reaching a final resolution on that matter in a way that all would agree is a responsible effort.

I am encouraged by that, even as I recognize that we have not reached agreement and are some way from it. But I think we are moving toward it, and I hope we will be able to do that.

Mr. DOLE. Finally on nominations, I hope to be able to indicate later today what to do on the Cason nomination. I understand there have been a number of nominees reported by a number of committees. I think we are making progress on nearly every front.

Mr. MITCHELL. As the distinguished Republican leader knows—I do not want to say as he knows, because it asks him to be in a position with respect to my actions. I will just state that I have attempted to be cooperative with the administration.

The list that he gave me yesterday of interested action from the administration had as his very first name the Cason nomination.

Accordingly, on the same day I received the list, I expressed my willingness to bring it up, debate it, and vote on it, and I hope we will have a decision so we can decide one way or the other later this evening.

I will say to the Republican leader in that regard, there is discussion as to whether the nomination should go forward or the nomination should be withdrawn. The decision obviously rests with the President, but I ask that there be one thing clear: That if the nomination is to be withdrawn and not presented for a vote, that there will not be an undertaking to make this in the form of a recess appointment.

I was asked to bring this forward, present it to the Senate for consideration and disposition. I am prepared to do that, have been prepared to do that since shortly after receiving the document from the distinguished Republican leader.

I would not regard it as an appropriate resolution that the withdrawal occur with, at that time, some intention to make it in the form of a recess appointment. If that is to be the intention, we ought to know ahead of time, then we should bring it up and vote on it, as we should.

Mr. DOLE. In the event that happens—I do not know at this point. I will make that inquiry of the White House, because I can understand the majority leader's point of view.

I think there is a feeling that there is pretty much solid opposition to the nominee on the Democratic side. Since there are more of you than us, it would be difficult for him to be confirmed. We are not certain of that. The White House is checking with a number of Democrats who at least indicated early on they would favorably look at the nomination. They did not commit themselves. As soon as they make those determinations, then I will be in a position to advise the majority leader.

Mr. LEAHY. Mr. President, I will not speak for long because I know the leadership has a great deal to do. I just wish to make it clear that, like the majority leader, I am prepared to go forward even on a very short time agreement on the Cason nomination.

I have urged the President to withdraw it. I say that not just because of

the number of Democratic votes against him, but because there also will be Republicans who will vote against him if this matter does come to a vote.

Better he be withdrawn, and no recess appointment be made. The Administration can seek out the best man or woman for the job, send that name up here, and as soon as we come back into session next year, let us schedule as quickly as possible hearings. I will be willing to do that in my committee and then go through the confirmation process.

This confirmation does not have a majority of Senators ready to vote for him. The President should withdraw him.

Mr. GORE. Will the majority leader yield?

Mr. MITCHELL. Certainly.

Mr. GORE. I came over to the Senate some time ago, and have been waiting to address this very subject.

I think even if the President is uncertain about the fate of this nomination, it might be useful to have a debate here about the policies represented by this nominee, because the country is interested in where we are headed in environmental policy.

I will wait and seek my own time, but just as one Senator, I came over ready and prepared to debate this nomination. The majority leader had indicated to our side that it was coming up, No. 1 on the President's list.

We are ready to debate it, ready to vote on it, ready to deal with the policy represented in the nomination. I hope that we can go forward with the debate. As I say, I will wait and seek my own time.

Mr. LOTT. Will the distinguished leader yield?

Mr. MITCHELL. Could I clarify one point, and I will be pleased then to yield to the distinguished Senator.

I am just advised that I misspoke in my earlier remarks, and referred to returning to session at 1 p.m. on Monday. I thought I had said Sunday. That was my intention.

Mr. DOLE. Finish on Monday.

Mr. MITCHELL. Let me restate what I intended to say so I do not create confusion where I am seeking clarity.

The present schedule is that we would return to session at 1 p.m. on Sunday and complete this session on Monday. That assumes that agreement is reached tomorrow on the reconciliation and catastrophic issues now in conference and that we complete action tomorrow on several of the matters that are pending before us with respect to ethics and appropriations measures.

I will be pleased now to yield to Senator LOTT.

Mr. LOTT. That was the very point I want to get clarified because the Senator said, I thought, 1 o'clock on Sunday first and then 1 o'clock on Monday. In that connection, I would just like to commend our leadership for trying to move this legislation and to facilitate getting out sine die for this session before Thanksgiving. I think there has been tremendous cooperation of the leaders and from the Members.

Having said that, I was just a little curious. We are trying to get out, but we are going to be out Saturday, then we are going to come in on Sunday, which is not normally a day of work, so that we get out on Monday.

Mr. MITCHELL. Right.

Mr. LOTT. Is there a California angle to this?

Mr. MITCHELL. No, there is not. Here is the point. We have a lot to do. It will be difficult to meet this schedule. If we were to wait until Monday, that makes the target deadline Tuesday night, and Wednesday is a very difficult travel day for all concerned. So what we are trying to do is to complete action by Monday night so that Senators could spend Tuesday traveling to be with their families. I have had a number of Senators express concern to me about running this up to Tuesday at midnight or 4 o'clock Wednesday morning and then being unable to make adequate travel plans.

Mr. LOTT. I appreciate that explanation. I know it is awfully hard to satisfy 100 Senators, but I wish we would stay away from having sessions on Sunday whenever it is possible.

Mr. MITCHELL. Yes. Let me repeat, so that I do not create confusion. The Senate's not being in session on Saturday is dependent upon completing action tomorrow on the ethics package and on various of the appropriations measures that are before us. If we cannot complete action on those measures tomorrow, we will have to remain in session on Saturday to do that. I am confident that we can do that; I am hopeful we can do that. But Senators should be aware of that as they make their plans and as they plan for tomorrow's session.

So I would like to make that very clear. I repeat it again so there can be no misunderstanding. If we complete action on ethics and on Poland-Hungary and on the various appropriations measures that we have by tomorrow evening, then we will not be in session this Saturday. If we have not completed action on those measures, we will have to stay Saturday until we do complete action on them. In either event, we will then return at 1 p.m. on Sunday to take up the reconciliation and catastrophic conference reports, with respect to which the conferees will have to reach agreement tomorrow, and then Saturday the staff will use to get them ready for the Sunday session.

Mr. President, I wonder if I might ask the distinguished Republican leader about the Education Excellence Act of 1989. That is S. 695. I understand it was President Bush's education initiative. The Labor Committee favorably reported the bill in July, and it has been cleared on the Democratic side since September. I hope that we can do this. As the distinguished Republican leader knows, the President last week criticized the Congress for inaction on his agenda, and I hope we can get action on this education bill. I wonder if there is any possibility of getting clearance on the Republican side on that.

Mr. DOLE. As I understand, visiting with staff, we do have a problem on this side, but I also further understand there has been an agreement between the interested parties, which I assume would include Senator KASSEBAUM, Senator DODD, and Senator HELMS, to agree on taking it up on a day certain when we come back. It is not being held up by the White House. It is not a White House problem; it is a problem we have on this side.

Mr. MITCHELL. I was unaware of any such agreement.

Mr. DOLE. We have not reached it yet, but I think we have—I do not know whether it has been submitted to the majority leader's staff or not.

Mr. MITCHELL. Then I will be pleased to review this with the principals involved and perhaps can address this later this evening with the distinguished Republican leader. I thank him for his response.

NOMINATION OF JAMES E. CASON

Mr. GORE. Mr. President, I rise to join my distinguished colleague, the Senator from Vermont, Senator LEAHY; the majority leader, Senator MITCHELL; and others in opposing the nomination of James Cason to the important position of Assistant Secretary of Agriculture for Natural Resources and Environment. In my view, Mr. President, Mr. Cason's record establishes beyond doubt that he is not a fit steward for our 191 million acre National Forest System, nor for the hundreds of millions of acres of rural lands that are affected by the programs of the Soil Conservation Service.

Mr. President, the U.S. Government affects the environment in two ways: First, in regulating the interactions of the citizens of this country with the environment—through, for example, the Clean Air Act and the Clean Water Act. The second way in which the U.S. Government affects the environment is in its direct responsibility over Federal lands.

We have seen a curious record of appointments where the environment is

concerned in this administration. We have seen an excellent appointment, in the view of this Senator, where Bill Reilly, Administrator of the Environmental Protection Agency, is concerned. But where the Federal Government's responsibility for public lands is concerned, a very different picture has been painted. Anybody who has heard President Bush say he is an environmental President would naturally expect that he would nominate a person to take responsibility over the forest system and the Soil Conservation Service, who is sensitive to the threat now posed to the environment; a person who could be counted on to balance environmental protection and multiple use of public lands in a way that respects the environment. So how do we explain the appointment of this particular nominee?

I find it very difficult to understand why this nomination would be sent to the Senate. Many of us used to refer to James Watt and Anne Gorsuch Burford as the Bonnie and Clyde of environmental protection. James Cason was an accomplice in all of their policies and approaches. He has been called a James Watt clone. He has been called a disciple of James Watt. He is an adherent to the James Watt approach to the environment—exploit it; do not worry about it.

This is the wrong kind of nomination, in my opinion, Mr. President.

Mr. Cason has a record. His performance as Deputy Assistant Secretary for Lands and Minerals in the Reagan administration demonstrates his utter disregard for the public trust reposed in him. Though he was housed in the Department of the Interior, he never quite left his former position as a real estate developer.

In the case of the northern spotted owl controversy, for example, Mr. Cason deliberately suppressed a report, prepared by his own scientists, urging that this endangered species be protected. His actions were completely improper. Under the provisions of the Endangered Species Act, decisions regarding whether or not species should be listed as "threatened" or "endangered" are supposed to be made solely on the basis of biological risk.

But scientific evidence presented to Mr. Cason was deemed to be irrelevant. He told colleagues that no matter what the scientific evidence showed, there was no way that he would accept a decision to protect that endangered species.

Let me give you another example, Mr. President, of Mr. Cason pursuing his own agenda. In 1986 he turned a deaf ear to the admonitions and advice of his regional solicitor in Denver, and agreed to give title to 82,000 acres of Federal oil shale land to private parties and oil companies. The price for Mr. Cason's giveaway was $2.50 per acre—quite a bargain for those who were favored with his largess.

The claimants immediately turned around and sold the land for a profit. Do you know what the profit was, Mr. President? Eighty-seven thousand percent. That money could have been used to help on the budget deficit, or the land could have been protected in the first instance.

Why on Earth would someone charged with stewardship of the public lands, give a complete windfall to oil and mineral companies—give them the land at a bargain basement price, $2.50 per acre—and then sit back and watch them turn an 87,000 percent profit? I fail to understand why this kind of record commends Mr. Cason to President Bush.

Continuing to champion the cause of private claimants, Mr. Cason traveled to Colorado in 1988 to advise them that Congress was considering a moratorium on further land transfers.

Mr. Cason's purpose was to warn the claimants, "Hey, fellows, you better get it while the gettin' is good because a moratorium may be in the works." He told them to stake their claims quickly before Congress could act to stop him from giving away the public lands at bargain basement prices.

Should Mr. Cason be rewarded by getting an even higher position in charge of even more public lands? Is this the kind of appointment to be expected from an environmentalist administration? It is hard to reconcile.

Then there is the case of Mr. Cason's extraordinary campaign to thwart publication of proposed Forest Service rules on oil and gas leasing on national forest lands. Intervening before the Office of Management and Budget—in itself an extraordinary act—Mr. Cason vividly displayed his true attitude toward the environment. He said that the rules that were under discussion were objectionable because if they were put into effect—and these are Mr. Cason's own words:

> Oil, land, and gas leasing would be made subordinate to other resource values and land uses by requiring conformance with Forest Plans, Standards, and Guidelines.

Translated, Mr. Cason's point is that public lands ought to be designated first, and foremost, for minerals exploitation; exploitation ought to take precedence over all other considerations. Mr. Cason's solution to the problem, so-called, he identified in the Forest Service rule, was that forest plans which preclude oil and gas leasing "should not be used as a basis for denial of leasing but [should] be revised at the earliest opportunity."

Relentless in his proexploitation efforts, only last December Mr. Cason disregarded the interests of several States and Indian tribes and signed an agreement with 12 major oil and gas companies that barred government audits of pre-1980 oil and gas leases. He interfered with ongoing minerals management service audits and severely hampered efforts to ascertain whether oil and gas companies were properly compensating the taxpayers for their exploitation of public lands. Mr. Cason's audit ban could have cost the taxpayers tens or perhaps even hundreds of millions of dollars.

This is not the nomination of an environmental President. Rather it is the type of nomination that would be expected from someone like James Watt; from those who are primarily concerned with ensuring the profits of large companies.

I could go on in this vein, but Mr. Cason's proclivities are all too evident. He has consistently failed in his responsibilities of stewardship; consistently exhibited a wanton insensitivity to environmental concerns. He has demonstrated that he is singularly unqualified to assume the post to which he has been nominated.

We are presently engaged in a battle to protect the environment. We are witnessing a collision between industrial civilization and our ecological system. U.S. citizens want to see public lands managed wisely, carefully, and sensitively. It is incumbent upon us, therefore, carefully to scrutinize nominees such as Mr. Cason, who will be entrusted with our delicate ecological heritage.

The evidence is clear that our exploitive habits have to change? There is a very popular television show, Mr. President, called "Wheel Of Fortune." One of the people on the show is Vanna White, a very popular television personality. Turning over cards, Ms. White reveals letters that make up a well-known phrase. When she turns up enough letters, the contestants on the show guess what the phrase is. Sometimes, the audience in the studio knows what the phrase is before the contestant whose turn it is. The evidence on what is happening to our environment is now clear enough that most people get the message, and see what needs to be done. They know the collision is taking place. They know the environment must be protected. Our leaders, however, whose turn it is to act, do not yet see the pattern, do not yet get the message.

This nomination—and I will say this in conclusion, Mr. President—is clear evidence that this administration does not yet see the pattern, does not yet understand why the American people are so concerned that we change our approach to environmental protection. This nomination, Mr. President, ought to be rejected. We simply cannot trust our delicate public lands to such an ardent and proven antienvironmentalist as Mr. Cason.

If President Bush truly wants to be an environmentalist President, he will send us another nominee that is quali-

fied by experience and ability to perform the duties of this position.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators who have inquired about the schedule for the remainder of this evening, we have now received from the House the Poland-Hungary aid bill, and it is my intention to lay that before the Senate this evening. Several Senators have expressed an interest in the opportunity to review the papers to make precisely certain what is in the various provisions in which they are interested, and that is a reasonable request.

I expect, therefore, to lay that before the Senate at approximately 7 p.m. I do not know whether there will be amendments to it—I hope not—or whether there will be any votes with respect to it—I hope not—but both are possible.

Accordingly, Mr. President, what I am going to do momentarily is to ask unanimous consent that there be a period for morning business until 7 p.m. with Senators permitted to speak therein on any subject which they choose, and then at approximately 7 p.m. it is my intention to return and to lay the Poland-Hungary aid bill before the Senate. So Senators should be aware that there will be further business this evening.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond the hour of 7 p.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

NOMINATION OF JAMES E. CASON

Mr. WIRTH. Thank you very much, Mr. President. I came over here some time ago intending to become engaged in the debate over Mr. Cason. It was my understanding that the majority leader had been given a list by the White House that asked that we move on these nominations, and at the top of the list was Mr. Cason, and that we were going to do that this afternoon.

I do hope that we get into the Cason nomination and I hope we have a vote on it. The administration probably would be wise to withdraw the nomination because they would, I think, see very, very strong opposition in the Senate to Mr. Cason's nomination. I hope they will give us the opportunity to have a debate, a discussion and a vote on this nomination.

Why is that, Mr. President? There have been a number of very specific allegations made about Mr. Cason's behavior when he was working in the Interior Department. I was deeply involved with a particular case in which he was responsible, as the record clearly points out and as the distinguished Senator from Tennessee has been discussing for the Federal Government "selling,"—I would call it "giving away"—82,000 acres of oil shale lands in Colorado at $2.50 an acre.

I do not know how many times the distinguished Presiding Officer or others in the Chamber have been able to get land for $2.50 an acre. The American taxpayer clearly has to be totally outraged at the notion of their lands being sold for $2.50 an acre. But you might ask if that land was under water somewhere, or perhaps was absolutely unusable for any other purpose, and was not worth anything more than $2.50 an acre. That would be a perfectly legitimate question to ask.

However, that is not the case with this land. This land includes some very rough country in western Colorado, just east of Grand Junction, which is very valuable oil shale country. Leases for oil shale lands were purchased from the Federal Government for thousands and thousands of dollars an acre just for the rights to be able to mine oil shale. The bottom dropped out of oil shale, so you might surmise that there is no interest in that land any more. That is clearly not the case, as some of the people who got this land for $2.50 an acre turned around and sold it for in excess of $30 million.

The Federal Government received 82,000 acres times $2.50 which is about $200,000. And then the people who got it turned right around and sold a large portion of it for $2,000 an acre. They paid less than $50,000 for 17,000 acres which they were able to sell for about $35 million.

There ought to be a certain sense of indignation about this kind of extraordinary rip-off of the taxpayer.

The rationale given is that this is perfectly legal under the mining law of 1872 in which you file on the land and if you have appropriately improved the land all the time that you have the claim, if you can improve it to a certain extent per acre every year and if you file that you have done this with the appropriate authorities every year, you can have access to the claim.

So you can say, well, maybe this 82,000 acres people have improved it as was required, since they first filed on the land they have improved it and filed that it is appropriate. The evidence is very clear that that had not happened. These people have not improved the land the way they were supposed to. They had not filed the way they were supposed to, and there was a great deal of litigation surrounding this issue.

The Regional Solicitor for the Department of the Interior told the Secretary's Office, told Mr. Cason not to settle this suit and to give the land away. The local authorities, the local lawyers on the ground said, do not do it, do not do it, do not give this land away for $2.50 an acre. The good career civil servants out there on the ground said, do not give it away for $2.50 an acre. What did Mr. Cason do? He turned around and gave it away at $2.50 an acre.

And then to add insult to injury, Mr. Cason later in that administration, having given away 82,000 acres at $2.50 an acre—and the public outrage was enormous about that in Colorado and across the Nation—having done that once, he then went out to Colorado and told everybody "Come on, put your claims in for patents because we may be ready to do this again. Get in line once more; we may have another giveaway."

It is hard to believe that that is responsible stewardship of the public lands. It is hard to believe that that is a responsible representation of the interest of the taxpayers of this country.

The specifics are bad enough. But in general what is going on here relates directly to broader thematic set of issues concerning how are we going to treat the public lands in the West.

For a long period of time, for 100 years or more, there has been among many parties a kind of ethic that says that the public lands and their resources are there, get it while you can; that somehow the Federal Government owes you a living or should, and the Federal Government ought to deeply subsidize your living. That has characterized a lot of the way in which we view the public lands.

We have had water projects heavily subsidized by the taxpayers. Those are slowly phasing out but we still see a set of programs in California where the Secretary of the Interior, Mr. Lujan, has seen fit to subsidize huge corporate enterprises under a program the Congress intended to benefit small family farms.

Should we be subsidizing water projects to benefit huge corporate enterprises? That day and age is pretty much ended. We should not be doing that sort of thing.

A second kind of issue relates to timber. Should we be going through a process of promoting below cost timber sales in which the taxpayer is effectively subsidizing the cutting of timber?

The most egregious example, of course, is the Tongass National Forest

in southeastern Alaska in which the taxpayer is spending well over $50 million per year to rip down the last great rain forest in North America, with most of that product going to Japan.

By the way, we are telling the Brazilians not to rip down their rain forest. But we are doing precisely the same things we accuse them of in southeastern Alaska, the last great rain forest in North America. We are ripping down the rain forest and 90 percent of the product goes to Japan. It is not a bad deal for the Japanese to get subsidized timber at outrageously low prices.

Do we want somebody like Mr. Cason in charge of that kind of program? Not at all. We want people who are going to change it and not continue this kind of giveaway.

What we are trying to do, many of us in the West, is to change this approach to the public lands. We want to change this approach away from this fierce insistence on extraction of every bit of the value off of the public lands and move much more from extraction into an area of attraction, move toward the management of those public lands for all kinds of other economic values instead of treating the public lands as a very large can full of goodies where you get a can opener and take the lid off the can, reach in, grab the minerals and lands, the timber, and so on, and after a while, you throw away the used-up can.

Instead of doing that, we can save a lot of what is left in those public lands. That is what we are trying to do. We are trying to save that so it can be used for tens of millions of Americans, for their enjoyment, so that that can does not get emptied and what is left there can be preserved for and used by our children and our grandchildren, this remarkable heritage of the West that we have in the United States.

We are trying to save it in all kinds of ways—for recreation opportunities, trying to manage the water for fisheries, attract the sportsmen to come to our State and enjoy it, to manage for game habitat; so people can come in and have the opportunity to hunt in those areas. These uses are an enormous industry in the West and growing. We are trying to manage our water as well for sporting activities ranging from rafting and canoes to fishing. A whole lot of industries are burgeoning in the West. In wintertime, we are managing our lands for skiing opportunities, managing it so we have opportunities which millions of Americans can enjoy.

What we need to be doing is attracting people to the public lands, Mr. President; a policy of attraction, not a policy of extraction. That distinction is a very, very important one. And we are now going through some difficult transitions as we move in this direction. It is very difficult to move from the old attitude to the new attitude.

That is so much of what is going on now in the West, moving from that old approach to a much more balanced approach that includes the interest of the future. It includes the interest of managing that land, it includes the interest of attracting people to that land, and includes a dramatic, set of economic concerns.

In those small towns in the Rocky Mountain region, the gas station, the motel, the restaurant, the hardware store, the sporting goods store, are dependent increasingly on people who are coming to use the public lands. That industry is so much bigger. The size and scope of it and the economics of that are so much stronger for the west than the old extractive approach. The economics argue very, very strongly again for this move.

What President Bush must do, assuming that one way or another Mr. Cason goes down—either because they do not want to bring it to a vote, because they are going to lose, or they decide they are going to tough it out, bring it to a vote, see what happens, and they are going to lose that way—either way, President Bush is going to be faced with the job of appointing somebody new. He has to pick somebody new. And that individual, Mr. President, must have in mind that it is such an important job because he or she is going to have jurisdiction over our national forest, how we manage those national forests, what priorities we will place on them. Will that individual understand the new approach in the future or will that individual, like Mr. Cason, be a dull reflection of a past in which extraction was the byword?

The President has a major responsibility ahead of him. I hope that people in the White House are thinking about this. We know that there is a deep split in the White House on most environmental issues. We know the President himself has said, "I am a environmentalist, I am concerned about conservation programs." I think, at root, George Bush is. I think his instincts on this are very good. But surrounding him are people who have a deep split. There are those who do not want to do anything about the environment, who refuse to do anything on global warming as it relates to our international responsibility, people out there neglecting the whole environmental agenda.

Yet there are others on the other side. You talk about Mr. Reily at EPA. I think the new Secretary of Energy has got good instincts on this front. Mr. Grady at OMB. A number of people—Mr. Gray in the White House—are on the other side.

Let us hope that the enlightened side prevails in the appointment of this individual. It is so terribly important for our future and for our responsibility as stewards of the public land.

So while we move beyond Cason, let us not rejoice. Nobody likes to be in a situation of taking on one individual. He gets in the focus of this and it is very damaging to him. But that happens. Let us move beyond that; not take joy in that, but rather firm up and say, "Mr. President, please, when you redo this appointment, when you are rethinking it, think about the future, think about a management strategy, think about the new West, think about your role as a steward for the public land." The President has a major role and he is going to reflect that in who this new appointment is.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1892 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

BRUTAL SLAYINGS IN EL SALVADOR

Mr. KENNEDY. Mr. President, a brutal, bloody, barbarous nightmare has broken out in El Salvador. The city of San Salvador evokes images of Beirut, as a horrendous guerrilla war is waged amidst innocent civilians. Seven hundred people have been killed in the past few days, and nearly 2,000 have been wounded.

Bodies are piling up in front of the National Cathedral, and international aid efforts are being blocked. Countless homes have been destroyed. The war rages not only in San Salvador but also in the provincial capitals to the north.

Last night, in an extreme atrocity reminiscent of the brutal assassination of Archbishop Romero a decade ago, six Jesuit priests were taken from the

Roman Catholic University in San Salvador and brutally tortured and murdered.

One of the victims was an eloquent voice of conscience of our time, the rector of the university, Ignacio Ellacuria. Slain with him were the university vice rector, the head of the university's human rights office and three other high officials of the college. A servant and her daughter were also murdered, apparently because they were witnesses to the crime.

Father Ellacuria came to El Salvador from Spain decades ago to dedicate his life to improving the troubled lives of Salvadorans. He worked tirelessly with the people of El Salvador, and pressed hard for a peaceful settlement of this tragic civil war. Despite numerous death threats over the years, the murder of some of his closest friends by right wing death squads and numerous attempts on his own life, he refused to give up.

These murders were committed in the middle of an army-imposed curfew and there are credible reports of involvement of the Government's security forces. Witnesses claim that about 30 uniformed soldiers went onto the university grounds and entered the priests' residence shortly before shots were heard. The witnesses claim that soldiers had been posted at the university gate since Sunday, and that the soldiers had recently searched the house, noting each of the victim's bedrooms.

The acts of murder were barbarous and sadistic. According to initial reports, the faces of the victims were disfigured by torture, and their brains were removed from their skulls.

All civilized people should join in condemning this atrocity. These courageous individuals had dedicated their lives to promoting peace in El Salvador. They now join the ranks of the many martyrs of that troubled country.

The Catholic Church in El Salvador, in particular, has paid a heavy price. Archbishop Romero was killed by a D'Aubuisson gunman. Four U.S. Maryknoll nuns killed by the national guard. And now these six dedicated priests have been killed by vicious assassins in the dead of night.

On learning of this latest tragedy, the Jesuit order in Rome has offered this prayer, "that the blood of our brothers was not spilled in vain" and that peace may come to El Salvador.

We have all watched in horror as the Marxist guerrillas launched their offensive on the city of El Salvador. Hiding behind innocent civilians, the guerrillas hoped to stage a dramatic attack on the heart of the country and force concessions from the Government. This action is unconscionable. Their tactic is despicable. And it is unsuccessful.

The guerrillas bear a heavy responsibility for the high civilian casualties of the last 6 days. By hiding in the homes, schools, and churches of the Salvadoran people, they have wantonly put innocent lives at risk and caused enormous suffering.

Over the last 6 days, the Salvadoran military has responded with overwhelming force, in an effort to drive the guerrillas from their hiding places—at very high cost to civilian lives. C-47 cargo planes with Gatling guns, helicopters with machine guns, and small jets with rockets have fired on neighborhoods.

It is time for this massive bloodshed to cease. The recent history of El Salvador is soaked in blood; 70,000 people have died in the last decade alone. How many more must die before the Salvadoran nation will at last know peace?

The United States has a deep responsibility to promote peace in El Salvador. We provide $1 million a day in aid to that country—over $2 billion in the last decade. Yet the country continues to slip farther and farther into violence.

Last September, the United States Senate debated the question of increased military aid to El Salvador. I opposed that increase and pressed for strong conditions to protect basic human rights. Last night's brutal slaying of the priests brings home the urgent need for renewed action to prevent these criminal acts of violence.

The current course in El Salvador only condemns the people of that nation to greater misery and devastation. The current course will only sustain the current quagmire. The current course will only bring continued death and destruction.

The bloodshed in El Salvador must end. The guerrilla war must end. The indiscriminate killing of innocent civilians must end. The blocking of humanitarian aid must end. The torture and murder of those who dare to speak for peace and human rights must end.

Enough Salvadoran blood has been shed. The nations of the world have a responsibility to do all in their power to stop this senseless violence. I urge the administration and the countries of Central America—who have done so much to advance the cause of peace in recent times—to do all in their power to bring this war and terror to an end.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE WAR IN EL SALVADOR

Mr. LEAHY. Mr. President, I have been following all day the reports from El Salvador. Knowing the news media which, has many times been way ahead of our official Government reporting, I have watched what has happened with a great deal of concern.

If you watch some of the network reaction tonight, NBC, CNN, and others, no person can help but be deeply concerned about what they see. If they listened to the powerful speech of the senior Senator from Massachusetts, Mr. KENNEDY, how can they help but be moved by what is happening down there.

Mr. President, by the rules of Senate seniority, I am the chairman of the Foreign Operations Subcommittee. This is the committee which provides foreign aid. Last night we had a debate on this floor and a proposal was actually made to allow the President to send all of our foreign military assistance to El Salvador, that amendment would have given them anything they want, with no strings attached.

Mr. President, I recall some of the debate in the earlier part of that foreign operations bill when there was a discussion on the Senate floor that, of course, today we have to go on sending more money to El Salvador but naturally if anything goes wrong down there we will all step up here and say, no, no, no, no.

Mr. President, El Salvador is a tiny country. Geographically it is smaller than my own State of Vermont with just 5 million people. We spend $1.5 million a day in foreign aid down there, and look at what is happening.

Mr. President, today I sent these telegrams, one to the President of El Salvador, who spoke with just last week about the foreign aid levels for that country. To His Excellency, President Alfredo Cristiani, I wrote:

MR. PRESIDENT: I learned with shock and horror of the savage torture and murder of the Reverend Ignacio Ellacuria, Rector of the Central American University, four other Jesuit priests and two servants in San Salvador last night. From information available to me, Reverend Ellacuria and the others were killed by a group of heavily armed men around 2 or 3 a.m. last night in Reverend Ellacuria's residence. I further understand this area was controlled by the Salvadoran Army.

Just a few days ago, you called to tell me that you were forming a commission to investigate the bombing of the FENESTRAS headquarters in which ten persons were killed. One of those you named to this commission was Reverend Ellacuria. I hoped for a genuine investigation to find and punish those who committed that crime.

Now, even before the investigating commission can get started seriously to work, this new brutality occurs.

Mr. President, these human rights outrages are intolerable. The United States Congress just voted to provide El Salvador with yet more millions in economic and military aid. The American people cannot and

will not continue to provide aid when the Salvadoran authorities are apparently powerless to compel obedience to the norms of law and decent human behavior, even in the midst of a violent insurgency.

I am also appalled by the aerial bombing, rocketing and strafing of heavily populated areas of San Salvador by Salvadoran forces combatting the FMLN. While I understand your desire to retake occupied areas quickly, this must be balanced against the alarming number of civilian casualties caused by the indiscriminate use of force.

I appeal to you in the strongest terms, Mr. President, to seek a truce or ceasefire with FMLN combatants in the urban areas of San Salvador in order to allow for the evacuation of wounded and of civilians.

I signed it as chairman of the Foreign Operations Subcommittee.

I sent similar concerns to our Ambassador, William Walker. I tried to call him today, but most of the lines are down and I was unable to get through.

I also sent a message to the General Command of the FMLN. I wrote them:

I wish to express in the strongest terms my deep concern about your decision to withdraw from peace negotiations with the Salvadoran Government and to launch a military offensive in San Salvador. This full-scale military attack in the heart of the capital with the predictable loss of innocent civilian lives after just two meetings with government negotiators, raises serious questions about the sincerity of the FMLN's claim that it seeks a political settlement of the war. This latest offensive follows weeks of escalating violence, including targetting civilians, by both sides. I am calling on you to seek an immediate ceasefire or truce with the Salvadoran Government, at least in the urban areas of San Salvador, in order to allow for the evacuation of wounded and of civilians. Furthermore, I appeal to you to agree immediately to dialogue and negotiations without preconditions with the government for the purpose of reaching a permanent ceasefire.

Mr. President, in many ways I almost feel like saying "a pox on both of your houses," on the Government of El Salvador and on the FMLN. The United States sends $1.5 million a day in aid to El Salvador. We spend more United States tax dollars in El Salvador than—practically any other country.

What do we see? Brutality, murder, and atrocities, on both sides. The right justifies it in the name of the Lord and the left justifies it in the name liberation; and the people die in the middle.

I recall so well the first time I went to El Salvador. I recall going to a camp for refugees. I remember talking to a woman. She appeared to be middle aged. It turned out that she was in her twenties. She told me her husband had been killed; many of her family and children had been killed. She was with the remaining children in that refugee camp.

I asked her who killed her family; the people on the right or on the left. She said she did not know. I asked her if she had tried to find out. I am summarizing a long conversation, Mr. President. My brother-in-law did the translating.

She said she did not know. "You do not ask those questions." I asked her whose side she was on. She told us she did not get involved in politics. She just wanted to live.

You know, Mr. President, for years this country has focused on Central America. It is in our hemisphere. We are continually reminded how close those countries are. They are closer to Washington than San Diego, and on and on, as though somehow geography determines what is right and what is wrong.

You wonder, Mr. President, about decisions that have been made, to pay ransom to the Iranians and send secret money to the Contras. Decisions to lie to the Congress, to the American people, and sometimes to ourselves.

Mr. President, you and I, and Senator SIMON, who is here, and the distinguished majority and minority leaders, who are on the floor, listened yesterday to a discussion of freedom by Lech Walesa.

Ironically, Mr. President, during the past 10 years, we have probably spent more time worrying about a few little countries in Central America than we have about Eastern Europe and what is happening there, where freedom has broken out almost under our noses, behind our backs, and without us doing anything about it, because it is human nature to want freedom.

Mr. President, I have to ask—and I say this as a human being, as a parent, as an American, as a Catholic, when I see the dead bodies of Jesuit priests and innocent children—are we doing anything right?

The present occupant of the chair—this is perhaps unfair because the Presiding Officer cannot respond, but let me say that I hold nobody in this body in higher esteem. He is a close, personal friend. I have enormous respect for him. In fact, I think in my 15 years here in the Senate, on the very short list of the finest people that serve in the Senate, the occupant of the chair would be on that list. He speaks Spanish, and he goes down to Central America often.

I have followed his advice and I hope he, too—I know he will, in hearings he will hold tomorrow, and at other times—will look for an answer to my question.

But, Mr. President, if we are going to be so involved there, do we not have a moral responsibility, too? Let us ask ourselves, what are we doing wrong? If we are unable to control what is happening there, then let us say we cannot continue. If our aid means nothing, if our influence means nothing, if all our money down there can not stop what is happening, Mr. President, then we will have to say that we cannot do it, that what is happening does not reflect America. We will leave.

Mr. President, I yield the floor.

THE KILLINGS OF SIX JESUIT PRIESTS IN SAN SALVADOR

Mr. DIXON. Mr. President, I share with all Illinoisans outrage over the brutal killings of the six Jesuit priests and two others in San Salvador last night. I call on the Cristiani government to act swiftly to determine those responsible for the deaths and prosecute them to the fullest extent of the law. I urge the administration to denounce these deaths as well. Such grisly actions are an affront to all.

A BILL TO ESTABLISH THE NATIONAL MUSEUM OF THE AMERICAN INDIAN WITHIN THE SMITHSONIAN INSTITUTION

Mr. INOUYE. Mr. President, I rise to request the unanimous consent of the Senate that additional views of the members of the Select Committee on Indian Affairs to clarify the intent of the committee regarding certain provisions of S. 978, a bill to establish the National Museum of the American Indian within the Smithsonian Institution, be included in the RECORD.

In section 5 of the bill, there is a requirement that 15 members of the Board of Trustees of the National Museum of the American Indian be members of the Board of Trustees of the Museum of the American Indian, Heye Foundation. The members of the Select Committee on Indian Affairs have been advised that once members of the Heye Board are appointed to serve on the National Museum Board, the Heye Board of Trustees will cease to function. The question has been raised as to what would happen in the event that the Heye Board has ceased to function, and there is a vacancy on the initial National Museum Board of a position that is to be filled by a Heye Board member. It is the intent of the committee that the National Museum Board would not cease to function, and that a former member of the Heye Board would be selected to fill out the term vacated by the Heye Board trustee.

In section 5(f)(4) of the bill, it states that vacancies on the Board of Trustees of the National Museum of the American Indian are to be filled only for the remainder of the term involved. However, should a vacancy occur because the term of office has expired, the vacancy would be filled by appointment of the board of regents from a list of nominees recommended by the Board of Trustees of the National Museum.

Further, it is the understanding of the members of the select committee

that while a provision that was contained in the original version of S. 978 as reported by the Senate would have made clear that the board of regents is authorized to purchase, accept, borrow, or otherwise provide for the temporary or permanent acquisition of native American objects and artifacts from other museums or private collections, that the authority of the board of regents to undertake additional acquisition activities is not limited nor precluded by the omission of the reference to those powers.

In addition, it is the understanding of the members of the Select Committee on Indian Affairs that funds which are appropriated for the care and maintenance of the collection of the national museum may also be expended for the care and maintenance of the collection of the Museum of the American Indian, Heye Foundation, in any interim period in which actual physical transfer of the Heye collection has yet to take place.

Section 13 of the bill addresses the issue of the human remains of native Hawaiians. Section 13 anticipates that the inventory and identification process of human remains that is to be conducted by the Secretary will include an inventory and identification of native Hawaiian human remains as well as Indian remains. Independent of that process, section 13 directs the Secretary of the Smithsonian to enter into agreements with appropriate native Hawaiian organizations which have expertise in native Hawaiian affairs for the return of native Hawaiian remains and funerary objects. The section further provides that the principles and procedures which apply to the inventory, identification, notification and return of Indian remains and funerary objects shall apply to the inventory, identification, notification and return of native Hawaiian remains.

There are two native Hawaiian organizations that are specifically referred to in section 13 as examples of appropriate native Hawaiian organizations with which the Smithsonian Secretary could enter into an agreement contemplated in section 13. These organizations have been actively involved in native Hawaiian burial issues, and thus are likely to want to enter into an agreement with the Smithsonian Secretary. However, as the senior Senator from the State of Hawaii, I would also hasten to add that the enumeration of these organizations is not intended to exclude any other native Hawaiian organization, either existing organizations or organizations that may be formed in the future, from entering into agreements with the Secretary of the Smithsonian Institution. The important point is that there be a process which provides for inventory and identification of native Hawaiian human remains, and notification of descendants of specifically identified individuals or to native Hawaiian organizations of those remains identified as native Hawaiian.

THE GRAHAM SLIAG AMENDMENT

Mr. GRAHAM. Mr. President, this amendment addressed the issue of funding for State Legalization Impact Assistance Grants [SLIAG] in this bill.

It would provide an underlying authorization for the fiscal year 1992 restoration of $555,244,000 to the SLIAG Program as proposed by the conference committee. It is cosponsored by Senators KENNEDY, SIMPSON, WILSON, BENTSEN, CRANSTON, MACK, DECONCINI, MCCAIN, WIRTH, SIMON, DIXON, PACKWOOD, REID, BRYAN, MOYNIHAN, ADAMS, and GRAMM.

As my colleagues will remember, Congress approved a sweeping revision of our immigration laws in 1986—the Immigation Reform and Control Act [IRCA]. This law granted amnesty to aliens who had continuously resided in the United States prior to January 1, 1982, and Seasonal Agricultural Workers [SAW] who had worked 90 days in agriculture between May 1, 1985 and May 1, 1986.

In recognition of the impact IRCA would have on the States, Congress created a 7-year program—SLIAG—to reimburse State and local communities for their amnesty related costs. In each of the first 4 years of the program, fiscal year 1988-91, $1 billion—minus a Federal offset—was to be appropriated for SLIAG. The program was designed to allow surplus funds to carry forward so that States could be reimbursed through the end of fiscal year 1994.

Mr. President, the States agreed with the amnesty provision of IRCA because of the Federal Government's recognition of its financial responsibility for these costs. They have been slow in spending this money due to Federal bureaucratic delays. HHS did not issue final regulations until well into the first year of the program. INS is still determining which individuals qualify as legalized aliens.

In summary, there is currently a surplus in the program by design and due to bureaucratic roadblocks. States plan to spend all of this money and have budgeted accordingly. In fact, many States will never fully recover their costs.

Because of the existing surplus, the Senate approved a $555,244,000 reduction in the fiscal year 1990 SLIAG appropriation when it first considered the Labor-HHS-Education bill. I believe this action sends the clear message to States that Congress cannot live up to long-term financial commitments. We are currently asking States to enter into a partnership with the Federal Government to eradicate drugs in our society. If we renege on this SLIAG commitment, why should States agree to become or partners in the war on drugs?

On September 26, the Senate approved my amendment which restored the full amount in fiscal year 1991, the last year of authorized appropriations. The conference committee agreed to the restoration but moved it forward to fiscal year 1992, a year in which there is no authorization for appropriations.

This amendment provides an underlying authorization for the conference agreement. I believe it will ensure, to the maximum extent possible, that the restoration occurs in fiscal year 1992. It has the support of the authorizing committees in both the House and the Senate, as well as the National Governor's Association and the American Public Welfare Association.

I thank the distinguished managers of the bill, Senator HARKIN and Senator SPECTER, for agreeing to accept this amendment. I hope they will vigorously support it in a conference with the House, because I believe it maintains the integrity of the commitment made to the States in 1986.

AN APPEAL FOR AN END TO THE BLOODLETTING IN EL SALVADOR

Mr. PELL. Mr. President, I am devastated by the coldblooded murder of the Jesuit priests, including the rector of the University of Central America, Father Ellacuria, and the head of the University's human rights office Segundo Montes, which took place this morning. Apparently the murders were intended to silence human rights activity in El Salvador as well as those who have long worked for social justice in that country. I ask that the Government of El Salvador swiftly bring to justice those responsible for these murders.

The vicious bloodletting that is now taking place in El Salvador must stop. Hundreds of innocent civilians are being killed and maimed as they are caught in the crossfire between the FMLN guerrillas and the Salvadoran Armed Forces on the battlefield which their neighborhoods have become.

I appeal most urgently for an end to the fighting and killing and for a cease-fire so that civilian wounded can be safely evacuated for medical treatment. I further appeal that the two sides get back to the negotiating table and demonstrate a genuine will to come to terms with each other so that the people of El Salvador can end their suffering and once again live in peace.

EXCHANGE OF CORRESPONDENCE BETWEEN OPIC AND AFL–CIO

Mr. PELL. Mr. President, as part of efforts to fashion legislation to support the dramatic changes underway in Hungary and Poland, some very important discussions took place between the Overseas Private Investment Corporation and the AFL–CIO on how best U.S. programs undertaken by OPIC in Hungary and Poland might further the process of democratization going on in those countries, particularly with respect to the furtherance of respect for internationally recognized workers' rights.

I was most pleased to receive correspondence from OPIC and the AFL–CIO setting forth the mechanism which both agree will best accomplish the goal they both share.

Mr. President, I ask unanimous consent that the exchange of correspondence be printed in the RECORD at this point.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, DC, September 14, 1989.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Since taking up my duties here at OPIC, I have given high priority to improving OPIC's relations with organized labor. I am convinced that OPIC's programs create jobs and are good for American workers, and I believe OPIC needs to make an even greater effort than it has in the past to be responsive to the concerns of labor about OPIC's policies and projects.

The role which OPIC is expected to play in the United States' effort to support political and economic reform in Eastern Europe has given us an opportunity to work in a very cooperative manner with labor, including the AFL/CIO. We recognize the role which American labor played in supporting Solidarity through very difficult times and I want OPIC's economic development activities in Poland and Hungary also to promote respect for the internationally recognized rights of men and women whose courage made the current historic reform process possible.

While recognizing that OPIC's role in promoting reform of the economies of these countries primarily involves private investment in market-oriented enterprises, I am pleased to advise you that OPIC has accepted the recommendation of the AFL/CIO to incorporate in OPIC's insurance contracts in Poland and Hungary language which is intended to ensure that investors receiving OPIC political risk insurance coverage respect internationally recognized worker rights. This, of course, is in addition to protection already provided in OPIC's statute.

I am enclosing a copy of my letter to the AFL/CIO on this matter, which has attached to it the language we have accepted. We will include this provision in our insurance contracts and remain in close consultation with Congress and organized labor with respect to the implementation of this initiative. We are confident this initial step will be successful and that we will be able to develop other initiatives through which OPIC and investors we support do our proper part to promote workers' rights.

Sincerely,

FRED M. ZEDER,
President and Chief Executive Officer.

OVERSEAS PRIVATE
INVESTMENT CORPORATION,
Washington, DC, September 13, 1989.

Mr. TOM KAHN,
Director of International Affairs AFL/CIO, Washington, DC.

DEAR TOM: I am sorry I was not able to meet with you when you visited OPIC last week. I appreciate the effort you and Bill Cunningham have devoted to ensuring that OPIC will be able to play an effective role in support of reforms in Eastern Europe—including promotion of respect for internationally recognized workers' rights.

I understand that your discussions regarding OPIC programs in Poland and Hungary were productive. In that context, I think the idea of more open information exchanges between OPIC and the AFL/CIO is sound, and that cooperation in monitoring labor conditions in Eastern Europe would be of mutual benefit. I also support the idea of including workers' rights "awareness training" in our investment encouragement programs.

I am pleased to transmit the attached language regarding workers' rights which OPIC will include in its insurance contracts for projects in Poland and Hungary. This is the simplified language which AFL/CIO proposed, with the minor technical changes you discussed with my staff last week. Based on our experience with insured investors operating under contractual agreements implementing this provision, we will continue our consultations with the AFL/CIO to assess the impact and effect of this initiative.

Last spring the AFL/CIO requested that OPIC adopt insurance contract language regarding workers' rights for our projects in Poland. The process of working out language to accommodate that request has demonstrated what can be accomplished through cooperation and consultation. OPIC is not a reluctant recipient of labor's suggestions, and I look forward to continued improvement in OPIC's relations with the AFL/CIO.

I am sending separately the information you requested regarding OPIC projects in Malaysia, which is still being researched.

Sincerely,

FRED M. ZEDER,
President and Chief Executive Officer.

WORKERS' RIGHTS

The Investor agrees not to take actions to prevent employees of the foreign enterprise from lawfully exercising their right of association and their right to organize and bargain collectively. The Investor further agrees to observe applicable laws relating to a minimum age for employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety, and not to utilize forced or compulsory labor.

The Investor is not responsible under this paragraph for the actions of a government.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,
Washington, DC, September 19, 1989.

Mr. FRED ZEDAR,
President and Chief Executive Officer, Overseas Private Investment Corporation, Washington, DC.

DEAR MR. ZEDAR: Tom Kahn is presently out of the country, but has asked me to reply to your recent letter.

The AFL–CIO appreciates OPIC's efforts to ensure that OPIC beneficiaries observe internationally recognized workers' rights. The offer by OPIC to include the workers' rights requirements in its contracts for projects in Poland and Hungary is a positive and constructive step forward. The AFL–CIO will continue its consultations with OPIC, and looks forward to participation in "workers' rights awareness training" in your investment encouragement programs.

As you are aware, the AFL–CIO also believes that, to be effective, this effort will require constant monitoring. We look forward to meeting with you to assure that the promise of workers' rights in Eastern Europe becomes a reality.

Sincerely,

WILLIAM J. CUNNINGHAM,
Legislative Representative, Department of Legislation.

WASHINGTON STATE STREET

Mr. ADAMS. Mr. President, I rise today to call the attention of my colleagues to a matter of considerable interest to the citizens of the State of Washington. It has often been stated that George Washington, the Father of our Country, was "first in war, first in peace and first in the heart of his countrymen." In celebrating the centennial of the State of Washington this year, our citizens take particular pride in the fact that of all the States in the Union, ours alone honors the first President.

Here in our Nation's Capital, which also bears the name of our first President, the State of Washington has for many years enjoyed the dubious distinction of being the only State that has not had a street named in its honor. Over the years, efforts to correct this oversight have failed, and our State has remained unmentioned among the streets and avenues of Washington, DC.

In February of this year, Mr. C.S. Wetherell of Vancouver, Clark County, WA, wrote to me and enlisted my support in his effort to secure the naming of a street in honor of our State. I request that the letter I received from Mr. Wetherell, together with other letters in support of his effort, be inserted in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NAME A STREET FOR OUR STATE OF
WASHINGTON IN WASHINGTON,
DC,

February 16, 1989.

Hon. BROCK ADAMS,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ADAMS: The State of Washington is the only state that does not have a street named for it in Washington, D.C. The attached letter clearly and officially states this.

All other states are worthy of recognition in the District except my home state. This bothers my sense of pride in our State of Washington. This, our Centennial Year is the time to change our second class status to the same first class status the other 49 states enjoy.

This information has been sent to Governor Booth Gardner and to those who represent Clark County in the Washington State Legislature. It is not a partisan issue for it deals with pride in our Washington State.

I ask that you use our Centennial Year to work to have a street in our nation's capital city named for our State of Washington.

Sincerely,

C. S. WETHERELL,
Committee of One.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, WA, February 28, 1989.

Hon. DAVID A. CLARKE,
Chairman, Council of the District of Columbia, District Building, Washington, DC.

Dear Chairman Clarke: It has come to my attention that Washington is the only state in the Union which has not been recognized by the naming of a street in our nation's capital.

I hope you will agree that 1989, Washington's centennial of statehood, is a good year to remedy this oversight.

Many of Washington's 4.5 million citizens have occasion to visit the City of Washington and it would be an obvious source of pride and pleasure for them to be able to identify the street which had been named in honor of this state among those named for the other forty-nine.

Thank you for your attention to this matter.

Sincerely,

BOOTH GARDNER,
Governor.

SENATOR DEAN SUTHERLAND,
April 4, 1989.

Hon. BROCK ADAMS,
U.S. Senator, Hart Senate Office Building, Washington, DC 20510

DEAR SENATOR ADAMS: I am writing to seek your assistance.

Constituents in my district are seeking to have a street in Washington, DC named after our state. The state of Washington is the only state that does *not* have a street named for it.

Representative Busse Nutley's office started the ground work and sent back to DC for information, but has not received any response after waiting a couple months. Attached are the letters of request from our constituents, and I would greatly appreciate any information or advice you can give to our offices on this matter.

I spoke to your Seattle office, and they remembered seeing a request but thought that perhaps if we would write to the DC office we would receive a quicker response. Thank you for your time.

Warm regards,

DEAN SUTHERLAND.

THE RETIRED
OFFICERS ASSOCIATION,
COLUMBIA RIVER CHAPTER,
Vancouver, WA, 28 February 1989.

Hon. DEAN SUTHERLAND,
Washington State Senate, JAC Building, Olympia, WA.

DEAR SENATOR SUTHERLAND: Our chapter has discovered that Washington State is the only one of the 50 United States that does not have a street named for it in our capitol, Washington, DC. Our pride in our home state is offended by this oversight. We believe that our state is just as worthy as the other 49 and that Washington State should have a street named for it.

Please take the necessary action to expedite the naming of a street of Washington State during our Centennial Year.

Thank you,

DANIEL W. DOTY,
Chapter President,
Colonel, Retired, U.S. Army.

NAME A STREET FOR OUR STATE OF WASHINGTON IN WASHINGTON, DC,
January 31, 1989.

Hon. DEAN SUTHERLAND,
Washington State Senate, Cherberg Building, Olympia, WA.

DEAR SENATOR SUTHERLAND: The State of Washington is the only state that does not have a street named for it in Washington, DC. The attached letter clearly and officially states this.

Perhaps you will remember we talked about this after you knocked on my door during your campaign. This coming Friday, 3 February 1988, letters will be in the mail to Governor Gardner and to office holders elected in Clark County. After that letters will be sent to others, including newspaper editors. If this had been accomplished earlier it would have been better but Committee of One is a real term, one Washingtonian with limited resources trying to claw this project off a lee shore.

There is protocol in the operation and function of state government but I do not know the rules. As my Senator, and because I have talked to you about this, this is sent to you a couple of days early.

This is not partisan, it deals with our state pride. Our state is the only one not recognized with a street in our nation's capital city, in other words assigned second class status. During this Centennial Year let this be corrected. The time has come to see either State of Washington or Washington State on street signs in Washington, D.C. Senator Sutherland. I ask you to help make this come to pass.

Sincerely,

C.S. WETHERELL,
Committee of One.

DISTRICT OF COLUMBIA,
DEPARTMENT OF PUBLIC WORKS,
Washington, DC, September 21, 1988.

Mr. C.S. WETHERELL,
Southeast 28th Street, Vancouver, WA.

DEAR MR. WETHERELL: I am responding to your letter dated August 22, 1988, to Mr. Sheaffer regarding the naming of streets. The answers to your questions are as follows:

1. No street in the District of Columbia is named for the State of Washington.

2. Each of the other states has a street named after it.

3. The Council of the District of Columbia has the authority to name or change the name of a street. See the enclosed excerpt from the D.C. Code.

4. The Council does not have this authority for naming streets on land under the jurisdiction of the National Park Service.

5. I suggest that you write directly to the Chairman of the Council to initiate the street naming process:

The Honorable David A. Clarke
Chairman
Council of the District of Columbia
District Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

I have no objection to your using this reply in your campaign to have a street named after the State of Washington.

Sincerely,

CYRIL F. CRANDON, P.E.,
Administrator.

Mr. ADAMS. Though the wheels of government at any level tend to roll slowly along at times, a good idea whose time has come can frequently overcome any obstacle. On October 19, 1989, David A. Clark, chairman of the Council of the District of Columbia, signed the "Washington Avenue Designation Act of 1989." I ask that copies of those documents from the District of Columbia Council be inserted in the RECORD at this point.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, November 2, 1989.

Hon. BROCK ADAMS,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, Washington, DC.

DEAR SENATOR ADAMS: It's the law: On October 19, 1989, following the required Congressional review period, I signed the documents officially recording the "Washington Avenue Designation Act of 1989" as the law of the District of Columbia. Because of your demonstrated interest in this legislation, I thought you might want a pen used to sign this enactment into law as a souvenir and a copy of the new law.

Sincerely,

DAVID A. CLARKE.

D.C. LAW 8-39—"WASHINGTON AVENUE DESIGNATION ACT OF 1989"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-273 on first and second readings, June 27, 1989, and July 11, 1989, respectively. Following the signature of the Mayor on July 27, 1989, this legislation was assigned Act No. 8-68, published in the August 11, 1989, edition of the D.C. Register, (Vol. 36 page 5754) and transmitted to Congress on August 4, 1989 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-39, effective October 18, 1989.

DAVID A. CLARKE,
Chairman of the Council.

Dates Counted During the 30-day Congressional Review Period: August 4; September 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25,

26, 27, 28, 29; October 2, 3, 4, 5, 6, 10, 11, 12, 13, 16, 17.

D.C. ACT 8-68 TO DESIGNATE CANAL STREET, S.W., BETWEEN INDEPENDENCE AVENUE, S.W., AND SOUTH CAPITOL STREET, AS WASHINGTON AVENUE

Be it enacted by the Council of the District of Columbia, That this act may be cited as the "Washington Avenue Designation Act of 1989".

SEC. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Code, sec. 7-451), Canal Street, S.W., between Independence Avenue, S.W. and South Capitol Street, shall be named Washington Avenue, S.W.

SEC. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

DAVID A. CLARKE,
Chairman, Council of the District of Columbia.
MARION BARRY,
Mayor, District of Columbia.

Approved: July 27, 1989.

Mr. ADAMS. Mr. President, later this afternoon, I will join with other members of the Washington State congressional delegation, our special guest Mr. C.S. Wetherell, D.C. officials, and other citizens of the State of Washington in renaming that portion of Canal Street that shall be known, from this day forward, as Washington State Avenue. It is a small street, Mr. President, but those of us who hail from the State of Washington are proud to call it our own. It is a fitting centennial birthday present from this Washington to our State of Washington. On behalf of the citizens of my State, I express our heartfelt appreciation to the D.C. government for allowing Washington State to take its rightful place among the avenues of this fine city. I further request that an article that appeared in this morning's Washington Post appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE NOW ON THE D.C. MAP

(By Maureen Mitchell)

It's not exactly in the Bill of Rights, but even Pierre L'Enfant envisioned that every state in the union would be represented with an avenue in the nation's capital.

Over the years, first the original 13 and then, one by one, every state in the union, including Alaska and Hawaii, was celebrated with a grand, or not so grand, avenue in Washington.

Except, of all states, Washington.

The 42nd state, the Evergreen State, the land of apples and Boeing jets, hasn't even a street, let alone an avenue, in Washington, D.C.

Enter C.S. Wetherell, a 67-year-old retired Coast Guard captain and lifelong resident of the coastal Northwest state, who on Christmas Day two years ago decided that such injustice should not endure more than 100 years.

Today, in a 4 p.m. ceremony with Sen. Brock Adams (D-Wash.), Wetherell and a proud group of other Washington state natives, District officials will dub a busy four blocks of Canal Street SW: Washington Avenue.

"I just went out and did it. After all, we named our state after our first president," said Wetherell, who lives in Vancouver, in the southwest part of the state.

It was his son, Rod, who has lived in Virginia for more than 15 years, who first noticed the absence of a Washington Avenue when he was working in the District for a road paving contractor.

At his son's urging, Wetherell wrote to newspapers. He wrote to state legislators. He wrote to the governor. And finally, early this year, which is his home state's 100th anniversary, he wrote to his senator:

"This, our Centennial Year, is the time to change our second class status to the same first class status the other 49 states enjoy," he wrote.

Historians aren't quite sure why there was never a Washington Avenue, although the theory goes that in the days when streets were named for the first president, the idea may have been opposed to avoid confusion. City officials said later residents may have been reluctant to be inconvenienced with a change of address.

Today, there is a Washington Circle at Pennsylvania and New Hampshire avenues.

And there once was a Washington Street, all alley between Fourth, Fifth, G and H streets NW that was renamed G Place NW in 1937.

There was also a Washington Drive on the Mall until 1972, when the space was paved over for a walkway, said Jack D. Brewer, collections assistant for the Historical Society of Washington, D.C.

Adams said he never really noticed the void. But soon after he received Wetherell's letter, he contacted D.C. Council Chairman David A. Clarke (D), who asked the city's Department of Public Works to recommend streets that wouldn't be disadvantaged by a name change.

"After 100 years, we think that a Washington, D.C., should have a Washington Avenue," Adams said.

City officials say they suggested the wide and barren stretch of Canal Street between Independence Avenue and South Capitol Street because it was near the U.S. Capitol and a diagonal road like other avenues.

It was ultimately chosen because no houses or commercial buildings face the street and, therefore, no street addresses would have to be changed.

Public work officials said the new Washington Avenue will get plenty of visibility because at least 24,000 vehicles travel on this stretch each day.

The change will not affect any other part of Canal Street, and, for the ceremony a single street sign will be erected at the intersection with Ivy Street SE, beside the National Democratic Party Headquarters.

But even that building faces Ivy, which means that for all Wetherell's efforts and all the fanfare, nobody will end up with the ultimate Washington address:

Washington Avenue, Washington, D.C.

STATE OF WASHINGTON,
Olympia, November 15, 1989.

MESSAGE FROM THE GOVERNOR

On behalf of all the citizens of the State of Washington, I want to thank all those who've been involved in the designation of Washington Avenue—in honor of the State of Washington by the District of Columbia. It is indeed an honor to have our state commemorated in this fashion in our Nation's capital.

A special thank you should go to C.S. Wetherell of Vancouver, State of Washington, who started this project and whose persistence brought us to this dedication.

Thanks also to our senior senator from the State of Washington, Sen. Brock Adams, who pushed this project through, as well as to Washington D.C. Mayor Marion Barry and David A. Clarke, chairman of the Council of the District of Columbia, for putting their stamp of approval on this project.

It is especially appropriate that this action is taken in the year we celebrate Washington's first 100 years of statehood. Again, thanks to all who participated in this project.

Sincerely,

BOOTH GARDNER,
Governor.

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3402.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the text of the bill (H.R. 3402) entitled "An Act to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform," with the following amendment:

In lieu of the matter proposed to be inserted by said amendment, insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Support for East European Democracy (SEED) Act of 1989".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Support for East European Democracy (SEED) Program.

TITLE I—STRUCTURAL ADJUSTMENT

Sec. 101. Multilateral support for structural adjustment in Poland and Hungary.
Sec. 102. Stabilization assistance for Poland.
Sec. 103. Agricultural assistance.
Sec. 104. Debt-for-equity swaps and other special techniques.

TITLE II—PRIVATE SECTOR DEVELOPMENT

Sec. 201. Enterprise Funds for Poland and Hungary.
Sec. 202. Labor market transition in Poland and Hungary.

Sec. 203. Technical training for private sector development in Poland and Hungary.
Sec. 204. Peace Corps programs in Poland and Hungary.
Sec. 205. Use of Polish currency generated by agricultural assistance.
Sec. 206. United States policy of private financial support for Polish and Hungarian credit unions.

TITLE III—TRADE AND INVESTMENT

Sec. 301. Eligibility of Poland for Generalized System of Preferences.
Sec. 302. Overseas Private Investment Corporation programs for Poland and Hungary.
Sec. 303. Export-Import Bank programs for Poland and Hungary.
Sec. 304. Trade Credit Insurance Program for Poland.
Sec. 305. Trade and Development Program activities for Poland and Hungary.
Sec. 306. Bilateral investment treaties with Poland and Hungary.
Sec. 307. Certain Polish bonds not subject to Internal Revenue Codes rules relating to below-market loans.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

Sec. 401. Educational and cultural exchanges and sister institutions programs with Poland and Hungary.
Sec. 402. Poland-Hungary scholarship partnership.
Sec. 403. Science and technology exchange with Poland and Hungary.

TITLE V—OTHER ASSISTANCE PROGRAMS

Sec. 501. Assistance in support of democratic institutions in Poland and Hungary.
Sec. 502. Environmental initiatives for Poland and Hungary.
Sec. 503. Medical supplies, hospital equipment, and medical training for Poland.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

Sec. 601. Policy coordination of SEED Program.
Sec. 602. SEED Information Center System.
Sec. 603. Encouraging voluntary assistance for Poland and Hungary.
Sec. 604. Economic and commercial officers at United States Embassies and missions in Poland and Hungary.

TITLE VII—REPORTS TO CONGRESS

Sec. 701. Report on initial steps taken by United States and on Poland's requirement for agricultural assistance.
Sec. 702. Report on confidence building measures by Poland and Hungary.
Sec. 703. Report on environmental problems in Poland and Hungary.
Sec. 704. Annual SEED Program report.
Sec. 705. Reports on certain activities.
Sec. 706. Notifications to Congress regarding assistance.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Suspension of SEED assistance.
Sec. 802. Establishment of the Republic of Hungary.
Sec. 803. Administrative expenses of the Agency for International Development.
Sec. 804. Relation of provisions of this Act to certain provisions of appropriation Acts.
Sec. 805. Certain uses of excess foreign currencies.

SEC. 2. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) PROGRAM.

(a) SEED PROGRAM.—The United States shall implement, beginning in fiscal year 1990, a concerted Program of Support for East European Democracy (which may also be referred to as the "SEED Program"). The SEED Program shall be comprised of diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe that have taken substantive steps toward institutionalizing political democracy and economic pluralism.

(b) OBJECTIVES OF SEED ASSISTANCE.—The President should ensure that the assistance provided to East European countries pursuant to this Act is designed—

(1) to contribute to the development of democratic institutions and political pluralism characterized by—

(A) the establishment of fully democratic and representative political systems based on free and fair elections,

(B) effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association,

(C) termination of all laws and regulations which impede the operation of a free press and the formation of political parties,

(D) creation of an independent judiciary, and

(E) establishment of non-partisan military, security, and police forces;

(2) to promote the development of a free market economic system characterized by—

(A) privatization of economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations,

(C) simplification of regulatory controls regarding the establishment of operation of business,

(D) dismantlement of all wage and price controls,

(E) removal of trade restrictions, including on both imports and exports, and

(F) liberalization of investment and capital, including the repatriation of profits by foreign investors; and

(3) not to contribute any substantial benefit—

(A) to Communist or other political parties or organizations which are not committed to respect for the democratic process, or

(B) to the defense or security forces of any member country of the Warsaw Pact.

(c) SEED ACTIONS.—Assistance and other activities under the SEED Program (which may be referred to as "SEED Actions") shall include activities such as the following:

(1) LEADERSHIP IN THE WORLD BANK AND INTERNATIONAL MONETARY FUND.—United States leadership in supporting—

(A) loans by the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group that are designed to modernize industry, agriculture, and infrastructure, and

(B) International Monetary Fund programs designed to stimulate sound economic growth.

(2) CURRENCY STABILIZATION LOANS.—United States leadership in supporting multilateral agreement to provide government-to-government loans for currency stabilization where such loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

(3) DEBT REDUCTION AND RESCHEDULING—Participation in multilateral activities aimed at reducing and rescheduling a country's international debt, when reduction and deferral of debt payments can assist the process of political and economic transition.

(4) AGRICULTURAL ASSISTANCE.—Assistance through the grant and concessional sale of food and other agricultural commodities and products when such assistance can ease critical shortages but not inhibit agricultural production and marketing in the recipient country.

(5) ENTERPRISE FUNDS.—Grants to support private, nonprofit "Enterprise Funds", designated by the President pursuant to law and governed by a Board of Directors, which undertake loans, grants equity investments, feasibility studies, technical assistance, training, and other forms of assistance to private enterprise activities in the Eastern European country for which the Enterprise Fund so is designated.

(6) LABOR MARKET-ORIENTED TECHNICAL ASSISTANCE.—Technical assistance programs directed at promoting labor market reforms and facilitating economic adjustment.

(7) TECHNICAL TRAINING.—Programs to provide technical skills to assist in the development of a market economy.

(8) PEACE CORPS.—Establishment of Peace Corps programs.

(9) SUPPORT FOR INDIGENOUS CREDIT UNIONS.—Support for the establishment of indigenous credit unions.

(10) GENERALIZED SYSTEM OF PREFERENCES.—Eligibility for trade benefits under the Generalized System of Preferences.

(11) MOST FAVORED NATION TRADE STATUS.—The granting of temporary or permanent nondiscriminatory treatment (commonly referred to as "most favored nation status") to the products of an East European country through the application of the criteria and procedures established by section 402 of the Trade Act of 1974 (19 U.S.C. 2432; commonly referred to as the "Jackson-Vanik amendment").

(12) OVESEAS PRIVATE INVESTMENT CORPORATION.—Programs of the Overseas Private Investment Corporation.

(13) EXPORT-IMPORT BANK PROGRAMS.—Programs of the Export-Import Bank of the United States.

(14) TRADE AND DEVELOPMENT PROGRAM ACTIVITIES.—Trade and Development Program activities under the Foreign Assistance Act of 1961.

(15) INVESTMENT TREATIES—Negotiation of bilateral investment treaties.

(16) SPECIAL TAX TREATMENT OF BELOW-MARKET LOANS.—Exempting bonds from Internal Revenue Code rules relating to below-market loans.

(17) EXCHANGE ACTIVITIES.—Expanded exchange activities under the Fulbright, International Visitors, and other programs conducted by the United States Information Agency.

(18) CULTURAL CENTERS.—Contributions toward the establishment of reciprocal cultural centers that can faciliate educational and cultural exchange and expanded understanding of Western social democracy.

(19) SISTER INSTITUTIONS.—Establishment of sister institution programs between American and East European schools and universities, towns and cities, and other organizations in such fields as medicine and health care, business management, environmental protection, and agriculture.

(20) SCHOLARSHIPS.—Scholarships to enable students to study in the United States.

(21) SCIENCE AND TECHNOLOGY EXCHANGES.—Grants for the implemenation of bilateral agreements providing for cooperation in science and technology exchange.

(22) ASSISTANCE FOR DEMOCRATIC INSTITUTIONS.—Assistance designed to support the development of legal, legislative, electoral, journalistic, and other institutions of free, pluralist societies.

(23) ENVIRONMENTAL ASSISTANCE.—Environmental assistance directed at overcoming crucial deficiencies in air and water quality and other determinants of a healthful society.

(24) MEDICAL ASSISTANCE.—Medical assistance specifically targeted to overcome severe deficiencies in pharmaceuticals and other basic health supplies.

(25) ENCOURAGEMENT FOR PRIVATE INVESTMENT AND VOLUNTARY ASSISTANCE.—Encouraging private investment and voluntary private assistance, using a variety of means including a SEED Information Center System and the provision by the Department of Defense of transportation for private nonfinancial contributions.

TITLE I—STRUCTURAL ADJUSTMENT

SEC. 101. MULTILATERAL SUPPORT FOR STRUCTURAL ADJUSTMENT IN POLAND AND HUNGARY.

(a) MULTILATERAL ASSISTANCE FOR POLAND AND HUNGARY.—

(1) IN GENERAL.—To the extent that Poland and Hungary continue to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall take the leadership in mobilizing international financial institutions, in particular the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Poland and Hungary.

(2) WORLD BANK STRUCTURAL ADJUSTMENT LOAN FOR POLAND.—In furtherance of paragraph (1), the Secretary of the Treasury shall direct the United States Executive Director of the International Bank for Reconstruction and Development to urge expeditious approval and disbursement by the Bank of a structural adjustment loan to Poland in an appropriate amount in time to facilitate the implementation of major economic reforms scheduled for early 1990, including the termination of energy, export, and agricultural subsidies and wage indexation.

(b) STABILIZATION ASSISTANCE, DEBT RELIEF, AND AGRICULTURAL ASSISTANCE FOR POLAND.—To the extent that Poland continues to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall do the following:

(1) STABILIZATION ASSISTANCE.—The United States Government, in conjunction with other member governments of the Organization of Economic Cooperation and Development (OECD) and international financial institutions (including the International Monetary Fund), shall support the implementation of a plan of the Government of Poland to attack hyperinflation and other structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Poland, through the use of mechanisms such as—

(A) the Exchange Stabilization Fund pursuant to section 5302 of title 31, United States Code, and in accordance with established Department of the Treasury policies and procedures; and

(B) the authority provided in section 102(c) of this Act.

(2) DEBT RELIEF.—The United States Government—

(A) shall urge all members of the "Paris Club" of creditor governments and other creditor governments to adopt, and participate in, a generous and early rescheduling program for debts owed by the Government of Poland; and

(B) in coordination with other creditor governments, shall seek to expedite consultations between the Government of Poland and its major private creditors in order to facilitate a rescheduling and reduction of payments due on debt owed to such creditors in a manner consistent with the international debt policy announced by the Secretary of the Treasury on March 10, 1989.

(3) Agricultural assistance.—The United States Government shall provide agricultural assistance for Poland in accordance with section 103.

SEC. 102. STABILIZATION ASSISTANCE FOR POLAND.

(a) IMMEDIATE EMERGENCY ASSISTANCE.—To the extent that the ongoing International Monetary Fund review of the Polish economy projects a probable balance of payments shortage for the fourth quarter of 1989, the United States Government, in carrying out paragraph (1) of section 101(b)—

(1) should work closely with the European Community and international financial institutions to determine the extent of emergency assistance required by Poland for the fourth quarter of 1989, and

(2) should consider extending a bridge loan to relieve immediate and urgent balance of payments requirements using the Exchange Stabilization Fund in accordance with paragraph (1)(A) of section 101(b).

(b) IMMEDIATE, MULTILATERAL RESPONSE TO POLAND'S ECONOMIC STABILIZATION NEEDS.—In furtherance of section 101(b)(1), the President, acting in coordination with the European Community, should seek to ensure that the industrialized democracies undertake an immediate, multilateral effort to respond to Poland's request for $1,000,000,000 to support its economic stabilization program.

(c) ADDITIONAL AUTHORITY TO PROVIDE STABILIZATION ASSISTANCE.—

(1) AUTHORITY.—In order to carry out paragraph (1) of section 101(b), the President is authorized to furnish assistance for Poland, notwithstanding any other provision of law, to assist in the urgent stabilization of the Polish economy and ultimately to promote longer-term economic growth and stability, based on movement toward free market principles. Such assistance may be provided for balance of payments support (including commodity import programs), support for private sector development, or for other activities to further efforts to develop a free market-oriented economy in Poland.

(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing the assistance authorized by this subsection, there are authorized to be appropriated $200,000,000 for fiscal year 1990 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund), in addition to amounts otherwise available for such purposes.

SEC. 103. AGRICULTURAL ASSISTANCE.

(a) AGRICULTURAL ASSISTANCE STRATEGY.—

(1) UNITED STATES ASSISTANCE.—A principal component of the SEED Program shall be the provision by the United States of food and other agricultural commodities and products to alleviate crucial shortages that may be created in an East European country by the transition from state-directed controls to a free market economy.

(2) ASSISTANCE FROM OTHER COUNTRIES.—In order to ensure the necessary quantity and diversity of agricultural assistance for that purpose, the United States shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(3) AVOIDING DISINCENTIVES TO PRIVATE AGRICULTURAL PRODUCTION AND MARKETING.—In participating in such multilateral agricultural assistance, the United States shall seek to strike a balance wherein agricultural commodities and products are supplied in such quantities as will be effective in overcoming severe shortages and dampening inflation but without impeding the development of incentives for private agricultural production and marketing in the recipient country.

(b) AGRICULTURAL ASSISTANCE FOR POLAND.—Pursuant to section 101(b)(3), the United States Government—

(1) shall make available to Poland, in coordination with the European Community, United States agricultural assistance—

(A) to alleviate immediate food shortages (such assistance to be specifically targeted toward elements of the Polish population most vulnerable to hunger and malnutrition, in particular the infirm, the elderly, and children), and

(B) to facilitate the transition from state-directed controls to a free market economy, while avoiding disincentives to domestic agricultural production and reform; and

(2) in order to ensure the necessary quantity and diversity of such agricultural assistance, shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(c) FY 1990 MINIMUM LEVEL OF AGRICULTURAL ASSISTANCE FOR POLAND.—In carrying out subsection (b) of this section, the level of assistance for Poland for fiscal year 1990 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o) should not be less than $125,000,000. Such assistance—

(1) to the maximum extent practicable, shall be provided through nongovernmental organizations; and

(2) shall emphasize feed grains.

(d) CONSISTENCY WITH BUDGET REQUIREMENTS.—Subsection (c) should not be construed to authorize or require any budgetary obligations or outlays that are inconsistent with House Concurrent Resolution 106 of the 101st Congress (setting forth the congressional budget for the United States Government for fiscal year 1990).

SEC. 104. DEBT-FOR-EQUITY SWAPS AND OTHER SPECIAL TECHNIQUES.

(a) REDUCTION OF DEBT BURDEN.—The President shall take all appropriate actions to explore and encourage innovative approaches to the reduction of the government-to-government and commercial debt burden of East European countries which have taken substantive steps toward political democracy and economic pluralism.

(b) AUTHORITY FOR DISCOUNTED SALES OF DEBT.—Notwithstanding any other provision of law, the President may undertake the discounted sale, to private purchasers, of United States Government debt obligations of an East European country which has taken substantive steps toward political democracy and economic pluralism, subject to subsection (c).

(c) CONDITION.—An obligation may be sold under subsection (b) only if the sale will facilitate so-called debt-for-equity or debt-for development swaps wherein such newly privatized debt is exchanged by the new holder of the obligation for—

(1) local currencies, policy commitments, or other assets needed for development or other economic activities, or

(2) for an equity interest in an enterprise theretofore owned by the particular East European government.

TITLE II—PRIVATE SECTOR DEVELOPMENT

SEC. 201. ENTERPRISE FUNDS FOR POLAND AND HUNGARY.

(a) PURPOSES.—The purposes of this section are to promote—

(1) development of the Polish and Hungarian private sectors, including small businesses, the agricultural sector, and joint ventures with United States and host country participants, and

(2) policies and practices conducive to private sector development in Poland and Hungary,

through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes specified in subsection (a), there are authorized to be appropriated to the President—

(1) $240,000,000 to support the Polish-American Enterprise Fund; and

(2) $60,000,000 to support the Hungarian-American Enterprise Fund.

Such amounts are authorized to be made available until expended.

(c) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated under subsection (b) may be made available to the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and used for the purposes of this section notwithstanding any other provisions of law.

(d) DESIGNATION OF ENTERPRISE FUNDS.—

(1) DESIGNATION.—The President is authorized to designate two private, nonprofit organizations as eligible to receive funds and support pursuant to this section upon determining that such organizations have been established for the purposes specified in subsection (a). For purposes of this Act, the organizations so designated shall be referred to as the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (hereinafter in this section referred to as the "Enterprise Funds").

(2) CONSULTATION WITH CONGRESS.—The President shall consult with the leadership of each House of Congress before designating an organization pursuant to paragraph (1).

(3) BOARD OF DIRECTORS.—(A) Each Enterprise Fund shall be governed by a Board of Directors comprised of private citizens of the United States, and citizens of the respective host country, who have demonstrated experience and expertise in those areas of private sector development in which the Enterprise Fund is involved.

(B) A majority of the members of the Board of Directors of each Enterprise Fund shall be United States citizens.

(C) A host country citizen who is not committed to respect for democracy and a free market economy may not serve as a member of the Board of Directors of an Enterprise Fund.

(4) ELIGIBILITY OF ENTERPRISE FUNDS FOR GRANTS.—Grants may be made to an Enterprise Fund under this section only if the Enterprise Fund agrees to comply with the requirements specified in this section.

(5) PRIVATE CHARACTER OF ENTERPRISE FUNDS.—Nothing in this section shall be construed to make an Enterprise Fund an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of an Enterprise Fund officers or employees of the United States for purposes of title 5, United States Code.

(e) GRANTS TO ENTERPRISE FUNDS.—Funds appropriated to the President pursuant to subsection (b) shall be granted to the Enterprise Funds by the Agency for International Development to enable the Enterprise Funds to carry out the purposes specified in subsection (a) and for the administrative expenses of each Enterprise Fund.

(f) ELIGIBLE PROGRAMS AND PROJECTS.—

(1) IN GENERAL.—The Enterprise Funds may provide assistance pursuant to this section only for programs and projects which are consistent with the purposes set forth in subsection (a).

(2) EMPLOYEE STOCK OWNERSHIP PLANS.—Funds available to the Enterprise Funds may be used to encourage the establishment of Employee Stock Ownership Plans (ESOPs) in Poland and Hungary.

(3) INDIGENOUS CREDIT UNIONS.—Funds available to the Enterprise Funds may be used for technical and other assistance to support the development of indigenous credit unions in Poland and Hungary. As used in this paragraph, the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution.

(4) TELECOMMUNICATIONS MODERNIZATION IN POLAND.—The Polish-American Enterprise Fund may use up to $25,000,000 for grants for projects providing for the early introduction in Poland of modern telephone systems and telecommnications technology, which are crucial in establishing the conditions for successful transition to political democracy and economic pluralism.

(5) ECONOMIC FOUNDATION OF NSZZ SOLIDARNOSC.—Funds available to the Polish-American Enterprise Fund may be used to support the Economic Foundation of NSZZ Solidarnosc.

(g) MATTERS TO BE CONSIDERED BY ENTERPRISE FUNDS.—In carrying out this section, each Enterprise Fund shall take into account such considerations as internationally recognized worker rights and other internationally recognized human rights, environmental factors, United States economic and employment effects, and the likelihood of commercial viability of the activity receiving assistance from the Enterprise Fund.

(h) RETENTION OF INTEREST.—An Enterprise Fund may hold funds granted to it pursuant to this section in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a), and may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(i) USE OF UNITED STATES PRIVATE VENTURE CAPITAL.—In order to maximize the effectiveness of the activities of the Enterprise Funds, each Enterprise Fund may conduct public offerings or private placements for the purpose of soliciting and accepting United States venture capital which may be used, separately or together with funds made available pursuant to this section, for any lawful investment purpose that the Board of Directors of the Enterprise Fund may determine in carrying out this section. Financial returns on Enterprise Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Enterprise Fund may determine, to the investors of such capital.

(j) FINANCIAL INSTRUMENTS FOR INDIVIDUAL INVESTMENT IN POLAND.—In order to maximize the effectiveness of the activitics of the Polish-American Enterprise Fund, that Enterprise Fund should undertake all possible efforts to establish financial instruments that will enable individuals to invest in the private sectors of Poland and that will thereby have the effect of multiplying the impact of United States grants to that Enterprise Fund.

(k) NONAPPLICABILITY OF OTHER LAWS.—Executive branch agencies may conduct programs and activities and provide services in support of the activities of the Enterprise Funds notwithstanding any other provision of law.

(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—No part of the funds of either Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services.

(m) INDEPENDENT PRIVATE AUDITS.—The accounts of each Enterprise Fund shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by this section.

(n) GAO AUDITS.—The financial transactions undertaken pursuant to this section by each Enterprise Fund may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Enterprise Fund is in receipt of United States Government grants.

(o) RECORDKEEPING REQUIREMENTS.—The Enterprise Funds shall ensure—

(1) that each recipient of assistance provided through the Enterprise Funds under this section keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection

with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit; and

(2) that the Enterprise Funds, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Enterprise Funds under this section.

(p) ANNUAL REPORTS.—Each Enterprise Fund shall publish an annual report, which shall include a comprehensive and detailed description of the Enterprise Fund's operations, activities, financial condition, and accomplishment under this section for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1991.

SEC. 202. LABOR MARKET TRANSITION IN POLAND AND HUNGARY.

(a) TECHNICAL ASSISTANCE.—The Secretary of Labor (hereinafter in this section referred to as the "Secretary"), in consultation with representatives of labor and business in the United States, shall—

(1) provide technical assistance to Poland and Hungary for the implementation of labor market reforms; and

(2) provide technical assistance to Poland and Hungary to facilitate adjustment during the period of economic transition and reform.

(b) TYPES OF TECHNICAL ASSISTANCE AUTHORIZED.—In carrying out subsection (a), the Secretary is authorized to provide technical assistance regarding policies and programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health protection, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small businesses, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary may deem appropriate regarding free labor markets and labor organizations.

(c) ADMINISTRATIVE AUTHORITIES.—In carrying out subsection (a), the Secretary is authorized to do the following:

(1) Solicit and accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following).

(2) Solicit and accept voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. A volunteer under this paragraph shall not be deemed to be an employee of the United States except for the purposes of—

(A) the tort claims provisions of title 28, United States Code, and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

(3) Enter into arrangements or agreements with appropriate departments, agencies, and establishments of Poland and Hungary.

(4) Enter into arrangements or agreements with appropriate private and public sector United States parties, and international organizations.

(d) CONSULTATION WITH APPROPRIATE OFFICERS.—In carrying out the responsibilities established by this section, the Secretary shall seek information and advice from, and consult with, appropriate officers of the United States.

(e) CONSULTATION WITH LABOR AND BUSINESS REPRESENTATIVES.—For purposes of this section, consultation between the Secretary and United States labor and business representatives shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(f) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate the authority to carry out the programs authorized by this section to the head of the Bureau of International Labor Affairs of the Department of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor for the 3-year period beginning October 1, 1989, to carry out this section—

(1) $4,000,000 for technical assistance to Poland; and

(2) $1,000,000 for technical assistance to Hungary.

SEC. 203. TECHNICAL TRAINING FOR PRIVATE SECTOR DEVELOPMENT IN POLAND AND HUNGARY.

(a) TECHNICAL TRAINING PROGRAM.—The Agency for International Development shall develop and implement a program for extending basic agribusiness, commercial, entrepreneurial, financial, scientific, and technical skills to the people of Poland and Hungary to enable them to better meet their needs and develop a market economy. This program shall include management training and agricultural extension activities.

(b) PARTICIPATION BY ENTERPRISE FUNDS AND OTHER AGENCIES AND ORGANIZATIONS.—In carrying out subsecton (a), the Agency for International Development may utilize the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and other appropriate Government and private agencies, programs, and organizations such as—

(1) the Department of Agriculture;

(2) the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736 (a) (1) and (2));

(3) the International Executive Service Corps;

(4) the Foundation for the Development of Polish Agriculture;

(5) the World Council of Credit Unions; and

(6) other United States, Polish, and Hungarian private and voluntary organizations and private sector entities.

(c) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Assistance provided pursuant to subsection (a) under the authorities of part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of implementing this section, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance), in addition to amounts otherwise available for such purposes.

(e) LIMITATION WITH RESPECT TO FARMER-TO-FARMER PROGRAM.—Any activities carried out pursuant to this Act through the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 shall be funded with funds authorized to be appropriated by this Act and local currencies made available under section 205, and shall not be funded with funds made available pursuant to section 1107 of the Food Security Act of 1985 (7 U.S.C. 1736 note) or a similar, subsequent provision of law.

SEC. 204. PEACE CORPS PROGRAMS IN POLAND AND HUNGARY.

There are authorized to be appropriated to carry out programs in Poland and Hungary under the Peace Corps Act, $6,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes. Such programs shall include the use of Peace Corps volunteers—

(1) to provide English language training, and

(2) to extend the technical skills described in section 203(a) to the people of Poland and Hungary, using the Associate Volunteer Program to the extent practicable

SEC. 205. USE OF POLISH CURRENCY GENERATED BY AGRICULTURAL ASSISTANCE.

(a) ADDITIONAL ASSISTANCE FOR POLAND.—A portion of the agricultural commodities described in subsection (c) may be made available and sold or bartered in Poland to generate local currencies to be used—

(1) to complement the assistance for Poland authorized by sections 103(b), 201, and 203 of this Act, and

(2) to support the activities of the joint commission established pursuant to section 2226 of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note).

notwithstanding section 416(b)(7) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)) or any other provision of law.

(b) EMPHASIS ON AGRICULTURAL DEVELOPMENT.—The uses of local currencies generated under this section should emphasize the development of agricultural infrastructure, agriculture-related training, and other aspects of agricultural development in Poland.

(c) COMMODITIES SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to agricultural commodities made available for Poland for fiscal years 1990, 1991, and 1992 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o).

(d) OTHER USES NOT PRECLUDED.—The uses of agricultural commodities and local currencies specified in subsection (a) are in addition to other uses authorized by law.

SEC. 206. UNITED STATES POLICY OF PRIVATE FINANCIAL SUPPORT FOR POLISH AND HUNGARIAN CREDIT UNIONS.

(a) IN GENERAL.—In order to facilitate the development in indigenous credit unions in Poland and Hungary, it is the policy of the United States that—

(1) United States citizens, financial institutions (other than federally insured depository institutions), and other persons may make contributions and loans to, make capital deposits in, and provide other forms of financial and technical assistance to credit unions in Poland and Hungary; and

(2) federally insured depository institutions may provide technical assistance to credit unions in Poland and Hungary, to the extent that the provision of such assistance is prudent and not inconsistent with safe and sound banking practice.

(b) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

"(16) subject to such regulations as the Board may prescribe, to provide technical assistance to credit unions in Poland and Hungary; and".

(c) DEFINITIONS.—For purposes of subsection (a)—

(1) the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution; and

(2) the term "federally insured depository institution" means—

(A) any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(B) any insured credit union (as defined in section 101(7) of the Federal Credit Union Act).

TITLE III—TRADE AND INVESTMENT

SEC. 301. ELIGIBILITY OF POLAND FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Poland" in the table within such subsection.

SEC. 302. OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAMS FOR POLAND AND HUNGARY.

(a) ELIGIBILITY OF POLAND AND HUNGARY FOR OPIC PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", Poland, Hungary," after "Yugoslavia".

(b) ENHANCEMENT OF NONGOVERNMENTAL SECTOR.—In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS—If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, contains the same amendment that is made by subsection (a) of this section, the amendment made by this Act shall not be effective.

SEC. 303. EXPORT-IMPORT BANK PROGRAMS FOR POLAND AND HUNGARY.

(a) AUTHORITY TO EXTEND CREDIT TO POLAND AND HUNGARY.—Notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by the Republic of Hungary or an agency or national thereof or by the Polish People's Republic or any agency or national thereof.

(b) PRIVATE FINANCIAL INTERMEDIARIES TO FACILITATE EXPORTS TO POLAND.—Consistent with the provisions of the Export-Import Bank Act of 1945 (12 U.S.C. 635 and following), the Export-Import Bank of the United States shall work with private financial intermediaries in Poland to facilitate the export of goods and services to Poland.

SEC. 304. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 224 (22 U.S.C. 2184) the following new section:

"SEC. 225. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

"(a) GENERAL AUTHORITY.—

"(1) ASSURANCE TO EXPORT-IMPORT BANK OF REPAYMENT.—The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have reasonable assurance of repayment.

"(2) LIABILITIES WHICH MAY BE GUARANTEED.—The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

"(b) GUARANTEES AVAILABLE ONLY FOR SHORT-TERM GUARANTEES AND INSURANCE.—Guarantees provided under subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance.

"(c) AGREEMENT ON CRITERIA AND PROCEDURES.—Guarantees or insurance extended by the Bank and guaranteed pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Administrator and the Bank.

"(d) RESERVE FUND.—The agreement referred to in subsection (c) shall also provide for the establishment of a reserve fund by the administering agency, with such funds made available to the reserve as the Administrator deems necessary to discharge liabilities under guarantees provided under subsection (a).

"(e) DISCHARGE OF LIABILITIES.—

"(1) FUNDS WHICH MAY BE USED.—Such amounts of the funds made available to carry out chapter 4 of part II of this Act (relating to the economic support fund) as the President determines are necessary may be made available to discharge liabilities under guarantees entered into under subsection (a).

"(2) CREDITING OF SUBSEQUENT PAYMENTS.—To the extent that any of the funds made available pursuant to paragraph (1) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund established pursuant to subsection (d), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Administrator to the Bank for guarantees under subsection (a).

"(f) APPROPRIATIONS ACTION REQUIRED.—Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in advance in appropriations Acts.

"(g) LIMITATION ON OUTSTANDING COMMITMENTS.—The aggregate amount of outstanding commitments under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal during any fiscal year.

"(h) BIANNUAL REPORTS TO CONGRESS.—Every 6 months, the Administrator and the President of the Bank shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of guarantees and insurance provided by the Bank and guaranteed under this section during the preceding 6-month period.

"(i) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank and the Administrator determine appropriate to assist the administering agency in carrying out this section.

"(j) FEES AND PREMIUMS.—The Bank is authorized to charge fees and premiums, in connection with guarantees or insurance guaranteed by the administering agency under subsection (a), that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

"(1) shall be credited to the reserve fund established pursuant to subsection (d),

"(2) shall be merged with the funds in such reserve, and

"(3) shall be available for the purpose of payments by the administering agency to the Bank for guarantees under subsection (a).

"(k) RESTRICTIONS NOT APPLICABLE.—Prohibitions on the use of foreign assistance funds for assistance for Poland shall not apply with respect to the funds made available to carry out this section.

"(l) EXPIRATION OF AUTHORITY.—The President may not enter into any commitments to guarantee under subsection (a) after September 30, 1992.

"(m) DEFINITIONS.—For purposes of this section—

"(1) the term 'administering agency' means the Agency for International Development;

"(2) the term 'Administrator' means the Administrator of the Agency for International Development; and

"(3) the term 'Bank' means the Export-Import Bank of the United States.".

(b) CONFORMING AMENDMENT.—Section 224 of that Act is amended by inserting "FOR CENTRAL AMERICA" after "PROGRAM" in the section caption.

(c) CONFORMING REFERENCE.—With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to section 224 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to section 225 of that Act (as enacted by this section).

SEC. 305. TRADE AND DEVELOPMENT PROGRAM ACTIVITIES FOR POLAND AND HUNGARY.

In order to permit expansion of the Trade and Development Program into Poland and Hungary, there are authorized to be appro-

priated $6,000,000 for the 3-year period beginning October 1, 1989, to carry out section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2241), in addition to amounts otherwise available for such purpose.

SEC. 306. BILATERAL INVESTMENT TREATIES WITH POLAND AND HUNGARY.

The Congress urges the President to seek bilateral investment treaties with Poland and Hungary in order to establish a more stable legal framework for United States investment in those countries.

SEC. 307. CERTAIN POLISH BONDS NOT SUBJECT TO INTERNAL REVENUE CODE RULES RELATING TO BELOW-MARKET LOANS.

(a) IN GENERAL.—Paragraph (5) of section 1812(b) of the Tax Reform Act of 1986 is amended—

(1) by inserting "or Poland" after "Israel" in the text thereof, and

(2) by inserting "OR POLISH" after "ISRAEL" in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SISTER INSTITUTIONS PROGRAMS WITH POLAND AND HUNGARY.

(a) EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) SUPPORT FOR EXPANDED U.S. PARTICIPATION.—The United States should expand its participation in educational and cultural exchange activities with Poland and Hungary, using the full array of existing government-funded and privately-funded programs, with particular emphasis on the J. William Fulbright Educational Exchange Program, the International Visitors Program, the Samantha Smith Memorial Exchange Program, the exchange programs of the National Academy of Sciences, youth and student exchanges through such private organizations as The Experiment in International Living, The American Field Service Committee, and Youth for Understanding, and research exchanges sponsored by the International Research and Exchanges Board (IREX).

(2) EMPHASIS ON SKILLS IN BUSINESS AND ECONOMICS.—The United States should place particular emphasis on expanding its participation in educational exchange activities that will assist in developing the skills in business and economics that are necessary for the development of a free market economy in Poland and Hungary.

(b) BINATIONAL FULBRIGHT COMMISSIONS.—The United States should take all appropriate action to establish binational Fulbright commissions with Poland and Hungary in order to facilitate and enhance academic and scholarly exchanges with those countries.

(c) RECIPROCAL CULTURAL CENTERS.—The President should consider the establishment of reciprocal cultural centers in Poland and the United States and in Hungary and the United States to facilitate government-funded and privately-funded cultural exchanges.

(d) SISTER INSTITUTIONS PROGRAMS.—The President shall act to encourage the establishment of "sister institution" programs between American and Polish organizations and between American and Hungarian organizations, including such organizations as institutions of higher education, cities and towns, and organizations in such fields as medicine and health care, business management, environmental protection, and agricultural research and marketing.

(e) AUTHORIZATION OF APPROPRIATIONS.—To enable the United States Information Agency to support the activities described in this section, there are authorized to be appropriated $12,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes.

SEC. 402. POLAND-HUNGARY SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development is authorized to establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from Poland and Hungary to study in the United States.

(b) EMPHASIS ON BUSINESS AND ECONOMICS.—The scholarship program provided for in this section shall emphasis scholarships to enable students from Poland and Hungary to study business and economics in the United States. Such scholarships may be provided for study in programs that range from the standard management courses to more specialized assistance in commercial banking and the creation of a stock market.

(c) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate or graduate degree programs, and training programs of one year or longer, in study areas related to the critical development needs of Poland and Hungary.

(d) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(e) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall not be more than 50 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(g) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipients' prompt return to Poland or Hungary, as the case may be, for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(h) PRIVATE SECTION PARTICIPATION.—To the maximum extent practicable, each participating State shall enlist the assistance of the private section to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(i) FUNDING.—Grants to States pursuant to this section shall be made with funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). In addition to amounts otherwise available for such purpose under those chapters, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989 for use in carrying out this section.

(j) RESTRICTION NOT APPLICABLE.—Prohibitions on the use of foreign assistance funds for assistance for Poland and Hungary shall not apply with respect to the funds made available to carry out this section.

(k) DEFINITION OF STATE.—As used in this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands.

SEC. 403. SCIENCE AND TECHNOLOGY EXCHANGE WITH POLAND AND HUNGARY.

(a) AGREEMENT WITH POLAND.—There are authorized to be appropriated to the Secretary of State for purposes of continuing to implement the 1987 United States-Polish science and technology agreement—

(1) $1,500,000 for fiscal year 1990.

(2) $2,000,000 for fiscal year 1991, and

(3) $2,000,000 for fiscal year 1992.

(b) AGREEMENT WITH HUNGARY.—There are authorized to be appropriated to the Secretary of State for purposes of implementing the 1989 United States-Hungarian science and technology agreement—

(1) $500,000 for fiscal year 1990.

(2) $1,000,000 for fiscal year 1991, and

(3) $1,000,000 for fiscal year 1992.

(c) DEFINITION OF AGREEMENTS BEING FUNDED.—For purposes of this section—

(1) the term "1987 United States-Polish science and technology agreement" refers to the agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto; and

(2) the term "1989 United States-Hungarian science and technology agreement" refers to the agreement concluded in 1989 by the United States and Hungary, entitled "Agreement Between the Government of the United States of America and the Government of the Hungarian People's Republic for Scientific and Technology Cooperation", together with annexes relating thereto.

TITLE V—OTHER ASSISTANCE PROGRAMS

SEC. 501. ASSISTANCE IN SUPPORT OF DEMOCRATIC INSTITUTIONS IN POLAND AND HUNGARY.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $12,000,000 for the 3-year period beginning October 1, 1989, which shall be available only for the support of democratic institutions and activities in Poland and Hungary.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law.

SEC. 502. ENVIRONMENTAL INITIATIVES FOR POLAND AND HUNGARY.

(a) PRIORITY FOR THE CONTROL OF POLLUTION.—The Congress recognizes the severe

pollution problems affecting Poland and Hungary and the serious health problems which ensue from such pollution. The Congress therefore directs that a high priority be given in the implementation of assistance to Poland and Hungary to the control of pollution and the restoration of the natural resource base on which a sustainable, healthy economy depends.

(b) EPA ACTIVITIES GENERALLY.—In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (hereinafter in this section referred to as the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as the Administrator may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment in Poland and Hungary.

(c) EPA ACTIVITIES IN POLAND.—The Administrator shall cooperate with Polish officials and experts to—

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

(d) EPA ACTIVITIES IN HUNGARY.—The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

(e) FUNDING OF EPA ACTIVITIES.—To enable the Environmental Protection Agency to carry out subsections (b), (c), and (d), there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of Part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). These funds may be used to carry out those subsections notwithstanding any provision of law relating to the use of foreign assistance funds.

(f) DEPARTMENT OF ENERGY ACTIVITIES RELATING TO FOSSIL FUELS.—

(1) CLEAN COAL.—The Secretary of Energy shall cooperate with Polish officials and experts to retrofit a coal-fired commercial powerplant in the Krakow, Poland, region with advanced clean coal technology that has been successfully demonstrated at a comparably scaled powerplant in the United States. Such retrofit shall be carried out by one or more United States companies using United States technology and equipment manufactured in the United States. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(2) EQUIPMENT ASSESSMENT.—The Secretary of Energy shall cooperate with Polish officials and experts and companies within the United States to assess and develop the capability within Poland to manufacture or modify boilers, furnaces, smelters, or other equipment that will enable industrial facilities within Poland to use fossil fuels cleanly. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out paragraphs (1) and (2) of this subsection, there are authorized to be appropriated $30,000,000 for the 3-year period beginning October 1, 1989. Not more than $10,000,000 of the funds appropriated under this paragraph may be used to carry out the requirements of paragraph (1).

(g) PRIORITY FOR EFFICIENT ENERGY USE.—In view of the high energy usage per unit of output in Hungary and Poland, the Secretary of Energy shall give high priority to assisting officials of Poland and Hungary in improving the efficiency of their energy use, through emphasis on such measures as efficient motors, lights, gears, and appliances and improvements in building insulation and design.

(h) ALTERNATIVE INVESTMENTS IN ENERGY IN HUNGARY.—It is the sense of the Congress that the Executive branch should work with the Government of Hungary to achieve environmentally safe alternative investments in energy efficiency, particularly with regard to projects along the Danube River.

SEC. 503. MEDICAL SUPPLIES, HOSPITAL EQUIPMENT, AND MEDICAL TRAINING FOR POLAND.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $4,000,000 for the 3-year period beginning October 1, 1989, which shall be available only—

(1) for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment, and

(2) for training of Polish medical personnel.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, other than—

(1) section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f); relating to the prohibition on the use of funds for abortions and involuntary sterilizations), and

(2) any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that relates to abortion.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

SEC. 601. POLICY COORDINATION OF SEED PROGRAM.

The President shall designate, within the Department of State, a SEED Program coordinator who shall be directly responsible for overseeing and coordinating all programs described in this Act and all other activities that the United States Government conducts in furtherance of the purposes of this Act.

SEC. 602. SEED INFORMATION CENTER SYSTEM.

(a) ESTABLISHMENT.—The President shall establish a SEED Information Center System, using existing Executive branch agencies and acting in cooperation with the Government of Poland and the Government of Hungary.

(b) FUNCTIONS.—

(1) IN GENERAL.—The SEED Information Center System shall serve as a central clearinghouse mechanism for information relating to—

(A) business needs and opportunities in Eastern Europe, and

(B) voluntary assistance to countries in Eastern Europe.

(2) PRIVATE ENTERPRISE DEVELOPMENT.—The SEED Information Center System shall be organized, among other purposes, to encourage—

(A) the submission of economically sound proposals to the Polish-American Enterprise Fund and Hungarian-American Enterprise Fund, and

(B) other sources of finance for the development of private enterprise in Eastern Europe.

(c) LOCATION.—The SEED Information Center System shall be based jointly in Washington, District of Columbia; Warsaw, Poland; and Budapest, Hungary; and should it become appropriate, the capitals of other East European countries.

SEC. 603. ENCOURAGING VOLUNTARY ASSISTANCE FOR POLAND AND HUNGARY.

(a) ENCOURAGING PRIVATE CONTRIBUTIONS.—It is the sense of the Congress that the President should take all possible steps to encourage across the Nation a massive outpouring of private contributions of money and nonperishable foods, to be collected by civic, religious, school, and youth organizations, for assistance to Poland and to refugees from Romania who are in Hungary.

(b) TRANSPORTATION TO POLAND OF PRIVATE CONTRIBUTIONS.—In further of subsection (a), the President—

(1) using all available authorities, including section 402 of title 10, United States Code (relating to transportation of humanitarian relief supplies), should use resources of the Department of Defense (including the National Guard) to transport nonfinancial private contributions to Poland,

(2) should request additional authorities as needed for the use of those resources for that purpose; and

(3) should encourage maximum participation by such recognized private and voluntary organizations as the Polish-American Congress in the transportation of nonfinancial private contributions to Poland.

SEC. 604. ECONOMIC AND COMMERCIAL OFFICES AT UNITED STATES EMBASSIES AND MISSIONS IN POLAND AND HUNGARY.

It is the sense of the Congress that, to the extent practicable—

(1) the United States Embassy in Budapest, Hungary, should be assigned one additional economic and commercial officer;

(2) the United States Embassy in Warsaw, Poland, should be assigned one additional economic officer and one additional commercial officer;

(3) the United States Trade Center in Warsaw, Poland, should be assigned one additional economic and commercial officer; and

(4) the United States mission in Krakow, Poland, should be assigned one additional economic and commercial officer.

TITLE VII—REPORTS TO CONGRESS

SEC. 701. REPORT ON INITIAL STEPS TAKEN BY UNITED STATES AND ON POLAND'S REQUIREMENT FOR AGRICULTURAL ASSISTANCE.

(a) INITIAL REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress—

(1) describing the steps taken by the United States Government pursuant to title I, in particular sections 102(a) and (b);

(2) assessing Poland's requirements for additional agricultural assistance during fiscal year 1990 and its requirements for agricultural assistance during fiscal years 1991 and 1992; and

(3) specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

(b) UPDATING ASSESSMENTS.—As additional information becomes available, the President shall provide to the Congress revised assessments of Poland's requirements for agricultural assistance during fiscal years 1991 and 1992, specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

SEC. 702. REPORT ON CONFIDENCE BUILDING MEASURES BY POLAND AND HUNGARY.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress identifying—

(1) the confidence building measures Poland and Hungary could undertake to facilitate the negotiation of agreements, including bilateral customs and technology transfer agreements, that would encourage greater direct private sector investment in that country; and

(2) the confidence building measures Poland and Hungary could undertake with respect to the treatment accorded those countries under the Export Administration Act of 1979.

SEC. 703. REPORT ON ENVIRONMENTAL PROBLEMS IN POLAND AND HUNGARY.

The first report submitted pursuant to section 704 shall include the following:

(1) ASSESSMENT OF PROBLEMS.—An overall assessment of the environmental problems facing Poland and Hungary, including—

(A) a relative ranking of the severity of the problems and their effects on both human health and the general environment;

(B) a listing of the geographical areas of each country that have suffered the heaviest environmental damage, and a description of the source and scope of the damage; and

(C) an assessment of the environmental performance of leading industrial polluters in those countries and the expected effect on pollution levels of industrial modernization.

(2) PRIORITIES AND COSTS FOR ACTION.—An analysis of the priorities that Poland and Hungary should each assign in addressing its environmental problems, and an estimate of the capital and human resources required to undertake a comprehensive program of environmental protection in that country.

(3) ROLE OF UNITED STATES AND MULTILATERAL ASSISTANCE.—A statement of strategy for United States assistance for the next 5 years to address environmental problems in Poland and Hungary, including—

(A) recommendations for appropriate levels and forms of bilateral financial and technical assistance;

(B) recommendations concerning United States participation in cooperative multilateral undertakings;

(C) an assessment of the feasibility of debt-for-nature swaps as a technique of environmental protection in each country; and

(D) recommendations for minimizing further environmental damage to Krakow, and for the protection and restoration of historic sites in that city.

SEC. 704. ANNUAL SEED PROGRAM REPORT.

(a) FINDINGS.—The Congress finds that—

(1) in order to provide the President with maximum flexibility and opportunity for innovation in implementation of the SEED Program, this Act sets forth general goals and modalities for the support of democracy and economic pluralism in Eastern Europe;

(2) prompt United States action in devising specific measures to achieve the goals outlined in this Act will be crucial in generating the public awareness, and the international commitment, necessary for United States leadership of a successful multilateral program of assistance in Eastern Europe; and

(3) clear-cut delineation of such United States actions at an early date is integral to United States leadership of this effort.

(b) INITIAL SEED PROGRAM REPORT.—Accordingly, the first report pursuant to subsection (c) shall be a comprehensive report that includes a full description of all SEED Actions taken pursuant to each provision of this Act since the enactment of this Act.

(c) ANNUAL SEED PROGRAM REPORT.—Not later than January 3 of each year (beginning in 1991), the President shall submit to the Congress a "Report on the United States Program of Support for East European Democracy (the SEED Program)". Each such report shall describe the assistance provided to each East European country under this Act during the preceding fiscal year. In addition, each such report shall contain an assessment of the progress made by each such recipient country in—

(1) implementing economic policies designed to promote sustained economic growth, develop economic freedom, and increase opportunities for the people of that country; and

(2) adopting and implementing constitutional, legal, and administrative measures that—

(A) affect the powers of the executive and legislative authorities and the independence of the judiciary,

(B) affect the formation and operation of independent political parties, groups, associations, or organizations, or

(C) affect fundamental human rights and civil liberties.

SEC. 705. REPORTS ON CERTAIN ACTIVITIES.

At the same time each report is submitted pursuant to section 704(c), the President shall submit to the appropriate committees of the Congress a report on the extent of espionage activities against the United States and other member countries of the North Atlantic Treaty Organization by operatives of the government of any East European country that is receiving assistance under this Act. Such reports may be submitted in classified form.

SEC. 706. NOTIFICATIONS TO CONGRESS REGARDING ASSISTANCE.

Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1; relating to reprogramming notifications) applies with respect to obligations of funds made available under that Act to carry out this Act, notwithstanding any other provision of this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. SUSPENSION OF SEED ASSISTANCE.

The President should suspend all assistance to an East European country pursuant to this Act if the President determines, and reports to the Congress, that—

(1) that country is engaged in international activities that directly threaten United States national security interests;

(2) the president or any other government official of that country initiates martial law or a state of emergency for reasons other than to respond to a natural disaster or a foreign invasion; or

(3) any member who was elected to that country's parliament has been removed from that office or arrested through extra-constitutional processes.

SEC. 802. ESTABLISHMENT OF THE REPUBLIC OF HUNGARY.

(a) FINDINGS.—The Congress finds that—

(1) on October 23, 1989, in a public ceremony in Budapest, the acting President of Hungary declared the Hungarian state to be an independent, democratic Republic of Hungary;

(2) this public ceremony was held on the 33d anniversary of Hungary's 1956 revolution that was bloodily suppressed by Soviet troops;

(3) this public ceremony was held in the same Kossuth Square where the first mass rally of the 1956 revolution was held;

(4) as a further symbol of Hungary's faithfulness to the legacy of the revolution of 1956, the declaration by the acting President was made from the same balcony from which Imre Nagy, the martyred Prime Minister of the revolutionary government of 1956, addressed the citizens of Budapest 33 years before;

(5) the heroic revolt and freedom fight of the Hungarian people in 1956 was an inspirational event, reminding a generation of Americans of the sacrifices people are willing to undertake as the price of liberty; and

(6) the present efforts of the Hungarian people to validate the legacy of the revolution of 1956 by establishing a free, independent, and prosperous Hungary have gained the sympathy and admiration of the American people.

(b) CONGRESSIONAL DECLARATIONS.—The Congress—

(1) congratulates the people of Hungary on the declaration of a Republic of Hungary committed to democratic principles; and

(2) expresses its desire to enhance the friendly relations between the people of Hungary and the people of the United States and between their respective governments.

SEC. 803. ADMINISTRATIVE EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

For the purpose of paying administrative expenses incurred in connection with carrying out its functions under this Act, the Agency for International Development may use up to $500,000 each fiscal year of the funds made available to the Agency under this Act.

SEC. 804. RELATION OF PROVISIONS OF THIS ACT TO CERTAIN PROVISIONS OF APPROPRIATIONS ACT.

Any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that provides that assistance for Poland or Hungary under that Act may be provided notwithstanding any other provision of law shall not supersede any requirement of this Act.

SEC. 805. CERTAIN USES OF EXCESS FOREIGN CURRENCIES.

(a) AUTHORITY TO USE.—During fiscal year 1990, the Administrator of the Agency for International Development may use, for the purpose described in subsection (b), such sums of foreign currencies described in subsection (c) as the Administrator may determine, subject to subsection (f).

(b) PURPOSES FOR WHICH CURRENCY MAY BE USED.—Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to economic assistance), and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

(c) CURRENCIES WHICH MAY BE USED.—The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

(d) WHERE CURRENCIES MAY BE USED.—Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

(e) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Foreign currencies may be used under this section notwithstanding section 1306 of title 31, United States Code, or any other provision of law.

(f) REQUIREMENT FOR APPROPRIATIONS ACTION.—The authority of this section may be exercised only to such extent or in such amount as may be provided in advance in an appropriation Act.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, this is an amendment that was put on after the bill passed over at the House. They have basically accepted the authorized appropriation level that we put on. It has been shifted around somewhat. They have added the trade credit insurance on to this. We have accepted the majority of the amendments that have been offered by Members on both sides, I might add. My hope is that this is acceptable to both sides.

I see the distinguished minority leader here with whom I worked out the provisions on the Senate side. I do not know if he cares to add anything at this point.

JOINT VENTURES IN EASTERN EUROPE

Mr. PELL. Mr. President, as the Senate takes final action on the Support for East European Democracy Act, I want to call to the attention of my colleagues an important modification which the House amendment makes to the Senate-passed bill.

As the Senate acted on the bill earlier this week, language was included that would have constrained OPIC authority by preventing OPIC insurance for U.S. businesses entering into joint ventures having more than 20 percent participation by any host-country government or quasi-government entity. Given the early state of the transition in Hungary and Poland from state economic control to private enterprise, this restriction could have had the paradoxical effect of gravely limiting business initiatives which, if undertaken, will help to accelerate that very transition, which is an explicit goal of American foreign policy.

Accordingly, I am pleased to report that in negotiations with the House it was possible to agree to elimination of this stricture. Thus, the bill which the House has today passed and returned to the Senate now contains a sound delineation of OPIC authority for activities in Hungary and Poland.

I urge that the Senate accept this approach, which I understand could soon be used to constructive effect in Hungary, by helping to facilitate the impressive joint venture project announced just yesterday by General Electric.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY IN EL SALVADOR

Mrs. KASSEBAUM. Earlier today, Mr. President, our colleague, the Senator from Maryland, Senator MIKULSKI, and later Senator KENNEDY and Senator LEAHY spoke eloquently to the tragedy occurring in El Salvador. I led the observer delegation in 1982 for the first elections taking place there. I know that the Presiding Officer, Senator DODD, has spent much time there, and it is with great sorrow that we now see what is happening as the citizens of El Salvador are caught again in the crossfire of bullets.

As our hopes are rising for a more peaceful and humane world in Europe, the spiral of violence in El Salvador provides a profound and troubling contrast. As my colleague from Maryland pointed out earlier on the floor, the horror of the continuing civilian casualties has been compounded by the reports of the gruesome killings of six Jesuit priests in San Salvador.

Since the 1982 elections, I have held out hope that El Salvador could successfully move away from years of harsh military rule, death squads, and civil strife. The people of El Salvador deserve peace and democracy not guerrilla warfare and assassinations in their streets and villages.

Unfortunately Mr. President, the events of the last few days only underscore how the people of El Salvador continue to be caught in the violent struggle between the government and the FMLN. The barrel of the gun has sadly not been replaced by the negotiating table and the ballot box.

Mr. President, our first order of business must be to do all we can to get a truce in El Salvador so the wounded and all innocent civilians can be evacuated from those areas with the heaviest fighting. I urge President Bush to make a strong statement in this regard and to work with the OAS, the United Nations, and the International Red Cross to implement a truce. We must also do all we can to achieve an overall cease-fire and to get both sides back to the negotiating table.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is seeking recognition to address the Senate for 10 minutes. I ask our colleagues to refrain from conversation on the floor.

The Senator from Arizona.

EL SALVADOR

Mr. McCAIN. Mr. President, I am sure that every Member of Congress profoundly regrets the present dramatic increase in violence inflicted upon the long suffering people of El Salvador. I, like all Americans, am disgusted by the appalling suffering Salvadorans are forced to endure at the hands of extremists from the left and right in that troubled society. How incongruous the actions of these inhumane tyrants appear compared to today's extraordinary advance of freedom and democracy throughout much of the world.

That is why I condemn the grisly murder of six Jesuit priests in San Salvador last night. Although, it remains to be determined who committed this atrocity, it does not diminish the henious nature of this crime. This is a wretched offense against all humanity and a civilized government will apprehend and punish the criminals.

Mr. President, on this continent—this collection of proud former colonies devoted to the natural rights of man—violent expressions of political intolerance should have disappeared long ago. It is extremely disturbing to observe that here, so near to the influence of the world's leading democracy, archaic notions of repression and violent coercion still have their adherents among the real and prospective dictators of Latin America. From the co-

caine kings of Colombia to the sneering lord of Panama to Castro's proteges in Nicaragua to the cynical killers of the FMLN and their few extremist allies on the far right fringe of Salvadoran society—the forward march of democracy is under challenge in the Americas. And we, the public officials of a proud and functioning democracy, should be the first to condemn these human impediments to humanity's progress.

However, Mr. President, as we very appropriately express our outrage we must be careful of this particular attempt to reverse the progress of Salvadoran democracy. Mr. President, I agree that there were recent despicable incidents of political violence in El Salvador that preceded the resumption of the civil war. I agree that some of these incidents were quite possibly and even probably the work of extremists who occupy a position so far out on the fringes of the right that their actions are useful to the purposes of violent extremists on the left. But let us be clear, Mr. President, the FMLN siege of the densely populated neighborhoods of San Salvador has nothing to do with the reprehensible actions of those other extremists.

Mr. President, this newest outbreak of violence in El Salvador is the consequence of decisions taken by the FMLN and their sponsors that had little to do with the behavior of Salvador's rightwing extremists. It can be said, Mr. President, that this battle being waged at such terrible cost in San Salvador originated in the Kremlin. For it was there that, in spite of improved relations between East and West, in spite of the astonishing reforms underway throughout the Soviet empire, the decision was made that the Soviet Union would sustain their Marxist-Leninist client states and their Marxist "national liberation movements" on the fringes of the Soviet empire. There is more than sufficent evidence, Mr. President, that the Soviet commitment to their clients has not diminished at all and in a number of cases has been significantly enhanced—from the Najibullah government in Afghanistan to the Hun Sen government of Cambodia from Castro to Ortega to the FMLN.

Neither glasnost nor perestroika nor the advances of democracy in the Communist world seem to have affected Soviet determination to preserve the power of their Communist allies in the Third World. The assurances the U.S. Government has reportedly received from the Kremlin—that they will reduce if not abandon their assistance to their allies in this hemisphere—were apparently not offered in good faith. Only today, we read in the Washington Post that the Soviets may have shipped high-performance Mig-29's to Cuba. No wonder Castro mocks today's celebration of the triumph of democracy in the world. He knows that in the Communist governments and parties of this hemisphere glasnost must mean very little.

We can only hope that the administration will not be fooled by further Soviet assurances of forbearance and insist on material evidence of Soviet support for processes of peace and democracy in this hemisphere.

Mr. President, this latest suffering inflicted upon Salvadorans also began in the councils of those experts of deception, the Sandinistas. Interested observers pointed out recently that despite Soviet promises, military assistance to Nicaragua had actually been increased. Although, the boxes may be stamped Cuba or East Germany, we all know where the weapons originate. We pointed out further that despite solemn treaty obligations which Nicaragua undertook with its Central American neighbors, the Sandinistas continued to generously assist the FMLN with their persistent campaign to subvert Salvadoran democracy. At the time, I heard a number of explanations as to why the Sandinistas and their Soviet and Cuban masters continued their unsuccessful campaign to undermine the Salvadoran Government. One of the most interesting explanations was that the Sandinistas and their patrons were simply "frontloading" assistance to the FMLN in preparation for an ultimate cutoff of assistance.

Mr. President, we know now what the increased weapons shipments signified. We know now the purpose of the huge caches of weapons discovered last month in El Espino. This was not a final gift before the Soviets, Cubans and Sandinistas forced their proteges in the FMLN to leave the well-supplied nest of socialist solidarity. This was simply preparation for the moment we are now witnessing—the most recent "final offensive" of the Marxist Salvadoran terrorists who advertise themselves as the protectors of the Salvadoran people.

But, Mr. President, as we are learning not to overestimate Soviet and Sandinista promises of cooperation in the Third World, we are slowly learning to disregard as cynical, Communist propaganda the FMLN's assurances that they act on behalf of the people. This time the FMLN's cynicism in hiding behind the people of El Salvador to undermine Salvadoran democracy is transparent or should be transparent to everyone. The FMLM terrorists care no more for the Salvadoran people than Stalin cared for the Soviet people. They care only about power and in service to that ambition they adopt the old formula of General Giap—talk, fight, talk, fight. And behind the cynical strategy lies another more sinister one, the Stalinist formula that "one murder is a tragedy, a million murders is a statistic."

If this were not true, Mr. President, then the FMLN would not have used the poor people of San Salvador as shields to fight rightwing extremists. They would not at this hour be holding these poor Salvadorans hostage as they wait for the Salvadoran Armed Forces to force them from these neighborhoods. They would not be so cynical as to use the very people they claim to serve as the armor with which they will confront the Salvadoran military. They would not, Mr. President, seek to shield the people from rightwing extremism by providing those extremists with a rationale, albeit a spurious one, for their terrorism. Finally Mr. President, they would not protect the human rights of Salvadorans by undermining the only institution that can secure those rights—the democratic government of El Salvador.

No, Mr. President, we know what the real purpose of the FMLN is in renewing open hostilities with the Government of El Salvador. It is to replace democracy with a return to tyranny. That is the sole objective of the FMLN today and it is the sole objective of their patrons.

Mr. President, the Salvadoran people have endured too much, suffered too much, struggled too much to be forced to abandon their aspirations for freedom now to either terrorists on the right or terrorists on the left. To free men and women these two antihumanitarian forces are indistinguishable.

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT

The Senate continued with the consideration of the House message.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I wish to speak in favor of the bill now before us relating to Poland. I hope we can keep from having too many amendments on extraneous matters to be offered to this measure so we may pass it as soon as possible after that magnificent speech by Lech Walesa to the joint meeting yesterday.

I am delighted that, under the leadership of PAUL SIMON in the Senate, we have come back to a very, very high figure compared to what some of the original proposals were from the administration and some of the earlier proposals in the House and the Senate. I am delighted we were able to give a flying start to this measure in the Senate Foreign Relations Committee, that the numbers have become very significant numbers, and we are showing our determination to be of help to the cause of freedom and democracy in Poland.

We have spent literally trillions of dollars in very recent years, arming

ourselves to the teeth, hoping to deter the spread of communism and hoping that the day might come when the inconsistencies of Marxist-Leninism would become apparent to those who bought onto that philosophy, and that there would then be a turn toward democracy.

That day has now come. The forces of democracy are taking charge, and have taken charge to a significant degree, in Poland. They are on their way to doing the same thing in Hungary and, apparently, in East Germany. There is a shakeup in Bulgaria, and there will be in other countries, as there is in the lead nation of the Communist world, the Soviet Union, under the leadership of Mikhail Gorbachev. And many other people there were waiting for the moment when a leader like Gorbachev would give them the opportunity they now have.

If there was a failure of democracy and freedom in Poland, that would be an absolute catastrophe. It may give communism a second chance, or it might lead to some form of a different type dictatorship, perhaps a fascist military dictatorship. That would be a catastrophe. We must do all we can to see to it that the brave people of Poland have every opportunity, enhanced by whatever assistance we can give them, to make democracy work and make a market-oriented economy work.

That is the purpose of this measure, to give help, not just in money but in many, many ways. We are on our way to doing that. I believe we must do even more than we are doing with this step. And we must also be of assistance, as we will be in this measure, to Hungary and, when the opportunity comes, to other nations.

The best thing we can do is to provide incentives for investment and joint ventures in the economies and the people of those nations. That is the best thing we can do for the cause of freedom and, therefore, I think in many ways the greatest thing we can do for the people of our country.

I again thank Senator SIMON for the leadership he has provided.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to congratulate Senator SIMON on the leadership he has shown in this legislation and to stress its importance. I think it is a question of putting our money where our mouths have been and are. We have talked a lot about helping Poland and Hungary. Now we are doing something about it as well. I hope the money will be wisely spent.

I would also like to stress the thought that Hungary, though it may have shown some success with its goulash economy, still needs a great deal of help.

I am reminded here, too, because my father was the last Minister to Hungary before the war, of the friendship the Hungarian people have for us and the experiences that he had, and I have had myself, traveling in that country, where there is a tremendous reservoir of goodwill toward Americans; just as proportionately big a reservoir as there is in Poland, if not bigger.

I hope in the allocation of these funds—I understand there is a rough allocation of four to one—that the needs of Hungary will be very much kept in mind as that money is distributed.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I simply want to thank my colleagues for their generous words but, more important than that, for their leadership. Neither happened to be on the floor the other day when I pointed out that two of the people who are responsible for seeing that we have passed this legislation, or have gotten this far, close to finally passing it, are Senator PELL and Senator CRANSTON. I am grateful to both of them.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, like every Senator who attended the joint meeting yesterday, I felt a stirring within me as the leader from Poland's Solidarity movement spoke. That was really extraordinary. Over the years that I have been privileged to serve in this body, I have had the privilege of hearing many celebrated and famous people from all parts of the world come to Washington and speak. I have listened to the greatest orators in the Senate over and over again, Presidents, Cabinet Members, kings, parliamentarians, but I cannot recall when I ever had the sense of destiny that was so obvious in the joint meeting yesterday by Lech Walesa.

It was remarkable, first of all, because of his personal presence. Here is a man who had endured much, obviously a man of great resiliency, a man of tremendous tenacity and faith who, day in and day out, under some of the most adverse circumstances, without much support, with really in many of the darkest days only the resources of his religious faith to which he alluded, his personal courage and a handful of people around him, against insurmountable odds, who has not only survived, but indeed has been the instrument by which the Polish people are being liberated.

It is much more than that. The account which Mr. Walesa gave us yesterday was a story of the courage and the unquenchable desire for freedom of the valiant people of Poland.

Mr. President, I am not only sympathetic to, but, in fact, I am enthusiastic about the package of aid which we are putting together to send to help the people of that beleaguered land. It may even be that when the moment comes there will be other countries to whom we will wish to send aid.

I agree with those who observed that it is not only in keeping with the highest and best traditions of our country that we hold out a hand of friendship, a practical help for those who are struggling to be free, but more than that, I also agree with those who suggested that completely aside from the brotherhood of shared aspirations that we may feel for the Poles, that it is an investment on our own national security.

Mr. President, the reason we are doing this is first and foremost for human reasons, for reasons that relate to the common heritage that we have with the people of Poland and because we are also a people that have yearned and struggled and fought to be free and jealously guard our freedom. So, we can respect, admire, and associate ourselves with what the Poles are going through.

Mr. President, I do not want to underestimate the extent to which by helping the Poles, helping to make the experiment in freedom which they now undertake work, that we are also enhancing our own security. I mention that particularly in the context of an amendment that I am about to send to the desk, because there are other people in the world tonight who are struggling to be free. Indeed, who are struggling for survival.

I was struck by the fact that as that distinguished leader of Poland spoke yesterday, he pointed out that the first thing they fought for was not freedom, not elections but biological survival; literally for the survival of their families, of individual Poles and of the national survival, of restoring their borders and the atrocities they endured.

The same thing is happening in Central America right now. During the last few hours, we have been shocked; the conscience of Americans and people all over the world have been shocked by the disclosures of renewed violence in El Salvador. And there has been some attempt even in this Chamber tonight to try to assess the situation, to try to appeal to the conscience of both the rebels and the government, to try to allocate at least to some degree who is at fault and who is not. I am not going to get into that tonight. On some occasion that will be a worthy and proper consideration for the Senate, but it does seem to me this will be a moment in the context of this Polish aid bill that the very least we can do to make it clear that the United States does not approve of the shipments of arms and the weapons of war into Central America.

It so happens regrettably that Poland is deeply implicated in this arms trade. I think there is a reasonable prospect, indeed it is likely I think that the new regime in Poland will act to terminate this disgraceful trade in which they are deeply implicated. I believe that is likely to happen. I think it would be appropriate, I think it would be proper for the United States Senate to be on record that we think it should happen and that, in fact, Uncle Sam insist upon that; that we want to hold out a hand of freedom and a hand of friendship to the people of Poland, but we are not willing to let our aid be perverted and abused and diverted to finance and export terrorism and war to the people of Central America.

When this bill was before us before at my suggestion, an amendment was offered which simply said that the aid will be terminated if the Polish Government does not promptly terminate the shipment of war materiel and supplies, arms, munitions, military parts, and so on to Nicaragua and Cuba.

That amendment was adopted by the Senate for reasons which are not entirely clear to me at this point. It was stripped out of the bill after it left this Chamber. I am not exactly clear on the process by which we got here. I understand there was not a conference; that there were some informal meetings among people who are interested in this legislation and at some point or another, the House took up the bill as it had been passed by the Senate and simply returned it to us with an amendment.

AMENDMENT NO. 1150 TO THE AMENDMENT OF THE HOUSE TO THE AMENDMENT OF THE SENATE TO H.R. 3402

(Purpose: To terminate American aid to Poland and Hungary unless the President certifies that arms transfers and security assistance by Poland and Hungary to Cuba and Nicaragua have ceased)

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration. It is an amendment to the House amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] proposes an amendment numbered 1150 to the amendment of the House to the amendment of the Senate.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amdt, add the following new section:

"SEC. . TERMINATION OF ASSISTANCE TO POLAND AND HUNGARY UNLESS ARMS TRANSFERS AND SECURITY ASSISTANCE TO CUBA AND NICARAGUA CEASE.

"(a) Three months after the effective date of this Act, the President shall terminate all assistance provided pursuant to this Act to Poland or Hungary, respectively, unless he certifies to the President of the Senate and to the Speaker of the House of Representatives that all arms transfers and security assistance, as defined in subsection (b) of this section, provided by that country to Cuba or Nicaragua, have ceased.

"(b) For the purposes of this section, arms transfers and security assistance provided by Poland or Hungary to Cuba or Nicaragua shall include arms delivery, shipment, or transfer and security assistance in any form whatsoever, including but not limited to any provision or supply (whether by sale, grant, barter, or other arrangement) of weapons, weapons parts, ammunition, military vehicles or military aircraft or naval craft or parts therefor; training of Cuban or Nicaraguan military, para-military, police, or other security personnel by Polish or Hungarian personnel; services of Polish or Hungarian military or security advisers in Cuba or Nicaragua; transport of other items described in this subsection, even if originating in a third country, by Polish-flag vessels or Polish or Hungarian aircraft (including both military and civil craft) to Cuba or Nicaragua; or any extension of funds, credits, loans, barter for goods, or other arrangement providing for the transfer of arms or security assistance from a third country to Cuba or Nicaragua.

"(c) If, subsequent to three months after the effective date of this Act, the President finds that arms transfers and security assistance to Cuba or Nicaragua, as defined in subsection (b), have been resumed by Poland or Hungary after a previous cessation, he shall terminate all assistance to that country pursuant to this Act.".

Mr. SIMON. Could we have a copy of the amendment?

Mr. ARMSTRONG. Yes. Let me say it is the same amendment that was adopted as part of the bill a few days ago. In brief, it directs the President to terminate the aid program, if it does not certify that the Polish-Hungarian aid to the most immediate problems in our region, Cuba and Nicaragua, have ceased.

There is ample evidence that, in fact, Polish transports have shipped an enormous amount of war materiel to that region. In fact, though it is not widely known, Poland is the seventh ranking country in the world in supplying military arms to regimes, some of which are simply despicable. Nicaragua has received aid from Poland; North Korea has received aid; Vietnam has received aid; the Soviet Union, believe it or not, received $2.5 billion in arms transfers from Poland; $320 million has been sent to Syria; both sides of the war in the Middle East received arms from Poland; Iraq, $460 million; Iran $20 million; in Africa, Polish arms transfer to Angola totals $50 million; another $50 million went to Libya.

Mr. President, my amendment does not address all these. It only addresses the question of Nicaragua and Cuba. The reason why my amendment is directed only to arms shipments to these two countries is simply because it neatly describes an area of unique concern for the United States in terms of our national self-interest, our security and also because it attempts at least to deescalate the violence and the threat in a region of the world where the plight of the people is so similar to that which has been endured by Poland.

So it seems to me, Mr. President, on both humanitarian and practical, military, strategic, national interest, Monroe Doctrine grounds, this amendment is a good one, and I urge my colleagues to adopt it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first for purposes of clarification, my understanding is we did not go to conference because there was objection on your side to going to conference on this.

I supported the Senator's amendment the other day. I supported some other amendments that, frankly, may not be in the final version. My hope is that we will not play ping-pong so much with this Poland aid bill, including on things that I support, that we jeopardize what the Senator and I agree is extremely important. I agree with the Senator's comments on Lech Walesa's talk.

Let me point out the House did put in this language in response to the Senator's amendment. It is not as specific as the Senator's amendment, but it says the President should suspend all assistance to an East European country pursuant to this act if the President determines and reports to the Congress that that country is engaged in international activities that directly threaten U.S. national security interests.

I am sure the Senator from Colorado will point out it is not nearly as specific or as strong as his amendment. I agree on that. If we were in a situation right now, frankly, where there would be no further amendments, I would resist the amendment not because I oppose it but because I want to tie the strings together and get this thing worked out. But I personally have no objection to this amendment because I think there will be other amendments here and maybe we can get strengthened language. I have no objection to the amendment, Mr. President.

Mr. ARMSTRONG. Mr. President, I am grateful to the Senator from Illinois, my friend, for his observation and I appreciate his encouragement about this matter.

Mr. HELMS. Mr. President, does the Senator yield the floor?

Mr. ARMSTRONG. I have yielded the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. HELMS. Mr. President, let me say at the outset it is a pleasure to work with my friend from Illinois, who is my neighbor in the Dirksen Senate Office Building, a man who I admire personally.

There is no dispute between him and me, but just so the record will be clear, we have had another instance of what FRITZ HOLLINGS was talking about earlier today, about staff running around like a rogue elephant.

Now, what we have here was seen by me, the ranking Republican of the Foreign Relations Committee, at 3:30 this afternoon. It is a thick document. I have never seen such deviltry in legislation in my life, and I do not propose to put up with it.

The Senator from Colorado is exactly right in his amendment. I am glad my friend is willing to accept it. But here is the situation with regard to Poland. A lot of people do not know this. The media are not going to let the American people know it. But the man who we honored yesterday, Lech Walesa, is not in charge there. They have a President Jaruzelski, for whom this office was created, who is virtually a dictator. He is in charge of the police. He is in charge of the army. With the stroke of the pen, he can abolish everything that has happened in Poland. That is the reason the amendment of Senator ARMSTRONG is so vital, so necessary.

Now, having said that, when we voted on Tuesday, 2 days ago, to promote political democracy and economic pluralism in Poland and Hungary, we all had the best of intentions, and I still feel the same way tonight that I felt the Tuesday when we approved that legislation. The vote was 99 to zilch, 99 to nothing, and it had the support obviously of every Senator in this Chamber present and voting.

Here is where the rub comes. We may as well lay it out so all can see it for what it is. The next step should have been negotiations, formal or informal, it does not matter to me, to work out differences between the House version and the Senate version, that is, if the House could not accept the very good and very superior Senate version, which I think they should have done. But, no, the staffers got together and in their wisdom the staff on one side of the aisle—we may as well say it like it is—the Democrats, did it. If they want to fight, they are going to get one, whether it be on the Polish aid bill or anything else, but I agree with Senator HOLLINGS from South Carolina; this kind of thing has got to stop.

On the way to the House, this Poland-Hungary bill was hijacked. No other connotation can be put to it. Staff members of the majority party were permitted to rip apart this legislation that had been passed unanimously by the Senate. Fundamental good-faith procedures were violated as were the rights of most Members of Congress. And I say again that Republican Senators were not party to these negotiations, which were in fact not negotiations.

About 3:30 this afternoon, as I say, the results of this draft were presented to Senators. It contained 63 pages of legislative language, and many of the most worthy provisions approved by the Senate have been eliminated or so modified as to be meaningless. This was not done with any consultation, any negotiation. It was a bunch of staff members on the majority side sitting down and saying, "We are going to decide. Those Senators and those House Members, we are not going to do what they say."

Well, I say to them, "not necessarily." We will see about that, not only in this instance, but also in every instance hereafter where this sort of thing happens. I think there are enough Senators who have their hackles up about staff. Maybe Herman Talmadge was right when he said so many times on this floor that the best thing we could do for Congress would be to run off about half of the staff members; save a lot of money and save a lot of frustration.

But in any event, these staff members were not elected to the House. They were not elected to the Senate. I am not for my part going to allow them to run the Congress of the United States.

Where are we now at about 7 minutes past 8? The Senate is now told that we must act immediately on the resulting travesty, which, of course, is not a conference report.

By the way, I will say to my friend from Illinois, I do not know of anybody who entered an objection. It never came up. Nobody on this side that I know of. Certainly I did not. But in any case——

Mr. SIMON. Will my colleague yield?

Mr. HELMS. Sure. Yes.

Mr. SIMON. It seems to me, because we are going to be faced with a series of amendments, the determination is being made—if we are going to just pile up all kinds of amendments here, we are facing a threat to this bill and we are facing some other things.

Mr. HELMS. Shake my hand.

Mr. SIMON. I will be happy to shake the Senator's hand any time.

Mr. HELMS. I will say this to the Senator. We are willing to compromise, but I am not willing to be eliminated. Now, right at this moment, the staff members of the Senator from Illinois and my staff members and staff members of other Senators are working together trying to work out a reasonable compromise. Meanwhile, we can act on such amendments as we agree upon.

Mr. SIMON. Will the Senator yield?

Mr. HELMS. I yield to the Senator for whatever comments he wants to make, without losing my right to the floor.

Mr. SIMON. First of all, let me say to my colleague from North Carolina that he received the House version of the bill at 3:30. That is when we received the House version. So we were not keeping anything from the Senator that we had.

Mr. HELMS. I did not suggest that the Senator was.

Mr. SIMON. Second, it seems to me the best thing we can do is to move the conference as rapidly as we can rather than ping-ponging this thing back and forth because that is where we are headed right now. I hope we can get something moving in that direction.

Mr. HELMS. Mr. President, I have the floor, I believe.

Mr. SIMON. The Senator from North Carolina is correct.

Mr. HELMS. I will yield to the Senator for whatever comments he wants to make.

Mr. President, I think it is a given around this place, knowing the legislative process, that these 63 pages of legislation have not been read by any Senator in their entirety.

Perhaps I spent as much time as anybody else on it, and I have not read it in its entirety, but I am prepared right now to go down chapter and verse and show how it was mutilated by the staff members. Individual liberty and economic opportunity in Poland and Hungary will not be delayed if this astonishingly disappointing draft is considered carefully by the Senate. That is the point I am making.

In fact a very strong case can be made that the procedure we are witnessing would make some of those who once held power in Poland and Hungary feel very much at home. The text before us does not represent any semblance of regular order nor does it reflect in any meaningful way the heritage of representative government which every schoolboy and schoolgirl is taught to cherish.

This version of the Poland-Hungary bill is a slap at Lech Walesa who spoke to the joint session yesterday. In my judgment, it is a completely needless erosion of the legislative procedure, and every time it happens tonight and hereafter there is going to be at least one protesting voice. I agree with Senator HOLLINGS. Enough is enough.

Mr. President, I suggest we proceed with the Armstrong amendment.

I want to say to my friends from Illinois that I appreciate his willingness to accept it.

Mr. SARBANES. Will the Senator from Illinois yield for a question?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. SARBANES. My understanding was that the House passed the Poland-Hungary bill and sent it it over to us. Is that correct, initially?

Mr. SIMON. We put our bill on to the House bill. We sent it over there.

Mr. SARBANES. Wait a second. Is it my understanding that at the time we did that there was a desire at least on their side of the aisle to go to conference and that was blocked by the other side of the aisle?

Mr. SIMON. That is correct. That is my understanding, though the Senator from North Carolina says he is unaware of it. That is what I was told.

Mr. SARBANES. I say that to my colleagues on the other side of the aisle. It is my understanding that we were blocked from going to conference on this bill.

Mr. HELMS. Who blocked it?

Mr. SARBANES. By an objection of the other side of the aisle.

Mr. HELMS. If that happened, I know nothing about it.

Mr. SARBANES. That may be. But that is my understanding. In other words, the House passed the bill, we worked on a bill, it was put into the House bill, the assumption was we go to conference, and that was blocked by someone on the other side of the aisle. so we were not able to go to conference.

So we then sent the bill over to the House. The House took a look at that bill, and they acted on it. Of course, they passed it by 370-something to 40; absolutely overwhelming bipartisan majority and sent the bill back to us. It is now before us.

We can now proceed to consider the bill as sent to us. The people have amendments they can offer. We can try to defeat them and resolve this matter.

My understanding is the reason this legislation never got to conference in the first instance under what one would have assumed would have been a normal procedure to get there was because of an objection to the unanimous-consent request that came from the other side of the aisle.

If that is the case—I listened carefully to some of this previous discussion, but assuming that is the case—it seems to me this previous discussion misses the mark.

At that point, we sent the bill back to the House, the House made a judgment with respect to it, they sent it back to us, and now we are in the position to make a judgment on the legislative product that is before us.

Is that the understanding of the manager about how this process unfolded?

Mr. SIMON. That is my understanding.

Mr. SARBANES. Is there anyone who has a different understanding?

Mr. WALLOP. Yes, the Senator from Wyoming has a totally different understanding.

Mr. SARBANES. I would be anxious to hear it.

Who has the time, Mr. President?

Mr. SIMON. I believe I have the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

There is no time limit.

Mr. SIMON. I would be pleased to yield for a brief comment by the Senator from Wyoming.

Mr. WALLOP. The brief comment is nobody on this side knows of any such thing. In point of fact, the bill that is in front of us is neither the same as the House version nor the Senate version. So in point of fact, whatever is being said over here is an excuse for something that mainly took place at a staff level and the Senators and the Members involved were not, as they should have been, involved in the drafting and the construction of a bill that now lies in front of us as conferenceable.

Mr. SIMON. If I may reclaim the time, I was on the phone to one of the Members of the House as this thing proceeded. I have to say everything in here is not just exactly what I would want. My colleagues understand that. I am concerned with this, and I have indicated already I will accept the amendment of the Senator from Colorado. But I am hearing reports about all kinds of amendments.

Frankly, from this time forward, I am going to resist all amendments because I do not want this to become a Christmas tree. I am willing to go to conference and get this thing worked out. But I am eager to move as quickly as we can on aid to Poland and Hungary. That is what this ought to be about.

I am very much concerned that we are getting bogged down and going to get bogged down in a whole lot of other things. My hope is we can accept this amendment, and then if there is no objection, let me say in fairness I have not talked to the leader on my side nor to the Republican leader on this. If we can move to conference as quickly as we can, let us get this thing ironed out.

Mr. SARBANES. If the Senator will yield, why do not we consider the amendments? I gather some you have already made a commitment to accept that one; consider other amendments, consider them, either accept them or reject them, and send the bill back to the House?

Mr. SIMON. The other alternative is——

Mr. SARBANES. I cannot agree more with the Senator. This is a Poland-Hungary bill. I do not think we ought to turn it into a Christmas tree. I would be prepared to support the effort to keep amendments off of it that do not involve Poland and Hungary. Then we can send it back to the House and the House can perhaps accept a bill that comes back to them that is essentially dealing with Poland and Hungary, and if not, we will have to proceed with the next step on this legislative path.

Mr. SIMON. My own inclination, I say in response to the Senator from Maryland—and I yield to the majority and minority leaders—is we move to conference as quickly as we can on this thing and get it ironed out. But I have a concern that we are going to start making a Christmas tree out of this thing. There are a lot of things that I like but should not be on the Poland-Hungary aid bill.

Mr. MACK. Will the Senator yield?

Mr. SIMON. I am pleased to yield to my colleague from Florida.

Mr. MACK. The Senator keeps saying he wants to go to conference as quickly as he can. Let us just assume for a moment that no amendments are accepted. What would be at conference? It sounded as if what we are dealing with here is the House bill or the bill that we sent amended by the House. Would there be a conference?

Mr. SIMON. What we are dealing with is a Senate bill as it passed, plus the House bill, plus this piece of legislation.

Mr. MACK. As I understand it, there are many provisions, one of which I had worked on getting included in the bill which had to do with the index of economic freedom which has been totally changed. I would make the argument it is really not the Senate bill we are dealing with. This is a bill that has been changed.

Mr. SIMON. My response to the Senator from Florida, and could be corrected by anybody, but I think anything that was in the original Senate bill that is in the House bill or is in this version that they sent over is subject to conference. So if you had as a provision on that original bill, that would be in it.

Mr. MACK. You are saying again the bill that was passed by the Senate which included my amendment with respect to the index of economic freedom would be a conferenceable item?

Mr. SIMON. That is correct.

Mr. WALLOP. Mr. President, will my friend yield?

Mr. SIMON. If I may make a parliamentary inquiry, is the assumption of the Senator from Illinois correct that whatever was passed in the Senate version or in the House version or what we have here before us is conferenceable?

The ACTING PRESIDENT pro tempore. The only items that are conferenceable would be the new items.

Mr. MACK. If the Senator will yield to me, my point is that if we take this

bill as amended by the House and do not have any modifications, for example, with respect to the index of economic freedom, there really is not anything that is conferenceable; and I can understand why you might have an interest in going to conference, but it will not address the issues we are concerned with.

Mr. SIMON. Mr. President, I suggest the absence of a quorum——

Mr. HELMS. Will the Senator withhold?

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I will make the Senator a proposition that he cannot refuse. Let us send the text of the Senate bill back to the House and then request a conference. I am talking about the original Senate bill, as passed on Tuesday.

Mr. SIMON. I understand. It may be that that is the direction we want to go. Let me suggest the absence of a quorum and consult with the majority leader on this before we proceed.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed as if in morning business for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair. (The remarks of Mr. CONRAD pertaining to the introduction of S. 1894 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHRIS BABCOCK

Mr. DURENBERGER. Mr. President, the civil war raging in El Salvador continues to claim a horrendous number of civilian lives. This past weekend when the FMLN launched their latest offensive in the capital city of San Salvador, scores of innocent civilians were killed, among them Chris Babcock, an American citizen teaching at the American School in El Salvador.

Every casualty in every war should be mourned. It is especially mournful when these casualties are people of vision, working to make a difference, and to make the next generation better than the current one. Chris Babcock was such a person. San Salvador is not an easy place to teach. Chris Babcock could have gone to a suburban school anywhere in America to teach, but he chose San Salvador because of his keen interest in international affairs. His mother, Kay Babcock, said of Chris, "He wanted to make them realize that they lived in a very small world and that there were a lot of problems in the world. He wanted them to think for themselves. It would be their decision how they wanted to affect things."

Chris was a friend of one of my staff members. While in Central America together a little over 2 years ago, they had a brush with death during a freak tropical storm on the summit of a Guatemalan volcano. During the time they waited for the storm to pass, Chris displayed great courage in the face of possible death from exposure. He showed a zest for life that few people possess. Chris was the type of idealistic, hard-working person who nurtures a positive image for America and Americans in developing nations. He was a good role model, a good teacher, a good ambassador of American good will, and a good person. Both El Salvador and America are poorer today for his loss.

The toll of innocents in modern warfare has risen at a horrifying pace this century. According to the United Nations, in World War I the number of civilians killed in military actions made up 5 percent of total deaths. In World War II, that number rose to 50 percent, and in the current guerrilla wars raging around the world, that number is approximately 70 percent. In some cases it is now safer to be a combatant than a civilian. The barbarity of this destruction of lives, families, and futures defies humanity. War has always been terrible, but the terrors being wreaked on innocent civilian populations makes modern warfare even more terrifying in the randomness of death it brings to its victims. It is especially painful when those victims are people like Chris Babcock who took an active part in bringing hope and knowledge to the young of a developing nation.

THANKSGIVING 1989

Mr. DURENBERGER. Mr. President, the national act of gratitude which we celebrate next week is an important event for us all, collectively and individually. A nation, or a person, that gives thanks is expressing a vital truth: That we have received far better than we have deserved, and that we have gotten more than we have given. That is an attitude which uniquely prepares us for the challenges ahead.

The history of Thanksgiving in America gives an interesting picture of our national life and development. It was first celebrated in the New World on December 4, 1619, by the residents of the Berkeley Plantations colony in Virginia. The Pilgrim celebration of 1621 is well known, and became an official event of the colony in 1623. Abraham Lincoln was the first American President to declare a National Day of Thanksgiving in 1863. He was persuaded to do so by magazine editor Sarah Josephus Hale, one of the most influential women of the 19th century. During the Great Depression, Franklin Roosevelt advanced the date of Thanksgiving by 1 week in 1939 to help merchants by expanding the Christmas shopping season. By an act of Congress in 1941, Thanksgiving found its permanent home on the fourth Thursday in November.

When I met earlier this year with Mother Teresa, who ministers to the dying of Calcutta, India, she told me that at the end of the day she contemplates: How much did I do for the people I came in contact with today? And how much did they do for me? She said that it never fails that she was the one most enriched.

Thankfulness has been called the greatest virtue, and the parent of all the others. I hope this can be a time of gratitude for you and your family, and a time that gives birth to greater peace, commitment, and courage to face the challenges in your life and in mine.

I am grateful to Rabbi Stephen Pinsky of Temple Israel in Minneapolis for showing me the ancient roots of Thanksgiving in the Hebrew Festival of Succot, the Feast of Ingathering. The early immigrants to these shores had a love and appreciation of the Hebrew Scriptures and identified with the Exodus of the Children of Israel. As Rabbi Pinsky has written, they "recognized the deep significance of a solemn occasion of thanksgiving for a people who had found new hope far from tyranny."

There is much for us to be thankful for as a nation. For most of us, these are times of prosperity and comfort. We have had an excellent harvest in Minnesota. Employment is high. We enjoy a vigorous and productive exchange of ideas. Thousands of our fellow citizens are volunteering their time and talent to make this a better place to live. And we have a generation of great promise and enthusiasm taking its place in the leadership of communities, businesses, schools, and churches. We rejoice with millions of East Germans, Poles, Hungarians, and Russians who are more free today than they were 1 year ago. And we

welcome the new global appreciation of the fragility of our planet's environment, and the need to cooperate to meet the threats to it. The list is nearly endless.

As Rabbi Pinsky told his congregation this time last year:

> We are seldom truly grateful and more often dissatisfied with what we have. It is because we focus on things, evaluate them in price tag terms, compare them with what our friends and neighbors possess and with what we might have if we could afford it. And it makes us miserable!
>
> Gratitude has nothing to do with specific things in our lives—it refers to the whole universe of which we are the beneficiaries. That includes people, it includes nature, it includes the skill, insight, wisdom, love, opportunity, freedom which are part of our every day. Being grateful mean simply that no human being goes it alone.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 5 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DAY 114 FOR THE TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, today is day 114 for the six-man international trans-Antarctica dogsled expedition. The team is now 750 miles from the South Pole. The South Pole is practically in the middle of Antarctica. The team on day 114 is 750 miles from the pole. The recent days have been good. The weather was clear and relatively warm, 10 degrees below zero. Since I gave my update last week, the team has traveled only 100 miles.

Most of their time was spent resting at their new base camp at Patriot Hills where they played host to journalists and scientists from Saudi Arabia who flew in on the supply plane, probably looking for something colder than Saudi Arabia. While at the camp, the men radioed their loved ones. It was their first contact with their families in the last 4 months. Also in the supply plane were 20 rested dogs and another sled.

The team is now at full strength and, Mr. President, they need to be. To get to the three large heated structures that make up the Patriot Hills base camp, the team descended the Heritage Mountains through the steep but beautiful Horseshoe Valley. To keep the sleds from going too fast down the valley, spare dog harnesses were wrapped around the sled runners to slow the sled.

Mr. President, after the few days of needed rest and relaxation the team has now begun its push to the South Pole which they expect to reach in the middle of December. After the crevasses of the peninsula, the trek to the pole will be flat, but it will be uphill which means colder temperatures and more wind. The South Pole at this point is 10,000 feet above sea level. It has an average temperature of 40 degrees below zero and wind the usually makes it almost 100 degrees below zero.

When the team reaches the South Pole next month, they will be only the 10th team in history to reach it going overland and only the second to do it by dogsled. The South Pole is only the halfway point for the team's 4,000 mile trek. From there they continue to the coldest spot on Earth, Vostok.

The Soviets have a research station at Vostok. The daily temperature at Vostok frequently exceeds 100 degrees below zero and that does not include the windchill. On this final leg, the team will not only have to fight the numbing cold and the featureless landscape, but mind numbing solitude, because they will move beyond regular radio contact. Thus, in many respects, the toughest part of the trek is yet to come.

Mr. President, even if the team does not make it across the continent, the ultimate goal on the far coast, the expedition will have created history and accomplished its goal of focusing the attention of the world on the continent of Antarctica. The team will have educated millions around the world to the beauty and the hospitality of that continent. They will have performed unique scientific experiments and achieved an adventure that our great great grandchildren will marvel at.

Thus, these six men, each from different countries, are heroes and role models for us all. Mr. President, as the Senate moves toward adjournment and the holiday season approaches, we will have all enjoyed our friends and our loved ones in the comfort and warmth of our homes. The trans-Antarctica team will continue their trek across the frigid bottom of the Earth.

Accordingly, I will continue producing my weekly trek updates so Senators can follow this heroic adventure's progress during the recess.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT

The Senate continued with the consideration of the House message.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armstrong amendment, No. 1150, be withdrawn; that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object—and I shall not object—I just say to the majority leader, I hope this conference can be convened early and can resolve the issues. It seems to me there is a way to resolve the issues quickly and have this bill passed, maybe even signed by tomorrow night.

Mr. MITCHELL. I want to say to the distinguished Republican leader that is my very fervent hope that we can complete action on this promptly. The conferees will meet and dispose of it and get this bill signed into law. We all yesterday applauded enthusiastically for Lech Walesa when he spoke. It is incumbent upon us to proceed to complete action on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. BRYAN) appointed, from the Committee on Foreign Relations, Mr. PELL, Mr. SIMON, Mr. MACK, and for matters within the jurisdiction of the Committee on Finance, Mr. BENTSEN, Mr. MATSUNAGA, and Mr. PACKWOOD.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, there will be no further rollcall votes today. The Senate will come into session at 10:30 tomorrow morning, with morning business until 11:30, at which time I will get a unanimous-consent agreement to proceed to take up the Ethics in Government Act.

Accordingly, Mr. President, I ask unanimous consent that the Senate proceed to consideration of H.R. 3660,

the Ethics in Government Act, at 11:30 a.m. tomorrow, and that immediately upon the disposition of that bill, the Senate proceed to the consideration of the defense appropriations conference report, H.R. 3072.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I am just advised by staff that I have at least two letters on file from Senators who wanted to be notified before any consent was given. I wonder if we might make that request either later on, maybe after we have done the wrap-up.

Mr. MITCHELL. Certainly. I was unaware of that and thought it has been cleared.

Mr. President, I withdraw the request and will renew it when we get to the wrap-up this evening.

The PRESIDING OFFICER. The request is withdrawn.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3660, the Ethics in Government Act, at 11:30 a.m. tomorrow and that immediately upon the disposition of that bill the Senate proceed to the consideration of the Defense Appropriations Conference Report, H.R. 3072.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 1:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1487) to authorize appropriations for fiscal years 1990 and 1991 for the Department of State, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 27, 93, 112, 119, 130, 138, 147, 159, and 175 to the bill, and agrees thereto; it recedes from its disagreement to the amendments of the Senate numbered 1, 4, 10, 11, 12, 15, 16, 21, 25, 28, 30, 31, 32, 33, 35, 42, 43, 47, 48, 49, 53, 55, 58, 66, 69, 75, 76, 88, 91, 94, 96, 101, 103, 104, 105, 106, 107, 108, 117, 118, 120, 121, 134, 161, 172, 179, 184, 186, 187, 196, 197, 198, 199, 200, 201, 202 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 220, 221, 223, 224, 225, 226, 228, 230, 232, 233, 234, 235, 237, 238, 239, 240, 241, 242, and 244 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate; and that the House insists upon its disagreement to the amendments of the Senate numbered 229, and 243 to the bill.

At 3:31 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2883) making appropriations for rural development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate numbered 59, 89, 91, and 95 and concurs therein; and that the House recedes from its disagreement to the amendments of the Senate numbered 9, 14, 21, 28, 39, 46, 57, 61, 62, 74, 76, 94, and 96 and concurs therein each with an amendment in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 978. An act to establish the National Museum of the American Indian within the Smithsonian Institution, and for other purposes; and

H.R. 2120. An act to amend the Deep Seabed Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994.

The enrolled bills were subsequently signed by the Acting President pro tempore [Mr. ROBB].

At 4:06 pm, a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the text of the bill (H.R. 3402) to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform, with an amendment; and that the House agrees to the amendment of the Senate to the title of the bill.

The message also announced that the House has passsed the following bill, in which it requests the concurrence of the Senate:

H.R. 3660. An act to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for Government-wide ethics reform, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 8:16 p.m., a message from the House of Representatives announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 1310. An act to redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway";

H.J. Res. 357. Joint resolution providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 358. Joint resolution providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolutions were subsequently signed by the Acting President pro tempore (Mr. ROBB).

At 8:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 159. Joint resolution to designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment; and

S.J. Res. 184. Joint resolution to designate the period commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week."

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 225) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 2461.

The message further announced that the House recedes from its amendment to the amendment of the Senate numbered 17 to the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, and agrees thereto, with an amendment, in which it requests the concurrence of the Senate; and that the House disagrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 278 of the bill.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 282. Joint resolution designating November 19-25, 1989, as "National Caregivers Week"; and

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with amendments:

S. 1526. A bill to authorize the State of Oklahoma and the Kiowa, Comanche, and Apache Tribes to enter into an agreement regarding the exercise of State jurisdiction over a portion of Indian country located in Comanche County, OK (Rept. No. 101-208).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 580. A bill to require institutions of higher education receiving Federal financial assistance to provide certain information with respect to the graduation rates of student-athletes at such institutions (Rept. No. 101-209).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 993: A bill to implement the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes (Rept. No. 101-210).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

H.R. 569. A bill for the relief of Maurice G. Hardy.

S. 1086. A bill for the relief of Maurice G. Hardy.

S. 1702. A bill to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms.

S.J. Res. 192. Joint resolution to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

John M. Walker, Jr., of New York, to be U.S. circuit judge for the second circuit;

Vaughn R. Walker, of California, to be U.S. district judge for the northern district of California.

Edwin L. Nelson, of Alabama, to be U.S. district judge for the northern district of Alabama;

G. Thomas Van Bebber, of Kansas, to be U.S. district judge for the district of Kansas;

Susan Webber Wright, of Arkansas, to be U.S. district judge for the eastern and western districts of Arkansas;

Edward W. Nottingham, of Colorado, to be U.S. district judge for the district of Colorado;

Arthur D. Spatt, of New York, to be U.S. district judge for the eastern district of New York;

Edward J. Lodge, of Idaho, to be U.S. district judge for the district of Idaho;

Jean Paul Bradshaw, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years;

Joyce J. George, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years;

Timothy D. Leonard, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years;

Gene W. Shepard, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years; and

Cindy Shinga Daub, of Nebraska, to be a Commissioner of the Copyright Royalty Tribunal for a term of 7 years from September 27, 1989.

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Mary L. Schapiro, of the District of Columbia, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1994.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Jacqueline Jones-Smith, of Maryland, to be Chairman of the Consumer Product Safety Commission;

Deborah Wince-Smith, of Ohio, to be Assistant Secretary of Commerce for Technology Policy;

Jennifer Joy Wilson, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere;

Jerry Ralph Curry, of Virginia, to be Administrator of the National Highway Traffic Safety Administration;

Edward Martin Emmett, of Texas, to be a Member of the Interstate Commerce Commission for a term expiring December 31, 1992;

J. Thomas Ratchford, of Virginia, to be an Associate Director of the Office of Science and Technology Policy;

James B. Wyngaarden, of North Carolina, to be an Associate Director of the Office of Science and Technology Policy; and

Jacqueline Jones-Smith, of Maryland, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 1989.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the CONGRESSIONAL RECORDS of October 12 and 13 and November 13, 1989, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. NUNN, from the Committee on Armed Services:

Antonio Lopez, of Tennessee, to be an Associate Director of the Federal Emergency Management Agency;

Robert Clifton Duncan, of the District of Columbia, to be Director of Operations Test and Evaluation, Department of Defense;

Christopher Jehn, of Virginia, to be an Assistant Secretary of Defense;

Craig S. King, of Virginia, to be general counsel of the Department of the Navy;

Barbara Spyridon Pope, of Mississippi, to be an Assistant Secretary of the Navy;

Duane Perry Andrews, of Virginia, to be an Assistant Secretary of Defense;

Ann Christine Peterson, of Illinois, to be general counsel of the Department of the Air Force;

Michael Bruce Donley, of Virginia, to be an Assistant Secretary of the Air Force;

Susan Morrisey Livingstone, of Montana, to be an Assistant Secretary of the Army; and

G. Kim Wincup, of Maryland, to be an Assistant Secretary of the Army.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. MURKOWSKI):

S. 1886. A bill to amend the Securities Exchange Act of 1934 to provide for corporate integrity and full disclosure; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCONNELL:

S. 1887. A bill to allow for Kentucky Vietnam veterans to receive a one-time bonus from the Commonwealth; to the Committee on Veterans' Affairs.

By Mr. GORE (for himself and Mr. SASSER):

S. 1888. A bill to designate the U.S. Post Office located in Monterey, TN, as the J.E. "Eddie" Russell Post Office; to the Committee on Governmental Affairs.

By Mr. McCLURE (for himself and Mr. KENNEDY):

S. 1889. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. MATSUNAGA, Mr. LOTT, Mr. BURNS, Mr. HOLLINGS, Mr. WILSON, Mr. INOUYE, Mr. COATS, Mr. SHELBY, Ms. MIKULSKI, Mr. BURDICK, Mr. JEFFORDS, Mr. PELL, Mr. ROCKEFELLER, Mr. HEINZ, Mr. SARBANES, Mr. BREAUX, Mr. HEFLIN, Mr. LUGAR, Mr. EXON, Mr. LIEBERMAN, Mr. JOHNSTON, Mr. HELMS, Mr. GORTON, Mr. D'AMATO, Mr. GRASSLEY, Mr. SANFORD, Mr. BOREN, Mr. HARKIN, Mr. SPECTER, and Mr. KERREY):

S. 1890. A bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON (for himself, Mr. HATCH, Mr. KENNEDY, Mr. THURMOND, Mr. BIDEN, and Mr. SPECTER):

S. 1891. A bill to extend the U.S. Commission on Civil Rights, and for other purposes; indefinitely postponed.

By Mr. REID:

S. 1892. A bill to amend subtitle D of the Internal Revenue Code of 1986 by imposing a tax on controlled substances; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. REID, Mr. BRADLEY, Ms. MIKULSKI, Mr. PELL, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DODD, Mr. BAUCUS, and Mr. GRAHAM):

S. 1893. A bill to reauthorize the Asbestos School Hazard Abatement Act of 1984; to the Committee on Environment and Public Works.

By Mr. CONRAD:

S. 1894. A bill to amend the Consolidated Farm and Rural Development Act to require borrowers to act in good faith with respect to restructuring loans made or guaranteed under such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 1895. A bill to extend the termination date for members of the National Commision on Children, and for other purposes; considered and passed.

By Mr. LEAHY:

S. 1896. A bill to promote the production of organically produced foods by establishing a national standard for organically produced products and providing for the labeling of organically produced products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL (for himself and Mr. MURKOWSKI):

S. Res. 210. Resolution expressing the support of the Senate regarding democratic reforms and human rights on Taiwan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. MURKOWSKI):

S. 1886. A bill to amend the Securities Exchange Act of 1934 to provide for corporate integrity and full disclosure; to the Committee on Banking, Housing, and Urban Affairs.

CORPORATE INTEGRITY AND FULL DISCLOSURE ACT

Mrs. KASSEBAUM. Mr. President, in the last decade, we have witnessed a dramatic increase in corporate restructuring and takeovers. These restructurings have included mergers, tender offers, and leveraged buyouts. The volume of these transactions has increased from $67 billion in 1981 to $226 billion in 1988. Leveraged buyouts alone have increased from $3 billion in 1981 to $67 billion in 1988.

The pace, scope, and impact of the corporate restructuring phenomenon has, and should, cause concern among the Members of this body. The takeover process raises fundamental policy questions regarding the efficiency of our capital formation, the integrity of our capital markets, and the interrelationship between shareholders, management, directors, and other corporate constituencies such as employees and communities.

Perhaps the most significant question is whether the takeover process is fundamentally flawed. Too often we hear of situations in which the rules and regulations governing takeovers, which were intended to protect investors, are abused or manipulated for self-serving purposes. It is also clear that the markets themselves have changed so dramatically in recent years with respect to developments in technology, financing techniques, and products that many of our securities laws are obsolete or ineffective in accomplishing their intended purposes. The time has long passed to implement necessary reforms. All too often, however, the reaction of Members has been to paint with too broad a brush by condemning all takeover activity or all defensive tactics that may be utilized by management.

This kind of approach has been counterproductive and unsuccessful. Just last year, this body failed to reach an agreement on some long-overdue changes to modernize our securities laws. Unless we are prepared to address these issues responsibly and with a balanced approach, the legislative stalemate will continue. In the interim, we will continue to see abuses of the takeover process which will undermine the integrity of our markets, and which ultimately reduces the competitiveness of U.S. markets in the global arena.

Our goal should be to identify those flaws in the takeover process or manipulative practices and deal with them in a surgical fashion. Some corporate restructuring transactions are clearly based on sound economic considerations and result in desirable efficiency gains, while others are ill-conceived and only benefit a cadre of insiders, lawyers, and investment bankers who reap enormous fees.

Accordingly, I am pleased to introduce with Senator MURKOWSKI the Corporate Integrity and Full Disclosure Act. This legislation takes a balanced view of the takeover process and is intended to remedy specifically some of the most glaring weaknesses of our securities statutes. Its goal is to restore a measure of faith in the fairness of our securities markets.

To ensure full and timely disclosure of significant ownership of corporate stock, the legislation reduces the section 13(d) 10-day window to 5 days and prohibits further stock purchases until the disclosure required by the statute is filed with the Securities Exchange Commission. This change in current law was first suggested nearly a decade ago. It will close what is unanimously acknowledged as a loophole in the current reporting scheme. Unfortunately, however, we have previously allowed this small, but vitally important, reform to be subsumed in the broader debate on corporate governance issues. As a consequence, hostile acquirers and arbitrageurs have been able to obtain significant positions in companies without providing adequate disclosure either to the market or to the other shareholders.

To ensure that shareholder interests are fully and effectively protected in corporate restructurings, the bill requires that any corporate restructuring plan subject to section 13(e) or 14(d) of the Securities Exchange Act of 1934 (Exchange Act) must be approved by a majority of independent directors who must first obtain and provide to shareholders an independent appraisal of the corporation's value.

This provision addresses a potential conflict of interest in leveraged buyouts, particularly by management, that calls into question the ability of shareholders to have their interests protected. On the one hand, management owes a fiduciary obligation to the shareholders as the owners of the company. On the other hand, if management participates in the buyout, it is certainly in their interest to secure the best possible deal for themselves, even at the expense of the public shareholders. The current practice of addressing this interest conflict has been a "fairness" opinion from an investment banker who may have a financial interest in the outcome of the transaction. Unfortunately, these fairness opinions are often meaningless, if not fraudulent. In many cases, a fairness opinion means only that the offer price is above the pre-offer market price.

To protect the capital markets and shareholders from abuses associated with the use of credit in stock acquisitions, the bill creates a private right of action for violations of section 7 of the Exchange Act and the rules and regulations thereunder, pertaining to margin requirements. This provision is intended to augment the authority of the Commission to bring actions for the margin violations by enabling aggrieved parties also to bring such actions.

To ensure the integrity and effectiveness of section 13(e)(1) (regarding disclosure requirements for issuer stock repurchases) the bill broadens the reach of section 13(e) to include affiliates of the issuer and includes

within the definition of "affiliate" those corporate managers who acquire, directly or indirectly, 5 percent or more of the surviving corporation within 3 years of the stock repurchase. The provision is intended to address attempts to avoid disclosure requirements when management participates in a buyout transaction after its has been consummated.

To ensure the integrity of our capital markets and the effectiveness of securities statutes, the bill empowers the SEC to impose civil penalties for certain securities laws violations. Under current law, the only remedy generally available when a person violates the disclosure requirements of the Williams Act is to obtain corrective disclosure usually after it does any good. A violator knows in advance that he can obtain the benefit of his misdeeds. This legislation will give the Commission the authority to impose civil money penalties for disclosure violations and thus can provide an immediate deterrent to disclosure violations.

To ensure the full and effective disclosure intended by Congress, the bill clarifies that Congress intends that "source of financing disclosures" require the actual sources and amounts of financing be specifically identified and committed at the time of the disclosure. Section 13(d) of the Exchange Act requires disclosure of financing arrangements for stock purchases. This disclosure requirement has been incorporated into section 14(d) as well. The Commission has taken the view that Congress did not intend to require that such disclosure necessarily be made at outset of the offer. This is simply an incorrect reading of the express language of the statute. Just as disclosure of the number of shares being sought and consideration to be paid is to be made at the outset of the offer, there must also be meaningful disclosure of specific financing commitments. Vague statements of confidence that financing will be or may be provided at a later date clearly undercut the congressional intent to have all meaningful information available to shareholders to enable them to make an informed investment decision.

Mr. President, our securities laws assume full, accurate, and meaninfgul disclosure and stringent enforcement of these laws if violations occur. Our current laws have become antiquated in both regards. To restore confidence in the integrity of our markets against potentially manipulative activities of cabals of managers, raiders, lawyers, and investment bankers, our securities laws must be effective. I look forward to working with my fellow Senators in what must be a collective and balanced approach toward achieving this goal.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate Integrity and Full Disclosure Act".

SEC. 2. 10-DAY WINDOW.

Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended—

(1) by striking out "shall, within 10 days after such acquisition" and inserting in lieu thereof "shall, within 5 days after such acquisition"; and

(2) by inserting after "send to each exchange" the following: "and registered national securities association"; and

(3) by adding at the end thereof the following: "Any person required to send and file such a statement may not acquire or agree to acquire, directly or indirectly, the beneficial ownership of any additional amount of such equity securities after the transaction that required such person to send and file such statement until after such statement has been filed with the Commission.".

SEC. 3. INDEPENDENT APPRAISALS.

(a) INITIATION OF RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to require that, for a transaction described in section 13(e) or 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 15 U.S.C. 78n)—

(1) such transaction be approved by a majority of the members of the board of directors who are not interested persons as the commission may define by rule or order.

(2) such members obtain an independent appraisal of such issuer from a nationally recognized [accredited] accounting firm which has no prior material relationship with the issuer and no financial interest in the outcome of such restructuring transaction;

(3) any firm preparing an appraisal pursuant to paragraph (2) be given access by the issuer to any and all of the issuer's books, records, and premises; and

(4) the independent appraisal obtained pursuant to paragraph (2) be made available to all shareholders and all members of the board of directors of the issuer in accordance with such rules as the Commission may prescribe, but not later than 20 days before the consummation of such transaction.

(b) FINAL RULES.—The Commission shall issue final rules under this section not later than 120 days after the date of enactment of this Act.

(c) APPLICATION OF SECTION 13(e).—For purposes of section 13(e)(1) of the Securities Exchange Act of 1934, rules required by subsection (a) shall be considered to be means reasonably designed to prevent the acts and practices described in subparagraph (A) of such section.

SEC. 4. MARGIN REQUIREMENTS.

Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by adding at the end the following new subsection.

"(h)(1) Any person who violates this section or any rule or regulation promulgated thereunder, shall be liable to—

"(A) an issuer of the securities that are the subject of an offer or acquisition;

"(B) a holder of such security (or of another security of the same issuer whose interests are adversely affected) at the time of the violation or while the violation was continuing;

"(C) a person who has tendered such a security;

"(D) a person who has made or is making such an offer or acquisition, or a competing offer or acquisition;

who is aggrieved by such violation, and the person so aggrieved may bring suit in any court of competent jurisdiction to recover damages and seek such equitable relief, including divestiture of securities acquired in violation of the provisions of this section, as the court deems proper to carry out the purposes of this section. No person shall be liable for damages under this subsection if he proves that he exercised reasonable care under the circumstances.

"(2) In any action under this subsection alleging harm based on a misrepresentation or an omission of a material fact, it shall not be necessary in order to establish a cause of action for the person bringing suit, or on whose behalf suit is brought, to show reliance on the misrepresentation or omission. Such person may establish a cause of action on a showing that he did not have knowledge of the relevant facts as they should have been disclosed and that there is a substantial likelihood that a reasonable investor would have considered the fact important in deciding how to act or that proper disclosure would have significantly altered the total mix of information available.

"(3) A court may limit damages in an appropriate manner in any suit brought by a person specified in paragraph (1)(A) or (1)(D) if, in light of the nature and conduct of the person found liable, the degree of his culpability, the conduct of the person bringing suit, and the deterrent effect of the remedy, the award of damages would be unjust or inequitable.

"(4) No action shall be maintained to enforce any liability created under this subsection unless brought within 1 year after the discovery of the facts constituting the violation and 3 years after the occurrence of the last substantial element of the violation.".

SEC. 5. INSIDER REPURCHASES AND FUTURE AFFILIATIONS.

(a) IN GENERAL.—The first sentence of section 13(e)(1) of the Securities Exchange Act of 1934 is amended by striking 'an issuer' and inserting 'an issuer (or affiliate thereof)'.

(b) DEFINITION OF AFFILIATE.—Section 13(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection, 'affiliate' includes any person who becomes affiliated with one or more members of the management of the issuer in a transaction in which such member will own, in the aggregate, directly or indirectly, within 3 years of the equity of the surviving corporation or continuing business.".

SEC. 6. CIVIL LIABILITY.

(a) Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end thereof the following:

"(3)(A) Whenever it appears to the Commission that any person (as defined in section 13(d)(3) of the title) has violated, or aided and abetted a violation of, any provision of subsection (d), (e), (f), or (g) of sec-

tion 13, section 14, or subsection (a) of section 16 of this title, or the rules and regulations thereunder, the Commission may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such person. The amount of such penalty shall be determined based on the facts and circumstances but shall not exceed 3 percent per day of the value of the securities that are the subject of the violation for each day during the period that the violation continues, but in no event shall the penalty exceed 50 percent of the aggregate value of such securities. The value of the securities for purposes of this paragraph shall be measured by the highest market value of the securities during the period of the violation and shall include all securities required to be reported by such person. Any such penalty shall be payable into the Treasury of the United States. No such action may be brought more than 5 years after the date of the violation on which it is based. If a person upon whom such a penalty is imposed fails to pay such penalty within the time prescribed in the court's order, the Commission shall refer the matter to the Attorney General who shall bring an action in the appropriate United States district court to recover the penalty. The district court shall also have the authority to impose such equitable remedies as the court deems proper to carry out the purposes of subsection (d), (e), (f), or (g) of section 13, section 14, or subsection (a) of section 16 of this title, or the rules and regulations thereunder, as the case may be, including an order enjoining any person violating any such provision from voting securities acquired in connection with such violation, an order to compel divestiture of such securities, or an order enjoining the making of any tender offer or other effort to acquire control for such period of time as the court may order.

"(B) The actions authorized by this paragraph may be brought in addition to any other actions that the Commission or the Attorney General are entitled to bring, and any other remedies that are otherwise available in such actions. For purposes of section 27 of this title, actions under this paragraph shall be actions to enforce a liability or a duty created by this title. The Commission may by rule, regulation, or order exempt any class of persons or transactions from the provisions of this paragraph.".

(b) Section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)) is amended by adding at the end thereof the following:

"(4) In addition to such other authority as the Commission may have under this title, including the authority under section 21(d)(1) to institute an action for a violation of section 7, subsections (d), (e), (f), and (g) of section 13, and section 14, or the rules and regulations thereunder, the Commission shall have the authority to seek such equitable relief as the court deems proper to carry out the purposes of such sections, including—

"(A) an order enjoining any person violating such sections or rules and regulations from voting securities acquired in connection with such violation;

"(B) an order to compel divestiture of such securities; or

"(C) an order enjoining the making of any tender offer or other effort to acquire or influence control of the issuer of such securities for such period of time as the court may order.".

SEC. 7. FINANCING DISCLOSURE REQUIREMENTS.

It is the intent of Congress that the requirements of sections 13 and 14 of the Securities Exchange Act of 1934 with respect to disclosure of financing sources require disclosure of specific and committed financing sources and financial arrangements at the outset of any tender offer made pursuant to section 14(d) and at the outset of any acquisition pursuant to section 13(e) of such Act.

THE CORPORATE INTEGRITY AND FULL DISCLOSURE ACT

SECTION 1. SHORT TITLE

The Corporate Integrity and Full Disclosure Act

SECTION 2. CLOSING THE SECTION 13D TEN-DAY WINDOW

To ensure full and timely disclosure of significant ownership of corporate stock, the legislation reduces the section 13(d) ten-day window to five days and prohibits further stock purchases until the disclosure required by the statute is filed with the Securities Exchange Commission.

SECTION 3. INDEPENDENT APPRAISALS AND INDEPENDENT REVIEW

To ensure that shareholder interests are fully and effectively protected in corporate restructures, the bill requires that any corporate restructuring plan subject to Section 13(a) or 14(d) of the Securities Exchange Act of 1934 ("Exchange Act") must be approved by a majority of independent directors who must first obtain and provide to shareholders an independent appraisal of the corporation's value.

SECTION 4. PRIVATE RIGHTS OF ACTION FOR MARGIN REQUIREMENT VIOLATIONS

To protect the capital markets and shareholders from speculation and manipulation associated with the use of credit in stock acquisitions, the bill creates a private right of action for violations of section 7 of the Exchange Act and the rules and regulations there under, pertaining to margin requirements.

SECTION 5. INSIDER REPURCHASES AND FUTURE AFFILIATION

To ensure the integrity and effectiveness of Section 13(e)(1) (regarding disclosure requirements for issuer stock repurchases) the bill broadens the reach of section 13(e) to include affiliates of the issuer, and includes within the definition of "affiliate" those corporate managers who acquire, directly or indirectly, 5 percent or more of the surviving corporation within three years of the stock repurchase.

SECTION 6. CIVIL PENALTIES

To ensure the integrity of our capital markets and the effectiveness of securities statutes, the bill provides the SEC with the power to impose civil penalties for certain securities laws violations.

SECTION 7. CLARIFICATION OF FINANCING REQUIREMENTS

To ensure the full and effective disclosure intended by Congress, the bill clarifies that Congressional intent that full and adequate "source of financing disclosures" require that the actual sources and amounts of financing be specifically identified and committed at the time of the disclosure.

By Mr. McCONNELL:

S. 1887. A bill entitled the "Kentucky Vietnam Veterans Relief Act"; to the Committee on Veterans' Affairs.

KENTUCKY VIETNAM VETERANS RELIEF ACT

Mr. McCONNELL. Mr. President, just 5 years ago, President Ronald Reagan stood before the Vietnam Veterans' Memorial and dedicated a new statute of three young, American servicemen. Their expressions are so lifelike they give touching meaning to the challenges, the pain, the loss of friends and family, and the courage to simply survive the day-in, the day-out in Vietnam.

President Reagan's speech in 1984 was a moving tribute to the men and women who served so honorably and under such trying circumstances. He reminded us all of the soldier who knelt down next to a dying friend, held him one last time, and embraced his silent message: "never forget."

President Reagan went on to remind us that soldier, now a veteran, did not forget. He said:

You kept the faith. You walked away from the litter, wiped away your tears, and returned to the battle. You fought on, sustained by one another and deaf to the voices of those who did not comprehend. You performed with a steadfastness and valor that veterans of other wars salute, and you are forever in the ranks of that special number of Americans in every generation that the Nation records as true patriots.

When you returned home you brought solace to the loved ones of those who fell, but little solace was given to you. Some of your countrymen were unable to distinguish between our native distaste for war and the stainless patriotism of those who suffered its scars. But. There has been a rethinking there. And, now we can say to you: Thank you for your courage. Thank you for being patient with your countrymen. Thank you for continuing to stand with us together.

Mr. President, each Vietnam veteran's experience was unique and their view of their service, their commitment, and the welcome home they received differs. But, there is one thing every returning veteran and each soldier who died in combat shares and that is the debt we owe them as a nation: a debt of respect, a debt of recognition for their courage, dedication, and enormous sacrifice. We must say thank you.

Mr. President, what brings me to the floor today, is a desire to make sure that debt is paid. As a measure of the respect the Commonwealth of Kentucky has for its Vietnam veterans, the general assembly provided for a one-time bonus in recognition of service. The amount is quite small and in no case will exceed $500 per person.

However, a funny quirk in our law will prevent Kentucky's veterans from taking advantage of the State's offer. Vietnam vets who receive a non-service-connected disability pension will have to declare and see their already limited pensions reduced by the amount of the bonus. The peculiar inequity in this situation is if Kentucky had provided this bonus before 1979,

our vets would not be required to make a trade-off in benefits.

Mr. President, I rise today to offer a bill that will allow Kentucky's Vietnam veterans to receive the State veterans' bonus without reduction in their non-service-connected disability pension. My bill provides a one-time exclusion for my State Vietnam veterans—allowing them to receive both their non-service-disability pensions and the Vietnam bonus.

Mr. President, there is a saying that justice delayed is justice denied. It is my view that delayed justice—in this case, Kentucky's offer of respect and recognition to the Vietnam vet after a deadline—should not be justice or a bonus denied. I urge my colleagues, in this unique case, to pay homage to our Nation's heroes and to allow a small measure of our debt to be paid to a very few number of men and women.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1887

For the purposes of pension paid during 1990 under chapter 15 of title 38, United States Code. the Secretary of Veterans Affairs shall consider a one-time bonus paid by a state to be a donation from a public relief organization.

By Mr. GORE (for himself and Mr. SASSER):

S. 1888. A bill to designate the U.S. Post Office located in Monterey, TN, as the J.E. "Eddie" Russell Post Office; to the Committee on Governmental Affairs.

J.E. "EDDIE" RUSSELL POST OFFICE

● Mr. GORE. Mr. President, I rise today to introduce S. 1888, a bill to designate the U.S. Post Office located at 304 West Commercial Avenue in Monterey, TN, as the "J.E. 'Eddie' Russell Post Office." I am joined in offering this legislation by my distinguished colleague, Senator JIM SASSER.

This recognition is a fitting memorial to a man who served as Postmaster of the Monterey Post Office from 1984 until his death in 1989. Eddie Russell was known for his dedication and commitment to the community. He was very instrumental in the building of the new post office in Monterey. The designation of this post office as the "J.E. 'Eddie' Russell Post Office" will serve as an appropriate reminder of his hard work.

Eddie Russell was a good friend of Tipper's and mine. He began his admirable career with the U.S. Postal Service as a postal carrier in my home town of Carthage, TN. After he served Carthage for 9 years, he was promoted to the position of postmaster in nearby Baxter, TN, and served there until 1984. Eddie was a member of the National Association of Postmasters of the United States, and he served as the area vice president of the Tennessee chapter of this organization for 3 years.

Eddie Russell was a respected member of the community where he was involved in local activities. He was very involved with the Shriners and community activities sponsored by this organization, and he attended Mount Tabor Baptist Church. He will be remembered fondly by residents and friends of this area and his family, who live in various cities in Tennessee.

This bill is a fitting memorial to a man who devoted 19 years to the U.S. Postal Service and to the residents of Carthage and Monterey, TN.

I ask unanimous consent that the full text of S. 1888 be printed at the conclusion of my prepared remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. DESIGNATION OF THE J.E. 'EDDIE' RUSSELL POST OFFICE.

The United States Post Office located at 304 West Commercial Avenue in Monterey, Tennessee, is designated as the "J.E. 'Eddie' Russell Post Office". Any reference to such post office in a law, rule, map, document, record, or other paper of the United States shall be considered to be a reference "J.E. 'Eddie' Russell Post Office".●

Mr. SASSER. Mr. President, it is with great pleasure and pride that I join my distinguished colleague and fellow Tennessean, Senator GORE, in introducing this legislation to designate the J.E. "Eddie" Russell Post Office in Monterey, TN.

Eddie Russell had been Monterey's postmaster for 5 years when he lost his battle to leukemia in February of this year. He was only 43 years old. Yet despite his youth, Eddie had already served as postmaster of Baxter, TN, for 5 years prior to his assignment to Monterey. Throughout his postal career, which began in 1970, Eddie's dedication to his customers, neighbors, and the Postal Service was as exemplary as his death was untimely.

Eddie's life was a story, in fact, of involvement and leadership. He was a 4-year letterman in football and class officer at Carthage High School, before attending Cumberland College in Lebanon, TN. He started out with the Postal Service as a letter carrier and worked his way up, as I said, to two successful postmasterships. Despite his responsibilities to his postal partrons, Eddie found time to serve as area vice president of the Tennessee Chapter of the National Association of Postmasters of the United States. A member of the Mount Tabor Missionary Baptist Church, Eddie was also active with the Shriners both as a member and past master.

It is particularly fitting that Monterey's Post Office should bear Eddie Russell's name, for he was instrumental in getting that facility built. I join Senator GORE in expressing my condolences to Eddie's family and friends. And I hope that with the passage of this bill, Eddie's dedication and courage will have a suitable memorial.

By Mr. MCCLURE (for himself and Mr. KENNEDY):

S. 1889. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

EXEMPTION FOR AGRICULTURAL EMPLOYEES

● Mr. MCCLURE. Mr. President, I am introducing a bill today, together with Senator KENNEDY, which will solve a problem in the Fair Labor Standards Act. The bill was actually accepted by the Senate in amendment form the first time we passed a minimum wage bill this year. I did not offer it on the second minimum wage bill due to efforts to keep that bill clean. However, I believe a freestanding bill is necessary and am pleased that the chairman of the Senate Labor and Human Resources Committee has agreed to cosponsor this legislation.

Mr. President, this bill is proposed to afford the exemptions of sections 6 and 7 of the Fair Labor Standards Act to a water delivery organization that supplies 90 percent or more of its water for agricultural purposes. The bill would permit the application of the exemptions to the entities who were the originally intended beneficiaries of the section. The bill does this by eliminating the literal necessity that fully 100 percent of water delivered by a qualified delivery organization must be used for agricultural purposes.

I propose this legislation to carry out the intention of Congress when this exemption was originally proposed. The exemption for overtime pay requirements for irrigation entities was placed in the Fair Labor Standards Act to protect rural sections of the economy. In the application of the exemption in Idaho, the Department of Labor has focused on the word "exclusively" to the exclusion of anything else. In one case, the delivery of less than 1.5 percent of the total water right delivered by a water delivery organization and used by members for nonagricultural purposes was sufficient to deprive the organization of the exemption. While the user controls the purpose of use of the water, the small portion of water not applied to agricultural purposes was being used for the watering of lawns and gardens in municipal areas that have developed from formerly irrigated farms. The remainder of the water is

used for the irrigation of more than 160,000 acres of grounds. Notwithstanding the fact that more than 98.5 percent of the water was being used by farmers for agricultural purposes, the exemption was denied to the water delivery organization. The Department of Labor determined that the water was not being used exclusively for agricultural purposes, as defined in the act. The deprivation of that exemption caused an assessment of approximately $50,000 to issue against the organization. Ultimately, it was the farmer and shareholders of the organization that were required to pay the assessment. In adopting the exemption in 1949, Congress did not intend to place an additional burden on the farmers, a burden which would come back on them in terms of lower net prices. In light of the current method of application of the exemption, it is imperative that a change be made to facilitate the intent of Congress. The Department of Labor presently interprets the statute to require that the exemption be denied, no matter how insubstantial the nonexempt purpose for which water is being used. This amendment promotes and effectuates the aim and design of Congress to provide the exemption to irrigation companies who ultimately deliver the majority of their water to agricultural users. The fact that an insubstantial portion of the water is used to water the grass in a municipal park or some minimal use should not mean that all the farmers in the company are denied the benefit of the exemption. The Department of Labor feels constrained to apply the literal terms of the exemption because of the language of the section.

Not only would the application of the exemption benefit the farmers themselves, but it also will benefit the employees of the water delivery organization. Irrigation of agricultural ground never has been, nor will it ever be, a 40-hour-per-week proposal. During the summer irrigation season, water must be continually managed and delivered. Following harvest, however, the work load is light because there are few duties other than maintenance work to perform until the following irrigation season. Winter compensation time and days off have traditionally been the method of compensating for longer hours worked during the summer. If we don't change the law, water delivery organizations will be forced to lay off many of their employees during the winter season. The passage of this bill will yield benefits not only for the farmers who are the exemption's intended beneficiaries, but also the employees of the water delivery organization who will continue to earn a year-round income.

In addition to introducing a free-standing bill to clarify this exemption, I will look for an appropriate vehicle to attach an amendment to. Senator KENNEDY agrees with me that current law is simply too restrictive and that a minor modification needs to be made. I want to thank my colleague from Massachusetts for cosponsoring this legislation and I urge its adoption.●

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. MATSUNAGA, Mr. LOTT, Mr. BURNS, Mr. HOLLINGS, Mr. WILSON, Mr. INOUYE, Mr. COATS, Mr. SHELBY, Ms. MIKULSKI, Mr. BURDICK, Mr. JEFFORDS, Mr. PELL, Mr. ROCKEFELLER, Mr. HEINZ, Mr. SARBANES, Mr. BREAUX, Mr. HEFLIN, Mr. LUGAR, Mr. EXON, Mr. LIEBERMAN, Mr. JOHNSTON, Mr. HELMS, Mr. GORTON, Mr. D'AMATO, Mr. GRASSLEY, Mr. SANFORD Mr. BOREN, Mr. HARKIN, Mr. SPECTER, and Mr. KERREY):

S. 1890. A bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Governmental Affairs.

ALLOWING CREDIT FOR CIVIL SERVICE RETIREMENT FOR CERTAIN NATIONAL GUARD INDIVIDUALS

Mr. THURMOND. Mr. President, I rise today to introduce legislation to allow credit for civil service retirement and other benefits for certain individuals who performed National Guard technician service before January 1, 1969. I am pleased to be joined by 31 of my colleagues in introducing this legislation. (As shown on the bill.)

In order to fully understand the need for this legislation, it is important to briefly review the history of the inclusion of National Guard technicians as Federal employees. In 1968, legislation was enacted which included National Guard technicians as Federal employees subject to the following two conditions: First, for service performed prior to January 1, 1969, technicians would only receive 55 percent credit for annuity compensation purposes, and second, only those technicians who served as technicians on or after January 1, 1969, would receive credit for service prior to 1969.

Subsequently in 1975, the law was changed to allow full civil service credit for pre-1969 service for technicians who were serving as technicians on or after January 1, 1969.

However, those technicians who served in the National Guard and separated before January 1, 1969 but continued to work as Federal employees still could not receive credit for their pre-1969 service. To remedy this inequity, I introduced S. 2313 in the 98th Congress to allow all National Guard technicians who separated from the Guard but continued to work as Federal employees to receive credit for their pre-1969 service. No action was taken during that Congress.

In the 99th Congress, I introduced S. 1259 which was identical to the bill introduced in the previous Congress. A provision identical to S. 1259 was included in the Department of Defense authorization. However, in conference, this provision was changed to allow National Guard technicians who separated from the Guard prior to January 1, 1969 and who continued to work as Federal employees after that date to receive credit for pre-1969 service. This provision was limited to only those persons who were still working for the Federal Government on the date of enactment (November 14, 1986) and gave them one year from that time to apply for this service credit. I was pleased that coverage was extended to these deserving men and women. However, those National Guard technicians who separated before January 1, 1969 and continued working for the Federal Government, but retired before the legislation was effective in 1986 are still not covered. It should also be noted that surviving spouses did not qualify under the 1986 law because their spouses were not living when the provision became effective.

In the 100th Congress, I introduced S. 2907 to close the current gap and cover the remaining technicians and surviving spouses. This bill was referred to the Committee on Governmental Affairs; however no further action was taken.

The bill I am introducing today is identical, except for technical changes, to the bill I introduced in the last Congress. Under this measure, eligible technicians and surviving spouses would be given 1 year from the date of enactment to apply for a redetermination of their benefits using pre-1969 service. This bill is identical to H.R. 1400 which was introduced in the House of Representatives on March 14, 1989, and currently has 189 cosponsors. If enacted this bill would apply to only 105 persons—95 retirees and 10 surviving spouses. However, the benefit to this relatively small group would be great indeed.

This change in the law is endorsed by the Reserve Officers Association of the United States and the National Guard Association of the United States. Both organizations adopted resolutions of support at their national conventions held this year.

Mr. President, I ask my colleagues to give careful consideration to this most important legislation that will assist those men and women who so ably served this great Nation. I ask unanimous consent that the resolutions of support and the text of the bill be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF POST-1968 SERVICE AS A PREREQUISITE TO RETIREMENT CREDIT.

Section 8332(b) of title 5, United States Code, relating to creditable service, is amended by striking out "Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32 after December 31, 1968."

SEC. 2. ELIMINATION OF POST-1968 SERVICE AS A PREREQUISITE TO RECEIVING CREDIT FOR PURPOSES OF CERTAIN OTHER BENEFITS.

Section 3(c) of the National Guard Technicians Act of 1968 (82 Stat. 757; 32 U.S.C. 709 note) is amended by striking out the last sentence.

SEC. 3. APPLICABILITY.

(a) RULE FOR SECTION 1.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendment made by section 1 applies only with respect to individuals separating from employment by the Government on or after the date of enactment of this Act.

(2) EXCEPTION.—

(A) RULE FOR INDIVIDUALS SEPARATING AFTER DECEMBER 31, 1968, AND BEFORE THE ENACTMENT OF THIS ACT.—In the case of any individual who—

(i) was employed under section 709 of title 32, United States Code, relating to National Guard technicians, or any prior corresponding provision of law, before January 1, 1969, and

(ii) was separated from employment by the Government on or after January 1, 1969, and before the date of enactment of this Act,

any annuity under subchapter III of chapter 83 of title 5, United States Code, based on such individual's service (as defined in section 8331(12) of such title) shall be redetermined to take into account the amendment made by section 1, if application therefor is received by the Office of Personnel Management within one year after the date of enactment of this Act.

(B) EARLIER PAYMENTS NOT AFFECTED BY RECOMPUTATION.—Any change in any annuity resulting from a redetermination under subparagraph (A) shall apply only with respect to monthly payments accruing after the date of enactment of this Act.

(C) DEPOSITS.—Any individual described in subparagraph (A) or any survivor of such an individual may make a deposit under section 8334(c) of title 5, United States Code, with respect to the service of such individual under section 709 of title 32, United States Code.

(b) RULE FOR SECTION 2.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendment made by section 2 applies only with respect to an individual performing service as an officer or employee of the Government on or after the date of enactment of this Act and only to determine—

(A) any annual leave accruing under section 6303 of title 5, United States Code, to the individual on or after such date; and

(B) the individual's length of service for the purposes of entitlement to Federal employee death and disability compensation, group life insurance and health benefits, severance pay, tenure, and status.

(2) EXCEPTION.—

(A) RULE FOR INDIVIDUALS SEPARATING AFTER DECEMBER 31, 1968, AND BEFORE THE ENACTMENTOF THIS ACT.—The amendment made by section 2 of this Act applies with respect to any individual who separated from Government employment after December 31, 1968, and before the date of the enactment of this Act, for the purpose of determining whether such individual satisfies the length of service requirement under section 8901(3)(A) of title 5, United States Code (relating to the definition of the term "annuitant"), for the purposes of chapter 89 of such title.

(B) CONDITIONS FOR ENROLLING IN A HEALTH BENEFITS PLAN.—Any individual who satisfies the length of service requirement referred to in subparagraph (A) as a result of the application of the amendment made by section 2 shall be enrolled in a health benefits plan (described in section 8903 of such title) of such individual's choice, if—

(i) application for enrollment is received by the Office of Personnel Management within one year after the date of the enactment of this Act; and

(ii) such individual qualifies under section 8905(b)(1)(A) of such title (taking into account years of service considered pursuant to subparagraph (A)).

RESOLUTION No. 89-39

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES

FEDERAL CIVIL SERVICE CREDIT

Whereas, the National Guard Technicians Act of 1968 (Public Law 90-486; 82 Stat. 755) denied Federal Civil Service credit to certain pre-1969 civilian employees of the National Guard; and

Whereas, amendments to the act have removed most restrictions to credit for pre-1969 service as a civilian employee of the National Guard; and

Whereas, legislation supported by this association in the 99th Congress was amended to deny Federal Civil Service credit to those former civilian employees of the National Guard who had already retired from federal service; and

Whereas, former Guard employees should not be denied Federal Civil Service credit for service that they performed in the same manner as other employees who received Federal Civil Service credit;

Now, therefore, be it resolved, that the Reserve Officers Association of the United States, chartered by Congress, urge the Congress to enact legislation ensuring the equitable granting of Federal Civil Service credit to all former civilian employees of the National Guard.

Adopted by the National Convention, 24 June 1989.

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES—CONFERENCE No. 60

Whereas, The Public Law 99-661 contained a provision granting credit for pre-1969 National Guard technician service to those who were employed under the Civil Service Retirement System at the time of application; and

Whereas, It did not extend the same benefit to those former technicians who had previously retired or separated from federal service; and

Whereas, These former technicians should not be denied federal civil service credit for their honorable technician service; and

Whereas, Currently legislation is now before the Congress which is designed to correct this inequity by providing credit for prior to 1969 service for the technicians who were retired or separated when P.L. 99-661 was enacted; now

Therefore, be it resolved, That the National Guard Association of the United States, in General Conference assembled in Detroit, Michigan, this 23rd day of September 1989, urges the Congress of the United States to correct this inequity by changing Public Law 99-661 to provide federal civil service credit for technician service without regard to the individual's status at the time of enactment of P.L. 99-661.

By Mr. REID:

S. 1892. A bill to amend subtitle D of the Internal Revenue Code of 1986 by imposing a tax on controlled substances; to the Committee on Finance.

DRUG STAMP ACT

Mr. REID. Mr. President, when Eliot Ness was able, finally, to put Al Capone behind bars, it wasn't for bootlegging; it wasn't for murder; it wasn't for the St. Valentine's Day massacre; it wasn't for any of the other criminal acts Capone and his underworld gang perpetrated against the citizens of Chicago and the United States. It was for tax evasion.

Mr. President, I rise today to introduce the Drug Stamp Act of 1989.

Nineteen States, including my home State of Nevada, have some sort of tax on controlled substances. Some have a sales tax on the transaction, others have an excise tax such as I am about to propose.

This is not a revenue-raising measure, though it may raise some money, but rather a mechanism for putting drug offenders in jail. Here is the way it will work:

The Secretary of the Treasury will issue revenue stamps that must be attached to the marijuana or cocaine or other controlled substance, and the dealer will be required to purchase these revenue stamps prior to coming into possession of the illegal drugs. Anyone caught in possession of a controlled substance without the stamps affixed will be charged with tax evasion. Regardless of any other criminal charges, they will, in addition, go to jail for tax evasion. It's simple.

Now, we don't expect drug dealers to show up at Federal offices to purchase drug stamps. But, the point is, if they don't and they are caught, they face the charge of tax evasion. And they will go to jail, whether they get off on their criminal charges or not.

Similar State laws have been upheld in State supreme courts against charges that they violate the fifth amendment. With the confidentiality section written into this bill, I believe it would also withstand such scrutiny in the U.S. Supreme Court.

The Texas law, which is only 10 weeks old, demonstrates how effective this legislation can be. In just 10

weeks, the Texas Office of the Comptroller has received 15 referrals, and their first indictment came just 2 days after the law was passed. In Florida, where 70,000 arrests a year are made for drug offenses, they are actually beginning to raise significant amounts of revenue by seizing assets of drug dealers to cover the taxes due.

Other States where these tax laws are working are Arizona, California, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, North Carolina, Ohio, Pennsylvania, West Virginia, and Wyoming. Alabama, Indiana, and New Hampshire are currently working on legislation.

During the 1920's, Al Capone had an extraordinary grip on Chicago. He controlled distribution of the controlled substance of the time, namely alcohol. He was an alcohol kingpin.

In a similar way, drug kingpins have an extraordinary grip on our society today. They are the Scarface Al's of the 1980's. And they must be stopped.

Youth, the future of our country, is being strangled by the poison of a drug culture. Mothers are addicted, babies born addicted, fathers shot, brothers stabbed, sisters prostituting their bodies to pay for a fix, grandmothers gunned down on their front porches. And not just in Washington, DC; not just in Lower East Side Manhattan; not just in the barrio.

It is happening everywhere, including the rural districts of my home State of Nevada.

We have all heard cited and recited the horrors of the drug wars over the past few months. I hope we are not becoming immune to the stories. Because the horror continues.

I urge you my colleagues, to join me in passing this bill, and adding one more weapon to the arsenal on our side of this war.

By Mr. LAUTENBERG (for himself, Mr. REID, Mr. BRADLEY, Ms. MIKULSKI, Mr. PELL, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DODD, Mr. BAUCUS, and Mr. GRAHAM):

S. 1893. A bill to reauthorize the Asbestos School Hazard Abatement Act of 1984; to the Committee on Environment and Public Works.

REAUTHORIZING THE ASBESTOS SCHOOL HAZARD ABATEMENT ACT

● Mr. LAUTENBERG. Mr. President, today, I am introducing legislation to reauthorize the Asbestos School Hazard Abatement Act [ASHAA]. I'm pleased that Senator HARRY REID, the chairman of the Subcommittee on Toxic Substance, Environmental Oversight, Research and Development, which has jurisdiction over asbestos legislation, is the prime cosponsor of this bill. The same bill is being introduced in the House by my good friend and colleague, Congressman JIM FLORIO.

Under ASHAA, EPA provides financial assistance to local schools with financial need to correct hazards to children posed by damaged asbestos.

Asbestos is a known human carcinogen. Extensive epidemiologic evidence demonstrates that inhalation of asbestos fibers can lead to mesothelioma, a form of cancer, lung cancer, asbestosis, and other diseases which are serious, irreversible, and may be fatal. There is no safe level of exposure to asbestos fibers. And, medical science suggests that children may be particularly vulnerable to environmentally induced cancers.

Substantial amounts of asbestos were used in schools, particularly between 1946 and 1972. In a number of these schools, materials containing asbestos fibers have become damaged causing asbestos fibers to be dislodged into the air. The presence of this asbestos creates an unwarranted hazard to the health of school children and school employees who are exposed to such materials.

ASHAA, which was a bipartisan initiative sponsored by 25 Senators and which was signed into law by President Reagan on August 11, 1984, authorized a program of loans and grants to both public and private schools for abatement of asbestos hazards. Although $700 million has been authorized for assistance to schools, schools will have received only around $200 million by the end of fiscal year 1989. According to EPA, existing needs exceed $3 billion. EPA is providing assistance for less then 50 percent of the asbestos projects in the highest priority needs category and only 17 percent of all requested assistance. Fifteen million school children and 1.5 million school employees remain potentially exposed on a daily basis to asbestos.

In 1986, the Congress enacted the Asbestos Hazard Emergency Response Act of 1986 [AHERA]. Under AHERA, all school districts are required to have inspected their schools for asbestos and prepared an asbestos management plan. As of July 9, 1989, all schools must have initiated implementation of this plan. This means that over the next few years, schools will have a significant financial burden as they begin asbestos abatement activities.

The ASHAA reauthorization legislation will extend the authorization for 5 years through fiscal year 1995 and increase it from $125 million to $250 million per year. EPA will be allowed to use a small portion of the funds for training, information dissemination, and technical assistance and to assist schools in performing periodic reinspections and training activities required under AHERA.

The bill also will update its provisions to conform them with the provisions of AHERA Financial assistance will be limited to local educational agencies which are implementing an AHERA management plan and are using individuals trained and accredited under AHERA to perform work.

The annual report requirement will be expanded to include an analysis of the amount of resources needed by schools to abate all remaining asbestos hazards. This will provide the most up to date information on remaining needs.

The bill also addresses an inequity in the existing law which penalizes inner-city nonpublic schools with high operating costs from receiving ASHAA assistance. EPA has interpreted ASHAA to make financial assistance for nonpublic schools based on per pupil operating costs. But inner-city nonpublic schools have high operating costs because of the number of disadvantaged students which they educate. The bill I am introducing addresses this problem by requiring EPA to consider additional costs to local educational agencies from meeting the special needs of disadvantaged students in its financial assistance decisions.

Finally, the bill will ensure that applications for assistance and awards are provided on a timely basis.

The bill has the support of the Asbestos-in-Schools Coalition which is composed of over 30 organizations including the National Education Association, the American Association of School Administrators, the American Public Health Association, the Environmental Defense Fund, the National Conference of State Legislatures, the Service Employees International Union, the U.S. Catholic Conference, and the U.S. Conference of Mayors.

I urge my colleagues to support this legislation. And I ask unanimous consent that a copy of the bill be included in the RECORD, as well as a letter of endorsement by the National Education Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asbestos School Hazard Abatement Reauthorization Act of 1989".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Exposure to asbestos fibers has been found to cause various cancers and other severe or fatal diseases, such as asbestosis.

(2) Children are particularly susceptible to the adverse health effects of inhaling asbestos fibers.

(3) Asbestos which is friable can result in the release of asbestos fibers into the air, presenting a health hazard.

(4) The Environmental Protection Agency has estimated that more than 44,000 school buildings contain friable asbestos, exposing

more than 15,000,000 school children and 1,500,000 school employees to unwarranted health hazards.

(5) All elementary and secondary schools are required by the Asbestos Hazard Emergency Response Act to inspect for asbestos, develop an asbestos management plan, and implement such plan.

(6) The Environmental Protection Agency has estimated it will cost local education agencies more than $3,000,000,000 to comply with the Asbestos Hazard Emergency Response Act.

(7) Without a continuing program of information assistance, technical and scientific assistance, training, and financial support, many local educational agencies will be unable to carry out sufficient response actions to prevent the release of asbestos fibers into the air.

(8) Without the provisions of sufficient financial support, the cost to local educational agencies of implementing asbestos response actions may have an adverse impact in their educational mission.

(9) The effective regulation of interstate commerce for the protection of human health and the environment requires the continuation of programs to mitigate hazards of asbestos fibers and materials emitting such fibers.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To direct the Environmental Protection Agency to maintain a program to assist local schools in carrying out their responsibilities under the Asbestos Hazard Emergency Response Act.

(2) To provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards.

(3) To provide financial assistance to State and local agencies for training of persons involved with inspections and abatement of asbestos, for conducting necessary reinspections of school buildings, and for the actual abatement of asbestos threats to the health and safety of school children or employees.

(4) To assure that no employee of a local educational agency suffers any disciplinary action as a result of calling attention to potential hazards which may exist in schools.

SEC. 3. AMENDMENTS TO ASBESTOS SCHOOL HAZARD ABATEMENT ACT OF 1984.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4011 et seq.).

SEC. 4. ASBESTOS HAZARDS ABATEMENT PROGRAM.

Subsection (b) of section 503 is amended—

(1) in paragraph (2), by inserting "educational" after "local";

(2) in paragraph (2), by inserting ", including parent and employee organizations," after "institutions"; and

(3) by amending paragraph (3) to read as follows:

"(3) not later than 45 days after the appropriation of funds each year to carry out the asbestos hazards abatement program under this title, the development and distribution to all local educational agencies of an application form; and".

SEC. 5. STATE RECORDS AND PRIORITY LISTS.

(a) MAINTENANCE OF RECORDS.—Subsection (a) of section 504 is amended—

(1) by striking out "Not later than" and all that follows through "maintaining records on—" and inserting in lieu thereof "The Governor of each State shall maintain records on—";

(2) in paragraph (2), by inserting "and other response actions" after "abatement activities";

(3) by inserting "and" after the semicolon at the end of paragraph (2); and

(4) in paragraph (3), by striking out "subparagraph (B)" and inserting in lieu thereof "paragraph (2)".

(b) DELETION OF DEPARTMENT OF EDUCATION REFERENCES.—Subsection (b)(1) of section 504 is amended—

(1) by striking out "Not later than six months after the date of the enactment of this title and annually thereafter," and inserting in lieu thereof "Each year, in accordance with procedures established by the Administrator,";

(2) in subparagraphs (A) and (B), by striking out "and the Secretary of the Department of Education" both places it appears;

(3) in subparagraph (A), by inserting "and" after the semicolon at the end of such subparagraph; and

(4) by striking out subparagraph (C).

(c) DETERMINATION OF ADEQUACY OF RESOURCES.—Subsection (b)(4) of section 504 is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following new subparagraph:

"(F) Any additional costs to the local educational agency of meeting the special needs of disadvantaged students.".

(d) CONFORMING AMENDMENT.—Section 504 is further amended by striking out subsection (c).

SEC. 6. FINANCIAL ASSISTANCE.

(a) APPLICATION APPROVAL DEADLINE.—Subsection (b) of section 505 is amended—

(1) in paragraph (2), by striking out "applications shall be submitted," and inserting in lieu thereof "the Governor shall submit applications,";

(2) in paragraph (2), by adding at the end the following: "The Administrator shall approve or disapprove applications for financial assistance no later than April 30 of each year."; and

(3) by striking out paragraph (3).

(b) RANKING APPLICATIONS.—Subsection (c)(2)(B)(iv) of section 505 is amended by striking out "is cost-effective compared to other techniques including management of material containing asbestos" and inserting in lieu thereof "uses the least burdensome methods which protect human health and the environment".

(c) DELETION OF REFERENCE TO DEPARTMENT OF EDUCATION REPORT.—Subsection (c)(3) of such section is amended by striking out "shall consider—" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "shall consider the financial resources available to the applicant as certified by the Governor pursuant to section 504(b)(4).".

(d) ADDITIONAL LIMITATION.—Subsection (d) of such section is amended to read as follows:

"(d) LIMITATION.—In no event shall financial assistance be provided under this title to an applicant if—

"(1) the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program; or

"(2) the applicant is not in compliance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.).".

(e) REQUIREMENT TO DEPOSIT FUNDS INTO ASBESTOS TRUST FUND.—Subsection (f) of such section is amended in paragraph (3) by striking out "for deposit in the general fund" and inserting in lieu thereof the following: "for deposit in the Asbestos Trust Fund established by section 5 of the Asbestos Hazard Emergency Response Act (Public Law 99-519; 20 U.S.C. 4022)".

(f) ADDITIONAL REQUIREMENTS FOR APPLICATION APPROVAL.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking out "within the five-year period beginning on the effective date of this title" and inserting in lieu thereof "in accordance with such procedures as may be developed by the Administrator";

(2) in paragraph (2)(B), by amending clauses (i) and (ii) to read as follows:

"(i) the local educational agency has prepared and is implementing an asbestos management plan, as required under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.); and

"(ii) all activities to be conducted with the financial assistance will be performed by individuals trained and accredited in conformance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) and regulations promulgated under that title;"; and

(3) by striking out paragraph (4).

SEC. 7. ADMINISTRATIVE PROVISIONS.

Section 506 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) PROCEDURES.—The Administrator also shall establish procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505, for—

"(1) abating asbestos materials in school buildings;

"(2) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

"(3) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken.

"(c) RELATIONSHIP TO OTHER LAWS.—Nothing contained in this title shall be construed, interpreted, or applied to diminish in any way the level of protection required under any other State or Federal worker protection or other applicable laws.".

SEC. 8. ANNUAL REPORT.

(a) REPORT DEADLINE.—The first sentence of section 507 is amended to read as follows: "During each calendar year until 1999, the Administrator shall prepare and submit, not later than June 1 of each year, to the Committee on Environment and Public Works of the Senate and to the Committee on Energy and Commerce of the House of Representatives a report on the loan and grant program authorized by section 505 of this title.".

(b) CONTENTS OF REPORT.—Paragraph (6) of such section is amended by inserting before the period the following: "and the amount of resources needed by such schools, categorized by State, to abate all remaining asbestos hazards".

SEC. 9. RECOVERY OF COSTS.

Paragraph (2) of section 508(a) is amended by inserting after "repay to the United States," the following: "by deposit in the Asbestos Trust Fund established by section 5 of the Asbestos Hazard Emergency Response Act (20 U.S.C. 4022),".

SEC. 10. DEFINITIONS.

Section 511 is amended—

(1) in paragraph (3), by inserting ", vibration," after "damage from water"; and

(2) by adding at the end the following new paragraph:

"(9) The term 'response action' has the meaning given such term by section 202(11) of the Toxic Substances Control Act (15 U.S.C. 2642(11).".

SEC. 11. AUTHORIZATION.

"(a) AUTHORIZATION.—Paragraph (1) of section 512(a) is amended to read as follows: "(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $250,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995.".

"(b) SPECIFIC PROGRAMS.—Subsection (b) of section 512 is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Of those sums appropriated for the implementation of this title, not more than 5 percent may be reserved during each fiscal year for the administration of this title and for programs including (but not limited to) the following:

"(A) The establishment of training centers for contractors, engineers, school employees, parents, and other personnel to provide instruction, in accordance with title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.), on asbestos assessment and abatement.

"(B) The development and dissemination of abatement guidance documents to assist in evaluation of potential hazards and the determination of proper abatement programs.

"(C) The development of rules and regulations regarding inspection, reporting, and recordkeeping.

"(D) The development of comprehensive testing and technical assistance program.

"(3) Of those sums appropriated for any fiscal year for the implementation of this title, the Administrator may use not more than 5 percent to provide grants to States for the following purposes:

"(A) Assisting local educational agencies in performing the periodic reinspections and training activities required under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.).

"(B) Establishing and maintaining programs to accredit personnel performing asbestos inspections and response actions.".

SEC. 12. CONFORMING AMENDMENTS TO ASBESTOS TRUST FUND.

"(a) AMOUNTS TRANSFERRED TO TRUST FUND.—Section 5(b)(1) of the Asbestos Hazard Emergency Response Act of 1986 (Public Law 99-519).

"(1) in subparagraph (A), by striking out "as in effect on the date of the enactment of this Act, and" and inserting in lieu thereof a comma;

"(2) in subparagraph (B), by striking out the period at the end and inserting in lieu thereof ", and"; and

"(3) by adding at the end the following new subparagraph:

"(C) amounts received as proceeds from any judgment recovered in any suit brought pursuant to section 508(a)(1) of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4017(a)(1))."

"(b) EXPENDITURES FROM TRUST FUND.—Section 5(d) of such Act is amended by striking out "as in effect on the date of the enactment of this Act".

SEC. 13. TECHNICAL AMENDMENTS.

"(a) SECTION HEADINGS.—(1) Section 501 is amended by striking out "SEC. 501. and inserting the following section heading:

"SEC. 501. SHORT TITLE.".

(2) Section 502 is amended by striking out the section heading and "SEC. 502." and inserting in lieu of the section heading the following:

"SEC. 502. FINDINGS AND PURPOSES.".

(3) Section 503 is amended by striking out the section heading and "SEC. 503." and inserting in lieu of the section heading the following:

"SEC. 503. ASBESTOS HAZARD ABATEMENT PROGRAM.".

(4) Section 504 is amended by striking out the section heading and "SEC. 504." and inserting in lieu of the section heading the following:

"SEC. 504. STATE RECORDS AND PRIORITY LISTS.".

(5) Section 505 is amended by striking out the section heading and "SEC. 505." and inserting in lieu of the section heading the following:

"SEC. 505. FINANCIAL ASSISTANCE.".

(6) Section 506 is amended by strking out "SEC. 506." and inserting the following section heading:

"SEC. 506. ADMINISTRATIVE PROVISIONS.".

(7) Section 507 is amended by striking out "SEC. 507." and inserting the following section heading:

"SEC. 507. ANNUAL REPORT.".

(8) Section 508 is amended by striking out "SEC. 508." and inserting the following section heading:

"SEC. 508. RECOVERY OF COSTS.".

(9) Section 509 is amended by striking out "SEC. 509." and inserting the following section heading:

"SEC. 509. EMPLOYEE PROTECTION.".

(10) Section 510 is amended by striking out "SEC. 510." and inserting the following section heading:

"SEC. 510. AFFECT ON RIGHTS UNDER OTHER LAWS.".

(11) Section 511 is amended by striking out "SEC. 511." and inserting the following section heading:

"SEC. 511. DEFINITIONS.".

(12) Section 512 is amended by striking out "SEC. 512." and inserting the following section heading:

"SEC. 512. AUTHORIZATION.".

(b) SUBSECTION HEADINGS.—(1) Section 502(a) is amended by inserting "FINDINGS.—" after "(a)".

(2) Section 502(b) is amended by inserting "PURPOSE.—" after "(b)".

(3) Section 503(a) is amended by striking out "(1)" and inserting in lieu thereof "ABATEMENT PROGRAM.—"

(4) Section 503(b) is amended by inserting "DUTIES.—" after "(b)".

(5) Section 504(a) is amended by inserting "RECORDS.—" after "(a)".

(6) Section 504(b) is amended—

(A) by inserting "PRIORITY LIST.—" after "(b)";

(B) by inserting "activities and other response actions" after "abatement" each place in appears in subparagraphs (A) and (B) of paragraph (1);

(C) in paragraph (1)(B), by striking out "section 503(b)(3) and"; and

(D) in paragraph (4)(C), by inserting a comma after "per capita income".

(7) Section 505 is amended—

(A) in subsection (a), by inserting "ASSISTANCE PROGRAM.—" after "(a)";

(B) in subsection (b), by inserting "APPLICATION SUBMISSION.—" after "(b)";

(C) in subsection (c), by inserting "REVIEW OF APPLICATION.—" after "(c)";

(D) in subsection (e), by inserting "AMOUNT OF LOAN OR GRANT.—" after "(e)";

(E) in subsection (f), by inserting "LOAN AGREEMENT.—" after "(f)"; and

(F) in subsection (g), by inserting "APPLICATION REQUIREMENTS.—" after "(g)".

(6) Section 506(a) is amended by inserting "REGULATIONS.—" after "(a)".

(7) Section 506(d) (as redesignated by section 7) is amended—

(A) by inserting "OTHER AUTHORITY.—" after "(d)"; and

(B) by inserting a comma after "standards" the first place it appears.

(8) Section 508(a) is amended by inserting "LOAN CONDITION.—" after "(a)".

(9) Section 508(b) is amended by inserting "EXPEDITIOUS RECOVERY.—" after "(b)".

(c) MISCELLANEOUS TECHNICAL AMENDMENTS.—(1) Section 505(b) is amended in paragraph (1) by striking out the comma after "educational agency".

(2) Section 505(c) is amended—

(A) in paragraph (2), by inserting "and" after the semicolon at the end of subparagraph (A); and

(B) in paragraph (2), by inserting a comma after "confined space" in subparagraph (B)(ii) and after "techniques" in subparagraph (b)(iv).

(3) Section 505(e) is amended by striking out "per centum" both places it appears and inserting in lieu thereof "percent".

(4) Section 505(g) is amended—

(A) by redesignating the subparagraph (B) appearing after paragraph (3) as paragraph (4) and conforming the margin accordingly; and

(B) by inserting a comma in paragraph (4) (as so redesignated) after "section 512(b)(1)".

(5) Section 508 is amended by striking out "sections" and inserting in lieu thereof "section".

(6) Section 511 is amended—

(A) by striking out "For purposes of this title—" and inserting in lieu thereof "For purposes of this title:";

(B) by striking out "the" at the beginning of each paragraph and inserting in lieu thereof "The";

(C) by striking out the semicolon at the end of each paragraph and inserting in lieu thereof a period;

(D) by striking out the word "each" in paragraph (3); and

(E) by inserting "secondary" before "school" in paragraph (5).

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, September 19, 1989.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing on behalf of the 1.9 million-member National Education Association to urge you to cosponsor legislation to reauthorize the Asbestos School Hazard Abatement Act (ASHAA). This bill will be introduced by Senator Lautenberg, Chair of the Superfund, Ocean and Water Protection Subcommittee, and Senator Reid, Chair of the Toxic Substances, Environmental Oversight, Research and Development Subcommittee. A "Dear Colleague" from these Senators seeking cosponsorship was recently sent to your office.

ASHAA was introduced in 1984 by a bipartisan group of 25 Senators and signed into law by President Reagan on August 11, 1984. This statute authorized $700 million over 7 years to assist local schools in the abatement of asbestos health hazards. However, through FY89 only $200 million has

been provided to schools, almost two-thirds in the form of loans.

Asbestos remains a significant health hazard to students and school employees. It is a known human carcinogen for which no safe level of exposure has been established. The Environmental Protection Agency now estimates that over 44,000 school buildings contain friable asbestos which can be easily damaged and crumbled thereby releasing fibers which can be inhaled. Fifteen million school children and 1.5 million school employees are exposed to asbestos on a daily basis.

Since ASHAA's initial authorization in 1984, all school districts are now required by the Asbestos Hazard Emergency Response Act of 1986 (AHERA) to have inspected for asbestos, prepared an asbestos management plan, and as of July 9, 1989, begun implementation of the plan. Thus, the next few years will present a significant financial burden on local schools as they begin asbestos abatement activities. In fact, EPA estimates it will cost schools over $3 billion to fully comply with AHERA.

The Lautenberg/Reid bill will reauthorize ASHAA for five years and update its provisions to more closely conform with the requirements of AHERA. It will also ensure that applications for assistance and awards are provided on a timely basis.

I once again urge you to join as a cosponsor of this bill. Please contact either Sheila Humke at 4-6176 or Ric Erdheim at 4-9731 if you want to cosponsor.

Sincerely,

KENNETH F. MELLEY,
Director of Government Relations.●

By Mr. CONRAD:

S. 1894. A bill to amend the Consolidated Farm and Rural Development Act to require borrowers to act in good faith with respect to restructuring loans made or guaranteed under such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDING THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT TO REQUIRE A GOOD FAITH REQUIREMENT FOR RESTRUCTURING CERTAIN LOANS

Mr. CONRAD. Mr. President, as chairman of the Subcommittee on Agricultural Credit, I have conducted numerous oversight hearings on the implementation of the Agricultural Credit Act of 1987 by the Farmers Home Administration. While there have been significant problems with the implementation of this historic act, the results of the act over the last year have convinced me that it is a very good piece of legislation. As is usual with any major legislation, there are some problems that need to be worked out.

The need for the 1987 act was painfully clear. In the 1980's, farmers faced the most difficult times since the Great Depression. Net farm income in the first 5 years of the 1980's fell to the lowest level, in real dollars, since recordkeeping began in 1910. Total farm assets dropped 47 percent in real terms over a 6-year period. FmHA had accumulated over $7 billion in bad debt—most of it delinquent for 3 years or more.

Passage of the 1987 act was critical to cleaning up this mess. First, the Federal Government was told to get the maximum return on delinquent debt through loan servicing or foreclosure. FmHA is acknowledging the losses it accumulated prior to passage of the act, and is taking steps to resolve that delinquent debt. If FmHA is implementing the law correctly, the Federal Government is receiving more money than it would have if it had foreclosed on all those delinquent loans.

Second, borrowers in critical financial trouble are getting the assistance necessary to enable them to repay their delinquent loans and continue farming.

Borrowers' rights are explicit, and FmHA is notifying borrowers of and observing these rights. The national appeals staff is providing objective review of disputed FmHA decisions, and overturning decisions when necessary.

During my oversight hearings, FmHA has brought to my attention an implementation problem. FmHA argues that it is not explicitly clear in the statutory language of the act whether the eligibility criteria for restructurings also apply to net recovery value buyouts. Under the criteria for restructuring, the borrower must be delinquent due to circumstances beyond his control and must have acted in good faith. I was the author of that good faith provision on restructuring. However, FmHA does not believe that the law clearly requires the same criteria to be applied to buyout eligibility.

As a result, FmHA has interpreted the law to allow borrowers who have clearly acted in bad faith, and are consequently denied restructuring, to buy out their loans at the net recovery value of the collateral. I do not believe this was Congress' intent when we passed the act.

This bill clarifies the buyout provision. It makes very clear that borrowers are not eligible for a net recovery buyout if they have acted in bad faith. It also defines borrowers' activities which may constitute bad faith. It establishes a procedure that FmHA must follow prior to denying a borrower a buyout due to bad faith, which includes a review of the bad faith allegation by the Office of General Counsel. It provides the borrower with the right to appeal a buyout denial based on a bad faith determination. It also requires FmHA to collect and make available monthly to the House and Senate Agriculture Committees information on bad faith allegations so that Congress will know just how many bad faith activities are going on in the field, and how FmHA is implementing this provision.

I want to make very clear this bill is not designed to allow FmHA to harass borrowers who have made an honest mistake, or were not able to or did not comply with FmHA agreements and regulations beyond their control, or because they received erroneous due to circumstances advice from FmHA staff.

For example, a borrower who sold collateral without FmHA approval because FmHA refused to release living and operating expenses would not be acting in bad faith. A borrower who sold collateral based on verbal approval with his FmHA county supervisor which was not documented in writing would not be acting in bad faith. A borrower who could not pay taxes on time in accordance with his written agreement with FmHA would not be acting in bad faith. A borrower who erred in writing down financial information on his farm and home plan would not be acting in bad faith. A borrower who did not understand that the value of his insurance fund should be included in his statement of assets because of inadequate FmHA instructions for completing a farm and home plan would not be acting in bad faith. These are but a few of the examples in which FmHA should not determine that a borrower has acted in bad faith.

This bill ensures that honest mistakes cannot be defined as bad faith because the definition of bad faith includes a borrower's intent. A borrower must have had the intent to defraud or deceive FmHA in failing to comply with written agreements. A borrower must have knowingly sold collateral and used the proceeds for other than essential living and operating expenses without FmHA approval. A borrower must have knowingly falsified financial statements. A borrower must have been convicted of any felony related to obtaining or using funds received from FmHA. I believe this intent language is absolutely essential to the proper implementation of this provision. I strongly encourage FmHA to carefully review the intent of a borrower's actions prior to making a bad faith determination, in order to reduce the number of appeals and need for stringent congressional oversight.

This bill is intended to prevent the truly bad actors from being eligible for a buyout.

I also want to clarify that it is not Congress' intent that the Office of General Counsel will be liable for its written opinion. A borrower who wishes to appeal a buyout denial based on FmHA's bad faith determination will appeal the FmHA decision, not OGC's legal opinion.

I urge my colleagues to support rapid passage of this legislation.

Mr. President, I think this is a perfect example of Congress going back and taking action to clear up problems that exist with the passage of any legislation as significant as the Agricul-

ture Credit Act of 1987. We ought to assure every taxpayer in this country that we have done our level best to assure that they are fairly treated when we, at the same time, attempt to treat the family farmers of America fairly, as we sought to do in the Agriculture Credit Act of 1987.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOOD FAITH REQUIREMENT FOR RESTRUCTURING CERTAIN LOANS.

Section 353(c) of the Consolidated Farm and Rural Development (7 U.S.C. 2001(c)) is amended—

(1) in paragraph (6)—

(A) by inserting after "recovery value" the first place such appears the following: ", if the borrower has acted in good faith with respect to the Secretary (subject to paragraph (7))."; and

(B) by striking out "45" and inserting in lieu thereof "90"; and

(2) by adding at the end thereof the following new paragraph:

"(7) FAILURE TO ACT IN GOOD FAITH.—

"(A) IN GENERAL.—For purposes of paragraph (6), the Secretary shall determine that a borrower has not acted in good faith if the borrower has—

"(i) failed to comply with written agreements entered into with the Secretary with the intent to defraud or deceive the Secretary;

"(ii) knowingly sold security mortgaged to the Secretary and use the proceeds from such sale to pay other than essential living and operating expenses, as defined by the Secretary under subsection (f), without receiving the authorization of the Secretary to sell such security;

"(iii) knowingly falsified financial statements provided to the Secretary; or

"(v) been convicted of any felony related to obtaining or using any funds obtained from the Secretary through the Farmers Home Administration.

"(B) LEGAL CLAIM.—

"(i) IN GENERAL.—In order to make a determination that a borrower has not acted in good faith under subparagraph (A), the Secretary shall obtain a written opinion from the Office of General Counsel of the Department of Agriculture stating that the borrower has not acted in good faith, as described in such subparagraph.

"(ii) SUBMISSION OF LEGAL OPINION TO BORROWER.—Not later than 15 days after the date on which the Secretary obtains a written opinion under clause (i), the Secretary shall submit a copy of such opinion to the borrower.

"(C) APPEALS.—A determination of lack of good faith by the Secretary under subparagraph (B) shall be appealable under section 333B.

"(D) NOTIFICATION OF BAD FAITH.—The Secretary shall notify borrowers of the types of activities that the Secretary will consider as being in bad faith.

"(E) APPLICATION.—The requirement that a buyer act in good faith to be eligible for the termination of loan obligations under paragraph (6) shall not apply to offers of net recovery buyout made by the Secretary under section 335 prior to the date of enactment of this paragraph.

"(F) DATA COLLECTION.—The Secretary shall collect and make available in a timely fashion, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the following information—

"(i) the number of borrowers who have applied for debt restructuring who are alleged, or who have been shown, to have acted in bad faith;

"(ii) the number of applications for net recovery buyout that are being held due to bad faith allegations;

"(iii) the number of subsequent appeals or reversals by the national appeals division of bad faith determinations that have occurred because of the implementation of section 352(b)(2);

"(iv) the amount of time required for the processing of net recovery buyout requests;

"(v) the number of borrowers who have applied for debt restructuring prior to the date of issuance of the first notices of the availability of loan servicing programs that—

"(I) have not been offered restructuring options by the Secretary; and

"(II) have not received a notice of intent to accelerate or to continue acceleration, a notice of borrowers' rights, and forms for response to the notice of the intent of the Farmers Home Administration to accelerate or continue acceleration; and

"(vi) the number of bad faith allegations that have been submitted by the Secretary to the State director for agricultural loan programs.".

By Mr. LEAHY:

S. 1986. A bill to promote the production of organically produced foods by establishing a national standard of production for organically produced products and providing for the labeling of organically produced products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ORGANIC FOODS ACT OF 1989

● Mr. LEAHY. Mr. President, I rise today to introduce the Organic Foods Act of 1989. The central purpose of this legislation is to help change the way we farm in America by encouraging organic, sustainable farming.

For years I have fought for increased funding and assistance for sustainable agriculture. But as we all know, Washington has been slow to react to the environmental realities of chemical use in farming.

The U.S. Department of Agriculture has refused to support the Low Input Sustainable Agriculture Program, as mandated in the 1986 farm bill. Because the USDA refuses to support this vital program, the Congress must fight for funding year after year. Last year the Food and Drug Administration denied a request by the National Association of State Departments of Agriculture to develop national standards for organic food.

Innovation in sustainable agriculture thus far has come from the grassroots level. Many organic farmer organizations and 18 States have encouraged organic farming by establishing standards that products sold as "organic" must meet. But action at the State level is not enough.

Organic certification standards should be national in scope, tough, and fully enforced. We need a program that distinguishes phony organic food—items with a natural image but uncertain production methods—from the real thing born out of ingenious, nonchemical farming. We need a program that promotes this industry because the benefits of purchasing organically produced food extend beyond the dinner table to the support of farmers who protect the soil and water.

There is no doubt about it—consumers want to buy organic products. A recent Harris poll found that 84 percent of Americans would buy organic food if given a choice and over half of them would be willing to pay more for it. But these same consumers want assurance about the products they buy.

Since goods labeled organic often sell at premium prices, the temptation to misuse the word is great. Consumers are misled into paying too much for inferior goods. People who try to provide genuinely organic products are hurt by having to compete directly with products produced by nonorganic methods.

This week, the chairman of Pillsbury Co. described the current food labeling situation in this country as a Tower of Babel; he called for congressional labeling initiatives to tackle the three "C's"—completeness, convenience, and consistency. The Organic Foods Act of 1989 meets the criteria of the three C's.

A national organic certification program will ease problems in interstate commerce. Large supermarket chains concerned about verifying the authenticity of organic items, and not in a position to work directly with growers on certification as some smaller health food stores have done, will more readily purchase organic food if Federal standards are in place.

We have a great opportunity to give farmers a commercial incentive to alter the way they farm and go organic. I have said that the 1989 farm bill will be the farm bill for sustainability—this is an important first step.

I am introducing this bill today and calling for analysis of this proposal from people involved in the organics movement across the country. Next year we will begin the process of refining the bill based on those comments and I will hold a hearing soon after the Senate reconvenes.

Mr. President, let me highlight the key features of the Organic Food Act.

Labeling: Establishes a USDA "organically produced" label for products meeting strict production standards

set forth in the act and prohibits all other uses of the word "organic" to avoid consumer confusion and fraud.

Organically grown: Focuses on production methods that are ecologically sound and which do not involve the use of synthetic pesticides for a minimum of 3 years.

Out of the hands of Washington: Takes advantage of organic programs already underway at the State level and uses expertise of local organizations—the grassroots organizations who have led the organics movement.

Enforcement: Mandates inspections, periodic residue testing, civil penalties for violation, and conflict of interest provisions to ensure that rules are followed:

National Organic Promotion Board: Organizes a national meeting of organic producers and handlers to select a national promotion board to serve as a policymaking body for the industry, recommend production standards, and through voluntary assessments, conduct promotional and research activities to ensure a strong voice for organic farming.

Pilot Program: Establishes a pilot program to explore the implications of a low input label for farmers who use low input sustainable agriculture methods of production.●

By Mr. KASTEN:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; to the Committee on the Judiciary.

DEAF AWARENESS WEEK

● Mr. KASTEN. Mr. President, in the history of deaf America one event stands above all others in excitement and importance. In the second week of March 1988, a not-so-quiet revolution at Gallaudet University resulted in the installation of that university's first-ever deaf President.

It was a time of great pride for the deaf community. And the resolution I am introducing today, identical to one introduced in the other body by my distinguished Wisconsin colleague STEVE GUNDERSON, gives national recognition to that historic week.

Designating March 11-17, 1990, as "Deaf Awareness Week" will help Americans—and especially the 24 million who are hearing-impaired—remember that important week and the ideals it has come to symbolize.

I think that this special week will give us all an opportunity to "listen" to our fellow citizens in new, unexpected and important ways.

I ask unanimous consent that this resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 227

Whereas during the second week of March 1988, a revolutionary sequence of historic social events evolved on the campus of Gallaudet University, the only university in the Nation which teaches exclusively deaf and hard of hearing students;

Whereas the events which occurred at Gallaudet University in the Spring of 1988 had great significance to all Americans, especially those who are deaf or hard of hearing;

Whereas the week long social protest at Gallaudet University awakened the people of nations around the world to the fact that deaf and hard of hearing individuals are able to achieve at the same level as others and need to be recognized as individuals with unique abilities and qualities; and

Whereas the week long social protest at Gallaudet University served to educate and sensitize the American people concerning the hopes and dreams of the 24,000,000 Americans who are deaf or hard of hearing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 11 through March 17, 1990, is designated as "Deaf Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week by remembering the significance of the historic social movement, which began in March 1988 at Gallaudet University, through appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 619

At the request of Mr. SARBANES, the names of the Senator from California [Mr. WILSON] and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 670

At the request of Mr. ARMSTRONG, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Washington [Mr. GORTON], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 670, a bill to recognize the organization known as the Retired Enlisted Association, Incorporated.

S. 672

At the request of Mr. HEINZ, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 672, a bill to increase and extend the authorization of appropriations for highway bridge replacement and rehabilitiation, and for other purposes.

S. 816

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 816, a bill to control the release of toxic air pollutants, to reduce the threat of catastrophic chemical accidents and for other purposes.

S. 1310

At the request of Mr. SIMON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1310, a bill to eliminate illiteracy by the year 2000, to strengthen and coordinate literacy programs, and for other purposes.

S. 1430

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1511, a bill to amend the age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1630

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

S. 1751

At the request of Mr. GORTON, the names of the Senator from Montana [Mr. BURNS], the Senator from Washington [Mr. ADAMS], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1751, a bill to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes.

S. 1779

At the request of Mr. BENTSEN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1779, a bill to change the tariff treatment of certain brooms wholly or in part of broom corn.

S. 1805

At the request of Mr. INOUYE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 1805, a bill to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164.

S. 1876

At the request of Mr. KOHL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1876, a bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for the costs of small businesses in providing accessibility for disabled individuals.

SENATE JOINT RESOLUTION 205

At the request of Mr. BIDEN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 205, a joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. INOUYE, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of Senate Joint Resolution 218, a joint resolution to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week."

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Oklahoma [Mr. BOREN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of Congress regarding the problem of geographical variations under the current Medicare physician reimbursement system.

AMENDMENT NO. 1069

At the request of Mr. SANFORD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of amendment No. 1069.

AMENDMENT NO. 1107

At the request of Mr. WIRTH, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of amendment No. 1107 intended to be proposed to S. 566, a bill to authorize a new corporation to support State and local strategies for achieving more affordable housing, to increase home ownership, and for other purposes.

SENATE RESOLUTION 210—EXPRESSING SUPPORT FOR DEMOCRATIC REFORMS AND HUMAN RIGHTS ON TAIWAN

Mr. PELL (for himself and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 210

Whereas the United States Senate welcomes the democratic trends emerging in Taiwan and the progress that has been made recently in advancing democratic institutions and values; and

Whereas the United States Senate encourages the leaders and people of Taiwan to continue this process with the aim of consolidating fully democratic institutions; and

Whereas the United States Senate continues to support a free and prosperous Taiwan as stated in the Taiwan Relations Act; and

Whereas the United States Senate welcomes preparations for the first elections to be held in Taiwan since the lifting of martial law in which a bonafide opposition will take part. Now, therefore, be it

Resolved, That

(1) the efforts on Taiwan to strengthen democratic institutions are commended, and the authorities on Taiwan are urged to continue to address human rights concerns such as denials of access to Taiwan for some persons, including citizens of Taiwan, based on their political activities or statements while in the United States; and

(2) the Administration should convey to the appropriate authorities on Taiwan U.S. concern over legal actions taken in Taiwan against Taiwanese citizens because of the political activities and statements of such individuals while in the United States; and

(3) the authorities on Taiwan are urged to send a strong signal of Taiwan's continued commitment to the principles of democracy and the rule of law of which a key test will be the elections on December 2, 1989.

Mr. PELL. Mr. President, I am submitting today a Senate resolution expressing the sense of the Senate regarding democratic reforms and human rights on Taiwan. I am pleased that I am joined in sponsoring this resolution by my distinguished colleague, the junior Senator from Alaska.

The resolution is a bipartisan expression of support for the emerging democracy in Taiwan. Promoting democratic development in Taiwan has long been a major concern of mine. I have watched that country evolve from tyranny and depression to a point at which for the first time there is hope that the Taiwanese people may gain the freedom to decide their own political future after having already created one of the world's most prosperous nations.

On December 2 there will be the largest election in the history of Taiwan in which opposition parties will participate. I believe that these elections will be one of the most important political milestones on Taiwan and the manner in which they are conducted will prove to be a significant indication of the depth and strength of the progress toward democracy made in recent years. It is important for the people of Taiwan and for the cause of democracy everywhere that they be free, fair and open, and universally recognized as such.

However, there is cause for concern.

First, the government and KMT-controlled broadcast media continues to favor the ruling party. I hope that as the campaign proceeds opposition candidates will have fair access to the mass media.

Second, recent incidents suggest that the legal system is being used to weaken and intimidate opposition leaders. Last June two opposition figures, Mr. Hsieh Ch'ang-t'ing and Mr. Chiang K'ai-shih, were sentenced to prison terms of 18 months and 1 year, respectively, for involvement in a 1987 demonstration. Respected international human rights organizations have concluded that they were arrested for the peaceful exercise of their right to freedom of expression and tried to prevent violence from occurring.

A more recent case is also cause for grave concern. On October 14, Mr. Hsu Hsing-liang, a former magistrate, was charged with conspiracy to commit sedition based on action occurring in 1979, including actions he took while in the United States. Mr. Hsu was granted political asylum in the United States in 1980. Since his return to Taiwan on September 27, he has been detained and will be tried on November 18. As a leading opposition figure, this indictment and trial could well be perceived as an effort to intimidate the opposition coming on the eve of the elections.

In addition, efforts to provide support for Mr. Hsu's case have been frustrated. Former U.S. Attorney General Ramsey Clark was denied entry to Taiwan on November 13 after previously being issued a visa only days ago and assured of a welcome to Taiwan. The purpose of his visit—which was never disguised—was to visit Mr. Hsu, observe his trial, and gather facts on his prosecution.

These instances all suggest how important it is to Taiwan's future that the elections in December take place in a manner which insures the rights of Taiwanese citizens. This resolution urges that the United States convey our concern over legal actions taken in Taiwan against Taiwanese citizens because of the political activities and statements of such individuals while being provided asylum in the United States.

It is indeed discouraging given the great economic and political progress made in Taiwan over the past few years that the government still seems to fear the actions on behalf of democracy and independence of a few individuals. The government still does not seem to understand that democracy means the freedom to express a diversity of views and free passage for those that express them.

I urge my colleagues to support this measure that commends efforts to strengthen democratic institutions while urging continued support for human rights.

Mr. MURKOWSKI. Mr. President, I am certainly pleased to join the distinguished chairman this morning, and want to thank him for introducing this resolution commending our friends on Taiwan for the significant advances that have been made on Taiwan to strengthen democratic institutions with the goal of attaining a fully consolidated democracy.

Further, Mr. President, on December 2 of this year, Taiwan will hold the first elections since the lifting of martial law in which a bona fide opposition will take part.

What a remarkable and encouraging contrast this event will be to the rather brutal Orwellian suppression taking place in mainland China. The reforms on Taiwan, which were begun by the late President Chiang Ching-Kuo and are being continued by his successor, President Lee Tung Wei, deserve our recognition and our full support.

At the same time, Mr. President, in light of our special relationship it is appropriate for Taiwan's friends, such as this Senator and other Members of the body, to encourage the authorities on Taiwan to continue to address human rights concerns. Mr. President, the concerns I am expressing today are in no way intended to detract from the credit the officials on Taiwan rightly deserve for advancing the cause of democracy. However, recent actions taken by some Taiwanese authorities may send the wrong signal regarding the government's continued commitment to political liberalization.

Mr. President, I am particularly concerned over legal charges brought against a well-known opposition leader, Mr. Hsu Hsing-Liang, that are based in part on Mr. Hsu's political activities while he was living in the United States. I am in no way expressing an opinion as to the merits of other charges being brought against Mr. Hsu. These charges are, and should be, matters to be decided in the Taiwanese courts.

However, it is appropriate for the Senate to view with some concern the indictment in any foreign land of any individual for exercising his or her constitutionally protected freedoms while in the United States.

Further, Mr. President, it is reasonable for the Senate to express our concern over denying entrance to Taiwan, again based on what appear to be political motivations, to prominent U.S. individuals such as former U.S. Attorney General Ramsey Clark. It is certainly understandable for the Taiwanese authorities to deny entrance to Taiwan based on national security considerations. We do this in the United States. However, if such denials are politically motivated it creates a minimum perception problem for the authorities on Taiwan.

Mr. President, in conclusion, I am confident that the authorities on Taiwan will carefully consider the concerns that we have raised, and will send a strong signal of Taiwan's continued commitment to the principles of democracy and the rule of law on which a key test will be the coming Taiwanese elections on December 2, 1989.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1990

McCLURE (AND OTHERS) AMENDMENT NO. 1144

Mr. McCLURE (for himself, Mr. HARKIN, Mr. DOLE, Mr. SYMMS, Mr. NICKLES, Mr. COATS, Mr. HATFIELD, Mr. GRASSLEY, Mr. COHEN, Mr. RIEGLE, Mr. WARNER, and Mr. CONRAD) proposed an amendment to the bill (H.R. 3566) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 F.R. 36485), relating to the classification of rural referral centers. Notwithstanding any other provision of law, the amount available for transfer to Health Care Financing Administration Program Management as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds are hereby reduced by $15,000,000.

COATS (AND HELMS) AMENDMENT NO. 1145

Mr. COATS (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 3566, supra, as follows:

At the appropriate place in the bill, add the following:

None of the funds appropriated under this act shall be used to carry out any program of distributing sterile needles for such hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hypodermic injection unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

HELMS (AND COATS) AMENDMENT NO. 1146

Mr. HELMS (for himself and Mr. COATS) proposed an amendment to the bill H.R. 3566, supra, as follows:

At the end of the bill add the following section:

SEC. . RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(1) AMENDMENTS.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by striking subsection (b) and inserting the following:

"(b)(1) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined in accordance with title 18, United States Code, or imprisoned not more than two years, or both.

"(2) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes which is available to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

"(3) It is a defense to prosecution under paragraph (2) of this subsection that the defendant restrict access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

"(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(5)(A) In addition to the penalties under paragraphs (1), (2), and (5), whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

"(ii) by the Commission after appropriate administrative proceedings.

"(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

"(c)(1) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested in writing the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

"(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

"(A) any action which the carrier demonstrates was taken in good faith to restrict

access pursuant to paragraph (1) of this subsection.

"(B) any access permitted—

"(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

"(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

"(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar action in a court. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access.".

(2) CONFORMING AMENDMENT.—Section 2(b) of the Communications Act of 1934 is amended by striking "section 224" and inserting "section 223 or 224".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 120 days after the date of enactment of this Act.

DOMENICI (AND OTHERS) AMENDMENT NO. 1147

Mr. DOMENICI (for himself, Mr. ADAMS, Mr. DOLE, and Mr. KENNEDY) proposed an amendment to the bill H.R. 3566, supra, as follows:

On page 26, line 4, strike all beginning with the word "period" through the word "1991," on line 5, and insert in lieu thereof "quarter beginning October 1, 1990, and ending December 31, 1990,".

GRAHAM (AND OTHERS) AMENDMENT NO. 1148

Mr. HOLLINGS (for Mr. GRAHAM, for himself, Mr. KENNEDY, Mr. BENTSEN, Mr. WILSON, Mr. CRANSTON, Mr. MACK, Mr. DECONCINI, Mr. MCCAIN, Mr. WIRTH, Mr. SIMON, Mr. DIXON, Mr. PACKWOOD, Mr. REID, Mr. BRYAN, Mr. MOYNIHAN, Mr. GRAMM, Mr. ADAMS, and Mr. SIMPSON) proposed an amendment to the bill H.R. 3566, supra, as follows:

On page 35, strike lines 5 through 14 and insert in lieu thereof the following:

Section 204(a)(1) of the Immigration Reform and Control Act of 1986 is amended—

(1) by inserting "(A)" after "IN GENERAL.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) Funds appropriated for fiscal year 1990 under this section are reduced by $555,244,000.

"(C) For fiscal year 1992, there are appropriated to carry out this section for costs incurred on or after October 1, 1989 (including Federal, State, and local administrative costs) out of any money in the Treasury not otherwise appropriated, $1,000,000,000 (less the amount described in paragraph (2)) less the amount made available for allotments to States under subsection (b) for fiscal year 1990.".

HOLLINGS AMENDMENT NO. 1149

Mr. HOLLINGS proposed an amendment to the bill H.R. 3566, supra; as follows:

On page 37, line 15, insert before the period the following: ", of which $50,000,000 shall be for carrying out Section 477 of the Social Security Act".

On page 46, line 20, after "subpart 3 of part D", insert the following: ", $50,797,000 shall be for section 1404, and $12,699,000 shall be for section 1405".

ASSISTANCE TO POLAND AND HUNGARY

ARMSTRONG AMENDMENT NO. 1150

Mr. ARMSTRONG proposed an amendment to the amendment of the House to the amendment of the Senate to the bill (H.R. 3402) to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform, as follows:

At the end of the amendment, add the following new section:

SEC. . TERMINATION OF ASSISTANCE TO POLAND AND HUNGARY UNLESS ARMS TRANSFERS AND SECURITY ASSISTANCE TO CUBA AND NICARAGUA CEASE.

(a) Three months after the effective date of this Act, the President shall terminate all assistance provided pursuant to this Act to Poland or Hungary, respectively, unless he certifies to the President of the Senate and to the Speaker of the House of Representatives that all arms transfers and security assistance, as defined in subsection (b) of this section, provided by that country to Cuba or Nicaragua, have ceased.

(b) For the purposes of this section, arms transfers and security assistance provided by Poland or Hungary to Cuba or Nicaragua shall include arms delivery, shipment, or transfer and security assistance in any form whatsoever, including but not limited to any provision or supply (whether by sale, grant, barter, or other arrangement) of weapons, weapons parts, ammunition, military vehicles or military aircraft or naval craft or parts therefor; training of Cuban or Nicaraguan military, para-military, police, or other security personnel by Polish or Hungarian personnel; services of Polish or Hungarian military or security advisers in Cuba or Nicaragua; transport of other items described in this subsection, even if originating in a third country, by Polish-flag vessels or Polish or Hungarian aircraft (including both military and civil craft) to Cuba or Nicaragua; or any extension of funds, credits, loans, barter for goods, or other arrangement providing for the transfer of arms or security assistance from a third country to Cuba or Nicaragua.

(c) If, subsequent to three months after the effective date of this Act, the President finds that arms transfers and security assistance to Cuba or Nicaragua, as defined in subsection (b), have been resumed by Poland or Hungary after a previous cessation, he shall terminate all assistance to that country pursuant to this Act.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

DODD AMENDMENT NO. 1151

Mr. FORD (for Mr. DODD) proposed an amendment to the bill (S. 1712) to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1990 through 1991, and for other purposes, as follows:

On page 43, beginning with line 12, strike through "(4)" on line 15 and insert the following:

(3) by inserting after paragraph (1) the following:

"(2) the creation of or any material change to a relationship specified in section 310(b)(1) through section 310(b)(10)";

(4) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8);

(5) by inserting after the paragraph designation at the beginning of paragraphs (1), (4), and (5) the following: "any change to"; and

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FORD (AND MCCONNELL) AMENDMENT NO. 1152

Mr. FORD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 1712, supra, as follows:

At the appropriate place insert the following:

SECTION 1. That if—

(1) a holding company was organized at least one year before the date of enactment of this Act for the purpose (among others) of acquiring directly 100 percent of the common stock of an electric utility company and indirectly common stock of one or more electric utility companies; and

(2) such holding company would qualify for exemption under paragraph (1) of section 3(a) of the Public Utility Holding Company Act of 1935 but for the fact that immediately after giving birth to such acquisition—

(A) such holding company would directly own 100 percent of the common stock of an electric utility company which owns 100 percent of the common stock of another electric utility company which is organized in a State other than the State of organization of the holding company and such directly owned electric utility holding company; and

(B) such indirectly owned electric utility company of such holding company is organized in such other State in order to meet the requirements of the constitution of such State.

then, for purposes of applying paragraph (1) of such section 3(a) to such holding company, such indirectly owned electric utility company shall be deemed to be a part of such directly owned electric utility company of such holding company, and not treated as a separately incorporated electric utility company if—

(i) such holding company is not a public-utility company and is not a subsidiary company of any other company; and

(ii) any acquisition made by such holding company of common stock of an electric utility company is made after the date of enactment of this Act.

SEC. 2. As used in this Act, the terms "company", "holding company", "subsidiary company", "electric utility company",

"public-utility company", and "State " have the same meanings as in section 2 of the Public Utility Holding Company Act of 1935.

SEC. 3. The provisions of this Act shall not affect the meaning of any provision of the Public Utility Holding Company Act of 1935 other than paragraph (1) of section 3(a) thereof.

LEAHY (AND JEFFORDS) AMENDMENT NO. 1153

Mr. FORD (for Mr. LEAHY, for himself and Mr. JEFFORDS) proposed an amendment to the bill S. 1712, supra, as follows:

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. PUBLIC UTILITY HOLDING COMPANY EXEMPTION.

(a) IN GENERAL.—The provisions of the Public Utility Holding Company Act of 1935, including sections 3(a) and 9(a)(2), shall not apply to a foreign holding company that has a gas utility subsidiary company in a foreign country contiguous to the United States and the State of Vermont, solely as a result of the acquisition, directly or indirectly, by the holding company of all the voting securities of a gas utility company that—

(1) is organized and operating under the laws of Vermont, and

(2) has its service territory contiguous to the gas utility operations of the holding company.

(b) APPLICABILITY TO AFFILIATES.—The exemption under subsection (a) also applies to a person or company that is an affiliate, as defined in section 2(a)(11)(A) of the Public Utility Holding Company Act of 1935, of the holding company described in subsection (a), and that is not an affiliate of any other public utility company organized and operating in the United States.

(c) NOT APPLICABLE TO ADDITIONAL ACQUISITIONS.—The exemption granted by subsection (a) shall not apply to the acquisition or retention by any holding company of voting securities of a public utility company organized or operating within the United States except as provided in subsection (a).

GLENN AMENDMENT NO. 1154

Mr. FORD (for Mr. GLENN) proposed an amendment to the bill S. 1712, supra, as follows:

At the appropriate place in the bill insert the following new section:

SEC. . CRITICAL POSITION PAY AUTHORITY.

(a) AUTHORITY OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, may, from time to time, allocate and reallocate among the departments and agencies of the executive branch critical position pay authority for not to exceed a government-wide total of 200 positions.

(b) LIMITATION OF POSITIONS.—The head of an agency that receives an allocation of critical position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Management and Budget under subsection (a).

(c) DEFINITION.—For purposes of this section, "critical position pay authority" means the authority of the head of an agency, notwithstanding any other law, including any provision of chapter 53 of title 5, United States Code, to fix the rate of basic pay for any position such head of an agency determines to be a critical position at an annual rate that does not exceed the rate in effect for level I of the Executive Schedule, except that the aggregate annual amount paid (including any allowance, bonus, award, or other direct compensation) to an employee under this section during any fiscal year may not exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

(d) REEXERCISE OF AUTHORITY.—Critical position pay authority for a position may be reexercised when a position becomes vacant and is refilled only upon a redetermination by the agency head that the position remains a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Management and Budget required for such exercise under subsection (a) is reconfirmed by the Director of the Office of Management and Budget at the time of such reexercise.

(e) DETERMINATION OF CRITICAL POSITION.—In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider—

(1) the extent to which the position requires scientific, technical, professional, or administrative qualifications; and

(2) the extent to which additional compensation is necessary to recruit or retain exceptionally qualified individuals.

MILDRED AND CLAUDE PEPPER SCHOLARSHIP PROGRAM

PELL (AND KASSEBAUM) AMENDMENT NO. 1155

Mr. FORD (for Mr. PELL, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (H.R. 2666) to establish a Mildred and Claude Pepper Scholarship Program, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mildred and Claude Pepper Scholarship Act".

TITLE I—MILDRED AND CLAUDE PEPPER SCHOLARSHIPS

SEC. 101. PROGRAM AUTHORITY.

(a) IN GENERAL.—From the sums appropriated pursuant to section 105, the Secretary of Education is authorized to make grants to the Washington Workshops Foundation and the Close Up Foundation to pay the Federal share of establishing and maintaining the Mildred and Claude Pepper Scholarship Program.

(b) SPECIAL RULE.—The Secretary shall award—

(1) 50 percent of the funds appropriated pursuant to the authority of section 105 to the Washington Workshops Foundation; and

(2) 50 percent of the funds appropriated pursuant to the authority of section 105 to the Close Up Foundation.

SEC. 102. USE OF FUNDS.

Funds received under this Act shall be used—

(1) by the Washington Workshops to establish new programs for hearing impaired high school students, and

(2) by the Close Up Foundation to expand the Close Up Foundation programs for the hearing impaired.

SEC. 103. APPLICATION.

Each foundation desiring a grant under this title shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) provide assurances that the foundation programs will mainstream hearing impaired students with nonhandicapped students;

(2) provide assurances that the foundation will operate school-based programs; and

(3) describe the activities and services for which assistance is sought.

SEC. 104. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—The Secretary of Education shall pay to each foundation having an application approved pursuant to section 103 of the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—(1) The Federal share shall be 50 percent.

(2) The portion of the grant not paid from Federal sources shall be paid from sources other than State or local government sources.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000 for the fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992 to carry out the provisions of this title.

TITLE II—UNIVERSITY OF MISSISSIPPI LAW LIBRARY

SEC. 201. UNIVERSITY OF MISSISSIPPI LAW LIBRARY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this title, to the University of Mississippi Law School for the renovation and completion of the library facilities of the University of Mississippi Law School at Oxford, Mississippi.

SEC. 202. APPLICATION REQUIRED.

No financial assistance may be made under this title unless an application is submitted to the Archivist at such time, in such manner, and containing or accompanied by such information as the Archivist may reasonably require.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,200,000 to carry out the provisions of this title. Funds appropriated pursuant to this title shall remain available until expended.

TITLE III—NARRAGANSETT BAY CENTER FOR THE STUDY OF COASTAL ECOSYSTEMS

SEC. 301. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.

The Secretary of Education is authorized, in accordance with the provisions of this title, to provide financial assistance to pay the costs of construction and equipment for a Narragansett Bay Center for the Study of Coastal Ecosystems.

SEC. 302. LOCATION OF CENTER.

For the purpose of section 502, the Narragansett Bay Center for the Study of Coastal Ecosystems shall be located at the University of Rhode Island, Narragansett Bay Campus.

SEC. 303. APPLICATION FOR ASSISTANCE.

No financial assistance may be made under this title unless an application is

made at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the provisions of this title. Funds appropriated pursuant to this section shall remain available until expended.

TITLE IV—MUSKIE ARCHIVES

SEC. 401. GENERAL AUTHORITY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this title, to the Muskie Archives at Bates College, Lewiston, Maine, to establish an endowment for the Muskie Archives.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the provisions of this title. Funds appropriated pursuant to this section shall remain available until expended.

TITLE V—MUSEUM OF TOLERANCE AT THE SIMON WIESENTHAL CENTER

SEC. 501. GENERAL AUTHORITY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this title, to the Museum of Tolerance at the Simon Wiesenthal Center located in Los Angeles, California, for the operation of education programs concerning the Holocaust at such Museum of Tolerance.

SEC. 202. APPLICATION REQUIRED.

No financial assistance may be provided under this title unless an application, including an education plan, is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

SEC. 503. MATCHING REQUIREMENT.

Not less than 50 percent of the costs of education programs assisted under this title shall be provided by non-Federal sources.

SEC. 504. RELIGIOUS ACTIVITIES PROHIBITED.

Funds provided under this title shall not be used by program participants or program staff to provide religious instruction, conduct worship services, or engage in any form of proselytization.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the provisions of this title. Funds appropriated pursuant to this section shall remain available until expended.

TITLE VI—HIGHER EDUCATION

SEC. 601. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) HIGHER EDUCATION.—Section 484 of the Higher Education Act of 1965 is amended by adding a new subsection (k) at the end thereof:

"(k) STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 1, 2, or 4 of part A or part C of this title.

(b) TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.—Section 4502 of the Elementary and Secondary Education Act of 1965 is amended by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" each place it appears and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia".

(c) TECHNICAL AMENDMENT.—Section 1204(a) of the Higher Education Act of 1965 is amended by striking out "Trust Territories of the Pacific Islands, and the Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands Palau, and, subject to the provisions of Public Law 99-239, the Federated States of Micronesia, and the Republic of the Marshall Islands.".

SEC. 602. DEFINITION.

Section 545 of the Higher Education Act is amended in paragraph (3) by striking "the Trust Territory of the Pacific Islands" and inserting in lieu thereof "the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.".

SEC. 603. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 1204 of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subsection (d):

"(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act.".

TITLE VII—ELEMENTARY AND SECONDARY EDUCATION

SEC. 701. TECHNICAL AMENDMENTS.

(a) ELEMENTARY AND SECONDARY EDUCATION.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in sections 1005(a), 1006(a)(1)(A), 1291, 2004(a), and 4502 by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau";

(2) in sections 1404, 1405(a)(2)(A), 1405(a)(2)(B) and 1471(22) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau"; and

(3) in section 1511(a)(1), 2104(a)(1), 5112(a)(1) and 5141(b)(6) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau".

(b) ADULT EDUCATION ACT.—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau"; and

(2) in section 313(b) and 361(a) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

(c) STAR SCHOOLS PROGRAM.—Section 907(8) of the Star Schools Program Assistance Act is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of Marshall Islands, Palau".

(d) EDUCATION OF THE HANDICAPPED.—The Education of the Handicapped Act is amended in—

(1) Section 602(a)(6) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau";

(2) Section 611(a)(2) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau"; and

(3) Section 611(e)(1) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

TITLE VIII—McLAUGHLIN RESEARCH INSTITUTE

SEC. 801. McLAUGHLIN RESEARCH INSTITUTE.

There are athorized to be appropriated $5,000,000 to be used by the McLaughlin Research Institute of Great Falls, Montana for construction costs.

TITLE IX—THE NATIONAL TEACHER HALL OF FAME

SEC. 901. THE NATIONAL TEACHER HALL OF FAME AUTHORIZED.

The Secretary of Education is authorized, in accordance with the provisions of title, to provide financial assistance to Emporia State University, located in Emporia, Kansas, to pay the costs of planning, construction, and related costs for the National Teacher Hall of Fame at Emporia State University.

SEC. 902. APPLICATION.

No financial assistance may be made under this title unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

SEC. 903. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this title. Funds appropriate pursuant to this title shall remain available until expended.

NATIONAL AMERICAN INDIAN HERITAGE WEEK

INOUYE AMENDMENT NO. 1156

Mr. FORD (for Mr. INOUYE) proposed an amendment to the preamble of the joint resolution (S.J. Res. 218) to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week", as follows:

Amend the preamble to read as follows:

Whereas American Indians were the original inhabitants of the territories that now constitute the United States of America;

Whereas American Indians and the descendants of such American Indians have made many essential contributions to this Nation;

Whereas the citizens of the United States should be reminded of the assistance given to our Founding Fathers by the Native Americans; and

Whereas the citizens of the United States should be aware of the present relationship between American Indians and the United States: Now, therefore, be it

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 16, 1989, at 3 p.m. to hold a hearing on the nomination of Jacqueline Jones-Smith, of Maryland, to be a Commissioner and Chairman of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Communications Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 16, 1989, at 9 a.m. to hold an oversight hearing on the 1984 Cable Telecommunications Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on November 16, 1989, at 2 p.m. to hold a hearing on the nomination of Edward Martin Emmett, of Texas, to be a member of the Interstate Commerce Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, November 16, 1989, at 9:30 a.m. in open session to review the Department of the Navy's investigation into the gun turret explosion aboard the U.S.S. *Iowa*.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate at 9:30 a.m., November 16, 1989, to continue the November 9 hearing concerning amendment 267 to S. 406, the Competitive Wholesale Electric Generation Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. PELL. Mr. President I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, November 16, beginning at 10 a.m., to conduct a markup of pending amendments to the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, November 16, 1989, at 9:30 a.m. for a hearing on Occupational Safety and Health Administration, the construction industry, and S. 930, the Construction Safety, Health, and Education Improvement Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, November 16, 1989, at 3 p.m. to conduct a hearing on corporate takeover legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Governmental Affairs be authorized to meet on Thursday, November 16, at 2 p.m., for a markup on pending legislation and pending nominations.

LEGISLATION

S. 535, the Federal Civil Penalties Inflation Adjustment Act of 1989.

S. 29, the Biennial Budget Act.

S. 1162, to amend the Congressional Budget Act to require the Committees on the Budget to adopt the economic and technical assumptions of the CBO in preparing the concurrent resolution on the budget.

S. 1572, the Federal Budget Structure Act of 1989.

NOMINATIONS

Kathleen Day Koch, to be general counsel of the Federal Labor Relations Authority.

Jean McKee, to be a member of the Federal Labor Relations Authority.

Tony Armendariz, to be a member of the Federal Labor Relations Authority.

Pamela Talkin, to be a member of the Federal Labor Relations Authority.

Bill R. Phillips, to be Deputy Director of the Office of Personnel Management.

Zinora M. Mitchell,* to be associate judge of the Superior Court of the Disrict of Columbia.

David C. Williams, to be inspector general, Nuclear Regulatory Commission (sequential referral to GAC), favorably reported by Environment and Public Works Committee.

Donald Kirkendall, to be inspector general, Department of the Treasury (sequential referral to GAC), favorably reported by Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, November 16, at 10 a.m., for a nomination hearing on the following: Zinora M. Mitchell to be an associate judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, November 16, 1989, at 9 a.m. to conduct a hearing on the Treasury Department's exchange rate report.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 16, 1989, at 10 a.m. to hold a closed conference meeting with the House Intelligence Committee on the fiscal year 1990-91 Intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Special Committee on Aging, be authorized to meet during the session of the Senate on Thursday, November 16, 1989, at 9:30 a.m. to hold a hearing to examine how individuals, hospitals States, and governments from various countries attempt to purchase prescription drugs at a fair and reasonable cost, and to determine how successful their efforts have been.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, November 16, 1989, at 2 p.m. to conduct a markup of a committee print of

* Will be placed on the markup agenda if there is no objection to waiving the 24-hour rule following the Thursday morning hearing.

S. 648, the Market Reform Act; and formation of a special Mod Rehab/HUD Investigation Subcommittee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 16, at 5 p.m. to hold nomination hearings on:

NOMINEES

Ms. Frances D. Cook, of Florida, to be Ambassador to the Republic of Cameroon.

Mr. Edmund DeJarnette, Jr., of Virginia, to be Ambassador to the United Republic of Tanzania.

Mr. Daniel Howard Simpson, of Ohio, to be Ambassador to the Central African Republic.

Ms. Ruth V. Washington, of New York, to be Ambassador to the Republic of The Gambia.

Ms. Cynthia Shepard Perry, of Texas, to be Ambassador to the Republic of Burundi.

Ms. Harriet W. Isom, of Oregon, to be Ambassador to the People's Republic of Benin.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FOWLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 16, at 3 p.m. to hold nomination hearings on:

NOMINEES

Mr. Philip Lawrence Christenson, of Virginia, to be an Assistant Administrator of the Agency for International Development.

Mr. Bradley P. Holmes, of Virginia, to be U.S. Coordinator for International Communications and Information Policy, with the rank of Ambassador.

Mr. Edward S. Walker, Jr., of Maryland, to be Ambassador to the United Arab Emirates.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAKISTAN'S DISPOSSESSED BOMB

● Mr. GLENN. Mr. President, in accordance with section 620E(e) of the Foreign Assistance Act, the President has—with some uneasiness—recently announced his finding that Pakistan does not possess the bomb. I ask to insert his determination and transmittal letter into the RECORD at the end of my remarks.

For those of us who are unfamiliar with this statutory requirement and its implications for our nuclear nonproliferation policy, I would like to provide some background. It is important to understand these issues in some details, since we must soon decide whether or not to accept the administration's proposal to waive our nonproliferation laws for several more years in order to send billions of additional aid to Pakistan without any new and binding nuclear restraints. American taxpayers who subsidize this aid have a right to ask: Is this aid working to stop the bomb?

Let me say that I strongly disagree with the administration's approaches both to Pakistan's bomb and to the growing nuclear arms race in South Asia. If the President is unhappy with this certification requirement, he is free to ask Congress to repeal it. Otherwise, it stands as the law of the land and must be enforced in good faith. From my knowledge of Pakistan's nuclear program, I must conclude that the President had to make the most narrow possible interpretation of law to conclude that Pakistan does not possess the bomb—a statement I find very difficult to accept and really believe. To me, the President's action represents both bad policy and a disservice to a good law.

ORIGIN OF THE REQUIREMENT

In June 1981, in response to the Soviet invasion of Afghanistan, the United States began a 6-year $3.2 billion aid package that included both military and economic assistance. No one disputes that this aid was primarily motivated by the need for the United States to assist the resistance forces in Afghanistan, forces which Pakistan had already been assisting for its own security reasons.

But the aid was intended to do more than that. Speaking on June 24, 1981, for the new Reagan administration, Under Secretary of State James L. Buckley testified before the Nuclear Proliferation Subcommittee of the Governmental Affairs Committee on Pakistan's nuclear program. I was on that subcommittee at the time and heard Mr. Buckley state the following:

> We do believe that our best chance to influence the outcome, influence the future direction of what might be Pakistani intentions, is to help remove the very significant sense of insecurity that that nation suffers from today. We believe that if that real insecurity can be removed we will not only have a better chance to make sure that explosives are not detonated, but also would be in the best position to use the argument of persuasion that this would not be in Pakistan's best interest.

He also stated:

> I was assured by the ministers, I was assured by the President himself that it is not the intention of the Pakistani Government to develop nuclear weapons.

Let us recall, that as those words were spoken, very few commentators or analysts were claiming that Pakistan was a de facto nuclear weapon nation. Pakistan did not have bomb-grade uranium from its unsafeguarded enrichment plant at Kahuta. News reports had not yet circulated that China had provided a design of a nuclear weapon to Pakistan, along with other nuclear assistance. We had seen virtually nothing about Pakistan engaging in high explosive testing of components of nuclear weapons. Pakistan had no fleet of F-16 aircraft which could potentially be used as a delivery system for nuclear weapons.

This is not to say that no one was concerned about Pakistan's nuclear weapon-related intentions and activities. Far from it. Pakistan treated our nuclear weapon export laws, and those of our European allies, as minor inconveniences to be circumvented in the effort to acquire components and materials for nuclear weapon development purposes.

Indeed, on December 14, 1981, I spoke at length in this Chamber about the dangers ahead from Pakistan's nuclear activities [CONGRESSIONAL RECORD, December 14, 1981, S15214-7.] I spoke not only of my own concerns, but of those from elsewhere within our Government. In my remarks, I quoted from an Associated Press wire reportedly containing the contents of a State Department cable to the United States Embassy in Turkey, which declared:

> We have strong reason to believe that Pakistan is seeking to develop a nuclear explosives capability.

According to AP, the cable went on to say that a covert purchasing organization was buying up American-made electrical equipment and diverting it to Pakistan's nuclear weapons program. It added:

> That Pakistan is conducting a program for the design and development of a triggering package for nuclear explosive devices.

But even as grave as the nuclear situation appeared in 1981, no one was seriously claiming that Pakistan had the bomb or was a de facto nuclear power. No one talked about Pakistan assembling components of a bomb because it clearly did not yet have any such components to assemble.

As the years rolled on and our aid kept flowing, however, the evidence started to come in on Pakistan's growing nuclear capabilities and true intentions.

And the evidence has not been favorable. According to West German and British press, Pakistan in early 1982 went so far as to attempt to procure actual bomb parts—specially designed steel hemispheres—from its agents in the Middle East and Europe. The Financial Times stated, not too reassuringly, that "attempts by Pakistan to buy abroad several dozen 13-inch diameter stainless steel spheres which enclose the uranium in an implosion-type bomb had been detected and most were stopped." [See: "Why Pakistan May Not Need to Test a Nuclear Device," Financial Times (London), August 14, 1984, p. 3; and "Pakistan Getting Atomic Bomb Through 'Back

Door'," Der Stern, April 30, 1986, pp. 152-156.]

Although it is of course difficult to confirm these allegations, I believe we should take such reports seriously. As the Los Alamos National Laboratory has just pointed out in the nuclear weapons technology section of its unclassified "Research Highlights" publication for 1988: "Hemispherical shells" are "among the essential parts of a nuclear bomb." [See "Machining Hemispherical Shells," Los Alamos National Laboratory, Research Highlights 1988, pp. 8-9.]

If these European press reports were true, I can only ask: Who among us will stand up and condone the trafficking in bomb parts through one of the most volatile regions in modern history? Who will condone such activities anywhere else? Who can sincerely argue that nuclear proliferation in South Asia is strictly a regional issue?

Senator CRANSTON surely cannot be accused of turning a blind eye to such behavior. In June 1984, my distinguished colleague from California delivered detailed statements on this floor about Pakistan's progress toward the bomb and the implications of further nuclear proliferation. By that time, eyes were starting to open. [See CONGRESSIONAL RECORD, June 21, 1984, 17735 and 17741; and June 25, 1984, 18562 and 18563.]

Here is a brief summary of what Senator CRANSTON identified on June 25, 1984, as causes for concern:

Pakistan has operated and expanded its clandestine uranium enrichment facility at Kahuta.

Pakistan ran cold tests of its unsafeguarded pilot reprocessing facility for plutonium separation.

Pakistan has expanded its nuclear weapons design team at the town of Wah and has stepped up imports of nuclear warhead components.

Pakistan's KANUPP reactor has been subject to continuing chronic failures in its safeguard system, making plutonium diversion highly feasible.

For those of my colleagues who wish to look at this record more closely, I would like to bring your attention to an exhaustive chronology prepared by Warren H. Donnelly, the Congressional Research Service's top expert on nonproliferation issues, on Pakistan's efforts to acquire the bomb. I ask to insert this chronology, called "Pakistan's Nuclear Activities: A Chronology of Four Eras," accompanied by another chronology, also prepared by Dr. Donnelly, or more recent activities, into the RECORD at the end of my remarks.

In 1985, amid yet another illicit attempt by Pakistani agents to acquire United States nuclear technology—this time an effort by a certain Nazir Vaid to acquire high-speed switches suitable for use in nuclear explosives—and in the context of press reports that Pakistan was starting to produce bomb-grade uranium, Congress amended the International Security and Development Cooperation Act of 1985 (Public Law 99-83) to require the President to certify annually, as a condition for providing aid, that Pakistan does not possess a nuclear explosive device, and that our aid will reduce significantly the risk that Pakistan will acquire such a device.

Thus, ever since 1985 our aid to Pakistan has had among its formal statutory objectives—not just a policy objective—the reduction of the risk that Pakistan will acquire the bomb. More precisely, our aid must significantly reduce this risk.

This basic requirement, a bipartisan initiative cosponsored by my colleagues, Senators PRESSLER and BOSCHWITZ, has been increasingly difficult to fulfill over recent years. As President Reagan stated in transmitting his last nonpossession certification on November 18, 1988:

> * * * We remain extremely troubled * * * by the continued risk of a South Asian nuclear arms race. The Congress should be aware that as Pakistan's nuclear capabilities grow, and if evidence about its activities continues to accumulate, this process of annual certification will require the President to reach judgments about the status of Pakistani nuclear activities that may be difficult or impossible to make with any degree of certainty.

President Bush quoted these very words in his most recent certification.

TRIUMPH OF HOPE OVER EXPERIENCE

The administration has high hopes that the new peaceful nuclear assurances of the new democratic government of Pakistan, combined with our massive foreign aid, will keep Pakistan a non-nuclear-weapon state. I applaud Prime Minister Bhutto's professed commitment not to acquire the bomb. I wish her well in this endeavor.

But Pakistan must recognize that the days of the blank check from Uncle Sam are soon coming to a close. There has developed over the years a growing credibility gap between the oral assurances we have received from Pakistan, and its actual behavior. And I am not the only one to have made this observation.

Senator BYRD put it this way in a statement made on July 31, 1987, concerning the choices facing Pakistan:

> The time has come to choose. If it wants to build nuclear weapons, under U.S. law, it cannot have U.S. foreign assistance. It is time for the Government of Pakistan to take concrete action to bring its nuclear program in line with its assurances. [Cong. Rec., 31 July 1987, p. S11039]

Senator BYRD's comments came during the debate over a resolution I introduced (S. Res. 266), which passed unanimously, as did an identical version in the House (H. Res. 239), stating that:

> Pakistan's verifiable compliance with [its] past commitments is vital to any further United States military assistance."

As a cosponsor of this resolution, Senator HUMPHREY correctly stated during that debate that Congress was:

> * * * simply calling upon the Government of Pakistan to make good on promises which it has already extended in the past years.

Another cosponsor, Senator BRADLEY, stated that America and Pakistan:

> * * * share an overriding mutual interest that can best be promoted by Pakistan's decision to comply with its own stated policy [on peaceful nuclear development].

My distinguished colleague from Rhode Island, Senator PELL, also cosponsored this resolution, stating:

> Pakistan must be made to understand that the United States expects it to keep its commitments.

And finally, Senator HELMS, another cosponsor, stated:

> * * * it is essential at a minimum that our allies, and especially the recipients of U.S. economic and military assistance, understand that the United States expects reasonable commitments concerning non-proliferation.

I wish I could report here today that Pakistan has finally reconciled its nuclear activities with its nuclear assurances. But that is not the conclusion most people would come to after looking over the broad trends in Pakistan's nuclear program, including such recent developments as the following:

Pakistan's uranium enrichment center remains outside of international safeguards and is virtually certain to be producing uranium enriched well above the peaceful 5-percent level that Pakistani leaders firmly assured us was their limit.

On August 27, 1989, news reports in Islamabad observed that an official Pakistani delegation was visiting China for talks on nuclear cooperation, reportedly with the objective of purchasing three nuclear reactors.

On May 15, 1989, a British defense publication issued an article reporting that:

> Sources close to the Pakistani nuclear program have revealed that Pakistani scientists have now perfected detonation mechanisms for a nuclear device. Islamabad has successfully produced bomb casings which can withstand the buffetting of high speed flights. Such a device, it is learned, can be delivered by Pakistan's F-16's * * * [and] China continues to help Islamabad in its nuclear ambitions. Chinese scientists have been visiting Kahuta and Pakistani scientists have been reciprocating the visits. [From "Pakistan Perfects N-Detonator, China Helps," Defense and Foreign Affairs Weekly, May 15, 1989.]

On August 14, 1989, Dr. Abdul Qadeer Khan, widely recognized as the top nuclear scientist in Pakistan's bomb program, was awarded the esteemed "Crescent of Distinction" award by the Pakistani Government—the second highest civilian award in Pakistan.

On July 3, 1989, a Pakistani newspaper reported some excerpts from a new book about Pakistan's bomb program. Written by a former government official and based on extensive interviews with Dr. A.Q. Khan, the paper concluded:

Pakistan, by the grace of God, has acquired the nuclear capability now. There is no difference between this ability and the ability to make an atom bomb. * * * Our expertise means that we can make not only atom bombs but also hydrogen bombs. (The book's author was arrested and his book subsequently banned, on charges that he violated the official secrets act). [See "New Book Details Nuclear Program Politics," Hurmat (Islamabad), July 3, 1989, p. 7-13; translated in JPRS, TND-89-018, September 18, 1989, p. 28-32.]

On March 21, 1989, the West German magazine, Stern, reported that more than 70 West German firms helped Pakistan to develop the bomb: "From special steel, optical equipment and computers to highly explosive tritium, the German companies delivered practically everything that is needed for the construction of an atomic bomb." [Washington Post, March 22, 1989, p. A27].

On September 15, 1988, a London news bulletin reported that Pakistan's new president, Ghulam Ishaq Khan, will press on with Pakistan's programme to develop a nuclear bomb. He reportedly will serve as ex officio chairman of a secret Nuclear Weapon Coordinating Committee made up of senior civil servants, nuclear scientists, and military chiefs. [Economist: Foreign Report, September 15, 1988, p. 4.]

It is interesting that in recent years, Pakistani leaders have been stressing that Pakistan is not assembling a weapon. On July 17, 1986, the Washington Post quoted visiting Pakistani Prime Minister Junejo as having told congressional hosts that Pakistan was abiding by the guidelines established with the United States with respect to its nuclear program and that it is keeping components separate.

And more recently, July 9, Prime Minister Bhutto gave a television interview in Britain where she said,

Pakistan has not, nor do we have any intention of putting together or making, a bomb, or taking it to the point where you can put it together.

This idea that a bomb exists only when it is put together is absurd. In the 1950's, the United States routinely stored its nuclear weapons in separate parts for safety purposes, yet who claims that the United States was not a nuclear-weapon state in that period? Not even the State Department's Office of the Legal Advisor has gone so far as to equate assembly with possession. In carefully selected words, here is what that office stated in a document submitted to a House Foreign Affairs Subcommittee on March 5, 1987.

A state may possess a nuclear explosive device, and yet maintain it in an unassembled form for safety reasons or to maintain effective command and control over its use or for other purposes. The fact that a state does not have an assembled device would not, therefore, necessarily mean that it does not possess a device under the statutory standard.

A simple question arises: If Pakistan is living up to its commitment not to enrich beyond 5-percent, what components would it have to assemble? Prime Minister Bhutto's commitment of not taking it to the point where you can put it together. While welcome as are all of Pakistan's peaceful assurances, would make more sense if Pakistan was living up to the 5-percent pledge. Yet it is just this pledge that the administration reportedly refuses to enforce.

Since one cannot make a bomb with components of 5 percent enriched uranium, the best way for Pakistan to clarify its peaceful intentions would be to keep its word on the 5-percent pledge.

In looking over this admittedly incomplete record, I am reminded of an old story told by Dr. Samuel Johnson some 200 years ago. Here is how his friend James Boswell recorded it:

A gentleman who had been very unhappy in marriage, married immediately after his wife died: Johnson said, it was the triumph of hope over experience.

There are perhaps no better words to describe the most recent Presidential certifications that cite Pakistan's peaceful nuclear assurances as a basis for concluding that we are making progress in halting Pakistan's relentless march for the bomb.

LOCATING PAKISTAN'S "STEALTH" BOMB

Anymore who has read these certifications carefully cannot help but notice how strained and how self-contradictory they have become. For example, President Bush's most recent letter says that Pakistan "* * * has continued to develop its unsafeguarded nuclear program" since the 1988 certification; following this observation, we are told once again of the repeated peaceful oral assurances that we have received from Pakistan about the intention and scope of its nuclear program, much the same that we have been hearing for years.

Both President Reagan and President Bush also took great care to point out that the issue before them was:

* * * Whether Pakistan possesses a nuclear explosive device, not whether Pakistan is attempting to develop or has developed various relevant capacities.

It is understandable why these issues were not addressed, given the substantial unclassified evidence that Pakistan is, indeed, "attempting to develop" the bomb and is also developing "various relevant capacities." If anyone has any doubts about this, I suggest they read my past floor statements and submissions into the RECORD over the last few years. (See CONGRESSIONAL RECORD, June 22, 1989, page S782; May 16, 1989, page S5437; December 18, 1987, page S18422; December 11, 1987, page S17894; October 8, 1987, page S13919; August 3, 1987, page S11108; and May 8, 1987, page S6218.)

I may soon have a few more to add to this collection—I will continue to address this issue until there is some semblance of reason restored to our nonproliferation policy. It appears that Pakistan is possessed with the idea that it must have a bomb, and that two Presidents now seem equally unwilling to acknowledge the complete failure of our aid to stop this effort.

We have often heard it said that possession is nine-tenths of the law. Well, I submit that Pakistan's record in pursuit of the bomb amounts to nine-tenths of possession. For me, that is close enough to suggest that our bountiful, guns-for-nuclear-restraint policy has failed.

In a similar vein, OMB Director Richard Darman, at his confirmation hearing before the Governmental Affairs Committee, was asked to elaborate on his definition of a tax—his answer relied on the "if I walks like a duck * * *" response. Unfortunately, such commonsense reasoning appears to be completely lacking from the administration's approach to the problem of defining when a nation possesses a bomb. If Pakistan can do all that it is widely known to have accomplished—and probably much more if all the facts were known—and still be deemed not to meet our standard of possession, this cannot be anything but an invitation for ridicule. A tax is a tax, a duck is a duck, and a bomb is a bomb.

And Pakistan's bomb may well be the Stealth bomb of the century—we are paying a fortune for something we do not want to see.

TIME TO RETHINK OUR AID

These certifications, and this voluminous evidence, suggest that Pakistan is continuing its active pursuit of the bomb, notwithstanding the massive amounts of military and economic aid that we have provided over the last decade—aid which this Congress was told would reduce Pakistan's motivation to seek the bomb.

President Bush, following his predecessor, seems to have now adopted the same views that were first uttered by James Buckley nearly a decade ago. He said in his recent certification that our aid remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device, and that our massive economic and military aid programs are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Both Presi-

dents have stated that our aid is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives.

The administration is now finding itself in the position of the Emperor with no clothes: Our policy holds that aid is needed to keep Pakistan from developing a bomb; yet Pakistan actively continues to pursue the bomb anyway, despite our aid, as it has been doing for almost a decade. Now, having learned the hard lesson that Pakistan will pursue its bomb program despite our aid, the administration argues: Let us increase the aid.

Mr. President, I submit that if we heed the administration's advice, Pakistan will end up with both our aid and the bomb—with corresponding lessons for other nations considering their own bombs. Pakistan wants to have its cake and eat it too, I understand that, but just how far can we play along at this game without sacrificing our other international obligations—especially our commitment to nonproliferation?

I will have more to say on this issue tomorrow. For now, let me conclude by saying I have no doubt that President Bush is personally committed to the cause of nuclear nonproliferation. I also am well aware that there are some competent, dedicated, and perhaps frustrated, professionals in our Government who are looking at this problem with clear vision. I do not intend to minimize the difficulty of the responsibility facing the President as he makes such decisions as a nuclear weapons certification.

The real test ahead is whether our Government can avoid the easy temptation to place short-term, bilateral diplomatic objectives above our long-term global responsibilities. In my view, the jury is still out on that fundamental issue.

The submitted material follows:

THE WHITE HOUSE,
Washington, October 5, 1989.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you with respect to Section 620E(e) of the Foreign Assistance Act of 1961, as amended, which requires an annual certification concerning Pakistan to permit assistance to be furnished and military equipment or technology to be sold or transferred to that country during the fiscal year. President Reagan made previous certifications in accordance with this section annually, beginning in FY86.

Information on the status of Pakistan's nuclear program is provided to Congress pursuant to Section 735 of the International Security and Development Cooperation Act of 1981 and Section 602 of the Nuclear Non-Proliferation Act, which requires the Administration to keep the appropriate committees of Congress fully and currently informed of activities that are of significance from the proliferation standpoint. In this regard, information bearing on my certification will be provided to Congress.

I have made my best judgment based on the information available to the United States Government, taken as a whole. I have also taken into account the fact that the statutory standard is whether Pakistan possesses a nuclear explosive device, not whether Pakistan is attempting to develop or has developed various relevent capacities. Based on the evidence available, and on the statutory standard, I have concluded that Pakistan does not now possess a nuclear explosive device.

We remain extremely troubled, however, by the continued risk of a South Asian nuclear arms race. Last year, President Reagan informed Congress that "as Pakistan's nuclear capabilities grow, and if evidence about its activities continues to accumulate, this process of annual certification will require the President to reach judgments about the status of Pakistani nuclear activities that may be difficult or impossible to make with any degree of certainty." Since that time, Pakistan has continued its efforts to develop its unsafeguarded nuclear program. At the same time, the new government of Prime Minister Benazir Bhutto has clearly disavowed the acquisition of nuclear weapons. Addressing a Joint Session of Congress on June 7, 1989, the Prime Minister said: "Speaking for Pakistan, I can declare that we do not possess, or do we intend to make, a nuclear device." Based on my own discussions with the Prime Minister and other extensive diplomatic contacts with Pakistan, I believe the government of Pakistan is fully aware of the requirements of U.S. law governing security assistance and of the serious consequences that would ensue, particularly with regard to regional security, should it prove impossible to make the certification required by law. The Administration will continue to make clear to Pakistan that our ability to certify depends on evidence that the assurances given by the Prime Minister are being implemented.

The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most security relationship and assistance program are the most effective means available for us to dissuade Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives. It also helps to sustain Pakistan's commitment to democratic government. As I noted above, Pakistan is clearly aware of the bilateral and regional implications of the cessation of our security assistance program should it acquire a nuclear explosive device. Thus, I believe the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

A copy of my certification pursuant to Section 620E(e) is enclosed.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE,
Washington, October 5, 1989.

PRESIDENTIAL DETERMINATION NO. 90-1

Memorandum for the Secretary of State.

Subject: Determination Pursuant to Section 620E(e) of the Foreign Assistance Act of 1961, as Amended.

Pursuant to Section 620E(e) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2375(e), I hereby certify that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

You are authorized and directed to publish this determination and certification in the Federal Register.

GEORGE BUSH.

PAKISTAN'S NUCLEAR ACTIVITIES AND NOTABLE U.S. POLICY ACTIONS: 1955 TO DATE—A CHRONOLOGY OF FOUR ERAS

ERA I—AFTER THE SOVIET INVASION OF AFGHANISTAN: 1979 TO DATE

September 30, 1987—Scheduled expiration of the President's authority to waive the cut off of U.S. aid under the Symington Amendment. (Sec. 669 of the Foreign Assistance Act)

July 17, 1987—Washington. Pakistan's Prime Minister, Mohammed Khan Junejo, in an interview of the NBC-TV's "Today" show says his country has no intention of building a nuclear weapon, and that its enrichment program is for peaceful purposes only.

July 16, 1986—Washington. Pakistani Prime Minister Junejo denies that his country is developing nuclear weapons, after being warned by the White House that such action would end U.S. economic and military assistance. Also, meeting with the Senate Foreign Relations Committee, he reportedly said that whatever nuclear work is going forward is for civil purposes and to meet the needs of a developing country, and that Pakistan is abiding by U.S. guidelines. (The Washington Post, July 17, 1986, p. A21)

Representative Wolpe criticizes Pakistan on apparent construction of nuclear weapons, cites destabilizing effects. (Cong. Red. p. H4487, daily ed.)

July 15, 1986—News report that the Soviet Union has warned Pakistan about its nuclear activities in direct and unusually tough terms, and that the Reagan Administration has responded with a private message to Moscow reiterating the strong U.S. commitment to Pakistan's security. (The Washington Post, July 17, 1986, p. A21)

July 13, 1986—Washington. In a special supplement in the Washington Post, the Pakistan government discussed many items including nuclear power. Concerning enrichment at Kahuta it said that the "modest exercise there in uranium enrichment is on a research and development scale. It is solely motivated by a desire to achieve a degree of self-reliance in the front end of the nuclear fuel cycle, i.e. a 3 percent enrichment of uranium." Higher enrichment is "far beyond Kahuta's capability or Pakistan's intention.

July 1986—Washington. At a state dinner, Prime Minister Junejo said Pakistan had offered various ideas for the renunciation of nuclear weapons in the region, and that he would agree to sign a non-proliferation treaty if India did. (The Christian Science Monitor, July 18, 1896. p. 8)

June 30, 1986—Report that Abdul Qadir Khan confirmed on Pakistan television that Pakistani scientists and engineers are working to develop indigenous facilities for the nuclear fuel cycle so Pakistan can have its own reactor and its own fuel. (Nuc. Fuel, June 30, 1986, p. 2)

March 31, 1986—New Delhi. The Indian Defense Ministry's annual report for 1985-86 says that Pakistan's determined quest for making a nuclear bomb and China's modernization program with military overtones have obvious bearing on India's security. (Delhi General Overseas Service, cited in FBIS/NPD Apr. 23, 1986, p. 53)

February 10, 1986—Islamabad. Prime Minister Junejo reiterates that Pakistan's nuclear program is totally peaceful and its only aim is the people's social and economic prosperity. (Address at the 20th anniversary of PINSTECH. Karachi Domestic Service, translated in FBIS/NPD Mar. 6, 1986, p. 33)

February 6, 1986—Islamabad. The arrival of the French Foreign Ministry's secretary general will provide opportunity for officials of Pakistan and France to attempt to resolve the festering bitter dispute over the reprocessing plant at Chashma. (The Muslim, FBIS/NPD, Mar. 6, 1986, p. 32)

December 21, 1985—Islamabad. Visiting Canadian Foreign Minister Joe Clark says that Canada would not resume nuclear fuel supplies to Pakistan because Islamabad does not seem ready to adhere to Canada's strict standards for nuclear cooperation. (FBIS/NDP, Feb. 4, 1986, p. 46)

December 17, 1985—President Zia of Pakistan and Prime Minister Gandhi of India pledge not to attack each other's nuclear facilities. (The New York Times, Dec. 18, 1985, p. 1)

December 1985—Pakistan is elected a member of the IAEA Board of Governors for a term of two years.

October 30, 1985—TASS quotes the Indian Tribune as reporting Pakistan ready to test a nuclear explosive in China, in the Taklamakan desert. (FBIS/NPD, Nov. 25, 1985, p. 43)

October 23, 1985—New York. President Zia addresses the United Nations General Assembly. He reaffirms Pakistan's policy of "developing nuclear energy for peaceful purposes only and its irrevocable commitment not to acquire nuclear weapons or nuclear explosive devices. He reiterated Pakistan's proposals to India which include: simultaneous accession by India and Pakistan to the NPT; (2) simultaneous acceptance by both of full-scope IAEA safeguards; (3) mutual inspection of each other's nuclear facilities; (4) joint declaration renouncing the acquisition or development of nuclear weapons; and (5) establishment of a nuclear weapons free zone in South Asia.

October 22, 1985—PRAVDA says Pakistan has either already tested nuclear weapons in Xinjiang, China, or is on the verge of doing so. (FBIS/NPD, Nov. 25, 1985, p. 64)

October 1985—President Reagan certifies to Congress that Pakistan did not possess a nuclear explosive device, and that U.S. security assistance would reduce significantly the risk that Pakistan would possess such a device. (Dept. of State, Daily Press Briefing, July 15, 1986, p. 2)

September 28, 1985—The U.S. Ambassador to Pakistan says in Lahore that the United States is prepared to cooperate with Pakistan in nuclear energy if it will accept full-scope safeguards. (Nuc. Eng. Int., Dec. 1985, p. 8)

August 8, 1985—President Reagan signs the International Security and Development Cooperation Act of 1985, P.L. 99-83. It amended the Foreign Assistance Act of 1961 by adding a prohibition of assistance, sales or transfers of military equipment or technology to Pakistan unless the President certifies during each fiscal year to Congress that Pakistan does not possess a nuclear explosive device and that the proposed U.S. assistance will significantly reduce the risk that Pakistan will possess such a device. The Act also amended the Foreign Assistance Act to prohibit military and economic assistance to any non-nuclear weapons state which illegally exports, or attempts to illegally export, from the United States items which would "contribute significantly" to the ability of such country to make a nuclear explosive device.

July 25, 1985—New Delhi. French embassy officials dismiss a claim by India that France is planning to sell a nuclear reactor to Pakistan. (Journal of Commerce, July 25, 1985, p. 9A)

June 20, 1985—The IAEA Board of Governors approves continuation of technical assistance to Pakistan to modernize control and instrumentation systems for the PINSTECH reactor. (Nuc. Week, June 20, 1985, p. 17)

June 12, 1985—Pakistan's Foreign Minister, Zain Noorani, says Pakistan has a peaceful atomic program has no capability to develop bombs; and that Pakistan is prepared, jointly with India, either to adhere to the non-proliferation treaty or to accept full-scope IAEA safeguards. (FBIS/NPD, July 15, 1985, p. 59)

June 4, 1985—Senator Proxmire cautions against further spread of nuclear weapons, refers to Pakistan. (Cong. Rcd, p. S7298, daily ed.)

June 1985—ABC News says that Pakistan has successfully detonated the triggering package for a nuclear weapon, using a U.S.-made krytron. (L. Spector, The Nuclear Netherworld. Issues in Science and Technology, Summer, 1986, p. 98)

May 1, 1985—President Reagan transmits to Congress a report on Pakistan's nuclear program. (Exec. Comm. 1159, to the House Committee on Foreign Affairs. Cong. Rcd. May 1, 1985, p. H2787)

May 1985—Pakistan. As many as five 1000 MWe nuclear reactors will be required during the next two decades, according to the Pakistan Atomic Energy Commission. Its latest assessment of electricity needs indicates that if the total generating capacity is to reach 18,000 MWe by the year 2000, the required nuclear share will be at least 5,000 MWe. (Nuc. Eng. Int., April 1985, p. 15)

April 25, 1985—New Delhi. Pakistan's ambassador to India quotes President Zia as having said that Pakistan has enriched uranium up to 5 percent, and said Pakistan has no intention of developing an atomic bomb. (The Washington Times, April 26, 1985, p. 5A)

Karachi. French Ambassador Roger Duzer reportedly discloses that France has not closed the chapter on the sale of a reprocessing plant to Pakistan, and that discussions continued. (Nuc. Week, April 25, 1985, p. 19)

March 28, 1985—Pakistan. PAEC is modernizing the instrumentation and controls of the 5 MWe research reactor at PINSTECH. (Nuc. Week, Mar. 28, 1985, p. 11)

March 25, 1985—Lahore. PAEC Chairman Munir Ahmed Khan makes a strong plea for waiver of all restrictions on transfer of nuclear technologies from industrialized to developing countries. (His inaugural address at the 7th working group meeting of the Regional Cooperative agreement of the IAEA) (Karachi Dawn. Mar. 26, 1985, cited in FBIS/NPD May 23, 1985, p. 76)

The journal of the PAEC said that Pakistan is able to explore and mine its own uranium, refine and upgrade it, fabricate it into fuel, and finally use it in a commercial power reactor to produce electricity. (Nuc. Fuel, Mar. 25, 1985, p. 10)

Pakistan is planning to establish 5,000 MWe of nuclear capacity by the year 2000, including a 900 MWe nuclear unit to be commissioned by the early 1990's (Statement by PAEC chairman Munir Ahmad Khan at working group meeting of the IAEA in Lahore. (Karachi Domestic Service. Cited in FBIS/NDP Apr. 29, 1985, p. 41)

March 1, 1985—President Zia in an interview reiterates that enrichment from the Kahuta plant is less than 5 percent. (Christian Science Monitor, March 1, 1985)

March 1985—Report that Pakistan has laid off 200 workers at the Kahuta enrichment plant and also assigned some non-nuclear duties to A.Q. Kahn. (Foreign Report, March 1985)

February 25, 1985—American intelligence officials reported to confirm Pakistan has enough plutonium and highly enriched uranium to make nuclear weapons. (The New York Times, Feb. 25, 1985, p. A1, A8)

Washington. The State Department, responding to reports that Pakistan tried to get timing devices from the U.S. for nuclear bomb triggers (krytrons), said that the Pakistani Government has given assurances that its nuclear program is peaceful in intent, and that the United States does not believe Pakistan has nuclear explosive devices or that it is in a position to make them. (The New York Times, Feb. 26, 1985, p. 10)

February 24, 1985—President Zia reportedly announces Pakistan had been able to produce a small amount of low-enriched uranium. (Spector, New Nuclear Nations, 1985, p. 118)

Washington. The Government of Pakistan operated within the United States for nine months in an attempt to illegally obtain timing devices (krytrons) that could trigger a nuclear bomb. (The New York Times, Feb. 25, 1985, p. 1)

February 13, 1985—In an interview in Pakistan, Peter Tempus, IAEA deputy director general for safeguards, expresses satisfaction on the way IAEA safeguards are implemented in Pakistan. (Nuc. Week, Feb. 14, 1985, p. 13)

January 20, 1985—Beginning of President Reagan's second term.

December 1984—Spain's nuclear engineering firm, Sener SA, is to extend its open-ended contract with Pakistan's Atomic Energy Commission for two more years. (Nuc. Week, Dec. 6, 1984, p. 9)

During a visit to Pakistan, West German chancellor Helmut Kohl told President Zia that German assistance may be available for the 900 MWe Chashma nuclear power plant if Pakistan signs the non-proliferation treaty. (Nuc. Eng. Int., Dec. 1984, p. 8)

November 18, 1984—Pakistan. At a press conference, Soviet Ambassador Vitali Simirnov says it would not be possible for the Soviet Union to participate in Pakistan in the construction of an atomic power plant, but gives no specific reasons. (Nuc. Week, Nov. 22, 1984, p. 1)

November 16, 1984—Pakistan's Foreign Minister, Yaqub Ali Kahn, on a visit to Washington reportedly gives the White House a reply to President Reagan's letter of September that indicates Pakistan's read-

iness to adopt the U.S. recommended approach for enrichment at Kahuta. (Spector, New Nuclear States, p. 117)

October 4, 1984—Pakistan denies its graphite purification is for its nuclear program. (Nuc. Week, Oct. 4, 1984, p. 3)

September 30, 1984—Karachi. Dr. Abdul Qadir Kahn, head of Pakistan's enrichment project, said in an exclusive interview with Alami Islamia Digest, that Pakistan has perfected the process for enriching uranium and if it wanted to do so, could make not only an atomic bomb but a hydrogen bomb as well. (Karachi Jasarat, translated in FBIS/NPD Nov. 2, 1984, p. 39)

September 12, 1984—President Reagan, in a letter to Pakistan President Zia, warns that Pakistan risks losing U.S. military because of its nuclear program. (Wall Street Journal, October 25, 1984, Foreign Report, December 1984, p. 37)

August 14, 1984—Unconfirmed report that China has supplied Pakistan with some highly enriched uranium. (Financial Times, Aug. 14, 1984)

August 2, 1984—Report of Pakistan producing pure graphite for reactor use. (Nuc. Week, August 2, 1984)

July 26, 1984—A senior Reagan Administration official reportedly says that Pakistan has produced weapons grade uranium at its Kahuta enrichment plant. (Washington Times, July 26, 1984, p. 1A)

Representative Stark advocates all U.S. aid to Pakistan and other nations that continuing atmospheric testing of nuclear weapons; denounces Pakistan's pursuit of nuclear weapons capability. (Cong. Rcd., p. E3317)

Three Pakistanis indicted for attempting to ship to Pakistan electronic parts (krytrons) that could be used in atomic weapon triggers. (The Washington Post, July 17, and July 21, 1984, p. A3)

July 24, 1984—Washington. Pakistan is secretly producing weapons-grade nuclear material at its Kahuta uranium enrichment facility according to a senior administration official. (The Washington Times, July 25, 1984)

July 16, 1984—Houston. A federal grand jury indicts three Pakistanis for trying to ship parts for nuclear weapons to Pakistan, court records showed. (The Washington Post, July 17, 1984)

July 10, 1984—Islamabad. In an address to parliament, President Zia says Pakistan has a research and development project for uranium enrichment at Kahuta. It is of modest scale and designed entirely for acquiring technology to meet Pakistan's future power generation requirements. Also the plutonium facility at PINSTECH is too small to produce enough material even over a period of several decades for a single explosive device; and Pakistan has no team for designing nuclear weapons. (Information Division, Embassy of Pakistan)

Rawalpindi. President Zia in an interview says he remained confident that U.S.-Pakistani cooperation to deter further Soviet expansion would not be disrupted by renewed congressional allegations that his country was rapidly developing a nuclear bomb. He flatly denied the allegation and charged that Senator Cranston was ill informed and politically motivated. (The Wall Street Journal, July 10, 1984, p. 1)

July 5, 1984—Pakistan's Atomic Energy Commission budget for 1984-85 is $35 million, including $10 million for the Chashma nuclear power project and $4.5 million for a classified fuel reprocessing project. It does not mention the enrichment work at Kahuta. (Nuc. Week, July 5, 1984, p. 13)

July 1984—Three Pakistani arrested in Houston while attempting to smuggle high-speed electronic switches (krytrons) to Pakistan. The Washington Post, July 21, 1984)

June 25, 1984—Senator Cranston places in the Congressional Record a corrected version of his remarks of last week on Pakistan's nuclear activities. He cites four new facts as indicating Pakistan has "acquired all the capability necessary to produce its own nuclear weapons:" (1) Pakistan has operated and expanded its clandestine enrichment facility at Kahuta; (2) Pakistan has operated its clandestine reprocessing facility at PINSTECH; (3) Pakistan has expanded its weapons design team and stepped up imports of nuclear warhead parts; and (4) Pakistan's KANUPP reactor has been subject to continuing failures in its safeguards system, making plutonium diversion highly feasible. (Cong. Rcd., June 25, 1984, p. S8147—daily ed.)

Senator Cranston inserts his speech to the Jonathan Institute Conference on International Terrorism on the threat of nuclear weapons spread in Iran, Iraq, Libya and Pakistan. (Cong. Rcd., p. S8144)

June 22-23, 1984—Reports that China has helped Pakistan with enrichment. (The New York Times, June 22, 1984, June 23, 1984)

June 21, 1984—Senator Alan Cranston details evidence that Pakistan can produce nuclear weapons; says Pakistan has completed construction of 1000 centrifuge units at Kahuta, enough to produce 15 kilograms of highly enriched uranium annually. (Cong. Rcd., p. S7901)

Senator Cranston calls the attention of the Senate "substantial new evidence that Pakistan has acquired all the capability necessary to produce its own nuclear weapons." (Cong. Rcd., June 21, 1984, p. S7901)

June 9, 1984—Washington. Despite repeated assurances from Pakistan that it is not developing nuclear weapons, U.S. officials remain concerned about signs of continuing nuclear activities there. Spokesmen for both the White House and the State Department describe this concern, responding to a speech by Senator Cranston asserting that Pakistan has continued a broad-based program that may be nearing the nuclear weapons testing stage. (The Wall Street Journal, June 10, 1984, p. 58)

June 1984—Pakistan. Having received no bids for a 900 MWe unit at Chashma from 12 suppliers originally approached in December 1982, Pakistan has put back the target date for completion to 1991, and has left the call for bids opn. (Nuc. Eng. Int., June 1984, p. 13)

March 1984—The Senate Foreign Relations Committee at the request of the Reagan administration, substitutes an alternative amendment to the foreign assistance authorization for 1984-85 to require that as a condition of supply the President certify that Pakistan did not possess an actual nuclear explosive device. (L. Spector, Nuclear Proliferation Today, p. 103)

March 28, 1984—Senators John Glenn and Alan Cranston propose an amendment to the 1984-85 foreign assistance authorization to cut off U.S. aid to Pakistan unless the President certifies that Pakistan does not possess a nuclear explosive device, and was not acquiring the technology, equipment or material for manufacturing or detonating one. The Foreign Relations Committee passed this unanimously. (Spector, Nuclear Proliferation Today, p. 102)

March 20, 1984—Islamabad. President Zia reappoints Munir Ahmad Kahn as chairman for Pakistan's Atomic Energy Commission for another three years.

February 23, 1984—Senator Humphrey calls for reassessment of U.S. nuclear export standards and puts into the record articles about the nuclear capabilities of Pakistan and other countries. (Cong. Rcd., p. S1651)

February 9, 1984—Lahore. In an interveiw in Nawa-i-Waqt, Abdul Qadir Kahn says that Pakistan could enrich uranium and produce its own atomic bomb if necessary. (The New York Times, Feb. 10, 1984, p. A4)

February 1984—Abdul Qadir Kahn, head of Pakistan's uranium enrichment project, says in an interview that Pakistan is now among the few countries in the world that can "efficiently enrich uranium." He also said Pakistan has the capacity to make an atom bomb. (The Washington Post, Feb. 10, 1984)

In another interview, Kahn says an explosion is not necessary to gain a nuclear capability, (Nuc. Fuel, Feb. 27, 1984, p. 11)

President Zia reportedly said "Pakistan had acquired very modest research and development capability very successfully . . . for peaceful purposes." (Nuc. Fuel, Feb. 27, 1984, p. 11)

December 31, 1983—Deadline for submitting bids for large nuclear power plant in Pakistan passes without any bids having been submitted.

December 22, 1983—Pakistan asks the Soviet Union for help in construction of the proposed 937 MWe Chashma nuclear power plant. (Nuc. Week, Dec. 22, 1983, p. 3)

December 1983—Pakistan's Finance Minister Ghulam Ishaque during a visit to Moscow requests Soviet aid for the Chashma nuclear power project. (Nuc. Week, Dec. 22, 1983, p. 3)

November 10, 1983—Report that Pakistan's Planning Minister, Mahboob-ul-Haq, said nuclear power could be produced at half the cost from other fuels, and that under no circumstance would Pakistan abandon the Chashma project and yield to the policy of "nuclear colonization." (Nuc. Week, Nov. 10, 1983, p. 8)

November 1983—Report the French government has refused to let Framatome bid on Pakistan's proposed Chashma nuclear power plant. (Nuc. Eng. Int., Nov. 1983, p. 4)

July 8, 1983—Canadian Minister for External Affairs, Allan MacEachen, says in Islamabad that there can be no nuclear cooperation between Canada and Pakistan until the latter signs the non-proliferation treaty or agrees to full-scope safeguards. (Nuc. Week, July 14, 1983, p. 8)

April 7, 1983—Report that the Reagan Administration was furious over French Foreign Minister Claude Cheysson's statement in Islamabad last week that France would not require full-scope safeguards for supply of a nuclear power plant. The U.S. has been working to convince other suppliers to require full-scope safeguards as a condition. (Nuc. Week, Apr. 7, 1983, p. 5)

April 1983—The French reactor supplier, Framatome, reportedly was authorized by the French Government to bid on the 900 MWe nuclear power plant for Chashma. (Nuc. News, April 1983, p. 87)

March 3, 1983—The IAEA Director General, Hans Blix, informed the Agency's Board of Governors last week that the IAEA was again able to properly safeguard the KANUPP nuclear power plant. (Nuc. Week, Mar. 3, 1983, p. 1)

March 1983—French Foreign Minister Claude Cheysson says in Islamabad that France was prepared to sell to Pakistan a large nuclear power plant, and that he did not agree with the U.S. position that sales not be made to countries with some unsafe-

guarded nuclear facilities. (Nuc. News, Mid-April, 1983, p. 25A)

February 1983—Report that China has provided Pakistan with sensitive information about design of nuclear weapons. (The Washington Post, Feb. 28, 1983)

December 9, 1982—Report that Pakistan has invited bids for a 900-1000 MWe nuclear power plant for Chashma and that tender documents had been issued to over a dozen qualified nuclear suppliers. (Nuc. Week, Dec. 9, 1982, p. 3)

December 7, 1982—President Zia and President Reagan meet at the White House. Zia is forcefully reminded of the U.S. commitment against nuclear proliferation and belief that Pakistani security will not be assisted by nuclear weapons. Zia stresses his country has no intention of developing nuclear weapons, but forcefully argues the right of developing countries to have nuclear energy. (The Washington Post, p. A1, and the New York Times, Dec. 8, 1983, p. A6)

November 1982—Pakistan agrees to allow installation of new safeguards equipment at KANUPP. (The Washington Post, Nov. 17, 1982, p. A25)

October 10, 1982—Pakistan is trying to revive nuclear cooperation with Canada. President Zia tells reporters he would try to convince the Canadian leaders that Pakistan's nuclear program is for peaceful purposes. (Nuc. Week, Oct. 14, 1982, p. 4)

September 1982—U.S. Officials reportedly are disturbed by intelligence reports suggesting China has helped Pakistan with uranium enrichment. (The New York Times, Sept. 19, 1982)

August 19, 1982—A Reagan Administration official in an interview indicates China has provided Pakistan with sensitive information about design of nuclear weapons. (Nuc. Week, Aug. 19, 1982, p. 2)

June 17, 1982—Report that the Reagan Administration is trying to bring potential suppliers of a large nuclear power plant to Pakistan into line with U.S. policy of requiring full-scope safeguards. (Nuc. Week, June 17, 1982, p. 1)

April 20, 1982—U.S. Ambassador Ronald I. Spiers, in a speech at the Karachi Institute of Foreign Relations, warns that U.S. aid would be jeopardized if Pakistan begins to reprocess spent fuel at its unsafeguarded New Labs plant. (International Communications Agency news release, Apr. 20, 1982, p. 13)

April 15, 1982—Report that Pakistan's National Economic Council approved construction of a 937 MWe nuclear unit at Chashma at an estimated cost of $1.5 billion. (Nuc. Week, Apr. 15, 1982, p. 2)

March 5, 1982—IAEA safeguards agreement for the Pakistan Research Reactor enters into force. (IAEA Information Circular 34)

February 11, 1982—President Reagan uses his authority under section 669 of the Foreign Assistance Act to waive the cut-off of U.S. economic and military aid to Pakistan.

January 26, 1982—Paris. President Zia says that his country has no intention of acquiring a nuclear arsenal, and that it has neither the capacity nor the intention of producing nuclear arms. (This in response to a news report that Pakistan would be able to detonate a nuclear device within three years. (The New York Times, Jan. 26, 1982, p. A3)

January 23, 1982—Washington. Report of a CIA report that concludes Pakistan could detonate a nuclear device within the next three years, but is not likely to do so. (The New York Times, Jan. 24, 1982, p. 6)

1982—Cold test of pilot reprocessing plant at Rawalpindi (Spector II)

December 29, 1981—P.L. 97-113 enacted, adding a new Section (620E) to the Foreign Assistance Act of 1961 which allows the President to waive the prohibition on aid under Section 669, The Glenn-Symington amendment, in order to provide aid to Pakistan. Also section 670 was amended to cut off economic and military aid to any country which transfers a nuclear explosive device to a non-nuclear weapons state, or is a non-nuclear weapons state and receives such a device or detonates one.

November 19, 1981—Report that in October, U.S. customs officials arrested a retired Pakistan army colonel trying to smuggle some zirconium metal onto an airplane in New York City. (The New York Times, Nov. 20, 1981, p. 1)

October 8, 1981—Pakistan could be ready to accept bids for a 600-900 MWe nuclear unit at Chasma in the first half of 1982, according to a well informed source. (Nuc. Week, Oct. 8, 1981, p. 2)

October 1981—IAEA director general Sigvaard Eklund advised the IAEA Board of Governors that because Pakistan was able to fabricate fuel for KANUPP, the Agency could no longer certify that diversion had not occurred, and urged Pakistan to permit a substantial upgrading of the existing safeguards agreement for KANUPP. (Nuc. Week, Oct. 8, 1981, p. 6; Nov. 12, 1981, p. 4)

September 30, 1981—The Reagan Administration arms control and intelligence officials and international atomic energy inspectors are investigating what they describe as "suspicious" activities at Pakistan's nuclear power reactor. Administration officials stressed, however, that there was no proof that a diversion had occurred. (The New York Times, Sept. 30, 1981, p. 1)

September 25, 1981—Senator Cranston inserts in the record his testimony before the Senate Foreign Relations Committee opposing waiver on nonproliferation restriction on military sales to countries building nuclear weapons capabilities; refers to Pakistan's request for F-16 aircraft. (Cong. Rcd., p. S10519, daily ed.)

July 16, 1981—President Reagan says in a nuclear policy statement, in part, that his administration will continue to inhibit the transfer of sensitive nuclear items, particularly where the danger of proliferation demands, and to seek agreement on requiring IAEA safeguards for all nuclear activities in a nonnuclear weapons state as a condition for any significant new nuclear supply commitment.

July 2, 1981—West German firms reported to have supplied aluminum rods, vacuum pumps and other equipment to Pakistan. (Das Stern, July 2, 1981, p. 1-6)

June 28, 1981—Report of a State Department cable to the U.S. embassy in Turkey to urge the Turkish government to end secret shipments to Pakistan of sensitive equipment that could be used to build an atomic bomb. The State Department also said that Pakistan was actively seeking technology and material to make fuel for explosive devices, and was working to develop the triggering package for nuclear explosive devices. (The Washington Post, June 28, 1981, p. A16)

June 24, 1981—A State Department official testifies before the non-proliferation subcommittee of the Senate Committee on Governmental Affairs that U.S. military aid to Pakistan would advance U.S. non-proliferation policy and that President Zia had assured him it was not the intention of the Pakistan government to develop nuclear weapons. Nonetheless, he acknowledged that Pakistan appeared to be working towards a nuclear weapons capability. (Spector, Nuclear Proliferation Today, 91)

June 21, 1981—Report that Pakistan has been designing and building non-nuclear parts for nuclear weapons since 1981. (The Washington Post, June 28, 1981, p. A16)

June 2, 1981—Report that Turkish firms have resold U.S.-supplied electrical inverters to Pakistan, Presumably, for the enrichment project. (The Washington Post, June 28, 1981, p. A16)

June 1981—U.S. and Pakistan agree upon a six-year $3.2 billion aid plan, including 40 F-16 aircraft.

June 1981—The Reagan Administration authorizes resumption of military and economic aid to Pakistan cut off by the Carter Administration in April 1979. (The Washington Post, June 28, 1981, p. A16)

May 14, 1981—Report of Soviet willingness to assist Pakistan's nuclear development. (Nuc. Week, May 14, 1981, p. 7)

April 1981—Pakistan and the IAEA begin negotiations to upgrade safeguards for the KANUPP reactor.

March 26, 1981—Report that the Swiss firm, Cora Engineering, has halted deliveries to Pakistan of items believed destined for the enrichment facility after threats against the company and a bomb attack against one executive. (Nuc. Week, Mar. 26, 1981, p.7)

March 17, 1981—Senator Cranston warns that Pakistan—through continued purchases of sensitive hardware and dual-use technology in Europe—has achieved swift progress toward completing their new small reprocessing plant and has continued development of larger reprocessing the enrichment plants which could be used in weapons production. "The Government of Pakistan is apparently pressing ahead to a point where it will most likely have the capability and material for fabricating a number of nuclear weapons by the end of 1982," (Cong. Rcd., Mar. 17, 1981, p. S2236.)

January 18, 1981—Report that Saudi Arabia offered Pakistan $800 million to help make an H-bomb, on condition that the technology did not get into the hands of Iraq. (London Sunday Times, quoted in FBIS/NDP, Feb. 26, 1981, p. 1; also Foreign Report, Jan. 14, 1981, p. 1-2)

January 20, 1981—Beginning of President Reagan's first term.

1981—Pakistan said to be preparing a nuclear test site (L. Spector, Nuclear Proliferation Today, 1984, p. 70)

December 31, 1980—Report that British firms sold 31 electrical inverters to Pakistan and a metal finishing plant. (The Times of India, Dec. 31, 1980, FBIS/NDP, Feb. 10, 1981, pp. 36-37)

December 04, 1980—An Italian subsidiary to the French nuclear firm SGN reportedly supplied special steel vessels to Pakistan.

December 1980—Canada charges three men with illegally exporting certain U.S. electronic components to Pakistan (Washington Post, Dec. 7, 1980)

September 23, 1980—Munir Ahmed Kahn at the IAEA General Conference explains Pakistan's interest in reprocessing and eventually, in breeder reactors. (GG XXIV/INF/195, p. 2.)

Report of secret Pakistan effort to build a small reprocessing plant at PINSTECH (The Washington Post, Sept. 23, 1980)

Report that Swiss firms have supplied Pakistan with parts and equipment possible

for its enrichment project. (Nuc. News, Feb. 1981, p. 56)

Report that Pakistan has nearly completed construction of the New Labs reprocessing plant, with a capacity 1/10th that of Chashma, and could produce 10-20 kg plutonium annually. (The Washington Post, Sept. 23, 1980)

September 21-23, 1980—Reports that the Swiss government knowingly did not stop exports of sophisticated nuclear technology to Pakistan despite U.S. objection. (Washington Post, Sept. 21, 1980; New York Times, Sept. 23, 1980; Washington Star, Sept. 23, 1980)

September 1, 1980—Reports that Pakistan completed a nuclear fuel fabrication plant to supply the KANUPP reactor (Nuc. Week, Sept. 4, 1980, p.11)

June 18, 1980—French firms reported to have sold to Pakistan equipment of potential use in its reprocessing plants, including dissolvers, evaporators, mixer-settlers, and special vessels. (Foreign Report, June 18, 1980, p. 2)

May 1980—Report that PAEC has contracted with a Spanish firm for the first phase of design for a new nuclear power plant. (Nuc. Eng. Int., May 1981, p. 4)

April 10, 1980—Report that a Norwegian government-owned company has supplied Pakistan with zirconium tubes. (Attenposten, [Oslo] April 10, 1980. Cited in FBIS-NPD, June 25, 1980, pp. 1-2)

April 1980—Two Dutch firms reportedly sent sensitive equipment to Pakistan, including 6,200 tubes of special steel. (Nuc. Eng. Int., April 1980, p. 67; Nuc. News, April 1980, p. 67)

March 18, 1980—The Senate Foreign Relations Committee held a hearing on India and Pakistan nuclear issues.

February 28, 1980—Report that during a visit of a senior State Department official, Pakistan refuses to rule out testing of a peaceful nuclear explosive device. (The New York Times, Feb. 28, 1980)

February 1, 1980—The Carter Administration decides to seek an exemption to the cut off of economic and military aid to Pakistan under the Symington amendment. (The New York Times, Feb. 1, 1980)

February 1980—Niger sold 110 tons of uranium yellow-cake to Pakistan. (Nuc. Eng. Int., Feb. 1980: p. 11; Nuc. News, Feb. 1980, p. 91.)

U.S. officials visiting Islamabad offered increased aid, but also warned President Zia that a nuclear test would end any renewed U.S. assistance. (L. Spector, Nuclear Proliferation Today, P. 85)

January 7, 1980—Munir Ahmad Kham, chairman of the PAEC, says the necessary preliminaries for a 600-900 MWe nuclear power plant have been completed, and construction at Chasma could begin as soon as the "difficult financial position becomes easier." (FBIS/NPD, Feb. 1, 1980, p. 20)

1980—Start up of small heavy water plant at Multan.

Start up of uranium purification facility.

Start up of nuclear fuel fabrication plant as Chasma.

Start up of uranium conversion plant at Dera Chazi Kahn.

ERA II—THE ZIA PRESIDENCY: 1977 TO 1979

December 25, 1979—Soviet troops invade Afghanistan.

November 25, 1979—Reports that Pakistan had obtained from Libya as much as 100 metric tons of uranium concentrate (yellowcake) not subject to IAEA safeguards. (Washington Star, Nov. 25, 1979)

November 21, 1979—Islamabad. The U.S. embassy is burned.

October 1979—A Pakistani foreign affairs adviser tell members of Congress that President Zia is willing to pledge no detonations during his current administration. (Washington Post, Oct. 20, 1979)

September 17, 1979—Pakistan announces it intends to complete the Chashma reprocessing plant despite loss of French aid. (Nuc. Fuel, Sept. 17, 1979, p. 10)

September 6, 1979—Representative Stark urges U.S. to renounce use of nuclear weapons and inserts article on Pakistan's development of nuclear weapons. (Cong. Rcd., p. E4295)

August 17, 1979—According to U.S. intelligence officials, foreign intelligence indicate that an underground nuclear test site is being prepared in southern Pakistan. (The New York Times, Aug. 17, 1979)

August 12, 1979—Reports that the Carter Administration is preparing to step up its efforts to stop Pakistan's sensitive nuclear activities. Options included an offer to supply F-16 aircraft, or stronger economic sanctions, or covert action to disable the enrichment plant. (The New York Times, Aug. 12, 1979)

May 1, 1979—The Subcommittee on Energy, Nuclear Proliferation and Federal Services, Senate Committee on Governmental Affairs hold a hearing on the nuclear situation in India and Pakistan.

April 7, 1979—The Carter Administration reported to cut aid to Pakistan in dispute over Pakistan's enrichment effort. (The Washington Post, Apr. 7, 1979)

April 1979—The Carter Administration formally cut off economic aid and military assistance after attempts failed to persuade President Zia to abandon the Kahuta centrifuge enrichment project.

October 1978—U.S. military and economic aid to Pakistan is restored after the earlier cut off in September 1977 because of Pakistan importing items for its reprocessing plant in September 1977.

September 1978—Gen. Zia-ul-Haq becomes President of Pakistan.

August 1978—France stops performing under the reprocessing supply contract with Pakistan. (L. Spector, Nuclear Profliferation Today, p. 80)

Mid-1978—Press reports that two years earliers Pakistan had organized clandestine procurement of parts for an unsafeguarded centrifuge enrichment plant, thus circumventing existing nuclear suppliers controls.

March 10, 1978—President Carter signs the Nuclar Non-Profliferation Act of 1978, P.L. 95-242, which imposed conditions on U.S. nuclear cooperation that would prevent U.S. nuclear cooperation with Pakistan.

October 3, 1977—President Carter signs the International Financial Instiution Act of 1977 (P.L. 95-118) Section 701 directs the Secretary of State to instruct American executive directors at multilateral lending institutions to take into account in deciding on loans whether the recipient nation has detonated a nuclear device, or is not a party to the Nuclear Non-Proliferation Treaty.

September 1, 1977—The IAEA director general receives information from the Pakistan Atomic Energy Commission on advances in nuclear energy during 1976-77. Concerning nuclear power generation, PAEC said Pakistan would need more than 30,000 MWe of electricity by the end of the century, with 16,000 MWe to come from nuclear energy.

September 1977—The U.S. cuts off economic and military aid to Pakistan because of its continued receipt of French help with the Chashma reprocessing plant. (L. Spector, Nuclear Proliferation Today, p. 80)

August 4, 1977—President Carter signs the International Security Assistance Act of 1977, P.L. 94-329, amending the Symington amendment by providing different conditions for cut-off of U.S. economic and military assistance in connection with supply or receipt of the wherewithal to reprocess spent fuel. This new amendment (The Glenn amendment) added a new section 670 that provides for cutoff to any country that delivers or receives such assistance, and to any non-nuclear weapons state that detonates a nuclear explosive, with authority for a Presidential waiver if certain findings are made. (The Glenn-Symington Amendment)

ERA III—BHUTTO'S ADMINISTRATION AFTER INDIA TEST: 1974 TO 1977

July 5, 1977—Pakistan's Chief of the Army Staff, Gen. M. Zia-ul-Haq, deposes Prime Minister Bhutto, proclaims martial law, and takes control of the administration.

June 1977—France begins delay performance under the Chashma reprocessing contract and to add new conditions. (L. Spector, Nuclear Proliferation Today, p. 80)

April 7, 1977—President Carter in his statement on nuclear power policy voices concern for the further spread of nuclear weapons, which would be "vastly increased" by the "further spread of sensitive nuclear technologies" entailing access to plutonium or highly enriched uranium. He announces the U.S. will indefinitely defer commercial reprocessing and recycling of plutonium and continue to embargo the export of equipment or technology for enrichment or reprocessing.

March 2, 1977—IAEA safeguards agreement with Pakistan for yellowcake, from Niger, enters into force. (INFCIRC/248)

January 20, 1977—Beginning of President Carter's term.

January 1977—Pakistan says it will reduce KANUPP's electrical output while it tries to find an alternative source of nuclear fuel it can no longer get from Canada, which wants Pakistan to sign the non-proliferation treaty or accept full-scope IAEA safeguards. (Nuc. Week, Jan. 6, 1977, p. 6)

December 16, 1976—France declares it would discontinue exports of reprocessing facilities until further notice. This did not apply, however, to the existing contract with Pakistan.

October 28, 1976—President Ford in his nuclear policy statement calls for a worldwide moratorium on supply of reprocessing technology.

June 30, 1976—President Ford signs the International Security and Arms Export Control Act of 1976 (P.L. 94-329), amending the Foreign Assistance Act to cut off U.S. economic and military assistance to any country which delivers or receives technologies for reprocessing and enrichment unless certain conditions are met. (The Symington Amendment)

March 18, 1976—Trilateral safeguards agreement of the IAEA, France and Pakistan for the Chashma reprocessing facility enters into force. (INFCIRC/239)

Start-up of heavy water upgrading unit at Karachi.

Secretary of State Kissinger advises Prime Minister Bhutto that completion of the Chashma reprocessing plant would trigger a cut-off of U.S. economic and military assistance.

December 1975—Canada cuts off supply of fuel and spare parts for KANUPP; Pakistan

had refused to agree to continuation of safeguards at KANUPP if its agreement for nuclear cooperation with Canada were ended.

July 28, 1975—A BBC report says the French Embassy in Brussels had informed the French Foreign office that the PAEC chief had declared that whether or not the French Pakistan reprocessing deal went through, Pakistan plans to get a plant to make the small amount of plutonium needed for an explosive device using plutonium from KANUPP.

February 1975—The Ford administration lifts the U.S. arms embargo on Pakistan, begun in 1971 at the time of the Bangladesh War.

1975—Abdul Qadir Kahn leaves a Dutch engineering firm, the Physical Dynamics Research Laboratory (FDO) to return to Pakistan. FDO was helping to build the Dutch centrifuge enrichment plant at Almelo. (L. Spector, Nuclear Proliferation Today, p. 76)

France insists that the Chashma reprocessing plant be under IAEA safeguards.

December 1974—Canada revises its nonproliferation policy to require as a condition for supply either ratification of the NPT or an equivalent political commitment to nonproliferation, and accepted full scope safeguards.

October 1974—The French firm, Saint-Gorbain Techniques Norwelles (SGN) signs an agreement for construction of a large reprocessing plant in Pakistan. (L. Spector, Nuclear Proliferation Today, p. 75)

August 9, 1974—Beginning of President Ford's term.

ERA IV—FIRST STEPS: 1955 TO 1974

May 18, 1974—India detonates a nuclear device in the Rajasthan desert near the Pokharan mountains, with a reported yield of 15 kilotons.

1974—Pakistan begins construction of a small, secret reprocessing facility adjacent to the Pakistan Institute of Nuclear Science and Technology. (L. Specter, Nuclear Proliferation Today, p. 75)

December 6, 1973—Beginning of President Nixon's second term.

March 1973—The French company SGN and Pakistan signed a contract for basic design of a reprocessing plant at Chashma. (Weissman and Krosney, p. 75)

1973—Pakistan's Prime Minister Bhutto begins negotiations with France for purchase of a large reprocessing plant to be located at Chashma. (Weissman and Krosney, p. 162)

January 1972—After taking office, Prime Minister Bhutto convenes a group of scientists and announces that Pakistan would develop atomic weapons. (Weissman and Krosney, p. 75)

1972—Start up of KANUPP, 125 MWe nuclear power plant at Karachi.

1972—Pakistan has fewer than 600 nuclear scientists trained to the master's and doctoral levels. (Pakistan Atomic Energy Commission)

November 1971-March 1972—India defeats Pakistan in the second war. Eastern half of Pakistan becomes Bangledesh.

1971—Prime Minister Bhutto removes Ishrat Usmani as head of the PAEC because of his reported opposition to nuclear arms and appointed Munir Kahn, a supporter of nuclear weapons. (L. Spector, Nuclear Proliferation Today, p. 72)

After taking office, Prime Minister Bhutto convened a group of scientists and announced that Pakistan would develop atomic weapons (Weissman and Krosney, Islamic Bomb, p. 75)

March 5, 1970—The Nuclear Non-Proliferation Treaty enters into force. Pakistan was not a party.

October 17, 1969—Trilateral safeguards agreement of the IAEA, Canada and Pakistan enters into force for the KANUPP reactor. (INFCIRC/135)

January 20, 1969—Beginning of President Nixon's first term.

1969—The PAEC establishes a reactor school.

June 17, 1968—IAEA safeguards agreement for Pakistan's KANUPP booster rods enters into force. (INFCIrC/116)

1965—PINSTECH, the Pakistan Institute of Science and Technology, Pakistan's principal nuclear research facility is established in Nilore, near Rawalpindi.

November 22, 1963—Beginning of President Johnson's term.

Pakistan signs an agreement with Canada to buy a Canadian heavy water power reactor.

Pakistan begins operating its first research reactor under IAEA safeguards.

January 20, 1961—Beginning of President Kennedy's term.

1961—Pakistan contracts with a Belgian company, Belgo-Nucleaire, to build a hot cell suitable for reprocessing at PINSTECH.

1960—The U.S. and Pakistan allows their agreement for nuclear cooperation to expire, anticipating that Pakistan could seek further nuclear assistance through the International Atomic Energy Agency.

The U.S. Atomic Energy Commission approves a grant of $350,000 to Pakistan for installation of a 5 MWe pool type research reactor at Rawalpindi, estimated total cost of the project $3.5 million.

1959—The Pakistan Atomic Energy Commission is established, modelled after the U.S. Atomic Energy Commission.

September 1-13, 1958—The second United Nations International Conference on the Peaceful Uses of Atomic Energy in Geneva.

The International Atomic Energy Agency is established with Pakistan as a member.

July 29, 1957—President Eisenhower ratified the international statute to establish the International Atomic Energy Agency.

The International Atomic Energy Agency is established in Vienna.

September 20, 1956—The statute for the International Atomic Energy Agency is opened for signature at the United Nations.

April 16, 1956—The Argonne National Laboratory initiates a third course in the International School of Nuclear Science and Engineering. Some of the 62 students came from Pakistan.

March 26, 1956—The Islamic republic of Pakistan is proclaimed.

March 1956—USAEC technical personnel visit Pakistan to discuss atomic energy programs.

August 8-20, 1955—The first International Conference on Peaceful Uses of Atomic Energy, in Geneva.

August 11, 1955—The U.S. agreement for nuclear cooperation with Pakistan takes effect.

March 14, 1955—The U.S. Atomic Energy Commission opens training in reactor technology at the Argonne School of Nuclear Science and Engineering. The first class included 31 foreign students.

1955—The U.S. Atomic Energy Commission concludes an agreement for cooperation in nuclear research with Pakistan.

Pakistan establishes an Atomic Energy Commission (PAEC), to survey the nation's uranium resources, establish a nuclear research center, and provide advice.

The U.S. Atomic Energy Commission begins negotiations of agreements for cooperation in civil uses of nuclear energy with 27 countries, including Pakistan. The agreements cover exchange of unclassified information on design, construction, and operation of research.

December 8, 1953—President Eisenhower's Atoms-for-Peace speech to the United Nations.

August 30, 1954—President Eisenhower signs the Atomic Energy Act of 1954, P.L. 83-703, opening the way for U.S. nuclear cooperation with other countries.

January 20, 1953—Beginning of President Eisenhower's administration.

August 14, 1947—Pakistan is constituted as a Dominion under the Indian Independence Act of 1947.

August 1, 1946—President Truman signs the Atomic Energy Act of 1946, cutting off virtually all U.S. nuclear cooperation with its wartime allies and other countries.

August 9, 1945—The U.S. atom bombs Nagasaki.

August 6, 1945—The U.S. atom bombs Hiroshima.

July 16, 1945—The U.S. tests the first nuclear explosive at Alamogordo, New Mexico.

April 12, 1945—Beginning of President Truman's administration.

NOTE.—Abbreviations used: Cong. Rcd.—Congressional Record; FBIS/NPD—Foreign Broadcast Information Service; Nuc. Eng. Int.—Nuclear Engineering International; Nuc. Fuel—Nuclear Fuel; Nuc. Week—Nucleonics Week.

ADDENDUM TO CHRONOLOGY, FROM WARREN H. DONNELLY, "PAKISTAN AND NUCLEAR WEAPONS," CRS ISSUE BRIEF NO. IB 86110, AUGUST 14, 1989

NOTE: A chronology for 1988 and earlier years is available from the author.

July 18, 1989—Paris. Prime Minister Benazir Bhutto, in Paris for celebration of the French Revolution Bicentennial, told reporters that she and PAEC chairman Munir Ahmed Kahn had discussed the question of France's breech of its reprocessing plant deal in a meeting with French President Francois Mitterand. (*Nucleonics Week*, July 20, 1989: 9)

July 17, 1989—Islamabad. Indian Prime Minister Gandhi told a press conference that Pakistan's nuclear program was "a big problem" in improving relations. He claimed that Pakistan's nuclear program is controlled entirely by the military, whereas "all our [Indian] nuclear facilities are open and listed and their performance debated by Parliament." However, Bhutto contested the assertion that the military is in complete control of Pakistan's nuclear program and reiterated her country's offer to resolve the nuclear issue with India on a bilateral, regional, or multilateral basis. (*Nucleonics Week*, July 20, 1989: 10)

July 16, 1989—Islamabad. Prime Minister Benazir Bhutto said her country was prepared to join "any arrangement" that would prevent the spread of nuclear weapons in South Asia. She said this at a banquet honoring Indian prime minister Gandhi upon his arrival for a visit. (*New York Times*, July 17, 1989: A2)

July 9, 1989—London. Prime Minister Benazir Bhutto in an interview on British TV denied that Pakistan was building a nuclear bomb and said she would like to work for nonproliferation with India. "Pakistan has not, nor do we have any intentions of putting together or making, a bomb, or taking

it to the point where you can put it together." (*New York Times*, July 10, 1989: A7)

June 30, 1989—Washington. India's Defense Minister, K. C. Pant, meeting with reporters and academics, cast doubt on Pakistan Prime Minister Bhutto's pledge that her country will not make nuclear weapons and summarily rejected her proposal for an Indo-Pakistani test ban treaty as a first step toward a regional nuclear-free zone. (*Washington Post*, July 1, 1989: A7)

June 29, 1989—Pakistan joined the World Association of Nuclear Operators (WANO) and the Candu Owners Group (COG) to get access to operating information. (*Nucleonics Week*, July 6, 1989: 6)

June 23, 1989—Islamabad. Munir Ahmed Khan, chairman of Pakistan's Atomic Energy Commission, said Pakistan has no desire to develop or acquire nuclear weapons, that the main objective of its peaceful nuclear program was to utilize technology for scientific, industrial and economic development. (*Hong Kong AFP*, June 23, 1989. In JPRS-TND-89-014, July 13, 1989: 16)

June 1989—Islamabad. In mid-June, Pakistan Foreign Secretary Humayum Khan and Indian Foreign Secretary S. K. Singh discussed the possiblity of opening their nuclear facilities to each other's inspection under a bilateral treaty. (*Nucleonics Week*, July 6, 1989: 11)

June 15, 1989—The Bush Administration dropped a previous demand that Pakistan pledge not to enrich uranium above 5%, according to U.S. and Pakistani officials. However, Pakistani Prime Minister Bhutto during her state visit last week promised that Pakistan will not produce weapons grade uranium. (*Washington Post*, June 15, 1989: A38)

April 1, 1989—Expiration date for the President's authority to waive the cut-off of U.S. economic and military aid to Pakistan.

October 1, 1989—Washington. Due date for FY 1990 aid to Pakistan for Presidential determination that Pakistan does not possess a nuclear device and that proposed U.S. assistance will reduce significantly the risk that Pakistan will possess such a device.

October 30, 1989—End of FY 1989 U.S. economic and military aid to Pakistan.

June 15, 1989—The Bush Administration has dropped a previous demand that Pakistan pledge not to enrich uranium above 5% according to U.S. and Pakistani officials. However, Pakistani Prime Minister Bhutto during her state visit last week promised that Pakistan will not produce weapons grade uranium. (*Washington Post*, June 15, 1989: A38)

June 10, 1989—Washington. Despite Prime Minister Bhutto's assurances this week that Pakistan does not intend to produce a nuclear bomb, the Bush Administration believes Pakistan is pressing ahead with some aspects of a weapons program. (*New York Times*, June 11, 1989: 5)

June 07, 1989—Pakistani Prime Minister Bhutto addressed a joint session of Congress and committed her nation to forgo development of nuclear weapons, saying: "Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy." (*Congressional Record*, June 7, 1989 11148).

May 23, 1989—Pakistan's Prime Minister Bhutto approved a 20-year program for nuclear power generation using reactors produced indigenously under a scheme called "co-manufacturing" being planned by the Pakistan Atomic Energy Commission. Pakistani companies would collaborate with some foreign firms in developing the reactors. (*Nucleonics Week*, May 25, 1989: 3)

May 19, 1989—Washington. CIA director William G. Webster testified before the Senate Governmental Affairs Committee that Pakistan was "engaged in developing a nuclear capability." "What creates problems for the United States is whether that capability has reached a point that it implicates the various amendments that apply to other assistance and relief for Pakistan." (*New York Times*, May 19, 1989: A7)

May 1, 1989—West Germany. West German criminal justice officials said they had independent evidence that a tritium extraction and purification facility exported to Pakistan in 1987 was intended to purify and store tritium from irradiated lithium targets. (*Nuclear Fuel*, May 1, 1989: 12)

April 30, 1989—Pakistan. Top Pakistani officials have denied that the Soviet Union had agreed to supply their nation with a nuclear power plant, as reported recently. The Soviet embassy in Islamabad also denied local press reports that it had agreed to supply a reprocessing plant to Pakistan. (*Nucleonics Week*, Mar. 30, 1989: 1)

April 27, 1989—Pakistan. Pakistan's opposition parties have alleged that Prime Minister Bhutto directed the shutdown of a critical department at the Kahuta enrichment facility to placate the U.S. and Indian Governments, which was "against the explicit advice of the country's defense planners." A government spokesman denied the charge, saying the plant was functioning normally. (*Nucleonics Week*, Apr. 27, 1989: 10)

April 21, 1989—West Germany. Two small West German companies admitted supplying nuclear weapons-related materials to Pakistan and disclosed that one of their unwitting sources for the materials (beryllium) was India. (*Wall Street Journal*, Apr. 21, 1989: A12)

April 13, 1989—Argentina was seeking nuclear cooperation with India and Pakistan in an abrupt departure from past policy. (*Nucleonics Week*, Apr. 13, 1989: 3)

March 23, 1989—Pakistan. Report that last week the Soviet Union had agreed to supply a nuclear power plant to Pakistan and that talks were being held with a visiting Soviet delegation. An American official said Washington was worried about the apparently imminent contract. (*Nucleonics Week*, Mar. 23, 1989: 1)

March 21, 1989—Bonn. A West German news magaine, *Stern*, reported that more than 70 West German firms had helped Pakistan to develop an atomic bomb and that Bonn officials ignored intelligence reports about strategic exports related to the project. (*Washington Post*, Mar. 22, 1989: A27, a translation appears in FBIS-WEU-89-054, Mar. 22, 1989: 11)

March 6, 1989—Washington. The U.S. Government has issued about 100 specific communiques to the West German government about planned exports to the Pakistan Atomic Energy Commission and its affiliated organizations. (*Nuclear Fuel*, Mar. 6, 1989: 12)

February 17, 1989—Washington. Pakistan Ambassador Jamsheed K. A. Marker in a letter to the *Washington Times* said that Pakistan's nuclear program is entirely peaceful and geared to meet the country's energy requirements. (*Washington Times*, Feb. 17, 1989: F2)

February 2, 1989—Washington. Pakistan's ambassador in a press release responding to Congressman Solarz's proposal said that Pakistan was not prepared to accept any discriminatory treatment under the NPT. "The cause of nonproliferation in this region could only be promoted through non-discriminatory and equitable measures." Pakistan would be prepared to consider "any constructive ideas/proposals as long as they were equitable and non-discriminatory and did not impinge on Pakistan's sovereignty." (Press release dated Feb. 2, 1989)

January 31, 1989—Washington. Following his visit to India and to Pakistan, Representative Stephen Solarz at a press conference hinted that Pakistan had reacted positively to his proposal that the U.S. would sell nuclear reactors to Pakistan if it would accept full-scope safeguards. He said that there was some reason to believe that elements within the Pakistan Government would look favorbably on such an arrangement. (*Washington Times*, Jan. 31, 1989: A6)

January 30, 1989—Washington. The U.S. State Department said that it could not prejudge the decision of President Bush about the renewal of the annual certification to Congress that Pakistan does not possess a nuclear explosive device. According to the department, "As in the past, the President will make a decision on certification based on a thorough review of available information on Pakistan's nuclear activities." (*Hindu* [New Delhi] Feb. 1, 1989)

January 20, 1989—New Delhi. Report that Soviet Ambassador to Pakistan, Victor P. Yakunin, has said his country is actively considering the construction of a nuclear power plant in Pakistan. (*Hindustan Times* [New Delhi] Jan. 12, 1989.

January 19, 1989—The Pakistani press reported last week that talks will soon resume between France and Pakistan on the construction of a PWR plant at Chashma. A senior French official said, however, there was nothing new in the bilateral nuclear talks and expressed surprise at the Pakistani reports. (*Nucleonics Week*, Jan. 19, 1989: 11)●

SUPPORT RETAIL COMPETITION ENFORCEMENT ACT

● Mr. BOSCHWITZ. Mr. President, I rise today to join my colleagues, as a cosponsor of S. 865, which is designed to clarify existing antitrust laws regarding resale price fixing.

As you know, vertical price fixing is the practice where suppliers dictate the retail price distributors charge, sometimes at the insistence of individual retailers seeking to avoid price competition from discounters. For many years, the Supreme Court has strictly interpreted antitrust laws to prohibit this practice, but recent decisions have made the standards confusing to apply.

Vigorous enforcement of our antitrust laws have made it possible for discount businesses to flourish, saving consumers countless billions of dollars. Low- and moderate-income families rely heavily upon discount stores to buy clothes, appliances, and other household goods.

S. 865 is intended to promote retail competition in two ways. First, it would establish that a vertical price-fixing conspiracy is per se illegal, that is it is presumed to harm competition. Second, the bill clarifies a point of evidence by establishing the legal standard for allowing a jury to consider evi-

dence and determine the existence of a conspiracy.

This bill is similar to legislation passed unanimously by the House during the 100th Congress, and which was reported favorably by the Senate Judiciary Committee. The version that has been introduced in this Congress seeks to address the concerns raised last year about the legal standard used to determine when a price-fixing case can go to a jury. I think a good compromise has been reached, and I am hopeful that my colleagues will join me in supporting this legislation.●

TRIBUTE TO MICKEY WEISS

● Mr. WILSON. Mr. President, I rise today to bring to the attention of my colleagues a true humanitarian and philanthropist in California, Maurice "Mickey" Weiss. Mr. Weiss is vice president of the Los Angeles Wholesale Produce Market Charitable Distribution Center.

Mickey Weiss has been involved in the produce industry in Los Angeles for the last 50 years, in a business his immigrant father began by selling fruits and vegetables from a truck. Seeing a need to feed the growing number of hungry people, Mickey Weiss organized the charitable distribution center through the Los Angeles Wholesale Produce Market.

With the assistance of the Los Angeles County Department of Agriculture and the California Truckers Association, Mickey Weiss arranged for all of the produce left over after each morning's wholesale distribution to be donated to over 300 credentialed charities. This simple system has fed over 1,500,000 Californians in 2½ years, at no cost to the Government.

Hungry families, most with young children, have benefited enormously from Mickey Weiss' silent good will. It is through his ingenuity and persistence that thousands of individuals are fed on a daily basis while we all work to solve the problem of hunger and homelessness in our country. Through Mickey Weiss' efforts, the hungry in Los Angeles and in the earthquake stricken bay area are more fortunate. We, as a Nation, following Mickey Weiss, must work a little harder in this time of thanksgiving to provide for those who do not have the means to provide for themselves.

I applaud Mickey Weiss and consider his humanitarian efforts a model for us all to emulate during this holiday season.●

U.S. RELATIONS WITH A CLOSE ALLY

● Mr. ROTH. Mr. President, I would like to take the time of the Senate to discuss certain problems which I perceive to be inherent in a piece of legislation pending before us, namely, Senate Joint Resolution 212. The resolution in question designates April 24, 1990, as "National Day of Remembrance of the Seventy-fifth Anniversary of the Armenian Genocide of 1915-1923."

Mr. President, I am not a professional historian. Indeed, few of us in this body are historians. However, I am aware that the historical record on the matter is extremely cloudy and that many of the documents relative to this case are only just being made available to researchers.

However, I do not intend to pursue this historical point. Rather, my aim is a practical one. What do we hope to achieve through passage of this resolution? We know that our Turkish allies find this resolution noxious in the extreme. We also know that Turkey has made a difficult, painful transition to democracy from military dictatorship. Do we sincerely wish to endanger the political transformation of Turkey, a transformation which we, ourselves, have demanded for so many years? Make no mistake, we cannot afford to pretend that this resolution will be legislated in a vacuum; it will have a profound impact in Turkey itself. Do we not remember that not very long ago Turkey was riven by violent political extremists of the right and the left. Why would we want to put ammunition into the hands of those extremists? Why would we want to enable them to declare in the Turkish press that the United States, the defender of democracy, pours scorn upon its ally on the international stage? Is this how we reward those who decide to take the steps on the road to democracy which we, ourselves, advocate so loudly?

Remember, also, that Turkey is not merely our diplomatic friend; it is also our close military ally. Its contribution to the defense of the North Atlantic Treaty Organization is well known though I would have to say that, in my opinion, that contribution is insufficiently appreciated. Frankly, Mr. President, I believe that if all of the members of NATO were willing to match the Turkish commitment to the alliance, our bitter, ongoing burden sharing debate would be at an end.

Moreover, the government and people of Turkey make vital indirect, as well as direct, contributions to NATO. Turkey plays willing host to U.S. forces on its own soil. When we consider the many difficulties now facing our diplomats as they attempt to negotiate basing agreements around the world, cannot we show some gratitude to Turkey, one of the very few governments which has welcomed United States forces?

In addition, for more than 20 years, we have urged the governments of the Arab world to end their diplomatic isolation of the state of Israel and to make peace with the Jewish people. The Government of Turkey is one of the very few governments of an Arab nation which maintains cordial diplomatic relations with the state of Israel. Once again, I must ask, why are we apparently determined to humiliate one of the very few Arab governments which acts in accordance with the United States policy aim of negotiating peace between Israel and its neighbors?

Mr. President, this body has repeatedly placed itself upon record condemning the actions of international terrorist groups. I am sure that the proponents of Senate Joint Resolution 212 do not wish to condone the heinous acts of Armenian terrorist groups. On the other hand, I must ask who, in the final event, will draw succor from the passage of this resolution, the practitioners of terrorism or our friends in Turkey—the victims of those terrorist groups?

All too often, this Nation appears to pursue the most eccentric human rights policies. We unearth and criticize the historical errors of our friends while we turn a blind eye to the murderous actions of governments of today. How would we, ourselves, feel if the Turkish Government began to condemn our past treatment of native Americans, or our historic involvement in the African slave trade and our exploitation of slavery? Would we not assert that we should turn our attention to human rights questions of more pressing, current concern? The world is quite full enough with murder and persecution. Cannot we turn our attention to those appalling events rather than humiliating a close ally through raising a disputed historical event?

To sum up, Mr. President, Turkey has proved a good friend to the United States. As a good friend, it deserves to be treated well. I sincerely believe that this resolution does not constitute the type of treatment which our good friend deserves at our hands.●

S. 700—IMPORTANT LEGISLATION AT A MODEST COST

● Mr. DOMENICI. Mr. President, earlier this year I introduced S. 700, the Environmental Infrastructure Act of 1989.

This is an important legislation, and I am delighted that my good and distinguished friend from Oklahoma [Mr. BOREN] has agreed to join me as the primary cosponsor of the bill. His participation will be very important.

S. 700 seeks to assist State and local governments in issuing bonds to build infrastructure to improve the environment—water supply systems, sewage treatment facilities, solid and hazardous waste disposal systems, and investments needed to meet EPA requirements.

Because of questions that were raised regarding the cost of this legislation, I requested that the Joint Committee on Taxation analyze S. 700, which carried the number S. 2311 in the 100th Congress, and provide an estimate of its costs.

Mr. President, I ask that the joint committee's estimate be printed at this point in the RECORD.

The estimate follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION
Washington, DC, June 15, 1989.

Hon. PETE V. DOMENICI,
U.S. Senate, 434 Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR DOMENICI: This is the response to your request for a revenue estimate for S. 2311, the Environmental Infrastructure Act of 1988, as introduced in the 100th Congress. The provisions of this bill would (1) create a new class of tax-exempt bonds termed infrastructure bonds, (2) revise the arbitrage rebate rules, (3) and modify the treatment of infrastructure facility assests for depreciation purposes.

The class of infrastructure bonds would, in general, be composed of a subset of private activity bonds allowed under present law. Specifically, tax-exempt bonds issued for sewage, solid waste, hazardous waste disposal or water-furnishing facilities, or to achieve compliance with requirements imposed by the U.S. Environmental Protection Agency, would become infrastructure bonds. In addition, the definition of hazardous waste facility would be made less restrictive. Infrastructure bonds would no longer be subject to the unified volume cap limiting the issuance of private activity bonds.

Under the bill, two significant changes are made to the arbitrage rebate rules. First, an exception is provided to the six-month temporary investment period rules for funds deposited in a "reasonably required" reserve or replacement fund. Second, additional time for nonpurpose investments is granted to bonds other than private activity bonds or qualified 501(c)(3) bonds so long as specified expenditure targets are met.

Infrastructure facilities would be classified as 7-year property for depreciation purposes. For property subject to the alternative depreciation system, a 10-year class life would be assigned. Finally, an exception would be made to the tax-exempt entity leasing rules for property that is part of an infrastructure facility.

Assuming the proposal to be effective for bonds issued after December 31, 1988, and an enactment date of October 1, 1989, we currently estimate that the adoption of this proposal would have the following impact on fiscal year Federal budget receipts:

FISCAL YEARS
[Billions of dollars]

1990	1991	1992	1993	1994	1989–94
−0.1	−0.3	−0.4	−0.4	−0.6	−1.8

It should be noted that this estimate assumes the December 31, 1989, sunset of the authority to issue mortgage revenue bonds and small-issue industrial development bonds, as provided in present law. Should the authority to issue these bonds be extended, the estimated revenue impact of this proposal may rise substantially.

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

RONALD A. PEARLMAN.●

THE THIRD WAVE OF SCHOOL REFORM

● Mr. DURENBERGER. Mr. President, the United States faces unprecedented educational challenges in our effort to prepare our citizens to be productive and competitive into the next century. As a member of the Senate Labor and Human Resources, I believe educational reform will be an important issue in the 2d session of the 101st Congress.

In this regard, I came across an excellent article written by Ernest Boyer, who is the president of the Carnegie Foundation for the Advancement of Teaching. I have had the pleasure to work with Dr. Boyer a number of times, and find his views not only carefully research, but compelling as well. As ask that the article from Christianity Today magazine appear at this point in the RECORD. I urge all my colleagues to study Dr. Boyer's concisely stated argument for the necessity of moral education.

The article follows:

THE THIRD WAVE OF SCHOOL REFORM
(By Ernest L. Boyer)

America's public schools, many observers suggest, are in a state of crisis. This concern has spawned a push for reform and higher standards. But some, such as education specialist Ernest Boyer, argue that more than academic excellence is needed. Here, condensed from The Blackboard Fumble (Christianity Today/Victor Books), are Boyer's insights on how public education must also find a place for the transmittal of moral values.

The pursuit of excellence in public education has become a top priority for the nation. Since 1983, America has been engaged in the most serious and sustained push for school renewal in its history. In that year, the Department of Education's report A Nation at Risk sounded the alarm over the "rising tide of mediocrity" in our schools, and education reform became a hot topic from town halls to the halls of Congress.

The sense of urgency is well placed. Thirty years ago, the Soviets' launch of Sputnik touched off this country's last big push for school reform. We wanted scientists to compete in the space race, and, given the Cold War climate of the day children were bundled off into physics and chemistry classes, slide rules in hand, to assure that America would remain militarily secure.

This time, the reform movement has been driven almost exclusively by economic threats and by the growing recognition that without good schools the financial well-being of the nation is imperiled. Corporate leaders want better workers. Governors want industries in their states, and they know quality education is the key. We are trying to fix the schools in order to have a better work force and improve our competitive advantage in world markets.

No one denies that America's performance must improve. We talk enviously about Japanese schools and preach computer literacy for our students, all to help the nation take a quantum leap in the international high-tech race. If the United States is to regain its competitive advantage, it is argued, better-trained students will be the key.

BEYOND RISING TEST SCORES

But there is another crucial objective for our schools—the moral education of our children. Today, schools are instilling competence in their students—competence in meeting deadlines, gathering information, responding well on tests, and mastering the details of a specialized field. The capacity to deal successfully with discrete problems is highly prized. And when students are asked about why they want an education, almost without exception they say their goal is to get a diploma and get a job.

But technical skill, of whatever kind, leaves unanswered some essential questions: Education for what purpose? Competence to what end?

To have people who are well informed but not constrained by conscience is, conceivably, the most dangerous outcome of education possible. Indeed, it could be argued that ignorance is better than unguided intelligence, for the most dangerous people are those who have knowledge without a moral framework. It is not the lack of technological information that threatens our society; it is the lack of wisdom, and we run the risk today of having our discoveries outdistance our moral compass.

In medicine, to cite an example, we know how to extend life beyond what might have been its natural limits. The question is, "At what point do the harmful side effects and excessive costs outweigh the benefits?" In business schools we turn out graduates who know how to make money on Wall Street, but we often fail to ask, "What is the right way to make money?"

Thus, the current reform movement should squarely confront the moral obligations of education. This means much more than studying the history of ethical thought. It means helping students formulate a way of behaving that will guide their lives. During their years of formal learning, students must understand that not all choices are equally valid. They must learn that there is a right and a wrong; that one choice will bring good, and another will bring bad.

Possessing moral judgment does not mean that people are infallible, that they do not make mistakes. It does not suggest that there are pat answers for every complicated question. Moral education does mean that students should be concerned not just about what will work, but about what is right. It means teaching them to ask: "Is it good?" Moral education also seeks to help students develop a responsible way of thinking, believing, and acting. It involves application, instead of mere information. It teaches living, not just by concepts, but by conscience.

All of this sounds fine—in principle—but how is it translated in the classroom? Whose morality is the model? Where does education turn to secure the road map for helping students understand the good and the bad?

AN UNREACHABLE CONSENSUS?

Answers to these questions were, perhaps, easier to find in earlier days. Through most of the nation's history, there was wide agreement among citizens on the "values" society should hold. What children learned in school reinforced the code of conduct

that was taught at church and in the home. Indeed, the school was an extension of these institutions, and even the discipline of children was consistent. Almost everyone over the age of 50 can recall hearing, "If you get punished at school, you get spanked at home!" School values and home values interlocked.

Some argue that there was, in fact, too much conformity in those days, that the "forced consensus" in the culture allowed for little deviation. It was a climate in which Roger Williams had to flee from the Massachusetts Bay Colony and found the colony of Rhode Island to find religious freedom, a time when Quakers were hanged because they deviated from what was religiously acceptable.

But today we have swung dramatically in the opposite direction. Our society is now characterized not by rigidity, but by such open-endedness that consensus seems, at times, almost impossible to reach.

This puts the nation's schools squarely in the middle. Administrators and teachers encounter problems because the national consensus regarding values has eroded, and tensions about teaching values in the schools reflect tensions in society at large. Schools are often confused—even abused—as they try to deal with competing interests and the great ambiguity about what constitutes the common good.

Amidst the diversity, however, there is still a great consensus in this nation about appropriate behavior. We can agree on the need to be honest, to refrain from physical attacks on one another, to obey the laws, to finish a task once begun-the list goes on and on. One cannot find a school that does not teach students, directly or indirectly, that it is better to be honest than dishonest; that it is better to work hard than not work at all; that it is better to respect someone's property than to destroy it. Schools teach our children a way of life that is shared by almost all Americans. They reinforce these values every day—often more effectively than society at large.

WHEN TENSIONS EMERGE

Still, in a pluralistic society such as ours, the efforts of schools to respect a wide range of opinion in matters of faith and practice should be celebrated, not condemned. To support diversity, to resist oppression and mass conformity, is exactly what drove many immigrant citizens to this country, and believers of all faiths should understand and appreciate this freedom. We should be very hesitant to impose, through uniform school practice, any behavior that cuts the conscience of another. Tomorrow, it could be our turn.

All of us can remember times when a conviction we hold dear conflicted with the majority view. When I was a boy, my parents, as a matter of conscience, did not approve of vaccinations. They believed that faith in God was all the power needed to keep me healthy. Because the school required proof that I had been vaccinated against contagious disease, I had to get a doctor's certificate granting me an exception. I was the only boy in school—a very definite minority—who needed such accommodation. But it was granted. (I have since, by the way, been vaccinated.)

Though my conflict was a minor one, it nevertheless represented a collision between my parents' conscience and established policy. In my own small way I saw, firsthand, the conflict faced by those who hold views at odds with the established action.

Schools do have an obligation to explore with students the points in which we agree and disagree, and surely tensions will emerge as teachers probe society's controversial questions in which there is no neutral ground to be found. How are schools to handle moral questions when there is no agreement in the community and among parents on what the response should be? Once a conviction is widely shared and generally resolved in society, the schools will teach it. But until such time, schools inevitably will fail to satisfy the expectations of some parts of the public they serve. They will continue to face a dilemma when they confront issues about which convictions run the deepest, yet vary the widest.

Consider an issue as seemingly innocent as the American family. Classroom discussion on this topic could well include a discussion of mothers working outside the home. By talking about working mothers, is the teacher encouraging young women to work instead of care for their children at home? On the other hand, if homemaking is proposed, the teacher may be criticized for advocating second-class status for women by pushing them into stereotypical roles. Society is far from consensus on the subject.

FILLING THE MORAL VACUUM

Yet to ignore the issue—or any issue of similar controversy—is to offer students an incomplete education, an incapacity to think carefully about life's most important concerns.

I am convinced, therefore, that schools do have a role to play in moral education, one that goes beyond silence or the extension of the status quo. Schools are, by their very nature, creative and renewing institutions. There is undeniably a moral vacuum in society today, and educators have an urgent obligation to help fill it.

I am encouraged to see a small but growing awareness of the need for moral education, and a willingness to explore issues, even in the areas that are most contested. From classroom teachers across the country to the president of Harvard University, people are asking, "What can schools do to help students achieve higher ethical standards?"

While I have no master plan to renew the moral climate in public education, I would suggest three considerations to guide the recovery of moral education in our schools.

First, moral education should acknowledge and respect the diversity present in our society. Finding a way to deal with our differences, while still speaking of values that serve the common good, is the greatest challenge we confront, how can we find creative ways to instill moral sensibilities in our young people while still respecting differing points of view?

An amoral silence that ignores the common good for the sake of diversity has failed. So, too, have the shrill voices that presume to speak for all, but speak selfishly without thoughtfulness and kindness. Let us cherish our diversity, but let us seek with no less vigor a way of life that uplifts us all.

Second, we must nurture a rebirth of confidence in public schools. If we are to make any progress toward open and sensitive classroom discussion about moral choices—in such controversial areas as sex, drugs, and religious beliefs—teachers must be trusted. A school is not a building or an institution; it is people. I urge those who care deeply about education to do one thing: Meet with those who run the schools and talk with them directly.

Through the years, I have met with thousands of teachers in hundreds of schools and have found, overwhelmingly, that educators care deeply about the values of our children. Teachers are, in fact, mothers and fathers, brothers and sisters, aunts and uncles—people who have a deep concern about children and the nation. I know of no teacher who thinks values are unimportant. There is no conspiracy at work in public schools to deny our children an ethical and moral foundation.

Teachers want children to do what is right, and they are most concerned about the moral ambiguity of the culture that washes over into the climate of the schools. In a recent Carnegie Foundation survey of teachers, we found them deeply frustrated by the lack of involvement of parents in schools. Parental concerns will always be welcomed when they come from those who approach schools with an appreciation for the limits of public education, in a spirit of cooperation, and with affirmation and encouragement when deserved.

Finally, we must view moral education as a partnership, not an obligation for the schools to carry alone. I hear complaints that schools are undermining values. But what I find surprising is the way these same critics seem to express little faith in what families can accomplish.

All the evidence suggests that, in the end, parents matter most, and it is unfair to families—as well as to schools—to expect classrooms to do the whole job. I am not trying to take schools off the hook. They have an important role to play in the moral development of children. But we cannot expect schools to do what families have not been able to accomplish.

The church also can play a valuable, redemptive role merely by taking the initiative to listen rather than denounce. Churches can work side by side with schools to educate their young people through released-time and after-school programs. There is a long history of such cooperation in this country, which unfortunately seems lost in much of the current discussion about how to strengthen moral education.

Congregations and small groups should invite teachers to speak at churches about their feelings and experiences. Such simple measures will go a long way in restoring confidence and a sense of partnership with schools.

A TEMPORARY WINDOW

Today we stand at a strategic time in the history of public education. Interest in schools has run high during the past several years. But public attention cannot be indefinitely sustained. And if we do not demonstrate clearly within the next ten years our ability to make public education work, there will be, I fear, a tremendous backlash of disillusionment. Our schools will be neglected, parents will turn away in discouragement, and the very future of the nation will be threatened.

This window of opportunity hinges to a great extent on the ability of the schools to pursue not just the economic ends of education, but to affirm moral education, too. I sense a growing conviction that this country confronts increasing confusion over goals, and if schools are not part of the solution, they will be part of the problem. People are not willing to support education that does not inspire students to confront ethical and moral judgments and relate what they learn in school to how they live.

The goal is not to indoctrinate students, but to provide a climate in which ethical and moral choices can be thoughtfully examined and convictions formed. These are the characteristics by which, ultimately, the quality of public education must be measured.●

MISSOURI HOME CARE WORKER SAVES LIFE OF MAN

● Mr. BOND. Mr. President, I rise today to recognize a worker for Missouri Home Care who saved the life of a fellow Missourian. On October 16, 1989, at 6 a.m. Ms. Geanie Wisdom arrived at the home of a client of Missouri Home Care. When he did not answer her knock, she went to a window, where she could see the man lying on the floor, unable to get up. Ms. Wisdom then caught the attention of a passing sheriff's deputy, and together they pried the door open and helped the man get up.

There is no knowing how long he would have been stranded if the Missouri Home Care worker had not come to his aid. In this way, Geanie Wisdom and Missouri Home Care made a big difference. Therefore, I would like to take this opportunity to commend Ms. Wisdom for her dedication to Missouri Home Care. Without people like Geanie, many of our Nation's elderly could not continue living at home. I wish Missouri Home Care, and other organizations like it around the Nation, many more years of continued success.●

INTRODUCTION OF "FIBERWORLD" PRODUCTS BY NORTHERN TELECOM

● Mr. SANFORD. Mr. President, I rise today to give special recognition to a company which has consistently been a leader in the field of telecommunications and telecommunications development. Northern Telecom, which is the leading global supplier of fully digital telecommunications switching systems, provides services and products to the telecommunications industry, universities, businesses, and governments.

As one of the many companies dedicated to innovative scientific development located in North Carolina's Research Triangle Park, Northern Telecom has provided the State, the Nation, and indeed the world with beneficial and revolutionary technological advancements in the field of telecommunications. In North Carolina alone, Northern Telecom currently employs 12,000 citizens. The Research Triangle Park facility is the largest of Northern Telecom's manufacturing and research facilities, and is responsible for the development of much of today's telecommunications innovations.

Earlier this fall, Northern Telecom introduced "FiberWorld"; an evolutionary product which will change the way businesses and individuals communicate. This newly developed telecommunications system will offer a complete family of fiber-optic, transport and switching products that will be the foundation of the high-speed communications networks of the 21st century. It is the world's first public communications switching system to take full advantage of the fiber optic-based network and provide next-generation services.

The FiberWorld products will provide a 3,000-fold increase in the switching and transmission speeds of data, image and voice communications—all while simplifying network operations and containing operating costs. The effect of this telecommunications development will be monumental. It will accelerate market development efforts for a variety of businesses, expedite the retrieval of x-ray images and attached voice comments from a patient data base for medical facilities, and provide for interactive college lectures from the home.

Just as the telephone, the computer and fax machines have changed and revolutionized the telecommunications industry, the introduction of systems such as FiberWorld will take this technology a step further. The specialized technology recognizes the ever-increasing importance of the global environment to business and society, and provides for international networking as easily as local networking.

Mr. President, North Carolina is proud of this latest advance from Northern Telecom and its hard-working employees. With continued communication innovation such as this, we can continue to keep the United States on the cutting edge of global telecommunication technology.●

NATIONAL FALLEN FIREFIGHTERS' MEMORIAL

● Mr. SARBANES. Mr. President, the Fallen Firefighters' Memorial on the campus of the National Fire Academy in Emmitsburg, MD, is a national symbol of hope and honor for members of the fire service and their families. Dedicated in October 1981, it is the first Federal monument in our history to honor both career and volunteer fallen firefighters.

The monument is a sculptured bronze Maltese Cross on a 7-foot pyramid of limestone and is surrounded by plaques listing those who have died in service to their communities. When the Academy receives notice of a firefighter's death, the flag at the memorial is flown at halfstaff in honor of that man or woman. Without a doubt, the thousands of firefighters who attend the National Fire Academy and the Emergency Management Institute each year are moved by this tribute to those who have made the ultimate sacrifice while serving their fellow Americans.

Each October a service is held at the memorial to honor those firefighters who died during the previous year. This year's service, held on October 15, recognized the 134 firefighters who lost their lives during 1988. As in past years, hundreds of family members and fellow firefighters from across the Nation attended this moving service.

Mr. President, it is appropriate and proper to honor our fallen firefighters on the campus of the National Fire Academy. For that reason, I am very pleased that the Senate has approved Senate Joint Resolution 77, a resolution that recognizes the Fallen Firefighters' Memorial as the official national memorial to our Nation's firefighters who have died in the line of duty.

I want to thank the many people who have made approval of Senate Joint Resolution 77 possible. I appreciate the support of Chairman FORD and the other members of the Committee on Rules who reported this resolution earlier this year. I also want to thank my colleagues who are cosponsors of this important resolution: Senator MIKULSKI, Senator ROTH, Senator BIDEN, and Senator CHAFEE.●

RECOGNIZING A PROFOUND INFLUENCE

● Mr. INOUYE. Mr. President, I request the attached article be printed in the RECORD in full.

The article follows:

NO JEW SIGNED THE CONSTITUTION

(By Clifford Goldstein)

Study the history of early America, and few Jews appear. Stuyvestant, Mather, Edwards, Williams, Washington, Jefferson, Madison, Adams, Mason, Franklin, Sherman—not exactly the names found in a synagogue directory. No Jew helped write the Declaration of Independence, no Jew signed the Constitution of the United States, no Jew fashioned the Bill of Rights. The closest thing a Jew had to do with the foundation of the republic was to write the words at the base of the Statute of Liberty, "Give my your tired, your poor, your huddled masses yearning to breathe free . . ."

Nevertheless, Jews profoundly influenced the establishment of the American republic. Not Jews with the names Katz, Rabinowitz, or Cohen, but with the names Moses, Jeremiah, and Isaiah—and their influence was so great that one historian declared: "The Hebraic mortar cemented the foundations of American democracy."

The first Americans, purebred Puritans, accepted the Bible as the basis for morals, worship, and government. Though they worshipped, praised, and sang hymns to Jesus, they attempted to base their government upon the Old Testament model, the theocratic system detailed in the Hebrew Bible, particularly the five books of Moses. So serious was this intent that many of their leaders were skilled in the Hebrew language. "The Laws of Harvard College" in 1655, for example, required that "in the first year after admissions for four days

of the week all students shall be exercised in the studies of Greek and Hebrew tongues."

For better or for worse, the Puritans wanted a theocratic commonwealth at Plymouth "like that of the children of Israel in the good old days before their forward hearts conceived the desire for a King." As early as 1636 the Plymouth Colony renounced the authority of English laws and adopted the Pilgrim Code, which in its foreward stated: "It was the great privilege of Israell of old and soe was acknowledged by them, Nehemiah the 9th and 10th, that God gave them right judgments and true Lawes. They are for the manye so exemplary, being grounded on principles of moral equitie, as that all Christians especially ought to have an eye thereunto in the framing of their political constitutions."

In 1650 the colony of New Haven in Connecticut adopted this code: "It was ordered that the Judicial laws of God, as they were delivered by Moses and as they are a fence to the moral law, being neither typical nor commercial, nor had any reference to Canaan, should be accounted of moral equity, and generally bind all offenders, till they be branched out into particular hereafter."

New Haven attempted to adhere so strictly to the Mosaic code that it didn't allow trial by jury because the practice was not mentioned in the Old Testament.

Roger Williams, however, argued that the Puritans had no right to establish a theocracy, that the theocracy was meant only for the Jews in ancient Palestine at a specific time, for a specific purpose. Williams, himself a staunch Puritan, rejected the identification of Old Testament Israel with any existing state, such as Massachusetts Bay Colony, Plymouth, or New Haven. Many early colonists, however, saw themselves as modern Israelites, the American continent as the new Canaan, and the nation they were to form as the new Israel. As late as 1783, Dr. Ezra Stiles, president of Yale, called this land "God's American Israel," a belief held by some even today.

For Williams, Israel was a one-time arrangement. No other nation in any age was under the same rule. People were saved as individuals, not as nations. The New Testament said nothing about a theocracy. Thus, no need for one existed.

History bore Williams out: the Colonies failed miserably in forming a theocracy. Instead, they created religious dictatorships. The despotism that they themselves fled from, they created for others.

Despite the Puritans' misinterpretation and misapplication of Israel, none can dispute the Hebrew Bible's beneficient influence on the emerging nation.

The Old Testament influenced the struggle for American independence from England. Here its principles gave the leaders of the American Revolution the philosophical inspiration to revolt against British tyranny. While Jean-Jacques Rousseau and the Jacobin political Philosophers might have influenced Thomas Jefferson's arguments for the Declaration of Independence, the average agrarian American would need more than the atheistic musings of the French in order to rebel against the mother country. The people needed to be convinced not only that the British monarch had done them intolerable wrongs, but that the whole concept of the divine right of kings and their demand for absolute submission was sinful in the eyes of God.

So where did they go? To the Old Testament, to Israel's request for a king and Samuel's answer that a king would become despotic, arbitrary, and that he would "take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants" (1 Samuel 8:14). They told of Gideon's refusal to become the king: "I will not rule over you, neither shall my son rule over you: the Lord shall rule over you" (Judges 8:23). They used even the story from Exodus, when Moses' father-in-law, Jethro, told him to appoint various rulers over the people rather than take all the responsibility upon himself. "Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and ruler of hundreds, rulers of fifties, and ruler of tens" (Exodus 18:21). In the days prior to and during the Revolution, in order to rouse the people against the Crown and break the hold that the monarchical system had upon their minds, the revolutionary leaders used the Hebrew Bible.

"The Jewish government," said Samuel Langdon, president of Harvard College, "according to the original constitution which was divinely established, if considered merely in a civil view, was a perfect republic." Simon Howard, pastor of the West Church of Boston, delivered a sermon before the Massachusetts House of Representatives in 1780. He said: Indeed the Jews always exercised the right of choosing their own rulers: even Saul and David and all their successors on the throne were made king by the voice of the people."

Thomas Paine, while overtly hostile to religion, based his final argument against the monarchy on the Old Testament stories of Samuel and Gideon. In Common Sense he wrote: "Monarchy is ranked in Scripture as one of the sins of the Jews . . . Gideon doth not decline the honor [of the kingship offered to him] but denieth the right to give it . . . These portions of Scripture are direct and positive. They admit of no equivocal construction. That the Almighty hath here entered His protest against monarchial government is true, or the Scripture is false."

The inscription on the Liberty Bell—"Proclaim Liberty throughout the land unto all the inhabitants thereof"—came from the pen of a Jew: Moses (see Leviticus 25:10).

On the day the Declaration of Independence was adopted, a committee composed of Thomas Jefferson, Benjamin Franklin, and John Adams was appointed to "prepare a proper device for a Seal for the United States of America." They proposed a seal with an image of Pharaoh seated in a chariot, a sword in his hand, and hot on the trail of the Jews. Safe on the opposite shore of the divided sea was Moses and Israel under rays of a pillar of fire, while Moses played his part in causing the water to engulf Pharaoh and his army. Around the edge of the seal were the words "Rebellion to tyrants is obedience to God." Though never adopted, this seal exemplifies the influence of the Hebrew Bible upon early American leaders.

The Declaration of Independence reads: "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness." While written in the rationalistic, deistic style of the 18th century, the doctrine is firmly rooted in ancient Judaism, which held to the individual worth and equality of man. "Have we not all one father? Hath not one God created us? Why do we deal treacherously every man against his brother?" (Malachi 2:10). Or the words of Micah 6:8: "He hath shewed thee, O man, what is good; and what doth the Lord require of thee; but to do justly, and to love mercy, and to walk humbly with thy God."

John Adams, one of the nation's earliest presidents, in a letter written 1809, said: "In spite of Bolingbroke and Voltaire, I will insist that the Hebrews have done more to civilize men than any other nation. If I were an atheist, and believed in blind eternal fate, I should still believe that fate had ordained the Jews to be the most essential instrument for civilizing the nations. If I were an atheist of the other sect, who believe and pretend that all is ordered by chance, I should believe that chance had ordained the Jews to preserve and propagate to all mankind the doctrine of a supreme, intelligent, wise, almighty Sovereign of the Universe, which I believe to be the most essential principle of all morality and consequently of all civilization."

Sure, no Jews signed the Declaration of Independence. We had already done our share.

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MANDATORY PRISON SENTENCES FOR ARMED DRUG TRAFFICKERS ACT

● Mr. SIMON. Mr. President, I rise in support of the Mandatory Prison Sentences for Armed Drug Traffickers Act, S. 1702, which assures that drug traffickers and other violent criminals receive appropriately harsh penalties. This legislation will not only remove dangerous criminals from our communities; it will also send out a powerful message: Society will not tolerate violent drug crimes.

Americans have identified the violent crime associated with drugs as the No. 1 problem facing our Nation. Every day our headlines tell us yet another story about the violence that the drug trade causes. Our law enforcement agencies report that each day they are on the frontline fighting violent drug gangs who are equipped with machineguns, sawed-off shotguns, sawed-off rifles, grenades, firebombs, and other deadly weapons.

Current law provides some enhanced punishment for drug traffickers and violent criminals who use or carry firearms including a 30-year mandatory minimum sentence for those who use a machinegun or silencer in connection with a drug offense. Federal law enforcement officials have indicated to me that legislation which provides even stronger penalties to be used against violent drug gangs with their modern arsenals would be most valuable in fighting the drug war.

S. 1702 will respond to the needs of law enforcement agencies by extending the enhanced penalties so that they cover not only machineguns and silencers, but also the other deadly weapons being used by violent drug gangs. It imposes a 10-year mandatory

prison sentence on those who use sawed-off shotguns or sawed-off rifles in connection with a drug trafficking offense, and a 30-year penalty for those using destructive devices.

Looking at the daily headlines from Colombia, we can see that it is crucial for us to be prepared to prevent violence from following extradited drug kingpins to our country. We must stem the tide of armed drug trafficking. Congress must send a stern message: The kind of lawlessness we see today in Colombia will never be tolerated in this country. When it erupts, the penalties will be swift and severe.

Not only will this bill serve as a powerful tool for Federal law enforcement, but it will also help the States in their struggle against drugs by allowing the Federal Government to reach the worst offenders apprehended by State and local officers. If the underlying violent or drug trafficking crime is one that is prosecutable under Federal law, the offender will face a mandatory prison sentence in the Federal system. State and local prisons are sorely overcrowded. This bill lessens that burden by permitting the use of Federal courts and prisons for some of the worst cases.

Mandatory prison sentences for drug traffickers with machineguns or silencers have proved valuable. While in terms of completed trials this is a relatively new law, the Bureau of Alcohol, Tobacco, and Firearms [BATF] reports that through August 25 of this year, 326 individuals have been sentenced under this statute and have received a cumulative 1,815 years of mandatory prison time. The Bureau indicates that from two to three times this number of violators are pending trial at this time. Moreover, BATF has found that this statute has helped to crack the criminal codes of silence and fear. Faced with certain prison terms, suspects are willing to cooperate with law enforcement. Police chiefs and sheriffs from across Illinois confirm to me that suspects are willing to exchange valuable information to bring other drug criminals to trial when they face stiff, mandatory sentences like these.

This bill will ensure that stiff prison sentences are imposed not only on drug traffickers who carry machineguns, but are also imposed on those that use any of the drug gangs' other weapons of choice. This bill is an insurance policy for public safety. It says if you are convicted of using these weapons while trafficking in drugs, you're going to pay dearly for it. I urge my colleagues to join me in voting for this very important measure.●

U.S. COMPETITIVENESS: TROUBLING TRENDS

● Mr. WIRTH. Mr. President, this week the Senate Banking Committee held two hearings on the long-term international competitiveness of the U.S. economy. The hearings have been very interesting, informative, and I believe, very important. I wish to commend DON RIEGLE, the chairman of the Banking Committee, for his leadership and initiative in scheduling these hearings.

It is too easy for us to concentrate on this year's budget or this year's crisis rather than take a look at our long-term prospects. We need to consider what steps are necessary to ensure our long-term economic prosperity not just what helps us get through the immediate budget or election cycle.

The committee heard from a number of prominent economists including Benjamin M. Friedman of Harvard University and Lawrence Chimerine of WEFA, and from Daniel Burstein, the author of "Yen! Japan's New Financial Empire and Its Threat to America." I would like to have summaries of their testimony inserted in the RECORD following my remarks.

The testimony was excellent and brought into focus a number of troubling trends in the U.S. economy that must be reversed.

The large Federal budget deficit continues to be a major problem. The fiscal policies of this decade have led to high real interest rates in the United States and increased the cost of capital for American businesses.

The high trade deficits of recent years show the diminished ability of our manufacturers to compete in international markets and recover from the overvalued dollar of the early 1980's.

The anemic savings rate in the United States which, along with the budget deficit, severely limits the amount of capital available for American industry.

The increasing importance of financial resources over natural resources and the ability of foreign competitors to raise investment capital at far lower costs than U.S. businesses.

The recent reliance on foreign investment and the rapid growth of U.S. indebtedness abroad have helped finance current consumption but raise important issues about foreign control of the economy.

The narrowing of the once-broad U.S. advantages in technology, product quality, and productivity. U.S. productivity growth has slowed significantly in recent years. And our investment, both public and private, in scientific and technical research, machinery and equipment, infrastructure, and education, has declined.

As other nations catch up to, and in some areas, surpass, the United States, our companies need to adjust to more formidable competition in domestic and international markets. This requires a long-term outlook by both business and Government and a willingness to make the investments that fuel future productivity improvements and economic growth.

Mr. President, we need strong leadership on these issues. This leadership must come from the administration as well as from Members of Congress and the business community. I believe that attention to long-term economic competitiveness must begin with the budget deficit. The deficit underlies many of our problems and limits our ability to make the investments necessary for economic growth. It is time, indeed long overdue, for the administration to provide leadership and work with Congress to eliminate the deficit.

Economic competitiveness is of great importance to the future of our constituents. I appreciate Senator RIEGLE's efforts to bring this issue into focus for members of the Banking Committee.

I would encourage my colleagues to review the testimony before the Banking Committee. Few issues are as important as economic competitiveness to our future prosperity and to the strength of our democracy.

The material follows:

TESTIMONY OF BENJAMIN M. FRIEDMAN, WILLIAM JOSEPH MAIER PROFESSOR OF POLITICAL ECONOMY, HARVARD UNIVERSITY, NOVEMBER 14, 1989

SUMMARY

International economic competitiveness is a genuine problem for the United States today, and one with implications that will become increasingly damaging—not just economically, but for the nation's ability to play a leader's role in global affairs—as time passes. While I recognize that America's competitiveness problem has many causes, and therefore that policy action along a variety of avenues would be helpful, I believe that our own macroeconomic policies—most particularly the fiscal policy that the United States has pursued since 1981—stands at the center of our competitiveness problem.

America's fiscal policy in the 1980s has been an increasingly costly failure. The continuing huge imbalance between the federal government's revenues and expenditures, which became acute as the U.S. economy began its recovery from the 1981-82 business downturn, has been unprecedented in U.S. peacetime experience. It has already more than doubled the national debt, even on an after-inflation basis, just since 1980. It also shows little sign of genuine improvement, especially after allowing for the increasing use of the Social Security System's surplus to mask the deficit in the general account. The Congressional Budget Office's most recent forecast (August 1989) projects a continual widening of the "on-budget" deficit over the next half-decade, under a continuation of current tax and spending policies.

The economic consequences of this unhinged fiscal policy have affected prospects both for the nation's domestic economic

well-being and for its economic role internationally. In both dimensions, the fiscal policy that the United States has pursued since 1980 has sacrificed the economic prospects of Americans in the future in order to spur the consumption that Americans are able to enjoy currently.

Since 1981 the government's borrowing has absorbed nearly two-thirds of all the net saving done by American businesses and individuals. As a result, real interest rates—that is, interest rates measured in comparison to price inflation—have been at record levels on average throughout the decade. With such a high real cost of funds, net business investment in new plan and equipment has averaged just 2.1% of U.S. total income, less than in the 1950s or the 1960s or the 1970s, despite the business investment incentives legislated in 1981. The policy that was supposed to stimulate saving and investment in America has instead led to the poorest investment performance, and the lowest saving rate, in forty years.

The consequences of America's misbegotten fiscal policy have been even more serious in the international context. By raising real interest rates in the United States above real interest rates abroad, for the first time since 1976, the federal government's massive borrowing also drove U.S. dollar exchange rates to unsustainably high levels in relation to major foreign currencies. As a result, the International competitiveness of American business collapsed. One industry after another lost the ability to make sales abroad, or even to defend its markets at home. Between early 1985 and late 1987 the dollar fell sharply, and in due course this country's trade gap began to turn around. But since then the dollar has leveled off, and even risen, and it remains overvalued compared to other countries' currencies. The improvement in the trade balance has stalled as well. Moreover, having now neglected our investment in new capacity for nearly a decade, especially in manufacturing and other industries that produce for export or to compete against foreign goods in U.S. markets, we are increasingly discovering that a cheap dollar policy alone will not be enough.

In the meanwhile, U.S. dependence on foreign lenders to finance the country's trade imbalance continues to grow. Having to pay for this steady flow of imports in excess of exports has not only dissipated what was once the world's largest net international investment position, but transformed the United States into the world's largest debtor country. The swing since 1981 has already amounted to some $11,000 for every family of four. It is little wonder that most Americans think they are living well. After borrowing that much from foreign lenders, they certainly should be.

Americans in the future will have to service these debts. We will do so in part by paying interest to foreign lenders outright, but probably even more so by selling off to foreign buyers the ownership of the country's businesses and real estate. Foreign conversion of U.S. bank deposits and U.S. Treasury obligations into equity securities, office buildings and outright ownership of whole companies has only just begun. America's assets will still be there, and they will still be profitable. But Americans will no longer own them.

At the same time, the power and influence that traditionally accrue to creditor countries will no longer be America's to claim. People simply do not view their debtors in the same light as they do their creditors. It is no accident that America emerged as a world power simultaneously with our transition from a debtor nation, dependent on foreign capital for our initial industrialization, to a creditor supplying investment capital to the rest of the world. The same happened in Spain in the sixteenth century, and in Britain in the nineteenth.

But we are now a debtor again, and our future role in world affairs is in question. If we continue on our current trajectory, over time that role will gradually shift to Japan and Germany, or still other new creditor countries that are able to supply resources where we cannot, and America's influence over nations and events will ebb. Watching our economic power shift to these new creditors—as they begin to cope with the developing world's debt, for example, or step in to prevent a "dollar crisis," in both cases presumably in ways that promote their own commercial or diplomatic advantage—is merely the price we shall pay for the fiscal policy we have pursued throughout the 1980's.

Most Americans continue to think of themselves as creditors, and we readily offer unsolicited advice to other debtor countries, as if they had fallen into a trapo that we had successfully avoided. At the same time, the Japanese and Germans often still appear to think of themselves as debtors. But attitudes toward world leadership will change soon enough, as our financial problems circumscribe our scope for maneuver in world affairs while the new creditors' financial strength does the opposite. Just how large a departure from recent history the resulting new international arrangements will represent depends in part on whether, and how, we change our economic policy. In the meanwhile, especially in light of the astonishing events now taking place throughout eastern Europe, continuing to rely on U.S. military prowess to guarantee the nation's international clout, when the economic basis underlying it has been dissipated, is a sorry—and a risky—role for Americans to play.

SUMMARY STATEMENT BY DANIEL BURSTEIN, NOVEMBER 14, 1989

Mr. Chairman and Members of the Committee, thank you for your invitation to participate in the discussions of this committee. You have asked me to contribute my thoughts on American competitiveness and American decline relative to Japan and I have done so in a text which I would like to submit to the record of your proceedings. Let me now try to summarize a few highlights of my analysis on this broad and far-reaching subject.

There are many ways to explain Japan's relentlessly increasing competitive abilities. Similarly, there are many ways to explain the erosion of America's competitive capabilities, a process which forms a nearly-perfect mirror image of Japan's successes. But the most important thing to understand is that the contemporary Japanese system is structured in such a way as to emphasize long-term planning, long-term efforts, and ultimately, long-term rewards. Conversely, the system has come to be skewed in such a way as to encourage us to consistently choose what looks good in the short-term, even when it threatens our long-term future. Ironically, the single most important change we can make on the competitiveness issue is one that requires neither legislation nor funding. It entails no negotiations with the Japanese nor is it likely to produce any adverse reaction in Japan. It is simply that we begin to shift from short-term to long-term time horizons.

I have argued that financial resources have replaced natural resources as sources of geopolitical power and influence and that financial power has become the most important kind of power in the world today. The fact that Japan has obtained a disproportionate share of global financial power will fundamentally tilt the history of the 1990s and the early Century toward Japanese leadership. Let me remind you first of all of a few facts:

All 10 of the world's 10 largest banks are today Japanese. The biggest American bank is comparable in its deposit base only to a relatively minor Japanese bank.

When the 1980s began, Japanese stock markets represented 17 percent of world stock market capitalization, while the United States represented the lion's share at 55%. Today, those figures are reversed—Japan stands at 46% of world; the U.S. at 27%.

Japan is today the wealthiest nation in the world, with over $44 trillion represented in the value of its land, factories and financial assets.

Japanese companies, which have made about $60 billion in direct investments in the U.S. to date, now own about 2% of U.S. corporate assets and employ close to 250,000 Americans. By the year 2000, some experts predict a Japanese-owned sector of the American economy representing 10% or more of corporate assets and employing one million + Americans.

Bearing those facts in mind, let us take just two examples of what Japanese financial power in action looks like. I was in Tokyo last month and woke up one morning to the news that Sumitomo Bank and Sanwa Bank had decided they didn't like the terms of the United Airlines Leveraged Buy-out, and had thus decided to offer only $1 billion in financing for the deal instead of the $3 billion the American dealmakers were looking for from Japan. The result of that perfectly reasonable business decision by two Japanese banks triggered last month's Friday the 13th mini-crash on Wall Street in which $200 billion in New York Stock Exchange value evaporated overnight. I am not asserting that there was any Japanese malevolence, conspiracy or political decision to use Japan's powerful "financial card" evidenced here. Rather, I would call your attention to two points: (1) Japan's financial power is so great that routine decisions taken in Tokyo now set the agenda for American financial markets and (2) Having witnessed Japan's ability to roll markets so massively unintentionally, we, in this country, would be well-advised to consider what might happen should interests in Japan ever decide to apply similar financial force intentionally for political or economic purposes.

You are all aware of the Sony Corporation's recent decision to purchase Columbia Pictures for $3.4 billion. Sony has made no bones about the fact that it intends to use Columbia's vast film library as well as it film and TV-making operations as a "software" laboratory to complement the "hardware" Sony is developing for High-Definition Television (HDTV). You also all know that when representatives of the American electronics industry came to Washington in May with a proposal that involved some $1.5 billion in government support to seed a competitive American entry into this nascent industry, it was rejected. Various studies have since suggested that in these times of gov-

ernment budget deficits it would be a mistake to invest $1.5 billion in such an unknown and unproven technological gamble. So here we have another insight about Japanese "financial power": A single Japanese corporation, Sony, is able to take an HDTV-related gamble that costs $3.4 billion without its balance sheet noticing the impact. But the entire, mighty U.S. government cannot afford to spend less then half that sum on the attempt to ensure that American companies have a place in this race.

Institutionalization of Japan's financial surpluses has created the conditions for Japanese industries to become "super-competitive" in the 1990s. By super-competitive I mean so strong that they threaten not just to out-sell the competition or gain percentage points of market share, but threaten to wipe out the competition completely.

The first thing to understand here is that the mix of high domestic savings rates and extraordinary financial surpluses with stringent anti-inflationary measures and a still-closely regulated banking system keeps the cost of capital very low in Japan. It is estimated that Japanese business raises money at an average after-tax cost of less than 2.5%, while American business faces rates three times higher. Our stock market, whose textbook role in the economy is to provide a vehicle for helping enterprises raise investment capital needed to grow and expand, seems to have ceased to fulfill that function. For the first eight months of this year, according to a recent study, American business raised only 10 billion new dollars from new stock issues. During that same time, Japanese business raised $120 billion through new stock issues.

Consider the competitive implications of a Japanese business world that is able to finance much of its expansion through cost-free stock issues and still more through low-cost debt issues, facing off with an American business world that is barely able to issue any new stock at all and must finance most of its growth through high-priced debt offerings. You can see why it is relatively easy for Japanese managers to continue their long-term focus—investing in new plants, new capacity, global expansion, new business lines, new equipment including the latest robots and computers. Similarly, it is relatively difficult for American managers to justify these investments because of the high cost of raising the capital to fund them.

As a result of these and other factors, new Japanese capital investment in 1989 will actually be greater in absolute terms than new U.S. capital investment—and that's in a country with half our population and still only 60% of our GNP. Many of those investments take time to be realized—factories have to be built, new machines designed, etc. But by 1992-5 we should be seeing the full effects of what is now the world's greatest capital spending boom taking place in Japan. If you think we have a problem competing with the Japanese now, I would advise you to contemplate what the mid-1990's will look like if we don't begin to respond.

As I hope I have made clear, I am of the opinion that much of our "Japan problem" is really an "America problem" that we ought to be capable of solving by ourselves. Nevertheless, there is an extremely important "Japan" part of the "Japan problem." In my assessment, forces within Japan today are not only not helping the situation, but worsening it and hastening the day when an American political backlash is finally triggered.

On the trade issue for example, there is no reason in the world for Japan, with all its wealth, economic security, and booming domestic market, not to throw its doors wide open to foreign participation. Critical as I am of our American trade negotiating strategies—and critical as I am of some of the products our companies sometimes hope to sell the Japanese, I know for a fact that there are numerous outstanding American products, services and businesses which either cannot enter the Japan market at all or else are systematically excluded from the mainstream of business. It is intolerable that we have to be in position of negotiating, pleading, lobbying, pressuring, in the first place—just to get the tiniest, most grudging administrative measures to improve foreign market access to Japan. As a world leader, as an economic and financial superpower, and as a long-time beneficiary of the free-trading system maintained largely by the United States for the last two generations, Japan ought to be taking leadership in energetically and creatively opening its markets and its busines practices so that the rest of the world can benefit from the Japanese miracle as well.

That Japan has not seen fit to willingly take initiative in opening its markets, but seems content to continue amassing as much of a trade surplus as possible, would suggest that the outside world does have something to worry about in an increasingly Japanese-dominated world order.

I would like to believe that Japan is being uncharacteristically blind to its own long-term interests by not acting more forcefully to take measures that address American fears and to launch initiatives that show Japan to be more generous, open and fair-spirited. But I am afraid a darker explanation is more likely: Having gained long experience with America's wavering political leadership and our lack of ability to follow a concerted strategy for any length of time and having become convinced that America is in decline and will increasingly need Japanese capital so badly that we will accept it on whatever terms it comes, the Japanese believe they can get away with constructing a more tightly controlled, more profitable, more mercantile, and of course, more self-interested method of exercising world leadership than the American post-war model of leadership.

The good news is that in the last two years, a sleeping America has woken up from Reaganomic-induced dreams and realized that serious problems lie ahead. The bad news is that we remain focused on defensive measures—Super 301, anti-dumping cases, structural talks with the Japanese towards opening markets, etc. At best, these can produce modest positive short-term effects on the American competitive position. But such measures fail to address the underlying problems. For that, we need an approach that puts America on the offensive with creative new domestic solutions.

STATEMENT BY LAWRENCE CHIMERINE, PH.D., SENIOR ECONOMIC ADVISOR, NOVEMBER 14, 1989

My name is Lawrence Chimerine and I am a Senior Economic Advisor to the WEFA Group and an independent consultant as well. Prior to my current position, I was Chairman, Chief Executive Officer and Chief Economist of the WEFA Group before resigning those positions earlier this year. I am delighted to have this opportunity to testify before the Senate Banking Committee on the changing role of the United States in the world economy, and on the implications for future economic activity and living standards in this country.

In brief, I will make the following points:

SUMMARY

1. There has been a major change in the U.S. position in the world economy, reflecting a decline in relative U.S. competitiveness in world markets. In my view, the advantages that the United States had over most of our international competitors in technology, product quality, and, most importantly, productivity, have largely been eliminated—in some cases, we have actually fallen behind. Most disturbing, while the narrowing of U.S. advantages in part reflects a natural catching-up of the rest of the world to the United States, we have made ourselves a relatively easy target during the past 15 years because of the near stagnation in our own performance during that time.

2. In my judgment, most of the internationally-oriented problems that have surfaced in recent years, such as massive U.S. trade deficits, the declining U.S. share of worldwide production in most industries, increased reliance on imports, the change from being a major creditor nation to the largest debtor nation in history, and the rapid rate of foreign purchases of U.S. assets, all are outgrowths of the fundamental change in competitiveness.

3. Despite some rebound in manufacturing and a modest decline in the trade deficit in the last few years, I firmly believe that the fundamental problem has not yet been solved. In essence, recent improvements primarily reflect temporary cyclical forces which are now winding down—the underlying fundamentals, particularly with respect to productivity growth, remain very poor.

4. Unless some of the unfavorable trends are reversed and productivity growth accelerates on a sustainable basis, it is virtually certain that (a) any additional progress in reducing the trade deficit will be limited, and/or will require large additional cost cutting and dollar devaluation and/or sharp cuts in domestic demand and (b) real wages are likely to be stagnant for many years, preventing any meaningful improvements in living standards in the United States (this process appears to have already begun).

5. The potential stagnation in U.S. living standards is made even more likely by the growing burden of increasing foreign debt—unless those funds are channeled more into productivity-generating investments, producing faster economic growth in the future, the rising cost of servicing that debt will become a larger and larger burden for the economy, sucking out increasing amounts of income as we move through the 1990's. This too will place limits on future living standards.

6. In my judgment, therefore, the number one economic priority in the United States should be to improve the underlying trend in productivity growth. The evidence suggests that since no one factor is responsible for the slowdown in productivity growth during the last 15 years, a multi-dimensional approach will be necessary to speed it up. This will require (a) bringing budget deficits down to reduce the cost of capital; (b) changing budget priorities at the same time so that we spend more on building for the future rather than on current consumption; (c) finding ways to increase private savings, and to channel an increasing share of those savings into productive investments; (d) reversing the weak trend in non-defense re-

search and development; (e) increasing the quality of education; etc.

INTRODUCTION

During the short span of approximately 10 years, the position of the United States in the global economy appears to have undergone spectacular changes. In particular, the United States has experienced massive trade deficits throughout the 1980's, after being a trade surplus country during most of the previous post-war years; in industry after industry, the U.S. share of world production has dropped markedly; import penetration has spread throughout the economy, after previously being significant in only a hand full of industries; the United States is now the world's biggest debtor nation, with the net debt position continuing to grow at an alarming rate (prior to the last several years, the U.S. was the biggest creditor nation in the world); and foreign ownership of U.S. assets of virtually all types is rising very rapidly. The natural questions are (1) what has brought about these dramatic changes, and (2) what are their implications for the future. In my judgment, the essence of the problem is the change in relative U.S. competitiveness in world markets—in the section below, I will discuss those changes, and their likely implications unless major adjustments are made in the U.S. economy.

U.S. COMPETITIVENESS IN WORLD MARKETS

U.S. productivity and technology advantages were so large during the early postwar years that the United States was able to maintain dominance in world markets, and generate ongoing trade surpluses, despite funding much of the free-world's defense, despite having very open markets, and despite cultural and trade barriers which limited access to some other markets. However, even though U.S. manufacturing has remained relatively stable as a share of GNP, these basic advantages have been narrowed dramatically, primarily by rapid productivity growth among traditional foreign competitors, and by the emergence of many highly-productive new competitors in the last 15 years, reflecting: (a) the speedier transfer of U.S.—developed technology to the rest of the world, (b) a more rapid rate of new innovation in many other countries than in earlier years, (c) a strong emphasis on product quality and design, (d) high saving and investment rates, (e) the rebuilding of World War II ravaged infrastructures with the most modern equipment (and the use of such equipment in the NIC's), (f) the increased mechanization of agriculture, (g) the lower base from which many foreign countries started, and (h) an emphasis on rapid growth, both domestically and in exports, in order to generate the profits necessary to fund additional investment, and research and development. During the same time, productivity growth in the United States was slowing relative to the earlier postwar years.

The net effect of these factors has been to dramatically narrow the differences in productivity and product quality which existed previously between the United States and older competitors, at the same time that a large number of new, highly efficient competitors emerged—in fact, average productivity levels in many tradable goods industries are actually now higher in Japan and some other countries than they are in the United States (although not on an overall economy basis, because U.S. productivity levels remain higher in various other industries). As a result, relatively high wage and capital costs in the United States can no longer be justified by productivity differences, and represent an enormous competitive disadvantage—the combination of these developments has caused a rapid shift away from U.S. dominance in world markets, with sharp declines in the U.S. world-market share for most manufactured and agricultural goods, massive trade deficits, and rapidly growing foreign debt. These trends have been aggravated by the enormous U.S. budget deficits and the overvalued dollar in the early 80's, and by the LDC debt crisis.

Most disturbing about the U.S. competitive problems in world markets is the changing nature of foreign competition. During the 1970's, Japan and many other countries began to compete successfully with U.S. companies on the basis of lower wages and, therefore, lower production costs; in more recent years, their competitive strengths shifted more toward product quality rather than just lower costs; and now, they are increasingly competing successfully on the basis of new products and new technologies.

The decline in fundamental competitiveness (i.e., in relative productivity), and its likely effect on future economic growth (to be discussed below), have been hidden or unrecognized because of the following:

1. The manufacturing/GNP ratio (in real terms) has remained relatively stable, suggesting that the United States is not de-industrializing. However, the stability of manufacturing output as a share of real GNP in recent years actually further demonstrates the erosion of U.S. competitiveness when it is viewed in the context of the rapid rebound in the demand for manufactured goods (relative to total demand) in the United States, reflecting the large turnaround in consumer durables, the procurement-dominated military buildup, and the tax-incentive-led pickup in investment in the early 1980's. The surge in demand for goods was so strong that it prevented the manufacturing/GNP ratio from declining despite the loss of U.S. market shares (and the related influx of imports and slowdown in exports)—without the change in relative competitiveness, the manufacturing output/GNP ratio would have risen sharply during the 1980's. This also explains why U.S. manufacturing output grew more rapidly than in the rest of the world during the initial stages of recovery—the U.S. market, in which the U.S. has a relatively large (but declining) share, has grown much more rapidly than markets overseas. Finally, maintaining a near-stable manufacturing/GNP ratio (the trend at cyclical peaks has actually been slightly negative) over the last 15 years has been possible only in part by a steadily declining dollar relative to most currencies during the 1970's, which offset some of the widening unit labor cost differentials at that time.

2. The U.S. economy has grown more rapidly than most other industralized countries during recent years—this is often cited as the primary cause of large U.S. trade deficits. However, while faster economic growth in the United States has obviously increased the trade imbalance, it does not account for the sharp rise in import penetration rates (rather than just import levels), and the decline in U.S. exports in real terms between 1980 and 1987 (even though economic growth outside of the United States has been positive, although modest). These have combined to cause the sharp decline in the U.S. share of worldwide production in most industries referred to earlier, and in overall world trade, in the 80's. Furthermore, the U.S. trade imbalance continued to rise even as U.S. demand and overall economic growth slowed in 1985 and 1986, and has come down only modestly in the last two years despite a 50% decline in the trade-weighted value of the dollar.

3. The onset of massive trade deficits has coincided with large budget deficits, leading many to conclude that the budget imbalance, by pushing up interest rates and the U.S. dollar exchange rate, is the dominant cause of our trade problems. However, as best evidenced by the rapid rate of increase in the U.S. trade deficit with Japan, and the steady decline in the U.S. dollar relative to the yen and other industrialized currencies, our trade problems were developing well before the 1980's. The full extent of underlying deteriorating competitiveness at that time was temporarily masked by the surge in exports to Latin America (financed by unsustainable U.S. bank lending, much of it directly tied to exports), by rising exports to OPEC countries (in response to oil-revenue-financed development and construction programs), and by the relatively weak dollar. Large U.S. budget deficits have clearly made trade deficits worse, both by pushing up the U.S. dollar in the early 80's and by directly stimulating demand; however, increasing foreign competitive pressures would have occurred even in the absence of unbalanced U.S. fiscal poiicies.

4. We have experienced a very long economic expansion despite large trade deficits, leading many to question whether such deficits are inherently bad and/or whether there has been any major change in U.S. competitiveness, and/or whether these trade deficits are just a minor side effect of the growth oriented supply-side policies enacted in the early 80's. However, this expansion was not produced by a supply-side revolution, but rather by a large number of factors. First, the enormous fiscal stimulus injected into the economy by the massive net tax reductions enacted in 1981 and by the large military buildup have clearly been a factor in the recovery process. Second, the dramatic easing of monetary policy that was initiated in the summer of 1982 (as indicated by both declining interest rates and rapid growth in the money supply), was also a major contributor. Third, to some extent the recovery was purely cyclical, reflecting the large recessions of the early 1980's which created large pent-up demands and vast amounts of idle resources. Fourth, the favorable effects of the sharp decline in oil prices during the 1980's enhanced household purchasing power. Fifth, the longevity of the recovery is also in part the result of the change in sectoral mix, so that different pockets of strength emerged at different times to continue the expansion process. Finally, and most importantly, the length of the recovery period also in part reflects the incredible willingness of the economy to incur more debt and the willingness of foreigners to lend us that money at reasonable interest rates. Without this, the recovery would have been more sluggish and/or shorter.

Most disturbing is that we have deluded ourselves into thinking that our competitive and other problems are not serious because of the relatively long expansion—however, it should be clear to all that we have essentially experienced a cyclical recovery helped along by the temporary forces described above, and that now these factors are becoming less favorable at the same time that the cyclical factors are petering out. There has been no supply-side miracle, as indicated by the following:

a. Despite the long recovery, average economic growth during the 1980's has been lower than in any other decade since World War II;

b. While the personal saving rate has increased a little bit in the last year or two, it is still far below earlier post war years;

c. Even some improvement in the mid 80's, net investment remains weak, despite the inflow of foreign capital;

d. While labor force growth has been relatively strong, this appears primarily due to flat real wages and social factors rather than supply-side factors;

e. Productivity growth has weakened again;

f. Tax revenues excluding social security continue to lag behind overall economic growth, despite supply-side promises;

g. Domestic and foreign debt levels have sky-rocketed, funding a significant amount of the recovery that we have experienced.

IMPLICATIONS FOR THE FUTURE

As mentioned above, there is absolutely no reason to believe that the long economic expansion still underway has resulted from any major transformation of the economy which has improved long economic prospects. In fact, quite the opposite is the case—what we have essentially experienced is a long cyclical recovery/expansion from a very low base following the two back-to-back recessions in the early 1980's; sectoral factors have not improved during this period, and in some cases have actually worsened. This is highly significant because now that the cyclical part of the expansion is over, long-term factors will become dominant; these include the poor rate of productivity growth and our eroding competitiveness in world markets. Furthermore, it is unlikely that the United States will be able to continue the rate of debt accumulation that took place during the 1980's—quite the opposite, already high debt burdens may also limit future economic growth.

I thus strongly believe that, in part because of our competitiveness problem, economic growth may be sluggish for many years into the future—recent data indicate that this process may have already begun. Such sluggish growth will be caused not only by continued very large trade deficits but because the ramifications of our competitive problems are likely to increasingly hold down domestically-oriented sectors of the economy also by squeezing real wages and by keeping real interest rates relatively high. The stagnation in real wage growth (which already appears to have begun), coupled with low saving rates, high debt burdens, and other factors, will limit the growth in consumer spending on a secular basis. Growth in the demand for durable goods will be especially sluggish because they are most sensitive to real income and debt levels.

IMPLICATIONS OF GROWING FOREIGN DEBT

The merits of rapidly increasing foreign ownership of U.S. assets (especially Japanese ownership) are being increasingly debated, with some highly in favor and others extremely concerned. It seems to me the following points are the most relevant for this debate.

1. Such investment is absolutely essential in the short term while we have big budget deficits—without it, interest rates would be much higher and economic growth much lower.

2. Some of the foreign investment is in the form of capital spending in the United States.

While these are favorable, it must also be clearly understood that there also are some long-term negative ramifications of the increasing share of foreign ownership of U.S. assets. These include the following:

a. While foreign ownership is still not high in relation to total U.S. assets, what is most alarming is how rapidly it is increasing—if this trend continues, the ratio will become much higher in the years ahead.

b. Most disturbing is that despite the large influx of foreign capital and a significant increase in foreign direct investment in the United States, total net investment in the United States is still relatively weak. In effect, much of the foreign investment in recent years is financing large federal budget deficits, current consumption, and financial transactions rather then the type of investments that will speed up future economic growth. Thus, even if these funds are not pulled out of the United States, there will be some negative effect in the future reflecting the sharp increase in debt servicing that will occur—this will suck increasing amounts of income out of the United States from total output levels that will not be significantly higher than they would have been without the foreign investment.

c. The increasing influence and ownership of foreigners in the United States is likely to result in some loss of control over our own destiny. In particular, it puts an added constraint on monetary policy, which is likely to mean somewhat higher interest rates than would have been the case in order to provide an attractive climate for foreign investment. Furthermore, increased foreign ownership probably means increased foreign control of technologies, distribution, etc., particularly when the high ownership rates in the United States are combined with their high levels of investment overseas.

d. The United States leadership role in world affairs will obviously be jeopardized by our continuing relative economic decline and loss of ownership of assets.

Thus, in my judgment, it is simplistic to assume that rising foreign ownership of U.S. assets is an unqualified plus for the U.S. on a long-term basis. Furthermore, whether it is good or bad, it will be necessary as long as we continue to have massive budget deficits that have to be financed, and as long as we continue to experience massive trade deficits. In effect we are borrowing the money from overseas to finance high levels of imports and high budget deficits in the United States. There is no way in my judgment that this can be described as healthy on a long-term basis. Thus, until our competitive situation improves and until our budget deficits are reduced, it is inevitable that foreign investment in the U.S. will continue to grow.

PRESCRIPTIONS FOR THE FUTURE

The top economic priority for the rest of this century must be to accelerate the underlying trend in productivity growth from the dismal performance of the last 15 years. Productivity grew by an average of nearly 3% per year in the 1950's, 1960's and early 1970's; since 1973, it has decelerated to an annual average of less than 1%. As a result, average productivity is now over 20% less than it would have been had the previous trend continued. Many explanations have been offered for this near-stagnation in economic efficiency, but the obvious conclusion from the research that I and many others have done is that no one single factor, such as shifting demographics or any other relatively uncontrollable factor, is responsible. Rather, the evidence suggests that a multitude of factors, each making a relatively small contribution, are at fault. These factors include the need to absorb large numbers of relatively inexperienced new entrants into the labor force; an increasing share of business investment going toward energy conservation, environmental needs, and other relatively unproductive (although perhaps necessary) activities and needs; declining research and development; a substantial reduction in invested capital per worker; a shifting mix away from relatively high productivity sectors toward those with lower average productivity; a reduced focus on the importance of manufacturing, etc. Most disturbing is that overall productivity growth has been disappointing in recent years despite many favorable factors, such as declining oil prices, the relatively long period of economic expansion, the large amount of idle resources when the recovery began and widespread cost-cutting.

The dramatic slowdown in productivity growth is the root cause behind the major economic developments during the last 15 years. First, as discussed earlier, the competitive position of the United States in world markets had declined dramatically since the early 1970's, causing sharp delines in the U.S. share of worldwide production in most industries; gigantic trade deficits after many years of surpluses; and, our shift from being the world's largest creditor nation to its largest debtor in a matter of a few short years. This change in relative competitiveness primarily reflects a shrinking of U.S. advantages in technology, product quality, and mostly, productivity. In industry after industry, the gap in these areas has been narrowed by foreign competitors—in some cases, U.S. companies have actually fallen behind. And, most signficantly, the slow growth in productivity in the United States made it relatively easy for foreign competitors to catch up.

Second, and directly related, real wages have essentially stagnated since the early 1970's following an average annual post-war increase of 2.5% until then. Although partly due to oil-caused inflation of the 1970's, the major factors have been widespread wage restraint and the loss of many high-paying jobs (while most of the newly created jobs are lower-paying) that resulted from sluggish productivity growth and deteriorating competitiveness. The slowdown in real wages has meant that an increasing number of families have had to rely on a second income, cutting savings, and/or going deeper into debt in order to improve or just maintain their living standards.

A substantial acceleration in productivity growth is essential if these trends are to be reversed, if the tradition of rising real wages and living standards in this country is to be restored, and if the current expansion partly created by a massive debt buildup and by rising labor force participation rates is to be continued. Higher productivity is also necessary if we are to address the enormous unmet needs that have been building, such as dealing with the drug problem, finding a cure for aids, etc.—only in a more productive society can we have the resources to meet these needs.

This, in my view, will require a major national effort. Unfortunately, the opposite seems to be occurring—not only are these unfavorable trends not receiving adequate attention, but if anything, a sense of complacency seems to have developed because of the decline in the trade deficit since early 1988. However, the trade turnaround has

been small at best, and is primarily due to the weak dollar and cost cutting in U.S. industry (and thus is occurring at the expense of living standards) rather than reflecting any major change in fundamental competitiveness. Without such a change, real wage gains will continue to be weak, or nonexistent, at a time when an increasing share of U.S. incomes will be needed to service the enormous and still growing foreign debt—this combination would further jeopardize living standards in the future.

What is particularly disturbing is that the growth in manufacturing productivity has begun to slow in the last two years, following a surge in the mid-1980's. But this is not surprising since the early surge partly reflected widespread outsourcing of various job functions (and thus was not accompanied by a significant acceleration in economy-wide productivity growth), as well as many one-time factors such as plant closings and corporate staff layoffs, rather than ongoing improvements in manufacturing efficiency. What is needed is to produce a sustained period of accelerated growth in productivity, not just one-time adjustments, especially since the gains in efficiency in many of the countries we compete with still exceed that being experienced in this country. And, since the basic factors which influence long-term productivity are not improving, this is not likely to take place unless major changes in government policies, and in our priorities as a nation, are implemented. Furthermore, foreigners are not standing still—a major investment boom is now taking place in Japan, and Europe is rapidly moving toward integration. These trends will make it even more difficult for us to compete in the years ahead unless we address our own problems.

That is why I and a number of colleagues at Rebuild America, including Nobel Laureate Robert Solow, recently proposed a comprehensive strategy to boost productivity through increased private and public investment in physical and human capital. Essentially, we believe that the only clear way to produce the sustainable, ongoing increases in productivity that are needed is to increase our basic research, to embody new technology more quickly in our production facilities through a higher investment rate and a more long-term focus, and to educate and train our workers more effectively. Unfortunately, the recent evidence suggests that without a government-led national focus, adequate improvements may not take place, especially since the solutions, like the causes, must be multidimensional. Washington must play an important role in the process by mobilizing the private and public sectors on behalf of such an "investment economics" that raises the national savings rate, provides tax incentives for productive private investment, and boosts public investment in the workforce and cutting-edge industries in the 1990's.

Specifically, Washington should:

1. Set goals for savings, investment, R&D, educational quality, etc;

2. Focus attention on the importance of productivity in every segment of the economy, and help create an environment that favors real investment over speculation and financial transactions, and that moves us away from an excessive short-term focus toward a more long-term orientation.

3. And, most of all, promote policies which create the best possible business environment by:

a. Reducing the budget deficit in order to increase national savings.

b. Developing policies to ensure that the resulting increase in national savings is used wisely; e.g., for more productive investment and more research and development by the private sector.

c. Adjusting spending priorities and the tax structure to promote future investment and growth.

d. Bringing industry, government, labor and universities together for joint research and other cooperative efforts when appropriate.

e. Forcing government-business alliances to address specific economic problems.

f. Reducing LDC debt to make those countries viable markets for U.S. products again.

g. Being more forceful in opening up foreign markets to U.S. goods.

h. Reversing the declining quality of education, especially in mathematics and science, in order to increase the skill levels of the labor force.

Much time has already been lost—the Administration and Congress must begin to address these issues as soon as possible and give them the highest priority during the next few years, or the next generation, and those that follow, may suffer the consequences in the form of stagnant, or even declining, living standards.●

EDUCATION OF INDIVIDUALS WITH DISABILITIES ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 379, S. 1824, to reauthorize the Education of the Handicapped Act.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1824) to reauthorize the Education of the Handicapped Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education of Individuals with Disabilities Act of 1989".

SEC. 2. DEFINITIONS.

Section 602(a) of the Education of the Handicapped Act (hereinafter referred to as "the Act") is amended—

(1) by amending paragraph (1) to read as follows:

"(1) The term 'children with disabilities' means children—

"(A) with—

"(i) mental retardation;

"(ii) hearing impairments, including deafness;

"(iii) speech or language impairments;

"(iv) visual impairments, including blindness;

"(v) serious emotional disturbances;

"(vi) orthopedic impairments;

"(vii) autism;

"(viii) head injuries;

"(ix) other health impairments; or

"(x) specific learning disabilities; and

"(B) who, by reason thereof, need special education and related services.";

(2) in paragraph (17) by inserting "social work services," after "psychological services,"; and

(3) by inserting at the end thereof the following new paragraphs:

"(24) The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"(25) The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

"(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

"(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

"(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

"(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.".

SEC. 3. WAIVER OF STATE IMMUNITY PROVISION.

Part A of the Act is amended by inserting the following new section 604 after section 603:

"WAIVER OF STATE IMMUNITY

"(a) A State shall not be immune under the eleventh amendment of the Constitution of the United States from suit in Federal court for a violation of this Act.

"(b) In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public entity other than a State.

"(c) The provisions of subsections (a) and (b) shall take effect with respect to violations that occur in whole or in part after the date of enactment of the Education of Individuals With Disabilities Act of 1989.".

SEC. 4. ADMINISTRATIVE PROVISIONS.

Part A of the Act is amended by inserting the following new section 610 after section 609:

"ADMINISTRATIVE PROVISIONS

"SEC. 610. (a) PRIORITY.—In awarding grants, contracts, and cooperative agreements under parts C through G of this Act, the Secretary, where appropriate, shall require applicants to demonstrate how they will address, in whole or in part, the needs of infants, toddlers, children, and youth with disabilities from the diversity of racial, ethnic, and linguistic backgrounds.

"(b) DISSEMINATION.—The Secretary shall require recipients of all grants, contracts and cooperative agreements under parts C through G of this Act to prepare procedures, findings, and other relevant information in a form that will maximize the dissemination and use of such procedures, findings, and information. The Secretary may require the delivery of such procedures, findings, and information to appropriate networks that exchange knowledge and practice information, including, but not limited to, the National Diffusion Network authorized under section 1562 of the Elementary and Secondary Education Act of 1965, regional resource centers authorized under section 621 of this Act, appropriate clearinghouses authorized under section 633 of this Act, appropriate parent and professional organizations, and organizations representing individuals with disabilities.

"(c) SITE VISIT.—The Secretary shall conduct at least 1 site visit for each grant, contract, and cooperative agreement receiving $300,000 or more annually under parts C through G of this Act.".

SEC. 5. STATE PLANS.

Section 613(a)(3) of the Act is amended to read as follows:

"(3) describe, consistent with the purposes of this Act, a comprehensive system of personnel development that shall include—

"(A) a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel, including—

"(i) the development and maintenance of a system for determining, on an annual basis—

(I) the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure; and

"(II) the number and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors;

"(ii) the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including—

"(I) the numbers of students enrolled in such programs, and

"(II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year; and

"(iii) the development, updating, and implementation of a plan that—

"(I) will address current and projected special education and related services personnel needs, including the need for leadership personnel; and

"(II) coordinates and facilitates efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from diverse racial, ethnic, and linguistic backgrounds, and personnel with disabilities; and

"(B) a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, including—

"(i) a system for the continuing education of regular and special education and related services personnel;

"(ii) procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and

"(iii) procedures for adopting, where appropriate, promising practices, materials, and technology.".

SEC. 6. EVALUATION.

Section 618 of the Act is amended to read as follows:

"EVALUATION

"SEC. 618. (a) The Secretary shall, directly or by grant, contract, or cooperative agreement, collect data—

"(1) to assess progress in the implementation of this Act;

"(2) to assess the impact and effectiveness of State and local efforts, and efforts by the Secretary of the Interior, to provide—

"(A) free appropriate public education to children and youth with disabilities; and

"(B) early intervention services to infants and toddlers with disabilities; and

"(3) to provide—

"(A) Congress with information relevant to policymaking; and

"(B) State, local, and Federal agencies, including the Department of the Interior, with information relevant to program management, administration, and effectiveness with respect to such education and early intervention services.

"(b)(1) In carrying out subsection (a), the Secretary, on at least an annual basis (except as provided in subparagraph (E)), shall obtain data concerning programs and projects assisted under this Act and under other Federal laws relating to infants, toddlers, children, and youth with disabilities, and such additional information, from State and local educational agencies, the Secretary of the Interior, and other appropriate sources, including designated lead agencies under part H of this Act, including—

"(A) the number of infants, toddlers, children, and youth with disabilities in each State receiving a free appropriate public education or early intervention services—

"(i) in age groups 0-2 and 3-5, and

"(ii) in age groups 6-11, 12-17, and 18-21, by disability category;

"(B) the number of children and youth with disabilities in each State, by disability category, who—

(i) are participating in regular educational programs (consistent with the requirements of section 612(5)(B) and 614(a)(1)(C)(iv));

(ii) are in separate classes, separate schools or facilities, or public or private residential facilities; or

(iii) have been otherwise removed from the regular education environment;

"(C) the number of children and youth with disabilities exiting the educational system each year through program completion or otherwise, by disability category, for each year of age from age 14 through 21;

"(D) the number and type of personnel that are employed in the provision of—

"(i) special education and related services to children and youth with disabilities, by disability category served; and

"(ii) early intervention services to infants and toddlers with disabilities; and

"(E) at least every three years, using the data collection method the Secretary finds most appropriate, a description of the services expected to be needed, by disability category, for youth with disabilities in age groups 12-17 and 18-21 who have left the educational system.

"(2) Beginning with fiscal year 1992, the Secretary shall obtain and report data from the States under section 613(a)(3)(A), including data addressing current and projected special education and related services needs, and data on the number of personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure, and other data for the purpose of meeting the requirements of this subsection pertaining to special education and related services personnel.

"(3) The Secretary shall provide, directly or by grant, contract, or cooperative agreement, technical assistance to State agencies providing the data described in paragraphs (1) and (2) to achieve accurate and comparable information.

"(c)(1)(A) The Secretary is authorized to conduct activities, directly or by grant, contract, or cooperative agreement, to prepare an annual report on the progress being made toward the provision of—

"(i) a free appropriate public education to all children and youth with disabilities; and

"(ii) early intervention services for infants and toddlers with disabilities.

"(B) Not later than 120 days after the close of each fiscal year, the Secretary shall transmit a copy of the report authorized under subparagraph (A) to the appropriate committees of each House of Congress. The annual report shall be published and disseminated in sufficient quantities to the education community at large and to other interested parties.

"(2) The Secretary shall include in each annual report under paragraph (1)—

"(A) a compilation and analysis of data gathered under subsection (b); and

"(B) a description of findings and determinations resulting from monitoring reviews of State implementation of this part.

"(3) In the annual report under paragraph (1) for fiscal year 1991 (which is published in 1992) and for every third year thereafter, the Secretary shall include in the annual report—

"(A) an index of all current projects funded under parts C through G of the Act; and

"(B) data reported under sections 622 and 634.

"(4) The Secretary shall include in each annual report under paragraph (1) the results of research and related activities conducted under part E of this Act that the Secretary determines are relevant to the effective implementation of this Act.

"(5) The Secretary shall, in consultation with the National Council on Disability and the Bureau of Indian Affairs Advisory Committee for Exceptional Children, include a description of the status of early intervention services for infants and toddlers with disabilities from birth through age 2, and special education and related services to children with disabilities from 3 through 5 years of age (including those receiving services through Head Start, developmental disabilities programs, crippled children's services, mental health/mental retardation agencies, and State child-development centers and private agencies under contract with local schools).

"(d) There are authorized to be appropriated $3,594,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994 to carry out this section.".

SEC. 7. REGIONAL RESOURCE AND FEDERAL CENTERS.

(a) IN GENERAL.—Section 621(a) of the Act is amended in the first sentence by inserting "that focus on special education, related services, and early intervention" before the period.

(b) COORDINATING TECHNICAL ASSISTANCE CENTER.—Section 621(d) of the Act is amended by inserting at the end thereof the following new sentence: "Such coordinating technical assistance center is authorized to—

"(1) provide information to, and training for, agencies, institutions, and organizations, regarding techniques and approaches for submitting applications for grants, contracts, and cooperative agreements under this part and parts D through G, and shall make such information available to the regional resource centers on request;

"(2) give priority to providing technical assistance concerning the education of children with disabilities from diverse racial, ethnic, and linguistic backgrounds;

"(3) exchange information with, and, where appropriate, cooperate with, other centers addressing the needs of children with disabilities from diverse racial, ethnic and linguistic backgrounds, and

"(4) provide assistance to State educational agencies, through the regional resource centers, for the training of hearing officers.".

SEC. 8. SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH.

Section 622 of the Act is amended—

(1) in subsection (a)(1) by inserting "and local educational agencies" after "State educational agencies";

(2) in subsection (a)(1)(A) by—

(A) inserting "infants, toddlers," before "children and youth"; and

(B) striking "special education and related services" and inserting in lieu thereof "special education, early intervention, and related services";

(3) in subsection (a)(1)(B) by striking "youth, upon attaining the age of twenty-two," and inserting "individuals"; and

(4) by amending subsection (a)(2) to read as follows:

"(2)(A) A grant, cooperative agreement, or contract may be made under paragraph (1)(A) only for programs providing—

"(i) technical assistance to agencies, institutions, or organizations providing educational or early intervention services to deaf-blind infants, toddlers, children, or youth;

"(ii) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind infants, toddlers, children, or youth;

"(iii) replication of successful innovative approaches to providing educational, early intervention, or related services to deaf-blind infant, toddlers, children, and youth;

"(iv) pilot projects that are designed to—

"(I) expand local educational agency capabilities by providing services to deaf-blind children and youth that supplement services already provided to children and youth through State and local resources; and

"(II) encourage eventual assumption of funding responsibility by State and local authorities;

"(v) research to identify and meet the full range of special needs of such deaf-blind infants, toddlers, children, and youth;

"(vi) the development, improvement, or demonstration of new or existing methods, approaches, or techniques that contribute to the adjustment and education of deaf-blind infants, toddlers, children, and youth; or

"(vii) facilitation of parental involvement in the education of their deaf-blind infants, toddlers, children, and youth.

"(B) The programs described in subparagraph (A) may include—

"(i) the diagnosis and educational evaluation of infants, toddlers, children, and youth who are likely to be diagnosed deaf-blind;

"(ii) programs of adjustment, education, and orientation for deaf-blind infants, toddlers, children, and youth; and

"(iii) consultative, counseling, and training services for the families of deaf-blind infants, toddlers, children, and youth.";

(5) in subsection (a)(3)—

(A) in subparagraph (A), by striking "who have attained age twenty-two years"; and

(B) in subparagraph (C), by striking "rehabilitative, semisupervised," and inserting "rehabilitative, supervised, semisupervised,";

(6) by amending subsection (a)(4) to read as follows:

"(4) In carrying out this subsection, the Secretary shall take into consideration the availability and quality of existing services for deaf-blind infants, toddlers, children, and youth in the country, and, to the extent practicable ensure that all parts of the country have an opportunity to receive assistance under this subsection.";

(7) by amending subsection (b) to read as follows:

"(b) In order to accomplish the objectives of subsection (a), the Secretary is also authorized to make grants, or enter into contracts or cooperative agreements, to establish and support single and multi-State centers to provide technical assistance for program development and expansion for the education of deaf-blind infants, toddlers, children, and youth, and their families, and pilot projects as described under subsection (a)(2)(A)(iv).".

(8) by amending subsection (d) to read as follows:

"(d) The Secretary shall enter into a cooperative agreement with an institution of higher education, public agency, or private nonprofit organization or institution for a national center on deaf-blindness. Such center shall disseminate materials and information concerning effective practices in working with deaf-blind infants, toddlers, children, and youth."; and

(9) by striking subsections (e) and (f).

SEC. 9. EARLY EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) The heading of section 623 of the Act is amended to read as follows:

"EARLY EDUCATION FOR CHILDREN WITH DISABILITIES"

(b) Section 623 of the Act is amended—

(1) in subsection (a)(1) by—

(A) inserting "or other communication mode, and" after "speech" in subparagraph (A);

(B) striking "and" at the end of subparagraph (D);

(C) striking the period at the end of subparagraph (E) and inserting in lieu thereof a comma; and

(D) inserting the following new subparagraphs at the end thereof;

"(F) facilitate and improve the early identification of infants and toddlers with disabilities or those infants and toddlers at risk of having developmental disabilities; and

"(G) facilitate the transition of infants with disabilities or infants at risk of having developmental delays, from medical care to early intervention services, and the transition from early intervention services to preschool special education or regular education services (especially where the lead agency for early intervention programs under part H of this Act is not the State educational agency);

"(H) promote the use of assistive technology devices and assistive technology services, where appropriate, to enhance the development of infants and toddlers with disabilities; and

"(I) increase the understanding of, and address, the early intervention and preschool needs of children exposed prenatally to maternal substance abuse.";

(2) by inserting the following new subsection (g) at the end thereof:

"(g) The Secretary may make grants, to, or enter into contracts or cooperative agreements with institutions of higher education and nonprofit private organizations to synthesize the knowledge developed under this section and organize, integrate, and present such knowledge so it can be incorporated and imparted to parents, professionals, and others providing or preparing to provide preschool or early intervention services and to persons designing preschool or early intervention programs.".

SEC. 10. PROGRAMS FOR CHILDREN WITH SEVERE DISABILITIES.

(a) The heading of section 624 of the Act is amended to read as follows:

"PROGRAMS FOR CHILDREN WITH SEVERE DISABILITIES"

(b) Section 624 of the Act is amended—

(1) in subsection (a) by inserting "special education, related services, and early intervention" after "address the";

(2) in subsection (a)(1) by inserting "education, related services, and early intervention" after "special";

(3) in subsection (a)(3) by—

(A) inserting "special and regular education, related services, and early intervention" before "personnel"; and

(B) inserting "infants, toddlers," after "such"; and

(4) by inserting at the end thereof the following new subsection (d):

"(d) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, public or private nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for children and youth with severe disabilities.".

SEC. 11. POSTSECONDARY EDUCATION.

Section 625 of the Act is amended—

(1) in subsection (a)(6) by striking "$2,000,000" and inserting "$4,000,000"; and

(2) by amending subsection (b) to read as follows:

"(b) For the purposes of subsection (a), the term 'individuals with disabilities' means individuals—

"(1) with—

"(A) mental retardation;

"(B) hearing impairments, including deafness;

"(C) speech or language impairments;

"(D) visual impairments, including blindness;

"(E) serious emotional disturbances;

"(F) orthopedic impairments;

"(G) autism;

"(H) head injuries;

"(I) other health impairments; or

"(J) specific learning disabilities; and

"(2) who, by reason thereof, need special education and related services.".

SEC. 12. SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR CHILDREN AND YOUTH WITH DISABILITIES.

(a) HEADING.—The heading of section 626 of the Act is amended to read as follows:

"SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR CHILDREN AND YOUTH WITH DISABILITIES".

(b) AMENDMENTS.—Section 626 of the Act is amended—

(1) in subsection (b)(2) by inserting "independent" after "training";

(2) in subsection (b)(9) by—

(A) inserting ", and related services," after "techniques"; and

(B) striking "and" after "services,";

(3) in subsection (b)(10) by striking the period at the end thereof and inserting in lieu thereof a comma and "and";

(4) in subsection (b) by inserting the following new paragraph at the end thereof:

"(11) developing and disseminating exemplary programs and practices that meet the unique needs of students who utilize assistive technology devices and assistive technology services as such students make the transition to postsecondary education, vocational training, competitive employment (including supported employment), and continuing education or adult services."; and

(5) by inserting the following new subsections (g) and (h) at the end thereof:

"(g) The Secretary shall award at least five grants on a competitive basis to projects in which the State educational agency and the State vocational rehabilitation agency submit a joint application to implement and improve transition services for youth with disabilities aged 14 through 21. The Secretary shall give priority to such joint applications that—

"(1) target resources to school settings, such as providing access to rehabilitation counselors for students with disabilities who are in school settings;

"(2) provide for cooperative arrangements for interagency funding of transition services and that encourage public and private sector investment in transition services;

"(3) provide for early, ongoing information and training for individuals involved with or who could be involved with transition services, such as professionals, parents, and youth with disabilities, including self-advocacy training for such youth; and

"(4) ensure, that when appropriate and no later than age 22, youth who participate in transition services will be served in accordance with the provisions of section 110 of the Rehabilitation Act of 1973 or under part C of title VI of the Rehabilitation Act of 1973.

"(h)(1) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, State educational agencies, local educational agencies, other appropriate public and private nonprofit institutions or agencies, or other organizations or institutions as are determined by the Secretary to be appropriate, to address the various transitions that a child with a disability may face throughout such child's years in school, including but not limited to—

"(A) the transition from medical care to special education for those children with disabilities, including chronic health impairments who may require individualized health-related services to enable such children to participate in, or benefit from, special education;

"(B) the transition between residential placement and community-based special education services; and

"(C) the transition between a separate educational placement and the regular classroom setting.

"(2) Authorized activities for projects assisted under paragraph (1) include, but are not limited to—

"(A) research, demonstrations, and outreach;

"(B) a census to determine the number of children and youth with disabilities who need individualized health-related services to enable such children and youth to participate in, or benefit from, special education, and to determine the types of health-related services needed by such children;

"(C) training of school nurses, educators, and related-services providers, aides, and others to provide health-related services;

"(D) training of case managers;

"(E) demonstration models to enhance and facilitate continuing interaction between medical and school personnel regarding the ongoing needs of students with disabilities, including chronic health impairments; and

"(F) demonstration models to explore multiple sources of funding for health-related services.

"(3) In making grants and entering into contracts and cooperative agreements under this subsection, the Secretary shall ensure that the approved activities will be coordinated with similar activities funded under other sections of this Act.

"(4) To the extent feasible, programs authorized by this subsection shall be geographically dispersed throughout the Nation in urban and rural areas.".

SEC. 13. PROGRAMS FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCES.

Part C of the Act is further amended—

(1) by redesignating sections 627 and 628 as sections 628 and 629, respectively; and

(2) inserting the following new section 627 after section 626:

"PROGRAMS FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCES

"SEC. 627. (a) The Secretary is authorized to make grants to institutions of higher education, State educational agencies, local educational agencies, or other appropriate public and private nonprofit institutions or agencies for research, demonstrations, and training to improve special education and related services to children and youth with serious emotional disturbances. Such grants may be used for—

"(1) studies regarding the state of special education and related services to such children and youth and their families, including the establishment and maintenance of data bases for assessing the status of such services over time;

"(2) projects to develop methodologies and curricula designed to improve special education and related services programming;

"(3) projects to develop and demonstrate strategies and approaches to reduce the use of out-of-community residential programs and the increased use of school district-based programs including, but not limited to, day treatment programs, after-school, and summer programs;

"(4) projects to develop the knowledge, skills, and strategies for effective collaboration among special education, regular education, related services, and other professionals and agencies, including demonstration projects;

"(5) projects to demonstrate innovative approaches to prevent children and youth with emotional and behavioral problems from developing serious emotional disturbances that require the provision of special education and related services; or

"(6) synthesis and dissemination of knowledge.

"(b) At least one study conducted under paragraph (a)(1) shall examine the extent to which out-of-community residential programs are used for children and youth with serious emotional disturbances, the factors that influence such placement decisions, the extent to which such children and youth return to educational programs in their communities, and the factors which facilitate or impede such return.".

SEC. 14. PART C AUTHORIZATION OF APPROPRIATIONS.

Section 629 of the Act (as redesignated by section 13(1)) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 629. (a) There are authorized to be appropriated to carry out section 621 $7,500,000 for fiscal year 1990, $8,100,000 for fiscal year 1991, $8,750,000 for fiscal year 1992, $9,450,000 for fiscal year 1993, and $10,204,000 for fiscal year 1994.

"(b) There are authorized to be appropriated to carry out section 622 $17,800,000 for fiscal year 1990, $19,220,000 for fiscal year 1991, $20,760,000 for fiscal year 1992, $22,420,000 for fiscal year 1993, and $24,220,000 for fiscal year 1994.

"(c) There are authorized to be appropriated to carry out section 623 $27,410,000 for fiscal year 1990, $29,600,000 for fiscal year 1991, $31,970,000 for fiscal year 1992, $34,530,000 for fiscal year 1993, and $37,290,000 for fiscal year 1994.

"(d) There are authorized to be appropriated to carry out section 624 $6,500,000 for fiscal year 1990, $7,020,000 for fiscal year 1991, $7,580,000 for fiscal year 1992, $8,190,000 for fiscal year 1993, and $8,840,000 for fiscal year 1994.

"(e) There are authorized to be appropriated to carry out section 625 $8,770,000 for fiscal year 1990, $9,470,000 for fiscal year 1991, $10,230,000 for fiscal year 1992, $11,050,000 for fiscal year 1993, and $11,930,000 for fiscal year 1994.

"(f) There are authorized to be appropriated to carry out section 626 $9,000,000 for fiscal year 1990, $12,000,000 for fiscal year 1991, $15,000,000 for fiscal year 1992, $18,000,000 for fiscal year 1993, and $21,000,000 for fiscal year 1994.

"(g) There are authorized to be appropriated to carry out section 627 $2,000,000 for fiscal year 1990, $5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992, $7,000,000 for fiscal year 1993, and $8,000,000 for fiscal year 1994.".

SEC. 15. GRANTS FOR PERSONNEL TRAINING.

Section 631 of the Act is amended—

(1) in subsection (a)(1) by striking "special education and early intervention" and inserting "special education, related services, and early intervention";

(2) by amending subsection (a)(1)(C) to read as follows:

"(C) special education leadership, including supervision and administration, and personnel preparation of special educators and other personnel providing related services and pre-school and early intervention services for children with disabilities, and";

(3) in subsection (a)(1)(D) by striking the comma and "and" and inserting a period;

(4) by repealing subparagraph (E) of paragraph (1) of subsection (a);

(5) in subsection (a)(2)(A), by striking "for the personnel" and inserting "for special education, related services, early intervention, and other personnel";

(6) inserting at the end of subsection (a) the following new paragraphs:

"(5) Nothing in this subsection shall be construed to prevent regular education or special education personnel from benefiting from or participating in training activities conducted under this subsection on a preservice or inservice basis.

"(6) The Secretary shall establish priorities for—

"(A) the recruitment and preparation of individuals from the diversity of racial, ethnic, and linguistic backgrounds, and individuals with disabilities, for careers in special education, related services, and early intervention, including special education leadership; and

"(B) the preservice preparation of special education, related services, and early intervention personnel to serve individuals from the diversity of racial, ethnic, and linguistic backgrounds."; and

(7) in subsection (b) by—

(A) striking "secondary school students, and" and inserting "students,"; and

(B) striking the period at the end thereof and inserting a comma and "and for the recruitment and retention of special education, related services, and early intervention personnel.".

SEC. 16. GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS FOR TRAINEESHIPS.

Section 632 of the Act is amended—

(1) in subsection (c) by—

(A) inserting "special and regular education, related services and early intervention" after "prepare"; and

(B) by striking the period at the end thereof and inserting a comma and "and to assist the State in developing and maintaining such systems and conducting personnel recruitment and retention activities."; and

(2) by inserting at the end thereof the following new subsection:

"(d) The Secretary is authorized to provide directly or by grant, contract, or cooperative agreement, technical assistance to State education agencies on matters pertaining to the effective implementation of section 613(a)(3).".

SEC. 17. CLEARINGHOUSES.

Section 633 of the Act is amended by—

(1) amending subsection (a) to read as follows:

"(a) The Secretary shall make a grant to, or enter into a contract or cooperative agreement with, a public agency or a nonprofit private organization or institution to establish and operate a national clearinghouse on the education of individuals with disabilities. Such clearinghouse shall—

"(1) collect, synthesize, develop, and disseminate information on a national basis to parents, professionals, and other interested parties concerning programs and services relating to the education of individuals with disabilities under this Act and under other Federal laws;

"(2) participate in programs related to disability issues in order to provide outreach, technical assistance, information collection and dissemination, and referral of individuals to appropriate national, State, and local agencies and organizations;

"(3) coordinate outreach activities with relevant Federal, State, and local organizations and other sources of information, programs, and services, including organizations representing individuals with disabilities, to promote public awareness of disability issues and the availability of information, programs, and services for infants, toddlers, children, and youth with disabilities;

"(4) provide technical assistance to national, Federal, regional, State and local agencies and organizations seeking to establish information and referral services for individuals with disabilities and their families;

"(5) participate in the dissemination of the results of research, demonstration projects, and models funded under parts C through G of this Act, as deemed appropriate by the secretary; and

"(6) collect and provide the Secretary with data on the information needs of parents, professionals, individuals with disabilities, and others regarding the provision of special education, related services, and early intervention.";

(2) amending subsection (b) to read as follows:

"(b) In addition to the clearinghouse established under subsection (a), the Secretary shall make a grant or enter into a contract or cooperative agreement to establish and operate a national clearinghouse on postsecondary education for individuals with disabilities. Such clearinghouse shall—

"(1) collect, develop, synthesize, and disseminate information on a national basis to individuals with disabilities, parents, professionals, and other interested parties, regarding—

"(A) available services and programs in postsecondary education for individuals with disabilities;

"(B) characteristics of individuals entering into, and participating in, the programs set forth in subparagraph (A);

"(C) laws affecting individuals with disabilities and the programs set forth in subparagraph (A);

"(D) sources of financial aid for the education and training of individuals with disabilities; and

"(E) policies, procedures, support services, adaptations, and other resources available or recommended to facilitate the education, rehabilitation, and retraining of adults with disabilities;

"(2) identify areas of need for additional information regarding postsecondary education for individuals with disabilities; and

"(3) coordinate with professionals, relevant Federal, State, and local agencies, and appropriate organizations to disseminate information on, and promote awareness of, issues relevant to the postsecondary education of individuals with disabilities.";

(3) in subsection (c) by—

(A) inserting "or cooperative agreement" after "contract"; and

(B) inserting at the end thereof the following new paragraph (6):

"(6) Assistance to institutions of higher education, States, and others to recruit persons for professional careers in special education, related services, and early intervention, including strategies for recruiting individuals from the diversity of racial, ethnic, and linguistic backgrounds and individuals with disabilities."; and

(4) in subsection (d)—

(A) in paragraph (1) by striking "the grants and contracts" and inserting "grants, contracts and cooperative agreements"; and

(B) by inserting at the end thereof the following new paragraph (3):

"(3) In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall give particular attention to demonstrated experience at the national level in providing information services to racially, ethnically, and linguistically diverse consumers, rural and urban consumers, and organizations that serve infants, toddlers, children and youth with disabilities, their families, and professionals.".

SEC. 18. PART D AUTHORIZATION OF APPROPRIATIONS.

Section 635 of the Act is amended to read as follows:

"SEC. 635. (a)(1) There are authorized to be appropriated to carry out this part (other than sections 631(c) and 633) $86,900,000 for fiscal year 1990, $93,850,000 for fiscal year 1991, $101,360,000 for fiscal year 1992, $111,500,000 for fiscal year 1993, and $120,420,000 for fiscal year 1994.

"(2) There are authorized to be appropriated to carry out section 631(c) $9,000,000 for fiscal year 1990, $10,000,000 for fiscal year 1991, $11,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, and $13,000,000 for fiscal year 1994.

"(3) There are authorized to be appropriated to carry out section 633 $2,000,000 for fiscal year 1990, $2,160,000 for fiscal year 1991, $2,230,000 for fiscal year 1992, $2,520,000 for fiscal year 1993, and $2,720,000 for fiscal year 1994.

"(b) Of the funds appropriated pursuant to subsection (a)(1) for any fiscal year, the Secretary shall reserve not less than 65 percent for activities described in section 631(a)(1).

"(c) Of the funds appropriated under subsection (a)(1) for any fiscal year, the Secretary shall reserve not less than 10 percent for activities under section 632.".

SEC. 19. ADVANCING KNOWLEDGE AND PRACTICE.

The heading of part E of the Act is amended to read as follows:

"PART E—ADVANCING KNOWLEDGE AND PRACTICE".

SEC. 20. RESEARCH AND RELATED ACTIVITIES.

(a) HEADING.—The heading of section 641 of the Act is amended to read as follows:

"RESEARCH AND RELATED ACTIVITIES".

(b) AMENDMENT.—Section 641 of the Act is amended to read as follows:

"SEC. 641. (a) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations to assess and improve the practice of personnel, and the roles of other appropriate persons, including parents, in the provision of special education, related services, and early intervention, through the development and exchange of knowledge. In carrying out this section, the Secretary may support a wide range of research, demonstrations, and related activities designed to—

"(1) advance knowledge regarding the provision of instruction and other interventions to infants, toddlers, children, and youth with disabilities including, but not limited to—

"(A) the organization, synthesis, and interpretation of current knowledge and the identification of knowledge gaps;

"(B) the identification of knowledge and skill competencies needed by personnel providing special education, related services, and early intervention services;

"(C) the improvement of knowledge regarding the developmental and learning characteristics of infants, toddlers, children, and youth with disabilities in order to improve the design and effectiveness of interventions and instruction;

"(D) the evaluation of approaches and interventions;

"(E) the development of instructional strategies, techniques, and activities;

"(F) the improvement of curricula and instructional tools such as textbooks, media, materials, and technology;

"(G) the development of assessment techniques, instruments, and strategies for the identification and evaluation of individuals eligible for special education, related services, or early intervention services;

"(H) the testing of research findings in practice settings to determine the application, usability, effectiveness, and generalizability of such research findings; and

"(I) the improvement of knowledge regarding families, racial and ethnic diversity, and disabling conditions; and

"(2) advance the use of knowledge by personnel providing special education, related services, and early intervention services, including, but not limited to—

"(A) the improvement of knowledge regarding how such individuals learn new knowledge and skills, and strategies for effectively facilitating such learning in preservice, inservice, and continuing education;

"(B) the organization, integration, and presentation of knowledge so that such knowledge can be incorporated in personnel preparation, continuing education programs, and other relevant training and communication vehicles; and

"(C) the expansion and improvement of networks that exchange knowledge and practice information.".

SEC. 21. PROGRAM MANAGEMENT AND EFFECTIVENESS.

(a) REDESIGNATION.—Part E of the Act is further amended by redesignating sections 642, 643, and 644 as sections 643, 644, and 646, respectively.

(b) PROGRAM MANAGEMENT AND EFFECTIVENESS.—Part E of this Act is further amended by inserting the following new section 642 after section 641:

"PROGRAM MANAGEMENT AND EFFECTIVENESS

"SEC. 642. (a)(1) The Secretary shall make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, public agencies, and private nonprofit organizations, and, when necessary because of the unique nature of the study, private-for-profit organizations, for the purpose of conducting studies and investigations for improving program management, administration, delivery, and effectiveness necessary to provide full educational opportunities and early interventions for all children with disabilities from birth through age 21. Such studies and investigations shall gather information necessary for program and system improvements including, but not limited to—

"(A) developing effective racially, ethnically, and linguistically appropriate criteria and procedures to identify, evaluate, and serve infants, toddlers, children, and youth with disabilities for purposes of program eligibility, program planning, delivery of services, program placement, and parental involvement;

"(B) planning and developing effective early intervention services, special education, and related services to meet the complex and changing needs of infants, toddlers, children, and youth with disabilities;

"(C) developing and implementing a comprehensive system of personnel development needed to provide qualified personnel in sufficient number to deliver special education, related services, and early intervention services;

"(D) developing the capacity to implement practices having the potential to integrate children with disabilities, to the maximum extent appropriate, with children who are not disabled;

"(E) effectively allocating and using human and fiscal resources for providing early intervention, special education and related services;

"(F) strengthening programs and services to improve the progress of children and youth with disabilities while in special education, and to effect a successful transition when such children and youth leave special education;

"(G) achieving interagency coordination to maximize resource utilization and continuity in services provided to infants, toddlers, children, and youth with disabilities;

"(H) strengthening parent-school communication and coordination to improve the effectiveness of planning and delivery of interventions and instruction, thereby enhancing development and educational progress; and

"(I) the identification of environmental, organizational, resource, and other conditions necessary for effective professional practice.

"(2)(A) The studies and investigations authorized under this subsection may be conducted through surveys, interviews, case studies, program implementation studies, secondary data analyses and syntheses, and other appropriate methodologies.

"(B) The studies and investigations conducted under this subsection shall address the information needs of State and local educational agencies for improving program management, administration, delivery, and effectiveness.

"(3) The Secretary shall develop and implement a process for the on-going identification of national program information needs necessary for improving the management, administration, delivery, and effectiveness of programs and services provided under this Act. The process shall identify implementation issues, desired improvements, and information needed by State and local agencies to achieve such improvements, and shall be conducted in cooperation with State educational agencies that can ensure broad-based statewide input from each cooperating State. The Secretary shall publish for public comment in the Federal Register every 3 years a program information plan describing such information needs. Such program information plan shall be used to determine the priorities for, and activities carried out under, this subsection to produce, organize, and increase utilization of program information. Such program information plan shall be included in the annual report submitted under section 618 every 3 years.

"(b)(1) The Secretary shall, by grant, contract, or cooperative agreement, provide for special studies to assess progress in the implementation of this Act, and to assess the impact and effectiveness of State and local efforts and efforts by the Secretary of the Interior to provide free appropriate public education to children and youth with disabilities, and early intervention services to infants and toddlers with disabilities. Each such study shall include recommendations for the improvement of the programs and services provided to infants, toddlers, children, and youth under this Act.

"(2) The Secretary shall complete a longitudinal study of a sample of students with disabilities, examining—

"(A) the full range of disabling conditions;

"(B) the educational progress of students with disabilities while in special education; and

"(C) the occupational, educational, and independent living status of students with disabilities after graduating from secondary school or otherwise leaving special education.

"(3) One study conducted pursuant to this subsection shall be a nationally representative study focusing on the types, number, and intensity of related services provided to children with disabilities by disability category.

"(4) One study conducted pursuant to this subsection shall be a study that examines the degree of disparity among States with regard to the placement in various educational settings of children and youth with similar disabilities, especially those with mental retardation, and to the extent that such disparity exists, the factors that lead such children and youth to be educated in significantly different educational settings.

"(5) One study conducted pursuant to this subsection shall examine the factors which have contributed to a significant decline in the number of children classified as having a specific disability since the implementation of Part B of the Act.

"(c) The Secretary shall make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to support activities that organize, synthesize, interpret, and integrate information obtained under subsections (a) and (b) with relevant knowledge obtained from other sources.

"(d)(1) The Secretary shall enter into cooperative agreements with State educational agencies and other State agencies to carry out studies to assess the impact and effectiveness of this Act.

"(2) The agreements referred to in paragraph (1) shall—

"(A) provide for the payment of not more than 60 percent of the total cost of studies conducted by a participating State agency to assess the impact and effectiveness of this Act; and

"(B) be developed in consultation with the State Advisory Panel established under section 613(a)(12) of this Act, local educational agencies, and others involved in, or concerned with, the education of children and youth with disabilities and the provision of early intervention services to infants and toddlers with disabilities.

"(3) The Secretary shall provide technical assistance to participating State agencies in the implementation of the study design, analysis, and reporting procedures.".

SEC. 22. GENERAL RESEARCH PROVISIONS.

Part E of the Act is further amended by inserting the following new section 645 after section 644 (as redesignated in section 21(a)):

"GENERAL RESEARCH PROVISIONS

"SEC. 645. (a) In carrying out this part, the Secretary shall consider the special education, related services, or early intervention experience, and research experience of applicants under this part.

"(b) PUBLICATION.—The Secretary shall publish proposed priorities under this part in the Federal Register not later than 12 months preceding the fiscal year for which they are being announced, and shall allow a period of 60 days for public comments and suggestions. The Secretary shall, after ana-

lyzing and considering the public comments, publish final priorities in the Federal Register not later than 60 days after the close of the comment period.

"(c) INDEX.—The Secretary shall provide an index (including the title of each project and the name and address of the funded organization) of all projects conducted under this part in the preceding fiscal year in the annual report described under section 618.

"(d) COORDINATION.—The Secretary shall—

"(1) coordinate the priorities established under subsection (b) with research priorities established by the National Institute for Disability and Rehabilitation Research and other appropriate agencies conducting research pertaining to the education of individuals with disabilities; and

"(2) provide information concerning priorities established under subsection (b) to the National Council on Disability and to the Bureau of Indian Affairs Advisory Committee for Exceptional Children.".

SEC. 23. PART E AUTHORIZATION OF APPROPRIATIONS.

Section 646 of the Act (as redesignated by section 21(a)) is amended to read as follows:

"SEC. 646. (a) There are authorized to be appropriated to carry out this part $20,100,000 for fiscal year 1990, $25,000,000 for fiscal year 1991, $28,000,000 for fiscal year 1992, $31,000,000 for fiscal year 1993, and $34,000,000 for fiscal year 1994.

"(b) The Secretary shall reserve 30 percent of the funds appropriated pursuant to the authority of subsection (a) for activities conducted pursuant to section 642.".

SEC. 24. STATEMENT OF PURPOSE.

Section 651 of the Act is amended—

(1) in subsection (a)(1) by inserting "and hard of hearing" after "deaf" each place it appears;

(2) in subsection (a)(1)(A) by inserting "and television programs" after "films"; and

(3) in subsection (a)(1)(B) by inserting "and television programs" after "films".

SEC. 25. CAPTIONED FILMS, TELEVISION, DESCRIPTIVE VIDEO AND EDUCATIONAL MEDIA FOR INDIVIDUALS WITH DISABILITIES.

(a) HEADING.—The heading of section 652 of the Act is amended to read as follows:

"CAPTIONED FILMS, TELEVISION, DESCRIPTIVE VIDEO AND EDUCATIONAL MEDIA FOR INDIVIDUALS WITH DISABILITIES".

(b) AMENDMENT.—Section 652 of the Act is further amended—

(1) in subsection (b)—

(A) by amending paragraph (3) to read as follows:

"(3) provide, by grant or contract, for the captioning of films and video materials for deaf and hard of hearing individuals or audio description of video materials for blind and visually impaired individuals;";

(B) by amending paragraph (4) to read as follows:

"(4) provide, by grant or contract, for the distribution of captioned films or video materials, audio described video materials, and other educational media and equipment through State schools for individuals with disabilities, public libraries, and such other agencies or entities as the Secretary finds appropriate to serve as local or regional centers for such distribution;"; and

(C) in paragraph (8) by inserting "and hard of hearing" after "deaf";

(2) in subsection (c) by—

(A) inserting "and other appropriate nonprofit organizations" after "Inc."; and

(B) striking "theatrical" and inserting "cultural";

(3) in subsection (c)(1) by inserting "and hard of hearing" after "deaf";

(4) in subsection (c)(2) by inserting "and hard of hearing" after "deaf"; and

(5) in subsection (c)(3) by inserting "and hard of hearing" after "deaf".

SEC. 26. PART F AUTHORIZATION OF APPROPRIATIONS.

Section 653 of the Act is amended to read as follows:

"SEC. 653. There are authorized to be appropriated to carry out this part $16,540,000 for fiscal year 1990, $17,863,000 for fiscal year 1991, $19,292,000 for fiscal year 1992, $20,835,000 for fiscal year 1993, and $22,502,000 for fiscal year 1994.".

SEC. 27. TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES.

(a) AMENDMENT TO THE HEADING.—The heading of section 661 of the Act is amended to read as follows:

"PART G—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES".

(b) AMENDMENT TO THE TEXT.—Section 661 of the Act is amended by—

(1) striking "new" each place it appears;

(2) striking "and" at the end of paragraph (3);

(3) striking the period at the end of paragraph (4) and inserting in lieu thereof a comma; and

(4) inserting at the end thereof the following new paragraph (5):

"(5) increasing access to and use of assistive technology devices and assistive technology services in the education of infants, toddlers, children, and youth with disabilities, and other activities authorized under the Technology-Related Assistance for Individuals With Disabilities Act of 1988, as such Act relates to the education of students with disabilities.".

SEC. 28. PART G AUTHORIZATION OF APPROPRIATIONS.

Section 662 of the Act is amended to read as follows:

"SEC. 662. There are authorized to be appropriated to carry out this part $11,030,000 for fiscal year 1990, $11,900,000 for fiscal year 1991, $12,860,000 for fiscal year 1992, $13,890,000 for fiscal year 1993, and $15,000,000 for fiscal year 1994.".

SEC. 29. STATE INTERAGENCY COORDINATING COUNCIL.

Section 682 of the Act is amended—

(1) in subsection (a)(1) by striking "composed of 15 members"; and

(2) by amending subsection (b) to read as follows:

"(b) COMPOSITION.—(1) Except as provided in paragraph (2) and subsection (g), the Council shall be composed as follows:

"(A) At least 20 percent of the members shall be parents of infants or toddlers with disabilities, or other parents of children with disabilities no more than 12 years of age, who have knowledge of, or experience with, programs for infants and toddlers with disabilities.

"(B) At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) At least one member shall be from the State legislature.

"(D) At least one member shall be involved in personnel preparation.

"(E) The Council shall include members representing each of the agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families.

"(F) The Council may include other members selected by the Governor.

"(2) Any Council that met the requirements of paragraphs (1) through (4) and paragraph (6) of section 682(b) of this Act, as in effect immediately before the effective date of the Education of Individuals with Disabilities Act of 1989 and continues to meet such prior requirements, shall be deemed to meet the requirements of this subsection."; and

(3) in subsection (g) by striking "this section" the second time it appears and inserting "subsection (b)(1)".

SEC. 30. TERMINOLOGY AND TECHNICAL AMENDMENTS.

(a) TERMINOLOGY AMENDMENTS.—The Act is amended in—

(1) section 601(b)(1) by striking "handicapped children" and inserting "children with disabilities";

(2) section 601(b)(3) by striking "handicapped children" and inserting "children with disabilities";

(3) section 601(b)(4) by striking "handicapped children" and inserting "children with disabilities";

(4) section 601(b)(5) by striking "handicapped children" and inserting "children with disabilities";

(5) section 601(b)(5) by striking "handicaps" each place such term appears and inserting "disabilities";

(6) section 601(b)(7) by striking "handicapped children" and inserting "children with disabilities";

(7) section 601(b)(8) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(8) section 601(b)(9) by striking "handicapped children" and inserting "children with disabilities";

(9) section 601(c) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(10) section 602(a)(1) by striking "handicapped children" and inserting "children with disabilities";

(11) section 602(a)(13) by striking "handicapped children" and inserting "children with disabilities";

(12) section 602(a)(15) by striking "handicaps" and inserting "disabilities";

(13) section 602(a)(16) by striking "handicapped child" and inserting "child with a disability";

(14) section 602(a)(17) by striking "handicapped child" and inserting "child with a disability";

(15) section 602(a)(17) by striking "handicapping" and inserting "disabling";

(16) section 602(a)(19) by striking "handicapped child" and inserting "child with a disability";

(17) section 602(a)(19) by striking "handicapped children" and inserting "children with disabilities";

(18) section 602(a)(22) by striking "handicapped children" and inserting "children with disabilities";

(19) section 602(a) by striking "handicapped youth" and inserting "youth with disabilities";

(20) section 602(b) by striking "handicapped child" and inserting "child with a disability";

(21) section 603(a) by striking "the handicapped" and inserting "individuals with disabilities";

(22) the section heading to section 606 by striking "HANDICAPPED INDIVIDUALS" and inserting "INDIVIDUALS WITH DISABILITIES";

(23) section 606 by striking "handicapped individuals" and inserting "individuals with disabilities";

(24) section 608(b) by striking "handicapped children" and inserting "children with disabilities";

(25) section 611(a)(1)(A) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(26) section 611(a)(3) by striking "handicapped children" and inserting "children with disabilities";

(27) section 611(a)(5)(A)(i) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(28) section 611(a)(5)(A)(ii) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(29) section 611(a)(5)(A) (iii) by striking "handicapped children" and inserting "children with disabilities";

(30) section 611(c)(4)(B) by striking "handicapped children" and inserting "children with disabilities";

(31) section 611(d) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(32) section 611(f) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(33) section 612(1) by striking "handicapped children" and inserting "children with disabilities";

(34) section 612(2)(A) by striking "handicapped children" and inserting "children with disabilities";

(35) section 612(2)(B) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(36) section 612(2)(C) by striking "handicapped," and inserting "disabled,";

(37) section 612(2)(C) by striking "handicap," and inserting "disability,";

(38) section 612(3) by striking "handicapped children," each place such term appears and inserting "children with disabilities,";

(39) section 612(3) by striking "handicaps" and inserting "disabilities";

(40) section 612(4) by striking "handicapped child," and inserting "child with a disability,";

(41) section 612(5) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(42) section 612(5) by striking "handicapped," and inserting "disabled,";

(43) section 612(5) by striking "handicap" and inserting "disability";

(44) section 612(6) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(45) section 612(7) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(46) section 612(7) by striking "handicapped individuals" and inserting "individuals with disabilities";

(47) section 613(a)(2) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(48) section 613(a)(4)(A) by striking "handicapped children" and inserting "children with disabilities";

(49) section 613(a)(4)(B)(i) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(50) section 613(a)(9)(B) by striking "handicapped children" and inserting "children with disabilities";

(51) section 613(a)(11) by striking "handicapped children" and inserting "children with disabilities";

(52) section 613(a)(12) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(53) section 613(a)(12) by striking "handicapped individuals" and inserting "individuals with disabilities";

(54) section 613(a)(13)(A) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(55) section 613(b) by striking "handicapped children" and inserting "children with disabilities";

(56) section 613(d)(1) by striking "handicapped children" and inserting "children with disabilities";

(57) section 613(d)(2)(A) by striking "handicapped children" and inserting "children with disabilities";

(58) section 613(e) by striking "handicapped children" and inserting "children with disabilities";

(59) section 614(a)(1)(A) by striking "handicapped" and inserting "disabled";

(60) section 614(a)(1)(A) by striking "handicap" and inserting "disability".

(61) section 614(a)(1)(C) by striking "handicapped children" and inserting "children with a disabilities";

(62) section 614(a)(1)(C)(ii) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(63) section 614(a)(1)(C)(ii) by striking "handicaps" and inserting "disabilities".;

(64) section 614(a)(2)(B) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(65) section 614(a)(3) by striking "handicapped children" and inserting "children with disabilities";

(66) section 614(a)(5) by striking "handicapped child" and inserting "child with a disabilities";

(67) section 614(c)(1) by striking "handicapped children" and inserting "children with disabilities";

(68) section 614(d) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(69) section 614(e) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(70) section 614(f) by "handicapped children" and inserting "children with disabilities";

(71) section 615(a) by striking "handicapped children" and inserting "children with disabilities";

(72) section 615(b)(1)(A) by striking "handicapped child" and inserting "child with a disability";

(73) section 615(d)(1) by striking "handicapped children" and inserting "children with disabilities";

(74) section 615(e)(4)(B) by striking "handicapped child or youth" and inserting "child or youth with a disability";

(75) section 615(f) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(76) section 616(a)(2)(B) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(77) section 617(a)(1)(A) by striking "handicapped children" and inserting "children with disabilities";

(78) section 617(a)(1)(D) by striking "handicapped children" and inserting "children with disabilities";

(79) section 619(a)(1)(C) by striking "handicapped children" and inserting "children with disabilities";

(80) section 619(a)(2)(A)(i) by striking "handicapped child" and inserting "child with a disability";

(81) section 619(a)(2)(A)(ii) by striking "handicapped children" and inserting "children with disabilities";

(82) section 619(a)(2)(A)(ii)(I) by striking "handicapped child" and inserting "child with a disability";

(83) section 619(a)(2)(A)(ii)(II) by striking "handicapped children" and inserting "children with disabilities";

(84) section 619(a)(2)(D) by striking "handicapped child" and inserting "child with a disability";

(85) section 619(a)(2)(F)(i) by striking "handicapped child" each place such terms appears and inserting "child with a disability";

(86) section 619(b)(1)(B) by striking "handicapped children" and inserting "children with disabilities";

(87) section 619(b)(3) by striking "handicapped child" and inserting "child with a disability";

(88) section 619(c)(1)(A) by striking "handicapped children" and inserting "children with disabilities";

(89) section 619(c)(1)(B) by striking "handicapped children" and inserting "children with disabilities";

(90) section 619(c)(2)(A) by striking "handicapped children" and inserting "children with disabilities";

(91) section 619(c)(2)(B) by striking "handicapped children" and inserting "children with disabilities";

(92) section 619(c)(3)(A) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(93) section 619(c)(3)(B) by striking "handicapped children" and inserting "children with disabilities";

(94) the heading to part C by striking "HANDICAPPED INDIVIDUALS" and inserting "INDIVIDUALS WITH DISABILITIES";

(95) section 621(a)(1) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(96) section 621(a)(1) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(97) section 621(a)(2) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(98) section 621(a)(2) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(99) section 621(a)(4) by striking "handicapped infants, toddlers, children, and youth" and inserting "infants, toddlers, children, and youth with disabilities";

(100) the heading to section 623 by striking "HANDICAPPED CHILDREN" and inserting "CHILDREN WITH DISABILITIES";

(101) section 623(a)(1) by striking "handicapped children" and inserting "children with disabilities";

(102) section 623(a)(1)(D) by striking "handicapped children" and inserting "children with disabilities";

(103) section 623(b) by striking "handicapped children" and inserting "children with disabilities";

(104) section 623(c) by striking "handicapped children" and inserting "children with disabilities";

(105) section 623(d) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(106) section 623(f) by striking "handicapped children" and inserting "children with disabilities";

(107) the heading to section 624 by striking "SEVERELY HANDICAPPED CHILDREN" and inserting "CHILDREN WITH SEVERE DISABILITIES";

(108) section 624(a) by striking "severely handicapped children and youth" and inserting "children and youth with severe disabilities";

(109) section 624(a)(1) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(110) section 624(a)(2) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(111) section 625(a)(1) by striking "handicapped individuals" and inserting "individuals with disabilities";

(112) section 625(a)(2) by striking "handicapping" and inserting "disabling";

(113) section 625(a)(2)(A) by striking "handicapped individuals" and inserting "individuals with disabilities";

(114) section 625(a)(2)(B) by striking "handicapped individuals" and inserting "individuals with disabilities";

(115) section 625(a)(2)(B) by striking "nonhandicapped" and inserting "nondisabled";

(116) section 625(a)(3) by striking "handicapped persons" and inserting "persons with disabilities";

(117) section 625(b) by striking "handicapped individuals" and inserting "individuals with disabilities";

(118) section 625(b) by striking "visually handicapped" and inserting "visually disabled";

(119) the heading to section 626 by striking "HANDICAPPED CHILDREN AND YOUTH" and inserting "CHILDREN AND YOUTH WITH DISABILITIES";

(120) section 626(a)(1) by striking "handicapped youth" and inserting "youth with disabilities";

(121) section 626(a)(3) by striking "handicapped students" and inserting "students with disabilities";

(122) section 626(b) by striking "handicapped youth" each place such term appears and inserting "youth with disabilities";

(123) section 626(b) by striking "handicapping" each place such term appears and inserting "disabling";

(124) section 626(b)(9) by striking "handicapped students' acquisition of the skills" and inserting "the acquisition of skills by students with disabilities";

(125) section 626(d)(2) by striking "handicapped youth" and inserting "youth with disabilities";

(126) section 626(d)(3) by striking "handicapped students" each place such term appears and inserting "students with disabilities";

(127) section 626(e) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(128) the heading to part D by striking "HANDICAPPED INDIVIDUALS" and inserting "INDIVIDUALS WITH DISABILITIES";

(129) section 631(a)(1)(B) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(130) section 631(b) by striking "handicapped children" and inserting "children with disabilities";

(131) section 631(c)(1) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(132) section 631(c)(2)(A) by striking "handicapped children" and inserting "children with disabilities";

(133) section 631(c)(2)(A) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(134) section 631(c)(2)(A) by striking "handicapping" and inserting "disabling";

(135) section 631(c)(2)(B) by striking "handicapping" and inserting "disabling";

(136) section 631(c)(4)(B) by striking "handicapped children" and inserting "children with disabilities";

(137) section 631(c)(5)(A) by striking "handicapping" and inserting "disabling";

(138) section 631(c)(5)(B) by striking "handicapped children's educational programs" and inserting "educational programs of children with disabilities";

(139) section 631(c)(5)(D) by striking "handicapped child's individualized educational program" and inserting "the individualized educational program of a child with a disability";

(140) section 631(c)(5)(E) by striking "handicapped children" and inserting "children with disabilities";

(141) section 631(c)(5)(F) by striking "handicapped children" and inserting "children with disabilities";

(142) section 631(c)(7) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(143) section 632(c) by striking "handicapped infants, toddlers, children and youth" and inserting "infants, toddlers, children, and youth with disabilities";

(144) section 633(c) by striking "handicapped children and youth" and inserting "children and youth with disabilities";

(145) the heading to section 643 by striking "HANDICAPPED CHILDREN" and inserting "CHILDREN WITH DISABILITIES";

(146) section 643 by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(147) section 644(a)(1) by striking "handicapped individuals" and inserting "individuals with disabilities";

(148) section 644(a)(2) by striking "handicapped individuals" each place such term appears and inserting "individuals with disabilities";

(149) the heading to part F by striking "HANDICAPPED INDIVIDUALS" and inserting "INDIVIDUALS WITH DISABILITIES";

(150) section 651(a)(2) by striking "handicapped individuals" each place such term appears and inserting "individuals with disabilities";

(151) section 652(a) by striking "handicapped individuals" each place such term appears and inserting "individuals with disabilities";

(152) section 652(b)(5) by striking "handicapped individuals" each place such term appears and inserting "individuals with disabilities";

(153) the heading to part G by striking "HANDICAPPED INDIVIDUALS" and inserting "INDIVIDUALS WITH DISABILITIES";

(154) section 661 by striking "handicapped students" each place such term appears and inserting "students with disabilities";

(155) section 661 by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(156) section 661 by striking "handicapped individuals" each place such term appears and inserting "individuals with disabilities";

(157) the heading to part H by striking "HANDICAPPED INFANTS AND TODDLERS" and inserting "INFANTS AND TODDLERS WITH DISABILITIES";

(158) section 671(a) by striking "handicapped infants and toddlers" each place such term appears and inserting "infants and toddlers with disabilities";

(159) section 671(a)(3) by striking "handicapped individuals" and inserting "individuals with disabilities";

(160) section 676(b)(1) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(161) section 671(b)(3) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(162) section 672(1) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(163) section 672(2) by striking "a handicapped infant's or toddler's developmental needs" and inserting "the developmental needs of an infant or toddler with a disability";

(164) section 673 by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(165) section 675(d) by striking "handicapped children" and inserting "children with disabilities";

(166) section 676(a) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(167) section 676(b)(2) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(168) section 676(b)(3) by striking "handicapped infant and toddler" and inserting "infant and toddler with a disability";

(169) section 676(b)(3) by striking "handicapped infant or toddler" and inserting "infant or toddler with a disability";

(170) section 676(b)(4) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(171) section 676(b)(6) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(172) section 676(b)(9)(D) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(173) section 676(b)(14) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(174) section 677(a) by striking "handicapped infant or toddler" and inserting "infant or toddler with a disability";

(175) section 677(d)(2) by striking "handicapped infant or toddler" and inserting "infant or toddler with a disability";

(176) section 677(d)(7) by striking "handicapped toddler" and inserting "toddler with a disability";

(177) section 678(b)(5) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(178) section 679 by striking "handicapped infants and toddlers" each place such term appears and inserting "infants and toddlers with disabilities";

(179) section 680(4) by striking "handicapped infant or toddler" and inserting "infant or toddler with a disability";

(180) section 680(5) by striking "handicapped infant or toddler" each place such term appears and inserting "infant or toddler with a disability";

(181) section 681(b) by striking "handicapped infants and toddlers" and inserting "infants or toddlers with disabilities";

(182) section 682(e)(3) by striking "handicapped infants and toddlers" and inserting "infants or toddlers with disabilities";

(183) section 683(2) by striking "handicapped children" each place such term appears and inserting "children with disabilities";

(184) section 683(2) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities"; and

(185) section 684(b)(1) by striking "handicapped infants and toddlers" and inserting "infants and toddlers with disabilities";

(b) TECHNICAL AMENDMENTS.—The Act is further amended in section 612(3) by—

(1) striking "and" the first place such term appears, and inserting "an"; and

(2) inserting "category" after "disability".

(c) HEAD START ACT.—Section 640(d) of the Head Start Act is amended by—

(1) striking "handicapped children" and inserting "children with disabilities"; and

(2) striking "handicapping" and inserting "disabling".

(d) HIGHER EDUCATION ACT OF 1965.—Section 465(a)(2) of the Higher Education Act of 1965 is amended by striking "handicapped children" each place such term appears and inserting "children with disabilities".

(e) IMPACT AID.—Public Law 81-874 is amended in—

(1) section 3(d)(2)(C) by striking "handicapped children" each place such term appears and inserting "children with disabilities"; and

(2) section 403(10) by striking "handicapped" and inserting "disabled".

(f) TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES ACT OF 1986.—Section 205(d)(2) of the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986 is amended by striking "handicapped children" and inserting "children with disabilities".

SEC. 31. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that any amendment that the Secretary of Education determines would cause substantial disruptions to programs or substantial lapses in services if effective on the date of enactment of this Act, shall take effect on October 1, 1990.

Mr. KENNEDY. Mr. President, I am pleased to rise in support of S. 1824, the Education of Individuals With Disabilities Act of 1989, which reauthorizes the discretionary grants program of the Education of the Handicapped Act. This legislation, sponsored by Senator HARKIN, chairman of our Subcommittee on Disability Policy, will ensure that a free and appropriate public education will continue to be the right of all children, regardless of their special needs.

These discretionary programs have been the keystone of the Federal role in special education. They help promote exemplary practices in education and related services, expand the cadre of special education and related services personnel, provide critical information and technical assistance to parents, and bridge the gap between research and practice. The continuation of these programs is vital to providing needed services for handicapped children and youth across the country.

During the last several months, the Disability Policy Subcommittee has heard from parents, educators, and others from around the country about how these important programs are working. This bill addresses the areas where we can do better: Important issues related to recruiting, training, and retention of special education personnel, the involvement of parents in the education planning process for their disabled children, and improving the quality and dissemination of data collected to help States and localities improve the management and effectiveness of the programs.

I am especially pleased that this bill takes steps to foster cooperation between special education and rehabilitation groups to ensure optimal transitions of individuals with disabilities. Much remains to be accomplished to remove barriers which prevent successful transition of young children from medical care to school age special education programs, and youth with disabilities from special education to postsecondary education and adult services. Special education and related services should be available to all children beginning at birth. Improved early intervention and transitional services result in greater educational achievement in disabled infants and youth.

This legislation also appropriately recognizes the importance of meeting the unique special education, related services and intervention needs of infants, toddlers, children, and youth with deaf-blindness.

I commend Senator HARKIN and his staff for their tireless efforts on behalf of the disabled. This is a sound bill which ensures that the valuable services provided through the discretionary programs will continue. By reauthorizing existing programs that are serving needs well and by authorizing programs that focus on other vital needs, Congress reaffirms the right of all citizens to a free and appropriate public education.

Mr. HATCH. Mr. President, I am pleased to support this bill which reauthorizes the discretionary programs of the Education of the Handicapped Act. These programs support research and demonstrations, personnel training, technical assistance, and the dissemination of information. They also address the particular needs of certain populations of individuals with disabilities such as those who are deaf and blind.

The roles of the various discretionary programs have changed through the years, and they will continue to evolve. The reauthorization process gives us another opportunity to reevaluate these programs to determine if they are still effective and efficient.

The past two reauthorizations have added significant expansions to the EHA. The 1983 amendments enhanced the preschool incentives while the 1986 amendments further expanded the preschool program and created a new section for infants and toddlers, the Early Intervention Program. Because Congress does not want to place major new demands on State and local education agencies as they are in the process of implementing their new programs, the 1989 reauthorization focuses on only "fine-tuning" existing law.

Last April, the Subcommittee on the Handicapped, now called the Subcommittee on Disability Policy, held a hearing on EHA. From this and other meetings with constituents, special education personnel, and interested individuals, several problem areas were identified. They included: a need to help eliminate the continual shortage of appropriately trained personnel, dissemination of knowledge gained from projects funded by the Department of Education, smooth transition from one program to another such as from a hospital to a school setting, and provision of appropriate services for minorities. This bill attempts to address these needs.

I would like to commend Senator HARKIN and Senator DURENBERGER, chairman and ranking member of the Subcommittee on Disability Policy, for their efforts in developing this bill. This legislation is the culmination of many hours of discussion with disability advocates, including my Utah Advisory Committee on Disability Issues, the Department of Education, Senate staff members, persons with disabilities and their families, and professionals in the field.

I would like to encourage all my colleagues to support passage of this important legislation.

Mr. HARKIN. Mr. President, I rise in support of S. 1824, the Education of Individuals With Disabilities Act of 1989, which reauthorizes for 5 years the discretionary programs under the Education of the Handicapped Act. The bill was ordered favorably reported, by unanimous voice vote, by the Committee on Labor and Human Resources on November 1, 1989. The bill was reported with only technical amendments.

I want to take this opportunity to thank Senators DURENBERGER, KENNEDY, and HATCH for their outstanding

cooperation with us on this legislation. I would also like to express my appreciation to the other cosponsors and members of the Labor and Human Resources Committee for working with us to fashion a bill that could move forward quickly, with bipartisan support.

I urge the passage of this legislation today, and I intend to make a full statement on the bill tomorrow.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1824), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar order No. 282, S. 1712, the SEC authorization bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1712) to amend the Securities Exchange Act of 1934.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1151

(Purpose: To revise section 411)

Mr. FORD. On behalf of Mr. DODD, I send an amendment to the desk, Mr. President, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD), for Mr. DODD, proposes an amendment numbered 1151.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, beginning with line 12, strike through "(4)" on line 15 and insert the following:

(3) by inserting after paragraph (1) the following:

"(2) the creation of or any material change to a relationship specified in section 310(b)(1) though section 310(b)(10)";

(4) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8);

(5) by inserting after the paragraph designation at the beginning of paragraphs (1), (4), and (5) the following: "any change to"; and

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1151) was agreed to.

AMENDMENT NO. 1152

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of myself and Mr. MCCONNELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. MCCONNELL, proposes an amendment numbered 1152.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. That if—

(1) a holding company was organized at least one year before the date of enactment of this Act for the purpose (among others) of acquiring directly 100 percent of the common stock of an electric utility company and indirectly common stock of one or more electric utility companies; and

(2) such holding company would qualify for exemption under paragraph (1) of section 3(a) of the Public Utility Holding Company Act of 1935 but for the fact that immediately after giving effect to such acquisition—

(A) such holding company would directly own 100 percent of the common stock of an electric utility company which owns 100 percent of the common stock of another electric utility company which is organized in a State other than the State of organization of the holding company and such directly owned electric utility company; and

(B) such indirectly owned electric utility company of such holding company is organized in such other State in order to meet the requirements of the constitution of such State,

then, for purposes of applying paragraph (1) of such section 3(a) to such holding company, such indirectly owned electric utility company shall be deemed to be a part of such directly owned electric utility company of such holding company, and not treated as a separately incorporated electric utility company, if—

(i) such holding company is not a public-utility company and is not a subsidiary company of any other company; and

(ii) any acquisition made by such holding company of common stock of an electric company is made after the date of enactment of this Act.

SEC. 2. As used in this Act, the terms "company", "holding company", "subsidiary company", "electric utility company", "public-utility company", and "State" have the same meanings as in section 2 of the Public Utility Holding Company Act of 1935.

SEC. 3. The provisions of this Act shall not affect the meaning of any provision of the Public Utility Holding Company Act of 1935 other than paragraph (1) of section 3(a) thereof.

The PRESIDING OFFICER. The question is on agreeing on the amendment.

The amendment (No. 1152) was agreed to.

AMENDMENT NO. 1153

Mr. FORD. Mr. President, on behalf of Mr. LEAHY and Mr. JEFFORDS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. LEAHY (for himself and Mr. JEFFORDS), proposes an amendment numbered 1152.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. PUBLIC UTILITY HOLDING COMPANY EXEMPTION.

(a) IN GENERAL.—The provisions of the Public Utility Holding Company Act of 1935, including sections 3(a) and 9(a)(2), shall not apply to a foreign holding company that has a gas utility subsidiary company in a foreign country contiguous to the United States and the State of Vermont, solely as a result of the acquisition, directly or indirectly, by the holding company of all the voting securities of a gas utility company that—

(1) is organized and operating under the laws of Vermont, and

(2) has its service territory contiguous to the gas utility operations of the holding company.

(b) APPLICABILITY TO AFFILIATES.—The exemption under subsection (a) also applies to a person or company that is an affiliate, as defined in section 2(a)(11)(A) of the Public Utility Holding Company Act of 1935, of the holding company described in subsection (a), and that is not an affiliate of any other public utility company organized and operating in the United States.

(c) NOT APPLICABLE TO ADDITIONAL ACQUISITIONS.—The exemption granted by subsection (a) shall not apply to the acquisition or retention by any holding company of voting securities of a public utility company organized or operating within the United States except as provided in subsection (a).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1153) was agreed to.

AMENDMENT NO. 1154

(Purpose: To provide the Director of the Office of Management and Budget with critical position pay authority for a government-wide total of 200 positions, and for other purposes)

Mr. FORD. Mr. President, on behalf of Mr. GLENN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. GLENN, proposes an amendment numbered 1154.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . CRITICAL POSITION PAY AUTHORITY.

(a) AUTHORITY OF OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, may, from time to time, allocate and reallocate among the departments and agencies of the executive branch critical position pay authority for not to exceed a government-wide total of 200 positions.

(b) LIMITATION OF POSITIONS.—The head of an agency that receives an allocation of critical position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Management and Budget under subsection (a).

(c) DEFINITION.—For purposes of this section, "critical position pay authority" means the authority of the head of an agency, notwithstanding any other law, including any provision of chapter 53 of title 5, United States Code, to fix the rate of basic pay for any position such head of an agency determines to be a critical position at an annual rate that does not exceed the rate in effect for level I of the Executive Schedule, except that the aggregate annual amount paid (including any allowance, bonus, award, or other direct compensation) to an employee under this section during any fiscal year may not exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

(d) REEXERCISE OF AUTHORITY.—Critical position pay authority for a position may be reexercised when a position becomes vacant and is refilled only upon a redetermination by the agency head that the position remains a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Management and Budget required for such exercise under subsection (a) is reconfirmed by the Director of the Office of Management and Budget at the time of such reexercise.

(e) DETERMINATION OF CRITICAL POSITION—In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider—

(1) the extent to which the position requires scientific, technical, professional, or administrative qualifications; and

(2) the extent to which additional compensation is necessary to recruit or retain exceptionally qualified individuals.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1154) was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that the previous amendments be reconsidered en bloc.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. If the Senator will yield. What is the intent of these amendments?

Mr. FORD. Mr. President, on behalf of Senator MCCONNELL and myself, I rise in support of the committee amendments. Included in the committee amendments is a provision of vital interest to the people of Kentucky. Kentucky Utilities [KU] for the past 1½ years has been attempting to reorganize by creating a holding company. The purpose of this proposed reorganization is to enable KU to engage in economic development activities and to better position itself for increased competition in the years ahead. KU has received all regulatory approvals necessary for this reorganization except for SEC approval.

KU is currently exempt under the Public Utility Holding Company Act of 1935. However, there is substantial doubt that KU would be exempt after the reorganization. The problem stems from a State of Virginia constitutional provision which requires that an existing subsidiary, Old Dominion Power, be incorporated in Virginia. This Virginia constitutional requirement is the only technicality standing between KU and an exemption under the 1935 act. The 1935 act as it is written, requires all material subsidiaries to be incorporated in the same State as the parent holding company, which in this case is Kentucky.

The committee resolves this unintended catch-22 by deeming KU's Virginia subsidiary to be operating as a part of KU and not as a separately incorporated company.

Mr. President, the Federal Energy Regulatory Commission, the Kentucky Public Service Commission, and the Tennessee Public Service Commission reviewed this proposed reorganization and have approved it. I urge the adoption of the amendment.

Mr. MCCONNELL. Mr. President, I understand the Senator from Ohio's concerns. However, KU has long been committed to excellence in serving its customers. Most significantly, this amendment offers a mechanism for possible participation in State economic development through investment in nonutility operations. I urge its adoption.

Mr. LEAHY. In 1986, a Canadian company acquired effective control of Vermont's only gas distribution company. In 1987, the Canadian company filed applications with the Securities and Exchange Commission regarding this acquisition. It is my understanding that the acquisition meets the criteria for exemption and its consumers are totally dependent on Canadian natural gas supplies this acquisition should save Vermont gas customers hundreds of thousands of dollars.

Mr. METZENBAUM. Do I understand correctly that the amendment of the Senator from Kentucky only applies to the holding company specifically identified in the amendment?

Mr. FORD. Yes, that is right.

Mr. METZENBAUM. Do I understand that the amendment of the Senator from Vermont only applies to this acquisition?

Mr. LEAHY. Yes, that is right.

Mr. METZENBAUM. Would this exemption apply to any other acquisitions in the United States?

Mr. LEAHY. No, to the best of my knowledge it would not.

Mr. METZENBAUM. Since these amendments only involve the specific circumstances of these acquisitions, is it the Senator's intention that these qualifications for exemption do not apply to any other utility mergers or acquisitions in the future nor do they set a precedent for future exemptions?

Mr. FORD. Yes, that is my intention.

Mr. LEAHY. Yes, that is my intention.

Mr. METZENBAUM. I thank my colleagues for answering my questions about these amendments.

Mr. CRANSTON. Mr. President, on May 25 of this year, the Securities and Exchange Commission adopted rule 19c-5, permitting the multiple trading of standardized options on exchange-listed securities. This new rule is to take effect on January 22, 1990, and would fundamentally alter the manner in which stock options have been traded for the last decade.

The SEC has chosen to proceed with implementation of the new rule despite strong opposition from a majority of the option exchanges as well as from brokerage firms, both large and small. In addition, I understand that the Securities Industry Association, which has historically opposed the multiple trading of options, continues to believe that the SEC's course of action is ill-advised. Finally, serious reservations have been raised by many in the Congress, including me.

Mr. President, I will not take up the time of the Senate at this juncture to detail the many issues of concern that have been raised. However, as these letters demonstrate, the multiple trading of options will entail a major restructuring of a complex component

of our Nation's overall securities market. Such a step will present several possible serious repercussions for the securities industry and the public investor.

I am therefore very disturbed that several basic items, such as a cost/benefit analysis of the rule, and the safeguards necessary to protect public orders, have yet to be clearly identified. In this regard, the distinguished chairman of the House Energy and Commerce Committee recently wrote to the General Accounting Office asking for an audit of the SEC's staff analyses that purport to provide an assessment of costs and benefits.

Mr. President, I believe that the Congress has duty to ensure that answers to the basic question of investor protections are provided and put in place by the regulators before multiple trading is implemented.

Mr. HEINZ. Will my friend from California yield?

Mr. CRANSTON. I will be happy to yield to the distinguished Senator from Pennsylvania, who, as the ranking minority member of the Securities Subcommittee, has also taken an interest in this issue.

Mr. HEINZ. I thank the Senator.

Mr. President, as the Senator from California has accurately noted, the SEC recently determined that the multiple trading of options on exchange-listed securities, as opposed to the continued use of an allocation formula which restricts their trading to only one options exchange, is in the public interest. The Senator from California is also correct when he states that this decision has serious market structure and investor protection ramifications.

It was for this reason that I first raised questions concerning the SEC's actions in this area at the confirmation hearings of former SEC Chairman David Ruder. My purpose was not to second-guess the Commission, but rather to obtain reassurances that the serious concerns of my colleagues and myself with the public benefits of the decision—and its compatibility with Congress' call for a national market system contained in the 1975 amendments to the Securities Exchange Act—were fully and adequately considered.

These concerns continue to motivate my interest in this matter, and they prompted me once again to raise the issue with Richard Breeden, the newly confirmed SEC Chairman. I stressed to Mr. Breeden the point, first made to the SEC in the 1987 letter, that the SEC should be confident that it has done all that it can to facilitate a system that advances the goal of a national market system before it abolishes the current system of options trading.

Mr. WIRTH. Will the distinguished Senator from Pennsylvania yield for a question on that point?

Mr. HEINZ. I yield to the Senator from Colorado.

Mr. WIRTH. I thank the Senator.

As the Senator knows, I share his concerns in this area. I also agree with the Senator from California that Congress has an appropriate interest in seeing that, when multiple trading commences, appropriate investor protection safeguards are in place.

In this regard, I would ask my good friend from Pennsylvania, isn't it true that the multiple trading of options was one of the reasons that the SEC imposed a moratorium on options trading in mid-1977?

Mr. HEINZ. As I understand, in July of 1977, following the rapid growth of listed options trading, including its expansion into multiple trading in early 1976, the SEC did initiate a voluntary moratorium on the listing of any new classes of options in order to conduct a comprehensive study of the options markets. I believe the Senator is correct to the extent that some of the possible trading and sale practice abuses that gave rise to this moratorium related to the multiple trading of options.

Mr. WIRTH. I thank the Senator for his clarification. I also understand that, when this moratorium was lifted in 1980, the SEC decided against permitting any further multiple trading for the time being because of concerns with market fragmentation and fair competition. However, isn't it also true that the SEC suggested that a system for linking the options markets could provide an answer to these concerns?

Mr. HEINZ. The Senator is correct. The SEC did contemplate the development of a market integration system that would alleviate many of the market structure and investor protection concerns posed by the multiple trading of options at that time. Indeed, in approving rule 19c-5, the SEC has stated once more that "there are sound reasons for pursuing the development of market integration facilities."

Mr. WIRTH. Once again, I thank the Senator.

Mr. President, it would appear to that one of the ways in which the concerns that Senator HEINZ has articulated—namely, that we not dismantle one system without having another to take its place that, at a minimum, provides that same degree of investor protection—can be addressed is, as the SEC suggests, to revisit the market integration issue.

Mr. HEINZ. I thank the Senator for his observations, and I agree with them. I am therefore very pleased to note that this is precisely what has been undertaken by three of the options exchanges.

In July of this year, the Philadelphia Stock Exchange, the New York Stock Exchange, and the Pacific Stock Exchange formed an ad hoc task force to study the feasibility and costs of linking the options markets. The task force decided to retain an outside consulting firm to assess the technological feasibility of various market integration alternatives, to develop a conceptual design for a workable integration facility, and to prepare a cost and time implementation estimate.

The Tellefsen Consulting Group was ultimately selected to conduct this study and submit a written report. I understand that this contractor was selected in part because of its extensive experience relating to the systems, operations, and technological needs of securities and commodities exchanges and their clearing organizations. For example, Tellefsen played a key role in the design, development, and installation of trading floor, data display, and price reporting systems for the Chicago Board Options Exchange, which is the largest and oldest options exchange. In addition, Tellefsen worked on the development of specifications for, and the selection of vendors to implement, state-of-the-art telecommunications systems for the trading floor of the Chicago Mercantile Exchange.

Mr. DODD. Will the distinguished Senator yield?

Mr. HEINZ. I will be delighted to yield to my good friend, and the chairman of the Securities Subcommittee, the senior Senator from Connecticut.

Mr. DODD. I thank the Senator. Mr. President, I also believe that the Philadelphia, New York and Pacific Stock Exchanges are to be commended for their decision to fund this very significant study. To be somewhat blunt, it is good to see them put their money where their mouth is. And I also agree that it is very helpful to have this input now, prior to the implementation of multiple trading.

I say this for several reasons. First, as the Senator from Pennsylvania, the Senator from California, and my friend from Colorado are aware, I have been following their concerns with this matter closely. I, too, agree that investor protection is a critical component of investor confidence. If we are to be serious about attracting investors back to our markets, there is no better place to start than with the assurance that as they return—and they are returning—they will find an environment in which they are provided fair and equal treatment.

Mr. President, it appears that the Commission has not been so much opposed to having a market integration capability in place prior to multiple trading as it is simply been frustrated with the length of time it has taken to obtain anything more than lip service

in support of the concept—particularly when technological feasibility and costs appear not to have been the insurmountable hurdles that some thought they might prove to be.

In this regard, I would say to my friend from Pennsylvania that I am encouraged by the responses to questions on the issue of multiple trading that were submitted to Mr. Breeden in writing following his recent appearance before the Banking Committee.

Mr. HEINZ. I share the chairman's positive feelings. As the Senator from Connecticut notes, in response to a question I raised, Mr. Breeden said he agreed that "Market integration facilities would be useful." Furthermore, he indicated that if such linkages proved to be feasible and cost beneficial, he believed that there were advantages to having all options exchanges joined by the linkage system, although he noted that there could also be costs or disadvantages to such.

The Tellefsen Consulting Group was asked to complete the conceptual design phase of this project within 6 weeks so that the results could be submitted to the SEC before the comment period expired on its White Paper that accompanied its final rule in May of this year.

Based on its own experience as well as input from upstairs firms, floor traders, exchange officials, the SEC, representatives of the Options Price Reporting Authority and the Intermarket Trading System, market data vendors, technology integrators, and each of the participating options markets, the Tellefsen report has concluded that an ITS-style linkage "appears to offer the most efficient and effective return in terms of protecting the public customer and meeting the marketplace's ability to implement such a system."

This ITS-type linkage would have the shortest implementation time, estimated to be from 12 to 15 minutes, entail the least expense, estimated to be from $3.3 to $6.3 million, and be most likely to achieve its designated goals.

Mr. President, I believe that the Philadelphia Stock Exchange, the New York Stock Exchange, and the Pacific Stock Exchange should be congratulated for their decision to undertake this important effort, and I agree with their decision to do so as quickly as possible in order for all of us—the Congress, the SEC, and the securities industry—to have the benefits of the study's findings and recommendations before rule 19c-5 is scheduled to take effect.

Finally, with specific reference to the feasibility study, I asked Mr. Breeden, in light of the concerns that have been raised with the implementation of multiple trading pending completion of this study and the development of integration facilities, if he believes that the SEC should consider deferral of rule 19c-5 if the development of such linkages appears imminent.

I am pleased that Mr. Breeden responded that he believed that the Commission should consider a deferral under such circumstances, although he cautioned that he could not commit the other Commissioners to that position. However, based on the recent experience of this committee and this Senator with Mr. Breeden's powers of persuasion on the S&L legislation, I feel confident that his views will be given every consideration.

Mr. CRANSTON. Will the Senator yield?

Mr. HEINZ. I will be happy to yield.

Mr. CRANSTON. I also raised the issue of multiple trading with Mr. Breeden, and was assured that he would carefully review the entire proceeding to satisfy himself as to the desirability of this rule, including consideration of any developments that have occurred since the Commission's action in May, such as the degree of movement toward market integration systems.

I am very pleased to have that commitment.

In commencing such a review, Mr. Breeden may find that the problems that multiple trading presents, particularly without a market integration system in place, are not small and manageable, but instead very large and potentially devastating to both the small public investor as well as the regional exchanges. If so, not only will this serve to erode further investor confidence in the markets, but it could threaten the viability of one of the most innovative components of our overall national market system.

For example, it has been the regional exchanges that have developed today's highly efficient small order execution systems, as well as being the source for the development of innovative and useful new products. Surely their role in the future of the securities markets in general should be given more consideration than the observation made by the SEC that it has no obligation "to ensure the continued viability of a particular marketplace or participant."

I agree with the Senator from Connecticut that it is time for the SEC to respond in kind to the responsible approach evidenced by the Tellefsen study. It appears that a market integration system is both technologically feasible and relatively affordable. In the absence of any other means to assure that the public investor will be protected from trade-throughs and other negative effects of a fragmented market, or to assure a means for fair competition among options exchanges, I believe that the SEC should defer the implementation of rule 19c-5 for a period of time to permit the refinement and implementation of market integration facilities.

Mr. HEINZ. I agree with my friend from California. And it seems to be that the Philadelphia Stock Exchange president, Nicholas Giordano, has offered the SEC the basis for a potential resolution of all our concerns along the very lines that the Senator from California is suggesting.

Mr. Giordano, in a letter to the SEC dated September 21, 1989, has committed his exchange to fund a significant portion of the costs of actually constructing a linkage along the lines suggested by the Tellefsen study in exchange for a commitment from the SEC to support the efforts of market integration task force—comprised of the Philadelphia, New York, and Pacific Stock Exchanges—by requiring that all of the options exchanges participate in, and pay their fair share of the costs of, a linkage.

In addition, he proposes that there be an 8- to 12-month deferral of the Commission's January 22, 1990 startup date for multiple trading in order to permit the construction of the linkage to be completed.

Finally, he proposes that the current allocation plan be retained during the deferral, but with an agreement that no new lotteries would be called during this period.

As Mr. Giordano points out, the SEC could always lift the deferral if it detected that no progress was being made on the linkage system, or other signs of bad faith. In this manner, he stresses, in addition to averting the market fragmentation and best execution problems multiple trading could cause, the approach he proposes would help to ensure that the goal of an options market linkage will become a reality, and that the smaller options exchanges will continue to be, as Senator CRANSTON so accurately notes, a vital competitive force in our overall securities market.

I believe that Mr. Giordano's suggestion is eminently reasonable, and I urge Mr. Breeden and his colleagues on the Commission to act on it as soon as is possible.

Mr. WIRTH. Mr. President, if the Senator will yield, I also believe that the suggestion of the Philadelphia Stock Exchange has merit. It seems to be that this is an excellent way in which to capitalize on our experience in the equities side of the market by avoiding the problems that led to the need for and development of the Intermarket Trading System for stocks.

Thanks to the ITS, the SEC now has the means to require, and enforce, best execution of customer orders in equities. The SEC's insistence on the fiduciary duty of brokers to provide such executions to their options customers notwithstanding, I cannot see how such a duty is reasonably exercised,

nor practically enforced, in an unlinked multiple trading environment.

I believe we owe customers in the options market the same degree of protection as we provide customers in the equities market. The duty to provide for such investor protection is at the heart of the SEC's mandate.

I know that the Senator from Connecticut shares in this commitment to strong, competitive, and fair markets, and I urge the distinguished chairman of the subcommittee to continue to monitor this matter very closely.

Mr. DODD. I thank the Senator from Colorado for his remarks, and I assure him that I will do just that. I also want to say to my friend from Pennsylvania and my friend from California that I believe the SEC continues to have an important role to play as we move toward the multiple trading of options. As Mr. Breeden has indicated, while he would prefer to see the private sector, and not the SEC, select and design specific market integration facilities, if they are to be pursued, he also acknowledges that direct action may be required if "divisions among the options exchanges make the development of needed market integration facilities impossible." I take Mr. Breeden at his word.

Mr. RIEGLE. Mr. President, the Securities Acts Amendments of 1989 (S. 1712) were adopted unanimously by the Senate Committee on October 2, 1989. This legislation was considered at length by the Securities Subcommittee and I want to commend Chairman DODD and ranking Republican HEINZ for their sponsorship and strong leadership of S. 1712. This bill is based upon four pieces of legislation originally submitted by the Securities and Exchange Commission. The committee incorporated these four proposals into a single bill and ordered it reported on September 19, 1989. The bill contains the following provisions:

SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

Since its creation in 1934, the Commission has played a central role in protecting the integrity of the Nation's securities markets. In recent years, the number and magnitude of the tasks faced by the Securities and Exchange Commission have grown dramatically, without a commensurate increase in resources. Additional resources are needed to ensure that the Commission can continue to exercise effectively its statutory responsibilities. The authorization given the Commission in title I of this bill is intended to provide the Commission with the resources needed to regulate the Nation's securities markets. The bill provides for a two-year statutory authorization for appropriations in the amounts $178.023 million for fiscal year 1990 and $212.609 million for fiscal 1991. These are the levels requested by the Commission.

The increase in the Commission's workload has been staggering. Between 1982 and 1988, sales on U.S. securities exchanges increased over 250 percent, from approximately $.7 trillion to approximately $1.8 trillion in 1988. Likewise, the volume of investor inquiries has increased significantly. In 1987, the Commission received 230 percent more complaints and inquiries from investors than it did in 1982, and in 1988 experienced an additional 22 percent increase. Further, during the past decade, the Commission has devoted a greater percentage of its resources to complex litigation and matters involving foreign trading, both of which have reduced the Commission's resources available for more routine but nevertheless important enforcement matters.

In another important area, from 1980 to 1988 there has been an estimated 88 percent increase in the number of registered broker-dealer firms and an estimated 145 percent increase in the number of registered representatives. This has occurred during the same period in which the staff years available to the division of the Commission responsible for broker-dealer regulation have actually declined. The Commission's broker-dealer examination staff will need additional resources just to ensure that it can continue to detect abusive sales and trading practices.

Yet during the explosive growth of the Commission's responsibilities over the last decade, its staff levels have remained virtually static. Total staff years in 1980 were 2,041, increasing to only 2,050 in 1988. In 1989, it is estimated that staff years will total 2,131, representing less than a 5 percent increase in almost a decade. In its review of the Commission during the authorization process, the committee found a vast increase in the Commission's workload with virtually no increase in staff.

Over the next several years, the Commission will face great challenges to its ability to protect this Nation's financial markets. These challenges include the need to maintain and expand the Commission's vigorous enforcement program, investigate and prosecute fraud in the penny stock market, establish a vitally needed capital markets group, pursue Commission initiatives arising out of the October 1987 market crash, address regulatory issues in the municipal securities market, supervise the continued growth of the securities industry, continue the computerization of its operations, appropriately regulate new and increasing complex financial instruments and techniques, and foster intergovernmental and interagency coordination and cooperation resulting from the interdependence and internationalization of the markets. We cannot expect the Commission to successfully meet these challenges without additional resources.

I believe that the proposed authorization level represents the minimum we can afford to allocate for the important and growing work of the Securities and Exchange Commission.

Other provisions of title I give the Commission authority to lease and manage its own office space, which is expected to result in cost savings of approximately $800,000. This authorizes the Commission to set the compensation levels of its employees in a way similar to what was done for the Federal bank regulators in the Financial Institutions Reform, Recovery, and Enforcement Act, and to direct the Commission to seek to maintain compensation and benefit comparability with those other regulators. If the Commission is going to attract and retain a staff adequate to deal with the important challenges it faces, it requires the ability to, at the very least, offer benefits comparable to those offered by the other federal financial regulators. Regrettably, comparability with the private sector will still not be achieved, given the budgetary constraints under which we operate.

INTERNATIONAL SECURITIES LAW ENFORCEMENT

Title II of the bill contains the International Securities Enforcement Cooperation Act of 1989, which addresses the problem of international securities fraud. In recent years, the Commission has made significant strides in addressing enforcement problems raised by the internationalized marketplace. For example, the Commission has successfully pursued several major fraud cases in which the U.S. securities laws were violated by persons operating from abroad or using foreign bank accounts, including, for example, the cases which the Commission brought against Dennis Levine, Stephen Wang and Fred Lee.

Much of the progress in international enforcement cooperation has been made as a result of memoranda or understanding, or "MOU's" negotiated with foreign securities authorities. Among other things, these bilateral agreements provide for mutual investigative assistance. The Commission has entered into MOU's with authorities in Switzerland, the United Kingdom, Japan, three Canadian provinces, and Brazil. Multinational investigative assistance, as provided by the MOU's, is an important tool in international enforcement and the Committee understands that the Commission will enter into additional MOU's with other countries.

However, the Commission has been unable to reach agreement on MOU's with certain foreign authorities because of conflicts between the confidentiality requirements of foreign nondisclosure laws and our Freedom of Information Act [FOIA]. Some for-

eign laws require that documents provided to the foreign authorities must, under certain circumstances, be kept confidential unless disclosure is necessary or required in the course of an investigation or enforcement action. The Commission, however, must comply with the FOIA and other laws which may preclude withholding documents provided by foreign authorities from the public.

In order to facilitate the cooperation of foreign authorities in providing the Commission with investigative assistance, the committee believes that documents furnished to the Commission should be exempt from disclosure if the foreign authority represents in good faith that the disclosure of the documents would violate the confidentiality requirements of its country's laws. To achieve this goal, the bill would eliminate this potential conflict by amending section 24 of the Securities Exchange Act of 1934 to enable the Commission to maintain the confidentiality of certain evidence received from foreign securities authorities. This provision is crucial to the Commission's ability to negotiate additional MOU's which enhance the Commission's ability to obtain evidence for the investigation and prosecution of securities law violators operating in or through foreign countries. The bill would also make explicit the Commission's rulemaking authority to provide documents and other information to foreign authorities as well as to domestic authorities. Clarification of this authority will assist in the Commission's efforts to cooperate with both foreign and domestic securities and law enforcement officials.

The bill would also amend the Exchange Act, the Investment Advisers Act of 1940, and the Investment Company Act of 1940 to permit the Commission, after an opportunity for a hearing, to impose sanctions on securities professionals who have been found to have engaged in misconduct abroad when, had the same conduct taken place in the United States, the professional would have been subject to a Commission disciplinary proceeding. Such disciplinary hearings may result in censure, revocation of registration or imposition of employment restrictions upon securities professionals. It would be ironic, and inconsistent with the Commission's mandate to protect investors, if the Commission were to provide assistance leading to a finding that a securities professional had violated foreign securities laws substantially similar to U.S. laws, but could not prevent that securities professional from conducting business in the U.S. securities markets.

The bill would expand the class of persons subject to "statutory disqualification" pursuant to section 3(a)(39) of the Exchange Act to effectively authorize the Commission, or a self-regulatory organization SRO under its jurisdiction, to prohibit a person who has been convicted of any felony from becoming a member of the SRO or associating with a member, or otherwise placing conditions upon his membership or association. This provision would not necessarily exclude a convicted felon from the securities business, but would permit the Commission and SRO's to consider whether a particular felony conviction warrants exclusion or appropriate limitations.

Finally, in certain cases, foreign securities authorities have expressed a willingness to reimburse the Commission for expenses incurred by the Commission in providing assistance to foreign authorities. The bill would amend section 4(c) of the Exchange Act to permit the Commission to accept reimbursement from foreign securities authorities for travel, subsistence, and other necessary expenses incurred by the Commission and its employees in carrying out investigations for, or otherwise providing assistance to, the foreign authority.

Title II of the bill has the support of the Departments of State and Justice and has been the subject of thorough hearings by the Securities Subcommittee, both in this Congress and in the 100th Congress.

SHAREHOLDER COMMUNICATIONS

Title III of the bill contains the Shareholder Communications Improvement Act of 1989. Despite both statutory and regulatory improvements in shareholder communications, three deficiencies have been identified. First, while banks and brokers who hold shares in nominee name are required to deliver proxy material and other communications to the beneficial owner, delivery is not required if the nominee is holding investment company securities. Second, the current statutory scheme regulates only the processing of proxies, not information statements, when securities are held by nominees. Finally, unlike most companies, investment companies are not currently required to deliver information statements to securities holders of record. This bill corrects these deficiencies by appropriate amendments to section 14 of the Securities Exchange Act.

Bank and broker nominees would be entitled to recoup start-up and other costs associated with their proxy delivery and other obligations, under section 14(b) of the Exchange Act with respect to investment company securities. This title of the bill would have an effective date of 180 days after enactment, giving banks, brokers, and investment companies sufficient time to adjust to the changes being made.

TRUST INDENTURE ACT AMENDMENTS

Title IV of the bill contains the Trust Indenture Reform Act of 1989. This legislation would leave the present scheme of federal regulation for trust indentures essentially unchanged, but would adapt the law to current market developments, including the issuance of novel debt securities and new distribution techniques. As is the case with each of the other titles contained in this bill, the legislation is based on recommendations of the Securities and Exchange Commission.

In the 50 years since its enactment, the Trust Indenture Act has not been amended in any important respect. During the same period, the public market for debt securities has undergone significant changes. Innovations in the forms of debt instruments have produced securities, such as collateralized mortgage obligations, with terms unknown in 1939. Technological developments and regulatory changes have resulted in new distribution methods, including shelf offerings and direct placements. In addition, public securities markets have been profoundly changed by internationalization. In each of these cases the new conditions do not respond to the assumptions underlying the act, which were based on prevailing financial customs of the 1930's.

The pressing need for modernization also comes from another source. The present procedures for qualifications of indentures under the act require, in part, that the indenture, in order to be qualified, must recite mandatory terms in the body of the indenture, which is the contract between the obligor and the trustee as the representative of security holders. The legislation would make the terms now required by the act to be recited within a qualified indenture to be applicable as a matter of law. This would remove a significant administrative burden from the Commission, whose staff now reviews the indentures to ensure that those terms are properly included. Incidental benefits of this self-executing technique would include the reduction of legal and printing costs attendant to the requirement of recitation. Thus, the procedures for qualification of indentures under the act would at once be simplified and strengthened.

In addition, broad exemptive authority would be granted to the Securities and Exchange Commission, to provide flexibility in administration and adaptability to future developments. To remove unnecessary restrictions on an indenture trustee's legitimate business activities, the determination of conflicts of interest disqualifying a trustee from service would be made at the time of a default under the indenture. Trusteeships by foreign persons would be conditionally permitted to encourage continued internationalization of securities markets. Finally, this title would effect a number of technical changes to the act.

Mr. President, as I have previously stated, Senators DODD and HEINZ, and the entire Securities Subcommittee are to be commended for the excellent work they have done on S. 1712. I urge its prompt consideration and enactment.

Mr. DODD. Mr. President, I rise in support of S. 1712, the Securities Acts Amendments of 1989. This legislation has four major titles.

Title I would address the funding needs of the Securities and Exchange Commission by authorizing appropriations for the agency for fiscal year 1990 in the amount of $178 million, and for fiscal year 1991 in the amount of $212.6 million. This is a small price to pay for strong, fair securities markets in which investors can place their savings with confidence. Title I also addresses the turnover and personnel problems at the SEC by giving the agency authority to set compensation levels, similar to the authority now held by the banking agencies.

Title II addresses the problem of international securities fraud by giving the SEC more authority to coordinate international enforcement efforts.

Title III would improve the flow of information to mutual fund shareholders by closing a gap in the Shareholder Communications Act. Title IV would modernize the Trust Indenture Act, which regulates the issuance of debt securities and the protection of bondholders.

This is not a high profile bill. This is not the kind of legislation our constituents write about. This legislation has not been the subject of high-pressure lobbying campaigns. It simply represents good government. It passed the Banking Committee without opposition, and I would hope it would receive the strong support of my colleagues.

Mr. President, before I discuss the legislation in greater detail, let me thank my colleague from Michigan, the chairman of the Banking Committee. Chairman RIEGLE has given a tremendous amount of support to the Securities Subcommittee and to the work we have undertaken on this legislation and in other areas. He chaired the Securities Subcommittee in the last Congress, and much of the work reflected in the legislation before us today was begun under his chairmanship.

Let me also thank the ranking minority member of the subcommittee, Senator HEINZ. He has worked closely with me on this legislation. In fact, S. 1712 includes three bills that Senator HEINZ and I introduced at the beginning of the session: S. 646, the International Securities Enforcement Cooperation Act; S. 649, the Shareholder Communications Improvement Act; and S. 651, the Trust Indenture Reform Act. We also have worked together to shape the subcommittee's broader agency, to explore areas such as the globalization of the securities markets and changes in the markets brought about by the dominance of institutional shareholders. We have a great deal more to do in this Congress. We must complete work on market reform legislation and conduct further hearings on the complicated issues relating to corporate takeovers and leveraged buyouts, securities enforcement legislation, and on special problems of small investors.

Let me now discuss the provisions of S. 1712.

TITLE I.—SEC AUTHORIZATION FOR FISCAL YEARS 1991–92; REMOVAL OF CIVIL SERVICE PAY CAP AND CLASSIFICATION PROVISIONS FOR SEC EMPLOYEES

Mr. President, keeping the Securities and Exchange Commission funded and staffed with smart, motivated professionals may be the most important single task for Congress in the securities area. We can pass countless laws against insider trading or market abuses, but we need an expert agency to administer and enforce those laws.

Title I addresses that concern in two ways.

First, the legislation authorizes appropriations for the Commission in the amount of $178 million for 1990 and $212.6 million for 1991. This represents an increase over the $172.2 million authorization for 1989.

I would observe that a number of members of the Banking Committee have worked closely with members of the Appropriations Committee to ensure that these authorization levels would be meaningful. The 1990 appropriations for the SEC of $168 million represent a $26 million increase over 1989.

S. 1712 would authorize an additional $10 million in 1990 for needs that may arise from new legislation or other contingencies. If we can pass funding at that level, we can begin the process of bringing SEC staffing levels in line with the explosion of activity in the securities markets.

Many of my colleagues are aware of the resource problems at the SEC. Staff levels over the past decade have remained virtually static, while trading volume, corporate takeovers, underwritings and the number of securities professionals have soared. My view, I think shared by my colleagues, is that we cannot afford not to adequately fund this agency.

The second major provision of title I would give the SEC authority to set salaries of its own employees—the same authority we gave to other financial regulators under the thrift bill.

The SEC has one of the highest turnover rates in Government. Half of its attorneys leave after 3 years. First year lawyers at the SEC are currently paid approximately $28,000 annually, while private sector attorneys at major law firms begin at $70,000 or even more. And now that the other financial regulators are authorized to set their own pay scales, the SEC stands to lose staff not only to the private sector, but to other regulators.

At this point, I would like to note for the record an article in the Tuesday, October 3 Washington Post, which reported that competition from the private sector and, more recently, from other financial regulators has forced the Federal Reserve to readjust its salary levels.

Although the Federal Reserve is not subject to Civil Service pay scales, it has tried to follow them in the past. The Post noted that the Federal Reserve has found itself losing key economists, lawyers, and financial analysts to private employers able to offer higher pay. The pressure on Fed employees increased when the pay caps were lifted for other financial regulators in the recent thrift bill.

S. 1712 would simply put the SEC on a par with the other financial regulators. By-the-way, we are not setting up a bidding war among regulators with this provision. The legislation requires the SEC to maintain comparability with the other financial regulators.

I might add that SEC Chairman Richard Breedon identified this measure as one of his highest priorities. .

Finally, I would say that we don't want a thrift crisis in the securities markets. We simply must have an agency that has the funds and expert staff to keep our markets clean and keep them sound.

TITLE II.—THE INTERNATIONAL SECURITIES ENFORCEMENT COOPERATION ACT OF 1989

Title II contains provisions of S. 648, the international Securities Enforcement Cooperation Act of 1989. This is legislation Senator HEINZ and I introduced earlier this year at the request of the SEC.

I think we all recognize that, as our markets have become global in scope through an explosion of cross-border trading, fraud in the international securities markets has become an unfortunate fact of life. We have seen a number of cases where insider trading has been conducted using offshore banks. Protections for American investors have little meaning, when fraud can be conducted with impunity through offshore transactions.

Title II would be a step in addressing this problem.

We gave the SEC authority last year to help foreign regulators investigate fraud in their markets arising out of U.S. transactions, with the hope of inducing foreign governments to help us in similar situations. However, the SEC says it is often frustrated in attempting to work out agreements with these foreign regulators, because it cannot assure them of the confidentiality of documents they provide to assist our investigations. This bill gives

the SEC authority to ensure that confidentiality.

The bill also gives the SEC increased authority to restrict foreign law violators from doing business in the United States, and it expands the grounds on which a self-regulatory organization can keep unsavory characters out of the industry.

We can pass law after law in this country in an effort to protect U.S. investors, but unless we deal with problems of fraud on a global level, we leave tremendous opportunities for harm.

Finally, I would say that this bill is, in fact, a first step. International enforcement is only one of a number of problem areas as our markets become global in nature. The committee's report on the legislation highlights a number of other areas we must address: Dealing with differences in disclosure requirements from country to country when securities are offered in the global market; trying to reach agreement on uniform capital standards for broker-dealers; working to coordinate clearance and settlement procedures; and trying to reach some procedures for crisis management on a global level.

As I said, we have a great deal of work to do. This measure is an important step in what must be a continuing effort by the Securities Subcommittee and by the Congress.

TITLE III.—THE SHAREHOLDER COMMUNICATIONS IMPROVEMENT ACT OF 1989

Title III contains amendments to the Shareholder Communications Act. Senator HEINZ and I introduced this measure earlier this year as S. 649, the Shareholder Communications Improvement Act.

This measure is fairly technical and addresses a gap in current law. It would improve the flow of information to mutual fund shareholders.

As we all know, there are millions of shareholders who leave their shares at banks or broker-dealers and never take the shares in their own name. The shares remain listed on the books of corporations in the name of the bank or broker—the "nominee." When those corporations mail proxy or other material to their shareholders, those materials are sent to the bank or broker nominee, and not to the real or "beneficial" shareholder.

In 1985, Congress adopted legislation to help companies communicate with those shareholders. The SEC already had the authority to require brokers to pass proxy and other information on to shareholders, and the Shareholder Communications Act of 1985 gave the SEC authority to require banks to send certain proxy information to shareholders.

The 1985 act left out mutual fund shareholders, however. There are now about 30 million mutual fund shareholders, according to the SEC, and about 10 percent hold their stock in nominee name. This bill would give those shareholders the benefit of the 1985 law.

TITLE IV.—THE TRUST INDENTURE REFORM ACT OF 1989

Title IV contains amendments to the Trust Indenture Act of 1939. Senator HEINZ and I introduced this measure earlier this year as S. 651.

As most of my colleagues know, an "indenture" is the contract which sets out the duties and responsibilities of a corporation issuing bonds, and it also names and sets out the duties of a trustee—usually a bank or other institution—to act on behalf of the bondholders.

When bonds are offered to the public, the terms of the indentures, and the duties of the issuer of the bonds and the trustee for the bondholders—all are regulated by the SEC under a 1939 law called the Trust Indenture Act.

The act contains some very important protections, but it is somewhat outdated and cumbersome. The bill before us today, S. 651, was worked out with the SEC and an ad hoc industry group over the past 2 years. It updates the law, and streamlines it substantially.

Let me give some examples. The law as written requires the SEC to approve a trustee for bonds at the time a registration statement is filed. That procedure just is not consistent with the new procedure for "shelf" registration, which allows a company to file its bond issue with the SEC, but offer it to the public as market conditions are favorable. This bill makes the requirements under the Trust Indenture Act compatible with current practices.

The Trust Indenture Act currently requires that indentures repeat, verbatim, certain statutory requirements. This results in a lot of needless boilerplate—and places a tremendous strain on SEC staff to review indentures to ensure every single duty set forth in the statute is repeated in the indenture. This bill makes the statutory requirements self-executing. In other words, bondholders will get the protection of the statute regardless of what is put in or left out of the indenture.

We examined one area very carefully. The law makes changes in the conflicts-of-interest provisions. Under current law, if an institution has certain relationships that could present a potential conflict of interest, it is automatically barred from serving as trustee. The bill would change that, but would require a trustee with a conflict to resign soon after there is a default, so that a disinterested trustee could act for the bondholders. It would also require any trustee that is also a creditor of the issuer to step down when there is a default.

My amendment to the bill addresses further concerns about the conflict-of-interest provisions, by requiring additional disclosure to bondholders about certain relationships that may lead to conflicts of interest on the part of trustees.

SUMMARY

In summary, I would urge passage of S. 1712, containing these four measures. The legislation provides important authority for the SEC in certain areas. It closes gaps in the law and streamlines the law in other areas. It protects shareholders from fraud at home, as well as in the international marketplace. It provides much needed funding and pay authority for the agency that stands at the center of the capital formation process in this country.

Mr. HEINZ. Mr. President, as the ranking member on the Securities Subcommittee of the Senate Banking Committee, I want to join Senator DODD, the subcommittee chairman, in strong support of the Securities Acts Amendments of 1989, S. 1712. In addition to providing the Securities and Exchange Commission with the necessary budget authorization to carry out its mission of protecting investors and safeguarding the integrity of our securities markets, this legislation contains important reforms to our Federal securities laws. As a result, this measure received the unanimous support of the Senate Banking Committee. In my view, this legislation deserves the unanimous support of the Senate as well.

First and foremost, this bill authorizes appropriations for the SEC of $178 million for fiscal year 1990 and $212.6 million for fiscal year 1991. These funding levels are modest in relation to the enormous responsibilities carried out by the SEC. Over the last decade securities activity in the United States and in the international markets have raced ahead while the size of the SEC's staff has virtually stood still.

Sales of securities on our exchanges has grown over 283 percent to over $2.1 trillion since 1980—while the SEC's market regulation staff has declined by 2 percent.

Increased securities activities have swelled the number of corporate disclosure reports required to be filed with the SEC. For example, the wave of takeovers this decade has resulted in a 669 percent increase in number of tender offer filings—yet SEC staff devoted to ensuring full disclosure to shareholders has not grown at all.

During the past 10 years there has been a startling increase in the amount of assets under the management of investment advisors registered with the SEC. While these assets have grown from $440 billion to almost $4.6 trillion—SEC staff responsible for investment management supervision and

regulation has increased a paltry 13 percent.

The multibillion dollar price tag recently paid by the American taxpayer to deal with the massive losses in the savings and loan industry is an expensive lesson in the necessity of ensuring proper supervision of our Nation's financial institutions. The stock market crash barely 2 years ago is a reminder that vigilant oversight of our securities markets cannot be ignored.

While the funds authorized to the SEC in this legislation are intended to enable the agency to increase staff in every major commission program, it also addresses a fundamental weakness in the ability of the SEC to perform its task. In short, this bill will authorize the SEC to set compensation levels necessary to attract the professional staff required to do its job.

Mr. President, this is the very same authority given to the Federal banking agencies just a few months ago in connection with the savings and loan bill. In the wake of this catastrophic financial crisis, my colleagues in the Senate recognized that relief from Federal pay scales for those agencies that safeguard our financial system could not await more comprehensive Governmentwide reform. For these same reasons, the SEC must be given the same authority given to our banking regulators—and it must be done now.

It makes no sense to give the SEC a badly needed increase in funding and then prohibit the agency from using those funds to attract and hire the professionals it needs to carry out those responsibilities that required increased funding in the first place. Federal pay caps have locked the SEC out of the market for attorneys, accountants, stock analysts, investigators, and others. This bill will provide the key.

Apart from authorizing the SEC's budget for the next 2 years, the securities acts amendments contain three important changes to our securities laws.

Title II of this bill contains "the International Securities Enforcement Cooperation Act of 1989." This legislation—introduced by Senator DODD and I earlier this year—is an important extension of measures enacted by the 100th Congress to ensure the vigorous enforcement of securities laws in the ever growing international securities markets. Because securities activity has expanded around the globe, the SEC cannot police our markets alone. It must band together with securities enforcement authorities in other countries to combat fraud. This act provides the SEC with those tools needed to facilitate cooperation with other nations in the important task of protecting the integrity of the international marketplace.

Title III of this bill contains "the Shareholder Communications Improvement Act of 1989." Senator DODD and I introduced this legislation in recognition of the need to help shareholders receive the information required to be disclosed under the Federal securities laws. Shareholders are increasingly participating in our securities markets by investing in professionally managed mutual funds. This act will help build a pipeline to permit information to flow easily between these mutual funds and their shareholders.

Finally, title IV of this bill contains "the Trust Indenture Reform Act of 1989," which was previously introduced by Senator DODD and I last March. This measure modernizes the Trust Indenture Act of 1939 to reflect the many changes over the past 50 years in the way debt securities are issued to the public. This legislation not only streamlines disclosure, but also enhances the protections afforded those who invest in corporate debt securities. This act will help ensure that our trust indenture protections keep pace with our rapidly changing securities markets.

Mr. President, at the start of this Congress, I pledged to work closely with our chairman, Senator DODD, in the Securities Subcommittee to review and advance securities legislation that promotes the important investor protection goals of our Federal securities law. The Securities Acts Amendments of 1989 is the first important step in that process and is the product of strong bipartisan cooperation in the Securities Subcommittee—and the Banking Committee as a whole. The Banking Committee's chairman, Senator RIEGLE, and the ranking member, Senator GARN, are to be commended for facilitating the committee's efforts to report out this legislation.

On a special note, I would like to express my appreciation to Senator DODD for the leadership and direction he has brought to the Securities Subcommittee. I look forward to a continued close working relationship with him as we address the many complex and significant issues that confront our Nation's securities markets.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order 263, H.R. 1396, an act to facilitate cooperation between the United States and foreign countries in securities and law enforcement and that all after the enacting clause be stricken, that the text of S. 1712, as amended, be inserted in lieu thereof, that the bill be deemed, read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I ask unanimous consent that Calendar Order 282, S. 1712, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is to ordered.

EXTENSION OF THE TERMINATION DATE FOR MEMBERS OF THE NATIONAL COMMISSION ON CHILDREN

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1895, a bill introduced by Senator ROCKEFELLER to extend the termination date for members of the National Commission on Children.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1895) to extend the termination date for members of the National Commission on Children, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The bill (S. 1895) was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 1895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL MODIFICATIONS WITH RESPECT TO THE NATIONAL COMMISSION ON CHILDREN.

Section 1139 of the Social Security Act (42 U.S.C. 1320b-9) is amended—

(1) in subsection (d) by striking "September 30, 1990" and inserting in lieu thereof "March 31, 1991";

(2) in subsection (e), by striking "September 30, 1990" and inserting in lieu thereof "March 31, 1991";

(3) in subsection (j), by striking "1989 and 1990" and inserting in lieu thereof "1989, 1990, and 1991"; and

(4) by adding at the end thereof the following new subsections:

"(k)(1) The Commission is authorized to accept donations of money, property, or personal services. Funds received from donations shall be deposited in the Treasury in a separate fund created for this purpose. Funds appropriated for the Commission and donated funds may be expended for such purposes as official reception and representation expenses, public surveys, public service announcements, preparation of special papers, analyses, and documentaries, and for such other purposes as determined by the Commission to be in furtherance of its mission to review national issues affecting children.

"(2) For purposes of Federal income, estate, and gift taxation, money and other property accepted under paragraph (1) of this subsection shall be considered as a gift or bequest to or for the use of the United States.

"(3) Expenditure of appropriated and donated funds shall be subject to such rules and regulations as may be adopted by the

Commission and shall not be subject to Federal procurement requirements.

"(1) The Commission is authorized to conduct such public surveys as it deems necessary in support of its review of national issues affecting children and, in conducting such surveys, the Commission shall not be deemed to be an 'agency' for the purpose of section 3502(1) of title 44 of the United States Code.".

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MACK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPRESSING SUPPORT FOR THE COURAGEOUS PEOPLE OF COLOMBIA

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order 364, Senate Concurrent Resolution 73, expressing the support of the Congress for the courageous people of Colombia.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 73) to express the support of the Congress for the courageous people of Colombia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 73

Whereas President Virgilio Barco and the people of Colombia have shown tremendous courage and fortitude in opposing Colombian drug traffickers;

Whereas Colombian drug traffickers have assassinated a popular Presidential candidate, Senator Juan Carlos Galan; a Minister of Justice, Rodrigo Lara Bonilla; an Attorney General, Carlos Mauro Hoyos; an effective antinarcotics police chief, Colonel Jaime Ramirez Gomez; and an influential newspaper editor, Guillermo Cano Isaza;

Whereas Colombian drug traffickers have executed nearly 200 Colombian judges, 11 Supreme Court justices, and 4 Counsels of State;

Whereas Colombian drug traffickers have killed thousands of individuals, including mayors, law enforcement officers, public officials, journalists, lawyers, and doctors who conducted antidrug activities, as well as innocent family members and bystanders;

Whereas Colombian drug traffickers have been conducting a reign of terror which has effectivly disrupted drug prosecutions in Colombia and prevented extraditions of drug traffickers;

Whereas in August, 1989, following the brutal assassination of Presidential candidate Juan Carlos Galan, President Barco utilized his state of siege powers to legislate by decree the extradition of drug kingpins and the seizure of their assets;

Whereas since the assassination of Juan Carlos Galan, the Government of Colombia has seized millions of dollars of drug assets and has arrested between 11,000 and 12,000 individuals suspected of drug trafficking;

Whereas on September 6, 1989, the Government of Colombia extradited Eduardo Martinez Romero, a high level drug consipirator, to the United States;

Whereas Colombian drug traffickers have responded to the bold action of President Virgilio Barco with a campaign of extreme violence against the Government, the judiciary, and the press of Colombia, and the family members of individuals associated with individuals employed by such entities;

Whereas such drug traffickers have vowed to kill 10 judges for every drug trafficker extradited and have targeted for assasination a judge in New York City;

Whereas such drug traffickers have commenced bombing public places and offices, as demonstrated by the recent brutal attack on the office of the respected newspaper, El Espectador;

Whereas such drug traffickers have dramatically escalated such campaign of violence and intimidation against Colombian society;

Whereas such drug traffickers have financed the training and operation of parliamentary death squads that have been implicated in the assassination of hundreds of political and labor activists in Colombia;

Whereas such drug traffickers are exporting terror by smuggling the illegal, deadly drug cocaine into the United States, Latin America, the Caribbean, and Europe; and

Whereas such cocaine traffic has resulted in an overwhelming increase of drug abuse and drug-related violence in the United States and elsewhere: Now, therefore, be it

Resolved by the Senate (the House of Representives concurring), That the Congress—

(1) commends President Virgilio Barco of Colombia and the Government and people of Colombia for their courage and strength in standing up to the drug traffickers;

(2) expresses to the Government and people of Colombia the support, respect, and empathy of the Congress and the people of the United States in this most difficult time; and

(3) commends the cooperation of the President of the United States with the Government of Colombia and urges the President to continue to make available appropriate equipment, training, intelligence, and financial aid to help the Government of Colombia to overcome successfully the heinous activities of such drug traffickers.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTRUCTION OF BIOMEDICAL RESEARCH FACILITIES

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1390.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1390) entitled "An Act to authorize funds to be appropriated for the construction of a mouse research laboratory, and for other purposes", do pass the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. AUTHORITY FOR CONTRACT FOR CONSTRUCTION OF BIOMEDICAL RESEARCH FACILITIES.

(a) IN GENERAL.—Of the aggregate amounts appropriated for fiscal years 1990 and 1991 to carry out the purposes of title IV of the Public Health Service Act through the National Institutes of Health, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, may reserve not more than $25,000,000 for entering into a contract with a public or nonprofit private entity for constructing facilities for the purpose of the development and breeding of specialized strains of mice (including inbred and mutant mice) for use in biomedical research.

(b) COMPETITIVE AWARD PROCESS.—The contract under subsection (a) may be awarded only on a competitive basis after review in accordance with section 4(a).

SEC. 2. TWENTY-YEAR OBLIGATION WITH RESPECT TO BREEDING OF SPECIALIZED MICE FOR BIOMEDICAL RESEARCH.

(a) IN GENERAL.—The Secretary may not enter into a contract under section 1 unless, subject to subsection (b), the applicant for the contract agrees that—

(1) throughout the 20-year period beginning 90-days after the date of the completion of the construction of facilities pursuant to the contract, the facilities will be utilized only for the purpose described in section 1(a);

(2) during such period, the applicant will, to the extent practicable, develop and breed such mice in numbers sufficient to assist in meeting the need for such mice in biomedical research conducted or supported by the Secretary; and

(3) during such period, the applicant will, upon the request of the Secretary, sell such mice to the Secretary for purposes of such research at a price reasonably related to the cost of the production of the mice.

(b) TRANSFER OF OBLIGATION.—

(1) IN GENERAL.—With respect to the obligation under subsection (a), the contractor under section 1 (and any transferee or purchaser under this subsection) may—

(A) transfer the obligation to a public or nonprofit private entity if the proposed transferee has entered into a contract with the Secretary to assume the obligation; and

(B) convey its interest in the facilities involved if the proposed purchaser of the interest is a public or nonprofit entity that has entered into a contract with the Secretary to assume the obligation.

(2) TRANSFER PRIOR TO COMPLETION OF CONSTRUCTION.—If, for purposes of paragraph (1), a transfer or conveyance is proposed to be made before the completion of the construction of facilities pursuant to section 1, the Secretary may not authorize the transfer or conveyance unless the agreement involved provides that the transferee or purchaser will assume all remaining responsibilities under any agreements made pursu-

ant to this Act by the contractor under such section and the Federal Government.

(3) TERMINATION OF OBLIGATION.—If, for purposes of paragraphs (1) and (2), a transfer or conveyance is made in accordance with such paragraphs, the obligation pursuant to subsection (a), and all other responsibilities pursuant to this Act, of the transferor involved shall terminate.

(c) REQUIREMENT OF STATUS AS PUBLIC OR NONPROFIT PRIVATE ENTITY.—The Secretary may not enter into any agreement under subsection (a) or (b) unless the agreement provides that the obligation involved includes the requirement that the obligation may be satisfied only by a public or nonprofit private entity.

(d) ASSURANCES OF SUFFICIENT FINANCIAL RESOURCES.—

(1) ORIGINAL CONTRACTOR.—The Secretary may not enter into a contract under section 1 unless the applicant for the contract provides assurances satisfactory to the Secretary that, throughout the 20-year period described in subsection (a), the applicant will have access to financial resources sufficient to comply with the agreement under such subsection.

(2) TRANSFEREES AND PURCHASERS.—The Secretary may not approve a transfer or conveyance under subsection (b) unless the transferee or purchaser provides assurances satisfactory to the Secretary that, throughout the remaining portion of the 20-year period described in subsection (a), the transferee or purchaser will have access to financial resources sufficient to comply with its obligation pursuant to such subsection.

SEC. 3. REQUIREMENT OF MATCHING FUNDS.

(a) IN GENERAL.—The Secretary may not enter into a contract under section 1 unless the applicant for the contract agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such section, to make available (directly or through donations from public or private entities) contributions toward such costs in an amount equal to $1 for each $3 of Federal funds provided pursuant to the contract under section 1.

(b) DETERMINATION OF AMOUNT OF CONTRIBUTION.—Contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including existing plant and equipment or services throughout the 20-year period described in section 2(a)(1) (and including such specialized strains of mice as the Secretary may request for purposes of biomedical research). Amounts provided by any agency of the Federal Government other than the Department of Health and Human Services, and services assisted or subsidized by any such agency, shall be included in the amount of such contributions.

SEC. 4. ADDITIONAL REQUIREMENTS.

(a) SUBMISSION AND APPROVAL OF CONSTRUCTION PLAN.—

(1) IN GENERAL.—The Secretary may not enter into a contract under section 1 unless the applicant for the contract submits to the Secretary a plan for the construction of facilities pursuant to such section and unless the Secretary approves the plan. The Secretary may not approve such a plan unless the plan has been recommended for approval by the panel convened under paragraph 2(A).

(2) EXPERT PANEL FOR ADVISING SECRETARY WITH RESPECT TO PLAN.—

(A) The Secretary shall convene a panel of appropriately qualified individuals for the purpose of providing architectural, financial, and scientific advice to the Secretary regarding appropriate standards and specifications for the construction, financing, and use of facilities pursuant to section 1. The panel may not approve a plan submitted under paragraph (1) unless the panel determines that amounts provided in the contract under section 1 will not, during the twenty-year period described in section 2(a), be expended to increase significantly, relative to April 1989, the sale of mice other than mutant and inbred strains of mice necessary for the conduct of biomedical research.

(B) Members of the panel convened under paragraph (1) who are officers or employees of the United States may not receive compensation for service on the panel in addition to the compensation otherwise received for duties carried out as such officers or employees. Other members of such panel shall receive compensation for each day (including travel time) engaged in carrying out the duties of the panel. Such compensation may not be in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

(b) SITE OF CONSTRUCTION.—The Secretary may not enter into a contract under section 1 unless—

(1) the applicant for the contract provides to the Secretary a description of the site for the construction of facilities pursuant to such section; and

(2) the Secretary determines that title to the site is vested in the applicant or that the applicant has a sufficient possessory interest in such site for the twenty-year period described in section 2(a).

(c) REQUIREMENT OF APPLICATION.—The Secretary may not enter into a contract under section 1 unless—

(1) an application for the contract is submitted to the Secretary;

(2) the application contains the agreements required in this Act and provides assurances of compliance satisfactory to the Secretary; and

(3) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this Act.

SEC. 5. FAILURE TO COMPLY WITH AGREEMENTS.

(a) REPAYMENT OF PAYMENTS.—

(1) IN GENERAL.—The Secretary may, subject to subsection (c), require the contractor under section 1 to repay any payments received under such section by the contractor that the Secretary determines were not expended by the contractor in accordance with the agreements required to be contained in the application submitted by the contractor pursuant to section 4(c).

(2) OFFSET AGAINST CURRENT PAYMENTS.—If a contractor under section 1 fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid under such section to the contractor.

(b) WITHHOLDING OF PAYMENTS.—

(1) IN GENERAL.—The Secretary may, subject to subsection (c), withhold payments due under section 1 if the Secretary determines that the contractor under such section is not expending payments received under such section in accordance with the agreements required to be contained in the application submitted by the contractor pursuant to section 4(c).

(2) TERMINATION OF WITHHOLDING.—The Secretary shall cease withholding payments under paragraph (1) if the Secretary determines that there are reasonable assurances that the contractor under section 1 will expend amounts received under such section in accordance with the agreements referred to in such paragraph.

(3) EFFECT OF MINOR NONCOMPLIANCE.—The Secretary may not withhold funds under paragraph (1) from the contractor under section 1 for a minor failure to comply with the agreements referred to in such paragraph.

(c) OPPORTUNITY FOR HEARING.—Before requiring repayment of payments under subsection (a)(1), or withholding payments under subsection (b)(1), the Secretary shall provide to the contractor under section 1 an opportunity for a hearing conducted within the State in which facilities are constructed pursuant to such section.

SEC. 6. RECOVERY PROCEEDINGS FOR VIOLATION OF REQUIREMENT WITH RESPECT TO MINIMUM PERIOD OF BREEDING OF SPECIALIZED MICE.

(a) RIGHT OF RECOVERY.—If the contractor under section 1, or any transferee or purchaser under section 2, violates its obligation under such section (including any violation under subsection (c) of such section), the United States shall be entitled to recover an amount equal to the sum of—

(1) an amount determined in accordance with paragraph (1)(A) of subsection (b); and

(2) an amount determined in accordance with paragraph (2)(A) of such subsection.

(b) DETERMINATION OF AMOUNTS.—

(1) FEDERAL PERCENTAGE OF FAIR MARKET VALUE.—

(A) The amount referred to in paragraph (1) of subsection (a) is the product of—

(i) an amount equal to the fair market value, during the period in which recovery is sought under subsection (a), of the facilities constructed pursuant to section 1, as determined in accordance with subparagraph (B); and

(ii) a percentage equal to the quotient of—

(I) the total amounts provided by the Federal Government for the construction of such facilities; divided by

(II) the total costs of the construction of such facilities.

(B) For purposes of subparagraph (A)(i), fair market value shall be determined through—

(i) an agreement entered into by the United States and the entity from whom the United States is seeking recovery under subsection (a); or

(ii) an action brought in the district court of the United States for the district in which the facilities involved are located.

(2) INTEREST.—

(A) The amount referred to in paragraph (2) of subsection (a) is an amount representing interest on the amount determined under paragraph (1). Such interest shall accrue during the period described in subparagraph (B) and shall accrue at a rate determined by the Secretary on the basis of the average of the bond equivalent of the weekly 90-day Treasury bill auction rate.

(B) The period referred to in subparagraph (A) is the period—

(i) beginning on the date of the violation of the obligation under section 2, or if the entity involved provides notice to the Secretary of the violation not later than 10 days after the date of the violation, beginning on the expiration of the 180-day period beginning on the date that the notice is received by the Secretary; and

(ii) ending on the date on which the United States collects the amount determined under paragraph (1).

(c) WAIVER OF RECOVERY RIGHTS.—The Secretary may waive, in whole or in part, the right of the United States to recover

amounts under this section for good cause shown, as determined by the Secretary.

(d) CLARIFICATION WITH RESPECT TO LIEN ON FACILITIES.—The right of recovery of the United States under subsection (a) shall not constitute a lien on the facilities involved with respect to which such recovery is sought.

SEC. 7. DEFINITION.

For purposes of this Act, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 8. TECHNICAL AMENDMENT WITH RESPECT TO AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Section 496 of the Public Health Service Act (42 U.S.C. 289e) is amended—

(1) by striking the first sentence;

(2) by inserting "(a)" after the section designation; and

(3) by adding at the end the following new subsection:

"(b)(1) None of the amounts appropriated under this Act for the purposes of this title may be obligated for the construction of facilities (including the acquisition of land) unless a provision of this title establishes express authority for such purpose and unless the Act making appropriations under such provision specifies that the amounts appropriated are available for such purpose.

"(2) Any grants, cooperative agreements, or contracts authorized in this title for the construction of facilities may be awarded only on a competitive basis.".

Amend the title so as to read: "An Act to provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes.".

Mr. FORD. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. CIVIL RIGHTS COMMISSION REAUTHORIZATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1891, the U.S. Civil Rights Commission reauthorization bill now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1891) to extend the United States Commission on Civil Rights, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SIMON. Mr. President, I am pleased to announce that we have reached bipartisan agreement to extend the charter of the U.S. Commission on Civil Rights, which is due to expire on November 30, for 22 months. Joining me as cosponsors of this agreement are my good friends and distinguished colleagues from the Judiciary Committee, Senators HATCH, KENNEDY, THURMOND, BIDEN, and SPECTER.

The U.S. Commission on Civil Rights was created in 1957 by President Eisenhower, and for many years, it enjoyed an excellent reputation as a nonpartisan, independent agency. The Commission attracted many distinguished Americans to its service, and its landmark studies made important contributions to our Nation's progress in the area of civil rights.

In the recent past, however, the Commission has suffered under a series of partisan appointments and a loss of credibility. As a result, it has been difficult to reach a consensus on what to do when the Commission expires at the end of this month.

Earlier this year I introduced S. 1714, which would have created a new, reinvigorated Civil Rights Commission after letting the old one expire. While there has been considerable interest and support for that proposal, time has proved too short for it to be enacted. I subsequently introduced a 6-month extension bill, S. 1801, but the administration favored 6 years. With the help of Senator HATCH, we have worked out a compromise to allow the Commission to do its work through fiscal year 1991.

During this time, the terms of four Commissioners will expire. The President has two of those appointments. I am hopeful that he will use this opportunity to reaffirm his commitment to civil rights and appoint distinguished individuals who can help restore the Civil Rights Commission as an independent agency dedicated to advancing the cause of equality.

I want to thank Senator HATCH for his valuable assistance, and ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

Mr. HATCH. Mr. President, I am pleased to join Senator SIMON as principal cosponsor of the Civil Rights Commission Reauthorization Act of 1989. This bill reauthorizes the U.S. Commission on Civil Rights until the end of fiscal year 1991. No changes are made to the language of the authorizing statute.

Earlier this year, I introduced S. 1800, which would reauthorize the Commission for 6 years. The President desired a 6-year reauthorization. Senator SIMON introduced S. 1801, which reauthorized the Commission for 6 months. We have made a reasonable compromise that will leave the Commission to do its work. The administration has been heavily involved in working out the compromise.

I want to thank Senator SIMON and Deborah Leavy of his staff, for their sincere efforts to save the Civil Rights Commission. Most of all, I want to thank President Bush and the administration for their strong support for the reauthorization of a meaningful Civil Rights Commission. The President is a strong supporter of equal opportunity for all Americans, and so am I. The administration's effort was instrumental in preserving the Commission.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3532, now at the desk, and that all after the enacting clause be stricken, that the text of S. 1891 be inserted in lieu thereof, that the bill be read the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACQUISITION OF LAND FOR EMERGENCY SHELTERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order 383, S. 1813, the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1813) to insure funds provided under section 4313 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, which had been reported from the Select Committee on Indian Affairs, with an amendment.

On page 2, strike line 12, through and including line 19, and insert in lieu thereof the following:

"(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

"(A) the Secretary of the Interior Determines that no Federal land or facilities are reasonably available for emergency shelters or halfway houses described in subsection (a) to serve the needs of that Indian tribe or tribal organization, and

"(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 4213 of the Indian Al-

cohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by inserting ", or purchase or lease of land or facilities for," after "renovation of" in paragraph (1),

(2) by striking out "subject to contracting" in paragraph (3) and inserting in lieu thereof "subject to contracting or available for grants", and

(3) by adding at the end thereof the following new paragraphs:

"(4) Funds appropriated under this authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

"(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway houses described in subsection (a) to serve the needs of that Indian tribe or tribal organization, and

"(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a).

"(5) Nothing in this Act may be construed—

"(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

"(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this or any other Act.".

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1813) as amended, was passed, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 4214 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) by inserting ", or purchase or lease of land or facilities for," after "renovation of" in paragraph (1),

(2) by striking out "subject to contracting" in paragraph (3) and inserting in lieu thereof "subject to contracting or available for grants", and

(3) by adding at the end thereof the following new paragraphs:

"(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if—

"(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway houses described in subsection (a) to serve the needs of that Indian tribe or tribal organization, and

"(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a).

"(5) Nothing in this Act may be construed—

"(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under Indian Self-Determination Act for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

"(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this or any other Act.".

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN MENTAL HEALTH DEMONSTRATION GRANT PROGRAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order 380, S. 1270, the Indian Mental Health Demonstration Grant Program bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1270) to provide an Indian Mental Health Demonstration Grant Program.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, I rise today in support of the passage of S. 1270, a bill to establish an Indian Mental Health Demonstration Grant Program. Today, I ask unanimous consent that S. 1270 be adopted by the Senate.

I introduced S. 1270 on June 23, 1989, with Senators MURKOWSKI and DECONCINI as cosponsors. I want to express my appreciation to Mr. MURKOWSKI and Mr. DECONCINI for their support and assistance on this bill. I also want to express my gratitude to the chairman of the Select Committee on Indian Affairs, Senator INOUYE, for his leadership and assistance on this bill.

S. 1270 was approved by a unanimous vote of the Select Committee on Indian Affairs on November 9, with a recommendation for approval by the full Senate. This bill was the subject of a hearing in the Select Committee on Indian Affairs on September 14, 1989. At that time we received testimony from Indian tribes, mental health professionals, and Federal officials. These witnesses provided many excellent suggestions for improving and strengthening S. 1270. Those suggestions have now been incorporated into the bill.

S. 1270 authorizes 10 demonstration grants during the 3 years following enactment. Each grantee will be expected to develop a community-based comprehensive mental health program. Traditional Indian and native healing practices can be combined with modern clinical practices. The problems of alcohol and substance abuse can be addressed as part of a comprehensive program. At the end of the 3-year demonstration period, the grantees and the Director of the Indian Health Service will report to the Congress on the results of these programs.

Mr. President, we have not done nearly enough over the years to assist the Tribes and native communities in developing effective programs to meet their mental health needs. I believe that S. 1270 will provide us with the information we need to find ways to better assist Tribes and native communities in this vital area.

I thank my colleagues for their support.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill (S. 1270) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

GRANT PROGRAM

SECTION 1. Title II of the Indian Health Care Improvement Act (25 U.S.C. 1601, et seq.) is amended by adding at the end thereof the following new section:

"MENTAL HEALTH DEMONSTRATION GRANTS

"SEC. 209. (a)(1) The Secretary, acting through the Service, shall award at least 10 demonstration grants to Indian tribes or inter-tribal consortia to pay 75 percent of the costs of planning, developing, and implementing programs provided by the Indian tribes or inter-tribal consortia that deliver mental health services to Indians through innovative and community-based means.

"(2) Any grant awarded under paragraph (1) shall not exceed $1,000,000 for each fiscal year.

"(3) For purposes of this section, the term 'intertribal consortium' means a partnership between—

"(A) an Indian tribe or a tribal organization of an Indian tribe, and

"(B) one or more other Indian tribes or tribal organizations of other Indian tribes.

"(b)(1) The term of any grant awarded under subsection (a) shall be 3 years.

"(2) The 25 percent of the costs of planning, developing, and implementing a program for which a grant is awarded under subsection (a) that are not to be paid from such grant may be paid by the grant recipient in cash or through the provision of property or services.

"(3) The mental health services delivered under any program that is funded by a grant awarded under subsection (a) may include alcohol and drug abuse treatment.

"(c)(1) In awarding at least 50 percent of the total number of grants awarded under subsection (a), the Secretary shall provide a preference to inter-tribal consortia.

"(2)(A) Not less than 30 percent of the grants awarded under subsection (a) shall be awarded to Indian tribes, or inter-tribal consortia, that serve urban areas.

"(B) Not less than 30 percent of the grants awarded under subsection (a) shall be awarded to Indian tribes, or inter-tribal consortia, that serve rural areas.

"(3)(A) A grant may be awarded under subsection (a) to more than one Indian tribe or inter-tribal conortium within the jurisdiction of the same area office only if a grant has been awarded under subsection (a) to at least one Indian tribe or inter-tribal consortium within each of the area offices.

"(B) If more than one grant is awarded under subsection (a) to Indian tribes or inter-tribal consortia within the jurisdiction of the same area office, the Secretary shall ensure that the grants awarded to such Indian tribes and inter-tribal consortia are not duplicative in the scope of their programs or the population served by their programs.

"(d)(1) Any Indian tribe or inter-tribal consortium may submit to the area office an application for a grant under subsection (a).

"(2) Any application submitted under paragraph (1)—

"(A) shall be in such form as the Secretary may prescribe,

"(B) shall be submitted to the area office before a date designated by the Secretary,

"(C) shall specify—

"(i) the nature of the program proposed by the applicant,

"(ii) the data and information on which the program is based,

"(iii) the extent to which the program plans to use or incorporate existing service delivery activities,

"(iv) the specific treatment concepts to be used under the program,

"(v) the extent of the planned use under the program of traditional Indian practices and the clinical model, and

"(vi) a schedule (of not more than 3 years) for completion of the program, and

"(D) shall be accompanied by a statement from the various Indian populations and Indian-related service-delivery systems in the vicinity of the applicant that would be affected by the program.

"(3) The area office to which an application is submitted under paragraph (1) shall attach to the application the comments of the area office regarding the application and shall forward the application to the Secretary.

"(e)(1) Upon receipt of an application for a grant submitted under subsection (d), the Secretary shall refer the application to a review panel that shall make recommendations to the Secretary regarding the merits of the application and shall rank the application in relation to other applications submitted under subsection (d) that are being considered by the Secretary.

"(2)(A) The Director of the Indian Health Service shall establish review panels for purposes of carrying out the requirements of pargraph (1).

"(B) Each review panel established under subparagraph (A) shall consist of—

"(i) at least one Indian appointed by the Director of the Indian Health Service for each area office who represents the population served by that area office, and

"(ii) not more than 5 mental health experts and practitioners, including persons experienced in traditional Indian practices, appointed by the Director of the Indian Health Service.

"(f) The Secretary shall award grants under subsection (a) in accordance with regulations the Secretary shall prescribe. Such regulations shall ensure that the Secretary take into account, among other considerations—

"(1) any comments from an area office with respect to an application,

"(2) the recommendations made by the review panel under subsection (e)(1),

"(3) any comments of the Indian communities that would be affected by the program for which the application is submitted,

"(4) the existing mental health services currently available to the Indians the program proposes to serve,

"(5) the need for mental health services among the Indians the program proposes to serve, as described by the Indian tribe itself and the appropriate area office,

"(6) the extent to which the program would improve the access of Indians to mental health services,

"(7) the extent to which, and the manner in which, the program would improve the effectiveness of mental health service delivery in the area served by the program, and

"(8) the extent to which the program would provide Indians with access to a mental health service delivery system that effectively combines the modern clinical approach with the particular customs or culturally based methods of Indian tribes in treating members of the Indian tribe.

"(g)(1) Each recipient of a grant awarded under subsection (a) shall—

"(A) furnish the Secretary with such information as the Secretary may require to—

"(i) evaluate the program for which the grant is made, and

"(ii) ensure that the grant funds are expended for the purposes for which the grant was made, and

"(B) submit to the Secretary at the close of the term of the grant a final report, which, in addition to such other information as the Secretary may require, includes—

"(i) an assessment of the extent of the mental health hazards of the Indians served by the program,

"(ii) the details of the program,

"(iii) the problems encountered in establishing the program,

"(iv) the extent to which the program was effective or ineffective in meeting the mental health needs of Indians, and

"(v) any recommendations of the grant recipient.

"(2) On the date that is 18 months after the date on which most of the grants are awarded under subsection (a), the Secretary shall submit to the Congress a preliminary report which shall—

"(A) assess the functioning and status of the grants,

"(B) evaluate the progress made toward achieving the purposes of the grants, and

"(C) include any recommendations the Secretary may deem appropriate with respect to the grants.

In preparing the preliminary report, the Secretary shall solicit and include the comments and recommendations of private and public entities with an interest in the delivery of mental health services to Indians.

"(3) By no later than the date that is 180 days after the close of the term of the last grant awarded under subsection (a), the Secretary shall submit to the Congress a final report on the grants awarded under subsection (a) which shall include conclusions on the grants, as well as comments on the implications of the demonstration grants for possible re-organization of mental health service delivery in Indian country.

"(h) Regulations and procedures prescribed by the Secretary under this section shall, to the extent practicable, be consistent with the regulations and procedures applicable to grants under the Indian Self-Determination Act (25 U.S.C. 450f, et seq.).

"(i) There are authorized to be appropriated to carry out the provisions of this section, $6,000,000 for each of the fiscal years 1990, 1991, 1992, and 1993.".

TECHNICAL ASSISTANCE OFFICE

SEC. 2. (a) The Secretary of Health and Human Services shall establish within the Indian Health Service a technical assistance office on mental health that shall—

(1) act as an information center for Indian tribes and tribal organizations regarding ongoing mental health activities, programs, and services within Indian country,

(2) provide technical assistance to Indian tribes, or inter-tribal consortia, that are working to implement programs under the demonstration grants provided under section 209(a) of the Indian Health Care Improvement Act,

(3) facilitate regional meetings to enable Indian tribes and tribal organizations to share information regarding—

(A) the mental health needs of Indian tribes,

(B) activities that are being undertaken to meet those needs, and

(C) programs that have been successful in meeting those needs,

(4) develop strategies that Indian tribes can take to meet the mental health needs of their members, and

(5) disseminate information regarding such strategies among the Indian tribes and tribal organizations.

(b) The Secretary of Health and Human Services shall provide the mental health technical assistance office that is required to be established under subsection (a) with such staff, facilities, and equipment as are necessary to enable the office to carry out the duties of the office.

(c) The mental health technical assistance office that is required to be established under subsection (a) shall terminate on the date that is 30 days after the date on which the final report is submitted to the Congress under section 209(g)(3) of the Indian Health Care Improvement Act.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPROVEMENTS IN OPERATIONAL EFFICIENCY OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order 378, S. 1877, a bill to improve the operational efficiency of the James Madison Memorial Fellowship Foundation.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1877) to improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is deemed to have been read a third time and passed.

So the bill (S. 1877) was passed, as follows:

S. 1877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT FOR EXPENSES.

Section 803(d) of the James Madison Memorial Fellowship Act (20 U.S.C. 4502(d)) is amended to read as follows:

"(d)(1) Subject to paragraph (2), members of the Board shall serve without pay.

"(2) Members of the Board and the President, Executive Secretary, and other personnel of the Foundation shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties at rates applicable to judges of the United States under section 456(a) of title 28, United States Code.".

SEC. 2. INFLATION ADJUSTMENT.

Section 809 of the James Madison Memorial Fellowship Act (20 U.S.C. 4508) is amended to read as follows:

"AMOUNT OF FELLOWSHIPS

"SEC. 809. For each year of academic study a student awarded a fellowship shall receive a stipend which shall not exceed the lesser of—

(1) the actual cost to the student of tuition, fees, books, and room and board; or

(2) $12,000 plus an amount determined by the Foundation to be necessary to account for increases in the costs of tuition, fees, books, and room and board since the date of enactment of this Act.".

SEC. 3. PRESIDENT AND EXECUTIVE SECRETARY OF FOUNDATION.

Section 813 of the James Madison Memorial Fellowship Act (20 U.S.C. 4512) is amended to read as follows:

"PRESIDENT AND EXECUTIVE SECRETARY OF FOUNDATION

"SEC. 813. (a)(1) The Board may appoint a President of the Foundation to serve full-time or part-time and for such a term as the Board shall determine.

"(2) The President shall carry out such of the functions and duties of the Foundation as the Board may determine, subject to the supervision and direction of the Board.

"(3) The President shall be compensated at a rate to be determined by the Board without regard to subchapter III of chapter 53 of title 5, United States Code, not to exceed the rate for level I of the Executive Schedule under section 5313 of that title.

"(4) Sections 5532, 8344, and 8468 of title 5, United States Code, shall not apply to a person while such person is serving as President of the Foundation.

"(b)(1) There shall be an Executive Secretary of the Foundation who shall be appointed by the Board.

"(2) The Executive Secretary shall be the chief operating officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board or the President, as determined by the Board.

"(3) The Executive Secretary shall be compensated at the rate specified for employees placed in grade GS-18 of the General Schedule set forth in section 5332 of title 5 United States Code.".

SEC. 4. ADMINISTRATIVE PROVISIONS.

Section 814 of the James Madison Memorial Fellowship Act (20 U.S.C. 4513) is amended—

(1) in subsection (a) by—

(A) amending paragraph (1) to read as follows:

"(1) to appoint and fix the compensation of such personnel as may be necessary to carry out this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of that title relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for grade GS-15 of the General Schedule under section 5332 of that title;";

(B) amending paragraph (8) to read as follows:

"(8) to rent office space in the District of Columbia or its environs;";

(C) striking "and" at the end of paragraph (9);

(D) striking "(10)" and inserting "(11)"; and

(E) inserting immediately following paragraph (9) the following new paragraph:

"(10) to expend not more than 5 percent of its annual operating budget to pay the costs of fundraising activities, including public and private gatherings; and "; and

(2) by adding at the end thereof the following new subsection:

"(c) On request of the Chairman of the Foundation, the head of a Federal agency may detail personnel of the agency to the Foundation to assist the Foundation in carrying out this Act. Details under this subsection shall be without reimbursement by the Foundation to the agency from which personnel are detailed.".

Mr. FORD. I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MILDRED AND CLAUDE PEPPER SCHOLARSHIP PROGRAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order 236, H.R. 2666, which establishes a Mildred and Claude Pepper Scholarship Program.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2666) to establish a Mildred and Claude Pepper Scholarship Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, we have before us a bill which is small in size but large in the tribute we hope it will bring for Mildred and Claude Pepper. Mildred and Claude Pepper were rare individuals and a rare couple as well. For all of Claude Pepper's accomplishments, no professional gain could ever match the value he placed upon the deep love and friendship he shared with his wife. It is that special relationship that we hope to recognize through this bill.

The Senate amendment we have before us today makes several improvements in the original bill sent to us by the House of Representatives. The House plan would establish a $500,000 per year Mildred and Claude Pepper Scholarship Fund to bring hearing-impaired students to Washington to study the workings of the Federal Government. The program would be conducted through the Washington Workshops Foundation.

While I am delighted to see the Washington Workshops Foundation seeking to serve hearing impaired students, I also want to assure that any new program in this area does not run at cross purposes to a similar program initiated by the Close Up Foundation and supported by Congress throughout the last two decades under the Allan J. Ellender Program. Under the Close Up Foundation Program, over 2,600 hearing-impaired students have been brought to Washington to meet with elected officials and policy makers and to study the inner workings of Government. I personally know of this program's accomplishments because the Rhode Island School for the Deaf was the first school to participate beginning in 1974. The Florida School for the Deaf, from Mr. Pepper's home State, has been a participant since 1977.

It is my belief that any new initiative with the hearing-impaired should strengthen our Federal efforts in this area and not compete with them. In this regard, the bill before us today would seek to support the efforts of Washington Workshops to establish a hearing-impaired program while expanding the proven programs of success under the Close Up Foundation. Specifically, the Senate proposal would double the authorization level of the Pepper bill to $1 million and

call for the funds to be equally divided between the Washington Workshops Foundation to create new programs for the hearing-impaired and the Close Up Foundation to expand their existing programs.

Further, we add several restrictions on use of funds. First, it is our belief, in keeping with one of the most basic promises of the Education of the Handicapped Act, that the hearing-impaired served under this bill must be mainstreamed into the broad Government studies programs that characterize these two foundations. It has long been Congress' belief that both hearing and nonhearing students are best served when they participate together in the same program. Second, the program must be schoolbased so that the experience the students have here in Washington will continue within the broader context of the classroom and community to which they return. Third, each Foundation must match these public funds with private sources. In this way, the programs can be expanded to serve even more students while developing an outside base of support should Federal funding not be available in future years. Finally, it is our intent that the new programs created by Washington Workshops will be based at schools other than those currently served by the Close Up Foundation's Hearing Impaired Program. In this way, the Pepper Scholarship Program will provide the opportunity for many more deaf students to come to Washington.

I am most pleased with these changes and am certain my colleagues will agree that this legislation is an improvement upon the original House bill and will serve as an even greater tribute to Claude and Mildred Pepper.

AMENDMENT NO. 1155

Mr. FORD. Mr. President, I send a Pell-Kassebaum substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. PELL (for himself and Mrs. KASSEBAUM), proposes an amendment numbered 1155.

Mr. FORD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mildred and Claude Pepper Scholarship Act".

TITLE I—MILDRED AND CLAUDE PEPPER SCHOLARSHIPS

SEC. 101. PROGRAM AUTHORITY.

(a) IN GENERAL.—From the sums appropriated pursuant to section 105, the Secretary of Education is authorized to make grants to the Washington Workshops Foundation and the Close Up Foundation to pay the Federal share of establishing and maintaining the Mildred and Claude Pepper Scholarship Program.

(b) SPECIAL RULE.—The Secretary shall award—

(1) 50 percent of the funds appropriated pursuant to the authority of section 105 to the Washington Workshops Foundation; and

(2) 50 percent of the funds appropriated pursuant to the authority of section 105 to the Close Up Foundation.

SEC. 102. USE OF FUNDS.

Funds received under this Act shall be used—

(1) by the Washington Workshops to establish new programs for hearing imparied high school students, and

(2) by the Close Up Foundation to expand the Close Up Foundation programs for the hearing impaired.

SEC. 103. APPLICATION.

Each foundation desiring a grant under this title shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) provide assurances that the foundation programs will mainstream hearing impaired students;

(2) provide assurances that the foundation will operate school-based programs; and

(3) describe the activities and services for which assistance is sought.

SEC. 104. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—The Secretary of Education shall pay to each foundation having an application approved pursuant to section 103 the Federal share of the cost of the activities described in the application.

(b) FEDERAL SHARE.—(1) The Federal share shall be 50 percent.

(2) The portion of the grant not paid from Federal sources shall be paid from sources other than State or local government sources.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated $1,000,000 for the fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992 to carry out the provisions of this title.

TITLE II—UNIVERSITY OF MISSISSIPPI LAW LIBRARY

SEC. 201. UNIVERSITY OF MISSISSIPPI LAW LIBRARY

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this title, to the University of Mississippi Law School for the renovation and completion of the library facilities of the University of Mississippi Law School at Oxford, Mississippi.

SEC. 202. APPLICATION REQUIRED.

No financial assistance may be made under this title unless an application is submitted to the Archivist at such time, in such manner, and containing or accompanied by such information as the Archivist may reasonably require,

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,200,000 to carry out the provisions of this title. Funds appropriated pursuant to this title shall remain available until expended.

TITLE III—NARRAGANSETT BAY CENTER FOR THE STUDY OF COASTAL ECOSYSTEMS

SEC. 301. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.

The Secretary of Education is authorized, in accordance with the provisions of this title, to provide financial assistance to pay the costs of construction and equipment for a Narragansett Bay Center for the Study of Coastal Ecosystems.

SEC. 302. LOCATION OF CENTER.

For the purpose of section 502, the Narragansett Bay Center for the Study of Coastal Ecosystems shall be located at the University of Rhode Island, Narragansett Bay Campus.

SEC. 303. APPLICATION FOR ASSISTANCE.

No financial assistance may be made under this title unless an application is made at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the provisions of this title. Funds appropriated pursuant to this section shall remain available until expended.

TITLE IV—MUSKIE ARCHIVES

SEC. 401. GENERAL AUTHORITY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this title, to the Muskie Archives at Bates College, Lewiston, Maine, to establish an endowment for the Muskie Archives.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the provision of this title. Funds appropriated pursuant to this title shall remain available until expended.

TITLE V—MUSEUM OF TOLERANCE AT THE SIMON WIESENTHAL CENTER

SEC. 501. GENERAL AUTHORITY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this title, to the Museum of Tolerance at the Simon Wiesenthal Center located in Los Angeles, California, for the operation of education programs concerning the Holocaust at such Museum of Tolerance.

SEC. 502. APPLICATION REQUIRED.

No financial assistance may be provided under this title unless an application, including an education plan, is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

SEC. 503. MATCHING REQUIREMENT.

Not less than 50 percent of the costs of education programs assisted under this title shall be provided by non-Federal sources.

SEC. 504. RELIGIOUS ACTIVITIES PROHIBITED.

Funds provided under this title shall not be used by program participants or program staff to provide religious instruction, conduct worship services, or engage in any form of proselytization.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000, to carry out the provisions of this title. Funds appropriated pursuant to this title shall remain available until expended.

TITLE VI—HIGHER EDUCATION

SEC. 601. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) HIGHER EDUCATION.—Section 484 of the Higher Education Act of 1965 is amended by adding a new subsection (k) at the end thereof:

"(k) STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified for assistance under subpart 1, 2, or 4 of part A or part C of this title.

(b) TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.—Section 4502 of the Elementary and Secondary Education Act of 1965 is amended by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" each place it appears and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia".

(c) TECHNICAL AMENDMENT.—Section 1204(a) of the Higher Education Act of 1965 is amended by striking out "Trust Territories of the Pacific Islands, and the Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands, Palau, and, subject to the provisions of Public Law 99-239, the Federated States of Micronesia, and the Republic of the Marshall Islands.".

SEC. 602. DEFINITION.

Section 545 of the Higher Education Act is amended in paragraph (3) by striking "the Trust Territory of the Pacific Islands" and inserting in lieu thereof "the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau".

SEC. 603. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 1204 of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subsection (d):

"(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act.".

TITLE VII—ELEMENTARY AND SECONDARY EDUCATION

SEC. 701. TECHNICAL AMENDMENTS.

(a) ELEMENTARY AND SECONDARY EDUCATION.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in sections 1005(a), 1006(a)(1)(A), 1291, 2004(a), and 4502 by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau";

(2) in sections 1404, 1405(a)(2)(A), 1405(a)(2)(B) and 1471(22) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau"; and

(3) in sections 1511(a)(1), 2104(a)(1), 5112(a)(1) and 5141(b)(6) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau".

(b) ADULT EDUCATION ACT.—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau"; and

(2) in sections 313(b) and 361(a) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

(c) STAR SCHOOLS PROGRAM.—Section 907(8) of the Star Schools Program Assistance Act is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, and the Republic of the Marshall Islands, Palau".

(d) EDUCATION OF THE HANDICAPPED.—The Education of the Handicapped Act is amended in—

(1) Section 602(a)(6) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau";

(2) Section 611(a)(2) by striking "and the Trust Territory of the Pacific Island" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau";

(3) Section 611(e)(1) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau",

TITLE VIII—McLAUGHLIN RESEARCH INSTITUTE.

SEC. 801. McLAUGHLIN RESEARCH INSTITUTE.

There are authorized to be appropriated $5,000,000 to be used by the McLaughlin Research Institute of Great Fall, Montana for construction costs.

TITLE IX—THE NATIONAL TEACHER HALL OF FAME

SEC. 901. THE NATIONAL TEACHER HALL OF FAME AUTHORIZED.

The Secretary of Education is authorized, in accordance with the provisions of this title, to provide financial assistance to Emporia State University, located in Emporia, Kansas, to pay the cost of planning, construction, and related costs for the National Teacher Hall of Fame at Emporia State University.

SEC. 902. APPLICATION.

No financial assistance may be made under this title unless an application is made at such time in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

SEC. 903. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this title. Funds appropriate pursuant to this title shall remain available until expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1155) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2666), as amended, was passed.

NATIONAL AMERICAN INDIAN HERITAGE WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 218, a joint resolution to designate December 3 through December 9, 1989, as National American Indian Heritage Week, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 218) to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 218

Whereas American Indians were the original inhabitants of the territories that now constitute the United States of America;

Whereas American Indians and the descendants of such American Indians have made many essential contributions to this Nation;

Whereas the citizens of the United States should be reminded of the assistance given to our Founding Fathers by the native Americans;

Whereas the citizens of the United States should be aware of the present relationship between American Indians and the United States; and

Whereas the first week of November takes place during the harvest season in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 3, 1989, through December 9, 1989, is designated as "National American Indian Heritage Week", and the President is authorized and requested to call upon Federal, State, and local governments, interest-

ed groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1156

(Purpose: To make a technical amendment to the preamble)

Mr. FORD. Mr. President, on behalf of Senator INOUYE, I send to the desk an amendment to the preamble and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. INOUYE, proposes an amendment numbered 1156.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend the preamble to read as follows:

Whereas American Indians were the original inhabitants of the territories that now constitute the United States of America;

Whereas American Indians and the descendants of such American Indians have made many essential contributions to this Nation;

Whereas the citizens of the United States should be reminded of the assistance given to our Founding Fathers by the Native Americans; and

Whereas the citizens of the United States should be aware of the present relationship between American Indians and the United States: Now, therefore, be it

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1156) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL FAMILY CAREGIVERS WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 282, a joint resolution to designate the week of November 19–25, 1989 as "National Family Caregivers Week," just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 282), designating November 19 through 25, 1989, as "National Family Caregivers Week."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment.

If there be no amendment to be offered, the question is on the third reading and the passage of the joint resolution.

The joint resolution (H.J. Res. 282) was ordered to a third reading, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Judiciary be discharged from further consideration of Senate Joint Resolution 140, the Senate companion measure, and that the joint resolution then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M.; PERIOD FOR MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Friday, November 17, and that following the time for the two leaders, there be a period for morning business until 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M., TOMORROW

Mr. FORD. Mr. President, if the distinguished acting Republican leader has no further business and if no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, under the previous order, until 10:30 a.m., Friday, November 17.

There being no objection, the Senate, at 10:46 p.m., recessed until Friday, November 17, 1989, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, November 16, 1989*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. MURTHA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 16, 1989.

I hereby designate the Honorable JOHN P. MURTHA to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that through Your creation You have given to the human spirit the gifts of freedom and liberty. For some of us these gifts have sustained for so long that we do not appreciate their freshness and beauty, and for others these gifts are as the dawn of a new day. We pray for wisdom to treasure our freedoms with which we have been blessed and to nurture them day by day. For these and all Your precious gifts, O God, we offer this word of praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington [Mr. FOLEY] please lead the House in the Pledge of Allegiance to the flag?

Mr. FOLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 3550. An act to amend section 524 of title 28, United States Code, with respect to the special forfeiture fund, to amend section 511 of the Controlled Substances Act to make technical, clarifying, and administrative changes, and for other purposes;

H.R. 3611. An act to combat international narcotics production and trafficking;

H.R. 3614. An act to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention programs in elementary and secondary schools, and for other purposes;

H.R. 3630. An act to amend the Public Health Service Act with respect to the prevention and treatment of substance abuse, including establishing separate block grants with respect to substance abuse and mental health; and

H. Con. Res. 225. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 2461.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3550) "An act to amend section 524 of title 28, United States Code, with respect to the Special Forfeiture Fund, to amend section 511, of the Controlled Substances Act to make technical, clarifying, and administrative changes, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. PELL, Mr. HOLLINGS, Mr. INOUYE, Mr. BIDEN, Mr. SARBANES, Mr. HATCH, Mr. COATS, Mr. DANFORTH, Mr. WILSON, Mr. HELMS, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3611) "An act to combat international narcotics production and trafficking," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. PELL, Mr. HOLLINGS, Mr. INOUYE, Mr. BIDEN, Mr. SARBANES, Mr. HATCH, Mr. COATS, Mr. DANFORTH, Mr. WILSON, Mr. HELMS, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3614) "An act to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention programs in elementary and secondary schools, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. PELL, Mr. HOLLINGS, Mr. INOUYE, Mr. BIDEN, Mr. SARBANES, Mr. HATCH, Mr. COATS, Mr. DANFORTH, Mr. WILSON, Mr. HELMS, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3630) "An act to amend the Public Health Service Act with respect to the prevention and treatment of substance abuse, including establishing separate block grants with respect to substance abuse and mental health," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. DODD, Mr. PELL, Mr. HOLLINGS, Mr. INOUYE, Mr. BIDEN, Mr. SARBANES, Mr. HATCH, Mr. COATS, Mr. DANFORTH, Mr. WILSON, Mr. HELMS, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2461) "An act to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2939) "An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 3, 6, 8, 12, 13, 15, 19, 22, 23, 31, 35, 42, 44, 48, 63, 69, 74, 75, 85, 91, 95, 98, 102, 103, 105, 107, 110, 112, 117, 121, 122, 132, 133, 164, 169, 187, 197, 201, 220, 235, 245, 267, 274,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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275, 276, 277, 279, 283, 284, 286, 287, 289, 290, 291, 292, 293, 294, and 295, to the above-entitled bill.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate numbered 17, to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 278 with an amendment.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3015) "An act making appropriations for the Department of Transportation and related agencies, for the fiscal year ending September 30, 1990, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 5, 8, 9, 13, 27, 32, 38, 42, 66, 72, 79, 90, 101, 105, 110, 113, 115, 116, 118, 119, 120, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 134, to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 136, to the above-entitled bill.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
November 16, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:25 p.m. on Wednesday, November 15, 1989, the following message from the Secretary of the Senate: That the Senate passed without amendment, H.J. Res. 435.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Wednesday, November 15, 1989.

H.J. Res. 435. Joint resolution making further continuing appropriations for the fiscal year 1990, and for other purposes.

GOVERNMENT ETHICS REFORM ACT OF 1989

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 290 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 290

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for governmentwide ethics, reform, and for other purposes. All points of order against the bill and against its consideration are hereby waived. Debate on the bill shall continue not to exceed two hours, to be equally divided and controlled by Representative Fazio of California and Representative Martin of Illinois. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to commit, with or without instructions, if offered by Representative Michel of Illinois, or his designee.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 290 is the rule providing for the consideration in the House, of H.R. 3660, the Government Ethics Reform Act of 1989.

The rule provides for 2 hours of general debate to be equally divided between the gentleman from California [Mr. FAZIO] and the gentlewoman from Illinois [Mrs. MARTIN].

Mr. Speaker, the rule waives all points of order against the bill and against its consideration, and provides for one motion to recommit with or without instructions if offered by the gentleman from Illinois [Mr. MICHEL] or his designee.

Mr. Speaker, H.R. 3660, the Government Ethics Reform Act of 1989, is the product of nearly a year's work by the Bipartisan Task Force on Ethics, headed by Representative FAZIO and Representative MARTIN.

The bill we have before us today contains ethics reforms that will apply to all branches of Government, and provide for pay increases of 7.7 percent for House Members, Federal judges, and high officials in the executive branch in order to make up for the 1989 and 1990 cost-of-living allowances that were not received.

I should point out to my colleagues that these COLA's will not take effect as long as we are under a Gramm-Rudman sequestration order.

Mr. Speaker, the major provisions that are contained in this bill deal directly with ethics reforms. Effective in January 1991, Members, officers, and employees of the House will be prohibited from receiving honoraria. And all outside income will be limited to 15 percent of the Members' salary.

All gifts to House Members, officers, and employees that total more than $200 from any source except family members will be banned.

Mr. Speaker, as of 1993 the so-called grandfather clause, that allows Members elected before 1980 to convert campaign funds to personal use, will be repealed.

The measure limits privately funded speaking trips to 4 consecutive days for domestic travel and 7 days for foreign travel—and will tighten the financial disclosure requirements for all branches of Government.

Mr. Speaker, this comprehensive ethics reform package is a result of tremendous bipartisan effort and cooperation. The gentleman from California [Mr. FAZIO] and the gentlelady from Illinois [Mrs. MARTIN] are to be commended for bringing this bill to the House.

Mr. Speaker, I would also like to recognize the outstanding effort of Roy Dye and Don Wolfensberger. Without their knowledge and expertise this ethics reform package would not be as strong as it is.

I urge my colleagues to adopt this rule and to adopt this legislation.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Illinois [Mrs. MARTIN] was due to manage the bill on this side, but she has been unavoidably detained.

Let me just say that the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], has, as he always does, adequately described this rule. Again we want to take off our hats to the gentleman from California [Mr. FAZIO] and to the gentlewoman from Illinois [Mrs. MARTIN] who headed up the task force on this issue.

Mr. Speaker, the rule before us provides an opportunity for every Member to record his vote for public record on this ethics package that once and for all abolishes honoraria, the fees Members may now charge for speaking appearances.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FAZIO. Mr. Speaker, pursuant to the rule just adopted, I call up the

bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for governmentwide ethics reform, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3660 is as follows:

H.R. 3660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Ethics Reform Act of 1989".

TITLE I—LIMITATIONS ON OUTSIDE EMPLOYMENT AND ELIMINATION OF HONORARIA

SEC. 101. LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT.

(a) LIMITATIONS.—Title V of the Ethics in Government Act of 1978 is amended to read as follows:

"TITLE V—GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

"SEC. 501. OUTSIDE EARNED INCOME LIMITATION.

"(a) OUTSIDE EARNED INCOME LIMITATION.—

(1) Except as provided by paragraph (2), a Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

"(2) In the case of any individual who becomes a Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer or employee during such calendar year and the denominator of which is 365.

"(b) HONORARIA PROHIBITION.—An individual may not receive any honorarium while that individual is a Member, officer or employee.

"(c) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

"SEC. 502. LIMITATIONS ON OUTSIDE EMPLOYMENT.

"A Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule shall not—

"(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involves a fiduciary relationship for compensation;

"(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

"(3) practice a profession which involves a fiduciary relationship for compensation;

"(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

"(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

"SEC. 503. ADMINISTRATION.

"This title shall be subject to the rules and regulations of—

"(1) and administered by the committee of the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the House of Representatives;

"(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

"(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

"SEC. 504. CIVIL PENALTIES.

"(a) CIVIL ACTION.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than $10,000 or the amount of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

"(b) ADVISORY OPINIONS.—Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

"SEC. 505. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Member' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

"(2) The term 'officer or employee' means any officer or employee of the Government except (A) any individual (other than the Vice President) whose compensation is disbursed by the Secretary of the Senate or (B) any special Government employee (as defined in section 202 of title 18, United States Code).

"(3) The term 'honorarium' means a payment of money or any thing of value for an appearance, speech or article by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

"(4) The term 'travel expenses' means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

"(5) The term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENTS.—

(1) Section 210 of the Ethics in Government Act of 1978 (5 U.S.C. App. 210) is repealed.

(2) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended—

(A) in subsection (a) by striking "No person while an elected or appointed officer or employee of the Federal Government" and by inserting "No person while a Senator or officer or employee of the Senate", and by striking "accept" the first time it appears; and

(B) in subsection (b) by striking "an elected or appointed officer or employee of any branch of the Federal Government" and by inserting "a Senator or any officer or employee of the Senate".

(3) Section 908(a)(3) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)(3)) is amended to read as follows:

"(3) 'Member' means a Senator; and".

(4) Paragraph (4) of section 107 of the Ethics in Government Act of 1978 (2 U.S.C. 707(4)) is amended to read as follows:

"(4) 'honorarium' has the meaning given such term in section 504(3) of this Act.".

(5) Paragraph (4) of section 209 of the Ethics in Government Act of 1978 (5 U.S.C. App. 209(4)) is amended to read as follows:

"(4) 'honorarium' has the meaning given such term in section 504(3) of this Act.".

(6) Paragraph (4) of section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308(4)) is amended to read as follows:

"(4) 'honorarium' has the meaning given such term in section 504(3) of this Act.".

SEC. 102. TAX TREATMENT OF AMOUNTS PAID TO CHARITY.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following:

"(k) TREATMENT OF CERTAIN AMOUNTS PAID TO CHARITY.—In the case of any payment which, except for section 501(b) of the Ethics in Government Act of 1978, might be made to any officer or employee of the Federal Government but which is made instead on behalf of such officer or employee to an organization described in section 170(c)—

"(1) such payment shall not be treated as received by such officer or employee for all purposes of this title and for all purposes of any tax law of a State or political subdivision thereof, and

"(2) no deduction shall be allowed under any provision of this title (or of any tax law of a State or political subdivision thereof) to such officer or employee by reason of having such payment made to such organization.

For purposes of this subsection, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government and a Senator or officer (except the Vice President) or employee of the Senate shall not be treated as an officer or employee of the Federal Government.".

SEC. 103. NONRECOGNITION FOR CERTAIN SALES TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

(a) GENERAL RULE.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. SALE OF PROPERTY TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

"(a) NONRECOGNITION OF GAIN.—If an eligible person sells any property pursuant to a certificate of divestiture, at the election of the taxpayer, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds the cost (reduced by any basis adjustment under subsection (c) attributable to a prior sale) of any permitted property purchased by the taxpayer during the 60-day period beginning on the date of such sale.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) an officer or employee of the executive branch of the Federal Government, but does not mean a special Government employee as defined in section 202 of title 18, United States Code, and

"(B) any spouse or minor or dependent child whose ownership of any property is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in subparagraph (A).

"(2) CERTIFICATE OF DIVESTITURE.—The term 'certificate of divestiture' means any written determination—

"(A) that states that divestiture of specific property is reasonably necessary to comply with section 208 of title 18, United States Code, or any other Federal conflict of interest statute, regulation, rule, or executive order, and

"(B) that has been issued by the President, an agency head, or the Director of the Office of Government Ethics, and

"(C) that identifies the specific property to be divested.

"(3) PERMITTED PROPERTY.—The term 'permitted property' means any obligation of the United States or any diversified investment fund approved by regulations issued by the Office of Government Ethics.

"(4) PURCHASE.—The taxpayer shall be considered to have purchased any permitted property if, but for subsection (c), the unadjusted basis of such property would be its cost within the meaning of section 1012.

"(c) BASIS ADJUSTMENTS.—If gain from the sale of any property is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any permitted property which is purchased by the taxpayer during the 60-day period described in subsection (a).".

(b) TECHNICAL AMENDMENTS.—

(1) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property had been held as of the date of such sale.".

(2) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) in the case of property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, to the extent provided in section 1043(c).".

(3) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1043. Sale of property to comply with conflict-of-interest requirements.".

SEC. 104. EFFECTIVE DATE.

(a) SECTIONS 101 AND 102.—The amendments made by sections 101 and 102 shall take effect on January 1, 1991. Such amendments shall cease to be effective if the provisions of section 303 are subsequently repealed, in which case the laws in effect before such amendments shall be deemed to be reenacted.

(b) SECTION 103.—The amendments made by section 103 shall apply to sales after the date of the enactment of this Act.

TITLE II—FINANCIAL DISCLOSURE

SEC. 201. AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT OF 1978: LEGISLATIVE PERSONNEL.

(a) COVERAGE.—

(1) CANDIDATES.—Section 101(d) of the Ethics in Government Act of 1978 (hereinafter in this title referred to as the "Act") (2 U.S.C. 701 et seq.) is amended by striking "seven" and by inserting "thirty".

(2) REPEAL OF OBSOLETE PROVISIONS.—(A) Section 101(b) of the Act is amended by striking "(1)", by striking "if such individual is or will be such an officer or employee on such May 15", and by striking paragraph (2).

(B) Subsection (g) of section 101 of the Act is repealed.

(C) The last sentence of section 106 of the Act is repealed.

(D) The last sentence of section 109(b) of the Act is repealed.

(b) CONTENTS OF REPORT.—

(1) INCOME REPORTING THRESHOLD.—Section 102(a)(1) of the Act is amended by striking "$100" each time it appears and by inserting "$200".

(2) CONFORMING AMENDMENT.—Section 102(a)(1)(A) of the Act is amended by inserting before the period the following: "and, effective January 1, 1991, with respect to any Member, officer or employee of the House, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file with the designated committee of the House, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments".

(3) GIFT REPORTING THRESHOLD AND TREATMENT OF REIMBURSEMENTS.—Paragraph (2) of section 102(a) of the Act is amended—

(A) by repealing subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) by amending subparagraph (A) (as redesignated) to read as follows:

"(A) The identity of the source, a brief description, and the value of all gifts aggregating $200 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift which does not exceed the nominal value as defined by the Rules of the House of Representatives or the Standing Rules of the Senate, as the case may be, need not be aggregated for purposes of this subparagraph.";

(D) by striking subparagraph (B) (as redesignated) and by inserting the following:

"(B) The identity of the source and a brief description of reimbursements received from any source aggregating $200 or more in value and received during the preceding calendar year, including a travel itinerary, dates, and nature of expenses provided."; and

(E) by striking "or (B)" in subparagraph (C) (as redesignated).

(4) LIABILITIES.—The first sentence of section 102(a)(4) of the Act is amended by striking "relative" and by inserting "spouse, parent, grandparent, brother, sister, or child of the reporting individual or of the reporting individual's spouse".

(5) CATEGORIES OF VALUE RESPECTING ASSETS AND LIABILITIES.—Paragraph (1) of section 102(c) of the Act is amended to read as follows:

"(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;

"(B) greater than $15,000 but not more than $50,000;

"(C) greater than $50,000 but not more than $100,000;

"(D) greater than $100,000 but not more than $250,000;

"(E) greater than $250,000 but not more than $500,000;

"(F) greater than $500,000 but not more than $1,000,000; and

"(G) greater than $1,000,000.".

(6) REPORTING OF SPOUSAL HONORARIA.—Section 102(d)(1)(A) of the Act is amended—

(A) in the first sentence by inserting "and the source and amount of any honorarium received by a spouse" after "$1,000"; and

(B) in the second sentence by inserting "(other than honoraria)" after "income".

(7) USE OF ALTERNATIVE FORMS.—Section 102(b) of the Act is amended by inserting "(1)" after "(b)", by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and by inserting at the end the following:

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by designated committee of the House of Representatives or the designated committee of the Senate, as the case may be, or pursuant to a specific written determination by such committee for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.".

(c) QUALIFIED BLIND TRUSTS.—(1) Section 102(e)(2) of the Act is amended by inserting

"and the category of value of the aggregate interest in property held by such trust under subsection (a)(3)" before the period.

(2) Section 102(e)(3) of the Act is amended—

(A) in the first sentence by inserting "minor or" before "dependent child";

(B) by repealing subparagraph (A) and by inserting the following new subparagraph:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, a law firm, a certified public accounting firm, a brokerage firm, or an investment advisor (none of which may be an individual or other entity owned in its entirety by one individual) that—

"(I) is independent of and not associated with any interested party so that the trustee or other entity designated to perform fiduciary duties cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been affiliated with or a partner of, or involved in any joint venture or other investment with, any interested party.

"(ii) Any officer or employee of a trustee or other entity designated to perform fiduciary duties—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.";

(C) in subparagraph (C)(v) by striking "subsection (a)(1)(B)" and by inserting "subsection (a)(1)";

(D) in subparagraph (D) by striking "The" and inserting the following: "Subject to regulations and substantive conformity to such model trust drafts as the supervising ethics office may from time to time prescribe, the"; and

(E) by striking the last sentence of such paragraph and inserting the following:

"(E) For purposes of this subsection:

"(i) The term 'interested party' means a reporting individual, spouse, and any minor or dependent child if the reporting individual, spouse, minor or dependent child has a beneficial interest in the principal or income of a qualified blind trust.

"(ii) The term 'supervising ethics office' means the designated committee of the House of Representatives for those who file their reports required by this title with the Clerk and the designated committee of the Senate for those who file their reports required by this title with the Secretary.

"(F) Any trust qualified by the supervising ethics office prior to the effective date of this paragraph shall continue to be controlled by the law and regulations in effect on that date.".

(3) Section 102(e) of the Act is amended by inserting at the end the following new paragraph:

"(8) Notwithstanding any other provision of this title, the supervising ethics office may exempt from reporting the financial interests held by any entity which is either—

"(A) 'a regulated investment company' as defined in section 851(a) of the Internal Revenue Code of 1986; or

"(B) a pension, profit-sharing, or other deferred compensation plan.".

(d) TERMINATION REPORTS.—Section 101 of the Act is amended by inserting at the end the following new subsection:

"(i) Any Member or any individual who occupies the position of an officer or employee designated in subsection (e) shall, on or before the later of May 15 or the 30th day after leaving such office or position, file a report covering the preceding calendar year if the report required by subsection (b) has not been filed and covering the portion of the calendar year in which such termination occurs before the individual left such office or position, unless such Member or individual has accepted employment in another position subject to reporting under this Act.".

(e) PUBLIC AVAILABILITY.—

(1) HOUSE OF REPRESENTATIVES.—Section 104(a) of the Act is amended by striking "fifteen" each place it appears and by inserting "thirty".

(2) SENATE.—Section 104(b) of the Act is amended by striking "fifteen" each place it appears and by inserting "thirty".

(f) REVIEW AND COMPLIANCE PROCEDURES.—

(1) Section 105 of the Act is amended by inserting at the end the following:

"(c) The designated committee of the House of Representatives and the designated committee of the Senate shall assess a $200 fine on any individual who files a report later than the close of the thirtieth day beginning after the later of—

"(1) the date such report is required to be filed under this title; or

"(2) if a filing extension is granted to such individual by the committee, the last day of the filing extension period.".

(2) The first sentence of section 105(a) of the Act is amended by inserting before the period the following: ", and to ensure that each report filed under this title is reviewed within 60 days after such report is filed".

(g) CIVIL PENALTIES.—

(1) Section 106 of the Act is amended by striking "$5,000" and by inserting "$10,000".

(2)(A) Section 102(e)(6)(C)(i) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(B) Section 102(e)(6)(C)(ii) of the Act is amended by striking "$1,000" and by inserting "$5,000".

(3) Section 104(e)(2) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(h) DEFINITION OF CANDIDATE.—Paragraph (9) of section 107 of the Act is amended to read as follows:

"(9) 'candidate' has the meaning given such term in section 301 of the Federal Election Campaign Act of 1971;".

(i) GENERAL ACCOUNTING OFFICE STUDY.—Section 109(a) of the Act is amended by striking "November 30, 1980" and by inserting "December 31, 1992".

SEC. 202. AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT OF 1978: EXECUTIVE PERSONNEL.

(a) COVERED EMPLOYEES.—(1) Section 201(f) of the Act is amended by striking "and" at the end of paragraph (6), by striking the period and inserting "; and " at the end of paragraph (7), and by inserting at the end the following new paragraph:

"(8) any civilian employee not described in paragraph (3), but employed in the Executive Office of the President (other than a special Government employee) who holds a commission of appointment from the President.".

(2) Section 201(j) of the Act is repealed.

(3) Section 201(e) of the Act is amended by inserting "the later of May 15 or" before "the thirtieth day".

(b) CONTENTS OF REPORT.—

(1) INCOME REPORTING THRESHOLD.—Section 202(a)(1) of the Act is amended by striking "$100" each time it appears and by inserting "$200".

(2) CONFORMING AMENDMENT.—Section 202(a)(1)(A) of the Act is amended by inserting before the period the following: "and, effective January 1, 1991, with respect to any reporting individual, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments".

(3) GIFT REPORTING THRESHOLD AND TREATMENT OF REIMBURSEMENTS.—Paragraph (2) of section 202(a) of the Act is amended—

(A) by repealing subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) by amending subparagraph (A) (as redesignated) to read as follows:

"(A) The identity of the source, a brief description, and the value of all gifts aggregating $200 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift which does not exceed the nominal value as defined by rule by the Office of Government Ethics need not be aggregated for purposes of this subparagraph.";

(D) by striking subparagraph (B) (as redesignated) and by inserting the following:

"(B) The identity of the source and a brief description of reimbursements received from any source aggregating $200 or more in value and received during the preceding calendar year, including a travel itinerary, dates, and nature of expenses provided."; and

(E) by striking "or (B)" in subparagraph (C) (as redesignated).

(4) LIABILITIES.—The first sentence of section 202(a)(4) of the Act is amended by striking "relative" and by inserting "spouse, parent, grandparent, brother, sister, or child of the reporting individual or of the reporting individual's spouse".

(5) CATEGORIES OF VALUE RESPECTING ASSETS AND LIABILITIES.—Paragraph (1) of section 202(d) of the Act is amended to read as follows:

"(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;

"(B) greater than $15,000 but not more than $50,000;

"(C) greater than $50,000 but not more than $100,000;

"(D) greater than $100,000 but not more than $250,000;

"(E) greater than $250,000 but not more than $500,000;

"(F) greater than $500,000 but not more than $1,000,000; and

"(G) greater than $1,000,000.".

(6) USE OF ALTERNATIVE FORMS.—Section 202(b) of the Act is amended by inserting "(1)" after "(b)", by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and by inserting at the end the following:

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to

either rules adopted by the Office of Government Ethics or pursuant to a specific written determination by such Office for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.".

(b) QUALIFIED BLIND TRUSTS.—(1) Section 202(f)(2) of the Act is amended by inserting "and the category of value of the aggregate interest in property held by such trust under subsection (a)(3)" before the period.

(2) Section 202(f)(3) of the Act is amended—

(A) in the first sentence by inserting "minor or" before "dependent child";

(B) by repealing subparagraph (A) and by inserting the following new subparagraph:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, a law firm, a certified public accounting firm, a brokerage firm, or an investment advisor (none of which may be an individual or other entity owned in its entirety by one individual) that—

"(I) is independent of and not associated with any interested party so that the trustee or other entity designated to perform fiduciary duties cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been affiliated with or a partner of, or involved in any joint venture or other investment with, any interested party.

"(ii) Any officer or employee of a trustee or other entity designated to perform fiduciary duties—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.";

(C) in subparagraph (C)(v) by striking "subsection (a)(1)(B)" and by inserting "subsection (a)(1)";

(D) in subparagraph (D) by striking "The" and inserting the following: "Subject to regulations and substantive conformity to such model trust drafts as the supervising ethics office may from time to time prescribe, the"; and

(E) by striking the last sentence of such paragraph and inserting the following:

"(E) For purposes of this subsection:

"(i) The term 'interested party' means a reporting individual, spouse, and any minor or dependent child if the reporting individual, spouse, or minor or dependent child has a beneficial interest in the principal or income of a qualified blind trust.

"(ii) The term 'supervising ethics office' means the Office of Government Ethics.

"(F) Any trust qualified by the supervising ethics office prior to the effective date of this paragraph shall continue to be controlled by the law and regulations in effect on that date.".

(3) Section 202(f) of the Act is amended by inserting at the end the following new paragraph:

"(8) Notwithstanding any other provision of this title, the supervising ethics office may exempt from reporting the financial interests held by any entity which is either—

"(A) 'a regulated investment company' as defined in section 851(a) of the Internal Revenue Code of 1986; or

"(B) a pension, profit-sharing, or other deferred compensation plan.".

(d) PUBLIC AVAILABILITY.—

(1) Section 205(a) of the Act is amended to read as follows:

"(a) Each agency shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b), except that this section does not require public availability of any report filed by any individual in the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 204(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest.".

(2) Section 205(b)(1) of the Act is amended by striking "fifteen" and by inserting "thirty".

(e) REVIEW AND COMPLIANCE PROCEDURES.—Section 206 of the Act is amended by inserting at the end the following:

"(c) The Office of Government Ethics shall assess a $200 fine on any individual who files a report after the thirtieth day beginning after the later of—

"(1) the date such report is required to be filed under this title; or

"(2) if a filing extension is granted to such individual by the appropriate designated agency ethics official or by the Office, the last day of the filing extension period.".

(f) CIVIL PENALTIES.—

(1) Section 204(a) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(2)(A) Section 205(c)(2) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(B) Section 202(f)(6)(C)(i) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(C) Section 202(f)(6)(C)(ii) of the Act is amended by striking "$1,000" and by inserting "$5,000".

(g) CONFIDENTIAL REPORTS.—Section 207 of the Act is amended to read as follows:

"CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

"SEC. 207. (a)(1) The Director of the Office of Government Ethics may require any individual in the executive branch to file a confidential financial disclosure report in the form prescribed by this title or such other form as the Director of the Office of Government Ethics may from time to time by forms or regulations prescribe. The information may be less extensive than otherwise required by this title, or more extensive, when determined by the Director of the Office of Government Ethics to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or such individual's official duties and responsibilities. Any individual required to file a report pursuant to section 201 of this title shall not be required to file a confidential report pursuant to this subsection, except with respect to information that is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 205 shall not apply with respect to any such report.

"(2) Except as otherwise authorized by this title, any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

"(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

"(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, or regulation.".

(h) REPEAL OF OBSOLETE PROVISION.—Section 212 of the Act is repealed.

SEC. 203. AMENDMENTS TO THE ETHICS IN GOVERNMENT ACT OF 1978: JUDICIAL PERSONNEL.

(a) COVERED EMPLOYEES.—Section 301(d) of the Act is amended by inserting "the later of May 15 or" before "the thirtieth day".

(b) CONTENTS OF REPORT.—

(1) INCOME REPORTING THRESHOLD.—Section 302(a)(1) of the Act is amended by striking "$100" each time it appears and by inserting "$200".

(2) CONFORMING AMENDMENT.—Section 302(a)(1)(A) of the Act is amended by inserting before the period the following: "and, effective January 1, 1991, with respect to any reporting individual, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments".

(3) GIFT REPORTING THRESHOLD AND TREATMENT OF REIMBURSEMENTS.—Paragraph (2) of section 302(a) of the Act is amended—

(A) by repealing subparagraph (A);

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively;

(C) by amending subparagraph (A) (as redesignated) to read as follows:

"(A) The identity of the source, a brief description, and the value of all gifts aggregating $200 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift which does not exceed the nominal minimal value as defined by rule by the Judicial Conference of the United States (or such other agency as it may designate) need not be aggregated for purposes of this subparagraph.";

(D) by striking subparagraph (B) (as redesignated) and by inserting the following:

"(B) The identity of the source and a brief description of reimbursements received from any source aggregating $200 or more in value and received during the preceding calendar year, including a travel itinerary, dates, and nature of expenses provided."; and

(E) by striking "or (B)" in subparagraph (C) (as redesignated).

(4) LIABILITIES.—The first sentence of section 302(a)(4) of the Act is amended by striking "relative" and by inserting "spouse, parent, grandparent, brother, sister, or child of the reporting individual or of the reporting individual's spouse".

(5) CATEGORIES OF VALUE RESPECTING ASSETS AND LIABILITIES.—Paragraph (1) of section 302(d) of the Act is amended to read as follows:

"(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;

"(B) greater than $15,000 but not more than $50,000;

"(C) greater than $50,000 but not more than $100,000;

"(D) greater than $100,000 but not more than $250,000;

"(E) greater than $250,000 but not more than $500,000;

"(F) greater than $500,000 but not more than $1,000,000; and

"(G) greater than $1,000,000.".

(6) USE OF ALTERNATIVE FORMS.—Section 302(b) of the Act is amended by inserting "(1)" after "(b)", by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and by inserting at the end the following:

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the Judicial Conference of the United States (or such other agency as it may designate) or pursuant to a specific written determination by the Conference for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.".

(c) QUALIFIED BLIND TRUSTS.—(1) Section 302(f)(2) of the Act is amended by inserting "and the category of value of the aggregate interest in property held by such trust under subsection (a)(3)" before the period.

(2) Section 302(f)(3) of the Act is amended—

(A) in the first sentence by inserting "minor or" before "dependent child";

(B) by repealing subparagraph (A) and by inserting the following new subparagraph:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, a law firm, a certified public accounting firm, a brokerage firm, or an investment advisor (none of which may be an individual or other entity owned in its entirety by one individual) that—

"(I) is independent of and not associated with any interested party so that the trustee or other entity designated to perform fiduciary duties cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been affiliated with or a partner of, or involved in any joint venture or other investment with, any interested party.

"(ii) Any officer or employee of a trustee or other entity designated to perform fiduciary duties—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.";

(C) in subparagraph (C)(v) by striking "subsection (a)(1)(B)" and by inserting "subsection (a)(1)";

(D) in subparagraph (D) by striking "The" and inserting the following: "Subject to regulations and substantive conformity to such model trust drafts as the supervising ethics office may from time to time prescribe, the"; and

(E) by striking the last sentence of such paragraph and inserting the following:

"(E) For purposes of this subsection:

"(i) The term 'interested party' means a reporting individual, spouse, and any minor or dependent child if the reporting individual, spouse, or minor or dependent child has a beneficial interest in the principal or income of a qualified blind trust.

"(ii) the term 'supervising ethics office' means the Judicial Conference of the United States (or such other agency as it may designate).

"(F) Any trust qualified by the supervising ethics office prior to the effective date of this paragraph shall continue to be controlled by the law and regulations in effect on that date.".

(3) Section 302(f) of the Act is amended by inserting at the end the following new paragraph:

"(8) Notwithstanding any other provision of this title, the supervising ethics office may exempt from reporting the financial interests held by any entity which is either—

"(A) 'a regulated investment company' as defined in section 851(a) of the Internal Revenue Code of 1986; or

"(B) a pension, profit-sharing, or other deferred compensation plan.".

(d) PUBLIC AVAILABILITY.—Section 305(b)(1) of the Act is amended by striking "fifteen" and by inserting "thirty".

(e) REVIEW AND COMPLIANCE PROCEDURES.—(1) Section 306 of the Act is amended by inserting at the end the following:

"(c) The Committee shall assess a $200 fine on any individual who files a report later than the close of the thirtieth day beginning after the later of—

"(1) the date such report is required to be filed under this title; or

"(2) if a filing extension is granted to such individual by the Committee, the last day of the filing extension period.".

(2) The first sentence of section 306(a) of the Act is amended by inserting before the period the following: ", and to ensure that each report filed under this title is reviewed within 60 days after such report is filed".

(f) CIVIL PENALTIES.—(1) Section 304(a) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(2)(A) Section 305(c)(2) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(B) Section 302(f)(6)(C)(i) of the Act is amended by striking "$5,000" and by inserting "$10,000".

(C) Section 302(f)(6)(C)(ii) of the Act is amended by striking "$1,000" and by inserting "$5,000".

(g) DEFINITIONS.—Section 308(10) of the Act is amended by inserting before the period at the end the following: ", but does not include any court reporter".

(h) REPEAL OF OBSOLETE PROVISION.—Section 309 of the Act is repealed.

SEC. 204. EFFECTIVE DATE.

Except as provided by sections 201(b)(2), 202(b)(2), and 203(b)(2), the amendments made by this title shall apply to reports filed with respect to reports filed after December 31, 1990.

TITLE III—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SEC. 301. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 225(a) of the Federal Salary Act of 1967 (2 U.S.C. 351) is amended by striking "Commission on Executive, Legislative, and Judicial Salaries" and inserting "Citizens' Commission on Public Service and Compensation".

(2) CONFORMING AMENDMENT.—The heading for section 225 of such Act (2 U.S.C. 351 and following) is amended to read as follows:

"CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION".

(b) MEMBERSHIP.—Section 225(b) of such Act (2 U.S.C. 352) is amended to read as follows:

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

"(A) 2 appointed by the President of the United States;

"(B) 1 appointed by the President of the Senate;

"(C) 1 appointed by the Speaker of the House of Representatives;

"(D) 2 appointed by the Chief Justice of the United States; and

"(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

"(2) No person shall serve as a member of the Commission who is—

"(A) an officer or employee of the Federal Government;

"(B) registered (or required to register) under the Federal Regulation of Lobbying Act; or

"(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

"(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

"(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

"(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

"(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

"(C) shall otherwise comply with applicable provisions of this subsection.

"(5) The chairperson shall be designated by the President.

"(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed

travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when engaged in the performance of services for the Commission.

"(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

"(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under subsection (g) (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

"(ii) Notwithstanding any provision of subsection (c), authority under such subsection shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve."

(c) AMENDMENTS TO SECTION 225(c).—Section 225(c) of such Act (2 U.S.C. 353) is amended by striking "subsection (b) (2) and (3)" each place it appears and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(d) AMENDMENT TO SECTION 225(f).—Section 225(f) of such Act (2 U.S.C. 356) is amended by striking "subsection (b) (2) and (3)" and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(e) REPORT TO THE PRESIDENT.—Section 225(g) of such Act (2 U.S.C. 357) is amended—

(1) by amending the subsection heading to read as follows: "REPORT BY COMMISSION TO THE PRESIDENT WITH RESPECT TO PAY";

(2) in the first sentence, by striking "Commission of" and inserting "Commission with respect to rates of pay for"; and

(3) in the second sentence, by striking "December 15" and all that follows thereafter through the period and inserting "December 15 next following the close of the fiscal year in which the review is conducted by the Commission."

(f) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—Section 225(h) of such Act (2 U.S.C. 358) is amended to read as follows:

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—(1) After considering the report and recommendations of the Commission submitted under subsection (g), the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f), which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

"(2) The President shall transmit his recommendations under this subsection to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under subsection (g)."

(g) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—Section 225(i) of such Act (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

"(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under subsection (h) with respect to such adjustment.

"(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph (2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under subsection (h)) that any of those recommendations take effect, an election of Representatives shall have intervened.

"(B) For purposes of this paragraph, the term 'election of Representatives' means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year."

(h) AMENDMENT TO SECTION 225(j).—Section 225(j)(A) of such Act (2 U.S.C. 360(A)) is amended by striking "(other than" and all that follows thereafter through ", and" and inserting "(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under subsection (h) and ending on the date of their approval under subsection (i)(2)), and".

(i) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(l) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Notwithstanding any other provision of this section, the recommendations submitted by the Commission to the President under subsection (g), and the recommendations transmitted by the President to the Congress under subsection (h), shall be in conformance with the following:

"(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

"(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under subsection (f).

"(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

"(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), respectively, shall be equal.

"(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), respectively, shall be equal.

"(B) Nothing in this subsection shall be considered to require that the rate recommended for any office or position by the President under subsection (h) be the same as the rate recommended for such office or position by the Commission under subsection (g)."

(j) ADDITIONAL FUNCTION.—Section 225 of such Act (2 U.S.C. 351 and following), as amended by subsection (i), is further amended by adding at the end the following:

"(m) ADDITIONAL FUNCTION.—The Commission shall, whenever it conducts a review under subsection (f), also conduct a review under this subsection relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this subsection shall be included by the Commission as part of its report to the President under subsection (g)."

(k) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding after subsection (m) (as added by subsection (j)) the following:

"(n) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—

"(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of subsection (f) shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

"(2) For purposes of this subsection, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on

the following January 3 shall be considered to have been enacted during the first session of the following Congress.

"(3) Nothing in this subsection shall be considered to apply with respect to any pay increase—

"(A) which takes effect under the preceding subsections of this section;

"(B) which is based on a change in the Employment Cost Index (as determined under section 304(a)(1) of the Government Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

"(C) which takes effect under section 302 or 303 of the Government Ethics Reform Act of 1989."

SEC. 302. RESTORATION OF COMPARABILITY ADJUSTMENTS.

(a) RESTORATION.—

(1) IN GENERAL.—Effective for pay periods beginning on or after the date of enactment of this Act, the rate of basic pay for any office or position in the executive, legislative, or judicial branch of the Government or in the government of the District of Columbia shall be determined as if the provisions of law cited in paragraph (2) had never been enacted.

(2) CITATIONS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 620(b) of the Treasury, Postal Service and General Government Appropriations Act, 1989 (2 U.S.C. 5305 note).

(B) Section 619(b) of the Treasury, Postal Service and General Government Appropriations Act, 1990.

(b) EXCEPTIONS.—Notwithstanding any other provision of this section, the rate of basic pay for a Senator, the President pro tempore of the Senate, and the majority leader and the minority leader of the Senate shall be determined as if subsection (a) had not been enacted.

(c) SPECIFIC AUTHORITY.—For purposes of section 140 of Public Law 97-92 (28 U.S.C. 461 note), appropriate salary increases are hereby authorized for Federal judges and Justices of the Supreme Court pursuant to subsection (a).

(d) SPECIAL RULE.—Notwithstanding any other provision of this section, no adjustment in any rate of pay shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.

SEC. 303. SALARY LEVELS OF SENIOR GOVERNMENT OFFICIALS.

(a) SALARY LEVELS.—

(1) EXECUTIVE POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for positions in the Executive Schedule shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(2) LEGISLATIVE POSITIONS; OFFICE OF THE VICE PRESIDENT.—

(A) GENERALLY.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the offices and positions under subparagraphs (A) and (B) of section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356(A) and (B)) shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100), except as provided in subparagraph (B).

(B) EXCEPTIONS.—Nothing in subparagraph (A) shall affect the rate of basic pay for a Senator, the President pro tempore of the Senate, or the majority leader or the minority leader of the Senate.

(3) JUDICIAL POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(b) COORDINATION RULE.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under subsection (a) shall be made first.

SEC. 304. REVISION IN METHOD BY WHICH ANNUAL PAY ADJUSTMENTS FOR CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL POSITIONS ARE TO BE MADE.

(a) PERCENT CHANGE IN THE EMPLOYMENT COST INDEX.—

(1) METHOD FOR COMPUTING PERCENT CHANGE IN THE ECI.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term "Employment Cost Index" or "ECI" means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics; and

(ii) the term "base quarter" means the 3-month period ending on December 31 of a year.

(B) METHOD.—For purposes of the provisions of law amended by paragraph (2), the "most recent percentage change in the ECI", as of any date, shall be one-half of 1 percent less than the percentage (rounded to the nearest one-tenth of 1 percent) derived by—

(i) reducing—

(I) the ECI for the last base quarter prior to that date, by

(II) the ECI for the second to last base quarter prior to that date,

(ii) dividing the difference under clause (i) by the ECI for the base quarter referred to in clause (i)(II), and

(iii) multiplying the quotient under clause (ii) by 100,

except that no percentage change determined under this paragraph shall be—

(I) less than zero; or

(II) greater than 5 percent.

(2) PROVISIONS THROUGH WHICH NEW METHOD IS TO BE IMPLEMENTED.—

(A) AMENDMENT TO TITLES 3, 5, AND 28 OF THE UNITED STATES CODE.—Section 104 of title 3, United States Code, section 5318 of title 5, United States Code, and section 461(a) of title 28, United States Code, are amended by striking "corresponds to" and all that follows thereafter through the period, and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 304(a)(1) of the Government Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(B) AMENDMENT TO THE LEGISLATIVE REORGANIZATION ACT OF 1946.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "corresponds to" and all that follows thereafter through the period and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 304(a)(1) of the Government Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1991.

TITLE IV—MISCELLANEOUS STATUTORY CHANGES

SEC. 401. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) COMPENSATION TO MEMBERS OF CONGRESS, OFFICERS, AND OTHERS IN MATTERS AFFECTING THE GOVERNMENT.—(1) Section 203 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (B) by striking "including the District of Columbia,"; and

(II) by inserting "court," after "department, agency,"; and

(ii) by striking "shall be fined under this title" and all that follows through "United States" and inserting

"shall be punished as provided in subsections (d) and (e)";

(B) in subsection (b)—

(i) by redesignating such subsection as subsection (c); and

(ii) by striking "subsection (a)" and inserting "subsections (a) and (b)"; and

(C) by inserting after subsection (a) the following:

"(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

"(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any services rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

"(2) knowingly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the District of Columbia;

shall be punished as provided in subsections (d) and (e)".

(2) Section 203 of title 18, United States Code, is amended by adding at the end the following:

"(d) The punishment for an offense under subsection (a) or (b) is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for

not more than one year or fined in accordance with this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in accordance with this title, or both.

"(e) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a) or (b) and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other remedy which is available by law to the United States or any other person.".

(b) PRACTICE BEFORE THE CLAIMS COURT.—Section 204 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever";

(2) by striking "fined" and all that follows through "or both," and inserting "punished as provided in subsections (b) and (c)"; and

(3) by adding at the end the following:

"(b) The punishment for an offense under subsection (a) is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in accordance with this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in accordance with this title, or both.

"(c) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a) and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation, if any, which the person received for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other remedy which is available by law to the United States or any other person.".

(c) ACTIVITIES OF OFFICERS AND EMPLOYEES IN MATTERS AFFECTING THE GOVERNMENT.—Section 205 of title 18, United States Code, is amended—

(1) in the first paragraph—

(A) by inserting "(a)" before "Whoever";

(B) by striking "including the District of Columbia,";

(C) by striking "his official" and inserting "his or her official";

(D) in paragraph (1) by inserting a comma after "interest in any such claim"; and

(E) by striking "substantial interest—" and all that follows through "or both." and inserting "substantial interest,

shall be punished as provided in subsections (h) and (i).

"(b) Whoever, being an officer or employee of the District of Columbia, other than in the proper discharge of his or her official duties—

"(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim, or

"(2) acts as agent or attorney for anyone before any department, agency, court, officer, or any commission in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest,

shall be punished as provided in subsections (h) and (i).";

(2) by striking "A special Government employee shall be subject to the preceding paragraphs" and inserting "(c) A special Government employee shall be subject to subsections (a) and (b)";

(3) by striking "Nothing herein" the first place it appears and inserting "(d) Nothing in this section";

(4) by striking "Nothing herein" the second place it appears and inserting "(e) Nothing in this section";

(5) by striking "Nothing herein" the third place it appears and inserting "(f)(1) Nothing in this section";

(6) by inserting "(2)" before "Such certification";

(7) by striking "Nothing herein" in the last paragraph and inserting "(g) Nothing in this section"; and

(8) by adding at the end the following:

"(h) The punishment for an offense under subsection (a) or (b) is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in accordance with this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in accordance with this title, or both.

"(i) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a) or (b) and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation, or the amount of compensation, if any, which the person received for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other remedy which is available by law to the United States or any other person.".

(d) DISQUALIFICATION OF PARTNERS OF OFFICERS AND EMPLOYEES.—Section 207(g) of title 18, United States Code, is amended by striking "partner" and inserting "general partner".

(e) ACTS AFFECTING A PERSONAL FINANCIAL INTEREST.—(1) Section 208(a) of title 18, United States Code, is amended—

(A) by inserting "or" after "United States Government,";

(B) by inserting "an officer or employee" before "of the District of Columbia";

(C) by striking "partner" and inserting "general partner"; and

(D) by striking "has a financial interest—" and all that follows through "or both" and inserting "has a financial interest shall be punished as provided in subsections (e) and (f)".

(2) Section 208 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Subsection (a) shall not apply—

"(1) if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee,

"(2) if, by regulation issued and published in the Federal Register—

"(A) by the Director of the Office of Government Ethics, in the case of a regulation that applies to all or a portion of all officers and employees subject to subsection (a), or

"(B) by the head of an agency, in the case of a regulation that applies to all or a portion of all officers and employees of or detailed to that agency,

the financial interest has been exempted from the requirements of subsection (a) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies,

"(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to section 207 of the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

"(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in a Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allottment or claims fund or the Indian tribe, band, nation, organized group or community, Alaska Native village corporation as a specific party or parties.

"(c) For purposes of paragraph (1) of subsection (b), in the case of class A and B directors of Federal Reserve Banks, the Board of Governors of the Federal Reserve System shall be deemed to be the Government official responsible for appointment.

"(d) A copy of any determination granting an exemption under subsection (b)(1) or (b)(3) shall be submitted to the Director of the Office of Government Ethics, who shall make all such determinations available to the public pursuant to section 205 of the Ethics in Government Act of 1978. For determinations pursuant to subsection (b)(3), the information from the financial disclosure report of the officer or employee involved describing the asset or assets that necessitated the waiver shall also be made available to the public. This subsection shall not apply if the head of the agency in-

volved, or his or her designee, determines that the determination under subsection (b)(1) or (b)(3), as the case may be, involves classified information.

"(e) The punishment for an offense under subsection (a) is the following:

"(1) Whoever engages in conduct constituting an offense under this section shall be imprisoned for not more than one year or fined in accordance with this title, or both.

"(2) Whoever willfully engages in conduct constituting an offense under this section shall be imprisoned for not more than five years or fined in accordance with this title, or both.

"(f) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a) and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation, if any, which the person received for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other remedy which is available by law to the United States or any other person.".

(f) SALARY OF GOVERNMENT OFFICIALS AND EMPLOYEES.—(1) Section 209(a) of title 18, United States Code, is amended by striking "fined not more than $5,000 or imprisoned not more than one year, or both" and inserting "punished as provided in subsections (g) and (h)".

(2) Section 209 of title 18, United States Code, is amended by adding at the end the following:

"(g) Whoever engages in conduct constituting an offense under this section shall be imprisoned for not more than one year or fined in accordance with this title, or both.

"(h) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a) and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation, if any, which the person received for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other remedy which is available by law to the United States or any other person.".

(g) INJUNCTIVE RELIEF.—(1) Chapter 11 of title 18, United States Code, is amended by inserting after section 215 the following new section:

"§ 216. Injunctive relief

"If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this subsection does not preclude any other remedy which is available by law to the United States or any other person.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 215 the following:

"216. Injunctive relief.".

(h) REPEAL.—Section 319 of the Act entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1989, and for other purposes", approved September 27, 1988 (102 Stat. 1826), is repealed.

SEC. 402. PROHIBITING GIFTS TO SUPERVISORS.

(a) PROHIBITION.—

(1) IN GENERAL.—Section 7351 of title 5, United States Code, is amended to read as follows:

"§ 7351. Gifts to supervisors

"(a) For purposes of this section—

"(1) the term 'supervisor' means an individual who exercises or can exercise direction and control over an employee; and

"(2) the term 'supervising ethics office' has the same meaning as under section 7353(a)(2).

"(b) An employee may not—

"(1) solicit a contribution from another employee for a gift to a supervisor;

"(2) make a donation as a gift to a supervisor; or

"(3) accept a gift, directly or indirectly, from an employee under his supervision,

unless such voluntary gifts or contributions are of nominal value and are given or received in circumstances authorized by the appropriate supervising ethics office.

"(c) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity and, if appropriate, additional remedial action by the agency or entity.

"(d) Regulations to carry out this section may be prescribed by supervising ethics offices.

"(e) Nothing in this section shall affect rights and duties that matured, penalties that were incurred, or proceedings that were begun, before the effective date of this section.".

(2) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for chapter 73 of title 5, United States Code, is amended by striking the item relating to section 7351 and inserting the following:

"7351. Gifts to supervisors.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 403. GIFTS TO FEDERAL EMPLOYEES.

(a) GIFTS TO FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end the following:

"§ 7353. Gifts to Federal employees

"(a) For the purpose of this section—

"(1) the term 'officer or employee' means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of the Government (other than in the armed forces);

"(2) the term 'supervising ethics office' means—

"(A) with respect to an officer or employee within the legislative branch (including a Member of Congress, other than the Vice President), the designated committee of the House of Representatives or the designated committee of the Senate, as appropriate;

"(B) with respect to an officer or employee within the judicial branch, the Judicial Conference of the United States (or such other agency as it may designate); and

"(C) with respect to an officer or employee within the executive branch (including the Vice President), the Office of Government Ethics; and

"(3) the terms 'designated committee of the House of Representatives' and 'designated committee of the Senate' have the same meanings as under section 107(16) of the Ethics in Government Act of 1978.

"(b) Except as provided in subsection (c), no officer or employee may solicit or accept anything of value from a person—

"(1) seeking official action from, doing business with, or conducting activities which (in the case of an officer or employee employed in or under an agency within the executive branch) are regulated by the officer's or employee's employing agency; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the officer's or employee's official duties.

"(c)(1) Each supervising ethics office may, with respect to officers and employees within its responsibility (as determined under subsection (a)(2)), prescribe regulations implementing the provisions of this section and providing for reasonable exceptions.

"(2) An officer or employee may accept gifts pursuant to regulations prescribed by such officer's or employee's supervising ethics office under paragraph (1).

"(3) Nothing in this section shall preclude an officer or employee from accepting gifts on behalf of the Government of the United States, or any of its agencies, in accordance with statutory authority.

"(d) An officer or employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, rules or regulations.".

(2) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7352 the following:

"7353. Gifts to Federal employees.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 404. PRESIDENT'S COMMISSION ON SIMPLIFICATION OF THE PRESIDENTIAL APPOINTMENT PROCESS.

(a) ESTABLISHMENT.—There is established an advisory commission to be known as the President's Commission on the Federal Appointment Process to study the simplification of the Presidential appointment process by reducing the number and complexity of forms to be completed by nominees.

(b) MEMBERSHIP.—The Commission shall be comprised of 10 members appointed by the President from among officers and employees of the three branches of the Government. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(c) REPORT AND TERMINATION.—The Commission shall submit a report of its study to the President not later than 90 days after its first meeting. The Commission shall cease to exist upon submission of its report.

SEC. 405. ACCEPTANCE OF TRAVEL AND RELATED EXPENSES FROM NON-FEDERAL SOURCES.

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 1352. Acceptance of travel and related expenses from non-Federal sources

"(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall pre-

scribe by regulation the conditions under which an agency or employee in the executive branch may accept payment from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

"(b) Except as provided in this section or section 4111 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

"(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

"(2) in the case of a repayment under paragraph (1) shall not be entitled to any payment from the Government for such expenses.

"(c) As used in this section—

"(1) the term 'executive branch' means any executive agency (as such term is defined in section 105 of title 5); and

"(2) the term 'employee in the executive branch' means—

"(A) an appointed officer or employee in the executive branch; and

"(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

"(3) the term 'payment' means a payment or reimbursement, in cash or in kind.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new item:

"1352. Acceptance of travel and related expenses from non-Federal sources.".

SEC. 406. WORK PERFORMED BY SENIOR JUDGES IN ORDER TO RECEIVE CERTAIN SALARY INCREASES.

(a) IN GENERAL.—Section 371 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by inserting "or her" after "his"; and

(C) by striking the period and inserting the following: "if he or she meets the requirements of subsection (f).

"(2) In a case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (f), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (f) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title."; and

(2) by adding at the end the following new subsection:

"(f)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having met the requirements set forth in at least one of the following subparagraphs:

"(A) The justice or judge must have carried in the preceding calendar year a caseload involving courtroom participation which is equal to or greater than the amount of work involving courtroom participation which an average judge in active service would perform in three months. In the instance of a justice or judge who has sat on both district courts and courts of appeals, the caseload of appellate work and trial work shall be determined separately and the results of those determinations added together for purposes of this paragraph.

"(B) The justice or judge performed in the preceding calendar year substantial judicial duties not involving courtroom participation under subparagraph (A), including settlement efforts, motion decisions, writing opinions in cases that have not been orally argued, and administrative duties for the court to which the justice or judge is assigned. Any certification under this subparagraph shall include a statement describing in detail the nature and amount of work and certifying that the work done is equal to or greater than the work described in this subparagraph which an average judge in active service would perform in three months.

"(C) The justice or judge has, in the preceding calendar year, performed work described in subparagraphs (A) and (B) in an amount which, when calculated in accordance with such subparagraphs, in the aggregate equals at least 3 months work.

"(D) The justice or judge has, in the preceding calendar year, performed substantial administrative duties directly related to the operation of the courts, or has performed substantial duties for a Federal or State governmental entity. A certification under this subparagraph shall specify that the work done is equal to the full-time work of an employee of the judicial branch.

"(E) The justice or judge was unable in the preceding calendar year to perform judicial or administrative work to the extent required by any of subparagraphs (A) through (D) because of a temporary or permanent disability. A certification under this subparagraph shall be made to a justice who certifies in writing his or her disability to the Chief Justice, and to a judge who certifies in writing his or her disability to the chief judge of the circuit in which the judge sits. A justice or judge who is certified under this subparagraph as having a permanent disability shall be deemed to have met the requirements of this subsection for each calendar year thereafter.

"(2) Determinations of work performed under subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made pursuant to rules promulgated by the Judicial Conference of the United States. In promulgating such criteria, the Judicial Conference shall take into account existing standards promulgated by the Conference for allocation of space and staff for senior judges.

"(3) If in any year a justice or judge who retires under subsection (b) does not receive a certification under this subsection (except as provided in paragraph (1)(E)), he or she is thereafter ineligible to receive such a certification.

"(4) In the case of any justice or judge who retires under subsection (b) during a calendar year, there shall be included in the determination under this subsection of work performed during that calendar year all work performed by that justice or judge (as described in subparagraphs (A), (B), (C), and (D) of paragraph (1)) during that calendar year before such retirement.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

(C) such certifications shall be deemed to be certifications made in calendar year 1991.

SEC. 407. USE OF GOVERNMENT VEHICLES.

Notwithstanding any other provision of law, the head of each department, agency, or other entity of each branch of the Government shall prescribe by rule appropriate conditions for the incidental use, for other than official business, of vehicles owned or leased by the Government.

SEC. 408. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO ELIMINATE THE EXCESS CAMPAIGN FUND GRANDFATHER PROVISION.

(a) IN GENERAL.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking ", with respect to " and all that follows through "1979,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress in the 102nd Congress or an earlier Congress, shall apply, except as provided in paragraph (2), to the use of excess amounts totaling more than the amount equal to the unobligated balance on hand on the date of the enactment of this Act; and

(2) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress after the 102nd Congress (including an individual referred to in paragraph (1) who so serves), shall apply to the use of any excess amount on or after the first day of such service.

SEC. 409. REPEALS AND RELATED MODIFICATIONS.

(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is repealed.

(b) TITLE 10, UNITED STATES CODE.—(1) Sections 2397a and 2397b of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking the items relating to sections 2397a and 2397b.

(c) TITLE 37, UNITED STATES CODE.—Section 801 of title 37, United States Code, is amended—

(1) by striking subsection (a);

(2) by striking "(b)" before "Payments"; and

(3) by striking "three years" and inserting "two years".

(d) TITLE 18, UNITED STATES CODE.—(1) Section 281 of title 18, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking the item relating to section 281.

(e) DEPARTMENT OF ENERGY ORGANIZATION ACT.—

(1) REPEALS.—Sections 603 through 606, subsections (a) and (b) of section 607, and subsections (a) and (c) of section 608 of the Department of Energy Organization Act are repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 607 of the Department of Energy Organization Act is amended—

(i) by striking "(c)" at the beginning of subsection (c); and

(ii) by striking "603(c), 605(a), or 606(c)".

(B) Section 608 of the Department of Energy Organization Act is amended by redesignating subsection (b) as subsection (a), and by redesignating subsection (d) as subsection (b), and by striking ", 603, 604, 605, or 606" in subsection (a), as redesignated.

(C) Section 601(c)(1) of the Department of Energy Organization Act is amended by striking "sections 602 through 606" and inserting "section 602".

(D) Section 601(d) of the Department of Energy Organization Act is amended—

(i) by striking ", 603(a), 605(a), and 606"; and

(ii) by striking "or waive the requirements of section 603".

(E) Section 602(d) of the Department of Energy Organization Act is repealed.

(F) The table of contents of the Department of Energy Organization Act is amended by striking the items relating to sections 603 through 606.

TITLE V—AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES

SEC. 501. ACCEPTANCE OF GIFTS.

(a) DOLLAR LIMITS.—Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. A Member, officer or employee of the House of Representatives shall not accept gifts (other than the personal hospitality of an individual or with a fair market value of $75 or less) in any calendar year aggregating more than the minimal value as established by paragraph (5) of section 7342 of title 5, United States Code, directly or indirectly from any person (other than from a relative), except to the extent permitted by written waiver granted in exceptional circumstances by the Committee on Standards of Official Conduct pursuant to clause 4(e)(1)(E) of rule X.".

(b) DEFINITIONS.—The last undesignated paragraph of rule XLIII of the Rules of the House of Representatives is amended—

(1) by striking the dash after "Conduct" and by striking "(1) The" and by inserting ", the";

(2) by striking "the person reporting" and by inserting "such Member, officer, or employee, and shall be deemed to include the fiance or fiancee of the Member, officer, or employee"; and

(3) by repealing subparagraph (2).

(c) Rule XLIII of the Rules of the House of Representatives is amended by inserting after clause 11 the following:

"12. Except as provided by paragraph (b), any employee of the House of Representatives who is required to file a report pursuant to rule XLIV shall refrain from participating personally and substantially as an employee of the House of Representatives in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

"(b) Paragraph (a) shall not apply if an employee first advises his employing authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Committee on Standards of Official Conduct.".

(d) ADDITIONAL DUTIES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Clause 4(e)(1) of rule X of the Rules of the House of Representatives is amended by striking "and" before "(D)" and by inserting before the period the following: "; and (E) to give consideration to the request of any Member, officer, or employee of the House for a written waiver in exceptional circumstances with respect to clause 4 of rule XLIII".

(e) ADVISORY OPINION AMENDMENTS.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of gifts (1) to prohibit lodging received as personal hospitality in excess of 30 days in any calendar year from any individual unless a written waiver is granted by the committee and (2) to exempt gifts of food and beverages consumed not in connection with gifts of lodging from coverage under clause 4 of rule XLIII of the Rules of the House of Representatives.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 502. USE OF OFFICIAL RESOURCES.

(a) QUALIFICATIONS OF OFFICERS AND EMPLOYEES.—Rule XLI of the Rules of the House of Representatives is amended to read as follows:

"RULE XLI.

"QUALIFICATIONS OF OFFICERS AND EMPLOYEES

"No person shall be an officer or employee of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government or be interested in such claim otherwise than as an original claimant or than in the proper discharge of official duties.".

(b) RIGHTS AND DUTIES OF STAFF.—(1) Clause 8 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"8. A Member or officer of the House of Representatives shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received in the offices of the employing authority. In the case of committee employees who work under the direct supervision of a Member other than a chairman, the chairman may require that such Member affirm in writing that the employees have complied with the preceding sentence (subject to clause 6 of rule XI) as evidence of the chairman's compliance with this clause and with clause 6 of rule XI.".

(2) Clause 9 of rule XLIII of the Rules of the House of Representatives is amended by inserting "(including marital or parental status), handicap" after "sex" and by inserting before the period the following: ", but may take into consideration the domicile or political affiliation of such individual".

(3) Clause 6 of rule XI of the Rules of the House of Representatives is amended—

(A) in paragraph (a)(3) by striking subdivision (A) and by redesignating subdivisions (B) and (C) as subdivisions (A) and (B), respectively; and

(B) in paragraph (a)(3)(A) (as redesignated) by inserting "during congressional working hours" after "business"; and

(C) in paragraph (b)(1) by striking ", without regard to race, creed, sex, or age".

(c) CLARIFICATION OF POLITICAL ACTIVITIES.—The second sentence of clause 6 of rule XLIII of the Rules of the House of Representatives is amended to read as follows: "A Member shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes.".

(d) USE OF OFFICIAL VEHICLES.—The Committee on House Administration of the House of Representatives shall take such action as may be necessary to carry out section 407 with respect to vehicles of the House of Representatives.

(e) USE OF CAMPAIGN VEHICLES.—The Committee on Standards of Official Conduct of the House of Representatives shall issue an advisory opinion to provide for appropriate conditions for the incidental noncampaign use of vehicles owned or leased by a campaign committee of a Member of the House of Representatives.

(f) CONFORMING AMENDMENT.—Clause 1 of rule XLIV of the Rules of the House of Representatives is amended by striking "July 1" and by inserting "August 1" and by striking "May 15" and by inserting "June 15".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 503. REFORMS RESPECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

(a) MEMBERSHIP OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Clause (6)(a)(2) of rule X of the Rules of the House of Representatives is amended by inserting at the end the following: "No Member shall serve as a member of the Committee on Standards of Official Conduct during more than 3 Congresses in any period of 5 successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress).".

(b) COMMITTEE COMPOSITION.—The respective party caucus or conference of the House of Representatives shall each nominate to the House of Representatives at the beginning of each Congress 7 members to serve on the Committee on Standards of Official Conduct.

(c) INVESTIGATIVE SUBCOMMITTEES.—The Committee on Standards of Official Conduct shall adopt rules providing—

(1) for the establishment of a 4- or 6-member investigative subcommittee (with equal representation from the majority and minority parties) whenever the committee votes to undertake any investigation;

(2) that the senior majority and minority members on an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee; and

(3) that the chairman and ranking minority member of the full committee may only serve as non-voting, ex officio members on an investigative subcommittee.

Clause 5(d) of rule XI of the Rules of the House of Representatives shall not apply to any investigative subcommittee.

(d) ADJUDICATORY SUBCOMMITTEES.—The Committee on Standards of Official Conduct shall adopt rules providing—

(1) that upon the completion of an investigation, an investigative subcommittee shall report its findings and recommendations to the committee;

(2) that, if an investigative subcommittee by majority vote of its membership adopts a statement of alleged violation, the remain-

ing members of the committee shall comprise an adjudicatory subcommittee to hold a disciplinary hearing on the violation alleged in the statement;

(3) that any statement of alleged violation and any written response thereto shall be made public at the first meeting or hearing on the matter which is open to the public after the respondent has been given full opportunity to respond to the statement in accordance with committee rules, but, if no public hearing or meeting is held on the matter, the statement of alleged violation and any written response thereto shall be included in the committee's final report to the House of Representatives as required by clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives;

(4) that a quorum for an adjudicatory subcommittee for the purpose of taking testimony and conducting any business shall consist of a majority of the membership of the subcommittee plus one; and

(5) that an adjudicatory subcommittee shall determine, after receiving evidence, whether the counts in the statement have been proved and shall report its findings to the committee.

Clause 5(d) of rule XI of the Rules of the House of Representatives shall not apply to any adjudicatory subcommittee.

(e) ADMINISTRATIVE ACTIONS.—Clause 4(e)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting after "House" the second time it appears the following: ", and any letter of reproval or other administrative action of the committee pursuant to an investigation under subdivision (B) shall only be issued or implemented as a part of a report required by such subdivision".

(f) REPORT TO THE HOUSE.—Clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives is amended by striking everything after "hearing" through the semicolon and by inserting the following: "(unless the right to a hearing is waived by the Member, officer, or employee), shall report to the House its findings of fact and recommendations, if any, upon the final disposition of any such investigation, and such action as the committee may deem appropriate in the circumstances;".

(g) STATUTE OF LIMITATIONS.—Clause 4(e)(2)(C) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: "; nor shall any investigation be undertaken by the committee of any alleged violation which occurred before the third previous Congress unless the committee determines that the alleged violation is directly related to any alleged violation which occurred in a more recent Congress".

(h) RIGHT TO COUNSEL.—Clause 1 of rule XXXII of the Rules of the House of Representatives is amended by inserting "and one attorney to accompany any Member who is the respondent in an investigation undertaken by the Committee on Standards of Official Conduct when the recommendation of such committee is under consideration;" after the last semicolon.

(i) ADVICE AND EDUCATION.—

(1) The Committee on Standards of Official Conduct shall establish within the committee an Office on Advice and Education (hereinafter in this subsection referred to as the "Office") under the supervision of the chairman.

(2) The Office shall be headed by a director who shall be appointed by the chairman, in consultation with the ranking minority member, and shall be comprised of such staff as the chairman determines is necessary to carry out the responsibilities of the Office.

(3) The primary responsibilities of the Office shall include:

(A) Providing information and guidance to Members, officers and employees of the House regarding any laws, rules, regulations, and other standards of conduct applicable to such individuals in their official capacities, and any interpretations and advisory opinions of the committee.

(B) Submitting to the chairman and ranking minority member of the committee any written request from any such Member, officer or employee for an interpretation of applicable laws, rules, regulations, or other standards of conduct, together with any recommendations thereon.

(C) Recommending to the committee for its consideration formal advisory opinions of general applicability.

(D) Developing and carrying out, subject to the approval of the chairman, periodic educational briefings for Members, officers and employees of the House on those laws, rules, regulations, or other standards of conduct applicable to them.

(4) No information provided to the Committee on Standards of Official Conduct by a Member, officer or employee of the House of Representatives when seeking advice regarding prospective conduct of such Member, officer or employee may be used as the basis for initiating an investigation under clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives, if such Member, officer or employee acts in accordance with the written advice of the committee.

(j) EFFECTIVE DATE.—This section shall take effect immediately before noon January 3, 1991, except that subsections (g), (h), and (i) shall take effect on January 1, 1990.

SEC. 504. ELIMINATION OF HONORARIA AND LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT.

(a) HONORARIA AND OUTSIDE EARNED INCOME.—Clauses 1 and 2 of rule XLVII of the Rules of the House of Representatives are amended to read as follows:

"1. (a)(1) Except as provided by subparagraph (2), in calendar year 1991 or thereafter, a Member or an officer or employee of the House may not—

"(A) have outside earned income attributable to such calendar year which exceeds 15 percent of the aggregate salary as a Member, officer or employee, as the case may be, paid to such individual during such calendar year; or

"(B) receive any honorarium.

"(2) In the case of any individual who becomes a Member or an officer or employee of the House during calendar year 1991 or thereafter, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which exceeds 15 percent of the aggregate salary as a Member, officer or employee, as the case may be, paid to such individual during such calendar year, or receive any honorarium during that portion of the calendar year.

"(3) In calendar year 1991 or thereafter, any payment in lieu of an honorarium which is made to a charitable organization on behalf of a Member, officer or employee of the House may not be received by such individual. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

"(b)(1) Except as provided by subparagraph (2), in calendar year 1990, a Member may not have outside earned income (including honoraria received in such calendar year) attributable to such calendar year which exceeds 30 percent of the annual pay as a Member to which the Member was entitled in 1989.

"(2) In the case of any individual who becomes a Member during calendar year 1990, such individual may not have outside earned income (including honoraria) attributable to the portion of that calendar year which occurs after such individual becomes a Member which exceeds 30 percent of $89,500 multiplied by a fraction the numerator of which is the number of days such individual is a Member during such calendar year and the denominator of which is 365.".

(b) LIMITATIONS ON OUTSIDE EMPLOYMENT.—Rule XLVII of the Rules of the House of Representatives is amended by inserting after clause 1 the following new clause:

"2. On or after January 1, 1991, a Member or an officer or employee of the House shall not—

"(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involves a fiduciary relationship for compensation;

"(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

"(3) practice a profession which involves a fiduciary relationship for compensation;

"(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

"(5) receive compensation for teaching, with the prior notification and approval of the Committee on Standards of Official Conduct.".

(c) DEFINITIONS.—Clause 3 of rule XLVII is amended—

(1) by redesignating paragraphs (b) through (d) as paragraphs (c) through (e), respectively, and by inserting after paragraph (a) the following new paragraph:

"(b)(1) Except as provided by paragraph (2), the term 'officer or employee of the House' means any individual (other than a Member) whose pay is disbursed by the Clerk and who is paid at a rate equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code, and so employed for more than 90 days in a calendar year.

"(2) When used with respect to honoraria, the term 'officer or employee of the House' means any individual (other than a Member) whose salary is disbursed by the Clerk.";

(2) by striking paragraphs (c) and (d) (as redesignated) and by inserting the following:

"(c) The term 'honorarium' means a payment of money or any thing of value for an appearance, speech or article by a Member or an officer or employee of the House, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

"(d) The term 'travel expenses' means, with respect to a Member or an officer or employee of the House, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.".

(3) in paragraph (e) (as redesignated)—

(A) by striking "professional fees, honorariums," and inserting "fees,";

(B) by striking "(other than copyright royalties)"; and

(C) by striking "and" at the end of subparagraph (3), by striking the period at the end of subparagraph (4) and inserting "; and", and by inserting after subparagraph (4) the following:

"(5) copyright royalties received from established publishers pursuant to usual and customary contractual terms."; and

(4) by inserting at the end the following:

"(f) The term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1986.".

(d) TITLE CHANGE.—The title of rule XLVII of the Rules of the House of Representatives is amended to read as follows: "LIMITATIONS ON OUTSIDE EMPLOYMENT AND EARNED INCOME.".

(e) CONFORMING AMENDMENT.—Effective January 1, 1991, clause 5 of rule XLIII of the Rules of the House of Representatives is amended by striking everything after "activity" and inserting a period.

(f) EFFECTIVE DATE.—Except as provided by subsection (e), the amendments made by this section shall take effect on January 1, 1990. The amendments made by this section shall cease to be effective if the provisions of section 303 are subsequently repealed, in which case the rules in effect before the amendments made by this section shall be deemed to be readopted.

SEC. 505. RESTRICTIONS ON REIMBURSABLE TRAVEL EXPENSES.

(a) RESTRICTIONS.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of necessary travel expenses incurred on or after January 1, 1990, in connection with speaking engagements and similar events to—

(1) prohibit the acceptance of such expenses for more than 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of foreign travel; and

(2) permit the acceptance of travel expenses for the spouse or other family member in connection with any substantial participation event or fact-finding activity.

(b) EXEMPTION AUTHORITY.—The Committee on Standards of Official Conduct of the House of Representatives is authorized to grant prior written exemptions from the limitations contained in subsection (a)(1) in exceptional circumstances.

SEC. 506. EXERCISE OF RULEMAKING POWERS.

The provisions of this title are enacted by the Congress as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House and shall supersede other rules only to the extent they are inconsistent therewith; and with full recognition of the constitutional right of the House to change such rules (so far as relating to the House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

TITLE VI—AMENDMENTS TO THE STANDING RULES OF THE SENATE

[Language to be supplied by the Senate.]

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. FAZIO] will be recognized for 1 hour, and the gentlewoman from Illinois [Mrs. MARTIN] will be recognized for 1 hour.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

□ 1110

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the consideration of H.R. 3660, and that I may include extraneous and tabular material.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

While I realize that many Members are on their way to the floor and many Members who wish to participate in this debate have yet to arrive, I would like to begin by first of all expressing my deep appreciation to my colleague, the gentlewoman from Illinois [Mrs. MARTIN], cochairman of the task force that was appointed in January by Speaker Wright and Minority Leader MICHEL. She has served diligently, worked hard, as have all the members of this task force.

Today we bring the results of that effort, after many public hearings, months of weekly deliberations; in fact, on some days two and three meetings. We bring that package, the fruits of that effort to the floor.

I want to particularly thank the staff who have helped us reach this point in the process. Roy Dye of the Small Business Committee, Don Wolfensberger of the Rules Committee, Mr. Dye for the Democrats, Mr. Wolfensberger for the Republicans; Charlene Vanlier, who works for Republican Leader MICHEL; Steve Ross of the House Clerk's Office, and Ed Lombard of the House Appropriations Committee. Those five people really have produced the work that is before the House today. We would not be here in this position of substantive bipartisan strength without them.

The word bipartisan will be mentioned many times today, because this is truly an historic occasion. This morning, appearing before the House Democratic Caucus was Minority Leader MICHEL, Majority Whip NEWT GINGRICH, of Georgia, and House Republican Conference Chairman JERRY LEWIS, of California. A similar delegation of Democratic leaders, Speaker TOM FOLEY, House Majority Leader DICK GEPHARDT, of Missouri, and House Majority Whip BILL GRAY, of Pennsylvania, traveled to the Cannon Caucus Room and met with the House Republican conference.

We have the strong support of President Bush, and at this time I would like to place in the RECORD the letter that Mr. FOLEY has received from President Bush.

THE WHITE HOUSE,
Washington, November 15, 1989.

DEAR BOB: I want to commend you and your colleagues for reaching bipartisan agreement on reform of the ethics standards that guide the actions of Federal officials.

I fully support the reforms you are prepared to bring before the House of Representatives this week. I am also pleased that you have made essential adjustments in compensation for individuals in all three branches of government. The skills of these individuals are essential to the quality of service government provides to the American people.

The progress made thus far in obtaining Congressional enactment of ethics reform legislation is encouraging. Indeed, many of the recommendations in the ethics legislation I submitted earlier this year were incorported by the House Bipartisan Ethics Task Force in your proposal. Issues such as the ban on Congressional honoraria, limits on gifts and travel, increased financial disclosure, restrictions on outside income, conflict of interest rules, and many other important reforms have been addressed. In my view, the bill would effect a tremendous change in the landscape of government ethics standards.

I am confident that through continued bipartisan cooperation and an ongoing commitment to reform, we can, working together, continue to enhance ethical standards throughout government. In that same spirit, we can also meet our mutual commitment to reform of Federal campaign practices.

I look forward to providing assistance to you so that the package we have agreed upon thus far can be signed into law before the Congress adjourns sine die. I hope this same bipartisan spirit will be continued so that we may complete the important tasks at hand during the next session of the 101st Congress.

Sincerely,

GEORGE BUSH

Of course, we have the strong support of our party leaders. I will place in the RECORD later on a communication that will be signed by the gentleman from Michigan [Mr. VANDER JAGT], the chairman of the Republican Congressional Campaign Committee, the chairman of the Democratic Congressional Campaign Committee, Mr. ANTHONY, and by the two national chairmen for the major political parties in our country, Ron Brown and Lee Atwater. These gentlemen have taken the time to inform the Members, and soon the American people, that they consider this issue of overriding national importance and have no intention of making it part of the dialog and debate during the next election cycle. That in itself is an historic decision on their part; but I think

it reflects a changing attitude in the Nation and in the House, one that accommodates a new reality in this country, and that is that taking the opportunity to make political attacks on this institution has caused us to have a significant decline in public trust, and therefore limits our ability to do the job on the many more difficult issues that face us.

It has always been part of the American political tradition, documented by political scientists, like Richard Fenno, that Congressmen in their districts make political hay for themselves by attacking the institution of which they are Members. That is a bipartisan statement. Recently, we have even seen that kind of criticism institutionalized and brought on to this floor. The result has not been to the advantage of any political party. It has simply been to further destroy public trust in this institution.

So I think today we are turning a corner and starting back down the road we have come from and that is to say that I think for at least this moment, and I hope it carries on, we have decided to reinvest in this institution and to take the responsibility for its future on the backs of a bipartisan majority, led by the leaders elected in both the Democratic Caucus and the Republican Conference.

We understand that the political benefits that accrue to individual Members have come at the expense of all of us. The truism is still there that Members are popular in their own districts and the Congress is vastly unpopular in the country, and that is not going to change overnight. Unless we do more to build confidence in the institution, none of us can take satisfaction or can have any gratification in our reelection rates or our own personal successes. We are part of a totality. We only succeed when we work together as I believe we will exhibit once again today.

Mr. Speaker, I would like to summarize the bill and its background.

After 7 months of weekly deliberations, four public hearings, and direct input from over 100 Members, the bipartisan Task Force on Ethics on November 15, 1989, introduced the most sweeping reform of congressional ethics in the last decade.

The bill, H.R. 3660, the 1989 Government Ethics Reform Act, was formally introduced by the Speaker, TOM FOLEY, Republican Leader BOB MICHEL, and LYNN MARTIN and myself, the cochairpersons of the task force.

This comprehensive overhaul of House ethics rules and conflict of interest laws has the full approval of the President, as well as Democratic and Republican leadership in the House.

This bill will strengthen and clarify existing rules while imposing tough new restrictions on outside income and acceptance of gifts and free travel.

The statutory changes include many of the reforms in the conflict of interest laws proposed by the President, and would apply to all officers and employees paid at the GS-16 salary rate or above in all three branches.

The task force proposes to abolish honoraria in 1991 and limit all other outside earned income to 15 percent of salary; prohibit directors' fees, legal fees, and other professional services income; ban gifts over $200 in value from all sources except relatives; limit privately funded speaking trips to 4 days and foreign travel to 7 days, with detailed reporting of the dates and itinerary; expand and update financial disclosure requirements; and, repeal the grandfather clause on personal use of campaign funds.

The reform package includes a 7.7 percent COLA increase in 1990 and a 25 percent pay raise in 1991 for Members of Congress, judges, and high-ranking Government officials. It also establishes in permanent law, the principle that any salary increase must be voted on and will not take effect until after an intervening election. The makeup of the Quadrennial Commission would be expanded and modified to include members broadly representative of the public.

The last 13 of 20 years, Congress, top executive branch officials, and judges have foregone a cost of living increase. During this period, these salaries have declined by as much as 35 percent in purchasing power.

The panel also recommends a major revision in the Ethics Committee enforcement procedures by separating the investigative and adjudicative functions within the existing committee structure, and improvements in the committee's educational and advisory functions.

The following is a brief description of the features of the bill:

HONORARIA/OUTSIDE EARNED INCOME

Abolish honoraria in 1991 and freeze in 1990 at $26,850. Prohibit any tax advantages from honoraria assigned to charity, and limit any single donation to $2,000.

Limit all outside earned income to 15 percent of salary in 1991.

Prohibit directors' fees, legal fees, and other professional services income, but allow unpaid service on boards of directors.

GIFTS/TRAVEL EXPENSES

Ban gifts of more than minimal value, as defined under the Foreign Gifts Act—$200 as of January 1, 1990—from any source except relatives. Gifts of less than $75 in value don't count. Exempt gifts of personal hospitality and meals not in connection with overnight lodging. Authorize Ethics Committee waivers.

Limit privately-funded speaking trips and similar events to 4 days—7 days for foreign travel. Allow expenses for one other relative. Authorize Ethics Committee waivers.

FINANCIAL DISCLOSURE

Require disclosure of source and amount of any honoraria assigned to charity, and confidential filing of recipient with Ethics Committee. Also require source and amount of honoraria earned by the spouse.

Require detailed reporting of travel expenses by including dates and places of travel, and description of expenses provided.

Broaden categories of value to range up to $1 million.

Tighten blind trust requirements to ensure independence of trustee, and require category of value of total trust assets.

Require termination reports 30 days after leaving office.

COMPENSATION

Provide the 1989 COLA upon enactment and the 1990 COLA in January, for a 7.9 percent increase, compounded, to $96,600 in 1990.

Provide a 25 percent salary increase in 1991, to about $125,000.

Require that any salary increase, in excess of COLA, must be voted on and shall not take effect until succeeding Congress.

CAMPAIGN FUNDS

Repeal grandfather clause in 1993, and freeze amount that can be converted to personal use to amount on date of enactment.

Title III is the section that deals with compensation issues and I will explain them.

There are three items in title III: The first recasts the quadrennial Commission. The second provides a catch-up COLA for senior officials, and the third provides, after the next election, a 25 percent increase for senior officials at the same time honoraria are abolished.

With respect to the Quadrennial Commission, section 301, the new name will be the Citizens Commission on Public Service and Compensation. It will be patterned after the comparable State of Washington Commission. There will be 11 members: 5 appointed; 2 by the President, and 1 each by the President of the Senate, Speaker, and Chief Justice. In addition, there will be 6 citizens chosen at random with geographic diversity. These Members will elect a chairperson.

The next Commission will meet in 1993. they will report to the President by December 15, 1993, and the President will make his recommendations to the Congress in early January 1994.

These recommendations must be approved by a bill or joint resolution, signed by the President. A 60-day period is allowed for a privileged bill to be considered on an expedited basis. It is the intent that the recommendations be considered in their entirety, and the bill or resolution will not be

amendable. Of course, they can be considered otherwise under normal House procedures. Furthermore, the new procedure requires an intervening election take place before any new salaries are effective.

The bill also provides that, except for annual COLA's, no further salary increases can be effective until an intervening election takes place, and a new Congress is sitting. For the first time, there will be statutory parity in pay levels, conforming the statute to historical practice. The groups for which parity is established consists of (a), the Vice President, Speaker, Chief Justice, (b), the Cabinet, Majority and Minority Leaders, and (c), Members of Congress, district judges, and other Executive Level II officers.

In section 302, the last two denied cost of living adjustments are restored. One provision restores the January 1989, 4.1 percent given to all Federal employees, but denied to Executive Levels I, II, III, that is for the Cabinet, Members, judges, Deputy and Assistant Secretaries, and agency heads. This affects about 1,974 positions.

Another provision sets aside the limitation on the prospective 3.6 percent January 1990 COLA currently denied to Levels I and II, the Cabinet, Members, and judges. This affects about 1,747 positions. These COLA catchups exclude Senators. Also, the bills contains language insuring that judges will get these COLA catchups. This is necessary because section 140 of Public Law 97-92 prohibits judicial increase unless a specific enactment provides it.

It should be pointed out that these COLA's are not effective until the current funds sequestration is lifted.

The 1991 increase for senior officials is included in section 303. As proposed by the President, it will be effective on January 1, 1991. There will be a 25 percent increase for executive schedule employees in the executive branch, about 834 positions are directly affected. This was proposed by the President in the Senior Executives Salary Act of 1989. There is a 25 percent increase for judicial branch judges and officials. Some 1,115 positions are directly affected. This was proposed by the President in the Judicial Salary Act of 1989.

In addition, as supported by the President in this letter, there is a 25 percent increase for the legislative branch. Approximately 449 Members and officials are affected. Senators are not included. That is up to them.

We have found some interesting comparisons: Since 1970, Members of Congress have not taken annual COLA's in 13 of the 20 years. The purchasing power of Members' salaries has decreased by 38 percent. During this same period Members' salaries have gone up from $42,500 to $89,500—that's an increase of 109.6 percent.

However, during the same period: CPI has gone up by 239 percent, Social Security benefits up by 297 percent; military pay up by 252 percent; private sector white collar up by 217 percent; and private sector blue collar up by 203 percent.

If we had just kept pace at Executive Level II, that is, Members, district judges, Assistant Secretaries of Cabinet departments, many agency heads, with CPI, these salaries would be $143,900; with Social Security, these salaries would be $168,800; with private sector white collar, $134,800; with private sector blue collar, $128,900; and with other Federal workers (projected to 1991), $117,000.

The average annual rates of growth since 1970 for several indicators shows how far back our salaries have fallen. CPI is up by 6.3 percent per year on average; Social Security is up by 7.1 percent per year; private white collar, 6.6 percent; blue collar, 6.4 percent; Federal general schedule, 4.8 percent; Members of Congress, only 3.8 percent.

Then you can look at changes in purchasing power since 1970; Social Security, up by 17.3 percent; private white collar, declined by 2.3 percent; blue collar, 2.1 percent decline; Federal workers, 24.2 percent decline; and Members of Congress, 38.1 percent decline.

There are numerous other comparisons to the current Member of Congress' salary of $89,500: the North Carolina health director, $116,124; clerk of Alabama House, $108,000; administrator of San Diego County, $127,296; and superintendent of Dade County Schools, $155,000.

Because of the senior level Government salary crisis we can't fill critical jobs in the executive branch. According to the Director of NIH: Since 1980, NIH has not been able to bring in a single biomedical research scientist into the SES from the private sector. Inadequate compensation has prevented filling many senior positions such as AIDS analysis pharmacologists; nerve regeneration scientists; cancer radiation therapists; physicians in the areas of cancer, thoracic, and neurological surgical specialties. The vacancy rate for senior positions at NIH is over 15 percent, primarily because of inadequate salary potential. According to Jim Fletcher, former NASA head: Between October 1986 and February 1989, 63 of NASA's top executives resigned. Inadequate pay was cited as the principal reason.

Change in future COLA: A final, important part of the compensation package is included in section 304. Beginning in 1991, senior officials will be governed by changes in the employment cost index. This is a wage and salary index of private white and blue collar earners. Future annual comparabilities will be based on the ECI percent change minus 0.5 percent. There will be a 5-percent cap; and a zero percent floor in these adjustments.

This should remove senior salaries from their current vulnerability for political demagoguery. Our objective is to maintain fair annual COLA's for all employees, including Members, judges, Cabinet, and other executive level personnel. If successful, this will remove necessity to have these large catchup increases in the future.

Finally, Mr. Speaker, I want to make out several technical points. In taking up action today on this important ethics bill, I want to be sure that the record reflects some clarifications that we have agreed on among ourselves and our staffs on some of the technical aspects in the bill. As to the following points, I call on you all to note the understandings behind the language we have drafted and are now enacting:

While we have set forth a set of strict restrictions on outside activity and outside earned income in the newly created title V of the Ethics in Government Act, we do not mean to foreclose the authority of each supervising ethics office, each agency, or each employer, to set stricter standards, if otherwise lawful and appropriate.

These new restrictions on outside activity and outside earned income in title V of the Ethics in Government Act apply to any Federal officer or employee at the GS-16 level and higher (or the equivalent in any other pay system) who is not a career civil servant and not a special Government employee.

The changes to the reporting requirements in the Ethics in Government Act are effective for reports filed as of January 1, 1991. As to annual reports, the new requirements will apply to those reports filed in May 1991 describing holdings, income, and activities during calendar year 1990. Termination filers, new entrant filers, and candidates will report current law for any filing due before January 1, 1991. Thereafter, such filings must comply with the new requirements.

In extending the requirement for this filing of termination reports to the legislative branch (by creating a new section 101(i) to the Ethics in Government Act), we also corrected an existing problem with the deadline for submission of such reports. Currently such reports are due 30 days after an individual leaves Federal service. To assist the many individuals who leave Federal service in January, as an administration ends, or who otherwise depart a covered position at the beginning of a year before tax information has become available to them, we have authorized termination reports to be filed within 20 days of departure, or by May 15 of the year of departure, whichever is later. This is not a per-

fect solution, since there will be those who depart a covered position in December who would not benefit from this provision, but a line had to be drawn somewhere. This change affects all three branches.

As to reporting, it should also be noted that we do not contemplate that individuals should be required to report on gifts they have received and past financial transactions for periods before they entered Federal service. Because records may not have been kept for these periods, we recognize the need to limit reporting of these items to the period of Federal service. This comports with current practice.

Finally, in expanding waiver authority under the general conflict-of-interest statute, 18 U.S.C. 208, we have altered somewhat the description of those individuals who may be affected by a waiver regulation issued by a given agency. Such regulatory waivers by an agency head would apply not only to officers and employees of that agency, but also to those who are detailed to that agency. We also mean such regulations to cover individuals who are attached to an agency for purposes of administration (such as the relationship between Ambassadors and the State Department).

I thank my colleagues for your patience on these somewhat technical clarifications.

Mrs. MARTIN of Illinois. Mr. Speaker, I welcome the chance to bring to the floor a bill that reforms the ethics processes of the House, removes the stigma that this House, this noble body, can be used or misused by outside interests, and I hope will begin to restore a measure of faith that must be had between those who govern and those who are the governed, for a democracy to grow and for this Nation to prosper.

Mr. Speaker, this bill contains many provisions, touches on many committee jurisdictions, and it affects many lives and livelihoods, not just for Members of the House, but for members of the Judiciary and for members of the executive branch.

The Ethics Reform Act of 1989 is a comprehensive and interrelated package that either rises or falls on its merits—one bill, indivisible. We think it can withstand that test, not because it is perfect, but because it makes good sense and it is urgently needed.

Your Bipartisan Task Force on Ethics, which has been working on this for over 7 months now, has conducted the most far-ranging study imaginable through surveys and interviews with over 70 House Members, through hearings with Members, former Members, academics, and yes, even the media.

In addition, we have taken the various parts of this package to the six committees of jurisdiction and worked and reworked it with their assistance.

We have been involved over the last month in intensive discussions with the leadership on both sides of the aisle, on both sides of the Capitol, and with the administration. And make no mistake about it, this bill has the full and enthusiastic support of the President. And well it should, since a good part of it is based on the recommendations of the President's ethics commission and his own bill that was sent here last April.

Mr. Speaker, I just want my colleagues to know that working with your bipartisan ethics task force these last several months has been one of the most rewarding experiences of my life. We came together, seven Democrats, seven Republicans, some of us already friends, some strangers. But we were soon all friends and we worked together in such a nonpartisan way that party lines soon faded and loyalty to the institution began to shape our every deliberation.

If anyone doubts that there is hope for this Congress, this Government, this Nation, they need only look at the way a group such as this can put aside partisan, regional and personal differences and put together a solution for the good of the whole.

Mr. Speaker, I have purposely used my opening statement on this rule to talk a little about process, not just in the narrow sense of this rule and the need for it, but in the larger sense of the process that shaped this ethics package.

I know if I were looking in from the outside I might be suspicious of an ad hoc group that held many of its meetings in private and operated outside the normal committee process of the House. I must say I was skeptical myself at the outset as to whether this could work. But I have concluded that it can, and indeed, did work in this instance because we were dealing first and foremost with an internal problem. And once you face that problem squarely and deal with it honestly, what comes out of that process should be able to withstand the heat and light of day.

Let's face it: This House has undergone a major trauma and catharsis this year for a variety of reasons we need not rehash here. The only important thing to remember now is that this House suffered a great deal of damage, both from within and from without.

It was that damage and that pain which gave us the resolve to move forward on a genuine ethics package that would help improve the conduct and the public perception of the House. I don't care what some cynics might try to tell the American people about the intent and content of this package. It was a genuine concern for the future of this House and our own reputations as Members that drove this ethics reform process. I know that for a fact. I was there.

Mr. Speaker, I just want my colleagues to know as they try to decide how they are going to vote in a couple of hours, that you have nothing to be ashamed of here today and everything to be proud of.

I am not saying that to boast; I played a very small part in all of this. I am saying that because it is true. I sincerely believe that the House was a very rare opportunity to redeem itself here today—not just for this year, or this Congress or next, but for years to come. Not only will the institution be the stronger for it, but you and I as Members of this body will be the better for it too.

I ask my colleagues to keep in mind exactly what this package is all about, and not to get too distracted by this part or that part. Keep your eye on the big picture—this is a comprehensive ethics reform package, make no mistake about it. That's really what this whole process comes down to. Think about it. Please think about it.

□ 1120

Mr. Speaker, I reserve the balance of my time.

INTRODUCTION OF LEGISLATION BANNING THE SALE OF L-TRYPTOPHAN

(By unanimous consent, Mr. RICHARDSON was allowed to proceed out of order.)

Mr. RICHARDSON. Mr. Speaker, I am introducing legislation today addressing a serious health concern. In recent days, the Centers for Disease Control have reported over 240 cases in 35 States and the District of Columbia of a new disease named eosinophilia-myalgia syndrome or EMS. EMS is a rare and sometimes fatal blood disorder that is characterized by incapacitating muscle and extraordinarily high counts of eosinophils, a rare type of white blood cell. More importantly, EMS has been causally linked to the dietary supplement, L-tryptophan. An amino acid, L-tryptophan is an increasingly popular food supplement frequently sold in health food stores. It is claimed to reduce muscle tension and stress as well as alleviate sleep disorders and premenstrual syndrome.

I am pleased to report that the New Mexico Health and Environment Department in concert with three New Mexico physicians caring for EMS patients was the first to identify this new syndrome and through an epidemiological case study, establish a causal link between EMS and the ingestion of L-tryptophan. New Mexico has reported 30 cases of EMS linked to use of L-tryptophan. A case study of 30 women in one neighborhood by the New Mexico Office of Epidemiology found that of the 10 women who contracted EMS compared to the 20 women who didn't, all those with the illness had

ingested L-tryptophan. Only two of the women without the condition had taken L-tryptophan. Minnesota's State epidemiologist has reported similar findings. In that State, 12 women with the disease were compared with 12 women without the disease from the same neighborhood. The study concluded that the 12 women with EMS were also ingesting L-tryptophan. In short, these epidemiological studies establish a nearly infallible causal relationship between the new syndrome and ingestion of L-tryptophan.

At least 35 other States have reported cases of EMS possibly associated with the use of L-tryptophan. The Centers for Disease Control expect that all 50 States will eventually report cases of EMS associated with the amino acid.

In response to this health hazard, the Food and Drug Administration has issued an alert, warning the public to stop using L-tryptophan. In addition, the FDA in concert with the Centers for Disease Control, is working diligently to determine the exact scientific cause of this outbreak and to track the sale and distribution of L-tryptophan back to individual manufacturers. I am concerned, however, that the FDA is reluctant to take other steps necessary to get L-tryptophan off the market since it may take months to determine the exact scientific cause of this outbreak. In the meantime, others may come down with this painful and serious disease. Given the results of the New Mexico and Minnesota case studies which establish a causal link between EMS and the ingestion of L-tryptophan, it is imperative that we take action now to get L-tryptophan off the market.

For these and other reasons, I am introducing legislation today that would temporarily ban the sale of L-tryptophan until the Food and Drug Administration determines that L-tryptophan does not cause eosinophilia-myalgia syndrome or is not otherwise injurious to health.

Mr. FAZIO. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT], one of the great orators in this body.

Mr. TRAFICANT. Mr. Speaker, I think the American people are fed up with L-tryptophan, and I think they are fed up with the pay raise, and I am sure I will be accused of political rhetoric because I oppose a pay raise for Congress.

I will tell the Members why; I admire this chairman very much, and I understand the game. We come with ethics reform, we sneak in the pay raise.

Ladies and gentlemen of Congress, the American people are disgusted with Congress. We have a $3.2 trillion debt. We have become the largest debtor nation in the world. Congress increased foreign aid this year, they increased the budget at the Pentagon, and it is no joke; $700 hammers, $5,000 coffee pots, $400 toilet seats. All they are saying is, "Look, Congress, we want you to get a pay raise. Why don't you take care of America?"

The American workers are upset with the trade giveaway. The American workers cannot believe that we would protect Japanese and European oil in the Persian Gulf and then turn around and they ship us toasters and Toyotas, and we are losing jobs.

No one seems to be listening to the American people. We should get the same pay raise every year that everybody else gets. What is good for an IRS agent is good for us, but Congress in the last 10 years wanted to go home and say, "We gave everybody a pay raise, but we didn't take one." Hey, that might play in Peoria. I am here, and there is not a Member in this body that is not worth what they are being paid, and they deserve an awful lot more. But now is not that time, because we are not rewarded for losing, and Congress and the administration are losing.

We are on the verge of going bankrupt. We are trustees presiding over the biggest chapter 11 in world history.

I oppose the pay raise. I expect the political flak. It is not rhetoric, and I think Congress should vote in down and bring a clean bill back.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I respect the gentleman's opinion, and certainly there will be no political retribution. The gentleman's decision to vote "no" on this bill is as courageous as any to vote in favor.

I would take a moment to point out though that if the gentleman's premise that we receive only those raises that other Federal workers receive each year, if that were in effect at this point and had been in effect since 1970, the chart before us proves that we would now be making $109,000, or $20,000 more at the moment than we are.

I think the gentleman's point is well taken, and it is a solution to a problem that will prevent us from having to come back to the floor for large pay raises in the future.

Mr. TRAFICANT. Reclaiming my time, what I am saying then is that Congress should have taken those pay raises. They should have taken them, because they earned them, and a Member of Congress should not have been treated differently than anybody else in this country.

The gentleman and I agree on that, and if a Social Security worker or an IRS agent or an FBI agent, an FDA agent is getting a raise, Congress should, too, but we are not talking about that now.

I think that we are sending the wrong signals out here. I think an ethics reform bill is needed. I think a pay raise is not, and if there was a pay raise, it should have been all voted for the next 2 years, and they should have left it out of this year.

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's comments.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I want to rise to thank the gentlewoman from Illinois and those who participated with her on the Republican side, and particularly to thank the gentleman from California [Mr. FAZIO] for the work that they have done. This is a little like root-canal work without the anesthesia. It is enormously painful, but it needs to get done. The sooner it is done, the better it will be for all of us.

One of the great former Members of this institution, Mr. Bolling of Missouri, said that what is the American people to think of the Congress of the United States tackling the great, tough issues if it cannot deal with the important housekeeping matters of its own pay and its own ethics. Shame on us for having waited this long to do what needs to be done.

We are about to do the right thing today, and I hope that we can support it in that spirit and get on with the business that the public is really concerned about, the question of the deficit, the question of health care and child care, which are vastly more important and more fundamental to the existence of our people than what we are paid and how we live our lives.

We should be paid properly. We should govern ourselves as we expect others to be governed, with fairness, with compassion, and with reason. This package does that, and it richly deserves the support of all the Members of this institution.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentlewoman from Illinois for yielding me this time.

Mr. Speaker, I would like to add my commendation to her for her outstanding work on this package. Her leadership in this area, along with the gentleman from California has provided a real service to the House.

Mr. Speaker, I rise today not to comment so much about the pay raise. The reality is that for many Members of Congress this bill is something of a tradeoff financially.

I rise out of concern over the ethics portion of the package and in opposition of the bill.

The bill does eliminate the grandfather clause that allowed retiring Members of the House of Representatives who were elected before 1980 to take their campaign funds for personal purposes. This does cut it off by 1993. That, I think, is a clear step forward and a portion of the package that deserves commendation.

Over and above that, they have put a cap on the potential amount of diversions for the next 2 years, and I think that deserves commendation.

Third, Mr. Speaker, the move to eliminate honoraria is a plus for this House.

Fourth, the committee has dealt forthrightly in their efforts to eliminate the amount that would go into H.R. tens. This bill corrects that problem where a portion of the honoraria in excess of the limits may be contributed to H.R. tens. This bill corrects that problem in the future where honoraria may be earned and given to charity. Future honoraria after 1992 will not qualify for donations to H.R. tens, and that is a step forward in the ethics area.

Having said all of that, let me share with the Members why I am opposed to this bill.

It comes up under a closed rule. It does not permit us to add additional ethical amendments that are appropriate and needed.

□ 1130

I have introduced my own ethics reform package, and it has not had the privilege of a hearing, and it is apparently unlikely that it will.

What do we need to do in the ethics area further than this bill? Let me spell it out.

We still have problems with blind trusts that allow Members to hide their assets from disclosure. If a Member has the money for a separate trustee, they can avoid the meaningful disclosure requirements that other must comply with. Blind trusts set up before entering Congress of course should be honored, but blind trust set up to circumvent disclosure should be eliminated We ought to have random audits of the disclosure provisions. A random audit that helps point out the deficiencies and helps to correct them.

The reality is that when George Hansen went to prison because he failed to disclose his spouse's assets, 23 other Members of this House had done exactly the same thing, and those issues were never brought to the forefront. There is a problem here on enforcement of those rules and a follow up on those disclosure statements. This body can and must do better in making sure that disclosure is taken seriously and enforced.

We ought to require disclosure of significant ownership of insurance policies, particularly now that we are in an area where some insurance policies include equity participation. Large amounts in insurance policies should be disclosed along with other assets.

Interest rates at which Members borrow should be disclosed. We all work under the same statute, and the Federal employees have to disclose sweetheart interest rates and so does the Senate. We do not require that in the House.

A closed rule in the ethics area does not serve this body or this Nation well. It seems to me this ought to be an area where ideas and amendments should be allowed. This bill shortchanges the process by preventing a free and open consideration of the ethics issues.

Mr. FAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. EARLY].

Mr. EARLY. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in opposition to this particular pay raise, and as with the previous speaker, my prime opposition is the fact that it comes under a closed rule.

I proposed to the Rules Committee yesterday that we have an amendment that would allow us to strike the pay raise for the membership for 1990. The Rules Committee opted not to put that in order. I think it is really too bad that the House did not get a chance to vote on that.

As one of the 48 Members who supported the original pay raise, I feel that to come back, to revisit this issue, and to suggest that we should get a pay raise now is wrong. I commend the commitee for the other parts of the bill. The reform measures should have flown on their own, but we associate it with this particular bill.

I suggest, I do not believe it is popular, but I suggest the committee erred in not making the pay raises for the judges and for the top executive officials effective right now, January 1, 1990. I think that is a mistake.

I have no criticism for how anyone votes in this Chamber on this issue. I think the Members are well intended. I just know from my perspective, I have been in government 27 years, and I do not think it is too politically expedient, but I think it is true that in the 27 years I have never voted against a pay raise. This is the first time, 12 years in the State legislature, 15 years in the U.S. Congress.

I just think it is too bad that where the committee took the high road with regard to reform, where they took the high road with making the big increase prospective, they should have taken the high road and not inserted any money in this bill for us. This session, and then each one of us would have been able to go back to the electorate and say we did not vote ourselves on dime, because if we did not get reelected in November we would not receive any of the increase.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. EARLY. Certainly I yield to the gentleman for California.

Mr. FAZIO. Mr. Speaker, I just wanted to clarify that the gentleman is referring to the cost-of-living adjustment that has already been made available to other Federal workers, both this calendar year and prospectively in January. We are simply conforming to existing COLA's for other Federal workers in all three branches.

Mr. EARLY. If I can just conclude by saying that we can call it a COLA, or we can call it anything we want, but our pay today is $89,500, and under the proposal next year it will be $7,100 higher.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 7 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], an outstanding member of the ethics reform task force.

Mr. LIVINGSTON. Mr. Speaker, I am very, very proud to rise in support of this ethics reform package.

I first would like to pay tribute to the Speaker of the House, TOM FOLEY, and to the minority leader, BOB MICHEL, to the chairman of the committee, Mr. VIC FAZIO, and to the vice chairman, Mrs. LYNN MARTIN, and to all of the members of the committee and the staff who have worked so hard for the last many months to effect what I believe to be a very important, very effective, very thorough compromise.

Preceding me, Members have heard a number of speakers who have opposed this package, and they can find all sorts of reasons to pick the package apart. That is because it is a compromise. There are Members in this House who feel that it is too strict. There are Members of this House who feel that it is not strict enough. There are people of all walks of life throughout this country who find fault with this package or any other that might even reflect any indication of compensation for Members of Congress or ethics rules, for that matter.

But the people perceive that the Members of Congress cannot deal with themselves, and I am here to say that this committee is recommending to this body a package which does properly deal with the ethics of this body, and also with the compensation of government in general. It is a terribly important package. If it fails, frankly, the quality of government at all levels, and in all branches, is at risk.

I have talked to three department chiefs in the last week, and they have all told me that given the first year of the Bush administration they have only filled 50 percent of the slots available to them in the higher executive service. They cannot attract good people to government. At NIH, which is so important to the interests of the

gentleman who spoke before me, they cannot attract top scientists to government. It is not enticing to be in government when you can make twice, three times, four times as much in the private sector.

Folks, I would suggest that we have to come together sometime to address this issue. We cannot yield to those who say it is too strict or to those who say it is too liberal. We cannot allow ourselves to be intimidated by the Ralph Naders of the world, who in their own monastic thinking think that everything that government does is absolutely corrupt and, therefore, there should be no government. If we listen to the Ralph Naders, we would never pay ourselves a nickel, we would not be here, we would not have jobs, we would not feed our families, we would not live in homes, we would not be normal people, and we would not give the people of this great democracy of ours the government which they truly deserve.

Ladies and gentlemen, I believe very strongly that those who say that it is not a good time for addressing these issues have been making the same speech every year of the 12 years I have been in Congress. Every year that I have been here, some Member has gotten up and said that it is not a good time to address pay. There is too much deficit spending, there is too much spending in general, there is too much inflation, interest rates are too high, and this is not a good time to address this issue.

But I tell you that there is no better time, because if we do not address it now, we are not going to address it for a very long time. Next year is a congressional election year, and 2 years hence the Presidential election. We are looking at 4 years from now before we address this vital issue.

□ 1140

Now I worked with Congressman LOU STOKES of Ohio on the process of the Ethics Committee. There has been a lot of criticism about the way the Ethics Committee is handled, that it investigates and then it turns around and charges Members of Congress; that you have a grand jury process and a petit jury process all wrapped into one; that once the Members have committed themselves down to one line of thought, they could hardly reverse themselves and find a person not guilty of the charges that they themselves brought about.

We have dealt with that. We have provided for a bifurcated process in future Ethics Committees.

In the Ethics Committees to be convened beginning January 1 of this next year and in all future cases, not past years, not current or past cases, we are going to provide for an expanded committee of 14 members. Within the full committee, investigative sections will be formed for every single case, consisting of 4 to 6 Members who will investigate the facts of the case after the chairman and the vice chairman of the Ethics Committee have determined that the charges are not frivolous.

Once they investigate it, they report to the other members of the committee, the remaining members of those 14 members, and they separately decide whether or not the initial charges brought from the investigative section were warranted. If they find that there is clear and convincing evidence that the charges should be brought further then the entire committee meets and recommends sanctions which they then bring to the House.

Now this does two things: First of all, it provides for due process for the Members who are being investigated. Second, it provides credibility for the entire committee to come before the House of Representatives and make their recommendations, because one team has investigated and another team has adjudicated.

In addition, we provide for a superquorum for the investigative and adjudicatory phases of the investigation. That means that we always have to have a majority plus one of committee members in attendance, once the matter is adjudicated. We also provided for a statute of limitations of three full terms. But if the facts warrant, certainly the committee can go beyond that statute of limitations to look at very serious charges.

We provide a system of education of Members. We believe very strongly that the Members of this body have not had an opportunity to properly examine or understand the rules under which they are required to live. So we educate them. We are going to provide forums, newsletters, and the ability to call up the Ethics Committee without prejudice to determine whether or not their actions might conform with the rules. We provide for the right for counsel, we require that Members not serve on the committee longer than 6 years. There are various other ethics reforms, tangible reforms which I heartily recommend this body adopt. This is a good bill, and for the good of our Government, it must be adopted.

Mr. FAZIO. Mr. Speaker, I yield 10 minutes to one of the real leaders in this Congress on this issue, my friend the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I am happy we are discussing this here today on the House floor and I am happy that we are discussing it out in the open. I am happy this institution is covered by television so that our constituents back home can hear this issue debated fairly and openly and aboveboard. I want to give you some historical perspective on the issue.

As many of you know, in 1977 I chaired the reform task force which first produced broad-scale limitations on outside income for Members of Congress and which first provided meaningful disclosure of Members' financial affairs.

Former Speaker of the House, Tip O'Neill, wrote in his book that he thought that my chairmanship of that task force cost me the Budget Committee chairmanship of this House in 1980 because our package at that time cost a number of Members well over $100,000 a year.

I think that judgment is correct. I was willing to pay that price because I thought what we did then was right and I think what we are doing today is right.

What this package does today is to complete the job that my commission started and got about half done in 1977.

That is why Common Cause, the citizens lobby, has endorsed this package, describing it as "essential to strengthening of ethical standards in the House" and as "the greatest step forward in tightening the ethics code since 1977." Common Cause is right.

I think we ought to take a look at some of the pieces of this package.

It will, first of all, eliminate the ability of Members of Congress to earn 30 percent of their income from fees for speaking to private groups.

Second, it eliminates the ability of Members of Congress to earn income from professional fees such as law practice, insurance, or accounting, any income that could be funneled from lobbyists to Members under the guise of personal services.

One Member of this House told me some years ago:

> Obey, you don't understand. I don't spend any time in my law practice. It is simply that as I rise in seniority, the lobby groups toss more action my way.

We understand that virtually every Member of this House who today practices law does it legally, ethically, and aboveboard. But we also understand that there is a potential for conflict of interest. The public has a right to expect us to eliminate it. That is why we are doing it.

We also ban the ability of Members of the House to make money by serving on corporate boards for pay. We ban gifts of more than minimal value from any source except family. We think that is the right thing to do. We expand disclosure information. We freeze and then eliminate the ability for Members of Congress to pocket campaign surpluses when they retire.

We have also reformed computation of cost-of-living adjustments for Members of Congress.

Right now Members receive the same cost of living which other Federal employees receive. There is nothing

wrong with that except one thing: It means every time we vote to set the level of Federal pay for Federal employees, we theoretically are voting on our own pay level.

That is a conflict of interest.

So what we do is we change the system so that whatever the Bureau of Labor Statistics says happened to our constituents in the private sector by way of pay adjustments in the previous year will happen to us 1 year later, minus one-half of 1 percent. We take one half of 1 percent less than the private sector wage increase in the previous year because we feel that these are higher salaries, that we do not need the full COLA, and we provide for the year lag because we do not want congressional salaries in any way to be driving inflation.

We think that is the right way to do it.

We also have the reform of the existing Presidential Pay Commission.

Right now, frankly, that Commission is composed of Washington insiders. For the first time, the Quadrennial Pay Commission, which is established every 4 years to review salaries, will have a majority of members who are selected from the general public at large by random drawing. You cannot be any more fair than that. It gets rid of the insider game.

The only compensation which Members of Congress will receive will be the 4.1-percent COLA which other Federal employees have already received this year, staring in January, and like every other Federal employee we will receive a 3.6-percent COLA in the next fiscal year which has already been voted for other Federal employees. We think that is perfectly reasonable and poll after poll shows that the public does too.

Now I want to make one other point: For many Members of this House, virtually all of the senior Members, this package will not result in a pay increase. It will be at best a wash and for many people it will in fact be a small pay reduction because in the next Congress you will be eliminating the ability to earn 30 percent by moonlighting and you will be substituting for that 25 percent direct compensation.

□ 1150

That is as it should be. As the gentleman from Illinois [Mr. MICHEL], the minority leader, indicated yesterday in our press conference, the Constitution says Members of Congress should be compensated from the public treasury. We should not have to supplement income by going to a dozen private sources, some of which might present conflict of interest situations. We think the public is well served by this package.

I have one other point I would like to make. The reason Congress is in this position today is because in the 20 years that I have been here the Congress has voted 13 times to deny ourselves the cost-of-living adjustments which have gone into effect for other Federal employees.

Then, because Members of Congress did not have guts enough to, on top of the table, provide for those COLA's, they then looked for ways to supplement income by raising outside income limitations. So began this treadmill syndrome which the system has placed us on today.

This eliminates that. Beginning with the new Congress it says; "Boys and girls, this is a full-time job. Pay attention to what is going on here. We will compensate you straight from the public treasury, right out in the open, but no more side employment deals. This is a full-time job. Spend your time working here."

That is what the taxpayers will be able to know is the case beginning with the next Congress. That is a good package, and I ask you to support it.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I certainly want to underscore the comments the gentleman from Wisconsin [Mr. OBEY] has made. I support each of them.

I wanted to simply amplify as it relates to the cost of living adjustments for the future. There will be a 5-percent cap. At no point, even when we are having periods of inflation and blue collar and white collar private sector wages are going up faster than they have been recently, perhaps over 5 percent, we would never be compensated more than 5 percent.

I also wanted to point out a number of Members have been able to take advantage of their outside income for honoraria purposes by setting up separate retirement accounts, some on the amount they are allowed to earn, some on the total amount that they earn before charitable deductions are taken. Those are no longer going to be allowed either.

In terms of after tax income, many of the Members, the more senior Members who have had honoraria, will be actually getting quite a reduction in income.

Mr. Speaker, I appreciate the gentleman yielding.

Mr. OBEY. Mr. Speaker, I recognize that is one of the principal reasons why some Members of this body have been opposing this package.

I have had a number of Members come to me and say, "Look, do not take away our ability to build a second retirement system. Do not take away our special Keoghs."

We think it is necessary to take those away for the good of the institution. I think the vast majority of Members here understand.

Mr. Speaker, I would like to just make one other point: Those who know me know that I do not suffer hypocrisy very easily. I think we have often seen hypocrisy on this issue.

I, for instance, have been told by several members of the Senate, "Look, Mr. OBEY, you are crazy. Don't do anything to change pay directly. Just wait until public attention passes. Then we can raise our limit on outside income. It is a much quieter way to change pay and we will all be better off politically."

That might be a more clever way to do it, but it is not the right way to deal with this issue. I think there are many Members in the Senate who recognize this needs to be dealt with fairly and openly and above board, and we need to eliminate the games. I ask the rest of the Members to help us do that today.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I rise in oppostition to this measure. The rule I think is the main reason that I state my opposition. It is a closed rule. I went before the Committee on Rules last night and asked that an amendment in order be made that I think should be an indispensable part of this package.

I do not quarrel with the ethics side of this package. I think it is excellent. If this job paid $42,000 in 1969, which it did, if you wanted to equal the purchasing power today, you would have to pay Members about $125,000. I have no quarrel with that.

The reality is that the American public does not have much sympathy for those members running the Congress of the United States today, because our management of the fiscal affairs of this Nation has been a disaster.

We will end this decade with a national debt of $3 trillion. We began it with a debt of $1 trillion. The public is very much uneasy about what the unlimited expansion of the debt bubble will mean to all of us.

There are 243 Members of the House today who are coauthors of a constitutional amendment on a balanced budget. When that number gets to 290, two-thirds of this body, we can then propose to the States what 78 percent of the American people want to happen; namely, a constitutional amendment to mandate a balanced budget.

I believe that it is indispensable that any adjustment of our compensation be tied to the Congress proposing a constitutional amendment on a balanced budget. Because in so doing, we will recognize the inevitable nexus between compensation and performance. We will be saying to the American people we have made a big step in cor-

recting our irresponsible spending ways by proposing to the States a constitutional amendment on a balanced budget. Because in so doing, we are saying to the public we are going to make a constructive step in that direction.

The Rules Committee did not see fit to make this amendment that I am talking about in order. I had planned to come over here after the 1 minute today and defeat the previous question, but it appears that the process is moving more quickly than some Members may have anticipated on this day, so I did not have the opportunity of defeating the previous question on the rules to make my amendment in order.

So I have to at this time just ask Members to vote no on this measure, because it lacks the one indispensable part of the package that will convince the American people that we are serious in getting our fiscal house in order.

Mr. FAZIO. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I would also like to commend Mr. FAZIO and the bipartisan House leadership for all their leadership and excellent work on this program and problem.

There is no doubt about it. This is a very difficult vote, one of the most difficult votes Members will ever face. But a yes vote is the right vote.

A pay raise is justified. There is a definite need to reduce financial stress, both on Members and throughout the Federal system.

Unless the system improves, as some wag pointed out 6 months or a year ago, this Congress is ultimately in danger of becoming a body comprised almost exclusively of Mother Teresas, Donald Trumps, Ralph Naders, and idle rich kids.

We cannot allow this to occur. It is important that we are eliminating honoraria. It is important that the COLA increases for this term, and the substantial increase comes in 1991, only after an intervening election.

Bipartisan House leadership has been, as I said, outstanding. Only this morning Republican leadership, including NEWT GINGRICH, was welcomed, and I might say welcomed enthusiastically, before a House Democratic Caucus. One might say this is almost as unprecedented as the breaching of the Berlin Wall.

In the short run this is a lot of heat. In the long run it is an improved Federal service.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MORRISON], a member of the task force.

Mr. MORRISON of Washington. Mr. Speaker, I yield as much time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of this legislation.

Mr. Speaker, the vote today on passage of H.R. 3660 will mark the first time in my political career that I will have voted in favor of a pay raise. I have been privileged to serve for more than two decades in legislative bodies at the local, State, and, now, the Federal level. Throughout my career, I have always opposed pay raises—until now.

H.R. 3660 is an extraordinarily well-balanced bill. The pay raise for Members of Congress, and we are raising our pay, even if we call the first phase a cost-of-living adjustment, is accompanied by an impressive array of badly needed reforms in ethical standards. The sum and substance of H.R. 3660 can be understood in one simple proposition: Starting in 1991, Members of Congress will have only one paymaster—the American people. And that is as it should be.

By eliminating honoraria and placing tougher restrictions on gifts, travel, and outside affiliations, we will be going a long way toward restoring public trust in Congress. I know it is the fervent hope of every Member that passage of H.R. 3660 will bring to an end the criticisms and accusations concerning ethical standards that have diverted Congress from directing its full attention to the Nation's agenda.

And as far as the pay raise itself is concerned, I believe we should keep in mind one important fact: Contrary to popular myth, most Members of the House, unlike the Senate, are not independently wealthy. The large majority of us worked our way up the same way our constituents do. We also have the same financial obligations that most of our constituents do. In fact, most Members have the additional burden of having to maintain a second residence. That, in my case, I can keep my family back home where we belong.

Before concluding, I would note that nothing in this life is perfect. And every Member will, I am sure, be able to find some element in H.R. 3660 that he or she cannot agree with. In my case, I have some reservations about the cap on outside earned income. I am worried that the cap is pegged a little low and, in connection with the provisions concerning fiduciary relationships, may serve as a disincentive for businessmen from running for Congress, and there are too few businessmen now.

But, on the whole, this is a very worthwhile package of reforms. I urge all Members to support it. The task force that drafted H.R. 3660 took on a thankless task and worked in a spirit which represents bipartisanship at its finest. I believe a special salute is owed to VIC FAZIO and LYNN MARTIN for their leadership of the task force. To them, and to everyone on the task force, we should extend our thanks for a job well done.

Mr. MORRISON of Washington. Mr. Speaker, reclaiming my time, I thank the gentlewoman from Illinois [Mrs. MARTIN] for yielding, and just want to share my enthusiasm for the work of the Bipartisan Ethics Task Force. I was privileged to be part of it.

We bring Members what I describe as a "get straight" ethics package with a delayed offsetting pay plan that comes after the next election.

I would like to spend just a minute or so describing our proposed replacement for what used to be the Quadrennial Pay Commission, as mentioned by the gentleman from Wisconsin.

The criticism, of course, of the Quadrennial Commission through the years as it made its recommendations to the President is that it truly does lack independence. It was viewed as reflecting its Washington, DC, roots, and not the real world.

Based on an experience we have had in Washington State, I would say a rather successful experience, we bring Members in this package the Citizens Commission on Public Service and Compensation.

□ 1200

Mr. Speaker, the responsibilities are the same. That is, our Citizens Commission will make recommendations to the President on pay levels for the judiciary, the executive, and the congressional branches. But the makeup of the Commission is dramatically different, and that is what is important. We will be selecting by lot from the voters of the United States of America, spread geographically, a number of the members of this group to advise so that the Commission truly does not reflect just "an inside the beltway" view.

Mr. Speaker, our experience in Washington State with this type of group has been, I think, superb. It was created out of the same frustrations we have here: How do we deal with the most onerous issue of voting on our own pay levels? In Washington's case it was not only passed by the legislature but approved by the voters of the State. This commission has actually been given the authority to set salaries without a legislative vote in the State of Washington.

As I say, Mr. Speaker, the experience has been very good with people selected by lot from each of our congressional districts making these pay decisions. We do not, give that same authority under this measure. At the Federal level, our proposed Commission strictly makes recommendations to the President, but at least it gets away from the image that we all have concerns about, and that is salary recommendations that do not reflect the real world.

I would like to respond just very quickly to the gentleman from Colorado [Mr. BROWN]. I have tremendous respect for him. This is truly a balanced package, and, while I resist closed rules just as a matter of course, I have to say we had over 100 Members of the Congress appear before our task force. We took their ideas. We balanced them. We blended them together. We also listened to everyone as

this ethics package has gone together. The blind trusts that he commended on are now truly blind. I think that the balance in this package justifies an up or down, out in the open, vote for everyone to judge.

So, Mr. Speaker, I encourage my colleagues to weigh this package carefully, and encourage people around the Nation to look at the balance that we bring in this ethics plan.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES], a strong member of this task force and one of the finest Members of this body.

Mr. STOKES. Mr. Speaker, I rise in support of the ethics package, and I want to say at the outset what a pleasure it has been for me to serve as a member of this bipartisan task force under the very able leadership of the gentleman from California [Mr. FAZIO] and the gentlewoman from Illinois [Mrs. MARTIN]. Due to the type of leadership they gave this task force we were able to work in a totally bipartisan manner, and it was one of the finest examples of how Members of this body can come together and work on legislation affecting this whole body.

Mr. Speaker, as a member of this task force, I am pleased that we are considering this legislation today. In keeping with the goal that was announced upon the establishment of the task force when Speaker Wright and the minority leader, the gentleman from Illinois [Mr. MICHEL], named the Bipartisan Task Force on Ethics in February, they charged us to conduct a wide-ranging, thorough investigation of the House rules as they relate to ethical questions and proposed appropriate changes to tighten the rules. My colleagues on the Bipartisan Task Force on Ethics and I believe that this bill goes a long ways toward strengthening and clarifying the House rules regarding a wide assortment of ethics matters.

Mr. Speaker, after 9 months of work, this task force has produced an outstanding package. This measure includes sweeping ethics reforms applying to all branches of government, and this ethics reform in this package includes a number of major reforms to current House rules designed to restore public respect for the Congress while preserving institutional integrity and clarifying rules to increase the Members' understanding and compliance with the rules.

As a former chairman of the Committee on Standards of Official Conduct, I want to focus on the section of the bill that will significantly alter the procedures of the Committee on Standards of Official Conduct. First, the Ethics Committee will be expanded from 12 to 14 members to allow for the bifurcation of the investigative and the adjudicatory functions of this committee. The main incentive of this change was to avoid the inherent problem of the Ethics Committee acting in the capacity of investigator, prosecutor, judge, and jury. Under the bill an investigative subcommittee will be established each time the full committee votes to bring a preliminary inquiry. If this investigative panel adopts a statement of alleged violations, the remaining members of the committee will sit in an adjudicatory panel to determine whether the allegations are approved and then to report to the full House any recommendations for disposition of the case.

Mr. Speaker, we also thought it important to alter the procedure with reference to the committee chairman and the ranking minority member being able to also serve ex officio on the various subcommittes. Under this new change we felt that the committee chairman and the ranking minority member should not serve on any investigatory subcommittee and also serve on the adjudicatory committee. So, for that reason that will be changed.

Also, Mr. Speaker, we changed the quorum rule providing for a quorum of the adjudicatory committee to consist of a majority of the committee plus one. I think this affords both the committee and the Member or Members an opportunity for total fairness.

We also put in a provision for a statute of limitation, that charges brought before the committee should not exceed matters that extend over the three Congresses.

Probably the most important was the section we put in providing for advice and education for the Members. I think it is important in a body of this sort for the Members to be properly advised and educated so they can avoid ethical problems, and for that reason we set up a special advice and education section within the Committee on Standards of Official Conduct.

Then lastly, the right of counsel. Heretofore a Member being brought before the House did not have the right of counsel on the floor at the time of any charges. We provide that right, however we do not provide the opportunity for that counsel to be able to talk on the floor.

In substance, Mr. Speaker, this is a tough ethics package. I think it is one that the House can be proud of, I urge its adoption.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. SUNDQUIST. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 3660, the ethics reform package.

Mr. Speaker, what would you say about a company that had not kept its employees pay levels even with inflation rates since the 1960's? And what kind of confidence would you have in a business whose executives left after an average stay of 18 months?

That's the situation today in the top levels of the U.S. Government. For the nearly 2,000 executives and judges whose pay is tied to congressional pay, their income has eroded by 23.6 percent in the last 20 years in relation to inflation. While talk show hosts across this Nation would have people believe that Congress is enacting a selfish pay increase, we must acknowledge the responsibility we have for the quality of government in this land. Congress must fulfill its duty to provide fair compensation for the top executives and judges in this country. And Congress must reform itself if we are going to have any measure of public confidence in our actions. This bill—H.R. 3660—meets those aims.

We had a national debate on a pay raise last winter. This is not the same debate.

I argued against a pay raise for Congress when it was presented in a manner that would avoid an open vote. This measure calls for a vote. I argued against Members of Congress taking honoraria offered by special interest groups. This measure bans honoraria after 1990. I argued that no pay raise should take effect without an intervening election. This measure grants only a cost-of-living adjustment before election. I believe that this measure resolves many ethical questions that trouble people in this country. It defines stricter limits on trips and gifts to Congressmen; it eliminates the conversion of campaign funds to personal use for all Members beginning in 1993.

The pay raise discussed in January 1989, was the wrong thing to do, and we were doing it the wrong way. This ethics reform and pay raise package is the right thing to do and we're doing it the right way. Some of our constituents are still hearing only a refrain of the rhetoric from the last battle over a pay raise. It is up to us to make the decision, to take the heat, and to explain the long-term benefits for good government.

Reforming the ethics rules under which we operate will benefit the Nation. Fairly compensating the top personnel of the American Government will help ensure excellence in government. I believe when people understand the difference this bill can make, we will have their support. After all, this country was able to govern before radio talk show hosts, and I believe intelligent decisions can still be made despite their cacophony of voices.

Mr. SUNDQUIST. Mr. Speaker, I rise to compliment the cochairman of this task force and to tell my colleagues what a privilege and how proud I am to have been part of this. I rise also in support of H.R. 3660.

Mr. Speaker, this is perhaps the most comprehensive ethics bill ever presented to the Congress, a bipartisan effort that deals openly and fairly with issues of conduct and compensation. I had the privilege of serving on the subcommittee with the gentleman from Texas [Mr. FROST], my colleague.

We reviewed transportation, and automobile requirements and the reporting. We simplified, and we defined and we clarified. We made it tougher on the reports on committee staff.

Mr. Speaker, let me tell my colleagues what this bill does. It has new, tighter restrictions on acceptance of gifts, travel, and hospitality. It eliminates most sources of outside earned income. It abolishes honorariums. It abolishes the practice of allowing some to convert leftover campaign funds to personal use. It broadens financial disclosure.

Mr. Speaker, I would not characterize this as a pay raise bill because we take away far more than we give, and the pay adjustment that is in 1991, the pay adjustment in 1991 is intended only to offset a portion of the income lost when honoraria and most outside earnings are eliminated.

No current Member of Congress will get a pay raise under this piece of legislation. It applies only to the Congress elected in 1990. The cost-of-living adjustments we will receive in next year are already provided for in the current law.

What I hear from my colleagues is that it is too tough, and that is how I know it must be a good bill.

□ 1210

Mr. Speaker, I think we have hit it on the mark, and I urge your support and your vote for H.R. 3660.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Post Office and Civil Service and an advisor to our task force.

Mr. FORD of Michigan. Mr. Speaker, I rise as the chairman of the Post Office and Civil Service Committee in strong support of the product of this bipartisan task force.

At the outset, let me tell you that the members of my committee and I, for a number of years now, have produced bipartisan recommendations with regard to compensation of Federal employees, their pensions, their health benefits, and their treatment in the budget. It has been years since we reported anything except a unanimous bill from our committee in these areas of responsibility. It is for that reason that some of us were a little disappointed that the House did not come to us to write this piece of legislation, but our jurisdiction would not have been broad enough to do what has been done here in the field of ethics and the parts that do not relate to pay.

I want to compliment the gentlewoman from Illinois and the gentleman from California for a real professional job all the way through.

Our committee has stood, both Democrats and Republicans, ready to help whenever we could, and whenever they asked us, we made our staff available.

I wanted to mention something that so far is being lost here, and you will not read about it in the newspapers tomorrow even after I mention it, that there are almost 3 million families out there looking at what we are going to do here this morning who are the families of the people who are going to be operating the programs that will be funded in a trillion dollar budget that is going to be voted on before we leave here. We are going to spend a trillion dollars of the taxpayers' money, and whether that money goes to make programs work well or not work well depends on the quality of the work force in the Federal Government that will be administering those programs, passing out that money, and in fact running the programs, such as space, the National Institutes of Health and others.

Every member of my committee knows that the irresponsible action that this House took earlier this year with regard to pay precipitated an exodus from government of people who just got disgusted and said, "There's no hope. Congress is just so overwhelmed with its own political survival that it will never do the right thing by the Federal work force."

Now we have a chance to start on the road to do that.

I think I am not saying anything at all out of school when I tell you that my committee has been working with this administration in a way that we were never able to work with the previous administration toward a complete revision of the Federal employees compensation system so that we can modernize a system that predates World War II to meet the requirements that we have for competiton in the workplace for our people as we go into the end of this century.

I fully expect, on the basis of what has been going on, that we will have recommendations from President Bush, perhaps with this January budget, for a complete overhaul of the Federal pay system, because President Bush knows as well as anybody in this town that he is having great difficulty securing the kind of people he wants for the important jobs that have to be done. When I hear people criticizing him because half the jobs that should have been filled are still not filled, I defend him whenever I can by pointing out that to get the kind of people that ought to be performing those jobs is almost impossible when you look at the sacrifices you ask people to make by taking the job and moving to a place like Washington. That is before you get to New York where we cannot get anybody in any Federal agency to transfer. The FBI had to have special consideration to even get their agents to move to New York. How would you like to think of the biggest city in the country without FBI agents? FBI agents will not transfer from adjoining States to my major city of Detroit because of the cost of living difference and the fact that we cannot do anything about it.

Mr. Speaker, I made an early effort to expand the scope of these pay adjustments to the entire Federal work force. I thought a measure of this nature could well serve as the proper forum for Governmentwide pay reform which would address the problems the Government faces today.

Providing a full airing to the recruitment and retention problems facing government generally, the Committee on Post Office and Civil Service conducted 7 days of hearings at the full commitee level alone. Those hearings had as their focus the recommendations of the National Commission on the Public Service, chaired by the Honorable Paul Volcker.

In an unprecedented action, the Chief Justice of the Supreme Court of the United States, The Honorable William Rehnquist, appeared before the committee to share the plight of the judicial branch in efforts to lure and secure the best and the brightest to the Federal bench. The Committee heard similar pleas from top management of the National Institutes of Health, the National Aeronautics and Space Administration, the Department of Energy, and the Department of Defense. The need for pay relief was demonstrated time and time again.

Each witness before the committee offered concrete and far-reaching examples of the failure of the Government's efforts to attract people to conduct vital research in finding a cure for cancer and AIDS; to retain those who would move America ahead in space; to sustain the cadre of experts necessary to manage the cleanup of hazardous wastes; and to recruit individuals to direct the acquisition of weapons to safeguard the country's defense.

The bill before us today is not what we on the committee believe is needed to solve the problem, but it will send a signal to that Federal work force out there, if we pass it, that the Congress does indeed have the courage to look beyond the impact on each and every one of us in the next election by a few people stirred on by irresponsible spokesmen for the zanies, like Ralph Nader and others that I could name, but he deserves special mention.

In my revision of remarks, I am going to give you a picture of the thousands of people who are affected today and in 1991 and thereafter by what is happening here and how we feel this ties in with the plans that are even now evolving in the Bush administration to improve the administration of government. We finally have a

President who does not say the government is the problem. He says that government can solve the problems, but you have got to have the right kind of people to do it. My committee has pledged istelf to work with him to accomplish that in this Congress.

The House can bring all of these efforts to an end by turning their backs on this bipartisan package of ethics reforms.

I do not like all the new rules I am going to have to live with in the ethics package, and I probably would not like them even if they were written by my committee, but the American people expect it. We here expect that we can live up to them. They are not unreasonable and irrational. I think the task force did a good job with a very difficult subject.

My guess is that almost every newspaper in the country tonight will report the outcome of the vote for a pay raise for Congress. For me individually, I am not ashamed to say on the floor that when you stop me from keeping money from making speeches for honoraria and replace it with a 25 percent increase in 1991 and stop me from using that money for my retirement, you are actually going to cut my income in 1991.

I think it has to be done, because it is the only way that we can get to where we have to go.

There are Members who are giving other reasons who realize that in effect they are voting for a cut in pay, if you measure it in spendable dollars. I will have fewer spendable dollars in 1991 if this legislation passes than I have now. I think it is well worth it and I look to my future in this House as one who can walk out with his head held high and with a much higher and well-deserved respect from the American people than we currently enjoy.

If you want to quit griping about the fact that people do not like the institution, show the people the institution has the courage when given the opportunity to reform itself and to stand up openly in front of the American people and do it. Do not come to us and ask for a magic way to get a pay increase without having to vote on it. It cannot be done anymore. Those days are gone. If the adjustments, as modest as they are in this legislation, do not occur as a result of the vote today and in the Senate tomorrow, I can tell you that those of us who are here 10 years from now are going to be wondering when the next adjustment is going to take place.

I got a little upset when I looked at this chart and found that since 1970 my spendable income has been eroded to $28,000 a year. I do not even hire young professional staffers fresh out of college in my office for that salary, and I think with 25 years in Congress and my law experience and my previous experience in government, I ought to be at least worth what a fresh college graduate is worth to the government.

Individuals Directly Affected by Pay Adjustments

[2,398 total positions]

	Number of positions
EXECUTIVE BRANCH	
Vice President	1
Level I (incl. Cabinet Officers)	19
Level II (includes Deputy Secretaries of Cabinet Departments; and Heads of Offices and Agencies)	67
Level III (includes Under Secretaries of Cabinet Departments; Chairmen of Regulatory Commissions)	202
Level IV (incl. Assistant Secretaries of Cabinet Departments; Members of Regulatory Commissions; Cabinet Department General Counsels)	453
Level V (includes Directors of major Bureaus of Cabinet Departments)	92
Total Executive Branch	834
LEGISLATIVE BRANCH	
Speaker of the House	1
Majority and Minority Leaders	2
Representatives, Four Delegates to Congress, Resident Commissioner of Puerto Rico	437
Comptroller General	1
Director of CBO, Deputy Comptroller General, Librarian of Congress and The Architect of the Capitol	4
Deputy Director of CBO; General Counsel, GAO; Deputy Librarian of Congress; and the Assistant Architect of the Capitol	4
Total Legislative Branch	449
JUDICIAL BRANCH	
Chief Justice and Retired Chief Justice	2
Associate Justices and Retired Associate Justices	9
Judges, Circuit Courts of Appeals; Court of Military Appeals	237
Judges, District Courts	799
Judges, Court of International Trade; Tax Court; Claims Court; Director, Administrative Office, U.S. Courts	67
Deputy Director, Administrative Office of the U.S. Courts	1
Total Judicial Branch	1,115

Positions Indirectly Affected by Pay Adjustments

[10,074 total positions]

General Schedule employees	1,044
Senior Executives and Senior Foreign Service Officers	8,370
Other Legislative positions	20
Other Judicial positions	640

Source: "Fairness For Our Public Servants," The Report of the 1989 Commission on Executive, Legislative and Judicial Salaries.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

□ 1220

Mr. PACKARD. Mr. Speaker, I want to thank the gentlewoman for yielding me this time.

Mr. Speaker, I have a prepared message I wanted to give, but I am going to enter that into the RECORD and just give my colleagues some information that we have gotten in the last 24 hours.

Since so many calls were coming in on this issue at my offices in California, I submitted to my staff six questions that I wanted them to ask each person who called in, and I would just like to give the Members the results of 88 people who called in complaining about the pay raise.

The first question was, "Do you support a congressional ethics reform?" Ten to one answered yes. "Do you support a ban on honoraria?" To my surprise, only three to one said yes. "Do you support eliminating the grandfather clause which allows Members of Congress elected prior to 1980 to use the campaign funds for personal use after retirement?" Over 10 to 1 answered yes. "Do you support more restrictive language governing the acceptance of gifts from any source with a direct interest in legislation?" Again, total support for the restrictive language, 80-something to nothing. "Do you think Federal judges deserve a pay raise?" Interestingly enough, it was almost split on that, and a majority said yes, but not a significant majority. Obviously these people called in to complain about the pay raise, and so on that question, it was obvious that it was overwhelmingly not in favor of the pay raise.

There is certainly a demand out there for ethics reform. The people are demanding that we clean up the institution. This package will do that, and I support the package and encourage my colleagues to do the same.

Mr. Speaker, I rise today to support congressional ethics reform. Since my election I have worked diligently to bring about ethical reform. I feel that the reforms contained in this bill are absolutely necessary to maintain the public trust in Congress.

The grandfather clause, probably the most unconscionable offense perpetuated by Congress, will be eliminated by this legislation. I find it particularly appalling that it has taken this long to do something about it, but I most certainly welcome this reform.

Honoraria will be banned by this legislation. I am uncomfortable with any practice that leads to the perception of impropriety. Members of Congress should be above even the hint of reproach in every regard. This legislation will help to achieve this standard.

The various other reforms contained in this package, the limits on outside income, prohibition of members accepting fees for legal advice or for serving on a board of directors are all steps in the right direction.

The pay raise for Federal judges and senior executive officials is needed to ensure that the Government can offer competitive salaries to qualified individuals to serve the public.

While I wholeheartedly support the ethical reforms in this package, I must admit that I

have never voted for a pay raise for myself and thus I find this to be a very difficult vote. However, for the sake of the much needed reforms in this package, I will vote for it.

I am encouraged by the true bipartisan manner in which this package was put together and hope that this bipartisanship will extend into other policy areas. I do support this ethics package and urge my colleagues to do the same. This may be the only chance to bring about these vital ethical reforms.

I thank the chairman, Speaker FOLEY, my colleague from California, VIC FAZIO, and LYNN MARTIN the task force cochairs for their leadership.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, as House sponsor of the President's ethics bill, I am heartened that 90 percent of its proposed reforms are included in this landmark ethics legislation.

To me, this ethics package represents the most important vote on congressional ethics in the House since 1977, when the current House Ethics Code was adopted. It probably offers the opportunity of a decade to implement meaningful ethics reforms.

Today, special interests can control up to a third of the pay of some Members of Congress. With final passage of this landmark bill, citizens will regain control over the pay of their elected officials. The bill substantially outlaws outside earned income, prohibits Members and staff from receiving gifts above a minimal value and puts in place new, more detailed financial disclosure requirements.

Mr. Speaker, the members of the House bipartisan task force are to be commended for their work.

The comprehensive ethics package includes a number of ethics reforms as well as a pay raise for Members of Congress, Federal judges, and high level executive branch employees.

To me, the ethics package represents the most important vote on congressional ethics in the House since 1977, when the current House Ethics Code was adopted. Also, it probably offers the opportunity of a decade to implement meaningful ethics reforms.

I have been involved with ethics issues since my election 3 years ago. In fact, I was the sponsor of the Ethics in Congress Act of 1988 and the House sponsor of the President's Governmentwide Ethics Act of 1989. The ethics legislation being considered by the House includes many of the ethics proposals made by the President in the legislation he sent to Congress and asked me to introduce earlier this year.

One way the ethics package will help restore Government integrity is by abolishing the speaking fees or honoraria. This legalized bribery allows a Member of Congress to receive up to $2,000 cash for making a short talk, perhaps a block from the Capitol. Typically, such a speaking fee is paid for by a special interest that often expects something in return for their payment. Abolishing honoraria will help ensure that the Nation's top public officials are fully compensated by the public, without supplements of private money.

In addition to the honoraria ban, the ethics package would prohibit Members of Congress from practicing law or receiving other similar fees for professional services, ban Members from receiving compensation for serving on corporate or other boards, impose a limit on all outside earned income equal to 15 percent of Members' salaries, repeal the grandfather clause that has allowed senior Members to convert campaign contributions to personal use after leaving Congress, establish a $200 limit on gifts other than from family members, and tighten the rules on travel reimbursements from private interest groups.

A significant difference between this ethics package and earlier proposals for a pay increase is that this is not a vote by Members of Congress to raise their own pay. Also, the current pay proposal is smaller, would take effect over a longer period of time, and would be decided by a recorded vote. The pay proposal, other than COLA's, would not take effect until after the next House election in 1990, providing raises not for the current Congress, but for Members serving in the next Congress.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I not only enthusiastically support this ethics reform package we have before us, but I also enthusiastically support how we got here.

Last week I sat here in the House one day, and then in committee the next day, and listened to a member of the other party from California, a man with whom I am politically not in tune but who is a good personal friend, talking with great fervor about the protection of States rights. I later spoke to him, and I said, "George, you better stop saying things like this. You are going to start believing them." I feel the same way about how we got here. We got here in a bipartisan fashion with a commission appointed by the Speaker and the minority leader, equally divided between the parties, and it worked.

Mr. Speaker, I think we had better watch out about this bipartisanship stuff, because we might find out it works in other ways. We have seen it work here in the House all this year. We have seen it with the ethics committee. We have seen the ethics committee wrestle with some very, very tough, difficult things and come to this House and strengthen this House and make this House a better place to work. We have now seen it with the bipartisan commission on ethics. They have come to us with a package of proposals that is going to make this a better place for us to work, a better place for us to do our jobs, and a better place for us to be able to serve our country and serve our families and ourselves.

Mr. Speaker, we are to be congratulated for recognizing that when there is an issue that we realize needs to be addressed that we can agree on that we can get together on both sides of the aisle and get the job done. This commission has done good work for the Congress. It has done good work for the country. We are all, all Americans, going to be better for this bipartisan effort, and I hope we have learned a lesson. Bipartisanship does work. So does States rights, incidentally.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I was first elected to this Congress 17 years ago, which is a long or a short period of time, I suppose, depending on one's perspective. I have never in that period of time voted for a pay raise. I have always taken the position espoused by a gentleman from my State of Virginia, Mr. Madison, who said, "You should not vote to increase your own salary," and I have always said that I would only support a prospective increase.

Mr. Speaker, this is a prospective increase, and there will be an intervening election before the great majority of the provisions of this measure take effect. I hope that my constituents, out of the thousands of votes that I have cast, will not focus only on this one, but if they do that, they will have that opportunity in the next election should I be a candidate.

This bill is not perfect. It is not what perhaps I would write or other Members would write left to our own devices, but it is a package that on balance is a good one, and it is worthy of support. That is true, I would say to my colleagues, for the overriding reason: It will adjust compensation of the judges and the senior executives, the middle-level management people in the levels, the middle levels, of Government. We are losing doctors at the National Institutes of Health. We are losing physicists at NASA. We are losing assistant secretaries of agencies all over this town, and we cannot recruit professionals who are leaving Government every day, and their positions cannot be filled because we are simply not competitive with the private sector.

We must stop the brain drain that is seriously jeopardizing the very operation of this Nation's Government. I would hope that my colleagues, if for no other reason than that, will support this package.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of this bipartisan ethics package. As I do so, I would like to enter into a colloquy with my colleague, the gentleman from California [Mr. FAZIO]. I appreciate my chairman participating with me in this matter. I have a question that involves our wanting to clarify several points of this bill.

It is the intention of this task force and of supporters of the ethics reform package to clarify that newcomers to the Federal Government who file financial disclosures need not report gifts received or financial transactions completed prior to beginning Government service.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. FAZIO. Yes, that is correct. The Ethics Reform Task Force and the bipartisan leadership believes that this is clearly stated in section 202b of the Ethics in Government Act of 1978, title 2, United States Code, section 701 et seq.

Mr. LEWIS of California. I want to clarify that although the bill will prohibit Members in some cases from being associated with a company or serving on a board that has a direct fiduciary relationship, it does permit Members who have been involved in a family firm to keep the family name in the title of that business.

Mr. FAZIO. Yes, that is the intention of this package.

Mr. LEWIS of California. I want to clarify that this Ethics package does not amend house rule 47, clause 3(d)(2) as it relates specifically to compensation derived by a Member for services actually rendered prior to becoming a Member of Congress.

Mr. FAZIO. Yes; that is correct.

Mr. LEWIS of California. Finally, I would like to direct another question to the chairman: This bill prohibits a Member from affiliating with or being employed by a firm, partnership, association, corporation or other entity to provide professional services which involve a fiduciary relationship for compensation.

I want to confirm that a Member can associate with a firm involving a fiduciary relationship so long as the Member does not earn income in return for his affiliation or employment with such a firm.

Mr. Speaker, is that the gentleman's understanding?

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Speaker, this is my understanding. I do think it is probably ultimately a decision of the Committee on Ehtics. In terms of new prohibition on specific types of income, that is principally those that involve fiduciary relationships, such as legal fees, directors fees, insurance commissions and the like, Members should request an opinion from the Ethics Committee as to the application of the rule in their own particular situation. But I think the gentleman's general point is a correct one.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague.

Mr. Speaker, I must say that in the years that I have served in this body, I have never before seen that kind of bipartisan leadership demonstrated that has gone together in this very important ethics package. There is no question that in recent years a shadow has been cast upon the House because of questions of ethics in the mind's eye of the public. Nothing could be more important than laying the foundation to reestablish the credibility of this House, and along with this, to establish a level of compensation that goes to Members, especially the newer Members and future Members, who will not only justify their running for the Congress but encourage them to continue in their service carrying out the people's will.

With that, Mr. Speaker, I express my support for this package.

□ 1230

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. MCMILLEN].

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to commend the leadership of both parties, Mr. FAZIO and the President for the ethics package to be presented today before Congress. This proposal is a step toward cleaner government, and once enacted, will remove some of the clouds that have hovered over this body.

Many of us are concerned about the antielected officials sentiment among our constituents, which has been exacerbated by our unwillingness to reform. Mr. Speaker, while we worry about the backlash from constituents because of this proposal, we should also worry about the backlash if we continue a business-as-usual attitude.

We should remember that 13 of the last 19 times there has been a cost-of-living adjustment for Federal employees, Congress has exempted itself. I am pleased that today's proposal to enact a 7.7-percent cola is tied to the passage of a deficit-reduction measure, and feel it sends the right signal to the American public.

This legislation will go a long way toward restoring the public trust in this institution and improving the attractiveness of government service for many of our constituents.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MCCOLLUM], a member of the task force and the leadership representative to that task force.

Mr. FAZIO. Mr. Speaker I yield 30 seconds to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I thank the gentlewoman for yielding time and also the gentleman from California.

Mr. Speaker, I would like to engage in a colloquy with the chairman of the task force for a moment.

As the gentleman from California knows, section 403(a) of this bill adds a new section 7353 to title 5 of the United States Code. This new section prohibits Members of Congress from accepting gifts from persons who have specific interests in the legislative process. This includes those whose interests may be substantially affected by the performance or nonperformance of the individual's official duties. This section also provides that reasonable exceptions to this prohibition may be established by the House and Senate ethics committees. As the gentleman well knows, the Rules of the House currently permit and will continue to permit a Member of the House to accept a gift from a person with a direct interest in legislation if the value of the gift is less than a specified amount. Would the gentleman agree that this House rule is the type of exception intended by the language in this new prohibition in this bill, H.R. 3660?

Mr. FAZIO. If the gentleman will yield, the gentleman is correct.

Mr. McCOLLUM. In addition to the prohibition on accepting gifts that is created in this bill, there is another provision of law which prohibits the acceptance of gifts. This second prohibition is 18 U.S.C. 201 and it prohibits a Member of Congress from accepting anything of value because of any official act performed by such Member unless it is otherwise provided by law for the proper discharge of official duty. This prohibition does not contain any exception except for the vague language I just mentioned which is "unless it is otherwise provided by law for the proper discharge of official duty." Would the gentleman agree that some could be confused by the relationship between 5 U.S.C. 7353 and 18 U.S.C. 201?

Mr. FAZIO. Yes, I would agree with the gentleman that these two provisions could create some confusion.

Mr. McCOLLUM. Would the gentleman agree that it is the intention of Congress, which will be represented by its enactment of this bill, that the exception included in section 7353 of title 5 should supercede any possible interpretation of section 201 of title 18 that would prohibit the acceptance of any gifts? And more specifically, would the gentleman agree that the exception in section 7353 would be included in the exception in section 201 which is, as I stated previously, "unless it is otherwise provided by law for the proper discharge of official duty."

Mr. FAZIO. I would agree with the gentleman on his statement of the intention of the Congress.

Mr. McCOLLUM. Would the gentleman also agree that the superceding effect of this bill and the exception in the new prohibition in 5 U.S.C. 7353 over the language in 18 U.S.C. 201 would apply to any person employed by the executive, legislative, or judicial branch who is subject to the provisions of both 5 U.S.C. 7353 and 18 U.S.C. 201?

Mr. FAZIO. The gentleman is correct.

Mr. McCOLLUM. I thank the chairman of the ethics task force for his explanation so we do not have any confusion and the courts can interpret this law properly.

Mr. Speaker, I have been very proud to participate as an ex-officio member of the task force in the process of developing this ethics package. It needs to be said up front, and it is my judgment, and I have said it repeatedly in the past few days to my colleagues, that while there is a pay raise in this package, this legislation is not about a pay raise. This legislation is about ethics reform. This legislation is about good government. This legislation is about ending the false impression, but an impression that the public has, that there is a lot of illegality and corruption in Congress and in our Federal Government today.

It is about the kind of thing that we have to do if we are going to get the kind of people in office, the best qualified in high office in government today, and in judicial positions instead of the least qualified people. We need to pass this package. This legislative initiative for ethics reform needs to be passed.

It needs to be understood that there are many Members who never have supported a pay raise before but who are going to vote for this, because what is involved in this is not just good government or a pay raise, it is a revision that is being done in the open, in the daylight, which we have not seen much of, unfortunately, around here on this issue in the past. It is being done in a professional and responsible manner where the pay effect does not take place for Members of Congress or anyone else until after the next election.

It is being done in a way that we can all be proud of. This is the responsible thing to do. It is the right thing to vote for this bill that is out here today, and it is a thing that I would be proud to say that I participated in and I look forward to.

I urge my colleagues to vote yes on this bill. A no vote on this bill today is a vote that is entirely too involved in the process of worrying about getting reelected. I frankly think we spend too much time worrying about getting reelected around this body today, and not enough time worrying about good government.

I urge my colleagues to vote for this. It is responsible. It is the right thing to do. It is a vote for good government. Vote yes on this bill today.

Mr. FAZIO. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER], chairman of the Democratic caucus.

Mr. HOYER. Mr. Speaker, I rise in strong support of this bipartisan ethics package. I could reiterate, and I will not, the provisions of this ethics package which are well documented by all of the speakers that have appeared.

I think the American public needs to know why there is such strong bipartisan support for this bill, because we want to ensure the confidence of the American public in the operations of this institution. This ethics package goes a long way toward that objective.

Second, we have heard of the American public's concern about a vote, and a vote is provided. James Madison argued for the proposition that if Members of Congress vote on salaries, it ought to be prospective. We have adopted that Madison principle.

But in my opinion, we have such a bipartisan agreement because the Members of this House on both sides of the aisle know full well that it is absolutely essential for us to move forward with respect to the judicial and executive branches as well as the legislative branch. The Volker Commission reported just recently that we had a crisis, understand the word crisis of leadership in the Federal service. This bill takes a long step toward resolving that crisis.

The Hudson Institute, a conservative think tank in our country, said that we had a crisis in competence confronting us in the Federal service in both the judicial and executive branches. This ethics package moves us toward resolving and preventing a crisis in leadership or a crisis in competence. We need to ensure in the Federal service that we can compete, retain, and recruit the most competent individuals to serve the American public.

I believe that we have agreed that this crisis exists, and the two parties have joined together to support a package which speaks to the resolution of that problem.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in opposition to this measure and urge my colleagues to vote against it.

I will admit that the way this pay raise is being brought forward, the way it has been packaged, is a great improvement over the last pay increase we considered in this body. It is being brought forward honestly. Earlier this year, it was not.

This time, Members of this body will have to go on the record and vote one way or the other. The last time, we resorted to all kinds of skullduggery to avoid an open and honest vote.

Also, this time around, the lion's share of the pay raise is held over until after the next election. Having an intervening election between the vote on a pay raise and the date when that raise actually takes effect has been one of the principles that I have endorsed all along. The voters should have an opportunity to voice their opinion with their vote on election day on whether or not they agree that their representatives deserve a pay raise.

And I also recognize the fact that this package does contain many, much needed improvements in our ethics rules, our rules on honoraria, and the rules on the use of excess campaign funds. If these changes were brought up in a freestanding bill, I would support most, if not all of them.

So, I do commend the leadership for putting together a package that is much more honest, much more straightforward and much more responsible than the last pay raise legislation we considered.

However, when we get to the bottom line, this is still a pay raise bill. And I honestly don't believe that we, as the Members of the U.S. House of Representatives, deserve a pay raise.

Here we are on November 16, planning to stay all weekend trying to complete action on budget legislation which was supposed to be completed over a month and a half ago. Last week, we had to pass a bill raising the national debt limit to $3.1 trillion.

To top it off, 1 month ago today, the automatic budget cutting provisions of Gramm-Rudman went into effect because we haven't been able to meet the deficit reduction targets we set for ourselves. The fact that sequestration has gone into effect is the clearest signal there could possibly be that we haven't done our job.

Based on that record, I don't see how anyone could, with a straight face, say we truly deserve a pay increase.

I intend to vote against this bill and hope my colleagues will do the same. You can call it a bipartisan ethics bill if you want but it is still looks, smells and feels like a pay hike and we don't deserve it.

□ 1240

Mrs. MARTIN of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I rise in strong support of this bill.

Mrs. MARTIN of Illinois. I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in support of this package.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the ranking member, the cochair of the task force, for yielding this time.

I commend the committee, the chair, Mr. FAZIO, the cochair, Mrs. MARTIN, and other Members for the professional manner in which they went about carrying out their responsibilities. I also thank them for their courtesies and for the opportunity for Chairman DIXON and myself to appear before their committee and to counsel that we are able to from time to time offer about the Ethics Committee, the Committee on Standards of Official Conduct, which will have the responsibility of carrying out a major portion, and administering a major portion, of this bill.

I take the floor this morning to discuss that provision which is a major part of this package, one which has not received much attention here this morning.

But I do commend them for the way they have carried this out.

The Committee on Standards of Official Conduct, which I have had the misfortune of serving on for the past 9 years, operates from Federal statutes, it operates from rules of the House which are carried out from time to time and passed, but it also operates from advisory opinions.

I might add our committee receives dozens of requests from Members of Congress, from staff, from employees of the House of Representatives, asking advisory opinions asking if they might do this or that and what the rules provide.

That is part of the functions of this Committee on Standards of Official Conduct.

Mr. Speaker, I would like to have the attention of the Chair to ask a question about the new rules which we will have the responsibility on the Committee on Standards of Official Conduct to carry out, as to what they provide.

Mr. Chairman, will the Committee on Standards of Official Conduct continue to exercise the legal authority to provide legally protecting advisory opinions?

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is correct, that is the intent.

Mr. MYERS of Indiana. A number of requests that we have received from time to time have to do with the financial disclosures that Members and key staff are required to provide. Will that authority include Members' questions relating to their financial disclosure forms and amendments thereto?

Mr. FAZIO. Absolutely, that is the intent, the gentleman is correct.

Mr. MYERS of Indiana. Again I commend the members of this task force for the job they have done. It is not an easy vote, but I will vote for what for me amounts to an income reduction, but in order to get the benefits that the American people expect, I will vote for the package.

Mr. FAZIO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in support of the package because I think it is right.

Mr. Speaker, I realize this is a very devisive issue and I have found this a difficult vote to cast. Personally, I would have preferred to have seen no cost-of-living adjustment for Members of Congress until after the next election, and I regret that this is not the case. However, it is our responsibility to enact tough ethics reforms. It is also our responsibility to provide fair compensation to retain and attract the bright, conscientious and talented people we need to serve our country. Our top notch Government employees deserve no less.

This package has been endorsed by President Bush and both the House Democratic and Republican leadership. It will bring about the substantive ethical reforms which the American public has repeatedly called for while attracting Federal employees of the quality and caliber necessary for the smooth and orderly operations of our Government.

Passage of this legislation will send a strong signal to the Federal Government's work force, whether it be members of the Judiciary, who are integral in our efforts to eliminate the scourge which drug related crime has brought to our communities, or our scientists who are on the verge of significant breakthroughs on research, that we need individuals of their experience and dedication as Members of our Government body.

We have lost far too many doctors at the National Institutes of Health, and physicists at NASA, because we simply are not competitive with the private sector. These individuals are essential to the very core of our Government's operations and we cannot continue to let their attrition rates skyrocket.

This is particularly important to the Federal judiciary who has lost large numbers of experienced, dedicated judges in recent years who can no longer afford to stay in Government service.

I reiterate President Bush's statement of support in his letter to the House, "I am pleased that you have made essential adjustments in compensation for idividuals in all three branches of Government. The skills of these individuals are essential to the quality of service Government provides to the American people." The President further stated that "in my view, the bill would effect a tremendous change in the landscape of Government ethics standards."

With the enactment of this legislation we will have eliminated honoraria; placed strict limitations on outside earned income; banned most gifts to House Members and employees; limited privately funded speaking or fact finding trips; repeal in the near future the campaign fund "grandfather clause" which allows Members, such as myself, who were elected before 1980 to convert campaign funds to personal use when they leave Congress and tighten financial disclosure requirements for all branches of the Government.

It is also important to note that the initial 7.7 percent adjustment in the bill is intended to make up for the 1980 and 1990 cost-of-living adjustments [COLA's] that Members, Federal judges, and high level executive branch officials did not receive.

In addition, the 25-percent increase in pay for these positions does not take effect until January 1, 1991, after the 1990 congressional elections.

The measure also requires that any future pay increase, except for COLA's, must be voted on by Congress, and would not take effect until the following Congress, after the November congressional elections.

This legislation is essential to the quality of public service in our Government. I support it because it is the most sweeping reform on congressional ethics in the last decade. It deserve to be enacted.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I rise in support of the ethics reform and pay increase legislation.

I voted earlier this year in favor of a pay increase for Members of Congress, Federal judges, and high executive branch officials, and I intend to do so once again today. Through the years, in both private and public life, I have learned that an employer gets from his employees what he pays for. The taxpayers of this country, as our employers, will in the long run be better served by their better paid congressional Representatives.

I also strongly support the ethics reform provisions of this legislation. Although I have accepted some honoraria in the past, I am more than willing to forego such contributions. It is not good policy and certainly cannot be perceived favorably by the general public to have Members accepting money from special interest groups.

For many Members, this will be a difficult vote, but I believe the right vote is in favor of the ethics reform and pay increase package.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1½ minutes to the gentle-

man from California [Mr. MOORHEAD] for purposes of presenting an important discussion of the bill.

Mr. MOORHEAD. Mr. Speaker, the need for the pay raise contained in this legislation for the Federal judiciary cannot be overemphasized. It is critical. On April 27, 1989, U.S. Circuit Judge Frank M. Coffin testified before the Judiciary Subcommittee on Courts, Intellectual Property and the Administration of Justice, about the current state of the Federal judiciary. Judge Coffin highlighted how in "* * * over nearly a quarter of a century of judicial service I have never seen so many judges at all levels, in all courts, and in all parts of the country so disheartened as I do today." Judge Coffin went on to relate that:

Since I ascended the bench in 1965, the caseload per appellate judge has more than tripled. That for a trial judge has more than doubled and the complexity has gone out of sight. Questions of standing, class actions, abstention, exhaustion, private causes of action, statutes of limitation, choice of remedy, and attorney's fees infuse every case. Moreover, there are the deadlines of the Speedy Trial Act and the panoply of procedures required by the new Sentencing Guidelines.

In addition, judges find themselves confronted with a steady flow of new causes of action, often in complex areas, created by a Congress that oftentimes fails to take into account what impact they will have on the judiciary.

It is clear that if we are serious about attracting qualified and dedicated individuals to the Federal bench we must provide a system of adequate compensation. A system that will highlight the importance that has always been attached to a position on the Federal bench.

When the Judiciary Committee's Subcommittee on Federal Courts held a hearing on H.R. 1930 back in April of this year we determined that there were a very small number of Federal judges who were on senior status who did not actually perform any duties. In my opinion, these few judges are taking advantage of the senior status system. In response to this we drafted legislation which is before us today which would require that a Justice of the Supreme Court be certified in each calendar year by the Chief Justice and a judge be certified by the chief judge of the circuit in which the judge sits as having performed duties which would be the equivalent of a minimum work requirement of 3 months.

As a rule, most senior judges presently put in more than 3 months a year. As a matter of fact senior judges do approximately 15 percent of the entire Federal workload. In many circuits and districts, the work of senior judges has been indispensable to the proper conduct of judicial business. Without senior judges, the judiciary would need an additional 80 active judges at an additional cost of approximately $45 million, to compensate for the loss of the senior judges. Many perform judicial work well into their eighties. Some, of course, are unable to perform further work because of advanced age or ill health. These judges will be protected under this legislation. A Justice or judge who is certified as having a permanent disability will be deemed to have met the minimum requirements under this legislation.

Back in April of this year when we held hearings of this bill some distinguished senior judges were the focus of several unfair press accounts.

As many people know, Chief Justice Burger has been serving as chairman of the Commission on the Bicentennial of the United States Constitution, as authorized in 1983 by section 4 of Public Law 98-101. He was appointed to this position by President Reagan and continues to serve therein for the life of the Commission. His service in this capacity commenced while he was still actively serving as Chief Justice. Indeed, in his 1986 retirement letter to the President, Chief Justice Burger pointed out that he had been effectively performing three jobs—Chief Justice of the Supreme Court, administrative head of the judiciary, and Bicentennial Commission chairman—and, at the age of 79, found that he preferred to reduce his commitment to one full-time position. he had been performing these three assignments, of course, for one judicial salary, and he continues to receive this salary now while he works as Bicentennial Commission head for no additional compensation. For this he was criticized in the press for not working for his pay. In my opinion this was a very unfair criticism of a great Justice. Likewise, Judge Godbold was appointed in 1987 by the Board of the Federal Judicial Center to be the Center's Director under 28 U.S.C 624. The Federal Judicial Center Act explicitly recognizes that an active or retired judge of the United States may serve as Director and, of course, shall serve in that capacity without additional compensation, 28 U.S.C. 626. As Director, Judge Godbold heads a vital agency charged with supplying the needs of the Federal judiciary for continuing education, research, management guidance, and information service. He too was unfairly criticized as receiving full pay without working. Another distinguished senior judge is Joe Weis who is chairman of the congressionally created Federal Courts Study Committee. The countless hours he has devoted to this important project should not go unnoticed. The services of these distinguished jurists and those like them should not be lost. This bill would take note of these judges by stating in subsection (D) that:

The justice or judge has, in the preceding calendar year, performed substantial administrative duties directly related to the operation of the courts, *or has performed substantial duties for a Federal or State governmental entity.*"

This italic language is intended to cover those judges who do not directly work for the Federal court system but are involved with service on or with a Federal or State entity.

Mr. Speaker, I think it is important to point out that we are fortunate that corruption and criminal activity appear to be rare in the Federal judiciary. Our Federal judiciary has a long and honorable history that may be unmatched by other elements in public, private, and corporate life. In all systems that men have devised, however, something occasionally will and does go wrong. The job of Congress is to try and guarantee to our people that judges administer justice without fear of retribution and without the influence of favor. It's also important that these judicial officers be adequately compensated. This legislation will go a long way in raising the morale of our judges.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I rise in support of the Government Ethics Reform Act of 1989. Rather than talking about general issues already discussed at length by my colleagues, I would like to focus on parts of the package that fall within the jurisdiction of my subcommittee—the Subcommittee on Courts, Intellectual Property, and the Administration of Justice.

I compliment the authors of this bill for their foresight in including provisions relating to a salary increase for Federal judges, automatic COLA's for judges, and a senior judge certification procedure.

First, Federal judges are in dire need of a salary increase. At the request of Chief Justice Rehnquist, who has characterized this issue as "the single greatest problem facing the judiciary today," I introduced legislation earlier this year to address this issue; see H.R. 2181. The bill before us today incorporates the gist of my earlier proposal, restoring to Federal judges purchasing power lost from their salaries over the last 20 years.

Second, in my earlier bill, I proposed that Federal judges should receive the same cost-of-living adjustments being accorded to Members and executive branch officers employees. That is done in the bill before us, effective January 1, 1989, and January 1, 1990. I must note that after January 1, 1991, there is a drafting ambiguity that requires some mention.

The bill before us today amends 28 U.S.C. 461, which currently provides adjustments to the salaries of judges

by pegging annual adjustments to those determined under the General Schedule, and creates a new mechanism making the annual adjustments equal to the percent change in the employment cost index. In recent years, section 461 contained an obscure rider—section 140 of Public Law 97-92, added to a 1981 continuing appropriations resolution—providing that, with respect to the fiscal year in question, judges would receive no cost-of-living increase unless specifically enacted by further legislation. The Comptroller General later construed section 140 as having permanent effect, thus requiring affirmative legislative action before judges could receive any salary adjustments. The bill before us has the salutary effect of removing the ambiguous gloss of section 140, in that it positively amends section 461 and does not codify section 140. I think it fair to conclude that section 140 is impliedly repealed and that after January 1, 1991, judges, Members of Congress and high-level executive officials will be subjected to equal treatment as relates to annual adjustments of salary.

Third, the bill provides that in order to qualify for the pay raise, senior Federal judges must either work a minimal amount of time or be disabled. I previously introduced legislation in this regard—H.R. 1930—and requested comments from all interested parties on how to effectuate a fair certification process, one that balanced a unique national treasure—our senior judges—with the interests of the public that a pay raise only go to judges who work or who are unable to work.

The provisions of the bill before us today are an improvement over my initial proposal. In order to get the pay raise, which is slated to occur on Januray 1, 1991, a senior judge must work 25 percent of the time, either in or outside the courtroom. The Judicial Conference is authorized to make rules regarding administration of the certification procedure, and the mechanism will be administered by the chief judges of the councils. A senior judge may qualify for the pay raise by performing substantial administrative duties related to the operation of the courts, such as Director of the Federal Judicial Center, or for a Federal or State governmental entity, such as former Chief Justice Burger has done for the Bicentennial Commission. If a judge is temporarily or permanently disabled, then that judge shall be allowed to get the pay raise. Senior judges will have the first 10 months of 1990 in order to fulfill either the work requirements of the bill or show that they are unable to work. The only judges who will not receive the raise are those who should not receive it: The ones in good health who affirmatively opt not to work.

The senior judge provision may result in different salaries for different senior judges, but differentiation of salaries already exists in the Federal judiciary. The measure, in my estimation, passes constitutional muster in that no diminution of salary while in office occurs for any lifetime tenured judge.

Last, I regret that the proposed legislation does not contain any improvements to the judicial discipline statute. If we have learned anything over the past decade, it is that ethics violations require the judiciary to have an effective internal discipline mechanism. My subcommittee will continue working on improvements to the 1980 judicial discipline act, which I authored, and hopefully these improvements will be considered by the full House shortly after the start of the second session. I also think that something should be done about judicial impeachments, and have proposed the creation of a national study commission to report to the Congress on this pressing issue.

On all these issues, I have been joined by the ranking minority member of my subcommittee, the gentleman from California [Mr. MOORHEAD]. Just as the ethics/pay package before us today is the product of bipartisan work, the contributions of my subcommittee reflect an excellent working relationship with the minority. I thank Mr. MOORHEAD for his cooperation.

I also thank the authors of the entire package and urge its acceptance by the full House.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, each of us could design a pay increase/ethics package that would be more acceptable to us and to our constituents. My own preference would be to condition pay hikes for senior Government officials over the next few years on actually achieving our mandated Gramm-Rudman deficit targets, while simultaneously phasing out honorarium income.

The reality is that we don't have the opportunity to amend the plan before us today. It is the product of extensive discussion and negotiation among our bipartisan ethics task force members. It is the product of extensive give-and-take between the Bush administration and Congress.

Today, it would appear that we have two choices: Either vote this proposal up or vote it down.

There is much in this plan to admire:

First, a ban on Members receiving honorarium income from special interest groups after 1990, thus eliminating altogether one cancer on the deliberative process here;

Second, eliminating altogether within a few years the unseemly practice, still permissible for senior Members, of converting for personal use their entire unspent campaign treasury upon retirement from Congress;

Third, a prohibition on Members accepting gifts valued at more than $200;

Fourth, restructuring the House Ethics Committee so that committee might better perform its admittedly distasteful task; and

Fifth, increasing the likelihood that our Nation's best and brightest will choose to enter or remain in Government service because its pay structure will be more competitive with the higher compensation levels that currently attract so many of them to the private sector.

On the other hand, a number of us sincerely question the granting of a substantial pay raise when we still are faced with large deficits and with the need to curb the growth of spending. And, a number of us are genuinely troubled because we believe we should lead in deficit reduction by our example, saying to the American people, "Do as I do," and not merely, "Do as I say."

Two and a half years ago, we debated and voted against a 15-percent pay raise 1 day after it was too late to stop it. Member after Member rose in this Chamber, railed against that pay hike, voted against it and, then, took the money and ran.

Not all of us accepted that pay hike. Some gave all or a part of it to charity. Some of us choose to return all or a portion of it to the U.S. Treasury each month. It's easy to do: One can simply write out a check payable to the U.S. Treasury and send it to the Clerk of the House. Each quarter, the Clerk will release a report that includes the names of Members returning a portion of their pay and how much they returned.

So, rather than having just two choices today, we really have a third. If we want to rid from this deliberative body the cancer of honoranium and also set a personal example on behalf of fiscal responsibility, we can vote for this ethics measure and return all or a portion of the payhike to the Treasury. If we want to end the policy of retiring senior Members converting campaign funds to personal use, if we want to set stricter limits on gifts, if we want to make the Ethics Committee more effective, and if we want to attract and retain the best and brightest to senior Government service, while still setting a personal example for restraint, we can vote for this ethics proposal and return our payhike to the Treasury.

On the other hand, if there are Members among us who plan to protest publicly the magnitude of this payhike, while privately praying that

it is approved so you can take the money and run, keep in mind the following thought. Our constituents will tolerate a number of shortcomings on the part of their U.S. Representatives but their tolerance on hypocrisy has its limits. If Members vote against this bill and then take the money and run, they may well test those limits in those districts which they represent.

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Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I am not opposed to this House voting on a pay raise or voting for an ethics package. What I do oppose is putting these two issues in the same bill without having a separate vote on each.

Frankly, I am not sure why these two issues were united. Perhaps it was rationalized that if we appear to be supposedly "cleaning up our act" by passing so-called ethics reform in a package that includes a pay raise, then we deserve a pay raise. This reasoning is plain and simple a rationalization—it is disingenuous. I also personally resent the implication that earning honoraria is somehow not honorable. Earning additional outside earned income such as honoraria is nothing to be ashamed of. In fact, it is certainly worth noting that from the taxpayer's point of view it is better to have Members of Congress earn additional income at no taxpayer expense as opposed to getting a pay raise at the expense of the taxpayer. With full disclosure of that outside earned income it will be up to the most important jury of all—each Member's constituency—to render their judgment about the advisability of earning additional income.

Mr. Speaker, either we deserve a pay raise or we do not. In the 20 years I have been in Congress, I have never voted for a pay raise. I could perhaps support a pay raise at this time if it were done in an up front manner in the form of a separate vote. I certainly cannot support a pay raise when it is accomplished through the back door. In addition, I certainly cannot support a pay raise when it is contained in an ethics reform package which I believe represents something much less than reform.

Mr. Speaker, it is very simple. Let us vote for a pay raise on its own merits and let us vote for ethics reform on its own merits. The American voters will see this legislation for what it is—a less than candid effort by Congress to get a pay raise by ramming through a package under the guise of ethics reform. Congress owes the American people an up front vote on the pay raise. Congress also owes its membership the opportunity to have full hearings on an ethics reform package. What we are doing now is simply rushing through this House an ethics reform package that has been annointed by a select bipartisan commission and which has been brought up under a rule that does not allow amendments.

Mr. Speaker, I urge my colleagues to oppose this legislation.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, time is short, so I rise in strong support of this bill for three basic reasons.

One, it deals with the pay issue in an upfront and honest way. The Congress is not hiding behind procedural votes. It is during its job out in the open. Second, it bans honoraria. I believe it is better for the U.S. Congress to be paid by the American taxpayer than to take money from private special interests. Third, this bill will help strengthen the public service. It will help us recruit and retain experienced and qualified public servants. It will give the President the ability to increase pay for senior executive service members by 25 percent. It will provide the momentum needed to reduce the pay gap in Federal salaries throughout the General Schedule. It will allow us to keep top quality people at NIH working on cancer research, and top quality people at the FBI and at the DEA who are working to keep drugs out of our schools and off of our streets. It will send a message that we appreciate the efforts of all Federal workers, who direct the complex functions of the Government each day.

The report to this bill strongly urges the President to use his authority to bring other Federal salaries in line with the increases provided in this bill. I believe that it is critical that we in Congress and the President work together to ensure the soundness of the public service. This bill is an important step in the right direction.

Finally, I want to commend the gentlewoman from Illinois [Mrs. MARTIN], the gentleman from California [Mr. FAZIO], the Speaker, and my distinguished minority leader [Mr. MICHEL].

I urge that we work in the same way that we did on this legislation to come together in a bipartisan manner to solve the most serious problem facing this country, the Federal deficit.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, over the years I have not voted for these pay raises. I think this is a good balance, though, between a pay raise and an improvement in the ethics standards.

The pay raise is for the office, more than for the person. It does not take effect until after the next general election. Members are voting for the office, not for the individual. I think that is the best way to go about it.

It also gets rid of the honorarium. It is a problem that we have always faced. We know we ought to get rid of it. It also gives pay raises to Federal judges and top executive officials. We could not vote for this for ourselves if we did not include them. It gets rid of the pesky grandfather clause where people can use their campaign funds for their own use after they retire. That is a good balance.

It seems to me that we ought to step up and do the right thing. Therefore, I will vote for it. I think other Members can do the same thing.

I want this body and the people in my district to know in advance that I think this is the best approach. I realize this may not be a popular vote, but I also believe it is the right vote. This proposal is bipartisan and the President supports it, and so should this House.

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding.

I commend the gentleman on a job well done. I rise in support of the package. It is not perfect, but it is an excellent effort. I urge our colleagues to support it.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 3660, the Government Ethics Reform Act. I believe that this carefully crafted package will have a fundamental positive long-term impact on the future of Congress.

This legislation improves the process of governing America in several important ways. It brings accountability to the process of increasing congressional pay. Accountability is achieved in two ways. One, no future increases will take effect without a recorded vote. Two, no raise will be implemented until after a general election providing the voter the opportunity to determine if they believe their representative is deserving of an increase. I believe this is an immeasurable improvement over the current system which confuses rather than clarifies. It is also consistent with a position which I have held since coming to Congress and which has resulted in my donating income increases to charity which I will again do personally in 1990.

This legislation strenghtens the integrity of Congress an an institution. It accomplishes this in at least two fundamental ways. One, it eliminates honoraria. I personally have never felt that honoraria were a corrupting influence as I know I have never been influenced on a single vote and complete public disclosures insures that I have an open record. However, recognize that this package must be struc-

tured for Congress as an institution rather than the individual and it is clear to me today that the elimination of honoraria will have a beneficial impact on the public's perception of the integrity of Congress as an institution. Two, the legislation forbids retiring Members from converting excess campaign funds to personal use. It is self-evident why this reform increases congressional integrity.

This legislation will help immensely to insure quality in government and in service to the American people. This package provides a significant pay increase for the judiciary and upper level executive branch employees. It is increasingly difficult to attract and keep in Government service individuals of the quality and caliber necessary to run our Government. Passage of this increase should improve recruitment and retention for occupations such as the judiciary, VA doctors, agricultural and medical researchers.

Finally, in regard to the increase in congressional salary let me conclude on a personal note. The combination of this increase with an honoraria ban will result in no appreciable increase in my income, which will be 2.7 or 2.9 percent compounded over a 4-year period.

I am proud to serve in the Congress of the United States of America, the greatest nation in the world. I believe I owe the people of the 17th District my best effort, judgment, and integrity. I believe that an "aye" vote on H.R. 3660 is the correct and responsible vote today.

Mrs. MARTIN of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Speaker, today Members of this body will be asked to vote on a pay raise for judges, top Government officials, and Members of Congress.

As chairman of the Civil Service Subcommittee I think it's important that we adjust the natural but distored focus on the congressional aspect of this pay raise—at least for a minute. The talk radio conversations, the articles, the commentaries, the quotable quotes always focus on what the pay raise means for Members of Congress. What it means financially, what it means politically what it means institutionally, what it means existentially.

I hate to break this narcissistic power lock on this issue, but I do want to remind Members that this proposal affects a whole lot of people, a whole lot of institutions, and a whole lot of government outside of this Congress. And in case you momentarily forgot, we each have a responsibility—legal, constitutional, moral—to ensure that this Government functions for, of and by the people. That happens to mean that the judiciary, the civil service, the executives, the legislative support staff are properly recognized. I don't mean with gilded certificates and nice retirement parties. I mean with decent pay. And that's what this pay raise is about.

The proposal is a vital step toward restoring Federal executive and civil service pay to levels matching the cost of living over the last decade—beginning to fairly compensate Americans who serve the American public.

Americans rightfully demand and expect that a dedicated, talented, and competent corps of individuals will faithfully discharge the responsibilities of our democratic society. But as the saying goes, you get what you pay for.

Americans want a cure for AIDS and a cure for cancer and diabetes and stroke and every scourge, yet we pay the researcher who codiscovered the AIDS virus $85,000 a year. The average chairperson of a clinical science department made $178,800 in 1988.

Americans want answers to our drug crisis, we're at war—yet we pay entry-level drug enforcement officers, many of whom require a college degree, between $15,000 and $19,000 a year. Many State and local law enforcement officers start at $35,000 a year and do not need a college education. We expect the drug enforcement heads to put themselves and their families at risk for a salary that is a fraction of that raked in by the drug lords they're up against—a fraction of what they'd get doing security for McDonalds Corp.

Americans want to be first to explore the outer reaches of our universe, but we pay top NASA scientists $80,000 while the Japanese, the Europeans, the United States multinationals will pay them multiples to make high-technology Christmas toys.

We want clean water, clean air, and clean soil, yet a midlevel supervisor at the Environmental Protection Agency makes about $35,000—and can get two or three times that from the polluters who make more money by destroying our kids lungs, our elderly lives, our Nation's lakes.

We want a judicial system that is swift and fair, yet the average Federal appeals court judge makes less than what many first-year lawyers. Not a big deal unless your spouse is in a coma and your case—your family's future—is up on appeal, or you've been squeezed out of business by a monopoly and your family's implement dealership hangs by the decision of a flesh and blood judge.

We want our public servants to be experienced and talented, patriotic and hardworking. We want the 2¼ million civil servants who run a trillion-dollar business to serve the interests of the taxpayers tirelessly and selflessly, and ethically, yet we won't pay them for even inflation. The current compensation system encourages only the wealthy, or those at the beginning of their careers, those hopeful of enhancing their résumé and revolving out, those who have some leeway before the responsibilities of a family, and those who are willing to sacrifice so much to serve the public.

This proposal is a good beginning to recognizing the dedication of those throughout the Government who make it work for, by, and of the citizens of America. I urge my colleagues to vote "yes," and the following comments add support.

During a hearing held on April 19, 1989, by the Committee on Post Office and Civil Service, Mr. Paul Volcker, Chairman of the National Commission on the Public Service—the Volcker Commission, testified as follows:

The third theme in the Commission's report speaks of the bottom line; that is that the American people have the right to expect and demand first class performance and the highest ethical standards on the part of both political appointees and the career services of government. At the same time, the Commission believes that government must provide what is necessary to attract and retain quality people—including, not least, pay systems that are both fair and competitive. High material rewards are not—and, indeed, should not be—the principal consideration for those in public service. We cannot, however, permit inequities in pay systems to undermine effective service. We sadly conclude that this is the case too often today.

Other observations by the Commission include:

Senior public servants have customarily been willing to moderate their salary expectations—a kind of "public service differential"—in return for challenging work, job security, and the opportunity to make a difference. * * * between 1969, when a special effort was made to bring top government salaries into a reasonable relationship with the private sector, and 1988, the purchasing power of executive, judicial, and legislative salaries fell by 35 percent.

In a general sense, the Nation is now spending only enough to recruit in the lowest quartile of the labor market, far below the average or median level required. Executive pay levels have dropped below levels needed to recruit or retain fully qualified persons who depend on their salaries for their livelihood.

Further comments we need to be aware of include:

"Over the last decade, [the National Institutes of Health] have not been able to recruit a single senior research scientist from the private or academic sectors to engage in the independent conduct of a clinical or basic biomedical research program."—Anthony Fauci, Dir. NIH, 1988.

"[T]he current salary levels of our Government threaten our ability to generate and attract the most talented, creative, and able individuals of our citizenship to governmental service. We must not continue to rely on a system that attracts to public service those who by family sacrifice or preexisting wealth harken to the call to contrib-

ute to the democratic good. We of course must have the idealistic, but we also need the experienced, the able, and the wise."—Griffin Bell, U.S. Attorney General, 1988.

"For all the glories of Adam Smith, somebody has to set the rules and adjudicate disputes. Somebody has to defend the country and to explore space. Somebody has to keep the air clean and the environment safe for the next generation. Somebody has to respond to those mundane, but nonetheless sometimes quite challenging, assignments of keeping government working effectively and efficiently if self-government is to work at all."—Paul A. Volcker, 1986.

Mr. FAZIO. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the chairman of the Committee on Government Operations.

Mr. CONYERS. Mr. Speaker, there is a secton, section 27 of the Office of Federal Procurement Policy Act, Procurement Integrity, that goes exactly the opposite way of the intentions of the major portion of this bill.

What we are doing is releasing contractors, procurement people, in all of the restrictions that we have carefully placed on them. This has been requested by the President of the United States as a condition to support this bill for the Members in which we now take care of integrity on our side, and we now release everybody in the Federal Government from these restrictions. We are being told by Members on the other side that this is not in the bill. It is in the bill. Read it.

Mr. McDADE. Mr. Speaker, I rise in support of the Government Ethics Reform Act. I believe passage of this balanced and sound reform package is essential to the integrity of this institution and to the people's confidence in the U.S. Congress. A vote for this proposal is a vote for good government.

The legislation before us is the result of a comprehensive, bipartisan effort by a task force on ethics to both enhance Member's understanding of House ethics rules and to also increase public respect for the integrity of this institution.

I am particularly pleased that the package before us today eliminates the acceptance of honoraria, except for charitable purposes. Last January I introduced legislation to prohibit honoraria. I believe that the people want their Representatives to be fairly compensated by the public fund rather than by private groups who are directly interested in legislation.

The reform package before us today, unlike the pay increase earlier this year, allows Members to vote yes or no to a package of ethics reforms that include not only an honoraria ban and a pay adjustment, but also limits on gifts, travel, campaign contributions, and outside income that will serve the long-term integrity of the Congress. Aside from cost of living increases, the pay adjustment does not take effect until after the next election.

I commend the members of the task force for their skill in taking on the difficult challenge of putting together a package of reforms that will enhance this institution. I urge my colleagues to join me in voting for this responsible legislation.

Mr. DELAY. Mr. Speaker, for years, Congress has fought to attract strong, quality leadership, particularly in the younger generation. With the higher financial rewards in the private sector, Congress cannot compete with the American dream of raising a family, buying a house, and sending children to college. For the first time, Congress has the opportunity to attract individuals to Congress who support the values that you and I believe in, the values of family and free enterprise. Today, Members of Congress will vote to pass an ethics reform package with a pay raise to keep our leadership strong and invest in our future.

H.R. 3660, the Government Ethics Reform Act, will strengthen and clarify existing House rules. Issues such as the ban on congressional honoraria, limits on gifts and travel, increased financial disclosure, restrictions on outside income, and conflict of interest rules will all be tightened to reflect the growing and changing role of Government service. Furthermore, lawmakers, Federal judges, and top officials in the executive branch will receive a 7.7-percent cost-of-living increase next year. An additional 25-percent increase will not go into effect until 1991 to give the American people the opportunity to vote for the most qualified men and women.

I am especially pleased to support this comprehensive overhaul of House ethics rules and conflict of interest laws because it is an important first step in enhancing the ethical standards throughout Government and adjusting compensation for individuals whose skills are essential to the quality of service Government provides to the American people. It is my hope that honor will be restored to elected offices so that we can continue to work for the values that we have fought for in the past with quality representation in the future.

Mr. STALLINGS. Mr. Speaker, I rise today in opposition to H.R. 3660, the Government Ethics Reform Act. Specifically, I am opposed to the pay raise for Members of Congress.

I do not object to the set of ethics reforms recommended by the Bipartisan Task Force on Ethics. In fact, I strongly believe the type of ethics reforms in this bill would increase public respect for the integrity of the House of Representatives.

I cannot, however, support the provisions of this bill that provide a pay increase for Members of Congress.

I am not blind to the fact that the administration may be having difficulty attracting highly qualified Federal judges and certain other high-ranking executive branch officials. Yet, other considerations must take precedence.

It is ironic that the most pressing issue facing the 101st Congress is the absolute necessity to reduce the Federal budget deficit. And in these final days of the 1st session of the 101st Congress—as in the 1st months of this session—we again are considering a pay raise for Members of Congress.

My position today is as it was in January—I am opposed to the pay raise for Members of Congress. This is an enormous amount of money, and an expense that our Nation simply cannot afford. I urge defeat of the pay raise, and separate consideration of the provisions that deal with ethics reform.

Mr. FIELDS. Mr. Speaker, today as the 1st session of the 101st Congress draws to a close, it is ironic that we are considering an issue which provoked such a bitter debate in the opening days of the session—increasing the salaries of Members of Congress.

The legislation before us, H.R. 3660, the Government Ethics Reform Act of 1989, would overhaul House ethics rules and raise salaries for Members of the House of Representatives of $125,000 in 1991. I wholeheartedly support the provisions of the bill which would tighten ethics standards for House Members. Numerous ethics inquiries which have consumed Congress over the past year have seriously damaged the morale of the institution. In the face of these scandals, Congress may well have suffered an irreversible blow to its credibility. If we are ever going to repair Congress' battered image and win back the trust and respect of the American people, we must enact meaningful ethics reform.

The ethics reform part of this legislation, I feel, is a giant step toward putting the House of Representatives back on the road to serving the public in an honest, effective, and open manner. The ethics provisions would ban honoraria, tighten requirements for financial disclosure, prohibit senior Members of Congress from converting campaign funds to personal use when they leave Congress, and limit outside income, gifts, and travel. These reforms are long overdue.

The other part of the legislation before us today is a significant pay raise for Members of the House of Representatives. When a 51-percent increase was proposed in the opening days of the 101st Congress, my Houston and Washington offices were deluged with phone calls from angry constituents who opposed an increase in pay for Members of Congress. Over the past few days, they have once again voiced their opposition. Mr. Speaker, I must be honest in saying that I sympathize with their feelings.

The people of the 8th Congressional District of Texas are hardworking teachers, oil refinery workers, truck-drivers, and dockworkers. They expect and receive an honest day's pay for an honest day's work. Many of them work overtime and on holidays just to make ends meet. Imagine their dismay to learn that an institution that repeatedly fails to meet budget targets and other basic job requirements is considering increasing its pay by a third.

Mr. Speaker, I wish we had been afforded a separate vote on the pay raise proposal. I think it is clear that a pay raise would not pass on its own merits and that is why we are considering it under the umbrella of ethics reform. Despite my strong support for improvements in the ethics code, I must follow my conscience and the voices of my constituents and cast a vote against H.R. 3660.

Mr. POSHARD. Mr. Speaker, I rise in opposition to H.R. 3660, the Government Ethics Reform Act.

I think we need an increased standard of ethics for those of us in public service. I support the ban on honoraria that's included in this bill, along with the restrictions on paid travel, acceptance of gifts and increased financial disclosure.

My regret is that I am unable to vote on that package of reform without also voting to give myself a raise in pay. And since I cannot vote separately on those issues, and since they are brought to us intertwined in the same package. I am forced to vote against the bill.

I am not someone who runs for Congress by running against Congress. I assure my colleagues and the public there is no honor in my life greater than having been elected to serve in this body. I am proud of this institution, proud of my colleagues, and proud to say that I am a public servant. Not for one moment should my vote against this package, specifically against the pay raise, be construed as a vote against the worth of this institution and the service of its members.

It is rather a question of priorities, balance and fairness. In my district of southern Illinois, people are suffering under the weight of unemployment that runs from about 8 percent on the low end to about 25 percent on the high end. That's an incredible burden for them and the communities they live in. I represent working men and women trying to survive on a minimum wage that despite our recent attempts is barely a living wage. In that context, I cannot vote to increase my pay.

I am also mindful of the signals we send to the rest of the Nation. We are operating the machinery of Government on a gas tank that long ago saw its needle go into the red. We have programs that serve the neediest in our society crying out for more support. We have unmet needs in health care, education, drug abuse prevention and a list of others that will go without attention because we are spending so much of our budget on interest on the national debt.

I can't see my way clear to vote for a pay increase while we have such a terrific budgetary crisis in this Nation. It sends the wrong message at the wrong time, and in my view, it's the wrong thing to do.

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to the congressional pay increase. Although this bill, H.R. 3660, includes a number of needed reforms which I have long supported—such as a ban on outside speaking fees—honoraria—and repeal of the so-called grandfather clause which allows conversion of unused campaign funds to personal use—it violates a principle which I have long-held as crucial, that no sitting Congress should raise its own pay.

Each of us, when we ran for this office, knew what this job paid. So did the voters. For us to change the pay in mid-term is, in my opinion, a violation of the contract we made with the voters. James Madison recognized this inherent conflict of interest in 1789, when he drafted 12 amendments to the Constitution. Ten of those amendments were ratified by the requisite three-fourths of the States and became what is now known as the Bill of Rights. One of the two unratified amendments proposed that "no law varying the compensation (for Congress) shall take effect, until an election of representatives shall have intervened." I think Madison's point is as valid today as when he made it 200 years ago, and on January 3 of this year, I introduced legislation (H.J. Res. 55) to enact the Madison pay amendment. In that regard, it's interesting to note, Mr. Speaker, that many people feel the original Madison pay amendment is still pending before the States, and in fact, this year alone seven State legislatures have ratified the amendment, bringing the total number of ratifications to 32, just six short of the required 38 States. The California State Legislature, I regret to report, is among the 18 State legislatures which have not ratified the amendment.

In any event, Mr. Speaker, I will oppose this bill, because part of the increase it provides, some $7,000, would take effect next January, in mid-term. And if the increase does pass, I will donate my share to charity until the next election occurs.

In conclusion, Mr. Speaker, I want to register my support for the Madison principle, and for the real reforms proposed in H.R. 3660 with regard to banning honoraria; limiting outside income and employment; restricting gifts and privately-paid travel; strengthening reporting requirements; and repealing the grandfather clause which allows diversion of campaign funds to personal use. Had those changes been proposed separately from the pay increase, I would have voted for them. In any event, I do not and will not accept honoraria, and I have pledged not to convert any campaign funds to personal use when I retire. I urge my colleagues to do the same.

Mr. YATES. Mr. Speaker, I am for the ethics reforms provided for in this bill. They have been needed for a long time, and were they alone—if the bill were limited to such reforms, I would vote for it.

I don't accept honoraria. I favor doing away with the practice and I favor the other changes in the conduct of Members set forth in the bill.

I am opposed, however, to the pay increase for Members provided in the bill. We are cutting appropriations in almost every agency in the Government as we try to meet stringent budget restrictions. The pay raise of 33 percent, which is in the bill over the next 2 years, should not be approved.

As I say, Mr. Speaker, I would vote for the package of reforms were they by themselves. Because of the pay raise, I shall vote against the bill.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am opposed to the proposed ethics reform and pay raise legislation and I encourage my colleagues, Republican and Democrat, to join me in voting no on this measure.

I regret that a no vote is required on this legislation inasmuch as the pay raise provisions are attached to ethics reforms which I very much support. If a separate vote was permitted, I would vote yes on ethics reform and no on the pay raise, but unfortunately I will not have this option.

Mr. Speaker, I appreciate that this legislation has bipartisan support from the Republican and Democratic leadership and that President Bush has also expressed his strong support for its passage. I also appreciate that since speaking fees received from private organizations will be prohibited, many Members will find that their total income will be substantially reduced even with the pay raise provided for within this legislation. Nonetheless, given the severe state of the Federal budget deficit, and pending funding cuts in important health care, veterans, education, and agriculture programs, I cannot in good conscience support this large pay raise.

I believe a better alternative would have been to provide for ethics reform and a modest cost-of-living adjustment [COLA] similar to that received by Federal employees and Social Security recipients. Honoraria should then be phased out so that the practice of Members of Congress depending on corporations and other private groups to provide 30 to 40 percent of their income is brought to an end.

The provisions contained in this legislation which restrict the value of gifts which can be given to Members of Congress, which limit travel, reduce conflict of interest situations, and provide greater financial disclosure to the public are all excellent. I regret that I must vote no on the entire bill due to what I regard as an excessive congressional pay provision.

Mr. HUGHES. Mr. Speaker, I rise in support of this long overdue ethics and salary package.

As my colleagues well know, many critical positions are going unfilled throughout the Federal Government today simply because the pay has not kept pace with what is available outside the Federal Government in both public and private sector positions.

At the National Institutes of Health, not one senior research position has been filled following the departure of some 20 percent of our leading scientists. At the Patent Office, thousands upon thousands of biotechnology patent applications are piling up because we do not have enough qualified attorneys to process them. In fact, some law firms today pay a starting associate almost as much as is earned by a veteran Federal judge. In New York City, until very recently, a beat patrolman was paid more than an FBI agent.

All of these and more are examples of what has happened because Congress, over the years, has not been able to come to grips with salary issue. At the same time, the public has become increasingly concerned about whether the rules of conduct governing Members of this body are sufficiently tough to assure the highest level of ethical conduct.

I am not sure that the pay and ethics issues should be philosophically linked but, as a practical matter, they are linked.

That is because, under current rules, Members are allowed to earn up to $27,000 per year in outside income, including honoraria from speaking fees. I have never accepted honoraria at that level, but I am well aware that there are some Members who have come to rely on this outside income, and we are going to have to find a way to offset their loss. By timing the bulk of the pay increase to take effect with the new rules against honoraria, at the beginning of 1991, we have accomplished that goal.

In any event, this package of ethics and salary reform is long overdue, regardless of whether we address the issues together or separately.

With respect to the ethics part of this package, I strongly support the elimination of honoraria. There is just too much money awash in the system and it has greatly undermined our credibility with the electorate. The tightening of other restrictions on outside

earnings, and the repeal of the so-called "grandfather clause" which allowed some senior Members of Congress to convert leftover campaign funds to personal use after they leave office, will also go a long way toward restoring the confidence of the American people.

With respect to the pay aspect of this package, the cost-of-living increase which judges, senior government executives and Members of Congress will receive next year is consistent with the increase which all other Government employees will be receiving. The other part of the increase is not scheduled to take effect until 1991 will help assure that top Federal officials earn a salary that is comparable to that earned by many officials at the State and local level.

For example, of the 26 most senior officials of the New York-New Jersey Port Authority, 24 earn more than a Federal judge, Members of Congress, or similarly situated senior Federal officials. The same is true of those who operate sewerage authorities, the Meadowlands, and dozens of other agencies and authorities throughout my home State. It is ludicrous that a judge, an Assistant Secretary of Defense and a Members of Congress are paid less than those who operate our sewerage and other authorities.

I commend the leadership on both sides of the aisle and President Bush for tackling this difficult issue, and I urge my colleagues to support this carefully crafted and important package.

Mr. DICKS. Mr. Speaker, most of the debate today is focused on the impact that this legislation will have on those of us in the legislative branch, and I believe that it does provide critical improvements in the way we will do business.

But of at least equal importance for the efficient operation of the Government is the increase provided for members of the judiciary and senior high ranking Federal civilians. In both areas we are increasingly faced with the loss of quality people to the sirens song of riches provided by the private sector. Public service has always required some sacrifices, but we can not make those sacrifices too severe if we expect quality people to remain in Government.

But the foundation of the civil service, the two million Federal employees who so often go unrecognized, both verbally and financially, is still waiting to be repaired. Since 1980 Federal civilian employees and retirees have lost more than $101 billion as a result of policy changes affecting Federal pay and benefits. Between January 1980 and January 1989, consumer prices rose 54.4 percent while Federal civilian salaries rose only 40 percent, producing a 14 percent real pay cut for the decade.

The Congress has typically provided some dilution of administration proposals to hold Federal salaries even lower. This year, for example, we secured a cost of living increase of 3.6 percent as opposed to the 2 percent proposed by the President. But these battles at the margin have not halted the erosion of Federal benefits. Increasingly we are finding it more difficult to recruit and retain not just bodies, but the quality people that have made this Government, while not perfect, a much more efficient operation than that of many nations.

I am pleased that at least we have included in this package a statement of congressional commitment to work with the appropriate committees to provide legislation that will not just "reform" Federal compensation, but will also make it more competitive with the private sector. And as a cochairman of the Federal Government service task force I will be working to see not only this, but the other recommendations of the Volker Commission become reality.

We should not kid ourselves, there will be an upfront cost to restore competitive Federal compensation through the entire work force. Federal workers should recognize that reversing the erosion and fully restoring comparability will not come overnight. Just as in the military we may have to face choices between somewhat fewer, but better compensated workers, and retaining as many civil servants as possible. But these are choices we can no longer ignore, and I hope the Congress will join me in facing them squarely in the coming session.

Mr. MILLER of Washington. Mr. Speaker, I rise in opposition to H.R. 3660, the Government Ethics Reform Act.

Mr. Speaker, I believe Congress deserves a reasonable pay raise. But no one can call a 40-percent raise over 14 months "reasonable", especially given the deficit. I know I haven't heard of many people in my part of the country getting 40 percent pay raises recently.

I support ethics reform, but I believe linking it to the pay raise is demeaning to both the Congress and the American people. It's like a child going to his parents and saying, "if you raise my allowance, I'll be good and ethical."

Congress should not need financial incentives to be honest and ethical. Congress should not need any incentives at all.

Mr. WOLPE. Mr. Speaker, I rise today in support of the Government Ethics Reform Act and I want to commend the bipartisan task force on ethics for their diligence in crafting this legislation. Clearly, this is the most significant and substantial ethical reform in all three branches of Government in over a decade.

The reforms which are included in this package will go a long way towards restoring the public's confidence in its Government officials. Financial disclosure requirements have been tightened. Travel expenses for Members for privately funded speaking or fact-finding trips will be limited. And the existing grandfather provision which permits members elected before 1980 to convert campaign funds to personal use when they leave office has been abolished.

Additionally, Mr. Speaker, there is a very important element of this ethics reform package that makes this proposal different from all we have seen before: a pay adjustment provision tied directly to the elimination of all honoraria or speaking fees.

While most Members of Congress accept money for speaking without allowing such payments to influence their votes, the rise in congressional speaking fees is, at best providing those special interests which can afford honoraria payments unfair access to Government officials and, at worst, institutionalizing a thinly veiled system of legalized influence buying. Regardless of whether improprieties are actually taking place, the appearance of impropriety is clearly destroying the public's confidence in Congress.

Mr. Speaker, as many in this Chamber are aware, I have been one of the most consistent critics of earlier pay raises. Not only have I voted against a number of the proposed pay adjustments, but I have always refused to accept any increase in pay until an election has intervened. From my perspective, Congress should not be permitted to raise its own pay without first going home and facing the voters.

For this reason, when a pay raise has occurred, I have always contributed the increase to a public institution or returned it to the Government until the succeeding election has taken place. For example, this past term, I contributed my entire salary increase of $22,000 to Western Michigan University's Department of Political Science where a fund has been established for the study of politics. Should the current ethics-pay adjustment package be approved, I will again contribute the 7.7 percent cost-of-living adjustment [COLA] to Western Michigan University, and not accept any additional salary adjustment until after next year's election.

Mr. Speaker, it's time for a change. While this package is far from perfect, it is our best hope for bringing fundamental reform to a system that is crying for change.

Mr. BRENNAN. Mr. Speaker, I rise today in opposition to the measure before us which calls for a 33-percent congressional pay increase over the next 14 months. The people of Maine, whom I am privileged to represent, are fair and respectful of their elected officials. They also believe in compensating those officials in a just manner. However, I believe—like them—a 33-percent pay increase is too much in too short a time frame.

We in this body have once again struggled with the difficult issue of adjusting our compensation. Unfortunately, the many important components of this comprehensive legislative package have been overlooked. There has been an ethical cloud hanging over this body for some time and many of the reforms contained in this measure will move to eliminate some of those practices which have brought disdain to us.

In my 3 years of service to this body, I have refrained from accepting honoraria. I offered legislation, and have been joined by 26 of my colleagues, to ban this current process of accepting gifts of up to $2,000 from special interest groups. I am pleased to see the elimination of this questionable practice a part of this reform package. Clearly, Members of Congress should have only one paymaster—and that should be the American people. Other important components of this reform package involve limiting outside earnings, increasing financial disclosure, eliminating the conversion of campaign funds for personal use, and curbing free travel perks. All of these provisions are worthy of our support and will greatly improve this institution which I am privileged to serve in.

Another important provision of this reform package relates to adjusting the compensa-

tion levels for members of the judiciary and other senior civil service employees—such as the heads of the Center for Disease Control or the National Cancer Institute. Unfortunately, their compensation adjustment is also contained in this comprehensive reform package. We have witnessed difficulty in maintaining certain highly technical or professional level positions in the Civil Service System due to limited or nonexistent compensation adjustments.

The struggle to adjust our compensation levels has been with us for over 200 years. This is one issue that has posed a dilemma on Member after Member who serves in this body. We are unique in the manner of how adjustments are to be made—we alone vote to set our salary levels. A more reasonable approach to handling salary changes would be to give serious consideration to the granting of timely cost-of-living adjustments.

Because the pay raise provisions in this comprehensive reform legislation are too much in too short a timeframe, I cannot support this badly needed ethics reform package and will vote no.

Ms. SNOWE. Mr. Speaker, I rise to express my opposition to this legislation. The bipartisan Ethics Committee was given a difficult task, and they produced many excellent reforms. I cannot support the overall package, however, because of the size of the pay increase.

The goal of ethics reform is to help restore the integrity of this institution in the eyes of the American public. The committee's proposal takes several important steps in that direction, and the Members who produced these reforms should be congratulated.

While I oppose the level of the pay increase, I applaud the committee's decision to include congressional pay reform provisions in this proposal. For the last five Congresses, I have introduced legislation which prevents any pay increase from taking effect until the next Congress meets and which requires a recorded vote. I am pleased that the committee supports these concepts.

Another provision I am pleased to see in this package is the repeal of the grandfather clause. As a Member who is covered by this clause, I want to express my full support for stopping the practice of allowing Members who retire to take their excess campaign funds with them. Campaign funds should not be used for retirement funds.

The public has become increasingly vocal about its opposition to the practice of Members accepting honoraria. Again, I commend the committee for addressing this concern. Under this package, Members will be allowed to collect honoraria next year in addition to the 7.7-percent pay increase. Beginning in 1991, it prohibits direct acceptance of honoraria, but does allow groups to give $2,000 to a charity in a Member's name in lieu of the speaking fee. It does not, however, meet the definition of a total prohibition.

I wish I could support this proposal, because I firmly believe it is time for a comprehensive ethics reform. Unfortunately, because of the level of the pay increase, I cannot vote for this legislation.

Mr. WEISS. Mr. Speaker, I join the Democractic and Republican leadership in support of the ethics reform package before us today. These reforms are long overdue and Congress is acting responsibly and dutifully in considering this entire package.

Perhaps the single most important part of this package is the ban on honoraria for Members of the House. I have long advocated a ban on this type of outside income. This bill would eliminate in 2 years the receipt of any honoraria by House Members. At that point, Members would only be permitted to receive up to $2,000 for speeches if they donated that money to a charity of their choice. No doubt, the practice of receiving honoraria has become an embarrassment to this institution. By banning honoraria, Congress will go a long way toward instilling public confidence in government and reducing special interest influence on our legislators.

In addition to the ban on honoraria, all other sources of outside income for Members would also be limited. This includes a prohibition on receiving directors fees, legal fees, and other income for professional services. Members would only be permitted unpaid service on the boards of directors of corporations or associations. This provision would help reduce the potential for conflicts of interest that often occur under the current system.

In addition, the measure prohibits Members and other House employees from receiving gifts from any one individual that total more than $200. Current House rules only restrict the receipt of gifts from any one source with a "direct interest in legislation."

Also, the bill limits the duration of privately funded speaking trips or factfinding events. Currently, there are no such restrictions.

This measure would repeal the unseemly provision in current law which allows Members elected before 1980 to convert their excess campaign funds to private use once they retire. If this bill is enacted, Members could only use these campaign funds for their intended purpose—campaigns.

The bill significantly tightens rules regarding financial disclosure provisions affecting Members of Congress and other high-level officials of Congress. Members would be required to report the source, date, and amount of payments in lieu of honoraria made to charity on their behalf. The bill would require detailed reporting of privately funded travel expenses. The measure also tightens financial reporting requirements for assets, liabilities, and transactions. In addition to the current law provision that requires the reporting of the income from a blind trust, the bill requires that the value of the trust's assets be reported. The bill would impose financial penalties on Members who do not comply with the disclosure provisions.

Finally, this bill would reform the function of the Committee on Standards of Offical Conduct, the Ethics Committee. Given the current climate, it is important to have the most objective, politically neutral process of determining the ethical standards of Member Congress that is possible. The change in this legislation will give Congress a better way to complete this often difficult and sensitive, but important task of governing.

Taken together, these reforms represent the most important improvement in Government ethics that Congress has considered in a long time. These steps undoubtedly will make Government officials more accountable to the public and far less susceptible to special interest influence.

As we all know, the most controversial portion of today's legislation is that which calls for a pay increase for Members of Congress and other high-level Government officials. However, I believe the recommendations of the bipartisan Task Force on Ethics outlined in this bill are exceedingly responsible. The pay raise is tied to enactment of the series of reforms, outlined above, that are critical to the effort to reform government ethics and accountability. By limiting sources of outside income and banning the receipt of honoraria altogether, and increasing the base salary of high-level public officials, this package eliminates the underlying sources of abuse in the current income system for public employees, in particular for Members of Congress.

As we all know, Congress has not found a good way to deal with the issue of its own salaries. Our salary has not kept pace with the cost-of-living for almost two decades. This package will adjust for that shortfall and eliminate the temptation to seek other sources of income. For all these reasons, I strongly support the bill before us today. I commend the work of the Task Force on Ethics and urge my colleagues to support this responsible and reasonable good government package.

Mr. HOAGLAND. Mr. Speaker, it is with considerable regret that I vote against H.R. 3660 today because I favor the stronger ethics rules that this legislation contains. I wholeheartedly support the restriction on honoraria and outside earned income, the added restrictions on gifts and travel expenses from special interest groups, the improved financial disclosure requirements, and the prohibition against converting accumulated campaign funds to personal use. I am voting against this measure only because I believe this pay raise is inappropriate.

For most of my adult life, I have worked hard to enact laws to improve ethics in government. In Nebraska, even before I was elected to the legislature, I worked with a coalition of citizen organizations as chairman of the Coalition for Open Government, to convince the Unicameral to enact a comprehensive sunshine law which strengthened our State campaign finance disclosure laws, required additional disclosure by lobbyists and public officials, and established a State ethics commission. This sunshine law has served Nebraska very well.

After I was elected to Congress, just over 1 year ago, I announced that I would not accept honoraria for speeches before groups with an interest in legislation. I do not believe that this is a practice that should be allowed.

In short, while I cannot agree that a pay raise is appropriate, I wish to applaud my colleagues who support the ethics portion of this package.

Mr. SKAGGS. Mr. Speaker, I voted for the ethics/pay-raise bill this afternoon for a number of reasons. First, it will banish the insidious and corrosive practice of Members of Congress supplementing their income by taking so-called honoraria from special interest groups affected by legislation. I don't

accept honoraria; I believe they are wrong. I wish we'd been able to do away with them before, and I've sponsored bills to do just that.

But the reality was that too many people around here had become too dependent on honoraria, and the only way to get rid of the practice was to have a pay increase to offset what will be for many a $27,000 loss of income. I believe it's in the public's interest for Members of Congress to receive all their compensation above board from the U.S. Treasury, and not from some interest group's treasury. It will help remind all of us who it is we are supposed to serve.

Second, this bill establishes the important principle that any pay increase for Congress has to be voted on openly and can take effect only after an intervening election. This reform makes real the concept that we ought to be accountable for our decisions as legislators, especially when the decision is about our own pay. It's a change I've worked on for a long time, and is long overdue.

I believe strongly that no Member of Congress should receive a raise enacted during his current term in office. During 1987 and 1988, I donated to chartiy the $22,000 in additional salary that was enacted after I was first elected. I will continue that practice by donating the roughly $7,000 in annual cost-of-living increase that will take effect immediately under the bill passed today.

Third, whatever you think about a pay increase for Congress, it's clear that one is absolutely necessary for Federal judges and top level civil servants. The Federal Government is wrestling with a talent drain. Top civil servants are leaving for the simple reason they can make a better salary—often two or three times their Government pay—in the private sector. If the American public deserves the best govenment in the world, then talented people must have reason to serve in government. That means adequate compensation to go along with the satisfaction of public service. It has not been possible, for example, for the Department of energy to recruit the kind of experienced technical people they need to straighten out the mess in the nuclear weapons complex at the pay levels now available. This raise will help.

Fourth, the legislation makes important reforms in a whole range of ethics provisions that will hold the Congress to significantly higher levels of accountability. These include: more detailed and comprehensive reporting of financial holdings; repeal of the outrageous provision permitting members elected before 1980 to use campaign fund surpluses for their own personal gain; severe limits on outside income, beyond the prohibition of honoraria; strengthened conflict of interest rules for Members of Congress and top staff; and important restructuring of the ethics commitee itself.

It's interesting that this pay-ethics package has won the enthusiastic endorsement of President Bush, Common Cause, and major newspaper editorial boards across the country. I believe that's because it is in the national interest.

Mr. UDALL. Mr. Speaker, Congress is unlike any institution in the United States in that the employees must set their own pay. This leads to an uncomfortable impasse for Members of Congress and their constituents. We have seen a reluctance to vote for a pay increase for several years, and when inflation is figured in, the purchasing power of congressional salaries has decreased by 35 percent since 1969.

Americans are clearly not happy with the continual stream of negative stories on congressional ethics. I've heard the complaints out in Arizona and the letters from home are all of the same shade: Americans want an end to honoraria and a tightening of the system of congressional ethics.

Seldom have we seen such a broad consensus on this issue. The President stands behind this proposal, and is joined by both political and nonpolitical figures.

This bipartisan package works to achieve two important goals. It will raise the salaries of senior level Federal employees, judges, and Members of the House to a level comparable to those of the private sector. It will guarantee that the public is paying the full salary of their representative, rather than having a portion of their income paid by special interests through the ugly practice of honoraria.

Mr. COURTER. Mr. Speaker, I was unable to be present today for the vote on H.R. 3660, the Government Ethics Reform Act, because I had to travel to New Jersey to attend the funeral of the son of a close friend of mine. I would like to take this opportunity, however, to express my opposition to this legislation.

It is clear that we need ethics reform. I have long been a supporter and cosponsor of legislation to end the practice of accepting honoraria, which has discredited Congress in the eyes of many of the American people. I support legislation to repeal the "grandfather clause," which allows senior Members to convert their campaign funds for personal use. I also strongly believe that pay increases should not take effect until after a new Congress has been seated.

Perhaps most importantly, Mr. Speaker, I believe that any pay increase should be considered as a straightforward, free-standing bill, and votes should be recorded to allow our constituents to hold us fully accountable for our actions. Unfortunately, today's bill violates this important condition. I regret that the pay raise issue was intertwined with needed ethics reform proposals.

Mr. Speaker, I understand the arguments put forth by many of my colleagues on the floor today as to why these ethics and pay raise proposals were tied together. As I have stated in the past, however, pay raises should not be clouded with any other issues. It is for that reason that I oppose today's package and would have voted no had I been able to make this important vote.

Mr. FRENZEL. Mr. Speaker, there are certain occasions on which it is no fun to be a Congressman. This is one of those moments.

This bill, H.R. 3660, the so-called ethics package, will make important improvements in our ethics laws. For example, it will make the receipt of honoraria illegal after 1990, and it will phase out by 1993 the grandfather license for pre-1980 Members to make personal use of campaign funds after retirement.

According to editorialists, Common Cause, and others who don't vote in your district, those are wonderful reforms. Your constituents, on the other hand, led by a determined band of talk show hosts, think congressional ethics is an oxymoron, don't speak Latin, and don't care what happens to your campaign funds when you retire.

Your constituents do know two things: First, they know a pay raise lurks in this bill; and second, they, with all due respect, prefer you don't get it. That's what makes this an unpleasant moment.

Before you cast your vote on this bill, you have to grasp several realities. First, there is no good time for a pay raise. Second, there is no good form for a pay raise. Third, there is no good amount of a pay raise.

By all means, discuss the matter with your constituents, but don't waste too much time debating the pay raise with them. You are not likley to change their minds.

Your constituents have every right to be skeptical. In their shoes, you would feel the same. Unfortunately, however, the job of voting is yours alone.

For me the decision is based on what kind of Congress you want to represent your children and grandchildren. That makes the decision easier. For many of us who vote for this bill today, the raise will come too late. For me, the tradeoff of salary for honorarium is financially disadvantageous. But, if, in establishing a reasonable salary, we can make service in this body attractive for those who will continue to serve many years in the future, and for those who will come after us, we will give succeeding generations a priceless gift of more able representation.

We know the judiciary is ridiculously underpaid. We all can cite examples of judges who had to retire to educate their children. We all know great lawyers who cannot afford the cut in pay to become judges. The judges alone are reason enough for an aye vote on this bill.

But we also know of unfilled jobs in the executive departments, in research, medicine, and engineering. These jobs cannot be filled because of huge salary differentials between Government pay and private pay. Skilled, able people are willing to sacrifice something to serve in their Government, but they cannot afford to take huge cuts in pay and then move to a high-cost-of-living area like Washington. We want high achievers with highly compensated skills to work for the Government. Unless we don't care about how the executive department works, we ought to vote for this bill to raise executive salaries.

After the judiciary and the executive department, we must look at congressional salaries. Actually we have to look beyond our own salaries at what kinds of people our current wage scales will attract to the Congress in the future.

Over the years I have been in Congress, my purchasing power has declined about one-third. Had I merely received cost-of-living adjustments, I would be receiving more than $50,000 a year more than I am getting now. Had I known that in 1970, I might not have made the decision to run. Unless we can reverse the trend of the past 20 years, people who decide to run for Congress in the future can plan on reduced purchasing power. Faced

by this trendline, the ablest and best of them will decide not to run.

It is my fervent hope that this job which I have greatly enjoyed will be attractive to the most able people in our society. To be attractive, it cannot be a job which forces future Members of Congress to take significant wage cuts, nor one which forces future Members to pay, as many of us had to pay, without compensation several times as much for Washington area homes as for the homes in their districts are worth.

I have already noted that I will probably do better if honoraria are preserved than I will do with the pay raise. Nevertheless, I will support the package because I believe the institution needs it. Supplementing income by honoraria now provides us with salary relief, but the relief provided falls unevenly and unfairly. Some of us do well on honoraria. For me, the system works fine. Some of us, however, because of seniority and committee assignments, do poorly.

I can't tell any Member who thinks he or she is worth less to vote for more. Nor do I ask anyone to renege on promises made to constituents. I can, however, guarantee any Member that a vote against this bill will continue the deterioration of all three branches of Government.

This vote won't help you with your constituents, and if you're in an age of golden maturity like I am, it may even be too late for your vote to help your own financial condition. But, I can assure you that your vote will be good for the institution of the House of Representatives. The beneficiaries of your vote are the generations of Americans who will come behind us. Their reward will be better representation, a better judiciary, and a more effective executive department. That thought makes this otherwise unpleasant vote into a rare and historic opportunity for me. My yes vote will be cast with enthusiasm.

Mr. RAVENEL. Mr. Speaker, we have to face up to the realization that the people are not fooled. They know that constitutionally it is the Congress that has brought their country to the brink of financial disaster. Polls show that they like us as individuals but do not like or trust us as a legislative body. They do not believe that we are underpaid.

I make more money here than 99 percent of my people back home. If I am not satisfied with the pay, I don't have to run for reelection. The American people look upon honoraria as something evil. Saying to them in this bill, "If you give us a large raise, we'll give up some of our questionable income" makes us all look even worse than they think we are.

I was told earlier today that I would demean myself and the Congress if I voted against the bill. I believe that voting against it was the right thing to do and I did so.

Mr. HILER. Mr. Speaker, the Government Ethics Reform Act of 1989 makes considerable inroads into the need to address shortcomings in current law and the Rules of the House of Representatives with respect to the ethics and conduct of the U.S. Congress. The new rules on honoraria, outside income, and gifts are sorely needed, and ones that I support wholeheartedly.

I am encouraged by the manner in which the ethics bill is being considered. Instead of passing a bill in the dead of night and shying away from public scrutiny, as has often been attempted, Members of Congress are being permitted to vote on the question, up or down, and have that vote recorded for the public record. In addition, the 25-percent pay increase will not take effect until after an election has intervened, giving voters the opportunity to voice their feelings on the issue. I have cosponsored legislation to mandate both of these conditions, and I congratulate the House leadership for complying with the intent of it.

Honoraria are dealt with upfront in this bill. By 1991, in the House anyway, honoraria will be effectively eliminated. The public has come to question the honoraria practice, and it's time we eliminate it. For my part I unilaterally stopped accepting honoraria on January 1 of this year, and I am pleased that will be the practice of the House.

The clarification of what is and what is not an acceptable gift is long overdue, as is the clarification and restriction on travel.

The bill also tightens up the outside income rules and the disclosure requirements. Both of these changes will help restore our credibility in the public's eyes as it relates to outside influences.

I am particularly pleased that the grandfather clause permitting House Members elected before 1980 to convert accumulated campaign contributions to personal use would be repealed beginning in 1993. I introduced legislation earlier this year to eliminate the grandfather clause, and I am happy that we are finally doing the right thing.

There are many other ethics provisions in this legislation which are worthy of our support.

What I am not able to support in this legislation is the pay increase for House Members. I recognize the need for salary adjustments for high-ranking Government officials—the scientists, the doctors, the researchers, and for the judiciary. But it is not at all clear to me that we as an institution have performed well enough to deserve a pay raise. This is not an easy issue for Members to deal with, and I for one respect the judgment of each and every Member as they reconcile this for themselves. Should the bill not pass today, I would encourage the House leadership to bring the ethics part of this package to the floor quickly.

Mr. GLICKMAN. Mr. Speaker, I have never voted for a pay raise since coming to Congress in 1977 and, quite frankly, I would like to vote against this pay/ethics package for that reason alone. But to defeat this package would mean defeating a whole series of ethics reforms which will help rid Congress of the insidious influence of moneyed interests. While I believe that the compensation part of this package is excessive, nobody could ever design a perfect package that everyone would find acceptable. It has been said that "the perfect is the enemy of the good" and that applies to the excuses which may be used to defeat this very worthwhile ethics package.

Simply put, the current system permitting speaking fees and honoraria to constitute nearly 30 percent of our compensation is unacceptable. Our salary for our public responsibilities ought to be entirely paid for by the people of this Nation, and not by interest groups with massive financial stakes in the tax, spending, or regulatory decisions made in committees or the Congress as a whole. The current system allowing special interest pay is costing the taxpayers billions of dollars in subsidies, new taxes, and spending.

There ought to be one paymaster for Congress, and under the current system of honoraria, there are lots of little paymasters each trying to further their legislative agenda. Groups or organizations do not pay us up to $2,000 per speech or visit because they like our speaking style—in most cases they have specific or general interest in the work of our committees. That system is wrong and this package will change it.

This Congress is composed of honest people trying to do their best for the country. The system of honoraria, however, has at times allowed powerful moneyed interests to create an effective lock on the legislative process as they try to pursue their legislative goals. Changing that system will begin the process to return this Government back to the people and insure that the public interest, rather than a collection of special interests, determines our agenda. In the process, the public gets a real bargain—a Congress whose financial allegiance is owed completely to the people as a whole. Today we begin restoring faith in the American democratic system, that it is honest and, in the words of Lincoln, is "of the people, by the people, and for the people."

For those, like myself, who have difficulty with the pay raise side of this package, our individual choices can help solve that problem. I will not accept any portion of this pay raise until after the next election, when my constituents decide whether I should serve them again or not, and in the interim I will return that portion of the salary to the Treasury of the United States. Others can make their own choices and it is important that none of us judge their decisions.

Let me close by saying that I believe the American people are becoming more and more alienated and separated from their National Government. I think there is a tendency to paint Congress with the broad brush of corruption and abuse of power; public confidence in government is at an alltime low. Many members of the public assume, as a fact of life, that an incestuous relationship exists between the powerful economic interests, Congress, and the executive branch. That perception could ultimately destroy our democratic institutions. This package offers us a dramatic opportunity to begin to rehabilitate our system and clear up those perceptions.

Mr. MACHTLEY. Mr. Speaker, today I cast my vote against the bipartisan ethics package which included a 33-percent pay raise for Members of the House of Representatives. I want to make clear to my colleagues that my vote was one against the pay increase provision of this bill, not against the comprehensive ethics proposals.

There is little question that in recent times, Congress has become one of the least popular institutions in the eyes of the American people. One reason for this unfortunate occurrence is the perception that Congress does not play by the same rules as other Ameri-

cans. Indeed, the growth of special interest groups paying enormous speaking fees to Members of Congress has enhanced this perception.

In my view, this trend can and must be stopped. I commend the action taken by the Bipartisan Task Force on Ethics in proposing geniune reforms in areas such as honoraria, financial disclosure and the so-called grandfather clause. Specifically, I strongly support this bill's ban on the acceptance of honoraria. I have already voluntarily chosen not to accept any honoraria from special interest groups, and have cosponsored legislation to prohibit all Members from receiving honoraria.

I have also cosponsored legislation to apply civil rights, labor relations, safety, and freedom of information laws to Congress and its staff. The resolution I support would add conflict of interest provisions limiting lobbying by Members of Congress and staff, in addition to applying the special prosecutor law to Congress. Enactment of ethics measures such as this and some of the provisions we considered today are clearly needed to restore the trust the American people ought to have in their Government.

However, I do not believe that a pay raise is necessary to offset a ban in honoraria. At a time when our Nation faces $150 billion yearly budget deficits and a national debt of $2.8 trillion, granting Congress a pay raise—regardless of whether or not it is part of an ethics package—sends the Nation and entirely wrong message about our willingness and ability to manage our fiscal problems. We, in the Congress, ought to balance the budget before we consider granting ourselves a pay raise.

It is unfortunate that we did not consider ethics reform separate from this 33-percent pay raise. I surely would have supported these ethics reforms if they were not burdened with this unacceptable salary boost. Our constituents understand that a congressional pay raise is unwarranted. We should heed their advice by rejecting this package.

Mr. GALLO. Mr. Speaker, first of all let me say I appreciate all the comments from my constituents who have contacted my office ot voice their opinions on this bill. I have been encouraged by the level of support for ethics reform being voiced by many of the callers.

I have had a great deal of mail from constitutents who want honoraria banned and who do not feel that Members of Congress should be allowed to retire with their campaign funds available for personal use. This bill ends both of those practices.

I am somewhat disappointed that many callers have been told that H.R. 3660 is only a pay raise because it is also a major reform of congressional ethics legislation that will remove the influence of special interest groups and eliminate the appearance of conflict of interest.

Constituent comments have been very important to me and have caused me to examine and reexamine my approach to this comprehensive bill.

The major reason why I voted for the bill is because its passage will ensure that Members will no longer be allowed to keep speaking fees and other forms of honoraria.

Although I have not sought to publicize the fact that I have never kept any such fees—donating them to northern New Jersey charities—I have always believed that the system of honoraria is demeaning and has the potential to undermine the integrity of Congress.

Also, I am pleased that the bill eliminates the possibility that Members of Congres elected before 1980 can convert campaign funds to their personal use when they retire. I am disappointed that the provision does not take effect immediately, but it is a step in the right direction.

And, I think that the limit on outside trips that have sometimes been referred to as junkets is worthy of support, together with the limit on gifts, outside earned income and the greatly expanded disclosure requirements.

I voted against a salary increase last winter, but the drafters of H.R. 3660 have met many of my objections to that earlier attempt.

For me, it is important that salary increase goes hand in hand with ethics reform. Also I insisted that there be a recorded vote, and an intervening election between the major increase and the passage of the legislation so that citizens who feel strongly can voice their opinions at the ballot box.

Finally, I strongly believe that we need the best possible people to serve in Congress and that we do not want to have to rely solely on the good instincts of millionaires. We need men and women who will stay in touch with reality because they have family obligations. We need to make it possible for them, if necessary, to educate their children or to help out their elderly parents.

As a taxpayer myself, I would rather foot the bill for our judges, high level administrators and legislators than to let the special interests do it.

For all of the above reasons, despite my dissatisfaction with some portions of the bill, I voted in favor of its passage.

Again, I appreciate all of the comments, both pro and con, and I want to assure everyone that I did not take their comments nor this vote lightly.

Mr. COLEMAN of Texas. Mr. Speaker, I rise in opposition to the legislation on the floor today, but I do so with regret. There is much that is laudable in this bill, particularly the banning of honoraria, the other long-overdue ethical reforms, and the proposed pay increase for Federal judges and top civilian Federal employees. But the 25-percent increase in Members' pay is too much, and I regretfully must oppose the entire package since there will be only one opportunity today to vote, and we will not be able to vote on each separate element.

The ethical reforms are commendable. As you know, I do not accept the speaking fees known as honoraria, and I am pleased to see that this practice will be prohibited. The measure also limits outside earned income to 15 percent of salary beginning in 1991, and applies to House Members, officers, and employees. Furthermore, gifts are banned to House Members, officers, and employees from any one individual, except a relative, that total more that $200 per year. The current provision that allows Members elected before 1980 to convert campaign funds to personal use when they leave Congress will be eliminated, and the bill tightens financial disclosure requirements for all branches of Government.

I should state that, although I believe the proposed 25-percent pay increase to be too much, I have always believed that Members of Congress should receive the same cost-of-living adjustment that every other Federal civilian and military employee receives. I am also very sympathetic to the financial plight that many of our Federal judges are facing, and I certainly support this section of the bill.

My main problem with this legislation, and the one that has caused me to oppose it, is the proposed pay raise for Members of 25 percent. It would not take place until 1991, which would allow a general election to take place before the pay raise took place. This is certainly an improvement over the current system, because it would allow the public in each Member's district to determine, in a sense, if the pay raise was warranted.

On the other hand, Mr. Speaker, after a great deal of consideration, I have come to the conclusion that 25 percent is just too much at this time, particularly in light of the fact that we have not yet completed action on the budget reconciliation bill. We are already witnessing short-term sequestration, and there's no guarantee that we will achieve a lasting agreement on reconciliation. Twenty-five percent just seems to be the wrong amount at the wrong time, and despite all the good and worthwhile elements in this legislation, I cannot support it for that reason.

Thank you very much.

Mr. LOWRY of California. Mr. Speaker, I rise in support of the Government Ethics Reform Act of 1989, H.R. 3660. Through passage of this legislation today, we demonstrate to the American people a serious commitment to restoring the perception of integrity to this fine institution. The bipartisan task force appointed by the Speaker and minority leader last February should be commended for its efforts in completing this measure aimed at strengthening the ethics rules.

Specifically, H.R. 3660 seeks to make comprehensive changes by the elimination of honoraria and restrictions on other outside income. While I have never personally believed that Members of this distinguished body are influenced by honoraria, in the interest of removing the perception I support the proposed prohibition on Members' acceptance of honoraria for speeches.

With respect to the compensation portion of this measure, the pay increase recommended for top officials in the executive, legislative and judicial branches of Government is essential to the recruitment and retention of qualified and capable professionals. Salaries for these positions are 35-percent lower than they were in 1969 even after adjusted for inflation. If Members of Congress had taken cost of living adjustments granted all other Federal employees since 1969 their current salary would be $137,000. Also, it is outrageous that our Federal judges make a salary on par, and in many cases below, many first-year lawyers.

In the past, I have never supported a pay raise for Members of Congress and have always contended any approved increase should not become effective until after the following election. For the first time, we have a

bill that does that. H.R. 3660 provides a 7.7-percent cost-of-living increase—restoring adjustments provided to all other Federal employees in 1989 and 1990. And, when the 102d Congress convenes in January of 1991, after the American people have had the opportunity of casting their ballots, a 25-percent increase will take effect to offset the 30-percent decrease in outside earnings from speeches.

Congress is constitutionally charged with setting the salaries of the executive, judicial, and legislative branches of Government. To attract the best and the brightest this Nation has to offer, salaries must be competitive. In addition, the House of Representatives needs to reassure the American people of its integrity. This measure accomplishes both of these objectives and deserves the support of the Congress.

Mr. ROWLAND of Connecticut. I voted against H.R. 3660, the Government Ethics Reform Act of 1989. Given my deep respect for the members of the Bipartisan Ethics Reform Task Force and, in particular, for the able cochairs of the task force, Representative LYNN MARTIN and Representative VIC FAZIO, this decision was not an easy one. Their most difficult task was undertaken with the noblest of intentions and a desire to restore the deserved prestige and honor which all elected officials should be accorded.

In order to provide these Members, and all my other colleagues who voted in support of H.R. 3660, I feel obligated to explain in greater detail my reasons for voting no.

As many will recall, this past April 5 I introduced H.R. 1709, the Congressional Ethics Reform Act of 1989. I introduced this bill as a means of removing the pay and ethics issues as annual sources of congressional turmoil and stagnation. With a Federal budget deficit truly in excess of $200 billion and a trade deficit which has turned the United States into a net debtor nation, Congress must put the pay and ethics problem behind it and get on with addressing these national crises.

The Congressional Ethics Reform Act of 1989, in my opinion, is a more comprehensive ethics reform package than H.R. 3660. It puts an end to all honoraria for Members and staff immediately upon enactment. This is unlike the 2-year "freeze and phaseout" plan included in H.R. 3360. My bill would have ended all outside earned income, not just limited it to 15 percent of the Member's salary. It also would have prevented a Member elected before 1980 from keeping any surplus campaign funds when they leave office. H.R. 3660, unfortunately, contains a 3-year delay and allows those with the largest campaign war chests to keep their funds. Furthermore, the restrictions on expense-paid travel included in my bill were much stiffer than those in the task force's proposal.

H.R. 1709 also included reforms not even addressed by H.R. 3660. My bill would have curbed the highly criticized use of the franking privilege by limiting Members' free postal districtwide mailings to six per term, one-half the present allowable amount for House Members. The mailings would be further limited to four in a nonelection year and two in an election year.

However, the overriding reason for my vote against H.R. 3660 was the unwarranted size of the pay increase included in the bill. It is true that my bill would have permitted an initial raise equal to the previous two cost-of-living-adjustments, but Members opting for the raise would have had to take the money from their existing clerk-hire accounts. Thereafter, Member salaries would rise at the same rate as the annual COLA. I cannot vote for a larger increase, especially the 25-percent increase included in H.R. 3660. No matter how eloquently Members might explain the need for such an increase in salary, I believe that Congress cannot ask senior citizens, Federal employees and others to get by on annual COLA's while voting itself a 25-percent plus increase.

Mr. Speaker, I would close my remarks by again praising the efforts of the Bipartisan Ethics Reform Task Force and am only sorry that I could not lend them my support.

Mr. MAZZOLI. Mr. Speaker, after the debate—and that word unfortunately accurately describes what happened earlier this year on the congressional pay issue—I did a lot of thinking about the subject of securing adequate compensation for Members of the House of Representatives.

In my testimony to the Task Force on Ethics and Pay Reform—cochaired by our distinguished colleagues, VIC FAZIO and LYNN MARTIN—I made some recommendations on how we should deal with the admittedly vexatious subject of pay and ethics.

The package which the task force has reported to the House today fits, with one slight exception, into the framework I set forth in my testimony to the task force.

Let me here review for a moment my recommendations.

I recommended that the salary adjustment for Members of Congress be realistic and responsible. The pay adjustment in the package before us today is realistic and responsible.

I recommended that the salary adjustment be subject to a public vote so all Members would be on record on this difficult issue. The package before us today calls for a public vote.

I recommended that the salary adjustment for Members of the House be connected to ethical reforms. The package before us today contains pioneering, precedent-shattering reforms which, among other things, abolish fees and honoraria Members can now earn for speeches and personal appearances, clarify and tighten the rules of the House covering outside earnings, gifts, financial disclosure reports and abolish the so-called grandfather clause which allows Members to use excess campaign funds after leaving the Congress.

Last, I recommended to the task force that the salary adjustment be voted for the congressional seat not for the current occupant of the seat. In other words, I recommended that any salary increase become effective in the following Congress after an intervening election campaign during which the Member's vote could be raised as an issue.

The package before us today nearly satisfies this recommendation. It makes the salary increase effective in 1991, after the 1990 congressional election. But, it falls slightly short by ordering an immediate—albeit a catchup—cost-of-living adjustment for Members. This is a flaw but one, in my judgment, not significant enough to force a vote against this package.

For my part, I will correct this flaw by not accepting the cost-of-living adjustment due for 1990. If I am returned to office by my constituents, I will accept the then-prevailing compensation for the seat.

Mr. Speaker, legislation, as life, is never perfect. This is an imperfect ethics/pay package but it is a solid, balanced and worthy effort and it deserves to be passed.

CALL OF THE HOUSE

Mr. FAZIO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 357]

ANSWERED "PRESENT"—412

Ackerman	Cooper	Goss
Akaka	Costello	Gradison
Alexander	Coughlin	Grandy
Anderson	Cox	Grant
Andrews	Coyne	Green
Annunzio	Craig	Guarini
Anthony	Crane	Gunderson
Applegate	Dannemeyer	Hall (OH)
Archer	Darden	Hall (TX)
Armey	Davis	Hamilton
Atkins	de la Garza	Hammerschmidt
AuCoin	DeFazio	Hancock
Baker	DeLay	Hansen
Ballenger	Dellums	Harris
Barnard	Derrick	Hastert
Bartlett	DeWine	Hatcher
Barton	Dickinson	Hayes (IL)
Bateman	Dicks	Hayes (LA)
Bates	Dingell	Hefley
Beilenson	Dixon	Hefner
Bennett	Donnelly	Henry
Bentley	Dorgan (ND)	Herger
Bereuter	Dornan (CA)	Hertel
Bevill	Douglas	Hiler
Bilbray	Downey	Hoagland
Bilirakis	Dreier	Hochbrueckner
Bliley	Duncan	Holloway
Boggs	Durbin	Hopkins
Bonior	Dwyer	Horton
Borski	Dymally	Houghton
Bosco	Dyson	Hoyer
Boucher	Early	Hubbard
Boxer	Eckart	Huckaby
Brennan	Edwards (CA)	Hughes
Broomfield	Emerson	Hunter
Browder	Engel	Hutto
Brown (CA)	English	Hyde
Brown (CO)	Erdreich	Inhofe
Bruce	Evans	Ireland
Bryant	Fascell	Jacobs
Buechner	Fawell	James
Bunning	Fazio	Jenkins
Burton	Feighan	Johnson (CT)
Bustamante	Fields	Johnson (SD)
Byron	Fish	Johnston
Callahan	Foglietta	Jones (NC)
Campbell (CA)	Ford (MI)	Jontz
Campbell (CO)	Ford (TN)	Kanjorski
Cardin	Frenzel	Kaptur
Carper	Frost	Kasich
Carr	Gallegly	Kastenmeier
Chandler	Gallo	Kennedy
Chapman	Gaydos	Kennelly
Clarke	Gejdenson	Kildee
Clay	Gekas	Kleczka
Clement	Gephardt	Kolbe
Clinger	Geren	Kolter
Coble	Gibbons	Kostmayer
Coleman (MO)	Gillmor	Kyl
Coleman (TX)	Gilman	LaFalce
Collins	Gingrich	Lagomarsino
Combest	Glickman	Lancaster
Condit	Gonzalez	Lantos
Conte	Goodling	Laughlin
Conyers	Gordon	Leach (IA)

Leath (TX)	Oxley	Smith (IA)
Lehman (CA)	Packard	Smith (NE)
Lehman (FL)	Pallone	Smith (NJ)
Lent	Panetta	Smith (TX)
Levin (MI)	Parker	Smith (VT)
Levine (CA)	Parris	Smith, Denny (OR)
Lewis (CA)	Pashayan	
Lewis (FL)	Patterson	Smith, Robert (NH)
Lewis (GA)	Paxon	
Lightfoot	Payne (NJ)	Smith, Robert (OR)
Lipinski	Payne (VA)	
Livingston	Pease	Snowe
Lloyd	Pelosi	Solarz
Long	Penny	Solomon
Lowery (CA)	Perkins	Spence
Lowey (NY)	Petri	Spratt
Luken, Thomas	Pickett	Staggers
Lukens, Donald	Pickle	Stallings
Machtley	Porter	Stangeland
Madigan	Poshard	Stark
Manton	Price	Stearns
Markey	Pursell	Stenholm
Marlenee	Quillen	Stokes
Martin (IL)	Rahall	Studds
Martin (NY)	Rangel	Stump
Martinez	Ravenel	Sundquist
Matsui	Ray	Swift
Mavroules	Regula	Synar
Mazzoli	Rhodes	Tallon
McCandless	Richardson	Tanner
McCloskey	Rinaldo	Tauke
McCollum	Ritter	Tauzin
McCrery	Roberts	Taylor
McCurdy	Robinson	Thomas (CA)
McDade	Roe	Thomas (GA)
McDermott	Rogers	Thomas (WY)
McEwen	Rohrabacher	Torres
McGrath	Ros-Lehtinen	Torricelli
McHugh	Rose	Towns
McMillan (NC)	Rostenkowski	Traficant
McMillen (MD)	Roth	Traxler
McNulty	Roukema	Udall
Meyers	Rowland (CT)	Unsoeld
Mfume	Rowland (GA)	Upton
Michel	Roybal	Valentine
Miller (CA)	Russo	Vander Jagt
Miller (OH)	Sabo	Vento
Miller (WA)	Saiki	Visclosky
Mineta	Sangmeister	Volkmer
Moakley	Sarpalius	Vucanovich
Mollohan	Savage	Walgren
Montgomery	Sawyer	Walker
Moody	Saxton	Walsh
Moorhead	Schaefer	Watkins
Morella	Scheuer	Waxman
Morrison (CT)	Schiff	Weber
Morrison (WA)	Schneider	Weiss
Mrazek	Schroeder	Weldon
Murphy	Schulze	Wheat
Murtha	Schumer	Whittaker
Myers	Sensenbrenner	Whitten
Nagle	Sharp	Williams
Natcher	Shaw	Wilson
Neal (MA)	Shays	Wise
Nelson	Shumway	Wolf
Nielson	Shuster	Wolpe
Nowak	Sikorski	Wyden
Oakar	Sisisky	Wylie
Oberstar	Skaggs	Yates
Obey	Skeen	Yatron
Olin	Skelton	Young (AK)
Ortiz	Slaughter (NY)	Young (FL)
Owens (NY)	Slaughter (VA)	
Owens (UT)	Smith (FL)	

□ 1318

The SPEAKER pro tempore (Mr. MURTHA). On this rollcall, 412 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

GOVERNMENT ETHICS REFORM ACT OF 1989

Mr. FAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker and Members, I first, on behalf of all of us, want to offer our thanks, our gratitude. We first want to offer our gratitude and our appreciation for the hours of work that were done by this bipartisan task force under the leadership of the gentleman from California [Mr. FAZIO], and the gentlewoman from Illinois [Mrs. MARTIN] and many, many others in both the Republican and the Democratic caucus.

Mr. Speaker, there have been a few times in my memory here, now over 13 years, almost 14 years, where there has been this measure of mutual trust and willingness to work together to begin to solve some of the toughest issues that face us.

□ 1320

There has also been an environment created here by Speaker FOLEY and Minority Leader MICHEL that allows us to work together with mutual trust on the toughest and most difficult political and governmental issues. I think everybody in the Chamber today offers their gratitude to the gentleman from Illinois [Mr. MICHEL] and to the gentleman from Washington [Mr. FOLEY] for what they have done.

We also give a word of commendation to our President, George Bush, who has written a letter and given his full support to this package. That was not easy for him to do, but he did it because he thinks it is right, and I think all of us appreciate his courage in coming forward with that letter today.

We also have a letter to the Speaker and the Republican leader from the chairman of the Democratic Congressional Campaign Committee, and the Republican Congressional Campaign Committee saying that in their view there will be instructions issued to their staffs that a vote on this bill is not an appropriate point of criticism in the campaigns that are upcoming next year, and I think all of us commend that action.

Now let us go very quickly to the merits of this proposal and talk about why this is the right thing to do. First, this is an ethics bill. This is not just a bill that deals with the compensation of executive and judicial people and people in Congress, it deals with the rules of ethics under which we have to operate. There have been a lot of questions about those rules and this clears up many of those difficult questions. The American people have asked us to change those rules, and this bill does that, but it also treats, obviously, the issue of compensation. There are two reasons that that is the right thing to do. First, we deal with honoraria. I do not think there is anybody in this Chamber who has ever taken a check from a group as an honorarium for a speech who allowed that check to affect in any way a vote on any issues before this body. I do not believe that and I do not think you believe that, either, but there is in politics and in government and in public life the matter of perception, the appearance of propriety. If the American poeple feel, as I believe they do, that there is something that is damaging the appearance of propriety here, then we ought to do something about it, and this bill does it by getting rid of honoraria.

Now, there is a second thing involved here and that is people. What we are doing today is saying that we are, as of 1991 after the next election, giving an increase in compensation, not just for Congress, but for all the people in the executive branch and all the people in the judicial branch, at least the ones at the high levels.

Everybody in this body knows the problem that is created for the quality of government when we fail to take the right stand on compensation to bring the people we want to these positions.

Why is it that we waited 10 years to get top researchers at the National Cancer Institute?

Why is it that a starting lawyer in one of the big law firms in St. Louis, New York, or Chicago, makes $60,000 or $65,000 a year and we have to compete against those salaries to get people?

Why is it that we have to compete against the salaries of great law firms in this country, many of their partners who receive more in compensation in a year than all the members of the Supreme Court of the United States together?

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. FAZIO. Mr. Speaker, I yield 1 additional minute to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, there are days here when as leaders we have to take a position. No one in the judicial branch is going to have to vote on this. Nobody in the executive branch, other than the President, has to cast a vote on this. Under the Constitution, we are the ones who must cast this vote, and today is the day to lead.

Edmund Burke many years ago in Great Britain said something that I think applies. He said, "Your Representative owes you not his industry only, but his judgment, and he betrays instead of serving you if he sacrifices it necessarily to your opinion."

This will not be a popular vote that you will cast. I can understand and sympathize with people in my district who make $15,000, $20,000, and $30,000 a year, who have trouble understanding why this kind of pay level is needed, even though they may not understand the burden of two homes

and travel and so on, but I can understand and sympathize with that. I can understand how they would have trouble understanding this vote, but in your hearts and in your minds you know it is the right thing to do for this body, for this institution, for this government, and for this people.

We heard a hero yesterday who talked to us about courage and said there are times in your life when you have to have it, even though all those around you are telling you not to do it, not to rock the boat, not to stand up for what you believe. Today is the day for us to be leaders, to have courage to do what is right for this body, for this institution, for this country and its people.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself 2 minutes, then we will move to the co-chairman of the Ethics Reform Task Force, the gentleman from California [Mr. FAZIO], and the final speech will be given by the Republican leader, the gentleman from Illinois [Mr. MICHEL], on behalf of himself and the Speaker.

I used to watch "Sesame Street" a lot because I had kids, and when Kermit said, "It isn't easy being green," he touched a chord in all of us. It is not easy to bring an ethics bill to the floor of the House and face your fellow Members, the public and the press, but not to have done so would have been far worse. So for Kermit, and maybe the ethics package today, it is easy to wear green and to bring an ethics bill to the House.

I would like to speak to those of you who have political problems with the bill. You have heard what is in it. I believe my leader put me on there because of my concern, which has been here since I joined you with ethics and with bringing this House into the 21st century and acting as an example of the very laws we try to pass, but some of you have political problems, and I can understand this. For all of you know there is a judicial pay raise in this bill, so I must vote "present." I would never have to say publicly what I believe, or if I support this bill. But I rise to say this bill is needed for the Congress of the United States, for the executive branch, and I say publicly to all that we must pass this ethics package for this House and the Houses to come.

I hope that some of you who are called the same things I have been in this 9 years, before I leave you, that the only votes that really hurt later are the ones that you know you really did not do the right thing, but at the time it might have even seemed the smart thing.

□ 1330

Whatever your decision, I ask you today to do the right thing, and it is my belief, and it is why I rise publicly, publicly, and politically, in support of this ethics package.

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill can make us proud when we enact it this week before we leave Washington at the end of this very long and acrimonious session. We can be proud of it because it is an example of how we, in a bipartisan sense, have listened to the American people and responded.

It is regrettable, I must say, that we have to respond in the way in which we are in this bill, but we must, because despite the fact that this body is full of decent and honorable and good people, the same kind of people who send us here, public perception of this institution is not what it should be. The public trust that all of us sought when we took the oath of office needs improvement—care and feeding. We need to reinforce the positive about this institution, and we are doing it here today. We are not only showing that in bipartisan harmony we can take the necessary steps, but we are showing a great deal of self-respect, something that many of us think is too often absent from this institution where we often resort to cheap shots and backstabbing and fragging of people who try to lead.

We are also taking a step toward what I consider reinforcement of the ethics of public service in this country. All of us who believe in the ideals that brought us here, wanted to serve the public. It is harder, I know, each year to see where we are going in personal terms, but this refocuses all of us on the ultimate goal of honest and principaled judgment that we sought when we ran for public office. We reinforce public service at every level of the Federal, State, and local government when we reward people for the services they render, and we let others who come after us know that their work is appreciated.

I think, most of all, we show a degree of courage. I do not want to get carried away with the word "courage." Political courage is what Lech Walesa and the people of Solidarity showed when they took to the streets of Poland with signs to express their personal views despite the fear of going to prison. Personal courage is what judges, not in the United States, but in Colombia show when they put drug dealers in jail. Personal courage is what novelists who run for the presidency of Peru show. This is not personal courage we are showing today. But it is appropriate that we not act cowardly as so often we have on this fundamental issue that underscores our respect for this institution and ourselves. We have a great opportunity to take a giant step forward, the largest step that any of us, I think, in 10 years, certainly since 1977, have been privileged to take.

I am excited. I am gratified. And I am thankful that we are in this position. I urge all of the Members to support this legislation with great satisfaction and pride.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California. I just wish to say to the members of the task force that I never thought I would say it, but I am going to miss 8 o'clock meetings on a regular basis.

Mr. Speaker, I yield the balance of my time to the Republican leader, the gentleman from Illinois [Mr. MICHEL], speaking on behalf of the Speaker of the House.

Mr. MICHEL. Mr. Speaker, I obviously rise in support of the Government Ethics Reform Act of 1989, and I think it is so unique that here today I should be accorded the privilege of speaking for the Speaker in addition to speaking for myself. I guess it is unprecedented for this kind of a legislative proceeding. And then, too, to have our two whips on either side of the aisle actually telling one another the truth about where the votes may or may not be here today.

I feel very comfortable playing my role here today, primarily because there has been such a good working relationship between the parties and all the principles involved—particularly those serving on our bipartisan ethics task force.

During the course of my remarks I intend to say some things that are not directed at you, my colleagues as much as to those of our viewing and listening public. You already are quite familiar with the arguments, but for public acceptance, I think we have to lay out some of these arguments for others to judge.

I want to draw attention to the title of the bill. First, it is not the Congressional Ethics Reform Act. It is the Government Ethics Reform Act, and the distinction is crucial. What we do today will determine the future not only of the Congress but of the Federal Government, executive, legislative, and judicial brances, for years to come. As such, it is a turning point, quite frankly, in our history of American Government, and this important point has been obscured by the concentration on congressional pay provisions included in the bill.

Second, this bill is accurately entitled an ethics act. My dictionary defines the word "ethics" as the discipline dealing with what is good or bad and with moral duty and obligation, and this is a revolutionary ethics reform package, unimaginable only a few years ago but on the brink of becoming a new ethical standard for years to come.

In this package, we eliminate, as has been alluded to, the practice of receiving honoraria from special interests even though there are those of us who have received little if any criticism from the folks back home when we've reported what we have done.

I also felt that I was giving the chore my very best effort for what I was paid and don't apologize for it.

But the hard cold facts of life are: they are on the way out as a matter of change around here.

We further restrict our ability to accept gifts. We tighten up on travel. We restrict outside income. We require additional public disclosure of financial interests and potential conflicts of interest. We tighten up blind trusts. We repeal the so-called grandfather clause. We base future pay on the recommendations of private citizens from every walk of life. We toughen our enforcement of ethical behavior in the House, and we impose more accountability on our staff.

Mr. Speaker, if that is not discipline, I do not know what is. No other segment of our society, the press, the professions, labor unions, business, none live under such strict ethical constraints. A cynic might say that, "Well, no other sector of American life needs such restraints." And perhaps that's true. Whatever the case, the constraints are there, and they are self-imposed.

There is no question—we are carrying out a duty imposed upon us by the Constitution of the United States. No one else can do it for us. The Constitution makes it clear.

Let me just read, my friends, from that sacred document, the Constitution, section 5 of article I, in part it says, "Each House shall be the judge of the * * * Qualifications of its own Members and * * * may determine the rules of its proceedings, punish its Members for disorderly behavior and "expel a Member." We have had to deal, in a sense, with that earlier in this year, which makes it all the more traumatic a session that is one of the two most distasteful things I have ever had to deal with in my 33 years in this Congress, sitting in judgment on the ethical behavior of my colleagues. I did not come here to do that. That was not my role as I saw it. But the Constitution, which we swore to uphold, says every once in a while we have to do that.

Then, furthermore, in section 6 of article I, it provides in part that, "The Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of the United States." That is what the Constitution says, my friends, and that is what we are sworn to uphold.

For one who says, "Well, you knew what the salary was when you took the job. Why do you need it raised?" Maybe some of us should not stay here as long as we have been here, and that maybe then makes a more sound argument if you're only going to be around for a couple terms, but if you have by chance or design made it your life and devoted your life to public service, which I happen to think is a very honorable profession, then the thought that the $22,500 that I was paid years ago ought to be commensurate with these times is just plain ridiculous. Perhaps the Founders made an error. Perhaps there should have been a better, easier way devised to provide compensation.

□ 1340

The plain fact is that the Constitution imposes this decision on us, and not on the press, not on Ralph Nader, and not on anyone else, but Members of Congress.

We are not gods, but fallible men and women. No one knows that better than we whose every flaw is exposed to our fellow citizens every 2 years under intense public scrutiny, and in the days, months, and years between. We are human beings under glass, and as such we are judged pretty doggone severely.

Not one of us believes that he or she is so morally superior that we should sit in judgment on our colleagues, but as I indicated, the Constitution and the times in which we live leave us no choice in the matter. Yes, it leaves the choice in the clumsy hands of fallible human beings.

We have met that obligation, distasteful as it may be. This is indeed ethics reform. It is substantial and it will last.

The only question remaining, therefore, comes down to whether this bill before us is worthy of the constitutional obligation it seeks to fulfill. I believe it is. It has the three marks by which a proposal of this sort must be judged: It's bipartisan, out in the open, not hidden behind some legislative subterfuge or hidden through some procedural railroad. It is right in that it affects the next Congress primarily and future Congresses, not those Members who are currently sitting in the body. And finally, we're also addressing the pay problem for the executive and judicial branches as well.

No judge, no Congressman, no executive branch employee works solely for the compensation, but there comes a point when the psychic rewards, the great and lasting honor of doing the work of democratic government, collides with economic realities. We have long since passed that point, and we can no longer, in my judgment, ignore the plight of the Federal judiciary.

You can howl at the Moon and say no one is forcing anyone to take a judicial post, and you can say that they should be happy with what they get now. Incidentally I have never heard an American make that argument in his own case, strangely enough. And maybe lawyers make too much. I am not in the business of deciding that. Maybe if we stopped suing each other so much the situation would change. I do not know.

But when, as the majority leader pointed out, for example, a first-year graduate of a prominent law school in a major American city receives as much as a judge with years of experience on the bench, we know that something has got to be out of kilter and in need of correction. People say they want justice, but they expect judges who have education, experience, skill, to perform as if they have taken a perpetual vow of accepting inadequate compensation—certainly inadequate for the sacred duty they perform. The same holds true for the researchers that we want to cure cancer, and the scientists that we want to create new sources of energy. I suspect we expect too much of them and give them too little.

If I might, in wrapping up here, address this myth that we somehow are provided some significant housing allowance when we have to take leave of our homes, that is just so much bunk, and Ralph Nader knows it. What we attempt to do way back in 1955 was to have a $3,000 figure inserted into the Code, supposedly to take care of our expenses while in Washington away from home. If we indexed that $3,000 figure of 1955 to comport with today's cost of living I do not know how many times the figure would be multiplied.

The point is that little section in the Code is a disaster for us. People refer to it as giving us something that we ain't got. It is not there. It does not mean two hoots. Take it out. I do not want any special privilege. All I want to do is have some reasonable equity with the businessman doing his business while away from home.

We find ourselves in a catch-22 situation. The IRS says what is your principal home? My principal home and all of our principal homes are in our home State where we have to be a resident to get ourselves elected from that State to serve in this body. Then we have to have some kind of accommodation for our families here in Washington. The other day I received a letter saying, "Why don't you fellows all just live in dormitories down there while you are there?" Let the RECORD show that comment provokes raucous laughter among you. Yes, its just ridiculous.

Let me tick off one more. This idea that we have a per diem allowance—the real irony of this whole thing is that we, by Federal statute, enabled all of our State legislators out there if they so choose to take per diem while serving in their respective capitals and

some are indeed treating it as tax free. What we were willing to do for our State legislators we won't do for ourselves, and that was all taken into account by this distinguished task force that explored all of the avenues out there.

So here we are with this decision today, and I guess today I speak more for the younger Members with growing families than I speak for those of us whose families have gone, flown the coop, so to speak, and dad and mom are left by themselves. I still have empathy and a lot of sympathy for the younger Members that come down here with their growing families. We did it with four kids under four, and it took a lot of doing to simply get by. Our good friend Danny Rosty will tell you how several of us used to drive back to Illinois on Thursday night in a station wagon, a couple of guys sleeping, the other one driving and then back on Sunday night in order to get by because we could not afford to bring our families down here. Conditions have improved since then with the more liberal travel allowance, but it does not in any way, improve the problem I mentioned earlier of what to do about maintaining two residences—one at home and one here.

So I have to speak for the young people, the younger Members out there who have these growing families, because I have experienced it and know what the problem is.

Having said that, I guess there are some of the senior Members too, who think with all the experience they have, and the additional influence they can bring to bear, and the more effective they may or may not be, why should there not be a difference in salary between those who have more significant positions of responsibility. That kind of reasoning led Members to supplement their statutory salary, and that in turn led to sources of outside income, which in turn led to honorariums, which in turn then brings us to the point where we find ourselves really in gross violation of what the Founding Fathers decreed when they conceived that sentence or two in the Constitution about being compensated from the Federal Treasury.

So I would hope that Members take all of these things into account. As for the distinguished gentleman from California [Mr. FAZIO], the distinguished gentlewoman from Illinois [Mrs. MARTIN] and their cohorts on that task force, I am sure I voice the thanks and appreciation of the distinguished speaker for your working for so long a time in taking on all those Members who felt they had a better way of doing this That is not unique around here but, I just want to say thanks so much for what you have done.

Then maybe one final caveat. The other body has to consider what we are doing, and I would hope over there, if they are listening, or in the Chamber observing our proceedings, that they will do what is fair. There is a distinct disparity between the two Houses in so many ways, in so many things, and particularly when it comes to level of income that prevails there as distinguished from the level of income that prevails in this House on an average. I do not want to go beyond that, because I certainly do not want to taint the process. Members all know what I am talking about when I mention it, and we think we are deserving of what we are fronting for here, stepping up to the plate and taking the issue head on, right out in the open. I would hope that they would have a measure of sympathy and empathy for what we have to go through every 2 years, not once every 6 years like they and that the other body will look kindly upon what we will leave accomplished at the end of this day.

So my colleagues, as my old mentor, Ev Dirksen used to say "BOB I hope you won't ever demean your own worth as you serve in my old seat in the Congress." I certainly don't intend to today. I think the history books will record that Everett McKinley Dirksen was one fabulous Congressman and Senator and leader, and he always took this issue head on, and I would like to do the same today on behalf of my colleagues. I thank the Speaker again for what he has come to symbolize to this House during his stewardship. Mr. Speaker, as the majority leader mentioned, your bringing us together, not only on this issue, but on a number of others has been a good thing for this institution. We appreciate your consideration of the minority's rights, although on this issue today we have our own reversion of solidarity. It's been a pleasure to work so closely with you and I just hope we can continue to do so in the best interests of the country.

□ 1350

We have an opportunity today to really put a feather in our caps if we do the right thing today.

Need I say more? I certainly hope we'll have an overwheling vote for the package that has been presented.

The SPEAKER. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mrs. MARTIN of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered

The vote was taken by electronic device and there were—yeas 252, nays 174, answered "present" 1, not voting 7, as follows:

[Roll No. 358]

YEAS—252

Ackerman	Green	Obey
Akaka	Guarini	Ortiz
Alexander	Gunderson	Owens (NY)
Andrews	Hall (OH)	Owens (UT)
Annunzio	Hammerschmidt	Oxley
Anthony	Hatcher	Packard
Archer	Hawkins	Panetta
Aspin	Hayes (IL)	Parris
Atkins	Hayes (LA)	Payne (NJ)
AuCoin	Hefner	Pease
Baker	Henry	Pelosi
Ballenger	Horton	Perkins
Barnard	Houghton	Pickle
Bartlett	Hoyer	Porter
Barton	Hubbard	Price
Bateman	Hughes	Pursell
Bates	Hunter	Quillen
Beilenson	Ireland	Rahall
Bilbray	Jenkins	Rangel
Bilirakis	Johnson (CT)	Ray
Boehlert	Jones (GA)	Regula
Boggs	Jones (NC)	Rhodes
Bonior	Kanjorski	Rinaldo
Borski	Kastenmeier	Roberts
Bosco	Kennedy	Roe
Boucher	Kennelly	Rostenkowski
Boxer	Kleczka	Roukema
Broomfield	Kolbe	Rowland (GA)
Brown (CA)	Kyl	Roybal
Bryant	LaFalce	Russo
Buechner	Lancaster	Sabo
Burton	Lantos	Saiki
Bustamante	Leath (TX)	Savage
Byron	Lehman (CA)	Sawyer
Campbell (CA)	Lehman (FL)	Saxton
Cardin	Lent	Scheuer
Carper	Levin (MI)	Schulze
Chandler	Levine (CA)	Schumer
Clay	Lewis (CA)	Shaw
Coleman (MO)	Lewis (GA)	Shays
Collins	Lipinski	Sikorski
Conte	Livingston	Sisisky
Cooper	Lloyd	Skaggs
Coughlin	Lowery (CA)	Skelton
Coyne	Luken, Thomas	Slaughter (NY)
Crockett	Madigan	Smith (FL)
Darden	Manton	Smith (IA)
Davis	Markey	Smith (NJ)
de la Garza	Martin (NY)	Smith (TX)
DeLay	Martinez	Solarz
Dellums	Matsui	Solomon
Dicks	Mavroules	Stark
Dingell	Mazzoli	Stenholm
Dixon	McCloskey	Stokes
Donnelly	McCollum	Studds
Downey	McCrery	Sundquist
Durbin	McCurdy	Swift
Dwyer	McDade	Synar
Dymally	McDermott	Thomas (CA)
Edwards (CA)	McEwen	Thomas (GA)
Edwards (OK)	McGrath	Torres
Fascell	McHugh	Torricelli
Fazio	McMillan (NC)	Towns
Fish	McMillen (MD)	Traxler
Flake	McNulty	Udall
Foglietta	Mfume	Upton
Foley	Michel	Valentine
Ford (MI)	Miller (CA)	Vander Jagt
Ford (TN)	Mineta	Vento
Frenzel	Moakley	Volkmer
Frost	Mollohan	Vucanovich
Gallegly	Montgomery	Walgren
Gallo	Moody	Walsh
Gaydos	Moorhead	Waxman
Gejdenson	Morella	Weiss
Gephardt	Morrison (WA)	Weldon
Gibbons	Mrazek	Wheat
Gilman	Murtha	Whittaker
Gingrich	Myers	Whitten
Glickman	Nagle	Wilson
Gonzalez	Natcher	Wolf
Gordon	Nowak	Wolpe
Gradison	Oakar	Young (AK)
Gray	Oberstar	Young (FL)

NAYS—174

Anderson	Hall (TX)	Ravenel
Applegate	Hamilton	Richardson
Armey	Hancock	Ridge
Bennett	Hansen	Ritter
Bentley	Harris	Robinson
Bereuter	Hastert	Rogers
Bevill	Hefley	Rohrabacher
Bliley	Herger	Ros-Lehtinen
Brennan	Hertel	Rose
Browder	Hiler	Roth
Brown (CO)	Hoagland	Rowland (CT)
Bruce	Hochbrueckner	Sangmeister
Bunning	Holloway	Sarpalius
Callahan	Hopkins	Schaefer
Campbell (CO)	Huckaby	Schiff
Carr	Hutto	Schneider
Chapman	Hyde	Schroeder
Clarke	Inhofe	Schuette
Clement	Jacobs	Sensenbrenner
Clinger	James	Sharp
Coble	Johnson (SD)	Shumway
Coleman (TX)	Johnston	Shuster
Combest	Jontz	Skeen
Condit	Kaptur	Slattery
Conyers	Kasich	Slaughter (VA)
Costello	Kildee	Smith (NE)
Cox	Kolter	Smith (VT)
Craig	Kostmayer	Smith, Denny (OR)
Crane	Lagomarsino	Smith, Robert (NH)
Dannemeyer	Laughlin	Smith, Robert (OR)
DeFazio	Leach (IA)	Snowe
Derrick	Lewis (FL)	Spence
DeWine	Lightfoot	Spratt
Dickinson	Long	Staggers
Dorgan (ND)	Lowey (NY)	Stallings
Dornan (CA)	Lukens, Donald	Stangeland
Douglas	Machtley	Stearns
Dreier	Marlenee	Stump
Duncan	McCandless	Tallon
Dyson	Meyers	Tanner
Early	Miller (OH)	Tauke
Eckart	Miller (WA)	Tauzin
Emerson	Morrison (CT)	Taylor
Engel	Murphy	Thomas (WY)
English	Neal (MA)	Traficant
Erdreich	Neal (NC)	Unsoeld
Espy	Nelson	Visclosky
Evans	Nielson	Walker
Fawell	Olin	Watkins
Feighan	Pallone	Weber
Fields	Parker	Williams
Frank	Pashayan	Wise
Gekas	Patterson	Wyden
Geren	Paxon	Wylie
Gillmor	Payne (VA)	Yates
Goodling	Penny	Yatron
Goss	Petri	
Grandy	Pickett	
Grant	Poshard	

ANSWERED "PRESENT"—1

Martin (IL)

NOT VOTING—7

Berman	Flippo	Molinari
Brooks	Florio	
Courter	Garcia	

□ 1408

The Clerk announced the following pair:

On the vote:

Mr. Berman for, with Mr. Flippo against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3660, GOVERNMENT ETHICS REFORM ACT OF 1989

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to make technical and conforming changes in the engrossment of the bill, H.R. 3660.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 147

Mr. AuCOIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Concurrent Resolution 147.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

PERSONAL EXPLANATION

Mr. MINETA. Mr. Speaker, I missed rollcall votes on Monday and Tuesday of this week. Had I been present, I would have voted "aye" on H.R. 3614, Drug-Free Schools and Communities Act; H.R. 3550, drug forfeiture amendments; H.R. 2939, the foreign operations appropriations bill; and House Resolution 288.

I would also have voted "aye" on rollcall 351, in support of the motion for the House to recede from its disagreement to the amendment of the Senate numbered 17 in the conference report on H.R. 2939.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 147

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Concurrent Resolution 147.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2883, RURAL DEVELOPMENT, AGRICULTURE, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of Wednesday, November 15, 1989, I call up the conference report on the bill (H.R. 2883) making appropriations for rural development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1990, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of Wednesday, November 15, 1989, at page H. 8718.)

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, November 15, 1989, the conference report is considered as having been read.

The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentlewoman from Nebraska [Mrs. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill provides a total of $43.6 billion in total budget authority. It is agreed to by the conferees without exception. May I say that the conference report is $3.2 billion less than fiscal year 1989. It is $20 million less than the budget request. It is under our 302(b) allocation.

CHANGE IN POLICY NEEDED

Agriculture, our largest employer at home, our biggest market for industry and labor, our biggest dollar earner in world trade, has been permitted to go down the drain during the last decade. Thousands of farmers have gone bankrupt and hundreds have committed suicide. Seventy million acres of land lie idle through foreclosure or Government programs to reduce production. Foreclosed land is often bought by insurance companies and foreign buyers. Villages and rural cities are drying up, unless they have local military or foreign aid spending which is increased each year. The effect on the Nation is disastrous.

SOUND FARM PROGRAM

For 48 years, farm prices were maintained to offset costs and our surplus sold in world trade at competitive prices.

Instead of using CCC to buy our surplus products and sell it in world trade competitively, the Department has paid $2.4 billion in bonuses to exporters—a cost which is charged to the farmer. CCC, instead of buying and selling as Congress intended, is used for many other purposess and the cost is also charged to the farmer.

Instead of using section 32—30 percent of customs receipts—as intended to promote exports and to support the price with special attention to perishable commodities, they divide it among consumer programs.

Instead of the farmer receiving a fair price from the buyer, as he did for 48 years, he must look to a check from the U.S. Treasury. To help meet his expenses he must look to a synthetic crop insurance, where more than half the amount goes to the insurance companies and the remainder is used in an effort to keep the farmer in business while his price supports are less than cost and further reductions are called for by the Secretary.

Under the Targeted Export Assistance Program American industry has drawn $500 million to promote their products abroad. This, too, is charged to the farmer.

The Congress increased the minimum wage. The effect is to increase farm costs for machinery, chemicals, and all the rest. At the same time the Federal Government then asks Congress to reduce what goes to the farmer to offset this.

Remember, 84 percent of the land area of our country is rural, including cities of 50,000 and less, and is largely ignored by present government plans.

FINANCIAL PICTURE

After 8 years of current policy, what is the result:

The national debt of $932 billion in 1981 has tripled to over $2.8 trillion.

Our trade deficit has gone from $19.3 billion in 1980 to $170.0 billion in the red in 1987 and $119.8 billion in the red in 1988.

For the first time since 1914, the United States is a debtor nation, the largest debt any nation every had throughout history.

This has occurred despite the fact that our Appropriations Committee has held appropriations bills $187 billion below the President's requests since 1945, and more than $16 billion below President Reagan's requests. Even so the Nation's debt now exceeds $3 trillion.

If we are to handle that debt, we will have to produce more than we need at home, return to exporting more than we import, produce ourselves as much as what we now buy ourselves, much of which is bought on credit. This calls for a reversal of present policies.

May I say this conference agreement represents our best judgment in how to provide funding for these programs which touch every family in the United States. We held almost 3 months of hearings, 30 Members presented statements to our committee on the bill. Eight hundred and fifty letters were received from Members, plus 50 more while we were in conference. This agreement taken into account those concerns to the extent we were able.

Mr. Speaker, may I say that $400,000 is included for the Secretary to return to the use of CCC and section 32, to see what the score is as we compete with foreign countries. We have also included $400,000 for the Secretary to pull together information on the laws and practices of foreign countries, which are used to restrict our exports.

Over one-half of the bill is for food and consumer programs. For food programs the amount is $23.3 billion; $992 million is for Food for Peace; $594 million is for the Food and Drug Administration; and $423 million is for food inspection.

Food stamp funding is adjusted by $1.5 billion over the House-passed bill to reflect the budget amendment submitted by the President after the bill had been passed by the House. The funds for WIC are at $2,126 million, $197 million more than in 1989. It maintains the coupon demonstration project at $2 million.

Mr. Speaker, the bill funds rural development programs and provides increases over last year for water and sewer, rural housing, and REA programs.

To the extent we could we provided increases for conservation programs at last year's level for the Agricultural Conservation Programs, watershed and flood prevention, and the Resource Conservation and Development Program.

Under Soil Conservation Service, the conference agreement includes $5 million to continue work on the Yazoo basin demonstration project. Included in this total are funds for work by the Soil Conservation Service to complete the work in south Charleston as well as work on Toby Tubby Creek in Lafayette County.

It holds the conservation reserve to $1 billion-plus, the current estimate based on reduced sign-up, as proposed by the House. The agreement limits contracts to prevailing rental rates.

It funds cooperative research, extention, and marketing, at about last year's levels. It provides funding for special grants, urban gardening, nutrition aids, financial management to farmers, and wholesale market development.

The agreement holds the Export Enhancement Program and Targeted Export Assistance Program to last year's level.

Included in the agreement are several items of importance to my area. We provide $2 million for the National Center for Physical Acoustics, including $1,500,000 for necessary equipment and $500,000 for contracting by the Department for research to be conducted at the Center.

Also included is $3,800,000 for construction of the Natural Products Laboratory and $125,000 for research on natural products.

The agreement also included $500,000 to establish the Food Service Management Institute at the University of Mississippi.

We have also included $1 million for the Delta Development Commission.

Mr. Speaker, may I say that we have brought out a good bill. It is under the limits in various places, and yet it takes care of our own country, on which we all must look.

Mr. Speaker, I would like to thank the ranking member on our subcommittee, the gentlewoman from Nebraska, VIRGINIA SMITH, for all her efforts on this bill. She does a fine job.

I would also like to thank my friend from Massachusetts, Mr. CONTE, the ranking minority member on our committee for his cooperation and assistance. In the 11 years I have been chairman of the Appropriations Committee and he has been ranking minority member, we have worked well together. We both serve on all 13 subcommittees of the Appropriations Committee, including Public Works, Interior, Transportation, Defense, and all the rest.

All of the Members of the subcommittees worked long and hard on this bill and it is a good bill.

I repeat, again, this is agreed to without exception by the House and Senate conferees.

Mr. Speaker, at this point in the RECORD I will insert the detailed bill tables on the conference agreement.

Mr. Speaker, I reserve the balance of my time.

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - AGRICULTURAL PROGRAMS						
Production, Processing and Marketing						
Office of the Secretary	1,762,000	1,789,000	1,789,000	1,789,000	1,789,000	+27,000
Farm and export programs plan			500,000		400,000	+400,000
Investigation of foreign competition			500,000		400,000	+400,000
Office of the Deputy Secretary	363,000	397,000	397,000	397,000	397,000	+34,000
Office of Budget and Program Analysis	4,389,000	4,554,000	4,554,000	4,554,000	4,554,000	+165,000
Office of the Assistant to the Secretary for Special Services	150,000					-150,000
Office of the Assistant Secretary for Administration	467,000	474,000	467,000	474,000	470,000	+3,000
Rental payments (USDA)	50,659,000	50,659,000	49,467,000	49,467,000	49,467,000	-1,192,000
Building operations and maintenance	21,297,000	23,609,000	23,033,000	23,033,000	23,033,000	+1,736,000
Advisory committees (USDA)	1,494,000	1,494,000	1,494,000	1,494,000	1,494,000	
Hazardous waste management	5,000,000	25,688,000	20,000,000	20,000,000	20,000,000	+15,000,000
Departmental administration	21,533,000	22,500,000	22,022,000	22,022,000	22,022,000	+489,000
Working Capital Fund	4,708,000	3,750,000	3,750,000			-4,708,000
Office of the Assistant Secretary for Governmental and Public Affairs	408,000	414,000	414,000	414,000	414,000	+6,000
Office of Governmental and Public Affairs:						
Public affairs	7,883,000	8,001,000	7,964,000	7,964,000	7,964,000	+81,000
Congressional relations	497,000	588,000	497,000	588,000	542,000	+45,000
Intergovernmental affairs	479,000	479,000	479,000	479,000	479,000	
Total, Office of Governmental and Public Affairs	8,859,000	9,068,000	8,940,000	9,031,000	8,985,000	+126,000
Office of the Inspector General	50,491,000	52,530,000	51,576,000	52,530,000	52,053,000	+1,562,000
Office of the General Counsel	20,836,000	22,340,000	21,316,000	22,340,000	21,828,000	+992,000
Office of the Assistant Secretary for Economics	447,000	454,000	454,000	454,000	454,000	+7,000
Economic Research Service	49,336,000	51,714,000	50,489,000	51,714,000	51,102,000	+1,766,000
National Agricultural Statistics Service	63,588,000	71,038,000	67,901,000	67,901,000	67,901,000	+4,313,000
World Agricultural Outlook Board	1,820,000	2,045,000	1,936,000	1,936,000	1,936,000	+116,000
Office of the Assistant Secretary for Science and Education	432,000	438,000	438,000	438,000	438,000	+6,000
Agricultural Research Service	561,581,000	579,318,000	589,500,000	591,447,000	592,339,000	+30,758,000
Special fund	1,800,000	1,800,000	2,000,000	2,000,000	2,000,000	+200,000
Buildings and facilities	5,390,000	18,500,000	5,390,000	11,735,000	10,675,000	+5,285,000
Total, Agricultural Research Service	568,771,000	599,618,000	596,890,000	605,182,000	605,014,000	+36,243,000
Cooperative State Research Service	315,107,000	295,398,000	319,625,000	341,630,000	341,994,000	+26,887,000
Buildings and facilities	22,960,000		22,960,000	49,414,000	45,686,000	+22,726,000
Extension Service	361,370,000	324,840,000	368,950,000	366,671,000	371,957,000	+10,587,000
National Agricultural Library	14,268,000	14,947,000	14,448,000	14,947,000	14,883,000	+615,000
Office of the Assistant Secretary for Marketing and Inspection Services	421,000	427,000	427,000	427,000	427,000	+6,000
Animal and Plant Health Inspection Service:						
Salaries and expenses	331,207,000	332,756,000	342,146,000	352,768,000	352,182,000	+20,975,000
Buildings and facilities	2,546,000	15,172,000	15,172,000	11,672,000	13,422,000	+10,876,000
Total, Animal & Plant Health Inspection Service	333,753,000	347,928,000	357,318,000	364,440,000	365,604,000	+31,851,000
Food Safety and Inspection Service	404,954,000	422,799,000	422,799,000	422,799,000	422,799,000	+17,845,000
Federal Grain Inspection Service	8,115,000	8,255,000	8,185,000	8,185,000	8,185,000	+70,000
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(36,856,000)	(36,856,000)	(36,856,000)	(36,856,000)	(36,856,000)	
Agricultural Cooperative Service	4,655,000	2,303,000	4,714,000	4,714,000	4,714,000	+59,000
Agricultural Marketing Service:						
Marketing Services	33,373,000	32,242,000	33,187,000	33,155,000	33,171,000	-202,000
(Limitation on administrative expenses, from fees collected)	(36,500,000)	(35,462,000)	(37,962,000)	(37,962,000)	(37,962,000)	(+1,462,000)
Funds for strengthening markets, income, and supply (Section 32) (by transfer)	(7,811,000)	(8,007,000)	(8,007,000)	(8,007,000)	(8,007,000)	(+196,000)
Payments to States and possessions	942,000		942,000	1,500,000	1,250,000	+308,000
Total, Agricultural Marketing Service	34,315,000	32,242,000	34,129,000	34,655,000	34,421,000	+106,000
Office of Transportation	2,397,000	1,395,000	2,397,000	2,397,000	2,397,000	
Packers and Stockyards Administration	9,562,000	9,562,000	9,562,000	9,562,000	9,562,000	
Total, Production, Processing and Marketing	2,388,687,000	2,404,669,000	2,493,841,000	2,555,011,000	2,556,780,000	+168,093,000
Farm Income Stabilization						
Office of the Under Secretary for International Affairs and Commodity Programs	413,000	419,000	419,000	419,000	419,000	+6,000
Agricultural Stabilization and Conservation Service:						
(Transfer from Commodity Credit Corporation)	(620,000,000)	(632,588,000)	(632,588,000)	(632,588,000)	(632,588,000)	(+12,588,000)
Dairy indemnity program	5,000		5,000	5,000	5,000	
Total, Farm Income Stabilization	(620,418,000)	(633,007,000)	(633,012,000)	(633,012,000)	(633,012,000)	(+12,594,000)
CORPORATIONS						
Federal Crop Insurance Corporation:						
Administrative and operating expenses	201,992,000	225,626,000	225,626,000	225,626,000	225,626,000	+23,634,000
Federal crop insurance corporation fund	112,000,000	162,939,000	162,939,000	162,939,000	162,939,000	+50,939,000

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
Total, Federal Crop Insurance Corporation	313,992,000	388,565,000	388,565,000	388,565,000	388,565,000	+74,573,000
Commodity Credit Corporation:						
Reimbursement for net realized losses	8,828,286,000	4,800,000,000	4,233,000,000	4,800,000,000	4,233,000,000	-4,595,286,000
General Sales Manager (transfer from Commodity Credit Corporation)	(7,200,000)	(7,630,000)	(7,415,000)	(7,415,000)	(7,415,000)	(+215,000)
Total, Corporations:						
New budget (obligational) authority	9,142,278,000	5,188,565,000	4,621,565,000	5,188,565,000	4,621,565,000	-4,520,713,000
(By transfer)	(7,200,000)	(7,630,000)	(7,415,000)	(7,415,000)	(7,415,000)	(+215,000)
Total, title I, Agricultural Programs:						
New budget (obligational) authority	11,531,383,000	7,593,653,000	7,115,830,000	7,744,000,000	7,178,769,000	-4,352,614,000
(By transfer)	(627,200,000)	(640,218,000)	(640,003,000)	(640,003,000)	(640,003,000)	(+12,803,000)
(Transfer from Sec. 32)	(7,811,000)	(8,007,000)	(8,007,000)	(8,007,000)	(8,007,000)	(+196,000)
(Limitation on obligations)	(73,356,000)	(72,318,000)	(74,818,000)	(74,818,000)	(74,818,000)	(+1,462,000)
TITLE II - RURAL DEVELOPMENT PROGRAMS						
Rural Development Assistance						
Office of the Under Secretary for Small Community and Rural Development	418,000	424,000	424,000	424,000	424,000	+6,000
Farmers Home Administration:						
Rural Housing Insurance Fund:						
Insured loans (loan authorization)	(1,844,420,000)	(100,000,000)	(1,944,420,000)	(1,919,420,000)	(1,931,920,000)	(+87,500,000)
Site loans (loan authorization)	(570,000)	.....	(570,000)	(570,000)	(570,000)	.....
Collection and servicing contracts (limitation on obligations)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	.....
Rent supplement authorization (limitation on obligations)	(275,310,000)	.....	(300,310,000)	(300,310,000)	(300,310,000)	(+25,000,000)
Reimbursement for interest and other losses	3,660,061,000	2,677,897,000	2,677,897,000	2,677,897,000	2,677,897,000	-982,164,000
Total, Rural Housing Insurance Fund:						
New budget (obligational) authority	3,660,061,000	2,677,897,000	2,677,897,000	2,677,897,000	2,677,897,000	-982,164,000
(Loan authorization)	(1,844,990,000)	(100,000,000)	(1,944,990,000)	(1,919,990,000)	(1,932,490,000)	(+87,500,000)
(Limitation on obligations)	(285,310,000)	(10,000,000)	(310,310,000)	(310,310,000)	(310,310,000)	(+25,000,000)
Self-help Housing Land Development Fund (loan authorization)	(500,000)	.....	(500,000)	(500,000)	(500,000)	.....
Agricultural Credit Insurance Fund:						
Farm ownership loans (loan authorization):						
Insured	(95,000,000)	(50,000,000)	(95,000,000)	(50,000,000)	(80,000,000)	(-15,000,000)
FY 1991	.....	.....	.....	.....	(13,500,000)	(+13,500,000)
Guaranteed	(474,000,000)	(200,000,000)	(474,000,000)	(519,000,000)	(475,500,000)	(+1,500,000)
Total, farm ownership loans (loan authorization)	(569,000,000)	(250,000,000)	(569,000,000)	(569,000,000)	(555,500,000)	(-13,500,000)
Operating loans (loan authorization):						
Insured	(932,500,000)	(600,000,000)	(923,000,000)	(867,500,000)	(900,000,000)	(-32,500,000)
Guaranteed	(2,300,000,000)	(2,800,000,000)	(2,600,000,000)	(2,600,000,000)	(2,600,000,000)	(+300,000,000)
Total, operating loans (loan authorization)	(3,232,500,000)	(3,400,000,000)	(3,523,000,000)	(3,467,500,000)	(3,500,000,000)	(+267,500,000)
Soil and water loans (loan authorization):						
Insured	(5,500,000)	.....	(11,000,000)	(5,500,000)	(5,500,000)	.....
Guaranteed	(1,500,000)	.....	(3,000,000)	(1,500,000)	(1,500,000)	.....
Total, soil and water loans (loan authorization)	(7,000,000)	.....	(14,000,000)	(7,000,000)	(7,000,000)	.....
Indian tribe land acquisition loans (loan authorization)	(1,000,000)	.....	(2,000,000)	(1,000,000)	(1,000,000)	.....
Emergency disaster loans (loan authorization)	(530,000,000)	(50,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(+70,000,000)
Watershed and flood prevention (loan authorization)	(4,000,000)	.....	(7,949,000)	(3,755,000)	(4,000,000)	.....
Resource conservation loans (loan authorization)	(600,000)	.....	(1,207,000)	(600,000)	(600,000)	.....
State mediation program (by transfer)	(3,000,000)	(2,000,000)	(3,000,000)	(4,000,000)	(3,500,000)	(+500,000)
Reimbursement for interest and other losses	3,467,596,000	4,462,159,000	4,259,000,000	4,462,159,000	4,120,159,000	+652,563,000
Total, Agricultural Credit Insurance Fund:						
New budget (obligational) authority	3,467,596,000	4,462,159,000	4,259,000,000	4,462,159,000	4,120,159,000	+652,563,000
(Loan authorization)	(4,344,100,000)	(3,700,000,000)	(4,717,156,000)	(4,648,855,000)	(4,668,100,000)	(+324,000,000)
Rural Development Insurance Fund:						
Water and sewer facility loans (loan authorization):						
Direct	(332,880,000)	(200,000,000)	(370,380,000)	(340,000,000)	(355,190,000)	(+22,310,000)
Guaranteed	.....	(50,000,000)	(75,000,000)	(75,000,000)	(75,000,000)	(+75,000,000)
Industrial development loans: Guaranteed (loan authorization)	(95,700,000)	(95,700,000)	(95,700,000)	(95,700,000)	(95,700,000)	.....
Community facility loans (loan authorization):						
Direct	(95,700,000)	.....	(95,700,000)	(95,700,000)	(95,700,000)	.....
Guaranteed	.....	(50,000,000)	(24,000,000)	(50,000,000)	(24,000,000)	(+24,000,000)
Reimbursement for interest and other losses	1,607,047,000	1,474,499,000	1,474,499,000	1,474,499,000	1,474,499,000	-132,548,000
Total, Rural Development Insurance Fund:						
New budget (obligational) authority	1,607,047,000	1,474,499,000	1,474,499,000	1,474,499,000	1,474,499,000	-132,548,000
(Loan authorization)	(524,280,000)	(395,700,000)	(660,780,000)	(656,400,000)	(645,590,000)	(+121,310,000)

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
Rural Development Loan Fund	.....	12,000,000	12,000,000	23,000,000	17,500,000	+17,500,000
(Loan authorization)	(14,000,000)	(14,000,000)	(14,000,000)	(25,000,000)	(19,500,000)	(+5,500,000)
Rural water and waste disposal grants	116,895,000	75,000,000	209,395,000	209,395,000	209,395,000	+92,500,000
Very low-income housing repair grants	12,500,000	10,000,000	12,500,000	12,500,000	12,500,000	.....
Rural housing for domestic farm labor	9,513,000	5,000,000	12,500,000	9,513,000	11,000,000	+1,487,000
Mutual and self-help housing	8,000,000	.....	9,500,000	8,000,000	8,750,000	+750,000
Rural community fire protection grants	3,091,000	.....	3,091,000	3,091,000	3,091,000	.....
Compensation for construction defects	500,000	250,000	500,000	500,000	500,000	.....
Rural rental assistance payments (voucher program)	.....	360,000,000	.....	.....	.....	.....
Rural housing preservation grants	19,140,000	15,000,000	19,140,000	19,140,000	19,140,000	.....
Rural development grants	6,500,000	.....	6,500,000	26,500,000	16,500,000	+10,000,000
Office of the Administrator	600,000	.....	600,000	600,000	600,000	.....
Salaries and expenses	414,734,000	418,334,000	422,934,000	422,934,000	422,934,000	+8,200,000
(Transfer from loan accounts)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	(4,000,000)	.....
Total, salaries and expenses	(418,734,000)	(422,334,000)	(426,934,000)	(426,934,000)	(426,934,000)	(+8,200,000)
Total, Farmers Home Administration:						
New budget (obligational) authority	9,326,177,000	9,510,139,000	9,120,056,000	9,349,728,000	8,994,465,000	-331,712,000
(By transfer)	(7,000,000)	(6,000,000)	(7,000,000)	(8,000,000)	(7,500,000)	(+500,000)
(Loan authorization)	(6,727,870,000)	(4,209,700,000)	(7,337,426,000)	(7,250,745,000)	(7,266,180,000)	(+538,310,000)
(Limitation on obligations)	(285,310,000)	(10,000,000)	(310,310,000)	(310,310,000)	(310,310,000)	(+25,000,000)
Rural Electrification Administration:						
Rural electrification & telephone revolving fund:						
Direct loans:						
Insured loans:						
Electric	(622,050,000)	.....	(622,050,000)	(622,050,000)	(622,050,000)	.....
Telephone	(239,250,000)	.....	(239,250,000)	(239,250,000)	(239,250,000)	.....
Total, insured loans (loan authorization)	(861,300,000)	.....	(861,300,000)	(861,300,000)	(861,300,000)	.....
Guaranteed loans:						
Electric	(813,450,000)	.....	(813,450,000)	(813,450,000)	(813,450,000)	.....
Telephone	(119,625,000)	.....	(119,625,000)	(119,625,000)	(119,625,000)	.....
Total, guaranteed loans (loan authorization)	(933,075,000)	.....	(933,075,000)	(933,075,000)	(933,075,000)	.....
Reimbursement for interest and other losses	341,000,000	.....	244,100,000	244,100,000	244,100,000	-96,900,000
Total, Rural electrification and telephone revolving fund:						
New budget (obligational) authority	341,000,000	.....	244,100,000	244,100,000	244,100,000	-96,900,000
(Loan authorization)	(1,794,375,000)	.....	(1,794,375,000)	(1,794,375,000)	(1,794,375,000)	.....
Rural telephone bank	28,710,000	.....	28,710,000	28,710,000	28,710,000	.....
Direct loans (limitation on obligations)	(177,045,000)	(125,000,000)	(177,045,000)	(177,045,000)	(177,045,000)	.....
Rural communication development fund	1,447,000	1,329,000	1,329,000	1,329,000	1,329,000	-118,000
Rural economic development subaccount	540,000	.....	.....	11,357,000	5,000,000	+4,460,000
Office of the Administrator	160,000	.....	194,000	194,000	194,000	+34,000
Salaries and expenses	31,124,000	30,862,000	31,124,000	31,124,000	31,124,000	.....
Total, Rural Electrification Administration:						
New budget (obligational) authority	402,981,000	32,191,000	305,457,000	316,814,000	310,457,000	-92,524,000
(Loan authorization)	(1,794,375,000)	.....	(1,794,375,000)	(1,794,375,000)	(1,794,375,000)	.....
(Limitation on obligations)	(177,045,000)	(125,000,000)	(177,045,000)	(177,045,000)	(177,045,000)	.....
Total, Rural Development Assistance:						
New budget (obligational) authority	9,729,576,000	9,542,754,000	9,425,937,000	9,666,966,000	9,305,346,000	-424,230,000
(By transfer)	(7,000,000)	(6,000,000)	(7,000,000)	(8,000,000)	(7,500,000)	(+500,000)
(Loan authorization)	(8,522,245,000)	(4,209,700,000)	(9,131,801,000)	(9,045,120,000)	(9,060,555,000)	(+538,310,000)
(Limitation on obligations)	(462,355,000)	(135,000,000)	(487,355,000)	(487,355,000)	(487,355,000)	(+25,000,000)
Conservation						
Office of the Assistant to the Secretary for Natural Resources and Environment	266,000	467,000	422,000	467,000	445,000	+179,000
Soil Conservation Service:						
Conservation operations	403,262,000	474,750,000	481,000,000	481,000,000	481,000,000	+77,738,000
River basin surveys and investigations	12,051,000	9,600,000	12,533,000	12,051,000	12,292,000	+241,000
Watershed planning	8,651,000	7,830,000	8,997,000	8,651,000	8,824,000	+173,000
Watershed and flood prevention operations	172,373,000	96,100,000	182,373,000	182,373,000	182,373,000	+10,000,000
Resource conservation and development	25,120,000	24,487,000	27,620,000	27,620,000	27,620,000	+2,500,000
Great Plains conservation program	20,474,000	18,623,000	20,474,000	21,293,000	20,884,000	+410,000
Total, Soil Conservation Service	641,931,000	631,390,000	732,997,000	732,988,000	732,993,000	+91,062,000
Agricultural Stabilization and Conservation Service:						
Agricultural conservation program	176,935,000	8,000,000	184,935,000	184,935,000	184,935,000	+8,000,000
Forestry incentives program	12,446,000	.....	12,446,000	12,446,000	12,446,000	.....
Water bank program	9,000,000	12,371,000	12,371,000	12,371,000	12,371,000	+3,371,000
Emergency conservation program	5,000,000	.....	10,000,000	10,000,000	10,000,000	+5,000,000
Colorado River Basin salinity control program	5,452,000	10,420,000	10,420,000	10,420,000	10,420,000	+4,968,000
Conservation reserve program	1,789,000,000	1,202,000,000	1,010,978,000	1,010,978,000	1,010,978,000	-778,022,000
Total, Agricultural Stabilization and Conservation Service	1,997,833,000	1,232,791,000	1,241,150,000	1,241,150,000	1,241,150,000	-756,683,000
Total, Conservation:						
New budget (obligational) authority	2,640,030,000	1,864,648,000	1,974,569,000	1,974,605,000	1,974,588,000	-665,442,000
Total, title II, Rural Development Programs:						
New budget (obligational) authority	12,369,606,000	11,407,402,000	11,400,506,000	11,641,571,000	11,279,934,000	-1,089,672,000
(By transfer)	(7,000,000)	(6,000,000)	(7,000,000)	(8,000,000)	(7,500,000)	(+500,000)

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
(Loan authorization)	(8,522,245,000)	(4,209,700,000)	(9,131,801,000)	(9,045,120,000)	(9,060,555,000)	(+538,310,000)
(Limitation on obligations)	(462,355,000)	(135,000,000)	(487,355,000)	(487,355,000)	(487,355,000)	(+25,000,000)
TITLE III - DOMESTIC FOOD PROGRAMS						
Office of the Assistant Secretary for Food and Consumer Services	406,000	412,000	412,000	412,000	412,000	+6,000
Food and Nutrition Service:						
Child nutrition programs	497,544,000	693,426,000	713,250,000	730,940,000	730,940,000	+233,396,000
(Transfer from sec. 32)	(4,093,272,000)	(4,156,554,000)	(4,156,554,000)	(4,156,554,000)	(4,156,554,000)	(+63,282,000)
Total, Child nutrition programs	(4,590,816,000)	(4,849,980,000)	(4,869,804,000)	(4,887,494,000)	(4,887,494,000)	(+296,678,000)
Special milk program	19,925,000	20,449,000	20,449,000	20,449,000	20,449,000	+524,000
Special supplemental food program for women, infants, and children (WIC)	1,929,362,000	1,961,362,000	2,126,000,000	2,126,000,000	2,126,000,000	+196,638,000
Commodity supplemental food program	50,000,000	62,028,000	65,028,000	65,028,000	65,028,000	+15,028,000
Food stamp program	12,915,329,000	14,770,346,000	13,263,485,000	14,463,485,000	14,770,346,000	+1,855,017,000
Nutrition assistance for Puerto Rico	898,665,000	825,000,000	925,925,000	923,925,000	925,925,000	+27,260,000
Cattle tick eradication	9,585,000	.....	10,825,000	12,825,000	10,825,000	+1,240,000
Total, Food stamp program	13,823,579,000	15,595,346,000	14,200,235,000	15,400,235,000	15,707,096,000	+1,883,517,000
Food donations programs for selected groups:						
Needy family program	57,854,000	60,979,000	60,979,000	60,979,000	60,979,000	+3,125,000
Elderly feeding program	141,293,000	145,531,000	145,531,000	145,531,000	145,531,000	+4,238,000
Soup kitchens	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	.....
Total, Food donations programs	239,147,000	246,510,000	246,510,000	246,510,000	246,510,000	+7,363,000
Temporary emergency food assistance program	50,000,000	.....	50,000,000	50,000,000	50,000,000	.....
Commodity purchases - TEFAP	120,000,000	120,000,000	120,000,000	120,000,000	120,000,000	.....
Food program administration	89,223,000	96,830,000	93,026,000	93,026,000	93,026,000	+3,803,000
Total, Food and Nutrition Service	16,818,780,000	18,795,951,000	17,634,498,000	18,852,188,000	19,159,049,000	+2,340,269,000
Human Nutrition Information Service	8,823,000	9,468,000	9,145,000	9,145,000	9,145,000	+322,000
Total, title III, Domestic Food Programs:						
New budget (obligational) authority	16,828,009,000	18,805,831,000	17,644,055,000	18,861,745,000	19,168,606,000	+2,340,597,000
(Transfer from sec. 32)	(4,093,272,000)	(4,156,554,000)	(4,156,554,000)	(4,156,554,000)	(4,156,554,000)	(+63,282,000)
TITLE IV - INTERNATIONAL PROGRAMS						
Foreign Agricultural Service	95,017,000	98,620,000	98,787,000	106,270,000	102,529,000	+7,512,000
Agricultural aid and trade missions	400,000	.....	200,000	200,000	200,000	-200,000
Public Law 480:						
Title I and III - Credit sales:						
Program level	(851,900,000)	(817,000,000)	(860,900,000)	(878,055,000)	(860,955,000)	(+9,055,000)
Direct loans	(790,900,000)	(747,000,000)	(790,000,000)	(798,055,000)	(790,000,000)	(-900,000)
Ocean freight differential	(61,000,000)	(70,000,000)	(70,900,000)	(80,000,000)	(70,955,000)	(+9,955,000)
Appropriation	468,100,000	265,945,000	309,845,000	327,000,000	309,900,000	-158,200,000
Title II - Commodities for disposition abroad:						
Program level	(630,000,000)	(665,000,000)	(682,100,000)	(665,000,000)	(682,100,000)	(+52,100,000)
Appropriation	630,000,000	665,000,000	682,100,000	665,000,000	682,100,000	+52,100,000
Total, Public Law 480:						
Program level	(1,481,900,000)	(1,482,000,000)	(1,543,000,000)	(1,543,055,000)	(1,543,055,000)	(+61,155,000)
Appropriation	1,098,100,000	930,945,000	991,945,000	992,000,000	992,000,000	-106,100,000
Office of International Cooperation and Development	5,319,000	4,983,000	4,376,000	6,725,000	6,118,000	+799,000
Scientific activities overseas (foreign currency program)	1,000,000	.....	750,000	1,000,000	875,000	-125,000
Total, title IV, International Programs:						
New budget (obligational) authority	1,199,836,000	1,034,548,000	1,096,058,000	1,106,195,000	1,101,722,000	-98,114,000
TITLE V - RELATED AGENCIES						
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Food and Drug Administration:						
Salaries and expenses	446,924,000	385,730,000	493,230,000	524,930,000	503,330,000	+56,406,000
Acquired Immune Deficiency activities	40,420,000	56,941,000	56,941,000	56,941,000	56,941,000	+16,521,000
Buildings and facilities	23,950,000	1,450,000	6,950,000	12,250,000	8,350,000	-15,600,000
Rental payments (FDA)	25,612,000	25,612,000	25,612,000	25,612,000	25,612,000	.....
Total, Food and Drug Administration	536,906,000	469,733,000	582,733,000	619,733,000	594,233,000	+57,327,000
DEPARTMENT OF TREASURY						
Financial Management Service:						
Payments to the farm credit system financial assistance corporation	175,000,000	123,200,000	88,000,000	93,000,000	90,000,000	-85,000,000
Farm Credit System Assistance Board (limitation on administrative expenses)	(2,000,000)	(2,309,000)	(2,206,000)	(2,206,000)	(2,206,000)	(+206,000)
INDEPENDENT AGENCIES						
Commodity Futures Trading Commission	34,723,000	37,399,000	37,691,000	37,691,000	37,691,000	+2,968,000

	FY 1989 Enacted	FY 1990 Estimate	House	Senate	Conference	Conference compared with enacted
Farm Credit Administration (limitation on administrative expenses)	(35,000,000)	(37,241,000)	(36,120,000)	(36,120,000)	(36,120,000)	(+1,120,000)
Total, title V, Related Agencies:						
New budget (obligational) authority	746,629,000	630,332,000	708,424,000	750,424,000	721,924,000	-24,705,000
(Limitation on obligations)	(37,000,000)	(39,550,000)	(38,326,000)	(38,326,000)	(38,326,000)	(+1,326,000)
RECAPITULATION						
Grand Total:						
New budget (obligational) authority	42,675,463,000	39,471,766,000	37,964,873,000	40,103,935,000	39,450,955,000	-3,224,508,000
(By transfer)	(634,200,000)	(646,218,000)	(647,003,000)	(648,003,000)	(647,503,000)	(+13,303,000)
(Loan authorization)	(8,522,245,000)	(4,209,700,000)	(9,131,801,000)	(9,045,120,000)	(9,060,555,000)	(+538,310,000)
(Limitation on obligations)	(572,711,000)	(246,868,000)	(600,499,000)	(600,499,000)	(600,499,000)	(+27,788,000)
Title I - Agricultural programs	11,531,383,000	7,593,653,000	7,115,830,000	7,744,000,000	7,178,769,000	-4,352,614,000
Title II - Rural development programs	12,369,606,000	11,407,402,000	11,400,506,000	11,641,571,000	11,279,934,000	-1,089,672,000
Title III - Domestic food programs	16,828,009,000	18,805,831,000	17,644,055,000	18,861,745,000	19,168,606,000	+2,340,597,000
Title IV - International programs	1,199,836,000	1,034,548,000	1,096,058,000	1,106,195,000	1,101,722,000	-98,114,000
Title V - Related agencies	746,629,000	630,332,000	708,424,000	750,424,000	721,924,000	-24,705,000
Total, new budget (obligational) authority	42,675,463,000	39,471,766,000	37,964,873,000	40,103,935,000	39,450,955,000	-3,224,508,000
Transfer from sec. 32 (Customs Receipts)	4,101,083,000	4,164,561,000	4,164,561,000	4,164,561,000	4,164,561,000	+63,478,000
Total obligational authority	46,776,546,000	43,636,327,000	42,129,434,000	44,268,496,000	43,615,516,000	-3,161,030,000
Memoranda:						
Direct and insured loan level	4,917,055,000	1,139,000,000	5,120,555,000	4,970,175,000	5,054,865,000	+137,810,000
Guaranteed loan level	3,804,275,000	3,095,700,000	4,105,775,000	4,149,275,000	4,105,775,000	+301,500,000
Transfers from Commodity Credit Corporation	620,000,000	632,588,000	632,588,000	632,588,000	632,588,000	+12,588,000

Mrs. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mrs. SMITH of Nebraska. Mr. Speaker, as the ranking Republican member of the House Appropriations Subcommittee on Rural Development, Agriculture and Related Agencies, I rise to express my support for the conference agreement on H.R. 2883, a bill to provide appropriations in the 1990 fiscal year for agriculture, rural development, and various agencies of the Federal Government.

H.R. 2883 is a $43.6 billion bill that meets the budget targets established by the Congress and the bipartisan budget agreement.

H.R. 2883 is $3 billion below the fiscal year 1989 spending level, demonstrating our continuing commitment to reduce spending across the board. The major reductions in agricultural spending have come from lower Federal spending for farm income protection and price support operations.

In fiscal year 1990, the Commodity Credit Corporation [CCC] anticipates spending $11.3 billion on farm program payments. This projection is more than $2 billion lower than the anticipated fiscal year 1989 spending of $13.5 billion.

During fiscal year 1988, farm programs cost the Federal Government $12.5 billion, nearly $10 billion less than the $22.4 billion spent in fiscal year 1987 and more than $13 billion less than the record high $25.8 billion spent in fiscal year 1986.

In addition, my colleagues should be aware that more than half of the money appropriated in the bill will be utilized for programs to benefit the entire public, not just agriculture.

These programs include the school lunch program, nutrition assistance programs for the poor and elderly, international trade programs, food and drug safety monitoring, and support of food inspection networks.

My colleagues should also realize that during these times of reduced Federal spending for agricultural price and income support payments, the budget has seen unprecedented growth in nutrition assistance programs.

In fiscal year 1988, the Food and Nutrition Service [FNS] was funded at $20.1 billion. However, by fiscal year 1989 the program had grown by nearly $1 to $21 billion. In H.R. 2883, the growth continues with another $1 billion increase for the FNS bringing its budget for fiscal year 1990 above $22 billion—this figure is nearly double the cost of the entire farm income and price support program, and this single—$22 billion—program is almost half the cost of this $43.6 billion bill.

At this time I wish to acknowledge the tireless efforts of our wise, deeply dedicated chairman, the Honorable JAMIE WHITTEN of Mississippi. Throughout our subcommittee hearings, committee and floor consideration, Chairman WHITTEN has always held the interests of agriculture and the American public as the highest priorities in this bill.

I appreciate his cooperation and assistance on a number of issues of importance to myself and Nebraska, although I certainly did not get everything that I wanted for the people back home. And, I wish to commend the chairman for his bipartison attitude in drafting this bill.

As well, I recognize the efforts of my colleagues on both the House and Senate Appropriations Committees. I thank them all for their cooperation in reaching this conference agreement.

In addition, I realize and appreciate the talents of the staff that have assisted in formulating this spending package.

The conference agreement on H.R. 2883 is the culmination of hundreds of hours of hearings and testimony before both the House and Senate Agriculture Appropriations Subcommittees, the review of thousands of written requests, and considerable consultation with experts, administrators, federal officials, and constituents. It was a long, time consuming, but representative process.

During the drafting of the House version of H.R. 2883, the subcommittee received personal testimony from more than 30 Members of Congress. Over 850 members provided written requests to the subcommittee for increases in funding for projects and programs of particular interest to their districts totaling hundreds of millions of dollars.

Throughout the conference, I received more than 30 personal requests from House Members stressing the importance of funding for programs within their districts. Whenever possible we tried to respond to these requests.

I believe this is an effective, comprehensive bill for agriculture.

Throughout the early eighties, farm incomes were declining, farmland

prices plummeted, and U.S. agricultural exports were falling both in total values and market share. American agriculture was in trouble and congressional action was needed.

In the early eighties the agricultural community suffered inconsistent Federal policies, a grain embargo, and the near collapse of an unstable farm credit system.

I can recall traveling a few years ago across Nebraska to visit with individuals having difficulties with the Farmers Home Administration, the Farm Credit Bank, and the Agricultural Stabilization and Conservation Service [ASCS]. The problems seemed endless, and a resolution difficult to reach.

The Congress responded by first passing the 1985 farm bill and later the 1987 Agricultural Credit Act, Public Law 100-233.

Today, as the House considers H.R. 2883, we are illustrating the continuing commitment of the Congress for agriculture, rural America, and the future stability of the U.S. food supply.

Throughout the House subcommittee hearings, agricultural exports and U.S. competitiveness overseas were issues of particular concern.

This bill provides for a strong U.S. agricultural trade policy. The conference committee agreed to fund the Export Enhancement Program [EEP] at $770 million—the same level provided in fiscal year 1989. In addition, the conference provided $200 million for the Targeted Export Assistance [TEA] Program—equal to the funding in fiscal year 1989.

Both export assistance programs have proven effective and vital to U.S. agriculture trade. According to figures provided by the Economic Research Service, the United States world share of coarse grain exports rose from 44 percent in 1985-86 trade period to 63 percent in 1987-88. As well, in world wheat trade the United States' share has risen from the 29 percent in the 1985-86 trade figures to 42 percent in the 1987-88. Agriculture Secretary Clayton Yeutter has suggested that these increases are partially attributable to the effective use of EEP and TEA.

We in the conference committee also allowed for the strong continuation of both the Export Enhancement Program and Targeted Export Assistance Program.

Another issue of particular interest to individuals is the moneys provided in the conference report for the Commodity Credit Corporation [CCC]. The CCC is the mechanism used to manage and fund various agricultural support programs.

In the President's budget recommendations provided to the Congress earlier this year, it was suggested that the CCC be reimbursed with $4.8 billion in fiscal year 1990. However, after close review the conference agreed to $4.233 billion. We are confident that this funding level will allow the CCC to adequately and appropriately meet its obligations.

In addition, the conference committee agreed to support most of the water quality initiatives included in the President's budget proposal. The conference committee understands the importance of water quality research and has approved an estimated $175 million for this effort to be administered by various USDA agencies.

As well, H.R. 2883 places great emphasis upon nutrition assistance programs across the United States. The conference committee agreed to provide an increase to the Women, Infants, and Children [WIC] Program of $196 million, bringing the total funding level of the program to slightly more than $2.1 billion.

Also, the Food Stamp Program has been funded in H.R. 2883 at nearly $15.8 billion in fiscal year 1990 up from $13.8 billion provided in the previous fiscal year. This level is above the funding levels appropriated in the House and Senate versions of H.R. 2883. However, this higher amount meets the needs recently expressed by the USDA in a midterm review of the program.

A major issue to agriculture, industry, and the American public has become the continuation of agricultural research funding. As estimated by the Department of Agriculture Economic Research Service, in 1988 $10 billion was spent by U.S. corporations, foundations, academics, and local, State, and Federal Governments on agricultural research.

The conference agreement on H.R. 2883 provides more than $1 billion for continued agricultural research and support. H.R. 2883 provides for the research efforts of the Agricultural Research Service [ARS] to be funded at $593.4 million, $342 million for the Cooperative State Research Service [CSRS] and $372 million for the Extension Service.

But, I want my colleagues to know that this may not be nearly enough. A study by the National Research Council released last month calls for a recommitment by the Federal Government to agricultural research.

If this recommitment were made, the Research Council says it would cost an estimated $500 million annually from the Federal Government.

When reviewing the conference agreement on H.R. 2883, Nebraskans should be especially pleased with the $3 million provided for the continued planning and construction of the University of Nebraska Center for Advanced Technology. The center will provide technical assistance to research efforts at the university. As envisioned, the center will be an important asset to the future of Nebraska's university system.

The conference agreed with my recommendation that an additional $400,000 be provided to the Meat Animal Research Center [MARC] in Clay Center, NE. This money will be utilized to begin staffing at the Animal Health Unit, $250,000 and for the improvement of the swine facilities, $150,000.

As I also encouraged my subcommittee, the conference agreement includes $100,000 for the Gudmanson Ranch in Whitman, NE, for grassland range study, $65,000 for crambe research, $80,000 for continuing milkweed research, and corn polymer research in Nebraska received $40,000. Also included in the agreement is $110,000 for the Non-Food Uses Center at the University of Nebraska.

Understanding the importance of the Cooperative Extension Service in Nebraska, the conference provided $190,000 for the Management for Tomorrow Program and $480,000 for the Ag-In-Transition Program.

These projects will truly have a positive impact upon our State. I am pleased with the efforts made by the House subcommittee and the conference committee in responding to these requests.

Mr. Speaker, I share Chairman WHITTEN's strong belief that this bill is a fair, prudent spending bill. I urge my colleagues to support the confernce agreement on H.R. 2883.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, the 13th appropriations conference report has finally made it back to port after a 72-day journey at sea; 72 days—that is over 10 weeks, Mr. Speaker. It took less time for the Pilgrims to sail to the new world than for this conference report to return to the House, but then the Pilgrims only had to contend with high seas and storms, not with Senators.

Mr. Speaker, I commend the gentleman sailing this ship. The very distinguished chairman from Missouri, my good friend and occasional sparring partner, with whom I have now had the pleasure to work as ranking member for 11 years, has brought many bills to the floor of the House, one veterans supplemental this year, three continuing resolutions plus a disaster assistance package, and 13 appropriations bills through the House, conference, and two vetos so far this session. That has been a very difficult task, and it has been done well. I do appreciate it, I say to Chairman WHITTEN. I hope we can soon have Labor-HHS and the D.C. appropriations bills completed for good, and get them signed by the President.

I also wish to acknowledge the gentlewoman from Nebraska, my dear and beloved friend VIRGINIA SMITH, who has been there fighting for rural America from the day she came to the U.S. Congress. This bill reflects her efforts, and I am glad, I am really glad, I say to VIRGINIA from the bottom of my heart, that she will be here another year.

The chairman knew where he was going on agriculture appropriations, and he kept a firm hand on the helm. He has brought it in with a full cargo that House Members should appreciate.

It has a little bit of everything. It has got religion, Mr. Speaker, from those Mormon crickets. It has got a touch of glasnost, courtesy of the Russian wheat aphid. It can turn cornstarch into plastic and soybeans into ink, and it has a special lab to help stressed-out plants. It has even got a little bit of smut, which ought to make some of our wheat farmers happy. And as usual, Mr. Speaker, it has nearly as many earmarks as it has ears of corn.

But I have never felt that the true value of the agriculture appropriations bill was just in the farm program and research projects. Over half of the $44 billion appropriated by this bill goes to domestic food programs. There is $15.7 billion for food stamps, $4.9 billion for child nutrition accounts like the school lunch and school breakfast programs, $2.1 billion for the WIC Program, and $170 million for temporary emergency food assistance. We feed the hungry and the poor through this bill.

I also value the support this bill gives to the Food and Drug Administration as it struggles to cope with the generic drug scandal, the growing need for quick review of new drugs for AIDS and other deadly diseases, and the great demands for food safety. We are increasing the FDA's appropriation by $58 million over last year, with $4 million specifically for investigating the quality of generic drugs.

And I place particular value on the orphan drugs program of the FDA, which we increased by $2.5 million over last year. That funding is used for research into treatments and cures for rare diseases which don't receive the attention and funding that they require.

Mr. Speaker, this appropriations bill is more than just agriculture, and I hope my colleagues understand that as we vote to approve the conference report.

Mr. WHITTEN. Mr. Speaker, I yield myself 1 minute to thank my colleagues on the Republican side.

May I say that the gentlewoman from Nebraska, VIRGINIA SMITH, has a wonderful record. I have told her two or three times, she never has received my permission to retire; however, she insists she is going to use her own right to retire. It will be hard to top or to equal her record.

Then as far as the gentleman from Massachusetts [Mr. CONTE] is concerned, I appreciate his statement. This makes 11 years that we have jointly had the responsibility of trying to keep the 13 appropriation bills within the total limits. We have succeeded in that.

May I say again, and this is not in any way criticism of our colleagues in the Senate. We got all these bills through the House, and when I say we, I mean we, both sides. The subcommittee chairmen and all the members got them through on time, but our colleagues on the other side do have certain responsibilities that we do not have. The delay and the need for the continuing resolutions we had for several years have not been the fault of the House of Representatives, but it is because our colleagues on the other side were unable to act in the same expeditious manner.

I take this time to say "thank you" and thank my colleagues. We have had wonderful support and it is a pleasure to work here. I think I will keep it up.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. TRAXLER], the ranking member of the subcommittee.

Mr. TRAXLER. Mr. Speaker, I rise in full support of the conference report. I want to commend the distinguished gentleman from Mississippi [Mr. WHITTEN], the chairman of the full committee, and the chairman of the Subcommittee on Agriculture, a person we finally refer to as the permanent Secretary of Agriculture. I extend my best wishes and gratitude and thank the distinguished gentlewoman from Nebraska [Mrs. SMITH], a dear colleague and wonderful friend and a grand person who I am sure has made the right decision for herself when she announced her forthcoming retirement.

Also, I would like to say that it is not in the best interests of the Nation or this institution, and we are going to miss her. We will have more to say about that next year.

Mr. Speaker, I wish to say in conclusion that this is probably the best conference report that this committee could have brought to the body in view of the dire economic circumstances we find ourselves in. It is in the best interests of the American farmer and the American consumer.

We owe the chairman and the ranking member a deep debt of gratitude. I am proud to serve with them. I am pleased to be a member of this subcommittee, and I send my deep thanks to both these fine gentlemen and the gentlewoman.

Mrs. SMITH of Nebraska. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Oregon [Mr. ROBERT F. SMITH].

Mr. ROBERT F. SMITH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I serve on an authorizing committee. I just wanted to be here to extend my congratulations to the gentleman from Mississippi [Mr. WHITTEN] and to the gentlewoman from Nebraska [Mrs. SMITH], because I think they ought to declare total victory in bringing this conference committee report to the House of Representatives. I say total victory, because it is a very large reduction, of course, in the cost of Government, the concept of the expense, of farmers' income and security, but that is a result of the success of the 1985 farm bill.

As we begin work on the 1990 farm bill, this will be a blueprint for the future and for success, so I am just here to say that I think it is an excellent job well done. It directs us into the future, with emphasis on export enhancement, with emphasis on the basic commodities of our country, with a reduction in cost to Government, with farmers' income up, it seems to be the best of all forms. I congratulate those who bring this budget, and I believe it should have the unanimous support of this body.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA], a member of the subcommittee.

Mr. AKAKA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the conference agreement.

Once again, I commend Chairman WHITTEN for his skillful leadership in negotiating this conference agreement. It seems that with each passing year, Gramm-Rudman limitations make our work more difficult and the choices become harder and harder. There simply is not enough money for the work that needs to be done, and that is especially true of agriculture programs. That is why I am grateful for the fact that we have Chairman WHITTEN at the helm of our ship.

I also want to commend our ranking Republican, Mrs. SMITH, and all of my colleagues on the Rural Development Subcommittee. Special thanks also go to our fine subcommittee staff, Bob Foster and Tim Sanders.

The conference agreement before you is the culmination of a process that began with January's budget analysis, and extended through more than 100 hours of hearings in February and March, markup and floor consideration in June and July, and numerous conference meetings in October and November.

The conference agreement reflects the long and thoughtful deliberation by the many members of our subcom-

mittee throughout this period. It is a good bill, and I urge every Member to support it.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER], a member of the committee.

Mr. ALEXANDER. Mr. Speaker, I rise in strong support of the conference report, and I wish to commend the chairman of our committee, the members of the subcommittee, and like my other colleagues, commend the gentlewoman from Nebraska [Mrs. SMITH] for her fine work on this bill and for her fine service in the Congress.

There are many things I could say about this bill. I know that Members are anxious to vote on it and clear it out of here, but there is one particular matter that I would like to bring up and confer with the chairman just a second about before I conclude.

I would add $640 million is provided for the Farmers Home Administration for rural water, waste disposal programs, loans and loan guarantees, an increase of nearly $200 million in available assistance over the fiscal year 1989 level, which is a wonderful thing for our people who live in the rural areas.

Finally, the bill recognizes that if fuel from the farm is to play a significant role in meeting the alternative fuel goals of the President's clean air initiative, that ethanol production must increase dramatically in the coming years.

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Mr. Speaker, the bill provides $25,000 for research at Arkansas State University to examine the economic, technological, agronomic, and farm program law questions relating to ethanol production. It is my understanding that Arkansas State University has requested that the Agricultural Research Service provide for its accounting purposes that these funds be designated for the Arkansas State University Foundation which will carry out the intent of Congress, and I trust the ARS will administer the appropriation in that manner.

Mr. Speaker, I would like to ask the gentleman from Mississippi [Mr. WHITTEN] if this is his understanding of how this appropriation will work.

Mr. WHITTEN. Mr. Speaker, It is my understanding.

May I say, "thank you," too, to the gentleman from Arkansas [Mr. ALEXANDER]. As my colleagues know, Arkansas and Mississippi have only the dividing line of the Mississippi River, and we work together very closely. I want to express my appreciation for his cooperation back through the years, and we have tried to do likewise.

The understanding of the gentleman from Arkansas [Mr. ALEXANDER] is correct.

Mr. ALEXANDER. Mr. Speaker, I rise in strong support of the conference report on H.R. 2883 and I commend the chairman and the members of the subcommittee for the outstanding work they have done on it.

This bill does two important things.

First of all, it provides support for the Federal programs that help farmers provide the bounty that makes Americans the best fed and best clothed people on the face of the Earth. In this season of Thanksgiving, all of us should be truly thankful for our agricultural bounty.

Second, this is the "quality of life bill" for rural America. It provides money for programs that help provide Americans in the heartland with housing, clean drinking water, community facilities, electric power, and a host of other necessary services.

Over the years, under the leadership of the chairman, the Appropriations Committee has been dedicated to the idea that life in rural America should not require unreasonable sacrifices by the people who live there. This bill continues that commitment.

I would like to comment on a few items in the bill pertaining to the First Congressional District of Arkansas that are representative of the good this bill will do.

As in past years, the bill contains $456,000 for continuation of the Riceland Mosquito Management Program.

Under this program, scientists at universities in five States continue to perform important basic research in mosquito genetics and breeding patterns. This research has provided breakthroughs in environmentally acceptable methods of mosquito control in rice-producing areas using both chemical agents and natural predators.

The applied benefits of the research are demonstrated by the Grand Prairie Municipal Mosquito Abatement Program in Arkansas. The Grand Prairie program has also provided technical advice and consultation that have sparked great interest in several communities in rice-producing areas of Arkansas and Mississippi. Furthermore, the Grand Prairie program has produced real, quantified economic benefits to the region it serves as a result of increased outdoor recreation made possible by improved mosquito control.

The bill provides $300,000 for reports by the Cooperative State Research Service on 11 proposed facilities, including the proposed Rice Germplasm Evaluation Center at Stuttgart, AR.

Last year, the Agricultural Research Service assigned responsibility for evaluation of its rice germplasm collection—the world's storehouse of rice genetic information—to the ARS germplasm unit at the University of Arkansas Rice Research and Extension Center at Stuttgart.

Stuttgart is in the heart of the most productive rice country in the Western Hemisphere, and it is the logical location for research on rice germplasm. However, the currently available facilities are simply not up to the germplasm unit's expanded responsibilities.

It is my hope that the report provided for in the bill will be the first step toward construction of new laboratory and greenhouse facilities so that the USDA scientists at Stuttgart can move forward with their important work, which can provide the world with improved varieties of rice.

Furthermore, the bill provides $29.8 million for animal damage control activities of the Animal and Plant Health Inspection Service, an increase of $4.1 million over the fiscal year 1989 level.

Blackbird damage control programs are critical to Arkansas and other Southern States. Blackbirds and other fowl cause millions of dollars in damage to rice and other crops on Arkansas each year. They also carry diseases that pose hazards to human health.

Nearly $640 million is provided for Farmers Home Administration rural water and waste disposal grants, loans, and loans guarantees—an increase of nearly $200 million in available assistance over the fiscal 1989 level.

This program is extraordinarily important to people in areas heavily dependent on ground water irrigation wells, such as the rice-growing areas of northeast Arkansas. When those wells start pumping, households that aren't on water systems face severe shortages of water for drinking and cleaning. This program must grow in order to assure all rural Americans clean, safe, and uninterrupted supplies of water.

Efforts to support rural economic development must be greatly expanded. But we should remember that there can be no economic development in rural America without the infrastructure necessary to improve the quality of life in rural America.

Finally, the bill recognizes that if fuel from the farm is to play a significant role in meeting the alternative fuels goals of the President's clean air initiative, ethanol production must increase dramatically in the coming years. The bill provides $25,000 for research at Arkansas State University to examine economic, technological, agronomic, and farm program law questions relating to ethanol production.

It is my understanding that Arkansas State University has requested that the Agricultural Research Service provide for its accounting purposes that these funds be designated for the Arkansas State University Foundation which will carry out the intent of Congress. I trust that ARS will administer the appropriation in that manner.

Mr. Speaker, is this your understanding of how this appropriation will work?

Mr. Speaker, this is an excellent conference report that is vital for the economic health of the entire Nation. I urge its adoption.

Mr. WEISS. Mr. Speaker, I would like to address the provisions of the conference report that deal with the carcinogenic color additive known as red dye No. 3.

There has been some confusion over the effect of language on red dye No. 3 that appeared in the report that accompanied the House Appropriations Committee's original bill. Chairman WHITTEN and I discussed this language during floor debate on the bill on July 18, 1989. (CONGRESSIONAL RECORD, July 18, 1989, page 3836.) The chairman clarified that the House language is only report language and, hence, is not legally binding on FDA. Mr. WHITTEN further indicated that the House language does not require FDA to keep red dye No. 3 on the market. Finally, Chairman WHITTEN agreed that the report language does not

alter any of FDA's legal obligations under current law to ban color additives that are known to cause cancer.

Chairman WHITTEN's remarks make clear that FDA is free to ban red dye No. 3 today since agency scientists have concluded that the additive causes cancer.

Mr. JONES of Georgia. Mr. Speaker, I rise in strong support of the conference report on the rural development and agriculture appropriations bill, H.R. 2883. I commend Chairman WHITTEN and the other conferees for their diligent work in crafting this report.

I am pleased to see several programs funded in this bill which will directly benefit my home State of Georgia, which is renowned for the quality of its agricultural products. The crop insurance, farm credits, and farm loan programs included in this report will especially help the small, family farms in Georgia. Specifically, the report includes $13.1 million to eradicate the boll weevil, the pest which has been devastating to agriculture in the Southeast. I am glad to see continued funding support for the cooperative State research service, $388 million, which includes the Georgia Cooperative Extension Service.

I am also pleased to see the inclusion of $730.9 million for child nutrition programs in this agriculture conference report. I believe that the school lunch, the school breakfast, the special milk, and the summer food programs are excellent ways to improve the nutritional status of all our Nation's children.

I am strongly in favor of this report and I appreciate the hard work that Chairman WHITTEN, the committee, and the conferees have put into it. I look forward to working with the leadership on the 1990 farm bill and other bill of importance to Georgia.

Mrs. SMITH of Nebraska. Mr. Speaker, I yield back the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GEJDENSON). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 9: Page 11, line 16, strike out "$589,500,000" and insert "$591,447,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$592,339,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 14: Page 14, line 25, strike out "$47,835,000" and insert "$45,838,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$56,543,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 21: Page 16, line 10, strike out "$319,625,000" and insert "$341,630,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$341,994,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 17, line 24, strike out "$361,631,000" and insert "$357,426,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$363,146,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 39: Page 36, line 7, strike out "$474,000,000" and insert "$519,000,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$13,500,000 shall not become available for obligation until October 1, 1990, (for the purposes of section 202 of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119, September 29, 1987), to the extent that this action has the effect of transferring an outlay of the United States from one fiscal year to an adjacent fiscal year, such transfer is a necessary (but secondary) result of a significant policy change) and $475,500,000".

Mrs. SMITH of Nebraska (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 46: Page 36, line 23, strike out "$4,259,000,000" and insert "$4,462,159,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$4,120,159,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 57: Page 39, line 12, after "development" insert ": *Provided further,* That $2,000,000 shall be available for grants to statewide private, non-profit public television systems in predominately rural States, to provide information and services on rural economics and agriculture".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$1,250,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 59: Page 41, line 1, after "systems" insert ": *Provided further,* That notwithstanding any other provision of law, $1,000,000 of this appropriation shall be available solely to carry out the Lower Mississippi Delta Development Act as incorporated by reference in Public Law 100-460, that all funds appropriated to carry out the purposes of the Lower Mississippi Delta Development Act shall be available for obligation and expenditure through September 30, 1990, or the date of expiration of the Commission, which ever shall occur first, and that notwithstanding section 10(a) of the Delta Development Act, the date for the submission of the Commission's interim report is extended to October 16, 1989".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 59 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 61: Page 43, after line 25, insert:

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For grants and loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $11,357,000, to remain available until extended: *Provided,* That this amount will be in addition to any amounts generated by the interest differential on voluntary cushion of credit payments made by REA borrowers.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

RURAL ECONOMIC DEVELOPMENT SUBACCOUNT

For grants and loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $5,000,000, to remain available until extended: *Provided,* That this amount will be in addition to any amounts generated by the interest differential on voluntary cushion of credit payments made by REA borrowers.

Mrs. SMITH of Nebraska (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 44, line 20, after "Bank" insert ": *Provided further,* That not less than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance by Rural Electrification Administration employees to rural electric and telephone systems, and that such technical assistance program be made available within ninety days of enactment".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 74: Page 57, line 21, after "claims" insert ": *Provided further,* That $500,000 shall be available to establish the Food Service Management Institute".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert ": *Provided further,* That $500,000 shall be available to establish the Food Service Management Institute at the University of Mississippi".

Mrs. SMITH of Nebraska (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 76: Page 59, line 6, strike out "$14,200,235,000" and insert "$15,400,235,000".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$15,707,096,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 89: Page 70, line 11, after "conditions," insert "$5,000,000 for the Grasshopper and Mormon Cricket Control Programs,".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 89, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 91: Page 77, line 11, after "Fund." insert "Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1990 shall be first offered to the borrowers for prepayment.".

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 91, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 94: Page 78, strike out lines 7 to 11, and insert:

SEC. 636. In fiscal years 1990 and 1991, $40,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, such purchases to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries: *Provided*, That these funds shall be in addition to funds made available for this purpose by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460).

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 94, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 636. In fiscal years 1990 and 1991, $30,000,000 of section 32 funds shall be used to purchase sunflower and cottonseed oil, as authorized by law, such purchases to facilitate additional sales of such oils in world markets at competitive prices, so as to compete with other countries: *Provided*, That these funds shall be in addition to funds made available for this purpose by the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1989 (Public Law 100-460).

Mrs. SMITH of Nebraska (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 95: Page 79, after line 2, insert:

SEC. 640. Within 30 days of the enactment of this section the Secretary of Agriculture may establish and operate a program for fiscal year 1990 as follows:

(a) The Secretary shall make available to sugar refiners, operators and processors commodities acquired by the Commodity Credit Corporation at such levels as the Secretary determines necessary to permit such refiners, operators or processors to purchase in the amounts specified below raw sugar grown in the Republic of the Philippines and countries designated as beneficiary countries pursuant to section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) at prices equivalent to the market price for raw cane sugar in the United States on the condition that an equivalent amount of sugar refined in the United States is exported to world markets within 60 days. The Secretary shall make such commodities available on the basis of competitive bids and shall have discretion to accept or reject bids under such criteria as the Secretary determines appropriate. Generic certificates shall be issued in lieu of commodities acquired by the Commodity Credit Corporation under the program established under this section.

(b) The Secretary shall make available sufficient commodities to permit the importation of no less than 290,000 short tons of sugar, raw value, from the beneficiary countries specified in subsection (a), and no less than 110,000 short tons of sugar, raw value, from the Republic of the Philippines. Sugar imported under the program authorized under this section shall be in addition to any sugar quota level established for the countries specified in subsection (a) pursuant to headnote 3 of schedule 1, part 10, subpart A of the Tariff Schedules of the United States (9 U.S.C. 1202).

(c) In order to maximize the number of competing bidders, the Secretary shall, in determining the low bidders in the program established under this section, make appropriate adjustments in bids received from sugar refiners, operators and processors to reflect differing transportation costs based on refinery and factory location.

(d) The program authorized under this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

(e) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(f) Nothing in this section shall be deemed to increase the appropriation for any program administered by the United States Department of Agriculture.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 95, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 96: Page 79, after line 2, insert:

SEC. 641. (a) Not more than $47,003,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Agriculture.

(b)(1) Not later than 20 days after the end of each fiscal quarter, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the department during that quarter for the procurement of advisory and assistance service, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 641. (a)(1) Not later than 20 days after the end of each fiscal year, the Secretary of Agriculture shall (A) submit to Congress a report on the amounts obligated and expended by the Department during that fiscal year for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the fiscal year and the amount of each contract.

(B) The purpose of each contract.

(C) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(b) The Comptroller General of the United States will review the reports submitted under subsection (a) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

Mrs. SMITH of Nebraska (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I be permitted to include tables, charts, and extraneous material on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1310. An act to redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway";

H.J. Res. 357. Joint resolution providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 358. Joint resolution providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H. Con. Res. 217. Concurrent resolution honoring the centennial of the birth of India's Pandit Jawaharlal Nehru.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3566. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3566) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. BURDICK, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. ADAMS, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. RUDMAN, Mr. MCCLURE, Mr. COCHRAN, and Mr. GRAMM, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 737) entitled "An Act to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado," with an amendment.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 53. An act to authorize the reformulation of the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts;

S. 388. An act to provide for five-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes;

S. 486. An act to authorize the Secretary of the Interior to construct and test the Lake Meredith Salinity Control Project, New Mexico and Texas, and for other purposes;

S. 635. An act to prevent the unintended licensing of federally nonjurisdictional, unlicensed hydroelectric projects.;

S. 1259. An act to amend section 3143 of title 18, United States Code, to require the detention of any person found guilty of a violent offense or serious drug offense pending sentence or appeal, and for other purposes;

S. 1275. An act to authorize the Secretary of the Interior to construct, operate, and maintain a water treatment plant for the purpose of treating water discharged from the Leadville Mine Drainage Tunnel near Leadville, CO, in order to meet water quality standards, and for other purposes;

S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa; and

S. 1838. An act to establish or modify research, promotion, and consumer education programs for certain agricultural commodities, and for other purposes.

□ 1440

POLISH AND HUNGARIAN DEMOCRACY INITIATIVE OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3402) to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform, with Senate amendments thereto, concur in the Senate amendment to the text of the bill with an amendment, and concur in the Senate amendment to the title.

The Clerk read the title of the bill.

The Clerk read the Senate amendments and the House amendment to the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Support for East European Democracy (SEED) Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. United States policy in Eastern Europe.
Sec. 3. Program of support for East European Democracy (SEED).
Sec. 4. Objectives of United States assistance.
TITLE I—STRUCTURAL ADJUSTMENT
Sec. 101. Multilateral support for structural adjustment in Poland and Hungary.
Sec. 102. Food aid.
Sec. 103. Debt-for-equity swaps and other special techniques.
TITLE II—PRIVATE SECTOR DEVELOPMENT
Sec. 201. Enterprise Funds for Poland and Hungary.
Sec. 202. Labor market transition in Poland and Hungary.
Sec. 203. Technical training for private sector development in Poland and Hungary.
Sec. 204. Peace Corps programs in Poland and Hungary.
Sec. 205. Use of Polish currency generated by agricultural assistance.
Sec. 206. AID administrative expenses.
TITLE III—TRADE AND INVESTMENT
Sec. 301. Eligibility of Poland for Generalized System of Preferences.
Sec. 302. Overseas Private Investment Corporation programs for Poland and Hungary.
Sec. 303. Export-Import Bank programs for Poland and Hungary.
Sec. 304. Bilateral investment treaties with Poland and Hungary.
TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES
Sec. 401. Educational and cultural exchanges and sister institutions programs with Poland and Hungary.
Sec. 402. Science and technology exchange with Poland and Hungary.
TITLE V—OTHER ASSISTANCE
Sec. 501. Assistance in support of democratic institutions and activities in Poland and Hungary.
Sec. 502. Environmental initiatives for Poland and Hungary.
Sec. 503. Medical supplies, hospital equipment, and medical training for Poland.
Sec. 504. Facilitating voluntary assistance.
TITLE VI—"TAKE-OFF" TELECOMMUNICATIONS GRANT TO POLAND
Sec. 601. Authorization of appropriations.
Sec. 602. Administration of grant.
Sec. 603. Protection of technology.
TITLE VII—POLICY COORDINATION AND "SEED" INFORMATION SYSTEM
Sec. 701. Coordination.
Sec. 703. Public information.
TITLE VIII—PROGRAM ACTION AND REPORTING
Sec. 801. Findings.
Sec. 802. SEED report.
Sec. 804. Cessation of aid.

SEC. 2. UNITED STATES POLICY IN EASTERN EUROPE.

It is the sense of the Congress that the United States should implement, beginning in fiscal year 1990, a concerted program of Support for East European Democracy (SEED), comprising diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe which have taken substantive steps toward institutionalizing political democracy and economic pluralism.

SEC. 3. PROGRAM OF SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED).

Funds and activities under this composite program may be referred to as SEED actions and shall include such activities as the following:

(1) ENTERPRISE FUNDS.—Grants for the establishment of private, nonprofit "Enterprise Funds", which shall be governed by a Board of Directors and which shall, under

sound economic criteria, undertake loans, grants, equity investments, feasibility studies, technical assistance, training, and other forms of aid to private enterprise activities in the Eastern European country for which each such Fund is established.

(2) LABOR MARKET-ORIENTED TECHNICAL ASSISTANCE.—Technical assistance programs directed at promoting labor market reforms and facilitating economic adjustment.

(3) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Extension of authority for programs and activities of the Overseas Private Investment Corporation.

(4) GENERALIZED SYSTEM OF PREFERENCES.—Eligibility for trade benefits under the generalized system of preferences.

(5) MEDICAL ASSISTANCE.—Medical aid specifically targeted to overcome severe deficiencies in pharmaceuticals and other basic health supplies.

(6) ASSISTANCE FOR DEMOCRATIC INSTITUTIONS.—Aid designed to assist in the development of legal, legislative, electoral, journalistic, and other institutions of free, pluralist societies.

(7) DEBT REDUCTION AND RESCHEDULING.—Participation in multilateral activities aimed at reducing and rescheduling the international debt of particular East European countries, where reduction and deferral of debt payments can assist the process of political and economic transition.

(8) FOOD AID.—Assistance through the grant and concessional sale of agricultural commodities where such aid can ease critical shortages but not inhibit the growth of domestic markets for agricultural production and distribution.

(9) WORLD BANK AND INTERNATIONAL MONETARY FUND.—United States leadership in supporting World Bank loans designed to modernize industry, agriculture, and infrastructure; and IMF programs designed to stimulate sound economic growth.

(10) CURRENCY STABILIZATION LOANS.—United States leadership in supporting multilateral agreement to provide government-to-government loans for currency stabilization where such loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

(11) CULTURAL CENTERS.—Contributions toward the establishment of American cultural centers that can facilitate educational and cultural exchange and expanded understanding of Western social democracy.

(12) SCIENCE/TECHNOLOGY ASSISTANCE.—Grants for the implementation of bilateral agreements providing for cooperation in science and technology exchange.

(13) MOST-FAVORED-NATION TRADE STATUS.—The granting of temporary or permanent MFN status through the application of criteria and procedures established by the Jackson-Vanik amendment to the Trade Act of 1974.

(14) PEACE CORPS.—Establishment of Peace Corps programs, focused on English language training and other services that can facilitate the transition to a modern, internationally-oriented society.

(15) EXCHANGE ACTIVITIES.—Expanded exchange activities under the Fulbright, International Visitors, and other programs conducted by the United States Information Agency.

(16) SPECIAL "TAKE-OFF" GRANTS.—Grants for special projects, such as the introduction of modern telephone systems and telecommunications technology, which are crucial in establishing the conditions for successful transition to political democracy and economic pluralism.

(17) SISTER INSTITUTIONS.—Establishment of sister institution programs between American and East European schools and universities, towns and cities, and other organizations in such fields as medicine and health care, business management, environmental protection, and agriculture.

(18) ENVIRONMENTAL ASSISTANCE.—Environmental assistance directed at overcoming crucial deficiencies in air and water quality and other determinants of a healthful society.

SEC. 4. OBJECTIVES OF UNITED STATES ASSISTANCE.

In order to ensure that United States assistance to Poland and Hungary supports the development of economic freedom and opportunities for the people of those countries, the objectives of the United States assistance to Poland and Hungary shall be the realization of the following rights by the citizens of Poland and Hungary:

(1) SECURITY OF PROPERTY AND CONTRACT.—The right to legally acquire private property in all its forms, including secure legal title to land.

(2) A REGULATORY SYSTEM WHICH FACILITATES ENTREPRENEURIAL ACTIVITY.—Freedom from onerous regulations which have forced economic and entrepreneurial activity into the informal, or unregistered, economy should be eliminated.

(3) DISMANTLING OF WAGE AND PRICE CONTROLS.—A market for Polish and Hungarian industries and goods that is not distorted by government-mandated wages or prices.

(4) AN OPEN TRADE POLICY.—Freedom from market-distorting restrictions or subsidies on imports and exports.

(5) LIBERALIZATION OF INVESTMENT AND CAPITAL FLOWS.—Freedom from limitations on ownership of productive enterprises by both domestic and foreign investors, as well as freedom from restrictions on removal of foreign or domestic capital from Poland and Hungary.

(6) PRIVATIZATION OF THE STATE SECTOR.—The ignition of activity by Polish and Hungarian investors and entrepreneurs should be facilitated through the privatization of government enterprises.

(7) PRO-GROWTH TAX POLICY.—Encourage pro-growth tax policies which provide incentives for economic activity and investment.

(8) DEVELOPMENT OF A PRIVATE BANKING STRUCTURE.—Secure rights to own and operate banks and other financial service firms, as well as unrestricted access to private sources of credit.

(9) INDIVIDUAL INVESTMENT IN THE PRIVATE SECTOR.—Access to financial instruments through which individuals may invest in the private sector.

TITLE I—STRUCTURAL ADJUSTMENT

SEC. 101. MULTILATERAL SUPPORT FOR STRUCTURAL ADJUSTMENT IN POLAND AND HUNGARY.

(a) ACTIONS BY THE UNITED STATES.—To the extent that Poland and Hungary continue to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs—

(1) the United States Government shall take the leadership in mobilizing international financial institutions (in particular the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group) to provide timely and appropriate resources to help Poland and Hungary;

(2) to the extent that the ongoing International Monetary Fund review of the Polish economy uncovers a probable balance of payments shortage for the fourth quarter of 1989, the United States Government should work closely with the European Community and international financial institutions to determine the extent of emergency assistance required by Poland for the fourth quarter of 1989 and should consider extending a bridge loan to relieve immediate and urgent balance of payments requirements through the authority provided in paragraph (3)(A) of this subsection;

(3) the Secretary of the Treasury shall direct the United States Executive Director at the International Bank for Reconstruction and Development to—

(A) urge consideration of approval of up to $1,000,000,000 in financing in each of the succeeding 3 years for disbursement over a feasible and appropriate period to Poland; and

(B) urge expeditious approval and disbursement of a structural adjustment loan to Poland in an appropriate amount in time to facilitate the implementation of major economic reforms scheduled for early 1990, including the termination of energy, export and agricultural subsidies and wage indexation;

(4) the United States Government shall seek to coordinate within the Group of 7 at the earliest possible date and not later than January 1, 1990 the establishment of a reserve of $1,000,000,000, to be made available through the International Monetary Fund contingent upon and in addition to an agreement between the Government of Poland and the Fund, for the purpose of facilitating implementation of key monetary reforms, including the achievement of international convertibility of the Polish currency;

(5) the United States Government, in conjunction with other member governments of the Organization of Economic Cooperation and Development (OECD) and international financial institutions (including the International Monetary Fund), shall support the implementation of a plan of the Government of Poland to attack hyperinflation and other structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Poland, through the use of mechanisms such as—

(A) the Exchange Stabilization Fund pursuant to section 5302 of title 31, United States Code, and in accordance with established Department of the Treasury policies and procedures; and

(B) the authority provided in subsection (b) of this section; and

(6) the United States Government shall urge all members of the "Paris Club" of creditor governments and other creditor governments to adopt, and participate in, a generous and early rescheduling program for debts owed by the Government of Poland.

(7) the United States Government, in coordination with other creditor governments, shall seek to expedite consultations between the Government of Poland and its major private creditors in order to facilitate a rescheduling and reduction of payments due on debt owed to such creditors in a manner consistent with the international debt policy announced by the Secretary of the Treasury on March 10, 1989.

(b) STABILIZATION ASSISTANCE FOR POLAND.—

(1) GENERAL AUTHORITY.—In order to carry out subsection (a)(2), the President is authorized to furnish assistance for Poland, notwithstanding any other provision of law, to assist in the urgent stabilization of the

Polish economy and ultimately to promote longer-term economic growth and stability, based on movement toward free market principles and environmentally sound natural resource management. Such assistance may be provided for balance of payments support (including commodity import programs), support for private sector development, or for other activities to further efforts to develop a free market-oriented economy in Poland.

(2) The President, acting in coordination with the European Community, should call an urgent meeting of the industrialized democracies for the purpose of establishing a multilateral effort to respond to Poland's request for $1,000,000,000 to support its economic stabilization program;

(3) AMOUNT OF ASSISTANCE.—A total of $200,000,000 may be made available under paragraph (4) to carry out this subsection, in addition to amounts otherwise available for such purpose.

(4) SOURCE OF FUNDS.—Funds to carry out this subsection are authorized to be made available in an appropriation Act by—

(A) the appropriation for fiscal year 1990 of any moneys in the Treasury not otherwise appropriated; or

(B) the transfer or use, notwithstanding any other provision of law, of such unobligated funds available in fiscal year 1990 as may be specified in such appropriation Act.

(5) EXTENDED AVAILABILITY OF FUNDS.—Funds made available under paragraph (3) are authorized to be made available for obligation through September 30, 1991.

SEC. 102. FOOD AID.

(a) STRATEGY.—(i) A principal component of the SEED program shall be the provision of food assistance, provided by the United States so as to alleviate crucial shortages that may be created in an East European country by the transition from state-directed controls to a free market economy.

(ii) In order to ensure the necessary quantity and diversity of such food assistance, the United States shall take all appropriate steps to encourage parallel efforts by the European Community and other food surplus nations.

(iii) In participating in such multilateral food assistance, the United States shall seek to strike a balance wherein food aid is supplied in such quantities as will be effective in overcoming severe shortages and dampening inflation but without impeding the development of incentives for private food production and marketing in recipient countries.

(b) ACTIONS BY THE UNITED STATES.—To the extent that Poland and Hungary continue to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government—

(1) shall make available to Poland, in coordination with the European Community, United States agricultural assistance to alleviate immediate food shortages and specifically targeted toward elements of the Polish population most vulnerable to hunger and malnutrition, in particular the infirm, the elderly and children; and to facilitate the transition from state-directed controls to a free market economy, while avoiding disincentives to domestic agricultural production and reform; and

(2) in order to ensure the necessary quantity and diversity of such agricultural assistance, shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus nations.

(c) FY 1990 AGRICULTURAL ASSISTANCE FOR POLAND.—In carrying out subsection (a)(4)(A), for Poland, the President is authorized to provide $125,000,000 in assistance for fiscal year 1990 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o). Such assistance—

(1) to the maximum extent practicable, shall be provided through nongovernmental organizations; and

(2) shall emphasize feed grains.

SEC. 103. DEBT-FOR-EQUITY SWAPS AND OTHER SPECIAL TECHNIQUES.

(a) The President shall take all appropriate actions to explore and encourage innovative approaches to the reduction of the government-to-government and commercial debt burden of East European countries which have taken substantive steps toward political democracy and economic pluralism.

(b) Notwithstanding any other provision of law, the President shall have authority, under the conditions set forth in subsection (c) to undertake the discounted sale, to private purchasers, of United States Government debt obligations of such East European countries.

(c) The conditions referred to in subsection (b) shall be fulfilled when such sale will facilitate so-called debt-for-equity or debt-for-development swaps wherein such newly privatized debt is exchanged by the new holder of the obligation for local currencies, policy commitments, or other assets needed for development or other economic activities, or for an equity interest in an enterprise theretofore owned by the particular East European government.

TITLE II—PRIVATE SECTOR DEVELOPMENT

SEC. 201. ENTERPRISE FUNDS FOR POLAND AND HUNGARY.

(a) PURPOSES.—(1) The purposes of this section are to promote—

(A) development of the Polish and Hungarian private sectors, including small businesses, the agricultural sector, and joint ventures with United States and host country participants, and

(B) policies and practices conducive to private sector development in Poland and Hungary,

through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures.

(2) Of the funds made available to the Enterprise Funds (as designated by subsection (d)) under this section or any successor provision of law, not less than 80 percent shall be used for interest-bearing loans repayable to the Enterprise Funds and for investments from which the Funds can be expected to accrue dividends or other shareholder payments.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes specified in subsection (a), there are authorized to be appropriated to the President for the 3-year period beginning October 1, 1989—

(1) $260,000,000 to support the Polish-American Enterprise, as designated pursuant to subsection (d), of which $20,000,000 may be used to establish a financial instrument for individuals to invest an additional $100,000,000 or more in the Polish private sector; and

(2) $65,000,000 to support the Hungarian-American Enterprise Fund, as designated pursuant to subsection (d).

Such amounts are authorized to be made available until expended.

(c) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated under subsection (b) may be made available to the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and used for the purposes of this section notwithstanding any other provision of law.

(d) DESIGNATION OF ENTERPRISE FUNDS.—

(1) DESIGNATION.—The President is authorized to designate two private, nonprofit organizations as eligible to receive funds and support pursuant to this section upon determining that such organizations have been established for the purposes specified in subsection (a). For purposes of this section, the organizations so designated shall be referred to as the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (hereinafter in this section referred to as the "Enterprise Funds").

(2) CONSULTATION WITH CONGRESS.—The President shall consult with the leadership of each House of Congress before designating an organization pursuant to paragraph (1).

(3) BOARD OF DIRECTORS.—Each Enterprise Fund shall be governed by a Board of Directors comprised of private citizens of the United States, and citizens of the respective host country, who have demonstrated experience and expertise in those areas of private sector development in which the Enterprise Fund is involved. A majority of the directors shall be citizens of the United States.

(4) ELIGIBILITY OF ENTERPRISE FUNDS FOR GRANTS.—Grants may be made to an Enterprise Fund under this section only if the Enterprise Fund agrees to comply with the requirements specified in this section.

(5) PRIVATE CHARACTER OF ENTERPRISE FUNDS.—Nothing in this section shall be construed to make an Enterprise Fund an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of an Enterprise Fund officers or employees of the United States for purposes of title 5, United States Code.

(6) FINANCIAL INSTRUMENTS FOR INDIVIDUAL INVESTMENT.—The President shall insure that Enterprise Funds undertake all possible efforts to establish financial instruments that will enable individuals to invest in the private sectors of Poland and that will thereby have the effect of multiplying the impact of United States grants to each Fund.

(e) GRANTS TO ENTERPRISE FUNDS.—Funds appropriated to the President pursuant to subsection (b) shall be granted to the Enterprise Funds by the Agency for International Development (hereinafter in this section referred to as the "Agency") to enable the Enterprise Funds to carry out the purposes specified in subsection (a) and for the administrative expenses of each Enterprise Fund.

(f) MATTERS TO BE CONSIDERED BY ENTERPRISE FUNDS.—In carrying out this section, each Enterprise Fund shall take into account such considerations as internationally recognized worker rights and other internationally recognized human rights, environmental factors, United States economic and employment effects, and the likelihood of commercial viability of the activity receiving assistance from the Enterprise Fund.

(g) RETENTION OF INTEREST.—An Enterprise Fund may hold funds granted to it pursuant to this section in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a), and

may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(h) NONAPPLICABILITY OF OTHER LAWS.—Executive branch agencies may conduct programs and activities and provide services in support of the activities of the Enterprise Funds notwithstanding any other provision of law.

(i) ELIGIBLE PROGRAMS AND PROJECTS.—The Enterprise Funds may provide assistance pursuant to this section only for programs and projects which are consistent with the purposes set forth in subsection (a).

(j) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—No part of the funds of either Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services.

(k) INDEPENDENT PRIVATE AUDITS.—The accounts of each Enterprise Fund shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by this section.

(l) GAO AUDITS.—The financial transactions undertaken pursuant to this section by each Enterprise Fund may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Enterprise Fund is in receipt of United States Government grants.

(m) RECORDKEEPING REQUIREMENTS.—The Enterprise Funds shall ensure—

(1) that each recipient of assistance provided through the Enterprise Funds under this section keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit; and

(2) that the Enterprise Funds, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Enterprise Funds under this section.

(n) ANNUAL REPORTS.—Each Enterprise Fund shall publish an annual report, which shall include a comprehensive and detailed description of the Enterprise Fund's operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1991.

(o) INELIGIBILITY OF ENTERPRISE FUNDS FOR MILITARY PURPOSES.—Neither the Polish-American Enterprise Fund nor the Hungarian-American Enterprise Fund nor the Overseas Private Investment Corporation shall finance or include in any of its programs any venture, project, or enterprise that benefits, directly or indirectly, the Polish or Hungarian military or security forces, the Soviet military, or the military of any other Warsaw Pact member state.

(p) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No host country Board member may be a current member of a communist party (or its equivalent, under whatever name the communist party of Poland or Hungary may be known).

(q) INELIGIBILITY OF CERTAIN ENTITIES.—Neither the Polish-American Enterprise Fund, the Hungarian-American Enterprise Fund, nor the Overseas Private Investment Corporation shall finance or include in any of its programs any venture, project or enterprise which—

(1) has, individually or in combination, more than 20 percent of ownership, control, or equitable interest by the Polish or Hungarian government, the communist party of Poland or Hungary, or any entity controlled by the Polish or Hungarian government or the communist party of Poland or Hungary, or high officials thereof;

(2) has a Board of Directors more than 20 percent of whom are high officials of the respective governments or communist parties of Poland or Hungary;

(3) has been established by any organization or entity controlled by the Polish or Hungarian government or the communist party of Poland or Hungary;

(4) is required to accede to the rules of the Council for Mutual Economic Assistance.

(r) Not less than 10 percent of the funds expended pursuant to this section during fiscal year 1990 shall be provided to the Economic Foundation of NSZZ Solidarnosc and the Confederacy of Independent Poland (KPN), for investment in private enterprise, providing that the Economic Foundation of NSZZ Solidarnosc and the Confederacy of Independent Poland (KPN) meet all criteria established by the Polish-American Enterprise Fund.

SEC. 202. LABOR MARKET TRANSITION IN POLAND AND HUNGARY.

(a) TECHNICAL ASSISTANCE.—The Secretary of Labor (hereinafter in this section referred to as the "Secretary"), in consultation with representatives of labor and business in the United States, shall—

(1) provide technical assistance to Poland and Hungary for the implementation of labor market reforms; and

(2) provide technical assistance to Poland and Hungary to facilitate adjustment during the period of economic transition and reform.

(b) TYPES OF TECHNICAL ASSISTANCE AUTHORIZED.—In carrying out subsection (a), the Secretary is authorized to provide technical assistance regarding policies and programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health protection, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small businesses, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary may deem appropriate regarding free labor markets and labor organizations.

(c) ADMINISTRATIVE AUTHORITIES.—In carrying out subsection (a), the Secretary is authorized to do the following:

(1) Solicit and accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following).

(2) Solicit and accept voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code: Provided, That a volunteer under this authority shall not be deemed to be an employee of the United States except for the purposes of—

(A) the tort claims provisions of title 28, United States Code, and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries; and

(3) Enter into arrangements or agreements with appropriate departments, agencies, and establishments of Poland and Hungary.

(4) Enter into arrangements or agreements with appropriate private and public sector United States parties, and international organizations.

(d) CONSULTATION WITH APPROPRIATE OFFICERS.—In carrying out the responsibilities established by this section, the Secretary shall seek information and advice from, and consult with, appropriate officers of the United States.

(e) CONSULTATION WITH LABOR AND BUSINESS REPRESENTATIVES.—For purposes of this section, consultation between the Secretary and United States labor and business representatives shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(f) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate the authority to carry out the programs authorized by this section to the head of the Bureau of International Labor Affairs of the Department of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor for the 3-year period beginning October 1, 1989, to carry out this section—

(1) $4,000,000 for technical assistance to Poland; and

(2) $1,000,000 for technical assistance to Hungary.

SEC. 203. TECHNICAL TRAINING FOR PRIVATE SECTOR DEVELOPMENT IN POLAND AND HUNGARY.

(a) TECHNICAL TRAINING PROGRAM.—The Agency for International Development shall develop and implement a program for extending basic agribusiness, commercial, entrepreneurial, financial, scientific, and technical skills to the people of Poland and Hungary to enable them to better meet their needs and develop a market economy. This program shall include management training and agricultural extension activities.

(b) PARTICIPATION BY ENTERPRISE FUNDS AND OTHER AGENCIES AND ORGANIZATIONS.—In carrying out subsection (a), the Agency for International Development may utilize the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (as designated pursuant to section 201(d)) and other appropriate Government and private agencies, programs, and organizations such as—

(1) the Department of Agriculture;

(2) the Department of Commerce;

(3) the United States Department of the Treasury;
(4) the Bureau of the Census;
(5) the Small Business Administration;
(6) the Federal Reserve Board;
(7) the United States Export-Import Bank;
(8) the Farmer-to-Farmer Program under sections 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(a) (1) and (2));
(9) the International Executive Service Corps;
(10) the Foundation for the Development of Polish Agriculture;
(11) the Sabre Foundation;
(12) the World Council of Credit Unions; and
(13) other United States, Polish, and Hungarian private and voluntary organizations, private sector entities, and free trade unions, including the Solidarity union.

(c) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Assistance provided pursuant to subsection (a) under the authorities of part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of implementing this section, there are authorized to be appropriated $5,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance), in addition to amounts otherwise available for such purposes.

(e) LIMITATION WITH RESPECT TO FARMER-TO-FARMER PROGRAM.—Any activities carried out pursuant to this Act through the Farmer-to-Farmer Program under sections 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 shall be funded with funds authorized to be appropriated by this Act and local currencies made available under section 205, and shall not be funded with funds made available pursuant to section 1107 of the Food Security Act of 1985 (7 U.S.C. 1736 note) or a similar, subsequent provision of law.

SEC. 204. PEACE CORPS PROGRAMS IN POLAND AND HUNGARY.

There are authorized to be appropriated to carry out programs in Poland and Hungary under the Peace Corps Act, $3,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes. Such programs shall give priority to using Peace Corps volunteers to extend the technical skills described in section 203(a) to the people of Poland and Hungary, using the Associate Volunteer Program to the extent practicable.

SEC. 205. USE OF POLISH CURRENCY GENERATED BY AGRICULTURAL ASSISTANCE.

(a) ADDITIONAL ASSISTANCE FOR POLAND.—A portion of the agricultural commodities described in subsection (c) may be made available and sold or bartered in Poland to generate local currencies to be used—
(1) to complement the assistance for Poland authorized by sections 101(a)(4)(A), 201, and 203 of this Act, and
(2) to support the activities of the joint commission established pursuant to section 2226 of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note),

notwithstanding section 416(b)(7) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)) or any other provision of law.

(b) EMPHASIS ON AGRICULTURAL DEVELOPMENT.—The uses of local currencies generated under this section should emphasize the development of agricultural infrastructure, agriculture-related training, and other aspects of agricultural development in Poland.

(c) COMMODITIES SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to agricultural commodities made available for Poland for fiscal years 1990, 1991, and 1992 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o).

(d) OTHER USES NOT PRECLUDED.—The uses of agricultural commodities and local currencies specified in subsection (a) are in addition to other uses authorized by law.

SEC. 206. AID ADMINISTRATIVE EXPENSES.

For the purpose of paying administrative expenses incurred in connection with carrying out its functions under this Act, the Agency for International Development may use up to $500,000 each fiscal year of the funds made available to the Agency under this Act.

TITLE III—TRADE AND INVESTMENT

SEC. 301. ELIGIBILITY OF POLAND FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Poland" in the table within such subsection.

SEC. 302. OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAMS FOR POLAND AND HUNGARY.

(a) ELIGIBILITY OF POLAND AND HUNGARY FOR OPIC PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", Poland, Hungary," after "Yugoslavia".

(b) ENHANCEMENT OF NONGOVERNMENTAL SECTOR.—In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

SEC. 303. EXPORT-IMPORT BANK PROGRAMS FOR POLAND AND HUNGARY.

(a) AUTHORITY TO EXTEND CREDIT TO POLAND AND HUNGARY.—Notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by the Hungarian People's Republic, or any agency or national thereof, or by the Polish People's Republic, or any agency or national thereof.

(b) PRIVATE FINANCIAL INTERMEDIARIES TO FACILITATE EXPORTS TO POLAND.—Consistent with the provisions of the Export-Import Bank Act of 1945 (12 U.S.C. 635 and following), the Export-Import Bank of the United States shall work with private financial intermediaries in Poland to facilitate the export of goods and services to Poland.

SEC. 304. BILATERAL INVESTMENT TREATIES WITH POLAND AND HUNGARY.

The Congress urges the President to seek bilateral investment treaties with Poland and Hungary in order to establish a more stable legal framework for United States investment in those countries.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SISTER INSTITUTIONS PROGRAMS WITH POLAND AND HUNGARY.

(a) EDUCATIONAL AND CULTURAL EXCHANGES.—The United States should—
(1) expand its participation in educational and cultural exchange activities with Poland and Hungary, using the full array of existing government-funded and privately-funded programs, with particular emphasis on the J. William Fulbright Educational Exchange Program, the International Visitors Program, the Samantha Smith Memorial Exchange Program, the exchange programs of the National Academy of Sciences, youth and student exchanges through such private organizations as The Experiment in International Living, The American Field Service Committee, and Youth for Understanding, and research exchanges sponsored by the International Research and Exchanges Board (IREX); and
(2) take all appropriate action to establish binational Fulbright commissions with Poland and Hungary in order to facilitate and enhance academic and scholarly exchanges with those countries.

(b) SISTER INSTITUTIONS PROGRAMS.—The United States Government encourages the establishment of "sister institution" programs between American and Polish organizations and between American and Hungarian organizations, including such organizations as institutions of higher education, cities and towns, and organizations in such fields as medicine and health care, business management, environmental protection, and agricultural research and marketing.

SEC. 402. SCIENCE AND TECHNOLOGY EXCHANGE WITH POLAND AND HUNGARY.

(a) AGREEMENT WITH POLAND.—There are authorized to be appropriated to the Secretary of State for purposes of continuing to implement the 1987 United States-Polish science and technology agreement—
(1) $1,500,000 for fiscal year 1990,
(2) $2,000,000 for fiscal year 1991, and
(3) $2,000,000 for fiscal year 1992.

(b) AGREEMENT WITH HUNGARY.—There are authorized to be appropriated to the Secretary of State for purposes of implementing the 1989 United States-Hungarian science and technology agreement—
(1) $500,000 for fiscal year 1990,
(2) $1,000,000 for fiscal year 1991, and
(3) $1,000,000 for fiscal year 1992.

(c) DEFINITION OF AGREEMENTS BEING FUNDED.—For purposes of this section—
(1) the term "1987 United States-Polish science and technology agreement" refers to the agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto; and
(2) the term "1989 United States-Hungarian science and technology agreement" refers to the agreement concluded in 1989 by the United States and Hungary, entitled "Agreement Between the Government of the United States of America and the Government of the Hungarian People's Republic for Scientific and Technology Cooperation", together with annexes relating thereto.

SEC. 403. EDUCATIONAL AND CULTURAL EXCHANGES.

(a) OBJECTIVE.—It is the sense of the Congress that the President should—
(1) encourage privately administered educational and cultural exchanges between the people of the United States and the people of Poland and the people of the United States and the people of Hungary; and
(2) consider the establishment of reciprocal cultural centers in Poland and the United States and in Hungary and the

United States to facilitate government and privately funded cultural exchanges.

(b) AUTHORIZATION OF EXCHANGES.—Of the amounts authorized for educational and cultural exchanges administered by the United States Information Agency, not to exceed $2,000,000 in fiscal year 1990 and not to exceed $4,000,000 in fiscal year 1991 shall be available for activities in Poland and Hungary.

TITLE V—OTHER ASSISTANCE

SEC. 501. ASSISTANCE IN SUPPORT OF DEMOCRATIC INSTITUTIONS AND ACTIVITIES IN POLAND AND HUNGARY.

(a) AUTHORIZATION OF ASSISTANCE.—Notwithstanding any other provision of law, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) $12,000,000 for the 3-year period which began October 1, 1989, which shall be available only for the support of democratic institutions and activities in Poland and Hungary, of which—

(1) $2,000,000 shall be available in each such fiscal year only for the unconditional support of activities and institutions in Poland, which institutions shall—

(A) include all major non-Communist political and social formations;

(B) not include among its membership any member of the Polish United Workers Party (or its equivalent, under whatever name the Communist Party of Poland may be known); and

(2) $2,000,000 shall be available in each such fiscal year only for the unconditional support of democratic activities and institutions in Hungary, which institutions shall—

(A) include all major non-Communist political and social formations;

(B) not include among its membership any member of the Communist Party of Hungary (or its equivalent, under whatever name the Communist Party of Hungary may be known).

SEC. 502. ENVIRONMENTAL INITIATIVES FOR POLAND AND HUNGARY.

(a) ENVIRONMENTAL PROTECTION AGENCY ACTIVITIES.—In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (hereinafter referred to as the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as he may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment in Poland and Hungary.

(b) AUTHORIZATION OF TRANSFERS.—The Administrator of the Environmental Protection Agency is authorized to use up to $6,000,000 in each of fiscal years 1990, 1991, and 1992 of funds appropriated under title VI of the Clean Water Act to carry out the purposes of this title. The Administrator may also use up to $2,000,000 appropriated to the Environmental Protection Agency under any other authorizing statutes to carry out the purposes of this title.

(c) ACTIVITIES IN POLAND.—The Administrator shall cooperate with Polish officials and experts on appropriate environmental projects, including—

(1) establishment of an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improvement of both water quality and the availability of drinking water in the Krakow metropolitan area.

(d) ACTIVITIES IN HUNGARY.—The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

(e) DEPARTMENT OF ENERGY ACTIVITIES; PRIORITY FOR EFFICIENT ENERGY USE.—In view of the high energy usage per unit of output in Hungary and Poland, the Secretary of Energy shall give high priority to assisting officials of Poland and Hungary in improving the efficiency of their energy use, through emphasis on such measures as efficient motors, lights, gears, and appliances and improvements in building insulation and design.

(f) ALTERNATIVE INVESTMENTS IN ENERGY.—It is the sense of the Congress that the Administration should work with the Government of Hungary to achieve environmentally safe alternative investments in energy efficiency, particularly with regard to projects along the Danube River.

(g) CONTENTS OF REPORT.—The report required by title VIII shall include the following:

(1) ASSESSMENT OF PROBLEMS.—An overall assessment of the environmental problems facing Poland and Hungary, including—

(A) a relative ranking of the severity of the problems and their effects on both human health and the general environment;

(B) a listing of the geographical areas of each country that have suffered the heaviest environmental damage, and a description of the source and scope of the damage; and

(C) an assessment of the environmental performance of leading industrial polluters in those countries and the expected effect on pollution levels of industrial modernization;

(2) PRIORITIES AND COSTS FOR ACTION.—An analysis of the priorities each country should assign in addressing its environmental problems, and an estimate of the capital and human resources required to undertake a comprehensive program of environmental protection;

(3) ROLE OF UNITED STATES AND MULTILATERAL ASSISTANCE.—A statement of strategy for United States assistance for the next five years in Poland and Hungary, including—

(A) recommendations for appropriate levels and forms of bilateral financial and technical assistance;

(B) recommendations concerning United States participation in cooperative multilateral undertakings;

(C) an assessment of the feasibility of debt-for-nature swaps as a technique of environmental protection in each country; and

(D) recommendations of minimizing further environmental damage to Krakow, and for the protection and restoration of historic sites in that city.

SEC. 503. MEDICAL SUPPLIES, HOSPITAL EQUIPMENT, AND MEDICAL TRAINING FOR POLAND.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $4,000,000 for the three-year period beginning October 1, 1989, which shall be available only—

(1) for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment, and

(2) for training of Polish medical personnel.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law.

(c) RESTRICTIONS.—No assistance provided to Poland under this section shall be used to perform, promote, or plan abortions; or to support the Defense or security forces of any Warsaw Pact member country.

SEC. 504. FACILITATING VOLUNTARY ASSISTANCE.

(a) It is the sense of the Congress that the President should take all possible steps to encourage across the Nation a massive outpouring of private contributions of money and nonperishable foods, to be collected by civic, religious, school, and youth organizations, for assistance to Poland and to Rumanian refugees in Hungary.

(b) For the transport to Poland of nonfinancial private contributions, the President should—

(1) draw upon all available authorities, including Section 1540 of the 1985 Defense Authorization Act, to use resources of the National Guard and the Department of Defense (the "Denton Amendment"), and should request any additional authorities as needed; and

(2) encourage maximum participation by such recognized private voluntary organizations as the Polish-American Congress.

TITLE VI—"TAKE-OFF" TELECOMMUNICATIONS GRANT TO POLAND

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President for fiscal year 1990 $25,000,000, which amount shall be available only for a grant to provide immediate support for the modernization of Poland's telephone and telecommunications infrastructure by means of a competitively-bid contract or contracts to a United States corporation or corporations.

SEC. 602. ADMINISTRATION OF GRANT.

(a) IN GENERAL.—The President shall provide the grant authorized in section 601 as a cash transfer, a grant administered by the Agency for International Development, or any other means determined by the President to be most expeditious and effective in assisting Poland to create the infrastructure necessary for the development of a substantial private business sector.

(b) DESIGNATION OF GRANT RECIPIENT.—In accordance with the criteria set forth in subsection (a), the President may designate as the recipient of the grant the Government of Poland, the Polish-American Enterprise Fund, or some other private sector entity.

SEC. 603. PROTECTION OF TECHNOLOGY.

In providing the grant authorized in section 601, the President shall take all steps necessary to ensure the protection of militarily-significant telecommunications technology, in accordance with criteria and restrictions normally applied by the United States Government.

TITLE VII—POLICY COORDINATION AND "SEED" INFORMATION SYSTEM

SEC. 701. COORDINATION.

The President shall designate within the Department of State a Coordinator of SEED Program Action, who shall be directly responsible for overseeing and coordinating all programs described in this Act and all other activities of the United States Govern-

ment conducted to further the purposes set forth in this Act.

SEC. 702. POLICY OVERSIGHT.

(a) Oversight of all programs provided for in this Act, as well as all other activities of the United States Government conducted to assist Poland, should be exercised by an interagency group to be chaired by the Vice President and to include the Director of the Office of Management and Budget, the Secretaries of State, Commerce, Treasury, Labor, Defense, Health and Human Services, and Housing and Urban Development, the Administrator of the Agency for International Development, and the Director of the United States Information Agency.

(b) Congress commends the President for agreeing to send a High Level Team of Experts to assess the dramatic transition taking place in Poland. The private and governmental experience of team members should result in the first comprehensive official review and analysis of the economic situation in Poland.

(c) The interagency group referred to in subsection (a) shall consult with the Team of Experts, and make available its findings to Congress and the American people.

SEC. 703. PUBLIC INFORMATION.

(a) The President shall take such steps as may be necessary to establish, using existing agencies of the United States Government and acting in cooperation with the Governments of Poland and Hungary, a SEED information center system, which shall serve as a central clearinghouse mechanism for information relating to business needs and opportunities in Eastern Europe and voluntary assistance to such nations.

(b) Such system shall be organized, among other purposes, to encourage economically sound proposals to the Polish-American and Hungarian-American Enterprise Funds, and other sources of finance for the development of private enterprise in Eastern Europe.

(c) Such system shall be based jointly in Washington and, until expanded, in Warsaw and Budapest.

SEC. 704. CERTAIN POLISH BONDS NOT SUBJECT TO RULES RELATING TO BELOW-MARKET LOANS.

(a) IN GENERAL.—Paragraph (5) of section 1812(b) of the Tax Reform Act of 1986 is amended—

(1) by inserting "or Poland" after "Israel" in the text thereof, and

(2) by inserting "or Polish" after "Israel" in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE VIII—PROGRAM ACTION AND REPORTING

SEC. 801. FINDINGS.

Congress finds that—

(1) in order to provide the President with maximum flexibility and opportunity for innovation in implementation of the SEED Program, this Act sets forth general goals and modalities for the support of democracy and economic pluralism in Eastern Europe;

(2) prompt United States action in devising specific measures to achieve the goals outlined in this Act will be crucial in generating the public awareness, and the international commitment, necessary for American leadership of a successful multilateral program of assistance in Eastern Europe; and

(3) clear-cut delineation of such United States actions at an early date is integral to American leadership of this effort.

SEC. 802. SEED REPORT.

Not later than January 20, 1990, the President shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a comprehensive "Report on the United States Program of Support for East European Democracy (SEED)", which shall include a full description of—

(1) actions regarding the establishment and operations of the Polish-American and Hungarian-American Enterprise Funds;

(2) actions to assist the process of labor market reform and economic adjustment in Poland and Hungary;

(3) actions to assist in environmental protection in Eastern Europe, and other information set forth in section 502;

(4) actions to relieve the debt burden on Poland, including the utilization of debt-for-equity swaps;

(5) actions to assist Poland in creating a modern telephone and telecommunications system;

(6) actions to energize and facilitate a national movement of voluntary assistance to Poland;

(7) actions to stimulate in various fields the establishment of "sister institutions" in the United States and Eastern Europe;

(8) actions to ensure effective coordination of SEED activities within the executive branch;

(9) actions to ensure, through the use of existing Executive branch agencies, the effective operation of a SEED information system to facilitate initiatives in private enterprise and voluntary assistance in Eastern Europe.

(10) actions to assist the development of private enterprise in Poland and Hungary through utilization of United States tariff policy, the programs of the Overseas Private Investment Corporation and the Export-Import Bank, and bilateral investment treaties;

(11) actions to implement and expand effective programs of scientific, educational, and cultural exchange in Eastern Europe;

(12) actions to assist Poland with medical supplies and training;

(13) actions to assist Poland and Hungary through programs designed to support the development of democratic institutions;

(14) actions to assist Hungary and Poland through programs of the Peace Corps;

(15) actions to provide United States food assistance to Poland as part of an effective and balanced multilateral effort; and

(16) actions to participate in the effective use of multilateral diplomacy, through agencies including the Paris Club, the World Bank, and the International Monetary Fund to assist Poland's efforts to dismantle that country's system of state controls and subsidies and to institutionalize political democracy and economic pluralism.

SEC. 803. REPORT TO CONGRESS.

Not later than 90 days after the effective date of this Act, and every 180 days thereafter for 3 years, the President shall report to the Speaker of the House of Representatives and the President pro tempore of the Senate a comprehensive "Report on Democracy and Free Enterprise in Poland and Hungary", which shall include a full description of the progress made in Poland and Hungary toward—

(1) the implementation of economic policies designed to promote sustained economic growth, to develop economic freedom, and to increase opportunities for the people of Poland and Hungary, including but not limited to the reforms and policies set forth in section 2 of this Act;

(2) the adoption and pace of implementation of constitutional, legal, and administrative measures that limit the power of executive authorities and establish and protect the independence of the judiciary;

(3) the full elimination of all constitutional, legal, and administrative measures that favor any political party or inhibit the formulation and operation of independent political parties, groups, associations, or organizations;

(4) the adoption of constitutional, legal, and administrative measures designed to establish and protect fundamental human rights and civil liberties, including but not limited to, freedom of speech, freedom of the press, freedom of religion, the right of Polish and Hungarian citizens to work, to join, or to refuse to join trade unions or labor organizations, and other freedoms comparable to those found in other democratic countries;

(5) the reduction and elimination of industrial practices detrimental to the environment and particularly harmful to human health;

(6) elections in which all parties are able to participate freely with equal opportunity to form governments based on popular support;

(7) the elimination of espionage activities by operatives of the governments of Poland and Hungary against the United States and its allies in the North Atlantic Treaty Organization.

SEC. 804. CESSATION OF AID.

(a) Funds provided under this Act shall cease to be available to Poland if the President of Poland, or any other Polish official, initiates martial law or a state of emergency for reasons other than necessary to respond to a natural disaster or a foreign invasion or if any member of the Senate or Sejm is removed from office or arrested through extraconstitutional processes.

(b) Funds provided under this Act for Hungary shall cease to be available if the President of Hungary, or any Hungarian official, initiates martial law or a state of emergency for reasons other than necessary to respond to a natural disaster or a foreign invasion, or if any member of the Hungarian National Assembly is removed from office or arrested through extraconstitutional processes.

SEC. 805. TERMINATION OF ASSISTANCE TO POLAND AND HUNGARY UNLESS ARMS TRANSFERS AND SECURITY ASSISTANCE TO CUBA AND NICARAGUA CEASE.

(a) Three months after the effective date of this Act, the President shall terminate all assistance provided pursuant to this Act to Poland or Hungary, respectively, unless he certifies to the Speaker of the House of Representatives and the President pro tempore of the Senate that all arms transfers and security assistance, as defined in subsection (b) of this section, provided by that country to Cuba or Nicaragua, have ceased.

(b) For the purposes of this section, arms transfers and security assistance provided by Poland or Hungary to Cuba or Nicaragua shall include arms delivery, shipment, or transfer and security assistance in any form whatsoever, including but not limited to any provision or supply (whether by sale, grant, barter, or other arrangement) of weapons, weapons parts, ammunition, military vehicles or military aircraft or naval crafts or parts therefor; training of Cuban or Nicaraguan military, para-military, police or other security personnel by Polish or Hungarian personnel; services of Polish or Hungarian military or security advisers in

Cuba or Nicaragua; transport of other items described in this subsection, even if originating in a third country, by Polish-flag vessels or Polish or Hungarian aircraft (including both military and civil craft) to Cuba or Nicaragua; or any extension of funds, credits, loans, barter for goods, or other arrangement providing for the transfer of arms or security assistance from a third country to Cuba or Nicaragua.

(c) If, subsequent to 3 months after the effective date of this Act, the President finds that arms transfers and security assistance to Cuba or Nicaragua, as defined in subsection (b), have been resumed by Poland or Hungary after a previous cessation, he shall terminate all assistance to that country pursuant to this Act.

TITLE IX—GENERAL PROVISIONS

SEC. 901. DECLARATION OF THE DEMOCRATIC HUNGARIAN REPUBLIC.

(a)(1) On October 23, 1989, in a public ceremony in Budapest, the acting President of Hungary declared the State to be an independent and democratic Hungarian Republic;

(2) The public ceremony was held on the 33d anniversary of Hungary's 1956 revolution that was bloodily suppressed by Soviet troops;

(3) The public ceremony was held on the same Kossuth Square where the first mass rally of the 1956 revolution was held;

(4) As a further symbol of Hungary's faithfulness to the legacy of 1956, the declaration by the acting President was made from the same balcony from which Imre Nagy, the martyred Prime Minister of the revolutionary government of 1956, addressed the citizens of Budapest 33 years before;

(5) The heroic revolt and freedom fight of the Hungarian people in 1956 was an inspiring event in 20th century history reminding a generation of Americans of the sacrifices people are willing to undertake as the price of liberty; and

(6) The present efforts of the Hungarian people to validate the legacy of 1956 by establishing a free, independent, and prosperous Hungary have gained the sympathy and admiration of the American people: Now, therefore, be it determined

(b) That—

(1) the Senate congratulates the people of Hungary on the declaration of the democratic Hungarian Republic; and

(2) the Senate expresses its desire to enhance the friendly relations between the peoples of Hungary and the United States and between their respective governments.

SEC. 902. ESTABLISHMENT OF SCHOLARSHIP AND EDUCATIONAL EXCHANGE PROGRAMS.

(a) The Administrator of the Agency for International Development is authorized to establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from Poland and Hungary to study business and economics in the United States. The programs may range from the standard management courses to more specialized assistance in commercial banking and the creation of a stockmarket. Grants to States pursuant to this section may be made with funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). In addition to amounts otherwise available for such purpose under those chapters, there are authorized to be appropriated $1,000,000 for the 3-year period beginning October 1, 1989, for use in carrying out this section.

(b) The United States should expand its participation in educational exchange activities with Poland and Hungary, using the full array of existing government-funded and privately funded programs. The primary purpose of these exchanges should be to develop skills in business and economics that are necessary for the development of a free market economy. To enable the United States Information Agency to support these activities, there are authorized to be appropriated to the Agency $1,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purpose.

SEC. 903. EXPANDING THE NUMBER OF COMMERCIAL OFFICES TO UNITED STATES EMBASSIES AND MISSIONS TO POLAND AND HUNGARY.

(a) It is the sense of the Congress that to the extent practicable—

(1) the United States Embassy to Hungary shall be assigned one additional economic and commercial officer;

(2) the United States Embassy to Warsaw shall be assigned one additional economic and one additional commercial officer;

(3) the United States Trade Center in Warsaw shall be assigned one additional economic and commercial officer;

(4) the United States Mission to Krakow shall be assigned one additional economic and commercial officer; and

(5) the commercial and economic officers assigned to United States Embassies and Missions to Poland and Hungary in addition to the regular duties shall help members of the private sector of both nations to do business with OECD nations.

SEC. 904. OECD.

(a)(1) It is the sense of the Congress that the United States Ambassador to the OECD should enter into discussions with other member nation missions to establish a working group on providing assistance to Eastern European national economies, drawing on experts from all appropriate OECD directorates.

(2) The working group should—

(A) provide technical assistance to the government of Poland and Hungary, or any other Eastern European government the President determines has taken substantive steps toward instituting political democracy and economic pluralism, and members of the private sector of those nations attempting to make the transition from a nonmarket to a market based economy; and

(B) monitor economic changes in Eastern Europe.

(3) The group structure should be modeled after the OECD Consensus Group for Export Credits.

(4) The United States Ambassador should also enter into discussions with other member nation missions about the possibility of Poland and Hungary being admitted as observers to the OECD for a 1-year period.

(5) The United States Mission to the OECD should submit a report to the President pro tempore of the Senate and the Speaker of the House and the Commission on Security and Cooperation in Europe on the progress of these discussions no later than 90 days after enactment of this Act, and should submit a report annually thereafter on the activities of the working group.

SEC. 905. CERTAIN USES OF EXCESS FOREIGN CURRENCIES.

(a) AUTHORITY TO USE.—During fiscal year 1990, the Administrator for title I of the Foreign Assistance Act of 1961 may use, for the purposes described in subsection (b), such sums of foreign currencies described in subsection (c) as the Administrator may determine.

(b) PURPOSES FOR WHICH CURRENCY MAY BE USED.—Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under title I of the Foreign Assistance Act of 1961, and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

(c) CURRENCIES WHICH MAY BE USED.—The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

(d) WHERE CURRENCIES MAY BE USED.—Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

(e) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Foreign currencies may be used under this section notwithstanding section 1306 of title 31, United States Code, or any other provision of law.

(f) LIMITATION.—Foreign currency made available under this section may not be used in any Communist country listed pursuant to section 4201(d).

SEC. 906. COAL IN SOVIET UNION TASK FORCE.

(a) The Secretary of Commerce and the Secretary of Energy shall establish a task force to analyze the current supply and demand situation of coal in the Soviet Union. The analysis will include, but not be limited to—

(1) the causes of labor unrest in the Soviet coal industry and the impact of that unrest, of mining productivity, and of the transportation system in the Soviet Union on domestic coal production in that country;

(2) the impact of increased industrialization and winter weather on Soviet coal demand;

(3) the likelihood of a shortfall between domestic supply and demand;

(4) the feasibility of meeting any shortfall which might occur with United States coal;

(5) the feasibility of coal from other countries meeting any shortfall which might occur; and

(6) steps which must be taken to enable United States to compete with other countries to meet any shortfall which might occur.

(b) The task force shall report their findings to Congress within 45 days of enactment of this Act.

SEC. 907. EMPLOYEE STOCK OWNERSHIP PLANS.

Funds provided through the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund may be used for the establishment of Employee Stock Ownership Plans (ESOPs).

SEC. 908. REPORT ON TECHNOLOGY TRANSFER TO POLAND AND HUNGARY.

Not later than 180 days after the enactment of this Act, the Secretary of State shall submit a classified report to Congress identifying the confidence building measures Poland and Hungary could undertake that

would facilitate the negotiation of those kinds of agreements, including but not limited to, bilateral customs and technology transfer agreements, that would encourage greater direct private sector investment in Poland and/or Hungary.

SEC. 909. COMMUNIST CHINA MISSILE SALES TO MIDDLE EAST.

The United States Government shall not assist any missile program of the People's Republic of China in any manner until the President certifies to Congress that China is not currently supplying ballistic missiles or missile technology to Iran, Iraq, Syria or Libya, and has provided reasonable assurances that no future sales of missiles or missile technology to such countries are planned.

TITLE X—TEMPORARY EXTENSION OF EXPIRING TAX PROVISIONS

SEC. 1000. AMENDMENT OF 1986 CODE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Temporary Extension of Expiring Tax Provisions

SEC. 1001. EXTENSION OF EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (d) of section 127 (relating to educational assistance programs) is amended by striking "December 31, 1988" and inserting "June 30, 1990".

(b) CERTAIN OTHERWISE TAXABLE EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE MAY BE EXCLUDABLE AS WORKING CONDITION FRINGE.—Subsection (h) of section 132 (relating to certain fringe benefits) is amended by adding at the end thereof the following new paragraph:

"(9) APPLICATION OF SECTION TO OTHERWISE TAXABLE EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.—Amounts which would be excludable from gross income under section 127 but for subsection (a)(2) thereof or the last sentence of subsection (c)(1) thereof shall be excluded from gross income under this section if (and only if) such amounts are a working condition fringe."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 1002. EXTENSION OF EMPLOYER-PROVIDED GROUP LEGAL SERVICES.

(a) IN GENERAL.—Subsection (e) of section 120 (relating to group legal services plans) is amended by striking "ending after December 31, 1988" and inserting "beginning after June 30, 1990".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1988.

SEC. 1003. EXTENSION AND MODIFICATION OF TARGETED JOBS CREDIT.

(a) 6-MONTH EXTENSION.—Paragraph (4) of section 51(c) (relating to termination) is amended by striking "December 31, 1989" and inserting "June 30, 1990".

(b) EXTENSION OF AUTHORIZATION.—Paragraph (2) of section 261(f) of the Economic Recovery Tax Act of 1981 is amended by striking "and 1989" and inserting "1989 and 1990".

(c) MODIFICATION OF REQUEST FOR CERTIFICATION.—

(1) IN GENERAL.—Paragraph (16) of section 51(d) is amended by adding at the end thereof the following new subparagraph:

"(C) EMPLOYER REQUEST MUST SPECIFY POTENTIAL BASIS FOR ELIGIBILITY.—In any request for a certification of an individual as a member of a targeted group, the employer shall—

"(i) specify each subparagraph (but not more than 2) of paragraph (1) by reason of which the employer believes that such individual is such a member, and

"(ii) certify that a good faith effort was made to determine that such individual is such a member."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who begin work for the employer after December 31, 1989.

SEC. 1004. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

Section 864 (relating to definitions and special rule) is amended by adding at the end thereof the following new subsection:

"(f) ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.—

"(1) IN GENERAL.—For purposes of sections 861(b), 862(b), and 863(b), qualified research and experimental expenditures shall be allocated and apportioned as follows:

"(A) Any qualified research and experimental expenditures expended solely to meet legal requirements imposed by a political entity with respect to the improvement or marketing of specific products or processes for purposes not reasonably expected to generate gross income (beyond de minimis amounts) outside the jurisdiction of the political entity shall be allocated only to gross income from sources within such jurisdiction.

"(B) In the case of any qualified research and experimental expenditures (not allocated under subparagraph (A)) to the extent—

"(i) that such expenditures are attributable to activities conducted in the United States, 64 percent of such expenditures shall be allocated and apportioned to income from sources within the United States and deducted from such income in determining the amount of taxable income from sources within the United States, and

"(ii) that such expenditures are attributable to activities conducted outside the United States, 64 percent of such expenditures shall be allocated and apportioned to income from sources outside the United States and deducted from such income in determining the amount of taxable income from sources outside the United States.

"(C) The remaining portion of qualified research and experimental expenditures (not allocated under subparagraphs (A) and (B)) shall be apportioned, at the annual election of the taxpayer, on the basis of gross sales or gross income, except that, if the taxpayer elects to apportion on the basis of gross income, the amount apportioned to income from sources outside the United States shall at least be 30 percent of the amount which would be so apportioned on the basis of gross sales.

"(2) QUALIFIED RESEARCH AND EXPERIMENTAL EXPENDITURES.—For purposes of this section, the term 'qualified research and experimental expenditures' means amounts which are research and experimental expenditures within the meaning of section 174. For purposes of this paragraph, rules similar to the rules of subsection (c) of section 174 shall apply. Any qualified research and experimental expenditures treated as deferred expenses under subsection (b) of section 174 shall be taken into account under this subsection for the taxable year for which such expenditures are allowed as a deduction under such subsection.

"(3) SPECIAL RULES FOR EXPENDITURES ATTRIBUTABLE TO ACTIVITIES CONDUCTED IN SPACE, ETC.—

"(A) IN GENERAL.—Any qualified research and experimental expenditures described in subparagraph (B)—

"(i) if incurred by a United States person, shall be allocated and apportioned under this section in the same manner as if they were attributable to activities conducted in the United States, and

"(ii) if incurred by a person other than a United States person, shall be allocated and apportioned under this section in the same manner as if they were attributable to activities conducted outside the United States.

"(B) DESCRIPTION OF EXPENDITURES.—For purposes of subparagraph (A), qualified research and experimental expenditures are described in this subparagraph if such expenditures are attributable to activities conducted—

"(i) in space,

"(ii) on or under water not within the jurisdiction (as recognized by the United States) of a foreign country, possession of the United States, or the United States, or

"(iii) in Antarctica.

"(4) AFFILIATED GROUP.—

"(A) Except as provided in subparagraph (B), the allocation and apportionment required by paragraph (1) shall be determined as if all members of the affiliated group (as defined in subsection (e)(5)) were a single corporation.

"(B) For purposes of the allocation and apportionment required by paragraph (1)—

"(i) sales and gross income from products produced in whole or in part in a possession by an electing corporation (within the meaning of section 936(h)(5)(E)), and

"(ii) dividends from an electing corporation,

shall not be taken into account, except that this subparagraph shall not apply to sales of (and gross income and dividends attributable to sales of) products with respect to which an election under section 936(h)(5)(F) is not in effect.

"(C) The qualified research and experimental expenditures taken into account for purposes of paragraph (1) shall be adjusted to reflect the amount of such expenditures included in computing the cost-sharing amount (determined under section 936(h)(5)(C)(i)(I)).

"(D) The Secretary may prescribe such regulations as may be necessary to carry out the purposes of this paragraph, including regulations providing for the source of gross income and the allocation and apportionment of deductions to take into account the adjustments required by subparagraph (C).

"(E) Paragraph (6) of subsection (e) shall not apply to qualified research and experimental expenditures.

"(5) APPLICATION OF SUBSECTION.—This subsection shall apply to taxable years beginning after August 1, 1989, and beginning before July 1, 1990."

SEC. 1005. EXTENSION OF QUALIFIED SMALL ISSUE BONDS.

Subparagraph (B) of section 144(a)(12) is amended by striking "substituting '1989' for '1986'" and inserting "substituting 'June 30, 1990' for 'December 31, 1986'".

SEC. 1006. EXTENSION OF SPECIAL RULES FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) GENERAL RULE.—Paragraph (5) of section 162(1) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "December 31, 1989" and inserting "June 30, 1990".

(b) SPECIAL RULE FOR CERTAIN S CORPORATION SHAREHOLDERS.—Subsection (1) of sec-

tion 162 (as amended by subsection (a)) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) TREATMENT OF CERTAIN S CORPORATION SHAREHOLDERS.—This subsection shall apply in the case of any individual treated as a partner under section 1372(a), except that—

"(A) for purposes of this subsection, such individual's wages (as defined in section 3121) from the S corporation shall be treated as such individual's earned income (within the meaning of section 401(c)(1)), and

"(B) there shall be such adjustments in the application of this subsection as the Secretary may by regulations prescribe."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

SEC. 1007. ENERGY INVESTMENT CREDIT FOR SOLAR, GEOTHERMAL, AND OCEAN THERMAL PROPERTY.

The table contained in section 46(b)(2)(A) (relating to energy percentage) is amended by striking "Dec. 31, 1989" in clauses (viii), (ix), and (x) and inserting "June 30, 1990".

SEC. 1008. QUALIFIED MORTGAGE BONDS.

(a) IN GENERAL.—Paragraph (1) of section 143(a) (defining qualified mortgage bond) is amended by striking "December 31, 1989" in the text and heading and inserting "June 30, 1990".

(b) MORTGAGE CREDIT CERTIFICATES.—Section 25(h) is amended by striking "calendar year after 1989" and inserting "period after June 30, 1990".

(c) SUSPENSION OF MORTGAGE CREDIT CERTIFICATES TIME LIMIT.—With respect to bond authority exchanged before August 15, 1986, but not issued as of such date, the 2-year period under section 25(e)(3)(B) of the Internal Revenue Code of 1986 shall begin on the date of the enactment of this subsection.

SEC. 1009. EXTENSION OF TRANSFER TO RAILROAD RETIREMENT ACCOUNT.

Subsection (c)(1)(A) of section 224 of the Railroad Retirement Solvency Act of 1983, as amended by section 9034 of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "October 1, 1989" and inserting "July 1, 1990".

SEC. 1010. EXTENSION OF LOW-INCOME HOUSING CREDIT; MODIFICATIONS TO CREDIT.

(a) 6-MONTH EXTENSION OF CREDIT.—Section 42(n) (relating to termination of low-income housing credit) is amended—

(1) by striking "calendar year after 1989" and inserting "period after June 30, 1990", and

(2) by striking "1989" and inserting "June 30, 1990".

(b) 1-YEAR CARRYOVER OF UNUSED CREDIT AUTHORITY.—

(1) IN GENERAL.—Section 42(h)(3) (relating to housing credit dollar amount for agencies) is amended by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively, and by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) STATE HOUSING CREDIT CEILING.—The State housing credit ceiling applicable to any State for any calendar year shall be an amount equal to the sum of—

"(i) $1.25 multiplied by the State population,

"(ii) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(iii) the amount of State housing credit ceiling returned in the calendar year, plus

"(iv) the amount (if any) allocated under subparagraph (D) to such State by the Secretary.

For purposes of clause (ii), the unused State housing credit ceiling for any calendar year is the excess (if any) of the amount described in clause (i) over the aggregate housing credit dollar amount allocated for such year. For purposes of clause (iii), the amount of State housing credit ceiling returned in the calendar year equals the housing credit dollar amount previously allocated within the State to any project which does not become a qualified low-income housing project within the period required by this section or the terms of the allocation or to any project with respect to which an allocation is cancelled by mutual consent of the housing credit agency and the allocation recipient.

"(D) UNUSED HOUSING CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

"(i) IN GENERAL.—The unused housing credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

"(ii) UNUSED HOUSING CREDIT CARRYOVER.—For purposes of this subparagraph, the unused housing credit carryover of a State for any calendar year is the excess (if any) of the unused State housing credit ceiling for such year (as defined in subparagraph (C)(ii)) over the excess (if any) of—

"(I) the aggregate housing credit dollar amount allocated for such year, over

"(II) the amount described in clause (i) of subparagraph (C).

"(iii) FORMULA FOR ALLOCATION OF UNUSED HOUSING CREDIT CARRYOVERS AMONG QUALIFIED STATES.—The amount allocated under this subparagraph to a qualified State for any calendar year shall be the amount determined by the Secretary to bear the same ratio to the aggregate unused housing credit carryovers of all States for the preceding calendar year as such State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j).

"(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

"(I) which allocated its entire State housing credit ceiling for the preceding calendar year, and

"(II) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (iii)."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (E) of section 42(h)(5) is amended by striking "subparagraph (E)" and inserting "subparagraph (F)".

(B) Paragraph (6) of section 42(h) is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(c) BUILDINGS ELIGIBLE FOR CREDIT ONLY IF MINIMUM LONG-TERM COMMITMENT TO LOW-INCOME HOUSING.—

(1) IN GENERAL.—Section 42(h) (relating to limitation on aggregate credit allowable with respect to projects located in a State) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (10), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) BUILDINGS ELIGIBLE FOR CREDIT ONLY IF MINIMUM LONG-TERM COMMITMENT TO LOW-INCOME HOUSING.—

"(A) IN GENERAL.—No credit shall be allowed by reason of this section with respect to any building for the taxable year unless an extended low-income housing commitment is in effect as of the end of such taxable year.

"(B) EXTENDED LOW-INCOME HOUSING COMMITMENT.—For purposes of this paragraph, the term 'extended low-income housing commitment' means any agreement between the taxpayer and the housing credit agency—

"(i) which requires that the applicable fraction (as defined in subsection (c)(1)) for the building for each taxable year in the extended use period will not be less than the applicable fraction specified in such agreement,

"(ii) which allows individuals who meet the income limitation applicable to the building under subsection (g) (whether prospective, present, or former occupants of the building) the right to enforce in any State court the requirement of clause (i),

"(iii) which is binding on all successors of the taxpayer, and

"(iv) which, with respect to the property, is recorded pursuant to State law as a restrictive covenant.

"(C) ALLOCATION OF CREDIT MAY NOT EXCEED AMOUNT NECESSARY TO SUPPORT COMMITMENT.—

"(i) IN GENERAL.—The housing credit dollar amount allocated to any building may not exceed the amount necessary to support the applicable fraction specified in the extended low-income housing commitment for such building, including any increase in such fraction pursuant to the application of subsection (f)(3) if such increase is reflected in an amended low-income housing commitment.

"(ii) BUILDINGS FINANCED BY TAX-EXEMPT BONDS.—If paragraph (4) applies to any building the amount of credit allowed in any taxable year may not exceed the amount necessary to support the applicable fraction specified in the extended low-income housing commitment for such building. Such commitment may be amended to increase such fraction.

"(D) EXTENDED USE PERIOD.—For purposes of this paragraph, the term 'extended use period' means the period—

"(i) beginning on the 1st day in the compliance period on which such building is part of a qualified low-income housing project, and

"(ii) ending on the later of—

"(I) the date specified by such agency in such agreement, or

"(II) the date which is 15 years after the close of the compliance period.

"(E) EXCEPTIONS IF FORECLOSURE OR IF NO BUYER WILLING TO MAINTAIN LOW-INCOME STATUS.—

"(i) IN GENERAL.—The extended use period for any building shall terminate—

"(I) on the date the building is acquired by foreclosure (or instrument in lieu of foreclosure), or

"(II) on the last day of the period specified in subparagraph (I) if the housing credit agency is unable to present during such period a qualified contract for the acquisition of the low-income portion of the building by any person who will continue to operate such portion as a qualified low-income building.

Subclause (II) shall not apply to the extent more stringent requirements are provided in the agreement or in State law.

"(ii) EVICTION, ETC. OF EXISTING LOW-INCOME TENANTS NOT PERMITTED.—The termination of an extended use period under clause (i) shall not be construed to permit before the close of the 3-year period following such termination—

"(I) the eviction or the termination of tenancy (other than for good cause) of an existing tenant of any low-income unit, or

"(II) any increase in the gross rent with respect to such unit, except if such tenant's income exceeds 100 percent of the income limitation under subsection (g)(1), then only to the extent such increase does not exceed 30 percent of such tenant's income.

"(F) QUALIFIED CONTRACT.—For purposes of subparagraph (E), the term 'qualified contract' means a bona fide contract to acquire (within a reasonable period after the contract is entered into) the low-income portion of the building for an amount not less than the applicable fraction (specified in the extended low-income housing commitment) of—

"(i) the sum of—

"(I) the outstanding indebtedness secured by, or with respect to, the building,

"(II) the adjusted investor equity in the building, plus

"(III) other capital contributions not reflected in the amounts described in subclause (I) or (II), reduced by

"(ii) cash distributions from (or available for distribution from) the project.

The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the manipulation of the amount determined under the preceding sentence.

"(G) ADJUSTED INVESTOR EQUITY.—

"(i) IN GENERAL.—For purposes of subparagraph (E), the term 'adjusted investor equity' means, with respect to any calendar year, the aggregate amount of cash taxpayers invested with respect to the project increased by the amount equal to—

"(I) such amount, multiplied by

"(II) the cost-of-living adjustment for such calendar year, determined under section 1(f)(3) by substituting the base calendar year for 'calendar year 1987'.

An amount shall be taken into account as an investment in the project only to the extent there was an obligation to invest such amount as of the beginning of the credit period and to the extent such amount is reflected in the adjusted basis of the project.

"(ii) COST-OF-LIVING INCREASES IN EXCESS OF 5 PERCENT NOT TAKEN INTO ACCOUNT.—Under regulations prescribed by the Secretary, if the CPI for any calendar year (as defined in section 1(f)(4)) exceeds the CPI for the preceding calendar year by more than 5 percent, the CPI for the base calendar year shall be increased such that such excess shall never be taken into account under clause (i).

"(iii) BASE CALENDAR YEAR.—For purposes of this subparagraph, the term 'base calendar year' means the calendar year with or within which the 1st taxable year of the credit period ends.

"(H) LOW-INCOME PORTION.—For purposes of this paragraph, the low-income portion of a building is the portion of such building equal to the applicable fraction specified in the extended low-income housing commitment for the building.

"(I) PERIOD FOR FINDING BUYER.—The period referred to in this subparagraph is the 1-year period beginning on the date (after the 14th year of the compliance period) the taxpayer submits a written request to the housing credit agency to find a person to acquire the taxpayer's interest in the low-income portion of the building.

"(J) SALES OF LESS THAN LOW-INCOME PORTION OF BUILDING.—In the case of a sale or exchange of only a portion of the low-income portion of the building, only the same portion (as the portion sold or exchanged) of the amount determined under subparagraph (F) shall be taken into account thereunder.

"(K) EFFECT OF NONCOMPLIANCE.—If, during a taxable year, there is a determination that an extended low-income housing agreement was not in effect as of the beginning of such year, such determination shall not apply to any period before such year and subparagraph (A) shall be applied without regard to such determination if the failure is corrected within 1 year from the date of the determination.

"(L) PROJECTS WHICH CONSIST OF MORE THAN 1 BUILDING.—The application of this paragraph to projects which consist of more than 1 building shall be made under regulations prescribed by the Secretary."

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 42(b)(3) is amended by striking "subsection (h)(6))" and inserting "subsection "(h)(7)".

(d) CREDIT FOR ACQUISITION OF EXISTING BUILDING TO APPLY ONLY IF BUILDING TO BE REHABILITATED; INCREASE IN REQUIRED REHABILITATION EXPENDITURES.—

(1) IN GENERAL.—Subparagraph (B) of section 42(d)(2) (relating to eligible basis of existing buildings) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end thereof the following new clause:

"(iv) a credit is allowable under subsection (a) by reason of subsection (e) with respect to the building."

(2) CREDIT PERIOD FOR EXISTING BUILDINGS NOT TO BEGIN BEFORE REHABILITATION CREDIT ALLOWED.—Section 42(f) (relating to definition and special rules relating to credit period) is amended by adding at the end thereof the following new paragraph:

"(4) CREDIT PERIOD FOR EXISTING BUILDINGS NOT TO BEGIN BEFORE REHABILITATION CREDIT ALLOWED.—The credit period for an existing building (other than a federally-assisted building with respect to which a waiver is granted under subsection (d)(6)(C)) shall not begin before the 1st taxable year of the credit period for rehabilitation expenditures with respect to the building."

(3) INCREASE IN REQUIRED REHABILITATION EXPENDITURES.—Paragraph (3) of section 42(e) (relating to rehabilitation expenditures treated as separate new building) is amended—

(A) by striking "$2,000" in the text of subparagraph (A) and inserting "$3,000", and

(B) by striking "$2,000" in the heading and inserting "$3,000".

(e) RENT RESTRICTION DETERMINED ON BASIS OF NUMBER OF BEDROOMS, ETC.—

(1) Section 42(g)(2) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) IMPUTED INCOME LIMITATION APPLICABLE TO UNIT.—For purposes of this paragraph, the imputed income limitation applicable to a unit is the income limitation which would apply under paragraph (1) to individuals occupying the unit if the number of individuals occupying the unit were as follows:

"(i) In the case of a unit which does not have a separate bedroom, 1 individual.

"(ii) In the case of a unit which has 1 or more separate bedrooms, 1.5 individuals for each separate bedroom.

In the case of a project with respect to which a credit is allowable by reason of this section and for which financing is provided by a bond described in section 142(a)(7), the imputed income limitation shall apply in lieu of the otherwise applicable income limitation for purposes of applying section 142(d)(4)(B)(ii)."

(B) Subparagraph (A) of section 42(g)(2), as amended by paragraph (1), is further amended by striking "the income limitation under paragraph (1) applicable to individuals occupying such unit" and inserting "the imputed income limitation applicable to such unit".

(f) ADDITIONAL BUILDINGS ELIGIBLE FOR WAIVER OF 10-YEAR PERIOD APPLICABLE TO ACQUISITIONS OF EXISTING BUILDINGS.—

(1) IN GENERAL.—Subparagraph (A) of section 42(d)(6) (relating to credit allowable for certain federally-assisted buildings acquired during 10-year period described in paragraph (2)(B)(ii)) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma and "or", and by adding at the end thereof the following new clause:

"(iii) to facilitate the sale of the building if—

"(I) the mortgage loan on the building is held by the Department of Housing and Urban Development,

"(II) the building is owned by such Department following its acquisition (by such Department or the mortgage loan lender) by foreclosure (or by instrument in lieu of foreclosure), or

"(III) the building is owned by the Farmers Home Administration."

(2) LOW-INCOME BUILDINGS WHERE MORTGAGE MAY BE PREPAID.—Section 42(d)(6) is amended by adding at the end thereof the following new subparagraphs:

"(C) LOW-INCOME BUILDINGS WHERE MORTGAGE MAY BE PREPAID.—A waiver may be granted under subparagraph (A) (without regard to any clause thereof) with respect to a federally-assisted building described in clause (ii) or (iii) of subparagraph (B) if—

"(i) at any time within 1 year after the date of the application by the taxpayer for such a waiver, the mortgage on such building is eligible for prepayment under subtitle B of the Emergency Low Income Housing Preservation Act of 1987 or under section 502(c) of the Housing Act of 1949, and

"(ii) the appropriate Federal official certifies to the Secretary that it is reasonable to expect that if the waiver is not granted such building will cease complying with its low-income occupancy requirements.

If a waiver is granted under subparagraph (A) with respect to such building, no person shall be eligible to prepay such mortgage without the approval of the appropriate Federal official."

"(D) BUILDINGS ACQUIRED FROM INSURED DEPOSITORY INSTITUTIONS IN DEFAULT.—A waiver may be granted under subparagraph (A) (without regard to any clause thereof) with respect to any building acquired from an insured depository institution in default (as defined in section 3 of the Federal Deposit Insurance Act) or from a receiver or conservator of such an institution."

(3) CERTAIN MULTI-FAMILY HOUSING.—Subparagraph (B) of section 42(d)(6) is amended by adding at the end thereof the following new sentence: "Such term also includes any building which has more than 4 residential rental units and the mortgage on which was originated by, or is insured or guaranteed by, the Federal Government."

(g) INCREASE IN CREDIT FOR BUILDINGS IN HIGH COST AREAS.—Paragraph (5) of section 42(d) (relating to eligible basis) is amended by adding at the end thereof the following new subparagraph:

"(D) INCREASE IN CREDIT FOR BUILDINGS IN HIGH COST AREAS.—

"(i) IN GENERAL.—In the case of any building located in a qualified census tract or difficult development area which is designated for purposes of this subparagraph—

"(I) in the case of a new building, the eligible basis of such building shall be 130 percent of such basis determined without regard to this subparagraph, and

"(II) in the case of an existing building, the rehabilitation expenditures taken into account under subsection (e) shall be 130 percent of such expenditures determined without regard to this subparagraph.

"(ii) QUALIFIED CENSUS TRACT.—

"(I) IN GENERAL.—The term 'qualified census tract' means any census tract in which 50 percent or more of the households have an income which is less than 60 percent of the area median gross income.

"(II) LIMIT ON MSA's DESIGNATED.—The portion of a metropolitan statistical area which may be designated for purposes of this subparagraph shall not exceed an area having 20 percent of the population of such metropolitan statistical area.

"(III) DETERMINATION OF AREAS.—For purposes of this clause, each metropolitan statistical area shall be treated as a separate area and all nonmetropolitan areas in a State shall be treated as one area.

"(iii) DIFFICULT DEVELOPMENT AREAS.—

"(I) IN GENERAL.—The term 'difficult development areas' means any area designated by the Secretary of Housing and Urban Development as an area which has high construction, land, and utility costs relative to area median gross income.

"(II) LIMIT ON AREAS DESIGNATED.—Only 20 percent of the metropolitan statistical areas in the United States may be designated for purposes of this subparagraph and only 20 percent of nonmetropolitan areas in the United States may be so designated.

"(iv) SPECIAL RULES AND DEFINITIONS.—For purposes of this subparagraph—

"(I) population shall be determined on the basis of the most recent decennial census for which data are available,

"(II) area median gross income shall be determined in accordance with subsection (g)(4),

"(III) the term 'metropolitan statistical area' has the same meaning as when used in section 143(k)(2)(B), and

"(IV) the term 'nonmetropolitan area' means any county (or portion thereof) which is not within a metropolitan statistical area."

(h) CHANGES IN RULES RELATING TO BUILDINGS FOR WHICH CREDIT MAY BE ALLOWED.—

(1) SINGLE-ROOM OCCUPANCY UNITS RENTED ON A MONTHLY BASIS.—Subparagraph (B) of section 42(i)(3) (relating to low income unit) is amended by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, a single-room occupancy unit shall not be treated as used on a transient basis merely because it is rented on a month-by-month basis."

(2) SPECIAL NEEDS HOUSING.—

(A) CONSIDERATION OF REQUIRED FEES FOR SUPPORTIVE SERVICES IN CALCULATION OF GROSS RENT.—Subparagraph (B) of section 42(g)(2) (relating to gross rent) is amended—

(i) in clause (i), by striking "and" at the end,

(ii) in clause (ii), by striking the period at the end and inserting ", and", and

(iii) by adding at the end the following:

"(iii) includes any fee assessed for a supportive service (as defined in paragraph (8)) if payment of the fee is required as a condition of occupancy, unless the fee is paid to the owner of the unit by any governmental program of assistance or by a qualified nonprofit organization (as defined in subsection (h)(5)(C)).

If the fee described in clause (iii) is included in gross rent, the gross rent limitation under subparagraph (A) shall be increased by 20 percent."

(B) ELIGIBILITY OF SPECIAL NEEDS HOUSING.—Section 42(g) (relating to qualified low-income housing project) is amended by adding at the end the following new paragraph:

"(8) ELIGIBILITY OF SPECIAL NEEDS HOUSING.—

"(A) IN GENERAL.—A residential rental property shall not be treated as failing to be a qualified low-income housing project for purposes of this section solely because individuals occupying residential units in the property are provided supportive services. The preceding sentence shall not apply if section 7872 does not apply to any individual occupying a residential unit in the property (or such individual spouse) by reason of subsection (g) thereof.

"(B) SUPPORTIVE SERVICE.—For purposes of this paragraph, the term 'supportive service' means any service provided under a planned program of services designed to enable residents of a residential rental property to remain independent and avoid placement in a hospital, nursing home, or intermediate care facility for the mentally or physically handicapped."

(3) SCATTERED SITE PROJECTS.—Section 42(g) (relating to qualified low-income housing project) is further amended by adding at the end thereof the following new paragraph:

"(9) SCATTERED SITE PROJECTS.—Buildings which would (but for their lack of proximity) be treated as a project for purposes of this section shall be so treated if all of the dwelling units in each of the buildings are rent-restricted (within the meaning of paragraph (2)) residential rental units."

(4) OWNER-OCCUPIED BUILDINGS HAVING 4 OR FEWER UNITS ELIGIBLE FOR CREDIT WHERE DEVELOPMENT PLAN.—Section 42(i)(3) (defining low-income unit) is amended by adding at the end thereof the following new subparagraph:

"(D) OWNER-OCCUPIED BUILDINGS HAVING 4 OR FEWER UNITS ELIGIBLE FOR CREDIT WHERE DEVELOPMENT PLAN.—

"(i) IN GENERAL.—Subparagraph (C) shall not apply to the acquisition or rehabilitation of a building pursuant to a development plan of action sponsored by a State or local government or a qualified nonprofit organization (as defined in subsection (h)(5)(C)).

"(ii) LIMITATION ON CREDIT.—In the case of a building to which clause (i) applies, the applicable fraction shall not exceed 80 percent of the unit fraction.

"(iii) CERTAIN UNRENTED UNITS TREATED AS OWNER-OCCUPIED.—In the case of a building to which clause (i) applies, any unit which is not rented for 90 days or more shall be treated as occupied by the owner of the building as of the 1st day it is not rented."

(5) BUILDINGS RECEIVING SECTION 8 MODERATE REHABILITATION ASSISTANCE OR SIMILAR ASSISTANCE NOT ELIGIBLE FOR CREDIT.—Section 42(b)(1) (relating to applicable percentage for buildings placed in service during 1987) is amended by adding at the end thereof the following new flush sentence:

"A building shall not be treated as described in subparagraph (B) if, at any time during the credit period, moderate rehabilitation assistance is provided with respect to such building under section 8(e)(2) of the United States Housing Act of 1937."

(i) ELIGIBLE BASIS FOR NEW BUILDINGS TO INCLUDE EXPENDITURES BEFORE CLOSE OF 1ST YEAR OF CREDIT PERIOD.—

(1) NEW BUILDINGS.—Paragraph (1) of section 42(d) (relating to eligible basis for new buildings) is amended by inserting before the period "as of the close of the 1st taxable year of the credit period".

(2) EXISTING BUILDINGS.—Subparagraph (A) of section 42(d)(2) (relating to eligible basis for existing buildings) is amended by striking "subparagraph (B)" and all that follows through the end of clause (i) and inserting "subparagraph (B), its adjusted basis as of the close of the 1st taxable year of the credit period, and".

(3) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 42(d)(2) is amended by striking "ACQUISITION COST" in the heading and inserting "ADJUSTED BASIS" and by striking "cost" in the text and inserting "adjusted basis".

(B) Paragraph (5) of section 42(d), as amended by subsection (g), is further amended by striking subparagraph (A), by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively, and by striking the paragraph heading and inserting the following:

"(5) SPECIAL RULES FOR DETERMINING ELIGIBLE BASIS.—".

(C) Paragraph (5) of section 42(e) is amended by striking "subsection (d)(2)(A)(i)(II)" and inserting "subsection (d)(2)(A)(i)".

(j) HOUSING CREDIT MAY BE ALLOCATED ON PROJECT BASIS.—

(1) IN GENERAL.—Section 42(h)(1) (relating to credit may not exceed credit amount allocated to building) is amended by adding at the end thereof the following new subparagraph:

"(F) ALLOCATION OF CREDIT ON A PROJECT BASIS.—

"(i) IN GENERAL.—In the case of a project which includes (or will include) more than 1 building, an allocation meets the requirements of this subparagraph if—

"(I) the allocation is made to the project for a calendar year during the project period,

"(II) the allocation only applies to buildings placed in service during or after the calendar year for which the allocation is made, and

"(III) the portion of such allocation which is allocated to any building in such project is specified not later than the close of the calendar year in which the building is placed in service.

"(ii) PROJECT PERIOD.—For purposes of clause (i), the term 'project period' means the period—

"(I) beginning with the 1st calendar year for which an allocation may be made for the 1st building placed in service as part of such project, and

"(II) ending with the calendar year the last building is placed in service as part of such project."

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 42(h)(1) is amended by striking "or (E)" and inserting "(E), or (F)".

(3) PROJECTS WITH MORE THAN 1 BUILDING MUST BE IDENTIFIED.—Section 42(g)(3) (relating to date for meeting requirements) is amended by adding at the end thereof the following new subparagraph:

"(D) PROJECTS WITH MORE THAN 1 BUILDING MUST BE IDENTIFIED.—For purposes of this section, a project shall be treated as consisting of only 1 building unless, before the close of

the 1st calendar year in the project period (as defined in subsection (h)(1)(F)(ii)), each building which is (or will be) part of such project is identified in such form and manner as the Secretary may provide."

(k) CHANGES IN RULES RELATED TO DEEP RENT SKEWED PROJECTS.—

(1) Clause (iii) of section 142(d)(4)(B) (relating to deep rent skewed project) is amended by striking "⅔" and inserting "½".

(2) Section 42(g)(4) (relating to certain rules made applicable) is amended by striking "(other than section 142(d)(4)(B)(iii))".

(l) HOUSING CREDIT AGENCIES MUST ADOPT PLANS FOR ALLOCATION OF CREDIT AMONG PROJECTS.—Subsection (h) of section 42 (relating to limitation on aggregate credit allowable with respect to projects located in a State), as amended by subsection (c), is further amended by inserting after paragraph (7) the following new paragraph:

"(8) HOUSING CREDIT AGENCIES MUST ADOPT PLANS FOR ALLOCATION OF CREDIT AMONG PROJECTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the housing credit dollar amount with respect to any building shall be zero unless such amount was allocated pursuant to a qualified allocation plan of the housing credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a part.

"(B) QUALIFIED ALLOCATION PLAN.—For purposes of this paragraph, the term 'qualified allocation plan' means any plan—

"(i) which sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions, and

"(ii) which gives preference in allocating housing credit dollar amounts among selected projects to—

"(I) projects serving the lowest income tenants, and

"(II) projects obligated to serve qualified tenants for the longest periods.

"(C) CERTAIN SELECTION CRITERIA MUST BE USED.—The selection criteria set forth in a qualified allocation plan must include—

"(i) project location,

"(ii) housing needs characteristics,

"(iii) project characteristics,

"(iv) sponsor characteristics,

"(v) participation of local tax-exempt organizations,

"(vi) encouragement of mixed-use housing,

"(vii) tenant populations with special housing needs, and

"(viii) project financial feasibility and viability as described in paragraph (9).

"(D) APPLICATION TO BOND FINANCED PROJECTS.—Paragraph (4) shall not apply to any project unless the project satisfies the requirements for allocation of a housing credit dollar amount under the qualified allocation plan applicable to the area in which the project is located."

(m) CREDIT ALLOCATED NOT TO EXCEED AMOUNT NECESSARY TO ASSURE PROJECT FEASIBILITY.—Subsection (h) of section 42 is further amended by inserting after paragraph (8) the following new paragraph:

"(9) CREDIT ALLOCATED TO BUILDING NOT TO EXCEED AMOUNT NECESSARY TO ASSURE PROJECT FEASIBILITY.—

"(A) IN GENERAL.—The housing credit dollar amount allocated to a project shall not exceed the amount the housing credit agency determines and certifies is necessary for the financial feasibility of the project and its viability as a qualified low-income housing project throughout the compliance period or such longer period as such agency determines to be appropriate.

"(B) AGENCY EVALUATION.—In making the determination under subparagraph (A), the housing credit agency shall consider—

"(i) the sources and uses of funds and the total financing planned for the project, and

"(ii) any proceeds or receipts expected to be generated by reason of tax benefits.

Such a determination shall not be construed to be a representation or warranty as to the feasibility or viability of the project.

"(C) DETERMINATION MADE WHEN CREDIT AMOUNT APPLIED FOR AND WHEN BUILDING PLACED IN SERVICE.—

"(i) IN GENERAL.—A determination under subparagraph (A) shall be made as of each of the following times:

"(I) The application for the housing credit dollar amount.

"(II) The allocation of the housing credit dollar amount.

"(III) The date the building is placed in service.

"(ii) CERTIFICATION AS TO AMOUNT OF OTHER SUBSIDIES.—Prior to each determination under clause (i), the taxpayer shall certify to the housing credit agency the full extent of all Federal, State, and local subsidies which apply (or which the taxpayer expects to apply) with respect to the building.

"(D) APPLICATION TO BOND FINANCED PROJECTS.—Paragraph (4) shall not apply to any project unless the governmental unit which issued the bonds (or on behalf of which the bonds were issued) makes a determination under rules similar to the rules of subparagraphs (A) and (B)."

(n) APPLICATION OF AT-RISK RULES WITH RESPECT TO CERTAIN FINANCING PROVIDED BY QUALIFIED NONPROFIT ORGANIZATIONS.—Subparagraph (D) of section 42(k)(2) (relating to application of at-risk rules) is amended by adding at the end thereof the following new flush sentence:

"In the case of a qualified nonprofit organization which is not described in section 46(c)(8)(D)(iv)(II) with respect to a building, clause (ii) of this subparagraph shall be applied as if the date described therein were the 90th day after the earlier of the date the building ceases to be a qualified low-income building or the date which is 15 years after the close of a compliance period with respect thereto."

(o) TIME FOR CERTIFICATION.—Section 42(l)(1) (relating to certification with respect to 1st year of credit period) is amended—

(1) by striking "Not later than the 90th day following" and inserting "Following", and

(2) by inserting "at such time and" before "in such form".

(p) CERTAIN PURCHASE OPTIONS DISREGARDED.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraph:

"(7) CERTAIN PURCHASE OPTIONS DISREGARDED.—

"(A) IN GENERAL.—For purposes of this title, the determination of whether any qualified low-income building is owned by the taxpayer shall be made without regard to any qualified purchase option by a qualified nonprofit organization (as defined in subsection (h)(5)(C)) or a limited equity cooperative or resident management group recognized by the Department of Housing and Urban Development to acquire such building at less than fair market value after the close of the compliance period if no financing with respect to such building is provided during such period by such organization (or a related person (as defined in subsection (d)(2)(D)(iii)) to such organization) or such cooperative group.

"(B) QUALIFIED PURCHASE OPTION.—For purposes of subparagraph (A), the term 'qualified purchase option' means an option exercisable at the price which equals or exceeds an amount equal to the sum of—

"(i) the principal amount of outstanding indebtedness secured by the building (other than indebtedness incurred within the 5-year period ending on the date of the sale), and

"(ii) all Federal, State, and local taxes attributable to such sale.

Except in the case of Federal income taxes, there shall not be taken into account under clause (ii) any additional tax attributable to the application of clause (ii)."

(q) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to determinations under section 42 of the Internal Revenue Code of 1986 with respect to housing credit dollar amounts allocated from State housing credit ceilings for calendar years after 1989.

(2) BUILDINGS NOT SUBJECT TO ALLOCATION LIMITS.—Except as otherwise provided in this subsection, to the extent paragraph (1) of section 42(h) of such Code does not apply to any building by reason of paragraph (4) thereof, the amendments made by this section shall apply to buildings placed in service after December 31, 1989.

(3) 1-YEAR CARRYOVER OF UNUSED CREDIT AUTHORITY.—The amendments made by subsection (b) shall apply to calendar years after 1989, but clauses (ii), (iii), and (iv) of section 42(h)(3)(C) of such Code (as added by this section) shall not apply to unused allocations for 1989 or any preceding year.

(4) ADDITIONAL BUILDINGS ELIGIBLE FOR WAIVER OF 10-YEAR RULE.—The amendments made by subsection (f) shall take effect on the date of the enactment of this Act.

(5) CERTIFICATIONS WITH RESPECT TO 1ST YEAR OF CREDIT PERIOD.—The amendment made by subsection (o) shall apply to taxable years ending on or after December 31, 1989.

(6) CERTAIN RULES WHICH APPLY TO BONDS.—Paragraphs (8)(D) and (9)(D) of section 42(h) of such Code, as added by this section, shall apply to obligations issued December 31, 1989.

(7) CLARIFICATIONS.—The following amendments shall apply as if included in the amendments made by section 252 of the Tax Reform Act of 1986:

(A) Paragraph (1) of subsection (h) (relating to units rented on a monthly basis).

(B) Subsection (i) (relating to eligible basis for new buildings to include expenditures before close of 1st year of credit period).

(8) REGULATIONS ON DIFFICULT DEVELOPMENT AREAS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall prescribe initial regulations on the designation of difficult development areas under section 42(d)(5)(C) of such Code, as added by this section.

SEC. 1011. EXTENSION OF RESEARCH CREDIT; MODIFICATIONS TO CREDIT.

(a) 6-MONTH EXTENSION.—

(1) IN GENERAL.—Section 41(i) (relating to termination) is amended—

(A) by striking "December 31, 1989" each place it appears and inserting "June 30, 1990", and

(B) by striking "January 1, 1990" each place it appears and inserting "July 1, 1990".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 28(b)(1) is amended by striking "December 31, 1989" and inserting "June 30, 1990".

(b) CHANGES IN COMPUTATION OF INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subsection (c) of section 41 is amended to read as follows:

"(c) BASE AMOUNT.—

"(1) IN GENERAL.—The term 'base amount' means the product of—

"(A) the fixed-base percentage, and

"(B) the average annual gross receipts of the taxpayer for the 4 taxable years preceding the taxable year for which the credit is being determined (hereinafter in this subsection referred to as the 'credit year').

"(2) MINIMUM BASE AMOUNT.—In no event shall the base amount be less than 50 percent of the qualified research expenses for the credit year.

"(3) FIXED-BASE PERCENTAGE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the fixed-base percentage is the percentage which the aggregate qualified research expenses of the taxpayer for taxable years beginning after December 31, 1983, and before January 1, 1989, is of the aggregate gross receipts of the taxpayer for such taxable years.

"(B) START-UP COMPANIES.—

"(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The fixed-base percentage shall be determined under this subparagraph if there are fewer than 3 taxable years beginning after December 31, 1983, and before January 1, 1989, in which the taxpayer had both gross receipts and qualified research expenses.

"(ii) FIXED-BASE PERCENTAGE.—In a case to which this subparagraph applies, the fixed-base percentage is 3 percent.

"(iii) TREATMENT OF DE MINIMIS AMOUNTS OF GROSS RECEIPTS AND QUALIFIED RESEARCH EXPENSES.—The Secretary may prescribe regulations providing that de minimis amounts of gross receipts and qualified research expenses shall be disregarded under clauses (i) and (ii).

"(C) MAXIMUM FIXED-BASE PERCENTAGE.—In no event shall the fixed-base percentage exceed 16 percent.

"(D) ROUNDING.—The percentages determined under subparagraph (A) be rounded to the nearest $\frac{1}{100}$th of 1 percent.

"(4) CONSISTENT TREATMENT OF EXPENSES REQUIRED.—

"(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the fixed-base percentage, the qualified research expenses taken into account in computing such percentage shall be determined on a basis consistent with the determination of qualified research expenses for the credit year.

"(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses or gross receipts caused by a change in accounting methods used by such taxpayer between the current year and a year taken into account in computing such taxpayer's fixed-base percentage.

"(5) GROSS RECEIPTS.—For purposes of this subsection, gross receipts for any taxable year shall be reduced by returns and allowances made during the taxable year. In the case of a foreign corporation, there shall be taken into account only gross receipts which are effectively connected with the conduct of a trade or business within the United States."

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 41(a)(1) is amended to read as follows:

"(B) the base amount, and".

(B) Clause (ii) of section 41(e)(7)(C) is amended by striking "base period research expenses" and inserting "base amount".

(C) Paragraph (1) of section 41(f) (relating to aggregation of expenditures) is amended by striking "proportionate share of the increase in qualified research expenses" each place it appears and inserting "proportionate shares of the qualified research expenses and basic research payments".

(D) Subparagraph (A) of section 41(f)(3) is amended—

(i) by striking "June 30, 1980" and inserting "December 31, 1983", and

(ii) by inserting before the period ", and the gross receipts of the taxpayer for such periods shall be increased by so much of the gross receipts of such predecessor with respect to the acquired trade or business as is attributable to such portion".

(E) Subparagraph (B) of section 41(f)(3) is amended—

(i) by striking "June 30, 1980" and inserting "December 31, 1983", and

(ii) by inserting before the period ", and the gross receipts of the taxpayer for such periods shall be decreased by so much of the gross receipts as is attributable to such portion".

(F)(i) Subparagraph (C) of section 41(f)(3) is amended by striking "for the base period" and all that follows and inserting "for the taxable years taken into account in computing the fixed-base percentage shall be increased by the lesser of—

"(i) the amount of the decrease under subparagraph (B) which is allocable to taxable years so taken into account, or

"(ii) the product of the number of taxable years so taken into account, multiplied by the amount of the reimbursement described in this subparagraph."

(ii) The heading for such subparagraph (C) is amended to read as follows:

"(C) CERTAIN REIMBURSEMENTS TAKEN INTO ACCOUNT IN DETERMINING FIXED-BASE PERCENTAGE.—".

(G) Paragraph (4) of section 41(f) is amended by inserting "and gross receipts" after "qualified research expenses".

(b) TRADE OR BUSINESS REQUIREMENT DISREGARDED FOR IN-HOUSE RESEARCH EXPENSES OF CERTAIN STARTUP VENTURES.—Subsection (b) of section 41 (defining qualified research expenses) is amended by adding at the end thereof the following new paragraph:

"(4) TRADE OR BUSINESS REQUIREMENT DISREGARDED FOR IN-HOUSE RESEARCH EXPENSES OF CERTAIN STARTUP VENTURES.—In the case of in-house research expenses, a taxpayer shall be treated as meeting the trade or business requirement of paragraph (1) if, at the time such in-house research expenses are paid or incurred, the principal purpose of the taxpayer in making such expenditures is to use the results of the research in the active conduct of a future trade or business—

"(A) of the taxpayer, or

"(B) of 1 or more other persons who with the taxpayer are treated as a single taxpayer under subsection (f)(1)."

(c) FULL DISALLOWANCE OF DEDUCTION FOR QUALIFIED RESEARCH EXPENSES.—

(1) Subsection (c) of section 280C, as amended by subtitle H, is further amended by striking "50 percent of" each place it appears.

(2) Paragraph (2) of section 196(d) is amended by inserting before the period "for a taxable year beginning before January 1, 1990".

(d) ONLY REASONABLE RESEARCH EXPENDITURES ELIGIBLE FOR SECTION 174.—Section 174 is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) ONLY REASONABLE RESEARCH EXPENDITURES ELIGIBLE.—This section shall apply to a research or experimental expenditure only to the extent that the amount thereof is reasonable under the circumstances."

(e) EFFECTIVE DATE.—The amendments made by this section (other than subsection (a)) shall apply to taxable years beginning after December 31, 1989.

SEC. 1012. EXTENSION OF WAIVER OF EARLY WITHDRAWAL TAX FOR ESOPS.

Subparagraph (C) of section 72(t)(2) is amended by striking "January 1, 1990" and inserting "July 1, 1990".

Subtitle B—Acceleration of Deposit Requirements

SEC. 1021. ACCELERATION OF DEPOSIT REQUIREMENTS.

(a) IN GENERAL.—Section 6302 (relating to mode or time for collection) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) DEPOSITS OF SOCIAL SECURITY TAXES AND WITHHELD INCOME TAXES.—

"(1) IN GENERAL.—If, under regulations prescribed by the Secretary, a person is required to make deposits of taxes imposed by chapters 21 and 24 on the basis of eighth-month periods, such person shall, for the year specified in paragraph (2), make deposits of such taxes on the applicable banking day after any day on which such person has an amount equal to or exceeding the threshold amount of such taxes for deposit. Rules similar to the rules of section 5061(e)(3) shall apply to the threshold amount in the preceding sentence.

"(2) SPECIFIED YEARS.—For purposes of paragraph (1)—

"In the case of:	The applicable banking day is:
1990	1st
1991	3rd
1992	3rd
1993	1st
1994	2d.

"In the case of:	The threshold amount is:
1990	$1,950,000
1991	$1,500,000
1992	$1,600,000
1993	$1,700,000
1994	$1,775,000."

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply to amounts required to be deposited after July 31, 1990.

(2) RULE FOR 1995 AND THEREAFTER.—For calendar year 1995 and thereafter, the Secretary of the Treasury shall prescribe regulations with respect to the date on which deposits of such taxes shall be made in order to minimize the unevenness in the revenue effects of the amendment made by subsection (a).

Amend the title so as to read "An Act to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of support for East European Democracy (SEED).".

The Clerk read the House amendment to the Senate amendments, as follows:

House amendment to the Senate amendment:

[House concurs in Senate amendment to the title of the bill]

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Support for East European Democracy (SEED) Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Support for East European Democracy (SEED) Program.
TITLE I—STRUCTURAL ADJUSTMENT
Sec. 101. Multilateral support for structural adjustment in Poland and Hungary.
Sec. 102. Stabilization assistance for Poland.
Sec. 103. Agricultural assistance.
Sec. 104. Debt-for-equity swaps and other special techniques.
TITLE II—PRIVATE SECTOR DEVELOPMENT
Sec. 201. Enterprise Funds for Poland and Hungary.
Sec. 202. Labor market transition in Poland and Hungary.
Sec. 203. Technical training for private sector development in Poland and Hungary.
Sec. 204. Peace Corps programs in Poland and Hungary.
Sec. 205. Use of Polish currency generated by agricultural assistance.
Sec. 206. United States policy of private financial support for Polish and Hungarian credit unions.
TITLE III—TRADE AND INVESTMENT
Sec. 301. Eligibility of Poland for Generalized System of Preferences.
Sec. 302. Overseas Private Investment Corporation programs for Poland and Hungary.
Sec. 303. Export-Import Bank programs for Poland and Hungary.
Sec. 304. Trade Credit Insurance Program for Poland.
Sec. 305. Trade and Development Program activities for Poland and Hungary.
Sec. 306. Bilateral investment treaties with Poland and Hungary.
Sec. 307. Certain Polish bonds not subject to Internal Revenue Code rules relating to below-market loans.
TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES
Sec. 401. Educational and cultural exchanges and sister institutions programs with Poland and Hungary.
Sec. 402. Poland-Hungary scholarship partnership.
Sec. 403. Science and technology exchange with Poland and Hungary.
TITLE V—OTHER ASSISTANCE PROGRAMS
Sec. 501. Assistance in support of democratic institutions in Poland and Hungary.
Sec. 502. Environmental initiatives for Poland and Hungary.
Sec. 503. Medical supplies, hospital equipment, and medical training for Poland.
TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS
Sec. 601. Policy coordination of SEED Program.
Sec. 602. SEED Information Center System.
Sec. 603. Encouraging voluntary assistance for Poland and Hungary.
Sec. 604. Economic and commercial officers at United States Embassies and missions in Poland and Hungary.
TITLE VII—REPORTS TO CONGRESS
Sec. 701. Report on initial steps taken by United States and on Poland's requirement for agricultural assistance.
Sec. 702. Report on confidence building measures by Poland and Hungary.
Sec. 703. Report on environmental problems in Poland and Hungary.
Sec. 704. Annual SEED Program report.
Sec. 705. Reports on certain activities.
Sec. 706. Notifications to Congress regarding assistance.
TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. Suspension of SEED assistance.
Sec. 802. Establishment of the Republic of Hungary.
Sec. 803. Administrative expenses of the Agency for International Development.
Sec. 804. Relation of provisions of this Act to certain provisions of appropriation Acts.
Sec. 805. Certain uses of excess foreign currencies.

SEC. 2. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) PROGRAM.

(a) SEED PROGRAM.—The United States shall implement, beginning in fiscal year 1990, a concerted Program of Support for East European Democracy (which may also be referred to as the "SEED Program"). The SEED Program shall be comprised of diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe that have taken substantive steps toward institutionalizing political democracy and economic pluralism.

(b) OBJECTIVES OF SEED ASSISTANCE.—The President should ensure that the assistance provided to East European countries pursuant to this Act is designed—

(1) to contribute to the development of democratic institutions and political pluralism characterized by—

(A) the establishment of fully democratic and representative political systems based on free and fair elections,

(B) effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association,

(C) termination of all laws and regulations which impede the operation of a free press and the formation of political parties,

(D) creation of an independent judiciary, and

(E) establishment of non-partisan military, security, and police forces;

(2) to promote the development of a free market economic system characterized by—

(A) privatization of economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations,

(C) simplification of regulatory controls regarding the establishment and operation of businesses,

(D) dismantlement of all wage and price controls,

(E) removal of trade restrictions, including on both imports and exports, and

(F) liberalization of investment and capital, including the repatriation of profits by foreign investors; and

(3) not to contribute any substantial benefit—

(A) to Communist or other political parties or organizations which are not committed to respect for the democratic process, or

(B) to the defense or security forces of any member country of the Warsaw Pact.

(c) SEED ACTIONS.—Assistance and other activities under the SEED Program (which may be referred to as "SEED Actions") shall include activities such as the following:

(1) LEADERSHIP IN THE WORLD BANK AND INTERNATIONAL MONETARY FUND.—United States leadership in supporting—

(A) loans by the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group that are designed to modernize industry, agriculture, and infrastructure, and

(B) International Monetary Fund programs designed to stimulate sound economic growth.

(2) CURRENCY STABILIZATION LOANS.—United States leadership in supporting multilateral agreement to provide government-to-government loans for currency stabilization where such loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

(3) DEBT REDUCTION AND RESCHEDULING.—Participation in multilateral activities aimed at reducing and rescheduling a country's international debt, when reduction and deferral of debt payments can assist the process of political and economic transition.

(4) AGRICULTURAL ASSISTANCE.—Assistance through the grant and concessional sale of food and other agricultural commodities and products when such assistance can ease critical shortages but not inhibit agricultural production and marketing in the recipient country.

(5) ENTERPRISE FUNDS.—Grants to support private, nonprofit "Enterprise Funds", designated by the President pursuant to law and governed by a Board of Directors, which undertake loans, grants, equity investments, feasibility studies, technical assistance, training, and other forms of assistance to private enterprise activities in the Eastern European country for which the Enterprise Fund so is designated.

(6) LABOR MARKET-ORIENTED TECHNICAL ASSISTANCE.—Technical assistance programs directed at promoting labor market reforms and facilitating economic adjustment.

(7) TECHNICAL TRAINING.—Programs to provide technical skills to assist in the development of a market economy.

(8) PEACE CORPS.—Establishment of Peace Corps programs.

(9) SUPPORT FOR INDIGENOUS CREDIT UNIONS.—Support for the establishment of indigenous credit unions.

(10) GENERALIZED SYSTEM OF PREFERENCES.—Eligibility for trade benefits under the Generalized System of Preferences.

(11) MOST FAVORED NATION TRADE STATUS.—The granting of temporary or permanent nondiscriminatory treatment (commonly referred to as "most favored nation status") to the products of an East European country through the application of the criteria and procedures established by section 402 of the Trade Act of 1974 (19 U.S.C. 2432; commonly referred to as the "Jackson-Vanik amendment").

(12) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Programs of the Overseas Private Investment Corporation.

(13) EXPORT-IMPORT BANK PROGRAMS.—Programs of the Export-Import Bank of the United States.

(14) TRADE AND DEVELOPMENT PROGRAM ACTIVITIES.—Trade and Development Program activities under the Foreign Assistance Act of 1961.

(15) INVESTMENT TREATIES.—Negotiation of bilateral investment treaties.

(16) SPECIAL TAX TREATMENT OF BELOW-MARKET LOANS.—Exempting bonds from Internal Revenue Code rules relating to below-market loans.

(17) EXCHANGE ACTIVITIES.—Expanded exchange activities under the Fulbright, International Visitors, and other programs conducted by the United States Information Agency.

(18) CULTURAL CENTERS.—Contributions toward the establishment of reciprocal cultural centers that can facilitate educational and cultural exchange and expanded understanding of Western social democracy.

(19) SISTER INSTITUTIONS.—Establishment of sister institution programs between American and East European schools and universities, towns and cities, and other organizations in such fields as medicine and health care, business management, environmental protection, and agriculture.

(20) SCHOLARSHIPS.—Scholarships to enable students to study in the United States.

(21) SCIENCE AND TECHNOLOGY EXCHANGES.—Grants for the implementation of bilateral agreements providing for cooperation in science and technology exchange.

(22) ASSISTANCE FOR DEMOCRATIC INSTITUTIONS.—Assistance designed to support the development of legal, legislative, electoral, journalistic, and other institutions of free, pluralist societies.

(23) ENVIRONMENTAL ASSISTANCE.—Environmental assistance directed at overcoming crucial deficiencies in air and water quality and other determinants of a healthful society.

(24) MEDICAL ASSISTANCE.—Medical assistance specifically targeted to overcome severe deficiencies in pharmaceuticals and other basic health supplies.

(25) ENCOURAGEMENT FOR PRIVATE INVESTMENT AND VOLUNTARY ASSISTANCE.—Encouraging private investment and voluntary private assistance, using a variety of means including a SEED Information Center System and the provision by the Department of Defense of transportation for private nonfinancial contributions.

TITLE I—STRUCTURAL ADJUSTMENT

SEC. 101. MULTILATERAL SUPPORT FOR STRUCTURAL ADJUSTMENT IN POLAND AND HUNGARY.

(a) MULTILATERAL ASSISTANCE FOR POLAND AND HUNGARY.—

(1) IN GENERAL.—To the extent that Poland and Hungary continue to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall take the leadership in mobilizing international financial institutions, in particular the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Poland and Hungary.

(2) WORLD BANK STRUCTURAL ADJUSTMENT LOAN FOR POLAND.—In furtherance of paragraph (1), the Secretary of the Treasury shall direct the United States Executive Director of the International Bank for Reconstruction and Development to urge expeditious approval and disbursement by the Bank of a structural adjustment loan to Poland in an appropriate amount in time to facilitate the implementation of major economic reforms scheduled for early 1990, including the termination of energy, export, and agricultural subsidies and wage indexation.

(b) STABILIZATION ASSISTANCE, DEBT RELIEF, AND AGRICULTURAL ASSISTANCE FOR POLAND.—To the extent that Poland continues to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall do the following:

(1) STABILIZATION ASSISTANCE.—The United States Government, in conjunction with other member governments of the Organization of Economic Cooperation and Development (OECD) and international financial institutions (including the International Monetary Fund), shall support the implementation of a plan of the Government of Poland to attack hyperinflation and other structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Poland, through the use of mechanisms such as—

(A) the Exchange Stabilization Fund pursuant to section 5302 of title 31, United States Code, and in accordance with established Department of the Treasury policies and procedures; and

(B) the authority provided in section 102(c) of this Act.

(2) DEBT RELIEF.—The United States Government—

(A) shall urge all members of the "Paris Club" of creditor governments and other creditor governments to adopt, and participate in, a generous and early rescheduling program for debts owed by the Government of Poland; and

(B) in coordination with other creditor governments, shall seek to expedite consultations between the Government of Poland and its major private creditors in order to facilitate a rescheduling and reduction of payments due on debt owed to such creditors in a manner consistent with the international debt policy announced by the Secretary of the Treasury on March 10, 1989.

(3) AGRICULTURAL ASSISTANCE.—The United States Government shall provide agricultural assistance for Poland in accordance with section 103.

SEC. 102. STABILIZATION ASSISTANCE FOR POLAND.

(a) IMMEDIATE EMERGENCY ASSISTANCE.—To the extent that the ongoing International Monetary Fund review of the Polish economy projects a probable balance of payments shortage for the fourth quarter of 1989, the United States Government, in carrying out paragraph (1) of section 101(b)—

(1) should work closely with the European Community and international financial institutions to determine the extent of emergency assistance required by Poland for the fourth quarter of 1989, and

(2) should consider extending a bridge loan to relieve immediate and urgent balance of payments requirements using the Exchange Stabilization Fund in accordance with paragraph (1)(A) of section 101(b).

(b) IMMEDIATE, MULTILATERAL RESPONSE TO POLAND'S ECONOMIC STABILIZATION NEEDS.—In furtherance of section 101(b)(1), the President, acting in coordination with the European Community, should seek to ensure that the industrialized democracies undertake an immediate, multilateral effort to respond to Poland's request for $1,000,000,000 to support its economic stabilization program.

(c) ADDITIONAL AUTHORITY TO PROVIDE STABILIZATION ASSISTANCE.—

(1) AUTHORITY.—In order to carry out paragraph (1) of section 101(b), the President is authorized to furnish assistance for Poland, notwithstanding any other provision of law, to assist in the urgent stabilization of the Polish economy and ultimately to promote longer-term economic growth and stability, based on movement toward free market principles. Such assistance may be provided for balance of payments support (including commodity import programs), support for private sector development, or for other activities to further efforts to develop a free market-oriented economy in Poland.

(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing the assistance authorized by this subsection, there are authorized to be appropriated $200,000,000 for fiscal year 1990 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund), in addition to amounts otherwise available for such purposes.

SEC. 103. AGRICULTURAL ASSISTANCE.

(a) AGRICULTURAL ASSISTANCE STRATEGY.—

(1) UNITED STATES ASSISTANCE.—A principal component of the SEED Program shall be the provision by the United States of food and other agricultural commodities and products to alleviate crucial shortages that may be created in an East European country by the transition from state-directed controls to a free market economy.

(2) ASSISTANCE FROM OTHER COUNTRIES.—In order to ensure the necessary quantity and diversity of agricultural assistance for that purpose, the United States shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(3) AVOIDING DISINCENTIVES TO PRIVATE AGRICULTURAL PRODUCTION AND MARKETING.—In participating in such multilateral agricultural assistance, the United States shall seek to strike a balance wherein agricultural commodities and products are supplied in such quantities as will be effective in overcoming severe shortages and dampening inflation but without impeding the development of incentives for private agricultural production and marketing in the recipient country.

(b) AGRICULTURAL ASSISTANCE FOR POLAND.—Pursuant to section 101(b)(3), the United States Government—

(1) shall make available to Poland, in coordination with the European Community, United States agricultural assistance—

(A) to alleviate immediate food shortages (such assistance to be specifically targeted toward elements of the Polish population most vulnerable to hunger and malnutrition, in particular the infirm, the elderly, and children), and

(B) to facilitate the transition from state-directed controls to a free market economy, while avoiding disincentives to domestic agricultural production and reform; and

(2) in order to ensure the necessary quantity and diversity of such agricultural assistance, shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(c) FY 1990 MINIMUM LEVEL OF AGRICULTURAL ASSISTANCE FOR POLAND.—In carrying out subsection (b) of this section, the level of assistance for Poland for fiscal year 1990 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o) should not be less than $125,000,000. Such assistance—

(1) to the maximum extent practicable, shall be provided through nongovernmental organizations; and

(2) shall emphasize feed grains.

(d) CONSISTENCY WITH BUDGET REQUIREMENTS.—Subsection (c) should not be construed to authorize or require any budgetary obligations or outlays that are inconsistent with House Concurrent Resolution 106 of the 101st Congress (setting forth the congressional budget for the United States Government for fiscal year 1990).

SEC. 104. DEBT-FOR-EQUITY SWAPS AND OTHER SPECIAL TECHNIQUES.

(a) REDUCTION OF DEBT BURDEN.—The President shall take all appropriate actions to explore and encourage innovative approaches to the reduction of the government-to-government and commercial debt burden of East European countries which have taken substantive steps toward political democracy and economic pluralism.

(b) AUTHORITY FOR DISCOUNTED SALES OF DEBT.—Notwithstanding any other provision of law, the President may undertake the discounted sale, to private purchasers, of United States Government debt obligations of an East European country which has taken substantive steps toward political democracy and economic pluralism, subject to subsection (c).

(c) CONDITION.—An obligation may be sold under subsection (b) only if the sale will facilitate so-called debt-for-equity or debt-for-development swaps wherein such newly privatized debt is exchanged by the new holder of the obligation for—

(1) local currencies, policy commitments, or other assets needed for development or other economic activities, or

(2) for an equity interest in an enterprise theretofore owned by the particular East European government.

TITLE II—PRIVATE SECTOR DEVELOPMENT

SEC. 201. ENTERPRISE FUNDS FOR POLAND AND HUNGARY.

(a) PURPOSES.—The purposes of this section are to promote—

(1) development of the Polish and Hungarian private sectors, including small businesses, the agricultural sector, and joint ventures with United States and host country participants, and

(2) policies and practices conducive to private sector development in Poland and Hungary,

through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes specified in subsection (a), there are authorized to be appropriated to the President—

(1) $240,000,000 to support the Polish-American Enterprise Fund; and

(2) $60,000,000 to support the Hungarian-American Enterprise Fund.

Such amounts are authorized to be made available until expended.

(c) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated under subsection (b) may be made available to the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and used for the purposes of this section notwithstanding any other provision of law.

(d) DESIGNATION OF ENTERPRISE FUNDS.—

(1) DESIGNATION.—The President is authorized to designate two private, nonprofit organizations as eligible to receive funds and support pursuant to this section upon determining that such organizations have been established for the purposes specified in subsection (a). For purposes of this Act, the organizations so designated shall be referred to as the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (hereinafter in this section referred to as the "Enterprise Funds").

(2) CONSULTATION WITH CONGRESS.—The President shall consult with the leadership of each House of Congress before designating an organization pursuant to paragraph (1).

(3) BOARD OF DIRECTORS.—(A) Each Enterprise Fund shall be governed by a Board of Directors comprised of private citizens of the United States, and citizens of the respective host country, who have demonstrated experience and expertise in those areas of private sector development in which the Enterprise Fund is involved.

(B) A majority of the members of the Board of Directors of each Enterprise Fund shall be United States citizens.

(C) A host country citizen who is not committed to respect for democracy and a free market economy may not serve as a member of the Board of Directors of an Enterprise Fund.

(4) ELIGIBILITY OF ENTERPRISE FUNDS FOR GRANTS.—Grants may be made to an Enterprise Fund under this section only if the Enterprise Fund agrees to comply with the requirements specified in this section.

(5) PRIVATE CHARACTER OF ENTERPRISE FUNDS.—Nothing in this section shall be construed to make an Enterprise Fund an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of an Enterprise Fund officers or employees of the United States for purposes of title 5, United States Code.

(e) GRANTS TO ENTERPRISE FUNDS.—Funds appropriated to the President pursuant to subsection (b) shall be granted to the Enterprise Funds by the Agency for International Development to enable the Enterprise Funds to carry out the purposes specified in subsection (a) and for the administrative expenses of each Enterprise Fund.

(f) ELIGIBLE PROGRAMS AND PROJECTS.—

(1) IN GENERAL.—The Enterprise Funds may provide assistance pursuant to this section only for programs and projects which are consistent with the purposes set forth in subsection (a).

(2) EMPLOYEE STOCK OWNERSHIP PLANS.—Funds available to the Enterprise Funds may be used to encourage the establishment of Employee Stock Ownership Plans (ESOPs) in Poland and Hungary.

(3) INDIGENOUS CREDIT UNIONS.—Funds available to the Enterprise Funds may be used for technical and other assistance to support the development of indigenous credit unions in Poland and Hungary. As used in this paragraph, the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution.

(4) TELECOMMUNICATIONS MODERNIZATION IN POLAND.—The Polish-American Enterprise Fund may use up to $25,000,000 for grants for projects providing for the early introduction in Poland of modern telephone systems and telecommunications technology, which are crucial in establishing the conditions for successful transition to political democracy and economic pluralism.

(5) ECONOMIC FOUNDATION OF NSZZ SOLIDARNOSC.—Funds available to the Polish-American Enterprise Fund may be used to support the Economic Foundation of NSZZ Solidarnosc.

(g) MATTERS TO BE CONSIDERED BY ENTERPRISE FUNDS.—In carrying out this section, each Enterprise Fund shall take into account such considerations as internationally recognized worker rights and other internationally recognized human rights, environmental factors, United States economic and employment effects, and the likelihood of commercial viability of the activity receiving assistance from the Enterprise Fund.

(h) RETENTION OF INTEREST.—An Enterprise Fund may hold funds granted to it pursuant to this section in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a), and may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(i) USE OF UNITED STATES PRIVATE VENTURE CAPITAL.—In order to maximize the effectiveness of the activities of the Enterprise Funds, each Enterprise Fund may conduct public offerings or private placements for the purpose of soliciting and accepting United States venture capital which may be used, separately or together with funds made available pursuant to this section, for any lawful investment purpose that the Board of Directors of the Enterprise Fund may determine in carrying out this section. Financial returns on Enterprise Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Enterprise Fund may determine, to the investors of such capital.

(j) FINANCIAL INSTRUMENTS FOR INDIVIDUAL INVESTMENT IN POLAND.—In order to maximize the effectiveness of the activities of the Polish-American Enterprise Fund, that Enterprise Fund should undertake all possible efforts to establish financial instruments that will enable individuals to invest in the private sectors of Poland and that will thereby have the effect of multiplying the impact of United States grants to that Enterprise Fund.

(k) NONAPPLICABILITY OF OTHER LAWS.—Executive branch agencies may conduct programs and activities and provide services in support of the activities of the Enterprise Funds notwithstanding any other provision of law.

(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—No part of the funds of either Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services.

(m) INDEPENDENT PRIVATE AUDITS.—The accounts of each Enterprise Fund shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by this section.

(n) GAO AUDITS.—The financial transactions undertaken pursuant to this section by each Enterprise Fund may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Enterprise Fund is in receipt of United States Government grants.

(o) RECORDKEEPING REQUIREMENTS.—The Enterprise Funds shall ensure—

(1) that each recipient of assistance provided through the Enterprise Funds under this section keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit; and

(2) that the Enterprise Funds, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Enterprise Funds under this section.

(p) ANNUAL REPORTS.—Each Enterprise Fund shall publish an annual report, which shall include a comprehensive and detailed description of the Enterprise Fund's operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1991.

SEC. 202. LABOR MARKET TRANSITION IN POLAND AND HUNGARY.

(a) TECHNICAL ASSISTANCE.—The Secretary of Labor (hereinafter in this section referred to as the "Secretary"), in consultation with representatives of labor and business in the United States, shall—

(1) provide technical assistance to Poland and Hungary for the implementation of labor market reforms; and

(2) provide technical assistance to Poland and Hungary to facilitate adjustment during the period of economic transition and reform.

(b) TYPES OF TECHNICAL ASSISTANCE AUTHORIZED.—In carrying out subsection (a), the Secretary is authorized to provide technical assistance regarding policies and programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health protection, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small businesses, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary may deem appropriate regarding free labor markets and labor organizations.

(c) ADMINISTRATIVE AUTHORITIES.—In carrying out subsection (a), the Secretary is authorized to do the following:

(1) Solicit and accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following).

(2) Solicit and accept voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. A volunteer under this paragraph shall not be deemed to be an employee of the United States except for the purposes of—

(A) the tort claims provisions of title 28, United States Code, and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

(3) Enter into arrangements or agreements with appropriate departments, agencies, and establishments of Poland and Hungary.

(4) Enter into arrangements or agreements with appropriate private and public sector United States parties, and international organizations.

(d) CONSULTATION WITH APPROPRIATE OFFICERS.—In carrying out the responsibilities established by this section, the Secretary shall seek information and advice from, and consult with, appropriate officers of the United States.

(e) CONSULTATION WITH LABOR AND BUSINESS REPRESENTATIVES.—For purposes of this section, consultation between the Secretary and United States labor and business representatives shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(f) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate the authority to carry out the programs authorized by this section to the head of the Bureau of International Labor Affairs of the Department of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor for the 3-year period beginning October 1, 1989, to carry out this section—

(1) $4,000,000 for technical assistance to Poland; and

(2) $1,000,000 for technical assistance to Hungary.

SEC. 203. TECHNICAL TRAINING FOR PRIVATE SECTOR DEVELOPMENT IN POLAND AND HUNGARY.

(a) TECHNICAL TRAINING PROGRAM.—The Agency for International Development shall develop and implement a program for extending basic agribusiness, commercial, entrepreneurial, financial, scientific, and technical skills to the people of Poland and Hungary to enable them to better meet their needs and develop a market economy. This program shall include management training and agricultural extension activities.

(b) PARTICIPATION BY ENTERPRISE FUNDS AND OTHER AGENCIES AND ORGANIZATIONS.—In carrying out subsection (a), the Agency for International Development may utilize the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and other appropriate Government and private agencies, programs, and organizations such as—

(1) the Department of Agriculture;

(2) the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(a) (1) and (2));

(3) the International Executive Service Corps;

(4) the Foundation for the Development of Polish Agriculture;

(5) the World Council of Credit Unions; and

(6) other United States, Polish, and Hungarian private and voluntary organizations and private sector entities.

(c) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Assistance provided pursuant to subsection (a) under the authorities of part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of implementing this section, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance), in addition to amounts otherwise available for such purposes.

(e) LIMITATION WITH RESPECT TO FARMER-TO-FARMER PROGRAM.—Any activities carried out pursuant to this Act through the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 shall be funded with funds authorized to be appropriated by this Act and local currencies made available under section 205, and shall not be funded with funds made available pursuant to section 1107 of the Food Security Act of 1985 (7 U.S.C. 1736 note) or a similar, subsequent provision of law.

SEC. 204. PEACE CORPS PROGRAMS IN POLAND AND HUNGARY.

There are authorized to be appropriated to carry out programs in Poland and Hungary under the Peace Corps Act, $6,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes. Such programs shall include the use of Peace Corps volunteers—

(1) to provide English language training, and

(2) to extend the technical skills described in section 203(a) to the people of Poland and Hungary, using the Associate Volunteer Program to the extent practicable

SEC. 205. USE OF POLISH CURRENCY GENERATED BY AGRICULTURAL ASSISTANCE.

(a) ADDITIONAL ASSISTANCE FOR POLAND.—A portion of the agricultural commodities

described in subsection (c) may be made available and sold or bartered in Poland to generate local currencies to be used—

(1) to complement the assistance for Poland authorized by sections 103(b), 201, and 203 of this Act, and

(2) to support the activities of the joint commission established pursuant to section 2226 of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note),

notwithstanding section 416(b)(7) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)) or any other provision of law.

(b) EMPHASIS ON AGRICULTURAL DEVELOPMENT.—The uses of local currencies generated under this section should emphasize the development of agricultural infrastructure, agriculture-related training, and other aspects of agricultural development in Poland.

(c) COMMODITIES SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to agricultural commodities made available for Poland for fiscal years 1990, 1991, and 1992 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o).

(d) OTHER USES NOT PRECLUDED.—The uses of agricultural commodities and local currencies specified in subsection (a) are in addition to other uses authorized by law.

SEC. 206. UNITED STATES POLICY OF PRIVATE FINANCIAL SUPPORT FOR POLISH AND HUNGARIAN CREDIT UNIONS.

(a) IN GENERAL.—In order to facilitate the development of indigenous credit unions in Poland and Hungary, it is the policy of the United States that—

(1) United States citizens, financial institutions (other than federally insured depository institutions), and other persons may make contributions and loans to, make capital deposits in, and provide other forms of financial and technical assistance to credit unions in Poland and Hungary; and

(2) federally insured depository institutions may provide technical assistance to credit unions in Poland and Hungary, to the extent that the provision of such assistance is prudent and not inconsistent with safe and sound banking practice.

(b) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

"(16) subject to such regulations as the Board may prescribe, to provide technical assistance to credit unions in Poland and Hungary; and".

(c) DEFINITIONS.—For purposes of subsection (a)—

(1) the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution; and

(2) the term "federally insured depository institution" means—

(A) any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(B) any insured credit union (as defined in section 101(7) of the Federal Credit Union Act).

TITLE III—TRADE AND INVESTMENT

SEC. 301. ELIGIBILITY OF POLAND FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Poland" in the table within such subsection.

SEC. 302. OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAMS FOR POLAND AND HUNGARY.

(a) ELIGIBILITY OF POLAND AND HUNGARY FOR OPIC PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", Poland, Hungary," after "Yugoslavia".

(b) ENHANCEMENT OF NONGOVERNMENTAL SECTOR.—In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, contains the same amendment that is made by subsection (a) of this section, the amendment made by that Act shall not be effective.

SEC. 303. EXPORT-IMPORT BANK PROGRAMS FOR POLAND AND HUNGARY.

(a) AUTHORITY TO EXTEND CREDIT TO POLAND AND HUNGARY.—Notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by the Republic of Hungary or any agency or national thereof or by the Polish People's Republic or any agency or national thereof.

(b) PRIVATE FINANCIAL INTERMEDIARIES TO FACILITATE EXPORTS TO POLAND.—Consistent with the provisions of the Export-Import Bank Act of 1945 (12 U.S.C. 635 and following), the Export-Import Bank of the United States shall work with private financial intermediaries in Poland to facilitate the export of goods and services to Poland.

SEC. 304. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 224 (22 U.S.C 2184) the following new section:

"SEC. 225. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

"(a) GENERAL AUTHORITY.—

"(1) ASSURANCE TO EXPORT-IMPORT BANK OF REPAYMENT.—The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have reasonable assurance of repayment.

"(2) LIABILITIES WHICH MAY BE GUARANTEED.—The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

"(b) GUARANTEES AVAILABLE ONLY FOR SHORT-TERM GUARANTEES AND INSURANCE.—Guarantees provided under subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance.

"(c) AGREEMENT ON CRITERIA AND PROCEDURES.—Guarantees or insurance extended by the Bank and guaranteed pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Administrator and the Bank.

"(d) RESERVE FUND.—The agreement referred to in subsection (c) shall also provide for the establishment of a reserve fund by the administering agency, with such funds made available to the reserve as the Administrator deems necessary to discharge liabilities under guarantees provided under subsection (a).

"(e) DISCHARGE OF LIABILITIES.—

"(1) FUNDS WHICH MAY BE USED.—Such amounts of the funds made available to carry out chapter 4 of part II of this Act (relating to the economic support fund) as the President determines are necessary may be made available to discharge liabilities under guarantees entered into under subsection (a).

"(2) CREDITING OF SUBSEQUENT PAYMENTS.—To the extent that any of the funds made available pursuant to paragraph (1) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund established pursuant to subsection (d), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Administrator to the Bank for guarantees under subsection (a).

"(f) APPROPRIATIONS ACTION REQUIRED.—Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in advance in appropriations Acts.

"(g) LIMITATION ON OUTSTANDING COMMITMENTS.—The aggregate amount of outstanding commitments under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal during any fiscal year.

"(h) BIANNUAL REPORTS TO CONGRESS.—Every 6 months, the Administrator and the President of the Bank shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of guarantees and insurance provided by the Bank and guaranteed under this section during the preceding 6-month period.

"(i) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank and the Administrator determine appropriate to assist the administering agency in carrying out this section.

"(j) FEES AND PREMIUMS.—The Bank is authorized to charge fees and premiums, in connection with guarantees or insurance guaranteed by the administering agency under subsection (a), that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

"(1) shall be credited to the reserve fund established pursuant to subsection (d),

"(2) shall be merged with the funds in such reserve, and

"(3) shall be available for the purpose of payments by the administering agency to the Bank for guarantees under subsection (a).

"(k) RESTRICTIONS NOT APPLICABLE.—Prohibitions on the use of foreign assistance funds for assistance for Poland shall not apply with respect to the funds made available to carry out this section.

"(l) EXPIRATION OF AUTHORITY.—The President may not enter into any commitments to guarantee under subsection (a) after September 30, 1992.

"(m) DEFINITIONS.—For purposes of this section—

"(1) the term 'administering agency' means the Agency for International Development;

"(2) the term 'Administrator' means the Administrator of the Agency for International Development; and

"(3) the term 'Bank' means the Export-Import Bank of the United States.".

(b) CONFORMING AMENDMENT.—Section 224 of that Act is amended by inserting "FOR CENTRAL AMERICA" after "PROGRAM" in the section caption.

(c) CONFORMING REFERENCE.—With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to section 224 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to section 225 of that Act (as enacted by this section).

SEC. 305. TRADE AND DEVELOPMENT PROGRAM ACTIVITIES FOR POLAND AND HUNGARY.

In order to permit expansion of the Trade and Development Program into Poland and Hungary, there are authorized to be appropriated $6,000,000 for the 3-year period beginning October 1, 1989, to carry out section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2241), in addition to amounts otherwise available for such purpose.

SEC. 306. BILATERAL INVESTMENT TREATIES WITH POLAND AND HUNGARY.

The Congress urges the President to seek bilateral investment treaties with Poland and Hungary in order to establish a more stable legal framework for United States investment in those countries.

SEC. 307. CERTAIN POLISH BONDS NOT SUBJECT TO INTERNAL REVENUE CODE RULES RELATING TO BELOW-MARKET LOANS.

(a) IN GENERAL.—Paragraph (5) of section 1812(b) of the Tax Reform Act of 1986 is amended—

(1) by inserting "or Poland" after "Israel" in the text thereof, and

(2) by inserting "OR POLISH" after "ISRAEL" in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SISTER INSTITUTIONS PROGRAMS WITH POLAND AND HUNGARY.

(a) EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) SUPPORT FOR EXPANDED U.S. PARTICIPATION.—The United States should expand its participation in educational and cultural exchange activities with Poland and Hungary, using the full array of existing government-funded and privately-funded programs, with particular emphasis on the J. William Fulbright Educational Exchange Program, the International Visitors Program, the Samantha Smith Memorial Exchange Program, the exchange programs of the National Academy of Sciences, youth and student exchanges through such private organizations as The Experiment in International Living, The American Field Service Committee, and Youth for Understanding, and research exchanges sponsored by the International Research and Exchanges Board (IREX).

(2) EMPHASIS ON SKILLS IN BUSINESS AND ECONOMICS.—The United States should place particular emphasis on expanding its participation in educational exchange activities that will assist in developing the skills in business and economics that are necessary for the development of a free market economy in Poland and Hungary.

(b) BINATIONAL FULBRIGHT COMMISSIONS.—The United States should take all appropriate action to establish binational Fulbright commissions with Poland and Hungary in order to facilitate and enhance academic and scholarly exchanges with those countries.

(c) RECIPROCAL CULTURAL CENTERS.—The President should consider the establishment of reciprocal cultural centers in Poland and the United States and in Hungary and the United States to facilitate government-funded and privately-funded cultural exchanges.

(d) SISTER INSTITUTIONS PROGRAMS.—The President shall act to encourage the establishment of "sister institution" programs between American and Polish organizations and between American and Hungarian organizations, including such organizations as institutions of higher education, cities and towns, and organizations in such fields as medicine and health care, business management, environmental protection, and agricultural research and marketing.

(e) AUTHORIZATION OF APPROPRIATIONS.—To enable the United States Information Agency to support the activities described in this section, there are authorized to be appropriated $12,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes.

SEC. 402. POLAND-HUNGARY SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development is authorized to establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from Poland and Hungary to study in the United States.

(b) EMPHASIS ON BUSINESS AND ECONOMICS.—The scholarship program provided for in this section shall emphasis scholarships to enable students from Poland and Hungary to study business and economics in the United States. Such scholarships may be provided for study in programs that range from the standard management courses to more specialized assistance in commercial banking and the creation of a stock market.

(c) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate or graduate degree programs, and training programs of one year or longer, in study areas related to the critical development needs of Poland and Hungary.

(d) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(e) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall not be more than 50 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(g) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to Poland or Hungary, as the case may be, for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(h) PRIVATE SECTOR PARTICIPATION.—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(i) FUNDING.—Grants to States pursuant to this section shall be made with funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). In addition to amounts otherwise available for such purpose under those chapters, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, for use in carrying out this section.

(j) RESTRICTIONS NOT APPLICABLE.—Prohibitions on the use of foreign assistance funds for assistance for Poland and Hungary shall not apply with respect to the funds made available to carry out this section.

(k) DEFINITION OF STATE.—As used in this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 403. SCIENCE AND TECHNOLOGY EXCHANGE WITH POLAND AND HUNGARY.

(a) AGREEMENT WITH POLAND.—There are authorized to be appropriated to the Secretary of State for purposes of continuing to implement the 1987 United States-Polish science and technology agreement—

(1) $1,500,000 for fiscal year 1990,

(2) $2,000,000 for fiscal year 1991, and

(3) $2,000,000 for fiscal year 1992.

(b) AGREEMENT WITH HUNGARY.—There are authorized to be appropriated to the Secretary of State for purposes of implementing the 1989 United States-Hungarian science and technology agreement—

(1) $500,000 for fiscal year 1990,

(2) $1,000,000 for fiscal year 1991, and

(3) $1,000,000 for fiscal year 1992.

(c) DEFINITION OF AGREEMENTS BEING FUNDED.—For purposes of this section—

(1) the term "1987 United States-Polish science and technology agreement" refers to the agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto; and

(2) the term "1989 United States-Hungarian science and technology agreement" refers to the agreement concluded in 1989 by the United States and Hungary, entitled "Agreement Between the Government of the United States of America and the Government of the Hungarian People's Republic for Scientific and Technology Cooperation", together with annexes relating thereto.

TITLE V—OTHER ASSISTANCE PROGRAMS

SEC. 501. ASSISTANCE IN SUPPORT OF DEMOCRATIC INSTITUTIONS IN POLAND AND HUNGARY.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $12,000,000 for the 3-year period beginning October 1, 1989, which shall be available only for the support of democratic institutions and activities in Poland and Hungary.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law.

SEC. 502. ENVIRONMENTAL INITIATIVES FOR POLAND AND HUNGARY.

(a) PRIORITY FOR THE CONTROL OF POLLUTION.—The Congress recognizes the severe pollution problems affecting Poland and Hungary and the serious health problems which ensue from such pollution. The Congress therefore directs that a high priority be given in the implementation of assistance to Poland and Hungary to the control of pollution and the restoration of the natural resource base on which a sustainable, healthy economy depends.

(b) EPA ACTIVITIES GENERALLY.—In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (hereinafter in this section referred to as the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as the Administrator may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment in Poland and Hungary.

(c) EPA ACTIVITIES IN POLAND.—The Administrator shall cooperate with Polish officials and experts to—

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

(d) EPA ACTIVITIES IN HUNGARY.—The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

(e) FUNDING OF EPA ACTIVITIES.—To enable the Environmental Protection Agency to carry out subsections (b), (c), and (d), there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of Part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). These funds may be used to carry out those subsections notwithstanding any provision of law relating to the use of foreign assistance funds.

(f) DEPARTMENT OF ENERGY ACTIVITIES RELATING TO FOSSIL FUELS.—

(1) CLEAN COAL.—The Secretary of Energy shall cooperate with Polish officials and experts to retrofit a coal-fired commercial powerplant in the Krakow, Poland, region with advanced clean coal technology that has been successfully demonstrated at a comparably scaled powerplant in the United States. Such retrofit shall be carried out by one or more United States companies using United States technology and equipment manufactured in the United States. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(2) EQUIPMENT ASSESSMENT.—The Secretary of Energy shall cooperate with Polish officials and experts and companies within the United States to assess and develop the capability within Poland to manufacture or modify boilers, furnaces, smelters, or other equipment that will enable industrial facilities within Poland to use fossil fuels cleanly. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out paragraphs (1) and (2) of this subsection, there are authorized to be appropriated $30,000,000 for the 3-year period beginning October 1, 1989. Not more than $10,000,000 of the funds appropriated under this paragraph may be used to carry out the requirements of paragraph (1).

(g) PRIORITY FOR EFFICIENT ENERGY USE.—In view of the high energy usage per unit of output in Hungary and Poland, the Secretary of Energy shall give high priority to assisting officials of Poland and Hungary in improving the efficiency of their energy use, through emphasis on such measures as efficient motors, lights, gears, and appliances and improvements in building insulation and design.

(h) ALTERNATIVE INVESTMENTS IN ENERGY IN HUNGARY.—It is the sense of the Congress that the executive branch should work with the Government of Hungary to achieve environmentally safe alternative investments in energy efficiency, particularly with regard to projects along the Danube River.

SEC. 503. MEDICAL SUPPLIES, HOSPITAL EQUIPMENT, AND MEDICAL TRAINING FOR POLAND.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $4,000,000 for the 3-year period beginning October 1, 1989, which shall be available only—

(1) for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment, and

(2) for training of Polish medical personnel.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, other than—

(1) section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f); relating to the prohibition on the use of funds for abortions and involuntary sterilizations), and

(2) any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that relates to abortion.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

SEC. 601. POLICY COORDINATION OF SEED PROGRAM.

The President shall designate, within the Department of State, a SEED Program coordinator who shall be directly responsible for overseeing and coordinating all programs described in this Act and all other activities that the United States Government conducts in furtherance of the purposes of this Act.

SEC. 602. SEED INFORMATION CENTER SYSTEM.

(a) ESTABLISHMENT.—The President shall establish a SEED Information Center System, using existing Executive branch agencies and acting in cooperation with the Government of Poland and the Government of Hungary.

(b) FUNCTIONS.—

(1) IN GENERAL.—The SEED Information Center System shall serve as a central clearinghouse mechanism for information relating to—

(A) business needs and opportunities in Eastern Europe, and

(B) voluntary assistance to countries in Eastern Europe.

(2) PRIVATE ENTERPRISE DEVELOPMENT.—The SEED Information Center System shall be organized, among other purposes, to encourage—

(A) the submission of economically sound proposals to the Polish-American Enterprise Fund and Hungarian-American Enterprise Fund, and

(B) other sources of finance for the development of private enterprise in Eastern Europe.

(c) LOCATION.—The SEED Information Center System shall be based jointly in Washington, District of Columbia; Warsaw, Poland; and Budapest, Hungary; and should it become appropriate, the capitals of other East European countries.

SEC. 603. ENCOURAGING VOLUNTARY ASSISTANCE FOR POLAND AND HUNGARY.

(a) ENCOURAGING PRIVATE CONTRIBUTIONS.—It is the sense of the Congress that the President should take all possible steps to encourage across the Nation a massive outpouring of private contributions of money and nonperishable foods, to be collected by civic, religious, school, and youth organizations, for assistance to Poland and to refugees from Romania who are in Hungary.

(b) TRANSPORTATION TO POLAND OF PRIVATE CONTRIBUTIONS.—In further of subsection (a), the President—

(1) using all available authorities, including section 402 of title 10, United States Code (relating to transportation of humanitarian relief supplies), should use resources of the Department of Defense (including

the National Guard) to transport nonfinancial private contributions to Poland,

(2) should request additional authorities as needed for the use of those resources for that purpose; and

(3) should encourage maximum participation by such recognized private and voluntary organizations as the Polish-American Congress in the transportation of nonfinancial private contributions to Poland.

SEC. 604. ECONOMIC AND COMMERCIAL OFFICERS AT UNITED STATES EMBASSIES AND MISSIONS IN POLAND AND HUNGARY.

It is the sense of the Congress that, to the extent practicable—

(1) the United States Embassy in Budapest, Hungary, should be assigned one additional economic and commercial officer;

(2) the United States Embassy in Warsaw, Poland, should be assigned one additional economic officer and one additional commercial officer;

(3) the United States Trade Center in Warsaw, Poland, should be assigned one additional economic and commercial officer; and

(4) the United States mission in Krakow, Poland, should be assigned one additional economic and commercial officer.

TITLE VII—REPORTS TO CONGRESS

SEC. 701. REPORT ON INITIAL STEPS TAKEN BY UNITED STATES AND ON POLAND'S REQUIREMENT FOR AGRICULTURAL ASSISTANCE.

(a) INITIAL REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress—

(1) describing the steps taken by the United States Government pursuant to title I, in particular sections 102(a) and (b);

(2) assessing Poland's requirements for additional agricultural assistance during fiscal year 1990 and its requirements for agricultural assistance during fiscal years 1991 and 1992; and

(3) specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

(b) UPDATING ASSESSMENTS.—As additional information becomes available, the President shall provide to the Congress revised assessments of Poland's requirements for agricultural assistance during fiscal years 1991 and 1992, specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

SEC. 702. REPORT ON CONFIDENCE BUILDING MEASURES BY POLAND AND HUNGARY.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress identifying—

(1) the confidence building measures Poland and Hungary could undertake to facilitate the negotiation of agreements, including bilateral customs and technology transfer agreements, that would encourage greater direct private sector investment in that country; and

(2) the confidence building measures Poland and Hungary could undertake with respect to the treatment accorded those countries under the Export Administration Act of 1979.

SEC. 703. REPORT ON ENVIRONMENTAL PROBLEMS IN POLAND AND HUNGARY.

The first report submitted pursuant to section 704 shall include the following:

(1) ASSESSMENT OF PROBLEMS.—An overall assessment of the environmental problems facing Poland and Hungary, including—

(A) a relative ranking of the severity of the problems and their effects on both human health and the general environment;

(B) a listing of the geographical areas of each country that have suffered the heaviest environmental damage, and a description of the source and scope of the damage; and

(C) an assessment of the environmental performance of leading industrial polluters in those countries and the expected effect on pollution levels of industrial modernization.

(2) PRIORITIES AND COSTS FOR ACTION.—An analysis of the priorities that Poland and Hungary should each assign in addressing its environmental problems, and an estimate of the capital and human resources required to undertake a comprehensive program of environmental protection in that country.

(3) ROLE OF UNITED STATES AND MULTILATERAL ASSISTANCE.—A statement of strategy for United States assistance for the next 5 years to address environmental problems in Poland and Hungary, including—

(A) recommendations for appropriate levels and forms of bilateral financial and technical assistance;

(B) recommendations concerning United States participation in cooperative multilateral undertakings;

(C) an assessment of the feasibility of debt-for-nature swaps as a technique of environmental protection in each country; and

(D) recommendations for minimizing further environmental damage to Krakow, and for the protection and restoration of historic sites in that city.

SEC. 704. ANNUAL SEED PROGRAM REPORT.

(a) FINDINGS.—The Congress finds that—

(1) in order to provide the President with maximum flexibility and opportunity for innovation in implementation of the SEED Program, this Act sets forth general goals and modalities for the support of democracy and economic pluralism in Eastern Europe;

(2) prompt United States action in devising specific measures to achieve the goals outlined in this Act will be crucial in generating the public awareness, and the international commitment, necessary for United States leadership of a successful multilateral program of assistance in Eastern Europe; and

(3) clear-cut delineation of such United States actions at an early date is integral to United States leadership of this effort.

(b) INITIAL SEED PROGRAM REPORT.—Accordingly, the first report pursuant to subsection (c) shall be a comprehensive report that includes a full description of all SEED Actions taken pursuant to each provision of this Act since the enactment of this Act.

(c) ANNUAL SEED PROGRAM REPORT.—Not later than January 31 of each year (beginning in 1991), the President shall submit to the Congress a "Report on the United States Program of Support for East European Democracy (the SEED Program)". Each such report shall describe the assistance provided to each East European country under this Act during the preceding fiscal year. In addition, each such report shall contain an assessment of the progress made by each such recipient country in—

(1) implementing economic policies designed to promote sustained economic growth, develop economic freedom, and increase opportunities for the people of that country; and

(2) adopting and implementing constitutional, legal, and administrative measures that—

(A) affect the powers of the executive and legislative authorities and the independence of the judiciary,

(B) affect the formation and operation of independent political parties, groups, associations, or organizations, or

(C) affect fundamental human rights and civil liberties.

SEC. 705. REPORTS ON CERTAIN ACTIVITIES.

At the same time each report is submitted pursuant to section 704(c), the President shall submit to the appropriate committees of the Congress a report on the extent of espionage activities against the United States and other member countries of the North Atlantic Treaty Organization by operatives of the government of any East European country that is receiving assistance under this Act. Such reports may be submitted in classified form.

SEC. 706. NOTIFICATIONS TO CONGRESS REGARDING ASSISTANCE.

Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1; relating to reprogramming notifications) applies with respect to obligations of funds made available under that Act to carry out this Act, notwithstanding any other provision of this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. SUSPENSION OF SEED ASSISTANCE.

The President should suspend all assistance to an East European country pursuant to this Act if the President determines, and reports to the Congress, that—

(1) that country is engaged in international activities that directly threaten United States national security interests;

(2) the president or any other government official of that country initiates martial law or a state of emergency for reasons other than to respond to a natural disaster or a foreign invasion; or

(3) any member who was elected to that country's parliament has been removed from that office or arrested through extraconstitutional processes.

SEC. 802. ESTABLISHMENT OF THE REPUBLIC OF HUNGARY.

(a) FINDINGS.—The Congress finds that—

(1) on October 23, 1989, in a public ceremony in Budapest, the acting President of Hungary declared the Hungarian state to be an independent, democratic Republic of Hungary;

(2) this public ceremony was held on the 33d anniversary of Hungary's 1956 revolution that was bloodily suppressed by Soviet troops;

(3) this public ceremony was held in the same Kossuth Square where the first mass rally of the 1956 revolution was held;

(4) as a further symbol of Hungary's faithfulness to the legacy of the revolution of 1956, the declaration by the acting President was made from the same balcony from which Imre Nagy, the martyred Prime Minister of the revolutionary government of 1956, addressed the citizens of Budapest 33 years before;

(5) the heroic revolt and freedom fight of the Hungarian people in 1956 was an inspirational event, reminding a generation of Americans of the sacrifices people are willing to undertake as the price of liberty; and

(6) the present efforts of the Hungarian people to validate the legacy of the revolution of 1956 by establishing a free, independent, and prosperous Hungary have

gained the sympathy and admiration of the American people.

(b) CONGRESSIONAL DECLARATIONS.—The Congress—

(1) congratulates the people of Hungary on the declaration of a Republic of Hungary committed to democratic principles; and

(2) expresses its desire to enhance the friendly relations between the people of Hungary and the people of the United States and between their respective governments.

SEC. 803. ADMINISTRATIVE EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

For the purpose of paying administrative expenses incurred in connection with carrying out its functions under this Act, the Agency for International Development may use up to $500,000 each fiscal year of the funds made available to the Agency under this Act.

SEC. 804. RELATION OF PROVISIONS OF THIS ACT TO CERTAIN PROVISIONS OF APPROPRIATIONS ACT.

Any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that provides that assistance for Poland or Hungary under that Act may be provided notwithstanding any other provision of law shall not supersede any requirement of this Act.

SEC. 805. CERTAIN USES OF EXCESS FOREIGN CURRENCIES.

(a) AUTHORITY TO USE.—During fiscal year 1990, the Administrator of the Agency for International Development may use, for the purposes described in subsection (b), such sums of foreign currencies described in subsection (c) as the Administrator may determine, subject to subsection (f).

(b) PURPOSES FOR WHICH CURRENCY MAY BE USED.—Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to economic assistance), and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

(c) CURRENCIES WHICH MAY BE USED.—The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

(d) WHERE CURRENCIES MAY BE USED.—Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

(e) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Foreign currencies may be used under this section notwithstanding section 1306 of title 31, United States Code, or any other provision of law.

(f) REQUIREMENT FOR APPROPRIATIONS ACTION.—The authority of this section may be exercised only to such extent or in such amount as may be provided in advance in an appropriation act.

Mr. FASCELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments and the House amendment to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, reserving the right to object, I just wanted to check on a couple of things before the bill came up on the floor to find out where we stood with regard to the text of the bill. I see no reason to object if we can just find out where we are.

Do I understand that the tax items added by the Senate have not been stripped from the bill?

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, the gentleman is correct.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, where do we stand on the language of the amendment that the gentleman from California [Mr. Cox] had added to the bill when it was in the House?

Mr. FASCELL. If the gentleman will yield further, most of that language is retained; not all of it, however.

Mr. WALKER. Can the gentleman tell me what language was stricken out of the Cox amendment?

Mr. FASCELL. It is in several places in the bill. We will give the gentleman the exact page citation and line number and language.

Mr. WALKER. But the essence of the Cox language was a commitment that the money would be used in things which could be regarded as a free-enterprise approach to economic affairs and would guarantee political freedom. Is the gentleman telling me the essence of that amendment has essentially been kept?

Mr. FASCELL. The gentleman is correct. One of them is on page 3, the objectives of SEED assistance. The other is on page 22 on the use of U.S. private venture capital.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that.

Further reserving the right to object, on the Rohrabacher language, has that been kept in the bill?

Mr. FASCELL. ESOP's? Yes.

Mr. WALKER. The ESOP language.

Mr. FASCELL. Yes. The gentleman is correct.

Mr. WALKER. That has been kept. And the language relating to China, is that language in the bill?

Mr. FASCELL. No. That was dropped.

Mr. WALKER. That was dropped?

Mr. FASCELL. Yes.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the gentleman from Florida for an explanation on the bill.

Mr. FASCELL. Mr. Speaker, I thank the gentleman for yielding. I will say that as we come back with this amendment to the Senate amendment, Mr. Speaker, it gives me great pleasure, the day after the historic appearance before a joint session of Congress of Mr. Lech Walesa, the Chairman of Solidarity, to call up an amendment to the Senate amendment to H.R. 3402, which represents a comprehensive package of assistance for Poland and Hungary. This amendment, which will be the response of Congress to Mr. Walesa's appeal to match our rhetoric with deeds, amounts to a package of $938 million dollars in assistance over several years.

This legislation marks an effort by Congress to respond in a timely and generous manner to the unprecedented movement toward democracy in Poland and Hungary which we have witnessed in the past few months. The transition to democracy will be difficult as Poland strives to initiate political and economic reforms never before attempted in Eastern Europe. Poland needs our substantial help and this bill is an effort to meet both the immediate and long term economic needs of Poland and Hungary.

This amendment is basically the original House-passed H.R. 3402 to which has been added $100 million dollars for the enterprise funds for Poland and Hungary as well as various Senate reports and policy language.

In summary, this amendment does the following: Continues all of the House initiatives; adds $100 million to the enterprise funds, bringing the total for that purpose to $300 million and the total of the whole bill to $938 million over several years. It is intended that the enterprise funds will be devoted to the development of the private sectors in both Poland and Hungary; earmarks $25 million of the enterprise funds for telecommunications.

The underdeveloped Polish telecommunications infrastructure is a major disincentive to the overall economic advancement of the nation. Given this fact, U.S. Government agencies—particularly State, LIP, TDP, and AID—and Commerce, NTIA and ITA, should cooperate in ways to promote that infrastructure, together with the private sector.

Adds various policy language and several reports; directs the President to suspend assistance in case of actions by a recipient country that threaten U.S. national security or in case of an overthrow of constitutional proce-

dures; authorizes debt-for-equity swaps; provides tax-free status for certain Polish bonds; directs the Department of State to create a coordinator for the programs authorized by this legislation; and requires congressional notification before the obligation funds.

I urge the swift adoption of this legislation as recognition of the American people's support for the enormous and historic reforms and transformations which are taking place in Poland.

Mr. HAMILTON. Mr. Speaker, I rise in strong support of the amendment to the Senate amendment to H.R. 3402. This amendment is an important measure to promote political and economic democracy in Poland and in Hungary as those countries develop and implement programs of comprehensive economic reform.

BACKGROUND

H.R. 3402 is the product of several weeks of careful study and has broad bipartisan support in the Congress.

The bill has had the input of the leadership of seven committees of the Congress, including the Foreign Affairs Committee, the Ways and Means Committee, the Banking, Finance and Urban Affairs Committee, the Agriculture Committee, the Energy and Commerce Committee, the Public Works and Transportation Committee, and the Appropriations Committee.

The bill incorporates the three initiatives President Bush has announced so far during 1989 on Poland and Hungary:

His initiative announced in Hamtramck, MI, in April;

His initiative announced in Warsaw and Budapest in July and incorporated in draft legislation submitted to the Congress September 8; and

His initiative announced October 4, to provide $200 million in additional grant assistance to Poland.

H.R. 3402 also includes some changes wanted by the administration:

It incorporates provisions of H.R. 2550, a bill relating to Poland and Hungary and H.R. 2655, the foreign assistance authorization bill. Both these bills have passed in the House and both await Senate action; and

Finally, H.R. 3402 undertakes several other initiatives to promote the private sector, to provide technical assistance and training, and to help develop the skills and the managerial expertise essential to the success of a market-oriented economy in these countries.

COMPARISON OF BILLS

Mr. Speaker, to put H.R. 3402 in perspective, it should be compared to other legislation which has been introduced. This amendment to H.R. 3402 authorizes $938 million in assistance for Poland and Hungary over the next 3 years with a planned outlay in fiscal year 1990 according to the Congressional Budget Office of $218 million, subject to action by the Appropriations Committee.

By comparison, the administration's requests to date would authorize $458 million over 3 years, with a projected outlay in fiscal year 1990 of $230.5 million.

The major differences between the administration's requests and the amendment before the House is that this amendment authorizes: $300 million for the Enterprise Funds instead of the $125 million the administration originally requested; $200 million in Trade Credit Insurance for Poland for which an appropriation is not needed unless there is a default; some $70 million in additional money for technical training, scholarships, trade and development programs, medical assistance, democracy support, the Peace Corps, and educational and cultural activities; and food and feed assistance for Poland in excess of $125 million, instead of the $100 million planned by the administration for 1990.

CONTENTS OF THE BILL

Mr. Speaker, I will not go through all the provisions, but I would point out that:

Title I authorizes $200 million as part of a multilateral economic stabilization fund for Poland, and calls on the United States to take the lead in mobilizing international financial institutions to support the implementation of a plan of the Government of Poland to attack hyperinflation and carry out comprehensive economic reform;

Title II authorizes the Enterprise Funds and basically incorporates the administration's initiative submitted to the Congress on September 8;

Title III addresses trade and investment issues and incorporates parts of H.R. 2550, already passed by the House, as well as other initiatives to promote the private sector and encourage and protect foreign investment;

Title IV expands educational, cultural, and scientific activities in Poland and Hungary, partially authorizing requests by the administration and also expanding existing programs;

Title V authorizes other assistance for the development of democratic institutions, environmental initiatives, and for medical supplies for Poland;

Title VI specifies policy coordination actions;

Title VII calls for a number of reports to Congress; and

Title VIII specifies terms under which the President is called upon to terminate assistance to Poland and Hungary, and contains additional miscellaneous provisions.

GENERAL COMMENTS

Mr. Speaker, H.R. 3402, as many of my colleagues have suggested, comes at a historic time. For over 40 years, we have waited for the opportunity to be able to promote and reinforce political and economic change in Eastern Europe. That opportunity is here. The eyes of the free world and the eyes of all peoples in Eastern Europe are on developments in Poland and Hungary, and how we and our allies respond to these developments. We have a compelling interest in helping Poland and Hungary succeed.

I would only add five comments:

First, the amendment, in my view, has the United States playing a critical leadership role in Poland and Hungary. This bill urges the President to utilize his existing authorities to lead and coordinate an international effort in support of Poland's implementation of comprehensive economic reform.

Second, the amendment rightly put emphasis on the role of our allies and international financial institutions in joining with the United States in helping Poland with its immediate economic needs. The bill urges immediate and large multilateral assistance that only the international financial institutions can provide. An IMF team is in Poland as we speak and we hope that in the coming weeks Poland and the IMF can reach an agreement which will help facilitate an international assistance package.

American leadership in providing the $200 million grant of a multilateral $1 billion in structural assistance for Poland will provide, we hope, the impetus needed to get our allies to act. We want them to come up with the remaining $800 million in support of comprehensive Polish economic reform.

Third, the amendment conveys a sense of urgency. Its balance of payments situation is precarious. The Polish Government estimates that to cover imports through the end of the year, to ensure adequate food through the winter, and to enable Poland to keep up its productive capacity until next spring, Poland will need to cover roughly $1 billion in imports between now and the end of the year.

The implications of Poland's inability to obtain the help it needs are clear: Further deterioration in the economy; a delay in economic reforms, lack of adequate food stocks, and idle productive capacity. We do not know what will happen in Poland. Clearly, success with our help and that of our allies is uncertain, but failure without our assistance is assured.

Fourth, the amendment is prudent and contains the needed conditionality.

H.R. 3402 conditions our immediate assistance on continued steps toward democracy and toward a market-oriented economy through the implementation of a comprehensive economic reform package. An agreement between the IMF and Poland is essential for multilateral assistance to proceed.

The amendment authorizes the appropriate mix of short- and medium-term assistance to develop agriculture and the private sector, and there will be annual checks on the assistance provided. The bill provides the executive branch with the resources and flexibility in order to carry out U.S. policy.

Finally, the amendment must be seen as part of a process of responding to the situation in Poland and Hungary and to Presidential initiatives. This bill prods our leaders to move forward in providing Western leadership.

We have had three Presidential initiatives on Poland and Hungary so far this year. The President plans to send a team to Poland soon and I suspect there may be other initiatives before long.

The point is that this amendment must be seen as a key element in a rapidly changing situation. It urges further evolution in Poland and Hungary, and counsels strong American leadership in response to what may develop in these two countries and elsewhere in Eastern Europe.

CONCLUSION

Mr. Speaker, H.R. 3402, as amended, is an important bipartisan legislative initiative. It has the approval of several committees in the Congress. The administration does not oppose its passage. I urge my colleagues to support it and send a strong message to the other body in the hope that the Senate will act

to expedite its final approval and send it to the President for his signature.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, during the last several months the President has made several requests for assistance for Poland and Hungary. The bill before us today contains the basic legislative package requested by the administration in addition to several other congressional initiatives intended to support the aspiring democratic movements in Eastern Europe. Indeed, the administration supports House passage of this legislation which embodies the President's approach of cooperation among our allies.

The House amendment to the Senate bill has bipartisan support and is necessary to address Poland's immediate economic crisis. Furthermore, it will enhance the long-term prospects for democracy and free enterprise in both Poland and Hungary. We have a historic opportunity in Eastern Europe and it is crucial that we join with our allies to show tangible support for the changes occurring there.

We all recognize the urgency of the situation in Poland. It is of the utmost importance that the democratic gains made by the people of Poland be sustained and strengthened. We must waste no time in providing the kind of support that the people of Poland need today including agricultural commodities and short-term budget support. The International Monetary Fund and the Western democracies are working with Poland in order to reach agreement paving the way for grant assistance to stabilize the Polish financial system. These are the most urgent priority items in the package before us and I would encourage participants in the appropriations process to fund them accordingly.

As I listened to Lech Walesa here in this Chamber yesterday, I could not help but marvel that a man who just 10 years ago was an unemployed electrician was today speaking to a joint session of Congress. His life is a modern miracle. More than any other individual, Lech Walesa is responsible for the earthshaking changes in the East bloc. He knows what it really means for a working man to live in a dictatorship of the proletariat. He is a courageous and bold leader. He spoke with authority and he won our hearts. He won't go home emptyhanded.

Lech Walesa asked us to keep a number of things in mind. One is worth quoting on this occasion. He said:

> The ideals which underlie this glorious American republic and which are still alive here, are also living in faraway Poland. And although for many long years efforts were made to cut her off from these ideals, Poland held her ground and is now reaching for the freedom to which she is justly entitled. Together with Poland, other nations of Eastern Europe are following this path. The wall that was separating people from freedom has collapsed. The nations of the world will never let it be rebuilt.

Mr. Speaker, we need to ensure that the collapse is permanent and I urge my colleagues to support this legislation before us.

□ 1450

Again I congratulate the chairman of the Committee on Foreign Affairs for his excellent legislation.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. Further reserving the right to object, I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would like to engage in a colloquy with the chairman of the committee.

Mr. Speaker, one of the primary purposes of this legislation is to encourage Western investment in Poland and Hungary as a means of accelerating the passage toward democratic political processes and free market-based economic systems.

As countries such as Poland and Hungary, as well as other Eastern bloc nations, make this economic transition to greater privatization, they may well begin to sell interests in State-owned or controlled enterprises to Western companies. Those Western companies can bring free market expertise and resources to Eastern block industries and can help orient these Eastern Bloc nations toward economic integration with the West.

The recently announced joint venture between General Electric and Tungsram, a Hungarian lighting company, is a perfect example of the type of Western investment which should be encouraged through insurance provided by the Overseas Private Investment Corporation.

Therefore, would the gentleman agree that in cases where businesses in Poland or Hungary, whether State or privately owned, are sold in whole or in part to American corporations, that those U.S. investments would be eligible for coverage by such agencies as OPIC?

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, the gentleman is absolutely correct.

One of the major purposes of this bill is to provide the incentive for American investment. As the gentleman heard Lech Walesa yesterday, he just literally begged for American enterprise to come into Poland, and into Hungary, too, where they are most welcome, because they see that as the principal answer to modernizing their economy and also improving it.

So in a case where we have a company that is either going to buy a State-owned business or privately owned business, there ought not be any questions about the fact that they are eligible for OPIC, absolutely.

Mr. SOLOMON. Mr. Speaker, the gentleman makes a lot of sense, and I appreciate his answer.

Mr. GEJDENSON. Mr. Speaker, I am pleased to rise today to strongly support passage of the compromise agreement on H.R. 3402. The rapidity with which the differences between the House and Senate have been worked out demonstrates our overwhelming commitment to sending assistance to Poland and Hungary immediately.

I would like to commend Chairman FASCELL for his strong leadership on the Poland/Hungary legislation.

When Lech Walesa addressed the joint session of Congress yesterday, we witnessed the realization of a dream. We heard from a man, who in a few short years led his nation to the freedom and democracy, speaking before the world's greatest democratic body.

It is not often that we have an opportunity to fund a dream. With the legislation before us today, we finally have that opportunity. Lech Walesa told us that that American money for Poland would not be wasted. While skeptics might assert that commitments to frugality are made today, and forgotten tomorrow, I believe that Poland is different.

My family experienced incredible hardship during World War II and its aftermath. Every resource, whether it was food or clothing, was carefully preserved. When my family finally began a new life on a farm in Connecticut, their frugal use of resources did not change.

Poland has known severe economic depravation since World War II, Polish people can't buy such basic items as meat and vegetables without waiting in lines which stretch for blocks. The country's manufacturing base is in shambles due to years of state-control.

I am convinced that Poland's dire economic straits will ensure American money and assistance will not be wasted. The new government will do their best to ensure that Poland's short-term and long-term needs will be met.

The compromise worked out between the House and Senate on aid to Poland and Hungary represents the best of both bills. By setting overall funding levels at $938 million over 3 years, Congress has struck a good balance between simply providing an economic band-aid which will come loose overnight and providing too much assistance which decrease domestic incentives to produce.

The changes in Poland and Hungary have occurred very rapidly. Clearly, the administration and Congress need a broader base of information on which to decide key technology transfer questions.

A key provision of the compromise agreement requires the President to submit a report to Congress identifying confidence-building measures that Poland and Hungary could undertake to safeguard the transfer of technology. Such confidence building measures would: First, facilitate the negotiation of bilateral customs and technology transfer agreements; and second, be related to the treatment accorded Poland and Hungary under the Export Administration Act.

It is our intention that the State Department will be primarily responsible for preparing the first part of this report to Congress.

It is also our intention that the Commerce Department will be primarily responsible for preparing the second part of this report to Congress.

Thank you very much. I would again like to commend Chairman FASCELL for his energetic leadership on this issue.

Mr. LENT. Mr. Speaker, I am proud to rise in support of the consensus amendments to H.R. 3402, the Support for East European Democracy Act of 1989. This bill contains much needed assistance for Poland and Hungary. As such, it is particularly fitting that we pass it so soon after Lech Walesa stood in this very Chamber and made an urgent, indeed a stirring, appeal for help.

The task of the Energy and Commerce Committee delegation sent to Poland last August was to follow up on the President's earlier visit by exploring ways in which the United States could best assist Poland.

Upon our return, each of the 12 members of our delegation—6 Republicans and 6 Democrats—wrote to President Bush. We reported on our meetings and urged the President to submit legislation to Congress on his aid package at the earliest possible date. H.R. 3402, of which I am an original cosponsor, builds upon the President's proposals.

During his visit to Poland, the President indicated that the environmental initiative for Poland would be concentrated in the area around Krakow, the medieval city which was the only major Polish city not destroyed during World War II. Instead, Krakow is now being destroyed by air pollution. EPA will set up an air quality monitoring network, while the Department of Energy will furnish clean coal technology and help increase energy efficiency. A major regional center on the environment will be set up in Budapest, Hungary.

Given our committee's interest in promoting foreign commerce—and the emphasis placed by Polish leaders on more U.S. investment—it is imperative that Congress follows through on steps to encourage such investment. Poland liberalized its foreign investment laws in 1986. However, the response was low—only six joint ventures were formed, only two of which were with U.S. firms. The law was then improved and as such went into effect this year, so the Polish Government is doing its part.

One obvious barrier to more overseas investment is concern about the political situation in a given country. Thus, it is all the more important that we make Poland and Hungary eligible for assistance from the Overseas Private Investment Corporation [OPIC]. The bill also will help Poland by making that country eligible for the generalized system of preferences under our trade laws. Hungary is already eligible.

In sum—as pointed out in an article in Forbes magazine on September 18, 1989—not by politics alone will democracy and free enterprise be brought to Poland—rather, it must be done one small deal at a time. The same can be said for Hungary.

Flora Lewis, writing in the New York Times of September 10, 1989, under the headline, "Yugoslavia's Lesson", concluded:

The solution isn't in sight—referring to unrest in Yugoslavia. But the message from Yugoslavia to other Communist societies is that reforms must not be stopped midway. It only leads to deterioration and complications in finding a way out of a failed system.

Mr. Speaker, I join with my colleagues who visited Poland, led by Chairman DINGELL, in seeing to it that the United States helps keep Poland and Hungary from stopping midway. Lech Walesa and others in Solidarity are committed to reform—as are the leaders in Hungary. Poland and Hungary deserve more than our moral support. They need the tangible assistance which will flow from H.R. 3402. I urge its passage today.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for this legislation, H.R. 3402, designed to stimulate the trends toward democratic change in Poland and Hungary. I would like to commend all of our colleagues on both sides of the aisle, and in both Houses for their outstanding work on this important measure.

Poland needs our help if the Solidarity government is to succeed. The Polish experiment is vitally important because it represents the documented failure of a Communist regime to sustain itself.

Hungary is also in need of economic stimulus provided in this measure.

We are poised at a turning point in history. It is up to our Nation as the greatest democracy on the face of the Earth, to take the lead. Rest assured that other Western nations will follow. The European Community's group of 24 has already announced plans to form working groups to develop a common assistance strategy for Poland.

It is essential for us to help Poland's agricultural economy as it shifts from a centrally planned to a market economy. Poland has a history of severe food shortages caused, in part, by the inefficient central procurement system. The legislation we will soon consider will do much to ameliorate Poland's agricultural economy.

This measure provides economical, agricultural and technical skills training assistance at a time when it is sorely needed by these emerging democracies.

Accordingly, I urge my colleagues to support this measure.

Mr. LANTOS. Mr. Speaker, I commend my colleague from Florida, the distinguished chairman of the Foreign Affairs Committee, for his handling of this important legislation, H.R. 3402, to provide assistance to Poland and Hungary. This issue is one of the most important that will be before us during this session of the Congress.

Mr. Speaker, one of the primary purposes of this legislation is to encourage Western investment in Poland and Hungary as a means of accelerating their passage toward democratic political processes and market-based economic systems.

As countries such as Poland and Hungary, as well as other Eastern European nations, make this economic transition to greater privatization, they may well begin to sell interests in state-owned or controlled enterprises to Western companies and to private entities in their own country. Those Western companies can bring free market expertise and resources to East European industries and can help orient these nations toward market economies and toward closer economic relationships with the West.

The recently announced joint venture between General Electric and Tungsram, a Hungarian lighting company, is a perfect example of the type of Western investment which should be encouraged through insurance provided by the Overseas Private Investment Corporation.

I strongly believe that in cases where businesses in Poland or Hungary, whether state-owned or privately owned are sold in whole or in part to American corporations, those U.S. investments should be eligible for coverage by such agencies as OPIC.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. WEISS. Mr. Speaker, recent developments in Poland and Hungary are redrawing the political landscape of Europe. These momentous changes have provided the first real signs of hope that authoritarian governments in Eastern Europe can be peacefully transformed into more open and pluralistic democracies.

In Poland, for example, a new government led by the anti-Communist Solidarity party has replaced a stifling martial-law regime. Solidarity won overwhelming victories in all but one of the contested seats in the Polish Parliament, and Communist Party candidates—even in districts where they were running unopposed—lost by wide margins.

In Hungary, the Communist Party itself has advocated multiparty democracy and a market economy, and has even changed its name to distance itself from the authoritarian policies of the past. The Hungarian parliament has expanded the right to form new political parties, reduced media censorship, and scheduled parliamentary elections for early next year.

Both of these countries, however, face serious economic and political obstacles in their transition to democracy. In Poland, living standards are falling, essential foodstuffs are extremely scarce, and farmers cannot afford the supplies and equipment necessary to expand production. In Hungary, wages have fallen to the desperate levels of the early 1970's, and about one-quarter of the population lives in poverty.

Providing United States support during this crucial period of transition is absolutely essential for these two countries, and H.R. 3402 is an important first step in that direction. This legislation authorizes aid for Poland and Hungary in several forms: direct economic support; agricultural and food aid; trade and investment benefits; environmental and medical assistance; and finally, educational and cultural programs.

Mr. Speaker, since the beginning of the cold war, the United States has spent billions of dollars to fight communism with weapons and soldiers. Now we have an opportunity to support a peaceful transition to democracy with economic incentives rather than with weapons. This legislation will support the forces in Poland and Hungary that are leading the reform effort and transforming East European economic and political policies in the direction of greater openness and democracy.

I urge my colleagues to take advantage of this unique opportunity to bring about real, peaceful change in Eastern Europe by supporting H.R. 3402.

Mr. UDALL. Mr. Speaker, I rise today in strong support of H.R. 3402, the Polish and Hungarian Democracy Initiative of 1989.

The events in Eastern Europe in the past months give us pause. Every day the newspapers are filled with stories of men and women in Poland, Hungary, East Germany, and Czechoslovakia taking to the streets demanding the rights which we have enjoyed for over 200 years: freedom of speech, freedom to assemble, and freedom of the press.

These developments are all the more moving given the backdrop of the brutal repression of Chinese students by the Chinese Government last spring. That the Governments of Poland, Hungary, and East Germany have chosen talks over tanks is indicative of the fact that only in a country in which the government represents—not represses—the wishes of its people can it survive and prosper.

Most countries in the Eastern bloc have not prospered. In no small part, the protests which led to non-Communist rule in Poland were driven by economics. Simple economics. There is little food in Polish stores. Polish farmers lack fertilizer and other agricultural essentials. The food they do raise is often shipped overseas to service foreign debt.

The bill before us recognizes and addresses this cycle. Chairman FASCELL has done an excellent job in fashioning legislation which addresses the immediate concerns of the Polish and Hungarian people, and establishes a flexible program which allows the Polish and Hungarian people themselves to determine what aid they need and how it will be used.

From the language of the bill and the committee report, it is clear that the driving force of the bill is to give the Poles and Hungarians the biggest economic bang for the buck. Given their needs and our budget woes this is the only position we can responsibly take.

There is one provision, however, that concerns me. It is my understanding that the amended version of the House-passed bill contains a section which permits the funds of the Polish-American Enterprise Fund to be used to establish a modern telephone and telecommunications system in Poland. This language is quite similar to that in the original Senate bill. That both bills contain these parallel provisions is indicative of an elementary fact: no modern economy can be run without modern telephones.

I hope my colleagues will not forget what it was like to try to conduct business two summers ago, when the phones on the Hill went hay-wire. The phones would work for one conversation and then cut you off in mid-sentence during the next. In short, it was simply impossible to function without a working phone.

This lesson should not be lost. My concern is that the current language may not allow the Poles to contract with private corporations for many of the latest technological advances such as cellular telephones. In many developing countries, these technologies have allowed the countries to establish working, cost-efficient telephone systems in less time than that required for traditional methods. Given the requirements of the Poles and our limited resources, these technologies appear to be an attractive alternative.

As the board of directors of the Polish-American Enterprise Fund considers the issue of telecommunications assistance, I hope that the Directors will look to the broad language of the bill so that the Poles can quickly establish an efficient telephone system.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GEJDENSON). Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the chairman put the question on concurring in the Senate amendments with an amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is: Will the House concur in the Senate amendments with an amendment and concur in the Senate amendment to the title?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 47, not voting 14, as follows:

[Roll No. 359]

YEAS—372

Ackerman	Bruce	Dixon
Akaka	Buechner	Donnelly
Alexander	Bustamante	Dorgan (ND)
Anderson	Byron	Dornan (CA)
Andrews	Campbell (CA)	Douglas
Annunzio	Campbell (CO)	Downey
Anthony	Cardin	Dreier
Applegate	Carper	Durbin
Aspin	Carr	Dwyer
Atkins	Clarke	Dymally
AuCoin	Clay	Dyson
Baker	Clement	Early
Ballenger	Clinger	Eckart
Barnard	Coble	Edwards (CA)
Bartlett	Coleman (MO)	Edwards (OK)
Barton	Coleman (TX)	Emerson
Bateman	Collins	Engel
Bates	Condit	Erdreich
Beilenson	Conte	Evans
Bennett	Conyers	Fascell
Bentley	Cooper	Fawell
Bereuter	Costello	Fazio
Bevill	Coughlin	Feighan
Bilbray	Courter	Fish
Bliley	Cox	Flake
Boehlert	Coyne	Foglietta
Boggs	Crockett	Ford (MI)
Bonior	Darden	Ford (TN)
Borski	Davis	Frank
Bosco	de la Garza	Frost
Boucher	DeFazio	Gallegly
Boxer	Dellums	Gallo
Brennan	Derrick	Gaydos
Broomfield	DeWine	Gejdenson
Browder	Dicks	Gekas
Brown (CA)	Dingell	Gephardt
Geren	Martin (IL)	Roybal
Gibbons	Martin (NY)	Russo
Gillmor	Martinez	Sabo
Gilman	Matsui	Saiki
Gingrich	Mavroules	Sangmeister
Glickman	Mazzoli	Sarpalius
Gonzalez	McCloskey	Savage
Goodling	McCollum	Sawyer
Gordon	McCrery	Saxton
Goss	McCurdy	Scheuer
Gradison	McDade	Schiff
Grandy	McDermott	Schneider
Grant	McEwen	Schroeder
Gray	McGrath	Schuette
Green	McHugh	Schulze
Guarini	McMillan (NC)	Sharp
Gunderson	McMillen (MD)	Shaw
Hall (OH)	McNulty	Shays
Hamilton	Meyers	Shumway
Hammerschmidt	Mfume	Shuster
Hansen	Michel	Sikorski
Harris	Mineta	Sisisky
Hastert	Moakley	Skaggs
Hatcher	Mollohan	Skeen
Hawkins	Montgomery	Slattery
Hayes (IL)	Moody	Slaughter (NY)
Hayes (LA)	Moorhead	Slaughter (VA)
Hefner	Morella	Smith (FL)
Henry	Morrison (CT)	Smith (IA)
Hertel	Morrison (WA)	Smith (NJ)
Hiler	Mrazek	Smith (TX)
Hoagland	Murphy	Smith (VT)
Hochbrueckner	Murtha	Smith, Robert (OR)
Horton	Nagle	Snowe
Houghton	Natcher	Solarz
Hoyer	Neal (MA)	Spence
Huckaby	Nelson	Spratt
Hughes	Nielson	Stallings
Hunter	Nowak	Stangeland
Hutto	Oakar	Stark
Hyde	Oberstar	Stearns
Inhofe	Obey	Stenholm
Ireland	Olin	Stokes
James	Ortiz	Studds
Jenkins	Owens (NY)	Sundquist
Johnson (CT)	Owens (UT)	Swift
Johnson (SD)	Oxley	Synar
Johnston	Packard	Tanner
Jones (GA)	Pallone	Tauzin
Jones (NC)	Panetta	Thomas (CA)
Jontz	Parris	Thomas (GA)
Kanjorski	Pashayan	Thomas (WY)
Kaptur	Patterson	Torres
Kasich	Paxon	Torricelli
Kastenmeier	Payne (NJ)	Towns
Kennedy	Payne (VA)	Traficant
Kennelly	Pease	Traxler
Kildee	Pelosi	Udall
Kleczka	Penny	Unsoeld
Kolbe	Perkins	Upton
Kolter	Petri	Valentine
Kostmayer	Pickett	Vander Jagt
Kyl	Pickle	Vento
LaFalce	Porter	Visclosky
Lagomarsino	Poshard	Volkmer
Lancaster	Price	Vucanovich
Lantos	Pursell	Walgren
Laughlin	Quillen	Walker
Leach (IA)	Rahall	Walsh
Leath (TX)	Rangel	Waxman
Lehman (CA)	Ravenel	Weber
Lehman (FL)	Regula	Weiss
Lent	Rhodes	Weldon
Levin (MI)	Richardson	Wheat
Levine (CA)	Ridge	Whittaker
Lewis (FL)	Rinaldo	Whitten
Lewis (GA)	Ritter	Williams
Lipinski	Roberts	Wilson
Livingston	Robinson	Wise
Lloyd	Roe	Wolf
Long	Rogers	Wolpe
Lowery (CA)	Rohrabacher	Wyden
Lowey (NY)	Ros-Lehtinen	Wylie
Luken, Thomas	Rose	Yates
Lukens, Donald	Rostenkowski	Yatron
Machtley	Roth	Young (FL)
Madigan	Roukema	
Manton	Rowland (CT)	
Markey	Rowland (GA)	

NAYS—47

Archer	Bunning	Combest
Armey	Burton	Craig
Bilirakis	Callahan	Crane
Brown (CO)	Chapman	Dannemeyer

DeLay	Jacobs	Smith, Robert (NH)
Dickinson	Lewis (CA)	Solomon
Duncan	Lightfoot	Staggers
English	Marlenee	Stump
Fields	McCandless	Tallon
Frenzel	Miller (OH)	Tauke
Hall (TX)	Myers	Taylor
Hancock	Neal (NC)	Watkins
Hefley	Ray	Young (AK)
Herger	Schaefer	
Holloway	Sensenbrenner	
Hopkins	Smith (NE)	
Hubbard	Smith, Denny (OR)	

NOT VOTING—14

Berman	Flippo	Molinari
Brooks	Florio	Parker
Bryant	Garcia	Schumer
Chandler	Miller (CA)	Skelton
Espy	Miller (WA)	

□ 1514

Mr. CALLAHAN and Mr. TAUKE changed their vote from "yea" to "nay."

Mr. OWENS of Utah changed his vote from "nay" to "yea."

So the House concurred in the Senate amendments with an amendment.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and include therein extraneous material on the amendments to H.R. 3402.

The SPEAKER pro tempore (Mr. GEJDENSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1640

PERSONAL EXPLANATION

Mr. MILLER of Washington. Mr. Speaker, on rollcall No. 359 I was unavoidably detained because of a meeting with Mr. Lech Walesa on how to encourage American investment in Poland. If I had been present, I would have voted "yes."

PROVIDING FOR CONSIDERATION OF H.R. 1549, NUCLEAR REGULATORY COMMISSION AUTHORIZAITON ACT FOR FISCAL YEARS 1990 AND 1991

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1549) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990 and 1991, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Commitee on Interior and Insular Affairs, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate, I yield 30 minutes to my dear friend, the gentleman from New York [Mr. SOLOMON] and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 198 is an open rule providing for the consideration of H.R. 1549, the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1990 and 1991.

The rule provides for 1 hour of general debate, with 30 minutes to be equally divided between the chairman and ranking minority member of the Committee on Interior and Insular Affairs. Another 30 minutes is to be equally divided between the chairman and ranking minority member of the Committee on Energy and Commerce.

Mr. Speaker, when this bill was originally before the Committee on Rules the bill required a waiver of clause 2(l)(6) of rule XI, which requires that printed copies of the prime report be available to members at least 3 days prior to consideration on the floor. Because the required 3 days have passed, the waiver is no longer necessary.

The rule also makes in order the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs, now printed in the bill as original text for purposes of amendment under the 5 minute rule, and each section of the substitute shall be considered as having been read.

Mr. Speaker, the rule further provides that all points of order against the substitute for failure to comply with the provisions of clause 7 of rule XVI, are waived. This waiver is necessary because the substitute expands the scope of the bill and contains provisions that are not germane to H.R. 1549 as introduced.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1549 authorizes $475 million for the salaries and expenses of the Nuclear Regulatory Commission for fiscal year 1990 and $480 million for fiscal 1991. While these funding levels reflect substantial increases over the amount authorized in fiscal year 1989, at least half of the increases would be used to strengthen the agency's nuclear safety programs.

Mr. Speaker, my colleagues should be aware that the necessary expenses for the Nuclear Regulatory Commission for fiscal year 1990 are contained in the energy and water appropriations bill that passed the House on June 28.

H.R. 1549 also directs the NRC to assess and collect user fees from its licenses in an amount necessary to recover 100 percent of the agency's annual budget.

This provision, which required the waiver of clause 7, rule XVI, is now being dealt with in the context of the budget reconciliation bill.

Mr. Speaker, this is a straightforward, open rule and I urge my colleagues to support it.

□ 1520

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that the gentleman from Massachusetts [Mr. MOAKLEY], the honorable chairman of this committee, has explained the rule, and it is a totally open rule.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. LENT], the distinguished ranking Republican of the Committee on Energy and Commerce.

Mr. LENT. Mr. Speaker, I rise in strong support of House resolution 198, the open rule to the NRC authorization bill.

It was 4 months ago that the Rules Committee approved this rule. Since then, many of us have been asking the leadership to bring both the rule and the bill to the floor. Today, we will vote on only the rule. But as the saying goes, half a loaf is better then none. This vote is a step in the right direction. I hope that we will soon consider the bill.

If and when the NRC authorization bill comes to the floor, several issues will be debated and voted upon. One of these is an issue that greatly affects my constituents: The dismantling of the Shoreham nuclear powerplant on Long Island, NY. I believe that the plan to dismantle Shoreham is a bad idea that will be regretted if it ever comes to pass. Long Island is in desperate need of new sources of clean, reliable energy. Our dependence on fossil fuels, particularly imported oil from the Mideast, is dangerously high. In addition, brownouts are becoming a way of life. To dismantle Shoreham would be disastrous for Long Island's economic and environmental well being.

Mr. Speaker, I support the open rule governing the NRC authorization bill and I urge my colleagues to join me in supporting it. I also ask that should the rule pass, the leadership bring the bill to the floor as quickly as possible.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the ranking minority members of the subcommittee on Energy and Power of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of House Resolution 198, the open rule granted by the Rules Committee governing floor consideration of H.R. 1549, the Nuclear Regulatory Commission reauthorization.

The NRC authorization will come to the floor without a number of amendments debated and adopted by the Energy and Commerce Committee. These amendments were first, Mr. DANNEMEYER's amendment to reform the nuclear powerplant licensing process; second, Mr. RITTER's amendment to block the agreement to sell the Shoreham nuclear plant for $1 and to dismantle it; third, Mr. MARKEY's amendment to restrict the production of tritium; and fourth, my amendment to Mr. MARKEY's amendment to permit tritium production in the case of direct Presidential authorization. As I am sure all of you can imagine, these amendments were the subject of spirited debate and close votes in the Energy and Commerce Committee. Because the Rules Committee has recommended an open rule for the NRC authorization, the full House should have an opportunity to consider these important issues when the bill comes to the floor. I only hope that the leadership will provide this opportunity soon.

In any event, I would like to take this opportunity to state briefly my support for the Ritter amendment. The effect of the Ritter amendment is to prevent Federal taxpayers from having to pick up the tab for the Shoreham nuclear powerplant by blocking its immediate abandonment pursuant to Lilco's agreement with New York State. While I would not support an amendment telling the people of New York they have to operate the plant, I do think it is only fair that New Yorkers, and not Federal taxpayers, pay the cost of a plant, adjudged safe, that they have decided not to operate. Those blocking operation of Shoreham should pay, not the rest of us.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RITTER], the author of the Ritter amendment.

Mr. RITTER. Mr. Speaker, I rise in strong support of the open rule governing H.R. 1549, the NRC authorization bill. This rule allows the House to consider an important amendment that I will offer to prevent the use of NRC funds for the transfer of Shoreham to any entity that intends to dismantle the plant.

The intent of the Ritter amendment is simple: To prevent the Governor of the State of New York, along with the community of Long Island, from dismantling the fully licensed, $5.5 billion nuclear powerplant at Shoreham, Long Island. I say, "along with the community of Long Island," because the New York State legislature has never voted on this plan; there has never been a statewide referendum. What's Governor Cuomo's only proof that the people want Shoreham dismantled? Polls. That's it.

Why should Congress concern itself with an issue some say is purely local? Because the dismantling of Shoreham has three implications which are national in nature and pertain directly to congressional responsibilities.

First, the plan between Governor Cuomo and the plant's owner, Lilco, to dismantle Shoreham involves Federal taxpayers, a $2.8 billion writeoff to be exact.

Supporters of the plan claim the tax issue is moot since whether the plant is operated or abandoned, Lilco will write off the plant.

This is inaccurate. Greater Federal tax revenue will be generated by a plant that operates rather than one that does not, some $500 million greater in fact.

Governor Cuomo, who crafted the deal with Lilco, has himself admitted that Federal taxpayers will pay for this deal. In a March 21, 1989, "Dear Long Islanders" letter, he wrote, not to fear, fellow citizens, "The Federal Government will share the losses with you."

Writeoffs in the normal course of business are certainly acceptable. But a writeoff for a brandnew, safe, $5.5 billion powerplant is unprecedented, it's unacceptable, and it's ridiculous.

The Washington Post called it a "nutty idea," and the New York Times characterized the parties to the agreement as "energy vandals." The Wall Street Journal also denounced the agreement. Mr. Speaker, do any of my colleagues remember a time when all of these papers were in such enthusiastic agreement?

But we are not here to talk about editorial observations concerning Governor Cuomo's shortsighted plan. We are here to talk about legitimate Federal reasons for congressional involvement in Governor Cuomo's plan.

Another national implication of the dismantling of Shoreham is the effect it will have on our environment. One of the major attractions of nuclear power is that it is clean. To replace the energy Shoreham would provide, New York will have to build fossil-fuel burning plants. Others may tell you that through conservation and present sources of energy, New York will be able to eke out enough electricity in the years to come. This is overly optimistic, and residents, and businesses of Long Island know it.

While conservation will help somewhat, New York will have to build more generating plants that burn fossil fuels. This contradicts Congress' efforts on clean air and we cannot allow this to happen. It will also contribute to global warming since new fossil-fuel-burning plants will belch millions, that's right, millions of tons of CO_2 emissions into the atmosphere each year. It will also exacerbate acid rain since thousands of tons of SO_2 and NO_x emissions will pollute the air each year.

The final reason dismantling Shoreham has implications for all Americans involves imported oil. The painful lessons of the 1970's appear to have been forgotten by Governor Cuomo.

Long Island already imports a dangerously high amount of oil because 75 percent of Lilco's capacity is able to burn oil only.

The United States, as a whole, now imports over half of the oil it consumes. The last time oil imports were this high was in 1977—the year of the last oil crisis.

By operating Shoreham, New York could displace about 8 million barrels of imported oil per year.

This would also reduce the likelihood of oil spills that destroy the beauty of our coastlines. Stringent oil spill prevention legislation just recently passed the House. Where, my colleagues, is the environmental impact statement for the dismantling of Shoreham? Clearly, the plan to dismantle Shoreham puts more oil into tankers that ply our coastlines, posing greater danger to that environment.

In less than 2 weeks an operable Shoreham would displace the amount of oil spilled by the *Exxon Valdez*.

Mr. Speaker, it is for these three reasons, fiscal, environmental, and energy, that Congress can and should

address the issue of dismantling Shoreham.

Mr. Speaker, some may claim that my amendment constitutes a legislative taking and that Congress should be prepared to pay for the plant. This turns the issue upside down.

If anything, my amendment resembles a legislative "keeping." For the sake of national fiscal, environmental, and energy policy, it keeps Lilco from transferring the plant to anyone who wants to dismantle it. My amendment would allow the sale or transfer of Shoreham to anyone who would operate the plant. That's it. Nothing more, nothing less.

Last Thursday, Governor Cuomo told a subcommittee of Congress that it is "outrageous" for the Federal Government to intervene in his plan. I say the Governor has the right word but the wrong target.

Think of it, my colleagues: Shoreham is a brandnew, fully licensed $5.5 billion facility built with American ideas, ingenuity and sweat that will generate 800 megawatts of clean, reliable electrical energy to a region that desperately needs it. The area is eminently evacuable and indeed far less populated than a host of other areas surrounding nuclear plants. What does Governor Cuomo want to do? He wants to destroy it, tear it apart, throw it away. It's near madness. Think of the sheer wastefulness at a time when we should be frugal about our resources and concerned about our national competitiveness. The Cuomo plan gives new meaning to the word "Outrageous."

In sum, good national policy and common sense deem that Congress should carry out its responsibilities and not allow Governor Cuomo to proceed with the dismantling of Shoreham. If we do, the already fragile future of nuclear power could be made even more so. Nuclear power would be one less option the United States can employ to manage the environmental and energy constraints of the 21st century.

Let me ask you: Which investor in his right mind would risk one thin dime on an energy facility that could be closed summarily by the right combination of Governor and antinuclear movement solely on the basis of nonparticipation in evacuation planning.

I am glad the House is finally considering this rule in light of the fact that it passed the Rules Committee on July 13 of this past summer. I would ask that the House consider the bill in the near future, for if we do not, Governor Cuomo will prevail over reason and we shall all be the less for it.

□ 1530

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. RITTER] for his profound interest in the environmental and economic health of the people of Long Island. They would just as soon as he paid more attention to the matters in Pennsylvania than in Long Island.

Mr. Speaker, I rise in support of the rule, but not in support of the amendment of the gentleman from Pennsylvania [Mr. RITTER]. The gentleman from Pennsylvania [Mr. RITTER] is saying something profound and unique. He is saying here that the Nuclear Regulatory Commission should not be given any money to transfer or allow the transference of a license from LILCO to the State of New York. Now this might make some sense if LILCO were here and the nuclear industry were here saying this is a terrible precedent. If we allow this to happen, no more nuclear powerplants will ever be built. This will be the death knell for the nuclear industry.

My colleagues, the death knell of the nuclear industry has been rung many times in the last several years. This is a painful recognition that nuclear power on Long Island is not only environmentally unsafe, it is completely economically unsound. The governor recognizes that.

Mr. Speaker, this may come as a startling revelation to some who have not tracked this. The utility, the utility, the people who built this plant, do not want it to operate. Let me repeat. The utility has agreed with Governor Cuomo, a governor who, by the way, presides over the operation of six other nuclear powerplants, one in which he helped to see operate, the Indian Point powerplant. He is not antinuclear. The people of Long Island are not antinuclear. What they are concerned about, and I believe they have ample justification for their concern, is the way this plant was built, the potential economic catastrophe that could befall this island if this plant does not operate completely perfectly, which I might add parenthetically has not been the history of the Indian Point plant or other recently provided nuclear powerplants. They see Long Island's economic and environmental future saved by the transference of this plant to the State and its nonoperation or retrofitting for some other purpose.

Mr. Speaker, what the gentleman from Pennsylvania [Mr. RITTER] says is:

> I have a better way. I'm going to tell this private entity, this utility, "You may not transfer the license." I'm going to tell the people of the State of New York that it is far better that the plant operate even though there cannot be a safe evacuation plan.

Mr. Speaker, this is silliness of the first order. So, when my colleagues support the rule today, they recognize that when they get a chance to vote on this matter that not only the people of Long Island and the people of New York State strenuously disagree with the approach the gentleman from Pennsylvania [Mr. RITTER] has taken, but so does everyone who has examined this issue in terms of its environmental or economic health.

Mr. Speaker, I urge a rejection when the time comes of the amendment of the gentleman from Pennsylvania [Mr. RITTER].

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I rise today in support of the efforts of the gentleman from Pennsylvania [Mr. RITTER].

Eastern Long Island may seem a world away from southern California, northern Texas or even my district, in western New York, but the closing of the Shoreham Power Plant will directly impact on all of our communities and constituents across America.

At a time when we are more dependent than ever on foreign energy sources, we cannot allow politics—and nothing else—to close a safe and operable power plant.

The threatened closing of Shoreham is yet another nail in the coffin of America's energy independence.

Mr. Speaker, the forces of emotion and politics in New York State have overridden logic and rationality on the Shoreham issue, and I believe I speak with some degree of understanding having served 6 years in the New York Legislature at a time this issue was being considered and serving as a member of the energy committee in that body. I believe we must keep our options open. We can only do that by allowing Shoreham to remain available for operation. Mr. RITTER's amendment allows us to do that.

His amendment does not require that Shoreham open. It merely prohibits the dismantling of Shoreham.

At some point in the future, when all the dust has settled and all the hot political rhetoric had ended, New York may yet realize that it needs the energy generated by Shoreham.

We should not allow emotions and politics to demolish a $5.5 billion facility which in 10 years could cost 10 times as much. Not to mention the fact that our Nation needs this energy source today as my colleague, the gentleman from New York [Mr. LENT] has so clearly noted.

Mr. Speaker, make no mistake about it, if Mr. RITTER is not allowed to offer his amendment, our constituents across America will be asked to contribute to the decommissioning of Shoreham. A plant that is safe ready to operate and ready to help all America become more energy independent.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise in support of the rule, of course, as I hope we all do. We need to get this bill along with. But I take the time only to discuss just a few minutes the dilemma we face with the amendment of the gentleman from Pennsylvania [Mr. RITTER].

Mr. Speaker, we will be debating in the amendment of the gentleman from Pennsylvania [Mr. RITTER] what to do with the nuclear plant that was licensed to be built, but cannot be licensed to operate. In the context of that debate I hope people focus on the system we have set up for the construction and licensing of nuclear plants in America.

What we have done is set up a system that leads precisely to the result we see in New York, a system that allows the licensing of $2 billion utility installations to be constructed and then mothballed at somebody's expense. We will be debating at whose expense. Should it be the people of New York, the utility ratepayers, or should it be the taxpayers of America? That will be the debate in the amendment of the gentleman from Pennsylvania [Mr. RITTER].

However, Mr. Speaker, what I want to call my colleagues' attention to is the fact we could do better for this in America. We could do better in a system that allows a $2 billion investment to sit idly by. The plant should not have been licensed to be built if it were not going to be licensed to operate. That is a simple fact.

Mr. Speaker, I hope, as we review the Nuclear Regulatory Commission and its authorization, we take that stark fact into account from now on. We ought never license plants to be built if we do not intend them to operate. We ought to have a simple standardization by which we license and build plants. We ought to have modularization of these plants, and I believe the industry is working on that, and we ought to have policies that accommodate that result. We ought to have a one-step license process and review it to make sure that the contractors and the builders have carried out their plans, and then we ought to operate the plants we build, but we ought never ever again build a $2 billion plant that we end up mothballing.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I am supporting the rule because it is open. It allows for the consideration of the amendment that is being debated as proposed by the gentleman from Pennsylvania [Mr. RITTER].

I want to assure my good friends from New York that I am not inclined to impose my judgment on the good folks in Long Island. But my objection on behalf of the taxpayers I represent is that we all share in the $2.8 billion tax writeoff that is a key to that New York decision.

□ 1540

The amendment of the gentleman from Pennsylvania [Mr. RITTER] says that the Nuclear Regulatory Commission may not use any money under the act toward the termination of Shoreham's operating license or the transfer of the license. The American taxpayer is being asked to subsidize the plant's decommissioning through a tax writeoff of approximately $2.8 billion. The rest of the country should not have to pay for New York's questionable decision, no matter how you look at it.

Let me quote from several newspapers comments. The Wall Street Journal says:

The tax write-off deprives the Treasury of $2.8 billion, thereby adding pressure in Washington to raise federal taxes. Should the farmer in Oklahoma or the single mother in Harlem have to pay?

The New York Times says:

New York is about to commit a blunder so monumental that, like the pyramids, it may prompt future generations to marvel at the ruinous excesses of human folly.

The rest of America may fret about oil spills, the greenhouse effect, acid rain and dependence on oil imports. Not New York. It has found a unique way to worsen all four.

The Washington Post:

Governor Cuomo is prepared to spend billions of citizens' dollars to tear down Shoreham, but he hasn't come up with a conservation program capable of balancing its loss.

At National Energy Strategy hearings held by the Secretary of Energy, they very simply said that if they insist on not using that brand new facility, let them pay for it on their own.

Mr. Speaker, I urge support of the Ritter amendment.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Washington. I yield to my friend, the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, I would just like to point out two things. One, if I am not mistaken, in the gentleman's home State there have been power plants that have been written off, is that not correct?

The SPEAKER pro tempore (Mr. TALLON). The time of the gentleman from Washington has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 1 additional minute to the gentleman from Washington.

Mr. DOWNEY. Mr. Speaker, if the gentleman will continue to yield, let me pose the question to the gentleman again. In the State of Washington, have there not been power plants that have been written off, that have not gone ahead with their completion?

Mr. MORRISON of Washington. There was default on plants where construction was halted.

Mr. DOWNEY. And did the entity take a writeoff for the plants that were not completed?

Mr. MORRISON of Washington. Generally the loss was at the hands of people who have invested in the bonds.

Mr. DOWNEY. Then the gentleman is responding to me by saying that there was no write-off of the noncompleted plant?

Mr. MORRISON of Washington. I cannot answer the gentleman's question.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Just to respond to the gentleman's concern, Mr. Speaker, the unprecedented nature of what Governor Cuomo was doing was that this is a completed plant. This is not a halfway done or two-thirds way done plant. This plant is finished. This plant is licensed. This plant is deemed to be safe. This plant is ready to roll and it is going to be abandoned and written off as such. Think about the intelligence of that.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, let me make a number of points here.

I am advised by the staff that in fact in the State of Washington the noncompleted plants were written off. Let us put that aside for the moment.

The fact is that the Shoreham nuclear powerplant, and I see my colleague, the gentleman from New York [Mr. MCGRATH], who I believe will confirm this, even if it went into operation there would be a subsidy paid by the taxpayer in the form of depreciation, that the plant would legitimately be able to write off. No greater, I might add, when the Governor testified to this, than the write off they are currently getting. So it is completely inaccurate and incorrect to suggest that this write off is any greater or smaller than the write off that LILCO would be entitled to with the depreciation and the amortization that they would currently be entitled to if the plant went to operation.

So it is fallacious to make this argument that somehow the hard-working mothers in Harlem or the hard-working farmers in the State of Washington are contributing anything more or less to the operation or the shutting down of the nuclear powerplant at the LILCO Shoreham.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GRATH].

Mr. McGRATH. Mr. Speaker, I thank the gentleman for yielding this time to me.

May I point out two or three things in this debate. No. 1, on a generic basis, there seems to be a conflict between the role of the Federal Government in the promotion of nuclear power. On the one hand in the Price-Anderson bill of many decades ago, the Federal Government openly promoted nuclear power. Since the Three Mile Island accident and the Commission that was attendant to that, it said very basically in one of its recommendations that there ought to be local input on evacuation plans. There seems to be a conflict here that has never been resolved in the Shoreham case.

No. 2, the whole premise of the Ritter amendment is to open Shoreham, that it will open Shoreham. This is not the case. Whether the Ritter amendment passes or not will not open Shoreham. Shoreham is closed by a contract, an ironclad contract between the State and the local utility, that has been voted on by its shareholders.

So what is the result of the Ritter amendment if it is not allowed to pass on the license to the State of New York agency? It only means that people who I represent, my rate payers, will have to pay somewhere in the neighborhood of $100 million a year more for something for which they have no control.

No. 3, the point that was brought up by my colleague, the gentleman from New York [Mr. DOWNEY], between the deduction under section 165, the IRS Code versus the depreciation that would be allowed for the plant had it opened, it is a wash. It is an absolute wash. Six nuclear plants in this country have already taken effect, had the effect and used the deduction for abandonment.

May I also point out that this deduction is not just for abandoned nuclear plants. It is for any business, any plant, whether it be an industrial plant or a manufacturing plant that should be abandoned because of fiscal or other problems, particularly safety problems.

Mr. Speaker, let me say this. I am going to vote for this rule. It is an open rule, and I hope the bill does come to the floor one of these days so it can be adequately debated, but let me say this. If you should do this, and one of the amendments I am sure is going to be offered and it will be nongermane to do away with the deduction for the abandonment of the plant, that is under the rules of the Ways and Means Committee. I am sure we are not going to give up our jurisdiction on that particular issue; but let me say this.

If you should do this to us, those of us who represent districts on Long Island, expect that similar kinds of actions will be attendant to other areas, other districts.

Mr. SOLOMON. Mr. Speaker, before yielding further to the next speaker, I would just tell the gentleman from New York, from Long Island, that I would like to compare his States rights issues with mine. Perhaps those of us in upstate New York who have serious problems are going to look for the same kind of support from our colleagues downstate. But talking about retribution, that is not a very nice thing to say on the floor of the House.

Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I would just like to touch on this issue of the tax revenues.

Mr. Speaker, a plant that operates generates revenues. A plant that operates pays taxes. A plant that does not operate can pay no taxes, can generate no revenues. Therein lies the difference between Federal collection of taxes from a plant that is on a scrap heap or a plant that is producing, and it is about 500 million dollars' worth of taxes, too.

Mr. FAWELL. Mr. Speaker, I rise with some trepidation, coming from Illinois, in support of this rule, certainly, and in support of the amendment of my friend, the gentleman from Pennsylvania.

The Congressman from Pennsylvania, I think, should be commended for his efforts to prevent the loss of the Shoreham plant and thereby, in my view, promote sound national energy and environmental policy.

The gentleman from Pennsylvania [Mr. RITTER] I believe knows well that without nuclear energy the environmental problems we now face will only get worse.

I find it ironic that we are conducting this debate relative to the stopping of the dismantling of Shoreham at a time when we are attempting to pass the Clean Air Act. To my way of thinking, this could be a very fine addition to the Clean Air Act.

Much has been written about the burning of fossil fuels and their contribution to global warming, and while there is still considerable scientific debate over the existence of a long-term warming trend in the Earth's climate, there is no debate about the increasing accumulation of greenhouse gases in the atmosphere.

Mr. Speaker, facts are stubborn things and perhaps we should consider at least some facts about nuclear energy.

□ 1550

In 1987, nuclear plants in the United States reduced total U.S. CO_2 emissions by almost 9 percent, and nuclear plants worldwide reduced total CO_2 emissions by 7 percent. Without nuclear power in 1987, U.S. utility emissions would have been 18 percent higher, and thanks to 412 nuclear powerplants operating in 26 countries, nuclear power has already reduced worldwide CO_2 emissions by 5 percent between 1973 and 1987, a small but an important start.

Built under stable regulatory conditions, a new nuclear plant ordered today could be on line in 7 to 8 years and generate CO_2-emission-free electricity competitive with oil at less than $14 per barrel.

Mr. Speaker, we cannot remove what we have already placed in the atmosphere, but we can reduce the amount that we add. We can reduce our use of CFC's, we can cut the auto emissions, we can continue to use and converse energy effectively, and most importantly, Mr. Speaker, we can reduce our overall level of gaseous emissions by tapping the enormous potential of nuclear energy.

I, therefore, support the Ritter amendment which will allow Shoreham to begin to operate and provide the reasonably priced and carbon-dioxide-free energy at Long Island that I think the rest of our country needs so badly.

Spaceship Earth, Mr. Speaker, is in trouble, and this is no time to dismantle a $5.5 billion Shoreham plant.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the adoption of this rule. However, I understand that our colleague from Pennsylvania intends to offer an amendment to H.R. 1549, the NRC Authorization Act, concerning the Shoreham nuclear powerplant. I believe that further consideration of the NRC Authorization Act itself is premature at this time, and would like to briefly address the issues raised by the proposed amendment.

The Shoreham plant, and the settleman agreement between the utility company and the State of New York, were the subject of a recent hearing by the Interior Committee. Many questions were raised during the course of the hearings, and it is my understanding that the record remains open for clarification of several important unresolved issues—including the question of whether the amendment, if enacted, would constitute a legislative taking.

The hearing was an effort to ensure appropriate and thorough review of the gentleman's amendment. He himself is requesting additional information on the legislative taking issue in the form of a legal opinion from the administration. In light of this, I believe that it would be premature and

probably counterproductive to proceed to consideration of the bill itself at this time.

In addition to the hearing record, the amendment poses several problems on the merits. I will not belabor the point, but I would like to emphasize that, however, arguable well-intentioned, this amendment will not result in the commercial operation of the Shoreham plant. The utility company and the State testified at the Interior Committee hearing that the terms of the settlement agreement, which has been formally approved by both the State and the utility's shareholders, explicitly bar the company from operating the facility.

The utility has also made an economic decision that it is not feasible for them to run this plant, a decision based on rate-making determinations by the New York State Public Service Commission. I do not believe that any of us here intend to—or are in fact capable of—interference with those State regulatory processes.

I do not think that any of us believe that this agreement represents the best of all possible solutions to the complex and longstanding dispute over the fate of the Shoreham plant. No doubt many of us assume that, had the decision been ours to make, we would have decided differently. However, this stage of the dispute is over. I think we should allow the State and the utility to continue this process at the NRC, which has the technical and scientific expertise to decide these matters.

Again, Mr. Speaker, I support adoption of this rule. But I firmly believe that further consideration of the bill is not warranted at this time.

Mr. SOLOMON. Mr. Speaker, before yielding time to the gentleman from Texas [Mr. HALL], I would just say to the gentleman from New Mexico that the taking was not from the Ritter amendment. The taking was done by the New York State Public Service Commission, and our esteemed Governor Cuomo, who wants to take money out of the taxpayers' pocket from around the Nation to pay for this fiasco.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I rise in strong support of the adoption of the rule on the NRC authorization bill for fiscal year 1990, and in behalf of nuclear energy in general and in support of the Ritter amendment.

Mr. Speaker, I am not too shaken by my friend from New York and his threat. In the oil patch, we are pretty similar to a dying patient visited by the hospital chaplain who asked him if he loved God with all his heart, soul, and ability. He said, "I do." "And will you totally denounce the devil with equal vigor?" To that, he answered, "In the shape I'm in, I can't afford to make any enemies." That is kind of the way we are in the oil patch.

While I think it is important for the authorizing committees to act on agency authorization measures within their jurisdiction, the question of the Shoreham settlement is an equally important issue that has been attached to the version of the bill reported by the Energy and Commerce Committee, of which I am a member.

While I think it is true that there is no question that the Long Island Lighting Co. would not even think of building the Shoreham plant today, and while I have natural gas producers in my district and in Texas that would dearly love to sell gas to any combined cycle natural gas power plant that would be constructed if Shoreham is not operated, I think it is important to point out the fact that when LILCo began construction of this plant, there was widespread support for the plant from Suffolk County and the State of New York. Only much later did the State and local authorities change their minds.

The company determined that nuclear power was the best and least expensive way to meet the incremental power needs of its customers, based on the best information it had at that time. In reliance on the support of governmental authorities in the area, the company made a multi-million dollar investment in order to fulfill its public utility obligation to serve. In the meantime, after the company had substantially made its investment in the plant, but before the plant had gone into service, the county and the State decide they do not want it.

During the construction phase, you did not hear Suffolk County complain about the substantial number of jobs that were created by the construction work force and the resultant boost to the local economy. You did not hear the citizens of Suffolk County complain about the projected low cost of nuclear power, did you?

Well, things did not turn out quite the way they were planned. The plant was delayed and cost overruns were substantial. But the the plant was finished and is available to meet the demonstrable power needs of the area. Long Island is already seriously deficient on generating capacity; it suffered a serious brownout last summer. Furthermore, since electric transmission to Long Island during peak demand periods in the summer is fully loaded, there is no realistic possibility of avoiding brownouts and blackouts other than through stingent load management techniques.

There is every indication that the plant is safe; there is every indication that emergency plan will work as proposed and that the road and bridge network in the area is capable of moving people in the area from where they are to where they need to be in the event of an accident at the plant.

As a former State and local offical, I understand the tremendous pressure these governmental officials in New York state are under. However, I think they need to recognize that there are some decisions made by their predecessors that realistically they have to live with. If Shoreham had been demonstrated to be unsafe or the emergency plan unworkable, it would be different.

It seems to me that the operation of the Shoreham plant meets the test of "providing the greatest good to the greatest number". This extraordinary case requires an extraordinary remedy. The Ritter amendment not only sends a message to New York States about the consequences of dismantling the Shoreham plant, but it also sends a strong message to all other intervenors who want to stop nuclear power in its tracks on a whim to think twice about doing so.

Mr. Speaker, if we remove signs saying "No Nukes," we might just substitute signs that would say "No Wars."

Mr. Speaker, I urge my colleagues to vote for the Ritter amendment when it is offered to the bill.

Mr. MOAKLEY. Mr. Speaker, once again I yield 30 seconds to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Speaker, I would just like to engage the gentleman from Texas [Mr. HALL] in a colloquy, because he mentioned something about the history of the Shoreham nuclear powerplant, that he was aware of what the people of Suffolk County were thinking during the construction. I think the gentleman mentioned that they did not complain about the jobs, they did not complain about it was not safe, and I would just like to know from the gentleman how does he know that.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. DOWNEY. I am happy to yield to the gentleman from Texas.

Mr. HALL of Texas. Mr. Speaker, basically from the debate we have heard before and from reading the newspapers and talking to people.

Mr. DOWNEY. The gentleman, while he was in Texas, was he reading Newsday about the substantial controversy?

Mr. HALL of Texas. I was reading about it a long time before I came to Congress.

□ 1600

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from South Carolina, Mr. BUTLER DERRICK.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for yielding the 3 minutes.

My district probably has more nuclear in it than any other district in the Nation. I have probably a combination of about seven reactors and at least one nuclear burial ground. In addition to that, I represent a State that is the mother of State's rights.

I stand before my colleagues in support of this rule, but not in support of the Ritter amendment. It is my understanding that if the rule is approved, that it will be held up for some time. Let me give my colleagues several reasons for this.

No. 1, the Interior and Insular Affairs Committee hearing record is still open.

But as far as substantively, we have a utility that owns this Shoreham plant, we have the State of New York, we have the Public Utility Commission of the State of New York all agreeing, and the people who own the Shoreham plant, that they do not support the Ritter amendment. So I find it rather interesting that we have an amendment that is going to get in to try to upset, and I mean this is unprecedented that we would have a congressional interference in an agreement that has been worked out between a State and its utilities, and of course the owner of the Shoreham project.

Perhaps as important or more important, the Ritter amendment is not going to make the Shoreham plant operable. As a matter of fact, it is not even going to allow it to be mothballed. It is just going to sit there and continue to cost everyone a lot of money.

I do not disagree with the gentleman from Pennsylvania [Mr. RITTER] about nuclear power necessarily, but I just think he ought to leave this agreement alone that has been agreed to by one of the sovereign States of this Nation with the people who own the utility.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I rise in support of this rule. It is an open rule, and our subcommittee, which considered this legislation, recommended that the Rules Committee allow all amendments that are germane.

We have heard a great deal already about the one particular powerplant that will be under consideration when this is taken up on the House floor, the Shoreham plant. But I want to direct Members' attention to another issue that they may confront, and that is going to change the entire regulatory process by which a nuclear powerplant, should someone apply for an application, would be approved.

Mr. Speaker, it is important to recognize that there has been a major restructuring of the licensing process by the Nuclear Regulatory Commission itself. The Commission and several Presidents of the United States have for some time advocated major changes in the way in which we license powerplants.

We now have a system in place that is considerably different from all of the powerplants that were licensed under that which exists in this country today. The new system will allow for the standardization of design in powerplants in this country. The new system will allow for the resolution of safety issues, including the emergency planning requirement, before a construction permit is granted, one of the changes that might have saved us from the problems that we are going to be discussing on the Shoreham plant, and it will severely restrict the ability of reopening the question of licensing one of these plants after it is under construction, unless there are brand new safety issues that need to be resolved. This is a very significant change in the way in which business will be done.

But some of our colleagues, and some of those who were advocates of nuclear power, do not think this is enough, and they are going to be pressing on us further changes that are not recommended by the Nuclear Regulatory Commission. While we do not yet have those proposals before us, I urge my colleagues to consider them carefully, because I do not think we are going to want to go that far.

Mr. SOLOMON. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, not many Members from this side of the aisle have said they rise in support of the rule. I am rising to support the rule. It is an open rule, and I appreciate that kind of consideration from the majority.

In doing so, I want to praise the gentleman from Pennsylvania [Mr. RITTER] for his courage and his tenacity in pushing his amendment.

Mr. Speaker, let me say to Members on the floor and those back in their offices that they ought to listen up, because this rule pertains to legislation that seriously affects the taxpayers of their district back home. I am speaking today not only for my district, but for all of upstate New York. Quite frankly, Mr. Speaker, we are tired of being dumped on, literally, and we certainly do not intend to subsidize New York City and Long Island with our own tax dollars any more than we have already done. We've done so graciously in the past, but no more.

Mr. Speaker, there is not one good thing to say about dismantling Shoreham. Take a good hard look at it from any angle: Environment, economic, energy, and even national security, all of the alternatives to nuclear energy are worse. They are dirtier, they are more expensive, and they are more dangerous than nuclear power.

But Members do not have to take my word for it, Mr. Speaker. I could start off by quoting from any number of editorials, but I will only cite a few here because of the lack of time.

The Washington Times of April 15, 1989 says:

> To understand the mess created by the present NRC approval process, consider the fates of the Seabrook Nuclear Reactor in New Hampshire and Shoreham Nuclear Power Plant in New York. Massachusetts Governor Michael Dukakis used the NRC emergency evacuation rule to halt construction of Seabrook.

Talk about home rule. Talk about States rights.

It goes on to say:

> Although the plant is in New Hampshire, its proximity to Massachusetts allowed Mr. Dukakis to block its startup by refusing to cooperate in the evacuation plan.

It then goes on to say: "New York Governor Cuomo used the same tactic to muck up," and that is their word, "to muck up the Shoreham project."

Now from the New York Times, April 20, 1989. We go from the conservative Washington Times to the liberal New York Times. "Most New Yorkers worry about acid rain, which has rendered hundreds of Adirondack lakes lifeless, and may threaten forests throughout the Appalachians. But some of New York's legislators would rather add to the acid rain burden with pollutants from new oil-fired plants then relieve it with nuclear power * * *.

Who is to blame for the historic folly of scrapping Shoreham?" the editorial asks. "First and foremost, Long Islanders." That is what this editorial says by the New York Times. "They have punished any politician who dared tell them the truth about Shoreham."

"Second," the editorial says, "Governor Cuomo. Instead of educating public opinion and making Shoreham acceptable by reducing its cost to ratepayers, he joined in the fear-mongering."

My goodness. this goes on, Mr. Speaker.

Listen to the Wall Street Journal, May 13, 1988: "The Cuomo plan doesn't stop at gouging New York taxpayers and Long Island ratepayers. Federal taxpayers also will contribute. The key to the deal is that Lilco also would get a $2.5 billion tax write-off for Shoreham."

Mr. Speaker, these quotes I have just cited will give an idea of what a terrible idea it is to dismantle Shoreham.

But naturally my concerns have to be parochial and local as well as national. With no Shoreham to help supply the growing energy needs in New York State, with its 18 million people, we have to turn to a whole array of dirtier technologies.

Listen up, environmentalists here in this Chamber and back in your offices. In my area there is a proposed 200-

megawatt coal-burning plant in Waterford, NY, another coal-burning plant now in the final approval stages in the Port of Rensseler in Albany, the State capital, and a proposed trash-burning plant in Hudson Falls and Albany, and the list goes on and on.

□ 1610

They are starting to call the Hudson Valley, the most beautiful river basin in the whole United States, "Coal Valley." Is that what you want, you environmentalists?

We certainly do not need any more acid rain than we have up there now. Worse yet, Mr. Speaker and my colleagues, we are going to have to pay to build the Iroquois pipeline, a gas pipeline running the length of New York State, ruining prime farmland, all because of the energy needs that Shoreham will not be there to supply.

Mr. Speaker, as New Yorkers, we are going to pay for a tax break to the Long Island Lighting Co.; as upstate New Yorkers, we are going to have to pay the bill to clean up after the dirtier technologies. And as Americans, we are going to pay for the greater dependence on foreign oil, and that, Mr. Speaker, is terrible.

There is more to New York State than New York City and the profit margin of Lilco—the Long Island Lighting Co.

Let me just conclude and point out that the president of Lilco and Governor Cuomo will try to make the point that it is too late to start dismantling Shoreham because the shareholders have already approved the shutdown and Lilco has already signed a contract with the State of New York.

Mr. Speaker and my colleagues, if they want to, those shareholders can disapprove that contract to shut down, and the president of Lilco and Governor Cuomo by agreement can void that contract.

Mr. Speaker, if they do not want to do this, there is a simple answer: Then let them pay for it. Not you, not me, not the rest of the taxpayers across New York and across this Nation.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to respond to my respected colleague from South Carolina. He talked about the company and the State coming together on this agreement. The gentleman from South Carolina should know that it was only after the Public Service Commission denied any feasibility of financial survival and held a gun to the head of Lilco that they succumbed.

On his concern for States' rights, the gentleman from South Carolina might also be interested in the fact that the New York State legislature turned down the original Cuomo plan. The current settlement was never voted on, either by the State legislature or by the people of New York State. The shutdown of this $5.5 billion plan is being dictated by Governor Cuomo and a group of people in Long Island.

So as the gentleman from South Carolina might see, it is a little more complicated than that. It is not a States rights issue because the New York State Legislature is split, the congressional delegation is split and the people of the State are split.

Now, the gentleman from Long Island [Mr. DOWNEY], asked Mr. HALL how did he know that the people of Long Island wanted Shoreham in the early stages? Mr. HOCHBRUECKNER himself submitted a bill in the New York State Assembly on February 28, 1983, to have Shoreham bought by the New York State Power Authority. His bill, A-4140, directed the authority "to acquire the Shoreham Nuclear Power Station from the Long Island Lighting Co. and to complete such baseload generating transmission and related facilities as are deemed in maintaining an adequate, dependable, and cost-efficient supply of electricity to the Long Island area."

That was Mr. HOCHBUECKNER's bill which I assume was submitted to represent the constituents in his State assembly district!

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. TALLON). The gentleman from New York [Mr. SOLOMON] is recognized for 2½ minutes.

Mr. RITTER. Mr. Speaker, will the gentleman continue to yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding further.

Now as to safety, I just want to mention that this is an eminently evacuable situation. The 10-mile radius or emergency planning zone encompasses 57,000 people.

Indian Point, a nuclear plant which the Governor, over the objection of the county, went ahead and got fired up, has 199,000 people in that so-called emergency planning zone.

Furthermore, the local governments and the State government were actually thrown out of the atomic safety licensing board deliberations because they flat-out refused to cooperate on evacuation issues. They didn't even choose to participate. In sum, there is very little basis on which opponents of the plant can claim it isn't safe.

Evacuation plans have been developed between Lilco and the NRC. It can be done. It is a fairly open area out there. There are excellent roads to travel on.

The bottom line of this is: Here is a brandnew facility, ready to come on line and produce electricity for Long Island, NY, and America. And here is a Governor who is going to tear it down, destroy it, scrap it, throw it away. You can depreciate something that has value, something that has been built. But Shoreham, under the Cuomo plan, will not produce taxes, revenue, or clean, environmentally safe energy.

Mr. Speaker, this plant, if it is thrown out, sends a signal to the rest of this country that nuclear power is not an option for the future.

Again, the three critical issues are at stake that engender congressional responsibility: fiscal, environmental, and energy.

Trashing Shoreham violates what we are trying to achieve here in the U.S. Congress on all three issues. It violates our mission in "outrageous" fashion, to use one of the Governor's own words. I would urge your support for the rule but also for an opportunity for Shoreham to live up to its potential.

Mr. SOLOMON. I thank the gentleman for his eloquent statement, and I would urge support of this open rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Speaker, I would like to remind everyone that what we are voting on today is only the rule. This is not the bill.

I would also like to point out to everyone that the Shoreham nuclear powerplant happens to be in my district. These are my people we are talking about here, not people in Pennsylvania or Texas or California, but on Long Island in New York. These are my people.

Now I fully expect that this rule will pass today. But let me respond to some of the misinformation that has been put out today.

I have lived with this for 15 years in Government. I have followed this. I understand the problem. I can understand some of the confusion that has been raised.

I think it has been pointed out that no Federal taxpayers' dollars will be changed here; whether the Federal taxpayers pay through tax writeoffs or through depreciation makes little difference. It is a washout.

So if you are voting to stop Shoreham because you think it is going to save your taxpayers' money, forget it, that is not the case.

As a matter of fact, there are six other nuclear plants in this Nation that have had this writeoff, including Washington State, one of the gentleman who spoke against us here.

So open or closed, the U.S. taxpayers will pay for that plant.

The second concern, environmental: Certainly the plan is not to dismantle the plant and throw it away. I had a

CRS study done that shows that there is $80 million worth of assets in that facility that can be used in gas conversion. It makes sense to convert it to gas. So we are not throwing it away.

They have already installed 240 megawatts of capacity on that facility. So we are already on our way to producing electricity from that particular facility.

We would rather use gas than nuclear.

We have also built the Marcy South transmission line running up to Canada that will bring hydropower, surplus upstate New York and Canadian power, to Long Island so that we do not have to operate Shoreham as a nuclear powerplant.

New York State has an energy plan. We know how to meet our energy needs. You cannot say that for the United States.

So here we have the pot calling the kettle black. The United States does not even have a plan. We have one in New York and it does not include an operating Shoreham nuclear plant.

As far as acid rain is concerned, that is a problem that the Midwest has delivered to New York State, not the other way around.

This Ritter amendment presents a very dangerous precedent in this Nation. It singles out 1 plant out of 108 operating nuclear plants and says that plant should not be abandoned.

That is a very dangerous precedent, Mr. Speaker, to set. It is not the way to go.

This is not a referendum on nuclear power. The fact of the matter is nuclear power, as we know it today, is dying by its own weight. There has not been a new order for an operating nuclear powerplant in 10 years in this country, since 1978. This is not a referendum.

So this is a very dangerous precedent being set here today. This is not a split in a congressional delegation; four of the five Congressmen from Long Island oppose the Ritter amendment.

RAY MCGRATH spoke here today. The three Democrats oppose the Ritter amendment.

Seventy percent of the people in my district oppose the opening of the Shoreham powerplant.

So this is not split. This is bipartisan. It was Republicans and Democrats together in Sussex County that say we should abandon the Shoreham nuclear powerplant.

So the fact of the matter is we have an arrangement in New York, we have a deal between the power company itself and New York State to abandon this plant. And under that deal the people of Long Island, my people, are going to be paying 60-percent rate increases over the next 12 years. So we are not coming off of this on everyone else's back. We are going to pay 60-percent rate increases over the next 12 years. The fact of the matter is, if this plant is opened, we will be paying 100-percent rate increases.

□ 1620

This is a better deal for Members. Please do not force the Shoreham nuclear powerplant open.

Mr. MILLER of California. Mr. Speaker, I rise in opposition to House Resolution 198, the rule for the consideration of H.R. 1549, the Nuclear Regulatory Commission [NRC] authorization bill for fiscal years 1990 and 1991. This legislation was reported by the Committee on Interior and Insular Affairs on May 17, 1989, and was then sequentially referred to the Committee on Energy and Commerce.

When H.R. 1549 was considered in the Energy and Commerce Committee, the gentleman from Pennsylvania [Mr. RITTER] attached an amendment to the bill to prohibit the NRC from transferring the Long Island Lighting Co. [LILCO] operating license for the Shoreham nuclear plant to the State of New York.

Because the Ritter amendment was never considered by the Interior Committee, which has primary jurisdiction over the NRC authorization bill, it is not included in the text of the NRC authorization bill which will be considered on the floor. However, under the rule, Mr. RITTER will have an opportunity to offer his amendment.

On November 9, 1989, the Subcommittee on Energy and Environment of the Interior Committee, of which I am member, held a hearing on the Ritter amendment. Many serious questions about the amendment were raised that need to be fully addressed prior to the consideration of the amendment on the floor of the House.

At this point I will enter into the RECORD a letter from the chairman of Interior Committee, MORRIS K. UDALL, to the Speaker of the House, THOMAS S. FOLEY, requesting that floor consideration of the bill be delayed until the subcommittee can complete its hearing record on the Ritter amendment. I also request that the testimony of the Honorable Mario Cuomo, the Governor of the State of New York, be entered into the RECORD following my statement.

At the hearing, the president of LILCO stated that enactment of the Ritter amendment could constitute a legislative taking, obligating the Federal Government to compensate LILCO for the $5.6 billion Shoreham plant. Chairman UDALL believes this question, and many others, must be addressed before Members are called to vote on the Ritter amendment. I agree, and strongly urge the House leadership not to schedule action on this bill.

Although many questions raised at the hearing are still unresolved, a number of serious problems with the Ritter amendment were revealed. At the hearing we learned that, despite the intentions of its supporters, the Ritter amendment will not result in the operation of the Shoreham plant.

We also learned that, despite the intentions of its supporters, the Ritter amendment will have no effect on the ability of LILCO to claim a Federal tax deduction for the loss of the use of Shoreham.

LILCO has signed a binding contract with the State of New York not to operate the plant. No one has any interest in operating the plant, including the Department of Energy, which has led the fight to scuttle the agreement between New York and LILCO.

What will occur if the Ritter amendment is adopted is that the transfer of the plant license from LILCO to the State of New York will be delayed. This delay would be very costly to LILCO and could lead to bankruptcy.

Supporters of the Ritter amendment discuss at length the loss of Federal tax revenue that will result from the closure of the Shoreham. What they do not tell you is that their amendment has absolutely no effect on the tax liability of Shoreham. This is an NRC authorization bill, not tax legislation.

Furthermore, the Department of Energy concedes that the tax loss to the Federal Government is roughly the same whether or not Shoreham is operated. If the plant was operated LILCO would gain similar tax benefits from depreciation of the plant.

It is the intention of the sponsors of this amendment that it be a congressional referenda on the future of the nuclear power industry in the United States. I fail to see how legislation that could drive a utility into bankruptcy will lead to a revival of the nuclear power industry.

In addition to failing to achieve its purpose of forcing the operation of the Shoreham plant, the Ritter amendment violates States rights. The people of Long Island, and their elected representatives at the local, State, and Federal level, overwhelmingly oppose the operation of the Shoreham plant.

Passage of the Ritter amendment could set a very dangerous precedent for the Federal Government to intervene in matters that have traditionally been resolved at the State on a local level.

Before any Member supports this amendment they should think long and hard about the consequences of Federal intervention into a decision about the operation of a powerplant in their district.

Before any utility supports this amendment they should think long and hard about the consequences of having a business decision they make about a powerplant being second guessed by the Congress or bureaucrats at the Department of Energy.

Mr. Speaker, I strongly urge you to delay consideration of the NRC authorization bill.

The material follows:

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, DC, November 13, 1989.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As you know, floor action on the Nuclear Regulatory Commission Authorization Act for Fiscal Years 1990 and 1991 (H.R. 1549) has been delayed pending completion of an oversight hearing before the Subcommittee on Energy and the Environment on the agreement between the State of New York and the Long Island Lighting Company (LILCO) to close the Shoreham nuclear power plant. I agreed to schedule the hearing in order to develop a record on the Shoreham agreement before the House is called upon to vote on Con-

gressman Ritter's amendment to block implementation of the agreement.

The hearing was held last Thursday, November 9, and raised a major new issue. According to the president of LILCO, enactment of the Ritter amendment could constitute a legislative taking, obligating the Federal Government to compensate LILCO for the $5.6 billion Shoreham plant. The likelihood that the Ritter amendment will have this effect was not established at the hearing, but plainly should be before Members are called upon to vote on the amendment.

In addition, the hearing left unresolved the question of what effect the Shoreham agreement will have on LILCO's tax liability. Proponents of the Ritter amendment continue to assert that the agreement will reduce federal tax collection by hundreds of millions of dollars, while supporters of the agreement contend it will have little or no tax impact. Since proponents of the Ritter amendment have made this issue one of the fundamental arguments in support of the amendment, this issue warrants further clarification.

Several members of the Subcommittee on Energy and the Environment have asked that the hearing record be left open until they can obtain answers to their written questions to the Department of Energy and the Internal Revenue Service on these and other points. I have agreed to these requests. While I recognize that Mr. Ritter and other Members are most anxious to have the House consider his amendment, I do not think it wise to schedule floor action until the Subcommittee can complete its hearing record.

I would note that postponing floor action will not have any real effect on Shoreham. LILCO has already closed down Shoreham, removed its nuclear fuel, reduced staff, and contractually agreed not to operate the plant in any event. Neither LILCO nor the State of New York have applied to the NRC for the licensing actions that the Ritter amendment would block and neither are expected to do so before the end of the year. Even after a license application is filed, it will be subject to extensive review and public hearings before the NRC can take final action.

In addition, I would note that two other Members have announced their intentions to offer amendments to H.R. 1549 on matters that were not considered in Committee. I have asked the NRC to provide me with information on both, but have not yet received a response. I would hope H.R. 1549 would not be scheduled for floor consideration until the NRC has had a chance to provide this information.

Sincerely,

MORRIS K. UDALL,
Chairman.

TESTIMONY BY GOV. MARIO M. CUOMO

Thank you, Mr. Chairman, and members of the committee.

I appreciate your courtesy in allowing me an opportunity to speak to you.

I'll try to use it to clarify some of the misunderstanding—and frankly, misinformation—that has accompanied the discussion of the Ritter amendment and the Shoreham settlement.

The principle at stake in the controversy over the Shoreham Nuclear Power Plant is a simple one: the decision to operate a particular power plant has always rested—and should remain—with State and local governments and their respective utilities.

With the Ritter amendment, the Congress is being asked, in effect, to take the unprecedented step of overruling a joint decision by a private utility and a State government not to go forward with a particular energy facility. The proposed overruling is not only unprecedented, it would be, I suspect, unconstitutional.

To the best of my knowledge, never—I repeat—never in the history of our country has such an override occurred or even been seriously suggested.

This situation hardly justifies this extraordinary attempt to distort our constitutional balance.

Nor does it arise out of a unique occurrence.

In this troubled history of nuclear power plant construction in the United States, as many nuclear units have been cancelled as have been completed.

Many of the States represented on this committee have been affected by a nuclear cancellation. Even when billions of dollars have been spent—as at Zimmer in Ohio, Marble Hill in Indiana or Grand Gulf in Mississippi—the Congress has never even suggested overriding the decision of the utility and the State in question to abandon the nuclear plant as a failed idea.

This congressional restraint is not surprising. A unanimous Supreme Court, in the 1983 Pacific Gas and Electric Case, held that Congress, in passing the Atomic Energy Act, intended: "That the States retain their traditional responsibility in the field of regulating electric utilities for determining questions of need, reliability, cost and other related State concerns."

This is exactly what New York has done in the Shoreham settlement.

Shoreham had a disastrous period of construction—more than a billion dollars of construction mistakes—and a prolonged inability to license the plant. Altogether, the Shoreham debacle had driven the Long Island Lighting Company—LILCO—to the edge of bankruptcy, alienated its customers, and jeopardized power supply planning.

The Shoreham settlement addressed all these problems.

No official body at the State level opposed it. I believe that is because the officials know the settlement is the best possible resolution of this situation. It is fair to consumers, fair to LILCO, fair to investors, and fair to taxpayers.

Of course the solution is unusual. But that's only because the problem was unique.

Consider the fact that the most important point of consensus reached in the agreement was that over the next two decades it would cost more to run the Shoreham Nuclear Power Plant than to close it and replace its energy from alternative sources.

This point has been obscured by the simplistic arguments of some of the opponents of the settlement.

If I may, let me try to elaborate on some of the relevant facts.

Originally, opponents of the settlement argued that it provides some kind of special tax bail-out for New York—a position that Deputy Energy Secretary Henson Moore has since explicitly repudiated. There is, as Secretary Moore now acknowledges, no difference in the Federal revenue consequences whether Shoreham runs or not.

Moreover, the same tax treatment used by all other nuclear power plants that were cancelled or retired by private utilities—the same tax treatment that's available to every business in America—is the tax treatment that will be applied to the closing of Shoreham.

The settlement's opponents have also argued that Shoreham is needed to meet Long Island's energy needs.

Both LILCO and the State public service commission have found that the alternative power sources under the settlement will be fully adequate—and no more costly than running Shoreham.

Upon implementation of the Shoreham settlement this summer, LILCO instituted an aggressive demand-side management program which conserved 115 megawatts this year, and which will grow fourfold by the turn of the century. LILCO has also installed three new gas turbines, totalling 240 megawatts of capacity, ahead of schedule.

In addition, more than 125 megawatts of independently produced power have come on line this year.

The State power authority expects to complete a 600 megawatt transmission cable under Long Island Sound before the summer of 1991. The cable will tap environmentally compatible hydropower, natural gas and third party sources.

The truth is, power supply in Long Island this summer—after the settlement—was far more reliable than in the rest of the mid-Atlantic region. LILCO's implementation of the settlement produced power surpluses, which were sent to the shortage-troubled Pennsylvania-New Jersey-Maryland power pool on several occasions.

In fact, as recently as 2 days ago, the New York Times reported that LILCO, itself, now concedes that Shoreham is not needed on the island because LILCO has other sources of available power.

These measures underscore New York's commitment, as stated in our landmark State energy plan, to consider and minimize the environmental effects of future power generation * * * while seeing to it that New York's energy needs are met.

We know in New York that, in choosing an energy strategy, we are determining our environmental future as well.

At a meeting I had with President Bush in August, he said he recognizes the importance of integrating environmental impacts into a national energy plan. I told the President that the State of New York stands ready to assist the Department of Energy in that effort. Our people have been talking to representatives of the Department of Energy to follow up on my offer. We are hopeful that a regular dialog can be established.

Let me make another point: Shoreham is not an appropriate battleground to fight the future of nuclear power.

We know something about nuclear power in New York. We currently have six working nuclear powerplants, two of them operated by the State's own authority. I doubt there is a State in the country that has used nuclear power more successfully, including for economic development purposes.

The battle over this particular plant hurts the cause of nuclear proponents. Shoreham evokes all of the images that nuclear power must put behind it, if it is ever to revive itself in this country.

The spectacle of an expensive and unnecessary plant being forced on a community and a State that don't want it, unsettles the public, the financial community, utility executives and State officials everywhere.

That is a paradox of the Ritter amendment. Once again, those who style themselves as nuclear power's best friends are, in fact, playing into the hands of its worst enemies. Furthermore, all that the Ritter amendment actually seeks to achieve is an-

other expensive and contentious nuclear stalemate.

The settlement is a binding contract with the State that LILCO will never run Shoreham. The State will not run Shoreham. Nothing in Federal law can force any nuclear plant licensee to run a plant. The Ritter amendment seeks neither to alter directly the Shoreham settlement contract itself, nor to initiate an alternative scenario for the plant. All the Ritter amendment would do is place the plant in limbo—precluded from operation by statute and contract, precluded from decommissioning by the amendment.

Long Islanders could be stuck with the costs of maintaining the plant—up to $100 million annually. If these costs are borne by LILCO, it could go bankrupt. If they are borne by Long Island taxpayers, it would be a discriminatory tax imposed by Congress on Long Island.

And for what purpose?

There will be no power shortage on Long Island without Shoreham because the implementation of our settlement will continue. And there will be no operation of Shoreham because Long Islanders will never accept the abrogation of the contract in order to run the plant.

Why, then, do some wish to force Shoreham on a public that does not want it? On a utility committed not to run it? And on a State and county government that have created energy alternatives cheaper to customers and investors alike?

I hope the facts of this case make it clearer to members of the committee that Shoreham is not—and should not be—a Federal issue.

Opponents of the State's settlement justified their intervention into Shoreham, by citing Federal concern for taxpayer subsidy, power reliability, and the impact on consumers who would be affected by the Shoreham settlement.

DOE has now disavowed the first concern. The second has been disproved by time. And the third—the effect on consumers—has been dispelled by the increasingly favorable economic results of the settlement, and by the essentially unchallenged findings reported by LILCO and by the State's public service commission.

Even on the grounds established by those who oppose New York State's decision, the Ritter amendment is left without any justification for Federal intervention.

Indeed, Members of Congress who continue to support the Ritter amendment should be fully aware of the terrible precedent they would set by invading State's rights—not to mention the other constitutional questions the enactment of such an amendment would raise.

If the Federal Government can block agreements reached with respect to local powerplants, why can't it block conversion of a nuclear powerplant to natural gas, as we are investigating at Shoreham, simply on its own assertions that the conversion is not economical? Or is there—in the opinion of the Federal government—a better use for the facility?

I hope you find this kind of Federal intervention as repugnant as I do. It illustrates dramatically the misguided and counterproductive micromanagement that the Ritter amendment would invite.

So long as States and utilities are willing to live with the consequences of their own powerplant decisions—on the same terms available to every business in America—there is no justification for the Federal Government to intervene.

Members of Congress are accustomed to having complicated issues brought before them, and this Shoreham issue is certainly complicated. You're fortunate in that this is one problem you don't have to solve. The State of New York and LILCO have already solved it.

There's every reason to agree that we chose the right solution—from both an energy standpoint and an economic standpoint.

But whether one agrees with that solution, there is no meaningful, identifiable, Federal interest at stake. In fact, the consequences of the Federal intervention proposed to you in the Ritter amendment would not reach the goal it seeks, but would, instead, punish the people of Long Island or create a new and appalling Federal budgetary liability for Congress.

I urge you, then, to take this Ritter amendment—a misguided and destructive initiative—off your agenda.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TALLON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 405, nays 10, not voting 18, as follows:

[Roll No. 360]

YEAS—405

Ackerman	Bosco	Condit	Durbin	Kolbe	Porter
Akaka	Boucher	Conte	Dwyer	Kolter	Poshard
Alexander	Boxer	Conyers	Dymally	Kostmayer	Price
Anderson	Brennan	Cooper	Dyson	Kyl	Pursell
Andrews	Broomfield	Costello	Early	LaFalce	Quillen
Annunzio	Browder	Coughlin	Eckart	Lagomarsino	Rahall
Anthony	Brown (CA)	Courter	Edwards (CA)	Lancaster	Rangel
Applegate	Brown (CO)	Cox	Edwards (OK)	Lantos	Ravenel
Archer	Bruce	Coyne	Emerson	Laughlin	Ray
Armey	Buechner	Craig	Engel	Leach (IA)	Regula
Aspin	Bunning	Crane	English	Leath (TX)	Rhodes
AuCoin	Burton	Crockett	Erdreich	Lehman (CA)	Richardson
Baker	Bustamante	Dannemeyer	Evans	Lehman (FL)	Ridge
Ballenger	Byron	Darden	Fascell	Lent	Rinaldo
Barnard	Callahan	Davis	Fawell	Levin (MI)	Ritter
Bartlett	Campbell (CA)	de la Garza	Fazio	Lewis (CA)	Roberts
Barton	Campbell (CO)	DeFazio	Feighan	Lewis (FL)	Robinson
Bateman	Cardin	DeLay	Fields	Lewis (GA)	Roe
Bates	Carper	Dellums	Fish	Lightfoot	Rogers
Beilenson	Carr	Derrick	Flake	Lipinski	Rohrabacher
Bennett	Chandler	DeWine	Foglietta	Livingston	Ros-Lehtinen
Bentley	Chapman	Dickinson	Ford (MI)	Lloyd	Rose
Bereuter	Clarke	Dicks	Ford (TN)	Long	Rostenkowski
Bevill	Clay	Dingell	Frank	Lowery (CA)	Roth
Bilbray	Clement	Dixon	Frenzel	Lowey (NY)	Roukema
Bilirakis	Clinger	Donnelly	Frost	Luken, Thomas	Rowland (CT)
Bliley	Coble	Dorgan (ND)	Gallegly	Lukens, Donald	Rowland (GA)
Boehlert	Coleman (MO)	Dornan (CA)	Gallo	Machtley	Roybal
Boggs	Coleman (TX)	Douglas	Gaydos	Manton	Sabo
Bonior	Collins	Dreier	Gejdenson	Marlenee	Saiki
Borski	Combest	Duncan	Gekas	Martin (IL)	Sangmeister
			Gephardt	Martin (NY)	Sarpalius
			Geren	Martinez	Savage
			Gibbons	Matsui	Sawyer
			Gillmor	Mavroules	Saxton
			Gilman	Mazzoli	Schaefer
			Gingrich	McCandless	Scheuer
			Gonzalez	McCloskey	Schiff
			Goodling	McCollum	Schneider
			Gordon	McCrery	Schroeder
			Goss	McCurdy	Schuette
			Gradison	McDade	Schulze
			Grandy	McDermott	Sensenbrenner
			Grant	McEwen	Sharp
			Gray	McHugh	Shaw
			Green	McMillan (NC)	Shays
			Guarini	McMillen (MD)	Shumway
			Gunderson	McNulty	Shuster
			Hall (OH)	Meyers	Sikorski
			Hall (TX)	Mfume	Sisisky
			Hamilton	Michel	Skaggs
			Hammerschmidt	Miller (OH)	Skeen
			Hancock	Miller (WA)	Skelton
			Hansen	Mineta	Slattery
			Harris	Moakley	Slaughter (VA)
			Hastert	Mollohan	Smith (FL)
			Hatcher	Montgomery	Smith (IA)
			Hawkins	Moody	Smith (NE)
			Hayes (IL)	Moorhead	Smith (NJ)
			Hayes (LA)	Morella	Smith (TX)
			Hefley	Morrison (CT)	Smith (VT)
			Hefner	Morrison (WA)	Smith, Robert (NH)
			Henry	Murphy	
			Herger	Murtha	Smith, Robert (OR)
			Hertel	Myers	
			Hiler	Nagle	Snowe
			Hoagland	Natcher	Solomon
			Holloway	Neal (MA)	Spence
			Hopkins	Neal (NC)	Spratt
			Horton	Nelson	Staggers
			Houghton	Nielson	Stallings
			Hoyer	Nowak	Stangeland
			Hubbard	Oakar	Stearns
			Huckaby	Oberstar	Stenholm
			Hughes	Obey	Stokes
			Hunter	Olin	Studds
			Hutto	Ortiz	Stump
			Hyde	Owens (NY)	Sundquist
			Inhofe	Owens (UT)	Swift
			Ireland	Oxley	Synar
			Jacobs	Packard	Tallon
			James	Pallone	Tanner
			Jenkins	Panetta	Tauzin
			Johnson (CT)	Parris	Taylor
			Johnson (SD)	Pashayan	Thomas (CA)
			Johnston	Patterson	Thomas (GA)
			Jones (NC)	Paxon	Thomas (WY)
			Jontz	Payne (NJ)	Torres
			Kanjorski	Payne (VA)	Torricelli
			Kaptur	Pease	Towns
			Kasich	Pelosi	Traficant
			Kastenmeier	Penny	Traxler
			Kennedy	Perkins	Udall
			Kennelly	Petri	Unsoeld
			Kildee	Pickett	Upton
			Kleczka	Pickle	Valentine

Vander Jagt	Waxman	Wolf
Vento	Weber	Wolpe
Visclosky	Weldon	Wyden
Volkmer	Wheat	Wylie
Vucanovich	Whittaker	Yates
Walgren	Whitten	Yatron
Walker	Williams	Young (AK)
Walsh	Wilson	Young (FL)
Watkins	Wise	

NAYS—10

Atkins	McGrath	Stark
Downey	Miller (CA)	Weiss
Hochbrueckner	Russo	
Markey	Solarz	

NOT VOTING—18

Berman	Glickman	Schumer
Brooks	Jones (GA)	Slaughter (NY)
Bryant	Levine (CA)	Smith, Denny (OR)
Espy	Madigan	
Flippo	Molinari	Tauke
Florio	Mrazek	
Garcia	Parker	

□1639

Mr. ATKINS changed his vote from "yea" to "nay."

Mr. EDWARDS of California and Mr. DUNCAN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2748, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1990

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight, November 16, 1989, to file a conference report on the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF S. 974 NEVADA WILDERNESS PROTECTION ACT OF 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 289 is a rule providing for the consideration of S. 974. This is a bill that would designate wilderness in the State of Nevada and release national forest lands not designated as wilderness for consideration for nonwilderness, multiple uses.

House Resolution 289 is an open rule. The rule waives all points of order against S. 974 for failure to comply with the provisions of clause 2(l)(6) of rule XI. This clause would prohibit the consideration of any measure until the report on that measure has been available to Members of the House for 3 calendar days.

The rule further provides for 1 hour of general debate on this measure, with 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

As is usually the case with an open rule, House Resolution 289 provides that S. 974 will be considered for amendment under the 5-minute rule with each section considered as having been read.

Finally, Mr. Speaker, this rule provides for one motion to recommit S. 974.

Mr. Speaker, as noted at the beginning of my statement, this rule provides for the consideration of a bill that would designate certain lands in Nevada as wilderness and would release national forest lands not designated as wilderness for other uses.

No wilderness legislation for lands in Nevada has been introduced since 1964. As a result, Nevada is one of three Western States without a statewide wilderness act. This means that the Forest Service cannot proceed in its plan to manage roadless lands, that industrial projects and developments are delayed indefinitely, and that high quality wildlands remain vulnerable to environmental degradation.

S. 974 seeks to address this problem by protecting the wilderness value of some of these lands while allowing the rest to be managed for other uses.

Mr. Speaker, House Resolution 289 is a straightforward, open rule for a measure that deserves enactment. I urge my colleagues to adopt this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Carolina [Mr. DERRICK], has ably described the provisions of this rule. I will not repeat them.

I would like to commend the chairman and the ranking Republican member of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL], and the gentleman from Alaska [Mr. YOUNG] for all their work in putting this legislation together. It is never easy to balance the competing interests that are affected by these wilderness bills.

There is one problem that has caused me concern about a number of these wilderness bills and it seems to be a factor here as well. I note that there are dissenting views signed by 15 Members and the first name on the list is the gentlewoman from Nevada [Mrs. VUCANOVICH]. On a number of these wilderness bills, we have seen the Representatives of the area affected not being given the full amount of consideration they are due. Too often it is the will of a lot of outside interests being imposed on the citizens who are most affected, namely those who live in the area where new wilderness is being set aside. It is very easy to be a do-gooder when we are imposing burdens on citizens other than those we represent. But we need to pay more attention to the welfare of those most impacted by our actions.

I should note that the administration supports this bill if it is amended to delete or modify specified provisions.

This open rule will allow the House to make any necessary improvements in the bill. I will support this rule so that the House may get down to business and move this legislation.

□ 1650

Mr. QUILLEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I

move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990

AMENDMENTS IN DISAGREEMENT

Mr. OBEY. Mr. Speaker, I move to take from the Speaker's table the remaining amendments in disagreement to the bill (H.R. 2939) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the House insist on its amendment to the amendment of the Senate numbered 17.

PREFERENTIAL MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. LEHMAN of Florida moves that the House recede from its amendment to the amendment of the Senate numbered 17 and concur in Senate amendment No. 17.

Mr. WEBER. Mr. Speaker, I demand that the question be divided.

The SPEAKER pro tempore. The question will be divided.

The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 30 minutes.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent that I may designate the gentleman from New Jersey [Mr. SMITH] to handle the 30 minutes on our side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. SMITH] will be recognized for 30 minutes.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may yield the 30 minutes on our side to be controlled by the gentleman from Florida [Mr. LEHMAN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There is no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] will be recognized for 30 minutes.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

The motion of the gentleman from Florida is now to recede from the House position. The House position is essentially the position espoused by the gentleman from New Jersey [Mr. SMITH], and the effect of that position would be to deny any funding whatsoever for the U.N. Population Fund anywhere in the world.

The position that those of us on this side, supporting the motion of the gentleman from Florida [Mr. LEHMAN] is the Senate position basically. That Senate position would contribute $15 million to the U.N. Population Fund for voluntary family programs other than in China, and excluding abortion.

The U.N. program does not fund abortions. There have been claims in the past that the U.N. fund in some way is involved in coercive family planning or in abortions. There really is no question of fact. The U.N. fund is not involved in abortions. I personally have opposed the expenditure of Federal dollars to pay for abortions, so I personally would never support a motion which in any way would fund abortions. That issue is not really in debate here, in my judgment.

The real issue relates to China. The argument will be made that the Chinese program of family planning is coercive, the UNFPA is involved in some way in family planning in China, and therefore the House position should prevail, which is to deny any funds to the UNFPA at all.

I think it is very important for the Members to understand that in asking the House to recede, we are asking that the Senate position ultimately be adopted, which would provide a contribution for voluntary family planning, excluding China. There is no question that the money at issue here will not go to China for any purpose whatsoever.

The UNFPA is involved in at least 120 other countries around the world, some very poor countries, where voluntary family planning is critically important, not only to those countries, but to the interests of the United States.

Therefore, Mr. Speaker, I would urge in the strongest terms possible that the House recede from its current position, allowing us to move to the Senate position.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the time be limited to 30 minutes, equally divided. We had some discussion with our friends on the other side earlier about this, so that we could expedite the business of the House.

The SPEAKER pro tempore. The time has already been divided, 30 minutes under the control of each side.

Mr. SMITH of New Jersey. I am asking unanimous consent that 15 minutes would be allowed to each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. LEHMAN of Florida. Mr. Speaker, reserving the right to object, I have a number of speakers. Perhaps the gentleman from New Jersey could raise that issue again; but Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the House not to make the indefensible mistake today of receding and retreating from its position of opposing forced abortion, forced sterilization—or any type of coercion—in population control programs.

Mr. Speaker, if Members support voluntary family planning, if you are serious about insisting that family planning be voluntary, if you believe that coercion has no place whatsoever in population control programs, the only vote for you today is to vote "no" on receding from the House position.

This past Tuesday, by a vote of 219 to 203, the House approved my amendment which reads as follows:

Provided further, That notwithstanding the previous provisos, no funds under this heading shall be made available to the United Nations Population Fund unless the President of the United States certifies that the United Nations Population Fund does not provide support for, or participate in the management of, a program of coercive abortion or involuntary sterilization in the People's Republic of China.

The vote today is on the identical language, every word, comma and period, are exactly the same. My amendment did not replace—but was added to the Mikulski langage. Without my amendment, the President will veto the bill.

The amendment makes absolutely clear, Mr. Speaker, that the President has a legal obligation to certify, before releasing any funds to the U.N. Population Fund, that the U.N. Population Fund does not provide support for, or participate in the management of, a program of coercive abortion or involuntary sterilization in Communist China.

I ask my colleagues a very simple question: If the U.N. Population Fund is not supporting or comanaging a program of forced abortions and forced sterilization in China—what are the opponents of my amendment worried about? If they are not involved, the U.N. Fund will get U.S. funding. My

language requires that the President certify that they are not involved. This is serious, there is nothing cosmetic about this approach.

Frankly, Mr. Speaker, I am deeply troubled by the implied admission by the opponents of my amendment, that they know full well that China and the UNFPA comanage and support a program of forced abortion and forced sterilization—and that it simply will not pass the test. And so they urge you today to recede from that position.

Mr. Speaker, my amendment is serious about coercion—it doesn't play games with segregated accounts or cute accounting tricks. It continues our leadership and vigorous support for voluntary family planning and effectively promotes the U.S. policy in opposition to coercion. Let me remind Members that if next year the UNFPA fails the test and continues to support coercion in China, every dollar will be reprogrammed to other worldwide family planning projects and programs.

Mr. Speaker, throughout this decade, the U.N. Population Fund has aggressively defended China's coercive program. At times, the leadership of the Fund have told us it's all a matter of internal affairs—the same line used by the hardliners after the Tiananmen Square massacre—at times they have stated emphatically that the Chinese program is totally voluntary. Both are false. Clearly, human rights—if such rights are to have any meaning—are not rights that can be violated under the guise of internal affairs.

In 1985, former UNFPA Executive Director Rafael Salas was quoted in the China Daily as saying, "China should be proud of the achievements it scored in family planning." In a Capitol Hill speech on April 8, 1986, Salas again lauded the Chinese program as "successful." His only critical comments were directed at the U.S. Congress:

You have to leave the countries to decide for themselves. You are in no position, morally or culturally, to dictate to others what they want. It is the leaders of those countries that know best * * * So do not intervene and place your own moral conditions on other countries. That goes for China * * * leave the government to do that for themselves.

And on May 24, 1989, Dr. Nafis Sadik, the current Executive Director of the U.N. Population Fund said, "the UNFPA firmly believes, and so does the government of the People's Republic of China, that their program is a totally voluntary program."

Mr. Speaker, in 1985, the Washington Post carried a three-part expose on the coercion in China by its Bejing correspondent, Michael Weisskopf. The page 1 Post story of January 7, 1985, said:

Publicly, they claim to rely on the powers of persuasion and education, exercising a policy of voluntary consent * * * But a closer and longer look reveals a very different picture. China, to be sure, is curbing its population growth, but its success is rooted in widespread coercion, wanton abortion and intrusion by the state into the most intimate of human affairs * * * "The size of the family is too important to be left to the personal decision of the couple," Minister of Family Planning Qian Xinzhong explained before resigning last year. "Births are a matter of state planning, * * * A couple cannot have a baby just because it wants to * * *" * * * Faced with strong popular resistance, Peking resorts to even stronger measures. To this struggle, it brings the full powers of a totalitarian state, operating without fear of political opposition. There is no check on official abuse, no outlet for human rights complaints and no forum for public debate of the policy * * *

A subsection of the Post article entitled, "The Dark Side of Family Planning," continues:

Nowhere is this dark side of family planning more evident than in Dongguan, a bucolic patch of Guangdon Province in southern China. Here abortion posses scour the countryside in the spring of 1981, rounding up women in rice paddies and thatched-roof houses. Expectant mothers, including many in their last trimester, were trussed, handcuffed, herded into hog cages and delivered by the truckload to the operating tables of rural clinics according to eyewitness accounts.

Dongguan had been engulfed by an intense birth control campaign, known as "high tide," engineered by local officials to bring birth control offenders in line with the one-child policy * * *

Later in the story the Post notes that:

Any mother who becomes pregnant again without receiving official authorization after having one child is required to have an abortion, and the incidence of such operations is stunning—53 million from 1979 to 1984, according to the Ministry of Public Health—a five-year abortion count approximately equal to the population of France. * * * Nor is the timing of the abortion usually a factor. Many are performed in the last trimester of pregnancy—100,000 in Guangdon last year, or 20 percent of the province's total abortions—and some as late as the ninth month. Officials say it often takes that long to get reluctant women to clinics. Doctors normally terminate late-term pregnancies by injecting an herbal drug into the womb, killing the fetus and inducing labor—a kind of induced stillbirth. The dead fetus is usually expelled in 24 hours.

In the Inner Mongolian capital of Hohhot, however, hospital doctors practice what amounts to infanticide by a different name, according to a Hohhot surgeon, who would not allow his name to be used for fear of reprisal. After inducing labor, he revealed, doctors routinely smash the baby's skull with forceps as it emerges from the womb. In some cases, he added, newborns are killed by injecting formaldehyde in the soft spot of the head.

"If you kill the baby while it's still partly in the womb, it's considered an abortion," explained the 33-year-old surgeon, "If you do it after birth, it's murder."

Mr. Speaker, the importance the Chinese affix to having the U.N.'s stamp of approval on this grisly business was best summed up by China's 1983 population control minister, Qian Xinzhong. In his book, the New York Times correspondent, Pranay Gupte, writes about his encounter with Mr. Xinzhong:

* * * in the spring of 1983, * * * the United Nations announced that its first-ever population award would be shared by * * * Qian Xinzhong, China's minister for family planning. I met Minister Qian in his office in Beijing, and he immediately launched into an appreciation of what the United Nations award meant to him and to the Chinese. The award had, Qian said, put the imprimatur of the world body on China's family-planning efforts. * * *

Mr. Gupte also provides us some insights into how intrustive and outrageous the Chinese program actually is. He writes:

So minutely is Chinese socialist society organized that no aspect of an individual's life goes unobserved, especially in rural brigades and communes. Pressure is applied on couples to restrict themselves to only one child not only through family planning cadres in neighborhoods but also through the work units of both husband and wife * * * If Chiang [a thirty-year old woman in Shandong Province] were to get pregnant, peer pressures on her to get an abortion would be instant, enormous, and irresistible * * *. In the final analysis, it does not matter how many children Chinese like Chiang and Chien [her husband] want—they will be allowed no more than one child.

Mr. Speaker, leading Chinese scholars confirm that the coercion in China has not abated in recent months—but is actually on the rise.

Dr. John Aird, former senior research specialist on China for the United States Census Bureau writes:

The evidence is quite clear that despite the denials of the Bejing regime and its foreign apologists, coercion is a central and intentional feature of the Chinese family planning program. Those who maintain that the Chinese program is not coercive, or that the question of coercion in the Chinese program is a "controversial" matter that is still in doubt, or that the program has been greatly moderated since 1983 so that coercion is no longer an issue are simply not in touch with reality.

He goes on to write there has been "marked escalation"; within the last year and a half. The situation had clearly gone from bad to worse.

In their exhaustive 1988 study on population trends in the People's Republic of China, China experts Judith Banister and Karen Hardee-Cleveland, of the United States Census Bureau, conclude:

Today Chinese couples still are not given a choice about whether they practice family planning, how many children they have, when they have the allowed birth or births, whether or not to sign family planning contracts or what form of birth control they will use. It is forced on them.

Mr. Speaker, one-fifth of the world population is living under this kind of coercion, and regrettably, the U.N. Population Fund continues to support,

comanage, and publicly laud this program.

Mr. Speaker, I urge Members to vote "no" on receding from the House position.

I urge Members to support voluntary family planning and oppose coercion in population control programs.

□ 1700

Mr. OBEY. Mr. Speaker, could I ask the gentleman if he would be kind enough to again renew his unanimous-consent request?

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the debate time be limited to 30 minutes, equally divided between the opponents and the proponents of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The time is now reduced to 30 minutes, equally divided between the gentleman from New Jersey [Mr. SMITH] and the gentleman from Florida [Mr. LEHMAN].

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, for 5 years we have refused to support the United Nations Population Fund because it provided 1 percent of the funds China commits to its population program.

We did so out of moral outrage at allegations of coerced abortion. We did so to pressure for change in the China program.

But our efforts have failed. As speaker after speaker on the other side have affirmed, there has been no change in the China program.

We cannot expect the United Nations to cut off funds to China. The U.N. isn't a government, but a voluntary association of member-nations. China is a member-nation and every member-nation is entitled to the support of every U.N. agency.

Sadly, there has been only one effect of our stopping support for the U.N. fund: We have reduced the amount of money for contraception, for family planning, for maternal and child health and for the environment in all other member-nations—120 of them—none of whom have coercive programs.

Our choice is clear: We can continue our moral statement and continue to punish, not China, but only the poor and innocent around the world. This is a no vote—a vote with the gentleman from New Jersey.

Or, we can resume our support for voluntary family planning in the other 120 countries, with no United States dollars going to China or for abortion anywhere. This is an aye vote—a vote with the gentleman from Florida.

I choose active support for programs to prevent abortion rather than hollow statements on abortions that have accomplished nothing.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. OBEY], the chairman of the subcommittee.

Mr. OBEY. Mr. Speaker, I am in somewhat of a difficult position here, because, frankly, I do not agree with anybody on this issue. I think people on both sides are totally screwed up, and I think that they are going to meet themselves coming back.

I happen to think that the China population program is coercive, and I think that the proper position for the United Nations is to condemn that program. The problem that I have is that I think the President is using the wrong technique to express our unhappiness with the incorrect position of the U.N. program. Because if I were President, what I would do on this issue is to participate in the U.N. program financially, and I would appoint the toughest right-to-lifer one could find as my representative to deal with the U.N. program on this issue, and I would pound and pound and pound until they changed their position on the China program.

I do not think we can lead from the outside on a position like this. I think we effectively box ourselves out of the debate, and we let the other guys win. So I disagree with the President's position on it. I think he is providing an ineffective technique to support his own position. But I also recognize that the President is the President, and he is the guy with the big pen, and he is going to veto this bill if this item remains.

I think that the proper thing to do at this point is for the House to insist on its position, because if we do not insist on our position and if the Senate does not eventually move away from its position, we will get a veto, and we will be right back here on this issue.

I think this issue can be joined next year. It is obvious, given the newfound interest of a lot of folks on the abortion issue on every appropriation bill that comes through here, I think it is obvious we are going to be discussing this issue whether it is abortion or whether it is family planning. We are going to be discussing this and related issues for a long, long time on lots of bills. All I am trying to do, as chairman, while respecting the President's views and sharing his views on the China program, I am also trying to simply get a bill which I think the President should reasonably be expected to sign.

I think the President is wrong to hold this bill up by his threat of a veto, but nonetheless, I am a realist, and I recognize that he does intend to do that. We have a statement of administration policy which says that the President has stated in his letter of October 6 that he will veto the bill if it includes the UNFPA provision. I think we need to recognize that, and I would suggest if we want to end this session when we think the session is going to be ended, the best way to do that, and I urge every Member to follow this, the best way to do that is to insist on the House position and argue this issue out next year on the regular appropriation bill.

□ 1710

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I urge Members to vote for the motion to recede and concur with the Senate. I would like to take a split second to point out exactly what the UNFPA does.

It does educate on birth control methods, alternatives to abortion. It does educate on child spacing. It does research on better contraceptives. It does educate on maternal and child health care. It does training on demographics and statistics gathering, and it does income generation programs to improve the status of women.

I do not think that anybody could make an argument that the American people oppose any of those programs. So I urge Members to vote with the gentleman from Florida.

Mr. Speaker, also I would just like to correct the RECORD. By mistake I voted for the Smith amendment the other day, and I did not intend to.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I also stand to ask my colleagues to vote yes to recede and concur with the Senate.

If passed, this vote would restore America's voice in the United Nations Fund for Population Activities, and send a signal to the international community that America has a stake in responsible, voluntary family planning. If denied, we risk deteriorating the health and welfare of women and children by limiting family planning in poor countries, many of those African, where education and proper health care methods are not supported by United States bilateral aid.

What are the facts. First, this provision would provide a $15 million U.S. contribution to the international fund for UNFPA, the largest voluntary family planning provider in the world. Second, the money that we are recommending would not go to fund abortions, voluntary or otherwise; because, our contribution would be placed in a U.S. monitored, segregated account to avoid its integration with other funds. This should allay the fears of my colleagues who believe that our contribu-

tion would be added to a general international pot. Finally, a baby born in Africa is 10 times more likely to die in infancy than a child born in the United States. Family planning provides the means to space births and avoid high risk pregnancies—greatly increasing the chances that both mother and child will be healthy. The comprehensive, coordinated effort of UNFPA is the only multilateral organization able to meet that challenge.

As a member of the African Subcommittee and of UNICEF's Advisory Committee, I know the benefits of UNFPA, I know that access to safe and effective family planning is the best way to prevent abortions. I know that UNFPA does not support abortion as of method of family planning; it does not sanction, nor has it ever sanctioned coercive implementation of family planning programs. If Congress allows for a Presidential certification on UNFPA funds, as the Smith amendment proposes, then the United States would in effect be relying on events in China to run our foreign policy decisions in other countries.

So I ask my colleagues, then, to join the bipartisan movement to accept the Senate language. It is a vote to preserve U.S. autonomy in foreign policy. It is a vote for women's rights worldwide and it is vote for the poor. It is not a vote for coercive abortions in China or anywhere else.

Mr. LEHMAN of Florida. Mr. Speaker, I yield a minute and a half to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I want my colleagues to be absolutely clear about the issue being debated here.

Detractors of the Senate provision say they oppose it because they are opposed to abortion and China's family planning practices.

I urge my colleagues to read the Senate language. Do not let the issue be clouded.

The Senate language prohibits U.S. funds from being used for abortion.

It prohibits United States funds being used in China.

And it provides that U.S. funds can be used only for voluntary family planning.

These guarantees are already in the Senate language. The Smith amendment is necessary and serves only to confuse the issue.

If you support voluntary family planning, vote to recede on the Smith amendment.

Let me repeat why it is so important that UNFPA be funded.

UNFPA provides voluntary family planning services in 120 countries around the world. United States family planning programs operate in only about 40 countries.

In Africa, where women in most countries average between six and eight pregnancies, the United States has bilateral population assistance in about a dozen nations. UNFPA works in over 40 African nations.

It is crucial that we vote to fund a family planning organization that has a network already in place in nations the United States cannot reach.

I urge a vote to reaffirm the U.S. commitment to voluntary family planning around the world. Vote for the motion to recede on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Speaker, we have debated this issue before, but let me review it as briefly as I can.

There is no question about some of the facts involved here. First of all, there really is no question and has not been any question in the debate about the coercive nature of the Chinese population control program, coercive abortion leading to infanticide in some cases, particularly in Tibet. Nobody argues that.

There is no question that the UNFPA has supported the Chinese program. Nobody argues that. They give it money. The U.N. even gave it a prize for excellence.

There is no question that the UNFPA has totally ignored American protests of that program. The gentleman from Illinois [Mr. PORTER], on the other side of this issue, made that point.

The question is only this: Should we reward the UNFPA for ignoring our protests of this program with a renewal of U.S. support, or should we provide that support to other family planning agencies doing work in the Third World? That is really all that substantively is at issue here. Do we reward UNFPA for ignoring our protests of their involvement in China by renewing United States support, or do we provide that support to other family planning agencies doing work in the Third World? That is all that is substantively at issue.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. WEBER. I do not have much time, but I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, very briefly, would it not be a better way to make sure that no United States money goes to UNFPA, and make sure they remain in China, arguing, as they do, against any abortion? They do not do anything for abortion in China, and in fact they argue against it. Would not that be a more effective way?

Mr. WEBER. The gentleman and I disagree on the substance of UNFPA's involvement in China. They have provided technical assistance, computer assistance, and a lot of other assistance that we believe is directly involved in the management of the abortion program in China. But I would respectfully suggest we need more time to debate that.

Finally, let me just say let us just get down to the parliamentary brass tacks. We have debated this issue, we have voted on this issue, and very shortly we are going to hear howling about how we have to go home. If we want to get done, if we want to go home, we have to send this bill to the President in a form that he can sign. If we do not insist on the House position, the President is not going to be able to sign this bill. He will veto it, it will come back, we will fight it again here, we will fight it again in the Senate, and we will fight about it next week, and tempers will get shorter and shorter and shorter.

So I appeal to Members based on substance, but if the substance is not persuasive, vote to sustain the House position so that we can indeed adjourn and go home for Thanksgiving.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, no money goes to China.

No money goes to China.

No money goes to China.

Now hear this: No money goes to China.

Let me turn the record over. No money goes to China.

No money goes to it, nothing, nothing, not a cent.

What my friend from New Jersey is trying to do is to link the conduct of the Chinese Government in China to whether or not we provide the United Nations with money for its population program. These two are entirely independent of one another. They have nothing to do with one another.

What will be the effect of what my friend from New Jersey is trying to do? Not changing the conduct of the Chinese Government, not changing it at all, because we do not give any money to China. The effect will be to cut off voluntary family planning assistance to 130 of the poorest countries in the world, 19 of them in Africa, who will not be the recipients of reprogrammed money because we do not have a population program. They will lose money entirely. Mexico, Brazil, Columbia, in this hemisphere will lose all of their family planning money because we do not provide any independently.

No money goes to China.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHEUER].

□ 1720

Mr. SCHEUER. Mr. Speaker, the entire civilized world is going to pay a price for denying people in the poorest of the poor countries the ability to

control their fertility and to space their children, which has been declared by the United Nations to be a right. It is the population explosion in the countries of sub-Saharan Africa, where they are doubling their populations every 20 to 25 years. It is degrading the planet, it is causing the desertification, the deforestation. It is the driving force behind the abuse of the resources of the world.

How can we tell these people, the poorest of the poor nations, that we are not going to enable them to work their way out of this grinding poverty resulting from 8 to 9 or 10 children? They do not want that many children. Members of this House do not have that many children.

They want to control their fertility, they want to space their children.

How in the name of decency can we deny them that capability? China is not an issue here.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 15 seconds, just to respond briefly. China is the issue. The UNFPA has been found to be comanaging and supporting the Chinese program, which involves the one child per couple policy. That is what we are talking about. Every dollar that does not go to UNFPA is reprogrammed to some other family planning agency or country or project.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. I want to say this directly to the gentleman from New Jersey and to others. I am worried about China's one-child policy. I was worried about it when I was in AID. If you are worried about it, the thing is not to withdraw from involvement in UNFPA. What you are doing is counterproductive. You do two things: You do not affect the amount going to China. What it means is we have no role at all, we do not have a seat at the table of UNFPA.

Also, it withdraws money from other voluntary family planning programs.

I cannot think of a motion that is more head-in-the-sand than this one. It does not work. You may feel better, but you do worse.

Let us do better and resist the gentleman's effort.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Speaker, I would hope we would recede and concur in the Senate amendment. It is very clear that the issue is China. It is very clear that the single most effective way that we can change the policy in China is to support and to rejoin the UNFPA. That will give us an important voice in that forum, it will help us support the most significant efforts that are going on now and that put forth a voice against the coercive policies in China. The United Nations bylaws specifically exclude any funding for abortion. UNFPA does not comanage the program. That is dead wrong.

The only evidence that they have that they cite is there is some computer equipment that they claim part of it, which is absolute nonsense.

The UNFPA has been the clearest, most consistent voice against the coercive programs in China. The single most effective way that we can change the policies in China is to join our voice with the UNFPA.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, to listen to the debate you would think we were debating sending money to China. There is no money in this bill for China. The administration's own statement says, and I quote, "* * * the United States contribution to UNFPA would be barred from being spent in China. * * *" The administration's own statement confirms that there is no money in here for China.

Nonetheless, they do not like it, and that is their right. But let us get the issue correct. No money here for China.

In fact, the Smith amendment was rejected by the Senate because the Smith amendment would allow China, in effect, to control American policy. If China does not "reform" its own internal policies on population—and they should—then we cannot send United States support to Bangladesh and other such countries to help them in their population programs. In other words, American policy on family planning, if you can believe this, would be paralyzed by the Smith amendment because it blocks us from doing what we need to do until China does what it needs to do in its own country.

Nobody is defending China in this legislation, but that is not the issue by the administration's own statement.

The Smith amendment would allow China's internal behavior to block American policy for the Third World.

Does anyone want to do that, to give China control of that policy? I would say no.

Last evening the Senate rejected the content of the Smith amendment—which is the Kemp-Kasten policy of refusing support to all UN family planning activities because of China—by an even larger margin than earlier. We should do the same. At this point we should simply concur with the Senate amendment and vote "yes". If not, this amendment will go back to the Senate and they will probably send it back to us.

Vote yes on concurrence with the Senate, and support voluntary family planning in poor countries.

The Smith amendment gives China control over American policy because by not doing anything they block us from helping countries with family planning which does not involve abortion.

Mr. SMITH of New Jersey. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, you are known by the company you keep. Unfortunately, the United Nations Fund for Population Activities keeps company with China. And China has coercive, forced abortion, coercive sterilization.

Now if Mr. ATKINS is right, we have no problem, we have been wasting our time, because the bill says simply the President denies funds if he certifies that they manage and participate in a program of coercive abortion and involuntary sterilization.

Mr. ATKINS. Mr. Speaker, will the gentleman yield?

Mr. HYDE. No, I will not yield.

Now if you wanted to be Secretary of State and you appeared before the Senate to be confirmed and it came out that you belonged to a country club that would not admit women, that would not admit blacks, you would say, "But I am not sexist, I am not racist." They would say, "No, but you belong to an organization that is. Therefore you will not be confirmed."

This organization supports and legitimates an obscene program of coercive abortion. It says human beings should be treated like animals. How do we send them a message? Send them a strong resolution?

Mr. ATKINS. Mr. Speaker, a point of personal privilege; Mr. Speaker, my name was mentioned. And the fact of the matter is, as I indicated in my remarks, the President does not have any compulsion——

PARLIAMENTARY INQUIRY

Mr. THOMAS of California. Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS of California. Mr. Speaker, what is a personal point of privilege under parliamentary law,

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] has not yielded time to the gentleman from Massachusetts.

The fact that the gentleman's name was mentioned is not a point of order.

Mr. ATKINS. It is a point of personal privilege.

The SPEAKER pro tempore. That question of personal privilege is not in order at this time.

Mr. HYDE. I hope that I did not take the gentleman's name in vain, because I did not. I just disagreed with him respectfully

Why should we legitimate a program that supports coerced abortion? Now the gentleman from Wisconsin—I am sorry—said no money to China. But it

goes to somebody who will have our money and then frees up their money to go to China. The program in China is an anathema. We should have nothing to do with friends of that program, supporters of that program, and that unfortunately is the United Nations. Every nickel, every dime of this money is reprogrammed for family planning.

Now if the programs are inadequate, let us develop some programs that are adequate. Personally I think Africa needs more than condoms; it needs an economic system that will help the people and help the farmers and give them a decent price. But that is an argument for another day.

Support the House, do not recede.

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] has 30 seconds remaining.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 15 of those 30 seconds to the gentlewoman from Rhode Island, Ms. SCHNEIDER].

Ms. SCHNEIDER. Mr. Speaker, let me say that it saddens me that responsible funding for the U.N. family planning activities has been misrepresented as an abortion vote. It is not another referendum on reproductive rights.

□ 1730

Let me say that it also saddens me to have visited the Caribbean, Africa, and other nations where poor women come to me as an American and ask, "How do we limit our family?"

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself the remaining 15 seconds.

Do not be misled by my colleagues. This is not a China amendment. This is not an amendment about abortion. This is an amendment for poor women in the poorest parts of the world. Vote to recede to the Senate amendment.

Mrs. MORELLA. Mr. Speaker, I urge my colleagues to vote today to recede to the Senate and restore the U.S. contribution to the U.N. Fund for Population Activities [UNFPA]. After two full Senate votes, it is clear that the Senate will continue to insist on the restoration of this funding, and with good reason.

The U.N. Fund for Population Activities provides family planning services to over 140 developing nations, 90 of which have populations expected to double over the next 30 years. UNFPA is the world's largest and most effective multilateral provider of family planning assistance. It has been supported by many nations representing a wide variety of political philosophies. It is time for the United States to resume the position of leadership it held for 20 years in promoting voluntary programs of family planning.

This vote has nothing to do with abortion; UNFPA has never funded abortions in any of its programs. Instead, its population programs have resulted in fewer abortions, as a result of its education efforts in birth control, health care, and other solutions. In addition, none of the $15 million can be used in China. The United States contribution will not even result in indirect funding for China.

In view of our most serious world population problems, it is imperative that we support voluntary international family planning programs. These efforts save lives, and contribute substantially to population control by providing women who want assistance to limit the size of their families.

Mrs. UNSOELD. Mr. Speaker, I rise today in strong support of the Mikulski amendment and urge my colleagues to accept the Senate position.

I am deeply disappointed that the President has pledged to veto the foreign aid bill if it contains the Mikulski amendment. Sadly, the White House had bought into the distortions of the anti-birth control movement that this amendment is about abortion or a referendum on the Chinese population program.

Nothing could be further from the truth.

If the White House were truly concerned about abortion in China it should be leading the charge to restore United States funding of UNFPA. Since 1980, U.N. Fund for Population Assistance [UNFPA] support has provided production equipment and technical assistance to 18 factories to improve the typically low quality of contraceptives manufactured in China.

The wider availability of higher quality contraceptives reduces abortion by lowering the incidence of unplanned pregnancies resulting from contraceptive failure. It is estimated that modern IUD manufacturing technology transferred by UNFPA to two factories in China prevents over 300,000 unwanted pregnancies annually.

Mrs. LOWEY of New York. Mr. Speaker, opponents of the Mikulski amendment tell us that this bill will provide support for coercive family planning practices in China. But nothing could be further from the truth.

Today we are voting for the millions of people in the dozens of countries that need our help. Family planning services are still not available to one-half of the world's people. The poorest and least developed nations generally have the highest birth rates and the greatest need for family planning services and they are least able to afford them.

Again I will say that this is not a vote for abortion. Not one penny of these funds will be used for abortion. The $14-million appropriation will be used for family planning, for education, and for contraceptives.

It is a simple fact. Many Third World Nations are overwhelmed by exponential population growth. It is prohibiting those nations from coping with their development needs. All of us want these nations to become self-sustaining participants in the world community. But if we refuse to give them this meager support to address this fundamental problem, we are making that task all the more difficult.

We must restore our Nation's support for UNFPA.

The SPEAKER pro tempore. (Mr. TORRES). The question is, will the House recede from its amendment to the amendment of the Senate numbered 17?

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. McHUGH. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 207, nays 200, not voting 26, as follows:

[Roll No. 361]

YEAS—207

Ackerman	Gephardt	Owens (NY)
Akaka	Gibbons	Owens (UT)
Alexander	Gilman	Pallone
Anderson	Gonzalez	Panetta
Andrews	Gordon	Patterson
Annunzio	Gradison	Payne (NJ)
Anthony	Gray	Payne (VA)
Atkins	Green	Pease
AuCoin	Guarini	Pelosi
Bates	Hamilton	Penny
Beilenson	Hatcher	Pickett
Bereuter	Hayes (IL)	Pickle
Boehlert	Hefner	Porter
Bonior	Hoagland	Price
Borski	Hochbrueckner	Pursell
Bosco	Horton	Rangel
Boucher	Houghton	Richardson
Boxer	Hoyer	Rose
Brennan	Hughes	Roukema
Brown (CA)	Jenkins	Roybal
Bustamante	Johnson (CT)	Russo
Campbell (CA)	Johnson (SD)	Sabo
Campbell (CO)	Johnston	Saiki
Cardin	Jones (NC)	Sangmeister
Carper	Jontz	Savage
Carr	Kaptur	Sawyer
Chandler	Kastenmeier	Scheuer
Clarke	Kennedy	Schneider
Clay	Kennelly	Schroeder
Clement	Kleczka	Sharp
Coleman (TX)	Kolbe	Shays
Collins	Kostmayer	Sisisky
Conte	Lancaster	Skaggs
Conyers	Lantos	Smith (FL)
Cooper	Leach (IA)	Smith (IA)
Coughlin	Lehman (CA)	Smith (VT)
Courter	Lehman (FL)	Snowe
Coyne	Levin (MI)	Solarz
Crockett	Lewis (GA)	Spratt
DeFazio	Lipinski	Stark
Dellums	Long	Stokes
Derrick	Lowey (NY)	Studds
Dicks	Machtley	Swift
Dingell	Markey	Synar
Dixon	Martin (IL)	Tanner
Donnelly	Martinez	Thomas (CA)
Dorgan (ND)	Matsui	Torres
Downey	Mavroules	Torricelli
Durbin	McCloskey	Towns
Dwyer	McCurdy	Traficant
Dymally	McDermott	Traxler
Edwards (CA)	McHugh	Udall
Engel	McMillen (MD)	Unsoeld
Evans	McNulty	Upton
Fascell	Meyers	Valentine
Fawell	Mfume	Vento
Fazio	Miller (CA)	Visclosky
Feighan	Miller (WA)	Walgren
Fish	Mineta	Walsh
Flake	Moakley	Watkins
Foglietta	Moody	Waxman
Ford (MI)	Morella	Weiss
Ford (TN)	Morrison (CT)	Wheat
Frank	Morrison (WA)	Williams
Frenzel	Nagle	Wilson
Frost	Neal (MA)	Wise
Gallo	Neal (NC)	Wolpe
Gejdenson	Oakar	Wyden
Gekas	Olin	Yates

NAYS—200

Applegate	Bartlett	Boggs
Archer	Barton	Broomfield
Armey	Bateman	Browder
Aspin	Bennett	Brown (CO)
Baker	Bevill	Bruce
Ballenger	Bilbray	Buechner
Barnard	Bilirakis	Bunning

Burton	Inhofe	Ritter
Byron	Ireland	Roberts
Callahan	Jacobs	Robinson
Chapman	James	Roe
Clinger	Kanjorski	Rogers
Coble	Kasich	Rohrabacher
Coleman (MO)	Kildee	Ros-Lehtinen
Combest	Kolter	Rostenkowski
Condit	Kyl	Roth
Costello	LaFalce	Rowland (CT)
Cox	Lagomarsino	Rowland (GA)
Craig	Laughlin	Sarpalius
Dannemeyer	Lent	Saxton
Darden	Lewis (CA)	Schaefer
Davis	Lewis (FL)	Schiff
de la Garza	Lightfoot	Schuette
DeLay	Livingston	Schulze
DeWine	Lloyd	Sensenbrenner
Dickinson	Lowery (CA)	Shaw
Dornan (CA)	Luken, Thomas	Shumway
Douglas	Lukens, Donald	Shuster
Dreier	Manton	Sikorski
Duncan	Marlenee	Skeen
Dyson	Martin (NY)	Skelton
Early	Mazzoli	Slattery
Eckart	McCandless	Slaughter (VA)
Edwards (OK)	McCollum	Smith (NE)
Emerson	McCrery	Smith (NJ)
English	McEwen	Smith (TX)
Erdreich	McGrath	Smith, Robert (NH)
Fields	McMillan (NC)	Smith, Robert (OR)
Gallegly	Michel	Solomon
Gaydos	Miller (OH)	Spence
Geren	Mollohan	Staggers
Gillmor	Montgomery	Stallings
Gingrich	Moorhead	Stangeland
Goodling	Murphy	Stearns
Goss	Murtha	Stenholm
Grandy	Myers	Stump
Grant	Natcher	Sundquist
Gunderson	Nielson	Tallon
Hall (OH)	Nowak	Taylor
Hall (TX)	Oberstar	Thomas (GA)
Hammerschmidt	Obey	Thomas (WY)
Hancock	Ortiz	Vander Jagt
Hansen	Oxley	Volkmer
Harris	Packard	Vucanovich
Hastert	Parris	Walker
Hayes (LA)	Pashayan	Weber
Hefley	Paxon	Weldon
Henry	Perkins	Whittaker
Herger	Petri	Whitten
Hertel	Poshard	Wolf
Hiler	Quillen	Wylie
Holloway	Rahall	Yatron
Hopkins	Ravenel	Young (AK)
Hubbard	Ray	Young (FL)
Huckaby	Regula	
Hunter	Rhodes	
Hutto	Ridge	
Hyde	Rinaldo	

NOT VOTING—26

Bentley	Garcia	Mrazek
Berman	Glickman	Nelson
Bliley	Hawkins	Parker
Brooks	Jones (GA)	Schumer
Bryant	Leath (TX)	Slaughter (NY)
Crane	Levine (CA)	Smith, Denny (OR)
Espy	Madigan	
Flippo	McDade	Tauke
Florio	Molinari	Tauzin

□ 1750

The Clerk announced the following pair:

On this vote:

Ms. Slaughter of New York for, with Mr. Nelson against.

Mr. MOLLOHAN changed his vote from "yea" to "nay."

Messrs. SPRATT, WILLIAMS, PURSELL, and HEFNER changed their vote from "nay" to "yea."

So the House receded from its disagreement to the amendment of the Senate numbered 17.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. YATES moves to concur with the Senate amendment (number 17) with an amendment, as follows: at the end of the Senate amendment 17, insert "; *Provided further,* That any agreement entered into by the United States and the United Nations Fund for Population Activities to obligated funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if any United States funds are used for any family planning programs in the People's Republic of China or for any abortion related activities in any country.".

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Illinois [Mr. YATES] is recognized for 30 minutes.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent to yield the 30 minutes from this side to the gentleman from New Jersey [Mr. SMITH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. YATES. Mr. Speaker, I ask unanimous consent to make the same request on our behalf for the gentleman from New York [Mr. MCHUGH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Speaker, I thought it would be well to try to give Members a sense of how we intend to proceed over the next few days and over the weekend so that they can begin to plan what they want to do.

Mr. Speaker, it would be our intention to finish the work on this bill and then go to one additional bill this evening on the Nevada wilderness. We feel that that can be done by 7:30 or 8 o'clock. We hope we can be finished this evening.

We will be in session tomorrow. We have a variety of conference reports and other items that we will deal with tomorrow. We would hope to be finished tomorrow at approximately 7 o'clock, perhaps even earlier.

Mr. Speaker, we then would ask for unanimous consent to have recess authority through the weekend. It is my feeling that, given the progress on reconciliation, that it is likely that the reconciliation conference will be completed sometime late tomorrow. There is about a day of paperwork that needs to go on, which would mean that it is unlikely; I would say it is fairly unlikely, that we will have any votes on Saturday or Saturday night.

Mr. Speaker, we would then plan to try to get to a consideration of that reconciliation conference report sometime on Sunday afternoon. We would probably try to come back into session, would give Members notice of that at around 1 o'clock on Sunday afternoon, and from that point forward it would be our intention, with appropriate recess authority, to stay in session on Sunday and Monday until we finish. If we could finish Sunday night, the session, we would do that. If we have to go into Monday, obviously we will do that.

Mr. Speaker, our clear hope and intent is to finish here by Monday, late Monday evening.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, might I pose some questions to the majority leader?

First, we certainly want to have agreement on reconciliation; second, the appropriations bills; third, is catastrophic in that realm of items?

Mr. GEPHARDT. It is, Mr. Speaker. I am told that conference is very near finishing, and it will be considered as well with the reconciliation conference.

Mr. MICHEL. Mr. Speaker, I would have to assume that in view of the action taken by the House today that we would also expect the other body to also deal with the subject just as expeditiously as possible so that we might also have a resolution of that item.

Mr. GEPHARDT. The gentleman from Illinois [Mr. MICHEL] is correct. I am told they will do that tomorrow.

Mr. MICHEL. Is that other than the extraneous items that you are going to be scheduling then for tomorrow, and would I have the assurance of the gentleman from Missouri [Mr. GEPHARDT], if perchance there is anything on suspension, last minute, or anything of that nature, we would surely be given adequate notice and warning of that scheduling of anything that the gentleman may or may not have in mind?

Mr. GEPHARDT. The gentleman from Illinois [Mr. MICHEL] is correct. We will attempt to give a couple of hours' notice on any unanimous consents or other matters.

We do have a number of drug bills that we finished earlier in the week. They are now in conference. We want to get those completed before we leave.

Mr. MICHEL. Mr. Speaker, the gentleman from Missouri [Mr. GEPHARDT] anticipated my last question because I think with that package of measures then we will have had something we can be proud of enactment, recogniz-

ing full well that not everything can be done and that there will be some other things for next session.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, if I might, I ask the gentleman from Missouri [Mr. GEPHARDT], the majority leader, and I have just been asked by a couple of my colleagues over here about it, and I think we are a little uncertain. My understanding is that it is the gentleman's intention that we be done by about 7 o'clock tomorrow night.

Mr. GEPHARDT. The gentleman from Georgia [Mr. GINGRICH] is correct.

Mr. GINGRICH. In addition, Mr. Speaker, there are Members who are planning for the weekend, and could they plan to leave around 7 o'clock tomorrow night, if they are close enough, if they need to get home? They would have all day Saturday with no votes under the current plan, and they could plan to be back here by about 1 o'clock on Saturday.

Mr. GEPHARDT. The gentleman from Georgia [Mr. GINGRICH] is correct with this understanding, that, while we think the chance of votes on Saturday is highly unlikely, it is impossible for us to give an ironclad, money-back guarantee that there could not be a vote on Saturday.

However, Mr. Speaker, I want Members to understand that we will do anything in our power to avoid it. When we are in this kind of an end game in a session it is just impossible for us to be able to say without qualification that there will not be a vote, but I think it is highly unlikely.

Mr. MICHEL. Mr. Speaker, if the gentleman from New York [Mr. McHUGH] would continue to yield, I might make an observation.

When we are trying to wrap up with some of these conference reports and some of the unfinished business, I think it should be understood that some of the Members are in a blanket kind of permission of this sort, an erroneous impression that no Member under the sun is expected to be around here. There are going to be some significant Members who are players, and they know who they are, and so we expect that they be available. I quite frankly do expect that long trips away, as my colleagues should realize, ought not be planned for, only maybe short excursions, something of that nature.

□ 1800

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, if I can follow on what the gentleman from Illinois [Mr. MICHEL] just said, let me recap for a second where we are at, because I want to reinforce what the majority leader just said from our side.

All of you know we just sent a very important ethics package to the other body. As it has been described, if you just listen to the list, we are going to try in a very short amount of time to finish repealing catastrophic, get a signable reconciliation bill, finish the appropriations bills, get the ethics package concluded and pass the drug bills requested by Mr. Bennett and the President, all that in the next couple days.

I just want to reinforce, because I do not think this is unreasonable. There may be reasons involving, for example, the other body, where it may be useful to bring pressure to bear to have certain things happen quickly. We are not going to know that until probably sometime late tomorrow. We do not want our good friends in the the other body, for example, to suddenly get into a rhythm where we are back here after Thanksgiving.

Now, it will take some indulgence on both sides to maintain a level of pressure and to make sure that our conferees are here, that they are doing their job all day Saturday, if necessary; and so I think if we can maintain some good humor for the next 96 hours, we may get an awful lot done.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield further?

Mr. McHUGH. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, can I just respond and agree and say that we have a continuing appropriation that expires, as I understand it, on Monday. It is our intention to not renew that continuing appropriation and keep the pressure on to finish the appropriation bills and to finish this session of Congress on Monday night.

Mr. MICHEL. Mr. Speaker, might I ask the distinguished gentleman to yield one further time?

Mr. McHUGH. I yield to the gentleman from Illinois.

Mr. MICHEL. I forgot one very important observation to be made, particularly for Members on my side having to do with the flag amendment.

The Speaker's assurance to me earlier in the year was that we would have our opportunity to vote on the flag amendment.

It is my feeling in consultation with the Speaker, that in this closing rush to adjournment with all the different things that take place, it tends to minimize the importance of an issue such as that. I think it demeans that whole issue.

I have the assurance, the Speaker and I are of the view that courts may very well act on the case that is currently pending. It would be then our intention by agreement, after a court decision, to bring that amendment before the House.

Now, I recognize that there are Members who were under some impression that if they voted against the statute, they would have an opportunity to vote on the amendment which they preferred and that it probably would be in this session of the Congress, but again making mention of the fact that with such short notice and limited time and under the conditions, it was my feeling that we are much better served to put that off until the next session.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I ask unanimous consent that the time for this discussion on the schedule not be taken from the time on my amendment, from either side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DOUGLAS. Mr. Speaker, will the gentleman yield so that I might make an inquiry of the distinguished minority leader?

Mr. McHUGH. I yield to the gentleman from New Hampshire.

Mr. DOUGLAS. Mr. Speaker, I would like to ask the distinguished minority leader, if we do not get a speedy resolution on the flag statute, what the situation will be.

The Justice Department, and I spoke to them 2 days ago, indicated there was a possibility, but not a probability, that we would have a ruling in this term of the U.S. Supreme Court that expires at the end of June 1990.

The commitment that came from Speaker FOLEY to the gentleman from Illinois [Mr. MICHEL] and to the gentleman from Mississippi [Mr. MONTGOMERY] was that we would have a vote by the time we adjourned in November. I know we could put that over into next year, into January or February, but frankly, I think that we are entitled to a commitment for a vote in February at the latest, because there may not be an opportunity for a vote later in 1990 if the Court does not rule on the statute.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield further so that I might respond, the Speaker and I, I have to tell the gentleman quite frankly, did not come to that precise an agreement, but with the kind of comity that prevails around here these days, I would be very happy to go back to the Speaker again and get a better understanding of just exactly how we would like to handle that particular matter, hopefully to the satisfaction of the gentleman and those others who have a concern.

Mr. DOUGLAS. Mr. Speaker, I thank the distinguished minority leader.

Mr. MICHEL. Mr. Speaker, begging the indulgence of my friend, the gentleman from New York [Mr. McHUGH] to yield further for one other question that ought to be put to the majority leader, if appropriation bills are vetoed, any of them that are still pending here, what would be our plan for consideration of any appropriation bill vetoed for reconsideration by the House and the Senate?

Mr. GEPHARDT. Mr. Speaker, if the gentleman from New York will continue to yield, our intention would be to consider those vetoed bills as soon as possible, either with a veto override or taking them back into the committee and doing something with them, but to try to get them resolved before we leave.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I am wondering if the gentleman from New York would be willing to make a unanimous consent request to limit the debate on the pending motion to 10 minutes on each side?

Mr. McHUGH. I have no objection to that, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Mr. McHUGH. Mr. Speaker, has the Chair ruled on the gentleman's unanimous consent request? There is no objection, as I understand, to limiting it to 10 minutes on each side.

The SPEAKER pro tempore. As the Chair understands, there has been no request made by the gentleman from New York.

Mr. McHUGH. Mr. Speaker, the gentleman from Wisconsin has made a unanimous consent request that the time on each side be limited to 10 minutes on the Yates motion. I have no objection to that, and the gentleman from New Jersey, as I understand, has no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr DeFAZIO. Mr. Speaker, will the gentleman yield?

Mr. McHUGH. I yield to the gentleman from Oregon.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON FRIDAY, NOVEMBER 17, 1989, DURING THE 5-MINUTE RULE

Mr DeFAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit on tomorrow, Friday, November 17, 1989, while the House is under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume. I will be very brief, but I think it is important for the Membership to understand where we are.

The House has now voted to recede from its position, a position which would have denied any funding to the UNFPA anyplace in the world. The Yates motion is to concur with the Senate position with an amendment.

The Senate position, as we know, is to provide $15 million to the UNFPA for voluntary family planning programs in countries other than China.

The amendment that the gentleman from Illinois [Mr. YATES] has proposed to the Senate position would further strengthen the prohibition against using United States funds in China, and specifically would say that if in fact any United States money goes to China for family planning purposes, the UNFPA must return to the United States all of our contribution, that is, all the $15 million, regardless where it was spent otherwise.

□ 1810

The Yates motion further strengthens the prohibition on abortion by providing that if any U.S. contribution should be used for abortion-related activities anyplace in the world, then the UNFPA would have to return to the United States all of the U.S. contribution, that is all of the $15 million.

Let me make it clear that we have no expectation whatsoever that any United States money will be used in China for abortion-related activities. There is a prohibition in this conference report to that effect, but we are strengthening that provision by saying that all of the U.S. contribution would have to be returned to us is, in fact, any money were used for either of those two purposes, and so we think that the Members on both sides of the aisle should be able to agree to this strengthening provision.

I would hope that my friend, the gentleman from New Jersey, would agree to the amendment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, will be very brief.

Mr. Speaker, what a difference 2 days make. Just on Tuesday night the House voted 219 to 203 to support language that made it crystal clear that we will not in any way provide funds to any organization, in this case the UNFPA, that comanages or supports a program of coercion in abortion or coercion in sterilization. Today, unfortunately, we have repealed that language. That language, very similar language, has been the law since 1985. We will be sending the message, by repealing that language, that coercion is something we can wink at as long as our funds are segregated, as long as our funds are over here and their funds are over there, if UNFPA is comanaging this coercion, somehow that is OK. We will make some protestation and stand up and say we do not like it.

The real leverage that withholding funds will provide and the real message it does, indeed, send, will be lost.

Mr. Speaker, I want to make very clear to my colleagues that this language will be vetoed. We will be getting the foreign aid appropriations bill back to the House and back to the Senate, because this language is absolutely unacceptable.

Mr. Speaker, we have had in place an effective program. It has truly said to the world that we do not want to countenance or in any way cooperate with those organizations and those people, in this case the UNFPA, that are comanaging and supporting abortion, forced abortion, or coerced sterilization.

Mr. Speaker, with regard to the language before us, we do not intend on asking for a vote, but I want to tell the membership again that this language, this bill, will be back.

Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I would then simply urge the Members to vote yes on the Yates motion which, as I understand it, is not objected to by the other side.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). The question is, will the House concur in the amendment of the Senate numbered 17 with an amendment?

The House concurred in the amendment of the Senate numbered 17, with an amendment.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move that the House disagree to the Senate amendment to the House amendment to the Senate amendment numbered 278.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the House disagree to the Senate amendment to the House amendment to the Senate amendment numbered 278.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I would like to pose a question to the distinguished chairman of the Subcommittee on Energy and Water Development of the Appropriations Committee, the gentleman from Alabama [Mr. BEVILL].

Mr. Speaker, in the 1990 energy and water development appropriations, Public Law 101-101, the conferees included directions for the Army Corps of Engineers to undertake activities related to a streambank and channel stabilization project on the Santa Fe River.

While this direction was included in the "Construction, General" provisions of the bill, it was the intent of the Conference Committee to have these funds included in the "General Investigation" section of the Corps appropriations.

Do you agree that the Corps should reprogram the general investigations funds to initiate and complete engineering and design activities including the preparation of plans and specifications of this project?

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I am happy to yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, I agree that the Corps should reprogram funds so that they carry out the intent of the conference.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman.

Mr. EDWARDS of California. Mr. Speaker, as chairman of the Judiciary Subcommittee on Civil and Constitutional Rights, I urge the House to defeat this motion to concur with Senate amendment No. 1135.

In addition to being nongermane and unfeasible, this amendment is clearly unconstitutional. The text of the Constitution on this point could not be clearer. Article I, section 2, clause 3 of the Constitution reads in pertinent part:

Representatives * * * shall be apportioned among the several States * * * according to their respective Numbers, which shall be determined by adding to the whole Number of Free Persons * * *.

Section 2 of the 14th amendment, which supersedes this clause, reads in pertinent part:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State * * *.

The intent of the framers of the Constitution could not be clearer. In writing our Constitution, when the framers meant "citizens", they said so. In this regard, I refer you to article I, section 2, clause 2; article I, section 3, clause 3, and article II, section 1, clause 5. When the framers meant "persons", they said so. The Framers clearly understood the difference between using the word "persons" and the word "citizens".

As the records of the Constitutional Convention of 1787 indicate, it was never the intent of the framers to include only citizens for apportionment purposes. The original language adopted by the Constitutional Convention for article I, section 2, was "whole numbers of free citizens and inhabitants." This language was referred to the Convention's Committee on Style, which chose the word "persons" to cover that phrase.

That same history is reflected in the language chosen by the 39th Congress in drafting section 2 of the 14th amendment. That Congress specifically rejected the words "voters" and "citizens" with regard to apportionment. Instead they specifically selected the word "persons".

Further, the history of our country is absolutely clear with regard to the counting of residents, both legal and illegal, for apportionment purposes. Every census since the Constitution was adopted has counted all residents of the States, including not only citizens, but both documented and undocumented residents.

The Framers were there during the 1790 census. If the count was not done according to their intent, surely they would have made this known and done something about it.

The language of the Constitution has been construed—both by the Congress and by the Courts—for 200 years to include all residents of the States, illegal and legal, citizens and noncitizens, as a matter of constitutional law.

Mr. Speaker, this is not a new issue. The House Committee on the Judiciary studied this issue in depth in 1940, and rejected a bill that would have excluded undocumented residents from the population base for apportionment purposes. As the late Emmanuel Celler, for many years the chairman of the Judiciary Committee, stated at the time, "The only way we can exclude them would be to pass a constitutional amendment."

The U.S. Supreme Court, in refusing to hear a case brought in 1980 which sought to exclude undocumented residents from the census, noted that "the defendants' interpretation of the constitutional language is bolstered by two centuries of consistent interpretation."

The Constitution is not ambiguous on this point. In case after case, the Supreme Court has emphasized that the standard for reapportionment is the actual number of people inhabiting the States.

I urge the House once again to reject this unworkable proposal, which would exclude undocumented residents from being counted in the census for purposes of reapportionment, as clearly unconstitutional.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY].

The motion was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER of New York. Mr. Speaker, I was unable to be present for two rollcall votes. Had I been present, I would have voted "yea" on rollcall votes 360 and 361.

Mr. Speaker, I ask unanimous consent that my statement appear at the appropriate place in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. PARKER. Mr. Speaker, due to a speaking commitment in my district, I was unable to cast my vote on several matters considered by the House. Had I been present, I would have voted as follows:

Rollcall No. 359: H.R. 3402—On motion to agree to Senate amendment to the text to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform—"yea."

Rollcall No. 360: House Resolution 198—On agreeing to the resolution providing for the consideration of the bill (H.R. 1549) to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1990 and 1991, and for other purposes—"yea."

Rollcall No. 361: H.R. 2939—On motion that the House recede from its amendment to Senate making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes—"nay."

PERSONAL EXPLANATION

Mr. JONES of Georgia. Mr. Speaker, I was absent for two votes because of a previously scheduled engagement in my district. Had I been present, I would have voted "aye" on rollcall vote 360, the resolution providing for the consideration of H.R. 1549, and "aye" on rollcall vote 361, the motion that the House recede from its amendment to Senate making appropriations for foreign operations fiscal year 1990.

NEVADA WILDERNESS PROTECTION ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 289 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the Senate bill, S. 974.

The Chair designates the gentleman from South Carolina [Mr. DERRICK] as Chairman of the Committee of the Whole, and requests the gentleman from Mississippi [Mr. MONTGOMERY] to assume the Chair temporarily.

□ 1820

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 974) to designate certain lands in the State of Nevada as

wilderness, and for other purposes, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the Senate bill is considered as having been read the first time.

Under the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 15 minutes; the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 15 minutes; the gentleman from Missouri [Mr. VOLKMER] will be recognized for 15 mintues; and the gentleman from Oregon [Mr. ROBERT F. (BOB) SMITH] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure, S. 974, the Nevada Wilderness Protection Act of 1989, designates about 733,000 acres of wilderness in 14 areas on the national forest lands of Nevada. At the same time, it would release approximately 2.4 million acres of roadless lands to nonwilderness uses. That means that out of the 5.2 million acres of the national forest in Nevada, about 733,000 acres, about 15 percent would be designated as wilderness.

This is the first wilderness enacted in Nevada for some 25 years, Mr. Chairman.

These wilderness lands, of course, contain many outstanding features. I think many of us think of Nevada as being an arid desert, but frankly there are 100 different fault block mountains that run north and south in that State. It is a magnificent area, almost each one having unique qualities and characteristics.

While the House has acted twice in the past, during the 99th Congress and the 100th Congress on wilderness bills, the Senate has blocked action on these bills. The Members I think should recognize the fact that this year in the 101st Congress the Senate has finally acted on a Nevada wilderness bill for the first time. So we have an opportunity, Mr. Chairman, to move forward with this. This would be, I think, one of the outstanding acts of this first half of the 101st Congress; one of the most significant conservation policy issues that we can deliver to the desk of the President.

So I hope that my colleagues will look to this measure and think carefully. As I said, we have debated for 5 or 6 years. We have had hearings in Washington, hearings in the field. There have been two field visits by the subcommittee. In fact, almost every corner of Nevada has had their say.

It comes to my colleagues, I am sure, as no surprise that there is not unanimity of opinion. But the fact is the Governor favors this measure and the two U.S. Senators, of course, favor this measure, and the gentleman from Nevada [Mr. BILBRAY] favors this measure, Mr. Chairman, and I think this Congress, this House of Representatives ought to overwhelmingly endorse and favor this measure.

Mr. Chairman, S. 974, the Nevada Wilderness Protection Act of 1989, would designate approximately 733,000 acres of wilderness in 14 areas on the national forest lands of Nevada. At the same time, it would release approximately 2.4 million acres of roadless lands to nonwilderness uses.

The new wilderness lands contain many outstanding wilderness characteristics. These include alpine lakes, meadows, aspen forests, ancient bristlecone pines, pristine grasslands that have never been grazed and wildlife populations of deer, elk, endemic bighorn sheep and the threatened Lahonton Cutthroat trout.

For three Congresses, this subcommittee has wrestled with the Nevada wilderness issue. The subcommittee has held three hearings here in Washington and has visited Nevada twice on field inspection trips. Furthermore, the Senate Energy and Natural Resources Committee held field hearings in five cities throughout the State and heard testimony from 500 witnesses. All points of view have been expressed and all interest groups have had a chance to be heard. It is time we settle this controversy and move on. The National Forest Service has held hearings and comment sessions on the national forest management plan in every corner on Nevada affecting the same area studies under RARE II.

This year we have a unique opportunity to put the Nevada wilderness behind us. For the first time, the Senate actually has passed a bill and sent it to us for consideration. In previous Congresses, the House has passed Nevada wilderness bills only to have them fail in the Senate. I urge my colleagues to pass the bill which will resolve a controversy that has divided Nevadans for many years.

Mr. Chairman, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Nevada wilderness protection bill before us today. There are many reasons for this opposition, not the least of which is that all 14 proposed wilderness areas in this bill lie within my district. It is my constituents, and my constituents only, who will feel the direct impact of removal of these lands from multiple-use management. Despite this fact, the majority has not listened to my request for moderation. We have this year a bill that makes the Nevada wilderness bills from the 99th and 100th Congresses look benign. Although the acreage involved is similar to those earlier bills, several provisions have been left out of this year's version. For example, Mr. Chairman, the Mount Rose area is proposed for wilderness rather than national recreation area status. Many recreationists in Reno will be foreclosed from snowmobiling several months of the year by this bill. An amendment to restore the National Recreation Area status failed in committee on a party line vote. Another amendment to simply remove a 100-foot corridor from the proposed wilderness was likewise defeated. Portions of the Grant Range and Quinn Canyon are highly prospective oil and gas terrain that was extended in 1987. However, this year those areas are back in. This makes no sense whatsoever given our concerns about tanker spills.

I have a letter from Secretary Yeutter that states that he will recommend that President Bush veto this bill if we pass it in its current form. Furthermore, I have just spoken with Secretary Yeutter, and he strongly reiterated a veto threat. Mr. Chairman, S. 974 contains 733,000 acres of proposed wilderness. The Forest Service plans recommend only 412,400 acres. At the proper time, I will offer an amendment to delete those areas in the bill in excess of the Agriculture Secretary's recommendation. These areas to be deleted all contain resource values that dictate the areas should not be placed into the wilderness system. They have already been impacted by man. They are valuable for elk habitat that is managed through mechanical means. They are valuable for oil and gas and base and precious minerals. They included parcels of private lands as inholdings that would be inconsistent with wilderness. While these are indeed major concerns of mine as well as that of the administration, there is another issue of major concern to me, and that is reserved water rights.

The minority is unanimously opposed to the reserved water rights language in section 8 of S. 974. The preemption of State water law that would be created by this section is a totally unwarranted incursion by the Federal Government into Nevada's sovereign jurisdiction. While we admit the Constitution grants the Congress the right to make such preemption on public lands, we see absolutely no reason whatsoever to do so in this bill. Let us examine why.

The proposed wildernesses are all within national forests. As such, the courts have decided that Congress impliedly reserved water rights sufficient for the purposes for which the forests were reserved from the public domain. This Winters doctrine reserved right has been sufficient for 81 years to satisfy the Federal agencies charged with administering the various withdrawals to which it applies; for example, Indian reservations and national parks and monuments, as well as the Forest Services.

The proposed wildernesses encompass headwaters regions only. The Wilderness Act of 1964 proscribes manmade improvements, including water diversion—except where the President determines that a national need exists, a very unlikely event. Thus, there can be no upstream or within-boundary reductions of instream flows within these areas, making a reservation an additional water rights above and beyond the acknowledged Winters rights completely gratuitous.

The State engineer has testified that for all practicable purposes, the waters of the State have already been fully allocated. While this is a rather cavalier statement, we do not argue with it here. He further stated that because the date of the right to be established by section 8 is the date of enactment, the bill does no harm to the State's system of water adjudication. Furthermore, he acknowledged that the State of Nevada recognizes instream flows for fish and wildlife as beneficial uses qualifying for an appropriation under State law. We strongly believe that these statements are all the more reason not to preempt State sovereignty. There simply has been no demonstration by the supporters of this language of an overriding national need that cannot be satisfied under current law.

The attorney general of Nevada has testified that despite the State engineer's endorsement of the bill, there is, in fact, danger in the view that the reservation would have no impact. In fact, there could well be instances where surface waters in these areas are hydrologically connected through geologic formations to areas outside the proposed wildernesses. As happened in the Cappaaert case, pumping of ground water down gradient from the reserved area could be halted if it diminished levels in seeps and pools in the wilderness. This is an entirely plausible scenario given the many mines in Nevada that need to pump their pits or underground workings in order to operate.

More importantly, in our view, is the pernicious precedent that this language could establish with respect to downstream areas managed by the Bureau of Land Management, and Fish and Wildlife Service, when these units are added to the National Wilderness Preservation System in the not-too-distant future. We are not confident that when that day comes that the headwaters versus downstream debate will be fully remembered.

Another aspect of concern is the language of section 8(a) reserving "a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this act." Unlike Winters rights which are the minimum necessary for the purposes of the reservation, no such qualifier exists in this bill. Paragraph (c) directs the Secretary to file a claim for the quantification of the rights granted in paragraph (a). We foresee a rush to the courthouse by those who oppose the Federal Government filing for anything less than the entire flow. In the Sierra Club versus Block case, the Forest Service has argued strenuously that it has the regulatory tools to protect wilderness values, including instream flows, without having to file for an appropriation of water at all. We believe that such is the case on national forest wilderness in Nevada as well.

In summary, the minority strongly believes that these lands have sufficient protection of the watersheds for maintenance of instream flows for wilderness purposes without reserving an additional increment of water rights to the Federal Government. If enacted, this bill would become the first to create a reserved water right for wilderness purposes on national forest lands. The need for preemption of the State of Nevada's sovereignty with respect to the appropriation of water is wholly unnecessary and would establish a dangerous precedent.

Mr. Chairman, I have an amendment that I will offer at the proper time to substitute express water rights language stating that no such reservation is hereby being created.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, this bill was also sent to the Agriculture Committee, so I rise today to speak with respect to the bill, especially with regard to agriculture, and of course that means the problem that we all see in the West with this bill regarding water and water rights.

One of the most valuable and fundamental rights that we have in the West is water and the access to water. The shortage of water in our country means the difference between life and death.

We have a system that has stood the test of time. Since 1866, Congress has repeatedly referred to this system, deferred to this system and States rights as the ones to implement our water rights.

But today through this precedent, we are throwing away the historical objective of water rights for our States. For what purpose? I suggest for nothing.

I submit to you that this bill's water rights language serves absolutely no environmental purpose. It is simply gratuitous.

I submit to you that the real purpose of this language is to set a precedent for other controversial wilderness bills that will come before this Congress in the near future and in the next few years.

In certain circumstances the Federal Government has reserved a water right to itself. This was established in 1980 with what my colleague from Nevada correctly called the Winters Act, the Winters versus United States case, which then became the Winters doctrine.

The Winters doctrine provided that indeed there would be water reserved by the Federal Government for Indian reservations, for national parks and for national forests, never for wilderness areas, never.

Recently the Congress assumed that wilderness is a line management decision and therefore we have established or are beginning to establish a water right for wilderness areas.

There has never been an implied Federal water right for wilderness areas.

Within the past 4 years this has been further confused because of the Kane decision in Colorado, which held that indeed there was an implied water right held for wilderness areas.

On the other side of that question, in a case in New Mexico, the Molybdenum case versus New Mexico, here a Federal court held indeed there was no implied water right for wilderness areas. There is no question that it is a confusing issue, and there is no question in many of our minds that the issue finally will be discussed by the Supreme Court of the United States to finally determine which is which.

It is a confusing situation. My point simply is this: If we do not accept the gentlewoman's amendment, the gentlewoman from Nevada, the Congress will indeed be speaking on one side of this issue.

We will indeed be now saying, yes, through our wilderness bill, the Congress has said wilderness will have a water right and precedent will be to usurp States water rights across the myriad of bills that will be coming before us soon.

I do not see any objectives to be achieved by this bill. If wilderness people want water rights, why do they not go to the various States and ask for them, like everybody else does? Why do they not ask for their water right if they so choose and make their case before the States?

That is the way it has been done for 100 years and that is the way it ought to continue to be done. By 1991, Mr. Chairman, there will be many, many wilderness bills coming out of the West for Bureau of Land Management wilderness. These wilderness areas are not high on the mountains, these wilderness areas are in the valleys and in lower parts.

What happens then to upstream and downstream water rights? What I would suggest would happen, if that is not changed, is that you will strangle forever agricultural potential in the West, you have absorbed all the water for wilderness areas downstream and you have essentially destroyed the possibility of the future for the West with respect to the fair use of water. I submit this language will be used as a model for other wilderness areas, the language that is used in this bill, if it is not corrected.

I would ask my colleagues to defer to those people in the West who understand the issue, who know the threat and who understand that if action is not taken in support of the Vucanovich amendment, we will indeed be set-

ting a precedent and eliminating a precedent for the past 100 years.

So I ask you when the time comes to support the lady's amendment. This is an important question. Water is essential to the West.

□ 1840

I want Members to be careful when we vote to know exactly what we are doing. This is a precedent-setting venture we are on, and it engages the possibility in the future of the West.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to address the House regarding S. 974, as amended, the Nevada Wilderness Protection Act of 1989.

S. 974 was reported by the Senate Committee on Energy and Natural Resources on August 30, 1989, and passed the Senate on September 20, 1989. The bill was sent to the House on October 2 and jointly referred to the Committee on Agriculture and the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs considered S. 974 and reported it with amendments on November 9, 1989. In the interest of expediting consideration of the measure by the House, and in particular to respond to requests received from Senator HARRY REID of Nevada and the chairman of the Committee on Interior and Insular Affairs, the Committee on Agriculture agreed to waive consideration of the bill. However, we do remain interested in this measure and in the general subject of wilderness designation on national forest system lands, and will continue to exercise our jurisdiction in this regard in the future.

Mr. Chairman, we do not oppose passage of S. 974, as amended. The bill is essentially similar to one which passed the House last year.

In this year of the 25th anniversary of the Wilderness Act, it seems fitting that this measure should come before the House today. Nevada is one of only three Western States that has failed to complete action on a statewise wilderness act to add lands to the national wilderness preservation system. S. 974, as amended, would add approximately 733,000 acres in 14 areas to the National Wilderness Preservation System.

I am particularly pleased that S. 974, as amended, includes language to provide for the release of some 2.4 million acres of national forest lands not designated by the act for inclusion in the wilderness system, to be managed for multiple use purposes. Our experience has been that failure to resolve wilderness issues in a comprehensive manner and to provide for release of remaining lands only leads to continued confrontation between supporters and opponents of wilderness—to the detriment of the individuals and communities who depend on these forests for their livelihoods, and, ultimately, to the detriment of the environment we all seek to protect.

The release and sufficiency language in S. 974, as amended, is similar to that which has been incorporated into other statewide wilderness bills. Its inclusion is critical to permitting the Forest Service to go ahead with its job of protecting wildland resources while also ensuring a sustained flow of the goods and services needed to permit businesses and communities to plan for the future.

Mr. Chairman, as always, the Committee on Agriculture remains committed to working with the Committee on Interior and Insular Affairs on matters such as these—matters which are important for assuring the conservation and protection of the Nation's public lands. As we look down the road to possibly dealing with wilderness issues in the two States which have yet to resolve this statewide wilderness debate, I pledge our continued cooperation.

Mr. LEWIS of California. Mr. Chairman, before the gentleman from Texas [Mr. DE LA GARZA] does that, I wonder if the gentleman would be willing to yield to me? I would like to ask the chairman a couple of questions if I might.

Mr. DE LA GARZA. Mr. Chairman, I am happy to yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, as the gentleman knows, there are a number of Members in the West who are concerned about wilderness issues. Some of them are handled under the gentleman's committee, when the Forest Service is involved, and some are handled under the Committee on Interior and Insular Affairs. We have been working on this a long period of time as it relates to California.

The reason I address the gentleman from Texas, although Nevada is not in my territory, with the Committee on the Interior and Insular Affairs, they are being dealt with the gentleman's committee through the Forestry Service. I am concerned that the Forest Service, operating with the gentleman's committee, has made specific recommendations regarding acres that would be a part of wilderness. That agency's recommendations are being ignored in this bill, in the sense that a sizable number of acres has been increased that will be in wilderness, in spite of the recommendations of the Forestry Service.

Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the distinguished chairman for yielding to me.

Of course, the Committee on Agriculture, as the gentleman pointed out, has a special role here in terms of dealing with what we call the release language, and with some of the administrative responsibilities. However, the boundaries with regard to wilderness are solely or principally the responsibility of the Committee on Interior and Insular Affairs.

Of course, the question that the gentleman raises, the gentleman is correct that the recommendations to Forest Service are in excess of 400,000 acres plus in special management areas, and other that were submitted to Members and studied over a period of some three sessions of Congress for the past 5 or 6 years.

There is reason for that, and I believe that I and others will be able to explain, and to explain the process that has gone on here in this particular instance.

Mr. LEWIS of California. If the gentleman will continue to yield, it is my understanding further that in the discussions that have taken place about wilderness in Nevada, there were elements of the originally proposed wilderness and specifically expressed concerns about vital resources that might be locked up permanently if one arbitrarily drew lines beyond that recommended by the Department.

I do understand that there are some very important resources that are currently under the lines drawn here, the Department did not recommend, and Mr. Chairman, frankly that is very disconcerting to me if a precedent like this takes place in a relatively small State like Nevada and becomes a precedent for actions that might affect a larger circumstance in my own territory and the rest of California.

Mr. DE LA GARZA. Mr. Chairman, I will tell my distinguished colleague that I do not intend this, and hope that it is not taken as a precedent that we would go bill by bill and issue by issue.

This certainly, as I stated in my original statement that we insist on maintaining our jurisdiction, and we would look at every piece of legislation that falls into the category where they have either a joint or sequential referral that we would like specifically at that particular bill. In this situation we felt that, by the request of the Senator from Nevada, and working with the subcommittee in the Interior, that the issues had been addressed and that there was nonunanimity. That is unfortunate.

However, we were satisfied that the issues were addressed, but in no way

do we yield on our responsibility on oversight and jurisdiction for any future event.

Mr. LEWIS of California. If the gentleman will continue to yield, I appreciate that.

The fundamental point I want to make is that I am personally convinced that the very fine personnel that make up, and I do not mean just to use your time, but I am raising serious questions here.

Mr. Chairman, I believe that the personnel of both the Bureau of Land Management and the Forest Service are very fine people, dedicated professionally at doing their job. When the Forest Service makes recommendations relative to what is appropriate wilderness and arbitrarily the committee expands those numbers of acres very sizably, and in doing that, cuts off permanently resources that could be very concerned about that.

Indeed, I know of the gentleman's deep respect to the personnel of the Forest Service. They are not just schlocks. They are schlocks doing a job out of their hip pockets. They made the recommendations seriously. I hope we will discuss this. I know we will discuss this more intensely when the amendments come before Members, but I hope we focus on the questions I raise here.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman, and I assure him and all of my colleagues from the West that would yet be impacted with this issue that we would be very happy to work with him and cooperate with him in a responsible way.

Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Minnesota [Mr. VENTO].

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Minnesota [Mr. VENTO] has 18 minutes remaining, the gentlewoman from Nevada [Mrs. VUCANOVICH] has 6 minutes remaining, and the gentleman from Oregon [Mr. ROBERT F. (BOB) SMITH] has 9 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to thank the gentleman from Minnesota [Mr. VENTO], and his staff for the fine work they have done over the years on the issue of Nevada wilderness. I am sure that they are as happy as I to see this bill near completion.

Mr. Chairman, around the turn of the century President Teddy Roosevelt foreshadowed the need for our Nation to protect the beauty of its natural resources:

> The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.

It is in the spirit of President Roosevelt's words that we consider today S. 974, the Nevada Wilderness Protection Act of 1989.

If there is one theme that I might stress today, it is that wilderness designation in the State of Nevada is long overdue. Nevada remains the only State in the country in which no wilderness has been designated since passage of the Wilderness Act of 1964.

□ 1850

Currently, Nevada has only the 64,000-acre Jarbidge Wilderness located in the Humboldt National Forest. For a State with a land mass of approximately 71 million acres, 87 percent of which is federally owned, it is almost embarrassing that only 64,000 acres, or one-tenth of 1 percent of the State, is protected as wilderness.

If Members will see the map of Nevada here, the black areas show the proposed wilderness areas. It is a very minimal amount. These numbers pale in comparison with those of Nevada's neighboring States: in Utah, 1.5 percent; Arizona, 2.8 percent; Oregon, 3.4 percent; California, 5.9 percent; and in Idaho, 7.6 percent of the State is protected as wilderness.

In response to Nevada's need for wilderness designation, I introduced H.R. 2320 and Senators HARRY REID and RICHARD BRYAN of Nevada introduced S. 974, the Nevada Wilderness Protection Act of 1989. S. 974 would designate 14 Forest Service wilderness areas totaling 733,400 acres. In addition, over 2.4 million acres of studied land would be released for other multiple use purposes. The bill also recognizes existing grazing permits and valid existing mining rights; and permits hunting, fishing, handicapped access, and horseback riding. This bill is nearly identical to legislation that I sponsored in the 100th Congress which passed the House by voice vote.

The history of Nevada wilderness before this body can best be described as exhaustive. There have been a total of 11 formal hearings on Nevada wilderness before both the House and Senate, and this does not include the numerous informal meetings that took place on the Nevada wilderness tour in 1985. With the exception of Alaska wilderness, I think that it is safe to say that the hearing record on Nevada wilderness is one of the largest and most extensive records ever accumulated on a wilderness issue.

Mr. LEWIS of Californja. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from California.

Mr. LEWIS of California. When the gentleman mentioned the existing grazing rights, I am concerned about a problem once again in California. Are those rights permanently available, or do they end when the current agreement expires, the current leasing agreement expires?

Mr. BILBRAY. Mr. Chairman, I will defer to the gentleman from Minnesota [Mr. VENTO] from the Committee on Interior and Insular Affairs.

Mr. VENTO. Mr. Chairman, if the gentleman would yield.

Mr. BILBRAY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the existing grazing permittees would be able to fulfill their rights. There is a specific provision in the bill.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield further?

Mr. BILBRAY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, do they terminate at the end of the existing contracts?

Mr. VENTO. If the gentleman would continue to yield to me, in other words, they would function in the same way they functioned under existing law.

Mr. Chairman, I thank the gentleman for yielding.

Mr. LEWIS of California. I am not sure the gentleman answered the question. I am sure he does not choose to avoid the answer.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, I only have a limited amount of time.

Nevada wilderness is not a new issue to most Members of this body. Legislation very similar to S. 974 passed the House in both 1986 and 1987, but subsequently died in the Senate each year. This year, however, marks the first time in history that a Nevada wilderness bill has passed the Senate. Enacting a responsible Nevada wilderness bill has been the number one legislative priority for myself and Senators REID and BRYAN in the first session of the 101st Congress.

The Interior Committee acted on two important issues during the markup of S. 974: First, the committee accepted the Senate-passed water rights language included in section 8 of the bill. The language makes explicit Congress' intent to provide sufficient water to fulfill the statutory purposes for which the areas are being set aside by expressly reserving water rights for the Nevada wilderness areas. This language is necessary in light of the July 1988 opinion of the Solicitor of the Department of the Interior denying a wilderness water right in the absence of express language; second, the committee deleted Senate-passed language which would have allowed the construction of military overflight installations in four wilderness areas. As it was originally written, this language would have severely breached

the integrity of the Wilderness Act. The committee acted very responsibly in modifying this language so that it now reflects a balance between the needs of the military and the concerns of wilderness supporters.

Mr. Chairman, S. 974 best represents the desires and concerns of all Nevadans; it is essentially a compromise piece of legislation. One only has to look at the other Nevada wilderness proposals before this body to recognize that S. 974 represents the concerns of all segments of Nevada's population. My good friend and colleague from Georgia, Congressman DARDEN, has introduced legislation which would set aside some 1.4 million acres as wilderness in the State of Nevada. My Republican colleague from the State of Nevada, Congresswoman VUCANOVICH, has a bill which would designate approximately 132,000 acres as wilderness. S. 974 represents a compromise between these two bills and of the conflicting views surrounding wilderness designation in the State of Nevada.

Mr. Chairman, the time for further debate on the issue of Nevada wilderness is over, and the time for passing a Nevada wilderness bill is now. S. 974, the Nevada Wilderness Protection Act, is a thoughtful, responsive piece of legislation that is the result of many years of hard work, diligence, and compromise. I urge your support for S. 974 without amendment so that Nevada may protect some of its most beautiful and pristine forest lands for ourselves and for our children.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The gentlewoman from Nevada [Mrs. VUCANOVICH] has 6 minutes remaining, and the gentleman from Oregon [Mr. ROBERT F. (BOB) SMITH] has 9 minutes remaining.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for yielding.

I stand in opposition to S. 974, the Nevada wilderness legislation that is before us, for a variety of critical reasons that I think remain extremely important in Western States and to the whole of our Nation.

Members have heard my colleague from Oregon speak of the water rights issue. I will not address that, but I do want to be associated with those remarks. I find them fundamentally important to Western States, large public land States, and the importance of water in those arid Western States.

Mr. Chairman, let me speak briefly tonight of another issue I find most critical and important, the mineral resources of our country.

As the ranking member on the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs, this year we have been in Nevada, been across the State of Nevada, looking at a unique and unusual situation, at least in the modern day sense.

There is a mineral rush, a gold rush, if you will, going on in the State of Nevada. As a result of that, where we were once importing well over 50 percent of our gold needs in this country, today we are nearly even, and in the near future we will be in surplus and might even be exporting gold, largely because of what is going on now in the State of Nevada.

Thousands and thousands of new jobs have been created in that State, which in large part can be called a gold rush State. There is a boom underway.

The reason I bring this to the attention of Members is 20 years ago if one had asked any mineral expert, if one had asked the Bureau of Mines of this country, if there was any known valuable metals within the areas that are being mined today that should be preserved, the answer would have been no.

If the recommendation for those areas had been wilderness and the U.S. Geological Survey had been asked can they be locked up, are there no known valuable resources, the answer would have been yes, lock them up, we see no valuable resources.

That is the issue here today, Mr. Chairman, and why we must not lock up willy-nilly the thousands and thousands of acres of land where we know not the resources.

It is valuable to our national well-being, it is clearly valuable to the employment and the economy and the State of Nevada, and I certainly support the gentlewoman from Nevada [Mrs. VUCANOVICH] in her effort to amend this important legislation to reduce those acreages.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN Mr. Chairman, what we are dealing with here is summed up in the word "precedent." It has always been a little entertaining to me around this place when Members say we ought to rely on experts to give us information unless we choose not to accept it.

In this case we are going to ignore a lot of expertise, from the Forestry Service, from the BLM on land management, some of the best land management people we have.

In this case we are doing something that is being done in the West, west of the 30-inch Rainfall Belt, that I think is very significant, and maybe a lot of other Members from other parts of the United States do not understand.

We are going to set a precedent, first of all, of cramming as much land as we possibly can into wilderness areas. I think that is an admirable purpose, but we are losing sight of what has happened to the definition of what is wilderness area land.

In this bill, one which I cannot support without the amendments that the gentlewoman from Nevada [Mrs. VUCANOVICH] is going to offer, we are going to go almost half-again in asking for land that is not recommended to be put into the wilderness areas.

I come from a State that has more wilderness area than probably any other State in the United States. We are happy that that is dedicated to it.

□ 1900

Mr. Chairman, we also have a plan to extend that to almost three times what we have now, and add to this the precedent of adding more land that is not recommended by the Forest Service or by the Bureau of Land Management, and put on top of it the precedent of taking an implied water right makes this an almost intolerable situation because the water rights we have in the State of New Mexico and in other Western States that have to, I think, nurture every drop of water, preserve every drop of water, within our boundaries, gives us some of the best water laws in the State, and when we override them and roll over these folks in putting an implied water right, then we are setting this thing up for the whole wilderness plan that encompasses most of the western part of the United States.

So, Mr. Chairman, I am here to say:

Let's use some real reason in this thing. Sure there are places in this country that we need to make wilderness areas. Yes, we're dedicated to it, we've been dedicated to it, but don't make it a wholesale land grab, and then on top of it roll over States in water rights. If they need water rights for a specific need in a wilderness area, let them go to the authorities within that State and under the established laws because those laws are better than the United States has, and, if you want to protect the water resources of those States, let these lands, or land in these western lands and these western States, preserve the kind of water rights that have given us the supply that we have today, and conserve what we have.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, as the author of one of the three Nevada wilderness bills introduced in the House this year, I am pleased to support the bill now being considered by the full house.

While there have been significant differences of opinion about the proper amount of wilderness designation in Nevada, the bill before us now has been approved both by the Senate and by the House Interior Committee. Thanks to both Chairman VENTO and the bill's principal sponsor, Senator REID, I believe we have developed legislation which ensures that the people of Nevada and the entire nation have a substantial portion of the pristine

land in this State protected for future generations.

As a Georgian, I am always impressed with the beauty and vast openness of the public lands in the western United States. I have had the pleasure of visiting Nevada with several of my House colleagues, and I have seen first hand many of the areas included in this wilderness bill. While I would have preferred my own proposal, which would add 1.4 million acres of wilderness instead of only the 733,000 included in this bill, I believe we can no longer delay enactment of legislation to expand wilderness areas in Nevada.

The importance of protecting wilderness areas and preserving public lands cannot be overstated. I urge my colleagues to join me in supporting S. 974.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, although there are not many of us in the Chamber, I think the matters being discussed here are significant, and I would very much like to get the attention of the gentleman from Minnesota [Mr. VENTO], the subcommittee chairman, to ask him a question. If some of the expensive staff we have on the floor would allow the subcommittee chairman to respond to a question, I would appreciate it.

Mr. Chairman, I have heard that there have been a number of hearings on the Nevada wilderness bills, and I guess my question is: How many subcommittee hearings have there been in Nevada on the bill which contained the water rights question?

Mr. VENTO. Mr. Chairman, would the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, there have been two field visits to Nevada. They have been visited, and they have been here talking about water rights here in Washington in all three of the last Congresses, but not in Nevada. There have not been hearings as such, just there have been field visits, but we have heard from the State, the water engineer of the State who has a principal responsibility for this, who agrees with the water language in the bill, and the attorney general, who does not agree with the water language in the bill.

Mr. THOMAS of California. Mr. Chairman, I appreciate the answer of the gentleman from Minnesota [Mr. VENTO].

Mr. Chairman, the answer was: There have been no hearings in the district on legislation that will involve significant, radical, new changes in water rights.

I noticed the gentleman from Nevada [Mr. BILBRAY] had a map of Nevada and pointed out how puny and small the wilderness areas were in the entire State of Nevada.

Mr. Chairman, I would direct a question to the gentleman from Nevada [Mr. BILBRAY]. How many of the acres of proposed wilderness in Nevada are in the gentleman's district?

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Nevada.

Mr. BILBRAY. Mr. Chairman, there are none in my district.

Mr. THOMAS of California. Mr. Chairman, I appreciate the response of the gentleman from Nevada [Mr. BILBRAY].

Mr. Chairman, I think my colleagues have pretty well got the picture, and one of the reasons I wanted to take the floor is that this is not an unusual circumstance when dealing with wilderness. I have a significant portion of my district which shares a border with the State of Nevada, and what has occurred time and time again——

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield 15 seconds?

Mr. THOMAS of California. Mr. Chairman, I do not have very much time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. THOMAS] has the time. He does not have to yield.

Mr. THOMAS of California. Mr. Chairman, ever since the revolutionary change in reapportionment where the Supreme Court said, rightly so, in the area of representation said, "Trees don't vote, cows don't vote, fences don't vote; the only thing that votes are people, so you have to divide up the House of Representatives on the basis of people," and I agree with that in terms of voting, but what is occurring here today, and what will occur with other wilderness bills, are people in urban areas who have none of the wilderness in their district, they are being asked to vote on wilderness legislation which contains measures which have never been heard in the areas which are going to be directly affected by the legislation passed.

Mr. Chairman, I would ask the people of the House of Representatives to listen to the gentlewoman from Nevada [Mrs. VUCANOVICH] who has all of the wilderness in her area and who is trying to represent the people who are going to be directly affected by this legislation. It is true a majority of people are going to be represented by more people than the gentlewoman from Nevada [Mrs. VUCANOVICH], but it is also true that every person directly affected by this wilderness legislation are her constituents.

Mr. Chairman, I think it is about time that people who live in urban areas and want to dictate to the people who represent rural areas at least hold hearings on these questions in the areas that are going to be affected.

Now it has been said hearings have been held. Hearings have not been held directly affecting the economic future of people who live in the area of this wilderness bill on the question of water rights. It simply has not been done, and although we can quarrel about the number of acres being locked up, not because we are against wilderness, but because we believe it is overreaching; it is overreaching in this bill and in a number of other bills, it is simply a desire to quantify acres, not in terms of how to have access to it, not in terms of how we establish a quality wilderness experience. It is piling up acreage.

Mr. Chairman, the fundamental point in this bill is a precedent for all other bills, so please listen to the people who represent those who have to make their living and who actually live adjacent to the wilderness areas. The water amendments of the gentlewoman from Nevada (Mrs. VUCANOVICH) are reasonable. They are appropriate in my opinion, and it is absolutely essential to get the signature of the President of the United States. If it takes the President vetoing this legislation to give those who represent the urban areas, who seem to want to do everything in the wilderness areas, to realize that the people who actually represent the area ought to have a hand in the shaping of the legislation, then so be it.

□ 1910

I would hope that is not necessary and that the amendments of the gentlewoman from Nevada will be accepted.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I just want to commend the gentlewoman from Nevada who has fought very hard and very fairly on this bill, and remind my good friend, the gentleman from California, that it is my understanding that both of the U.S. Senators from Nevada support the legislation which is before us today, and so does the Governor of the State of Nevada.

Let me speak very briefly, and frankly with not a great deal of expertise on the issue of water rights. It is my understanding that the Secretary of Agriculture will make a judgment as to how much water is needed in the wilderness area, and then he must go to the State court, and operating in the State court under State law a judgment will be reached whether the Secretary of Agriculture is correct or incorrect.

Let me if I could just for an additional second read to you very briefly

the testimony of a man called Peter G. Morros, who is the State engineer in Nevada, who spoke very specifically to this issue of water rights and said:

Reserved water rights for wilderness purposes with this priority could not have any adverse effect on existing water rights holders in the State of Nevada.

The State engineer of Nevada goes on to say:

The act also provides for the filing of claims for the quantification of water rights in an appropriate stream adjudication would be conducted under procedures set forth in the Nevada State water law.

Finally, it is my opinion and conclusion that provisions, criteria and conditions set forth under secion 8 of S. 974 adequately protect the continuing authority and jurisdiction of the State of Nevada. Existing rights established through the use of water arising on or flowing from areas proposed for wilderness designation are also adequately protected.

This is a State official, who points out that these questions will be determined under the auspices of State law in a State court. This is not, nor should it be construed to be a usurpation of State law by the Federal Government.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Minnesota.

Mr. VENTO. This is not just a State official. It is the State water engineer of Nevada, and in that same statement he points out that he would not be for this if in any way he felt that the language that was specific in the bill would usurp State rights.

I think it is abundantly clear that this issue is an important issue and its solution is one that is unique to Nevada, and that this is not a precedent in this particular instance.

The fact is that the committees of Congress have passed separate water language on the Amalpai legislation, on the two park measures, just off the top of my head.

The fact that the wilderness legislation for Montana that was passed, and unfortunately did not receive the signature of the President in the last Congress, we also had language respecting the water rights matter; so this is no precedent.

Section 8 of S. 974 deals with Federal reserved water rights for wilderness. This language only applies to wilderness areas in Nevada and does not apply to any other State and it is not our intent that it set a precedent for wilderness legislation for any other State. Furthermore, the majority of elected officials in Nevada worked together to develop this language. It is supported by Congressman BILBRAY, both Senators, the Governor and the State water engineer.

Section 8 simply states that there is reserved to wilderness such water as may be needed to carry out the purposes of the wilderness. Pursuant to the McCarran amendment, the Forest Service will have to work with the State of Nevada in the State water court to determine how much water that may require. Section 8 is not intended to be a statement by Congress that this is the only method for reserving water for future reservation or for interpreting water language included in past designations.

The existence of a Federal reserved water right does not exclude the rights of the States to manage their waters, as some fear. In fact, and in practice, Federal reserve rights are important supplements to State law in that Federal purposes can be and often are recognized and protected under the procedures of State water laws.

By enacting this bill, Congress intends that the relationship that now exists between Federal and State water law, be continued. This relationship includes the opportunity for State courts to quantify Federal reserve water rights in general stream adjudications. Once adjudicated, the Federal water right is on par with all water rights adjudicated in the State system with the same reservation date.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I appreciate my colleague yielding me this time.

I would hope the folks from the East would take into consideration that there is a lot of public ground out in the West area.

Also, in the 1964 wilderness bill, for the first time they came up with a legal definition of what constitutes wilderness. I carried that around with me for a lot of years and tried to explain to people what it really is, but it seems that around here we kind of violate that principle.

What constitutes wilderness says this, "Untrammeled by man, as if man was never there."

It goes on in the addicta to point out that there are no roads, so we refer to it as a roadless area.

We talk about no water riponds, no fences, no anything that is in that particular area.

So now as we look at what is being proposed in this particular Nevada wilderness protection plan, this 733 acres, we are finding roads and we are finding areas that do not fit a wilderness bill.

You know, after this bill was passed we insisted that the Agency spend millions of dollars to determine what they will look at. In this particular area, when they looked at over 2 million acres, what is the recommendation they finally came up with? Four hundred and twelve thousand acres, substantially less than what is being suggested in this particular bill.

Please keep in mind, my friends from the East, that those of us out in the West who have these big land States, we really would like to keep it within the definition. We would really like to do what the gentlewoman suggests. We would like to have the people who live there, who actually are on the spot, who make their living there, keep up with this recommendation, and also to follow the definition. If we followed the definition as it was given to us in 1964, I do not think we would mind having you folks come and tell us what to do, but we do not see that really happening.

So I would suggest that we take this in mind, think about it a little bit as if it were your own State, Pennsylvania, Minnesota, or wherever it may be, and realize that we have people trying to earn a living, trying to herd cows, trying to do some clearcutting, trying to do some mining and come back with a definition where we can come up with a reasonable amount of acreage.

I would suggest and urge my colleagues to follow the gentlewoman's recommendation when it come to substantially reducing the amount of wilderness.

Mr. VENTO. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS], a member of the committee.

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

I encourage my colleagues on both sides of the aisle who are listening tonight to take heed to the words of those who say, "Look, pay attention to the West on this," because these water rights and these issues of public land are very critical out our way.

I represent the western half of the western portion of Montana here in the House, so I pay great heed to those words and I hope my colleagues will, too. When you do on this legislation wonder how westerners are coming down on it, I ask you to remember that every western Senator signed off on this very legislation as it passed the Senate. They signed off on the water language, the western Senators did. The bill passed the Senate about a month and a half ago.

Gov. Bob Miller is the Governor of Nevada. He likes this bill. He likes the water language that is in this bill and has written to Speaker FOLEY saying that he likes this language.

The Representative of Nevada who is on the floor and joining in this debate today is supportive of this legislation and the water language that has passed both the Senate and the House Interior Committees, on which westerners sit.

So yes, I encourage my colleagues to be very careful in giving to us westerners some leeway in determining how

our States can best protect water, how we can best manage the public lands.

What I am sensing, though, is that because many westerners have risen today in opposition to this bill, it is beginning to appear as though every westerner and everyone from Nevada is against the bill, and I simply wanted to point out as a westerner myself that that is just not so.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to this legislation and strongly support the amendments to be offered by the good gentlewoman from Nevada tomorrow.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman from Oregon for yielding this time to me.

Mr. Chairman, having been hit by this steamroller in California a few years ago, expecting to be hit again next year, I understand very much the frustration that the gentlewoman from Nevada feels. I fully intend to support her amendments and others that may be offered tomorrow.

I speak as one who enjoys wilderness. I spent a lot of summer vacations backpacking and enjoying the out-of-doors in my own State of California. I can see that it is good to have wilderness; but I think the question is, how much do we need? Where do we draw the line? Are there any limits at all?

Every time we approach one of these bills we first have a study made and we have recommendations prepared, and those things come back to us. Every time they come back, as I have seen it, we have always exceeded those recommendations by what we finally get here on the floor to vote on.

I think in the process we lose sight of the fact that this property that we are dealing with belongs to all Americans, and by putting it into wilderness status we are limiting the entry to it to some people. We are outlining certain kinds of improvements to it. We are outlawing any productive use to be made of it. We are outlawing many of the traditional recreational purposes to which it has been put. We are setting it aside as a special enclave for a few people. I think we should do that very slowly, very carefully, very deliberately, and I hope that we will consider the amendments tomorrow and adopt them.

□ 1920

Mrs. VUCANOVICH. Mr. Chairman, I would like to point out to both the gentleman from Pennsylvania and the gentleman from Montana who have said that our Governor and the two Senators from Nevada are all supportive of the bill that all of them come from an area that is not where any of the wilderness is being considered, including my other colleague, the gentleman from Nevada [Mr. BILBRAY]. They all come from the southern part of the State.

Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I want to rise in support of the amendment she will offer tomorrow and am concerned, and express my concern, about the water language that exists.

I might tell the Members that next year my State will celebrate its 100th anniversary, and we came into the Union, and one of the things that has been most important to us is the retention of the ability to administer and to adjudicate the water that rises within the State of Wyoming. We are very concerned about it.

The uniqueness of our State and the Western States, we have some 50 percent that belongs to the Federal Government. Some States have more.

The other is that we have had and seek to control the water within our State. We are most concerned as we move from designating forest areas to designating BLM areas as wilderness that they will not be at the highest water and that it will restrict the use of the lands above the water.

I support very strongly my colleague's amendment on water.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I, of course, have risen to support the bill. It is a very good bill. I think the point that has been made here that somehow the Senators that represent the State do not represent or do not come from the area, they represent the State. They have stated their views.

The gentleman from Montana is exactly right, when the water language was written it was a bipartisan effort in the Senate. It was brought home to me that the Senate had passed and insisted upon water language that recognizes the right of the States to adjudicate such water for wilderness areas. That is precisely what this language does.

During the amendment process, I think we will have an opportunity to debate that, but I think the fact is that three out of four Members that represent Nevada in the Congress are strongly supportive of this.

Mr. Chairman, I am concerned when I hear the expression about the amount of wilderness. Nevada has 5.2 million acres of forest lands. About half of that, a little better than half of that, was roadless. There are some very pristine and very special areas in the State of Nevada, and that was studied and, of course, with the enactment of the possibility this would only be about 15 percent of the Forest Service areas that would remain roadless if this bill were to be enacted in its present form. That is well below the average amount of wilderness in most other national forests.

In fact, this is well below what has occurred, for instance, just in the bill that we passed on suspension here with the support of the gentleman from California [Mr. LAGOMARSINO], who supported that, and about 45 percent of the Los Padres National Forest in the wilderness.

The fact is that this is really a modest effort. The gentleman from Georgia [Mr. DARDEN] and others had introduced bills that had in excess of 1 million acres of wilderness in them. This House has passed bills in the 99th Congress with about 750,000 acres of wilderness. In the last Congress we passed a bill that had 825,000 acres of wilderness recommended.

The fact is that we have, indeed, acted in those bills. I might add that in last Congress it was passed on suspension.

Clearly there are differences that occur from year to year in some of these bills. We have made an effort here to structure a bill that avoids the major mineral areas in the State, that avoids the major oil and gas resources of the State. Frankly, we have listened to those that have come to us that have had the legitimate information and shared that information with us in the committee. We have used all the information available to us.

There is a good hearing record both from the Senate and the House side that this legislation is based upon. It has been the subject of extensive hearings. The fact is we have taken part of these areas and made them into national parks.

Very often Congress does not always follow exactly what land management agencies have requested. We need the special information and expertise they have, and we have reserved for the U.S. Congress to make decisions as to the classification and designation of wilderness lands. We think it is that important, how we classify and use our public lands.

Mr. Chairman, that is what we are about today. We are doing, in a responsible and deliberate manner, in consideration of the types of concerns and the economy of the great State of Nevada and the other States that we respond to in terms of classification, and as long as I serve as chairman of the committee and have this responsibility of the subcommittee, I will try to do that.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I might point out to the chairman of the subcommittee

that as far as people in the West are concerned, more is not necessarily better.

Mr. Chairman, I would like to reiterate the administration's position on this bill. The Secretary of Agriculture strongly opposes this bill unless it is amended to reflect the recommendations of the Forest Service planning process.

I will offer such an amendment, but let me make it clear to my colleagues that I intend to go to the White House with my Interior Committee minority colleagues behind me and urge the President to make good on this veto consideration.

I urge my colleagues to support the President on the acreage recommendations and to support me on the water-rights amendment.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). All time has expired.

Pursuant to the rule, the bill is considered under the 5-minute rule by sections and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Wilderness Protection Act of 1989".

The CHAIRMAN pro tempore. Are there amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Toiyabe National Forest, which comprise approximately 38,000 acres, as generally depicted on a map entitled "Alta Toquima Wilderness—Proposed", dated May, 1989, and which shall be known as the "Alta Toquima Wilderness";

(2) certain lands in the Toiyabe National Forest, which comprise approximately 115,000 acres, as generally depicted on a map entitled "Arc Dome Wilderness—Proposed", dated May, 1989 and which shall be known as the "Arc Dome Wilderness";

(3) certain lands in the Inyo National Forest, which comprise approximately 10,000 acres, as generally depicted on a map entitled "Boundary Peak Wilderness—Proposed", dated May, 1989, and which shall be known as the "Boundary Peak Wilderness";

(4) certain lands in the Humboldt National Forest, which comprise approximately 36,000 acres, as generally depicted on a map entitled "Currant Mountain Wilderness"—Proposed", dated May, 1989, and which shall be known as the "Current Mountain Wilderness";

(5) certain lands in the Humboldt National Forest, which comprise approximately 36,900 acres, as generally depicted on a map entitled "East Humboldts Wilderness—Proposed", dated May, 1989, and which shall be known as the "East Humboldts Wilderness";

(6) certain lands in the Humboldt National Forest, which comprise approximately 48,500 acres, as generally depicted on a map entitled "Jarbidge Wilderness Addition—Proposed", dated May, 1989, and which are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132(a));

(7) certain lands in the Toiyabe National Forest, which comprise approximately 28,000 acres, as generally depicted on a map entitled "Mt. Rose Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Rose Wilderness";

(8) certain lands in the Humboldt National Forest, which comprise approximately 27,000 acres, as generally depicted on a map entitled "Quinn Canyon Wilderness—Proposed", dated May, 1989, and which shall be known as the "Quinn Canyon Wilderness";

(9) certain lands in the Humboldt National Forest, which comprise approximately 90,000 acres, as generally depicted on a map entitled "Ruby Mountains Wilderness—Proposed", dated September, 1989, and which shall be known as the "Ruby Mountains Wilderness";

(10) certain lands in the Toiyabe National Forest, which comprise approximately 43,000 acres, as generally depicted on a map entitled "Mt. Charleston Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Charleston Wilderness";

(11) certain lands in the Toiyabe National Forest, which comprise approximately 98,000 acres, as generally depicted on a map entitled "Table Mountain Wilderness—Proposed", dated May, 1989, and which shall be known as the "Table Mountain Wilderness";

(12) certain lands in the Humboldt National Forest, which comprise approximately 50,000 acres, as generally depicted on a map entitled "Grant Range Wilderness—Proposed", dated May, 1989, and which shall be known as the "Grant Range Wilderness";

(13) certain lands in the Humboldt National Forest, which comprise approximately 82,000 acres, as generally depicted on a map entitled "Mt. Moriah Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mt. Moriah Wilderness"; and

(14) certain lands in the Humboldt National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled "Santa Rosa Wilderness—Proposed", dated May, 1989, and which shall be known as the "Mike O'Callaghan Paradise Peak Wilderness".

COMMITTEE AMENDMENTS

The CHAIRMAN pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 11, strike "May 1989" and insert "October, 1989".

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, beginning on line 23, strike "'Mike O'Callaghan-Paradise Peak Wilderness'" and insert "'Santa Rosa-Paradise Peak Wilderness'".

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 2?

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: Page 1, beginning on line 6:

Strike section 2 and insert the following:

"SEC. 2. DESIGNATION OF WILDERNESS AREAS.

"In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

"(1) certain lands in the Toiyabe National Forest, which comprise approximately 31,000 acres, as generally depicted on a map entitled 'Alta Toquima Wilderness—Proposed', dated November 1989, and which shall be known as the 'Alta Toquima Wilderness';

"(2) certain lands in the Toiyabe National Forest, which comprise approximately 94,000 acres, as generally depicted on a map entitled 'Arc Dome Wilderness—Proposed', dated May, 1989, and which shall be known as the 'Arc Dome Wilderness';

"(3) certain lands in the Inyo National Forest, which comprise approximately 8,900 acres, as generally depicted on a map entitled 'Boundary Peak Wilderness—Proposed', dated May, 1989, and which shall be known as the 'Boundary Peak Wilderness';

"(4) certain lands in the Humboldt National Forest, which comprise approximately 18,500 acres, as generally depicted on a map entitled 'East Humboldts Wilderness—Proposed', dated May, 1989, and which shall be known as the 'East Humboldts Wilderness';

"(5) certain lands in the Humboldt National Forest, which comprise approximately 26,400 acres, as generally depicted on a map entitled 'Jarbidge Wilderness Addition—Proposed', dated May, 1989, and which are hereby incorporated in, and shall be deemed to be a part of, the Jarbidge Wilderness as designated by section 3(a) of the Wilderness Act (16 U.S.C. 1132 (a));

"(6) certain lands in the Toiyabe National Forest, which comprise approximately 16,100 acres, as generally depicted on a map entitled 'Mt. Rose Wilderness—Proposed', dated May, 1989, and which shall be known as the 'Mt Rose Wilderness';

"(7) certain lands in the Humboldt National Forest, which comprise approximately 67,600 acres, as generally depicted on a map entitled 'Ruby Mountains Wilderness—Proposed', dated May, 1989, and which shall be known as the 'Ruby Mountains Wilderness';

"(8) certain lands in the Toiyabe National Forest, which comprise approximately 42,500 acres, as generally depicted on a map entitled 'Mt. Charleston Wilderness—Proposed', dated May, 1989, and which shall be known as the 'Mt Charleston Wilderness';

"(9) certain lands in the Humboldt National Forest, which comprise approximately 43,100 acres, as generally depicted on a map entitled 'Grant Range Wilderness—

Proposed', dated May, 1989, and which shall be known as the 'Grant Range Wilderness';

"(10) certain lands in the Humboldt National Forest, which comprise approximately 60,700 acres, as generally depicted on a map entitled 'Mt. Moriah Wilderness—Proposed', dated May, 1989, and which shall be known as the 'Mt. Moriah Wilderness';

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, is this the amendment that we have received earlier this evening?

Mrs. VUCANOVICH. Mr. Chairman, that is correct.

Mr. VENTO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. KOSTMAYER] having assumed the chair, Mr. MONTGOMERY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, had come to no resolution thereon.

□ 1930

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3299, OMNIBUS BUDGET RECONCILIATION ACT OF 1989, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-364) on the resolution (H. Res. 291) waiving all points of order against the conference report on the bill (H.R. 3299) to provide for reconciliation pursuant to section 5 of the concurrent resolution on the budget for the fiscal year 1990, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

□ 1930

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3607, MEDICARE CATASTROPHIC COVERAGE REPEAL ACT OF 1989, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-365) on the resolution (H. Res. 292) waiving all points of order against the conference report on the bill (H.R. 3607) to repeal medicare provisions in the Medicare Catastrophic Coverage Act of 1988, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL TO CONFERENCE OF CONFERENCE REPORT ON H.R. 2712, CHINESE ADJUSTMENT OF STATUS FACILITATION ACT OF 1989, AND WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF ANY SUBSEQUENT CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-366) on the resolution (H. Res. 293) providing for the recommittal to conference of the conference report on the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants, and waiving certain points of order against consideration of any subsequent conference report on the bill, which was referred to the House Calendar and ordered to be printed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 804. An act to conserve North American wetland ecosystems and waterfowl, and the other migratory birds and fish and wildlife that depend upon such habitats.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2883) entitled "An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 9, 14, 21, 28, 39, 46, 57, 61, 62, 74, 76, 94, and 96, to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1487) "An act to authorize appropriations for fiscal years 1990 and 1991, for the Department of State, and for other purposes."

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 2461, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 225) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 2461, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 3, after line 20, insert:

(4) In section 5—

(A) strike out the section heading and insert in lieu thereof the following (and conform the table of contents in section 2(b) accordingly):

"SEC. 5. ANNUAL OUTLAY REPORT";

(B) strike out subsections (a) through (h);

(C) redesignate subsection (i) as subsection (a) and in paragraph (3) of such subsection strike out subparagraph (C);

(D) redesignate subsection (j) as subsection (b); and

(E) redesignate subsection (k) as subsection (c) and strike out the period at the end of such subsection and insert in lieu thereof "unless the budget resolution is accompanied by a report that describes the difference between the budget authority and outlays for National Defense (function 050) in the President's budget and the budget resolution.".

(5) In the first sentence of paragraph (2) of section 121(c), strike out "using fiscal year 1990 funds".

(6) In section 1641—

(A) strike out the heading and insert in lieu thereof the following (and conform the table of contents in section 2(b) accordingly):

"SEC. 1641. ANNUAL DEPARTMENT OF DEFENSE CONVENTIONAL STANDOFF WEAPONS MASTER PLAN AND REPORT ON STANDOFF MUNITIONS"; and

(B) in subsection (a), strike out "Joint Standoff" and insert in lieu thereof "Department of Defense Conventional Standoff".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. KOSTMAYER). Is there objection to the request of the gentleman from Mississippi?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I yield to the gentleman from Mississippi [Mr. MONTGOMERY] to explain his request.

Mr. MONTGOMERY. Mr. Speaker, this is just to make technical corrections in the enrollment of the bill, and

it has been cleared with the minority side to make these technical corrections.

Along with the authorization bill, last Thursday we passed a concurrent resolution (H. Con. Res. 225) to make technical corrections in the enrollment of the bill. The House-passed resolution accomplished three things:

First. It inserted the phrase "authorized to be" before appropriated, which had inadvertently been left out of three provisions;

Second. It fixed a problem with the F-16 language in the bill by delaying the date on which certification must be made by the Air Force in order to prevent a halt in the production of the F-16; and

Third. Amended the bill title to include fiscal year 1991 since there were several authorizations for fiscal year 1991 as well as fiscal year 1990.

The Senate amended the resolution by adding three provisions:

First. Correcting one reference to a weapons system (DOD Conventional Standoff vice Joint Standoff);

Second. Deleting a reference in the B-1B provision to fiscal year 1990 funds; and,

Third. Deleting the outlay ceiling cap in the authorization bill. This provision was included in the House bill in order that CBO score the bill as within the budget resolution ceiling. Technically, since we have completed floor action, it is no longer necessary. In addition, CBO has scored the Defense appropriations bill as being within the budget ceiling.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, can someone tell me what bill it is we are technically correcting?

Mr. HANSEN. It is the authorization bill passed last Thursday.

Mr. MONTGOMERY. If the gentleman will yield, this is the Defense authorization conference bill which we passed several days ago.

Mr. WALKER. I thank the gentleman.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON LEGISLATIVE DAY OF FRIDAY, NOVEMBER 17, 1989

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses on the legislative day of Friday, November 17, 1989, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, just so that I am following what the gentleman is asking, he is getting recess authority for tomorrow only, is that correct?

Mr. MONTGOMERY. If the gentleman will yield, that is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EARTH DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 159) to designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I am pleased to rise in support of Senate Joint Resolution 159, a resolution to designate April 22, 1990, as "Earth Day."

And I would like to commend the gentleman from Arizona [Mr. UDALL] for introducing this important legislation.

Mr. Speaker, almost 20 years ago, on April 22, 1970, the United States saw the beginning of the environmental movement, as well as the largest organized demonstration in history.

On that first Earth Day, 10,000 schools, 2,000 colleges and universities, the U.S. Congress and virtually every community in the United States, an estimated 25 million Americans, joined together to voice a building apprehension for the environment.

Due to the intense concern and awareness generated, the first Earth Day could be described as the catalyst which led to the enactment of the Clean Air Act, the Clean Water Act and the creation of the Environmental Protection Agency [EPA].

Now, with the 20th anniversary of Earth Day swiftly approaching, we have the opportunity once again to enact landmark environmental legislation to address new environmental problems which we are only beginning of understand.

Currently, the Congress is considering the Clean Air Act amendment, vitally important legislation which would deal with the problems of acid rain, air toxics and urban air quality, the Global Warming Prevention Act, and legislation to deal with the problem of waste disposal, recycling, and our rapidly declining landfill space.

Furthermore, since that first historic Earth Day, the citizens of the United States have expanded their efforts to a global scale.

We are faced with problems today which were barely known 20 years ago; the threat of global warming, the destruction of the world's rain forests and the growing global water scarcity.

With the enormous difficulties facing our environment it is time again for an Earth Day; a day for everyone to celebrate our planet and become actively involved in solving the many problems facing our environment.

Mr. Speaker, I urge my colleagues to join today in support of this important legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 159

Whereas we face an international environmental crisis that demands the attention of the American people and citizens of every nation in the world, and we must build alliances that transcend the boundaries dividing countries, continents, and cultures in order to solve it;

Whereas we need to confront environmental problems of increasing severity, including climate change; depletion of the stratospheric ozone layer; loss of forests, wetlands, and other wildlife habitats; acid rain; air pollution; ocean pollution; and hazardous and solid waste buildup;

Whereas we must educate and encourage individuals to recognize the environmental impact of their daily lives by becoming environmentally responsible consumers, conserving energy, increasing recycling efforts, and promoting enviromental responsibility in their communities;

Whereas it will take major public policy initiatives to cure the causes of enviromental degradation, such as phasing out the manufacture and use of chlorofluorocarbons, minimizing and recycling solid wastes, improving energy efficiency, protecting biodiversity, promoting reforestation, and moving toward sustainable development throughout the world;

Whereas almost twenty years ago, millions of Americans joined together on Earth Day to express an unprecedented concern for the environment, and their collective action resulted in the passage of sweeping laws to protect our air, our water, and the lands around us;

Whereas we must make the 1990s an "International Environment Decade", and forge an international alliance to respond to global environmental problems; and

Whereas to inaugurate this environmental decade, we must once again stand up together in cities, towns, and villages around the world for a day of collective action to declare our shared resolve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 22, 1990, shall be designated and proclaimed as Earth

Day, and that the day shall be set aside for public activities promoting preservation of the global environment.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FAMILY CAREGIVERS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 282) designating November 19-25, 1989, as "National Family Caregivers Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I am pleased to rise in support of House Joint Resolution 282, "National Family Caregivers Week," and I would like to commend the gentlewoman from Maine [Ms. SNOWE] for bringing this measure to the floor.

Family caregivers not only fulfill a functional need in our society, but moreover they provide care that serves to reinforce the family structure in our society. Unfortunately, my colleagues in the Congress have been discouraged to witness the deterioration of this structure lately. The family plays an integral part in the perpetuation of values, high standards, morals, and sound judgment.

I believe we all know the value of a loving, caring family. These caregivers go beyond the normal responsibilities to family and offer help to loved ones who are frail and disabled. This selfless offering is commendable indeed.

Mr. Speaker, I am pleased to be a cosponsor of National Family Caregivers Week and I urge my colleagues to join me in supporting this measure.

Ms. SNOWE. Mr. Speaker, I would like to thank Mr. SAWYER, chairman of the Census and Population Subcommittee, and the ranking minority member, Mr. RIDGE, for bringing to the floor House Joint Resolution 282. This bill designates Thanksgiving week as "National Family Caregivers Week."

House Joint Resolution 282 is identical to Senate Joint Resolution 140. It has received the support of more than half of the Members of the House. I appreciate the interest and support of my colleagues in recognizing the vital contribution families make in maintaining frail elderly members in their homes.

National Family Caregivers Week has been signed into law for the past 3 years. Since 1987, the outpouring of support for this legislation from national organizations has culminated in a policy forum on caregiving. This year's forum will focus on innovative and collaborative elder care programs being implemented by businesses, and public and private agencies.

The broad based support for this legislation is indicative of the important role that families continue to play in providing care to elderly family members. Studies show that families provide over 75 percent of the care needed by our elderly.

Almost three-fourths of caregivers are women. Fifty-five percent of these women are employed. At least one-third of these employed caregivers lose time from work as a result of their caregiving duties. Many of them also are caring for children under 18 years of age.

Families provide care to their elderly members even though it is frequently at great financial and emotional cost to them. Family caregiving is one of the main factors associated with delaying and/or preventing the placement of the elderly into nursing homes. Thus, family caregiving is cost effective, as well as humane.

National Family Caregivers Week is a tribute to all family caregivers across the country. Congress, by passing this legislation, plays an important role in assuring that family caregivers are given the credit they deserve. This bill recognizes and commends them for the valuable contributions they make.

I want to again thank my colleagues for their support and concern. I also wish to express my appreciation to the private and voluntary organizations such as the National Association for Area Agencies on Aging, the Washington Business Group on Health, the Older Women's League, the American Association of Retired Persons, and Families USA for the efforts on behalf of this important legislation.

I urge that this measure be adopted.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 282

Whereas the number of Americans who are age 65 or older is growing;

Whereas there has been an unprecedented increase in the number of persons who are age 85 or older;

Whereas the incidence of frailty and disability increases among persons of advanced age;

Whereas approximately 5.2 million older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide older persons help with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas families who give care to older persons face many additional expenses, including the costs of home modifications, equipment rental, and additional heating;

Whereas 80 percent of disabled persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas the role of the aged spouse as a principal caregiver has generally been understated;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities;

Whereas family caregivers need information about available community resources;

Whereas family caregivers need respite from the strains of their caregiving roles;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for great public awareness of and support for the care that family caregivers are providing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 19-25, 1989, is designated "National Family Caregivers Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERSTITIAL CYSTITIS AWARENESS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 291) designating November 16, 1989, as "Interstitial Cystitis Awareness Day", and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 291

Whereas approximately 500,000 people in the United States suffer from interstitial cystitis, which is an inflammation of the bladder wall;

Whereas 90 percent of the victims of interstitial cystitis are women;

Whereas a symptom of interstitial cystitis is an urgent need to urinate (up to 60 times a day in severe cases);

Whereas interstitial cystitis is associated with intermitten or chronic pain due to the inflammation of the bladder wall;

Whereas sometimes the pain resulting from interstitial cystitis is so great it causes victims to take their own lives, though interstitial cystitis itself is not fatal;

Whereas the estimated economic impact in 1988 of interstitial cystitis was $1,700,000,000 in medical costs and lost productivity and wages;

Whereas prior to 1988, interstitial cystitis was an "orphan" disease and ignored by Federal funding for research; and

Whereas the Federal Government should substantially increase the funding of research of interstitial cystitis so that its funding is the same as other urological diseases: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 16, 1989, is designated as "Interstitial Cystitis Awareness Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day by increasing their awareness of interstitial cystitis and participating in other appropriate activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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NATIONAL HOME CARE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 184) to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. KOSTMAYER). Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I acknowledge the gentleman from California [Mr. PANETTA] as the chief sponsor of House Joint Resolution 122.

Mr. Speaker, I rise in strong support of Senate Joint Resolution 184, which designates November 26 through December 2, 1989, as "National Home Care Week."

The home health care industry has become a vital alternative to institutional care as well as an important element in our Nation's health care system. Since the passage of Federal programs that enable patients to receive in-home care, home care agencies have increased from less than 1,000 to more than 12,000. The service provided by these agencies have effectively prevented the institutionalization of countless numbers of our older Americans.

Mr. Speaker, our Nation faces a crisis with respect to developing cost-effective, humane, long-term care for our older Americans. More than 2 million persons age 65 or older reside in institutions at a cost of more than $15 million. It is estimated that 25 percent of those residents do not require excessive institutionalized care.

The expansion of Federal benefits for home health care, in my opinion is a worthy investment in times of budget reductions. Home health care can realize a significant savings and provide necessary medical assistance. Home care allows thousands of Americans to maintain independence, dignity, and a life style at home, and be able to meet their health needs.

I urge my colleague to join with me in supporting this important resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 184

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week" are designated as "National Home Care Week", and the President is authorized and requested to issue proclamations calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, a few moments ago we had a unanimous-consent request for recess authority for the House. At that time it was stated that the legislative day of Friday would be the time period for the recess authority.

It is this gentleman's understanding that the intention of that is to assure the Chair has legislative authority throughout the day of Friday which might for some reason run past midnight if we get caught on something but that this is not intended to be a rolling authority which would exist throughout the weekend.

Is that the Chair's understanding of the motion?

The SPEAKER pro tempore. The gentleman from Pennsylvania is correct. The Chair is advised by the leadership that the gentleman from Pennsylvania is correct in his understanding.

Mr. WALKER. I thank the Chair.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore (Mr. KOSTMAYER). The Chair lays before the House the following message from the Senate:

Ordered, That the Secretary be directed to return to the House of Representatives its message informing the Senate that the House had passed the joint resolution (S.J. Res. 216) "Joint resolution designating November 12 through 18, 1989, as 'Community Foundation Week'.", in compliance with a request of the House for the return thereof.

The SPEAKER pro tempore. Without objection, the Senate joint resolution is indefinitely postponed.

There was no objection.

CONSENT CALENDAR AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes.

Mr. GORDON. Mr. Speaker, today I am inserting in the RECORD the agreement between the majority and minority objectors of the Consent Calendar. This agreement outlines the conditions under which bills on the Consent Calendar will be considered.

Mr. Speaker, I invite all my colleagues to read this agreement and keep it in mind when requesting that measures be considered on

the Consent Calendar. Rule XIII, clause 4, states:

After a bill has been favorably reported and shall be upon either the House or the Union Calendars any Member may file with the Clerk a notice that he desires such bill placed upon a special calendar to be known as the "Consent Calendar." On the first and third Monday of each month, immediately after the reading of the Journal, the Speaker shall direct the Clerk to call the bills in numerical order, which have been on the 'Consent Calendar' for three legislative days. Should an objection be made to the consideration of any bill so called, it shall be carried over on the Calendar without prejudice to the next day when the 'Consent Calendar is again called, and if objected to by three or more Members, it shall immediately be stricken from the Calendar, and shall not thereafter during the same session of that Congress be placed again thereon: *Provided,* That no bill shall be called twice on the same legislative day.

The members of the Consent Calendar Committee have agreed for the 101st Congress, upon the following policies and procedures: first, generally, no legislation should pass by unanimous consent which involves an aggregate expenditure of more than $1 million; second, no bill which changes national policy or international policy should be permitted to pass on the Consent Calendar but rather should be afforded the opportunity of open and extended debate; third, no bill which appears on the Consent Calendar, even though it does not change national or international policy, or does not call for an expenditure of more than $1 million, should be approved without the membership being fully informed of its contents. If it is a measure that would apply to a majority of the Members of the House, in which case the minimum amount of consideration that should be given such a bill would be cleared by the leadership of both parties before being brought before the House on the Consent Calendar. Such a bill would be put over without prejudice one or more times to give an opportunity to be Members to become fully informed as to the contents of the bill.

It must be pointed out to the membership that it is not the objective of the objectors to obstruct legislation or to object to bills or pass them over without prejudice because of any personal objection to a bill or bills by any one Member or all of the objectors. Their real purpose, in addition to expediting legislation, is to protect the membership from having bills.

The members of the Consent Calendar Committee request that the chairman of the standing committees of the House have responsibility for bringing legislation before the House, take into account the contents of this statement before placing the bill on the Consent Calendar. While it is not absolutely necessary for the sponsors of the bill appearing on the Consent Calendar contact the objectors, to avoid the bill being put over unnecessarily, it is a good practice to be present. The committee members welcome the practice of getting in touch with them at least 24 hours in advance of the time the legislation is called up on the regular call of the Consent Calendar. In many instances, such courtesy on the part of the sponsors will clear away questions which the objectors may have and consequently make for expeditious handling of the legislation.

This agreement was entered into by the gentleman from Tennessee [Mr. GORDON], the gentleman from Georgia [Mr. LEWIS], the gentlewoman from South Carolina [Mrs. PATTERSON], the gentleman from Pennsylvania [Mr. WALKER], the gentleman from California [Mr. MCCANDLESS], the gentleman from Illinois [Mr. HASTERT].

PRIVATE CALENDAR YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind the Private Calendar, as well as a description of the Calendar.

Of the five House Calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from the public bills which deal with class only.

Of the 108 laws approved by the First Congress, only 5 were private laws. But their number quickly grew as the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress 1885 to 1887 the first Congress for which complete workload and output data is available, passed 1,031 private laws, as compared with 434 public laws. At the turn of the century the 56th Congress passed 1,498 private laws and 443 public laws, a better than 3-to-1 ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress changed this procedure by rule XXIV, clause 6 which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932 and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or the consideration of four types of private bills: First, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream; or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82d Congress passed 1,023 private laws as compared with 594 public laws. The 88th Congress passed 360 private laws compared with 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee. No reservation of objection is entertained. Bills not objected to are considered in the House in the Committee of the Whole. On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately. Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe the official objectors system in the House, which has been established to deal with the great volume of private bills. The majority leaders and the minority leader each appoint three Members to serve as Private Calendar objectors during a Congress. The objectors are on the floor ready to object to any bill which does not adhere to the guidelines established for consideration on the Private Calendar. Seated near the objectors are the majority and minority legislative clerks, to provide technical assistance. Should any Member have a doubt or question about a particular private bill, assistance can be provided by the objectors, the clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain rules. The rules limit consideration of bills placed on the calendar only

shortly before it is called. The agreement adopted on June 3, 1958, provides for the consideration of bills only if they have been on the Private Calendar for a period of 7 days, excluding the day the bill is reported and the day the calendar is called. Also, reports must be available to the objectors for 3 calendar days.

It is agreed to that the majority and minority clerks will not submit to the objectors, any bills which do not meet this agreement. This policy will be strictly enforced except during the closing days of a session when House rules are suspended.

This agreement is entered into by the gentleman from Virginia [Mr. BOUCHER], the gentleman from Kentucky [Mr. HUBBARD], the gentleman from Maryland [Mr. MFUME], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Pennsylvania [Mr. GEKAS], and the gentleman from Missouri [Mr. BUECHNER].

LATVIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, November 18 will mark the 71st anniversary of the establishment of a free and independent Latvia.

On November 18, 1918, the courageous people of Latvia gained their independence, and for 20 years were able to enjoy liberty and self-rule. However, only 20 short years after Stalin promised in 1920 to recognize Latvia as a sovereign nation "forever," the Red Army marched into Latvia, and began their brutal occupation of this country.

The United States has never recognized the illegal Molotov-Ribbentrop Pact of 1939, which put the Baltic States under Soviet rule, and we in Congress have continued to support the efforts of the Latvian people to once again obtain self-determination and control over their own destinies.

Today, a great wave of freedom is sweeping across Eastern Europe and the independent countries forcibly incorporated into the Soviet Union. On August 23, in an inspirational showing of the desire for self-determination, hundreds of thousands of Latvians joined with their neighbors in the other Baltic States in forming a human chain linking hands across their homelands to protest their forced incorporation into the Soviet Union.

Significant changes are taking place daily in Latvia, and at this point in the RECORD, I would like to share with my colleagues in the House of Representatives, an article which appeared in the October 10, 1989, edition of the Christian Science Monitor, outlining recent steps toward democratic reform in Latvia. A copy of that article follows:

[From the Christian Science Monitor, Oct. 10, 1989]

INITIATIVE SHIFTS TO INDEPENDENTS

(By Paul Quinn-Judge)

This weekend's second congress of the Latvian Popular Front (LPF) underlines the dramatic shift in political power that has taken place in the course of the past year.

The initiative has shifted from Moscow to the republics, and from official political structures to independent organizations.

While Communist Party conservatives fulminate at the change, Soviet leader Mikhail Gorbachev is apparently trying to build a new coalition that includes the more moderate members of the Baltic independent movements.

At their founding congress a year ago, LPF activists looked warily over their shoulder to see how Moscow would respond to their movement. The activists stressed their commitment to political reform in the Soviet Union and to "Leninist principles of socialism."

Last weekend, meeting in the elegant conference hall made available to them by the Latvian Communist Party, Front activists spoke openly of their belief that what they call the Soviet empire is collapsing. Communism is a failure, they said, and Latvia's future lies in a multiparty political system with a mixed economy.

The Front's new political program calls for the beginning of a transition to independence, for Latvia to assume control over the police and the KGB secret police and to negotiate the gradual removal of Soviet troops.

There was only one vote against the 126-point program from the 1,074 delegates.

But Latvian Communist Party officials at the conference expressed relief at the program's moderation, and made it clear they could live with the new LPF platform.

The LPF political spectrum runs from open anticommunism through to a very reformist brand of Western-style socialism. Despite this, many Front activists are keen to keep communications open with Mr. Gorbachev.

Perhaps even more strikingly, Gorbachev is keen to keep the lines open to them.

In private chats and messages he is passing the word to Baltic activists: Go as far as you like, but do not secede, and do not provoke the republic's non-Latvian population.

Gorbachev's concerns were reflected to some degree in the new LPF program. The wording sounds radical, but is in fact a compromise. Key phrases are kept deliberately undefined.

The program calls for the restoration of Latvia's independence (it was annexed by the Soviet Union in 1940).

But some Front leaders say this is a distant ideal, not an immediate prospect, while activists of the radical League for National Independence concede that independence is still a number of years away. And moderates like Janis Peters suggest the idea could even be reviewed if Gorbachev's reforms create a truly transformed Soviet Union.

LPF moderates feel that many of the Soviet leader's ideas coincide with their own. After all, "Gorbachev is engaged in a bloodless dismantling of the Soviet Union," says Mr. Peters—a poet, founding member of the Front, and now a deputy in the Soviet Union's standing parliament, the Supreme Soviet.

Gorbachev keeps in almost constant touch with official and unofficial Baltic leaders, sources in both the Baltics and Moscow say.

Within days of returning from vacation this summer, he had met the three top leaders of Estonia, Latvia, and Lithuania.

He talks to the Baltic members of the Supreme Soviet, many of whom are leaders of their respective popular fronts. Recently, for example, he spoke to the elder statesman of the Latvian parliamentary delegation, LPF member Mavrik Wulfson.

Mr. Wulfson says that once again Gorbachev emphasized the need to avoid friction with non-Latvians and not to push for secession.

Peters adds that during such conversations, Gorbachev tacitly acknowledges that events are now moving faster than he can control.

At times Gorbachev's quiet diplomacy requires him to reassure Baltic activists about the statements of other senior Communist Party leaders.

Last Aug. 26, for example, while Gorbachev was on vacation, the Communist Party Central Committee issued a harsh statement, expressing concern about the situation in the Baltic states. Soon after his return to Moscow, Gorbachev told Baltic party leaders and some independent activists that the statement was "best forgotten."

In conversation with some Baltic independent members of parliament, he hinted that a coming Central Committee meeting on nationality policy would bring them more pleasing news.

At the Sept. 20 meeting, Politburo member Viktor Chebrikov—believed by many official and unofficial Baltic politicians to be one of the prime movers behind the Aug. 26 statement—was retired.

In its year of existence the LPF has become the central force in Latvian politics. It now has over 207,000 active members, as opposed to the approximately 184,000 members of the Latvian Communist Party.

Latvian president Anatoly Gorbunov, the most prominent representative of the party's reform wing, admitted during a press conference Saturday that the party had largely lost the political initiative.

A public opinion poll by Latvian TV and Radio published on the eve of the congress presented the party with more grim news.

The poll showed only 2.6 percent of ethnic Latvians and 8.8 percent of ethnic Russian residents of the republic expressing unqualified support for the Communist Party.

The LPF by contrast obtained the full support of 79 percent of ethnic Latvians and 64.1 percent of ethnic Russians.

The Front's main problems at the moment come from internal tensions, not from the Communist Party. The LPF leadership is under pressure from the League for National Independence, a more radical separatist movement that is part of the Front, but maintains a distinct political organization.

The League is critical of the LPF leadership's emphasis on parliamentary struggle and its willingness to compromise on key issues.

LPF leaders are also in open conflict with the Front's newspaper, Atmoda ("Awakening"), which they claim leans toward the League.

But a strong challenge from radicals was beaten off on Sunday, when LPF president Dainis Ivans was reelected to his post. Mr. Ivans defeated one of the League's most popular leaders, Imant Kalmins.

Mr. Speaker, we stand on the threshold of a new era for the Latvian people, and on this 71st anniversary of Latvian Independence Day, it is a most fitting occasion to renew our deep commitment to reestablishing a free Latvian state.

I am honored to join with Americans of Latvian descent in the 11th Congressional District of Illinois, and Latvian-Americans throughout the United States, in their hopes and prayers that Latvia will be successful in her quest to join once again the community of free nations,

free from the domination and oppression of the Communists.

ENCOURAGE SAVINGS AND CAPITAL FORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA], is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation in the House which has been offered by my distinguished colleague in the other body, Senator CHRISTOPHER DODD. The Savings and Capital Formation Act addresses the chronic low savings rate in the United States by reinvigorating the individual retirement account [IRA] and encouraging long-term investment in America. It provides an incentive for all Americans to participate, because savings begins at home.

More than $200 billion have been invested in IRA's since their creation in 1974. By 1986, annual contributions exceeded $38 billion. However, the Tax Reform Act of 1986 restricted eligibility for the IRA deduction. IRA enrollment was cut in half after enactment of the 1986 tax law. Although compromises were necessary to enact this historic tax law, its effects on IRA's proved to be detrimental to savings.

Specifically, this bill would restore the pre-1986 eligibility for IRA contributions. The IRA deduction would be replaced by a 15-percent tax credit for new IRA contributions. This credit mechanism is noteworthy since critics of IRA's charge that higher income taxpayers benefit more from a deduction than taxpayers with average incomes. With a 15-percent credit, all taxpayers will receive the same credit amount—a maximum of $300 for a $2,000 contribution. As a result, persons with average incomes will receive a proportionally greater benefit than the well-to-do. A $300 tax credit means far more to a person earning $25,000 than it does to someone earning $250,000 per year.

We need to encourage more taxpayers to set up IRA's. Contrary to charges that IRA's are favored more by wealthier taxpayers, the fact is that two-thirds of all IRA participants make less than $50,000 per year. That is the income bracket for 85 percent of all taxpayers. Additionally, these same enrollees contribute 60 percent of IRA earnings. It is clear that the wealthy are not the primary beneficiaries of IRA's.

For taxpayers who do not have the resources right now to set up an IRA, the bill offers an alternative. For individuals with incomes under $25,000, the bill provides an annual exclusion of $100—$200 for joint returns—for interest and dividend income. With this provision, all taxpayers regardless of income are afforded an incentive to increase their personal savings.

Mr. Speaker, the more we save, the less we have to rely on borrowing. Reversing the decline in personal savings benefits the U.S. economy. Through increased investment in American enterprises, the benefits are assured for long-term economic growth.

Investment in IRA's is investment in America. Through expanded savings we as a nation will be better able to meet the challenges that the future has in store for us.

GLOBAL WARMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, this past weekend and the days that followed were balmy and spring-like in Washington. High temperatures were in the seventies; no overcoats were necessary. The Sun was shining, the air was fresh, and everything was ideal. Or was it?

This is not April, May or June. And, contrary to the temperature, it's not August or September either. No, what we have is an unusually warm November in Washington.

But what's so wrong about temperate weather? Nothing, if it's an aberration that will be followed in other years by unusually cold weather at unexpected times. But if this warm weather is a portent of things to come, and if the mercury continues to rise over time, we've got trouble—that trouble is global warming.

Although the Earth's climate has shown only slight temperature changes so far, the prospect of accelerated change is very real and very frightening.

The threat of climate change stems from the increasing concentrations of carbon dioxide and other gases like methane and nitrous oxide that hold heat in the lower atmosphere and consequently allow temperatures to rise. Carbon dioxide, the main contributor to global warming, is produced by the burning of coal and other carbon-based fuels such as oil and natural gas which release carbon into the atmosphere.

The figures for the proliferation of carbon dioxide in our atmosphere are just astounding:

Statistic 1: Since 1958, when routine measurements of carbon dioxide began, its concentration in the air has gone from 315 parts per million to 352 parts per million, much more than the highest concentrations of carbon dioxide experienced on Earth in the past 160,000 years.

Statistic 2: Man added 5.5 billion tons of new carbon to the atmosphere in 1988 through fossil fuel combustion alone and between 0.4 billion and 2.5 billion tons through deforestation.

But what are the consequences of global warming? Here's what the scientists are saying:

The global average temperature in the 1970's was 14.5 degrees celsius, and by the 1980's it had climbed to 15.2 degrees. Temperatures leveled off between 1940 and 1970, but an accelerated rise during the eighties has more than offset this lull. The 5 warmest years of the past century have fallen in this decade.

Between 2030 and 2050, average global temperatures could be 3 to 8 degrees Fahrenheit higher than they have been in recent decades. This is warmer than the Earth has been in the last 2 million years. It also implies a warming 5 to 10 times faster than any previous era of natural change.

If this hastening of global warming continues, the late 1990's could see increased frequency of droughts, heat waves and other unusual weather extremes.

Higher latitude and midcontinental regions in the United States and China will experience greater temperature rises than the world as a whole.

The pace of climate change will soon overwhelm natural variability in the Earth's climate. Irrigation works, settlement patterns, and food production could be tragically disrupted by this rapid warming.

Complex ecosystems could be irrevocably destroyed as the forests, wetlands and even polar tundra are changed by the warming.

There would be accelerated species extinction due to the inability of ecosystems to adopt rapidly enough.

The sea level would rise as warming melts parts of the polar ice cap and glaciers. This rise will threaten low lying coastal areas around the world by salt water intrusion into rivers and wetlands, by potential floods, and by storm surges.

Projected increases in population, primarily in developing countries, will accelerate greenhouse gas emissions as development takes place.

There are some who continue to insist that there is a good side to global warming. After all, as the Earth warms up it should cost less to heat your house in the winter, the cost of snow removal will go down, and fewer people will fall on ice and break bones. If this sounds trivial compared to the downside of global warming, it is meant to. To this point in time, scientists find Earth the only planet in our universe capable of sustaining life as we know it, and while many scientists speculate on the possibility of planets in other solar systems capable of sustaining life, no such planet has been yet discovered. Therefore, we have no place to go if and when we destroy our only home.

Others argue that as the climate changes, so will society. After all, adaptation is part of human nature. However, this argument ignores the extraordinary rate of change that is projected and the impossibility of adapting quickly enough. For example, a 1-degree-celsius-per-decade change could kill vast numbers of trees with little chance of regrowth. During such a disruption, huge areas of forest could die as they decay or

burn, send large amounts of carbon dioxide into the air further accelerating global warming.

Buckminster Fuller once said:

We are going to have to find ways of organizing ourselves cooperatively, sanely, scientifically, harmonically, and in regenerative spontaneity with the rest of humanity around earth . . . We are not going to be able to operate our spaceship earth successfully nor for much longer unless we see it as a whole spaceship and our fate as common. It has to be everybody or nobody.

America has a chance to pilot this "spaceship Earth," if we choose to assume command. Or we can sit back as a passenger and enjoy the ride. But we also have a third option, an unthinkable option to my way of thinking. We can abandon ship and let a less than whole spaceship Earth take off without us. Unfortunately, this third unthinkable option seems to be the current glide path the Bush administration has chosen.

In late August 1988, during the Presidential campaign, George Bush made a number of environmental speeches where he detailed his position on global warning. In my own State of Michigan he said:

Those who think we're powerless to do anything about the "greenhouse effect" are forgetting about the "White House effect." As President, I intend to do something about it. In my first year in office, I will convene a global conference on the environment at the White House. It will include the Soviets, the Chinese, the developing world as well as the developed. All nations will be welcome—and indeed, all nations will be needed.

In January 1989, Secretary of State James A. Baker III, addressing the Intergovernmental Panel on Climate Change in Washington strongly supported the campaign promises of President Bush by saying:

(W)e can probably not afford to wait until all of the uncertainties have been resolved before we do act . . . (W)hatever global solutions to global climate change are considered, they should be as specific and cost effective as they can possibly be.

And then the signals from the administration started to change. In May, the United States refused to go to a meeting in Geneva to determine the feasibility of a framework convention on global warming. The White House could not say to the world what our position on carbon dioxide limits was. A couple of weeks of bad press ensued and the United States once again came out in favor of a framework convention on CO_2.

During the second week in November a global warming conference of the environmental ministers of 71 countries was held in The Netherlands. The hope of the organizers of this conference was that a set of firm goals for reducing carbon dioxide emissions worldwide would be produced. However, supported by the Japanese and the Soviet Union, the Bush administration demanded that conference leaders drop a commitment for industrialized countries to stabilize their carbon dioxide emissions at 1988 levels. Instead, the United States joined in a unanimous declaration that stabilization of CO_2 emissions should be achieved as soon as possible. While supporting the Intergovernmental Panel on Climate Change [IPCC] process, the Bush administration insists that more evidence is needed on global warming before action can be taken.

So although President Bush promised that if elected he intended to do something about global warming, it appears that what is being done in the White House is constraining the one administration official who wants to be out front on this issue; namely, William K. Reilly, the Administrator of the Environmental Protection Agency.

□ 1950

Mr. Speaker, I yield to the gentleman from Ohio [Mr. ECKART], my distinguished colleague who has been trying to draw the attention of this body and of this Nation to the immeasurable urgency of this problem that we face with respect to global warming and the need for action now.

Mr. ECKART. Mr. Speaker, during his campaign for the Presidency in 1988, George Bush made a promise. He said:

Those who think we're powerless to do anything about the "greenhouse effect" are forgetting about the White House effect. As President, I intend to do something about it.

But, as most of us have heard, the road to hell is paved with good intentions, and if we don't do something about it soon, global warming may turn our planet into a living hell.

Global warming is a phenomenon caused primarily by the production of four so-called greenhouse gases—carbon dioxide—CO_2, methane, nitrous oxide, and CFC's. Human activity, mostly through burning of fossil fuels, now generates some 22 million tons of CO_2 annually. As a result, the atmospheric concentration of CO_2 is steadily increasing, and is now about 25 percent greater than it was 100 years ago.

Scientists' estimates of predicted global warming, based on current rates of greenhouse gas production from human activity, vary widely between 3 and 16 degrees Fahrenheit by the middle of the 21st century. That may not sound like much, but the results of such a rise in world temperatures could have a substantial impact on the Earth's surface.

Sea levels could rise, at an average worldwide rate of perhaps 2 inches per decade, gradually inundating low-lying cities, highways, agricultural regions, and coastal properties, and leading to major population shifts.

EPA estimates that, in 1985 dollars the cumulative capital costs of developing coastal barriers alone could total $75 billion.

The growing areas for rice, which supply more than 2.7 billion people with 70 percent of their calorie consumption, could be severely altered by global warming.

So, just like he promised, George Bush, our "environmental President," intends to make the United States—which, by itself, produces 24 percent of world total CO_2 emissions—an international leader in the search for solutions to this urgent problem, right?

Wrong.

Two weeks ago, 71 countries participated in an important international conference on global warming. Environmentalists, scientists, and world leaders hoped the conference would set firm goals for reducing carbon dioxide emissions.

What did George Bush do? He sabotaged the conference. Supported by the Japanese and the Soviets, the Bush administration successfully demanded that conference leaders drop a commitment for industrialized countries to stabilize their CO_2 emissions at 1988 levels.

Despite the fact that the polls clearly show the American people to be concerned about global warming—60 percent believe it is an extremely serious or very serious problem—at every turn Bush has stymied efforts to begin addressing the issue:

Bush has effectively handcuffed EPA Administrator William Reilly who—under pressure from White House Chief of Staff John Sununu—retreated on his insistence that the United States stabilize carbon dioxide emissions;

Sununu shut down Reilly again when the EPA Administrator urged Bush—unsuccessfully—to fulfill his campaign promise to conduct a negotiating session on a global warming treaty in this country during his first year in office;

Reilly hasn't been the first Bush adviser constrained on global warming. Remember James Hansen, a NASA climatologist, who was forced by OMB to alter his testimony about computer predictions on global warming?

And still, despite scientists' stressing the need for urgency, Bush has told the world to wait, insisting that more evidence is needed. Too bad he didn't get that message across to his own Secretary of State, James Baker, who said earlier this year:

We can probably not afford to wait until all of the uncertainties have been resolved before we act. Time will not make the problem go away.

Mr. Speaker, this administration's policy on global warming is a global embarrassment. It is a policy that runs hot and cold from day to day and it gives me chills. Once again, George Bush, the "hesitant President," has

failed the American people through his refusal to take action on a pressing problem. Only this time, he has failed the world as well.

□ 2000

Mr. WOLPE. Mr. Speaker, I thank the gentleman very much for his observations. I know he shares my concern that there seems to be infinite creativity when it comes time for finding reasons for no action.

But can we as a nation afford to wait on doing something until the uncertainties are proven? By that time it may be entirely too late to do anything effective. One of the most disturbing aspects of global warming is that even as some of its implications are being discovered, it appears that substantial and damaging climate change is inevitable. Climate change even today has so much momentum that it can only be slowed, not stopped.

Indeed, global warming is a life or death situation in its potential to disrupt a wide range of human and natural systems. In recent testimony before the Senate Committee on Commerce, Science, and Transportation, Dr. George Woodwell, noted ecologist and president of the Woods Hole Research Center said:

> While there are clear limitations on the abilities of scientists to prove details of how the world works and to predict climatic changes or their consequences for the human enterprise, the probable consequences of failure to act not to stabilize composition of the atmosphere and to stop the further warming of the Earth due to human activities are so profound as to constitute a folly as great as global nuclear war.

The whole notion of human progress is called into question by the issue of climate change. Unless current trends are reversed, tragic changes could occur in just the next two decades that could not be undone in succeeding centuries. The challenge is to act before it is too late and that means we must act on the facts we have in hand now. The evidence today is compelling even if it is not absolutely conclusive. Prudent stewardship of the world's resources dictate emission controls now. The consequence of inaction could very well be the radical transformation of the world as we know it.

Many years ago, Mohandas Gandhi said "There is a sufficiency in the world for man's need but not for man's greed." George Bush is an honorable and decent man. We, the Congress, must do everything we can to convince him to take command of spaceship Earth again. We must convince him to reject the counsel of advisors who do not heed Gandhi's warning and believe that the Earth is a limitless resource to be tapped for immediate personal gain.

An ancient commentary on the biblical book of Ecclesiastes, says it all:

When God created the first man, he led him round all the trees in the Garden of Eden.

God said to him, "See My works, how beautiful and praiseworthy they are. Everything I have created has been created for your sake. Think of this, and do not corrupt or destroy My world; for if you corrupt it, there will be no one to set it right for you.

Mr. BROWN of California. Mr. Speaker, in 1976 the Science Subcommittee on the Environment and the Atmosphere held 4 days of hearings on a bill titled the National Climate Program Act. These were, to the best of my knowledge, the first congressional hearings ever held on the topic of climate research. Of course, in those days, the scientific debate centered not on how high the seas would rise or what regional effects global warming would inflict on the Corn Belt, but rather on whether the planet was warming or cooling. Although a few on the outer fringe of scientific circles still believe we are headed straight for an ice age, we now know that the heavy loading of the atmosphere with carbon dioxide and other gases has placed the greenhouse effect into overdrive.

I am convinced that the predicted warming and global climate changes will have real and harmful effects on society and on our economic base. I am also convinced that we must put our best scientists to work on the problem, so that we may increase our predictive capabilities. If we are to address global change in any meaningful way, we desperately need solid scientific research to form the basis for action.

Let me add that I will be sorely disappointed if the U.S. Government continues to use the old argument that we should not implement policy responses—such as increasing fuel economy standards or developing more and better solar energy sources—until we have collected more data and developed more definitive scientific answers. In the game of global change, the cost of waiting for certainty could simply be too high. We have already committed ourselves to a certain amount of global warming. We must make the commitment to stabilize carbon dioxide emissions by the year 2000, if we hope to have an opportunity to stop the problem from getting out of hand.

Mr. MARKEY. Mr. Speaker, I rise because of an overwhelming sense of déjá vu regarding the global warming question. Mr. Chairman, there are three serious threats to the environment which I want to address today: Acid rain, the greenhouse effect, and the White House effect.

Last week, at an international conference in The Netherlands on global warming, President Bush directed his representatives to block any effort to set firm goals for reducing carbon dioxide emissions. The White House science advisor, D. Allan Bromley, said: "We would like to have a better understanding of the economic consequences."

This sounds frighteningly similar to the Reagan administration's line on acid rain. We listened to the same broken record for 8 years—we need more studies, we need more studies, we need more studies. In 1979, the United States and Canada agreed to work toward an agreement on transboundary air quality. In 1980 we began a 10-year National Acid Precipitation Assessment Program research program. NAPAP became a 10-year delay tactic. The acid rain battle cry from the White House became "We can't act until the study is complete." In 1983 the United States refused to join 18 countries including Canada in signing a pact to reduce sulfur dioxide emissions by 30 percent. "We can't act until the study is complete." The 1985 Shamrock Summit between Mulroney and Reagan commenced 3 years of meetings between United States and Canadian special envoys. In 1988 the United States rejected the treaty's timetables for sulfur dioxide reduction to deal with acid rain. "We can't act until the study is complete."

In October, the President said that "those who think we're powerless to do anything about the 'greenhouse effect' are forgetting about the 'White House effect'." Mr. President, Congress hasn't forgotten about the "White House effect"; we want to solve that problem too!

Congress must move to offset the dreaded "White House effect." The clean air legislation is an excellent vehicle for simultaneously mitigating the acid rain problem and the nascent global warming problem. By using the clean air legislation to promote energy conservation and the use of renewable resources like photovoltaics, solar thermal, wind, geothermal, and other environmentally benign energy sources we can simultaneously reduce emissions of suflur dioxide, nitrogen oxides, and carbon dioxide. This way we can neutralize three serious threats to the environment: Acid rain, the greenhouse effect, and the White House effect.

Ms. PELOSI. Mr. Speaker, earlier this month, the environmental ministers of 71 countries came close to committing the world's industrialized nations to cutting back their carbon dioxide emissions in an attempt to counter global warming. Instead, pressure from the United States, Japan, and the Soviet Union forced the conferees to unanimously accept a vague compromise resolution that avoids setting firm goals.

A year ago, the President pledged to do something about the greenhouse effect. He promised to be the environmental President and to provide the leadership necessary to confront this complex problem. He said, to quote, that "Those who think we're powerless to do anything about the 'greenhouse effect' are forgetting about the 'White House effect' ". However, the obstructive actions of his administration last week were the complete opposite of what was needed. If the President was leading, it was unfortunately in the wrong direction.

There is wide agreement within the scientific community that global warming is the most serious environmental problem facing the world. If predictions that the Earth's temperature will rise another 2 to 6 degrees by the year 2030 prove true, the result could be devastating floods, droughts, and tropical storms, with severe consequences for agriculture, forestry, and water resources. Some scientists fear that increasing temperatures could lead to the flooding of coastal areas throughout the world and an expansion of deserts.

With the potential for such environmental calamity, can we risk remaining ambivalent on the issue? Even Secretary of State Baker is on record saying that we can "not afford to wait until all the uncertainties have been resolved before we act."

I join my colleagues in encouraging President Bush to seize the initiative on this issue, and establish the United States firmly in the company of those nations that have already committed themselves to containing the causes of global warming.

Mr. AUCOIN. Mr. Speaker, I want to commend my colleagues who are speaking out about the need for leadership in addressing the problem of global climate change.

To deal with a global problem, leadership is what we need, and leadership is what we're not getting from the Bush administration.

George Bush pledged in his campaign that—during his first year in office—he would convene a global conference on the environment. He said he would invite the Soviets, the Chinese, the developing world as well as the developed.

This is what he said about the agenda of his global White House conference, and I quote: "We will talk about global warming. We will talk about acid rain. We will talk about saving our oceans, and preventing the loss of tropical forests. And we will act."

In the same speech George Bush said: "Those who think we're powerless to do anything about the 'greenhouse effect' are forgetting about the 'White House effect.' As President, I intend to do something about it."

Mr. Speaker, what happened to the White House effect? Is there a power outage over there? Are they having trouble finding the fuse box?

Instead of action, we have words. Instead of the White House effect we have White House ineffectiveness. Two weeks ago, after being pressured by other nations, the Bush administration finally agreed to sign an international declaration on global warming, with no specific commitments. And that was only after they watered it down.

That's not the action George Bush promised. That's not global leadership.

Not all the facts are in on global warming. But the scientific consensus is clear. We are changing the composition of the Earth's atmosphere. The result will be, at best, climate change which requires enormous investments to deal with; at worst, catastrophe and tremendous human suffering. But there are steps we can take—now—steps which make cost-effective sense even apart from the fact that they will help us slow global climate change.

The effects of global warming on specific areas are hard to predict. But the Oregon Department of Energy has issued a report about possible impacts of the greenhouse effect in my home State which I'd like to share with my colleagues.

This report concludes that effects on Oregon's major industries could be drastic. Oregon growers produce a tremendous variety of crops in 18 different climatic zones. As rainfall patterns change, that productivity could be lost. Douglas firs in the world's most productive forests could perish, leaving behind trees of much less commercial value. Rising sea levels could wipe out coastal communities and the fisheries which are vital to the region's economic health.

Earlier this year Senator WIRTH crafted a bill in the Senate which calls for a 20-percent reduction in carbon dioxide emissions by the year 2000 and provides a plan for achieving it. I introduced that bill in the House. My colleague from Rhode Island, Congresswoman SCHNEIDER, introduced a good bill with many similarities, which I and many others also support.

So, Mr. Speaker, our plans are on the table. We provide new incentives and research for energy conservation and renewable energy resource development. We increase energy efficiency to reduce the consumption of fossil fuels. We provide a strategy for protecting forests and growing new ones. We deal with the need for more efficient transportation.

We put the United States in the lead in creating a global strategy for sustainable development in both the industrialized and developing nations. And we give American entrepreneurs the opportunity to stay ahead of the competitors in the high-stakes game of new energy technology research, development, and marketing.

The United States is responsible for one-quarter of global greenhouse emissions, more than any other nation. We cannot solve the problem single-handed. But American ingenuity led the world in industrial development—and we can do it again—this time in new technologies, energy conservation, and in global environmental protection.

The proposals we've placed on the table are negotiable. We're open to suggestions. But are we getting from the Bush administration some alternatives we can discuss? No. No proposals. No suggestions. No plans.

We are told that the administration is divided on this issue. Some officials prefer action. Others want to go slow.

To have divergent voices in an administration is not unusual. The President needs to hear different points of view. But there comes a time for leadership. And that's what leadership is—making a choice. Giving us a alternative. Coming to the table with a proposal.

That's the kind of leadership George Bush told us to expect, and that's what he hasn't delivered. Meanwhile, leaders in other nations have taken the initiative. The Dutch, who hosted the international conference last week. Even Margaret Thatcher, who made a forceful appeal for concerted action in a recent address to the United Nations.

Mr. Speaker, there is still opportunity for an American policy which puts us squarely in the forefront of global environmental protection. But that will take a sense of direction which can only come from the top. It will taken instructions—from the President—to the Department of Energy, the Environmental Protection Agency, and other agencies to get to work on a plan which is proportionate to the threat we face from global climate change—a plan which puts us on a schedule of reducing carbon dioxide and other greenhouse gas emissions.

I am convinced the American people understand how serious the challenge to the global environment is. They want to burn less fossil fuels. They want to use renewable energy. They want energy efficiency. They want sustainable development in the Third World. And they are willing to adjust their lifestyles if they see their government address the problem in a fair and balanced way. Let's give them that chance.

Mr. OWENS of Utah. Mr. Speaker, I join my colleagues in this special order in encouraging the administration to take the threat of global climate change more seriously. I am disappointed that EPA Director Reilly has been muzzled by the administration and that a previous commitment by President Bush to take a leadership role on this issue has been apparently abrogated.

The evidence that our climate is changing and that human activities have contributed is convincing. How can we ignore the fact that the four warmest years on record on our planet have all occurred within the last decade? The debate over global climate change may be heating up—but so is the weather.

Trying to stall the greenhouse effect goes right to the heart of industrial society and demands a rethinking of our priorities—but rethink we must. Change in global climate have an all-encompassing and cumulative effect. The devastating fires of Yellowstone are related, the loss of billions of dollars of crops in the prairie States over the last several years is related, the continued desertification and consequent starvation in much of northern Africa is related, even the increased glacial calving that led indirectly to the wreck of the *Exxon Valdez* last spring is related.

Playing dice with the Earth, hoping our scientists are wrong, could turn out to be the most expensive game we have ever played. If we err, let it be on the side of caution, reduced pollution, healthier people, living lakes, and incentives for clean, renewable energy. I ask the President to reconsider his wait-and-see approach. I am not willing to see the mantle of environmental leadership our country has proudly worn for so many years passed on to those more committed—and I believe most of my colleagues in this Congress agree with me. Our prompt action on the all-encompassing question of global warming can help reaffirm our environmental leadership as well as forestall some of the most alarming effects of climatic change.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 2748

Mr. BEILENSON submitted the following conference report and statement on the bill (H.R. 2748) to authorize appropriations for fiscal year 1990

for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 101-367)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1990."

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1990 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1990, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany H.R. 2748 of the One Hundred First Congress. That Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

PERSONNEL CEILING ADJUSTMENTS

SEC. 103. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1990 under sections 102 and 202 of this Act when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 104. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated and expended during fiscal year 1990 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorizations referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community staff for fiscal year 1990 the sum of $26,900,000.

AUTHORIZATION OF PERSONNEL END STRENGTH

SEC. 202. (a) The Intelligence Community staff is authorized 240 full-time personnel as of September 30, 1990. Such personnel of the Intelligence Community staff may be permanent employees of the Intelligence Community staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1990, personnel of the Intelligence Community staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1990, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1990, activities and personnel of the Intelligence Community staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1990 the sum of $154,900,000.

ELIGIBILITY FOR ANNUITY

SEC. 302. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(1) by redesignating section 236 as section 237; and

(2) by inserting after section 235 the following new section:

"ELIGIBILITY FOR ANNUITY

"SEC. 236. A participant must complete, within the last two years before any separation from service, except a separation because of death or disability, at least one year of creditable civilian service during which he or she is subject to this title before he or she or his or her survivors are eligible for an annuity under this title based on the separation. If a participant, except a participant separated from the service because of death or disability, fails to meet the service requirement of the preceding sentence, the amounts deducted from his or her pay during the period for which no eligibility is established based on the separation shall be returned to him or her on the separation. Failure to meet this service requirement does not deprive the individual or his or her survivors of annuity rights which attached on a previous separation.".

PRECEDENCE OF SECTION 224 SURVIVOR BENEFITS OVER SECTION 232 DEATH-IN-SERVICE BENEFITS

SEC. 303. Section 232(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(1) by adding at the end of paragraph (1) thereof the following new sentence: "Payment of death-in-service benefits for former spouses is also subject to paragraph (4) of this subsection."; and

(2) by adding after paragraph (3) thereof the following:

"(4) If a former spouse eligible for death-in-service benefits under provisions of this section is or becomes eligible for survivor benefits under section 224, the benefits provided under this section will not be payable and will be superseded by the benefits provided in section 224.".

COMPUTATION OF SURVIVOR BENEFIT FOR FORMER SPOUSES

SEC. 304. (a) Section 224(a)(2) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by striking out "and also by an amount" and all that follows through "by the United States".

(b) The amendment made by this section shall be effective as of October 1, 1986.

SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN CIA EMPLOYEES' SERVICE ABROAD

SEC. 305. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"SPECIAL ANNUITY COMPUTATION RULES FOR CERTAIN EMPLOYEES' SERVICE ABROAD

"SEC. 18. (a) Notwithstanding any provision of chapter 83 of title 5, United States Code, the annuity under subchapter III of such chapter of an officer or employee of the Central Intelligence Agency who retires on or after October 1, 1989, is not designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and has served abroad as an officer or employee of the Agency on or after January 1, 1987, shall be computed as provided in subsection (b).

"(b)(1) The portion of the annuity relating to such service abroad that is actually performed at any time during the officer's or employee's first ten years of total service shall be computed at the rate and using the percent of average pay specified in section 8339(a)(3) of title 5, United States Code, that is normally applicable only to so much of an employee's total service as exceeds ten years.

"(2) The portion of the annuity relating to service abroad as described in subsection (a) but that is actually performed at any time after the officer's or employee's first ten years of total service shall be computed as provided in section 8339(a)(3) of title 5, United States Code; but, in addition, the of-

ficer or employee shall be deemed for annuity computation purposes to have actually performed an equivalent period of service abroad during his or her first ten years of total service, and in calculating the portion of the officer's or employee's annuity for his or her first ten years of total service, the computation rate and percent of average pay specified in paragraph (1) shall also be applied to the period of such deemed or equivalent service abroad.

"(3) The portion of the annuity relating to other service by an officer or employee as described in subsection (a) shall be computed as provided in the provisions of section 8339(a) of title 5, United States Code, that would otherwise be applicable to such service.

"(4) For purposes of this subsection, the term 'total service' has the meaning given such term under chapter 83 of title 5, United States Code.

"(c) For purposes of subsections (f) through (m) of section 8339 of title 5, United States Code, an annuity computed under this section shall be deemed to be an annuity computed under subsections (a) and (o) of section 8339 of title 5, United States Code.

"(d) The provisions of subsection (a) of this section shall not apply to an officer or employee of the Central Intelligence Agency who would otherwise be entitled to a greater annuity computed under an otherwise applicable subsection of section 8339 of title 5, United States Code.".

PORTABILITY OF OVERSEAS SERVICE RETIREMENT BENEFIT

SEC. 306. The special accrual rates provided by section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees and by section 18 of the Central Intelligence Agency Act of 1949 for computation of the annuity of an individual who has served abroad as an officer or employee of the Central Intelligence Agency shall be used to compute that portion of the annuity of such individual relating to such service abroad whether or not the individual is employed by the Central Intelligence Agency at the time of retirement from Federal service.

DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS

SEC. 307. (a) The Central Intelligence Agency Act of 1949, as amended (50 U.S. 403a et seq.), is amended by adding after section 18 the following new section:

"SPECIAL RULES FOR DISABILITY RETIREMENT AND DEATH-IN-SERVICE BENEFITS WITH RESPECT TO CERTAIN EMPLOYEES

"SEC. 19. (a) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83 of title 5, United States Code, who—

"(i) has five years of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

"(ii) has not been designated under section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;

"(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation under section 203; and

"(iv) satisfies the requirements for disability retirement under section 8337 of title 5, United States Code—

shall, upon his own application or upon order of the Director, be retired on an annuity computed in accordance with the rules prescribed in such section 231, in lieu of an annuity computed as provided by section 8337 of title 5, United States Code.

"(b) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under subchapter III of chapter 83, title 5, United States Code, who—

"(i) has at least eighteen months of civilian service credit toward retirement under such subchapter III of chapter 83, title 5, United States Code;

"(ii) has not been designated under section 203 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), as a participant in the Central Intelligence Agency Retirement and Disability System;

"(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation under such section 203; and

"(iv) is survived by a widow or widower, former spouse, and/or a child or children as defined in section 204 and section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, who would otherwise be entitled to an annuity under section 8341 of title 5, United States Code—

such widow or widower, former spouse, and/or child or children of such officer or employee shall be entitled to an annuity computed in accordance with such section 232, in lieu of an annuity computed in accordance with section 8341 of title 5, United States Code.

"(c) Notwithstanding any other provision of law, an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who—

"(i) has completed at least eighteen months of civilian service creditable under section 8411 of title 5, United States Code;

"(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

"(iii) has become disabled during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

"(iv) satisfies the requirements for disability retirement under subchapter V of chapter 84, title 5, United States Code—

shall, on the officer's or employee's own application or an application by the Director, be retired on an annuity computed as if the officer or employee, prior to becoming disabled, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the annuity amount that would otherwise be computed under subchapter V of chapter 84 of title 5, United States Code.

"(d) Notwithstanding any other provision of law, in the case of an officer or employee of the Central Intelligence Agency subject to retirement system coverage under chapter 84 of title 5, United States Code, who—

"(i) has at least eighteen months of civilian service creditable under section 8411 of title 5, United States Code;

"(ii) has not been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note);

"(iii) prior to separation or retirement from the Agency, dies during a period of assignment to the performance of duties that are qualifying toward such designation pursuant to such section; and

"(iv) is survived by a widow or widower, former spouse, and/or child or children as defined in section 8441 of title 5, United States Code, who would be entitled to a lump-sum survivor benefit, a survivor annuity and/or if applicable, a supplementary annuity, under subchapter IV of chapter 84, title 5, United States Code—

the survivor benefit or benefits of such widow or widower, former spouse, and/or child or children shall be computed as if the officer or employee, prior to death, had been designated pursuant to section 302(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), in lieu of the benefit amount or amounts that would otherwise be computed pursuant to subchapter IV of chapter 84, title 5, United States Code.

"(e)(1) The annuities provided under subsections (a) and (b) of this section shall be deemed to be annuities under chapter 83 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities, but shall be payable from the Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"(2) The annuities and/or other benefits provided under subsections (c) and (d) of this section shall be deemed to be annuities and/or benefits under chapter 84 of title 5, United States Code, for purposes of the other provisions of such chapter and other laws (including the Internal Revenue Code of 1986) relating to such annuities and/or benefits, but shall be payable from the Central Intelligence Agency Retirement and Disability Fund established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.".

"(b) The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end of Title II the following new section:

"PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES

"SEC. 295. Notwithstanding any other provision of law, the amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.".

TITLE IV—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

REMOTE SENSING PROCUREMENT AUTHORITY

SEC. 401. In the performance of its functions, the Central Intelligence Agency may use its funds to procure commercial remote sensing data by whatever means the Agency deems to be appropriate notwithstanding any provision of law directing the procurement of such data through other Government agencies.

TITLE V—IMPROVEMENTS TO PERSONNEL AUTHORITIES FOR INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE

SPECIAL PAY FOR FOREIGN LANGUAGE PROFICIENCY

SEC. 501. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1592. Foreign language proficiency: special pay

"(a) The Secretary of Defense may pay special pay under this section to a civilian officer or employee of the Department of Defense who—

"(1) has been certified as being proficient in a foreign language identified by the Secretary of Defense as being a language in which proficiency by civilian personnel of the Department is important for the effective collection, production, or dissemination of foreign intelligence information; and

"(2) is serving in a position, or is subject to assignment to a position, in which proficiency in that language facilitates performance of officially assigned intelligence or intelligence-related duties.

"(b) The annual rate of special pay under subsection (a) shall be determined by the Secretary of Defense.

"(c) Special pay under this section may be paid in addition to any compensation authorized under section 1604(b) of this title for which an officer or employee is eligible.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"§ 1592. Foreign language proficiency: special pay.".

(b) Section 1592 of title 10, United States Code, as added by subsection (a), shall take effect on the first day of the first pay period beginning on or after the later of—

(1) October 1, 1989, or

(2) the date of the enactment of this Act.

DEFENSE INTELLIGENCE COLLEGE GIFT ACCEPTANCE AUTHORITY

SEC. 502. (a) Chapter 155 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2607. Acceptance of gifts for the Defense Intelligence College

"(a) The Secretary of Defense may accept, hold, administer, and use any gift (including any gift of an interest in real property) made for the purpose of aiding and facilitating the work of the Defense Intelligence College and may pay all necessary expenses in connection with the acceptance of such a gift.

"(b) Money, and proceeds from the sale of property, received as a gift under subsection (a) shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary of Defense to the extent provided in annual appropriation Acts.

"(c) Subsection (c) of section 2601 of this title applies to property that is accepted under subsection (a) in the same manner that such subsection applies to property that is accepted under subsection (a) of that section.

"(d) In this section, the term 'gift' includes a bequest of personal property or a devise of real property.".

(b) The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new item:

"2607. Acceptance of gifts for the Defense Intelligence College.".

PERMANENT AUTHORITY TO TERMINATE EMPLOYMENT OF CIVILIAN INTELLIGENCE OFFICERS AND EMPLOYEES OF MILITARY DEPARTMENTS AND OF THE DEFENSE INTELLIGENCE AGENCY

SEC. 503. (a) Section 1590(e)(1) of title 10, United States Code, is amended by striking out ", during fiscal years 1988 and 1989,".

(b) Section 1604(e)(1) of such title is amended by striking out ", during fiscal years 1988 and 1989,".

DEFENSE ATTACHE DEATH GRATUITY

SEC. 504. (a) During fiscal year 1990, the Secretary of Defense may pay a death gratuity identical to that payable under section 1489(b) of title 10, United States Code, to the surviving dependents of a member of the Armed Forces who, while serving on active duty assigned to a Defense Attache office outside the United States, died as a result of hostile or terrorist activities.

(b) The death gratuity referred to in subsection (a) may be paid with respect to an individual who died on or after June 15, 1988.

(c) The Secretary of Defense shall submit to Congress no later than March 1, 1990, a report concerning the advisability of permanent law permitting the payment of death gratuities to the survivors of any member of the armed services who, while on active duty assigned to a Defense Attache office outside the United States, dies as a result of hostile or terrorist activities.

SPECIAL ANNUITY COMPUTATION RULES FOR PERIODS OF SERVICE ABROAD FOR CERTAIN DIA AND NSA EMPLOYEES

SEC. 505. (a) Section 1605(a) of title 10, United States Code, is amended—

(1) by striking out "who are subject to chapter 84 of title 5," in the last sentence; and

(2) by striking out the period at the end and inserting in lieu thereof "and in section 18 of the Central Intelligence Agency Act of 1949.".

(b) Section 9(b) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in paragraph (1)(B), by striking "(including special" and all that follows through "note)); and" and inserting in lieu thereof a semicolon;

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) special retirement accrual in the same manner provided in section 303 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) and in section 18 of the Central Intelligence Agency Act of 1949.".

REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF UNITED STATES ARMY RUSSIAN INSTITUTE

SEC. 506. (a) For purposes of section 319(c) of the Immigration and Nationality Act (8 U.S.C. 1430(c)), the United States Army Russian Institute, located in Garmisch, Federal Republic of Germany, shall be considered to be an organization described in clause (1) of this section.

(b) Subsection (a) shall apply with respect to periods of employment before, on, or after the date of the enactment of this Act.

(c) No more than two persons per year may be naturalized based on the provisions of subsection (a).

(d) Each instance of naturalization based on the provisions of subsection (a) shall be reported to the Committees on the Judiciary of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to such naturalization.

DEFENSE INTELLIGENCE AGENCY ACQUISITION OF CRITICAL SKILLS

SEC. 507. (a)(1) Chapter 83 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1608. Financial assistance to certain employees in acquisition of critical skills

"(a) The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees of the Defense Intelligence Agency that is similar in purpose, conditions, content, and administration to the program which the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

"(b) Any payments made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.".

(2) The table of sections at the beginning of that chapter is amended by adding at the end thereof the following new items:

"1608. Financial assistance to certain employees in acquisition of critical skills.".

(b) Section 1608 of title 10, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

TITLE VI—FBI NEW YORK FIELD DIVISION DEMONSTRATION PROJECT

FBI NEW YORK FIELD DIVISION DEMONSTRATION PROJECT

SEC. 601. (a) Section 601(a)(2) of the Intelligence Authorization Act, Fiscal Year 1989 is amended by striking out "who are subject by policy and practice to directed geographical transfer or reassignment".

(b) The amendment made by Subsection (a) shall take effect on October 1, 1989.

(c) In preparing for submission to the Congress the Budget of the United States for Fiscal Year 1991, the President shall take into account and, to the greatest extent possible, incorporate into such budget the recommendations of the National Advisory Commission on Law Enforcement as established by section 6160 of the Anti-Drug Abuse Act of 1988.

PERSONNEL CEILING ON UNITED STATES AND SOVIET MISSIONS

SEC. 602. It is the sense of the Congress that the ceiling on permanent positions at the United States Mission to the Soviet Union and the Soviet Mission to the United States should not be increased unless—

(a) the President determines that such increase is essential to the effective functioning of the United States Mission to the Soviet Union; and

(b) the FBI is provided sufficient additional resources to fulfill its responsibilities resulting from the increased number of permanent positions at the Soviet Mission to the United States.

FBI INVESTIGATIONS OF ESPIONAGE BY PERSONS EMPLOYED BY OR ASSIGNED TO UNITED STATES DIPLOMATIC MISSIONS ABROAD

SEC. 603. Subject to the authority of the Attorney General, the FBI shall supervise the conduct of all investigations of violations of the espionage laws of the United States by persons employed by or assigned to United States diplomatic missions abroad. All departments and agencies shall report immediately to the FBI any information concerning such a violation. All departments and agencies shall provide appropriate assistance to the FBI in the conduct of such investigations. Nothing in this provision shall be construed as establishing a defense to any criminal, civil, or administrative action.

TITLE VII—GENERAL PROVISIONS

INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

SEC. 701. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 702. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

PRESIDENTIAL REPORT ON COORDINATION OF DRUG INTELLIGENCE ACTIVITIES

SEC. 703. Not later than April 1, 1990, the President shall submit to Congress a report describing how intelligence activities relating to narcotics trafficking can be integrated, including coordinating the collection and analysis of intelligence information, ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies of the United States Government responsible for interdiction, eradication, law enforcement, and other counternarcotics activities, and coordinating and controlling all counternarcotics intelligence activities.

TITLE VIII—INSPECTOR GENERAL FOR CENTRAL INTELLIGENCE AGENCY

INSPECTOR GENERAL FOR CENTRAL INTELLIGENCE AGENCY

SEC. 801. Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended to read as follows:

"SEC. 17. INSPECTOR GENERAL FOR THE AGENCY.

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions,

there is hereby established in the Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office of Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Agency, and prior experience in the field of foreign intelligence. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, or public administration.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), he shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that he considers appropriate.

"(5) In accordance with section 535 of title 28, United States Code, the Director shall report to the Attorney General any information, allegation, or complaint received from the Inspector General, relating to violations of Federal criminal law involving any officer or employee of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of all such reports shall be furnished to the Inspector General.

"(6) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of his responsibilities, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than June 30 and December 31 of each year, prepare and submit to the Director of Central Intelligence a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period. Within 30 days, the Director shall transmit such reports to the intelligence committees with any comments he may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of his functions;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to his lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever he becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments he considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities;

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus upon the Director or Acting Director; or

"(C) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to Title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report of an inspection, investigation, or audit conducted by the office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director, when necessary for any purpose pertaining to the performance of his duties.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the Agency whose testimony is needed for the performance of his duties. In addition, he shall have direct access to all records, reports, audits, reviews, documents,

papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from an employee of the Agency concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of his duties, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out his functions. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable him to carry out his duties effectively. In this regard, it is the sense of Congress that the Inspector General should create within his organization a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of his duties.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out his duties and responsibilities from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as it is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1991, and in accordance with procedures to be issued by the Director of Central Intelligence in consultation with the intelligence committees, the Director of Central Intelligence shall include in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(g) TRANSFER.—There shall be transferred to the Office the office of the Agency referred to as the 'Office of Inspector General.' The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section.".

And the Senate agree to the same.

ANTHONY C. BEILENSON,
DAVE MCCURDY,
ROBERT W. KASTENMEIER,
ROBERT A. ROE,
MATTHEW F. MCHUGH,
BERNARD J. DWYER,
CHARLES WILSON,
BARBARA B. KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN J. SOLARZ,

From the Committee on Foreign Affairs, for the consideration of Title IX of the Senate amendment:

DANTE B. FASCELL,
LEE H. HAMILTON,

From the Committee on Armed Services, for the consideration of Department of Defense Tactical Intelligence and related activities:

LES ASPIN,
H. MARTIN LANCASTER,
WM. L. DICKINSON,

From the Committee on the Judiciary, for the consideration of sections 503 and 601 of the Senate amendment:

DON EDWARDS,
BRUCE A. MORRISON,
HOWARD L. BERMAN,

Managers on the Part of the House.

DAVID LYLE BOREN,
WILLIAM S. COHEN,
SAM NUNN,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
HOWARD M. METZENBAUM,
JOHN GLENN,
ORRIN G. HATCH,
FRANK H. MURKOWSKI,
ARLEN SPECTER,
JOHN WARNER,
ALFONSE M. D'AMATO,
JOHN C. DANFORTH,

From the Armed Services Committee:

J.J. EXON,
STROM THURMOND,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DOD Intelligence Related Activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate. This special conference group consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act, 1990. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation category of Military Pay.

TITLE I—INTELLIGENCE ACTIVITIES

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1990 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances. Section 103 of the conference report is identical to section 103 of the House bill and section 103 of the Senate amendment.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed per-

sonnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the conference report provides that funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States may be obligated or expended during fiscal year 1990 to provide funds, material, or other assistance to the Nicaraguan resistance to support military or paramilitary operations in Nicaragua only (1) as authorized pursuant to section 101 and as specified in the Classified Schedule of Authorizations referred to in section 102; (2) pursuant to section 502 of the National Security Act of 1947; or (3) pursuant to any provision of law specifically providing such funds, material, or assistance. Section 104 is identical to section 104 of the House bill. The Senate amendment did not contain a similar provision.

The conferees note that the conference report does not authorize any funds for covert assistance to opposition parties or candidates in the February, 1990 Nicaraguan elections. Further, the Classified Schedule of Authorizations prohibits use of the CIA's Reserve for Contingencies for such purpose, thus leaving a reprogramming request, which must be approved by the intelligence and appropriations committees of each House, as the only FY 1990 funding vehicle for covert assistance to the Nicaraguan electoral opposition if the Administration should change its mind and decide to provide such assistance.

TITLE II—INTELLIGENCE COMMUNITY STAFF

Title II of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1990 for the Intelligence Community staff and provides for administration of the staff during fiscal year 1990 in the same manner as the Central Intelligence Agency. The conference report authorized $26,900,000 and 240 personnel. The House bill authorized $28,400,000 and 250 positions; the Senate amendment authorized $25,100,000 and 230 positions.

SECURITY EVALUATION OFFICE

The Senate bill authorized $4.5 million to be appropriated for the Security Evaluation Office (SEO) as part of the funds authorized to be appropriated for the Intelligence Community Staff. This was a reduction by half of the $9 million request for SEO. The purpose of this reduction was to express dissatisfaction with the lack of cooperation demonstrated by both the State Department and the Intelligence Community in implementing the original plans for SEO to assist the Secretary of State in protecting U.S. diplomatic missions abroad against foreign intelligence activities. It was not intended to indicate any lack of Congressional support for an organization such as SEO within the Intelligence Community.

The House bill authorized $7.8 million to be appropriated for SEO, also as part of the IC staff budget. Although the House expressed similar concerns about inadequate interdepartmental cooperation, the reduced authorization essentially reflected a reduced need for travel funds.

The conferees agree that $6.3 million should be authorized to be appropriated for the Security Evaluation Office in the FY 1990 budget for the IC staff.

The conferees fully support the Security Evaluation Office and its important mission and wish to make clear that the less than requested authorization is primarily attributable to a change in SEO's mission and to other events which have occurred since the budget request was submitted.

In particular the establishment of the Office of Security Oversight within the State Department's Office of Inspector General, which, with the cooperation and support of SEO, will perform most of the inspection function, reduced SEO's funding requirement significantly. In addition, the initial inability of SEO and the Department of State to work out their differences has resulted in a SEO staffing level of 35 persons at the beginning of FY 1990, 25 persons below SEO's programmed figure. Therefore, funding for the full complement of 60 slots is not necessary or practical. Further, the $6.8 million authorization allows a significant funding increase over actual SEO expenditures in FY 1989.

The conferees have previously expressed dismay at the slow start in redressing the grave deficiencies in embassy security that have come to light in recent years and by the attendant interagency wrangling, but are encouraged by the recent progress being made by the Department of State and the SEO in this area. Despite past difficulties, it appears new areas of cooperation are being expanded upon. The conferees fully recognize the formidable scope and contentious nature of the issues facing these organizations; working together in such a difficult arena is no easy task. But it is imperative that both organizations continue down this path of cooperation. It's clearly time to put aside disputes about memoranda, presidential directives, and letters which have been overtaken by events and to get on with the critical mission at hand. While there was considerable delay in implementing SEO's initial objectives, in recent months SEO has made significant contributions to the development of embassy security standards and to the improvement of security inspections. SEO has assembled the only comprehensive compilation of existing security standards, policies and regulations from the multitude of agencies that work in U.S. missions abroad. It has provided important substantive input to the interagency process of formulating new security standards in certain areas. Since the Department established an Office of Security Oversight in its Inspector General's Office, SEO has made available expertise and personnel that have been vital to the success of this innovative effort to assess the adequacy of security at diplomatic posts.

The conferees agree that the Secretary of State has the statutory authority and responsibility for security at U.S. missions abroad and that the Director of Central Intelligence has the statutory authority and responsibility for the protection of intelligence sources and methods. The Conferees also agree that the SEO should be the focal point for bringing to bear on embassy security problems the Intelligence Community's unique capabilities for evaluation of threats, vulnerabilities, and countermeasures.

There remains some concern, however, that the Executive Branch continues to be unable to formulate the mission of the SEO in a manner that can be agreed upon by the departments and agencies involved. It should be made clear, therefore, that the conferees expect that the funds authorized herein shall be utilized under the direction of the DCI to assist the Secretary of State in discharging his responsibilities for protecting United States diplomatic missions abroad from foreign intelligence activities. To this end, SEO should perform the following functions: (1) analysis and evaluation of the threats to U.S. diplomatic missions abroad from foreign intelligence activities, the vulnerabilities of such missions to those threats, and the countermeasures against those threats; (2) participation in the development of standards and policies for the protection of such missions against those threats; and (3) assistance to other departments and agencies in the conduct of inspections at such missions to determine compliance with applicable standards and policies. SEO should continue to be directly responsible to the Director of Central Intelligence and should be the focal point for the Intelligence Community's advice to the Secretary of State on these matters. SEO should be able, when necessary, to advise the Secretary of State directly through the Director of Central Intelligence, rather than through departmental channels or interagency bodies.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM AND RELATED PROVISIONS

SECTION 301

Section 301 of the conference report authorizes appropriations for fiscal year 1990 of $154,900,000 for the CIA Retirement and Disability Fund. Both section 301 of the House bill and section 301 of the Senate amendment authorized $154,900,000 for the Fund.

SECTION 302

Section 302 of the conference report requires a participant in the CIA Retirement and Disability System to complete within the last two years before retirement one year of qualifying service before becoming eligible for an annuity. Section 302 is identical to section 302 of the House bill and section 401 of the Senate amendment.

SECTION 303

Section 303 of the conference report clarifies language in the Intelligence Authorization Act for Fiscal Year 1989 in order to insure that certain CIA former spouses do not receive dual entitlements based on the death of the same spouse. Section 303 is identical to section 303 of the House bill and section 402 of the Senate amendment, with the latter's effective date deleted.

SECTION 304

Section 304 of the conference report eliminates a requirement of current law that a former spouse receiving a survivor benefit pursuant to section 224 of the Central Intelligence Agency Retirement Act for 1964 for Certain Employees must offset the benefit against a self-earned retirement annuity. Section 304 is identical to section 304 of the House bill. The senate amendment did not contain a similar provision.

SECTION 305

Section 305 of the conference report amends the CIA Act of 1949 to provide an increased retirement accrual rate to CIA employees covered by the Civil Service Retirement System applicable to those years the employee serves abroad. Section 305 is identical to section 305 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 306

Section 306 of the conference report insures that the retirement accrual rate in-

crease provided by section 305 and a similar increase provided to CIA FERS employees in 1986 are retained for those periods of applicable CIA overseas service if the employee leaves CIA and becomes employed by another federal agency. Section 306 is identical to section 306 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 307

Section 307 of the conference report amends the CIA Act of 1949 to provide CIA employees in both the Civil Service Retirement System and the Federal Employees Retirement System (FERS) who are performing qualifying service for CIARDS or FERS—Special Category with the same disability and death-in-service benefits as received by those who have qualified for CIARDS and FERS—Special Category and those State Department employees covered by the Foreign Service Pension System and the Foreign Service Retirement and Disability System. Section 307 is substantially the same as section 307 of the Senate amendment, except that funding for the new benefit has been transferred from the Civil Service Retirement and Disability Fund to the CIA Retirement and Disability Fund. The House bill did not contain a similar provision.

TITLE IV—CENTRAL INTELLIGENCE AGENCY ADMINISTRATIVE PROVISIONS

SECTION 401

Section 401 of the conference report authorizes the CIA to purchase commercial remote sensing data from whatever source it deems appropriate rather than only from, as required by current law, the Defense Mapping Agency. Section 401 is identical to section 401 of the House bill. The Senate amendment did not contain a similar provision.

Title V—Improvements to Personnel Authorities for Intelligence Components of the Department of Defense

SECTION 501

Section 501 of the conference report provides foreign language proficiency pay to civilian employees of the Department of Defense who are proficient in a foreign language determined by the Secretary to be important for the effective collection, production, or dissemination of foreign intelligence and who are serving in an intelligence-related position or could reasonably be expected to be assigned to such a position. Section 501 is identical to section 501 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 502

Section 502 of the conference report authorizes the Secretary of Defense to accept and use gifts made to further the educational activities of the Defense Intelligence College. Substantially similar provisions were contained in the House bill and the Senate amendment, although the House bill did not contain the requirement for depositing gifts of money or proceeds from the sale of property in the Treasury. The Conferees retained this requirement from the Senate amendment, with a modification noting that such Treasury funds can be disbursed by the Secretary of Defense only "to the extent provided in annual appropriations acts."

SECTION 503

Section 503 of the conference report amends sections 1590(e)(1) and 1604(3)(1) of Title 10 of the United States Code to extend permanently the special authority of the Secretary of Defense to terminate the employment of civilian intelligence officers and employees of the military departments and civilian employees of the Defense Intelligence Agency. Such authority has previously been authorized on a fiscal year basis. Section 503 is identical to section 503 of the House bill and sections 502 and 504 of the Senate amendment.

SECTION 504

Section 504 of the conference report extends for one year the authority of the Secretary of Defense to pay a death gratuity to the survivors of any member of the armed forces on active duty assignment to a Defense Attache Office outside the United States who died as a result of hostile or terrorist action. Section 504 is identical to section 505 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 505

Section 505 of the conference report amends section 1605(a) of title 10, United States Code, and section 9(b) of the National Security Agency Act of 1959 to provide an increased retirement accrual rate to certain Defense Intelligence Agency and National Security Agency civil service employees applicable to those years the employee served abroad. The benefit provided is the same as that provided to CIA Civil Service employees by section 305 of the conference report. The Conferees note that the portability provision contained in section 306 of the conference report need not be repeated for the employees covered by section 505 because the original authorization language contained in section 1605 of title 10 and in section 9(b) of the National Security Agency Act of 1959 insures that the same benefits and authorities extended to CIA employees are provided to the relevant DIA and NSA employees.

Section 505 is identical to section 505 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 506

Section 506 of the conference report includes within the organizations described in section 319(c) of the Immigration and Naturalizaton Act the United States Army Russian Institute in Garmisch, West Germany. Employees of such organizations may be naturalized without regard to the prior residence or specified period of physical presence in the United States requirements of the Act. Section 506 is similar to section 503 of the Senate amendment, modified to limit its application to no more than two persons per year and to require that reports of naturalization made thereunder be made to the Senate and House Intelligence and Judiciary Committees.

SECTION 507

Section 507 of the Conference report adds a new section 1608 to title 10, United States Code, which would require the Secretary of Defense to establish a Defense Intelligence Agency (DIA) program of financial assistance for undergraduate education and training similar in purpose, conditions, and administration to the National Security Agency's (NSA) statutory program for the acquisition of critical skills. Section 507 is identical to section 504 of the House bill. The Senate amendment did not contain a similar provision.

Like the NSA program the purpose of this program would be to facilitate recruiting minority, women and handicapped high school students capable of developing skills critical in areas such as mathematics, computer science, engineering and foreign languages.

Major occupations at DIA include intelligence research analysts in a variety of technical disciplines and foreign areas studies, computer scientists and engineers. Depending on the specific occupational category, the percentage of white male employees in these areas ranges from 77.4 percent to more than 91 percent. DIA pursues nationwide recruitment efforts for applicants with such occupational skills at institutions of higher education with significant numbers of women and minorities in their student bodies. However, DIA's hiring statistics over the years indicate that the success of these recruitment efforts to attract members of minority groups has been quite marginal. This undoubtedly is due, in part, to the fact that the private sector can generally outbid DIA for qualified potential applicants. DIA's sister intelligence agencies, CIA and NSA, have been more successful in their efforts to recruit women and minorities in critical skill areas, in part because they are larger and better known. Moreover, CIA and NSA already have critical skills acquisition programs like the program required to be established for DIA by this section. This program shall be directly patterned after the successful critical skills acquisition program authorized for the NSA by Congress in the Intelligence Authorization Act of Fiscal Year 1987 and the comparable CIA program (see H. Rept. 99-690, part 1, pages 26-32 and H. Rept. 100-591, part 1, pages 15 and 16). The conferees intend that these programs be administered in a substantially similar fashion, particularly in regard to the types of payments and benefits provided, service obligations, and conditions of reimbursement.

The critical skills acquisition, program required by this provision is intended to provide a further means for DIA to improve its recruitment of women, minorities and handicapped persons possessing skills critical to the mission of DIA. This program would permit DIA to pay for the undergraduate education of qualified high school students who are interested in obtaining a baccalaureate degree in a critical skill area required for positions at DIA. In exchange for this financial assistance from DIA, the student participant would undertake an obligation to work for DIA for a period of one-and-one-half years for each year or partial year of schooling.

The conferees direct that prior to undertaking any recruitment pursuant to this provision, DIA should provide to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence a listing of its priority critical skills by category. These categories should be limited to positions which require specialized training at the college level (e.g., language specialists, technicians, ADP specialists) rather than those that can be filled by persons without specialized training. DIA should also provide its targets for minority recruitment as well as its regulations for implementation of this program. It is anticipated that goals for minority hire and upward mobility will be correlated to those critical skills identified by DIA as being in short supply within its work force. This program is aimed at filling those critical intelligence and intelligence support skills so identified as well as the desirable goal of assisting in achieving minority representation better throughout the DIA work force.

TITLE VI—FBI ENHANCED COUNTERINTELLIGENCE AUTHORITIES

SECTION 601

Section 601 of the conference report modifies subsection 601(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 by eliminating the requirement that only FBI employees in the New York Field Division who are "subject by policy and practice to directed geographical transfer or reassignment" could be eligible for periodic payments as part of the five-year demonstration project authorized by that Act. Section 601 also directs the President to fully consider the recommendations of the National Advisory Commission on Law Enforcement regarding federal law enforcement compensation in preparing the Fiscal Year 1991 budget. Section 601 is identical to section 601 of the House bill and the Senate amendment, except that the Senate amendment did not contain the October 1 effective date provision and the House bill did not contain the provision relating to the National Advisory Commission on Law Enforcement.

SECTION 602

Section 602 of the conference report contains a "sense of Congress" provision which addresses possible future increases in the ceiling on permanent positions at the United States Mission in the Soviet Union and at the Soviet Mission in the United States. Section 602 is identical to section 602 of the Senate amendment except that subsection (a) has been changed to require that the determination referred to therein be made by the President rather than by the National Security Council. The House bill did not contain a similar provision.

SECTION 603

Section 603 of the conference report provides that the FBI shall supervise the conduct of all investigations of violations of the espionage laws of the United States by persons employed by or assigned to United States diplomatic missions abroad who are themselves subject to U.S. law. Section 603 is substantially similar to section 603 of the Senate amendment. The House bill did not contain a similar program.

Section 603 was adopted by the Senate for the purpose of assigning to the FBI overall responsibility for the conduct of espionage investigations at U.S. embassies and other diplomatic establishments outside the United States. Recent espionage cases at such locations have highlighted the lack of overall, uniform direction governing such investigations.

Various departments and agencies of the U.S. Government assign personnel to U.S. diplomatic establishments. These include both civilian and military personnel as well as contractor employees. When particular employees who are subject to U.S. laws are suspected of espionage, the agency with responsibility for any ensuing investigation has depended upon the particular office within an embassy employing the individual concerned. For example, if military personnel were involved, the investigating agency would depend upon the branch of service of the serviceman concerned. If the employee were a civilian, the investigation might be carried out by the FBI alone or acting in concert with other appropriate investigative elements. By making the FBI responsible for the conduct of all such investigations, the Senate sought to ensure that the U.S. agency with predominance in the counterintelligence field would, indeed, direct all such investigations, regardless of the employing department or agency, and would thereby develop expertise in dealing with such cases at diplomatic establishments that would, in time, improve the efficiency and results of such investigations in general.

The Conference Report adopts the Senate provisions, with three modifications:

(1) The conferees added specific language to the provision, making clear that the FBI's responsibility here is subject to the authority of the Attorney General. This would be implicit in any case, but the Conferees believe it desirable to specify this relationship in the statute itself for two reasons. First, it is contemplated that the Attorney General will establish guidelines and policies, in consultation with affected departments and agencies, to implement this section. Such guidelines would, among other things, take into account CIA's responsibility under Executive Order 12333 to coordinate counterintelligence activities abroad, the DCI's responsibility under that Order to coordinate foreign liaison relationships, and the DCI's responsibilities under the National Security Act of 1947 to protect intelligence sources and methods. Second, it is contemplated that should such departments or agencies have concerns with respect to the FBI's exercise of this authority in particular cases, their recourse would be to raise the matter with the Attorney General for resolution.

(2) The second change to the Senate formulation makes clear that the FBI's authority in these circumstances should be to supervise the conduct of espionage investigations, not necessarily to carry out all such investigations itself. Departments and agencies that have investigative capabilities and authorities insofar as their own personnel are concerned should not be precluded from using such capabilities and authorities when it is appropriate and desirable to do so. For example, each of the military departments has concurrent authority to conduct espionage investigations of its own servicemen under the Uniform Code of Military Justice (UCMJ), utilizing investigative techniques that are, in some cases, more readily available in overseas locations than those available to civil law enforcement authorities. By assigning the FBI a coordination rule for such investigations, the Conferees do not intend to preclude use of investigators employed by other departments and agencies or the use of techniques authorized such investigators where it is appropriate and desirable to utilize them. Indeed, the Conferees anticipate that any espionage investigation conducted at a diplomatic establishment would ordinarily involve the participation of any investigative agency with concurrent jurisdiction over the subject and the use of all lawful investigative techniques that would facilitate the investigation.

While the Conferees intend that the FBI will supervise all such investigations, whether FBI agents will be dispatched to a particular diplomatic establishment where an investigation is occurring will depend upon the circumstances of the case, including the availability of FBI agents for such purpose. The intent is that the FBI shall exercise overall supervision of those investigations that it does not conduct or participate in and that the FBI shall be informed contemporaneously of all significant developments in such investigations.

(3) The third adjustment to the Senate provision is to clarify that departments and agencies should be legally required to report to the FBI any information concerning violations of the espionage statutes which they have identified. The language in the Senate amendment would have required the reporting of any information "indicating" a violation of the espionage statutes. While the Conferees agree that the FBI should be brought into such situations at the earliest appropriate opportunity, they were concerned that the Senate formulation would be interpreted as requiring the reporting of all types of information concerning U.S. employees at diplomatic establishments to the FBI which might be construed as "indications" of espionage, whether or not such employee or employees had, in fact, been identified as a suspect in an espionage investigation.

The Conferees intend that, at a minimum, any department or agency which identifies a particular U.S. employee or employees at a U.S. diplomatic establishment as possibly having violated the espionage laws of the United States be reported at once to the FBI. Consultations at earlier stages with appropriate FBI Headquarters offices are encouraged, but the Conferees intend that the FBI take responsibility for the coordination of such investigations only after one or more espionage suspects have been identified. Thus, investigations of security violations or of suspected violations of regulations which might be eventually be linked to espionage, e.g., violation of fraternization rules, engaging in black market activities, etc., are left in the hands of existing investigative authorities until such investigations develop evidence of a link to a foreign government. Similarly, unsubstantiated, nonspecific information coming to the attention of elements within a diplomatic establishment is not required to be reported to the FBI under this provision unless such information links a particular employee or employees to possible espionage. Again, seeking FBI Headquarters assessment of such information is encouraged, but the statute itself does not impose a reporting requirement in these circumstances. There may be, for example, legitimate concerns among departments and agencies who receive such information that premature dissemination of such information and subsequent investigative actions based thereon could unnecessarily expose sensitive confidential sources.

The conferees note that Section 603 is not intended to alter current practice between the CIA and the FBI under Executive Order 12333 and its implementing procedures. The conferees understand that the CIA promptly informs the FBI when Agency counterintelligence activities indicate that a named individual employed by or assigned to a U.S. diplomatic mission abroad is engaged in espionage for or on behalf of a foreign power.

Furthermore, the conferees intend that where CIA has acquired such information from another U.S. agency, primary responsibility for reporting that information to the Bureau shall repose with that other agency, although CIA may inform the FBI of that information as well.

The Conferees also note that section 603 applies only to the conduct of espionage investigations, not to the decision whether to prosecute, or whether to prosecute in a civil or military court. These are decisions made by the Department of Justice in consultation with affected departments or agencies.

The Conferees further note that a decision by the FBI to terminate, or to decline to pursue, an espionage investigation under this provision, does not preclude departments or agencies with concurrent authority from continuing to investigate pursuant to such authority, or from continuing to investigate lesser or related offenses occa-

sioned by the same conduct, for prosecution or appropriate administrative actions; provided that information concerning violations of the espionage statutes which may be subsequently developed shall be reported immediately to the FBI. Thus, in a case where the FBI decides to close an investigation of a military serviceman for espionage, the military investigative agency concerned may nonetheless continue its investigation or continue to develop additional evidence of lesser offenses—for example, failure of the serviceman concerned to report unauthorized contacts with foreign nationals—as the basis for courts martial or non-judicial punishment under the UCMJ. Should such investigations produce information concerning violation of the espionage statutes, however, such information must be reported immediately to the FBI.

It is also not intended that the responsibility assigned the FBI by this section to coordinate the conduct of investigations be construed as authority for the FBI to coordinate the conduct of damage assessments which would ordinarily ensue in these circumstances. This would be left to the department or agency whose classified information was the subject of the compromise in question.

Finally, this provision is intended solely to regulate interagency relationships, and shall not be construed to establish a defense to any matter based upon actions taken by the Department of Defense or any other department or agency with authority to investigate and dispose of allegations of espionage.

TITLE VII—GENERAL PROVISIONS

SECTION 701

Section 701 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law. Section 701 is identical to section 701 of the House bill and the Senate amendment.

SECTION 702

Section 702 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 702 is identical to section 702 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 703

Section 703 of the conference report requires the President to submit a report to Congress by April 1, 1990 setting forth a plan to integrate counternarcotics intelligence activities, including all analysis and dissemination of narcotics intelligence information, and recommendations for the appropriate control and coordination of all such activity. Section 703 is identical to section 704 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 801

Section 801 of the conference report establishes a statutory Inspector General at the Central Intelligence Agency. Section 801, among other things, requires the Inspector General to submit semiannual reports to the Director of Central Intelligence and to the intelligence committees which must include a list by title or subject of each inspection, investigation, or audit conducted by the Inspector General. Section 801 further provides that the Director, when a request therefor is made by the Chairman or Ranking Minority Member of either intelligence committee, shall, pursuant to title V of the National Security Act of 1947, provide to the committees a copy of any report of an inspection, investigation, or audit conducted by the Office of Inspector General.

Section 801 combines section 801 of the Senate amendment and section 402 of the House bill, with the latter modified to note that the request for copies of Inspector General reports should come from the Chairman or Ranking Minority Member of either intelligence committee.

The conferees point out that section 501(a)(2) of the National Security Act of 1947 requires the Director of Central Intelligence, among others, to "furnish any information or material concerning intelligence activities which is in the possession, custody, or control of any department, agency, or entity of the United States and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities . . . ." Therefore, the provision included in the conference report concerning intelligence committee access to Inspector General reports is intended to make clear that the legal obligation of the DCI to "furnish any information or material," including Inspector General reports, continues with the creation of a statutory Inspector General at CIA.

The conferees do not anticipate that the intelligence committees will frequently seek access to inspection reports of the Inspector General. Further, it is recognized that certain inspection reports (as opposed to reports of audits or investigations) may be considered very sensitive because among other things, they contain confidential statements made by identifiable CIA employees or contain sensitive ongoing internal deliberations. In such cases, the committees anticipate that their requirements may be satisfied by a comprehensive summary of the report that would include a discussion of the reports scope, the approach used by the IG team that drafted the report, the principal findings and recommendations of the report, and any actions taken by senior CIA management as a result of the report. Where such a summary is not sufficient to enable the committees to perform adequately their oversight function, access to the report itself may be necessary. However, the committees would always anticipate discussing their needs for such reports with CIA officials prior to their making a request for them pursuant to this section.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

DRUG TESTING

Section 705 of the House bill required the Director of Central Intelligence to institute a random drug testing program for employees of the CIA. The Senate amendment did not contain a similar provision and the conferees have agreed to the Senate position.

The conferees note that CIA maintains an active drug awareness and prevention program and is actively committed to preventing and detecting drug use among CIA employees.

The CIA's drug detection program includes background investigations of all applicants, specifically focusing on whether applicants may use or abuse drugs or alcohol. Applicants are also given medical examinations that screen urine and blood samples. Psychological assessments are made of applicants to determine behavior that could indicate abuse of drugs or alcohol. Finally, every applicant is given a polygraph examination to determine whether the applicant has abused drugs or alcohol.

The CIA's program for a drug-free workplace does not end with the acceptance of an applicant for employment. The Agency continues to be vigilant against drug abuse among its employees. Agency policy requires that new employees be subject to reinvestigation after three years. This reinvestigation includes another medical examination and another polygraph examination that covers substance abuse during the time of employment at the Agency. Agency employees are also subject to periodic routine reinvestigations. A specific issue polygraph examination and/or a fitness-for-duty medical examination may be conducted at any time if there are indications of drug abuse.

Should the conferees, through the oversight activities of the intelligence committees, determine that a drug problem has developed at the CIA, the issue of random drug testing will be reexamined.

DOMESTIC PROCUREMENT

The House bill contained a provision, Section 705, which would authorize the Director to award certain contracts to domestic firms. The Senate amendment contained no comparable provision. The conferees agreed that inclusion of Section 705 was unnecessary because it is unlikely that the Director would ever be in a position to exercise the option to award contracts to domestic firms that, under the use of competitive procedures, would be awarded to a foreign firm. The CIA, for example, goes to great lengths to enter contracts with firms that are not subject to foreign influence. As a result of this security concern, CIA contracts almost exclusively with domestic companies already.

Even if the Director could ever exercise the option called for, the requirement of coordination with the United States Trade Representative and the Secretary of Commerce raises serious problems with compartmentation of classified information. Details of operational activities would have to be shared with other agencies in ways that are not the normal course of business for CIA. Creating new channels of dissemination of classified information necessarily puts that information at risk.

PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD (PFIAB)

Section 703 of the House bill contained a provision requiring the President to issue financial disclosure and reporting regulations applicable to members of PFIAB. The Senate amendment did not contain a similar provision. The conferees adopted the Senate position.

OVERSIGHT PROVISIONS

Title IX of the Senate amendment, revising the intelligence oversight provisions of title V of the National Security Act of 1947, was, except for the provision in the bills regarding notice to the intelligence committees within 48 hours of the approval of a covert action, substantially the same as legislation (S. 1721 and H.R. 3822) reported by the intelligence committees during the 100th Congress (S. Rept. 100-276; H. Rept. 100-705, parts 1 and 2), and which had passed the Senate in 1988 by a margin of 71-19. There was no comparable provision in the House bill.

The conferees agreed that this title would make a number of valuable changes in the intelligence oversight framework. The House conferees believed, however, that certain provisions of this title might be further improved with additional consideration by the intelligence committees. Inasmuch as these provisions were inextricably related to other provisions, and in light of the limited time remaining in this session of the 101st Congress to consider such improvements, the House conferees proposed that action on title IX be deferred until the next session. With the understanding that the issues addressed in title IX of the Senate amendment will be reconsidered by both committees during the second session of the 101st Congress, the Senate receded to the House position.

ANTHONY C. BEILENSON,
DAVE MCCURDY,
ROBERT W. KASTENMEIER,
ROBERT A. ROE,
MATTHEW F. MCHUGH,
BERNARD J. DWYER,
CHARLES WILSON,
BARBARA B. KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN J. SOLARZ,

From the Committee on Foreign Affairs, for the consideration of Title IX of the Senate amendment:

DANTE B. FASCELL,
LEE H. HAMILTON,

From the Committee on Armed Services, for the consideration of Department of Defense Tactical Intelligence related activities:

LES ASPIN,
H. MARTIN LANCASTER,
WM. L. DICKINSON,

From the Committee on the Judiciary, for the consideration of Sections 503 and 601 of the Senate amendment:

DON EDWARDS,
BRUCE A. MORRISON,
HOWARD L. BERMAN,

Managers on the Part of the House.

DAVID LYLE BOREN,
WILLIAM S. COHEN,
SAM NUNN,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
HOWARD M. METZENBAUM,
JOHN GLENN,
ORRIN G. HATCH,
FRANK H. MURKOWSKI,
ARLEN SPECTER,
JOHN WARNER,
ALFONSE M. D'AMATO,
JOHN C. DANFORTH,

From the Armed Services Committee:

J.J. EXON,
STROM THURMOND,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLIPPO (at the request of Mr. GEPHARDT), for today, on account of natural disaster in my district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, each day on November 17, 20, 21, and 22.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. KLECZKA, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GORDON, for 5 minutes, today.
Mr. BOUCHER, for 5 minutes, today.
Mr. OWENS of New York, for 60 minutes, on November 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAMILTON, following Mr. FASCELL on the amendments to H.R. 3402 in the House today.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. HEFLEY.
Mr. CONTE.
Mrs. ROS-LEHTINEN in two instances.
Mr. BUNNING.
Mr. HAMMERSCHMIDT.
Mr. KOLBE.
Mr. SCHULZE in two instances.
Mr. FIELDS.
Mr. GALLO.
Mr. MACHTLEY.
Mr. COLEMAN of Missouri.
Ms. SCHNEIDER.
Mr. COURTER.
Mr. MCDADE.
Mr. LOWERY of California in two instances.
Mr. DONALD E. "BUZ" LUKENS.
Mr. BLAZ.
Mr. WALKER.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. MAZZOLI.
Mr. MONTGOMERY.
Mr. KENNEDY.
Mr. MATSUI.
Mr. HAWKINS.
Mr. BATES.
Mr. STALLINGS.
Mr. MCMILLEN of Maryland.
Ms. PELOSI.
Mr. BRYANT.
Mr. FUSTER.
Mr. HUBBARD.
Mr. FASCELL.
Mr. OWENS of New York.
Mr. CLEMENT.
Mr. MORRISON of Connecticut.
Mr. CROCKETT.
Mr. DICKS.
Mr. MURTHA.
Mr. LEVIN.
Mr. TALLON.
Mr. VALENTINE.
Mr. FEIGHAN.
Mr. CLAY in two instances.
Mr. HAMILTON.
Mr. KANJORSKI.
Mr. GRAY.
Mr. FAZIO.
Mr. COLEMAN of Texas.
Mr. UDALL.
Mr. FOLEY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 635. An act to prevent the unintended licensing of federally nonjurisdictional, unlicensed hydroelectric project;" to the Committee on Energy and Commerce.

S. 1259. An act to amend section 3143 of title 18, United States Code, to require the detention of any person found guilty of a violent offense or serious drug offense pending sentence or appeal, and for other purposes; to the Committee on the Judiciary.

S. 1485. An act to grant the consent of Congress to the Quad Cities Interstate Metropolitan Authority Compact entered into between the States of Illinois and Iowa; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1310. An act to redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway;"

H.R. 2120. An act to amend the Deep Seabed Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994;

H.J. Res. 357. Joint resolution providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.J. Res. 358. Joint resolution providing for the reappointment of Jeannie Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 435. Joint resolution making further continuing appropriations for the fiscal year 1990, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 978. An act to establish the National Museum of the American Indian within the Smithsonian Institution, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for

his approval, bills of the House of the following title:

On November 15, 1989:

H.R. 215. An act to amend title 5, United States Code, with respect to the method by which premium pay is determined for irregular, unscheduled overtime duty by a Federal employee;

H.R. 3544. An act to authorize the transfer of a specified naval landing ship dock to the Government of Brazil under the leasing authority of chapter 6 of the Arms Export Control Act;

H.J. Res. 278. Joint resoluiton to designate the period commencing on November 20, 1989, and ending in November 26, 1989, as "National Adoption Week;"

H.R. 2642. An act granting the consent of the Congress to amendments to the Southeast Interstate Low-Level Radioactive Waste Management Compact;

H.J. Res. 435. Joint resolution making further continuing appropriations for the fiscal year 1990, and for other purposes; and

H.J. Res. 3014. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1990, and for other purposes.

ADJOURMENT

Mr. MOODY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8:05 p.m.) the House adjourned until tomorrow, Friday, November 17, 1989 at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2024. A letter from the Deputy Under Secretary of Defense, transmitting a copy of the Selected Acquisition Reports [SAR's] for the quarter ending September 30, 1989, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

2025. A letter from the Secretary of Transportation, transmitting a report on the status of efforts to improve safety on the main line of the Northeast Corridor, pursuant to Public Law 100-342, section 11(d) (102 Stat. 630); to the Committee on Energy and Commerce.

2026. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Harriett Winsar Isom, of Oregon, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Benin, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2027. A letter from the Comptroller General, transmitting a report entitled, "Deficit Reductions for Fiscal Year 1990; Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985" (GAO/AFMD-90-40; November 1989), pursuant to 2 U.S.C. 903; to the Committee on Government Operations.

2028. A letter from the Assistant Secretary for Administration, Smithsonian Institution, transmitting the annual report of the Trust Fund Retirement Plan of the Institution for the year ending December 31, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2029. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of recipients and expenditures of appropriations and other funds for the period July 1, 1989, through September 30, 1989, pursuant to 2 U.S.C 104a (H. Doc. No. 101-111); to the Committee on House Administration and ordered to be printed.

2030. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the 1988 annual report of the Board's activities, pursuant to 49 U.S.C. 1904; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. Report on Foreign-Trade Zones [FTZ] Program needs restructuring (Rept. 101-363). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 291. Resolution waiving all points of order against the conference report on H.R. 3299, and against the consideration of such conference report (Rept. 101-364). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 292. Resolution waiving all points of order against the conference report on H.R. 3607, and against the consideration of such conference report (Rept. 101-365). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 293. Resolution providing for the recommital to conference of the conference report on the bill H.R. 2712, and waiving certain points of order against consideration of any subsequent conference report on the bill (Rept. 101-366). Referred to the House Calendar.

Mr. BEILENSON: Committee of conference. Conference report on H.R. 2748 (Rept. 101-367). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAUNTROY (for himself, Mr. DYMALLY, Mr. DELLUMS, and Mr. PARRIS):

H.R. 3670. A bill to authorize the appropriation of sums necessary for the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges; to the Committee on the District of Columbia.

By Mr. OBERSTAR:

H.R. 3671. A bill to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program; to the Committee on Public Works and Transportation.

By Mr. BRYANT:

H.R. 3672. A bill to reduce the financial contributions of the United States to the defense of member nations of NATO (other than the United States) and Japan and to use amounts available because of those reductions to support law enforcement and education efforts in the United States; jointly, to the Committees on Armed Services, the Judiciary, Education and Labor, and Appropriations.

By Mr. CLEMENT (for himself, Mr. GLICKMAN, Mrs. LOWEY of New York, Mr. OXLEY, Mr. SKELTON, Mr. TANNER, Mr. UPTON, and Mr. WHITTAKER):

H.R. 3673. A bill to amend the Controlled Substances Act to increase penalties for the distribution of controlled substances at truck stops and rest areas; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.R. 3674. A bill to amend Section 5315 and Section 5316 of Title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOWNEY:

H.R. 3675. A bill to suspend temporarily the duty on insulated winding wire cable and other electrical apparatus; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 3676. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to remove the additional compensation provided for the Chairman of the Council of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FLORIO (for himself, Mr. THOMAS A. LUKEN, Mr. ECKART, Mr. RINALDO, Mr. SCHEUER, Mr. MARKEY, Mrs. COLLINS, Mr. SIKORSKI, Mr. RICHARDSON, Mr. BRUCE, Mr. BATES, Mr. TRAXLER, Mr. ACKERMAN, Mr. AUCOIN, Mr. BATEMAN, Mr. BOEHLERT, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mr. COLEMAN of Texas, Mr. DEFAZIO, Mr. DELLUMS, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FROST, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GORDON, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HOAGLAND, Mr. KASTENMEIER, Mr. KILDEE, Mr. LAFALCE, Ms. LONG, Mr. MCEWEN, Mr. MCNULTY, Mr. MARTIN of New York, Mr. MILLER of Washington, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. NELSON of Florida, Mr. OBERSTAR, Mr. OWENS of New York, Ms. PELOSI, Mr. RAHALL, Mr. RIDGE, Mr. ROE, Mr. SARPALIUS, Mr. SAVAGE, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STAGGERS, Mr. STOKES, Mr. TORRES, Mrs. UNSOELD, Mr. VENTO, Mr. WISE, and Mr. WOLPE):

H.R. 3677. A bill to reauthorize the Asbestos School Hazard Abatement Act of 1984; to the Committee on Energy and Commerce.

By Mr. GILLMOR:

H.R. 3678. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for contributions to individual retirement accounts; to the Committee on Ways and Means.

By Mr. GORDON:

H.R. 3679. A bill to designate the facility of the U.S. Postal Service located at 304 West Commercial Avenue, Monterey, TN, as the "J.E. (Eddie) Russell Post Office"; to the Committee on Post Office and Civil Service.

By Mr. HAYES of Louisiana:

H.R. 3680. A bill to amend the Consolidated Farm and Rural Development Act to prohibit the Secretary of Agriculture from making or enforcing any rule requiring all borrowers under such act to demonstrate a positive cash-flow, without taking into account the individual characteristics of borrowers; to the Committee on Agriculture.

By Mr. KLECZKA:

H.R. 3681. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for contributions to individual retirement plans and a partial exclusion from gross income of dividends and interest received by individuals; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself, Mr. JACOBS, Mr. ARCHER, Mr. MOODY, Mr. CARDIN, Mr. GRADISON, and Mr. SCHULZE):

H.R. 3682. A bill to amend title II of the Social Security Act to provide for adequate representation of claimants by ensuring adequate compensation for services rendered by attorneys in providing such representation; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 3683. A bill to authorize appropriations for the continued funding for operation and maintenance of the Bethune Museum and Archives; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of California (for himself, Mr. SKELTON, Mr. BUECHNER, Mr. HOCHBRUECKNER, Mr. EDWARDS of California, Mr. FUSTER, Mr. RANGEL, Mr. BROWN of California, Mrs. COLLINS, Mr. DIXON, Mr. BILBRAY, Mr. RICHARDSON, Mr. DWYER of New Jersey, Ms. PELOSI, Mr. TORRES, Mr. SIKORSKI, Mr. LEWIS of Georgia, Mr. BONIOR, Mr. RINALDO, Mr. GEJDENSON, Mr. WOLPE, Mr. JOHNSON of South Dakota, Mr. OWENS of Utah, Mr. MORRISON of Connecticut, Mrs. BOXER, Mr. BATES, Mr. BRYANT, Mr. HAYES of Illinois, Mr. UDALL, Mr. COLEMAN of Missouri, Mr. JONTZ, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. MILLER of Washington, Mr. SMITH of Vermont, Mr. TRAXLER, Mr. FALEOMAVAEGA, Mr. PAYNE of New Jersey, and Mr. DE LUGO):

H.R. 3684. A bill to increase public understanding of the natural environment and to advance and develop environmental education and training; to the Committee on Education and Labor.

By Mr. MURPHY (for himself, Mr. BUECHNER, Mr. CLAY, Mr. STOKES, and Mr. WALKER):

H.R. 3685. A bill to establish the National Council on Education and Space, and for other purposes; jointly, to the Committees on Education and Labor, and Science, Space, and Technology.

By Mr. PACKARD:

H.R. 3686. A bill to amend the Fair Housing Act to eliminate the requirement that certain housing have special facilities and services to qualify as housing for older persons under that act; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 3687. A bill to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia; to the Committee on House Administration.

By Mr. RICHARDSON:

H.R. 3688. A bill to ban the sale of L-Tryptophan until the Secretary of Health and Human Services determines that it is not injurious to health; to the Committee on Energy and Commerce.

By Mr. ROTH:

H.R. 3689. A bill to allow the Corps of Engineers to accept a voluntary payment of a toll or operating charge; to the Committee on Public Works and Transportation.

By Mr. SCHIFF (for himself, Mr. NEAL of Massachusetts, Mr. SKEEN, Mr. RICHARDSON, Mr. HANCOCK, Mr. HYDE, Mr. MCCANDLESS, Mr. STARK, Mr. DANNEMEYER, Mr. MACHTLEY, Mr. SMITH of Texas, Mr. PAXON, and Mr. DUNCAN):

H.R. 3690. A bill to amend chapter 13 of title 11 of the United States Code to prevent the discharge of certain fines, penalties, and forfeitures; to the Committee on the Judiciary.

H.R. 3691. A bill to amend chapter 13 of title 11 of the United States Code to prevent the modifications of any obligation to pay a debt for restitution payable in a criminal case; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. BLILEY and Mr. BOUCHER):

H.R. 3692. A bill to exempt certain electric power generators from the Public Utility Holding Company Act of 1935, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WOLPE (for himself, Ms. SCHNEIDER, Mr. SCHEUER, Mr. HENRY, Mr. BOEHLERT, Mr. BROWN of California, Mr. CONTE, Mr. HOCHBRUECKNER, Mr. HORTON, Mrs. MORELLA, Mr. NOWAK, Mr. PRICE, Mr. SHAYS, Mr. SMITH of New Hampshire, Mr. TORRES, Mr. VALENTINE, and Mr. WALGREN):

H.R. 3693. A bill to establish a national program for advancing pollution prevention practices and technologies through coordinated research and development, demonstration, and technology transfer activities, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. STALLINGS (for himself, Mr. WILLIAMS, Mr. OWENS of Utah, Mr. CRAIG, Mr. HANSEN, and Mr. THOMAS of Wyoming):

H.R. 3694. A bill to authorize reimbursement by the Secretary of the Interior of certain expenditures at the Minidoka Project, Idaho and Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. CONTE (for himself, Mr. MINETA, and Mr. WHITTEN):

H.J. Res. 437. Joint resolution to provide for the appointment of Robert James Woolsey, Jr., of Maryland as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.J. Res. 438. Joint resolution to provide for the appointment of Homer Alfred Neal of Michigan as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. FOGLIETTA (for himself, Mr. BORSKI, Mr. GRAY, Mr. COUGHLIN, and Mr. WELDON):

H.J. Res. 439. Joint resolution designating the year 1990 as the "Bicentennial Anniversary of the Legacy of Benjamin Franklin"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

PRIVATE RESOLUTION

By Mr. LIPINSKI:

H.J. Res. 440. Joint resolution proclaiming Lech Walesa to be an honorary citizen of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. BOSCO.

H.R. 201: Mr. BOEHLERT.

H.R. 539: Mr. HUNTER, Mr. HARRIS, Mr. DICKS, Mr. COLEMAN of Texas, Mr. GOSS, Mr. PAXON, and Mr. GEREN.

H.R. 675: Mr. SHARP.

H.R. 1095: Mr. WALGREN.

H.R. 1234: Mr. HAMILTON.

H.R. 1305: Mrs. LOWEY of New York.

H.R. 1617: Mr. ESPY and Mr. MILLER of Washington.

H.R. 1710: Mr. MORRISON of Connecticut.

H.R. 2186: Mr. MAZZOLI and Mr. PALLONE.

H.R. 2192: Mr. LIPINSKI.

H.R. 2386: Mr. KOLTER.

H.R. 2414: Mr. VALENTINE.

H.R. 2584: Mr. UDALL and Mr. KENNEDY.

H.R. 2674: Mr. HENRY.

H.R. 2761: Mr. CRANE, Mr. SISISKY, Mr. SAVAGE, Mr. ORTIZ, Mr. CLAY, Mr. LIPINSKI, Mr. HYDE, Mr. MCMILLEN of Maryland, Mr. MARTIN of New York, Mr. MCCOLLUM, and Mr. FOGLIETTA.

H.R. 2813: Mr. PALLONE and Mr. TOWNS.

H.R. 2836: Mr. ANNUNZIO, Mr. SANGMEISTER, Mr. WHEAT, Mr. SMITH of Vermont, and Mr. TRAFICANT.

H.R. 2970: Mr. CRAIG.

H.R. 3037: Mr. BILIRAKIS.

H.R. 3087: Mr. UPTON.

H.R. 3088: Mr. UPTON.

H.R. 3089: Mr. UPTON.

H.R. 3204: Mr. BARTON of Texas, Mr. PAYNE of Virginia, and Mr. ROWLAND of Georgia.

H.R. 3251: Mr. RANGEL, Mr. MCNULTY, Mr. HORTON, Mr. SKELTON, Mr. WALSH, Mr. CAMPBELL of Colorado, Mr. MRAZEK, and Mr. FOGLIETTA.

H.R. 3314: Ms. PELOSI.

H.R. 3343: Mrs. JOHNSON of Connecticut, Mr. SYNAR, Mr. WALSH, Mr. HERTEL, Mr. PANETTA, Mr. UPTON, and Mrs. LOWEY of New York.

H.R. 3403: Ms. KAPTUR, Mr. HAYES of Illinois, Mr. GILLMOR, Mr. SAVAGE, Mrs. COLLINS, Mr. MARTIN of New York, Ms. SLAUGHTER of New York, Mr. LAFALCE, Mr. PAXON, Mr. ECKART, Mr. UPTON, and Mr. HERTEL.

H.R. 3423: Mr. PAYNE of New Jersey, Mr. BATES, Mr. MFUME, Mr. FEIGHAN, Mr. FRANK, and Mr. BONIOR.

H.R. 3428: Mr. BONIOR and Mr. WHEAT.

H.R. 3429: Mr. UDALL.

H.R. 3475: Mr. ORTIZ.

H.R. 3491: Mr. THOMAS of Georgia, Mr. LAGOMARSINO, Mr. NIELSON of Utah, Mr. DANNEMEYER, Ms. PELOSI, Mr. GORDON, and Mr. MCDERMOTT.

H.R. 3512: Mr. ECKART.

H.R. 3533: Mr. COLEMAN of Missouri, Mr. CLEMENT, Mr. FORD of Tennessee, Mr. WHEAT, Mr. PARKER, Mr. NATCHER, Mr. COSTELLO, Mr. TALLON, Mr. HOPKINS, Mr. STARK,

Mrs. LLOYD, Mr. LANCASTER, Mr. MCCLOSKEY, Mr. HATCHER, Mr. GONZALEZ, Mr. HYDE, Mr. MATSUI, Mr. MAZZOLI, Mr. BRUCE, Mr. EVANS, Mr. FASCELL, Mr. VALENTINE, Mr. JONES of North Carolina, Mr. BEVILL, Mr. JONES of Georgia, Mr. QUILLEN, Mr. ACKERMAN, and Mr. HAYES of Illinios.

H.R. 3541: Mr. SANGMEISTER and Mr. POSHARD.

H.R. 3587: Mr. ANTHONY, Mr. ARMEY, Mr. BATEMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BORSKI, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CAMPBELL of California, Mr. CAMPBELL of Colorado, Mr. CHAPMAN, Mr. DARDEN, Mr. DICKS, Mr. DOWNEY, Mr. DUNCAN, Mr. EDWARDS of Oklahoma, Mr. FIELDS, Mr. FOGLIETTA, Mr. GALLO, Mr. GINGRICH, Mr. HANCOCK, Mr. HANSEN, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HORTON, Mr. HUNTER, Mr. HYDE, Mr. KASICH, Mr. LEATH of Texas, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANTON, Mr. MARLENEE, Mr. MCCLOSKEY, Mr. MCEWEN, Mr. MCMILLEN of Maryland, Mr. MICHEL, Mr. MONTGOMERY, Mr. MURTHA, Mr. NIELSON of Utah, Mr. PARRIS, Mr. PICKLE, Mr. PURSELL, Mr. QUILLEN, Mr. RITTER, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. SAWYER, Mr. SAXTON, Mr. SHAYS, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SHARP, Mr. SMITH of Texas, Mr. SPENCE, Mr. STANGELAND, Mr. STENHOLM, Mr. STUMP, Mr. TALLON, Mr. THOMAS of Wyoming, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALSH, Mr. WOLF, Mr. WYDEN, Mr. BROWN of Colorado, Mr. EVANS, Mr. GAYDOS, Mr. GOODLING, Mr. TAYLOR, Mr. INHOFE, Mr. IRELAND, Mr. KOLTER, Mr. LAGOMARSINO, Mr. LIGHTFOOT, Mr. MARTIN of New York, Mr. MCCOLLUM, Mr. MFUME, Mr. PASHAYAN, Mr. PENNY, Mr. RUSSO, Mrs. SAIKI, Mr. SCHAEFER, Mr. SKELTON, Mr. SLAUGHTER of Virginia, Mrs. SMITH of Nebraska, and Mr. WHEAT.

H.R. 3595: Mr. ARMEY, Mr. BALLENGER, Mr. BATEMAN, Mr. BLAZ, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. COURTER, Mr. CRANE, Mr. DANNEMEYER, Mr. EMERSON, Mr. GINGRICH, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HANCOCK, Mr. HANSEN, Mr. HOLLOWAY, Mr. HYDE, Mr. KASICH, Mr. LEATH of Texas, Mr. DONALD E. LUKENS, Mr. MCEWEN, Mr. MADIGAN, Mr. MARLENEE, Mr. MARTIN of New York, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. ROBINSON, Mr. ROHRABACHER, Mr. RHODES, Mr. RITTER, Mr. SHUMWAY, Mr. SKEEN, Mr. SMITH of New Hampshire, Mr. SPENCE, Mr. THOMAS of Georgia, and Mrs. VUCANOVICH.

H.J. Res. 45: Mr. GINGRICH.

H.J. Res. 127: Mr. ROWLAND of Georgia, Mr. DERRICK, and Mr. GINGRICH.

H.J. Res. 206: Mr. TALLON, Mr. PICKETT, Mr. KASICH, Mr. MCNULTY, Mr. BOEHLERT, and Mr. WHEAT.

H.J. Res. 255: Mr. BLILEY, Mr. DICKS, Mr. PICKLE, and Mrs. UNSOELD.

H.J. Res. 282: Mr. MACHTLEY, Mr. DOUGLAS, Mr. MOODY, Mr. FEIGHAN, Ms. LONG, Mr. ANNUNZIO, Mr. CAMPBELL of Colorado, Mr. KILDEE, Mr. FASCELL, Mr. SKEEN, Mr. ALEXANDER, Mr. HALL of Ohio, and Mr. COLEMAN of Missouri.

H.J. Res. 338: Mr. GONZALEZ.

H.J. Res. 429: Mr. LEHMAN of Florida, Mr. TOWNS, Mr. CHANDLER, Mr. HAWKINS, Mr. NELSON of Florida, Mr. HANCOCK, Mr. WHEAT, Mr. MCCLOSKEY, Mr. APPLEGATE, Mr. HORTON, Mr. MACHTLEY, Mr. WYDEN, Mr. MOORHEAD, Mr. CLEMENT, Mr. GINGRICH, Mr. GRANT, Mr. GALLEGLY, Mr. YOUNG of Alaska, Mr. WOLF, Mr. YATRON, Mr. GARCIA, Mr. GEJDENSON, Mr. GRAY, Mr. HAYES of Louisiana, Mr. INHOFE, Mr. JONES of Georgia, and Mr. WISE.

H. Con. Res. 153: Mr. BEREUTER.

H. Con. Res. 155: Mr. BEREUTER.

H. Con. Res. 177: Mr. HILER.

H. Con. Res. 223: Mr. BLAZ, Mr. ROHRABACHER, Mrs. SAIKI, and Mr. HUNTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 147: Mr. DYMALLY and Mr. AUCOIN.

EXTENSIONS OF REMARKS

UNDERESTIMATING THE COST OF STATEHOOD IN PLEBISCITE ON PUERTO RICO'S FUTURE

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. FUSTER. Mr. Speaker, once again I call to the attention of my colleagues developments in the ongoing legislative process for a congressionally sanctioned political status plebiscite in Puerto Rico. As you know, this referendum, which we hope will be held in 1991, will enable Puerto Ricans to decide between statehood, independence or an enhancement of the existing Commonwealth status, which I favor.

Far-reaching legislation to this end was approved in August by the Senate Energy and Natural Resources Committee, which is the successor to the old Senate Interior and Insular Affairs Committee. Hearings on the food stamp aspect of S. 712, the Puerto Rico Status Referendum Act, were held last week by the Senate Agriculture Committee, and the Senate Finance Committee concluded 2 days of hearings Wednesday of this week on the economic ramifications of the plebiscite.

Chairman MORRIS UDALL of the House Interior and Insular Affairs Commitee has indicated that he will hold hearings on a plebiscite bill sometime next year. As such, Mr. Speaker, we are anticipating that both Houses will approve this very significant legislation in time for a plebiscite to be held in Puerto Rico in mid-1991.

But, Mr. Speaker, I am convinced that many of my otherwise well-intentioned colleagues do not understand the economic implications of the statehood option. And while I have great respect for the institution of statehood, I do not feel that statehood is in the best interests of either Puerto Rico or the United States. To that end, Mr. Speaker, I want to share with my colleagues today my testimony which I delivered to the Senate Finance Committee on Wednesday, November 15:

STATEMENT OF HON. JAIME B. FUSTER

Mr. Chairman, Members of the Senate Finance Committee, I want to bring to your attention a very vital issue that must be addressed by this Committee if the referendum process envisioned in S. 712 is to be meaningful. A fundamental question at issue as we approach the referendum is the potential cost to the United States Treasury of statehood for Puerto Rico.

The Senate Energy and Natural Resources Committee in its Committee Report on the Puerto Rico Status Referendum Act (S. 712), September 6, 1989, signals its expectation that ". . . both spending and revenue estimates will be refined as the bill moves forward in the legislative process." Already, the Congressional Budget Office (CBO) has produced, on November 6, itemized estimates of expected spending increases under statehood which differ radically from those of the Energy and Natural Resources Committee Report. The cumulative difference in the two estimates over just four years is $5.711 billion, a significant sum that brings up estimates of additional federal expenditures for Puerto Rico to $9.33 billion in the first 4 years of statehood.

Even CBO's very broad assessment is not yet complete. For one, the Congressional Research Service had identified for us an additional $107,778,000 which Puerto Rico would have received in Title I education funds in 1989 had we been a state. Using the 5 percent inflation rate that the Senate Energy and Natural Resources Committee Report used, this adds another $538 million to the cumulative (4 years) underestimate of the Committee Report, hiking current estimates of additional federal expenditures under statehood to almost $10 billion for the 4 year period.

The potential effect of statehood on Puerto Rico's economy is another vital aspect not covered in the Committee Report or in CBO's analysis. This is an issue that this Committee must address because otherwise it cannot properly consider the question that you will be exploring today about the potential cost to the U.S. Treasury of statehood for Puerto Rico. Any reasonable assessment of the federal budgetary costs of statehood must address the fundamental question of what would happen to Puerto Rico's economy upon the advent of statehood. This is so because a very credible case can be made that statehood would so disrupt the island's economy that inevitably federal transfer payments to the island would have to be substantially increased to avoid economic disaster. Reputable Puerto Rican sources claim that statehood will cause a total net loss of over 200,000 jobs in the island from both the public and private sectors. If this claim has any basis, it would mean that under statehood the current 15 percent unemployment rate of Puerto Rico would more than double, geometrically increasing local demand for federal assistance.

This issue has not been examined at all by the various federal agencies or congressional committees studying the potential effect of Puerto Rican statehood upon the federal budget. No attempt has been made to draw any connection between economic change under statehood and the need to increase federal spending. Studies have been made about additional federal expenditures that would be required under the statehood option, but all such studies have merely attempted to estimate how much the federal costs would increase in giving Puerto Rico parity or equal footing with the rest of the 50 states regarding federal benefits. They have all assumed that there would be no other change on the island's economy. They all assume that all existing needs for nutrition assistance, health care, college loans and scholarships, unemployment benefits and so forth will remain the same under statehood.

Such assumptions may be grossly unwarranted. Puerto Rico's economy today is built around its exemption from federal taxes, an exemption that would be precipitously ended by the advent of statehood. The elimination of federal tax exemption would have at least three major effects upon the island's economy. First, it would deprive the local government of most of the funds it now has, largely diminishing its role as the main support of the Puerto Rican economy. Exemption from federal taxes has permitted Puerto Rico to support a large public sector providing vital public services and employing more than a third of the work force. Financing for this huge public sector comes mainly from Puerto Rico income taxes which are higher than federal income taxes and local excise taxes which are higher than most state sales taxes. To superimpose federal taxes upon them would cause the burden of taxation upon Puerto Rico's narrow tax base to be unbearably heavy or would force a massive reduction in public services and public employment. It is estimated that the removal of federal tax exemption under statehood could deprive the local government of 60 percent of its current revenues with no new federal expenditures to compensate for this particular loss (since all new federal outlays essentially would be increased federal welfare payments to individuals) causing, therefore, the removal from the island economy of hundreds of millions of dollars in services, jobs and capital investments.

Second, the removal of federal tax exemption would be a grave blow to the cornerstone of the private sector, Section 936 of the Internal Revenue Code. The federal tax benefits of Section 936 have allowed Puerto Rico's own tax incentives to serve as a powerful inducement for manufacturing companies to build production facilities in Puerto Rico. About three fourths of all manufacturing employment in Puerto Rico is in 936 companies. Moreover, 936 deposits in Puerto Rican banks have allowed the financial sector to grow and thrive to unprecedented levels. Together manufacturing and banking and the indirect service jobs they create account for close to a third of the island's labor force. They also account for the largest share of Puerto Rico's domestic product. Here again, the elimination of federal tax exemption will inevitably result in a sharp decline of the existing manufacturing and financial structure with the loss of thousands of jobs and the removal of hundreds of millions of dollars from the productive sector of the island's economy.

Finally, the removal of federal tax exemption under statehood would be a severe blow to the construction industry in Puerto Rico. Both housing developments and the construction of hospitals, industrial plants, hotels and other infrastructure are made largely possible in Puerto Rico through financial instruments that depend on local and federal tax exemption. Puerto Rican sourced GNMA mortgages, Puerto Rican housing and industrial revenue bonds and other Puerto Rican government securities, commercial bank and S&L deposits, and other such instruments generate huge local private investments that make possible most of the construction and capital development that occurs in the island. Here again the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

loss of local tax autonomy which would accompany statehood would be a severe blow to the financing of construction in Puerto Rico, causing a serious decline in jobs in this sector and the removal of hundreds of millions of dollars from the island's economy.

It is important to note that these three major adverse effects of the removal of federal tax exemption are separate and distinct from each other.

In other words, these are consequences that fall upon different sectors of the island economy. When one considers them jointly; that is, when one takes into account their cumulative or synergetic effect, as one must in an integrated economic model, it becomes obvious that it may be very foolish to estimate Federal Treasury costs of statehood for Puerto Rico without also examining the question of how the Puerto Rican economy is to survive without federal tax exemption. The combined effect of the potential decline of all the major sectors of the Puerto Rican economy upon the advent of statehood makes this an essential issue to be studied by those in charge of gauging the federal budgetary implications of Puerto Rican statehood.

Mr. Chairman and Members of the Committee, to conclude my testimony, let me briefly mention a second different reason why this Committee should address the issue I have raised with you. No legitimate decision on the future status of the island can be made by Puerto Ricans unless we have been well apprised beforehand as to the economic risks we might have to assume in order to attain statehood. As you know, under Commonwealth status Puerto Rico has experienced an impressive economic development. We have progressed from being a "stricken land" and the "poorhouse of the Caribbean" to becoming the people with the highest standards of living in all Latin America. Under the existing economic arrangements, in all but four of the 37 years of Commonwealth, the Puerto Rican economy has either matched or surpassed the growth rates of the United States economy. In fact, in 25 of those 37 years our growth has been markedly superior to that of the mainland, roughly double most of the time.

And yet, despite this remarkable pattern of growth, Puerto Rico's average per capita income is still only one third that of the mainland, unemployment is still around 15 percent, and 43 percent of family households depend on federal aid to meet their nutritional needs. In the face of this stark reality, statehood leaders in Puerto Rico are telling us that the eventual elimination of the economic advantages of Commonwealth, as would happen under statehood, will not only not cause negative results in the island but that, to the contrary, economic growth will be far superior to what we have experienced during the last four decades. Statehood is portrayed as the panacea for the many complex and intractable social and economic problems that Puerto Rico has suffered for centuries. Puerto Ricans are being told that with statehood unemployment will nearly disappear, education and health care will be of the highest quality possible, our local roads will be like the best interstate highways, there will be no homeless, even crime will diminish.

We in Puerto Rico have a right to know whether or not the United States Congress shares these alluring expectations about the bonanza that allegedly will accompany statehood. In 1966 the congressionally created U.S.-Puerto Rico Status Commission, headed by Sen. Henry Jackson, after conducting the most encompassing study ever realized on this matter, concluded, that "unless an appropriate substitute for Puerto Rico's present economic arrangements can be provided, it is clear that statehood * * * would have severe and probably disastrous consequences. * * * It is not helpful to the people of Puerto Rico to claim that the economic question of statehood is not potentially a very serious one". This assessment was essentially ratified in 1976 in the Tobin Report on Puerto Rico's economy, prepared by Nobel laureate and Yale University economist, Professor Tobin; and confirmed again in 1979's Krep's Report on Puerto Rico's economy, by the United States Department of Commerce.

We in Puerto Rico have a right to know whether that assessment is still valid. And if it is, as many of us believe it is, then we have a right to know what precisely are the new arrangements that will substitute Commonwealth's strong economic advantages. We have a right to know what concretely will take the place of our existing tax incentives program which accounts for one of every three jobs in the island today. We have a right to know what concretely will take the place of Puerto Rico's fiscal autonomy which has allowed the strong centralized government of Puerto Rico to provide extensive health, education, housing and other vital public services to our large population of poor or low income citizens, services that no state government in the mainland can afford to offer at a comparable magnitude. We have a right to know if the island would become what the father of modern Puerto Rico, Governor Luis Muñoz Marin, once called a "beggar state", forever dependent on federal welfare payments, where the productive sectors of the current economic structure are replaced by an ever increasing federal dole. We deserve to know what is your most considered judgment on this crucially vital matter.

Mr. Chairman, the growth of the Puerto Rican community has been bogged down for too long because of the endless and barren status debate. We can get out of this quagmire if you lend us a hand. Make this referendum a really meaningful process by properly addressing this vital issue so that the people of Puerto Rico can truly make an intelligent choice.

ONE WITH ONE

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. KENNEDY. Mr. Speaker, I am pleased and proud to announce that the One with One program in my home district of Brighton, MA has been selected to receive one of four 1989 international "Leaders of Readers" Recognition Awards, sponsored by Family Circle Magazine, the Council for Periodical Distributors Associations, the International Reading Association and Pizza Hut, Inc.

One with One, a remarkable international tutoring program founded in 1983, might be a solution to help solve some of our country's literacy concerns. One with One, which today has a membership of over 900 partners from 39 countries, creates friendships between people of very diverse backgrounds in a way that is mutually satisfying.

One with One pairs immigrants or refugees who are international newcomers to our country from all over the world with American volunteers. The volunteers tutor the newcomers in learning English as a second language, and teach them the necessary skills needed in coping with everyday American life as the newcomers adjust to their new world. The partners work together for a minimum of 6 months for 3 hours every week.

The One with One Program trains American tutors to be a listening, caring ear, to guide and counsel the newcomer in understanding and taking initiative in areas as diverse as learning the public transportation system, shopping, using our health care system, and finding housing. The newcomers are taught to advocate for themselves, to protect their own rights, so they can in turn advocate for their families and friends.

Newcomers, through the development of literacy skills, become self-sufficient participants in our society and in everyday living. One with One enables both tutor and learner to experience an increase in self-confidence and self-esteem, dignity and self-respect.

I commend this program which addresses both illiteracy and racism, and fosters international understanding and exchange. Mr. Speaker, I wish to publicly thank Margaret Van Duyne, founder and executive director of One with One, for creating this program, and the many volunteers who have so unselfishly given of themselves and their time to benefit our society in helping others here and abroad. They have all done a wonderful job.

UNITED STATES PLANS TO SELL SAUDI ARABIA 315 TANKS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, rumors regarding a sale of battlefield tanks to the Saudi Arabian Army have been circulating for at least 6 years now. This rumor has now become reality. The Government of Saudi Arabia has requested the purchase of approximately 315 M1A2 Abrams tanks, as well as a variety of support equipment and ammunition scheduled for delivery in the mid-1990's. The estimated value of this case is $3.1 billion.

The M-1 Abrams is the U.S. Army's premier main battle tank, and is considered by many experts to be the best tank in the world. Its only sale abroad has been Egypt.

According to the American Israel Affairs Committee [AIPAC], the majority of the M1A2's will presumably be based in northeast Saudi Arabia, covering the Iraq border. Some will be put in the south, near the Yemens. An undetermined number of tanks are likely to be located at the Tabuk army base in the northwest, facing Israel.

In response to this development, specific concerns brought to my attention by the National Jewish Community Relations Advisory Council need to be taken into consideration:

How many tanks will be close to the Israeli border? If the rationale of the tank sale is to assist Saudi Arabia in defending against po-

tential threats from Iraq, there would be no need to position this machinery near Israel's border.

Will the Saudis have the option of deploying the tanks outside Saudi Arabia? If the tanks were moved to Jordan or Syria, then the threat to Israel would be dramatically increased.

How does the sale affect the overall military balance in the Middle East when taking into account the cumulative effect of the enormous past arms sales from the Soviet Union and Western European nations in addition to the United States?

Does this arms sale appear to reward Saudi Arabia at a time the Saudis continue to be unhelpful in advancing the Middle East peace process and join in the annual ritual challenging Israel's participation in the General Assembly of the United Nations?

I certainly hope that the administration, the Congress, and the State Department will do all they can to get direct answers to these important questions.

BOB HAUETER, DEDICATED PUBLIC SERVANT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MOORHEAD. Mr. Speaker, there is a man in my congressional district who for over a decade has dedicated himself to public service. This month Bob Haueter stepped down as senior assistant to California Assemblyman Pat Nolan.

Bob Haueter not only worked for the assemblyman for 10 years, but was and is involved in numerous community activities.

Bob was chosen as Man of the Year in 1984 by the Verdugo Mental Health Center. In 1983, he was given the Distinguished Community Service Award by the Glendale Jaycees. And in 2 years this decade, 1982 and 1984, Bob was named an Outstanding Young Man of America.

This outstanding gentleman currently serves on the advisory boards of Californians for Sober Highways and Foothill Youth Services. Bob is also on the board of directors for the Verdugo Mental Health Center and is president of the Glendale-Verdugo Republican Assembly.

Bob's contributions to public service would not be possible without a strong support group behind him. His wife, Beverly and daughter, Kimberly certainly deserve special recognition.

Mr. Speaker, on behalf of the residents and communities of the 22d Congressional District, I express my gratitude to a native Californian, family man, and dedicated public servant Bob Haueter.

SALUTING THE MEDICAL BIOLOGY INSTITUTE OF SAN DIEGO, CA

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. LOWERY of California. Mr. Speaker, I rise today to honor and congratulate the faculty and staff of the Medical Biology Institute of San Diego, CA, on the opening of their world-class AIDS research center.

The Medical Biology Institute is the first state-of-the-art, biomedical research center designed specifically for the investigation of AIDS. The doctors and research technicians at MBI will work exclusively on AIDS-related work in a unique, self-contained facility. In order to better understand the complexities of the HIV virus and the pathology of AIDS, they will strive to duplicate the human immune system in laboratory mice.

Located on the campus of the University of California at San Diego, the Medical Biology Institute will promote cooperation between many different specialists and departments. Faculty members once confined to isolated parts of the university will now be able to coordinate and fine tune their efforts under one roof.

The Medical Biology Institute was officially dedicated on Thursday, September 21, 1989. Under the leadership of its president, David Katz, MBI is sure to become of the world's preeminent AIDS centers and the yardstick by which future research facilities will be measured.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to the commitment all those involved in bringing this project to fruition. This facility stands as a monument to the determination of those who battle AIDS around the globe each day.

SUPREME COURT'S RULING IN THE WEBSTER CASE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. CLAY. Mr. Speaker, in response to the recent Supreme Court's ruling in the Webster case, several people have discussed the effects of the ruling on women; however, few have articulated the effects of the ruling on poor and minority women with such clarity, balance, and thoughtfulness as Ms. Teri Cotton.

Ms. Cotton will graduate from Wellesley College next spring. She is a recipient of a partial scholarship from the William L. Clay Scholarship fund. She also served as a summer intern for the Joint Center of Political Studies and as a page in my office while in high school. In her senior year at Wellesley, she wrote the following provocative article on the reproductive freedom of poor and minority women in the wake of the Webster ruling. I am happy to share this thought-provoking article.

ABORTION: WHOSE ISSUE IS IT ANYWAY?—POOR AND MINORITY WOMEN SPEAK OUT ON REPRODUCTIVE FREEDOM, WHICH FACES NEW RESTRICTIONS WITH THE SUPREME COURT'S WEBSTER RULING

(By Teri Cotton)

"C.H., a 29-year-old black woman with three children was admitted [to the hospital] with a history of vomitting, diarrhea, lower abdominal cramps for three days, and vaginal bleeding for one day. [She was 10 weeks pregnant]. The cervix was dilated and some tissue was presenting. Her condition was deteriorating and antibiotics and blood transfusions were administered . . . on the fourth hospital day an exploratory operation was performed and there was . . . a one-inch perforation in the top of the uterus. A hysterectomy was performed, accompanied by additional blood transfusions. Her condition continued to deteriorate, and death occurred on the 9th hospital day [as a result of an unsafe abortion]. . . ."

—from the Official Journal of the American College of Obstetrics and Gynecology, August 1962, reprinted in the "Women of Color" friend-of-the-court brief filed with the U.S. Supreme Court for the Webster case.

"Death occurred on the ninth hospital day." These words echo a tragic and senseless fate in an era of modern medicine and enlightened legal and political thought. Although most women today would like to believe that unsafe abortions are a relic of the past, the Supreme Court's decision last July in Webster v. Reproductive Health Services has increased the likelihood that they may once again be compelled for women of limited means. For these women, the deepest fear is that C.H.'s fate could become their own.

The Webster decision gives state legislatures renewed authority to regulate abortion, allowing them to prohibit the use of state funding or other public support for the procedure. It also allows states to violate the trimester framework established by the Court's 1973 Roe v. Wade ruling. The landmark Roe decision, which declared abortion a constitutionally protected right in all states, determined that during the first trimester of pregnancy any abortion decision was a private matter between a woman and her doctor, that between the onset of the second trimester and fetus viability the state government could intervene to save the life of the mother (but not the fetus), and that only after viability could the government intervene to save the fetus. Under Webster, however, state governments are free to intervene—wherever state support is involved—to save the fetus at any stage of the pregnancy. Thus, although the Court's decision last July does not officially overturn Roe, many agree it signals the Court's intention to begin chipping away at abortion rights.

The Webster ruling grew out of a challenge to highly restrictive state abortion legislative in Missouri. The Court upheld the Missouri law, which forbids public employees from performing abortion services, bans the use for such services of public hospitals and other taxpayer-supported facilities, and requires that viability tests be carried out on any fetus thought to be 20 weeks old or older; if the fetus proves viable at that point, abortion is generally prohibited by another Missouri statute.

Even before the Webster decision, public funding for abortion had been somewhat restricted by Congress, which in 1976 passed

the Hyde Amendment (sponsored by Republican Congressman Henry Hyde of Illinois) outlawing federal funding of abortion. The Missouri law's additional restrictions on state funds and support, combined with its requirement of costly viability tests, will make access to abortion extremely difficult for low-income women in that state and others with similar laws. Many of these women simply cannot afford the costs of the procedure at private hospitals and clinics.

EMERGING VOICES, DIVERGENT VIEWS

The Webster ruling has reinvigorated both pro-choice and pro-life advocates, who are preparing to fight at the state level now that the Court has moved the issue there. The National Abortion Rights Action League (NARAL) reports that its national and affiliate membership has risen 75 percent (to approximately 300,000) since the Court agreed to hear the case last fall. Anti-abortion organizations likewise report an increased awareness of the issue and an increase in the number of people pledging to stop what they often describe as "the killing of babies." Today, as the average citizen grapples to understand what the Webster case in fact decided, the threat of an end to accustomed abortion rights raises the need to reevaluate their significance, especially for lower-income and minority women who have not been active in the abortion debate.

Yet, even while the voices of minority and lower-income women have become more prominent in recent years (see "Black Women Take a Stand on Reproductive Freedom," Political Trendletter), their number remains small. Part of the problem is the way abortion issues have been framed. A Boston Globe article published last April quotes Sabrae Jenkins, director of the Washington, D.C.-based Women of Color Partnership Program, on this matter: "You have prochoice organizations that are looking solely at the issue of abortion. They're not looking at issues as they relate to women of color." Though the Globe article goes on to suggest that the absence of minority women in the abortion debate is part of their historical exclusion from the nation's larger political process, others argue that both the pro-choice and the pro-life sides of the debate have constituted white, middle-class movements. Says Pat Tyson, director of the Religious Coalition for Abortion, a national organization, "There is a sense the movement is not as fully integrated as it could be. In order for us to win the right to choose, it has to be an effective ethnic mix."

Faye Wattleton, who in 1978 became the first black to head Planned Parenthood, also calls for a more inclusive coalition. By handing the abortion fight back to the state legislatures, she argues, the Supreme Court's Webster decision "has given us an incredible opportunity to bring people of all ethnicities together, regardless of class lines. . . . The need now is to confront the realities of politics. What I'd like to see us push for is . . . a reproductive rights amendment to the constitution."

The NAACP, by contrast, has not placed abortion on its national agenda. Of its 2,300 branches, none has considered the issue a priority. Althea Simmons, director of the organization's Washington Bureau, explains: "You have to understand black culture. We are very closely allied to the black church"—and much of that church, Simmons suggests, opposes abortion. Pamela Carr, a spokesperson for Black Americans for Life (part of the National Right to Life Committee) feels that, historically, adoptions within the black extended family have provided an alternative to abortion. "From the very beginnings," says Carr, "the thought of killing a child was outrageous to black families."

Another alternative is advocated by a number of pogressive black ministers, including the Reverend Calvin Butts, a prominent minister with the Abyssinian Baptist church in Harlem, New York. "Freedom of choice is a divine right," says Butts. "In that regard, I am pro-choice, and I suggest that all Christian people are pro-choice."

THE CONSEQUENCES FOR TEENS AND MINORITIES

Given the problems of teenage pregnancy and persistent poverty in many minority communities, abortion rights and family planning would seem to be closely connected. Yet family planning has generally been ignored in the abortion debate. Out-of-wedlock childbearing among teens is strongly associated with poverty, school dropout, and welfare. Teenage pregnancy is clearly a severe problem for the black minority: black women are twice as likely as white women to become pregnant before the age of 18 (41 percent versus 21 percent, respectively). And although many of those pregnancies are terminated, the final birth figures are even more unbalanced; whereas seven percent of white women give birth during these teen years, the figure for black women is 26 percent.

Susan Smith, congressional liaison for the National Right to Life Committee, asserts that "rather than being a part of the solution to teenage pregnancy, abortion is a part of the problem." While Smith does not deny that women who have abortions make a difficult choice, she nonetheless believes abortion is used as a "method of birth control." Most women who seek abortions, Smith contends, have had unprotected sex and have been "less cautious" because this procedure is so easy to obtain.

Rebecca Stone, a policy director of the Center for Population Options, a national non-profit organization dedicated to preventing teenage pregnancy and childbearing, takes another view: "Most teens don't face the crucial decision of whether they can or want to have a child until they are already pregnant," she noted in a recent issue of the Center's monthly newsletter, Options. "By eliminating the right to choose abortion, the state would force unwanted childbearing and motherhood on those thousands of teenage girls who simply do not consider in a mature way the potentially grave and life-altering consequences of their sexual activity."

The abortion statistics on young women are clear in their implications. According to the Alan Guttmacher Institute, a research organization for the New York City-based Planned Parenthood, Inc., about three percent of American women aged 15 to 44 end unwanted pregnancy in abortion. The highest concentration of these women is among the younger groups: 3.2 percent of those 15–17 years old, 6.2 percent of those 18–19 years old, and 5.5 percent of those 20–24 years old.

Poor and minority women, as well, make up a disproportionately large part of those who seek abortion. Minority women are more than twice as likely as white women to have abortions—5.3 percent versus 2.3 percent. Moreover, in terms of income, the highest proportion (6.2 percent) is among women who have annual incomes of less than $11,000. In 1985, 60 percent of all reported abortions were performed in abortion clinics and only 13 percent were performed in hospitals. Thus the availability of these clinics is paramount to women whose limited income does not allow for the luxury of a private hospital. "The consequences [of Webster] are appalling for women of color and poor women," argues Leslie Wolf, executive director of the Center for Women's Policy Studies in Washington, DC. "Their rights will be most restricted."

A RETURN TO "BACK ALLEY BUTCHERS"?

Pro-choice advocates are concerned about the inherent danger to women who could once again be forced to seek illegal abortions. Says Sabrae Jenkins of the Women of Color Partnership Program: "You have to look at what women have done in the past" to terminate a pregnancy, Jenkins explains. "This includes not paying rent [so that they can afford an abortion], maiming, killing [themselves], and [unsafe] chemically and physically induced abortions. Members of the pro-choice movement fear that restrictions will not end abortion but rather divide women into two classes—those who can afford to get abortions safely and those who must resort to 'back alley butchers'."

A friend-of-the-court brief submitted in the Webster case, signed by more than 100 civil rights, women's and labor groups, including the National Council of Negro Women and the National Urban League enumerates the dangers of illegal abortion. The brief notes that between 1975 and 1979, roughly a third of the women who died from complications caused by illegal abortions had undergone the illegal procedure because they lacked the money to obtain it legally.

Before abortion became legal nationwide, such deaths were disproportionately minority tragedies: in 1972, minority women accounted for 64 percent of them. But because abortion remained a costly option even after legalization, minority women remained at the highest risk. In 1975 they accounted for 80 percent of the deaths.

Minority women are affected disproportionately because so many are poor. Whereas eight percent of white families were below the poverty line in 1987, for black families the rate was 30 percent, for Hispanic families 26 percent. Lack of access to medical facilities is a further problem, especially for Native Americans living on reservations and other people of color living in rural areas.

Poverty also contributes to the frequent failure of pregnant teenagers to receive prenatal care. Some teenagers, attempting to hide or deny their conditions, do not seek such care until very late. Meanwhile, for those who decide late in the pregnancy that they are not ready for parenthood, abortion becomes an unsafe and costly option.

THE DEBATE IS JUST BEGINNING

The power the Court has given state legislatures through the Webster decision ensures that the abortion issue will dominate the nation's political agenda for years to come. Louisiana is one of several states that have begun using their new-found power to restrict access to abortion and to draw political party lines around the issue in their legislatures. And although in the national platforms of the two major parties Republicans oppose abortion rights while Democrats favor them, the issue crosses party lines at the state and local levels. Last July, the New York Times reported that "Republican state legislators from affluent suburbs favor abortion rights [and] . . . Democrats from rural areas or white urban enclaves are opposed to abortion."

The apparent ambiguity in many citizens' thinking on the issue will make it even tougher for politicians to take a firm stance either for or against abortion rights. According to a poll published last March by the Lost Angeles Times, 74 percent of Americans believe abortion is morally wrong (as the pro-life side argues) but also that a woman should bear the right to choose to have an abortion (as the pro-choice side argues).

Meanwhile, activists on both sides believe that Webster marks the beginning of an extensive attack by the Supreme Court on Roe v. Wade. Three cases the Court will hear this term could make abortion an even more limited option for all women. In Ohio v. Akron Center for Reproductive Health, the right of teenage girls to obtain abortions without parental notification will be considered. Similarly, Hodgson v. Minnesota concerns a requirement that both parents be notified before a teenage girl can receive an abortion. The third case, Turnock v. Ragsdale, involves an Illinois statute which regulates the practices of private clinics; the right-to-life advocates argue that limiting in this way the facilities that can provide abortions ensures safer procedures, while prochoice advocates argue that it could eliminate many smaller clinics which low-income women and teens rely on.

It is clear that the issue of abortion heavily affects the lives of poor women—and consequently of minority women—yet rather than appearing in the forefont of the debate these groups remain, for the most part, bystanders. Those who are presently active on both sides of the abortion question have called for greater participation by their sisters of color. They note that whereas for all women abortion is at least a matter of politics, for women of color it is a matter of life and death.

A TRIBUTE TO VICTOR S. JOHNSON, JR.

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. CLEMENT. Mr. Speaker, I want to pay tribute today to Victor S. Johnson, Jr., a man whose leadership and visionary ideas have been a cornerstone of the growth and development of the business and civic communities in my hometown, Nashville, TN.

Aladdin Industries, founded by the Johnson family, recently celebrated its 40th anniversary in Nashville. Today I'd like to outline the significance of this industry's presence in Nashville and highlight some of the significant contributions Mr. Johnson has made to the city.

While serving as a second lieutenant in the U.S. Army, Victor Johnson, Jr., learned of the death of his father Victor Johnson, Sr. His father had founded the Aladdin Co. in 1908 under the name, the Mantle Lamp Co. The 27-year-old Army attorney assumed the dual responsibility of an Army career and running his family company. From Army headquarters in Michigan he guided the company in Chicago as its first chief executive officer until his discharge in February 1946.

In 1949, Mr. Johnson decided to move the company to Nashville. For the past 40 years an entire community has been grateful for that decision.

In 1956, after only 6 years as a Nashvillian, Johnson was elected president of the Nashville Chamber of Commerce. His selection as president reflected his personable character and the respect and acceptance he earned in 6 short years in the close knit Nashville business community from peers who recognized his leadership and business capabilities.

Mr. Johnson worked tirelessly on the consolidation of city and county governments in 1963. William F. Earthman, who was chairman of Commerce Union Bank, was quoted in the Tennessean newspaper in a 1979 article saying, "Without Victor Johnson, we never would have had metropolitan government. He had a vision and absolute determination to see it through when an awful lot of people didn't like the idea."

Since the two governments consolidated, the move to a single metropolitan government has proven to be not only beneficial to taxpayers, but a catalyst for continued economic development throughout middle Tennessee. Much of the credit and thanks has to go to Victor Johnson, Jr.

He was chairman of the board of trustees of Meharry Medical College in Nashville from 1956 to 1983 and was honored with a life membership on the board.

He was also a member of the board of trustees of George Peabody College for Teachers from 1954 to 1964.

A farsighted businessman, Victor Johnson, Jr., placed great emphasis on innovation throughout his business career, resulting in products which serve the entire American public.

A familiar Aladdin product is the school lunch box featuring favorite characters for children which has become a part of Americana. Aladdin industries also developed an insulated food delivery system which is used throughout the world. And, of course, Aladdin is synonymous with the Stanley thermos line.

Vision—is the best word I can use to describe Victor Johnson, Jr. As a businessman and community leader, his "vision" has served mankind. His contributions to the growth, prosperity, and destiny of Nashville, TN, can't be measured in any words I might pen to describe this man.

Mr. Speaker, I'd like to include in the RECORD, some more detailed information about Aladdin Industry's 40th anniversary of the company's move to Nashville.

I'd also like to conclude my personal remarks by saluting a truly outstanding businessman and humanitarian. Victor Johnson, Jr., is a man I hold in the very highest esteem. He has my respect and admiration and I am indeed privileged to call him my friend.

I'd like to personally thank him, as a resident of Nashville, TN, for everything he has done to enhance, enrich, and improve the quality of life for every citizen of Nashville.

FORTIETH ANNIVERSARY—ALADDIN'S MOVE TO NASHVILLE

It was in 1949, 40 years ago, that Aladdin moved its international corporate offices and manufacturing units to Nashville from Chicago. Nashville was a quiet, tradition-filled town, and there were only a few companies the size and scope of Aladdin which had meant a shortfall of jobs for graduating youth. For Aladdin's initial 200 jobs to be filled, 3,000 local applications were recorded. As new buildings were added to accommodate the continued installation of various operations, the employment numbers began a steady climb.

Aladdin was the first major industry to move to Nashville after World War II. The company has been credited with leading the way to business growth and economic prowess with far-reaching benefits to the community. The new kid on the block—reputable, successful, respected—Aladdin was pointed to for attracting other businesses to Nashville. Along with new jobs, the greatly increased revenues to fund the city's activities had left a good taste.

During the second year in Nashville, 1950, Aladdin introduced to school kids the first character decorated lunch kit, Hopalong Cassidy. With overwhelming acceptance, each year since a new line of popular characters and designs have been shipped out to an eagerly awaiting young market. Competitors were quick to grab the idea, but Aladdin was the first and has remained the leader. With vivid artistic portrayal, Aladdin lunch kits have captured over the years nostalgic footsteps of childhoods past, and many are now highly sought after collector items.

The company's first product, in 1908, the Aladdin kerosene mantle lamp, became internationally known and continues to be distributed worldwide. The Aladdin kerosene lamp continues in the line from a never-ending demand. In America in millions of homes it serves as a reminder of a bygone era of honesty, genuineness and trust, where a stranger in need at the door was never turned away. In many instances, farmers bought Aladdin lamps during winter months and paid for them when summer crops were harvested. The lamp stood silently and reverently during births, deaths, happy times and sad times.

With planned consistency Aladdin has moved forward in product development, linking up along the way with technological advances; however the Aladdin kerosene lamp is one product where sentiment and tradition have always overruled profit and market advantages. It still fills a need in the human conscious, as no age group today has been untouched in some way by a kerosene lamp.

Over the years, new products and improvements have been steadily paraded in the marketplace, including the wide mouth thermos, Dura-Clad thermos, and Thermo-Jar. A major enhancement was the purchase of the STANLEY line in 1965 when 52 truck-trailer loads of bulky, heavy machinery made their way from Connecticut to Nashville to be installed. Made of steel and with its stalwart lifetime reputation, STANLEY has become the patriarch of Aladdin's thermos line.

From its research efforts, in 1968 Aladdin introduced an insulated food delivery system which at the time witnessed a breakthrough in food service efficiency, convenience and economy. For hours, hot foods can be kept hot and cold foods cold, side by side, on the same tray, initiated by its stacking concept. This meal distribution system, which has spread to international markets, is widely used for hospitals, airlines, penal institutions and other commercial entities. It was in this product area that the highly popular insulated commuter mug got drawn into the line as well as hearts of busy people everywhere.

Looking back, Aladdin's Metro Center today is considered somewhat of a modern-day marvel. Here were 850 acres backing up to the river which often became flooded, and no thought seemed to have been given to utilizing the ragged, forsaken land. Then, primarily through the vision of Aladdin's Victor S. Johnson, Jr., the land was rendered totally floor free and developed into the now custom designed business community, handsomely landscaped, and which includes Fountain Square where community events take place yearround.

Aladdin, in 1958, was selected as the subject of a "New Horizons" network television documentary, with special emphasis on its clean, efficient manufacturing, a welcomed improvement over smokestack factories prevalent at that time.

In 1963, Aladdin was honored with presentation of an E-Award as designated by the late President John F. Kennedy for excellence in export expansion.

Throughout the company history of eight decades, "quality" and "excellence" have been underscored as major guidelines for workmanship and marketing. These traits spill over into Aladdin's role in the community, its constrant involvement in numerous programs that enrich it as a desirable place to live. It is a company that never stands still. If a new product, or innovation, could look over its shoulder, it would see newer ones following close behind.

ACCIDENTS WITH FIREARMS ARE DECLINING

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. SCHULZE. Mr. Speaker, I am pleased to share with my colleagues an article in the December 1989 issue of Shooting TImes, "Accidents With Firearms Are Declining," by Bob Delfay, executive director of the National Shooting Sports Foundation. Mr. Delfay demonstrates that through the use of hunter education and firearm safety programs, firearm accidents in the United States have declined significantly.

The article follows:

ACCIDENTS WITH FIREARMS ARE DECLINING

(By Bob Delfay)

Statistics clearly indicate that firearms accidents have been declining significantly in recent years, even though more Americans own guns, more hunters are hunting on less land every year, and more shooters are involved in recreational and competitive shooting than ever before.

The National Shooting Sports Foundation has compiled information on firearm safety in the home, in public places and while hunting from varied sources. The National Safety Council (NSC), for example, compiles nationwide information on fatal accidents each year. The most recent figures indicate a total of 1400 fatal firearms-related accidents in 1987, a 13 percent decline from the previous year. This decrease is consistent with a long-term trend. In the last two decades, accidental firearms fatalities reported by the NSC have declined by more than 50 percent.

To provide uniform comparisons, the NSC measures accidents based on the number of fatalities per 100,000 people. In this "accident rate" category, firearms fatalities rank near the bottom of the list of accident types that occur either in the home or public places. For example, the firearms "accident rate" is 0.6. The "accident rate" for falls is 4.6. The rate for motor-vehicle accidents is 20.

Accidents involving non-powder guns also show a downward trend. A report that includes accidents and fatalities with BB and pellet guns is annually compiled by the National Electronic Injury Surveillance System. Its 1987 report estimates a seven percent decline in accidents from the previous year. While the "accident rate" for BB and pellet guns in 1987 was 9.1, the rate in the same year for injuries resulting from the sport of golf was 10.6 and the rate for injuries from playground equipment was 82.5.

Figures gathered each year throughout North America by the Hunter Education Association reveal the hunting accident rate per 100,000 licenses sold has been declining since 1983. In 1983, total accidents were about 12.5 per 100,000 licenses sold; in 1987, the figure dropped to 9.2 per 100,000.

REASONS WHY

In good measure, firearms safety education has helped reduce the number of accidents in recent years. Since 1978, all 50 states have offered hunter education programs, and these programs are mandatory in order to obtain a hunting license in 39 states. Safety courses now inlcude an average of 13.6 hours cf instruction and some 700,000 students annually graduate from hunter education programs nationwide.

The use of "hunter orange" has been strongly encouraged for a number of years and is now mandatory in 40 states. Many hunters wear this highly visible color even when it is not required by law. The use of Hunter Orange has contributed significantly to safety in the woods, especially in reducing accidents in the "mistaken for game" and "in the line of fire" categories.

No matter where firearms are being used—in the field, at shooting ranges, or by those out plinking—statistics support the fact that firearm-related accidents are declining. One big reason is the concerted effort by manufacturers, dealers, and organizations which promote safe gun handling, all working together to educate the public on the safe handling and use of firearms. The declining rate of firearms accidents in the U.S. is definitely not an accident.

12 leading causes of death in the United States

[Based on National Center for Health Statistics (1987, latest official estimates)]

	Total
All causes	2,127,000
Heart diseases	762,820
Cancer (malignant neoplasms)	477,190
Strokes (cerebrovascular diseases)	149,220
Accidents (and adverse effects)	94,840
Motor Vehicle [1]	45,901
Falls [1]	12,001
Poisoning (solid, liquid, gas) [1]	5,170
Fire and Flames [1]	4,938
Suffocation (mechanical, ingestion) [1]	4,453
Drowning [1]	4,407
Other Transportation [1]	3,348
Surgical/medical misadventures [1]	2,674
Natural/environmental factors [1]	1,904
Firearms [1]	1,649
(Includes estimated 500 handgun and 280 hunting accidents).	
Chronic pulmonary diseases	78,270
Pneumonia and influenza	70,120
Diseases of the arteries	46,390
Diabetes	37,900
Suicide [2]	30,980
Cirrhosis and other liver disease	26,050
Nephritis and other kidney disease	24,880
Homicide and legal intervention [2]	20,580

[1] 1985, latest official figures.

[2] 59 percent involve firearms.

ENLIGHTENING SERIES ON "THE NEW EUROPE" BY McCLATCHY NEWS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MATSUI. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a third and last installment of articles by McClatchy News Washington Bureau Chief Leo Rennert and a group of McClatchy reporters on the emergence of "The New Europe." The series reflects countless hours of research and interviews and is quite possibly the most extensive and comprehensive look yet in any American newspaper at the new economic reality emerging from the European Community. This is the third installment in the series which I've had inserted into the CONGRESSIONAL RECORD because of the relevant content of these stories and the useful information they will provide my colleagues.

THE NEW EUROPE

(By Michael Doyle)

WASHINGTON—Europe's pending unification presents the United States with new opportunities to reconsider an expensive military strategy—and new challenges to arms merchants.

For the same reason that some believe that Japan should assume greater responsibility for its own defense, some want to see Europe shoulder a bigger military burden after 1992. Otherwise, the Pentagon would essentially be subsidizing America's leading economic competitors.

"As the European Community becomes much more efficient, people are going to be saying that we've given them all this free insurance," predicted Rep. Pat Schroeder, D-Colo. "(We're) now going to be looking at these very expensive bases overseas."

About 344,000 American troops are now stationed in Europe, with most in West Germany. The United States spends about $55 billion annually to maintain this European presence, according to figures complied by the private Center for Defense Information. In addition, the majority of military units stationed within the United States are slated for European service if conflict there ever breaks out.

This allocation of troops and money reflects the momentum of a 40-year Cold War, in which Soviet military aggression was deemed America's number-one threat. This momentum, however, is now running into several new turns—not least of which is the binding together of the European Community.

The United States spends 6.5 percent of its Gross National Product on defense, compared to the 3.3 percent spent by Europe and the approximately 1 percent spent by Japan. This means, in part, that America is paying for the umbrella under which Japan and the EC are able to stay dry and competitive.

The European Community is already America's single largest trading partner, with 1988 exports to the U.S. valued at about $85 billion. If, as planned, the 1992 integration process increases the competitiveness of European firms, then the EC's economic security will be strengthened—and, the argument goes, Europe's ability to pay more for defense will be enhanced.

The EC's unification movement, moreover, happens to coincide with Soviet leader Mikhail Gorbachev's internal reform priorities and the United States' own budget travails. Together, these conditions suggest a propitious climate for change.

"This idea of being the world's exporter of military security has got to change," said retired Rear Adm. Eugene Carroll, now deputy director of the Center for Defense Information. "It's going to be incumbent upon the U.S. to formulate a policy leading to increased European leadership and responsibility for the defense of Europe."

Carroll termed "absolutely inexorable" the trend toward a decreased American military presence in Europe; the pace and scope of such a decrease, however, remains a subject of two-fold negotiations.

President Bush has formally proposed taking 30,000 American soldiers out of Europe, a number that does not approach the more aggressive cuts sought by some lawmakers. While the North Atlantic Treaty Organization and the Soviet Union negotiate over total troop reductions, the 16 member states of NATO bicker among themselves over how these cuts should be allocated.

Schroeder, who chairs the House Armed Services Committee's panel on military installations and facilities, contends that the United States should take the "lion's share" of European troop reductions. Thus, Schroeder argues, a 20 percent cut in NATO troop levels should include a 50 percent reduction in American troops stationed in Europe.

"It is too early to say that there will be a genuine European pillar within NATO, reducing the need for U.S. military involvement on the contenent," replied former National Security Council official Robert Hunter, in an article he published earlier this year. "Indeed, even with a greater European role, both U.S. and allied security will continue to require that the United States remain a firmly committed European power, even if it increasingly expresses that commitment in non-military ways."

A number of American defense firms are committed to doing business in Europe. United States companies sold $3.3 billion worth of defense goods to Europe in 1987, while the U.S. bought $2.3 billion from European military contractors. Some lawmakers and industrialists worry that the EO's new rules governing such areas as the local content of a product will * * *.

These concerns were evident this April, when a Congressional delegation visited Europe for the stated purpose of reviewing European defense acquisition systems. The idea was to possibly learn from the European way of doing business; but in face-to-face meetings with European officials, the lawmakers didn't bother suppressing their anxieties.

"Their concern was that, in essence, the Europeans would have some kind of closed market on defense contracts," said one congressional aide who participated in the trip. "They came away from the meetings still concerned."

While the European nations are progressing rapidly toward economic integration, observers as disparate as Hunter and Carroll agreed that the EC still lacks a common voice on defense and affairs. As one symbol of this lack, and of the continuing American role in Europe, the NATO office of Supreme Allied Commander of Europe has been held by an American officer ever since NATO was established.

Eventually, Carroll says, this will change, along with other facets of America's strategic ties with Europe.

"We're slipping gradually into a new relationship with them," Carroll said.

LOW LEVEL OF U.S. AWARENESS ABOUT 1992

WASHINGTON.—Vacationing last year on a boat in the Aegean Sea, Rep. Pat Schroeder found herself confronting the reality of European unification.

But it was what she didn't see that most alarmed her.

Schroeder, D-Colo., recalled that a helicopter unexpectedly materialized to take her from one boat to another, where European Community ministers were considering details of economic integration. While the ministers wanted to ask their guest about the American presidential campaign, Schroeder fretted about a different topic—Europe's development of a new business order without American participation.

"I thought, 'My God, we're not even here, and they're making all the rules,' " Schroeder recalled.

Most of the rules are now prepared governing how commerce will be conducted in a newly unified Europe, and they are tremendously important to American business. With 320 million residents, the European Community is America's largest export market. It imports some $75 billion annually in goods from the United States, an amount which is estimated to account for 2 million American jobs.

The new rules of the game offer great opportunities, as 12 separate sets of national standards and regulations are boiled down to one. The rules offer challenges as well—American firms could be shut out by new regulations while European firms benefit from erased internal borders. Beyond economics, a unified Europe could also present a stronger counterpoint to American foreign policy desires.

But just how vigilant has the government been? Congressional, administration and business sources acknowledge the U.S. was slow in recognizing Europe's progress. Staffing levels were low, attention was elsewhere, and there was skepticism about whether the often-divisive European nations could really pull it off.

"For a considerable period of time, the level of awareness was really quite low," said Agriculture Secretary Clayton Yeutter, who formerly served as the Reagan administration's top trade ambassador.

"U.S. business only started to focus on the issue over the past six months," admitted Michaela Platzer, director of EC 92 programs for the U.S. Chamber of Commerce. "It shouldn't have taken them that long to get on the stick."

The House Foreign Affairs Committee, following extensive hearings held earlier this year, criticized the Bush administration for not being sufficiently aggressive on the European unification issue. The panel noted, as one example, that only 25 professionals were assigned to the U.S. Mission to the EC, out of 766 Americans serving in political and economic positions in the 12 EC countries.

Of the approximately 120 professionals in the U.S. Trade Representative's office, only a handful work full-time on EC 92 activities. In another example cited by the subcommittee, State Department officials were unable to tell them how Japanese government and industry are protecting Japanese interests in Europe.

The EC first proposed so-called "reciprocity" rules for banks in February 1988. These would have permitted U.S. banks in Europe only if the United States allowed "comparable market access" to European firms. This could have meant that European firms would have to be free of American regulations like the Glass-Steagall Act separation between commercial and investment banking.

After strong American protests, revised rules were issued this April offering greater flexibility.

"It wasn't the government that came out in front, it was the banking community," Platzer said. "I think it's a good example of how U.S. concerns can influence the process."

Spreading information, particularly among the small-to-medium sized firms that don't have their own offices in Europe, has been another priority.

Yeutter responded that it was Congress, not the Reagan and Bush administration, that was slow off the mark.

"The administration was way out ahead of the Congress on EC 92 activities," Yeuter said.

Nonetheless, in the months since the House committee's hearings, the Bush administration has somewhat intensified its EC 92 efforts. In July, for instance, Trade Representative Carla Hills elevated the leadership of the task force that's coordinating the administration's EC 92 work. The task force now includes representatives of about 20 federal agencies, and in Ambassador Julius Katz it has a chairman whose rank can draw in top policy-makers from the other agencies.

"It's an answer to those who say there was no one administrator who was responsible," explained Andrew Stoler, now deputy chief of mission at the USTR office in Geneva.

For some time, the emphasis has been on tracking and, where possible, influencing the European Community's drafting of rules.

There are to be 279 of these, spelling out the rules of the game for doing business in Europe. As of early September, almost 85 percent of these rules and regulations had either been finalized or published in draft form.

As seen in the case of rules proposed for banking, the most successful American efforts have been when business has worked closely with government.

In 1988, the Commerce Department established a new EC 92 information service out of its Office of European Community Affairs. The office now has 15 workers, eight dealing specifically with EC 92 issues, and has contacted about 10,000 businesses with information about European integration. Office director Charles Ludolph considers a good many businesses to be up to speed now—questions are much more sophisticated now, he says—but he appreciates why

Americans were slow in taking European integration seriously.

"Using the past as prologue, everyone had (previously) seen the EC fumble the ball," Ludolph said. "No European or U.S. business thought they would succeed in 1992."

As the Europeans have shown their commitment, some observers express concerns.

"We're behind the gun," worried former Rep. Tony Coelho. "You don't get the leadership from the administration to alert the public to what's going on. The American government needs to be letting people know what this means."

The comments of Coelho, whose Democratic partisanship has not faded with his departure from office, suggest that the adequacy of America's response to EC 92 could become a political issue. In House Majority Leader Richard Gephardt, a close friend of Coelho, congressional Democrats have a national spokesman with a history of attacking alleged Republican laxity in protecting American businesses.

Whether EC 92 starts resonating as a Democratic campaign issue, however, won't be known until the 1990 elections. There could be some internal politicking, as well.

"There's a turf battle going on here, too," Platzer said. "You have to remember, this is Washington."

Not everyone agrees that there's a bureaucratic turf battle now underway over the EC 92 portfolio, although there's certainly the potential for one.

Vice President Dan Quayle, who chairs the administration's Council on Competitiveness, says responding to EC 92 is the council's top priority. Other top officials with direct responsibilities for trade matters have mobilized their own troops, and after months of internal debate the American government has landed on a theme of watchful optimism.

"Basically, we look toward the march toward a unified market in a positive fashion, but we have to be vigilant," Trade Representative Carla Hills said.

Commerce Secretary Robert Mosbacher has aggressively put himself forward on such issues as the FSX fighter plane deal with Japan and exports of computer technology. He enjoys close relations with President Bush, and has generally enlivened the often-moribund Commerce Department position. Earler this year, he was also a vocal proponent of letting the U.S. have a seat at the table as the European countries prepare to unify.

But so far, the much-smaller Trade Representative's office has assumed the lead for EC 92 issues. Hills gets high marks for her intellect and doggedness, but her first months in office were taken up with such other issues as implementing the U.S.-Canada trade agreement and the ongoing General Agreement on Tariffs and Trade. Some business leaders, Platzer added, are "not too pleased with her" because they seemingly have a hard time getting in to see her.

THE 50TH ANNIVERSARY OF THE LUTHERAN IMMIGRATION AND REFUGEE SERVICE

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to commend the Lutheran Immigration and Refugee Service on the 50th anniversary of their ministry to people in need.

In the last 50 years, the Lutheran Immigration and Refugee Service has helped settle more than 150,000 refugees, as well as helped integrate them into the mainstream of American life. Included in that number are more than 3,000 refugee children, who have been placed in foster homes in the past 11 years.

The Lutheran Immigration and Refugee Service doesn't exist in a vacuum, however; it works in partnership with Lutheran churches throughout the United States which sponsor refugees in their own communities. The involvement of the churches and their members at the grassroots level ensures that the integration of refugees into the community is both enhanced and hastened, and is a concrete expression of Christian love.

It was Jesus Christ who told us, "Inasmuch as you have done it unto the least of these, my brethren, you have done it unto me." The work of the Lutheran Immigration and Refugee Service makes Christ's words manifest, and is a shining beacon of hope in a world in which the lack of human compassion sometimes seems overwhelming.

I commend them on this their 50th anniversary, and wish them another 50 years just as fruitful as their last.

I have included the following background information:

LUTHERAN IMMIGRATION AND REFUGEE SERVICE: OPENING DOORS FOR 50 YEARS

This fall marks the 50th anniversary of Lutheran Immigration and Refugee Service (LIRS), the national agency of Lutheran churches in the U.S. for ministry with uprooted people.

Officially, LIRS is an inter-Lutheran cooperative agency that represents 95 percent of all Lutherans in the United States. The church bodies it serves are the Evangelical Lutheran Church in America (ELCA) and Latvian Evangelical Lutheran Church (LELBA), both based in Chicago, and the Lutheran Church-Missouri Synod (LCMS), based in St. Louis.

Since 1939, LIRS has resettled more than 155,000 refugees through partnership with Lutheran social ministry organizations, congregations and community people. More than 6,000 congregational sponsors were mobilized for this work, to foster the well-being and sufficiency of refugees and their integration into American life.

The total number resettled includes more than 3,000 unaccompanied refugee children placed in foster care since 1978. LIRS is one of just two national voluntary agencies that resettles unaccompanied minors.

LIRS is structured as a three-tiered partnership of national administration, professional regional support, and private sector sponsorships. Through this unique agency-and-church partnership, newcomers have access to a wide range of community resources in addition to basic material and emotional support. The most recent newcomers include Europeans, Armenians, Evangelical Christians from the Soviet Union, and Amerasian young people. And LIRS continues to resettle refugees from Southeast Asia, Africa, and the Near East.

With the help of the ELCA and Lutheran World Federation World Service, LIRS ministers with undocumented people in the United States by supporting 42 social service, advocacy and legal service community-based projects that address their needs. Matching private funds offered by the Ford Foundation are distributed in like manner—$500,000 over the next three years. The LCMS coordinates with LIRS with respect to the grants it makes through its own World Relief program of the Board for Social Ministry Services to these and other such projects, as well.

Recently in Guatemala, LIRS representatives took part in an international conference on effects of the peace talks and the plans to assist the one million refugees there or from there. LIRS also helped organize an ecumenical delegation to Washington, D.C. about Central Americans on the Southwest Texas border. That delegation made it clear that the policy of massive detention and lack of due process for Central Americans was in need of change.

At one point this summer, as many as 5,000 refugees were being detained in camps on the Rio Grande Valley area. The ELCA responded to an emergency appeal to the churches for funds for legal services to help them. LIRS is also organizing help for refugee children who are being kept in detention centers because of their lack of legal status in this country.

In June 1989 the LIRS executive director was the LIRS' and therefore the churches' representative in an international conference in Geneva concerning Southeast Asian refugees. These talks reaffirmed commitments by governments not to push back refugees; to expand programs of direct departure from Vietnam; and to continue resettlement, especially for those 52,000 who have spent years of their lives in camps. It was tough. Most countries wanted to end asylum now.

Vietnam has just agreed with the U.S. to allow former political prisoners to move again. Most will want to rejoin their families and will require special help on arrival. Two government departments and the national voluntary agencies, including LIRS, are discussing the where and how of that effort.

In mid-September, LIRS co-sponsored a major conference in Washington, D.C. on ministry to and with African and Haitian refugees. Several ELCA churchwide units were intimately involved in this one, especially the Commission on Multicultural Ministries.

LIRS is also well known for foster care ministry, helping refugee young people who come to the United States without their parents and who need support until they reach adulthood. Only LIRS is able to function as a Protestant agency with such services through Lutheran Social Service agencies matching the other functioning agency, the Roman Catholic effort through Catholic Charities in its dioceses. One Protestant agency, Bethany Children's Home of Grand Rapids, Michigan, receives its cases through LIRS.

LIRS maintains an office in Washington, D.C., in close of collaboration with the ELCA Office on Governmental Affairs, where it is housed near Capitol Hill.

As a member of the American Council for Voluntary International Action (InterAction), the LIRS staff works with 130 other private agencies in joint strategy and action efforts. The LIRS executive director is currently concluding two years as chair of the InterAction Committee on Migration and Refugee Affairs.

LIRS PROGRAMS

The past year has seen both growth and diversification in LIRS's national ministries to immigrants and refugees.

The importance of the First Asylum Concerns (FAC) program was underscored in 1989 by the devastating effects of the employer sanction provisions of the Immigration Reform and Control Act of 1986. The provisions make it illegal for employers to hire undocumented workers. The result is that undocumented refugees from Central America and elsewhere who cannot return home are increasingly subjected to exploitation or are sinking deeper into extreme poverty.

One important objective of LIRS's FAC program is to advocate for fair and humane first asylum policies, and to seek administrative and legislative relief for refugees already here who are threatened with deportation. LIRS has advocated for passage of legislation such as the DeConcini-Moakley bill to suspend deportation of Salvadorans and Nicaraguans.

LIRS has also been instrumental in forming a coalition of national voluntary agencies, legal advocacy organizations, local direct service projects, and refugee community groups. This coalition, called the Committee for U.S. Action on Asylum Concerns (CUSAAC), serves as a collaborative mechanism for sharing information and developing common perspectives on promoting and expanding protection for persons seeking safe haven in the United States. It also relates to counterpart organizations in other countries around the world.

Another important aspect of FAC's work is the provision of legal and basic social services directly to asylum seekers through its small grants program. These grants are provided to local projects that provide direct assistance to refugees in their communities.

LIRS and the people it serves are particularly indebted to the ELCA for its continued priority support of this critical program. This support amounted to $100,000 this year; and together with a grant of $40,000 from the Lutheran World Federation, it made possible the renewal and increase of a matching grant from the Ford Foundation. This grant will total $500,000 over a three-year period, of which $425,000 is for direct grants to local projects and $75,000 is for technical assistance to these projects in the areas of organizational management and fund raising.

In 1989, a total of $290,000 was available for project grants. Requests coming to LIRS from 55 projects totalled $877,000. A staff review panel awarded grants to 41 projects.

LIRS Children's Services program continued its work of placing refugee children admitted to the United States into foster homes. This work is carried out under a contract with the U.S. Department of State, and is done in partnership with 23 Lutheran Social Ministry Organizations. In FY 88-89, 298 refugee children were placed.

An exciting prospect for the future is the possibility of implementing a special unaccompanied minors project for border children. This project would develop alternative living situations for refugee children from Central America who are being held in detention facilities by the INS. LIRS would use its relationships with border projects to identify and screen the eligible children, and then link them with the existing network of LIRS unaccompanied refugee minor programs.

At this point, the LIRS board has given authorization for a consultant to be retained to research the project and develop an operational plan. Funding would be sought first from foundations, and perhaps later from federal or other private sources. This project enjoys wide support from the bishop/presidents of most of the affected synods/districts of the LC-MS and the ELCA.

June 1989 saw the launching of LIRS' new *Immigration Services* program, staffed by an experienced immigration attorney. This program aims to assist Lutheran Social Ministry Organizations, individual congregations and others to develop the technical capacity for responsible immigration counseling. The goal is to establish a national network of Lutheran affiliated immigration counseling sites. Already, a needs assessment has been distributed nationally and training workshops have been conducted for the upper midwest in October. Training for the southwest is scheduled for November.

The *Refugee Resettlement Program* continues to be LIRS's largest program. In FY 88-89, more than 8,000 refugees were resettled in the U.S. through 26 affiliated regional programs. This 33% increase over the same period last year is largely attributable to the increasing numbers of Evangelical Christians that have been leaving the Soviet Union. This unplanned increase has had positive effects on the financial position of that program, although they will be temporary.

Additional congressional sponsorship for added numbers of refugees are still required, although the Department of State restricts the agency as to where such refugees may be resettled. Encouragement from the bishops and other national leaders is needed for this large agency and/or congregationally centered ministry of resettlement. Other ways for congregations to assist are described in a new LIRS brochure.

LIRS' heavy involvement in resettling Amerasians has also led to securing $35,000 supplementary federal grants for its seven Amerasian cluster sites. In addition, LIRS helped obtain a $50,000 grant for a special Hmong project in Wisconsin, and renewed participation with the federal match grant program for four other affiliates.

THE FIFTIETH ANNIVERSARY

While past achievements will be commemorated, LIRS' 50th anniversary celebration will be geared toward strengthened ministry for the future. The theme is "Opening Doors—Yesterday and Tomorrow."

The "kickoff" event, in honor of past servants of LIRS ministry, will be held in conjunction with the LIRS National Conference in November in Washington, D.C. Garrison Keillor of Lake Wobegon fame will be master of ceremonies at a special dinner.

Other planned events include an interagency-governmental seminar at the United Nations; a series of 10 symposiums at Lutheran theological seminaries; an oral history based on interviews of staff and others involved since 1939; a video program; a 50th anniversary report; and other informational materials. Plans are being coordinated and expanded through partnership with Lutheran Social Service agency affiliates as well as the ELCA and LCMS church-wide offices.

OPENING DOORS FOR REFUGEES—YESTERDAY AND TOMORROW

50TH-ANNIVERSARY OBSERVANCE SEEKS TO STRENGTHEN LUTHERAN IMMIGRATION AND REFUGEE SERVICE FOR CHALLENGES AHEAD

In a refugee camp near Vienna, Austria, all new arrivals from countries in Eastern Europe and the Middle East are met by a representative of Lutheran Immigration and Refugee Service who says, "There's no way backward for them. I tell them that they'll probably never feel at home again." She tries to make certain they know what is happening as they wait anxiously for the necessary approval to resettle in the United States and other countries. She herself became a displaced person following World War II who has devoted her life to working with refugees.

On Boston's waterfront is a squarish brick Lutheran church where Norwegian immigrants and seafarers once found a haven and where Vietnamese, Cambodian and other refugees resettled by LIRS are now experiencing the same. The church's resettlement ministry is called Project Welcome, and "Welcome" is painted on the door in 10 languages: English, Norwegian, German, Vietnamese, Khmer, Chinese, Spanish, Italian, Portuguese and Creole. A live ficus tree in the sanctuary is meant to symbolize the ministry. As the pastor says, "Never did any tree say to any bird, 'come back tomorrow,' or, "We've got too many of your kind here now.' But it's always, 'Where would you like to be? Find a place.' "

Even though the nine members of a Vietnamese refugee family originally resettled by LIRS in Atlanta moved to another city, their sponsoring congregation has followed their progress with prayers and pride. The head of the family became a family physician whose practice primarily serves other Southeast Asians, Mexicans and Native Americans. According to a message sent to the Atlanta congregation, medical care as well as medicines are given free to those who do not have enough money to pay. "This is the lesson you taught us," the refugees wrote. "We could not pay you for everything you did for us. So we now are helping other people."

Such vignettes from the work of Lutheran Immigration and Refugee Service could be duplicated again and again. Since its beginning in 1939, LIRS has opened doors for more than 155,000 refugees and immigrants. They have come from Germany, the Soviet Union, Poland, Hungary, Bulgaria, Romania, Afghanistan, Iran, Ethiopia, Uganda, South Africa, Cuba, Haiti, Chile, El Salvador, Guatemala, Nicaragua, China, Vietnam, Laos and Cambodia. Their resettlement has involved a network of thousands of dedicated sponsors in local churches and communities across the country.

By vote of the nine-member LIRS board of directors, September 1989 through August 1990 is to be "a special year of celebration for 50 years of service to refugees and immigrants." The anniversary is to be a time both to reflect on the accomplishments of yesterday and to address the challenges of tomorrow. The goal is to strengthen the agency for its work of opening doors for refugees and immigrants in the 1990s and into the 21st century.

The budget for the proposed anniversary program is approximately $300,000, for which grants are sought. The program consists of a series of events addressing timely refugee issues such as the growing dilemma of displaced persons within their own coun-

tries and "environmental refugees." Also planned is the production of video and printed materials aimed at fostering a greater understanding of the experiences of refugees—the web of political, economic and social forces which cause them to flee and how they enrich U.S. society—and the cross-cultural benefits for their sponsors.

THE WORK OF LIRS

Lutheran Immigration and Refugee Service, which is sponsored by the Evangelical Lutheran Church in America, Lutheran Church-Missouri Synod and Latvian Evangelical Lutheran Church in America, exists solely to develop and carry out programs in response to the needs of the world's uprooted people.

LIRS's resettlement of refugees admitted to the United States involves a network of 25 regional offices, usually in Lutheran social service agencies, and volunteer sponsors in local churches and communities. This network offers a variety of resources to solve problems and help the newcomers become self-sufficient as quickly as possible.

LIRS is one of two U.S. resettlement agencies authorized to place unaccompanied refugee children with foster families. The program is handled in partnership with 25 local child welfare agencies.

Being a voice for refugees from local to international levels is another important service of LIRS. This activity includes standing with those who enter the United States seeking asylum; upholding their right to apply for and be given a fair hearing regardless of their race, nationality or religion; and working for just and humane public policies and practices regarding refugees and immigrants.

LIRS offers technical advice and assistance on immigration and refugee matters, including help in the submission of documents. It supports projects which provide direct services to asylum seekers and other uprooted people such as the counsel of probono attorneys.

Overseas LIRS manages a refugee processing office in Hong Kong on behalf of all 11 resettlement agencies in the United States.

The LIRS budget for the 1989-90 fiscal year is $6.1 million. Government contracts account for $4,150,000 of the total, covering part of the resettlement costs for approximately 6,000 refugees. The three sponsors of LIRS provide $800,000; and the remaining income comes from grants, contributions and other sources.

IMMEDIATE NEED

Securing $300,000 in funding for LIR's "Opening Doors" anniversary years is an immediate need.

Events planned for the year include a professional development conference primarily for the LIRS staff; a seminar at the United Nations involving colleagues of LIRS in the federal government, the international community and other resettlement agencies; and a series of 10 symposiums at Lutheran theological seminars aimed at their students and faculty members. The combined cost of these events is $80,500.

The story of refugees and the role of LIRS in helping them is to be told through a video program, a 50th-anniversary report and other informational materials. The cost of producing these items totals $165,000.

A history of LIRS is to be compiled through taped interviews with leaders of the agency, refugees and their sponsors at a cost of $54,500.

LONG-RANGE GOALS

The current number of refugees throughout the world is estimated at more than 13 million. They can be lumped together as a nameless mass which is someone else's responsibility. Yet they are individuals with names—each and every one—seeking open doors to safe and permanent new homes. Herein lie the challenges of tomorrow for LIRS.

The situation faced by refugees today is not hopeful. Countries which formerly welcomed refugees are slamming their doors or accepting them only temporarily. One example is Turkey, where 800,000 Iranians are not recognized as refugees. They face detention and a forced return to their homeland.

The United States continues to be a leader in accepting and resettling refugees. The latest group includes thousands of Armenians, Pentecostals and other suffering religious persecution from the Soviet Union. Increased numbers of Amerasian young people and their families are to arrive from Vietnam in 1989. Last year more than 2 million undocumented persons applied for legalization under the Immigration Reform and Control Act.

However, the United States has so far rejected 14,000 Cambodians who have been in Thai camps for four to five years. The arrival of thousands of Central Americans who cross the border and ask for asylum here generates much controversy.

Our country is ambivalent about who counts as a refugee and how many we should admit. On the one hand we are proud of our long-standing, high ideals of humanitarianism, due process and fair and equitable treatment. On the other hand the country is scared of getting run over by strangers. The decision on refugee status ends up coming much more from political and ideological realities than from the realities facing those who must flee for fear of their lives or are forced out.

With the increased awareness and support LIRS hopes to generate through its "Opening Doors" anniversary program, the 50-year-old agency can continue with new strength to make a viable impact on alleviating the needs of refugees rather than being overwhelmed by the world's situation and doing nothing. The anniversary will help LIRS realize the following long-range goals:

Take the lead in the debate at home and overseas on who gets the honored name "refugee" and seeing that those who must flee are protected.

Expand its efforts in advising governmental officials in the development and implementation of just and humane policies and practices on refugees and immigrants.

Increase the funds available to resettle refugees admitted to the United States with little or no government assistance.

Augment the help provided asylum seekers.

Develop new ministry models in congregations and communities for fostering the adjustment of refugees and starting them on the way to productive new lives.

Enlist a larger number of Lutheran congregations to serve as sponsors of refugees, hosts of families who have applied for political asylum and partners of LIRS in other meaningful ways.

SPRINGBOARD TO TOMORROW

The impact of the work of Lutheran Immigration and Refugee Service in helping refugees and immigrants during the past 50 years can be seen vividly in the lives of the 155,000 assigned to its care. This work transforms the abstraction of Christians' loving all the people of the world into the specific loving of flesh-and-blood people.

The magnitude of opening doors for uprooted people is expected to expand significantly in the years ahead. LIRS's anniversary observance provides an opportune springboard to carrying out its mision with new vitality!

HOLDERNESS SCHOOL'S VARSITY FOOTBALL TEAM HAS IMPRESSIVE 7-0 RECORD

HON. JOSEPH P. KENNEDY III

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. KENNEDY. Mr. Speaker, I would like to congratulate the 1989 Holderness School's varsity football team for posting an impressive 7-0 record. Last Saturday, the Bulls preserved their first undefeated season since 1951 by thumping rival Proctor Academy 22-0.

After a strong 1988 campaign, the talented squad continued their commitment to excellence—compiling a 23-5 record over the last 4 years—by proving to their opponents early on that they were a force to be reckoned with this year. Under the always superb coaching of veterans Norm Walker and Tom Eccleston and the strong leadership of co-captains Craig Bellissimo and Marshall Foran, the squad recorded convincing defeats over Rivers, Moses Brown, Providence Country Day, Portsmouth Abbey, Promfret, Kimball Union and Proctor. Much of their success can be attributed to their hard work, dedication and strong desire to win coupled with their never say never attitude. A prime example of this was their thrilling victory over perrenial powerhouse Kimball Union Academy (KUA). The smaller and undermanned Holderness team led by a physical defense, who had only yielded one touchdown all season, combined with their potent offense to effectively shut down a talented KUA team, 29-0.

Congratulations, athletic director Peter Rapelye, assistant coaches—Mark Perkins, Paul Elkins and Hunter Townse, manager Jen Straus, equipment manager Bob Brooks, trainer Emily Kelley, Jed Hoyer, Aaron Daigneault, Lance Galvin, Dave Tuveson, Andrew Boucher, Pepper deTuro, John Morris, Bill Brock, Mike O'Keefe, Jim Queen, Jesse Perkins, Dan Shub, Ian Frank, Jason Gordon, Ren Chandler, Collin Madden, Elliott Visconsi, Mitch Van Wynsberghe, Craig Bellissimo, Alex Seabolt, Than Pulsifer, Akira Murakami, Pete Woodward, Tyler Reichert, Marshall Foran, Joe Howard, Brendon Donnellan, Bill Morton, Jon Hatch, Rick Eccleston, Dan Hill, Chris Coxe, Dusty Deacon, Bill Jarrett, Bret Pfeifle, Erik Ormberg, Joel Ekstrom, Eric Kiss, Rick Brock, Curtis Young, Stu Wales, Phil Davidson, Mikey Martinez, Jake Norton, Garth Leonard, Ben Eaton, Trevor Hare, Jon Pistey, Yasuna Murakami, Devie Hamlen, Stefan Kesler, Andrew Palmer and Lincoln Sise. Best of luck in the future.

NO OFFSHORE OIL DRILLING AROUND FLORIDA'S COASTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, one of Florida's most crucial environmental issues is a permanent ban to offshore oil drilling around Florida's coast. To protect our beaches, I have joined my colleagues from Florida in cosponsoring H.R. 2945, the Offshore Florida Keys Environmental Protection Act of 1989. Sponsored by Representative ANDY IRELAND, this bill permanently bans leasing and drilling off Florida's southern coasts.

We are all concerned that south Florida be spared the visual and environmental damage of offshore oil drilling. In solving these problems, we Floridians understand how crucial it is to work diligently for new solutions. Florida's ecosystem is too fragile, too delicate to put at risk. H.R. 2945 is one of a number of bills in both the House and Senate that are proposing innovative solutions to meet environmental needs.

JANICE MARUGG RETIRES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MOORHEAD. Mr. Speaker, I would like to pay tribute to a woman in my congressional district, who personifies what community involvement in this country is all about. Janice Marugg has been a loyal and tireless volunteer for many years. She retires at the end of the year as the executive vice president of the Monrovia Chamber of Commerce, a post she has held for 15 years.

Jan has been the president of at least 10 organizations designed to improve the quality of life for so many.

A lifelong resident of Monrovia, Jan has been president of the Monrovia League, Santa Anita Family Service, the Sierra Madre Community Nursery School, the Monrovia Guild of Childrens Hospital and Friends of California Libraries, just to name a few.

Jan has also served on the Boards at the Foothill Center YWCA, the Citrus College Foundation, the Monrovia Job Resources Center and the Monrovia Chamber of Commerce.

Jan has been married to Jerry Marugg for 41 years and they have two sons. She has proven to be as dedicated to her community service as she has to her family.

Jan has won a countless number of awards for her volunteer work, but awards are not what she was after. Jan was just trying to do her little part to make life better for a few. She has played a big role in making life better for many grateful people.

It is my great pleasure to congratulate Jan, who I consider a friend, and to wish her the best of health and happiness in the years ahead.

SALUTING THE ARMED SERVICES YMCA OF SAN DIEGO, CA

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. LOWERY of California. Mr. Speaker, I rise today to pay tribute to the Armed Services YMCA of San Diego for the 65 years of support and service it has provided to the men and women of the American military and their families.

Long recognized for organizing recreational activities, today's YMCA also coordinates and sponsors a myriad of family support and counseling programs. In the great tradition of the Young Men's Christian Association, all assistance is offered without charge to the military community of San Diego.

Listed among the many successful, volunteer initiatives are family outreach programs, family counseling and development workshops, "youth in community services" projects, therapeutic rehabilitation, and military "drop-in centers". The Armed Services YMCA also organizes and runs food drives, Christmas toy drives, child safety programs, clothing banks, and free, emergency lodging.

Many of these programs thrive because they help military families help each other. "Healing hearts," for example, brings together parents who have lost a child through miscarriage or stillbirth. They share their losses and grief and encourage one another to move forward. Another group, BABY [birth and beyond years], unites families trying to cope with the chronic illness, mental or physical disabilities of a newborn or infant.

All of these efforts focus on the complex, human needs of the service members of the United States. This YMCA has served countless individuals, families, and communities through the years, and in so doing it has served this Nation.

Mr. Speaker, I hope you and all the Members of the House of Representatives will join me in saluting the officers, staff, and volunteers of the Armed Services YMCA of San Diego. Their actions will continue to inspire us all.

MIKE MAYWEATHER AND RANDY SALLY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. CLAY. Mr. Speaker, in light of the numerous negative reports on the plight of black male youths from the inner city, I am pleased to highlight the accomplishments of two young black men from the north side of St. Louis who have excelled as student athletes at two of our Nation's elite educational institutions.

Mr. Mike Mayweather, whom I appointed to West Point, has earned national acclaim for his record-breaking freshman year in which he rushed more than any other freshman in the history of West Point. He is currently Army's premier halfback. With equally impressive credentials, Mr. Randy Sally, whose family I am personally acquainted with, is in his senior year as a starting strong safety at Duke University. As a defensive stalwart for 3 consecutive years, Mr. Sally is known as the Assassin for his big-time hitting.

Mr. Sally and Mr. Mayweather were teammates at St. Louis Country Day School and led the Rams to two State football championships. On October 7 the two youths squared off in competition against one another. The following article highlights the excitement surrounding the game between ex-teammates from St. Louis, MO.

[From the Chronicle, Oct. 6, 1989]

EX-TEAMMATES MAYWEATHER, SALLY MEET AGAIN SATURDAY

(By Mark Jaffee)

When Army's wishbone offense takes the field Saturday afternoon at Wallace Wade Stadium against Duke's defense, a halfback, number 30, will try to evade an outside linebacker, number 30.

So what, you say? Well, the halfback, junior Mike Mayweather, and the outside linebacker, senior Randy Sally, attended the same high school in St. Louis, the St. Louis Country Day School, a prestigious academic institution. They played football on the same team, out of the same backfield. In his prep school days, Sally was a fullback and a linebacker.

Mayweather and Sally will face off for the first time in their lives this Saturday. Both expect family from St. Louis to attend the game, as well as several mutual friends and former teammates.

"It'll be weird being on opposite sidelines," Sally said. "We played three years together."

Neither Mayweather nor Sally wants to embarrass the other, but they will do whatever it takes to win the game.

Would Mayweather try to run over Sally?

"I don't know," Mayweather said while laughing. "Maybe I'll try some other way. We'll see what happens."

Would Sally try to crush Mayweather?

"I'd rather it be me standing over him than him running over me," Sally said.

Mayweather has run over many opponents during his Army career. But it did not start out that way. Although he was a three-time all-state schoolboy performer, universities did not flock to Mayweather's doorstep to recruit him.

Like the Blue Devils' Roger Boone, his height, 5-8, deterred many schools from giving him more than a cursory glance. Even Duke looked at Mayweather for a short period before apparently deciding that he did not fit the bill.

When Army came calling, Mayweather jumped at the opportunity to attend a university noted for in-class brain and on-field brawn.

"I was pushed more toward academic colleges," Mayweather said. "And I wanted to play bigtime college football. [Army's] the best of both worlds."

Mayweather's decision has proved to be an intelligent one, at least with regard to the football side of college. What halfback would not love to participate in an offense devoted exclusively to the run? The wishbone has proved extremely productive for Mayweather.

As a freshman, Mayweather rushed for 762 yards, averaging 5.1 yards per carry. Last season he accumulated 1,022 yards, making him the youngest back in Army his-

tory to top the millenium mark. He amassed five 100-yard games, including three contests above 150 yards, in leading the 9-2 Cadets to the John Hancock Sun Bowl. He is navigating a crash course for the legendary Glenn "Mr. Outside" Davis' Army career rushing record of 2,957 yards.

Though he stands just 68 inches above the turf, Mayweather does not run away from would-be tacklers. He has the strength and bulk (184 lbs.) to break tackles.

"I describe myself kind of as a Walter Payton-type runner," Mayweather said. "I'm not going to b.s. around. I'm just going to come right at you. My whole style of running is predicated on what the defensive guy is going to do. I run hard at you. I give you my best and you give me your best and we'll see who comes out on top. Ninety-nine percent of the time I'm going to go right at him."

"He's low to the ground and he runs hard," Sally said. "He keeps his feet moving. He's hard to tackle."

Mayweather has no qualms about his lack of height. In fact, he credits much of his success to his smallish dimensions.

"Being as small as I am, I have quickness in hitting the holes," he said. "I'm there before anyone can really see me. By the time people really know what's going on, I'm four yards downfield."

Mayweather has become a guinea pig of sorts this season. Like many athletes he practices visualization; the difference is that he practices it under the supervision of the social sciences department at Army. The ritual involves a kind of self-hypnosis.

"You relax yourself," Mayweather said. "When you're in a relaxed state, you visualize whatever you're going to be doing perfectly. You tell yourself that you're able to do it. You run it to your mind to the point where your subconscious believes it.

"When you're on the field, it's a very stressful situation. Most of the time I feel like I'm not in control. That's when your subconscious takes over and if you've done everything the correct way, then those affirmations you put in your subconscious will be there. The ultimate goal is to play perfectly in stressful situations."

The social sciences department monitors Mayweather's progress by periodically connecting him to a biofeedback machine.

"I find that it really does help," Mayweather said.

Saturday Mayweather will look to test the effectiveness of his visualization exercises against the Blue Devils, who hope his subconscious does not click into the perfect mode.

PROJECT HANDCLASP

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. BATES. Mr. Speaker, I would like to draw the attention of my colleagues to the merits of Project Handclasp.

Project Handclasp is a program established by the U.S. Navy that promotes goodwill between the United States and other countries. Its primary mission is to distribute donations of educational and humanitarian materials to the needy in foreign countries. These materials are transported overseas on U.S. Navy ships on a space-available basis and distributed directly to needy recipients by U.S. personnel stationed in overseas areas or embarked in fleet units which visit these areas. This program, initially generated by a handful of Navy servicemen working on their own during off-duty hours, has since evolved into an official and Navy-wide humanitarian endeavor. The program is now administered by Navy directive, and is located in my district in San Diego, CA.

Project Handclasp is basically an unfunded program. It relies on contributions from private individuals and organizations to provide the materials necessary to carry out its mission overseas. Through the cooperation of numerous donors, Project Handclasp has been able to ship approximately 1.5 million pounds of charitable materials annually for the past several years. All of this is made possible by the support of the American people.

One of these notable Americans is Dr. Hugo H. Halo, a psychiatrist from Cranston, RI. He is a member of the board of governors of the Association of Philippine Physicians in America [APPA], an umbrella organization consisting of component Philippine medical organizations in every United States State and Canada. A major function of the APPA is to provide postgraduate education and training to Filipino physicians in the forms of lectures, panels, and demonstrations by specialists from both the United States and the Philippines, in Manila and hospitals throughout the republic.

Dr. Halo is not satisfied with the educational efforts of the APPA alone. In order to reach into the everyday lives of the Philippine people and effect some change for the better, he has become involved on a more personal level. For the past several years, he has led delegations of Filipino-American physicians in bringing medical donations and surgical services to hospitals in their homeland. As recently as last December, Dr. Halo led a team of Filipino-American physicians to his home province of Sorsogon where they joined local doctors in ministering to patients and provided much-needed medicine, blankets, and surgical operations of all types. With the help of the Bureau of Local Government, Dr. Halo also distributed medicine, equipment, and supplies to various local institutions serving the poor and disadvantaged. In addition to the medical equipments and the surgical expertise, Dr. Halo and his group brought $1,300 in donations from friends in Rhode Island.

He is being assisted in this humanitarian effort by myself, Emmanuel Pelaez, the Philippine Ambassador to the United States and the U.S. Navy under the auspices of Project Handclasp. The U.S. Navy has transported the donations of medical supplies at no cost between San Diego and Subic Bay, Philippines. The U.S. Navy personnel also ensure that the goods for the needy are carefully packed and loaded aboard navy ships. To centralize the storage of donated materials, the Navy has established a Project Handclasp warehouse in San Diego, positioned for ready access to ships of the U.S. Pacific Fleet, which are the primary means of transporting the materials overseas. Contributions reaching the warehouse are sorted, inspected, packaged for shipment, and stored until they can be located aboard deploying ships.

Project Handclasp is a vital part of the U.S. Navy's overseas people-to-people program and is an effective and highly visible way in which Americans can extend the hand of friendship overseas, by helping our less fortunate world neighbors. The success of Project Handclasp is dependent entirely upon the support of the American people. Without that support, there can be no Project Handclasp. As with any people-to-people program, the key to success is getting as much public support and assistance as possible. I would like to commend the U.S. Navy for their efforts as well as humanitarian citizens such as Dr. Halo, who never cease to remind us that there are so many less fortunate people in the world and we should do all we can do to better their lives.

CHILD CARE NOW

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. HAWKINS. Mr. Speaker, a November 15, 1989, Washington Post editorial states, "There is no reason why Congress can't pass a decent child care bill before it goes home and every reason why it should." I share this view. Further, I am convinced that a majority of the Members of the House also concur.

For the past several weeks, the House and Senate child care conference, which I chaired, worked diligently to resolve differences between the bills which passed each house in order to send a bipartisan child care bill to the President this year. Despite disagreements on a number of critical issues, the Education and Labor Committee and the Labor and Human Resources Committee reconciled these differences leaving only the church-state issue unresolved. The Senate Finance Committee and the House Ways and Means Committee have yet to conclude deliberations on their portions of the child care bill which include title XX of the Social Services Block Grant and tax credits. It has been and continues to be my committee's position that whatever these two committees work out be added to, not substituted for, the approach adopted by the Education and Labor and the Labor and Human Resources Committees.

The majority of the House conferees would not accept the Senate's language regarding church-state. As a result, the Members of the House will have an opportunity to vote on a leadership amendment on church-state when the bill is brought back to the House for consideration.

If the Ways and Means Committee and Senate Finance Committee expeditiously complete work on provisions under their jurisdiction, Members will be able to vote, before adjournment, for a comprehensive child care bill that so many American families desperately need. I hope that this bill, which would fulfill the desperate needs of millions of American families, will be signed by the President this year.

For the benefit of my colleagues, I am inserting the Washington Post editorial in the RECORD.

[From the Washington Post, November 15, 1989]

THE CHILD CARE CONFERENCE

There is no reason why Congress can't pass a decent child care bill before it goes home, and every reason why it should. The bills in conference represent a major advance in federal assistance to the poor. If the issue is held over, it will become a pawn in another budget battle and capital gains tax dispute, to say nothing of normal election-year politics. The full year could be lost. It's fine if Congress takes December off, but first it should pass this bill.

The House and Senate versions are already partially reconciled, and the rest should not be that hard. The most important items is the large House increase in the refundable earned-income tax credit, a wage supplement or negative income tax for the working poor with children. It has nothing to do with child care, but combined with the modest increase just agreed to in the minimum wage, it would constitute an important boost in the incomes of the poor. For different reasons both parties favor the concept, though there are disagreements about the amount, but this provision should pass with the taxes to pay for it, which the conferees have at hand.

The conferees should also accept the Senate provision making the current child care credit refundable and available to those with incomes too low to owe taxes; this should be financed by lowering considerably the upper-middle income range in which this credit currently phases out. A third tax credit proposed by the Senate to help the working poor pay health insurance premiums for their children should be dropped until Congress can deal more systematically with health care financing.

On the spending side of the ledger, the House conferees should abandon their proposal to distribute child care funds to the states automatically each year through the existing social services block grant. Instead the House-Senate committee should adopt the rival proposal of a separate system of child care grants to the states subject to the annual appropriations process. The administration objects to the new spending program, but should perfer a program that would have to compete for funds through the appropriations process to one that would not. States would use most of the money either to buy child care directly or give eligible families child care vouchers. To accommodate both the governors and conservative objecting to a strong federal presence, the authorizing bill has been sensibly eased so that it no longer provides for national child care standards.

The final bill seems likely to authorize parents to use vouchers to buy sectarian as well as nonsectarian care. That strolls too casually across the no-man's-land between church and state, and makes vouchers an instrument for canceling the Constitution. It ought to be killed, but we have no illusions that either the president or either party in Congress will try to do so. The issue will go to the courts. Someday those who have acquired in this provision against their better judgment will regret the price they have paid.

VOTING RECORD OF HON. DONALD J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. PEASE. Mr. Speaker, it has become my practice to insert periodically in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the roll call vote number of the bill or resolution that the House was considering, followed by the bill number and summary of the issue. This is followed by my own vote on the issue and the vote outcome.

This list of votes covers the period of January 7, 1989 through October 19, 1989.

KEY VOTES OF CONGRESSMAN DON J. PEASE

(6) H.J. Res. 129. Congressional, Judicial, and Executive Pay. Resolution disapproving the pay increases for the executive, legislative, and judicial branches proposed by the president under the Federal Salary Act of 1967. Yes. Passed 380-48.

(8) H.R. 1231. Eastern Airlines Strike. Bill directing the president to establish an emergency board to investigate and report with respect to the dispute between Eastern Airlines and its collective bargaining units. Yes. Passed 252-167.

(14) H.R. 2. Minimum-Wage Increase. Amendment raising minimum wage to $4.55 over 3 years and allowing a two month "training wage" for employees taking their first job. Yes. Passed 240-179.

(18) H.R. 18. Uniform Poll Closing. Bill establishing a uniform poll closing time of 9:00 p.m. EST in the continental United States for presidential general elections. No. Passed 238-154.

(23) H.R. 1487. Fiscal Year 1990-91 State Department Authorization. Amendment reducing total authorizations by $125 million in each of fiscal years 1990 and 1991. Yes. Passed 372-56.

(24) H.R. 1487. Fiscal Year 1990-91 State Department Authorization. Passage of the bill authorizing $4.68 billion in Fiscal Year 1990 and $4.98 billion in Fiscal Year 1991. Yes. Passed 338-87.

(27) H.R. 1750. Contra Aid. Passage of the bill providing $49.75 million in non-military aid to the Contras, $5 million for the administration of the Agency for International Development, an unspecified amount for transportation aid, and $4.2 million for medical aid to victims of the Nicaraguan war. No. Passed 309-110.

(28) H.R. 20. Hatch Act Reform. Bill restoring rights of federal civilian employees to participate voluntarily, as private citizens, in political activities. Yes. Passed 297-90.

(37) H.R. 1149. Franking Privilege. Bill allowing Members of Congress to use the franking privilege to disseminate copies of the Constitution of the United States. No. Failed 174-231.

(40) H. Con. Res. 106. Fiscal Year 1990 Budget Resolution. Amendment to reduce defense spending in fiscal year 1990 by $35.4 million and raise $20.1 billion in additional revenue for domestic spending by raising tax rates for individuals and corporations. No. Failed 81-343.

(41) H. Con. Res. 106. Fiscal Year 1990 Budget Resolution. Amendment providing an additional $8.6 billion in deficit reduction by freezing all discretionary spending at Fiscal Year 1989 program levels and reducing Medicare funding by $2.7 billion. No. Failed 30-393.

(43) H. Con. Res. 106. Fiscal Year 1990 Budget Resolution. Final passage of the bill setting ceilings of $1.351 trillion in budget authority and $1.165 trillion in outlays. No. Passed 263-157.

(48) H.R. 7. Vocational Education Reauthorization. Passage of the bill authorizing $1.4 billion. Yes. Passed 402-3.

(54) H.R. 2145. United Nations Contributions. Authorizing the president to withhold U.S. contributions to the U.N. if it admits the Palestine Liberation Organization as a member state. Yes. Passed 396-6.

(65) H.R. 2072. Fiscal Year 1989 Supplemental Appropriations. Passage of the bill providing $3.7 billion in new budget authority, including $822 million for anti-drug activities. Yes. Passed 227-197.

(67) H.R. 2442. Anti-Drug Abuse Funding. Passage of the bill providing additional funds for programs authorized in the Anti-Drug Abuse Act of 1988, the additional funds to be derived from transferring amounts already appropriated for research, development, and testing of the Strategic Defense Initiative. Yes. Failed 205-213.

(74) H. Res. 146. U.S.-Japan Semiconductor Agreement. Resolution calling on the president to take action to enforce the semiconductor agreement, and to prevent further unfair Japanese trade practices. Yes. Passed 416-0.

(75) H.R. 1101. Water Resources Research Reauthorization. Providing $41 million annually through Fiscal Year 1994 for water-related programs. Yes. Passed 336-74.

(76) H. Con. Res. 136. Democracy in China. Resolution commending Chinese students condemning the use of force by the Chinese authorities against demonstrating students, and supporting actions and sanctions of the president. Yes. Passed 406-0.

(81) S.J. Res. 113. FSX Fighter. Resolution prohibiting the export of technology, defense articles, and defense services to co-develop or coproduce the FSX aircraft with Japan. Yes. Passed 241-168.

(86) H.R. 2. Minimum Wage Increase. Overriding President Bush's veto of the bill to raise the minimum wage from $3.35 to $4.55 over 3 years and allowing a 60-day training wage for workers who have not worked a total of 60 days. Yes. Failed 247-178. (⅔ vote required)

(87) H.R. 1278. Savings and Loan Bailout. Amendment allowing the FDIC to give troubled institutions credit for "goodwill" in determining capital requirements. No. Failed 94-326.

(89) H.R. 1278. Savings and Loan Bailout. Amendment providing that savings and loan bailout costs would count in determining compliance with the Gramm-Rudman deficit reduction law. Yes. Failed 171-256.

(92) H.R. 1278. Savings and Loan Bailout. Amendment prohibiting federally insured thrift institutions from investing in "junk bonds." Yes. Passed. 303-114.

(95) H.R. 1278. Savings and Loan Bailout. Final passage of the bill. Yes. Passed 320-97.

(109) H.R. 1594. Trade with Hungary. Extension of most-favored-nation status for five years to products of the People's Republic of Hungary. Yes. Failed 242-172. (⅔ vote required)

(111) H. Res. 186. Flag Desecration. Resolution expressing "profound concern" over the Supreme Court's decision declaring flag burning to be constitutional. Yes. Passed 411-5.

(119) H.R. 2655. Foreign Aid Authorization. Amendment requiring random drug testing of officers and employees of agencies carrying out U.S. foreign aid programs. No. Failed 204-212.

(120) H.R. 2655. Foreign Aid Authorization. Amendment requiring any government agency spending funds to influence the February 1990 Nicaraguan elections to report such expenditures to the House Foreign Affairs and Senate Foreign Relations Committees. Yes. Passed 299-118.

(129) H.R. 2655. Foreign Aid Authorization. Final passage of the bill authorizing $11.6 billion in both FY 1990 and FY 1991 for foreign assistance programs. No. Passed 314-101.

(130) H. Con. Res. 86. Mexico Debt Reduction. Expressing the sense of Congress that the president should use his influence to encourage U.S. commercial banks to negotiate a reduction in Mexico's foreign debt. Yes. Passed 331-77.

(134) H.R. 2788. Fiscal Year 1990 Interior Appropriations. Amendment reducing funding for the National Endowment for the Arts by $45,000 in reaction to a controversial photographic exhibit. No. Passed 332-94.

(135) H.R. 2788. Fiscal Year 1990 Interior Appropriations. Passage of the bill providing $11.06 billion. Yes. Passed 374-49.

(137) H.R. 987. Tongass Forest Restrictions. Amendment weakening proposed restrictions on logging and other commercial exploitation of the Tongass National Forest in Alaska. No. Failed 144-269.

(138) H.R. 987. Tongass Forest Restrictions. Passage of the bill authorizing the Secretary of Agriculture to cancel two long-term pulp mill contracts for Tongass National Forest, discontinue mandated sales goals, and establish 23 new wilderness areas in the Tongass National Forest. Yes. Passed 356-60.

(141) H.R. 2883. Fiscal Year 1990 Agriculture Appropriations. Appropriating $37.9 billion plus $4.1 billion in customs transfers for Agriculture programs in Fiscal Year 1990. Yes. Passed 394-26.

(145) H.R. 1056. Solid Waste Disposal. Passage of the bill ensuring that federal facilities must comply with Resource Conservation and Recovery Act regulations governing the cleanup of hazardous waste sites. Yes. Passed 380-39.

(150) H.R. 2939. Fiscal Year 1990 Foreign Operations Appropriations. Passage of the bill appropriating $14.3 billion for foreign development, military and economic aid programs, and export-promotion programs. Yes. Passed 329-69.

(153) H.R. 2461. Fiscal Year 1990-1991 Defense Department Authorization. Amendment decreasing the authorization for the strategic defense initiative from $4.1 billion to $3.1 billion. Yes. Passed 358-175.

(168) H.R. 2461. Fiscal Year 1990-1991 Defense Department Authorization. Amendment reducing the amount authorized for spending on the B-2 "Stealth" bomber. Yes. Passed 257-160.

(170) H.R. 2461. Fiscal Year 1990-1991 Defense Department Authorization. Amendment terminating the Midgetman missile program. No. Rejected 168-254.

(185) H.R. 2461. Fiscal Year 1990-1991 Defense Department Authorization. Passage of the bill authorizing $305.4 billion in defense-related appropriations. Yes. Passed 261-162.

(187) H.R. 2989. Fiscal Year 1990 Treasury-Postal Appropriations. Amendment to delete $16.2 million in funding for five earmarked university science projects. Yes. Failed 114-293.

(188) H.R. 2989. Fiscal Year 1990 Treasury-Postal Appropriations. Passage of the bill appropriating $18.4 billion. Yes. Passed 376-26.

(200) H.R. 3024. Debt-Limit Extension. Passage of the bill providing a $70 billion increase in the statutory limit on the public debt. Yes. Passed 231-185.

(203) H.R. 2990. Fiscal Year 1990 Labor, HHS and Education Appropriations. Passage of the bill appropriating $155.2 billion Fiscal Year 90. Yes. Passed 365-58.

(205) H.R. 3026. Fiscal Year 1990 District of Columbia Appropriations. Amendment to prohibit spending, whether from Federal or local funds, by the District of Columbia for abortions for any reason. No. Failed 206-219.

(224) H.R. 1594. Trade with Hungary. Passage of the bill extending most-favored-nation status for the People's Republic of Hungary for 3 years. Yes. Passed 221-169.

(226) H.R. 2978. Flag Desecration. Passage of the bill prohibiting physical desecration of the U.S. flag. Yes. Passed 380-38.

(227) H.R. 982. Postal Reorganization. Passage of the bill removing the U.S. Postal Service from the Federal budget. Yes. Passed 405-11.

(237) H.R. 1659. Airport Security. Passage of the bill authorizing $270 million to improve airport security. Yes. Passed 392-31.

(253) H.R. 3299. Fiscal Year 1990 Budget Reconciliation. Amendment striking the 2-year capital gains tax cut and substituting restored deductibility for IRA's, a deficit-reduction trust fund and an increase from 28% to 33% in the marginal tax rates for the highest incomes. Yes. Failed. 190-239.

(258) H.R. 3275. Steel Quota Enforcement. Passage of the bill authorizing the President to continue negotiating and enforcing voluntary international agreements limiting steel imports into the U.S. through March 31, 1992. Yes. Passed 354-10.

(267) H.R. 3299. Fiscal Year 1990 Budget Reconciliation. Amendment effectively repealing the 1988 Medicare Catastrophic Coverage Act. Yes. Passed 360-66.

(270) H.R. 3385. Nicaraguan Election Aid. Passage of the bill providing $9 million for U.S. support of the February 25, 1990 Nicaraguan elections and subsidizing the major opposition to the Sandinista Government. No. Passed 263-156.

(272) H.R. 3299. Fiscal Year 1990 Budget Reconciliation. Amendment striking child-care provisions and replacing them with expansion of the earned income tax credit and a new tax credit for working-poor families with children under age 5. No. Failed 140-285.

(287) H.R. 1495. Arms Control Authorization. Passage of the bill authorizing $35.9 million in fiscal year 1990 and $37.3 million in fiscal year 1991. Yes. Passed 400-11.

(293) H.R. 2494. International Development and Finance. Passage of the bill authorizing U.S. contributions to the Inter-American Development Bank and a special International Monetary Fund program, and reauthorizing the Export-Import Bank's "war chest" aimed at unfair export-promotion activities of other countries. Yes. Passed 280-125.

(295) H.R. 3402. Aid to Poland and Hungary. Passage of the bill authorizing $837.5 million in U.S. aid programs to Poland and Hungary during fiscal years 1990-1992. Yes. Passed 345-47.

THE 1989 PARAGUAYAN ELECTIONS: A FOUNDATION FOR DEMOCRATIC CHANGE

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. CROCKETT. Mr. Speaker, last spring our colleague from Connecticut [BRUCE MORRISON] cochaired a National Democratic Institute observer mission to the May 1 Paraguayan elections. The institute has now released its report on the mission.

I wish to commend the gentleman from Connecticut for his leadership with respect to Paraguay, and I include his foreword and the executive summary of the NDI report for the information of the House:

FOREWORD

I was honored to act as co-chair of the National Democratic Institute observer team for the May 1 elections in Paraguay. It presented an opportunity for all of the members of the team to share strong solidarity with the Paraguayan people as they embraced their long-awaited chance to move toward democratic rule.

The elections were a special challenge to a people who have never lived in a true democracy, and whose leaders for too long seemed either unwilling or unable to bring them any closer to such a worthy goal. A preliminary canvass of the results shows that Paraguayans have made real strides since the February 3 coup, which overthrew the decades-old dictatorship of Gen. Alfredo Stroessner.

Democracy in Paraguay, and the sorry record of human rights violations under Stroessner, have long been a special interest to me. I first visited Asución right after the coup in February. This led me to join the international observer delegation to witness the May election. For me, there have been few more poignant, more impressive scenes than watching a nation once in the clutches of a brutal regime march self-confidently toward representative government. Today, I remain impressed and moved by what I saw.

This report highlights the weaknesses, as well as the strengths, of Paraguay's transition to democracy. Yet I believe I can speak for the delegation as a whole when I say that each of us returned from Paraguay with a new sense of optimism about what is underway there. We were especially touched by the countless examples of Paraguayan youth, whatever, their party, working together to affirm a common dream of their nation's future.

I want to thank my co-chairmen—Eduardo Frei of Chile and Alisidair Graham of Canada—for their prodigious contributions of grace, wit, and hard work in Paraguay. Their efforts, and those of the other members of the delegation, succeeded in making the international observer delegation a huge success. I also want to thank U.S. Ambassador Timothy Towell and his able staff at the U.S. Embassy for their help in gaining access to Paraguayan government representatives and in making my visit to Paraguay both pleasant and productive. And, lastly I want to thank the National Democratic Institute for International Affairs, whose efforts in Paraguay before, during, and after the elections will likely serve as a

model of effective democratic solidarity for years to come.

EXECUTIVE SUMMARY

A 19-member international delegation, organized by the National Democratic Institute for International Affairs, observed the May 1 presidential and legislative elections in Paraguay. The elections were held only three months after Paraguay's long-reigning dictator, General Alfredo Stroessner, had been deposed in a bloody coup. Further, the elections occurred in a country that lacks a democratic tradition and that experienced considerable repression during the Stroessner era.

The following are the delegation's summary conclusions concerning certain aspects of the elections process:

1. Despite irregularities and instances of outright fraud in the balloting process, Paraguayans from across the political spectrum acknowledged that the May 1 elections marked a significant step forward in the effort to establish democratic government. The victories of General Andres Rodriguez and the Colorado Party, in the presidential and legislative contests, repsectively, also were accepted by Paraguayans as representing the will of the people.

2. Scheduling the elections 90 days after the coup provided a tremendous advantage to the Colorado Party, which dominated the government during the Stroessner era, and proved particularly disadvantageous to those parties that were officially recognized only after the coup. The participation of all parties in the elections, nonetheless, exposed the population to varied personalities and perspectives, and considerably expanded the range of options available to voters.

3. The election campaign was marked by a degree of openness that had not been previously experienced in Paraguay. Political parties held rallies throughout the country, media operated without constraints and human rights abuses decreased dramatically.

4. The election law and procedures reflect the interests of a system favoring one dominant political party; they restrict, rather than promote political competition. The conduct of the campaign and the elections highlighted the need for significant reforms in the election process and for effective civic education programs. These reforms have been promised by Colorado Party officials, including the newly-elected president.

The long-term significance of the May 1 elections will depend, in large measure, on the degree to which the reforms take into account and reflect the interests of all sectors of Paraguayan society. Given its dominant role in Paraguayan society, the Colorado Party will continue to be scrutinized for efforts to reform itself from within.

5. Election day in Paraguay was marred by registration lists that were seriously flawed, irregularities stemming from inexperience with election procedures, and attempts by Colorado party officials in certain regions to ensure that their candidates achieved overwhelming victories. Despite the problems, election officials, representatives of the various political parties and voters worked together administering the balloting and counting processes in a manner that bodes well for an eventual transition to democracy.

6. The international community should support efforts to strengthen democratic institutions in Paraguay and should continue to monitor the human rights situation there.

COUNT ALL PERSONS IN THE 1990 CENSUS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. BRYANT. Mr. Speaker, today the House will consider yet another proposal to direct the Census Bureau to exclude undocumented residents from the census counts used for reapportionment and calculation of certain Federal funds provided to the States on the basis of population.

The 1990 census will mark the 200th anniversary of the count. The Government has counted undocumented residents in every decennial census since the first count in 1790. This practice is grounded in the apportionment clause of the Constitution which requires an enumeration of "the whole number of persons."

I believe it would be unconstitutional not to count undocumented residents. The Justice Department has advised Congress and taken the position in court that any legislative attempt to exclude undocumented residents from the census count is unconstitutional. Last month, the Secretary of Commerce advised Congress that he would have recommended a veto of the Commerce, Justice, State appropriations bill had it included language to exclude undocumented residents from the census. House Members have twice defeated attempts to include this language on another appropriations bill.

Instructions to exclude undocumented residents from the 1990 census will disrupt the entire census-taking process scheduled to begin on April 1, 1990. Any attempt to count, then exclude, undocumented residents from the 1990 census will jeopardize the census in every community in the United States. Such an effort will also jeopardize outreach campaigns targeted at such historically undercounted groups as African-Americans, Hispanics, and low-income persons. In my home State of Texas, an undercount of Texas' minority populations alone in the 1980 census deprived our State of an estimated $30 million a year in allocations based on population.

It is in the best interests of the Nation that any attempt to exclude undocumented residents from the 1990 census count be defeated.

PROFILE OF DR. PACKARD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. FIELDS. Mr. Speaker, it is my honor to call to the attention of my colleagues the person of Dr. Robert Packard of Baylor University. During my students years at Baylor, Dr. Packard was my best faculty friend, one who had a tremendous impact upon my life and the lives of others around him. He has always been, and remains, a clear and worthy example of the Christian teacher and friend.

Therefore, I am pleased to provide for the RECORD a profile of Dr. Packard which recently appeared in the Baylor Line.

FACULTY PROFILE: DR. ROBERT PACKARD

(By Bob Darden)

When research labs want to study a ballistocardiographic heart, they use a model developed by Packard.

In the turbulent '60s, only two Baylor professors were touted in various underground college manuals: David McHam in journalism and Bob Packard in physics. When the rowdy Taurus social club wanted a sponsor, they asked for Packard. When Circle K needed a sponsor, they wanted Packard too. And when Kappa Omega Tau was formed—Packard was their first choice as well.

Dr. Packard's main two classes, physics for liberal arts majors and physics for premed majors, are traditionally among the most popular in the Baylor catalogue. Students simply want to be in the auditorium when he teaches.

Why?

Because things happen in Packard's classes. Professors are set on fire. Eggs are flung into auditoriums or dropped from ladders. Newspapers are used to create sturdy soap boxes. Yet what separates Packard from a host of entertaining professors who simply make class fun is that Packard makes physics important to students.

His office is dominated by neat stacks of science magazines, both popular and scholarly. He's a compulsive clipper and has several file cabinets full of carefully cross-referenced current topics. Inhalant abuse. Football knee injuries. How a curve ball works. How a jam box works. How the sun works. Each semester he draws on his almost inexhaustible supply of applicable topics to justify the students' time and his interest in physics.

Everything, after all, he says, has something to do with physics—the science that deals with matter and energy and their interactions in the fields of mechanics, acoustics, optics, heat, electricity, magnestism, radiation, atomic structure, and nuclear phenomena. Stuff like that.

Bob Packard was born in Regina, New Mexico, but grew up in Temple, Texas, the son of an engineer for the Santa Fe Railroad. During World War II he was assigned to the Combat Engineers, the Signal Corps, Intelligence, and finally to the Army of Occupation in Japan. He returned stateside and in short order earned his bachelor's, master's, and doctorate—all in physics—from the University of Texas (where he was Phi Beta Kappa), all the while continuing to work with naval research.

In 1952, Packard joined the Baylor faculty; and within a year he met and married Joyce Hornaday, an assistant dean of women on campus. He has since become a mainstay in the Baylor class schedule, taking only two brief leaves of absence during the past thirty-seven years. He was named chairman of the physics department in 1984, following the retirement of the popular Dr. Herbert Schwetman.

From virtually the beginning, Packard has taught the introductory physics class and the upper-level physics course for pre-meds, which he designed. Students flocked to the liberal arts course from the first.

"When I knew I'd be teaching this class," he says, "I started reading what the great teachers of physics had to say about teaching. The first thing I marked that all of them said was that physics is alive. When it

is done professionally, it is never trivial. I teach the same concepts in the liberal arts as the pre-med class.

"I've worked hard to stay up to date in this field. Each semester I incorporate things from my studies in biophysics and medicine, from my work as a traffic consultant, and from the latest published research for new, more arresting demonstrations and lectures.

"And I truly believe that physics involves everything. What makes physics so very difficult is that soon after you are born you gather a set of beliefs, ideas, and concepts just to live—a set of rules to act on that are not always stated. Physics shows us that those experiential rules are not always true.

"There are language barriers built into the equation, too. For instance, when a headline says 'Man Thrown from Crashed Car'—physics shows that that statement simply isn't true. Newspapers put things in the perspective of their readers when they say things like that. But it takes away from the fact that all things are in motion: the whole doesn't carry the parts; each part has its own motion. So while it looks like the person was thrown out of the car, he actually kept his original motion. A teacher of physics has to help students unlearn as well as learn material.

"It's funny, but most people carry two or three conflicting sets of information around with them. They can give me one set back on a test, but they may truly believe something completely different! A good example involves helmets for motorcyclists. You can tell them all day long that in an accident you're likely to continue in motion long after the cycle stops. They'll answer when questioned that the rider will continue in motion if the cycle suddenly stops. But when they leave after class, I see they still won't wear a helmet!

"I've even used illustrations that prove that most riders in accidents will hit their heads at least twice. Students know that on a test, but they still won't wear helmets because they think helmets hamper their vision and they're uncomfortable. The same goes for seatbelts.

"It's painful, but true. I know what we have to share with them is valuable, but I haven't always succeeded in conveying just how valuable it is. And you kave to start over every semester. The good students always learn something—you just don't know how much you've done until later.

"In today's schools, science is the one area where they've had very little exposure by the time they arrive at Baylor. So in college we have to build a language and a set of shared experiences before any sharing of information can be accomplished. I just don't think many science teachers, who are dealing with sometimes unknowable things, fulfill the students' ideal of a good teacher—someone who makes things clear."

And that's where the showy, exciting demonstrations and experiments come in—to create that shared experience of the nature of things. Originally designed to use inexpensive props, the demonstrations soon took on a life of their own in Packard's classes. Intricate demonstrations of entropy, refrigeration, and the human body's use of calcium are legend in the department. One popular demonstration, where Packard set his arm on fire, later had to be dropped. He discovered the burning process emitted hydrogen sulfate and other less-than-desirable fumes—too dangerous for the students.

When he first began teaching the introductory physics course, Packard said he was always having students decide on physics as a major. But since the math requirement was lessened in public schools, fewer and fewer students have switched to physics. Physics and mathematics are inextricably tied, and he says it is simply too hard to make up the math requirements in college.

"All education is, basically, is one student being exposed to what another person thinks," he says. "If that teacher has a professional way of thinking, then that student is taught good modes of thinking.

"And all teaching is a combination of immediate and delayed rewards. When a student comes up to me years later at Homecoming and tells me she is a physicist, that's the delayed reward. I hope that decision was due to the modes of thinking I helped teach her."

Packard's files are full of letters from former students saying just that. He says those rewards, both delayed and immediate, are a primary reason he's stayed in teaching instead of entering research full time.

"I can remember most vividly, in the days before I came to Baylor, spending three and four nights running, living on adrenaline, working in research," he says. "But I still would choose teaching. These letters are one of the things that keep you doing it. You have to love students to teach them. You are flattered every time a student invites you into his life—not to the point of infringement on their private lives or anything—but to help or advise or share."

And that's why students keep coming back to his classes—and his office. Class is a series of memorable incidents, a funny story followed by an unusual fact followed by a startling connection followed by a practical application. It isn't easy; Packard only makes it look so.

Packard holds another distinction at Baylor. Not only has he been the sponsor of three different clubs, but he was the sponsor of Taurus and Circle K at the same time. That meant two rushes, two formals, two new pledge classes each semester, and two meetings each week. He eventually sponsored Circle K exclusively, and the club became noted for its organizational skills and accomplishments. He later shepherded it through the uneasy transition from social club to social/service club.

Packard turned Circle K over to his friend Dr. Ralph Lynn when he went to Indonesia in the early 60's. When he returned, he was asked to sponsor the new Kappa Omega Tau. Under his expert guidance, KOT dominated campus politics, intramurals, Homecoming float construction, and Sing. Packard retired as sponsor in 1979. He retained close ties with his other clubs and was annually featured in Circle K's Diadeloso humor films until 1976—usually as a villian!

"I'd been there [at KOT] so long, I had a 'granddad image," Packard says. "You can't have a grandfather for a sponsor; you tend to want to get away with more, knowing how indulgent grandfathers are. I went through the 'older brother' stage, then the 'father' stage—and I got out when I thought I was in the grandfather stage."

The foray to Indonesia was sponsored by the University of California at San Francisco. A visiting professor from 1960 to 1963 at Surabaja, Indonesia, Packard assisted in converting the Dutch medical school curriculum into an American curriculum. The Packards learned the language and customs and still retains ties with a number of friends in Indonesia, Packard's success there led to other similar trips in Asia, including one to Malaysia in 1976.

In the end, it all boils down to his philosophy of teaching, something he's been asked to repeat in several recent editions of Who's Who in America.

"My philosophy is that I grow from contact with students. Right now they are receptive to new ideas. They won't be so receptive ever again in their lives. Physics is constantly changing, and it fits in more with their lives now than perhaps any other discipline.

"My philosophy is that you have to be stimulated to grow. I believe there is nothing more stimulating than a college student. For four years you'll have the (mostly) undivided attention of people who rank scholastically in the upper 5 percent of the entire population. They are at the point of transition from carefree youth to young adulthood. Mentally and physically, they are at the most exciting point in their lives. You can't grow old when exposed to that. Their energy, their drive, their joy—won't let you age while you are with them.

GLOBAL WARMING PREVENTION ACT

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Ms. SCHNEIDER. Mr. Speaker, earlier this year I introduced the Global Warming Prevention Act, H.R. 1078, comprehensive legislation to deal with the looming threat of global climate change. Over 140 of my colleagues have joined in cosponsoring the bill, including nearly half of the House's full and subcommittee chairmen. The bill has also been endorsed by some 40 national organizations, among them the American Institute of Architects, the Cousteau Society, the National Association of Regulatory Utility Commissioners, National Audubon Society, Sierra Club, Union of Concerned Scientists, and the World Wildlife Fund. Many of my colleagues and the public continue to request information about the legislation, and to assist in that effort I have prepared the following summary and highlights of the bill and the "win-win" strategy I propose for coping with this serious global problem.

SUMMARY OF H.R. 1078, THE GLOBAL WARMING PREVENTION ACT

The key point about this bill is that it establishes a comprehensive least-cost energy planning process throughout the federal government, including all foreign aid programs supported by the U.S. The bottom line result of this approach is to create a win-win strategy, as much as possible, for reducing global greenhouse gases while reducing energy costs at the same time. Indeed, we could as well have referred to this bill as the "global competitiveness and U.S. productivity enhancement act" because it should help Americans eventually save several hundred billion dollars per year on their energy bills, create high-efficiency energy-consuming devices for export, reduce foreign oil imports and the trade deficit, and reduce a range of other environmental pollutants in addition to greenhouse gases.

Repeated testimony before Congress indicates that energy efficiency has become one of America's largest sources of least-cost energy services. Over the past 15 years investments in improving the efficiency of

America's stock of buildings, appliances, vehicles, industrial equipment, and other energy-consuming devices has cut energy consumption by one-third, reduced carbon-dioxide emissions 50% below what they otherwise would have been, and are saving U.S. consumers a phenomenal $160 billion per year. The energy savings have also dramatically reduced foreign oil imports, cutting the trade deficit by more than $40 billion per year.

Success breeds success, and this is undeniably true about remaining opportunities for saving more money and cutting carbon dioxide, carbon-monoxide, nitrogen oxide, sulfer-dioxide, volatile organic compounds, and methane emissions through additional efficiency improvements.

Detailed studies show that the U.S. economy could maintain robust economic growth while achieving between $160 billion and $200 billion per year in energy savings through continued investment in efficiency technologies that are two to five times cheaper than conventional fossil or nuclear resource options.

However, a variety of market imperfections and institutional barriers currently inhibit the timely capture of these low-cost energy options. In particular, public policymaking has failed to keep pace with these technological innovations and new commercial opportunities, nor have any public policy efforts been made to deal with the threat of global warming. The proposed legislation sets out new, needed changes in federal policies that reduce a number of the key market barriers.

Efficiency is not a panacea to the global warming problem, but represents the most important first step this and other nations can take in reducing greenhouse gases in a cost-minimizing manner, while at the same time spurring economic productivity.

The energy savings—cumulatively amounting to trillions of dollars per decade worldwide—may offer one of the few sources of investment capital for undertaking additional steps to control greenhouse emissions.

Other vital steps that need to be taken, and that are addressed in this legislation, include: rapid development of ecologically sustainable renewable energy resources; prevention of deforestation and promotion of reforestation, afforestation, and agroforestry domestically and internationally; eliminating stratospheric ozone-depleting chlorofluorocarbons (CFCs) and reducing other greenhouse gases (e.g., methane, nitrous oxides); promoting population stabilization in developing countries through increased family planning services; and development of adaptative measures for agriculture and other affected parts of the economy that will be impacted by changing climate patterns and sea level rise as the global warming takes its course.

The bill gives high priority to reinvigorating the nation's renewable energy R&D program, which has been reduced 75% over the past decade. According to DOE's Energy Research Advisory Board (ERAB) the U.S. reserves of renewable energy resources exceeds 80,000 quads—five to 10 times larger than U.S. coal reserves. ERAB estimates that 80 quads could be economically extracted from this resource base (or 80% of the energy projected to be needed by 2010), if the nation maintains stable-level RD&D funding. This bill takes that advice seriously.

Natural gas can also play an important role as a bridging fuel, since it produces about half as much CO_2 as coal. The U.S. currently has the world lead in high-efficiency advanced gas turbines, developed over the past decade for the Air Force for aircraft. They can be modified to produce electricity and steam. The bill promotes the demonstration of this aero-derivative technology, known as Intercooled Steam-Injected Gas Turbines (ISTIGs) and Chemically Recuperated ISTIGs (CRISTIGs). They are 50% more efficient than conventional powerplants, and cost half as much as new coal or nuclear plants. Just using them to replace currently operating gas-fired power plants would save the nation half a million barrels of gas per day and $16 billion in net present value. Moreover, they represent an outstanding export product. An AID study found that they could be used to cost-effectively generate 50,000 megawatts (MW) of electricity in the 70 developing countries that grow sugar, using sugar cane wastes as the renewable fuel source. A more recent study that included paper and pulp and agriculture wastes finds a current global market potential exceeding 250,000 MW.

The U.S. annually mines upwards of one billion tons of coal, and coal produces over half of U.S. electricity. This legislation promotes research to reduce or offset CO_2 emissions from coal. In particular, the bill promotes urban and rural tree-planting, which research shows to be one of the least-cost means of offsetting carbon emissions. The bill builds upon the "Global Releaf" program developed by the American Forestry Association, which has identified opportunities for planting over 150 million trees in urban communities. The trees are estimated to save consumers $4 billion per year by reducing the "summer heat island" effect and the need for as much air conditioning.

Key features of the bill include:

NATIONAL GOALS

20% reduction of 1988 CO_2 emissions levels by 2000;

Intl Global Agreement on the Atmosphere by 1992 setting a global goal of 20% reduction of 1988 CO_2 levels by 2000;

Periodic review of need for and the opportunity to achieve further reductions beyond 2000.

TITLE I—NATIONAL LEAST-COST ENERGY PLAN

Changes the National Energy Policy Plan (NEPP) into the National Least-Cost Energy Policy Plan (NLCEPP) and mandates DOE to prioritize policies in accordance with the least-cost options;

[Note: The least-cost language adopts the process Congress mandated in Public Law 96-501, the Pacific Northwest Electric Power Planning and Conservation Act of 1980.]

The Plan shall also rank cost-effective energy-saving options that reduce energy use per unit of GNP by 2, 3, 4, 5, and 6 percent per year, and estimates of CO_2 reductions resulting from each option;

A 2-year Action Plan to meet the goals of the Least-Cost Plan.

TITLE II—ENERGY EFFICIENCY

3-year R&D authorization of a minimum of $868 million—$222 million in FY91, $296 million in FY92, and $350 million in FY93 (compared to $162 million in FY88, and still far below the FY79 level of $427.9);

[Note: Studies show that federal energy efficiency R&D has been an unparalleled success story—the investment returns on just seven of the most successful projects are sufficient to provide a 50-fold return on all taxpayer expenditures on efficiency R&D over the past 15 years.

Establishment of 10 research centers to achieve multiple improvements in energy-intensive industries that reduce energy, capital and labor costs, and waste pollutants—a minimum of $120 million for 3-year authorization;

Reduce federal building primary energy use per square foot by 25% by 1995, and 40% by 2000 from 1988 levels—a minimum of $1.1 billion for 3-year authorization to retrofit buildings;

[Note: Retrofit funds are estimated to pay back in 5 years, and will save taxpayers several billion dollars additional over the life of the improvements—federal buildings currently waste over $3 billion per year by failing to procure energy-efficient equipment.]

Establish Voluntary Uniform Home Energy Rating System, provide technical support to state and local governments adopting the rating system, and direct primary and secondary federal lending institutions to loan for energy-saving improvements as standard operating procedure—$20 million for 3-year authorization;

Establish efficiency standards for incandescent and fluorescent lamps, and labels on efficiency of windows and window systems;

R&D initiative to reduce energy and stratospheric ozone depleting chemicals—a minimum of $30 million for 3-year authorization;

Expand DOE's Least-Cost Electric Utility Planning Initiative—a minimum of $30 million for 3-year authorization, and implement a Least-Cost Gas Utility Planning Initiative—a minimum of $15 million for 3-year authorization;

[Note: Efficiency investments could cut in half the nation's $170 billion per year gas and electricity bill for buildings, but current utility regulations make it unlikely that most of these savings will be captured—these least-cost initiatives are designed to overcome these barriers with innovative changes in regulations.]

Requires Dept. of Transportation to review and report on Least-Cost Transportation options, including mass transport options, integration of transportation and land-use planning, and expansion of urban walkways and bikeways;

Directs Federal Energy Regulatory Commission to pursue rigorous Least-cost utility planning in interstate power sales;

Includes "Qualifying Efficiency" in PURPA cogeneration and small power production purchases by utilities, as well as in any "competitive bidding" arrangements.

TITLE III—STATE ENERGY CONSERVATION PROGRAM

Provides 3-year authorization of $150 million for state energy conservation programs, and requires states to prepare comprehensive energy plans;

New research program to increase the energy savings to investment ratio by 50% in the Low-Income Weatherization Program (LIWP);

Provides 3-year authorization for LIWP of $1 billion—$250 million in FY91, $350 in FY92, and $400 million in FY93 (compared to $161.4 million in FY89).

TITLE IV—VEHICLE ENERGY EFFICIENCY IMPROVEMENTS

Establishes new national vehicle energy efficiency performance standards based on percentage improvements for each manufacturer's vehicle fleet—anticipated to increase new light car mileage to 45 mpg and new light trucks to 35 mpg by 1999;

Steadily raises federal vehicle fleet average fuel economy, requiring federal fleet to

achieve 45 mpg for light cars and 35 mpg for light trucks by 1999;

Steadily raises gas-guzzler tax on inefficient light cars and trucks through 1999;

Provides tax rebates to consumers for purchase efficient vehicles—ranging from $250 if at least 15% more efficient than average model for each size class, to $2000 if more than 75% efficient.

TITLE V—SOLAR AND RENEWABLE RESOURCES

3-year authorization for R&D program of a minimum of $805 million—$200 million in FY91, $265 million in FY92, and $340 million in FY93 (compared to $111.6 million in FY89, but still far less than the FY79 level of $856.9 million);

Requires DOE to prepare report detailing long-term RD&D program and policy options to achieve a doubling, tripling, and quadrupling of national renewable energy use by 2015;

[Note: DOE studies note that renewable resources constitute one of America's largest energy reserves—over 80,000 quads per year, over five times America's coal reserves—and that 80 quads (or 80% of projected energy needs in 2010) could be economically extracted within 25 years by maintaining an adequate and stable funded R&D effort. R&D has been cut 75 percent over the past 8 years, and this bill gets the needed R&D back on track.]

3-year authorization for district cooling demonstration ($3 million), and for research on integrating renewables with fuel cells ($15 million);

3-year authorization to continue efforts of the Committee on Renewable Energy, Commerce, and Trade (CORECT) to promote export of renewable technologies ($6.2 million);

Demonstration of biomass-gasified steam-injected gas turbines (Bio-STIGs)—($50 million authorization).

[Note: Bio-STIGs fueled with forest & farm wastes and tree crops do not add to global warming—in the U.S. this option could cost-effectively replace coal power plants when they are retired, and globally this U.S. developed technology could capture an enormous export market (250,000 MW already identified).]

TITLE VI—SOLAR HYDROGEN FUELS

5-year authorization of $200 million for R&D on production and use of renewable energy-generated hydrogen fuels—($20 million in FY91, $30 million in FY92, $40 million in FY93, $50 million in FY94, and $60 million in FY95);

TITLE VII—NATURAL GAS AND COAL

4-year authorization of $200 million for cost-matching commercial demonstration of advanced gas turbines (ISTIGs, CRISTIGs, etc.), with units not exceeding 113 megawatts each—($50 million for each of FY91 to FY94);

[Note: the U.S. has the world lead on this technology, and it could become one of the nation's most competitive global exports—just replacing the 127,000 MW of inefficient oil & gas power plants that will still be operating through 2000 will save consumers billions of dollars and prevent combustion of 300 million barrels of oil]

3-year authorization of $90 million for demonstration of natural gas for mass transit—($30 million for each of FY91 to FY93);

3-year authorization for research on preventing, reducing, recycling, or offsetting CO2 emissions from coal combustion.

TITLE VIII—U.S. FOREST AND AGRICULTURE POLICIES

Requires report assessing the extent to which the nation's lands are being reforested, an evaluation of increasing the rate of reforestation and afforestation, and the impact of such measures on mitigating the global "greenhouse effect";

Requires National Academy of Sciences' report on linkages between agricultural production and global climate change, an assessment of potential changes that could occur, and recommendation of sustainable management practices to minimize detrimental impacts;

5-year authorization of $100 million for the Agriculture Productivity Research Program, designed to help farms fix nitrogen and carbon and reduce dependence on fossil fuel inputs—($20 million for each of FY91 to FY95, compared to $3.9 in FY89);

3-year authorization of $39 million for development of an Integrated Farming RD&D program designed to promote ecologically sustainable production of cost-effective renewable fuels and other multiple economic outputs ($13 million for each of FY91 to FY93);

Mandates a comprehensive report on RD&D necessary to establish a National Farm Ethanol Program, and analysis of incentives necessary to stimulate production of ethanol feedstocks;

Establishes an urban tree planting program designed to reduce the "summer heat island" effect in communities, leading to reduced energy costs and carbon-dioxide emissions—($100 million authorization);

Expansion of the Conservation Reserve Program to 65 million acres;

[Note: Studies show that farmers could simultaneously reduce soil erosion and diversify their production by growing tree crops that can be used as biomass fuels—the CRP could provide 40% of the biomass necessary to replace all U.S. coal electric plants as they are retired with high-efficiency steam-injected gas turbines.]

Revises the Tongass National Forest Land Management Plan to protect the old growth rainforest;

TITLE IX—DEVELOPMENT ASSISTANCE

Establishes a Bilateral Tropical Forestry and Agroforestry Program to slow deforestation, and promote reforestation, afforestation, and agroforestry;

[Note: Over two billion acres of the world's forests have been cleared, and are in need of replanting. Each year an additional 25 million acres of forests are being razed—*an area the size of Pennsylvania each year.* Reforestation rates are pitifully low—only one tree replanted for every 10 cut down (39 in Africa).]

Establishes Multilateral Tropical Forestry and Agroforestry Program to achieve similar goals;

[Note: Developing countries are losing 15 million acres of cropland to desertification each year—roughly the same level over the next ten years that could grow tree crops sufficient to provide the energy necessary to double agriculture output in these countries.]

Bans import of wood and wood products from countries failing to implement Tropical Forestry and Agroforestry Programs defined above;

Establishes a Bilateral Least-Cost Energy Program to assist aid-recipient countries to implement national least-cost energy plans;

Establishes Least-Cost Transportation Policies to guide aid and loans to recipient countries;

Establishes Multilateral Least-Cost Energy Program that encourages all multi-development lending institutions to implement least-cost energy policies;

Promotes debt reduction for developing countries implementing environmental conservation measures.

TITLE X—INTERNATIONAL INITIATIVES

To convene an international meeting in the U.S. to encourage adoption of a binding multilateral global climate protection convention to reducing global carbon dioxide emissions 20% below 1988 levels by 2000, and further reductions beyond 2000 as deemed necessary by periodic review;

Adopt a binding multilateral agreement requiring reductions of not less than 30% in emissions of oxides of nitrogen over 1987 levels by 1998;

Adoption of additional control measures requiring the virtual elimination of CFC production identified in the Montreal protocol within five to seven years of enactment of this Act;

To convene an international meeting in the U.S. to encourage the exchange of information on energy efficiency and solar and renewable energy resources that are ecologically sustainable.

TITLE XI—WORLD POPULATION GROWTH

5-year authorization for family planning services of $2.78 billion and at least $300 million available for the United Nations Population Fund—($500 million in FY91, $540 million in FY92, and $580 million for each of FY93 to FY95, compared to $242 million in FY89 for international family planning services);

Initiate an international conference on population to examine policies necessary to achieve sustainable world population levels, and advance the scientific understanding of the interrelationship between population, resources, environment, and economic development;

Establish a National Commission on Population, Environment, and Natural Resources, comprised of the Chairman of the President's Council on Environmental Quality, the Director of OTA, and 3 other Presidental appointees;

3-year authorization of $45 million for Conference and Commission—($10 million in FY91, $15 million in FY92, and $20 million in FY93).

TITLE XII—RECYCLABLE MATERIALS

Establishes Office of Recycling Research and Information within the Dept. of Commerce to promote recyclable materials programs, and to report on the nation's progress in using recyclable materials;

[Note: Studies show that if the U.S. increased its recycling rate 10% above the projected level by 1992 and 30% above the projected level by 2008 the nation could accumulate savings of $30 billion and 7 quads of energy.]

Study of federal, state, and local government policies and practices in recycling government-generated wastes, and in procuring recyclable materials, and recommend changes in public policy to increase such efforts;

Pilot project on municipal waste and sewage sludge composting;

Study and scientific research regarding degradable materials and recycling, and identify potential incentives for facilitating development of new markets for recycled nondegradable materials;

Ban production or sale of certain designated nonrecyclable consumer goods.

INTRODUCTION OF COMPETITIVE WHOLESALE ELECTRIC GENERATION ACT

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. BLILEY. Mr. Speaker, as we look to the next decade, we face deepening doubts about how America can meet its still growing needs for more economical electricity. Demand for electricity continues to increase, and the surpluses in generating capacity that arose during the 1970's and early 1980's are being steadily absorbed.

Studies by the U.S. Department of Energy have forecast that, if demand grows by just 2 percent annually, the United States will need about 100 gigawatts of additional electric generating capacity by the year 2000. This represents the equivalent of between 500 and 1,000 powerplants of the size likely to be built in the coming years and an increase of one-sixth of existing capacity beyond that currently under construction.

The Energy Department recognizes that these estimates may be conservative, suggesting in a 1988 analysis that, with a modestly higher growth demand, "it is likely that every region will need new generating capacity by the early 1990s." In fact, the Wall Street Journal recently reported that because of possible power shortages, "New England, New York's Long Island, and possibly the Middle Atlantic States all face brownouts and blackouts this summer." The report noted that utility analysts are also forecasting that by 1992, or maybe sooner, the entire east coast, much of the Midwest and the Pacific Northwest will be "equally hard-pressed to keep the lights burning brightly."

Conservation measures must play an important and significant role in meeting this challenge; nonetheless, capacity additions will be needed. The form, availability, cost, and safety of these capacity additions will also shape the types of response we, as a nation, make to the impending shortages of electricity supplies.

Our experience in Virginia has shown that nonutility generation can provide a valuable role in the supply of much needed capacity. The enactment of the Public Utility Regulatory Policies Act [PURPA] initiated a competitive market for generating electricity and for expanding the options available to utility companies. The result of this competition has been reliable, efficient electricity generation.

However, as this form of generation matures, we have come to realize that there are real barriers to further development. A significant impediment to utilities acquiring the lowest cost reliable capacity through the independent power market is the Public Utility Holding Company Act [PUHCA].

PUHCA has been a very effective piece of legislation in dealing with the abuses by utility holding companies that were evident when the law was passed in 1935. I believe it has served the ratepayer and the investor very well; however, it was impossible for the lawmakers of the time to envision the recreation of independent power producers that do not retail electricity or enjoy market power. Without these benefits, an independent power producer has greater difficulty arranging proper financing under PUHCA, and the maximum benefit of competition fails to be realized.

Today, I am pleased to introduce the PUHCA Reform Act of 1989 with my friend, the gentleman from Louisiana [Mr. TAUZIN]. This legislation will be a surgical strike on PUHCA that will allow for the law to properly differentiate between utility holding companies and the new breed of truly independent power producers. I believe that this legislation will retain the much needed protection to the ratepayer of PUHCA while allowing this Nation's electricity generation to enter the 21st century.

This legislation establishes a level playing field with proper safeguards so that reliable competition can occur. This type of competition will be a real benefit to the ratepayer today by supplying the most efficient, least cost electricity. Also, society as a whole will benefit by unleashing the creativity and innovation of the market to tackle the technological and environmental challenges facing this Nation's future energy needs.

Of course, I want to thank my colleague from Louisiana, Mr. TAUZIN, for his fine work on the issue. I also want to thank the chairman of the Subcommittee on Energy and Power, Mr. SHARP, for his leadership in bringing the concepts incorporated in the legislation to the forefront of our national energy policy debate. Finally, I want to thank the chairman of the Committee on Energy and Commerce, Mr. DINGELL, for showing real openness and willingness to discuss these concepts. I look forward to working with all my colleagues toward successful passage of the PUHCA Reform Act of 1989.

SPRINGFIELD REVIVAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. BENNETT. Mr. Speaker, a recent editorial in my hometown newspaper, Florida Times-Union, heralded a recently-unveiled plan to restore the Springfield area in my congressional district. I have been associated with this along with my long-time friend, Doug Milne, who was mentioned in the article. The credit goes to Doug, the National Trust for Historical Preservation, and everyone who has worked so hard to preserve this historic area.

I am glad to have been associated with this effort, which is far from complete. I submit for the CONGRESSIONAL RECORD the editorial entitled "Speedup of Springfield revival goes from possible to probable."

SPEEDUP OF SPRINGFIELD REVIVAL GOES FROM POSSIBLE TO PROBABLE

The most detailed plan ever developed during approximately 15 years of efforts to revive the historic Springfield neighborhood near downtown Jacksonville was unveiled yesterday.

Called "ambitious but feasible," the five-year plan calls for $6.6 million of public and private spending in the neighborhood during the next two years—including $3.5 million in loan commitments by the city's banks, insurance companies and other financial institutions.

The $6.6 million is the "minimum need . . . to make an effective impact on Springfield," according to John Andrew Gallery of Urban Partners, a consulting firm that devised the "Springfield Historic District Revitalization Strategy."

The firm was hired by the National Trust for Historic Preservation, which received a $50,000 grant to study the neighborhood from the Jessie Ball duPont Religious, Charitable and Educational Fund.

In something of a revival-meeting atmosphere during a luncheon in the Seminole Club, business and political leaders of Jacksonville as well as leaders of Springfield neighborhood organizations pledged their support of the plan.

Mayor Tommy Hazouri, who has been at odds with some neighborhood activists for demolishing alleged "crack houses" in Springfield that some felt should be preserved and rehabilitated, praised the plan and said, "You have the commitment from the mayor to make it happen. I'd like to publicly state today that I envision a Springfield returning back to the future."

A major element of the strategy is to avoid the "gentrification" controversy that has erupted in other cities when upper-income families returned to the inner city to restore old homes and drove out low-income residents.

The Springfield strategy goes into great detail to continue rehabilitation of the neighborhood's attractive old homes while providing better, affordable housing for the large proportion of low-income people living there.

The mile-square Springfield Historic District is believed to have the largest concentration of historic residences in Florida.

J. Jackson Walter, president of the National Trust, said the revitalization strategy "can provide a national model for affordable housing, as there is an economic, racial and social diversity among [Springfield's] residents. . . . The area is a microcosm of the problems and assets in so many of our nation's cities."

Like the recently published final report of the Mayor's Commission on Housing, the Springfield plan emphasizes the need to upgrade the quality of existing, substandard housing in order for Jacksonville to realistically provide affordable housing for low-income families.

Douglas J. Milne, an attorney who headed a local committee assisting the National Trust in devising the Springfield plan, said, "If we are to see decent, safe housing conditions for the poor, the most basic consideration must be how to hold down costs. We must begin with the existing housing stock—obviously it should cost less to improve than to build from point zero."

But the plan also goes into great detail proposing a mixture of public and private programs to reduce the demolition rate of homes that can be saved, overcome financing obstacles of families seeking loans for homes that they want to rehabilitate themselves, and to "infill" the large number of vacant lots in Springfield with brand-new housing that has the attractive architectural "flavor" of existing homes.

Despite a multitude of obstacles, Springfield has been "coming back" slowly but noticeably in recent years. The National Trust offers a blueprint for speeding the process substantially. The blueprint can become re-

ality if business and political interests so decree.

THE BATTLE ON CAPITAL GAINS

HON. DONALD E. "BUZZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the battle on capital gains is temporarily on hold, but the war is far from over. Our protax friends in the other body have refused to heed the will of the American people and have killed this proposal that would continue economic growth and help the middle-income taxpayer.

A decrease in the capital gains tax is not a tax break for wealthy Americans. In 1987, one-third of all tax returns reporting long-term capital gains had adjusted gross incomes—other than the capital gain—of less than $20,000 and 70 percent had incomes less than $50,000.

Mr. Speaker, the elderly, the small farmer, the small businessman, and middle-income Americans are the most hurt by the Senate refusal to lower the capital gains rate. In fact, seniors make up 26 percent of all tax returns reporting capital gains while representing only 11 percent of all tax returns. It is a crime to continue to take money out of the pockets of this Nation's elderly to finance this country's budget deficit.

I commend my colleagues for listening to the will of the voters when the House passed the capital gains cut in September. I would urge our colleagues in the other body to reduce this tax so that we help middle Americans realize the American dream.

Liberals have been saying that a cut in capital gains is a tax break that only benefits the rich, because, they say 80 percent of capital gains reported by individuals earning over $100,000 annually. Both of these statements are wrong. The fact of the matter is the current tax on capital gains is hurting retirees, small businessowners, farmers, middle- and lower-income workers, and most of all, our Nation's competitiveness in the world market. A cut in the capital gains tax rate will strengthen businesses and our economy, improve competitiveness, raise revenue to offset the budget deficit, and benefit middle-income Americans more than anyone else.

HIGH CAPITAL COSTS IN UNITED STATES HELP JAPANESE BUY AMERICA

Experts agree that a major reason U.S. companies have trouble competing in the global marketplace is because our Government taxes long-term capital gains at a higher rate than nearly all of our European and Asian competitors. For example, the United Kingdom indexes capital asset basis to inflation; the French rate is 16 percent; Japan taxes securities at 5 percent; and West Germany, Italy, Belgium, Taiwan, Hong Kong, South Korea, and Singapore don't tax long-term capital gains at all.

By making capital gains more attractive, Americans would invest in venture capital companies whose major investors are now foreigners paying, as you can see, very little or no tax on capital gains. In other words, foreign cost of capital—the after-tax return a company pays its lenders—is much less than what U.S. firms pay. This makes it less competitive and less costly for foreign companies to finance large deals. It is also exactly why the Japanese have recently acquired Columbia Pictures and the Rockefeller Center.

A TAX CUT THAT WOULD RAISE REVENUE

This cut in capital gains would, indeed, raise revenue and spur on economic growth. Following the rate cuts of 1978 and 1981, revenues soared from $9.1 billion to their pretax reform level of $24.5 billion in 1985. By contrast, from 1969 to 1973 the rate was raised from 28 to 49 percent, and the real revenues by 1976 were 37 percent lower than in 1969. The reason is simple: Making the capital gains tax less punitive will cause many taxpayers—who would elect to hold their assets at a high rate—to sell at least some assets and pay tax on the profits.

A recent study by the National Center for Policy Analysis shows that the House-passed 2-year rate cut to 19.6 percent, plus inflation-indexing of gains thereafter would:

Increase Federal revenues $61 billion over 10 years.

Increase GNP by $40 billion over 10 years.

Create 400,000 new jobs by 1992 and 750,000 by 1995.

Indexing capital gains to inflation, just as income tax is now indexed, is long overdue and is more valuable than a permanent cut which would raise $31 billion over 10 years. By taxing gains not indexed for inflation, the system imposes an even higher tax on real gains, and sometimes even on real losses that inflation disguises as gains.

MYTHS ABOUT CAPITAL GAINS

You may ask: Why do I hear that it would be a break for the rich and 80 percent of capital gains are realized by people who earn over $100,000 annually? The reality is a person's capital gain is included in their income for the year they realize the gain; thus, they are included in a much higher income bracket when their real annual income may only be $20,000. In fact, in 1987, one-third of tax returns reporting long-term capital gains had adjusted gross income—other than their gain—less than $20,000; and 70 percent had incomes less than $50,000.

THE ELDERLY AND MIDDLE CLASS BENEFIT MOST

The elderly—age 65 and over—especially benefit from a capital gains tax cut because most realize capital gains more than once in their later years. In fact, 36 percent of the elderly reported capital gains in at least 4 of 5 years during the 1979–83 5-year period. I'll bet you didn't realize that the elderly make up 26 percent of all tax returns reporting capital gains while representing only 11 percent of all tax returns.

What this means is Grandpa and Grandma decide to use the proceeds from their lifelong investments to either enjoy their retirement or just to pay for increased living expenses. I really believe it is a crime to take away a large portion of the hard-earned investments of those who no longer earn income.

It is also unfair to many other Americans. Consider the middle-class family who carefully invested in stock or a small piece of real estate several years ago. They now want to sell it and send their child to college. But, because the gain will be taxed at ordinary rates and there isn't an adjustment for inflation, they face the prospect of losing a third or more of their profit.

Consider the businesswoman who bought a small retail store, made it into a successful business, and now wants to sell it and enjoy the fruits of her labor. This used to be called an American success story. But can she afford to sell the business since capital gains rates and inflation have increased.

Finally, consider the farmer who wants to sell some of his acreage and make it available for other uses. Its value has greatly appreciated since he took over the family farm from his dad, but a 33 percent capital gains tax and no adjustments for inflation make it hard to justify.

GLOBAL WARMING—SENSIBLE POLICIES FOR THE FUTURE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. FAZIO. Mr. Speaker, global warming is beginning to occur as a result of man's release of carbon dioxide and other greenhouse gases into the atmosphere. Predicting the exact rate of global warming and the exact climatic effects is a difficult art and more research is certainly necessary. However, scientists have reached a general consensus that global warming is indeed real and that the consequences will have major impacts on human civilization.

Most scientific models of global warming predict that average temperatures will rise a few degrees centigrade by the 21st century. An average temperature rise of a few degrees may not seem like much. During the last ice age, however, the world's average temperature was only a few degrees colder than today. This small temperature difference caused much of North America to be covered by vast sheets of ice kilometers thick. Likewise, the consequences of even a modest rise of a few degrees in average temperature are profound.

Agriculture will be profoundly affected. Far northern areas such as Canada and the Soviet Union may benefit from longer growing seasons and greater rainfall. Most other areas including the United States will suffer increased drought and substantially decreased crop production. Water supplies depend on the quantity and timing of local precipitation. Many areas, including the Western United States will suffer droughts unprecedented in severity and duration. Sea level will rise slowly at the rate of a couple of inches per decade. However, vast numbers of people live in coastal areas which will be profoundly affected by even small rises in sea levels. Many areas will be permanently flooded and the damage from hurricanes and other storms will

far exceed the devastation caused recently by Hurricane Hugo.

The Bush administration has finally begun to comprehend the reality and significance of global warming. Last week the United States signed the Noordwijk Declaration on Atmospheric Pollution and Climatic Change. In doing so, the United States has joined with nearly all of the other industrialized nations in the world in agreeing to work toward stabilizing the emissions of carbon dioxide and other greenhouse gases as soon as possible and to increase study of ways to reduce emissions in the future. Other important aspects of this declaration include recognition of the importance of greater energy conservation and efficiency and recognition that developing countries will need financial and technical assistance from the industrialized nations to do their part to stabilize CO_2 emissions.

Now that we have accepted these meritorious goals, the administration must take steps to make significant policy changes that will reflect our commitment to these goals. In particular, it is imperative that the Department of Energy assume a leadership role in reaching these goals. These goals must be incorporated into the Department's plans to develop a national energy strategy. The Department is holding hearings throughout the country on its proposed energy strategy, but we have seen no evidence to date that the Department intends to incorporate any meaningful constraints on CO_2 and other greenhouse gases. Environmentally sound practices must be incorporated into the plan.

In addition, it is clear the Department's research and development budget must be changed to reflect these international goals. The Department must launch a comprehensive program into ways not only to stabilize emissions but to develop technologies to reduce such emissions. The United States is by far the largest emitter of CO_2 and other greenhouse gases and we must assume a leadership role in stabilizing and reducing these emissions.

The national energy policy must move us from a policy dominated by the use of fossil fuels to one that promotes the use of renewable energy resources and focuses on increased energy efficiency and cleaner burning fossil fuels in the near term. Research and development funding for energy technologies which do not contribute to global warming must be increased. Such energy technologies include solar photovoltaic, solar thermal, wind energy, biomass energy—including ethanol, as well as longer term development of fusion sources and advanced, safe nuclear reactor technologies.

The threat of global warming is one of the most complicated and challenging problems that scientists and policymakers have ever faced. The stakes are huge and the consequences of inaction or misguided action may be profoundly negative. The United States in general and the Department of Energy in particular must take an active leadership role in developing and implementing an environmentally sound national energy policy.

HONORING RONALD W. DOWNEY

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. WALKER. Mr. Speaker, on December 30, 1989, Mr. Ronald W. Downey will retire as an Army Reserve Technician after 33 years of service. Mr. Downey, a combat veteran of the Marine Corps during the Korean war, has had a profound impact on the readiness of the U.S. Army Reserve while performing his duties as a member of the full-time civilian support staff.

As the supervisory staff assistant to the 378th Supply and Service Battalion at Fort Indiantown Gap, PA, since 1968, Mr. Downey served as the principal adviser to nine battalion commanders. He represented these commanders on a day-to-day basis concerning the operation of the battalion headquarters and four subordinate companies throughout central and eastern Pennsylvania.

Mr. Downey has provided to the Army Reserve a career of consistency and excellence. He has been a tireless performer of his duties, being responsible for maintaining the battalion at the highest possible levels of combat readiness. His technical expertise will be well nigh impossible to replace, and his sense of patriotism is of the highest caliber. This Nation is forever indebted to Mr. Ronald W. Downey for his many years of dedicated service.

SOCIAL SECURITY CLAIMANTS REPRESENTATION ACT OF 1989

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. LEVIN of Michigan. Mr. Speaker, today my colleagues on the Social Security Subcommittee and I are introducing the Social Security Claimants Representation Act of 1989. This legislation will establish a responsible and fair method for ensuring that Social Security claimants have effective representation as they pursue their rights under the Social Security Act. Chairman JACOBS, Mr. ARCHER, Mr. MOODY, Mr. CARDIN, Mr. GRADISON, and Mr. SCHULZE join me as original sponsors of this important legislation.

The House first addressed this issue in section 9021 of the 1987 Reconciliation Act. The bill we introduce today contains essentially the same provisions. Unfortunately, this section was not included in the 1987 conference report. I am pleased to note that the Senate Finance Committee recently adopted a set of reforms designed to address the issue of fees for claimant representation during its consideration of the 1989 reconciliation bill. I am hopeful that the issue of claimant representation and attorney fees can be resolved in the near future.

Under present law, attorneys representing Social Security claimants may petition for a fee of up to 25 percent of the past-due benefits to which the claimant is entitled. Under current procedures, the attorney must petition for this amount; the administrative law judge [ALJ] deciding the case must review the fee petition, and if the amount is under $3,000 the ALJ may award the fee at that point. If the amount of the fee is over $3,000 the petition must be sent to the regional ALJ office for review.

The current procedure has in too many instances resulted in lengthy delays, uncertainty, and arbitrary fee awards. The effect has been to discourage some attorneys from representing Social Security claimants. The legislation we are introducing today recognizes that a contingency fee system, with appropriate protections for claimants, is a fair and responsible method for setting attorney fees. It will enhance the ability of claimants, who are often people with limited resources, to secure effective representation without being forced to pay significant out-of-pocket expenses before the resolution of their claims.

The Social Security Claimants Representation Act of 1989 will eliminate the fee petition process for most cases, and establish in its place an automatic fee payment procedure under which the attorney will automatically be paid 25 percent of the back award due to claimant, up to a cap of $4,000, indexed to the Social Security COLA. This amount will be paid by the SSA at the time the back award is paid to the beneficiary, if no challenge to the size of the fee is filed by the claimant, the attorney, or by the ALJ or other decision maker in the case.

The payment would be made in the form of a two-party check payable to the attorney and the claimant for the full amount of the back award, accompanied by a notice from the SSA setting forth the amount due the attorney and the claimant and an affidavit as to the proper division of the back award to be sworn to by the attorney and the claimant and returned to the SSA.

The attorney may waive the fee altogether, in which case the claimant would receive the full back award check. The attorney may also arrange with the claimant to receive less than the amount the automatic process would provide. Payment of benefits is to begin within 60 days of the determination decisions.

The decisionmaker in the case, usually the ALJ, must provide the claimant and the attorney with an estimate of the amount of the attorney's fee at the time a favorable decision is made. The ALJ, the claimant, or the claimant's attorney may file a protest against the size of the fee during a period of up to 10 days after the date of the favorable determination.

In cases of protest by the claimant or the ALJ, or where the attorney wishes to be paid more than $4,000 cap amount, the attorney must file a petition supporting the fee request. This petition is to be reviewed by the individual ALJ hearing the case, or by the regional office where the ALJ is protesting the fee.

In cases of continuing entitlement to benefits, where payments have continued through the appeal process, the attorney would be granted an award of 25 percent of the total amount of benefits paid through the period of the appeal. This amount would constitute an overpayment and would be repaid by the ben-

eficiary at a rate of 10 percent of benefit each month.

Where no benefits accrue per se, e.g., representative payee disputes, Medicare eligibility, disputes over the existence of overpayments, et cetera, the fee would be set at an amount not to exceed three times the basic monthly benefit amount. This amount will be paid through the overpayment procedure described above and may be disputed by either the ALJ or the claimant.

Mr. Speaker, I look forward to working with my colleagues on the Social Security Subcommittee in ensuring that every Social Security claimant will be able to secure effective representation. I believe this legislation will go a long way towards this goal.

POPE SHENOUDA III MAKES HISTORIC VISIT TO ST. MARK CHURCH

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. FEIGHAN. Mr. Speaker, the Coptic community of Greater Cleveland recently honored Pope Shenouda III, patriarch and spiritual leader of 22 million Christian Copts. This event took place at St. Mark Coptic Orthodox Church under the pastoral direction of Father Mikhail E. Mikhail, the respected and outstanding religious leader in my district. Pope Shenouda was in Cleveland to attend the consecration of St. Mark Church. It is a tribute to the people of Greater Cleveland that his Holiness honored us with his historic visit.

This was the Pope's first trip to the United States since 1977. Though he primarily came to visit the Coptic community, which is estimated at 250,000 in North America with 41 churches in the United States, he also talked privately with President Bush. Pope Shenouda III is the 117th successor of St. Mark who, according to tradition, founded the Christian Church in Alexandria, Egypt, in 40 A.D. The Copts have sought to preserve the original liturgy and customs of that founding, and claim a direct line through its ministry.

In Egypt, there are an estimated 7 million Copts. In the past 4 years Pope Shenouda has sought to improve relations between Copts and the Islamic majority. In 1981, 2 months before being elected patriarch, President Anwar Sadat placed him under house arrest at a monastery. In 1985, the government of President Hosni Mubarak lifted the arrest. The patriarch said that this period deepened the spiritual life of the church and it was a time for Coptic Christians around the world of asking God to help. And Pope Shenouda never lost faith that he would be released.

Mr. Speaker, in the spirit of the brotherhood of man, Pope Shenouda has been a guiding light and symbol of spiritual renewal for the 22 million Coptic Christians worldwide. The influence of this religious leader is also felt among the people of the world who are not Coptic Christians. The patriarch believes that the church should speak about peace, human rights, and serve as a witness to the truth. We would all agree that his message is appropriate and easy for us to accept. I wish the patriarch well in his mission as a world spiritual leader.

POLLUTION PREVENTION ADVANCEMENT ACT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. WOLPE. Mr. Speaker, today I am joined by Congresswoman SCHNEIDER and 15 of my colleagues in introducing legislation that would begin to focus Federal efforts on pollution prevention practices and technologies. The Pollution Prevention Advancement Act would establish a national program within the Environmental Protection Agency of coordinated research and testing for innovative pollution-prevention practices and technologies.

Presently, the United States generates a staggering amount of waste each year—the EPA estimates that we create 570 million tons of hazardous wastes and over 11 billion tons of nonhazardous wastes. The costs to manage these pollutants is estimated at close to $100 billion each year, two-thirds of which is spent by industry.

While, for many, pollution prevention represents a new way of thinking about environmental protection, it is clearly the best way to deal with environmental problems. Rather than trying to control or cleanup the pollution after it has been created, the source of the problem—the waste itself—is reduced. What cannot be reduced should then be recycled to recapture some of the resources used to manufacture the initial product.

Preventing pollution is the best way to keep toxics out of every facet of the environment; past end-of-pipe approaches often simply transferred pollution from one environmental medium to another. In addition, some pollution is not amenable to traditional control technologies because the source of contamination is decentralized.

With the high costs and controversy associated with treating and disposing of pollutants, it makes both economic and environmental sense to focus efforts on reducing the amount of toxicity of materials that need to be disposed.

Additionally, pollution prevention contributes to our competitiveness in a global economy by reducing industry's costs for raw materials, waste management and liability. U.S. industries have a tremendous, untapped potential for reducing wastes through cost-effective changes in production, operation, and raw materials use.

But despite the numerous advantages of waste reduction over other measures, virtually all of our environmental protection efforts have been on controlling rather than preventing pollution. Less than 1 percent of EPA's research funds are spent on pollution prevention and even that work is limited to hazardous waste minimization. For our future economic, physical, and environmental health, it is essential that both government and industry seek ways of reducing this pollution while maintaining productivity.

The Pollution Prevention Advancement Act is our effort to begin to focus Federal efforts on pollution prevention by establishing a program of coordinated research, demonstrations, evaluations and technology transfer of new or improved technologies and practices. Our bill would advance EPA's pollution prevention efforts by providing resources and direction for new research, funding projects that are not likely to be undertaken by private firms, and by encouraging cooperation among ongoing private and State-sponsored research programs.

We see several specific areas where research is key to advancing pollution prevention. These include: socioeconomic, institutional and regulatory barriers to pollution prevention; pollution impacts of products and packaging; production processes that reduce pollution; innovative methods of reusing and recycling materials; and potential and emerging trends in resource use that may impact pollution prevention.

Under our legislation, EPA is directed to test pollution prevention innovations through a program that would fund projects that demonstrate or evaluate new or improved technologies and practices. In addition, to ensure that new innovations are put to use, the bill would require an aggressive technology transfer program to inform and solicit input from private organizations and State and local governments that could use the results of the research in production processes or waste management systems.

AMERICAN LIBRARY ASSOCIATION GUIDELINES ON SOUTH AFRICA

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. OWENS of New York. Mr. Speaker, I rise to commend the American Library Association for its recent passage of its "Guidelines for Librarians Interacting With South Africa." The guidelines are based on opposition to South Africa's racist policy of separating its ethnic groups known as apartheid, and reflect a commitment to social responsibility. They encourage librarians to "aggressively acquire and publicize" antiapartheid material, particularly those books published by mass democratic and liberation movements within South Africa.

The American Library Association created the guidelines to counter the South African Government's propaganda campaign, in which it sends hundreds of proapartheid books every year to libraries in the United States free of charge. The guidelines also suggest that if librarians visit South Africa, they should only go at the invitation of antiapartheid organizations.

Other library associations are taking an equally tough stance against apartheid. The Social Responsibilities Round Table of the Minnesota Library Association endorsed in August the economic sanctions measures before the House and Senate this year, and urged Minnesota Senators and Congress-

members to support both measures and become cosponsors.

As the first librarian elected to the Congress, I feel that issues such as the freedom movement in South Africa, "glasnost," "perestroika," continued growth for African-American political power, and other social and political developments will reshape the landscape of the 1990's, and we will enter a 21st century which will be vastly different from the world of today. Librarians, the expert generalists, have the capacity and the obligation to stay current with this world of megachange.

Information will play a critical role in all of the decisions that are made by those who seek to guide and navigate this rapidly moving society. This is the age of information, and the voice of the librarian must be heard.

I applaud the American Library Association and its member librarians for making their voices heard on the most important issue of liberation for the 23 million Africans oppressed under the racist minority regime of South Africa, and for seizing the opportunity to educate Americans as to the true nature of the horrific policy of apartheid.

THE TRIUMPH OF FREEDOM IN EASTERN EUROPE

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, none of us here today will ever forget the astounding events which have taken place in East Germany during the past week. For those of us who have stood before the Berlin Wall, physically and symbolically one of the most offensive structures ever built by man, these events have made our hopes for freedom soar. And the move toward freedom, there and elsewhere in Eastern Europe, continues at a pace unimaginable even a few weeks ago.

Freedom of movement, so long denied millions of East Germans, fulfills one of our longstanding policy objectives. Open access to the West may stop and will certainly slow the flow of refugees from East Germany; simply knowing that they have this freedom may be sufficient to encourage East Germans to remain in the GDR to work for permanent reform. Central to this reform are free elections with participation by independent parties, full access to the media, and the resources to convey their political message.

Concommitant with political reform is the move toward a more competitive, market oriented system in East Germany. As it works to emerge from Socialist economic chaos, East Germany will need our help. But clearly the historic and cultural ties shared by the German people dictate that the major portion of this burden be carried by the Federal Republic.

Consideration of the German question now shifts from the academic arena to the real world. Indeed, the real question of reunification no longer seems "if" but rather "when and how" it will occur. Hopes for political and economic reforms in East Germany could remove much of the rationale for separate German states. And under those circumstances, reunifying 17 million Germans in the GDR with the 61 million Germans in the West does not in my mind reduce the commitment to democracy and freedom that has taken root in the Federal Republic over the past 40 years. Some have recently recalled the dark events in German history. As they do, let them also recall the significant contribution the German people have made in shaping Western culture and values.

Under these circumstances and within the framework of the European Economic Community, German reunification need not be feared.

I am aware that some are deeply concerned that recent events may portend a neutralist Germany, positioned as a buffer between East and West. I believe this concern has little foundation and must be evaluated against overwhelming evidence that the Federal Republic is firmly anchored politically and culturally in the West. Yet it makes infinite sense that Germany would take a deep interest in the emerging, independent nations of the eastern bloc. There are sound reasons for us to welcome that interest which should promote broader ties with the entire Western community of nations. Indeed, this development would further the objectives of 45 years of Western policy in that part of the world. So long as its policies and actions reflect this broader interest, German influence in Eastern Europe should promote, not impede, its ties with the West.

Mr. Speaker, the unprecedented pace of reform—some call it revolution—in Eastern Europe is exhilarating. But as our spirits soar, our feet must be firmly planted in reality. We must recognize that recent events create tremendous uncertainty for the Soviet Union which itself is attempting great reforms. We must recognize that a secure Soviet Union looking inward to meet the great needs of its own people is the best assurance that reform in Eastern Europe will continue and become permanent.

For this reason, President Bush's December meeting with President Gorbachev assumes historic importance. It is an opportunity, which I firmly believe the President will take, to reassure the Soviets while affirming our position that they must continue their hands-off policy toward peaceful change in Eastern Europe.

Mr. Speaker, it is not hubris to take pride in the policies, established years ago by statemen now gone, that have brought us to this time of historic opportunity and hope. Over the years America and its allies have maintained their unity in the face of divisive issues. This unity has been maintained at great cost in treasure and sometimes in blood. Today those sacrifices on the part of the American people and free people everywhere stand vindicated. We are right to take pride in this wonderful achievement.

NOMINATION OF JACQUELINE JONES-SMITH

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. GRAY. Mr. Speaker, I wish to bring to the attention of the House of Representatives the outstanding qualifications of Ms. Jacqueline Jones-Smith, who has been nominated by President Bush to be Commissioner and Chairman of the Consumer Products Safety Commission. Ms. Jones-Smith hails from the Second Congressional District in Pennsylvania, from the great city of Philadelphia—the city of brotherly love and sisterly-effectiveness—where she grew up and attended public school. Ms. Jones-Smith brings more than 10 years of local and management experience to this position.

Since 1987 Ms. Jones-Smith has served as staff attorney in the Federal Election Commission's Office of the General Counsel. From 1985–87 she served as assistant county attorney for Montgomery County, MD, where among her responsibilities, she prosecuted civil infractions in the areas of health, public safety and environmental protection, and represented the Department of Social Services in child neglect and abuse cases. Prior to that time she worked in a number of progressively responsible positions including a 6-year tenure with the Maxima Corp., where she developed a substantial business base worth several millions of dollars and managed staff in project sites throughout the United States.

Ms. Jones-Smith received her juris doctorate from American University in 1984 and is admitted to practice law before the U.S. Supreme Court; the U.S. Court of Appeals for the District of Columbia and the Ninth Circuits; the U.S. District Court and the Court of Appeals of Maryland. She is a member of the American Bar Association, the National Bar Association, and the Maryland State Bar Association. She is imminently qualified to serve in this position.

THIS NOBLE HOUSE

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. BLAZ. Mr. Speaker, one of the great privileges of serving in this noble House is that through the eyes of great men and women of the world, we bear witness to history. We have seen the world through Sir Winston Churchill, Gen. Douglas MacArthur, President Corazon Aquino, and, yesterday, movingly electrifyingly, and most vividly through the eyes of a private citizen—Mr. Lech Walesa.

Another of the great privileges of serving here is that we as a body can make history through our actions. As we rejoice today over the great changes taking place throughout the world, as human rights movements take root, and political self-determination becomes a reality, let us be mindful that in our own country,

we have fellow Americans who are yet to enjoy full membership in the family. I am speaking of the people I represent, the people of Guam.

For over 91 years, our people have been waiting in line for recognition as equals. The Vietnam Veterans' Memorial and the many names on it of Americans from Guam is Defense Exhibit A that we are equal enough to fight and die for our country. This bill, the Commonwealth bill for Guam (H.R. 98), which as of this date has about 123 cosponsors, seeks to make us equal enough to live as countrymen.

Mr. Speaker, in discussing H.R. 98 with my colleagues, I have received a number of questions. I thought it helpful to list them with answers in the interest of better understanding of and appreciation for our bill.

QUESTIONS FROM COLLEAGUES ON H.R. 98, THE GUAM COMMONWEALTH BILL

1. What does H.R. 98 propose to do?

Answer. It petitions Congress to allow the people of Guam to participate to the fullest extent possible in the political decisions affecting their day-to-day lives. Also, they would like the same constitutional protections to which Congress has entitled their fellow United States citizens in the 50 states.

2. What political status does Guam have now?

Answer. Guam is an organized, unincorporated territory of the United States. On August 1, 1950, President Harry S. Truman signed into law an act of Congress which established the Guam Bill of Rights and the territory's tripartite government. Congress decided in its 1950 statute that the full corpus of the United States Constitution ought not to apply in Guam. Thus the act of Congress referred to Guam as an unincorporated territory.

In point of fact, however, irrespective of the various legal descriptions of Guam, it remains, in essence, a mere possession.

3. What is Commonwealth status?

Answer. Living in a United States Commonwealth, as envisioned in H.R. 98, the people of Guam would have the right to full, internal self-government. This extends to all issues of local government but does not prevent Congress applying Federal laws in the Commonwealth. The provisions of the Constitution, treaties and laws of the United States which pertain to the Commonwealth remain supreme. It differs from the current status on a very significant point: the current status was decreed soley by Congress; the proposed status seeks to grant political self-determination and full self-government, i.e., a status we as a people, participated in determining.

4. How do the people of Guam feel about H.R. 98?

Answer. On January 12, 1982, the voters of Guam went to the polls to choose among seven different forms of political status. These were commonwealth status, Statehood and five others. Commonwealth status garnered the greatest number of votes: forty-nine (49) per centum; Statehood, twenty-six (26) per centum. On September 4, 1987, Guam's voters returned to the polls and chose between just commonwealth status and Statehood. Commonwealth status won by seventy-three (73) per centum to twenty-seven (27) per centum for Statehood.

5. What were the options for Guam's voters other than commonwealth status and statehood?

Answer. The four other options were status quo, incorporation, free association, independence and other, undefined status. Each has a clear definition by name, of one of the above, except for free association. Free association is the status which the Federated States of Micronesia and the Republic of the Marshall Islands now hold. As citizens of the United States, the people of Guam, in H.R. 98 "recognize the sovereignty of the United States over Guam."

6. Why is the success of H.R. 98 important to the whole American family?

Answer. It is in the best interests of Americans not only in Guam but also in the States of the Union to allow Guam to prosper as a free American community in the western Pacific. Guam is a showcase of American democracy to the western Pacific and eastern Asia and represents the best that is American. The territory consists of many races and cultures thriving together in peace and economic prosperity.

7. What is the cost to implement H.R. 98?

Answer. Implementation of H.R. 98 requires a negligible cost to the federal government. It is estimated that less than half a million dollars will be needed to assist the Commonwealth for transitional activities from the current status to that of Commonwealth.

8. Do the citizens in Guam pay federal income tax?

Answer. The Guam income tax structure is the result of an Act of Congress Section 31 of the Organic Act, which imposed the Internal Revenue Code on Guam to create a Guam territorial income tax. Under this regime, the Governor of Guam administers and enforces the tax and the tax is payable directly to the Government of Guam. Residents of Guam, therefore, effectively pay a federal income tax under this system referred to as a "mirror system". The Guam tax laws are generally a mirror image of the Internal Revenue Code. The people of Guam fill out tax forms which are identical to IRS forms. By Act of Congress, however, Americans residing on Guam file their forms with and pay their income tax to the Government of Guam rather than the IRS.

A CONGRESSIONAL SALUTE TO CROWLEY MARITIME CORP.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. ANDERSON. Mr. Speaker, it is my privilege to rise today to recognize and pay tribute to one of the most distinguished firms in the maritime industry, Crowley Maritime Corp. Crowley Maritime will be honored at the Harbor Association of Industry and Commerce 11th Annual "Salute to Liberty" Award Banquet in Long Beach, CA, this Friday evening.

Crowley Maritime Corp. is being recognized on this occasion for its outstanding service and significant economic contribution to the South bay area. Crowley's contributions to our area are ongoing, however, of a truly grand nature. Crowley Maritime has been engaged in the cleanup in Prince William Sound, AK, after the *Exxon Valdez* oilspill, and in the rescue efforts and cleanup following the Loma Prieta earthquake in the northern California bay area. This demonstrates the spirit of Crowley Maritime.

Mr. Speaker, Crowley Maritime Corp. was founded in 1892, and is a family owned company. They have grown over the years, and are currently engaged in international shipping services, ocean, and harbor tug and barge operations, heavy haul services, and marine passenger services. And that is not all, Mr. Speaker. They also repair ships, salvage, provide environmental services, and petroleum sales and distribution. It is evident that this company is heavily involved in many facets of the maritime industry.

While headquartered in San Francisco, Crowley's reach extends around the globe. With 4,000 employees to get the job done, Crowley's slogan boasts: "Anything, anywhere, anytime, on water." They deliver on those words, Mr. Speaker, providing the very best in customer service.

Mr. Speaker, my wife Lee joins me in extending our most hearty congratulations to Crowley Maritime Corp., and to its president, Thomas B. Crowley. We wish everyone associated with Crowley Maritime Corp. all the best in the years to come.

A TRIBUTE TO THE WESTERN MASSACHUSETTS VOLLEYBALL CHAMPIONS, THE TURNERS FALLS INDIANS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. CONTE. Mr. Speaker, in the daily routine of our lives few experiences are more invigorating, more inspiring than tracking the growth of champions. Over the last 4 years, the volleyball team from Turners Falls High School has provided many of us in western Massachusetts with a new love for the sport and a deep respect for this team. I rise today to pay tribute to the Indians and their many accomplishments.

Along the way this team has taken their bumps. On a few occasions, they have fought hard for victory only to be spiked by defeat. But, during the last 4 years they have served notice that they are a powerful force. Last week, for the third time in these past 4 years, they clinched the western Massachusetts crown, setting themselves up for statewide competition.

The corps of seniors on this team have become fixtures in the pages of their local newspaper. Captains Deb Partridge, Kathy Smith, and Carry Task are joined by Shelley Deso, Nikki LaFleur, and Michelle McCord as the heart of this continually maturing dynasty. Over the years, they have become more talented individually. But more importantly, they have learned the magic that comes from playing as a team.

Perhaps more than any other sport, volleyball requires dynamic communication and cooperation between the players on a team. Judging by their impressive record this year, 18–1–0, and their accomplishments over the last 4 years, these girls have learned these lessons well.

Coach Rachel Blain has worked hard to bring this team together. Since taking over the

reigns at Turners Falls, she has registered five impressive winning seasons. A former player/coach at Amherst College, her team defeated perennial nemesis Amherst High School for this year's western Massachusetts championship.

Mr. Speaker, 2 days ago, the Turners Falls Indians volleyball team traveled 2 hours to compete in the State semifinals. It's a long trip to take in the middle of the week. Yet, two busloads of parents, friends, and fans made the trek to cheer this team on. This is testimony to the excitement of success. These girls are more than champions of their sport. They are an inspiration to their community.

HELPING SCHOOLS CLEAN UP ASBESTOS HAZARDS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. FLORIO. Mr. Speaker, I am today introducing legislation to reauthorize the Asbestos School Hazard Abatement Act [ASHAA], a cornerstone of the Federal effort to rid our Nation's schools of the hazards of damaged asbestos. Under ASHAA, EPA provides loans or grants to needy schools to help correct these hazards and their threat to the health of our children, their teachers, and other school personnel.

Joining me today are 66 original cosponsors who share my strong support for the ASHAA program. Included among them are Congressman TOM LUKEN, chairman of the Subcommittee on Transportation and Hazardous Materials, which has jurisdiction over the program, and Congressman DENNIS ECKART, also a member of the subcommittee. They are both recognized leaders in our efforts for effective Federal regulation over asbestos.

The dangers of asbestos are well known. Extensive epidemiological evidence has demonstrated that inhaling microscopic asbestos fibers can lead to cancer and asbestosis. There is no known safe level of exposure—studies indicate that even very slight exposures can be life-threatening. And medical science suggests that children may be particularly vulnerable.

Before this evidence was publicly available, asbestos was used extensively in schools for insulation because of its well-known resistance to fire. In a substantial number of schools, asbestos materials have become damaged, releasing asbestos fibers into the air and creating a health hazard for schoolchildren and employees.

ASHAA was enacted in 1984 as a bipartisan initiative to help the schools in greatest need with the costs of abating this hazard. To date, Congress has authorized $700 million for this program; schools have actually received around $200 million.

Meanwhile, EPA estimates existing needs at $3 billion. EPA has been able to assist only 17 percent of schools requesting assistance. Even of the highest priority asbestos abatement projects, less than half are being served.

It is crucial that asbestos be handled carefully. Improper abatement work can increase the asbestos hazard. When a 1985 EPA survey estimated that as much as 75 percent of all school cleanup work was being done unsafely, Congress responded by enacting the Asbestos Hazard Emergency Response Act [AHERA] in 1986. AHERA requires schools to inspect for asbestos and deal effectively with any asbestos found. And it requires that people be State-certified after EPA-approved training in order to perform asbestos-related work.

Much remains to be done. This year, AHERA's inspection and planning deadlines became due. School expenditures for asbestos abatement are expected to remain high or increase for several years to come. Now more than ever, the schools with the most serious asbestos hazards and the greatest financial need must be able to look to their Government to help provide the resources to get the job done.

That is why I am introducing legislation to reauthorize ASHAA for an additional 5 years. The bill also changes current law in several important respects. First, it increases the annual authorization ceiling from $125 million to $250 million, to give us the flexibility we will need to fully respond to this challenge as school asbestos abatement activities reach their peak. Second, it sets deadlines for the Environmental Protection Agency to distribute applications and make awards each year, so that schools can more rationally plan their budgets. Third, it clarifies that a school abatement project must be in compliance with AHERA in order to qualify for an ASHAA loan or grant. Fourth, it requires EPA to assess in its annual reports to Congress on the program the remaining needs for ASHAA assistance.

In addition, the bill limits the portion of ASHAA funds which can be spent for incidental and supporting purposes such as training, technical assistance, and information dissemination, to assure that the lion's share of the funds is available for direct grants and loans to schools.

The bill is supported by the Asbestos-in-Schools Coalition, composed of more than 30 organizations including the National Education Association, the National PTA, the American Association of School Administrators, the American Public Health Association, the Environmental Defense Fund, the National Conference of State Legislatures, the Service Employees International Union, the U.S. Catholic Conference, and the U.S. Conference of Mayors.

I urge my colleagues to help see that we maintain our commitment to eliminate the hazards of asbestos in our Nation's schools, by keeping faith with the schools which need our help in coping with the costs of asbestos abatement.

THE TIME HAS COME FOR A PAY-AS-YOU-GO FEDERAL BUDGET

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. FASCELL. Mr. Speaker, I rise in support of a sound budget proposal, pay-as-you-go budgeting. As we attempt to resolve the Federal budget issues which confront us this week, I believe it is the right time to discuss this proposal. Members of Congress, the media, and our constituents have all expressed their dissatisfaction with the accounting gimmicks and budget tricks used to mask the size of the budget deficit. Pay-as-you-go is a straightforward, no nonsense plan which would not allow any new spending unless it is offset by a spending cut or a tax increase. This standard would apply to most Government programs, with the exception of certain essential programs.

The driving force behind Gramm-Rudman-Hollings is the automatic, across-the-board spending cuts that were designed to be so unfair and severe that they would force the budget process to work. However, since this legislation was enacted, we have twisted and distorted numbers and statistics in order to avoid the sequestration axe. We have resorted to budget tricks and inadequate spending cuts which have not really offset spending increases to avoid deficit increases.

While we were cutting corners and avoided the difficult choices in order to meet the deficit reduction targets, we still did not manage to avoid sequestration. Our current budget policy has failed because everyone wants something that does not exist—painless deficit reduction. Instead of forcing tough budgetary decisions, Gramm-Rudman-Hollings has postponed them. This can only be reinforced by Senator HOLLING's recent request for a divorce from this policy "on grounds of infidelity and irreconcilable differences."

If a less than honest budget process cannot avoid sequestration, it is time for a different approach. Pay-as-you-go budgeting is a simple and logical plan. This proposal does not block new spending, but it will force us to honestly meet spending targets by requiring an equal offset for any new spending. We implemented a deficit reduction plan that has allowed the Federal Government to play fast and loose with a mounting economic disaster. Pay-as-you-go budgeting serves as a cap on total spending but it also leaves room to meet the changing needs of our society.

Many who have campaigned against taxing and spending have mortgaged our children's future by borrowing and spending on an overcharged credit card. While gimmicks were utilized to hide a national debt that soared to record levels, we continued to borrow more in order to spend more. The tough budget decisions which have been avoided in the 1980's can no longer be ducked. We cannot afford to continue our rhetorical assault on the budget deficit; it is time for concrete and constructive action. It is time to quit borrowing and spending. It is time to adopt a policy designed not to increase the deficit. It is time for pay-as-you-go budgeting. I am willing to subject my policy initiatives to pay-as-you-go budgeting, and I urge our colleagues to put their programs up to the same test.

CONFERENCE REPORT ON DOD APPROPRIATIONS FOR FISCAL YEAR 1990

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MOODY. Mr. Speaker, early in debate on the defense budget for fiscal year 1990, I was hopeful that this might be the year we finally established clear priorities and made painful choices about defense spending. We have arrived at the end of the defense bill consideration and few, if any, of those choices have been made.

For 1 more year, Congress and the President have insulated defense programs from hard budget realities. For 1 more year, we have made adjustments at the margin and put off the real choices. For 1 more year, we have kept programs going at lower levels—and stayed the axe.

Because this bill is seriously out of step with economic realities and the current world political situation, I cannot support it.

I certainly do applaud the positive aspects of this bill in arms control. And, for the first time, Congress has approved a budget that includes real cuts in spending for the strategic defense initiative—star wars.

But also included in this bill are the seeds for a future budget disaster. It initiates or continues programs whose budgets will balloon up in near future years. As each of these programs grows and the overall defense budget shrinks in real terms, how will we make up the shortfall which will then be scores of billions of dollars? In one of three ways: Either we will raid the accounts that are the foundation of our defense—personnel and readiness—or we will inefficiently abandon many of the programs we have embarked upon—or we will abandon our budget deficit targets.

This conference report provides $4.3 billion to build two stealth bombers this year and 5 next year. We do not know if this bomber will truly be stealthy. We do not know how much it will cost—$530 million is only an optimistic estimate. Yet we are moving ahead with procurement.

This conference report funds two land-based mobile ICBM's: the MX rail garrison and the Midgetman. Last year, Congress kept both programs going 1 more year so that the new President could choose between the two. Here we are deferring that choice 1 more year. Each year we do this, a real choice is less likely. Yet we are providing $1.8 billion for these two, duplicative systems.

In this bill, we continue research and development funding for the V-22 Osprey in order to defer another decision on procurement. The V-22 is a major new program with a final price tag of at least $28 billion. The V-22 has a single mission: to move Marines from ship to shore. That mission is currently filled by helicopters at a fraction of the price. Yet we keep the program going in this bill.

Meanwhile, this budget moves forward with several major programs: improvements in the B-1 and B-52 strategic bombers, the national aerospace plane, the AMRAAM missile, short-range nuclear missiles, the M-1 tank, Trident II submarines armed with D-5 missiles, and a variety of other aircraft and shipbuilding programs.

According to the Government Accounting Office, the 5-Year Plan of the Department of Defense is underfunded by $150 billion. We cannot meet that shortfall and still keep all these programs moving forward. The sooner we make these choices, the less traumatic they will be. Unfortunately—for 1 more year—this bill continues to fund programs we cannot possibly sustain.

Next year we must reorder these budget priorities to be economically responsible and fiscally realistic.

GLOBAL WARMING

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. VALENTINE. I am not a scientist by profession, but as a concerned citizen who deeply cares about the condition of the world we are going to leave our grandchildren, I believe that we are charged with halting the impending consequences of global warming. I am encouraged that public awareness is gradually growing. Here in Congress we are working toward considering much needed clean air legislation, but, to date, there is insufficient leadership coming from the President on this most important environmental issue.

President Bush, as a candidate, was 100 percent correct when he stated that "these [environmental] issues know no ideology, and no political boundaries." He also promised to convene a global conference on the environment at the White House within the first year of his term in office. Well, the time is now, and in true bipartisan fashion, I would like to extend my offer to assist our President in any way to help fulfill that campaign promise. I am sure my colleagues join me in urging President Bush to follow through on his rhetorical commitments of the campaign season to the environment. The future of this planet depends on our action now.

Since the United States leads the world in emission of gases that contribute to the greenhouse effect—carbon dioxide, methane, fluorocarbons, and nitrous oxide—I believe that we should likewise provide some leadership in the world community on the matter of halting these emissions. The scientific community is divided on the causes and consequences of global warming, but the experts agree that the Earth will heat up. Modest estimates suggest that the Earth will warm 3 to 9 degrees Fahrenheit because of the enormous buildup of gases that have already accumulated in the atmosphere.

As a member of the House Committee on Science, Space, and Technology, I became more acutely aware of the severity of our global warming problems when I participated in a congressional delegation visit to Antarctica to inspect the scientific research projects that are being conducted at the South Pole. The Antarctic is a primary site for critical research on the effects of ozone depletion in the Earth's atmosphere.

The United States must take a lead on the issue of global warming. We missed our opportunity to invite the nations of the world to the United States to negotiate an international convention on global warming when the environmental ministers met in The Netherlands earlier this month. But all is not lost. EPA Administrator William Reilly and Secretary of State Jim Baker have both stressed the importance of the United States hosting such a meeting. The United States has signed the declaration resulting from the Ministerial Conference on Atmospheric Pollution and Climatic Change. Officially, we are committed to the findings of this conference, so I believe we should followthrough with action.

TRIBUTE TO MAYOR JOHN C. PORTER

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. STALLINGS. Mr. Speaker, I would like to take this opportunity to pay tribute to the mayor of my hometown, the Honorable John C. Porter, who decided not to seek reelection after serving as mayor of Rexburg, ID, for 16 years.

I would like to insert in the CONGRESSIONAL RECORD an editorial, published recently in the Idaho Falls Post-Register, honoring Mayor Porter.

The modern history of Rexburg is inseparable from the story of one man, John Porter.

In January, Porter will leave the political stage with the heartfelt thanks of the people of Rexburg.

It is hard to think of a Rexburg without Porter. He has been mayor for 16 years and a city councilman for the 12 years previous. His fingerprints can be found on everything that has happened there in the last three decades, almost all of it progressive, sensible and wise.

During the period he was mayor, the population of Rexburg nearly doubled, going from 7,500 to 12,500. Water mains were enlarged and water storage capacity multiplied eight times. Sewage lines were extended and a treatment facility built with a capacity double today's needs. A new storm sewer system is in place. Streets and parking have been steadily expanded and improved.

The list goes on, through the fire station and police complex to ball fields, a golf course and parks. But the Porter legacy will not be merely one of buildings and streets. Porter will be remembered for the characteristics which resulted in his so seldom being opposed for re-election: fairness, integrity and low-keyed good sense.

Porter steered Rexburg through the Teton Dam flood and subsequent rebuilding with a steady confidence. He did not seek the spotlight but shared it with others. So exemplary was his administration that the two candidates in last Tuesday's election acknowledged there were few issues to debate, no cleaning to be done.

As a former publisher of a highly regarded twice-weekly newspaper and a member of a family that has played a major role in the

economic welfare of Rexburg, Porter has reason to boast. And every reason to withdraw from public life. But we are confident Porter will continue to be both modest and active. We commend John Porter and thank him for all he has done. Rexburg and eastern Idaho have been lucky indeed to benefit from his long and highly successful public service.

REAUTHORIZE FUNDING FOR THE MARY McLEOD BETHUNE MUSEUM AND ARCHIVES

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing legislation to reauthorize funding for the operation and maintenance of the Mary McLeod Bethune Museum and Archives [BMA].

This legislation calls for an authorization of $232,000 for fiscal year 1990, $240,000 for fiscal 1991, and $250,000 for fiscal year 1992.

This facility, named after the renowned educator and activist Mary McLeod Bethune, is the only federally supported facility of its type—chartered to document and preserve the history of African-American women. Unfortunately, over the years the accomplishments and achievements African-American women have not been chronicled or documented. The Bethune Museum and Archives houses the largest manuscript collection related to the individual and collective achievements of African-American women.

The BMA has a two-tiered mission: to preserve and make available documentary evidence of African-American women and their organizations; and to document and interpret the life of Mary McLeod Bethune.

This reauthorization will enable the BMA to continue its research, planning, and installation of a permanent exhibition on the life of Mary McLeod Bethune. The proposed three-dimensional exhibition will be the first to fully investigate multidimensions of this great woman's life. This exhibition will enhance and highlight many dimensions of her life and little known areas of African-American history and women's history.

In the coming years, the BMA will also undertake a number of other exciting initiatives. It will continue to interpret the site through tours, programs educational materials, and improved public relations programs. BMA will also launch a national search for primary sources and photographs related to Mary McLeod Bethune.

Since its establishment, the BMA site has been unable to accommodate handicapped and elderly persons. The 1990 reauthorization request contains funding for ramps and other facilities to accommodate them.

Mr. Speaker, my colleagues, I urge your support of the reauthorization of this small but significant museum which is chartered to collect and display the significant holdings of Mary McLeod Bethune and other outstanding African-American women.

INTRODUCTION OF THE COMPETITIVE WHOLESALE ELECTRIC GENERATION ACT OF 1989

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. TAUZIN. Mr. Speaker, today I am introducing the Competitive Wholesale Electric Generation Act of 1989. This is a modified companion bill to Senator JOHNSTON's amendment to S. 406. This bill includes modifications designed to mitigate consumer concerns over the potential for self-dealing by public utilities; but otherwise tracks the Senate bill. As with the Senate version, this legislation is intended to initiate spirited debate on the future of the wholesale electricity generation industry. The complexity and potential ramifications of this legislation demand thoughtful contemplation of the issue.

This legislation modifies the Public Utility Holding Company Act of 1935 to remove obstacles to competitive wholesale generation. The bill would effectively allow utilities and non-utilities alike to develop Independennt Power Producers [IPPS] in a holding company format exempt from the limitations of PUCHA. The additional House language reinforces prohibitions against utility expolitation of transmission lines or affiliate relationships to undue advantage in a competitive environment.

Some will ask why we need amend such a tried and venerable statute? The answer lies in the fast paced evolution of the utility industry as that industry attempts to supply the energy needs of our constituents. All across America we are seeing the signs of things to come. In early June, utilities in the Washington, DC, metropolitan area dropped voltage in order to prevent a serious power outage. In New England, reserve margins are so thin that power outages threaten to become frequent occurrences. While only a few regions of the country are affected today, the long term national picture is just as serious. The North America Electric Reliability Council projects a 2 percent per year peak demand load increase through 1999 for the United States. Unfortunately, there is presently inadequate construction of generating plants because of, among other things, the restrictive nature of the Public Utility Holding Company Act of 1935.

At this point, I believe it is appropriate to remark on the Public Utility Holding Company Act, because it is a testimony to the craftsmanship of that legislation that we stand here, over 50 years after its enactment, to discuss a narrowly focused modification.

In 1935, a handful of giant utilities held the lion's share of the generating capacity in the United States. Their intentionally complex and deceptive accounting practices made monitoring utility dealings all but impossible. Further, a fledgling regulatory system did little to ensure that prudence of investment. The 1935 Act severely limited the range of utility investment to address the outrageous abuses that unregulated utilities perpetrated on their stockholders and customers. By establishing extraordinarily restrictive investment criteria for public utilities, the act all but prohibits development of nonexempt generating facilities. Today, we feel that the marketplace has certain safeguards and regulatory entities which make amendment to PUHCA feasible. Under the Competitive Wholesale Electric Generation Act of 1989 the Federal Energy Regulatory Commission and State utility regulators continue to fill the role for which they were empowered. In fact, I believe that segments of the Public Utility Holding Company Act of 1935, while once necessary to ensuring a reliable supply of energy, today inhibit the very growth in that supply it was enacted to secure.

In 1989, the great demand for electricity calls for new instruments with which potential power suppliers in the United States can effectively grow and provide ratepayers with the electricity needed to see our way into the next century. While this legislation is certainly imperfect, we submit it as the clay from which sound policy might be molded.

In fact, during this course of debate, we may find that the approach of the Competitive Wholesale Electric Generation Act of 1989 is not yet the proper mechanism to facilitate the evolution of the wholesale electric generation market. However, this legislation poses important questions: To what extent should competition enter the wholesale generation market and perhaps even more fundamentally, can competition provide a reliable supply of electricity? Should the legislation address the question of transmission access, and if so, under what circumstances?

As we wrestle with these questions, I fully expect the legislative process to improve this bill as the spectrum of views and opinions is heard. Our amended version of Senator JOHNSTON's language speaks to the concerns of groups who see the potential for self-dealing by utilities at the expense of the ratepayer. This added section illustrates our recognition and respect for concerns leveled by consumer advocates and smaller independent energy producers.

Undoubtedly, questions will remain regarding the advantages that utilities possess in even the most competitive atmosphere. My reaction is that we must listen to the debate and decide how best to balance those concerns with the logic that experienced participants in wholesale electric generation should be thoroughly heard.

This stand-alone legislation should face both tests and criticism over the course of the debate. That is precisely the reason for dropping in this legislation today. We want to begin the educational process to consider the way our electric energy supply is generated for industry and the people of the United States.

Most thinking people recognize that a stable, inexpensive supply of energy is necessary to a globally competitive economy. Today, as never before, our economy feeds on a reliable supply of electricity. The great strains placed on the energy generators in certain regions of the United States are frightening. Computers, lights, televisions, radios. * * * the very tools of communication in our society are threatened by the ominous specter of voltage drops, brownouts, and rolling blackouts. And that threat is very real.

Secretary of Energy James Watkins stated that potential electric generation shortages pose a threat to the national security of the United States.

Often Congress is blamed for not investing in the future good of the Nation, opting instead to roll in the turmoil of the day. Today, I call on my colleagues to educate themselves and join in this discussion. Whatever side you are on, join the debate. We have asked the questions today, because in the end, the Congress must answer them.

Rather than wait for the crisis conditions of electrical brownouts and blackouts, I suggest we begin now to see to it that America is never short on electrical power.

NEWEST LANDMARK IN OUR NATION'S CAPITAL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. McDADE. Mr. Speaker, I rise today to call attention to the newest landmark in our Nation's Capital. An antique school bell from Milford, PA, is now permanently displayed on the plaza of the U.S. Department of Education.

This new landmark holds a very special place in the hearts of everyone who grew up in the foothills of the Pocono Mountains. Its toll long called the students of Milford High School to their studies. Milford High was the only high school in Pike County, PA, and housed Milford's elementary school classes, too.

Learning and Liberty is the theme of this week's celebration of American Education Week. With the dedication of the Milford school bell, Secretary Lauro F. Cavazos opened our annual celebration of education. It is fitting that this Learning Bell should come from the same Commonwealth that brought us our Liberty Bell.

Last Monday, Education Secretary Cavazos in his dedication remarks said:

I'd like to go to every school in America today and put up a bell, an old-fashioned school bell. And that bell would toll in the morning, and it would say, America, something important is about to happen. Education is about to happen in your town. Send your children prepared. Come prepared to study and come prepared to learn.

It gives me great pleasure to thank the alumni of Milford HIgh School for the donation of the bell which called generations to school. May it always serve to remind us of how central learning is to our liberty.

ANNIVERSARY OF McLEOD REGIONAL MEDICAL CENTER

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. TALLON. Mr. Speaker, November 16 will mark an important anniversary in Florence, SC. McLeod Regional Medical Center will celebrate 10 years of service to the people of the Pee Dee.

On November 16, 1979, McLeod Hospital moved four blocks down Cheves Street from the facility that had served the Florence community for over 60 years. McLeod became the regional medical center intended to serve the medical needs of the people of the Pee Dee into the next century. Ninety-two patients and 923 McLeod employees found a new home that day in a building that was described as a "castle" and a "spaceship."

Regardless of what the building looked like on the outside, the modern operating facilities, attractive offices, bright hallways, pleasant patient rooms, and technologically advanced equipment were state of the art. That November morning in 1979, patients awoke in McLeod Memorial and slept that evening in McLeod Regional Medical Center.

Today, McLeod is not only an outstanding medical facility, but it is also an economic draw to the Pee Dee. All the tax incentives in the world won't bring new business and industry to an area if the community can't offer modern and high quality medical services. McLeod has helped us sell this area to incoming business and industry, and shows them that this is a growing and progressive community.

Through the years, McLeod Regional Medical Center has proved to be much more than just a hospital, more than just a place sick people go for medical treatment. McLeod offers a wide range of health care services. And it's the little things that make McLeod special—the valet parking for senior citizens, the presurgery tapes and tours for surgery patients, career programs for high school students, the hospice program, and the child development center, to name a few. It's more than a hospital—it's a health care community within our community dedicated to serving it's people.

Modern diagnostic and treatment facilities, caring rehabilitative services, the latest technological tools, and a highly qualified, dedicated medical staff make McLeod Regional Medical Center the outstanding health care facility that we are so proud of in the Pee Dee.

I send my congratulations to McLeod's chairman of the board of trustees, D. Laurence McIntosh, and all of the doctors, nurses, technicians, staff, and volunteers that make McLeod the special caring oasis in a world of often unfeeling medical care.

I join them in celebrating this decade of excellence, but also in looking forward to a bright future in the next decade with McLeod Medical Center leading the way in health care services.

DENVER BRONCOS: A WINNING TRADITION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. HEFLEY. Mr. Speaker, I rise today to pay tribute to the Denver Bronco football team as they challenge the Washington Redskins on November 20, 1989.

From my home State of Colorado, the Broncos hold an 8-and-2 record this season. The Bronco's vigorous spirit epitomizes the rugged terrain of the Rocky Mountains and the choppy waters of the Colorado River. Spawned a mile high in the city of Denver, the Broncos flourish in the crisp mountain air and are forever inspired by the pioneer spirit of the people in Colorado.

There are many Coloradans here in the Washington area. I hope that all of those attending Monday night's game will join me in renewing ties to our home State by showing enormous enthusiasm and loyalty for our football team. I cannot praise the Broncos without mentioning the president and chief executive officer, Pat Bowlen, and head coach, Dan Reeves.

An outstanding athlete in his own right, triathlete Bowlen has helped the Broncos win three division crowns and establish the best overall and home record in the American Football Conference. Since he became head coach in 1981, Dan Reeves has inspired the Broncos with his knowledge, skill, and leadership. Under Reeve's guidance, Denver has enjoyed six winning seasons and four playoff positions.

A victory for the Broncos on Monday, November 20, 1989, would mark the favorable continuation of a longtime rivalry with the Redskins, and bring satisfaction among Bronco fans everywhere.

HOUSING AUTHORITY OF LOUISVILLE RECEIVES HUD ANNUAL PERFORMANCE AWARD

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MAZZOLI. Mr. Speaker, I am pleased to bring to your attention the fact that the Housing Authority of Louisville [HAL], KY, which I am privileged to serve in the U.S. Congress, recently received the Department of Housing and Urban Development [HUD] Specific Activity Performance Award for its Home Partnership Program.

I was honored to join Andrea Duncan, executive director of HAL, and Mabel Wiggins, chairwoman of HAL, who were in Washington, DC, earlier this month to accept the Specific Activity Award in behalf of HAL from HUD official, Joe Schiff, another Louisvillian.

The Specific Activity Award is presented to Public Housing Authorities [PHAs] which, through the management of their projects, have made outstanding contributions to the improvement of the quality of life for public housing residents, and HAL was the only recipient chosen from 62 applications nationwide.

The Home Partnership Program, for which HAL was recognized, is a unique public-private partnership between HAL, the Louisville Housing Department Corp., and Liberty National Bank & Trust to provide affordable housing to low-income, first-time homebuyers. Without the aid of Federal funding, the Partnership Program made available 36 condominiums—ranging in price from $32,000–$37,000

per unit—to first-time buyers whose average income was $12,500 and provides a supplement to the $320/month mortgage payment for which the owners are responsible.

Andrea and Mabel are to be commended for their hard work and leadership. Our community—and specifically, public housing residents—have benefited from their efforts, and I look forward to working with them and their colleagues in the days ahead.

INTRODUCTION OF THE NATIONAL ENVIRONMENTAL EDUCATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MILLER of California. Mr. Speaker, today, I am introducing the National Environmental Education Act. I am pleased that 39 Members have joined me in cosponsoring this bill. An identical bill, S. 1076, has been introduced by Senators BURDICK, MITCHELL, CHAFEE, and 24 other Senators.

The purpose of this bill is to increase the public understanding of the natural environment and to advance and develop environmental education and training.

The bill will create an Office of Environmental Education within the Environmental Protection Agency; establish programs to prepare teaching materials and train teachers; provide grants to local education agencies, colleges, and universities, for the development of environmental education programs; and establish awards to recognize excellence in environmental education.

Next April marks the 20th anniversary of Earth Day. Since the first Earth Day in 1970, much headway has been made in efforts to protect the environment. However, many of the environmental issues that face us today—and will face us in the future—have become extremely complex and technical. Finding workable solutions to these issues is very difficult, but finding those solutions is critical if we are to enjoy a healthy and liveable environment.

Establishing a National Environmental Education Program will prepare tomorrow's leaders to effectively respond to inceasingly complex national and global environmental problems.

I look forward to working with my colleagues in the House to pass this legislation in time to commemorate Earth Day 1990 and to establish this important program.

TRIBUTE TO THE GODDARD FAMILY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay special tribute to a family who has redefined the concept of philanthropy. Through their uncommon and selfless generosity, the Goddard family has proven that community service is not a choice but rather a civic responsibility we should perform for the betterment of both Rhode Island and our Nation.

As one of the early families of Rhode Island, the Goddards have demonstrated throughout the history of the State a complete and unparalleled dedication to their community. They have set examples not only as spirited individuals but as a strong family. They have addressed and been committed to broad areas of interest including the fields of art, education, health care and the environment to mention just a few.

The head of the Goddard family, Mr. Robert Goddard, personifies the ideals and values established by his ancestors. Following his father's commitment as a community leader in business and civic affairs, Robert has continued the standard for his family inspiring them and other Rhode Islanders to become activists. A former member of the Providence City Council and active in political campaigns; Robert has ensured that we keep a government which is representative of and for the people.

Hope Goddard has given of herself for the improvement of education and art in Rhode Island while striving to instill in her children an appreciation of the arts and their obligation to support them. It is largely due to the efforts of this extraordinary woman that Providence has become one of the leading cultural centers in our country. Her devotion is a tribute to her love for creative expression and her fellow citizens.

I would like to thank and congratulate this unique family upon their selection as honorees on National Philanthropy Day. The Goddard family understands clearly that although one must make a living, it is far more important to make a difference. They typify the true American dream—that we must each strive to make the world not necessarily perfect, but better as a result of our lives and our efforts.

ARTHUR A. BRESSI

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. HAMMERSCHMIDT. Mr. Speaker, on Veterans Day our country lost a veteran of great eminence. Mr. Arthur A. Bressi, a totally disabled former prisoner of war, was a friend and a leader of the veteran. He died on November 11, 1989, after had had been stricken with a stroke and massive coronary. And, we shall all miss him.

Art grew up in Pennsylvania, graduating from Marion High School in 1938. After joining the Army, he was sent to Corregidor, the Philippines, where he was assigned to the 60th Coast Artillery. He was active in the defense of Corregidor until its fall in 1942. Art was a prisoner of war for over 3 years, until the war ended.

Thereafter, Art worked in Army Intelligence until his retirement from the service. He subsequently was employed with the Department of the Navy and the Commonwealth of Pennsylvania and also volunteered much of his time for veterans causes, including the American Ex-prisoners of War and the Defenders and Bataan and Corregidor. Art was an outspoken frontrunner in the call to improve benefits for veterans. I remember most particularly his testimony in which he advocated so strongly for prisoners of war.

As we continue in our efforts to improve the quality of services to our veterans, let's remember Art and his significant contribution in this regard. He touched many, many lives.

MARINE CORPS PROVIDES HURRICANE ASSISTANCE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. MURTHA. Mr. Speaker, although it is no longer making headlines, the devastation caused by Hurricane Hugo in the Caribbean and South Carolina is still causing great suffering in those areas. This suffering might have been much greater had it not been for the efforts of the U.S. Marines in providing assistance in the wake of the hurricane.

Over 1,000 active duty marines and more than 450 pieces of equipment were committed to the Hurricane Hugo relief effort. Marines assisted in road clearing, potable water production, and electrical power support to the communities of Summerville, McClellanville, and Moncks' Corner, SC. Marine Corps generators provided power for emergency shelters and life-support equipment at area hospitals. Marine Corps helicopters shuttled residents of the barrier islands to assess damage to their homes. Marine Corps resources were also used to reestablish air control capability at Roosevelt Roads Naval Air Station in Puerto Rico, and marines assisted in relief efforts on the island.

It has always been one of the outstanding features of American society that we come to the aid of those in need. It is indeed fortunate that the victims of Hurricane Hugo were able to turn to the Marine Corps, among many others, in their hours of need. I would like to congratulate the marines involved in the relief efforts in South Carolina and Puerto Rico for a job well done.

HUD REFORM

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. BUNNING. Mr. Speaker, it is always refreshing to see the Congress and the administration act cooperatively and quickly in response to a critical situation. Such is the case with H.R. 1, the Department of Housing and Urban Development Reform Act of 1989.

The news accounts of the fraud, abuse, and mismanagement at the Department of Housing and Urban Development [HUD] this past year plagued the agency like a swarm of locusts. Through the early months of the year, we couldn't pick up the paper without reading some new account of influence peddling, foul-

ups, or outright fraud. It was clear that the new Secretary of HUD, Jack Kemp, had his hands full.

Fortunately our new Secretary was up to the challenge. Secretary Kemp seized control of the situation, opened the doors at HUD so that we could also see the problems and sent us a reform package to clean up the problems.

The Housing Subcommittee then took that package and rather than holding the plan as a political hostage, acted on it swiftly and moved it to the floor for immediate consideration.

The plan itself is a well-thought-out effort to restore the concept of housing "for the needy, not the greedy" as the top priority at HUD. The premise of the bill is that all housing assistance should be determined only on the basis of need. It contains ethics reform as well as program reform.

In particular, the bill allows greater scrutiny of HUD and its private-sector partners and greatly restricts the ability of lobbyists to influence HUD decisions. It imposes new external monitoring requirements on the department and enhances the agency's ability to identify and punish wrongdoers.

Secretary Kemp and this body should be proud of the job they did to get this bill to the floor for a vote.

RENOVATION AND RESTORATION OF ST. PETER'S CHURCH

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. SCHULZE. Mr. Speaker, on November 26, the congregation of St. Peter's Church in Great Valley, PA, celebrates the dedication of their church's renovation, restoration, and new construction. Presiding at the dedication will be the suffragan bishop of Pennsylvania, Rev. Franklin Turner.

Founded as a log church in 1700, St. Peter's Church constructed its present stone building between 1728 and 1744. It is listed on the National Register of Historic Places, is one of the original parishes in the diocese of Pennsylvania and is the oldest Episcopal Church in Chester County, PA.

During the American Revolution, the church served as a hospital for American and British troops. Veterans of every American war are buried in St. Peter's Cemetery.

It is, indeed, a historic landmark in Chester County worthy of preservation, and I congratulate the rector, Rev. Frank Harron, and the entire congregation for their tremendous success.

A TRIBUTE TO JAMES HUBBARD AMBERG

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. HUBBARD. Mr. Speaker, James Hubbard Amberg, a Hickman, KY, friend and constituent of mine who served for more than 20 years as county attorney of Fulton County, died Monday at age 75 at Jackson-Madison County Hospital in Jackson, TN.

Jim Amberg, a highly respected lawyer who assisted many thousands of western Kentuckians, began his law practice in 1938 with his father, the late Will Amberg.

For many years, Jim Amberg and his younger brother, Brantley Amberg, worked together in the Hickman law firm of Amberg & Amberg.

Because Jim and Brantley Amberg's mother was Charlotte Hubbard prior to her marriage to Will Amberg years ago, Jim, Brantley and I discussed if we were kin. Tracing the Hubbard family tree, we agreed we probably were/are distantly related.

This afternoon at 2 p.m. funeral services are being held for Jim Amberg at Hickman's First United Methodist Church, where he was an active member.

Burial will be in the Hubbard family cemetery in Hickman.

Survivors include his lovely and talented wife Barbara Kettler Amberg; two sons, Jimmy Amberg of Union City, TN, and Jack Amberg of Jackson, MS; a daughter, Jane Woellner of Bath, NH; four brothers, Bill Amberg, Jr., of Benton, Gus Amberg and Brantley Amberg, both of Hickman, and Charles Amberg of Tampa, FL, and six grandchildren.

My wife Carol and I extend to Barbara and all the Amberg family our sympathy.

TRIBUTE TO LECH WALESA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Ms. KAPTUR. Mr. Speaker, yesterday morning, a patriot in the same tradition of our Adams and Jefferson and Washington stood before the U.S. Congress and told the American people and the Congressmen and Senators assembled of that fateful day in 1981 when a fired electrician climbed a fence in Gdansk and started a movement that has changed the world. Like our "shot heard round the world," Lech Walesa actions that day and for the last 8 years are bringing down the Iron Curtain separating East and West, like the crumbling walls of Jericho.

In Mr. Walesa's fervent plea for help, he told a moving tale of the bravery and persistence of the Polish people in the face of overwhelming adversity. A devoted and committed ally during World War II, Poland fought the longest, was present in great numbers in all the war's theaters, and lost 6 million of its countrymen to help achieve the victorious ally outcome.

But when the time came for rewarding Poland for its efforts, the Polish people were abandoned.

For their efforts and immense sacrifices during the war, the Polish people were rewarded with a political system completely alien to anything they had ever known and an ineffective economic structure. It rewarded inefficiency and corrupt Government officials. For over 40 years, Poland has struggled with the legacy of promises broken at Yalta.

And yesterday, this great statesman and patriot stood before this body at another crossroad in the history of freedom and democracy. He fervently asked that the United States and our allies not abandon Poland again just as the seedlings of democracy need nourishment to survive.

After the war, Poland made a passionate plea for help to the United States. Instead of being welcomed into the community of free nations, they were turned over to Communist rule and shut out of the Marshall plan which was used by Western Europe to create new and prosperous societies.

Let the Congress of the United States today make an investment in a new, prosperous, and free Poland. The financial costs are few—the dividends are immeasurable.

Yesterday, a man stood before us who has literally changed the world. Today, let us now help that man, his people, and the nation of Poland change the face of Eastern Europe and the world forever. Let us move into a 21st century of peace.

EL SALVADOR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Ms. PELOSI. Mr. Speaker, earlier this morning, we received news that six Jesuits in San Salvador were assassinated as they walked into their homes. These noble and dedicated men, who were fighting a daily struggle to improve the lives of Salvadorans, are some of the latest casualties of the tragic escalation in the war in El Salvador.

Our colleague, Congressman JOE MOAKLEY, is circulating a telegram to the FMLN and the Salvadoran Government appealing to them to allow for the evacuation of the wounded, to allow civilians out of conflictive zones, and to resume immediately highest level negotiations toward a ceasefire and a political settlement to the 10-year-old war. I urge all of my colleagues to sign on to this telegram.

Mr. Speaker, the situation in El Salvador is getting worse by the hour. We must take action to pressure both of the parties in the conflict to stop the bombing and to stop the killing. The six Jesuits recently assassinated dedicated their lives to seeking peace. We must continue their work. Thank you.

COMMENDS FADA PRESIDENT JOHN WILLS AND HIS STAFF

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, today I rise to clarify some comments I made during a recent hearing conducted by the Resolution Trust Corporation [RTC] Task Force regarding the Federal Asset Disposition Association [FADA].

Representative PAUL KANJORSKI and myself have fought for the elimination of FADA for

the last couple of years. We did so because we felt FADA was not an efficient way to dispose of the billions in troubled thrift assets held by the Federal Savings and Loan Insurance Corporation [FSLIC]. It was our opinion that FADA went way beyond what it was originally intended to do, and that the private sector would be better able to manage the assets of troubled savings and loans and to attain a higher rate of return on those assets. I still believe this to be true.

However, I would like to take this opportunity to commend current FADA president John Wills and his staff for the extraordinary efforts they have made in reforming FADA and returning it to its original purpose. While I still believe it is necessary to eliminate FADA, it is my opinion that Mr. Wills has done an excellent job as president, and is certainly a step above his predecessors at FADA. John Wills has made every effort to work with this Member and I wanted him to know that I appreciated those efforts. I am confident that he will be successful in any endeavor he pursues, and I hope that I will have the opportunity to continue to seek his advice on the enormous and difficult task of resolving the savings and loan crisis.

FEDERAL RESERVE REFORM ACT OF 1989

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 16, 1989

Mr. HAMILTON. Mr. Speaker, on Thursday, November 9, I testified before the Subcommittee on Domestic Monetary Policy on H.R. 3512, the Federal Reserve Reform Act of 1989. My statement follows:

Mr. Chairman and Members of the Subcommittee, I am very pleased to have this opportunity to testify on H.R. 3512, the Federal Reserve Reform Act of 1989.

Since Congressman Dorgan and I originally introduced this legislation in June, our bill has stimulated a thoughtful discussion among the American people about the Federal Reserve and its proper role in American society. In response to the many very helpful comments we received, Congressman Dorgan and I recently revised the bill and reintroduced it.

The Federal Reserve occupies an anomalous position within the government of the United States. It is an enormously powerful institution, but it does not conform to the normal standards of government accountability. Power without accountability simply does not fit into the American system of democracy.

Through its control over monetary the Federal Reserve affects the lives of all Americans. It has the power to decide who prospers and who fails. The path that the Federal Reserve sets for monetary policy and interest rates affects every businessperson, worker, consumer, borrower and lender in the United States. With fiscal policy paralyzed by the inability of the Congress and the Administration to agree on ways to reduce the Federal deficit, the Federal Reserve by default must make the decisions by which the government exercises its responsibility for the overall performance of the economy.

The dilemma created by this concentration of power is that the independence which the Federal Reserve must have in order to insulate monetary policy from political pressures also removes the Fed from the normal processes of accountability that apply to every other agency of the federal government. Our bill, H.R. 3512, addresses a very difficult and perplexing problem—how to make the Federal Reserve more accountable to the American people without jeopardizing its independence and its ability to conduct monetary policy free of political pressure.

When Congress and the President make policy, we do it in the open. The debates in both the House of Representatives and the Senate are televised live throughout the country. The decisions we make are immediately reported to the American people; every penny the government spends shows up in the Budget documents of the U.S. Government and this information is readily available to any interested Member of Congress or the public; and the books and programs of very government agency are subject to audit and review by the General Accounting Office. These are the accepted rules of accountability in a democracy. If the citizens of the country are dissatisified with the results, either with the policies themselves or the way they are carried out by government agencies, they know to whom to complain and how to register their preferences.

But these rules do not apply to the Federal Reserve. The Fed is independent of the rest of the government. It was purposely created that way to insulate monetary policy from political pressures. No other government agency enjoys the Fed's prerogatives. Monetary policy is conducted in secret, behind closed doors. The Federal Reserve is not required to consult with Congress or the Administration before setting money or interest rate targets, even though its power affects every American. It waits six weeks before releasing policy decisions. The President, who is responsible for the performance of the economy and is blamed if things go wrong, often must wait until late in his term to appoint a new Chairman of the Federal Reserve Board, raising the risk that the President and the Federal Reserve Board Chairman might be at odds. President Bush, for example, will not be able to appoint a Fed Chairman until August 1991. The Fed's budget is not published in the U.S. Government Budget, even though it spends over $1.5 billion per year. Only 6 percent of Federal Reserve expenditures are detailed in the U.S. Government Budget—the $90 million spent by the Board of Governors—and this appears only in the appendix and not in standard government format. The Presidents of the 12 Federal Reserve Bank, who participate in monetary policy decisions on the FOMC, are neither appointed by the President nor confirmed by the Senate. Even though the Federal Reserve engages in more than $1 trillion in transactions in the money markets each year, most of these activities are exempt from audit by the GAO or any other outside agency.

My constituents in the Indiana district I represent in Congress understand that the Federal Reserve has a powerful impact on their lives. But they express frustration over how the Fed operates and how they can communicate with it. I would like it. I would like to quote from one letter I recently received, which summaries the concern of many Americans:

"As an ordinary citizen, I find it outrageous that Volcker and now Greenspan have such dictatorial power over my life and those of other hard working citizens. Where are the checks and balances intended by our Constitution?"

As applied to the Fed, this is not an easy question to answer. The bill that Congressman Dorgan and I have introduced is an attempt to address this very complex issue of Federal Reserve accountability. Before describing what the bill will do, let me briefly tell what it will not do.

First, it will not cause revolutionary changes at the Federal Reserve. It is a very modest bill designed to improve some of the Federal Reserve's practices and procedures. In the 75 years since Congress created the Federal Reserve System, we have made a number of changes in its structure and procedures, adding responsibilities and powers from time to time and periodically revising its relationship with Congress and the Administration. Our bill continues this process by proposing a handful of evolutionary changes in the practices and structure of the Federal Reserve.

Second, our bill will not reduce the policymaking independence of the Fed or inject politics into monetary policy. The bill does not impose Presidential or Congressional or other outside controls on Fed policy.

Our bill, instead, aims to make the Federal Reserve more acountable to the American people, not by giving politicians control but by creating a formal channel of communication between the President and the Federal Reserve, and by providing Congress and the American people with more and better information on the Federal Reserve's policies and procedures.

The bill has five major provisions.

I. CONSULTATION WITH THE ADMINISTRATION

First, it would require the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget to meet three times a year on a non-voting basis with the Federal Open Market Committee, to consult on monetary and fiscal policy.

Two of the required meetings would take place just before the FOMC sets its annual money growth targets in February and July and reports to Congress, as required by the Full Employment and Balanced Growth Act of 1978. The third meeting would occur in the fall at the start of the Administration's annual budget cycle. These meetings will bring together the key members of the fiscal and monetary policymaking teams.

The purpose of the meetings is to improve the flow of information between the Administration and the Federal Reserve. Currently, there is no formal channel of communication between the President and the Fed. At times, the Administration is reduced to carrying on policy disputes by publicly sniping at the Fed through the press. Under our bill, the Administration will have a formal avenue to present its program for the economy to the FOMC and lay out its goals and targets for monetary policy. The Members of the FOMC will also have an avenue to convey their concerns about fiscal policy to the Administration. Communication will flow both ways.

In his testimony before this Subcommittee on October 25, Federal Reserve Board Chairman Alan Greenspan opposed this provision on the grounds that the Federal Reserve and the Administration already communicate through informal channels

and that the more formal arrangement proposed by our bill would result in political manipulation of monetary policy.

Informal channels of communication do exist; for example, the current Fed Chairman and Treasury Secretary are reported to meet about once a week. Over the years, however, the success of informal methods has varied, depending on the personalities involved. In addition, the discussions are off the record and views are conveyed secondhand to other members of the FOMC. This ad hoc approach to making decisions which affect the economic well-being of all Americans is not the best way for a great economic power to conduct its business. It is astonishing that the world's greatest economic power does not have a formal channel of communication between the key makers of economic policy. Our bill would establish a channel of communication that would not depend on personalities for success.

It is interesting to note that the Fed is already required to conduct formal advisory meetings of the kind we propose with a number of outside groups. One is the Federal Advisory Council, which is composed of 12 major private-sector bank presidents (one from each Federal Reserve district) and which meets four times a year with the Board of Governors. At the latest meeting, on September 8, 1989, the private bank presidents presented their complaints against current tax treatment of credit unions and discussed the impact of current economic policies on the U.S. trade balance.

Meetings also occur three times a year with the Consumer Advisory Council, which focuses on financial matters of importance to consumers, and the Thrift Institutions Advisory Council, which focuses on matters of interest to thrifts. The Consumer Advisory Council, and the requirement for periodic meetings with the Federal Reserve, was established in 1976 by an amendment to the Equal Credit Opportunity Act, in the same kind of modest change in Federal Reserve practices that would be made in our bill.

The Fed does not object to meeting regularly with bank presidents, consumer representatives and the thrift industry to discuss issues of importance to these groups. Why not accord representatives of the President of the United States the same privilege to discuss issues of importance to the whole nation?

Contrary to Chairman Greenspan's fears, three FOMC meetings a year with the Administration's top economic advisers will not empower the President to meddle with monetary policy. The required meetings would occur before actual FOMC meetings. No Member of the Administration would be present when the FOMC makes monetary policy decisions and none would have a vote on the FOMC. The format of the meetings would be solely under the control of the participants. Furthermore, given the Federal Reserve's current concern for its independence, any attempt by the Administration to meddle in monetary policy would and should evoke a strong reaction from the Members of the FOMC. If Chairman Greenspan raised this issue because he fears that the President, through his three representatives, could successfully dictate monetary policy, his words cast a dark cloud over the independence of the members of the FOMC.

The bill that Rep. Dorgan and I introduced will not eliminate policy mistakes at the Federal Reserve, or mistakes in fiscal policy. There will invariably be successes and failures under any set of structures or procedures. What it will do is reduce the risk of miscommunication and public sniping by establishing a formal channel by which the FOMC and the Administration can discuss the needs of the economy and the appropriate combination of monetary and fiscal policy.

II. TERM OF THE FEDERAL RESERVE CHAIRMAN

Second, our bill would allow the President to appoint a Chairman of the Federal Reserve Board (with the advice and consent of the Senate) one year after taking office, at the time when the first regular opening would occur on the Federal Reserve Board. This would make the Fed Chairman's term basically coterminous with the term of office of the President of the United States.

The current Chairman of the Board of Governors, Alan Greenspan, was appointed by President Bush's predecessor and will hold that office until August 10, 1991, almost three years into President Bush's term. Fortunately, Chairman Greenspan and President Bush have a cordial relationship. The fact that Mr. Greenspan was not appointed by President Bush has not caused any significant problems with monetary policy. But if they were unable to work together, the result could be serious damage to the American economy and a paralysis of economic policy. Why take that risk?

Our bill would address this by having the President appoint the Fed Chairman to a four-year term beginning one year after taking office, when there will be a new vacancy on the Board in any event. Each appointee will still be subject to Senate confirmation, as under current law. Giving the President three years of a term with a Federal Reserve Chairman of his own choosing is surely preferable to the possibility under current law of lengthy period where the President and Chairman cannot work together.

Chairman Greenspan testified that linking the Chairman's term to the President's could result in less independence from the White House than currently exists. To the contrary, the provision in our bill would not increase the President's influence over the Federal Reserve. A Fed Chairman who was appointed a year after the President took office and knew he would not come up for reappointment during the President's term would have much more independence than one, such as Chairman Greenspan, who must conduct policy to please President Bush if he wants to be reappointed Chairman when his term expires in 1991. In addition, over the years, some Chairmen have been appointed soon after the President took office with no detrimental effects.

Chairman Greenspan's further objection that it would be difficult to find a qualified person to fill out the remaining term of a Chairman who leaves office ignores that fact that the Chairman of the Board of Governors is a highly visible post with great power and prestige. There would be no shortage of qualified applicants. In addition, a "temporary" Chairman would still have the rest of a 14-year term to serve on the Board of Governors even if he were not reappointed to the next full Chairman's term.

As Chairman Greenspan testified, the Federal Reserve's position on this issue has varied over the years. In a letter dated October 6, 1966, to Congressman Abraham Multer, who was then Chairman of the Banking Committee's Subcommittee on Bank Supervision and Insurance, Federal Reserve Board Chairman William McChesney Martin said the Board believed that the terms of the Chairman and Vice Chairman should be related to the President's term of office and that a new President should be able to appoint a Chairman of his own choice. In response to a 1968 question from Banking Committee Chairman Wright Patman, Chairman Martin reaffirmed the Board's position. Chairman Arthur Burns was of two minds on the question of coterminous terms. In a 1977 hearing before the House Banking Committee, Chairman Burns opposed legislation tying the Federal Reserve Board Chairman's term to the President's. During the hearing, however, he gave the following response to a question from Congressman Parren Mitchell:

"I do not mind reporting to you that I have changed my mind. Last year in connection with a bill that the Congress was then considering, I reported to the Congress that the Board had no objection to a roughly coterminous term. Since then we have considered this issue again within the Board. I have given it a good deal of thought, and I do not find it an easy question. At present a clear majority of the Board favors the position that I have taken."

Former Federal Reserve Board Chairman Paul Volcker also supported the change in the Chairman's term that our bill would make, in testimony before the Democratic Monetary Policy Subcommittee on October 18, 1983. In his prepared statement, Chairman Volcker said:

"The Board believes there is merit in providing for a consistent relationship between the term of the Chairman of the Fedreal Reserve with the term of the President. At present, the beginning of a Chairman's term is an accident of history—a product of the timing of previous appointments, resignations, and expirations of the term of a Chairman as a Member of the Board of Governors. The principal problem with the present arrangement is that a new four-year appointment might be required late in a Presidential term or in the midst of, or shortly after, a contentious political campaign, tending to bring the choice into the heat of a political contest.

"It is difficult to argue that there is a single optimal alignment of the two terms, but among the possibilities there is a sound basis for making the four-year term of the Chairman begin on February 1 of the year after the President's term of office commences. Such an alignment would permit a President to nominate a Chairman relatively early in his term, but at a point in time somewhat removed from the series of political appointments required at the very start of a new Administration. Continuity at the central bank in the midst of a transition of administrations would be especially desirable."

III. DISCLOSURE OF MONETARY POLICY DECISIONS

Third, our bill would require the FOMC to disclose immediately any changes in the targets of monetary policy, including its targets for monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.

The FOMC currently keeps major policy decisions secret for six weeks after they are made and carried out. Most other government agencies must not only publish decisions in the Federal Register before they can take effect, most in fact must publish proposed decisions for public comment before they can even be issued in final form.

While secrecy may help insulate the Federal Reserve from criticism, secrecy has two economic costs.

First, secrecy makes capital markets operate less efficiently. The Federal Reserve's position on this can be defended only if you believe that ignorance is better than knowledge. But one of the major conclusions of microeconomic theory is that thorough and complete information is a requirement for markets to work efficiently. This applies to financial markets as well as to markets for goods and services.

Second, secrecy is unfair to small investors. When the Federal Reserve makes a policy change, large investors and Wall Street market experts generally find out early enough through experts who monitor the Federal Reserve. This gives them an advantage over small investors, borrowers, and others who don't have resources, to employ "Fed/watchers" to interpret and anticipate Fed policy changes.

The solution is immediate release of Federal Reserve policy decisions, as our bill would require. This is a change that is widely supported by economists and participants in financial markets.

In his testimony, Chairman Greenspan argued that immediate release would impair the Federal Reserve's flexibility to react quickly in times of acute financial unrest and could result in increased instability in financial markets if investors overreact to particular announcements.

Our bill does not require the Federal Reserve to announce every day-to-day move it makes in conducting monetary policy. It requires only that the Federal Reserve release changes in intermediate targets—that is, the targets set during the periodic meetings of the FOMC. In practice, this would require immediate release of the FOMC's directive to the open market desk of the New York Federal Reserve Bank, plus any other major policy changes that the FOMC agrees to between formal meetings. The Fed would still be able to operate day-to-day under the same rules it currently follows and would still be able to react quickly to market crises.

The possibility raised by Chairman Greenspan that immediate disclosure would cause financial market instability ignores the fact that it is ignorance, and not knowledge, about Federal Reserve decisions which creates the kinds of rumors that are unsettling to the financial markets and cause wide gyrations in bond and stock prices.

Rather than waiting six weeks before disclosing its intermediate targets, as the Fed now does, its decisions should be released immediately. This would improve the efficiency of financial markets, reduce instability, and provide all investors, large and small, with equal and timely information about monetary policy decisions.

IV. GAO AUDITS

Fourth, our bill would permit the Comptroller General to conduct more thorough audits of Federal Reserve operations, by removing selected current restrictions on GAO access to the Federal Reserve.

The General Accounting Office is the watchdog of Congress. It carries out that responsibility through financial and program audits of government agencies. These audits are of tremendous value to Congress. Not only do they ferret out waste, fraud and abuse, they perform the even more important function of telling Congress when programs are not working and where programs can be improved.

For many years, from the mid-1930's to the late 1970's, the Federal Reserve was exempt from GAO audits, along with the other bank regulatory agencies, on the grounds that its funds were not appropriated by Congress. In 1978, the Federal Banking Agency Audit Act authorized the GAO to audit the bank regulatory agencies, allowing full audits of the Comptroller of the Currency and the Federal Deposit Insurance Corporation and limited audits of the Federal Reserve. Since then, the GAO has conducted numerous audits of the Fed's regulatory activities, with no noticeable harm to the Federal Reserve or its effectiveness in regulating member banks.

Currently, the GAO is prohibited access to any Federal Reserve function involving (1) transactions with a foreign central bank or foreign government, (2) any deliberations or actions on monetary policy matters or (3) any transactions made under the direction of the FOMC. H.R. 3512 would remove the last two restrictions while retaining the restriction against GAO access to transactions with foreign central banks or foreign governments.

In his October 15 testimony, Chairman Greenspan protested that GAO audits would duplicate functions that are already performed, including financial audits by the Federal Reserve itself and Congressional oversight of monetary policy, and would stifle free discussion of policy alternatives by the members of the FOMC.

Although the Board of Governors does currently conduct a thorough financial examination of each of the Federal Reserve Banks through its operations review program, and the Board of Governors is audited by Price-Waterhouse, these examinations do not result in certified financial statements of the kind auditors would prepare for a private bank or corporation. While GAO audits of the Federal Reserve's financial condition might overlap the Federal Reserve's own efforts, every government agency that takes in and spends billions of dollars each year ought to be subject periodically to outside review. We are not accusing the Federal Reserve of dishonesty, we just believe the GAO should have more complete access to the Federal Reserve's financial statements.

What the Federal Reserve does not do under current practice is subject its practices and procedures to outside review, and this is where GAO audits could be even more valuable. Congressional oversight of complex issues benefits greatly from the kind of in-depth examination that can be conducted only by the GAO. It is true that Congress holds frequent hearings on monetary policy, and this subcommittee holds valuable annual hearings on the Federal Reserve's budget. But complex issues should not be left solely to hearings. The Congressional oversight responsibility is better carried out if it is better informed through studies that are analytic, independent, and based on full information.

By way of example, questions GAO could address that would not be possible under current restrictions include:

A. What economic information do the members of the FOMC have available during FOMC meetings? Is it presented in the most useful format? What other kinds of information should be available?

B. What are the costs associated with the Federal Reserve's purchases and sales of securities for open market operations? Is the Fed doing this efficiently?

C. What are the details of Federal Reserve operations through the discount window to assist failing banks and thrifts? What kind of collateral is being required, what are the terms and agreements?

Chairman Greenspan's concern that GAO audits would inhibit FOMC deliberations confuses access to information with disclosure. There are many instances where GAO has access to information that it cannot publicly disclose. For example, in its audits of banks and other financial institutions, the GAO is prohibited from disclosing "information identifying an open bank, an open bank holding company, or a customer of an open or closed bank or bank holding company." In carrying out these audits, however, the GAO has access to "all kinds and property of or used by an appropriate Federal banking agency, including samples of reports of examinations . . . and workpapers and correspondence related to the reports." The GAO also has access to the finances of the President and Vice President of the United States. When it audits any part of these records, however, it is prohibited from disclosing its findings, unless they involve criminal activity. If needed, our bill could be adjusted to include similar provisions.

V. FEDERAL RESERVE BUDGET

The final provision of our bill would require that the Federal Reserve's annual budget be published in the Budget of the U.S. Government. The Fed would submit its budget for the current year and the two following years to the President by October 16 of each year, and the President would be required to print the Fed's budget in the Government Budget without change.

The Federal Reserve's expenditures are not subject to approval by either the President or Congress, unlike the budgets of other government agencies. While the Board of Governors reviews and approves the annual budgets of the 12 Federal Reserve Banks, the Board determines its own budget.

During 1989, the revenues of the Federal Reserve System will be about $20 billion. A small fraction of these revenues will consist of payments by banks for services provided by the Fed. Most will consist of interest received from the Treasury on the Fed's holding of U.S. Government securities, which the Fed acquired during open market operations conducted for monetary policy purposes. Out of this $20 billion, paid mostly by taxpayers, the Federal Reserve will incur approximately $1.6 billion in operating expenses. Almost $1 billion of this will be for personnel costs. The rest will be for supplies, travel expenses, telephones and postage, printing money, maintenance of equipment, amortization of buildings, etc. The remainder will be returned to the Treasury, where it is listed in the Budget as an offsetting receipt.

Despite the fact that the Federal Reserve takes in and spends billions of dollars each year, the Federal Reserve's budget is not conveniently available to Congress or the public. Only a small fraction of the Fed's $1.6 billion of operating expenses is included in the U.S. Government Budget—just the $90 million of expenses incurred by the Board of Governors in Washington. The details on this part of the Fed's budget, only 6 percent of the Federal Reserve's total spending, appear in Part IV of the Budget Appendix, in a section entited "Government-Sponsored Enterprises."

Under pressure from Congress, the Federal Reserve began publishing budget data for the entire System in 1986 in an annual document entitled "Annual Report: Budget Review." While this report represented an improvement over prior practice, the Feder-

al Reserve's annual Budget Review still has three shortcomings:

"It is not printed together with the rest of the data on how the government takes in and spends money and thus it does not get the public scrutiny accorded other government agencies.

"There are no estimates or projections of future expenditures. The Budget Review only presents actual or estimated expenditures for the previous two calendar years and the budget for the current calendar year. By contrast, the Government budget presents estimated expenditures for government agencies not only for the current fiscal year, but for the next two fiscal years in the future.

"Data on Federal Reserve receipts are presented only for prior years. There is no estimate of receipts either for the current year or for future years."

In his testimony, Chairman Greenspan argued that the Federal Reserve's functional independence is inseparable from its budgetary independence and that publishing its budget in the Government budget would require the Fed to keep two sets of books at the cost of millions of dollars.

H.R. 3512 will not reduce the Federal Reserve's control over its own budget. The bill would not subject the Federal Reserve to the Congressional appropriations process, nor would it give either Congress or the Administration any control over the Federal Reserve's spending. All it does is require that the data be published conveniently in the U.S. Government Budget, where spending by every other government agency is already listed. This includes the Supreme Court, which has its budget published in the Government Budget without any loss of independence.

The bill will not require the Federal Reserve to maintain two sets of books. Although the Fed does not use the Federal fiscal year or government accounting principles for its accounts, the Fed would not be required to adopt them by our bill. It would be useful, but not required. We just want the Fed's data on its budget to be published along with the rest of government spending in the Budget of the U.S. Government.

Adopting the bill would thus implement a basic principle of democracy that no government agency should take in and spend billions of dollars without having its budget readily accessible to the public.

These are the specific provisions of H.R. 3512.

Before concluding, I would like to address two more general arguments used by the Federal Reserve and others to oppose our bill.

One is, "if it ain't broke, don't fix it." This objection assumes that the effect on H.R. 3512 will be to force the Federal Reserve to alter its conduct of monetary policy, which would harm the economy of the United States.

Nonetheless, H.R. 3512 does address a problem that does need to be fixed, the complex problem of Federal Reserve accountability in a democratic society. Congressman Dorgan and I believe the five provisions of our bill would do that in the most responsible way possible, without jeopardizing the Federal Reserve's independence or injecting politics into monetary policy. We do not think Congress should wait until a monetary crisis to reform the Federal Reserve. Our bill takes advantage of a period of high regard for the Fed, and a moment of economic calm, to bring Fed procedures up to date. If we wait to make the necessary adjustments until a time of economic turbulence and controversy, the results may be far less measured.

The second obection is that Congress and the President are not responsible enough to have control over monetary policy, given the mess we have made of the budget.

This objection also completely misreads H.R. 3512. There is no provision in the bill that would give Congress or the President any control over monetary policy. If someone wanted to politicize monetary policy, our bill would not be the way to do it. This bill does only two things: it removes some of the veil of secrecy that surrounds the Federal Reserve by shedding some light on its policies and practices; and it establishes a formal channel of communication between the President and the FOMC.

Our bill, of course, is not the only way to accomplish these goals, although we have taken care to include only provisions that would not interfere with the Fed's independece. We would be happy to have the Subcommittee's suggestions for improvements in our bill.

In our nation, the government must be accountable to the people. The Federal Reserve, with its enormous power over the economy and the well-being of the American people, does not meet the normal standards of accountability in a democracy. The bill that Rep. Dorgan and I introduced will make the Fed more accountable without impairing its ability to conduct monetary policy, by establishing a formal channel of communcation between the FOMC and the administration and by shedding more light on its practices and procedures.

SENATE—*Friday, November 17, 1989*

(Legislative day of Monday, November 6, 1989)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

I will instruct thee and teach thee in the way which thou shalt go: I will guide thee with mine eye.—Psalm 32:8.

God of Abraham, Isaac, and Israel, these words of King David, Israel's king during her "golden age," testify to a great leader's dependence upon Thee. As the Senate faces a crowded agenda under the relentless pressure of the inexorable march of time and Senators are anxious about time with constituents and family, may the wisdom of King David be heard. Thy way is the way of truth and righteousness and justice. Gracious Father in Heaven, may the Senators and their staffs look to Thee to be instructed and taught by Thee in the perfect way.

In the name of Jesus who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 17, 1989.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized. The Chair recognizes the Senator from Georgia [Mr. FOWLER].

THE JOURNAL

Mr. FOWLER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. FOWLER. Mr. President, this morning, after the time reserved for the two leaders, there will be a period for morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein up to 5 minutes each.

At 11:30 this morning, the Senate will begin consideration of H.R. 3660, the ethics in Government legislation.

Upon disposition of H.R. 3660, the Senate will then begin consideration of the conference report accompanying H.R. 3072, the Department of Defense appropriations bill for fiscal year 1990.

On behalf of the majority leader, I would like to alert Senators that rollcall votes will occur throughout the day and possibly late into the evening relative to these matters that I have just announced and others cleared for floor action.

RESERVATION OF LEADERS' TIME

Mr. FOWLER. Mr. President, I reserve the time of the minority leader and the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

THE HONORABLE LOUIS J. TULLIO, MAYOR OF ERIE, PA

Mr. SPECTER. Mr. President, today I call the attention of my colleagues in the Senate and the Nation to the outstanding service of a great public servant, the Honorable Louis Tullio, the mayor of the city of Erie.

I do so because Mayor Tullio has recently stepped down as the mayor of that great American city because of an incurable illness, marking 40 years of distinguished public service, with the last 24 years as the mayor of Erie.

On Friday, November 10, 1989, the Honorable Louis J. Tullio stepped down as mayor of Erie, PA. With his retirement, the city of Erie, the State of Pennsylvania and, indeed, this Nation lost a great public servant.

Mayor Tullio was in his sixth 4-year term as mayor and probably could have remained in office for life, so great is the esteem and affection in which he is held by the citizens of his city. His own love for them and for Erie would have kept him there but for an incurable illness which has robbed him of his strength and has made it increasingly difficult for him to discharge the responsibilities of his office in the excellent manner to which the citizens of Erie have become accustomed.

Public service is a high calling and a demanding one. No one understood this better than Mayor Tullio. For 24 years as mayor and 16 before that as an official, teacher, and coach in the Erie City School District, he served his city with great talent, hard work, and devotion.

It is not overblown praise or mindless hyperbole to note that Louis J. Tullio has devoted his entire life to the city of Erie and to the improvement of the lives of its citizens. It is the unvarnished truth.

I said it before of Mayor Tullio and I repeat it today. He has been his city's ultimate resource and its greatest treasure. The citizens of Erie have always recognized this. They hold him first in their hearts.

Mayor Tullio has served his country as an officer in the U.S. Navy and as a trustee in the U.S. Conference of Mayors and his State as legislative cochairman of the Pennsylvania League of Cities.

It is fitting, then, that the U.S. Senate take note of the distinguished career and many accomplishments of Mayor Louis J. Tullio and, at this time of his retirement, commend him for his successful endeavors on behalf of the city of Erie, PA.

I have come to know Lou Tullio personally over the course of the past two decades, and can personally attest to his extraordinary capabilities as an American leader. At a time when cities have been plagued with a plethora of

problems, Mayor Tullio has been a leader and in the forefront and an officer of the Pennsylvania League of Cities.

On many occasions, Mayor Tullio has come to Washington, DC, and has been a very effective spokesman and lobbyist, bringing substantial Federal funding to his city and to his region, in cooperation with Congressman TOM RIDGE, Senator HEINZ, and myself. Those awards have been granted to Erie both because of the need and the responsibility of the city, but also because of Mayor Tullio's leadership. Beyond his outstanding contribution as the mayor of Erie, Lou Tullio has been an outstanding human being.

A few summers ago, I had the occasion to play softball against Lou Tullio. I was the pitcher and he was the batter. I do not exactly have a fast ball, but however I threw it, Lou Tullio hit it out of the park. And I say that both figuratively and literally, because of his tremendous zeal, his tremendous accomplishments, and his qualities as a human being.

It is with great regret that those of us in Pennsylvania in public service and politics who have worked with him over the years see his leaving public office. And I say this on a totally bipartisan basis, because although Mayor Tullio is an elected Democrat, you could not tell the difference.

Fiorello LaGuardia said several years ago, there is no Democratic or Republican way to sweep the streets, and similarly there is no Democratic or Republican way to be an outstanding public servant.

So I am pleased to make this statement of recognition of Mayor Tullio as he finishes some 40 years of public service, and I know that my colleagues and all America wishes the mayor many more happy years of life in retirement.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A PIECE OF THE WALL

Mr. LIEBERMAN. Mr. President, just 48 hours ago, we were stirred by the words from Lech Walesa:

> The wall that was separating people from freedom has collapsed. The nations of the world will never let it be rebuilt.

The most powerful symbol of that wall is the real wall: the Berlin Wall, erected by the Communists in East Berlin 18 years ago. Mr. President, on Wednesday I was very happy to receive a small fragment of that wall. It was presented to me by Jameson Broadcasting Co. on behalf of radio station WHCN of Hartford, CT. I am proud to bring this one-time symbol of oppression onto the floor of the U.S. Senate, this place that is itself a symbol of democracy. I intend to keep a piece of the Berlin Wall at my desk here on the Senate floor, as a visible reminder of how harsh a totalitarian government can be, and how powerful the instinct for freedom really is.

Sixteen years ago, President John F. Kennedy spoke before the Wall, and he called it an offense against humanity * * * the most obvious and vivid demonstration of the failures of the Communist system.

Its destruction this month is itself an equally vivid demonstration of the power of mind over matter; of spirit over concrete; of freedom over tyranny.

Let pieces of the wall be scattered far and wide. Let them be placed here, in the Congress of the people of the United States, and let them be placed in town halls, libraries, museums, and in the homes of ordinary people around the globe, where they can serve as tangible evidence of a bitter past, and a hopeful future.

From the rubble of the collapsing walls of communism will rise new governments that protect human rights, new economic systems that enhance the quality of the lives that are now free, and new relations among the nations that will make the world more peaceful and secure.

Mr. President, a year ago if we had heard that millions of East Germans were pouring over the borders into West Germany, we would have thought that World War III was underway. A year ago, if someone told me that I would on this day be on the floor of the U.S. Senate with a piece of the Berlin Wall at my desk, I would have doubted their sanity.

But millions of East Germans are on peaceful excursions in the West, and a chunk of the Berlin Wall is here. We are realizing at long last the "hopes of tomorrow" of which President Kennedy spoke, and "the advance of freedom." We are, as we were then, all citizens of Berlin. As their freedom grows, so, too, does our own.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

PROCUREMENT REFORM

Mr. GRASSLEY. Mr. President, on February 8, I believe, this year, when the President gave his State of the Union Message to Congress in the other body in joint session, he had a statement in that speech that touched me and thrilled me. He spoke about the efforts he is going to make in his administration to bring about reform of the Defense Department, including reform of defense procurement, so we get more for our defense dollars and so the bad ethics situation that is illustrated by the ill-wind investigations are cleared up.

He did not go into it at that length. It was probably only a couple of sentences in his otherwise very encompassing speech. But, as I said, it made me feel very good to hear that because I was not totally satisfied, not satisfied hardly at all, with efforts made in the previous administration to bring about reform. There were a lot of reform proposals suggested and probably not carried out, even though the President probably thought they were. This Congress has passed a lot of good legislation, but it has been thwarted in the Department of Defense.

I believe that my President, President Bush, is intent upon cleaning up things in the Defense Department, because it was only a few days thereafter that he sent an order to the Defense Department to come up with a plan for reform, and that plan was put together by staff and by Secretary Cheney and sent to the President in July. There have been some followup communications between the Defense Department and the White House in that period of time. So that is evidence that the President is seeing that his plan is carried out. I have read that report, and I am not totally satisfied with it, but that does not mean that the President is not sincere in his efforts.

I hope to submit to the President in a few days my reaction to that and hopefully get an ear, and perhaps some suggested changes I will make will be adopted. My President is making a real, determined effort to do that.

The reason I give that background before I make a statement is that I believe in yesterday's ethics reform package that passed the House of Representatives there is a provision that departs from the efforts to accomplish this President's overall goal. It is a repeal of legislation that this Congress passed and was signed by the President just a few months ago. I have talked to Members of the House who did not even know it was in there.

So I rise now to bring this to the attention of my colleagues. Even if a Senator is a strong supporter of defense and even if he is a strong supporter of the President and Secretary Cheney, he is going to want to improve the ethical environment that exists between defense contractors and the Department of Defense.

The House, yesterday, in passing H.R. 3660, the Government Ethics Reform Act, had in it on page 81 of that bill, section 409. There is a line there that repeals the entire procure-

ment integrity section of the Office of Federal Procurement Policy Act passed in October of last year.

Let me briefly explain to my colleagues the salient points of the law now on the books. First, from the contractor's perspective, a contractor cannot make an employment offer to a Government contracting official who is involved in a procurement. A contractor cannot bribe or offer gratuities to a Government contracting officer, and a contractor cannot solicit or obtain sensitive information from a Government contracting officer.

From the Government's side of this and those procurement officers working for the Government, these prohibitions are the exact opposite in how they relate to the contractor; parallel, let me say.

The law further requires certification by contractors stating they have not transgressed any of these prohibitions. The use of certifications is designed to ensure the companies will create their own methods of complying with the prohibitions.

In addition to these provisions, there is a 2-year postemployment restriction before a Government employee working on a particular contract can go to work for a company involved in that procurement.

This latter provision is informally known as the revolving door language. The bill itself, Mr. President, was passed in response to the ill-wind investigation that surfaced in the spring of 1988. A lot of prosecutions are going on under that. There has already been some prosecution. That is in the Eastern District of Virginia. Any Members who want to keep up to date on that can ask the prosecutor there and the U.S. attorney, Henry Hudson, to brief them.

You may recall in the ill-wind investigation, as well as the GTE case before it, defense contractors for years had been trafficking in unauthorized documents to get an advantage on their competitors. For the President, my colleague presiding, who is new to the Senate, let me say what the situation was around here for years. Even members of the Armed Services Committee sometimes could not get documents under the premise that they were either protected by the company's right to something they developed or under national security.

But a whole gigantic effort just to keep information that we ought to have, that we need, to make decisions that the President of the United States made on the budget were kept from us. Some of those very documents that we wanted found their way out of the Defense Department into the hands, sometimes, of former Defense Department employees and were sold by that employee to Government contractors so they could have an up on their competition when it came to bidding.

That is how bad the situation is or was and hopefully this legislation changes all that. The ill-wind investigation is going to change the ethics within the defense community, which ethic has been for too many decades, "Catch us if you can." That was the attitude of the defense contractors. I hope that ill-wind and a lot of laws we passed and a lot of changes that have been made and a lot of public opinion coming down heavy on the defense contractors, as well as Government, has changed that ethic to one, "We will catch you if you do."

In this whole process—and the name of the game was not what you know but who you know—the intent of the procurement integrity section of the OFPP Reform Act was to correct a flawed system that seemingly encouraged corruption.

Mr. President, the Government Ethics Reform Act passed by the House yesterday repeals this law. Ironically, this bill, under the guise of Government ethics, instead would subvert Government integrity by repealing the procurement integrity provision.

Mr. President, I do not know how this repeal came to be included in the bill because, as I said, I asked several House Members and they did not know it was in there. Suffice it to say there has been a lot of talk in this town in the last 2 years about how we are going to get the Government's procurement process straightened out. The Commander in Chief sent a signal to all 535 Members of Congress in his State of the Union Message that this is a top priority of his. I believe that, and in private conversations I have had with the President of the United States, I believe even more firmly that that is a goal of his administration.

That Cheney report I have already referred to is evidence of that. But you do not reform the procurement process by taking one step forward and two steps backward. That is what this repeal amounts to. I certainly hope that this is not a provision that someone in the other body hopes to slip through at the 11th hour. The taxpayers of this country will not allow this to slip by. I want it known, Mr. President, that I will bring this to the attention later on when we get into the debate of the Government Ethics Reform Act—in fact, as strongly as I feel that we should not have a pay raise now, I feel more strongly about this issue because it might cost millions of dollars for a pay raise, but if we can clean up what is wrong in defense procurement and that unethical environment that exists as evidenced by the ill-wind investigation, clean it up the way it ought to be cleaned up, we can save one-third of the Government procurement budget. Those are not my figures. Those are figures of people who for years have been studying this and are experts on this more than I am. Just think, if you save one-third of that, you have saved about $30 billion.

So I hope that many of my colleagues who worked long and hard to create this much-needed law will be as concerned about this as I am. Hopefully, they know about it and have not just heard about it as I have spoken, Mr. President.

Mr. President, I thank the indulgence of the President and Members of this body. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SANFORD. Mr. President, the morning business runs until 11 o'clock? I have about 2 minutes?

The ACTING PRESIDENT pro tempore. It runs until 11:30.

THE IMPORTANCE OF HONEST BUDGETING

Mr. SANFORD. Mr. President, for the past week, I have appeared before this body to stress the need for the administration to provide not only Congress, but the American public with an honest budget for fiscal year 1991. Right now they are making up that budget.

In this 101st Congress we are faced with a Federal budget debt of just over $3 trillion, an accumulation of budget deficits. I urge the administration to take a moment to reflect upon the effects our current fiscal state has had on the American people, their personal lives and to our businesses and industries, and to the Nation's strength in the world.

This week the Senate Banking Committee has held hearings on U.S. competitiveness and the developing economic trendlines and their significance for America's future. Testifying before the committee were five noted economists. They discussed the effects that the Federal debt, increasing costs of capital, dollar devaluation, and rising foreign investment have had on the health of our Nation's economy and its strength not only in the world marketplace, but in the world political arena as well.

Benjamin M. Friedman, a William Joseph Maier professor of political economy at Harvard University, noted that—

America's fiscal policy in the 1980's has been an increasingly costly failure. The continuing huge imbalance between the Federal Government's revenues and expenditures,

which became acute as the U.S. economy began its recovery from the 1981-82 business downturn, has been unprecedented in U.S. peacetime experience. It has already more than doubled the national debt, even on an after-inflation basis, just since 1980.

During the hearing, my colleague, Senator WIRTH questioned the panel members on what four steps the President should take in reconciling our deficit problems.

To the question Mr. Friedman replied:

In terms of the four steps the President might be urged to take, I think the first is to show some leadership on the budget problem.

Having spent a fair amount of time in the last year talking to members of the Congress on both sides of the political aisle, I have come away persuaded that the principal missing ingredient to addressing our budget problem at the moment is Presidential leadership. I believe that if the President were to construct a package that would represent genuine deficit reduction, including spending cuts across a broad range of programs and some revenue increase, I am persuaded that that would be met with approval from both political parties in Congress, and indeed, that that would be respected and, if explained properly, approved in the country as a whole.

Instead, I see Mr. Bush leading very strongly in exactly the wrong direction, persuading the country that nothing needs to be done and therefore nothing will be done.

Mr. President, I would like to conclude my remarks this morning, by imploring the President to assume the leadership in controlling our Nation's budget deficit by submitting an honest budget to Congress and to the American people. The budget crisis we are in right now is, to quote Senator WIRTH, unbelievably frightening. We need strong leadership to guide us out of the deficit, and the President should not fail us in this need. The President and the Congress must take the first step of looking honestly at the budget problems we face.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1898 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business is now closed.

The Chair recognizes the Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the time for morning business be extended to 12:15 p.m., this day, under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JAMES E. CASON ASSISTANT SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND THE ENVIRONMENT

Mr. CONRAD. Mr. President, I rise today to urge the President to withdraw the nomination of Mr. James Cason to be Assistant Secretary of Agriculture for Natural Resources and the Environment. While I firmly believe that the President is entitled to select administrators and advisers who are philosophically and ideologically compatible with him, the Senate has a clear responsibility to advise and consent.

Of the hundreds of appointments by President Reagan and President Bush during my tenure in the Senate, I have opposed only a few. I have done so because the Constitution places a grave responsibility on Senators to give "their advice and consent" to the President's selections. I take that constitutional responsibility very seriously, as we all must.

I feel a particular responsibility to comment on the nomination before us because I serve on the Committee on Energy and Natural Resources, which has jurisdiction over the Department of the Interior, and I also serve on the Committee on Agriculture, which has jurisdiction over the Department of Agriculture. In addition, the two major industries of my State are agriculture and energy.

My opposition to Mr. Cason is based on a single overwhelming characteristic of his service at the Department of the Interior—that is, his failure to place the public interest ahead of private interests.

Mr. President, the critical factor in judging Mr. Cason is whether or not he will serve the public interest as opposed to narrow special interests. He has been appointed to a high position in our Government. He has been given the great honor to be nominated to be a public servant. If he is confirmed, we will convey upon him our approval and our trust that he has met the high standards required of public servants. To evaluate Mr. Cason for this high public post, we must review his tenure as the Principal Deputy Assistant Secretary for Lands and Minerals Management and later as Acting Assistant Secretary at the Department of the Interior.

Mr. President, I have visited with Mr. Cason in my office. I personally like him. He is a pleasant and intelligent fellow. I initially expected to be able to support him.

However, a painstaking review of Mr. Cason's record by the Committee on Agriculture, Nutrition, and Forestry raised serious questions, in my judgment, about whether Mr. Cason meets the high standards required for public service, whether he will be, in fact, a servant of the public.

Mr. President, during the debate and vote in committee on Mr. Cason's qualifications, I raised questions about two issues of the many that concern me—issues of public trust.

The first concerns a settlement negotiated by the Department of the Interior related to oil shale mining claims, the so-called Tosco case, under the 1872 General Mining Act.

The settlement signed by Mr. Cason transferred 82,000 acres of oil shale land containing 70 billion barrels of in-place shale oil resource. Part of this land, some 17,000 acres, for which the Federal Treasury received $42,500, was subsequently sold within weeks for $37 million.

Mr. President, let me repeat that. Mr. Cason approved the removal from the public domain of property rights that went to private holders for $42,500 that were subsequently resold within weeks for $37 million.

Let me provide some background for this controversy. The 1872 General Mining Act allowed claimants who locate valuable minerals deposits to apply for and receive a "patent." Claimants are required to do certain work from the time of the discovery to the time of filing in order to maintain a valid claim.

The 1920 Mineral Lands Leasing Act provided for leasing and royalties for the extraction of most minerals on Federal land. Claims prior to 1920 were grandfathered in to allow for a transition period. Since 1920, the Supreme Court has rendered several decisions concerning these grandfa-

thered claims. In a recent decision, Hickel versus Oil Shale Corp. (1970), the Supreme Court ruled that token assessment work or assessment work that does not substantially satisfy the annual assessment requirements of the Mining Act of 1872 is not sufficient to maintain a claim.

On May 1, 1985, Judge Sherman Finesilver of the District Court of the District of Colorado issued a decision in Tosco Corp. versus Hodel, in favor of the claimants. The regional Solicitor of the Department of the Interior strongly recommended that an appeal be taken. The Department filed a timely notice of appeal of the decision.

Despite the initial decision to appeal, on August 4, 1986, the United States, represented by the Departments of Justice and the Interior, executed a settlement agreement resolving the litigation. The claimants were given fee title, including surface use and most minerals, for $2.50 per acre.

Within weeks, 17,000 acres were resold for an average price of $2,176.47 an acre. From $2.50, which is what the Federal Government received per acre, to $2,176.47 per acre.

Mr. President, this has to raise grave doubts about the performance of Mr. Cason. Mr. Cason negotiated those deals. Mr. Cason asserts, and has asserted repeatedly, that the statutes compelled him to move those Federal properties at the price of $2.50 an acre.

Mr. President, I have a legal opinion by the chief counsel of the Senate Energy Committee stating that Mr. Cason had no such legal obligation; that, in fact, he could have negotiated rates that would have been closer to the true market value.

In response to questions raised at the committee debate, Mr. Cason has argued, in a letter to me, that "Oil shale lands cannot be sold." Technically, Mr. Cason is correct. Oil shale land is patented under the 1872 act, or leased under the 1920 act. However, as in most sales, a fee simple title passes when a patent is issued. Clearly, since the new patent holders were able to resell patented land, they were able to exercise the esssential element of ownership deriving from a sale. And again, Mr. President, land was sold, or patents were sold, at $2.50 an acre, and later resold within weeks for over $2,100 an acre. That cannot be protection of the public trust.

Most of the these claims, Mr. President, were in court because the Department of the Interior believed that the claimants had not met the requirements of the 1872 and 1920 laws as interpreted by the Supreme Court. Mr. Cason, in his letter responding to my questions, further argues that the land was patented at $2.50 per acre under the mandates of the 1872 act.

That is partially correct. The land was transferred under a negotiated agreement to settle a legal dispute in lieu of further appeals of issues concerning the 1872 act. Several aspects of the settlement conferred rights to the claimants at variance with uncontested patent application rights. As with these aspects of the settlement, I am advised by legal counsel that Mr. Cason and the Federal Government could have negotiated the settlement at a price more representative of the market value of those rights. In fact, if Mr. Cason had negotiated a settlement for 80 percent or even 50 percent of the market value, he could be seen as defending the public interest. Instead he settled for $2.50 an acre, about one-tenth of 1 percent of the fair market value.

Mr. President, Mr. Cason's involvement in oil shale patent cases did not end with his failure to negotiate a reasonable settlement of claims. Mr. Cason met with potential oil shale claimants and urged them to file additional claims on March 3, 1988, in Denver, CO. He admitted to the Subcommittee on Mining and Natural Resources, the Committee on Interior and Insular Affairs of the U.S. House of Representatives, that he had in fact advised potential claimants to file patent claims.

Based on the committee's investigation we do know that the amount of land on which patent applications were filed jumped to over 43,000 acres, shortly after Mr. Cason's visit.

It is true that responding to inquiries about potential rights under the 1872 act is well within Mr. Cason's duties as a public servant. But it is hardly within his duties to make a special effort to travel to Colorado to advise that highly controversial, additional claims be filed in order to circumvent any potential legislation.

Mr. President, the second issue concerning Mr. Cason's qualifications to become a public servant relates to his role in the acceleration of audits on oil and gas royalties on public lands. I believe that everyone is in agreement that audits of oil and gas royalties on public lands be conducted as expeditiously as possible, given the time and resource constraints of the Federal Government. That was not the issue.

The issue is whether the acceleration of the audit schedule pushed by Mr. Cason would have resulted in a fair return to Federal and State treasuries, and Indian tribes. Let me give some historical background, Mr. President.

In January of 1986 the Department of Interior's Office of Inspector General issued a report criticizing the Minerals Management Service's deficiencies in auditing onshore oil and gas royalty payments. In particular, OIG found that the Minerals Management Service resident auditors at major oil companies had devoted only 13 percent of their time to royalty audits and a disproportionate percentage of time in processing royalty refund requests from the companies.

In April of 1988 the Office of Inspector General issued another report on the Mineral Management Service's failure to adequately audit royalty payments. This report documents a significant underpayment of Federal royalties as a consequence of deficient audit efforts. The report noted that the resident audit staffers at the major audit companies had comprehensively audited less than 2 percent of the lease universe for fiscal years 1982 through 1987. Furthermore, the Office of Inspector General recommended that the highest audit priority during 1988 be the review of royalties collected in 1982.

Mr. President, the failure to conduct adequate audits of oil and gas royalties would have a significant effect on the State of North Dakota and the Treasury of the United States. Let me provide an example.

In an audit of a small sample of wells in North Dakota, the State Auditor's Office determined that royalties of approximately $1.3 million were due; more than three times the reported royalty. Let me repeat, more than three times the reported royalty.

It is very clear that an acceleration of the audit schedule for the early 1980's, with only 2 percent of the audits completed for the 1982 and 1983 fiscal years as of April 1988, would cost the States, Indian tribes, and the Federal Treasury literally millions of dollars.

To continue with the historical record, Mr. Cason and the Minerals Management Service's Director, Mr. Bettenberg, issued a memo in March 1988 in general agreement with the Office of Inspector General's report, and stated that an audit plan that ensures comprehensive audit coverage of the lease inventory over a 6-year period, especially 1982, would be implemented. After consultation with the States and Indian tribes such a strategy was put in place in April 1988.

However, in July 1988, 20 major oil companies objected to the plan. Mr. Cason worked with the oil companies to revise the initial strategy. He signed a letter of agreement with the oil companies on December 28, 1988, less than a month before the end of President Reagan's administration.

Key elements of the agreement include, first, closure letters would be issued for all audit periods prior to September 30, 1980, and would remain closed except in cases of fraud.

Mr. President, let us think of 1980. What had happened to oil prices in the period of 1973 to 1980? Oil prices had skyrocketed during that period, Mr. President. I was Tax Commissioner of the State of North Dakota in the period 1980 to 1986, and I performed

dozens of audits on major oil companies during that period. That was an extremely critical period for auditing the records of major oil companies. I know that from personal experience.

What did Mr. Cason do? He closed those periods except for fraud. Mr. President, that action conflicted with prior policy which allowed audits to be reopened in the event of the detection of fraud, collusion, or underpayment.

Second, the Department of Interior would set a September 30, 1989, deadline for audits, for the period September 30, 1980, through September 30, 1983. As noted above, as of April 1988, only 2 percent of the audits were completed on 1982 and 1983 royalties. Early closure would have resulted in substantial losses to States, Indian tribes, and the Federal Treasury. Fortunately, this deadline has been extended 6 months by the new administration.

Third, reopening of audits would only be allowed for fraud. Prior policy allowed for reopening of audits for fraud, collusion, and underpayment. Once again, President Bush's administration has implemented a modified policy to allow reopening of audits for fraud, collusion, or issues identified previously to the payor, such as underpayment. Mr. President, what could be more clear than that the official actions of Mr. Cason, taken in his previous position, jeopardized the Federal Government's position, the position of the States, and the position of Indian tribes with respect to the proper recovery of royalties owed them?

Many elements of Mr. Cason's agreement with the oil companies have, fortunately, been overturned by the new administration. It is very clear that if Mr. Cason had prevailed, States, Indian tribes, and the Federal Government would have lost millions of dollars.

Mr. Cason has argued that he was simply following the law; that the ruling in Phillips Petroleum Co. versus Manuel Lujan of October 18, 1989, support his actions in 1988. In fact, during several days of hearings, Mr. Cason never once cited the pending Phillips litigation as a reason for his actions. In fact, in an August 16, 1988, memo, Mr. Cason stated: "Clearly we have every authority for exceeding the 6 years when it is needed."

This quote makes very clear that, in Mr. Cason's opinion, it was never an issue as to whether or not the Department could continue audits after 6 years.

Mr. President, I must, again, ask the President to withdraw the nomination of Mr. James E. Cason to be Assistant Secretary of Natural Resources and the Environment at the Department of Agriculture. I do so with regret. I have raised only two issues this morning of concern to me. Other Members are raising many other issues which cause me serious concern as well. My judgment, based on these issues, is that Mr. Cason does not meet the high standards required for public service.

So, I repeat. I urge the President of the United States to withdraw this nomination. If he does not, I predict it will be defeated here on the floor of the U.S. Senate.

I want to thank the Chair, and I yield the floor.

NOMINATION OF JAMES E. CASON

Mr. BAUCUS. Mr. President, I rise today in opposition to the nomination of James Cason to be Assistant Secretary of Agriculture for Natural Resources and Environment.

Since the next Assistant Secretary for Natural Resources and Environment will oversee the management of almost 17 million acres of Forest Service land in Montana, I take a deep personal interest in this nomination.

And because these lands mean so much to Montanans, they have long been a source of controversy.

Many Montanans depend upon our forests to make a living. These lands provide good jobs for the loggers, the ranchers, the miners, and the mill workers who are the economic backbone of Montana's resource-dependent communities.

At the same time, our national forests add to the special quality of life we Montanans enjoy. And there is no question the recreation and tourism industries also mean jobs and economic growth.

Perhaps now more than ever, these divergent land uses are the recipe for conflict. Rather than coming together to settle our differences, more and more players on both sides of the issue are choosing to slug it out through administrative and judicial appeals.

And last year, the Reagan administration's Department of Agriculture did its best to add fuel to this fire by recommending the veto of a compromise Montana wilderness bill.

It is time to put an end to such polemics.

Earlier this year, when President Bush paid Montana the honor of a visit, he took a symbolic step in the right direction. In Helena, he planted a tree on the lawn of the State capitol and issued a clarion call to environmentalists in Montana and throughout the Nation.

Like most Montanans, I welcomed the President's message. It's time we work together to achieve environmentally responsible growth.

The next Assistant Secretary must follow the President's example in both words and deeds. After much consideration, I believe Mr. Cason is the wrong man for this job.

Like the issues Mr. Cason aspires to face, his nomination is the source of great controversy. In such a sensitive post, we cannot have an ideologue—we've had enough of that in the past. Rather, we need a problem solver; an individual who listens impartially to both sides of the issue and who arrives at firm, fair decisions.

After examining Mr. Cason's record, I do not believe he meets this threshold qualification. His tenure at the Bureau of Land Management [BLM] was marked by controversy. Like most Montanans, I strongly believe there is an important role for the sensible development of our natural resources. However, I also believe the taxpayer is entitled to a fair return on the sale of commodities extracted from our public lands. Unfortunately, while at BLM, Mr. Cason consistently displayed an eagerness to sell the public domain at fire sale prices. Moreover, troubling questions remain about Mr. Cason's land ethic.

I approached this nomination with an open mind. As a general rule, I believe the President—Republican or Democrat—should enjoy considerable latitude in exercising his executive branch appointment powers.

However, based upon his record, I believe Mr. Cason will only aggravate existing problems in Montana and other Western States. Therefore, I urge my colleagues to vote against this nomination.

JUSTICE FOR THE GUILDFORD FOUR AND THE BIRMINGHAM SIX, TOO

Mr. KENNEDY. Mr. President, last month Gerard Conlon, Paul Hill, Paddy Armstrong, and Carole Richardson—the "Guildford Four"—were finally freed after 14 years of wrongful imprisonment, when a British court determined that police officials had falsified evidence in the trial that led to their conviction.

The four were convicted for the 1974 terrorist bombings of two pubs in Guildford, England. The case for the prosecution was based almost solely on confessions to the police, but it has now emerged that the four were intimidated into confessing to crimes they didn't commit. Key evidence casting doubt on the confessions was suppressed for years, and misleading testimony was presented at their trial. Now that the "Guildford Four" have been found innocent, they are eligible for compensation to make up in some small way for their many years of wrongful imprisonment.

I welcome the acknowledgment by the British authorities, belated as it is, that a serious miscarriage of justice occurred in the case of the "Guildford Four."

Inevitably, the circumstances of that case call into question the convictions of the "Birmingham Six" in a similar

case. Arrested for the 1974 bombings of two pubs in Birmingham, England, these six defendants were convicted and sentenced to life imprisonment under conditions strikingly similar to those involving the "Guildford Four."

In the case of the "Guildford Four," it is clear that the evidence used against them at their trial was an utter fabrication. The validity of the conviction of the "Birmingham Six" has been seriously challenged on similar grounds. Several former police officers have recently come forward to allege that the confessions used against them at the trial were coerced by the police. In addition, forensic evidence used against them has also been discredited.

Although the convictions of the "Birmingham Six" were reviewed and reaffirmed last year by the appeals court, the dramatic recent developments involving the "Guildford Four" warrant a fresh and more thorough review of the case. I urge the British Government to conduct such a review at the earliest opportunity. Long-delayed justice has now finally been done for the "Guildford Four," and justice must also be done and seen to be done for the "Birmingham Six."

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SIMON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair would inform the minority leader that under the previous order we were supposed to at 12:15 take under consideration H.R. 3660.

Mr. DOLE. I ask unanimous consent that morning business be extended until 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JAMES E. CASON

Mr. DOLE. Mr. President, I appreciate the cooperation of the distinguished majority leader in bringing the Cason nomination to the floor because, quite frankly, this nomination has been delayed far too long, thanks to special interest politics. Right now, this nomination is the longest pending Presidential appointment—8 months. Eight! President Bush selected James E. Cason to be the Assistant Secretary for Natural Resources and Environment at the Department of Agriculture. The President nominated him because he believes Mr. Cason has the experience and the dedication to get the job done.

After you blow away all the smoke, that is the one question above all others that we are obligated to ask. Is he qualified to serve? On that count, the answer is "Yes."

He was reported out of the Senate Agriculture Committee favorably after extensive and thorough review. Secretary Yeutter strongly backs Jim Cason as his choice at USDA.

Unfortunately, some special interest groups have been having a field day with this nomination. It is the same old setup—call the nomination "controversial," spread all kinds of misinformation about the nominee and then hope the media disseminates all the hype.

So far, the special interest campaign of distortion has successfully poisoned the debate, leaving this good man and his family in limbo for 8 months.

This kind of treatment has been unnecessary, unwarranted and cruel.

We have heard a few speeches on the Senate floor criticizing the President's man. We have heard all the charges—James Cason isn't qualified. He's not an environmentalist. He's going to hang a "for sale" sign on our national parks.

Maybe all the sound and fury makes for better press releases, but the one speech we have not heard so far is the one that tells the American people who James Cason is. As it turns out, his life story is an inspirational example of hard work and determination.

So let us talk about Jim Cason, the man. He is the son of a migrant labor family. Moving with the crop seasons, traveling from migrant camp to migrant camp, he lived and worked in six States before he entered high school. He never complained, just did the work he had to do to help his family make ends meet—picking crops from dawn to dusk, 7 days a week, even in junior high school. But it did not stop Mr. Cason from pursuing his dreams. He not only went to college, he earned a full scholarship and finished in the top 10 of his graduating class.

Mr. President, that is the rest of the story. That is the story that has not been heard on the Senate floor. Eight months have gone by. Many family farmers are going to begin wondering why their agencies and their programs are being delayed and held captive for political reasons. Soil and water conservation will be at the forefront of the farm debate in the next decade. This decision is important to family farmers, and will be for a long, long time. Voting against this nominee would mark the first time—the first time—that any Assistant Secretary nominee had been defeated after being reported out of committee with a favorable recommendation. Somebody might suggest, "Well, we could make history." Mr. President, that is not history, it is a disgrace.

Mr. President, recently a "Dear Colleague" was distributed by two Senators opposing the nomination. The thrust of the letter was that a former career official at USDA who used to head the Forest Service and who is well respected in Washington, was highly critical of Mr. Cason's past decisions. It seemed to suggest that on that basis we should reject the nominee because he is antienvironment.

We all know that it's easy to criticize, particulary inside the beltway in this city. But I found it interesting that this former USDA official who was making the criticism about Mr. Cason had 41 lawsuits filed against him during his time in the Forest Service. Forty-one. Most of these lawsuits were filed by environmentalists. So I am not trying to criticize the former USDA official. As I said, he is well respected. But I am suggesting we may be using a double standard here if we accept his bias in labeling someone as antienvironment. After all, while at the Department of the Interior, Mr. Cason never had any lawsuits brought against him.

Jim Cason is the President's choice and he is fit to serve. He is also Secretary Yeutter's choice, and I think the Secretary of Agriculture is in the best position to determine who he needs at USDA.

Let us not forget, Jim Cason was voted favorably out of the Agriculture Committee, not the environment Committee, not the interior Committee—the Agriculture Committee. Senators have received numerous letters this week from farm organizations in support of James Cason. One letter is signed by 10 leading national farm organizations and I ask that a copy be printed in the RECORD.

The farm groups have reviewed the nomination proceedings in depth and concluded that there is no issue here; Jim Cason should be confirmed immediately.

CONCLUSION

Once again, Mr. President, let's put this into perspective. If you vote against Jim Cason you are voting against America's farm families and farmers in your State. Farmers may not be as good at playing special interest politics as some in the Washington crowd, but they know smoke when they see it—and they know the opponents of Jim Cason are just blowing smoke.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Letter sent to all Members of the Senate]

NOVEMBER 9, 1989.

Hon. BROCK ADAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ADAMS: The undersigned organizations strongly support prompt confirmation of James E. Cason to be Assistant Secretary of Agriculture for Natural Resources and the Environment. Mr. Cason's nomination was recently reported with a favorable recommendation by the Senate Agriculture Committee.

Confirmation of Mr. Cason is long overdue. Nearly eight months have passed since Mr. Cason's nomination. We are deeply concerned that this essential position has not yet been filed. The position of Assistant Secretary for Natural Resources and Environment is one with important policy and oversight responsibilities within the Department of Agriculture. The office oversees the Soil Conservation Service and Forest Service which together employ nearly one-half of the total Department of Agriculture workforce. The Soil Conservation Service and Forest Service provide critical assistance to our members throughout the country. The numerous programs under these agencies provide assistance directly to farmers, promote employment in communities that depend on natural resources and outdoor recreation from national forests and conduct vital research to resolve soil and soil and forest problems.

The controversy surrounding this nomination is not justified. We have reviewed his background and qualification. We believe that his education, knowledge and his extensive experience with agriculture, natural resource and environmental issues make him an outstanding nominee. Repeatedly, he has demonstrated that he will objectively consider a broad range of interests with regard to USDA policies and programs.

We strongly urge your support for prompt confirmation by the U.S. Senate of James E. Cason.

Sincerely,
American Farm Bureau Federation,
American Sheep Industry Association,
American Soybean Association,
Association of National Grasslands,
National Cattlemen's Association,
National Corn Growers Association,
National Cotton Council,
National Council of Farmer Cooperatives,
National Grange,
National Pork Producers Council,
Public Lands Council.

Mr. DOLE. The farm groups reviewed the nominations proceedings in depth and concluded there is no issue here. Jim Cason should be confirmed immediately.

Once again, Mr. President, let us put this into perspective. If you vote against Jim Cason you are voting against American farm families, and farmers in your State. Farmers may not be as good at playing special interest politics as some in the Washington crowd but they know smoke when they see it and they know the opponents of Jim Cason are just blowing smoke.

Mr. President, just a few moments ago, the distinguished Senator from North Dakota, Senator CONRAD, was indicating that certain questions have been asked of Mr. KASTEN, not that he did not respond. I am advised that may not be the case—that every effort was made to contact the Senator, and to supply questions in writing or whatever, and that it is not the fault of the nominee. But for whatever reason—and I can tell when the die has been cast around this place. I have been fairly good at vote counting. There is no doubt in my mind that there has been a decision—unfortunately it has been fairly political, party line—that this is one good way, and a cheap way to get a good environmental vote, is vote down this nominee whether he deserves it or not.

I can see the handwriting on the wall. I have discussed this with Secretary Yeutter. I have discussed this with the White House. I have discussed this with the majority leader, and I will now suggest to the majority leader that based on the information I have—and notwithstanding what I feel to be the qualifications of Mr. Cason—I ask the majority leader that we not proceed with this nomination.

Mr. MITCHELL. Mr. President, on Wednesday the distinguished Republican leader presented me with a list of nominations which has been prepared at the White House requesting prompt action on those nominations. The very first name on the list was Mr. Cason. And on that day I told the distinguished Republican leader that in response to the request from the White House I would be prepared to proceed to the Cason nomination promptly, on the following day which would have been yesterday.

During that day, as the distinguished Republican leader has indicated, an assessment of the inclination of Senators indicated that the nomination was likely to be defeated, and therefore the distinguished Republican leader is now requesting that I not proceed to the nomination. I will, of course, comply with the request by the distinguished Republican leader.

I will accordingly return the nomination to the President at the time of sine die adjournment. However, I will do so with the request, indeed the very strong urging, that this nominee not be made the subject of a recess appointment, or that he be resubmitted for this position when the Congress reconvenes in January. I believe that either of those would be inappropriate and unwarranted under the circumstances since we are of course prepared to proceed to the nominee at this time.

I will inquire of the distinguished Republican leader whether that course of action will be satisfactory from his standpoint.

Mr. DOLE. It will be satisfactory. Again, I do not want to differ with the majority leader, but I want to restate had there been prompt action on this nominee, had there not been an 8-month delay, I think we might have had a different result. So I, under the circumstances, think the majority leader stated it accurately and fairly; we do not have the votes. I think rather than just spend 2, 3, or 4 hours debating the nomination, it is my opinion that we should not proceed.

Mr. MITCHELL. Mr. President, this question of Senate handling of nominations has been much discussed. Both the distinguished Republican leader and I have made several statements and placed a number of lists in the RECORD. The President and members of the administration have made several statements criticizing the Senate for not taking prompt action on these nominations.

As I have said previously, and repeat now, it is my policy to do the best I can to see that all of the President's nominees are processed promptly and that each nominee receive the full and thorough hearings to which every nominee is entitled, and certainly which the President is entitled.

I acknowledge, and have done so repeatedly, that some of the nominations have been delayed at the request of Democratic Senators. However, I have also said, and repeat now, that several of the nominees have been held up at the request of the Republican Senators. Unfortunately, when the President criticizes the Senate, he always refers to the Democratic leadership and he never acknowledges or points out that Republicans also delay nominations and make it not possible for us to proceed.

I would like to refer that point perhaps in the most emphatic way by pointing specifically to the executive calendar for today which includes four specific nominations, items Nos. 482, 483, 484, and 485. They are Catalina Vasquez Villalpando, of Texas, to be Treasurer of the United States; Ronald E. Ray, of Florida, to be Assistant Secretary of Veterans Affairs; Edgar G. Lewis, of Virginia, to be an Assistant Secretary of Veterans Affairs; and David E. Lewis, of Florida, to be the Assistant Secretary of Veterans Affairs.

As of yesterday, these nominations had been approved in committee, are on the Executive Calendar, have been cleared by all Democratic Senators, and we were prepared and are prepared to move them but were unable to do so because of Republican opposition to them.

I merely want to make that point that I hope when we are subject to this criticism in the future the criticism will be more complete, accurate, and precise pointing out that these delays are caused by Senators of both parties, not just Democratic Senators.

I would inquire of the distinguished Republican leader whether he is prepared in behalf of the Republicans of

the Senate to permit these nominations to be confirmed today.

Mr. DOLE. Again, let me indicate to the majority leader I think in the statements I have made I have always pointed out some were being held by Republican Senators.

Mr. MITCHELL. Yes. I want to acknowledge that and make clear that the distinguished Republican leader has done precisely that on each occasion. I was referring, I did refer specifically, to the statements made by the President and members of the administration which have limited their criticism to the Democratic leadership and Members of Congress in this regard.

Mr. DOLE. I appreciate very honestly the fact that the majority leader focuses on these four nominations. I have asked any Republican who does not wish to proceed on those nominations to be present on the Senate floor when the majority leader calls them up because it seems to me it would be very helpful to us if the majority leader indicates he is going to bring these nominations up. Many people put holds on nominations on each side thinking, if we have a hold on it, nobody is going to bother it. That is not fair to the nominee.

I have said to many of my Republican colleagues—and I have said to colleagues on the other side—maybe there is some reason the nominee ought to be rejected, but at least we ought to find out and have a vote, because these men and women have families. They have been relocated. They have children, they have schools to be concerned about, and they come into public service all excited. Then they come up to the U.S. Senate and have to wait 8 or 4 or 3 or 12 months, and sometimes it is a problem on this side.

We have a lady who has been languishing in the Foreign Relations Committee, Foreign Affairs, Joy Silverman, who has been around here since July. I understand her nomination was not reported out this morning. I hope we can resolve that problem before we adjourn for the year. Again, in fairness to her, she has an 11-year-old daughter, has been nominated as Ambassador to Barbados; she has plans to make. And she made a contribution to the Bush Presidency, a substantial contribution.

So there are problems on each side. But in this case, I want to join the majority leader, and hope that he will push forward on those four nominees. And I will be here to help.

Mr. MITCHELL. Mr. President, if I may conclude and say that it is my intention later today at the conclusion of the session, in what we call the wrap-up, to attempt to proceed to these four nominations, and to gain this confirmation as well as others. If any Senator has an objection to these nominations, that Senator, as the distinguished Republican leader has indicated, should be present on the floor to express his or her objection.

Otherwise, these nominations are going to be approved, and I am going to do the best I can to proceed to process as many of the President's nominees as promptly as possible consistent with the Senate's constitutional obligations for a thorough review of those nominations.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time for morning business be extended until 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Will the majority leader yield?

Mr. MITCHELL. I yield the floor.

Mr. LEAHY. Mr. President, I spoke yesterday on Mr. Cason's nomination, and I will not go into his qualifications for this important position at this point. Let me just say, he is the wrong person for the wrong job at the wrong time.

Mr. Cason does have an impressive background, and there may well be other places for him in the administration. But he is not qualified to serve in this environmental post.

I suggest if the nominee is going to be withdrawn, it be done soon. And, that the administration then nominate a man or woman qualified to work on the sensitive environmental issues involved in this Assistant Secretary position. So the distinguished Republican leader and the distinguished majority leader understand my intent here, if the administration will make this new nomination during the recess, we would then start some of the preliminary background work. And I will commit to having a confirmation hearing as quickly as possible, after we come back into session in January.

The position does not have to be unfilled. It does not have to languish. That is not the question.

Early in this process, I urged Secretary Yeutter not to send Mr. Cason's name up. The White House needs a nominee with a demonstrated commitment to the public interest and the environment, and not an inordinate commitment to private interests.

We had 2 days of very intensive hearings. I chaired them myself. Mr. Cason was allowed to bring in anybody he wanted to speak for him. We kept the record open for a few more days so that he could respond to anything in that record. There was no delay made after the hearing.

Soon after these hearings, we met in executive session and voted on Mr. Cason. Following that vote, it was reported immediately to the floor, and we stood ready to go forward. So there has been no delay.

There was, however, a realization based on his record brought out in his confirmation hearings, a realization on the part of both Republicans and Democrats, that he should not be confirmed. Both Republicans and Democrats were going to vote against this nomination if it came up—conservatives, moderates, and liberals, people from all parts of the country and both parties, were going to vote against him.

I emphasize that, Mr. President, because I do not want anybody to think this is somehow a partisan cabal.

Enough has been said on this matter, other than to reemphasize if there is going to be a different name, then send it as soon as possible. We will then start the necessary preliminary work during the recess. I will commit to a confirmation hearing, after consultation with the ranking minority member on scheduling this matter, at as early a time possible.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. I thank the distinguished chairman of the committee. I do not want any inference left that there is a lot of opposition on this side. Only five Republicans said they would vote no, and some have not decided.

I do not want to leave the impression that all of the Republicans were against this nominee. If we lost 4 or 5 or 6, that is 38. We would only need 12 from the other side out of 55. I do not want to leave the impression that this is somehow a unanimous decision. It was not a unanimous decision.

CLEAN AIR LEGISLATION

Mr. MITCHELL. Mr. President, yesterday the Environment and Public Works Committee ordered reported comprehensive clean air legislation by a vote of 15 to 1. This is the fourth time this decade the committee has taken such action. I hope this time the committee's legislation will be enacted into law.

To help achieve that objective, I now announce that clean air legislation will be the first order of business for the Senate when it reconvenes on January 23.

The bill is comprehensive, and it is complex. There will be full debate on its many provisions. There will be many votes, but the Senate, after 12 years, will have an opportunity to vote on these critical health and enviromental issues.

For 10 years, I have urged the adoption of acid rain control legislation. This legislation requires a 10-million-ton reduction in sulfur dioxide, an acid rain precursor, by the year 2000. After

2000, there would be a nationwide cap on such emissions.

In addition, the bill adopts an innovative proposal by the President on emissions trading. I applaud the efforts of President Bush and the committee members in fashioning an effective and creative solution to the acid rain problem. Many Senators have spoken to me personally about this issue, and I expect there will be many more discussions about acid rain before and after the bill is brought to the Senate floor.

I hope that during this next session, the Senate will pass a bill and that we will send comprehensive clean air legislation to the President for his signature.

For 10 years, we have been trying to fix what is wrong with the current act. This delay has cost us billions of dollars in terms of human health care costs and environmental damage.

A majority of Americans now live in areas where it is unhealthy to breathe the air. The American Lung Association estimates that in the United States, our people spend $40 billion a year on health care costs associated with air pollution.

Doctor Bailus Walker, the past president of the American Public Health Association, estimates that 50,000 Americans die prematurely each year from airborne sulfates, which are also acid rain precursors.

He estimates also that without further action to control these emissions, this figure could triple. Ozone, smog, and carbon monoxide nonattainment are issues that are now well known to the general public.

Despite significant reductions in emissions from motor vehicles and stationary sources, almost all of our major urban areas have unhealthy levels of smog. The increased population and the increased reliance on the automobile overwhelmed our air pollution control efforts.

The nonattainment provisions of the bill provide effective and meaningful reduction requirements. A strong Federal minimum is established. Those areas needing to do more to reduce emissions remain free to do so.

Air toxins also present serious public health risks. Surprisingly, recent emissions data indicate that nearly 2½ billion pounds of toxic contaminants are emitted into the air each year in the United States. This creates very high risks of cancer and other diseases. For example, the EPA estimated at one facility alone that emissions of 1,3-butadiene were so high that 3 in 10 people living near the facility were at risk of developing cancer.

We address this in the bill by controlling sources that emit toxic air pollutants rather than the currently flawed system of trying to control each pollutant one at a time.

In addition, the committee took the first major step on controlling global warming by reporting legislation to require a phaseout of chlorofluorocarbons by the year 2000. This is a needed acceleration of the time deadlines set in the recently adopted Montreal protocol to which many nations have become signators. CFC's deplete the Earth's ozone layer and they are potent greenhouse gases.

A final major addition to the bill is a provision to assure that municipal incinerators that are built in this country meet tough emission standards and safely dispose of their ash. There are currently no standards for incinerators, and such standards are needed. Without controls, incinerators can emit dangerous levels of dioxins and furans. Controls are effective and necessary.

Mr. President, this bill is the culmination of years of work by the Environment Committee. It has been carefully considered by Members who have had to revisit the issue each Congress this decade. I recommend that Senators carefully review its provisions and return next January ready to begin what will be a historic debate.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. ADAMS. I thank the Chair.

(The remarks of Mr. ADAMS pertaining to the submission of Senate Resolution 211 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

THE TRIBAL COMMUNITY COLLEGE: A DOOR OF HOPE

Mr. DASCHLE. Mr. President, this week the Carnegie Foundation for the Advancement of Teaching released a report entitled, "Tribal Colleges: Shaping the Future of Native America." Researchers from the Carnegie Foundation for the Advancement of Teaching spent 2 years studying tribally controlled colleges, and I commend my colleagues' attention to the findings presented in their report.

Today, 24 institutions of higher learning, founded and controlled by Indians, serve native American communities from Michigan to Washington State. Together, these institutions have a full-time equivalent enrollment of more than 4,400 students and serve over 10,000 native American students.

In the foreword of the report, Ernest L. Boyer, president of the Carnegie Foundation for the Advancement of Teaching, points out:

> Viewed by numbers alone, tribal colleges add up to only a small fraction of the total higher education picture—the equivalent perhaps of a small branch of a single state university. Yet, using conventional yardsticks to measure these colleges misses the significance of their contribution to the students and communities they serve.

Most of the 24 colleges are in their infancy. Few are more than a decade old. But those 10 years are years of dramatic growth and expansion in spite "of obstacles others would regard as impossible to overcome." Most serve reservations with excessive unemployment and extreme poverty.

My own State of South Dakota can boast of five tribal community colleges: Oglala Lakota at Pine Ridge; Sinte Gleska College at Rosebud; Sisseton-Wahpeton Community College at Sisseton; Cheyenne River Community College at Eagle Butte; and Standing Rock College at Fort Yates, ND. Each has established a clear record of success, and hope, in its respective community.

The Carnegie Foundation report notes that one unique facet of the tribal community college movement has been its commitment to responding to individual tribe's economic and social needs. One of the report's recommendations is that programs linking tribal colleges to their communities be significantly increased.

Based on the South Dakota experience, I wholeheartedly endorse this view, and can point to Sinte Gleska College and Oglala Lakota College as prime examples of how tribal colleges can make a very real difference in the daily lives of individuals living on the reservation. For example, Sinte Gleska has an institute directed at finding ways to address the tribe's economic needs. Sinte Gleska also has a literacy program and community education programs in alcohol and drug abuse. Oglala Lakota supports small-scale enterprises.

This cooperative relationship between the college and its community can make a practical difference in the quality of life on the reservation, and it should be encouraged. However, as we seek to make higher education more relevant to the exigencies of daily reservation life, I would interject one note of caution. We must never lose sight of the fundamental purpose of an institution of higher learning—the pursuit of knowledge and the development of the individual student's powers of reasoning and judgment. In the final analysis, for an educational institution to maximize its growth potential and its effectiveness—to both its students and its community—it must control its own destiny. It is my intention to monitor this carefully, and do all I can to ensure that this independence is realized.

Just as tribal colleges should tailor their curricula and programs to relate to real-life conditions on the reservations, so, too, must they be allowed to retain administrative autonomy in their implementation. The future of the tribal community college movement, as promising as it is, remains dependent on each individual institution's ability to educate its students, uninhibited by the vagaries of local tribal politics. I pledge my commitment toward that end.

Mr. President, I ask unanimous consent that the text of the recommendations of the Carnegie Foundation's report on tribal colleges be inserted in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

RECOMMENDATIONS: A STRATEGY FOR EXCELLENCE

We applaud tribal colleges for their often heroic accomplishments. The educational and cultural contributions of these institutions, often achieved under difficult conditions is enormously impressive. Tribal colleges are giving hope to students and bringing new life to their communities. But with all of their accomplishments, tribal colleges urgently need help. They are, we believe, ready to move into an exciting new era, but reaching their full potential will require significant support from both the public and private sectors. The goal must be to assure that by the year 2000, the network of community-based tribal colleges created by Native Americans, colleges that offer quality education to their students and bring a spirit of renewal to their nations, is funded, expanded, and flourishing. Here we set forth a series of recommendations for realizing this vision.

First, we urgently recommend that the federal government adequately support tribal colleges by providing the full funding authorized by Congress. Specifically, we recommend that the $5,820 authorized per student be appropriated and that, from this point on, federal appropriations keep pace with the growth of Indian student enrollment.

The United States government has both a moral and legal obligation to respond to the needs of American Indian society. The fragmented cultures and persistent poverty in many Indian communities should not be tolerated, and increasing support for tribal colleges is an important strategy for meeting this obligation.

Federal government support for Indian higher education, for more than a decade, has focused on the Tribally Controlled Community College Assistance Act of 1978. We urge that it continue to do so, since this legislation is essential for the survival of many of the colleges. The funds provided through this act were, in fact, critical for the establishment of many of the tribal colleges during this decade. In addition, the Navajo Community College Assistance Act of 1971, the legislation supporting the college of the Navajo Nation, is of equal value to that institution.

The harsh truth is, however, that federal support has been woefully insufficient; it simply has not keep pace with the rate of growth in the tribal colleges, or with their most basic needs. In the original legislation Congress authorized $4,000 for each full-time equivalent student at tribal colleges and later raised it to nearly $6,000, but the amount appropriated has never matched those figures.

Moreover, as the number of tribal colleges continues to grow and as enrollments continue to expand, the money available for each full-time equivalent student has plummeted. In 1981, for example, there was a total full-time equivalent of 1,689 Indian students enrolled in tribal colleges, each supported by $3,100. By 1989, however, the number of students had climbed steadily to 4,400 FTE, while money for each dropped to about $1,900! We urge Congress not to penalize tribal colleges for their success.

Further, there are many Indian communities across the United States that are not served by community colleges and where aspirations for higher education have long been muted by negative educational experiences. Congress should provide, in its appropriations, funds for new institutions without diminishing support for existing institutions.

Beyond this basic support, other federal agencies should provide discretionary grants to a wide range of tribal college programs. The Carl Perkins Vocational Education Grant, which goes directly to states, is used by some tribal colleges to purchase equipment for vocational programs. In addition, the Library Services and Construction Act is used by tribal colleges to buy needed books and supplies for their still growing libraries. Here again, however, these funds are wholly inadequate to the need, especially in light of the fact that these institutions are just beginning and have little capital base.

Looking at the larger picture, we are concerned about the relationship between the Bureau of Indian Affairs and the Indian community, including the tribally controlled colleges. This relationship has been—and continues to be—marked by tension. The concern extends beyond the appropriation of federal funds, as the Bureau must work within the limitations of the federal budget. The Bureau has been criticized harshly by members of Congress and the college community for not being a more positive participant in the development of tribal colleges. Programs and funding at the colleges have often been delayed because the Bureau did not establish the regulations required by the legislation. In the 1986 re-authorization hearings, for example, Senator Mark Hatfied, then chairman of the Select Committee on Indian Affairs, reported that the BIA had "failed to establish regulations, or even to publish proposed regulations for comment" on amendments voted on three years earlier.

From the perspective of some tribal college president, this inaction and lack of support is seen as a form of political sabotage. "The BIA refuses to acknowledge, fully and sincerely, our existence," charged Sinte Gleska President Lionel Bordeaux. "It's almost as if it's the last attempt to keep us suppressed."

Indeed, throughout the Indian community, it is often argued that the Bureau thwarts the self-determination pursued in Native America and supported by the government through the 1975 Indian Self-determination Act. Full Indian control of programs and services once held by the Bureau would, it is believed, threaten the existence of this agency. To many community leaders, it seems that the BIA is acting like most other bureaucracies—wanting to preserve its power.

This attitude toward the federal BIA office is not always held toward Bureau offices and officials at the local level. On a growing number of reservations, the local Bureau office is viewed as a benign presence, especially as the number of Indians employed in its offices grows. On Turtle Mountain Reservation, for example, all but one of its one hundred positions are filled by Native Americans. There, only the superintendent is not an Indian.

The atmosphere of cooperation that exists at the local level, however, is missing at the national level, to the detriment of the tribal colleges. We urge, therefore, that the Bureau of Indian Affairs join in a partnership of educational excellence with the tribal colleges. These institutions should be viewed, not as another regulatory burden, but as a crucial link between the government and the Native American communities they serve. Support for these colleges benefits all members of tribal society and helps fulfill the Bureau's responsibility to promote Indian welfare and development.

Second, we urge that the libraries, science laboratories, and classroom facilities at tribal colleges be significantly improved through federal government appropriations. We also propose that foundations help improve facilities at tribal colleges. This is an urgent need that cannot wait much longer for resolution. Typically, the reports of our foundation focus on teaching and learning, not on buildings; however, tribal colleges must be an exception. The federal legislation that supports tribal colleges includes a section authorizing funds for facilities; thus far, however, no appropriations have been made and many of these institutions are forced to carry on their work in trailers and abandoned government buildings that other colleges would have hauled away or bulldozed over twenty years ago. Such poor facilities not only restrict learning, but also make a powerful statement of neglect.

Sinte Gleska College's administrative offices are representative. They are housed in a former Bureau of Indian Affairs building that was once condemned. Several miles away, outside the town of Mission, a half dozen small buildings surrounding a gravel pit parking lot house the college's main classrooms, faculty offices, and student services.

The college has been resourceful. Some buildings—such as the relatively spacious science center and the newly expanded library—were constructed from private, corporate, and government grants. Others, however, such as the native studies department, are in trailers. Two additional buildings—a fine arts studio and the bookstore—are in small frame buildings constructed by students in the building trade program.

With severely limited funding, Sinte Gleska has a functioning campus for well over five hundred students. But space and educational supplies are at a premium. Limited classrooms make scheduling difficult, there is no place for students to congregate, and no food service is provided, even though students must often travel long distances to reach the campuses. There are no sports facilities on campus.

Little Big Horn College, meanwhile, has some of the most unusual classroom facilities in the nation. On this campus the main college building is an old tribal gym, where several rooms to one side have been converted into administrative offices, while refurbished locker and shower rooms serve as classrooms and a science lab. In the middle, the basketball court has been made into a library for the college's 6,500 volumes.

Down the road is perhaps the most unusual science lab in academe. Given access to a sewer treatment plant, the director of the science program has turned a small room used for chemical analysis into additional laboratory space for his department. To get to class, students must walk on a narrow metal catwalk and squeeze past a two-story-high steel container. The well-insulated room does, at least, keep out the odor of the nearby sludge pond.

Some colleges have found funds to build modest yet relatively adequate facilities. Navajo Community College, for example, has comfortable campus facilities, and Oglala Lakota College's main administrative building is an elegant circular structure set on a hill on Pine Ridge Reservation, although many of its learning centers are woefully inadequate. Salish Kootenai has a much smaller camplus that is stretched to its limits, but it too is attractive and well furnished.

Most colleges are jammed for space, and struggle daily to secure needed equipment and supplies. Such conditions are disgraceful. Facilities do make an important statement about the priorities we assign to our institutions, and the tribal college should stand, on every reservation, as a symbol of hope, with the space needed to serve adequately the educational needs of those enrolled.

Specifically, we recommend that the federal government appropriate funds for construction as authorized in the Tribally Controlled Community College Act so that, by the year 2000, every college has an adequate plan to fulfill its educational obligations. Many foundations have supported the construction of new buildings and the supply of materials—from books and libraries, to computers and lab equipment. This practice should be continually expanded. We do not propose spacious facilities for these institutions. All we call for are spaces that would bring dignity to tribal colleges and greater effectiveness to learning. For a college to be a respected part of the tribal and academic community, it requires good facilities. In addition, for students to be fully served, there must be—at the most basic level—adequate classroom space and campus buildings that are aesthetically attractive and functional as well.

Third, we urge that connections between tribal colleges and non-Indian higher education be strengthened. Specifically, we reommend that four-year institutions work with tribal colleges for the transfer of credit and the development of cooperative degree payments. Many tribal colleges began with the support of other higher learning institutions. In the formative years of tribal colleges, non-Indian colleges offered courses, provided administrative support, and brought legitimacy to the tribal college movement. In some cases, this cooperation has continued and everyone has gained.

Turtle Mountain Community College, for example, began in the late 1960s when a group of young tribal members—calling themselves the Associates for Progress—invited colleges in the state to offer courses on the Turtle Mountain campus. In time, this fragmented series of programs was organized into a tribal educational center that existed under the aegis of a nearby campus of the North Dakota State University. By 1973, the enrichment center was recognized as Turtle Mountain Community College. It is now a fully tribally controlled institution.

Similarly, the establishment of Fort Peck Community College in northeastern Montana was preceded by a series of courses offered on campus by Dawson Community College in 1969. The tribal college began nine years later under a bilateral agreement with another institution, Miles Community College.

Standing Rock College in North Dakota began as a learning center affiliated with Bismarck Junior College, and in its early years, Oglala Lakota College in South Dakota developed agreements with a wide range of institutions, such as the University of Colorado, Black Hills State College, and the University of South Dakota.

Collaboration has continued in many settings. By establishing a network of cooperative arrangements with colleges and universities in North Dakota for its new health services program, and a number of teacher education initiatives, Turtle Mountain has broadened its educational base. For many years, the University of North Dakota collaborated with Standing Rock College on a work-study degree program in elementary education that was strongly based on Sioux cultural traditions. The university also supported a wide range of Native American language programs at all four North Dakota tribal colleges.

Through its science program, Little Big Horn College has developed a close and cordial relationship with Montana State University. Selected as a research site for a federally funded bio-medical research program, Little Big Horn works closely with the state university, the recipient of the grant. The university provides Little Big Horn with funding for a federal researcher, student assistants, and necessary equipment. More important, however, this grant places Indian students in laboratories at the university's Bozeman, Montana campus and builds constructive connections between the two institutions.

According to Little Big Horn President Janine Pease-Windy Boy, students benefit through the hands-on experience in a field traditionally ignored by Native Americans. In addition, through work at the university campus, students are able to see that a broad range of educational opportunities exists outside of the reservation. Such cooperative projects help the tribal college to work as a more effective academic bridge to other institutions.

Faculty, too, are strengthened by an association which builds professional connections between instructors. "It creates avenues for our scientists to be colleagues with scientists at Montana State University," Windy Boy said. This is an otherwise difficult task for the small and isolated college.

Cooperation between these two institutions exists in other projects as well. Looking for additional ways to ease the often difficult transition from tribal college to state university, science instructor Robert Madsen tries to keep his courses compatible with those at Montana State. In some cases, Madsen follows the same texts and syllabi used at the university. This, he believes, better prepares students who plan to continue their studies at that institution.

For Montana State University's part, a tribal relations office has been created to work with tribal colleges statewide and coordinate joint projects. Hoping to increase cooperation between the institutions. President William Tietz even asked the university's vice presidents and deans to meet with members of the tribal college community in the state.

With connections at all levels, Little Big Horn—although small and not yet fully accredited—has benefited enormously. Faculty have grown professionally and students have been given both the opportunity and the skills necessary to succeed at a non-Indian college. As an example of the program's potential, a total of seven Little Big Horn students who have participated in the research program since its beginning in 1983 have successfully transferred to Montana State to continue their studies.

Montana State University has benefited, too. Through these innovative programs, faculty and administrators have gained an increased understanding of Native American issues, and Indian students who enter their institution from the tribal college are, as a result, more likely to succeed.

Not all students, however, enroll in a tribal college to complete a degree and then transfer. Those who do transfer to a non-Indian college are better prepared socially and academically for that experience. The Center for Native American Studies at Montana State University estimates that graduates from tribal colleges are at least twice as likely to succeed in a non-Indian college as Indian students who did not first study at a tribally controlled institution. This early evidence suggesting that tribal colleges can have a crucial impact is encouraging, since Indians traditionally have had among the highest non-completion rates of any college population.

It is also encouraging to note that several state college systems are working successfully with tribal colleges on a variety of transfer programs. But more needs to be done. Transfer is often dependent on the degree to which the tribal colleges use standard, discipline-oriented courses and standard textbooks. But their strength is in their distinctiveness—the ways they integrate cultural meanings with course material and view knowledge as interconnected. Such strengths need support.

Rather than viewing tribal colleges simply as institutions needing assistance, the non-Indian four-year colleges and universities should come to understand that they have much to learn about native culture and how to support native students more successfully.

On quite another front, Turtle Mountain is working with U.S. West, the region's telephone company, to offer programs in the health field. The college is creating cooperative arrangements with other area institutions for training in such professions as occupational therapy, nursing, and medical records. Students will complete a certificate degree through Turtle Mountain or be prepared to transfer elsewhere if a four-year degree is required. For its part, U.S. West is providing the support needed to study local needs, plan programs of study, and develop agreements with other colleges and universities.

Both Indian and non-Indian colleges are strengthened when they work together. Cooperative programs improve student education, promote faculty development, build bridges of understanding and, ultimately, result in students who have skills and confidence to work or continue their studies at non-Indian institutions.

Fourth, we recommend that programs linking tribal colleges to their communities be significantly increased. Every college is committed to responding to the tribe's economic and social needs. Salish Kootenai, for example, gives priority to job training through a work experience program. The college also offers in-service programs to educators and others throughout the reser-

vation. Turtle Mountain Community College maintains close connections with tribally run industry. Sinte Gleska sponsors an institute to study the tribe's economic needs. Oglala Lakota works with the sponsoring tribe to support small-scale enterprises. Sinte Gleska also has a well developed literacy program, along with community education programs in alcohol and drug abuse that include a "Drug Free Schools" program funded through a Department of Education grant. Through such efforts, the impact of tribal colleges is felt by the entire tribe, demonstrating that Indians themselves can meet reservation needs.

Tribal college outreach also includes cooperation with schools that educate Indian children—public, tribal, and private. Such school-college collaboration recognizes that education and respect for native heritage and cultural experience must begin long before the students enter college. Oglala Lakota College has, for example, developed cooperative programs with such institutions as South Dakota State University. The Kennedy School of Government, and Hofstra University.

Several tribal colleges—such as Sinte Gleska and Standing Rock—have been directly responsible for increasing the number of Indian teachers in reservation schools.

Colleges can also promote the transition from school to college by offering classes than earn college credit. More directly, college students could receive credit for tutoring younger students in a variety of subjects. In turn, the colleges will be rewarded with students who are more firmly grounded in the basic skills and more confident of their abilities and self-identity. Tribal colleges, through such collaboration, affirm the fact that education is seamlessly connected to the community.

Fifth, we recommend that tribal colleges expand their important role of preserving the languages, history, and cultures of the tribes. The history of education for Native Americans in this country has been marked by the suppression of the rich heritage of the tribes. Textbooks have ignored the Indian traditions, sacred ceremonies have been ridiculed, and children have been punished if they spoke their native languages. One of the important missions of the tribal colleges is to preserve for Indians their great heritage, for purposes of identity, self-esteem, and cultural enrichment. Indian people need connections to those roots to survive physically and spiritually.

Maintenance of the native language and cultures also enriches all Americans. It brings us all back to the origins of this land we occupy.

James Shanely, president of Fort Peck Community College in Montana, concludes that "the native cultural heritage is a positive addition to the American experience. Without the preservation of the first culture," he says, "we can be assured that no other cultural traditions in this country will survive either." He concludes that "the United States will be all the poorer." While the federal government has contributed to cultural renewal through heritage grants and the bilingual education program, more attention needs to be paid to the work of preservation. In this regard, we recommend that foundations make available to tribal colleges special grants devoted specifically to the maintenance of Indian traditions.

Sixth, we recommend that state governments more adequately support tribal colleges. We urge especially that the states target funds for community service programs. A strong, self-supporting reservation benefits not only the members of the tribe, but the larger communities as well. In states with large or multiple reservations, the economic and social health of the whole region can be greatly influenced by the status of these Indian communities.

Some reservations co-exist peacefully with the non-Indian population around them and maintain cordial relations with local and state governments. Indians do participate in surrounding economies, vote, and increasingly participate in local politics. In addition, growing numbers of Indian children are now being educated in public schools alongside non-Indian children.

In recent years, public schools serving the Flathead reservation of Montana and the Rosebud Sioux reservation of South Dakota have worked to teach all students an appreciation of local Indian culture. In Minnesota, the state university is actively involved in the development of Fond Du Lac Community College. And in North Dakota the state has cooperated with tribal colleges to develop Indian curricula for use in all schools.

Often, however, the mood of state government toward tribal colleges is less supportive, best described as an air of indifference. The needs of Native Americans frequently are not fully recognized by legislators. With limited economic power, and small to nonexistent political representation, Indian voices are rarely heard in the corridors of power. Policies affecting Indians, when they are considered by state agencies, often do not include adequate consultation. Thus, programs intended to benefit the Indian population may be ineffective or even counterproductive.

Tribally controlled colleges offer a splendid opportunity for legislatures to assist the reservations in their states. From the voting booth to government offices, communities benefit when Native Americans are educationally well prepared. In addition, tribal college programs in community development—from alcoholism to economic opportunity—benefit both Indian and surrounding Anglo society. When a tribe improves its own quality of life, the whole community is served.

We recommend, therefore, that state and local governments join with tribal colleges in partnerships for community development and educational excellence. An expanded cooperative effort between tribal colleges and government officials can improve the quality of education and the breadth of services at every college.

Seventh, we recommend the establishment of a comprehensive program for faculty development at tribal colleges. All colleges need programs to enrich faculty and build leadership at the administrative level. At tribal colleges, these needs are especially acute, since these institutions are young, operate under difficult conditions, and are often isolated. There is a strong need for foundations to support collaborative programs in support of leadership and faculty development at tribal colleges.

At the North and South Dakota tribal colleges, with their severely limited budgets and isolated locations, there is little opportunity for instructors to interact with peers. But with Bush Foundation support, these institutions have organized a variety of professional development programs. This is a workable model that could be replicated, we believe, at other colleges. During the three-year program, all vocational education teachers at Turtle Mountain, for example, became certified in their fields, and many other faculty have become active with their professional organizations.

Support from the Bush Foundation has increased professionalism on campuses, strengthened appreciation for native culture and, of equal importance, sparked discussion among the faculties at tribal institutions. The Bush faculty development programs have been productive and well received.

Another model is Little Big Horn's cooperation with Montana State University in biomedical research. It has been praised, not only for what it offers students, but for how it builds connections between faculties at both schools. Projects such as these should be greatly expanded.

Eighth, we propose that foundations collaboratively support the Tribal College Institute, which is designed to strengthen administrative leadership in Native American higher education. Support for tribal college administrative leadership is crucial, too. Over the years, many tribal colleges have suffered from a higher turnover rate among presidents and top administrators. New colleges, too, are often started by a cadre of people who are extremely dedicated to the cause of tribally controlled education, but may not have extensive administrative experience.

There is a need for presidents to work together to support common goals. All tribal colleges, for example, share similar educational, financial, and administrative challenges. While the overall structure varies greatly from campus to campus, all colleges share financial hardships and the broad goal of promoting education for Indian self-determination and tribal development. Programs and innovations found at one college can be meaningful to all colleges. From teaching methods to fund-raising options, tribal colleges have much to offer each other.

Restricted funds limit intercollegiate support. The presidents of tribal colleges do meet several times a year to discuss funding and legislative needs. They also get together once a year to hold small seminars during a week-long retreat. But the most valuable discussions—ones that could bring together a range of tribal college staff, administrators, instructors, and outside educators and policymakers—are simply not possible.

Most tribal colleges are members of the American Indian Higher Education Consortium. Together they provide guidance to new or struggling colleges, and also maintain a small Washington, D.C. office where Indian and education-oriented legislation is monitored. Recognizing that each institution is part of the larger tribal college movement, as well as part of American higher education as a whole, tribal college administrators believe that much more must be done to develop intellectual and administrative leadership within their institutions.

Two new strategies have emerged, both of which hold great promise. First, the presidents of the consortium recently have organized a new continuing education program called the Tribal College Institute. Under the sponsorship of this organization, faculty and administrators from tribal colleges can meet regularly in seminars to discuss common needs and seek solutions to shared problems. The Institute is committed to building great connections among tribally controlled colleges and between the colleges and the larger educational community. We strongly urge that the Tribal College Institute be adequately supported. Foundations

should provide funding for at least a five-year period.

Tribal colleges have recently started a new journal called Tribal College: Journal of American Indian Higher Education. This publication will strengthen the network of institutions, provide for intellectual exchange, and give a sense of identity as well. The first issue provided a forum for both administrators and faculty, and in the future, this journal can be closely linked to Institute programs, providing a forum for Institute ideas. Again, we urge that this project be supported during its initial five-year period.

The achievement of the tribal colleges—as for any institution—is directly linked to the people they employ. Indeed, their creation and growth is testimony to the dedication and ability of college staff and faculty. For the colleges to grow and mature, the people associated with them also must grow in their professions. Along with its purpose of direct support to individual institutions, the Institute is, we believe, an important new way to provide this kind of enrichment and renewal.

Finally, if tribal colleges are to prosper, continuity of leadership is essential. Some presidents have successfully led their colleges for many years through a key developmental period. But future leaders must be developed within the Indian community. Here, too, the Tribal College Institute has a vital role to play as it brings together administrators with potential leaders from tribal colleges and other higher learning institutions.

Ninth, we recommend that the national awareness and advocacy programs for tribal colleges be strengthened. Specifically, we recommend that private philanthropies collaborate to provide, for three years, support for a Washington, D.C. office with a full-time director. Increased public awareness means better public policy, and there simply must be an increased understanding of the role tribal colleges play in the Native American communities and in society at large. As a group, these institutions are leaders in the movement for Indian self-determination and are increasingly responsible for encouraging large numbers of Indians to pursue higher education. In Montana, for example, the seven tribal colleges enroll more Native Americans than all of the state's other institutions combined. The same is true for the tribal colleges of North and South Dakota.

Most educators and policy-makers, however, do not even know these colleges exist. They have no idea that a network of tribal colleges plays an important role in Native American education or in community development. Nor do they recognize the increasingly significant role tribal colleges play in shaping the nation's American Indian policy.

The tribal colleges have organized themselves into a consortium with a part-time legislative representative in Washington, D.C. This organization must be strengthened. With such support, the colleges would enjoy the increased visibility needed to extend public awareness and heighten legislative understanding. In addition, the urgent need for comparative data on enrollment, growth, graduation and employment rates could be responded to by this central office. Until now, the colleges have had little time or money to complete this essential research at their own institutions. Yet, to argue their cases effectively, key information must be gathered in a professional and consistent manner.

Finally, we recommend that the newly established tribal college endowment be supported to increase the fiscal base and bring long-term stability to these institutions. On most tribal college campuses, budgets are tight and administrators are strained simply to provide basic academic and administrative services. Support from foundations, corporations, and federal funding agencies provide much-needed base support. Grants from these agencies help the colleges bridge the gap between merely existing and building a strong community of learning.

American higher education discovered long ago that quality cannot be achieved if an institution is forced to live from hand to mouth, with no stability in support. Endowments have become crucial in integrating long-range planning, cushioning unanticipated budget shortfalls, and increasing the stability of the institution. This is just as true for a new college as for our oldest and most prestigious institutions.

We urge, therefore, a major expansion of the endowment fund for the tribal colleges. Similar to intent to the United Negro College Fund, this endowment needs to benefit all member institutions. Further, Title III of the Tribal College Act provides for federal matching funds for endowment purposes. We urge that Congress commit itself to the building of long-term financial stability for tribal colleges through this important authorization.

Happily, in a consortium-wide effort, the Phelps Stokes Fund of New York is providing administrative and technical support for the development of the American Indian College Fund. While such money cannot replace federal support, it can provide the margin of excellence, funding scholarships and specific development projects. The Phelps Stokes Fund should be commended for helping to nurture this still young and, to this point, modestly funded effort. We strongly recommend that foundations and other philanthropies make significant contributions to the American Indian College Fund.

During the Carnegie Foundation's two-year study of tribal colleges, we became convinced that the idea of Indian-controlled higher education is both valid and long overdue. We also concluded that the growing network of tribally controlled colleges offers great hope to the Native American community and the nation as a whole.

At the same time we saw problems. Tribal colleges have distressingly inadequate facilities, poor salaries, understaffed academic programs, and frequently they encounter divisive politics. Graduation, continued education, and employment rates are not well documented. The need for sound research is urgent. All of this was noted in our visits.

As a movement, however, tribal colleges are an inspiration. These institutions are creating opportunity for Native Americans who, for more than three hundred years, suffered shameful misunderstanding and abuse. Tribal colleges offer hope. They can, with adequate support, continue to open doors of opportunity to the coming generations and help Native American communities bring together a cohesive society, one that draws inspiration from the past in order to shape a creative, inspired vision of the future.

AFTER HUGO: A THANK YOU TO CORPORATE GOOD CITIZENS

Mr. HOLLINGS. Mr. President, it has been more than 5 weeks since Hurricane Hugo cut its path of devastation across South Carolina. If Hugo—and more recently, the California earthquake—have reminded us of the great, random destructive power of nature, they have also reminded us of peoples' tremendous capacity to reach out to their stricken neighbors with compassion, selflessness, and overwhelming generosity.

I have already spoken on this floor of numerous acts of aid and assistance rendered to the victims of Hurricane Hugo. Today, however, I would like to focus particular attention on the efforts of corporate America to contribute to the relief effort in a thousand different ways, both publicly and behind the scenes. It is a remarkable story of corporate good citizens who seized the moment, instinctively recognized their civic responsibility, and mobilized with speed and ingenuity to bring food, clothing, shelter, and other necessities to Hugo's victims.

What I have here, Mr. President, is necessarily only a partial list of businesses and corporations that pitched in to help. I ask the understanding and forgiveness of those I may inadvertently leave out. Nonetheless, it is important that a public record be made of those who gave generously and worked hard to assist South Carolina in its darkest hour since the Civil War.

A sterling example is the response of Walmart Department Stores Chairman Sam Walton, who personally saw to it that 14 tractor-trailers of food and household necessities were shipped to the Charleston area for distribution to Hugo victims. No less importantly, he also sent experts to help in the distribution of relief supplies.

Another fine example is Taubman Corp. of Detroit, which sent a talented young woman name Joyce Storm to oversee repair of the Omni Hotel in Charleston. She soon was playing a leadership role in the overall relief effort, working around the clock, and becoming a local hero in the Charleston area.

A three-man team from Chambers Development Co. did a yeoman's job of setting up hot-meal stations in some of the hardest hit areas of the State. A special thanks to Lowell "Butch" Spires, Jake Knotts, and Carl Spires for their nonstop labors on behalf of the hungry and homeless.

The University of South Carolina system made numerous contributions to the relief effort, allowing many of its facilities to be used as temporary shelter for the homeless and as distribution points and warehouses for relief supplies. Carolina students across the State did a magnificent job of raising funds as well as volunteering their time and energy.

The majority of the 6,000 students at the College of Charleston have

been involved in relief efforts of one form or another, and the college has provided emergency shelter for those made homeless by Hugo. I salute all the fraternities and sororities, the civic clubs, as well as the individual College of Charleston students who did so much for their community in the wake of the storm.

Likewise, the corps of cadets at The Citadel was extremely active in relief operations, clearing debris in surrounding neighborhoods, especially at Burke High School and Hampton Park, and in loading and unloading supplies at the Hugo Recovery Distribution Center in North Charleston. In a number of instances, individual cadets were cited for their exceptional initiative and voluntarism.

Though Clemson University in the upstate was spared the brunt of Hugo, its staff and students pitched in generously to aid relief efforts. Ninety-five employees from Clemson's facilities maintenance and operations department volunteered to go to Charleston and help with cleanup operations. Numerous student groups have been actively involved in collecting food, money, clothing, and other essentials for Hugo victims. Perhaps most importantly, the Clemson Extension Service, through its offices in each of the Hugo-impacted counties, has done a superb job of providing onsite expertise, assistance and advice to victims, especially to farmers whose crops were devastated by Hugo's winds.

The National Association of Wholesalers coordinated a most welcome donation of five 18-wheelers chock-full of building supplies.

Our friends at Federal Express saw to it that two large trucks were provided to transport supplies from Washington to Sumter, SC, and to provide local pickups by van.

Amoco was estraordinarily generous in sending five truckloads of food, three truckloads of bottled water, 300 household generators, roofing shingles, plywood, timber, and tools. Amoco also sent diesel fuel for emergency-response vehicles in Charleston and Mount Pleasant and for the South Carolina National Guard.

Procter & Gamble contributed a huge shipment of disposable diapers, addressing one the most urgent needs in the immediate aftermath of Hugo. Kimberly-Clark also sent a critically needed truckload of disposable diapers and paper products.

H.J. Heinz sent a shipment of nearly 2,000 cases of canned goods, along with a $5,000 donation to the Red Cross.

The Clorox Co. made two large donations of charcoal to Berkeley County to allow residents without electrical power to prepare hot food.

Miller Brewing sent 17,000 12-ounce bottles of water.

Savannah Foods from our neighbor to the south, Savannah, GA, donated five huge trucks of fresh water and food stuffs.

Colonial Candle in Hyannis, MA, sent 20 cases of candles.

Extremely generous donations of tools and equipment were made by Stanley-Proto Industrial Tools, Klein Tools, the National Welding Supply Association, the Specialty Tools & Fasteners Distributers, the National Association of Wholesalers, and the National Hand Tool Association.

The Southern Oregon Timber Industries Association of Medford, OR, donated several truckloads of timber as well as a large cash donation.

World Corp. was extremely generous in arranging a relief flight to South Carolina to transport relief supplies in the days that followed.

In addition to the disposable diapers, baby food and formula was scarce and again, our friends came through. Gerber Foods donated a massive quantity of baby food. Thousands of cases of formula were given by American Home Products, Bristol-Myers, and Ross Laboratories, a division of Abbot Laboratories.

The Home Group sent three 18-wheelers of diapers and food to Charleston.

Waste Management, Inc., made a very generous contribution of hundreds of portable toilets as well as debris-removal equipment, and I would like to thank their whole team.

Sanborn Chase of Pawley's Island coordinated the donation of Apple computers.

Ford Motor Co. sent three nine-passenger vans with drivers to help deliver food. Ford also sent two tractor trailers of lumber and glass.

The Hechinger hardware store chain donated vitally needed chain saws to help clear away downed trees.

Maryland Casualty Insurance purchased food from Safeway at a discount and Safeway sent two truckloads of nonperishable food items to Charleston.

Hallmark Cards sent 109,000 dollars' worth of candles, paper plates, cups, and napkins.

Cassco Ice and Cold Storage of Harrisonburg, VA, sent two truckloads of ice, which was critical in preserving perishable foods.

Our friends at Coca-Cola in Charlotte, NC, although contending with their own Hugo headaches, sent a route truck filled with supplies, and also raised a generous donation for the Salvation Army.

Of course, cash contributions were enormously helpful. Westvaco Corp. donated $100,000 to the American Red Cross for relief efforts.

Monsanto Corp. made a generous $100,000 contribution to the Red Cross on behalf of the company's Greenwood plant.

Philip Morris donated $100,000 to aid relief efforts.

Hanson Industries, the U.S. branch of London-based Hanson PLC, donated $100,000 to the American Red Cross.

The actor Paul Newman donated $100,000 to the Red Cross for relief efforts in South Carolina.

Our friends at Foster-Wheeler, Inc., contributed $50,000 to the ReLEAF Fund to plant new trees.

From Massachusetts Mutual Life Insurance came $25,000.

Ernest Gallo, the California winemaker, sent along a check for $20,000 for the Hurricane Hugo Relief Fund.

A special thanks to Joe Anderson, Sis Inabinet, and Jim Byrd of Southern Bell for the incredible job they did in seeing to it that phone service was maintained or quickly restored to the vast majority of low-country households. In fact, repair crews are still working 13 straight days and then 1 off.

Radio Station WPDQ in Jacksonville, FL, which is received in the South Carolina low country became a valuable information source on Friday, September 22 and Saturday, September 23 when many local stations were knocked off the air. It suspended its regular programming and asked all those in the hurricane-impacted area to call the station collect with information, which was then promptly broadcast. Similarly and closer to home, WHTK-FM in Port Royal provided moment-by-moment coverage of the situation. Thanks to both stations for service above and beyond.

Mr. President, this listing is by no means comprehensive, and is not intended to be. However, I think it is important for the Senate to gain some idea of the incredible breadth and scope of the generosity, from all regions of the Nation and from businesses large and small. They came to South Carolina's aid in our time of maximum need, and we shall not forget it. On behalf of the people of South Carolina and on behalf of the Senate, I say thank you to the hundreds of good corporate citizens who extended a helping hand in the wake of Hugo.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise simply to relay to my colleagues that today marks the 1,707th day that Terry Anderson has been held captive in Beirut.

UNITED NATIONS CERTIFIES NAMIBIAN ELECTIONS AS FREE AND FAIR

Mr. KENNEDY. Mr. President, as the dramatic events in Eastern Europe captivate our attention and imagination, we must not overlook another

equally extraordinary event occurring in another distant land—Namibia. Over the last week, another historic event has taken place—free and fair elections in Namibia.

After more than a century of control by foreign powers, the firt step toward independence for the people of this nation has been taken. Now, the last vestiges of South African colonialism in that land are being swept away. This is a moment of great pride for all friends of freedom. I share the hope and expectation that within months, full independence will come to Namibia.

I would like to call to the attention of my colleagues the statement of the United Nations Special Representative of the Secretary-General for Namibia, Mr. Martti Ahtisaari, declaring that the elections in Namibia are free and fair. Over 97 percent of registered Namibians voted in these elections—and only 1.4 percent of the ballots were rejected as invalid.

As Mr. Ahtisaari noted, this "youngest democracy has given the whole world a shining lesson in democracy: exemplary as to commitment, restraint and tolerance. Accordingly, in this election, there have been no losers."

I commend the people of Namibia for their achievement. The United Nations—guided by the wise leadership of Secretary General Perez de Cuellar—has ably and admirably fulfilled its mandate to oversee this dramatic transition to democracy.

I am also encouraged by the steps taken by South Africa which enabled this election to take place in a free and fair environment. I urge that government to continue to support the process and to ensure that Namibia soon becomes a free and independent nation.

Mr. President, I ask unanimous consent that the text of the Special Representative certifying the Namibian election as free and fair be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY MR. MARTTI AHTISAARI, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL FOR NAMIBIA, NOVEMBER 14, 1989

It is my responsibility, under the United Nation's Settlement Plan, to assess the propriety of the electoral process, which has just been completed, for a Constituent Assembly which will draw up and adopt the Constitution for an independent and sovereign Namibia.

Earlier this evening, the Administrator-General informed me of the final results of the election. I have considered all aspects of the process, with particular reference to proper and timely tabulation and publication of voting results, as required by the Security Council.

Revised final returns show that over 97% of Namibians who were registered to vote took the opportunity to exercise their long-awaited and fundamental democratic right. Only a very small fraction of ballots—1.4%—had to be rejected as invalid, with the concurrence of UNTAG, and under its scrutiny.

Its youngest democracy has given the whole world a shining lesson in democracy; exemplary as to commitment, restraint and tolerance. Accordingly, in this election, there have been no losers:—the whole people of Namibia have been victorious, united in their dedication to peace, reconciliation and the future. I am sure that Namibians will continue to maintain these admirable qualities during the next day, and I should like to appeal for the maximum restraint and calm at this time.

I have spent many hours at the count here in Windhoek, as has the Administrator-General. The immensely conscientious attention given to each single ballot-paper by a most professional staff, from the United Nations and from Advocate Pienaar's administration, has deeply impressed all who have deserved the process of counting and tabulation. My staff throughout the country have reported similar care and accuracy at each stage since the close of voting last Saturday. I wish to express UNTAG's appreciation for the endeavours of all concerned during long, sleepless hours, days and nights. This part of the process has also been a model of proficiency.

A few minutes ago, I informed the Administrator-General, after the establishment of the final results, that I was satisfied with the post-polling procedures that UNTAG has supervised and controlled.

In fulfillment of my responsibility under paragraph 6 of the Proposal for a Settlement of the Namibian Situation, and in accordance with Security Council Resolution 435 of 1978, I hereby certify that the electoral process in Namibia has at each stage been free and fair, and that it has been conducted to my satisfaction.

HOPE: HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE

Mr. KASTEN. Mr. President, last week President Bush and HUD Secretary Jack Kemp unveiled a new package of homeownership and urban development initiatives called HOPE [Homeownership and Opportunity for People Everywhere].

HOPE provides a new approach to the Nation's housing policy, an approach that focuses on empowering the poor and unleashing the power of private sector entrepreneurship to help make the dream of homeownership a reality for low- and moderate-income Americans. Specifically, HOPE would commit $4.2 billion in new spending to speed the transition of public housing residents from tenants to owners, provide social and health care services to address the drug abuse and mental impairment problems faced by many of our Nation's homeless, and create 50 housing opportunity zones to reduce State and local barriers that make housing less affordable.

HOPE expands affordable housing opportunities for young families by allowing penalty-free withdrawal of funds from individual retirement accounts for first-time homebuyers. The proposal would also extend the low-income housing tax credit to encourage the private sector to build and revitalize rental housing for low-income families.

More importantly, the President and Secretary Kemp are committed to ending homelessness through low-tax policies aimed at increasing economic opportunity and jobs. The swift enactment of a capital gains tax cut and urban enterprise zones will provide a strong and secure economic base from which we can lead a successful struggle against inner-city crime, poverty and homelessness. Enterprise zones in particular would open a broad spectrum of choices to inner-city residents—and provide a way up and a way out.

The President's market-oriented approach to empower the poor is in stark contrast to the approach of the Mitchell-Cranston bill, which channels more taxpayer dollars into costly housing production programs. For the most part, the Mitchell-Cranston approach would only expand HUD programs and policies which are the same magnets for the waste, fraud, abuse, and influence peddling that we all claim to deplore.

Mr. President, in light of the recent HUD scandals, the housing affordability crisis among moderate income and young families just starting out, and the homelessness problem, I believe that we need a bold new approach to America's housing policy. In introducing HOPE, the President and Jack Kemp are setting a new course focused on empowerment, self-help, jobs, and economic opportunity.

I ask unanimous consent that the November 15 remarks of Secretary Kemp before the National Press Club be placed in the RECORD immediately following my remarks:

REMARKS BY SECRETARY JACK KEMP

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE (HOPE)—FIGHTING A NEW WAR ON POVERTY

I am pleased to be here at the National Press Club to discuss President Bush's new initiatives. When it comes to the press, our timing at HUD could be a bit better. The day we released our new reform bill, a coup was attempted against Noriega in Panama. Last Friday, the same day President Bush announced our new housing and urban development agenda, the Berlin Wall was being torn down.

Every time HUD announces a new proposal, it seems another country lurches dramatically toward freedom. Maybe I should talk to Secretary Baker about making daily press announcements.

I don't want to minimize the events of the last few days. In fact, I was thrilled to be with President Bush on the occasion of his speech to the National Association of Realtors in Dallas, when he said that, "The 1980s has been the decade of American renewal . . . and . . . around the world, the 1990s will inevitably be the decade of democracy."

The history-making events of recent weeks remind us that the international stuggle for freedom, democracy, and justice has its parallel right here in our own country. As Berliners tear down the wall that has kept them from freedom for 28 years, so too must we tear down the walls that are keeping America's poor from the blessings of freedom and democracy in our own country.

Of course, we don't literally have walls around America's ghettos and barrios. But economic stagnation, drugs, and despair are too often insurmountable walls that separate low-income Americans from the everyday dreams and aspirations that all of us share—to own a home, to have a good job, and to enjoy the type of boundless opportunity that is the essence of the American Dream.

Today, in the year of the 25th anniversary of the first War on Poverty, I want to recognize the good intentions of that effort and the architects who had such great hopes to help the poor. But the overall anti-poverty system they designed was not very effective in reducing poverty and only partially effective in alleviating its worst symptoms.

All too often, their noble goals were frustrated by overreliance on government entitlements and an attitude that poor people were unwilling or unable to become entrepreneurial risktakers, small business men and women, producers and job holders.

President Bush has introduced the most far-reaching reforms in a quarter-century to clean up and prevent future HUD scandals. We have got to change the system in our inner cities that is rewarding deficiency and self-destructive behavior while punishing individual dignity, initiative, productive work effort, and the family structure. The ultimate scandal is to treat poor people as perpetually poor.

We reject the attitude that nothing can or should be expected from poor Americans. Our new war on poverty rests on our fundamental belief that helping someone out of poverty must be a two-way proposition: efforts by government and others to help should be matched by the commitment of recipients to take actions to become self-sufficient. Otherwise, our programs will degenerate into hand-outs that promote resentment among the giver and dependency among those we are trying to help.

In this respect, our new war on poverty shares the goals of the original one—a hand up, not a hand out. But we have learned a lot over the past twenty five years about what works and what doesn't. With that perspective, and with the benefit of hindsight concerning what went wrong, we feel it is the right time to rededicate ourselves to a new anti-poverty campaign.

The President's strategy for combatting poverty is called HOPE—which stands for Homeownership and Opportunity for People Everywhere. This agenda is the most dramatic, far-reaching incentive-oriented approach to fighting poverty in the last 25 years. It will tear down the walls that come between people and their self-respect . . . that prevent people from exercising their talents and reaching their potential.

Now, I know it worries some people when President Bush and Jack Kemp talk about a new war on poverty. Well, we reject social engineering of people's lives and huge entitlement programs. But we equally reject the idea of social Darwinism—the survival of the fittest ethic that says government can do nothing to alleviate poverty.

Our HOPE strategy is a comprehensive set of proposals that can lead to success against poverty and despair:

First, The President's HOPE agenda empowers people to take control over their own lives. Our policies give people the choice of deciding where they want to live, offering them greater control over their community and future, and boosting them toward their goals.

Second, HOPE dramatically strengthens the link between individual effort and reward. Our goal is to change the incentives at work in our inner city so that going to school and staying in school, taking a job and producing on the job, raising a family and providing for that family result in greater benefits and standing in the community than drug pushing, crime, or welfare.

Third, HOPE gives poor people a stake in their neighborhoods and the entrepreneurial economic system. Homeownership is essential to the American Dream, and by giving people an equity stake in their neighborhoods, we will introduce economic incentives and help improve behavior.

Fourth, HOPE removes the barriers that prevent private entrepreneurship from doing a better job of delivering affordable housing, decent jobs, and greater opportunity. By reducing incentive stifling tax rates, unnecessary regulatory barriers, and exclusive, no-growth policies in the inner city, HOPE initiatives will encourage more homeownership and job-creating entrepreneurship.

There is one all important fact to remember. We can't help our Nation's poor, if our Nation itself is growing poor. The President's capital gains tax reduction measure is not a budget issue; it's the embodiment of his belief that we have to create more jobs, more income, and more entrepreneurship, that we need more economic expansion, and that we must prevent a recession.

In Dallas I was thrilled to hear the President say that not only did he want to cut the capital gains tax for the Nation to 15 percent, but he wanted to eliminate it in the ghettoes and pockets of poverty by creating Enterprise Zones.

Now isn't it ironic that the same Democratic leaders who tell us that the capital gains tax cut is only for the rich have signed their names to legislation that would eliminate it in Enterprise Zones?

Some people charge us with holding the low-income housing tax credit hostage to the capital gains tax cut. They've got it all wrong. The real hostage-takers are those who want to block the President's capital gains tax cut. The Democratic leaders are the ones who are threatening to sacrifice the low-income housing tax credit in order to defeat the President for nothing more than a partisan, empty victory. Regrettably, they are gambling with the very health of our economy.

Let me set the record straight: President Bush supports four major new tax incentives—the LIHTC, Enterprise Zones, IRA's for first time homebuyers, and the capital gains tax cut. It's time we pass them now.

Let me discuss the rest of our HOPE package of new urban economic development and housing initiatives.

LOW-INCOME HOUSING HOMEOWNERSHIP—HOPE GRANTS

President Bush has proposed a $2.1 billion housing grant program that wil increase low-income homeownership through nonprofits and by expanding resident management and urban homesteading of publicly-assisted properties.

As I go across our Nation, I see non-profits, neighborhood groups, and community housing efforts taking the boards off vacant and foreclosed property, rehabilitating that property . . . often through sweat equity . . . and turning thousands of dilapidated houses to decent, quality housing for low-income people.

We don't need new public construction programs that are scandal-prone and generate a cycle of dependency. By energizing this new wave of non-profit housing groups, our Nation will be blessed with thousands of new responsible property owners bringing stability and self-help to low-income neighborhoods.

But as President Bush said, the centerpiece of our HOPE agenda is homeownership.

I have been excited to see the incredible renaissance brought about in our inner cities by resident empowerment and homesteading. Kimi Gray, Bertha Ghilkey, Irene Johnson, Mildred Hailey—these are the first pioneers who are busting out of the poverty trap by taking control of their own housing through resident management.

These resident leaders are debunking the myth that empowerment is attainable only by a few charismatic individuals. I believe there's a potential Kimi Gray at every public housing development in America. And HOPE will tap their creative energies by providing the necessary training, technical assistance, and seed capital to launch their economic enterprises and rehabilitate their housing stock as a first step towards homeownership.

Resident management and homeownership, my friends, represent new declarations of independence for today's inner city heroes, and a long-denied realization of the democratic ideal in our Nation's poorest communities. HOPE will provide the funding necessary to turn their dream into reality and help convert scores of projects from public to private homeownership in Liberty City, East Los Angeles . . . in some of the most troubled housing development across the Nation.

Ask resident leaders what empowerment means to them. They will tell you it means a renewed sense of responsibility, pride and self-esteem. But it is more. To them, and to us, empowerment is the code word of the new civil rights revolution.

SERVICE-SUPPORTED HOUSING FOR THE HOMELESS

Our Nation's most vulnerable people are the homeless, and they must be in the forefront of our housing policy. The tragedy of so many, including tiny children living in shelters or on the streets, in parks and campsites, and on the subways weakens our faith in freedom's advantages and causes others to question America's moral commitment.

All the homeless need basic shelter, but every single reputable study concludes that shelter alone is not enough. We must do what President Bush suggested in his speech and add care and treatment to shelter. This approach can help solve the deep-seated problems brought on by mental disorders or substance abuse.

Therefore, President Bush has recommended to Congress a new $728 million initiative over the next three years to fund service-supported housing for homeless who are mentally ill or substance abusers. This program will match Federal funds with State and local resources, including the community mental health block grant.

Homeless Americans will receive more than $1.4 billion not only for shelter, but for the professional treatment they need to restore their chances to live a normal and dignified life.

As an additional effort, I am directing the Federal Housing Administration to set aside 10 percent of FHA foreclosed housing for lease to non-profit groups to help house the homeless. And I am also announcing that FHA will extend essential insurance to single room occupancy [SRO] housing. The loss of SRO's from many of our inner cities through gentrification has been a major reason for the disappearance of decent housing for homeless persons. Also as President Bush has repeatedly made clear, this Administration is also absolutely committed to full funding of the McKinney Act for the homeless.

LOW-INCOME HOUSING PRESERVATION

Another part of President Bush's HOPE initiative is to preserve some 350,000 rental units of low-income Federal housing at risk of being lost as a result of mortgage prepayment. HUD will offer each resident the monetary equivalent of a 10-year voucher and the right of first refusal to help them purchase their homes and apartments.

REMOVING BARRIERS TO AFFORDABLE HOUSING

But America also has a housing affordability problem perpetuated by exclusive zoning, Mickey Mouse regulations and complex building codes, and rent controls. In Los Angeles County, for example, these regulations alone can raise the cost of housing by $20,000 or more.

As an inducement to tear down these barriers, President Bush is recommending the creation of 50 Housing Opportunity Zones. In return for States and cities offering up plans to eliminate barriers to affordable housing, the Federal Government will offer its own package of housing and regulatory incentives.

The President has also asked me to convene a Blue Ribbon Commission to identify barriers to affordable housing. This group of experts will make recommendations to us on specific steps we can take to help eliminate those barriers.

IRA DOWNPAYMENTS

As home prices skyrocket, many young couples also face difficulties getting together a downpayment for their first home. Therefore, President Bush is asking Congress for legislation allowing first-time homebuyers to draw, without penalty, on IRA savings as a down payment for their first home.

We are also reforming FHA for the Nineties to help give low-and moderate-income Americans easier access to their frist homes.

CONCLUSION

Ladies and gentlemen, what a dramatic moment in human history. I don't believe there is any more important time to show that the entrepreneurial democratic system is the greatest anti-poverty weapon the world has evern seen. Poland, Hungary, Czechoslovakia, East Germany, the Chinese students in Tiananmen Square, even the people of Bulgaria are looking to America for ideas—ideas to create new wealth, wide-ranging opportunity, and democratic freedoms.

Yet, how can we tell the world that democracy is the social and economic tool for them if we can't make it work for everyone in our nation Nation? I can't help but feel that history has linked the cause of freedom abroad with the cause of freedom, dignity, and justice right here in America's ghettoes and barrios in one great cause for good.

As President Bush said in Texas, "We must unleash the resources of the profit and non-profit sectors, of churches and synagogues, States and localities in our great national enterprise to assure safe, decent, and affordable housing for all. . . . Only then will be able to complete our vision of a free and prosperous America, full of opportunity for people everywhere."

AFTER HUGO: GOVERNMENT AT ITS BEST, CITIZENS AT THEIR MOST GENEROUS

Mr. HOLLINGS. Mr. President, in the nearly 2 months since Hurricane Hugo, the national and local media, as well as public officials including myself, have focused a great deal of attention on the disorganization and red-tape within the leadership at the Federal Emergency Management Agency. The criticisms were all too well founded. However, the shortcomings in FEMA's leadership—shortcomings, by the way, that contrasted sharply with the superb, tireless efforts of hundreds of rank-and-file FEMA workers across South Carolina—must not be allowed to obscure the real story in the wake of Hurricane Hugo: the story of Government at its best, Government mobilizing to meet an unprecedented crisis with urgency and ingenuity and compassion. It has been fashionable in recent years to say that "Government is not the solution, Government is the problem." Well, tell that to the South Carolinians who have been hammered by Hugo. The fact is that the full panoply of Government agencies rose to the Hugo challenge with urgency, skill, and dedication.

I rise today to pay tribute to several of the more prominent examples of Government officials rising to the challenge of Hugo with superb professionalism and can-do leadership. At the same time, Mr. President, I would like to take this opportunity to recognize a number of stand-out examples of individual voluntarism—people who seized the moment, pitched in with all their skills and energy, and made an important difference in the lives of Hugo's victims.

Mr. President, without diminishing the efforts and contributions of so many others, there is no question in this Senator's mind that one true hero to emerge from this crisis is Mayor Joseph P. Riley of Charleston. He stuck with his ship on the fateful night of September 21-22, directing emergency response efforts from boarded-up City Hall, one of our city's historical buildings which lost part of its roof during the storm. And, in the days and weeks that followed, he worked around the clock to orchestrate the relief effort and to rally citizens' spirits. A crisis such as Hurricane Hugo is the ultimate test of a local official, and Mayor Riley's performance set a new standard of tough, creative, energetic leadership. He has earned my admiration and appreciation, and I know that millions of South Carolinians and other Americans share that sentiment.

And while I'm mentioning heroes, certainly two other standouts in this crisis were to very able Chair of the Charleston County Council, Linda Lombard, and Berkeley County Supervisor, Johnny Flynn. I have no doubt that their planning prior to the storm, plus their combined efforts during and after Hugo, saved countless lives.

While these leaders' performance has been exemplary, they certainly have not stood alone. Their ability to rise to an extraordinary challenge has been equaled by numerous other local officials across the 24 counties devastated by Hugo. At the State level we had tireless efforts by Gov. Carroll Campbell and his staff. A special thanks is due my colleague and our State's senior Senator, Senator THURMOND, and his staff for heads-up work prior to and just following Hugo's landfall in South Carolina. In addition, the Emergency Operations Centers and their staffs across the State have worked incredible hours to bring relief to the people of our State.

Our course, jurisdictions not severely impacted by Hugo have been incredibly generous in coming to the assistance of their less fortunate neighbors. A fine example is the city of Greenville, which dispatched equipment and manpower from its departments of sanitation, public works, and parts and grounds, to aid the Hugo cleanup in Charleston, Manning, Georgetown and Summerton. My hat is off to Mayor Bill Workman and all the city of Greenville employees who pitched in with a timely and generous helping hand

Likewise, FEMA notwithstanding, the Federal Government shone in the aftermath of Hugo. Special tribute must go to the military, which were raring to go with engineers, logistical experts, quartermasters, heavy-equipment operators, and thousands of foot soldiers eager to maintain order, clear debris, distribute supplies, you name it.

As it became clear that FEMA lacked the capacity to deal with an overturned watermelon truck much less a major disaster, I was on the phone to military leaders to solicit their expertise and manpower, and they were overwhelmingly ready and willing to pitch in. On that score, I would like to extend my thanks to Gen. Colin Powell, now Chairman of the Joint Chiefs; to Comdt. Alfred Gray and Lt. Gen. Ernie Cook of the Marine Corps; to Secretary of Defense Dick Cheney; to Adm. Stanley Bump, commander of the Charleston Navy

Base; to Col. David Marcrander, commander of the Charleston Air Force Base; to Col. Jay Erb, who oversaw the Army's relief operations in the Charleston area, and also to Adm. Paul Yost of the Coast Guard.

On a personal note, let me thank Navy Comdr. Elliott Bloxom for arranging for Senator THURMOND and me to get to South Carolina on the Friday morning following the storm.

While citing the contributions by our Armed Forces, it is impossible to speak too highly of the contribution of Maj. Gen. Eston Marchant and the South Carolina National Guard. The Guard, responding with speed and skill, maintained law and order in stricken areas while also lending an invaluable helping hand in the initial days of the crisis. These citizen soldiers are superbly trained and disciplined. Most importantly, they are Johnny on the spot when the chips are down. It is easy to see why they are repeatedly rated the best Guard contingent in the United States.

The other truly standout organizations in the aftermath of Hugo have been the American Red Cross and the Salvation Army. The Saturday after the storm struck, Red Cross experts and volunteers had already opened up more than 200 shelters accommodating nearly 50,000 homeless people, and they have worked nonstop in the weeks since, providing shelter, food, clothing, and medical care to Hugo's victims. The Salvation Army has played a similar, extraordinary role in towns across South Carolina. Americans have grown used to the herculean exertions of the Red Cross and Salvation Army in crisis situations, but heaven forbid that we ever take these incredible organizations for granted. They made all the difference in the wake of Hurricane Hugo.

Largely unnoticed in the storm's aftermath were the exceptional efforts by the U.S. Postal Service to see that mail service was rapidly restored to Hugo-impacted communities. Local postal facilities and employees took the same beating from Hugo as everyone else, yet they responded with speed and imagination to a chaotic situation—setting up temporary facilities and implementing well-thought-out contingency plans—and the mail went through virtually uninterrupted from Day One of the disaster. They truly lived up to their motto.

Let me make special mention of the standout efforts of Donald McDowell, General Manager of the USPS Headquarters Stamp Division. My staff contacted him with a request to aid in the special printing of 740,000 postal cards for a nonprofit group in Myrtle Beach. This was a highly unusual request that grew out of the Hugo disaster, and, quite frankly, we had little expectation that the Postal Service would be able to take on the challenge. But Mr. McDowell immediately said "yes," took the bull by the horns, and got the job done. His can-do attitude and professionalism are a great credit to the Postal Service.

Mr. President, the simple fact is that Government alone cannot get the job done in the wake of a $5 billion hurricane that has left tens of thousands homeless and hungry, with many of them deprived of their livelihoods. Working independently and motivated by their own initiative and inspiration, countless individual volunteers, and independent organizations—churches, temples, unions, clubs, you name it—worked tirelessly to help the victims of Hugo.

One outstanding example is the Spartanburg medical partnership of Drs. Charles B. Hanna, David C. Hull, James F. Green, Auburn Woods, Thomas A. McLeon, and Robert A. Cochran, Jr., with exceptional assistance from Dr. Joseph R. Hames of Palmetto Health Care. Along with their outstanding staff, they set in motion a remarkable effort to provide medical services to McClellanville, SC, the community that was perhaps hardest hit of all by Hugo. Responding to an appeal from the Hanna partnership, physicians in the Spartanburg-Greenville areas virtually adopted the medical practice of Dr. James Fulcher in McClellanville, donating money, drugs, supplies, equipment, furniture, and, most importantly, their own time and labor. The list of doctors, nurses, and medical supply firms that contributed generously to the relief effort is too lengthy to present here, but let me extend my appreciation to the entire Spartanburg-Greenville medical community for a job well done.

Let me also salute Bishop Fred James, under whose leadership the AME churches of South Carolina launched a sustained campaign to aid victims of Hugo in some of the poorest and hardest hit areas of the State. My staff and I have worked frequently with Bishop James in the past, and his performance in this crisis has only increased our admiration for his ministry. Let me also, at this point, thank Jack Squires of Rye, NH, who collected some 30 boxes of clothing and passed them to Bishop James relief efforts by way of my Washington office.

The South Carolina Southern Baptist Church, with statewide leadership by Dr. Ray Rust, executive secretary of the State convention, has raised more than a half-million dollars to date for Hugo relief efforts, and has been very active in volunteer outreach efforts to aid Hugo victims.

A fine example of efforts by many, many churches across the State is that of the First Baptist Church in Florence, which has worked for weeks distributing food, money, clothes, and other supplies throughout the stricken area. Church members are now refurbishing and rebuilding McClellanville Baptist Church and Bonneau Baptist Church. A special thanks to Dr. Jimmie E. Harley, pastor, and to Rev. Daniel Inabinet, Rev. Steve Aaron, Rev. Mike Collins, Rev. Charles Muller, and to the entire congregation.

Typical of relief efforts by Catholic churches across the State are the outstanding initiatives of the Stella Maris Parish on Sullivan's Island. Since Hugo hit, Father Thomas Evatt and his parishioners have provided shelter and served three meals daily to needy Sullivan's Island residents, and they have done a yeoman's job of coordinating the collection and distribution of relief donations and supplies.

The Columbia Urban League, with J.T. McLawhorn in the lead, did a superb job of pulling together relief initiatives in the midland counties of the State, directing the relief efforts to the poorest of the poor, and finding employment opportunities for people thrown out of work by the storm's destruction.

As a wonderful example of voluntarism at its best, I salute Mr. and Mrs. Charles Furrh of Greenville, who mobilized their private aviation company, Center Aviation, Inc., to ferry food and equipment to the more remote areas of South Carolina.

A personal thanks to John Williams, owner of the trucking firm of Williams Cartage in Bishopville, who worked with my staff to transport truckloads of clothing and supplies into the disaster areas, all on a voluntary basis.

Thank you, also, to Joe King, who kept my staff informed of relief needs in lower Florence County and worked tirelessly in distributing supplies to Hugo victims.

We are most grateful to Ann Lewis of Society Hill, who was profiled by CBS for her outstanding volunteer efforts.

My hat is off to Mrs. Katherine Cribb in Spartanburg, who organized a "piano marathon" that raised $2,500 for Red Cross relief efforts. Supervised by teacher volunteers, some 150 students, grades 1 through 12, participated by lining up financial pledges and playing pianos in shifts over a 24-hour period.

The South Carolina Home Builders Association did an exceptional job of donating supplies and skilled labor to help people begin rebuilding. The Association also worked hard to discipline those few homebuilders and suppliers who were price-gouging. A special thanks to Wesley Giles, who worked with my staff on these matters.

I would also like to thank the South Carolina State Law Enforcement Division, which was extremely helpful to my office in relaying messages to areas we could not reach by phone. In addition, members of the South Carolina

highway patrol spent many days and long hours away from their homes, working in the disaster areas, and I salute their exceptional effort.

Again, there are far too many to enumerate, but the acts of heroism by our local police officers, other law enforcement officials, and firefighters would fill volumes.

Likewise, South Carolina's media outlets deserve a special word of thanks for their public service programming in the wake of Hugo. In many cases, stations set aside their regular commercial programming entirely in order to broadcast information about the hurricane and about the multiplicity of relief efforts. With TV broadcasts temporarily out of operation, radio stations recognized their civic responsibility and moved quickly to fill the information void. They can take a great deal of pride in the work they did in the aftermath of Hugo. I would like to extend my special thanks to Bob Abernathy of WXTC, Buddy Burton of WEZL, Steve Brock of WCIV-TV, Harold Crump of WCSC-TV, William Evans, III of WCBD-TV—the station that raised $50,000 for Hugo relief, Hugh Jett of WTMA, Steve Judy and Chris "Kato" Watson of WKQB, Beau Sanders of WHTK-FM, Bill Saunders of WPAL, Dough Smith of WYFF-TV which ran a Hugo telethon to raise funds for relief, Betty Roper of WHLZ, Tony Twibell of WSPA-TV in Spartanburg as well as Jim Swinehart of WBIR-TV in Knoxville.

Mr. President, let me repeat that this list of outstanding volunteers is by no means comprehensive. Indeed, it only scratches the surface. I intend it as a sample to illustrate the breadth and variety of citizen initiatives in the wake of Hugo. To all who have pitched in during this crisis, to all who have given of their talents, their energy, their time, their financial resources, I say a heartfelt thank you.

NOMINATION OF JAMES CASON TO BE ASSISTANT SECRETARY OF AGRICULTURE

Mr. ADAMS. Mr. President, I know that today we may or may not be considering the nomination of Mr. James Cason for the position of Assistant Secretary of Agriculture. I am hopeful, Mr. President, that this nomination will not proceed forward and that we may find an amicable solution to this controversial situation.

Mr. President, I am very concerned about this nomination. Generally, I believe it is appropriate to give the President the greatest possible deference in choosing the officers in his administration. However, I have to draw the line with James Cason.

Recently, I met with Mr. Cason. Although I am willing to support his appointment to another position within the administration, I am not convinced he is the appropriate person for the top environmental position within the Department of Agriculture.

The Assistant Secretary of Agriculture for Natural Resources and Environment is the chief steward of our public lands. That person must put the public interest above all other interests. Mr. Cason's record in his positions with the Department of the Interior shows a consistent record of protecting private interests to the detriment of the public trust. These decisions have created tremendous problems and diminished his credibility with the public and the professionals within the agencies.

Of specific concern to me is Mr. Cason's involvement in two incidents related to the controversial spotted owl issue. Mr. President, as you know, we in the Pacific Northwest have an extremely difficult problem on our hands involving the use of our Federal timberlands. Recently, a large portion of the Federal Timber Program was temporarily halted as a result of lawsuits over the protection of the spotted owl in our old growth forests. The plaintiffs contend that the Federal agencies' plans do not adequately ensure the viability of the species. To date, the court has not made a ruling on this issue. The uncertainty of the situation has caused distress in the timber communities of my home State and complicated the forest planning process.

Unfortunately, it appears that Mr. Cason's actions may have contributed to the difficult situation that we face today. In 1986, Mr. Cason directed scientists in the Bureau of Land Management to study the status of the spotted owl. When the scientists returned with findings that indicated the spotted owl would become endangered within the next few years if current logging practices continued, Mr. Cason is alleged to have criticized the team's work and the report was not released. A revised report was not issued until after the press began to investigate the situation. The second incident concerned Mr. Cason's involvement with the Fish and Wildlife's decision not to list the spotted owl. This decision was eventually declared "arbitrary and capricious" by the Federal district court and the Service is now going through the process of determining whether the owl is threatened.

This is a critical time for the Northwest as we deal with some very difficult natural resource issues. We need a professional in the Assistant Secretary position who will gain our confidence and give us balanced leadership in this area. We in the Northwest will be relying upon assistance and guidance from the Assistant Secretary. The stakes are too high to gamble on Mr. Cason's dedication to the public interest.

Mr. President, Mr. Cason's involvement in the very controversial spotted owl issue caused me to doubt his fitness for the position as Assistant Secretary of Agriculture.

I hope that the nomination of Mr. Cason is either withdrawn or, if it is placed before this body, that we will have ample debate and ample opportunity to pass on this nomination so those of us who are opposed will have an opportunity to present our views.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

GOVERNMENT ETHICS REFORM ACT OF 1989

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now proceed to the consideration of H.R. 3660, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3660) to amend the rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for Governmentwide ethics reform and for other purposes.

The Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the need for the Congress to come to grips with the ethics issue is evident. Public opinion demands it. The integrity of this institution requires it.

The proposal agreed to by the President and the House of Representatives is a sound and rational way to proceed. It meets the test of reasonableness, of stringency, and of accountability.

I want to express particularly my gratitude to Senator LEVIN, to whom I gave the thankless task of trying to develop a fair, workable, and reasonable package of ethics provisions in the spring. He and his colleagues on the task force, and Senator RUDMAN and

his Republican colleagues, worked hard, they consulted extensively with other Senators and House Members. They developed a sound package of ethics reforms.

Their work is embodied in the ethics provisions in the bill before us. It deserves the support of every Senator.

The most controversial element, of course, is not in the ethics provisions drafted by Senators LEVIN and RUDMAN and their respective task forces. It is in the pay increase itself, which will be proposed by myself and the distinguished Republican leader. By making certain that the actual pay raise, aside from the cost-of-living increase, does not take effect until after the next election when the voters of this country have had a chance to express their will, we will preserve accountability to the people. The Constitution demands that the Congress establish its own pay. The American people demand that we do so in a reasonable and fair manner.

The pay raise that failed to gain support at the beginning of this year was neither reasonable nor fair. It was too much too soon, and it deserved to fail. But the fact that an unaccountable and overly large pay raise deserved to fail does not mean that every proposed pay increase should fail.

Over the past two decades, unfortunately, that has been the self-inflicted choice of the majority of the Congress. Instead of accepting normal cost-of-living increases as all other Government employees and most other Americans do each year, the Congress has rejected cost-of-living increases. The result is that congressional pay has fallen behind, a little more in each year in which the cost-of-living increase was rejected.

This has also had the unfortunate effect of focusing greater attention on honoraria. Members of Congress have always accepted speaking fees. It is not a new practice.

But, in recent years as controversy over the pay raise issue has grown, there has also grown a public perception that the receipt of such fees is improper and unethical.

I do not believe that perception reflects reality. The acceptance of honoraria is a publicly reported fact about which every voter is fully informed. The speaking fees received by each Member, along with travel and gifts, are all extensively reported in the newspapers in virtually every Member's State and district from coast to coast. Full disclosure is usually the best course in a democracy.

When all the facts of a Member's activities, including honoraria and travel, are publicly known and widely disseminated, there are no hidden conflicts of interest.

All is out in the open. All can be judged on its own merits.

So long as Americans know fully what their Representatives in Congress are doing, they are in the best position to judge that conduct. Americans have never hesitated to make their opinions clear at the ballot box.

Nonetheless, despite my personal view that honoraria are neither wrong nor inherently a conflict of interest, it is clear that a widespread perception exists to the contrary.

As a result, the legislation before us will ban honoraria. Perception is important for public officials. We will not be able to restore the integrity of this institution in the view of the public until we abolish that perception. That much is reality.

The ethics provisions in this legislation bring some House rules into compliance with rules that have long existed in the Senate. Some of the ethics provisions are similar to those in the bill passed last year and vetoed by President Reagan.

They limit post-Government employment by Members of Congress and higher ranking congressional staff, just as the counterpart officials in the executive branch are limited. They eliminate certain kinds of outside income which, for the most part, affect House Members rather than Senators.

The bill phases out the grandfathering provision that was included in the 1978 ethics revision which permits some House Members to convert unused campaign funds to their personal benefit after retirement.

To all Senators, this is not a vote that will or can escape criticism. Indeed, whenever the question of congressional pay has come up throughout our Nation's history, it has been the subject of great controversy and criticism. I promised at the beginning of this year that we would pass an ethics package this year. I hope that a majority of the Senate will agree with me that it is now time to do so.

We have reached a compromise with the President, who has said that he is ready and eager to sign a strong ethics bill. The House has already passed this legislation by a substantial bipartisan majority. It remains only for the Senate to recognize that out of the conflicting desires of the public, the Members of Congress themselves and the self-appointed critics of the Congress, we have this choice.

We can choose to accept the logic of a pay raise and the compelling logic of a stronger, clearer ethics law that will apply the laws to Members of Congress and staff as they now apply to other Government employees, or we can choose to ignore the need for ethics legislation and instead accept the evaluation of our work that is made by our most severe critics.

I prefer to leave that judgment to my constituents. I urge my colleagues to trust the judgment of their constituents as well.

This measure deserves to pass. It has the President's strong support. It has the strong support of Members of both parties in the House of Representatives. It is a sound, reasonable, accountable piece of legislation. It merits the support of every Senator, and I hope it wil receive that support.

Mr. President, I ask unanimous consent that no amendments or motions be in order to H.R. 3660, the ethics reform legislation, until the leadership amendment has been offered.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

The Senator from North Carolina.

Mr. HELMS. Might I inquire approximately when that may happen?

Mr. MITCHELL. We expect that to be in the very near future.

Mr. HELMS. Within an hour?

Mr. MITCHELL. We hope so.

Mr. HELMS. Very well.

Mr. MITCHELL. It had been my hope that it would be ready by 1:30. It may not be then. I hope soon thereafter, possibly 2.

Mr. HELMS. I have no objection, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Does the majority leader yield the floor?

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I join with the distinguished majority leader in expressing my strong support for the ethics and pay package before us today. It should be stated as often as possible this is not a partisan package: it is bipartisan, or better yet, nonpartisan.

The Senate leadership convened a special meeting this morning for all 100 Senators—81 Senators attended to discuss wrapping up the year's business before adjournment. Of course, the ethics package did come up. In fact, I guess you could say it was dominant, but we had good discussions. We were there not as Republicans or Democrats, but we were there talking about probably the most sensitive issue that ever faces anyone in public office—whether it is at the county level, the city level, State level, or Federal level—and that is pay.

I have not voted for many pay raises—in fact, I am going to put those figures in the official RECORD—in the 28 years I have been here.

If it had been up to me, we would still be making $12,500, which would satisfy a lot of people. Fortunately, there were others around who voted for pay raises.

It does not take any courage to vote against a pay raise. I bet the reasons for voting against a pay raise have not changed one bit since a pay hike was rejected in 1816: "Now is not the time." It is never the time. Or "we ought to balance the budget first, we ought to do this first." My view is that the voters in our States look at what we do. If we work hard, make full disclosure of our assets and speaking fees, then the people can make the final judgment.

In 1816, Congress voted a pay increase for Members and momentarily shifted from per diem compensation to an annual salary. The act of March 18, 1816, increased congressional pay to $1,500 a year retroactive to December 4, 1815.

There was such an outcry after they passed this pay raise that they repealed it the next year in 1817 and went back to $6 per day effective March 3, 1817. Then the act of January 22, 1818, raised it from $6 a day to $8 a day.

There was not another pay raise for almost four decades. Forty years later, compensation increased from $8 a day to $3,000 a year.

The point I would make is that approving pay increases has been difficult for the Henry Clays and the Calhouns and other great Members of the Senate and House over the years, and that same challenge remains today. In fact, there is probably more pressure now because of the intense media focus and our current debate on this floor, that I hope, may be seen by some. And today we have talk show hosts, many who make far more than Members of Congress, fighting the pay raise.

I have checked my own pay raise record. There have been a total of 50 votes on pay raises, in one form or another, since I came to Congress. I voted yes 9 times, no 38 times, and absent 3 times. Forty-nine of those votes occurred in the Senate, 1 occurred in the House. So I do not have a very good record of voting for pay increases. I make the point because I truly believe the House deserves great credit in taking a major step forward yesterday, and I believe the Senate will follow suit today.

This legislative package really isn't a pay raise unless you adopt the attitude of some newspapers, such as the New York Times and other liberal papers, that say taking honoraria is a "scandal." It is their assumption that only Members of Congress are bought when they are paid to make a speech. But advertising does not buy anybody in the newspaper business. Advertisers buy full-page ads or radio or TV ads. In my view, that purchase does not influence policy.

I am not certain that every news organization restricts its members from making speeches and making honoraria, but of course they are different; they are not influenced by anything like that—only Members of Congress, Republicans or Democrats, House Members or Senators, can be influenced if we make a speech somewhere.

Most of us, I might add, try to be very careful. We try to be selective. If we know there is a conflict, or if we know that a particular organization has something pending in our committees, we give the money to charity.

I included in the RECORD just yesterday figures showing that in the past 5 years, of all the honoraria I have earned, I have given 54.5 percent to charity, or $401,847.88. That is a lot of work. I am not complaining. But some of the liberal papers are complaining we are influenced even if we give most of the honoraria to charity—disability groups, in my case, and charitable organizations in Kansas, and my church.

As far as I know, nobody in this body solicits honoraria. If he or she did that, it would be improper. If you are out making phone calls, say I am going to Los Angeles, I would like to set up some speeches, that would be improper. But notwithstanding all of that, you can argue are merits of a pay raise on either side. Those who oppose a pay adjustment most strenuously are generally those on talk shows who take honoraria themselves, yet they argue against honoraria for public officials even though the amount they receive is usually four, five, six, seven times as much as any public official can receive. There are plenty of experts out there saying how evil it is that some Senator would have the temerity to accept money for traveling to some place to make a speech. And the critics may be there making the same speech. A Senator could get a maximum of $2,000; the media star could charge $20,000, $25,000, all the market would bear.

So most of us have decided that we had better err on the side of caution. We had better lay to rest the arguments about honoraria. Though I am prepared to say that I think most Members accept honoraria in this body, most Members, Republican, Democrats, men and women of integrity, we are careful to disclose the source of the honoraria, and the amount. Nevertheless, it has been decided that to be on the safe side we should eliminate honoraria.

The Senate had three or four options. We discussed the four options this morning. One was to keep current law. Another was to accept the House package. Another was a modified House package where we could get a little higher cost-of-living adjustment the first year. And another was just to take the cost-of-living allowances and phase out honoraria; the cost-of-living allowances accumulated over the years, I do not know, 4, 5, 6 years, depending on what the cost-of-living allowance would be. But it was finally decided that we ought to be able to take action on this issue. The word "courage" is not a hallmark around here but, the House leadership and the Members of both parties demonstrated yesterday that they could make tough decisions in the face of public opinion. They can go back to their districts, and they can point out that. If we refuse to raise our pay, it does not affect just us. It affects outstanding men and women in the administration, in the executive branch.

Unfortunately, the Government has to contract out a lot of specialty work these days because we do not pay enough to attract scientists, doctors, and engineers to public service because they can make a lot more money on the outside. So we cannot hire people to come to the National Institutes of Health, for example, because they cannot be paid more than Members of Congress are paid. We have four-star generals walking around who cannot get a pay increase because we refuse to raise our own pay.

One answer would be let everybody else's pay go up while Members stay where they are. But you cannot sell that in this body. You cannot sell it in the other body.

We had a pay increase submitted last year. It was excessive. It was voted down. It was not part of an ethics package. It was not part of a package where honoraria would be phased out. Because I must say there are some in this body, and I think in this case there are men of intelligence who feel well, what is going to happen here? We are going to get a "pay raise" when 1991 rolls around. Then there will be a vote and it could be eliminated. And you won't be earning any more honoraria. So you would essentially be getting a pay cut. I believe we have something in the binders here that says if that happens the honoraria snaps back in.

But the point is, this is not a pay increase in the sense we are getting more money than probably any percent of the Senators have now. It is sort of a transfer. Instead of coming from the private sector, from honorari, it is going to come from the Treasury. That's better because some people seem to feel there is a stigma attached to anyone who takes or accepts honoraria for speaking.

There is another reality in this body. I listened to the news last night. It said, well, the House passed a pay raise bill, but there are so many millionaires in the Senate it probably will not pass. We have to be realistic. There are a lot of millionaires in this body. There are some who will not even take their pay at all. It probably gets mixed up with their real money. But most Members, particularly younger Members with families, have a different problem.

We were joking in our meeting earlier this morning. We said, "If we had a meeting of the Rich Caucus in the Senate, they all would vote with us. It would be overwhelming." But why should a multimillionaire vote for a pay raise when he doesn't need it in the first place, and then have to explain it at home in the second place?

So this is another little barrier we have to climb in the U.S. Senate probably more so than in the House.

So this is a pay raise not for Members of Congress. I would not make that argument, not for those of us who think we have honorably accepted honoraria, have not abused the rules, have not missed any votes because of it, in some cases have not left Washington, DC, to do it and have not missed our Senate work.

So probably for 75 to 80 Senators it is not a pay raise. I did not check those numbers. They may be totally inaccurate. But it is a pay raise for the medical researchers at the National Institutes of Health; it is a pay raise for the head of the enforcement of the Environmental Protection Agency; it is a pay raise for the head of the Civil Rights Division at Justice Department; it is a pay raise for more than 1,000 dedicated Federal judges, some who work around the clock, and they are a very important branch of our Government.

Senator MITCHELL and I met with Chief Justice Rehnquist, and we discussed the financial needs of Federal judges, and again I am never going to try to justify how you can talk about being underpaid when you are making $89,000 a year as a district judge or a Member of Congress. But we have heard from the Chief Justice. The Chief Justice makes $115,000 which is about as much as a second-year law student makes in many of the law firms in this town.

I'm talking about the Chief Justice of the United States, Chief Justice at the Supreme Court. I realize you make a sacrifice when you take that job. It is fairly permanent. You do not have to run for office: But the judges felt they needed pay raises. I have heard from Judge Patricia Murphy who is the president of the Assocation of Federal Judges. I have heard from Federal judges in my home State.

Now, if we are going to attract the best possible people in the judiciary, executive, or the legislative branch, pay is not the only factor, but it is a factor. You have to be committed, dedicated, and you have to be willing to take a lot of heat and a lot of criticism, particularly in the legislative branch.

I know a lot of young lawyers who have worked for me over the years who are out in the private sector making three and four times my salary. Of course, that is an option that we all have—We do not have to stay here.

The point is, and I want to make it very clear, that when this pay raise goes into effect, its primary impact will not be on the legislative branch, particularly not on the U.S. Senate. It is not going to really make any difference in pay. It makes a difference just where it comes from, where the source is.

I think if we look at it from that standpoint, we will vote for it. We have had a lot of discussion about ethics. My view is that you cannot legislate ethics. You can stay up all night long, year round, trying to figure out a way to keep people honest, if that is the right word.

But this is primarily an ethics package. I see it as an ethics package. If we are going to make more money under current law because of honoraria than we are going to make under this law, in fact Senators will take about a $5,000 or $6,000 pay cut.

That is worth the price, if we know we are imposing stronger ethics provisions. They have been promulgated by the distinguished Senator from Michigan, Senator LEVIN, and the distinguished Senator from New Hampshire, Senator RUDMAN, and others, the leadership and members of our staff, and other Members who have been participating.

We tightened up the rules on gifts and travel. In our business, you are not supposed to have any friends who can give you a gift, if it is over a certain amount. Again, the implication is that they must be "buying" something. They surely would not give a Senator something, unless they are getting something in return. So we are going to take care of that.

There are penalties for violations, because there are tough requirements, and it sticks a big wedge into Washington's revolving door. We cannot go out of Government and start contacting the people in Government whom we served with just a month or 2 months ago.

In other words, the postemployment restrictions, I believe, are important. We should not leave the U.S. Senate one day, and turn around and start lobbying the House side the next day and using what influence we might have left to enrich ourselves. This reform package is directed at that, and it is tough.

Some are not going to like it. The American people are never going to know about it. All they will focus on is the pay raise.

We are going to get a few nice editorials saying "Those Senators are sure ethical," on paper. We will get all these nice editorials and put them in our scrapbook, but not many people are going to look at the ethics package, and not many Americans are going to focus on the phaseout of honoraria. They are going to see that great big headline about a certain percentage pay increase for Members.

Keep in mind that even Members of Congress should be entitled to cost-of-living adjustments, just as other Federal employees are entitled to.

If Members had been given cost-of-living adjustments over the years, we would not be here today doing anything, except maybe ethics. And you may never have received any honoraria in the first place, I guess, because there are always some who have a record like mine, who always vote no on pay raises—4 to 1, I guess, or 5 to 1—which led to the slogan, "Vote no and take the dough"; you hope there are enough other Senators who are going to pass it so you can vote no real loud and get a lot of nice mail and all that from home, but keep your fingers crossed that the pay raise will pass.

I remember in the early sixties, when I was in the House, we had to vote on a proposed pay raise from $20,000 to $22,500. I cannot recall the exact amount. I was seated next to a Member who was keeping score. He had the yeas, and he had the nays.

When it came to his name, he voted "no" so loud you could hear him all the way back to his home district, which was halfway across the country. But when the yeas went ahead of the nays, he whispered to me: "By God, we're winning!" That has been the attitude: Vote no and hope enough other people vote yes. So I just believe that we are on the right track. You never know around here whether you are on the right track or not.

I am not certain whether those clamoring for elimination of honoraria are right or not, but let us say they are right, for once. Let us phase it out, and they will find something else to howl about.

Let us try to report it accurately, not as a pay raise, not as a scandal to accept honoraria, unless a Member participates in it and makes it one by soliciting or otherwise currying favor with whoever pays the honoraria.

So it just seems to me, as expressed by the majority leader, and I hope by a majority of Senators on each side of the aisle, that we ought to support the package which we introduce, in the next 30, 40 minutes, which is essentially, as the majority leader pointed out, the House version.

I wish to include, at the end of my statement, the history of pay increases. I think a reading of this document—this is up to August 12, 1987—will underscore the point I made earlier. (See exhibit 1.)

It is always a difficult issue, and there are some Members who—I do not want to question anybody's motives; I do not want to be misunderstood—there are just some who do not want a pay raise. They do not have to

take it. That is the beauty of it. You can vote for it and not take the pay raise. Everybody can be happy. All you have to do is tell the Disbursing Office "I do not want any more money. I am paid plenty right now."

We should not force it on those Members who feel compelled to vote against it; certainly, those who do not need it and do not take it. That point was made this morning by one of our colleagues who does not take pay increases. He concluded that he should vote for the pay increase, not just for his colleagues, but for the executive branch, for the judiciary, and for the other people who are going to be impacted.

As I have indicated, and I will say it one more time—somebody might accidentally report it right—this is not a pay increase for most Members in this body. It is going to be a pay cut for Members of the Senate, because under our honoraria, which is 40 percent and the House is 30 percent, we are going to get less than we make under current law.

So if we were all being very selfish and we all wanted to think only about ourselves, we would just keep the current law. Some will say there is going to be so much heat on honoraria. I do not get many letters criticizing me for accepting honoraria, even when the media distort the facts, as the New York Times did earlier this week in an editorial about my honoraria. I just ask the media to be truthful when they report this story. Reporters should report that there is an ethics provision, and some would say that it is the strongest part of the package. Honoraria are being phased out, and some will say that is the strongest part of the package. Yes, there is pay equity, not a pay increase, to offset the lost honoraria, which comes to about a $5,000 or $6,000 differential, which Members of the Senate will not receive. So it is not 100 percent of parity, as we say in farm States; it is about 95. And farmers understand parity.

Let me repeat—the Chief Justice makes $115,000, which is a lot of money, do not misunderstand me; it is probably equivalent to some of the law firms in this town, probably a third year out of law school. Under this new salary he will receive $124,000 in 1990, $155,000 in 1991, if it is not repealed before then. I would guess, knowing how the place operates, we will probably have a number of votes between now and then and in 1991 to repeal it. So I am going to address some other points later on in the debate.

I would just summarize by saying the 51-percent pay raise submitted by Ronald Reagan was excessive. It never had a chance, and it was defeated. When this pay raise is reported, the only real pay raise is the one in 1991, after the next election. As I recall the criticism, it was that it ought to be after the next election cycle; we should not vote ourselves a pay raise in this election cycle. So the only increase is a cost-of-living adjustment, that is, a COLA. The American people understand what COLA's are. It will be reported as a pay increase. I am not certain how they report other Federal employees, but for Members of Congress it is always a "pay increase." It is really a cost-of-living adjustment, 7.7 percent, which is the cost-of-living adjustment in 1989 and 1990. After the next election cycle it will be the 25-percent increase, which is less than half that proposed by President Reagan.

As I look back on the mail received at that time and the telephone calls, the American people were demanding a couple of things, and they were right. First of all, it was excessive; it should have been pared back. Second, any pay increase ought to come after the next election. There is no way we can do that on the Senate side because we have 6-year terms. But it is not going to be effective until 1991. And, most importantly, the American people said we ought to have the courage to stand up and vote yes or no in the daylight, in public. We are going to do just that. Some will vote yes, and some will vote no, and I cannot stand here and say I am certain which side will prevail.

So I believe we have addressed the primary concerns of the critics who do not want us to have any honoraria, who want to limit outside income to 15 percent of our salary, with the exception, I guess, of those who write books that sell and maybe a few other exemptions.

There are those who are saying we are not tough enough on gifts and travel and postemployment. We have included new reforms in here for the critics; we have addressed that, maybe not totally, but I believe a good job has been done. But, most importantly, to the American people who said do it in the open, stand up and vote yes or no, do it for the next election cycle, we believe we have addressed that.

So we are going to support the House package with some exceptions. We have postemployment provisions they did not have; we have a little difference in another couple of areas, small differences. Should that fail, then we will have a fallback position, which will be, as I said, these continuing cost-of-living adjustments for the next 5, 6, or 7 years and phase out honoraria on a dollar-per-dollar basis.

So, Mr. President, I encourage my colleagues on both sides to look at the package carefully when it is presented by the majority leader and myself, ask any question you wish. This is supported by the President of the United States. He demanded certain changes in the ethics area to make it stronger and tougher, and those were made. He demanded an end to honoraria, and we are trying to accommodate him on that. So I think we have addressed the concerns of most people.

Does that mean we are going to be loved if we get it? No. I said this morning at the meeting, only 72 percent of the people are opposed, so what are you worried about? Because these are tough votes. They have always been since 1789. That is only about 200 years ago. So we are right here, and I hope I can dig out those speeches made, and I would like to put those in the RECORD. I do not think they are going to change anybody's minds. I do not think the debate has changed in the past 200 years on why you should not have it or maybe why you should have it.

Mr. President, I yield the floor.

EXHIBIT 1

[CRS Report for Congress]

A BRIEF HISTORY OF CONGRESSIONAL PAY LEGISLATION

(By Paul E. Dwyer, Specialist in American National Government, and Frederick H. Pauls, Senior Specialist in American National Government, August 12, 1987)

II. HISTORY OF PAY INCREASES

A. 1789–1817: Per Diem Compensation; Annual Salary Rate

From 1789 to March 4, 1795, Members received $6 per diem during attendance. After March 4, 1795, Senators were to receive $7 per diem during special sessions while both Senators and Representatives were to continue to receive $6 per diem during attendance at regular sessions. Senators received extra pay only once, between June 8 and June 26, 1795, because in 1796 the previous Act was repealed and $6 per diem was set for both Senators and Representatives regardless of the type of session attended.

In 1816 Congress voted a pay increase for Members and momentarily first shifted from per diem compensation to an annual salary. The Act of March 19, 1816, increased congressional pay to $1,500 a year, retroactive to December 4, 1815. The Act of February 6, 1817, however, repealed the $1,500 annual compensation, reverting to $6 per diem effective March 3, 1817. The Act of January 22, 1818, set the per diem rate at $8 retroactive to March 3, 1817.

B. 1856: Restoration of Annual Salary Rate

Congress did not again alter the pay of its Members until almost four decades later when it converted once again to an annual salary. By the Act of August 16, 1856, Congress replaced the $8 per diem with a $3,000 annual salary, retroactive to December 3, 1855.[1] Ten years later another retroactive pay increase to $5,000 was approved July 28, 1866, effective December 4, 1865.

C. 1873–1925: Salary Increases and Reduction

In 1873 during the closing days of the 42nd Congress, salaries were increased to

[1] In 1857 Congress provided that the $3,000 should be paid in monthly allotments of $250 so long as Congress was in session with the balance due for the first session paid at the beginning of the second session, and the balance due for the last session, whether second or third, on March the 4th of the year Congress adjourned *sine die*.

$7,500 only to be reduced the next year to the former level of $5,000 annually. Congressional pay remained at that level until a $7,000 salary was instituted by the Act of February 26, 1907. A raise to $10,000 was provided by the Act of March 4, 1925.

D. 1930–1935: Great Depression Reductions and Restorations

During the Great Depression of the 1930s, Members' salaries were reduced and then restored. The Economy Act of June 30, 1932, provide for a ten percent reduction in Members' salaries, lowering them from $10,000 to $9,000. Salaries were further lowered to $8,000 by the Economy Act of March 20, 1933. In 1934 Members' salaries were raised first to $9,000 and then to $9,500. In early 1935 congressional salaries were restored to the $10,000 level.

E. 1946–1965: Salary Increases

In 1946 the salaries of Members were increased from $10,000 to $12,500; in March 1955 from $12,500 to $22,500; and effective January 3, 1965, from $22,500 to $30,000. [Note: In 1945 Representatives were authorized a non-taxable, annual expense allowance of $2,500. As part of the 1946 pay increase package, this allowance was authorized as well for Senators. In 1951 Congress eliminated the expense allowance, effective January 3, 1952.]

F. 1969: First Pay Increase Under the Commission Procedure

In 1969 Members of Congress received a 41.6 percent pay increase (from $30,000 to $42,500 per annum), their first pay adjustment under the 1967 Commission procedure. The Commission on Executive, Legislative, and Judicial Salaries submitted its recommendations to President Johnson on December 2, 1968. Among the recommended new salary levels was a salary of $50,000 for Members of Congress. When the President presented his budget message on January 17, 1969, he recommended instead a salary level for Members of $42,500, an increase of $12,500 from $30,000 per annum. On February 4, 1969, the Senate considered S. Res. 82, to disapprove the recommendations of the president regarding not only Members of Congress but also other Federal officials for whom increases were recommended. The resolution was defeated, thus permitting the presidentially recommneded pay raises for Members of Congress and other Federal officials to go into effect March 1, 1969.

Mr. HEFLIN. Mr. President, today we are debating proposals to revise the rules and laws which impose ethical restrictions upon the three branches of the Federal Government, including proposals to ban the receipt of honoraria and proposals to increase the pay of Members of Congress, Federal judges, and certain executive branch employees.

I want to make my position clear on these issues. First and foremost, I am opposed to any increase in pay for Members of Congress, whether it be labeled a cost-of-living increase or a raise to take place at the beginning of some future session of Congress. I will vote against this proposed pay raise.

I do not oppose, however, a pay increase for judges and some executive branch officers. There is no question that Federal judges can leave the bench and earn far greater incomes in private practice. In addition, many highly trained executive branch employees who work for agencies such as NASA, the National Institutes of Health, and the Nuclear Regulatory Agency can also make far more income in the private sector. It is becoming increasingly difficult for the Federal Government to hire and retain these doctors, scientists, and other professionals.

I am opposed to increasing the pay of Members of Congress. It sends the wrong signal at the wrong time to the American people. As every Member of Congress knows, the Federal budget is in sequestration under the Gramm-Rudman-Hollings Budget Act. Under sequestration, across-the-board cuts in the Federal budget go into effect automatically. Unless Congress and the administration reach an agreement on the budget in the next few days, the effect of these cuts in the Federal budget will soon be felt. Because these cuts are applied equally to most every program, cuts are being made in many worthwhile and vital programs, such as ones providing loans and grants which allow many students to attend college.

I think it would be a terrible thing for Members of Congress to vote for an increase in their salaries at the same time that budget sequestration is taking place. I would still oppose this pay raise, however, even if we were not under sequestration. The Federal Government has been running massive budget deficits in recent years. A few days ago, Congress was forced to vote to increase the limit on the national debt to $3.1 trillion. Congress will appear to be very callous if it votes for a pay raise for itself in the face of these budget deficits.

I am in favor of abolishing honoraria. I have supported such efforts in the past. I also support the ethics package that is in the proposal. I think it makes several needed changes. I might even make greater changes on some provisions. I have discussed my suggestions with the task force on ethics. Even though their proposal does not go as far as I might like, the revisions that have been made are good and necessary.

Unfortunately, these commendable changes are included as part of the package to raise the pay of Members of Congress. Because of that, I must vote against this proposal.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

Mr. HELMS. Mr. President, I may be in the minority in this, but I implore Senators not to proceed with this. It is not merely a matter of public opinion. In my judgment, it is the wrong thing to do in the wrong way at the wrong time.

Later on, in the consideration of this measure, I will give Senators an opportunity to express themselves one way or the other on that. It may be that the discussion of this measure will be longer than some anticipated it to be. There are several Senators who feel as strongly about it as I do. After all, it was just about 9 months ago that the Senate voted overwhelmingly—I think the vote was 95 to 5—for a resolution offered by the distinguished Senator from South Dakota [Mr. PRESSLER] to disapprove a proposed 51-percent congressional pay raise recommended by the Quadrennial Commission. And, by the way, if we do nothing else, I hope we abolish that whole concept of some outsiders being designated to do what we are supposed to do. But the reason that vote 9 months ago was so lopsided was because it was evident to the American people what was going on, and they had time then to voice their opinion.

Here we are today up against a deadline, Senators wanting to go home for Thanksgiving, and this matter is brought up—I say this with all due respect—in the hope that it can be rammed through. There are all sorts of meetings going on. There are all sorts of exhortations being made. I understand that deals were cut over in the House yesterday. There was a scenario, as I understand it, where Members of the House who may be in political difficulty were allowed—and I use that word advisedly—to vote "no." Where have we come when that sort of shenanigans prevails in the process?

On February 2 of this year, I took the position that we should vote down a pay increase and, by doing so, start over again and next time do it right if we are going to do it at all. So here we are starting over again, and we are doing it wrong again, as I said at the outset.

One thing is sure, at least as far as I am concerned. Nobody held a gun to the head of any Senator or prospective Senator demanding that he run for office. I dare say that there has never been a candidate for the U.S. Senate who did not know what the pay was.

I hear all sorts of lamentations about Federal judges, that we cannot get good people to serve on the bench. Well, my response to that is, every time there is a vacancy on the bench in North Carolina, I have to stand up against the wall, lest I get trampled in the stampede. I have interviewed numerous people who urgently desire to be a Federal judge, very competent individuals, and without exception I ask them if they know what the pay is. And they say, without exception, that they do know what the pay is. And I then ask, "Am I going to be hearing from you a plea that the pay for judges should be increased?" No, no, no; and not one of them has ever done it.

So, in any case, here we are, just a few weeks after increasing the nation-

al debt limit to more than $3 trillion, engaged in all sorts of forensics about how we are not getting a pay raise really, we are getting equity, and that sort of thing.

But I say to my friends—and they are my friends—that the process is still wrong.

One of the papers back home had this to say.

Advocates of the new plan have a two-part strategy: Move quickly before the radio talk show hosts and other critics can regenerate the public hostility that doomed a proposed 51 percent pay increase last winter and stress the ethics reforms that were not part of the earlier package.

Well, the editor was exactly right. That is what is going on. An attempt is being made to achieve a done deal, as the saying goes, before the people are really aware of what is happening.

My feeling is that Congress should not be trying to rush through a pay raise during the closing hours of the session before the American people really have the time to realize what is happening. Furthermore, I have to say in all candor and sincerity that to me it seems unconscionable that a pay increase for Congressmen and Senators should be conditioned in any way on ethics reform. If our ethics situation needs reforming, let us reform it, whether I like it or not or any other Senator. But it should not be tied in a package.

Just yesterday I heard several of our friends over in the House emphasizing to the media that this bill is not a pay increase. Well, try to tell that to the people in Chinquapin. They were telling the press over in the House yesterday that an ethics bill is what it is, not a pay increase. Oh, come on. Who is kidding whom? I am sure that the Members of the House will go home and I would like to be a fly on the wall when they try to explain to their constituents that they were opposed to a pay increase but they simply had no choice. Now that is what they are going to say. But I daresay that Mr. Joe Lunchbucket is going to stand there and thumb his nose at any Congressman who says that.

I could hear the Congressman say, "This ethics bill was so important that we had to vote for it even though it just happened to provide a 35-percent pay increase for House Members."

But I did hear one Congressman who seemed to put it so succintly that it was inescapably understandable. He said, "Since when are ethics for sale?" And that is the point: since when are ethics for sale?

I heard another interesting point about this approach. This was said to me at breakfast by my best friend of 47 years. She said, suppose one of our children had been naughty years ago and she had said to us, "Mama, I will behave if you will increase my allowance." Well I am sure that most parents would say, "You are going to behave whether or not you get an allowance at all." That is what Dot Helms said, and her husband would have applauded.

But that is the way it is. A child today could say, "Well, I want to be just like the Senators up there. I will be good if you will give me a pay raise."

Well, I was always under the impression that we stood down there and held up our hands and said we are going to be good anyhow. We are going to abide by the Constitution and all the rest of it.

Maybe the House Members did not have an opportunity to vote on their 35-percent pay increase separately, but I simply do not feel that the Senate should follow suit on that. If we are going to vote on virtue, let us vote on virtue and then let us vote on the pay increase.

So I am going to offer my distinguished colleagues a little choice a little later on. I do not think we ought to be doing this now, of all times, in this way, of all ways. I think it is an affront to the American people and I believe that the American people are going to see it that way.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, it is rare that I disagree with my friend and colleague from North Carolina, for he and I are well known as fiscal conservatives, thoroughgoing conservatives. There are few, if any, who are tighter with the Federal buck than Senator HELMS and Senator HUMPHREY. And that is not rhetoric. The statistics bear it out. We are each the recipient every year of the Taxpayers Best Friend Award, the Watchdog of the Treasury Award. Statistically we are ranked as the tightest of the skinflints in this body or in the Congress.

But I do disagree with my colleague on this matter. I will say that he is right, this is not a good time to be offering a pay raise. But unfortunately there is never a good time. There is never a good time.

Mr. President, I am going to support this package, and I will call it a pay raise. It is much more comprehensive than that, but it will be regarded as a pay raise. I am going to vote for it on three conditions.

First, that there is a rollcall vote in each House of Congress so that the all important factor of accountability is present. We recall the sorry, shameful experience of earlier this year when there was attempt to rush through the Congress, both Houses of Congress, a 50 percent pay raise without a vote. I am not sure which was worse, the 50 percent or the attempt to evade accountability. On second thought, I do know which is worse, it is the latter, the attempt to evade accountability.

Well, that is not present in this effort. I think we have learned our lesson on that score. I certainly hope so; that there will be no resort to the automatic pay provision in the future. Indeed, it is my understanding the Senator from North Carolina has a comprehensive reform that he is going to offer as an amendment to this package that will repeal the automatic pay provision. And if he chooses not to offer that amendment, I have one of my own that will do just that.

The three conditions on which I insist are: A rollcall vote—that condition is going to be met; that the raise, whether derived through COLA or an outright pay raise or both reduces the cap, lowers the cap on honoraria, dollar for dollar, and eliminates it by 1991—that condition will be fulfilled by this package; and third, we repeal the automatic pay provision, which, though not resorted to on this occasion still is a possibility until we amend the statute.

Either Senator HELMS, as I understand it, or I will seek to amend the statute in that regard. If those three conditions are fulfilled, then I will support this package, this pay raise.

I must say, in listening to the majority leader and the Republican leader, I disagree with them about the practice of accepting honoraria. They insist, because of public disclosure, there is nothing fundamentally wrong. I do not see it that way myself. I think at the very least it presents a very bad appearance, a tawdry appearance, if I may say so.

This is a hardnosed town. People do not do nice things for you, just to be nice. When someone pays $1,000 just for a speech, it is not purely on the basis of altruistic motives. They are hoping, at the very least, the Senator will be somewhat more disposed toward their point of view, should some matter come up in the future which concerns them. That is what is wrong with honoraria. In truth, it is a scandal waiting to happen. The miracle is, the wonder is, there has been no scandal so far.

In a real sense, that is a testimonial to the ethical standards of Members. But that potential is very great indeed. In any event, the practice is wrong.

The difficulty is this. Because it has been nearly 3 years since Members of Congress received any kind of pay increase, even a COLA, many Members, especially those of modest means, have grown increasingly dependent, they and their families, on honoraria as a supplement to their basic Senate salary.

In theory, we ought to be able to just get rid of honoraria without having to raise pay. But we are not talking about theory, we are talking about reality. We are talking about the reality of Washington, DC, with one of the highest costs of living in

the country. We are talking about the reality of families, not just some politician. We are talking about spouses, we are talking about children, we are talking about real flesh and blood people who have basic needs: Housing, food, medical care, education. And we are talking about a situation in which Members of Congress have real responsibilities of the same kind, our constituents have, yet our expenses in many cases are nearly double.

Why is that? Because of the necessity of maintaining two households. Our constituents should think long and hard about whether they want all Members of Congress selling their property in the States where they were elected, moving their families, ripping up their roots and their most real connections with the districts and the States they represent, and moving inside the Washington Beltway and losing touch with the true needs of their constituents.

That is what will happen, ultimately, if we say no, forever, to pay raises. Many Members already are forced to move from their districts and States and bring their families to Washington only to return home occasionally. More and more will be forced to do so. That is an unhealthy thing in my view, Mr. President.

Fortunately, my family is in circumstances which most Members do not enjoy. I do not have to live, I and my family, on my Senate salary. If I did, I would have long ago sold our home in New Hampshire and moved our family to Washington.

But not all Members are in that situation. Many Members, I think most Members, live on their Senate salaries and in some cases on the supplement of honoraria. We have to get rid of this practice of honoraria. It is wrong on its face.

The only practical way of doing it, given the practical reality of live flesh and blood families who have to be supported, is to raise salaries sufficiently to eliminate honoraria. That is what this package does.

In truth, it is a wash. Eliminate that supplement of honoraria and raise salaries. It is a wash. But it is going to be viewed as a raise, and I will call it a raise and I am going to support it, even under that name. Because of the basic necessity of getting rid of honoraria and raising salaries so Senate families and House families can meet their necessary expenses.

On those three conditions, Mr. President, I will support this package. I will support it with no qualms as a fiscal conservative. I will support it with no qualms as one of the leaders who opposed the congressional pay raise last February when there was an attempt to slip it through the back door with no accountability.

I do join with the leadership in urging Members to support this. There is never a good time to do it. There will never be a time we can raise our salaries and enjoy the support of the majority of our citizens in doing so. It is easy to understand why people resent Members of Congress raising their own pay. How many Americans can raise their own pay? Practically none. But the Constitution provides the only way for Members of Congress to raise their pay is by law, statute. The only way to pass a statute is for a majority of Members of Congress to vote aye.

Maybe the Constitution ought to be changed in that respect; maybe not. But that is the law. The only way to secure a pay rise is to vote for it and I urge Members to do so.

The PRESIDING OFFICER (Mr. KERREY). The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, while my senior colleague from New Hampshire is still on the floor, I wish to speak on this. I will address in a moment, particularly with my friend from Michigan, the ethics part of the package.

I want to commend my senior colleague who has, really, taken a position second to none in this Chamber in his two terms here as a fiscal conservative. GORDON HUMPHREY is known throughout the country for his fiscal conservatism. But he has laid out the reality here in a way that is credible and the fact he is willing to lay it out in that way says something, in my view, about his belief in the integrity of the process which has always been that Congress has a right to do this but they should not do it behind the backs of the American people. And he led that fight last year.

I will join him in supporting his package. And I agree with the conditions he has laid down. I think two of those conditions are already in the package. I hope the third one can be added to the package because they essentially are what Senator HUMPHREY has referred to: Full and open action as to what we do and keeping it all aboveboard and subject to the provisions and rules of this body, which say we ought to act affirmatively and stand up and be counted.

I particularly want to say my senior colleague's commentary about the financial exigencies of this place, particularly for younger Members with children in college, is something many of our constituents do not understand.

While he is still here, just to recount a quick story for the record of a House Member 2 years ago who advised me he would probably not run for reelection for the simple reason that, on a salary of $89,000 a year and with income taxes and Social Security withholdings of above $25,000, that left him, then, with a disposable income of in the vicinity of $61,000 or $62,000 a year. It cost him $15,000 a year to maintain a residence in his home State, for a new home with a high mortgage; and two children; $12,000 for a fairly small apartment in Washington—or maybe $10,000. At any rate when you took the housing expenses off, this large, magnificent salary ended up to the tune of about $25,000 worth of disposable income, which of course would not cover even a portion of the expenses.

He supplemented some of that with honoraria and just decided that the heat on that was such that he temperamentally did not want to deal with it, and I suspect he has announced or will announce he is not seeking reelection—a very good Member of Congress.

So our constituents, I think, ought to recognize that when Senator HUMPHREY says we are dealing with real flesh and blood people, they are wives and children who have the normal expectations of having a father who is a successful breadwinner and a person of competence. I agree with my colleague.

It is a shame that we have to do this in terms of this whole honoraria issue. It ought to be done on the merits. I want to express my admiration for my friend because if there has ever been a fiscal conservative I have known in this Chamber, it is my senior colleague, GORDON HUMPHREY. I think he does credit to conservatives by standing up and speaking today.

I yield the floor.

Mr. LEVIN. Mr. President, I wish to address myself to the so-called ethics portion of this package. It is a major portion of it. It is very similar to the bill which I introduced the other day with Senator RUDMAN and represents about 7 months of work with Democratic and Republican task forces. A lot of work went into these ethics provisions. It is a very strong package, and it makes a very large number of reforms which are overdue.

If we enact this ethics package into law today, it will be the first comprehensive reform of ethics laws in more than a decade. It imposes some tough new standards on Members of Congress, and on our staffs, and it strengthens existing ethics laws that apply to all three branches. It addresses key ethics issues ranging from postemployment lobbying restrictions to financial disclosure, to gifts and travel restrictions.

Mr. President, for the first time, through this bill we would bring Members of Congress and top congressional staff under the postemployment lobbying restrictions of 18 United States Code section 207.

For the past 10 years, while we have placed restrictions on top staff in the executive branch, we have exempted Members and staff of Congress from this statute. If this bill passes, Mem-

bers will not be able for 1 year after they leave Congress to lobby the legislative branch. Top congressional staff will be barred from lobbying their former offices and key people with whom they worked for that same 1-year period. At the same time, that we are strengthening the post-employment lobbying law as it applies to us—indeed, applying it to us for the first time—we are strengthening that law as it applies to the executive branch.

Currently, top executive branch staff are barred only from lobbying their former agency. We changed that for former Cabinet Secretaries and top White House staff. This legislation bars those very top staff people from lobbying any other top staff person anywhere in the executive branch for a year.

The postemployment lobbying provision that I have described is very similar to the one which we passed last year and almost had enacted into law. It represents a difference from the House bill. There are a number of differences in the ethics area from the House bill which came over to us, including the fact that we keep current gift disclosure requirements, whereas the House bill would have changed those requirements.

The legislation before us does a number of other things. It would prohibit the use of information not available to the public connected with a trade or treaty negotiation for the purpose of representing, aiding, or advising another person.

I commend Senator THURMOND, Congressman HOWARD WOLPE, and Congresswoman MARCY KAPTUR, who, among others, have had a longstanding interest in and have worked hard on issues that relate to that matter. Their work has helped significantly in getting this provision into this legislation.

We are also tightening the travel rules. For the first time, we are imposing a limit on the length of unofficial travel that a Member can take. Senators would be limited to trips of 2 nights and 3 days. That would be 6 nights and 7 days for foreign trips, excluding travel time. Of course, we are talking about unofficial travel.

Moreover, we are making clear that a Member may take only a spouse or Senate aide on such a trip. Any other family member would be treated separately.

We are tightening the Senate gift rule. Right now there is no limit on the amount of entertainment that a Senator can receive from anybody, since we do not treat entertainment as a gift. The rule change that we are proposing would bring gifts of entertainment under the restriction of other gifts. Another change would address the amount of gifts that a Senator can receive in any 1 year.

Currently, we limit gifts from lobbyists and PAC's to $100 over the course of 1 year, and we will keep that restriction. But many other persons who have an interest in the legislation now can give us unlimited gifts. In order to address that problem, we are adding a limit of annual gifts from anyone to $300 in the absence, of course, of a waiver from the Ethics Committee, with the exception of gifts from relatives, which remain unlimited.

The de minimis amount, that amount below which gifts are acceptable and nondisclosable, is adjusted for inflation from the current $35 figure to $75. We are also increasing our responsibilities for financial disclosure and bringing all three branches of Government under the same provisions for the first time.

Currently, the top category for disclosing income and assets is $250,000 or above. This bill provides for additional categories for disclosure of income and assets. We narrow the disclosure exemption for loans from family members, and we impose a $200 penalty for late filing where an extension has not been granted. We increase the civil penalties for false filings and for failure to file. We require Members and staff of Congress to file termination reports, that is, a financial disclosure form, when they leave. Like the change in the gift rule, we adjust the de minimis amount for disclosures, as I have said, from dollars $35 to $75 because of inflation.

The bill which Senator RUDMAN and I introduced yesterday also established a new statutory prohibition on the receipt by a lobbyist of a lobbying fee which is contingent upon action by the Federal Government. This is an issue that Senator THURMOND and I had addressed in a bill introduced earlier this year, and I had hoped that we would be able to include it in this package.

The Justice Department and the White House, however, have asked for additional time to review the language of that provision, and we have agreed to put this issue over to next year. The Justice Department and the White House have stated that they are willing to work with us on this issue next year, and I am hopeful that we can get this provision enacted into law before the Congress adjourns.

In addition, we clarify a number of provisions in the criminal ethics laws, and we enhance enforcement by providing a number of alternative remedies.

Let me first say that some of the changes we have made to the postemployment law simply reflect an effort to make the statute more readable. In that regard we have created a definitions section to eliminate the repetition of certain key phrases that appear throughout the section. These changes are not intended in any way to change the meaning of these terms under current law unless there is an apparent difference. For example, we do change the definition of "particular matter" to include rulemaking.

One matter we have addressed in this section has to do with the knowing standard. In the recently decided case involving former Presidential aide Lyn Nofziger, the court of appeals held that under the current law, the word "knowing" modified all the elements of the offense including the provision that the particular matter was pending before the subject department or agency or that the agency had a direct and substantial interest in the particular matter. That judicial interpretation does not reflect congressional intent. We correct that misinterpretation in this bill by including a knowing standard only for the act of making the communication with the intent to influence and state that the offense is committed if the former employee seeks official action by an agency or department employee. There is no requirement, here, that the former employee know that the particular matter on which he or she is lobbying was a matter of interest or was pending before the subject agency or department. Thus, we are able to set the record straight on this matter.

Mr. President, I have a section-by-section analysis which I ask unanimous consent to have printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD as follows:

207(a)(1) is similar to current law. It bars all Executive Branch employees from lobbying anywhere in the federal government (and District of Columbia employees from lobbying anywhere in the District of Columbia) on behalf of another person, on a particular matter involving specific parties in which they were personally and substantially involved and in which the United States (or the District of Columbia) has a direct and substantial interest. This is a lifetime ban.

207(a)(2) is also similar to current law. It bars all Executive Branch employees from lobbying anywhere in the federal government (and District of Columbia employees from lobbying anywhere in the District of Columbia), on behalf of another person, on a particular matter involving specific parties, which the employees know or should know was under their official responsibility within the year preceding termination of government service and in which the United States (or the District of Columbia) has a direct interest. This is a 2 year ban.

207(b) is a new provision. It prohibits any Executive Branch employee who was personally and substantially involved in a trade or treaty negotiation on behalf of the United States within the 1 year period preceding termination, from representing, aiding or advising any other person concerning such negotiation. This is a 1 year ban.

207(c) is similar to current law. It bars Executive Branch employees, including members of the Senior Executive Service, who are paid at or above the GS-17 level and

comparable military officers from lobbying their former agency on behalf of another person, on any matter on which such person seeks official action by such agency. This is a 1 year ban.

207(d) is a change to current law. It bars all Executive Level I's and those Executive Level II's in the Executive Office of the President, from lobbying not only their former agency on behalf of another person on any matter on which such person seeks official action by such agency, as in (c), above, but also bars such employees from lobbying any employee at Executive Levels I through V in any agency.

207(e) is a change to current law and establishes new Legislative Branch prohibitions. These are 1 year bans and apply to lobbying on behalf of another person in connection with a matter on which official action is sought.

(1) Members of Congress are barred from lobbying anywhere in the Legislative Branch. Elected officers of each house are barred from lobbying their respective houses.

(2) Personal staff to a Senator or Representative are barred from lobbying their former Member and their former offices.

(3) Committee staff are barred from lobbying the Members and staff of their former committee and Members who were on the committee at the time the former staff was employed by the committee.

(4) Leadership staff are barred from lobbying the Members and employees of the leadership for the house in which they served.

(5) Employees of the other Legislative Branch agencies, such as GAO and the Library of Congress are barred from lobbying their former agencies.

(6) The prohibitions for Legislative Branch employees apply to those employees compensated at a rate equal to or greater than that paid to a GS–17.

(7) Defines terms used in this section for Congressional Members and staff.

207(f) is a change to current law. It bars any former employee of the Executive or Legislative Branch who was paid at a rate of GS–17 or above, including the President and Vice President, from representing, aiding or advising a foreign government or foreign political party in a matter before any department or agency of the United States. This is a 1 year ban.

207(h) requires that any person who is detailed from one agency to another agency shall be deemed, for purposes of this Section as an officer or employee of both agencies.

207(i) is similar to current law. It allows the Office of Government Ethics to designate separate statutory agencies or bureaus within a department or agency in the Executive Branch for purposes of 207(c). Unlike current law, however, it explicitly prohibits any agency or bureau within the Executive Office of the President from being so designated and does not allow any designation to apply to persons employed in Executive Levels II, III, IV and V.

207(j) is a definitions section. Some of the terms that are used throughout the Section is current law, have been placed in the definitions section for easier reading.

207(k) is the exceptions section; it is similar to current law.

Paragraph (1) excludes any person serving as an officer or employee of the United States or as an elected official of a state or local government from coverage of the lobbying restrictions.

Paragraph (2) excludes employees of State or local governments from the one-year lobbying bans if the lobbying is on behalf of such government and has a similar exception for employees of an accredited, degree-granting institution or a tax-exempt hospital or medical research organization from the one-year lobbying bans if the lobbying is on behalf of such institutions.

Paragraphs (3) and (4) makes exceptions of the 1 year ban in (c), (d) and (e) for a communication or appearance on behalf of an international organization of which the United States is a member, personal matters such as income taxes or pension benefits, and making a statement as a witness.

Paragraph (5) makes an exception to all the lobbying bans for communications made solely to supply scientific or technological information, provided the information is provided in the prescribed manner.

Paragraph (6) makes an exception of all the restrictions in this Section for giving testimony under oath or penalty of perjury.

207(l) is a change to current law. It strengthens existing penalties and adds civil penalties as well. The criminal penalties are the same as those for violations of other sections of the criminal ethics laws, and are discussed below relative to Section 216.

Section 102 establishes the effective date for this section. The effective date for this section is January 1, 1991. For persons who terminate their employment with the federal government prior to the effective date, the provisions of current law apply.

TITLE II—FINANCIAL DISCLOSURE OF FEDERAL PERSONNEL

Title II of the bill would revise the financial disclosure provisions for legislative, executive, and judicial employees that are currently included in three separate titles of the Ethics in Government Act. Under the bill these provisions would be merged into a single title, covering all three branches of government. Section 201 of the bill would repeal Title II and III of the Ethics in Government Act. Section 202 would amend title I of the Act to cover all three branches.

New Section 101 of the amended disclosure provisions would take the filing requirements in Section 201 of existing law (applicable to the executive branch) and extend them to the legislative and judicial branches. The supervising ethics office for each branch would be responsible for prescribing appropriate rules and regulations and for granting extensions and waivers. This would not be a substantive change to the filing requirements for any of the three branches.

In addition, Section 101 would:

(a) require financial disclosure by civilian employees in the Executive Office of the President who hold commissions of appointment from the President;

(b) clarify the requirement for financial disclosure by persons subject to Senate confirmation to exempt foreign service officers who are compensated at less than a GS–16 rate (a similar exemption already exists for military officers); and

(c) eliminate the financial disclosure requirement for advisory committee staff members who are compensated at less than a GS–16 rate.

New Section 102 states what must be included in financial disclosure reports. Section 102 would change current law by:

(a) creating a new category of disclosure for income in excess of $1,000,000 and raising the de minimis level below which income need not be disclosed from $100 to $200;

(b) raising the de minimis level below which gifts need not be reported from $35 to $75;

(c) narrowing the disclosure exception for loans from family members to cover only loans from spouses, parents, brothers, sisters, or children;

(d) creating two new categories of disclosure for assets from $500,000 to $1,000,000 and assets in excess of $1,000,000 and changing the bottom category to not more than $15,000;

(e) requiring disclosure of gifts received by a dependent child which are not received independent of the relationship to the reporting individual;

(f) requiring disclosure of travel itineraries and other descriptive material regarding trips paid for by private sources;

(g) raising civil penalties from $1,000 and $5,000 to $5,000 and $10,000; and

(h) authorizing the three branches to adopt simplified disclosure forms.

New Section 102 would also change the rules governing qualified blind trusts by clarifying the requirement that the trustee be independent of the reporting individual; extending the existing disclosure exemption for widely diversified trust assets to qualified blind trusts created by individuals in all three branches of government; and creating a new disclosure exemption for financial interests held by a widely held and widely diversified investment fund over which the reporting individual exercises no control. Nothing in this section is intended to preclude a supervising ethics office for a branch of government from adopting more restrictive requirements applicable to blind trusts created by officers or employees of such branch. In particular, nothing in this provision precludes the executive branch from permitting only institutional trustees in blind trusts for officers or employees of that branch.

New Section 103 states with whom reporting individuals would be required to file. Under this provision, officers and employees of each branch would continue to file financial disclosure reports with the supervising ethics office for their own branch.

New Section 104 addresses failure to file and filing of false reports. This provision would increase the civil monetary penalty for knowing and willful failure to file to $10,000. In addition, the section would create a new late filing fee of $200 for individuals who file disclosure reports more than 30 days after such reports are due (including applicable extensions). The supervising ethics office for each branch would be authorized to waive this late filing fee in extraordinary circumstances.

New Section 105 addresses public access to reports. This section would change current law by allowing 30 days before financial disclosure reports are made public. In addition, it would clarify that reports filed by independent counsels whose identity has not otherwise been disclosed to the public are not required to be made public.

New Section 106 establishes procedures for the review of reports. This section would not change review procedures applicable to the executive branch. Financial disclosure statements filed by officers and employees of the Senate, House, and the judicial branch would be reviewed by the Senate Ethics Committee, the House Committee on Standards of Conduct, and the Judicial Ethics Committee, respectively. Each of these supervising ethics offices would be responsible for determining if additional information is required; notifying filing indi-

viduals if they are not in accordance with applicable laws and regulations; and determining what additional steps are necessary to assure each compliance. Each supervising ethics office is authorized to issue advisory opinions interpreting financial disclosure requirements for its branch.

New Section 107 would authorize the supervising ethics offices to require officers and employees within its jurisdiction to file confidential financial disclosure reports, in addition to the statutorily required public reports. Nothing in this section is intended to exempt any individual from the requirement to file a public financial disclosure report, if the individual is otherwise covered by the requirement.

New Section 108 would require the Comptroller General to conduct regular studies to determine whether the financial disclosure requirements are effectively carried out.

New Section 109 contains applicable definitions, including new definitions of "Members of Congress", "officer or employee of Congress", "judicial officer", "judicial employee","congressional ethics committees", "judicial conference", "legislative branch", and "supervising ethics office."

New Section 110 would extend to all three branches of government a provision that currently requires executive branch officials to notify the Office of Government Ethics and appropriate congressional committees of actions taken to comply with ethics agreements made with such committees. If no ethics agreement is made with OGE, a congressional committee, or the judicial ethics committee, no action is required under this section.

New Section 112 would clarify that each branch of government continues to be responsible for the administration of financial disclosure requirements with respect to its own officers and employees.

New Section 113 makes the new financial disclosure provisions applicable to reports filed after January 1, 1991.

Title II of the bill contains one additional provision, Section 204, which would create a new Presidential Commission on the federal appointment process, as requested by the President. Eight members of this commission would be appointed by the President, and two each by the Majority and Minority leaders of the Senate, and one each by the Speaker and Minority leader of the House.

TITLE III—GIFTS AND TRAVEL

Title III of the bill addresses the acceptance of gifts and travel by federal employees.

Section 301 would amend Section 7351 of Title 5, which prohibits executive branch employees from giving anything of value to his superiors. The amendments would authorize the Office of Government Ethics to issue regulations exempting certain categories of gifts from the statute and would subject employees who violate the section to appropriate disciplinary action.

Section 302 would create a new provision, 31 U.S.C. 1352, authorizing executive branch agencies to accept payment or reimbursement from non-federal entities for travel and other expenses incurred by employees in attending meetings, conferences and similar functions. Regulations implementing this section would be prescribed by the General Services Administration in consultation with the Office of Government Ethics. The provision would require the public disclosure of all payments and reimbursements so accepted (in excess of $250) through the Office of Government Ethics.

Section 303 would create a new provision, 5 U.S.C. 7353, prohibiting officers and employees of all three branches from soliciting or accepting anything of value from a person seeking official action, doing business with, or conducting activities regulated by the individual's employing agency. The provision authorizes each supervising ethics office to issue implementing rules or regulations providing for such reasonable exceptions as may be appropriate. Such implementing rules and regulations are included elsewhere in the bill for both Houses of Congress. Employees who violate this provision (as implemented by rules and regulations applicable to his or her branch) are subject to appropriate disciplinary action. Nothing in this section is intended to create any exemption or exclusion from the criminal bribery statute, 18 U.S.C. 201(b).

TITLE IV—AMENDMENTS TO TITLE 18, UNITED STATES CODE

Title IV of the bill would amend the criminal ethics laws in Title 18 of the U.S. Code.

Section 401 would amend 18 U.S.C. 202 to add new definitions of the statutory terms "officer", "Member of Congress", "executive branch", "judicial branch" and "legislative branch". These new definitions are consistent with existing law, except that the definition of "Member of Congress" is revised to include all Delegates and Resident Commissioners to the Congress.

Section 402 would amend 18 U.S.C. 203, which prohibits Members, officers and employees in all three branches from accepting compensation for services in any proceeding in which the United States is a party or has a direct and substantial interest. The amendment would make the following changes:

(a) Clarify that the "services" prohibited are "representational services as agent or attorney or otherwise";

(b) Replace existing criminal penalties with the alternative felony, misdemeanor, and civil penalties provided in new Section 216;

(c) Treat employees of the District of Columbia separately from other federal employees; and

(d) Clarify the section by placing certain provisos, which are currently codified in 18 U.S.C. 205, directly in the provision itself.

Section 403 would amend 18 U.S.C. 204, which prohibits Members of Congress from practicing before the U.S. Claims Court and the Court of Appeals for the Federal Circuit to replace existing criminal penalties with the alternative felony, misdemeanor, and civil penalties provided in new Section 216.

Section 404 would amend 18 U.S.C. 205, which prohibits officers and employees of the executive, legislative, and judicial branches from acting as agent or attorney in claims against the United States, or in which the United States is a party or has a substantial interest. The amendment would:

(a) Replace existing criminal penalties with the alternative felony, misdemeanor, and civil penalties provided in new Section 216;

(b) Treat employees of the District of Columbia separately from other federal employees; and

(c) Clarify certain provisos in the section by deleting references to separate prohibitions in 18 U.S.C. 203.

Section 405 would amend 18 U.S.C. 208, which prohibits conflicts of interest for executive branch employees. The amendment would create new statutory exceptions for (a) certain special Government employees serving on advisory committees and (b) certain conflicts of interest that result solely from the birth rights of native Americans. The amendment would clarify that regulations excepting certain categories of employees or certain types of financial interests from the rule may be issued only by the Office of Government Ethics. Agencies which believed that exemptions are necessary for certain categories of employees would have to get such exemption approved and issued by OGE. The amendment would also require that all waivers granted pursuant to such regulations be made available to the public. Finally, the amendment would replace existing criminal penalties with the alternative felony, misdemeanor, and civil penalties provided in new Section 216.

Section 406 would amend 18 U.S.C. 209, which prohibits the supplementation of the salary of an executive branch officer or employee to replace existing criminal penalties with the alternative felony, misdemeanor, and civil penalties provided in new Section 216.

Section 407 would create a new section of the criminal code, 18 U.S.C. 216, which would create alternative felony, misdemeanor, and civil penalties for Sections 203, 204, 205, 207, 208, and 209, and authorize the Attorney General to seek an injunction against ongoing conduct that violates these sections.

The new misdemeanor penalty for violations of the enumerated sections is a sentence of not more than one year. The new felony penalty, which applies to willful violations, is a sentence of not more than five years. The civil penalty is a fine of up to $50,000. The civil penalty is not intended to be exclusive of any other form of relief otherwise available to the United States or any other party.

TITLE V—OTHER ETHICS REFORMS

Section 501 of the bill would authorize the Senate Ethics Committee to refer matters to the Office of Special Investigations of the General Accounting Office, whenever there is a reasonable basis to believe that a Member, officer, or employee of the Senate has committed an ethics violation.

Section 502 would amend the Internal Revenue Code to provide a tax deferment to executive branch appointees who are required to divest capital assets as a condition of taking office.

Section 503 would authorize the incidental use for other than official business of certain government vehicles subject to appropriate rules or regulations.

Section 504 would amend the Federal Election Campaign Act of 1971 by deleting the "grandfather clause" which permits Members elected before January 9, 1980 to convert excess campaign funds to personal use.

Section 505 would delete existing provisions governing honoraria in 2 U.S.C. 31-1 and 2 U.S.C. 441i, in light of the flat ban on honoraria contained elsewhere in the bill. Should the honoraria ban not go into effect, this report would not be effective.

Section 506 would repeal 37 U.S.C. 801(a) (restricting payment to certain retired military officers) and Section 319 of the Interior Department Appropriations Act for Fiscal Year 1988 (which is no longer necessary in light of the bill's amendment to 18 U.S.C. 208 dealing with Indian birthrights).

In addition, Title VII of the bill contains new regulations concerning Senators and officers and employees of the Senate. These regulations are intended to supercede any inconsistent provisions in the rules of the

Senate. They are adopted pursuant to the rulemaking power of the Senate and may be revised by Senate resolution.

Section 701 would tighten existing Senate rules on gifts and travel by making the following changes:

(a) Delete the exception in the existing rule which permits unlimited gifts of entertainment;

(b) Limit necessary travel expenses that may be paid or reimbursed by a private source to 3 days of domestic travel or 7 days of foreign travel (exclusive of travel time) for a Member, officer or employee, a spouse, and one Senate employee acting as an aide;

(c) Raise the de minimis level for gifts from $35 to $75; and

(d) Retain existing restrictions on gifts from persons with a direct interest in legislation and add a new restriction limiting gifts from any other source (other than a relative) to an aggregate value of $300.

The restrictions contained in the amended Senate gifts rules are intended to be interpreted broadly, and the exceptions are intended to be interpreted narrowly. The amended gifts rules are intended as a rule or regulation implementing 5 U.S.C. 7353, as provided in Section 303 of the bill.

Section 702 would require the Ethics Committee to transmit a copy of each financial disclosure report filed with it to the head of the employing office of the individual filing the report.

Section 703 would tighten the Senate conflict of interest rules by prohibiting Senate staff from intervening in certain matters without prior approval of their supervisor.

Mr. LEVIN. Mr. President, we also have in this package a provision which establishes a recertification system for members of the Senior Executive Service. This provision has been agreed to by the Office of Management and Budget, the Office of Personnel Management, and the Senior Executives Association. I ask that letters from Carol Bonosaro of the Senior Executives Association and Mrs. Constance Newman of the Office of Personnel Management be included in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENIOR EXECUTIVES ASSOCIATION,
Washington, DC, November 17, 1989.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: We are pleased to inform you that we support the Administration's recertification proposal for the Senior Executive Service. We are confident that it provides sufficient protections to career SES members during the recertification process.

The provisions we requested be included in the proposal are now part of a legislative package submitted to you. They include:

(1) Peer review by performance review boards made up of a majority of career executives;

(2) Recertification decisions will be performance based;

(3) The SES career corps will be considered for recertification in the same calendar year beginning in 1991, and every third calendar year thereafter;

(4) Career executives be allowed to submit documentation to, and appear, before the performance review board if serious consideration is being given to conditional or non-recertification;

(5) Any pay rate lost in a conditional recertification will be restored if, after a one year opportunity period, the executive is recertified;

(6) The right to be considered for an SES pay rate increase if recertified;

(7) Full appeal rights to the Merit Systems Protection Board of any non-recertification decision, with the Board rendering a final decision;

(8) The right to fall back to a GS-15 position with saved pay if not recertified, or the right to retire with a discontinued service retirement annuity without any reduction for age, if the career executive is eligible.

In addition, the Administration has informed us of the January 1991 SES pay rates which will be set by a new Executive Order upon passage of the ethics bill. We are pleased that those rates will be substantial, and reflective of the pay increases provided to the Executive Schedule.

We request that the recertification proposal being submitted by the Administration is included in the ethics bill which will go to the Senate floor today. We fully support its enactment. Thank you very much for your support.

Sincerely,

CAROL A. BONOSARO,
President.
G. JERRY SHAW,
General Counsel.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, DC, November 17, 1989.

Hon. CARL M. LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: The Office of Personnel Management on behalf of the Administration has worked with the Senior Executive Association representatives on behalf of the Senior Executive Service to develop a proposal covering the recertification of career appointees in the Senior Executive Service every three years. The Administration and the Senior Executive Association are in complete agreement on every provision of the attached draft amendment to Chapter 33 of Title 5, United States Code.

It is our belief that the recertification process will ensure consistent excellence in the Senior Executive Service. It is also our belief that this proposal provides for a fair and equitable recertification process.

Under this proposal, those career appointees who have been recommended to receive a conditional recertification have significant rights and protections including: (a) the right to be heard by their peers prior to the final decision by the appointing authority; and (b) the right to prepare for future recertification through a performance improvement plan. Where there is a decision by the head of the agency not to recertify a career appointee, that appointee has the right to appeal to the Merit System Protection Board.

The agreed-upon proposal is enclosed. It is our hope that it will receive consideration and passage by Congress this session.

The Office of Management and Budget advises that there is no objection to the submission of this proposal, and that its enactment would be in accord with the program of the President.

Sincerely,

CONSTANCE BERRY NEWMAN,
Director.

Mr. LEVIN. Mr. President, while I am the principal sponsor of the ethics portion of this legislation—and have worked since March of this year to put this bipartisan package together—I will be voting against the bill today, because of the pay provision.

The issue of a pay raise for Members of Congress is a matter on which each of us must reach a personal decision. I oppose the pay raise, but would have supported giving Congress the same cost-of-living adjustments for 1989 and 1990 that other Federal employees receive.

Mr. President, let me end my remarks with just a few thanks for the efforts, of course, of Senator RUDMAN, Senator MITCHELL, Senator DOLE, our two task forces, Senator THURMOND, and Senator METZENBAUM, whose postemployment bill is such an important backdrop for what we have done in our bill. The House of Representatives has worked very closely with us in working this out because, as I indicated, our bill is different from the House bill in some very significant respects, and so we had to work closely with the House so that the provisions that we hopefully will adopt in our bill will be acceptable to them.

In that regard I would like to thank Speaker FOLEY, the Republican leader BOB MICHEL, VIC FAZIO, LYNN MARTIN, Congressman FRANK, and of course their staffs.

Mr. President, again with particular thanks to my colleague from New Hampshire [Mr. RUDMAN], who has not only an extraordinary mind but a very deep, abiding sense of ethics which is so critically important to putting together an ethics package such as this, I am personally grateful. More important, I think the institution and the country are grateful to Senator RUDMAN for the immense amount of work which he has put into this package. He and his task force, like my task force, made it possible for us to be here today. I am, indeed, very grateful to him.

Finally let me thank our staffs for some of the most extraordinary staff work I have ever seen. Linda Gustitus and Peter Levine of my subcommittee staff, Tom Polgar of Senator RUDMAN'S staff; George Carenbauer of Senator MITCHELL'S staff; the staff of members of the Democratic and Republican task forces; and Tony Coe and Bill Jensen of the legislative counsel; and numerous House staffers. They all responded to the call of duty even when that required superhuman endurance.

I, and I know the Senate and the Nation, am in their debt.

Mr. RUDMAN. Before the Senator yields the floor—I am not seeking recognition—I thank my colleague for those comments. They are reciprocated fully, and I think we also will acknowledge we have been assisted by

some very able staff work for the last 7 months.

We will submit for the RECORD, Mr. President, a list of that staff which deserves our thanks.

Mr. LEVIN. I thank my friend. I yield the floor.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, none of us is particularly eager to support the bill that we will be voting on shortly because the issue of pay raises is so politically charged. We all have vivid memories of last February's firestorm, when we considered the Quadrennial Commission's 51-percent pay-raise plan. I am certain that nobody in this chamber looked forward to repeating that experience so soon.

Havings said that, however, I plan to vote for the ethics reform/pay-raise package. I am concerned it is the right thing to do.

Let me make two points at the outset. No. 1, the bill that we are considering today is entirely different from the pay-raise bill that we considered earlier this Congress. The pay-raise bill that we voted down in this body by a 94-to-6 vote last February was just that: A pay-raise bill. It would have increased our salaries, as well as those of Federal judges and senior executive branch officials, by 51 percent, which I felt was excessive, notwithstanding the fact that pay raises for senior executive and judicial employees are long overdue.

The legislation we rejected previously contained no major ethics reform, no restrictions on travel, gifts, and other outside income, as this bill does. It did not impose lobbying restrictions on Members of Congress and senior congressional staffers. It did not include a phase-down and eventual elimination of honoraria, as this bill does. This ethics reform package contains real reforms, and fundamentally changes the way we conduct our affairs in Congress. It is a bipartisan package that has the support of such wide-ranging groups as Common Cause and the U.S. Chamber of Commerce.

No. 2, this is the first pay-raise bill that I have supported that to me, and to many other Senators, will have exactly the opposite effect of its intent: It will actually reduce their and my earnings. Currently, Senators are permitted to supplement their income with speaking fees, or honoraria, up to a level equal to 40 percent of our salary. Such speaking fees will be phased down and ultimately prohibited under this legislation. Thus, whether we accept the House's plan or our own plan, my earnings, as well as the earnings of many members of this body, will be less than they would be under the current system.

Mr. President, in addition to the real reforms that we will be implementing, by passing this bill we also begin to correct the pay inequity that has existed in the judicial and executive branches of Government. In its report to the President, the 1989 Quadrennial Commission on Executive, Legislative, and Judicial Salaries—or the Cutler Commission—emphasized that the compensation of our top Federal officials has failed to keep pace with inflation over the last 20 years. The Cutler Commission found that current salary levels are approximately 35-percent less than the salary levels fixed for the same positions in 1969.

We live in an age in which we face complicated and critical challenges: the prevalence of drug abuse, the scourge of AIDS, the problems of acid rain and global warming, and historic change in Eastern Europe, to cite a few. Solutions to these and other problems will not come easily. We need the ablest minds in the United States to concentrate on obtaining solutions to these challenges.

It is imperative that the Federal Government attract the most qualified individuals into senior Government service. People such as actuaries for the largest insurance programs in the world—the Social Security and Medicare Programs—and Federal judges, and scientists at the National Institutes of Health [NIH] and NASA should have their pay increased.

Example, the top researcher of the NIH, Dr. Anthony Fauci, testified before the Quadrennial Commission, that in the last 10 years, the agency has been unable to recruit a single senior research scientist from the private or academic sectors to engage in independent clinical or basic biomedical research programs for the NIH. Not a single scientist! And this at the NIH, an agency that our former Senate colleague, Mac Mathias, has called "one of the jewels in the Federal crown."

We must be prepared to pay those individuals salaries that are somewhat commensurate with what they could earn in the private sector. Top Federal officials form the backbone of our Federal Government. They are charged with managing massive programs involving billions of dollars and interpreting our laws. We cannot afford to place underqualified men and women in these critical positions.

Now, some may say that a 33- or 35-percent pay raise is too high. I disagree. The time has come to draw the line on losing qualified personnel to the private sector. Those who oppose this increase may say that serving the Government is an honor, and I agree. But you cannot live on honor alone. Regretably, honor does not pay college tuition bills of one's children; honor does not pay the cost of a Washington home.

As stated in the Cutler Commission's report,

> While the prestige of public service often enables the Government to attract * * * individuals for less than their market value, the gap cannot be so wide that the price of prestige is the neglect of family responsibilities that family breadwinners in the private sector are better able to meet.

Mr. President, the real issue is one of quality. We cannot expect to continue to retain the best and the brightest personnel in our Government at current salaries. In an age of increased pressures and public scrutiny, the demands of public service have almost become too great. It is time to compensate high-level officials properly for their expertise and their service to our Nation.

I strongly believe that the enactment of this ethics/pay raise bill is in the best interests of our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I may proceed as though in morning business for about 4 or 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. Stevens pertaining to the introduction of S. 1900 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

AMENDMENT NO. 1158

Mr. MITCHELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself and Mr. DOLE, proposes an amendment numbered 1158.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. HELMS. Reserving the right to object, may we have a copy of it?

Mr. MITCHELL. Certainly. I was about to proceed to provide a brief explanation of the amendment, as I had discussed previously with the Senator.

Mr. HELMS. I understand that but I do need a copy of the substitute.

Is that the only one, the one the clerk has?

Mr. MITCHELL. We are having one prepared right at this moment for the Senator.

Mr. HELMS. Very well, I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MITCHELL. Mr. President, I earlier addressed this subject and will not repeat my remarks in their entirety because we obviously wish to proceed to disposition of this matter.

I will simply state, in summary, with respect to pay and honoraria, this substitute amendment is the House-passed bill. We have accepted the provisions that were enacted in the House and would apply those provisions to the Senate in their entirety.

Briefly, what that means is that there would be a cost-of-living adjustment for the years 1989 and 1990, which amount to a total of 7.7 percent, aggregating the annual cost-of-living adjustment which is given each year to all employees of the Government. That would take effect in January 1990.

In January of 1991, following the 1990 general election, there would be an increase in compensation for Members of Congress of 25 percent. At that time, there would be a complete and total ban on honoraria which could be received by a Member of Congress.

For the year 1990, honoraria would be frozen at the level, for each body, that exists in 1989.

That is a very brief summary but I believe it states the essential elements of the increase in compensation.

The ethics provision, as Senator LEVIN and Senator RUDMAN have previously described, is similar in some respects to the House-passed provision but in others is more comprehensive. It includes a number of provisions relating to postemployment practices of Members of Congress and congressional staff that are not included in the House bill.

So, with respect to pay and honoraria, we have essentially accepted in the substitute amendment, the House-passed provisions. With respect to ethics, they follow along similar lines with respect to gifts, travel, and financial disclosure, although there are some differences reflecting the differences in the two bodies. And, in addition to that, the Senate ethics provision is more comprehensive in including an entire subject matter, postemployment, for Members of Congress and their employees, that is not covered in the House bill.

With that, Mr. President, I yield the floor to my distinguished colleague.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, might I ask the majority leader, am I correct in my understanding that a cloture petition will be filed?

Mr. MITCHELL. That is my intention.

Mr. HELMS. In that event, I ask the majority leader, will amendments be in order even though they have not been "timely filed," under the rules, under rule XXII?

Mr. MITCHELL. That is my intention. I would be pleased to now read for the RECORD the unanimous-consent request, which I intend to propound at that time.

Mr. HELMS. That would be helpful. If the majority leader will do that, I will be grateful.

Mr. MITCHELL. Mr. President, at the time the cloture motion is filed I intend to ask unanimous consent that the cloture vote on the pending leadership substitute occur at—the time is now blank. It will be for at a time certain today.

I further ask unanimous consent that if cloture is invoked, that amendments to the amendment which otherwise meet the germaneness requirements of rule XXII be in order, notwithstanding the fact that they have not been timely filed since there was not time for timely filing.

Mr. HELMS. That was the point I wanted to make, Mr. President.

Now, I am not going to speak long at this time. But I am going to offer a motion.

May I ask the majority leader if he will consider obtaining unanimous consent that no motion to table be in order for my motion?

Mr. MITCHELL. On your amendment?

Mr. HELMS. My motion. I am going to offer a motion.

Mr. MITCHELL. Since I have not seen the motion and I do not know the subject matter——

Mr. HELMS. I will be glad to read it. My motion will be that H.R. 3660 be postponed to February 1, 1990.

Mr. MITCHELL. If the Senator will permit, I would like the opportunity to consult with the distinguished Republican leader and others on that before making a decision in response to his request.

Mr. HELMS. The majority leader understands I could have sprung this on him, but I do not do that.

Mr. MITCHELL. I understand that and I appreciate that.

I will now yield to the Senator to proceed as he wishes.

Mr. HELMS. Before I proceed I would like to know the answer. Because I may have to take another parliamentary tack, I want to know whether I can have an up-or-down vote on my motion? That is all I am asking.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina has suggested the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I suspect that what I am about to say will fall on deaf senatorial ears or perhaps no ears at all. Looking around the Chamber, I do not see many Senators here, which is a little bit surprising.

But let me say again that I implore the Senate not to proceed with this issue at this time. Give the public, the people who pay our salaries, a fair opportunity to make up their own minds about it, and, yes, get in touch with us.

Senator DOLE said he did not know what we were worried about, only 78 percent of the people are opposed to this thing. I do not understand the grand rush right here at the time of adjournment sine die to squeeze this thing in without a lot of consideration. That is the reason I am going to offer the motion momentarily.

By the way, Mr. President, I ask unanimous consent that no substitute, no amendment, or no other action with respect to the motion be in order.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, reserving the right to object, I apologize; I was distracted. I did not hear the Senator.

Mr. HELMS. I was simply asking unanimous consent for an up-or-down vote as we had discussed.

Mr. MITCHELL. I would be pleased, if the Senator wishes, to propound a unanimous-consent request which pro-

vides that no motions or amendments are in order and that there be an up-or-down vote.

Mr. HELMS. And no motion to table.

Mr. MITCHELL. That is right. Yes.

Mr. HELMS. That is essentially what I did.

Mr. MITCHELL. I have no objection to that, Mr. President.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. HELMS. I thank the Chair, and I thank the distinguished majority leader.

Mr. President, I say again that this is a wrong thing to do at the wrong time, the wrong circumstances. I think Senators will regret it if we proceed in the fashion that was inaugurated yesterday by the House of Reprsentatives. We all know—whether we want to talk about it or not—what went on in the House: Enormous pressure. A lot of people want to vote no and take the dough, as has been said around here. But this is one Senator who feels we ought not play that game.

Mr. President, I will reserve the right to speak a little more on my motion because it is debatable.

I move that H.R. 3660 be postponed to February 1, 1990. I am referring to the substitute for the House version in that motion.

I will say for the Parliamentarian, who scrambles for his book, that I am referring to the whole bill.

Mr. President, I have moved that H.R. 3660 be postponed to February 1, 1990, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized?

The Chair recognizes the Republican leader, Mr. DOLE.

Mr. DOLE. Mr. President, maybe the Senator from Iowa would like to speak first.

Mr. President, I wanted to take a minute to indicate that I obviously have no problem with the motion except that I do not want it adopted. We ought to face up to this issue today one way or the other. There is no need to postpone it. The time is going to be a couple of months and not that much will change.

So I implore my colleagues who attended the meeting this morning, and some who could not be there, to do as we indicated we would, not adopt additional amendments unless they were leadership amendments, not to have any postponement or delay.

I want to thank the Senator from North Carolina for helping us move this along. I just say in my view we are not going to be any braver February 1 than we are today. It is going to be colder. There may be a lot of other reasons we ought to postpone it until May. I think I express the view of myself and the majority. Let us have it over with today. The House was able to dispose of this important, controversial matter in 1 day. I believe with the cooperation of the distinguished Senator from North Carolina we can do it, too.

I hope the motion to postpone is defeated.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I am rising in support of the motion of the Senator from North Carolina. I am going to focus my attention on one little narrow part of this legislation as a major reason for my point of view that this ought to be postponed so that everybody knows what is in this bill.

I refer to what happened yesterday in the other body. I am referring to section 409 in the House bill on page 81, and I refer to the Mitchell-Dole substitute, section 508 on page 117A.

I had an opportunity through the course of the evening and this morning to ask a lot of Members of the House of Representatives why they were repealing a major piece of ethics legislation that we passed just 13 months ago to take care of some of the problems in defense procurement—a major reform of that process.

What we have here before this body—what I hope at least, whether or not my colleagues agree with me on the substance, and they at least would agree they ought to know everything in this bill—we have before us is an ethics bill that unravels another ethics bill. In this ethics bill before us—which is one of the three major parts of this bill—we have, first of all, the salary increase; second, we have the ethics portion; and then we have the honoraria limitations and removal of honoraria.

A lot has already been made today about what this bill does for ethics. I do not quarrel with the approach of this bill on changing the ethics laws that we abide by or anybody in Government abides by. But there is a terrible lack of ethics within the military-industrial complex and procurement, the revolving door that everybody knows about, the ill wind investigations that are still going on—the prosecutions that are going on in the Eastern District of Virginia.

All of this was building for 3 or 4 or 5 years before there was an effort really to prosecute. Related to the cases that are being prosecuted now some of us in this body, and in the other body, were trying to bring to prosecutors' attention this kind of activity 3 or 4 years before that.

So the bill that passed the other body yesterday struck major portions of that legislation.

Senator MITCHELL and Senator DOLE are trying to compromise that a little bit, but the compromise instead of striking it just delays for a year the implementation of this provision. If there is a legitimacy for this legislation—and I think everybody agrees there is, because it passed unanimously and it went through this body unanimously 13 months ago and is already in force—we ought to leave it in force, and not do either what the House did yesterday or the compromise that is proposed for us today.

It seems to me that there may be some changes that ought to be made in this ethics bill affecting defense contracting and the revolving door. I am not going to argue with that. I do not think we pass perfect pieces of legislation. But you do not sneak something like this through in the other body and then attempt to sneak it through here. My colleagues are not doing that because this has been public now. But the chairman of the House committee that deals with this subject over a long period of time told me that he did not even know about this until 15 minutes before the bill was going to pass.

I have had a lot of House Members call me up and say, implore me, not to fight this pay raise. And I asked them: "Do you know about the repeal of this important, very important law?" And all the people who call me want to reform the ethics in the military-industrial complex. I asked them: "Do you know what is in this bill along this line?" They did not know anything about it. We ought to know about it. Maybe my colleagues want to take the same course. I do not know. I hope not. But they ought to at least know what we are doing, and why we are doing it.

So that is why I support this motion; so that people will know, and have enough time to see what is really in this bill and understand it.

Mr. President, in regard to the problems that we have here and the need for enhanced ethics within the military-industrial complex, and the repeal of the procurement integrity section of this act, it was passed last year in the Office of Federal Procurement Policy Act Amendment of 1988. I think I ought to tell you very briefly what we were trying to accomplish a year ago.

The procurement integrity provisions were crafted in part because of this ill-wind investigation I already referred to, and it surfaced in the spring of 1988. It surfaced 3 years ago after a lot of us were calling it to the attention of the defense procurement fraud

unit of the Justice Department. This ill-wind investigation revealed serious flaws in the procurement process—unequal access to information, the widespread use of bribes and gratuities for influencing procurement matters, a general ethic within the defense community that it is not what you know but who you know.

We have seen a very similar pathology with respect to the GTE investigation. That was a precursor to ill-wind. That showed a massive black market within the contracting community for unauthorized classified documents.

This same activity has resurfaced with a guilty plea just this very week by the Boeing Corp. There are additional companies being investigated for illegal document trafficking as well. Just last week, in hearings before the House Government Operations Committee, business as usual again rose to the surface. The same Government individuals who were drafting the Government specifications for a major computer acquisition were hosted by IBM at the company's California resort, with golfing at Pebble Beach and gambling at Lake Tahoe, all with IBM sales people. This activity has become a way of life. It is kind of a cultural phenomenon within this closely knit society of the military-industrial complex, maybe to some extent in the entire Government contracting community.

That is exactly why the procurement integrity section was created and why this body and this Congress passed the bill unanimously in October of 1988. This procurement integrity law provides for the following: A contractor cannot make an employment offer to a Government contracting official who is involved in a procurement. A contractor cannot bribe or offer gratuities to a Government contracting officer. Any contractor cannot solicit or obtain sensitive information from a Government contracting officer.

The law also provides for the inverse of these prohibitions relative to Government officials. So it covers both equally.

The law further requires certification by contractors stating that they have not transgressed any of these prohibitions.

That is really what the defense industry lobby inside the beltway and maybe outside the beltway, does not like. That is why they are working in every nook and cranny, in the bowels of the bureaucracy, and the staffs on the Hill, to do exactly what was done yesterday, so that even the chairman of the committee did not know about it until just prior to the vote. It puts the monkey on their back, puts the money on their back, so that they are going to police their own employees to a considerable extent.

The use of certificates is designed to ensure that the companies will create their own methods of complying with the prohibitions.

Mr. President, it is important to know that this is the only law, the only law on the books that restricts the use of nonclassified procurement information. By repealing it, as the House did, or delaying action, as this amendment before us does, either forever, or at least for a year, there is not going to be any law to stop the rather obvious and unconscionable practice of document trafficking within the contracting community.

As a result, without this law, Government officials with sensitive procurement information could go right back to steering it to their favorite contractor, unless there is evidence of bribes or some other criminal activity.

By repealing it, the signals would be sent. It is OK to swap information for golf outings at Pebble Beach or gambling at Lake Tahoe, to traffic procurement documents, for Government contracting officials to favor their buddies or those working for their future employer.

This law the House would repeal, or that we would delay for a year, also places a 2-year postemployment restriction on a Government employee working on a particular contract, before he or she could go to work for a company involved in the procurement.

This provision is known as revolving door language. The proposed repeal of this section, Mr. President, is not a step forward, but two steps backward.

How can we legitimately call this bill before us an ethics reform bill, when it would outright repeal integrity from the procurement process?

These provisions that passed at the end of last year were examined and reexamined, and then examined again over the past year. The result was clarifying language in the DOD authorization bill that just passed. Now, after all that careful and scrupulous deliberation, it would all be reversed by a single line, snuck in and buried in House Resolution 3660.

No one had time to read this or amend it in the House. I guess the rule before the House did not allow it to be amended, but this was railroaded through.

I already referred to how many Members I talked to in the other body that did not know about this. It does not belong here, Mr. President.

The President of the United States would not want procurement integrity repealed. That proposition is based upon both his State of the Union Message to the joint session on February 8, in which he had a very important provision, albeit short, in there, about how he is going to get the fraud and inefficiency and mismanagement out of the defense budget; and I believe he is carrying forth on that, because soon after that, he sent the proper instructions to the Defense Department to have them come up with a plan to do just that.

That plan was put forth by Secretary Cheney last July, and I assume being carried out now, because there has been followup communications between the Defense Department and the White House on the Cheney plan.

Soon after the President made his speech, I had an opportunity to speak privately for a long period of time with President Bush on his ideas for defense reform, and his desire to make those changes. So I am personally convinced that he wants these changes to be made.

I doubt, if he knew this language was here, that he would be willing to take one step forward and two steps backward, although somehow I have heard rumors that the White House was involved in this attempt, involved in this compromise that is worked out here.

If there are some who would want to repeal integrity from the procurement process, let them do it, I say, in the full light of day, so that the public has a front-row seat at what we are doing.

So just focusing upon one little aspect of this bill, I think it is reason enough to support Senator HELMS' motion. Let me say that a lot of fiscal conservatives might be opposing the bill generally, the pay raise generally, because there are cost increases; it costs the taxpayers money, and we cannot afford it when we do not have a balanced budget.

Let me suggest to you that money that can be saved, money that can be saved by procurement reform within the military industrial complex, will make the cost of this legislation look like peanuts; because if we do all that needs to be done in defense procurement reform—and the legislation the House repeals was one of many steps in that direction—experts say that we can save one-third of that defense procurement budget, and that is $30 billion that can be saved.

So I ask my friends here who are going to visit with you about the ethics portions of this bill, why take a step forward and two steps backward?

Why not have ethics reform across the board? We have already passed a bill unanimously that does that. It has already been cleaned up to a certain extent in the DOD authorization bill and again passed just about unanimously. It seems to me that is the direction we ought to keep moving forward on.

So I hope my colleagues will support the Senator from North Carolina because of the inclusions of items like this that also are snuck in, and also because this amendment that we have before us was made available not even an hour ago. We cannot allow legisla-

tion to be enacted when we do not even know what is in it. Good ethics legislation is just as viable in a few months as it may be now.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Iowa. No doubt about it, he has been the bulldog on procurement fraud, waste and abuse in the Pentagon, and I know that he and Senator GLENN were probably the ones who helped fashion the original procurement provisions. I have spoken to Senator GLENN about it. I have spoken to Boyden Gray, the President's counsel, about it. I have spoken to Dick Cheney, the Secretary of Defense, I will just say—and I think the Senator from New Hampshire is going to add to what I say—I do not quarrel with anything the Senator from Iowa said except I do not think we tried to sneak the amendment in. I do not know what happened on the House side, but on the Senate side, as soon as we heard from the Senator from Idaho and the Senator from Ohio, we tried to find some way to compromise and some way to keep the pressure on the administration instead of on the Congress.

The repeal would leave it up to the Congress. What we do with the 1-year delay of section 27—and there is another provision on energy where we put the pressure on the administration, and on the Defense Department, on the White House, and anybody else who might be interested, the Energy Department to come to Congress, to come to the Senator from Ohio, the Senator from Iowa, and others and say this is too burdensome. That was the statement to me, What is so burdensome about it? What needs to be changed?

As the Senator from Iowa acknowledged, legislation is never perfect; there may be some need for changes. So I hope we have been able to accommodate the Senator's position. We do keep the pressure on the administration. It is not a repeal. It is a 1-year delay on the effective date. It seems to me that is a good approach. Senator GLENN would prefer to have the 6-month delay, but in an effort to work it out, we ended up with 12 months. So I hope the Senator from Iowa understands we are not trying to undercut the work he has done or the work that the Senator from Ohio has done. We are trying to address this head on in the daylight, and I hope that we have been able to accommodate him.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire [Mr. RUDMAN].

Mr. RUDMAN. Mr. President, I thank the Chair.

Mr. President, let me first say I echo the remarks of the distinguished Republican leader, Senator DOLE, about Senator GRASSLEY's efforts. He has been from the very beginning, when we came to the Senate together, working hard to straighten out procurement reform. I want to correct just a few impressions that the Senator from Iowa may have left, possibly inadvertently.

First, let there be no doubt about it, the President of the United States wanted this repealed. In fact, in his ethics package that he sent up here, he specifically says he wanted it to be repealed.

Let us make the second point. The President of the United States is not in favor of bribery. He does not favor conspiracy to defraud, he does not favor people currying favor with contractors while making decisions on contracts, he does not favor postemployment lobbying, utilizing one's former position for personal benefit. But the fact is that the ill-wind prosecutions probably make the best point that the President made. I point out to my friend from Iowa that in the ill-wind prosecutions every one has been successful, with either a guilty plea, or a guilty verdict by a jury, with many people going to jail and many more to follow.

All of this occurred, I say to my friend from Iowa, under existing statutes. The statutes that exist on the books today are conspiracy statutes, fraud statutes, conflict-of-interest statutes.

The Senator from Iowa is correct, there is not a postemployment lobbying statute on the books today that would deal with what the Senator is concerned about. But, in fact, it is contained in this package, which my friend from Michigan, Senator LEVIN, addressed earlier.

Let me say to my friend from Iowa that I have looked at this procurement integrity law, and I can understand why the President's legal advisers asked him for its outright repeal. It is in conflict with existing conspiracy statutes, existing fraud statutes, and existing conflict-of-interest statutes. As a matter of fact, I say, with some experience in the area of criminal prosecution, this statute is so vague that it probably could not result in anyone's successful prosecution.

Having said that, that is not to say there are not specific and particular problems that involve military procurement that ought to have special statutory application. That is precisely why the majority leader and the Republican leader felt that this legislation should not be repealed, but, rather, to give the Senator from Iowa and the Senator from Ohio and others the opportunity to work within the existing United States Criminal Code, add what they wish to add, confer with those in the Justice Department that must enforce it, and eventually pass legislation that will accomplish their purpose.

I will end on this note: I have been fairly critical in the past 48 hours about certain views expressed by White House legal counsel. I would like to make a general observation. We have many fine staff here, and they are brilliant young people, many with extraordinary academic credentials. But I have to say, looking at some of the legislative drafting I have looked at lately, particularly in the criminal area, that they have some lack of reality of the real live problems of prosecutors dealing in courts in front of jurors. The kinds of standards set in here are so vague in some ways, the planning so imprecise. That is not the fault of the Senator from Iowa, who is an excellent legislator but who does not claim to be expert in the law, nor, do I think, the Senator from Ohio. I think that if they truly want strong, effective antiprocurement fraud legislation, then I think we ought to work with them to get it passed during the year.

Finally, I emphasize to my friend from Iowa that the postemployment lobbying restrictions contained in the bills submitted by the majority leader and the Republican leader do precisely what the Senator from Iowa, I think, wishes to have done, and I hope he recognizes that none of us who favor that deferral for 1 year in any way derogate from what he is trying to do and has done very successfully.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, I commend all Senators concerned, the Senator from Iowa, the Senator from New Hampshire, the Senator from Michigan, and others for the appropriate interest they have demonstrated in dealing with the serious problem involving procurement practices by Government agencies and the problem of employment by public officials upon leaving public office.

I think it is important that Members of the Senate understand that there are two different provisions that affect or overlap on the same subject matter involved here, and they have tended to become obscured during the discussion.

The first question involves the precise issue which the Senator from Iowa has been discussing, and that is the practices followed by persons involved in procurement for Government agencies while they are in office and when they leave office, and those are the so-called procurement integrity provisions, which in the House bill would have been repealed but in the Senate bill are delayed in their implementation for 1 year.

Now, that involves practices or employment upon leaving public office by procurement officials. With respect to those provisions involving procurement officers, it was at the insistence of the White House that the repeal was included in the House bill. I know the Senator from Iowa is aware of that. So when he says, as he did, that the President of the United States would not want procurement reform repealed, I am certainly aware that the repeal of these precise provisions were included in the House bill at the insistence of the White House.

The second issue involves employment of public officials upon leaving public office Governmentwide; that is not just procurement officers within Government agencies. In that respect, as all Senators will recall, a law was passed last year which President Reagan vetoed, so there is currently no law related to Members of Congress in that regard. The administration has, in my judgment, very appropriately and correctly said that we ought to have a law that applies to Members of Congress and their staffs with standards identical or substantially similar to those which apply to members of the executive branch.

No such provision is in the House bill. There is such a provision in this bill drafted by the Senator from Michigan and the Senator from New Hampshire. Therefore, if one looks at this in the broader context of concern about practices by public officials upon leaving office, this bill represents major reform. It is far broader than limiting it to procurement officials only, which is the provision the Senator from Iowa was appropriately and very much concerned about.

So I submit to Members of the Senate that on the issue of ethics, and specifically on the issue of the employment of public officials when they leave office, and even more specifically Members of Congress and their staffs, this legislation represents broad reform that does not exist in current law and is not included in the House bill.

The one area where this legislation retreats from current law is in the delay for 1 year of the implementation of the regulations affecting only procurement officers. And that, as I stated, was included at the insistence of the White House in an effort to gain the President's support for the broader package.

Mr. President, that is the situation in which we find ourselves. Many Senators would have preferred not to have that delay in here. And the delay is, of course, a compromise between the repeal sought by the White House and included in the House bill, and the desire of those who wish to keep the procurement integrity regulations in their present form, as does the Senator from Iowa and many other Senators.

But taken in broader context, Mr. President, this bill represents comprehensive ethical reform and specifically in the area in which the Senator from Iowa has been so deeply concerned, the area of postemployment generally, and I know he has been very explicit on procurement reform as well.

We hope that he and other Senators interested will participate in the intervening year with the administration—It is, after all, the President's counsel that has been the most insistent on this provision being in here—to see if we cannot improve this in a way that will accomplish the objective that I believe we all share; a desire for more efficient procurement by Government agencies, a desire for honesty and integrity in the procurement process itself, and a desire for broader ethical standards applicable Governmentwide including Members of Congress and their employees, both while they hold public office and upon leaving public office.

Accordingly, Mr. President, I urge Senators to reject this motion at least with respect to this issue. On the precise question raised by the motion to postpone consideration until February, I can do no more than associate myself with the remarks of the distinguished Republican leader. This is a difficult, distasteful, controversial issue. It has been so in the 200 years our Nation has existed.

If there is one thing I am convinced of, it is that there is no right time—"right time"—for dealing with this issue. In nearly 201 years of our Nation's history, no right time has yet occurred. I submit that over the next 201 years there will not be any right time during that period. And I do not think February represents any particularly more appropriate time than the present.

We do not want this issue. It is upon us by virtue of our position and the dictates of the Constitution. We must deal with it. Accordingly, let us deal with it now. I urge my colleagues to vote "no" on the motion.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS. Mr. President, the majority leader, of course, is correct. His observation is that it is the duty of the Congress to set its own compensation. But it is not the duty of Congress to rush it through at the close of a session such as we are approaching right now. We are going to try to point out some other defects as we go along this afternoon and perhaps this evening.

Any way you look at it, this legislation is wrong. We do not even have a copy of it as yet, at least the Senate substitute. Therefore, we cannot even reference our amendments yet. That is how fast this thing has been rolling.

I do not know that any injury will be done to delay until February 1 and give us time to examine all the warts in this proposal.

I can count. I know that a lot of lobbying of Senators has been done at the meeting this morning. Great exhortation of, let us get this thing done, get it behind us and that sort of thing. But the fact remains that it is being rushed through. I think we all know in our heart of hearts why it is being rushed through. But I am ready to vote and the yeas and nays have been ordered Mr. President. I suggest we proceed.

Mr. GRASSLEY. Mr. President, I rise in support of the motion to postpone action on this matter until February 1 of next year.

I respect and support the effort to improve and strengthen ethics regulations.

I have to oppose, however, the manner and context in which this legislation is brought to the Senate.

First, attaching the legislation to a pay raise for Members of Congress makes it look like congressional ethics are for sale. I just do not think that Members of Congress should have to be bribed with public tax dollars into doing what is right.

Second, I do not believe that complex and controversial legislation should be brought up with little or no notice and debate.

While I understand the Levin-Rudman ethics package has been the subject of public and congressional oversight and information, we have not had access to the actual legislation until just a few days ago.

This is important because significant provisions may be included that were not available for public scrutiny. For example, the House ethics bill included a line which would repeal the entire Procurement Integrity section of the Office of Federal Procurement Policy Act, which was passed in October of last year. I addressed this matter this morning and expect to spend more time on it later.

But the point is, if this item was hidden in the House bill, what other things may also be hidden in the bill?

How can we tell our constituents we just did not know that an objectionable provision was included in legislation which was enacted?

Mr. President, the motion by the Senator from North Carolina is responsible. By supporting this motion, the Senate can study the legislation. Just as importantly, we will give our constituents opportunity to express their sentiments to us.

After all, if the goal really is ethics reform, Members should not be reluctant to deal with this matter in the full light of day—with thorough and complete analysis of the bill and its contents.

I thank my friend from North Carolina for his work on this issue and for bringing up this motion.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the motion of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 11, nays 88, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—11

Armstrong	Heflin	McCain
Baucus	Helms	Nickles
Gramm	Kasten	Pressler
Grassley	Mack	

NAYS—88

Adams	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Garn	Moynihan
Bingaman	Glenn	Murkowski
Bond	Gore	Nunn
Boren	Gorton	Packwood
Boschwitz	Graham	Pell
Bradley	Harkin	Pryor
Breaux	Hatch	Reid
Bryan	Hatfield	Riegle
Bumpers	Heinz	Robb
Burdick	Hollings	Rockefeller
Burns	Humphrey	Roth
Byrd	Inouye	Rudman
Chafee	Jeffords	Sanford
Coats	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kennedy	Shelby
Conrad	Kerrey	Simon
Cranston	Kerry	Simpson
D'Amato	Kohl	Specter
Danforth	Lautenberg	Stevens
Daschle	Leahy	Symms
DeConcini	Levin	Thurmond
Dixon	Lieberman	Wallop
Dodd	Lott	Warner
Dole	Lugar	Wilson
Domenici	McClure	Wirth
Durenberger	McConnell	
Exon	Metzenbaum	

NOT VOTING—1

Matsunaga

So, the motion was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

Before the Chair rules on that, let me just say to Senators that momentarily there will be another vote on the cloture. So Senators will please remain.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT 1158, AS MODIFIED

Mr. MITCHELL. Mr. President, I send modifications to my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, as modified, is as follows:

Page 30, line 10, after the word "President" insert "(other than a special government employee)".

Page 95, line 25, before the word "issued" and "published in the Federal Register".

Page 107, line 1, change 319 to 318.

Page 147, line 6, after the word "President", insert "Pro Tempore".

Page 147, line 7, after the word "Senate", insert "upon recommendation by the Majority and Minority Leaders".

Page 117A, add a new subsection (c) as follows: "(c) Sections 2397a and 2397b of title 10, United States Code, and section 281 of title 18, United States Code shall not have effect from the date of enactment of H.R. 3660 for a period of one year."

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the leadership amendment, No. 1158, to H.R. 3660, the Government Ethics Reform Act of 1989:

George J. Mitchell, Bob Kerrey, Tom Daschle, Wyche Fowler, Alan Cranston, J. Lieberman, John H. Chafee, Jake Garn, Dale Bumpers, Paul Simon, Bob Dole, Alan Simpson, Warren B. Rudman, Pete Wilson, Carl Levin, Ted Stevens, John C. Danforth, Timothy E. Wirth, Daniel P. Moynihan.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the cloture vote on the pending leadership substitute occur immediately. I further ask unanimous consent that if cloture is invoked, amendments to the amendment which otherwise meet the germaneness requirement of rule XXII be in order, notwithstanding the fact that they had not been timely filed since there was not time prior to the vote for such timely filing.

The PRESIDING OFFICER. Is there objection to the request?

Mr. HUMPHREY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. I have concern about the effect of the request on an amendment which was discussed with the leadership in a colloquy last week that would repeal the automatic pay raise provision now in law and require a rollcall vote in each House on the pay raise measure. Offering that amendment would be blocked under the germaneness of what the Senator is seeking.

Mr. MITCHELL. Mr. President, I believe that the amendment would plainly be permitted under the unanimous-consent agreement but just so there can be no possible misunderstanding, I ask unanimous consent that the amendment by the Senator from New Hampshire [Mr. HUMPHREY], opposing the appeal of the Quadrennial Commission be in order, notwithstanding any other provision of this agreement.

Mr. HUMPHREY. This is the amendment which we discussed last week.

Mr. MITCHELL. That is correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent requests?

Without objection, it is so ordered.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the leadership amendment (No. 1158) as modified, to H.R. 3660, the Government Ethics Reform Act of 1989 shall be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—90

Adams	Dodd	Kohl
Baucus	Dole	Lautenberg
Bentsen	Domenici	Leahy
Biden	Durenberger	Levin
Bingaman	Exon	Lieberman
Bond	Ford	Lott
Boren	Fowler	Lugar
Boschwitz	Garn	McClure
Bradley	Glenn	McConnell
Breaux	Gore	Metzenbaum
Bryan	Gorton	Mikulski
Bumpers	Graham	Mitchell
Burdick	Harkin	Moynihan
Burns	Hatch	Murkowski
Byrd	Hatfield	Nickles
Chafee	Heinz	Nunn
Coats	Hollings	Packwood
Cochran	Humphrey	Pell
Cohen	Inouye	Pryor
Conrad	Jeffords	Reid
Cranston	Johnston	Riegle
D'Amato	Kassebaum	Robb
Danforth	Kasten	Rockefeller
Daschle	Kennedy	Roth
DeConcini	Kerrey	Rudman
Dixon	Kerry	Sanford

Sarbanes	Simpson	Thurmond
Sasser	Specter	Wallop
Shelby	Stevens	Warner
Simon	Symms	Wirth

NAYS—9

Armstrong	Heflin	McCain
Gramm	Helms	Pressler
Grassley	Mack	Wilson

NOT VOTING—1

Matsunaga

The PRESIDING OFFICER. On this vote, the yeas are 90, the nays are 9. Three-fifths of the Senators, duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

Mr. MITCHELL. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

CIVIL WAR IN EL SALVADOR

Mr. KENNEDY. Mr. President, for the sixth day running, civil war rages in El Salvador. Nearly a thousand people are dead. Two thousand more are wounded. The world may never know how many more have perished in isolated areas of the country.

Innocent civilians are caught in the crossfire, and used as human shields because of the despicable tactics of the FMLN terrorists in their desperate gamble to bring the Government down. Hospitals are overflowing with dead and wounded. International relief is blocked by the Government or unable to reach the war zones.

Early yesterday morning, six Jesuit priests, their cook, and her daughter were brutally murdered in one of the worst atrocities in this long and dirty war.

These dedicated priests were among the most eloquent spokesmen for reason and humanity in El Salvador, the true voices of conscience in that nation.

Now, these men of peace and courage have joined their martyred brothers and sisters, including the assassinated Archbishop Romero and the four murdered Maryknoll nuns, killed in previous atrocities because they had devoted their lives too vigorously to the cause of peace in El Salvador.

The vicious perpetrators of this latest inhuman crime must be brought to justice. Too often in recent Salvadoran history, killers and assassins have been permitted to go free—despite strong evidence against them.

Yesterday's savage murders were committed under circumstances that obviously suggest the involvement of Salvadoran Government military or security forces, or the rightwing death squads that have operated too often with impunity in that country.

President Cristiani of El Salvador has announced his intention to do all within his power to bring these murderers to justice—and the United States will be watching to see that he honors that commitment.

I also urge President Bush to make all appropriate U.S. investigative resources available, to help ensure that justice is done and is seen to be done to avenge these murders that have shocked the conscience of the world.

I have strongly condemned the barbaric FMLN offensive that has brought so much death and devastation to the civilian population of El Salvador. But unconscionable actions by the FMLN in no way justify unleashing rightwing death squads to torture and murder innocent political opponents who speak and work for peace.

For too many years in the troubled country of El Salvador, the law of the jungle has replaced the rule of law. The United States must do all in its power to end this senseless spiral of violence. The people of El Salvador have suffered too much too long.

Yesterday, I urged President Bush and all the nations of Central America to do all they can to bring an immediate end to this massive bloodshed and to ensure that emergency assistance is immediately provided to help the wounded. Now, the killing has gone on another day, and the need for action is even more urgent, if that is possible.

Finally, let me say this. The intensification of the war, and the brutality of the crimes committed in recent days, underscore the utter failure of many years of U.S. policy. For a decade, America has been losing the Vietnam war all over again in El Salvador.

Just a little more military aid, they always tell us—and we will turn the corner. But the corner never turns, and still we plunge ahead.

Two months ago, the U.S. Senate again thought it could see light at the end of the tunnel. Free elections had been held in El Salvador, and a newly elected government had been installed, albeit with uncomfortable connections to the death squads of the past.

The U.S. Senate was asked to give a vote of confidence to the new regime. We were urged to relax restrictions designed to condition U.S. military aid in respect for human rights.

And so, by a vote of 82 to 18 on September 20, 1989, the United States Senate blundered on into the dark tunnel of El Salvador, and made a mistake that will live in infamy. We passed a Gulf of Tonkin resolution for the government of Alfredo Cristiani.

We rejected strong human rights conditions, while providing more military aid to that war-torn nation.

Instead of the 2 who voted against the Gulf of Tonkin resolution in 1964, 18 of us voted against the El Salvador measure in 1989.

And we did so because we saw it as a dangerous signal that could ratify the return of death squad violence in that nation.

And now, exactly what we feared has happened.

We say, "I told you so"—and we say it over the bodies of six Jesuit priests, and two innocent women who lie murdered because they were the only living witnesses to that act of savagery. When will the U.S. Senate ever learn?

KILLINGS IN EL SALVADOR

Mr. KASTEN. Mr. President, I rise today to deplore the brutal actions that have erupted in El Salvador in recent days.

For a decade now, the Farabundo Marti National Liberation Front—the FMLN—has been seeking to overturn the fragile progess El Salvador has been making toward democracy. In recent weeks, there was some hope that peace talks with these rebels might succeed. Concerned men and women throughout Central America and in the United States had begun to believe that a peaceful resolution was in sight.

The moderate middle ground was winning. The radicals of both extremes, the far left and the far right, were both losing.

Today, our hopes lie in ruins—or close to it.

The FMLN walked away from the negotiating table and launched an offensive in El Salvador, the capital city. Hundreds of innocent lives have been ended, and the hopes for peace along with them.

A renewal and intensification of the cycle of violence—the death squad terrorism of right and left—is beginning. Just a couple of days ago, six Jesuit priests were murdered by thugs in army uniforms.

Mr. President, this is a deed of horror. The United States cannot condemn it strongly enough. I agree with the Government of El Salvador and the United States Government that a full investigation must take place immediately—and that the murderers be brought to justice.

Mr. ADAMS. Mr. President, last Saturday night, a young schoolteacher from Spokane, WA, Christopher Babcock, died in San Salvador after being struck by a grenade fragment. I spoke with his mother to express my condolences, and she had two requests: First, that I ask the State Department to provide an accurate description of the circumstances of her son's death; and second, that I request our State Department's assistance in returning

her son's body to his hometown for burial as soon as possible. Within the last 24 hours I have received additional urgent calls from families and friends of other citizens of my State whose fate was in doubt, after being arrested and detained by security forces in San Salvador:

Two Seattle residents, Dr. Paula Bentlinger, a physician and Tom Gabriel, a nurse, both of whom were working in El Salvador under the sponsorship of the Lutheran Church; and Gene Terril, a plumber from Eatonville, WA, who was at the office of Comadres—The Mothers of the Disappeared—when he was reportedly picked up by the Treasury Police. Within the last hour, I was notified that all three individuals have been released, and are now at the American Embassy in San Salvador.

Citizens of my State, particularly the family of Mark Pearlman who was murdered while dining at a San Salvador restaurant in 1981, have waited for almost a decade for some visible sign that the civilian authorities in El Salvador are able to exercise any meaningful control over the Salvadoran military, and the paramilitary death squads in that country.

I want to be able to assure the concerned families that our Government is doing everything within its grasp to assure the safety of those who have been detained. I want to be able to provide accurate information about the circumstances of these matters. And I want to see proof that our ongoing financial aid to the Government of El Salvador contributes to peace and stability, rather than to murder and kidnapings.

The slaughter of innocent priests and nuns, the kidnaping and detention of health workers, and the mounting levels of death and injury among innocent civilians raise grave concerns about President Cristiani's ability to control the police and military elements of the ruling government. There is a real difference between holding office and holding power, and I am interested in hearing whether the Government of the United States is playing the role of peacemaker in this tragic war-torn little country.

Mr. President, as far as I am concerned, our choice is clear: President Cristiani must demonstrate his ability, as the civilian head of the government, to control the military. If he is not in charge, we need to know it. If the military is going to run amok, we should cut off any assistance that goes to them. If President Cristiani cannot provide that assurance, our course should be clear.

After nearly 10 years of fighting, with a death toll that long ago exceeded 50,000 citizens, the time has come for tough questions and accurate answers.

The citizens of my State expect me to ask those questions, and I intend to do so. Thank you.

THE RECENT VIOLENCE IN EL SALVADOR

Mr. KERREY. Mr. President, I came to work this morning and read with horror the accounts of the savage murders of six Jesuit priests and two of their employees in El Salvador. I read statements of condemnation by U.S. Ambassador Walker, State Department spokeswoman Margaret Tutwiler, and the distinguished chairman of the Senate Foreign Relations Committee, Senator PELL.

In October I voted to continue economic and military aid to the Government of El Salvador. At the time President Cristiani was engaged in negotiations with the FMLN which held the promise of a nonviolent success. In his first 100 days he had consolidated his power and I trusted his capacity to control the violent tendencies of members of his own party.

At the time, even Father Ellacuria, the rector of the University of Central America, and one of the victims of this action, spoke favorably of President Cristiani's success in blocking the violent right led by Roberto d'Aubuisson. Tragically, it turns out this trust was misplaced and premature.

Father Ellacuria not only praised President Cristiani but he also condemned the FMLN for their intentions to foment an insurrection. He had spoken critically of the FMLN's inflexibility in negotiations.

Father Ellacuria had also urged the government to recognize the FMLN and was critical of the military's tendency to take justice into its own hands. These statements resulted in veiled threats from d'Aubuisson and harsh criticism from government radio broadcasts. It is likely this led to the brutal murders.

Mr. President, I want President Cristiani to understand that I no longer support military aid to his government. I believe it would be a mistake for the United States to accelerate the delivery of military aid already authorized or to authorize additional aid in the aftermath of these killings.

The United States should call for an immediate cease fire. It should condemn the violence of the FMLN and the military of the Salvadoran Government. It should pursue in the strongest possible way a negotiated settlement of this terrible conflict.

Today there is blood on our hands. Violence begot violence. We have permitted noble ends to justify ignoble means. It is time for us to stop.

Mr. NICKLES. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. NICKLES. Mr. President, I compliment the Senator for his outrage on the death and destruction. But the Senator more or less implied that the recent massacre of the six priests and the two other people actually happened or had some connection with the military. Does the Senator have any proof that that was the case?

Mr. KENNEDY. Absolutely. I referred last evening in my statement and today to the eyewitness reports that have been printed in all the major newspapers that this area where the six Jesuits lived was searched by the El Salvadoran military at the end of last week and was under the protection of the El Salvadoran military.

It is inconceivable that an installation that was being actually protected by the El Salvadoran military could be penetrated by guerrillas without any loss or casualties to those security forces.

The strong implication is that this was the result of the Salvadoran military or the rightwing death squads, and I stand by that. I will be glad to put in any additional information that will outline that troops actually entered this facility a few days before the murders; that they went and located the bedrooms of the Jesuit priests; that they searched the area and then left. Several days ago, the government-controlled radio broadcasted death threats against church and political leaders—including Father Ellacuria. The university itself was actually under the protection of the security forces under a military curfew, yet 30 killers were able to enter the university in violation of that curfew. The security forces providing that protection have been virtually silent in terms of who perpetrated that horrendous and barbaric act.

Does the Senator have any further questions on this?

Mr. NICKLES. I will address the Chair.

Mr. KENNEDY. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

EL SALVADOR

Mr. NICKLES. Mr. President, I will compliment my friend from Massachusetts if his investigation is already complete and he is aware of exactly who did this. I read the accounts. I was shocked today when I looked at the front page of the Washington Post, the New York Times, and other papers of the massacre of innocent people, particularly the massacre of six priests in a very barbaric, inhumane fashion. But I read those same articles and I did not come to the conclusion that we knew who did it.

I did read the articles that said the President of El Salvador, Mr. Cristiani, had called for an investigation and

wanted to find out who was guilty and wanted to punish who was guilty. I hope that happens. I hope we find out who did it. Regardless of what side they are on, if they are on the right wing, if they are on the left wing, if they are Contras or Marxists, or whoever, I hope they find out who did it and I hope they are punished and I hope they are punished quickly.

But I think it is a little premature for us to stand on the floor of the Senate and say we know it was connected to the El Salvadoran Government. I think Mr. Cristiani was very sincere when he stated that he was appalled by what happened; that he wanted to find out who was guilty. He was totally opposed to what happened, and he would like to see those people who did it be punished.

So I do not think that we should castigate that party, the party that was elected by the majority of the people in El Salvador, and say that they are responsible. I do not know who is responsible. I will admit that. I do not know who is responsible.

But I think whoever is responsible certainly should be punished. I do not know that we could make a judgment at this early time. Hopefully, they will be caught. Hopefully, they will be punished regardless of whichever faction.

The incident which started this entire mess was caused by the rebels. It is very unfortunate. The tactics the rebels have used in El Salvador are even more unfortunate. They are hiding behind innocent poor people, using them as bodyguards or shields. And that, indeed, is unfortunate, as well.

I hope and pray for peace in El Salvador. I hope and pray that they will be able to find the perpetrators of this violent injustice and bring them to justice.

I yield the floor.

Mr. KENNEDY. Mr. President, I referred to my statement of September 20, 1989. I will just take 2 or 3 minutes of the Senate's time to restate these points.

The Salvadoran army is still directed by individuals involved in repression of civilians. The current Army Chief of Staff, Emilio Ponce, was a leader of the Treasury Police at a time when that institution was heavily involved in the death squads responsible for thousands of deaths.

According to press reports, Nicolas Carranza, a former paid CIA agent and head of the Treasury Police, has recently returned to El Salvador. He is believed to be one of the individuals on then-Vice President Bush's "list" urging the Salvadoran government to remove the worst human rights abusers. Now he is back in El Salvador.

Mauricio Staben is a current Army Brigade commander. He was arrested for running a kidnaping ring, but was held less than a month. Three of the witnesses in his case were killed, and the judge in charge of the related cases was murdered.

Last November, ten peasants were murdered by the military in San Sebastian. For the first time in Salvador's history, military officers have been arrested in such a case. But almost a year has gone by and there has been no further progress. When are these individuals—a Major, a Lieutenant and some enlisted men—going to be tried for the crimes with which they have been charged?

Despite the clear involvement of the Salvadoran security forces in human rights violations, no military officer has ever been convicted of such a crime—not in Archbishop Romero's case, not in the four American nuns' case, not in the Sheraton murders of the labor workers and not in the San Sebastian case.

If we have learned anything from a decade of debate, it is that there is no military solution to the conflict in El Salvador. Our best hope for peace, perhaps the only hope, is a negotiated solution to the crisis.

GOVERNMENT ETHICS REFORM ACT OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, we are awaiting any other Senator who has an amendment that he or she wishes to propose.

Mr. NICKLES. Will the majority leader yield for a question? There is some interest in one section of the bill, as I understand it, at least on the Senate side of the package, the ethics reform package, that dealt with the grandfather clause where Members would be entitled to take leftover campaign funds and use that for personal purposes; that we repeal that effective on the date of the enactment. I understand that the House had a date of enactment in 1993.

In the majority leader's substitute now pending is the effective date 1993 or is it effective on the date of enactment?

Mr. MITCHELL. Mr. President, I have to look at the provision.

First, it should be clear that by rule the Senate has prohibited such practices in the Senate.

Mr. NICKLES. That is correct.

Mr. MITCHELL. There no longer is or has been any opportunity for any Senator to do that. So the only issue is the House of Representatives and the only issue is the effective date.

I will have to obtain a copy of the document, which has undergone many revisions, to respond to the Senator. I am advised that the Senate bill includes the provision that was passed by the House which would make it effective two Congresses from now.

Mr. NICKLES. It would be effective in 1993.

Would the majority leader be supportive of an amendment by myself—and I recall Senator SHELBY was interested in this issue, and many others—that we make that effective immediately,

Mr. MITCHELL. Well, I personally favor making it immediately, as it is in the Senate. We are talking now only about the House again.

Mr. NICKLES. Mr. President, I might inform the majority leader that in the Senate it is a Senate rule. It is not a statute. Many people have the feeling that since it is a Senate rule, if they are no longer in the Senate, the rule would not apply and, therefore, they could use those moneys. I do not know that that has happened with a Senator in recent times, but I am thinking maybe it has in one or two cases.

Mr. MITCHELL. If the Senator has knowledge of where it has happened, I would appreciate it if he would bring it to my attention.

Mr. NICKLES. I will not do it verbally on the floor.

But I would like to see the original Senate position as passed. The Senator from Michigan is on the floor. If he has no objection, I have an amendment, and I believe some others were interested in it. That is one section which we have spoken out on, I believe unanimously, in the Senate once or twice before. I have introduced legislation—and I believe Senator SHELBY has introduced legislation—which we passed at one time.

The chairman of the Rules Committee is here. He might be familiar with it.

But I believe there is pretty strong sentiments on doing it and maybe doing it immediately.

Mr. MITCHELL. If the Senator has an amendment, I urge him to offer it. We are now waiting for Senators to offer their amendments.

Mr. LEVIN. Will the majority leader yield on that point?

Mr. MITCHELL. Certainly.

Mr. LEVIN. Mr. President, I have spoken with the Senator from Alabama [Mr. SHELBY], who the Senator from Oklahoma mentioned has a deep interest in this; and there may be others.

Before that amendment were offered, I urge the Senator to talk to the House leadership to see the impact of this in terms of the entire package. The entire ethics package has been negotiated with the House. The question is: What would the impact of that amendment be on the entire package?

I simply urge that my friend from Oklahoma, who I believe supports the entire package, the ethics package, see what the impact would be of changing that mix. It was a very carefully negotiated package. I urge that he not offer it until he adds that information to this total package.

Mr. NICKLES. If the Senator from Michigan will yield, we are not going to pass the same package as the House passed anyway. So I hope we would insist more or less on the Senate side.

It may affect a few people but I cannot imagine there are that many

people in the House who are really planning on retiring with excess campaign funds.

Again, on the Senate, I am thinking maybe it has happened once or twice. Even though there is a Senate rule against it, I do not know if a Member is still covered under Senate rules if the Senator is no longer a current Senator.

Mr. LEVIN. If my friend will yield, I agree with my friend on the merits. As a matter of fact, very much so.

There is no disagreement there. But there were negotiations as to what kind of a package could be acceptable to the House. Because those negotiations have taken place, and we believe we have a package which is acceptable following those negotiations, I simply urge that the Senator from Oklahoma factor in what the impact would be and find that out before he offers the amendment.

I will be happy to work with him on that.

Mr. NICKLES. My friend from Michigan has been involved in the negotiations with the House on this package, and the Senator from New Hampshire as well. I have not.

I know Congressman FRANK and others have had some impact on it.

If we are calling this an ethics package, it seems to me this is one of the reforms for the American people. There is a Congressional Quarterly article on it. It talks about several former Members. We should close that loophole and certainly we should close it as soon as possible.

I heard some arguments—well, let us make it effective after the next election. This proposal makes it effective after two elections, which really seems certainly too far in the future.

I see my friend from Alabama who has worked on this issue. Maybe he will cosponsor the amendment.

Mr. LEVIN. My suggestion, if the Senator will yield again, since Senator RUDMAN and I and our staffs negotiated an entire package with the House, I ask the Senator from Oklahoma—and I did express the interest of the Senator from Alabama on this as well—that he withhold this for a few moments so we can find out what the effect would be and whether or not they consider this as being on the table as part of this entire package.

Mr. SHELBY. Will the Senator from Oklahoma yield?

Mr. NICKLES. Certainly.

Mr. SHELBY. The Senator from Oklahoma is right. He has been, as I have with the Senator from Michigan, involved in making sure that first we make statutory a rule we have in the Senate that says no Member of the Senate—or the House, we would hope—could use campaign funds for their own use. In other words, would convert them, if they retired, to their own use. Or if they died it would become part of their estate.

The Senate had the rule but it did not have the full force of law. The Senator from Oklahoma has been involved in it. I was. With the help of the Senator from Michigan and the Senator from Oklahoma, we offered a bill which we passed unanimously in the Senate, sent to the House.

It has been sitting over in the House administration or whatever the appropriate committee is there, awaiting action.

There is about, from the last numbers I have seen, I will share them, $35 or $40 million in campaign accounts. That is a lot of money to me, the Senator from Alabama, that Members could convert to their own use if they retired or if they happened to die and it would go to their estate.

That is exactly what the Senator from Oklahoma and the Senator from Michigan and a lot of us in the Senate are trying to prohibit.

It is my understanding, and we will get into it later, this package permits that to go into effect in the next Congress. The bill we passed in the Senate, with the help of the majority leader who is on the floor now and is very much aware of it, went into effect immediately upon passage. I believe that is one of the worst abuses of the House that a lot of the former Members over there in the House were doing. I know it is not the case in the Senate. We had a rule against it in the Senate. I thought it ought to be statutory.

Forty million dollars—maybe just a few in the House would do it, but it does not sit well with the public. It does not sit well with any contributor that I know of, that we would use that money for our own personal benefit in any way.

If we could pass a law, as we passed out of the Senate, and make it effective immediately, we would all be better off. And I think it would sit well with the American people.

I thank my colleague for yielding.

Mr. NICKLES. Mr. President, I appreciate the comments of Senator SHELBY and his leadership and I will yield the floor in just a moment and we will work on it.

I might mention that now the effective date is not in the next Congress, it is not until 1993. So it would be subsequent to two elections, which again does not just apply to the House. But if we are able to make our change, it would apply to the Senate as well, statutorily, which is a very positive move. It would not just be in the rules.

My guess is we have had Senators who have retired and felt themselves no longer constrained by the rule and therefore were able to convert excess funds for personal purposes.

Mr. SHELBY. Will the Senator yield further?

Mr. NICKLES. Yes.

Mr. SHELBY. He says it well. He says it explicitly. Although we had the rule in the Senate, which is good, and I know of no Senator who has done that, without a statutory prohibition, once a Senator or a House Member retired or if they died and had $1 billion in the campaign accounts, it goes to the estate. There are instances of that already in the House. Maybe not $1 million, a half-million or so. I believe that is an abuse we ought to take care of.

We should not say we are going to do it in the future. It should not be then; but it should be now.

Mr. NICKLES. I appreciate the comment of my colleague. I agree with that. Certainly, since we are calling this an ethics bill, this is the right vehicle. It is the right place.

I will discuss this with the Senator from Michigan as well. It is my intention to offer the amendment shortly.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1159

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from New Hampshire, [Mr. HUMPHREY], for himself and Mr. PRESSLER, proposes an amendment numbered 1159.

Mr. HUMPHREY. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 152 of the amendment, strike that page and insert the following:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. The bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority.

Mr. HUMPHREY. Mr. President, the bill as it now is before us repeals the automatic pay raise provision in that the language requires an affirmative vote in each House to enact recommendations of the President relative to a pay raise.

Current law, of course, allows for the President's recommendation to become effective unless Congress blocks it. In other words, if Congress does nothing, the pay raise takes effect automatically. It is that automatic provision which many felt should be changed and which this amendment effectively changes.

The language which I have offered, and which has been cleared with the leadership on both sides and enjoys their support, refines that, it improves that, if you will, a bit further by stating that "the bill or resolution shall be passed by a recorded vote to reflect the vote of each Member of Congress thereon."

The intent, clearly, is to require a rollcall vote of each body. What the effect will be remains to be seen because, of course, Congress can, by unanimous consent, waive any law which applies to it. And more than likely that will be what will happen. I do not know what more I could do to secure a rollcall vote; to secure that all-important measure of accountability on which public trust depends, and on which responsible discharge of our duty depends.

I do not know how to do it. This is the best we can do. Ordinarily law is binding, but not on Members of Congress if they choose to waive it by unanimous consent.

Should a body choose to do so when a pay raise measure is before it, and to adopt a pay raise proposal, to approve a pay raise proposal by a simple voice vote versus a rollcall vote, at the very least that will provide some grist for political commentary.

I hope Members in the future will not subject either body to further derision by resorting to such an evasion of the clear intent of this amendment. But certainly they will have the latitude to do so if they choose to further lower the esteem of the Congress.

Mr. President, I think it is a good amendment. I appreciate the cooperation of the majority leader and the Republican leader as well as my colleague, Senator RUDMAN, in helping to fashion this amendment and to facilitate its adoption.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, this amendment is acceptable. The events of this week demonstrate there is at least at the present time an intention to comply with the spirit of this amendment. The vote in the House was a recorded vote. The vote here will be a recorded vote. I share the sentiment of the Senator, that any increase, other than a cost-of-living adjustment, should be the subject of an affirmative rollcall vote in both Houses of Congress.

Accordingly, Mr. President, I am prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

The Senator from New Hampshire [Mr. HUMPHREY].

Mr. HUMPHREY. I ask unanimous consent that the Senator from Iowa [Mr. GRASSLEY] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in support of the Humphrey amendment and am pleased to join him as a cosponsor.

While the Mitchell-Dole substitute amendment makes significant improvement in the process by which pay raises go into effect under the provisions of the 1967 Salary Act, the amendment by the Senator from New Hampshire makes it even better. For years I have tried to get legislation enacted which would strike the automatic pay increase which goes into effect when the Quadrennial Commission presents its salary recommendations to the President.

Many times the Senate has passed my legislation to require a vote. But each time the provision has been struck by the other body. I am pleased that the requirement for a vote is included in this bill and that it is likely that it will be accepted by the other body.

The underlying legislation eliminates the "back-door salary grab" that Congress has enjoyed for more than two decades. But the ethics reform bill, without the Humphrey amendment, did not require Members of Congress to be accountable to their constituents.

The public has a right to know how their individual elected representatives vote on salary increases. The Humphrey amendment does this and I am pleased to be a cosponsor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to Amendment No. 1159 by the Senator from New Hampshire.

The amendment (No. 1159) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I thank my colleague, the Senator from New Hampshire. We are now awaiting any other Senator who has an amendment to offer at this time.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1160

(Purpose: To repeal the grandfather clause)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. GRASSLEY, Mr. SHELBY, Mr. NICKLES, and Mr. PRESSLER, proposes an amendment numbered 1160.

On page 105, line 20, strike " "1979,"." and all that follows through page 106, line 13, and insert in lieu thereof: " "1980,"."

Mr. HELMS. Mr. President, I inquire if the amendment reflects that there are four principal cosponsors of this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. NICKLES, of Oklahoma; Mr. SHELBY, of Alabama; Mr. GRASSLEY, of Iowa; and Mr. PRESSLER, of South Dakota.

Mr. President, earlier this year the Senate passed S. 326, a bill introduced by our good friend from Alabama [Mr. SHELBY]. That bill would repeal the grandfather clause in section 313 of the Federal Election Campaign Act of 1971. That provision allows Members of Congress in office on January 8, 1980, to convert leftover campaign contributions for their own personal use. In some cases, they are enormous amounts of money, certainly in the perspective of this Senator. They can often be as much as a million dollars. It is money that has been contributed for political purposes during the years, and it piled up, and Members get to keep it for personal use when they retire.

The Dole-Mitchell amendment repeals this grandfather clause. However, it repeals it effective after the 102d Congress. We are winding up the first year of 2 years in the 101st Congress. So that means we still have 1990, 1991, and 1992 before we repeal it, as contemplated in the Dole-Mitchell substitute.

What does this do? This gives Members sort of a head start, and I see them on that starting line right now to get that money and convert it to their personal use. They have been building up their campaign accounts this year, and they can serve the following 2 years of the 102d Congress, then they can retire and keep all of this excess campaign money for their own personal use. Sweet deal. It ought

to be repealed right now, and that is what our amendment would do.

The Senate has spoken on this issue once before. The amendment now pending, to provide a full repeal of the grandfather clause, is identical to the text of S. 326, which the Senate has already approved.

I have been handed a note that the majority leader would like to discuss a 30-minute time agreement; is that correct?

Mr. MITCHELL. Mr. President, will the Senator be agreeable to a time limit?

Mr. HELMS. Yes.

Mr. MITCHELL. It is up to the Senator.

Mr. HELMS. As a matter of fact, we may be better off if I do not have a time agreement, because I have said just about all I can say. This amendment speaks for itself. Senator GRASSLEY may wish to speak on it, Senator NICKLES may wish to, but I do not think we will take very long.

Mr. MITCHELL. Why do we not just proceed?

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Somebody asked me about this amendment that you are talking about. I compliment my colleague, because the Senator from North Carolina had the amendment drafted, and I think he has several amendments drafted. This is the only amendment that I was interested in, because I have introduced legislation to do the same, and I know my colleague from Alabama had introduced legislation, which we had passed several months ago by unanimous vote.

A couple of comments I want to clarify. Some people thought this applied just to the House, and that is not correct. This applies to both the House and Senate, and it is statutory. We are not messing with the House or Senate rules. The Senate does have a rule that says that you cannot take excess campaign funds and convert them for personal use. However, there is a lot of ambiguity. What happens when a Senator retires or if a Senator is defeated or if that Senator would die; what happens with that money? Is it still covered by the Senate rules? That may be a little unclear. Frankly, a Senator quite possibly could use that money for personal purposes. This would clear it up and say, basically, it is against the law. I compliment the managers of the bill. They put in the bill that it would be against the law to convert excess campaign funds for personal use.

Really, the only thing we are talking about is the effective date. The date in the bill before us says 1993. So it would be subsequent to a couple of elections. The amendment of the Senator from North Carolina would be effective immediately. That is ethical reform. To me, it is unethical for a person to go out and solicit money for reelection or for campaign purposes, and then to convert that for personal use. To me that is unethical. I compliment my colleague from North Carolina. I think he is trying to make a valid improvement in the bill. I will certainly support his amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. SHELBY. Mr. President, first of all, I want to commend the senior Senator from North Carolina [Mr. HELMS] for his leadership and his foresight in introducing this amendment. Like the Senator from Oklahoma said, I have been involved, along with the Senator from Oklahoma in pushing legislation that deals with this subject.

It was just a few months ago that I introduced legislation, which the Senate passed, Mr. President, unanimously, to knock out this grandfather clause. What was this grandfather clause? A lot of you who perhaps were not in the House or Senate back in 1980 are not familiar with it. In 1980, I was a House Member when Congress passed a law that said that anybody that was in the Congress in 1980 could convert their campaign funds to their own personal use, if they retired or resigned or were expelled, or, if the funds would be part of their estate if they died. In other words, were grandfathered in on their campaign funds.

If this amendment doesn't pass, many millions of dollars of campaign funds could be converted to personal use by a great many Members of Congress.

What is in this package today before us? It is about as thick as five or six big magazines, and there is a lot in it, a lot of good in it. What this does is, it says that we are going to knock out the grandfather clause, not immediately, but at the end of the 102d Congress. If I can get the attention of the Senator from North Carolina on this, I believe that in this legislation, if the Senator from North Carolina would respond to it, under the package before us, that grandfather clause would only be knocked out at the end of the 102d Congress, not this Congress, but at the end of the next Congress. Am I correct on that?

Mr. HELMS. The Senator is correct. As I tried to say, this gives them a running start to build up their campaign chests for themselves.

Mr. SHELBY. The Senator from North Carolina is right, more time to build up what I hope would be an illegal pension fund for anybody. I cannot think of anything worse than taking the hard-earned money of a contributor, whether it is somebody from Alabama or a political action committee, which is personal money, converting it to your own personal use or to that of your family. That is not what it was intended for. If we knock out this clause which is in the bill, if we vote for the amendment of the Senator from North Carolina, the legislation would be the same then, as that passed by the Senate unanimously, earlier this year.

Mr. HELMS. The Senator stated that correctly.

Mr. SHELBY. Mr. President, I do not know exactly how much money is involved in these campaign funds of the people who are grandfathered in and protected under the law as it is now, and would be protected in the so-called ethics package here for 3 years. But several months ago some of the numbers that I recall, was that it is possibly $35 to $50 million. That is a lot of money, and I think that is one of the worst things we could do. We can really improve this package today if we voted for this amendment offered by the Senator from North Carolina. I would be really surprised if the House did not go along with this amendment.

We are going to hear, "This is going to upset the package; this is going to derail this." This is something we ought to think about and, to all of my colleagues in the Senate, before they vote on this, they ought to think about what they are voting for. We should not give 3 additional years for people to have an option to convert their campaign funds to their own personal use. I think that would be a bad vote; it would be a bad sign to send to the American people, and I hope Senators would really think seriously before they would do this.

The Senator from North Carolina is exactly right in this. I believe that his amendment has tremendous merit this afternoon.

Mr. HELMS. I thank the Senator.

Mr. LEVIN. Mr. President, the pending leadership amendment, the amendment of Senators MITCHELL and DOLE, takes some very important steps in the area that our friends from North Carolina, Oklahoma and Alabama pointed out.

The Mitchell-Dole package ends the grandfather clause. And that is the most important single point that I can make. This package ends the grandfather clause. Many of us have wanted to end this grandfather clause and to repeal it. The package repeals it.

What it does as part of the compromise is to delay that repeal until the 102d Congress. That was a compromise. But, another part of the compromise is you cannot add funds to the

excess funds that you have in your possession during this period. You cannot improve your position during this period.

It is a fragile compromise which was reached. It accomplishes the goal of repealing the grandfather clause. It does not allow anyone to improve their position during this delay period and it is fair.

Even more important, it is part of a package; a package which Senator RUDMAN and I negotiated with the House of Representatives. We were the leaders of two task forces that were involved in this package. This package, I believe, will unravel if this amendment passes because the House then will say, "Wait a minute. We accepted some things that we did not like as part of the package and now you are undoing the deal."

So, we obtain some things we think are very important in the area of ethics that the House did not particularly like. We had to give up some things. One of the things that we worked out was an agreement to accept this compromise which repeals the grandfather clause, which my friend from Alabama has been working so hard to repeal for so long. Our friends from Oklahoma and Alabama have been working to repeal this grandfather clause. We have succeeded. The Mitchell-Dole package succeeds. And again there is a delay, part of a compromise, but during that delay you cannot improve your position.

I think that is a fair result. Equally important, unless we retain this result, I believe this package, based on conversations with people who have talked to House leaders, will unravel. I hope that this will be defeated or tabled.

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Mr. President, I will just take a minute to underscore what the distinguished Senator from Michigan has pointed out. We are going to end this practice. There is a freeze, it cannot be added to. These bills are not identical. There are some things that maybe favor Senators a little more than House members. This is very important to the House. And when you try to fashion a bill, sometimes you have to give a little to get a little.

In my view, it is important that we defeat this amendment. I have great respect for my friend from Alabama and my friend from North Carolina. But there have been a lot of negotiations with Members of the House in both parties. They feel strongly about this provision, even though they have cut it back. It is going to end in the 103d Congress.

So I am prepared to join my colleague, the distinguished majority leader, in an effort to either defeat the amendment or table the amendment and hopefully get on to final passage or final disposition of the entire measure.

Let me make it clear. These bills are not identical. There may be some provisions in our package that may be a little less stringent than some of the House provisions. So we do have some differences, not very major, minor differences. I think this is a minor difference when you understand, as the Senator from Michigan pointed out, that the practice is going to end. And that seems to be a good resolution of a very serious problem.

Mr. SHELBY. Will the distinguished Republican leader yield.

Mr. DOLE. I am happy to yield.

Mr. SHELBY. I just want to share further in the debate and I am sure the distinguished Republican leader and the majority leader and other Senators probably know this. My information is that this would affect, if we do not knock it out immediately, it will affect 73 sitting Senators and 191 House Members; in other words, they are protected by the grandfather clause.

I want to submit to you that very few people, I would hope none in the Senate, I would hope none in the House, would do this. But based on history, it has occurred. I think that we are giving a window, a 3-year window, for people who are contemplating maybe taking advantage of this grandfather clause, saying, "goodness"—they will not say it publicly—"see how much more money we can raise before we retire." I hope that would not happen. But we are certainly opening up the window.

Let me share with you, and I am certainly not going to call names, but we had one former Member of Congress retire a year or so ago. He converted, according to the news report—this is New York Times. August 22, 1989—$345,000 at one time, not of his money, but contributors' money, as the distinguished Republican leader well knows, and as my leader knows. They have certainly supported the legislation that we passed. The majority leader made sure with the help of the Republican leader that we gave it a high priority earlier in the session to knock out the grandfather clause immediately that I offered. But we have people in the House that are fighting this. It is not being fought in the Senate because we have all agreed, unanimously, to knock it out and make it effectively immediately.

We have people in the House—I hope they will not retire and I would hope they would never use this money, but if they did and history has shown that they have—who somehow have accounts of $1,250,000 and up now.

I just believe this is a bad part of this package. I know that there are a lot of good things in this package. I do not believe that if we adopt the Helms amendment that there will be very many people in the House that would stand up in public and vote to retain this. Maybe I am wrong. But if they do, we ought to have that opportunity.

I hate to oppose my leadership or the Repubican leader on this package, but I think this is very important. I again commend the senior Senator from North Carolina for offering this amendment.

I thank the distinguished Republican leader for yielding to me again.

Mr. DOLE. Mr. President, I will just conclude by saying I think there have been abuses. It is unfortunate. It gives everyone who serves in the Congress and then retires sort of a bad name. In many areas we do not stand too tall in any event. But this is certainly no help. But it is going to end.

I hope that anybody who retires before it ends will understand that it is at least the hope of everyone in this body that the money not be spent for private purposes. Beyond that, it seems to me if we go any further we are going to unravel what I think is a very important compromise between the House and the Senate.

Mr. MITCHELL. Mr. President, I join the distinguished Republican leader and the Senator from Michigan in opposing this amendment.

All Senators should be clear that the practices described in the amendment and in this debate is not supported by any Member of the Senate. It is now prohibited as to Senators. That is not at issue here. No Senator now can engage in the practice which this amendment seeks to prohibit.

In the House of Representatives, under the bill passed by the House yesterday, the practice is prohibited effectively in the 103d Congress. This amendment would prohibit it effectively in the 102d Congress. So the only issue before us, the only issue, is when the prohibition would take effect; either in the 103d Congress or the 102d Congress.

No Senator supports continuation of the practice. Therefore, what we have to evaluate is whether the benefit from that narrow difference is so significant that we should risk upsetting the entire package which includes significant and desirable reforms in the practice of ethics, gifts, travel, financial disclosure, and postemployment practice; a broad scope of reform, strongly supported by the President with broad-based bipartisan support in the House and we hope in this body as well.

I submit, Mr. President, on any scale, by any standard, we should not jeopardize that comprehensive reform, which we believe is necessary and appropriate, for this narrow improvement that is accelerating the date of prohibition in the House of Representatives from the 103d to the 102d Con-

gress. I submit to my colleagues that we ought not to jeopardize this comprehensive reform. We have a chance here to do something meaningful with respect to congressional ethics, to begin the long, difficult task of restoring confidence in the integrity of the Congress and the individual Members who make up the Congress.

As the distinguished Republican leader has made clear, the House has adopted a number of changes that are applicable only to the House. Some are stronger, some are less strong than those of the Senate, depending upon your definition of strong. The Senate has adopted a number of changes, reforms that are applicable only to the Senate.

Some are stronger. Some are less strong. Again, depending on your definition of "strong."

We ought to concentrate, here in this body, on taking those steps that are essential to dealing with our own problems; problems of perception, problems of reality.

I submit this amendment does not advance that goal and runs the severe risk of jeopardizing this package.

Accordingly, Mr. President, on behalf of the distinguished Republican leader and myself I move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the motion of the Senator from Maine. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 60, nays 39, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—60

Adams	Ford	Mitchell
Bentsen	Gorton	Moynihan
Bond	Graham	Murkowski
Boschwitz	Harkin	Packwood
Breaux	Hatfield	Pell
Bryan	Heinz	Pryor
Bumpers	Hollings	Riegle
Burdick	Inouye	Rockefeller
Burns	Jeffords	Roth
Byrd	Johnston	Rudman
Chafee	Kennedy	Sanford
Cochran	Kerrey	Sarbanes
Conrad	Leahy	Sasser
Cranston	Levin	Simon
Danforth	Lieberman	Simpson
Daschle	Lott	Stevens
Dixon	Lugar	Symms
Dodd	McClure	Thurmond
Dole	Metzenbaum	Wallop
Durenberger	Mikulski	Wirth

NAYS—39

Armstrong	Garn	Lautenberg
Baucus	Glenn	Mack
Biden	Gore	McCain
Bingaman	Gramm	McConnell
Boren	Grassley	Nickles
Bradley	Hatch	Nunn
Coats	Heflin	Pressler
Cohen	Helms	Reid
D'Amato	Humphrey	Robb
DeConcini	Kassebaum	Shelby
Domenici	Kasten	Specter
Exon	Kerry	Warner
Fowler	Kohl	Wilson

NOT VOTING—1

Matsunaga

So the motion to lay on the table the amendment (No. 1160) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1162

(Purpose: To repeal pay increase provisions)

Mr. HELMS. Mr. President, I have an amendment which I send to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) (for himself and Mr. GRASSLEY), proposes an amendment numbered 1162.

Strike all on page 157, line 19, through page 160, line 12.

Mr. HELMS. Mr. President, I have had several of our distinguished colleagues inquire of me how much longer we will be. Of course, that is an indeterminant thing, but I can speak only for myself. This is my last amendment. Then I will possibly have a point of order. I believe the Chair may have noted that I have not taken very long in discussing any amendment, and I will not take long on this one.

We were talking in the Cloakroom about this amendment a moment ago and one Senator suggested this was a "granddaddy," amendment, a "big daddy."

This amendment is straightforward, I think, and goes to the heart of what we are talking about today. It strikes the pay increase provisions from the bill, sections 902 and 903, to be specific. This will remove any doubt in the minds of anybody across this country about whether we are in fact voting on a pay raise or whether we are voting on a so-called ethics package. This amendment strikes the restoration of 1989 and 1990 COLA's, and it also strikes the 25-percent pay increase that will go into effect in 1991.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. MITCHELL. Mr. President, the Senate will, when we complete action on the several amendments that are being offered, have the opportunity to vote directly on the entire package including the pay raise provisions. There will be a vote directly on those provisions. This legislation includes a provision which increases pay, a provision which bans honoraria, a provision which rewrites and vastly expands and improves the rules regarding gifts, travel, financial disclosure, and employment of Members of Congress and their employees upon leaving public office.

It is comprehensive legislation, and Senators will have the opportunity to vote up or down, yes or no, on that comprehensive legislation.

What the Senator from North Carolina has done—and I apologize; I did not hear all of his remarks, but I understood him to say that his amendment simply strikes the pay provisions; is that correct?

Mr. HELMS. Yes.

Mr. MITCHELL. Senators should therefore understand that if the amendment is adopted, the cost-of-living adjustment is stricken from the bill, the pay increase provision is stricken from the bill. What will remain thereafter is the ban on honoraria and all of the various ethics provisions.

Now, if that is a result that any individual Senator desires, that is, to have an immediate ban on honoraria and the enactment of the ethics legislation, with no other provision affecting income—elimination of the cost-of-living adjustment, the elimination of the pay—then that, of course, would be the decision for a Senator to make.

I believe the appropriate approach is to consider this for what it is, a comprehensive package of ethics reform, which includes a series of measures which are interrelated, most notably the cost-of-living provisions and the pay provisions on the one hand and the prohibition of honoraria on the other. Indeed, the legislation specifically provides that the pay increase will take effect at the same time that the permanent and total ban on honoraria takes effect.

Mr. HELMS. Will the Senator yield?

Mr. MITCHELL. Certainly.

Mr. HELMS. I believe the Senator inadvertently misspoke. As he knows, in the version that I read, the honoraria limitation provisions of the bill include a provision that says, "Such amendment shall cease to be effective if the provisions of section 903 are subsequently repealed, in which case the laws in effect before such amendment shall be deemed to be reenacted. Is that correct?

Mr. MITCHELL. That is in another part of the bill.

Mr. HELMS. I understand that. But it relates to what we are voting on. The Senator said we are losing the honoraria and losing the pay increase, and I do not think he meant to say that.

Mr. MITCHELL. I understood the Senator to say that all he was providing was a striking of the pay raise and cost-of-living adjustment provisions.

Mr. HELMS. That is correct.

Mr. MITCHELL. Leaving in place the ban on honoraria.

Mr. HELMS. No. The Senator knows, in the Dole/Mitchell amendment, there is a provision that automatically restores the honoraria in the event the pay increase is defeated.

Mr. MITCHELL. Do I understand the intention of the amendment of the Senator is to retain honoraria under the current system?

Mr. HELMS. That is the Senator's proposal, not mine. That is in the Senator's bill.

Mr. MITCHELL. May I inquire then of the Senator from North Carolina: Is it his understanding that the effect of his amendment, when coupled with the other provisions of the bill, would permit the current system of honoraria to remain in force?

Mr. HELMS. If the Senator will yield.

Mr. MITCHELL. Yes.

Mr. HELMS. I will tell him what the effect of my amendment is. It is to expose all this claptrap that this is really an ethics bill. It is not an ethics bill. It is a pay raise bill. I think we ought to look at it as that.

I am giving the Senator the chance to vote, and I will repeat. The Senator's own bill contains a provision to restore the honoraria in the event that the pay raise provisions are not approved. That is all I am saying. I do not care about honoraria myself. I will be glad to do without it.

Mr. MITCHELL. I am not certain that the Senator answered my question. But I will state it as I understand it, and ask if the Senator disagrees then.

Mr. President, as I understand the Senator's answer, the effect of his amendment if adopted would be to permit the continuation in force of the current system with respect to honoraria.

I ask if the Senator disagrees with my understanding. Have I correctly understood the effect of the amendment?

Mr. HELMS. I neither agree nor disagree. I am simply saying what the Senator put in his own package. I did not put it in the package. The Senator put it in.

Mr. MITCHELL. I accept that.

Mr. HELMS. Why did the Senator put it in, if I might ask, if he did not mean for the honoraria to be restored in the event that the pay raise is defeated?

Mr. MITCHELL. I did. I acknowledged that directly. I am asking the Senator to do the same.

Mr. HELMS. What is the Senator's question again?

Mr. MITCHELL. I acknowledged that directly, I am asking the Senator from North Carolina to do the same.

Mr. HELMS. To do what? I am saying we do not want a pay raise.

Mr. MITCHELL. Mr. President, I think the answer is clear. Under the Senator's amendment, the current system of honoraria will continue, in effect.

I do not believe that should be the case. I believe that honoraria should be banned. I stated at great length in my remarks earlier today the reasons for that. Each Senator has his own reasons, his own individual experience, and can obviously form his own judgment.

But I think what we are seeing here is an amendment that strikes at the heart of the principal reform in ethics in this legislation; much needed reform.

Senators ought not be under any illusion. The effect of the amendment of the Senator from North Carolina may be to preserve the current system of honoraria for the moment, but as surely as day follows night, every Senator here knows that this current system cannot and will not continue indefinitely into the future, and moreover, should not continue indefinitely into the future.

The question is whether we are going to do it in an orderly way that encompasses comprehensive reform covering gifts, travel, financial disclosure, employment upon leaving office, and a ban on honoraria, or whether we are to do it under some other circumstance that does not include such reform, to the grave disadvantage of many Senators.

I urge the Members of the Senate to join the distinguished Republican leader and me in tabling this amendment. There is ample opportunity to vote squarely on the provisions in this bill, the comprehensive bill, and if a Senator opposes them he has the opportunity to do so.

But this is an approach that permits the continuation of the current system of honoraria that indeed will positively result in that effect in a manner that I think is undesirable from the standpoint of the Senate.

I hope very much that Senators will join us when I move to table the amendment upon the completion of the debate by all Senators who wish to speak on the subject.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Mr. President, I would like to pick up on a few words which the distinguished majority leader used. He said that this amendment strikes at the heart of reform as proposed in this bill. I contend, however, that this amendment strikes right at the heart of what the issue is to grassroots America.

No one in this body should think that people are more irritated about the system of honoraria than they are about paying more taxes for higher salaries to people in Washington, and I do not mean just Members of Congress. If anyone thinks that, then they are out of touch with the way people back home think.

This was especially clear to me at the time of the debate on the 51-percent pay raise earlier this year. The issue of ethics reform was tossed around by the media at that time, even though ethics reform was not part of the issue on which we were voting. The people who continuously come to the meetings in which I participate and hold in Iowa at the grassroots level, express very little concern, if any, about the system of honoraria. The taxpayers are not so concerned about something for which they do not pay. The taxpayers pay our salaries, and that is what they are concerned about.

Mr. President, I have been told this over and over again, as I get to each 1 of the 99 counties at least once a year to have a dialog with my constituents.

I just cannot figure out the obsession that some people have with their salary.

It is almost like there is a plan that they are going to take it with them when they die. It is almost like what they make is more important than what they spend. The bottom line, however, is not how much you make, but how much you spend that makes the difference.

If the public pays us more, it is not like the public will not expect any more out of us. Quite the contrary, I think it is an axiom of public service that no matter what you are paid, the public will expect more from you than they are willing to pay for you.

It also seems to me that there is the belief that somehow happiness is going to come with just a few more thousand dollars of salary. People must believe that or they would not have an obsession with the amount of their salaries.

Ten or fifteen years ago I read an article in the newspaper about J. Paul Ghetty, when he died. At that time he was the richest man in the world, probably leaving behind $5 billion, $6 billion, or $7 billion. In that same newspaper there was a report of the death of a nameless, presumably penniless, person who died that very same day.

The commonsense approach to this whole issue of our income is that when

we go to the grave we go there as economic equals. We ought not get caught up in the material things of life. That is essentially what this legislation is all about: materialism triumphing over the more important aspects of life.

I think Mr. President, that this amendment does get at the heart of the ethics issue, as far as the people back home are concerned. I hope that you will support the Helms amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, earlier today I said that it has always been difficult in the Congress to deal with your own pay. I recited the case of—the President pro tempore can probably tell me who made the motion and how they voted in 1816. They raised them, when they wanted to try to go up from $800 to $1,500 a year. There was such a public outcry, they repealed it the next year and did not get a pay raise for 43 years. So it has not changed. I have been trying to get those arguments. We can put my name on them, and say they are just as good today as 171 years ago.

We have an opportunity here today to get out of this controversy and public debate by voting for the pay raise, and, as I said earlier, it is not a pay raise for very many in this Senate, because it will be a pay cut for Senators who take honoraria. So it is not a pay raise. It is close to parity, which is a farm term that is understood out in the Midwest. I cannot find a thing in here that says anybody had to take it. If you do not want it, do not take it. Spread it around. But this is, I think, important.

The Senator from North Carolina does not want the pay raise. The Senator from Iowa does not want the pay raise. Maybe others do not want the pay raise. But we are going to vote on that up or down, hopefully, within the next 30, 40 minutes. I hope that we can table this motion to strike, and I hope all those who came to the meeting this morning—about 78 were there. We asked for a show of hands on who would help on procedural motions. We did not bind anybody on the final vote. I think it was almost unanimous. This is a procedural effort to kill the pay raise, to kill this package, leave the ethics package and go back to current law. I can live with that. I am not frightened because editors talk about honoraria. The judgment has been made that it is better to phase it out and to replace it with money from the taxpayers, yes, from the Treasury, rather than from the private sector.

I have great respect for my friend from Iowa and my friend from North Carolina, and I would like them to succeed in most cases—but this is not one of them. I will join the distinguished majority leader in a motion to table when debate has been concluded.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, as always, the Senator from Iowa makes a powerful and persuasive argument. He spoke of the obsession with pay, with materialism over other things for those who would seek a pay increase. But as the distinguished Republican leader has said, no Senator need take the pay raise.

The Senator from Iowa, right now, can stand and tell the Senate and his constituents that if a pay raise is approved, he will not accept it because he is not plagued with the obsession of others, he does not succumb to the materialism of others. Any other Senator who wants to do so can stand and make that statement. Each Senator's constituents can judge for themselves. That is what democracy is about, judgment made by the voters and the constituents whom we represent. That is why this legislation requires that an election must intervene before any pay raise takes effect.

Public officials will have to stand before their constituents and defend their vote and to invoke the judgment of those they represent. I respect the Senator from Iowa. He has today, as always, made a very strong and persuasive argument. He, as every other Senator, is free to do as he wishes and to repudiate and say he will not accept any increase that may be voted over his opposition.

Mr. President, this is a very difficult issue for everyone. It has been since the founding of this republic. The distinguished Republic leader alluded to it. The President pro tempore, whose knowledge of the history of the Senate and Congress exceeds that of any other Member of Congress, perhaps any other person, and every Senator knows it. Every one of us have been through this. It is not easy for anyone. Every Senator is sincere in his or her views and motives.

It is not obsession that drives the supporters of this proposal. It is not materialism that drives the supporters of this proposal. It is an effort to adopt a fair and reasonable standard and to adopt legislation which will, in a comprehensive way, address the many ethical issues and problems that confront this Congress. Is it a panacea? of course not. Ethical standards in every society evolve constantly and change over time. We will have to, in the years ahead of us, continue to review and revise and change these things. But for now, it is clear that these changes are necessary. They are important. They will help this institution begin the difficult task of restoring public confidence in their elected representatives.

As difficult as it is, I urge my colleagues to support the motion to table, which I will make on behalf of myself and the distinguished Republican leader as soon as every Senator has had the opportunity to speak fully. I will simply remind my colleagues that there is a vote on the merits of passage that every Senator will be able to cast, which I think is the appropriate way to judge this legislation. I hope Senators will join in that regard. I will be pleased to make the motion. I yield to the Senator, if he wishes to respond.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. I do not think the distinguished majority leader misstated anything. There is, however, a matter of mechanics. Senator DOLE also made the statement earlier this afternoon, that members do not have to take the pay raise. The disbursing officer, however, must pay all Senators and Congressmen the same salary. I recognize that we can do whatever we want with it after we get it. I presume we can write a check for that amount of money back to the Treasury. But, as a practical matter, which is also reiterated in your legislation, the disbursing officer must pay all Members of the Senate the same salary.

Mr. MITCHELL. Any person with the intelligence, ingenuity, and skill to enter the U.S. Senate can return the pay raise, if he or she wants to. It is not a difficult task.

Mr. GRASSLEY. But we are in agreement that everybody must be paid the same salary.

Mr. MITCHELL. That is correct. Any Senator who feels strongly about a pay raise—and many do; there are many Senators past and present who do not accept all or a portion of their salary. That is not a difficult task. Of the many tasks Senators face every day, returning a portion or all of their salary to the Treasury is among the easiest.

The PRESIDING OFFICER. Is there further debate?

Mr. HARKIN. Mr. President, I just want a clarification of the amendment. I went down to the desk to read it. As I understand it, this amendment would leave intact honorariums?

Mr. MITCHELL. Is the question directed to me?

Mr. HARKIN. Well, someone who can answer it. As I understand it, it does nothing about taking away honorariums?

Mr. MITCHELL. The effect of this amendment, read in conjunction with another provision of the bill, of the amendment of mine, itself will result

in a continuation of the current situation with respect to honoraria.

Mr. HARKIN. So if this amendment were to pass, the current system of honorariums would continue, is that right?

Mr. MITCHELL. That is correct.

Mr. HELMS. Would the Senator from Iowa like a second opinion?

Mr. HARKIN. I am delighted to ask the author of the amendment.

Mr. HELMS. I would simply say what I said earlier. If the distinguished majority leader finds the honorarium system so important, why did he put in his own substitute, which is now pending, a trigger to restore it if there is no pay increase? That is the point the Senator is making, I think.

Mr. HARKIN. That is not before us now. What is in front of this Senator is a vote on this amendment. And if this amendment carries it still leaves intact the honorarium system, which I am not in favor of. I will want to have the meaning of the amendment clarified before I vote, but it seems to me, one way of closing down the honorarium system is to vote against this amendment—that is all I am saying—regardless of how you feel about the pay raise issue.

Mr. MITCHELL. Mr. President, on behalf of the distinguished Republican leader and myself, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine [Mr. MITCHELL], to table the amendment of the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—65

Adams	Exon	McClure
Bentsen	Ford	Metzenbaum
Biden	Fowler	Mikulski
Bingaman	Garn	Mitchell
Boren	Glenn	Moynihan
Breaux	Gore	Murkowski
Bryan	Gorton	Nunn
Bumpers	Graham	Packwood
Burdick	Hatfield	Pell
Burns	Heinz	Reid
Byrd	Hollings	Riegle
Chafee	Humphrey	Roth
Cochran	Inouye	Rudman
Conrad	Jeffords	Sanford
Cranston	Kennedy	Sarbanes
D'Amato	Kerrey	Sasser
Danforth	Kohl	Simon
Daschle	Lautenberg	Simpson
Dixon	Leahy	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Wirth
Durenberger	Lugar	

NAYS—34

Armstrong	Hatch	Pressler
Baucus	Heflin	Pryor
Bond	Helms	Robb
Boschwitz	Johnston	Rockefeller
Bradley	Kassebaum	Shelby
Coats	Kasten	Specter
Cohen	Kerry	Thurmond
DeConcini	Levin	Wallop
Domenici	Mack	Warner
Gramm	McCain	Wilson
Grassley	McConnell	
Harkin	Nickles	

NOT VOTING—1

Matsunaga

So the motion to lay on the table amendment No. 1162 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I believe I will wait until there is order in the Senate.

The PRESIDING OFFICER (Mr. FOWLER). The Senate will please come to order.

Mr. HELMS. I thank the Chair very much. I made inquiry of the Budget Committee, and I have been informed that points of order under sections 302 and 311 of the Congressional Budget Act will lie against this bill. Pay raises for Members of Congress and certain judges would increase outlays immediately without any further action being required by the Appropriations Committee.

Since we currently exceed the outlay ceiling set in the fiscal year 1990 budget resolution, this will result in a point of order under section 301(a).

I might also mention that pay raises for Members of Congress are under the jurisdiction of the Legislative Branch Subcommittee of the Appropriations Committee, and since the subcommittee is at their 302(b) allocation for outlays, this would result in a point of order under section 302(f)(2).

Mr. President, I ask unanimous consent that various articles and other items be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
Washington, DC.

NOT THE TIME TO RAISE CONGRESSIONAL SALARIES

INTRODUCTION

Imagine you're the chief executive officer of a huge corporation. Stockholders are restless because interest payments soak up almost one-quarter of the company's income and red ink is running at 17 percent of revenues. Worse, your financial officer just discovered billions of dollars in new liabilities.

It's not a company, it's your country.

Yet despite an automatic $16 billion budget cut that went into effect last month, the House leadership thinks it's time to boost pay for Members of Congress by one-third. Under their proposal, pay would increase by 7.7 percent on January 1, 1990, then rise again by another 25 percent 1 year later. Salaries for Members of Congress would jump to almost $120,000, up from the current $89,500.

The pay raise would be linked to a package of ethics reforms, including a phaseout of honoraria, but details are not yet available. But the reforms most strongly supported by the public will apparently be omitted from the package. The "Quadrennial Commission" procedure that allows Congress to receive a huge pay raise without voting for it will remain in effect. That will almost certainly result in another huge pay increase after the 1992 elections. The lucrative congressional pension system would not only remain intact, but the pay boost will also raise current Members' pensions by one-third.

THE PAY RAISE WILL MAKE IT HARDER TO BALANCE THE BUDGET

The direct cost of the pay raise is over $100 million per year, not fully counting the current cost of future pension benefits. The indirect costs will be much higher.

Raising pay for high-level officials would lead to additional pressure for higher wages for other Federal employees. The Federal payroll now consists of 5.4 million employees with compensation totaling $120 billion per year. Each 1-percent increase in wages for the entire Federal work force would cost $1.2 billion per year, not counting the additional unfunded pension liabilities for these employees that would also accrue.

The last time Congress received a pay raise of this magnitude was in 1969 when congressional salaries increased by 40 percent. During the year, Civil Service salaries increased 15.6 percent, the largest increase for Federal Government workers in at least the last 44 years.

Other Government spending beneficiaries are unlikely to accept a program of spending restraint or spending reduction if large pay increases are granted to top-ranking Federal employees. This could lead to a catastrophic program of spending increases, Federal budget deficits, and tax increases.

Is it too much to ask today's Congress and high-ranking Federal Government officials to freeze their pay for a few years while the Federal budget is being brought into balance?

CONGRESSIONAL SALARIES ARE ADEQUATE, AND HAVE INCREASED RECENTLY

Adjusting congressional pay for inflation, we find that congressional pay has topped the current $89,500 level in just 18 of the last 87 years. More importantly, the average inflation-adjusted congressional pay during the years 1900 to 1988 was $81,803. By this more appropriate yardstick, congressional pay is already 9 percent above average. These figures do not include the huge increase in congressional fringe benefits seen during this century.

Since 1981, congressional salaries have increased from $60,662.50 to the current $89,500 a year, a 48-percent increase. Even after adjusting for inflation, salaries have increased by 14 percent.

Pay raise proponents say inflation has cut the purchasing power of congressional salaries by 35 percent since 1969. That's true. Yet any decline in purchasing power was caused by policies enacted by Congress and the executive branch. Also conveniently ignored is the record 40 percent congressional pay increase in 1969. When 1964 is used as a base year, current salaries are actually 8 percent higher.

These figures do not include the increases in congressional perks—such as pensions now worth an estimated $25,000 in hidden annual compensation. For example, former Tennessee Senator Albert A. Gore, Sr. received a pension check last November as part of his annual $81,347 congressional pension, pushing him over the $1 million mark, the third former Member of Congress to become a pension millionaire. Many more will soon follow.

When fringe benefits such as pension perks are added to the $89,500 congressional salary, the total current congressional compensation package is worth at least $126,000.

If pay for Members of Congress is so low, as some allege, why are so few quitting? Only 15 of 535 Members of Congress voluntarily quit politics this election cycle, and few, if any, of those 15 cited pay as a major cause of their decision to retire.

RESTORE PAY ACCOUNTABILITY

According to article I of the U.S. Constitution, compensation paid to Members of Congress shall be "ascertained by law." The clear intent of the Founding Fathers was that the Congress—and the Congress alone—should set its Members' salaries, through the usual legislative process of passing a bill into law. For 200 years congressional salaries were determined in this manner. The salaries could be set at any level as long as they were fixed through legislation passed by both Houses of Congress and signed by the President (or enacted over his veto).

The Founding Fathers had confidence that the political process—in particular, the prospect of biennial elections—would encourage the Congress to exercise self-restraint. Gouverneur Morris expressed the view that "(t)here could be no reason to fear that they would overpay themselves."

A new pay raise procedure was enacted in 1985, when Senator TED STEVENS slipped this unprecedented change, without hearings or congressional debate, into a huge continuing appropriations bill that funded the entire Government. Since the change was only a few paragraphs long and buried deep within the bill, few Members of Congress even knew that they had approved a major change in the process for setting congressional salaries.

The new law delegates to the President the task of proposing salaries for Congress and other high-ranking Federal officials after each Presidential election. To defeat the President's proposals, Congress must vote to reject them within 30 days and, if necessary, override a Presidential veto. If Congress does nothing, the Presidential proposals become law and Members can get a pay raise without ever having to vote for it. After the 30-day-period Congress can roll back the pay raise by passing a bill into law. This process is an obvious effort to circumvent the framers intent that Members of Congress be accountable to their constituents for their own salaries.

Thomas Jefferson once warned of the "movement of the people" that would punish Members of Congress who voted themselves large pay raises "or skulked from the vote." Today's Congress, hopes to do exactly the latter after the 1992 elections.

The obvious congressional strategy is grab this 33 percent pay raise now, then receive another huge pay boost after the 1992 elections.

We may see a repeat of the charade that occurred in 1987, when the new procedure was used for the first time. (In the future the procedure can only be used after a Presidential election.) Both Houses of Congress voted against the proposed $12,100 pay raise, but the House waited until the 31st day to express its disapproval. Due to a huge public outcry, Congress voted its disapproval of a 51 percent pay raise earlier this year, but just hours before the deadline.

This scheme was designed for just one reason—to fool the voters and enrich the Congress.

In the short run, it may produce higher salaries for top ranking Government officials, but at an enormous expense in government credibility.

Congressmen Tom Tauke (R-IA), Mike Synar (D-OK), and Senator Charles Grassley (R-IA) and other Members of Congress have introduced legislation to return to the traditional method of setting congressional pay. Their legislation would require Congress to affirmatively vote itself a pay raise before the salary increase could take effect.

CONGRESS SHOULD EARN ITS RAISE

Aside from providing a decent livelihood, which existing congressional salaries clearly do, a good compensation policy should encourage the accomplishment of specified goals. As applied to our elected representatives, such goals must include management of government spending in an efficient and productive manner. The essence of efficiency and productivity is living within one's means. Our annual $150 billion Federal budget deficit shows that Congress and the executive branch are currently doing a dismal job.

Far from resolving this problem, our leaders sat on their hands by postponing and ignoring a $160 billion or more savings and loan bailout. Additional financial misfortunes afflicting agricultural loan programs have similarly been swept under the rug.

It's high time we linked congressional pay to congressional performance. The best general marker of their performance is the deficit. The law requires a balanced budget by 1993. That's good. Let's put some teeth in it by delaying substantial congressional pay raises until the budget is balanced.

[From USA Today, Nov. 10-12, 1989]

CONGRESS LOOKS ANEW AT PAY

(By Richard Wolf)

Nine months after its tumultuous defeat, a pay raise and ethics reform plan for Congress, judges and top federal officials has been reborn.

But its chance of passage in the waning days of this year's congressional session hinges on a number of factors—including public reaction.

"You could have an epidemic of cold feet," says Rep. Vin Weber, R-Minn.

House leaders are pushing a plan boosting salaries by about 33 percent, to more than $120,000, over two years, while banning speaking fees from private interests. But Senate leaders lack the votes for a pay raise, and President Bush has offered only tepid support.

A 51 percent pay raise plan collapsed in February after a public clamor. Congress would have accepted a $135,000 salary immediately, without a vote.

The new proposal calls for a 7.7 percent, two-year cost-of-living adjustment in 1990 and a 25 percent raise in 1991, after the next election. Judges and top executive officials would receive the 25 percent hike.

"I am optimistic that we will have the bill on the floor this year," says House Speaker Thomas Foley, D-Wash.

Possible complications:

Senate leaders can't find support for a pay increase. Senators, who tend to be wealthier than most House members, can earn the equivalent of 40 percent of their $89,500 pay in speaking fees, compared with a 30 percent House cap.

"If they've got the courage to go forward with it, they ought to vote themselves a pay raise," says Senate Minority Leader Bob Dole, R-Kan. That could lead to different salaries for the two chambers.

President Bush's threat to veto a deficit reduction bill if it does not cut $14 billion could leave in place across-the-board budget cuts.

"There's no chance the members are going to vote for a pay raise under those circumstances," says House Budget Committee Chairman Leon Panetta, D-Calif.

House members' support is soft, dependent on cover from Bush and a lack of organized public opposition.

"I'm considerably more skeptical than I am optimistc," says House GOP Conference Chairman Jerry Lewis, R-Calif.

The grass-roots outcry that killed the last raise has yet to materialize—but it may be just around the corner.

Consumer advocate Ralph Nader, who labeled the 51 percent pay proposal a "salary grab," may announce his oppositon Monday.

Arguments for support:

The reforms, including a ban on speaking fees, greater financial disclosure and tighter rules on gifts and travel, would help clean up Congress.

"We want to restore trust to this institution," says Rep. Vic Fazio, D-Calif., co-chairman of an ethics task force.

The next political opening for a pay raise may not come again until 1993, after the 1990 and 1992 elections and the 1991 redistricting process.

[From the Washington Times, Nov. 10, 1989]

HOUSE LEADERS PLAN ANOTHER TRY AT FAT PAY RAISE BY THANKSGIVING

(By Valerie Richardson)

The House leadership is planning action before Thanksgiving on a fat congressional pay raise, but the coalition that killed the last such attempt is already taking aim at what they consider the lawmakers' latest turkey.

House Speaker Thomas Foley said yesterday that Congress will send President Bush a pay raise and ethics reform package that would raise House members' salaries by 1991 from $89,500 to about $120,000, or about 35 percent.

"We are not at this point ready to take a bill to the floor, but the final details are being discussed and I am optimistic that we will have the bill on the floor this year," Mr. Foley said at his morning press briefing.

Later in the day, Democratic and Republican lawmakers said they expected the House to vote on the measure next Thursday or Friday, followed by Senate approval no later than the following Tuesday and presidential approval by Thanksgiving Day, two days later.

But lawmakers will have to contend with pay-raise opponents, who say they're ready to launch a counterattack like the one that doomed a 51 percent salary boost early this year.

"The public felt a pay increase by one-half was excessive, but a pay raise by one-third is still awfully large," said Michael Waldman, director of Public Citizen's Congress Watch. "I think the Congress is still going to have a hard time getting this past the voters."

A bipartisan House task force presented leaders earlier this week with a package that would grant House members, top executive branch officials and judges a 25 percent pay raise effective Jan. 1, 1991, in exchange for a halt to all honoraria from speeches, congressional sources said.

In addition to the raise, lawmakers would receive a cost-of-living adjustment of about 7.5 percent on Jan. 1, 1990. House members have not had a cost-of-living increase for two years. The percentage of the COLA equals the amount of pay adjustment that otherwise would have occurred in 1989 and 1990, said a congressional official familiar with the proposal.

The pay hike would be part of a larger ethics reform bill that would substantially tighten House ethics rules governing honoraria, other outside earned incomes and conflicts of interest.

Members backed off the pay raise earlier this year under fire from many citizens' groups and constituents, who threatened to use the issue against them in the next election.

But Mr. Foley said he doubted the raise would hurt lawmakers in the 1990 campaign, noting the measure has the support of both parties' leaders.

President Bush said last week he would support "any reasonable proposal" for a pay raise and called earlier for a 25 percent increase for judges and senior federal officials.

Already, however, the coalition of citizens' groups and radio talk-show hosts that rose up against the earlier bill is stirring into action. At KING-AM radio in Seattle, talk-show producer Susan Hanson said listeners are starting to ask about the issue.

"We've been hearing rumblings about it," Ms. Hanson said. "A few listeners have called and we're hearing about it in the grocery stores and the bus terminals, which is where these things usually start."

Sheila Macdonald, government relations director for the National Taxpayers Union, said the group would send letters to all 435 House members calling for them to vote against the proposal.

Last time, the group sent tea bags to lawmakers to compare their revolt to the Boston Tea Party. "We still have 70,000 tea bags in storage and we're ready to put the kettle on and boil if necessary," she said.

Rep. Tom Petri, Wisconsin Republican, told listeners this week on his weekly radio show that the proposal was "dead in the water."

"I'm all for tightening those [honorarium] restrictions, but we shouldn't have to be bribed [with] a big salary increase in return," Mr. Petri said. "This is yet another proposal to give congressmen and senators a big pay raise in return for tight restrictions on the big speaking fees we can get saying a few words at meetings and conventions put on by special interest groups."

But foes agreed that the short notice may make it more difficult to spring into action before the House vote. Although the task force has been working on the bill since March, it will not release a concrete proposal until next week.

In addition to the pay raise, the package would limit all outside income to 15 percent effective Jan. 1, 1991, while members would be prohibited from accepting any gifts over $200 from sources other than immediate family, said congressmen familiar with the legislative proposal.

Lawmakers would also be barred from financial links through service on boards or in other ways to groups involved in the legislative process, the members said.

The legislative proposal also would create a new ethics committee composed of two separate panels—one to investigate charges of wrongdoing and the other to prosecute the accused.

White House officials are strongly behind the proposed bill, according to congressional and administration sources.

Approval for the congressional pay raise gained momentum in the last few days because of intense lobbying by federal regulators and judges, including at least one Supreme Court justice, a key House Democrat said.

[From the Washington Post, Nov. 9, 1989]

HOUSE LEADERS DECIDE TO OFFER PAY RAISE, ETHICS PACKAGE—CHAMBER COULD VOTE BEFORE THANKSGIVING

(By Don Phillips)

House Democratic and Republican leaders decided yesterday to present to Congress and President Bush a final draft of a pay-raise and ethics-revision package for members of Congress, the judiciary and top officials of the executive branch. The measure is likely to be presented next week, and a House vote could come before Thanksgiving, congressional sources said.

A bipartisan House task force yesterday presented to House leaders a plan that would raise House salaries by about 33 percent by 1991, banning acceptance of all speech honoraria, except for a small portion that could be sent directly to charity, and tightening rules on other outside income, gifts and congressional travel. Other top government officials and judges would receive about 25 percent raises. The higher House percentage would allow representatives to catch up on two years of cost-of-living increases that the lawmakers did not take.

The possibility was raised that the Senate may decide not to take a major salary increase and instead simply take cost-of-living increases while phasing out honoraria at a much slower pace. Talk of such a plan spread through the Senate yesterday, apparently with the encouragement of Democratic and Republican leaders. But senators made it clear they will wait for the House to act before dealing with such decisions.

"I don't think there's a consensus here at all yet," said Sen. Thad Cochran (R-Miss.). "A very fragile majority, if that, is in favor of a pay increase here."

Senators and House members have rarely been paid different salaries. Senators, who may earn an amount equal to 40 percent of their salaries in speech honoraria and who are often in demand as speakers, would still have a greater potential for earning money than House members if they rejected a raise.

House Speaker Thomas S. Foley (D-Wash.) and Minority Leader Robert H. Michel (R-Ill.) had not decided on the last details of the package or on a timetable for consideration yesterday, but congressional sources said they likely will present the final plan to all House members at caucuses on Tuesday and to Bush later next week. Under this timetable, the package would be on the House floor Thanksgiving week.

Foley and Michel met with Bush on Nov. 1 to elicit his support. The president was noncommittal then, but sources said he told congressional leaders yesterday that he would like to support such a package if the final draft meets his requirements for changes in ethics rules and laws.

Congress defeated a 51 percent pay increase last year after a nationwide public outcry at the size of the raise and the fact that House leaders were attempting to allow it to take effect without a vote.

The House task force, headed by Reps. Vic Fazio (D-Calif.) and Lynn Martin (R-Ill.), presented its final version of pay and ethics proposals to a meeting of House leaders, committee chairmen and ranking minority members yesterday. Although Foley and Michel are expected to make some changes, the bill could be drafted today.

The package would give House members a catch-up cost of living increase of about 8 percent immediately, followed by a 25 percent increase in 1991 after the next congressional election. Speech honoraria would be ended immediately in 1991, but members could give a limited number of speeches for direct payment to charities.

In one of the most unusual parts of the package, the Quadrennial Commission, set up to review federal pay, would be replaced by an 11-member commission of ordinary citizens rather than politicians or prominent business and professional leaders.

Among other things, the legislation would put tight new limits on gifts to House members, limiting them to only $200 from relatives or "personal hospitality" gifts with a waiver from the House ethics committee. Financial-disclosure requirements would be tightened with a new reporting bracket of $1 million and above added to disclosure forms. "$200,000 and above" is now the top category.

[From Roll Call Feb. 12, 1989]

IS THE CONGRESS ABDICATING POWER TO COMMISSIONS?

(By R. Kent Weaver, Guest Observer)

Washington seems to be awash in special Congressionally mandated commissions, involved in everything from military base closings to the federal deficit. Most immediately, of course, a special commission has recommended a huge and controversial increase in Congressional pay.

Many of today's temporary commissions are different from their predecessors, however.

In the past, such commissions were primarily investigatory, with little real power. They were often appointed to bury an issue in months of hearings, and eventually in volumes of turgid academic prose, so that politicians could appear to express concern without actually having to do anything.

Many of the new commissions are expected to do something: specifically, to do something either that Congress doesn't want to do or (more commonly) that is wants to do but doesn't want to do openly.

Like the regulatory commissions, some of the temporary commissions are given extraordinary power, while Congress has agreed to limit its own discretion.

For example, the recommendations of the commission on military-base closures will go into effect if the Secretary of Defense approves them (which outgoing Secretary Carlucci has done) and Congress does not explicitly reject them. Moreover, President Bush can veto a Congressional resolution of disapproval.

The Commission of Executive, Legislative and Judicial Salaries (also called the Quad Commission) has made recommendations for pay increases at the top levels in the three branches that will go into effect if the president does not modify them (which he did not) and Congress does not explicitly reject them.

Other recent commissions have had less authority, but the same objective of making recommendations that will at least set the agenda in a way that allows politicians to avoid blame. The 1982 National Commission on Social Security Reform was supposed to develop a bi-partisan consensus that would relieve both President Reagan and Democratic leaders in Congress from having to take the lead on cutbacks in that extremely popular program.

The current National Economic Commission is supposed to provide the same function for President Bush and Congress with respect to budget deficits, while allowing the president to backtrack from his "read my lips" position on new taxes.

It is clear why Congress has agreed to give up agenda-setting and decision-making power to these commissions: No one wants to make decisions that will inevitably incur blame from constituents.

Legislators' natural reluctance to incur blame has been heightened by changing political and economic circumstances. Increased use of open rules and roll-call votes over the past two decades have made it harder for legislators to disguise their support for policy positions that are unpopular with constituents and interest groups.

Challengers have increasingly become willing to run negative campaigns as a way to overcome the huge advantages of incumbency—and those campaigns have succeeded just often enough to terrify legislators further.

In addition, budget deficits have meant that unpleasant issues such as defense and Social Security cuts and tax increases have become much harder to avoid.

While it's clear why Congress has increasingly resorted to government-by-commission, other questions remain. First, is this process likely to succeed in its twin goals of allowing Congress to change policy and avoid blame? If so, is the process likely to become more common—perhaps even a new ad-hoc branch of government? Second, is it a bad way to govern? I think that the answer to both questions is a qualified no.

The record of recent commissions in allowing difficult decisions to be made and implemented while shielding Congress from blame is not very encouraging.

The Greenspan Commission on Social Security was unable to reach a consensus on its own. Reform proposals moved forward only after President Reagan's representatives negotiated a package with a group of the commission's moderate members.

The commission eventually did provide a convenient political cover for Social Security cuts, but only because Congress and the President knew that they needed to do something immediately to keep the Social Security trust fund solvent.

The Quad Commission has had a mixed record, too: Through the years, its recommendations have been accepted by the president on only one of five occasions prior to 1989, and only two of four revised recommendations made it through Congress (including the 1986-87 round, which Congress rejected in such a way as to allow it to take effect).

Temporary commissions can achieve the twin imperatives of deflecting blame from politicians and facilitating effective governance only under unusual circumstances.

First, commissions are unlikely to succeed unless there is already agreement between the president and the vast majority of legislators on both the overall scope and the general outlines of policy changes that are required. Where this agreement does not exist—as in the Scowcroft Commission on MX basing and the current National Economic Commission—Congress and the president are unlikely to delegate real power because they do not want to be trapped into accepting policy positions they do not support.

Second, commissions are unlikely to succeed if some of their members are unable to compromise because of rigid adherence to ideology or loyalty to a particular organization.

If commission members are not moderate and willing to compromise, the commission's report is simply likely to reflect its members' disagreements.

Finally, commissions are unlikely to succeed if even a small number of legislators believes that there are great political or economic rewards to be gained from mounting effective challenges to the commissions recommendations.

If such opportunities exist, they will be exploited—as the repeated battles over Congressional pay illustrate. Agenda control by Congressional leaders is usually too weak to prevent such challenges, unless opposition is more illusory than real—as in the case of much Republican opposition to a Congressional pay increase.

As a result, the current fad in temporary commissions with real powers is likely to be self-limiting. As legislators realize the limitations of the Commissions—and those who would lose by allowing commission recommendations to go into effect learn to take effective counter-measures—Congress and the president will turn to new blame-avoiding mechanisms.

This cycle is as old as the republic, and it is likely to last as long as legislators are confronted with constituency pressures and policy preferences that differ—that is, forever.

Use of temporary commissions is not, therefore, inherently any worse than the use of any of the other devices Congress and the president have to protect themselves from external pressures and blame, such as passing the buck to regulatory commissions, using restrictive rules to prevent politically embarrassing votes in Congress, and indexing Social Security benefits for inflation to avoid having to vote on benefit changes. To expect Congress to forego these mechanisms is naive.

If government-by-temporary-commission really created consensus, instead of facilitating a pre-existing consensus, the process could be extremely helpful in resolving important policy problems such as the budget deficit.

If, on the other hand, commissions are used to enact policies in opposition to the will of Congressional majorities, it would be dangerous. But neither situation is very likely. Using the commission device to enact policy change is likely to work only where it is least harmful to democratic government—i.e., where there is already a high degree of consensus among policymakers on the need for change, but a fear of enacting changes because of worry over offending parochial interests.

These situations are relatively few. Government-by-commission is thus neither a panacea nor a major danger, but simply another stage in Congress's age-old struggle to reconcile its political interests with its policy concerns.

NATIONAL COMMITTEE ON
PUBLIC EMPLOYEE PENSION SYSTEMS,
Washington, DC, November 17, 1989.

DEAR SENATOR: The attached statement contains pertinent observations relating to the pay raise proposal currently before the Congress.

They have been compiled by The National Committee on Public Employee Pension Systems—a Committee composed, for the most part, of federal retirees who are convinced that unlimited COLAs on multiple federal pensions at early ages are bankrupting the country.

The gross liabilities of the federal pension systems are approximately $2 trillion—a mind-boggling figure—but when one realizes that the gross national product of Japan totals about this same amount—perhaps members of Congress and the American public will understand the concerns which our Committee has for the long run results of the compounding costs of early retirement and cost-of-living adjustments (COLAs).

Sincerely,

HASTINGS KEITH,[1]
Cochairman.

STATEMENT OF THE NATIONAL COMMITTEE ON PUBLIC EMPLOYEE PENSION SYSTEMS

Any salary increase for Members of Congress—or for members of the senior executive service—must consider the resultant pension costs and, above all, the cost of COLAs on these pensions.

Under the current pay schedule a 30% pay increase means an extra $600,000 in total pension income for a Congressman who serves 24 years and has a life expectancy of 19 years following retirement and a spouse who survives him by 5 years. Roughly speaking this is a $20,000 pension increase for every 1% in increased pay. This assumes a 5% annual rate of inflation.

Under theses assumptions—Limiting federal retiree COLAs to the maximum COLA paid to Social Security retirees would cut lifetime total Congressional retiree pension benefits to $1.9 million—a savings of $1.1 million per retired Congressman. (As you read this reflect on how much pension you get—and ask does it get COLAd?)

By applying the maximum Social Security COLA concept to the Congress and to the Senior Executive Service the taxpayers, present and future, would be saved more than $3 billion.

If this concept were applied to all the civil service retirees it would save several hundreds of billions of dollars in future pension costs.

The reason for these tremendous savings is that most every Congressman and most every federal retiree is getting Social Security on top of their civil service or military pension—and both or all of them are getting COLAs oftentimes at very early ages and in unlimited amounts. The only way to deal with these "double dippers" or "triple

[1] To identify myself—I retired from Congress in 1973 with a Civil Service/Congressional pension of $1,560 a month. Today, because of additional pensions from the military and Social Security, and COLAs on all three, my annual federal pension income is about $86,000. On January first it will be about $90,000 due to the upcoming 4.7% COLA.

scoopers" is to give them COLAs equivalent to those getting the maximum Social Security COLAs.

These multiple federal COLAs on multiple federal pensions, in unlimited amounts, is currently costing the taxpayers $25 billion a year for COLAs alone.

PENSION COSTS OF CONGRESSIONAL PAY RAISE WITH AND WITHOUT THE PEPS COLA CAP

This chart demonstrates the impact that the 30% Congressional pay raise proposed by an ethics committee task force would have on Congressional pensions. We assumed that the Congressman will retire 4 years from the date of enactment, assumed to be 1990. The Congressman will be 60 and retire at the age of 64 with 24 years of service. According to the Life Insurance Fact book the projected life expectancy will be 19 years following retirement. We further assume a surviving spouse with a life expectancy of 5 years. We further estimate that there will be an annual COLA of 5%.

	Present congressional pension benefits	With 30 percent pay raise
Base pay	$89,500	$116,350
Base pension	53,700	69,810
Final pension after 19 yr with 5 percent COLA	129,235	168,006
Total pension income cumulative	1,639,945	2,131,928
Plus 5 yr of survivors benefit	392,756	510,585
Total	2,032,701	2,642,513

This retiring Congressman and spouse will also be eligible for Social Security because of some employment in the private sector and/or the military. A very conservative estimate of the initial benefit will be about $11,760 per year.

PLUS SOCIAL SECURITY

Pension	Present salary	With 30 percent raise
Social Security benefit (married)	$359,139	$359,139
Social Security survivors benefit	104,777	104,777
Total	463,916	463,916
Congressional pension	2,032,701	2,642,513
Total	2,496,617	3,106,429

The PEPS COLA Cap would fully index retirement income up to the maximum Social Security benefit. In 1989 a person retiring at 65 would be eligible to receive COLAs on the first $899 a month in federal pensions regardless of how many pensions or how much was being received.

APPLYING THE PEPS COLA CAP

	Present pension	With 30 percent pay raise
Without PEPS cap	$2,496,617	$3,016,429
With PEPS cap	1,716,997	1,919,385
Savings	779,620	1,187,044

The Congressional pay raise would increase pension income by $609,812 per congressional retiree. He will receive this pension increase in return for a very small increase in his/her contribution to the retirement system. Each Congressman contributes 8% of his salary towards retirement. 8% of the increase in pay ($26,850) would be $2,148 a year. We assume the Congressman will stay 4 years in order to get the full pension benefit from the pay raise. Over this 4 year period his additional contribution will total $8,592. An extra $609,812 in return for a contribution of $8,592 makes the pension program a pretty good investment.

What makes the program even more costly is the fact that we must borrow the money to pay for the COLAs on his pension. COLAs make up about 50% of the total pension income. When borrowed at a rate of 8% the already high pension costs soar through the roof.

[From the New York Times, June 5, 1989]

U.S. JUDGES EARN CONSIDERABLY MORE THAN SALARY

WASHINGTON, June 4.—Almost all Federal judges have outside income, a majority have six-figure income, a majority have six-figure investment portfolios and many make more money off the bench than on it, according to their Government financial reports.

A survey by The Associated Press of 935 financial disclosure reports for 1987, the most recent year for which a complete set was available, found that all but 15 of the judges had outside income. More than half reported extra earnings from $16,624 to $39,500.

The Federal judges, whose salaries are from $89,500 to $115,000, have pressed Congress for a 30 percent raise after a bill that would have given them an increase was defeated in Congress earlier this year.

The 935 financial disclosure reports came from 702 active judges and 233 senior judges who worked at least 60 days in 1987. Of the 935 judges, 715 were Federal district judges, whose salaries were $89,500; 211 were on the Court of Appeals and earned $95,000, and eight were associate Supreme Court justices, whose salaries were $110,000. The Chief Justice of the United States, William H. Rehnquist, earned $115,000.

For 10 years, financial disclosure forms have been required of Federal officials, including judges. Considerable attention has been focused on the reports by members of Congress and the Cabinet, but those of judges have received less scrutiny.

The financial disclosure reports showed other details about the earnings of judges:

Four hundred judges reported extra earnings, including that from teaching law and speaking fees or book royalties, but most such income came from pensions from earlier jobs or settlements with law firms where they had worked.

At least 555 judges and perhaps as many as 723 had investments assets worth more than $100,000 after their debts are subtracted. The median for net investments was $140,000 to $350,000. The assets generally reflected family money or substantial incomes before and after appointment to the bench.

At least 62, and as many as 176, of the judges were millionaries. They included Judge Gerhard A. Gesell, who presided over the trial of Oliver L. North and whose holdings, with a net value of $1,023,013 to $1,330,003, included stock and a 358-acre Virginia farm. Supreme Court Justice Sandra Day O'Connor appeared to be the only millionare on the high court. She put the net value of her investments at $730,016 to $1,126,002.

Most information in the reports examined by The Associated Press was listed in wide numerical ranges rather than in exact amounts. But some judges reported figures more exactly than they were required to do, which, along with averaging, resulted in some of the precise amounts found.

REPORTS ARE INCOMPLETE

The reports did not include the judges' houses or holdings that were not for investment purposes and so did not give a complete look at their wealth. Also, judges were allowed to value property at the purchase price, which was sometimes decades old. The reports did not include bank accounts under $5,000, assets under $1,000, cars and personal property.

Liabilities exempt from reporting included home mortgages, debts to relatives and revolving charge accounts with balances under $10,000.

Leaders of the Federal judiciary, including Chief Justice Rehnquist, have said the judges were underpaid and noted that their salaries lagged behind those of top corporate lawyers.

"I think judges are entitled to a pay raise," said Judge Robert McWilliams of the 10th Circuit Court of Appeals in Colorado, "Judges' salaries, rather than being geared to the income of the average taxpayer, should be geared to the average of practicing lawyers."

EARNING MORE THAN U.S. MEDIAN

Yet in comparison to most Americans, or even to most American lawyers, judges were in comfortable circumstances.

The median wage- and salary-earner in the United States was paid $14,733 in 1987, meaning half earned more than that and half earned less. But at least 507 of the judges made more than the national median off the bench.

Median income for all of America's 707,000 lawyers and judges was $45,069, according to reports by the Bureau of Census. At least 207, and perhaps as many as 426, of the judges make more than that outside the courtroom.

The reports put the median 1987 overall income for a Federal judge at $108,018 to $130,300.

Judge Myron Bright, who is semiretired but worked with the Court of Appeals in Fargo, N.D., received a $95,000 judicial salary and more than $43,530 from teaching and speaking in 1987. His income was more than the combined salaries of North Dakota's Chief Justice and Attorney General.

INCOME NOT A LURE

"On an actual income basis, I think I'm making less than I did when I first got on the bench," said Judge Bright. "But I'm not complaining."

Income was not the lure for many of the lawyers who accepted a lifetime appointment as judge. "Being a Federal judge is like getting the brass ring on a merry-go-round," said Judge Avern Cohn of Michigan, who was formerly a prominent lawyer. "I was looking for other ways to prove myself professionally."

Judge Richard Cudahy of Chicago, scion of a Milwaukee family with interests in meatpacking, appeared to be the wealthiest Federal judge. The 63-year-old appellate jurist was worth $8.4 million to $16.1 million.

Earlier this year, Congress defeated a 51 percent raise proposed for judges, Congress and some members of the executive branch. Chief Justice Rehnquist then appealed for raises to avert what he called "the most serious threat to the future of the Judiciary."

President Bush responded by proposing a 25 percent increase for the judges and some limits on outside income. The judges have asked for 30 percent, with annual cost-of-

living adjustments and no limits on outside income.

The judges said that without the raise, inflation will force many of them from the bench and into higher-paying jobs at law firms.

A survey by The American Lawyer magazine found that profits for each partner in 1987 at the 100 law firms with the most revenue were $155,000 to $1.4 million. Those firms' 10,098 partners, concentrated primarily in a handful of cities, represented 1.5 percent of all lawyers in America.

[From the Washington Post, Feb. 9, 1989]

A VIEWPOINT THAT DIDN'T TRAVEL FAR

(By Dale Russakoff)

Every now and then, it becomes painfully clear that Washington really is inside the Beltway. The seething, nationwide revulsion at the prospect of large pay raises for the federal establishment provided one of those moments.

Here in the world of six-digit housing prices, seven-digit lobbyists' salaries and two-digit cheeseburgers, a pay raise—even a 51 percent raise for Congress at a time of burgeoning deficits—was deemed justifiable by much of official Washington in the name of luring and keeping talent in government.

Outside, it was an audacious money-grab. "Should we pay enough to attract Ivan Boesky to the Treasury?" was the view of San Diego talk-radio host Mark Williams, a ringleader of the network of talk-show hosts who opposed the raise.

Perhaps nothing better exemplified the gulf of opinion separating Washington from the outside than attitudes toward Ralph Nader.

In Washington, as the pay package went down to defeat, members of Congress called the inveterate reformer "despicable," "a jerk" and "a demagogue" for whipping up public opposition to raises. An association representing senior bureaucrats was raising money with a letter headlined: "Do you really want Ralph Nader to have the edge?" House Speaker Jim Wright (D-Tex.) was refusing to answer his phone calls, according to Nader, who said he has placed 26 calls to the speaker's office since the first of the year.

By contrast, it seemed that everyone outside of Washington wanted to call Nader yesterday. He was the featured guest on eight morning talk shows across the country and was embraced wildly on each. In conservative San Diego, where Nader is usually defiled as a liberal, "he's a conquering hero. We call him our Washington insider," Williams said. In Detroit, a city still bruised from Nader's crusade against its automakers, "we're all strange bedfellows on this one," said WXYT radio show host Roy Fox.

Asked how he feels being the insider on the outside, the outsider at home, Nader was emotionless. "Water off a duck's back," he said of the attacks from Congress. "That's the way you keep going here. You stay on the issues."

In Nader's view, "This is an old-fashioned class struggle. It's saying that the economic elite are the best candidates for the top positions in government. That leaves out 99 percent of the people."

In another case of opinion-warp, respected Washington hands won nods of approval here as they talked of the need to bring the best people to the nation's scientific endeavors. When they stepped outside, it was as if they and their arguments had passed through the looking glass.

Carol Bonosaro, president of the association that represents senior federal officials, shook the Congress and the commission that recommended the salary increase by reporting that the National Aeronautics and Space Administration has to advertise for a year to recruit a space scientist and that the National Institutes of Health can't lure senior researchers from the outside.

Then Bonosaro unsuspectingly went on a talk show in West Palm Beach, Fla., where the host, Lee Fowler, was joined by a local investment banker opposed to the raise. "Those two gentlemen—and I use the term advisedly—screamed at me for one hour, calling members of Congress 'baboons,'" Bonosaro said.

Bonosaro was also a guest on Williams' show in San Diego. She told him she represented the senior civil servants in government. He responded, "Ah yes, the people who don't work for a living." She told him that her group included Nobel laureates, Rhodes scholars, the people who direct shipbuilding for the Navy and who run the Internal Revenue Service and the National Cancer Institute.

"And I said, 'They've never had to punch a clock. They've never had to work a foot press,'" Williams said. "As people out here see it, those people are leeches and parasites. The view of federal officials from this far away is pretty hazy. They just know any time you deal with them it's a guaranteed day and a half and it's a pain."

Meanwhile, Rep. Steny H. Hoyer (D-Md.), one of the leadership's spokesmen in favor of the raise, was doing his best to make the case. It fell to Hoyer to make that case to a national audience last Sunday, just as outrage was peaking over a congressional retreat at the Greenbrier resort in West Virginia.

Within the House, Hoyer was viewed as valiant, entering the arena to face the lions. On Monday, the public weighed in with angry, even vulgar calls to his office. Hoyer was spared from hearing the reactions firsthand because he was closeted in leadership strategy sessions on the pay package.

At about the same time, Nader was getting into a cab in Washington on his way to lobby against the pay raise. The driver, recognizing him, cracked a smile and said, "Go get 'em."

[From the Washington Post, Feb. 6, 1989]

BENEFITS EASE PATH OF CONGRESSIONAL RETIREES

GENEROSITY FOR DEPARTING LAWMAKERS BASED ON SPECIAL RULES

(By Charles R. Babcock)

As Fernand J. St Germain and Gene Taylor and many of their former House colleagues know, you can take it with you.

While they won't reap the benefits of the 51 percent pay raise scheduled to take effect Wednesday, retiring House members are able to take advantage of special rules written for and by themselves and entitling them to leftover campaign funds, office furniture and a pension sweeter than most others in the federal government.

Then they, like retiring senators, are free to stay in Washington as lawyers or consultants and go to work immediately lobbying their former colleagues. This is because they are not covered by the "revolving door" prohibitions on executive branch employees.

Congress' generosity with itself extends beyond prison walls and even the grave. In a little-known practice dating from the turn of the century, survivors of House members who die in office are given a year's pay. And House and Senate members convicted of a crime and expelled may still keep their taxpayer-subsidized pensions.

The perquisites of Congress periodically have been the subject of criticism, especially because of rules under which lawmakers and their staffs have to meet less stringent ethical and post-employment standards than executive branch employees. But seldom has as much attention been focused on the life style of members as during the public debate over the impending raise.

The Senate has tougher standards on several of these issues; House Speaker Jim Wright (D-Tex.) and Minority Leader Robert H. Michel (R-Ill.) have promised a bipartisan review of House ethics rules this year.

Among the special considerations available to retiring House members:

Converting campaign funds to personal use. The Senate prohibits this practice, but under a "grandfather" clause, House members who were in office before 1980 are permitted to take leftover campaign funds, declare them personal income, pay taxes on the amount and use the cash as they wish after they leave office. Members who have died have been able to pass the funds, sometimes several hundred thousand dollars, to heirs.

Former representative Taylor (R-Mo.), who retired after eight terms, led several more well-known retirees in the amount of leftover campaign funds he could convert to personal use. Federal Election Commission reports show he has nearly $458,000 available. The former auto dealer said in an interview in December that he had not decided what to do with this windfall.

"I will remain politically active, so I will use some that way," he said. Asked whether he intended to take some of the money for his personal use, Taylor said, "It costs a lot of money to serve" in the House and noted that he had traveled home almost every weekend. "I might convert some of it back to pay for expenses." Members are entitled to 32 paid round trips to their home districts a year.

The year-end report that Taylor's campaign committee filed with the FCC last week shows that he spent $7,000 in the last six months, including $3,189 in campaign contributions to other candidates and $500 to himself, labeled, "petty cash." He still had $457,938.53 available for his personal use, earning interest in several bank accounts.

Former representative Bill Chappell (D-Fla.), who was defeated after his name was raised in connection with the Pentagon procurement scandal, reported "personal disbursements" to himself in December of $7,995.60. He has nearly $43,000 in campaign funds left.

Retired representative Sam Stratton (D-NY.), who has $180,000 in campaign funds available, was more direct in discussing his plans. "When you walk away from a job that pays $89,500, you have to feed your family," he said. "I have no financial holdings. I've got zilch, except in a couple of banks. So we're going to have to live on something. Fortunately, that provides a little pad."

Although he did not mention it, Stratton also has his congressional pension. According to an estimate by David Keating of the National Taxpayer's Union, Stratton's 30 years in the House, plus several more years in the military and other government,

should earn him a starting annual pension of around $64,000.

A provision to repeal the grandfather clause permitting personal use of campaign funds after leaving office is expected to be considered in a legislative package to be brought up after the pay raise takes effect Wednesday. But the proposal to repeal this loophole would not go into effect until after the current 101st Congress, allowing members who want to keep their money to retire and collect it. Two House members, Dan Rostenkowski (D-Ill.) and Stephen J. Solarz (D-N.Y.), each have more than $1 million in campaign funds they could convert to their own use under the rule.

A federal pension plan that puts members of Congress and their staffs in the same "high-risk" category as federal firefighters, air traffic controllers and FBI and CIA agents. The rationale was that members of their staffs, who write the pension law, should get a sweeter pension because they face job insecurities every election cycle. However, in the House at least, a member running for reelection during the 1988 cycle had about as slight a chance of dying in office as being defeated.

According to the old system, under which most of those retiring this cycle earned benefits, the formula let lawmakers and their staff members accrue pension benefits at 2.5 percent times their highest pay times the number of years served. The highest rate for the rest of the civil service is 2 percent. Members and their staffs contribute 8 percent of their pay to the retirement plan, compared to 7 percent for executive branch workers.

The maximum congressional annual pension for those who retired this year is $71,600. If the proposed pay raise goes into effect, the most senior members serving two more terms will see their annual pensions jump to at least $108,000, and future cost-of-living increases will push that number higher.

The only way a member of Congress can lose his or her pension is to be convicted of treason. Felony convictions can cause a member to be expelled but not to lose the pension. Senior members convicted in the "Abscam" bribery scandal in 1980—such as former senator Harrison J. Williams (D-N.J.) and former representative Frank Thompson (D-N.J.)—now are receiving pensions. Keating estimated Thompson's pension at $60,413 a year and Williams' at $48,729.

Defenders of the system point out that the generous congressional pension still pales in comparison to the benefits under the military pension system.

Buying furniture from a congressional district office at fire-sale prices. This little-noticed House practice allows members to buy furniture at 10 percent to 50 percent of its cost, depending on the furniture's age. One member was set to buy leather chairs for $4.80 each, couches for $23 and a mahogany desk for $60. The House clerk's office said the low prices were based on a General Services Administration schedule of depreciated furniture. Twenty of 27 members retiring from the 100th Congress took advantage of this.

St Germain's purchases from his Rhode Island office left this successor, Rep. Ron Machtley (R-RI), holding the first meeting in his district office standing up with seven visitors because all the chairs had been removed.

In the Senate, however, the practice is different. Senators who leave must pay "replacement cost" for furniture, according to Elliott Carroll, executive assistant to the architect of the Capitol. For example, the price for a senator's chair was $325 and his desk $800. Carroll said one senator, whom he declined to name, purchased his chair.

Lobbying. In another area where Congress treats itself differently from the rest of the government, there are no prohibitions against retired or defeated lawmakers lobbying their former colleagues. President Ronald Reagan vetoed a bill that would have extended the ban to the Congress for the first time, but this year's crop of retirees would not have been covered by the measure had it become law.

Thus, St Germain will be returning to Washington as a lawyer for a Rhode Island firm. He could not be reached for comment on whether his new duties will include lobbying former colleagues. Taylor, Stratton and retired representative Robert E. Badham (R-Calif.) said in interviews that they plan to do some Washington consulting.

[From the Washington Post, Jan. 24, 1989]

MAJORITY IN CONGRESS ALREADY MAKE $135,000

(By Walter Pincus)

The members of Congress whose salaries would rise 50 percent to $135,000 a year under a plan scheduled to take effect Feb. 8 are already a well-to-do group, with more than half reporting 1987 incomes of more than $135,000—even without counting controversial honoraria from interest groups.

A survey of financial disclosure statements by The Washington Post found that 70 of 100 senators and 250 of 435 House members had incomes of at least $135,000 in 1987, the most recent period for which reports are available to the public. Many had incomes substantially above that level.

According to the Census Bureau, an income of $89,500—the current salary for members of Congress—would have put a taxpayer in the top one percent of all U.S. wage earners in 1987.

The so-called Quadrennial Commission that set the proposed new pay scales for senior federal officals concluded that "most members of Congress find it difficult to live on their current salaries." The survey shows that the number of members living on their salaries is a minority of the House and a smaller percentage of the Senate.

Other arguments for the raise—made by the commission and others—are that inflation has reduced the value of legislators' salaries and that lawmakers are worth the higher figure given the roles they play in the federal government. Congressional pay, which was $60,662 in 1980, has been raised four times in this decade.

Proponents of the pay raise have linked it to new legislation banning the acceptance of honoraria—fees for speaking, often just for appearing at a meeting—as well as some kinds of outside earned income, including pay for work as a lawyer or service on a board of directors. House speaker Jim Wright (D-Tex.) has promised to introduce legislation to ban such outside income the moment the pay raise goes into effect Feb. 8.

But many sources of outside income for members of Congress would not be affected by such legislation. Those income sources reflect the diverse makeup of the 535-member Congress, including such examples from 1987 as:

Rep. Silvio O. Conte (R-Mass.) owns five homes in Northwest Washington that contributed to the $28,500 in rental income he reported in 1987.

Rep. Denny Smith (R-Ore.) owns two Beech aircraft that produced more than $50,000 in rental income for him.

Rep. G.V. (Sonny) Montgomery (D-Miss.) received $22,039 in retirement pay from the Mississippi National Guard.

Rep. Claude Pepper (D-Fla.) reported Social Security benefits totaling $15,713.

Rep. Norman Sisisky (D-Va.) reported stock transaction managed by investment advisers of more than $2 million with capital gains of more than $90,000.

Sen. Steve Symms (R-Idaho) reported making $29,863 buying and selling silver and soybean commodity contracts and call options on U.S. Treasury bonds.

Sen. Alfonse M. D'Amato (R-N.Y.) reported $14,500 in salary for lecturing at a branch of Long Island University.

The pay raise will automatically take effect Feb. 8 unless it is rejected by both the House and Senate. The Senate is expected to reject the salary increase, but Wright and other House leaders have agreed to prevent the issue from coming to a House vote before the deadline.

The Senate and House have no limits on the amount of unearned income a member may recieve. They differ, however, concerning earned income.

The Senate prohibits members from being affiliated with firms that provide professional services, such as law partnerships. It places no limit on amounts that can be earned from other personal endeavors, but there is a special limit on honoraria. A senator may keep at most an amount equal to 40 percent of the Senate salary, or $35,800.

The House puts a 30 percent limit on all outside earned income, or $26;850, with honoraria counted along with any other personal activities. House members may practice law, but the amount they earn is subject to the dollar limitation.

Many members receive honoraria far above these limits and contribute the excess to charities, normally in their home district or state.

In 1987, 418 House members and 95 senators collected $9.4 million in honoraria, and contributed $3 million of it to charities, according to Common Cause, which is leading the legislative battle for the pay raise-honoraria ban package.

For a minority of members—without significant outside income from other sources—honoraria have helped to move them close to the $135,000 level, according to the survey. Of the 30 senators who earned less than $135,000 in 1987 all but two reached nearer that level thanks to honoraria. More than half of the House members who earned less than $135,000 supplemented their incomes in 1987 with honoraria that brought them to $120,000 or more.

Rep. Michael A. Andrews (D-Tex.), starting his fourth term, is one of the House members whose income is below $135,000. Since joining the Ways and Means Committee two years ago, his honoraria grew from $6,200 in 1986 to $29,500 in 1987. He donated $3,625 of that to charity. Beyond that, Andrews had no outside income.

Andrews said he opposes the pay hike in light of the massive deficit and expects honoraria to be banned "I have no complaints" concerning the cost of living in Washington, he said, "No one drafted me to run for [Congress]."

For the most part, Congress made up of self-selected, financially successful individ-

uals who say they did not run for the office because of the salary.

Rep. Steny H. Hoyer (D-Md.) is typical of the group. He said he always wanted to get into politics and became a lawyer because it gave him the source of income and freedom to get involved in politics. He said he decided to run after making enough money to supplement his salary if he made it to Congress. He has a small, personal law practice and takes no honoraria.

Hoyer reported 1987 earnings of $75,895 from the law practice he carries on from an office in District Heights. The 1987 figure was inflated because of a big settlement on a personal injury case, he said. Because of the House limitation on earned income, Hoyer gave $52,852 of his 1987 law earnings to charity. Normally, Hoyer said, he has earned about $25,000 from his private practice, although $15,360 was reported in 1986.

If the revisions proposed by Common Cause become law, Hoyer and the 20 or so other active lawyers in the House would have to give up their practices. But Hoyer said that with the pay raise, he believes he would get along.

Members of Congress are required to file annual financial disclosure statements showing all outside income, including honoraria. However, they need not report exact amounts, just ranges of income—for example, $5,000 to $15,000. The Post based its estimates of lawmakers' outside income using the lowest figure in each income range.

Real estate and rentals are source of funds for many lawmakers. Sen. Alan Cranston (D-Calif.) reported rental income of more than $55,000 from commercial buildings in his home state, Rep. Sonny Callahan (R-Ala.) remains chairman of the board of his company, Finch Real Estate Corp., and a partner in a series of real estate ventures. He reported director fees in 1987 of $12,000 and dividends from Finch companies of more than $50,000.

Rep. Philip M. Crane (R-Ill.) is one of several members who report income from farm operations. His return in 1987 was $5,000 to $15,000, the same range listed in the two prior years. Crane supplements that with dividends from mutual funds and interest from the House credit union that totaled more than $15,000 in 1987. He also sold his holding in a Michigan real estate partnership that year for between $50,000 and $100,000.

Rep. E. Clay Shaw Jr. (R-Fla.) owns a farm that provided him with "dividends" in 1987 of more than $50,000. He also reported income from a partnership dealing with timber and land leases that added at least another $15,000.

Other lawmakers enjoy income from private business ventures. Rep. Dean A. Gallo (R-N.J.) reported a 1987 salary of $24,300 from Gallo & DeCroce Inc., the New Jersey real estate concern of which he is president. He also reported receiving more than $50,000 in commissions earned before his election in 1984. He also showed additional income from a variety of partnerships totaling more than $50,000.

Rep. James J. Florio (D-N.J.), an eight-term member of Congress, reported a dividend of $5,000 to $15,000 from Poplar and Florio, PA, an incorporated law firm in which he holds a 50 percent interest. He reported at least another $20,000 from rentals interest and sale of stock and partnership ventures that year.

Pepper, in addition to his Social Security benefits, reported receiving $22,500 from a Miami law firm where he is counsel. Rep. J. Roy Rowland (D-Ga.), a physician in private life, reported fees of $20,647 in 1987 from a medical partnership he helped establish, as well as $7,350 in director fees from a medical center.

Not all members of Congress report profits on their outside ventures. Rep. Joe Skeen (R-N.M.) reported $168,482 in gross income on his 15,000-acre ranch in 1987, but claimed a $15,305 loss on the operation, when all deductions are allocated. Sen. Ted Stevens (R-Alaska) reported a $15,000 to $50,000 loss on a 39,000-acre Arizona property, Tres Alamos Ranch, which he valued at more than $250,000.

Like many affluent Americans, members of Congress engage in stock and bond trading. Sen. Earnest F. Hollings (D-S.C.) has turned his investment portfolio over to a stock trader in an attempt to supplement his income. In 1987, he reported trades totaling $2 million and, with a lot of other market players, says he lost money. But he retains a substantial portfolio worth at least $550,000 and his broker is still trading.

Family businesses are a source of income for some lawmakers, Rep. John Paul Hammerschmidt (R-Ark.) is the unpaid board chairman of Hammerschmidt Lumber Co., from which he received dividends totaling more than $5,000 in 1987 from stock holdings he valued at more than $250,000. Rep. Ron Marlenee (R-Mont.) showed $2,500 in 1987 as coming from his partnership in Marlenee Big Sky Farms & Ranch, but also reported receiving $15,000 to $50,000 in rental income from the same source.

Many members received pensions and retirement payments from both public and private entities. Rep. Jim Olin (D-Va.), who retired after 35 years with General Electric Co., received a $76,601 pension payment from the company in 1987, along with $43,060 in deferred compensation. Hammerschmidt received $4,643 in retirement from the U.S. Air Force Reserve.

Rep. Andrew Jacobs Jr. (D-Ind.), a strong opponent of the size of the proposed congressional pay raise, is among members who amassed money thanks to one deal. He bought an old building in downtown Indianapolis from his father for less than $20,000 and sold it several years later for $300,000. That money, reinvested gave him 1987 interest income of roughly $27,000 and tax-exempt bonds worth more than $400,000.

A few make money from politics. Rep. Alex McMillan (R-N.C.) reported receipt of $5,000 in interest from his campaign committee. Rep. Stephen L. Neal (D-N.C.) rents space to this campaign committee but reported a loss of $890 on gross rent of $26,000. Rep. William O. Lipinski (D-Ill.) reported $6,000 in compensation as committeeman from the 23rd Ward in Chicago.

[From the Chicago Tribune, Dec. 15, 1988]

DON'T BELIEVE ALL THE WOEFUL TALES OF CONGRESS' PAY

(By Stephen Chapman)

The average voter, upon hearing of the countless sacrifices stoically endured by members of Congress, may be inclined to reply that they've done enough for their country and should feel no guilt about finding themselves another job.

This is not the position of the Commission on Executive, Legislative and Judicial Salaries, which instead suggests that a 50 percent pay raise would make the burdens of leadership a bit more tolerable. If the President endorses the plan, senators and representatives would get $135,000 instead of the current $89,500.

Voters may object, but if the raises go through the electorate will not find it easy deciding whom to punish. The commission? It wasn't elected in the first place. President Reagan? He's safe from political retribution. Congress? Surely Congress can't be blamed if others insist on raising its pay.

Well, the truth is Congress can be blamed and should be. The whole pay commission scheme is a creation of lawmakers unwilling to accept political responsibility for something they almost all agree is vital to the survival of republican government.

Congress used to set its own pay the same way it accomplished anything else—by passing a bill. Now it lets a commission plead for salary increases from the president, who generally goes along. His recommendation is binding unless both houses vote to reject it within 30 days. Members can get a raise without the embarrassment of ever casting a vote for one.

The politicians defend this ruse as a regrettable necessity. "To vote for your own pay increase is an invitation to a 30-second-spot commercial against you in your next campaign," says Sen. John Glenn (D., Ohio) mournfully. Heaven forbid that any incumbents be exposed to the slightest risk of defeat. Next thing you know, they might actually lose once in a while.

The current pay may be too low, contrary to what critics insist. Ralph Nader says, "Top federal officials now make at least five times the average worker's wage. In a democracy, this is a sufficient distance between the political rulers and the ruled who pay their salaries.

That has a certain populist logic, but it runs into an anti-populist reality: If pay is unrealistically low, service in Congress may be unappealing to people who actually have to live on their salaries. Capitol Hill could become the special preserve of the superrich, who have the means to live nicely whatever their legislative compensation.

Still, $135,000 sounds high, even when you consider that members are expected to give up all those honoraria they've been able to earn in the past. That is supposed to be a compromise, but it's hard to see what Congress is giving up. Members will be making more money than before, and they'll get to work less. I'll make a compromise like that with my boss anytime.

And the salary figure understates their actual compensation. David Keating of the National Taxpayers Union estimates that when all benefits are counted, the real pay right now comes to more than $126,000.

There is also the benefit of almost perfect job security. In this year's election, a typical one, more than 98 percent of all the incumbent House members won re-election. The grim reaper ejects as many as the voters do: Of 435 members elected in 1986, six died in office and six were defeated this year at the polls. (In the 19th Century, turnover rates of 40 to 50 percent were the norm.) Even in the Senate, only four of the 27 incumbents who ran lost.

If the pay is so crummy and the alternatives so lucrative, you'd expect to see people leaving Capitol Hill by the dozens. In fact, the rate of voluntary departure has declined sharply in the 1980s. Either voters are sending a lot of dedicated masochists and ascetics to Washington, or else things aren't as tough as some would have you believe.

But as insurance against the danger that elective office will come to attract only wealthy dimwits—for some reason Dan Quayle comes to mind—some pay raise is probably in order. Ten or 15 percent sounds

a lot more reasonable than 50, even with the proposed ban on honoraria.

Before the President proposes to boost congressional salaries, though, he ought to demand that Congress first act to scrap this method of handling pay. If members want a raise in the future, he should tell them they will have to vote for it in the clear manner the Constitution intended.

My bet is that if Reagan made that eminently fair offer, Congress would decline it. The job may pay lousy, but for some reason nobody wants to take any risk of losing it.

A CONGRESSIONAL PAY RAISE? NOT NOW

The proposals for an almost 33 percent pay raise for Congress and a possible 25 percent increase for federal judges and top executive branch officials—misses a key point.

The real issue is "fiscal sanity" in the perspective of a national debt that has just reached $3 trillion. And this is only the tip of our "red ink" deficit spending federal iceberg.

On top of all this, we Amercian taxpayers face another $11 trillion dollars in "off-the-books" or "Off-the-budget" financial commitments, obligations, entitlements, guarantees, loans, and other fiscal liabilities (actuarial or contingent). This pay raise will trigger billions of dollars in new government pension and retirement entitlements alone. We already have about $6 trillion dollars in unfunded actuarial liabilities "ticking away like a fiscal bomb" in a dozen or more federal pension systems or retirement schemes.

Before anybody in Washington votes themselves a pay raise or pension increase for 1990, we had better get ready for Fiscal Shock. The year 1992 may become very significant as it is 1929 spelled backwards.

We Americans as a Debtor Nation are no longer practicing Capitalism. This year our federal budget deficit is still around $152 billion. Our books are not only "not balanced"—but in many areas of federal liabilities or obligations—the books are actually hidden, distorted, concealed or ignored. Our "open-purse" legislators on Capitol Hill are partly to blame. The Oval Office at 1600 Pennsylvania Avenue is also in the act.

We need a "Berlin Wall" in front of the U.S. Treasury before Congress, the White House and the federal bureaucracy spends us all into national bankruptcy.

A Congressional pay raise now, NO. But, hell NO.

SID TAYLOR,
Research Director.

[From the Los Angeles Times, Nov. 14, 1989]

TAXPAYER GROUPS, RADIO TALK SHOW HOSTS REUNITE TO FIGHT 33 PERCENT RAISE FOR CONGRESS

(By Sara Fritz)

WASHINGTON.—An unusual coalition of taxpayer groups and radio talk show hosts that helped kill a congressional pay raise earlier this year is once again working to defeat a new proposal for a 33-percent increase, consumer advocate Ralph Nader announced Monday.

The pay package, which would raise the salaries of members of Congress, judges and top federal workers from $89,500 now to more than $120,000 over the next 14 months, is scheduled to come to a vote in the House on Thursday, along with a companion proposal to reform rules governing the ethical behavior of members of Congress.

Nader and David Keating, executive vice president of the National Taxpayers Union, said they have alerted about 600 radio talk show hosts around the country to the impending vote. In addition, they said, they are supplying detailed material by facsimile machine to about 60 of the talk show hosts who were key players in defeating the last pay raise proposal.

Among the talk show hosts involved in the campaign is Tom Leykis of KFI in Los Angeles, who interviewed Keating by telephone on the pay issue Monday afternoon.

"The network of communications which defeated the congressional pay grab earlier this year is gearing up again," Nader told a news conference. "You don't have to do much to energize talk show hosts."

Nader and Keating complained that the pay proposal will not be made public until one day before the vote—making it what Keating described as "a legislative bolt of lightning."

"They are basically performing in an anti-democratic way," Nader said.

House Speaker Thomas S. Foley (D-Wash.) said the pay and ethics package, which was drafted by a bipartisan task force headed by Reps. Vic Fazio (D-Sacramento) and Lynn Martin (R-Ill.), will be unveiled publicly after it is explained to members of Congress in party caucuses Wednesday.

Foley expressed confidence that the package will pass, but some skeptics, such as Rep. Leon E. Panetta (D-Monterey), said they doubted whether a majority of House members would vote themselves a pay raise at a time when government programs are being severely cut under the Gramm-Rudman deficit reduction legislation.

Under an agreement between House and Senate leaders, House members will receive the increase if a majority of them vote for it, even if the package is rejected by the Senate. This would bring about an unusual disparity in pay for the two chambers.

Senate Majority Leader George J. Mitchell (D-Me.) said a "substantial majority" of senators oppose any pay raise for themselves. As a result, he said, it appears that the House and Senate may wind up with a "differential that is not desirable."

Despite opposition from Nader and others, Common Cause, the citizens' lobby which strongly supported the last pay hike, is also supporting the current pay and ethics package.

Fred Wertheimer, Common Cause president, said the new package answers many of the complaints that were raised about the 51% pay increase rejected earlier this year. Unlike the last one, he said, the 25% increase "would not take effect until after the next House election in 1990."

Wertheimer said the pay increase is justified because many public officials around the country make more money than members of Congress.

The ethics package, which represents the culmination of many years of lobbying by Common Cause, would by 1991 prohibit members of Congress from pocketing honorariums received for speeches to special interest groups. Until then, each member would be limited to accepting $26,850 in honorariums, the current limit.

Nader rejected the view among members of Congress that the pay increase is necessary to get them to vote for an ethics package. "I don't believe the House of Representatives should say to the American people: 'We will stop doing unethical things for a 33 percent pay hike,'" he said.

Congress should "subject itself to a process of public humility" by rejecting the pay hike because it has presided for the last nine years over a mammoth federal deficit, Nader said.

He noted that members of Congress already earn enough to put them in the top 1 percent of all wage earners in the United States, and he attributed their desire for more money to "a super-rich mentality" that they adopt by socializing with wealthy representatives of special interests.

"Members of Congress are in the public services, not in the for-profit service," he said. "If they want to make a lot of money, they can quit and go across the street to a private law firm and get more money than they deserve."

Nader praised the radio talk show hosts for their role in stirring up opposition to pay raises.

"Some of the more hoity-toity media are looking down on the talk show hosts," he said. "[But] they are in the vanguard of the two-way media. . . . It is the working person's media, the retired person's media."

CONGRESS TO BECOME PENSION MILLIONAIRES CLUB IF PAY RAISE APPROVED, SAYS NTU

WASHINGTON, D.C., November 15, 1989.—Congress could contain 331 pension millionaires if the proposed Congressional pay hike is approved, according to a study released today by the National Taxpayers Union (NTU) and the National Taxpayers Union Foundation (NTUF).

"If the public thinks a $120,000 salary is too much," said David Keating, NTU's executive vice president, "they'll be furious about the pensions."

Becoming pension millionaires would be 254 members of the House of Representatives and 77 senators. In fact, the proposed pay hike could create many pension multi-millionaires, including 60 members of the House eligible for more than $2 million, and 12 eligible for more than $3 million. In the Senate, 37 could receive more than $2 million, 14 could get more than $3 million, and even one could receive more than $4 million.

"The benefits are outrageously generous," said Keating. "Many congressmen could receive annual benefits in excess of the current $89,500 yearly salary."

"If the pay hike is approved, the pension perk could be worth another $60,000 in hidden annual income," he said.

Speaker of the House Tom Foley (D-WA), the leading proponent of the pay hike, could receive an estimated $3,042,048 in retirement income over his lifetime, including initial pension income of $99,199 a year. Minority Leader Robert Michel (R-IL) could collect the largest initial annual pension check, amounting to $100,573, as part of his estimated $2,187,580 in lifetime benefits.

Keating pointed out that "the public is fed up with politicians trying to raise their pay when the budget is out of balance. Many members of Congress could make more in retirement than a typical wage earner could earn in a lifetime.

Also, Keating noted, "Congressional pensions are typically two to three times more generous than those in the private sector and even more generous than pensions for federal workers."

For example, Congressional pension benefits are fully protected from inflation with cost-of-living adjustments. Less than 10 percent of private sector pensions offer formal COLAs. Also, members enjoy a much lower retirement age with full benefits than private sector employees or Social Security beneficiaries.

"Congress has protected itself from any economic harm that might result from its irresponsible spending policies," said Keating. "Few private sector retirees have such protection from the ravages of inflation and recession."

NTU computed the pension benefits each member of Congress would receive based on public records concerning length of federal service, age at the time of retirement, life expectancy in 1993 based on standard mortality tables used by the life insurance industry, and cost-of-living adjustments (COLA) conservatively estimated at four percent a year. Because Congressional pension eligibility occurs after five years of service, only those members elected before 1984 are listed in the study. The study examined potential pensions of 305 representatives and 86 senators. Members who have already announced their retirement for 1991 were not included in the study.

The study, which was prepared with the assistance of the National Taxpayers Union Foundation, a research organization affiliated with NTU, also assumes that House members will leave office in 1993, Senators no earlier than 1993.

Keating said that the figures in the study are projections of retirement income. Since the Congressional pension system is optional, those members responding to an NTU poll who indicated that they were not participating in the current pension program were not included in the study. Otherwise, NTU assumed that members opted for pension coverage at the beginning of their service.

Congressional retirement benefits are normally calculated by multiplying the years of federal service by 2.5 percent of the average of the three highest years' salaries. Adjustments are made for members with spouses or those who retire before age 60. Depending on the number of years of service, members of Congress may start drawing pension benefits as early as age 50.

The members paid eight percent of their salary into the Civil Service Retirement Sysem (CSRS), which includes the congressional retirement system. But this pays for just a small portion of the benefits, says NTU. According to government estimates, CSRS has an unfunded liability of more than $500 billion that eventually must be covered by the taxpayers.

For many members, federal retirement income actually may be higher than that calculated if Social Security benefits are included.

The National Taxpayers Union, founded in 1969, is a nonpartisan, nonprofit organization representing over 200,000 members interested in reducing government spending and taxes.

[From USA Today, Jan. 9, 1989]

DENY CONGRESS RAISE; THEY GET ENOUGH NOW

WASHINGTON.—Ronald Reagan, with his government deep in red ink and scandal, nonetheless is sending to Congress a 50% salary increase for top government officials. Except for a few who will get more, these officials will receive $135,000 a year plus their usual, very generous pension, health and other benefits. Reagan will also get a 56% boost in his pension. Unless both the Senate and House reject his package within 30 days, these greased raises become law.

When Reagan took office in 1981, members of Congress were paid $60,662 and a $3,000 housing allowance. With his approval, they and other high officials went to $89,500 plus benefits—a 48% increase during the same period he resisted any rise in the $3.35-per-hour minimum wage. Now he urges another $45,000 pay hike. More than keeping way ahead of inflation, these salaries, certain to be followed by other raises in the bureaucracy, fuel inflation and set exactly the wrong example for the country.

These top federal salaries, before Reagan's latest raises, have exceeded inflation this decade and by comparison with 25 or 50 years ago. They represent five times the average wage and about 20 times the average benefits in this country. That is a wide enough gap between the rulers and the ruled who pay these salaries, endure these increases and wonder why the government is in such a worsening mess.

The answer is the one many Americans have given to us on the Stop the Salary Grab hot line (202-546-4996), namely, that more money does not buy competence, dedication and integrity in the public service. These positions are political appointments based on political loyalties and ideologies.

If, in 1981, Defense Secretary Caspar Weinberger and Interior Secretary James Watt were paid twice what they actually received, would they have been more diligent in rooting out Pentagon contractor waste, fraud and abuse or treating the public lands as a public trust? Would Reagan have chosen different men for these positions? Of course not.

Since 98.5% of the American people, including many talented candidates for these jobs, earn less than $89,500 plus benefits, recruiting good people for these 2,700 jobs is not a problem of too little pay. As some Reaganites have admitted, the pay needs to be raised sharply to attract affluent, like-minded lawyers and executives. If these people are unwilling to "sacrifice" and serve their country for a few years, citizens should be glad to be rid of such mercantile attitudes.

By proposing this post-election salary grab, Reagan is generating a wave of public cynicism and disgust which, unfortunately, President-elect Bush will inherit, unless he reverses his predecessor's decision.

Majority Leader George Mitchell says the Senate will vote on the salary increase, which means it will be turned down there. But Speaker Jim Wright and House GOP leader Bob Michel intend to bottle the bill up in committee for 30 days. That is, unless the people, through an avalanche of protest, show them who is boss.

QUOTELINES

"This scheme was designed to fool the voters and enrich the Congress."—David Keating, National Taxpayers Union

"Who else votes on their own salaries? Do teachers or firemen?"—Rep. Vic Fazio, D-Calif.

"If you don't like fighting fires, don't be a fireman. If you don't like children, don't be a teacher. If you don't like voting, don't run for the U.S. Congress."—Rep. Mike Synar, D-Okla.

"We would be much better off if we paid a better wage and did away with all the honorariums, did away with any outside income that has any kind of taint to it."—Lawton Chiles, former Senator from Florida

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NTU CRITICIZES CONGRESSIONAL PAY RAISE II

WASHINGTON, D.C., November 13, 1989.—The National Taxpayers Union (NTU) today criticized the House leadership's proposed 33% pay raise for members of Congress.

"The American people spoke loudly and clearly, but the leadership hasn't listened," said David Keating, executive vice president of the NTU. "Congress should kill this legislative turkey and get to work on balancing the budget.

"Just when the American public thought a huge congressional pay raise was dead, it's back," Keating warned. "The House leadership obviously hopes to slip a 33% congressional pay raise through the Congress before Thanksgiving, then adjourn for the year.

"Do they plan to railroad the bill through the House and Senate, perhaps late at night near the end of the session, before the public will even know what's happening? No public hearings on the proposal are planned. What are they trying to hide?

"Congress failed to meet the Gramm-Rudman budget targets for 1990. This is no time for a pay raise," Mr. Keating said. "Adopting fat pay raises for top officials will undermine efforts to cut the deficit. How can Congress and the president tell special interests to accept the budget sequester if congressmen line their pockets with a 33% pay grab?

The pay raise would be linked to a package of ethics reforms, but "the reforms most strongly supported by the public will apparently be omitted from the package," Mr. Keating claimed. "The 'Quadrennial Commission' procedure that allows Congress to receive a huge pay raise without voting for it will remain in effect. That will almost certainly result in another huge pay increase after the 1992 elections. The lucrative congressional pension system would not only remain intact, but the pay boost will also raise current members' pensions by one-third.

"We've already written the nation's radio talk show hosts to alert them to congressional pay raise II. We mailed over 100,000 letters last week to warn the public of the upcoming attempt to boost congressional pay," reported Mr. Keating.

The National Taxpayers Union organized the nationwide "Tea Bag Revolution" earlier this year, a national network of over sixty talk show hosts that gave listeners frequent updates on the pay raise fight and urged them to send tea bags to Congress to protest the pay raise proposal. The NTU, founded in 1969, is a nonpartisan, nonprofit organization that represents 200,000 members interested in reducing government spending and taxes.

[Citizens Against Government Waste, Sept. 28, 1989]

KEYES URGES ANTIWASTE PERFORMANCE PAY FOR CONGRESS

The President of Citizens Against Government Waste today proposed a new system of performance pay for members of Congress based on their effectiveness in eliminating waste from the federal budget.

Alan L. Keyes, who was named chief executive officer of the 350,000-member citizens association in July, released a statement which criticized recent attempts by Congress to vote itself of a pay raise.

"Last week there were published reports that the bi-partisan leaders of Congress are once again trying to revive a pay-raise bill designed to give members a 35 percent hike over the next three years. If members of Congress want a pay raise, first let them prove they deserve one," Keyes said Thursday.

The Keyes proposal calls for the creation of a performance pay board to evaluate the success of Congress in cutting waste from the budget.

"There should be no pay raise for Congress at all until a performance salary-review commission certifies that waste is actually being eliminated from the budget," Keyes said.

"Only if a performance-pay board finds that Congress has really cut waste from the budget, then the commission should endorse legislation to raise Congressional pay by 2 percent for each $10 billion in waste eliminated over a three-year period," Keyes said.

"For example, if Congress really eliminates $200 billion in waste from the budget over a three-year period, members could receive up to a 40 percent cap in pay raises over the same time span. But if less waste is eliminated, the panel should recommend either a lower figure or no raise whatsoever," Keyes said.

"Unfortunately the current salary review commission chaired by Lloyd Cutler completely ignores the issue of performance on the part of Congress. It only looks at cost of living increases and then selects an arbitrary salary figure to recommend," Keyes said.

"We need a panel of experts who have experience in the executive-peer review and budget-management practices of private-sector companies," Keyes said.

"Given the reaction of the American people earlier this year to the pay raise bill, obviously most Americans do not feel that members of Congress deserve a pay raise at the present time," Keyes said.

"The reason for public opinion against the pay raise is obvious. Americans don't believe Congress deserves a raise because they also don't believe Congress is doing a good job. Some objective performance standards are needed," Keyes said.

"Congress has failed to balance the budget even once in the last 20 years. Congress has approved budget deficits which have tripled the national debt in just the last eight years. Tripled the debt! The national debt as a percentage of gross national product has jumped 22 points just since 1981. This period has been a time of relative peace and prosperity. There has been no war or depression to pay for, just excessive waste!" Keyes said.

"We need a merit-pay board to recommend timely pay raises for Congress. But their criteria should not be the cost of living increases which are caused by Congressionally approved deficits in the first place," Keyes said.

"Instead, the pay raise, if any, should be tied to performance. And the best way to measure good performance by Congress in managing the country is to measure how much wasteful spending has been cut from the budget," Keyes said.

Alan Keyes was appointed President of Citizens Against Government Waste in July by Co-Chairmen J. Peter Grace and Jack Anderson. Grace is Chief Executive Officer of W.R. Grace & Company of New York and served at the request of former President Reagan as Chairman of the President's Private Sector Survey on Cost Control also known as the Grace Commission. Jack Anderson is a nationally syndicated newspaper columnist.

Citizens Against Government Waste was founded by Grace and Anderson in 1984 as a citizens' educational organization to build on the work of the Grace Commission. Over the last 19 months, Citizens Against Government Waste has been the fastest growing national citizens association in the U.S. and now has over 350,000 members.

Mr. HELMS. Mr. President, I can make only one point of order at a time. Therefore, I make the point of order that H.R. 3660 violates section 301(a) of the Budget Act.

Mr. MITCHELL. Mr. President, I move to waive the relevant sections of the Budget Act.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, this is a procedural issue. We are all familiar with the Budget Act provisions to which the distinguished Senator from North Carolina refers. We have all voted on such matters many, many times and, therefore, I do not intend to engage in any lengthy debate as we attempt to move forward on this legislation.

I will simply repeat what I have said before with respect to the previous amendments: That there will be a vote squarely on the legislation which is before us. Each Senator will have the opportunity to be recorded on that vote, either for or against, as should be the case. We all agree.

As the distinguished Republican leader commented earlier at the meeting of Senators this morning, there was almost universal acceptance of the proposition that we should join to table or support the procedural measures so that we could get to a vote on the enactment of the legislation so that every Senator, including those who are opposed to this legislation, can have a chance to vote on it so that we can get the squarely recorded vote on the legislation that is before us. The way to do that is to support the motion to waive the relevant sections of the Budget Act so that we can get to the legislation and have the vote on it, up or down, every Senator, yes or no, in support of or in opposition to the provisions of the legislation.

I hope Senators will join myself and the distinguished Republican leader in supporting the motion to waive the relevant sections of the Budget Act.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I hope that not too many Senators have been offended because I felt obliged to take a position on this issue. It is a position I have long held: That as long as this Congress persists in running up enormous deficits each year, as long as this Congress persists in raising the debt limit in the illusory fix, thus allowing for a Federal debt of more than $3 trillion, which will have to be borne by the young people now coming along, I am not persuaded that we deserve a pay increase. The Senate, obviously, feels otherwise.

There has been a very calculated, well-orchestrated discipline, both in the House and the Senate, with meetings and assurances and guarantees that Senators will vote this way or that way. And that is fine. That is a part of the process, too, and I do not grumble about it. But I just want to recap what the Senate has done this afternoon.

We started off by rejecting my motion to postpone consideration; that we go on and listen to our constituents. Admittedly, obviously, a majority——

Mr. President, I think I will not interfere with the conversations on the floor. I will wait until they are through.

The PRESIDING OFFICER. The Senate will be in order. The Senator from North Carolina has the floor. The Senate will be in order.

The Senator from North Carolina.

Mr. HELMS. Mr. President, We all profess to be so attentive to the will of our constituents, and I admit that there are times when we all, as a matter of conscience, must vote contrary to at least some of the constituents. But in this matter with all of the protestations you hear from the political stump about the economy and Government and responsibility in fiscal matters and so forth, we still have a $3 trillion debt. We still have annual deficits and we still have Senators voting for every bloated appropriations bill that comes down the pike in this Senate, and then they go home and they talk about smoke and mirrors and honest budgets.

I want some honesty in voting, if we are going to pretend that we are fiscally responsible. I do not think the people of America would object one whit to a pay increase if they had any notion whatsoever that Congress has been acting responsibly in terms of Federal spending. At least this is what the people who are calling my office are saying to me.

My office called awhile ago and said we set a new record in the number of telephone calls, not only from North Carolina but from other parts of the country, and they feel very strongly.

So we voted first to say, well, we are going to do this before we go home so it is a done deal and then let them complain.

The second thing: The Senate in its wisdom voted against my proposal that we stop this business of grandfathering all of these enormous amounts of money that politicians in the Congress are accumulating and will pocket for their personal use when they leave Congress. That is fine, if that is the will of the Senate. But I would like to be a fly on the wall and hear Senators explain that vote

when their constituents ask them about it.

Then we had the vote just a moment ago on my proposal to strike the pay increase, and all sorts of reasons—or maybe they were just excuses—were given as to why that was a bad idea. Now we are going to vote, and undoubtedly, even though 60 votes will be necessary, we are going to vote to bust the budget just a little bit more. So the record is replete, complete, and clear, which is precisely what I intended it to be.

I regret so much to find myself in the position of disagreeing with so many of my colleagues, but this is a position that I have held for a long time, long before I was persuaded to file for the office of U.S. Senate. If I have offended any Senator, I am sorry, but I would rather offend you than the people of North Carolina.

I yield the floor.

Mr. GRASSLEY. Mr. President, it seems very ironic to me that it is necessary to waive certain sections of the Budget Act in order to enact this pay raise. It has long been my position that a pay raise for Congress would be in order only when and if the budget is balanced.

Not only does this legislation contribute to the budget deficit, but it also requires us to "waive" portions of the very act which will enable us to achieve a balanced budget by 1993.

Mr. President, the Budget Act allows for waivers of certain sections for very good and legitimate reasons. Those reasons address emergencies and other unanticipated fiscal needs. A fatter wallet for high-ranking Government officials is not an emergency.

While I have voted to waive the Budget Act in the past, I generally oppose anything which would interfere with progress toward deficit reduction. This point of order must be upheld; it must not be waived. Doing so would send a very strong message to the American public that the Senate does not take seriously its goal to eliminate the deficit by 1993.

If the Senate decides that an issue is more important than budget deficit reduction targets, then the Senate votes to approve a budget waiver.

I do not believe that the Senate wants to communicate to our constituents that we believe a pay raise for high ranking Government officials is more important than budget deficit reduction.

I urge my colleagues to uphold the point of order and to oppose the motion to waive the sections of the Budget Act.

The PRESIDING OFFICER. Is there any other debate on the motion?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the 311 point of order on spending is caused mainly by the savings and loan bill, the cost of which, upon enactment, was greater than anticipated in this spring's budget resolution. As a result, the amount of funds that Congress has available to it for fiscal year 1990 has been exceeded by as much as $10 billion. Therefore, under section 311 of the Budget Act, a point of order does lie against this measure. But that point of order does not cure a $10 billion dollar excess on this measure. To do so, would require the adoption of an amendment that in some way would reduce overall fiscal year 1990 spending by $10 billion.

I should call attention to the Senate that each of the appropriations bills and conference reports that we have enacted recently has suffered from the same problem. If any Senator had wished to make this point of order against the appropriations bill, which contained in it $1.1 billion more than the President's request for the war on drugs, the point of order would have been valid. The same point of order could have been made against the Agriculture and Foreign Operations appropriations bills, which together carried something like $658 million in aid to Poland, of which $240 million was in loan guarantees.

In each case, however, when the Senate passed these appropriation bills, whether it was disaster assistance to California as a result of the earthquake, whether it was aid in the wake of Hurricane Hugo, or whatever, the Senate chose to look to the substance of the bill rather than raise this point of order.

So I hope we will look at the substance of this bill, and, hopefully, vote to waive the point of order.

We are talking here in this bill about eliminating honoraria. I accept honoraria. I do not like to do so. It is legal. I report it in accordance with the law. I am in a situation which is somewhat similar to that which faces the young Members of the Senate, because some of us are not so young anymore. But we do have grandchildren to help educate. I have three in college this year.

It is up to me and my wife to help send those grandchildren to college. If it were not for their grandparents, one of these grandsons would not be graduating as a physics major this year. Another grandson who will become a physics major would not have entered as a freshman in college this year.

It is important that this country graduate physics majors, majors in mathematics, chemistry, and various other disciplines in order to keep this country ahead in technology, and science and physics.

So there is a reason why this Senator accepts honoraria. Thirty-seven years ago, when I came to the House of Representatives, the salary was $12,500 a year. We had $2,500 additional as a so-called tax-free expense allowance.

I have voted for pay raises, and I have voted against pay raises during my years in office. But the one thing that we ought to eliminate—and there is more than one thing; Senators will remember I have said we ought to do something about campaign finance reform—we ought to get rid of honoraria.

When I was majority leader the first time in 1977, Senators will recall, those who were here at that time, I put through, with support of Senators on both sides of the aisle, a pay increase. It was a large pay raise in those days. It amounted to a $12,900, increase but along with it we put into place an ethics package in the 95th Congress. That is what is being done here.

I do not like to violate the Budget Act, but we have been violating it consistently here in this Senate with every appropriation bill we have passed since we enacted the FSLIC legislation.

I stood up here and offered an amendment to give assistance in the wake of Hurricane Hugo. That amendment violated the Budget Act. Someone could have made this same point of order. But who would have stood in the face of that disaster and raised that point of order? The same thing may be said with respect to the California earthquake. A point of order could have been made against that measure.

But we looked at the substance then; let us look at the substance now. There is only one way, and every Senator here knows it in his heart; there is only one way to get rid of honoraria and put into place a strong ethics reform package: that is to tie the two together with an increase in pay that is commensurate with the honoraria that are being foregone.

I was opposed to the proposed pay raise in January of this year. That was a 50-percent pay increase. I said there ought to be a raise, but that was too much. But this is, I think, a very appropriate package. It has been carefully worked out by the two leaders of this body. And it takes into consideration, as I have already indicated, elimination of the honoraria and the putting into place an ethics reform package.

Honoraria create the perception that Senators are beholden to the organizations that pay them to make speeches. Yes, we disclose the amount,

and there is a cap on that amount. We also disclose the source, whatever it is.

But still it creates perception that is contributing to distrust toward, and lack of confidence in, this institution, meaning the House and the Senate.

So for the sake of the institution, we ought to get rid of honoraria, as I have stated, there are some Senators who have to have additional income if they expect to send their children to college.

Are we going to create an institution here in which only those who are independently wealthy, can afford to serve in the Senate?

This should not be an institution to which a future welder in the shipyard cannot aspire in America, or a butcher, or a produce salesman, a store clerk, a garbage collector, whatever he may be; this should not become an institution to which an individual like that could never aspire. That is the issue here.

I respect the distinguished Senator from North Carolina for making the point of order. It is a perfectly legitimate point of order. I do not quarrel with that at all, but I simply want the Senate to understand that we have been violating this Budget Act all along, but we looked at the substance of the legislation, and said that it took priority. That is what we ought to do today.

I support the motion by the majority leader to waive the Budget Act, and I hope that the Senate will join in supporting that motion.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Senator PRESSLER.

Mr. PRESSLER. Mr. President, I say there is one major difference in the proposal before us today from the one we voted on earlier this year. This time the congressional pay raise would be packaged with an ethics bill, which I support, and a ban on honoraria, which I also support. However, I will not vote for a compounded 35-percent pay raise.

Mr. President, February 2, 1989, the Senate adopted my resolution calling for disapproval of Presidential recommendations for Federal Pay by a vote of 95-5. It was good legislation. It embodied the collective effort of 30 Senators—both Democrats and Republicans. The American people clearly told us then that there should be no congressional salary increase because of the budget deficit.

Today I reaffirm my opposition to a congressional pay raise and hope that the views expressed last February have not been forgotten. We still are looking at a large budget deficit and still trying to find ways to feed the homeless. Under these conditions in our country, we should oppose a pay raise.

However, there is one major difference in the proposal before us today. This time the congressional pay raise has been packaged with an ethics bill, which I support, and a ban on honorariums, which I also support. I will not vote for a compounded 35-percent pay raise. There are times when a pay raise is needed. I believe we should handle this pay matter in a much more professional way. We could have an annual COLA rather than these big spurts.

In my home State of South Dakota, a head nurse makes between $24,000 and $28,000. The average South Dakota teacher's salary is approximately $20,000. I am responsible for representing their best interests. They care for and teach our children, and in them is vested our future. I have great difficulty going back to my home State and explaining that Congress needs a pay increase when we already make four times their average salary.

In addition, the American people have expressed their outrage regarding the methodology of automatic pay raises. The previously accepted backdoor pay raises do not hold Congress accountable. I have always been taught that one must work to earn a raise. It is time to address the questionable methods Congress uses to increase its pay. In my opinion, the only way to do this is to have a rollcall vote on every future pay raise, without extraneous subjects in the bill. This would hold each Member accountable for his actions.

As we address the congressional pay raise issue this time, it is appropriate that equal time be given to the ethics package. I would like to express my support for the ethics bill. I support tougher restrictions on travel and gifts. We need a stricter ethics code for Federal officeholders. There is no doubt that it is a significant step in the direction of cleaner government. For these reasons, I support the ethics package. I also support honorarium reform.

Unfortunately, the ethics reform, honorarium reform, and a congressional pay raise are linked together in this package. We are standing before the American people and focusing on improving the integrity of Congress, while in the same breath asking for a 35-percent pay increase. If this pay raise is adopted, the American people will be curious over our change of heart since February.

Mr. President, in closing, I reiterate that I am not opposed to debating both issues, but I am disappointed that these three issues are packaged together. The ethics package is a good package as is the honorarium reform. These three very important issues should be voted on separately.

The PRESIDING OFFICER. The question is on the motion of the majority leader to waive the Budget Act. Sixty votes are required for adoption.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 68, nays 31, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—68

Adams	Ford	Metzenbaum
Bentsen	Fowler	Mitchell
Biden	Garn	Moynihan
Bingaman	Glenn	Murkowski
Bond	Gore	Packwood
Boren	Gorton	Pell
Breaux	Graham	Pryor
Bryan	Hatch	Reid
Bumpers	Hatfield	Riegle
Burdick	Heinz	Rockefeller
Burns	Hollings	Roth
Byrd	Humphrey	Rudman
Chafee	Inouye	Sanford
Cochran	Jeffords	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kennedy	Simon
Danforth	Kerrey	Simpson
Daschle	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Wallop
Domenici	Lugar	Wirth
Durenberger	McClure	

NAYS—31

Armstrong	Harkin	Mikulski
Baucus	Heflin	Nickles
Boschwitz	Helms	Nunn
Bradley	Johnston	Pressler
Coats	Kasten	Robb
Cohen	Kerry	Shelby
Conrad	Kohl	Thurmond
DeConcini	Levin	Warner
Exon	Mack	Wilson
Gramm	McCain	
Grassley	McConnell	

NOT VOTING—1

Matsunaga

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The point of order is rendered moot.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I know of no other amendments or points of order which are to be made.

I inquire, is there any Senator who now wishes to offer an amendment or make a point of order?

I wish to give ample opportunity to be here to any Senator who wishes to do so, Mr. President, and give Senators the opportunity to return for the votes, since some Senators are not here.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. SHELBY.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my amendment be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, it is withdrawn.

Mr. MITCHELL. Mr. President, I would like to begin by apologizing to Members of the Senate for the inconvenience of the delay that has occurred. Since the quorum call was begun, Senator DOLE and I have discussed the matter, and we have had the opportunity to discuss the pending amendment with a number or our colleagues.

It has become apparent that a majority of Members of the Senate are opposed to the amendment and will not vote for it. Accordingly, it was my decision that, rather than requiring a vote on that amendment, it would be best to withdraw it and to present an alternative for consideration by Members of the Senate. I regret this decision. I believe it to be an unwise decision by the Senate. I believe that the interests of the Senate as an institution and those of individual Senators would have been better served by the adoption of the amendment which I previously offered with the distinguished Republican leader.

Nonetheless, in this, as in all other matters I accept the judgment of the Senators and accept the fact that a majority of Senators disagree and were not prepared to support the amendment and would have rejected the amendment had it been offered.

That leaves us, Mr. President, and Members of the Senate, with a decision on how best to proceed. I believe that the most appropriate course of action now would be for the Senate to act on a substitute amendment, an alternative, which I will shortly offer and which I will, momentarily, describe. I will first see if the distinguished Republican leader would like to comment on what I have said so far, or whether he would prefer to wait.

Mr. DOLE. I will wait.

Mr. MITCHELL. Mr. President, the alternative amendment includes a cost-of-living adjustment for the 3 years 1988, 1989, and 1990 in the aggregate of 9.7 percent. There is a provision providing for a permanent ban on honoraria, to be phased in as cost-of-living adjustments cause an increase in the official compensation of Senators. So that, for example, for the first year, that is 1990, honoraria would be reduced from 40 percent of a Senator's official compensation, as is now the case, to 27 percent of the official compensation, which works out to be an almost exact dollar-for-dollar reduction with respect to the increase in the compensation that will result from the cost-of-living adjustment.

So that for a Senator who accepts honoraria, there will be no change in the total income, including official compensation and income from honoraria, but there would be a 9.7-percent increase in the official compensation and a 13-percent reduction in the honoraria allowable, which results in the same level in terms of dollars.

The remainder of the provisions in the substitute amendment that I will shortly offer are similar or identical to those offered in the previous substitute; that is, they cover the same range of issues, the only difference being that with respect to pay. And in this respect, there is no pay increase.

The previous amendment distinguished between cost-of-living adjustment and pay raise and provided for both. This amendment provides only for a cost-of-living adjustment. With respect to that cost-of-living adjustment, however, Senators should understand that the previous amendment called for 2 years, 1989 to 1990, in the aggregate of 7.7 percent.

This substitute calls for 3 years of cost-of-living adjustments—1988, 1989, and 1990—in the aggregate of 9.7 percent. There is no provision in this substitute comparable to the pay raise in the previous substitute. That has been removed for the obvious reason that a majority of Senators would not support it.

With respect to honoraria, the difference is only this: The previous amendment called for a complete ban on honoraria effective January 1, 1991. This provides for a complete ban on honoraria to be effective as compensation increases in future cost-of-living adjustments. So it is phased out over a little longer period of time depending, of course, upon the amount of the cost-of-living adjustments that takes place in years beyond 1990.

Mr. President, that is a brief explanation. The substitute at this moment is being copied to make them available to interested Senators. I will offer it as soon as copies are available to be provided to other Senators.

I now yield, Mr. President, to the distinguished Republican leader.

Mr. DOLE. Mr. President, I thank the majority leader. I would say that I think our count was firm. It just was not enough. There were more firm noes than more firm yeses. I think I could say we had half of our people on this side prepared to vote for the House provision, because I think they understand that this battle is just going to start over here in the Senate now.

We are going to have an honoraria battle. I have already been approached by several Members who wanted to know if I would cosponsor an amendment to ban honoraria. I said not tonight, maybe later. I am not going to ascribe motives for anybody. I have been here too long. I have not voted for many pay raises, so I do not come here with clean hands, but I believe we are taking the proper course.

As we indicated earlier in the day, if we did not succeed, there was a fallback position. But what we want to preserve for the House and for the executive branch and for the judiciary is what in large part was accomplished yesterday in the House of Representatives. Because if we cannot muster whatever it takes to get 51 votes in the Senate, we should not punish the judiciary, we should not punish those in the executive branch, we should not punish our colleagues in the other body—by a vote of 252 to 174, I believe, bipartisan, nonpartisan—who made this determination.

I would just say finally, I think some may have lost sight of what we are doing, because the headlines were "pay raise," "pay raise." And I will repeat it again, not that it may make any difference at this later hour, yes, there was an increase after the next election in this bill, a pay increase. Next year, the first of January, is a cost-of-living adjustment.

What we are suggesting now under our catchup is a cost-of-living of 9.7, as the majority leader pointed out, reduce honoraria 27 percent of the salary in 1990, and then maybe over the next 5 years it would be phased out altogether. It probably will not take that long, probably 4 or 5 years.

In the meantime, I think I can predict, if I know the Senate as I believe I do, that there are some Members who would like tonight to offer the amendment banning honoraria. I hope we can discourage that because I think we made sort of a pledge this morning that we would not get into that today; we would not move to ban all honoraria.

So it seems to me that this is the second-best plan. And when you cannot achieve the first-best plan, I guess you try the second-best plan. I would hope that people understand, this is a cost-of-living adjustment. It is not a pay raise. I hope we would have an overwhelming vote and I hope we would do that very quickly. We started on this bill at 1:03. It is now 5 minutes of 10.

I want to thank my colleagues on this side of the aisle regardless of their position. I think we have been able to get this far because we have had a lot of cooperation on both sides of the aisle.

So I hope we could vote on the leadership amendment. If there is a demand for a rollcall, I assume we could have a rollcall and then maybe by voice vote pass the balance and then we could decide what we are going to do with the Department of Defense conference report tonight or tomorrow. I thank the majority leader.

Mr. MITCHELL. Mr. President, I would like to express my thanks to the distinguished Republican leader. This has been a completely bipartisan effort in the Senate as in the House. There was support and opposition on both sides of the aisle.

I wish to reaffirm and emphasize for my colleagues the point the distinguished Republican leader made about the action by the House of Representatives.

The House of Representatives demonstrated courage. The Members there, all of whom are up for reelection next year as opposed to one-third of the Senate, yesterday cast their votes on this matter. They provided compensation increases and a complete ban on honoraria not only for themselves but for the Federal judiciary and for senior executives in the executive branch of Government. Those increases in the latter two categories are vitally necessary to attract and retain the highest quality personnel.

There will now be an unfortunate disparity in compensation between the House and the Senate. I regret that. I believe all Senators should regret it because we are, by our own decision, evaluating ourselves in terms of compensation in a manner different from and lesser than the House of Representatives.

But, I urge and encourage my colleagues that whatever our decision with respect to our level of compensation and our practices with respect to honoraria—and I emphasize that, although I disagree with the decision of the Senate, I accept it; this is a body that we all must accept the will of the Senate—I urge my colleagues that we not disturb the action taken by the House with respect to the House, the Federal judiciary, and the senior executive branch. They have made their decision. We have made our decision. We should permit them to proceed as they have decided for themselves, as we proceed as we shall decide for ourselves.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. SIMPSON. Will the majority leader yield?

Mr. MITCHELL. Yes, I yield to the distinguished Senator from Wyoming.

Mr. SIMPSON. Just a few brief remarks. In our duties as assistant leaders, Senator CRANSTON and I have tried to see if we could not reach some kind of result on this tough issue that always broods in our bosom around here. Never have I more clearly heard people all day say, "Gosh Al, I hope you will all jump off the cliff, then I will get the money." It has been a real adventure. I am really tired of that one and I am not really going to tune that one in any more.

I was ready, perhaps, to leap off the cliff. I have never done that. It seemed to me I was impelled by the courage of the House to honestly confront the issue. They laid themselves on the line with the yes or no vote, while the majority in this body choose to sneak and pad around in the alley and still get the bucks.

You see, my great revelation on this came at a town meeting in Lander, WY, where men are men and women are proud of it.

These old cowboys gathered in the back of the room and one old boy said, "Simpson, I heard you say you voted against the pay raise." I said, "Boy, what a good question"—for I had hoped that guy would throw that in.

And then the guy later said, "In fact I heard you say twice you voted against the pay raise."

I said, "Yes, sir, I did. I am proud to tell you people here that I did."

And then the old boy said, "But you're going to take it, aren't you, you S.O.B."

At which time I was so rattled in my activities that I said: "No, I am not going to take it."

And then you should have heard what my wife, Ann, said when I got home.

So here we are, and boy, I can tell you, if I was ready to do that it has passed. I happen to receive maximum honorariums, and I look like the great benefactor of Wyoming because I used to pick up another $40,000 or $50,000 in honorariums, and I would just dribble it around the State looking like the great philanthropist of all time: $100 here, $500 here, $1,000 to the symphony, $1,000 to the poor and downtrodden, $1,000 to the University of Wyoming. At least I send a letter now with it that says if honorariums ever stop, do not write to me. I am not a philanthropist.

So I look good in that process. And within a few days or weeks, right here in this body, there is going to be an up-or-down vote on honorariums, and I will vote to repeal them. And I hope everybody will. And just leave a lot of people holding a big sack in the process. And that will be good. It will be refreshing for some people to hold the big sack around here, especially those who vote "no" every single time and take the bucks and never even twitch—and then give us lectures from on high.

So, when I told them in Wyoming I was not going to take the pay raise, I did not take the pay raise, and I still do not take the pay raise. I make $77,400, while the rest of my colleagues make $89,500. That is fine with me. I make a lot of bucks in honorariums. And then with TED KENNEDY, my lovely friend from Massachusetts—I do enjoy him—we have a radio program called "Face Off" where we just mash each other around once a day for about 50 seconds. And they pay you for that, and I report that as income.

So I am not magnanimous but at least it is not coming out of the taxpayer's pocket, so I can at least hold up that end of it.

But after today, I can tell my colleagues, I really hope I do not have to listen to many more debates where I watch and hear these ringing speeches and know that that guy in his craven bosom is just waiting to hope the rest of us will go off the cliff and they will draw the check. That is phony, plain phony.

There is no other way to put it. We cannot mark it up on the scorecard any other way—and I used to do it. Next time, I will not be doing it. I will either vote yes or no and I will either take it or I will not take it.

One fine colleague today said: "I am going to vote no, but I am not going to take it."

I said, "Why not vote yes, and not take it?"

But that was not to be. I also put my good colleague from Wyoming, MALCOLM WALLOP, against some terrible pressures in my activities on behalf of the leadership. He is a great and steady and patient friend of 35 years.

I am ready to go forward. I want to say I admire the majority leader greatly and the minority leader. They are two splendid people leading us, and they tried their very best to lead us in an honest way today, and they failed. There should not be a shred of criticism toward them. It is always great to work with my friend from California. We will not have to make the great commitments. It will be a great relief.

Instead of bumping up against a number of 46 or 47 here tonight, which is what we would have bumped up against if everyone had done their duty, we will bump up against 85 to 15 on the vote, or something like that, where we can all be salvaged. And that is on the big one.

Then we will come in to a cost of living increase. I am ready to take care of the judiciary and I am ready to take care of the senior civil servants. It is just terrible that after we leave them holding the sack while we do this sage chicken dance for ourselves.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1163

Mr. MITCHELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself and Mr. DOLE, proposes an amendment numbered 1163.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MITCHELL. Mr. President, I previously described the amendment briefly. I believe we have thoroughly discussed the issues involved in this matter. I hope we can proceed to vote on this as soon as every Senator who wishes to do so has an opportunity to express himself or herself. We still must proceed to the Department of Defense appropriations measure this evening. It is my hope that will not take too long.

If any Senator has an amendment or wishes to address the Senate with respect to this measure, now would be the time.

The PRESIDING OFFICER (Mr. BRYAN). Who seeks recognition? The Senator from Colorado [Mr. WIRTH] is recognized.

Mr. WIRTH. Mr. President, I want to thank the leadership for the superb job they have done in the last few days and weeks on this very difficult issue. I spent more time on this than I care to remember, but I do not regret it because it has been a great experience to see two fine people at work.

The Senator from Wyoming hit it right on the head, I think, as he always does; pointing out the hypocrisy of all of this and the kind of problems we not only have today but the kind of problems we are walking into tomorrow.

We had the opportunity today to eliminate honoraria, to get rid of it altogether. That was sitting right in front of us and we let it escape.

We had the opportunity to do a quite reasonable ethics package; hopefully we can hang on to that. We also had an opportunity to assure some equity in the way people in this institution are treated.

We have missed that opportunity. We are now going to be the target of some very significant ridicule for our action—or nonaction tonight—and we should be. We are going to look silly in comparison to the House as we draw some $25,000 less than Members of the House, and it's our own fault that we do.

We also are going to be the target of those all around the country who want to get rid of honoraria. We have heard a lot of rhetoric from Members saying we should not have that pay raise, yet accept it when it's given. But those are the same people, many of them, who are scrambling for the honoraria as well. We cannot have it both ways any longer, and it has finally caught up to us.

We are going to end up with the worst of all worlds, which is no honest pay raise reform and no honoraria reform. Because of that, you can be sure there will be amendments on this floor to ban honoraria outright and immediately, and I am going to offer one of them.

There will be many other people doing it as well. The opportunity will come and the time will come to do it.

We are creating the worst of all possible worlds here. Let me offer my colleagues another reason why that is so. The Senate is an institution that is already considered an elite body. This is already an institution that in many ways is very isolated from the real world. and what we are doing, as a result of our actions tonight, is making it even more so.

By only coming up with 43 or 44 or 45 votes, an insufficient number to pass the leadership substitute, is to assure even further that there will be fewer and fewer people who can afford to come to the U.S. Senate. The Senate will become more and more an institution of wealthy individuals who, due to their good work beforehand, have been able to make a lot of money. They will come here, not with a whole career of prior public service, but because they can independently afford to do so.

God bless them. I am glad they are able to do that. But people who are not able to do that will increasingly find it difficult to serve.

That situation is compounded if those people who want to serve and who are very able but cannot afford to do so, happen to have a young family that they have to send through school. Anyone who knows what the cost of tuition is in this day and age understands what a financial burden that can be.

Government is going to have an increasingly difficult time recruiting people to serve who do not have a vast amount of independent income. That is wrong for Government and that is wrong for the U.S. Senate. Much more important, that is wrong for the country. To have people in office who do not understand what it is like not to have an income or what it is like to go through the problems of trying to send your kids through school is wrong.

What we have here is the worst of all possible worlds and we have done it to ourselves now we are going to spend the good part of the next year trying to climb our way back out of this, trying to figure out how we can, through the back door, catch up with the House salary schedule mark my word, that is going to happen and, mark my word as well, we are going to end up eliminating honoraria because there are going to be a lot of people offering amendments and legislation to get rid of honoraria, and I am going to be one of them.

We have done exactly the wrong thing tonight. There were a lot of opportunities. We had a lot of ways in which we could have put this together in a package that would be good for the Senate, good for the Government, most important, good for the country, and we have failed. It is too bad. It is a great shame.

I just close by saying that our two leaders have done a superb job. There was not a partisan note in all of this. It was a very clear, thoughtful effort by the two of them, the two whips, Senators CRANSTON and SIMPSON, and many people who tried to put together a package to avoid this hypocrisy and strengthen this institution. We have not done it, and I am sorry.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I want to say one word. I have been reading over the debate of 1816. I want to read a little statement that I think applies today:

> It may not be extraordinary to find men of wealth, such as the honorable gentleman [Mr. HUGER] opposed to the increase of the compensation. It is by such means, Mr. Speaker, that the men of wealth, who alone possess the funds to support them here, will by this indirectly work out men of moderate fortunes, and thereby lead to the most dangerous consequences; as the Government, once in the hands exclusively of the wealthy, would render insecure the rights of the common people, and endanger the happiness of the Republic.

That was 1816. Nothing has changed. As I heard earlier today, I heard a newscaster who said this will not pass the Senate; there are too many millionaires. I must confess, I thought the guy was wrong. I cannot remember his name, but he was right.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief.

The Senator from Colorado has done in his speech far more eloquently than I can. He spoke both publicly and privately the same way.

I want only to say this, Mr. President, about Senator MITCHELL and Senator DOLE. The distinguished Democratic and Republican leaders deserve a great deal of praise and credit from this body because they first tried to set aside any part of partisanship of this issue. They also put their own courage and prestige on the line for this body. The irony is that a few months from now, a majority of this body will wish they had listened.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I want to thank our two leaders. They have attempted in a very honest, straightforward way to rid this institution of honoraria, to put into place an ethics reform package, and to enact a pay increase commensurate with the honoraria that would have been foregone. That took guts. And they worked hard and they have been working hard for days and weeks.

I also want to congratulate the House of Representatives. They stood the test; they stood the fire; and they measured up to both. Tonight the Senate has done three things: We have indicated that we do not have the courage of our true convictions within our own hearts to do what is right for this institution. We have made it difficult for young men and women of average means or less to aspire to become Members of the greatest upper body in the free world today. And we have created, by virtue of our cowardice, a telling inequity. We have said that the work of the Senate is not worth as much as that of our colleagues in the other body. We have said that the office of Senator is not worth as much as the office of, incidentally, Federal judge. Federal judges get retirement benefits that are not one penny less than the salaries that they draw, and do not pay one penny into their retirements.

I do not begrudge them that. I only am sorry to say that Senators have indicated tonight that our work is not as important to the Nation as that of Federal judges or of senior personnel in the executive branch.

I have seen this Senate stand at times, Mr. President, in the face of difficult decisions, and I have seen it measure up to those difficult decisions. I knew it was going to be close tonight. But, this is an instance in which I think we have failed. We have failed the institution, and we have failed its future. We will come to regret it.

I close by thanking, again, the majority leader and minority leader who have demonstrated real statesmanship, but they have accepted, regretfully, the inevitable. They had no alternative.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I am voting to oppose the proposed substitute.

Many Americans are struggling to pay the rent, to meet spiraling medical costs, or to send their children to college. We are still struggling with a mammoth budget deficit. We will soon, I hope, have a budget reconciliation conference report that will make a dent in that deficit, but not without imposing additional cuts in programs that will affect average Americans.

The pay raises included in the substitute before us—a pay raise of 7.9 percent plus 25 percent for the House and a raise for the Senate of almost 10 percent—are unwarranted and excessive. At $89,000, a Member of Congress is in the top 2 percent of all wage earners in the country. The average New Jersey family needs two workers to make it. It's a real struggle to own a home in New Jersey, or to send your kids to college. Members of Congress can live on this salary. We choose to serve, to give something back to our country. If we accept this responsibility, we accept the pay—which is more than generous.

A flat ban on honoraria is not included. Mr. President, I beleive that, in the interest of maintaining the integrity of the Congress, we should adopt a total ban on honoraria. We serve here for the public and we should be beholden to the public and the public alone. When a Member accepts honoraria, there is at best the appearance, at worst the reality, of a conflict of interest.

Earlier, I voted to table the amendment of Senator HELMS because of my opposition to honoraria. The amendment proposed to strike in their entirety sections 902 and 903 of the then-pending substitute. While these sections included pay provisions I opposed, the effect of the amendment would have been also to nullify the ban on honoraria included in title XIII of the bill, which I supported. Had the amendment been drafted to amend sections 902 and 903, instead of striking them, the honorarium ban would have remained. But the intent of the amendment was clearly to continue the practice of honoraria as a substitute for a public paymaster. When the public pays, there is only one master. When special interests pay, there could be obligations outside the public interest.

Mr. President, I acknowledge that the package before us included several imporant ethics reforms. I believe they should be enacted. When a point of order was made under the Budget Act against the whole bill, I voted to waive the point of order because, had the point of order been sustained, the whole bill would have fallen, including those provisions tightening up on conflicts of interest, gifts, and postemployment activities, and other ethics reforms. It was my hope that these could be enacted without the excessive pay raise.

Unfortunately, the final question before us is for a substitute that includes an unwarranted increase in pay. Because of that, and the absence of a total ban on honorarium, I must vote to oppose the substitute.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 1163, AS MODIFIED

Mr. MITCHELL. Mr. President, earlier this evening, the Senator from New Hampshire [Mr. HUMPHREY] offered an amendment to the prior substitute amendment which provides that with respect to the recommendations of the so-called Quadrennial Commission, that any such action on those recommendations would require a recorded vote to reflect the vote of each Member of Congress thereon.

I accepted that amendment. I supported the amendment, as did the manager on the Republican side. I believe it to be an appropriate amendment. I have discussed it with the distinguished Senator from New Hampshire, and I send a modification to my pending amendment to reflect that change identical to that which was included in the previous amendment.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The modification is as follows:

"(1) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. The bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, offered by the majority.

Mr. MITCHELL. Mr. President, if no Senator has any further amendment or wishes to address the Senate on the subject, I believe that we are prepared to vote on this measure.

Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. MITCHELL. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—56

Adams	Durenberger	Lott
Bentsen	Ford	Lugar
Biden	Fowler	Metzenbaum
Bingaman	Garn	Mikulski
Bond	Glenn	Mitchell
Boschwitz	Gore	Moynihan
Breaux	Gorton	Packwood
Bumpers	Graham	Riegle
Byrd	Hatch	Robb
Chafee	Hatfield	Roth
Cochran	Heinz	Rudman
Conrad	Hollings	Sarbanes
Cranston	Humphrey	Sasser
D'Amato	Inouye	Simpson
Daschle	Jeffords	Specter
Dixon	Kennedy	Stevens
Dodd	Kohl	Symms
Dole	Leahy	Wallop
Domenici	Lieberman	

NAYS—43

Armstrong	Heflin	Nunn
Baucus	Helms	Pell
Boren	Johnston	Pressler
Bradley	Kassebaum	Pryor
Bryan	Kasten	Reid
Burdick	Kerrey	Rockefeller
Burns	Kerry	Sanford
Coats	Lautenberg	Shelby
Cohen	Levin	Simon
Danforth	Mack	Thurmond
DeConcini	McCain	Warner
Exon	McClure	Wilson
Gramm	McConnell	Wirth
Grassley	Murkowski	
Harkin	Nickles	

NOT VOTING—1

Matsunaga

So the amendment (No. 1163), as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

POSTPONE PAY RAISE

Mr. GRASSLEY. Mr. President, it is most unfortunate that the Senate defeated the motion to postpone action on this bill. I really do not believe the Senate was ready to debate this complex and controversial legislation.

Even this morning, copies of the leadership amendment were not yet available for examination. I am most disappointed that the Senate leadership expects Members of this body to approve legislation without the opportunity to analyze it, especially legislation which generates so much public hostility.

As most of you are well aware, my colleague from North Carolina and I intended to offer several amendments.

The main focus of these amendments was to provide public accountability on the pay raise. However, we were stymied in our efforts to draft amendments because we had not been presented with the leadership amendment.

That is one issue. The other issue is that it is deceptive to cloak a pay raise in ethics reform. Ethics are not for sale. Or at least, they should not be.

As my good friend from North Carolina has said, this sends the message to the public that Congress will not adopt laws or regulations to improve the ethics environment unless it can fatten its wallet at the same time.

No doubt, many Members will be able to tell their constituents that they opposed the pay raise. However, they will tell their voters that they had no choice but to accept the raise in order to get ethics reform.

The amendment by my good friend from North Carolina, Mr. President, provided Members with that choice. This amendment, which would have stricken the pay raise provided in this bill, allowed Senators to communicate clearly to their constitutents their sentiments on an increase in pay.

As you all well know, I oppose this pay raise. Mr. President, I look forward to voting for a pay raise in 1992 or 1993, when Congress balances the Federal budget. Until that time, we do not deserve a salary increase.

As former President Herbert Hoover, who hailed from my State of Iowa, said: "Blessed are the young, for they shall inherit the national debt."

We cannot, I repeat, we cannot, contribute to the national debt with our own salary increase when the budget we pass so grossly mismatches receipts with expenditures.

Some Members of this body and of the other body say that the cost of a salary increase, in the perspective of the whole budget, is insignificant. Well, if I may quote a Scottish proverb: "Take care of your pennies and your dollars will take care of themselves." In the case of Congress, it is more accurate to say: "If you take care of your millions, your billions will take care of themselves."

I do not need to go on at length on this issue. I have spoken on it dozens of times before and probably cannot say anything that I have not said at an earlier time.

I doubt if anything that I can say in this speech, or to my colleagues personally, will change their votes on the legislation.

Actually, all I have ever wanted is a simply up/down vote on a pay raise. A vote against this pay raise is not a vote against ethics reform.

Mr. NUNN. Mr. President, I will vote against the pending proposal which includes a salary increase for Members of Congress. For several reasons, I would like to have supported this plan, but not under circumstances that would inevitably undermine public confidence in Government.

I strongly believe that members of the Federal judiciary and senior executive branch officials merit a pay increase. We cannot continue to recruit competent individuals for these positions if we are not able to compete with far more lucrative, private sector opportunities. For instance, it has been difficult to recruit individuals who are responsible for important research at NIH and those responsible for nuclear safety at DOD and DOE. I believe that salary increases for Federal judges and these senior executive branch officials should be considered separately and should not be linked to congressional pay.

Second, I believe that the ethics portion of this legislation could, if implemented, clarify and strengthen Senate ethics rules regarding gifts, travel, and outside income. These changes are long overdue.

Also, I support a reduction or elimination of honoraria in conjunction with a salary increase. I have accepted honoraria from non-Georgia groups, and I do not believe that this practice is in any way unethical, but I recognize there is potential for abuse unless handled with prudence. I understand, however, the growing concerns that many individuals have about this system, particularly when Members of Congress appear before organizations which have a strong interest in that Member's area of expertise.

The attractive features of this legislation are outweighed by the circumstances under which we consider it. The Federal Government's financial house is not in order, and both Congress and the Bush administration share responsibility for the continued fiscal disarray of the Federal Government. We are currently under a sequestration of Federal funds—the most dramatic example of budgetary ineptitude—because we have not met the deficit reduction targets set by the Gramm-Rudman-Hollings law. These across-the-board cuts could have a severe impact on the men and women in the military and on domestic programs upon which many Americans depend.

To enact this package of legislation, with all its worthy features, at the very end of the session, and at a time when the Congress and the President have demonstrated that we are not properly managing the Nation's financial affairs, would undoubtedly be interpreted by many Americans as an undue reward.

Let us consider this legislation at the right time and after the Congress, together with President Bush, has done its duty in placing America's fiscal house in order.

Mr. WIRTH. Mr. President, I rise today to submit for printing in the RECORD an amendment that I hope to offer during Senate debate on H.R. 3660, the Ethics in Government Reform Act of 1989.

My amendment would prohibit a Senator from accepting a pay raise during the Congress in which the increase is approved, until after that Senator has had an intervening election. In short, no one gets a pay raise until he or she gets reelected. I myself, vow to abide by the spirit of this amendment whether or not it passes.

Mr. President, the issues facing us today are many and are complicated. But I think they come down to three basic issues: Maintaining qualified personnel in Government, eliminating special interest money, and earning the public trust.

Left and right the Government is losing top-flight, qualified scientists, researchers, educators, and administrators to the private sector. Why? Because their pay scale is inadequate and uncompetitive with that of their private sector counterparts. How will we find a cure for AIDS; how will we fight the war on drugs; how will we negotiate arms treaties if the Government cannot retain the very best in qualified doctors, engineers, administrators, and law enforcement officers?

Our judicial system suffers from overloaded dockets in courts without judges because the law is more profitable, if not fulfilling, on the other side of the bench. How will we reduce our case load; how will we dispense speedy and public justice if Government salaries create a disincentive to serve as a servant of the court?

This bill represents a fair and honest effort to correct a salary imbalance experienced by public servants who too often are the scapegoats or victims of poor economic or budgetary administration. Yet these are the very same persons who are responsible for administering this Government and making this massive machine run, serving 250 million Americans every day.

In addition, this bill eliminates the specter of special interest money some see in honoraria payments. This provision is strong reform and and a step toward open and honest government.

Finally, the one aspect of the bill I see needing strengthening is the subject of my amendment: Members of the Senate being able to accept a pay raise before the public has had a chance to express their desire to elect that Member at that pay scale. The House of Representatives has mandated an intervening election; we should as well. My amendment corrects this flaw and makes clear that an intervening election must occur before a Senator may accept the salary increase.

Mr. President, I ask unanimous consent that a copy of this proposed amendment be printed in the RECORD.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

In the appropriate place in the bill, insert the following:

"Notwithstanding any other provision, no incumbent Senator may accept an increase in salary, except in the case of cost-of-living adjustments, during the Congress in which the increase is approved, and not until such time as that incumbent Senator has experienced an intervening election."

PROCUREMENT INTEGRITY

Mr. GRASSLEY. Mr. President, I did not have an opportunity to comment on the remarks presented by my friend and colleague from New Hampshire [Mr. RUDMAN] relative to the repeal of the procurement integrity section. I believe the distinguished gentleman misconstrued the primary focus of my remarks and what my primary concerns are about the repeal. To me, the importance of this law is that it is the only law that restricts the use of nonclassified procurement information. Without it, we're right back to having no way to prohibit trafficking, unless there's evidence of bribes or other criminal activity.

Of course the Ill Wind case is being conducted under current statutes, and successfully. But the Senator from New Hampshire has apparently not been talking to the same prosecutors and investigators I have who are trying to deal with these types of cases. I am certainly not an attorney, nor a distinguished prosecutor, as was my good friend from New Hampshire. Nonetheless, I have been investigating document trafficking since late 1984, from my position as chairman and then ranking member of the Judiciary Subcommittee on Administrative Practice. The prosecutors and investigators I have talked to say current laws are not adequate. They don't pursue cases where there are no laws to use, or where they don't have a legal theory. The laws are adequate for the Ill Wind investigation because there was evidence of bribery or conspiracy or some other criminal activity. But without this law, there are no prohibitions to giving sensitive information to favored contractors. That's what we're talking about here, Mr. President. There are no civil or criminal remedies for that type of activity. There are remedies for that type of activity. There are remedies for Ill Wind-type cases, and for trafficking classified documents. But none for nonclassified trafficking to your favorite contractor. This law also requires contractors to certify that they are not engaging in these activities, putting the monkey on their backs.

If we repeal this law, Mr. President, for 1 year or forever, we are eliminating an important check on corruption against the Federal procurement process.

On this matter, I have deferred to the judgment of the original sponsors of this provision, primarily the chairman and ranking member of the committee of jurisdiction. They will work to improve the law in the next year, and I have indicated my desire to help in that regard. This section has too many productive elements for a repeal, and I hope the collective efforts of interested parties can truly improve them.

CONGRESS SHOULD NOT REPEAL THE PROCUREMENT INTEGRITY STATUTE

Mr. GLENN. Mr. President, section 409 of the ethics bill would stop implementation of section 6 of Public Law 100-679, the "procurement integrity" statute, section 27 of the Office of Federal Procurement Policy Act, for 1 year. I rise to oppose this provision.

The procurement integrity statute contains vital safeguards to reduce fraud, waste, and abuse in Government contracts. It prohibits contractors from using bribes, gratuities, or offers of employment to influence Federal procurement officials. It also prohibits contractors from receiving or disseminating procurement-sensitive information. Finally, the statute contains reasonable provisions to prevent Government procurement officials from accepting employment with contractors to whom they have awarded Government contracts.

In fact, it may be helpful to spell out what the statute does and does not do.

GENERAL PROHIBITIONS OF SECTION 27

Section 27 of the OFPP Act prohibits competing contractors from discussing or offering employment opportunities, bribes, or gratuities to agency procurement officials. Contractors, which is defined to also include "consultants" and other agents of contractors, are also prohibited from soliciting or obtaining "proprietary" or "source selection" information from anyone in the Government agency prior to the award of the contract. Government employees are conversely prohibited from soliciting or accepting employment offers, bribes, or gratuities and from releasing the "proprietary" or "source selection" information. Proprietary information is defined as:

Information contained in a bid or proposal;

Cost or pricing data; or

Any other information submitted to the Government by a contractor and designated as proprietary, if this accords with law or regulation.

Source selection information is determined by the agency or contracting office, and includes information:

The disclosure of which to a competing contractor would jeopardize the integrity or successful completion of the procurement concerned; and

Required by statute, regulation, or order to be secured in a source selection file or other restricted facility to prevent such disclosure.

CERTIFICATION REQUIREMENTS

For all procurement contracts and modifications and extensions in excess

of $100,000, the Government contract officer and the official of the contractor responsible for his company's bid must each sign certifications that they are unaware of any possible violation of the act, or disclose such possible violation with the certificate. In addition, at least once in their careers all contractor personnel who participate personally and substantially in the procurement process must have executed a certificate indicating they are familiar with the law and will report to the company official who signs the certification any potential violation of the act they become aware of. A similar requirement covers Government personnel.

MENU FOR ENFORCEMENT

The act contains a broad menu of remedies, including:

First, contractual penalties, including potential termination for default and/or loss of the profit component;

Second, administrative penalties such as suspension and debarment against individuals or companies;

Third, civil penalties from U.S. district court, based on a preponderance of the evidence standards, in amounts that cannot exceed $100,000 per individual, and $1,000,000 for companies; and

Fourth, criminal penalties for knowingly or willfully soliciting, obtaining, or giving proprietary or source selection information. The penalty for this violation may not exceed 5 years, a fine of $500,000, or loss of two times the profit component included within the contract.

This menu will permit the potential transgression to be fitted to a corresponding remedy. To the extent section 27 might seem generally duplicative of existing criminal law remedies, the emphasis was on obtaining enforcement in ways additional to the criminal law.

THE REVOLVING DOOR PROVISION

For the first time there is a Governmentwide revolving door provision specifically concerning procurement conduct. It prohibits civilian or military personnel who have participated personally and substantially in the conduct of the procurement, or personally reviewed and approved the award, modification, or extension of the contract, from going to work on that contract for a competing contractor for a 2-year period. It does not statutorily preclude the Government employee from working for the successful competing contractor except with respect to the particular procurement. The administrative and civil but not criminal penalties discussed above apply to such violations.

Repeal is particularly untimely because only 2 weeks ago, conferees on the DOD authorization bill agreed to changes in the procurement integrity statute to resolve concerns that had been raised regarding the law's implementation. These changes significantly reduced the postemployment restrictions on Government officials. As a result, it is highly unlikely that the procurement integrity law will create any barrier to acceptance of Government employment.

The need for the procurement integrity statute is overwhelming. The ill wind investigation showed that numerous contracts are awarded as a result of the improper dissemination of confidential procurement information. Although other laws prohibit practices identified in ill wind such as bribery of public officials, there is no law except procurement integrity which establishes civil and criminal penalties for trafficking in unclassified, procurement-sensitive information.

The improper disclosure of such information has emerged as a major way for corrupt Government officials to enable their favored vendors to win contracts. Only last week, the Boeing Co. agreed to plead guilty to criminal charges relating to the unauthorized use of Pentagon classified documents containing sensitive budget and acquisition information. The procurement integrity law is needed to ensure that improper dissemination of unclassified, procurement sensitive information is also deterred.

The procurement integrity statute was enacted after repeated disclosures of improper use of confidential procurement information. These improprieties have affected procurements ranging from SSA's computer modernization to a $25 to $50 million procurement by GSA for electronic tandem network services.

Repeal of the procurement integrity law as part of legislation that is supposed to raise the Government's ethical standards sends the wrong message at the wrong time. It undercuts a central rationale of the pay increase legislation. It also tells the contractor community that Congress will permit the improper award of contracts to companies which traffic in condidential procurement documents. Such a signal would undercut numerous procurement reform efforts that are now under consideration in Congress.

Let's be very clear that postemployment resrictions are only a portion of section 27's restrictions. Even if these portions were removed from the law, which I do not believe they should be, there is absolutely no need to remove the restrictions against giving or seeking gratuities, bribes, or most importantly, unlawful release of source selection and proprietary information.

These latter restrictions are at the heart of the behavior in the ill wind scandal. For example, over 20 persons and numerous corporations have been criminally convicted of such behavior in the most recent probe.

But the criminal law is a blunt instrument which is only useful when the clearest proof is available of criminal intent. Procurement integrity law contains a menu of remedies—it permits agencies to impose contracted penalty terms for violations; it permits suspension and debarment of individuals and companies; it permits the impositon of civil penalties; and it only allows criminal penalties for the improper solicitation or release of procurement-sensitive, Government source selection and competing company proprietary information. There are two points which are important. First, we have not criminalized the postemployment restrictions. And second, the menu of choices permits the Government response to be far more measured and proportionate to the offending behavior. Repealing the procurement integrity law would remove this flexibility from the law.

Some have alleged that the law's reach exceeded the necessary area of control. The Senate has not been unmindful of such criticism. We have labored all summer to produce amendments to the law which were passed Tuesday of this week on the national defense authorization bill. I might add that these changes represented an agreement by conferees of the Senate Governmental Affairs Committee, the Senate Armed Services Committee, the House Government Operations Committee, and the House Judiciary Committee. The defense conference clearly exceeded its scope by making changes that were not in the Senate bill, but we not only went along, we led this effort. Repeal was never proposed. These amendments make important substantive changes. For example, a criticism of the regulations issued under the statute did not sufficiently permit people to know when the restrictions applied, because the "starting date" of a procurement was to be determined by a complex formula of Government activities. Well, we have amended that portion of law in order to make it far clearer when the procurement integrity restrictions apply. Candidly, the regulation writers in the executive branch created this problem, requiring the Congress to step in, and we did so.

The steady drumbeat of criticism from contractors of any law which limits bribes, gratutities, illegal release of sensitive information, offering jobs to Government officials during contract negotiations, and restricting persons who make such awards from working on that contract for the winner for a 2-year period is a most curious thing. Is industry unable or unwilling to do business in this way? Is this the type of law the President of the United States truly must oppose? If so, I think we are in very sad shape, and this gutting of the procurement ethics area is an unconscionable amendment to this bill.

I must also say that this change to repeal procurement integrity was slipped into the House bill without the knowledge or support of the relevant House chairmen or their ranking minority members. For example, Congressman CONYERS, who chairs the House Government Operations Committee, and his counterpart, Congressman HORTON, the ranking Republican member of that committee, object to the repeal. Congressman BROOKS, who is sick in his hospital bed, was not told, nor were his people on the Judiciary Committee. This is no way to make policy.

In conclusion, the Congress last year passed a law designed to cleanup the procurement system. It is a good law. We have subsequently made amendments designed to give the law even greater focus and clarity. These amendments were passed only 2 days ago by the Senate on the Defense authorization bill. It would be a travesty to use the ethics bill to delay implemetation of the procurement integrity law for a year.

Mr. THURMOND. Mr. President, today the Senate is considering ethics legislation which contains reforms with regard to postemployment activities, disclosure by Members of Congress, acceptance of honoraria as well as a pay increase for Members of Congress, top level executive branch officials and judges.

I would like to congratulate Senator RUDMAN and Senator LEVIN for their good efforts in working to bring this package to the floor today.

I am very pleased that title I of this ethics package includes vital provisions related to postemployment activities by former Members of Congress, their staffs, and executive branch officials.

I have advocated adoption of such restrictions for several years. In fact, these restrictions before us today are a result of legislation I originally introduced in April 1986. Although it has been a long, arduous process, the enactment of this proposal will vastly improve the public's perception of Federal officials who serve them. Current law has been ineffective to address the problems that arise when Federal employees leave public service and immediately are allowed to lobby their former colleagues and advise foreign governments regarding sensitive information.

In reference to this important section of the package, it will protect the integrity of our democratic process. This bill substantially strengthens the current law on postemployment activity by former Federal officials. It provides a uniform, straightforward, and enforceable way to prevent those who are employed by the Federal Government from leaving public service and marketing their access and influence for financial gain. In addition, the legislation prevents Federal employees from vending sensitive information vital to national interests to foreign entities for profit.

Passage of this legislation is important because clear threats arise out of the abusive use of access and influence and the vending of sensitive information: First, damage to the integrity of Government, as undue and improper influence is brought to bear on decisionmaking processes; second, erosion of public confidence in the operation of the Government, as the American people sense former employees are exerting, or appear to be exerting, improper influence on current Government decisions; and third, jeopardy to the national interests, as some former employees advise foreign clients based on sensitive information gained while in positions of trust with the Federal Government.

Regarding the history of this bill, I originally introduced the Integrity in Post Employment Act in the 99th Congress. After some revision, the legislation was voice voted out of the Judiciary Committee in June 1986. As no floor action occurred before adjournment, the bill was reintroduced in the 100th Congress. In May 1987, the legislation was again voted out of committee and passed the Senate in April 1988. Late in the 100th Congress, the House acted on its proposal. After discussions between the House and the Senate, a bill was agreed to and passed by both Houses of Congress. When ultimately vetoed, I reintroduced this legislation in the Senate on January 25 of this year.

Briefly, I would like to comment on major provisions included in section 1 of the ethics package. These provisions will:

Provide for a 12-month moratorium on Government employees with a civil service rating of GS-17 or greater, commissioned officers of a uniform service assigned to a pay grade of O-7 or above, and the Government's highest ranking officials—which includes Cabinet members and most of their principal deputies, Members of Congress, and top White House aides—from lobbying for or aiding or advising a foreign entity after leaving Government service.

Bar Members of Congress from lobbying either House of Congress for 1 year and restricts high-level executive branch officials from lobbying their former agency and other top executive branch officials for 1 year.

Restrict all executive branch officials from representing, aiding, or advising anyone in connection with any trade negotiation for 2 years.

In addition, this legislation maintains the lifetime ban in current law that prohibits all executive branch employees from lobbying on any issue in which they had "a personal and substantial" involvement while in Government service.

Under this bill, foreign entities are defined as foreign governments, or foreign political parties. Also, exemptions are included to allow employment and lobbying by former Government officials for certain charitable, scholastic, or humanitarian purposes.

Maximum criminal penalties of $250,000 in fines and 5-year prison terms, or both, are included in the measure.

In summary, I believe the postemployment restrictions in this bill would put into place much-needed improvements to the weak, confusing, and oftentimes conflicting laws governing former Members and Federal officials who lobby the Government or work for a foreign entity. When we face a serious problem such as the misuse of influence and access or vending of sensitive information vital to national interests, we have two alternatives—do nothing, or take steps to resolve the problem. I believe we must act to prevent irreparable damage to our Nation and to restore public confidence and integrity in our system of Government. It is time that public service be just that—not merely a stepping stone for future employment or profit.

The American people demand, deserve, and expect a standard of ethics which will instill confidence in all of us that this Government makes decisions based on the merits of an issue—not based on positions taken by those who have the most access, influence, or financial clout.

Mr. President, although I favor the postemployment restrictions included in this legislation, the provisions which increase pay are unacceptable. Today, our national debt exceeds $3 trillion. We should not consider increasing our compensation until such time we make greater efforts to balance the Federal budget.

With regard to balancing the budget, for over three decades, I have introduced and supported legislation for a balanced budget amendment to the Constitution. In the 97th Congress, I proposed a balanced budget amendment which passed the Senate and died in the House. In the 98th Congress, I introduced this legislation. However, no action was taken. In the 99th Congress, I reintroduced this legislation which received 66 of 67 votes needed for Senate approval. I introduced this legislation in the 100th Congress; however, it was not reported out of the Judiciary Committee. In this Congress, I have again reintroduced similar legislation, Senate Joint Resolution 12 which I am hopeful will receive favorable consideration.

In closing, I feel that in order to maintain integrity in Government postemployment lobbying restrictions should be passed. What disturbs me is

that the provisions which increase pay are contained in this package. I have committed myself to the people of South Carolina not to vote for this increase in pay. For this reason, I shall vote against this legislation.

Mr. KERRY. Mr. President, because of my opposition to a congressional pay increase at this time, I will vote against this package.

In the middle of a Gramm-Rudmann sequester, with essential services being cut, a pay raise is not appropriate, although the package contains other provisions tightening ethical standards that I strongly support.

I agree with the sponsors of this legislation that a congressional ethics package is necessary. It is critical that elected officials maintain the highest standards of ethics in order that these institutions, which have so much effect on the lives of our citizens, be regarded with the respect they deserve.

Some say that these ethical changes can only take place in the context of a pay raise, and that in particular, no restrictions on honoraria could take place without a raise.

I think it is clear that there are other approaches that we could have taken to limit honoraria and tighten ethical standards, other than the approach taken of tying these new rules to a pay raise.

For example, from the day I entered the Senate, I have maintained the policy I adopted in 1984 when I became the first elected official in Massachusetts to refuse to take funds from political action committees. We could have done that today in this ethics bill, but we choose not to. I regret that. I think this legislation would have been better with such a rule regarding individual candidates.

We could have adopted a rule regarding honoraria similar to that I have adopted in my own office in 1986. Under that rule, which I have lived by, each Senator would limit his or her honoraria to those which would create not only any real conflict of interest, but any perception or appearance of any conflict of interest.

To do that under such a proposed rule, each Senator would do what I decided to do: take no honoraria for any appearance in his or her home State, take no honoraria for a speech or an article before any group which is regulated extensively by agencies under the jurisdiction of any committees on which he or she sits, and spread honoraria among diverse groups with no common economic interest, to avoid any perception that he or she might favor a category of interests.

I have lived by these restrictions since I voluntarily adopted them, and believe that they have been an appropriate way to handle honoraria to date. I believe such an approach could also have worked for the Senate as a whole if it had been adopted at an appropriate time.

However, I will live by the will of the Senate regarding this matter, and will accept whatever rules the majority choose in this matter.

While I disagree with the approach taken in this bill concerning the linkage of honoraria and pay raise at this time, I believe that the adoption of these new ethical rules are preferable to current practice in Congress.

For that reason, I joined those who voted to sever the ethical package from the pay raise, because that would have enabled us to tighten standards without the simultaneous change in pay at a time of sequester and the cutting of essential services.

I commend the authors of this legislation for their diligence and dedication in taking on a difficult set of ethical issues.

Mr. LEVIN. Mr. President, I opposed the proposed 25 percent pay raise and cost-of-living adjustments. I am also voting "no" on the COLA proposal because it is retroactive to 1988.

Mr. DURENBERGER. Mr. President, I join my colleagues today in support of the ethics/pay raise package before the Senate, and for the benefit of those who sent me to this place, I want to explain my reasons.

Few obligations of being in elected office are more difficult than the responsibility, in a visible and often emotional atmosphere, of adjusting one's own salary. And yet, we have that responsibility, not only for ourselves, but for all those who serve the Nation by working in the Federal Government.

Mr. President, I have never sought or recommended a pay raise. But when I am presented with a choice of whether this bill is good for our Government, I conclude that it is. Government service is just what the name implies: it is an act of service to our country. But there comes a time when the quality of Government begins to suffer because it cannot attract the kind of people it needs to govern in the broadest sense.

I am not referring to the President or Members of Congress when I speak of attracting and keeping good people in office. There are still candidates for each of these positions we hold. There are just more millionaires, than us average folks than ever before.

I am talking about scientists who search out the chemical and biological mysteries of life at the National Institute of Health. I am concerned about engineers at the Department of Energy who search for ways to safely store nuclear waste. I am concerned about chemists at the EPA who set environmental safety standards for our air and food. And Federal judges who both protect all our rights as citizens and impose society's sanctions on wrongdoers.

Government can never match the salaries which these servants could receive in the private sector. But we have an obligation to them, and to the American people who are supposed to benefit from their work, that their compensation be fair. The person who supervises the launch of the space shuttle does more for our country in a year than Herschel Walker does in one quarter of football even if he does bring us to the Super Bowl.

As for the legislative branch, it is both clear and proper that those who make the laws and policy of this Nation be paid at least as much as those who implement them. It is political reality that there will be no pay raise for judges or Government scientists unless congressional compensation is increased. And this bill does so in a way that deals with a problem the American people have told us needs fixing: honoraria.

Part of our job as Senators, past, present, and future, is to lead the Nation by stimulating ideas and debate. For me, that responsibility has been fulfilled partly through speeches during which I am able to both promote my ideas and gain new insights from others. Sometimes my audiences choose to compensate me for my time. Most often they do not.

Such compensation for my time as a public speaker has never changed my position or vote in this body. But in matters of ethics, perception is reality. The American people have spoken. Honoraria will be eliminated for Members of the House by 1991 once their pay raise is phased in. A majority of the Senate refused to follow the House's lead, so the best the leadership can produce are cost of living increases that will lead to proportional cuts in allowable honoraria.

I would have supported the House version and the concomitant elimination of honorarium even though it would have meant a decrease in income for me. But, unfortunately, a majority of the Senate was unwilling to go that route. Our only choice is a half-way approach; one that, I feel, may create as many problems as it solves.

Mr. KOHL. Mr. President, I had intended to vote against the so-called big pay raise which would have increased our salaries by roughly $30,000. I will, however, vote for the modified proposal now before us. Before I explain why, I want to make it clear that I will not accept the cost-of-living adjustment provided by this bill. When I was elected a year ago, I signed a contract with the people of Wisconsin to serve as their Senator for $89,500 a year. I don't intend to try to renegotiate that contract.

Having said that, I also want to make it clear that there is no pay raise in this legislation. If you get past the

headlines which I am sure will appear in the newspapers and look at the legislation, you will see that all the Senate is getting is a cost-of-living adjustment—the kind of protection against inflation which the Federal Government has given to our senior citizens and which so many working men and women enjoy as a result of their contracts. This legislation, then, does not give Senators a real increase in salary: it simply allows Senators to recapture the income lost when the Congress declined to accept a cost-of-living increase over the past 2 years.

In addition, this legislation includes a very important initial step: it reduces the amount of honoraria which Members of the Senate can receive. I believe that reducing honoraria—the practice of allowing Members of Congress to be paid by special interest groups for giving speeches—is both justified and necessary. This proposal reduces the amount of honoraria that Senators can accept by almost $10,000.

We have heard a lot of speeches tonight which threaten us with the total elimination of honoraria. I don't think that is a threat; indeed, I think it is a desirable thing to do. And once it is done, I think we can do what we ought to do to fix the compensation system for Members of the Senate—gradually increase the level of pay through a series of modest salary increases.

I really don't think some of my colleagues understand why a majority of the American people rejected the $30,000 pay raise we proposed. It is because a majority of Americans don't make $30,000 a year. And they just cannot accept the notion that we will get more in a pay raise than they get in pay.

I do think that the American people can accept and support an increase in compensation which simply allows Members of the Senate to catch up with the increase in the cost of living. In addition, I think it is important to recognize what else is in this package: a comprehensive ethics reform package which will tighten disclosure requirements, restrict postemployment lobbying, and generally increase the accountability of public officials. Equally important, this legislation does give a true pay raise to some people who have been denied adequate compensation for too long: judges and senior staff members in the executive branch of Government.

There is one final point I want to make, Mr. President. If we put as much time and energy and ingenuity into solving the deficit problem as we have into solving the pay raise problem, we would have a better economy. We have devoted far too much attention to this issue. It is time we started worrying about and working on other issues which are much more significant to the future of our country.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 3660), as amended, was passed.

Mr. MITCHELL. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SCHEDULE

Mr. MITCHELL. Mr. President, if I may have the attention of my colleagues, the Senate will now proceed to consideration of the Department of Defense appropriations measure pursuant to the provision order, and it is expected that there will be at least one rollcall vote, so Senators should remain in the Capitol or close by. It is my hope that we can have prompt action on this. I want to begin by thanking the manager for his patience in this regard.

I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1990—CONFERENCE REPORT

Mr. INOUYE. Mr. President, I submit a report of the committee of conference on H.R. 3072 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 13, 1989.)

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii [Mr. INOUYE] is recognized.

Mr. INOUYE. Mr. President, I am pleased to present to the Senate the report of the committee of conference on Department of Defense appropriations for fiscal year 1990.

The conference committee agreement, which provides $286 billion in appropriations, recognizes the need to curtail growth in Defense spending and to reduce expenditures for military hardware. The conference committee agreement presents a carefully balanced Defense budget that recognizes the very tight budget constraints under which the conferees labored.

We have produced a Defense bill that is set within a foreign policy context of a rapidly changing world. It is a Defense bill that provides adequate funding for our Nation's security, while shifting defense funds to other national priorities, such as aid to Poland and Hungary and the Nation's war on drugs.

Mr. President, I want to emphasize that the House and Senate conferees were unified in their commitment to ensure that Defense spending is responsive to the needs of our military commanders in the field. Most importantly, they were unified in their intent to give priority to our soldiers, sailors, and airmen in uniform.

Mr. President, the conference report and statement of the managers describe many such efforts:

First, the conferees have provided over $1.8 billion to fully fund the 3.6-percent military pay raise. CHAMPUS and variable housing allowances are funded at the budget request level.

Second, the conferees have created a new Commanders in Chief initiatives fund to provide our field commanders with the ability to address high priority readiness needs.

Third, in an effort to improve the quality of, and access to, medical care for active duty military personnel, their dependents and retirees, the conference agreement adds $90 million to hire additional medical support personnel. These additional personnel will relieve doctors, nurses, and other health care professionals from onerous administrative duties so that they can spend their time providing medical care that our military deserve.

The conferees hope that these additional support personnel will go at least part way toward alleviating the frustrations of long lines at hospitals and pharmacies and difficulties in making appointments for treatment.

Mr. President, throughout the conference, the conferees on the Department of Defense appropriations bill kept in mind the lost jobs and personal hardships which will necessarily accompany the program terminations proposed by the administration. Nonetheless, we felt that we had to support the compromise reached with the Secretary of Defense—on his proposed program terminations. As Senator NUNN said when the authorization bill was on the floor, the compromise provides a "soft landing" for those programs which are to be terminated.

Accordingly, Mr. President, the conference bill does not provide procure-

ment funding for the tilt-rotor aircraft known as the V-22 or Osprey. Funding for final production of the F-14D, Tomcat Navy fighter aircraft, the Apache helicopter, and the Army's Ahip Scout helicopter is provided in the bill.

Mr. President, before presenting a summary of the bill's more important provisions, I would like to address a matter which has been of concern to the Senate in recent years, and that is the conflict between those who authorize Defense programs and those who appropriate funds for specific items and accounts in the Defense budget.

First, Mr. President, let me say that from the outset of our deliberations, as chairman of our subcommittee, I have pursued the goal of furthering the cooperative and constructive partnership which now exists between the Subcommittee on Defense Appropriations and the Senate Armed Services Committee.

The Senate will not have to listen to a debate between authorizers and appropriators this year—we have worked together to fashion the policies and fund the programs which will guide and defend our country.

The bill which the Defense Subcommittee presented to the Senate on September 26 did not exceed the authorization ceiling for any account totals. We did not create any phony accounts to get around armed services ceilings. We did fund a healthy guard and reserve package, but within authorized account totals.

Now, in conference, we found it necessary to yield to the insistence of the House that we provide additional funding—in excess of the amounts authorized—for the appropriations accounts: Shipbuilding and conversion, Navy; aircraft procurement, Army; and, procurement of ammunition, Army. With regard to the shipbuilding and conversion, Navy account and the Army aircraft procurement account, I would note that the Senate upheld the subcommittee position by a vote of 66 yeas to 34 nays on the two matters which caused us to exceed authorization, namely a $600 million sealift initiative and full funding for the final 132 Apache helicopters.

On the third account, procurement of ammunition, Army, we simply had to yield to the House to reach a conference agreement. The chairman of the House committee, Mr. MURTHA, insisted—quite rightly, I believe—that funds be provided for environmental restoration and to maintain facilities and equipment in the Nation's ammunition plants and to enhance readiness and sustainability.

Mr. President, I have heard it said by many of my colleagues that this is as close together as the authorizers and appropriators have been in many years. I believe that is true and I believe the credit goes to the chairman and ranking minority member of the Armed Services Committee, Senator NUNN and Senator WARNER. They have been most helpful and cooperative with me, in my first year as chairman of the Defense Appropriations Subcommittee.

There have been a few moments when one or the other of us had stumbled, perhaps made an error through inadvertence, but with good faith and being prepared to give the other the benefit of doubt, we have not had any irreconcilable differences. I trust that the Armed Services Committee will recognize the serious and concerted effort we have made to remain within authorized account level ceilings in the conference agreement. I hope that they will support that agreement.

Mr. President, if I may, I would like to summarize the highlights of the bill:

First, strategic modernization: The conference agreement fully supports the compromise reached between the House and Senate Armed Services Committees on the B-2, the small ICBM or Midgetman, and the MX Rail Garrison Program.

For the B-2, we provide: R&D funds at the budget request: $1.88 billion; procurement funds at the authorized level: $1.66 billion for two B-2 bombers in fiscal year 1990 and advance procurement of long-lead items for five B-2 bombers to be procured in fiscal year 1991.

For the MX Rail Garrison Program and the small ICBM we provide $1.13 billion.

We depart from the administration's request for procurement of the Trident D-5 missile. The conference agreement provides $1.2 billion for the procurement of 42 missiles.

Second, strategic defense initiative [SDI]: Our recommendation would provide $3.573 billion in SDI funding. This is higher than a split between the amounts in the bills approved by the Senate, $4.3 billion, and the House, $2.8 billion.

The conference agreement recommends $37.1 billion for research, development, test, and evaluation for the four armed services and the Defense agencies. Major funding is provided to continue engineering development on the next generation of major weapons systems which will take the field in the mid-1990's—the SSN-21 submarine, the M1A1 block II tank, and the C-17 transport. Significant amounts also are appropriated for the technology base and advanced development programs which are needed for the United States to maintain its military advantages well into the next century.

Mr. President, this bill strikes an appropriate balance between investing in the near future and investing in the far distant future. It maintains and improves one of America's principal military advantages over its adversaries—the breadth, depth, and superiority of our high technology.

Third, other bill highlights:

For readiness and sustainability the conference agreement provides $85 billion for operation and maintenance, including the following increase above the budget: $287 million for ship repair and maintenance and modernization of Navy shipyards; $200 million for repair of Army and Air Force aircraft and vehicles; $350 million for repair and maintenance of Department of Defense military installations; and $78 million for Navy steaming days.

It also provides $1.2 billion for environmental cleanup of hazardous waste at Defense installations and former contaminated sites.

It also provides over $2 billion for procurement of Army ammunition—an increase of over $300 million above the budget request.

On Defense drug programs the bill funds $930 million to support an enhanced Department of Defense role in the war on drugs. Initiatives include $450 million for Department of Defense drug interdiction programs, including $110 million to support equipment, operations and personnel for the National Guard's assistance to State antinarcotic efforts; $300 million to support joint Coast Guard and Defense drug interdiction operations; and $118 million for demand reduction, education and treatment program for Defense personnel.

Additionally, total Department of Defense funding is reduced by over $1.3 billion to provide the necessary resources for enhanced drug treatment and interdiction activities of other Federal agencies, including State Department assistance to Andean nations with counternarcotic programs, in accord with the President's drug initiative.

Mr. President, I am pleased with the outcome of this conference. The House chairman, Mr. MURTHA, and his vice chairman, Mr. MCDADE, were most cordial and cooperative. Items in disagreement were argued on substance, not personal preference. The agreement we reached is, I am confident, in the best interest of our country.

I wish to give particular recognition to and express my thanks to my vice chairman, TED STEVENS. Without the constant support and guidance of Senator STEVENS, the subcommittee would not have been able to achieve so much this year, nor would the conference agreement on the fiscal year 1990 Defense appropriations bill be the sound template that it is for our national defense programs.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS is recognized.

Mr. STEVENS. Mr. President, I am grateful to my good friend, the chairman of our subcommittee, for his leadership and for his kind comments.

This bill generally complied with the authorization bill that we have passed. On only three accounts does this appropriations bill differ from the authorization bill that Congress has approved.

We propose to buy out the AH-64 Apache helicopter, which will result in a savings to the Government. We have $600 million in the shipbuilding account, which the Senate will recall was in a special amendment approved by the Senate for a fast sealift initiative. That passed the Senate by a very large margin.

Third, we have in the procurement of ammunition account an excess amount which was insisted upon by the House conferees even though it exceeds the authorized level.

I believe that the only item that I really strongly disagree with is that there is no money in this bill for the commencement of production for the V-22. I believe that the tilt rotor is new technology, and will lead this country into whole new era, not only for transportation with greater safety for our Marines and the assault troops for the Army, but also in the civilian sector. Eventually the V-22 tilt rotor will be the mainstay, literally the jeep of the air age, in the next century and we should have been more assertive in that. Unfortunately, the authorization bill limited our role, as far as the Appropriations Committee is concerned, and we have been compelled to comply with it because of restrictions in the budget process.

The Defense bill meets the budget authority and outlay targets consistent with the committee's 302(b) allocation.

The funds were reallocated from the original bipartisan budget agreement to support aid to Poland, the anti-drug initiative led by the chairman, Senator BYRD, and the President's Andean counternarcotics initiative.

Even with these adjustments, this bill achieves the most important goals of the President's budget request, though in some cases at a lower level than desired.

This committee closely scrutinized the Trident II D-5 missile program. A reduction was made against the D-5 missile, and this bill limits spending for new D-5 missiles until the Navy has successfully tested the newly modified missiles.

Our chairman, Senator INOUYE, has outlined some of his priorities in crafting this bill, and he has successfully maintained necessary funding for training and quality of life programs for the military.

The bill is not a step toward a hollow military force. The spending authority provided here balances the requirements to modernize equipment and maintain a capable, well-trained force.

This bill generally complies with the guidance contained in the authorization conference report. In only three accounts does the amount provided in this bill exceed the authorization account totals.

In aircraft procurement, Army, we propose to buy out the total authorized quantity for the AH-64 Apache helicopter.

In the shipbuilding account, this report contains $600 million of the $1 billion specifically approved by the Senate for a fast sealift initiative.

I would remind my colleagues that this item, as part of a package of committee initiatives, passed the Senate by a large margin.

For the procurement of ammunition for the Army, the House conferees were adamant that all the funding level approach $2 billion, even though this exceeds the authorized level.

In my comments during debate of the authorization conference report, I mentioned my disappointment that more could not be done this year to further work on the V-22.

The V-22 was not ready to commence production this year. The flight testing of the first two aircraft has been more successful than anyone could have hoped, and I believe next year the Congress will have a strong program to consider.

I hope that the Department in its budget deliberations will continue funding for this program. I am sure this will be an important item in our work next year.

I wish to conclude by expressing my thanks to our chairman for the leadership he has exerted this year in bringing this bill to the Senate.

Senator INOUYE has dedicated a tremendous amount of time to this bill, working from an already extensive knowledge of defense matters.

In an extremely complicated conference, with two bills that could not possibly have been more different, Senator INOUYE was able to achieve virtually all the Senate priorities and comply with the authorization bill.

CORRECTIONS TO CONFERENCE REPORT

Mr. INOUYE. Mr. President, it has come to my attention that there are four inadvertent errors in report number 101-345, the conference report and statement of the managers for H.R. 3072, the fiscal year 1990 Defense appropriations bill. Therefore, I would like the RECORD to show that these mistakes should be corrected as follows:

First, on page 39, the table for "Operation and Maintenance, Army" should record that the conferees agreed to provide $10,000,000 for combat training centers rather than $40,000,000 as currently printed in the statement.

Second, on page 53, the statement regarding Defense information and reports is missing a sentence. That section should read as follows:

The conferees agree with Senate language regarding the operation of the Directorate for Information and Reports [DIOR], Washington Headquarters Services. Clearly, the Secretary should ensure that the data and records handled by DIOR are secure and accurate. Overseas expenditure data discrepancies between DIOR documents and the official Department of Defense budget must be reconciled. Finally, the data included in DIOR reports must be readily available to the Congress through telephonic communications. The current requirement that Congress submit formal requests to DIOR for public information that was financed through appropriations is inappropriate and obsessively bureaucratic.

The conferees understand and are pleased that the Director of Washington Headquarters Services is committed to improving DIOR's operations.

Third, on page 56, after the name "Mead Ordnance Plant" the abbreviation "NE" should be inserted.

Fourth, on page 96, the statement regarding the Joint Robotics Program should read that the conferees restored $10,360,000, not $13,160,000, for technology base efforts.

B-1B ELECTRONIC COUNTERMEASURES SYSTEM PROBLEMS

Mr. EXON. I should like to pose several questions to the distinguished Senator from Hawaii to clarify the intent of a provision in the Defense appropriations conference report now before us regarding the B-1B bomber's trouble-plagued avionics system.

As the distinguished chairman of the Defense Subcommittee is aware, the Defense authorization conference report contained a lengthy section, section 121, addressing the B-1B electronic countermeasures [ECM] system, known as the ALQ-161A defensive avionics suite. Our authorization conference report requires the Air Force to modify not more than six B-1B aircraft with both the "CORE" configuration of the ALQ-161A system and the addition and integration of a radar warning receiver, known as an RWR.

After the Air Force modifies these six aircraft, the authorization conference report would require an exhaustive flight test program to demonstrate how well both the CORE ECM system and the radar warning receiver work. After that, the Defense Department would have an independent study done to show the extent to which the modifications would actually improve the B-1B's penetration capability.

Only then, only if the Congress liked all the answers, and decided that the fixes are worth the roughly $1 billion added cost, could the Air Force proceed with fleetwide modifications to the rest of the B-1B force.

Now, the Defense appropriations conference report contains a section in amendment No. 187, section 9071, that prohibits the use of any funds for any aspect of a radar warning receiver for the B-1B bomber. With this introduction, let me ask the following questions of the distinguished manager:

Is it the intent of the appropriations conferees that this provision require the Air Force to carry out the test plan as outlined in the authorization conference report with respect only to the CORE modifications initially, and defer the installation and testing of a radar warning receiver until it is clear that the Air Force and the contractor, Eaton Corp., can make the CORE configuration work?

Mr. INOUYE. Mr. President, the answer to the question raised by my colleague from Nebraska, the distinguished chairman of the Armed Services Committee's Strategic Subcommittee, is a complicated one. There are at least two important issues which must be discussed: First, what if any fixes or enhancements to the B-1B's ECM systems should be accomplished; and second, how should they be financed?

The first issue involves two choices—can and should the B-1B's problemmatic ALQ-161A system be fixed through what is known as the CORE Program; and should the system be enhanced through the addition of a radar warning receiver?

The second issue involves what proportion of this overall work, to whatever extent it is undertaken, should be financed through new budget authority or through the use of expired appropriations and "M" account balances.

The Senate Defense Subcommittee and its House counterpart have reserved judgment on the desirability of investing additional, scarce defense dollars to fix the B-1B's deficient electronic countermesures [ECM] systems.

We are unconvinced that the Air Force has demonstrated the military-effectiveness and cost effectiveness of any costly program to fix the troubled ALQ-161A through the CORE Program. We are uncertain whether this system ever can be improved enough, based on the Air Force's inability to implement corrective actions in the past.

We do, however, create a mechanism through our conference report which permits the Defense Department to propose a corrective action plan for us to consider further, and for us to consider funding during fiscal 1990. Thus, the conferees preserve the option for a program to begin during fiscal 1990 to correct the ALQ-161A's problems through the CORE Program.

However, the conferees definitely are agreed that actions to enhance this system through any work involving a radar warning receiver are premature in fiscal 1990. The conference report specifically denies new budget authority funding for proposed RWR activities. We believe that if any B-1B ECM work is to occur in fiscal 1990, subject to later congressional approval under the procedures required in our conference report, it should concentrate exclusively on fixing the ALQ-161A through the CORE Program. We want the Air Force to "walk" with the CORE Program, should it earn later approval, before the service tries to "run" with the radar warning receiver. This caution with taxpayer resources is part of our motivation for section 9017 to which the Senator from Nebraska refers.

A second motivation for section 9017 stems from the use of expired funds and "M" account balances. Expired funds and "M" account balances, by law and regulation, are used to finance previous government financial obligations which fall within the scope of existing contracts. Such funds and balances should not be used to undertake new programs or initiatives. If such a use was permitted, the billions of dollars in expired funds and "M" account balances might become an unregulated source of new spending for the Defense Department—a source over which Congress would have reduced oversight.

Thus, the Defense appropriations conferees included in section 9017 the prohibition to which the distinguished Strategic Subcommittee chairman referred against radar warning receiver work. The radar warning receiver work proposed by the Air Force clearly falls within the category of a new initiative—an enhancement to the B-1B ECM system—not a fix to the ALQ-161A under an existing contract.

Mr. EXON. I thank the distinguished Defense Subcommittee chairman for his explanation. Is it the intent of the Appropriations conferees that the Air Force may not go beyond the modification and testing of the ALQ-161 CORE configuration on not more than six B-1B aircraft?

Mr. INOUYE. Our conference did not specifically address this aspect of the proposed corrective action to the B-1B ECM system. However, in my opinion, this number of test aircraft would seem to be an appropriate number with which to investigate whether the CORE configuration can deliver its promised corrections to the ALQ-161. I commend the Armed Services Committees for their own caution in approaching fixes to the ALQ-161A. I know they will understand our further caution with respect to enhancing the system through radar warning receiver work.

Mr. EXON. Is it the intent of the Appropriations conferees in subsequent years to address the issue of the addition and integration of a radar warning receiver and the testing of it in conjunction with the CORE modifications prior to making a decision on implementing the CORE modifications throughout the rest of the B-1B bomber fleet?

Mr. INOUYE. I can assure my colleague we will address this issue again. We will be most interested in evaluating any progress made in implementing the CORE Program, should Congress later agree to its initiation, as part of any examination of the appropriateness of beginning any radar warning receiver efforts.

Mr. EXON. I note that the prohibition on the use of funds for the B-1B radar warning receiver appears to apply in perpetuity. Was it the intent of the Appropriations conferees to ban this work in perpetuity, or only during fiscal 1990, or only with regard to fiscal 1990 funds?

Mr. INOUYE. Let me answer my colleague by saying that our prohibition on the use of funds for radar warning receiver activities is on the use of funds contained in this fiscal 1990 act now before us, and of any funds appropriated in prior years. The Air Force will have new opportunities to present its case for radar warning receiver work in future years.

OVERSEAS SALES OF AMMUNITION

Mr. JOHNSTON. Mr. President, I want to commend the Senator from Hawaii for inclusion of section 9097 in the conference report to the fiscal year 1990 Defense appropriations bill.

This section is important to all ammunition manufacturers across the Nation and to our ammunition producer in Shreveport, LA, the Louisiana Army Ammunition Plant. It helps stem our declining industrial base for ammunition production caused by ever declining Defense procurement budgets and higher unit costs per round by facilitating the sale of ammunition components to our allies. It enhances interoperability and standardization of NATO ammunition. And it creates jobs.

I am pleased that this provision was supported by the Department of Defense as well as by conferees.

I would like to clarify one point with the distinguished manager of the bill regarding the definition of ammunition in this provision. Is it his understanding that the conferees intended the term "ammunition" to include all those items listed in the military services' ammunition procurement accounts—that is small arms, artillery ammunition, tank ammunition, fuzes, mines including the MICLIC rocket motor and line charge as well as signals, flares and demolitions?

Mr. INOUYE. My good friend from Louisiana is correct. It is the intent of the conferees that the term "ammunition" includes all types of ammunition to include fuzes, mines such as MICLIC, and demolitions. Obviously,

all these items are appropriated for in the ammunition procurement accounts and should be covered under section 9097.

We hope that it will have the same positive impacts that have been cited by my good friend, Senator JOHNSTON.

Mr. HATFIELD. I would like to inquire of the distinguished chairman of the subcommittee the intent of the conferees with regard to the statement of managers language on the certification of private shipyards.

Mr. INOUYE. I would be pleased to clarify any portions of the provision about which the Senator from Oregon may be concerned.

Mr. HATFIELD. It has come to my attention that some confusion may exist with the language as it prohibits use of Navy owned drydocks and piers by private companies in the conduct of ship repair packages. Is it the conferees' intent that the language regarding certification of private shipyards should in no way be interpreted as prohibiting private companies who have access to non-Navy drydocks and piers, whether by lease, use agreement or owned, from performing major Navy ship repair work packages?

Mr. INOUYE. Yes, that was the intent of the conferees.

Mr. HATFIELD. I thank the distinguished chairman.

BASE CLOSURE

Mr. DIXON. Mr. President, I rise to inquire of the distinguished Senator from Hawaii and floor manager of the conference report on H.R. 3072, Department of Defense appropriations for fiscal year 1990, about the conference agreement's effect on expenditure of funds in the base closure account.

I understand from the joint explanatory statement of the committee of conference that the base closure account will provide funds for the environmental restoration at the bases proposed for closure by the Base Closure and Realignment Commission. I also understand that the conference agreement on H.R. 3072 endorses the conference agreement on H.R. 3012, appropriations for military construction for fiscal year 1990. Accordingly, the joint explanatory statement of the committee of conference on H.R. 3072 states that the base closure account is to fund environmental restoration costs at the bases proposed for closure and realignment. It further states that the base closure account, and not the environmental restoration defense fund, is to be used to clean up contamination at installations proposed for closure by the Base Closure Commission.

I commend the conferees on H.R. 3072 for acknowledging the serious environmental cleanup problems and costs at the bases proposed for the closure and realignment by the Base Closure Commission. One of the most serious problems we have found with the Commission's work is that it purposefully excluded from the cost associated with closure and alignment any of the environmental cleanup costs. These cleanup costs will be substantial. More important, if the environmental cleanup is not undertaken before the bases are closed, we will be forcing communities around the country to live with fenced-up contaminated property in their midst posing substantial health and safety risks. Furthermore, it may be many years before those communities can redevelop the base properties for some other useful purpose. Obviously, the Department of Defense will not be able to realize the savings for the land sales—savings which were part of the Base Closure Commission's calculations for overall savings from base closure.

My inquiry to the distinguished chairman of the Subcommittee on Defense Appropriations is whether he agrees that the Department of Defense should prioritize its expenditures of funds in the base closure account so that it must apply the funds for base cleanup prior to closure or realignment.

Mr. INOUYE. The Senator from Illinois is correct in his understanding of the agreement of the committee of conference on H.R. 3072. It was the conferees' intent that the base closure account fund the environmental cleanup at the bases proposed for closure. Furthermore, the conferees contemplate priorization of the identified projects for cleanup. Cleanup must occur prior to the completion of closure and realignment.

Mr. DIXON. I thank the Senator from Hawaii.

TITAN IV PROGRAM

Mr. GARN. Mr. President, I would like to clarify one matter that pertains to the production of the upgraded Titan solid rocket motors. The conference report expresses agreement with the Air Force's most recent plan, which requires that 7 of the next 10 motors be steel-case solid rocket motors. I understand that these will be purchased by options as specified in the Air Force procurement plan. Is that correct?

Mr. INOUYE. That is correct.

Mr. GARN. Then all seven motor sets will not be purchased in 1 year—is that correct?

Mr. INOUYE. The Senator is correct.

Mr. GARN. Can I also conclude that if the Air Force does not need all seven steel-case motor sets, it could determine not to exercise follow-on options with some consideration of the issue by the Committee on Appropriations? Am I correct on this understanding?

Mr. INOUYE. Since the Air Force is awarding contracts this fiscal year for long-lead materials for seven steel-case motors, we would hope that their plans would not change, in order to avoid wasteful expenditures. However, as always the Defense Subcommittee would be willing to review the matter next year should the Air Force change their plans.

AUTOMATED DATA PROCESSING RESOURCES

Mr. WARNER. Mr. President, I rise to seek clarification of an issue addressed in the conference report on the Department of Defense appropriations for fiscal year 1990 regarding appropriations for automated data processing resources. It is my understanding that the House made significant and specific cuts for ADP resources funding, whereas the Senate agreed to reductions without any specific references to individual contract actions that might be affected by the cuts. It also is my understanding that, during the conference on the DOD appropriations bill, the House insisted that funding for certain specific ADP contracts be deleted on the basis of honest disputes with the military services about the manner in which those contracts were developed and awarded. Is my understanding correct?

Mr. INOUYE. The understanding of the Senator from Virginia is correct.

Mr. WARNER. My concern is that one of the contracts singled out for denial of fiscal year 1990 funding is the total Army personnel systems [TAPSYS] contract.

My analysis is that the Army's award of this contract was justified, and a recent General Accounting Office report dated September 1989 does not disagree with this conclusion. The GAO explained the Army's source selection procedures in detail. It reported that the solicitation for the TAPSYS contract announced that evaluation of the proposals would be based on technical factors with 40 percent of the 100 points going to the technical approach, and 60 percent divided among staff qualifications, corporate qualifications, understanding of the problem, understanding of the objectives, and project management.

The GAO described the solicitation as further stating that the cost or price factor would have no numerical weight but would be considered. The GAO report also noted that the source selection authority, which analyzed the labor prices offered, determined that only two of the proposals contained acceptable labor rates. Based on use of these acceptable labor rates, these two proposals were priced above the others which had used unacceptably low labor rates. The two acceptable proposals also had the highest technical scores. The GAO report further stated that the Army awarded the contract to the offeror with the highest technical score and the lower priced of the two proposals found ac-

ceptable to the source selection authority.

Also significant, in my judgment, is that the GAO did not recommend deletion of fiscal year 1990 funding for the TAPSYS contract—in contrast to many other instances in which the GAO's suggestions for funding deletions or deferrals served as the basis for the appropriations cuts. Furthermore, performance of this contract, which has been underway for 6 months already, will result in cost savings by integrating the Army personnel command's ADP efforts, consolidating and standardizing automated data elements, and eliminating redundant automated capabilities. This result is consistent with the hope expressed in the Senate report on the Defense appropriations bill that "ADP costs could likely be reduced significantly through more consolidation and elimination of redundancy."

For all these reasons, I see no reason for an irreversible denial of fiscal year 1990 funds for the TAPSYS contract, which is an important contract for the Army. It is my understanding that some efforts have already been made to try to address the concerns raised by the House about this contract. Since there seem to be continuing, albeit honest, disagreements about the funding of the TAPSYS contract, I would like to ask the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUYE, if he agrees that this particular issue is one which might be revisited in discussions involving the Army and interested House and Senate members of the Armed Services and Appropriations Committees so that some accommodation on the funding of this contract might be worked out in the near future.

Mr. INOUYE. I thank the distinguished Senator from Virginia for expressing his concerns about this matter, and agree that the course of action he has proposed is a reasonable one that should be pursued.

Mr. WARNER. I thank the Senator from Hawaii.

Mr. DECONCINI. Mr. President, I am pleased to rise today to express my strong support for the conference report on H.R. 3072, the fiscal year 1990 Defense appropriations bill. I want to congratulate the chairman of the Defense Appropriations Committee, Senator INOUYE, on the culmination of his first year as chairman. He has done an outstanding job and, together with the ranking member, Senator STEVENS, has produced a Defense appropriations bill which meets our national defense needs for the coming year and into the future.

Senators INOUYE and STEVENS have worked closely with Senators NUNN and WARNER and the Armed Services Committee throughout the entire appropriations process. This cooperative relationship has proven to be most productive. It has helped to avoid many of the traditional bumps in the road as we have worked to reach this point in the process. While there were significant differences in the way that the House and the Senate approached the issues of modernizing our strategic forces and terminating certain conventional weapons systems, the differences between the Senate Defense Appropriations Subcommittee and the Senate Armed Services Committee were relatively minor.

Reaching agreement on such contentious issues as the strategic defense initiative, the B-2 bomber, and the MX rail garrison and Midgetman missile systems proved to be major sticking points for the authorizers. Once a compromise was achieved which was agreeable to both the President and the House, the task before the Defense appropriations conference was made significantly less difficult.

While I am pleased with the result of the conference which is before us today, I have some concerns which were unable to be adequately addressed by the conferees. This was through no fault of the conferees, however. As a matter of fact, the chairman and ranking member were most helpful in meeting the spirit—if not the letter—of the President's fiscal year 1990 Defense budget as well as the provisions we included in the fiscal year 1989 Defense appropriations bill. You will recall that last year's bill required a multiyear procurement of 240 AH-64 Apache helicopters over 4 years.

Once Secretary Cheney proposed the termination of the Apache after fiscal year 1991, I worked with Chairman INOUYE and others to try to meet the Army's needs for attack helicopters as well as to meet the Secretary's desire to terminate programs. The result, ratified by the full Senate on September 26, was the Defense Appropriations Subcommittee's amendment to complete the buyout of the 240 Apaches authorized in last year's multiyear procurement proposal—but to do so in just 2 years.

During conference with the House, however, the Armed Services Committee conferees opted for maintaining the President's revised budget decision of only procuring a total of 132 Apaches and terminating the program after fiscal year 1991.

Frankly, Mr. President, I am not pleased with the decision reached by the authorization conference on the Apache issue. I would have preferred that they had found a method to buy the 240 Apaches the Army originally sought in its plans to equip 48 battalions. At the same time, Mr. President, I am a realist. I was not a member of the conference and I recognize the fact that 240 Apaches cost a great deal of money. This is money which the conferees obviously felt was needed to support other defense programs. I must therefore be satisfied that the Defense appropriations conference decided to fully fund the 132 Apaches authorized by the fiscal year 1990 Defense authorization bill.

The provision in the conference report before us today is consistent with the limits set for Apache procurement in the authorization bill. It provides, however, for the procurement of all 132 Apaches in 1 year. It appropriates $1.48 billion for this purpose. I am hopeful that next year we can reexamine the issue of a final buy next year to meet the Army's total inventory needs for these effective attack helicopters in order to meet the Army's needs for conventional defenses in the coming decade. This compromise would still meet Secretary Cheney's decision to terminate the program after fiscal year 1991.

The conference report meets the levels set in the budget summit agreement. It also is in agreement with the compromise reached with the Secretary of Defense on other program terminations. The conference bill does not provide procurement funds for the V-22 Osprey. It ensures the termination of the F-14 Tomcat Navy fighter and the Army's Apache and AHIP helicopters.

There are other items in this report, however, which I support without reservation. I applaud the care with which the conferees have treated the sensitive personnel issues which we face with a defense budget which is shrinking in real terms. The terminations of certain procurement programs will cause the loss of jobs and other personal hardships for many workers across the country. These problems will only increase in the coming years as more difficult cuts may be required in future Defense budgets.

I also want to congratulate the chairman and ranking member for their careful attention to adequately funding the Defense Department's enhanced role in the war on drugs. The conference report provides $930 million for this purpose. These funds include $300 million to support joint Coast Guard and Defense drug interdiction operations, $118 million for demand reduction, education and treatment programs for Defense personnel, and $450 million for DOD drug interdiction programs. Of the $450 million for drug interdiction, $110 million is included to support equipment, operations, and personnel for the National Guard's assistance to State antinarcotic efforts.

Clearly, Mr. President, if reaching agreement on the fiscal year 1990 Defense authorization and appropriations bills was difficult, we can be certain that our task will be made even more difficult next year as we face

tighter Defense budgets necessitated by the Gramm-Rudman-Hollings targets and the uncertain future in our relationship with the Soviet Union and the Warsaw Pact. Granted, we welcome and encourage the changes which we see taking place before our eyes in Eastern Europe and the Soviet Union. At the same time, however, the challenges which we shall face will be difficult ones.

We must ensure that the changes in the Soviet Union, and Poland, and East Germany are real changes, not cosmetic ones. We must ensure that the emerging democratic processes will be institutionalized in these countries. And we must ensure that the rhetoric of freedom is matched by the reality of troop reductions and decreased defense spending by the Soviets and her Warsaw Pact allies. I am confident that the President and the Congress will be able to work together to meet these future requirements.

The bill before us today ensures our strong national defense and meets the goals established in the budget summit agreement. I urge my colleagues to adopt the conference agreement.

SPACE BASED WIDE AREA SURVEILLANCE

Mr. ARMSTRONG. Mr. President, on September 29, when the Defense appropriations bill was last on the floor of the Senate, my distinguished colleague from Idaho [Mr. MCCLURE] and I urged our colleagues on the Appropriations Committee to insure adequate funding for congressionally mandated Defense Department studies on space based wide area surveillance. It is my understanding that the completion of these studies before review by the Defense Acquisition Board [DAB] later this winter will require from the Air Force and the Navy a modest amount of funds.

Both services have developed uniquely different technologies and will face a runoff before the Defense Department makes its final decision. What a smart, market-oriented approach to high technology procurement. However—as I've discussed at length on a previous occasion—we here in Congress almost canceled all funding necessary to complete the technology evaluations.

A space based wide area surveillance system is especially important as our eyes in space, and will greatly enhance the protection of our men and women in uniform. General Piotrowski, the commander of U.S. Space Command and of NORAD, says fielding a system of this type is one of his top priorities. It would be a great leap forward for our ability to track aircraft and cruise missiles around the globe, not to mention the benefit it will be to our drug interdiction efforts. The technology is available, and Air Force officials believe if we'd just get on with it, we could field a system by the mid to late 1990's.

Funding these studies is the first step, if we're going to make a space based wide area surveillance system a reality. As I understand it, the necessary money to complete the studies, will be equally divided between the Air Force and the Navy, has been set aside in a classified annex to the Defense appropriations conference report. Could the distinguished Senator from Hawaii or the distinguished Senator from Alaska assure me that such is the case?

Mr. INOUYE. Mr. President, during the conference we did address the concerns of the Senator from Colorado, and his understanding is correct: the necessary money to complete the studies, for both the Air Force and the Navy, is included in a classified annex to the conference report.

Mr. ARMSTRONG. Mr. President, I thank both the Senator from Hawaii and the Senator from Alaska for their consideration of this request.

Mr. INOUYE. Mr. President, I ask unanimous consent that a letter which I received today from Secretary of Defense Cheney be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 17, 1989.

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As part of scheduled floor action today on the fiscal year 1990 Defense Appropriations Act, I understand the Senate will consider reinstating funding for the SR-71 reconnaissance aircraft program. I strongly urge the Congress to adhere to the President's position not to seek funding for the SR-71 in fiscal year 1990.

As you know, the administration was forced to make some very tough budget decisions this year. On the airborne reconnaissance program, I had to balance the cost and capabilities of the SR-71 against other resource requirements. In deciding not to proceed with the SR-71, I did not ignore our need for an airborne reconnaissance capability. You may be assured the Department will continue to provide an airborne reconnaissance complement to our other collection systems for use in peacetime and crises. The SR-71 is simply not a cost effective solution to our needs at this time.

In legislative decisions made over the last several weeks, the Armed Services and Intelligence Committees of both House and Senate have refused to support the continuation of the SR-71 program. I urge you and your colleagues to remain consistent with this approach and defeat any efforts to sustain the SR-71.

On the subject of university research, I support the actions taken by the House to remove earmarking for university research projects and hope the Senate will concur.

Sincerely,

DICK CHENEY.

X-RAY LITHOGRAPHY

Mr. D'AMATO. Mr. President, let me commend you and the ranking member for the fine work you did in steering the Defense appropriations bill through conference. In a year of very tough choices, your leadership and that of Mr. STEVENS was essential in rationalizing the cuts, sometimes severe cuts, that had to be made in the defense budget this year. Many of us had bitter pills to swallow. Of all of them, my only regret was the unfortunate cut of $10 million from x-ray lithography in the materials and electronics technology line of the Defense agencies RDT&E account. This technology, which will help to maintain the U.S. lead in the manufacture of advanced semiconductors, is strongly supported by DARPA. Support on the Hill for this program could not be more widespread. The authorization conference, the House Defense Appropriations Subcommittee, and our own subcommittee all specifically earmarked $40 million for this program. Regrettably, in conference, it became necessary to include the program in a package of cuts to bring our bill within our budget allocation. Mr. Chairman, to the extent that floor action has made available previously allocated funds in the RDT&E, Defense agencies account, I request your support in urging the Department of Defense to consider restoring the $10 million reduced from the x-ray lithography program.

Mr. INOUYE. I share the Senator's concern for the x-ray lithography program, and agree that the Secretary of Defense should consider providing, through a prior approval reprogramming request, funds in the RDT&E, Defense agencies account to achieve the full $40 million for the x-ray lithography initiative.

Mr. STEVENS. I agree with Senators INOUYE and D'AMATO that x-ray lithography is a high priority program, and that the Secretary of Defense should consider full funding of $40 million for the x-ray lithography program.

APPROPRIATIONS FOR ANTITACTICAL BALLISTIC MISSILE SYSTEMS

Mr. THURMOND. Mr. President, I have noted in the conference report on the Defense Appropriations bill a provision that fences $52 million of the amounts appropriated for the strategic defense initiative to be used only for the Israeli "ARROW" missile antitactical ballistic missile system. In my view, all of the ATBM programs are important, and the ARROW program certainly has merit. The Israelis need the protection the ARROW missile will provide, and I believe they have demonstrated that they are capable of doing a good job of developing this missile system.

The President's request for SDI funding, however, has been severely reduced, and as the ranking member on the Strategic and Theater Nuclear Forces Subcommittee of the Armed Services Committee, I am concerned that fencing money for one of the ATBM programs may impact adversely on funding for the others.

Mr. INOUYE. Mr. President, I agree with my friend from South Carolina about the importance of the ATBM programs to SDI. While the appropriations conference report provides $52 million of SDI funds for the ARROW missile, the conferees certainly did not express any intention that this fencing of funds should result in reductions in other ATBM programs in SDI.

Mr. THURMOND. I appreciate the views of my friend from Hawaii, and I am glad to hear that there was no intent in this fencing provision to cause any decrement of funding for other ATBM programs in SDI. I believe that it is important that the ATBM development programs in SDI are adequately funded, and I appreciate your clarifying this point.

RESPONSIBLE ACTION ON RADAR JAMMER

Mr. PRYOR. Mr. President, I want to applaud the conferees on this bill for their action on an amendment that was added to the bill in September. The original Senate amendment "fenced" or restricted fiscal year 1990 production funds for the Airborne Self-Protection Jammer, or ASPJ, pending successful completion of further tests on the troubled radar jammer.

The amendment complimented Senate report language prohibiting all ASPJ production until tests were completed.

But before the conference committee could act on the Defense bill the Navy slipped through half a billion worth of ASPJ production contracts using previous year funds. This was an affront to the appropriations process and it suggested to me that the Navy has more to hide about the ASPJ than has come out so far.

Accordingly, the conference committee went beyond the restrictions in the Senate bill and cut $375 million out of the ASPJ Program, leaving $20 million in fiscal year 1990 to be released when further tests have been successfully completed.

Mr. President, for anyone not familiar with the ASPJ, it is a $9 billion program to build equipment for our fighter aircraft to jam enemy radar. It has been under development for 14 years. It is several years behind schedule, reportedly $1 billion over budget, and it has flunked its preproduction tests, thereby not meeting the Pentagon's exist criteria.

In addition, the ASPJ's testing, cost estimates and production decision are being investigated by the Defense Department Inspector General and the General Accounting Office. In short, Mr. President, we are talking about producing another weapon before it works and we stand to lose billions.

Mr. President, I want to compliment the chairman of the Defense Subcommittee and other conferees on this bill for their responsible action on this matter. I hope that this sends a strong message to Pentagon decisionmakers that the ASPJ Program is in need of very serious review.

FUNDS FOR MISSISSIPPI AMMUNITION PLANT

Mr. DIXON. Mr. President, I congratulate the two managers of this bill, Senator INOUYE and Senator STEVENS, for completing the conference on the fiscal year 1990 Defense appropriations bill. Overall, it is a good bill, and I intend to vote in favor of this conference report.

There is one item in this conference report, Mr. President, which I strongly oppose. That item is the $90 million which the conferees added to continue production of the M483 155-millimeter artillery round at the Mississippi Army Ammunition Plant in fiscal year 1990.

Mr. President, I serve as chairman of the Subcommittee on Readiness, Sustainability, and Support of the Armed Services Committee. This subcommittee has oversight responsibility for ammunition production programs in all of the military services, including the Army's ammunition production programs.

Just a few months ago, Mr. President, the Senate voted in favor of closing 83 military bases in this country because the majority in this body felt they were not needed, especially at a time when we must reduce the Federal deficit. Now everyone knows I opposed the closing of two bases in my State; I argued strongly for not closing Chanute Air Force Base and Fort Sheridan because of errors made by the Base Closure Commission, errors clearly delineated and documented by the GAO.

Yet, Mr. President, when two committees in Congress, the Army and the Defense Department says they need to close one ammunition plant, we find in this Defense appropriation conference report moneys to keep open an inefficient plant. We are going to spend $90 million at an ammunition plant that the Army wants to deactivate.

Mr. President, this is a major mistake made by the conference committee.

I am very familiar with the history of the Mississippi Army Ammunition Plant. I know that it is our newest Government ammunition production facility. But I also know that the cost of this facility has been substantially more than originally planned, and that the technical problems at this facility have still not been completely solved.

This year the Army proposed to begin the deactivation, or layaway, of the Mississippi Army Ammunition Plant during fiscal year 1990. Based on testimony before our subcommittee, the Army made this proposal for two reasons.

First, the Army is beginning production of a new, 155 millimeter artillery round—called the M864—which represents a substantial improvement in capability over the M483 round produced at the Mississippi Army Ammunition Plant. Mississippi cannot currently produce the new M864 artillery round, and there are no plans to modify the plant to enable it to produce this new improved round.

Second, the Army's ammunition production base is already substantially underutilized. The current number of active ammunition plants cannot be sustained at anywhere near efficient rates. In fact, Army officials testified before our subcommittee this year that in addition to deactivating the Mississippi Army Ammunition Plant in fiscal year 1990, the Army plans to deactivate two additional active Army ammunition plants in fiscal year 1991.

Mr. President, the Readiness, Sustainability and Support subcommittee looked into this matter very carefully, and we concluded that the Army should proceed with the deactivation of the Mississippi Army Ammunition Plant in fiscal year 1990. The full Armed Services Committees in both Houses agreed with this recommendation, and no funds were authorized for continued production at the Mississippi facility in fiscal year 1990 in the National Defense Authorization Act for fiscal year 1990.

I very much regret that the fiscal year 1990 Defense appropriations conference report reverses the decision of the Armed Services Committee and appropriates $90 million to continue production at the Mississippi Army Ammunition Plant through fiscal year 1990. As chairman of the Oversight Subcommittee of Jurisdiction on the Armed Services Committee, I intend to pursue this matter in the coming months with the Secretary of Army and Secretary of Defense.

UNIVERSITY RESEARCH GRANTS

Mr. SPECTER. Mr. President, I would like to comment briefly on two university research projects that were removed from the fiscal year 1990 Defense appropriations bill in the U.S. House of Representatives.

This year's Defense appropriations conference adopted a provision to provide $61.2 million in research and construction grants to seven universities outside of normal competitive procedures. Two of these projects are currently being conducted in the State of Pennsylvania. The University of Scranton has established the Northeastern Pennsylvania Technology Center, as mandated in the fiscal year 1988 DOD appropriations bill, to

pursue the "development of an engineering, sciences and technology center to promote defense industry involvement in manpower training and education." Lehigh University has founded the National Center for Industrial Innovation to promote research in the development of advanced materials that will improve various military operations and nuclear monitoring efforts.

Mr. President, universities such as Lehigh and Scranton depend upon Department of Defense grants because they have no other option to seek facility funds. Unlike some of the larger universities which received substantial Federal funding for the construction of research centers in earlier years, Lehigh and Scranton do not currently possess the facility infrastructure to bid competitively for Department of Defense research contracts. Nevertheless, both of these institutions have established first-rate research progams and I believe it is necessary to suspend competitive practices in this instance so that facilities such as these can contribute to our future research base.

Mr. President, without the prerogative to fund university research facilities such as Lehigh University and the University of Scranton, Congress will be relinquishing its ability to provide assistance to institutions capable of making a unique contribution to our national defense effort. It is my firm belief that limiting defense research to a handful of elite institutions risks jeopardizing our ability to access one of our Nation's greatest assets, its breadth of scientific and engineering knowledge.

Therefore, Mr. President, it is my fervent hope that the Department of Defense will make some provision to find funding for these two important research facilities.

The PRESIDING OFFICER (Mr. DASCHLE). Is there further debate?

Mr. INOUYE. Mr. President, I move that the Senate adopt the conference report.

Mr. NUNN. Mr. President I just want to say a few words but I do not have to say them until after the conference report is agreed to.

The PRESIDING OFFICER. Is there further debate? The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I want to congratulate the managers of this bill, Senator INOUYE and Senator STEVENS, for completing a very difficult conference on this Defense appropriation bill. This is a good conference report, and I intend to support it.

This conference report supports the major policy decisions reached by the Congress in the National Defense Authorization Act for fiscal years 1990 and 1991.

The funding for our major strategic programs in fiscal year 1990—the B–2 bomber; the rail garrision MX and the Midgetman missile; and the strategic defense initiative—is the same as the levels authorized in the Defense authorization conference report.

Secretary Cheney's proposed termination of several major conventional programs was one of the most controversial issues in the congressional consideration of the defense budget this year. This was a major sticking point in the conference on the Defense authorization bill this year. Ultimately, the authorization conferees decided to terminate all of the major programs conceled by Secretary Cheney, except for the V–22, which will receive funds for research and development but no new funds for procurement.

I am pleased that this appropriations conference report follows the lead of the authorization conference on the major program terminations. Congress has decided—correctly in my view—that program terminations are essential in order to meet the fiscal constraints of the five year defense program and avoid further deterioration of already unacceptably low production rates of most weapons systems.

I was very disappointed that the conference report on this bill filed in the House contained a provision that would earmark a total of $61.2 million in Defense Department research funds for seven specific colleges and universities. The Congress decisively rejected these kinds of earmarks in last year's Defense appropriations conference report, including some of the same earmarked grants proposed again in this year's conference report. In addition, the conference report on the fiscal year 1990–91 Defense authorization bill which the Senate adopted yesterday contained a provision strengthening the Competition in Contracting Act to emphasize that competition and merit-based selection—not statutory earmarking—should be the basis for awarding Defense Department research grants.

Senator DANFORTH and I and others intended to offer an amendment to this conference report deleting the statutory earmarks for the seven colleges and universities contained in amendment No. 94. However, this provision was—very appropriately in my view—deleted from this conference report on the House floor by a point of order.

Congress has now repeatedly rejected this type of statutory earmarking and made clear that Defense research grants should be awarded based on competition and merit. I hope forceful action on this issue in the Defense authorization and appropriations bills last year and this year will put an end to efforts to earmark Defense research grants.

There are several areas of this appropriations conference report which exceed the levels authorized in the authorization conference report, both at the account level and at the program, project and activity level. The Armed Services Committee intends to work with the Defense Department and the Appropriations Committee to review these unauthorized appropriations as promptly as possible. It is my view that we will approve most of these actions.

Mr. President, the Armed Services and Appropriations Committee have worked very hard this year to minimize some of the differences between our two committees in the past. I think we have a good, close and cooperative working relationship this year that has worked to the benefit of both committees. I want to thank Senator BYRD and Senator HATFIELD, the Chairman and ranking minority member of the full Committee, and Senator INOUYE and Senator STEVENS, the Chairman and ranking minority member of the Defense Subcommittee, for their cooperation and assistance this year.

I urge my colleagues to support this conference report.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to associate myself with the remarks of the distinguished chairman, the distinguished Senator from Georgia. In the decade-plus that I have been privileged to serve on the authorization committee I have never known a year in which there has been a higher degree of cooperation between the authorization committee and the Appropriations Committee and, as well, the staffs of the two committees. This is owing to the leadership provided by the chairman of the Appropriations Committee, the Senator from West Virginia and the ranking member, Mr. HATFIELD of Oregon, and, indeed, the Senator from Hawaii and the Senator from Alaska. The four of us have worked together with Mr. NUNN, now, for some months to prepare this bill.

I am anxious the Senate move with dispatch to accept it. I think the President can point to this bill as providing for those priorities which he established. Not all, but in large part. Therefore I think there has been a close linkage between the Congress and the executive branch in providing for national defense.

The PRESIDING OFFICER. Is there further debate? The Senator from Missouri.

Mr. DANFORTH. Mr. President, I simply want to flag very, very briefly the fact that the House of Representatives stripped from this bill $61.2 million of earmarked spending for research projects. I want to commend the House of Representatives for doing so. This earmarked spending was designated by the conferees for seven different university research

projects. These projects were not in either the House or the Senate appropriations bill.

Three of the seven projects had previously been considered by the Department of Defense and rejected by the Department of Defense. On three other projects, apparently the Department of Defense had no proposal on which to make a decision one way or another.

One of the projects, interestingly, was for a business school. I question whether it is appropriate to include funds for a business school in a defense appropriations bill.

As I say, this has been taken care of by the House. I want to point it out to alert the Senate that there are those of us who are watching this question very closely, about earmarking.

Last year the Senate, by a vote of 53 to 35 stripped earmarking provisions from the DOD appropriations bill. This time, as I say, the House did it for us. Senator NUNN and I last week introduced a resolution which would provide a means of getting earmarking out of the bill by raising a point of order on earmarked spending for research projects.

I ask unanimous consent, Mr. President, that a letter from Mr. Frank Press, President of the National Academy of Sciences, opposing earmarking for university research grants, and a letter from Mr. Robert Rosenzweig, and Mr. Robert Clodius, of the Association of American Universities, also opposing earmarked funds for research grants be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 15, 1989.

Hon. JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: I understand that the FY 1990 Defense Appropriations Conference Report provides funds for several academic research programs and facilities lacking previous congressional or peer review. Moreover, these earmarks circumvent the legislative requirements for competition in DoD research funding that you and Senator Nunn sponsored last year. I want to express my strong opposition to these provisions and support of your effort to remove them when the conference report reaches the Senate floor.

Unquestionably, the growth industry in appropriating research funds to particular institutions reflects real needs and pressures arising from severely constrained budgets, long neglect of deteriorating and obsolete research facilities at universities and colleges throughout the country, and the absence of any significant federal program to help remedy that neglect. Added to these pressures are legitimate concerns about promoting local and regional economic development and building the research capacities of less well-established institutions. Nevertheless, efforts by individual institutions and their lobbyists and representatives in Congress to bypass merit review may cause enormous damage to the nation's research enterprise and, ultimately, our security.

Research support on the basis of objective judgments of the scientific and technical merit of proposals in open competition has contributed to the scientific preeminence of the United States and the fulfillment of Defense Department and other agencies' missions. Without such review, there is no assurance that we are allocating scarce public resources to meet the most pressing needs and promising opportunities in science and engineering, whether for defense, public health, economic growth, or other objectives. As with the earmarks in the DoD Appropriations Bill, the process is often secretive, so that even among members of Congress "peer review" is a misnomer.

The best alternative to the growing practice of targeted congressional appropriations is a comprehensive approach to academic research facility financing, one that recognizes the importance of a broad geographical distribution of federal funds and upgrading institutional capacities but within the context of competition on the basis of scientific and technical potential. The importance of science and technology to the nation's welfare is too great and our international competitive position too precarious to abandon one of the major factors in our postwar economic and military strength as well as our intellectual achievements.

I urge the Senate to support your amendments to delete the earmarks from the FY 1990 DoD bill.

Yours sincerely,

FRANK PRESS,
President.

NOVEMBER 15, 1989.

Hon. SAM NUNN,
U.S. Senate,
Washington, DC.

DEAR SENATOR NUNN: We are writing on behalf of the members of the Association of American Universities and the National Association of State Universities and Land-Grant Colleges to express our support for your effort to remove from the DOD appropriations bill seven earmarks designed for the benefit of named universities. It is our understanding that none of the projects designated in the bill has been considered in competition with others in the same field, been approved on its scientific merits, or been judged to fall within its program requirements. They should be removed from the bill because their merit has not been established and because they are examples of bad science policy in a time of limited resources.

We have on past occasions made clear our reasons for opposing the practice of earmarking funds in appropriations bills for scientific projects. The public interest in health, national security, economic prosperity, and general intellectual enrichment is best promoted by decisions that emerge from open competition among prospective performers and that are based on professional evaluation of the scientific merits of the competing proposals. Those operating principles have guided the growth of our enormously productive science and technology enterprise for the last forty years, and they have never been more important than they are now. They have come under attack in recent years and so it is especially important to reassert their primacy. We commend you for your effort to do just that and hope that you are successful in this instance.

Sincerely,

ROBERT M. ROSENZWEIG,
President,
Association of American Universities.
ROBERT L. CLODIUS,
President,
National Association of State Universities and Land-Grant Colleges.

Mr. McCLURE. Mr. President, I am constrained to at least comment with respect to those remarks made by the distinguished Senator from Missouri. While he can applaud indeed that the House did strip some research earmarking from the bill, that had the unfortunate effect and I think the unintended effect of leading to the removal of some action that had been taken by the Senate, which I think is in a different category and should have been treated differently. I will not belabor the point now except to say to my friend from Missouri, while they may indeed have accomplished something they also accomplished something they did not intend to do, I believe.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I add my voice to that of the Senator from Idaho. The Senator from Missouri has made his comments. I think the peer review process as followed under the National Science Foundation and other entities in this bill, lead to the greatest bootstrap operation I have ever seen. It yields to, year after year after year, the money going to the same institutions based upon the role of professor and student that becomes professor and student. It is generation after generation at the same institutions that share this money because of this network we allow to exist. It exists without any regard to the competence of small universities and colleges throughout the country; without any regard to the capability of some of us in the Congress to understand the development of some of our own universities and their ability to share greater knowledge and capability with the Department of Defense and particularly DARPA.

We will not have that argument, now, I say to the Senator from Missouri, but one of these days we will have it again and I will relish it.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, in the request which I am about to make, I will ask that certain amendments be excepted from the request for consideration en bloc of noncontroversial amendments. I am doing so to protect

the interests of Members who wish to offer amendments to items in disagreement. I do not intend to offer any amendment to restore the SR-71.

Accordingly, Mr. President, I ask unanimous consent that it be in order to consider en bloc the amendments reported in disagreement, except for amendments numbered 229, 240, 241, and 243.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object and I do not object, is it my understanding those are the only ones that will be excepted now?

Mr. INOUYE. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. I move the Senate concur in the amendments of the House to the amendments of the Senate except for amendments numbered 229, 240, 241, and 243.

The PRESIDING OFFICER. Without objection the motion is agreed to.

The amendments of the House to the amendments of the Senate in disagreement, concurred in en bloc, are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$24,510,960,000: *Provided,* That $11,000,000 shall be available only for the activation of one additional battalion for the 6th Light Infantry Division not later than August 15, 1990: *Provided further,* That no reduction be made in any active component combat or corps headquarters unit in the United States to make personnel available for this unit".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 4 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$19,994,040,000: *Provided,* That none of the funds provided in this account and in 'Operation and Maintenance, Air Force' may support the continuation of the B-52G Squadron of the 43rd Bomb Wing after June 15, 1990".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$1,051,200,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 11 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$22,787,559,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken by said amendment, insert ": *Provided,* That $250,000 shall be available for the 1990 Memorial Day Celebration".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further,* That of the funds appropriated in this paragraph, $46,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS) and intermediate cold-wet weather boots, unless $46,000,000 of ECWCS and the intermediate cold-wet weather boots are procured by the Army Stock Fund during fiscal year 1990".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$23,902,621,000, of which $81,000,000 shall remain available until September 30, 1992".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert: ": *Provided further,* That the Navy may provide notice in this fiscal year to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract: *Provided further,* That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, $2,000,000 shall be available for a grant to the National Museum of Naval Aviation at Pensacola, Florida. These funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$21,806,213,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further,* That none of the funds made available in this Act may be used to disestablish or reduce the operation of the Air Force and Air Force Reserve WC-130 Weather Reconnaissance Squadrons".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$7,800,156,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$861,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$894,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$978,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$1,981,900,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$3,789,937,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken by said amendment, insert ": *Provided,* That the Secretary of Defense shall review the requirements for Apache Helicopters and the Army Helicopter Improvement Program (AHIP) and report to the Committees on Appropriations by April 1, 1990: *Provided further,* That if the report finds that additional Apache or AHIP Helicopters are needed to fulfill the requirements for the U.S. Army, including National Guard and reserve forces, the Secretary of Defense may propose to obligate funds provided herein for advance procurement on additional Apache and/or AHIP Helicopters".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 47 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$2,707,611,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows ": *Provided,* That the Secretary of the Army shall complete the technical and operational testing and acquire the technical data package for the Improved Recovery Vehicle, M88A2".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken by said amendment, insert ": *Provided further,* That the Department of the Army shall expeditiously procure an improved vehicle intercommunications system with a goal of an initial procurement contract not later than September 30, 1990".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$9,389,266,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 55 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert ", as follows:

Ballistic Missile Programs, $1,443,165,000;
Other Missile Programs, $2,831,852,000;
Mark-48 ADCAP Torpedo, $438,642,000;
Mark-50 Torpedo, $271,130,000;
Sea Lance, $1,799,000;
ASW Targets, $12,983,000;

ASROC, $9,282,000;
Modification of Torpedoes, $9,653,000;
Torpedo Support Programs, $39,002,000;
ASW Range Support, $24,205,000;
Other Weapons, $168,838,000;
Spares and Repair Parts, $111,341,000;
Installation of Modernization Equipment, $30,420,000;
In all: $5,392,312,000".

Resolved, That the House recede from its disagreement to the amendment, of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the first sum named in said amendment, insert "$1,132,800,000".

Resolved, That the House recede from its disagreement to the amendment, of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert: "post delivery, and ship special support equipment, $368,900,000: Coast Guard icebreaker ship program, $329,000,000; Coast Guard patrol boat program $84,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$7,970,764,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 75 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$8,524,110,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 76 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$973,720,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$9,733,174,000: *Provided,* That of funds appropriated in Research, Development, Test and Evaluation, Navy for fiscal year 1989, $22,000,000 shall be transferred to Research, Development, Test and Evaluation, Defense Agencies for fiscal year 1990 for the Test and Evaluation, Defense Agencies for fiscal year 1990 for the Tactical Airborne Laser Communications program, to be merged with, and to be available, for, the same purposes and the same time period as the appropriation to which transferred".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$13,635,570,000: *Provided,* That the Secretary of the Air Force shall obligate $100,000,000 of amounts appropriated for research, development, test and evaluation for the Air Force for fiscal year 1989 that remain available for obligation to carry out research, development, test, and evaluation in connection with the Small ICBM program: *Provided further,* That the Secretary of the Air Force shall obligate $50,000,000 of amounts appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1989 from the B-1B program that remain available for obligation only to carry out research, development, test, and evaluation to provide cruise missile capability on the B-1B aircraft: *Provided further,* That the $13,635,570,000 provided under this heading is".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken by said amendment, insert: ": *Provided further,* That of the amount herein provided for the Strategic Defense Initiative, $52,000,000 shall be available only for the Arrow missile program".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$180,550,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 101 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$78,100,000".

"EMERGENCY RESPONSE FUND

"For the 'Emergency Response Fund, defense'; $100,000,000, to remain available until expended. The Fund shall be available for providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from state and local governments for assistance on a reimbursable basis to respond to natural or man-made disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 103 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum inserted by said amendment, insert "$73,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 104 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$8,000,000, of which not less than $6,100,000 shall be available only for cryofracture: *Provided,* That of the funds appropriated for Chemical Agents and Munitions Destruction, Defense for research, development, test and evaluation for fiscal year 1989, not less than $16,300,000 must be obligated for cryofracture not later than January 15, 1990: *Provided further,* That the Secretary of Defense may only delegate responsibility for the program planning, policy, budget, management, execution and general oversight of the destruction of chemical agents and munitions and the retrograde movement of chemical agents and munitions to the Secretary of the Army".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 105 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$27,610,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$257,010,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert: "and the amount provided for retrograde shall remain available until September 30, 1992: *Provided further,* That of the funds appropriated for retrograde, not more than $10,000,000 may be obligated or expended, nor may any chemical munitions be moved from existing storage sites, until the Secretary of Defense certifies to the Congress that the Johnston Atoll Chemical Agent Disposal System has destroyed live agent chemical munitions and that adequate storage capacity exists on Johnston Atoll to safely accommodate any chemical munitions or hazardous materials transported to that site: *Provided further,* That none of the funds appropriated in this or any other Act may be obligated to construct additional chemical munition storage facilities on Johnston Atoll".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 108 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS

DRUG INTERDICTION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and enforcement activities of the Department of Defense, not provided for elsewhere in this Act, $450,000,000; for transfer as follows: Army National Guard and Air National Guard operation and maintenance, personnel expenses, and associated administrative costs; $70,000,000; for Army National Guard and Air National Guard equipment, $40,000,000; for Operation and Maintenance, including the Civil Air Patrol, $88,200,000; for Research, Development, Test and Evaluation, $10,400,000; for Military Construction, $3,700,000; and, for Procurement, $237,700,000: *Provided,* That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purpose as the appropriation to which transferred and the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further,* That of the amount appropriated, $2,500,000 shall be transferred to the Department of the Treasury solely for the expenses associated with a classified project.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 117 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "Except as provided in 10 U.S.C. 2690 and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, none".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 118 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "Except

(1) as provided in 10 U.S.C. 2690 and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, and (2) that all conversions at the Wiesbaden and Kaiserslautern Military Communities shall be held in abeyance until August 15, 1990, in order for the Secretary of the Air Force to thoroughly evaluate the requirements for and cost-effectiveness of the proposal to convert these systems to third-party cogeneration systems using American coal and until the General Accounting Office has reviewed the findings of the Defense Department, after which date the Wiesbaden and Kaiserslautern Military Communities may be converted under (1) above, none".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 120 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert

Maverick Missle (AGM-65D);

SH-60B/F Helicopter; and

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 121 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 9023. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 71,449: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 48,576 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further,* That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 134 to the aforesaid bill, and concur therein with an amendment as follows: After the word "Army", insert: *Resolved further,* That this subsection applies to active components of the Army".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 161 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken by said amendment, insert: ": *Provided further,* That amounts transferred under this provision for Department of Defense medical personnel and programs (including CHAMPUS), shall come from prior year unobligated appropriations and shall be offset within the appropriations to which transferred".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 172 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "; as follows:

"(a) from the Navy Stock Fund, not less than $156,000,000 shall be transferred to Operation and Maintenance, Marine Corps; from the Defense Stock Fund, not less than $195,000,000, of which $20,000,000 shall be transferred to Operation and Maintenance, Army Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Navy Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Air Force Reserve; $20,000,000 shall be transferred to Operation and Maintenance, Army National Guard; $35,000,000 shall be transferred to Operation and Maintenance, Air National Guard; and $60,000,000 shall be transferred to Operation and Maintenance, Defense Agencies for the Defense Logistics Agency.

"(b) from the Army Stock Fund, $114,000,000 and form the Army Industrial Fund, $73,400,000 may be transferred to Operation and Maintenance, Army; from the Navy Stock Fund, $281,200,000 and from the Navy Industrial Fund, $400,950,000 may be transferred to Operation and Maintenance, Navy; from the Marine Corps Industrial Fund, $4,000,000 may be transferred to Operation and Maintenance, Marine Corps; from the Air Force Stock Fund, $156,000,000 and from the Air Force Industrial Fund, $111,750,000 may be transferred to Operation and Maintenance, Air Force; and, from the Defense Industrial Fund, $29,900,000 may be transferred to the Defense Logistics Agency; PROVIDED, That the Secretary of Defense may waive the transfers in subsection (b) upon notification to the House and Senate Committees on Appropriations".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 179 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,539,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 184 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 9068. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) establish or operate Training and Administration of Reserves (TAR) enlisted detailing or any enlisted placement functions or billets at the Chief of Naval Personnel and the Naval Military Personnel Center headquarters, or (2) transfer any Naval TAR, seaman, fireman, and airman detailing functions and billets or reduce civilian an military personnel end strengths from the Naval Reserve Personnel Center and the Enlisted Personnel Management Center until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfers, operations, or reductions in terms of (1) addressing the overall mission and operations staffing of all detailing and placement functions for active and reserve personnel functions and commands; and (2) certifying that such realignments do not duplicate functions presently conducted; are cost-effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and the Navy Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceman.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 186 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of section number "9062" named in said amendment, insert "9070".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 187 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken by said amendment, insert:

SEC. 9071. None of the funds available to the Department of Defense, including expired appropriations and M accounts balances, may be used for the B-1B's ALQ-161A CORE program unless the Secretary of Defense has notified the Congress in advance of his intentions to use funds for such purposes: *Provided,* That no funds available to the Department of Defense may be used for research, development, installation, integration, or procurement of an advanced radar warning received for the B-1B.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 196 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert "9077".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 197 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the section number named in said amendment, insert "9078".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 198 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9079".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 199 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9080".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 200 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the matter inserted by said amendment, insert "9081".

and after the word "year", insert: "and hereafter".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 201 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 9082. Of the funds made available to the Department of the Air Force in this Act, not less than $6,700,000 shall be available for the Civil Air Patrol.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 202 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "9073" named in said amendment, insert "9083".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 203 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9084".

Resolved, That the House recede from its disagreement to the amendment of the

Senate numbered 205 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9085".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 206 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "9077" named in said amendment, insert "9086".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 207 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9087".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 208 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9088".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 209 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9089", and in lieu of "180,994" named in said amendment, insert "182,011".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 210 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the section number named in said amendment, insert "9090", and in lieu of the word "EMPRESS" in each of the four places where it appears, insert: EMPRESS II

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 211 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9091".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 212 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9092".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 213 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: "9093".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 214 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

(TRANSFER OF FUNDS)

SEC. 9094. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred but shall be available only for the time period of the appropriation from which transferred: *Provided further,* That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90": T-AGOS SURTASS ship program, $3,600,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91": CG-47 cruiser program, $147,100,000;

T-AGOS SURTASS ship program, $8,500,000;

Outfitting program, $14,900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/89": T-AO fleet oiler program, $72,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90";

MCM mine countermeasures ship program, $5,800,000;

T-AO fleet oiler program, $11,100,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

AOE fast combat support ship program, $51,900,000;

T-AO fleet oiler program, $6,300,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 1989/93":

T-AGOS SURTASS ship program, $27,000,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 215 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9095".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 216 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9096".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 217 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 9097. Section 30(a) of chapter 2B of the Arms Export Control Act, Public Law 97-392, is amended by inserting "either (i)" immediately after the phrase "such a company" in the first sentence thereof and by adding immediately before the period at the end of that sentence "or (ii) in the case of ammunition parts subject to subsection (b) of this section, using commercial practices which restrict actual delivery directly to a friendly foreign country or international organization pursuant to approval under section 38 of this Act".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 218 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert "9098".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 220 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 9099. Of the funds appropriated by this Act, no more than $2,500,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 221 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert "9100".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 223 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 9101. For the purpose of conducting a demonstration project, to test methods of increasing collections from third-party payers of reasonable inpatient hospital care costs incurred on behalf of retirees and dependents pursuant to section 1095 of title 10, United States Code, the Secretary of Defense is authorized to modify existing Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) regional fiscal intermediary contracts to assist in the administration of activities in connection with such collections: *Provided,* That amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 224 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of section number "9095" named in said amendment, insert "9102".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 225 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of section number "9096" named in said amendment, insert "9103".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 226 to the aforesaid bill, and concur therein with amendments as follow:

In lieu of section number "9097" named in said amendment, insert "9104", and at the end of said amendment after " 'paragraph (1)(B)' ", insert:

(d) Section 1606 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 is amended—

(1) by striking out "One-Year" in the heading of the Section and inserting in lieu thereof "Three-Month";

(2) by striking out "One-Year" in subsection (a) and inserting in lieu thereof "Three-Month";

(3) by striking out "October 1, 1990" in subsection (a) and inserting in lieu thereof "January 1, 1990"; and

(4) by striking out "fiscal year 1990" in subsection (a) and inserting in lieu thereof "the first quarter of fiscal year 1990"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 228 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: "9105".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 230 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: "9107".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 232 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: "9108", and immediately preceding "Sec.", insert the following center head: *(Transfer of Funds)*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 233 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "9104" named in said amendment, insert "9109", and immediately preceding "Sec.", insert the following center head: *(Transfer of Funds)*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 234 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the section number named in said amendment, insert "9110", and immediately preceding "Sec.", insert the following center head: *(Transfer of Funds)*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 235 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sectien number named in said amendment, insert "9111".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 237 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of section number "9108" named in said amendment, insert "9112".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 238 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert "9113".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 239 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the section number named in said amendment, insert "9114", and, in the two instances where "Senate" is named in said amendment, insert in lieu thereof: Congress

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 242 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of section number "9113" named in said amendment, insert: "9120", and, in the one instance where "Senate" is named in said amendment, insert in lieu thereof: Congress

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 244 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of section number "9115" named in said amendment, insert "9122".

Resolved, That the House insist on its disagreement to the amendments of the Senate numbered 229 and 243.

Mr. INOUYE. Mr. President, I move the Senate recede from its amendment No. 229.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. McCLURE. Mr. President, reserving the right to object, what was the request?

Mr. INOUYE. To recede from its amendment No. 229, that is the universities amendment.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I do not know if the Senator from Idaho will offer any amendment tonight. I do not want to close my option to do so. I wonder if the Senator can withhold that.

Mr. INOUYE. Mr. President, I ask unanimous consent to set this aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I move the Senate concur in the amendment of the House to Senate amendment No. 240.

The PRESIDING OFFICER. The Senator from West Virginia.

HOUSE AMENDMENT TO SENATE AMENDMENT IN DISAGREEMENT NO. 240

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 240 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 9115. (a) Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

(b) Sums appropriated in title I of this Act, Military Personnel, are reduced by $63,000,000, which will be realized by reducing active duty personnel by 5,000: *Provided,* That this subsection does not apply to the reserve components.

(c) Sums appropriated in title II of this Act, Operation and Maintenance, are reduced by $75,000,000, which will be realized by reducing civilian personnel by 2,500: *Provided,* That this subsection does not apply to the reserve components.

SEC. 9116. Of the funds made available in this Act and in the Military Construction Appropriations Act, 1990 for fiscal year 1990 for research, development, test, and evaluation of the Rail Garrison MX and Small ICBM systems, procurement of Mark 21 reentry systems, advance procurement of Rail Garrison MX components or materials, and construction of facilities to support the Rail Garrison MX system, $150,000,000 is hereby reduced as determined by the Secretary of Defense.

AMENDMENT NO. 1164 TO THE AMENDMENT OF THE HOUSE TO THE AMENDMENT OF THE SENATE IN DISAGREEMENT NO. 240

Mr. BYRD. Mr. President, on behalf of myself, Senator HATFIELD, Senator HOLLINGS, Senator RUDMAN, Senator LEAHY, and Senator KASTEN, I move that the Senate concur in the amendment of the House to Senate amendment No. 240 with an amendment, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. HATFIELD, Mr. HOLLINGS, Mr. RUDMAN, Mr. LEAHY, and Mr. KASTEN, proposes an amendment numbered 1164 to the House amendment to Senate amendment No. 240.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment insert the following: *"Provided,* That section 101(a)(1) that follows "1991"; 101(c); 102(a)(2); 221(b); 702(a); 702(b) and 704(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (H.R. 1487) (including amendments made thereunder), and section 1204 of the Foreign Service Act of 1980 as amended by section 149(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; section 505(e)(3) of title V of the United States Information and Educational Exchange Act of 1948, as amended by section 205 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and section 404(b) of The Asia Foundation Act as amended by section 501 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; are hereby waived during fiscal years 1990 and 1991: *Provided further,* That so much of the preceding proviso as pertains to the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, shall take effect only on the date of enactment of that Act.".

Mr. BYRD. Mr. President, yesterday the Senate adopted the conference report on the State Department Authorization Act, H.R. 1487. During the debate on that measure, I voiced my objections to the numerous provisions within the conference report that provided for appropriations floors. I was joined by Senators HOLLINGS, RUDMAN, and KASTEN in expressing concern that these floors were included in the conference report even though the Senate had previously adopted my amendment to remove some of the floors when the measure was before the Senate prior to conference.

After hearing the objections to these appropriations floors, the distinguished chairman of the Foreign Relations Committee, Senator PELL, and the distinguished ranking member, Senator HELMS, expressed their support of the amendment which is now at the desk.

The amendment was debated fully in connection with the consideration of the Foreign Relations Authorization Act. I do not intend to debate the matter further unless other Senators wish to do so.

The amendment provides that the nine appropriations floors contained in H.R. 1487 shall be waived upon enactment of the Foreign Relations Authorization Act. In effect, the adoption of this amendment will remove the appropriations floors from the Foreign Relations Authorization Act.

Mr. President, before I take my chair, I congratulate the distinguished

Senator from Hawaii [Mr. INOUYE] the chairman of the Appropriations Subcommittee on Defense, and the ranking member, Senator STEVENS, from the State of Alaska. They work hard. They do their work well, and we are all in their debt.

I also want to thank the distinguished chairman of the Armed Services Committee, Mr. NUNN, and the distinguished ranking member of the Armed Services Committee, Mr. WARNER, for the fine way in which they have worked with the Appropriations Committee chairman and ranking member and the chairman and ranking member of the Appropriations Subcommittee.

I have to say, friction in former years has certainly been brought to virtually absolute zero. There is no friction. There is cooperation and understanding. That is the way it ought to be, and that is the way we intend for it to be.

I feel that we ought to have the yeas and nays on this amendment. So I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I think a rollcall vote on this amendment will stand the Appropriations Committee in good stead in the future.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—97

Adams	Danforth	Heinz
Armstrong	Daschle	Hollings
Baucus	DeConcini	Humphrey
Bentsen	Dixon	Inouye
Biden	Dodd	Jeffords
Bingaman	Dole	Johnston
Bond	Domenici	Kassebaum
Boren	Durenberger	Kasten
Boschwitz	Exon	Kennedy
Breaux	Ford	Kerrey
Bryan	Fowler	Kerry
Bumpers	Garn	Kohl
Burdick	Glenn	Lautenberg
Burns	Gore	Leahy
Byrd	Gorton	Levin
Chafee	Graham	Lieberman
Coats	Gramm	Lott
Cochran	Grassley	Lugar
Cohen	Harkin	Mack
Conrad	Hatch	McCain
Cranston	Hatfield	McClure
D'Amato	Heflin	McConnell
Metzenbaum	Reid	Simpson
Mikulski	Riegle	Specter
Mitchell	Robb	Stevens
Moynihan	Rockefeller	Symms
Murkowski	Roth	Thurmond
Nickles	Rudman	Wallop
Nunn	Sanford	Warner
Packwood	Sarbanes	Wilson
Pell	Sasser	Wirth
Pressler	Shelby	
Pryor	Simon	

NOT VOTING—3

Bradley	Helms	Matsunaga

The amendment (No. 1164) to the amendment of the House to the amendment of the Senate No. 240 was agreed to.

The PRESIDING OFFICER. The question now occurs on the motion to recede from the Senate amendment No. 229.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendment so that the Senate may take up the matter that Senator CRANSTON is interested in.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 241 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 9117. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations in the House and Senate.

SEC. 9118. None of the funds appropriated by this Act shall be available for bone trauma research at Letterman Army Institute of Research until the Secretary of the Army has certified to the Committees on Appropriations of the House and Senate that this research has a military application, it is being conducted in accordance with the standards set by an animal care and use committee, and the research is not duplicative of research already conducted by a manufacturer or any other research organization.

AMENDMENT NO. 1165 TO THE HOUSE AMENDMENT TO THE SENATE AMENDMENT NO. 241

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment No. 241, with an amendment offered by myself, and Senators SASSER and WIRTH, which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. SASSER, and Mr. WIRTH, proposes an amendment numbered 1165 to the House amendment to the Senate amendment No. 241.

At the end of the amendment add the following new section:

SEC. 9119.

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated in this Act may be obligated or expended to commence production of any B-2 aircraft; and

(2) the funds appropriated in this Act and available for the B-2 advanced technology bomber program may be expended only for—

(A) the completion of the production of B-2 aircraft commenced with funds appropriated before the date of the enactment of this Act;

(b) research and development for the B-2 aircraft; and

(c) flight testing of B-2 aircraft.

The PRESIDING OFFICER. The Senate is not in order. Senators will please cease audible conversations.

Mr. STEVENS. Mr. President, does the Senator have copies of that amendment?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, to govern is, indeed, to choose.

Clearly the issue before the Senate today presents us with some difficult choices. The conference report on the Department of Defense appropriations bill provides some $286 billion. These funds for military projects are intended to advance the security interests of the American people.

This measure comes before the Senate in the wake of a series of natural disasters which have made millions of American citizens feel manifestly insecure. From the suburbs of South Carolina and San Juan to the streets of San Francisco and Santa Cruz, citizens are reeling from these twin blows, struggling to recover from the tens of billions of dollars in damage wrought by Hurricane Hugo and the Loma Prieta earthquake.

This measure also comes before the Senate in the wake of unprecedented budget cuts spurred by the Gramm-Rudman-imposed sequestration, budget cuts which are causing real hardship in the management of key Federal programs. From defense to education to the war against drugs, sequestration-ordered cutbacks have cut into many important programs.

It is clear that today, throughout our Nation, critical human needs are going unmet because of a lack of Federal budget resources. Millions of our

citizens have no decent housing and must live in temporary shelters, cars, subways, and even in cardboard boxes. We face critical challenge in combatting drug abuse and crime. Tens of thousands of men and women and children are dying from the AIDS epidemic. Our education system is ill-prepared to meet the challenges of the future. We have a transportation network which is decaying, with basic infrastructure in our highway and bridge system in urgent need of repair. We are facing immense environmental threats to clean air and clean water; considerably more funding is needed to cleanup toxic wastes and to combat the greenhouse effect. And we need a much better, more efficient, and more equitable system of providing comprehensive health care.

The fact is that each night millions of Americans feel manifestly insecure because of unmet basic human needs.

I have been preoccupied by these problems in recent weeks, visiting my home State repeatedly and hearing from distressed citizens. Every time a budget measure has come before this Senate in recent days—from the reconciliation bill to housing proposals to health and education measures—we have been confronted by the reality that the Federal Government doesn't have the money it requires to meet essential domestic needs. Crucial opportunities in the realm of international security are also going unfunded because of budget cutbacks. For example, while the United States has for 40 years spent hundreds of billions of dollars in an effort to check Communist military control over Central Europe, now that we have extraordinary opportunities to promote a peaceful transition to democracy behind the Iron Curtain, we are unable to dedicate the resource we should to the task. We have been able to fund only a portion of the programs in Poland and Hungary that many in Congress have sought. It is also noteworthy that the bow wave effect of our mid-1980's weapons buying spree is now forcing us to contemplate deep cuts in our conventional readiness. Gramm-Rudman sequestrations triggered last month may cause a reduction in 229,000 active duty men and women from the Armed Forces next year, according to senior U.S. military officials. Thus we will be left with diminished conventional military capabilities—lowering the nuclear threshold—because of misguided Pentagon spending priorities and the resulting budget crunch.

It is against this background that I have undertaken a careful analysis of the big-ticket items in our defense budget. It has seemed to me that having spent more than $2 trillion on defense over the past 8 years—at a time when United States-Soviet tensions were being markedly reduced—there might be some way to economize in our weapons buying without harming our security interests. It has also seemed to me that we might possibly be able to avoid a tax increase—which many observers believe may be inevitable—if we could make some long-term cuts in defense spending. Reducing defense spending—while shifting a more equitable share of the conventional defense burden to our allies—might also be a way to improve our international economic competitiveness vis-a-vis the extraordinarily productive economies of Japan and West Germany.

In conducting this review, I am keenly aware that a substantial portion of the defense budget is spent in my home State of California. As California's senior Senator, I have consistently fought for those California-based programs which I have believed to be of value to our national security—from the B-1 bomber to the cruise missile to the shuttle and the space station.

But I have always believed it wrong—indeed, a disservice to our Nation—to promote blindly a home-based project that did not enhance our security in a cost-effective manner. That is one reason I have opposed the MX missile, for example, despite the fact that its major components are produced in my home State.

Mr. President, the DOD appropriations bill is not a jobs program. Carelessly squandering money on programs which are not cost-effective denies funds needed for other critical defense and domestic needs. Wasting money on weapons programs guarantees that other worthwhile Federal programs which also bring jobs to our States—like highway and bridge reconstruction and rapid transit—go underfunded. And wasting money on unneeded weapons harms our international competitiveness, eroding the economic security of this generation—and the next.

This, then, is the context within which I have studied the funding for the B-2 contained in this bill. Contained in this measure is a major financial commitment for procurement of what will prove—if it is built—to be the most expensive weapons system ever bought by mankind.

The costs for this project have been kept secret for more than 8 years, shielding the program from public debate and effective congressional scrutiny. But now we are nearing the crucial crossroads—the decision point—on this incredibly costly endeavor. The time has come to develop the public record and to reach a decision on the cost-effectiveness of this project.

I speak of course of the B-2 or stealth bomber. This aircraft is a technological marvel, an awesome construction with swooping wings and a sleek, radar-evading jet black body.

Millions of man hours and tens of billions of taxpayer dollars have been expended to bring this California-based project forward. I deeply respect the work of the men and women in my home State who have displayed considerable genius and workplace skill in advancing this project. But now, having spent substantial sums to explore this advanced technology, the hour of decision is at hand.

Mr. President, I believe Congress finally has the information we require to make a decision on whether or not to fund full procurement of the 132 B-2's the Pentagon wants. The fact is that we do not need this aircraft in order to ensure a stable nuclear triad deterrent against the Soviet Union. New information placed on the public record in congressional debates this fall makes clear that the B-2 lacks any essential mission, that the plane cannot meet its stated objectives.

I have thus concluded that further funding for this billion dollar aircraft is irresponsible—especially at a time when unmet human needs are daily undermining Americans' sense of security.

I am therefore announcing to right that I shall oppose all funding for commencing production of any more B-2's.

The amendment I have offered to the pending conference report would delete all fiscal year 1990 production moneys ($2.3 billion) for new B-2's (and spare parts for these new planes) beyond the 13 B-2's already in production.

In the event my amendment fails, I shall vote against the conference report. It provides for more B-2 funds—with far fewer conditions—than critics in either the House or the Senate have sought. I pledge to work unrelentingly with leading B-2 opponents in the Senate and House, month after month, year after year until this horrendously costly B-2 boondoggle is finally stopped once and for all.

When the B-2 is finally halted—as I am confident it ultimately will be—I pledge to work very hard to provide alternative opportunities for the talented men and women of my home State who have applied their skills to this effort. I will work to provide jobs that can lead to substantial improvements in our quality of life while expanding our GNP. The space station, mass transit, and highway improvements are among the many areas where aerospace and engineering and high technology skills can be reapplied to programs promising greater benefits to Californians and other citizens of this country than the B-2 offers.

There are four principal reasons why I oppose more B-2 production funding.

First. The B-2 bomber is not required to enhance our nuclear triad.

Deterrence central to our national security has long relied on the notion of having a triad of land, sea, and air-based means of delivering strategic weapons to targets. The United States has just finished spending more than $27 billion to modernize its bomber leg, buying 100 fully capable B-1 bombers. It is downright irresponsible to argue that we must now, in the very same decade, set forth to build an entirely new bomber force at a total life-cycle cost of some $1 billion per plane. B-2 proponents insist that these whopping new expenditures are required to ensure an ability to penetrate Soviet air defenses. But air-launched cruise missiles, ALCM's,—themselves a "stealthy" radar and antiaircraft evading system—can readily penetrate and reach thousands of targets in the Soviet Union in the unlikely event of an all-out nuclear war. Thus, we clearly do not need the B-2 in order to maintain a modern triad deterrent.

Second. The B-2 bomber is not required to enhance the U.S. bargaining position in START talks.

B-2 never has been and never should be a "bargaining chip" at issue in Geneva. The key outstanding issues at the START talks are curbs on mobile land-based systems, cuts in land-based ICBM inventories, limits on sea-based missiles, and verification requirements. True, the emerging START pact might place a high value on air delivery systems. If it proves essential to increase our nuclear delivery capabilities as a result of a START accord, then we could move at considerably less cost to deploy ALCM's on our existing B-1's. But Congress should utterly reject any Pentagon stratagem to pressure us into funding the B-2 as a condition for Air Force backing of START. The fact is that the B-2 is not needed to pursue and complete START.

Third. The B-2 bomber is a plane without a mission.

We have spent more than $22 billion in research, development and initial procurement to find out what Stealth technology might offer us. Througout this process, certain U.S. military officials sought to hide costs and limit public debate. But their express justification for funding the B-2 was clearly on the record. The B-2 program's mission was to produce an air-based system capable of delivering strategic weapons onto Soviet targets and to assault mobile Soviet strategic systems in the event of a protracted nuclear war.

But it is now clear that the B-2 offers no cost-effective improvements in performing these missions. On the first point: it is clear that our brand new B-1 fleet—together with upgraded B-52's—can already provide an air-based capability to penetrate Soviet air space using cruise missiles. On the latter point: despite years of on-the-record Pentagon promises that B-2 aircraft would provide an ability to hit Soviet mobile targets, the Air Force is now suddenly admitting that B-2 can't do the job. In September, Air Force officials conceded to Congress that "attacking highly mobile targets is neither the reason for the B-2 nor is it likely to be accomplished with great efficiency" by the plane. Furthermore, recent congressional inquiries have established that the B-2 has a shorter range than the B-1, has smaller fuel tanks, is less maneuverable, and is more than four times as expensive.

The $22 billion we have already spent on the B-2 has also established that while some of the Stealth radar-evading technology is impressive, it is not guaranteed to work. Significant advances have been publicly reported in developing technology which could detect air turbulence caused by B-2 type aircraft. The B-2 bomber might well be detected and compromised—at considerably less cost then it will take to deploy it—by long wave radar, by radar projected from above, and by multistatic radar. Thus, the B-2 is not likely to fulfill any of its original goals.

Fourth. The B-2 bomber does not provide even marginal security benefits commensurate with its extraordinary costs.

The bottom line decision on whether to proceed with this aircraft must be made in the context of other demands on our national budget. The original Pentagon cost estimate for 165 B-2s was $36 million. To date, we have spent $22 billion—and have only two prototypes to show for it. By contrast, we spent $27 billion for a total of 100 B-1s. The current official Pentagon cost estimate is some $70 billion for a fleet of 132 B-2s. But every Senator in this chamber knows this estimate will rise as the years go by. This latest estimate does not factor in the out-year costs for escalation, inflation and retrofits—which in the case of the B-1 more than doubled the costs per plane over the lifetime of the assembly line. The Pentagon's $70 billion estimate also does not take any account of the annual maintenance and ground support expenditures for the 132 plane fleet—costs which are expected to exceed $1 billion for each of the 30 years of the B-2's planned lifecycle, according to key Armed Services Committee members, critics like Republican BILL COHEN of Maine who has detailed more realistic B-2 cost estimates in the cover story of last months' Arms Control Today entitled "The B-2—Mission Questionable, Cost Impossible!" Thus, it is fair to say that we may well end up spending more than $132 billion for 132 planes—making the B-2 the world's first billion dollar bomber.

What will do more to enhance the security of the people of our Nation: 132 Stealth bombers or a $132-billion investment in education, health, transportation, and deficit reduction? A $132-billion tax increase and 132 B-2's, or no tax increase and no B-2's? Think for a moment what the funds required for just one of these billion dollar aircraft could mean for any of the dozens of Federal programs we need to fund! Will investments in yet another modern strategic bomber manifestly advance the national security interests of the United States more than education funding, disaster relief, transportation improvements and health care? Given the data in hand from our costly B-2 R&D program, the answer is clearly, resoundingly: no. Thus, the B-2 program is not cost-effective. It should be canceled. The sooner we accept this reality the more taxpayer dollars we will save.

Mr. President, the B-2 is a fantasy-land aircraft—a wondrous plane we do not need, for a cost we cannot afford. If we keep throwing dollars at this project, I for one will propose that we adopt a new B-2 budget accounting system. Let me demonstrate for just one moment on the chart I have available here for my colleagues precisely what it is here we are talking about.

At a total 30-year lifecycle cost per plane of at least $1 billion a pop, we could more than double annual Federal spending on AIDS research and prevention programs—$1.6 billion—if we canceled just one-and-a-half B-2 bombers.

Or here we have the total 3-year budget for the Simon-Cranston bill providing aid to Poland and Hungary—some $1 billion. We could double it—double it, and really put the heat on communism in Eastern Europe—for the lifecycle costs of just one canceled B-2.

Or let us bring this spending priorities question closer to home. We've all but eliminated Federal aid to cities. But if we were of a mind to, the Federal Government could pay the city of San Jose's budget—and have change left over—with the 30-year costs of just one B-2.

Here we have annual Federal spending on Head Start—which only provides for 20 percent of students eligible for this valuable program. For the cost of only four B-2's, we could have all eligible children enrolled in the Head Start Program.

You want to fight drugs? We could double the amount of money the Federal Government provides each year for treatment of Americans trying to overcome their drug dependencies with the funds saved from canceling just 1.2 planes. For an additional cost of just one-half of one B-2 per year, we could help all Americans seeking help to break their drug dependency—

and thus strike a real blow to win the war on drugs.

You want to house the homeless? For the cost of just one-tenth of one plane—one-tenth of one plane, barely visible on the chart here—we could double the entire McKinney Act, our landmark Federal program to aid homeless Americans.

As the chart demonstrates, we could match all EPA spending—$5.5 billion—by canceling just 5½ planes.

We could fund our entire Federal contribution to aid recovery from the Loma Prieta earthquake and Hurrican Hugo—real threats to Americans' sense of security—for less than four planes.

At this point, I would like to spell out an additional argument for canceling the B-2. We pursue this halt because it is in our own national security interests—and not in response to moves by any foreign power. Yet the fact is that changes in the Soviet Union enhance the possibility that we will negotiate treaties that will reduce our bloated inventories of strategic nuclear delivery systems. Furthermore, developments in Eastern Europe offer the greatest opportunity for deep mutual cuts in both NATO and Warsaw Pact forces—since the founding of these two security organizations. There is a peaceful revolution underway in Central Europe. The Berlin Wall has cracked. Democracy is marching irresistably forward into a new era where economic competitiveness will be a key determinant of power among nations.

Now hardly seems the time to commit to adding another new nuclear weapons system to our teeming arsenal. Now is the time for a little "new thinking" of our own in Washington. Cynics within the Kremlin would of course like to see us waste our valuable defense resources on billion dollar airplanes. We should not give them this satisfaction. Congress should not proceed blindly as if on "automatic pilot" to buy the B-2, just because some impressive technology looms Everest-like before us.

Mr. President, I believe it is very clear that the United States will never build the 132 B-2 bombers the Pentagon wants. I suspect even the most ardent backers of the B-2 here in Congress realize this fact. Unfortunately, we may have a ways to go before we stop frittering away our national treasure on this project. But I would argue strongly against accepting any half-a-loaf "compromises" to build a few less B-2's over a few more years. Such efforts to evade a final decision would simply drive up the unit costs we will waste on what is already a demonstrably unnecessary program. Indeed, Secretary Cheney has already pleaded with Congress either to fully fund the B-2 or to kill it outright, arguing that we should not "nickel and dime" it. And when the House slowed down production modestly in September, the Air Force claimed this action would add another $3.3 billion to program costs.

The appropriation bill before us provides funds totaling $4.2 billion for more research and production on the B-2, including procurement funds to commence procurement of an additional two B-2 bombers this year. Funding for advance procurement anticipates building 5 more B-2 bombers next year. Appropriations in 1992 and 1993 are expected to exceed $8 billion annually, unless Congress acts now to halt this nonsense.

If adopted, the amendment I have offered would simply strike funds for commencing production of more B-2's; it would not halt research and testing involving Stealth technology in general, or the two existing B-2 prototypes, or the 11 B-2's already in various stages of production.

Mr. President, I would note for the RECORD that while the B-2 has only faced one skirmish to date in this chamber, I am the 30th U.S. Senator to come out against any more new B-2 production funding. It may be a steep climb until we reach 51 opponents. But I am committed to working tirelessly until this effort finally succeeds.

We will be back again and again and again until we prevail on this question.

It will be a bipartisan effort. I have consulted very closely with colleagues on this matter. It is clear that there are Senators who were not ready to kill the B-2 in its first Senate test 2 months ago—as I was not—who share the conviction in the light of recent events that the program is unjustifiable and unconscionably expensive. The debate then—led by Senators LEAHY, WIRTH, and SASSER—helped me see the light. I hope this debate will help other Senators see the light.

The public debate has begun in earnest. It will not end until the B-2 ends. I am convinced our effort will grow in force. I am certain that more and more Senators will reach the conclusion that we must not squander another dollar on B-2 production.

Already respected Republicans like BILL COHEN of the Armed Services Committee have voted against continued B-2 procurement funding. And the similarly hawkish Armed Forces Journal has already editorialized against the B-2, declaring:

> Fuller brush men make a more convincing case for selling combs to bald men than the case the U.S. Air Force has made for the 11 B-2 Stealth bombers. It is time to amputate the program.

Over time, we will triumph in this historic effort. We will terminate the B-2. I hope that my determination to join in the leadership of this battle—despite the fact that my decision against this California-built system will doubtlessly displease many of my constituents—will embolden other colleagues. I trust it will help hasten the day when Congress ends the B-2 program once and for all, freeing up resources for other essential programs of greater import to the security of the American people.

A BILLION DOLLAR AIRPLANE?

Let me take a moment to walk my colleagues through the figures which are now finally emerging on the B-2—the world's first billion dollar bomber.

The sums involved in the Pentagon's request would be ridiculous—a source of comedy—were not the sacrifices they would entail for other urgent defense and humanitarian needs so tragic.

Let us start with the Pentagon's own B-2 estimates.

Back in 1978, the Pentagon said it would cost $36 billion for 165 planes—or $218 million per plane.

Now in 1989, the year of the first B-2 flight test, the Pentagon is saying it will be $70 billion for 132 planes—or $532 million per plane.

What can we expect the total B-2 costs to be per plane once they are finally delivered?

Let us look at the Pentagon's own historical experience—their figures on escalation rates in the cost of the strategic bomber we just finished building, the B-1.

The B-1 was first flight tested in December 1974. In June 1975, the Pentagon stated that delivery costs for 255 B-1's would be $81.5 million per plane.

The final bill for the B-1 actually ended up being $171 million per plane (in 1975 dollars). That is 2.1 times the cost anticipated when the B-1 was first flight tested. And that is for the B-1, a plane using sweep wing technology altogether familiar from F-111 experience.

Now let us look at the revolutionary B-2, which involves a great deal of technology with which we have absolutely no experience.

Pentagon cost estimates this year—when the B-2 was first flight tested—are $532 million per plane. Using the escalation rate of 2.1 experienced during B-1 construction, we should multiply that $532 million by 2.1 to get a more realistic final delivery cost of $1.117 billion for each of 132 B-2's—a $145 billion program—at more than $1 billion per aircraft. And this is a very conservative estimate using the Pentagon's own figures.

This figure also does not include lifecycle costs per plane. Senator BILL COHEN of the Armed Services Committee has issued a detailed study of B-2 operations and maintenance needs that show they will run at some $1 billion per year—adding another $30 billion to the total lifecycle costs of deploying 132 B-2's.

Can we afford another strategic bomber with a price tag of $175 billion—or even $145 billion?

The question is absurd on the face of it.

We do not need it and we cannot afford it.

I close by praising the leadership provided in this effort by Senators LEAHY, WIRTH and SASSER. I thank the distinguished chairman of the committee, Senator INOUYE, for his courtesy and cooperation in connection with this amendment. I am also grateful to his fine staff for their cooperation.

Mr. President, I ask unanimous consent that an editorial from the Los Angeles Times, an editorial from the Armed Forces Journal, and a paper entited "The Case Against the Stealth Bomber" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Nov. 11, 1989]

DO WE REALLY NEED THE B-2?

Congress is poised to pay for at least two more B-2 Stealth bombers at $530 million each, the most expensive airplane in the nation's history. But it also has attached enough strings to the program to make certain that the B-2 does not fly away with the defense budget. That makes sense, in light of a study that says that the United States would spend 14 times as much to hit a target with a B-2 as it would have to spend to hit the same target with alternative weapons already on hand.

The B-2 is the most expensive item in the defense budget this year, but some other expenses are as hard to justify in a budget that will be in real decline for the fifth straight year. What one senator called a "ruthless lobbying effort" persuaded the House and Senate conference committee to let Grumman Corp. build 18 more F-14D fighter planes that the Navy did not want in order to save jobs on Long Island in New York. Because Congress cannot agree whether to build the big mobile missiles that Republicans want or the smaller missiles that Democrats want, Congress agreed to fund both.

But the big spender is the hump-backed flying wing, designed and built in ways that make it hard to spot on radar, hence the Stealth designation. In theory, the B-2 could pounce on targets before an enemy knew it was coming. But according to a recent analysis published by Harvard University's International Security magazine, using a B-2 would cost more than using a Midgetman missile, a single-warhead missile that the Air Force has resisted as too expensive.

In fact, the ability to sneak past radar may not even be important in a war. The bomber would reach targets in the Soviet Union long after the United States had started retaliating with long-range missiles that might well have destroyed or at least ripped big holes in the radar screen of the Soviet air-defense network, so Stealth would not be important. If some radar were to survive, there are nearly 100 B-1B bombers already on duty that the Air Force itself says are nearly as elusive as the B-2. The B-1B also could be armed with cruise missiles that it could fire at targets from outside the range of Soviet radar.

The Air Force argues that only bombers can retaliate effectively against missile silos protected by thick concrete cocoons, but new missiles being built for the Navy's Trident submarines are so accurate that they could do that job as well as a bomber. Stealth bombers would be good for dropping bombs that would burrow into Soviet command posts and explode, the Air Force says. But does that mission make sense? Would America want to kill the only Soviets who might be able and willing to call off a nuclear war?

For some years, the Air Force promoted the B-2 as the only way of finding Soviet missiles that can be moved around on trucks and railroad cars. But, again, the Air Force itself acknowledges that technology for guiding bombers to mobile targets does not exist and is not even in sight. The technology is important because no B-2 crew could hope to locate hidden missiles by peering through smoke billowing up from the rubble of nuclear explosions.

There are other arguments for the B-2, each matched by an argument against it. The strongest case for the plane is its technology. Its graphite wings and titanium fuselage make it lighter and its shape creates less drag in flight. The combination adds up to a more energy-efficient aircraft, features that may well lend themselves to commercial application as pilots and engineers gain experience with the plane. But the aerospace industry does not need an entire fleet of 132 bombers to expand and perfect the technology.

Conceivably, the B-2 could serve as a bargaining chip in arms control talks. But the Soviets so far seem not to need any chips in return for agreeing to cuts in their defense budget so that funds can be diverted to consumer goods.

There is an argument that the B-2 stabilizes nuclear forces—stability being arms control jargon for a balance of weapons on both sides that reduces fears of a surprise attack. Bombers are slower than missiles and, unlike missiles, can be called back if they are launched by mistake. But any bomber meets that test.

The Air Force also wants the B-2 because under a so-called counting rule the START treaty for cuts in nuclear weapons would allow it to carry as many warheads as the Air Force could cram into it, unlike a B-1B, for example, armed with cruise missiles. But as Times writer Robert Toth reported earlier this year, many defense analysts believe the services already have more warheads focused on targets than they really need.

With logic stacked against the B-2 in so many respects, the fact that it survived seven weeks of logrolling in conference committee begs an important question. Why?

One answer may be that the Air Force has spread contracts for bits and pieces of the Stealth bomber into nearly every state, as it did with the B-1B, so that there are jobs at stake in a majority of states and districts.

Another may be that Congress has been persuaded that it cannot kill the B-2 and still get deep cuts in intercontinental nuclear missiles under the START negotiations under way in Geneva.

Defense Secretary Dick Cheney has said that Washington's intentions to sign a START treaty assumed that the B-2 would be part of any new and smaller force of nuclear weapons that might emerge. But Washington can change its assumptions about the next generation of strategic forces more easily than it could go back and renegotiate all of START.

According to the analysis in International Security by Michael Brown of the International Institute for Strategic Studies in London, there are alternatives to the B-2 that can do any job that the $530-million bomber can do and do it for far less. The alternatives, including new missiles for the Navy's Trident submarine and the Midgetman also would be far less vulnerable to a surprise or accidental attack than would the B-2.

If Congress must spend scarce federal dollars on defense, it can find more worthy causes than the full fleet of Stealth bombers. As of now, two will be enough. One prime candidate for further spending would be new equipment for the smaller American force that will be required in Europe after a conventional arms-reduction treaty is negotiated, perhaps as early as next year.

[From the Armed Forces Journal, August 1989]

NINE IS ENOUGH: LET'S BAG THIS $70-BILLION BIRD

Fuller Brush men make a more convincing case for selling combs to bald men than the case the US Air Force has made for the B-2 stealth bomber. It's time to amputate the program.

We've spent about $23-billion, apparently, and will have about nine stealth bombers (or 11, or 13, or 15, depending on whom you talk to in the Air Force or in Congress) to show for it. If the plane is really invisible, maybe that's enough. How will the Russians or Qadhafi know we really don't have 16 of them—or 32, or 132?

The B-2's last straw, in our view, was when Sen. Sam Nunn (D-GA), Chairman of the Senate Armed Services Committee, made his case for it after meeting with President Bush at the White House on July 24th. Nunn said that canceling the B-2 "would mean the United States would go into the 1990s without any bomber."

What happened to the $27.4-billion we spent on the B-1B? Is it that much of a turkey? A year or so ago, the Air Force told us it was "the world's best bomber." And what happened to the billions spent upgrading B-52s (old though they may be) to carry stand-off cruise missles—and now, advanced (or superstealth) cruise missiles? If they don't work, why are we so confident the B-2 will?

The B-2 has become an invisible airplane with a phantom mission. The arguments for spending $70-billion—"only $50-billion more"—keep changing; they have begun to sound a little strained. Now we're told it really won't handle relocatable targets (mobile intercontinental ballistic missiles), which clearly was once the B-2's raison detre, recent Air Force protestations to the contrary notwithstanding. Thus, the latest sales pitches suggest:

We need the B-2 to bargain away in the strategic arms reduction talks. Did the agreement the Administration told us last fall was so close at hand suddenly collapse? Just how much do we need to bargain away, in any case—M-Xs, Midgetmen, the Strategic Defense Initiative, B-1Bs, and now the B-2? The negotiating tables are going to collapse under the weight of all these bargaining chips. Maybe we should give Gorbachev half the B-2 ante to alleviate his hard-currency problems—$25-billion, say (bribe him, frankly)—and pocket the change. Or use it to buy sealift and airlift for the Army divisions we can't get to war on time.

We need the B-2 to bomb Qadhafi. Won't nine B-2s handle the job? If one of them won't what the hell are we getting for $530-million an airplane? We missed Qadhafi last time, not because the F-111 didn't work, but because Pentagon war planners failed to tell their logisticians to ship Paveway III low-level-laser-guided bombs to England in time. Thus, the F-111 crews had to use medium-altitude Paveway IIs on a low-level-strike—and missed. We may need better war planning more than we need better bombers.

There are no real test data yet, but Northrop has done a remarkable job of building an airplane with 1/xth the radar cross-section of the B1-1B, which has 1/10th the radar cross-section of the B-1A, which has 1/10th the radar signature of the B-52. Have the Soviets invented new laws of physics? How invisible does a bomber need to be to be a deterrent? Have Soviet air defenses really improved that much since the 100th B-1B was delivered last fall? Or did the Air Force oversell it, promising far more than $27-billion could deliver?

How many billions do we need to spend buying a bomber to search out targets our ICBMs and Trident missiles missed? Why bother, if the B-2 can't really find mobile ICBMs—the targets that count most?

Arguments by the Air Force that the cost of the B-2 is actually only a tiny percentage of the GNP or the overall defense budget, or that it really isn't much more than we paid for the B-52 or the B-1, just don't hold water. The fact is, the B-2 is a very, very expensive weapon system, the value of which must be weighed against other priorities, both civil and military.

If there's a case left for the B-2, we haven't heard it. And for $70-billion, there ought to be something more persuasive than Sam Nunn's argument that the last $27-billion didn't buy us much.—Benjamin F. Schemmer.

THE CASE AGAINST THE STEALTH BOMBER

Summary: B-2 budget details and aircraft performance results are just emerging this fall after eight years of tight classification. This new evidence—combined with an extraordinary series of events ranging from improved East-West relations and the crumbling of the Warsaw Pact to sequestration and defense cutbacks in the United States—militate strongly against committing new production funds for more B-2s. We will therefore offer an amendment to the DoD appropriations conference report to bar funding for construction of more than the 13 B-2s already begun. Our amendment would cut $2.4 billion in FY90 spending and save at least $50 billion in out-year spending, while permitting completion of 13 B-2s and more research and testing.

Deterrence: The Stealth (or "B-2") is not required to maintain a stable nuclear triad. We have just finished spending $27 billion for 100 B-1s, ensuring a modern air leg for the triad well into the next century.

Mission: The B-2 lacks any clear mission. Radar-evading air launched crise missiles launched from B-1s and B-52s can give us an air-leg capability to penetrate and assault fixed Soviet targets in the unlikely event of a protracted nuclear war. Despite previous Pentagon sales pitches, it now emerges that the B-2 will not be able to effectively assault Soviet mobile systems. It is now clear that the B-2 has a shorter range than the B-1, is slower, less maneuverable, and can carry less fuel.

Arms Control: The B-2 is not a bargaining chip in Geneva. If START places a high value on air delivery of nuclear warheads, we can rely on cruise missiles launched B-1s or B-52s. But the Senate should not be pressured into buying the B-2 as a condition of Air Force support for START ratification.

Cost: The B-2 promises to be the world's first billion dollar aircraft. Pentagon cost estimates for the B-2 have already doubled from $36 billion to more than $70 billion for 132 planes. This figure does not include an estimated $30 billion "lifecycle costs" for base reconfiguration, operating and maintenance, and retrofits. Taking into account historic rates for Pentagon cost overruns on strategic bombers—the cost-per-plane for the B-1 more than doubled from the date of first flight testing to the date of final delivery—we would likely spend considerably more than $132 billion over the life of 132 B-2s.

U.S.-Soviet relations: The swift erosion of Warsaw Pact cohesion and rapid improvement in U.S.-Soviet relations reduce the need for yet another modern strategic bomber. Cynics in the Kremlin surely wish to see us squander $132 billion on a redundant weapons system, but halting funds for new B-2 production could free resources for other defense and domestic funding priorities.

Soviet air defenses: Some B-2 advocates maintain that the program will force the Soviets to dedicate substantial resources to develop countermeasures. In fact, Soviet spending on air defense has remained relatively constant for more than two decades—despite U.S. development of cruise missiles and B-1s which can compromise Soviet defenses. In light of the current Soviet economic crisis, it is unrealistic and misleading to argue that the Soviets would squander billions to deter the B-2.

The PRESIDING OFFICER (Mr. GLENN). Who seeks recognition?

Mr. WIRTH. Mr. President, I am only sorry that this debate is coming up so late in the evening. This is an extraordinarily important issue in front of us and one which we are going to hear a lot more about. Because of the late hour, I will be very brief.

Let me just preface my remarks by pointing out to everbody in the Chamber that this is going to be the first of a whole series of efforts on the part of many of us to eliminate the B-2.

This bomber has become a symbol of exactly what is wrong with our defense priorities today. The world is changing very rapidly and here we are still sitting as if this is a bomber that makes sense. We are going to come up against this over and over and over again.

At a time that clearly, with the fall of the Berlin Wall, Europe has changed dramatically and despite the hiding of the numbers by the DOD, clearly Soviet defense budgets are in sharp decline, the United States budget is now in a $250 billion annual debt—$250 billion. The United States cannot afford to do much of anything around the globe much less to spend money on a bomber at $550 million a copy. That is before the expected cost overruns are built in.

A $250 billion deficit and a world that is changing and we are still talking about building a single weapons system that costs $550 million apiece. For what?

The Air Force cannot tell us. Initially, they told us that this was because we needed redundancy in our capability; and, land, and sea, the triad pegged for the B-2. But the numbers will tell you that we already have an enormous redundant capability. The Air Force told us then that this was necessary to pursue mobile targets, but then came back and told us that it could not deal with those mobile targets the way it was originally designed.

Third, the Air Force told us that this was an essential bargaining ingredient as part of the START Treaty. But any clear analysis of that given to us at the last moment by the Air Force at a time when they began to smell that the B-2 was in trouble does not make any sense either.

Finally, we were told that, well, this would be a bomber that could be used for conventional missions. Truly, do we believe that a $550 million copy per airplane would be used for a conventional mission?

We are probably not going to kill off the B-2 tonight, Mr. President, but the chances are within the year we will; that Members will come to understand that this is, in fact, a symbol of what is wrong with our priorities, and a very good place for us to save a great deal of money and to reorient the Defense Department to meet the needs of the 1990's and not the 1970's.

Mr. President, at the time the B-2 was put on the drawing boards in the late 1970's, it may well have seemed an appropriate response to the pressing challenges facing America. But as we enter the last decade of this century, the B-2 seems a glaring symbol of misplaced priorities. The world has changed dramatically around us, and we must have the wisdom and the ability to keep pace with that change.

In the late 1970's, the Nation was embroiled in debate over the need to strengthen America's defenses in light of Soviet modernization, challenges to Western interests in the Third World, and the perceived need to bolster American leadership of our security alliances—all in the context of our emergence from the post-Vietnam syndrome.

As we enter the 1990's, the pressing national challlenges are quite different. We face twin trade and budget deficits which threaten to undermine the very foundations of our national strength. We face a worldwide environmental crisis, with profound implications for economic and political stability in the next century. Our national infrastructure is crumbling, our education system is failing—eroding our ability to be competitive in the global market of the 1990's. The cancer of drug abuse is destroying untold numbers of our countrymen.

These are the challenges we as a nation must stand up to in the 1990's.

In light of these challenges, the Air Force is laying claim to $50 billion of national treasure to procure 132 Stealth bombers to add further redundancy to our overwhelming strategic nuclear arsenal—to "make the rubble bounce" in Churchill's phrase. The national security challenges we face are not in this arena, Mr. President. Those challenges are far more subtle and intractable—which perhaps explains why we focus so easily on weapon systems.

Mr. President, as we debate the B-2 on the Senate floor this week, we are all aware of the the impact of the Gramm-Rudman-Hollings sequester for fiscal year 1990, including cuts in DOD budget authority of up to $8 billion. And if the President chooses to exempt military pay from that sequester, the entire $8 billion will be cut from procurement, research and development, and operations and maintenance.

The impact of sequester for fiscal year 1990 should be at the front of every Senator's mind as we debate the fate of the B-2. The budget pressures are only going to increase, and with it, the competition for a shrinking pool of resources for national defense. Under Gramm-Rudman, we are expected to further reduce the Federal deficit from $124 billion in fiscal year 1990 to zero by fiscal year 1993. During this same time, the administration's projection for B-2 funding goes from $4.7 billion to $8.4 billion in fiscal year 1993.

The pressure on the budget is not likely to let up. If you remove trust fund revenues from the Federal budget our current deficit is close to $240 billion. To this we must add all unforeseen yet urgent needs, such as: environmental cleanup at our nuclear weapons complex, estimated at over $100 billion; the savings and loan bailout at $160 billion; and capital improvements in our Nation's infrastructure of highways, bridges, and other public services. The Economic Policy Institute suggests, for example, that we will need to spend at least $30 billion to address our infrastructure problems—or face declining productivity.

In addition to these macro budget pressures, the Pentagon's own 5-year defense plan [FYDP] is counting on resources that are not likely going to be there. The Comptroller General of the United States told the Senate Armed Services Committee this year that planned defense spending over the next 5 years may outpace actual funding by $150 billion. The current 5-year plan assumes unrealistically low inflation, and a commitment to real increases in defense spending over that period; it is also over the President's budget by $48 billion. All of these factors suggest that additional program cuts of $150 billion will have to be made at DOD—roughly a $30 billion annual cut in the administration's request.

During the defense spendup of the first Reagan term, the opportunity costs of new programs were not felt because the entire budget was growing at such a dramatic rate. The opposite will be true in the coming years: in a shrinking budget, programs like the B-2 will increasingly be seen in terms of what we must give up to fund them. This will force upon us some very tough choices about the amount of additional security we receive by investing in a given program. I do not think the B-2 can stand that test.

Mr. President, I would pose two very simple questions: Do we need the B-2? and can we afford it? The answer in both cases, in my view, is a clear no.

The Air Force argues that we need the B-2 to maintain the strategic triad of land-based ballistic missiles, submarine-launched missiles, and strategic bombers. Yet our strategic forces have today and will have for the foreseeable future an awesome destructive capacity—more than adequate to deter Soviet aggression.

In the land-based leg of our strategic triad we deploy 1,000 missiles carrying a total of 2,450 warheads. More than half of these warheads, carried on MX and Minuteman III missiles armed with new Mk-12 warheads, have sufficient accuracy to destroy such critical hardened targets as ballistic missile silos. The remaining warheads, deployed on Minuteman II missiles, are huge 1 to 2 megaton warheads—each one capable of completely leveling even the largest Soviet city with a single blast.

In our sea-based leg, we have 34 highly survivable submarines carrying an astounding total of 5,312 warheads. Again, well over half of these warheads are deployed on the modern C-4 Trident I missile that has increased range and explosive yield over older C-3 Poseidon missiles. Furthermore, with the addition in the near future of the Trident II D-5 missile, our submarine fleet will not only gain added destructive power and range, but also the accuracy to threaten time-urgent hardened targets. In fact, the D-5 will nearly double American hard target kill capability. Mr. President, this deterrent force alone could inflict such horrible destruction on the Soviet homeland that even if a Soviet planner could be assured of destroying the other two legs of our triad, the destructive force contained in our sea-based leg would surely deter him from an aggressive action.

Lastly, in the air-based leg of our triad we have 372 aircraft—including one hundred B-1B bombers—carrying approximately 5,500 warheads. Some 3,400 of these warheads are carried on highly accurate cruise missiles, which have the same capability to destroy Soviet command centers and hardened targets as do the weapons to be carried on the B-2. These weapons are, of course, in addition to the many short-range attack missiles [SRAM's] and gravity bombs that both the B-52, the B-1, and the FB-111 are designed to carry.

This Nation possesses over 13,000 strategic nuclear warheads—3,000 more than the Soviet Union. The total explosive yield in the United States strategic force structure is equal to approximately 2,500 megatons. In addition to these strategic weapons, the United States will deploy in Europe, even after the implementation of the INF treaty, 250 nuclear missiles, 4,000 nuclear capable artillery tubes, and 1,600 strike aircraft capable of reaching Soviet territory with nuclear weapons. Today, the President of the United States has the authority to release more explosive power in a half an hour than has been released in every previous war in the history of humankind combined.

B-2 proponents argue that without the new stealth bomber, our bomber force will be rendered impotent in the 1990's—that if we kill the B-2 we will be effectively forfeiting the bomber leg of our strategic triad. Mr. President, we are led by rhetoric from the need for a triad to the need for a penetrating bomber to the need for a B-2. But what are we really talking about?

In the simplest terms, we require sufficient retaliatory nuclear weapons to hold key Soviet targets at risk and thereby deter the Soviets. Obviously, the B-2 provides additional capability to strike Soviet targets—and therefore can be said to provide greater options to the President. But it is a redundant capability—virtually all the targets we need to hold at risk can be covered by other means: Minuteman, MX, Trident D-5, and air- and sea-launched cruise missiles. Can we afford an additional $50 billion to provide greater redundancy and cross targetting options? Would such an expenditure buy the United States $50 billion worth of national security? I do not think so.

Does the B-2 perform a unique strategic mission which justifies its procurement? The Air Force originally based its case for the B-2 on its ability to carry out a unique mission—to locate and destroy mobile targets, such as the SS-24 ballistic missile deployed on Soviet railcars. But there is a contradiction between hiding and seeing in this case, because to see mobile targets the B-2 would have to emit radar signals which would give away its location. Alternative methods, such as bistatic radar, are far in the future. The Air Force no longer justifies procurement of the B-2 on this mission.

The only unique strategic mission for the B-2, combining the great accuracy and high yield of B-2 weapons, appears to be the destruction of Soviet underground command bunkers many hours after the commencement of nuclear war. But does that make sense? Without Soviet leaders to talk to and to control their forces, how can a nuclear war ever be stopped?

Recently, the B-2 has taken on the additional mission of selective conventional strikes. This new mission was not part of the original requirement for B-2, and it is of course true that B-2 could be used in a conventional mode. But do we really need such an aircraft to strike targets in places like Libya? Would we really use it for such a mission? Even if one accepts that we would, as Senator COHEN put it, send a Rolls Royce into a combat zone to pick up the groceries, it is hard to justify purchasing 132 B-2 bombers for that purpose. The pending amendment would leave 13 B-2 in the inventory, a more than sufficient force to deal with most conventional missions.

Mr. President, much has been said recently about another B-2 mission—its role in the strategic arms control talks. At a hearing before the Armed Services Committee on July 21, senior Air Force officials stated that without the B-2 they would not be able to support the current U.S. Strategic Arms Reduction Treaty [START] proposal. The linkage between B-2 and START is in part an attempt to shore up support for the B-2 by holding START hostage to production of the new bomber.

But this linkage is also based in the START counting rules which allow us to build penetrating bombers by heavily discounting those weapons. That is an advantage—some would call it a loophole—we built into the treaty at the Reykjavik Summit, arguing that bombers don't have the same probability of reaching targets as missiles and should therefore be discounted.

Thus, under START each bomber counts as only one warhead, although they may carry many nuclear weapons aboard. The one 132 B-2's are programmed to carry 20 nuclear weapons internally, making them capable of delivering 2,640 nuclear weapons. For this reason, the advertised START warhead limit of 6,000 per side would translate into closer to 9,000 on our side because of the B-2 advantage. The bomber discount was considered a major Soviet concession, because in the long run few believe the Soviet side will maintain as large a bomber force as ours. As Senator COHEN pointed out in debate on the Defense authorization bill, it is difficult to understand why the Soviets agreed to this counting rule if they are so concerned about the threat posed by manned bombers.

The Air Force seems to be suggesting that without the 2,600 weapons the B-2 could ultimately carry, the United States will not have enough nuclear weapons to ensure deterrence. Even without the B-2, under START the United States will have some 5,000 ballistic missile warheads, most of which carry the explosive power of dozens of Hiroshimas—and some 3,000 bomber weapons and air-launched cruise missiles of similarly ferocious power. Are 8,000 weapons not enough to convince Soviet leaders that a nuclear war would cause their country unacceptable damage? On the contrary, recent studies indicate that current United States strategic doctrine could be maintained after START I and even after a second treaty reducing United States and Soviet forces to some 3,000 weapons.

Mr. President, perhaps the cost of B-2 would not be so controversial had we not just completed B-1 production. President Carter canceled the B-1 program in favor of reliance on cruise missile-equipped B-52's and a new Stealth bomber. But rather than adhering to this decision, the Weinberger Pentagon sought and received funds to proceed with B-1, while researching B-2 and outfitting B-52's with air-launched cruise missiles. The result is that in the 1980's, nearly half of the budget for strategic forces has been consumed by the bomber force. We have spent a staggering $100 billion on our strategic bomber force in the last decade. And now we are told this is not enough. Now we are told that we need to spend an additional $50 billion for B-2.

Secretary Cheney has asked the Congress not to nickel and dime the B-2 program because that will inevitably drive its cost to patently absurd levels. At $530 million per aircraft, we have already stepped into the realm of the absurd. And the $530 million figure assumes a buy of 132 aircraft, which few honestly believe will take place. We must add the costs, estimated at $5 billion, of the Levin warranty provision, and the additional costs incurred as we slow the rate of production: the Air Force claims that the Aspin-Synar B-2 amendment cutting $1 billion in fiscal year 1990 will add $3.5 billion in additional costs to the B-2 program.

If the B-2 experiences the same cost overruns as the B-1—which is a conservative premise given the revolutionary technologies and design of the B-2 compared to the B-1—today's $530 million bomber will end up costing $875 million. The B-2 may well be the first aircraft to break the $1 billion barrier.

The Senate voted almost unanimously for an amendment to the DOD authorization bill that placed performance fences around the B-2 program funding. The unassailable notion that we should not buy the B-2 if it does not work was supported overwhelmingly. But what we did not address is whether we should buy the B-2 even if it does perform as advertised: Do we need it? Can we afford it? The pending amendment offers that opportunity. If Senators believe that we will not end up buying an operational force of B-2's, they should vote now to stop production.

Many Senators might feel that it is too early to kill this program, but the costs of indecision are high. CRS estimates that the cost of program termination would be approximately $1 billion. This amendment would cut $2.5 billion in fiscal year 1990 production monies—from which $1 billion in program termination would have to be added back for a net savings of $1.5 billion. The cost of proceeding through fiscal year 1991 will be an additional $3.8 billion; through fiscal year 1992, an additional $6.8 billion. Our former colleague, Senator Dirksen, would appreciate that delaying B-2 program termination runs into real money.

America faces enormous challenges in the 1990's. Rebuilding our economic strength, adapting to a changing international political order, addressing global environmental degradation will all demand our attention and resources. Managing national security in a world of increasing demands on scarce resources will require that we choose between the desirable and the necessary.

B-2 is not necessary. I am convinced that we will see that to be the case, and hope that we will not allow our indecision and delay to squander scarce resources. I urge my colleagues to support the pending amendment and cap B-2 production at the 13 aircraft already funded.

Mr. EXON. Mr. President, the first question I would like to ask is, why do we do this to ourselves time and time and time again? The authors of this amendment know full well that we debated and defeated substantially a very similar amendment not too long ago. And here we are at midnight on Friday night with a Sunday session upcoming and we are back at it again.

Let me try to correct what I believe are misconceptions or misunderstandings of the B-2 by the proponents of this amendment. The B-2 bomber is now in the testing stage. In the numerous hearings that we had on this measure, we had testimony from the Chairman of the Joint Chiefs of Staff, the commander of the Strategic Air Command Headquarters in Omaha, NE, and every other military expert that we could find to tell us in the Armed Services Committee what the true situation was.

The facts of the matter are that the B-2 is not going to go into production

until it passes a whole series of hoops that it must jump through. And we insisted on that in both the authorization and the appropriations measures.

The point has been made here that this is an expensive bomber. If the B-2 does what it is supposed to do and what we hope it will do, it is not going to be an expensive bomber, because it is going to provide the United States of America with a deterrent that no other system could possibly provide, given the $300 billion expenditure that the Soviet Union has invested in radar.

We have essentially no such radar defenses in the United States of America. They have extensive defenses, as I have just mentioned. We have had testimony from the highest military officers of this land, backed by the Commander in Chief, the President himself, that we must have further testing and limited production of this B-2 system to see if it will work as advertised.

I think there is not a member of the Armed Services Committee that is ever going to agree to all out production regardless of the cost of this program—and it is a major concern to us—until the B-2 has an assured chance of fulfilling the mission that it is supposed to fulfill.

I would simply say, Mr. President, that the B-2 bomber is absolutely essential—from testimony before the Armed Services Committee—if we are going to enter into a SALT II Treaty as presently proposed.

A B-2 in our inventory was a very prominent part of the earliest negotiation by President Reagan and his administration with the Soviet Union, in attempting to reach the START Treaty that we all hope can come to pass. If it comes to pass we will eliminate essentially half of the nuclear warheads or strength on both the Soviet side and our side.

Mr. President, it would be very wrong, indeed, for us to accept the amendment that has been offered by the sponsors of this amendment, and I hope we will vote it down promptly by a substantial margin.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. STEVENS. Will the Senator yield now that he has the floor? I would like to ask a question of my good friend, the subcommittee chairman, on the bill. I have not heard of any more amendments. I wonder if the chairman has heard of any on his side, with the exception of one other amendment, the university amendment which may or may not come up. I do not know of any other amendment.

Mr. INOUYE. I am not aware of any. In fact no one has requested a rollcall on final passage, so I conclude this is the last vote that we will have this evening.

Mr. STEVENS. I thank the Senator. I just wanted to make sure everyone will understand, we are winding down, and there will be no votes after this unless there is another amendment I do not know of.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Will my friend yield for just a moment?

Mr. NUNN. I will yield.

Mr. McCLURE. I thank the Senator for yielding.

I want to confirm the fact that indeed unless the Cranston amendment is adopted, and if there is no other amendment requiring conference with the House, I will not offer my amendments. It is not my intention to require this body to go through another conference with the House, but if there is another amendment agreed to, I will offer mine.

Mr. NUNN. I share the sentiments of the Senator from Nebraska. I understand the right of any Senator to bring up any amendment at any time on any bill. We all know that. But once we go through the authorization bill for weeks, an appropriations bill for weeks, once we go through the conference of authorization, once we go through conference on appropriations, you would think this would be enough for 1 year. If we are going to revisit issue after issue after issue, we will never get through with anything. We will have another whole round next year on this subject. We have very carefully fenced the production money so the performance tests have to take place before the money is expended.

I also share the sentiments of the Senator from Colorado, when he expressed hope about the future in terms of what is happening in Eastern Europe, in the Soviet Union. But I think it is stretching it a bit far to talk about the Berlin Wall and comparing that to the B-2 bomber.

When the Soviet Union stops building Blackjacks, SS-18's, SS-24's, SS-25's, then I think we ought to examine our strategic program. But I do not think we ought to counsel a strategic program based on how many East Germans come over the wall. That has not very much bearing on the overall questions of nuclear deterrence.

So I hope this amendment will be defeated. We will have plenty of time to debate this next year as it should be debated and we will be careful in our committee, and I am sure the Appropriations Committee likewise will give this great scrutiny, as it should.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, the hour is late. I will speak for just a moment or two.

I rise in support of the Senator from California's amendment. The B-2 bomber is a weapons system whose time has come and gone. This country does not need, at this particular time in our history, to be launching out on a very expensive new weapons system program. We cannot seem to find a mission for this so-called Stealth bomber.

We were told initially its mission was to penetrate Soviet airspace. There is some question about that.

Then we were told the mission is to search out mobile missiles and destroy them. Unfortunately nobody has come up yet, as I understand it, with a system by which the B-2 bomber could find such mobile missiles and destroy them.

Mr. President, as far as this Senator is concerned, if these performance tests to which the B-2 is being subjected turn out perfectly, if this aircraft meets all of the specifications and performance tests for which it was designed, that in my view does not justify the cost of some $500 million per aircraft, give or take $100 million on either side at this particular time that we are running these enormous budget deficits.

I support the amendment of the Senator from California.

The PRESIDING OFFICER. Who seeks recognition? The Senator from California.

Mr. WILSON. Mr. President, I rise to oppose the amendment. I associate myself with the remarks of the Senator from Georgia. He put it very well. We are all hopeful, perhaps even optimistic that the dramatic unfolding of events in Eastern Europe signals a permanent long range lessening of tensions, but at this point the evidence, while encouraging, does not warrant dropping our guard in wholesale fashion.

With respect to the project itself, as the chairman of the subcommittee, Mr. EXON, has told us, we have carefully hedged the bet. There are any number of fences that stand between the B-2 and proceeding to full production. If there is concern lest it not be capable of doing what it is advertised to do, we will certainly learn that long before we have committed the kind of money that indeed makes this an expensive airplane. With a mission though, I would point out, ironically, that is predicated upon some success by the United States in negotiating the kind of START agreement that most on this floor seek as a desired goal of arms control.

If we are for a START agreement, if we are to have a triad, we necessarily must have the air breathing leg. That is what this is about. It does have ex-

traordinary capabilities, if it proves out to be all it is advertised to be. We will know that before we are required to commit the full sums for full production.

At the very least this is premature. I think the Senator from Nebraska and Senator from Georgia have indicated that part of wisdom is to proceed on a very careful basis as has been set forward so far.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, everything I had to say about this issue was said earlier on the authorization. This is not my amendment, it is the amendment of the Senator from California but I support him in it. I once said the B-1 was a flying Edsel. The B-2 is turning into a flying Fort Knox. We can either save the money tonight or we can save it later. Eventually we are going to cut this out and save it. I support the amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, it is true that the cost of a B-2 can feed 1,000 children, educate 1,000 people. But the same arguments were made, Mr. President, when the MX was brought up; when the Trident was brought up. Yet, the majority of the Congress of the United States decided that President Reagan was correct.

Mr. President, I am not considered an admirer of the former President. But I think history will show that President Reagan's insistence upon maintaining a strong defense did play a significant role in causing the Soviets to adopt glasnost. I think it had a significant impact upon the Soviets' decision to go to the table to negotiate. I think it played a significant role in changing the minds of the East Europeans.

Mr. President, I do not believe that now is the time, while we are testing this next generation triad weapon, to stop its production, its R&D. I think it is no secret that whenever we enter into a new generation of weapons systems, R&D costs are very expensive; in this case, nearly $23 billion.

Mr. President, we have an investment in peace here, and I would hope that for at least another year we take this step and keep this investment in place. I will vote against the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the Senator from Hawaii has once again stolen my speech. It is amazing that we should have the same reaction despite our political differences.

As I listened to the presentation of the amendment, I wrote down almost the words that the Senator from Hawaii has now stated. I would go even further and say the last President, President Reagan, not only fought to rebuild our defenses and made us, once again, a preeminent military power of the world, but he also stood before that wall and asked that it be torn down.

We are now in the position of seeing the result of our having indicated our willingness to put our money where our mouth is to be able to be prepared to fight for freedom for the whole world. It does seem to me that the strength that has brought us to this point where people behind the Iron Curtain realize that we were willing to use our strength to maintain the freedom of those outside the wall has led them to demand the wall be taken down so they can come out and join those of us who believe in freedom.

We should not have now this debate at this time. I agree with that. But I do hope we will have the debate and soon on the cost to maintain our military capability during the period of the most difficult transition, I think, in the history of the modern world, and that is this transition now within the Warsaw Pact from a period of monolithic dictatorship to the emergence of semiautonomous individual countries with a citizenry seeking freedom. That cannot come about if we let down our guard, Mr. President. I hope we will maintain it.

Lastly, let me just say this. This bill that is before us now is almost $20 billion less than we predicted it would be this time last year. President Reagan made reductions; President Bush made reductions; Secretary Cheney has made reductions; the House has made reductions; and the Senate has made reductions; and we are now coming before you even below the budget.

I do not think that this bill ought to be criticized as being excessive under the circumstances. Above all, it is no time to be changing the decisions that we made previously with regard to the B-2. The same people who ask to take the B-2 out now asked to take the B-1 out before, asked to take the MX out before, and fought every major system we have adopted to try and maintain our freedom in the last 5 to 10 years. I think this amendment ought to be defeated.

Mr. CRANSTON. If the Senator will yield, I will point out I was in support of the B-1 all the way. The reason we do not have the B-2 is because we have the B-1.

Mr. STEVENS. My memory is the Senator was a reluctant supporter of the B-1 late in the day.

Mr. CRANSTON. Not at all. Look at the RECORD and you will find otherwise.

The PRESIDING OFFICER. The question is on the motion to concur in the House amendment with an amendment No. 1165.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

I also announce that the Senator from Hawaii [Mr. MATSUNAGA] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 68, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—29

Adams	Hatfield	Mitchell
Baucus	Hollings	Moynihan
Biden	Kennedy	Pell
Bumpers	Kerrey	Pryor
Burdick	Kerry	Riegle
Cohen	Kohl	Rockefeller
Cranston	Leahy	Sasser
D'Amato	Lieberman	Simon
Daschle	Metzenbaum	Wirth
Harkin	Mikulski	

NAYS—68

Armstrong	Fowler	McClure
Bentsen	Garn	McConnell
Bingaman	Glenn	Murkowski
Bond	Gore	Nickles
Boren	Gorton	Nunn
Boschwitz	Graham	Packwood
Breaux	Gramm	Pressler
Bryan	Grassley	Reid
Burns	Hatch	Robb
Byrd	Heflin	Roth
Chafee	Heinz	Rudman
Coats	Humphrey	Sanford
Cochran	Inouye	Sarbanes
Conrad	Jeffords	Shelby
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Dixon	Kasten	Stevens
Dodd	Lautenberg	Symms
Dole	Levin	Thurmond
Domenici	Lott	Wallop
Durenberger	Lugar	Warner
Exon	Mack	Wilson
Ford	McCain	

NOT VOTING—3

Bradley	Helms	Matsunaga

So the motion was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate concur in the amendment of the House to the Senate Amendment No. 241.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate recede from its amendment No. 229.

Mr. McCLURE. Mr. President, reserving the right to object, and I shall not object, there is a problem.

The PRESIDING OFFICER. May we have order, please?

Mr. McCLURE. Mr. President, there is a problem with respect to the item contained in this amendment, but I

am not going to ask the Senate to again go through the necessity of a conference with the House of Representatives on this matter, or on this conference report. I hope there is another way for us to handle this.

I have discussed this matter with the Department of Defense, and with the managers of the bill. I assure you that we will attempt to find a way to take care of the problem raised by this amendment.

I have no objection.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I simply associate myself with the remarks of the Senator from Idaho.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to assure one and all that this matter is presently under very intense discussion with the Office of the Secretary of Defense. I am almost certain that this matter can be resolved.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. INOUYE. Mr. President, I move that the Senate recede from its amendment No. 243.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, parliamentary inquiry: Are there any further amendments to be disposed of in this conference report?

The PRESIDING OFFICER. That completes action with regard to this conference report.

Mr. STEVENS. Thank you.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CATASTROPHIC HEALTH BENEFITS

Mr. McCAIN. Mr. President, I just received some extremely disturbing news concerning the Senate conferees action on the issue of catastrophic health. As we all know, the House position had been that of full repeal. The Senate had voted 99 to nothing to repeal the surtax and keep certain benefits that Members of this body are very familiar with.

Now I find out that the distinguished chairman of the Finance Committee has recommended that we accede to the position of the House thereby accepting total repeal. This action flies in the face of the opinion and position of every single seniors organization in this country.

On the 1st of January, there are going to be people now in skilled nursing facilities who will find that they will be forced to pay again for a benefit which they are now receiving and have already paid for. Medigap rates, as well known, will go up dramatically. Seniors will be faced with increases as high as 70 to 80 percent.

The elderly groups in America, whether it be the American Association of Retired Persons, the National Committee to Preserve Social Security and Medicare, the Retired Officers Association or the National Association of Retired Federal Employees, have all come out loud and clear that they do not want repeal. They want to preserve catastrophic health benefits. They want to preserve the protection against spousal impoverishment. They want to have respite care and mammograms, and home health and other benefits that we were able to preserve for the flat $4.90 a month premium they are currently paying. And, they wanted the elimination of the surtax.

Mr. President, I just want to tell all of my colleagues at this time that I am fully aware of the pressure to leave on Monday evening. But, Mr. President, I intend to exercise my rights as a Senator to do everything I can to see that the egregious behavior that I have witnessed is reversed and that we return to the 99 to 0 clear message sent by this body a little over a month ago.

We cannot do this, Mr. President, to the seniors of America. We cannot do it. It would be a terrible thing to change the skilled nursing facility benefit in the way that this action will do; it would be a terrible thing to tell Americans that are now paying for and receiving insurance against catastrophic hospitalization that they are no longer going to receive that.

I do not understand, frankly, the logic behind the conferees decision. I would be very interested in hearing the rationale of the distinguished chairman of the Finance Committee. But, I want to repeat, Mr. President, I plan to use every legitimate parliamentary tactic that I can think of to see that this incredible injustice is not perpetrated on seniors across this country. I have no idea when the conference report would be coming for consideration, but, obviously, the first move would be to vote to reject the conference report.

Mr. DOLE. Will the Senator yield? I want to say in 10 seconds, I applaud the Senator, and I want to applaud him. This conference report ought to be defeated. I will be doing all I can. I think it is going to be bipartisan. There was a 99 to 0 vote, and we should not capitulate to the House. There are areas where we can work out agreement. All we have had from the House all week long is repeal, repeal, repeal. I agree with the Senator that our seniors deserve better than that. I thank the Senator.

Mr. McCAIN. I thank the distinguished Republican leader for all of his help, and I know that he will join with me in attempting to get the White House to also be involved in this effort, because I think their engagement at this time is very important.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON THE STATUS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Wilderness Act of 1964 (Public Law 88-577; 16 U.S.C. 1132(b)), I herewith transmit the Twenty-fourth Annual Report on the status of the National Wilderness Preservation System for calendar year 1987.

GEORGE BUSH.

THE WHITE HOUSE, *November 17, 1989.*

MESSAGES FROM THE HOUSE

At 4:18 p.m., a message from the House of Representatives announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3611) to combat international narcotics production and trafficking; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FASCELL, Mr. SMITH of Florida, Mr. FEIGHAN, Mr. ACKERMAN, Mr. JOHNSTON, Mr. MCCLOSKEY, Mr. BROOM-

FIELD, Mr. GILMAN, Mrs. MEYERS of Kansas, and Mr. GOSS as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3614) to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention programs in elementary and secondary schools, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HAWKINS, Mr. FORD of Michigan, Mr. KILDEE, Mr. WILLIAMS, Mr. OWENS of New York, Mr. GOODLING, Mr. HENRY, and Mr. BARTLETT as managers of the conference on the part of the House.

At 6:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 737) to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3630) to amend the Public Health Service Act with respect to the prevention and treatment of substance abuse, including establishing separate block grants with respect to substance abuse and mental health; it agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SCHEUER, Mr. LENT, and Mr. MADIGAN as managers of the conference on the part of the House.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 338. An Act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes.

The message also announced that the House insists upon its amendment to the amendment of the Senate to the text of the bill (H.R. 3402) to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses, and appoints the following as managers of the conference on the part of the House:

From the Committee on Foreign Affairs: Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. GEJDENSON, Mr. LANTOS, Mr. BROOMFIELD, Mr. GILMAN, and Mr. BEREUTER.

From the Committee on Ways and Means, as exclusive conferees for consideration of section 301 of the House amendment to the Senate amendment, and sections 301 and 704, and title X of the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, and Mr. ARCHER.

From the Committee on Banking, Finance and Urban Affairs: Mr. GONZALES, Mr. FAUNTROY, and Mr. WYLIE.

From the Committee on Agriculture: Mr. DE LA GARZA, Mr. GLICKMAN, and Mr. COLEMAN of Missouri.

From the Committee on Energy and Commerce: Mr. DINGELL, Mr. SWIFT, and Mr. LENT.

From the Committee on Public Works and Transportation: Mr. ANDERSON, Mr. NOWAK, and Mr. HAMMERSCHMIDT.

From the Committee on Education and Labor: Mr. HAWKINS, Mr. FORD of Michigan, and Mr. GOODLING.

The message further announced that the House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 7 to the bill (H.R. 3566) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes, and agrees thereto; that it recedes from its disagreement to the amendment of the Senate numbered 6 to the bill, and agrees thereto, with an amendment, in which it requests the concurrence of the Senate; and that it disagrees to the amendment of the Senate numbered 5 to the bill.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3550) to amend section 524 of title 28, United States Code, with respect to the Special Forfeiture Fund, to amend section 511 of the Controlled Substances Act to make technical, clarifying, and administrative changes, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the Senate:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. HUGHES, Mr. MAZZOLI, Mr. FEIGHAN, Mr. MCCOLLUM, and Mr. GEKAS.

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modification committed to conference: Mr. DINGELL, Mr. WAXMAN, and Mr. LENT.

At 10:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 818. An act to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3532) to extend the U.S. Commission on Civil Rights.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activites of the U.S. Government, the Intelligence Committee staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 3402) to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 972) to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 488. An act to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes; and

S. 892. An act to exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs.

The message further announced that the House has passed the following bills and joint resolution, each with amendments, in which it requests the concurrence of the Senate:

S. 794. An act to designate certain lands in the State of Nevada as wilderness;

S. 804. An act to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats; and

S.J. Res. 203. Joint resolution providing for the appointment of Homer Alfred Neal

of Michigan as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 94. An act to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes;

H.R. 2581. An act to authorize the Federal Aviation Administration to establish an aviation research grant program;

H.R. 3593. An act to provide emergency assistance to areas that sustained damages as a result of Hurricane Hugo, and for other purposes;

H.R. 3670. An act to authorize the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges; and

H.J. Res. 393. Joint resolution to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska.

At 12:04 a.m. (November 18, 1989), a message from the House of Representatives, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

S.J. Res. 207. Joint resolution approving the location of the memorial to the women who served in Vietnam.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 422. An act to amend the Department of Transportation Act to reauthorize local rail service assistance;

H.R. 435. An act to amend the Appalachian Regional Development Act of 1965 to include Columbiana County, Ohio as a part of the Appalachian region;

H.R. 897. An act authorizing the National Oceanic and Atmospheric Administration to modernize and expand its fleet of ocean research vessels, and for other purposes;

H.R. 2612. An act to provide temporary authority to certain employees of the Panama Canal Commission to purchase food and other goods at any commissary or exchange store located in Panama which is operated by any military department of the United States;

H.R. 3311. An act to designate the Federal building located at 350 South Main Street in Salt Lake City, Utah, as the "Frank E. Moss United States Courthouse";

H.R. 3671. An act to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program; and

H.R. 3694. An act to authorize reimbursement by the Secretary of the Interior of certain expenditures at the Minidoka Project, Idaho and Wyoming.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 220. A concurrent resolution expressing the sense of the Congress that all railroad retirement benefits are exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 and that any such benefits sequestered under the Presidential order of October 16, 1989, should be restored.

MEASURES PLACED ON THE CALENDAR

The Committee on Energy and Natural Resources was discharged from the further consideration of the following bill, which was placed on the calendar:

S. 1524. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study as a National Wild and Scenic River.

The following bill, received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3620. An act to clarify the Food Security Act of 1985.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 17, 1989, he had presented to the President of the United States the following enrolled bill:

S. 978. An act to establish the National Museum of the American Indian within the Smithsonian Institution, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources with an amendment in the nature of a substitute:

S. 1606. A bill to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and who are from disadvantaged backgrounds and for other purposes (Rept. No. 101-211).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

H.R. 2479. A bill to authorize the conveyance of a parcel of land in Whitney Lake, TX.

By Mr. BIDEN, from the Committee on the Judiciary with amendments:

H.R. 3259. A bill to amend the Immigration and Nationality Act to provide for adjustment of status, without regard to numerical limitations for certain H-1 nonimmigrant nurses and to establish conditions for the admission, during a 5-year period, of nurses as temporary workers.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 204. A resolution to express the Senate's concern over bid rigging activities at U.S. military bases in Japan, and to encourage the Departments of Defense, State, and Justice to continue their efforts to end these pursuits.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and an amended preamble:

S.J. Res. 178. A joint resolution to express United States support for the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

William P. Albrecht, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1993.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

The following-named individuals to be representatives of the United States of America to the 44th Session of the General Assembly of the United Nations:

Pearl Bailey, of Arizona;

Thomas R. Pickering, of New Jersey; and

Alexander Fletcher Watson, of Massachusetts.

The following-named individuals to be alternate representatives of the United States of America to the 44th Session of the General Assembly of the United Nations:

Milton James Wilkerson, of New Hampshire;

Jonathan Moore, of Massachusetts;

Gary Edward MacDougal, of Illinois; and

Barbara Hackman Franklin, of Pennsylvania.

Bernard William Aronson, of Maryland, to be a member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1990.

Harriet Winsar Isom, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Benin.

Nominee: Harriet Isom.

Post: Benin.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Not applicable; no spouse.

3. Children and spouses names: Not applicable; no children.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Not applicable; no brothers.

7. Sisters and spouses names: Not applicable; no sisters.

Ruth V. Washington, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Nominee: Ruth V. Washington.

Post: Ambassador-Designate.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar

year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: $845, from February 17, 1988 through August 20, 1989, Nat'l State local Republican Committee.

2. Spouse: $100, September 2, 1988, Nita Lowey. $150 August 16, 1989, Ben Gilman.

3. Children and spouses names: None.

4. Parents names: James & Alice Garrison Washington, deceased, none.

5. Grandparents names: Sam & Cornelia Garrison—deceased—None. (Unknown) & Sarah Washington—deceased—None.

6. Brothers and Spouses names: James & Mildred Washington none; Bernard & Rochelle Washington, none. Bernice & Jack (deceased) Jackson,—none. Alice & Eugene Whitfield (deceased), none.

7. Sisters and spouses names: Lenora & Wendall Lark, none.

Daniel Howard Simpson, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Daniel H. Simpson.

Post: Central African Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Children, Andrew Daniel, Mark Howard, Michael James, and Holly Alexandra Simpson—all unmarried, none.

4. Parents names: Howard Albert (father, deceased) and Gladys Ellen Simpson, none.

5. Grandparents names: William and Elizabeth Simpson and Clarence and Emma Potts—all deceased, none.

6. Brothers and spouses names: None.

7. Sisters and spouses name: None.

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Nominee: Edward S. Walker, Jr.

Post: Ambassador to the United Arab Emirates.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse (Wendy J. Walker), none.

3. Children and spouses names: Kathryn Erica Walker, none; Christopher James Walker, none.

4. Parents names: Edward S. Walker, none; Rosabelle Dunlop Gould Walker, deceased; Patricia Bryan Walker, none.

5. Grandparents names: William Dunbar Gould (deceased); Rosa Bella Gould (deceased); Issac Stanley Walker (deceased); Lillian Winter Walker (deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: Josephine Faithful Rosenau, none; Alan Rosenau, none.

Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Nominee: Frances D. Cook.

Post: Ambassador to Cameroon.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: $100, October 1987, Maurice A. Ferre of Miami.

2. Spouse: NA.

3. Children and spouses names: None.

4. Parents names: Vivian Cook (mother), $10, May 1986, Dante A. Fascell of Miami; Nash Cook (father), deceased.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Edmund DeJarnette, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Nominee: Edmund DeJarnette.

Post: Ambassador to Tanzania.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calander year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Anthony Cecil Eden Quainton, of Washington, A Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Anthony C.E. Quainton.

Post: Lima.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: No contributions.

2. Spouse: No Contributions.

3. Children and spouses names: Katherine L. Britton; Edward Britton; Eden P.M. Quainton; Elizabeth T. Quainton, no contributions.

4. Parents names: parents deceased.

5. Grandparents names: Grandparents deceased.

6. Brothers and spouses names: Rodney F. Quainton Catherine M. Quainton, no contributions.

7. Sisters and spouses names: None.

Bradley P. Holmes, of Virginia, to be United States Coordinator for International Communications and Information Policy, with the rank of Ambassador, vice Sonia Landau, resigned.

Nominee: Bradley Paul Holmes.

Post: Coordinator & Director, Bureau of International Communications & information Policy, U.S. Dept. of State.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: $250 October 1, 1988, George Bush for President-Compliance Committee.

2. Spouse: Not applicable.

3. Children and spouses names: Not applicable.

4. Parents names: Sadako Sato Holmes (mother) $100, George Bush for President; Melvin Felix Holmes (father-deceased).

5. Grandparents names: None-deceased.

6. Brothers and spouses names: Melvin Peter Holmes (brother $50, September 12, 1984, Gary Studds Campaign; $10, September 13, 1984, Edward Markey Campaign; $12.50, August 22, 1985, Edward Markey for Congress Committee, Sally Keene Holmes (spouse) $25, September 19, 1984, Gary Studds Campaign; $25, September 19, 1988, Edward Markey Campaign.

7. Sisters and spouses names: Cherie Ann Holmes, sister (not married), none.

Cynthia Shepard Perry, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Cynthia Shepard Perry.

Post: Ambassador to Burundi.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: $300, 1986, Republican National Committee; $500, 1987, Republican National Committee; $800, 1988, Republican National Committee; $690, 1989, Republican National Committee.

2. Spouse: $100, 1984.

3. Children and spouses names: Donna Shepard Ross (unmarried), none; James Otto Shepard, Jr.; Kathy Shepard, none; Milo Kent Shepard (unmarried), none; Paula Lucille Perry (unmarried), none; Mark Shepard Perry (unmarried), none; James Olden Perry, Jr. (unmarried), none;

4. Parents names: George and Flossie Norton (deceased 1973), none.

5. Grandparents names: Walker and Lily Norton (deceased 1947, 1932); Lee and Hattie Phillips (deceased 1930, 1945).

6. Brothers and spouses names: George W. Norton, Sr., none; Alberta Norton, none; Orville R. Norton, Sr., none; Ethel Mae Norton, none; Walter Norton (deceased 1962) none; James W. Norton (deceased 1984) none.

7. Sisters and spouses names: Madonna Norton Austin, none; Harold Austin, none; Iona Norton Wilcox, none; Theodore Wilcox, none; Hazel Norton Montford, none; Daniel Montford, none; Lillian Norton (deceased 1969) none.

Stephen J. Ledogar, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

Nominee: Stephen J. Ledogar.

Post: U.S. Representative to the Conference on Disarmament.

(Contributions are to be reported for the person beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Marcia H. Ledogar, (nee Hubert), none.

3. Children and spouses names: Lucy, age 19, none; Charles, age 17, none.

4, Parents names: Mrs. Margaret C. Ledogar, none; (Edward J. Ledogar, deceased 1966).

5. Grandparents names: Mr. and Mrs. Joseph Ledogar; Mr. and Mrs. James J. Meany (All grandparents deceased more than 20 years).

6. Brothers and spouses names: Robert J. Ledogar/Eleanor Price—None; Edward J. Ledogar (divorced)—approx. $300, approx. $75 per year, 1988, $50 to Committee to reelect Jean Tuthill (Rep.) as Treasurer.

7. Sisters and spouses names: Anne M. Leyden (nee Ledogar)/John Leyden, none.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GLENN, from the Committee on Governmental Affairs:

Jean McKee, of the District of Columbia, to be a member of the Federal Labor Relations Authority for a term of 5 years;

Kathleen Day Koch, of Virginia, to be general counsel of the Federal Labor Relations Authority for a term of 5 years;

Pamela Talkin, of California, to be a member of the Federal Labor Relations Authority for a term of five years expiring July 1, 1990;

Tony Armendariz, of Texas, to be a member of the Federal Labor Relations Authority for the remainder of the term expiring July 29, 1992;

David C. Williams, of Illinois, to be inspector general, Nuclear Regulatory Commission;

Bill R. Phillips, of Texas, to be Deputy Director of the Office of Personnel Management;

Zinora M. Mitchell, of the District of Columbia, to be an associate judge of the Supreme Court of the District of Columbia for the term of 15 years; and

Donald E. Kirkendall, of Maryland, to be inspector general, Department of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Robert R. McMillan, of New York, to be a member of the Board of the Panama Canal Commission; and

Robert C. McCormack, of Illinois, to be an Assistant Secretary of the Navy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 14, September 26, October 12, October 13, October 23, and October 31, 1989 at the end of the Senate proceedings.)

*Maj. Gen. William S. Flynn, USA, to be lieutenant general (Reference No. 528)

*Brig. Gen. James W. Ball, USA, to be major general (Reference No. 531-1)

*Maj. Gen. Charles B. Eichelberger, USA, to be lieutenant general (Reference No. 675)

*Maj. Gen. Joseph W. Ashy, USAF, to be lieutenant general (Reference No. 718)

**In the Air Force there are 3 promotions to the grade of colonel and below (list begins with Henry C. Irvin) (Reference No. 733)

**In the Army there are 4 appointments as permanent professors at the United States Military Academy (list begins with James L. Kays) (Reference No. 734)

*Col. Thomas J. Kilmartin, USAR, to be Brigadier General (Reference No. 741)

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with James O. Armacost) (Reference No. 761)

**In the Air Force Reserve there are 12 promotions to the grade of lieutenant colonel (list begins with Ray A. Boosinger) (Reference No. 762)

**In the Marine Corps Reserve there are 196 appointments to the grade of lieutenant colonel (list begins with Robert E. Apple, Jr.) (Reference No. 763)

*Lt. Gen. Ronald L. Watts, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 774)

*Capt. Carmen A. Ciardello, Jr., USN, to be rear admiral (lower half) (Reference No. 775)

**In the Air Force and Air Force Reserve there are 44 appointments to the grade of colonel and below (list begins with Edward S. Carmick) (Reference No. 810)

**In the Army there are 8 promotions and appointments to the grade of colonel and below (list begins with Eduardo C. Cuison) (Reference No. 811)

**In the Army Reserve there are 21 appointments to the grade of colonel and below (list begins with John L. Chamberlain III) (Reference No. 812)

*Rear Adm. (lower half) James Carl Doebler, USN, to be rear admiral (Reference No. 820)

*Lt. Gen. Johnnie H. Corns, USA, to be reassigned in the grade of lieutenant general (Reference No. 824)

*Maj. Gen. Jack D. Woodall, USA, to be lieutenant general (Reference No. 826)

*Maj. Gen. John R. Dailey, USMC, to be lieutenant general (Reference No. 828)

**In the Air Force there are 15 promotions to the grade of colonel and below (list begins with Robert P. Belihar) (Reference No. 829)

**In the Naval Reserve there are 9 appointments to the grade of commander (list begins with John A. Balacki) (Reference No. 830)

**In the Army Reserve there are 88 promotions to the grade of colonel and below (list begins with Stephen A. Aiello) (Reference No. 831)

**In the Air Force Reserve there are 936 promotions to the grade of lieutenant colonel (list begins with Robert J. Aardema) (Reference No. 832)

**In the Air Force Reserve there are 30 promotions to the grade of lieutenant colonel (list begins with David C. Brown, Jr.) (Reference No. 846)

*Maj. Gen. Charles G. Boyd, USAF, to be lieutenant general (Reference No. 849)

*Vice Adm. Paul D. Butcher, USN, to be reassigned in the grade of vice admiral (Reference No. 853)

*Rear Adm. Francis R. Donovan, USN, to be vice admiral (Reference No. 854)

*Maj. Gen. Gary E. Luck, USA, to be lieutenant general (Reference No. 881)

*Maj. Gen. Charles P. Otstott, USA, to be lieutenent general (Reference No. 882)

Total: 1,385.

By Mr. BURDICK, from the Committee on Environment and Public Works:

James M. Strock, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency; and

Don R. Clay, of Maryland, to be Assistant Administrator, Office of Solid Waste, of the Environmental Protection Agency.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1897. A bill to provide that certain payments made by the Cedar Springs Medical Clinic are considered correct payments not requiring any repayment, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself and Mr. MOYNIHAN):

S. 1898. A bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities; to the Committee on Commerce, Science, and Transportation.

By Mr. SASSER (for himself and Mr. GORE):

S. 1899. A bill to require the U.S. Army Corps of Engineers to construct streambank protection for Clarksville TN; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1900. A bill to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act for fiscal years 1990, 1991, and 1992, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 1901. A bill to amend the Food Security Act of 1985 to require the Conservation Program to place more acreage into tree production, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1902. A bill for the relief of Temistocles Ramirez de Arellano, T. Rameriez & Co.,

Inc., and Empacador Del Norte, S.A; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. BOREN):

S. 1903. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance in private sector drug testing programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GORE:

S. 1904. A bill to require the Secretary of Transportation to take certain actions with respect to the regulation of motor vehicle transportation in order to ensure that food is not made unsafe as a result of its transportation by motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 1905. A bill to amend the Internal Revenue Code of 1986 to provide for the exemption from taxation of trusts established by an individual to provide care for a mentally or physically disabled dependent of such individual, to provide a deduction for contributions to such trusts, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 1906. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a water treatment plant for the purpose of treating water discharged from the Anaconda Mines near Butte, MT, in order to meet water quality standards and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 1907. A bill to clarify the authority of the Federal Communications Commission under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 1908. A bill to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1909. A bill to help pay the costs of construction of an environmental assessment center at Bowdoin College, in Brunswick, ME; to the Committee on Labor and Human Resources.

By Ms. MIKULSKI:

S. 1910. A bill to provide for the temporary employment of former Federal employees at the Federal Emergency Management Agency during declared emergencies and for other purposes; to the Committee on Governmental Affairs.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. MCCONNELL, Mr. HARKIN, Mr. ADAMS, and Mr. DECONCINI):

S. 1911. A bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, Mr. METZENBAUM, Mr. ADAMS, Mr. SIMON, Mr. PELL, Ms. MIKULSKI, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. WILSON, Mr. INOUYE, Mr. CHAFEE, Mr. GLENN, Mr. COHEN, Mr. KERRY, Mr. STEVENS, Mr. WIRTH, Mr. BURDICK, Mr. ROBB, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 1912. A bill to protect the reproductive rights of women, and for other purposes; to the Committee on Labor and Human Services.

By Mr. BOND:

S. 1913. A bill to require the use of child restraint systems on commercial aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI (for himself and Mr. LIEBERMAN):

S. 1914. A bill to establish a United States Commission on Southern Africa; to the Committee on Foreign Relations.

By Mr. BREAUX:

S. 1915. A bill to amend the Tariff Act of 1930 with respect to the applicability of duties upon certain aspects of the foreign repair of vessels; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. BURNS):

S. 1916. A bill to delay the repayment of advance deficiency payments on the 1988 crops of wheat, feed grains, upland cotton, and rice, and for other purposes.

By Mr. HEINZ:

S. 1917. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1918. A bill to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEVIN:

S. 1919. A bill to waive the 5-year accreditation requirement for institutional aid under part A of title III of the Higher Education Act of 1965 for Jordan College, located in Cedar Springs, MI; to the Committee on Labor and Human Resources.

By Mr. COCHRAN:

S. 1920. A bill to amend the Fair Labor Standards Act of 1938 to permit any individual to construct any garment or craft item to be used for display purposes and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COATS:

S. 1921. A bill relating to the treatment and disposal of solid waste, authorizing States to regulate solid waste in interstate commerce and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1922. A bill to amend title XXI of the Public Health Service Act relating to vaccine injury compensation; placed on the calendar.

By Mr. FORD:

S.J. Res. 228. Joint resolution to designate May 1, 1990, through May 31, 1990, as "Worldwide Bluegrass Music Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ADAMS (for himself, Mr. HATCH, Mr. KERRY, and Mr. WILSON):

S. Res. 211. Resolution to commend the Government of Hong Kong on its commitment to halting software piracy.

By Mr. FORD:

S. Con. Res. 82. Concurrent resolution to correct the enrollment of H.R. 1396; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 1897. A bill to provide that certain payments made by the Cedar Springs Medical Clinic are considered correct payments not requiring any repayment, and for other purposes; to the Committee on Finance.

CEDAR SPRINGS MEDICAL CLINIC

● Mr. LEVIN. Mr. President, I am pleased to introduce along with my colleague from Michigan, Senator RIEGLE, legislation which is essential to maintain the vital health care services provided by the Cedar Springs Medical Clinic in Cedar Springs, MI. The bill provides financial relief for the Cedar Springs Medical Clinic.

Cedar Springs, MI, is a small rural community in Kent County with a population of approximately 2,500. This is located approximately 20 to 25 miles away in Kent County's largest city, Grand Rapids. Nearly 65 percent of the patients seen at the Cedar Springs Medical Clinic are either elderly or poor. Consequently, a disproportionate share of the patients have their health care paid for by either Medicare or Medicaid.

According to the Public Health Service, Cedar Springs is considered a health manpower shortage area and as such, many services are provided by a physician assistant [PA] rather than a physician.

Recently, the Health Care Financing Administration [HCFA] questioned the validity of claims for services provided by the PA. HCFA informed the clinic that they must repay over $50,000 in back payments for charges for the PA's services when there was no onsite physician supervision. However, State law does not require onsite supervision; such supervision may be provided by telephone.

HCFA is now requiring full-time onsite supervision by a physician and seeks retroactive reimbursement for those services that were previously paid. In spite of the fact that the Cedar Springs Medical Clinic has requested a hearing on the matter by an administrative law judge, the Medicare carrier is actively pursuing collection. This represents a very serious threat

to the very existence of the Cedar Springs Clinic. And frankly, nothing is gained by attempting to seek repayment of these funds. If HCFA pursues this matter, the clinic, in all likelihood, will be forced to close and the public health of the area will suffer. It is my hope that the Senate will act quickly on this humane and much-needed legislation.

I ask unanimous consent that the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN PAYMENTS BY CEDAR SPRINGS MEDICAL CLINIC CONSIDERED CORRECT PAYMENTS NOT REQUIRING REPAYMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, all claims for payment for services provided by a physician assistant submitted by the Cedar Springs Medical Clinic, Cedar Springs, Michigan, to the Health Care Financing Administration, or its contractors, under part B of title XVIII of the Social Security Act, for the period January 1, 1986, through December 31, 1988, and already paid to such clinic, shall be considered correct payments not requiring repayment of any portion of such payments by such clinic to the Health Care Financing Administration or any of its contractors under title XVIII of the Social Security Act.

(b) STUDY AND REPORT OF REIMBURSEMENT FOR PHYSICIAN ASSISTANT SERVICES.—The Secretary of Health and Human Services shall no later than March 1, 1990, study and report to Congress on the circumstances under which physician assistant services are reimbursed under part B of title XVIII of the Social Security Act. Such study shall specifically examine whether on-site physician supervision is medically necessary in areas where full-time physician services are not readily available. Such study shall also examine the experiences of States that recognize the appropriateness and need of physician assistant services when physician supervision is available through other than direct on-site presence.●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleague from Michigan, Senator LEVIN, in sponsoring this bill S. 1897 to provide financial relief to the Cedar Springs Medical Clinic in Cedar Springs, MI.

Cedar Springs is a primary care facility in a region that has been identified as a health manpower shortage area. As a result, many services are provided by a State certified physician assistant rather than a physician. The Medicare Program recognizes the appropriateness of these kinds of services and in fact has been reimbursing the clinic for the services rendered.

The problem is that the clinic has now been asked to return over $50,000 in previously reimbursed expenses because the Medicare carrier has determined that the physician assistant was providing services without meeting the requirement of onsite physician supervision. But under State law, physician supervision need not be onsite as long as it is available via telephone or other reasonable communication. The Health Care Financing Administration now insists that full-time onsite supervision by a doctor is required and seeks retroactive reimbursement for those services that were already paid for.

Forcing the clinic to repay these funds will mean that the clinic will cease to be a viable health care provider. The clinic has requested a hearing to present its case but the Medicare carrier is pursuing the collection of the money they say is owed. The clinic is the only full service primary care provider for thousands of people in the area it serves. It is essential that it be relieved of the repayment required.

Mr. President, I will work with my fellow colleague from Michigan to assist this clinic to continue to provide vital health care services to the citizens of Michigan.●

By Mr. REID (for himself and Mr. MOYNIHAN):

S. 1898. A bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities; to the Committee on Commerce, Science, and Transportation.

MAG-LEV GUARANTEE PILOT PROGRAM ACT

Mr. REID. Mr. President, today I am introducing legislation to put our Nation back into the race to commercialize magnetic levitation technology. Ironically, Mr. President, the magnetic levitation, or mag-lev, race began here in the United States. The technology was invented by two professors from MIT, who were stuck in traffic. They were frustrated, and they said, "Why do we not do something to change it," and they did. They invented this technology. Initially, the Federal Government stood behind mag-lev research and development, giving research grants for the study of this revolutionary technology. Then abruptly, in 1975, the Federal Government pulled the plug on Federal funding, and our Nation was disqualified from further competition.

Now, after over 20 years of research, most of it taking place overseas during the last decade, mag-lev trains are now a reality. Both the Japanese and the Germans have functioning mag-lev trains, and they will soon be operational in commercial capacity here in the United States.

My State, Nevada, and the State of California, formed a bistate compact and are planning a high-speed railway from Las Vegas to the Los Angeles area. Also, in the State of Nevada, from the famous Las Vegas strip to downtown Las Vegas, called Glitter Gulch, there is going to be a mag-lev train operational from those two points. There are other routes planned in Pennsylvania, Texas, Ohio, and Florida, in addition to California and Hawaii.

Some of these commissions are planning these routes contemplating the use of mag-lev technology. It is fast, it is clean, and it is cheap. But they will not even take a look at American technology, because there is none available. Mag-lev technology is not now built by American corporations. The market will not provide an environment conducive to the long-term financial commitment necessary to develop mag-lev technology domestically. R&D costs, construction costs, and the probable rate of return will never satisfy managers trying to maximize profit for shareholders. If for no other reason than to minimize long-term risks for private industry, the Federal Government must play a role in the development of this technology which will happen in the future.

This would not, however, be a historical anomaly. Look at previous transportation technologies. Constructed in our Nation: railroads, highways, airplanes—none of them would have been assumed, none of them would have taken place, if there had not been an important national role that was played in the sometimes massive Federal assistance.

Because of the Federal assistance, these technologies really did work. There are others. For example, in 1844 this Congress provided $40,000 to see if the telegraph system would work, and the money was used to build a line between Washington, DC and Baltimore. It worked, and as a result of that, commercial technology all over this country and the rest of the world took place, as a result of a $40,000 investment by the Federal Government. The same should hold true for mag-lev.

Mr. President, we can tinker at the margin, a million here and a million there, and hope the private sector will jump in, or we can provide a Federal leadership role which the private sector would then gladly follow. I think without question the second alternative is the best.

I have been a member of the Appropriations Committee now for 3 years. It is difficult work, because we cut, we cut, and we cut, but this experience has made me painfully aware of budget constraints faced by the Federal Government. Money on the scale necessary to push, pull, or do whatever is necessary to interest the private sector in the mag-lev race is simply not available. Nevertheless, we have a responsibility to provide for the welfare of our citizens and, therefore, must find funds for this mag-lev system.

The legislation I am introducing today is an innovative way to pump billions of dollars into mag-lev. Quite

simply, my bill provides a Federal guarantee for the investment of public pension funds into high-speed railroads and to ensure that these funds produce a domestic mag-lev industry. Such routes must host domestically produced trains. Some of my colleagues make me nervous about establishing yet another Federal guarantee after the collapse of the FSLIC and problem loans with FHA.

My legislation has safeguards built in to prevent the bankruptcy of another fund. First, the guarantees are administered by the Treasury Department, which will not issue them unless it feels there is a reasonable chance for return.

Second, the guarantee authority offered by my bill is close ended. It is limited to $10 billion with no more than $2 billion available in any single year.

Third, since guarantees apply only to public pension funds, it is reasonable to expect the fiduciaries of these funds will not invest, unless they feel there is a reasonable expectation of a return.

Fourth, my bill requires a General Accounting Office report on the effectiveness of the program within 2 years of its enactment.

These four safeguards combine to create a problem that will experience few, if any defaults.

Mr. President, this Nation will have mag-lev trains. There is no question about this. Much of our Nation's infrastructure is in a permanent state of gridlock, and where it is not in gridlock it is actually crumbling. Our skies are full and the environment urgently needs relief from the pollutants autos and planes produce. Mag-lev addresses all these problems at a relatively low cost.

There is also currently no question about who will provide mag-lev trains. Our friends the Germans and the Japanese will produce them. My legislation offers our Nation a way to get back into the mag-lev race and compete in this technology that will dominate the transportation sector in the 21st century. Our national pride demands it. So does our economic well-being.

Finally, before I conclude my remarks, I wish to take this opportunity to publicly commend Senator MOYNIHAN for his tireless efforts in promoting mag-lev. If it were not for him, I submit mag-lev would still be a secret in this country. Last week he gave a magnificent speech on how the United States lost the mag-lev race; it is too late for us to ever have our own industry. He is too close to being correct. I hope my bill becomes law in time to prove him wrong. I ask unanimous consent that a copy of an article concerning mag-lev Senator MOYNIHAN wrote entitled "We Were on Our Way" to be printed in the RECORD along with a copy of my bill and a short description of its provisions.

Mr. President, my most fervent hope is that in the very near future, I will come back to the floor of this body with an article by Senator MOYNIHAN entitled "We Won." If this Nation ever has a mag-lev industry, it will be largely due to the efforts of the senior Senator from New York.

I urge my colleagues to join me as a cosponsor of the Mag-Lev Guarantee Pilot Program Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mag-Lev Guarantee Pilot Program Act".

SEC. 2. FEDERAL GOVERNMENT GUARANTEES OF PENSION FUND INVESTMENTS IN HIGH-SPEED INTERCITY RAIL FACILITIES.

(a) IN GENERAL.—In order to provide access to money sources which otherwise would not be available, the Secretary of Transportation (hereafter in this section referred to as the "Secretary"), is authorized to guarantee the unpaid principal and interest due on any loan made by a State or local government from funds of a pension plan established and maintained for such government's employees to a high-speed intercity rail facility.

(b) LIMITATION ON GUARANTEE AUTHORITY.—The total amount of loan guarantees authorized in subsection (a) shall equal $2,000,000,000 for each of five successive fiscal years beginning after the date of enactment of this Act. Any unused guarantee authority from any fiscal year shall be carried forward to the next succeeding fiscal year, but in no event shall more than $2,000,000,000 be available in any fiscal year.

(c) TERMS AND CONDITIONS OF LOAN GUARANTEE.—Loan guarantees under this section shall be on such terms and conditions as the Secretary determines, except that a guarantee shall be made under this section only if—

(1) the loan bears interest at a rate not to exceed such annual percent on the outstanding principal obligation as the Secretary determines to be reasonable, taking into account the range of interest rates available in the private sector for similar loans and risks by the United States,

(2) the terms of the loan require full repayment over a period not to exceed 15 years, and

(3) in the judgment of the Secretary, there is reasonable assurance of repayment of the loan by the borrower.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The Secretary may impose a charge for any loan guarantee made under this section.

(2) any loan guarantee made under this section shall be assignable to the extend provided in the contract of guarantee entered into by the Secretary.

(3) Any guarantee made under this section shall be uncontestable, except in the case of fraud or misrepresentation of which the holder had actual knowledge at the time such holder acquired the loan.

(e) DEFAULT.—In the event of a default of a loan guaranteed hereunder the holder of the guarantee shall immediately notify the Secretary in writing of such default and the Secretary shall thereupon pay to such holder the pro rate portion of the amount guaranteed and shall be subrogated to the rights of the holder of the guarantee and receive an assignment of the obligation and security. The Secretary may cancel the uncollectable portion of any obligation to which the Secretary has an assignment or a subrogated right under this section. Nothing in this subsection shall be construed to preclude any forbearance for the benefit of the borrower as may be agreed upon by the parties to the loan and approved by the Secretary. The Secretary may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease.

(f) HIGH-SPEED RAIL DEVELOPMENT FUND.—(1) There is established in the Treasury of the United States a High-Speed Rail Loan Guarantee Fund (hereafter in this subsection referred to as the "Fund"), which shall be available to the Secretary for carrying out the loan guarantee program authorized by this section, including the payment of administrative expenses incurred in connection therewith. Amounts in the Fund not needed for current operations may, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of, or guaranteed by, the United States.

(2) There is authorized to be appropriated into the Fund such sums as are necessary (taking into account such fees as may be imposed under subsection (d)(1) and transferred into the Fund) to carry out the purposes described in paragraph (1). The amounts in the Fund shall remain available until expended, except that after the expiration of the period described in subsection (b)(2) such amounts in the Fund as are not required to secure outstanding guarantee obligations shall be paid into the general fund of the Treasury.

(g) PLEDGE OF FULL FAITH AND CREDIT OF UNITED STATES.—The full faith and credit of the United States is pledged to the payment of all obligations incurred under this section.

(h) HIGH-SPEED INTERCITY RAIL FACILITY.—(1) For purposes of this section, the term "high-speed intercity rail facility" means any facility (including rolling stock) for the fixed guideway rail transportation of passengers and their baggage between metropolitan statistical areas (within the meaning of section 143(k)(2)(B) of the Internal Revenue Code of 1986) using vehicles that are reasonably expected to operate at speeds in excess of 150 miles per hour between scheduled stops, but only if such facility will be made available to members of the general public as passengers.

(2) For purposes of paragraph (1), the rolling stock of a high-speed intercity rail facility shall consist of only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States.

(i) GAO STUDY.—The Comptroller General of the United States, within two years after the date of the enactment of this Act, shall analyze the effectiveness of the loan guarantee program established by this section and report the results of such analysis to appropriate committees of the Congress.

MAG-LEV GUARANTEE PILOT PROGRAM ACT—SECTION-BY-SECTION DESCRIPTION

SECTION 1. SHORT TITLE

SECTION 2. FEDERAL GOVERNMENT GUARANTEES OF PENSION FUND INVESTMENTS IN HIGH-SPEED INTERCITY RAIL FACILITIES

Subsection (b)—provides $10 billion in guarantee authority, with no more than $2 billion of authority available in a single fiscal year.

Subsections (c)(d) and (e)—establishes terms and conditions for guarantees of investments made by State and local pension funds into high-speed (including mag-lev) rail facilities.

Subsection (f)—defines high-speed intercity rail facility as a facility for vehicles operating at speeds in excess of 150 mph.

Subsection (h)—requires the rolling stock utilized by high-speed rail facilities to be manufactured in the United States of materials produced in the United States.

Subsection (i)—requires GAO to report to Congress on the effectiveness of the loan guarantee program within two years of enactment.

[An advertisement from the Scientific American]

WE WERE ON OUR WAY

This is the story of a contest almost no one is watching. At stake is preeminence in the production and sale of a revolutionary new mode of transportation. It is called magnetic levitation—maglev for short. It will define the coming century much as the railroad defined the last one and the automobile and airplane have defined this one.

Maglev is a combination railroad, automobile and airplane. A maglev vehicle is essentially a fuselage without wings that travels along a magnetized guideway at speeds up to 300 miles per hour. The principles behind it are well established.

The idea for maglev was thought up by Dr. James R. Powell on a Friday night in February, 1960, while he was stuck in that permanent traffic jam that awaits anyone trying to leave Long Island over the Bronx-Whitestone Bridge. Powell and Dr. Gordon T. Danby, a colleague at Brookhaven National Laboratory, presented the first paper on superconducting maglev transportation at an engineering conference in 1966, and the race was on.

Development work began at M.I.T under the guidance of Dr. Henry H. Kolm. By 1974 Kolm had developed a 1/25th scale model of a maglev vehicle he dubbed the mangeplane. It moved millimeters above its aluminum track at 56 miles per hour. The federal government saw some promise in the idea. The High Speed Ground Transportation Act of 1965 provided funds. Grants were awarded to Ford Aerospace and the Stanford Research Institute. We were on our way.

Then everything stopped. On February 5, 1975, a representative of the Office of Management and Budget announced that maglev research was no longer a priority. The budget would be juggled to shore up the past century's conventional rail technology. But by this time we were not alone in the race. Other countries had been quick to pick up on Powell and Danby's idea.

By 1972 the Japanese had a model going; by 1979 they had tested a maglev vehicle at 320 miles per hour. The full-size German Transrapid 06 has traveled 100,000 miles on its 20-mile test track in Emsland. And these projects did not just happen. The Japanese government has poured $1 billion into maglev research, the West German government almost as much. Now the new secretary of transportation, Samuel K. Skinner, has said he is preparing a "national transportation plan" to be released early in 1990. If the U.S. is to make a commitment to maglev, this is the place to do it.

During its short history this country has experienced several transportation revolutions.

The opening of the Erie Canal in 1825 began the great era of waterborne commerce. Canals provided convenient access to the interior and could carry cargo at a fraction of the cost of the horse and wagon. Thenceforth the federal government contributed substantially to the construction of the canal network.

Nonetheless, by 1860 the canals were on the wane and the railroad was ascendant—again with federal help, this time in the form of massive land grants in the West.

Since that time the railroad has changed very little. Only recently Amtrak proudly announced that its Metroliner had averaged 110 miles per hour on a special Boston to New York run. The Japanese Bullet train and the French TGV do a little better, but they have reached the upper limit for wheel-on-rail technology.

In the early years of this century the automobile quickly overwhelmed the railroad. By 1918 there were 6.2 million cars in the U.S. In what was perhaps the last great moment for the automobile, Congress enacted a highway bill in early 1987 to complete the Interstate Highway System. Its completion in the early 1990's will mark the beginning of the end of the Automobile Age.

As for the airplane, it has served us well, but the air transportation system is already operating beyond the reasonable limits of its capacity. We can build more airplanes, and we can even build more airports. But try as we might, we cannot build more airspace.

Fifteen years from now, when you settle into your seat for the one-hour run from Chicago to Detroit, have a look under your seat cushion. My sincere hope is that you will not find a small tag that reads "Maglev: invented by American scientists, made in West Germany."

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1900. A bill to authorize appropriations to carry out the Magnuson Fishery Conservation and Management Act for fiscal years 1990, 1991, and 1992, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FISHERY CONSERVATION AMENDMENTS

Mr. STEVENS. Mr. President, there is a crisis developing in the North Pacific fisheries off my State.

This year in the Gulf of Alaska a fishery that normally lasts all year was shut down by March 23. The fishery was closed because 60 percent of the quota for the entire year was taken in just 19 days by 13 vessels.

As a result, over 40 fishing boats and 1,000 processing workers were out of work for the rest of the year.

The 13 vessels that dragged 36,000 tons of fish from the Gulf of Alaska in 19 days were modern American factory trawlers. On average, each of these vessels harvested 146 tons of fish a day.

By January of next year, it is estimated that there will be over 90 of those American factory trawlers operating off Alaska. At the same average rate of fishing, these vessels will harvest the entire allocation of pollock off Alaska, roughly 1.35 million tons, in a little over 3 months.

The remaining 850,000 tons of other groundfish species available off my State will similarly be gone in 2 more months. The entire North Pacific would be depleted by 90 vessels in less than 5 months.

The impact of these 90 vessels on the rest of the fishing industry off my State will be devastating. An entire network of fishermen, processing facilities, and support industries in Alaska, Washington, and Oregon will be brutally displaced, and conservation of the North Pacific fisheries will be jeopardized.

The massive overcapitalization that is occurring in the fisheries off Alaska is supported in part by Federal loan guarantees.

In fact, one company operates 11 of the 90 factory trawlers, and 10 of these were constructed with loans guaranteed by the Federal Government.

In 1976, Congress passed the Magnuson Act in order to manage and conserve our fisheries, and, in part, to halt overfishing by foreign factory trawlers.

I feel today we must once again take action to ensure proper management and conservation of the fisheries off our shores. It is time to bring these factory trawlers under control once and forever.

The bill that I am introducing today on behalf of myself and Senator MURKOWSKI will help the existing fishery management council address this pressing problem.

Before introducing this bill I attempted to work out a compromise package that would be acceptable to all segments of the industry. That was not possible. So the bill I introduced today contains provisions that make sense to me under the circumstances.

If possible I would like to put some of those provisions in effect before we adjourn.

In any event, our Senate Commerce Committee will consider amendments to the Magnuson Act when we return in January and it is my intent to raise these issues then.

Mr. President, the disaster we will face in the North Pacific will, I hope, jolt everyone into a mood to act on this legislation.

These are a few key points about the bill. Roe stripping is banned. The Gulf of Alaska is permanently closed to factory trawlers for pollock. All groundfish in the Bering Sea are divided on a

percentage basis between shoreside boats and factory trawlers. Percentage is based on a 1989 catch—for example, the council could allocate between 33 to 43 of the pollock to the shore boats. The council may require 100 percent observer coverage, and may impose fees to pay for observers. Five percent of the total Bering Sea allocation of groundfish is available to assist economically disadvantaged communities. And all testimony before the regional councils must be under oath.

Mr. President, I ask unanimous consent that a section by section analysis, and the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Fishery Conservation Amendments of 1989".

FINDINGS AND POLICY

SEC. 2. (a) FINDINGS.—Section 2(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801(a)) is amended by adding at the end the following new paragraph:

"(8) The collection of statistically reliable scientific data is essential to the effective conservation and management of the fishery resources of the United States.".

(b) POLICY.—Section 2(c) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801(c)) is amended—

(1) by inserting "considers the effects of fishing on immature fish and encourages development of measures that avoid unnecessary waste of fish;" immediately after "and enforcement;" in paragraph (3);

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following new paragraphs:

"(6) to foster and maintain the diversity of fisheries in the United States, and to minimize disruptions and dislocations in those fisheries upon which coastal communities are substantially dependent to meet their social and economic needs; and

"(7) to achieve international agreement on a moratorium on driftnet fishing on the high seas beyond the exclusive economic zone of any nation as soon as possible, including support for the Tarawa Declaration and other international efforts to achieve such a moratorium.".

DEFINITIONS

SEC. 3. Section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802) is amended—

(1) by redesignating paragraphs (6) through (16) as paragraphs (7) through (17), respectively, by redesignating paragraph (17) as paragraph (19), and by redesignating paragraphs (18) through (27) as paragraphs (21) through (30), respectively;

(2) by inserting immediately after paragraph (5) the following new paragraph:

"(6) The term 'driftnet fishing' means a method of fishing in which a gillnet composed of a panel or panels of webbing with a total length of one and one-half miles or more is placed in the water and allowed to drift with the currents and winds for the purpose of entangling fish in the webbing.";

(3) by inserting immediately after paragraph (17), as so redesignated, the following new paragraph:

"(18) The term 'migratory range' means the maximum area at a given time of the year within which fish of an anadromous species or stock thereof can be expected to be found in numbers that indicate regular occurrence of that species of stock, as determined on the basis of scale pattern analysis, tagging studies, or other reliable scientific information, except that the term does not include any part of such area which is in the waters of a foreign nation.";

(4) by inserting immediately after paragraph (19), as so redesignated, the following new paragraph:

"(20) The term 'observer' means any person required or authorized to be carried on a vessel for conservation and management purposes by regulations or permits under this Act."; and

(5) by adding at the end the following new paragraph:

"(31) The term 'waters of a foreign nation' means any part of the territorial sea or exclusive economic zone (or the equivalent) of a foreign nation, to the extent such territorial sea or exclusive economic zone is recognized by the United States.".

(b) CONFORMING AMENDMENT.—Section 101(b)(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1811(b)(1)) is amended by striking "any foreign nation's" and all that follows through the end of the paragraph and inserting in lieu thereof "any waters of a foreign nation.".

FOREIGN FISHING

SEC. 4. Subsection (d) of section 201 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821) is amended to read as follows:

"(d) TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING.—The total allowable level of foreign fishing, if any, with respect to any fishery subject to the exclusive fishery mangement authority of the United States, shall be that portion of the optimum yield of such fishery which will not be harvested by vessels of the United States, as determined in accordance with this Act.".

PERMIT FEES FOR FOREIGN FISHING

SEC. 5.(a) FEES.—Section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)(10)) is amended to read as follows:

"(10) FEES.—

"(A) Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit has been issued pursuant to this section. The Secretary, in consultation with the Secretary of State and the appropriate Council, shall establish a schedule of reasonable fees that shall apply nondiscriminatorily to each foreign nation.

"(B) Amounts collected by the Secretary under this paragraph shall be deposited in the general fund of the Treasury.".

(b) SANCTIONS.—Section 204(b)(12) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)(12)) is repealed.

INTERNATIONAL MORATORIUM ON DRIFTNET FISHING

SEC. 6. Section 206 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1826) is amended to read as follows:

"SEC 206. INTERNATIONAL MORATORIUM ON DRIFTNET FISHING.

"(a) NEGOTIATIONS.—The Secretary of State shall commence negotiations to secure international agreement to a moratorium on driftnet fishing beyond the exclusive economic zone of any nation until such time as it is agree that the adverse effects of such fishing can be prevented and the conservation of the world's living marine resources affected by such fishing can be ensured.

"(b) REPORT.—Not later than January 1, 1991, and every year thereafter until an international moratorium is secured, the Secretary of State, after consultation with the Secretary, the Secretary of the department in which the Coast Guard is operating, and other affected agencies, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report—

"(1) describing the steps taken to secure agreement to a moratorium on driftnet fishing pursuant to subsection (a);

"(2) detailing and evaluating the progress of those efforts and plans for further action;

"(3) identifying and evaluating the effectiveness of unilateral and multilateral measures, including sanctions, that are available to encourage nations to agree to and comply with a moratorium, and recommendations for legislation to authorize any additional measures that are needed if those available are considered ineffective;

"(4) identifying, evaluating, and making any recommendations considered necessary to improve the effectiveness of the law, policy, and procedures governing enforcement of the exclusive management authority of the United States over anadromous species against foreign fishing vessels engaged in fishing beyond the exclusive economic zone of any nation; and

"(5) a list of the nations that conduct, or authorize their nationals to conduct, driftnet fishing beyond the exclusive economic zone of any nation in a manner that diminishes the effectiveness of or is inconsistent with any bilateral or multilateral agreement governing driftnet fishing to which the United States is a party or otherwise subscribes.

"(c) CERTIFICATION FOR PURPOSES OF FISHERMEN'S PROTECTIVE ACT OF 1967.—If at any time the Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, identifies under subsection (b)(5), the Secretary of State shall certify that fact to the President. Such certification shall be deemed to be a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)).".

REGIONAL COUNCILS

SEC. 7. (a) STAFF MEMBER REIMBURSEMENT.—Section 302(d) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(d)) is amended by inserting "and Council staff members" immediately after "other nonvoting members".

(b) DECISIONS AND RECOMMENDATIONS OF ADVISORY COMMITTEES AND PANELS.—Section 302(g)(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(g)(1)) is amended by adding at the end

the following new sentence; "Decisions and recommendations made by the committees shall be considered to be advisory in nature.".

(c) FISHERY HABITAT CONCERNS.—Section 302(i) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(i)) is amended to read as follows:

"(i) FISHERY HABITAT CONCERNS.—Each Council may comment on and make recommendations concerning any activity undertaken, or proposed to be undertaken, by any State or Federal agency that, in the view of the Council, may affect the habitat of a fishery resource under its jurisdiction.

"(2) Within 45 days after receiving a comment or recommendation under paragraph (1) from a Council, a Federal agency shall provide a detailed response, in writing, to the Council regarding the matter. In the case of a comment or recommendation under paragraph (1) which concerns the habitat of an anadromous fishery resource, the response shall include a description of measures being considered by the agency for mitigating or offsetting the impact of the activity on such habitat.".

(d) CLOSED MEETINGS.—Section 302(j)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(j)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking the semicolon at the end of clause (ii) and all that follows through "time and place of the meeting." and inserting in lieu thereof a period; and

(B) by inserting "of paragraph (2)" immediately after "(D) and (F)";

(2) by adding at the end the following new subparagraph:

"(B) If any meeting or portion is closed, the Council concerned shall notify local newspapers in the major fishing ports within its region (and in other major, affected fishing ports), including in that notification the time and place of the meeting. This subparagraph does not require notification regarding any brief closure of a portion of a meeting in order to discuss employment matters or other internal administrative matters.".

(e) CONSIDERATION OF NEW INFORMATION.—Section 302(j) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852(j)) is amended by adding at the end the following new paragraph:

"(6) At any time when a Council determines it appropriate to consider new information from a State or Federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures.".

(f) PRESENTATION OF FALSE INFORMATION.—Section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852) is amended by adding at the end the following new subsection:

"(1) PRESENTATION OF FALSE INFORMATION.—(1) Members of the Councils and all other persons who present oral or written statements to any Council regarding any matters before such Council for decision shall be subject to the provisions of section 1001 of title 18, United States Code.

"(2) The Secretary is authorized and directed to administer, to members of each Council and to other persons presenting oral statements to meetings of such Council, an oath that such members and other persons will testify, declare, depose, or certificate truly. All persons presenting such oral statements under oath shall be subject to the provisions and penalties of section 1621 of title 18, United States Code.".

CONTENTS OF FISHERY MANAGEMENT PLANS

SEC. 8.(a) REQUIRED DATA COLLECTION AND GEAR.—Section 303(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(a)) is amended—

(1) by striking paragraph (6) and inserting in lieu thereof the following:

"(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustments shall not adversely affect the conservation efforts in other fisheries;";

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) in the case of a fishery management plan that, after January 1, 1990, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed to ensure the effectiveness of the plan in conserving and managing the fishery resources covered by the plan; and

"(9) include a fishery impact statement, which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on the participants in the commercial fisheries affected by the plan or any amendments to the plan, if the plan or amendments are submitted to, or prepared by, the Secretary after January 1, 1991.".

(b) DISCRETIONARY PROVISIONS.—(1) PERMITS AND FEES.—Paragraph (1) of section 303(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(b)) is amended to read as follows:

"(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to—

"(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone or for anadromous species or Continental Shelf fishery resources beyond such zone;

"(B) the operator of any such vessel; or

"(C) any United States fish processor who first receives fish that are subject to the plan;".

(2) Section 303(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(b)) is amended by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively, and by inserting immediately after paragraph (6) the following new paragraphs:

"(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

"(8) require that observers be carried on board a vessel of the United States engaged in fishing for fish that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery;".

(c) CONFIDENTIALITY OF STATISTICS.—Section 303(d) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(d)) is amended—

(1) in the matter preceding paragraph (1) by striking "subsection (a)(5)" and inserting in lieu thereof "subsection (a) and (b)";

(2) by striking "or" at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3);

"(4) by inserting immediately after paragraph (1) the following new paragraph:

"(2) to State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; or"; and

(5) by adding at the end the following new sentence: "Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Council or the Secretary of any statistic submitted in compliance with a requirement under subsection (a) or (b).".

IMPLEMENTATION OF FISHERY MANAGEMENT PLANS

SEC. 9. (a)(1) TECHNICAL AND CONFORMING AMENDMENTS.—Section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1855) is amended—

(A) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively; and

(B) by redesignating subsections (g) and (h) as subsections (d) and (e), respectively.

(2) Section 304 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854) is amended—

(A) in subsection (b)(1) by striking "305(c)" in the first sentence and inserting in lieu thereof "305(a)";

(B) in subsection (b)(3)(D) by striking "305(c)" and inserting in lieu thereof '305(a)"; and

(C) in subsection (c)(2)(B) by striking "305(c)" and inserting in lieu thereof '305(a)".

PROHIBITION OF CERTAIN ACTS

SEC. 10. (a) THEFT; ASSAULT; DRIFTNET FISHING.—Section 307(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by striking "or" at the end of subparagraph (H);

(2) by striking the period at the end of subparagraph (I) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(J) to knowingly steal, remove, damage, or tamper with—

"(i) fishing gear owned by another person, which is not lost or abandoned and is located in the exclusive economic zone, or

"(ii) fish contained in such fishing gear, or to attempt to do so;

"(K) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any observer on a vessel under this Act; or

"(L) to engage in driftnet fishing.".

(b) VIOLATION OF INTERNATIONAL FISHERY AGREEMENT.—Section 307 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) in paragraph (3) by striking "; and" and inserting in lieu thereof a semicolon;

(2) in paragraph (4) by striking the period at the end and inserting in lieu thereof "; and" and

(3) by adding at the end the following new paragraph:

"(5) for any vessel of the United States, and for the owner or operator of any vessel of the United States, to engage in fishing in the waters of a foreign nation in a manner

that violates an international fishery agreement between that nation and the United States that has been subject to Congressional oversight in the manner described in section 203, or any regulations issued to implement such an agreement; except that the binding provisions of such agreement and implementing regulations shall have been published in the Federal Register prior to such violation.".

INCREASED CIVIL PENALTY

SEC. 11. Section 308 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1858) is amended—

(1) in the section heading by inserting "AND PERMIT SANCTIONS" immediately after "CIVIL PENALTIES";

(2) in subsection (a) by striking "$25,000" in the second sentence and inserting in lieu thereof "$100,000"; and

(3) by adding at the end the following:

"(g) PERMIT SANCTIONS.—(1) In any case in which (A) a vessel has been used in the commission of an act prohibited under section 307, (B) the owner or operator of a vessel or any other person who has been issued or has applied for a permit under this Act has acted in violation of section 307, or (C) any civil penalty or criminal fine imposed on a vessel or owner or operator of a vessel or any other person who has been issued or has applied for a permit under any fishery resource law statute enforced by the Secretary has not been paid and is overdue, the Secretary may—

"(i) revoke any permit issued with respect to such vessel or person, with or without prejudice to the issuance of subsequent permits;

"(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(iii) deny such permit; or

"(iv) impose additional conditions and restrictions on any permit issued to or applied for by such vessel or person under this Act and, with respect to foreign fishing vessels, on the approved application of the foreign nation involved and on any permit issued under that application.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership.

"(4) In the case of any permit that is suspended under this subsection for nonpayment of a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

"(5) No sanctions shall be imposed under this subsection unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this section or otherwise.".

CRIMINAL OFFENSES AND PENALTIES

SEC. 12. (a) OFFENSES.—Paragraph (1) of section 309(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1859(a)) is amended to read as follows:

"(1) section 307(1) (D), (E), (F), (H), (I), or (K); or".

(b) PUNISHMENT.—Section 309(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1859(b)) is amended—

(1) by striking "$50,000" and inserting in lieu thereof "$100,000";

(2) by striking "$100,000" each place it appears and inserting in lieu thereof "$200,000";

(3) by inserting "any observer described in section 307(1)(K) or" immediately after "injury to"; and

(4) by inserting "observer or" immediately before "officer in fear".

CIVIL FORFEITURE

SEC. 13. Section 301(e) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1860(e)) is amended—

(1) by inserting "(1)" immediately before "For purposes"; and

(2) by adding at the end the following:

"(2) For purposes of this Act, it shall be a rebuttable presumption that any fish of a species which spawns in fresh or estuarine waters and migrates to ocean waters that is found on board a vessel is of United States origin if the vessel is within the migratory range of the species during that part of the year to which the migratory range applies.".

ENFORCEMENT

SEC. 14. (a) Section 311(e) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(e)) is amended to read as follows:

"(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—(1) Notwithstanding any other provision of law, the Secretary or the Secretary of the Treasury may pay from sums received as fines, penalties, or forfeitures of property for violations of any provisions of this Act or of any other fishery resource law enforced by the Secretary, including the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.)—

"(A) the reasonable and necessary costs incurred in providing temporary storage, care, and maintenance of seized fish or other property pending disposition of any civil or criminal proceeding alleging a violation of any provision of this Act or any other fishery resource law enforced by the Secretary with respect to that fish or other property;

"(B) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act or any other fishery resource law enforced by the Secretary;

"(C) any expenses directly related to investigations and civil or criminal enforcement proceedings, including any necessary expenses for equipment, training, travel, witnesses, and contracting services directly related to such investigations or proceedings;

"(D) any valid liens or mortgages against any property that has been forfeited;

"(E) claims of parties in interest to property disposed of under section 612(b) of the Tariff Act of 1930 (19 U.S.C. 1612(b)) or under other provisions of the customs laws, as made applicable by section 310(c) of this Act to seizures made by the Secretary under this Act, in amounts determined by the Secretary to be applicable to such claims at the time of seizure; and

"(F) reimbursement to any Federal or State agency, including the Coast Guard, for services performed, or personnel, equipment, or facilities utilized, under any agreement with the Secretary entered into pursuant to subsection (a), or any similar agreement authorized by law.

"(2) Any person assessed a civil penalty, for, or convicted of, any violation of this Act shall be liable for the cost incurred in storage, care, and maintenance of any fish or other property seized in connection with the violation.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. Section 406 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1882) is amended by adding at the end the following new paragraphs:

"(16) $82,000,000 for the fiscal year ending September 30, 1990, of which $6,500,000 shall be used for enforcement and $5,000,000 shall be used to increase research and assessment efforts.

"(17) $86,000,000 for the fiscal year ending September 30, 1991.

"(18) $90,000,000 for the fiscal year ending September 30, 1992.".

CIVIL ACTIONS BY OBSERVERS

SEC. 16. Title IV of the Magnuson Fishery Conservation and Management Act is amended by inserting immediately before section 402 the following new section:

"SEC. 401. SPECIAL PROVISIONS REGARDING OBSERVERS.

"(a) CIVIL ACTION.—(1) observer on a vessel (or the observer's personal representative) under the requirements of this Act that is ill, disabled, injured, or killed from service as an observer on that vessel may not bring a civil action under any law of the United States for that illness, disability, injury, or death against the vessel or vessel owner, except that a civil action may be brought against the vessel owner for the owner's willful misconduct.

"(2) This subsection does not apply if the observer is engaged by the owner, master, or individual in charge of a vessel to perform any duties in service to the vessel.

"(b) PLACEMENT OF OBSERVERS ON VESSELS OF UNITED STATES.—A vessel of the United States shall not be required under this Act to carry an observer on board if the facilities of the vessel for quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized.".

MISCELLANEOUS TECHNICAL AMENDMENTS

SEC. 17. (a) INTERNATIONAL FISHERY AGREEMENTS.—Section 202(e) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1822(e)) is amended by striking "a exclusive economic zone" and inserting in lieu thereof "an exclusive economic zone".

(b) FOREIGN FISHING PERMITS.—Section 204(b)(4)(C) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)(4)(C)) is amended by striking "council" and inserting in lieu thereof "Council".

(c) COUNCIL PROCEDURAL MATTERS.—Section 302(j)(3) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 302(j)(3)) is amended by striking "council employee" and inserting in lieu thereof "Council employee".

(d) ACTION BY SECRETARY.—Section 304(c)(2)(B) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1854(c)(2)(B)) is amended by striking "appropriate council" and inserting in lieu thereof "appropriate Council'.

NATIONAL MARINE FISHERIES SERVICE FACILITIES IN KODIAK

SEC. 18. Not later than six months after the date of the enactment of this Act, the Secretary of Commerce shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House of Representatives on the status of the National Marine Fisheries Service facilities located in Kodiak, Alaska. The report shall include—

(1) a description of the facilities, including their location and physical state;

(2) a discussion of any structural problems, including any need to remove asbestos from the facilities and to repair or upgrade electrical wiring;

(3) the number of full-time and part-time Federal employees using the facilities;

(4) a discussion of any problems associated with the location of the facilities, including inaccessibility during winter months due to icy road conditions;

(5) a projection of the costs of repairing the facilities to alleviate the problems identified under paragraph (2); and

(6) any proposals for the National Marine Fisheries Service to utilize different facilities within the boundaries of the Kodiak Island Borough and the costs associated with these proposals, including the costs associated with co-locating in facilities with the University of Alaska.

SENSE OF THE CONGRESS REGARDING ACTIONS OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

SEC. 19. (a) FINDINGS.—The Congress finds that—

(1) the Government of the United States has unique obligations to the residents of the Pribilof Islands, Alaska, under the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.);

(2) the Government of the United States, the State of Alaska, and the residents of the Pribilof Islands have made significant financial investments in order to create an economy on the Pribilof Islands that is not dependent on sealing;

(3) the commercial fishing industry is important to the economy of coastal communities in the State of Alaska, including the numerous small villages on the coast of Alaska adjacent to the Bering Sea; and

(4) residents of a number of different States participate in the Alaska fisheries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the North Pacific Fishery Management Council should include in fishery management plans such measures as may be necessary to meet the economic needs of all individuals and communities which are dependent on the living marine resources in the exclusive economic zone off Alaska.

NORTH PACIFIC FISHERIES RESEARCH AND MANAGEMENT PLAN

SEC. 20. Title III of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) is amended by adding at the end the following new sections:

"SEC. 313. NORTH PACIFIC FISHERIES RESEARCH AND MANAGEMENT PLAN.

"(a) IN GENERAL.—The North Pacific Fishery Management Council may prepare and submit to the Secretary a fisheries research plan which—

"(1) requires that observers be carried on board vessels of the United States engaged in fishing within and outside the exclusive economic zone for species under the authority of the Council, for the purpose of collecting data necessary for the conservation and management of such fisheries; and

"(2) establishing a system of fees to pay the costs of implementing the plan.

"(b) STANDARDS.—(1) Any plan prepared and submitted under this section shall be reasonably calculated to—

"(A) gather reliable information on the catch of fish, by placing observers on all or a statistically reliable sample of vessels engaged in catching and or processing fish, for use in promoting conservation, management, and scientific understanding of the fisheries covered by the plan;

"(B) be fair and equitable to all fishermen and fish processors affected by the plan; and

"(C) be consistent with applicable provisions of law.

"(2) Any system of fees established by a fisheries research plan under this section shall—

"(A) provide that the total amount of fees collected may not exceed—

"(i) the cost of stationing observers on board fishing vessels pursuant to the plan and managing data collected by such observers, less

"(ii) any amount received for such purpose from any other source;

"(B) be fair and equitable to all participants in the fishery covered by the plan;

"(C) provide that fees collected not be used to pay any costs of administrative overhead or other costs not directly incurred in carrying out the plan; and

"(D) not be used to offset amounts authorized under other provisions of law.

"(C) RECEIPT OF PLAN BY THE SECRETARY.—Not later than 60 days after the Secretary receives a research plan under subsection (a) from the Council, the Secretary shall—

"(1) review the plan to determine whether it meets the requirements of subsection (b); and

"(2)(A) reject the plan if it does not meet those requirements; or

"(B) conduct two public hearings to obtain comments on the plan, one of which shall be held in the State of Alaska and one of which shall be held in the State of Washington.

"(d) ACTION BY THE SECRETARY.—After analyzing comments received regarding a research plan under subsection (a), the Secretary shall, within 45 days after the last public hearing on the plan—

"(1) request the Council to respond within 45 days to the comments; and

"(2) implement the plan with any additional modifications provided by the Council which are consistent with subsection (b).

"(e) RESUBMISSION OF PLAN.—Any research plan rejected by the Secretary under subsection (c)(2) may be resubmitted by the Council with changes, and upon such resubmission shall be treated as an original plan.

"(f) USE OF FEES.—Amounts received by the United States in the form of fees established by a research plan under this section shall, after deducting an amount under subsection (g)(2), be available to the Secretary only for use for implementing the plan.

"(g) AUTHORIZATION OF APPROPRIATIONS.—(1) To carry out this section, including the establishment of an observer program pursuant to this section, there are authorized to be appropriated (in addition to amounts made available by subsection (f)) $100,000 for each of fiscal years 1990 and 1991.

"(2) Amounts appropriated under this subsection shall be reimbursed to the Treasury from fees collected pursuant to this section.

"SEC. 314. NORTH PACIFIC GROUNDFISH FISHERIES MANAGEMENT.

"(a) DEFINITIONS.—As used in this section—

"(1) The term 'mobile processing facility' means a fish processing facility that processes groundfish at more than one geographic location on land or at sea during the same annual season for groundfish.

"(2) The term 'stationary processing facility' means a fish processing facility that processes groundfish at only one, fixed geographic location on land or at sea during the same annual season for groundfish.

"(3) The term 'Class A vessel' means a vessel of the United States that catches groundfish that are first processed by a mobile processing facility.

"(4) The term 'Class B vessel' means a vessel of the United States that catches groundfish that are first processed by a stationary processing facility.

"(b) REQUIRED PROVISIONS.—Notwithstanding any other provision of law, the conservation and management measures governing the groundfish fisheries under the authority of the North Pacific Fishery Management Council shall include the following:

"(1) Quotas for the catch of groundfish shall be apportioned, consistent with other provisions of this section, in a manner that maximizes, to the greatest extent practicable, the fishing season for each species for the greatest number of Class A and Class B vessels. Such apportionment may be done using sub-allocations, multiple openings, time and area closures, gear restrictions, vessel trip limits, or other management techniques, and shall take into consideration the differing capabilities of each class of vessels, weather conditions, effects on incidental catch of other species, and other relevant considerations.

"(2) The Gulf of Alaska pollock fishery is closed to Class A vessels.

"(3) Except where provided otherwise by a fishery management plan amendment implemented after the date of enactment of this section, it shall be unlawful for a Class A or Class B vessel to deliver groundfish to both a mobile and a stationary processing facility during the same annual fishing season, and it shall be unlawful for a mobile or stationary processing facility to process groundfish caught by both Class A and Class B vessels during the same annual fishing season.

"(4) It shall be unlawful to strip pollock of roe and discard the flesh of the fish.

"(5) Subject to paragraphs (2) and (6), the total allowable catch of each species of groundfish shall be allocated by management area among Class A and Class B vessels for each annual fishing season. The minimum allocation of each species to Class A and Class B vessels shall be no less than 90 percent of the amount each class would receive based on the same proportion as the portion of the total catch for that species in a given management area in 1989 by Class A vessels (other than those engaged in joint ventures delivering fish at sea to foreign processing vessels) bears to the portion of the total catch for that species in the same management area by Class B vessels and such joint venture vessels.

"(6) The Secretary, in consultation with the North Pacific Fishery Management Council, shall monitor the catch of each species of groundfish by Class A and Class B vessels. To the extent that vessels in either class will be unable to catch the amount of fish allocated to them under paragraph (5)

of this section, the Council may recommend, and the Secretary may reallocate, any such surplus fish to vessels in the other class, or to vessels of the United States delivering fish at sea to foreign processing vessels, if neither Class A or Class B vessels will be able to harvest such surplus.

"(7) The Secretary, in consultation with the North Pacific Fishery Management Council, shall amend the applicable fishery management plans and prescribe such regulations, on an emergency basis as necessary, to immediately carry out the provisions of this section. Such amendments and regulations shall utilize such management techniques as sub-allocations, multiple openings, time and area closures, gear restrictions, vessel trip limits, or other management techniques as are necessary to ensure, to the maximum extent practicable, that Class A and Class B vessels have an opportunity to catch the amount of each species of fish available to them during as much of the annual fishing season as is practicable.

"(C) DISCRETIONARY PROVISIONS.—Notwithstanding any other provision of law, the North Pacific Fishery Management Council may recommend, and the Secretary may approve, conservation and management measures governing the groundfish fisheries under the authority of the Council that allocate and enforce limits on the incidental catch of species of fish caught in associaton with groundfish on a vessel-by-vessel basis with the use of data gathered by observers on such vessels, if any such vessel-by-vessel limits are monitored by an observer on board such vessel.

"SEC. 315. GENERAL AUTHORITY FOR NORTH PACIFIC COUNCIL.

"(a) ADDITIONAL MEASURES.—The North Pacific Fishery Management Council may recommend, and the Secretary may approve, such conservation and management measures for the groundfish fisheries, in addition to those set forth in section 314, as are necessary to meet the social and economic needs of interested and affected States and citizens and to minimize disruptions and dislocations in the affected commercial fisheries.

"(b) ANALOGOUS MEASURES.—The North Pacific Fishery Management Council and the other Councils may recommend, and the Secretary may approve, conservation and management measures for fisheries within their authority that are analogous to the conservation and management measures set forth in section 314.

"SEC. 316. ASSISTANCE FOR ECONOMICALLY DISADVANTAGED FISHING COMMUNITIES.

"(a) ACCESS FOR VESSELS OF ELIGIBLE ALASKA COMMUNITIES.—In addition to the authority provided by section 315, the North Pacific Fishery Management Council may recommend, and the Secretary may approve, conservation and management measures, including time and area closures and gear restrictions, to ensure that fishing vessels associated with eligible communities in Alaska designated by the Secretary pursuant to subsection (c) are given reasonable access to and opportunity to catch groundfish under the authority of the Council.

"(b) The Governor of Alaska may recommend to the Secretary that a community within Alaska be designated as an eligible economically disadvantaged fishing community if such community—

"(1) is located on the coastline at a site accessible to commercial fishing vessels;

"(2) is unlikely to be able to attract and develop economic activity other than commercial fishing that would provide a substantial source of employment;

"(3) has culturally and traditionally engaged in and depended upon fishing in the waters off its coast;

"(4) has not previously developed harvesting or processing capability sufficient to support substantial participation in the commercial groundfish fisheries because of a lack of sufficient funds for investment in harvesting or processing equipment; and

"(5) has developed a fishery development plan approved by the Governor that includes arrangements to (A) acquire or contract with fishing vessels and processing plants for the development of commercial groundfish fishing based primarily in the community or region; (B) provide employment of persons in the community and otherwise contribute to the economic development and improvement of the community as a whole; and (C) provide sufficient financing to implement the plan successfully.

"(c) The Secretary shall, upon receipt of a recommendation pursuant to subsection (b), designate a community as an eligible economically disadvantaged fishing community if—

"(1) the community meets the criteria set forth in subsection (b); and

"(2) the Secretary finds that the State has reasonable assurances that sufficient financing and other arrangements will be available to implement the plan successfully.

"(d) Not more than a total of .5 percent of the total allowable catch of groundfish each year may be utilized in aggregate by eligible economically disadvantaged communities by virtue of their status under this section, and no community may be designated as an eligible economically disadvantaged community for more than 10 consecutive or non-consecutive years.".

SECTION-BY-SECTION OF STEVENS-MAGNUSON ACT AMENDMENTS

Section 1—Short title.

Section 2—Adds new sections to "Findings" and "Policy" sections of the Act to will help protect shore plants, strengthen observers, and avoid waste.

Section 3—Definitions.

Section 4—Technical amendment on foreign fishing.

Section 5—Technical amendment on foreign fees.

Section 6—International moratorium on driftnet fishing. This language tracks U.S.-U.N. resolution.

Section 7—Amendments to council procedure requested by fishermen and councils. Also includes requirement that all testimony at Council meetings be made under oath.

Section 8—New requirements for fishery management plans. Includes provisions to expand council authority to require observers and collect fees to pay for observers; requires council to include in the record a statement about the impacts of council actions on the fishery and fishermen; provides for greater access by the council and state employees to observer data.

Section 9—Technical amendment.

Section 10—Prohibits theft of fishing gear, assaults on observers, driftnet fishing, and violation of international fishery agreements.

Section 11—Increases penalties and permit sanctions.

Section 12—Makes assault on an observer a criminal offense.

Section 13—Establishes a rebuttable presumption that salmon found aboard vessels on the high seas is of U.S. origin.

Section 14—Allows use of fines and seized property to pay for costs associated with enforcement action.

Section 15—Authorizes appropriations for FY 90, 91, 92.

Section 16—Indemnification language for vessel owners that carry observers. Identical to language passed by Congress in the Marine Mammal Act.

Section 17—Technical amendments.

Section 18—Young language concerning upgrade needed for NMFS facility on Kodiak.

Section 19—Young language concerning need to help the Pribilofs and western Alaska participate in the fishery.

Section 20—North Pacific Council may impose 100% observer coverage and charge industry-wide fee to fund the program; closes the Gulf to factory trawl fishing for pollock; establishes allocation scheme for Bering Sea and Gulf groundfish fisheries (other than Gulf pollock); clarifies councils authority to implement allocation schemes for other fisheries; establishes program for economically disadvantaged communities in Alaska.

By Mr. BOND:

S. 1901. A bill to amend the Food Security Act of 1985 to require the Conservation Reserve Program to place more acreage into tree population, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION RESERVE PROGRAM TREE PLANTING AMENDMENTS

● Mr. BOND. Mr. President, I rise today to introduce the Conservation Reserve Program Planting Amendments Act of 1989. This legislation recognizes the many important benefits of trees and is designed to provide new incentives for producers to plant trees on land enrolled in the Conservation Reserve Program [CRP].

The CRP, established by the Food Security Act of 1985, is a voluntary program designed to retire highly erodible cropland from production for a period of 10 years. After 9 signup periods, more than 30 million acres have been enrolled in the program. Nationwide, the program is reducing soil erosion by more than 600 million tons annually.

The vast majority of this land is planted to a vegetative cover crop which is approved by local officials of the U.S. Department of Agriculture [USDA]. However, the Food Security Act of 1985 recognized the multiple benefits associated with planting trees and directed the Secretary of Agriculture to encourage producers to plant trees on land enrolled in the CRP. In fact, the bill requires the Secretary, to the extent practicable, to ensure that 12.5 percent of total acreage enrolled in the program is planted to trees.

Mr. President, with the future of the CRP unclear, less than 7 percent of total CRP acreage is planted to trees. After 8 signup periods, of the 30.6 mil-

lion acres accepted, only 1.6 million are planted to trees. In Missouri, less than 1 percent of our CRP acreage is planted to trees. I view this as a wasted opportunity.

Trees provide important conservation benefits, guarantee long-term economic returns, and may reduce the impacts of global warming. As opposed to grasses, tree production also minimizes the potential that these highly erodible lands will simply return to crop production at the end of the contract period.

The Earth's delicate environmental equilibrium is upset by the overabundance of carbon dioxide and the decreasing ability of the Earth to cleanse itself. It is clear that trees play a critical role in maintaining an appropriate level of carbon dioxide in our atmosphere. This measure will stimulate reforestation of our Nation's erodible farmland, helping to reduce the risks posed by global warming. Americans should be encouraged to reforest our land, if we expect others to do the same.

Discussing this issue with farmers led me to believe there are several things which can be done to increase interest in the tree planting option. While some provisions of this bill will require Federal outlays, others will simply require modifications to the current program. Specifically, the bill:

Waives existing land ownership requirements if the land is planted to trees. Under current land contracts cannot be entered into on land which has changed ownership in the preceding 3-year period.

Eases the cropping requirements for land planted to trees. Under current law, land must have been cropped 2 years during the 1981–85 period. The land must now have been cropped 2 years between 1981 and 1988.

Requires the Secretary of Agriculture to offer producers an optional 15-year contract if the land is planted to trees. Producers already in the program would have an opportunity to extend their contract.

Authorizes the Secretary of Agriculture to allow producers already enrolled in the program to convert acreage to trees. The Secretary is required to share the cost of establishing the trees.

Authorizes the Secretary to permit producers to plant trees under the program, yet continue to grow crops for a period of time. Crop production would be phased out on a schedule determined by the Secretary. Although the Secretary is required to share the cost of establishing the trees, annual rental payments must be reduced, or eliminated, during the period in which crops are produced.

Authorizes the Secretary to provide additional lump-sum payments to producers who plant and maintain trees on CRP acreage. The Secretary is authorized to make these payments along with the final two annual rental payments of the contract period.

The bill contains one other provision which I believe is worth mentioning. It amends the current CRP statute to give the Secretary the discretion to enroll 40 to 45 million acres by the end of the 1990 crop year. Although the Secretary is currently mandated to reach this level, I believe that conditions have changed sufficiently since 1985 to warrant this modification. In my opinion, the Secretary should not be locked into an acreage figure which may not be feasible given current conditions.

This discretionary authority is in no way designed to downplay the important environmental benefits of the CRP. I do, however, want to ensure that the Secretary has the latitude to operate this program in a fashion which maximizes both its effectiveness and cost. To explain further my thoughts on this issue, I ask unanimous consent that a letter I have sent to Secretary Yeutter be printed in the RECORD at the conclusion of my remarks.

Mr. President, implementing this list will not ensure that we will reach the 12.5-percent goal outlined in the 1985 farm bill. I do believe these are constructive ideas which will provide new incentives for landowners to consider the tree-planting option.

I know that the chairman of the Agriculture Committee, Senator LEAHY, and the ranking minority member, Senator LUGAR, share my interest in this subject. I look forward to working with them, and other Senators, as we address ways to improve this program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 25, 1989.

Hon. CLAYTON YEUTTER,
Secretary, U.S. Department of Agriculture, Washington, DC.

DEAR CLAYTON: In 1985, Congress worked with the Administration to craft the first Conservation Title ever included in a farm bill. As these conservation programs have been implemented, their long-term role has been solidified. As the Ranking Republican on the Senate Agriculture Committee's Conservation and Forestry Subcommittee, I plan to continue our progress in this area and look forward to working with you and your staff on these important issues.

The Conservation Reserve Program (CRP) is an integral component of our conservation strategy. Over the past three years, it has been tremendously successful in reducing erosion on highly erodible cropland. In fact, the CRP has become the largest long-term cropland retirement program ever initiated in the United States. In Missouri, almost 1.5 million acres have enrolled in the program.

Despite its success, the CRP is at a crossroads: we remain several million acres short of the mandated 40–45 million acres and it is questionable whether this land will be enrolled under the current regulations. Recent attempts to increase participation by making other environmentally sensitive land eligible have failed to entice significant new enrollments. Of the 2.46 million acres enrolled in the eighth signup, less than nine percent met the cropland or scour erosion criteria.

Although Section 1231 of the farm bill gives you the authority to include "lands that are not highly erodible but that pose an off-farm environmental threat," I am concerned that the CRP's eligibility criteria will be expanded further for the sole purpose of reaching the 40–50 million acre mandate. While these environmentally sensitive lands must be addressed, I believe the upcoming farm bill is the correct forum to review other methods. My concern is that the CRP may not be the optimal method to address all environmental concerns, I want to ensure that we utilize the most effective, targeted approach possible.

For this reason, I urge you not to expand the CRP to include other environmentally sensitive land. However, based on the large enrollment announced for the ninth signup, I do encourage you to hold at least one more signup under the existing regulations. This would provide a final opportunity for individuals to enroll land which may be subject to severe conservation compliance requirements. If you determine that a legislative remedy is needed to provide you with the necessary flexibility, please let me know.

It is also important that you consider ways to encourage individuals to plant trees on their CRP ground. While I commend the Department for their work in this area, we remain well short of the 12.5 percent goal. In fact, less than one percent of Missouri's CRP acreage has been planted to trees. Although it may not be feasible to achieve the 12.5 percent goal, it is important that we focus on this deficiency and consider all possible methods on increasing the number of acres planted to trees.

I am currently working on legislation to move us closer to the tree planting goal. Although several Members of Congress have introduced legislation on this issue, I am concentrating on programmatic changes which will not require significant new outlays. I hope to have this legislation completed in the next couple of weeks and will see that your staff is given a copy for review.

The CRP has been successful in achieving the goal for which it was developed—to reduce erosion on highly erodible cropland. However, a ten-year reserve may not be the best way to address every type of environmentally sensitive land.

Thank you for considering these ideas and I look forward to working with you and your staff in the months ahead.

Sincerely,

CHRISTOPHER S. BOND.●

By Mr. HATCH (for himself and Mr. BOREN):

S. 1903. A bill to amend the Public Health Service Act to establish Federal standards to ensure quality assurance in private sector drug testing programs, and for other purposes; to the Committee on Labor and Human Resources.

QUALITY ASSURANCE IN THE PRIVATE SECTOR DRUG TESTING ACT

Mr. HATCH. Mr. President, today, I am pleased to introduce with my colleague from Oklahoma, Senator

BOREN, the Workplace Anti-Drug Abuse Act. This bill is designed to accomplish two things. First, it will make it clear that American employers currently have the right to implement a drug testing program as part of a drug-free workplace policy. But, in affirming that right, the Hatch-Boren bill recognizes that employers are willing to accept the imposition of minimum Federal standards in order to guarantee uniformity and predictability with respect to a drug testing program.

Second, and just as important, adoption of this bill will guarantee individuals who are subject to drug testing the protections of Federal law. A big part of these protections is the knowledge that individuals subject to testing, no matter who they work for or where they are located, will have assurances of accuracy and reliability with respect to any test administered.

Before I explain what is actually contained in this bill, let me take a few moments to underline the fact that the drug crisis exists just as much in the workplace as it does in the school, in the inner city, or in rural America. For example, the President's National Drug Control Strategy released last month points out that the majority of drug users in the United States are 18 to 40 years old and employed. According to some experts, as many as 1 out of 5 American workers currently use drugs on the job. The 1988 Household Survey on Drug Abuse, which was released by the National Institute on Drug Abuse a few weeks ago, reveals that 37 percent of the U.S. population has tried marijuana, cocaine, or other illegal drugs within their lifetimes. Twenty-eight million Americans have used one of these drugs in just the last year.

The National Institute on Drug Abuse has profiled the drug-abusing worker. He or she is late for work three times more often than the employee who does not use drugs; the abuser asks for time off more than twice as often as the nonuser; the drug-abusing worker uses three times the normal level of sick benefits, and is five times more likely to file a worker's compensation claim. To no one's surprise, the drug abuser is involved in workplace accidents 3½ times more often than other employees.

Mr. President, I can go on and on with statistics about the drug-abusing worker. Hopefully, it is enough to say that my bill addresses the issue of drugs in the workplace and provides employers with the proper means to do something about the problem without trampling upon the right of their employees to fair and effective testing practices.

As we all know, 3 years ago President Reagan issued an Executive order authorizing Federal agencies to implement drug testing as a component of their drug-free workplace programs.

Last year, Congress overwhelmingly approved the Drug-Free Workplace Act, which establishes a clear Federal policy encouraging drug-free workplaces in the private sector. More recently, in the President's national drug control strategy, private sector employers are encouraged to establish comprehensive drug-free workplace policies which provide careful means to identify employees who use drugs, including drug testing where appropriate. I believe the time has come to move forward on this issue; and, I believe the Hatch-Boren bill will help accomplish the national policy goal of achieving the drug-free workplace.

The American public clearly backs reasonable workplace testing. In a Wall Sreeet Journal/NBC News poll published 2 weeks ago, more than 2 out of 3 working Americans favor drug testing at their place of employment. Nearly half of those interviewed believe that colleagues testing positive for drug use or found to be using drugs should either be fired immediately or after a second offense. A New York Times poll, published just a month ago, revealed that fully 61 percent of the adults surveyed endorsed requiring workers in general to be tested for illegal drug use.

Specifically, the Hatch-Boren bill would establish minimum Federal standards that would have to be observed by any employer who maintains or implements a drug testing program. The standards will provide the necessary flexibility to tailor a drug-free workplace program to meet the unique needs of a particular workplace, but would not permit a program to ignore certain basic rules. Any employer that does not abide by these minimum Federal standards would be subject to appropriate penalties enforced by the Federal Government. At the same time, the vast majority of employers who comply in good faith with established standards will have the assurance of knowing their drug testing programs will be safe from unwanted legal challenges or from contradictory or inconsistent requirements that may be imposed by a State or local government.

The standards that would be established by this bill provide for specific employee protections against arbitrary testing. They require that a federally certified lab be used to analyze all samples. The standards require confidential drug test results. And, they give employees the right to explain why a test result may have been caused by factors other than illegal use. Because of the safeguards which these standards put into place, individuals subject to testing will know they have the protection of Federal law against any abuses that may arise out of a drug testing program.

The bill starts by prohibiting any person from performing a drug test unless they have been certified by the Secretary of Health and Human Services as a certified laboratory. In establishing standards for certification, the Secretary is required to use criteria which will maximize the predictive value of the testing scheme. Or put another way, the Secretary is required to develop a testing scheme which, to the greatest extent possible, will yield the most accurate results. Our goal is to reduce the number of false positives and false negatives obtained in drug testing as much as scientifically possible. The Secretary is also required to review the criteria on an annual basis to see whether the testing scheme can be improved in any way. This will guarantee a testing scheme which is up to date as science and technology advances.

The Hatch-Boren bill also requires the employer to establish both a written antidrug abuse policy and a drug-free awareness program as a condition of implementing or maintaining drug testing. Federal contractors must already meet these requirements as part of their obligations under the Drug-Free Workplace Act. Our bill would extend them to all employers who choose to have a drug testing program. But, I emphasize that there is nothing in this bill which would require employers to implement drug testing programs.

The employer will have to make a reasonable effort to communicate the written policy to individuals subject to drug testing. This will put applicants and employees on notice that the employer will not tolerate the abuse of drugs. The drug-free awareness program is designed to educate employees to the dangers of illegal drug use. It is our intention that the program can either be developed internally or acquired from an outside source, such as a trade association or another employer. One important component of the drug-free awareness program is information about drug abuse treatment programs, such as counseling, employee assistance, or rehabilitation, which offer help to drug users.

A critical provision in this bill sets the standards under which an employer may actually require a drug test. With respect to applicant, the employer is authorized to require a drug test of any individual who applies for a job, as long as the requirement is applied consistently and not with the intent to discriminate against certain individuals or groups.

And, for current employees, an employer would be authorized to test in several circumstances. First, drug testing would be permitted when an employer has reason to suspect that an employee is using, or is under the influence of, drugs. Reasonable cause to

suspect drug use is a well accepted standard in current testing programs. It provides the necessary guidance to a supervisor to take action without requiring him or her to be a lawyer in order to make a judgment that sufficient reason exists.

Second, employee testing would be authorized as part of a scheduled physical examination. Third, employee testing would be authorized in the case of an accident or a near accident involving actual or potential loss of human life, serious injury, or significant property damage. Fourth, employers would be authorized to test employees who were undergoing, or had completed, a drug treatment program. Testing under these circumstances could be administered at any time during a reasonable period after the completion of drug abuse treatment, up to a maximum of 5 years. After 5 years, assuming the employee has tested negatively during that period, he or she would be given a clean slate.

The last circumstance under which testing would be authorized involves sensitive employees, that is, employees who hold positions with safety and health, national security, or other responsibilities involving a high degree of trust and confidence. These employees could be tested on a random basis without advance notice. Random in this case means by nondiscriminatory and impartial means so that no individual who meets the definition of sensitive employee will be treated differently for purposes of being selected for a drug test than all other employees meeting the same definition.

As I stressed at the outset, the Hatch-Boren bill contains specific employee protections designed to protect against the possibility of abuses that could arise out of a drug testing program. Specifically, these include the obligation on the part of the employer to inform individuals subject to testing that the employer has a drug testing policy, the right to be informed as to a positive test result if the individual has requested it, and the right to explain a positive test result if the individual requests such an opportunity. In addition, the bill prevents an employer from taking retaliatory action against any employee who exercises his or her rights granted under the bill. As previously discussed, an employer would be precluded from taking any adverse action against an employee unless a second test confirmed a positive test result with one significant exception.

In the case of sensitive employees, if the initial drug test indicates a positive result, the bill permits the employer to transfer or reassign the employee from the sensitive position, with no loss of pay, until the test result had been confirmed. Incidentally, this exception has been specifically recognized in the Department of Defense interim drug testing regulation as necessary to protect national security.

The exception simply means that if a crane operator in a steel plant or an operator in an oil refinery shows a positive result before going on duty, the employer would not be required to put the person on duty until the test result had been confirmed. If the result comes back negative, the employee would have to be immediately reinstated to the previous position. On the other hand, if the positive result is confirmed, the bill specifically provides that the employer would not be required to place or reinstate the employee into a sensitive position at any time in the future.

An additional employee protection which the bill provides for is the confidentiality of drug test results. These confidentiality protections are patterned after those contained in the Polygraph Protection Act, which Congress approved overwhelmingly a couple of years ago. Stated simply, the results of a drug test could be released to third parties only in specifically limited circumstances. These include the employee or a person whom he or she designates in writing. They also would include those representatives of the employer with a need to know, for example, employee relations and medical personnel, supervisory personnel, and top management. Also included would be drug abuse treatment providers who are assisting the drug abusing employee. Finally, the drug test results could be released as required by applicable law.

It is important to stress that nothing in the Hatch-Boren bill will prohibit employers from taking the action necessary to enforce a drug-free workplace program. Thus, it is stated clearly that the employer is not prohibited from taking whatever action is necessary to maintain a safe workplace. For example, this means that an employer does not have to wait for the results of a drug test before removing an employee who is demonstrating erratic or unsafe behavior from a sensitive position. Further, the bill makes clear that an employer may refuse to hire any employment applicant who tests positive for drug use, refuses to take a test, or adulterates a drug testing specimen. Similarly, nothing will prohibit an employer from taking disciplinary action against an employee, up to and including termination, under the same circumstances.

As a practical matter, many employers today who have drug testing programs will often refer an employee who tests positive to a drug treatment program. This is a practice which enlightened employers have recognized as an important element of a total drug-free workplace program. The Hatch-Boren bill provides that when an employer chooses to require an employee to enter a drug treatment program, the employer is not prohibited from taking subsequent disciplinary action if the employee refuses or fails to complete the program.

As I just mentioned, drug abuse treatment is an important component of an overall effective drug-free workplace program. Therefore, this bill requires employers to provide information about available drug abuse treatment programs, both public and private, as part of their drug-free awareness programs.

Enforcement of the bill is divided into two parts. Enforcement of the laboratory certification standards promulgated under the bill would be the responsibility of the Secretary of Health and Human Services and administered in accordance with the Clinical Laboratory Improvement Amendments of 1988. Enforcement of the employee protection provisions would be conducted in accordance with an administrative process in the Department of Labor. The Secretary of Labor would receive complaints, conduct investigations and hearings, and issue orders to remedy violations of the employee protection provisions. The remedies provided in the bill would be exclusive, and relief would be limited to make whole and other forms of equitable relief. Orders of the Secretary of Labor would be reviewable in the Federal courts of appeals.

A critical component of our bill is the preemption of State and local laws which conflict with, are inconsistent with, or frustrate the Federal standards established. Mr. President, employers want the ability to implement and administer a drug-free workplace policy which is consistent and which will not be subject to different and conflicting requirements depending on where that employer does business. Similarly, the bill recognizes, and does not interfere with, the authority of the Secretary of Transportation and the Nuclear Regulatory Commission to issue regulations governing workplace drug issues within the industries which they regulate.

Finally, the bill provides for an effective date of 1 year after enactment which should provide the Secretary of HHS adequate time to develop the laboratory certification program and will permit employers to make whatever changes are necessary in their existing drug testing programs to conform to the Federal standards.

In addition, some of the definitions are probably worth mentioning. For example, the definition of drug includes, not all of those illegal substances listed in schedules I to V of the Controlled Substances Act, but also alcohol and other legal substances which are subject to abuse. With respect to the definition of employer, we

have chosen to include small business under the coverage of this act. Because the bill does not require any employer to implement a drug testing program, but rather provides only that if such a program is implemented it must meet certain minimum standards, those standards should apply to any employer that elects to test, regardless of size. Last, professional athletes are included among those who may be randomly tested. While professional athletes are not sensitive employee's per se, this legislation does not preclude the random testing of these highly visibly individuals. Again, this legislation would not require random testing of professional athletes.

Mr. President, this is a balanced approach to dealing with the problem of drug and alcohol abuse in the workplace. It carefully protects the prerogatives of employers at the same time as it protects the employees against arbitrary adverse actions. I am delighted to have the cosponsorship of the distinguished senior Senator from Oklahoma, and I hope Senators from both sides of the aisle will join us in support of this important legislation.

I ask unanimous consent that an article entitled "Just say nothing?" which points out the need for this legislation be printed in the RECORD following my statement and that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Assurance in the Private Sector Drug Testing Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) drug abuse in the workplace is a serious national problem;

(2) drug testing can be an effective deterrent to drug abuse when administered in a manner that provides for quality assurance; and

(3) the private sector workplace is an appropriate arena in which to fight the war on drugs through the establishment of drug-free workplace programs that include drug testing.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish Federal standards applicable to private sector workplace drug testing programs that will assure the quality of such programs; and

(2) to preempt State and local laws and such other requirements that frustrate, conflict with, interfere with, or are inconsistent with the standards established by this Act.

SEC. 3. PUBLIC HEALTH SERVICE ACT.

(a) DRUG TESTING.—The Public Health Service Act is amended—

(1) by redesignating title XXVI (42 U.S.C. 300cc et seq.) as title XXVII; and

(2) by inserting after title XXV (42 U.S.C. 300bb-1 et seq.) the following new title:

"TITLE XXVI—QUALITY ASSURANCE IN PRIVATE SECTOR DRUG TESTING

"SEC. 2601. LABORATORY CERTIFICATION STANDARDS.

"(a) PROHIBITION.—No individual may perform a toxicological analysis in connection with any drug testing program that is subject to the provisions of this title unless such individual is a laboratory certified individual pursuant to subsection (b).

"(b) CERTIFICATION.—Not later than 1 year after the date of enactment of this title, the Secretary shall establish a program for certifying laboratories that meet standards for performing—

"(1) drug screening tests;

"(2) drug confirmatory tests; and

"(3) both drug screening and confirmatory tests.

"(c) CRITERIA.—In establishing standards for certification under subsection (b), the Secretary shall use criteria that will maximize the predictive value of the testing scheme and that take into consideration the practices, procedures, and experience of basic drug testing programs conducted by private, non-profit accrediting bodies.

"(d) PERIODIC REVIEW.—At least once each year, the Secretary shall review, and where appropriate revise, the certification criteria established under subsection (b), taking into consideration the relevant scientific technical advances in the area of drug testing and revisions needed to reflect employer zero-drug tolerance practices.

"SEC. 2602. ANTI-DRUG ABUSE POLICY.

"(a) WRITTEN POLICY.—As a condition of implementing or maintaining a drug testing program, an employer shall establish a written anti-drug abuse policy that shall contain, at a minimum, an explanation concerning the—

"(1) circumstances under which a drug test will be administered, the procedures for notifying an employee of a confirmed positive result, and a statement the policy will be administered in a consistent and nondiscriminatory manner without regard to whether the employee is employed in a management or hourly capacity;

"(2) safeguards established for protecting the privacy of individuals who are subject to testing, including chain custody procedures and the limitations on disclosure of the results of drug tests;

"(3) availability of any drug abuse treatment program;

"(4) penalties that may be imposed for a violation of the anti-drug policy of the employer; and

"(5) procedures under which an applicant or employee shall be given a reasonable opportunity to explain a confirmed positive test result.

"(b) NOTICE.—An employer shall make a reasonable effort to provide notice of the written anti-drug abuse policy to applicants and employees subject to testing using whatever methods the employer determines to be appropriate.

"SEC. 2603. DRUG-FREE AWARENESS PROGRAM.

"In order for an employer to be permitted to implement or maintain a drug testing program, such employer shall establish, as part of such drug testing program, a drug-free awareness program designed to inform its employees concerning—

"(1) the dangers of drug abuse, both inside and outside of the workplace;

"(2) the policy of the employer of maintaining a drug-free workplace;

"(3) information as to the existence and availability of counseling, employee assistance, rehabilitation, and other drug abuse treatment programs of which the employer is aware; and

"(4) the penalties that may be imposed on applicants and employees who test positive for the use of a drug, and for the manufacture, distribution, dispensation, possession, or use of a drug in the workplace of the employer.

"SEC. 2604. STANDARDS FOR DRUG TESTING .

"(a) APPLICANTS.—Nothing in this title shall be construed to prohibit an employer from requiring, as a condition of employment, that an applicant submit to and pass a drug test based on criteria established by the employer that is designed to achieve a drug-free workplace. Refusal by an applicant to submit to such a test may be treated in the same manner as a failure to pass a drug test.

"(b) EMPLOYEES.—Nothing in this title shall be construed to prohibit an employer from requiring an employee to submit to and pass a drug test—

"(1) where the employer has reasonable suspicion to believe that the employee is using or under the influence of a drug;

"(2) where such test is administered as part of a scheduled medical examination;

"(3) in the case of an accident or incident involving the actual or potential loss of human life, serious bodily injury, or significant property damage;

"(4) during and for a reasonable period of time (not to exceed 5 years) after the completion of a drug abuse treatment program; or

"(5) in the case of sensitive employee positions, work units, locations, or facilities where drug abuse has been identified as a problem, on a random basis.

"(c) DEFINITION.—As used in this title, the term 'random' means the selection of individuals for testing based on a nondiscriminatory impartial methods so that no employee is harassed or treated differently from other employees in similar circumstances.

"SEC. 2505. EMPLOYEE PROTECTIONS.

"(a) PROHIBITIONS.—In the case of an applicant or employee, it shall be a violation of this title—

"(1) for an employer to fail to make reasonable efforts to inform the applicant or employee as to the drug testing policy of the employee;

"(2) for an employer to take any adverse action based on the unconfirmed positive results of a drug test, except as provided in subsection (c);

"(3) for an employer, on the request of an applicant or employee, to fail to provide such applicant or employee with a reasonable opportunity to be informed of a confirmed positive drug test result; and

"(4) for an employer, on the request of an applicant or employee, to fail to provide such applicant or employee with a reasonable opportunity to explain the results of a confirmed positive test result.

"(b) ANTIRETALIATION PROHIBITION.—It shall be a violation of this title for an employer to take retaliatory action against an employee because of the exercise by the employee of any right granted or protected under this title.

"(c) EXCEPTION FOR SENSITIVE EMPLOYEES.—Pending the receipt of the results of a confirmatory drug test, an employer may transfer or reassign an employee in a sensitive position to another area or position without any loss in compensation to such employee if the initial drug test result is positive. If a confirmatory test of such em-

ployee is negative, such employee shall be entitled to immediate reinstatement to the position from which such employee has been transferred or reassigned.

"SEC. 2606. CONFIDENTIALITY.

"(a) IN GENERAL.—An individual, other than the applicant or employee who is the subject of a drug test, shall not disclose information obtained as a result of a drug test, except as provided in this section.

"(b) PERMITTED DISCLOSURES.—An employer, or individual conducting a drug test on behalf of an employer, may disclose information acquired from a drug test only to—

"(1) the applicant or employee taking such drug test or any other individual specifically designated in writing by such applicant or employee taking such drug test;

"(2) the employer, including the designated representative of such employer, that requested such test;

"(3) any court, governmental agency, arbitrator, or mediator, in accordance with the provisions of Federal or State law; and

"(4) appropriate drug abuse treatment providers.

"SEC. 2607. EMPLOYER PRACTICES

"(a) SAFE WORKPLACE.—Nothing in this title shall be construed to prohibit an employer from taking action necessary to ensure a safe workplace.

"(b) DRUG-FREE WORKPLACE.—Nothing in this title shall be construed to prohibit an employer from taking action necessary, up to and including termination, in the case of applicant or employee—

"(1) whose drug test result is confirmed positive,

"(2) who refuses to take a drug test authorized under this title; or

"(3) who tampers with or adulterates a drug testing specimen.

"(c) PARTICIPATION IN DRUG ABUSE TREATMENT PROGRAM.—Nothing in this title shall be construed to prohibit an employer from requiring an employee to participate in, and satisfactorily complete, a drug treatment program as a condition of continued employment where the employee has tested confirmed positive for drugs, has refused to submit to a drug test, or has tampered with or adulterated a drug test specimen.

"(d) SENSITIVE POSITION.—Nothing in this title shall be construed to prohibit an employer from refusing to place an employee in, or reinstate such employee, to a sensitive position if such employee has tested confirmed positive for drug use.

"SEC. 2608. DRUG ABUSE TREATMENT PROGRAMS.

"As part of the drug-free awareness program established pursuant to section 2603, employers shall provide information to employees concerning the existence and availability of public and private drug counseling, employee assistance, rehabilitation, and other drug abuse treatment programs of which the employer is aware.

"SEC. 2609. REGULATIONS.

"Not later than 1 year after the date of enactment of this title, the Secretary shall—

"(1) establish a program for the certification of laboratories for the performance of toxicological urinalysis conducted for drug testing programs as described in this title; and

"(2) issue such other rules and regulations as may be necessary or appropriate to carry out this title.

"SEC. 2610. ENFORCEMENT AND RELIEF.

"(a) LABORATORY CERTIFICATION STANDARDS.—The certification program established pursuant to section 2601(b) shall be enforced in accordance with the procedures and sanctions contained in subsections (g), (h), (i), (j), (k), and (l) of section 353.

"(b) EMPLOYEE COMPLAINTS CHARGING UNLAWFUL DISCHARGE OR DISCRIMINATION; INVESTIGATION ORDER.

"(1) COMPLAINT.—An employee who believes that such employee has been charged or otherwise discriminated against by an employer in violation of this title may, not later than 30 days after such action occurs, file (or have any individual file on behalf of such employee) a complaint with the Secretary of Labor (hereinafter referred to in this subsection as the 'Secretary') alleging that such discharge or discrimination violates the provisions of this title. On receipt of such complaint, the Secretary shall notify the individual named in the complaint of such filing.

"(2) INVESTIGATION AND ORDER.—

"(A) INVESTIGATION.—On receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in such complaint. Not later than 30 days after the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the employer (and any individual acting on behalf of the employer) as to the results of such investigation.

"(B) ORDER.—Not later than 30 days after the completion of such investigation, the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the employer alleged to have committed such violation, issue an order either providing the relief prescribed in this section or denying the complaint. An order of the Secretary issued under this subparagraph shall be made on the record after notice and opportunity for public hearing.

"(3) RELIEF.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of this title has occurred, the Secretary shall order the employer who committed such violation to provide such suitable relief as the Secretary determines appropriate, including reinstatement, promotion, and the payment of lost wages and benefits.

"(4) REVIEW OR ORDER.—An employee or employer adversely affected or aggrieved by an order issued under paragraph (2) may obtain review of such order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review shall be filed not later than 60 days after the issuance of the order of the Secretary under paragraph (2). Review by the Court of Appeals shall conform to chapter 7 of Title 5, United States Code.

"(5) FAILURE TO COMPLY.—If an employee or employer fails to comply with an order issued under paragraph (2), the Secretary may file a civil action in the United States court for the district in which the violation was found to occur to enforce such order. Such court, in issuing any final order under this subsection, may award the costs of litigation (including reasonable attorney and expert witness fees) to the prevailing party.

"(c) EXCLUSIVITY OF REMEDIES.—The rights and remedies provided for in this section shall be the exclusive enforcement rights and remedies for any violation of this title.

"(d) AFFIRMATIVE DEFENSE.—The good faith compliance of an employer with the standards and procedures established under this title shall constitute an affirmative defense against any complaint filed under subsection (b).

"(e) CONSTRUCTION.—Nothing in this title shall be construed to require an employer to establish a drug testing program for applicants or employees or make employment decisions based on such test results.

"SEC. 2611. EFFECT ON OTHER LAWS.

"(a) STATE LAW; SUPERSEDURE.—This title shall preempt any State or local law, rule, regulation, order or standard that applies to the drug testing of an applicant or employee, or that relates to any matter addressed under this title. No State or local government shall adopt or enforce any law, rule, regulation, ordinance, standard or order relating to—

"(1) the certification of laboratories that perform drug testing analysis with respect to such analysis,

"(2) requirements for the conduct of drug testing under the certification program established under this title;

"(3) the conducting of employee or applicant drug testing programs; or

"(4) any other matter relating to this title.

"(b) OTHER FEDERAL LAWS.—Nothing in this title shall be construed to prohibit the Secretary of Transportation or the Nuclear Regulatory Commission from issuing regulations with respect to drug and alcohol testing.

"SEC. 2612. EFFECTIVE DATE.

"The provisions of this title shall become effective 2 years after the date of enactment of this title, except that the prohibition contained in section 2601(a) shall not take effect less than 1 year after establishment of the certification program required under section 2601(b).

"SEC. 2613. SEPARABILITY OF PROVISIONS.

"If any provision of this title, or the application of such provision to any individual or circumstances, shall be held invalid, the remainder of this title, or the application of such title to individuals or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 2614. DEFINITIONS.

"As used in this title:

"(1) APPLICANT.—The term 'applicant' means any individual who has submitted an application to an employer, whether written or oral, for employment with such employer.

"(2) DRUG.—The term 'drug' means any controlled substance listed in Scheduled I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), alcohol, steroids, and any other drug or medication that can interfere with employment performance.

"(3) DRUG ABUSE TREATMENT PROGRAM.—The term 'drug abuse treatment program' means a program, such as an employee assistance program, designed to assist an individual in dealing with problems caused by drug abuse.

"(4) DRUG TEST.—The term 'drug test' means any test procedure used to take and analyze blood, breath, hair, urine or other body fluids or materials for the purpose of detecting the presence or absence of a drug or its metabolites

"(5) EMPLOYEE.—The term 'employee' means an individual employed by an employer.

"(f) EMPLOYER.—The term 'employer' means an individual, partnership, corporation, association, or other entity, that employs one or more employees, and that is engaged in an industry affecting commerce.

"(g) SENSITIVE EMPLOYEE.—The term 'sensitive employee' means an individual em-

ployed in a position whose duties, as defined by the employer, involve responsibilities affecting such matters as national security, health, or safety, environment, or other responsibilities requiring a high degree of trust and confidence.

"SEC. 2615. PROFESSIONAL ATHLETES.

"For purposes of this title, professional athletes may be treated in the same manner as employees who meet the definition of section 2614(g), except that professional athletes shall not be covered by section 2606(a).".

(b) CONFORMING AMENDMENTS.—

(1) Sections 2601 through 2614 of the Public Health Service Act (42 U.S.C. 300cc through 300cc-15) are redesignated as sections 2701 through 2714, respectively.

(2)(A) Sections 465(f) and 497 of such Act (42 U.S.C. 286(f) and 289(f)) are each amended by striking out "2601" and inserting "2701".

(B) Section 305(i) of such Act (42 U.S.C. 242c(i)) is amended by striking out "2611" each place it appears and inserting "2711".

[From Forbes, Nov. 27, 1989]

JUST SAY NOTHING?

(By Deirdre Fanning)

Only Congress could have dreamed up the Drug-Free Workplace Act of 1988. If companies try to comply with this ill-considered federal law, they could be faced with lawsuits by their employees and the loss of lucrative government contracts.

Swept up in last year's anti-drug hysteria, congressmen passed a law requiring some companies to discipline employees convicted of a drug offense in the workplace. Not only has the new law not done much to solve the drug problem, but it has created considerable confusion for employers seeking to comply with it.

Under the 1988 act, companies that have or are seeking government contracts of $25,000 or more must notify their employees that they cannot manufacture, distribute or use illegal drugs in the workplace. The law also requires employees to tell their employers of any convictions stemming from drug use in the workplace. Employers, in turn, must then report those convictions to the government. Further, the law requires these employers to take disciplinary measures against the guilty employees.

This Kafkaesque law mandates that if employers report too many employee drug convictions, they could lose their government contracts. Report and the company loses business, don't report and it breaks the law. A nice dilemma. "Nowhere does the law say what constitutes too many," says Newark, N.J. lawyer Richard Cooper. "And it obviously provides a strong disincentive to employers to report their employees' convictions."

An even bigger problem arises if the employer tries to fire a worker/drug addict not yet convicted. Then the boss may come up against yet another federal law. Under a 1973 federal anti-discrimination statute, bolstered by various state laws, it may be illegal to dismiss an employee just because he or she is a drug addict. These state laws have defined drug addicts as handicapped people and so prohibit job discrimination against them. Crazy as that seems, there is little chance that the federal statute will be overturned anytime soon.

Some labor lawyers are advising clients not to fire employees for drug problems alone. Says New York attorney Peter Panken, "[Firing for drug abuse] adds a layer of possible suits, which complicates things and costs them money." He recommends instead that employers look for the patterns of work absenteeism that usually accompany drug abuse. Explains Panken "You can fire a worker legitimately for nonperformance."

As yet, the conflicting laws have not been tested in any reported decisions. When they are, Congress will seem, in effect, to have protected individual rights with one law and struck a blow against drugs with another. In effect, Congress will once more have abdicated its legislative duties to the courts.

Mr. BOREN. Mr. President, I am pleased to join with my colleague from Utah, Senator HATCH, in supporting legislation to assure necessary standards, protections, nondiscrimination, and confidentiality of private sector drug testing programs.

The war on drugs must be waged not only by speeches and funding of our National Government, not just by programs and policies by local governments and private organizations, but by fair, but strong, tools for all of us to discourage, detect and treat the abuse of narcotics that is strangling the vitality of our national family.

I believe that the legislation, as outlined by Senator HATCH, is a good beginning at setting Federal standards in private sector drug testing. We must make sure that adequate laboratory standards are met for testing. We must make sure that employers have uniform, set policies, in writing, that assure employees of fair, confidential testing. And we must make sure that no burdens are placed on small businesses nor basic rights of privacy denied workers.

Mr. President, never before has our Nation been at such risk from an enemy attacking our citizens from within. Illegal drugs are damaging families, hampering productivity, ruining lives, and dampening our national spirit. If the war we have waged against drug abuse in the country is to be successful, then it must be fought on all fronts, with all the resources we can mobilize, and through policies such as this bill to standardize private sector drug testing. The voluntary nature of this bill ensures that no business or employers must test for drug abuse—only that if they do, it be verifiable and fair.

Mr. President, I applaud the leadership of the distinguished ranking member of the Senate Committee on Labor and Human Resources for introducing this bill. I further encourage the rest of our colleagues to help us in pushing for rapid consideration and deliberation of this legislation. Our work to win the war on drugs must continue to have priority in the Congress. The cost of losing that war is too great to delay.

By Mr. GORE:

S. 1904. A bill to require the Secretary of Transportation to take certain actions with respect to the regulation of motor vehicle transportation in order to ensure that food is not made unsafe as a result of its transportation by motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CLEAN FOOD TRANSPORTATION ACT

● Mr. GORE. Mr. President, during my 12 years in Congress and my tenure on the Commerce, Science, and Transportation Committee, I have addressed my share of disturbing practices. In fact, most of us would have to admit that we have become a bit desensitized by the countless horrible and sometimes startling images we face every day on our television screens and elsewhere.

But every now and then a practice emerges that is so egregious and downright disgusting that almost anyone will look at it and say, "It has to stop—something must be done about that." Well, Mr. President, I come before you today with precisely that response.

I was truly repulsed to learn that a trucker who had washed out his tanker more than 15 times, still found in that tanker what he called a creamy white substance that was traced to a load of plastic resin which had been hauled 2 months before. The so-called creamy white substance remained in that tanker through loads of kosher oil, whiskey, and liquid chocolate that you or I right now might have on our kitchen shelves.

Some truckers recently told a House committee they alternated shipments of food such as orange juice and coconut oil with loads of chemicals such as formaldehyde and lubricating oil. Incredibly, this revolting practice is legal. These truckers can use the same tank to ship hazardous materials one way and food the other. In one case, a tank filled with asphalt emulsion was then filled with Chardonnay wine—legally. Refrigerated trucks that haul our milk may have carried garbage the load before. And truckers are not even required to clean the truck between shipments.

Indeed, something must be done. And the bill I am introducing today, called the "Clean Food Transportation Act," will help ensure the safe transportation of our food. The remedies are very direct.

There are no comprehensive Federal laws that specifically ban the practice of backhauling garbage or hazardous chemicals in refrigerated trucks and tankers also used to haul food products. My bill would prohibit refrigerated vehicles used in the transportation of food for the transportation of solid waste. It would prohibit cargo tanks used in the transportation of food for the transportation of nonfood products. And it would require the labeling of cargo trucks as food or nonfood. Consumers would have no doubt that

their food products are being hauled safely.

In addition, there are no comprehensive Federal regulations governing acceptable washout procedures for cleaning trailers and tankers. My bill requires the Secretary of Transportation to issue regulations establishing methods, operations, and procedures to be used in cleaning cargo tanks between shipments.

Finally, my bill would require the Secretary of Transportation, in conjunction with the Department of Health and Human Services, the Department of Agriculture and appropriate State agencies, to ensure that all inspectors paid with funds under the Motor Carrier Safety Assistance Program receive sufficient training to conduct vigorous enforcement of this act. Inspectors responsible for enforcing this bill would know exactly what to look for in food carrying vehicles.

Since taking a close look at this issue, I have learned that there are some exceptional cases when some nonfood products are safe to transport in food carrying vehicles. Therefore, my bill provides flexibility for the Secretary to exempt from the general prohibition certain materials that are constituents of food products, such as ingredients in vinegar and in soda. Moreover, it is not my intention to prohibit small parcel carriers such as Federal Express or United Parcel Service from carrying prepackaged parcels which may contain items such as food or paint. These companies receive these packages sometimes with no knowledge of what they contain and if they do contain potentially dangerous materials such as paint, it is my understanding that they are required to be safely packaged pursuant to existing regulations.

By mobilizing our forces in States and Federal Government, I know we can protect consumers from the objectionable practices I have mentioned.

In one recent news report, a trucker who listened to his conscience and was eventually fired because he revealed the inexcusable practices of his company, was quoted as saying, "If someone ends up getting poisoned from a contaminated load, well, I've tried. It's off me now." Let's not let his effort be in vain.

I send to the desk a copy of the bill, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Clean Food Transportation Act".

FINDINGS

SEC. 2. The Congress finds that—

(1) Americans are entitled to receive food and other consumer products that are not made unsafe as a result of certain transportation practices;

(2) the American public is threatened by the backhauling of products potentially harmful to consumers in motor vehicles, including cargo tanks, which are used to transport food and other consumer products; and

(3) the risks posed to consumers by such backhauling practices are unnecessary, and such practices must be terminated.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "cargo tank" shall have such meaning as the American shall define by regulation.

(2) The term "commerce" means—

(A) trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States, or

(B) any trade, traffic, or transportation in any State which is not described in subparagraph (A).

(3) The term "infectious waste" shall have such meaning as the Secretary shall define by regulation.

(4) The term "food" means (A) articles used for human food or drink and (B) articles used for components of any such articles.

(5) The term "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on highways; except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(6) The term "nonfood product" means any article, material, substance, or product which is not food.

(7) The term "person" means an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, government, Indian tribe, or agency or instrumentality of any government or Indian tribe, but such term does not include, for the purposes of sections 12 and 13, any agency or instrumentality of the Federal Government.

(8) The term "refrigerated motor vehicle" means any motor vehicle which is capable of being used to transport refrigerated products for human consumption.

(9) The term "Secretary" means the Secretary of Transportation

(10) The term "solid waste" has the meaning such term has under section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(11) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and any other territory or possession of the United States.

(12) The term "transports" or "transportation" means any movement of property in commerce by motor vehicles.

(13) The term "United States" means all of the States.

REFRIGERATED MOTOR VEHICLES

SEC. 4. (a) No person shall use, or arrange for the use of, a refrigerated motor vehicle to provide transportation of food if such vehicle has been used to transport solid waste (other than a category or type of solid waste which is included on a list published under subsection (b)).

(b) The Secretary shall publish in the Federal Register a list of categories or types of solid waste which the Secretary has determined do not made food unsafe as a result of transportation in a motor vehicle which is used to transport food. The Secretary may periodically amend such list by publication in the Federal Register.

CARGO TANKS

SEC. 5. (a) No person shall use, or arrange for the use of, a cargo tank to provide motor vehicle transportation of food if such tank has been used to transport a nonfood product (other than any nonfood product which is included on a list published under subsection (b)).

(b) The Secretary shall publish in the Federal Register a list of nonfood products which the Secretary has determined do not make food unsafe as a result of transportation in a cargo tank which is used to transport food. The Secretary may periodically amend such list by publication in the Federal Register.

(c) After the 365th day following the date of enactment of this Act, no person shall—

(1) use, or arrange for the use of, a cargo tank to provide motor vehicle transportation unless such tank is identified, by a permanent marking on such cargo tank, as transporting only nonfood products or as transporting only food and nonfood products which are included on a list published under subsection (b);

(2) use, or arrange for the use of, a cargo tank to provide motor vehicle transportation of food if such cargo tank is identified pursuant to paragraph (1) as a cargo tank transporting only nonfood products;

(3) use, or arrange for the use of, a cargo tank to provide motor vehicle transportation of a nonfood product which is not included on a list published under subsection (b) if such cargo tank is identified pursuant to paragraph (1) as a cargo tank transporting only food and nonfood products included on such a list; or

(4) receive any food or nonfood product which has been transported in a cargo tank in violation of paragraph (1), (2), or (3).

TRANSPORTATION OF ASBESTOS AND INFECTIOUS WASTE

SEC. 6. No person shall use, or arrange for the use of, a motor vehicle to provide transportation of asbestos or any infectious waste except in a motor vehicle which is used only to provide transportation of asbestos, infectious waste, and any other nonfood products which the Secretary determines are appropriate to be transported in a motor vehicle which transports asbestos or infectious waste or both. The Secretary shall publish in the Federal Register a list of such products. The Secretary may periodically amend such list by publication in the Federal Register.

WAIVER AUTHORITY

SEC. 7. After notice and an opportunity for public comment, the Secretary may waive, in whole or in part, application of any provision of this Act or any regulation issued under this Act with respect to any class of persons, class of motor vehicles, or class of food if the Secretary determines that such waiver is not contrary to the public interest. Any waiver under this section shall be published in the Federal Register, together with reasons for such waiver.

REGULATIONS

SEC. 8.(a) Not later than 150 days after the date of enactment of this act, the Secretary shall issue such regulations as may be necessary to carry out the objectives of sections 4, 5, 6, and 7. Such regulations shall include requirements relating to marking of cargo tanks and cleaning of cargo tanks. For purposes of carrying out the objectives of this Act, such regulations shall establish methods, operations, and procedures which may be used in cleaning cargo tanks between shipments. Such regulations may include requirements relating to marking and cleaning of other motor vehicles, recordkeeping, disclosure of products transported, monitoring of compliance, and waivers under section 7.

(b) Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to issue regulations pursuant to subsection (a).

ADDITIONAL MEASURES

SEC. 9. (a)(1) The Secretary shall conduct a study to determine—

(A) those measures, in addition to the prohibitions stated in sections 4 and 5, which are necessary to ensure that food transported in refrigerated motor vehicles and cargo tanks is not made unsafe as a result of such transportation, ad

(B) those measures with respect to the transportation of food or other consumer products, or of solid waste or other materials which are not consumer products, or of both such products and materials, by other kinds or classes of motor vehicles, which are necessary to ensure that such food or other consumer products are not made unsafe as a result of such transportation.

(2) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under this section.

(b)(1) The Secretary, on the basis of the results of the study conducted under this section, may issue such regulations with respect to the transportation of food or other consumer products, or of solid waste or other materials which are not consumer products, or of both such products and materials, by motor vehicles as the Secretary determines are necessary to ensure that such food or other consumer products are not made unsafe as a result of such transportation.

(2) The Secretary shall transmit to the Congress the regulations issued pursuant to paragraph (1).

(3) The regulations issued pursuant to paragraph (1) shall not take effect before the 90th day following the date of their transmittal to the Congress.

TRAINING FOR TRANSPORTATION INSPECTORS

SEC. 10. The Secretary shall require all inspectors paid with funds under the Motor Carrier Safety Assistance Program to receive, within one year after the date of enactment of this act, and on a periodic basis thereafter, the necessary training to conduct vigorous enforcement of this Act and regulations issued under this Act. As part of such training, the inspectors shall be trained in the recognition of food adulteration problems associated with the transportation of food and in the procedures for securing the assistance of the Department of Health and Human Services, Department of Agriculture, and other appropriate Federal and State agencies to support enforcement of this act and any regulations issued under this Act.

POWERS AND DUTIES OF THE SECRETARY

SEC. 11. The Secretary shall have the same powers, duties, and authorities under this Act with respect to transportation regulated under this Act as the Secretary has under section 109 (a), (b), and (c)(2) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1808 (a), (b), and (c)(2)) with respect to transportation regulated under such Act.

PENALTIES

SEC. 12. (a)(1) Any person (except an employee who acts without knowledge) who is determined by the Secretary, after notice and an opportunity for a hearing, to have knowingly committed an act which is a violation of a provision of this Act or an order or regulation issued under this Act shall be liable to the United States for a civil penalty of not more than $10,000 for each violation, and if any such violation is a continuing one, each day of violation constitutes a separate offense.

(2) The amount of civil penalty under this subsection shall be assessed by the Secretary by written notice.

(3) In determining the amount of a civil penalty under this subsection, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(4) A civil penalty under this subsection may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States. Prior to referral to the Attorney General, such civil penalty may be compromised by the Secretary.

(5) The amount of a civil penalty under this subsection, when finally determined (or agreed upon in compromise), may be deducted from any sums owed by the United States to the person charged.

(6) All penalties collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) A person is guilty of an offense if such person willfully violates a provision of this Act or an order or regulation issued under this Act. Upon conviction, such person shall be subject, for each offense, to imprisonment for a term not to exceed five years or a fine determined in accordance with title 18, United States Code, or both.

SPECIFIC RELIEF

SEC. 13. (a) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provision of this Act or an order or regulation issued under this Act. Such district courts shall have jurisdiction to determine such actions and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

(b)(1) If the Secretary has reason to believe that an imminent hazard exists, the Secretary may petition an appropriate district court of the United States, or upon his request the Attorney General shall so petition, for an order suspending or restricting any transportation subject to regulation under this Act which is responsible for such imminent hazard or for such order as is necessary to eliminate or ameliorate such imminent hazard.

(2) As used in this subsection, an imminent hazard exists if there is substantial likelihood that serious harm will occur prior to the completion of an administrative hearing or other formal proceeding initiated to abate the risk of such harm.

RELATIONSHIP TO OTHER LAWS

SEC. 14. (a) Except as provided in subsection (b), any requirement of a State or political subdivision thereof which is inconsistent with any requirement of this Act or any regulation issued under this Act is preempted.

(b) A requirement of a State or political subdivision thereof which is not consistent with any requirement of this Act or any regulation issued under this Act is not preempted if, upon the application of an appropriate State agency, the Secretary determines in accordance with procedures to be prescribed by regulation, that such requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirement of this Act or the regulations issued under this Act, and (2) does not unreasonably burden commerce. Such requirement shall not be preempted to the extent specified in such determination by the Secretary for so long as such State or political subdivision thereof continues to administer and enforce effectively such requirement.

(c) No State or political subdivision of a State which applies for a preemption determination under subsection (b) may seek the same or substantially the same relief in any court until the Secretary has taken final action on the application or until 180 days after filing the application, whichever is earlier.

COORDINATION PROCEDURES

SEC. 15. Not later than one year after the date of enactment of this Act, the Secretary, after consultation with appropriate State officials, shall establish procedures to promote more effective coordination between the agencies of the United States and of the States with regulatory authority over motor carrier safety with respect to implementation and enforcement of this Act.

EFFECTIVE DATE

SEC. 16. (a) Except as otherwise provided, this Act shall take effect on the date of its enactment.

(b) Sections 4(a), 5(a), and 6 shall take effect on the 180th day following the date of enactment of this Act; except that the Secretary may extend such effective date with respect to one or more of such sections but not beyond the 270th day following such date of enactment.●

By Mr. SIMON:

S. 1905. A bill to amend the Internal Revenue Code of 1986 to provide for the exemption from taxation of trusts established by an individual to provide care for a mentally or physically disabled dependent of such individual, to provide a deduction for contributions to such trusts, and for other purposes; to the Committee on Finance.

TAX-EXEMPT STATUS OF TRUSTS FOR CARE OF DISABLED CHILDREN

● Mr. SIMON. Mr. President, the Senate recently passed landmark legislation, the Americans with Disabilities Act of 1989. For 43 million Americans who have disabilities, this legislation,

when enacted into law, will dramatically change their lives.

For more than a decade the Congress has been working to improve conditions for people with disabilities and we have made a number of gains. But this legislation removes the last barriers to extending full civil rights to these citizens. They will now be able to do more easily what the rest of society can do—and takes so for granted—go to work, go to school, take a bus or train, attend the theater, have dinner in a public restaurant. And communicate by telephone with friends and relatives.

The official title of the bill is "to establish a clear and comprehensive prohibition of discrimination on the basis of ability." We all know of the widespread discrimination that exists today against people with disabilities. This legislation will help bring an end to that discrimination. It will provide the disabled an opportunity to meet their full potential. As Senator HARKIN so eloquently pointed out during the discussion on this bill,

> We are all limited in one way or another. The disabled are limited, but often it is not his or her own disability that is limiting; it is the obstacles placed in the way by an indifferent society.

I am pleased to have been one of the original cosponsors of the Americans with Disabilities Act of 1989.

We have come a long way. But there are remaining areas of concern, Mr. President. One of these is expressed to me by the parents of children with severe disabilities. They know the high costs that can be involved in providing the support some of these children need to achieve their potential and live as independently as possible. Families today bear a large share of those costs, for medical care, technological devices and a multitude of services that make up individual support systems. And even as we increase opportunities for these children in the workplace and community, parents know that government cannot replace all of their efforts. They are anxious about what will happen to their children when the parents are no longer there to provide support. I believe we should permit families to plan for that time.

I am introducing a bill today that would amend the Internal Revenue Code of 1986 to provide for the exemption from taxation of trusts established by individuals to provide care for their mentally or physically disabled dependents.

The bill would permit tax deductible amounts, not in excess of $5,000 annually, to be contributed by an individual to a trust for the care of a disabled person who is a dependent of the individual. The trust would be tax free until the time funds were distributed.

The beneficiary of the trust would be an individual who has a disability that results in substantial functional limitations in three or more of the following areas of major life activity: First, self-care; second, receptive and expressive language; third, learning; fourth, mobility; fifth, self-direction; sixth, capacity for independent living, and seventh, economic self-sufficiency. The limitations must be likely to continue indefinitely.

In our efforts to be of assistance to people with disabilities, let us close another gap. Let us provide help for those who will need it the most. My bill, in allowing tax free trusts, would give people the security of knowing their children, or other dependents who have been entrusted to their care, will in future years have a degree of financial stability. They will know their children or other dependents can continue to receive the medical care and other services that will allow them to live independently and with dignity.●

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 1906. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a water treatment plant for the purpose of treating water discharged from the Anaconda mines near Butte, MT, in order to meet water quality standards, and for other purposes; to the Committee on Energy and Natural Resources.

ANACONDA MINES DRAINAGE TREATMENT ACT

Mr. BURNS. Mr. President, I rise today to introduce legislation to deal with a problem that is threatening my State, and has the potential to threaten the Pacific Northwest. That is the water rising in the Anaconda mines in Butte, MT.

Many of you here may recall the Anaconda Copper Co., and the richest hill on Earth in Butte, MT. Hundreds of millions of dollars of ore has been extracted from the Butte mines. What was once a hill has become a huge open pit.

Mining has stopped in much of the Butte mines. And the pumps that kept the mines open have been turned off. That water is rising.

The water is filled with heavy metals and other contaminants lethal to man and to wildlife including fish populations. The severity of the problem prompted the Environmental Protection Agency to declare the Butte and Anaconda sites their largest Superfund site. Estimates are that the cost of cleanup will exceed $100 million.

The water is currently filling the Berkeley pit and other mine shafts and tunnels. When it hits the flood plain and begins emptying into the tributaries of the Columbia River the problem of arsenic and other heavy metal contamination will become widespread.

Already Silverbow Creek is a Superfund site as is the Clarkfork River above Milltown Dam near Missoula as a result of contamination. Once the water from the pit spills over the lip of the Berkeley pit the problem will become significantly more massive and the costs of the Superfund site could escalate rapidly.

We must begin to deal with the problem now, before the water tops the mine level. It is for that reason that I am introducing legislation that will direct the Government to begin construction of a water treatment facility large enough to adequately deal with the problem.

I want to thank Montana State Representative Fritz Daily and the many other Butte area local officials for bringing this problem to my immediate attention after I joined the Senate in January of this year. The briefings and tour I received from Daily and others were greatly appreciated and I hope we all can now move forward to clean up the contaminated water both for the Butte area and the whole Pacific Northwest.

The waters of Montana are headwaters. Butte sits in the shadow of the Continental Divide. We have a responsibility to our neighbors downstream to deliver safe and wholesome water.

This legislation is intended to do just that.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 1907. A bill to clarify the authority of the Federal Communications Commission under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

CELLULAR COMMUNICATIONS COMPETITION ACT

● Mr. ADAMS. Mr. President, today I am introducing legislation along with my colleague, Senator GORTON, that will ensure that competition in the cellular telephone industry is preserved for the benefit of the American consumer.

As most of my colleagues recognize, the cellular telephone has evolved from an elite tool of business to a necessary and vital communications link for hundreds of thousands of small businesses and families. During the natural disasters of Hurricane Hugo and the recent San Francisco earthquake, it was cellular that provided the real alternative communications source to assist in the relief efforts.

A large measure of credit for this dynamic industry and the service it provides should go to those who put the original structure around cellular licensing. The FCC initially created a competitive industry structure for cellular by authorizing two competing carriers in each market. In each metropolitan area, one license was given to the local telephone company and the other license was given to an independent provider of service. This

structure foresaw that telephone companies would bring the benefit of experience and expertise in local telephone services, while independent nonwireline companies would have an entrepreneurial commitment to the development of cellular services to the fullest extent possible, and provide true competition to the market for the benefit of consumers.

Due to a series of transactions and acquisitions in the cellular industry, however, its competitive structure has been seriously eroded.

In 1986, the structural impediment which prevented regional Bell operating companies [RBOC's] from acquiring the independent, nonwireline franchises outside of the local exchange telephone service areas was removed. What followed was a series of acquisitions of the major independent nonwireline franchises by RBOC's. Today, only two major independent nonwireline cellular carriers remain. We have witnessed major consolidation of the cellular industry among the regional Bell companies who own both licenses in the major cellular markets. I believe this deprives consumers of an independent competitive alternative.

Mr. President, the evolution of this RBOC structural phenomenon raises serious public policy concerns in connection with whether the present structure of the market provides the cellular consumer with the competitive choice between cellular providers that was originally contemplated by the FCC and Congress. The legislation which I propose, therefore, is intended to create a review process in the cellular industry which ensures that competition is not reduced, that the consumer is protected, and that we have fully contemplated the ramifications of further cellular industry consolidation by the RBOC's. In reviewing any such acquisition, the FCC is directed to consider the following public policy factors:

First. Whether the quality of service is likely to be adversely affected as a result of the proposed transaction;

Second. Whether the assignee/transferee has demonstrated that it has sufficient funding to finance the proposed transaction without adversely affecting, directly or indirectly, ratepayers served by the assignee/transferee;

Third. Whether the proposed transaction will result in common ownership of cellular systems in the same service area;

Fourth. Whether the proposed transaction will effectively remove an independent competitive alternative to RBOC cellular service; and

Fifth. Whether the transaction would decrease capital investment and/or competitive technological improvements in the cellular system.

To this end Mr. President, I believe it important for the Senate Commerce Committee to review the goals and objectives of this bill, along with other broad cellular issues of concern, within the context of a committee hearing sometime next year.

And let me say Mr. President, both my friends, Senator HOLLINGS, chairman of the Senate Commerce Committee, and Senator INOUYE, chairman of the Communications Subcommittee also agree with my proposal for a hearing.

In sum, it is time for Congress to consider preserving the competitive structure of what has the opportunity to become a truly competitive communications alternative for all Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cellular Communication Competition Act".

SEC. 2. AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934.

The Communications Act of 1934 is amended by inserting immediately after section 613 the following new section:

"APPROVALS OF ASSIGNMENTS OR TRANSFERS OF NONWIRELINE CELLULAR LICENSES IN THE TEN LARGEST CITIES IN THE UNITED STATES

"SEC. 614. The Federal Communications Commission shall not approve the assignment of a nonwireline cellular license or the transfer of control of a nonwireline cellular licensee in one of the Nation's 10 largest cities to a wireline telephone service provider, or any subsidiary thereof, unless it finds, by clear and convincing evidence, that said assignment or transfer does not reduce competition in cellular services and is otherwise in the public interest, convenience, and necessity. In making that finding, the Commission shall consider the following factors:

"(1) whether the quality of service is likely to be adversely affected as a result of the proposed transaction;

"(2) whether the assignee/transferee has demonstrated that it has sufficient funding to finance the proposed transaction without adversely affecting, directly or indirectly, telephone ratepayers;

"(3) whether the proposed transaction will result in common ownership of cellular systems in the same service area;

"(4) whether the proposed transaction will effectively remove an independent competitive alternative to a wireline cellular service provider;

"(5) whether the transaction would decrease capital investment or competitive technological improvements in the cellular system, or both.".●

● Mr. GORTON. Mr. President, advances in the telecommunications industry have evolved at breakneck speed. This has commanded careful scrutiny by Congress and the Federal Communications Commission to ensure preservation of the public interest and the enhancement of fair and effective competition.

During the time between my first and second terms in the Senate, I was fortunate to get to know an outstanding company in the State of Washington—McCaw Cellular Communications, Inc. This company is run by some of the brightest and most innovative people in the telecommunications business. I was privileged to represent McCaw during my time away from the Senate and my former law firm, is proud to have them as a client today. While I have long since ended by financial interest with both McCaw and my old law firm. I am still proud to represent McCaw as one of my valued Washington State constituents. Through my experience with McCaw, I developed an understanding of the cellular industry and about the need for this technology to grow and be available to the consumer. I am increasingly concerned, however, that this healthy competitive environment is currently being threatened.

Major transactions in this industry are taking shape as we speak. Such transactions hold the potential for shaping the structure of the cellular industry of the future, and will impact the public interest in profound ways.

One of these changes involves the disappearance of the independent side of the cellular industry due to acquisitions of nonwireline interests in the Nation's largest cities which provide critical communications gateways. Such developments suggest serious negative consequences. For example, if consolidation of the cellular industry is allowed to happen, will there be any guarantee of full, robust competition and the provision to consumers of the highest quality service, with the latest technological advances?

Mr. President, I join with my colleague from Washington, Senator ADAMS, in introducing legislation today that addresses my concerns in this field. We must carefully consider the whirlwind of activity now unfolding in the cellular industry and study these issues in a deliberative manner that conforms with our ongoing desire to protect the public interest in the long term.●

By Mr. BINGAMAN:

S. 1908. A bill to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes; to the Committee on Energy and Natural Resources.

STOCK RAISING HOMESTEAD ACT AMENDMENTS

● Mr. BINGAMAN. Mr. President, today I am introducing legislation to ensure that the rights of surface owners and miners are appropriately balanced on Stock Raising Homestead Act lands. There are approximately 70 million acres of land that were patented under the Stock Raising Homestead Act. Under this act, lands considered

suitable for livestock grazing were available for patenting, with the mineral estate expressly reserved to the United States. According to Bureau of Land Management [BLM] estimates, approximately 50 prospecting or mining operations are being conducted on 17,000 claims located on lands patented under the Stock Raising Homestead Act. Of these operations, about 30 involve negotiated agreements between the mineral operator and the surface owner, with about 20 requests per year for BLM to determine bond amounts. In New Mexico, which has the second largest amount of Stock Raising Homestead Act lands with roughly 15 million acres, there are approximately 1,500 mining claims located on these lands.

The policy objectives of the Stock Raising Homestead Act and other similar legislation certainly were laudible. Congress wanted to encourage development of the Nation's livestock industry, while at the same time retain Federal title to the mineral estate so as to ensure the continued availability of important minerals.

Unfortunately, some inherent conflicts arise when the same land is used for raising livestock and mineral exploration and development activities. Usually, these conflicts are worked out between the surface owner and the miner in a reasonable fashion. However, there are still conflicts that arise from these split estates that need to be addressed through legislation.

The bill I am introducing today amends the Stock Raising Homestead Act to provide for additional procedures for gaining access to, and undertaking mining activities on, Stock Raising Homestead Act lands. Under the legislation, any person seeking to enter these lands to prospect or locate a mining claim must give notice to the Department of the Interior and the surface owner prior to entry. This notice gives the miner a 60-day exclusive right to prospect or locate a claim. Any person interested in conducting mineral exploration, development or production may either obtain consent from the surface owner, or, absent such consent, submit a plan of operations to the Secretary of the Interior for approval, pay a surface use fee to the surface owner, and post a bond. The bill provides that the surface owner may seek treble damages for substantial noncompliance with the plan of operation.

I believe the legislation I introduce today represents effective public policy that fairly balances the needs of the surface owner with the needs of the miner, and I urge your support of the bill.●

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1909. A bill to help pay the costs of construction of an environmental assessment center at Bowdoin College, in Brunswick, ME; to the Committee on Labor and Human Resources.

PROVIDING FINANCIAL ASSISTANCE FOR CONSTRUCTION PURPOSES TO BOWDOIN COLLEGE

Mr. MITCHELL. Mr. President, today I am introducing legislation with Senator COHEN to authorize $5 million to aid Bowdoin College in Brunswick, ME, in constructing an Environmental Assessment Center.

Bowdoin has a unique proposal to strengthen and expand existing methods of environmental research and assessment to meet the needs of scientists, environmentalists, and policymakers all over the Nation and the world.

The proposed Environmental Assessment Center at Bowdoin is designed to meet two critical national needs. The center would conduct continuous monitoring and assessment of the environment using methodologies and techniques developed by Bowdoin that can be replicated throughout the country; and, serve as a prototype for other interdisciplinary environmental studies science programs in upgrading science education across the United States.

The center will perform regional and national environmental research with an interdisciplinary orientation drawing upon the capabilities of all of the sciences at Bowdoin. The objectives of the center are to:

First, conduct continuous monitoring and assessment of the environment of Maine and the Northeast;

Second, provide national capability for oilspill analysis and determination of the scientific effects of oil and chemical spills on the environment;

Third, establish a comprehensive natural resource damage assessment demonstration program to examine and monitor multiple pollutant situations;

Fourth, develop an exemplary undergraduate science education program emphasizing an interdisciplinary approach to environmental studies that will train the Nation's scientists; and

Fifth, provide tools for government and industry in environmental assessment.

The science faculty at Bowdoin have a proven track record in conducting environmental research, especially in the development and application of innovative approaches to studying the impact of human economic behavior on natural ecological States.

The faculty at Bowdoin have stood at the forefront in three specific areas of environmental research: theoretical oilspill analysis; actual oilspill analysis; and toxic and hazardous waste studies.

Few, if any, colleges have interdisciplinary studies which combine chemistry, physics, biology, and geology. Bowdoin has a unique idea and the faculty to put that idea into place.

The Environmental Assessment Center would be built under a cost-sharing agreement. That agreement states that Bowdoin would receive $5 million or 50 percent of the cost of construction, whichever is lower. Unlike other projects that depend on Federal contributions, this one is designed to keep costs down. If the costs of the project do increase during the course of construction, the college will be responsible for picking up the tab, not the Federal Government.

I urge my colleagues to consider this legislation and approve the funds to initiate the Environmental Assessment Center.

Mr. President, I ask that the text of the legislation appear in the CONGRESSIONAL RECORD as introduced.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORITY.

The Secretary of Education is authorized to provide financial assistance, in accordance with the provisions of this Act, to Bowdoin College, in Brunswick, Maine, to construct an environmental assessment center at Bowdoin College, in Brunswick, Maine.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

To carry out the provisions of this Act, there are authorized to be appropriated $5,000,000 or 50 percent of the estimated cost of construction of the environmental assessment center at Bowdoin College, whichever is lower. The estimated cost of construction shall be determined by the Secretary after consultation with the President of Bowdoin College. Funds appropriated pursuant to this Act shall remain available until expended.

Mr. COHEN. Mr. President, I am pleased to join my colleague from Maine, Senator MITCHELL, in introducing this bill to authorize funds for the Center for Environmental Assessment at Bowdoin College in Brunswick, ME.

I need not remind my colleagues that this country's environment faces some critical challenges. We need only look at the environmental damage caused by a single oilspill from a grounded tanker to know that our knowledge about the environment is simply inadequate. And yet we know, as the future of the globe hangs in the balance, that we are not doing enough to encourage young people to go into scientific fields. We face a dual crisis: our world poses increasingly complex questions and yet we do not educate ourselves to answer them.

The Center for Environmental Assessment at Bowdoin College would certainly be a step toward responding to both needs. As a graduate of Bowdoin, I know that while it is a small, liberal arts college, it produces extraordinary numbers of science gradu-

ates. A recent study, for example, indicates that Bowdoin has produced the second largest number of chemistry graduates in New England—a remarkable statistic in an area of the country known for its large and prestigious academic institutions. A third of the undergraduates major in one of the sciences; nearly half of these continue graduate work in the sciences or medicine. Although the college at 1,350 students may be small, it continues to graduate highly motivated young people who are eager to dedicate themselves toward solving this country's problems.

And Bowdoin's record in addressing significant environmental concerns is impressive. The Bowdoin Marine Research Laboratory-Hydrocarbon Research Center has made major contributions to the chemical dispersion of oilspills. The faculty has also studied continental creep to determine which areas of the sea floor might be subject to this phenomenon—research of critical importance to the safety of offshore drilling. Concern for the environment has brought Bowdoin faculty and students to the Ecuadoran coast where research will help the government there develop priorities for cleaning up the Pacific coastline. Finally, the college's microscale chemistry program, which duplicates experiments by using much smaller quantities of chemicals, has revolutionized the teaching of chemistry while, at the same time, made laboratories safer and more efficient.

This center will enhance the already impressive activities of the scientists at Bowdoin. It will expand the Hydrocarbon Research Center's existing capacity to analyze oilspills for toxic metals, allowing research in the environmental impact of synthetic compounds which are not biodegradable and make disposal of petroleum-based products a waste problem. Using the natural laboratories of the New England shorelands and forests, as well as the relatively unpolluted Gulf of Maine, the center will monitor the impact of human activity on our fragile environment. Finally, because Bowdoin is an undergraduate institution, the center will not only give professional scientists new research opportunities, it will attract young people and educate them as the scientists we desperately need to lead this country into the 21st century.

Bowdoin has the faculty and student body to help address this country's science crises. It needs the bricks and mortar. The $5 million in this authorization bill will help to build facilities which match the commitment, motivation, and talent of the science faculty and students in Brunswick, ME.

By Ms. MIKULSKI:

S. 1910. A bill to provide for the temporary employment of former Federal employees at the Federal Emergency Management Agency during declared emergencies, and for other purposes; to the Committee on Governmental Affairs.

ASSISTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY

● Ms. MIKULSKI. Mr. President, I rise to introduce a bill to assist the Federal Emergency Management Agency in hiring retired Federal employees to assist those in need of help during natural disasters.

The scenes of our recent natural disasters are indelibly marked in my memory. I believe there are few if any Members who cannot remember the sight of the schoolhouse in New York and the tragic scenes in Huntsville, AL, which suffered damage and distruction caused by yesterdays tornadoes; families living in South Carolina and the Virgin Islands returning to homes that were no more, swept away by Hurricane Hugo; who did not share the great joy when survivors were carried alive from the devastation of Highway 880 after the earthquake that hit northern California; or who does not feel an obligation to help. This bill responds to that obligation and is a statement of the Federal Government's continued commitment to help.

I would like to speak briefly about how this bill would work. First, this bill encourages a vitally important, talented, and available portion of the population to provide direct and immediate support to disaster relief efforts. The Federal Emergency Management Agency is but one of the numerous private, public, and Federal activities which have resounded to the recent disasters. My bill will better equip FEMA to respond to these type disasters and, God forbid, to any others that may befall this great country.

Echoing provisions passed earlier for the Census Department, this bill does several things. First, it allows FEMA to reemploy retired Federal and military personnel without the usual salary offset. Second, it caps the salary of these employees at their highest previous rate of pay or the maximum rate for GS-12, whichever is less. Third, it allows FEMA to hire these employees on a temporary basis for 1 year giving preference to residents of the area of the emergency. And fourth, it provides that these employees must be able to immediately and substantively contribute to the relief effort.

Our original intent was to allow FEMA to hire back only its own retirees. Realizing this applicant pool would be limited, the act was expanded to include all retirees from both the Federal and uniformed services. The language in the bill was further expanded to allow hiring preference for residents in the area of the emergency. The salary limitation precludes anyone from getting a windfall and the temporary nature of the employment coupled with the language of the section precludes employment for other than direct disaster relief.

This bill is designed to entice a skilled and available population into the FEMA workforce. A population that, because of the salary offset, is seldom available to Federal agencies. By allowing FEMA to reemploy Federal and military retirees, without the usual salary offset, the available temporary workforce is greatly expanded. FEMA will more easily be able to hire people with the skill, the ability and the inclination to give immediate and direct assistance to disaster relief efforts. This bill allows FEMA to establish a network of trained workers, available to respond to emergency situations. The bill has been drafted in coordination with staff from the Senate Governmental Affairs Committee, the Office of Personnel Management and FEMA to insure that the language will facilitate our goal of providing effective and expeditious assistance to disaster relief efforts and I sincerely appreciate their efforts.

In responding to disasters, it is incumbent on FEMA, other Federal agencies and indeed the public and private sector to explore all possible employment alternatives that will allow workers the most flexibility in putting their lives in order while still bringing in a paycheck. These alternatives include flexible schedules, and flexible worksites, including the opportunity to work from home. I commend those employers who have recognized and taken advantage of these options, particularly working from home. Providing this option to employees, especially in times of disaster, achieves several goals. It increases productivity because employees who would otherwise be off the rolls can work from home. Working from home decreases the need and thereby the costs for administrative leave. Transportation problems are reduced; each automobile that is off the road reduces congestion and in the long term, pollution. Lastly, working from home meets the needs of employees and in time of disaster is to the general good. I charge the employers in the disaster areas to consider these and other flexibilities that respond to worker needs and job accomplishment.

Mr. President, I sent to the desk this bill and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY REEMPLOYMENT OF ANNUITANTS AND FORMER FEDERAL EMPLOYEES FOR EMERGENCY DISASTER RELIEF.

(a) Chapter 35 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VII—TEMPORARY REEMPLOYMENT FOR EMERGENCY DISASTER RELIEF

"§ 3598. Temporary reemployment for emergency disaster relief

"(a) For purposes of this section, the term—

"(1) 'active employee' means an employee within the meaning of section 8331(1) or 8401(11) of this title;

"(2) 'annuitant' means an annuitant within the meaning of section 8331(9) or 8401(2) of this title;

"(3) 'emergency' means a major disaster or emergency declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

"(4) 'temporary' means employment in any position—

"(A) not in excess of the lesser of—

"(i) 1-year duration; or

"(ii) a period during which appropriations are available for purposes of the emergency for which an individual is employed; and

"(B) which shall be considered strictly temporary for purposes of any provision of law relating to separations, suspensions, or reductions in rank or compensation, or any other provision of this title;

"(5) 'retired or retainer pay' has the meaning given that term by section 5531(3) of title 5, United States Code; and

"(6) 'uniformed services' has the meaning given that term by section 2101(3) of title 5, United States Code.

"(b)(1) This section shall apply with respect to service in any temporary position within the Federal Emergency Management Agency relating to an immediate and direct effort concerning an emergency.

"(2) In the administration of the provisions of this section, preference in hiring for the temporary positions described in paragraph (1) shall be given by the Director of the Federal Emergency Management Agency to individuals who are residents of the area of the emergency, as defined in subsection (a)(3).

"(c)(1)(A) Subject to the provisions of subparagraph (B), an annuitant who becomes reemployed in a temporary position described in subsection (b)(1) shall, with respect to any period of service in such position, be exempt from section 8344 or 8468 of title 5, United States Code (as otherwise applicable).

"(B) The provisions of this subsection shall not—

"(i) apply with respect to any annuitant who, immediately before being placed in the temporary position, was employed in a Government position in which pay for that annuitant was being reduced under either of the provisions referred to in subparagraph (A);

"(ii) have the effect of exempting a reemployed annuitant from section 8344 or 8468 of title 5, United States Code, after the expiration of the period of reemployment under this section; and

"(iii) apply to have the effect of reemploying an annuitant for an emergency who separates from service during the period of such emergency.

"(2) Nothing in this subsection shall have the effect of causing a reemployed annuitant to be treated as an active employee for purposes of any provision of chapter 83 or 84 of title 5, United States Code.

"(d)(1) Subject to the provisions of paragraph (2), the retired or retainer pay of a former member of a uniformed service employed in a temporary position described in subsection (b)(1) shall, with respect to any period of service in such position, be exempt from section 5532 of title 5, United States Code.

"(2) The provisions of this subsection shall not—

"(A) apply with respect to any former member of a uniformed service if, immediately before being placed in the temporary position, the retired or retainer pay of such former member was being reduced under section 5532 of title 5, United States Code (or would have been reduced but for subsection (d)(2) of such section);

"(B) have the effect of exempting a former member of a uniformed service from section 5532 of title 5, United States Code, after the expiration of the period of reemployment under this section; and

"(C) apply to have the effect of reemploying a former member of a uniformed service for an emergency who separates from service during the period of such emergency.

"(3) For purposes of this subsection, the term 'former member of a uniformed service' means a member or former member of a uniformed service.

"(f) An individual may be reemployed under this section as successive appointments for any emergency as declared by the President.

"(h) No individual employed under the provisions of this section may receive pay for such service at a rate in excess of the lesser of—

"(1) the maximum rate of pay (payable at the time of such service) for the highest pay grade of which such individual was employed by the Federal Government or served in the uniformed service; or

"(2) the maximum rate of pay payable for GS-12.".

(b) The table of sections or chapter 35 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VII—REEMPLOYMENT FOR TEMPORARY EMERGENCY DISASTER RELIEF

"3598. Temporary reemployment for emergency disaster relief.".●

By Mr. DODD (for himself, Mr. KENNEDY, Mr. MCCONNELL, Mr. HARKIN, Mr. ADAMS, and Mr. DECONCINI):

S. 1911. A bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the State for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes; to the Committee on Labor and Human Resources.

YOUNG AMERICANS ACT OF 1989

● Mr. DODD. Mr. President, today I am introducing the Young Americans Act of 1989, a bill designed to protect this Nation's most valuable resource—our youth. The Young Americans Act of 1989 was introduced in the House of Representatives by my good friend, the late Congressman Claude Pepper. Claude Pepper's boundless energy and sharp mind made him a kind of young American himself. He is sorely missed.

Mr. President, far too many young Americans are growing up at risk. The statistics indicate that 13 million children—one out of five—live in poverty. Worse yet, children have now become the fastest growing segment of our poverty population. Poverty is not the only problem many young Americans face. At a recent hearing on homeless children, which I conducted as chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I learned that in New York City alone there are as many as 13,000 homeless children and youth at any given time. Some of these young people live in crowded shelters. Others have been forced out of their homes by abusive or drug and alcohol addicted parents. They have no place to go but the streets. Too many of these young people do not attend school. Without education or hope, they often become lured into the world of drugs, replete with crime, gang wars, prostitution, AIDS, and, in some cases, death.

On another front, Mr. President, far too many children are being born to teenage mothers. These children are six times more likely to grow up poor than other children. Moreover, teenage mothers often do not receive adequate prenatal care and often abuse drugs and alcohol during pregnancy. The child is at risk before he or she is even born and suffers from the mother's actions for the rest of his or her life.

I want to assure my colleagues that we do have the ability to successfully tackle these problems. Impressive efforts toward assisting our youth are being made in my home State of Connecticut. The city of Hartford had recently undertaken an enormous project which is literally designed to reclaim that community from the devastating effects of substance abuse. A major component of this project is a program targeted at elementary school students at risk. I am proud to say that this is the first program of its kind in the United States. Program leaders are working with children, parents, teachers, and members of the community to combat substance abuse. Communitywide participation and caring cannot help but have a positive effect on those children toward whom the efforts are directed. Hartford has developed long-term goals for what it hopes to achieve in the area of substance abuse treatment and prevention. To ensure an optimum future for our youth, we must adopt these kinds of well-planned and anticipative programs throughout the Nation.

The major thrust of the Young Americans Act of 1989 is to stimulate more effective use of existing resources and available services for children. Briefly, the bill establishes in law the Administration on Children, Youth, and Families [ACYF] with a Commissioner to be appointed by the President; sets up a Federal Council on Children, Youth, and Families to make periodic reports to Congress and the President; and provides for a White House Conference on Young Americans to be held in 1990. Additionally, it authorizes grants to the States to encourage coordinated planning and advocacy for our young Americans.

The Young Americans Act of 1989 parallels the highly successful Older Americans Act in its goal of attaining a national commitment to the Nation's youth. The Older Americans Act has creatively and effectively addressed the vulnerabilities that people over 60 face. The general welfare of older Americans has substantially improved since the act's inception in 1965. At the other end of the age spectrum, however, our policies and programs have a tendency to be reactive rather than foresighted. We wait for the problems of young people to become severe and then step in. This is inherently an expensive, fragmented, and ineffective approach to problem solving.

We must find the gaps in services for youth which allow problems to go undetected and unsolved. I think it goes without saying that if we do not make this effort toward our young people, we are risking the future of this Nation. To make progress, we must have coordinated planning on the local, State, and Federal level. The Young Americans Act of 1989 represents a significant step toward this end.

Mr. President, Claude Pepper was asked how much this legislation would cost. While the answer is, in fact, very little, Claude Pepper replied, "Whatever it takes, it is less than the value of the children." With that, I urge my colleagues to join me in sponsoring this legislation. I also ask unanimous consent that the text of this bill be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Young Americans Act of 1989".

SEC. 2. TABLE OF CONTENTS.

Section 1. Short title.
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TITLE I—THE ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

Sec. 101. Establishment of the administration on children, youth, and families.
Sec. 102. Functions of the Commissioner.
Sec. 103. Federal agency consultations.
Sec. 104. Federal council on children, youth, and families.
Sec. 105. Administration.
Sec. 106. Evaluation.
Sec. 107. Reports.
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TITLE II—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Cooperative arrangements.
Sec. 204. Administration.
Sec. 205. Independent State body.
Sec. 206. State plan.
Sec. 207. Planning, coordination, evaluation, and administration of State plans.
Sec. 208. Supportive services.
Sec. 209. Authorization of appropriation.

TITLE III—WHITE HOUSE CONFERENCE ON YOUNG AMERICANS

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Authority of the President and Secretary; final report.
Sec. 304. Administration.
Sec. 305. Committee.
Sec. 306. Authorization of appropriation.

SEC. 3. FINDINGS.

Congress finds that—

(1) children and youth are inherently the most valuable resource of the Nation;

(2) the welfare, protection, healthy development, and positive role of children and youth in society are essential to the Nation;

(3) children and youth deserve love, respect, and guidance, as well as good health, shelter, food, education, productive work, and preparation for responsible participation in community life;

(4) children and youth have increasing opportunities to participate in the decisions that affect their lives;

(5) the family is the primary caregiver and source of social learning and must be supported and strengthened;

(6) when a family is unable to ensure the satisfaction of the needs referred to in paragraph (5), it is the responsibility of society to assist such family; and

(7) it is the joint and several responsibility of the Federal Government, each State, and the political subdivisions of each State to assist children and youth to secure equal opportunity to full and free access to—

(A) the best possible physical and mental health;

(B) adequate and safe physical shelter;

(C) a high level of educational opportunity;

(D) effective training, apprenticeships, opportunities for community service, and productive employment;

(E) a wide range of civic, cultural, and recreational activities that recognize young Americans as resources and promote self-esteem and a stake in the communities of such Americans;

(F) comprehensive community services that are efficient, coordinated, and readily available; and

(G) genuine participation in decisions concerning the planning and managing of the lives of young Americans.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Administration on Children, Youth, and Families, as established under section 101.

(2) CONFERENCE.—The term "Conference" means the White House Conference on Young Americans established under section 303(a).

(3) COUNCIL.—The term "Council" means the Federal Council on Children, Youth, and Families, as established under section 104(a).

(4) NONPROFIT.—The term "nonprofit", as applied to any agency, institution, or organization, means an agency, institution, or organization that is, or is owned and operated by, one or more corporations or associations. No part of the net earnings of such corporation or association may lawfully inure to the benefit of any private shareholder or individual.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) STATE.—The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) YOUNG INDIVIDUAL.—The term "young individual" means any individual who has not attained 22 years of age.

TITLE I—THE ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES

SEC. 101. ESTABLISHMENT OF THE ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.

(a) IN GENERAL.—There is established within the Department of Health and Human Services an Administration on Children, Youth, and Families.

(b) COMMISSIONER.—

(1) ESTABLISHMENT.—The Administration on Children, Youth, and Families, as established under subsection (a), shall be headed by a Commissioner on Children, Youth, and Families.

(2) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Commissioner.

SEC. 102. FUNCTIONS OF THE COMMISSIONER.

(a) IN GENERAL.—The Commissioner shall—

(1) serve as the effective and visible advocate for young individuals within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government by maintaining active review and commenting responsibilities over all Federal policies affecting young individuals, and the families of young individuals;

(2) collect and disseminate information related to problems of young individuals;

(3) assist the Secretary in all matters pertaining to young individuals, and the families of such individuals;

(4) administer the grants authorized by this Act;

(5) develop plans and conduct research in the field of young individuals, and the families of such individuals;

(6) assist in the establishment and implementation of programs designed to meet the needs of young individuals for supportive services including—

(A) health and mental health services;

(B) housing and shelter assistance;

(C) education and training services;

(D) protective services;

(E) foster care;
(F) teen parenting support;
(G) child care;
(H) family preservation;
(I) teen pregnancy prevention and counseling; and
(J) recreational and volunteer opportunities;

(7) provide technical assistance and consultation to each State and the political subdivisions of such State with respect to programs for young individuals;

(8) prepare, publish, and disseminate educational materials dealing with the welfare of young individuals;

(9) gather statistics in the field of young individuals, and the families of such individuals that other Federal agencies are not collecting;

(10) coordinate activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to young individuals and the families of such individuals;

(11) stimulate more effective use of existing resources and available services for young individuals;

(12) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under this Act;

(13) coordinate and assist in the planning and development by public organizations, including Federal, State, and local agencies, and nonprofit private organizations, of programs for young individuals with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such individuals;

(14) convene conferences of authorities and officials of organizations, as referred to in paragraph (13), as the Commissioner considers necessary or proper for the development and implementation of policies related to the priorities of this Act;

(15) carry on a continuous evaluation of the programs and activities related to the purposes of this Act;

(16) develop guidelines that may be used in the development of standards for the licensing of child care and all out-of-home placement residential care facilities, including juvenile detention and correctional facilities;

(17) develop, in coordination with other Federal, State, and local agencies, a national plan for meeting the needs of trained personnel in the field of young individuals, and the families of such individuals and for training individuals to carry out programs related to the purposes of this Act; and

(18) consult with any national organization that represents minority individuals in order to develop and disseminate training packages and to provide technical assistance efforts designed to assist State and community agencies in providing services to young individuals with the greatest economic or social need.

(b) RELATIONSHIP BETWEEN COMMISSIONER AND SECRETARY.—

(1) IN GENERAL.—The Commissioner shall be directly responsible to the Secretary in the performance of the duties described under subsection (a).

(2) DELEGATION OF DUTIES.—The Secretary shall not approve or require any delegation of such duties of the Commissioner to any individual who is not directly responsible to the Commissioner.

(c) ENCOURAGEMENT OF VOLUNTEERISM.—The Commissioner, in consultation with the Director of the ACTION Agency, shall encourage voluntary groups to engage in activities that are consistent with the policies of this Act through the performance of advisory or consultative functions and appropriate methods ways.

SEC. 103. FEDERAL AGENCY CONSULTATIONS.

(a) IN GENERAL.—The Commissioner shall cooperate with the head of each Federal agency or department proposing or administering programs or services that are substantially related to the purpose of this Act.

(b) CONSULTATIONS.—The head of each Federal agency or department, as referred to in subsection (a), shall consult and cooperate with the Commissioner prior to the establishment of the programs and services referred to in subsection (a) in order to achieve appropriate coordination of such programs and services.

SEC. 104. FEDERAL COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.

(a) ESTABLISHMENT.—There is established a Federal Council on Children, Youth, and Families.

(b) NUMBER OF MEMBERS.—The Council shall be composed of 15 members.

(c) TERM OF MEMBERSHIP.—Each member shall serve for a 3-year term without regard to title 5 of United States Code.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—Each appointing authority under this subsection shall appoint members to the Council so as to be representative of—

(A) rural and urban populations, and

(B) national organizations with an interest in—

(i) young individuals;
(ii) families;
(iii) business;
(iv) labor;
(v) minorities; and
(vi) the general public.

(2) AGE OF MEMBERS.—At least one of the individuals appointed to the Council by each appointing authority under this subsection shall be under the age of 22 at the time of such appointment.

(3) LIMITATION ON APPOINTMENT.—An appointing authority under this section shall not appoint a full-time officer or employee of the Federal Government as a member of the Council.

(4) APPOINTING AUTHORITY.—Of the members of the Council who are appointed—

(A) five members shall be appointed by the President;

(B) five members shall be appointed by the President pro tempore of the Senate on the recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(C) five members shall be appointed by the Speaker of the House of Representatives on the recommendation of the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives.

(e) VACANCY.—

(1) FILLING VACANCY.—Any vacancy in the Council shall be filled in the same manner by which the original appointment was made.

(2) POWERS OF BOARD.—Any vacancy on the Council shall not affect the powers of the Council.

(3) TERM OF APPOINTMENT.—Any member of the Council who is appointed to fill a vacancy on the Council occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(f) REAPPOINTMENT.—Each member of the Council shall be eligible for reappointment to the Council.

(g) EXPIRATION OF TERM.—Each member of the Council may serve after the expiration of the term of membership until the successor of such member has taken office.

(h) COMPENSATION.—

(1) IN GENERAL.—Each member of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS-18 in section 5332 of title 5, United States Code, including travel time.

(2) TRAVEL EXPENSES.—Each member of the Council, while serving on business of the Council away from the home or regular place of business of such member, may be allowed subsistence in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

(i) CHAIRPERSON.—The President shall designate the Chairperson of the Council from among members appointed to the Council.

(j) MEETINGS.—Not less than once during each 3-month period, the Chairperson of the Council, as referred to in subsection (i), shall call a meeting of the Council.

(k) DUTIES OF THE COUNCIL.—The Chairperson of the Council as referred to in subsection (i), shall—

(1) advise and assist the President on matters relating to the special needs of young individuals;

(2) review and evaluate, on a continuing basis—

(A) Federal policies regarding young individuals; and

(B) programs and other activities affecting the young individuals that are conducted or assisted by all Federal departments and agencies;

for the purpose of appraising the value and the impact of such policies, programs, and activities on the lives of young individuals;

(3) represent young individuals by making recommendations to the President, the Secretary, the Commissioner, and Congress with respect to Federal policies regarding young individuals and Federally conducted or assisted programs and urban activities relating to or affecting young individuals;

(4) inform the public about the problems and needs of young individuals by collecting and disseminating information, conducting or commissioning studies, publishing the results of such studies, and issuing publications and reports; and

(5) provide public forums, including public hearings, conferences, workshops, and other meetings, for discussing and publicizing the problems and needs of the young individuals and obtaining information relating to such individuals.

(l) STAFF.—The Chairperson shall appoint staff personnel to assist the Chairperson in carrying out the duties required under subsection (k).

(m) INFORMATION AND ASSISTANCE.—The head of each Federal department and agency shall make available to the Chairperson such information and other assistance as the Chairperson may require to carry out the duties required under subsection (k).

(n) REPORTS.—

(1) SUBMISSION TO THE PRESIDENT.—In fiscal year 1992 and each fiscal year thereafter, the Chairperson shall make—

(A) interim reports as the Chairperson considers to be appropriate; and

(B) an annual report of the findings and recommendations of the Council concerning any relevant information about young individuals and the Council;
to the President not later than March 31 of each year.

(2) REVIEW AND SUBMISSION TO CONGRESS.—

(A) COMMENTS AND RECOMMENDATIONS.—The President may make comments and recommendations concerning such report.

(B) SUBMISSION TO CONGRESS.—The President shall submit such comments, recommendations, and report to Congress.

(o) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section $200,000 for each of the fiscal years 1990, 1991, 1992, and 1993.

SEC. 105. ADMINISTRATION.

(a) DUTIES OF COMMISSIONER.—In carrying out this Act, the Commissioner shall—

(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

(2) provide short-term training and technical instruction;

(3) conduct research and demonstrations;

(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

(5) provide staff and other technical assistance to the Council.

(b) UTILIZATION OF SERVICES AND FACILITIES.—

(1) IN GENERAL.—In carrying out the duties referred to in subsection (a), the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organizations, in accordance with any agreements made between the Commissioner and the head of such agency or organization.

(2) PAYMENT.—The Commissioner may pay for such services and facilities, in advance or by way of reimbursement, as may be provided in such agreement.

(c) PUBLICATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall issue and publish in the Federal Register proposed regulations for the administration of this Act.

(d) FINAL REGULATIONS.—Not later than 90 days after the publication of proposed regulations as required under subsection (c) but after allowing a reasonable period for public comment on such regulations, the Secretary shall issue final regulations for the administration of this Act.

(e) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 106. EVALUATION.

(a) CONDUCTING EVALUATION.—The Secretary shall measure and evaluate—

(1) the impact of all programs authorized by this Act;

(2) the effectiveness of such programs in achieving the policies of this Act; and

(3) the impact of such programs, in relation to cost, on related programs and the structure and mechanisms for delivery of services including, where appropriate, comparisons with appropriate control groups composed of individuals who have not participated in such programs.

(b) LIMITATION ON INDIVIDUALS CONDUCTING EVALUATION.—In carrying out subsection (a), the Secretary shall not allow such evaluation to be conducted by individuals who are immediately involved in the administration of the program or project that is to be evaluated.

(c) PUBLICATION.—The Secretary shall annually publish summaries and analyses of the results of the evaluations conducted under this section.

(d) PROPERTY.—The Secretary shall take the necessary action to ensure that all studies, evaluations, proposals, and data produced or developed pursuant to this Act shall become the property of the United States.

(e) AVAILABILITY OF INFORMATION.—Each department and agency of the Federal Government shall make available to the Secretary, on request of the Secretary, such information as the Secretary considers to be necessary to conduct an evaluation under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for each fiscal year.

SEC. 107. REPORTS.

(a) IN GENERAL.—Not later than 120 days after the end of each fiscal year, the Commissioner shall prepare and submit to the President and to the Congress a complete report on the activities carried out under this Act and other such activities as delegated by the Secretary to the Commissioner.

(b) STATISTICS.—The Commissioner, in preparing the report referred to in subsection (a), shall include within the statistical data reflecting services and activities provided to young individuals during the preceding year.

SEC. 108. ADVANCE FUNDING.

For the purpose of affording adequate notice of funding available under this Act, appropriations are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which such appropriations are available for obligation.

TITLE II—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR CHILDREN, YOUTH, AND FAMILIES

SEC. 201. PURPOSE.

It is the purpose of this title to encourage and assist State and local agencies to coordinate resources and develop new capacities to ensure that State and community services designed to serve young individuals are more coherent and comprehensive.

SEC. 202. DEFINITIONS.

As used in this title—

(1) INDEPENDENT STATE BODY.—The term "independent State body" means the entity established under section 205.

(2) PLANNING AND SERVICE AREA.—The term "planning and service area" means an area specified by an independent State body under section 205.

SEC. 203. COOPERATIVE ARRANGEMENTS.

The Commissioner shall enter into new cooperative arrangements in each State for the planning and advocacy of services in order to ensure young individuals the availability of developmental, preventive, and remedial services designed to promote—

(1) adequate and safe physical shelter;

(2) high quality physical and mental health care;

(3) highest quality educational opportunity;

(4) effective training and apprenticeships to increase the likelihood of employment;

(5) opportunities for community service and productive employment;

(6) a wide range of civic, cultural, and recreational activities that recognize young individuals as resources and promote self-esteem and a sense of community; and

(7) genuine participation in decisions concerning the planning and managing of the lives of young individuals.

SEC. 204. ADMINISTRATION.

(a) IN GENERAL.—The Commissioner shall administer programs under this title through the Administration on Children, Youth, and Families.

(b) TECHNICAL ASSISTANCE.—In carrying out this title, the Commissioner may request the technical assistance and cooperation of the Secretary of Education, the Secretary of Labor, the Attorney General, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Director of the Office of Community Services, and such other agencies and departments of the Federal Government as may be appropriate.

SEC. 205. INDEPENDENT STATE BODY.

In order for a State to be eligible to receive a grant from an allotment under this title—

(1) the chief executive officer of such State shall, in accordance with regulations promulgated by the Commissioner, designate an independent State body that includes—

(A) cabinet level representatives from each agency of such State that has responsibilities for programs for young individuals;

(B) private nonprofit providers of services to young individuals;

(C) advocacy and citizens groups concerned with young individuals;

(D) committees of the legislature of such State that have responsibility for young individuals;

(E) leaders who are young individuals, including such leaders who are recipients of service provided under this Act;

(F) leaders from the business community; and

(G) such staff as shall be necessary to—

(i) develop a State plan to be submitted to the Commissioner for approval under section 206;

(ii) administer and monitor the State plan within such State;

(iii) be primarily responsible for the coordination of all State activities related to the purpose of the Act;

(iv) serve as an effective and visible advocate for young individuals by reviewing and commenting on all State plans, budgets, and policies that affect such individuals and the families of such individuals by providing technical assistance to any agency, organization, association, or individual representing the needs of young individuals; and

(H) divide the State into distinct planning and service areas—

(i) which may be similar to the boundaries of existing areas within the State that were drawn for the planning or administration of supportive service programs and other relevant factors; and

(ii) which may, if possible, include all portions of an Indian reservation within a single planning area; and

(2) the independent State body shall—

(A) develop a system, in accordance with guidelines issued by the Commissioner, for the distribution within the State of funds received under this title;

(B) ensure that each planning and service area within a State that receives funds under such system has an equal opportunity to apply for and receive funds;

(C) submit such system to the Commissioner for review and comment; and

(D) ensure that preference will be given in such distribution of funds to developing or

supporting local service delivery systems that—

(i) provide a range of services organized to tailor responses to needs rather than a predetermined array of services;

(ii) are rooted in and part of the communities that such systems are designed to serve as measured by the degree to which public and private community leaders and young individuals participate in the planning of such systems; and

(iii) demonstrate systematic collaboration among all service providers on behalf of young individuals as demonstrated by joint planning, joint financing, joint service delivery, common intake and assessment, and other arrangements that promote more effective service systems for such individuals.

SEC. 206. STATE PLAN.

(a) SUBMISSION OF PLAN.—The chief executive officer of a State, in order to be eligible for grants from an allotment under section 209(a) for any fiscal year, shall submit to the Commissioner a State plan for a 2-year, 3-year, or 4-year period as determined by the independent State body.

(b) REVISIONS OF PLAN.—Each chief executive officer of a State may make annual revisions of the State plan, as referred to in subsection (a).

(c) CONTENT OF PLAN.—Each chief executive officer of a State shall include within each plan, as referred to in subsection (a), assurances that—

(1) the independent State body is committed to interagency planning that results in statewide policies promoting systematic collaboration among agencies on behalf of young individuals as demonstrated by joint planning, joint financing, joint service delivery, common intake and assessment, and other arrangements that promote more effective local service delivery system for young individuals;

(2) such plan will be based on needs as identified through analysis of updated "State of the Child" reports, including detailed information on young individuals concerning—

(A) age, sex, race, and ethnicity;

(B) where such individuals live;

(C) the incidence of homelessness;

(D) the composition of families;

(E) economic situations;

(F) the incidence of poverty;

(G) experiences in care away from home;

(H) health;

(I) violence in the lives of such individuals;

(J) the nature of the attachment of such individuals to school and work;

(K) drop out rates of such individuals from school; and

(L) the character of the communities in which such individuals live;

(3) the system to be used for the distribution of funds within the State requires—

(A) each planning and service area to have an equal opportunity to apply for or receive funds under this title; and

(B) the public to be given an opportunity to express views concerning the development and administration of such plan;

(4) the independent State body will evaluate the need for supportive services within the State to address the purposes of this Act and determine the extent to which existing public and private programs meet such need;

(5) the independent State body will make such reports, in such form, and containing such information, as the Commissioner may require;

(6) such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the chief executive officer of the State, including any such funds paid to the recipients of a grant or contract;

(7) the independent State body will conduct periodic evaluations of activities and projects carried out under the applicable State plan and will report the results and recommendations to the chief executive officer of the State and the State legislature;

(8) the chief executive officer of each State will provide in-service training opportunities for personnel of agencies and programs funded under this Act; and

(9) the chief executive officer of each State will provide for carrying out the requirements of this title relating to supportive services.

(d) DISAPPROVAL OF PLAN.—

(1) IN GENERAL.—The Commissioner shall approve any State plan which the Commissioner finds fulfills the requirements of subsection (a).

(2) NOTICE AND HEARING.—The Commissioner shall not make a final determination disapproving any State plan, modifying such plan, or declaring a State to be ineligible to receive funds under this title without previously affording such State reasonable notice and opportunity for a hearing.

SEC. 207. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

(a) FORMULA FOR GRANTS TO STATES.—Notwithstanding subsection (b), the amounts made available to each State under section 209(a) may be used to make grants to a State for paying such percentages as the independent State body of such State determines to be appropriate, of the cost of administrating the State plan of such State including—

(1) the preparation of such plan and provision of technical assistance to local planning and service areas;

(2) the evaluation of activities carried out under such plan;

(3) the collection of data and the carrying out of analyses related to the need for supportive services within the State;

(4) the dissemination of information obtained under paragraph (3); and

(5) the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act.

(b) FEDERAL SHARE.—The Federal share of the amounts made available under subsection (a) shall not exceed 75 percent.

(c) NONFEDERAL SHARE.—Not less than 25 percent of the non-Federal share of the total expenditures under the State plan shall be met from funds from State or local public sources.

SEC. 208. SUPPORTIVE SERVICES.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Commissioner shall carry out a program for making grants to a State under a State plan approved under section 206 to demonstrate successful program approaches to service gaps identified through State and area planning and advocacy efforts for any of the areas specified in paragraph (2).

(2) ELIGIBLE SERVICES.—The services eligible to receive under paragraph (1) are services that are designed to—

(A) facilitate the provision of comprehensive community based services that are efficient, coordinated, and readily available through such activities as case planning, case management, intake and assessment, and information and referral;

(B) provide adequate and safe physical shelter to young individuals and the families of such individuals, especially in emergency circumstances;

(C) provide transitional living services to young individuals who are homeless;

(D) enable young individuals to attain and maintain physical and mental well-being;

(E) provide health screening to detect or prevent illnesses, or both, that occur most frequently in young individuals as well as better treatment and counseling;

(F) promote the highest quality of educational opportunity, especially through dropout prevention programs, remediation for young individuals who have dropped out of school, and vocational education;

(G) provide effective training apprenticeships and employment opportunities;

(H) promote participation in community service and civic, cultural, and recreational activities that value young individuals as resources and promote self-esteem and a stake in the community;

(I) promote the genuine participation of young individuals in decisions concerning planning and managing the lives of such individuals;

(J) encourage young individuals and the families of such individuals to use any community facilities and services that are available to such individuals;

(K) ensure that young individuals who are unable to live with the biological families of such individuals have a safe place to live until such individuals can return home or move into independent adult life; and

(L) prevent the abuse, neglect, or exploitation of young individuals.

(b) LIMITATION ON GRANT AMOUNTS.—Amounts available to each State under section 209(b) may be used to make grants for paying such percentage as each independent State body may determine to be appropriate, but not more than 85 percent of the cost of supportive services described in this section and identified in the State plan.

SEC. 209. AUTHORIZATION OF APPROPRIATION.

(a) STATE PLAN.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993 for the purpose of making grants under section 207.

(2) ALLOTMENT FORMULA.—Except as provided for in paragraph (3), from the sums appropriated under paragraph (1) each State shall be allotted an amount which bears the same ratio to such sums as the population aged 21 or younger in such State bears to the population aged 21 or younger in all States.

(3) EXCEPTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no State shall be allotted less than $300,000 under the formula established under paragraph (2).

(B) LIMITATION ON ALLOTMENT.—Notwithstanding subparagraph (A), Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $75,000 under the ratio established under paragraph (1).

(b) SUPPORTIVE SERVICES.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1990, 1991,

1992, and 1993 for the purpose of making grants under section 208.

(2) ALLOTMENT FORMULA.—From the sums appropriated under paragraph (1), each State shall be allotted an amount which bears the same ratio to such sums as the population aged 21 or younger in such State bears to the population aged 21 or younger in all States.

(c) DETERMINATION OF AGE.—The number of individuals aged 21 or younger in each State shall be determined by the Commissioner on the basis of the data available to the Commissioner.

(f) TRANSFER OF ALLOTTED FUNDS.—Whenever the Commissioner determines that—

(1) any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which such allotment was made; or

(2) a State has failed to qualify under the State plan required under section 206;

The Commissioner shall make such allotment available for carrying out such purposes to other participating States in a proportional manner based on the relative population of individuals aged 21 or younger.

TITLE III—WHITE HOUSE CONFERENCE ON YOUNG AMERICANS

SEC. 301. SHORT TITLE.

This title may be cited as the "White House Conference on Young Americans Act of 1989".

SEC. 302. FINDINGS.

Congress finds that—

(1) young individuals are the most valuable resource of the Nation:

(2) the welfare, protection, healthy development, and positive role of young individuals in society are essential to the Nation;

(3) young individuals deserve love, respect, and guidance, as well as good health, shelter, food, education, productive work, preparation for responsible participation in community life, and an increasing opportunity to participate in the decisions that affect the lives of such individuals;

(3) the family is the primary caregiver and the source of social learning for young individuals that must be supported and strengthened;

(4) if a family is unable to ensure the satisfaction of the needs described in paragraph (3), it is the responsibility of society to assist such young individuals;

(5) at a minimum, all young individuals need and deserve access to—

(A) the best possible physical and mental health;

(B) adequate and safe physical shelter;

(C) a high quality of educational opportunity;

(D) effective training and apprenticeships to train such individuals for future employment;

(E) opportunities for community service and productive employment;

(F) a wide range of civic, cultural, and recreational activities that recognize young individuals as resources and promote self-esteem and a stake in the communities of such individuals;

(G) comprehensive community services that are efficient, coordinated, and readily available; and

(H) genuine participation in decisions concerning the planning and managing of the lives of such individuals; and

(5) there is a great need for a comprehensive national policy with respect to young individuals that is designed to engage Federal, State, and local government agencies, youth organizations, and other voluntary organizations.

(b) POLICY.—It is the policy of Congress that the Federal Government should work jointly with each State and the residents of such State to develop recommendations and plans for action to meet the challenge and needs of young individuals.

SEC. 303. AUTHORITY OF THE PRESIDENT AND SECRETARY; FINAL REPORT.

(a) ESTABLISHMENT OF CONFERENCE.—The President shall call a White House Conference on Young Americans in 1990 in order to develop recommendations for further action in the field of young individuals, and the families of such individuals that will help fulfill the purposes set forth in section 302.

(b) PLANNING OF CONFERENCE.—The Secretary shall plan and conduct the Conference under the direction of the Secretary and in cooperation with the Commissioner and the heads of such other Federal departments and agencies as are appropriate. Such cooperation may include the assignment of personnel.

(c) FUNCTION OF CONFERENCE.—In order to develop recommendations concerning the use of skills, experience, energies, and the improvement of the conditions of young individuals, the Conference shall bring together—

(1) representatives of Federal, State, and local governments;

(2) professional and lay people who are working in the field of young individuals; and

(3) families and representatives of the general public including young individuals.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days following the date on which the Conference is adjourned, the Secretary shall submit the final report of the findings and recommendations derived from the Conference to the President.

(2) CONTENT.—The Secretary shall include a statement in such report of a comprehensive coherent national policy on young individuals, and the families of such individuals along with recommendations for the implementation of such policy.

(3) RELEASE TO PUBLIC.—The Secretary shall make such report immediately available to the public.

(4) RECOMMENDATIONS.—Not later than 90 days after the submission of such report, the Secretary shall transmit to the President and to Congress recommendations for administrative action and the legislation necessary to implement the recommendations contained in the report.

SEC. 304. ADMINISTRATION.

(a) DUTIES OF SECRETARY.—In carrrying out this title, the Secretary shall—

(1) request the cooperation and assistance of the heads of such other Federal departments and agencies as may be appropriate;

(2) furnish all reasonable assistance, including financial assistance, to State and area agencies on young individuals and the families of such individuals and to other appropriate organizations to enable such agencies and organizations to organize and conduct conferences prior to the Conference;

(3) prepare and make available background materials for the use of delegates to the Conference;

(4) prepare and distribute any report of the Conference as may be necessary and appropriate; and

(5) engage such additional personnel as may be necessary to carry out this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) DATA.—In carrying out the responsibilities under this title, the Secretary shall ensure that appropriate statistical data and other information on the well-being of young individuals are readily available, in advance of the Conference, to participants in the Conference, together with such information as may be necessary to evaluate Federal programs and policies relating to such individuals.

(c) GRANTS AND CONTRACTS.—In carrying out this subsection, the Secretary may make a grant to and enter into a contract with, any public agency and nonprofit private organization.

SEC. 305. COMMITTEE.

(a) ADVISORY COMMITTEE.—The Secretary shall establish an advisory committee to the Conference that shall include representation from the Council and other public agencies and private nonprofit organizations as appropriate.

(b) OTHER COMMITTEES.—The Secretary shall establish such other committees, including technical committees, as may be necessary to assist in planning, conducting, and reviewing the Conference.

(c) MEMBERSHIP OF COMMITTEES.—

(1) AUTHORITY TO APPOINT.—The Secretary shall appoint individuals to serve on each committee established under this section.

(2) COMPOSITION OF COMMITTEES.—Each committee established under this subsection shall be composed of professional and public members including individuals from low-income and minority groups. At least one-fifth of the public members of each committee shall be not older than 21 years of age.

(d) COMPENSATION.—

(1) IN GENERAL.—Any appointed member of any such committee, other than any officers or employees of the Federal Government, while attending conferences or meetings of the committee or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate fixed by the Secretary but not to exceed the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code (including traveltime).

(2) TRAVEL EXPENSE.—Such member may be allowed travel expense while away from the home or regular place of business of such member, including per diem in lieu of subsistence as authorized under section 5703 of such title for individuals in Federal Government service who are employed intermittently.

SEC. 306. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as may be necessary, for fiscal years 1990 and 1991 to carry out this title.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, Mr. METZENBAUM, Mr. ADAMS, Mr. SIMON, Mr. PELL, Ms. MIKULSKI, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. WILSON, Mr. INOUYE, Mr. CHAFEE, Mr. GLENN, Mr. COHEN, Mr. KERRY, Mr. STEVENS, Mr. WIRTH, Mr. BURDICK, Mr. ROBB, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. KENNEDY):

S. 1912. A bill to protect the reproductive rights of women, and for other

purposes; to the Committee on Labor and Human Resources.●

FREEDOM OF CHOICE ACT

Mr. CRANSTON. Mr. President, I am proud to introduce today with the Senator from Oregon [Mr. PACKWOOD] and the Senator from Ohio [Mr. METZENBAUM] and other Members of the Senate the proposed Freedom of Choice Act of 1989. This bipartisan legislation is designed to codify the holding of the 1973 Roe versus Wade decision.

We are joined in introducing this legislation by the Senator from Washington [Mr. ADAMS], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from California [Mr. WILSON], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maine [Mr. COHEN], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. WIRTH], the Senator from North Dakota [Mr. BURDICK], the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Massachusetts [Mr. KENNEDY].

Companion legislation is being introduced in the House of Representatives by my good friend and colleague from California, Representative DON EDWARDS and the cochair of the Congressional Caucus on Women's Issues, the Representative from Colorado, PAT SCHROEDER.

Mr. President, this legislation is intended to accomplish one simple goal: Preserve the rights of pregnant women to make their own individual decision regarding whether or not to terminate a pregnancy. These rights which were guaranteed by the Supreme Court in the landmark decision in Roe versus Wade almost 17 years ago are in grave jeopardy today.

BACKGROUND: ROE VERSUS WADE

Mr. President, in 1973 the United States Supreme Court held in *Roe* v. *Wade*, 40 U.S. 113, that the Constitution protects a woman's decision whether or not to terminate her pregnancy. The Court noted that its prior decisions had found a right to personal privacy embedded in the Constitution's protection of personal liberty and concluded that right of privacy encompassed a woman's decision whether or not to carry a pregnancy to term. The Court further concluded that since the right of personal privacy is a fundamental right, only a "compelling state interest" could justify its limitation by a state. In a related case, *Doe* v. *Bolton*, 410 U.S. 179, handed down at the same time, the Court explicitly stated that a State may not interfere in a significant way with the exercise that prohibit or substantially limit access to the means of effectuating that decision.

The Roe decision set forth a number of basic principles by which State regulation of abortion rights were to be measured. Balancing competing interests at different stages of a pregnancy, the Court found that the stage of fetal viability was the point at which the State's interest arises. It held that following viability, the State's interest permits it to regulate and even proscribe an abortion except when necessary for the preservation of the life or health of the mother. Prior to viability, the State's powers were limited to promoting its interest in the health of the mother by regulating the abortion procedure in ways that are reasonably related to maternal health. During the first trimester, the Court held that the abortion decision and its effectuation must be left solely to the woman and her physician.

In the intervening years, the Court on numerous occasions rigorously enforced its 1973 holding, striking down attempts by States to interfere with a woman's right to decide whether or not to terminate a pregnancy.

On July 3, 1989, however, the Court sent a shockwave through the country when it handed down its decision in Webster versus Reproductive Health Services. The Webster decision gave State legislatures an open invitation to begin meddling with the freedom of individual women to make their own decisions in this difficult area. Although the decision did not directly overturn Roe, it signaled the Court's willingness to apply a less stringent standard of review to State restrictions concerning a woman's right to an abortion.

Mr. President, after the Webster decision, Americans can no longer assume that access to safe and legal abortions will remain a guaranteed right. The Webster decision was a blow to all Americans who look to the Court to protect and preserve fundamental rights and liberties.

There is ample evidence to indicate that this legislation is sorely needed. Freedom of choice is already under assault in the State legislatures.

Shortly after the Webster decision, the Louisiana Legislature passed a nonbinding resolution urging State district attorneys to enforce a long-standing law outlawing abortions and requiring jail terms for doctors who provide them.

In Florida, an effort was made by the antichoice Governor to force the State legislature to enact restrictions in a special session called for that purpose. That ill-conceived effort failed, but there is little doubt that there will be further attempts in Florida in the coming year.

Only a few days ago, the Pennsylvania Legislature won the distinction of making that State one of the most restrictive in the Nation by passing sweeping antichoice legislation. That legislation included provisions such as 24-hour waiting periods and spousal consent requirements which had previously been declared unconstitutional under Roe.

The purpose of the legisalation we are introducing today is to create a statutory basis for the rights established under the Roe decision in order to prevent the States from undermining those rights. It is our intention to codify the state of the law established under Roe prior to Webster.

It has long been recognized that Congress has the authority, under section 5 of the 14th amendment and other provisions of the Constitution to enact legislation to restrain States from denying due process and equal protection rights to individuals or interfering with fundamental rights.

OUTLINE OF LEGISLATION

Mr. President, the Freedom of Choice Act of 1989 is very simple. Section 2(a) provides that a State may not restrict the right of a women to choose to terminate a pregnancy before fetal viability or at any time if such termination is necessary to protect the life or health of the woman. As I indicated earlier, that is the basic principle established under the Roe decision.

Section 2(b) provides that a State may impose only those restrictions on a woman's right to an abortion prior to viability that are medically necessary to protect the woman's life or health—a concept established in Roe. This provision allows a limited exception to the general rule that a State may not interfere with a woman's fundamental right to choose whether or not to have an abortion. To meet this exception, the State would have to demonstrate that a rule or procedure was designed to protect the life or health of the woman, was medically necessary, and constituted the least restrictive means of furthering the State's interest in the woman's health.

Thus, under Roe versus Wade, it has been held that a State could not impose requirements which are not medically necessary such as a requirement that all abortions be performed in a hospital. Similarly, spousal consent requirements and waiting requirements have been held to be not medically necessary and therefore unconstitutional under Roe. On the other hand, statutes requiring that abortions be performed by licensed physicians have been upheld.

Mr. President, Roe versus Wade and its progeny clearly barred States from devising ingenious statutory schemes to deny women the right to exercise the basic right of freedom of choice. To the extent that Webster both in-

vites and approves erosion of the Roe rights, this legislation is intended to reverse the impact of that decision.

There are several specific aspects of this legislation which should be noted.

First, the bill refers to the concept of fetal viability which the Court held in Roe to be the point where the State's interest in the fetus arises. In Roe, the Court defined viability as the point at which the fetus is "potentially able to live outside the mother's womb, albeit with artificial aid," 410 U.S. at 160. Such potentiality, however, must be for "meaningful life" and this cannot encompass simply momentary survival, 410 U.S. at 163. Finally, and most importantly, Roe stressed the central role of the pregnant woman's doctor in determining viability, emphasizing that "the abortion decision in all its aspects is inherently, and primarily, a medical decision," 410 at 160. In a subsequent case, *Planned Parenthood of Central Missouri* v. *Danforth*, 428 U.S. 52 (1976), the Court reemphasized that viability is "a matter of medical judgment, skill, and technical ability." In that decision, the Court also held that "it is not the proper function of the legislature or the courts to place viability, which is essentially a medical concept, at a specific point in the gestation period. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the attending physician," 428 U.S. at 64. The physican's central role in determining viability, and the lack of such definitional authority in the legislatures was reaffirmed by the Court in *Colautti* v. *Franklin*, 439 U.S. 379 (1979).

Another important issue relates to the question of funding of abortion services for low-income women. Roe versus Wade did not address the issue of public funding for abortion services and subsequent Supreme Court decisions involving Medicaid funding distinguished the right to terminate a pregnancy from the right to have government funding. Since this bill is designed simply to codify the basic rights established under Roe, it does not include any requirement for public funding of abortion services. However, separate legislation, the Reproductive Health Equity Act, which has previously been introduced in the House of Representatives, will be introduced in the Senate. That measure would have the effect of repealing the numerous restrictions on funding for abortion services in various programs, like Medicaid, which have been enacted in the past decade.

Although the measure is totally separate and distinct from the legislation we are introducing today, many of the supporters of freedom of choice feel strongly that a two-tiered system which protects only the rights of women who can afford to pay for an abortion is unconscionable. Hopefully, in the not-so-distant future we will be able to assure all women, regardless of economic status, equal access to safe and legal abortion services.

Finally, the bill we are introducing, like Roe versus Wade itself, does not specifically address the issue of parental consent or notification requirements. The sponsors of this measure may have differing views as to whether a specific provision dealing with this issue is either necessary or appropriate. In the intervening years since the Roe decision, although that holding has clearly been applied to pregnant minors, the specific issue of the constitutionality of parental consent or notification statutes has not been clearly settled. Two of the three cases pending before the Supreme Court directly address the overall question of whether a State can impose any type of restriction on minors' access to abortions.

My own view is that carving out an exception which would result in denying minors access to abortion would be unacceptable and would only serve to drive desperate teenagers into the hands of back-alley butchers or deadly efforts to induce their own abortions. Access to safe, legal abortions for all women who make that choice ought to remain an overriding goal. The specific issue of parental consent or notification statutes will undoubtedly be addressed during the consideration of this legislation once the Supreme Court has acted in the pending cases.

CONCLUSION

Mr. President, I believe that when future historians write the book on the progress of expansion of individual rights in the last quarter of the 20th century, they will mark the introduction of the Freedom of Choice Act of 1989 as one of the milestones in the steady progress of our society toward securing the rights of women, and all Americans, to live their own lives, free from unwarranted governmental intervention.

The vast majority of Americans support the right of an individual woman to make her own decision regarding whether or not to terminate a pregnancy and don't support government intervention.

Individual freedom is a value Americans have always held dear. We neither want nor need government by "big brother."

Nor do most Americans want to see the clock turned back and a return to the days when unskilled, illegal abortionists preyed upon desperate women.

Abortion is a very emotional and controversial issue. There are strong feelings on both sides, often based upon deeply felt religious convictions and beliefs. The central issue, however, is a simple one: Who decides. The sponsors of this legislation believe that decisions regarding abortions are deeply personal, profound matters best made by the individual woman herself, guided by her own personal beliefs and convictions, free from governmental inteference. That approach is consistent with the most deeply cherished values in our society—individual liberty and personal freedom.

This bill is designed to help ensure that access to safe and legal abortion remains a protected right, secured by the laws of the United States. It is designed to help ensure that women, whatever State they may reside in, continue to have the freedom of choice which was guaranteed by the Roe versus Wade decision.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom of Choice Act of 1989".

SEC. 2. RIGHT TO CHOOSE.

(a) IN GENERAL.—Except as provided in subsection (b), a State may not restrict the right of a woman to choose to terminate a pregnancy—

(1) before fetal viability; or

(2) at any time, if such termination is necessary to protect the life or health of the woman.

(b) MEDICALLY NECESSARY REQUIREMENTS.—A State may impose requirements medically necessary to protect the life or health of woman referred to in subsection (a).

SEC. 3. DEFINITION OF STATE.

As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

Mr. PACKWOOD. Mr. President, I rise today along with Senators CRANSTON and METZENBAUM and a number of our colleagues, Republicans and Democrats, to introduce the Freedom of Choice Act of 1989. This legislation is also being introduced in the House of Representatives today. I am delighted to note the large and growing number of sponsors in both the House and Senate.

Nearly 20 years ago, on the floor of this Senate, I first introduced a bill that would legalize abortion in the United States and nullify all State laws to the contrary. That bill, and the nearly identical one I introduced 1 year later, did not pass. Shortly thereafter, however, the Supreme Court in Roe versus Wade established that a woman's choice in the very personal and private matter of whether to terminate a pregnancy is protected by the Constitution.

With that decision the women of this country were guaranteed control

over their reproductive lives, and freed from the specter of dangerous illegal abortions—or so we thought. How wrong we were. With the Court's decision in Webster last July the protection for a woman's right to choose was placed in serious jeopardy. The Court invited States to place restrictions on the rights of women—and many States are attempting to do so.

The 14th amendment of the Constitution gives Congress the power to enforce constitutional rights. We therefore cannot and will not sit idly by as a woman's right to control her reproductive destiny becomes dependent upon the State in which she resides.

The Freedom of Choice Act of 1989 is simple and straightforward, but its message is powerful: A State may not restrict the constitutional right of a woman to choose.

We invite our colleagues who have not done so to join us in sponsorship and in passing this legislation which will guarantee this most basic right to all women.

Mr. METZENBAUM. Mr. President, today I rise, along with a bipartisan group of my colleagues, to introduce the Freedom of Choice Act. This bill would codify the principles enunciated by the Supreme Court in Roe versus Wade. This bill is vital to the reproductive rights of all women and is designed to prevent States from interfering with a woman's right to choose to terminate a pregnancy prior to viability.

Since the Supreme Court's decision earlier this year in Webster versus Reproductive Health Services, States have responded by proposing legislation that would seriously burden the rights of women in their States to choose an abortion. The Court encouraged this counterattack on women's rights by suggesting in Webster that the right to privacy announced in Roe and upheld in subsequent cases is not of the status of other fundamental rights. This bill would establish as a matter of Federal law that a woman has the right to choose to terminate a pregnancy.

Until this July, women who came of age during the post-Roe era believed that the issue of reproductive choice was settled by the Court in Roe. They believed that their rights were secure from further State intrusion. After Webster, women can no longer trust the Court to hold firm against attempts by States to restrict access to abortion.

Congress must act to put this issue to rest once more. Several years ago, I stood here on the Senate floor and said: No more amendments restricting abortion. Since Roe, the Senate has devoted hours and hours of debate to hundreds of amendments relating to abortion. Enough is enough. A majority of the Senate—as well as a majority of Americans—support the right of a woman to choose an abortion.

It's time that Government stopped telling the women of this country how to live their lives. The freedom of choice belong to every woman. This bill respects a woman's ability to make her own choices in life. I hope that my colleagues will once again vote for the freedom of choice by supporting this bill.

By Mr. DECONCINI (for himself and Mr. LIEBERMAN):

S. 1914. A bill to establish a U.S. Commission on Southern Africa; to the Committee on Foreign Relations.

U.S. COMMISSION ON SOUTHERN AFRICA ACT

● Mr. DECONCINI. Mr. President, I am pleased to be joined by my distinguished colleague from Connecticut, Senator LIEBERMAN, in introducing legislation to establish the U.S. Commission on Southern Africa. The purpose of this Commission is to solicit private sector funds to provide university scholorships and to create human resource development programs for the people of southern Africa who have been directly affected by the invidious system of apartheid.

We are living in extraordinary times. Everywhere we see freedom reaching quarters of the world where democratic change would have been unthinkable only a short time ago. The most dramatic changes have occurred in Eastern Europe. Here we see the monopoly of power of the Communist parties being replaced by democracies in Poland and Hungary. The wall is crumbling between the two Germanys. We may even see real, not cosmetic, changes in Bulgaria and Czechoslovakia. On every continent, democracy and freedom have gained ground as the totalitarian philosophies have been discredited.

Southern Africa has also been touched by the changes that have been sweeping the rest of the world. We are beginning to see cracks in the facade of apartheid. Namibia is peacefully emerging from its illegal administration by South Africa. The recent elections have given a solid majority to SWAPO, the independence movement which has conducted a long and bitter struggle for independence. Only the most hardcore supporters of apartheid in South Africa believe that the white minority can maintain a monopoly on power indefinitely.

While we still have a long way to go, there have been some small steps which have been encouraging. Newly-elect President DeKlerk wisely decided to allow peaceful protests against continued racial oppression and to release a number of long-time political prisoners, including Walter Sisulu. International pressure, such as the Comprehensive Anti-Apartheid Act of 1986 of which I was proud to be a cosponsor, has played a role in bringing about a more realistic attitude on the part of white South Africans toward the majority population.

We should be careful, however, about becoming overly optimistic about the prospects that the rapid changes which are so desperately needed in this society will come to pass. We need to ensure that the current government in Pretoria has no doubts where Americans stand on this issue.

While the political struggle continues, we must ensure that inequities on all levels of this badly divided society are addressed. Even after the struggle for democracy and freedom is won in South Africa, the legacy of apartheid will take generations to erase. We know this from firsthand experience because we are still struggling to overcome the longstanding legacy of hate and mistrust between whites and blacks in our own country.

The architects of this insidious system of racial separation have consciously and systematically denied the black community of South Africa access to the basics rights of a civilized society, even the right to a basic education. The effects of this policy are all too obvious when you examine the education system in South Africa.

After a half-hearted effort to improve black education over the last decade, the disparity in educational opportunity among the races is striking. As many as 1 million black children between the ages of 7 and 16 are not attending school, at a time when there are 23,000 vacancies at white schools. The black children attending classes face inferior facilities. The average teacher to pupil ratio in black schools in 1987 was 1 teacher for 38 pupils, compared to 1 to 19 in white schools. The disparity in access to higher education, in the universities that will produce a new generation of leaders, is even more marked.

A key aspect in the struggle against apartheid will be the attempt to overcome the deliberate denial of a decent education to South Africa's black citizens. As Namibia approaches independence, it will face the problem of filling positions in the Government held by the estimated 13,000 white South Africans in the civil service. Where will this trained manpower come from?

In a postapartheid South Africa, people will be needed to run the mines and factories, operate the hospitals and clinics, design highways and buildings, and manage the economy and Government services. If the potential of the African subcontinent is to be fulfilled, and if black South Africans are to participate fully at all levels of the society, the disadvantaged community will have to produce thousands of engineers, scientists, doctors, econo-

mists, and business executives. We can and should help.

We have extraordinary talent and energy in our private sector. We can tap this talent by establishing this Commission, directed by private individuals appointed by the President and Congress, and funded by private contributions. The Commission would provide scholarships for South African students in universities or other training programs in the United States or southern Africa. It would work directly with private groups in South Africa and would not conduct any programs through any organization financed or controlled by the South African Government.

The proposal I am suggesting today will not exacerbate our budget deficit or cost the taxpayers large amounts of money. The Commission would receive $1 million in seed money already available to the Secretary of State, but future programs would have to be funded by private contributions.

We should not pretend that the establishment of this Commission is a solution to all of South Africa's problems. It is, instead, part of a solution. I urge the rapid passage of this legislation in order to provide future leaders in southern Africa with the skills necessary to implement the nation-building process in these badly divided countries and reinforce the ties between the United States and the emerging leaders in this important area of the world.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1914

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Commission on Southern Africa Act".

SEC 2. FINDINGS.

The Congress finds that—

(1) apartheid in South Africa has resulted in great disparities between whites and nonwhites, particularly in education, health care, employment opportunities, and availability of housing;

(2)(A) education is not compulsory for blacks in South Africa;

(B) a June 1988 report in the Weekly Mail states that more than a million black children between the ages of 7 and 16 (21 percent of the school age population) were not attending school in South Africa; in 1988 more than 21,000 black pupils were not admitted to schools in South Africa, while more than 23,000 spaces were vacant at white state schools; and

(C) despite crowded conditions at black schools, where the average teacher to pupil ratio in 1987 was 1 teacher to 38 students, as compared to 1 teacher to 19 students in white schools, more than 1,000 primary and secondary school teachers were refused posts at black schools, as stated in a June 1988 report in the Weekly Mail;

(3) black South Africans have far fewer medical professionals and health care services available to them than whites: white South Africans have 1 physician for every 326 people, while black South Africans have one physician for every 3,400 people; there are only 20 black dentists and 70 black pharmacists for a black population of 25,000,000; segregation in state hospitals has resulted in overcrowding in black hospitals, yet white hospitals have empty beds; budgets for white hospitals are higher than for black hospitals even though black hospitals have 4 times as many patients as white hospitals;

(4) unemployment among nonwhites in South Africa is high: the 1987 official unemployment rates were 17.9 percent for blacks and 14 percent for mixed-race (coloured), not including the homelands, and unemployment specialists in the country agree that the actual unemployment rate for blacks is higher than the official rate;

(5) 13,000 white South Africans currently hold civil service positions in Namibia; when Namibia becomes free and independent, the Government of Namibia will need skilled personnel to fill the positions vacated by white South Africans;

(6) there is a key role for concerned United States citizens and businesses in the private sector to assist in enhancing the development of human resources in southern Africa; and

(7) there is a need for the United States to assist in the development of human resources in southern Africa in the public and private sector, in order to improve in general the living conditions of nonwhites in South Africa, and lay the foundation for effective leadership in a democratic post-apartheid society in South Africa and Namibia.

SEC 3. ESTABLISHMENT.

There is established the United States Commission on Southern Africa (hereafter in this Act referred to as the "Commission"), which shall not be an agency or establishment of the Federal Government.

SEC 4. PURPOSE OF COMMISSION.

(a) IN GENERAL.—The purpose of the Commission is to solicit private sector funds to conduct programs to develop skilled personnel at various levels in the public and private sectors in South Africa and Namibia, particularly in middle management positions, by providing for the training of disadvantaged South Africans and Namibians, including refugees from South Africa in other countries, for positions in business and government in their respective countries, primarily in the fields of education, health care, law, and housing.

(b) AUTHORITIES.—In carrying out its purpose, the Commission may—

(1) establish, implement, and provide funds for human resource development programs for disadvantaged South Africans and Namibians, including educational and training programs in business and public administration, health care and the delivery of health care services, education, legal assistance, and housing; and

(2) provide scholarships and internships to disadvantaged South Africans and Namibians for appropriate study and training.

SEC 5. MEMBERSHIP; CHAIRPERSON.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed from among persons who are not officers or employees of any government, as follows:

(1) 7 individuals appointed by the President, of whom not more than 4 shall be of the same political party.

(2) 1 individual appointed by the Speaker of the House of Representatives, and 1 individual appointed by the minority leader of the House of Representatives.

(3) 1 individual appointed by the majority leader of the Senate, and 1 individual appointed by the minority leader of the Senate.

A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

(b) CONTINUATION OF MEMBERSHIP.—If any member of the Commission becomes an officer or employee of a government, he or she may continue as such member for not longer than the 30-day period beginning on the date he or she becomes such an officer or employee.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members of the Commission shall be appointed for terms of 4 years. No member may serve consecutive terms.

(2) STAGGERED TERMS.—Of the members of the Commission first appointed by the President, 5 shall be appointed for terms of 2 years, as designated by the President at the time of appointment.

(3) VACANCIES.—Any member appointed to fill a vacancy on the Commission occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his or her term until a successor has taken office.

(d) NON-FEDERAL CHARACTER AND PER DIEM.—Members of the Commission shall not, by reason of their membership on the Commission, be considered to be officers or employees of the United States. The members of the Commission shall receive no pay on account of their service on the Commission, except that, while away from their homes or regular places of business in performance of duties of the Commission, members of the Commission may be allowed travel and transportation expenses to the same extent as is authorized in section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

(e) CHAIRPERSON.—The Commission shall elect a chairperson from among its members. The chairperson shall serve for a term of 2 years.

(f) BYLAWS.—The Commission may adopt, amend, and repeal bylaws, rules, and regulations governing the conduct of its business.

SEC 6. PRESIDENT AND STAFF OF COMMISSION.

(a) PRESIDENT OF THE COMMISSION.—The Commission shall appoint and fix the pay of the President of the Commission.

(b) STAFF.—Subject to such rules as may be prescribed by the Commission, the President of the Commission may—

(1) appoint and fix the pay of such personnel, and

(2) procure the services of such experts and consultants,

as the President of the Commission considers appropriate.

(c) NON-FEDERAL CHARACTER.—The President and staff of the Commission shall not be considered to be officers or employees of the United States by reason of their service on the Commission.

SEC 7. POWERS OF COMMISSION.

(a) GIFTS, BEQUESTS, AND DEVISES.—The Commission may solicit, accept, hold, administer, invest, and use gifts, bequests, and devises of money and property, both real and personal, in furtherance of the purposes of this Act. Money and property ac-

cepted pursuant to this subsection, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such money or property. Funds donated to and accepted by the Commission pursuant to this subsection are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds.

(b) AUTHORITY TO CONTRACT OUT.—In carrying out its purpose and activities, the Commission may enter into contracts with (to the extent that funds are available) and make grants to or obtain grants from State, local, and private agencies, organizations, institutions, and individuals.

SEC 8. REQUIREMENTS.

(a) USE OF FUNDS.—Funds made available by the Commission for programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development. Nothing in this subsection shall be construed to prohibit programs which are consistent with this subsection and which award university scholarships to students who choose to attend a South African-supported university.

(b) FINANCIAL BENEFITS.—No part of the assets of the Commission shall inure to the benefit of any member of the Commission, any officer or employee of the Commission, or any other individual, except as salary or reasonable compensation for services.

(c) INDEPENDENT AUDITS.—

(1) AUDITS.—The accounts of the Commission shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Commission are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Commission and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORT.—The report of each such independent audit shall be included in the annual report required by section 1309. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Commission's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Commission's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(d) AUDITS BY COMPTROLLER GENERAL.—

(1) AUDITS.—The financial transactions of the Commission for each fiscal year may be audited by the Comptroller General of the United States in accordance with such principles and procedures and under such rules as may be prescribed by the Comptroller General. Any such audit shall be conducted at the place or places where accounts of the Commission are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Commission pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Commission shall remain in the possession and custody of the Commission.

(2) REPORTS.—A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General considers necessary to inform the Congress of the financial operations and condition of the Commission, together with such recommendations with respect thereto as the Comptroller General considers advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this Act. A copy of each report shall be furnished to the President and to the Commission at the time the report is submitted to the Congress.

(e) RECORDS OF RECIPIENTS.—

(1) RECORDS.—The Commission shall ensure that each recipient of assistance provided through the Commission under this Act keeps separate accounts with respect to such assistance and such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) ACCESS TO RECORDS.—The Commission shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Commission under this Act. The Comptroller General of the United States or any authorized representative of the Comptroller General shall also have access to such books, documents, papers, and records for such purpose.

SEC 9. REPORT.

The Commission shall transmit to each House of the Congress, not later than December 31 of each year, a report on its activities during the preceding fiscal year.

SEC 10. FUNDS FROM DEPARTMENT OF STATE.

The Secretary of State shall grant to the Commission, to carry out this Act, $1,000,000 of funds of the Department of State for any purpose for fiscal year 1990.●

By Mr. BREAUX:

S. 1915. A bill to amend the Tariff Act of 1930 with respect to the applicability of duties upon certain aspects of the foreign repair of vessels; to the Committee on Finance.

APPLICABILITY OF DUTIES UPON CERTAIN ASPECTS OF THE FOREIGN REPAIR OF VESSELS

● Mr. BREAUX. Mr. President, the bill I introduce today will, by eliminating unreasonable and costly restrictions on certain vessels, contribute to the preservation of our essential merchant fleet. Its enactment is necessary: First, to eliminate discriminatory duties levied against one of the major segments of the merchant marine, the surviving U.S.-flag LASH vessel operators, and second, to preclude the assessment of double duty on spare parts U.S. vessel operators must import from abroad because the parts they need are not manufactured or produced in the United States.

Several of the surviving U.S. liner companies operate containerships, that is, large mother vessels which transport cargoes in various types of containers, principally over-the-road boxes or trailers. Other liner companies, however, utilize the LASH [lighter aboard ship] system of ocean transportation. They operate large mother LASH vessels which transport cargoes in LASH barges. The barges, of course, serve the same purpose as the other types of containers carried by containerships. They do not participate at all in the U.S. coastwise trade.

Under the vessel repair statute (19 U.S.C. 1466), however, LASH barge containers are subject to ad valorem duty at the high 50 percent rate when, during the course of voyages, they necessarily purchase replacement equipment or require repairs in foreign shipyards. Other types of containers carried aboard containerships are not, however, subject to that duty. This statutory discrimination imposes an unfair economic and competitive disadvantage on the LASH operators because they regularly compete against the U.S. containership operators whose containers are not subject to the statute. Also, foreign flag competitors are, obviously, not subject to the strictures of the statute.

Moreover, the statute and supporting regulations issued by the U.S. Customs Service also impose extremely burdensome and costly recordkeeping requirements on LASH operators from which the competing containership operators are totally exempt. In this regard, three of the major LASH companies operate a total of nine mother LASH vessels, but under the LASH system, those nine vessels have a supporting complement of more than 1,600 LASH barges. These hundreds of barges, serving as cargo containers, periodically leave and enter the United States aboard their mother LASH vessels, so the volume of administrative work necessary to keep abreast of the statute's inspection, reporting and duty requirements for each is truly voluminous and expensive. Thus, these companies have had to employ a spe-

cial staff of regular employees; plus supporting personnel to handle this continuous, extra workload.

Vessels generally carry spare parts or repair parts which can be utilized, where and when necessary, on long voyages or during port calls in foreign countries. Under the vessel repair statute (19 U.S.C. 1466(d)(2)), spare parts and repair parts manufactured or produced in the United States—and installed overseas by the vessel's regular crew—are not subject to duty.

For economic reasons, however, many U.S.-flag vessels have been built in recent years in foreign shipyards. In many instances, the spare parts or repair parts for those vessels must also be purchased abroad. The supply of parts obtained when vessels are documented under the U.S. flag are not subject to duty under the vessel repair statute, but parts thereafter purchased by the vessel from foreign suppliers are dutiable at the high 50-percent rate when they enter the United States aboard the vessel itself. If the vessel operator orders those same parts for delivery, by air or by some other vessel operator, in the United States, however, those parts are then dutiable at the far lower rates applicable to imports of those particular parts.

Obviously, these rules are complicated and confusing, and compliance therewith is exceedingly difficult. On April 19, 1989, however, this dilemma was magnified when a new set of allegedly "easily applied rules" were published by the U.S. Customs Service.

One rule actually requires the payment of double duty without any supporting authorization in the vessel repair statute. In this regard, it requires American vessel operators first to pay the lower rate of duty on vessel spare parts when they are delivered in the United States by air or other ocean carriers, and then second, to pay the difference between that lower rate and the 50-percent rate prescribed by the vessel repair statute when the parts are later installed on the American operator's vessel. This new rule eliminates a vessel operator's ability to reduce its operating costs by ordering foreign spare parts for delivery in the United States. In cases where these parts must be obtained abroad—and nowhere else—this is plainly a serious inequity which is literally multiplied by the thousand of parts, large and small, a vessel must carry for use when repairs and replacements during voyages are necessary.

My bill simply eliminates the costly double duty requirements which the already hard-pressed U.S.-flag vessel operators should not be expected to bear, in cases where the spare parts they import cannot be obtained from manufacturers or producers in this country. It also exempts LASH barges from the onerous duties that have been imposed by the statute on repairs to the barges that have been performed outside the United States. Mr. President, I urge the Senate to act on this bill as soon as possible so these adverse impacts on the U.S. merchant marine can be eliminated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end the following new section:

"(h)(1) The duty imposed by subsection (a) of this section shall not apply to—

"(A) the cost of any equipments, or any part thereof, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country with respect to LASH (Lighter Aboard Ship) barges documented under the laws of the United States and utilized as cargo containers, or

"(B) the cost of foreign-made repair parts or materials for vessels, where such parts or materials (i) cannot be obtained from United States manufacturers or producers and (ii) are imported into the United States, duty paid under an appropriate commodity classification of the Harmonized Tariff Schedule of the United States, for later installation or use, in the United States or in a foreign country, on a vessel documented under the laws of the United States.

"(2) The provisions of this subsection shall be applicable to pending entries not yet liquidated and to entries made on or after the date of enactment of this subsection.".●

By Mr. CONRAD (for himself and Mr. BURNS):

S. 1916. A bill to delay the repayment of advance deficiency payments on the 1988 crops of wheat, feed grains, upland cotton, and rice, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS

Mr. CONRAD. Mr. President, I rise to introduce legislation to delay repayment of advance deficiency payments for farmers who have suffered weather related crop losses in 1988 or 1989.

I have been contacted by many farmers concerning the repayment of advance deficiency payments for crop year 1988. Louis Arnold, president of the National Barley Growers Association, representing barley growers in Washington, Idaho, Montana, North Dakota, Minnesota, and other States, has pointed out to me that barley producers, in particular, have suffered greatly due to the droughts of 1988 and 1989. He is correct.

Those Members who represent barley-producing areas know that barley is a unique crop. It is both a feed grain and a food grain. While most barley is used for livestock feed, a growing proportion is used for malting barley and other food uses. Barley used for malt or other foods carries a premium price which depends on the demand in a specialized market. Due to a short crop in 1988, malt barley prices skyrocketed, raising the average price for all barley above the target price.

Unfortunately, most farmers sell feed barley whose price is tied to other feed grains, particularly corn. This meant that, regardless of the drought, the price of feed barley remained far below the target price for barley. In spite of this low average price for feed barley, feed barley producers are required to pay back deficiency payments on a drought shortened crop. They were unable to take advantage of high malt barley prices and, because the high malt barley prices raised the average barley price, they lost the protection of the target price. They were caught in a farm bill "catch 22."

Because of the inequities in the way the average price for barley is calculated, barley producers suffering from 1, and in many cases 2, short income years will be required to repay substantial sums this December. For many producers in North Dakota, this will simply be impossible. Net farm income in my State dropped by nearly 50 percent in the 1988 drought year. Data for 1989 is not in.

Barley producers are not asking that advance deficiency payments on their short crop be forgiven, only that repayment be delayed until July 31, 1990. By that time, barley producers will be able to produce a crop.

This will not affect the budget because it merely shifts repayment within the 1990 fiscal year. This legislation limits the delay to those producers who suffered from a weather related disaster in 1988 or 1989.

Because producers of other crops have also been economically harmed by 2 drought years, I have included other program crops in the legislation. Other feed grains, wheat, cotton, and rice producers hit hard by 2 years of bad weather will also benefit.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS.

Effective only for the 1988 crops of wheat, feed grains, upland cotton, and rice, produced by producers that qualified for assistance under section 201(a) of the Disaster Assistance Act of 1988 (7 U.S.C. 1421 note) or section 101(a) of the Disaster Assistance

Act of 1989 (7 U.S.C. 1421 note), if the Secretary of Agriculture determines that any portion of the advance deficiency payment made to producers for such crop under section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) must be refunded, such refund shall not be required to be made prior to July 31, 1990.

By Mr. HEINZ:

S. 1917. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 5-year period of transition to the changes in the benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Finance.

SOCIAL SECURITY NOTCH ACT OF 1989

● Mr. HEINZ. Mr. President, the legislation I am introducing today, the Social Security Notch Act of 1989, addresses an inequity in Social Security benefit payments that has begun to erode public confidence in the program. I am talking about the Social Security notch.

Most of us have heard serious complaints from constituents affected by the Social Security notch. This group of beneficiaries—the so-called notch babies—are those retirees whose Social Security benefits were determined under a different benefit formula by the 1977 amendments to the Social Security Act. The result was that people born after 1916 found themselves with a significantly lower benefit compared to older beneficiaries with similar work and pay histories, born in or before 1916.

Hindsight is always 20-20 vision, Mr. President. But understanding how we got into this dilemma can help us work our way through to a solution. Specifically, the 1972 Social Security amendments created a change in the Social Security benefit calculation method which triggered huge and unintended annual increases in benefit levels. This has the effect of inflating benefit levels for all born before 1917, but especially so for more recent retirees, such as those born in 1915 and 1916.

Customarily over its 40-year history, Social Security benefits, on average, were maintained to replace, upon retirement, approximately 42 percent of preretirement after-tax income. Under the 1972 law, however, benefits were indexed erroneously. Benefits were adjusted upward not only for increases in the consumer price index—the equivalent of the current COLA—but also for increases in average national wage levels. The result was to increase the replacement rate for retirees born in 1916 to over 55 percent of preretirement pretax income. Since revenues were only adequate to sustain benefits at the traditional 42-percent level, the Social Security trust fund's surplus rapidly dwindled and the system headed toward bankruptcy.

Mr. President, Congress acted to reform the program in the 1977 amendments to the Social Security Act. Although the flawed calculation of the annual cost of living measure was corrected for all recipients, Congress elected to leave those born before 1917 at the higher benefit levels they had reached. Congress also decided, in principle, to once again start calculating initial benefit levels for those born in 1917 and thereafter at normal and affordable levels; that is, the traditional average 42-percent replacement rate. While this was necessary to preserve the solvency of the OASDI trust funds, where Congress erred was in not creating sufficiently generous transitional benefits to avoid or minimize the obvious appearance of unfairness created by the notch.

Mr. President, we need that adequate transition relief for these retirees so that all Social Security beneficiaries will be treated fairly. My legislation provides such relief. It will erase the inequities in benefit levels created by the 1977 amendments. Once and for all, age discrimination within the Social Security Program will be abolished.

These are difficult times to propose expensive adjustments, no matter how serious the injustice or how necessary the solution. Other proposals for solving the notch would cost American workers $50 to $100 billion over the next 5 years. These proposals raise spending to levels that could endanger the solvency of the Social Security trust fund and jeopardize our ability to pay future Social Security benefits.

However, the Social Security Notch Act of 1989 is both morally fair, and fiscally responsible. The Social Security actuaries have told me the bill would cost a total of $22.1 billion through 1996. Recognizing that no legislation of this magnitude will be enacted without an equal source of revenues, I am actively pursuing revenue sources to help pay for this bill and hope to offer a financing proposal when this legislation is considered by the Congress.

Mr. President, it was not the intention of Congress to discriminate against a group of individuals based on their age. Several years ago, we sent a clear message to the people of this country that discrimination based on age is unacceptable when we enacted my legislation to eliminate the mandatory age requirement. We need consistency in our message to the American people about age discrimination and the courage to admit a mistake when we made one. I urge my colleagues to give this bill their careful consideration and to support a sound and fair solution to the Social Security notch.●

By Mr. JOHNSTON:

S. 1918. A bill to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes; to the Select Committee on Indian Affairs.

JENA BAND OF CHOCTAWS RECOGNITION ACT

● Mr. JOHNSTON. Mr. President, I am pleased to introduce a bill to extend Federal recognition to the Jena Band of Choctaws of Louisiana.

Before the coming of European settlers, the Choctaw Nation lived in the plains and hill country of central Louisiana and southwest Mississippi. During the 19th century, the disruption of the Choctaw Nation by forced removals contributed to dispersed settlements of Choctaw groups throughout the South. The Jena Band of Choctaws is representative of Choctaw bands which formed as separate entities from the Choctaw Tribe in the Mississippi area. Today, the Jena Band of Choctaws is a remarkably cohesive unit consisting of about 120 members and residing in Lasalle Parish near Jena, LA. It is clearly evident that the Jena Band of Choctaws is completely deserving of Federal recognition and should be accorded such recognition without delay.

To be more precise, Mr. President, this is a bill of reinstatement rather than an extension of recognition. In 1936, the Jena Band of Choctaws was recognized by the U.S. Congress and the Department of the Interior when funds were appropriated by Congress and specifically designated by the Bureau of Indian Affairs for the education of the Jena Band of Choctaws. These funds, which provided support for a separate Indian school to be operated under the direction of Mrs. Charles Penick, were continued until 1938. At that time, authority was granted for the transfer of members of the Jena Band of Choctaws who were willing to relocate to the Pearl River area in Mississippi. The majority of the Jena Band chose to remain in Louisiana, and the subsequent abrogation of these funds was not only wrong, but unlawful. As Congress is the only body granted the authority to revoke Federal recognition and since no such action has been taken, the relationship between the Federal Government and the Jena Band of Choctaws remains intact.

Given their unique case, it would be an injustice to require the Jena Band of Choctaws to undergo the current recognition procedure supervised by the Bureau of Indian Affairs. This procedure is lengthy, cumbersome, and expensive. While I understand that the current procedure is both necessary and appropriate in determining the proper status of many Indian groups, I assure you that the Jena Band is not such a group. The Jena case is unique in that clear and

concise documentation exists which demonstrates previous recognition and acknowledges the authorized funding of the Penick Indian School. With such convincing proof, there is no reason for the Jena Band to be subjected to the standard acknowledgment process. There is simply no need to waste more time and more money. The established acknowledgment procedure, however well-intentioned and necessary in most cases, will simply serve as an impediment to justice in this instance.

The passage of this bill is an important step in rectifying a previous injustice to the Jena Band of Choctaws presently residing in the State of Louisiana. Unfortunately, our efforts to secure administrative action on behalf of the Jena Band have been unsuccessful. At this point, it appears that our last recourse is to seek resolution through legislation.●

By Mr. COATS:

S. 1921. A bill relating to the treatment and disposal of solid waste, authorizing States to regulate solid waste in interstate commerce, and for other purposes; to the Committee on Environment and Public Works.

AUTHORIZING STATES TO REGULATE SOLID WASTE IN INTERSTATE COMMERCE

● Mr. COATS. Mr. President, I rise today to introduce legislation affecting the interstate transportation of solid waste. As I have traveled around Indiana in the past 11 months, one of the issues which most concerns the people of Indiana is trash disposal. Article after article has appeared in newspapers throughout the State, demonstrating that Indiana has been increasingly used as a dumping ground for out-of-State trash.

Across the country, cities and States which seek to ban interstate trash from entering their jurisdiction have been overruled by the courts as a violation of the interstate commerce clause. Somehow, the interstate transportation of trash has fallen between the cracks of municipal, county, State, and Federal regulation.

What's even worse is that nobody seems to know just how serious this problem has become. Neither State nor Federal agencies have made much effort to collect information about municipal solid waste. Experts who are trying to solve our Nation's landfill problems are forced to estimate important data, such as how much trash is out there, where it is coming from, and where it is going. I am pleased to note that Indiana has recently passed a law requiring the Indiana Department of Environmental Management to gather additional information regarding municipal solid waste.

Municipal solid waste disposal has traditionally been handled by the city or county and regulated by the State. I don't want to change that. I simply want to give them the tools they need to effectively do the job that has been delegated to them. My bill does just that. Essentially, it gives States authority where it is currently lacking, and requires EPA to collect information about municipal solid waste.

First, my bill waives the interstate commerce clause and gives a State the right to refuse trash coming in from other States. While I do not support a complete ban on the interstate transportation of solid waste, I do believe that a State should have the right to reserve its limited landfill space for its own residents.

There is no doubt that, in the future, States should develop long-term plans to handle their own waste. I note that this is required in other solid waste bills which have been introduced, including a bill by my colleague from Pennsylvania, Senator HEINZ. I support this requirement, and believe that in the future, States which do not plan ahead will find themselves without an economically practical place to deposit their municipal waste.

Second, the bill again waives the interstate commerce clause and allows a State to charge a fee on trash imported from other States for final burial within its borders. Mr. President, maintaining a landfill with proper monitoring and environmental safeguards is an expensive business.

In other words, if people from Indiana live next door to a landfill accepting trash from another State, they, at the very least, have the right to know what's there, and the assurance that effective environmental safeguards and proper monitoring are in place. While my bill does not mandate that States use the proceeds from the fee for this reason, it is my hope that this approach will give States the financial resources they need to effectively regulate landfills.

Finally, my bill requires EPA to collect and maintain data regarding the amount, origination, destination, and, to the maximum extent possible, the content of waste transported across State lines.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOLID WASTE.

(a) It is unlawful for any person to ship or transport or cause to be shipped or transported any solid waste generated within a State into another State for its treatment or disposal therein, if such shipment or transportation into a State is in violation of the laws of that State.

(b) Each State is authorized to enact and enforce laws regulating the treatment and disposition of solid waste within such State, including laws imposing a ban on the importing into such State or any part thereof, of solid waste for its treatment or other disposition, laws otherwise regulating the importing into such State of solid waste for its treatment or other disposition, and laws imposing and collecting fees or other charges in connection with the treatment and disposition within such State of solid waste generated in another State.

(c) Any person violating subsection (a) of this section shall, for the first such violation, be fined not more than $35,000, and for a second or subsequent violation, such person shall be fined not more than $70,000, or imprisoned for not more than 10 years, or both.

(d) The foregoing provisions of this section shall take effect upon the expiration of the 12-month period following the date of the enactment of this Act.

SEC. 2. REPORTING.

(a) Within the 90-day period following the date of the enactment of this Act, the Administrator of the Environmental Protection Agency, by regulation, shall establish a program pursuant to which each person who transports or ships or causes to be transported or shipped in interstate commerce any solid waste in excess of 100 pounds shall be required to prepare and submit to the Administrator, on an annual basis, a registration statement. Such statement shall include such person's name, principal place of business, the location of each activity handling solid waste, and a complete list of all solid waste transported or shipped in interstate commerce during the calendar year preceding such statement.

(b) The Administrator shall make such registration statements available, upon request, to the public.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "person" includes any State or political subdivision of a State or any individual, corporation, or other legal entity;

(2) "solid waste" shall have the same meaning as that provided in section 1004(27) of the Solid Waste Disposal Act; and

(3) "interstate commerce" shall have the same meaning as that provided in section 10 of title 18, United States Code.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. SANFORD, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 110

At the request of Mr. KENNEDY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 110, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 619

At the request of Mr. SARBANES, the names of the Senator from California

[Mr. CRANSTON], the Senator from New York [Mr. MOYNIHAN], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 640

At the request of Mrs. KASSEBAUM, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 727

At the request of Mr. HEFLIN, the names of the Senator from Texas [Mr. GRAMM], the Senator from Wisconsin [Mr. KOHL], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 1068

At the request of Mr. GORE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1068, a bill to require actions to improve competition in the delivery of television programming, to prohibit discrimination by cable programmers, and to permit telephone companies to provide video programming.

S. 1255

At the request of Mr. METZENBAUM, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from California [Mr. CRANSTON], the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1255, a bill to provide better services for individuals with Alzheimer's disease and related dementias through improved biomedical research, health services research, and training of health care personnel, and for other purposes.

S. 1630

At the request of Mr. BAUCUS, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

S. 1651

At the request of Mr. MCCAIN, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 1651, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United Services Organization.

S. 1692

At the request of Mr. NUNN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1692, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain timber activities under passive loss rules.

S. 1698

At the request of Mr. GORE, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1698, a bill to amend the Communications Act of 1934 to provide for fair marketing practices for certain encrypted satellite communications.

S. 1783

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1783, a bill to regulate Indian child protection and prevent child abuse on Indian reservations.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States and for other purposes.

S. 1811

At the request of Mr. COHEN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1811, a bill to amend the Public Health Service Act to improve health conditions in health manpower shortage areas, and for other purposes.

S. 1812

At the request of Mr. COHEN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1812, a bill to require the Secretary of Health and Human Services to conduct a study concerning the area health education center program and submit recommendations for the improvement of such program, and for other purposes.

S. 1851

At the request of Mr. LOTT, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1851, a bill to supplement the impeachment remedy for removing Federal judges for misbehavior.

S. 1858

At the request of Mrs. KASSEBAUM, the names of the Senator from Maine [Mr. COHEN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1858, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

SENATE JOINT RESOLUTION 116

At the request of Ms. MIKULSKI, the names of the Senator from Georgia [Mr. NUNN], the Senator from North Carolina [Mr. HELMS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 116, a joint resolution to designate the week beginning October 8, 1989, as "National Infertility Awareness Week."

SENATE JOINT RESOLUTION 178

At the request of Mr. HELMS, his name was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to express U.S. support for the aspiration of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh.

SENATE JOINT RESOLUTION 205

At the request of Mr. BIDEN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 205, a joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week."

SENATE JOINT RESOLUTION 224

At the request of Mr. BYRD, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE CONCURRENT RESOLUTION 82—TO CORRECT THE ENROLLMENT OF H.R. 1396

Mr. FORD submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 1396) entitled "An Act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement" the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely, strike sections 503, 504, and 505 and insert:

SEC. 503. PUBLIC UTILITY HOLDING COMPANY EXEMPTION.

(a) If a holding company was organized in the State of Kentucky at least one year before the date of enactment of this Act for the purpose (among others) of acquiring directly 100 percent of the common stock of an electric utility company and indirectly the common stock of three electric utility companies, one of which is, at the date of enactment of this Act, organized in the State of Virginia; then for the purposes of paragraph 3(a)(1) of the Public Utility Holding Company Act of 1935 only, the electric utility company organized in Virginia shall be deemed to be organized in Kentucky, and not treated as a separately incorporated electric utility company, if—

(i) such holding company is not a public utility company and is not a subsidiary company of any other company; and

(ii) any acquisition made by such holding company of common stock of an electric utility company is made after the date of enactment of this Act.

(b) As used in this section, the terms "company," "holding company," "subsidiary company," "electric utility company," "public utility company," and "Commission" have the same meanings as in section 2 of the Public Utility Holding Company Act of 1935.

(c) The provisions of this section shall not affect the meaning of any provision of the Public Utility Holding Company Act of 1935 other than paragraph (1) of section 3(a) thereof, including the requirement of section 3(a) of such Act that no exemption shall be granted if the Commission finds that such exemption is detrimental to the public interest or the interest of investors or consumers.

(d) The exemption granted by subsection (a) shall not apply to the acquisition or retention by any holding company of any public utility company organized or operating within the United States except as provided by this section.

SENATE RESOLUTION 211—COMMENDING THE GOVERNMENT OF HONG KONG

Mr. ADAMS (for himself, Mr. HATCH, Mr. KERRY, and Mr. WILSON) submitted the following resolution; which was ordered held at the desk:

S. RES. 221

Whereas the International Trade Commission has found that U.S. computer hardware and software firms have lost more than $4 billion in foreign sales in one year due to illegal piracy of their products;

Whereas the illegal piracy of computer programs threatens the continued development of software industries throughout the world and the availability of new and better products for computer users;

Whereas the Customs Investigations Branch of the Customs and Excise Department of the Government of Hong Kong announced a major antipiracy action against software theft on November 15, 1989;

Whereas this action included the seizure of 109,437 suspected pirated manuals, as well as computers, printing films, and pirated diskettes;

Whereas many of these seized materials are copies of software and manuals of leading American software companies. Now therefore be it

Resolved, That the Senate of the United States—

(1) Commends the Government of Hong Kong on its commitment to halting software piracy;

(2) Congratulates the Customs and Excise Department for its successful substantial antipiracy action; and

(3) Expresses its hope that copyright agencies around the world will follow the leading software enforcement example set by the people and Government of Hong Kong.

Mr. ADAMS. Mr. President, I am pleased to introduce this resolution on behalf of myself and Senators HATCH, KERRY, and WILSON. I hope that we can act to pass this resolution before adjourning for the year.

This resolution commends the Government of Hong Kong for action they took this week to counter the illegal pirating of computers and computer products. This week, the Government of Hong Kong seized 109,437 pirated computers, manuals, printing films, and computer diskettes. These illegal products represent around $50 million in products.

The International Trade Commission has found that U.S. computer hardware and software producers lost over $4 billion in sales in 1 year due to piracy of their products around the world. This not only increases our trade deficit, but it also handicaps the ability of U.S. firms which are on the cutting edge of technology to compete effectively in the international marketplace. In my home State, Microsoft depends on the international market to sell over half of their products—about $500 million a year in sales.

This antipiracy action is the largest effort to date by a foreign entity. The Government of Hong Kong deserves our praise and our appreciation for their efforts. I only hope that other countries where the illegal pirating of computers and computer products is a problem will follow the leadership of Hong Kong and take similar actions.

I hope that we will have an opportunity for proceeding with this resolution. It represents a worldwide problem and certainly it is very discouraging to our innovative young people and the people in our businesses when they find that their products abroad are pirated. This kind of action is the sort of thing that we want to commend and say how much we appreciate the actions of other governments.

AMENDMENTS SUBMITTED

NATIONAL RAILROAD PASSENGER CORPORATION ACT AUTHORIZATION

EXON AMENDMENT NO. 1157

(Ordered to lie on the table.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill (S. 462), to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . Section 11503 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, where a tax under a statute of a State (if enacted prior to and not amended subsequent to December 1, 1989) is held, under a final judgment of a district court of the United States or of a comparable court of a State, to be in violation of subsection (b) of this section, such final order shall not—

"(1) prohibit the collection, or

"(2) require reimbursement for the payment,

of any portion of the amount of any such tax accruing under such statute prior to the date that is two years after the date of entry of such final judgment.".

GOVERNMENT ETHICS REFORM ACT

MITCHELL (AND DOLE) AMENDMENT NO. 1158

Mr. MITCHELL (for himself and Mr. DOLE) proposed an amendment, which was subsequently modified, to the bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for Governmentwide ethics reform, and for other purposes, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics Reform Act of 1989".

TITLE I—POST EMPLOYMENT RESTRICTIONS ON THE EXECUTIVE AND LEGISLATIVE BRANCHES

SEC. 101. RESTRICTIONS ON POSTEMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

"(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.—Any person who is an officer or employee of the executive branch of the United States Government (including any independent agency of the United States and any special Government employee), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States Government or the District of Columbia, as the case may be, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, as the case may be, on behalf of any other person (except the United States), in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) in which the person participated personally and substantially as such officer or employee, and

"(C) which involved a specific party or specific parties at the time of such participation,

shall be punished as provided in section 216 of this title.

"(2) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY.—Any person subject to the restrictions contained in paragraph (1) who, within 2 years after the termination of his or her service or employment with the United States Government, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States), in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee with a period of 1 year before the termination of his or her service or employment with the United States Government or the District of Columbia, and

"(C) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in section 216 of this title.

"(b) ONE YEAR RESTRICTIONS ON AIDING OR ADVISING.—

"(1) IN GENERAL.—Any person who is a former officer or employee subject to the restrictions contained in subsection (a)(1) and any person described in subsection (e)(7), and who personally and substantially participated in any ongoing trade or treaty negotiation on behalf of the United States within the 1-year period preceding the date on which his or her service or employment with the United States terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under the Freedom of Information Act, section 552 of title 5, United States Code, and which is so designated by the appropriate department or agency, shall not, on the basis of that information, which the person knew or should have known was so designated, knowingly represent, aid or advise any other person (except the United States) concerning such ongoing trade or treaty negotiation for 1 year after his or her service or employment with the United States Government terminates. Any person who violates this subsection shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this paragraph—

"(A) the term 'trade negotiation' means negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made; and

"(B) the term 'treaty' means an international agreement made by the President requiring the advice and consent of the Senate.

"(c) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee of the executive branch (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States) in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

"(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))—

"(i) employed at a rate of pay fixed according to subchapter II of chapter 53 of title 5, or a comparable or greater rate of pay under other authority,

"(ii) employed in a position which is not referred to in clause (i) and for which the basic rate of pay is equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule,

"(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3,

"(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.

"(B) Paragraph (1) shall not apply to a special Government employee who serves less than 60 days in the 1 year period before his or her service or employment as such employee terminates.

"(C) Subparagraph (A)(ii) includes persons employed in the Senior Executive Service at that basic rate of pay.

"(D) At the request of a department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that—

"(i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and

"(ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

"(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsection (a) and (b), any person who—

"(A) serves in the position of Vice President of the United States,

"(B) is employed in a position paid at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

"(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and who, within 1 year after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

"(2) ENTITIES TO WHICH RESTRICTIONS APPLY.—The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are—

"(A) any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and

"(B) any other person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5.

"(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—(A) Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B) or (C), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former Member of Congress are any Member, officer or employee of either House of Congress, or employee of any other legislative branch office of the Congress.

"(C) The persons referred to in subparagraph (A) with respect to appearances or communications by a former elected officer are any Member, officer or employee of the House of Congress in which the elected officer served.

"(2) PERSONAL STAFF.—(A) Any person who is an employee of a Senator or an employee of a Member of the House of Representatives and who, within 1 year after the termination of that employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

"(i) the Senator or Member of the House of Representatives for whom that person was an employee; and

"(ii) any employee of that Senator or Member of the House of Representatives.

"(3) COMMITTEE STAFF.—Any person who is an employee of a committee of Congress and who, within 1 year after the termination of that person's employment on such committee, knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or who was a Member of the committee in the year immediately prior to the termination of such person's employment by the committee, on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(4) LEADERSHIP STAFF.—(A) Any person who is an employee on the leadership staff of the House of Representatives or an employee on the leadership staff of the Senate and who, within 1 year after the termination of that person's employment on such staff, knowingly makes, with the intent to influence, any communication to or appear-

ance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the following:

"(i) in the case of a former employee on the leadership staff of the House of Representatives, those persons are any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives; and

"(ii) in the case of a former employee on the leadership staff of the Senate, those persons are any Member of the leadership of the Senate, and any employee on the leadership staff of the Senate.

"(5) OTHER LEGISLATIVE OFFICES.—(A) Any person who is an employee of any other legislative office of the Congress and who, within 1 year after the termination of that person's employment in such office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by any officer or employee of such office, in his or her official capacity shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the employees and officers of the former legislative office of the Congress of the former employee.

"(6) LIMITATION ON RESTRICTIONS.—The restrictions contained in paragraphs (2), (3), (4), and (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid for such service at a basic rate of pay equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule under section 5332 of title 5.

"(7) DEFINITIONS.—As used in this subsection—

"(A) the term 'committee of Congress' includes standing committees, joint committees, and select committees;

"(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

"(C) the term 'employee of the House of Representatives' means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;

"(D) the term 'employee of the Senate' means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;

"(E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;

"(F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;

"(G) the term 'employee of any other legislative office of the Congress' means an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the Copyright Royalty Tribunal, the United States Capitol Police, and any other agency, entity or office in the legislative branch not covered by paragraph (1), (2), (3), or (4) of this subsection;

"(H) the term 'employee on the leadership staff of the House of Representatives' means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (L), and any elected minority employee of the House of Representatives;

"(I) the term 'employee on the leadership staff of the Senate' means an employee of the office of a Member of the leadership of the Senate described in subparagraph (M);

"(J) the term 'Member of Congress' means a Senator or a Member of the House of Representatives;

"(K) the term 'Member of the House of Representatives' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(L) the term 'Member of the leadership of the House of Representatives' means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, the chairman of the Democratic Steering Committee, chairman and vice chairman of the Democratic Caucus, chairman, vice chairman, and secretary of the Republican Conference, chairman of the Republican Research Committee, and chairman of the Republican Policy Committee, of the House of Representatives (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989); and

"(M) the term 'Member of the leadership of the Senate' means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, chairman and co-chairman of the Majority Policy Committee, and chairman of the Minority Policy Committee, of the Senate (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989).

"(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

"(1) RESTRICTIONS.—Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in subsection (c), (d), or (e), as the case may be—

"(A) represents the interests of a foreign entity before any officer or employee of any department or agency of the Government of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

"(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the Government of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this subsection, the term 'foreign entity' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.".

"(g) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

"(h) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS.—

"(1) DESIGNATIONS.—For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

"(2) INAPPLICABILITY OF DESIGNATIONS.—No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A) (i) or (iii).

"(i) DEFINITIONS.—For purposes of this section—

"(1) the Term 'intent to influence' means the intent to affect any official action by a Government entity of the United States through any officer or employee of the United States including Members of Congress;

"(2) the Term 'participated' means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action; and

"(3) The Term 'particular matter' includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, judicial or other proceeding.

"(j) EXCEPTIONS.—

"(1) OFFICIAL GOVERNMENT DUTIES.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply to acts done in carrying out official duties as an officer or employee of the United States Government or as an elected official of a State or local government.

"(2) STATE AND LOCAL GOVERNMENTS AND INSTITUTIONS, HOSPITALS, AND ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done in carrying out official duties as an employee of—

"(A) an agency or instrumentality of a State or local government if the appear-

ance, communication, or representation is on behalf of such government, or

"(B) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.

"(3) INTERNATIONAL ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization of which the United States is a member.

"(4) PERSONAL MATTERS AND SPECIAL KNOWLEDGE.—The restrictions contained in subsections (c), (d), and (e) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibitions of those subsections prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

"(5) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

"(6) EXCEPTION FOR TESTIMONY.—Nothing in this section shall prevent a former Member of Congress or officer or employee of the executive or legislative branch or an independent agency (including the President, the Vice President and any special Government employee) from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence, a former officer or employee subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter.".

(b) CONFORMING AMENDMENT.—The item relating to section 207 in the table of sections at the beginning of chapter 11 of title 18, United States Code, is amended to read as follows:

"207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches.".

SEC. 102. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by section 101 take effect on January 1, 1991.

(b) EFFECT ON EMPLOYMENT.—(1) The amendments made by section 101 apply only to persons whose service as a Member of Congress or an officer or employee to which such amendments apply terminates on or after the effective date of such amendments.

(2) With respect to service as an officer or employee which terminates before the effective date set forth in subsection (a), section 207 of title 18, United States Code, as in effect at the time of the termination of such service, shall continue to apply, on and after such effective date, with respect to such service.

TITLE II—FINANCIAL DISCLOSURE OF FEDERAL PERSONNEL

SEC. 201. REPEAL OF TITLES II AND III OF THE ETHICS IN GOVERNMENT ACT OF 1978.

Titles II and III of the Ethics in Government Act of 1978 (5 U.S.C. App.; 28 U.S.C. App.) are repealed.

SEC. 202. FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL.

Title I of the Ethics in Government Act of 1978 (2 U.S.C. 701 et seq.) is amended to read as follows:

"TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

"PERSONS REQUIRED TO FILE

"SEC. 101. (a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

"(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O-6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

"(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

"(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

"(e) Any individual who occupies a position described in subsection (f) shall, on or before the later of May 15 or the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

"(f) The officers and employees referred to in subsections (a), (d), and (e) are—

"(1) the President;

"(2) the Vice President;

"(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, whose position is classified at GS-16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

"(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

"(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

"(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16;

"(7) the Director of the Office of Government Ethics and each designated agency ethics official; and

"(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President;

"(9) a Member of Congress as defined under section 109(12);

"(10) an officer or employee of the Congress as defined under section 109(13);

"(11) a judicial officer as defined under section 109(10); and

"(12) a judicial employee as defined under section 109(8).

"(g) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference of the United States, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.

"(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.

"CONTENTS OF REPORTS

"SEC. 102. (a) Each report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following:

"(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

"(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

"(i) not more than $1,000,

"(ii) greater than $1,000 but not more than $2,500,

"(iii) greater than $2,500 but not more than $5,000,

"(iv) greater than $5,000 but not more than $15,000,

"(v) greater than $15,000 but not more than $50,000,

"(vi) greater than $50,000 but not more than $100,000,

"(vii) greater than $100,000 but not more than $1,000,000, or

"(viii) greater than $1,000,000.

"(2)(A) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(C) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

"(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, parent, brother, sister, or child or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

"(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

"(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

"(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

"(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

"(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

"(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

"(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

"(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

"(i) the identity of each source of such compensation; and

"(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

"(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

"(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

"(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an

individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

"(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

"(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;

"(B) greater than $15,000 but not more than $50,000;

"(C) greater than $50,000 but not more than $100,000;

"(D) greater than $100,000 but not more than $250,000;

"(E) greater than $250,000 but not more than $500,000;

"(F) greater than $500,000 but not more than $1,000,000; and

"(G) greater than $1,000,000.

"(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

"(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

"(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

"(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

"(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

"(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

"(E) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

"(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

"(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

"(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

"(A) any qualified blind trust (as defined in paragraph (3));

"(B) a trust—

"(i) which was not created directly by such individual, his spouse, or any dependent child, and

"(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

"(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

"(3) For purposes of this subsection, the term 'qualified blind trust' includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

"(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in, any joint venture or other investment with, any interested party; and

"(III) is not a relative of any interested party.

"(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.

"(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

"(C) The trust instrument which establishes the trust provides that—

"(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

"(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

"(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

"(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

"(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

"(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

"(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

"(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

"(E) For purposes of this subsection, 'interested party' means a reporting individual, his spouse, and any minor or dependent child; 'broker' has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and 'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

"(F) Any trust qualified by a supervising ethics office before the effective date of this section shall continue to be governed by the law and regulations in effect immediately before such effective date.

"(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

"(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

"(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

"(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

"(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

"(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

"(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

"(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

"(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

"(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

"(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

"(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

"(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

"(i) notify his supervising ethics office of such dissolution, and

"(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

"(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

"(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

"(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection, (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

"(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

"(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $10,000.

"(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

"(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

"(A)(i) the fund is publicly traded; or

"(ii) the assets of the fund are widely diversified; and

"(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

"(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

"(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements re-

ceived in a period when the reporting individual was not an officer or employee of the Federal Government.

"FILING OF REPORTS

"SEC. 103. (a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

"(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

"(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

"(d) Reports required to be filed under this title by the Director shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

"(e) Each individual identified in section 101(c) shall file the reports required by this title with the Federal Elections Commission.

"(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

"(g) The Office of Government Ethics shall develop and make available forms for reporting the information required by this title.

"(h)(1) The reports required under this title shall be filed by a reporting individual with—

"(A)(i) the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and

"(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

"(I) the congressional ethics committee designated in the statute establishing such agency or commission; or

"(II) if such statute does not designate such committee, the Senate Select Committee on Ethics for agencies and commissions established in even numbered calendar years, and the Standards of Official Conduct Committee of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

"(B) the Judicial Conference of the United States with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

"(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

"FAILURE TO FILE OR FILING FALSE REPORTS

"SEC. 104. (a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $10,000.

"(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

"(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference of the United States, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

"(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

"(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

"(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall pay a filing fee of $200 to the miscellaneous receipts of the General Treasury.

"(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

"CUSTODY OF AND PUBLIC ACCESS TO REPORTS

"SEC. 105. (a) Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by—

"(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

"(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed.

"(b)(1) Each agency and each supervising ethics office shall, within thirty days after any report is received by such agency or office under this title, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. The agency or office may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

"(c)(1) It shall be unlawful for any person to obtain or use a report—

"(A) for any unlawful purpose;

"(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

"(C) for determining or establishing the credit rating of any individual; or

"(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

"(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

"(d) Any report filed with or transmitted to an agency or supervising ethics office pursuant to this title shall be retained by such agency or office, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a can-

didate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

"REVIEW OF REPORTS

"SEC. 106. (a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

"(2) Each congressional ethics committee and the Judicial Conference of the United States shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

"(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

"(2) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, after reviewing any report under subsection (a)—

"(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

"(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

"(3) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, a congressional ethics committee, or the Judicial Conference of the United States, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

"(A) divestiture,

"(B) restitution,

"(C) the establishment of a blind trust,

"(D) request for an exemption under section 208(b) of title 18, United States Code, or

"(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

"(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position (other than in the foreign service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

"(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

"(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference of the United States, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

"(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

"CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

"SEC. 107. (a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

"(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

"(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

"(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

"(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

"AUTHORITY OF COMPTROLLER GENERAL

"SEC. 108. (a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

"(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

"DEFINITIONS

"SEC. 109. For the purposes of this title, the term—

"(1) 'congressional ethics committees' means the Senate Select Committee on Ethics and the Standards of Official Conduct Committee of the House of Representatives;

"(2) 'dependent child' means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

"(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

"(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986;

"(3) 'designated agency ethics official' means an officer or employee who is designated to administer the provisions of this title within an agency;

"(4) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch;

"(5) 'gift' means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

"(A) bequest and other forms of inheritance;

"(B) suitable mementos of a function honoring the reporting individual;

"(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

"(D) food and beverages consumed at banquets, receptions, or similar events; or

"(E) communications to the offices of a reporting individual including subscriptions to newspapers and periodicals;

"(6) 'honoraria' has the meaning given such term in section 503(4) of this Act;

"(7) 'income' means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual

elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

"(8) 'judicial employee' means any employee of the judicial branch of the Government, of the Tax Court, of the Court of Veterans Appeals, or of the United States Court of Military Appeals who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;

"(9) 'Judicial Conference' means the Judicial Conference of the United States;

"(10) 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in the Canal Zone, Guam, and the Virgin Islands, Court of Claims, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, United States Court of Military Appeals, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

"(11) 'legislative branch' includes—

"(A) the Architect of the Capitol;

"(B) the Botanic Gardens;

"(C) the Congressional Budget Office;

"(D) the General Accounting Office;

"(E) the Government Printing Office;

"(F) the Library of Congress;

"(G) the United States Capitol Police;

"(H) the Office of Technology Assessment; and

"(I) any other agency, entity, office, or commission established in the legislative branch;

"(12) 'Member of Congress' means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

"(13) 'officer or employee of the Congress' means—

"(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives;

"(B)(i) each officer or employee of the legislative branch who is compensated for 60 consecutive days at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

"(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule;

"(14) 'personal hospitality of any individual' means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

"(15) 'reimbursement' means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

"(A) provided by the United States Government;

"(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

"(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(16) 'relative' means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

"(17) 'Secretary concerned' has the meaning set forth in section 101(8) of title 10, United States Code, and, in addition, means—

"(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration; and

"(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service;

"(18) 'supervising ethics office' means—

"(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(C) the Judicial Conference of the United States for judicial officers and judicial employees; and

"(D) the Office of Government Ethics for all executive branch employees; and

"(19) 'value' means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

SEC. 110. (a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference of the United States, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference of the United States, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

"ADMINISTRATION OF PROVISIONS

"SEC. 111. The provisions of this title shall be administered by—

"(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

"(2) the Senate Select Committee on Ethics and the Standards of Official Conduct Committee of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

"(3) the Judicial Conference of the United States and clerk of the applicable court, as appropriate, in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

"EFFECTIVE DATE

"SEC. 112. The provisions made by this title shall take effect on January 1, 1990, and shall be applicable to reports filed under this title after January 1, 1991.".

SEC. 203. PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS.

(a) ESTABLISHMENT.—There shall be established an advisory commission to study the best means of simplifying the Presidential appointment process, in particular by reducing the number and complexity of forms to be completed by nominees. The Commission shall be known as the President's Commission on the Federal Appointment Process.

(b) MEMBERSHIP.—The Commission shall be composed of 14 members from among officers and employees of the three branches of the Federal Government. Eight members shall be appointed by the President, two members shall be appointed by the majority leader of the Senate, two members shall be appointed by the minority leader of the Senate, one member shall be appointed by the Speaker of the House, and one member shall be appointed by the minority leader of the House. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(c) REPORT.—The Commission shall present its report to the President no later than ninety days after its first meeting. The Commission shall cease to exist upon submission of its report.

TITLE III—GIFTS AND TRAVEL

SEC. 301. GIFTS TO SUPERIORS.

Section 7351 of title 5, United States Code, is amended by—

(1) adding "(a)" before "An employee may not"; and

(2) striking the final sentence and inserting the following:

"(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity under chapter 75 of this title.

"(c) The Office of Government Ethics is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other similar circumstances.".

SEC. 302. TRAVEL ACCEPTANCE AUTHORITY.

(a) Subchapter III of chapter 13 of subtitle 2 of title 31, United States Code is amended by adding at the end thereof the following:

"§ 1352. Travel acceptance authority

"(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency or employee in the executive branch may accept payment from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

"(b) Except as provided in this section or section 4111 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

"(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

"(2) in the case of a repayment under paragraph (1) shall not be entitled to any payment from the Government for such expenses.

"(c) As used in this section—

"(1) the term 'executive branch' means any executive agency (as such term is defined in section 105 of title 5); and

"(2) the term 'employee in the executive branch' means—

"(A) an appointed officer or employee in the executive branch; and

"(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

"(3) the term 'payment' means a payment or reimbursement, in cash or in kind.".

"(d)(1) Each executive branch agency which accepts payment or reimbursement under this section shall report to the Office of Management and Budget the amount of each payment or reimbursement received in excess of $250, the names of the payor and the employees involved, the date and places of the travel, and the nature of the expenses paid or reimbursed.

"(2) The reports required by paragraph (1) shall be transmitted to the Office of Management and Budget on October 1 and April 1 of each year and shall cover payments and reimbursements received in the previous 6 months. The Office of Management and Budget shall make each such report available for public inspection and copying.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new item:

"1352. Acceptance of travel and related expenses from non-Federal sources.".

SEC. 303. GIFTS TO FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7353. Gifts to Federal employees

"(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or the judicial branches shall solicit or accept anything of value from a person—

"(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by the individual's employing agency; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

"(b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.

"(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules or regulations established by such individual's supervising ethics office pursuant to paragraph (1).

"(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of any official act.

"(3) Nothing in this section precludes a Member, officer, or employee from accepting gifts on behalf of the United States Government or any of its agencies in accordance with statutory authority.

"(c) An employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

"(d) For purposes of this section—

"(1) the term 'supervising ethics office' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

"(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers and employees of the Senate;

"(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

"(D) the Office of Government Ethics for all executive branch officers and employees; and

"(E) the ethics committee with which the officer or employee is required to file financial disclosure forms, for all legislative branch officers and employees other than those specified in subparagraphs (A) and (B), except that such authority may be delegated; and

"(2) the term 'officer or employee' means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government, other than a Member of Congress.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7352 the following new item:

"7353. Gifts to Federal employees.".

TITLE IV—AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE

SEC. 401. AMENDING TITLE 18, UNITED STATES CODE SEC. 202.

Section 202 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) Except as otherwise provided in such sections, the terms 'officer' and 'employee' in sections 203, 205, 207, 208 and 209 of this title mean those individuals defined in sections 2104 and 2105 of title 5. The terms 'officer' and 'employee' shall not include the President, the Vice President, a Member of Congress or a Federal judge.

"(d) The term 'Member of Congress' in sections 204 and 207 shall include:

"(1) a United States Senator; and

"(2) a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

"(e) As used in this chapter, the term—

"(1) 'executive branch' means any executive agency as defined in title 5, United States Code, and any other entity or administrative unit in the executive branch;

"(2) 'judicial branch' means the Supreme Court of the United States; the United States court of appeals; the United States district courts; the Court of International Trade; the United States bankruptcy courts; any court created pursuant to article I of the United States Constitution, including the Court of Military Appeals, the United States Claims Court, and the United States Tax Court, but not including a court of a territory or possession of the United States; the Federal Judicial Center; and any other agency, office, or entity in the judicial branch; and

"(3) 'legislative branch' means—

"(A) a Member of the Congress, or any officer or employee of the United States Senate or United States House of Representatives; and

"(B) an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States Capitol Police, and any other agency, entity, office, or commission established in the legislative branch.".

SEC. 402. AMENDING 18 U.S.C. 203.

Section 203 of title 18, United States Code, is amended by—

(1) striking "services" the first time it appears in subsection (a)(1) and inserting "representational services, as agent or attorney or otherwise,";

(2) inserting "court" after "department, agency" in subsection (a)(1);

(3) striking "shall be fined under this title or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States" in subsection (a) and inserting "shall be subject to the penalties set forth in section 216 of this title";

(4) inserting "representational" before "services" in subsection (a)(2);

(5) inserting "Member Elect," after "Member," in subsection (a)(2);

(6) inserting "Delegate Elect," after "Delegate," in subsection (a)(2);

(7) striking "including the District of Columbia" in subsection (a)(1)(B);

(8) redesignating subsection (b) as subsection (c);

(9) striking "or" at the end of subsection (a) and adding the following new paragraph (b):

"(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

"(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any services, as agent or attorney or otherwise rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

"(2) knowingly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the District of Columbia;

shall be subject to the penalties set forth in section 216 of this title".

(10) adding at the end the following:

"(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

"(2) in those matters that are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

"(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires and publishes such certification in the Federal Register.".

"(f) Nothing in this section prevents an officer or employee from giving testimony under oath or from statements required to be made under penalty for perjury or contempt."

SEC. 403. AMENDING 18 U.S.C. 204.

Section 204 of title 18, United States Code, is amended to read as follows:

"§ 204. Practice in United States Claims Court or the United States Court of Appeals for the Federal Circuit by Members of Congress

"Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States Claims Court or the United States Court of Appeals for the Federal Circuit shall be subject to the penalties set forth in section 216 of this title.".

SEC. 404. AMENDING 18 U.S.C. 205.

Section 205 of title 18, United States Code, is amended to read as follows:

"§ 205. Activities of officers and employees in claims against and other matters affecting the Government

"(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

"(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

"(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, officer, or any commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

"(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise; or

"(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"(d) Nothing in subsection (a) or (b) prevents an officer of employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

"(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

"(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires and publishes such certification in the Federal Register.

"(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

"(h) For the purpose of this section, the term 'covered matter' means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter.".

SEC. 405. AMENDING 18 U.S.C. 208.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or" after "United States Government,";

(B) by inserting "an officer or employee" before "of the District of Columbia";

(C) by striking "partner" and inserting "general partner"; and

(D) by striking "Shall be fined not more than $10,000, or imprisoned not more than two years, or both." and inserting "Shall be subject to the penalties set forth in section 216 of this title."; and

(2) in subsection (b)—

(A) by striking "or" at the end of clause (1);

(B) by inserting after "general rule or regulation" in clause (2) the following: "published in the Federal Register issued by the Office of Government Ethics applicable to all or a portion of the officers or employees covered by this section and"; and

(C) by striking "services. In" and all that follows through "appointment." and inserting the following: "(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act, (5 U.S.C. App. 2) (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of a financial disclosure report filed pursuant to section 107 of the Ethics in Government Act, as amended, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or "(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in a Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act,

which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, Alaska Native village corporation as a specific party or parties.

"(c)(1) For the purpose of paragraph (1) of subsection (b), in the case of class A and B directors of Federal Reserve Banks, the Board of Governors of the Federal Reserve System shall be deemed the Government official responsible for appointment.

"(2) The potential availability of an exemption under any particular paragraph of subsection (b) does not preclude an exemption being granted pursuant to another paragraph of subsection (b).

"(d)(1) A copy of any determination by other than the Director of the Office of Government Ethics granting an exemption pursuant to subsection (b)(1) or (b)(3) shall be submitted to the Director, who shall make all determinations available to the public pursuant to section 105 of the Ethics in Government Act of 1978. For determinations pursuant to subsection (b)(3), the information from the financial disclosure report of the officer or employee involved describing the asset or assets that necessitated the waiver shall also be made available to the public. This subsection shall not apply, however, if the head of the agency or his or her designee determines that the determination under subsection (b)(1) or (b)(3), as the case may be, involves classified information.

"(2) The Office of Government Ethics, after consultation with the Attorney General, shall issue uniform regulations for the issuance of waivers and exemptions under subsection (b) which shall—

"(A) list and describe exemptions; and

"(B) provide guidance with respect to the types of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from the employee.

SEC. 406. AMENDING 18 U.S.C. 209.

Section 209(a) of title 18, United States Code, is amended by striking "Shall be fined not more than $5,000 or imprisoned not more than one year, or both." and inserting "shall be subject to the penalties set forth in section 216 of this title.".

SEC. 407. PENALTIES AND INJUNCTIONS.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding the following new section:

"§ 216. Penalties and injunctions

"(a) The punishment for an offense under sections 203, 204, 205, 207, 208, and 209 of this title is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

"(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under sections 203, 204, 205, 207, 208, and 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under sections 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 215 the following:

"216. Penalties and injunctions.
"217. Injunctive relief.".

TITLE V—OTHER ETHICS REFORMS

SEC. 501. REFERRAL OF ETHICS VIOLATIONS BY THE SENATE ETHICS COMMITTEE TO THE GENERAL ACCOUNTING OFFICE FOR INVESTIGATION.

If the Committee on Ethics of the Senate determines that there is a reasonable basis to believe that a Member, officer, or employee of the Senate may have committed an ethics violation, the committee may request the Office of Special Investigations of the General Accounting Office to conduct factfinding and an investigation into the matter. The Office of Special Investigations shall promptly investigate the matter as directed by the committee.

SEC. 502. NONRECOGNITION FOR CERTAIN SALES TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

(a) GENERAL RULE.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. SALE OF PROPERTY TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

"(a) NONRECOGNITION OF GAIN.—If an eligible person sells any property pursuant to a certificate of divestiture, at the election of the taxpayer, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds the cost (reduced by any basis adjustment under subsection (c) attributable to a prior sale) of any permitted property purchased by the taxpayer during the 60-day period beginning on the date of such sale.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) an officer or employee of the executive branch of the Federal Government, but does not mean a special Government employee as defined in section 202 of title 18, United States Code, and

"(B) any spouse or minor or dependent child whose ownership of any property is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in subparagraph (A).

"(2) CERTIFICATE OF DIVESTITURE.—The term 'certificate of divestiture' means any written determination—

"(A) that states that divestiture of specific property is reasonably necessary to comply any Federal conflict of interest statute, regulation, rule, or executive order (including section 208 of title 18, United States Code), or requested by a congressional committee as a condition of confirmation,

"(B) that has been issued by the President or the Director of the Office of Government Ethics, and

"(C) that identifies the specific property to be divested.

"(3) PERMITTED PROPERTY.—The term 'permitted property' means any obligation of the United States or any diversified investment fund approved by regulations issued by the Office of Government Ethics.

"(4) PURCHASE.—The taxpayer shall be considered to have purchased any permitted property if, but for subsection (c), the unadjusted basis of such property would be its cost within the meaning of section 1012.

"(c) BASIS ADJUSTMENTS.—If gain from the sale of any property is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any permitted property which is purchased by the taxpayer during the 60-day period described in subsection (a)."

(b) TECHNICAL AMENDMENTS.—

(1) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property had been held as of the date of such sale."

(2) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) in the case of property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, to the extent provided in section 1043(c)."

(3) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1043. Sale of property to comply with conflict-of-interest requirements.".

(c) The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 503. USE OF GOVERNMENT VEHICLES.

Notwithstanding any other provision of law, the head of each department, agency, or other entity of each branch of the Government shall prescribe by rule appropriate

conditions for the incidental use, for other than official business, of vehicles owned or leased by the Government.

SEC. 504. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO ELIMINATE THE EXCESS CAMPAIGN FUND GRANDFATHER PROVISION.

(a) IN GENERAL.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking ", with respect to " and all that follows through "1979,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress in the 102nd Congress or an earlier Congress, shall apply, except as provided in paragraph (2), to the use of excess amounts totaling more than the amount equal to the unobligated balance on hand on the date of the enactment of this Act; and

(2) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress after the 102nd Congress (including an individual referred to in paragraph (1) who so serves), shall apply to the use of any excess amount on or after the first day of such service.

SEC. 505. REPEAL OF HONORARIUM PROVISIONS.

(a) LIMITATION ON ANNUAL HONORARIA.—Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

(b) LIMIT ON EXCESSIVE HONORARIUM.—Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is repealed.

SEC. 506. REPEAL OF CERTAIN OBSOLETE PROVISIONS.

(a) RESTRICTION ON PAYMENT TO CERTAIN RETIRED MILITARY OFFICERS.—Subsection (a) of section 801 of title 37, United States Code, is repealed.

(b) INTERIOR APPROPRIATIONS.—Section 318 of the Act of September 27, 1988 (Interior Department Appropriations, Fiscal Year 1988) (Public Law 100-446, 102 Stat. 1774, 1826) is repealed.

SEC. 507. RECERTIFICATION OF SENIOR EXECUTIVES.

(a) Chapter 33 of title 5, United States Code, is amended—

(1) by inserting immediately following section 3393 the following new section:

"§ 3393a. Recertification

"(a)(1) In order to ensure that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service, as set forth in section 3131, each career appointee shall be subject to recertification by the employing agency in accordance with the provisions of this section.

"(2) Beginning in calendar year 1991, and recurring every third calendar year thereafter, the head of an agency shall determine a time during such calendar year when the performance of career appointees in the agency shall be subject to recertification. Recertification shall not be required of any career appointee who has not been continuously employed as a senior executive for the 156 weeks preceding the time determined for the recertification. For the purposes of the previous sentence, a break in service of 6 months and shall be deemed not to interrupt the 156 weeks of continuous employment.

"(b) The supervising official of each career appointee shall submit to a performance review board established by the agency under section 4314 a recommendation as to whether the career appointee's performance justifies recertification as a senior executive, based on such factors as the career appointee's performance ratings for the 3 preceding years under section 4314, any award or other recognition received by the career appointee, any developmental activities of the career appointee, and any other relevant factors. The supervising official's recommendation shall reflect that official's view as to whether the career appointee's overall performance over the 3 preceding years has demonstrated the excellence expected of a senior executive in relation to the written performance requirements for the career appointee's senior executive position as established under section 4312(b). The career appointee may submit to the performance review board a statement of accomplishments and other documentation giving evidence of the quality of the career appointee's performance.

"(c)(1) After considering the recommendation and other information received under subsection (b), the performance review board shall submit to the appointing authority a recommendation as to whether the career appointee should be recertified, conditionally recertified, or not recertified as a senior executive. If the board proposes to recommend conditional recertification or nonrecertification, then the affected appointee shall be so notified and shall have the opportunity to appear before the performance review board. If the board is recommending that the career appointee be recertified, the board may also recommend that the career appointee's rate of basic pay be increased to a higher rate established under section 5382. If the board is recommending that the career appointee be conditionally recertified, the board may recommend that the career appointee's pay be reduced to the next lower rate established under section 5382. The board shall also provide to the appointing authority the recommendation and other information received under subsection (b).

"(2) More than one-half of the members of a performance review board under this section shall consist of career appointees. The requirement of the preceding sentence shall not apply in any case in which the Office of Personnel Management determines that there exists an insufficient number of career appointees available to comply with the requirement.

"(d)(1) If the appointing authority determines that the career appointee's performance during the preceding 3 years demonstrates the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be recertified as a senior executive.

"(2) If the appointing authority determines that the career appointee's performance has not demonstrated the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be conditionally recertified as a senior executive or not be recertified as a senior executive.

"(e)(1) If the head of the agency decides that the career appointee's performance warrants recertification as a senior executive, the career appointee shall continue in the Senior Executive Service. If a career appointee is recertified as a senior executive, the career appointee's rate of basic pay may not be reduced at the time of recertification.

"(2) If the head of the agency decides that the career appointee's performance does not warrant full recertification, but does warrant conditional recertification, the career appointee—

"(A) shall remain a career appointee in the Senior Executive Service;

"(B) shall be subject to continuing close review of the career appointee's performance by the supervising official in coordination with an executive resources board established under section 3393, in accordance with a performance improvement plan developed by the supervising official and subject to the approval of the executive resources board;

"(C) may, if the head of the agency so determines, be reduced to the next lower rate of basic pay established under section 5382; and

"(D) shall be removed from the Senior Executive Service if the career appointee is not recertified as a senior executive at the end of the 12-month period following the conditional recertification.

If, at the end of the 12-month period following the conditional recertification, the career appointee is recertified as a senior executive, any reduction that was made in the career appointee's rate of basic pay under subparagraph (C) shall be restored prospectively.

"(3) If the head of the agency decides that the career appointee's performance does not demonstrate that the career appointee qualifies for recertification or conditional recertification as a senior executive, the career appointee shall be removed from the Senior Executive Service in accordance with section 3592.

"(f) The Office of Personnel Management shall prescribe standards and procedures to ensure consistency and fairness for the process of recertification under this section.".

(2) by inserting in the analysis, immediately following the item relating to section 3393, the following new item:

"3393a. Recertification.".

(b) Title 5, United States Code, is further amended as follows:

(1) in section 3151(a)(5)—

(A) by striking "and" at the end of subparagraph (C);

(B) by inserting "and" after the semicolon at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) recertification consistent with section 3393a;";

(2) in section 3393(g), by inserting after "1207," the following: "3393a,";

(3) in section 3592(a)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the comma at the end of paragraph (2);

(C) by inserting after paragraph (2) the following new paragraph:

"(3) if the career appointee is not recertified as a senior executive under section 3393a,"; and

(D) by inserting at the end thereof the following: "In the case of a removal under paragraph (3) of this subsection, the career appointee shall have the right to appeal the removal from the Senior Executive Service to the Merit Systems Protection Board under section 7701.";

(4) in section 3593(a)(2)—

(A) by striking "or";

(B) by striking the period and inserting in lieu thereof the following: ", or failure to be recertified as a senior executive under section 3393a.";

(5) in section 3594(b)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the semicolon at the end of paragraph (2); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) is removed from the Senior Executive Service for failure to be recertified under section 3393a;";

(6) in section 7701(c)(1)(A) by striking "of" and inserting in lieu thereof the following: "of a removal from the Senior Executive Service for failure to be recertified under section 3393a or";

(7) in section 8336(h)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for";

(8) in section 8339(h) by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", except that such reduction shall not apply in the case of an employee retiring under section 8336(h) for failure to be recertified as a senior executive.";

(9) in section 8414(a)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(10) in section 8421(a)(2) by striking the period and inserting in lieu thereof the following: ", except that an individual entitled to an annuity under section 8414(a) for failure to be recertified as a senior executive shall be entitled to an annuity supplement without regard to such applicable minimum retirement age".

(c)(1) Section 305 of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following new subsection:

"(c) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3393a of title 5, United States Code.".

(2) Section 12(a)(1) of the National Security Agency Act of 1959 is amended—

(A) by striking "and" at the end of paragraph (F);

(B) by inserting "and" after the semicolon at the end of paragraph (G); and

(C) by inserting after paragraph (G) the following new paragraph:

"(H) provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.".

(3) Section 1601(a) of title 10, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by inserting "and" after the semicolon at the end of paragraph (7); and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) provide for the recertification of members of the Defense Intelligence Senior Executive Service consistent with the provisions of section 3393a of title 5.".

(d) The amendments made by this section shall take effect on January 1, 1991.

SEC. 508. DELAY IN EFFECTIVE DATE OF CERTAIN STATUTORY PROVISIONS.

(a) Section 6(b) of Public Law 100-679 is amended by striking "180 days after the date of enactment of this Act" and substituting "one year after the date of enactment of H.R. 3660."

(b) Sections 603 through 606, subsections (a) and (b) of Section 607, and subsections (a) and (c) of Section 608 of the Department of Energy Organization Act shall not have effect from the date of enactment of H.R. 3660 for a period of one year.

(c) Sections 2397a and 2397b of title 10, United States Code, and section 281 of title 18, United States Code shall not have effect from the date of enactment of H.R. 3660 for a period of one year.

TITLE VI—AMENDMENTS TO THE RULES OF THE HOUSE OF REPRESENTATIVES

SEC. 601. ACCEPTANCE OF GIFTS.

(a) DOLLAR LIMITS.—Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. A Member, officer or employee of the House of Representatives shall not accept gifts (other than the personal hospitality of an individual or with a fair market value of $75 or less) in any calendar year aggregating more than the minimal value as established by paragraph (5) of section 7342 of title 5, United States Code, directly or indirectly from any person (other than from a relative), except to the extent permitted by written waiver granted in exceptional circumstances by the Committee on Standards of Official Conduct pursuant to clause 4(e)(1)(E) of rule X.".

(b) DEFINITIONS.—The last undesignated paragraph of rule XLIII of the Rules of the House of Representatives is amended—

(1) by striking the dash after "Conduct" and by striking "(1) The" and by inserting ", the";

(2) by striking "the person reporting" and by inserting "such Member, officer, or employee, and shall be deemed to include the fiance or fiancee of the Member, officer, or employee"; and

(3) by repealing subparagraph (2).

(c) Rule XLIII of the Rules of the House of Representatives is amended by inserting after clause 11 the following:

"12. (a) Except as provided by paragraph (b), any employee of the House of Representatives who is required to file a report pursuant to rule XLIV shall refrain from participating personally and substantially as an employee of the House of Representatives in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

"(b) Paragraph (a) shall not apply if an employee first advises his employing authority of his significant financial interest and obtains from his employing authority a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Committee on Standards of Official Conduct.".

(d) ADDITIONAL DUTIES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Clause 4(e)(1) of rule X of the Rules of the House of Representatives is amended by striking "and" before "(D)" and by inserting before the period the following: "; and (E) to give consideration to the request of any Member, officer, or employee of the House for a written waiver in exceptional circumstances with respect to clause 4 of rule XLIII".

(e) ADVISORY OPINION AMENDMENTS.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the acceptance of gifts (1) to prohibit lodging received as personal hospitality in excess of 30 days in any calendar year from any individual unless a written waiver is granted by the committee and (2) to exempt gifts of food and beverages consumed not in connection with gifts of lodging from coverage under clause 4 of rule XLIII of the Rules of the House of Representatives.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 602. USE OF OFFICIAL RESOURCES.

(a) QUALIFICATIONS OF OFFICERS AND EMPLOYEES.—Rule XLI of the Rules of the House of Representatives is amended to read as follows:

"RULE XLI.

"QUALIFICATIONS OF OFFICERS AND EMPLOYEES.

"No person shall be an officer or employee of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government or be interested in such claim otherwise than as an original claimant or than in the proper discharge of official duties.".

(b) RIGHTS AND DUTIES OF STAFF.—(1) Clause 8 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"8. A Member or officer of the House of Representatives shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received in the offices of the employing authority. In the case of committee employees who work under the direct supervision of a Member other than a chairman, the chairman may require that such Member affirm in writing that the employees have complied with the preceding sentence (subject to clause 6 of rule XI) as evidence of the chairman's compliance with this clause and with clause 6 of rule XI.".

(2) Clause 9 of rule XLIII of the Rules of the House of Representatives is amended by inserting "(including marital or parental status), handicap" after "sex" and by inserting before the period the following: ", but may take into consideration the domicile or political affiliation of such individual".

(3) Clause 6 of rule XI of the Rules of the House of Representatives is amended—

(A) in paragraph (a)(3) by striking subdivision (A) and by redesignating subdivisions (B) and (C) as subdivisions (A) and (B), respectively; and

(B) in paragraph (a)(3)(A) (as redesignated) by inserting "during congressional working hours" after "business"; and

(C) in paragraph (b)(1) by striking ", without regard to race, creed, sex, or age".

(c) CLARIFICATION OF POLITICAL ACTIVITIES.—The second sentence of clause 6 of rule XLIII of the Rules of the House of Representatives is amended to read as follows: "A Member shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable campaign expenditures and shall expend no funds from his campaign account not attributable to bona fide campaign or political purposes.".

(d) USE OF OFFICIAL VEHICLES.—The Committee on House Administration of the House of Representatives shall take such

action as may be necessary to carry out section 407 with respect to vehicles of the House of Representatives.

(e) USE OF CAMPAIGN VEHICLES.—The Committee on Standards of Official Conduct of the House of Representatives shall issue an advisory opinion to provide for appropriate conditions for the incidental noncampaign use of vehicles owned or leased by a campaign committee of a Member of the House of Representatives.

(f) CONFORMING AMENDMENT.—Clause 1 of rule XLIV of the Rules of the House of Representatives is amended by striking "July 1" and by inserting "August 1" and by striking "May 15" and by inserting "June 15".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 603. REFORMS RESPECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

(a) MEMBERSHIP OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Clause (6)(a)(2) of rule X of the Rules of the House of Representatives is amended by inserting at the end the following: "No Member shall serve as a member of the Committee on Standards of Official Conduct during more than 3 Congresses in any period of 5 successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress).".

(b) COMMITTEE COMPOSITION.—The respective party caucus or conference of the House of Representatives shall each nominate to the House of Representatives at the beginning of each Congress 7 members to serve on the Committee on Standards of Official Conduct.

(c) INVESTIGATIVE SUBCOMMITTEES.—The Committee on Standards of Official Conduct shall adopt rules providing—

(1) for the establishment of a 4- or 6-member investigative subcommittee (with equal representation from the majority and minority parties) whenever the committee votes to undertake any investigation;

(2) that the senior majority and minority members on an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee; and

(3) that the chairman and ranking minority member of the full committee may only serve as non-voting, ex officio members on an investigative subcommittee.

Clause 5(d) of rule XI of the Rules of the House of Representatives shall not apply to any investigative subcommittee.

(d) ADJUDICATORY SUBCOMMITTEES.—The Committee on Standards of Official Conduct shall adopt rules providing—

(1) that upon the completion of an investigation, an investigative subcommittee shall report its findings and recommendations to the committee;

(2) that, if an investigative subcommittee by majority vote of its membership adopts a statement of alleged violation, the remaining members of the committee shall comprise an adjudicatory subcommittee to hold a disciplinary hearing on the violation alleged in the statement;

(3) that any statement of alleged violation and any written response thereto shall be made public at the first meeting or hearing on the matter which is open to the public after the respondent has been given full opportunity to respond to the statement in accordance with committee rules, but, if no public hearing or meeting is held on the matter, the statement of alleged violation and any written response thereto shall be included in the committee's final report to the House of Representatives as required by clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives;

(4) that a quorum for an adjudicatory subcommittee for the purpose of taking testimony and conducting any business shall consist of a majority of the membership of the subcommittee plus one; and

(5) that an adjudicatory subcommittee shall determine, after receiving evidence, whether the counts in the statement have been proved and shall report its findings to the committee.

Clause 5(d) of rule XI of the Rules of the House of Representatives shall not apply to any adjudicatory subcommittee.

(e) ADMINISTRATIVE ACTIONS.—Clause 4(e)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting after "House" the second time it appears the following: ", and any letter of reproval or other administrative action of the committee pursuant to an investigation under subdivision (B) shall only be issued or implemented as a part of a report required by such subdivision".

(f) REPORT TO THE HOUSE.—Clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives is amended by striking everything after "hearing" through the semicolon and by inserting the following: "(unless the right to a hearing is waived by the Member, officer, or employee), shall report to the House its findings of fact and recommendations, if any, upon the final disposition of any such investigation, and such action as the committee may deem appropriate in the circumstances;".

(g) STATUTE OF LIMITATIONS.—Clause 4(e)(2)(C) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: "; nor shall any investigation be undertaken by the committee of any alleged violation which occurred before the third previous Congress unless the committee determines that the alleged violation is directly related to any alleged violation which occurred in a more recent Congress".

(h) RIGHT TO COUNSEL.—Clause 1 of rule XXXII of the Rules of the House of Representatives is amended by inserting "and one attorney to accompany any Member who is the respondent in an investigation undertaken by the Committee on Standards of Official Conduct when the recommendation of such committee is under consideration;" after the last semicolon.

(i) ADVICE AND EDUCATION.—

(1) The Committee on Standards of Official Conduct shall establish within the committee an Office on Advice and Education (hereinafter in this subsection referred to as the "Office") under the supervision of the chairman.

(2) The Office shall be headed by a director who shall be appointed by the chairman, in consultation with the ranking minority member, and shall be comprised of such staff as the chairman determines is necessary to carry out the responsibilities of the Office.

(3) The primary responsibilities of the Office shall include:

(A) Providing information and guidance to Members, officers and employees of the House regarding any laws, rules, regulations, and other standards of conduct applicable to such individuals in their official capacities, and any interpretations and advisory opinions of the committee.

(B) Submitting to the chairman and ranking minority member of the committee any written request from any such Member, officer or employee for an interpretation of applicable laws, rules, regulations, or other standards of conduct, together with any recommendations thereon.

(C) Recommending to the committee for its consideration formal advisory opinions of general applicability.

(D) Developing and carrying out, subject to the approval of the chairman, periodic educational briefings for Members, officers and employees of the House on those laws, rules, regulations, or other standards of conduct applicable to them.

(4) No information provided to the Committee on Standards of Official Conduct by a Member, officer or employee of the House of Representatives when seeking advice regarding prospective conduct of such Member, officer or employee may be used as the basis for initiating an investigation under clause 4(e)(1)(B) of rule X of the Rules of the House of Representatives, if such Member, officer or employee acts in accordance with the written advice of the committee.

(j) EFFECTIVE DATE.—This section shall take effect immediately before noon January 3, 1991, except that subsections (g), (h), and (i) shall take effect on January 1, 1990.

SEC. 604. ELIMINATION OF HONORARIA AND LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT.

(a) HONORARIA AND OUTSIDE EARNED INCOME.—Clauses 1 and 2 of rule XLVII of the Rules of the House of Representatives are amended to read as follows:

"1. (a)(1) Except as provided by subparagraph (2), in calendar year 1991 or thereafter, a Member or an officer or employee of the House may not—

"(A) have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year; or

"(B) receive any honorarium.

"(2) In the case of any individual who becomes a Member or an officer or employee of the House during calendar year 1991 or thereafter, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer, or employee during such calendar year and denominator of which is 365.

"(3) In calendar year 1991 or thereafter, any payment in lieu of an honorarium which is made to a charitable organization on behalf of a Member, officer or employee of the House may not be received by such individual. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

"(b)(1) Except as provided by subparagraph (2), in calendar year 1990, a Member may not have outside earned income (including honoraria received in such calendar year) attributable to such calendar year which exceeds 30 percent of the annual pay as a Member to which the Member was entitled in 1989.

"(2) In the case of any individual who becomes a Member during calendar year 1990, such individual may not have outside earned income (including honoraria) attributable to the portion of that calendar year which occurs after such individual becomes a Member which exceeds 30 percent of $89,500 multiplied by a fraction the numerator of which is the number of days such individual is a Member during such calendar year and the denominator of which is 365.".

(b) LIMITATIONS ON OUTSIDE EMPLOYMENT.—Rule XLVII of the Rules of the House of Representatives is amended by inserting after clause 1 the following new clause:

"2. On or after January 1, 1991, a Member or an officer or employee of the House shall not—

"(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involves a fiduciary relationship for compensation;

"(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

"(3) practice a profession which involves a fiduciary relationship for compensation;

"(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

"(5) receive compensation for teaching, without the prior notification and approval of the Committee on Standards of Official Conduct.".

(c) DEFINITIONS.—Clause 3 of rule XLVII is amended—

(1) by redesignating paragraphs (b) through (d) as paragraphs (c) through (e), respectively, and by inserting after paragraph (a) the following new paragraph:

"(b)(1) Except as provided by paragraph (2), the term 'officer or employee of the House' means any individual (other than a Member) whose pay is disbursed by the Clerk and who is paid at a rate equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code, and so employed for more than 90 days in a calendar year.

"(2) When used with respect to honoraria, the term 'officer or employee of the House' means any individual (other than a Member) whose salary is disbursed by the Clerk.";

(2) by striking paragraphs (c) and (d) (as redesignated) and by inserting the following:

"(c) The term 'honorarium' means a payment of money or any thing of value for an appearance, speech or article by a Member or an officer or employee of the House, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

"(d) The term 'travel expenses' means, with respect to a Member or an officer or employee of the House, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.".

(3) in paragraph (e) (as redesignated)—

(A) by striking "professional fees, honorariums," and inserting "fees,";

(B) by striking "(other than copyright royalties)"; and

(C) by striking "and" at the end of subparagraph (3), by striking the period at the end of subparagraph (4) and inserting "; and", and by inserting after subparagraph (4) the following:

"(5) copyright royalties received from established publishers pursuant to usual and customary contractual terms."; and

(4) by inserting at the end the following:

"(f) The term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1986.".

(d) TITLE CHANGE.—The title of rule XLVII of the Rules of the House of Representatives is amended to read as follows: "LIMITATIONS ON OUTSIDE EMPLOYMENT AND EARNED INCOME.".

(e) CONFORMING AMENDMENT.—Effective January 1, 1991, clause 5 of rule XLIII of the Rules of the House of Representatives is amended by striking everything after "activity" and inserting a period.

(f) EFFECTIVE DATE.—Except as provided by subsection (e), the amendments made by this section shall take effect on Janaury 1, 1990. The amendments made by this section shall cease to be effective if the provisions of section 303 are subsequently repealed, in which case the rules in effect before the amendments made by this section shall be deemed to be readopted.

SEC. 605. RESTRICTIONS ON REIMBURSABLE TRAVEL EXPENSES.

(a) RESTRICTIONS.—The Committee on Standards of Official Conduct of the House of Representatives shall amend its advisory opinions relating to the accpetance of necessary travel expenses incurred on or after January 1, 1990, in connection with speaking engagements and similar events to—

(1) prohibit the acceptance of such expenses for more than 4 consecutive days in the case of domestic travel and 7 consecutive days (excluding travel days) in the case of foreign travel; and

(2) permit the acceptance of travel expenses for the spouse or other family member in connection with any substantial participation event or fact-finding activity.

(b) EXEMPTION AUTHORITY.—The Committee on Standards of Official Conduct of the House of Representatives is authorized to grant prior written exemptions from the limitations contained in subsection (a)(1) in exceptional circumstances.

TITLE VII—REGULATIONS RELATING TO THE SENATE

SEC. 701. GIFTS AND TRAVEL.

(a) GIFTS.—(1) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(2) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $300 during a calendar year from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(3) In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.

(4) For purposes of this subsection, only the following shall be deemed to have a direct interest in legislation before the Congress:

(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered-lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(B) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

(5) The prohibitions of this subsection do not apply to gifts—

(A) from relatives;

(B) with a value of less than $75;

(C) of personal hospitality of an individual; or

(D) from an individual who is a foreign national if that individual is not acting, directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.

(6) For purposes of this paragraph—

(A) the term "gift" means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals or beverages consumed or enjoyed, provided the meals or beverages are not consumed or enjoyed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

(B) the term "relative" has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

(7) If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph (1) such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the

gift, reimburse the donor for the value of the gift.

(8)(A) Notwithstanding the provisions of this subsection, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the Select Committee on Ethics has determined that participation in such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

(B) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The chairman of the Select Committee shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

(C) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (A) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

(b) LIMITS ON DOMESTIC AND FOREIGN TRAVEL BY MEMBERS AND STAFF OF THE SENATE.—The term "necessary expenses", with respect to limits on domestic and foreign travel by Members and staff of the Senator, means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days (and 2 nights) exclusive of travel time within the United States or 7 days (and 6 nights) exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse of a Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.

SEC. 702. TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS.

(1) by inserting "1." before "For purposes of this rule"; and

"(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

(b) For purposes of this rule, the head of the employing office shall be—

(A) in the case of an employee of a Member, the Member by whom that person is employed;

(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.".

SEC. 703. AMENDMENT TO SENATE CONFLICT OF INTEREST RULE.

(a) Except as provided by subsection (b), any employee of the Senate who is required to file a report pursuant to Senate regulations shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

(b) Subsection (a) shall not apply if an employee first advises his supervisor authority of his significant financial interest and obtains from such supervisor a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.

Notwithstanding any other provision of law, during the calendar year beginning on January 1, 1990, the percentage of aggregate salary limits on honoraria in effect during the calendar year beginning on January 1, 1989 shall apply to the Senate.

TITLE VIII—LIMITATIONS ON OUTSIDE EMPLOYMENT AND ELIMINATION OF HONORARIA

SEC. 801. LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT.

(a) LIMITATIONS.—Title V of the Ethics in Government Act of 1978 is amended to read as follows:

"TITLE V—GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT

"SEC. 501. OUTSIDE EARNED INCOME LIMITATION.

"(a) OUTSIDE EARNED INCOME LIMITATION.—

(1) Except as provided by paragraph (2), a Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

"(2) In the case of any individual who becomes a Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member, officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer or employee during such calendar year and the denominator of which is 365.

"(b) HONORARIA PROHIBITION.—An individual may not receive any honorarium while that individual is a Member, officer or employee.

"(c) TREATMENT OF CHARITABLE CONTRIBUTIONS.—Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

"SEC. 502. LIMITATIONS ON OUTSIDE EMPLOYMENT.

"A Member or an officer or employee who is not a career civil servant and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule shall not—

"(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involves a fiduciary relationship for compensation;

"(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

"(3) practice a profession which involves a fiduciary relationship for compensation;

"(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

"(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

"SEC. 503. ADMINISTRATION.

"(a) ADMINISTRATION.—This title shall be subject to the rules and regulations of—

"(1) and administered by the committees of the Senate and the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the Senate and the House of Representatives, respectively;

"(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

"(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

"(b) EXCEPTIONS.—Notwithstanding any other provision of this title, each supervising ethics office, as defined in section 109(18) of this Act, has the authority to grant exceptions to section 502 (3), (4) or (5) if such office or committee determines that there is an insignificant potential for conflict of interest.".

"SEC. 504. CIVIL PENALTIES.

"(a) CIVIL ACTION.—The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than $10,000 or the amount of compensation, if any, which

the individual received for the prohibited conduct, whichever is greater.

"(b) ADVISORY OPINIONS.—Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

"SEC. 505. DEFINITIONS.

"For purposes of this title:

"(1) The term 'Member' means a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress.

"(2) The term 'officer or employee' means any officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code).

"(3) The term 'honorarium' means a payment of money or any thing of value for an appearance, speech or article by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

"(4) The term 'travel expenses' means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

"(5) The term 'charitable organization' means an organization described in section 170(c) of the Internal Revenue Code of 1986.".

SEC. 802. TAX TREATMENT OF AMOUNTS PAID TO CHARITY.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following:

"(k) TREATMENT OF CERTAIN AMOUNTS PAID TO CHARITY.—In the case of any payment which, except for section 501(b) of the Ethics in Government Act of 1978, might be made to any officer or employee of the Federal Government but which is made instead on behalf of such officer or employee to an organization described in section 170(c)—

"(1) such payment shall not be treated as received by such officer or employee for all purposes of this title and for all purposes of any tax law of a State or political subdivision thereof, and

"(2) no deduction shall be allowed under any provision of this title (or of any tax law of a State or political subdivision thereof) to such officer or employee by reason of having such payment made to such organization.

For purposes of this subsection, a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government.".

SEC. 803. EFFECTIVE DATE.

The amendments made by this title shall take effect on January 1, 1991. Such amendments shall cease to be effective if the provisions of section 903 are subsequently repealed, in which case the laws in effect before such amendments shall be deemed to be reenacted.

TITLE IX—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SEC. 901. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 225(a) of the Federal Salary Act of 1967 (2 U.S.C. 351) is amended by striking "Commission on Executive, Legislative, and Judicial Salaries" and inserting "Citizens' Commission on Public Service and Compensation".

(2) CONFORMING AMENDMENT.—The heading for section 225 of such Act (2 U.S.C. 351 and following) is amended to read as follows:

"CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION".

(b) MEMBERSHIP.—Section 225(b) of such Act (2 U.S.C. 352) is amended to read as follows:

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

"(A) 2 appointed by the President of the United States;

"(B) 1 appointed by the President Pro Tempore of the Senate; upon recommendation by the Majority and Minority Leaders

"(C) 1 appointed by the Speaker of the House of Representatives;

"(D) 2 appointed by the Chief Justice of the United States; and

"(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

"(2) No person shall serve as a member of the Commission who is—

"(A) an officer or employee of the Federal Government;

"(B) registered (or required to register) under the Federal Regulation of Lobbying Act; or

"(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

"(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

"(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

"(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

"(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

"(C) shall otherwise comply with applicable provisions of this subsection.

"(5) The chairperson shall be designated by the President.

"(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when engaged in the performance of services for the Commission.

"(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

"(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under subsection (g) (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

"(ii) Notwithstanding any provision of subsection (c), authority under such subsection shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve."

(c) AMENDMENTS TO SECTION 225(c).—Section 225(c) of such Act (2 U.S.C. 353) is amended by striking "subsection (b) (2) and (3)" each place it appears and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(d) AMENDMENT TO SECTION 225(f).—Section 225(f) of such Act (2 U.S.C. 356) is amended by striking "subsection (b) (2) and (3)" and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(e) REPORT TO THE PRESIDENT.—Section 225(g) of such Act (2 U.S.C. 357) is amended—

(1) by amending the subsection heading to read as follows: "REPORT BY COMMISSION TO THE PRESIDENT WITH RESPECT TO PAY";

(2) in the first sentence, by striking "Commission of" and inserting "Commission with respect to rates of pay for"; and

(3) in the second sentence, by striking "December 15" and all that follows thereafter through the period and inserting "December 15 next following the close of the fiscal year in which the review is conducted by the Commission."

(f) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—Section 225(h) of such Act (2 U.S.C. 358) is amended to read as follows:

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—(1) After considering the report and recommendations of the Commission submitted under subsection (g), the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f), which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

"(2) The President shall transmit his recommendations under this subsection to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under subsection (g)."

(g) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—Section 225(i) of such Act (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

"(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under subsection (h) with respect to such adjustment.

"(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph (2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under subsection (h)) that any of those recommendations take effect, an election of Representatives shall have intervened.

"(B) For purposes of this paragraph, the term 'election of Representatives' means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year."

(h) AMENDMENT TO SECTION 225(j).—Section 225(j)(A) of such Act (2 U.S.C. 360(A)) is amended by striking "(other than" and all that follows thereafter through ", and" and inserting "(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under subsection (h) and ending on the date of their approval under subsection (i)(2)), and".

(i) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(l) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Notwithstanding any other provision of this section, the recommendations submitted by the Commission to the President under subsection (g), and the recommendations transmitted by the President to the Congress under subsection (h), shall be in conformance with the following:

"(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

"(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under subsection (f).

"(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

"(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), respectively, shall be equal.

"(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), respectively, shall be equal.

"(B) Nothing in this subsection shall be considered to require that the rate recommended for any office or position by the President under subsection (h) be the same as the rate recommended for such office or position by the Commission under subsection (g)."

(j) ADDITIONAL FUNCTION.—Section 225 of such Act (2 U.S.C. 351 and following), as amended by subsection (i), is further amended by adding at the end the following:

"(m) ADDITIONAL FUNCTION.—The Commission shall, whenever it conducts a review under subsection (f), also conduct a review under this subsection relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this subsection shall be included by the Commission as part of its report to the President under subsection (g)."

(k) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding after subsection (m) (as added by subsection (j)) the following:

"(n) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—

"(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of subsection (f) shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

"(2) For purposes of this subsection, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

"(3) Nothing in this subsection shall be considered to apply with respect to any pay increase—

"(A) which takes effect under the preceding subsections of this section;

"(B) which is based on a change in the Employment Cost Index (as determined under section 904(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

"(C) which takes effect under section 902 or 903 of the Ethics Reform Act of 1989."

SEC. 902. RESTORATION OF COMPARABILITY ADJUSTMENTS.

(a) RESTORATION.—

(1) IN GENERAL.—Effective for pay periods beginning on or after the date of enactment of this Act, the rate of basic pay for any office or position in the executive, legislative, or judicial branch of the Government or in the government of the District of Columbia shall be determined as if the provisions of law cited in paragraph (2) had never been enacted.

(2) CITATIONS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 620(b) of the Treasury, Postal Service and General Government Appropriations Act, 1989 (2 U.S.C. 5305 note).

(B) Section 619(b) of the Treasury, Postal Service and General Government Appropriations Act, 1990.

(b) SPECIFIC AUTHORITY.—For purposes of section 140 of Public Law 97-92 (28 U.S.C. 461 note), appropriate salary increases are hereby authorized for Federal judges and Justices of the Supreme Court pursuant to subsection (a).

(c) SPECIAL RULE.—Notwithstanding any other provision of this section, no adjustment in any rate of pay shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.

SEC. 903. SALARY LEVELS OF SENIOR GOVERNMENT OFFICIALS.

(a) SALARY LEVELS.—

(1) EXECUTIVE POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for positions in the Executive Schedule shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(2) LEGISLATIVE POSITIONS; OFFICE OF THE VICE PRESIDENT.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the offices and positions under subparagraphs (A) and (B) of section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356(A) and (B)) shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100).

(3) JUDICIAL POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase),

rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(b) COORDINATION RULE.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under subsection (a) shall be made first.

SEC. 904. REVISION IN METHOD BY WHICH ANNUAL PAY ADJUSTMENTS FOR CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL POSITIONS ARE TO BE MADE.

(a) PERCENT CHANGE IN THE EMPLOYMENT COST INDEX.—

(1) METHOD FOR COMPUTING PERCENT CHANGE IN THE ECI.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term "Employment Cost Index" or "ECI" means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics; and

(ii) the term "base quarter" means the 3-month period ending on December 31 of a year.

(B) METHOD.—For purposes of the provisions of law amended by paragraph (2), the "most recent percentage change in the ECI", as of any date, shall be one-half of 1 percent less than the percentage (rounded to the nearest one-tenth of 1 percent) derived by—

(i) reducing—

(I) the ECI for the last base quarter prior to that date, by

(II) the ECI for the second to last base quarter prior to that date,

(ii) dividing the difference under clause (i) by the ECI for the base quarter referred to in clause (i)(II), and

(iii) multiplying the quotient under clause (ii) by 100,

except that no percentage change determined under this paragraph shall be—

(I) less than zero; or

(II) greater than 5 percent.

(2) PROVISIONS THROUGH WHICH NEW METHOD IS TO BE IMPLEMENTED.—

(A) AMENDMENT TO TITLES 3, 5, AND 28 OF THE UNITED STATES CODE.—Section 104 of title 3, United States Code, section 5318 of title 5, United States Code, and section 461(a) of title 28, United States Code, are amended by striking "corresponds to" and all that follows thereafter through the period, and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 904(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(B) AMENDMENT TO THE LEGISLATIVE REORGANIZATION ACT OF 1946.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "corresponds to" and all that follows thereafter through the period and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 904(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1991.

SEC. 905. WORK PERFORMED BY SENIOR JUDGES IN ORDER TO RECEIVE CERTAIN SALARY INCREASES.

(a) IN GENERAL.—Section 371 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by inserting "or her" after "his"; and

(C) by striking the period and inserting the following: "if he or she meets the requirements of subsection (f).

"(2) In a case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (f), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (f) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title."; and

(2) by adding at the end the following new subsection:

"(f)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having met the requirements set forth in at least one of the following subparagraphs:

"(A) The justice or judge must have carried in the preceding calendar year a caseload involving courtroom participation which is equal to or greater than the amount of work involving courtroom participation which an average judge in active service would perform in three months. In the instance of a justice or judge who has sat on both district courts and courts of appeals, the caseload of appellate work and trial work shall be determined separately and the results of those determinations added together for purposes of this paragraph.

"(B) The justice or judge performed in the preceding calendar year substantial judicial duties not involving courtroom participation under subparagraph (A), including settlement efforts, motion decisions, writing opinions in cases that have not been orally argued, and administrative duties for the court to which the justice or judge is assigned. Any certification under this subparagraph shall include a statement describing in detail the nature and amount of work and certifying that the work done is equal to or greater than the work described in this subparagraph which an average judge in active service would perform in three months.

"(C) The justice or judge has, in the preceding calendar year, performed work described in subparagraphs (A) and (B) in an amount which, when calculated in accordance with such subparagraphs, in the aggregate equals at least 3 months work.

"(D) The justice or judge has, in the preceding calendar year, performed substantial administrative duties directly related to the operation of the courts, or has performed substantial duties for a Federal or State governmental entity. A certification under this subparagraph shall specify that the work done is equal to the full-time work of an employee of the judicial branch.

"(E) The justice or judge was unable in the preceding calendar year to perform judicial or administrative work to the extent required by any of subparagraphs (A) through (D) because of a temporary or permanent disability. A certification under this subparagraph shall be made to a justice who certifies in writing his or her disability to the Chief Justice, and to a judge who certifies in writing his or her disability to the chief judge of the circuit in which the judge sits. A justice or judge who is certified under this subparagraph as having a permanent disability shall be deemed to have met the requirements of this subsection for each calendar year thereafter.

"(2) Determinations of work performed under subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made pursuant to rules promulgated by the Judicial Conference of the United States. In promulgating such criteria, the Judicial Conference shall take into account existing standards promulgated by the Conference for allocation of space and staff for senior judges.

"(3) If in any year a justice or judge who retires under subsection (b) does not receive a certification under this subsection (except as provided in paragraph (1)(E)), he or she is thereafter ineligible to receive such a certification.

"(4) In the case of any justice or judge who retires under subsection (b) during a calendar year, there shall be included in the determination under this subsection of work performed during that calendar year all work performed by that justice or judge (as described in subparagraphs (A), (B), (C), and (D) of paragraph (1)) during that calendar year before such retirement.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

(C) such certifications shall be deemed to be certifications made in calendar year 1991.

TITLE X—RULEMAKING POWER OF THE CONGRESS.

SEC. 1001. RULEMAKING POWER OF THE CONGRESS.

The provisions of this Act that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

HUMPHREY (AND OTHERS) AMENDMENT NO. 1159

Mr. HUMPHREY (for himself, Mr. GRASSLEY, and Mr. PRESSLER) proposed an amendment to amendment No. 1158 proposed by Mr. MITCHELL (and Mr. DOLE) to the bill H.R. 3660, supra, as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. The bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with rull recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority

HELMS (AND OTHERS) AMENDMENT NO. 1160

Mr. HELMS (for himself, Mr. GRASSLEY, Mr. SHELBY, Mr. NICKLES, and Mr. PRESSLER) proposed an amendment to amendment No. 1158 proposed by Mr. MITCHELL (and Mr. DOLE) to the bill H.R. 3660, supra, as follows:

On page 105, line 20, strike " "1979,"." and all that follows through page 106, line 13, and insert in lieu thereof: " "1980,".".

FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT

ADAMS (AND GORTON) AMENDMENT NO. 1161

(Ordered referred to the Committee on Commerce, Science, and Transportation)

Mr. ADAMS (for himself and Mr. GORTON) submitted an amendment intended to be proposed by them to the bill (S. 1022) to amend the Communications Act of 1934 to provide an authorization of appropriations for the Federal Communications Commission, and for other purposes, as follows:

At the end of the bill, add the following:

AMENDMENT TO COMMUNICATIONS ACT OF 1934

SEC. 11. The Communications Act of 1934 is amended by inserting immediately after section 613 the following new section:

"APPROVALS OF ASSIGNMENTS OR TRANSFERS OF NONWIRELINE CELLULAR LICENSES IN THE 10 LARGEST CITIES IN THE UNITED STATES

"SEC. 614. The Federal Communications Commission shall not approve the assignment of a nonwireline cellular license or the transfer of control of a nonwireline cellular licensee in one of the Nation's 10 largest cities to a wireline telephone service provider, or any subsidiary thereof, unless it finds, by clear and convincing evidence, that said assignment or transfer does not reduce competition in cellular services and is otherwise in the public interest, convenience, and necessity. In making that finding, the Commission shall consider the following factors:

"(1) whether the quality of service is likely to be adversely affected as a result of the proposed transaction;

"(2) whether the assignee/transferee has demonstrated that it has sufficient funding to finance the proposed transaction without adversely affecting, directly or indirectly, telephone ratepayers;

"(3) whether the proposed transaction will result in common ownership of cellular systems in the same service area;

"(4) whether the proposed transaction will effectively remove an independent competitive alternative to wireline cellular service provider; and

"(5) whether the transaction would decrease capital investment or competitive technological improvements in the cellular system, or both.".

GOVERNMENT ETHICS REFORM ACT

HELMS AMENDMENT NO. 1162

Mr. HELMS proposed an amendment to amendment No. 1158 proposed by Mr. MITCHELL (and Mr. DOLE) to the bill H.R. 3660, supra, as follows:

Strike all on page 157, line 19, through page 160, line 12.

MITCHELL (AND DOLE) AMENDMENT NO. 1163

Mr. MITCHELL (for himself and Mr. DOLE) proposed an amendment, which was subsequently modified, to the bill H.R. 3660, supra, as follows:

Strike all in the bill except sections 101(a), 102, 104(a), title III, section 406, and title V.

Section 101(a) is redesignated as section 801 and included in a title designated as follows:

"TITLE VIII—LIMITATIONS ON OUTSIDE EMPLOYMENT AND ELIMINATION OF HONORARIA.".

Section 102 is designated as section 802 in title VIII.

Section 104(a) is designated as section 803 of title VIII and in such section (1) strike "sections 101 and 102" and insert "this title", and (2) strike "303" and insert "903".

Title III is redesignated as title IX and sections 301, 302, 303, and 304 redesignated as sections 901, 902, 903, and 904, respectively, and the redesignated sections are amended—

(1) in section 901(k) of the bill in (A) section 351(n)(3)(B) of title 2, United States Code, by striking "304(a)(1) of the Government Ethics Reform Act of 1989" and inserting "904(a)(1) of the Ethics Reform Act of 1989", (B) in section 901(k) in section 351(n)(3)(C) by striking "302 and 303 of the Government Ethics Reform Act of 1989" and inserting "902 and 903 of the Ethics Reform Act of 1989"; and

(2) in section 904(a)(2) (A) and (B) of the bill in the cited sections by striking "304(a)(1) of the Government Ethics Reform Act of 1989" and inserting "9049(a)(1) of the Ethics Reform Act of 1989".

Section 406 is redesignated as section 905 of title IX.

Title V is redesignated as title VI and sections 501 through 505 are redesignated as sections 601 through 605, respectively.

Insert at the beginning of the bill the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics Reform Act of 1989".

TITLE I—POST EMPLOYMENT RESTRICTIONS ON THE EXECUTIVE AND LEGISLATIVE BRANCHES

SEC. 101. RESTRICTIONS ON POSTEMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

"(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.—Any person who is an officer or employee of the executive branch of the United States Government (including any independent agency of the United States and any special Government employee), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States Government or the District of Columbia, as the case may be, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, as the case may be, on behalf of any other person (except the United States), in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) in which the person participated personally and substantially as such officer or employee, and

"(C) which involved a specific party or specific parties at the time of such participation,

shall be punished as provided in section 216 of this title.

"(2) TWO-YEAR RESTRICTIONS CONCERNING PARTICULAR MATTERS UNDER OFFICIAL RESPONSIBILITY.—Any person subject to the restrictions contained in paragraph (1) who, within 2 years after the termination of his or her service or employment with the United States Government, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, on behalf of any other person (except the United States), in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) which such person knows or reasonably should know was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government or the District of Columbia, and

"(C) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in section 216 of this title.

"(b) ONE-YEAR RESTRICTION ON AIDING OR ADVISING.—

"(1) IN GENERAL.—Any person who is a former officer or employee subject to the restrictions contained in subsection (a)(1) and any person described in subsection (e)(7), and who personally and substantially participated in any ongoing trade or treaty negotiation on behalf of the United States within the 1-year period preceding the date on which his or her service or employment with the United States terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under the Freedom of Information Act, section 552 of title 5, United States Code, and which is so designated by the appropriate department or agency, shall not, on the basis of that information, which the person knew or should have known was so designated, knowingly represent, aid or advise any other person (except the United States) concerning such ongoing trade or treaty negotiation for 1 year after his or her service or employment with the United States Government terminates. Any person who violates this subsection shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this paragraph—

"(A) the term 'trade negotiation' means negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made; and

"(B) the term 'treaty' means an international agreement made by the President requiring the advice and consent of the Senate.

"(c) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee of the executive branch (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

"(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))—

"(i) employed at a rate of pay fixed according to subchapter II of chapter 53 of title 5, or a comparable or greater rate of pay under other authority,

"(ii) employed in a position which is not referred to in clause (i) and for which the basic rate of pay is equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule,

"(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3, or

"(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O-7 or above.

"(B) Paragraph (1) shall not apply to a special Government employee who serves less than 60 days in the 1 year period before his or her service or employment as such employee terminates.

"(C) Subparagraph (A)(ii) includes persons employed in the Senior Executive Service at that basic rate of pay.

"(D) At the request of a department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that—

"(i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and

"(ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

"(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who—

"(A) serves in the position of Vice President of the United States,

"(B) is employed in a position paid at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

"(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and who, within 1 year after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

"(2) ENTITIES TO WHICH RESTRICTIONS APPLY.—The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are—

"(A) any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and

"(B) any other person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5.

"(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—(A) Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B) or (C), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former Member of Congress are any Member, officer or employee of either House of Congress, or employee of any other legislative branch office of the Congress.

"(C) The persons referred to in subparagraph (A) with respect to appearances or communications by a former elected officer are any Member, officer or employee of the House of Congress in which the elected officer served.

"(2) PERSONAL STAFF.—(A) Any person who is an employee of a Senator or an employee of a Member of the House of Representatives and who, within 1 year after the termination of that employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

"(i) the Senator or Member of the House of Representatives for whom that person was an employee; and

"(ii) any employee of that Senator or Member of the House of Representatives.

"(3) COMMITTEE STAFF.—Any person who is an employee of a committee of Congress and who, within 1 year after the termination of that person's employment on such committee, knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or who was a Member of the committee in the year immediately prior to the termination of such person's employment by the committee, on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(4) LEADERSHIP STAFF.—(A) Any person who is an employee on the leadership staff of the House of Representatives or an employee on the leadership staff of the Senate and who, within 1 year after the termination of that person's employment on such

staff, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the following:

"(i) in the case of a former employee on the leadership staff of the House of Representatives, those persons or any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives; and

"(ii) in the case of a former employee on the leadership staff of the Senate, those persons or any Member of the leadership of the Senate, and any employee on the leadership staff of the Senate.

"(5) OTHER LEGISLATIVE OFFICES.—(A) Any person who is an employee of any other legislative office of the Congress and who, within 1 year after the termination of that person's employment in such office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by any officer or employee of such office, in his or her official capacity shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the employees and officers of the former legislative office of the Congress of the former employee.

"(6) LIMITATION ON RESTRICTIONS.—The restrictions contained in paragraphs (2), (3), (4), and (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid for such service at a basic rate of pay equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule under section 5332 of title 5.

"(7) DEFINITIONS.—As used in this subsection—

"(A) the term 'committee of Congress' includes standing committees, joint committees, and select committees;

"(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

"(C) the term 'employee of the House of Representatives' means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;

"(D) the term 'employee of the Senate' means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;

"(E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;

"(F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;

"(G) the term 'employee of any other legislative office of the Congress' means an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the Copyright Royalty Tribunal, the United States Capitol Police, and any other agency, entity or office in the legislative branch not covered by paragraph (1), (2), (3), or (4) of this subsection;

"(H) the term 'employee on the leadership staff of the House of Representatives' means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (L), and any elected minority employee of the House of Representatives;

"(I) the term 'employee on the leadership staff of the Senate' means an employee of the office of a Member of the leadership of the Senate described in subparagraph (M);

"(J) the term 'Member of Congress' means a Senator or a Member of the House of Representatives;

"(K) the term 'Member of the House of Representatives' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(L) the term 'Member of the leadership of the House of Representatives' means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, the chairman of the Democratic Steering Committee, chairman and vice chairman of the Democratic Caucus, chairman, vice chairman, and secretary of the Republican Conference, chairman of the Republican Research Committee, and chairman of the Republican Policy Committee, of the House of Representatives (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989); and

"(M) the term 'Member of the leadership of the Senate' means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, chairman and co-chairman of the Majority Policy Committee, and chairman of the Minority Policy Committee, of the Senate (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989);

"(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

"(1) RESTRICTIONS.—Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in subsection (c), (d), or (e), as the case may be—

"(A) represents the interests of a foreign entity before any officer or employee of any department or agency of the Government of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

"(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the Government of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this subsection, the term 'foreign entity' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.".

"(g) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

"(h) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS.—

"(1) DESIGNATIONS.—For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

"(2) INAPPLICABILITY OF DESIGNATIONS.—No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A) (i) or (iii).

"(i) DEFINITIONS.—For purposes of this section—

"(1) the term 'intent to influence' means the intent to affect any official action by a Government entity of the United States through any officer or employee of the United States including Members of Congress;

"(2) the term 'participated' means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action; and

"(3) the term 'particular matter' includes any investigation, application, request for a ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, judicial or other proceeding.

"(j) EXCEPTIONS.—

"(1) OFFICIAL GOVERNMENT DUTIES.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply to acts done in carrying out official duties as an officer or employee of the United States Government or as an elected official of a State or local government.

"(2) STATE AND LOCAL GOVERNMENTS AND INSTITUTIONS, HOSPITALS, AND ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done

in carrying out official duties as an employee of—

"(A) an agency or instrumentality of a State or local government if the appearance, communication, or representation is on behalf of such government or

"(B) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.

"(3) INTERNATIONAL ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization of which the United States is a member.

"(4) PERSONAL MATTERS AND SPECIAL KNOWLEDGE.—The restrictions contained in subsections (c), (d), and (e) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibitions of those subsections prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

"(5) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the Federal Register, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

"(6) EXCEPTION FOR TESTIMONY.—Nothing in this section shall prevent a former Member of Congress or officer or employee of the executive or legislative branch or an independent agency (including the President, the Vice President and any special Government employee) from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence, a former officer or employee subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter.

(b) CONFORMING AMENDMENT.—The item relating to section 207 in the table of sections at the beginning of chapter 11 of title 18, United States Code, is amended to read as follows:

"207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches.".

SEC. 102. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by section 101 take effect on January 1, 1991.

(b) EFFECT ON EMPLOYMENT.—(1) The amendments made by section 101 apply only to persons whose service as a Member of Congress or an officer or employee to which such amendments apply terminates on or after the effective date of such amendments.

(2) With respect to service as an officer or employee which terminates before the effective date set forth in subsection (a), section 207 of title 18, United States Code, as in effect at the time of the termination of such service, shall continue to apply, on and after such effective date, with respect to such service.

TITLE II—FINANCIAL DISCLOSURE OF FEDERAL PERSONNEL

SEC. 201. REPEAL OF TITLES II AND III OF THE ETHICS IN GOVERNMENT ACT OF 1978.

Titles II and III of the Ethics in Government Act of 1978 (5 U.S.C. App.; 28 U.S.C. App.) are repealed.

SEC. 202. FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL.

Title I of the Ethics in Government Act of 1978 (2 U.S.C. 701 et seq.) is amended to read as follows:

"TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

"PERSONS REQUIRED TO FILE

"SEC. 101. (a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

"(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O-6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

"(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

"(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

"(e) Any individual who occupies a position described in subsection (f) shall, on or before the later of May 15 or the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

"(f) The officers and employees referred to in subsections (a), (d), and (e) are—

"(1) the President;

"(2) the Vice President;

"(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, whose position is classified at GS-16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

"(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

"(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

"(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is

equal to or greater than the minimum rate of basic pay fixed for GS–16;

"(7) the Director of the Office of Government Ethics and each designated agency ethics official; and

"(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President;

"(9) a Member of Congress as defined under section 109(12);

"(10) an officer or employee of the Congress as defined under section 109(13);

"(11) a judicial officer as defined under section 109(10); and

"(12) a judicial employee as defined under section 109(8).

"(g) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference of the United States, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.

"(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.

"CONTENTS OF REPORTS

"SEC. 102. (a) Each report filed pursuant to section 101(d) and (e) shall include a full and complete statement with respect to the following:

"(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

"(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

"(i) not more than $1,000,

"(ii) greater than $1,000 but not more than $2,500,

"(iii) greater than $2,500 but not more than $5,000,

"(iv) greater than $5,000 but not more than $15,000,

"(v) greater than $15,000 but not more than $50,000,

"(vi) greater than $50,000 but not more than $100,000,

"(vii) greater than $100,000 but not more than $1,000,000, or

"(viii) greater than $1,000,000.

"(2)(A) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(C) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

"(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, parent, brother, sister, or child or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

"(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

"(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

"(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

"(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

"(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

"(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

"(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

"(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

"(i) the identity of each source of such compensation; and

"(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

"(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

"(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

"(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

"(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

"(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;

"(B) greater than $15,000 but not more than $50,000;

"(C) greater than $50,000 but not more than $100,000;

"(D) greater than $100,000 but not more than $250,000;

"(E) greater than $250,000 but not more than $500,000;

"(F) greater than $500,000 but not more than $1,000,000; and

"(G) greater than $1,000,000.

"(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

"(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

"(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

"(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

"(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

"(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

"(E) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

"(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

"(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

"(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

"(A) any qualified blind trust (as defined in paragraph (3));

"(B) a trust—

"(i) which was not created directly by such individual, his spouse, or any dependent child, and

"(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

"(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

"(3) For purposes of this subsection, the term 'qualified blind trust' includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

"(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in, any joint venture or other investment with, any interested party; and

"(III) is not a relative of any interested party.

"(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.

"(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

"(C) The trust instrument which establishes the trust provides that—

"(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

"(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

"(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

"(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

"(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the

end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

"(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

"(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

"(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

"(E) For purposes of this subsection, 'interested party' means a reporting individual, his spouse, and any minor or dependent child; 'broker' has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and 'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

"(F) Any trust qualified by a supervising ethics office before the effective date of this section shall continue to be governed by the law and regulations in effect immediately before such effective date.

"(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

"(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

"(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

"(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

"(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

"(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

"(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

"(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

"(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

"(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

"(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

"(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

"(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

"(i) notify his supervising ethics office of such dissolution, and

"(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

"(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

"(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

"(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection, (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

"(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

"(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $10,000.

"(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

"(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

"(A)(i) the fund is publicly traded; or

"(ii) the assets of the fund are widely diversified; and

"(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

"(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

"(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

"FILING OF REPORTS

"SEC. 103. (a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

"(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

"(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2) (A) or (B), 106(a)(1) (A) or (B), or 107 (a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

"(d) Reports required to be filed under this title by the Director shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

"(e) Each individual identified in section 101(c) shall file the reports required by this title with the Federal Elections Commission.

"(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

"(g) The Office of Government Ethics shall develop and make available forms for reporting the information required by this title.

"(h)(1) The reports required under this title shall be filed by a reporting individual with—

"(A)(i) the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and

"(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

"(I) the congressional ethics committee designated in the statute establishing such agency or commission; or

"(II) if such statute does not designate such committee, the Senate Select Committee on Ethics for agencies and commissions established in even numbered calendar years, and the Standards of Official Conduct Committee of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

"(B) the Judicial Conference of the United States with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

"(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

"FAILURE TO FILE OR FILING FALSE REPORTS

"SEC. 104. (a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $10,000.

"(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

"(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference of the United States, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

"(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

"(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

"(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall pay a filing fee of $200 to the miscellaneous receipts of the General Treasury.

"(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

"CUSTODY OF AND PUBLIC ACCESS TO REPORTS

"SEC. 105. (a) Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by—

"(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

"(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed.

"(b)(1) Each agency and each supervising ethics office shall, within thirty days after any report is received by such agency or office under this title, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. The agency or office may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

"(c)(1) It shall be unlawful for any person to obtain or use a report—

"(A) for any unlawful purpose;

"(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

"(C) for determining or establishing the credit rating of any individual; or

"(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

"(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

"(d) Any report filed with or transmitted to an agency or supervising ethics office pursuant to this title shall be retained by such agency or office, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the

report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

"REVIEW OF REPORTS

"SEC. 106. (a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

"(2) Each congressional ethics committee and the Judicial Conference of the United States shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

"(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

"(2) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, after reviewing any report under subsection (a)—

"(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

"(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

"(3) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, a congressional ethics committee, or the Judicial Conference of the United States, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

"(A) divestiture,

"(B) restitution,

"(C) the establishment of a blind trust,

"(D) request for an exemption under section 208(b) of title 18, United States Code, or

"(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

"(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position (other than in the foreign service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

"(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

"(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference of the United States, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

"(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

"CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

"SEC. 107. (a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

"(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

"(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

"(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

"(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

"AUTHORITY OF COMPTROLLER GENERAL

"SEC. 108. (a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

"(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

"DEFINITIONS

"SEC. 109. For the purposes of this title, the term—

"(1) 'congressional ethics committees' means the Senate Select Committee on Ethics and the Standards of Official Conduct Committee of the House of Representatives;

"(2) 'dependent child' means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

"(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

"(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986;

"(3) 'designated agency ethics official' means an officer or employee who is designated to administer the provisions of this title within an agency;

"(4) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch;

"(5) 'gift' means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

"(A) bequest and other forms of inheritance;

"(B) suitable mementos of a function honoring the reporting individual;

"(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

"(D) food and beverages consumed at banquets, receptions, or similar events; or

"(E) communications to the offices of a reporting individual including subscriptions to newspapers and periodicals;

"(6) 'honoraria' has the meaning given such term in section 503(4) of this Act;

"(7) 'income' means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

"(8) 'judicial employee' means any employee of the judicial branch of the Government, of the Tax Court, of the court of Veterans Appeals, or of the United States Court of Military Appeals, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;

"(9) 'Judicial Conference' means the Judicial Conference of the United States;

"(10) 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in the Canal Zone, Guam, and the Virgin Islands, Court of Claims, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, United States Court of Military Appeals, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

"(11) 'legislative branch' includes—

"(A) the Architect of the Capitol;

"(B) the Botanic Gardens;

"(C) the Congressional Budget Office;

"(D) the General Accounting Office;

"(E) the Government Printing Office;

"(F) the Library of Congress;

"(G) the United States Capitol Police;

"(H) the Office of Technology Assessment; and

"(I) any other agency, entity, office, or commission established in the legislative branch;

"(12) 'Member of Congress' means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

"(13) 'officer or employee of the Congress' means—

"(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives;

"(B)(i) each officer or employee of the legislative branch who is compensated for 60 consecutive days at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

"(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule;

"(14) 'personal hospitality of any individual' means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

"(15) 'reimbursement' means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

"(A) provided by the United States Government;

"(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

"(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(16) 'relative' means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

"(17) 'Secretary concerned' has the meaning set forth in section 101(8) of title 10, United States Code, and, in addition, means—

"(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration; and

"(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service;

"(18) 'supervising ethics office' means—

"(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(C) the Judicial Conference of the United States for judicial officers and judicial employees; and

"(D) the Office of Government Ethics for all executive branch employees; and

"(19) 'value' means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

SEC. 110. (a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference of the United States, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference of the United States, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

"ADMINISTRATION OF PROVISIONS

"SEC. 111. The provisions of this title shall be administered by—

"(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

"(2) the Senate Select Committee on Ethics and the Standards of Official Conduct Committee of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

"(3) the Judicial Conference of the United States and clerk of the applicable court, as appropriate, in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

"EFFECTIVE DATE

"SEC. 112. The provisions made by this title shall take effect on January 1, 1990, and shall be applicable to reports filed under this title after January 1, 1991.".

SEC. 203. PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS.

(a) ESTABLISHMENT.—There shall be established an advisory commission to study the best means of simplifying the Presidential appointment process, in particular by reducing the number and complexity of forms to be completed by nominees. The Commission shall be known as the President's Commission on the Federal Appointment Process.

(b) MEMBERSHIP.—The Commission shall be composed of 14 members from among officers and employees of the three branches of the Federal Government. Eight members shall be appointed by the President, two members shall be appointed by the majority leader of the Senate, two members shall be appointed by the minority leader of the Senate, one member shall be appointed by the Speaker of the House, and one member shall be appointed by the minority leader of the House. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(c) REPORT.—The Commission shall present its report to the President no later than ninety days after its first meeting. The

Commission shall cease to exist upon submission of its report.

TITLE III—GIFTS AND TRAVEL

SEC. 301. GIFTS TO SUPERIORS.

Section 7351 of title 5, United States Code, is amended by—

(1) adding "(a)" before "An employee may not"; and

(2) striking the final sentence and inserting the following:

"(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

"(c) The Office of Government Ethics is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other similar circumstances.".

SEC. 302. TRAVEL ACCEPTANCE AUTHORITY.

(a) Subchapter III of chapter 13 of subtitle 2 of title 31, United States Code is amended by adding at the end thereof the following:

"§ 1352. Travel acceptance authority

"(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency or employee in the executive branch may accept payment from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

"(b) Except as provided in this section or section 4111 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

"(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

"(2) in the case of a repayment under paragraph (1) shall not be entitled to any payment from the Government for such expenses.

"(c) As used in this section—

"(1) the term 'executive branch' means any executive agency (as such term is defined in section 105 of title 5); and

"(2) the term 'employee in the executive branch' means—

"(A) an appointed officer or employee in the executive branch; and

"(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

"(3) the term 'payment' means a payment or reimbursement, in cash or in kind.".

"(d)(1) Each executive branch agency which accepts payment or reimbursement under this section shall report to the Office of Government Ethics the amount of each payment or reimbursement received in excess of $250, the names of the payor and the employees involved, the date and places of the travel, and the nature of the expenses paid or reimbursed.

"(2) The reports required by paragraph (1) shall be transmitted to the Office of Government Ethics on October 1 and April 1 of each year and shall cover payments and reimbursements received in the previous 6 months. The Office of Government Ethics shall make each such report available for public inspection and copying.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new item:

"1352. Acceptance of travel and related expenses from non-Federal sources.".

SEC. 303. GIFTS TO FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7353. Gifts to Federal employees

"(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or the judicial branches shall solicit or accept anything of value from a person—

"(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by the individual's employing agency; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

"(b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.

"(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules or regulations established by such individual's supervising ethics office pursuant to paragraph (1).

"(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of any official act.

"(3) Nothing in this section precludes a Member, officer, or employee from accepting gifts on behalf of the United States Government or any of its agencies in accordance with statutory authority.

"(c) An employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

"(d) For purposes of this section—

"(1) the term 'supervising ethics office' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

"(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers and employees of the Senate;

"(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

"(D) the Office of Government Ethics for all executive branch officers and employees; and

"(E) the ethics committee with which the officer or employee is required to file financial disclosure forms, for all legislative branch officers and employees other than those specified in subparagraphs (A) and (B), except that such authority may be delegated; and

"(2) the term 'officer or employee' means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government other than a Member of Congress.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7352 the following new item:

"7353. Gifts to Federal employees.".

TITLE IV—AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE

SEC. 401. AMENDING TITLE 18, UNITED STATES CODE SEC. 202.

Section 202 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) Except as otherwise provided in such sections, the terms 'officer' and 'employee' in sections 203, 205, 207, 208 and 209 of this title, mean those individuals defined in sections 2104 and 2105 of title 5. The terms 'officer' and 'employee' shall not include the President, the Vice President, a Member of Congress or a Federal judge.

"(d) The term 'Member of Congress' in sections 204 and 207 shall include:

"(1) a United States Senator; and

"(2) a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

"(e) As used in this chapter, the term—

"(1) 'executive branch' means any executive agency as defined in title 5, United States Code, and any other entity or administrative unit in the executive branch;

"(2) 'judicial branch' means the Supreme Court of the United States; the United States courts of appeals; the United States district courts; the Court of International Trade; the United States bankruptcy courts; any court created pursuant to article I of the United States Constitution, including the Court of Military Appeals, the United States Claims Court, and the United States Tax Court, but not including a court of a territory or possession of the United States; the Federal Judicial Center; and any other agency, office, or entity in the judicial branch; and

"(3) 'legislative branch' means—

"(A) a Member of the Congress, or any officer or employee of the United States Senate or United States House of Representatives; and

"(B) an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States Capitol Police, and any other agency, entity, office, or commission established in the legislative branch.".

SEC. 402. AMENDING 18 U.S.C. 203.

Section 203 of title 18, United States Code, is amended by—

(1) striking "services" the first time it appears in subsection (a)(1) and inserting "representational services, as agent or attorney or otherwise,";

(2) inserting "court" after "department, agency" in subsection (a)(1);

(3) striking "shall be fined under this title or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States" in subsection (a) and inserting "shall be subject to the penalties set forth in section 216 of this title";

(4) inserting "representational" before "services" in subsection (a)(2);

(5) inserting "Member Elect," after "Member," in subsection (a)(2);

(6) inserting "Delegate Elect," after "Delegate," in subsection (a)(2);

(7) striking "including the District of Columbia" in subsection (a)(1)(B);

(8) redesignating subsection (b) as subsection (c);

(9) striking "or" at the end of subsection (a) and adding the following new paragraph (b):

"(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

"(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any services, as agent or attorney or otherwise rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

"(2) knowingly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the District of Columbia;

shall be subject to the penalties set forth in section 216 of this title".

(10) adding at the end the following:

"(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

"(2) in those matters that are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

"(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires and publishes such certification in the Federal Register.".

SEC. 403. AMENDING 18 U.S.C. 204.

Section 204 of title 18, United States Code, is amended to read as follows:

"§ 204. Practice in United States Claims Court or the United States Court of Appeals for the Federal Circuit by Members of Congress

"Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States Claims Court or the United States Court of Appeals for the Federal Circuit shall be subject to the penalties set forth in section 216 of this title.".

SEC. 404. AMENDING 18 U.S.C. 205.

Section 205 of title 18, United States Code, is amended to read as follows:

"§ 205. Activities of officers and employees in claims against and other matters affecting the Government

"(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

"(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

"(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, officer, or any commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

"(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise; or

"(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"(d) Nothing in subsection (a) or (b) prevents an officer of employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"(e) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconspecial Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

"(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

"(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires and publishes such certification in the Federal Register.

"(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

"(h) For the purpose of this section, the term 'covered matter' means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter.".

SEC. 405. AMENDING 18 U.S.C. 208.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or" after "United States Government,";

(B) by inserting "an officer or employee" before "of the District of Columbia";

(C) by striking "partner" and inserting "general partner"; and

(D) by striking "Shall be fined not more than $10,000, or imprisoned not more than two years, or both." and inserting "Shall be subject to the penalties set forth in section 216 of this title."; and

(2) in subsection (b)—

(A) by striking "or" at the end of clause (1);

(B) by inserting after "general rule or regulation" in clause (2) the following: "issued by the Office of Government Ethics applicable to all or a portion of the officers or employees covered by this section and"; and

(C) by striking "services. In" and all that follows through "appointment." and inserting the following: "(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act, (5 U.S.C. App. 2) (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of a financial disclosure report filed pursuant to section 107 of the Ethics in Government Act, as amended, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or "(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in a Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to

the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allottment or claims fund or the Indian tribe, band, nation, organized group or community, Alaska Native village corporation as a specific party or parties.

"(c)(1) For the purpose of paragraph (1) of subsection (b), in the case of class A and B directors of Federal Reserve Banks, the Board of Governors of the Federal Reserve System shall be deemed the Government official responsible for appointment.

"(2) The potential availability of an exemption under any particular paragraph of subsection (b) does not preclude an exemption being granted pursuant to another paragraph of subsection (b).

"(d)(1) A copy of any determination by other than the Director of the Office of Government Ethics granting an exemption pursuant to subsection (b)(1) or (b)(3) shall be submitted to the Director, who shall make all determinations available to the public pursuant to section 105 of the Ethics in Government Act of 1978. For determinations pursuant to subsection (b)(3), the information from the financial disclosure report of the officer or employee involved describing the asset or assets that necessitated the waiver shall also be made available to the public. This subsection shall not apply, however, if the head of the agency or his or her designee determines that the determination under subsection (b)(1) or (b)(3), as the case may be, involves classified information.

"(2) The Office of Government Ethics, after consultation with the Attorney General, shall issue uniform regulations for the issuance of waivers and exemptions under subsection (b) which shall—

"(A) list and describe exemptions; and

"(B) provide guidance with respect to the types of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from the employee.

SEC. 406. AMENDING 18 U.S.C. 209.

Section 209(a) of title 18, United States Code, is amended by striking "Shall be fined not more than $5,000 or imprisoned not more than one year, or both." and inserting "shall be subject to the penalties set forth in section 216 of this title.".

SEC. 407. PENALTIES AND INJUNCTIONS.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding the following new section:

"§ 216. Penalties and injunctions

"(a) The punishment for an offense under sections 203, 204, 205, 207, 208, and 209 of this title is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

"(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under sections 203, 204, 205, 207, 208, and 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 215 the following:

"216. Penalties and injunctions.".

TITLE V—OTHER ETHICS REFORMS

SEC. 501. REFERRAL OF ETHICS VIOLATIONS BY THE SENATE ETHICS COMMITTEE TO THE GENERAL ACCOUNTING OFFICE FOR INVESTIGATION.

If the Committee on Ethics of the Senate determines that there is a reasonable basis to believe that a Member, officer, or employee of the Senate may have committed an ethics violation, the committee may request the Office of Special Investigations of the General Accounting Office to conduct factfinding and an investigation into the matter. The Office of Special Investigations shall promptly investigate the matter as directed by the committee.

SEC. 502. NONRECOGNITION FOR CERTAIN SALES TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

(a) GENERAL RULE.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. SALE OF PROPERTY TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

"(a) NONRECOGNITION OF GAIN.—If an eligible person sells any property pursuant to a certificate of divestiture, at the election of the taxpayer, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds the cost (reduced by any basis adjustment under subsection (c) attributable to a prior sale) of any permitted property purchased by the taxpayer during the 60-day period beginning on the date of such sale.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) an officer or employee of the executive branch of the Federal Government, but does not mean a special Government employee as defined in section 202 of title 18, United States Code, and

"(B) any spouse or minor or dependent child whose ownership of any property is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in subparagraph (A).

"(2) CERTIFICATE OF DIVESTITURE.—The term 'certificate of divestiture' means any written determination—

"(A) that states that divestiture of specific property is reasonably necessary to comply to any Federal conflict of interest statute, regulation, rule, or executive order (including section 208 of title 18, United States Code), or requested by a congressional committee as a condition of confirmation,

"(B) that has been issued by the President or the Director of the Office of Government Ethics, and

"(C) that identifies the specific property to be divested.

"(3) PERMITTED PROPERTY.—The term 'permitted property' means any obligation of the United States or any diversified investment fund approved by regulations issued by the Office of Government Ethics.

"(4) PURCHASE.—The taxpayer shall be considered to have purchased any permitted property if, but for subsection (c), the unadjusted basis of such property would be its cost within the meaning of section 1012.

"(c) BASIS ADJUSTMENTS.—If gain from the sale of any property is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any permitted property which is purchased by the taxpayer during the 60-day period described in subsection (a)."

(b) TECHNICAL AMENDMENTS.—

(1) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property had been held as of the date of such sale."

(2) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) in the case of property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, to the extent provided in section 1043(c)."

(3) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1043. Sale of property to comply with conflict-of-interest requirements.".

(c) The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 503. USE OF GOVERNMENT VEHICLES.

Notwithstanding any other provision of law, the head of each department, agency, or other entity of each branch of the Government shall prescribe by rule appropriate

conditions for the incidental use, for other than official business, of vehicles owned or leased by the Government.

SEC. 504. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO ELIMINATE THE EXCESS CAMPAIGN FUND GRANDFATHER PROVISION.

(a) IN GENERAL.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking ", with respect to" and all that follows through "1979,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress in the 102nd Congress or an earlier Congress, shall apply, except as provided in paragraph (2), to the use of excess amounts totaling more than the amount equal to the unobligated balance on hand on the date of the enactment of this Act; and

(2) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress after the 102nd Congress (including an individual referred to in paragraph (1) who so serves), shall apply to the use of any excess amount on or after the first day of such service.

SEC. 506. REPEAL OF CERTAIN OBSOLETE PROVISIONS.

(a) RESTRICTION ON PAYMENT TO CERTAIN RETIRED MILITARY OFFICERS.—Subsection (a) of section 801 of title 37, United States Code, is repealed.

(b) INTERIOR APPROPRIATIONS.—Section 319 of the Act of September 27, 1988 (Interior Department Appropriations, Fiscal Year 1988) (Public Law 100-446, 102 Stat. 1774, 1826) is repealed.

SEC. 507. RECERTIFICATION OF SENIOR EXECUTIVES.

(a) Chapter 33 of title 5, United States Code, is amended—

(1) by inserting immediately following section 3393 the following new section:

"§ 3393a. Recertification

"(a)(1) In order to ensure that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service, as set forth in section 3131, each career appointee shall be subject to recertification by the employing agency in accordance with the provisions of this section.

"(2) Beginning in calendar year 1991, and recurring every third calendar year thereafter, the head of an agency shall determine a time during such calendar year when the performance of career appointees in the agency shall be subject to recertification. Recertification shall not be required of any career appointee who has not been continuously employed as a senior executive for the 156 weeks preceding the time determined for the recertification. For the purposes of the previous sentence, a break in service of 6 months and shall be deemed not to interrupt the 156 weeks of continuous employment.

"(b) The supervising official of each career appointee shall submit to a performance review board established by the agency under section 4314 a recommendation as to whether the career appointee's performance justifies recertification as a senior executive, based on such factors as the career appointee's performance ratings for the 3 preceding years under section 4314, any award or other recognition received by the career appointee, any developmental activities of the career appointee, and any other relevant factors. The supervising official's recommendation shall reflect that official's view as to whether the career appointee's overall performance over the 3 preceding years has demonstrated the excellence expected of a senior executive in relation to the written performance requirements for the career appointee's senior executive position as established under section 4312(b). The career appointee may submit to the performance review board a statement of accomplishments and other documentation giving evidence of the quality of the career appointee's performance.

"(c)(1) After considering the recommendation and other information received under subsection (b), the performance review board shall submit to the appointing authority a recommendation as to whether the career appointee should be recertified, conditionally recertified, or not recertified as a senior executive. If the board proposes to recommend conditional recertification or nonrecertification, then the affected appointee shall be so notified and shall have the opportunity to appear before the performance review board. If the board is recommending that the career appointee be recertified, the board may also recommend that the career appointee's rate of basic pay be increased to a higher rate established under section 5382. If the board is recommending that the career appointee be conditionally recertified, the board may recommend that the career appointee's pay be reduced to the next lower rate established under section 5382. The board shall also provide to the appointing authority the recommendation and other information received under subsection (b).

"(2) More than one-half of the members of a performance review board under this section shall consist of career appointees. The requirement of the preceding sentence shall not apply in any case in which the Office of Personnel Management determines that there exists an insufficient number of career appointees available to comply with the requirement.

"(d)(1) If the appointing authority determines that the career appointee's performance during the preceding 3 years demonstrates the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be recertified as a senior executive.

"(2) If the appointing authority determines that the career appointee's performance has not demonstrated the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be conditionally recertified as a senior executive or not be recertified as a senior executive.

"(e)(1) If the head of the agency decides that the career appointee's performance warrants recertification as a senior executive, the career appointee shall continue in the Senior Executive Service. If a career appointee is recertified as a senior executive, the career appointee's rate of basic pay may not be reduced at the time of recertification.

"(2) If the head of the agency decides that the career appointee's performance does not warrant full recertification, but does warrant conditional recertification, the career appointee—

"(A) shall remain a career appointee in the Senior Executive Service;

"(B) shall be subject to continuing close review of the career appointee's performance by the supervising official in coordination with an executive resources board established under section 3393, in accordance with a performance improvement plan developed by the supervising official and subject to the approval of the executive resources board;

"(C) may, if the head of the agency so determines, be reduced to the next lower rate of basic pay established under section 5382; and

"(D) shall be removed from the Senior Executive Service if the career appointee is not recertified as a senior executive at the end of the 12-month period following the conditional recertification.

If, at the end of the 12-month period following the conditional recertification, the career appointee is recertified as a senior executive, any reduction that was made in the career appointee's rate of basic pay under subparagraph (C) shall be restored prospectively.

"(3) If the head of the agency decides that the career appointee's performance does not demonstrate that the career appointee qualifies for recertification or conditional recertification as a senior executive, the career appointee shall be removed from the Senior Executive Service in accordance with section 3592.

"(f) The Office of Personnel Management shall prescribe standards and procedures to ensure consistency and fairness for the process of recertification under this section.".

(2) by inserting in the analysis, immediately following the item relating to section 3393, the following new item:

"3393a. Recertification.".

(b) Title 5, United States Code, is further amended as follows:

(1) in section 3151(a)(5)—

(A) by striking "and" at the end of subparagraph (C);

(B) by inserting "and" after the semicolon at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) recertification consistent with section 3393a;";

(2) in section 3393(g), by inserting after "1207," the following: "3393a,";

(3) in section 3592(a)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the comma at the end of paragraph (2);

(C) by inserting after paragraph (2) the following new paragraph:

"(3) if the career appointee is not recertified as a senior executive under section 3393a,"; and

(D) by inserting at the end thereof the following: "In the case of a removal under paragraph (3) of this subsection, the career appointee shall have the right to appeal the removal from the Senior Executive Service to the Merit Systems Protection Board under section 7701.";

(4) in section 3593(a)(2)—

(A) by striking "or";

(B) by striking the period and inserting in lieu thereof the following: ", or failure to be recertified as a senior executive under section 3393a.";

(5) in section 3594(b)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the semicolon at the end of paragraph (2); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) is removed from the Senior Executive Service for failure to be recertified under section 3393a;";

(6) in section 7701(c)(1)(A) by striking "of" and inserting in lieu thereof the following: "of a removal from the Senior Executive Service for failure to be recertified under section 3393a or";

(7) in section 8336(h)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for";

(8) in section 8339(h) by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", except that such reduction shall not apply in the case of an employee retiring under section 8336(h) for failure to be recertified as a senior executive.";

(9) in section 8414(a)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(10) in section 8421(a)(2) by striking the period and inserting in lieu thereof the following: ", except that an individual entitled to an annuity under section 8414(a) for failure to be recertified as a senior executive shall be entitled to an annuity supplement without regard to such applicable minimum retirement age".

(c)(1) Section 305 of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following new subsection:

"(c) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3393a of title 5, United States Code.".

(2) Section 12(a)(1) of the National Security Agency Act of 1959 is amended—

(A) by striking "and" at the end of paragraph (F);

(B) by inserting "and" after the semicolon at the end of paragraph (G); and

(C) by inserting after paragraph (G) the following new paragraph:

"(H) provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.".

(3) Section 1601(a) of title 10, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by inserting "and" after the semicolon at the end of paragraph (7); and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) provide for the recertification of members of the Defense Intelligence Senior Executive Service consistent with the provisions of section 3393a of title 5.".

(d) The amendments made by this section shall take effect on January 1, 1991.

SEC. 508. DELAY IN EFFECTIVE DATE OF CERTAIN STATUTORY PROVISIONS.

(a) Section 6(b) of Public Law 100-679 is amended by striking "180 days after the date of enactment of this Act" and substituting "one year after the date of enactment of H.R. 3660."

(b) Sections 603 through 606, subsections (a) and (b) of Section 607, and subsections (a) and (c) of Section 608 of the Department of Energy Organization Act shall not have effect from the date of enactment of H.R. 3660 for a period of one year.

TITLE VII—REGULATIONS RELATING TO THE SENATE

SEC. 701. GIFTS AND TRAVEL.

(a) GIFTS.—(1) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowlingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly and indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(2) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $300 during a calendar year from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(3) In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.

(4) For purposes of this subsection, only the following shall be deemed to have a direct interest in legislation before the Congress:

(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(B) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

(b) LIMITS ON DOMESTIC AND FOREIGN TRAVEL BY MEMBERS AND STAFF OF THE SENATE.—The term "necessary expenses", with respect to limits on domestic and foreign travel by Members and staff of the Senate, means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days (and 2 nights) exclusive of travel time within the United States or 7 days (and 6 nights) exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse of a Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.

SEC. 702. TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS.

(1) by inserting "1." before "For purposes of this rule"; and

(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

(b) For purposes of this section, the head of the employing office shall be—

(A) in the case of an employee of a Member, the Member by whom that person is employed;

(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.

SEC. 703. AMENDMENT TO SENATE CONFLICT OF INTEREST RULE.

(a) Except as provided by subsection (b), any employee of the Senate who is required to file a report pursuant to Senate regulations shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

(b) Subsection (a) shall not apply if an employee first advises his supervisor of his significant financial interest and obtains from such supervisor a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.

Notwithstanding any other provision of law, during the calendar year beginning on January 1, 1990, the percentage of aggregate salary limits on honoraria in effect during the calendar year beginning on January 1, 1989 shall apply to the Senate.

TITLE IX—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SEC. 901. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 225(a) of the Federal Salary Act of 1967 (2 U.S.C. 351) is amended by striking "Commission on Executive, Legislative, and Judicial Salaries" and inserting "Citizens' Commission on Public Service and Compensation".

(2) CONFORMING AMENDMENT.—The heading for section 225 of such Act (2 U.S.C. 351 and following) is amended to read as follows:

"CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION".

(b) MEMBERSHIP.—Section 225(b) of such Act (2 U.S.C. 352) is amended to read as follows:

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

"(A) 2 appointed by the President of the United States;

"(B) 1 appointed by the President Pro Tempore of the Senate, upon the recommendation of the Majority and Minority leaders;

"(C) 1 appointed by the Speaker of the House of Representatives;

"(D) 2 appointed by the Chief Justice of the United States; and

"(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

"(2) No person shall serve as a member of the Commission who is—

"(A) an officer or employee of the Federal Government;

"(B) registered (or required to register) under the Federal Regulation of Lobbying Act; or

"(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

"(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

"(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

"(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

"(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

"(C) shall otherwise comply with applicable provisions of this subsection.

"(5) The chairperson shall be designated by the President.

"(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when engaged in the performance of services for the Commission.

"(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

"(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under subsection (g) (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

"(ii) Notwithstanding any provision of subsection (c), authority under such subsection shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve."

(c) AMENDMENTS TO SECTION 225(c).—Section 225(c) of such Act (2 U.S.C. 353) is amended by striking "subsection (b) (2) and (3)" each place it appears and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(d) AMENDMENT TO SECTION 225(f).—Section 225(f) of such Act (2 U.S.C. 356) is amended by striking "subsection (b) (2) and (3)" and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(e) REPORT TO THE PRESIDENT.—Section 225(g) of such Act (2 U.S.C. 357) is amended—

(1) by amending the subsection heading to read as follows: "REPORT BY COMMISSION TO THE PRESIDENT WITH RESPECT TO PAY";

(2) in the first sentence, by striking "Commission of" and inserting "Commission with respect to rates of pay for"; and

(3) in the second sentence, by striking "December 15" and all that follows thereafter through the period and inserting "December 15 next following the close of the fiscal year in which the review is conducted by the Commission."

(f) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—Section 225(h) of such Act (2 U.S.C. 358) is amended to read as follows:

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—(1) After considering the report and recommendations of the Commission submitted under subsection (g), the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f), which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

"(2) The President shall transmit his recommendations under this subsection to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under subsection (g)."

(g) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—Section 225(i) of such Act (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

"(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under subsection (h) with respect to such adjustment.

"(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph (2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under subsection (h)) that any of those recommendations take effect, an election of Representatives shall have intervened.

"(B) For purposes of this paragraph, the term 'election of Representatives' means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year."

(h) AMENDMENT TO SECTION 225(j).—Section 225(j)(A) of such Act (2 U.S.C. 360(A)) is amended by striking "(other than" and all that follows thereafter through ", and" and inserting "(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under subsection (h) and ending on the date of their approval under subsection (i)(2)), and".

(i) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(l) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Notwithstanding any other provision of this section, the recommendations submitted by the Commission to the President under subsection (g), and the recommendations transmitted by the President to the Congress under subsection (h), shall be in conformance with the following:

"(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

"(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under subsection (f).

"(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

"(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), respectively, shall be equal.

"(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), respectively, shall be equal.

"(B) Nothing in this subsection shall be considered to require that the rate recommended for any office or position by the President under subsection (h) be the same as the rate recommended for such office or position by the Commission under subsection (g)."

(j) ADDITIONAL FUNCTION.—Section 225 of such Act (2 U.S.C. 351 and following), as amended by subsection (i), is further amended by adding at the end the following:

"(m) ADDITIONAL FUNCTION.—The Commission shall, whenever it conducts a review under subsection (f), also conduct a review under this subsection relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this subsection shall be included by the Commission as part of its report to the President under subsection (g)."

(k) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding after subsection (m) (as added by subsection (j)) the following:

"(n) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—

"(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of subsection (f) shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

"(2) For purposes of this subsection, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

"(3) Nothing in this subsection shall be considered to apply with respect to any pay increase—

"(A) which takes effect under the preceding subsections of this section;

"(B) which is based on a change in the Employment Cost Index (as determined under section 904(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

"(C) which takes effect under section 902 or 903 of the Ethics Reform Act of 1989."

SEC. 902. RESTORATION OF COMPARABILITY ADJUSTMENTS.

(a) RESTORATION.—

(1) IN GENERAL.—Effective for pay periods beginning on or after the date of enactment of this Act, the rate of basic pay for any office or position in the executive, legislative, or judicial branch of the Government or in the government of the District of Columbia shall be determined as if the provisions of law cited in paragraph (2) had never been enacted.

(2) CITATIONS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 620(b) of the Treasury, Postal Service and General Government Appropriations Act, 1989 (2 U.S.C. 5305 note).

(B) Section 619(b) of the Treasury, Postal Service and General Government Appropriations Act, 1990.

(b) SPECIFIC AUTHORITY.—For purposes of section 140 of Public Law 97-92 (28 U.S.C. 461 note), appropriate salary increases are hereby authorized for Federal judges and Justices of the Supreme Court pursuant to subsection (a).

(c) SPECIAL RULE.—Notwithstanding any other provision of this section, no adjustment in any rate of pay shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.

SEC. 903. SALARY LEVELS OF SENIOR GOVERNMENT OFFICIALS.

(a) SALARY LEVELS.—

(1) EXECUTIVE POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for positions in the Executive Schedule shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(2) LEGISLATIVE POSITIONS; OFFICE OF THE VICE PRESIDENT.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the offices and positions under subparagraphs (A) and (B) of section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356(A) and (B)) shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100).

(3) JUDICIAL POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(b) COORDINATION RULE.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under subsection (a) shall be made first.

SEC. 904. REVISION IN METHOD BY WHICH ANNUAL PAY ADJUSTMENTS FOR CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL POSITIONS ARE TO BE MADE.

(a) PERCENT CHANGE IN THE EMPLOYMENT COST INDEX.—

(1) METHOD FOR COMPUTING PERCENT CHANGE IN THE ECI.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term "Employment Cost Index" or "ECI" means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics; and

(ii) the term "base quarter" means the 3-month period ending on December 31 of a year.

(B) METHOD.—For purposes of the provisions of law amended by paragraph (2), the "most recent percentage change in the ECI", as of any date, shall be one-half of 1 percent less than the percentage (rounded to the nearest one-tenth of 1 percent) derived by—

(i) reducing—

(I) the ECI for the last base quarter prior to that date, by

(II) the ECI for the second to last base quarter prior to that date,

(ii) dividing the difference under clause (i) by the ECI for the base quarter referred to in clause (i)(II), and

(iii) multiplying the quotient under clause (ii) by 100,

except that no percentage change determined under this paragraph shall be—

(I) less than zero; or

(II) greater than 5 percent.

(2) PROVISIONS THROUGH WHICH NEW METHOD IS TO BE IMPLEMENTED.—

(A) AMENDMENT TO TITLES 3, 5, AND 28 OF THE UNITED STATES CODE.—Section 104 of title 3, United States Code, section 5318 of title 5, United States Code, and section 461(a) of title 28, United States Code, are amended by striking "corresponds to" and all that follows thereafter through the period, and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 904(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(B) AMENDMENT TO THE LEGISLATIVE REORGANIZATION ACT OF 1946.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "corresponds to" and all that follows thereafter through the period and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 904(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1991.

SEC. 905. WORK PERFORMED BY SENIOR JUDGES IN ORDER TO RECEIVE CERTAIN SALARY INCREASES.

(a) IN GENERAL.—Section 371 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by inserting "or her" after "his"; and

(C) by striking the period and inserting the following: "if he or she meets the requirements of subsection (f).

"(2) In a case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (f), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (f) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title."; and

(2) by adding at the end the following new subsection:

"(f)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having met the requirements set forth in at least one of the following subparagraphs:

"(A) The justice or judge must have carried in the preceding calendar year a caseload involving courtroom participation which is equal to or greater than the amount of work involving courtroom participation which an average judge in active service would perform in three months. In the instance of a justice or judge who has sat on both district courts and courts of appeals, the caseload of appellate work and trial work shall be determined separately and the results of those determinations added together for purposes of this paragraph.

"(B) The justice or judge performed in the preceding calendar year substantial judicial duties not involving courtroom participation under subparagraph (A), including settlement efforts, motion decisions, writing opinions in cases that have not been orally argued, and administrative duties for the court to which the justice or judge is assigned. Any certification under this subparagraph shall include a statement describing in detail the nature and amount of work and certifying that the work done is equal to or greater than the work described in this subparagraph which an average judge in active service would perform in three months.

"(C) The justice or judge has, in the preceding calendar year, performed work described in subparagraphs (A) and (B) in an amount which, when calculated in accordance with such subparagraphs, in the aggregate equals at least 3 months work.

"(D) The justice or judge has, in the preceding calendar year, performed substantial administrative duties directly related to the operation of the courts, or has performed substantial duties for a Federal or State governmental entity. A certification under this subparagraph shall specify that the work done is equal to the full-time work of an employee of the judicial branch.

"(E) The justice or judge was unable in the preceding calendar year to perform judicial or administrative work to the extent required by any of subparagraphs (A) through (D) because of a temporary or permanent disability. A certification under this subparagraph shall be made to a justice who certifies in writing his or her disability to the Chief Justice, and to a judge who certifies in writing his or her disability to the chief judge of the circuit in which the judge sits. A justice or judge who is certified under this subparagraph as having a permanent disability shall be deemed to have met the requirements of this subsection for each calendar year thereafter.

"(2) Determinations of work performed under subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made pursuant to rules promulgated by the Judicial Conference of the United States. In promulgating such criteria, the Judicial Conference shall take into account existing standards promulgated by the Conference for allocation of space and staff for senior judges.

"(3) If in any year a justice or judge who retires under subsection (b) does not receive a certification under this subsection (except as provided in paragraph (1)(E)), he or she is thereafter ineligible to receive such a certification.

"(4) In the case of any justice or judge who retires under subsection (b) during a calendar year, there shall be included in the determination under this subsection of work performed during that calendar year all work performed by that justice or judge (as described in subparagraphs (A), (B), (C), and (D) of paragraph (1)) during that calendar year before such retirement.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

(C) such certifications shall be deemed to be certifications made in calendar year 1991.

TITLE X—PAY AND HONORARIA ADJUSTMENTS

SEC. 1001. ADJUSTMENTS IN RATES OF PAY AND REDUCTION IN HONORARIUM OF SENATORS.

(a) ADJUSTMENTS IN RATES OF PAY.—(1) Notwithstanding any other provision of law (including any provisions of this Act or amendment made by this Act), effective as provided in paragraph (2), the rate of pay of each office and position in paragraph (2), the rate of pay of each office and position of United States Senator, the President pro tempore of the Senate, and the majority and minority leaders of the Senate shall be increased by—

(A) the percentage increase that would have taken effect in fiscal year 1988 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2) were applied to the rate of pay of each such office and position in effect on January 1, 1988 without regard to section 108 of the resolution entitled "Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes". approved December 22, 1987 (101 Stat 1329-434; 5 U.S.C. 5305 note):

(B) the percentage increase that would have taken effect in fiscal year 1989 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each such office and position in effect on January 1, 1989 (as adjusted under subparagraph (A) of this paragraph) without regard to subsection (b) of section 620 of the Treasury, Postal Service and General Government Appropriations Act, 1989 (Public Law 100-440; 102 Stat. 1757; 5 U.S.C. 5301 note); and

(C) the percentage increase that would take effect in fiscal year 1990 by the application of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) (as adjusted under subparagraphs (A) and (B) of this paragraph) without regard to subsection (b) of section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1990 (Public Law 101-136).

(2) The increase in the rates of pay for each office and position described under paragraph (1) shall be effective on the first day of the first pay period beginning on or after January 1, 1990.

(b) REDUCTION OF HONORARIUM.—Section 908(b) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the provisions of this subsection—

"(A) the percentage referred to under paragraphs (1) and (2) shall be 27 percent as such paragraphs apply to United States Senators in the calendar year beginning on January 1, 1990; and

"(B)(i) beginning on and after January 1, 1991, if the aggregate salary of a United States Senator is increased pursuant to section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), or any other provision of law, the percentage referred to under paragraphs (1) and (2) (with respect to United States Senators) shall be reduced by a percentage resulting in a dollar amount decrease in the limit of honorarium for each dollar amount of increase of such aggregate salary.

"(ii) beginning on January 1 of the calendar year in which the adjustments under clause (i) of this subparagraph result in a limitation of accepting honoraria less than or equal to 1 percent of the aggregate salary paid to United States Senators for service as Senators in such calendar year, the acceptance of honoraria shall be prohibited, and thereafter no Senator shall accept honoraria.".

TITLE XI—RULEMAKING POWER OF THE CONGRESS.

SEC. 1101. RULEMAKING POWER OF THE CONGRESS.

The provisions of this Act that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

DEPARTMENT OF DEFENSE APPROPRIATIONS FISCAL YEAR 1990

BYRD (AND OTHERS) AMENDMENT NO. 1164

Mr. BYRD (for himself, Mr. HATFIELD, Mr. HOLLINGS, Mr. RUDMAN, Mr. LEAHY, and Mr. KASTEN) proposed an amendment to the amendment of the House to the amendment of the Senate No. 240 to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes, as follows:

At the end of the amendment insert the following: *"Provided,* That section 101(a)(1) that follows "1991"; 101(c); 102(a)(2); 221(b); 702(a); 702(b) and 704(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (H.R. 1487) (including amendments made thereunder), and section 1204 of the Foreign Service Act of 1980 as amended by section 149(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; section 505(e)(3) of title V of the United States Information and Educational Exchange Act of 1948, as amended by section 205 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and section 404(b) of The Asia Foundation Act as amended by section 501 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; are hereby waived during fiscal years 1990 and 1991: *Provided further,* That so much of the preceding proviso as pertains to the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, shall take effect only on the date of enactment of that Act.".

CRANSTON (AND OTHERS) AMENDMENT NO. 1165

Mr. CRANSTON (for himself, Mr. SASSER, and Mr. WIRTH) proposed an amendment to the amendment of the House to the amendment of the Senate No. 241 to the bill H.R. 3072, supra, as follows:

At the end of the amendment add the following new section:

SEC. 9119.

Notwithhstanding any other provision of this Act—

(1) none of the funds appropriated in this Act may be obligated or expended to commence production of any B-2 aircraft; and

(2) the funds appropriated in this Act and available for the B-2 advanced technology bomber program may be expended only for—

(A) the completion of the production of B-2 aircraft commenced with funds appropriated before the date of the enactment of this Act;

(B) research and development for the B-2 aircraft; and

(C) flight testing of B-2 aircraft.

DEPARTMENT OF THE INTERIOR LAW ENFORCEMENT SERVICES IN INDIAN COUNTRY

INOUYE AMENDMENT NOS. 1166 THROUGH 1169

Mr. FORD (for Mr. INOUYE) proposed four amendments to the bill (H.R. 498) to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes, as follows:

AMENDMENT No. 1166

1. On page 14, at the end of line 9, add a new paragraph (4) to Section 3(d), as follows:

(4)(i) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Division. Such personnel shall not be subject to the supervision of the BIA Agency Superintendent or BIA Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with nonlaw enforcement BIA personnel at the Agency or area levels, or prohibit or restrict the right of a tribe to contract the investigative program under the authority of P.L. 93-638 or to maintain its own criminal investigative operations.

(ii) At the end of one year following the date of establishment of the separate Branch of Criminal Investigations, any tribe may, by Resolution of the governing body of the tribe, request the Secretary to reestablish line authority through the Agency Superintendent or BIA Area Office Director. In the absence of good cause to the contrary, the Secretary, upon receipt of such Resolution, shall reestablish the line authority as requested by the tribe.

2. On page 17, line 10, amend Section 5(c) by striking the word "objected" and inserting in lieu thereof the phrase "has adopted a Resolution objecting".

AMENDMENT No. 1167

At the end of the bill, add the following:

ALASKA NATIVES COMISSION

SEC. . (a)(1) The Congress has conducted a preliminary review of the social and economic circumstances of Alaska Natives and of governmental policies and programs affecting Alaska Natives and finds that—

(A) in this period of rapid cultural change, there is, among Alaska Natives, a growing social and economic crisis characterized by, among other things, alcohol abuse and violence, grave health problems, low levels of educational achievement, joblessness, a lack of employment opportunities, and a growing dependency upon transfer payments;

(B) these conditions exist even though public policies and programs adopted in recent decades have been intended to assist Alaska Natives in protecting their trandtional cultures and subsistence economies and in encouraging economic self-sufficiency and individual, group, village, and regional self-determination; and

(C) Alaska Natives and the State of Alaska have expressed a need for a review of public policies and programs and desire to make such policies and programs more effective in accomplishing their intentions.

(2) The Congress hereby declares that it is timely and essential to conduct, in cooperation with the State of Alaska and with the participation of Alaska Natives, a comprehensive review of Federal and State policies and programs affecting Alaska natives in order to identify specific actions that may be taken by the United States and the State of Alaska to help assure that public policy goals are more fully realized among Alaska Natives.

(b)(1) There is hereby established a commission to be known as the "Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives" (hereafter referred to in this section as the "Commission").

(2)(A) The Commission shall consist of the following members:

(i) seven individuals appointed by the President, at least three of whom shall be Alaska Natives and not more than two of whom may be officers or employees of the Federal Government,

(ii) seven individuals appointed by the Governor of the State of Alaska,

(iii) the President of the Senate of the State of Alaska or a designated representative of such President,

(iv) the Speaker of the House of Representatives of the State of Alaska or a designated representative of such Speaker,

(v) the chairman of the Select Committee on Indian Affairs of the Senate or a designated representative of such chairman,

(vi) the ranking minority member of the Select Committee on Indian Affairs of the Senate or a designated representative of such member,

(vii) the chairman of the Committee on Energy and Natural Resources of the Senate or designated representative of such chairman,

(viii) the ranking minority member of the Committee on Energy and Natural Resources of the Senate or a designated representatives of such member,

(ix) the chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representataive of such chairman,

(x) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member, and

(xi) each Member of Congress who represents the people of the State of Alaska and is not described in any of the preceding praragraphs, or a designated representative of such Member.

(B) The Commission shall hold its first meeting by no later than the date that is 30 days after the date on which all members of the Commisson who are to be appointed have been appointed.

(C) Each member of the Commission who is appointed to the Commission under clause (i) or (ii) of subparagraph (A) shall be entitled to one vote which shall be equal to the vote of every other member of the Commission who is appointed to the Commission under clause (i) or (ii) of subparagraph (A). The members of the Commission described in a clause of subparagraph (A) other than clause (i) or (ii) shall be ex officio, nonvoting members of the Commission.

(D) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(E) In making appointments to the Commission, the President and the Governor of Alaska shall give careful consideration to recommendations recieved from Alaska Native village, regional, and State organizations.

(F) At the time appointments are made under subparagraph (A), the President shall designate an individual appointed under subparagraph (A)(i) to be co-chairman of the Commission and the Governor of the State of Alaska shall designate an individual appointed under subparagraph (A)(ii) to be the other co-chairman of the Commission.

(G) Eight voting members of the Commission shall constitute a quorum for the transaction of business.

(H) The Commission may adopt such rules (consistent with the other provisions of this section) as may be necessary to establish its procedures and to govern the manner of its operations, organization (including task forces), and personnel.

(3)(A) Each member of the Commission not otherwise employed by the United States Government or the State of Alaska shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties (including service on a task force) authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an office or employee of the United States Government or the State of Alaska shall serve on the Commission without additional compensation.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home of their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(D) Notwithstanding the other provisions of this section, no individual appointed to the Commission by the Governor of the State of Alaska under paragraph (2)(A)(ii) shall participate in the proceedings of the Commission, vote on business in the Commission, or receive any compensation or expense reimbursement under this section until the State of Alaska and the President have concluded an equitable agreement to share the expenses incurred by the Commission. In the event that such an agreement is not reached within a reasonable period of time, the members of the Commission described in any clause of subparagraph (A) of paragraph (2) other than clause (ii) shall proceed with the work of the Commission without the participation of the individuals appointed under paragraph (2)(A)(ii) and the quorum required for the transaction of the business of the Commission shall be 4 members of the Commission appointed under paragraph (2)(A)(i).

(5) The principal office of the Commission shall be in the State of Alaska.

(c) The Commission shall—

(1) conduct a comprehensive study of—

(A) the social and economic status of Alaska Natives, and

(B) the effectiveness of those policies and programs of the United States, and of the State of Alaska, that affect Alaska Natives,

(2) conduct public hearings on the subjects of such study,

(3) recommended specific actions to the Congress and to the State of Alaska that—

(A) help to assure that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives,

(B) address, among other things, the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems,

(4) in developing those recommendations, respect the important cultural differences which characterize Alaska Native groups,

(5) submit, by no later than the date that is 18 months after the date of the first meeting of the Commission, a report on the study, together with the recommendations developed under paragraph (3), to the President, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska, and

(6) make such report available to Alaska Native villages and organizations and to the public.

(d)(1)(A) Subject to such rules and regulations as may be adopted by the Commission, the co-chairmen of the Commission shall have the power to—

(i) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the co-chairmen deem advisable to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(ii) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(B) Service of an individual as a member of the Commission shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(2)(A) The Commission is authorized to—

(i) hold such hearings and sit and act at such times,

(ii) take such testimony,

(iii) have such printing and binding done,

(iv) enter into such contracts and other arrangements,

(v) make such expenditures, and

(vi) take such other actions,

as the Commission may deem advisable. Any member of the Commission may adminster oaths or affirmations to witnesses appearing before the Commission.

(B) The Commission is authorized to establish task forces which include individuals appointed by the Commission who are not members of the Commission only for the purpose of gathering information on specific subjects identified by the Commission as requiring the knowledge and expertise of such individuals. Any task force established by the Commission shall be chaired by a voting member of the Commission who shall preside at any task force hearing authorized by the Commission. No compensation (other than compensation under subsection (b)(3)(A) to a member of the Commission) may be paid to members of a task force solely for their service on the task force, but the Commission may authorize the reimbursement of members of a task force for travel and per diem in lieu of subsistence expenses during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Commission shall not authorize the appointment of personnel to act as staff for the task force, but may permit the use of Commission staff and resources by a task force for the purpose of compiling data and information. Such data and information shall be for the execlusive use of the Commission.

(3) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this section.

(4) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(5)(A) The Commission is authorized to secure directly from any officer, department, agency, established, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairman of the Commission.

(B) Upon the request of both co-chairman of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Commission shall cease to exist on the date that is 180 days after the date on which the Commission submits the report required under subsection (c)(5). All records, documents, and materials of the Commission shall be transferred to the National Archives and Records Administration on the date on which the Commission ceases to exist.

(f)(1) There are authorized to be appropriated to the Commission $700,000 to carry out the provisions of this secion. Such sum shall remain available, without fiscal year limitation, until expended.

(2) Until funds are appropriated under the authority of paragraph (1), salaries and other expenses incurred by the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairman of the Commission. The total amount of funds paid from such contingent

fund shall be reimbursed to such contingent fund from funds appropriated under the authority of paragraph (1).

AMENDMENT No. 1168

The Hoopa-Yurok Settlement Act (25 U.S.C. 1300i, et seq.) is amended—

(1) by adding at the end of paragraph (2) of section (5)(a) the following new sentence: "Children under age 10 on the date they applied for the Settlement Roll who have lived all their lives on the Joint Reservation or the Hoopa Valley or Yurok Reservations, and who otherwise meet the requirements of this section except that they lack 10 years of Reservation residence, shall be included on the Settlement Roll.",

(2) by adding at the end of subsection (d) of section 5 the following new paragraph:

"(4) For the sole purpose of preparing the Settlement Roll under this section, the Yurok Transition Team and the Hoopa Valley Business Council may review applications, make recommendations which the Secretary shall accept unless conflicting or erroneous, and may appeal the Secretary's decisions concerning the Settlement Roll. Full disclosure of relevant records shall be made to the Team and to the Council notwithstanding any other provision of law.".

(3) by striking out "counseling," in section (9)(a)(3) and inserting in lieu thereof "counseling and assistance, shall".

AMENDMENT No. 1169

At the end of the bill, add the following new section:

"SEC. Notwithstanding any other provision of law, the term 'Class II gaming' in Public Law 100-497, for any Indian tribe located in the States of Wisconsin and Montana, includes, during the period commencing on the date of enactment of this Act and continuing for 365 days from that date, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated, requested the State, in which such gaming is operated, no later than 30 days after the date of enactment of Public Law 100-497, to negotiate a Tribal-State compact pursuant to section 11(d)93) of Public Law 100-497."

HELMS AMENDMENT NO. 1170

Mr. FORD (for Mr. HELMS) proposed an amendment to the bill H.R. 498, supra, as follows:

"SEC. . Notwithstanding any other provision of law, the Eastern Band of Cherokee Indians is hereby authorized to sell and transfer, without further approval of the United States, all its interests in the business operating as Carolina Mirror Inc., including lands, leasehold interests, and improvements which are located in Wilkes County, North Carolina and Harris County, Texas. Nothing in this seciton is intended to authorize the Band to sell any Eastern Cherokee lands which are held in trust by the United States or any lands comprising the Eastern Cherokee Indian Reservation."

ARMS CONTROL AND DISARMAMENT AMENDMENTS ACT OF 1989

PELL AMENDMENT NO. 1171

Mr. FORD (for Mr. PELL) proposed an amendment to the bill (H.R. 1495) to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Control and Disarmament Amendments Act of 1989".

TITLE I—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1988.

Section 49(a) of the Arms Control and Disarmament Act is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(A) $36,000,000 for the fiscal year 1990 and $37,316,000 for the fiscal year 1991; and

"(B) such additional amounts as may be necessary for fiscal years 1990 and 1991 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.".

SEC. 102. DUTIES OF THE DEPUTY DIRECTOR.

Section 23 of the Arms Control and Disarmament Act (22 U.S.C. 2563) is amended in the second sentence to read as follows: "The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe.".

SEC. 103. DUTIES OF THE SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended by striking out "who shall perform" and all that follows through the period and inserting in lieu thereof the following: ", one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act.

SEC. 104. ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION.

The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

(1) managing the implementation of existing and future arms control agreements;

(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions.

SEC. 105. ARMS CONTROL VERIFICATION.

(a) ESTABLISHMENT OF WORKING GROUP.—The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(b) INFORMATION AND DATA BASE.—(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

SEC. 106. EXPENSES OF TRAVEL CONTINUING BEYOND THE END OF THE FISCAL YEAR

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by inserting after "personal effects" the following: "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)".

SEC. 107. REPORTING REQUIREMENT ON PROSPECTS FOR CONVERSION OF UNITED STATES DEFENSE INDUSTRIES.

The Director of the United States Arms Control and Disarmament Agency, in consultation with the Secretary of Defense and the Secretary of Commerce, shall study, and (not later than 130 days after the date of enactment of this Act) submit to the Congress a report, on concrete steps which could be taken to improve prospects for conversion of portions of United States defense industries to nondefense-related activities as opportunities are presented through the achievement of successful arms control agreements.

TITLE II—ON-SITE INSPECTION ACTIVITIES

SEC. 201. ON-SITE INSPECTION AGENCY.

The Arms Control and Disarmament Act is amended by adding at the end the following:

"TITLE V—ON-SITE INSPECTION ACTIVITIES

"SEC. 61. FINDINGS.

"The Congress finds that—

"(1) under this Act, the United States Arms Control and Disarmament Agency is charged with the 'formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security';

"(2) as defined in this Act, the terms 'arms control' and 'disarmament' mean 'the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control';

"(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

"(4) on-site inspection activities under the INF Treaty include—

"(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic,

"(B) escort duties for Soviet teams visiting the United States and the Basing Countries,

"(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and

"(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

"(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

"(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

"SEC. 62. POLICY COORDINATION CONCERNING IMPLEMENTATION OF ON-SITE INSPECTION PROVISIONS.

"(a) INTERAGENCY COORDINATION.—OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

"(b) ROLE OF THE SECRETARY OF DEFENSE.—The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) and operational direction, consistent with section 113(b) of title 10, United States Code.

"(c) ROLE OF THE DIRECTOR.—The Director should provide to the interagency mechanism described in subsection (a) appropriate recommendations for policy guidance to OSIA consistent with sections 2(d), 22, and 34(c) of this Act.

"SEC. 63. AUTHORIZATIONS OF APPROPRIATIONS FOR ON-SITE INSPECTION AGENCY.

"There are authorized to be appropriated $49,830,000 for fiscal year 1990 and $48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

"SEC. 64. DEFINITION.

"As used in this title—

"(1) the term 'INF Treaty' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

"(2) the term 'OSIA' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty.".

AUTHORIZATION FOR CERTAIN OCEAN AND COASTAL PROGRAMS

HOLLINGS AMENDMENTS NO. 1172

Mr. FORD (for Mr. HOLLINGS) proposed an amendment to the bill (H.R. 1668) to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration, as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the governing international fishery agreement entered into between the Government of the United States and the Government of Japan, as contained in the message to the Congress from the President of the United States dated October 30, 1989, is approved by the Congress and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

MITCHELL (AND OTHERS) AMENDMENT NO. 1173

Mr. FORD (for Mr. MITCHELL, for himself, Mr. COHEN, Mr. KERRY, Mr. KENNEDY, Mr. PELL, and Mr. CHAFEE), proposed an amendment to the bill H.R. 1668, supra, as follows:

At the appropriate place, insert the following:

LOBSTER CONSERVATION

SEC. . Section 307(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) in subparagraph (H) by striking "or" at the end;

(2) in subparagraph (I) by striking the period at the end and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species Homarus americanus, that—

"(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan, implemented under this title;

"(ii) is bearing eggs attached to its abdominal appendages; or

"(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages.".

INDIAN CHILD ABUSE PREVENTION AND TREATMENT ACT

BINGAMAN AMENDMENT NO. 1174

Mr. FORD (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1783) to regulate Indian child protection and prevent child abuse on Indian reservations, as follows:

(1) On page 28, strike lines 20 through 25, and on page 29, strike lines 1 and 2, and redesignate subsection "(2)" on line 3 as section "(d)".

(2) On page 32, line 23, strike the words "after the date that is 1 year after the date" and insert in lieu thereof the words "immediately after".

(3) On page 33, line 5, change the period to a comma and add at the end thereof the following: "pursuant to the Privacy Act."

(4) On page 33 lines 16 through 19, strike the following sentence: "The reports, to the extent that they do not identify the child or any information which may assist in identifying the child, may also be accessed by employers seeking information about potential or current employees."

(5) On page 33, line 25, strike the word "Notwithstanding" and insert in lieu thereof the words "Pursuant to".

(6) On page 34, line 7, add the following new sentence: "For purposes of this section, Indian Tribal governments shall be treated the same as other federal governmental entities."

McCAIN AMENDMENT NO. 1175

Mr. SYMMS (for Mr. McCAIN) proposed an amendment to the bill S. 1783, supra, as follows:

On page 20, line 23, strike out "and neglect".

On page 21, line 23, strike out "and neglect".

On page 22, line 6, strike out "and neglected".

On page 22, line 8, strike out "or neglect".

On page 22, line 11, strike out "and neglect".

On page 22, line 21, strike out "or neglect".

On page 23, line 3, insert "and" after the semicolon.

On page 23, line 6, strike out "; and" and insert a period.

On page 23, strike out lines 7 through 11.

On page 25, line 12, strike out "and neglect".

On page 26, line 17, strike out "or neglected".

On page 26, line 21, strike out "or neglect".

On page 26, beginning on line 23, strike out "or neglect".

On page 27, line 12, strike out "or neglect".

On page 27, line 20, insert "and" after the semicolon.

On page 27, line 23, strike out "; and" and insert a period.

On page 27, beginning with line 24, strike out all through page 28, line 3.

On page 28, line 24, strike out "or neglect".

On page 29, in the matter between lines 9 and 10, strike out "and neglect".

On page 29, line 11, strike out "or neglect".

On page 29, line 14, strike out "or neglect".

On page 30, line 18, strike out "or neglect".

On page 30, line 19, strike out "or neglect".

On page 30, line 21, strike out "or neglect".

On page 30, line 25, strike out "or neglect".

On page 31, line 9, strike out "or neglect".

On page 31, line 15, strike out "and neglect".

On page 32, line 4, strike out "and neglect".
On page 32, line 12, strike out "or neglect".
On page 32, line 16, strike out "or neglect".
On page 32, line 19, strike out "or neglect".
On page 32, line 20, strike out "or neglect".
On page 33, line 2, strike out "or neglect".
On page 33, line 9, strike out "or neglect".
On page 33, line 15, strike out "or neglect".
On page 33, line 22, strike out "and neglect".
On page 34, line 4, strike out "and neglect".
On page 34, line 13, strike out "or neglect".
On page 34, line 16, strike out "or neglect".
On page 34, line 22, strike out "or neglect".
On page 35, line 17, strike the word "moral."

TELEVISION VIOLENCE ACT

SIMON (AND HELMS) AMENDMENT NO. 1176

Mr. FORD (for SIMON, for himself and Mr. HELMS) proposed an amendment to the amendments of the House to the bill (S. 593) to exempt certain activities for provisions of the antitrust laws, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

SEC. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to: (1) alleviate the negative impact of violence in telecast material, (2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually explicit material in telecast material.

SEC. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 37 months after the date of enactment of this Act.

SEC. 4. This Act may be cited as the "Television Violence and Indecent Material Act".

COAST GUARD AUTHORIZATION ACT

HOLLINGS AMENDMENT NO. 1177

Mr. FORD (for Mr. HOLLINGS) proposed an amendment to the bill (S. 1512) to authorize appropriations for the Coast Guard for fiscal years 1990 and 1991, and for other purposes, as follows:

(1) Strike all on page 34, lines 1 through 2.

(2) Strike all on page 47, line 16, through page 69, line 13.

(3) Redesignate sections 101 through 115 as sections 2 through 16, respectively.

STEVENS AMENDMENT NO. 1178

Mr. SYMMS (for Mr. STEVENS) proposed an amendent to the bill S. 1512, supra, as follows:

Redesignate sections 111 through 115 as sections 112 through 116, respectively, and on page 43, immediately after line 10, insert the following:

REQUIREMENT TO REPORT SEXUAL OFFENSES

SEC. 111. (a) Chapter 101 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 10105. Requirement to report sexual offenses

"(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.

"(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of $5,000.".

(b) The analysis of chapter 101 of title 46, United States Code, is amended by adding at the end the following new item:

"10105. Requirement to report sexual offenses.".

CHAFEE/PELL AMENDMENT NO. 1179

Mr. SYMMS (for Mr. CHAFEE and Mr. PELL) proposed an amendment to the bill S. 1512, supra, as follows:

On page 46, insert immediately after line 24, the following:

(f)(1) In addition to the appropriations authorized under sections 101 and 102, there is authorized to be appropriated to the Secretary of Transportation the sum of $750,000 for the Secretary's use in providing assistance to the Foundation in carrying out the lighthouse relocation referred to in paragraph (2).

(2) Notwithstanding any of the foregoing provisions of this section, the Secretary of Transportation shall not convey to the Foundation any right, title, or interest in the Block Island Southeast Lighthouse until, in addition to assuring that the other requirements and conditions of this section have been met, the Secretary—

(A) has determined that the Foundation has available to it, from a non-Federal source, not less than $750,000 for use in relocating the lighthouse to the extent necessary for its preservation and safety; and

(B) has delivered to the Foundation the sum of $750,000 authorized to be appropriated in paragraph (1).

(g) Nothing in this section shall be construed to prevent the Foundation from conveying to the State of Rhode Island any right, title, or interest of the Foundation in the Block Island Southeast Lighthouse, if such conveyance meets the requirements and conditions described in subsections (a)(2), (b) (2) and (3), and (c).

KENNEDY AMENDMENT NO. 1180

Mr. FORD (for Mr. KENNEDY, for himself and Mr. KERRY) proposed an amendment to the bill S. 1512, supra, as follows:

At the appropriate place, insert the following new section:

BOSTON LIGHT STATION

SEC. . (a) The Congress finds and declares the following:

(1) The Boston Light Station (hereafter in this section referred to as the "Boston Light") on Little Brewster Island, Boston Harbor, Massachusetts, is the Nation's oldest lighthouse station.

(2) The Boston Light is a National Historic Landmark and Little Brewster Island is listed in the National Register of Historic Places. As such, they should be administered and maintained in a way that preserves for public enjoyment and appreciation their special historic character.

(3) Continued manned operation of the Boston Light will preserve its special historic character. Any proposal to automate or modernize Boston Light must be consistent with the provisions of sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470f and 470h-2).

(4) Efforts should be undertaken that will facilitate public access to, and enhance the public enjoyment and appreciation of, the Boston Light and Little Brewster Island.

(b) The Boston Light shall be operated on a permanently manned basis. In addition to the appropriations authorized under sections 101 and 102, there are authorized to be appropriated—

(1) $200,000 for each of fiscal years 1990 and 1991 for expenses of the Coast Guard for conservation and rehabilitation of the keeper's house and of the Boston Light lighthouse; and

(2) $300,000 for fiscal year 1991 for expenses of the Coast Guard in making pier improvements that will facilitate public access to the Boston Light and Little Brewster Island.

(c) The Secretary of Transportation shall, in consultation with the Secretary of Interior, the Massachusetts Department of Environmental Management, the Massachusetts Historical Preservation Officer, appropriate local government entities, and private preservation groups, develop a strategy to implement policies regarding the ownership, maintenance, staffing, and use of the Boston Light. The strategy shall propose ways—

(1) to provide improved public access to the Boston Light and Little Brewster Island; and

(2) to ensure that the specical historic character of the Boston Light will be preserved, with the continuing presence of Coast Guard personnel, so as to provide the

best possible public enjoyment and appreciation.

STEVENS AMENDMENT NO. 1181

Mr. SYMMS (for Mr. STEVENS) proposed an amendment to the bill S. 1512, supra, as follows:

At the appropriate place insert the following new text:

"SEC. . Section 403 (a) of Public Law 98-364 is amended by striking "1990" in the first sentence and inserting in lieu thereof "1991"."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 16, 1989, at 5:30 p.m. to consider pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, November 17, for markup on the following agenda:

S. 535, the Federal Civil Penalties Inflation Adjustment Act of 1989;

S. 29, the Biennial Budget Act; and

S. 1572, the Federal Budget Structure Act of 1989.

NOMINATIONS

Kathleen Day Koch, to be general counsel of the Federal Labor Relations Authority;

Jean McKee, to be member of the Federal Labor Relations Authority;

Tony Armendariz, to be member of the Federal Labor Relations Authority;

Pamela Talkin, to be member of the Federal Labor Relations Authority;

Bill R. Phillips, to be Deputy Director of the Office of Personnel Management;

Zinora M. Mitchell, to be associate judge of the Superior Court of the District of Columbia;

David C. Williams, to be inspector general, Nuclear Regulatory Commission; and

Donald Kirkendall, to be inspector general, Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 1989, at 10 a.m. to approve authority for the chairman to issue subpoenas to witnesses to appear and produce documents at a hearing before the Subcommittee on Social Security and Family Policy relating to mass mailings concerning Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Friday, November 17, 1989, at 12 p.m. to discuss certain pending civilian nominations, including the Stello nomination and to act on certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPERE AND PEACE CORPS AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, November 17, at 2 p.m. to hold a hearing on the current political situation in El Salvador.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Service, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, November 17, 1989, on S. 166, the Consultant Registration and Reform Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Communications Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 17, 1989, at 8:30 a.m. to hold an oversight hearing on the 1984 Cable Telecommunications Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Friday, November 17, 1989, at 9:30 a.m. to conduct a hearing on S. 1379, the Defense Production Act Amendments of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON THE OCCASION OF VETERANS DAY

● Mr. DODD. Mr. President, I would like to bring to the attention of my colleagues an article by my good friend John Phelan, chairman of the New York Stock Exchange, which appeared in USA Today on the occasion of Veterans Day.

Most of us know John Phelan as a strong leader and spokesman for the Nation's financial markets. He is also a combat veteran of the Korean war.

I thought his thoughts and reminiscences on the occasion of Veterans Day would be of interest to us all.

The article follows:

[From USA Today, Nov. 9, 1989]

THAT SPECIAL MOMENT IS FOR YOU, VETERANS

(By John J. Phelan, Jr.)

The Vietnam War is something that is close to me—something I literally live with every day as I look around and see all the people who had fought in the war and are working with me.

The New York Stock Exchange family takes in quite a number of people. In addition to the nearly 2,000 employees at the exchange itself, there are almost a quarter of a million persons employed by our member firms.

Thus, the world of the NYSE includes many who served in Vietnam—and many others whose dear ones served and, perhaps, died there.

So as I look around, I also think about the young men and women who are not there—those thousands who never returned from the Southeast Asian jungles.

For too long, their sacrifices had gone unnoted. That's why we at the NYSE were pleased that the valor of the men and women who served in Vietnam was recognized by that magnificent memorial in Washington, D.C. And that's why we were delighted to have had the opportunity to help establish the Vietnam War Memorial here in New York City.

There was—another, more personal reason why I felt deeply about the need for recognizing those who had served in Vietnam. I, too, was a veteran of a war that had claimed the lives of more than 50,000 servicemen who have not been adequately recognized or memorialized. It was long ago—38 years ago, in fact—in another generation, in another place far away called Korea.

So I feel an especially strong bond with those who served and fell in Vietnam. But I also have had a personal experience which has tied the Vietnam War to me, and to my life, even closer.

A STUNNING SCENE

As it happened, I was in Washington on Veterans Day a few years ago. I commented to the colleague I was with that I'd never actually seen the memorial to the Vietnam War dead and that I'd like to see it. So we drove over there.

It was drizzling. As I got out of the car and walked across the field, I saw this black marble wall that stretched on and on. When I got to the memorial, I was stunned to see all those names—more than 50,000 of them—etched in marble.

The only time I'd seen anything else like that was in Ypres, in southern Belgium. There was a stone archway over the road in town, and carved into the stone were the names of 100,000 young Englishmen who had died between 1914 and 1918 in nearby trenches during World War I and whose bodies were so mutilated that they were never recovered.

As I walked past the black marble memorial in Washington, I saw people—even in the rain—searching for names. A few seemed to be in remnants of old uniforms. Some wore beards, others long hair. Many were reliving experiences with each other. All were staring at the names. Everywhere there were flowers, real and artificial.

As the scene became burned into my memory, I remembered something that I had heard a long time ago:

"No man can live another man's war."

Then, as I came around the other side of the memorial, I saw something that made me stop in my tracks. It was a statute of three young soldiers coming into a clearing and looking across at the black marble wall with all those names and all the little fragments of flowers that people had dropped.

I was mesmerized by the realism of the faces of the three men in the statue. I could actually see the sweat pouring down their brows and cheeks, and I could feel the heat of the jungle they were in.

THAT LONG-AGO WAR

Suddenly, I felt sweat on my face, and for a moment I was transported back to another time and another place.

I was in Korea.

I winced at the mosquito bites as I waded through the hot, sticky rice paddies. And I began to feel the night heat. Although it was a tropical 90 degrees, the fear that crept into my body made it feel like it was 20 below.

Then the scene shifted, and it was a dark winter night. And, in my mind, it really was 20 below.

I was standing in a forward observer post when, suddenly, a trip flare shot up into the night air. This was followed by the blaring of bugles and the banging of drums as 3,000 screaming Chinese raced to the concertina wire.

Men were shouting: "Fire mission! Fire mission!" and old gunny was yelling, "Give 'em cold steel!"

Then came the first sounds of incoming mortar shells hitting and the dreaded cry, "Corpsman! Corpsman!" And you knew that somebody was down, somebody needed help.

The 60-millimeter mortars whistled in and splashed their deadly shrapnel. They were followed by 122-millimeter mortars that roared through the air like huge freight cars. No matter what kind of a foxhole or bunker you were in, nothing could withstand the impact of those shells.

Then came the cries of the wounded.

Even the 22-year-old man, whose body had been ripped apart, in his moment of agony still called for his mother.

You remember the courage of men who were hardly out of their teens, and many who were not. You remember the spirit. You remember the fear. But most of all, you remember the courage.

And, suddenly, I realized where I was.

A LASTING BOND

I looked again at the memorial in Washington and at the statue of the three young men. That was when I felt a lasting bond, a bond connecting me with the names on that marble wall, a bond linking me with all the vets who had served in Vietnam—all those who did not come back, and all those who did.

That bond binds all of us. It is manifested every year at the New York Stock Exchange on Veterans Day at 11 o'clock in the morning.

On that day, at that moment, as we have done since Armistice Day in 1918, we ring a bell on the trading floor of the New York Stock Exchange, and the 3,000 men and women on that floor stop whatever they're doing for a moment of silence.

Even more important, on the 200,000 devices that carry our pricing information—not only in the United States but all over the world—we send a message across the country and throughout the world.

That message says that trading has been halted for one minute in honor of all those in all the wars of this country who have served their nation, and especially for those who died in that service.

And so, on Friday at 11 a.m., please remember that time because that one minute is for you. It is for all the people who have served our country on the battlefield and who lived, and for those who made the ultimate sacrifice.●

UNFINISHED AGENDA: ADA

● Mr. DURENBERGER. Mr. President, as the 1st session of the 101st Congress comes to an end, I note that the Senate has passed over 75 bills, that we have had over 250 rollcall votes, and that we have signed into law over 50 bills. But I also look back and see the things we did not accomplish this session that the American people were counting on us to do.

Seventeen years ago Hubert Humphrey made a plea to this body that we begin to acknowledge the abilities of persons with disabilities and to treat them with the dignity that every human being is entitled. Seventeen years later people with disabilities remain the only major segment of our society who can be outrightly discriminated against simply because of their disability. So I return here today to reiterate the plea of the late senior Senator from Minnesota and to express my disappointment in not being able to achieve that dream in this session of Congress by passing the Americans with Disabilities Act [ADA] S. 933.

The ADA will remove the barriers that have prevented 37 million Americans with disabilities from entering the work force and participating fully in society. Passage of this legislation would finally say that discrimination against persons with disabilities will not be tolerated, and that individuals with disabilities can and should be given the opportunity to compete on an equal footing with their nondisabled counterparts.

As you know, the Senate passed S. 933 on September 7 by a vote of 76–8. This bill had the full support of President Bush, who expressed his desire to have this bill on his desk by year end. After passage in the Senate, this legislation was sent to the House where it was referred to the Education and Labor, Energy and Commerce, Judiciary, and Public Works and Transportation Committees. Over the past few months, each of these committees held hearings on this legislation. And on November 14, the Education and Labor Committee reported this legislation by a vote of 35–0. Time ran out, however, before any further action could be taken in the House.

There are some who have said that the endorsement by the President and the passage of the bill in the Senate came too fast, and that greater time needs to be taken to consider all aspects of this legislation. I disagree. It was 25 years ago that we prohibited discrimination on the basis of race, color, religion, or national origin. Over 15 years have gone by since the passage of the Rehabilitation Act of 1973 which required Federal and federally assisted programs to accommodate persons with disabilities. The experience and case law from this act show us that full access is achievable without posing undue burdens on those covered.

The Rehabilitation Act opened the door half-way. I hope that when we come back next year, that we will finish the job we set out to do over 15 years ago and open the door all the way and allow full participation in society for persons with disabilities.●

HUMANITARIAN AWARD FOR RACHEL WHEELER ROSSOW

● Mr. DODD. Mr. President, each of us has a mother to whom we owe a multitude of debts that can never be repaid. She stood by us and helped whenever the task was too hard or the world was too cruel. I know of 19 children who have a mother who is always there, ready to help, when she is needed. It has been my very great fortune to know Rachel Rossow, a constituent in Ellington, CT. She has shared her bountiful knowledge with me as I have worked with her over the years, often on issues that affect families. So I, like Rachel's children, am in her debt. I think that society is in her debt for the very great gift of caring that she gives. Recently, she was recognized by the U.S. Department of Health and Human Services for her significant works, and I would like to share with my colleagues the narrative accompanying a nomination for her "Outstanding Humanitarian Service Award."

STATE OF CONNECTICUT DEPARTMENT OF CHILDREN AND YOUTH SERVICES—NOMINATION FOR "OUTSTANDING HUMANITARIAN SERVICE AWARD"

NARRATIVE STATEMENT OF NOMINATION

As a consultant to the Department of Children and Youth Services, Rachel Wheeler Rossow has been a primary, consistent force behind child welfare program initiatives for children with HIV infection. Connecticut owes much to this special women's sensitive, creative energy. Her efforts are a significant reason that the state does not have babies lingering in hospitals, longing for families in which they can truly live, before they die.

Mrs. Rossow is steadfast in her dedication to the wellness in children she encounters, and persistent in her availability to parents

and staff. She personally recruited many of those foster parents in the agency's program who care exclusively for children with AIDS. She spent many, many hours in homes educating, coaching, and molding into a strong and cohesive source of mutual strength, a group that might otherwise have been powerless and isolated.

Mrs. Rossow has served as an advocate inside and outside of the State for the HIV infected children under the Department's care. She has developed networks within the professional and lay community of benefit to birth and foster parents, their children and family members.

Mrs. Rossow has encouraged and supported Departmental staff and administrators, guiding them through the development of written policy, sensitizing the media, encouraging creativity and changing attitudes. She sought and secured corporate funding to supplement recruitment efforts and provide a way for HIV infected children to obtain special items not readily available through state funds.

She has been instrumental in identifying systems barriers that stand in the way of permanence for children with AIDS. As President of Alpha Omega, a private nonprofit corporation working to improve the law and social reality of handicapped children, Rachel is developing a specialized adoption placement service. Through this entity she will work to insure that HIV infected children who need permanent homes get them in a timely fashion.

Mrs. Rossow has done all these things while caring for and nurturing her own 19 natural and adopted special needs children.

She is a person with the rare ability to see development and possibility where others see death and limitation. She possesses a tireless spirit that encourages others to reach into their hearts and walk that extra mile for someone who can't.

Mrs. Rossow, a true inspiration and special gift to those she has helped, is most deserving of an award for Outstanding Humanitarian Service.●

NUCLEAR ARMS RACE IN SOUTH ASIA

● Mr. GLENN. Mr. President, I rise today to continue a series of statements addressing the dangers of nuclear proliferation to the national security of the United States and to its friends and allies around the world. These dangers arise from virtually all regions of the globe, from South America, North and South Africa, the Middle East, to East Asia. But it is in South Asia where a new nuclear arms race is brewing between historically hostile nations.

I am troubled by these developments and I have real concerns about the adequacy of our responses to them. Evidently, I am not alone in registering such concerns.

NO REAL EFFORTS

Last May, the Director of Central Intelligence testified before the Governmental Affairs Committee, which I chair, that a nuclear arms race was already underway in South Asia. Judge Webster stated that there are, in his words, "indicators that tell us India is interested in thermonuclear weapons capability." He also said that, "Clearly, Pakistan is engaged in pursuing a nuclear capability." Then he added, "Yet, there have been no real efforts in the international community to try to head off that race" between these two nuclear programs. Those were his words: no real efforts.

I doubt that the Director of Central Intelligence would appear before an open hearing and make such comments if he were not concerned about the significance of these developments. Judge Webster knows well, as do many of his colleagues in the executive branch, that a nuclear war or arms race in South Asia would further destabilize the region and jeopardize the security of all Americans.

We just cannot be indifferent toward such developments nor simply declare, "it's not our problem, it's a regional issue." No, nuclear proliferation is indeed a problem that transcends the South Asian region, it is indeed a threat to international security, and yes, it is indeed our business to do what we can to stop it.

Now, I believe that India bears a heavy responsibility for much of the nuclear competition we are witnessing in South Asia. I cannot fathom how a country can detonate a nuclear explosive device, produce hundreds of kilograms of bomb-grade plutonium outside of international inspections or controls, spurn and criticize the Nuclear Non-Proliferation Treaty which now has 140 signatories, proceed with test launches of intermediate-range ballistic missiles that are nuclear-capable, engage in activities that can be reasonably interpreted as associated with thermonuclear weapons, lease nuclear submarines from the Soviet Union, reject international proposals for a regional nuclear test ban, boast the capability to enrich uranium "to any degree that the country requires," be openly accused by officials of the Norwegian Government of illegally acquiring heavy water—and profess surprise at its neighbor's alarm.

At the same time, however, I have repeatedly reminded my colleagues how Pakistan has engaged in nuclear and missile activities that fly in the face of open and private assurances that have been provided to our government, at the very highest of levels. [See CONGRESSIONAL RECORD, June 22, 1989, page S782; May 16, 1989, page S5437; Dec. 18, 1987, page S18422; Dec. 11, 1987, page S17894; Oct. 8, 1987, page S13919; Aug. 3, 1987, page S11108; and May 8, 1987, page S6218.]

WHY FOCUS ON PAKISTAN?

I am particularly concerned about the situation in Pakistan for several reasons:

First, where in that region do we have the greatest influence? Although we have close diplomatic relations with both nations, Pakistan is the world's third largest recipient of United States economic and military aid, which strengthens our potential diplomatic leverage should we ever chose to exercise it. Our direct bilateral aid to India is token by comparison.

Second, what has been the record of each nation with respect to international nuclear export controls? Pakistan has made it a common practice over the last decade to violate international nuclear export controls, most often in Western Europe but on several occasions in the United States as well, to acquire nuclear materials or technology for its bomb program. Although India has its own shaky record in this area, Pakistan * * *.

Third, which nation in South Asia has expressed a messianic commitment to share its bomb technology with others outside the region? Various Pakistani leaders, legislators, and scientists have made it clear that Pakistan's nuclear technology should be shared with other nations beyond South Asia. Former President Zia once put it this way in 1986: "It is our right to obtain the technology. And when we acquire this technology, the Islamic world will possess it with us." [Interview in Akhbar al-Khalij, Mar. 13, 1986, translated in FBIS-SAS-86-053, Mar. 19, 1986, page F4.] What former Pakistani Prime Minister Ali Bhutto (the father of the current Prime Minister) once called, the "Islamic Bomb," has no parallel in any Hindu Bomb. And in light of news reports that Pakistan has sought actual bomb parts from its agents in the Middle East and Europe, it is clear that we are looking at more than what many say is just a "Regional" problem.

Fourth, should we be concerned about a nuclear-armed but democratic Pakistan? While recent political developments in Pakistan are surely welcome, the restoration of democracy brings with it no guarantee of progress toward nuclear arms control or disarmament. In today's democratic Pakistan, let us not forget that the "voice of the people," as reflected in the media and parliamentary debates, is calling for the bomb. Neither the flag of democracy nor the banner of the Afghan "freedom fighter" should be used as a cloak for proliferation. A wink today at Pakistan's Bomb could, in an instant, lead to a nightmare tomorrow. In response to those who argue that because we are on friendly terms with Pakistan we should forget about its bomb, I can only thank God that no such reasoning had prevailed in shaping our relations with Iran a decade ago. How soon people forget.

Fifth, has Pakistan lived up to its commitments? Pakistan's leaders have repeatedly assured our leaders that their nuclear program is entirely peaceful, that uranium is only being enriched in Pakistan below the peaceful 5-percent threshold, and that Paki-

stan does not even have an intention to acquire a bomb. Yet Pakistan's record in living up to these assurances is so poor that it eroded those elements of basic trust and mutual respect that serve as cornerstones in the relations between friendly nations. How can we stablize a long-term relationship with a nation—any nation—that cannot fulfill its most solemn pledges to us?

Sixth, which nation cannot satisfy our basic nuclear conditions for foreign aid? Pakistan, unlike India, Israel, Argentina, Brazil or any other nation on Earth, requires a waiver of the Glenn-Symington amendments to the Foreign Assistance Act in order to receive United States foreign aid. These amendments do not "single out" Pakistan, except in the sense that Pakistan has benefited from past waivers of our laws—the amendments apply to all nations without discrimination. The fact that waivers are necessary stems from Pakistan's continuing illicit efforts to import bomb-related technology and components, and from Pakistan's failure to meet the act's requirements for safeguards and "reliable assurances" that its nuclear program is devoted to peaceful purposes.

In effect, a waiver of this provision says that the United States does not regard Pakistan's unsafeguarded trafficking in uranium enrichment or nuclear reprocessing technology as sufficient cause to interrupt our assistance. Under a waiver, for example, Pakistan could not only continue its illicit imports of bomb technology, but also export such technology to Libya, Iran, Iraq, or any other nation without incurring any cost under United States nonproliferation legislation. Obviously, such waivers should not be issued lightly or unconditionally.

Finally, for which nation does our law require an annual Presidential certification that it does not possess the bomb? Pakistan's notorious pursuit of the bomb led Congress in 1985 to require the President to certify annually, as a condition for providing aid, that Pakistan does not possess a nuclear explosive device, and that our aid "will reduce significantly the risk" that Pakistan will acquire such a device. This requirement, a bipartisan initative cosponsed by my colleagues, Senators PRESSLER and BOSCHWITZ, has been increasingly difficult to fulfill. As President Reagan stated in transmitting his last nonpossession certification on November 18, 1988:

* * * we remain extremely troubled * * * by the continued risk of a South Asian nuclear arms race. The Congress should be aware that as Pakistan's nuclear capabilities grow, and if evidence about its activities continues to accumulate, this process of annual certification will require the President to reach judgments about the status of Pakistani nuclear activities that may be difficult or impossible to make with any degree of certainty.

President Bush has recently submitted his own certification on this issue, adding that Pakistan has continued its unsafeguarded nuclear activities over the last year. Evidently our aid has not been quite as successful as the administration would like us to believe in slowing Pakistan's drive for the bomb. In fact, our multibillion-dollar policy of nuclear appeasement in Pakistan may well be the foreign policy failure of the decade.

Thus there are many sound reasons for us to reexamine our nuclear nonproliferation policy, specifically in regard to Pakistan. If we turn a blind eye to Pakistan's advancements toward the bomb, on what political or moral grounds can we base our nonproliferation diplomacy with respect to India? The more we accomplish in Pakistan, the stronger will be our hand in focusing worldwide attention on India's unsafeguarded nuclear program.

OUR "LOW-ENRICHED" NUCLEAR POLICY

In this context, I was dumbfounded when I picked up the Washington Post on June 15, and read that unnamed "U.S. and Pakistan officials" were saying that the United States will no longer hold Pakistan to its long-standing commitment not to enrich its uranium beyond the peaceful 5-percent level.

Mr. President, I ask unanimous consent to submit this article into the RECORD at the end of my remarks, accompanied by my recent correspondence with the State Department and White House regarding the allegations made in that article.

In my letter to Secretary Baker on June 21, I asked for a reaffirmation of United States policy with respect to the 5-percent enrichment pledge and requested a full record of all assurances that the United States has received from the Government of Pakistan concerning its nuclear program. Since the reply, which I received over 3 months later, on October 2, was completely unresponsive to my request, I wrote to the President on October 18 to seek his assistance in providing the relevant information.

Two days later, the White House responded by noting my "concern about Pakistan's uranium enrichment program" but providing no additional information. Then yesterday, I received a letter from Brent Scowcroft, the President's National Security Adviser, offering me a private briefing instead of a public reply. So as of today, I still have no formal statement of United States policy with respect to the 5-percent pledge and no official list of Pakistan's nuclear assurances.

Seen in this context, the Post's article becomes even more significant, since it offers a rare window into official thinking about United States policy toward Pakistan's bomb. The article, if true, suggests either a major and undesirable shift in United States nonproliferation policy, or a disturbing level of ignorance by some within the administration about the nature of the nuclear proliferation threat in Pakistan. At worst, it suggests both.

For example, the article quoted one official as saying that he was not clear "what particular significance" the 5-percent pledge had or "where it came from." He added that "Legitimate nonweapons needs is [sic] enriching to up to about 30 percent" and that any enrichment between 30 and 90 percent is, in his words, "sort of undetermined." Mr. President, I submit that this is a policy that is seriously low in enrichment.

On the chance that this unnamed official may actually be in a position to influence the ongoing review of U.S. nonproliferation policy, I would like to take strong issue with many of these comments. I believe that:

First, the 5-percent level is significant.

Second, Pakistan indeed gave us a formal pledge that it would observe that peaceful threshold.

Third, Pakistan has violated that pledge and is probably still violating it even with a new government.

And fourth, Pakistan's actions cannot go without an appropriate United States response—something more substantive than, in Richard Perle's apt phrase, another "demarche-mallow."

ENRICHMENT LEVEL MAKES A DIFFERENCE

Contrary to the Post's quoted sources, it does indeed make a difference whether uranium is enriched to the 5-, 30-, or 90-percent levels. To understand this, let me take just a moment to explain what we mean by uranium enrichment.

When uranium is mined, it contains very little—less than 1 percent—of the rare uranium isotope called U-235, which is needed in low proportions to make peaceful nuclear fuel and in very high proportions to make bombs. Most civil nuclear reactors use low-enriched fuels with about 3 or 4 percent of the isotope U-235. Some reactors, however, operate with natural or unenriched uranium. The irony about Pakistan's whole multimillion-dollar uranium enrichment effort is that Pakistan's one nuclear power reactor is one of those that does not use enriched fuel. Pakistan's only known reactor, a very small research reactor provided by the United States 24 years ago and using United States-supplied highly enriched fuel, provides absolutely no technical or economic justification for Pakistan's uranium enrichment program. Even Pakistan's own energy plans do not call for the construction of power reactors using highly enriched uranium.

It is worthwhile noting that the International Atomic Energy Agency,

for purposes of safeguards, defines a "significant quantity" of uranium enriched to less than 20 percent as 75 kilograms—165 pounds). A "significant quantity" is the IAEA's working number for the amount of material that a state would need to make its first nuclear explosive device, taking into account the waste and losses that the state would incur in manufacturing that device. Bombs could be made with less than that amount, as a result, for example, of repeated high explosive field testing or under-the-table technical assistance from other nations.

United States concerns about Pakistan's enrichment program are hardly new. On May 1, 1979, Assistant Secretary of State Thomas R. Pickering, who is now U.S. Ambassador to the United Nations, testified before a Senate Governmental Affairs subcommittee that I chaired, as follows:

> We believe uranium enrichment facilities or other sensitive nuclear facilities are not justified in terms of Pakistan's nuclear program which consists essentially of one research reactor . . . and one small heavy water power reactor . . . which does not require enriched uranium. *We are concerned, therefore, that the Pakistan program is not peaceful but related to an effort to develop a nuclear explosive capability.* (Italics added.)

One year later, in June 1980, the Department of Energy released the final report of the Nonproliferation Alternative Systems Assessment Program, which evaluated many civilian nuclear technologies in terms of their proliferation risks—DOE Report DOE/NE-0001/2, Office of the Assistant Secretary for Nuclear Energy, June 1980. This report makes it clear that once a nation has a stock of low- or medium-enriched uranium, it dramatically cuts down on the time and cost of producing bomb-grade uranium. And reduced time means less warning and greater strategic instability.

Here is what the Office of Technology Assessment had to say about this in its report to Congress on "Nuclear Proliferation and Safeguards," completed back in 1977:

> An enrichment plant presents a more attractive target to the diverter. Although the design output of commercial enrichment plants is only 3 percent to 4 percent U-235, and completely impossible (not merely impractical) to use directly in a nuclear fission explosive, much of the work to raise the enrichment to weapons grade has been accomplished. For 30 kilograms of 90 percent U-235, nearly 8000 kilograms of natural uranium hexafluoride feed and 6900 separative work units [SWU] are required, but if 3 percent U-235 is the feed, only about 1500 kilograms of uranium hexafluoride and about 2500 SWU are required.

This effort would be minimized even further, of course, if Pakistan stockpiled uranium enriched to levels above 5 percent.

In short, the greater the level of enrichment of the feed material at an enrichment plant, the easier it is to obtain bomb-grade uranium. Pakistan's nuclear energy program has absolutely no compelling civilian need to enrich uranium above the 5-percent level; the fact that it is nevertheless doing so is thus provocative and a legitimate cause for concern.

PAKISTAN'S 5-PERCENT PLEDGE

Pakistan has assured the United States that it would not enrich uranium above the 5-percent level. The pledge is clearly a matter of public record. Mr. President, I ask unanimous consent to place into the RECORD at the end of my remarks a collection of excerpts from several public reports on this pledge, as assembled by Todd Glass, a congressional intern with the Governmental Affairs Committee.

The first reports of this pledge appeared in the London Financial Times on December 7, 1984, and its newsletter publication, Foreign Report, on December 13, 1984. According to these reports, President Reagan sent Pakistani President Zia a letter in September stressing that United States economic and military aid could be jeopardized in Pakistan continued its pursuit of the bomb; President Reagan reportedly urged President Zia in this letter not to enrich uranium beyond the 5-percent level.

The later report claims that on November 16, 1984, Pakistani Foreign Minister Yaqub Ali Khan handed over Zia's reply to the September letter containing assurances that Pakistan would not exceed that level of enrichment. Records confirm the visit.

Both United States and Pakistani officials have repeatedly acknowledged that a 5-percent pledge was given. In an interview with Washington Post editors on July 18, 1986, then-Prime Minister Mohammed Khan Junejo explicity confirmed that Pakistan, in response to a 1984 letter from President Reagan, had pledged not to enrich uranium beyond 5-percent. The Post reported this on July 18th and again on November 5, 1986.

In the November 5 article, Pakistan's Foreign Secretary, Abdul Sattar stated the following about Pakistan's enrichment program:

> Pakistan does not have and is not producing highly enriched uranium necessary for a nuclear explosive device * * *. Pakistan's research program aims at developing a low-level, fuel-grade enrichment capability for the Chasma nuclear power project. While some progress has been made in the direction, the enrichment level has remained well within limits of the research and development program for fuel.

In an unusual telephone interview with Simon Henderson of the London Financial Times, reported on July 16, 1986, Pakistan's top nuclear scientist, Dr. Abdul Qader Khan stated that President Zia has made a commitment to the United States not to enrich beyond 5 percent and, in Khan's words, "we are keeping to it."

Dr. Khan also told reporters in 1987 that "Pakistan's enrichment research is solely aimed at the development of fuel-grade uranium for our future power reactors." (New York Times, March 2, 1987.)

On April 6, 1987, Defense Week interviewed President Zia and quoted him directly as stating:

> We have the ability to enrich uranium, but only below 5-percent, so it can only be used for power generation.

On August 10, 1987, commenting on a recent visit to Pakistan by then-Under Secretary of State Michael Armacost, State Department spokesman Charles Redman stated:

> Mr. Armacost also stressed the importance of Pakistan's *compliance with their assurance* not to enrich uranium above the five-percent level. (Emphasis added.)

And most recently, Deputy Assistant Secretary of State, Robert Peck, testified in February 1988 before a House subcommittee meeting to address yet another Pakistani attempt to violate our nuclear export laws, that:

> The Pakistani government has not modified its position that its uranium enrichment activities are strictly peaceful and that it *will not enrich uranium above the 5% level*, nor has it given any new assurances with respect to its enrichment activities. (Emphasis added.)

Now if the Deputy Assistant Secretary, Under Secretary, and spokesman of the United States Department of State, and the President, Prime Minister, Foreign Secretary, and top nuclear scientist of Pakistan all go on record as acknowledging a Pakistani commitment not to enrich beyond 5 percent—then as far as I am concerned, that is good enough as evidence of commitment.

THE PLEDGE HAS BEEN VIOLATED

There is scarely anyone who follows nuclear proliferation developments that believes that Pakistan has complied with its pledge not to enrich beyond 5 percent.

On November 4, 1986, Bob Woodward cited in the Washington Post a classified Defense Intelligence Agency report purportedly stating that Pakistan had detonated a high explosive device in September as part of its continuing efforts to build a nuclear weapon. According to Woodward, "intelligence reports" also show that Pakistan has enriched uranium to 93.5 percent.

Woodward's information has had corresponding echoes in dozens of national and international press reports, which I will refrain from inserting here in the interests of brevity.

It is noteworthy, in this context, to recall a brief exchange between Congressman HOWARD WOLPE and Ambassador-at-Large Richard T. Kennedy at an October 27, 1987, hearing on Pakistan and U.S. Nuclear Nonproliferation Policy:

Mr. WOLPE. Are they not continuing to enrich uranium beyond the 5-percent level?

Ambassador KENNEDY. They——

Mr. WOLPE. In blatant violation of their own expressed explicit commitment to President Reagan?

Ambassador KENNEDY. They may well be, and we are concerned about that, and it is precisely because of that, we are exerting all kinds of pressure on them.

Even more revealing of Pakistan's capabilities and intentions, President Reagan issued Presidential Determination No. 88-5 on January 15, 1988, in response to efforts by a Pakistani-born businessman to acquire a special steel used in making uranium enrichment centrifuges. In this unclassified document, which was provided to Congress in accordance with a requirement in the Foreign Assistance Act, President Reagan formally determined:

* * * that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device * * *.

Surely if Pakistan was keeping its uranium enrichment level under 5 percent, and if Pakistan's Nuclear Program was entirely peaceful, there would be no grounds for such a determination. The President, however, then went on to renew full U.S. aid, without any new nuclear conditions, claiming that "United States nonproliferation objectives" justified such a step. It is useful to recall that a key purpose of our massive foreign assistance was to "reduce significantly" the risk of Pakistan acquiring the bomb.

In recent years, Pakistani leaders have been stressing that Pakistan is not assembling a weapon. On July 17, 1986, the Washington Post quoted visiting Pakistani Prime Minister Junejo as having told congressional hosts that Pakistan was "abiding by the guidelines" established with the United States with respect to its nuclear program and that it is "keeping components separate."

A simple question arises: If Pakistan is living up to its commitment not to enrich beyond 5 percent, what possible components would it have to assemble? Prime Minister Bhutto's professed commitments not to put together a bomb, while welcome as are all of Pakistan's peaceful assurances, would make more sense if Pakistan was living up to the 5-percent pledge.

Since you cannot make a bomb with components of 5-percent enriched uranium, the best way for Pakistan to clarify its peaceful intentions would be to keep its word on the 5-percent pledge.

WHAT NEXT?

I do not think for a moment that America can dictate solutions to the difficult, unstable nuclear stalemate that exists in South Asia. As John F. Kennedy once put it in another context:

We must face the fact that the United States is neither omnipotent nor omniscient * * * We cannot right every wrong or reverse each adversity—and that therefore there cannot be an American solution to every world problem.

This, of course, does not justify a policy of passive acquiescence to an Indo-Pakistani nuclear arms race. Nor does it support the view that proliferation is inevitable and that the time has come for us to help both countries make more safe and secure bombs.

I do not have an instant solution to this problem. And I, like virtually all of my colleagues and the American public at large, wish Prime Minister Bhutto well in her inspired efforts to restore democracy to a country ravaged by the social, political and economic effects of the protracted war in Afghanistan, not to mention the legacy of a decade of dictatorial rule.

However, as we review our assistance levels to Pakistan in the coming months, I want our discussions to be well informed. Let us embrace the restoration of democracy in Pakistan. But let us not reward proliferation or breaches of trust.

The administration claims that it is our massive foreign aid that is keeping Pakistan from openly going nuclear. I strongly disagree: Pakistan's nuclear choices will depend less on the absolute level of United States assistance than on Pakistan's own perceptions of its national interests. If—and I say if—our aid is at all relevant in shaping those perceptions—and I have my doubts that it is—clearly the basis for such restraint as may exist lies less in our aid per se, than in the credible prospect of Pakistan losing that aid. Unfortunately, this subtle distinction has been entirely lost in the administration's waivers-for-favors policy—a policy through which aid is routinely renewed virtually regardless of Pakistan's nuclear behavior.

Under the circumstances, many of which I have mentioned in today's statement, I just do not think Pakistan's nuclear track record—yes, even in the past year—can possibly justify an extravagant 3½-year waiver of the Glenn-Symington amendment, especially a waiver without any new and binding nuclear conditions, as the administration is proposing. Such a step, taken on the eve of a major international review of the Nuclear Non-Proliferation Treaty, would send a clear message to Pakistan and other nations that may be considering the bomb—and that message is, proliferation pays.

I do not like waivers of our nonproliferation laws, especially in the face of illicit nuclear activities and deceit by a close friend of the United States. I look forward to the day when we can end this waiver altogether.

Since that day is not yet here, however, what we need is a policy for issuing a waiver responsibly, without compromising our national commitment to nuclear nonproliferation. I recognize that Pakistan has made some unique contributions to our foreign policy objectives in South Asia and that Pakistan now has a democratic government. I also acknowledge that the administration and its supporters in Congress want to give the Bhutto government some additional time to match its peaceful nuclear assurances with concrete and consistent actions.

For that reason, I believe that the most prudent course would be for the United States to extend the Glenn-Symington waiver for only 1 year and to view any continuation beyond that time on the basis of year-to-year reviews of the status of the nuclear program. We should consider longer term waivers if and only if Pakistan takes concrete steps toward agreeing to international nuclear safeguards and toward ceasing its secret nuclear weapon procurement and development activities.

I am prepared to state today, however, that if Pakistan is still enriching uranium over the 5-percent level at this time next year, or is engaging in other activities that are inconsistent with a peaceful nuclear program, then I will strongly oppose—by legislation, if necessary—any further waiver for Pakistan of the requirements of the Glenn-Symington amendments. Similarly, if India engages in the specific activities that are addressed by those amendments, or otherwise violates nuclear assurances that have been given to the United States, I would also fully support the denial of United States assistance to India. We must not allow ourselves to become a silent partner in any regional nuclear arms race.

There is, of course, no guarantee that a cutoff in aid—should it come to that—will prove any more successful in curbing Pakistan's appetite for the bomb than our current fruitless policy of nuclear appeasement. We did, after all, cut off aid to Pakistan in September 1977 and again in April 1979 due to Pakistan's illicit nuclear activities. But times have changed significantly since those last interruptions in our aid.

First, the aid we were providing to Pakistan at that time amounted to peanuts compared with what we are providing now.

Second, Pakistan is no longer facing an imminent military threat from Afghanistan. As recently stated by Gen. Mirza Aslam Beg, Pakistan's Chief of Army Staff, "We are not faced with a two-front situation and a military threat does not exist from Afghanistan." (Jane's Defence Weekly, October 14, 1989, p. 779.)

And third, one simply cannot judge the success or failure of such sanctions when they are imposed only for a brief time.

There is, of course, a way to resolve the issue of Pakistan's waiver that

would serve the security interests of both of our nations: Pakistan could halt its illicit nuclear purchases and accept IAEA safeguards over its nuclear facilities—thereby verifying what Pakistan has already often declared to be its peaceful nuclear policies. If Pakistan's leaders are sincere in their expressed desire to build truly long term, stable relations with the United States, then I could think of no better way to begin that process. But until then, we should proceed cautiously, well aware that the "whole world is watching" to see how we handle this important challenge facing our nonproliferation policy.

SOME BROADER IMPLICATIONS

We must make it clear where nonproliferation stands, not just as a key factor in our relations with Pakistan, but on the foreign policy agenda of the United States. We should reconsider the wisdom of our past practices of extending massive military assistance on terms that ignore nuclear weapon development activities. We must move away from the naive assumption that U.S. military aid can, in and of itself, eliminate security concerns that allegedly drive countries to acquire nuclear arms—history teaches us that countries determined to pursue the bomb will only graciously welcome the aid, and have both.

As Gerard Smith, one of America's foremost authorities on nuclear arms control issues, stated in the summer 1989 issue of the journal Foreign Affairs, we must not turn a "blind eye" to proliferation. Nuclear proliferation inevitably adds instability and uncertainty into our relationships with our friends and allies, including Pakistan, India, Israel, and other nations with whom we desire long-term strategic ties. It also raises the risk of global nuclear war. That is why we should be concerned, and that is why there must be no carte blanche for military aid to nuclear nonproliferators, wherever they may be.

In other words: The reliability of our partner's peaceful nuclear commitments must be a key factor shaping our readiness to be a reliable supplier of military equipment and other military aid.

If Pakistan, for example, continues to violate its nuclear commitments—always just short of actual nuclear detonations—it should fully expect major delays in deliveries, or even nondelivery of advanced United States military equipment. Spare parts will be hard to find. Newer products and technologies will simply be out of the question. Inspections of previously transferred goods will be more frequent and intrusive. The prospect of a full aid cutoff must be a real one. There simply must be a cost to noncompliance—when a solemn nuclear pledge is violated, the solution surely does not lie in voiding the pledge. That is not our policy in other areas of arms control and it should not be our policy with respect to nuclear nonproliferation commitments.

Finally, with some sanity reintroduced to Pakistan's nuclear policies and the United States arms transfer practices, and with the bilateral United States-Pakistani relationship stabilized as a result, we can concentrate on addressing the real security problem facing Pakistan: meeting the needs of its poorest citizens. I ask my colleagues to join me in pursuing all of these objectives.

The submitted material follows:

STATEMENTS ON THE PAKISTANI 5 PERCENT ENRICHMENT PLEDGE

1. A London press report claims that Pakistan has pledged not to enrich uranium over five percent Uranium 235.—Letter from President Zia to President Reagan delivered 16 November 1984, cited by the London *Financial Times* on 7 December 1984. The letter was reportedly delivered by Foreign Minister Yaqub Khan, who also met with Vice-President George Bush, Secretary of State George Shultz, and Secretary of Defense Caspar Weinberger.

2. "The most economical and proven nuclear power plants are of the light water variety which use uranium enriched to about 3 percent. That is the level of enrichment being sought at Kahuta."—Embassy of Pakistan information release on the Pakistani nuclear program, October 1985.

3. "The modest exercise there [at Kahute] in uranium enrichment is on a research and development scale. It is solely motivated by a desire to achieve a degree of self-relience in the front end of the nuclear fuel cycle, i.e. a 3 percent enrichment of uranium . . . [Higher enrichment is] far beyond Kahuta's capability or Pakistan's intention."—Statement of unidentified Pakistani official as reported by the *Washignton Post* on 13 July 1986.

4. Prime Minister Junejo stated that Pakistan's enrichment facility has not reached "even 5 percent" in its operations and denied reports published in London that the plant at Kahuta has enriched uranium to 30 percent or more.—As reported by the *Washington Post*, 18 July 1986.

5. Dr. Abdul Qadeer Khan [Pakistan's top nuclear scientist] noted that President Zia had made a commitment to the U.S. not to enrich beyond 5 percent—Khan added that "we are keeping to it."—As reported by the London *Financial Times*, 16 July 1986.

6. Pakistani Prime Minister Mohammed Khan Junejo tells President Reagan and members of Congress that Pakistan is abiding by its previous commitments regarding limitation of uranium enrichment.—*New York Times*, 17 July 1986.

7. "The fact is that our enrichment program is up to the maximum limit of 5 percent, and that is going to be for special purposes."—Statement by Prime Minister Junejo, 17 July 1986. Reported in *Christian Science Monitor*, 18 July 1986.

8. Foreign Secretary Abdul Sattar stated that Pakistan's nuclear program aims at developing low-enriched fuel for peaceful energy purposes, and that the enrichment level has remained well within the limits of a research and development program for such fuel. He said, "Pakistan does not have and is not producing highly enriched uranium necessary for a nuclear explosive device."—*Washington Post*, 5 November 1986.

9. "As I so often publicly stated, Pakistan's enrichment research is solely aimed at the development of fuel grade uranium for our future power reactors."—Statement by Dr. A.Q. Khan, as reported by the *New York Times*, 2 February 1987.

10. ". . . Pakistan has not enriched its uranium above the normal level required for peaceful purposes."—President Zia, interview in *Time*, 30 March 1987.

11. "We have the ability to enrich uranium, but only below 5 percent, so it can only be used for power generation."—President Zia, interview in *Defense Week*, 6 April 1987.

12. "The Pakistan Government has provided assurance both certainly in public as well as in private that it is not enriching above 5 percent."—Deputy Assistant Secretary of State Rorbert Peck, statement before House Subcommittees on Asian and Pacific Affairs and International Economic Policy and Trade, 22 July 1987.

13. ". . . Mr. Armacost also stressed the importance of Pakistan's compliance with their assurance not to enrich uranium above the 5 percent level. . . . We've made it clear that we expect the Pakistanis to live up to their enrichment assurances. . . ."—State Department Spokesman Charles Redman, 10 August 1987.

14. "Rep. Howard Wolpe: Are they [Pakistan] not continuing to enrich uranium beyond the 5 percent level?

Ambassador RICHARD KENNEDY: They—

Mr. WOLPE: In balatant violation of their own expressed explicit commitment to President Reagan?

Ambassador KENNEDY: They may well be, and we are concerned about that, and is precisely because of that, we are exerting all kinds of pressure on them."—Exchange at a hearing before House Subcommittees on Arms Control, International Security, and Science, on Asian and Pacific Affairs, and on International Economic Policy and Trade, 22 October 1987.

15. "The Pakistanis claim that the purpose of the Kahuta plant is to enrich to 5 percent for civil power reactors.* * *"—Nuclear Engineering International, February 1988.

16. "The Pakistani government has not modified its position that its uranium enrichment activities are strictly peaceful and that it will not enrich uranium above the 5 percent level, nor has it given any new assurances with respect to its enrichment activities. We continue to have very serious concerns about those activities."—Deputy Assistant Secretary of State Robert Peck, testimony before House Subcommittees on Asian and Pacific Affairs and on International Economic Policy and Trade, 17 February 1988.

17. On September 12, 1984, President Reagan sent a letter to Pakistani President Zia, warning that if Pakistan enriched uranium beyond the "red line" of 5 percent, that Pakistan would face unspecified "grave consequences."—as reported by *New York Times*, 6 March 1988.

18. ". . . there is no legitimate need for such material [highly enriched uranium] in Pakistan's peaceful nuclear program."—Assistant Secretary of State Janet Mullins, letter to Senator Glenn, 2 October 1989.

[From the Washington Post, June 15, 1989]

U.S. RELIEVES PAKISTAN OF PLEDGE AGAINST ENRICHING URANIUM

(By David B. Ottaway)

The Bush administration has dropped a demand, insisted on over the past five years, that Pakistan pledge not to enrich its uranium above 5 percent, according to U.S. and Pakistani officials.

They said the administration did not ask Pakistani Prime Minister Benazir Bhutto, who was here on a state visit early last week, for a recommitment to the pledge that President Ronald Reagan first demanded of the last Pakistani leader, Gen. Mohammed Zia ul-Haq, in 1984.

The dropping of the demand means that Pakistan now could produce highly enriched uranium without risking a cutoff of U.S. economic and military aid, the officials said. But Bhutto promised during her visit that Pakistan will not produce "weapons-grade uranium"—generally considered to be material enriched above 90 percent—or take the final step to assemble a nuclear device.

The policy shift appears to stem from a desire to set a new marker for the Bhutto government and to give her the benefit of the doubt on her own pledge. Equally, however, it is a recognition of the fact that U.S. intelligence agencies concluded long ago that Pakistan had violated the 5 percent pledge and was enriching uranium to a level even above 90 percent.

One U.S. official said it was no longer clear "what particular significance" the 5 percent figure had or "where it came from" in the first place.

"Legitimate non-weapons needs is enriching to up to about 30 percent," the official said. Anything between 30 and 90 percent is "sort of undetermined," he added.

Some U.S. nuclear power plants use uranium enriched well above 5 percent. The U.S. government and the International Atomic Energy Agency (IAEA), however, regard anything above 20 percent as "highly enriched uranium."

Reports of the administration's easing of U.S. demands on Pakistan sparked a strong reaction from Sen. John Glenn (D-Ohio), chairman of the Governmental Affairs Committee who, has led the Senate battle for a tougher U.S. nuclear nonproliferation policy.

"When you give on that [the 5 percent level], where do you stop?" he said.

A commitment not to enrich uranium more than 5 percent was "certainly the most conclusive" statement the United States ever obtained from Pakistan as an assurance that it did not intend to build a nuclear bomb, according to Glenn.

He said it appeared that the United States had made "one more concession" to Pakistan in face of its repeated violations of commitments to the United States. "At each step along the way where there's been a transgression on their part, we just overlooked it," he said.

In a September 1984 letter to Zia, Reagan threatened "grave consequences" for U.S.-Pakistani relations if Pakistan exceeded the 5 percent level at its secret and unsafeguarded Kahuta enrichment plant. Reagan did not spell out the consequences and while U.S. law calls for an aid cutoff if Pakistan builds an atomic bomb, Congress has never passed legislation setting the 5 percent enrichment level as a cutoff trigger.

But Zia apparently feared an aid cutoff, and in reply to Reagan pledged that Pakistan was not seeking to build a nuclear bomb. Pakistani officials now say that Zia, who died in a plane crash last August, never committed himself to any specific enrichment level, only to eschew production of "weapons-grade uranium."

Leonard S. Spector, a specialist in nuclear nonproliferaton at the Carnegie Endowment for International Peace, said that it was "technically" possible for Pakistan to produce fuel for a bomb if the uranium was enriched at "anything over 20 percent." But he added that "realistically speaking" such fuel has to be enriched above 90 percent to keep the amount of material small enough for a normal-size bomb or missile warhead.

Spector said it appeared that the Bush administration had decided to settle for "half a loaf." He said that if Bhutto could hold to her commitment not to permit production of "weapons-grade uranium," this could still create "a pause" in the Pakistani drive to build a nuclear bomb.

"In a sense you're building a time gap," he said.

The U.S. official said that Bhutto, during her talks here with administration officials, had been extremely careful in her statements on Pakistan's nuclear intentions and "never mentioned 5 percent." Instead, he said, she talked about "not enriching to weapons grade."

U.S. and Pakistani officials said Bhutto had been extremely careful also not to commit her government to "undo whatever [nuclear] capabilities there may be" in Pakistan or to suggest that Pakistan would ever allow U.S. inspection of Pakistani nuclear facilities.

The officials expressed concern about whether Bhutto will be able to enforce her formal commitment, made before a joint session of Congress June 7, that Pakistan will not undertake to make a nuclear device.

They said she has until October, when President Bush has to make an annual certification to Congress that Pakistan does not "possess" such a device, to impose her control over the small groups of civilian scientists in charge of the largely autonomous Pakistani nuclear program. Otherwise, Pakistan stands to lose all further U.S. economic and military aid.

In making a delayed certification last Nov. 18, Reagan warned Congress that Pakistan's nuclear program had reached the point where another certification "may be difficult or impossible to make with any degree of certainty."

U.S. and Pakistani officials said their main concern is not Pakistan's influential army, whose leaders are believed to fear losing 60 F-16 jet fighters the administration has just approved for Pakistan. The problem, they said, is more likely to be an individual who unilaterally decides to take some unauthorized action.

The "father" of the Pakistani nuclear program is the German-trained scientist. Abdul Qadeer Khan, who has bragged publicly about Pakistan's ability to make a bomb. Pakistani officials say he is too popular a figure in Pakistan for Bhutto to dismiss.

Both Bush and Central Intelligence Director William H. Webster told Bhutto at length of U.S. concerns about the advanced stage of Pakistan's nuclear weapons program. In an highly unusual step, Webster told Bhutto what the CIA knows about the state of the Pakistani program, according to congressional sources. Later, Bhutto said in a Washington Post interview that she had told him she was ready "to work on any information or assessment" the CIA has on the program.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, June 21, 1989.

Hon. JAMES A. BAKER III,
Secretary, Department of State, Washington, DC.

DEAR MR. SECRETARY: I am writing to express my deep concern about growing signs that the United States is retreating from its determination to limit Pakistan's nuclear program exclusively to peaceful purposes. Although I have expressed such concerns in the past, I believe that the time has come to strengthen the nation's resolve to hold Pakistan to its peaceful nuclear assurances, particularly with regard to its uranium enrichment activities.

Several Administration spokesmen, including the Director of Central Intelligence, have recently noted the existence in South Asia of a *de facto* nuclear arms race. I am especially concerned about the continued production of highly enriched uranium in Pakistan, a concern based on several points:

Pakistan's leaders have assured us that they would not permit enrichment above the five-percent level; Pakistan has no credible civil use for material enriched above that level (indeed, Pakistan's only power reactor does not even use enriched fuel); and Pakistan's continued production of such material is fueling a fissile nuclear materials race with India, whose unsafeguarded stockpile of plutonium is already a proliferation concern.

In such a context, I was dismayed to read in a recent Washington Post article (copy attached) several quotes from unnamed U.S. and Pakistan officials indicating that the United States will no longer hold Pakistan to its commitment not to enrich uranium beyond the five-percent level. The article quoted one official as stating that he did not know "what particular significance" the five-percent pledge had or "where it came from" in the first place. The same official said that "legitimate non-weapons needs is [sic] enriching to up to about 30 percent," and that any enrichment to between 30 and 90 percent is "sort of undetermined."

The last administration provided Congress with virtually no information about this pledge or U.S. efforts to seek compliance with it. It is my understanding that the pledge was sought by President Reagan in a letter to Pakistani President Zia in September 1984, and that a commitment to this effect was reportedly provided by Foreign Minister Yaqub Khan at a White House meeting on November 16th. The existence of such a pledge has been officially recognized on several occasions by State Department officials:

1. On August 10, 1987, in summarizing a recent visit to Pakistan by then-Undersecretary Michael Armacost, State Department spokesman Charles Redman said: "Mr. Armacost also stressed the importance of Pakistan's compliance with their assurance not to enrich uranium above the five percent level."

2. At a hearing on October 22, 1987, Congressman Solarz asked Ambassador Richard T. Kennedy if Pakistan was enriching over five percent; Ambassador Kennedy responded: "We believe that there has been some occasion on which that has been the case . . . [adding] we are concerned about that, and it is precisely because of that, we are exerting all kinds of pressure on them."

I hope that the *Post* article does not accurately reflect the President's position on the five-percent pledge. If the Administration has in fact changed its policy with respect

to that pledge, I request to be so informed. Otherwise, I urge you to issue a statement underscoring the firm determination of the United Wtates to hold Pakistan to all of its peaceful nuclear assurances, including its pledge not to enrich over the maximum five-percent level required for civil reactors. We must not let our nonproliferation policy in South Asia become reduced to the mere prevention of nuclear detonations.

In addition, I request copies of the correspondence cited aboved and any other assurances that the United States has received from the Government of Pakistan concerning its nuclear program.

I look forward to working with you to ensure that the prevention of nuclear proliferation remains a top national priority.

Sincerely,

JOHN GLENN,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, October 2, 1989.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate.

DEAR SENATOR GLENN: Secretary Baker has asked me to respond to your recent letter concerning United States policy toward Pakistan's nuclear activities.

This Administration shares your view that the United States must make every effort to prevent Pakistan from developing nuclear explosives. This policy has been a constant feature of United States foreign policy since Pakistan began to develop nuclear technology for peaceful purposes. President Bush expressed his own commitment to combat proliferation very early in this Administration in his statement before a Joint Session of Congress on February 9th of this year, where he stated:

The spread of nuclear weapons must be stopped . . . Our diplomacy must work every day against the proliferation of nuclear weapons.

We are actively following up on the President's commitment, with particular emphasis on South Asia, where the danger of proliferation of nuclear weapons perhaps poses the most acute near-term risks to regional and global security.

The recent visit to this country of Pakistan's newly elected Prime Minister Benazir Bhutto provided the opportunity for us to press for greater progress in reducing the dangers of nuclear weapons proliferation in South Asia. The issue was raised at the highest levels, not only between the President and Prime Minister Bhutto, but also by Secretary Baker and other high-level officials of the Department of State and other Cabinet agencies. We believe that the visit by Prime Minister Bhutto successfully enabled us to pursue a positive dialogue with the new democratic government of Pakistan on the nuclear issue. We intend to continue this dialogue at every future opportunity.

With regard to the specific issue you raise regarding Pakistan's uranium enrichment activities, we share your concern that production of highly enriched uranium by Pakistan represents a clear proliferation danger, since there is no legitimate need for such material in Pakistan's peaceful nuclear program. We made our view on this matter absolutely clear during the Bhutto visit.

I can assure you that the administration does not intend to let our nonproliferation policy in South Asia become reduced to the mere prevention of nuclear detonations. We recognize that, as important as preventing the actual testing of a nuclear explosive may be for preventing a destabilizing nuclear arms race in the region, our efforts must address the earlier stages of possible explosives development. As you know, the President is also required to certify every fiscal year that Pakistan does not possess a nuclear explosive device; and that in addition, the issue of enrichment is an essential one, and we will continue to strongy press the Pakistani government not to produce highly enriched uranium as a demonstration of the government's commitment not to acquire nuclear weapons.

The Department of State will continue to work with you and other concerned members of the Congress in advancing our shared nonproliferation goals.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, October 18, 1989.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On June 21st, I wrote to the Secretary of State to express my deep concern about our policy with respect to Pakistan's unsafeguarded uranium enrichment program. My letter was prompted by a recent article in the Washington Post alleging that the United States will not hold Pakistan to its pledge not to enrich uranium above the five-percent level needed for a civilian nuclear program. I sought an explanation of our policy with respect to Pakistan's commitment that it would not enrich uranium above the five-percent level, and requested copies of relevant correspondence and a record of past nuclear assurances that Pakistan has provided the United States.

I consider the Department's October 2nd answer to be completely unresponsive to my inquiry, especially in light of Congress' present mandate to determine our future assistance to Pakistan. I would be most grateful for your assistance in providing the information that I have requested.

Enclosed are copies of his correspondence and the relevant article. I look forward to your response.

Best regards,

Sincerely,

JOHN GLENN,
Chairman.

THE WHITE HOUSE,
Washington, DC, October 20, 1989.

Hon. JOHN GLENN,
U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: Thank you for your recent letter to the President expressing your concern about Pakistan's uranium enrichment program.

As you know, President Bush has expressed his commitment to combating the proliferation of nuclear weapons and has raised this issue with Prime Minister Bhutto during their recent meeting. I have taken the liberty of sharing your comments with the President's foreign policy and national security advisors, so that they, too, are aware of your interest and concern.

Thank you again for your interest in writing.

With best regards,

Sincerely,

FREDERICK D. MCCLURE,
Assistant to the President for Legislative Affairs.●

STATEMENT ON CUBA

● Mr. LIEBERMAN. Mr. President, one of the most heartening things about the changes sweeping Eastern Europe is that they have placed Fidel Castro on the defensive. He must realize that the vast changes that are taking place in Eastern Europe represent the future of Cuba.

They will also have an immediate impact on Cuba. As Castro is well aware, 75 percent of Cuba's trade is with the Soviet Union and Eastern Europe. The new democratic countries in Eastern Europe are unlikely to want to maintain extensive trade relations with Castro. There are even signs that the Soviet Union is becoming impatient with bailing out the Cuban economy year after year.

Despite the winds of change in Europe, Castro shows no signs of bringing glasnost to Cuba. In fact, at this very moment, hunger strikes are taking place against the inhuman conditions there. These heroic hunger strikers, who have just finished serving 20-year sentenced for poltiical dissent, still have not been released because they have refused to grovel before prison authorities. One brave man, Alfredo Mustelier, who has refused food since late October, is close to death. No one expects Castro to follow in the footsteps of Mikhail Gorbachev. But one can expect him to at least not act like a monster. I urge him to release Alfredo Mustelier immediately, in addition to the other hunger strikers.

I also recommend to the reading of all Senators the following newspaper articles and an editorial from the Miami Herald that describe in vivid terms the difficulties faced by the Cuban people and the ordeal of the hunger strikers.

What was previously unthinkable in Eastern Europe has now become a reality. So, too, will this reality come to Castro's Cuba.

The articles follow:

[From the Washington Post, Nov. 9, 1989]

CASTRO LAMENTS "VERY SAD THINGS" IN BLOC

HAVANA, November 8.—President Fidel Castro, saying "very sad things" were happening in other socialist nations, has warned that Cuba could face serious difficulties if those countries fail to solve their problems.

But in a speech at a ceremony inaugurating a factory on the outskirts of Havana Tuesday, Castro stressed that Havana would not deviate from its commitment to Marxism.

"We are witnessing sad things in other socialist countries, very sad things," Castro said. "We are astonished at the phenomenon that we see . . . what incredible things."

Castro appeared to be referring to the political changes sweeping such Communist Bloc allies as the Soviet Union, East Germany, Hungary and Poland, although he mentioned no country by name.

"We do not know what consequences these phenomena in many socialist countries will have, what direct effects they will have on our plans, our program and our economy," he said. "Along this path, if the socialist states do not resolve their problems, we could have very serious difficulties."

Castro cited as an example strikes that might delay the supply of vital equipment and material to the Cuban economy. About 75 percent of Cuban trade is with the bloc.

The Cuban president said: "Obviously, we respect everyone's right to solve their problems in the way they see fit. We don't have the right to tell others what to do, but then no one has the right to tell us what to do."

In a related development, a Cuban newspaper sharply criticized Hungary and Poland today for receiving Cuban-born Armando Valladares, the U.S. ambassador to the United Nations Commission on Human Rights.

"What a disgrace," said an article published in the official Cuban workers' newspaper, Trabajadores.

The government says Valladares, who spent more than 20 years in jail in Cuba before his release and exile in 1982, is a traitor and a fake. It also says he was a former member of the secret police of dictator Fulgencio Batista, who was toppled by the 1959 Cuban revolution.

[From the Miami Herald, Nov. 11, 1989]

FREE THE PLANTADOS

Hunger strikes are formidable weapons in the hands of those who only appear to be powerless. Oppressors rarely know how to counter fasts by opponents who pursue specific ends. Mahatma Gandhi, for instance, used hunger strikes quite effectively to protest the methods of the British authorities in India. Once, Gandhi threatened to starve himself to death if Hindus and Muslims did not end their incipient religious war.

In Cuban political prisons, hunger strikes have been the last resort of men and women subjected to arbitrary cruelties. Where food is scarce and ill health common—as in a Cuban jail—a hunger strike entails an extraordinary risk. Yet since 1959, Cuban prisoners have called numerous hunger strikes to protest execrable conditions, harsh measures such as the cancellation of correspondence and visits, or brutal *requistas*—the "search and destroy" missions that prison guards carry out in cells.

Several Cuban prisoners have died during these strikes, Alfredo Mustelier—a *plantado* (one who won't cooperate) who completed a 20-year sentence on Oct. 27—may be the next to die if he is not freed.

Since Oct. 27 Mr. Mustelier has been on a hunger strike to protest his illegal imprisonment. Since Oct. 30, he has not consumed either food or liquid. He has been moved to an isolation cell and stripped of all his clothing. His wardens expect him to die.

Commendably, more than two dozen U.S. Congressmen, along with Sens. Connie Mack of Florida and Claiborne Pell of Rhode Island, wrote to Fidel Castro. They urged him to free Mr. Mustelier and two other long-term *plantados*, Ernesto Diaz Rodriguez and Mario Chanez de Armas, "who have vowed," as the letter noted, "to continue the hunger-and-thirst strike when Mustelier either dies or is freed."

Mr. Castro, who is rarely at a loss for words, has not responded. He should be deluged by telegrams demanding the hunger strikers' freedom. Though their impending deaths may only arouse the Stalinist dictator's contempt, the lives of these three courageous, abused prisoners ought to carry an enormous weight in the conscience of all who truly care about human rights.

[From the Miami Herald, Nov. 14, 1989]

CUBA: IN ALBANIA, OFFICIAL DECRIES CAPITALISM

HAVANA.—Cuba and Albania have agreed that socialism can only be defended by correcting its own mistakes and not by applying capitalist formulas, the Cuban news agency Prensa Latina said Sunday.

Cuban Foreign Minister Isidoro Malmierca, speaking Saturday at the end of a visit to Albania, said the two countries shared a concern about Eastern bloc developments.●

THE FREEDOM OF CHOICE ACT

● Mr. CHAFEE. Mr. President, I am pleased to join in sponsoring the Freedom of Choice Act.

In 1973, the Supreme Court established that a woman has a constitutional right to choose to have an abortion in the landmark case Roe versus Wade. Last July, the Supreme Court ruled in Webster versus Reproductive Services that States may impose certain restrictions on access to abortions. Although the Court's decision in Webster did not overturn Roe, it did significantly increase the authority of the State to interfere with a woman's choice to terminate a pregnancy.

I have long supported the right of States to govern themselves as long as their laws do not unduly infringe on the rights of individual citizens. I believe the Court's decision in Webster allows States to do just that.

Thus, some States will impose restrictions on abortions and others will not. A woman residing in a State which restricts abortions will go to a State where abortions are available if she has the means to do so. However, a low-income woman will not have the same ability to travel to another State to obtain an abortion. I believe that the right to choose should be uniformly available throughout the United States. It should not be determined by the State in which a woman lives or by a woman's ability to pay.

A woman who becomes pregnant unexpectedly, regardless of the circumstances, must make a decision that will affect her for the rest of her life. She may consult with her family, friends, religious leader, doctor, or others to help her choose what is best for her. Before fetal viability, she should not also have to consult with the State in which she lives. States cannot prohibit other reproductive freedoms such as a woman's decision to prevent conception with some exceptions, and States should not be permitted to prohibit a woman's decision to terminate a pregnancy.

That is why I have joined in sponsoring the Freedom of Choice Act, legislation which would codify the principles established in the Roe decision. Simply stated, the bill would prohibit States from restricting the right of a woman to choose to terminate a pregnancy before fetal viability, or at any time if it is necessary to protect the life or health of a woman.

I urge my colleagues who support a woman's right to choose to join in sponsoring this legislation. Although the Freedom of Choice Act may be difficult to enact, I am hopeful that the Senate will eventually approve this bill, and in so doing will ensure that women in every State will have the right to make their own decisions about their health and family.●

THE AUCTION OPTION

● Mr. BURNS. Mr. President, every year, 23 million Americans attend auction sales across the Nation. From cattle barns in Montana and Kansas to antique shops in Manhattan, buying and selling at auctions has been a national pastime since colonial days.

As an auctioneer myself, I can safely say that if you have never attended an auction, you are missing a great experience. The auctioneer's delivery, the bidding process, and all the other dynamics of an auction are exciting and fun from beginning to end.

But an auction is also serious business. Tens of millions of dollars' worth of goods are sold at auction every year, and the Federal Government is an active participant in the process.

That is because the auctioning of surplus Government property is a great benefit to the American taxpayer. Not only does it bring a great price, it does so in an open public forum, with competitive bidding, under full public scrutiny.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 recognizes the importance of auction marketing. That law mandates that auctions be included in the oversight board's strategic plan for the Resolution Trust Corp.

The National Auctioneers Association [NAA] represents over 6,000 professional auctioneers across the country. The members of NAA are proud of the work they have performed for the Federal Government, and the State and local governments, as well. Using the auction option, Government has turned surplus public property into a resource that can be used for improved public services and deficit reduction.

To further promote this activity, the NAA has established a Washington presence in the National Auction Marketing Coalition [NAMCO]. NAMCO's goal is to make sure that the Federal Government takes full advantage of the auction option whenever and wherever it benefits the American taxpayer.

The NAA encourages us to "catch auction fever." It is a great idea because of the benefits to the American Government and taxpayers.●

THE KENNEDY CENTER

● Mr. McCLURE. Mr. President, it is with great pleasure that I rise to speak for a few minutes concerning "Miracle on the Potomac: The Kennedy Center From the Beginning," a book by Ralph E. Becker.

I am privileged to serve as Vice Chairman of the Board of Trustees at the John F. Kennedy Center for the Performing Arts. In this capacity, I have come to know the history of the Kennedy Center, and to appreciate its commitment to artistic excellence and the role it has played as a showplace for the American performing arts. It has also been my privilege to know Mr. Becker, one of the Center's founding trustees. Ralph Becker has maintained an active association with the Center for more than 30 years, serving as the Center's general counsel for nearly 20 years, and now serving as an honorary trustee.

Mr. Becker has been untiring in his efforts to help the Kennedy Center achieve its worldwide reputation as a performing arts center and a monument to the richness of American performing arts. I congratulate Mr. Becker on the timely publication of his book, coinciding as it does with the Kennedy Center Honors Gala. In this work, Mr. Becker draws on both his memory and official records to illustrate the hardships of the Kennedy Center's birth and development.

It was with the opening of the Kennedy Center that Washington, DC, took its place among the cultural capitals of the world. Our Capital became more than a hub for political influence; it became a center for artistic influence as well. A quotation from John F. Kennedy is carved into the Center's facade that links the United States' political progress to its artistic growth.

There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts. The age of Pericles was also the age of Phidias. The age of Lorenzo de Medici was also the age of Leonardo da Vinci, the age of Elizabeth also the age of Shakespeare. And the frontier for which I campaign in public life can also be a new frontier for American art * * * I look forward to an America which will not be afraid of grace and beauty.

As Mr. Becker points our, our political heritage affirms our right to artistic expression and enjoyment.

Indeed, what has become the Kennedy Center represents our government's most articulate commitment to "the Pursuit of Happiness"—perhaps the most revolutionary, certainly the most intangible, of the inalienable rights advanced in the Declaration of Independence.

"Miracle on the Potomac" is an inside view of the historic struggle to begin the Center.

Though not widely recognized, it was a combination of the 1958 act to create a national cultural center and President Eisenhower's vigorous endorsement of the idea that made culture a legitimate concern of public policy in this country. Serial events in the center's development, beginning with the first congressional debates that defined its purpose, served to produce a climate more favorable to an appreciation of the arts than Washington, the city of politicians and bureaucrats, had ever known.

"Miracle on the Potomac" pays tribute to President Eisenhower and reminds us of his cultural commitments. It was during his administration the original National Cultural Center Act was passed. To be reminded of President Eisenhower's contribution in no way diminishes the appropriateness of the Center as a memorial to John F. Kennedy. The book describes the almost spontaneous grassroots support to rename the Center in President Kennedy's memory after his assassination in 1963. However, Mr. Becker reminds us: "to neglect the role that Eisenhower played in the Center's chancy beginnings not only omits a significant item of cultural history but also serves to perpetuate an image of the man that does disservice to his memory."

The book is illustrated with more than 145 photographs and drawings, including the Center's original designs by architect Edward Durell Stone. In the book's foreword, Roger L. Stevens, the Center's Chairman from 1961 to 1988, affirms that the wealth of information about the Center's history is masterfully drawn together.

Although the events of the last 30 years surrounding the Kennedy Center have been written about frequently, the facts have often been distorted. Since I was involved in the establishment of the Center, as its chairman I am happy to say that Mr. Becker has done a through job of research and has many new and surprising facts to present to the reader. His book will be welcomed as a historical record of events that took place up to the opening night.

Ralph was himself tireless in working with me in molding the Kennedy Center into its present shape despite the many difficulties that had to be faced because of lack of funds, opposition from Capitol Hill, and attempting to solve the various problems as they arose, and he showed great ingenuity in finding solutions.

Mr. President, I congratulate Ralph Becker for his book, and for his contribution to the performing arts in the United States.●

ATROCITY IN EL SALVADOR

● Mr. MOYNIHAN. Mr. President, I rise to express my sorrow over the loss of life in the bloody struggle being waged in El Savador. I know that all of my colleagues share my anger at the latest atrocity in which six Jesuit priests, their housekeeper and her 15-year-old daughter were brutally murdered. However, I am especially saddened because I knew one of the victims, Father Ignacio Ellacuria Beas Coechea, rector of José Simeon Canas University of Central America. I met with Father Ellacuria on December 6, 1983, during my visit to El Salvador and Nicaragua. A learned man, a gentle man. Native of the basque country in Spain. He taught philosophy and theology and was an outspoken advocate of human rights.

When I met with Father Ellacuria, I asked him about the flow of arms from Nicaragua into El Salvador. He told me in his simple way, "There are none." He then explained that the United States was pouring so much weaponry into El Salvador that captured weapons and ammunition were more than adequate to sustain the rebel movement. In effect, we were arming both sides.

Father Ellacuria was a peacemaker. He persistently advocated negotiations. When President Durate's daughter was kidnaped he worked with the Red Cross to successfully negotiate her release.

Another of the victims, Father Segundo Montes, was actively involved in documenting human rights abuses as the head of the Human Rights Institute at the university. As a member of the steering committee of the Congressional Friends of Human Rights Monitors I am keenly aware of the risks that such brave souls accept in carrying out their vital activities. Still, one never ceases to be shocked and saddened when persons like Father Ellacuria and Father Montes are forced to deliver the last full measure of devotion.

Last September I joined 32 of my colleagues here in the Senate in an effort to attach human rights conditions to our aid to El Salvador. That effort unfortunately failed.

This atrocity reminds us once again of the extreme peril of any society in which the rule of law is no longer respected. I join with the international committee of the Red Cross in its earnest appeal that the combatants in El Salvador "respect international humanitarian law and likewise ensure that it is respected by all persons involved in the conflict." In particular, common article three of the Geneva Convention of 1949 applies to civil conflicts and makes it a crime under international law to commit murder even in the midst of hostilities.

Throughout most of this century the United States was at the forefront of promoting respect for the rule of law in the world. I fear that this is no longer true. We read almost daily of new plans to loosen the restictions on U.S. involvement with assassinations and coups. In fact, this very morning banner headlines in all the major

papers announced a new U.S. plan to support coup attempts in Panama.

Mr. President, El Salvador offers us a vision of what can happen in the world if international law, including the law of war, ceases to be respected.

Mr. President, I ask that an article from the New York Times on these killings be printed in the RECORD at this point.

The article follows:

[From the New York Times, Nov. 17, 1989]

SIX PRIESTS KILLED IN A CAMPUS RAID IN SAN SALVADOR

(By Lindsey Gruson)

SAN SALVADOR, November 16.—Six Jesuit priests, including the rector of a leading university, were killed here before dawn today by what one witness described as a group of 30 men dressed in military unifoms.

Most of the priests were dragged from their beds in cubicles in a dormitory at the José Siméon Cañas University of Central America on the outskirts of the capital and shot in the head with high-powered rifles, apparently of the same type issued by the army. The Jesuits' cook and her 15-year-old daughter were also shot to death.

"They were assassinated with lavish barbarity" said the Rev. José Maria Tojeira, the Jesuit Provincial for Central America, "For example they took out their brains."

TORTURE IS REPORTED

He said the victims were tortured before they were killed, though this could not be independently confirmed.

In Washington, the Bush Administration condemned the killings "in the strongest possible terms," and said it had asked the Salvadoran President, Alfredo Cristiani, to make a full inquiry.

Colleagues of the dead priests and some human rights monitors blamed the army or right-wing death squads for the killings, which provoked outrage here. They noted that only Government forces were able to move freely during the dawn-to-dusk curfew now in effect.

GOVERNMENT VOWS INQUIRY

The Government denied it was responsible and denounced the killings. It promised an investigation and said the rebels had the most compelling motive for the slayings, strongly hinting that the rebels were responsible.

The killings came at a time of increased tension in El Salvador. An offensive by leftist guerrillas that began on Saturday night has touched off the fiercest fighting in the decade-old civil war, which has claimed 70,000 lives.

A letter issued in Washington by Americas Watch, a human rights organization, said that for the last several days, a large contingent of soldiers had surrounded the Jesuit university grounds and that a group of soldiers had searched the rectory where the priests were killed.

LINKS TO DEATH SQUADS

Persuasive evidence has often linked the army and the governing party—the Nationalist Republican Alliance, known by its Spanish acronym, Arena—to the death squads. In the early 1980's, they marked for assassination those who tried to organize the left or criticize the right.

Until the shootings today, the most notorious attack occurred in March 1980 when Archbishop Oscar Arnulfo Romero of San Salvador was shot to death as he was saying Mass in the chapel of a hospital. Political opponents of Roberto d'Aubuisson, the leader of Arena, accused him of responsibility for the killing.

The victims of today's killings included Ignacio Ellacuria, the Rector of the university, who was a critic of right-wing violence; Ignacio Martin-Baro, the Vice Rector and a leading expert on Salvadoran public opinion, and Segundo Montes, the dean of the school's department of social sciences. The three other slain priests were identified by colleagues as Joaquin López López, Amando López and Juan Ramón Moreno. The Jesuit's cook, Julia Elba Ramos, and her daughter, Celina, were found shot to death in the bed they shared.

"They did not want to leave witnesses," said Eduardo Valdez, director of Jesuit studies at the university, which is considered one of the best in the region.

An employee of the university who said he saw the killings of the six priests told their colleagues that about 30 men broke into the back of the rectory shortly after 3 a.m.

According to this account, the intruders tossed a bomb into the one-story, stucco building, and shot two of the priests in their sleeping cubicles and then killed the cook and her daughter.

Colleagues of the victims said the witness had told them that the three other priests were dragged from their beds. The attackers then went next door to Father Ellacuria's small home, gathered the four men on the lawn and killed them.

A sign left with the bodies saying the killings were the work of rebels was being widely dismissed by the colleagues of the priests as amateurish dissimulation.

CRIME OF SUCH REPUGNANCE

The United States Ambassador, William J. Walker, denounced the crime and said it played into the hands of the rebels. But he acknowledged that an investigation would be almost impossible during the current heavy fighting.

"This is a crime of such repugnance that to say that I condemn or deplore seems inadequate," he said in a briefing. "It is a barbaric act that has brought shame to El Salvador."

"I have difficulty in imagining what sort of animals would, in cold blood, execute priests, and other innocents," he said.

The killings came a day after Mr. d'Aubuisson issued a thinly veiled threat against rebel sympathizers. He warned Salvadorans who had known about the coming rebel offensive but had not informed the Government. In the past, death squads have often followed up similar warnings by killing those Mr. d'Aubuisson had publicly criticized.

In testimony before a Congressional Committee, Robert White, the former United States Ambassador to Salvador referred to Mr. d'Aubuisson as a "pathological killer," saying the State Department had "compelling if not 100 percent convincing evidence" that he had ordered the killing of Archbishop Romero.

HAD BEEN SHUNNED BY U.S.

Mr. d'Aubuisson had been shunned by American officials since 1984 when the United States learned that he had reportedly ordered the killing of Thomas Pickering, then the American Ambassador. That policy of ostracism was ended when Vice President Quayle met with Mr. d'Aubuisson last June.

The university, which was started as an alternative to the radicalized National University, is one of the most highly respected in Central America. But for more than a decade the extreme right has accused its Jesuit teachers of favoring the rebels and fostering subversion.

In an interview on Tuesday, Father Ellacuria, the rector, called on the Government to recognize the rebels of the Farabundo Marti National Liberation Front, as representing an important and disenchanted part of this society and to find a political solution to the civil war.

"I think the predominant feeling is that the F.M.L.N. has a lot of force and that the violence should end through negotiations," said Father Ellacuria, who returned Monday via Miami from a trip to Western Europe.●

EDUCATION OF INDIVIDUALS WITH DISABILITIES ACT

● Mr. HARKIN. Mr. President, yesterday evening the Senate passed S. 1824, the Education of Individuals With Disabilities Act of 1989. This is a bill which reauthorizes the discretionary programs of the Education of the Handicapped Act for 5 years.

The education of children with disabilities is not a partisan matter. I am pleased to say that I have been working closely over the past few months with my good friend and esteemed colleague, Senator DURENBERGER, ranking member of the Subcommittee on Disability Policy, which I chair, and with my colleagues on the Labor and Human Resources Committee, Senator KENNEDY, the chairman, and Senator HATCH, the ranking member, and that we have drafted a bill we can all support.

The discretionary programs of the Education of the Handicapped Act have a long history of responding to the educational needs of children with disabilities, and keeping our Nation's special education system on the cutting edge. Many of these programs began long before Public Law 94-142, the Education of All Handicapped Children's Act, which was passed in 1975 with a permanent authorization, and which provides for the basic State grant program for special education.

As far back as 1958, Congress authorized a program to produce and lend captioned films to deaf persons. The Special Education Personnel Development Program began in 1966 to provide support to promote an adequate supply of qualified special education personnel. In 1968, the Deaf-Blind Program was begun to respond to the needs of thousands of deaf-blind children born during the rubella epidemic of the early 1960's. This was followed by a program of regional resource centers to develop and use the best methods of assessment and program design to serve children with disabilities, information clearinghouse and public information programs, and the Handicapped Children's Early Education Program, which promotes the development, demonstration, and dissemination of quality preschool

programs. The Innovation and Development Program has fostered special education research through the years.

In 1974, the Postsecondary Education Program was authorized to extend Federal support for postsecondary programs for students with hearing impairments, and to expand the opportunities for postsecondary education to all students with disabilities. Over the past 15 years, discretionary programs have been authorized to address the transition of students with disabilities from secondary school programs to adult services, to address the needs of children with severe disabilities, and to promote the use of technology to enhance the education and development of children with disabilities.

Mr. President, millions of infants, toddlers, children, and youth with disabilities have benefited from the advances in special education brought about by the EHA discretionary programs. This reauthorization process has given my colleagues and I the opportunity to take a long, hard look at the discretionary programs and make sure that they are doing what they are intended to do, and doing it effectively and efficiently.

The Subcommittee on Disability Policy held a hearing last April where we heard testimony from a wide variety of witnesses representing parents of children with disabilities, the Department of Education, and the special education and disability communities. From this testimony it became clear that we needed to address several new and ongoing needs of children with disabilities and the special education system. It also was clear that, in light of the fiscal constraints with which we are all too familiar, we needed to prioritize from among the many suggestions we received for amending these programs.

Well, we developed those priorities, and, Mr. President, I believe that with S. 1824 we have a bill which goes a long way toward addressing the needs of infants, toddlers, children, and youth with disabilities.

At our April hearing, the subcommittee heard testimony from Ms. Carla Lawson, from my home State of Iowa. Carla is the director of the Iowa Exceptional Parents Center, a group supported under the EHA Discretionary Program for parent training and information. The Iowa Exceptional Parents Program, and similar programs in 40 States, have done an impressive job of helping parents understand the laws affecting their children with disabilities and helping them interact with the special education system. But the subcommittee was distressed to learn that parents of children with disabilities in 10 States and the District of Columbia have no access to such parent programs. S. 1824 will help us move toward the goal of giving all parents of children with disabilities access to parent training and information programs.

Throughout the reauthorization process, we heard time and again that the results of research funded under the descretionary programs of EHA, and other important information in the field of special education, are not reaching those who need it most—teachers in the classroom, providers of related services and early intervention, administrators of special education programs, parents of children with disabilities, and individuals with disabilities themselves. It became apparent that emphasis must be placed on the dissemination of knowledge generated by the discretionary programs. That's what this bill will do. S. 1824 will improve the effectiveness and efficiency of existing networks of dissemination—the clearinghouses and regional resource centers established under EHA, the National Diffusion Network, organizations representing individuals with disabilities and professionals in the field, and others.

Compelling testimony highlighting the continuing shortage of appropriately trained personnel to provide special education, related services, and early intervention was presented to my subcommittee by Dr. William Carriker, representing a broad coalition of special education groups, who told us:

> This nation has a serious shortage of qualified special education and related services professionals. Projections of both student and professional demographic data indicate that over the coming years the shortage will reach crisis proportions and seriously impede the ability to provide students with disabilites the special education and related services they are guaranteed under Federal law.

The Education of Individuals With Disabilities Act addresses this personnel shortage. Besides significantly increasing support for personnel training programs, an expansion of the comprehensive system of personnel development, required of each State under the EHA, will help the States and Federal Government to better understand the extent of personnel needs and to develop a coordinated approach to solving the personnel shortage.

The bill also eliminates outdated and ineffective data collecting requirements, and through a restructuring of the major research provisions in the EHA, sets an agenda for special education research that will have influence extending far beyond the impact of Federal dollars.

This bill also will clarify the intent of Congress with regard to another important aspect of the EHA. S. 1824 incorporates provisions identical to those in another bill I have introduced separately, S. 1431. This past June the Supreme Court delivered a decision in the case of Dellmuth versus Muth, that held that children with disabilities who are denied a free appropriate public education by a State are not entitled to be reimbursed for tuition paid by their parents for placement in an appropriate program. This is clearly a misinterpretation of Congress' intent in the EHA. Not only does the EHA confer upon children with disabilities an enforceable substantive right to a free appropriate public education, it also explicitly authorizes any aggrieved party to bring an action in State or Federal court, including an action for tuition reimbursement. This legislation will serve to clarify the intent of Congress in this matter.

S. 1824 also includes an important new program addressing the needs of children and youth with serious emotional disturbances. We heard compelling testimony that children with serious emotional disturbances remain significantly unserved or underserved by the special education system. It is essential that we better understand the needs of these students and the most appropriate educational interventions.

The Education of the Handicapped Act provides for a free appropriate public education for over 4.5 million children and youth with disabilities. Every year the Federal Government invests almost $2 billion to help the States provide early intervention and special education for infants, toddlers, children, and youth with disabilities. This is obviously a substantial investment. S. 1824 will help ensure that these dollars are providing the best possible education for these children. By providing for special education research to increase our understanding of children and their disabilities and how they learn, demonstration programs to implement the best new ideas in the field, supporting the training of new teachers and other special education personnel, and promoting the appropriate use of technology and other innovative approaches to special education, S. 1824 will go a long way toward ensuring that children with disabilities grow up to meet their full potential as productive citizens. The Education of the Handicapped Act has prepared millions of students with disabilities to assume productive roles as adults. The Americans With Disabilities Act, recently passed by this body, will ensure that they will be able to use the education that the EHA has provided them.

Finally, I wish to thank my colleagues, Senators DURENBERGER, KENNEDY, HATCH, and SIMON, and their staffs, for their cooperation and assistance as we drafted this legislation. Without their ideas and assistance, and their continuing dedication to improving the lives of persons with disabilities, we would not have passed this legislation.●

HDTV AND FIBER: THE SYNERGY AND THE FUTURE

● Mr. GORE. Mr. President, I recently attended a conference on HDTV and Fiber: The Synergy and the Future. Reese Schonfeld, President of Opt in America, "the public interest organization for the information age", delivered an address which I would like to share with my colleagues. I ask that his remarks be printed in the RECORD.

The remarks follow:

When I was a young student of the law, I was taught principally by the Socratic method—repeated questioning to pull the truth out of, or pound the truth into, the unsuspecting student.

Using this technique, one of my best law professors made me an offer I could not refuse, although later I wished I could have.

He said he would let me give any answer I want. At that point, I thought I had a pretty good deal in the making.

But then he stated his condition: so long as he got to phrase the question.

And that is where he had me, because both Socrates and my professor knew that he who controls the question controls the show . . . the answer, the agenda, the outcome.

Unfortunately, in the fiber-to-the-home debate, we are letting someone else control the show, because we are letting them control the questions.

And the questions they have chosen are narrowly framed, trivial and incidental to the real debate.

They are saying that the cable/telco struggle is really over who gets to transmit old movies to the American home. It is depicted as a battle for entertainment profits, not technological progress.

These are old and tired ideas.

The fundamental question is: will America have a great all-purpose network in the twenty-first century, and will all Americans have access to it?

This turf-struggle interpretation—unfortunately so common to Washington public policy debates—totally misses the real point about fiber-to-the-home: its incredible potential to affect our lives, values, and public services.

The "Batman" rerun debate is a case of the tail wagging the dog. It pits an industry struggle against the real interests of the American people.

You have heard the litany of fiber's capabilities; long distance health care, distance learning, distance shopping; smart buildings, smart houses, smart cities; a whole new range of jobs not restricted by geography; to say nothing of strenghtening of our values of speech, press, and the family.

We are not talking about who is going to bring us "Batman." We are talking about how you and I are going to get medical treatment, education, jobs, and all the bits of knowledge and information that it will take to sustain life in the twenty-first century.

How will we remain competitive in an increasingly technologically sophisticated world economy? How will we educate our children to prepare them for the twenty-first century? How will we care for our increasingly aging population?

These are some of the critical questions that must be asked . . . of Congress, of the FCC and of the American people.

The only group that I know of that is really asking those questions is Opt In America, a public interest organization I belong to that is dedicated to bringing fiber optics to the American home.

It is our view that in the history of communications we have come to one of those benchmark times when a truly historic step forward is at hand. I refer to the opportunity to move from a period of scarcity to an era of abundance in video communication.

We have arrived at this stage of our communications development because it is now possible to provide a future of abundant video channels into every American home, thanks to fiber optic technology.

Though I have been principally a news man, I am not a stranger to these issues.

Bill Henry and I worked for years to get the phone companies to open their video lines to non-network users, cable and independent stations, and we were eventually successful.

I worked with Dick Wiley when he was chairman of the FCC to get the FCC to permit domestic use of satellites, and we were successful there.

Both of these ideas—cable and satellites—turned out to be big ideas, two of the biggest in the history of communications.

But what I am describing here is bigger than both of these.

A nationwide public fiber optic network is the next big idea of our time. It is a destiny that this technology suggests and even demands.

It is big not just in engineering terms, although it is definitely that. It is big also because it touches the bedrock of values upon which our nation rests—speech, press and assembly, family cohesion, community problem-solving, how we raise our children and how we spend our old age.

This is a clear case where the whole of this technology is much greater than the sum of its parts.

Right now the American telecommunications industries have all of the parts, but they are not being permitted to create the whole.

This is because dated federal rules and regulations unnecessarily restrain competition, thereby restricting companies which are ready to install the technology.

These obsolete rules stem from a different time and a different technology. They are rules borne to protect an infant cable industry.

Now we have a $13.8-billion-a-year cable industry based on the scarce availability of a finite number of cable channels.

Fiber optics offers a different challenge: not the problem of allocating scarcity, but of managing abundance.

Just as there are no limits now on the number of cameras, VCRs, telephones, televisions or computers that are produced, there will be no practical limits on the number of channels that fiber optics can provide—one-way, two-way, mini-networks, even global networks.

Yet while all of this production and viewing equipment exists in abundance, the public video network to connect it is not only scarce—it is missing altogether.

The development of this network is being held back largely by the opposition of the cable industry, which is itself virtually a monopoly in many markets. That industry misperceives fiber optics as a threat to its economic welfare.

They are wrong. With fiber, there are enough channels for everyone, cable and noncable alike. The opportunity to produce and distribute video information will be there for everyone.

This is like candle-makers holding back electricity, or printers holding back copiers.

One measure of a smart industry is its ability to adapt and to turn change to its advantage, not to suppress it.

Has the movie industry died because of television? No, although it once fought television. Today the studios flourish, in large part because of television.

And this will be the case with fiber optics. Programmers and distributors alike, cable and noncable alike, will flourish. Fiber is a technology of abundance, not scarcity, and there will be enough to go around for everyone.

Since there is enough to go around, we must see that it does go around.

This is another undertaking of Opt In America: to ensure a full and fair and an equal access of all Americans to the benefits of this technolgy.

A century ago our leaders made a commitment to public health and public education.

This century, our leaders made a commitment to public power and public transportation.

Now we must make a commitment to public telecommunications, to a public fiber optic network that goes from the inner city to the farm.

As I said before, we are talking about much more than old movies. We are talking about something on the scale of public education and public power.

Indeed, fiber optics is so unique, so powerful, that it deserves a special place in our communication policies.

Twice in my lifetime Congress has favored a technology, and it has worked. They did this with the two big communication ideas of our time: satellites in the sixties and cable in the eighties.

The technology of the nineties will be fiber optics.

Congress should begin by lifting the restrictions on competition for the delivery of video signals to the home. Telephone and other noncable companies should be allowed to compete.

The market would respond dramatically to a most-favored-technology policy. When the genius of the American people is combined with the genius of this technology, uses and needs we cannot imagine will emerge.

I say: Let's get on with the job, so history can be made.●

BARBARIC CRUELTY IN EL SALVADOR

● Mr. LEVIN. Mr. President, I am sickened and utterly appalled by the events in El Salvador. There can be no civilized explanation; there is no excuse. The slaughter at the University of Central America, including six Jesuit priests, is one more incomprehensive act of barbaric cruelty in El Salvador. The agony in El Salvador has gone on too long. The wrenching suffering in that blood-stained country sears the conscience of civilized people everywhere.

The United States has an obligation to do all that it can to work to achieve an immediate cease-fire. Mr. President, the carnage must be stopped. I call on the President to use his au-

thority and the influence of the United States to stop the bloodshed.

Mr. President, in the last decade the American people has sent to El Salvador $4.5 billion. During that time over 70,000 Salvadorans have died in the civil war.

The American people support self-determinations and democracy. The American people are willing to lend assistance to people struggling to free themselves of the tyranny of political and economic bondage. The American people have an honorable history of helping those who are struggling for freedom.

Mr. President, the people of Michigan and the people from across this country are outraged. They want this ruthless savagery stopped. They want the suffering to end, and negotiations to prevail.

Less than 2 months ago Congress voted to send $90 million in unconditioned military aid to El Salvador. Mr. President, I voted against that aid. We were told during that debate that conditions on the aid were exceptional and unnecessary restrictions. We were told we would be sending the wrong message. We were told that conditions on the military aid to El Salvador would not lead to an improvement in the lives and security of Salvadorans.

Well, Mr. President, we were told the wrong thing. We sent a signal, all right.

I fear, Mr. President, that when we sent unconditioned military aid, the recipients did not understand they have standards to meet, exceptations to fulfill, or human rights to honor.●

LATVIA

● Mr. KASTEN. Mr. President, tomorrow the people of Latvia are observing the 71st anniversary of the proclamation of Latvian independence. If history had been kind, Latvia would now be in its eighth decade of democracy—but the dark shadow of totalitarianism has stifled the hopes of this valiant people for much of this century.

Earlier this year, I visited Latvia and learned first-hand that the people there prize freedom every bit as much as Americans do. The breezes of perestroika and glasnost are just now starting to restore to Latvians the human rights and freedoms so many of us in this country take for granted.

On this special day, let us remind the people of Latvia that we are on their side. Their struggle is our struggle—and America will not be satisfied until Latvia and all other captive nations are allowed full control over their own futures.●

VIOLENCE IN El SALVADOR

● Mr. DECONCINI. As are all Americans, I am shocked and appalled by the escalation of violence in El Salvador. The continued heavy loss of life—the result of the actions of both sides through their military operations in densely populated civilian areas—is a tragedy that must be stopped. The atrocities which have occurred in the past week, including the grisly murders of six Jesuit priests, their housekeeper and her daughter, places the perpetrators of this brutal and cowardly act beyond the bounds of any civilized standard of behavior. The United States must not spare any effort to ensure that the perpetrators are swiftly brought to justice.

The breadth and scope of the continued violence underscores the need for both sides to return immediately to the negotiating table. As a first step, I urge the Government of El Salvador and the FMLN to enter into an immediate cease-fire. I also urge both sides to allow the International Red Cross and other relief organizations access to the areas of fighting to provide medical and humanitarian assistance for civilians and others who have been wounded. Failure to take these basic steps will place any future United States assistance to El Salvador in serious jeopardy.

I have worked with others in the Senate and House for many years to enact legislation to stop the deportation of Salvadorans from the United States. I believe that a temporary suspension of such deportations and other forced returns is our responsibility because of our long-time and extensive involvement militarily and economically in that country. The increased violence reinforces the urgent need for such action.

I have today written a letter to the Attorney General asking for him to administratively stop the return of El Salvadoran refugees. The Attorney General has the authority to grant extended voluntary departure status to nationals of El Salvador who are in the United States. I hope that he will immediately take such action. I am also hopeful that immediately upon the Senate's return in January, the Senate will take up and quickly pass the DeConcini/Moakley bill granting a suspension of deportation to Salvadorans and and Nicaraguans. This week's actions once again highlight the urgent need for the United States to end the disgraceful return of innocent and threatened individuals to a dangerous and violent war zone.

Once again, I strongly urge an immediate cease-fire and a return to the negotiating table by both sides.●

WESTERN INVESTMENT IN POLAND AND HUNGARY

● Mr. SIMON. Mr. President, I rise today to engage the distinguished chairman of the Foreign Relations Committee in a colloquy.

Mr. President, one of the primary purposes of our legislation on aid to Poland and Hungary is to encourage Western investment in Poland and Hungary as a means of accelerating the passage toward democratic political processes and free market-based economic systems.

As countries such as Poland and Hungary, as well as other Eastern bloc nations, make this economic transition to greater privatization, they may well begin to sell interests in state-owned or controlled enterprises to Western companies. Those Western companies can bring free market expertise and resources to Eastern bloc industries and can help orient these Eastern bloc nations toward economic integration with the West.

The recently announced joint venture between General Electric and Tungsram, a Hungarian lighting company, is a perfect example of the type of Western investment which should be encouraged through insurance provided by the Overseas Private Investment Corp.

Therefore, would the Senator agree that in cases where businesses in Poland or Hungary, whether state or privately owned, are sold in whole or in part to American corporations, that those United States investments would be eligible for coverage by such agencies as OPIC?

Mr. PELL. The Senator is correct.●

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, FISCAL YEAR 1990

Mr. LEAHY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2939.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House recede from its amendment to the amendment of the Senate numbered 17 to the bill (H.R. 2939) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes", and concur therein with an amendment as follows:

At the end of the amendment, insert *"Provided further,* That any agreement entered into by the United States and the United Nations Fund for Population Activities to obligate funds earmarked under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if any United States funds are used for any family planning programs in the People's Republic of China or for any abortion related activities in any country.".

Resolved, That the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 278.

Mr. LEAHY. Mr. President, I move that the Senate recede from its disagreement to the House amendment to the Senate amendment No. 17 and concur therein.

The PRESIDING OFFICER. The question is agreeing on the motion.

The motion was agreed to.

Mr. LEAHY. Mr. President, I move that the Senate recede from its disagreement to the House amendment to the Senate amendment No. 278 and concur therein.

The PRESIDING OFFICER. The question is agreeing on the motion.

The motion was agreed to.

Mr. LEAHY. I move that we reconsider, en bloc, both motions.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I would like to engage in a colloquy with my colleague from New Mexico, and the distinguished chairman of the Energy and Water Development Appropriations Subcommittee. I appreciate the chairman's indulgence in further consideration of an emergency situation in Santa Fe, NM.

Mr. President, my colleague from New Mexico, Senator BINGAMAN, and I offered an amendment to the Foreign Assistance Appropriations conference report on Wednesday evening to clarify that the Army Corps of Engineers shall proceed with design work relating to an emergency streambank erosion problem in Santa Fe, NM.

The fiscal year 1990 Energy and Water Development Appropriations Act, Public Law 101-101 includes $300,000 under the Section 14 Streambank Control program to allow the corps to assist the city of Santa Fe with this emergency problem. The problem is that the corps does not have the general authority to do design work under this program. The amendment the Senate adopted would have allowed the corps to use these funds under its general investigations authority, which does allow design work.

Mr. BINGAMAN. Mr. President, the streambank erosion problem is very serious along the Santa Fe River near the St. Francis Bridge. My colleague and I toured this area in July and concur that immediate action to address this problem is necessary. The erosion problems are a significant danger to residents in the area, including elementary school children, and to 60,000 commuters who use this bridge and major arterial into Santa Fe every day.

Because of other amendments at issue in the Foreign Operations conference report, the House was forced to drop our amendment. Is it my colleague's understanding that the amendment was acceptable to the House, and that they have no objection to the corps proceeding with the design work to address this problem?

Mr. DOMENICI. I would say to my friend that that is indeed my understanding, and that a colloquy between the House subcommittee chairman and our colleagues in the House underscored the intent of the conferees on this matter.

Is it your understanding, Mr. President, that in the 1990 Energy and Water Development Appropriations Act, Public Law 101-101, the conferees included directions for the Army Corps of Engineers to undertake activities related to a streambank and channel stabilization project on the Santa Fe River?

Mr. JOHNSTON. I would say to my good friend and subcommittee colleague that, yes, that is true.

Mr. BINGAMAN. It is our understanding, Mr. Chairman, that while this direction was included in the "Construction, General" provisions of the bill, it was the intent of the conference committee to have these funds included in the "General Investigation" section of the Corps Appropriations.

Mr. Chairman, do you agree that the corps should reprogram the general investigations funds to initiate and complete engineering and design activities including the preparation of plans and specifications of this project?

Mr. JOHNSTON. I agree that the corps should reprogram funds so that it can carry out the intent of the conference.

Mr. DOMENICI. I thank the chairman for this clarification and for his time.

I would also like to thank the distinguished chairman and ranking member of the Foreign Operations Subcommittee for their accommodation on our amendment. We appreciate their assistance to try to address this emergency situation.

Mr. LEAHY. Mr. President, if nobody else is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Executive Calendar Order Nos. 482, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, and the nominations placed on the Secretary's desk in the Coast Guard.

Mr. SYMMS. Mr. President, I ask unanimous consent that Calendar Order No. 512 be set aside and all others be accepted.

The PRESIDING OFFICER. Without objection, all items other than Calendar Order No. 512 will be considered and an objection is heard as to Calendar Order No. 512.

Mr. FORD. Mr. President, I further ask unanimous consent that the nominees be confirmed en bloc, that statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Catalina Vasquez Villalpando, of Texas, to be Treasurer of the United States.

SECURITIES AND EXCHANGE COMMISSION

Mary L. Schapiro, of the District of Columbia, to be a Member of the Securities and Exchange Commission for the term of five years expiring June 5, 1994.

DEPARTMENT OF COMMERCE

Deborah Wince-Smith, of Ohio, to be Assistant Secretary of Commerce for Technology Policy.

Jennifer Joy Wilson, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

DEPARTMENT OF TRANSPORTATION

Jerry Ralph Curry, of Virginia, to be Administrator of the National Highway Traffic Safety Administration.

INTERSTATE COMMERCE COMMISSION

Edward Martin Emmett, of Texas, to be a Member of the Interstate Commerce Commission for a term expiring December 31, 1992.

EXECUTIVE OFFICE OF THE PRESIDENT

J. Thomas Ratchford, of Virginia, to be an Associate Director of the Office of Science and Technology Policy.

James B. Wyngaarden, of North Carolina, to be an Associate Director of the Office of Science and Technology Policy.

CONSUMER PRODUCT SAFETY COMMISSION

Jacqueline Jones-Smith, of Maryland, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1989.

Jacqueline Jones-Smith, of Maryland, to be Chairman of the Consumer Product Safety Commission.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Antonio Lopez, of Tennessee, to be an Associate Director of the Federal Emergency Management Agency.

DEPARTMENT OF DEFENSE

Robert Clifton Duncan, of the District of Columbia, to be Director of Operational Test and Evaluation, Department of Defense.

Christopher Jehn, of Virginia, to be an Assistant Secretary of Defense.

Craig S. King, of Virginia, to be General Counsel of the Department of the Navy.

Duane Perry Andrews, of Virginia, to be an Assistant Secretary of Department of the Air Force.

Ann Christine Petersen, of Illinois, to be General Counsel of the Department of the Air Force.

Michael Bruce Donley, of Virginia, to be an Assistant Secretary of the Air Force.

Susan Morrisey Livingstone, of Montana, to be an Assistant Secretary of the Army.

G. Kim Wincup, of Maryland, to be an Assistant Secretary of the Army.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD

Coast Guard nominations beginning Anthony Dupree, Jr., and ending Ronald A. Nilsen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 12, 1989.

Coast Guard nominations beginning Ronald S. Condron, and ending Dane S. Egli, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 13, 1989.

Coast Guard nominations beginning Peter L. Maier, and ending Charles W. More, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 13, 1989.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIX WEEKS AFTER HUGO: A THANK YOU TO CONGRESS AND THE WASHINGTON COMMUNITY

Mr. HOLLINGS. Mr. President, the city of Washington—specifically, political Washington—is a favorite whipping boy and bugaboo of the American people. It is caricatured as cynical, cold, corrupt, you name it. The fact is, many of us got to the Senate by running against this largely mythical Washington.

Well, let me share with you a picture of a very different Washington, a Washington that mobilized virtually overnight to assist the victims of Hurricane Hugo in South Carolina. And I'm not talking about the megabillion relief bills that whisked through Congress. I'm talking about individual Washingtonians, many of them politicians and their staffers but many in no way connected with Capitol Hill, who generated an avalanche of clothing, supplies, foodstuffs, tools, and cash to help their fellow Americans left destitute by Hugo.

Old Harry Truman used to say that if you want a friend in Washington, get yourself a dog. Well, perhaps if Hugo had hit Missouri during Harry's lifetime he would have been privileged to see the Washington that I have witnessed in recent weeks: a Washington of good friends—many of them previously strangers—who pitched in with their hearts, their energies, and their pocketbooks.

As just one sterling example, let me mention two young men, Rick Kessler and Ted Wigler, both on the staff of Senator LAUTENBERG, who raised money to rent a van, filled it with clothing and food, and personally drove it to Williamsburg County, SC, where they remained over the weekend to help with the relief effort.

My own office, which served as an unofficial dropoff point for donations, accumulated several large truckloads of food, clothing, and equipment from countless congressional offices and Washington areas citizens, schools, and churches. It is impossible to thank all of the good Samaritans—and, the fact is, many of the givers were anonymous. Thanks to those we know and to those we don't for your generous contributions to the Hugo relief effort.

As our office effort gained steam, it quickly became apparent that we needed help—and we needed it fast. Our Senate family came to the rescue. To the Sergeant at Arms and his office, to the Senate Service Department staff, namely Russell Jackson, our Senate volunteer extraordinaire Diane Kaseman, Jay Swingle, and Farley Jenkins and the entire work force of the Delaware Avenue warehouse, to the Superintendent's office and to the officers of the Capitol Police Force, we couldn't have done it without you.

Thank you too, to Chuck Riley of Alliance Van Lines, Harold Jeffers of JAR Freight Forwarding, and Gerry Leary of Federal Express who provided a solution to the thorniest problem of all—pick-up and transport of the goods to South Carolina. We are very grateful to each of you and to your outstanding staffs.

Other volunteer efforts from across the country swung into action within hours. For example:

The Evangelical Church in Washington, with Ronald Christian in the lead, sponsored a caravan of supply trucks to Moncks Corner, SC.

Seneca Ridge Middle School, Welton Construction Co., and Manassas Lumber Co., all in suburban Virginia, worked together to send three pickup trucks of food, tools, and building supplies to South Carolina.

The students, faculty, and PTA at Jackson Road Elementary School raised an extremely generous cash contribution for the Charleston Disaster Relief Fund, and I understand that a significant portion of that donation came from students who chipped in a portion of their lunch money.

Similarly, the Our Lady of Good Counsel School in Vienna, VA, became energetically involved in Hugo relief, adopting the Sacred Heart School in Charleston, and sending money, books, and food.

Mr. President, let me also take this occasion to thank the people of Ocean County, NJ, who sent a convoy of some 30 tractor trailers loaded with ice, food, water, and other goods valued at an estimated $1 million—truly an extraordinary voluntary effort. Also: Ted Bryson of International Aid in Michigan for an extremely generous donation of blankets and food; Willard Scott and Oprah Winfrey for highlighting the plight of Hugo victims in their TV broadcasts; Ray Howell of Roxboro, NC, for collecting and delivering a huge truckload of food and clothing to St. Stephen, SC; Bennett Bozman of Worcester County, MD, and his fellow Marylanders collected two truckloads of food and equipment and delivered it to Dorchester County, SC; Ray Stansill of Frederick County, MD, who sent six truckloads of building materials to James Island; 10 volunteers from Chincoteague, VA, led by Mayor Harry Thornton, traveled with supplies, food, and financial donations to McClellanville and Shellmore, SC, where they worked virtually around the clock clearing debris; the citizens of Anne Arundel County, MD, for their assistance to McClellanville; the Spokane, WA, Jaycees, who sent six rental trucks loaded with relief supplies to South Carolina; Ned Coffin of the Vermont Democratic Party for a generous cash contribution to McClellanville.

Mr. President, let me reiterate that this list of volunteers and contributors is by no means comprehensive. The emphasis in these remarks has been on people who have worked directly with my office or who were known to us. In addition to them, however, I know there are countless thousands of others who have involved themselves one way or another in the Hugo relief effort. We are grateful to them all.

Finally, Mr. President, and most importantly to me personally, permit me to thank my own staff members, both here in Washington and in South Carolina, for the superb work they have done in the wake of Hugo. In Washington, they have worked long hours coordinating donations, arranging shipments of relief supplies, drafting and laying the groundwork for Hugo related legislation, cutting through red tape to get things done for South Carolinians struggling to re-

bound from the storm. In the State, our staff has been at work in virtually every Hugo-impacted county, working with local officials, with local churches and relief efforts, providing every assistance possible to the stricken communities. They did this on their own initiative, out of their love and concern for South Carolina. I am enormously proud of their hard work, dedication, and professionalism. They have done—and continue to do—a tremendous job.

CAPT. MICHAEL BOWMAN U.S. NAVY

Mr. COHEN. Mr. President, one of the finest pleasures all of us have in serving this body is the opportunity to publicly acknowledge some of the outstanding patriots of our Nation. In bidding goodbye to Capt. Michael Bowman, who has served as the Principal Deputy to the Secretary of the Navy for Senate Liaison for the past 2 years, we are acknowledging the impressive achievements of one of the Navy's finest naval officers.

Captain Bowman has been a vital link between the Department of the Navy and the U.S. Senate during the past 2 challenging years of legislative activity. It has been my privilege to work with Mike on numerous occasions, covering a wide variety of military issues affecting the future readiness of our Nation's naval forces.

In January, Mike is departing in order to return to the fleet. He will eventually assume command of Carrier Air Wing 13 in Oceana, VA. Although his departure is going to be a great loss to us, the officers and sailors of his new command will gain a superb leader and a proven warrior of naval aviation. Captain Bowman flew over 200 combat missions in Vietnam. Reflecting on the character of Mike's long and illustrious naval career, it is with confidence that we send the captain back to sea in what he will readily insist is the greatest job in the world; command of naval fighter pilots at sea.

In the same tradition of those many generations of fighting men who have served our Nation with a strong sense of moral certainty that their mission is honorable, Mike will once again prepare naval aviators for deployment to the far reaches of the globe. His mission will continue to be, as it always has been, to preserve the blessings of liberty by maintaining a vigilant watch over the adversaries of freedom. Thanks to men like Capt. Mike Bowman we can pursue our lives with a sense of security. Thanks to men like this great patriot, we can strive toward that day when we will be able to say, "The only remaining enemy to peace is war."

So I bid farewell to our friend, Capt. Michael Bowman as he takes his new command. The country could not have a greater patriot and the Navy a better officer.

INDIAN LAW ENFORCEMENT REFORM ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 299, H.R. 498, a bill to clarify the Interior Department law enforcement activities in Indian country.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 498) to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Law Enforcement Reform Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "employee of the Bureau" includes an officer of the Bureau.

(3) The term "enforcement of a law" includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

(4) The term "Indian country" has the meaning given that term in section 1151 of title 18, United States Code.

(5) The term "Indian tribe" has the meaning given that term in section 201 of the Act of April 11, 1968 (82 Stat. 77; 25 U.S.C. 1301).

(6) The term "offense" means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "Division of Law Enforcement Services" means the entity established within the Bureau under section 3(b).

(9) The term "Branch of Criminal Investigations" means the entity the Secretary is required to establish within the Division of Law Enforcement Services under section 3(d)(1).

INDIAN LAW ENFORCEMENT RESPONSIBILITIES

SEC. 3. (a) The Secretary, acting through the Bureau, shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country as provided in this Act.

(b) There is hereby established within the Bureau a Division of Law Enforcement Services which, under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for—

(1) carrying out the law enforcement functions of the Secretary in Indian country, and

(2) implementing the provisions of this section.

(c) Subject to the provisions of this Act and other applicable Federal or tribal laws, the responsibilities of the Division of Law Enforcement Services in Indian country shall include—

(1) the enforcement of Federal law and, with the consent of the Indian tribe, tribal law;

(2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;

(3) the protection of life and property;

(4) the development of methods and expertise to resolve conflicts and solve crimes;

(5) the provision of criminal justice remedial actions, correctional and detention services, and rehabilitation;

(6) the reduction of recidivism and adverse social effects;

(7) the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;

(8) the assessment and evaluation of program accomplishments in reducing crime; and

(9) the development and provision of law enforcement training and technical assistance.

(d)(1) The Secretary shall establish within the Division of Law Enforcement Services a separate Branch of Criminal Investigations which, under such inter-agency agreement as may be reached between the Secretary and appropriate agencies or officials of the Department of Justice and subject to such guidelines as may be adopted by relevant United States attorneys, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of sections 1152 and 1153 of title 18, United States Code, within Indian country.

(2) The Branch of Criminal Investigations shall not be primarily responsible for the routine law enforcement and police operations of the Bureau in Indian country.

(3) The Secretary shall prescribe regulations which shall establish a procedure for active cooperation and consultation of the criminal investigative employees of the Bureau assigned to an Indian reservation with the governmental and law enforcement officials of the Indian tribe located on such reservation.

(e)(1) The Secretary shall establish appropriate standards of education, experience, training, and other relevant qualifications for law enforcement personnel of the Division of Law Enforcement Services who are charged with law enforcement responsibilities pursuant to section 4.

(2) The Secretary shall also provide for the classification of such positions within the Division of Law Enforcement Services at GS grades, as provided in section 5104 of title 5, United States Code, consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Division of Law Enforcement Services under paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal Agencies in light of the responsibilities,

duties, and qualifications required of such positions.

LAW ENFORCEMENT AUTHORITY

SEC. 4. The Secretary may charge employees of the Bureau with law enforcement responsibilities and may authorize those employees to—

(1) carry firearms;

(2) execute or serve warrants, summonses, or other orders relating to a crime committed in Indian country and issued under the laws of—

(A) the United States (including those issued by a Court of Indian Offenses under regulations prescribed by the Secretary), or

(B) an Indian tribe if authorized by the Indian tribe;

(3) make an arrest without a warrant for an offense committed in Indian country if—

(A) the offense is committed in the presence of the employee, or

(B) the offense is a felony and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the felony;

(4) offer and pay a reward for services or information, or purchase evidence, assisting in the detection or investigation of the commission of an offense committed in Indian country or in the arrest of an offender against the United States;

(5) make inquiries of any person, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter relevant to the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the employee to enforce or carry out tribal laws;

(6) wear a prescribed uniform and badge or carry prescribed credentials;

(7) perform any other law enforcement related duty; and

(8) when requested, assist (with or without reimbursement) any Federal, tribal, State, or local law enforcement agency in the enforcement or carrying out of the laws or regulations the agency enforces or administers.

ASSISTANCE BY OTHER AGENCIES

SEC. 5. (a) The Secretary may enter into an agreement for the use (with or without reimbursement) of the personnel or facilities of a Federal, tribal, State, or other government agency to aid in the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the Secretary to enforce tribal laws. The Secretary may authorize a law enforcement officer of such an agency to perform any activity the Secretary may authorize under section 4.

(b) Any agreement entered into under this section relating to the enforcement of the criminal laws of the United States shall be in accord with any agreement between the Secretary and the Attorney General of the United States.

(c) The Secretary may not use the personnel of a non-Federal agency under this section in an area of Indian country if the Indian tribe having jurisdiction over such area of Indian country has objected to the use of the personnel of such agency. The Secretary shall consult with Indian tribes before entering into any agreement under subsection (a) with a non-Federal agency that will provide personnel for use in any area under the jurisdiction of such Indian tribes.

(d) Notwithstanding the provisions of section 1535 of title 31, United States Code, the head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with the Secretary under subsection (a).

(e) The head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursment) with an Indian tribe relating to—

(1) the law enforcement authority of the Indian tribe, or

(2) the carrying out of a law of either the United States or the Indian tribe.

(f) While acting under authority granted by the Secretary under subsection (a), a person who is not otherwise a Federal employee shall be considered to be—

(1) an amployee of the Department of the Interior only for purposes of—

(A) the provisions of law described in section 3374(c)(2) of title 5, United States Code, and

(B) sections 111 and 1114 of title 18, United States Code, and

(2) an eligible officer under subchapter III of chapter 81 of title 5, United States Code.

REGULATIONS

SEC. 6. After consultation with the Attorney General of the United States, the Secretary may prescibe under this Act regulations relating to the enforcement of criminal laws of the United States and regulations relating to the consideration of applications for contracts awarded under the Indian Self-Determination Act to perform the functions of the Branch of Criminal Investigations.

JURISDICTION

SEC. 7. (a) The Secretary shall have investigative jurisdiction over offenses against criminal laws of the United States in Indian country subject to an agreement between the Secretary and the Attorney General of the United States.

(b) In exercising the investigative authority conferred by this section, the employees of the Bureau shall cooperate with the law enforcement agency having primary investigative jurisdiction over the offense committed.

(c) This Act does not invalidate or diminish any law enforcement commission or other delegation of authority issued under the authority of the Secretary before the date of enactment of this Act.

(d) The authority provided by this Act is in addition to, and not in derogation of, any authority that existed before the enactment of this Act. The provisions of this Act alter neither the civil or criminal jurisdiction of the United States, Indian tribes, States, or other political subdivisions or agencies, nor the law enforcement, investigative, or judicial authority of any Indian tribe, State, or political subdivision or agency thereof, or of any department, agency, court, or official of the United States other than the Secretary.

UNIFORM ALLOWANCE

SEC. 8. Notwithstanding the limitation in section 5901(a) of title 5, United States Code, the Secretary may provide a uniform allowance for uniformed law enforcement officers under section 4 of this Act of not more than $400 a year.

SOURCE OF FUNDS

SEC. 9. Any expenses incurred by the Secretary under this Act shall be paid from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

REPORTS TO TRIBES

SEC. 10. (a) In any case in which law enforcement officials of the Bureau of the FederaL Bureau of Investigation decline to initiate an investigation of a reported violation of Federal law in Indian country, or terminate such an investigation without referral for prosecution, such officials are authorized to submit a report to the appropriate governmental and law enforcement officials of the Indian tribe involved that states, with particularity, the reason or reasons why the investigation was declined or terminated.

(b) In any case in which a United States attorney declines to prosecute an alleged violation of Federal criminal law in Indian country referred for prosecution by the Federal Bureau of Investigation or the Bureau, or moves to terminate a prosecution of such an alleged violation, the United States attorney is authorized to submit a report to the appropriate governmental and law enforcement officials of the Indian tribe involved that states, with particularity, the reason or reasons why the prosecution was declined or terminated.

(c) In any case—

(1) in which the alleged offender is an Indian, and

(2) for which a report is submitted under subsection (a) or (b),

the report made to the Indian tribe may include the case file, including evidence collected and statements taken, which might support an investigation or prosecution of a violation of tribal law.

(d) Nothing in this section shall require any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or sources to the officials of any Indian tribe. Federal agencies authorized to make reports pursuant to this section shall, by regulations, adopt standards for the protection of such communications, information, or sources.

Mr. INOUYE. Mr. President, on behalf of Senators KOHL and KASTEN of Wisconsin and Senators BAUCUS and BURNS of Montana, I am submitting a committee amendment to H.R. 498, the Indian Law Enforcement bill.

The New National Indian Gaming Regulatory Act that was enacted in October 1988 allowed tribes operating certain gaming enterprises a 1-year grace period in which to negotiate tribal/state compacts for the future operation of those games. If the games were legally operated on or before May 1, 1988, then the tribe could continue to operate them for the 1 year grace period that expired on October 17, 1989.

This amendment tracks a similar amendment adopted by the Congress as part of the fiscal year 1990 Interior Appropriations Act. That amendment granted tribes in the State of Minnesota an additional 1 year's grace period in which to continue certain gaming operations pending finalization of compacts with the State of Minnesota. It now appears that tribes in both Wisconsin and Montana have been negotiating with State officials and are in various stages of completion of similar compacts. The States agree that no purpose would be served in shutting down the games for some undetermined period when there is little question that compacts will be agreed to.

Therefore, at the request of the tribes and without objection from the States, the committee supports the request of the Senators from Wisconsin and Montana that the grace period be extended for 1 additional year.

AMENDMENTS NOS. 1166, 1167, 1168, AND 1169

Mr. FORD. Mr. President, on behalf of Senator INOUYE, I send four amendments to the desk and ask unanimous consent that these amendments be considered and agreed to en bloc and that action on the amendments appear separately in the RECORD, along with the accompanying statements of Senator INOUYE.

The PRESIDING OFFICER. The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. INOUYE, proposes amendments numbered 1166, 1167, 1168, and 1169, en bloc.

AMENDMENT NO. 1166

1. On page 14, at the end of line 9, add a new paragraph (4) to section 3(d), as follows:

(4)(i) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Division. Such personnel shall not be subject to the supervision of the BIA Agency Superintendent or BIA Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with nonlaw enforcement BIA personnel at the Agency or area levels, or prohibit or restrict the right of a tribe to contract the investigative program under the authority of P.L. 93-638 or to maintain its own criminal investigative operations.

(ii) At the end of one year following the date of establishment of the separate Branch of Criminal Investigations, any tribe may, by Resolution of the governing body of the tribe, request the Secretary to reestablish line authority through the Agency Superintendent or BIA Area Office Director. In the absence of good cause to the contrary, the Secretary, upon receipt of such resolution, shall reestablish the line authority as requested by the tribe.

2. On page 17, line 10, amend section 5(c) by striking the word "objected" and inserting in lieu thereof the phrase "has adopted a Resolution objecting".

AMENDMENT NO. 1167

At the end of the bill, add the following:

ALASKA NATIVES COMMISSION

SEC. . (a)(1) The Congress has conducted a preliminary review of the social and economic circumstances of Alaska Natives and of governmental policies and programs affecting Alaska Natives and finds that—

(A) in this period of rapid cultural change, there is, among Alaska Natives, a growing social and economic crisis characterized by, among other things, alcohol abuse and violence, grave health problems, low levels of educational achievement, joblessness, a lack of employment opportunities, and a growing dependency upon transfer payments;

(B) these conditions exist even though public policies and programs adopted in recent decades have been intended to assist Alaska Natives in protecting their traditional cultures and subsistence economies and in encouraging economic self-sufficiency and individual, group, village, and regional self-determination; and

(C) Alaska Natives and the State of Alaska have expressed a need for a review of public policies and programs and a desire to make such policies and programs more effective in accomplishing their intentions.

(2) The Congress hereby declares that it is timely and essential to conduct, in cooperation with the State of Alaska and with the participation of Alaska Natives, a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that may be taken by the United States and the State of Alaska to help assure that public policy goals are more fully realized among Alaska Natives.

(b)(1) There is hereby established a commission to be known as the "Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives" (hereafter referred to in this section as the "Commission").

(2)(A) The Commission shall consist of the following members:

(i) seven individuals appointed by the President, at least three of whom shall be Alaska Natives and not more than two of whom may be officers or employees of the Federal Government,

(ii) seven individuals appointed by the Governor of the State of Alaska,

(iii) the President of the Senate of the State of Alaska or a designated representative of such President,

(iv) the Speaker of the House of Representatives of the State of Alaska or a designated representative of such Speaker,

(v) the chairman of the Select Committee on Indian Affairs of the Senate or a designated representative of such chairman,

(vi) the ranking minority member of the Select Committee on Indian Affairs of the Senate or a designated representative of such member,

(vii) the chairman of the Committee on Energy and Natural Resources of the Senate or a designated representative of such chairman,

(viii) the ranking minority member of the Committee on Energy and Natural Resources of the Senate or a designated representative of such member,

(ix) the chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such chairman,

(x) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member, and

(xi) each Member of Congress who represents the people of the State of Alaska and is not described in any of the preceding paragraphs, or a designated representative of such Member.

(B) The Commission shall hold its first meeting by no later than the date that is 30 days after the date on which all members of the Commission who are to be appointed have been appointed.

(C) Each member of the Commission who is appointed to the Commission under clause (i) or (ii) of subparagraph (A) shall be entitled to one vote which shall be equal to the vote of every other member of the Commission who is appointed to the Commission under clause (i) or (ii) of subparagraph (A). The members of the Commission described in a clause of subparagraph (A) other than clause (i) or (ii) shall be ex officio, nonvoting members of the Commission.

(D) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(E) In making appointments to the Commission, the President and the Governor of Alaska shall give careful consideration to recommendations received from Alaska Native village, regional, and State organizations.

(F) At the time appointments are made under subparagraph (A), the President shall designate an individual appointed under subparagraph (A)(i) to be co-chairman of the Commission and the Governor of the State of Alaska shall designate an individual appointed under subparagraph (A)(ii) to be the other co-chairman of the Commission.

(G) Eight voting members of the Commission shall constitute a quorum for the transaction of business.

(H) The Commission may adopt such rules (consistent with the other provisions of this section) as may be necessary to establish its procedures and to govern the manner of its operations, organization (including task forces), and personnel.

(3)(A) Each member of the Commission not otherwise employed by the United States Government or the State of Alaska shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties (including service on a task force) authorized by the Commission.

(B) Except as provided in subparagraph (C), a member of the Commission who is otherwise an officer or employee of the United States Government or the State of Alaska shall serve on the Commission without additional compensation.

(C) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(D) Notwithstanding the other provisions of this section, no individual appointed to the Commission by the Governor of the State of Alaska under paragraph (2)(A)(ii) shall participate in the proceedings of the Commission, vote on business of the Commission, or receive any compensation or expense reimbursement under this section until the State of Alaska and the President have concluded an equitable agreement to share the expenses incurred by the Commission. In the event that such an agreement is not reached within a reasonable period of time, the members of the Commission described in any clause of subparagraph (A) of paragraph (2) other than clause (ii) shall proceed with the work of the Commission without the participation of the individuals appointed under paragraph (2)(A)(ii) and the quorum required for the transaction of the business of the Commission shall be 4 members of the Commission appointed under paragraph (2)(A)(i).

(5) The principal office of the Commission shall be in the State of Alaska.

(c) The Commission shall—

(1) conduct a comprehensive study of—

(A) the social and economic status of Alaska Natives, and

(B) the effectiveness of those policies and programs of the United States, and of the State of Alaska, that affect Alaska Natives,

(2) conduct public hearings on the subjects of such study,

(3) recommend specific actions to the Congress and to the State of Alaska that—

(A) help to assure that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives,

(B) address, among other things, the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems,

(4) in developing those recommendations, respect the important cultural differences which characterize Alaska Native groups,

(5) submit, by no later than the date that is 18 months after the date of the first meeting of the Commission, a report on the study, together with the recommendations developed under paragraph (3), to the President, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska, and

(6) make such report available to Alaska Native villages and organizations and to the public.

(d)(1)(A) Subject to such rules and regulations as may be adopted by the Commission, the co-chairmen of the Commission shall have the power to—

(i) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the co-chairmen deem advisable to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(ii) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(B) Service of an individual as a member of the Commission shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(2)(A) The Commission is authorized to—

(i) hold such hearings and sit and act at such times,

(ii) take such testimony,

(iii) have such printing and binding done,

(iv) enter into such contracts and other arrangements,

(v) make such expenditures, and

(vi) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(B) The Commission is authorized to establish task forces which include individuals appointed by the Commission who are not members of the Commission only for the purpose of gathering information on specific subjects identified by the Commission as requiring the knowledge and expertise of such individuals. Any task force established by the Commission shall be chaired by a voting member of the Commission who shall preside at any task force hearing authorized by the Commission. No compensation (other than compensation under subsection (b)(3)(A) to a member of the Commission) may be paid to members of a task force solely for their service on the task force, but the Commission may authorize the reimbursement of members of a task force for travel and per diem in lieu of subsistence expenses during the performance of duties while away from the home, or regular place of business, of the member, in accordance with subchapter I of chapter 57 of title 5, United States Code. The Commission shall not authorize the appointment of personnel to act as staff for the task force, but may permit the use of Commission staff and resources by a task force for the purpose of compiling data and information. Such data and information shall be for the exclusive use of the Commission.

(3) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this section.

(4) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(5)(A) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairman of the Commission.

(B) Upon the request of both co-chairmen of the Commission, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(C) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Commission shall cease to exist on the date that is 180 days after the date on which the Commission submits the report required under subsection (c)(5). All records, documents, and materials of the Commission shall be transferred to the National Archives and Records Administration on the date on which the Commission ceases to exist.

(f)(1) There are authorized to be appropriated to the Commission $700,000 to carry out the provisions of this section. Such sum shall remain available, without fiscal year limitation, until expended.

(2) Until funds are appropriated under the authority of paragraph (1), salaries and other expenses incurred by the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of the Commission. The total amount of funds paid from such contingent fund shall be reimbursed to such contingent fund from funds appropriated under the authority of paragraph (1).

AMENDMENT No. 1168

The Hoopa-Yurok Settlement Act (25 U.S.C. 1300i, et seq.) is amended—

(1) by adding at the end of paragraph (2) of section (5)(a) the following new sentences: "Children under age 10 on the date they applied for the Settlement Roll who have lived all their lives on the Joint Reservation of the Hoopa Valley or Yurok Reservations, and who otherwise meet the requirements of this section except that they lack 10 years of Reservation residence, shall be included on the Settlement Roll.",

(2) by adding at the end of subsection (d) of section 5 the following new paragraph:

"(4) For the sole purpose of preparing the Settlement Roll under this section, the Yurok Transition Team and the Hoopa Valley Business Council may review applications, make recommendations which the Secretary shall accept unless conflicting or erroneous, and may appeal the Secretary's decisions concerning the Settlement Roll. Full disclosure of relevant records shall be made to the Team and to the Council notwithstanding any other provision of law.", and

(3) by striking out "counseling," in section (9)(a)(3) and inserting in lieu thereof "counseling and assistance, shall".

AMENDMENT No. 1169

At the end of the bill, add the following new section:

"SEC. . Notwithstanding any other provision of law, the term 'Class II gaming' in Public Law 100-497, for any Indian tribe located in the States of Wisconsin and Montana, includes, during the period commencing on the date of enactment of this Act and continuing for 365 days from that date, any gaming described in section 4(7)(B)(ii) of Public Law 100-497 that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated, requested the State, in which such gaming is operated, no later than 30 days after the date of enactment of Public Law 100-497, to negotiate a Tribal-State compact pursuant to section 11(d)(3) of Public Law 100-497."

AMENDMENT NO. 1166

Mr. INOUYE. Mr. President, the amendment of H.R. 498 which is under consideration will amend two sections of the bill as it was reported out of the Select Committee on Indian Affairs.

The first amendment amends section 3 of the bill to provide that line authority for the supervision of law enforcement personnel of the Branch of Criminal Investigations of the Bureau of Indian Affairs will not follow the Area Offices and the Superintendents, but will be direct to the

Central Office of the Bureau of Indian Affairs.

The amendment provides that at the end of 1 year after the date of establishment of the Branch of Criminal Investigations, the individual tribes may, by resolution of the governing body of the tribe, request the Secretary to reestablish line authority through the Area Offices and the Superintendents if they so desire this, and in the absence of good cause to the contrary, the Secretary will reestablish such line authority.

The amendment specifically preserves the right of the Indian tribes to contract for the criminal investigation function under the provisions of Public Law 93-638 and acknowledges the right of the Indian tribes to maintain their own criminal investigation operations if they so choose.

The amendment of section 5 simply clarifies the means by which the tribes should express their opposition to the use of non-Federal law enforcement personnel within the reservation by requiring that such objection be stated in a duly adopted tribal resolution.

AMENDMENT NO. 1168

Mr. INOUYE. Mr. President, there are three amendments to the Hoopa-Yurok Settlement Act that are included in this amendment to H.R. 498. The first of these amendments makes clear that children that are under 10 years of age who have lived within the Hoopa or Yurok reservations all of their lives and who otherwise qualify for inclusion on the settlement roll now being prepared by the Secretary of the Interior shall be included on that roll.

The second amendment provides that the Hoopa Valley Indian Tribe and the Yurok Transition Team are authorized to participate with the Department of the Interior in the development of the settlement roll, and that each shall have access to whatever records are necessary for them to make judgments with respect to the eligibility of persons applying for inclusion on that roll. Each tribe has a monetary interest in seeing that the roll is properly developed, and each has specific knowledge with respect to the applicants or their families that will enhance the proper processing of these applications. In addition, development of this roll is necessary to establish the Interim Tribal Council of the Yurok Tribe as provided for under the Act.

The third amendment simply provides that in addition to counseling, the Yurok Transition Team is authorized to provide assistance to persons applying for inclusion on the settlement roll, and to perform certain other functions that are necessary to providing assistance to Yurok people and preparing the tribe and the reservation for the establishment of the Interim Tribal Counsel as provided in the act.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1166, 1167, 1168, and 1169) were agreed to.

AMENDMENT NO. 1170

(Purpose: An amendment to provide the consent of the Congress to the sale of certain lands by the Eastern Band of Cherokee Indians)

Mr. SYMMS. Mr. President, I send an amendment to the desk on behalf of Senator HELMS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. HELMS, proposes an amendment numbered 1170.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. . Notwithstanding any other provision of law, the Eastern Band of Cherokee Indians is hereby authorized to sell and transfer, without further approval of the United States, all its interests in the business operating as Carolina Mirror Inc., including lands, leasehold interests, and improvements which are located in Wilkes County, North Carolina, and Harris County, Texas. Nothing in this section is intended to authorize the Band to sell any Eastern Cherokee lands which are held in trust by the United States or any lands comprising the Eastern Cherokee Indian Reservation."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1170) was agreed to.

The PRESIDING OFFICER. Are there further amendments to the substitute? If not, the question is on agreeing to the substitute amendment, as amended.

The substitute amendment, as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the substitute amendment, as amended, was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the bill is considered read a third time and passed.

So the bill (H.R. 498), as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSENT OF CONGRESS TO THE BOUNDARY CHANGE COMPACT BETWEEN SOUTH DAKOTA AND NEBRASKA

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to consideration of House Joint Resolution 393, a joint resolution to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska just received from the House; that the bill be read for the third time, passed, and a motion to reconsider be laid upon the table.

Mr. DASCHLE. Mr. President, I rise this evening to offer my support to the passage of the House companion to Senate Joint Resolution 192, a joint resolution granting congressional consent to a State compact ratified by the States of South Dakota and Nebraska.

Over the years, the Missouri River, through the forces of nature and the assistance of the Corps of Engineers, has changed its course significantly enough to require that Nebraska and South Dakota mediate the areas of uncertainty. Last year, the States were successful in reaching such an agreement for a 12-mile stretch in the southeastern-most corner of South Dakota and the northeastern-most corner of Nebraska. Senate Joint Resolution 192 and its companion House Joint Resolution 393, will simply provide the congressional consent necessary to affirm the previously agreed to compact.

Passage of this resolution would enable development on property, previously the center of dispute between the States, to proceed on schedule. As soon as this resolution becomes effective, Union County, SD, can begin plotting the land that was previously part of Nebraska. An ambitious planned community will soon take shape along the landscape of the dunes along the Missouri River.

I would like to offer my personal thanks to the distinguished chairman of the Senate Judiciary Committee, Senator BIDEN, and the ranking member, Senator THURMOND, for their courtesy in ensuring that this joint resolution be considered prior to the end of this year. I am grateful for their assistance and that of the entire committee.

Mr. BIDEN. The joint resolution before the Senate grants congressional consent to a compact between South Dakota and Nebraska to settle a problem with the easternmost portion of the border between the two States. The compact defines the border between Union County, SD, and Dakota County, NE, as the center of the Missouri River channel.

There is no controversy over this compact. It was unanimously passed by the legislatures of both States.

The compact addresses a problem that has developed under the terms of a 1905 compact dealing with the same stretch of border. The 1905 compact established the border for the two counties as the midpoint of the Missouri River channel "as it stands now," that is, as it stood at the time of the compact's enactment in 1905.

However, during the intervening years, the Missouri River has altered course because of flow changes from natural causes, such as floods, and man-induced causes such as dams. As a result of these changes in the river's course, there is some confusion on the part of South Dakota and Nebraska as to land areas in each State. In addition, there some areas that are known to be in one of the States, but are on the opposite side of the river from the rest of the State.

The compact reestablishes the middle of the Missouri River at the border. The Missouri is not expected to prove quite as venturous as in years past. A series of Corps of Engineers dams and other projects have the river under much greater control. In addition, the States will jointly erect permanent markers that will help determine the border's exact location for the future.

One provision I would like to clarify is article VIII, allowing for a readjustment of the boundary by negotiation. The article allows the States to enter into negotiation to move the border if the flow of the Missouri River shifts to a new channel. The article also states that the boundary can be readjusted "consistent with the intent, policy and purposes hereof * * *."

As chairman of the Judiciary Committee, I would like to make clear that negotiations conducted under this article can only deal with the border along the roughly 12-mile stretch of river addressed through this compact. Consent to this compact should not be construed to give prior consent to negotiated changes in other parts where the Missouri forms the border, or between other countries of the two States.

In addition, it should be made clear that this is a relatively minor change in the border. Should some future event cause a major shift in the river, any agreement to redefine the border between Nebraska and South Dakota would need congressional consent. The authority of article VIII should only be used for minor movements of the border location.

Border disputes, if you can call this a dispute, between States are a rare item these days. I would like to commend the Senator from South Dakota, Senator DASCHLE, for his efforts bringing this bill to the Senate in a timely manner.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 393) was passed.

Mr. FORD. Mr. President, I ask unanimous consent that Calendar Order No. 389 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 390 and 394 en bloc, that they each be read for the third time, passed, and the motions to reconsider the action of the Senate be tabled en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF MAURICE G. HARDY

The bill (H.R. 569) for the relief of Maurice G. Hardy, was considered, ordered to a third reading, read the third time, and passed.

MANDATORY PRISON SENTENCE FOR ARMED DRUG TRAFFICKERS AND VIOLENT CRIMINALS ACT

The bill (S. 1702) to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mandatory Prison Sentence for Armed Drug Traffickers and Violent Criminals Act."

SEC. 2. Section 924(c)(1) of title 18, United States Code, is amended in the first sentence by—

(1) inserting "and if the firearm is a short-barreled rifle, or a short-barreled shotgun, to imprisonment for 10 years," after "sentenced to imprisonment for 5 years,"; and

(2) inserting "or a destructive device," after "a machinegun,".

Mr. FORD. Mr. President, I ask unanimous consent that Calendar Order No. 388 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMS CONTROL AND DISARMAMENT AGENCY AUTHORIZATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 376, H.R. 1495, the Arms Control and Disarmament Agency Authorization Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1495) to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1171

Mr. FORD. Mr. President, on behalf of Mr. PELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. PELL, proposes an amendment numbered 1171.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Control and Disarmament Amendments Act of 1989".

TITLE I—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1988.

Section 49(a) of the Arms Control and disarmament Act is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(A) $36,000,000 for the fiscal year 1990 and $37,316,000 for the fiscal year 1991; and

"(B) such additional amounts as may be necessary for fiscal years 1990 and 1991 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.".

SEC. 102. DUTIES OF THE DEPUTY DIRECTOR.

Section 23 of the Arms Control and Disarmament Act (22 U.S.C. 2563) is amended in the second sentence to read as follows: "The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe.".

SEC. 103. DUTIES OF THE SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended by striking out "who shall perform" and all that follows through the period and inserting in lieu thereof the following: ", one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the

direction of the President and the Secretary of State, acting through the Director.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act.

SEC. 104. ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION.

The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

(1) managing the implementation of existing and future arms control agreements;

(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions.

SEC. 105. ARMS CONTROL VERIFICATION.

(a) Establishment of Working Group.—The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(b) INFORMATION AND DATA BASE.—(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

Sec. 106. EXPENSES OF TRAVEL CONTINUING BEYOND THE END OF THE FISCAL YEAR.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by inserting after "personal effects" the following: "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)".

SEC. 107. REPORTING REQUIREMENT ON PROSPECTS FOR CONVERSION OF UNITED STATES DEFENSE INDUSTRIES.

The Director of the United States Arms Control and Disarmament Agency, in consultation with the Secretary of Defense and the Secretary of Commerce, shall study, and (not later than 180 days after the date of enactment of this Act) submit to the Congress a report, on concrete steps which could be taken to improve prospects for conversion of portions of United States defense industries to nondefense-related activities as opportunities are presented through the achievement of successful arms control agreements.

TITLE II—ON-SITE INSPECTION ACTIVITIES

SEC. 201. ON-SITE INSPECTION AGENCY.

The Arms Control and Disarmament Act is amended by adding at the end the following:

"TITLE V—ON-SITE INSPECTION ACTIVITIES

"SEC. 61. FINDINGS.

"The Congress finds that—

"(1) under this Act, the United States Arms Control and Disarmament Agency is charged with the 'formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security';

"(2) as defined in this act, the terms 'arms control' and 'disarmament' mean 'the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control';

"(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

"(4) on-site inspection activities under the INF Treaty include—

"(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic,

"(B) escort duties for Soviet teams visiting the United States and the Basing Countries,

"(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and

"(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

"(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

"(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

"SEC. 62. POLICY COORDINATION CONCERNING IMPLEMENTATION OF ON-SITE INSPECTION PROVISIONS.

"(a) INTERAGENCY COORDINATION.—OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

"(b) ROLE OF THE SECRETARY OF DEFENSE.—The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) and operational direction, consistent with section 113(b) of title 10, United States Code.

"(c) ROLE OF THE DIRECTOR.—The Director should provide to the interagency mechanism described in subsection (a) appropriate recommendations for policy guidance to OSIA consistent with sections 2(d), 22, and 34(c) of this Act.

"SEC. 63. AUTHORIZATIONS OF APPROPRIATIONS FOR ON-SITE INSPECTION AGENCY.

"There are authorized to be appropriated $49,830,000 for fiscal year 1990 and $48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

"SEC. 64. DEFINITIONS.

"As used in this title—

"(1) the term 'INF Treaty' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

"(2) the term 'OSIA' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty.".

Mr. PELL. Mr. President, I strongly commend to the Senate the measure now before this body, the Arms Control and Disarmament Amendments Act of 1989.

The amendment being offered today contains the mutually acceptable provisions of both the House bill, H.R. 1495, and an original bill, S. 1868, reported on November 9 by the Committee on Foreign Relations.

The amendment authorizes the appropriation of $36,000,000 for the Arms Control and Disarmament Agency in fiscal year 1990 and $37,316,000 for the Agency in fiscal year 1991.

The amendment also sets forth special responsibilities for the Deputy Director in the areas of administration management, intelligence, and security. A report of the Office of the Inspector General this spring made it very clear that the Arms Control and Disarmament Agency has had some significant problems in these areas in recent years. The immediate past Director, Gen. William Burns, and the Deputy Director, George Murphy, accomplished a great deal to improve matters in these problem areas, and I am sure that the current Director, Ron Lehman, and his Deputy, Stephen Hanmer, will continue with that effort. The committee felt it important, however, to ensure that authority and responsibility in these areas shall be placed at the most senior levels in the Agency.

The amendment amends section 27 of the Arms Control and Disarmament Act to recommend that the two special representatives for Arms Control and Disarmament should have specific responsibilities. One of the special representatives, the committee believes, should serve as chief science adviser to the Director, and the other should serve as special representative for conventional arms control negotiations. These changes were made to help ensure that these two areas of activity are headed by fully qualified, senior people with the backing of the Agency's personnel resources.

The committee is concerned about the sharp reduction of resources devoted to research on verification issues and wishes to make certain that verification and compliance are accorded the attention which will be necessary in the years ahead, as intensive and complex verification proposals are

agreed upon and implemented. Accordingly, the amendment incorporates a House provision urging the President to establish a working group to examine various verification approaches to strategic arms reduction and other possible agreements and to assess the relevance for such agreements of the verification provision of the International Nuclear Forces Treaty. Moreover, the amendment contains a provision proposed by the Senator from Massachusetts [Mr. KERRY] calling upon the Agency to allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, techologies, and systems.

With regard to implementation and compliance, the amendment incorporates a House provision calling upon the Director of the Arms Control and Disarmament Agency to study and report to the Congress on how the Agency can best meet its responsibilities for managing arms control agreement implementation, coordinating the administrative of the Special Verification Commission and the Standing Consultative Commission and preparing analysis and policy positions on the effective resolution of compliance questions.

The amendment also incorporates provisions on onsite inspection activities. This provision, which is in the House bill as passed, sets forth a number of findings regarding the responsibilities of the Arms Control and Disarmament Agency and the onsite inspection agency with regard to verification and inspection and other systems of international arms control. This section also proscribes how policy coordination for the implementation of onsite provisions should work with regard to the interagency process, the Secretary of Defense, and the Director of the Agency. Finally, the section authorizes the appropriation of $49,830,000 for fiscal year 1990 and $48,831,000 for fiscal year 1991 for the expenses of the onsite inspection agency in carrying out onsite inspection activities pursuant to the INF Treaty.

Finally, this committee bill includes a provision completely acceptable to both sides, offered by the Senator from Illinois [Mr. SIMON] which calls upon the Director of the Agency to report to the Congress within 180 days "on concrete steps which could be taken to improve prospects for conversion of significant portions of United States defense industries to nondefense-related activities as opportunities are presented through the achievement of successful arms control agreements."

Mr. President, I believe that this amendment provides a reasonable and practical level of authorization. It will ensure that the Agency is able to perform its expanding duties in a manner that will bring credit to the United States. Other provisions in this legislation will help ensure that ACDA focuses on the areas of greatest need and will do so with improved management and structure.

Mr. HELMS. Mr. President, I have a few points to make about the fiscal year 1990 authorization bill for the Arms Control and Disarmament Agency.

But before I make these points, I congratulate my distinguished colleague the chairman, Senator PELL, for his diligence and leadership in the Foreign Relations Committee's work on this important bill. Senator PELL and I, together with our professional staffs, have cooperated in a spirit of friendship and comity on this bill.

Mr. President, I would make three points at the outset.

No. 1 in my priority, for the first time the bill assigns specific duties to improve security at ACDA to the Deputy Director of ACDA. The ACDA Deputy Director is now assigned specific responsibility for managing the important areas of security and administration. This provision was put in the bill in order to correct the serious security problems that were discovered during the 1983–87 period at ACDA headquarters and at the Geneva negotiations. These security problems were so serious that they required new management at ACDA, and direct attention at the highest management level.

Second, the bill gives the two Special Representatives for Arms Control and Disarmament Negotiations specific assignments in discrete areas. For example, one ACDA Special Representative is now assigned specific responsibilities for the high priority area of conventional arms negotiations.

Third, the bill gives ACDA a more direct role in providing verification policy guidance for the On-Site Inspection Agency. This provision became necessary because OSIA has often ignored verification policy guidance from ACDA.

Mr. President, I believe that these three reforms provided by the new ACDA bill will significantly improve the performance of ACDA.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 1171) was agreed to.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 1495), as amended, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FISCAL YEAR 1990—CONFERENCE REPORT

Mr. FORD. Mr. President, I submit a report of the committee of conference on H.R. 2748 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1989.)

Mr. FORD. Mr. President, I urge adoption of the conference report.

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 488.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 488) entitled "An Act to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

SEC. 2. FINDING, PURPOSE, AND GENERAL AUTHORITY.

(a) FINDING.—The Congress finds that it is in the national security and economic inter-

est of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies.

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) achieving as soon as practicable cost competitive use of those technologies without need of Federal financial incentives;

(2) establishing long-term Federal research goals and multiyear funding levels;

(3) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(4) fostering collaborative research and development efforts involving the private sector through government support of a program of joint ventures.

(c) GENERAL AUTHORITY.—The Secretary, acting in accordance with the authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secertary—

(1) is authorized and directed to—

(A) pursue a program of research, development, and demonstration, including the use of joint ventures with the private sector, to achieve the purpose of this Act, including the goals established under section 4; and

(B) undertake joint ventures as provided in section 6; and

(2) is authorized to undertake, from time to time, joint ventures in technology areas other than those set forth in section 6(c), subject to the conditions set forth in section 6(b).

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "invention" means as invention or discovery that is patented or for which a patent may be obtained under title 35, United States Code, or any novel variety of plant that is protected or for which plant variety protection may be obtained under the Plant Variety Protection Act (7 U.S.C. 2321 eq seq.) and that is conceived or reduced to practice as a result of work under an agreement entered into under this Act;

(2) "joint venture" means any agreement entered into under this Act by the Secretary with more than one or a consortium of non-Federal persons (including a joint venture under the National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.)) for cost-shared research, development, or demonstration of technologies, but does not include procurement contracts, grant agreements, or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code;

(3) the term "non-Federal person" means an entity located in the United States, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including—

(A) a for-profit business;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; and

(E) a unit of State or local government;

(4) the term "Secretary" means the Secretary of Energy;

(5) the term "small business", with respect to a participant in any joint venture under this Act, means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) for the Standard Industrial Classification (SIC) code designated by the Secretary of Energy as the primary business activity to be undertaken in the venture; and

(6) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Somoa, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

SEC. 4. NATIONAL GOALS AND MULTI-YEAR FUNDING FOR FEDERAL WIND, PHOTOVOLTAICS, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaics, and solar thermal energy programs being carried out by the Secretary:

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include inproving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall emphasize—

(i) activities that address near-term technical problems and assist private sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue, and electricial systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 costs per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than one cent per kilowatt hour by 1995; and

(iv) increase capacity factors for new wind energy systems to 25 to 35 percent by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies of and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability, and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic conversion efficiencies by 20 percent by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $800 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 10 cents per kilowatt hour by 1995.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources, and to promote the intergration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall emphasize development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses, and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu by 1995; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour by 1995.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit to the Congress, as part of the first report submitted under section 9, recommendations for specific cost goals and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Hydrogen Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems, Geothermal Energy Systems, Low-Head Hydro, and Energy Storage Systems.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, the Secretary shall notify Congress, as part of a report submitted under section 9, of the reason for the determination and provide an amended goal that is consistent with the purpose stated in section 2(b).

(c) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for the following renewable energy research, development, and demonstration programs: the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Solar Thermal Energy Systems Program, the Biofuels Energy Systems Program, the Hydrogen Energy Systems Program, the Solar Buildings Energy Systems Program, the Ocean Energy Systems Program, and the Geothermal Energy Systems Program—

(1) not to exceed $113,000,000 for fiscal year 1991, of which—

(A) not to exceed $39,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $19,000,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $4,000,000 shall be available for the Hydrogen Energy Systems Program;

(2) not to exceed $121,000,000 for fiscal year 1992, of which—

(A) not to exceed $40,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $20,500,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $5,000,000 shall be available for the Hydrogen Energy Systems Program; and

(3) not to exceed $124,000,000 for fiscal year 1993, of which—

(A) not to exceed $40,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $23,000,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $6,000,000 shall be available for the Hydrogen Energy Systems Program.

Each of the President's annual budget requests submitted to Congress after the date of enactment of this Act should include as separate line items each of the categories of renewable energy programs described in this subsection.

SEC. 5. ENERGY EFFICIENCY AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary for the following energy efficiency research, development, and demonstration programs: transportation, industrial, buildings and community systems, multisector, and policy and management—

(1) not to exceed $201,000,000 for fiscal year 1991, of which—

(A) not to exceed $68,300,000 shall be available for the transportation program; and

(B) not to exceed $53,500,000 shall be available for the industrial program;

(2) not to exceed $210,600,000 for fiscal year 1992, of which—

(A) not to exceed $71,000,000 shall be available for the transportation program; and

(B) not to exceed $54,700,000 shall be available for the industrial program; and

(3) not to exceed $225,000,000 for fiscal year 1993, of which—

(A) not to exceed $73,900,000 shall be available for the transportation program; and

(B) not to exceed $56,900,000 shall be available for the industrial program.

SEC. 6. JOINT VENTURES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint ventures can—

(a) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) facilitate transfer of renewable energy and energy efficiency technologies, including critical enabling technologies, to the private sector; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to make use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

(b) JOINT VENTURES.—

(1) ESTABLISHMENT.—The Secretary shall solicit proposals for joint ventures in each of the technology areas under subsection (c). The Secretary shall select at least one joint venture in each of those technology areas, unless no qualified proposals in that area are received. Each joint venture selected under this section shall include at least one for-profit business. Research and development activities supported under this section shall be performed in the United States. Each joint venture under this section shall require the manufacture and reproduction, substantially within the United States, for commercial sale of any invention that may result from the joint venture.

(2) COST SHARING.—

(A) The Secretary shall require at least 50 percent of the costs directly and specifically related to any joint venture under this section, including cash, personnel, services, equipment, and other resources, to be provided from non-Federal sources.

(B) The Secretary may reduce the amount of the cost required to be provided by any joint venture under subparagraph (A) upon application if the Secretary determines that—

(i) the joint venture is composed exclusively of small businesses or of small businesses and nonprofit entities; and

(ii) the reduction is appropriate and necessary for the successful operation of the proposed joint venture.

(C) The extent of cost sharing provided under proposals shall be a criterion for selection of proposals under this section.

(3) ADVISORY COMMITTEE.—(A) The Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures (hereafter in this Act referred to as the "Advisory Committee") to advise the Secretary on the development of the solicitation and evaluation criteria for joint ventures, and on otherwise carrying out his responsibilities under this section. The Secretary shall appoint members to the Advisory Committee, including at least one member representing—

(i) the Secretary of Commerce;

(ii) the National Laboratories of the Department of Energy;

(iii) the Solar Energy Research Institute;

(iv) the Electric Power Research Institute;

(v) the Gas Research Institute;

(vi) the National Institute of Building Sciences;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms in the major renewable energy manufacturing industries; and

(ix) associations of firms in the major energy efficiency manufacturing industries.

The Advisory Committee may establish such subcommittees as it considers necessary to carry out this Act.

(B) The Advisory Committee, within 120 days after its establishment, shall provide the Secretary with recommendations regarding the structure and selection criteria for a solicitation of proposals for joint ventures. The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint venture program. Recommendations of the Advisory Committee shall be available to the public.

(4) DRAFT SOLICITATION AND PUBLIC COMMENT.—The Secretary shall issue a draft solicitation for joint ventures by September 30, 1990. After such draft solicitation has been issued, the Secretary shall provide for a period of public comment before the issuance of a final solicitation.

(5) PROTECTION OF PROPRIETARY RIGHTS.—Joint ventures, participants in joint ventures, and inventions developed as a result of joint ventures under this section shall be subject to section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5104).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion of solar energy so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems Program set forth in section 4(a)(2), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $2,400,000 for each of the fiscal years 1991, 1992, and 1993 to carryout this paragraph.

(4) FACTORY-MADE HOUSING.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture in order to establish regional projects to develop or demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction technique, marketing practices, and construction materials.

(B) Projects supported pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. Such projects shall—

(i) be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, and marketing;

(ii) develop a detailed characterization of the needs of the home building industry;

(iii) establish a close working relationship with all sectors of the home building industry; and

(iv) be coordinated to pool and conserve resources.

(C) There are authorized to be appropriated to the Secretary not to exceed $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(5) ADVANCED DISTRICT COOLING TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of advanced district cooling technol-

ogies that are applicable in cities with which cooling loads, in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to develop strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select a city or cities for application of advanced district cooling technologies developed by joint ventures supported under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(D) There are authorized to be appropriated to the Secretary not to exceed $1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(d) SECRETARIAL DISCRETION.—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (b)(3)(B), with respect to a technology described in paragraph (1), (2), (3), (4), or (5) of subsection (c), determines, that—

(A) there is insufficient private sector interest in joint ventures for the demonstration of such technology to satisfy the requirement of subsection (b)(2); or

(B) such joint ventures will substantially substitute for research, development, and demonstration activities already financed by the private sector,

then the Secretary shall not be subject to the requirements of this section with respect to the technology described in such paragraph, and the Secretary shall notify Congress and provide a written explanation of the reasons for the determination.

(2) Promptly after notifying the Congress under paragraph (1), the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for the selection of a substitute field or technology in which to solicit joint ventures that develop or demonstrate, consistent with this section, an alternative renewable energy or energy efficiency technology so as to accomplish the purpose of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for joint ventures with respect to which a determination is made under paragraph (1) may be used for a substitute jont venture selected under this paragraph.

(3) When 30 calendar days have elasped after transmittal of a plan under paragraph (2), the Secretary shall proceed with solicitations for joint ventures appropriate to that plan as if such joint ventures were required under subsection (c).

(e) ADDITIONAL JOINT VENTURES.—(1) The Secretary shall recommend to the Congress three additional joint ventures in the fields of renewable energy or energy efficiency technologies for fiscal year 1993. Each proposed project shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed projects under this subsection, the Secretary shall consider the recommendations of the Advisory Committee, and shall take into account the extent to which such projects will contribute to earlier commercialization of key technologies than might not occur without Federal support under this subsection, and the extent to which such projects will contribute to the competitiveness of United States firms engaged in international trade in renewable energy or energy efficiency technologies.

(3) Joint ventures supported pursuant to a recommendation under this subsection shall be carried out as if they were required under subsection (c).

SEC. 7 RENEWABLE ENERGY EXPORTS.

(a) DISSEMINATION OF INFORMATION; ACCESS TO FOREIGN MARKETS.—Section 256(c)(2)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6276(c)(2)(D)) is amended—

(1) in clause (i), by inserting after "commerce," the following: "and to potential end users, including other industry sectors in foreign countries such as health care, rural development, communications, and refrigeration, and others,"; and

(2) in clause (ii), by striking "export opportunities" and inserting in lieu thereof "export and export financing opportunities".

(b) AUTHORIZATION AND PROGRAM.—Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 6276(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) The interagency group shall establish a program to inform other countries of the benefits of policies that would allow small facilities which produce renewable energy to compete effectively with producers of energy from nonrenewable sources.".

(c) REPORT, FUNCTIONS, AND AUTHORIZATIONS.—Section 256 of the Energy Policy and Conservation Act (42 U.S.C. 6276) is amended by adding at the end the following new subsections:

"(e) The interagency working group established under subsection (d) shall annually report to Congress, describing the actions of each agency represented by a member of the working group taken during the previous fiscal year to achieve the purposes of such working group and of this section. Such report shall describe the exports of renewable energy technology that have occurred as a result of such agency actions.

"(f)(1) The interagency working group shall—

"(A) establish, in consultation with representatives of affected industries, a plan to increase United States exports of renewable energy technologies, and include in such plan recommended guidelines for agencies that are represented on the working group with respect to the financing of, or other actions they can take within their programs to promote, exports of such renewable energy technologies;

"(B) develop, in consultation with representatives of affected industries, recommended administrative guidelines for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy technologies from agencies implementing such programs; and

"(C) recommend specific renewable energy technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

"(2) The interagency working group shall include a description of the plan established under paragraph (1)(A) in no later than the second report submitted under subsection (e), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

"(g) For purposes of this section, the term 'renewable energy' includes energy efficiency to the extent it is a part of a renewable energy system or technology.

"(h) There are authorized to be appropriated to the Secretary for activities of the interagency working group established under subsection (d) not to exceed—

"(1) $3,000,000 for fiscal year 1991;

"(2) $3,300,000 for fiscal year 1992; and

"(3) $3,600,000 for fiscal year 1993.".

SEC. 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of renewable energy and energy efficiency technology, the Secretary shall establish a program which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of title 10, United States Code, is amended by striking "significant savings of fossil-fuel-derived energy" and inserting in lieu thereof "reduced energy costs".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

SEEC. 9. REPORTS.

(a) REPORT BY THE SECRETARY.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint ventures supported under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a management plan to be administered and carried out by the Secretary in the conduct of activities under this Act.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan.

(3) In addition to describing the Secretary's intentions for administering this Act, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this Act; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(4) The plan shall address the role of federally-assisted research, development, and demonstration in the achievement of applicable national policy goals of the National Energy Policy Plan required under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(5) The plan shall accompany the President's annual budget submission to the Congress.

(c) REPORT ON OPTIONS.—As part of the first report submitted under subsection (a), the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, ocean, geothermal, low-head hydro, and energy storage renewable energy technologies and energy efficiency technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

SEC. 10. NO ANTITRUST IMMUNITY OR DEFENSES

Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

Mr. FOWLER. Mr. President, I am pleased to report to my colleagues in the Senate that S. 488 was passed today by the House of Representatives.

This represents an important step forward in restoring successful renewables and energy conservations programs that were dismantled during the 1980's. We are now back on the road to correcting these shortsighted policies of the past, and to developing a comprehensive plan for meeting our Nation's future energy needs.

Similar renewables legislation I introduced in the 100th Congress passed the Senate twice. However, no agreement could be worked out in the House before adjournment. Even if this legislation had passed the House, it would have faced an uncertain future as it was opposed by the Reagan administration.

The story in the 101st Congress and under the Bush administration is markedly different. Obviously, the House has come to agreement on renewable energy and energy efficiency legislation. The administration has also supported the idea of restoring our capabilities in research, development, and commercialization of these important technologies: solar, wind, biomass, geothermal, conservation. This represents a dramatic turnaround in executive policy.

Mr. President, it is extremely gratifying, after years of working on this legislation, to know that this bill will clear the Congress. I am confident that it will be signed into law by the President.

The development of renewable energy resources and technologies will offer many benefits to our Nation. It will reduce our growing dependence on oil imports. It will improve our balance of trade. It will open export markets for these technologies.

There will also be many important long term benefits. Putting these renewables and conservation technologies to practical use will improve our ability to conduct long range energy planning, and to adapt quickly and economically to fluctuations in energy demand.

By using renewables, we can achieve all these things without relying on resources that will become scarce or exhausted. Instead we will rely on resources that are in virtually endless supply, and which cannot be controlled by external powers—provided that we possess the necessary technology.

Renewables will also allow us to meet our energy needs and provide for a growing economy in the most environmentally benign way possible. These technologies offer an alternative to traditional, environmentally damaging energy projects that emit greenhouse grass or lead to deforestation and destruction of arable lands.

I want to thank all the Senators who have assisted in this effort, cosponsors, colleagues, committee chairs who have held hearings—and particularly my friend from Louisiana, the chairman of the Committee on Energy and Natural Resources.

I hope the passage of this legislation will serve as a starting point for the Congress and the White House to work together to address the challenges of meeting our energy needs, protecting the environment and bolstering our national security by forging sound energy policies.

Mr. JOHNSTON. Mr. President, today the Senate will consider S. 488, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989. The House has acted on the Senate version of S. 488 that we passed on September 22. The House compromise makes a number of helpful improvements. For that we thank Representatives SHARP, LLOYD, ROE, MOORHEAD, and WALKER, all of whom contributed to the final compromise product.

The version of the bill the House has sent back to us substantially reflects the approach the Senate adopted on September 22. So the legislative history of this bill is largely that of the original Senate bill as reported by the Committee on Energy and Natural Resources (S. Rept. 101-107). Congratulations for that go primarily to Senator WYCHE FOWLER, whose untiring efforts throughout the process kept the bill on track.

We have also worked closely with the administration to amend the bill to meet their concerns. This is a bill that President Bush can live with.

The compromise bill sent over by the House in response to S. 488 retains the four main purposes of the original Senate bill. These are:

First, to establish technical performance goals for Federal renewable energy and energy efficiency research, development, and demonstration programs, so that a basis for measuring progress in these programs will be available;

Second, to authorize funding levels for these programs for 3 years into the future, to provide some stability in levels of Federal support, so that reasonable planning is possible;

Third, to provide generic authority to for the Secretary of Energy to enter into joint ventures with the private sector to demonstrate the commercial application by the private sector of nonnuclear energy technologies; and

Fourth, to require the Secretary to enter into such joint ventures to assist the private sector in commercializing promising renewable energy and envery efficiency technologies.

Cost-sharing requirements for joint ventures in the compromise bill follow the Senate provisions. These provisions grant the Secretary leeway in fashioning joint venture agreements, with at least 50 percent of direct costs to be supplied from non-Federal sources. The Secretary has broad discretion to lower this cost-share requirement below the 50 percent in the case of joint ventures that are composed of small businesses or small businesses and nonprofit entities such as universities. The extent of cost sharing would be a criterion for selection of joint venture projects. The Secretary has adequate leverage to obtain equitable terms for the Government without limiting the participation in these arrangements.

An advisory committee for the joint venture program is established by the compromise bill. This committee would not be involved in the selection or evaluation of individual joint venture proposals. Rather this advisory committee would, among other things, counsel the Secretary on the generic criteria for evaluation and selection of proposals. The Secretary or his designee would actually rate and select proposals.

The deadline for issuing a draft solicitation of joint venture proposals under the compromise bill is September 30, 1990. This deadline would grant the Secretary ample time to prepare for these solicitations while insuring that the process gets started by a time certain.

The compromise bill requires the Secretary to solicit proposals for joint venture agreements in five distinct technology areas and to come up with three additional joint venture proposals for funding in fiscal year 1993. The Secretary has generic authority to make use of joint ventures under the compromise bill and broad discretion to fashion the joint venture areas set forth in the bill to his liking. If any solicitation would duplicate research already being carried out in the private sector or would be of insufficient in-

terest to the private sector to attract matching funds, the Secretary could propose and implement joint ventures of his own choosing. The authors expect that the Secretary will find this authority very helpful in speeding the transfer of the results of research in renewable energy and energy efficiency into the marketplace.

One of the joint ventures required in the bill in which I have particular interest is the joint venture for demonstration of advanced district cooling technology in cities with high cooling loads. This technology has great promise to reduce energy bills in my State where the annual cost of cooling approaches the cost of heating. I hope that the joint ventures that results from this provision can hasten the day when this energy and money saving technology is available and affordable in cities in Louisiana.

Mr. President, S. 488 is sensible legislation. It has bipartisan support. It has been modified to meet concerns expressed by the administration. I hope the Senate will adopt the House compromise proposal without amendment and send it to the President without delay.

Mr. McCLURE. Mr. President, I rise in support of the message from the House on S. 488, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989. This measure recognizes the critical role that energy efficiency and renewable energy resources must play in the U.S. energy future. But, more importantly, this legislation recognizes the significant energy security benefits that are to be derived from the transfer of new energy efficiency improvements and renewable energy technologies from our national laboratories into the marketplace.

S. 488 provides the Department of Energy with additional authority to undertake joint Government/industry cooperative programs to commercialize new energy efficiency and renewable technologies such as photovoltaics, solar thermal, and wind energy as well as factory made housing and advanced direct cooling. Opportunities exist in these areas for cost-sharing arrangements between American manufacturers and certain DOE facilities, such as INEL.

American industry is encountering increasingly tough international competition, due, in part, to a worldwide explosion of new technologies. Our trade deficit is partially explained by new foreign competition that is capturing markets previously dominated by the United States. The challenge is whether we can be more effective in delivering American inventions to the marketplace to provide a source for new businesses and jobs.

The measure also provides the Department with generic authority to undertake joint ventures with respect to other nonnuclear energy technologies. Under such arrangements, the United States can expedite the transfer of those technologies with significant economic importance into the marketplace so as to enhance the U.S. competitiveness in both domestic and international markets.

The legislation also strengthens Federal programs to increase the export of American produced renewable energy and energy efficiency technologies.

Mr. President, this measure is a refinement of a legislative effort begun in the 100th Congress, when on two occasions the Senate passed similar legislation. As I discussed in my earlier remarks, S. 488 recognizes that energy efficiency and renewable energy resources must play a critical role in the U.S. long-term energy strategy. I urge its adoption.

Mr. FORD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRAILS INTERPRETATION CENTER IN COUNCIL BLUFFS, IA

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 338.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S.338) entitled "An Act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, Iowa, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the nineteenth century American westward movement was an important cultural event in shaping the postcolonial history of the United States;

(2) the nineteenth century American westward movement consisted of journeys along a system of trials across the American continent by pioneers, explorers, religious groups, and scientists; and

(3) additional recognition and interpretation is appropriate in light of the national scope of the nineteenth century American westward movement.

(b) PURPOSES.—The puposes of this Act are—

(1) to recognize the system of western trails established in furtherance of the National Trails System Act because of their national historic and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting the history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trails, the Mormon Pioneer National Historic Trail, and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within 18 months after the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a detailed description of the design of the facility;

(B) a description of the site;

(C) the method of acquisition;

(D) the estimated cost of acquisition, construction, operation and maintenance; and

(E) the manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation, and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc., and shall provide an opportunity for public comment.

(3) Upon completion, the Secretary shall submit the plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, for the construction of the center authorized in subsection (a). Federal funds to carry out this section may only be expended on a two-for-one matching basis with non-Federal funds, services, materials, or lands, fairly valued as determined by the Secretary, or any combination thereof.

(d) AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CENTER.—Before undertaking the construction of the center, the Secretary shall enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed as provided for by this Act. Any such agreement shall provide that—

(1) the non-Federal entity agree to operate and maintain the center and make no major alteration of the structure or grounds without the express written authorization of the Secretary;

(2) a plan of operations shall be submitted that is satisfactory to the Secretary;

(3) the Secretary shall have access to documents relating to the operation and maintenance of the center;

(4) the Secretary shall have the right of access to the center; and

(5) the United States shall be held harmless from all events arising from the operation and maintenance of the center.

(e) COOPERATIVE AGREEMENTS FOR TECHNICAL ASSISTANCE.—The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities to provide technical assistance with respect to the center.

(f) SATISFACTION OF ECONOMIC DEVELOPMENT ADMINISTRATION RESTRICTIONS.—Any restrictions, covenants, reversions, limitations, or any other conditions imposed by the Economic Development Administration relating to or affecting the use, transfer, or other disposition of any land which is conveyed to the Secretary for the purpose of developing the center under this section shall be extinguished upon the acceptance of such donation by the Secretary.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated not more than $8,400,000 to carry out this Act.

Mr. HARKIN. Mr. President, I introduced S. 338, which is cosponsored by Senators GRASSLEY and GARN, providing for the development of a trails interpretation center in Council Bluffs, IA. I very much appreciate the support that this measure has received. I especially want to thank Senators BUMPERS, JOHNSTON, MCCLURE, BRADLEY, and GARN on the Senate side who have been most helpful in moving this bill to its final passage.

There has been lengthy negotiation with the House, which passed a different version of the bill that was originally introduced by Congressman LIGHTFOOT. Congressman VENTO, who chairs the subcommittee, has taken a real interest in this measure and has worked long and hard to reach an agreement that is acceptable to both the House and the Senate.

The amendment to S. 338 under consideration is the text of the compromise that was reached and which I believe is supported by all of those who have been following the legislation.

The amendment provides for an authorization of $8.4 million for the center. Those funds are to be expended on a 2-for-1 basis with no-Federal funds, land, or materials. At this point, it is expected that the total cost of the project will be approximately $12.6 million.

The amendment provides for an 18-month study by the Park Service in cooperation with public and private groups with an interest in the project. I expect that the city of Council Bluffs, the State of Iowa, the trail associations, and many other interested parties will be involved in that process. A detailed plan for the operation and the design of the center will be created. Funding for that process has already been provided in the fiscal year 1990 Interior appropriations bill.

After completion of the project, the center will be operated by a non-Federal entity which will be responsible for the cost of operation. However, there will be a contiuing relationship with the Park Service in regard to technical assistance. I expect that the center will receive loans of artifacts and other appropriate materials from the Department of the Interior, the Smithsonian Institution, and other Federal entities as allowed by existing law.

Mr. President, no event did more to mold the United States than the great westward expansion of the 19th century. Thousands upon thousands of ordinary people look extraordinary risks in order to find greater opportunity and better lives for themselves and their families. As we speed along in our automobiles on the Interstate Highway System, it's hard to comprehend the daunting task which faced those who moved west over a century ago.

I think every Senator understands the importance of studying and learning from our past. Within just a few miles of this Capitol Building, we can visit the National Archives, President Washington's Mount Vernon, the Manassas National Battlefield, and a host of other historic sites. Yet when I began to look several years ago at the history of the westward expansion of the United States, I found that there is no single facility where one can learn about this pivotal event in American history.

One of the reasons, perhaps, for this lack of a center for the recognition and teaching of the westward movement is the difficulty in memorializing an event rather than a place. It is estimated that some 350,000 persons migrated west from 1841 through 1866. While you can see signs indicating the route of the Oregon Trail, the Mormon Trail, and the route followed by the great explorers Lewis and Clark, there is no one place to gain a real understanding of the people who made this great migration. And that is what history is really about—people.

Because of what I saw as this great need to fill a gap in American history, I introduced legislation in the last Congress and in this Congress to create a Western Historic Trails Center near Council Bluffs, IA. Council Bluffs, on the banks of the Missouri River, was the single most important starting point for the emigrants, so it is an ideal place for a center to interpret this event for today's Americans.

I urge that the Senate pass this bill and send it to the President for his consideration.

Mr. FORD. I move the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I move to reconsider the vote.

Mr. SYMMS. I move to lay that on the side.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR CERTAIN OCEAN AND COASTAL PROGRAMS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 347, H.R. 1668, the National Oceanic and Atmospheric Administration bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1668) authorizing appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration.

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989".

SEC. 2. NATIONAL OCEAN SERVICE.

(a) MAPPING, CHARTING, AND GEODESY.—There are authorized to be appropriated to the Department of Commerce for carrying out mapping, charting, and geodesy activities of the National Oceanic and Atmospheric Administration (including geodetic data collection and analysis) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $47,694,000 for fiscal year 1990.

(b) OBSERVATIONS AND ASSESSMENTS.—There are authorized to be appropriated to the Department of Commerce for carrying out observation and assessment activities of the National Oceanic and Atmospheric Administration—

(1) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $28,533,000 for fiscal year 1990;

(2) under the National Oceanic Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.), not more than $4,000,000 for fiscal year 1990; and

(3) under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.), not more than $17,000,000 for fiscal year 1990.

(c) OCEAN AND COASTAL MANAGEMENT.—There are authorized to be appropriated to the Department of Commerce for carrying out ocean and coastal management activities of the National Oceanic and Atmospheric Administration under title III of the Marine Protection Research and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), the Coastal Zone Management Act of 1972 (16

U.S.C. 1451 et seq.), the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.), and any other law involving those activities, not more than $57,752,000 for fiscal year 1990.

SEC. 3. OCEAN AND GREAT LAKES RESEARCH.

There are authorized to be appropriated to the Department of Commerce for carrying out ocean and Great Lakes research activities of the National Oceanic and Atmospheric Administration under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 833a et seq.), the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and any other law involving those activities, not more than $95,855,000 for fiscal year 1990.

SEC. 4. OYSTER DISEASE RESEARCH.

Pursuant to section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125), $3,000,000 may be appropriated for priority oyster disease research in fiscal year 1990.

SEC. 5. PROGRAM SUPPORT.

(a) ADMINISTRATION AND SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out executive direction and administrative activities of the National Oceanic and Atmospheric Administration (including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development) under the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 875-1 et seq.), and any other law involving those activities, not more than $73,994,000 for fiscal year 1990.

(b) FACILITIES.—There are authorized to be appropriated to the Department of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration under any law involving those activities, not more than $4,082,000 for fiscal year 1990.

(c) MARINE SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out marine services activities of the National Oceanic and Atmospheric Administration (including ship operations, maintenance, and support) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $59,910,000 for fiscal year 1990.

(d) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out aircraft services activities of the National Oceanic and Atmospheric Administration (including aircraft operations, maintenance, and support) under the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving those activities, not more than $8,446,000 for fiscal year 1990.

SEC. 6. REQUIREMENT OF NOTICE OF REPROGRAMMING.

The Secretary of Commerce shall not reprogram an amount appropriated under the authority of this Act unless, before carrying out that reprogramming, the Secretary provides notice of that reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Science, Space, and Technology of the House of Representatives.

Mr. HOLLINGS. Mr. President, I rise to voice my support for passing H.R. 1668, a bill to authorize the National Oceanic and Atmospheric Administration's [NOAA] general program support and ocean and coastal activities for fiscal year 1990. More specifically, this legislation authorizes appropriations for NOAA's nine staff offices, the National Ocean Service [NOS], and the ocean and coastal programs of the Office of Oceanic and Atmospheric Research [OAR].

When NOAA was created in 1970, the agency consolidated many of our civilian oceanic and atmospheric programs. At the time, the agency was given several broad goals and limited funding to accomplish them. Over the years, it has survived and has gone about its mission remarkably well. The agency's broad goals include the operation of programs to: First, manage marine resources for the economic and social good of the Nation; second, monitor and predict weather and environmental conditions for the protection of life and property; third, provide basic maps, charts, and surveys for safe navigation; fourth, provide research to advance oceanic and atmospheric technology for the better management of the environment and the rational use of our natural resources; and fifth, operate satellite and ground-based monitoring systems to provide national and global environmental information. H.R. 1668 is a legislative proposal to support the coastal and ocean activities of NOAA which address these goals.

There is much good that comes from NOAA's ocean-related work. NOS is instrumental in the response to and the assessment of damages from oilspills such as the Exxon *Valdez*. NOS personnel are trained in spill response and play integral roles in the cleanup effort wherever spills occur. They perform routine overflights of the area to map the extent of the contamination and provide predictions of the movement of the spilled oil.

Furthermore, NOS provides information that is essential for proper management of marine resources. In 1989, NOS completed a data atlas on Alaska's Bering, Chukchi, and Beaufort Seas, a preliminary atlas of the west coast of North America, and many assessment reports on the health and use of coastal waters. NOS also began developing a microcomputer-based information management system that will bring coastal resource data to the desktops of decisionmakers.

This year NOS completed its sixth year of the National Status and Trends Program, the longest continually operating monitoring program for the coastal ocean. In early 1989, NOS oceanographers began a global sea-level monitoring project to determine baseline values for true sea level on a global basis.

Obviously, this work is invaluable, yet it can only be continued with adequate funding. Each year since 1981 in the administration's budget proposal, NOAA programs like these have been cut. And, each year the Congress has reinstated those cuts. Once again, we must repeat this exercise. The authorization levels in H.R. 1668 for fiscal year 1990 are based on the administration's budget request, plus funding for the NOAA programs that the Senate has traditionally supported. Additionally, included in this legislation are currently authorized levels for programs such as Coastal Zone Management and Sea Grant which have an existing authorization of appropriations for fiscal year 1990.

I might add that H.R. 1668 includes authorization for the National Sea Grant College Program despite the fact the administration proposes its termination. The sea grant concept was created with the hope that the Nation's marine resources would provide oceans of opportunity for individuals and industry through proper development and wise use—very similar to the 18th century Land Grant Act which provided for the development of land resources. The National Sea Grant Act of 1966 has funded educational institutions to conduct research, provide education and training, and develop technology transfer projects related to the marine sciences. Today, more than 300 universities and marine organizations work within a core of 29 sea grant colleges and institutions, encouraging interdisciplinary cooperation among researchers to solve national and regional problems.

Not only does the administration propose to terminate sea grant, but it also wants to cut several other ocean research-related activities in OAR. Altogether, the administration proposes cutting ocean and Great Lakes programs in NOAA's Office of Oceanic and Atmospheric Research by 84 percent—a total of $59 million.

The only bright spot in the administration's otherwise gloomy budget proposal is an increase for an initiative in NOS. The administration proposes to increase NOS's observation and assessment program by $10.3 million to fund a coastal ocean science initiative. It is

a new program and NOAA's first ocean-related budget initiative in 8 years. For the most part, this initiative is directed at increasing our understanding and ability to address coastal environmental degradation.

In addition, within the program support account, the administration proposes to increase funding for facilities. The increase in the facilities account is necessary to fund major upkeep projects for NOAA's Western Regional Center located in Seattle, WA, and to consolidate the current 18 NOAA offices scattered around the Washington, DC metropolitan area.

In summary, H.R. 1668 authorizes $154.9 million for the programs of the NOS. This includes $47.7 million for the mapping, charting, and geodesy program, $49.5 million for ocean observation and assessment, and $57.8 million for ocean and coastal management.

In OAR, $98.9 million is authorized for the ocean and Great Lakes research account. The National Sea Grant College Program is included in this authorization.

NOAA's program support is authorized at $146.4 million for fiscal year 1990. This includes $74 million for administration and services, $4.1 million for facilities, $60 million for marine services, and $8.4 million for the aircraft services.

In addition, H.R. 1668 authorizes appropriations for the Deep Seabed Hard Minerals Resources Act, the National Ocean Pollution Planning Act, and titles II and III of the Marine Protection, Research, and Sanctuaries Act. The Senate has recently approved H.R. 2120, which reauthorizes the Deep Seabed Hard Minerals Resources Act for 5 years. The legislation we are considering today incorporates H.R. 2120's fiscal year 1990 funding level into the overall amount authorized for NOAA's ocean and coastal management account. H.R. 1668 does not affect in any way the 5-year reauthorization bill, should that bill become law.

Finally, I am offering an amendment to the bill which approves an agreement negotiated between the Governments of the United States and Japan to modify conditions for Japanese fishing activities within the United States exclusive economic zone [EEZ]. The agreement amends the current Governing International Fishery Agreement [GIFA] with Japan, making it conform to domestic laws and extending it for 2 years until December 31, 1991. Under the Magnuson Fishery Conservation and Management Act, no foreign fishing is permitted in the United States EEZ in the absence of such an agreement; the current GIFA with Japan expires on December 31, 1989. Thus, without affirmative congressional action before the end of this year, all fishing activity involving Japanese nationals within our EEZ will cease.

In conclusion, I ask my colleagues to support this legislation, H.R. 1668, as amended, which funds NOAA's important ocean and coastal activities.

AMENDMENT NO. 1172

(Purpose: To approve the governing international fishery agreement between the Government of Japan and the Government of the United States)

Mr. FORD. Mr. President, I send an amendment to the desk for Mr. HOLLINGS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. HOLLINGS, proposes an amendment numbered 1172.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the governing international fishery agreement entered into between the Government of the United States and the Government of Japan, as contained in the message to the Congress from the President of the United States dated October 30, 1989, is approved by the Congress and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1172) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1173

(Purpose: To prohibit certain acts relating to lobster conservation measures)

Mr. FORD. Mr. President, I send an amendment to the desk for Mr. MITCHELL, Mr. COHEN, Mr. KERRY, Mr. KENNEDY, Mr. PELL, and Mr. CHAFEE, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. MITCHELL, (for himself, Mr. COHEN, Mr. KERRY, Mr. KENNEDY, Mr. PELL, and Mr. CHAFEE), proposes an amendment numbered 1173.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

LOBSTER CONSERVATION

SEC. . Section 307(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) in subparagraph (H) by striking "or" at the end;

(2) in subparagraph (I) by striking the period at the end and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species Homarus americanus, that—

"(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan, implemented under this title;

"(ii) is bearing eggs attached to its abdominal appendages; or

(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages.".

Mr. CHAFEE. Mr. President, I am pleased to join with many of my friends and colleagues from New England in cosponsoring this amendment. It addresses an important natural resource issue: the conservation of Homarus Americanus, the American lobster.

As my colleagues know, the waters of and around the United States have an abundance of renewable fishery resources that are extremely valuable to the economy of the country. To fully realize the potential of this resource, the Congress approved the Magnuson Fishery Management and Conservation Act of 1976. The key words are "conservation" and "management." We recognized then that for the health of this vast resource, we must take care not to abuse it.

To keep the U.S. lobster population at a steady level, U.S. lobster fishermen have agreed to State and Federal minimum-size requirements, as well as prohibition against the taking of egg-bearing lobster. For these fishermen, abiding by the requirements is in their—and the Nation's—long term environmental and economic investment: the harvesting restrictions guarantee a steady, healthy lobster population.

I am proud that American fishermen are conservation minded. We are leaders in conservation measures for this species. But we can't singlehandedly ensure that the Homarus Americanus population survives. A uniform conservation standard for all American lobster—regardless of origin—is needed.

This amendment will modify the Magnuson Act to prohibit in interstate commerce the shipping or selling of any live lobster that are short, that is, do not meet U.S. minimum-size standards. At the same time, it preserves States' ability to set minimum size and

other standards under the Magnuson Act. The Merchant Marine and Fisheries Committee in the House has already adopted a similar proposal.

I believe this measure will promote responsible fishery management and conservation principles.

Mr. RUDMAN. Mr. President, I would like to discuss the implementation of the Mitchell-Cohen amendment with its sponsors and with the chairman and ranking minority member of the Commerce Committee. It is my understanding that lobsters sold or shipped in interstate commerce will be subject to the minimum-size standards established by the relevant Federal fisheries management plan. If in 1991 the minimum-size standard for lobsters as established by the fisheries management plan is not in conformance with the standard as established by the State of New Hampshire, and if lobsters are caught in New Hampshire State waters and sold or transported only within New Hampshire, do the provisions of this amendment apply to such lobsters?

Mr. MITCHELL. My understanding and intention is that lobsters caught within New Hampshire and sold or transported only within that State are not subject to the provisions of this amendment. The size standard as established by the fisheries management plan would apply only to lobsters sold or transported in interstate or foreign commerce.

Mr. COHEN. That is my understanding and intention as well.

Mr. HOLLINGS. The Senators from Maine and New Hampshire are correct. If in the future a certain State has different minimum standards, lobsters caught in that State, and sold or transported only within that State, are not subject to the provisions of this amendment.

Mr. DANFORTH. Mr. President, I concur with the chairman of the Commerce Committee. We do not intend to override the minimum-size standard of the State of New Hampshire for lobsters caught and sold within that State if it is different from the Federal standard or from the minimum-size standard established by other States.

Mr. RUDMAN. Mr. President, I appreciate having this matter clarified, and I trust the National Marine Fisheries Service will be guided by this legislative history in the implementation and enforcement of this amendment.

Mr. HOLLINGS. If my colleague from New Hampshire will yield, I would state that is precisely our intention, Mr. President.

Mr. RUDMAN. Mr. President, again I thank my colleagues from Maine, South Carolina, and Missouri, and I yield the floor.

Mr. MITCHELL. Mr. President, I today am offering an amendment that is a refinement of earlier legislation, S. 1680, introduced in the Senate on September 27, 1989. The legislation is urgently needed to supplement the Federal management plan [FMP] for American lobsters contained in 50 CFR 649 *et seq.*, and thereby strengthen enforcement.

Conservation and management of New England lobsters presently occurs under a combination of Federal and State laws. States regulate in-shore catches up to 3 miles from the coast, while Federal regulations apply to catches from 3 to 200 miles off shore. However, Federal regulations require that anyone holding a State lobster permit which is endorsed for lobstering in Federal waters must observe the more restrictive; that is. Federal requirements for all lobsters caught.

One of the most important conservation measures in the management plan is the minimum legal size for a harvested lobster's body shell length. The current minimum size is 3¼ inches. It is scheduled to 3$^{9}/_{32}$ inches in 1991; and 3$^{5}/_{16}$ inches in 1992.

The Federal regulation follows a schedule of minimum size increases enacted in 1986 by State laws in Maine, Massachusetts, and Rhode Island. These three States produce 93 percent of the lobster landings in the United States. Connecticut and New York will fully match the increases in the Federal minimum size in 1993. New Hampshire will match the current Federal minimum in 1990.

At least 50 percent of lobsters sold in the United States are imported from Canada. Minimum lobster sizes in Canada are shorter than the United States minimum size. In 1988, 10 percent of lobsters imported from Canada were estimated to be below the Federal minimum size. As the minimum size increases in the United States, the volume of undersized imports will increase to an estimated 30 percent.

The lack of uniformity poses a serious enforcement problem. In the U.S. market, where domestic and imported lobsters are intermingled in the stream of interstate commerce, it is virtually impossible to enforce compliance with the Federal minimum size—particularly in places outside New England, such as Chicago or Los Angeles. There is an open risk of a black market in subminimum lobsters of U.S. origin.

In Maine alone, the number of cases of illegal short lobsters increased 44 percent in 1989 from the 1987 level—the last year before the first increase in the Federal and State minimum sizes occurred. The number of short lobsters confiscated in Maine increased by 68 percent.

I ask unanimous consent that a copy of a November 15, 1989, letter from the State of Maine's Commissioner of Marine Resources, documenting the enforcement problem, be printed in the RECORD in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXHIBIT A

DEPARTMENT OF MARINE RESOURCES,
Augusta, ME, November 15, 1989.

Hon. Senator GEORGE J. MITCHELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MITCHELL: I would like to take this opportunity to thank you and your colleagues for your efforts to strengthen lobster conservation measures. As you know, I serve as Chairman of the New England Fishery Management Council's Lobster Oversight Committee. In that capacity as well as in my position as Commissioner of this Agency, I have become acutely aware of how difficult it is to enforce our lobster conservation laws even in the best of circumstances. However, that difficulty has been compounded greatly by the disparity in the legal minimum size of lobster which exists between several lobster producing states as well as between the United States and Canada. Your legislation will help tremendously in our effort to thwart the harvest of sub-legal lobster.

Your office has asked that I provide the following information concerning the Bureau of Marine Patrol's enforcement activity related to sub-legal lobster. Thus far in 1989, the number of short lobster violations brought by the Patrol has increased 44% over the total number of violations brought in 1987 (1987 was the year prior to the commencement of the current schedule of minimum size increases). This increase in the number of violations represents an increase of 68% in the number of sub-legal lobster confiscated by the Patrol. (1987—400 lobsters confiscated; 1989 to date, 991 lobsters confiscated).

I should point out that the State of Maine, through what is commonly referred to as the reconsignment law, has provided an exception to the minimum size requirements for wholesale dealers in certain instances. This law enables the licensed dealer to receive and convey illegal-size lobsters with DMR regulations. This law basically represent an admission that we cannot overcome the reality of significant commingling of legal and illegal-sized lobster in containers shipped, primarily from Canada, to dealers in Maine. It is quite clear, however, that the reconsignment law masks the true level of sub-legal lobster harvest and marketing which occurs.

I hope that the foregoing is of use and, again Senator, I thank you for your efforts.

Sincerely,

WILLIAM J. BRENNAN,
Commissioner.

Mr. MITCHELL. There is also legitimate concern in New England about the inadequacy of Canada's own conservation and management efforts. More than a year ago, the Fisheries Council of Canada petitioned the Canadian Government to increase its own minimum size requirement—at least in part because of the need for greater resource conservation.

I ask unanimous consent that a copy of a letter dated March 22, 1988 from the Fisheries Council of Canada to the Government of Canada's Department of Fisheries and Oceans be printed in the RECORD in its entirety:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[Exhibit B]

FISHERIES COUNCIL OF CANADA,
March 22, 1988.

Re: Lobster Management.

Mr. BILL ROWAT,
Assistant Deputy Minister, Atlantic Fisheries, Fisheries and Oceans, Ottawa, Ontario, KIA OE6.

DEAR MR. ROWAT: As you know, over the years, there has been concern in the Canadian scientific community, the Fisheries Council of Canada, certain provinces, and many sectors of lobster fisherman regarding the management regime for lobster stocks in Atlantic Canada and Quebec. In particular, there is concern that the legal minimum sizes eligible for capture throughout Atlantic Canada and Quebec provide for only a low level of spawning stock and, as such, a high percentage of female lobsters are harvested before reaching sexual maturity and before extruding their first clutch of eggs. In addition, the intensity of the Atlantic and Quebec lobster fishery results in the majority of lobsters landed are newly recruited to the minimum legal size; hence, there is an oversupply of small "canner size" lobsters. The consensus of our Council is that the full potential of this fishery is not being realized and there exists significant opportunity to increase economic returns to lobster fishermen and processors.

The legal minimum lobster carapace size in Atlantic Canada and Quebec varies from area to area from 2½ inches to 3$^{3}/_{16}$ inches with the 3$^{3}/_{16}$ inches "market-size" lobster and the smaller-size lobsters being identified as "canners". Roughly, 95 percent of the lobsters landed in Atlantic Canada are 3$^{3}/_{16}$ inches and larger. The "canner" lobsters are harvested mainly in the Northumberland Strait area by Prince Edward Island, New Brunswick, and Nova Scotian fishermen; Northern New Brunswick; and the Magdalen Islands.

With respect to market-size lobsters of 3$^{3}/_{16}$ inches, we find that there is no biological basis for the 3$^{3}/_{16}$ inches measure. In fact, the 3$^{3}/_{16}$ inches minimum legal size in force throughout much of Atlantic Canada is a measure that evolved in response to the market requirements in New England, and has operated effectively over the years to minimize the cost of harvesting and processing lobsters and maximizing returns to processors and fishermen in selling Canadian live lobsters in the New England market. Without this coordination between the market requirements in New England and our harvesting regime, the live lobster industry would have been beset with confusion and inefficiencies. The live lobster market in the United States accounts for about $140 million of our exports or about 60 percent of the value of the output of the lobster industry in Atlantic Canada and Quebec.

As you know, the market requirements in New England are changing. As of April 1, 1988 a market-size lobster will increase from 3$^{3}/_{16}$ inches to 3$^{7}/_{32}$ inches with increases of $^{1}/_{32}$ inches in 1989, 1991, and 1992. In view of the change in the market and our concern regarding the current inadequacies of the Atlantic lobster management regime, we have reviewed the issue within the Fisheries Council of Canada, with representatives of some provinces, and with fishermen representative of Atlantic Canada and Quebec. In conclusion, we request that the Department of Fisheries and Oceans increase the current minimum legal carapace size in all harvesting areas in Atlantic Canada and Quebec by $^{1}/_{32}$ inches in 1988, 1989, 1991, and 1992. This action will re-define market size lobsters in Canada to be consistent with our major market for live lobsters, maintain the differential that currently exists between market size lobsters and canners, and enable the industry and government to take an important step to realizing the full potential of the lobster resources of Atlantic Canada and Quebec.

Our discussions indicate that there is a good consensus for such action throughout Atlantic Canada and Quebec. The only significant resistance to such action exists with fishermen from the north shore of Prince Edward Island who are currently landing a substantial portion of their lobsters at the 2½-inch minimum. We believe that through discussion and the demonstrated beneficial results of the pilot project in Cape Breton, these fishermen will eventually also support the initiative.

As indicated, considerable confusion could exist as of April 1, 1988, possibly leading to seizures in New England and acrimonious charges regarding Canada-U.S. trade relations—not to mention the extra costs involved in measuring lobsters for both Canadian minimum legal harvest requirements and U.S. market requirements.

Therefore, if the Department agrees with the initiative, the changes should be made as quickly as possible and the Fisheries Council of Canada is prepared to assist in whatever way possible to ensure that the Office of Regulatory Affairs is fully aware of the urgency,

Yours sincerely,

R.W. BULMER,
President.

Mr. MITCHELL. Canada announced an increase in its minimum lobster sizes, effective July 1, 1989, but then postponed the increase indefinitely. This indecisiveness poses a potential impact on U.S. lobster resources. Scientific evidence exists that larger lobsters migrate longer distances than is commonly believed—including across the maritime boundary with Canada. Tagging studies by Canadian scientists have reported long-distance migrations from the Bay of Fundy to as far south as Cape Cod.

For these reasons, the New England Fisheries Management Council [NEFMC] consistently has supported efforts to achieve a uniform minimum size in the United States marketplace for lobsters. On its own, the NEFMC originally sought to address the major source of the enforcement problem through a prohibition on undersized imports as part of the Federal regulation. However, the National Marine Fisheries Service [NMFS] advised the NEFMC that such provisions were outside the council's authority.

Instead, NMFS preferred to rely on "certificates of origin" to rebut presumptions of illegality for any short lobsters imported from Canada. The mechanism has proven flawed and inadequate. It underestimated the difficulty of enforcement when lobsters are intermingled in the stream of interstate commerce. And it ignored concerns over the potential impact of Canada's lobster conservation practices on common lobster resources in the Gulf of Maine.

At best, the NMFS "certificates of origin" policy was a judgment call. It erred on the side of policy considerations other than conservation or enforcement. As the Federal and State minimum sizes increase, the error of that judgment becomes more and more apparent.

Congress has the power and the authority to reverse an erroneous Agency judgment call. The amendment I am proposing today strengthens conservation, and establishes a preference for effective enforcement.

The amendment also represents a refinement of earlier legislative efforts. In 1988, I introduced legislation to prohibit imports of lobsters which did not meet U.S. conservation standards. The Senate Finance Committee recommended that the provision be included in enabling legislation for the United States-Canada Free-Trade Agreement. However, President Reagan dropped the provision from the FTA legislation submitted to Congress that ultimately was enacted and signed into law.

When I introduced S. 1680 earlier this year, the legislation was drafted so as to clarify its basic conservation purpose. It was intended as a tough enforcement measure—applying to canned and frozen lobsters, as well as whole, live lobsters, on the theory that the broader prohibition would discourage any shift to processed products aimed at circumventing either the prohibition or the need for greater conservation.

At the same time, the cosponsors of the legislation have remained sensitive to legitimate concerns expressed by Canada and others. We are sincere in our statement that the purpose of the legislation is conservation—consistent with chapter 12 of the United States-Canada Free Trade Agreement; as well as articles III and XX of the General Agreement on Tariffs and Trade [GATT]. There is absolutely no intention to discriminate against international trade.

The NEFMC also has specifically requested that adverse impacts on foreign trade be minimized. The council articulated a persuasive rationale dropping the legislation's application to frozen or canned lobsters. Frozen and canned lobsters are by contrast clearly labeled and readily indentifiable according to origin. Frozen and canned lobsters also tend to originate in areas of Canada where the water is warmer and lobsters reach reproductive maturity at a smaller size. There is a scientific basis for drawing the distinction. It is consistent with the legislation's conservation purpose.

I ask unanimous consent that two letters from the NEFMC, dated September 27 and November 9, 1989, be inserted into the RECORD in their entirety. Together, these letters express the need for the legislation; the evolution of its provisions; and the efforts to avoid unnecessary impact relative to Canada:

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

EXHIBIT C

NEW ENGLAND FISHERY MANAGEMENT COUNCIL,
Saugus, MA, September 27, 1989.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: Pursuant to a recent telephone conversation between Bob Corolla of your staff and the Council's Executive Director Doug Marshall, the Council has discussed the question of differing lobster sizes between Canada and the United States. At our Council meeting on September twenty first, Commissioner Bill Brennan of Maine introduced the following motion: that because the importation of lobster at a size that is less than that established by U.S. federal regulations undermines U.S. lobster conservation efforts and the measures established under Amendment #2 to the American Lobster Fishery Management Plan, the New England Fishery Management Council supports a federal legislative initiative, similar to that introduced by Congressman McKernan in the 99th Congress, that would prohibit the importation of live lobsters of the species Homarus americanus that do not meet federal minimum size standards.

The motion carried unanimously with no abstentions. We hope that such legislation will be introduced in connection with the reauthorization of the Magnuson Act and that it will find full support among the New England delegation and other members of the Congress.

Sincerely,

JAMES WARREN,
Chairman.

EXHIBIT D

NEW ENGLAND FISHERY MANAGEMENT COUNCIL,
Saugus, MA, November 9, 1989.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: I refer to my letter of September 27, 1989 and to your Bill, S. 1680, which we had not yet seen when my letter was sent. We are very pleased that you have introduced this legislation and are equally pleased that H.R. 2061 as voted out of the Merchant Marine and Fisheries Committee also contains a provision to establish a prohibition under Section 307(G) of the Magnuson Act against shipping, transporting, offering for sale, selling, purchasing, exporting or importing or having control or possession of undersized, berried or scrubbed lobster.

The Council respectfully suggests that the language in the legislation be amended to make the prohibition apply only to live lobster. Canned and frozen lobster from Canada are generally from areas that are very unlikely to have any biological impacts across the maritime boundary on U.S. lobster stocks. Furthermore, such products, unlike live lobster, are clearly labeled as to origin so that they do not present any enforcement problems in the implementation of our lobster Fishery Management Plan (FMP) or its regulations. In addition, they fill a market niche which we are unable to fill with lobster from our stocks because of our larger minimum size and the higher prices paid for live lobster.

We also believe it would be desirable to phrase the legislation in terms of a prohibition on selling in interstate commerce, lobster that are illegal under the terms of our FMP (undersized, berried and scrubbed). Although all lobster fishermen who hold a license to fish for lobster in the Exclusive Economic Zone (EEZ) must abide by the regulations that implement the FMP, fishermen who fish only in the state waters of those states that are lagging the scheduled minimum size increase or that have not implemented the size increase on a state level may now legally possess and sell lobster that are at least 3 3/16 inches even though they are smaller than the minimum federal size. Because this is a temporary situation in those states increasing their minimum size on a lagged basis and involves a decidedly insignificant portion of annual harvest in states that have not instituted size increases, a ban on interstate commerce on such undersized lobster would essentially solve the enforcement problem that presently exists without imposing federal preemption on the half dozen states affected.

We have communicated these views to Committee Chairman Walter Jones on the House side. If there are questions regarding our suggestions, please call and we will provide any needed information.

Sincerely,

JAMES WARREN,
Chairman.

Mr. KERRY. Mr. President, I am pleased to join Senator MITCHELL and my New England colleagues in sponsoring this very important bill that will enhance U.S. efforts to carry out conservation measures for the American lobster.

A Federal fishery management plan developed for the American lobster seeks to preserve and protect lobsters while maintaining an active fishery. Conservation measures established by the plan apply to lobsters taken either from Federal waters or from State waters with a Federal fishing permit. The principal mechanism for achieving conservation is to prohibit the taking of lobsters below a minimum size. The plan calls for stricter size limits to go into effect over the next 3 years in order to strengthen these conservation efforts.

The effectiveness of the management plan depends, in large part, on our ability to enforce these size limits. At present, enforcement is complicated by an influx of imported lobsters that may be smaller than the U.S. limit. Because imported and domestic lobsters become mixed in commerce, it is virtually impossible to tell whether small lobsters are of U.S. origin. By 1992, an estimated 30 percent of imports will be undersized by U.S. standards. This makes it very difficult to determine if U.S. fishermen are taking undersized lobsters in violation of the Federal management plan.

To remedy this problem, we propose to limit live American lobsters that are shipped, sold, or possessed in the United States to the size restriction called for in the Federal management plan. This would provide a consistent size for both domestic and imported lobsters and make enforcement of our very important conservation measures possible.

Mr. MITCHELL. Mr. President, I want to thank Senator HOLLINGS, chairman of the Senate Commerce Committee, and particularly Mike Nussman and Penny Dalton of his staff, for their work on this issue. Senators COHEN, KENNEDY, KERRY, PELL, and CHAFEE, who are the cosponsors of the amendment, also have worked very hard to have it adopted—as have Representatives BRENNAN and SNOWE of Maine, and STUDDS of Massachusetts, in the House of Representatives.

I also thank those persons in Maine whose advice and counsel have been important to me in considering the issue: Ed Blackmore, president of the Maine Lobstermen's Association; Skip Greenlaw of the Stonington Lobstermen's Cooperative; Bob Brown of the Maine Export-Import Lobster Dealers Association; Bill Brennan, commissioner of Maine Resources; Prof. Jim Wilson and Robert Steneck of the University of Maine; David Dow of the Maine Lobster Institute; Robin Alden, publisher of the Commercial Fisheries News; and Jim Warren, chairman of the New England Fisheries Management Council. The support of the Governor and State Legislature of the State of Maine also has been greatly appreciated.

I know that I already have made a fairly lengthy statement on this issue. However, I believe the legislative history on the amendment is very important. I want to make sure that the conservation purpose of the legislation is clearly understood. I therefore ask unanimous consent that a background analysis on the legislation be printed in its entirety in the RECORD, immediately following this discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND ANALYSIS OF THE LOBSTER MANAGEMENT AMENDMENT

This amendment supplements the New England conservation and management plan for American lobsters (Homarus americanus), contained in 50 C.F.R. 649 et seq. The amendment makes it illegal to sell, ship, transport, offer for sale, or purchase any live lobster in interstate or foreign commerce that fails to meet the Federal minimum lobster size (i.e., "short" lobsters); that bears eggs attached to its abdominal appendages (i.e., "berried" lobsters); or bears evidence of the forcible removal of eggs from its abdominal (i.e., "scrubbed" lobsters). These standards are intended to allow lobsters to grow to sexual maturity and to enhance their reproduction as a means of maintaining the fishery.

The keystone of lobster conservation and management is the minimum size requirement. Fishing activity is regulated through a combination of state laws and the Federal Fishery Management Plan (FMP) developed under the Magnuson Fishery Conservation and Management Act. State laws regulate in-shore catches up to 3 miles from the coast, while the FMP regulates catches in the exclusive economic zone (EEZ), 3 to 200 miles off-shore. The Federal minimum size follows a schedule of 1/32nd of an inch increases enacted in 1986 and initially implemented in 1988 by Maine, Massachusetts and Rhode Island. These states together account for 93 percent of lobster landings in the United States.

Under the FMP and the laws of Maine, Massachusetts and Rhode Island, the minimum body shell length (i.e. carapace size) for lobsters currently is set at 3 and ¼ inches. Additional increases of 1/32nd of an inch are scheduled for 1991 and 1992. In Connecticut and New York, state laws will match the current Federal size in 1990, with additional increases scheduled for 1992 and 1993, creating a one-year delay between State requirements and the FMP. New Hampshire will match the current Federal size in 1990, but has not scheduled further increases. In such states, however, lobstermen holding permits to catch lobsters both in State waters and the EEZ are required to comply with the Federal minimum size. The amount of lobsters legally caught in state waters that are below the Federal minimum size is minimal. In New Hampshire, for example, which accounts for 3% of total U.S. lobster landings, 75% of lobsters are caught by lobstermen holding Federally-endorsed permits, and therefore must comply with the Federal minimum size. Furthermore, only a portion of lobsters caught by New Hampshire lobstermen fishing exclusively in state in-shore waters can be expected to be less than the Federal minimum size.

While New England has increased the minimum lobster size to improve conservation of the resource, its regional neighbor in the Gulf of Maine, Canada, has not. Canada currently has 14 different minimum sizes, applied among 45 lobster-producing areas. All of the Canadian sizes are below the U.S. minimum size. Nine are below three inches. Approximately 50% of lobsters sold in the United States are imported from Canada. An estimated 30% of lobsters imported into the United States from the Canada will be below the U.S. minimum size by 1992.

The difference between these minimum lobster sizes poses serious problems for the enforcement and acceptance of increased sizes under the Federal conservation and management plan. Of primary concern is the problem of effective enforcement. Lobsters from Canada are sold to wholesalers in the United States, and become intermingled in the stream of commerce. In drafting the FMP, the New England Fisheries Management Council (NEFMC) considered including a prohibition on the import of live lobsters into the United States. Although such a prohibition has been promulgated and accepted relative to imports of certain whole groundfish species below a certain minimum size, the National Marine Fisheries Service (NMFS) advised the NEFMC that it lacked the authority for such a prohibition in the case of lobsters. NMFS instead has relied on "certificates of origin", (e.g., bills of lading) for lobster imports as proof that any short lobsters contained in such shipments have not been taken in violation of the FMP. Unfortunately, reliance on certificates of origin poses a unique risk of significant black market trade in short lobsters of U.S. origin in interstate or foreign commerce—a risk that will only increase as the Federal minimum size increases. In the State of Maine alone, the number of cases brought by the Department of Marine Resources in 1989 for violation of the new minimum size had jumped 44 percent from the number of cases brought in 1987—the year before the first size increase went into effect. The number of short lobsters confiscated increased by 68 percent. U.S. lobster dealers depend on imports of lobsters from Canada, along with lobsters of domestic origin, to meet the full volume of seasonal demand. When different lots of live lobsters are intermingled in larger commercial shipments, it is impossible to distinguish between foreign and domestic lobsters. Short lobsters of U.S. origin can be sold with short lobsters of Canadian origin, fraudulently using the original certificate of origin from Canada as documentation for the entire shipment. The result is an inability to broadly enforce the FMP. Although the market for lobsters is nationwide, enforcement is limited to New England.

The difference between the Federal minimum lobster size and those of Canada also has created problems for the "legitimacy"; i.e., acceptance, of the Federal and state laws. New England lobstermen see themselves as being held to standards which do not necessarily apply to imports from Canada within the same U.S. market. The perception of unfairness in the application of conservation standards has contributed to industry resistance to the increases in the minimum size under the FMP. Earlier this year, the Maine Lobstermen's Association petitioned for a delay in increases scheduled for 1991 and 1992. At the present time, legislation also may be introduced in the Maine State Legislature to repeal the 1/32nd of an inch increase that went into effect in 1989, as well as the increases scheduled for 1991 and 1992. The issue of unfairness has undermined the legitimacy of the law per se,; unless addressed, it threatens long-term conservation and management efforts in the region.

Finally, there is concern about Canada's own conservation and management efforts. In March 1988, the Fisheries Council of Canada, asked the Canadian Government to increase Canada's own minimum lobster size requirement—to match, at least in some areas, the increase in the U.S. minimum size scheduled for 1989. In a March 22, 1988 letter to Canada's Department of Fisheries and Oceans, the President of the Council stated: "In particular, there is concern that the legal minimum sizes eligible for capture throughout Atlantic Canada and Quebec provide for only a low-level of spawning stock and, as such, a high percentage of female lobsters are harvested before reaching sexual maturity and before extruding the first clutch of eggs." A year later, Canada announced regulations to increase its minimum size, effective July 1, 1989; however, the regulations were soon afterwards postponed indefinitely. President Bush raised the conservation issue with Canadian Prime Minister Mulroney during a visit in Kennebunkport, Maine in August 1989; however, a reversal of earlier Canadian intentions then occurred. On September 14th, the Nova Scotia/Bay of Fundy Advisory Committee announced its opposition to any increase in Canada's minimum lobster size requirements.

Without industry support, Canadian government officials have indicated that an increase is unlikely to occur. Canada has the right to determine its own conservation and management system; however, legitimate concern exists within New England for lobster stocks throughout the Gulf of Maine. Although lobster migrations generally occur laterally between inshore and offshore waters, there is some evidence of greater migration, particularly among larger lobsters. Studies published in Canada have reported evidence of long-distance movements of lobsters from Canadian waters in the Bay of Fundy to as far south as waters off Cape Cod and Rhode Island (See "Migratory Movements of Ovigerous Lobsters Tagged Off Grand Manan, Eastern Canada", Canadian Journal of Fisheries and Aquatic Science, Vol. 43, 1986, pp. 2197-22058, and "Movements of Lobsters Tagged in the Bay of Fundy", Marine Biology, Vol. 92, 1986, pp. 393-404).

Because of such concerns, the Senate Finance Committee recommended in the 100th Congress that a provision be included in enabling legislation for the Free Trade Agreement (FTA) between the United States and Canada that would have prohibited imports of short, berried or scrubbed lobsters into the United States. Debate over the proposal focused on whether it fulfilled a conservation purpose or was intended as a trade restriction. The proposal was limited to imports, partly because state legislatures were still considering increases in mimimum lobster sizes under state laws, and because problems with short lobsters taken in accordance with state laws were considered to be *de minimis*. President Reagan omitted the lobster provision from the FTA enabling legislation submitted to Congress, which then was approved under special "fast track" procedures.

In the current Congress, S. 1680 was introduced and referred to the Commerce Committee. It was drafted so as to clarify the legislation's conservation purpose, applying to the sale or shipment of lobsters in interstate or foreign commerce without regard to domestic or foreign origin. A similar provision has been included in H.R. 2061, the reauthorization of the Magnuson Fisheries Conservation and Management Act, as reported by the Merchant Marine and Fisheries Committee of the House of Representatives.

This amendment refines S. 1680 to further clarify the basic conservation purpose of the legislation. The central concern is to strengthen enforcement of the FMP for lobsters. The changes adopted will dramatically limit any adverse trade impact on Canada, while also making the legislation more clearly consistent with Chapter 12 of the FTA and Article III and XX of the General Agreement on Tariffs and Trade (GATT). There is no discrimination between imports and lobsters of U.S. origin that are sold in interstate or foreign commerce. Although the law will apply to lobsters imported from Canada, the only burden placed on Canada dealers would be for dealers to "cull" lobsters according to size before shipping them to the United States. The legislation also is limited to live lobsters; dropping any application to frozen whole lobsters or processed lobster parts. This is consistent with the basic conservation purpose of the legislation. New England's concern is almost exclusively with live lobsters; the legislation is intended to address the domestic enforcement problem that occurs when imported lobsters are intermingled with lobsters of domestic origin. Frozen and canned lobsters from Canada can be clearly labeled and

identified as to origin. Frozen and canned lobsters also tend to be from areas of Canada where lobsters reach reproductive maturity at a smaller size; from a biological perspective, they post little concern for impact on lobster stocks across the maritime boundary.

Mr. COHEN. Mr. President, I am pleased to join my friend and distinguished colleague from Maine, Senator MITCHELL, in proposing this amendment to the National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989.

The purpose of the amendment is to strengthen the conservation management of lobsters by prohibiting the interstate transfer of lobsters below the Federal minimum size. Current Federal law only prohibits the harvest of undersized lobsters in U.S. waters. It does not prohibit their importation. This results in a serious problem for enforcement personnel who are unable to distinguish undersized lobsters legally imported from those illegally harvested in U.S. waters. As the enforcement agents say, "You can't ask a lobster where it came from."

The inability to effectively enforce our minimum size requirements for lobsters gravely undermines our conservation plan. The minimum size standard was established to assure lobsters the opportunity to reach maturity and spawn before they could be harvested. Without effective enforcement of the minimum size standard, we have no assurances that lobster stocks are being maintained.

Collaterally, industry support for the minimum size standard is seriously jeopardized so long as Federal law allows the importation of undersized lobsters. Understandably, U.S. lobstermen are frustrated to see lobsters, which they are barred from harvesting, freely enter the U.S. market as imports. Their frustration is placing our entire conservation management plan at tremendous risk.

The amendment we propose today will remedy the enforcement problems caused by the importation of undersized lobsters. This legislation is critical to the effective conservation management of lobsters and I strongly urge my colleagues to lend their support.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 1173) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the substitute amendment is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1668) as amended, was passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN CHILD ABUSE PREVENTION AND TREATMENT ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 375, S. 1783, a bill to regulate Indian child protection and prevent child abuse on Indian reservations.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1783) to regulate Indian child protection and prevent child abuse on Indian reservations, which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Child Abuse Prevention and Treatment Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, after careful review of the problem of child abuse on Indian reservations, and the historical and special relationship of the Federal Government with Indian people—

(1) finds that—

(A) incidents of abuse and neglect of children on Indian reservations are grossly underreported;

(B) underreporting is a direct result of the lack of a mandatory, Federal reporting law;

(C) multiple incidents of sexual abuse of children on Indian reservations have been perpetrated by Federal employees;

(D) Federal Government investigations of the backgrounds of adults who care for, or teach, Indian children is deficient;

(E) funds spent by the United States on Indian reservations or otherwise spent for the benefit of Indians who are the victims of child sexual abuse are inadequate to meet the growing needs for mental health treatment and counseling for victims of child sexual abuse and their families; and

(F) there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in, an Indian tribe; and

(2) declares that—

(A) a major national goal of the United States is to identify the scope of incidents of abuse and neglect of children in Indian country and to reduce such incidents; and

(B) a secondary but essential goal is to provide funds for mental health treatment for Indian victims of child sexual abuse on Indian reservations.

(b) The purposes of this Act are to—

(1) require that reports of abused and neglected Indian children are made to the appropriate authorities in an effort to prevent further abuse or neglect;

(2) establish a reliable data base for statistical purposes and establish a central registry for reported incidents of abuse and neglect;

(3) authorize such other actions as are necessary to ensure effective child protection in Indian country; and

(4) establish the Indian Child Abuse Prevention and Treatment Grant Program to provide funds for the establishment on Indian reservations of treatment programs for victims of child sexual abuse.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "abuse or neglect" includes—

(A) any case in which—

(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence;

(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; and

(C) any case in which the parents, legal guardians, or custodians of a child fail to take actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

(2) The term "child" means an individual who—

(A) is not married, and

(B) has not attained 18 years of age.

(3) The term "Indian child" has the meaning given to such term by section 4(4) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(4)).

(4) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(5) The term "local child protective services agency" means the agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for child protection in Indian country.

(6) The term "local law enforcement agency" means—

(A) the Federal Bureau of Investigation, or

(B) if the Federal Bureau of Investigation does not otherwise have jurisdiction in the portion of Indian country involved, any other agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for law enforcement in that portion of Indian country.

(7) The term "Indian" means any individual who is a member of an Indian tribe.

(8) The terms "Indian tribe" and "tribal organization" have the respective meaning given to each of such terms under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) The term "Indian reservation" means any Indian reservation, public domain Indian allotment, or former Indian reservation in Oklahoma, within the meaning of the Indian Financing Act of 1974 (25 U.S.C. 1451, et seq.).

(10) The term "inter-tribal consortium" means a partnership between—

(A) an Indian tribe or tribal organization of an Indian tribe, and

(B) one or more other Indian tribes or tribal organizations of one or more other Indian tribes.

(11) The term "ANCSA lands" means lands held by incorporated Native groups, regional corporations, or village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. § 1601, et seq.).

REPORTING PROCEDURES

SEC. 4. (a)(1) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1169. Reporting of child abuse and neglect

"(a) Any person who—

"(1) is a—

"(A) physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,

"(B) teacher, school counselor, instructional aide, teacher's aide, or teacher's assistant employed by any tribal, Federal, public or private school,

"(C) administrative officer, supervisor of child welfare and attendance, or truancy officer, of any tribal, Federal, private or public school,

"(D) child day care worker, headstart teacher, public assistance worker, worker in a group home or of a residential care facilities, or social worker,

"(E) psychiatrist, psychologist, or psychological assistant,

"(F) licensed or unlicensed marriage, family, or child counselor,

"(G) person employed in the mental health profession, or

"(H) law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders,

"(2) knows, or has reasonable suspicion that—

"(A) a child was abused or neglected in Indian country, or

"(B) actions are being taken, or are going to be taken, that would reasonably be expected to result in abuse or neglect of a child in Indian country, and

"(3) fails to immediately report such abuse or neglect or actions described in paragraph (2)(B) to the local child protective services agency or local law enforcement agency,

shall be fined not more than $5,000, or imprisoned for not more than 6 months, or both.

"(b) Any person who—

"(1) supervises, or has authority over, a person described in subsection (a)(1), and

"(2) inhibits or prevents that person from making the report described in subsection (a)(3),

shall be fined not more than $1,000.

"(c) For purposes of this section—

"(1) The term 'abuse or neglect' includes—

"(A) any case in which—

"(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

"(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence;

"(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution; and

"(C) any case in which the parents, legal guardians, or custodians of a child fail to take actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

"(2) The term 'child' means an individual who—

"(A) is not married, and

"(B) has not attained 18 years of age.

"(3) The term 'local child protective services agency' means the agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for child protection in Indian country.

"(4) The term 'local law enforcement agency' means—

"(A) the Federal Bureau of Investigation, or

"(B) if the Federal Bureau of Investigation does not otherwise have jurisdiction in the portion of Indian country involved, any other agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for law enforcement in that portion of Indian country.

"(d)(1) Any provision of law that protects or requires confidentiality between physicians and patients, psychotherapists and patients, or any other health care provider and patients, or between husband and wife, shall not apply with respect to information regarding abuse or neglect of a child in Indian country, or actions described in subsection (a)(2)(B), and such provisions of law shall not be a defense to offenses committed under subsection (a) or (b).

"(2) Any person making a report described in subsection (a)(3) which is based upon their reasonable belief and which is made in good faith shall be immune from civil and criminal liability for making that report.".

(2) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1169. Reporting of child abuse and neglect.".

(b)(1) If any person reports—

(A) the abuse or neglect of a child in Indian country, or

(B) actions which would reasonably be expected to result in abuse or neglect of a child in Indian country,

to a local law enforcement agency, the local law enforcement agency shall immediately notify the local child protective services agency of such report and shall submit a copy of the written reports required under subsection (c) to the local child protective services agency.

(2) If any person makes a report described in paragraph (1) to a local child protective services agency, the local child protective services agency shall immediately notify the local law enforcement agency of such report and shall submit a copy of the written reports required under subsection (c) to the local law enforcement agency.

(c)(1) Within 36 hours after receiving a report described in subsection (b)(1), other than notice or a written report that is required to be made to the agency by another agency under subsection (b), the local law enforcement agency or local child protective services agency that initially received such report shall prepare an initial written report. This initial written report shall include—

(A) the name, address, age, sex of the child that is the subject of the report;

(B) the grade and the school in which the child is currently enrolled;

(C) the name and address of the child's parents or other person responsible for the child's care;

(D) the name and address of the alleged offender;

(E) the name and address of the person who made the report to the agency;

(F) a brief narrative as to the nature and extent of the child's injuries or neglect, including any previously known or suspected abuse or neglect of the child or the child's siblings and the suspected date of the abuse or neglect; and

(G) any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse or neglect.

(2) Any local enforcement agency, or local child protective services agency, that receives a report (other than notice or a written report that is required to be made to the agency by another agency under subsection (b)) alleging abuse described in subparagraph (A) or (B) of section 3(1) shall initiate an investigation of such allegations within 36 hours after receiving such report.

(3) Upon completion of the investigation of any report of alleged abuse or neglect that is made to a local law enforcement agency or local child protection services agency, the agency shall prepare a final written report on such allegations.

(4) The written reports an agency is required to prepare under paragraph (1) shall be transmitted by that agency to the central registry on child abuse and neglect in Indian country of the Department of the Interior within 36 hours after the report is completed.

(d) The identity of any person making a report described in subsection (b)(1) shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or an employee of an Indian tribe, a State, or the Federal Government, who needs to know the information in performance of his duties.

CENTRAL REGISTRY

SEC. 5. (a) The Secretary of the Interior shall establish within the Department of the Interior a central registry of reports of abuse and neglect of children in Indian country.

(b) The central registry that is required to be established under subsection (a) shall contain (but shall not be limited to)—

(1) all information in any written report prepared under section 4(c),

(2) the status of the investigation of, or prosecution in Federal, State, or tribal courts of, any allegations of abuse or neglect of a child in Indian country, and whether such prosecution has resulted in a conviction,

(3) any credible evidence to support the allegations of abuse or neglect of a child in Indian country, and

(4) any determination that such allegations of abuse or neglect are unfounded.

(c)(1) If any report of alleged abuse or neglect is determined to be unfounded, the Secretary of the Interior shall expunge the report from the central registry established under subsection (a) after the date that is 1 year after the date such determination is made.

(2)(A) Upon application of any person who is alleged in a report to have committed abuse or neglect, the Secretary of the Interior may amend information contained in the central registry established under subsection (a) to correct any error or false statement in such report.

(B) Any decision by the Secretary of the Interior regarding an application described in subparagraph (A) shall be final.

(d) Access to reports of alleged abuse or neglect of a child that are in the central registry established under subsection (a) shall be limited to the reporting medical practitioner, the custodian of such child, the guardian ad litem of such child, the courts, the appropriate departments of social services and law enforcement, attorneys for the United States, and the person alleged to have committed the abuse or neglect. The reports, to the extent that they do not identify the child or any information which may assist in identifying the child, may also be accessed by employers seeking information about potential or current employees.

(e) The Secretary of the Interior shall submit to the Congress an annual report on the number and status of reports of abuse and neglect in the central registry established under subsection (a).

CONFIDENTIALITY

SEC. 6. Notwithstanding section 552a of title 5, United States Code, the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal Government, that investigate and treat incidents of abuse and neglect of children may provide information and records to those agencies of any Indian tribe, any State, or the Federal Government that need to know the information in performance of their duties.

PARENTAL CONSENT

SEC. 7. (a) Photographs, x-rays, medical examinations, psychological examinations, and interviews of a child shall be allowed without parental consent if local child protective services or local law enforcement officials have reason to believe the child has been subjected to abuse or neglect.

(b) In any case in which officials of the local law enforcement agency or local child protective agency have reason to believe that a child has been subjected to abuse or neglect, the officials of the local law enforcement agency or local child protective agency shall be allowed to interview the child without first obtaining the consent of the parent, guardian, or legal custodian.

(c) Upon a finding of reasonable suspicion that a child has been the subject of abuse or neglect, a Federal magistrate or United States District Court may issue an order enforcing any provision of this section.

CHARACTER INVESTIGATIONS

SEC. 8. (a) The Secretary of the Interior shall—

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Secretary in a position that involves regular contact with, or control over, Indian children, and

(2) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to those positions.

(b) The Secretary of Health and Human Services shall—

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Secretary in a position that involves regular contact with, or control over, Indian children, and

(2) prescribe by regulations minimum standards of moral character that each of such individuals must meet to be appointed to those positions.

(c) The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsections (a)(1) or (b)(1) have been found guilty of, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of title 18, United States Code, or under similar statutes of other jurisdictions:

(1) section 1111, relating to murder;

(2) section 1112, relating to manslaughter;

(3) section 113, relating to assault with intent to murder, assault with a dangerous weapon, assault with intent to commit rape;

(4) section 81, relating to arson;

(5) section 2031, relating to rape;

(6) section 2032, relating to statutory rape;

(7) sections 2241 and 2242, relating to aggravated sexual abuse;

(8) section 2243, relating to sexual abuse of a minor;

(9) section 2244, relating to sexual contact;

(10) section 2111, relating to robbery;

(11) section 1201, relating to kidnapping; or

(12) section 114, relating to mayhem.

(d) Each Indian tribe, or tribal organization, that receives funds under the Indian Self-Determination and Education Assistance Act or the Tribally Controlled Schools Act of 1988 shall—

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Indian tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and

(2) employ individuals in those positions only if the individuals meet such minimum standards of character, comparable to the standards prescribed under subsections (a)(2) and (b)(2), as the Indian tribe or tribal organization shall establish.

CRIME VICTIMS FUND

SEC. 9. (a) Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), as amended by Public Law 100-690, is further amended—

(1) by striking out "$125,000,000" in subsection (c)(1)(B)(i) and inserting in lieu thereof "$135,000,000",

(2) by striking out "$150,000,000" in subsection (c)(1)(B)(ii) and inserting in lieu thereof "$160,000,000",

(3) by inserting ", but not in excess of $125,000,000," after "$110,000,000" in subsection (d)(2)(D), and

(4) by adding at the end of paragraph (2) of subsection (d) the following new subparagraph:

"(E) Any deposits into the Fund in any fiscal year in excess of $125,000,000, but not in excess of $135,000,000, shall be available for grants as provided in section 1404B.".

(b) The Victims of Crime Act of 1984 is amended by inserting after section 1404A (42 U.S.C. 10603a) the following new section:

"INDIAN CHILD ABUSE PREVENTION AND TREATMENT GRANTS

"SEC. 1404B. Amounts made available by section 1402(d)(2)(E) shall be obligated and expended by the Secretary of Health and Human Services for grants under section 10 of the Indian Child Abuse Prevention and Treatment Act. Any portion of such amounts which is not obligated by the Secretary by the end of the fiscal year in which the funds are first made available shall remain available for grants under section 10 of such Act, without fiscal year limitation, until expended.".

INDIAN CHILD ABUSE PREVENTION AND TREATMENT GRANT PROGRAM

SEC. 10. (a) The Secretary of Health and Human Services, through the Indian Health Service, shall establish an Indian Child Abuse Prevention and Treatment Grant Program that provides grants to any Indian tribe, or inter-tribal consortium, for the establishment on Indian reservations or ANCSA lands of treatment programs for Indians who have been victims of child sexual abuse.

(b)(1) Any Indian tribe or inter-tribal consortium may submit to the Secretary of Health and Human Services an application for a grant under subsection (a).

(2) Any application submitted under paragraph (1)—

(A) shall be in such form as the Secretary of Health and Human Services may prescribe,

(B) shall be submitted to the Secretary on or before the date designated by the Secretary,

(C) shall specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based,

(iii) the extent to which the program plans to use or incorporate existing services available on the reservation, and

(iv) the specific treatment concepts to be used under the program.

(c) The maximum amount of any grant awarded under subsection (a) shall not exceed $500,000.

(d) Each recipient of a grant awarded under subsection (a) shall—

(1) furnish the Secretary of Health and Human Services with such information as the Secretary may require to—

(A) evaluate the program for which the grant is made, and

(B) ensure that the grant funds are expended for the purposes for which the grant was made, and

(2) submit to the Secretary at the close of the term of the grant a final report which shall include such information as the Secretary may require.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1174

(Purpose: To amend the "Indian Child Abuse Prevention and Treatment Act" to preserve rights of privacy of individuals consistent with the Privacy Act and the Educational Rights and Privacy Act, and other purposes)

Mr. FORD. Mr. President, I send an amendment to the desk on behalf of Senator BINGAMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. BINGAMAN, proposes an amendment numbered 1174.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) On page 28, strike lines 20 through 25, and on page 29, strike lines 1 and 2, and redesignate subsection "(2)" on line 3 as section "(d)".

(2) On page 32, line 23, strike the words "after the date that is 1 year after the date" and insert in lieu thereof the words "immediately after".

(3) On page 33, line 5, change the period to a comma and add at the end thereof the following: "pursuant to the Privacy Act."

(4) On page 33, lines 16 through 19, strike the following sentence: "The reports, to the extent that they do not identify the child or any information which may assist in identifying the child, may also be accessed by employers seeking information about potential or current employees."

(5) On page 33, line 25, strike the word "Notwithstanding" and insert in lieu thereof the words "Pursuant to".

(6) On page 34, line 7, add the following new sentence: "For purposes of this section, Indian Tribal governments shall be treated the same as other federal governmental entities."

Mr. BINGAMAN. Mr. President, before discussing the details of my amendment, I wish to commend the Senator from Arizona [Mr. MCCAIN] for his compassionate leadership in this area. No crimes are more heinous than those committed against our children, the most innocent and defenseless members of our society. No victims are more deserving of our care and attention than our children. And at no time is the Federal Government's duty and obligation to the victims greater than when the victims—the children—are of native American descent.

Yet too often, perhaps because of our absolute abhorrence to child abuse, we have ignored their needs and avoided their cries. Too often, we have left the task of rebuilding lives—if the lives can be rebuilt—to the victims themselves, to little children who can scarcely read or write, much less analyze or deal with the physical and psychological trauma of abuse. We simply cannot allow this to continue. We must face our responsibilities, not only as compassionate people but as a Government with a long-standing and special trust relationship with our Indian people. Through this legislation, we will take a significant step toward fulfilling part of that responsibility, and again, I commend Senator MCCAIN for his leadership.

The seriousness of the problem of child abuse, particularly sexual abuse, in Indian country is well documented. During the past year, Senator MCCAIN and other members of the Senate Select Committee on Indian Affairs have heard testimony about several cases of sexual abuse involving large numbers of children and extending over several years. For example, the committee was told that on the Cherokee Reservation, a Bureau of Indian Affairs teacher victimized young boys over a 14-year period before being arrested. On the Hopi Reservation in Arizona, another Bureau teacher sexually abused more than 140 boys over 8 years before his arrest, the committee learned.

Adding to these tragedies is the fact that in both cases, BIA was notified of the abuse long before Federal action was taken. In the Arizona case, a local deputy sheriff reported allegations of abuse to BIA officials 6 years before the teacher's eventual arrest. We will never know the full toll, to individuals or to society, of the Bureau's inaction. We can only guess, and watch the toll grow as yet another victim drops out of school, begins experimenting with alcohol and drugs—or worse, commits suicide, or becomes himself a perpetrator of similar crimes.

Clearly, something must be done to prevent this from ever happening again, but given the Bureau's foot-dragging over the past several years, I believe effective prevention will be achieved only through legislation such as S. 1783.

S. 1783 will simply require in Indian country what is already required—by Federal mandate—in all 50 States. It will establish a mandatory reporting law for child abuse and neglect and create a central data registry within the Bureau of Indian Affairs to maintain an accessible record of reports. In addition, it requires the Secretaries of the Interior and Health and Human Services to develop minimum standards of character for individuals employed in a position involving regular contact with Indian children. Finally, the bill will establish the "Indian Child Abuse Prevention and Treatment Grant Program" to assist Indian tribes and tribal consortia in establishing critically needed treatment programs for victims of child sexual abuse on Indian lands. These are important provisions, deserving of our strong support.

However, as chairman of the Senate Governmental Affairs Subcommittee on Government Information and Regulation, the subcommittee with jurisdiction over the Privacy Act, I am compelled to suggest a few minor changes to the bill. I am pleased that Senator MCCAIN has agreed to accept these changes, which I believe will help eliminate possible problems later. The amendment I am offering today clarifies the bill's mandatory local reporting procedure and addresses potential problems with the Department of the Interior's central data registry.

First, my amendment eliminates specific reference to confidentiality between spouses and inpatient professional relationships. This change is intended to preserve the integrity of the Privacy Act. As I mentioned earlier, the bill imposes a mandatory reporting requirement for cases of child abuse and neglect on Indian lands. Suspected cases are to be reported to local child protective services and local law enforcement agencies. Under the bill, physicians, teachers, administrative officers of public and private schools, social workers, psychiatrists, counselors, mental health professionals, law enforcement officers, and other identified persons could be fined up to $5,000 or sentenced to 6 months in jail for failing to report a case of abuse or neglect.

Second, my amendment requires the Secretary of the Interior to immediately expunge allegations of child abuse from the central registry upon a determination in Federal, State, or tribal court that the allegation is unfounded. Currently, S. 1783 would require that an allegation remain on the registry for up to 1 year after a determination is made that the allegation is unfounded. In the interest of protecting the innocent, I believe unfounded allegations should be removed from the registry at the earliest possible date.

Third, my amendment modifies the bill to give the Secretary of the Interior the authority to change the information contained in the central registry to ensure express compliance with the Privacy Act.

Fourth, to ensure the protection from identification of child abuse victims and the innocently accused, my amendment clarifies that the registry is not accessible to current or potential employers.

Fifth, I amend the "confidentiality" section of the bill, section 6, to again ensure compliance with the Privacy Act. In addition, my amendment clarifies that for purposes of section 6, Indian tribal governments are to be treated the same as other Federal governmental entities.

I am pleased that Senator MCCAIN has agreed to accept this amendment, and I urge my colleagues to support this vitally important legislation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1174) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1175

(Purpose: To eliminate provisions relating to child neglect)

Mr. SYMMS. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. MCCAIN, proposes an amendment numbered 1175.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 23, strike out "and neglect".
On page 21, line 23, strike out "and neglect".
On page 22, line 6, strike out "and neglected".
On page 22, line 8, strike out "or neglect".
On page 22, line 11, strike out "and neglect".
On page 22, line 21, strike out "or neglect".
On page 23, line 3, insert "and" after the semicolon.
On page 23, line 6, strike out "; and" and insert a period.
On page 23, strike out lines 7 through 11.
On page 25, line 12, strike out "and neglect".
On page 26, line 17, strike out "or neglected".
On page 26, line 21, strike out "or neglect".
On page 26, beginning on line 23, strike out "or neglect".
On page 27, line 12, strike out "or neglect".
On page 27, line 20, insert "'and" after the semicolon.
On page 27, line 23, strike out "; and" and insert a period.
On page 27, beginning with line 24, strike out all through page 28, line 3.
On page 28, line 24, strike out "or neglect".
On page 29, in the matter between lines 9 and 10, strike out "and neglect".
On page 29, line 11, strike out "or neglect".
On page 29, line 14, strike out "or neglect".
On page 30, line 18, strike out "or neglect".
On page 30, line 19, strike out "or neglect".
On page 30, line 21, strike out "or neglect".
On page 30, line 25, strike out "or neglect".
On page 31, line 9, strike out "or neglect".
On page 31, line 15, strike out "and neglect".
On page 32, line 4, strike out "and neglect".
On page 32, line 12, strike out "or neglect".
On page 32, line 16, strike out "or neglect".
On page 32, line 19, strike out "or neglect".
On page 32, line 20, strike out "or neglect".
On page 33, line 2, strike out "or neglect".
On page 33, line 9, strike out "or neglect".
On page 33, line 15, strike out "or neglect".
On page 33, line 22, strike out "and neglect".
On page 34, line 4, strike out "and neglect".
On page 34, line 13, strike out "or neglect".
On page 34, line 16, strike out "or neglect".
On page 34, line 22, strike out "or neglect".
On page 35, line 17, strike out "moral."

Mr. McCAIN. Mr. President, I am pleased to rise in support of the passage of S. 1783, which was introduced by myself and Senator DECONCINI on October 24, 1989. I want to thank Senators INOUYE, BURDICK, COCHRAN, BAUCUS, DOMENICI, HATCH, DASCHLE, and MURKOWSKI for their cosponsorship and support on this bill.

On November 9, 1989, the Select Committee on Indian Affairs unanimously approved S. 1783 and recommended approval by the full Senate. Today, I am asking unanimous consent that S. 1783 be adopted by the Senate with several amendments which have been agreed to on both sides.

Mr. President, S. 1783 is aimed at correcting one of the most terrible problems ever uncovered in the administration of Indian Affairs. In many hours of public hearings and private interviews the Select Committee on Indian Affairs and the Special Committee on Investigations found a pervasive pattern of abuse, including sexual abuse, of Indian children. Most disturbing to me is the fact that all too often the abuse was perpetrated by Federal employees. Over a period of several years the Bureau of Indian Affairs demonstrated a lack of ability or willingness to deal with this problem. Those of us here in the Congress have waited too long to provide clear direction on this issue. I believe that S. 1783 provides the needed direction.

I also want to say that I am aware that this is a very complex and emotional issue. I have heard concerns from some who say this bill goes too far. At the same time, I have heard from some who say that the bill does not go far enough to address the problems of child abuse in Indian country. In our hearings, we have heard from dozens of witnesses including parents, law enforcement officials, children, social workers, and mental health professionals. This bill is based on the best recommendations of these witnesses.

I fully expect that S. 1783 will undergo revisions and be the subject of further hearings in the House. I look forward to continuing to work on this issue to fashion the best possible legislative solution. For now, I believe that it is imperative that we adopt this bill so that we may reasonably expect to secure final passage of legislation during the second session of this Congress. We can no longer sit idle while Indian children are victimized on a daily basis.

I want to thank Senator BINGAMAN, for his constructive efforts to strengthen this bill with several amendments which conform the bill more closely to existing Federal laws relating to privacy and confidentiality of the information which will be compiled in the central registry. I appreciate Senator BINGAMAN's efforts and have accepted his amendments.

I am also offering several amendments which are intended to limit the scope of S. 1783 to instances of abuse, including sexual abuse. The amendments accomplish this by striking from the bill all references to neglect. Based on consultations with Federal officials and tribal leaders, I am persuaded that we should leave the issue of child neglect for later consideration. By doing so, I do not want to leave the impression that this issue does not deserve our full attention. On the contrary, it is clear to me from the hearings we have already held that we must do everything possible to assist tribes and native communities to promote the welfare of their children. I am committed to holding additional hearings on the issue of child neglect during the second session of this Congress and developing legislation to address that specific problem. I am hopeful that taking this approach will lead to expedited consideration of S. 1783 and afford us all further opportunity to resolve the child neglect issues in close cooperation with tribal and native communities.

Mr. President, I thank everyone who has worked to bring this measure this far. I particularly thank my colleagues for their support and assistance.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1175) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Child Abuse Prevention and Treatment Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress, after careful view of the problem of child abuse on

Indian reservations, and the historical and special relationship of the Federal Government with Indian people—

(1) finds that—

(A) incidents of abuse of children on Indian reservations are grossly underreported;

(B) underreporting is a direct result of the lack of a mandatory, Federal reporting law;

(C) multiple incidents of sexual abuse of children on Indian reservations have been perpetrated by Federal employees;

(D) Federal Government investigations of the backgrounds of adults who care for, or teach, Indian children is deficient;

(E) funds spent by the United States on Indian reservations or otherwise spent for the benefit of Indians who are the victims of child sexual abuse are inadequate to meet the growing needs for mental health treatment and counseling for victims of child sexual abuse and their families; and

(F) there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and the United States has a direct interest, as trustee, in protecting Indian children who are members of, or are eligible for membership in, an Indian tribe; and

(2) declares that—

(A) a major national goal of the United States is to identify the scope of incidents of abuse of children in Indian country and to reduce such incidents; and

(B) a secondary but essential goal is to provide funds for mental health treatment for Indian victims of child sexual abuse on Indian reservations.

(b) The purposes of this Act are to—

(1) require that reports of abused Indian children are made to the appropriate authorities in an effort to prevent further abuse;

(2) establish a reliable data base for statistical purposes and establish a central registry for reported incidents of abuse;

(3) authorize such other actions as are necessary to ensure effective child protection in Indian country; and

(4) establish the Indian Child Abuse Prevention and Treatment Grant Program to provide for the establishment on Indian reservations of treatment programs for victims of child sexual abuse.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "abuse" includes—

(A) any case in which—

(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence; and

(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

(2) The term "child" means an individual who—

(A) is not married, and

(B) has not attained 18 years of age.

(3) The term "Indian child" has the meaning given to such term by section 4(4) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(4)).

(4) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(5) The term "local child protective services agency" means the agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for child protection in Indian country.

(6) The term "local law enforcement agency" means—

(A) the Federal Bureau of Investigation, or

(B) if the Federal Bureau of Investigation does not otherwise have jurisdiction in the portion of Indian country involved, any other agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for law enforcement in that portion of Indian country.

(7) The term "Indian" means any individual who is a member of an Indian tribe.

(8) The terms "Indian tribe" and "tribal organization" have the respective meaning given to each of such terms under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) The term "Indian reservation" means any Indian reservation, public domain, Indian allotment, or former Indian reservation in Oklahoma, within the meaning of the Indian Financing Act of 1974 (25 U.S.C. 1451, et seq.).

(10) The term "inter-tribal consortium" means a partnership between—

(A) an Indian tribe or tribal organization of an Indian tribe, and

(B) one or more other Indian tribes or tribal organizations of one or more other Indian tribes.

(11) The term "ANCSA lands" means lands held by incorporated Native groups, regional corporations, or village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.).

REPORTING PROCEDURES

SEC. 4. (a)(1) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1169. Reporting of child abuse

"(a) any person who—

"(1) is a—

"(A) physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,

"(B) teacher, school counselor, instructional aide, teacher's aide, or teacher's assistant employed by any tribal, Federal, public or private school,

"(C) administrative officer, supervisor of child welfare and attendance, or truancy officer, of any tribal, Federal, private or public school,

"(D) child day care worker, headstart teacher, public assistance worker, worker in a group home or of a residential care facilities, or social worker,

"(E) psychiatrist, psychologist, or psychological assistant,

"(F) licensed or unlicensed marriage, family, or child counselor,

"(G) person employed in the mental health profession, or

"(H) law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders,

"(2) knows, or has reasonable suspicion that—

"(A) a child was abused in Indian country, or

"(B) actions are being taken; or are going to be taken, that would reasonably be expected to result in abuse of a child in Indian country, and

"(3) fails to immediately report such abuse or actions described in paragraph (2)(B) to the local child protective services agency or local law enforcement agency,

shall be fined not more than $5,000, or imprisoned for not more than 6 months, or both.

"(b) Any person who—

"(1) supervises, or has authority over, a person described in subsection (a)(1), and

"(2) inhibits or prevents that person from making the report described in subsection (a)(3),

shall be fined not more than $1,000.

"(c) For purposes of this section—

"(1) The term 'abuse' includes—

"(A) any case in which—

"(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

"(ii) such condition is not justifiably explained or may not be the product of an accidental occurrence; and

"(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution.

"(2) The term 'child' means an individual who—

"(A) is not married, and

"(B) has not attained 18 years of age.

"(3) The term 'local child protective services agency' means the agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for child protection in Indian country.

"(4) The term 'local law enforcement agency' means—

"(A) the Federal Bureau of Investigation, or

"(B) if the Federal Bureau of Investigation does not otherwise have jurisdiction in the portion of Indian country involved, any other agency of the Federal Government, of a State, or of an Indian tribe, that has responsibility for law enforcement in that portion of Indian country.

"(d) Any person making a report described in subsection (a)(3) which is based upon their reasonable belief and which is made in good faith shall be immune from civil and criminal liability for making that report.".

(2) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1169. Reporting of child abuse.".

(b)(1) If any person reports—

(A) the abuse of a child in Indian country, or

(B) actions which would reasonably be expected to result in abuse of a child in Indian country,

to a local law enforcement agency, the local law enforcement agency shall immediately notify the local child protective services agency of such report and shall submit a copy of the written reports required under subsection (c) to the local child protective services agency.

(2) If any person makes a report described in paragraph (1) to a local child protective services agency, the local child protective services agency shall immediatey notify the local law enforcement agency of such report and shall submit a copy of the written reports required under subsection (c) to the local law enforcement agency.

(c)(1) Within 36 hours after receiving a report described in subsection (b)(1), other than notice or a written report that is required to be made to the agency by another agency under subsection (b), the local law enforcement agency or local child protective services agency that initially received such report shall prepare an initial written

report. This initial written report shall include—

(A) the name, address, age, sex of the child that is the subject of the report;

(B) the grade and the school in which the child is currently enrolled;

(C) the name and address of the child's parents or other person responsible for the child's care;

(D) the name and address of the alleged offender;

(E) the name and address of the person who made the report to the agency;

(F) a brief narrative as to the nature and extent of the child's injuries, including any previously known or suspected abuse of the child or the child's siblings and the suspected date of the abuse; and

(G) any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse.

(2) Any local enforcement agency, or local child protective services agency that receives a report (other than notice or a written report that is required to be made to the agency by another agency under subsection (b)) alleging abuse described in subparagraph (A) or (B) of section 3(1) shall initiate an investigation of such allegations within 36 hours after receiving such report.

(3) Upon completion of the investigation of any report of alleged abuse that is made to a local law enforcement agency or local child protection services agency, the agency shall prepare a final written report on such allegations.

(4) The written reports an agency is required to prepare under paragraph (1) shall be transmitted by that agency to the central registry on child abuse in Indian country of the Department of the Interior within 36 hours after the report is completed.

(d) The identity of any person making a report described in subsection (b)(1) shall not be disclosed, without the consent of the individual, to any person other than a court of competent jurisdiction or an employee of an Indian tribe, a State, or the Federal Government, who needs to know the information in performance of his duties.

CENTRAL REGISTRY

SEC. 5. (a) The Secretary of the Interior shall establish within the Department of the Interior a central registry of reports of abuse of children in Indian country.

(b) The central registry that is required to be established under subsection (a) shall contain (but shall not be limited to)—

(1) all information in any written report prepared under section 4(c),

(2) the status of the investigation of, or prosecution in Federal, State, or tribal courts of, any allegations of abuse of a child in Indian country, and whether such prosecution has resulted in a conviction,

(3) any credible evidence to support the allegations of abuse of a child in Indian country, and

(4) any determination that such allegations of abuse are unfounded.

(c)(1) If any report of alleged abuse is determined to be unfounded, the Secretary of the Interior shall expunge the report from the central registry established under subsection (a) immediately after such determination is made.

(2)(A) Upon application of any person who is alleged in a report to have committed abuse, the Secretary of the Interior may amend information contained in the central registry established under subsection (a) to correct any error or false statement in such report, pursuant to the Privacy Act.

(B) Any decision by the Secretary of the Interior regarding an application described in subparagraph (A) shall be final.

(d) Access to reports of alleged abuse of a child that are in the central registry established under subsection (a) shall be limited to the reporting medical practitioner, the custodian of such child, the guardian ad litem of such child, the courts, the appropriate departments of social services and law enforcement, attorneys for the United States, and the person alleged to have committed the abuse.

(e) The Secretary of the Interior shall submit to the Congress an annual report on the number and status of reports of abuse in the central registry established under subsection (a).

CONFIDENTIALITY

SEC. 6. Pursuant to section 552a of title 5, United States Code, the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), or any other provision of law, agencies of any Indian tribe, of any State, or of the Federal Government, that investigate and treat incidents of abuse of children may provide information and records to those agencies of any Indian tribe, any State, or the Federal Government that need to know the information in performance of their duties. For purposes of this section, Indian Tribal governments shall be treated the same as other federal governmental entities.

PARENTAL CONSENT

SEC. 7. (a) Photographs, x-rays, medical examinations, psychological examinations, and interviews of a child shall be allowed without parental consent if local child protective services or local law enforcement officials have reason to believe the child has been subjected to abuse.

(b) In any case in which officials of the local law enforcement agency or local child protective agency have reason to believe that a child has been subjected to abuse, the officials of the local law enforcement agency or local child protective agency shall be allowed to interview the child without first obtaining the consent of the parent, guardian, or legal custodian.

(c) Upon a finding of reasonable suspicion that a child has been the subject of abuse, a Federal magistrate or United States District Court may issue an order enforcing any provision of this section.

CHARACTER INVESTIGATIONS

SEC. 8. (a) The Secretary of the Interior shall—

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Secretary in a position that involves regular contact with, or control over, Indian children, and

(2) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to those positions.

(b) The Secretary of Health and Human Services shall—

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Secretary in a position that involves regular contact with, or control over, Indian children, and

(2) prescribe by regulations minimum standards of character that each of such individuals must meet to be appointed to those positions.

(c) The minimum standards of character that are to be prescribed under this section shall ensure that none of the individuals appointed to positions described in subsections (a)(1) or (b)(1) have been found guilty of, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of title 18, United States Code, or under similar statutes of other jurisdictions:

(1) section 1111, relating to murder;

(2) section 1112, relating to manslaughter;

(3) section 113, relating to assault with intent to murder, assault with a dangerous weapon, assault with intent to commit rape;

(4) section 81, relating to arson;

(5) section 2031, relating to rape;

(6) section 2032, relating to statutory rape;

(7) sections 2241 and 2242, relating to aggravated sexual abuse;

(8) section 2243, relating to sexual abuse of a minor;

(9) section 2244, relating to sexual contact;

(10) section 2111, relating to robbery;

(11) section 1201, relating to kidnapping; or

(12) section 114, relating to mayhem.

(d) Each Indian tribe, or tribal organization, that receives funds under the Indian Self-Determination and Education Assistance Act or the Tribally Controlled Schools Act of 1988 shall—

(1) conduct an investigation of the character of each individual who is employed, or is being considered for employment, by the Indian tribe or tribal organization in a position that involves regular contact with, or control over, Indian children, and

(2) employ individuals in those positions only if the individuals meet such minimum standards of character, comparable to the standards prescribed under subsections (a)(2) and (b)(2), as the Indian tribe or tribal organization shall establish.

CRIME VICTIMS FUND

SEC. 9. (a) Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601), as amended by Public Law 100-690, is further amended—

(1) by striking out "$125,000,000" in subsection (c)(1)(B)(i) and inserting in lieu thereof "$135,000,000",

(2) by striking out "$150,000,000" in subsection (c)(1)(B)(ii) and inserting in lieu thereof "$160,000,000",

(3) by inserting ", but not in excess of $125,000,000," after "$110,000,000" in subsection (d)(2)(D), and

(4) by adding at the end of paragraph (2) of subsection (d) the following new subparagraph:

"(E) Any desposits into the Fund in any fiscal year in excess of $125,000,000, but not in excess of $135,000,000, shall be available for grants as provided in section 1404B.".

(b) The Victims of Crime Act of 1984 is amended by inserting after section 1404A (42 U.S.C. 10603a) the following new section:

"INDIAN CHILD ABUSE PREVENTION AND TREATMENT GRANTS

"SEC. 1404B. Amounts made available by section 1402(d)(2)(E) shall be obligated and expended by the Secretary of Health and Human Services for grants under section 10 of the Indian Child Abuse Prevention and Treatment Act. Any portion of such amounts which is not obligated by the Secretary by the end of the fiscal year in which the funds are first made available shall remain available for grants under section 10 of such Act, without fiscal year limitation, until expended.".

INDIAN CHILD ABUSE PREVENTION AND TREATMENT GRANT PROGRAM

"SEC. 10. (a) The Secretary of Health and Human Services, through the Indian Health Service, shall establish an Indian Child Abuse Prevention and Treatment Grant Program that provides grants to any Indian tribe, or inter-tribal consortium, for the establishment on Indian reservations or ANCSA lands of treatment programs for Indians who have been victms of child sexual abuse.

(b)(1) Any Indian tribe or inter-tribal consortium may submit to the Secretary of Health and Human Services an application for a grant under subsection (a).

(2) Any application submitted under paragraph (1)—

(A) shall be in such form as the Secretary of Health and Human Services may prescribe,

(B) shall be submitted to the Secretary on or before the date designated by the Secretary,

(C) shall specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based,

(iii) the extent to which the program plans to use or incorporate existing services available on the reservation, and

(iv) the specific treatment concepts to be used under the program.

(c) The maximum amount of any grant awarded under subsection (a) shall not exceed $500,000.

(d) Each recipient of a grant awarded under subsection (a) shall—

(1) furnish the Secretary of Health and Human Services with such information as the Secretary may require to—

(A) evaluate the program for which the grant is made, and

(B) ensure that the grant funds are expended for the purposes for which the grant was made, and

(2) submit to the Secretary at the close of the term of the grant a final report which shall include such information as the Secretary may require.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TELEVISION VIOLENCE ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 593.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 593) entitled "An Act to exempt certain activities from provisions of the antitrust laws", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Television Violence Act of 1989".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition;

(2) the term "person in the television industry" means a television network, any entity which produces programming (including theatrical motion pictures) for telecasting or telecasts programming, the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, the Community Antenna Television Association, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) the term "telecast" means—

(A) to broadcast by a television broadcast station; or

(B) to transmit by a cable television system or a satellite television distribution service.

SEC. 3. EXEMPTION.

The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to alleviate the negative impact of violence in telecast material.

SEC. 4. LIMITATIONS.

(a) BOYCOTTS.—The exemption provided in section 3 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) TIME PERIOD.—The exemption provided in section 3 shall apply only to any joint discussion, consideration, review, action, or agreement engaged in only during the 3-year period beginning on the date of the enactment of this Act.

Amend the title so as to read: "An Act to exempt from the antitrust laws certain activities relating to alleviating the negative impact of violence in telecast material.".

AMENDMENT NO. 1176

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment with a Senate amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. SIMON, (for himself and Mr. HELMS), proposes an amendment numbered 1176 to the House amendment.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That (a) actions specified in section 2 shall be exempt from the antitrust laws of the United States.

(b) For purposes of this Act—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12), and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

SEC. 2. The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to: (1) alleviate the negative impact of violence in telecast material, (2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually explicit material in telecast material.

SEC. 3. (a) The exemption provided in section 2 shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(b) The exemption provided in section 2 shall apply only to activities conducted within 37 months after the date of enactment of this Act.

SEC. 4. This Act may be cited as the "Television Violence and Indecent Material Act".

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. HELMS. Mr. President, I must say at the outset that I support the television violence bill. This bill will allow the television industry to get together and promulgate voluntary guidelines regarding violence on television, without fear of violating antitrust laws.

However Mr. President, I am disappointed that the House of Representatives did not include sexually explicit material in their version of the bill. On May 31, the Senate amended the television violence bill to allow the television industry to promulgate voluntary guidelines to reduce the level of sexually explicit material on television as well as violence.

The Senate adopted that amendment by a unanimous vote of 91 to 0. In light of this overwhelming vote and the importance of this issue, I feel that the Senate should insist on its amendment.

Mr. President, this amendment just makes sense—if the television industry is going to promulgate guidelines for violence, then they should certainly consider guidelines for sexually explicit material.

Mr. President, some argue that it is unconstitutional to allow the networks

to voluntarily promulgate guidelines to reduce sexually explicit material on television, but that it is constitutional to do the same thing for violence.

This argument seems rather disingenuous. The Government is not forcing the networks to do anything—the networks can ignore the issue altogether. Thus, there is no state action and no constitutional problem.

Mr. President, this amendment is necessary in light of the recent deluge of sexually explicit material on television. For example, a Planned Parenthood study revealed that the networks broadcast 65,000 references to sexual conduct in one season. That amounts to 27 references per hour.

Mr. President, the networks have gone too far, prime time has degenerated to "sleaze time." The American people are fed up and a recent Gallup poll is proof of their disdain. The poll found that 58 percent of adults either frequently or occasionally feel uncomfortable about the contents of the TV programs they watch with their children. They most often object to sexually explicit material, 46 percent, more so than violent programs, 37 percent.

Let me cite a couple of examples of what kind of garbage we are talking about here. One example is a scene in a movie called "Favorite Son," shown during prime time on November 1, 1988, on a major network. The scene depicted a young woman in bikini underclothes seducing a young man—she then asked him to tie her to the bed. Bondage on prime time, Mr. President, that's how far they have gone.

Another example is the prime-time sitcom which showed a young woman in her underclothes from the back removing her bra. She then asked a stranger if he thought her boyfriend would like her better without the bra. This program prompted Terry Rakolta to complain to the sponsors of the show. She said, "I don't want my 8-year-old girl to think that the only way to impress men is for her to take off her clothes."

Mr. President, the airwaves belong to the public and television stations are supposed to act in the public interest. But networks are going for the bottom line instead, the almighty dollar, in conscious disregard of their responsibility to the public.

There are 42 million children in America, and many of those children watch television alone. The average child watches approximately 30 hours of television a week. This flood of sex and violence is influencing our children and molding their behavior. How can they not have the impression that such behavior is the norm?

Studies show that television influences our children and it can have a potentially harmful effect. The 1972 Surgeon General's report concluded: "We know children imitate and learn from everything they see * * * it would be extraordinary, indeed, if they did not imitate and learn from what they see on television."

The 1982 study by the National Institute for Mental Health stated that "television entertainment is saturated with sexual lessons which are likely to have an impact on young viewers' sexual development." I could cite other studies which come to the same the conclusion, but I think I have made the point:

We are raising a generation of children that are desensitized to violence and killing and who assume that sexual promiscuity and profane language are acceptable forms of behavior. This escalation of sex and violence on television is contributing to the decline of traditional family values.

We have a moral obligation to stand up and fight for the preservation of family values. If we remain silent, we become accomplices to the pollution of the minds of our children and the degeneration of our society.

Mr. President, we desperately need guidelines to reduce the level of sex and violence on television. The minds and morals of our children are at stake.

CORRECTING ENROLLMENT OF H.R. 1396

Mr. FORD. Mr. President, I send a concurrent resolution to the desk to correct the enrollment of H.R. 1396, the Securities and Exchange Authorization Act, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 82) to correct the enrollment of H.R. 1396.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 82) was considered and agreed to as follows:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 1396) entitled "An Act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement" the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely, strike sections 503, 504, and 505 and insert:

SEC. 503. PUBLIC UTILITY HOLDING COMPANY EXEMPTION.

(a) If a holding company was organized in the State of Kentucky at least one year before the date of enactment of this Act for the purpose (among others) of acquiring directly 100 percent of the common stock of an electric utility company and indirectly the common stock of three electric utility companies, one of which is, at the date of enactment of this Act, organized in the State of Virginia; then for the purposes of paragraph 3(a)(1) of the Public Utility Holding Company Act of 1935 only, the electric utility company organized in Virginia shall be deemed to be organized in Kentucky, and not treated as a separately incorporated electric utility company, if—

(i) such holding company is not a public utility company and is not a subsidiary company of any other company; and

(ii) any acquisition made by such holding company of common stock of an electric utility company is made after the date of enactment of this Act.

(b) As used in this section, the terms "company," "holding company," "subsidiary company," "electric utility company," "public utility company," and "Commission" have the same meanings as in section 2 of the Public Utility Holding Company Act of 1935.

(c) The provisions of this section shall not affect the meaning of any provision of the Public Utility Holding Company Act of 1935 other than paragraph (1) of section 3(a) thereof, including the requirement of section 3(a) of such Act that no exemption shall be granted if the Commission finds that such exemption is detrimental to the public interest or the interest of investors or consumers.

(d) The exemption granted by subsection (a) shall not apply to the acquisition or retention by any holding company of any public utility company organized or operating within the United States except as provided by this section.

Mr. FORD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING NATIONAL CITIES FIGHT BACK AGAINST DRUGS WEEK

Mr. FORD. Mr. President, I ask unanimous consent the Committee on Judiciary be discharged from further consideration of Senate Joint Resolution 205, a joint resolution to designate December 3-9, 1989, as "National Cities Fight Back Against Drugs Week," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 205) designating December 3-9, 1989, as "National Cities Fight Back Against Drugs Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment.

If there be no amendment to be proposed, the question is on the engross-

ment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 205

Whereas the presence of drugs and narcotics in our society has resulted in innumerable problems of human, community, social, and economic dimensions;

Whereas the dissolution of the family, inadequate education system, poverty, unemployment, and greed all contribute to illegal drug use;

Whereas the consequences of drug-related problems are witnessed in the loss of human lives, the loss of economic productivity, and the diversion of public resources to address these problems on all fronts;

Whereas the demand for illegal drugs is a pervasive problem that affects all segments of our society, including professional and affluent people;

Whereas illegal drugs plague urban, suburban, and rural communities of all sizes and regions;

Whereas illegal drugs constitute a problem in our community and lead to a host of problems such as homicide, robbery, burglary, and other crimes and domestic violence;

Whereas a national response is needed to curtail the importation, trafficking, sale, and abuse of drugs;

Whereas our Nation's cities and towns carry the heaviest burden in confronting the Nation's drug problem;

Whereas hundreds of America's dedicated public servants have died and thousands others risk their lives daily in our cities' individual battles against illegal drugs and in the criminal activities stemming from illegal drugs; and

Whereas the National League of Cities has called on the President and the Congress to join in a partnership in fighting drugs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 3 through 9, 1989, is designated as "National Cities Fight Back Against Drugs Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Mr. FORD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERSTITIAL CYSTITIS AWARENESS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 291.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 291) to designate November 16, 1989, as "Interstitial Cystitis Awareness Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 291) was considered, ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVATE RELIEF OF WILLIAM D. MORGER

Mr. FORD. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 1020, a bill for the private relief of William D. Morger, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1020) to permit reimbursement of relocation expenses of William D. Morger.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the bill (H.R. 1020) was considered, ordered to a third reading, was read the third time, and passed.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COAST GUARD AUTHORIZATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 342, S. 1512, the Coast Guard authorization for fiscal years 1990 and 1991.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1512) to authorize appropriations for the Coast Guard for fiscal years 1990 and 1991.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike out all after the enacting clause, and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Coast Guard Authorization Act of 1989".

TITLE I—AUTHORIZATIONS FOR COAST GUARD

AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1990

SEC. 101. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1990, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,312,200,000.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $746,300,000, to remain available until expended.

(3) For research, development, test, and evaluation, $29,000,000, to remain available until expended.

(4) For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $420,800,000, to remain available until expended.

AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1991

SEC. 102. Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1991, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,381,500,000.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $501,800,000, to remain available until expended.

(3) For research, development, test, and evaluation, $29,000,000, to remain available until expended.

(4) For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $451,200,000, to remain available until expended.

AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1990

SEC. 103. (a) As of September 30, 1990, the Coast Guard is authorized an end-of-year strength for active duty personnel of 38,199. The authorized strength does not include members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code.

(b) For fiscal year 1990, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,587 student years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institutions, 390 student years.

(4) For officer acquisition, 900 student years.

AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1991

SEC. 104. (a) As of September 30, 1991, the Coast Guard is authorized an end-of-year strength for active duty personnel of 38,199. The authorized strength does not include

members of the Ready Reserve called to active duty under the authority of section 712 of title 14, United States Code.

(b) For fiscal year 1991, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,587 years.

(2) For flight training, 110 student years.

(3) For professional training in military and civilian institutions, 370 student years.

(4) For officer acquisition, 865 student years.

PROMOTION, CONTINUATION, AND RETIREMENT OF COAST GUARD PERSONNEL

SEC. 105. (a) Section 52 of title 14, United States Code, is amended by inserting "or admiral" immediately after "to another position as a vice admiral".

(b) Section 271(e) of title 14, United States Code, is amended by inserting ", except that such advice and consent shall not be required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant" immediately after "consent of the Senate".

(c) Section 289(c) of title 14, United States Code, is amended by striking "no less than 75 percent" and inserting in lieu thereof "no less than 50 percent".

(d) Section 357(a) of title 14, United States Code, is amended to read as follows:

"(a) The Commandant may involuntarily retire enlisted members who have twenty years of service.".

(e) Section 357(b) of title 14, United States Code, is amended by striking "retired from active duty by the Commandant pursuant to the action of an Enlisted Personnel Board" and inserting in lieu thereof "involuntarily retired by the Commandant".

(f)(1) The catchline to section 357 of title 14, United States Code, is amended by striking "Enlisted Personnel Board" and inserting in lieu thereof "Involuntary retirement of enlisted members".

(2) The item relating to section 357 in the analysis to chapter 11 of title 14, United States Code, is amended to read as follows:

"357. Involuntary retirement of enlisted members.".

AUTHORITY TO BE TRANSFERRED TO SECRETARY OF NAVY IN THE EVENT OF TRANSFER OF COAST GUARD TO NAVY

SEC. 106. Section 108 of title 49, United States Code, is amended by redesignating subsection (b) as subsection (c) and by inserting immediately after subsection (a) the following new subsection:

"(b) Subject to the provisions of any memorandum of understanding entered into between the Secretary of the Navy and the Secretary of Transportation, when the Coast Guard transfers to and operates in its entirety as a service in the Navy under section 3 of title 14, United State Code, those functions, powers, and duties vested in the Secretary of Transportation and exercised through delegations to the Commandant of the Coast Guard or other officers or employees of the Coast Guard are transferred to and vested in the Secretary of the Navy for as long as the Coast Guard operates in its entirety as a service in the Navy. All appropriations and funding associated with those functions, powers, and duties transferred to the Navy shall also transfer to the Secretary of the Navy. The Secretary of the Navy and the Secretary of Transportation may by memorandum of understanding provide for the transfer of additional functions, powers, and duties between the Secretary of the Navy and the Secretary of Transportation. Unless otherwise required by threat to the national security or public safety, such memorandums of understanding and any modifications thereto may not be effective until thirty days after notice in the Federal Register and written notice to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Armed Services of the House of Representatives. In the case of a threat to the national security or public safety as determined by the President, such memorandums of understanding may take immediate effect, and the reasons therefor shall be included in the notice, which shall be published in the Federal Register and transmitted to the Congress as soon as practicable.".

AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS

SEC. 107. (a) Section 6(c)(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1905(c)(1)) is amended by striking "Annex V" and inserting in lieu thereof "Annex I and Annex II".

(b) Section 8(c)(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1907(c)(1)) is amended by inserting "or this Act" immediately after "Convention".

(c) Section 8(e)(2) of the Act to Prevent Pollution from Ships (33 U.S.C. 1907(e)(2)) is amended by inserting "or this Act" immediately after "MARPOL Protocol".

SAFEGUARDING OF MILITARY WHISTLEBLOWERS

SEC. 108. (a) Section 1034(c)(1) of title 10, United States Code, is amended by inserting "when the Coast Guard is not operating as a service in the Navy" immediately after "in the case of a member of the Coast Guard".

(b) Section 1034(c)(5) of title 10, United States Code, is amended by inserting "(or the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "to the Secretary of Defense".

(c) Section 1034(c)(6) of title 10, United States Code, is amended by inserting "(or the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "to the Secretary of Defense".

(d) Section 1034(e) of title 10, United States Code, is amended by inserting "(except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "former member of the armed forces" in the first sentence.

PENALTIES FOR FAILURE TO COMPLY WITH LAWFUL BOARDING

SEC. 109. (a) Title 14, United States Code, is amended by inserting immediately after section 639 the following new section:

"§ 640. Failure to comply with a lawful boarding

"(a) It is unlawful for any master, operator, or person in charge of a vessel subject to the jurisdiction of the United States to fail to bring-to that vessel on being ordered to do so or on being chased by any Coast Guard vessel or aircraft, or any other vessel of the Armed Forces which has displayed the ensign, pennant, or other identifying insignia prescribed for vessels or aircraft of the Coast Guard while lawfully operating with members of the Coast Guard aboard.

"(b) It is unlawful for any person on board a vessel subject to the jurisdiction of the United States to—

"(1) fail to comply with the lawful order of a Coast Guard commissioned, warrant, or petty officer in connection with the boarding of a vessel subject to the jurisdiction of the United States,

"(2) impede or obstruct a lawful boarding or arrest, or

"(3) provide information to a Coast Guard commissioned, warrant, or petty officer during a lawful boarding of a vessel subject to the jurisdiction of the United States regarding that vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows or has reason to know is false.

"(c) Any person who intentionally violates this section is subject to—

"(1) imprisonment for not more than five years;

"(2) a criminal fine of not more than $25,000; and

"(3) a civil penalty of not more than $25,000, which may be assessed by the Secretary after notice and an opportunity for a hearing.

"(d) Any person who negligently violates this section is subject to a civil penalty of not more than $5,000, which may be assessed by the Secretary after notice and an opportunity for a hearing.

"(e) Any vessel which is used in a violation of this section may be seized and forfeited in accordance with the customs laws. Any such vessel is also liable in rem for any criminal fine or civil penalty assessed under this subsection.

"(f) At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance, required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91), of any vessel owned or operated by a person to any of the penalties in this subsection. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary.".

(b) The analysis of chapter 17 of title 14, United States Code, is amended by inserting immediately after the item relating to section 639 the following:

"640. Failure to comply with a lawful boarding.".

INCREASE OF MAXIMUM CIVIL PENALTY

SEC. 110. Section 9308 of title 46, United States Code, is amended by striking "$500" each place it occurs in subsections (a), (b), and (c) and inserting in lieu thereof "not more than $10,000".

SEARCH AND RESCUE SATELLITE SYSTEM

SEC. 111. (a)(1) The Secretary of Transportation shall take such action as may be necessary to upgrade the ground segment of the Search and Rescue Satellite Aided Tracking system (hereafter in this section referred to as "SARSAT").

(2) In carrying out this section, the Secretary of Transportation shall establish not less than five SARSAT ground stations for the purpose of providing adequate coverage of the United States area of search and rescue for which it has responsibility under the program known as "COSPAS-SARSAT". In establishing such stations, the Secretary, after consultation with the satellite search and rescue offices of the Coast Guard, the National Oceanic and Atmospheric Administration, the Air Force, the National Aeronautics and Space Administration, and the SARSAT Program Steering Group, shall locate the stations in the most optimum sites to assure complete coverage of the search and rescue areas for which the United States is responsible.

(b) The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, shall administer the

SARSAT ground stations. Such administration shall be carried out in consultation with the Secretary of Transportation and the Secretary of Defense.

(c) For the purpose of carrying out the provisions of subsection (a) of this section, there is authorized to be appropriated $5,300,000. Moneys appropriated pursuant to this subsection shall remain available until expended.

LIMITATIONS ON CONTRACTING OF COAST GUARD SERVICES

SEC. 112. Notwithstanding any other provision of law, an officer or employee of the United States may not enter into any contract for procurement of performance of any function being performed by Coast Guard personnel as of January 1, 1989, before—

(1) a study has been performed by the Secretary of Transportation under the Office of Management and Budget Circular A-76 with respect to that procurement; and

(2) the Secretary of Transportation has performed a study, in addition to the study required by paragraph (1) of this subsection, to determine the impact of that procurement on the multimission capabilities of the Coast Guard.

SOUTHEAST LIGHTHOUSE PRESERVATION

SEC. 113. (a)(1) The Secretary of Transportation shall convey, by any appropriate means, all right, title, and interest of the United States in the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation (hereafter in this section referred to as the "Foundation") of the town of New Shoreham, Rhode Island.

(2) The purpose of this conveyance is to establish and maintain a nonprofit center for the public at the Block Island Southeast Lighthouse for interpretation and preservation of the culture of the Coast Guard and Block Island's maritime history.

(b) The conveyance shall be made—

(1) without payment of consideration;

(2) subject to the condition that if the property, or any part of the property, ceases to be used for the purpose of this section, title to all such property shall be deemed to have immediately reverted to the United States; and

(3) subject to such other terms and conditions as the Secretary of Transportation may impose.

(c) The conveyance shall include provisions necessary to assure that—

(1) the light, antennae, sound signal, and associated equipment which are active aids to navigation shall continue to be operated and maintained by the United States;

(2) the Foundation will not interfere or allow interference in any manner with navigational aids without written permission of the United States;

(3) there is reserved to the United States the right to relocate, replace, or add any navigational aids, or make any changes on any portion of the property as may be necessary for navigation purposes;

(4) the United States shall have the right, at any time, to enter the property without notice to maintain navigational aids; and

(5) the United States shall have an easement for access to the property to maintain navigational aids.

(d) The Secretary of Transportation shall identify, describe, and determine the property to be conveyed under this section.

(e) For purposes of this section, "Block Island Southeast Lighthouse" means the lighthouse and attached keeper's dwelling, several ancillary buildings, a fog signal, and land necessary to carry out the purposes of this section located in the town of New Shoreham, Rhode Island.

CONSTRUCTIVE SEIZURE PROCEDURES

SEC. 114. Not later than six months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Treasury, in order to avoid the devastating economic effects on innocent owners of seizures of their vessels, shall develop and implement a procedure for constuctive seizure of vessels engaged solely in coastwise trade which are suspected of being used for committing violations of law involving controlled substances.

LIMITATION ON VESSEL TRANSFER FROM GULFPORT, MISSISSIPPI

SEC. 115. The Secretary of Transportation shall not transfer the Coast Guard cutter ACUSHNET from Gulfport, Mississippi, until at least two Coast Guard patrol boats are based permanently in Gulfport.

TITLE II—BRIDGE ADMINISTRATION TRANSFER

SHORT TITLE

SEC. 201. This title may be cited as the "Bridge Administration Transfer Act".

AUTHORIZATION AND DELEGATION

SEC. 202. (a) Administration of bridges and causeways over navigable waters is transferred from the Secretary of Transportation to the Secretary of the Army. The administration transferred includes all authorities for bridge and causeway approvals, drawbridge regulations, administration of bridge alterations, and all other related authority, functions, and duties concerning bridges and causeways over navigable waters otherwise exercised by the Secretary of Transportation except—

(1) administration of bridges and causeways in or over the Saint Lawrence Seaway; and

(2) authority to prescribe lights and other signals on bridges and causeways for the benefit of navigation.

(b) The transfer of authorities under this section shall take effect within one year after the date of enactment of this Act.

(c) For purposes of this title, the term "navigable waters" mens waters which are subject to the ebb and flow of the tide, or which are used or susceptible to use in their natural condition or by reasonable improvement as a means of transporting interstate or foreign commerce.

PROCEDURE FOR TRANSFER

SEC. 203. (a)(1) The Secretary of Transportation shall transfer to the Secretary of the Army all—

(A) civilian employees and positions;

(B) assets and liabilities, contracts, property, records, unexpended balances of appropriations, authorizations, allocations, and funds collected; and

(C) other resources or assets,

which the Secretary of Transportation has before then employed, controlled, or used for the purposes of the administration transferred under section 202 of this Act.

(2) The transfer pursuant to this section shall be carried out in accordance with section 3503 of title 5, United States Code, and shall not cause any such employee to be separated or reduced in grade or compensation for at least one year after the date on which each employee is transferred to the Secretary of the Army. Appropriations and funds shall be transferred and accounted for in accordance with section 1531 of title 31, United States Code.

(b)(1) The Secretary of the Army may issue such regulations as may be necessary and appropriate to implement section 202 of this Act.

(2) Regulations issued by the Secretary of the Army under this subsection shall be effective on the effective date of the particular transfers implemented by the regulations.

(c) No approvals, notices, determinations, grants, contracts, permits or permit actions, regulatory actions, penalties or penalty actions, suits or claims against or by the United States or officers, employees, representatives, or agencies of the United States, or other legal rights or duties relating to bridges and causeways over navigable water shall be affected by the transfer under section 202 of this Act, except that the Secretary of the Army or officers, personnel, or agencies of the Department of the Army shall be substituted, as appropriate, for the Secretary of Transportation or officers, personnel, or agencies of the Department of Transportation. This subsection does not prohibit the modification, continuation, or discontinuation of any legal rights or duties by the Secretary of the Army under the same terms and conditions and to the same extent as would have been lawful by the Secretary of Transportation.

CONFORMING AMENDMENTS

SEC. 204. (a) The conforming amendments in this section shall not affect the authorities being transferred under this Act until such authorities are transferred under section 202 of this Act.

(b)(1) Section 9 of the Act of March 3, 1899, commonly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401), is amended to read as follows:

"SEC. 9. It shall not be lawful to construct or commence the construction of any bridge, causeway, dam, or dike over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the bridge, causeway, dam, or dike shall have been submitted to and approved by the Secretary of the Army. However, such structures may be built under authority of the legislature of a State across rivers and other waterways the navigable portions of which lie wholly within the limits of a single State, if the location and plans thereof are submitted to and approved by the Secretary of the Army before construction is commenced. When plans for any bridge or other structure have been approved by the Secretary of the Army, it shall not be lawful to deviate from such plans either before or after completion of the structure unless modification of such plans has previously been submitted to and received the approval of the Secretary of the Army. In the case of a bridge or causeway in or over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. The approval required by this section does not apply to any bridge or causeway over waters that are not subject to the ebb and flow of the tide and that are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(2) Section 18 of the Act of March 3, 1899 (33 U.S.C. 502), is amended to read as follows:

"SEC. 18. (a) Whenever the Secretary of the Army shall have good reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable waterways of the United States is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise, or where there is difficul-

ty in passing the draw opening or the draw span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of the Army, first giving the parties reasonable opportunity to be heard, to give notice to the persons or corporations owning or controlling such bridge to alter the bridge so as to render navigation through or under it reasonably free, easy, and unobstructed; and in giving such notice the Secretary shall specify the changes that are required to be made, and shall prescribe in each case a reasonable time in which to make them. If at the end of such time the alteration has not been made, the Secretary of the Army shall forthwith notify the United States Attorney for the district in which such bridge is situated, to the end that the criminal proceedings hereinafter mentioned may be taken. If the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect, as hereinbefore required, from the Secretary of the Army, and within the time prescribed by the Secretary willfully fail or refuse to remove such bridge or to comply with the lawful order of the Secretary of the Army in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject such persons, corporation, or association so offending to the penalties above prescribed.

"(b) No owner or operator of any bridge, drawbridge, or causeway shall endanger, unreasonably obstruct, or make hazardous the free navigation of any navigable water of the United States by reason of the failure to keep the bridge, drawbridge, or causeway and any accessory works in proper repair.

"(c) Whoever violates any provision of this section, or any order issued under this section, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the Army may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

"(d) In the case of a bridge or causeway in or over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(c)(1) The first section of the Act of March 23, 1906, commonly known as the Bridge Act of 1906 (33 U.S.C. 491), is amended to read as follows:

"That when, after March 23, 1906, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of the Army for the Secretary's approval, nor until the Secretary shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this Act have been approved by the Secretary it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Secretary. In the case of a bridge over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. This section shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.".

(2) Section 4 of the Act of March 23, 1906 (33 U.S.C. 494), is amended to read as follows:

"SEC. 4. No bridge erected or maintained under the provisions of this Act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this Act shall, in the opinion of the Secretary of the Army, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the drawspan of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of the Army, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to alter the bridge so as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this Act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating the bridge. In the case of a bridge over the Saint Lawrence Seaway, the above authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Transportation shall prescribe. If the bridge is constructed with a draw, the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft.".

(3) Section 5 of the Act of March 23, 1906 (33 U.S.C. 495), is amended to read as follows:

"SEC. 5. (a) Any person who shall willfully fail or refuse to comply with the lawful order of the Secretary of the Army or the Secretary of Transportation made in accordance with provisions of this Act shall be deemed guilty of a misdemeanor and on a conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties thereof; and in addition to the penalties above described the Secretary of the Army (or the Secretary of Transportation, in the case of bridge or causeway in or over the Saint Lawrence Seaway) may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling any such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the district court in the district in which such structure may, in whole or part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this Act, the cause or question arising may be tried before the district court of the United States in any district which any portion of such obstruction or bridge touches.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary whose order is violated, or who is responsible for the administration of a provision of this Act which is violated, may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

(d) Section 5 of the Act of August 18, 1894 (33 U.S.C. 499), is amended to read as follows:

"SEC. 5. (a) It shall be the duty of all persons owning, operating, and tending drawbridges across the navigable rivers and others waters of the United States, whenever built, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of the Army the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $2,000 nor less than $1,000, or by imprisonment (in the case of natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: Provided, That the proper action to enforce the provisions of this subsection may be com-

menced before any magistrate, judge, or court of the United States, and such magistrate, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: Provided further, That whenever, in the opinion of the Secretary of the Army, the public interests require it, the Secretary may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any willful violation thereof shall be punished as hereinbefore provided: Provided further, That any regulations made in pursuance of this section may be enforced as provided in section 17 of the Act of March 3, 1899 (33 U.S.C. 413), the provisions whereof are made applicable to such regulations.

"(b) No vessel owner or operator shall signal a drawbridge to open for any nonstructural vessel appurtenance which is not essential to navigation or which is easily lowered and no person shall unreasonably delay the opening of a draw after the signal required by rules or regulations under this section has been given. The Secretary of the Army shall issue rules and regulations to implement this subsection.

"(c) Whoever violates any rule or regulation issued under subsection (a) or (b) shall be liable to a civil penalty of not more than $1,000. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary of the Army may assess and collect any civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise any penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.

"(d) In the case of a bridge over the Saint Lawrence Seaway, the authority in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(e)(1) The first section of the Act of June 21, 1940, commonly known as the Truman-Hobbs Act (33 U.S.C. 511), is amended to read as follows:

"That when used in this Act, unless the context indicates otherwise—

"(1) The term 'alteration' includes changes of any kind, reconstruction, or removal in whole or in part.

"(2) The term 'bridge' means a lawful bridge over navigable waters of the United States, including approaches, fenders, and appurtenances thereto, which is used and operated for the purpose of carrying railroad traffic or both railroad and highway traffic, or if a State, county, municipality, or other political subdivision is the owner or joint owner thereof, which is used and operated for the purpose of carrying highway traffic.

"(3) The term 'bridge owner' means any State, county, municipality, or other political subdivision, or any corporation, association, partnership, or individual owning, or jointly owning, any bridge, and, when any bridge shall be in the possession or under the control of any trustee, receiver, trustee in a case under title 11 of the United States Code, or lessee, such term shall include both the owner of the legal title and person or the entity in possession or control of such bridge.

"(4) The term 'Secretary' means the Secretary of the Army, except in the case of a bridge over the Saint Lawrence Seaway, in which case it means the Secretary of Transportation.

"(5) The term 'United States' when used in a geographical sense, includes the commonwealths, territories, and possessions of the United States.".

(2) Section 4 of the Act of June 21, 1940 (33 U.S.C. 514), is amended to read as follows:

"SEC. 4. After the service of an order under this Act, it shall be the duty of the bridge owner to prepare and submit to the Secretary, within a reasonable time as prescribed by the Secretary, general plans and specifications to provide for the alteration of such bridge in accordance with such order, and for such additional alteration of such bridge as the bridge owner may desire to meet the necessities of railroad or highway traffic, or both. The Secretary may approve or reject such general plans and specifications, in whole or in part, and may require the submission of new or additional plans and specifications, but when the Secretary shall have approved general plans and specifications, they shall be final and binding upon all parties unless changes therein be afterwards approved by the Secretary and the bridge owner.".

(3) Section 7 of the Act of June 21, 1940 (33 U.S.C. 517), is amended to read as follows:

"SEC. 7. Following service of the order requiring alteration of the bridge, the Secretary may make partial payments as the work progresses to the extent that funds have been appropriated. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceeds the guaranteed cost by reason of emergencies, conditions beyond the control of the owner, or unforeseen or undetermined conditions, the Secretary may, after full review of all the circumstances, provide for additional payments of the United States to help defray such excess cost to the extent the Secretary deems it to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments made to any bridge owner herein provided for shall be made by the Secretary of the Treasury upon certifications of the Secretary.".

(4) Section 13 of the Act of June 21, 1940 (33 U.S.C. 523), is amended to read as follows:

"SEC. 13. If the owner of any bridge and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location shall be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expense of changes in and additions to rights-of-way, stations, tracks, spurs, sidings, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 6 of this Act in the case of an alteration and the share of the United States paid from the appropriation authorized in section 8 of this Act: Provided, That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary shall not find to be, in fact, a relocation of an existing bridge.".

(f)(1) Section 502 of the General Bridge Act of 1946 (33 U.S.C. 525) is amended to read as follows:

"SEC. 502. (a) The consent of Congress is hereby granted for the construction, maintenance, and operation of bridges and approaches thereto over the navigable waters of the United States, in accordance with the provisions of this title.

"(b) The location and plans for such bridges shall be approved by the Secretary of the Army before construction is commenced, and, in approving the location and plans of any bridge, the Secretary may impose any specific conditions relating to the maintenance and operation of the structure which the Secretary may deem necessary in the interest of public navigation, and the conditions so imposed shall have the force of law. In the case of a bridge over the Saint Lawrence Seaway, the authority in this subsection shall be exercised by the Secretary of Transportation instead of the Secretary of the Army. This subsection shall not apply to any bridge over waters which are not subject to the ebb and flow of the tide and which are not used and are not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be unlawful to construct or commence the construction of any privately owned highway toll bridge until the location and plans thereof shall also have been submitted to and approved by the highway department or departments of the State or States in which the bridge and its approaches are situated; and where such bridge shall be between two or more States and the highway departments thereof shall be unable to agree upon the location and plans therefor, or if they, or either of them, shall fail or refuse to act upon the location and plans submitted, such location and plans shall be submitted to the Secretary of the Army and, if approved by the Secretary of the Army, approval by the highway departments shall not be required.".

(2) Section 510 of the General Bridge Act of 1946 (33 U.S.C. 533) is amended to read as follows:

"SEC. 510. (a) Any person who willfully fails or refuses to comply with any lawful order of the Secretary of the Army or the Secretary of Transportation issued under the provisions of this title, or who willfully fails to comply with any specific conditions imposed by the Secretary of the Army or the Secretary of Transportation relating to the maintenance and operation of bridges, or who willfully refuses to produce books, papers, or documents in obedience to a subpoena or other lawful requirement under this title, or who otherwise willfully violates any provision of this title, shall, upon conviction thereof, be punished by a fine not to exceed $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

"(b) Whoever violates any provision of this Act, or any order issued under this Act, shall be liable to a civil penalty of not more than $1,000. Each day a violation continues

shall be deemed a separate offense. No penalty may be assessed under this subsection until the person charged is given notice and an opportunity for a hearing on the charge. The Secretary responsible for the provision or order violated may assess and collect the civil penalty incurred under this subsection and, in the Secretary's discretion, may remit, mitigate, or compromise the penalty until the matter is referred to the Attorney General. If a person against whom a civil penalty is assessed under this subsection fails to pay that penalty, an action may be commenced in the district court of the United States for any district in which the violation occurs for such penalty.".

(g)(1) Section 2 of the International Bridge Act of 1972 (33 U.S.C. 535) is amended to read as follows:

"SEC. 2. The consent of Congress is hereby granted to the construction, maintenance, and operation of any bridge and approaches thereto, which will connect the United States with any foreign country (hereinafter in this Act referred to as an 'international bridge') and to the collection of tolls for its use, so far as the United States has jurisdiction. Such consent shall be subject to (1) the approval of the proper authorities in the foreign country concerned; (2) the provisions of the Act entitled 'An Act to regulate the construction of bridges over navigable waters', approved March 23, 1906 (33 U.S.C. 491-498), except section 6 (33 U.S.C. 496), whether or not such bridge is to be built across or over any of the navigable waters of the United States; and (3) the provisions of this Act. In the case of a bridge over the Saint Lawrence Seaway, and in the case of a bridge which would not otherwise be subject to the Act of March 23, 1906, the authority of the Secretary of the Army in this section shall be exercised by the Secretary of Transportation instead of the Secretary of the Army.".

(2) Section 5 of the International Bridge Act of 1972 (33 U.S.C. 535c) is amended to read as follows:

"SEC. 5. The approval of the Secretary of the Army or the Secretary of Transportation as required by the first section of the Act of March 23, 1906 (33 U.S.C. 491), and section 2 of this Act shall be given only subsequent to the President's approval, as provided for in section 4 of this Act, and shall be null and void unless the construction of the bridge is commenced within two years and completed within five years after the date of the Secretary's approval: Provided, however, That the Secretary concerned, for good cause shown, may extend for a reasonable time either or both of the time limits herein provided.".

(3) Section 11 of the International Bridge Act of 1972 (33 U.S.C. 535h) is amended to read as follows:

"SEC. 11. The Secretary of the Army and the Secretary of Transportation shall each make an annual report of approvals granted by them under sections 2 and 5 of this Act.".

(h) Section 662 of title 14, United States Code, is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraph (4) as paragraph (3); and

(3) in paragraph (3), as so redesignated, by striking "clauses (1)-(3)" and inserting in lieu thereof "paragraph (1) or (2)".

COMPILATION OF LAWS

SEC. 205. The Secretary of the Army shall prepare a compilation of Federal laws relating to the administration and regulation of bridges, causeways, dams, dikes, and other structures in, on, or over the navigable waters of the United States and shall submit such compilation to the Speaker of the House of Representatives and the President pro tempore of the Senate.

AMENDMENT NO. 1177

Mr. FORD. Mr. President, on behalf of Mr. HOLLINGS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. HOLLINGS, proposes an amendment numbered 1177.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) Strike all on page 34, lines 1 though 2.

(2) Strike all on page 47, line 16, through page 69, line 13.

(3) Redesignate sections 101 through 115 as section 2 through 16, respectively.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1177) was agreed to.

Mr. FORD. I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

AMENDMENT NO. 1178

Mr. SYMMS. Mr. President, I send an amendment to the desk on behalf of Mr. STEVENS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. STEVENS, proposes an amendment numbered 1178:

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Redesignate section 111 through 115 as sections 112 through 116, respectively, and on page 43, immediately after line 10, insert the following:

REQUIREMENT TO REPORT SEXUAL OFFENSES

SEC. 111. (a) Chapter 101 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 10105. Requirement to report sexual offenses

"(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109a of title 18, United States Code.

"(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for civil penalty of $5,000.".

(b) The analysis of chapter 101 title 46, United States Code, is amended by adding at the end the following new item:

"10105. Requirement to report sexual offenses.".

Mr. STEVENS. Mr. President, I am offering this amendment to S. 1512, the Coast Guard authorization bill, to help address the serious problem of sexual harassment and abuse that women may face while working aboard ships at sea. A constituent of mine has been the victim of this abuse, and a GAO study has documented that she is not alone. While this amendment will not solve this problem, I believe it is a needed step in the right direction.

This amendment contains language that is identical to that found in the House version of the Coast Guard authorization bill. The amendment will require that the master of any vessel report to the Coast Guard and complaint he or she receives involving a sexual offense, including rape, abuse, or sexual harassment. Any master or person in change who knowingly fails to report such an offense will be subject to a $5,000 civil penalty.

This amendment is only one step in addressing this problem, Mr. President. The GAO study also points out that education is needed of the part of the maritime academies and employers to help prevent this unacceptable behavior. Further, an amendment is needed to the Magnuson Act to include contract observers under the present definition of observers. The Congress will be addressing legislation to reauthorize the Magnuson Act early next session, and I intend to pursue appropriate language at that time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1178) was agreed to.

Mr. FORD. I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1179

(Purpose: To authorize appropriations and provide for certain contingencies with respect to the conveyance of the Block Island Southeast Lighthouse)

Mr. SYMMS. Mr. President, on behalf of Mr. CHAFEE and Mr. PELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. CHAFEE, for himself and Mr. PELL, proposes an amendment numbered 1179.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. With out objection, it is so ordered.

The amendment is as follows:

On page 46, insert immediately after line 24, the following:

(f)(1) In addition to the appropriations authorized under sections 101 and 102, there is authorized to be appropriated to the Secretary of Transportation the sum of $750,000 for the Secretary's use in providing assistance to the Foundation in carrying out the lighthouse relocation referred to in paragraph (2).

(2) Notwithstanding any of the foregoing provisions of this section, the Secretary of Transportation shall not convey to the Foundation any right, title, or interest in the Block Island Southeast Lighthouse until, in addition to assuring that the other requirements and conditions of this section have been met, the Secretary—

(A) has determined that the Foundation has available to it, from a non-Federal source, not less than $750,000 for use in relocating the lighthouse to the extent necessary for its preservation and safety; and

(B) has delievered to the Foundation the sum of $750,000 authorized to be appropriated in paragraph (1).

(g) Nothing in this section shall be construed to prevent the Foundation from conveying to the State of Rhode Island any right, title, or interest of the Foundation in the Block Island Southeast Lighthouse, if such conveyance meets the requirements and conditions described in subsections (a)(2), (b)(2) and (3), and (c).

Mr. CHAFEE. Mr. President, I would like to thank the distinguished managers for giving me the opportunity to present an amendment to S. 1512.

My amendment would ensure the future of an historic Coast Guard property in Rhode Island; the Block Island Southeast Light. Located on Mohegan Bluffs on Block Island, the light is being threatened by the erosion of the cliff on which it stands. Over the last few years, substantial sections of the bluff have fallen away, and the light now stands less than 80 feet from the edge. To remain intact, it must be moved back. It is estimated that such a move will cost close to $2 million. Given the rapid rate of erosion of the bluff, however, we must take action immediately to save the light.

My amendment will authorize the Secretary of Transportation to provide $750,000 in matching funds for the purpose of moving the light away from the crumbling bluff. The Block Island Southeast Lighthouse Foundation, a not-for-profit historical group now holding a 30-year lease to the light, must provide an equal match of $750,000 in order to receive the Federal matching sum. The amendment further states that none of the appropriated moneys may be expended until the Secretary certifies that the foundation has provided the matching funds.

One the authorized funding has been appropriated, and fully matched by the foundation, the title to the property will pass to the foundation, with the Coast Guard retaining access rights for the maintenance of important aids to navigation. The foundation will then establish, for public benefit, a nonprofit center for the preservation of the U.S. Coast Guard's material culture and Block Island's maritime history.

Mr. President, this hundred year old light is one of Rhode Island's most recognizable landmarks, and its image is often used as a symbol of the State itself. A classic example of 19th century gothic revival architecture, it has been selected for study by the Historic American Buildings Survey/Historic American Engineering Record. It is truly a beautiful light, and to allow it to fall into the sea would be a terrible waste.

The foundation is firmly committed to raising private funds to relocate the building. A relocation feasibility study determined that the light appears fully capable on withstanding the strains associated with a horizontal move.

It is clear that over the next few years the Coast Guard will have to bear substantial costs—costs that may be associated with the relocation of the light, or with the removal of its hazardous remains from the base of the bluff. Certainly the Coast Guard is already expending some manpower and resources for soil and erosion surveys, and other efforts relating to the light's physical integrity.

Clearly, both the Coast Guard and the foundation have an interest in preventing the lighthouse from literally toppling off the cliff and into the ocean. The Coast Guard, in its role as custodian, has done an excellent job in its efforts to maintain the light. However, the foundation, created solely for the purpose of preserving the light, is better suited to undertake such efforts.

It seems to me that a little cooperation will go a long way here, and fufill the goals of all parties. And that is exactly what this amendment aims to promote. It is truly a joint effort. The Federal Government provides half of the funding, and the foundation takes ful responsibility for raising the remaining amount in matching funds, arranging for the move, and establishing the maritime museum.

Mr. President, I believe that this amendment is a fair and balanced way of ensuring the light's future, and I urge my colleagues to accept it.

Mr. PELL. Mr. President, I have joined with my colleague, the junior Senator from Rhode Island [Mr. CHAFEE], in introducing legislation that is needed to safeguard the future of a historic Coast Guard landmark in Rhode Island, the Block Island Southeast Light.

This measure, an amendment to S. 1512, the 1990-91 Coast Guard authorization bill, is needed to help assure that this historical beacon of safety does not fall into the sea from the bluff on which it stands.

For those who do not know of it, I must describe the Southeast Light as a remarkable and inspiring treasure. This hundred year old lighthouse, standing solitary watch on the dramatic bluffs of Block Island, has often been used as a symbol of Rhode Island.

Unfortunately, the Southeast Light is being threatened by rapid erosion of the bluff and now stands less than 80 feet from the edge. Vast sections of the land have fallen into the sea and, within a few years, we may not be able to save the light.

Our amendment authorizes the Secretary of Transportation to provide $750,000 in matching funds to move the Southeast Light back from the crumbling cliff. These funds will not be made available unless the Block Island Southeast Lighthouse Foundation provided an equal match of $750,000.

The Block Island Southeast Lighthouse Foundation is a not-for-profit historical group which holds a 30-year lease to the light. Title to the property will pass to the foundation only after the funding has been appropriated and fully matched.

As Senator CHAFEE said, the foundation then plans to establish, for public benefit, a nonprofit center for the preservation of the U.S. Coast Guard's material culture and Block Island's maritime history.

I am delighted to join with my colleague in offering this amendment. He has worked long and hard to craft a solution that is agreeable to all. As he said in his introductory remarks, a little cooperation will go a long way here and will fulfill the goals of all parties.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1179) was agreed to.

Mr. FORD. I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1180

Mr. FORD. Mr. President, on behalf of Mr. KENNEDY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. KENNEDY (for himself and Mr. KERRY), proposes an amendment numbered 1180.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

BOSTON LIGHT STATION

SEC. (a) The Congress finds and declares the following:

(1) The Boston Light Station (hereafter in this section referred to as the "Boston Light") on Little Brewster Island, Boston Harbor, Massachusetts, is the Nation's oldest lighthouse station.

(2) The Boston Light is a National Historic Landmark and Little Brewster Island is listed in the National Register of Historic Places. As such, they should be administered and maintained in a way that preserves for public enjoyment and appreciation their special historic character.

(3) Continued manned operation of the Boston Light will preserve its special historic character. Any proposal to automate or modernize Boston Light must be consistent with the provisions of sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470f and 470h-2).

(4) Efforts should be undertaken that will facilitate public access to, and enhance the public enjoyment and appreciation of, the Boston Light and Little Brewster Island.

(b) The Boston Light shall be operated on a permanently manned basis. In addition to the appropriations authorized under sections 101 and 103, there are authorized to be appropriated—

(1) $200,000 for each of fiscal years 1990 and 1991 for expenses of the Coast Guard for conservation and rehabilitation of the keeper's house and of the Boston Light lighthouse; and

(2) $300,000 for fiscal year 1991 for expenses of the Coast Guard in making pier improvements that will facilitate public access to the Boston Light and Little Brewster Island.

(c) The Secretary of Transportation shall, in consultation with the Secretary of the Interior, the Massachusetts Department of Environmental Management, the Massachusetts Historical Preservation Officer, appropriate local government entities, and private preservation groups, develop a strategy to implement policies regarding the ownership, maintenance, staffing, and use of the Boston Light. The strategy shall propose ways—

(1) to provide improved public access to the Boston Light and Little Brewster Island; and

(2) to ensure that the special historic character of the Boston Light will be preserved, with the continuing presence of Coast Guard personnel, so as to provide the best possible public enjoyment and appreciation.

Mr. KENNEDY. Mr. President, I support the Coast Guard Authorization Act for Fiscal Year 1990.

For 200 years, the Coast Guard has provided outstanding services to our country. The official motto of the Coast Guard—Semper Paratus or Always Prepared—is how the men and women of this historic service pattern their lives. They challenge boaters, they protect the public against the entry of illicit drugs along our coastline and they have given their lives in our Nation's wars. The Coast Guard provides a valuable role in protecting the citizens of our country and deserve our full-fledged support.

I also want to commend the chairman of the committee for including a provision of particular interest to Boston Harbor—the preservation of one of our most valuable antiquities—the Boston Light Station on Little Brewster Island. This amendment will protect the most historic lighthouse in our country by ensuring that modernization of Boston Light is performed in a manner that retains its historic character. It will also ensure that the Coast Guard retain its presence at the lighthouse.

Built in 1716 at the entrance to Boston Harbor, Boston Light has aided mariners for well over one and a half centuries. It has witnessed Revolutionary War battles between the British and American troops; it has guided our fishing fleets out to sea and then back to a safe harbor; it has guarded our shores since before the birth of our Nation.

For almost all of its lifetime, Boston Light has been under the able care of the Coast Guard. Indeed, the Coast Guard has maintained and operated many historic lighthouses. But the days of the lighthouse keeper are drawing to a close. With only a handful of manned lighthouses left in America, the time may come when future generations will not have an opportunity to visit a manned lighthouse. With the advent of technology, the Coast Guard has turned to automation to do the job that lighthouse keepers had done so faithfully for over two centuries.

The automation process is applicable to most lighthouses. It allows the Coast Guard to divert resources to other important missions. In the case of Boston Light, however, it is important to ensure that any modernization conforms with historic preservation. As the Nation's oldest light station, Boston Light deserves to be preserved in its historic state for future generations to appreciate and to enjoy.

Thousands of visitors a year come out in Boston Harbor to visit Boston Light. They learn about the history of the Light from the museum exhibits at its base. They climb the historic tower, and enjoy the view of the Boston skyline and the charm of Little Brewster Island. Most important, they gain a new understanding and appreciation of the important work of the Coast Guard and the role of Boston Light in our Nation's history.

The funds authorized in this legislation will enable the Coast Guard to remain guardians of Boston Light and to undertake critically important improvements at Little Brewster Island and at the Boston Light Station. These improvements will give visitors and Coast Guard personnel easier access to the island; they will enable the Coast Guard to make necessary improvements at the keeper's house and at the light; and they will permit the Coast Guard to work closely with the Commonwealth of Massachusetts and historic preservation groups to ensure that any improvements at the Boston Light Station fully comply with the National Historic Preservation Act.

I commend my colleagues for making this modest investment to protect a priceless piece of our Nation's history.

Mr. KERRY. Mr. President, I rise today in strong support of the pending amendment being offered by myself and Senator KENNEDY. The purpose of this amendment is to provide for the manned operation of the Boston Light Station on Little Brewster Island in Massachusetts.

Continued manned operation of the Boston Light Station will not only preserve its special historic character but increase the public's enjoyment and appreciation of the lighthouse. A permanent Coast Guard presence at the Boston Light Station will offer protection against vandalism and facilitate public access to the station and Little Brewster Island. S. 1512 will authorize appropriations for the U.S. Coast Guard to carry out these goals.

The Boston Light Station is our Nation's oldest and most historic lighthouse. The original tower, built in 1716, was destroyed by British troops in 1776 but the current 89-foot-granite tower built in 1789 stands on the original site. I have long been a supporter of the preservation of historical landmarks, and the heritage that this lighthouse represents for future generations must be protected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1180) was agreed to.

Mr. SYMMS. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1181

Mr. SYMMS. Mr. President, on behalf of Mr. STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for Mr. STEVENS, proposes an amendment numbered 1181:

At the appropriate place insert the following new text:

"SEC. . Section 403(a) of Public Law 98-364 is amended by striking "1990" in the first sentence and inserting in lieu thereof "1991"."

Mr. STEVENS. Mr. President, this amendment would extend for 1 year a provision in Public Law 98-364, section 403(a), which allows fishing, fish processing, or fish tender vessels, all not more than 500 gross tons, to carry general cargo to locations in Alaska that do not receive weekly common carrier service by water. In the absence of this extension, many isolated villages along the Aleutian chain and western Alaska would not have any reasonable means available for the regular transport of groceries, building supplies, clothing, books, and other vital goods.

This provision was added to Public Law 98-364 in order to address what many of us hoped would be a temporary situation in western Alaska, the absence of weekly common carrier service. Communities along the Aleutian chain and the western coast of Alaska are reachable only by sea or air. They have no roads which connect them to the rest of the United States or each other. Air service is available to most of these communities, but it is impractical or impossible to supply the groceries and other durable goods these communities need on a regular basis by aircraft alone. In some cases, only small seaplanes can reach these villages, because no airfield exists.

Fishing boats are common in the Aleutians and western Alaska. Fishing is the lifeblood of this area. Many of these boats are capable of carrying cargo; in fact, fish tender vessels are designed to do just that. Recognizing this reality, Congress has provided an exemption which allows the ubiquitous fishing vessels of this area to be used to fill the gap left by the absence of common carrier service. Since many hoped that common carrier service would become a reality for these isolated communities, the exemption provided by Public Law 98-364 only lasts 5 years, until the end of 1989.

Since common carrier service has not yet been established for these Alaskan communities, I explored with industry the possibility of a more permanent exemption. There was general agreement that many communities would never receive common carrier service, and that a continuation of this exemption is vital for the continued well-being of these rural areas. However, some communities, and in particular Dutch Harbor, are growing rapidly, and common carrier service may soon be a reality. A disagreement has arisen over how this exemption should affect the carriage of cargo to Dutch Harbor, how the definition of "fish tender" vessels affects the carriage of cargo, and how the exemption will be enforced.

The phenomenal growth of the groundfish industry off Alaska, and the subsequent expansion of Dutch Harbor, has turned a simple issue into a much more complex one. It is too late in the year to resolve this issue to everyone's satisfaction. In light of this, all interested parties have agreed to support a 1-year extension, in order to allow the Congress time to adequately study and resolve this issue.

I would point out that the existing law includes a provision which makes this exemption void for a community if weekly common carrier service is established to that community. This amendment does nothing to change this. I fully expect the Coast Guard to enforce this provision for any location where weekly service is established.

Isolated communities in western Alaska and the Aleutians need this extension to allow supplies to reach them through another long, cold winter. All parties involved in this issue have agreed to this proposal. Next year both the Senate and House committees with jurisdiction will take up this issue. This provision provides a 1-year extension of existing law, nothing more. I urge that this amendment be agreed to. Thank you.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1181) was agreed to.

Mr. SYMMS. I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEFLIN. Mr. President, I would like to take just a moment to discuss with the distinguished chairman of the Commerce Committee a matter of great concern to me and those from the gulf coast area of the State of Alabama.

I understand that section 115 of this bill requires that before the Secretary of Transportation can move the Coast Guard cutter *Acushnet* from its present homeport of Gulfport, MS, two patrol boats must be permanently stationed in Gulfport. Furthermore, I understand that one 82-foot patrol boat is currently stationed there.

The concern I have as a Senator from a gulf coast State with a Coast Guard facility located in Mobile is basically the same as that which I understand was expressed by the Commerce Committee chairman. That is, the Coast Guard might interpret this language such that it would move a patrol boat from another State to replace the *Acushnet* in Gulfport.

In that regard, I would simply ask a couple of questions of the chairman of the committee in order that this issue could be clarified. First, I understand that this provision would simply provide for a one-for-one swap and not a two-for-one swap as I had originally feared. Is this also the understanding of the manager of the bill, the chairman of the Commerce Committee?

Mr. HOLLINGS. Mr. President, I would say to the distinguished Senator from Alabama he is exactly correct. Since there is already one patrol boat in Gulfport, the Coast Guard would need to station only one additional patrol boat there if they decide to move the *Acushnet*. Thus, as the Senator stated, the provision requires a one-for-one swap and not a two-for-one swap of Coast Guard vessels.

Mr. HEFLIN. I thank the Senator. More importantly, is it the understanding of the committee chairman that the Coast Guard will not move a vessel from another port in another State in order to replace the *Acushnet* should the Secretary of Transportation decide that the *Acushnet* should be moved?

Mr. HOLLINGS. Once again, the Senator from Alabama is exactly correct. It is not the intent of the Commerce Committee that any State lose a patrol boat to replace the *Acushnet* if the Secretary of Transportation actually decides that the *Acushnet* should be moved. In other words, no State will lose a Coast Guard patrol boat to replace the *Acushnet* if the Secretary of Transportation moves the *Acushnet* from Gulfport. In fact, the Coast Guard does not have to move the *Acushnet* at all. However, if it does, it must replace the *Acushnet* first with a patrol boat, but not at the expense of another State. In that regard, it would have to be a newly built or surplus vessel.

Mr. HEFLIN. Mr. President, I thank my good friend, the distinguished chairman of the Commerce Committee, for making this matter crystal clear. I feel confident that Mobile will maintain its Coast Guard cutters.

Mr. HOLLINGS. Mr. President, I rise to urge the Senate to pass S. 1512, the Coast Guard Authorization Act of 1989. This bill provides the core authorizations of the Coast Guard for the next 2 fiscal years.

The authorization of appropriations for operating expenses totals $2.31 billion in fiscal year 1990 and $2.38 billion in fiscal year 1991. The operating expense accounts provide money for salaries and the operation and maintenance of the Coast Guard's multipurpose vessels, aircraft, and shore units along the coasts and inland waterways of this Nation and in selected areas overseas. The initial increase from the fiscal year 1989 level of $2.12 billion is necessary to absorb the 1989 pay raise and to continue the upgrades and follow-on operations of new hardware that Congress has supported in recent years. This increase is both practical and necessary.

The authorization for capital funding in this bill is also appropriate—to-

taling $746 million in fiscal year 1990 and $501 million in fiscal year 1991. The appropriated level for fiscal year 1989 was $436 million. Capital funding, of course, includes the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft. The primary reason for this increase of $310 million from the fiscal year 1989 level is the need to acquire a new icebreaker which increases the service's fleet to three vessels. In addition, there is an impending patrol boat shortage which must be addressed. The icebreaker alone will cost approximately $244 million. The remaining $65 million will go to acquiring patrol boats and other support equipment, including installing 360-degree air search radars in Coast Guard C-130 aircraft.

The justification for the additional patrol boats and surveillance equipment is somewhat obvious; the Coast Guard is increasing its role in drug interdiction, fisheries protection, law and treaty enforcement, and search and rescue activities. The war on drugs has escalated, and thus our capability to detect the importation of illegal drugs must increase. The largest-ever maritime seizure of cocaine was made in October of this year by the Coast Guard Cutter *Cushing* based in Mobile, AL. Nine people were arrested and over 11,000 pounds of cocaine were confiscated. Equally important, domestic fisheries need greater protection from foreign exploitation, and thus our ability to monitor the U.S. exclusive economic zone [EEZ] must increase. Some foreign fleets are ravaging the high seas with destructive fishing methods in utter disregard of the environmental consequences or the effect on our commercial fisheries. Though the State Department has sought and obtained some agreements to end these destructive practices, such agreements will not be adhered to unless these activities are monitored.

Finally, the need to respond to the devastation of natural and manmade disasters has become critical, and thus our capacity to handle human tragedy must increase, also. In the wake of Hurricanes Hugo and Jerry, people became desperate. The Coast Guard responded by policing areas to prevent looting, evacuating the ill and homeless, and providing relief supplies to those in hunger.

As these activities indicate, the Coast Guard not only protects the American way of life, but also saves lives and property in our coastal waters. With the use of the Search and Rescue Satellite Aided Tracking System, or SARSAT, about 1,200 lives have been saved—of which about one-half were American citizens. S. 1512 includes an authorization of $5.3 million in fiscal year 1990 for the Secretary of Transportation to upgrade the ground segment of SARSAT with five new stations.

Similarly, there are other activities of the Coast Guard which are vital to our interests and require an increase in appropriations. In S. 1512, authorization for appropriations for research and development totals $29 million for the next 2 fiscal years. This is a $10-million increase over the fiscal year 1989 level. This additional funding will enable the Coast Guard to expand several research activities—foremost, its oilspill research efforts. Each year the Coast Guard responds to thousands of oilspills around the country. And, needless to say, in 1989 the Coast Guard responded to several prominent oilspills—in Delaware, Rhode Island, Texas, and particularly, the one in Alaska by the *Exxon Valdez.*

In addition, retired pay is authorized in this bill. Retired pay provides money to retired military personnel of the Coast Guard, the Coast Guard Reserve and the former Lighthouse Service. Included in this authorization is $421 million for fiscal year 1990 and $451 million in fiscal year 1991.

S. 1512 includes authorizations for end-of-year strengths of 38,199 military personnel for fiscal years 1990 and 1991. The bill also authorizes average military training loads for recruits and special training, flight training, professional training, and officer training.

Finally, title II of S. 1512 as reported transfers the authority for bridge administration from the Secretary of Transportation to the Secretary of the Army. Currently, a bridge over navigable waters is subject to Federal regulations imposed by the Coast Guard and the Army Corps of Engineers. This title would place all authority for bridges in the Army Corps of Engineers. However, the Committee on Environment and Public Works, which has jurisdiction over the activities of the Army Corps of Engineers, has voiced concern over the impact of the transfer of this program. As a result, I am offering an amendment to delete title II from the legislation.

All in all, S. 1512 is legislation which keeps the Coast Guard on its present successful track. Each day the Coast Guard is called upon to avert potential disasters, catch wanton drug smugglers, protect vast fishery resources, search for the lost and distressed, and save stranded survivors. This is its mission, and in responding to each and every task, the Coast Guard has operated efficiently and commendably.

Mr. President, I support the prompt passage of this Coast Guard authorization bill, S. 1512, as amended.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 377, H.R. 2459, the House companion measure, that all after the enacting clause be stricken, and the text of S. 1152, as amended, be substituted in lieu thereof; that the bill be read a third time, and passed, and that the motion to reconsider the vote be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that S. 1512 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 1524

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 1524, and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF SENATE DOCUMENT

Mr. FORD. Mr. President, I ask unanimous consent that the committee print from the Select Committee on Indian Affairs, which I now send to the desk, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—H.R. 3620

Mr. FORD. Mr. President, I ask unanimous consent that H.R. 3620, a bill to clarify the Food Security Act of 1985 just received from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 1922

Mr. FORD. Mr. President, I ask unanimous consent that S. 1922, the vaccine injury compensation technical amendments of 1989 introduced earli-

er today by Senator KENNEDY, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

VACCINE INJURY COMPENSATION TECHNICAL AMENDMENTS OF 1989

Mr. KENNEDY. Mr. President, I am pleased to introduce the Vaccine Injury Compensation Technical Amendments of 1989. This legislation has been developed with the assistance and support of my colleague, Senator HATCH, and I thank him for his hard work and commitment in this effort. These technical amendments will provide the necessary changes and improvements to the National Childhood Vaccine Injury Compensation Act to enhance this vitally important program.

The National Childhood Vaccine Injury Act of 1986 (Public Law 99-660) created a system for compensating children for injuries received from routine pediatric immunizations. The Vaccine Compensation Amendments of 1987 (Public Law 100-203) provided for a source of payment for such compensation and began the functioning of the system.

Since that time the U.S. Claims Court, which was designated as the forum for the resolution of these vaccine injury claims, has received more than a hundred petitions for compensation for injuries associated with vaccines administered before October 1, 1988, the effective date of the program. No claims for compensation for injuries associated with vaccines administered after the effective date have yet been received.

In addition, vaccine prices, which had skyrocketed as much as 2,000 percent before the enactment of the compensation system, have stabilized. Indeed, some manufacturers have demonstrated renewed interest in the U.S. vaccine market.

Several problems have, however, emerged in the system as it has been begun. Some are technical in nature and are easily corrected.

Others are problems created by unforeseen circumstance, such as the delay in initial receipt of claims. These difficulties, while not technical, are also easily corrected.

But most important are other, more fundamental problems—principally in the nature of the adjudication of petitions—which cannot be remedied by statutory change alone. Correction of these problems will require revision of the vaccine compensation process of the special masters and the U.S. Claims Court and a rededication of all parties to the creation of an expeditious, nonadversarial, and fair system.

We propose statutory amendments to address these difficulties with serious concern about the situation that has arisen since the receipt of the first claims. The report accompanying the original Act (H. Rept. No. 99-908, 99th Cong., 2d sess., Sept. 26, 1986) makes clear that the Congress intended a quick, flexible, and streamlined system. That report called for a compensation procedure that administered awards "quickly, easily, and with certainty and generosity." The system was intended to be "fair, simple, and easy to administer" and "to compensate persons with recognized vaccine injuries without requiring the difficult individual determinations of causation of injury." The powers of discovery within the proceeding were given over to the special master, with "neither party * * * given power to cross-examine witnesses, file interrogatories, or take depositions" in order "to replace the usual rules of discovery in civil actions in Federal Courts."

We have come to understand that rather than establishing such a system, all participants have, to some degree, maintained their traditional adversarial litigation postures. The Claims Court has issued rules for vaccine proceedings that force proceedings to be formal and that virtually foreclose any opportunity for petitioners or respondents to proceed without litigators at their sides. Petitioners have failed to include adequate information in initial petitions and have pursued traditional rights of exclusion of evidence. Respondents have withheld sufficient personnel and administrative support and mounted defenses incompatible with a no-fault system of compensation.

In proposing this legislation, we reiterate our intent that the vaccine injury compensation system be informal, flexible, and expeditious, and that all participants proceed accordingly. The reinvention of the adversarial process will serve neither to compensate injured children nor maintain the stability of the immunization programs of the United States.

We also reiterate our expectation that the special master and the powers given to the master will allow the proceedings to be direct and straightforward. The master should be able to require from petitioners and respondents information sufficient to evaluate the petition without resort to complex proceedings.

With such rededication to the original goals of the program, we anticipate that all participants will benefit. The system will provide compensation, eliminate the need for litigation, and assure the continued availability of, and public confidence in, immunizations in the United States.

SECTION-BY-SECTION ANALYSIS

(a) *Reference.* Subsection (a) establishes that all references are made to the Public Health Service Act.

(b) *Publication of Program.* Subsection (b) requires that the Secretary of Health and Human Services publicize the availability of the program.

(c) *Petitions.* Paragraph (1)(A) clarifies that certain information must be included in the original petition to the Claims Court in order to initiate a compensation proceeding. We have received reports from the Department of Health and Human Services (DHHS) and the Department of Justice (DOJ) that petitions have been accepted containing little or none of the information needed to review the claim for compensation. We have also heard from representatives of petitioners that the granting of the authority to initiate claims of compensation to the respondents would work a hardship on petitioners and could result in delay. We acknowledge that the current content required by all of section 2111(c) could form the basis for delay. While the Court has been responsive in its promulgation of General Order 24, which allowed a suspension of proceedings while medical records were completed, we believe it is necessary to set a clear standard of petition contents. We have, therefore, set forth a list of basic records that must be included and have retained the broader list of records that should also be made available if needed for considering the petition for compensation. We anticipate that petitions for compensation can be reviewed by the Court for completeness under these standards and that the statutory time frame for compensation proceedings will commence from the receipt of a petition containing the specified materials. As specified below, materials not available to petitioners at the time of filing the petition may be described in lieu of provision, although we would expect respondents and the Court to evaluate the compensability of a petition on the basis of information received. We do not intend to preclude filings from being deemed adequate because of minor, inadvertent omissions or when material is unavailable to the petitioner.

Paragraph 1(B) makes a conforming amendment to direct the clerk of the Claims Court to forward petitions to the Chief Special Master for assignment.

Paragraph 2 makes a technical amendment.

Paragraph 3 provides technical clarification of the ability of a petitioner with a civil court action pending to enter the compensation system. Subparagraph (A) clarifies that a petitioner must petition to have his or her action dismissed and may not simply allow the action to lie dormant during the compensation proceeding. Subparagraph (B) clarifies that a plaintiff in such a proceeding whose action is still pending may not enter the compensation system. In keeping with the purposes of the Act and this legislation, we intend that plaintiffs in pending actions who wish to have such actions dismissed without prejudice so that they may enter the compensation system be allowed to do so without prejudice or other disincentives.

Paragraph 4 amends the Act's restrictions on entry into the compensation system. The Act prohibits anyone who brings a civil action after the effective date (October 1, 1988) from entering the compensation system. We have received information, however, that the Claims Court did not accept petitions for compensation until November 15, 1988. Persons who chose between a civil action and a petition during that six-week period did not, therefore, have a true choice. Rather than statutorily barring such persons from the system, we intend to allow such persons to petition to have their civil actions dismissed (as provided in Section 2111(a)(5)) and to enter into the compensation system.

Paragraph 5 inserts a new paragraph to allow petitions to be brought by persons who had appeals of civil actions pending on the effective date of the Act. Under the Act, plaintiffs in a civil action who were denied damages before October 1, 1988, are allowed to file petitions for compensation. Similarly, plaintiffs in a civil action pending on October 1, 1988, may petition to have such action dismissed before judgment and may file petitions for compensation. Conversely, plaintiffs who have civil actions pending on October 1, 1988 and do not have their civil actions dismissed may not file a compensation petition. Finally, if a person brings a civil action after deadline (originally October 1, 1988; amended by Paragraph (3) above to be November 15, 1989), he or she may not file a compensation petition. In crafting these original transition rules, the situation was not anticipated in which a person had an appeal of a civil action pending in October 1, 1988, and did not have such action dismissed. The legislation would amend the Act to allow such a person to file a petition for compensation if damages were ultimately denied in the civil action (whether in the original trial verdict or in any appeals of the trial verdict).

Paragraph 6 adds a new paragraph to the Act to specify (as described above at Paragraph 1) the minimum supportive materials that must be supplied in order to initiate a compensation proceeding. Minimum materials include maternal and infant doctor and hospital records and, if applicable, autopsy results. The legislation would also add a new paragraph to allow petitioners to submit an indentification of records that are unavailable (and the reasons for their unavailability) in lieu of submitting the materials. We intend for the parties and the Court to construe this provision broadly so as to require the submission of a meaningful file of information but not so as to hold up proceedings unreasonably if a petitioner makes a good-faith effort to supply records and name unavailable ones. We intend that a petitioner also make every effort to continue to obtain unavailable records and that petitioner submit records as they become available.

Paragraph 7 is a very technical amendment.

Paragraph 8 makes a conforming amendment to make a reference parallel to that established by Paragraph 3 above.

(d) *Jurisdiction.* Subsection (d) clarifies that the Special Masters of the U.S. Claims Court have jurisdiction over the vaccine compensation proceedings.

(e) *Special Masters Established.* Subsection (e) establishes in statute the Office of Special Masters, whose responsibility is to conduct the proceedings on vaccine compensation proceedings. There are to be no more than eight special masters and each master is to be appointed by a majority of the court and may be removed for cause. Terms are to be for four years and current masters are to serve out such a term. Compensation is established. The chief special master is to be responsible for administration of the office and is to report annually to the Congress on the Program.

We would note our concern that special masters be well-advised on matters of health, medicine, and public health. No-fault vaccine compensation proceedings raise fewer legal issues than issues of medicine and masters need not be lawyers by training. Masters with health training and background should be considered for appointment and those without such training should be encouraged to seek independent experts to provide information.

(f) *Parties.* Subsection (f) requires that the Secretary of HHS participate in proceedings and that the Attorney General represent HHS in such proceedings. We are disturbed by the recent absences of parties representing the government in such actions and have provided for funds (described below) to allow fuller participation. Concomitantly, we have chosen to require that both government agencies involved in these actions participate in them.

(g) *Special Master Functions.* Subsection (g) provides the description of the basic functions of the special master in the vaccine compensation proceedings.

The special masters are to promulgate rules for proceedings in a manner conforming to the applicable law regarding issuance of rules and opportunity for public comment and consultation. We intend that the revisions provide for a less adversarial, expeditious, and informal proceedings. We have received reports that the current rules of the Court are formal rules akin to those of the Federal courts for civil litigation. We once more reiterate our desire that the vaccine proceedings be made as swift and uncomplicated as possible.

The Act provides the master with powers to require such evidence as he or she may need to determine whether compensation should be awarded and, if so, the amount of compensation to be awarded. The Act, however, provided these powers in a non-parallel fashion, giving all authorities in determining whether to award and not explicitly providing some in determining how much the award should be and setting a standard of "appropriate" in one authority and "reasonable and necessary" in others.

The legislation revises these authorities to make them parallel and consistent. All authority granted to the master may be exercised in the determination of whether compensation should be awarded and in the determination of how much the award should be. All authority is to be used when reasonable and necessary to achieve these results.

We reiterate our concern that these authorities not be used to re-create an adversarial process before the special masters. The system is intended to allow the proceedings to be conducted in what has come to be known as an "inquisitorial" format, with the master conducting discovery (as needed), cross-examination (as needed), and investigation. As was stated in the Report accompanying the original Act, "In order to expedite the proceedings, the power of the special master is intended to replace the usual rules of discovery in civil actions in Federal courts." The parties are, of course, free to request that the master develop the record by obtaining necessary information. (For example, the master might be asked to subpoena further records.)

We also believe that the masters may, in some cases, be well-advised to retain independent medical experts to assist in the evaluation of medical issues associated with eligibility for compensation and the amounts of compensation to be awarded. In cases where petitioners assert a theory of vaccine causation of injury and respondents claim other causation, the master may find it most expeditious to receive outside advice rather than attempt a full adversarial proceeding on the questions of causation. The Act authorizes such action by the master and we would encourage its use as appropriate.

Special masters are to make their decision on the award and amount of vaccine compensation within 240 days, exclusive of suspended time granted, as described below. The decision is to include findings of fact and conclusions of law and may be reviewed by the Claims Court, under the conditions described below.

The legislation allows for the first time a suspension of time during the proceedings that is not to count in the aggregate time allowed for compensation actions to proceed. The master may, at the request of either party, allow one automatic 30-day suspension of proceedings. If the master determines that further time is necessary for the action on the petition to proceed, the master is also authorized to allow additional suspensions, although the aggregate time period is not to exceed 150 days in total.

(h) *Action by the United States Claims Court.* The legislation provides for an appeal of the master's decision to the U.S. Claims Court under very limited circumstances. If such a motion for review is filed within the applicable time limits, the Court is then to decide to do one of three things: It may uphold the master's decision; it may set aside any part of the master's decision that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and may issue its own findings and conclusions; or it may remand the petition for further proceedings by the master. In any event, the court is to conclude its actions on the petition within 120 days, exclusive of up to 90 days that may be used by masters for remands. We have provided for a limited standard for appeal from the master's decision and do not intend that this procedure be used frequently but rather in those cases in which a truly arbitrary decision has been made.

(i) *Appeals.* Subsection (i) specifies that appeals from the judgment of the Claims Court are to be made within 60 days.

(j) *Determination of Eligiblity and Compensation.* Subsection (j) makes conforming changes.

(k) *Table.* Subsection (f) makes a technical correction in references in the Vaccine Injury Table.

(l) *Compensation.* Paragraph (1) of Subsection (g) makes technical changes to clarify the compensation that is to be allowed in cases involving injuries associated with a vaccine administered before the effective date of the Act (October 1, 1988). We are aware that there may be some confusion about the allowable compensation and intend that pre-enactment injuries be eligible for actual unreimbursable expenses incurred from the date of judgment (as provided in 2115(a)(1)(A) of the Act), death benefits (as provided in 2115(1)(2)) and a total amount up to $30,000 for the combined amounts of lost earnings (as provided in 2115(a)(3)), pain and suffering (as provided in 2115(a)(4)), and attorneys' fees and costs (as provided in 2115(e)). This represents no change in policy from the Act and is only intended to clarify the amount of damages.

Paragraph (2) makes technical and confirming changes to clarify that the special master's or Claims Court award for amounts to cover attorneys' fees and costs is to be included after proceedings are complete.

Paragraph (3) clarifies that in any awards the special master may order the purchase of an annuity or use awarded compensation in a manner determined to be in the best interests of the petitioner. In cases of injuries associated with vaccines administered after the effective date of the program, awards are to be paid in four installments, except that any attorneys' fees and costs that are awarded may be paid in a lump sum. The

chief special master is given authority to determine net discount rates, and annuity appreciation and discount rates on an annual basis for use in all cases. We have adopted this approach to eliminate the need for ad hoc proceedings in each case on such common matters of economic principle.

Paragraph (4) amends the Act to specify that Medicaid is to be considered a second payor for health care costs to the Vaccine Injury Compensation Trust Fund. Medicaid serves as second payor to all other sources of payment for health care, including private litigation, and the compensation program is amended to follow that precedent.

Paragraph 5 makes a technical amendment.

Paragraph 6 adds an additional year of authorization of appropriations for making payments for compensation for injuries associated with vaccines administered before the effective date.

(m) *Technicals.* Subsection (m) corrections in citation and cross-references.

(n) *Election.* Subsection (n) clarifies that a petitioner need not make the election to accept or reject compensation until after the mandate of any appellate court has been issued. The section also clarifies any possible ambiguity about the ability of a petitioner who has accepted compensation to bring a tort action in court: We do not intend that a petitioner who accepts compensation be allowed the opportunity to enter court against a manufacturer or an administrator and we believe that the law is clear on this point in the provisions of 2111(a)(2).

Paragraph 2 makes conforming amendments regarding time limitations.

(o) *Trial.* Subsection (o) makes conforming amendments.

(p) *Vaccine Information.* Subsection (p) amends the Act's requirements of vaccine information materials to be provided to parents and guardians of children receiving immunizations. The Act provided for these materials to include a summary of relevant State and Federal laws on vaccination requirements. The legislation would substitute a summary of relevant Federal recommendations concerning the schedule of childhood immunizations.

(q) *Safer Vaccines.* Subsection (q) establishes a task force on safer childhood vaccines.

(r) *Authorizations.* The Act provides no authorizations for administrative expenses related to the Compensation Program. Section 4402(j) authorizes funds to be used for administrative expenses for FY 90 and 91 for DHHS, DOJ, and the Claims Court. We are concerned by the inadequate support and personnel that DHHS and DOJ have committed to the system and are disturbed by the failure of DOJ to make appearances and act as a representative of DHHS in these cases and we expect DOJ to return to its responsibilities to represent the government in these cases (to the extent that the government may require representation). We do not intend that these funds be used to substitute for existing resources devoted to these programs and expect DHHS and DOJ to continue to provide at least the current level of support in addition to these authorizations. As is made clear by other sections of this analysis, we also do not intend that any of the three recipients of these authorized funds use them to prolong proceedings in a legalistic or unnecessarily detailed manner. These funds are provided to expedite the review and prcoessing of information in order to simplify proceedings and allow for a quick resolution of claims.

(s) *Applicability and Effective Date.* Subsection (s) provides for transition rules to allow for the implementation of changes made by these amendments. Petitions filed after the date of enactment of this section are to be filed in conformance with these amendments. Petitions pending in which the evidentiary record is closed are to proceed under the Act as in effect before the enactment of these amendments, except that the Claims Court may receive further evidence in conducting its review of the proposed findings and conclusions of a master. Petitions currently pending in which the evidentiary record is not closed are to proceed under the terms of these amendments.

We recognize that some disruption of proceedings is certain to occur in action on some petitions as a result of these amendments. To allow for a smoother transition, the legislation provides for an immediate 30-day suspension of all proceedings. This 30-day period is not to count against any time limitations of the Act or the amendments. We recognize that even with this transition period, complications will occur in a few cases, and we would encourage the masters and the Court, as well as the parties, to pursue flexible solutions to allow for the equitable resolution of difficulties as they arise.

(t) *Study.* Subsection (t) requires that DHHS evaluate the National Vaccine Injury Compensation Program and report the results to the Committee on Energy and Commerce of the House and Committee on Labor and Human Resources of the Senate.

SEVERABILITY

The legislation further provides for a severability rule for consideration of these amendments as distinct from the original Act. The Act provides for a non-severability clause, specifying that if any portion of the Act were found to be a violation of the Constituion, the entire system of compensation and tort change would fall. The severability provisions of these amendments makes no change in that original clause, but specifies that, if changes made by these amendments are found to be a violation of the Constitution, only that amendment is to be considered invalid and the Act itself is to continue in effect.

SUPPORT FOR EAST EUROPEAN DEMOCRACY ACT—CONFERENCE REPORT

Mr. FORD. Mr. President, I submit a report of the committee of conference on H.R. 3402 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated. The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 3402) entitled "An Act to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehansive economic reform," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1989.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE HELD AT THE DESK—SENATE RESOLUTION 211

Mr. FORD. Mr. President, I ask unanimous consent that Senate Resolution 211 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SUNDAY, NOVEMBER 19, 1989

RECESS UNTIL 1 P.M. AND MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m. Sunday, November 19, and that following the time for the two leaders there be a period for morning business until 1:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M., SUNDAY, NOVEMBER 19, 1989

Mr. FORD. Mr. President, if the distinguished acting Republican leader has no further business and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 1 p.m., Sunday, November 19.

There being no objection, the Senate, at 1:27 a.m., recessed until Sunday, November 19, 1989, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 1989:

DEPARTMENT OF STATE

ROBERT WILLIAM FARRAND, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSA-

DOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

J. STEVEN RHODES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ZIMBABWE.

JOHN J. MARESCA, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF THE U.S. DELEGATION TO THE CONFERENCE ON CONFIDENCE AND SECURITY BUILDING MEASURES (CSBM).

DEPARTMENT OF THE TREASURY

CARL MAYER MARSHALL, OF CALIFORNIA, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED STATES OF SAN FRANCISCO, CALIFORNIA. (NEW POSITION.)

DEPARTMENT OF DEFENSE

JEROME G. COOPER, OF ALABAMA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE KAREN R. KEESLING, RESIGNED.

THE JUDICIARY

RHESA H. BARKSDALE, OF MISSISSIPPI, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT VICE ALVIN B. RUBIN, RETIRED.

JACQUES L. WIENER, JR., OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT VICE ROBERT M. HILL, DECEASED.

RONALD L. BUCKWALTER, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE CHARLES R. WEINER, RETIRED.

DEPARTMENT OF JUSTICE

ROBERT F. GILBERT, OF NEW HAMPSHIRE, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW HAMPSHIRE FOR THE TERM OF 4 YEARS VICE RONALD D. DANIELS, JR., RESIGNED.

DEPARTMENT OF COMMERCE

JOHN W. LYONS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE ERNEST AMBLER, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

GAIL ROGGIN WILENSKY, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION, VICE WILLIAM L. ROPER, RESIGNED.

COMMUNICATIONS SATELLITE CORPORATION

JAMES B. EDWARDS, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1992, VICE MICHAEL A. MCMANUS, JR.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. WILLIAM G. BADER, xxx-xx-xxxx, 8/17/89
MAJ. RONALD L. BENWARD, xxx-xx-xxxx, 8/5/89
MAJ. ROBERT P. BRADSHAW, xxx-xx-xxxx, 8/1/89
MAJ. RONALD W. BROWN, xxx-xx-xxxx, 8/5/89
MAJ. RAYMOND R. BUSSIERE, xxx-xx-xxxx, 8/18/89
MAJ. THOMAS DONALDSON, JR., xxx-xx-xxxx, 8/23/89
MAJ. JAMES C. DURM, xxx-xx-xxxx, 8/18/89
MAJ. STEVEN D. FLETCHER, xxx-xx-xxxx, 8/5/89
MAJ. LARRY S. HELMS, xxx-xx-xxxx, 8/16/89
MAJ. JOHN P. HUGHES, xxx-xx-xxxx, 8/6/89
MAJ. CHARLES J. JOHNSON, JR., xxx-xx-xxxx, 8/17/89
MAJ. TIMOTHY L. LONG, xxx-xx-xxxx, 8/11/89
MAJ. DENNIS R. MALONE, xxx-xx-xxxx, 8/4/89
MAJ. WILLIAM A. MARTIN, xxx-xx-xxxx, 8/5/89
MAJ. DANIEL S. J. MORTAG, xxx-xx-xxxx, 8/21/89
MAJ. WAYNE L. RAMBO, xxx-xx-xxxx, 8/3/89
MAJ. PHILIP C. SAMMONS, xxx-xx-xxxx, 8/5/89
MAJ. GERALD G. THOMPSON, xxx-xx-xxxx, 8/14/89
MAJ. DAVID M. WIMBERLEY, xxx-xx-xxxx, 8/9/89

CHAPLAIN CORPS

MAJ. EARL J. LAROSE, xxx-xx-xxxx, 8/18/89

BIOMEDICAL SCIENCES CORPS

MAJ. RONALD D. POWELL, xxx-xx-xxxx, 8/5/89

MEDICAL CORPS

MAJ. FRANCIS A. GAFFNEY, xxx-xx-xxxx, 7/22/89
MAJ. WILBURN E. GEORGE, JR., xxx-xx-xxxx, 7/8/89
MAJ. JOHN D. LEWIS, xxx-xx-xxxx, 8/5/89
MAJ. SAMUEL H. SCHURIG, xxx-xx-xxxx, 7/16/89
MAJ. NARENDRA N. SHAH, xxx-xx-xxxx, 8/5/89

NURSE CORPS

MAJ. MARSHA R. CLAYBROOK, xxx-xx-xxxx, 8/6/89

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT CAPTAIN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, CAPTAIN

To be captain, line, USN, permanent

PAUL MICHAEL BADER
VICTOR J. PALMUCCI
BILLY J. POTEET
THOMAS TOLLISON

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, COMMANDER

To be commander, line, USN, permanent

JEFFREY D. CAVANAGH
JOHN ROBERT FLOYD
HARRY CLAY GINTZER, III
DAVID LEE GOTHARD
MICHAEL A. MCCABE
JOHN H. MERRITT
JAMES JOSEPH ORourke

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, LIEUTENANT COMMANDER

To be lieutenant commander, line, USN, permanent

JOHN JAMES ANAYANNIS
DAVID DEAN ARCHIBALD, II
RORY KEN BANKS
EDWARD GEORGE BEALE, JR
KAREN LOUISE BILDER
BENJAMIN DALE BONEY
ROGER STEPHEN BRADLEY
DENNIS BRYANT
ROCKY WADE BUNCH
DAVID GEORGE BUTLER
CARL NELSON CHAMBERLAIN
JEFFREY L. CLITES
ROBERT LEONARD COBURN, JR
JEREMIAH P. COLLINS
THOMAS HANS COPE
EDGAR JOSEPH CORMIER, JR
ROBERT W. DONALD
DEBRA LYNN DONALDSON
PETER J. DOUGHERTY
DAVID CRAIG DYKHOFF
MARLOW DANIEL ESPINOZAHALE
BRIAN GOODWIN FINCH
TIMOTHY BROOKS FLOYD
JOSEPH MICHAEL FLYNN
JOHN MACRAE FOX
DALE THOMAS FRANKENBERGER
MICHAEL CRAIG GERON
COLIN W. GILLIS
STANLEY PAUL GIZA
NORMAN GREGORY HAWKINS
MICHAEL GORMAN HAYES
CARL RITCHIE HELDRETH
ROBERT MICHAEL HIBBERT
LAWRENCE R. HOLDER
KENNETH DUANE HOPPER
ALBIN L. HOVDE
TIMOTHY J. HOWINGTON
JAMES RAY HYNES
DAVID CONRAD JOHNS
THOMAS EDWARD JOHNSTON
HOWARD CURTIS KEESE
PATRICK EUGENE KELLER
LEONARD HENRY LEBLANC, III
MARTIN RONALD LEDGER
CRAIG DOUGLAS LESHER
JOHN WILLIAM MARSHALL
JERRY DOUGLAS MATTHEWS
PHILIP CHARLES MCDANIEL
JENA HILARY MCLAUGHLIN
THOMAS WAYNE MCNITT
JAMES STEPHEN MOTESCONNERS
MARGARET ANN NILES
ROBERT WALTER NOWAK
PAUL DAVID OPGRAND
DAVID R. PAYNE
BRIAN DAVID QUERRY
WILLIAM KEITH QUIGLEY
WALTER BLAINE REEP
JAMES THOMAS REYNOLDS
RAYMOND CHARLES RICHARDS
JEFFREY STEPHEN ROGERS
ROBERT WAYNE SCHOLLE
SAMUEL LEE SEAT, JR
JAMES EDWARD SHAY
JAMES JOSEPH SHULOCK
CLIFTON KIRBY SHULTZ
JOHN L. SIMPSON, JR
RUSSELL E. STALTERS
TODD EDWARD TAYLOR
WILLIAM DASILVA TENAN
JAMES JAY THADEN
HENRY MARTIN THOMPSON
ROBERT MICHAEL THURMOND
RICHARD R. TREMAIN
KURT WILLIAM VALKO
JOHN DAVID WARD
WILLIAM WELP, JR
ANNE LAURA WESTERFIELD
DONNA RENE WINER
MICHAEL P. WOOD
PHILLIP DOUGLAS YOUNGBLOOD

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, LINE, LIEUTENANT

To be lieutenant, line, USN, permanent

STEPHEN C. TYSON

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS, CAPTAIN

To be captain, medical corps, USN, permanent

HAROLD DIETSCH OCAMB
DAVID F. RACICOT
HUGO C. J. VERBRUGGEN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL CORPS, COMMANDER

To be commander, Medical Corps, USN, permanent

VICTOR A. ALETICH
ROBERT L. BARRACK
BARBARA MILL BRADLEY
DENNIS PATRICK BREENE
JUDY LYNN CHAMPAIGN
CHARLENE DENISE DARROW
DAVID JAMES DAVIS
RICHARD LEE DEMING
BERNARD T. DESPRES
GREGORY OSKAR DICK
DEBORAH JEANNE EVANS
SCOTT BARNHART FRAME
DWIGHT CATOR FULTON
RICHARD MICHAEL GILBERT
JOSEPH EDWARD GLASER, JR
RUFUS WADE GORE, IV
THOMAS RICHARD HIMES
CHRISTINE SPITAELS HUNTER
DONGKYOO RICHARD KANG
ARTHUR JOSEPH KELLEHER
KEVIN STEWART KENNEDY
AMY D. KEPPEL
GREGORY PAUL KNISS
MICHAEL NORMAN KNOWLAN
WILLIAM M. LANDE
DENNIS J. LEE
DAVID LEE LOUWSMA
CHARLES J. MACRI
ALAN LEE MANSON
GREGORY GERRIT MARINO
WILLIAM HENRY MARTLAND
WILLIAM WINDSOR MCDANIEL
JAMES C. METCALF
MICHAEL ENRIGH MOORE
ANTHONY LEWIS MORTON
BERNARD P. NEWMAN
BRIAN FRANCIS NEWMAN
THOMAS ALBERT NICCOLAI
NARAYAN VITHAL NIMBKAR
DAYA JITENDRA PATEL
MARK DOUGLAS PEACOCK
MANUEL IZN RODRIGUEZ
ALBERT STEPHEN RUDOCK
JOHN JULIUS SAPP, JR
WILLIAM R. SCHINDLER
ROGER E. SCHULTZ
JOSEPH M. SCHWARZ
MARTIN CHESTER SEREMET
KIRITKUMAR NATWARLAL SHAH
RAWSON J. VALENTINE
BOYD KENDRICK WEST
JAMES CURTIS WILSON
ROBERT L. YARWOOD
JAMES MICHAEL PETER ZURBACH

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, SUPPLY CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Supply Corps, USN, permanent

CHRISTOPHER ALLEN CLAYTON
FRANCIS JOSEPH FLUTTER, JR
JACQUELINE S. GRIFFITH
KARL WARREN JENSEN
FRANK MICHAEL LONG
LEONARD MENDOZA PINA
JOHN MICHAEL SZYDLOSKI

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CHAPLAIN CORPS, COMMANDER

To be commander, Chaplain Corps, USN, permanent

JAMES W. ANDERSON
STEPHEN J. LINEHAN

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CHAPLAIN CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Chaplain Corps, USN, permanent

BENJAMIN BENSEN BISHOP
HAROLD W. BURRELL
RALPH SHERMAN DOUGLAS
ULYSSES DOWNING, JR
KELVIN CASPER JAMES
CHARLES FREDERICK LANG
WILLIAM P. LESAK
JAMES JOSEPH MACNEW
PAUL JAMES MCNABB
TOMMY BERNARD NICHOLS
FELIX CARLOS VILLANUEVA
RICHARD CHARLES YAGESH

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT CAPTAIN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS, CAPTAIN

To be captain, Civil Engineer Corps, USN, permanent

MICHAEL ERNEST WEYLER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, CIVIL ENGINEER CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Civil Engineer Corps, USN, permanent

CHARLES R. HERON

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, DENTAL CORPS, COMMANDER

To be commander, Dental Corps, USN, permanent

ROBERT G. BURCAL
JOE MARVIN DUGGER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS, COMMANDER

To be commander, Medical Service Corps, USN, permanent

DOUGLAS SCOTT DERRER

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, MEDICAL SERVICE CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Medical Service Corps, USN, permanent

WILLIAM JOSEPH ADAMS, JR
DAVID LAWRENCE DECKER
MICHAEL EDWARD DOBSON
DANIEL LEE DOLGIN
GLENN M. GOLDBERG
JANET MAXINE GORDON
RICHARD LOUIS HABERBERGER
THOMAS WILLIAM HALLIWELL
SHERMAN ELMER HILFIKER
PAUL M. HOFFMAN
CHARLES DEXTER KIMSEY, JR
KATHERINE ELIZABETH MACHOL
MARK EDWARD MEWSHAW
ROBERT LAURENCE NETZER, III
RICHARD ALEXANDER RHODES
JOEL RAY ROBBINS, JR
RONALD DAVID WHIPPLE
MARTIN WILLIAM WIZOREK

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

U.S. NAVAL RESERVE, NURSE CORPS, LIEUTENANT COMMANDER

To be lieutenant commander, Nurse Corps, USN, permanent

TERESA ANN BOHUSZ
CHRISTINE BOLTZ
CAROL MCMURRY DRISCOLL
CHERI KAY HUTCHINS
SANDRA ELAINE MORRIS
KATHLEEN MARIE PIERCE
VALERIE ANN SAAD
KIMBERLY EWELL WOODY SWANEY
RICHARD LOUIS TITUS, JR

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 1989:

DEPARTMENT OF THE TREASURY

CATALINA VASQUEZ VILLALPANDO, OF TEXAS, TO BE TREASURER OF THE UNITED STATES.

SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 5, 1994.

DEPARTMENT OF COMMERCE

DEBORAH WINCE-SMITH, OF OHIO, TO BE ASSISTANT SECRETARY OF COMMERCE FOR TECHNOLOGY POLICY.

JENNIFER JOY WILSON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

DEPARTMENT OF TRANSPORTATION

JERRY RALPH CURRY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

INTERSTATE COMMERCE COMMISSION

EDWARD MARTIN EMMETT, OF TEXAS, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1992.

EXECUTIVE OFFICE OF THE PRESIDENT

J. THOMAS RACHFORD, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

JAMES B. WYNGAARTEN, OF NORTH CAROLINA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

CONSUMER PRODUCT SAFETY COMMISSION

JACQUELINE JONES-SMITH, OF MARYLAND, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 27, 1989.

JACQUELINE JONES-SMITH, OF MARYLAND, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ANTONIO LOPEZ, OF TENNESSEE, TO BE AN ASSOCIATE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DEPARTMENT OF DEFENSE

ROBERT CLIFTON DUNCAN, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE.

CHRISTOPHER JEHN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

CRAIG S. KING, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

DUANE PERRY ANDREWS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ANN CHRISTINE PETERSEN, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE.

MICHAEL BRUCE DONLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

SUSAN MORRISEY LIVINGTONE, OF MONTANA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

G. KIM WINCUP, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING ANTHONY DUPREE, JR., AND ENDING RONALD A. NILSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 1989.

COAST GUARD NOMINATIONS BEGINNING RONALD S. CONDRON, AND ENDING DANE S. EGLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 13, 1989.

COAST GUARD NOMINATIONS BEGINNING PETER L. MAIER, AND ENDING CHARLES W. MORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 1989.

HOUSE OF REPRESENTATIVES—*Friday, November 17, 1989*

The House met at 10 a.m.

The Reverend Paul H. Schenck, senior pastor, New Covenant Tabernacle Church, Tonawanda, NY, offered the following prayer:

Let us pray:

Sovereign Lord, to whom everyone must give account, You know the hearts and minds of these men and women who serve in the great work of government. You know their exhilaration and their frustrations, you know their successes and their failures, You know their wisdom and their folly.

Protect them from disparagement and flattery, and help them discern between conviction and representation.

Sustain their strength and grant them wisdom as they carry out their responsibilities as servants, stewards, and leaders.

God, in Your mercy, reward them for these sacrifices which they have made and which exceed the compensation of their offices.

God, protect and keep each Member of this Congress, and bless these United States of America. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Florida [Mr. JAMES] will please come forward and lead the House in the Pledge of Allegiance.

Mr. JAMES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment, a joint resolution of the House of the following title:

H.J. Res. 282. Joint resolution designating November 19-25, 1989, as "National Family Caregivers Week".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1396. An act to amend the Federal securities laws in order to facilitate cooperation between the United States and foreign countries in securities law enforcement.

H.R. 2666. An act to establish a Mildred and Claude Pepper Scholarship Program; and

H.R. 3532. An act to extend the U.S. Commission on Civil Rights.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1390) "An act to authorize funds to be appropriated for the construction of a mouse research laboratory, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 3402) "An act to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Foreign Relations: Mr. PELL, Mr. SIMON, and Mr. MACK.

For matters within the jurisdiction of the Committee on Finance: Mr. BENTSEN, Mr. MATSUNAGA, and Mr. PACKWOOD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1270. An act to provide an Indian mental health demonstration grant program;

S. 1813. An act to ensure that funds provided under section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters;

S. 1824. An act to reauthorize the Education of the Handicapped Act, and for other purposes;

S. 1877. An act to improve the operational efficiency of the James Madison Memorial Fellowship Foundation, and for other purposes;

S. 1895. An act to extend the termination date for members of the National Commission on Children, and for other purposes;

S.J. Res. 218. Joint resolution to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week"; and

S. Con. Res. 73. Concurrent resolution to express the support of the Congress for the courageous people of Colombia.

TRIBUTE TO THE REVEREND PAUL H. SCHENCK

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, I would like to thank Chaplain Ford for allowing the Reverend Paul H. Schenck to be the guest chaplain this morning.

Rev. Paul. H. Schenck is senior minister of New Covenant Tabernacle in the town of Tonawanda, NY. Organized in 1980 with 13 charter members, today an average of over 1,600 people attend tabernacle functions each week.

Reverend Schenck attended Elim Bible Institute and Luther Rice Seminary and holds degrees in religion and Biblical studies.

Raised Jewish, Reverend Schenck found Jesus Christ as Lord and Savior while a teenager. He resides in the town of Tonawanda with his wife Rebekah and four children, Leah, Ariel, Abraham, and Alizah.

We are very pleased to have him this morning.

REPRESSION IN EL SALVADOR MUST NOT BE ALLOWED TO CONTINUE

(Mr. ECKART asked and was given permission to address the House for 1 minute.)

Mr. ECKART. Mr. Speaker, the expenditure of billions of dollars, American taxpayer dollars, designed to restore peace and tranquility to the troubled nation of El Salvador, has been thrown back in our face. The treacherous murder of religious missionaries in that country by extremists once again underscores the instability of the region.

It is my hope that the promise of the president of El Salvador to conduct a full and impartial investigation, which would be new and unique for that country, will be brought to fruition.

All of us who have hoped that a political settlement which would be respective of the human rights of all combatants in the area would be a reality, is largely now being ignored. There are many of us in the House who will watch with only the most

jaundiced eye any type of appropriations or authorizations that continue to fund the kind of repressive activities that brought about the innocent deaths of thousands of innocent victims.

This repression must not be allowed to continue. American taxpayer dollars cannot continue to fund this. We must be ever vigilant.

ANOTHER TRAGEDY IN EL SALVADOR

(Mr. McHUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHUGH. Mr. Speaker, many of us have been shocked and saddened by the recent escalation of fighting in El Salvador—fighting from which no winners will emerge, but which is needlessly taking so many innocent lives.

The severity and brutality of the situation was further highlighted yesterday by yet another tragedy, the torture and murder of six Jesuit priests, their cook and her 15-year-old daughter. One of the victims was Ignacio Ellacuria, rector of the Central American University.

These educators were men of peace. Notwithstanding earlier threats by right-wing death squads, they continued to work courageously to bring an end to the violence in El Salvador. Yet they were brutally tortured and systematically murdered for their efforts.

It is imperative that we carry on their work, Mr. Speaker. In particular, I believe the United States must now fully exert its influence to encourage both the Government of El Salvador and the FMLN to agree to an immediate cease-fire.

Likewise, we must call on all parties to return to the active pursuit of a negotiated settlement. It is the only way to end this protracted and bloody conflict. Our historical role in the region suggests that only the United States can take the lead in this effort, and our moral obligation to those who have given their lives for peace obliges us to do so.

DO NOT JUMP TO CONCLUSIONS IN EL SALVADOR

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I think all Members of the House are shocked and saddened by what is taking place in El Salvador. The deaths of the Jesuits yesterday is certainly a shocking kind of incident.

The President of El Salvador has indicated, however, that he is willing to conduct a full investigation. It seems rather odd to me to have people come to this body today suggesting that what we ought to do is cut off aid to El Salvador in its moment of turmoil.

What has happened down there is that the Communist sponsored, Cuban sponsored, Nicaraguan sponsored, FLMN has launched an attack against the civilian population of that country. The Government of El Salvador is trying to protect its own people at the moment.

It is also interesting to note there are Members of this House who have helped the FLMN in years past to raise money so that would have the bullets to conduct these kinds of military campaigns.

So for people to stand on this floor and blame the incidents in El Salvador on the Government and say that this country should cut off that aid, strikes me as being exactly the kind of policy that has gotten us into such difficulties in Central America.

PROTECT AMERICANS IN EL SALVADOR

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, the escalating danger, death, and destruction in El Salvador is threatening to engulf that nation. Recently six priests were brutally murdered, including the rector of the University of Central America. That is a great tragedy.

An additional tragedy is that much of it is being done with American money. There is this morning significant evidence that right-wing goon terrorists death squads are responsible for these murders.

□ 1010

In my opinion, Mr. Speaker, there is majority support in the Congress of the United States to end military aid to El Salvador if these deaths continue.

We do want to make it clear that there is an absolute unanimity in the Congress that Americans are to be protected in El Salvador, and so we say to the Department of State, "Deliver through our mission in El Salvador the unmistakable view of the Congress of the United States that no Americans are to be harmed in that country, either by the Government or by the rebels."

TRY EXPLAINING SUPPORT FOR FORCED ABORTION TO VOTERS

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, talk about explaining a vote to constituents. Last night the House flip-flopped on a human rights issue and voted to end a 5-year boycott of the U.N. Population Fund, this despite the fact UNFPA has been determined by the President for each of the last 5 years to have supported a program of coercion and forced abortion in the People's Republic of China.

Mr. Speaker, since 1979, over 100 million unborn children have been aborted in Communist China, many late in the pregnancy, about 90 percent of the abortions are the result of Government pressure and coercive action, according to Steven Mosher, the anthropologist who broke the story back in the early 1980's. The so-called prochoice movement, which lobbied for this position, has let their guard down and shown us their extrem- ism. They not only vigorously support late term abortions—they support forced abortions as well.

Mr. Speaker, women in China have no choice in family planning matters. They are coerced. Forced abortions was deemed a "crime against humanity" at the Nazi war crimes trials and it is no less a crime today.

Voluntary family planning was dealt a setback last night. Coercion was embraced by this House, perhaps unwittingly by some.

Thankfully, the President will veto this bill over this human rights capitulation, and Members will once again have the opportunity to say no to coercion.

PRECENSUS LOCAL REVIEW

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, last week, the Census Bureau started an innovative new program called precensus local review.

This program will effect each of us because it gives our local governments more control in making sure that the 1990 census reaches every person living in our districts.

Through local review, officials compare records with Census Bureau maps and mailing lists.

Putting to use knowledge of the area, they can spot mistakes such as missed households, homes placed in the wrong location, or incorrectly drawn political boundaries.

Such errors, if left uncorrected, allow the Census Bureau to miss entire households in census counts.

Local governments have the next 7 weeks to report changes to the Census Bureau so that errors can be corrected before the mid-March delivery of the census questionnaires.

The Local Review Program is extremely important to all of us because our districts now have a window of opportunity to substantially improve the accuracy of local census counts.

29-059 O-90-19 (Pt. 21)

Members of Congress should play an active role in promoting the Local Review Program.

When you go home to your districts for the Thanksgiving recess, call your local officials. Make sure that they know about precensus local review and are making the most of this fleeting opportunity.

CONDEMNING THE VIOLENCE IN EL SALVADOR

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I join my colleagues in expressing my extreme distress over the situation in El Salvador. During the past week we have witnessed bloodshed on a scale unprecedented even in El Salvador. I join the Bush administration in condemning the rebel strategy of hiding behind an innocent and defenseless civilian population. This has brought only greater suffering upon the poor of El Salvador, the very people whom the FMLN claim as their allies.

The violence of the left has been matched, however, by the violence of the right. I was saddened to learn of yesterday's brutal murder of six Jesuit priests, including Father Ignacio Ellacuria, rector of the Catholic University in San Salvador. The brutal murder of this man of peace is a devastating blow. Unfortunately, this is only the latest and most brutal episode in a rising tide of right wing violence and repression. The events of the past year should leave little doubt that the violent right is alive and well in El Salvador. I urge President Bush to condemn this violence with the same vehemence and moral indignation with which he has condemned the violence of the FMLN.

Mr. Speaker, the people of El Salvador have suffered long enough. They deserve peace, and we should help them achieve it through a negotiated settlement. We must recognize, however, that peace will not be bought with military aid alone. Father Ellacuria's murder is a stark reminder that enemies of peace exist on both the left and right in El Salvador. The current rebel offensive will pass and I expect that we will continue to underwrite the Salvadoran Government. In the future I hope that we can devise policies which deter extremists on both ends of the political spectrum.

ODDS ARE 5 TO 1 THAT CIA LEAKED STORY ON NORIEGA TO LOS ANGELES TIMES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, our Government is certainly unpredictable. A while ago Panamanian patriots, trying to clean up their country, captured General Noriega. They called the CIA. They asked them for help. The CIA did not return the call. Eventually Noriega was freed, and he executed, he killed, all the patriots who were trying to clean up Panama.

Mr. Speaker, according to a Los Angeles Times story the CIA has $3 million to go to Panama and recruit people to help overthrow Noriega. Let me tell my colleagues what I think.

I think this stinks. I think the Central Intelligence Agency has to answer explosive questions about PanAm flight 103 and Monzer Al Kassar's drug route from Frankfurt to New York, and I bet, 5 to 1, the CIA leaked this story on Noriega to the Los Angeles Times.

THE BRUTAL MASSACRE IN EL SALVADOR

(Mr. MINETA asked and was given permission to address the House for 1 minute.)

Mr. MINETA. Mr. Speaker, eight innocent civilians have been murdered—brutally massacred—in El Salvador by death squads using the cover of a military curfew to hide their evil.

On Tuesday more than two dozen soldiers visited the priest's residence at San Salvador's Jose Simeon Canas Central American University. On Wednesday, eight civilians were dead. Six of these innocent civilians were Jesuit priests.

Their lives were taken from them with a barbarity thinly disguised as a wanton act of rebellion. But this atrocity has the fingerprints of death squads all over it.

The six priests were men of God, they were men of peace. Three of the priests studied at Santa Clara University in my California district. They did not take sides in this battle—they sought to end the battle.

Mr. Speaker, Congress must seek an investigation of these deaths. But more than this, the United States must end our senseless policy of supporting a military solution in El Salvador.

BUSH AND GORBACHEV MUST STOP FLOW OF ARMS TO EXTREMISTS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, as uplifting as is the daily news from Eastern Europe, so are the news accounts from El Salvador tragic. The combatants wreaked torture and death on noncombatants.

I say to Mikhail Gorbachev, "It is time for you to do the utmost to stop the flow of arms from your satellites to the rebels."

Likewise, Mr. Speaker, President Bush must press the Salvadoran Government for a thorough investigation of the brutal murders of six priests and their housekeepers, right-wing death squads, left-wing guerrilla tactics putting residential neighborhoods at risk.

When George Bush and Mikhail Gorbachev meet in December, each must review what they can do to stop feeding the extremists. To the extent that outside powers sustain the unprecedented bloodshed, they must now put an end to it before this tiny nation totally disembowels itself.

ELIMINATE MILITARY AID TO EL SALVADOR

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the military attack by the Salvadoran rebels is cynical, it is outrageous, it is indefensible, and President Bush, when he meets with Mr. Gorbachev at the summit, has every obligation and every requirement to insist that the Soviet Union stop supplying arms to the rebels so that we can achieve a peace settlement.

However, Mr. Speaker, I would also suggest that the killing of the Jesuits yesterday indicates that perhaps the Salvadoran social order itself now borders on the sociopathic.

As chairman of the Foreign Operations Subcommittee, Mr. Speaker, I think it is incumbent upon me to warn the Salvadoran Government that, if it cannot halt these atrocities, it had better be prepared to face dramatic reduction and perhaps full elimination of military aid to Salvador.

□ 1020

I think that Government also has an obligation to support a cease-fire of reasonable duration so that the maimed and the wounded can be evacuated before the killing resumes. I do not think that is too much to ask, and if the Salvadoran Government does not understand the depth of feeling within the Congress on this issue, it will make an historic mistake.

RISK IN PENSION FUND

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, a couple days ago I spoke to my colleagues here on the House floor on the risk that I perceive in the pension fund. Today I would like to provide a

warning to my colleagues on the entire amount of money Congress itself; namely, the U.S. taxpayers, has obligated itself for, has cosigned for, $5 trillion, more than $5 trilion in loans. This is from a recent GAO study that came out yersterday.

These loans are from the Federal Government to student loans, to military equipment, to shipbuilding and, of course, in pensions. Most of these programs are losing money.

Mr. Speaker, I rise today to alert my colleagues to this fact. We are not setting aside money to cover these loans. We have never done it before, and I think we should start today.

VETO ON ABORTION FUNDING MAY PRESAGE LONG-TERM VICTORY FOR POOR WOMEN

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, the President has vetoed two bills because they contain funding for medicaid abortions for poor women who are the victims of rape and incest.

Now apparently, he may veto a third, the foreign aid bill, not because it contains money for abortions, it does not, but because it provides $15,000,000 to the United Nations for volunteer family planning in the Third World.

Many genuine prolifers deserted the President yesterday on the U.N. vote. They recognized it was not a prolife vote at all, it was a provoluntary family vote, a vote to reduce the number of abortions.

In his panting attempt to snuggle up to the loony right, the President is driving millions of women out of his own party and into ours.

And so while a veto represents a short-term defeat it will be a long-term victory as a growing number of Americans abandon the advocate of compulsory pregnancy. Next, they may abandon George Bush. Veto the bill, Mr. President, 1992 is only around the corner.

FMLN ATTACKS IN EL SALVADOR

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, 3 weeks ago several Members of this Congress and myself were sitting in the Ambassador's home in San Salvador looking and reviewing a cache of captured weapons when 15 bomb blasts started going off about 4 or 5 blocks away from the Ambassador's residence. It was the first attack by the FMLN on a democratic government that was duly elected by the people less than a year ago, an attack that has been stepped up, attack after attack, hundreds of innocent lives, lives of rebels, lives of the army have been taken. Why? Because the FMLN does not accept democracy. It does not accept what the will of the people in El Salvador really is.

Therefore, you create war, you create distraction and you take the focus off what the real question is. The question is democracy.

It is the same game, Mr. Speaker, that is going on in Nicaragua and other parts of Central America. If you cannot win fair and square, then you divert and you shoot and you kill and you try to sway the persuasion of other countries, including this Congress, to take tension off what the real question is.

THE VIOLENCE IN EL SALVADOR

(Mr. EVANS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS. Mr. Speaker, like so many of my colleagues, I join them in condemning violence on both sides in the ongoing civil war in El Salvador, but I also rise to say that our Government has an obligation to use its influence to establish an immediate ceasefire and truce so that international groups like the Red Cross can get to the wounded and treat them and carry out other humanitarian missions as well.

We must use our influence to get high level negotiations going again to end this war.

Finally, we must thoroughly investigate the deaths of these Jesuit academics and to end our reliance on military means to resolve the ongoing difficulties in El Salvador.

THE BORDER PATROL

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, recent press accounts have been critical of the size of the U.S. Border Patrol and its ability to enforce immigration laws at our borders. In January 1989, the INS implemented a hiring freeze at a time when on board strength in the Border Patrol reached a high of 4,800. As of December 31, 1988, 4,813 positions had been filled of the total 5,493 positions authorized by a provision I authored in the Immigration Reform and Control Act [IRCA] to increase the Border Patrol personnel by at least 50 percent in fiscal years 1987 and 1988. This represents 88 percent of the total increase authorized. While the INS has made efforts to meet the mandate for increased personnel, budget considerations have prevented them from bringing new agents on board as rapidly as we had hoped. Earlier this year I testified before the House Budget Committee with other Judiciary Committee members to renew my concerns over our Border Patrol's strength and to request full funding for enforcement activities. The Commerce, State, Justice, fiscal year 1990 appropriation includes $845 million for the INS with $9 million earmarked for Border Patrol staffing of 200 additional agents above the fiscal year 1989 levels of 4,500. I am pleased that Congress has set aside this amount to increase our Border Patrol strength.

At a time of record drug seizures, and unrest and upheaval in Central America, continuing to increase the strength of the Border Patrol to the level of funding authorized by the Moorhead amendment is both wise and prudent. Apprehensions of illegal aliens at the southern border began to show a significant decline over the past 2 fiscal years. While this was primarily due to fear of employer sanctions, another IRCA provision, the authorization of additional agents at the border certainly contributed to deterring illegals from crossing.

I am disturbed by the fact that since the INS hiring freeze took effect and in the past few months in particular, the number of apprehensions has increased, showing an upward trend and leading us to believe that the number of illegals crossing the border is once again on the rise.

Public perception is important on both sides of the border, and the awareness aroused by reports that Border Patrol strength is currently declining along with recent attempts in Congress to grant additional amnesty requests is sending the wrong message to foreigners wishing to enter our country illegally. In 1988, drug seizures by Border Patrol personnel were significantly up over 1987 levels. The cocaine seized was 10 times the amount seized just 3 years earlier. Border Patrol drug interdiction operations have been a clear success, accounting for 60 percent of the drugs seized on the southern border. We must continue to maintain a strong presence at our borders with increased drug interdiction operations. There is strong support from the American people for the Congress and the Bush administration to work together and take whatever actions necessary to increase border security and enforce U.S. immigration laws.

NATIONAL SURVEY FINDS SIGNIFICANT EROSION IN PUBLIC CONFIDENCE IN NEWS ORGANIZATIONS

(Mr. APPLEGATE asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, a national survey released yesterday found a significant erosion of public confidence in the ability of news organizations to be objective and impartial.

Yesterday the Los Angeles Times revealed a covert operation between the Bush administration and Congress to get Noriega back into the United States for crimes that he has committed. The Los Angeles Times interpretation of freedom of the press goes beyond their duty and their responsibility to our Nation and to the Constitution. They have jeopardized an opportunity to rid the world of one of the big drug dealers who are bringing drugs into the country, who are helping to kill our citizens and killing the minds of our children.

I think they should mind their own business and allow the Congress and the Bush administration to go about doing what they are supposed to be doing; but so much for first amendment rights.

Mr. Speaker, I hope they choke on their disservice to their country and on their greed.

THE TRAGEDY OF EL SALVADOR

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, what a tragedy we have seen. Apparently the Farabundo Marti National Liberation Front has succeeded in convincing many of our colleagues in this House that they support the cause of freedom. Can we not remember that it was just last Saturday that they launched this attack on the duly elected government of El Salvador?

It has been 5½ months since we have seen the first transition from one democratically elected government to another in the history of this tiny country on this isthmus.

I am saddened and outraged by the horrible murder of these priests. Last night the Salvadoran Ambassador to the United States, Miguel Salavaderia, said that it is apparent that one of those priests, Ignacio Ellacuria, started to indicate support for the Cristiani government. What did that mean? It means that Ellacuria might have been sacrificed by the FMLN.

Now, we do not know who is responsible but we must do everything in our power to bring these murderers to justice.

THE ATROCITIES IN EL SALVADOR

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, anybody who thinks that the terrible atrocity and escalating death squad killings in El Salvador which yesterday took the lives of six Jesuit priests and two people, a woman and a 15-year-old girl who worked there, is not a terrible violation of human rights and an indication of brute cannibalism, is in my judgment soundly mistaken.

Those Jesuits were not responsible for their own deaths, and let us not get into indicating that that is part of the situation.

This kind of Gestapo-like tactics are very reminiscent of the four missionaries who were killed in El Salvador, two of whom were from my district in Cleveland, OH, in 1980.

Now, we know who did those deeds. It was that right-wing army. The individuals were prosecuted and, Mr. Speaker, unfortunately the people who gave the signal to kill those nuns and religious people were not brought to justice.

□ 1030

Our country is a great nation based on freedom, and we stick up for human rights. I call upon the President to indicate his absolute dismay at what took place.

STOP THE COMMUNISTS; STOP THE KILLING

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, regarding this ugly, ongoing horror in El Salvador, I listened carefully to the remarks of the gentlewoman from Ohio [Ms. OAKAR], and just now to my other friend, the gentleman from California [Mr. DREIER], who spoke before her.

I would be perfectly willing to withhold judgment and think that the left had sacrificed these people for an evil political end except for the fact that they were tortured to death. I think the torture indicates that probably we are going to find out it was the psychopathic killers on the far right, if that is the right term, who are not a part of the Cristiani government.

What is the solution to all of this slaughter and killing down there? It is very simply to support the government and bring the killers to justice. But the principal killing has been committed by the Communist guerrillas who are responsible for the deaths of 800 people, most of whom have suffered violent deaths, just as horrible as the deaths of the Jesuit priests. I was educated by Jesuit priests for 7 years, and I love them. And I know what is happening to those six right now in eternity. They may be martyred in the name of Jesus. I am not worried about them.

Mr. Speaker, I am worried about turning our back on El Salvador because of killing on the part of the right or left when the cause of the killing, the primal cause, is communism. The head of the octopus is in the Kremlin. Its tentacles are shriveling up all over Eastern Europe, but its tentacles are still out there in Angola, they are still in Cuba, they are still on the fringes of the dying empire in Nicaragua and El Salvador. As the octopus is dying, there is a spasm of killing out on the fringes of the empire. Are we going to have people speak out that we desert 4½ million people in El Salvador in this moment of their need because a few lunatics perpetrated a barbaric act? Stop the Communists and we will stop the killing, and the death squads will dry up, and maybe we will get to hang the right-wing killers of the priests.

ASSESS OUR ENTIRE POLICY IN EL SALVADOR

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I rise today to add my voice to the strong objection that is being registered by my colleagues today to the brutal killing yesterday of six Jesuit priests in El Salvador. Our Jesuit order has a centuries-old tradition of scholastic achievement and political criticism. To kill them over a political dispute is absolutely unjustifiable.

Among the six who were killed, two include the most prominent in Central America, the rector and vice rector of El Salvador's most prestigious university. These execution-style killings simply horrify the world, and they come at a time when the whole world is celebrating the winds of freedom that are rushing through Eastern Europe.

This brutal oppression by these Salvadoran forces against the Jesuit priests known for their dedication to education and eradicating poverty leaves on the hands of the perpetrators a bloody stain that can never be washed away.

We must now assess our entire policy in El Salvador to strongly protect these brutal killings and do everything we can to be sure they do not happen again.

MEANINGFUL NEGOTIATIONS NECESSARY IN EL SALVADOR

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the brutal and tragic killing of Father Ellacuria and others the

other night is something we should all reflect on. We should reflect on it because the violence in El Salvador is not going to stop until the system in El Salvador is changed.

Mr. Speaker, we have invested over $1 billion, and we still have no justice system, we still have no economic justice system in that country.

My friends get up here and say that the struggle is about democracy. One election does not make a democracy. Two elections do not make a democracy. What does is the participation of the people in their entire country, in the running of their country.

The Cristiani government hopefully will make strides where other governments were unable or refused to, but the violence has got to stop. But it will not stop until people are enfranchised in El Salvador in its economic system and they understand that a justice system will take the killers, whether it is of the Maryknoll nuns or the Jesuit priests, and bring them to justice. That historically has not happened in this country.

I hope that the murder of these priests will start the establishment of a system that will bring the killers to justice. But we must understand until we direct and properly direct how the American dollars are being spent in this country, the violence will not stop. The billion dollars continues to work on the premise that there will be a military solution to this problem. There will not be.

The handful of guerrillas apparently are able at any time to totally and completely disrupt this country. The time has come for this country to put its full weight behind Mr. Cristiani to see whether or not we can get negotiations that are meaningful and stop the tragic terrorism on the right and on the left in this country.

HOW TO RETURN THE PAY RAISE

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, during yesterday's debate on the pay raise/ethics package, I made a suggestion to a number of my colleagues. If they support the ethics reform and had voted for the bill, but were reluctant to accept a pay raise of the magnitude embodied in that bill, they could easily return all or part of the increase to the Treasury. Or, if they simply felt it inappropriate to accept a pay raise of that magnitude, and had voted against the bill for that reason, they may wish to consider what others of us have done in the past, and that is to return a portion, or in some cases all, of a pay raise to the Treasury.

I want to take a minute today to explain how that can be done. It is easy to do. Each month, the Clerk of the House is happy to receive a personal check made payable to the U.S. Treasury from any of us for an amount that we might deem appropriate to be returned to the Treasury. At the end of each quarter, as I recall, the Clerk of the House publishes a report, a public record, indicating, among other things, which Members have returned some portion of their pay to the Treasury and in what magnitude.

For those of us who may wish to do that, it is remarkably easy. It has been done in the past, and my hope is that a number of us will elect to do so in this instance, if the ethics reform/pay increase bill passed yesterday by the House ultimately is signed into law.

ANNUAL REPORT ON NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. WILLIAMS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs.

(For message, see proceedings of the Senate today, Friday, November 17, 1989.)

APPOINTMENT OF CONFEREES ON H.R. 3614, DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENTS OF 1989

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3614) to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention programs in elementary and secondary schools, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HAWKINS, FORD of Michigan, KILDEE, WILLIAMS, OWENS of New York, GOODLING, HENRY, and BARTLETT.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3611, INTERNATIONAL NARCOTICS CONTROL ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3611) to combat international narcotics production and trafficking, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. FASCELL, SMITH of Florida, FEIGHAN, ACKERMAN, JOHNSTON of Florida, MCCLOSKEY, BROOMFIELD, and GILMAN, Mrs. MEYERS of Kansas and Mr. GOSS.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

There was no objection.

□ 1040

NEVADA WILDERNESS PROTECTION ACT OF 1989

The SPEAKER pro tempore (Mr. WILLIAMS). Pursuant to House resolution 289, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill, S. 974.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, November 16, 1989, pending was the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The gentlewoman from Nevada is recognized for 5 minutes in support of her amendment.

Mrs. VUCANOVICH. Mr. Chairman, this amendment offers substitute language for section 2 of S. 974, that portion of the bill describing the proposed wilderness areas. This amendment serves to delete 4 of the 14 proposed wildernesses in their entirety—as rec-

ommended by the administration. These areas are:

TABLE MOUNTAIN, TOIYABE NATIONAL FOREST

The Forest Service did not recommend this area because of ongoing and planned management programs for wildlife habitat improvement. There are existing structures, plans to build more watershed stabilization structures and to use prescribed burning and mechanical methods for vegetation manipulation. Rocky Mountain elk have been transplanted into the area because of the aspen stands on Table Mountain. However, the Forest Service needs to continue habitat management using mechanical means if the herd is to thrive.

SANTA ROSA-PARADISE PEAK, HUMBOLDT NATIONAL FOREST

This area was not recommended by the Forest Service because it has numerous roads criss-crossing the range, a product of historic prospecting and mineral production. Furthermore, the area has moderate to high potential for further discovery of economic deposits of gold, uranium, and molybdenum.

QUINN CANYON, HUMBOLDT NATIONAL FOREST

This area was not recommended because of its very high mineral potential, as recognized by both the Nevada Bureau of Mines and Geology and the U.S. Bureau of Mines. The area has the largest concentration of fluorite in Nevada and excellent prospects for discovery of precious and base metals. Furthermore, a portion of the range is also highly prospective for oil and gas deposits similar to nearby Railroad Valley, where the largest flowing well in the lower-48 States exists—4,000 barrels of oil per day, not one of which is transported on an ocean-going tanker.

CURRANT MOUNTAIN, HUMBOLDT NATIONAL FOREST

The Forest Service did not recommend this area also because of high mineral potential and the numerous roads crossing the range that detract from its wilderness qualities. As in Quinn Canyon, the area has high potential for both metal deposits and oil and gas entrapment.

Mr. Chairman, this amendment also reduces the acreage of the 10 remaining proposed wildernesses to conform with the boundaries as drawn in the Forest planning process. Briefly these are:

Arc Dome, from 115,000 to 94,400 acres.

Alta Toquima, from 38,000 to 31,000 acres.

Mt. Charleston, from 43,000 to 42,500 acres.

Mt. Rose, from 28,000 to 16,000 acres.

Mt. Moriah, from 82,000 to 60,700 acres.

Ruby Mountains, from 90,000 to 67,600 acres.

Grant Range, from 50,000 to 43,100 acres.

Jarbidge Additions, from 48,500 to 26,400 acres.

East Humboldts, from 36,900 to 18,500 acres and Boundary Peak, from 10,000 to 8,900 acres.

The boundaries for the areas are shown on maps on file with the Secretary of Agriculture and with the committee. They reflect the long planning process and public participation. Let me reiterate once more, Secretary Yeutter has promised to recommend that the President veto S. 974 unless it is successfully amended to conform with these plans. If we pass the acreage contained in the current bill we will be doing this Nation a grave disservice. I too take seriously the role of my committee and this Congress to oversee stewardship of the public lands, but I am not sufficiently persuaded that the authors of this bill have made their case that the administrative agency charged with planning by this Congress should be overturned in such a large fashion as does this bill.

I urge the adoption of my amendment.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentlewoman for yielding and to support her amendment.

I want to offer to those who are concerned about the environment a couple of reasons why they should support the amendment, in my estimation.

No. 1, with regard to Table Mountain, there has been a transplant of Rocky Mountain elk in that region, as the gentlewoman mentioned. For Members who are not familiar with elk, elk are different from deer. Deer are browsers. They feed on shrubs and small trees. Elk are grazers. They need grass, and that means that they need the same type of grass that cattle need, and in some cases we have to use mechanical means when we put elk in a given area, and I am talking about brush clearing so that the grass can thrive and grow, thereby helping the elk herd.

Right now that elk herd is not stabilized, as I understand.

Mrs. VUCANOVICH. The gentleman is correct.

Mr. HUNTER. We need to keep continuing to use mechanical means to develop the grass resource in that area to support that elk herd.

For Members who are concerned about the transplant and the continued growth of Rocky Mountain elk herds in Nevada and in other areas, this is a very important issue to address. I think the gentlewoman is absolutely right.

The other thing I want to point out with regard to the other areas that involve mineral exploration and the possibility of minerals being available, as long as southern Africa remains, in our estimation, a less than reliable ally with regard to transport of these critical minerals, some of which are critical to our national industrial base, I think it is important that we be very careful before we lock up those minerals within our own boundaries.

Also, as long as the debate is hot and heavy with regard to Alaska, I think we have to be very careful before we lock up other areas in the United States.

Again, I thank the gentlewoman for yielding.

Mrs. VUCANOVICH. I thank the gentleman for his comments.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this Vucanovich amendment which would designate only 412,000 acres in 10 areas. The amendment would eliminate 321,000 acres or 40 percent of the proposed wilderness. Let me reiterate. Over 40 percent, almost half of the designations outlined in this bill, would be deleted.

I remind my colleagues that the RARE II roadless areas that were studied by the Forest Service were in excess of 3 million acres, and that the total national forest areas in the State of Nevada total over 5 million acres. We are seeking to designate wilderness in Nevada for the first time in 25 years. We are designating only about 15 percent of the national forest acreage in Nevada and only 2 percent of the land area of Nevada. These are really the crown jewels of the State.

The State of Nevada has its first national park because of action of this Congress. The Great Basin National Park was specifically initiated here by Senator REID who was then a Congressman in this body.

Along with the national park these wilderness areas are the key areas in the State, and we need to stand up and be counted in favor of it.

The acreage and the boundaries in the Vucanovich amendment are those recommended by the Forest Service. None of the four wilderness bills before the House of Representatives, including the bill that Mrs. VUCANOVICH introduced, includes the Forest Service recommendation. If this is such a good idea, why was it not introduced at anytime during the past 5 or 6 years? It was never introduced. This amendment is a new proposal that has not been considered in committee or by this body in this session or any previous session of Congress.

The boundaries in the present bill have been drawn very carefully to reduce the conflicts with minerals, with roads, with oil and gas leases,

with off-highway vehicle users, and with ski operations. The wilderness boundaries in the Vucanovich amendment have not gone through the same careful scrutiny at the congressional level.

But even more significant is the fact that her amendment would prevent at least four outstanding wilderness areas from being designated as wilderness. Deleted from the bill would be the Table Mountain Wilderness with Nevada's largest elk herd and its most spectacular aspen forest. It is true that elk need to graze, but the Forest Service under a natural fire program can indeed provide those types of grasslands that are necessary for elk in a way consistent with the Wilderness Act.

Deleted from the bill would be the Currant Mountain Wilderness with its magnificent limestone cliffs, with the native bighorn sheep population that abounds in that area, and with its pristine grasslands—grasslands, Mr. Chairman, that have never been grazed. This is a rarity in the State of Nevada and, indeed, anywhere.

Also deleted from the bill would be Quinn Canyon, with its abundant surface water, its more unnamed peaks, its big horn sheep population and its dark volcanic rocks. And finally the amendment would delete the splendor of the Santa Rosa Range, with its antelope, mountain lions, aspen groves, and trout streams with the threatened Lahontan cutthroat trout.

□ 1050

Mr. Chairman, I urge my colleagues to support the product of the committee. It is a good bill and it is a good compromise. In past Congresses, we have passed Nevada wilderness bills that were larger than this one.

The fact of the matter is that we have worked hard on a number of Nevada lands bills in committee. We have set aside hundreds of thousands of acres, for instance, for the Aerojet project in the 100th Congress with the gentlewoman's name in sponsorship. We have set aside in this Congress thousands of acres of land for Kerr-McGee and the economic development of the gentlewoman's district. In other words, we have set aside significant amounts of acreage to help with the economic development of the State and now it is only fair to set aside some acreage for preservation.

I think that it is only appropriate that when we set aside some lands that preserve the natural heritage of all Americans as well as that of Nevada.

We have done that in this instance. I would hope that this committee, this House, would uphold the decisions made in the development of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I thank the chairman, and I thank my colleagues.

I would like to go back to a little history on this whole issue of wilderness. It is interesting to me that Members from Minnesota, Members in Pennsylvania, Members from the east coast can know and be experts on a Nevada wilderness proposal. Yes, we have another Member from Nevada from a large urban area that is meddling in another Member's district.

It is amazing to me that this good lady who represents that district sits on the committee on which I am the ranking member, has tried to work with the opposite side, and yet they have said "No" to everything that she has proposed, including this amendment, because they say they have had public input.

They have had public input? I want to tell you what public input means, and I have been through this for 17 years on the Interior Committee.

I have heard the words "crown jewels," I have heard that "this is the people's issue and we have had so many public hearings."

Sounds good, does it not? But I want everybody to understand what a public hearing means to the Interior Committee. They only have one ear. The other ear is plugged up.

They do not hear anything about there are possibly minerals there, and in fact there are minerals here. They do not hear anything that there is oil here. In fact, we need that oil.

They do not hear anything about the off-road vehicle users who want to use recreation areas. They hear one thing, what they want to hear. That is all they hear.

They call that public input. That is utter nonsense, absolutely utter nonsense. They hear what the Sierra Club wants them to hear, what the Friends of the Earth wants them to hear, and all those other organizations that think they have the God-given right to tell people that live on the land how they should live.

Now I have tried to, as a member of that committee, say, "Why don't we name some of these areas recreational areas instead of wilderness areas," which is the most restrictive of all.

Then I hear the term all the time, "We have drawn these borders very carefully." Yes, I would agree, they have been drawn so carefully they include every other use, every other use, including wilderness.

There is lots of lands that should be wilderness if we agree. But wilderness is not the only use that should be considered.

In this bill, for instance, the water rights have a priority use for wilderness, not man, not even for drinking. A lawyer's dream come true: One cup of water used for another use other than wilderness, and in fact there could be a suit against the agency that is operating it. And this is the truth, it is in the report, a fact that came out from the other side of the aisle: The lady whose district she represents has tried to work, the professional land managers have made recommendations.

The gentleman from Minnesota said, "Why hasn't this bill been introduced?" Very honestly I will tell you why: Because it would get the same shrift, the same shrift that the good lady from Nevada has received. The ear would be closed to all those interests other than the special interest groups.

I think it is time this body, and I am pleading with my Members on this side of the aisle, it is time that you and you and the rest of you understand that that lady represents that district. It is time that you start listening to the professional land managers, the people that should know; not you, you know very little about it—I would like to say "nothing" but I will not say that. Very little about it.

And it is time that we start telling you you work with those Members from those districts or, in fact, that big X will be on the bill and again you will not achieve what you are seeking.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

I just wanted to point out to the gentleman that there are some provisions in the bill that have been written by the gentlewoman, if the gentleman would continue to yield, the Mount Rose exception.

Mr. YOUNG of Alaska. The main provision she wishes is the water rights and the size of the acreage, and you ignored her in committee. She offered that amendment, she was defeated by a bipartisan—not bipartisan, but partisan issue.

Mr. VENTO. Bipartisan.

Mr. YOUNG of Alaska. Not bipartisan.

I just want to stress to my Members on this side and on that side who have any concept of what this is all about, any concept: Please start thinking about representative form of Government. I say this from the bottom of my heart because you have been doing this to me for the last 17 years. I heard the crown jewels argument in Alaska. "We have drawn the borders very carefully." Well, within those borders, unfortunately, are all the gas and oil, all the highly mineralized areas, the timber areas, the hydro areas are put into the wilderness area. That is not by accident.

That is by premeditated planning to put land off limits to man.

Now, that sounds good, and it is good for the guy from a big city. But this country is dependent upon those resources. It is time we start having the management take place.

I urge adoption of the good lady's amendments. All three of them should be adopted if this bill is to become law.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Alaska has made a point that we should do what the land managers, the professionals, have asked us to do and so forth. Of course, we did not have that proposal before the committee. We had a lot of different proposals, some offered by the gentleman from Pennsylvania.

Mr. Chairman, I want to commend the gentleman from Pennsylvania [Mr. KOSTMAYER] for his leadership on this bill.

But the land managers, the professionals, support the water language that is in this bill. The land management professionals, the Forest Service is on record as supporting the water language in this bill. I want to point that out because we are hearing about the land management professionals now. Nobody was advocating their position in committee, not the members with larger bills, not the member obviously with the much smaller bill.

Today we come up with this after 6 years of controversy. I wish we would have a compromise, but we do that.

But we have got, I think, a very good bill. I wish we had agreement. I think it is a compromise.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank the gentleman for yielding.

Mr. Chairman, let me talk briefly about the water language because there is now a new concern that has been discovered in the last day or two as it relates to the report language of this bill. It is my understanding from the Senate side that there was an agreement that certain language that is now in the report language would not be there because there was no intent to imply that there was reserve water rights on any other legislation.

Let me read it to you because I think this is a major concern, Mr. Chairman. It says in the language:

The express reservation of water in this act does not indicate and should not be read to mean that the absence of water right language in our wilderness legislation reflects Congress' intent not to reserve water for areas designated within that legislation.

Retrospectively, this is saying that in the 1964 act there is an intent to reserve. That is how I think it is currently being interpreted.

The Senate is saying that is not acceptable and they will not accept this legislation as it currently is drafted.

□ 1100

Mr. VENTO. Mr. Chairman, if the gentleman will yield further?

Mr. KOSTMAYER. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I think the intent of this report language is simply not to suggest that the absence of acreage in previous bills that have passed in the last Congress with respect to the water language should not indicate that they did not have. In other words, what we are trying to do in that language, and I think a literal reading of it delivers that message, is to suggest to be neutral with regard to that issue. Not to get involved.

In other words, this is not a precedent, either positively or negatively. That is exactly what the language says.

Mr. CRAIG. Mr. Chairman, if the gentleman would yield?

Mr. KOSTMAYER. I yield to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, if it is the intent of the Committee on Interior and Insular Affairs to attempt to influence or develop an environment around the decision of the Caine decision, then the Senate will reject this language. There is no question that that will happen. Because we have amended the Senate version of the bill, they can now hold this piece of legislation based on this.

Mr. VENTO. Mr. Chairman, if the gentleman will yield?

Mr. KOSTMAYER. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, we have not amended the water language in the bill. We have I think happily, with regard to the gentleman's reading of this language, pointed out the neutrality of our position on prior measures that have passed. Obviously the full reading of the report is necessary to get that intent. But I want to satisfy that particular concern, it is not the intent, it is not the effect of what we have written in the report language.

Mr. Chairman, I am happy to have responded on the time of the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. CRAIG. If the gentleman will yield?

Mr. KOSTMAYER. I yield to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I thank the gentleman for yielding. I will take my own time on this amendment. I do believe we have some major new concerns with that language.

Mr. MONTGOMERY. The time of the gentleman from Pennsylvania [Mr. KOSTMAYER] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. KOSTMAYER was allowed to proceed for 2 additional minutes.)

Mr. KOSTMAYER. Mr. Chairman, I just want to say a couple of things. I want to commend the gentleman from Minnesota [Mr. VENTO] for the hard work he has done on this bill, and so many other pieces of legislation that his subcommittee, the Subcommittee on National Parks and Public Lands, has brought to the floor. I also want to commend the gentlewoman from Nevada [Mrs. VUCANOVICH], with whom I disagree on the subject at hand, but my disagreement is not intended in any way to diminish my respect for her or the hard work she has done in defending the people of her State.

Mr. Chairman, of the 11 Western States, Nevada is the 6th largest in terms of its roadless areas. There are 3.6 million acres of roadless areas in Nevada.

Of those 3.6 million acres, this bill releases 2.4 out of 3.6. It releases 2.4 out of 3.6 for multiple use. It sets aside a very modest 733,000 acres to be preserved as wilderness.

That provision of 733,000 acres of wilderness makes Nevada last, dead last, in the amount of wilderness of any Western States.

Even if this bill is adopted, even if this bill is adopted without the amendment offered by the gentlewoman from Nevada, Nevada will still be dead last of all of the Western States in the amount of wilderness.

Mr. Chairman, do Members know how much the State of Nevada has in terms of wilderness now? It has 0.4 percent. Four-tenths of 1 percent of the land in Nevada is set aside as wilderness. If this bill is adopted, that 0.4 percent will grow to a little more than 1 percent.

This so-called draconian measure adds six-tenths of 1 percent of the State of Nevada to wilderness. I think that is very, very modest.

I think this is something we ought to do. We have not added a single acre of wilderness in the State of Nevada since 1964.

We have been working in the Congress on this bill since 1982. We have conducted in 4 years, 11 hearings. Four years, 11 hearings. A number of those have been held in Nevada. I have attended those hearings. I have attended those field hearings, the hearings in Washington, and I have traveled with the gentlewoman to her beautiful State on two separate occasions.

This bill passed the House in the 99th Congress. It had 100,000 more acres than it has today.

This bill passed the House in the 100th Congress. It had 100,000 more acres than it has today.

We have already taken 100,000 out. The gentlewoman's amendment would reduce the acreage from 733,000 to 412,000 acres.

I think surely Members can afford to set aside six-tenths of 1 percent of this great State to protect the wilderness areas in the West. We have so little wilderness in the country already. We have so few parks in the country already.

Although I am from the East, I want to tell Members, I would be reluctant in a campaign to tell the people in my part of the country I did not vote for a bill to set aside and preserve some of America. I think it is something we ought to do.

Mr. CRAIG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand this morning to support my colleague from Nevada's amendment to S. 974, to reduce the number of overall acreage proposed in this wilderness legislation.

Let me give you a couple of good reasons why. Because if one were to believe the rhetoric of my colleague from Pennsylvania that this was a draconian measure, then one would have to believe that wilderness was only a game; that you draft legislation only in a numbers way; that you do it because the business in town is how many acres can we get this year, not what kinds of ecosystems and resources are we concerned about as it relates to the management of our public lands.

I believe that the amendment that is before the House now reflects that kind of attitude in a sincere way. I stand before Members as one who does vote for wilderness on occasion, when I believe it does in fact reflect the protection of quality ecosystems and is the optimum tradeoff against the use of some resources.

But why is the gentlewoman from Nevada [Mrs. VUCANOVICH] proposing these amendments? It is not that the gentlewoman drew them from the sky, but because she went back to the planning process that the management that is largely responsible for these lands proposed.

In the planning process a variety of things came out. One of them that I am extremely concerned about, partly because of my position on the Committee on Interior and Insular Affairs with the Subcommittee on Mining and Natural Resources, but also because I believe this Nation's wealth in large part rests in the wise and judicious use of its mineral resources.

The Forest Service recommended in Quinn Canyon, Humboldt National Forest, that the area was not recommended for wilderness because of its high mineral potential.

Currant Mountain, Humboldt National Forest, the Forest Service recommended that it not become wilderness because of its high mineral potential. And the story goes on and on.

Nevada has been and continues to be today one of this Nation's mineral treasure houses. It has produced for our national defense and our national wealth untold mineral resources throughout the years, and is continuing to do so today. It is not only producing thousands of new jobs for the State and for the region and for the economy of this country, but for a Nation that a few years ago was a 40-percent importer of gold, not just for the purpose of fine jewelry, not just for the purpose of its attractiveness, but for our new technologies, for our strategic weapons, for our new circuitries.

We are nearly now at an even base in our use of gold. We import very little today. It is said that within a few years, based on the gold production that is primarily coming out of the State of Nevada, that we will be a net exporter of gold. In other words, a positive flow into this country of cash to offset our balance of payments.

How possibly could a little State like Nevada be so productive? Because it is in fact a treasure house of minerals.

Those areas that are producing today, 20 years ago, based on technology, based on understanding, based on the current knowledge of the day, would have been, if the vogue effort of the time was to lock up land in wilderness, would have been candidates for wilderness, because that technology that now causes them to be so productive simply was not available.

That is one of the reasons Members ought to look at these amendments.

Another reason we ought not succumb to the game of acreage, we ought not succumb to the argument that these are all now crown jewels, is every area that has never been touched in its natural form is in fact a crown jewel. We all know that.

Mr. Chairman, Members also recognize balance. We recognize the need to make a few tradeoffs. That must be, and it is always necessary for the existence of our economy, for the existence of the wellbeing of this country. We have made those tradeoffs.

□ 1110

Now, Mr. Chairman, because of modern technology, one thing that we do that we never have done in the past is that, once the tradeoff is made, once the resource is drawn from the ground, we go back, and we recover. We reshape the land, we replant the grass, we even put the rocks back in place, and we plant the trees. In 15 or 20 years one can go into these areas, and they are different. Yes, they are; not as Mother Nature made them originally, but certainly in a much finer form than we have left them in the past.

Mr. Chairman, that is the nature of technology, and that is clearly the nature of the mining industry today in the State of Nevada and the efforts that are going forward there.

I urge my colleagues to support the amendment of the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mr. OWENS of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentlewoman's amendment dealing with reserved water rights. I take strong exception to the contention that a Federal reserved water right in any way usurps the power of the States to regulate water. Federal reserved water rights are nothing new, and have been a part of Western water law for more than 80 years.

In fact, were it not for a flawed decision last year by the Solicitor General which purported to reverse longstanding judicial precedent, there would be no need for legislative clarification of a Federal reserved water right. It would simply be understood, as it has been for years, that wilderness requires enough water to sustain itself in its natural condition. The Solicitor General's decision ought to reversed, but until that happens, we must reserve water rights in the wilderness bills we pass—or risk in the future that later appropriators of water could dry up and devastate designated wilderness. It would truly be ironic if wilderness, protected by law from logging, development, and motorized instrusions, could be transformed into a dried and withered shell of itself through the simple expedient of removing its water.

Confusion and misinformation have reigned in this discussion. Let me clarify certain points. No State right has been superceded. None can be superceded by the designation of a wilderness. As officials of the State of Nevada have stated, this bill would have no effect on existing water use. The fears that Federal reserved water rights will damage rights perfected under State law—the fears are groundless.

By establishing a reserved water right in the Nevada Wilderness Protection Act, the Federal Government merely gains a place in line for allocation of water inferior to all existing water rights, are superior to none which are existant.

I am deeply impressed with the quality and the beauty of the areas protected by this legislation and I see the express reservation of Federal reserve water rights as an essential part of that protection. I strongly oppose the

gentlewoman's amendment and I encourage my colleagues to vote against this or other attempts to weaken the legislation. I am happy to join my colleague, Mr. BILBRAY, the two Senators from Nevada, Senator REID and Senator BRYAN, as well as the Governor of the State of Nevada, in strong support of the bill as drafted.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the whole idea of wilderness set-aside is to exclude people because there is a belief that people in excess numbers ruin everything, and yet it seems to me to fall against the premise of what public lands really mean to Americans.

Mr. Chairman, public lands belong to all of us whether we live in public land States in the West or whether we live in Pennsylvania or Minnesota. So, there has been, I think, in the past in inclination by those who live in the West to believe that the public lands are theirs. That is not true, but nor should it be true that an exclusion of people from public lands continue, and that premise denies the public, the people, from utilizing their lands, from enjoying their own lands.

So, Mr. Chairman, the whole idea of this exclusion is wrong in my opinion.

The gentleman from Pennsylvania made a point about the release of some 2.4 million acres in Nevada should the Congress be duped into passing this bill without the amendment of the gentlewoman from Nevada [Mrs. VUCANOVICH], my friend. Let me just give my colleagues the experience in Oregon.

Mr. Chairman, in 1984, I had just arrived. The battle was then Oregon wilderness, and at a point there was a question of a million acres of wilderness to be set aside, primarily forest lands. The carrot was that we would release 2 million acres if we were just given a million. That sounded pretty good because we were tried up at that time in a question of shrinkage of timber available for our mills, and so we went for that. We thought that was something that should happen.

What happened? Mr. Chairman, the carrot turned into a pickle, tasted bad. It was a phony program. The released 2 million acres immediately were taken into court by those people who wanted to harvest of timber, and here we are today starving for timber in Oregon. The release land is before the courts, appealed by every organization connected with, quote, environmental preservationist concerns, and we in Oregon are starving to death for wood.

Mr. Chairman, I propose that this language, the released language in this bill, is exactly like the released language in the Oregon bill. The only complication will be that Nevada, now the great storehouse for minerals, will be challenged, will be taken to court, and the so-called 2.4 million released acres of land will not be released at all.

Mr. Chairman, it is a sham, and I do not want my colleagues to be duped by this so-called release business. I suggest that we ought to support the amendment of the gentlewoman from Nevada [Mrs. VUCANOVICH] because at least it will give all of us in America a little bit more opportunity to use our public lands on an unrestricted basis.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment of the gentlewoman from Nevada [Mrs. VUCANOVICH]. Those who support her amendment seem, according to the previous debate, to be doing so on two basic grounds. The first is that the U.S. Congress should for some reason, which I have never fully understood, rubberstamp Forest Service recommendations. We note that the amendment of the gentlewoman from Nevada does that. It would put into law precisely, exactly what the Forest Service has recommended.

Mr. Chairman, I ask, "Is that what the people of Nevada and the people of the United States want? Do they want people in the bureaucracy to decide for the elected Representative and for the people what the ultimate disposition of the public's lands shall be?" Of course not. Of course not. That is why we are elected.

Mr. Chairman, during my dozen years in Congress, the Congress has never rubber-stamped a Forest Service RARE II recommendation in toto, into law by designating those precise acreages, as recommended by the Forest Service, and those precise boundaries, as recommended by the Forest Service, into law, nor should we in this instance.

□ 1120

The second objection that many who are supporting the gentlewoman's amendment seem to have is some notion, which I also have never understood, about how somehow the Congress asserting its legal will to determine how the public's land shall be designated, violates State sovereignty. Of course, we should strongly consider the desires of the people in Nevada. I have noticed, by the way, in recent public opinion polls that a majority of folks in Nevada want more wilderness than is in this bill. So if this bill violates the wishes of the people of Nevada, it violates it only because it does not designate enough wilderness. Thus, there have been compromises with the folks of Nevada by the elected officials in Nevada. This bill, as introduced by the gentleman from Nevada [Mr. BILBRAY] recognizes and reflects those compromises.

This is not a slam dunk over the objection of Nevadans. This legislation, without the gentlewoman's amendment, is supported by the Governor of Nevada, by the two Senators from Nevada, by Congressman BILBRAY of Nevada.

This is a compromise that comes I think about as close as we can get to what the folks in Nevada will accept.

Now, a final point, and I say this as the person in this House who represents western Montana where we have a significant portion of Federal land. That is the key, is it not? The land is Federal land. It is the public's land.

Yes, people in Nevada, just as people in Montana, have been good stewards over this public land, but all of us recognize under the law that the land does not belong only to the people who reside within individual States, it belongs to all Americans, with the people within those States the closest stewards of that land. So the notion that the designation of some of it into wilderness or some of it into national parks or national recreation areas somehow violates the sanctity of the free choice of the people in those States is false, is flawed, is erroneous.

The Congress is about its business here today in trying to compromise with the people of Nevada and other Americans on what should be designated wilderness and what should be multiple use.

I commend the gentleman from Nevada and I commend the gentlewoman from Nevada for trying to work together to reach this compromise, but I do want to draw to the attention of my colleagues that in doing so they are not forcing on Nevadans something that they do not want. We are not asserting the heavy hand of the Federal Government in some kind of a violation of state sovereignty. This bill has been worked through, has been heard, and it is an adequate compromise.

Mr. HANSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a very interesting debate on this motion to reduce the proposed numbers of acres involved.

I was told years ago that politics and compromise are synonyms. The gentlewoman has come up from 132,000 acres to 412,000 acres. That is a dramatic change.

Now, yesterday we saw a great demonstration of compromise on this floor. The first time in 30 years that I have been in politics I saw the Speaker of the House come into our caucus. There was a good feeling of compromise. We learned to get along with one another. There was the hope expressed yesterday by a number of speakers that today we would have the courage and the guts to say, "Let's extend this to other things."

Now, here you have 733,000 acres that the bill talks about. The gentlewoman had 132,000 acres. She has come up with 412,000 acres. Where did she get the 412,000? The 1964 bill says that each agency will study it. I do not know the cost of what this is, but she has come up 280,000 acres.

Let me tell you about the State of Utah. We have two BLM wilderness bills, and the BLM told me the other day there was $6.4 million to study it. So now you folks have gone out. You went to Las Vegas where it does not even have much to do with this, and you had a hearing. But in these other areas where the people live, we apparently have not had a hearing, and in this situation we have determined with the great wisdom that we have here that, of, well, we will come up with 733,000, but for 412,000 acres we have had exhaustive studies.

What does that mean? That means our very best has been on the ground, looking at it, studying it, looking at stream flows, looking at cattle, looking at multiple use, looking at solitary things, looking at roadless areas, and all the criteria that goes into this. They said this is what we have come up with, not like we have in about every other wilderness bill. We say, "Our great wisdom in our one little week down there in Las Vegas has determined to us that it is 733,000 acres. We don't care what the people think up there in that district. It is immaterial to us what they think."

They have to live on the ground. They make their money from the ground. They are the ones who count.

I just think we should chuck the Forest Service and the BLM and the Park Service, because in my 9 years in Congress I have yet to hear one time that we have even come close to adhering to what these people say.

So I submit to you, it is not quite as good as it sounds about all these people who say they want it. Let me tell you some who do not want it:

The Nevada Mining Association, the Nevada Cattlemen's Association, the National Cattlemen's Association, the Nevada Farm Bureau, the American Farm Bureau, the Nevada Sportsmen and Outdoorsmen do not want this; the Blue Ribbon Coalition, an association of recreation groups, the Ruby Mountains Snowmobile Club; and here is a heavy right here, the Public Lands Committee of the Nevada State Legislature does not want it; and here is another heavy, the Nevada Association of Counties.

Mr. Chairman, if we are going to say anything about compromise, why do you want your pound of flesh? Can we not come up with 412,000 acres? Can we not compromise a little bit in this Interior Committee? Do we always operate in this committee out of proxies and ruling with the majority?

It is about time that the people on the Republican side stand up for a lady who has an excellent compromise. You people over there, can you not compromise a wee bit today and come up with a reasonable amount?

Come on, JIM, you can't shake your head no.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words.

You know, it is very interesting to hear the arguments from my colleagues on the other side of the House, including the gentleman from Alaska. First, they criticize the fact that somebody from Georgia, from the South, would speak up in favor of this bill, somebody from Minnesota, from the Midwest would speak up in favor of the words, someone from Pennsylvania would speak up in favor of the bill, and then for some reason, the two U.S. Senators, the Congressman from the other district in Nevada, one of the two districts, the Governor of the State, all support this bill; but not only are these easterners and the southerners and these midwesterners not to be heard, but the urban Nevadans cannot be heard on the bill. We do not have any input into the bill. We are from urban areas.

Las Vegas, like it was just some terrible thing, where 60 percent of the people live, support this wilderness bill.

What about Reno? That is in the other district. They overwhelmingly support the wilderness bill also.

Our polls show that 80 percent of the people in the State support not only the bill before you, but more wilderness; but for some reason, it is only the Congressman who represents the district where the wilderness that should have any input in what wilderness should be.

First of all, the Mount Charleston area is 14 miles, approximately, from my district. Practically everybody that lives in Mount Charleston works in my district. Most of the people who use the Mount Charleston area live in my district, and overwhelmingly the people that live in that area that are being included in wilderness.

Second, how about Mount Rose? When the Congressman from the northern part of the State in the last bill was able to cut some of the area out as wilderness, the leading newspaper in that part of the State had a hue and cry against removing that from the wilderness area.

Overwhelmingly Nevadans support wilderness, and the fact is if we come from the urban areas, we are not less Nevadans than somebody who comes from the rural area. In fact, the Congressman from the north lives in Reno in an urban area also.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, I would just like to read very briefly from the Reno Gazette Journal of April 30 of this year.

□ 1130

"The Vucanovich proposal is so tight-fisted, so unreasonable and so arbitrary its supporters will be unable to defend it." That is from the hometown paper of my distinguished friend from the State of Nevada.

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

Mr. BILBRAY. I am happy to yield to the gentleman from Florida.

Mr. SMITH of Florida. Mr. Speaker, to put what the gentleman is saying in proper perspective, let me just tell the gentleman that I spoke to my sister last night. She lives in the gentleman's district, she and her husband and her two children, and I happened to ask her about the gentleman's bill, however, we were discussing family matters, whether or not she is interested in doing this, whether they have any real concern and, frankly, she said she thought it was a very important issue and that a lot of people in her area wanted to see as much wilderness legitimately includable put into that tract that we are dealing with, so obviously the people who are the most close to it and the people who use it the most obviously feel very strongly about the gentleman's position.

Mr. BILBRAY. Mr. Chairman, I thank the gentleman from Florida.

Mr. Chairman, I think the importance is we took a survey just out of our office, and the biggest criticism of our bill, and this is Senator REID, Senator BRYAN and my bill, and we wanted to make a compromise. We tried for years to make a compromise. But the senior Senator who was defeated last time from Nevada did not want any part of that. They did not want to sit down and work a compromise out. Now that we have the horses, they would like to have a compromise.

I will tell the Members that the people of Nevada do not want a compromise. The biggest criticism I get is that we have too little acreage in this bill, that we do not have too much.

What about the problems with the minerals that has been brought up? That great oil company called Exxon has some oil leases in that area. When we went out with Congressman SEIBERLING and looked at the area, we offered to allow the oil companies to put some test wells down in a couple of these areas to find out if there was any oil. They refused to do it. Most of the oil leases have expired. We do not believe that there is any oil potential in those areas, and the fact is when we had hearings here, Exxon did not even

show up to testify. Of course, if I was Exxon, I probably would not show up in any congressional hearing anywhere right now.

The fact is this is a good bill. It is a compromise between our delegation. We worked hard. I wanted more acreage. I would have put in a couple of hundred thousand more acres, and our two Senators worked it out with me. We would have welcomed the Congresswoman's participation in those discussions, but she was firm; she was hardheaded. I commend her for that. I get hardheaded, too; I am hardheaded.

She wanted 132,000 acres. It is only today in the last couple of days that we have heard of any real compromise being proposed. It is too late. We have worked this out. We pushed it through the Senate. It went through by a voice vote unanimously. We need this bill.

I ask all of my colleagues, north, south, east, west, you are all Americans and we consider you supporters of the wilderness bill, and we ask for their support.

Mr. NEILSON of Utah. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not come to speak, because I wanted to hear this bill.

I am interested in wilderness. We have wilderness proposals in the State of Utah.

There are just a couple of things, and first of all, the editorial from the Reno paper quoted referred to 132,000 acres, not the 440,000, that the Forest Service had recommended.

The second point is that all of the wilderness is in the district of the gentlewoman from Nevada [Mrs. VUCANOVICH], and I think the best poll in Nevada that one could look at is the poll on her. She has had this position for 4 years, and she has also compromised on the national park recently put in Nevada, and she keeps getting elected in a very difficult district.

I think the poll is on her actions. They do support her, and they in the main believe that she knows what is best for her district.

The number of thousand that she mentioned of the Forest Service is what the Forest Service came up with. I agree with one speaker who said we should not do it lock, stock, and barrel, but if we have 132,000 by one Member and 700 by another, and this is one by a recognized agency who spent a lot of money doing it, it seems to me that the better part of valor would be to adopt something agreeable to everyone concerned.

I do not think we can dismiss the cattlemen's association, the farm bureaus, and the mining associations out of hand, if that is something we want to do.

I do support the gentlewoman's motion.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I was listening to the debate, I just had a couple of questions that occurred to me.

I wonder, would the gentlewoman from Nevada tell me how much of this wilderness land that we are talking about is in her district?

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, it is all in my district, all the 14 areas are in my district.

Mr. WALKER. We just heard from the colleague from Nevada of the gentlewoman from Nevada a few minutes ago talk very eloquently on this bill, and not even 1 acre of this is in his district?

Mrs. VUCANOVICH. If the gentleman will yield further, the gentleman is correct. He is very close to Mount Charleston, but that is in my district and, of course, that is in my bill. It is in the Forest Service bill. It is in Senator REID's bill. It is in Congressman BILBRAY's bill. It is in Congressman DARDEN's bill. It has not been excluded, and it is a very pristine place. It is a great part of the whole proposal.

Mr. WALKER. What occurs to me is that we are hearing from some people here of what Nevadans want and so on, and I thought we had something in this body called comity that was supposed to take into account the wishes of the people whose districts are affected by what we do around here. It seems to me that to have the gentlewoman from Nevada attacked, as I have heard her attacked here in the last few minutes, for a position she is taking on behalf of her district, and if someone wants to force something into her district, then at least do it in a way honorably that they do not come out to the floor and attack her. I have heard just within the last few minutes the attacks launched upon her personally. That is just plain wrong, and particularly from people, such as the gentleman from Pennsylvania who spoke who represents the suburbs of Philadelphia, the gentleman from Nevada who represents the canyons of Las Vegas, the gentleman who brought the bill to the floor who represents the canyons of Saint Paul, and those are not likely to be major areas where we would be likely to have wilderness in the next few years, and I would say to these people that the gentlewoman from Nevada, at least, deserves some consideration for the views that she is expressing on behalf of her own district. She deserves that consideration without being attacked personally for what she is doing on behalf of her district.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I will say to the gentleman that I have seen no personal attacks on this floor on the gentlewoman from Nevada, and certainly we did not, nor I, nor other Members intend, and the fact is that we have talked about the issues here. This bill does contain a number of provisions that the gentlewoman had actually provided.

As it was pointed out, there are 5 million acres of forest, national forest lands, in Nevada. This designates 15 percent of them. Most of them are in the gentlewoman's district, but they are national forest lands.

The people in Pennsylvania have an interest; the people in Minnesota have an interest; the people throughout this country have an interest in these areas in terms of the policies and classifications of these lands, which is part of our American heritage. We care about it. I know the gentleman from Pennsylvania cares about it.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his point, except that we have seen a couple of instances here in the last couple of years where we have had situations where virtually all of the land designated comes in one congressional district, and that Member is opposed, and we just kind of run the streamroller over that person. I am simply suggesting that that is not necessarily a good way to legislate, particularly when the gentlewoman has offered a plan that, as I understand it, at least some experts in the country who study this, feel is the appropriate level.

It seems to me that we have some experts who have said very clearly that they have an opinion, and the gentlewoman has brought that opinion to the floor. It just seems to me that she deserves her day in court without the personal attacks.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Chairman, I thank my friend for yielding to me.

Mr. Chairman, what personal attacks were made against the gentlewoman from Nevada [Mrs. VUCANOVICH]?

Mr. WALKER. The gentleman referenced a newspaper editorial which I understand was done somewhat inaccurately, because it referred to a previous proposal, not this one, and then made it very, very clear that in what the gentleman did that this is from the gentlewoman's own hometown and so on. I have to take that as being aimed directly at the gentlewoman from Nevada [Mrs. VUCANOVICH].

There have been a couple of other references here, and her own colleague.

Mr. KOSTMAYER. Come on, the gentleman can do better than that.

Mr. WALKER. Regular order, Mr. Chairman. We ought not have the gentleman suggesting that.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania, Mr. WALKER has the time and did not yield.

Mr. WALKER. The gentleman waves his hand and so on. The gentleman is good out here at the floor, coming up and doing mocking kinds of statements. I am just pointing out to the gentleman what I took as being a personal attack.

□ 1140

The gentleman may not have considered it that way, but let me say to the gentleman that I thought that it was a little low blow, and he ought to be a little bit more careful in the future.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania have 2 additional minutes.

The CHAIRMAN pro tempore. Does the gentleman from Pennsylvania want 2 additional minutes?

Mr. WALKER. Sure, Mr. Chairman. I will be glad to take them. I am always happy to take a couple of additional minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Pennsylvania is recognized for 2 additional minutes.

There was no objection.

Mr. WALKER. Mr. Chairman, I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

I choose not to engage in the substantive discussion of this particular amendment, nor the issue of personal attacks, but rather I am more fascinated by my distinguished colleague's argument that if a matter affects a particular Member's district that extraordinary weight should be given to their articulation on that question.

Mr. WALKER. If it only concerns their district.

Mr. DELLUMS. If it only affects their district, and I appreciate that even greater because I would now like to propound this question to my colleague: How then, given that assertion, does he rationalize opposition to efforts on behalf of the District of Columbia, which more often than not tends to be the whipping boy of the Congress, because Members of Congress do not reside here, but we veto bills, we trash legislation on the floor, we hit on the issue of abortion?

Mr. WALKER. Let me say to the gentleman, I do not know about him, but I live at least part of the week in Washington, DC, and pay taxes to Washington, DC.

Mr. DELLUMS. Yes, but the gentleman does not represent it. He does not represent it.

Mr. WALKER. No, I do not represent it. I am in fact though a citizen, a tax-paying citizen of Washington, DC, and I think I have every right as a tax-paying citizen of Washington, DC to have some say in the policies of that government.

Mr. DELLUMS. If the gentleman will yield further to me, the gentleman and I have more often than not been in disagreement on ideological and political questions, but I have always thought the gentleman was struggling at least to obtain intellectual honesty. But on this particular matter, I do not sense that intellectual honesty, because the District of Columbia does have a representative; namely, WALTER FAUNTROY.

Mr. WALKER. Washington, DC, is provided for in the Constitution, for one thing, which the rest of the matters the gentleman is discussing would not be.

Second, I would say to the gentleman that in the case of at least some of us, we make a specific commitment to live here. I must admit that I do not live here 4 days a week. I go back home to my district every week, but I do live here a good part of the time, and I pay taxes, and I think when Washington, DC, comes up on the floor I should have something to say on how my tax money gets spent.

Mr. DELLUMS. I thank the gentleman.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I realized, wandering in the wilderness with many other Members on this subject, and found with great amazement that the issue of D.C. rights would be raised on the subject of whose judgment was best with regard to setting aside a wilderness area.

It would appear to me, as we stood on the House floor just a few days ago and listened to Members saying that the question of the right to abortion on demand in the District of Columbia is a question of States rights, and that we should not interject ourselves in that debate as a U.S. Congress and dictate to a region that the question of abortion on demand should be dictated by this body to that particular entity, and that position prevailed; while on the other side of the issue, Mr. Chairman, I simply would point out that the question was a question of human life. We were not talking about real estate. Whether Members agree with the position or not, there are those in the body who feel preservation of human life, wherever it may be, is worth more than the question of States rights. It is worth more than dirt. It is worth more than property. And so a position is taken that this body says human life is important.

Now I am saying to those who believe in States rights, who walked down the aisle last week and said that human life is less important than States rights, that goodness, States rights is more important than property, and the gentlewoman who is affected by this amendment, who has merely tried to represent her people as effectively as possible, has a clear and honest right to a position of compromise, which this body has ignored.

For those Members who simply cannot understand the question of States rights, think about last week when some Members said it was more important than human life.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 283, not voting 24, as follows:

[Roll No. 362]

AYES—126

Anthony	Hancock	Regula
Archer	Hansen	Rhodes
Armey	Hastert	Ritter
Baker	Hefley	Roberts
Ballenger	Herger	Robinson
Barton	Hiler	Rogers
Bateman	Holloway	Rohrabacher
Bentley	Hopkins	Roth
Bereuter	Horton	Saiki
Bilirakis	Houghton	Schaefer
Bliley	Hunter	Schiff
Broomfield	Hyde	Schulze
Brown (CO)	Inhofe	Sensenbrenner
Bunning	Johnson (CT)	Shaw
Burton	Kasich	Shumway
Callahan	Kolbe	Shuster
Campbell (CO)	Kyl	Skeen
Clinger	Lagomarsino	Slaughter (VA)
Coble	Lent	Smith (NE)
Combest	Lewis (CA)	Smith (TX)
Craig	Lewis (FL)	Smith, Robert (OR)
Dannemeyer	Lightfoot	Solomon
Davis	Livingston	Spence
DeLay	Lowery (CA)	Stangeland
Dickinson	Lukens, Donald	Stearns
Dornan (CA)	Marlenee	Stump
Douglas	Martin (NY)	Sundquist
Dreier	McCandless	Thomas (CA)
Duncan	McCollum	Thomas (WY)
Edwards (OK)	McEwen	Upton
Emerson	McMillan (NC)	Vander Jagt
Fawell	Miller (OH)	Vucanovich
Fields	Moorhead	Walker
Frenzel	Morrison (WA)	Walsh
Gallegly	Myers	Weber
Gekas	Nielson	Whittaker
Gillmor	Oxley	Wolf
Gingrich	Packard	Wylie
Goodling	Parris	Young (AK)
Grandy	Pashayan	Young (FL)
Gunderson	Paxon	
Hall (TX)	Porter	
Hammerschmidt	Quillen	

NOES—283

Ackerman	Alexander	Andrews
Akaka	Anderson	Applegate

Atkins	Green	Payne (NJ)
AuCoin	Guarini	Payne (VA)
Barnard	Hall (OH)	Pease
Bartlett	Hamilton	Pelosi
Bates	Harris	Penny
Beilenson	Hatcher	Perkins
Bennett	Hayes (IL)	Petri
Berman	Hayes (LA)	Pickett
Bevill	Hefner	Pickle
Bilbray	Henry	Poshard
Boehlert	Hertel	Price
Boggs	Hoagland	Pursell
Bonior	Hochbrueckner	Rahall
Borski	Hoyer	Rangel
Bosco	Hubbard	Ravenel
Boucher	Huckaby	Ray
Boxer	Hughes	Richardson
Brennan	Ireland	Ridge
Browder	Jacobs	Rinaldo
Brown (CA)	James	Roe
Bruce	Jenkins	Ros-Lehtinen
Buechner	Johnson (SD)	Rose
Bustamante	Johnston	Rostenkowski
Byron	Jones (GA)	Roukema
Campbell (CA)	Jones (NC)	Rowland (CT)
Cardin	Jontz	Rowland (GA)
Carper	Kanjorski	Roybal
Chandler	Kaptur	Sabo
Chapman	Kastenmeier	Sangmeister
Clarke	Kennedy	Sarpalius
Clay	Kennelly	Savage
Clement	Kildee	Sawyer
Coleman (TX)	Kleczka	Saxton
Collins	Kolter	Scheuer
Condit	Kostmayer	Schneider
Conte	LaFalce	Schroeder
Conyers	Lancaster	Schuette
Cooper	Lantos	Schumer
Costello	Laughlin	Sharp
Coughlin	Leach (IA)	Shays
Courter	Leath (TX)	Sikorski
Cox	Lehman (CA)	Sisisky
Coyne	Lehman (FL)	Skaggs
Crockett	Levin (MI)	Skelton
Darden	Lewis (GA)	Slattery
de la Garza	Lipinski	Slaughter (NY)
DeFazio	Lloyd	Smith (FL)
Dellums	Long	Smith (IA)
Derrick	Lowey (NY)	Smith (NJ)
DeWine	Luken, Thomas	Smith (VT)
Dicks	Machtley	Smith, Robert (NH)
Dingell	Madigan	
Dixon	Manton	Snowe
Donnelly	Markey	Solarz
Dorgan (ND)	Martin (IL)	Spratt
Downey	Martinez	Staggers
Durbin	Matsui	Stallings
Dwyer	Mavroules	Stark
Dymally	Mazzoli	Stenholm
Dyson	McCloskey	Stokes
Early	McCurdy	Studds
Eckart	McDermott	Swift
Edwards (CA)	McGrath	Synar
Engel	McHugh	Tallon
English	McMillen (MD)	Tanner
Erdreich	McNulty	Tauke
Espy	Meyers	Tauzin
Evans	Mfume	Taylor
Fascell	Miller (CA)	Thomas (GA)
Fazio	Miller (WA)	Torres
Feighan	Mineta	Torricelli
Fish	Mollohan	Towns
Flake	Montgomery	Traficant
Flippo	Moody	Traxler
Foglietta	Morella	Udall
Ford (MI)	Morrison (CT)	Unsoeld
Ford (TN)	Murphy	Valentine
Frank	Murtha	Vento
Frost	Nagle	Visclosky
Gallo	Natcher	Volkmer
Gaydos	Neal (MA)	Walgren
Gejdenson	Neal (NC)	Waxman
Gephardt	Nowak	Weiss
Geren	Oakar	Weldon
Gibbons	Oberstar	Wheat
Gilman	Obey	Whitten
Glickman	Olin	Williams
Gonzalez	Ortiz	Wise
Gordon	Owens (NY)	Wolpe
Goss	Owens (UT)	Wyden
Gradison	Pallone	Yates
Grant	Panetta	Yatron
Gray	Patterson	

NOT VOTING—24

Annunzio	Hawkins	Nelson
Aspin	Hutto	Parker
Brooks	Levine (CA)	Russo
Bryant	McCrery	Smith, Denny (OR)
Carr	McDade	
Coleman (MO)	Michel	Watkins
Crane	Moakley	Wilson
Florio	Molinari	
Garcia	Mrazek	

□ 1205

The Clerk announced the following pair:

On this vote:

Mr. Denny Smith of Oregon for, with Mr. Annunzio against.

Ms. SNOWE, Mrs. LLOYD, and Messrs. DEWINE, ATKINS, and MOLLOHAN changed their vote from "aye" to "no."

Mr. ARMEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). Are there any other amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

The CHAIRMAN pro tempore. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. ADMINISTRATION OF WILDERNESS.

Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by the Wilderness Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

Mr. VENTO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MONTGOMERY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. PARKER. Mr. Speaker, during a vote earlier today, I was detained and I was unable to cast my vote. Had I been able to cast my vote, I would have voted as follows:

Rollcall No. 362—on agreeing to the Vucanovich amendment to designate certain lands in the State of Nevada as wilderness, and for other purposes—"no."

APPOINTMENT OF CONFEREES ON H.R. 3630, EMERGENCY DRUG ABUSE TREATMENT EXPANSION ACT OF 1989

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3630) to amend the Public Health Service Act with respect to the prevention and treatment of substance abuse, including establishing separate block grants with respect to substance abuse and mental health, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, LENT, and MADIGAN.

The SPEAKER. Without objection, the Chair reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I take this time just to inquire of the Speaker what the procedure is going to be for the next hour on the floor, as many Members are asking for information on this side of the aisle.

□ 1210

The SPEAKER. In response to the gentleman's inquiry, there will be two more requests to go to conference. Then the House takes up the rule recommitting the immigration conference report. Then there will be a request from the chairman of the Subcommittee on Appropriations on Labor, Health, and Human Services. Then the House will return to the Nevada wilderness bill.

Mr. SOLOMON. On the Chinese resolution, Mr. Speaker, is there a rule coming up on that in the bill in the near future?

The SPEAKER. That is what the Chair mentioned to the gentleman, the rule recommitting the conference

report on immigration to conference, which includes the matter the gentleman just made reference to.

Mr. SOLOMON. I thank the Chair for notifying the House.

APPOINTMENT OF CONFEREES ON H.R. 3550, DRUGS AND NARCOTICS FORFEITURE AMENDMENTS ACT OF 1989

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3550) to amend section 524 of title 28, United States Code, with respect to the Special Forfeiture Fund, to amend section 511 of the Controlled Substances Act to make technical, clarifying, and administrative changes, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. HUGHES]?

The Chair hears none, and appoints the following conferees:

From the Committee on the Judiciary: Messrs. HUGHES, MAZZOLI, FEIGHAN, MCCOLLUM, and GEKAS.

From the Committee on Energy and Commerce: Messrs. DINGELL, WAXMAN, and LENT.

The SPEAKER. Without objection, the Chair reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3402, POLISH AND HUNGARIAN DEMOCRACY INITIATIVE OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3402) to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform, insist on the House amendment to the Senate amendment to H.R. 3402, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. FASCELL].

The Chair hears none, and appoints the following conferees:

From the Committee on Foreign Affairs: Messrs. FASCELL, HAMILTON, YATRON, GEJDENSON, LANTOS, BROOMFIELD, GILMAN, and BEREUTER.

From the Committee on Ways and Means, as exclusive conferees for consideration of section 301 of the House amendment to the Senate amendment, and sections 301 and 704, and title X of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, and ARCHER.

From the Committee on Banking, Finance and Urban Affairs: Messrs. GONZALEZ, FAUNTROY, and WYLIE.

From the Committee on Agriculture: Messrs. DE LA GARZA, GLICKMAN, and COLEMAN of Missouri.

From the Committee on Energy and Commerce: Messrs. DINGELL, SWIFT, and LENT.

From the Committee on Public Works and Transportation: Messrs. ANDERSON, NOWAK, and HAMMERSCHMIDT.

From the Committee on Education and Labor: Messrs. HAWKINS, FORD of Michigan, and GOODLING.

The SPEAKER. Without objection, the Chair reserves the authority to make additional appointments for conferees and to specify particular portions of the House bill and Senate amendments as the subjects of the various appointments.

There was no objection.

PROVIDING FOR RECOMMITTAL TO CONFERENCE OF CONFERENCE REPORT ON H.R. 2712, CHINESE ADJUSTMENT OF STATUS FACILITATION ACT OF 1989

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

Resolved, That upon the adoption of this resolution the conference report on the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the two-year foreign residence requirement for "J" nonimmigrants shall be considered as having been recommitted to conference. All points of order against consideration of any subsequent conference report on the bill for failure to comply with the provisions of clause 2 of rule XXVIII are hereby waived.

The SPEAKER. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York, Mr. SOLOMON, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 293 provides for the recommital to conference of the conference report on H.R. 2712, the Chinese Adjustment of Status Facilitation Act of 1989. The resolution also waives clause 2 of rule XXVIII against consideration of any subsequent conference report on the bill. Clause 2 of rule XXVIII prohibits consideration of any conference report until the third calendar day after such report and the accompanying statement has been filed in the House and the report and statement have been available to Members for at least 2 hours prior to such consideration.

Mr. Speaker, the recommital of the bill to conference is necessary due to the inability of the conference committee to formally meet in the absence of its chairman, Mr. BROOKS. However, informal meetings have taken place and the conferees have reached agreement. Due to the urgency for action on this measure, Mr. KASTENMEIER was named as a conferee on Tuesday.

In an attempt to file this conference report during the last days of this session, the members of the conference concluded that it would not be practical to meet formally. However, under the rules of the House a point of order could be raised against the conference report, resulting in its rejection. Rather than establish a new conference, the conferees have informed the Rules Committee of their intention to meet today and formally report the conference report on this bill.

As stated earlier, the rule would allow consideration of the subsequent conference report by waiving the 3-day layover and availability requirement.

Mr. Speaker, I urge adoption of the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with the gentleman from Texas in urging support for this rule. We are faced with a somewhat unorthodox situation regarding the present status of H.R. 2712, and this rule is an attempt to deal with that situation. It is my understanding that a conference report on H.R. 2712 is virtually complete, but the conferees themselves have not met.

Adoption of this rule now will serve to protect the expected conference report against a point of order that the conferees have not met. In the meantime, it is my understanding that the conferees will meet formally later today and that a final conference report should be available before the House adjourns sine die.

It is my understanding, as it is for the gentleman from Texas, that the rather confused procedures in this particular conference were caused by the unfortunate illness that has taken Chairman BROOKS of the Judiciary Committee out of action. We all wish a speedy recovery for Mr. BROOKS, and I very much hope that this expected conference report will be passed before we adjourn.

One final note about the rule: should the House take up this expected conference report before the Senate, and that is what we can anticipate, the minority will have the option of offering a motion to recommit. And so I urge support of this rule.

Mr. Speaker, I would also like to make a comment or two about H.R. 2712 itself. I strongly support this leg-

islation, which passed the House by voice vote on July 31. H.R. 2712 will protect the many thousands of students from mainland China who are currently studying in America under the terms of nonimmigrant visas. This bill will waive the requirement that these students return to China for at least 2 years before they become eligible to apply for permanent residency status in the United States.

I would note, Mr. Speaker, that the reason why a 2-year return to their country of origin is required of most foreign students when their visas expire is to avoid the problem of so-called brain drain. This refers, of course, to the difficulty that many developing countries face when their brightest and most promising students move to the industrialized nations in search of higher pay and better working conditions.

This is a great country, and they do not want to go back home.

Mr. Speaker, I would certainly urge support of this rule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I support the motion to recommit to the conference.

The conference never met to discuss the concerns of conferees.

When the Senate considered H.R. 2712, it also considered an amendment offered by Senator ARMSTRONG which would grant relief to Chinese nationals who fear forced abortion or sterilization upon return to China for having violated Chinese population control policies.

While the Senate amendment attached by Senator ARMSTRONG was overwhelmingly approved by the Senate 95-0, some significant portions of the amendment were subsequently removed. Two of these provisions include numerical limits and discretion by the Attorney General to deny asylum to those who circumvent immigration laws.

While I favor Congresswoman PELOSI's bill to grant relief to Chinese students, H.R. 2712, I also support the efforts to recommit to conference so that the conferees can voice their concerns over the previously filed conference report.

I urge my colleagues to vote for the motion to recommit.

□ 1220

Mr. Speaker, I urge my colleagues to vote for the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I would just like to say that I continue to be amazed at the way things work around this place. It is hard to imagine that the Senate can have two votes on this particular amendment that the gentleman from Texas [Mr. SMITH] mentioned, that the House can have two votes on it, that the votes passed unanimously in both Houses on a voice vote, 95 to nothing in the Senate, a recorded vote, and 300 to 115 on a House vote and that the conference committee would come back and propose a conference report to the House when the conference has never ever met, ignoring the will of both the House and the Senate. It makes no sense whatsoever.

Mr. Speaker, I would hope that the chairman or that the gentleman from Connecticut would be very careful when he goes back to conference with this. I think we should support this rule, but I would hope he would be very careful to remember the will of his colleagues.

I do not know how many times we have to vote on this same thing. It seems as though we just keep doing it over and over again, and I think we are all weary of it.

We want to get this bill passed. I think we are all supportive of this bill, but we are also supportive of the amendment that was proposed by Senator ARMSTRONG in the Senate and endorsed overwhelmingly here in the House. So, I would urge the gentleman from Connecticut to see that the amendment is on it when the conference report comes back.

Mr. SOLOMON. Mr. Speaker, I would just again ask for Members to support this rule, and I would commend the gentlewoman from California [Ms. PELOSI] for an excellent piece of legislation, maybe improving it a little bit. She is certainly doing a great job with it, and I admire her for it.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 293.

The SPEAKER pro tempore (Mr. TRAXLER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I do not have any additional requests for time, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR DEVELOPMENT OF TRAILS INTERPRETATION CENTER IN COUNCIL BLUFFS, IA

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 338) to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Minnesota?

Mr. LIGHTFOOT. Mr. Speaker, reserving the right to object, I do not intend to object, but I would like to hear an explanation of the legislation.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, S. 338, which passed the Senate on July 14, 1989 authorizes the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA. The legislation is similar to H.R. 952, which was introduced by Representative JIM LIGHTFOOT, and which passed the House on July 17, 1989.

While the purpose of both the House and Senate measures is to provide additional interpretation and commemoration of the historic trails in the State of Iowa and the surrounding region, S. 338 differs from the House-passed measure in several respects. These differences include the timeframe for completion of the plan and the provisions for review of the plan. Other differences include the responsibilities of the various parties in constructing and operating the interpretive center, as well as the cost-sharing requirements and the funding level authorized.

We have been working with the sponsors and other interested parties to see if an agreeable compromise could be fashioned. I believe we have found that compromise and it is incorporated in the House amendments to be made to S. 338. The agreement retains most of the provisions found in the original House-passed measure. On the planning and operations provisions, and the funding allocation the differences were settled to the satisfaction of the interested parties.

Mr. Speaker, I appreciate the cooperation and assistance I received from my colleague from Iowa, Representative LIGHTFOOT, as well as the Senate sponsors and our counterpart committee in the Senate. The amendments proposed to be made by the House today to S. 338 provide limited and

targeted assistance on a cooperative basis to further the interpretation and commemoration of some of our Nation's historic trails. I support these amendments and urge their adoption by the House today.

Mr. LIGHTFOOT. Mr. Speaker, this is a great day for the State of Iowa and the city of Council Bluffs. The historic Council Bluffs area has a story to tell—a story of thousands of courageous pioneers who played a vital role in shaping our Nation. Those rugged individuals who traveled on the Lewis and Clark, the Mormon, and the California-Oregon trails all passed through the Council Bluffs area.

Because of its ideal location in the Plains region, the Council Bluffs area became a natural stopping point that provided provisions and security to those who sought its refuge. Studies show more people went through this area on their treks westward than any other point in the country.

Mr. Speaker, I want to take a moment to express my gratitude to those folks who have worked closely with this project in the last 4 years. I especially want to thank the distinguished chairman of the National Park and Public Lands Subcommittee, Mr. VENTO. I look forward to the time when my colleague from Minnesota makes the trek southward to visit the National Western Historic Trails Center in Council Bluffs. I also want to thank the ranking minority member of that subcommittee, Representative RON MARLENEE of Montana. Finally, Mr. Speaker, I would like to thank Rick Agnew, Lori Stillman, Richard Healy, Kurt Christensen of the Interior Committee staff.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) no other cultural event shaped the postcolonial history of the United States more than American westward movement in the nineteenth century;

(2) nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explores, religious groups, and scientists;

(3) no existing historic or cultural site has educational facilities or programs which directly interpret and celebrate the vital role of the western trails during the nineteenth century westward movement; and

(4) the national scope of the nineteenth century westward movement (together with its associated historic trails) demands that the location of a central information, archival, and interpretive facility be historically significant and easily accessible to the national population.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the system of western trails which should be developed because of its national historic and cultural significance; and

(2) to provide the United States with a central information, archival, and interpretive facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting the history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail, and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within one year of the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a description of the site;

(B) the method of acquisition;

(C) the estimated cost of acquisition, construction, operation and maintenance; and

(D) the manner and extent to which non-Federal entities shall participate in the acquisition, construction, operation and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, and construct an interpretative center on such lands. The Secretary is authorized to accept donations of money and services for the construction of the center. The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities in accordance with standards and criteria established by the Secretary in cooperation with such entities for the operation and maintenance of the center by a non-Federal entity.

(d) COST SHARING.—(1) The Federal share of the costs related to planning, acquisition, and development of the center shall not exceed 80 percent of such costs or $10,000,000, whichever is less.

(2) In determining the portion of costs that the non-Federal entity shal provide under paragraph (1) of this subsection, the Secretary shall consider the following:

(A) a contribution of money, land or an interest in land;

(B) the provision of infrastructure facilities including roads, sewage disposal and utilities; and

(C) any other contribution that the Secretary determines to be appropriate.

(e) SATISFACTION OF ECONOMIC DEVELOPMENT ADMINISTRATION RESTRICTIONS.—Any restrictions, covenants, reversions, limitations, or any other conditions imposed by the Economic Development Administration relating to or affecting the use, transfer, or other disposition of any land which is donated to the Secretary for the purpose of developing the trails interpretation center under this section shall be extinguished upon the acceptance of such donation by the Secretary.

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AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. VENTO

Mr. VENTO. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. VENTO: Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the nineteenth century American westward movement was an important cultural event in shaping the postcolonial history of the United States;

(2) the nineteenth century American westward movement consisted of journeys along a system of trails across the American continent by pioneers, explorers, religious groups, and scientists; and

(3) additional recognition and interpretation is appropriate in light of the national scope of the nineteenth century American westward movement.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the system of western trails established in furtherance of the National Trails System Act because of their national historic and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of the western trails in the development of the United States.

SEC. 2. AUTHORIZATION FOR THE DEVELOPMENT OF A TRAILS INTERPRETATION CENTER.

(a) AUTHORIZATION.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide for a trails interpretation center (hereinafter referred to as the "center") in the city of Council Bluffs, Iowa, for the purpose of interpreting the history of development and use in the State of Iowa and the adjacent region of the Lewis and Clark National Historic Trail, the Mormon Pioneer National Historic Trail, and the Oregon National Historic Trail.

(b) PLAN AND DESIGN.—(1) Within 18 months after the date of the enactment of this Act, the Secretary, after consultation with the Governor of Iowa and in cooperation with such other public, municipal, and private entities as may be necessary and appropriate, shall complete a plan and design for the center, including the following:

(A) a detailed description of the design of the facility;

(B) a description of the site;

(C) the method of acquisition;

(D) the estimated cost of acquisition, construction, operation and maintenance; and

(E) the manner and extent to which non-Federal entities shall participate in the ac-

quisition, construction, operation, and maintenance of the center.

(2) In the development of the plan and design for the center the Secretary shall take into consideration the report and plans prepared by The Western Historic Trails, Inc., and shall provide an opportunity for public comment.

(3) Upon completion, the Secretary shall submit the plan to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) IMPLEMENTATION.—In order to implement the plan and design under subsection (b) of this section, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, for the construction of the center authorized in subsection (a). Federal funds to carry out this section may only be expended on a two-for-one matching basis with non-Federal funds, services, materials, or lands, fairly valued as determined by the Secretary, or any combination thereof.

(d) AGREEMENT FOR THE OPERATION AND MAINTENANCE OF CENTER.—Before undertaking the construction of the center, the Secretary shall enter into a binding agreement with a qualified non-Federal entity for conveyance by deed or lease from the Secretary of any structure or property acquired and developed as provided for by this Act. Any such agreement shall provide that—

(1) the non-Federal entity agree to operate and maintain the center and make no major alteration of the structure or grounds without the express written authorization of the Secretary;

(2) a plan of operations shall be submitted that is satisfactory to the Secretary;

(3) the Secretary shall have access to documents relating to the operation and maintenance of the center;

(4) the Secretary shall have the right of access to the center; and

(5) the United States shall be held harmless from all events arising from the operation and maintenance of the center.

(e) COOPERATIVE AGREEMENTS FOR TECHNICAL ASSISTANCE.—The Secretary may enter into cooperative agreements with the State of Iowa, the city of Council Bluffs, and other public or private entities to provide technical assistance with respect to the center.

(f) SATISFACTION OF ECONOMIC DEVELOPMENT ADMINISTRATION RESTRICTIONS.—Any restrictions, covenants, reversions, limitations, or any other conditions imposed by the Economic Development Administration relating to or affecting the use, transfer, or other disposition of any land which is conveyed to the Secretary for the purpose of developing the center under this section shall be extinguished upon the acceptance of such donation by the Secretary.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated not more than $8,400,000 to carry out this Act.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Minnesota [Mr. VENTO].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN LANDS IN COLORADO

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 737) to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate amendment to House amendments: Page 2, after line 7, of the House amendment to the Senate amendment, insert:

(c) AGREEMENT.—The Secretary is authorized to enter into an agreement with the owner of the lands identified as Tract 1127 and 1127B4, Secion 23, Township 3 North, Range 73, Boulder County, Colorado, within the boundaries of Rocky Mountain National Park, to ensure the right of use as a single family residence, unless said property is being developed or is officially proposed to be developed by the owners in a manner which would substantially change its use.

Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Minnesota?

Mr. LIGHTFOOT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Minnesota [Mr. VENTO] for an explanation of his request.

Mr. VENTO. Mr. Speaker, the purpose of S. 737 is to authorize the addition of certain lands to Rocky Mountain National Park. The legislation initially passed the Senate on September 15, 1989. The House passed S. 737 with amendments on September 25, 1989. The Senate then considered S. 737 on November 3, 1989, and disagreed with the House amendments. On November 14, 1989, the House insisted on its amendments. Subsequently, the Senate again considered S. 737 on November 15, 1989, and has now returned the measure to the House with an amendment to the House amendments.

As I reported to the House previously, the House and Senate are in agreement on the addition of land to Rocky Mountain National Park but that there have been differences over a provision contained in the Senate bill that deals with a private landowner within the park boundary. We have been working with the sponsors and other interested parties to see if an agreement on this difference could be reached. We have reached agreement and that has been incorporated into the Senate amendment before the House today. While I am not completely satisfied with the necessity of this language, I am willing to accept it in this instance and this instance only so that we can completer action in a timely manner that will allow important lands to be donated to Rocky Mount National Park.

I support S. 737, as amended, and recommend its adoption by the House.

Mr. CRAIG. Mr. Speaker, several weeks ago the bill to expand Rocky Mountain National Park was stopped dead in its tracks.

The U.S. Senate had amended the bill in a way that our House committee leadership could not accept. There appeared to be no way to resolve the different versions and the bill appeared dead.

At that point our colleague from Colorado, HANK BROWN, the original sponsor of the bill, developed an innovative compromise that will save the Lilly Lake expansion of the park. His proposal insured the property rights safeguard that the Senate insisted on and at the same time avoided the precedents the House leadership opposed. The leadership of the gentleman from Colorado saved the expansion of Rocky Mountain National Park.

□ 1230

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the original request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the legislation just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3566, making appropriations for fiscal year 1990 for the Departments of Labor, Health and Human Services, Education, and related agencies.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that it be in order to take from the Speaker's table the bill (H.R. 3566) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes, with Senate amendments thereto, and that it be in order to consider motions to dispose of Senate amendments numbered 1 through 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. CONTE. Reserving the right to object, Mr. Speaker, I do not intend to object, but I merely wish to ask my dear friend, the gentleman from Kentucky, to explain this matter. I yield to the gentleman from Kentucky for that purpose.

Mr. NATCHER. Mr. Speaker, I say to my distinguished friend, the gentleman from Massachusetts [Mr. CONTE], as he knows, the Senate has made seven changes in H.R. 3566 as it passed the House on November 15.

The first amendment is a technical change which would require that funds appropriated for health care for the homeless be expended by December 31, 1990. I will offer a motion that the House concur in this amendment.

The second amendment modifies the language agreed to by the House with respect to the State Legalization Immigrant Assistance Program. This amendment is technical only and does not change the basic agreement. Both the House and the Senate language reduce funds in fiscal year 1990 and replace these funds in fiscal year 1992. I will offer a motion that the House concur in the Senate amendment.

The third amendment specifies in law that $50 million of the funds appropriated for foster care be used for independent living programs. This is the amount included by the House. I will offer a motion that the House concur with this Senate amendment.

The fourth amendment specifies in law the amounts agreed to for State administration and program improvement under the chapter 1 compensatory education program. These are the same amounts that were included by the House, and the motion at the desk will propose that the House concur in this amendment.

The fifth amendment changes existing law with respect to Medicare reimbursement for rural referral centers. This is an authorization matter under the Ways and Means Committee. It is in conference in the reconciliation bill and should be disposed of in that bill. At the proper time, I will therefore offer a motion that the House insist on its position and that the Senate recede.

The sixth amendment prohibits the use of funds for needle exchange programs or for programs to distribute bleach to drug abusers. I will offer a motion to concur in the Senate language prohibiting funds for needle exchange activities, but I will propose to delete the language regarding bleach programs.

With respect to the Centers for Disease Control, we want to reemphasize that separate AIDS funding must be provided to any local health department which serves the largest political jurisdiction in a MSA, when such MSA reported more than 2,000 AIDS cases as of June 30, 1989, and such cases represent at least 75 percent of the AIDS cases reported in that State.

This was part of the original conference agreement, and we want to be sure that CDC is clear that it still applies.

We also want to reemphasize that $11,154,000 is included for activities for the hemophilia project and $14,515,000 for direct grants to minority community-based organizations.

Finally, the seventh amendment would attach a legislative provision to the bill relating to the dial-a-porn issue. This is a matter, as the gentleman from Massachusetts [Mr. CONTE] knows, that is under the jurisdiction of the Energy and Commerce Committee. It is currently being considered by the authorizing committees. I will therefore offer a motion that the House insist the the Senate recede with respect to this amendment.

Mr. CONTE. Mr. Speaker, yesterday the Senate took up our bill, H.R. 3566, making appropriations for the Departments of Labor, Health and Human Services and Education for fiscal year 1990. The Senate made seven amendments to the bill: Four of them deal with technical matters; the other three deal with some policy and regulatory issues.

I strongly believe its in our best interest to consider these amendments as rapidly and efficiently as possible. If we can move on our bill now, we can have our bill at the President's desk very soon. I want to thank my friend, BILL NATCHER, for working with me in shepherding this bill through the hoops.

We have $157 billion on the table here. Let us get this show on the road—millions of Americans are depending upon us to do your job and pass this bill.

Mr. RINALDO. Mr. Speaker, the dial-porn amendment should not be deleted from H.R. 3566, the Labor/HHS appropriations bill. As the ranking Republican member of the Subcommittee on Telecommunications and Finance, I am proud to say that I was part of a bipartisan group that crafted this dial-porn language originally for the budget reconciliation bill (H.R. 3299). This group included the chairman of the Energy and Commerce Committee, the gentleman from Michigan [Mr. DINGELL]; the ranking Republican member of the committee, the gentleman from New York [Mr. LENT]; the chairman of the Telecommunications Subcommittee, the gentleman from Massachusetts [Mr. MARKEY]; and the gentleman from Virginia [Mr. BLILEY], who is a member of the Telecommunications Subcommittee and whose leadership on the dial-porn issue is well known.

In crafting this dial-porn language, our intention was to require strict regulation of indecent dial-porn in a manner consistent with the Supreme Court's ruling last June in the Sable Communications case. The House originally included this dial-porn language in the budget reconciliation bill. However, the House conferees have agreed to delete that dial-porn provision in conference, receding to the other body's position that it was extraneous to reconciliation.

Yesterday, Senator HELMS attached this language with technical clarifications as an amendment to H.R. 3566. Due to the swiftness in which this virtually identical dial-porn amendment is being considered, it is particularly important that the record contain an explanation of what the dial-porn amendment is designed to accomplish.

The dial-porn amendment revises section 223(b) of the Communications Act, and adds a new subsection (c). These revisions contain a statutory response to the U.S. Supreme Court's June 23, 1989, decision in Sable Communications of California, Inc. versus Federal Communications Commission, in which the Court upheld the obscenity ban in the dial-porn provision contained in last year's omnibus education bill, but struck down the ban on indecency. This subsection combines the outright ban on obscene telephonic communication for commercial purposes with a mandatory, technically feasible subscription approach for regulation of indecent telephonic communication for commercial purposes. The legislation requires that, unless a subscriber affirmatively requests access to indecent dial-porn messages, their phone would automatically be blocked from accessing such communications.

In addition to this mandate, the amendment extends the criminal penalties for both obscene telephonic communications and indecent telephonic communications to persons under 18 to intrastate as well as interstate communications. The inextricable technological link between the intrastate and interstate communications networks make clear that the

intrastate networks do strongly affect interstate commerce in communications. These provisions are intended to clamp down further on dial-porn providers, leaving unaffected other information service providers, and pass constitutional muster under the test articulated in the Sable Communications decision. For the House's information, I also submit for the RECORD a copy of the section-by-section analysis of the House's dial-porn amendment to H.R. 3299, the budget reconciliation bill, which is virtually identical to the amendment now under consideration.

I also would like to comment on the meaning of two provisions of this amendment in particular. First, subsection (b)(3) should not be construed to apply criminal sanctions to telephone companies. In previous versions of the dial-a-porn law, Congress has always made it clear that a telephone company, when merely performing its duties as a common carrier, would not be liable for criminal or civil sanctions. This interpretation should be preserved in this most recent version of the dial-a-porn law. Telephone companies that merely transmit the communications of others are fulfilling their statutory obligations—under the Communications Act of 1934 and many State statutes or regulations—of not discriminating against a provider by refusing to transmit the provider's communications. Subsection (b)(3) clarifies that there is a defense to prosecution available to defendants who comply with the procedures that common carriers employ in restricting access under subsection (c). Under subsection (b)(3), this defense is available to service providers and not telephone companies, which are not contemplated under the criminal sanction provisions of this act.

Second, subsection (c)(2) protects common carriers from actions arising out of a common carrier's efforts taken in good faith to comply with the requirements of section 223 of the Communications Act, with the limited exception of an action for declaratory judgment or similar relief, as provided for in subsection (c)(3). In this context, "good faith" should include, but not be limited to restricting access pursuant to subsection (c)(1), based on a carrier's belief that a communication would be declared obscene or indecent under State or Federal law. Under such circumstances, a carrier's good faith should be deemed to have been demonstrated.

The carrier's protection from liability also should extend to circumstances in which the carrier relies, in good faith, upon the lack of any representation of an information provider that such provider's communications are indecent or obscene pursuant to subsection (b). The carrier's protection from liability also should extend to circumstances in which a provider's specific representation did not give a carrier, acting in good faith, sufficient time within which to restrict access to the communications. Similarly, under such circumstances, a carrier's good faith should be deemed to have been demonstrated.

I hope the House will keep the dial-a-porn amendment intact in H.R. 3566. This amendment will result in ending the availability of dial-porn to children, once and for all.

SECTION-BY-SECTION ANALYSIS OF DIAL-PORN AMENDMENT

Section 4702(c) amends Section 223(b) of the Communications Act of 1934, and creates a new subsection (c).

Subsection (b) of Section 223 is amended to restate the existing ban on obscene communications for commercial purposes and to correct a technical error. It is further amended by striking the outright ban on indecent speech, consistent with the Supreme Court's decision in *Sable Communications* v. *FCC*. The Committee intends that there be no interruption in the ban on obscene speech as the result of this amendment.

Subsection (c) of Section 223 requires that common carriers, to the extent technically feasible, provide access to communications specified in subsection 223(b) of the Communications Act, and for which the carrier collects from the subscriber an identifiable charge that the carrier remits in whole or in part directly to the provider of the communication, only to telephone subscribers who have previously requested access to such communications. The Committee finds that these new subsections precisely further a compelling governmental interest to protect minors from the communications identified in subsection 223(b). In light of the recent Supreme Court decision in *Sable Communications* v. *FCC*, the Committee also believes that the framework created by these narrowly drawn provisions meets the requirements of the First Amendment of the Constitution while still being reasonably calculated to lead to the elimination of access by minors to so-called dial-a-porn services.

The responsibility of carriers acting pursuant to subsection 223(c)(1) is that they act in good faith and, in particular, take technically feasible steps to provide access to 223(b) communications only to telephone subscribers who have previously and in writing requested access to such communications. This subsection does not require that a carrier give unlimited program-by-program choices to subscribers. Rather, it merely requires that carriers provide access to a category of programs containing a variety of services, including communications referred to in subsection 223(b). The intent of this provision is to place the responsibility for restricting access pursuant to subsection 223(c)(1) on the common carrier who directly provides communications facilities, and collects from subscribers an identifiable charge that the carrier remits, in whole or in part, directly to providers of communications specified in section 223(b).

In those limited local areas where pre-subscription is not technically feasible, carriers are expected to make good faith efforts to restrict access to communications specified in subsection 223(b) through one or more lawful and appropriate means. Such means would include mandatory use of credit cards for access, or the blocking of all calls from such limited local areas to communications specified in section 223(b) that are provided within the carrier's local service area for which the carrier collects from the subscriber an identifiable charge that the carrier remits in whole or in part directly to the provider of such communications.

In those cases where it is not technically feasible to provide interstate subscription for calls to 223(b) communications, the carrier providing facilities directly to a provider of communications specified in section 223(b) may block all incoming interstate calls to 223(b) communications. Carriers which do not directly provide facilities to providers of communications specified in section 223(b) will not be considered in violation of subsection 223(c).

With the limited exception of an action for declaratory judgment or similar relief, paragraph (2) of subsection 223(c) protects common carriers from actions brought in state or federal courts or administrative bodies by information service providers arising out of the common carriers' good faith efforts to comply with the requirements of subparagraph 223(c)(1). This paragraph's protections extend to common carriers and any of their affiliates, including their officers, directors, employees, agents and authorized representatives. Thus, a common carrier which demonstrates that it acted in good faith to allow subscribers control over access to 223(b) communications offered by information providers, would be entitled to a dismissal of causes of action other than seeking a declaratory judgment of similar relief.

Acting in good faith includes, but is not limited to, restricting access as required by section 223(c)(1) pursuant to declarations of obscenity or indecency under state law.

The carrier's exemption from liability extends to circumstances in which the carrier relies, in good faith, upon the lack of any representation of an information provider that such provider provides communications specified in subsection 223(b) or if a specific representation did not give a carrier sufficient time within which to restrict access to 223(b) communications. Acting in good faith includes, but is not limited to, a mandate to take into consideration complaints in addition to representations made by information providers.

Paragraph 223(c)(3) specifies that, notwithstanding paragraph (2), a provider of communications services to which subscriber access is restricted pursuant to paragraph 223(c)(1) may bring an action for declaratory judgment or similar action before a court, or the Commission. The provision in paragarph 223(c)(3) limits such actions to the question of whether the services which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subcribers who have previously requested such access. If a carrier refuses to take action consistent with and necessary to effectuate a declaratory judgment issued pursuant to paragraph 223(c)(3), that carrier would not be acting in good faith and may be subject to an action by a provider pursuant to paragraph 223(c)(2).

The Committee's intent is that common carriers may lawfully discriminate under section 202(a) of the Communications Act between providers of infomation services described in section 223(b) and other providers of information services so long as such discrimination is authorized by section 223(c). Such discrimination shall not be deemded a violation of section 202(a) of the Communications Act. The Committee does not intend through this legislation to alter the legal status of this type of carrier action under other circumstances.

The Committee's intent is that no preexisting judicial decree of order may serve as the basis for obstructing common carriers from fulfilling the requirements of this section.

The purpose of this provision is directed solely at the uniquely troubling dial-a-porn problem and is not intended as a precedent of any kind for the broader delivery of information or information services. Furthermore, the Committee notes the importance of the information services industry as an

essential building-block of a productive, well-educated society that is competitive in the international marketplace.

The Committee intends that nothing in this section shall be construed to preempt any state or local laws which prohibit the transmission of obscene communications for commercial purposes.

Section 4702(c)(3) stipulates that the amendments made by Section 4702(c) shall take effect 150 days after the date of enactment. It is the Committee's intention that the ban on obscene "dial-a-porn" messages upheld by the Supreme Court in *Sable Communications* v. *FCC* shall remain in effect until the amendments contained in Section 4702(c) take effect.

Mr. WAXMAN. Mr. Speaker, I would like to point out one important change that has been made in the Labor-Health and Human Services appropriations bill for fiscal year 1990 that we are sending back over to the Senate. The Senate had included a provision stating that none of the funds under this act could be used for the purchase or distribution of clean needles for use with illegal drugs or bleach that could be used to clean such needles, unless the President certified that such programs would be effective in reducing the rate of infection in the public of the human immunodeficiency virus [HIV].

I do not believe it is appropriate for Congress to be stepping in and legislating on this matter at all on an appropriations bill, without the benefit of extensive analysis and consideration. The Health and Environment Subcommittee, which I chair, has held hearings on the issue of needle exchange programs, and I can tell you that it is a complex area, on which there are varying views from the public health community.

While I do not believe, therefore, that there should have been any provision of this kind on the Labor-HHS appropriations bill, it was particularly inappropriate for the provision to include a restriction on bleach as well as needles. During testimony before the Health and Environment Subcommittee on June 19, 1989, I specifically asked Dr. Louis Sullivan, Secretary of Health and Human Services, what role he felt bleach should play in outreach to the drug using community. Secretary Sullivan answered that he believed bleach should play a role in outreach programs, and continued, and I quote now: "We believe that for those individuals who are IV drug users, from a public health perspective, we would want to do evrything we can to limit the spread of this virus, and therefore, use of bleach, which is part of programs the Department is supporting, is certainly something which is appropriate." Secretary Sullivan went on to state that he saw a distinction between prohibiting needle exchange programs, which the Secretary was in favor of prohibiting, and prohibiting bleach programs, which the Secretary was not in favor of prohibiting. I am including a copy of Secretary's Sullivan's answer for the RECORD.

I am gratified to see that we have amended the Senate provision to, at the least, delete any reference to prohibiting purchase or distribution of bleach. This modification brings the provision in line with current administration policy, and at least somewhat closer approximates sound public health policy.

The testimony mentioned above follows:

Mr. WAXMAN. We have had critics introduce legislation which would prohibit not only needle exchange but bleach programs and interim methodone maintenance. They see no distinction. Do you see a distinction between those efforts?

Secretary SULLIVAN. Yes, Mr. Chairman. The distinction is that a bleach program does not put into the hands of an addict an instrument which would tend to support his drug habit, whereas a bleach program is one that really works with those individuals who are IV drug abusers—who, by whatever means they may, have this equipment—to really try and prevent the spread of the virus. So we see a very distinct difference between the bleach program, as opposed to a program that puts needles and syringes into the hands of addicts.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SENATE AMENDMENTS

The SPEAKER pro tempore. The Clerk will designate the first Senate amendment.

The text of the amendment is as follows:

Senate amendment No. 1: Page 26, line 4, strike out all after "the" down to and including "1991," in line 5, and insert "quarter beginning October 1, 1990, and ending December 31, 1990.".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House concur in the amendment of the Senate numbered 1.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate amendment No. 2: Page 35, strike out lines 5 to 14, and insert:

Section 204(a)(1) of the Immigration Reform and Control Act of 1986 is amended—

(1) by inserting "(A)" after "In General.—"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) Funds appropriated for fiscal year 1990 under this section are reduced by $555,244,000.

"(C) For fiscal year 1992, there are appropriated to carry out this section for costs incurred on or after October 1, 1989 (including Federal, State, and local administrative costs) out of any money in the Treasury not otherwise appropriated, $1,000,000,000 (less the amount described in paragraph (2)) less the amount made available for allotments to States under subsection (b) for fiscal year 1990.".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House concur in the amendment of the Senate numbered 2.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate amendment No. 3: Page 37, line 15, after "$1,380,048,000" insert ", of which $50,000,000 shall be for carrying out section 477 of the Social Security Act".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House concur in the amendment of the Senate numbered 3.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate amendment No. 4: Page 46, line 20, after "D" insert ", $50,797,000 shall be for section 1404, and $12,699,000 shall be for section 1405".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House concur in the amendment of the Senate numbered 4.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate amendment No. 5: Page 74, after line 7, insert:

SEC. 519. Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 F.R. 36485), relating to the classification of rural referral centers. Notwithstanding any other provision of law, the amount available for transfer to Health Care Financing Administration Program Management as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds are hereby reduced by $15,000,000.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House disagree to the amendment of the Senate numbered 5.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate amendment No. 6: Page 74, after line 7, insert:

SEC. 520. None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing needles for such hydpodermic injection unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House concur in the amendment of the Senate numbered 6 with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 519. None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next Senate amendment.

The text of the amendment is as follows:

Senate Amendment No. 7: Page 74, after line 7, insert:

SEC. 521. RESTORATION AND CORRECTION OF DIAL-A-PORN SANCTIONS.

(1) AMENDMENT.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by striking subsection (b) and inserting the following:

"(b)(1) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined in accordance with title 18, United States Code, or imprisoned not more than two years, or both.

"(2) Whoever knowingly—

"(A) within the United States, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes which is available to any person under 18 years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call; or

"(B) permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than six months, or both.

"(3) It is a defense to prosecution under paragraph (2) of this subsection that the defendant restrict access to the prohibited communication to persons 18 years of age or older in accordance with subsection (c) of this section and with such procedures as the Commission may prescribe by regulation.

"(4) In addition to the penalties under paragraph (1), whoever, within the United States, intentionally violates paragraph (1) or (2) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(5)(A) In addition to the penalties under paragraphs (1), (2), and (5), whoever, within the United States, violates paragraph (1) or (2) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purposes, or

"(ii) by the Commission after appropriate administrative proceedings.

"(6) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any act or practice which violates paragraph (1) or (2). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.

"(c)(1) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication specified in subsection (b) from the telephone of any subscriber who has not previously requested in writing the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

"(2) Except as provided in paragraph (3), no cause of action may be brought in any court or administrative agency against any common carrier, or any of its affiliates, including their officers, directors, employees, agents, or authorized representatives on account of—

"(A) any action which the carrier demonstrates was taken in good faith to restrict access pursuant to paragraph (1) of this subsection.

"(B) any access permitted—

"(i) in good faith reliance upon the lack of any representation by a provider of communications that communications provided by that provider are communications specified in subsection (b), or

"(ii) because a specific representation by the provider did not allow the carrier, acting in good faith, a sufficient period to restrict access to communications described in subsection (b).

"(3) Notwithstanding paragraph (2) of this subsection, a provider of communications services to which subscribers are denied access pursuant to paragraph (1) of this subsection may bring an action for a declaratory judgment or similar action in a court. Any such action shall be limited to the question of whether the communications which the provider seeks to provide fall within the category of communications to which the carrier will provide access only to subscribers who have previously requested such access.".

(2) CONFORMING AMENDMENT.—Section 2(b) of the Communications Act of 1934 is amended by striking "section 224" and inserting "section 223 or 224".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 120 days after the date of enactment of this Act.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House disagree to the amendment of the Senate numbered 7.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts.

Mr. WALKER. Reserving the right to object, Mr. Speaker, I would propound first a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, it is our desire at this point to attempt to defeat this particular motion; so I assume at this point that we would object to the unanimous-consent request and then an hour would be allocated for debate on the motion; is that correct?

The SPEAKER pro tempore. Does the gentleman wish debate time?

Mr. WALKER. Yes, we do wish debate time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

Mr. WALKER. Mr. Speaker, if they are both in favor, the time could be allocated, 20 minutes to the various sides, is that correct?

The SPEAKER pro tempore. The gentleman is correct.

M. CONTE. We have no objection to that, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Massachusetts in favor of the motion?

Mr. CONTE. Yes, Mr. Speaker, I am in favor of the motion.

The SPEAKER pro tempore. If that is the case, the Chair will allocate the time three ways. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 20 minutes, the gentleman from Massachusetts [Mr. CONTE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

Mr. WALKER. I thank the Chair. This gentleman is negotiating here in the midst of all this.

The SPEAKER pro tempore. The Chair will protect the rights of the Members.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection to dispensing with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1240

Mr. WALKER. Mr. Speaker, I ask unanimous consent to inquire of the gentleman from Massachusetts [Mr. MARKEY] the intention with regard to a bill relating to dial-a-porn that will come to the House, as I understand it, next Monday.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, on that question, the Committee on Energy and Commerce has drafted a piece of legislation which we intend on working on with the leadership, and we have the agreement of the leadership that could be brought, and will be brought, to the floor on Monday for votes on dial-a-porn and on the fairness doctrine, but that all Members would be given an opportunity to register their position on both of those issues on Monday. At that point, we would have dealt with the issues that had been sent over to us by the Senate, and we could then join the issues on those terms rather than inappropriately having them joined to an appropriation bill at this point in time.

Mr. WALKER. Mr. Speaker, under my unanimous-consent request, I would say to the gentleman that I think our problem is this: That we are talking about a combined bill though. We know that there are votes in the House and probably in the Senate for both of those propositions independently. The fact is that the administration, however, is vehemently opposed to the fairness doctine language. The gentleman intends to send a combined bill to the White House which give the President the problem of vetoing dial-a-porn at the same time he vetoed a fairness doctrine proposition in a combined bill.

What the gentleman is saying is that we will have two separate bills out here to consider then, and I do not think that that would be a problem. If, in fact, we are going to have a pattern that would have a combined bill, then I think there are at least some Members here who believe we ought to consider the bill as a part of this, or the issue as a part of this particular bill.

I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

First of all, we do not have any indication from the President that he will veto the fairness doctrine. That is not at all clear. Moreover, it is more, in fact, appropriate for us to have these separate proposals so we can get the will of the House on these issues, but in a context which properly reflects the procedural deference that should be given to the authorizing committees.

Again, we do give a guarantee to all Members that there will be a separate vote on the dial-a-porn issue, as there will be, and there is overwhelming support for that, as there is for the fairness doctrine, but that there will be independent votes on both of those.

Mr. WALKER. My understanding from the gentleman is that we will not have separate bills but that we will in fact be back to dealing with the issues as a combined issue, as it will be sent from Capitol Hill. There, I think it is the interest of at least some of the membership here today to proceed ahead with the issue of dial-a-porn on this bill.

I thank the gentleman for his explanation.

Mr. MARKEY. If the gentleman will yield further, again, we do believe that it is inappropriate to be legislating on an appropriations bill. We do give a full commitment to the House and to the gentleman from Pennsylvania that there will be separate votes on these issues on Monday, but using a proper legislative vehicle, and at that point in time, the process can take its due course.

As the gentleman knows, Democrats and Republicans almost unanimously agree on the dial-a-porn issue. It was a bill drafted by the gentleman from Massachusetts which is now the vehicle which is supported by the gentleman from California [Mr. DANNEMEYER], the gentleman from Virginia [Mr. BLILEY], and others. We do not disagree on this issue. We want to work together on it, but we also want the proper deference given to the authorizing committee so that we can move forward.

Mr. WALKER. We do not have any debate over dial-a-porn. The debate here is over whether the fairness doctrine ought to be put together with it.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, again on behalf of the gentleman from Michigan [Mr. DINGELL], on behalf of the Committee on Energy and Commerce, we request the opportunity to be able to present these issues to the full House with the cooperation of the leadership of both the Democrat and Republican Parties on Monday. A commitment has been made that such will be the case, and at that point, the full House can register their will on the issue and then send it over to the Senate. We would hope that we could have agreement on that at this point in time.

Mr. WALKER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I was just informed that the provision that is now being discussed was struck from the reconciliation process, and that being the case, we still need a vehicle to have the Congress address its will on this issue.

On the Senate side, the provisions that are now being discussed were inserted into the bill that is now under discussion, the HHS appropriation bill.

The Supreme Court has said, pursuant to an act of Congress, that we can proscribe obscene speech and dial-a-porn. This is in the statute today. The issue is how can we deal in a constitutional way with indecent speech, and the provision that was placed in this bill on the Senate side that I seek to have affirmed here today is that indecent speech and dial-a-porn would require that provisions exist to screen out minors from having access to it, and if the provisions to screen out minors are not in the legislation, then penalties would be applicable to those providers of dial-a-porn who have not taken such precautions. That is the issue that we seek to establish here in the debate today.

Mr. Speaker, I thank my colleague from Massachusetts by suggesting that we would address this issue in conjunction with the fairness doctrine on a freestanding bill on Monday. That may be a good suggestion from the standpoint of one point of view, but there is no assurance that if the House would take it up on Monday in a freestanding bill that the Senate would ever get around to considering that freestanding bill Monday or Tuesday or whenever before we adjourn, so

I believe if, as a policy consideration, we want to adopt what we put into the reconciliation package which is now being debated today, the position that the House should take is to keep the language that was placed in this bill on the Senate side and to establish the principle, namely, that to the extent we constitutionally can we are going to restrict the availability of dial-a-porn and telephone messages in this country.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY]. The gentleman from Virginia is the author. He is the one who started all of this, and he is the best expert in the House of Representatives on dial-a-porn.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time, and for his kind words.

Mr. Speaker, Members of the House, I have been working on this issue for 6 years, but if we at some point in time do not establish and stick to rules, and we have them established, but if we do not stick to the rules of process, we are going to subvert the entire system of this House. We have committees, they are supposed to consider things, and they are supposed to make recommendations and to bring whatever their recommendations are to the floor.

Increasingly in the middle of the night we get good ideas, frequently very good ideas, hooked to all sorts of vehicles because somebody thinks that that vehicle may move.

Mr. Speaker, I accept the pledge of the chairman of my subcommittee, the gentleman from Massachusetts, and the chairman of the full committee, the gentleman from Michigan, when they say that they are going to bring this bill to the floor Monday attached to the fairness doctrine, which I also think very much should be a part of the law.

I would say to my colleagues, many of whom voted for the ethics package yesterday, Fred Wertheimer would like to have a fairness doctrine in force right now so that he can get just as much time on these talk shows as Ralph Nader, and I ask the Members to consider that as well.

I would urge, even though the Members agree with me, that dial-a-porn is a cancer eating at the youth and the fabric of this country, and certainly the family, that it ought to be taken out, that we wait and do it Monday, as the chairman of the Telecommunications Subcommittee would suggest.

□ 1250

Mr. NATCHER. Mr. Speaker, I have no further requests for time.

Mr. WALKER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am not very fond of a process that ends up with us getting substantive legislation on appropriation bills, and that is a process that I think ill serves us in this body.

But in this case, this is something that the Senate has added. We have to deal flat out with the fact that we have dial-a-porn language that has been added to this bill. If we take the action that has been suggested by the committee here we will strip out of the bill on the House floor that language relating to dial-a-porn. In return for what?

The authorizing committee is now promising us that we will get it back next week and we will get it back in a package that combines two things, the fairness doctrine and dial-a-porn. The problem that many Members see with that is twofold. First of all, there are Members who support dial-a-porn who do not support the fairness doctrine, and combining up the two does in fact change the dimensions of the issue. Particularly it changes the dimensions of the issue insofar as the administration is concerned.

The gentleman from Massachusetts said a few minutes ago we do not know where the administration stands on this issue or this bill at this time. That is probably true. But we know where the administration has traditionally stood on the issue, and they have been very much opposed to a new implementation of the fairness doctrine. so, therefore, we can assume that they would be opposed to the bill, and that does mean that we would have the potential of the dial-a-porn legislation being vetoed, not because of dial-a-porn, but because of the fairness doctrine that was attached to it.

That is not a position I think that serves us well if what we want to do is move forward with dial-a-porn.

There is a second problem as well, and that is that we have within the last few minutes made some contacts with the Senate side, and the Senate side indicates that they cannot take up the fairness doctrine bill this year, and so we have a problem at the present time with the fact that if we try to move dial-a-porn as a separate bill next week, we are not going to get dial-a-porn this year.

That is in this bill that I think is moving forward, thanks to the hard work of the gentleman from Massachusetts, SIL CONTE, and the gentleman from Kentucky, BILL NATCHER. I think this bill is ultimately going to be signed by the President. This is something which is going to move, and we have a chance to get dial-a-porn this year in this bill, and we ought to take that opportunity.

So if Members want to vote in favor of moving forward with dial-a-porn, the vote on this particular motion would be a no vote. That motion would be then to accept the Senate language, keep the dial-a-porn in the bill, and have it move forward for Presidential signature with dial-a-porn in the bill.

That is I think where most of the Members in the House would probably want to stand.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield,

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. DANNEMEYER. Mr Speaker, I thank the the gentleman for yielding.

I am just advised by a message from the Senate that Senator HELMS said that this provision in a freestanding bill dealing with the fairness doctrine would be killed by Senator PACKWOOD who is opposed to it. So the suggestion that the issue can come as a part of the fairness doctrine in a separate, freestanding bill which the House will take up on Monday is faced with the reality that a Senator on the Senate side has said he will kill it.

Mr. WALKER. I think we are agreed that if a separate dial-a-porn bill would go to the Senate, it would probably fly in the Senate. But the problem is as soon as we combine in the fairness doctrine, that will not move in the Senate, and so the legislation that is being talked about as the compromise for next week simply is not going to go anywhere in this session of Congress.

So the issue for Members is if they want to move ahead and do something strong on dial-a-porn yet this year, the opportunity to do it is here this afternoon by voting no on the motion of the gentleman from Kentucky.

Mr. CONTE. Mr. Speaker, I yield myself whatever time I may require.

Mr. Speaker, I beg to disagree with my good friend, the gentleman from Pennsylvania [Mr. WALKER]. He asked what we get out of this bill. I will tell Members what we got. We got one of the best HHS, Labor, Education bills ever passed by this House, a $157 billion bill which touches every American. Second, and most importantly, we have a bill now that the President is going to sign.

I am all for this dial-a-porn provision. Dial-a-porn ought to be regulated. But why, why does the Senate continually, every chance they get, keep dumping this and everything they can upon this appropriations bill here? We have a bill now that BILL NATCHER and I have worked laboriously on, worked very hard with the Democratic and Republican leadership, and the chairmen and ranking members on the committee and subcommittee over the Senate side to get a bill that the President is going to sign. We wanted a lot and we got a lot out of this bill, and I hope every Member will vote aye when the rollcall is asked for. By putting extraneous matters on the bill, we are just asking for trouble.

Mr. Speaker, since the Senate passed this bill and added dial-a-porn, I have been studying the issue with quickened pulse.

My understanding is this. On June 23, the Supreme Court issued its decision in Sable Communications versus the FCC. That decision held two things: first, that the FCC could ban obscene telephone messages; and second, it could regulate indecent messages to protect children from exposure to such messages.

Further, it is my understanding that this Senate amendment is an attempt to implement the Supreme Court ruling—providing penalties for obscene messages and for indecent messages where steps to screen out children under 18 have not been taken.

I am supportive of the legislation. I would prefer, however, that it be enacted separately. Here is why I feel that way.

In this situation, the Labor HHS bill is being used as a vehicle to move this provision through.

I am increasingly concerned that as our bills are going over to the Senate, which apparently has no rules, individual Senators are giving in to the temptation to stick any issue they feel like onto these bills.

If we fall into that trap, we will get everything under the sun stuck onto these bills.

And we will never get out of here. This is an important provision and probably very much needed, but it ought to go through the regular process. There are many other provisions that are in the same boat. I just can't sit by while appropriations bills become a dumping ground for provisions needing a vehicle.

We decided we were not going to have a continuing resolution this year for precisely this reason and we ought to stick by that decision.

So I will vote for the motion to disagree to the Senate. But if the House decides that this is the place it wants to add the provision, then I will vote for it. I support legislation to regulate dial-a-porn; it is only that I wish we would enact it as a separate bill.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

What happened was this, as the gentleman knows, the Senate insisted in the reconciliation process that the House strip out all provisions which they were unhappy with, so as a courtesy to the Senate the House took out dial-a-porn, took out the fairness doctrine, and basically agreed to the Senate's way of proceeding as a precondition to them then cooperating and putting together a reconciliation package.

Then what happens? With 48 hours left to go, Senator HELMS then takes one provision and sticks it to yet another inappropriate vehicle, leaving the House in the situation where we have acted in detrimental reliance, we have tried to comply with the request which the Senate has made to us, but they continue to treat the House of Representatives like a subcommittee of the Senate. We cannot have the House of Representatives just reacting to every whim of every Senator who wants to deal with us as though we are just something that should ratify irregular procedure which Senators adopt after asking us to comply with something that adds some consistency and some predictability to the whole process.

So I ask the House of Representatives to give the Committee on Energy and Commerce once again the opportunity of putting together a piece of legislation, which we will do, in order to bring these measures out in regular order to the floor of the House of Representatives.

The gentleman from New York [Mr. LENT], the ranking minority member of the committee, I know agrees with us. We deserve the right.

Mr. LENT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from New York.

Mr. LENT. Mr. Speaker, I thank the gentleman for yielding and would like to associate myself with the remarks of the gentleman from Massachusetts [Mr. MARKEY]. I am very supportive of the legislation that is sought to be attached to this HHS appropriation bill.

But I think and would agree with the gentleman from Massachusetts and the gentleman from Virginia [Mr. BLILEY], who spoke on this that this is the wrong way to approach this particular issue, and I would hope that the motion would prevail.

Mr. WALKER. Mr. Speaker, I yield myself 2 minutes.

I just would like to make the point that I think the gentleman from Massachusetts would agree with me that the dial-a-porn language that was put into the bill will not disturb the President one iota, that the fact is that this bill is strengthened in terms of Presidential signature by the dial-a-porn language, and it will make it almost a surety, something that the President will sign given the hard work of the gentleman from Massachusetts and the gentleman from Kentucky to forge a bill acceptable to the administration. This simply strengthens the bill in that regard, and will not cause Presidential veto, and so, therefore, those who do support the language that is contained herein have a chance to get it done in a way that actually becomes law.

The problem is if we take the position of the gentleman from Massachusetts [Mr. MARKEY] we are coming up with a couple of issues that are unrelated as well, except we are doing it in a way that dial-a-porn will never get enacted into law this year. So the question is whether Members support it in a way that it gets passed into law, or whether they support it in a way that it gets buried at the end of the legislative session.

Mr. Speaker, I am glad to yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for yielding time to me.

There are a number of interest groups in this country that have communicated to those of us serving in the House their disgust, candidly, at the availability of dial-a-porn on telephone systems in America. I only wish that more telephone executives across this country would exhibit the same type of conviction and courage as has been exhibited by the leaders of the telephone system in the State of Arizona where that company, as a matter of principle, just said flat out, we will not have dial-a-porn on the telephone system in this State. And the Ninth Circuit Court of Appeals sustained the constitutionality of that decision, saying there is no constitutional right of free speech when a decision is made from a business standpoint, as was done by the leaders of that telephone system in Arizona.

Unfortunately for this cause, I guess it is fair to say there are not enough telephone executives of other telephone companies around the country who have the courage of the leaders in the telephone company in Arizona of which I speak. Perhaps one day the subscribers will motivate them to make that decision.

But the point I want to leave with my colleagues is this is a time for us to attach this issue to legislation that is going to be signed into law this year.

As my colleague, the gentleman from Pennsylvania [Mr. WALKER] pointed out very adroitly, if we wait to take up this issue as a part of the fairness doctrine, I suspect this President would be inclined to veto it. So even assuming that the Senate would get around to taking up the measure sometime next week on a date unknown, should a Senator not object, the probability of it getting into the law is not good.

□ 1300

I understand the desire of some of my colleagues on the committee to carry water for our distinguished chairman, the gentleman from Michigan [Mr. DINGELL], who has long been supportive of this issue of the fairness doctrine. This Member from California happens to support the fairness doctrine from a matter of principle. But I do not think it is wise for those of us who want to get a resolution of this issue this Congress, before this year is out, to suggest we are going to reach this issue by attaching it to a

legislative vehicle that is not going anywhere.

For those of us who want to restrict the availability of dial-a-porn to the extent we can in this country, please vote "no" on the motion to disagree that will soon be up.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I want to rise in support of the committee's motion here to disagree with the Senate amendment. I will tell you why.

The Senate strongly opposed the inclusion of fairness and dial-a-porn on reconciliation legislation because they said it was extraneous to reconciliation legislation.

We are in the process now in the conference of stripping that provision because we said we agree with them, it does not belong here.

It needs to be dealt with on a separate track and as separate legislation.

And now the other body thinks that it is good legislation to suddenly add it on this appropriations bill where it has no place. It is not even related jurisdictionally to the issues that are before this committee.

So it seems to me that if we want to be consistent and take the position that we ought not to add extraneous issues to reconciliation, we ought to take the same position when it comes to appropriation bills.

So I urge the House to support the committee and their motion.

Mr. NATCHER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DONNELLY). The question is, on the motion offered by the gentleman from Kentucky [Mr. NATCHER] that the House disagree to the amendment of the Senate numbered 7.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 98, nays 306, not voting 29, as follows:

[Roll No. 363]

YEAS—98

Ackerman	Bonior	Collins
Alexander	Borski	Conte
Anderson	Bosco	Conyers
Anthony	Brown (CA)	Cooper
Atkins	Campbell (CA)	Crockett
Bellenson	Clay	Darden
Berman	Coleman (TX)	Dellums
Derrick	Kildee	Savage
Dingell	Lantos	Scheuer
Dixon	Lewis (GA)	Schroeder
Donnelly	Lukens, Donald	Skeen
Downey	Manton	Smith (FL)
Dymally	Markey	Solarz
Early	Martinez	Stark
Edwards (CA)	Mavroules	Stokes
Fascell	Mazzoli	Studds
Fazio	McDermott	Swift
Ford (MI)	McMillen (MD)	Synar
Ford (TN)	Mineta	Tanner
Frank	Moakley	Torres
Frenzel	Moody	Towns
Gephardt	Mrazek	Traxler
Gonzalez	Natcher	Udall
Gordon	Neal (NC)	Unsoeld
Green	Nowak	Visclosky
Hatcher	Panetta	Waxman
Hayes (IL)	Pease	Weiss
Hoyer	Pelosi	Wheat
Jenkins	Rangel	Whitten
Johnston	Roe	Wise
Jones (GA)	Rose	Wyden
Kastenmeier	Roybal	Yates
Kennedy	Sabo	

NAYS—306

Akaka	Edwards (OK)	Jontz
Andrews	Emerson	Kanjorski
Applegate	Engel	Kaptur
Archer	English	Kasich
Armey	Erdreich	Kennelly
AuCoin	Espy	Kolbe
Baker	Evans	Kolter
Ballenger	Fawell	Kostmayer
Barnard	Feighan	Kyl
Bartlett	Fields	LaFalce
Barton	Fish	Lagomarsino
Bateman	Flake	Lancaster
Bates	Flippo	Laughlin
Bennett	Foglietta	Leach (IA)
Bentley	Frost	Leath (TX)
Bereuter	Gallegly	Lehman (CA)
Bevill	Gallo	Lent
Bilbray	Gaydos	Levin (MI)
Bilirakis	Gejdenson	Lewis (CA)
Billey	Gekas	Lewis (FL)
Boehlert	Geren	Lightfoot
Boggs	Gibbons	Lipinski
Boucher	Gillmor	Livingston
Boxer	Gilman	Lloyd
Brennan	Gingrich	Long
Broomfield	Glickman	Lowery (CA)
Browder	Goodling	Lowey (NY)
Brown (CO)	Goss	Luken, Thomas
Bruce	Gradison	Machtley
Buechner	Grandy	Madigan
Bunning	Grant	Marlenee
Burton	Gray	Martin (IL)
Byron	Guarini	Martin (NY)
Callahan	Gunderson	Matsui
Campbell (CO)	Hall (OH)	McCandless
Cardin	Hall (TX)	McCloskey
Carper	Hamilton	McCollum
Chandler	Hammerschmidt	McCurdy
Chapman	Hancock	McEwen
Clarke	Hansen	McGrath
Clement	Harris	McHugh
Clinger	Hastert	McMillan (NC)
Coble	Hayes (LA)	McNulty
Combest	Hefley	Meyers
Condit	Hefner	Mfume
Costello	Henry	Michel
Coughlin	Herger	Miller (CA)
Courter	Hertel	Miller (OH)
Cox	Hiler	Miller (WA)
Coyne	Hoagland	Mollohan
Craig	Hochbrueckner	Montgomery
Dannemeyer	Holloway	Moorhead
Davis	Hopkins	Morella
de la Garza	Horton	Morrison (CT)
DeFazio	Houghton	Morrison (WA)
DeLay	Hubbard	Murphy
DeWine	Huckaby	Myers
Dicks	Hughes	Nagle
Dorgan (ND)	Hunter	Neal (MA)
Dornan (CA)	Hyde	Nielson
Douglas	Inhofe	Oakar
Dreier	Ireland	Oberstar
Duncan	Jacobs	Olin
Durbin	James	Ortiz
Dwyer	Johnson (CT)	Owens (NY)
Dyson	Johnson (SD)	Owens (UT)
Eckart	Jones (NC)	Oxley
Packard	Sangmeister	Stangeland
Pallone	Sarpalius	Stearns
Parker	Sawyer	Stenholm
Parris	Saxton	Stump
Pashayan	Schaefer	Sundquist
Patterson	Schiff	Tallon
Paxon	Schneider	Tauke
Payne (VA)	Schuette	Tauzin
Penny	Schulze	Taylor
Perkins	Schumer	Thomas (CA)
Petri	Sensenbrenner	Thomas (GA)
Pickett	Sharp	Thomas (WY)
Pickle	Shaw	Torricelli
Porter	Shays	Traficant
Poshard	Shumway	Upton
Price	Shuster	Valentine
Pursell	Sikorski	Vander Jagt
Quillen	Sisisky	Vento
Rahall	Skaggs	Volkmer
Ravenel	Skelton	Vucanovich
Ray	Slattery	Walgren
Rhodes	Slaughter (NY)	Walker
Richardson	Slaughter (VA)	Walsh
Ridge	Smith (IA)	Weber
Rinaldo	Smith (NE)	Weldon
Ritter	Smith (NJ)	Whittaker
Roberts	Smith (TX)	Williams
Robinson	Smith (VT)	Wilson
Rogers	Smith, Robert (OR)	Wolf
Rohrabacher	Snowe	Wolpe
Ros-Lehtinen	Solomon	Wylie
Rostenkowski	Spence	Yatron
Roth	Spratt	Young (AK)
Roukema	Staggers	Young (FL)
Rowland (GA)	Stallings	
Saiki		

NOT VOTING—29

Annunzio	Hawkins	Payne (NJ)
Aspin	Hutto	Regula
Brooks	Kleczka	Rowland (CT)
Bryant	Lehman (FL)	Russo
Bustamante	Levine (CA)	Smith, Denny (OR)
Carr	McCrery	Smith, Robert (NH)
Coleman (MO)	McDade	Watkins
Crane	Molinari	
Dickinson	Murtha	
Florio	Nelson	
Garcia	Obey	

□ 1332

Mrs. BOGGS, Ms. SLAUGHTER of New York, Messrs. BILBRAY, CLARKE, CAMPBELL of Colorado, SKAGGS, MORRISON of Washington, McGRATH, GLICKMAN, WHITTAKER, BEVILL, DURBIN, COYNE, DORNAN of California, DE LA GARZA, MILLER of California, ROBERT F. (BOB) SMITH, SLATTERY, THOMAS A. LUKEN, VENTO, BATES, SPRATT, BARNARD, GUARINI, RAY, MORRISON of Connecticut, SMITH of Iowa, GEJDENSON, FEIGHAN, DWYER of New Jersey, McCLOSKEY, BLILEY, HERTEL, NEAL of Massachusetts, OBERSTAR, SAWYER, LEWIS of California, PICKLE, McHUGH, ROSTENKOWSKI, LIPINSKI, ROGERS, FLAKE, HORTON, WILSON, Mrs. LOWEY of New York, Messrs. ENGEL, GRAY, FOGLIETTA, LEVIN of Michigan, JONTZ, LEHMAN of California, PRICE, BOEHLERT, KOSTMAYER, BOUCHER, KANJORSKI, LENT, STAGGERS, VOLKMER, THOMAS of California, PORTER, MATSUI, AKAKA, PERKINS, and AuCOIN, Mrs. JOHNSON of Connecticut, and Messrs. EVANS, DREIER of California, JONES of North Carolina, WOLPE changed their vote from "yea" to "nay."

Messrs. McCLOSKEY, FASCELL, and MOODY, and Ms. PELOSI changed their vote from "nay" to "yea."

So the motion that the House disagree to the amendment of the Senate numbered 7 was rejected.

The result of the vote was announced as above recorded.

□ 1330

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House concur in the amendment of the Senate numbered 7.

The SPEAKER pro tempore (Mr. MOAKLEY). The question is, Will the House concur in the amendment of the Senate numbered 7?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 364]

YEAS—402

Ackerman	Campbell (CO)	Dwyer
Akaka	Cardin	Dymally
Alexander	Carper	Dyson
Anderson	Carr	Early
Andrews	Chandler	Eckart
Anthony	Chapman	Edwards (CA)
Applegate	Clarke	Edwards (OK)
Archer	Clay	Emerson
Armey	Clement	Engel
Atkins	Clinger	English
AuCoin	Coble	Erdreich
Baker	Coleman (MO)	Espy
Ballenger	Coleman (TX)	Evans
Barnard	Collins	Fascell
Bartlett	Combest	Fawell
Bateman	Condit	Fazio
Bates	Conte	Feighan
Beilenson	Conyers	Fields
Bennett	Cooper	Fish
Bentley	Costello	Flake
Bereuter	Coughlin	Flippo
Berman	Courter	Foglietta
Bevill	Cox	Ford (MI)
Bilbray	Coyne	Ford (TN)
Bilirakis	Craig	Frank
Bliley	Crockett	Frost
Boehlert	Dannemeyer	Gallegly
Boggs	Darden	Gallo
Bonior	Davis	Gaydos
Borski	de la Garza	Gejdenson
Bosco	DeFazio	Gekas
Boucher	DeLay	Gephardt
Boxer	Dellums	Geren
Brennan	Derrick	Gibbons
Broomfield	DeWine	Gillmor
Browder	Dickinson	Gilman
Brown (CA)	Dicks	Gingrich
Brown (CO)	Dingell	Glickman
Bruce	Dixon	Gonzalez
Buechner	Dorgan (ND)	Gordon
Bunning	Dornan (CA)	Goss
Burton	Douglas	Gradison
Byron	Downey	Grandy
Callahan	Dreier	Grant
Campbell (CA)	Durbin	Gray
Green	McDermott	Schaefer
Guarini	McEwen	Scheuer
Gunderson	McGrath	Schiff
Hall (OH)	McHugh	Schneider
Hall (TX)	McMillan (NC)	Schroeder
Hamilton	McMillen (MD)	Schuette
Hammerschmidt	McNulty	Schulze
Hancock	Meyers	Schumer
Hansen	Mfume	Sensenbrenner
Harris	Michel	Sharp
Hastert	Miller (CA)	Shaw
Hatcher	Miller (OH)	Shays
Hayes (IL)	Miller (WA)	Shumway
Hayes (LA)	Mineta	Shuster
Hefley	Moakley	Sikorski
Hefner	Mollohan	Sisisky
Henry	Montgomery	Skaggs
Herger	Moody	Skeen
Hertel	Moorhead	Skelton
Hiler	Morella	Slattery
Hoagland	Morrison (CT)	Slaughter (NY)
Hochbrueckner	Morrison (WA)	Slaughter (VA)
Holloway	Mrazek	Smith (FL)
Hopkins	Murphy	Smith (IA)
Horton	Myers	Smith (NE)
Houghton	Nagle	Smith (NJ)
Hoyer	Natcher	Smith (TX)
Hubbard	Neal (MA)	Smith (VT)
Huckaby	Neal (NC)	Smith, Robert (OR)
Hughes	Nielson	Snowe
Hunter	Nowak	Solarz
Hyde	Oakar	Solomon
Inhofe	Oberstar	Spence
Ireland	Obey	Spratt
Jacobs	Olin	Staggers
James	Ortiz	Stallings
Jenkins	Owens (NY)	Stangeland
Johnson (SD)	Owens (UT)	Stark
Johnston	Oxley	Stearns
Jones (GA)	Packard	Stenholm
Jones (NC)	Pallone	Stokes
Jontz	Panetta	Studds
Kanjorski	Parker	Stump
Kaptur	Parris	Sundquist
Kasich	Pashayan	Swift
Kastenmeier	Patterson	Tallon
Kennedy	Paxon	Tanner
Kennelly	Payne (NJ)	Tauke
Kildee	Payne (VA)	Tauzin
Kleczka	Pease	Taylor
Kolbe	Pelosi	Thomas (CA)
Kolter	Penny	Thomas (GA)
Kostmayer	Perkins	Thomas (WY)
Kyl	Petri	Torres
LaFalce	Pickett	Torricelli
Lagomarsino	Pickle	Towns
Lancaster	Porter	Traficant
Lantos	Poshard	Traxler
Laughlin	Price	Unsoeld
Leach (IA)	Pursell	Upton
Leath (TX)	Quillen	Valentine
Lehman (CA)	Rahall	Vander Jagt
Lent	Rangel	Vento
Levin (MI)	Ravenel	Visclosky
Lewis (CA)	Ray	Volkmer
Lewis (FL)	Regula	Vucanovich
Lewis (GA)	Rhodes	Walgren
Lightfoot	Richardson	Walker
Lipinski	Ridge	Walsh
Livingston	Rinaldo	Waxman
Lloyd	Ritter	Weber
Long	Roberts	Weiss
Lowery (CA)	Robinson	Weldon
Lowey (NY)	Roe	Wheat
Luken, Thomas	Rogers	Whittaker
Lukens, Donald	Rohrabacher	Whitten
Machtley	Ros-Lehtinen	Williams
Madigan	Rose	Wilson
Manton	Rostenkowski	Wise
Markey	Roth	Wolf
Marlenee	Roukema	Wolpe
Martin (IL)	Rowland (GA)	Wyden
Martin (NY)	Roybal	Wylie
Martinez	Sabo	Yates
Matsui	Saiki	Yatron
Mavroules	Sangmeister	Young (AK)
Mazzoli	Sarpalius	Young (FL)
McCloskey	Savage	
McCollum	Sawyer	
McCurdy	Saxton	

NAYS—0

NOT VOTING—31

Annunzio	Barton	Bryant
Aspin	Brooks	Bustamante
Crane	Johnson (CT)	Rowland (CT)
Donnelly	Lehman (FL)	Russo
Duncan	Levine (CA)	Smith, Denny (OR)
Florio	McCandless	Smith, Robert (NH)
Frenzel	McCrery	Synar
Garcia	McDade	Udall
Goodling	Molinari	Watkins
Hawkins	Murtha	
Hutto	Nelson	

□ 1352

Mr. GIBBONS changed his vote from "nay" to "yea."

So the House concurred in the amendment of the Senate numbered 7.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Speaker, I was detained yesterday and unable to vote on a few matters.

Had I been present, I would have voted as follows:

"Yes" on rollcall 359, aid to Poland and Hungary;

"No" on rollcall 360, the NRC rule; and

"Yes" on rollcall 361, U.N. Population Fund.

WE MUST CHANGE OUR POLICY IN EL SALVADOR

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, the situation in El Salvador is an outrage and a disgrace. Our Embassy has stated that it is now unable to estimate the number of casualties but we know they are growing by the hour.

Church and academic leaders have been murdered in the most savage way. Other churchmen have been taken into custody by the murderous treasury police.

Our Ambassador is upset and has spoken out in dismay. But that is not what needs to happen in El Salvador. To stop the killings and the murders we must change our policy. Our Government must halt all military aid to El Salvador. It can and should be done this very day, and I urge the President to take that action.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON TODAY

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules for the remainder of today, Friday, November 17, 1989, with respect to a series of 12 measures, the list of which will be placed in the RECORD at this point and which will be available in the cloakrooms.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the re-

quest of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right of object, I do so to confirm with the gentleman that this is the list that has been approved bipartisanly, the list that both sides are aware of?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman is correct. As I said, this list will be put in the RECORD and will be available. It obviously does not mean that a motion will be made on each of the 12, but there will be no additional ones added to this list without further discussions between the majority and minority.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, could the gentleman indicate whether a decision has been made on the manner in which the votes will be handled on the proposed bills under suspension? Will they be rolled until later on in the day?

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the intent is that, depending upon the time that these suspensions would come up, if we have the opportunity to vote on them and dispose of them, we will do that. In the event, however, it is late in the day—and I would suggest that "late in the day" would be after 6 o'clock—that consideration will be made at that time as to whether or not we want to roll the votes until probably Sunday.

Mr. WALKER. We would not anticipate voting on them on Saturday? Is that right?

Mr. HOYER. The gentleman is correct.

Mr. WALKER. If the votes are rolled, they would not be rolled until after 1 o'clock on Sunday?

Mr. HOYER. The gentleman is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

NEVADA WILDERNESS PROTECTION ACT OF 1989

The SPEAKER pro tempore. Pursuant to House Resolution 289 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill, S. 974.

□ 1356

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, with Mr. MONTGOMERY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH] had been disposed of.

Are there further amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. WILDERNESS REVIEW CONCERNS.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Nevada and of the environmental impacts associated with alternative allocations of such areas.

(b) DETERMINATION.—On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in the State of Nevada, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Nevada;

(2) with respect to—

(A) the National Forest System lands in the State of Nevada that were reviewed by the Department of Agriculture in the second roadless area review and evaluations (RARE II); and

(B) the lands described in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a 10-year cycle, or at least every 15 years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Nevada reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness in section 2 shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604): *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Nevada are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purposes of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600-1614) and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Nevada for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) REVISIONS.—As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the term "revision" shall not include an "amendment" to a plan.

(d) APPLICATION OF SECTION.—Lands identified by reference to this subsection are—

(1) National Forest System roadless lands in the State of Nevada of less than 5,000 acres; and

(2) Those National Forest System roadless areas, or portions thereof in the State of Nevada, identified in the unit plans listed below, which are not designated as wilderness in section 2:

National Forest	*Unit Plan*
Humboldt	Santa Rosa
Humboldt	Ruby Mt./E. Humboldt
Toiyabe	Mt. Charleston
Toiyabe	Central Nevada

The CHAIRMAN pro tempore. Are there amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. GRAZING IN WILDERNESS AREAS.

(a) LIVESTOCK GRAZING.—Grazing livestock in wilderness areas designated in section 2 that was established prior to the date of enactment of this Act shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and section 108 of the Act entitled "An Act to designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes (16 U.S.C. 1133 note).

(b) REVIEW.—The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in Na-

tional Forest Wilderness areas in Nevada in order to insure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in this Act.

(c) REPORTS—Not later than 1 year after the enactment of this Act, and at least every 5 years thereafter, the Secretary of Agriculture shall submit to the Committee on Interior and Insular Affairs of the House or Representatives and the Committee on Energy and Natural Resources of the Senate a report detailing the progress made by the Forest Service in carrying out the provisions of subsections (a) and (b).

The CHAIRMAN pro tempore. Are there amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. PROHIBITION OF BUFFER ZONES.

Congress does not intend that the designation of wilderness areas in the State of Nevada implies the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

The CHAIRMAN pro tempore. Are there amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. WATER ALLOCATON AUTHORITY.

(a) Within the wilderness areas designated by this Act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas created by this Act.

(b) The priority date of the water rights reserved in paragraph (a) shall be the date of enactment of this Act.

(c) The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (a) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

(d) The Federal water rights reserved by this Act shall be in addition to any water rights which may have been previously reserved or obtained by the United States for other than wilderness purposes.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: Page 10, strike out line 17 and all that follows through line 6 on page 11 (all of section 8), and insert in lieu thereof the following:

SEC. 8. WATER RIGHTS.

(a) Within the State of Nevada, nothing in the Wilderness Act, this Act, or any other Act designating lands as wilderness shall constitute or be construed to constitute either an expressed or implied reservation of water or water rights for any purpose. Subject to the substantive and procedural requirements of the laws of the State of Nevada, the United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated by this Act as wilderness or special management areas. This section shall not affect any reserved water right which the United States may have acquired within the State of Nevada before the date of enactment of this Act.

(b) Reasonable access and means of access are hereby authorized for construction, completion, operation, repair, maintenance, or replacement of water facilities needed to exercise water rights existing on the date of enactment of this Act in areas designated wilderness under this Act and for facilities authorized by section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)). In the event that a natural occurrence prevents reasonable repair in the original location of a facility, then the facility may be relocated, or partially relocated, to a place where the replacement facility will operate in a comparable cost and manner as the original. A reasonable effort shall be made to conserve wilderness resources and locate the facility as close as possible to the original location.

Mrs. VUCANOVICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, this amendment would replace section 8, the water allocation section of S. 974, with substitute language. As it reads now, this bill would establish a dangerous precedent of creating an expressly reserved water right to the Federal Government for wilderness purposes above and beyond that already existing right to water under the Winters doctrine. That water right was impliedly granted, said the Supreme Court, when forest reserves were created by Congress about the turn of the century. We believe that this is sufficient water for wilderness purposes as well as for "forest creation."

The States of the arid West that allocate water under the doctrine of prior appropriation jealously guard the sovereignty that the courts have generally conceded rest with the States on this issue. I believe that the language of section 8 as now written would gratuitously toss this jurisdiction aside to grant a Federal preemption. True, the bill directs the Secretary to file the allocation with the State of Nevada, but it gives the Federal Government all the cards in the deck. The State of Nevada would be precluded now and evermore from adjudicating the basis of the right. The State could not deny a right although I acknowledge that our State engineer has testified that Nevada recognizes instream flows as a beneficial use for which a right may be sought. Furthermore, the State could not diminish the quantity that the Federal Government maintained is that necessary for wilderness purposes.

I have heard the argument, "Don't worry, all of Nevada's water is fully allocated anyway, so this bill will have no practical effect." We believe that this is all the more reason to demand that the language of section 8 be amended. There is absolutely no reason to preempt State sovereignty unless a compelling national need exists. Just last week this body debated whether such a Federal preemption was necessary on the oilspill liability question. I voted that it was not and so did a majority of the House. In this case, the answer is even more clear cut—no Federal purpose is threatened by the State of Nevada's jurisdiction to adjudicate water rights, therefore do not preempt that jurisdiction.

Paragraph (a) of my amendment would instead clarify that no reserved water right is created by this act. It is limited to Nevada and even grandfathers whatever rights the courts may someday find to have been impliedly reserved in the Jarbidge Wilderness in 1964.

Mr. Chairman, I emphasize that this amendment does no harm whatsoever to the fish and fowl, game and plant species in the proposed wilderness. The water in these headwaters regions would remain protected by the Wilderness Act. The Winters rights are not under attack. This amendment simply states that another increment of water will not be automatically established by dint of this act, a perfectly reasonable approach. The Forest Service would not be precluded from seeking additional water rights, they simply would have to go to the appropriate State adjudication to do so and they would stand in line like anyone else must do.

Furthermore, paragraph (b) of my amendment would merely clarify the rights of grazing permittees and other with existing rights in the proposed wildernesses to be able to maintain stock watering improvements and the like after designation.

□ 1400

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mrs. VUCANOVICH. I am very happy to yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentlewoman for yielding. I was going to make the same point that she just made.

Just last week we passed an amendment on the House floor which disallowed Federal preemption of State laws pertaining to oilspill cleanup and the gentlewoman's amendment is calling for similar treatment here.

Mrs. VUCANOVICH. The gentleman is correct.

Mr. LAGOMARSINO. I would like to also point out that the California Farm Bureau Federation is very concerned, and especially with the reserved water language in the bill, and opposes the bill because of that. They are concerned, as is the gentlewoman,

with the precedent that this language in the bill will set. So I would urge my colleagues to support the gentlewoman's amendment.

Mr. Chairman, I rise today in support of the amendment offered by my colleague, Congresswoman VUCANOVICH, to the Nevada Wilderness Protection Act. By stating that nothing in this act shall constitute or be construed to constitute either an express or implied reservation of water or water rights for any purpose, this amendment assures continuation of a State's right to regulate water use within its borders.

Just last week we passed an amendment on the House floor which disallowed Federal preemption of State laws pertaining to oilspill cleanup. Simply put, Mrs. VUCANOVICH'S amendment calls for similar treatment for State laws pertaining to water rights.

Currently, the language in S. 974 appears to be an attempt to establish a Federal preemption of water rights in future wilderness areas. Since all of the wilderness areas designated in S. 974 contain headwaters only, there seems to be no valid reason for inclusion of preemptive water right language in this bill. In addition, by changing longstanding legal precedent which ensured sufficient reserved water rights for public lands in the past, the language in S. 974 will most certainly court future litigation.

The Vucanovich amendment replaces unneeded, gratuitous language with language which assures Nevada's sovereignty pertaining to water rights. Further, the amendment continues longstanding proven policy by allowing the Forest Service to seek needed water through Nevada State law. I support the Vucanovich amendment and urge my colleagues to vote in favor of it.

CALIFORNIA FARM BUREAU FEDERATION,
Sacramento, CA, November 10, 1989.

Hon. ROBERT J. LAGOMARSINO,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LAGOMARSINO: The California Farm Bureau Federation wishes to state its opposition to S. 974, the Nevada Wilderness Protection Act. Our special concern is the language for a reservation of water for wilderness areas.

We are concerned with any legislation which would automatically create a federally reserved water right for wilderness areas. This issue is presently the subject of litigation in the Federal Courts of Appeals. We cannot forecast the manner by which such reservation would be effected, or the priority, relative to other pre-existing water rights, which such reserved rights would have. Most of the agricultural producers are downstream of the areas or within the areas that a wilderness designation would affect. These lands in most cases already have long standing high priority rights to the use of water, and in many cases the streams are already fully appropriated.

However, we would support an amendment to S. 974 which would do the following: (1) denies the automatic creation of a wilderness water right as the result of wilderness designation; (2) provides that a water right may be established if it is established in compliance with state water laws; and (3) preserves those water rights which have already been acquired by the federal government.

There are many appropriate rights to water in California which were acquired before 1914. Many of these rights could be affected since they are sequential, and can take water that riparian users do not need.

A proposed wilderness could sometimes be downstream of water-producing and water-consuming areas. If the wilderness areas carry a federally reserved water right, the upstream owners, could find their land restricted to future uses which do not exceed the quantity of present uses, even though their present riparian or groundwater rights were unexercised. This is not purely speculative since several years ago in Nevada the federal government required a private landowner to restrict groundwater pumping in favor of spring water supplied for desert pupfish.

It is critical that any wilderness designation should not force the western states into a legal straight jacket as far as water development is concerned. It is equally important that wilderness designations should respect existing property rights, particularly prior water rights. Therefore, we urge your support of the substitute language in paragraph three.

Sincerely,

BOB L. VICE,
President.

Mrs. VUCANOVICH. I thank the gentleman and urge support of this amendment.

Mr. VENTO. Mr. Chairman, I rise in opposition to this language.

The language in the bill that the Senate has sent to us is a good compromise. The Senate has made it quite clear in recent years that it would not allow any wilderness bill to become law without specific water rights language, and the present language of the bill is a carefully crafted bipartisan compromise approved by the Senate. As my colleague, the gentleman from Nevada [Mr. BILBRAY] will point out, this language is supported by the Forest Service in specific testimony before our body and before the Senate. The fact is that the Forest Service and professional land managers favor the water rights language that is in the bill.

The current language expressly reserves water rights for wilderness areas designated in this bill. The language is included to make explicit Congress' intent to provide sufficient water to fulfill the statutory purposes for which the areas are set aside.

The express reservation of water in this act does not indicate and should not be read to mean that the absence of water rights language in other wilderness legislation reflects congressional intent not to reserve water for the areas designated in that legislation. To the contrary, silence on water rights has been taken to mean that Congress was relying on the long-established doctrine of Federal reserved water rights. The reservation of water is inferred as a necessary requirement to achieve the statutory purposes of the reservation of land.

Legal uncertainties have arisen since 1988, created by an erroneous Interior Department solicitor's opinion, about the application of the Federal reserved water doctrine to wilderness.

This bill expressly reserves water rights to avoid the risk that a court might interpret silence on water rights today as a decision by Congress not to provide water for Nevada wilderness, or worse, that Congress agrees with the 1988 solicitor's opinion. On July 23, 1988, the solicitor put out this opinion. We think it is false and we have to respond to it.

Existing water users in Nevada will be unaffected by this bill. The wilderness areas are all part of the headwaters of streams and high quality unpolluted water will flow out of the wilderness areas and be available to downstream users in the same quantity and quality as today. In fact, wilderness designation will ensure that water, so important to the people in Nevada, remains unpolluted by development and available in a high-quality state for their use.

Furthermore, the language specifically provides that wilderness will have a priority date junior to that of all existing water users.

The language in this amendment does not just deal with this bill. It is a clear attempt to void any water rights for wilderness areas across the 90-million-acre system of wilderness in this Nation.

I suggest that this is anything but a States rights amendment. The language that we have in the bill is being attacked as opposed to States rights when in fact it preserves the adjudication process for the allocation of water that has historically taken place in the States under State law, in accordance with the McCarren Act. It sets up a process where any water rights for wilderness that are effective on this date would go into this same allocation process within the State.

The State water engineer for the State of Nevada, who is a strong advocate for States rights with regards to water, testified in favor of the present language in the bill. Not a single Senator objected to these particular provisions. Obviously, the language in this bill is very good.

I am concerned that the protestations from the other side may in fact make the language seem to be less than it is. I would suggest it is very good language, and that we ought to concentrate our efforts on what is in the bill rather than on the creative sort of arguments which seem to abound on the other side of the aisle.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I move to strike the last word.

Mr. CHAIRMAN. I rise today to speak on one of the most valuable and fundamental property rights in the Western areas of the United States—the right to access water.

Out West, where a shortage of water means the difference between life and death, we have a system that has stood the test of time.

Since 1866, Congress has repeatedly deferred to this system and the States rights to implement it.

But today we are throwing away over 100 years, of historical precedent, and for what? For nothing.

I submit to you that this bill's water rights language serves absolutely no environmental purpose; it is simply gratuitous.

I submit to you that the real purpose of this language is to set a precedent for other, more controversial wilderness legislation that this House will be considering in the near future.

Let me give you a little background into this issue.

The pioneers of Oregon and other States in the West were a hardy people who settled in arid, rugged and often unfriendly country.

Faced with severe shortages of water, they were forced to develop a water-use system that would enable them to live in the semidesert climate. So they worked out a priority system for water use which is based on a simple concept, "first in time, first in right."

This early system has evolved into the backbone of modern water delivery, where water users are required to file their water rights, and claims are adjudicated in court. Judges quantify the amount of water entitled, and give each claim a ranking based on the date of the original claim.

Now in certain instances, the Federal Government has reserved a water right to itself. This has been an established practice since 1908, when—in the Winters versus United States case—the Supreme Court held that there are Federal water rights that accompany Indian reservations, national parks, and national forests.

However, until very recently, Congress has assumed that wilderness is a land management decision and has no effect on water rights, whatsoever. So unlike parks and Indian reservations, historically there has been no implied Federal water right for wilderness areas.

In the last 4 years, this issue has come before the courts.

In one Federal district court ruling in Colorado, referred to as the Kane decision—1985—the court found that creating a wilderness area implies a Federal reserved water right under the Wilderness Act of 1964.

In a conflicting decision, referred to as the Molybdenum case, the Federal District Court for New Mexico—1988—ruled that Congress did not intend to imply a Federal reserved water right for wilderness under the passage of the 1964 Wilderness Act.

Both of these decisions are being appealed, and the Supreme Court will probably be called upon to determine what the Congress really meant when it passed the Wilderness Act of 1964.

But today, we are sending an implicit message to the courts. We are telling them to disregard State sovereignty of water rights.

Now last week the House of Representatives debated at great length the issue of States rights when it considered the Oil Spill Prevention and Compensation Act.

I recall many Members pounding their fists, stomping their feet and turning red in the face over this issue.

So the House adopted amendments that protected States rights to enforce their own environmental laws.

We adopted these amendments even at the risk of creating a patchwork system for oilspill prevention and compensation that might actually slow down the very process we were seeking to speed up.

States rights are just that important.

So why aren't States rights important this week? Why should the House adopt language that is unnecessary, that is contradictory to current law in the West, and that sends a dangerous signal to the courts?

The arguments I have heard for doing so are weak, at best.

Without good cause we are threatening the viability of a water-allocation system that has been in use for over 100 years. Without good cause we are threatening the economy of every water dependent community in the West.

There are no objectives to be achieved by this bill which are not already fully achieved under existing law.

Due to the topography of these wilderness areas, the reservation of a Federal water right is really just a preemption of State law for preemption's sake.

The water resources in these areas are located in high altitudes, called headwaters, where there is no danger of diversion of the water.

So while there is nothing to be gained by this provision, there is a lot to be lost: I believe, along with my western colleagues, that this provision will be used as a model for future wilderness areas.

If the Congress adopts this language today, it will be a boilerplate provision when we create wilderness in downstream areas.

In these areas where the water is already appropriated for agriculture and municipal use we cannot afford to lose even one drop.

If the Congress wants to amend the Wilderness Act of 1964 and reserve a blanket water right for wilderness areas, so be it. While I would not support such an effort, at least the Congress would be clear on the issue.

But I simply cannot stand by and support legislation that will amount to nothing more than an invitation for lawyers across the West to make vast sums of money in an attempt to interpret what the Congress did or did not intend.

Let's say what we mean, and mean what we say. That's what we get paid for.

During hearings on this bill we were assured that this language refers only to Nevada, and is not intended to signal any court as to the intent of Congress for wilderness areas other than those created by this bill. I can say with confidence that not one western member of the Interior Committee minority supports including this water language in the bill.

I submit to you that this language will be used as a model for other wilderness areas.

I ask my colleagues to defer to the Members from the West who have lived this debate their whole lives.

I ask you to leave in place a water allocation system that has been relied on for over a century.

I ask that you refrain from sending a confusing signal to the courts currently debating this issue.

Please vote to delete this dangerous precedent from S. 974, and support the Vucanovich amendment to this legislation.

Under this amendment, the wilderness areas we're creating will be safe.

But if we do not accept the Vucanovich amendment, we stand to lose the entire war before we've fought any of the battles by setting a precedent over Federal water rights in wilderness areas.

□ 1410

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. (BOB) SMITH. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to stipulate that the gentleman did not read the entire paragraph. I do not know that he wants to.

Mr. ROBERT F. (BOB) SMITH. I have read the entire paragraph, I followed the reading as the chairman read it. The interpretation is the way I see it.

Mr. BILBRAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, supporters of this amendment are trying to characterize this issue as a vote for States rights. That simply is not true.

I am a western Democrat, Mr. Chairman, born and raised in the State of Nevada. I am also a strong supporter of States rights, like many of my other

colleagues from the West. The fact of the matter is, Mr. Chairman, is that the water language contained in S. 974 in no way infringes upon or preempts Nevada State law.

The Governor of Nevada, Bob Miller, knows this, and that is why he supports the bill; he even went so far as to write a letter to Speaker FOLEY in support of the water language. The State water engineer, Pete Morros, knows this, and that is why he testified in both the Senate and the House in strong support of this language. Let me quote some of Mr. Morros' testimony for my colleagues:

It is important to note at the outset that it has been my long standing position, and continues to be my position, that the State's authority and jurisdiction over our limited water resources must be protected. I have in the past opposed and will continue to oppose any attempt by Federal agencies or other federal interests to usurp, impede or in any way adversely impact this jurisdiction and authority . . .

Mr. Morros goes on to conclude:

It is my opinion and conclusion that provisions, criteria and conditions set forth under Sec. 8, of S. 974, adequately protect the continuing authority and jurisdiction of the State of Nevada.

And finally, Mr. Chairman, if my Republican colleagues will not take the word of the Governor of Nevada and our State water engineer, let them take the word of their own colleague from Idaho, Senator JAMES MCCLURE. Senator MCCLURE, the ranking minority Member on the Senate Environment and Public Works Committee, which has jurisdiction over the bill and which held a hearing in July that dealt primarily with the water rights issue, Senator MCCLURE is the gentleman most responsible for the language before us today; it is his language. It was written to satisfy his concerns over protecting the State's authority, and it subsequently passed the Senate by a voice vote.

Mr. Chairman, the need for this langage is evidenced by the July 23, 1988 opinion of the Solicitor of the Department of the Interior which overturned the opinion of the previous Departmental Solicitor. This new opinion, which was adopted by former Attorney General Meese as the policy of the Federal Government, effectively denies a reserved water right for wilderness areas unless express language by Congress is enacted.

I might also add that the Congressional Research Service concluded in a detailed report, which I would urge all of my colleagues to read, that the Solicitor's opinion is very likely in error.

Mr. Chairman, it seems only logical that the designation of lands for wilderness purposes would necessarily include the reservation of water in order to preserve the natural wilderness character and ecology of the protected lands, and that is precisely why Congress should state so in its legislation. The risk of dried up, lifeless wilderness areas is too great to permit a wilderness bill to be passed without an express reservation of water rights.

I strongly urge my colleagues to vote "no" on the Vucanovich amendment.

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to indicate to the gentlemen that none of us is opposed to express language. The requirement of the Forest Service was that, "Please specify what you want with express language." It is the kind of language that you have expressed that we are concerned about.

I would ask my colleagues from Oregon if he might assist me in understanding exactly the points that have been made in some of the recent comments.

The language in this bill, as I understand it, provides water rights for the wilderness area that is designated to be placed in Nevada. And the areas that we are talking about are headwater areas.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. ROBERT F. (BOB) SMITH. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct.

Mr. THOMAS of California. So we have the initial land contract, if you will, with a watershed drainage which is in the wilderness area. Although I know last night one of our colleagues read what is meant by wilderness area, if we are not exactly meeting the criteria in terms of total pristineness, certainly what we are not going to have in the wilderness area is, for example, a dam to divert the water.

Mr. ROBERT F. (BOB) SMITH. Never.

Mr. THOMAS of California. We are not going to have a residential community built to consume the water.

Mr. ROBERT F. (BOB) SMITH. Impossible.

Mr. THOMAS of California. We are not going to have an industrial plant developed to utilize it in some processing.

Mr. ROBERT F. (BOB) SMITH. You cannot carry concrete there.

Mr. THOMAS of California. And what we have is a desire, it appears, to create a precedent to have water rights in an area in which you cannot have any manmade use of the water and in which the water originates in the first place, is that what we are dealing with here?

Mr. ROBERT F. (BOB) SMITH. I think, if the gentleman would yield further, I think he is exactly correct, which brings us to the question: Why are we trying to establish a water right when obviously, as the gentleman's examples exceedingly indicate, there is no purpose for it?

Mr. THOMAS of California. I guess perhaps the gentleman from Oregon, not having dealt with folks perhaps as long as I have, might want to focus on the fact that it is worthwhile establishing a precedent when no one can argue with you, why not have water rights in wilderness areas, which are headwaters, to begin with? The problem is, when you establish water rights in wilderness areas, you establish water rights in a wilderness area not necessarily at the headwaters.

□ 1420

Not necessarily at the headwaters. That if water rights are carried in wilderness areas, and wildernesses are developed downstream, then I think we have a significant precedent for what we can do to upstream users, what we can do to downstream users, and what we can do with long-established traditinal water rights.

Mr. ROBERT F. (BOB) SMITH. If the gentleman will continue to yield, that is exactly the center of this debate.

While the idea to establish a water right in Nevada for wilderness may, in itself, not endanger the future of Nevada, it certainly does establish a precedent by this Congress which we are concerned about, which, as the gentleman knows, boilerplate language starts this way.

As I mentioned, we are going to be facing 15 wilderness bills in downstream, lower elevation areas, and if this same language is included, which it is likely to be, then in the West in California and Oregon and the arid parts of the West, there will be an implication on upstream and downstream water rights. We will literally choke away the future of agriculture for the future. We have vast lands, and by the way this applies to underground water, I might add to the gentleman from Colorado, so we are talking about water above and below the ground which suddenly will be captured for wilderness without any other opportunity for use.

Mr. THOMAS of California. Mr. Chairman, I thank the gentleman.

We are not opposed to express language, the concept of putting a clear understanding in the bill. It is the language that the gentleman used, expressly stated, that we are concerned about.

We are not concerned about water rights in the headland area. It is what happens later that we are concerned about.

I appreciate my colleagues on the other side of the aisle wringing their hands about the difficulty they have in reconciling the different opinions issued. The program is—why do we always reconcile it in the direction of

establishing a precedent at the current time overreaching, but which later on will be included as boilerplate language in every wilderness bill, distorting water rights from now on?

This is a classic example of overreaching. The gentlewoman from Nevada's amendment is to make sure, as we enter this area, as we deal with water rights in headland areas, in wilderness areas, that we understand exactly what we are doing that is not always going to be the case in front of Members.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I am trying to find out what the gentleman's concern was with the language that is in the bill. I fail to understand what his concern is.

I have heard the series of questions, but I do not understand what the concern is. Does the gentleman disagree with the quantification of water rights reserved in the actions, date of enactment? Does the gentleman assume we can have wilderness areas with plants and animals, communities without some water?

Mr. THOMAS of California. The gentleman understands the difference between God's water, landing in the wilderness area, and water rights, and your ability to use that water for various purposes?

Of course, I am not opposed to water rights as God intended, but as I am concerned and the gentleman knows and he has no desire to hear a lecture on the Federal system and ability to deal with States in ways that States do not want to be dealt with, but when the Federal Government sets a precedent, when the Federal Government overreaches in terms of a complete usurpation of a right in a given area, I think the folks have a right to say exactly what do we mean by water rights in a wilderness area.

I appreciate the gentleman's painting a picture of why in the world would anyone be opposed to giving total control of water rights to the Federal Government in a wilderness area, especially when it is a headwater area. I can understand the gentleman's incredulity in not believing someone might say, "Wait a minute, how about understanding specific State relationships at this point."

Mr. MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I strongly support the water rights language in the Nevada wilderness bill, as reported by the Interior Committee.

This is the same language written and passed by the Senate.

In the past, it has been our position that we did not need language in wilderness bills specifically addressing water rights.

It was generally understood—and supported by a long line of court cases—that when we established a wilderness area or other Federal reservation of land, the water would go with it. This was a commonsense interpretation. We certainly would not set aside an area only to have to dewater, any more than we would expect it to be clearcut.

This position was turned upside-down by the Reagan administration. An opinion by Attorney General Meese said the executive branch would not claim water for wilderness unless specifically directed to do so by legislation.

The Meese opinion means the Congress must now specifically state its intent on water rights. If we don't, the Federal agencies will not enter into stream adjudications or State proceedings for water rights sufficient to protect the wilderness.

I strongly disagree with the Meese opinion. It runs counter to a long line of court decisions. It runs counter to common sense. But, as long as the Meese opinion stands, the Congress has to state its intention. That is the reason for the language in the bill.

I have never understood the deep-seated animosity some feel toward Federal reserved water rights. Water for wilderness is a nonconsumptive use. It just flows through the area and can be used for other pruposes.

The language in the bill is not an infringement on or preemption of State laws. The Federal Government will proceed through the State's process to obtain its water right. This is how it has been done in the past and it has worked. Without this language, the Federal Government—because of the Meese opinion—won't have a seat at the table. With this language, it will.

The State engineer of Nevada has no problem with this language. The Governor of Nevada has no problem.

This language is similar to that which we have adopted for other wilderness areas.

My reaction when I first saw what the Senate sent over is that we may be putting some of the acrimony on this issue behind us. I hope this is the case. This is a reasonable, moderate position. I urge my colleagues to reject the Vucanovich amendment and retain the water rights language in the bill before us.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's statement, and I concur.

I would like to point out that the gentleman that spoke prior to my colleague, the gentleman from California [Mr. THOMAS], said that he has nothing against an implied reservation of water. The language that is being offered as an amendment specifically says that nothing in this act or the Wilderness Act, will be construed as either an express or implied reservation of water rights for any purpose. That is what it says and it is not consistent with my colleagues statement.

In other words, this amendment would give us wilderness that will be bone dry. Not only that, but this language allows motorized use within wilderness for construction and reconstruction of facilities. This is not in concert with the concept of wilderness.

The language in the bill is a compromise which does properly recognize the State's role in terms of adjudication while at the same time it recognizes existing Federal water rights. It sets up a system that is a balanced one. We have had different water rights language in a variety of different bills that have come before Members. These include bills involving Native American lands, military reservations, and a whole host of other types of reservations that occur on public domain and national forest land.

Therefore, I would hope that we would recognize that the language presently in the bill is in concert with the rights of States with regard to the water rights. I see this as being very good language, and I think something is being made of this whole issue that is incorrect.

I thank the gentleman for his statement.

Mr. MILLER of California. Mr. Chairman, I absolutely agree with the gentleman from Minnesota [Mr. VENTO]. I hope we support the committee's position.

Mr. RHODES. Mr. Chairman, I move to strike the last word.

First of all, I think we need to make a correction for the RECORD. It has been stated on at least a couple of occasions during the course of this debate that the language we are discussing here is language which was written by and approved by Senator MCCLURE, and therefore we should all accept it. While I am sure Senator MCCLURE is very flattered by the proposition that if it is his language, it must be good language and we should accept it. It simply is not the case.

I mean to read a portion of a letter dated October 19, 1989, from Senator MCCLURE to the gentlewoman from Nevada [Mrs. VUCANOVICH], and the pertinent section reads as follows:

"Prior to offering the language, I made certain that it was in fact the intent of the two Senators," meaning the Senators from Nevada, "to make the express reservation and to quantify the right of in-stream adjudication

rather than under State procedural law. I want to emphasize that I am not endorsing the substance of the amendment as a good idea for Nevada or for any other State, but I am willing to defer to the delegation from that State when they choose to pre-empt the laws of their State."

The letter has more material in it, all relating to the same subject matter. I have not taken it out of context. There is nothing else in the letter that would indicate that this is in fact Senator MCCLURE's language or something he thinks is a good idea. He did this at the request of the two Senators from Nevada, and in fact he does not think it is a particularly good idea.

Now, much has been said here today about setting a precedent. I think we all need to be concerned about that. But in fact there can be no precedent in water rights determinations for wilderness areas. Each of those has to be determined on a case-by-case basis.

The fact of the matter in this particular case is, there is no need for this language. This is forest service land. Therefore, its waters are protected by the Winter's Doctrine. This is headwaters land. There are no diversions from the water that flow through these wilderness areas. There is no consumptive use of the waters that flow through these wilderness areas.

We are talking and in-stream flows. Those in-stream flows are protected by the Winter's Doctrine because this is forest land.

There is no upstream user. There is no upstream diversion, because there is no upstream. This is where the stream starts. Therefore, in this case, in the Nevada Forest Service Wilderness bill, there is no need to discuss, no need to determine, no need to say anything about water rights. The rights are there, the rights exist, and the rights are protected under existing law. This language is surplusage and should not remain in the bill.

Of course Nevada officials support this language. They have no reason not to. It does not mean a thing. This bill would be just as good for Nevada without this language.

Consequently, because of the protection of the water rights by existing law, because of the headwater nature of the streams in question, and because we do not want to set in motion a process which might spill over into other areas, we certainly do think that the amendment of the gentleman from Nevada [Mr. VUCANOVICH] is appropriate and in order. I hope also we have clarified the issue of Senator MCCLURE's role played in getting this language in the bill, as opposed to the two Senators from Nevada.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am fortunate to represent a State with some of the world's most magnificent wilderness land, and I wholeheartedly believe that the Federal Government has a responsibility to protect our Nation's irreplaceable wilderness for future generations. I also have some understanding of the kind of effort that goes into bringing a bill like this to the floor. So, I congratulate the distinguished Chairman, the gentleman from Minnesota, for his work on this important legislation.

It would be a great shame to come so close to passing this momentous bill only to see the wilderness it would preserve put at risk by a weakening amendment. The gentlewoman from Nevada has introduced an amendment to this bill to strike provisions establishing a Federal reserved water right for the newly-designated wilderness areas. In addition to undermining the objectives of this bill, I think the gentlewoman's amendment could have far-reaching, negative effects on future wilderness designations.

Now, those of my colleagues who do not hail from the West may not fully understand why this amendment—cloaked in the appealing, yet inappropriate, veil of States rights—would jeopardize the lands this bill seeks to protect. Let me tell you why. In short, it's simply an empty exercise to say we are preserving wilderness if we don't also preserve water to go with it. The reserved water right that accompanies a wilderness designation is a right to leave water in its natural stream; it's a right not to drain the wilderness, but to sustain it. If we care enough to protect a wilderness, let's make sure nobody dries up the streams and rivers that are the lifeblood of its ecosystems.

We should also take note of the fact that the wilderness areas designated in this bill are all "headwaters" areas, and any wilderness water rights can't and won't compromise downstream use. In fact, reserving wilderness water benefits those with downstream rights by assuring that the maximum quantity of water flows out of the wilderness areas and down to those users.

So, I don't really understand why my colleague from Nevada has concerns about the water language. The bill specifically provides that the new reserve water rights be established upon enactment. It requires the Federal Government to quantify water rights in accordance with Nevada water law. Any argument saying that reserved water rights somehow skirts States rights is simply not accurate. It's red herring.

Finally, I ask my colleagues to ask themselves one simple question: Do we who are here now have the right to rob the future of the chance to know—to experience—this creation of nature in all its pristine perfection?

I say: we do not.

If you agree, vote for the bill and against the Vucanovich amendment.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am just going to take a moment, because I concur with those Members who want to protect a Federal reserve right for this wilderness area. It is important for us to do.

I am going to speak in a moment on the Rhodes amendment, because it will make crystal clear what several of the previous speakers have alluded to, and that is that these water rights should be adjudicated pursuant to State law.

In a few moments, after we are done voting on the Vucanovich amendment, we will have an opportunity to make it crystal clear that the water rights to be reserved here will be adjudicated in State court pursuant to State law.

I hope that my colleagues who have been arguing against the Vucanovich amendment on the basis that State law will prevail in this adjudication will be willing to reconfirm that when we have an opportunity to simply put those plain words in the statute after the Rhodes amendment is offered. I will be speaking on that amendment.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by my colleague and friend, the gentlewoman from Nevada [Mrs. VUCANOVICH], has implications far, far beyond the boundaries of the State of Nevada. It has implications on State law and State adjudication processes.

Mr. Chairman, a vote for the Vucanovich amendment is a vote to preserve the principle of State sovereignty in water rights that has helped create the most productive agricultural economy in the history of the universe. I urge that my colleagues support the gentlewoman from Nevada and her amendment, which preserves to the States the right to make the decisions about the adjudication of water.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlelady from Nevada [Mrs. VUCANOVICH]. S. 974 in its current form would create a reserved Federal water right to the Federal Government for wilderness.

It would replace the current system of water rights based on States rights and replace it with control from Federal bureaucrats in Washington who take their cue from the fern feelers who run national environmental groups.

The long-held principle of State sovereignty over water rights has converted vast expanses of the arid west into some of the most productive agricultural lands in the history on mankind.

As the saying goes, if it ain't broke don't fix it. S. 974 seeks to kill the goose that laid the golden egg—known as State adjudication of water rights—and replace it with a radical and untested theory that originated in the board

rooms of wealthy environmental groups located thousands of miles from the arid West.

Without the Vucanovich amendment, S. 974 would threaten both future water rights and existing water rights.

Moreover, it would be used as a precedent for BLM wilderness areas that are typically downstream from major agricultural producing areas. In these cases it is possible that water for crop production could be denied in order to avoid stream depletion downstream in wilderness.

The Vucanovich amendment is strongly supported by the 3.7 million member American Farm Bureau Federation, the National Cattlemen's Association, and many other folks who depend on an orderly system of State water adjudication to earn their livelihoods.

Mr. Chairman, a vote for the Vucanovich amendment is a vote to preserve the principle of State sovereignty in water rights that has helped create the most productive agricultural economy in the history of the universe. I urge my colleagues to adopt it.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment and in support of the committee position and the position of the two Senators and my colleague from Nevada.

The fact is now, as has been pointed out by a previous speaker, we are going to have to make a determination each and every time we pass a wilderness bill in this House of whether or not to preserve water rights, because of a radical departure from past practice of the past administration, an administration that literally seemed to hate wilderness, hate land that was not despoiled. They made an interpretation that the Federal Government has not previously reserved these rights through wilderness actions, and we have to specify.

So in this matter we are merely specifying something that has been customary for some time in this country. The fact is you cannot have a wilderness if you dewater the river that flows through that wilderness. It is no longer untrampled by the actions of man. Nor can you have a wild and scenic river should we be looking at the bed of the river rather than the water flowing by and the fish in that river.

□ 1440

So, Mr. Chairman, I rise in strong support of this, and we are not setting a precedent that has to be adhered to, that has to be to the detriment of any other uses. We will consider each and every wilderness bill on its merits as it comes forward and do the appropriate reservations that are necessary.

So, therefore, I rise in strong support and ask my colleagues to oppose the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 118, noes 285, not voting 30, as follows:

[Roll No. 365]

AYES—118

Anderson	Hansen	Quillen
Archer	Hastert	Rhodes
Armey	Hefley	Ridge
Baker	Herger	Ritter
Ballenger	Holloway	Roberts
Bateman	Hopkins	Robinson
Bentley	Houghton	Rogers
Bereuter	Hunter	Rohrabacher
Bilirakis	Hyde	Roth
Bliley	Inhofe	Saiki
Broomfield	Ireland	Schaefer
Brown (CO)	Kolbe	Schulze
Bunning	Kyl	Sensenbrenner
Burton	Lagomarsino	Shumway
Callahan	Lent	Shuster
Campbell (CO)	Lewis (CA)	Skeen
Chandler	Lewis (FL)	Slaughter (VA)
Coble	Lightfoot	Smith (NE)
Coleman (MO)	Livingston	Smith (TX)
Combest	Lowery (CA)	Smith, Robert (OR)
Craig	Lukens, Donald	Solomon
Dannemeyer	Madigan	Spence
DeLay	Marlenee	Stangeland
Dickinson	Martin (IL)	Stump
Dornan (CA)	Martin (NY)	Sundquist
Douglas	McCandless	Thomas (CA)
Dreier	McMillan (NC)	Thomas (WY)
Duncan	Meyers	Upton
Emerson	Michel	Vander Jagt
Fields	Miller (OH)	Vucanovich
Frenzel	Miller (WA)	Walker
Gallegly	Moorhead	Walsh
Gekas	Morrison (WA)	Weber
Gingrich	Myers	Whittaker
Goodling	Nielson	Wolf
Grandy	Oxley	Wylie
Grant	Packard	Young (AK)
Gunderson	Parris	Young (FL)
Hammerschmidt	Pashayan	
Hancock	Petri	

NOES—285

Ackerman	Clinger	Fazio
Akaka	Coleman (TX)	Feighan
Alexander	Collins	Fish
Andrews	Conte	Flake
Anthony	Conyers	Foglietta
Applegate	Cooper	Ford (MI)
Atkins	Costello	Ford (TN)
AuCoin	Coughlin	Frank
Barnard	Courter	Frost
Bartlett	Cox	Gallo
Bates	Coyne	Gaydos
Beilenson	Crockett	Gejdenson
Bennett	Darden	Gephardt
Berman	Davis	Geren
Bevill	de la Garza	Gibbons
Bilbray	DeFazio	Gillmor
Boehlert	Dellums	Gilman
Boggs	Derrick	Glickman
Bonior	DeWine	Gonzalez
Borski	Dicks	Gordon
Bosco	Dingell	Goss
Boucher	Dixon	Gradison
Boxer	Dorgan (ND)	Gray
Brennan	Downey	Green
Browder	Durbin	Guarini
Brown (CA)	Dwyer	Hall (OH)
Bruce	Dymally	Hall (TX)
Buechner	Dyson	Hamilton
Byron	Early	Harris
Campbell (CA)	Eckart	Hatcher
Cardin	Edwards (CA)	Hayes (IL)
Carper	Engel	Hayes (LA)
Carr	English	Hefner
Chapman	Erdreich	Henry
Clarke	Espy	Hertel
Clay	Evans	Hiler
Clement	Fawell	Hoagland
Hochbrueckner	Moody	Schuette
Horton	Morella	Schumer
Hoyer	Morrison (CT)	Shaw
Hubbard	Mrazek	Shays
Huckaby	Murphy	Sikorski
Hughes	Murtha	Sisisky
Jacobs	Nagle	Skaggs
James	Natcher	Skelton
Johnson (CT)	Neal (MA)	Slattery
Johnson (SD)	Neal (NC)	Slaughter (NY)
Johnston	Nowak	Smith (FL)
Jones (GA)	Oakar	Smith (IA)
Jones (NC)	Oberstar	Smith (NJ)
Jontz	Obey	Smith (VT)
Kanjorski	Olin	Smith, Robert (NH)
Kaptur	Ortiz	Snowe
Kasich	Owens (NY)	Solarz
Kastenmeier	Owens (UT)	Spratt
Kennedy	Pallone	Staggers
Kennelly	Panetta	Stallings
Kildee	Parker	Stark
Kleczka	Patterson	Stearns
Kolter	Paxon	Stenholm
Kostmayer	Payne (NJ)	Stokes
LaFalce	Payne (VA)	Studds
Lancaster	Pease	Swift
Laughlin	Pelosi	Tallon
Leach (IA)	Penny	Tanner
Leath (TX)	Perkins	Tauke
Lehman (CA)	Pickett	Tauzin
Levin (MI)	Pickle	Taylor
Lewis (GA)	Porter	Thomas (GA)
Lipinski	Poshard	Torres
Lloyd	Price	Torricelli
Long	Pursell	Towns
Lowey (NY)	Rahall	Traficant
Luken, Thomas	Rangel	Traxler
Machtley	Ravenel	Udall
Manton	Ray	Unsoeld
Markey	Regula	Valentine
Martinez	Richardson	Vento
Matsui	Rinaldo	Visclosky
Mavroules	Roe	Volkmer
Mazzoli	Ros-Lehtinen	Walgren
McCloskey	Rose	Waxman
McCollum	Rostenkowski	Weiss
McCurdy	Roukema	Weldon
McDermott	Rowland (GA)	Wheat
McEwen	Roybal	Whitten
McGrath	Sabo	Williams
McHugh	Sangmeister	Wilson
McMillen (MD)	Sarpalius	Wise
McNulty	Savage	Wolpe
Mfume	Sawyer	Wyden
Miller (CA)	Saxton	Yates
Mineta	Scheuer	Yatron
Moakley	Schiff	
Mollohan	Schneider	
Montgomery	Schroeder	

NOT VOTING—30

Annunzio	Flippo	Molinari
Aspin	Florio	Nelson
Barton	Garcia	Rowland (CT)
Brooks	Hawkins	Russo
Bryant	Hutto	Sharp
Bustamante	Jenkins	Smith, Denny (OR)
Condit	Lantos	Synar
Crane	Lehman (FL)	Watkins
Donnelly	Levine (CA)	
Edwards (OK)	McCrery	
Fascell	McDade	

□ 1500

The Clerk announced the following pair:

On this vote:

Mr. Denny Smith for, with Mr. Annunzio against.

Mr. PALLONE and Mr. DINGELL changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there further amendments to section 8?

AMENDMENT OFFERED BY MR. RHODES

Mr. RHODES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RHODES: On Page 11, Line 1, after "adjudication" insert "pursuant to the laws of the State of Nevada".

Mr. Chairman, my amendment is a very simple amendment. It is a technical and clarifying amendment. It simply sets into the bill the stated intentions of the proponents of the bill, and it is, I believe, readily acceptable by the other side.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I understand the gentleman's intentions, but I am going to have to oppose the amendment and will do so on my own time. I know the gentleman may need his time, unless the gentleman wants to yield further.

Mr. RHODES. No; no, thank you. I will go ahead and explain my very simple, technical, clarifying amendment.

Mr. Chairman, let me just briefly read to the Members from section 8 of the bill, because this is really the nuts and bolts of what we are talking about. It says, "Within the wilderness area designated by this act, there is hereby reserved a quantity of water sufficient to fulfill the purposes of the wilderness areas."

Section (c) of section 8 says:

The Secretary shall file a claim for the quantification of the water rights reserved in paragraph (a) in an appropriate stream adjudication and shall take all steps necessary to protect such rights in such an adjudication.

Please note that no place in this section is the State of Nevada referred to, and please note further that no place in this section are the laws of the State of Nevada referred to.

My amendment simply inserts after the words "appropriate stream adjudication" the words "pursuant to the laws of the State of Nevada."

The chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO], has stated frequently that it is his intention that these water rights shall be adjudicated and quantified according to the laws of the State of Nevada, and in a Nevada adjudicatory proceeding. I have simply taken the step of clarifying that intention and placing those words in the bill so that there is no question and can be no question in the future, that if it is necessary to adjudicate the water rights reserved in this bill, that it shall be done according to the Nevada process and in a Nevada proceeding. No place in this bill is this spelled out.

The purpose is to simply state in clear terms the intent as they have stated it, of the proponents of this bill.

We will hear in rebuttal about the McCarran amendment. That amendment, in essence, waives Federal sovereign immunity and allows the Federal Government to be joined in the adjudication of Federal reserve water rights in State courts. However, that amendment allows concurrent jurisdiction in Federal district courts as well. The fact is that while it may be the intent of the Federal Government to file for a wilderness water right within the State court system, the Federal Government does have the option of initial filing and subsequent appeal within the U.S. district court system.

Also, and more importantly, any potential intervenor may file actions in this regard in the U.S. court and use the Federal, not the State, courts system to prosecute the Federal reserve water rights without necessarily even stepping into a Nevada adjudicatory process and without necessarily complying with State water adjudication procedures, water priority-setting schemes, or other State requirements.

The fact is that the prosecution of a Federal reserve water right granted by this bill could very likely be determined not in Nevada courts but solely in the Federal court systems. If it is truly the intent of the gentleman from Minnesota that this process should be followed in Nevada, in the Nevada system, then this amendment should be accepted.

I might also point out that going through the State court system does not, repeat does not preclude a filer or an intervenor from access to the Federal court system if the result is not to his or her liking. There is direct appeal to the Supreme Court of the United States to protect the rights of the State of Nevada.

I urge the Members to support this amendment.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first, the language that the gentleman from Arizona [Mr. RHODES] offers is unnecessary. The present water-rights language in the bill already allows the water to be adjudicated in accordance with the State laws by stating that the quantification will take place, and I read from the bill before us, "In an appropriate stream adjudication." Such adjudications are, of course, performed by the States, as my colleagues who are familiar with this procedure are well aware.

Secondly, the amendment would deny the Federal Government any recourse if the State refuses to acknowledge that wilderness should have water. This amendment would prevent recourse to the Federal court if the State ignores the imperative need for at least some water being allocated to keep the plants and animals that are in the wilderness alive.

Mr. Chairman, this is not a throwaway amendment that is harmless. It has significant effects upon the workability of the water quantification process that would be accorded to wilderness. Under this amendment you would go through a State court process and ultimately you could appeal to the U.S. Supreme Court, but, Mr. Chairman, this would be extremely awkward and unwarranted procedure in light of the existing law. It would deny the provisions of the McCarran Act that allow application to Federal courts. It is up to the plaintiff to have access to the court that he chooses. Being able to go to the Federal court has profound effect on State courts to encourage them to make judgments that are sound and in accordance with law.

□ 1510

The most that can be said about this amendment by its proponents is that it would be repeating something already there. But the fact is that it is an effort to channel Federal reserve water cases solely into State court.

This would be very harmful. If Members believe that the wilderness should have some reserved water rights, as many Members on the other side of the aisle have agreed. In fact the House just voted resoundingly, nearly 3 to 1 in favor of reserved water rights for wilderness. This amendment is disingenuous at best in terms of what its impact would be.

I would suggest that the House already has debated this. The House already has spoken. In essence this is the same type of vote that we just had, Mr. Chairman. I would ask the House to defeat this amendment.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take a long time. We have debated this issue at some length before the House.

But I want to reiterate the purpose of this amendment, which I thought during the debate was agreed to, and it simply is that the State of Nevada or any other State is not going to be preempted by language, by the action of Congress and the language in this bill. That is what I heard, but obviously now we have the exact program before us, and that is simply that the Congress is declaring a water right which is in opposition to all of the historical water rights in this country since the Winter's provision and since 1866.

By declaration, the Congress is establishing a water right in the State of Nevada, and the chairman is exactly right when he said yes, this would be horrible if this were adopted, because the States could deny these water rights under the provisions of their own water laws. That is exactly what we are talking about here. That is ex-

actly the violation that I am concerned about, and that is exactly the precedent we are making today by allowing this language to sustain itself without amendment.

The gentleman from Arizona knows as well as I, in dry parts of this country water rights are the only thing we live by in our future. We know that. To drain what little water we have left for these kinds of purposes may inhibit even consumption use of water in the future or agricultural use of water in the future.

To deny the States the opportunity to control water is a precedent. It is being done today, and we are going to have to live with it. I hope Members understand the magnitude of the decision they are making with respect to eliminating States rights to control their own water.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. (BOB) SMITH. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, not to be argumentative on the gentleman's time, but I would just point out, of course, I do not agree with the explanation of the impact. That is not our intent. The point is for the plaintiff to have access to either the district or to the State courts as they choose. The concern was not to say that the State would not under some circumstances deny if there is no water to be allocated. Obviously that constitutes a problem and, therefore, there would be no further water to that wilderness under those circumstances. In other words, the question here is when there is litigation involved, where do you go with it, and I appreciate the gentleman yielding.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I am happy to yield to the gentleman, and with that answer I am sure he will accept my amendment which is coming up next.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Just quickly, Mr. Chairman, this is essentially a rerun of the vote we just had. I think this language is unnecessary.

The legislation before the House now requires that the Federal Government go through the appropriate stream adjudication process within the State. The Governor of the State has sent us a letter saying that he yields to no one in protecting Nevada's rights in connection with its water, and he supports this legislation, as do both Senators, as well as the gentleman from Nevada [Mr. BILBRAY] and various people involved with this issue. We are trying to create an issue where there is none.

The people in the State of Nevada believe that the rights have been protected, and the Governor has spoken on their behalf. This is essentially the same vote we just took. We ought to reject this language and stand by the language in the legislation brought here by the committee, and I hope Members will oppose this amendment.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that my colleagues will just lend an ear for a moment to what I have to say, because in some respects I disagree with the arguments that have been made on both sides of the aisle. I would like to identify this issue for precisely what it is.

The question involved here is simply whether water rights should be adjudicated in Federal court or State court. That is the issue that is before us.

I know something about this issue, Mr. Chairman. I think I am the only person in this body who has adjudicated this issue in the U.S. Supreme Court. So I do speak with some authority when I state what the issue is all about.

The issue here is not about denying Federal reserved water rights, because I would be the first among my colleagues to say we need to have Federal reserved water rights for wilderness areas. That is a requirement. We cannot have a wilderness area without reserved rights, and the Federal substantive law in this area will be the governing law in adjudications in Federal court or State court.

The only question here is whether or not under the McCarran amendment, which allows adjudication in either Federal or State court, the Congress will specify the State court to be the appropriate place of jurisdiction here.

In the case that I successfully argued to the U.S. Supreme Court we were dealing with Indian reserved water rights, and the Supreme Court has a doctrine there of itself intervening and protecting the rights of our Indian tribes. So the argument there for the protection of rights was even stronger than it is for reserved rights for a wilderness area. And, as here, the argument was made in the Supreme Court that it would not be a wise idea to allow these rights to be adjudicated in the State courts.

The U.S. Supreme Court about 4 years ago, Mr. Chairman, held that that argument was not correct, that it was perfectly appropriate, and in many cases desirable to have these issues adjudicated in State court. Why? Why do we want that to be the case here? Because, my friends, an adjudication means that everybody's rights are determined vis-a-vis everybody else's rights. In other words, everybody who has a claim has to come into the same forum and at one time argue their claims, one against the other.

What the court ends up doing is to say all right, this right is No. 1, this right is No. 2, this right is No. 3, and so on, until we get to the point where we are out of water.

But what water rights have preeminence here? The instream rights that are crucial to a wilderness area are not inconsistent with consumptive rights that people may have on the stream downstream, because an instream right upstream ironically protects the consumptive water rights of those downstream. It says you have to let that water exist for fish and fowl and so on.

Mr. Chairman, there is no effort here in the Rhodes amendment to deny a Federal reserved water right at all, but rather simply to say that you are going to have to do it in a forum where everybody comes in at one time and lays their cards on the table, and the court then sets out the rights as they exist in priority order.

What the U.S. Supreme Court has said is that it makes no sense to have a situation where you could have two separate adjudications going on, where one claimant is in Federal court and all of the other parties are adjudicating in State court; and that is why the U.S. Supreme Court has held that in these situations it is not only desirable, it is preferable to have the State court the place of adjudication, including for Federal reserved rights, so that all of the parties are in the same court at the same time arguing to the same judge, who will, when he is done, issue a decree that covers all of the rights.

□ 1520

And the Federal rights are protected here because we in the U.S. Congress are saying in this bill there will be Federal reserve water rights for this wilderness area. There must be. The courts will require that to happen.

If there is any suggestion that somehow Federal rights are being trampled on, there is an appeal. To where? The U.S. Supreme Court.

Mr. VENTO. Mr. Chairman, would the gentleman yield?

Mr. KYL. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, obviously the quantification process that the gentleman speaks to would be done and should be done within the common form in Nevada. That is exactly what takes place in the language that is in the bill.

Mr. KYL. If I may reclaim my time, that is not true. The bill says in "an appropriate adjudication," but it does not say where. "Appropriate" under McCarran would be either the Federal or the State court. What the Rhodes amendment does is to make it clear

that we are talking about the State court.

Mr. VENTO. The adjudication, of course, the intent is that it take place, that is to say the quantification of the water rights, takes place in a common location.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The time of the gentleman from Arizona [Mr. KYL] has expired.

(On request of Mr. VENTO and by unanimous consent Mr. KYL was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman continue to yield?

Mr. KYL. I yield to the gentleman further.

Mr. VENTO. I thank the gentleman for yielding.

The effect on this amendment, of course, means that you would have to go through the State and local courts, you would have to go through the appeals process if Nevada has appeals level, and finally the supreme court of the State before you can get into the Supreme Court of the United States.

So the idea is that you set up a different pattern.

The purpose here, I just want the gentleman to understand—he and I are not going to agree on this—but I think that by describing it as such he denies the actual, I think, actual meaning of the amendment in terms of what the purpose is.

I just want to make that clear as I did when Mr. SMITH raised the point. I appreciate the gentleman yielding.

Mr. KYL. May I ask a question? Is it the intent of the gentleman that it would be adjudicated in the State court?

Mr. VENTO. The intention is that the quantification process would take place within the State authorities that have responsibility over that process. They have masters that they appoint to deal with the quantification process. But the concern is that when disagreements arise as to that quantification process, that the plaintiff would be able to either go to the State court—and that is obviously very convenient—but I think also to have access to the Federal court.

Mr. KYL. That is where the difference arises here, I think, because the Rhodes amendment would specify the State court clearly so that all parties would know where they could go, both Federal and State parties.

Mr. MARLENEE. Mr. Chairman, I rise to strike the requisite number of words, and I yield to my colleague from Arizona in order to propound a question.

Am I to understand the gentleman's argument that if we adjudicate in Federal court it is done in a piecemeal basis?

Mr. KYL. That is the problem because you would have State parties adjudicating their claims in a State court and presumably the Federal Government could go to the U.S. district court. You could have two conflicting decrees as a result.

Mr. MARLENEE. That is one of the problems we have within the Farm Credit System, we cannot get everybody into the same room to discuss the claims against the Farm Credit System or to try resolve the bankruptcy that producers are having out there. I would foresee the same kind of difficulty should this language not be modified.

Mr. KYL. I just want to reiterate here that it would not be my intention to deny the validity of a Federal reserved water right, but simply to say that it makes no sense to have two piecemeal adjudications, as the gentleman just suggested here. And that since this has to be done pursuant to State law anyway, which everybody has recognized, since the State parties would be going into State court, it makes sense to have all off those claims adjudicated in the State court.

It is rather beyond me, Mr. Chairman, why anybody is objecting to the simple insertion of the phrase "pursuant to the State law" when everybody seems to suggest that that is what they are for. That is why I do not understand why we do not put the simple words in here to make it clear.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. Mr. Chairman, I yield to the sponsor of the amendment.

Mr. RHODES. I thank the gentleman for yielding.

Mr. Chairman, I appreciate my friend, the gentleman from Arizona [Mr. KYL], for making a very significant point. Please do not let anybody come to this floor with the idea that my amendment in some way is going to do away with the water right that is reserved in this language. That is not true. This is not another vote on the same thing.

Mrs. VUCANOVICH's amendment did not pass. The original language in the bill is right here, and it says, "There is hereby reserved." And nothing in this amendment affects that. That water right language is still in this bill.

You have said on the other side it is clear that this will be adjudicated under Nevada law. It is not clear. It does not say so. It does not say how this is to be accomplished and where. This is just simply to say to the State of Nevada there is a right here and at some appropriate time the Secretary of the Interior will come into your system and attempt to quantify and adjudicate that right. That is all.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona [Mr. RHODES].

The question was taken, and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 261, not voting 33, as follows:

[Roll No. 366]

AYES—139

Applegate	Grant	Packard
Archer	Gunderson	Parris
Armey	Hammerschmidt	Pashayan
Baker	Hancock	Paxon
Ballenger	Hansen	Ravenel
Bartlett	Hastert	Regula
Bateman	Hefley	Rhodes
Bentley	Herger	Ritter
Bereuter	Hiler	Roberts
Bilirakis	Holloway	Robinson
Billey	Hopkins	Rogers
Broomfield	Houghton	Rohrabacher
Brown (CO)	Hunter	Roth
Buechner	Hyde	Schaefer
Bunning	Inhofe	Schulze
Burton	Ireland	Sensenbrenner
Callahan	Johnson (CT)	Shaw
Campbell (CO)	Kasich	Shumway
Chandler	Kolbe	Shuster
Clinger	Kyl	Skeen
Coble	Lagomarsino	Slaughter (VA)
Coleman (MO)	Lent	Smith (NE)
Combest	Lewis (CA)	Smith (TX)
Coughlin	Lewis (FL)	Smith (VT)
Cox	Lightfoot	Smith, Robert (OR)
Craig	Livingston	Solomon
Dannemeyer	Lowery (CA)	Spence
Davis	Lukens, Donald	Stangeland
DeLay	Madigan	Stearns
DeWine	Marlenee	Stump
Dickinson	Martin (IL)	Sundquist
Dorgan (ND)	Martin (NY)	Tauke
Dornan (CA)	Martinez	Thomas (CA)
Douglas	McCandless	Thomas (WY)
Dreier	McCollum	Upton
Duncan	McEwen	Vander Jagt
Edwards (OK)	McMillan (NC)	Vucanovich
Emerson	Meyers	Walker
Fields	Michel	Walsh
Frenzel	Miller (OH)	Weber
Gallegly	Miller (WA)	Whittaker
Gekas	Moorhead	Wolf
Gillmor	Morrison (WA)	Wylie
Gingrich	Murphy	Young (AK)
Goodling	Myers	Young (FL)
Gradison	Nielson	
Grandy	Oxley	

NOES—261

Ackerman	Carr	Engel
Akaka	Chapman	English
Alexander	Clarke	Erdreich
Anderson	Clay	Espy
Andrews	Clement	Evans
Anthony	Coleman (TX)	Fascell
Atkins	Collins	Fawell
AuCoin	Condit	Fazio
Barnard	Conte	Feighan
Bates	Conyers	Fish
Beilenson	Cooper	Flake
Bennett	Costello	Flippo
Berman	Courter	Foglietta
Bevill	Coyne	Ford (MI)
Bilbray	Crockett	Ford (TN)
Boehlert	Darden	Frank
Boggs	de la Garza	Frost
Bonior	DeFazio	Gallo
Borski	Dellums	Gaydos
Bosco	Derrick	Gejdenson
Boucher	Dicks	Gephardt
Boxer	Dixon	Geren
Brennan	Downey	Gibbons
Browder	Durbin	Gilman
Brown (CA)	Dwyer	Glickman
Bruce	Dymally	Gonzalez
Byron	Dyson	Gordon
Campbell (CA)	Early	Goss
Cardin	Eckart	Gray
Carper	Edwards (CA)	Green

Guarini	McNulty	Scheuer
Hall (OH)	Mfume	Schiff
Hall (TX)	Miller (CA)	Schneider
Hamilton	Mineta	Schroeder
Harris	Moakley	Schuette
Hatcher	Mollohan	Schumer
Hayes (IL)	Montgomery	Shays
Hayes (LA)	Morella	Sikorski
Hefner	Morrison (CT)	Sisisky
Henry	Mrazek	Skaggs
Hertel	Murtha	Skelton
Hoagland	Nagle	Slattery
Hochbrueckner	Natcher	Slaughter (NY)
Hoyer	Neal (MA)	Smith (FL)
Hubbard	Neal (NC)	Smith (IA)
Huckaby	Nowak	Smith (NJ)
Hughes	Oakar	Smith, Robert (NH)
Jacobs	Oberstar	Snowe
James	Obey	Solarz
Johnson (SD)	Olin	Staggers
Johnston	Ortiz	Stallings
Jones (GA)	Owens (NY)	Stark
Jones (NC)	Owens (UT)	Stenholm
Jontz	Pallone	Stokes
Kanjorski	Panetta	Studds
Kaptur	Parker	Swift
Kastenmeier	Patterson	Tallon
Kennedy	Payne (NJ)	Tanner
Kennelly	Payne (VA)	Tauzin
Kildee	Pease	Taylor
Kleczka	Pelosi	Thomas (GA)
Kolter	Penny	Torres
Kostmayer	Perkins	Torricelli
LaFalce	Petri	Towns
Lancaster	Pickett	Traficant
Laughlin	Pickle	Traxler
Leach (IA)	Poshard	Udall
Leath (TX)	Price	Unsoeld
Lehman (CA)	Pursell	Valentine
Levin (MI)	Rahall	Vento
Lewis (GA)	Rangel	Visclosky
Lipinski	Ray	Volkmer
Lloyd	Richardson	Walgren
Long	Rinaldo	Waxman
Lowey (NY)	Roe	Weiss
Luken, Thomas	Ros-Lehtinen	Weldon
Machtley	Rose	Wheat
Manton	Rostenkowski	Whitten
Markey	Roukema	Williams
Matsui	Rowland (GA)	Wilson
Mavroules	Roybal	Wise
Mazzoli	Sabo	Wolpe
McCloskey	Saiki	Wyden
McCurdy	Sangmeister	Yates
McDermott	Sarpalius	Yatron
McGrath	Savage	
McHugh	Sawyer	
McMillen (MD)	Saxton	

NOT VOTING—33

Annunzio	Horton	Quillen
Aspin	Hutto	Ridge
Barton	Jenkins	Rowland (CT)
Brooks	Lantos	Russo
Bryant	Lehman (FL)	Sharp
Bustamante	Levine (CA)	Smith, Denny (OR)
Crane	McCrery	
Dingell	McDade	Spratt
Donnelly	Molinari	Synar
Florio	Moody	Watkins
Garcia	Nelson	
Hawkins	Porter	

□ 1546

The Clerk announced the following pairs:

On this vote:

Mr. Quillen for, with Mr. Annunzio against.

Mr. Ridge for, with Mr. Nelson against.

Mr. CARR and Mr. RINALDO changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

Mr. MICHEL. Mr. Chairman, I have asked for this time with the distinguished majority leader on the floor, that we might interrupt these proceedings to have the schedule clarified to the best knowledge that the majority leader might be able to impart to the Members at this time.

Mr. GEPHARDT. Mr. Chairman, if the gentleman will yield?

Mr. MICHEL. I am happy to yield to my friend, the distinguished majority leader.

Mr. Chairman, I thought it would be good to bring Members up to date on where we are today and how we think the schedule will work for the rest of the period.

We will finish the Nevada wilderness bill here in a few minutes. Then we intend to bring up the conference report on intelligence. Then we will go to 13 suspension bills, which have been gone over with the minority. At the end of that we will finish for the day.

We do believe that there are other matters that could be coming from the Senate, other conference reports and other matters that may take our attention. So we may be here into the evening, 9, maybe even 10 o'clock, before we are able to finish for today.

Again, as I announced yesterday, the likelihood of votes tomorrow, they are unlikely, highly unlikely. Again, we do not want to make an ironclad, concrete, money-back guarantee that there will be no vote tomorrow. But again, I think it is highly unlikely.

We then hope to come in on Sunday afternoon, our intention is at 1 o'clock. However, we know that may be inconvenient for Members. If we can do it later than that, we will announce that prior to that time so that Members have plenty of notice.

Then, of course, if we have to be here on Monday and Monday evening to finish up on reconciliation, we will do that.

□ 1550

We now believe that the reconciliation bill, as I said yesterday, will be in front of us on Sunday along with the other matters that have to be finished up.

Mr. MICHEL. Mr. Chairman, I thank the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, and, if I might just make an observation, particularly for those ranking members on our side who would be responsible for the suspensions that will be occurring. I hope they take special note that it is their role and responsibility to be here to handle that, and, if they need a list to get themselves informed, it is available.

The CHAIRMAN pro tempore. Are there other amendments to section 8?

The Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. STATE FISH AND WILDLIFE AUTHORITY.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Nevada with respect to wildlife and fish in the national forests in Nevada.

The CHAIRMAN pro tempore. Are there amendments to section 9?

The Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. CLIMATOLOGICAL DATA COLLECTION.

Subject to such reasonable terms and conditions as the Secretary may prescribe, nothing in this Act or the Wilderness Act shall be construed to prevent, where appropriate, the installation and maintenance of hydrologic, meteorologic, or climatological collection devices within the wilderness areas or additions thereto designated by this Act, where such facilities and access thereto are essential to flood warning, flood control and water reservoir operation purposes.

The CHAIRMAN pro tempore. Are there amendments to section 10?

The Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

(a) Nothing in this Act nor the Wilderness Act (78 Stat. 890) shall preclude, limit, or otherwise affect current or future low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

(b) Subject to such reasonable terms and conditions as the Secretary in consultation with the Secretary of Defense, may prescribe, nothing in this Act nor the Wilderness Act shall be construed to prevent the installation, operation, or maintenance of essential ground instrumentation devices associated with those activities, and within those wilderness areas, referenced in subsection (a).

COMMITTEE AMENDMENT

The CHAIRMAN pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Commiteee amendment: Page 11, strike line 22 and all that follows through page 12, line 11 and insert the following:

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, this is an amendment that was drafted with the concurrence of the minority and the interested groups with regard to

low altitude flights over the wilderness. I do not believe it is controversial.

Mr. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, I have no objection to the amendment.

Mr. VENTO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. LEHMAN of California. Mr. Chairman, I rise today in support of S. 974, a bill which would designate 733,000 acres of national forest land as wilderness in Nevada.

As a member of the Interior Committee, I have seen this issue come before the committee on three separate occasions—in three different Congresses. In years past the House of Representatives would approve a bill, only to find it languishing in the other body.

Until this year, under the able leadership of Senator REID and Senator BRYAN, did the other body finally act. Now we are presented with legislation supported by the two Nevada Senators and Congressman BILBRAY. These three native Nevadans have literally devoted years to constructing this compromise legislation. In fact, 11 separate official committee hearings have been conducted on this issue alone. Five of those hearings were field hearings held by the Senate Energy and Natural Resources Committee in the State of Nevada. In addition, numerous informal meetings have been conducted in the State. It is hard to imagine a more comprehensive hearing record.

As a westerner, I understand the concern of many of my colleagues that State water law should be respected and adhered to. Let me just repeat that the language in this bill with respect to water is not an infringement on, or preemption of, State laws. The Federal Government will proceed through an appropriate stream adjudication, pursuant to Nevada law, to quantify its water right. In fact, any wilderness water right would be junior to existing water rights.

S. 974 is a good, sound compromise between the 1.4 million acres proposed by Congressman DARDEN and the 132,000 acres proposed by Congresswoman VUCANOVICH. I urge by colleagues to reject any weakening amendment to this bill.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

According the Committee rose, and the Speaker pro tempore [Mr. FASCELL] having assumed the chair, Mr. MONTGOMERY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, pursuant to House Resolution 289, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. FASCELL). Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. VUCANOVICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 323, nays 75, not voting 35, as follows:

[Roll No. 367]

AYES—323

Ackerman	Darden	Hall (TX)
Akaka	Davis	Hamilton
Alexander	de la Garza	Harris
Anderson	DeFazio	Hatcher
Andrews	Dellums	Hawkins
Anthony	Derrick	Hayes (IL)
Applegate	DeWine	Hayes (LA)
Atkins	Dicks	Hefner
AuCoin	Dingell	Henry
Barnard	Dixon	Hertel
Bartlett	Dorgan (ND)	Hiler
Bateman	Douglas	Hoagland
Bates	Downey	Hochbrueckner
Beilenson	Durbin	Hopkins
Bennett	Dwyer	Horton
Bereuter	Dymally	Houghton
Berman	Dyson	Hoyer
Bevill	Early	Hubbard
Bilbray	Eckart	Huckaby
Bilirakis	Edwards (CA)	Hughes
Bliley	Engel	Inhofe
Boehlert	English	Ireland
Boggs	Erdreich	Jacobs
Bonior	Espy	James
Borski	Evans	Johnson (CT)
Bosco	Fascell	Johnson (SD)
Boucher	Fawell	Johnston
Boxer	Fazio	Jones (GA)
Brennan	Feighan	Jones (NC)
Broomfield	Fish	Jontz
Browder	Flake	Kanjorski
Brown (CA)	Flippo	Kaptur
Bruce	Foglietta	Kasich
Buechner	Ford (MI)	Kastenmeier
Byron	Ford (TN)	Kennedy
Campbell (CA)	Frank	Kennelly
Cardin	Frenzel	Kildee
Carper	Frost	Kleczka
Carr	Gallo	Kolter
Chandler	Gaydos	Kostmayer
Chapman	Gejdenson	LaFalce
Clarke	Gephardt	Lagomarsino
Clay	Geren	Lancaster
Clement	Gibbons	Laughlin
Clinger	Gillmor	Leach (IA)
Coble	Gilman	Leath (TX)
Coleman (MO)	Gingrich	Lehman (CA)
Coleman (TX)	Glickman	Lent
Collins	Gonzalez	Levin (MI)
Condit	Goodling	Lewis (FL)
Conte	Gordon	Lewis (GA)
Conyers	Goss	Lipinski
Cooper	Gradison	Lloyd
Costello	Grant	Long
Coughlin	Gray	Lowery (CA)
Courter	Green	Lowey (NY)
Cox	Guarini	Luken, Thomas
Coyne	Gunderson	Machtley
Crockett	Hall (OH)	Manton
Markey	Pelosi	Smith (NJ)
Martin (IL)	Penny	Smith (VT)
Martinez	Perkins	Snowe
Matsui	Petri	Solarz
Mavroules	Pickett	Spence
Mazzoli	Pickle	Staggers
McCloskey	Poshard	Stallings
McCollum	Price	Stark
McCurdy	Pursell	Stearns
McDermott	Rahall	Stenholm
McGrath	Rangel	Stokes
McHugh	Ravenel	Studds
McMillan (NC)	Ray	Sundquist
McMillen (MD)	Regula	Swift
McNulty	Richardson	Tallon
Meyers	Rinaldo	Tanner
Mfume	Ritter	Tauke
Miller (CA)	Roe	Tauzin
Miller (OH)	Ros-Lehtinen	Taylor
Miller (WA)	Rose	Thomas (GA)
Mineta	Rostenkowski	Torres
Moakley	Roth	Towns
Mollohan	Roukema	Traficant
Montgomery	Rowland (GA)	Traxler
Morella	Roybal	Udall
Morrison (CT)	Sabo	Unsoeld
Mrazek	Saiki	Upton
Murphy	Sangmeister	Valentine
Murtha	Sarpalius	Vento
Nagle	Savage	Visclosky
Natcher	Sawyer	Volkmer
Neal (MA)	Saxton	Walgren
Neal (NC)	Scheuer	Walker
Nowak	Schiff	Waxman
Oakar	Schneider	Weber
Oberstar	Schroeder	Weiss
Obey	Schuette	Weldon
Olin	Schulze	Wheat
Ortiz	Schumer	Whitten
Owens (NY)	Sensenbrenner	Williams
Owens (UT)	Shaw	Wilson
Pallone	Shays	Wise
Panetta	Sikorski	Wolf
Parker	Sisisky	Wolpe
Patterson	Skaggs	Wyden
Paxon	Slattery	Wylie
Payne (NJ)	Slaughter (NY)	Yates
Payne (VA)	Smith (FL)	Yatron
Pease	Smith (IA)	

NOES—75

Archer	Hansen	Rhodes
Armey	Hastert	Roberts
Baker	Hefley	Robinson
Ballenger	Holloway	Rogers
Bentley	Hunter	Rohrabacher
Brown (CO)	Hyde	Schaefer
Bunning	Kolbe	Shumway
Burton	Kyl	Skeen
Callahan	Lewis (CA)	Slaughter (VA)
Campbell (CO)	Lightfoot	Smith (NE)
Combest	Livingston	Smith (TX)
Craig	Lukens, Donald	Smith, Robert (OR)
Dannemeyer	Madigan	Solomon
DeLay	Marlenee	Stangeland
Dickinson	Martin (NY)	Stump
Dornan (CA)	McCandless	Thomas (CA)
Dreier	McEwen	Thomas (WY)
Duncan	Michel	Vander Jagt
Edwards (OK)	Moorhead	Vucanovich
Emerson	Morrison (WA)	Walsh
Fields	Myers	Whittaker
Gallegly	Nielson	Young (AK)
Gekas	Oxley	Young (FL)
Grandy	Packard	
Hammerschmidt	Parris	
Hancock	Pashayan	

NOT VOTING—35

Annunzio	Lantos	Sharp
Aspin	Lehman (FL)	Shuster
Barton	Levine (CA)	Skelton
Brooks	McCrery	Smith, Denny (OR)
Bryant	McDade	Smith, Robert (NH)
Bustamante	Molinari	Spratt
Crane	Moody	Synar
Donnelly	Nelson	Torricelli
Florio	Porter	Watkins
Garcia	Quillen	
Herger	Ridge	
Hutto	Rowland (CT)	
Jenkins	Russo	

□ 1612

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 974, the Senate bill just passed.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMEMORATING CONTRIBUTIONS OF SENATOR CLINTON P. ANDERSON TO ESTABLISHMENT OF NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 818) to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mrs. VOCANOVICH. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Arizona to explain what is involved in this legislation.

□ 1610

Mr. UDALL. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this bill recognizes the contributions of one of the Nation's leading proponents of the National Wilderness Preservation System—the late Senator Clinton P. Anderson. Other than commemorating this outstanding legislator, the bill provides for the renaming of the Copperas Vista in the Gila National Forest in New Mexico as the "Clinton P. Anderson Wilderness Overlook."

This is modest recognition for a great congressional conservationist.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Senator Clinton P. Anderson of New Mexico was the leader of the conservation movement in the 88th Congress, which earned the name the "Conservation Congress" for its passage of several landmark conservation measures. Senator Anderson was the guiding sponsor of the Wilderness Act and shepherded it through the 88th Congress, helping secure its passage and enactment on September 3, 1964.

(2) Senator Anderson was influenced by New Mexico conservationist Aldo Leopold, who as a United States Forest Service officer helped establish the Nation's first administratively-designated wilderness in 1924, the Gila Wilderness in the Gila National Forest in New Mexico.

(3) Senator Anderson wrote and spoke eloquently about wilderness and his words continue to inspire his colleagues and the public about conservation. In 1963 he wrote:

"There is a spiritual value to conservation, and wilderness typifies this. Wilderness is a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say—this we will leave as we found it.

"Wilderness is an anchor to windward. Knowing it is there, we can also know that we are still a rich Nation, tending our resources as we should—not a people in despair searching every last nook and cranny of our land for a board of lumber, a barrel of oil, a blade of grass, or a tank of water.".

(4) On the 25th anniversary of the Wilderness Act, Senator Anderson's living legacy is the 474 units in the National Wilderness Preservation System, totaling nearly 91 million acres.

SEC. 2. DESIGNATION OF OVERLOOK.

In recognition of the significant role Senator Anderson played in the enactment of the Wilderness Act, the Secretary of Agriculture is authorized and directed to rename the existing Copperas Vista, located on the Gila National Forest in New Mexico, as the "Senator Clinton P. Anderson Wilderness Overlook" and to erect appropriate signs, interpretive facilities, monuments, or plaques commemorating Senator Anderson's contribution to the National Wilderness Preservation System.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD on S. 818, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONFERENCE REPORT ON H.R. 2748, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1990

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that it may be in order today to consider the conference report to accompany the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and that the conference report be considered as read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BEILENSON. Mr. Speaker, I call up the conference report on the bill (H.R. 2748) to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of November 16, 1989, at page 29604.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] will be recognized for 30 minutes, and the gentleman from Illinois. [Mr. HYDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to accompany H.R. 2748, fiscal 1990 Intelligence Authorization Act.

The funds authorized by the conference report, as to which there was very little disagreement between the two authorizing committees or among the members of each committee, are set forth in the classified schedule of authorizations that are described in detail in the classified annex to the statement of managers accompanying the conference report. Both documents continue to be available for review by any Member of the House in the office of the Permanent Select Committee on Intelligence.

The conferees have recommended a slightly lower level of funding than that requested by the President. Some proposals have been deferred or deleted, while others have received increased funding. The result, in the opinion of the conferees, is a program and budget authorization that represents a reasonable balance between

needed intelligence capability and prudent cost.

The conference report also contains several legislative provisions. They are essentially those contained in the House-passed bill, plus provisions of the Senate-passed bill dealing with disability retirement and death-in-service benefits for CIA employees serving overseas, residency requirements for staff of the U.S. Army Russian Institute applying for U.S. citizenship, death gratuities for families of U.S. military attachés killed overseas, the responsibility of the FBI to supervise espionage investigation overseas, and the establishment of a statutory inspector general at the CIA.

In regard to the inspector general provision, it should be noted that the conference report does not create an inspector general at the CIA. There has been an Office of Inspector General at the Agency for several years. What the conference report does do is attempt to remove some of the ingrained institutional barriers that, no matter how well intentioned or competent the employees of the CIA/IG office may be, have prevented that office from performing its internal oversight and audit functions.

The conference report does this by making the CIA/IG a statutory office nominated by the President, confirmed by the Senate, and removable only by the President.

In adopting the statutory inspector general provision, the conferees included a provision from the House bill authored by the gentleman from Oklahoma [Mr. MCCURDY], our colleague, which ensures the Intelligence Committees are provided copies of CIA inspector general reports when requested by the chairman or ranking minority member of either Intelligence Committee. While it is not expected this provision will be used frequently, it is clear the Intelligence Committees must have the legal right to demand access to inspector general reports.

The combination of these provisions is a necessary step that will add to the stature of the Office of Inspector General, significantly improve that office's ability to carry out its audit, inspection, and investigative activities, and enable the Intelligence Communities to conduct more effective oversight of the Central Intelligence Agency, and although the conference report provides for a more independent inspector general at the CIA, one who is more insulated from internal management pressures, the bill specifically recognizes that the CIA is different from other agencies. It provides that the inspector general shall have prior experience in the field of foreign intelligence and that the IG shall report directly to, and be under the general supervision of, the Director of Central Intelligence. It also includes provisions ensuring that intelligence sources and methods are protected, that the CIA personnel security policies are maintained, and that the Director of Central Intelligence has the final say in what the inspector general should investigate.

In addition, unlike other statutory IG's in the Federal Government, the CIA inspector general will report to Congress only through the two Intelligence Committees.

Furthermore, the bill provides that the Director of Central Intelligence may prohibit the inspector general from initiating, carrying out, or completing any audit, inspection, or investigation if he determines that such prohibition is necessary to protect vital security interests of the United States, but in those circumstances the Director must submit a statement of his reasons for such action within 7 days to the two Intelligence Committees. Although it is anticipated, may I say, that only in the most sensitive matters will the DCI exercise statutory authority to prohibit such an audit or investigation.

□ 1620

The conference report does not include three provisions found in the House bill, those concerning the President's Foreign Intelligence Advisory Board, CIA drug testing, and domestic contracting by the CIA.

The House bill as passed by the House required the Director of Central Intelligence to institute a random drug testing program for employees of the CIA. The conferees note that CIA currently maintains an active drug awareness and prevention program and is actively committed to preventing and detecting drug use among CIA employees.

The CIA's drug detection program includes background investigations of all applicants, specifically focusing on whether applicants use or abuse drugs or alcohol. Applicants are also given medical examinations that screen urine and blood samples. Psychological assessments are made of applicants to determine behavior that could indicate abuse of drugs or alcohol. Finally, every applicant is given a polygraph examination to determine whether the applicant has abused drugs or alcohol.

The CIA's program for a drug-free workplace does not end with the acceptance of an applicant for employment. The agency continues to be vigilant against drug abuse among its employees. Agency policy requires that new employees be subject to reinvestment after 3 years. This reinvestigation includes another medical examination and another polygraph examination that covers substance abuse during the time of employment at the agency. Agency employees are also subject to periodic routine reinvestigations. A specific issue polygraph examination and/or a fitness for duty medical examination may be conducted at any time if there are indications of drug use.

Should the conferees, through the oversight activities of the Intelligence Committees determine that a drug problem exists or has developed at the agency, the issue of random drug testing will be reexamined.

The House bill contained another provision authorizing the Director of Central Intelligence to award certain contracts to domestic firms. The conferees agreed that this provision was unnecessary because it is unlikely that the Director would ever be in a position to exercise the option to award contracts to domestic firms that, under the use of competitive procedures, would be awarded to a foreign firm. The CIA, for example, goes to great lengths to enter contracts with firms that are not subject to foreign influence. As a result of this security concern, the agency contracts almost exclusively with domestic companies already. Even if the Director could ever exercise the option called for, the requirement of coordination with the U.S. Trade Representative and the Secretary of Commerce raises serious problems with compartmentalization of classified information. Details of operational activities would have to be shared with other agencies in ways that are not the normal course of business for the CIA. Creating new channels of dissemination of classified information necessarily puts that information at risk.

Third, section 703 of the House-passed bill contained a provision requiring the President to issue financial disclosure and reporting regulations applicable to Members of the President's Foreign Intelligence Advisory Board or PFIAB, as it is called. The Senate amendment did not contain a similar provision. The conferees adopted the Senate position in this particular matter. It is hoped that the President, on his own, will address the issues posed by the House provision, and will issue new financial reporting and disclosure regulations applicable to the PFIAB.

The conference report also does not contain the sections in the Senate amendment that dealt with changes to the Oversight Act of 1980. Title IX of the Senate amendment, revising the intelligence oversight provision of title V of the National Security Act of 1947 was, except for the provision in the bills regarding notice to the Intelligence Committees within 48 hours of the approval of a covert action, substantially the same as legislation reported by both Intelligence Committees last year.

The conferees agreed that this title would make a number of valuable changes in the intelligence oversight framework. The House conferees be-

lieved, however, that certain provisions in this title might be further improved with additional consideration by the Intelligence Committees. Inasmuch as these provisions were inextricably related to other provisions, and in light of the limited time remaining in this session of the 101st Congress to consider such improvements, the House conferees proposed that action on title IX be deferred until the next session, with the understanding that the issues addressed in title IX of the Senate amendment will be reconsidered by both committees during the second session of the 101st Congress. The Senate was kind enough to recede to the House position on this matter.

Mr. Speaker, turning now to the subject of Nicaragua, I can assure the House that the conference report as did the House-passed bill authorizes no funds whatsoever for covert support to opposition parties or candidates in the February election, and prohibits the use of CIA reserves for contingencies for such activities.

Before closing, Mr. Speaker, I would report the pending retirement from Government service of Tom Latimer, Staff Director of the Permanent Select Committee on Intelligence, since its inception back in 1977. As an intelligence analyst, a National Security Council staffer, a Special Assistant to the Secretary of Defense, the Principal Deputy Assistant Secretary of Defense for Intelligence, and as our Staff Director, he has served his Nation well, and he takes with him a well-deserved reputation for common sense, integrity, and nonpartisanship. He has been a true servant of the public. On behalf of our committee members and my predecessors as chairman of the Intelligence Committee, Mr. Boland, Mr. HAMILTON, and Mr. STOKES, I thank Tom and wish him well.

Mr. Speaker, also in ending my portion here, I want to thank all of the members of our Permanent Select Committee on Intelligence for the hard work that they have given us throughout the year. With their help, I think we have done a good job of fulfilling the responsibilities that have been given to us by the House of Representatives, both of authorizing funding for the Nation's intelligence agencies, and of reviewing and conducting oversight of the activities of those agencies.

If I may, Mr. Speaker, a special word of appreciation to my friend, the gentleman from Illinois Mr. HYDE, the ranking minority Member, for his splendid support and his collegiality, his help at all times, and even at some times when if it were necessary his good-natured taking exception to what we were doing in the majority of the committee.

Finally, again in ending, Mr. Speaker, a word of appreciation also for our counterparts over in the Senate, especially the distinguished chairman from Oklahoma, Mr. BOREN, and the distinguished vice chairman, the gentleman from Maine, Mr. COHEN. They have been easy and good to work with. We have established I think a very close and healthy working relationship with them.

So, Mr. Speaker, I urge support for our conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the conference report on H.R. 2748, the Intelligence Authorization Act for fiscal year 1990. However, I do so with considerable reluctance, because title VIII contains a Senate provision to create an independent statutory inspector general [IG] for the Central Intelligence Agency [CIA]. This ill-advised step is legislative overkill. The provision was firmly opposed by the President in a letter to the leadership of the other body before their floor debate on this measure.

Does my strong opposition to the creation at this time of such a statutory inspector general mean that I am opposed to effectively improving oversight of the CIA? Not at all. The CIA currently has an in-house inspector general which the Director of Central Intelligence [DCI], Judge Webster, considers a very important management resource in his efforts to improve the effectiveness of the CIA's operations.

I frankly admit that many of us have entertained some concerns about the strength and capabilities of the present internal inspector general process and the uneven quality of some of its reports. In a series of hearings by the Intelligence Committee's Subcommittee on Oversight and Evaluation, we learned about the structure and function of the existing CIA inspector general office. During this period, Judge Webster instituted reforms intended to enhance the capabilities and effectiveness of the CIA inspector general office. I support his efforts. Moreover, as a result of our extensive subcommittee hearings, the House bill included a provision to improve access by the two intelligence committees to the investigation, audit and inspection reports of the CIA inspector general. That House provision had strong bipartisan support. It had multiple purposes. First, it would strengthen our committee's significant oversight capabilities regarding CIA operations. Second, it would buttress the stature of the inspector general within the CIA. Third, it would help us better monitor and evaluate the progress of Judge Webster's reforms in the inspector general structure and process.

There has been a fair opportunity for us to see how effective the measures taken by Judge Webster will be. We are still closely following this issue. Nevertheless, after one hearing, the other body decided that they would opt for a shining example of what has become one of the congressional "10 Commandments:" "Anything worth doing is worth overdoing."

The result was this lengthy provision creating a high-level, independent, statutory IG who would be a Presidential appointee subject to Senate confirmation. Only two other officials with the CIA have that august status, the Director of Central Intelligence [DCI] himself and the Deputy Director of Central Intelligence.

Much of the statutory IG's reporting duties would revolve around reporting to Congress whenever he and the DCI can't resolve a difference between themselves over the IG's activities. Furthermore, the IG would report extensively on corrective actions he recommends and whether they have been completed. In fact, this heavy emphasis strongly implies a congressional assumption that any recommendation for corrective action by the statutory IG ought to be viewed by Judge Webster as chiseled in stone and delivered by Moses.

In the uniquely close-knit society of this important clandestine agency, insiders may be extremely reluctant to be candid with a high-level, Presidentially appointed outsider, causing oversight to suffer. Moreover, the provision's subtle invitation to bureaucratic struggle between this super-level IG and the DCI could end up both degrading oversight and hampering effective management at the CIA. We should have given the judge's internal IG reform initiatives a fair chance instead of rushing to judgment with the irrevocable creation of a statutory IG.

Notwithstanding this supremely unwise provision, the conference report does authorize funds for many important classified intelligence and intelligence-related programs. It also includes legislative language to improve the operating authorities of various agencies within the intelligence community. I do, however, regret very much that, despite my strong support for its inclusion, the conference report does not include the Solomon amendment adopted in the House to require a random drug testing program for the CIA. Nevertheless, on the whole, this is worthwhile legislation, and I urge the House to adopt the conference report with one major caveat. If the President decides to veto this bill because of the statutory IG provision, I reserve the right to vote to sustain that veto.

□ 1630

And in closing, Mr. Speaker, let me also join in commending and praising Mr. Tom Latimer, who will be retiring as staff director of this very important and effective committee.

His job has been one of effectiveness, insightfulness and bipartisanship. He will be sorely missed.

Let me again commend the chairman, the gentleman from California [Mr. BEILENSON] for a really superb and sensitive job of running our committee, which is a difficult one to chair. He has done it with wisdom and understanding and has made it a genuine pleasure to serve on this committee.

Mr. Speaker, I also make mention of the fact that the gentleman from Pennsylvania [Mr. SHUSTER], the ranking Republican on our Subcommittee on Oversight and Evaluation, has had to return to his district. Because he vigorously opposes the CIA statutory inspector general provision, at the appropriate time I would ask to have his statement included in the RECORD at this point.

Mr. SHUSTER. Mr. Speaker, I have not signed the conference report and am registering dissenting views because I simply cannot at this time go along with the provision for a statutory inspector general at CIA. As ranking Republican on the subcommittee which investigated the status of intelligence agency IG's, I have followed this issue closely and have developed some opinions which I think are both balanced and informed.

While there are some attractive aspects to an independent statutory IG, a leap to this requirement is not yet warranted, for several reasons. First, it was only last year that we began to focus attention on IG improvements, and I believe additional time and experimentation clearly is warranted before taking such an irreversible step. CIA now is in the process of increasing the IG's staff and attempting to upgrade quality. Fairness would seem to require that we give them this opportunity to prove themselves.

Second, while there are some theoretical advantages to a statutory IG, there are also countervailing arguments favoring improvements within CIA's existing internal Office of the Inspector General. For instance, there is logic to the contention that drawing part of the IG staff from the directorates provides greater IG insight into the workings of the Agency and thus an investigative advantage. Moreover, the close-knit nature of the CIA community does lend credence to the view that employees are more likely to talk to one of their own than to an outsider.

I do, however, strongly support the original House provisions, also adopted at conference, requiring CIA to provide a full listing on CIA IG reports and to allow the comittees access to those reports upon request. I believe we require such access as part of our oversight function. Moreover, this procedure also was designed initially as a means of exerting pressure for qualitative improvements within the existing system, in lieu of requiring a statutory IG at this time. Such congressional access not only provides as powerful incentive for further improvements in IG product, but also imposes the qualitative review and outside pressure to act on findings that are among the chief advantages of an independent statutory IG.

It pains me to see the supposedly bipartisan House Intelligence Committee politicized on still another issue. The desire to make political points against the administration and to punish the CIA because of the Iran-Contra affair seems to have won out over the careful consideration of long-term implications for the CIA and even over maximization of IG efficiency.

It should be clarified here that I have been open to the possibility that we might eventually wish to require a statutory IG at the CIA. I merely felt that such a move would be premature at this point, and that we should have held open our options. Further experience and factual evidence may demonstrate the relative desirability of and necessity for such a move.

But once a statutory IG is imposed, it will not be disbanded, whether or not it performs well, and we will always be saddled with its disadvantages. I have been fully open to the possibility that, after levying congressional reporting requirements and adding more staff to the existing IG, we might later have felt justified in resorting to an independent, statutory IG, had we remained dissatisfied with congressional access and with IG product.

Although those of my persuasion lost the conference vote on this issue, I am deeply indebted to the committee's chairman, TONY BEILENSON, for once again demonstrating a sense of procedural fair play. Chairman BEILENSON obligingly arranged a face-to-face conference with the Senate once he realized the depth of dissenting views regarding the statutory IG and allowed our committee, which had never met on this issue, to air some of the pros and cons. I am grateful to him for this opportunity, and in general support the idea of more frequent direct dealings with Senate Intelligence Committee members. We lost, nonetheless, and it is my sincere hope that we do not eventualy regret this rapid resort to a rather extreme measure.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Illinois for his kind remarks.

Mr. Speaker, I yield such time as he may consume to the distinguished and very effective ranking majority member, the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, before I begin, I would like to commend the chairman of the full committee, the gentleman from California [Mr. BEILENSON], for his superb handling of the authorization bill this year, and the ranking member, the gentleman from Illinois [Mr. HYDE]. I also want to commend the gentleman from Pennsylvania [Mr. SHUSTER], who is the ranking member of the Oversight and Evaluation Subcommittee, for his support throughout the subcommittee hearings and deliberations this year.

Although there have been and are differences on the conference report in reference to the statutory inspector general, Mr. SHUSTER has been completely supportive and very cooperative in the subcommittee deliberations and provisions that passed the House.

Mr. Speaker, I rise in support of the conference report on H.R. 2748, the intelligence authorization bill for fiscal year 1990. This conference report contains two important provisions relating to the internal oversight mechanisms within the Central Intelligence Agency and its Office of Inspector General.

Last month, Mr. Speaker, the House passed its version of the fiscal year 1990 intelligence authorization bill. Contained in that bill were provisions relating to the CIA inspector general which required that he expand the level of detail in his semiannual report to the two intelligence committees, and that he provide—at the committees' request—copies of IG inspection reports.

These provisions were arrived at in bipartisan fashion and were the result of an inquiry by the Oversight and Evaluation Subcommittee into the effectiveness of the CIA's Inspector General Office. During this inquiry, the subcommittee encountered considerable problems obtaining access to IG inspection reports. These reports—which contain the findings of the IG concerning matters of economy, efficiency, and the management of CIA programs—were deemed critical in the subcommittee's review of the effectiveness of the IG office at CIA. Our intent in requesting these reports was not to conduct a fishing expedition, but to assess the overall quality of these reports and the responsiveness of the Agency in implementing any corrective actions identified in them. After a long protracted period of some 4 months of negotiations, I was unable to obtain assurance from Director Webster that full access would be granted. I therefore felt it necessary to draft the legislative provision passed by the House several weeks ago to assure future access to these reports by the two intelligence oversight committees.

Mr. Speaker, it is critical that the intelligence oversight committees of the Congress have the access necessary to do their jobs. We on the Intelligence Committee have a clear responsibility to the Members of this House and the American people in assuring that CIA programs are effectively managed, that the resources we authorize are well spent, and that our intelligence activities are conducted within the law. The House provision included in the conference report will assure that the intelligence committees have full and unfettered access to the information they require in this regard.

The conference report before the House today also contains a Senate provision creating an independent, statutory IG at the CIA. Considerable

testimony received before the Oversight and Evaluation Subcommittee and in hearings before the Senate Intelligence Committee support this concept.

The Senate provision provides for the creation of an independent IG office at CIA, held appropriately accountable to Congress, to conduct inspections, investigations, and audits relating to the programs and operations of the CIA. The IG office is to recommend policies designed to promote economy and efficiency in the administration of CIA programs, and to detect instances of waste, fraud, and abuse. The IG is required to keep the Director of Central Intelligence—the DCI—fully informed of problems and deficiencies in CIA programs, recommend corrective actions, and insure that the two intelligence oversight committees of the Congress are kept fully informed of these matters.

The new statutory IG at CIA will be appointed by the President with the advice and consent of the Senate. He may only be removed by the President and is to have prior experience in the field of intelligence with other appropriate skills in management, accounting or public administration. The provision allows the DCI to halt an IG inquiry if he deems this necessary to protect vital national security interests, but he must notify the two intelligence committees within 7 days if this power is exercised. IG personnel are required to have the requisite training and experience to carry out their duties, and the IG is urged to create a career cadre of professionals within the office to perform its mission objectively.

Mr. Speaker, the issue of the need for a statutory IG at CIA is one which Congress has examined with great care. Hearings were held in the Senate Select Committee on Intelligence in 1988 and 1989, and I have already mentioned our subcommittee hearings in the House earlier this year. The creation of a statutory IG at CIA was one of the principal recommendations of the House and Senate Iran-Contra committees, which noted in their final report that the CIA IG "did not appear to have the manpower, resources, or tenacity to acquire key facts uncovered by other investigations." Numerous other Government panels—starting with the Rockefeller Commission in 1975—have raised concerns about the independence and effectiveness of the administratively established IG at CIA.

Mr. Speaker, I would like to emphasize to Members voting on this conference report today that statutory offices of inspector general exist now in virtually every major Government agency and Cabinet department. These offices have been created by law to consolidate responsibilities for combatting waste, fraud, and abuse within their respective agencies. They control their own resources, have a high degree of independence, and hold impressive authority to carry out their mandates. All Cabinet departments and major executive agencies have in place an independent, statutory IG to act as their internal watchdog. The only exception—until today—has been the CIA.

It has been argued by Director Webster and others that CIA has taken steps to upgrade its IG office, and that a statutory IG is not needed at this time. Opponents have also argued that the CIA is "special" because its programs and operations are so sensitive that a statutory IG would inhibit initiative within the Agency and possibly compromise sensitive programs if they were opened up to an independent examiner. While Director Webster has made some marginal improvements in the IG office at the Agency, I would submit that the time has now come for a statutory inspector general at the CIA.

Our concurrent House-Senate review of the Agency's IG office has identified continuing and chronic shortcomings. Audit coverage of CIA programs is less than adequate, and often is not conducted according to accepted Government standards. Investigations of wrongdoing and management inspectors of CIA components are uneven in their quality, with some being quite thorough and others lacking in their coverage. A significant number of IG personnel are on brief 1- to 2-year rotations in the office from other CIA components. It is very difficult for someone serving a short-term stint in the IG office, who seeks promotion elsewhere in CIA, to be fully objective. It was difficult for us to even assess the quality of management inspections, since senior CIA management would not provide us full access to the IG's final reports on these matters. Nor were we aware of all audits, investigations, and inspections being conducted, since they were not comprehensively reported to the intelligence committees—even by simply naming their topics—as required by last year's intelligence authorization bill. So, while there have indeed been some incremental improvements in the CIA IG office, there is still substantial progress that can and must be made.

Regarding security considerations, I would note that every other Federal agency in the national security establishment—the Departments of Defense, Energy, Justice, State, and Treasury—now have statutory IG's and have experienced no security problems as a direct result of IG activities. The history of IG's has also shown that employees generally feel more rather than less secure raising concerns and speaking candidly when they are protected by an independent statutory IG which has dual reporting requirements and accountability to the Congress. As to whether or not a statutory IG will hamstring CIA operations, this thesis is also not supported by the history of IG's in other national security-related agencies. The statutory IG provision before us addresses a very real need to accomplish better internal oversight in an agency spending millions of dollars behind a cloak of secrecy subject to fewer controls than most Federal agencies. The current IG at CIA is simply not getting the job done, and the statutory IG contained in today's bill takes a balanced step toward achieving better internal oversight and accountability within the Agency.

The IG provisions contained in the intelligence authorization conference report strike a reasonable balance between protecting sensitive CIA programs while assuring that Congress is fully informed on their effectiveness. This legislation assures access to the reports of the IG, elevates the authority of the Office of Inspector General within the Agency, enhances the IG's independence and strengthens internal CIA auditing capabilities. The result will be a more objective and effective inspector general, appropriately accountable to the Congress. I urge my colleagues to support its passage.

□ 1440

Mr. Speaker, I want to join the chairman and ranking member in also adding my commendations to Mr. Tom Latimer, the staff director of the Permanent Select Committee on Intelligence, who will be retiring. We certainly feel a personal loss with his retirement, and I commend him for his valuable years of service not only to the committee but to the Nation as a whole, and wish him well in that effort.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Louisiana [Mr. LIVINGSTON].

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I rise in support of the conference report, and aside from my chief concern about an issue of which I shall speak momentarily, I would like to express my very sincere appreciation to the gentleman from California [Mr. BEILENSON], and the ranking member, the gentleman from Illinois [Mr. HYDE], and all the members of the subcommittee for working in great friendship, if not always total agreement, on matters of critical national importance. It is a pleasure to serve on the committee, and especially with such fine leaders.

I might also say, though, that there is a matter, unfortunately, of which I am concerned. The CIA inspector general issue has become one of the most divisive issues, at least in the conference with the Senate. It pains me that

on this issue our committee has once again split along party and philosophical lines. We Republicans prefer to avoid nonessential layers of government and are sensitive to working conditions of CIA employees, and any exacerbation of the state of siege mentality that, unfortunately, seems prevalent these days at Langley.

But in this case, Republicans agree to the necessity for an effective inspector general. The debate should have been over pragmatic issues, whether, as a first resort we should try to improve the existing internal inspector general, and congressional review of its quality; or move immediately to impose an independent statutory inspector general. It seemed clear to members that, given the irreversible nature of the later steps, and the potential risks associated with it, the wiser course of action would have been to experiment with options first. The effectiveness of inspector generals at the State Department and the Department of Defense have improved greatly, once they made an independent statutory inspector general. However, testimony from them attributed that improvement mainly to the fact they were reported to the Congress and their findings became public, so that there was pressure to act on their findings and recommendations, which in the past often had been ignored.

Republicans firmly supported the House language requiring that the CIA inspector general submit more detailed summaries of its activities to the Permanent Select Committee on Intelligence and that the committees receive all inspector general reports upon request. We hope to acquire the same leverage to improve report quality and inspector general clout without risking the downside of statutory inspector general, which may not work as well within the culture and the secrecy requirements of the intelligence agencies in the intelligence community.

So we Republicans tried to be especially supportive of the House Democratic majority regarding the House report requirement language. We did this partly because we believe it was the right thing to do, and partly out of a desire to promote bipartisan cooperation. Then we found that we had nearly eroded our own position as the majority adopted the subsequent Senate provisions for a statutory inspector general. Thus we were left effectively with an untenable bargaining position. This is disturbing, since we Republicans said we were willing to require an inspector general later, if interim solutions proved unsatisfactory. This erosion of our position will obviously make Republicans more wary of such agreements in the future.

I have to say, though, that the CIA's recalcitrance regarding any congressional access to inspector general reports was a large part of its own undoing. Vociferous CIA opposition to committee access to inspection reports designed to assess how well the CIA is doing its job in specific areas was often based on poor legal and political reasoning, and was predictably counterproductive.

These attitudes and policies did give the majority some reason to question the CIA's preference of proceeding more slowly and moderately. Nevertheless, Republicans continue to feel that the Congress must act circumspectly and responsibly, looking to the long-term effectiveness of the inspector general and of U.S. intelligence, even when the agency has provided an open invitation to do otherwise.

In closing, Mr. Speaker, I, too, would like to add my best wishes to Tom Latimer, the chief staffer of the Committee on Intelligence, for all the wonderful work and service he provided the committee and the Government and the people of this country over these last many years. We wish him all the best as he embarks on his retirement.

Finally, I would like to say that other than the issue of the CIA inspector general, I do support this conference report, but like my colleague from Illinois, I would like to reserve my right to sustain the President's veto, should he choose to sustain.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MCHUGH], who serves with distinction as chairman of the Subcommittee on Legislation.

Mr. MCHUGH. Mr. Speaker, I want to thank the gentleman from California who serves with real distinction as chairman of our committee. I think he and the gentleman from Illinois have provided extraordinary leadership to our committee, and despite the fact that from time to time we have differences on policy matters, those differences are relatively rare, and in any case, do not interfere with the very smooth working relationships that all members on this committee have.

I rise in support of the conference report which I believe is a well-balanced and successful effort to reconcile this Nation's intelligence needs with the budget realities we face. The conference report contains several legislative provisions which in the main are intended to improve congressional oversight of intelligence activities, improve the operational and administrative efficiency of this Nation's intelligence agencies, or improve the working conditions and benefits of those who work for the intelligence agencies.

□ 1650

As usual, the staff of our committee has done an exceptional job in assisting the committee in all of its work. I also want to add my word of admiration and thanks to Tom Latimer, who has served for many years as our staff director. Without the work of Tom Latimer and the staff as a whole, we certainly would be unable to meet our responsibilities on this sensitive committee.

We also have been assisted on this particular bill by a number of other committee staff members on other committees, as well as fellow members on those committees, and we want to express our appreciation to them for their cooperation.

Mr. Speaker, the conference report does not contain provisions from the Senate-passed bill which would have established a new statutory framework for intelligence oversight, including procedures governing Presidential authorization and reporting of cover actions.

As chairman of the Subcommittee on Legislation, it is appropriate for the record to make mention of why that is the case. The House conferees opposed the provisions, because although they contain several improvements over existing law, they did not really address the fundamental legislative issues which were at the heart of the Iran-Contra scandal; namely, the grounds on which the President can dispense with prior notice to the Intelligence Committees of covert actions, and, when prior notice is not given, the time within which notice must be given.

In 1989, Congress enacted a law which stated that the President must give the Intelligence Committees, or in extraordinary cases an eight-member leadership group, the so-called gang of eight, prior notice of covert actions.

The law recognizes that in some cases, left undefined in the statute, the President could withhold prior notice, and thereafter give notice "in a timely fashion."

The legislative history made clear that prior notice could be dispensed with only when the press of events required action before Congress could be notified, and that notice must then be given soon after.

In the Iran-Contra affair the President authorized and initiated a covert action without giving the Intelligence Committees or the gang of eight notice until the policy was revealed in a foreign newspaper 10 months later. The Department of Justice then issued a legal opinion concluding that the President had complied with the 1980 statute because the President had "virtually unfettered discretion" in deciding when to provide notice of a covert action.

The House and Senate Intelligence Committees responded to these events in the last Congress by reporting legislation which, among other things, permitted the President to dispense with prior notice only when time was of the

essence and, in such cases, required notice not later than 48 hours after the Presidential authorization of the covert action. These provisions were included in both the House and Senate bills last year.

The legislation passed the Senate by a vote of 71 to 19, but never reached the House floor.

The notice provision contained in the Senate authorization bill this year merely restated the current law calling for notice in a timely fashion if prior notice is not given. In report language, the Senate Intelligence Committee stated its belief that notice in a timely fashion meant "in a few days," and the President sent a letter to some Senators stating that although the Justice Department believes timely notice leave the President unfettered discretion, he would in most cases provide notice "in a few days."

Mr. Speaker, in my judgment and in the judgment of majority of the House conferees, report language and a Presidential letter are not sufficient. The statute would still say "in a timely fashion," the same language under which President Reagan withheld notice in Iran-Contra. The Department of Justice opinion is still in effect. And the President still believes that in some cases he can withhold notice of a covert action from Congress not because he didn't have time to give notice, but because the Intelligence Committees or the Gang of Eight cannot be trusted with the secret.

Accordingly, we chose not to accept the Senate language. As the chairman of our committee has noted, we will address the issue again in the next session in the hope of resolving it once and for all.

I urge adoption of the conference report.

Mr. Speaker, once again I urge my colleagues to support this conference report, which I think is a constructive report.

The SPEAKER pro tempore (Mr. WILLIAMS). The Chair would advise that the gentleman from Illinois [Mr. HYDE] has 18 minutes remaining.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume. I shall be very brief.

I just want to respond very briefly to the gentleman from New York [Mr. MCHUGH], a most valuable member of our committee, to say that there is a difference of opinion about the subject matter just raised.

Forty-eight is much too inflexible. The time within which Members are to be notified ought to vary depending on the nature of the operation and not the tick of the clock.

I might also point out that I agree that the law which says "in a timely fashion" was not followed by the Reagan administration, and that 10 months later can hardly by any stretch of the English language or the imagination be construed to be "in a timely fashion." But when the law is not observed, it does not serve as a predicate for changing the law, it serves as a predicate for enforcing the law and indicating to those who have treated it so casually that they are wrong and that there is a political price to pay for that.

Mr. Speaker, I would hate to see the President constrained by a mechanical time limit, if such a thing could be done constitutionally, which I seriously doubt, because there are operations where one needs time, where one needs secrecy, although I say parenthetically, one would never know it from reading the daily papers. I do not think the word "covert" has any meaning anymore.

Nevertheless, I think we can save the discussion for another day, because it is a very important one. I do concede that "family fashion" is a good standard, was not observed, and it ought to have been observed. As I say, we will discuss that on another day.

Mr. Speaker, I am happy to announce I have no further request for time, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDS FOR EXPANSION OF MEMBERSHIP OF SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the bill (H.R. 3670), to authorize the appropriation of sums necessary for the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR SUPERIOR COURT EXPANSION.

There are authorized to be appropriated such sums as may be necessary for the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] is recognized for 1 hour.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZING EXPANSION OF MEMBERSHIP OF SUPERIOR COURT OF THE DISTRICT OF COLUMBIA.

Section 11-903, D.C. Code (as amended by section 138 of the District of Columbia Appropriations Act, 1990) is amended by striking "Subject to the enactment of authorizing legislation, the" and inserting "The".

Mr. DELLUMS. Mr. Speaker, the purpose of H.R. 3670 is to provide for the authorization of the appropriation of funds for eight additional judges of the D.C. Superior Court.

The goal of this legislation is to respond to an emergency situation that now exists in the District of Columbia Superior Court system due to the increased number of arrests by the District of Columbia Metropolitan Police Department and their war on drugs.

Mr. Speaker, the Constitution guarantees that each person arrested is entitled to a speedy trial. The current caseload before the court is such that this right to a speedy trial is on the verge of being abridged.

Mr. Speaker, H.R. 3670 was initially one section of a broader bill, H.R. 3470, the D.C. Judicial Reorganization Act of 1989, which was introduced by the Representative of the District of Columbia, WALTER E. FAUNTROY, and cosponsored by Mr. DYMALLY, subcommittee Chair of the Judiciary and Education Subcommittee, and myself. Before I proceed with a full explanation of H.R. 3670, the bill now before us, I want to reiterate my commitment to work toward passage of the overall Judicial Reorganization Act and I hope to report it to this body early in 1990.

Mr. Speaker, H.R. 3670 was separated out from H.R. 3470 following 3 days of hearings and bipartisan discussion regarding the most effective and expedient way to improve one facet of the D.C. Superior Court system.

Mr. Speaker, the Subcommittee on Judiciary and Education of the District of Columbia Committee held the aforementioned 3 days of hearings on the various questions surrounding the reorganization of the D.C. Superior Court system. Those witnesses testifying included city officials, leading jurists of the D.C. court system, members of the D.C. Bar Association, as well as a former distinguished Member of the other body. While witnesses expressed great interest in the present status of the superior court, there was solid testimony that the size of the

present D.C. Superior Court was grossly inadequate particularly in light of the passage of legislation to increase the District of Columbia Metropolitan Police Department by 700 officers and support personnel. It was their considered opinion that immediate action on a separate bill authorizing the appropriation of funding for eight additional judges for the superior court was necessary.

Mr. Speaker, H.R. 3670 responds to this need and has the support of the ranking Republican of the D.C. Committee, the gentleman from Virginia [Mr. PARRIS].

H.R. 3670 provides funding for a vital part of the war on drugs. It is a companion to H.R. 1502, the D.C. Police Authorization Act of 1989.

Mr. Speaker, I have been assured by the respective subcommittee Chairs of the Senate authorizing and Appropriations Committees that they are ready to respond immediately to House action on H.R. 3670.

Mr. Speaker, the funding for this bill was appropriated in both the House and Senate D.C. appropriations bills. H.R. 3610, the D.C. appropriations bill, was passed by this body by unanimous consent this past Tuesday.

Mr. Speaker, there exists an obvious need to confront the war on drugs in every possible way and therefore I urge passage by the House of the bill H.R. 3670.

□ 1700

Mr. Speaker, I yield to the gentleman from Virginia [Mr. PARRIS], my distinguished colleague who functions as the ranking minority member on the Committee on the District of Columbia.

Mr. PARRIS. Mr. Speaker, the gentleman from California [Mr. DELLUMS] has correctly and thoroughly explained the purpose of this legislation. It simply authorizes those positions that have been previously appropriated for.

I do, in fact, support the legislation, and I urge my colleagues to support it as well.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I have no requests for time, and I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WILLIAMS). The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. DELLUMS: Amend the title so as to read: "A bill to authorize the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

INCREASING AUTHORITY OF ATTORNEY GENERAL TO SETTLE CLAIMS RESULTING FROM LAW ENFORCEMENT ACTIVITIES OF THE DEPARTMENT OF JUSTICE

Mr. FRANK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 972) to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

Senate amendment to House amendment: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORITY TO SETTLE CLAIMS.

(a) INCREASED AUTHORITY.—Section 3724 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "$500" and inserting in lieu thereof "$50,000"; and

(B) the striking out "the Director" and all that follows through "Investigation" and inserting in lieu thereof "an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice"; and

(2) in subsection (b) by striking out "The Attorney General" in the first sentence and all that follows through "The" in the second sentence and inserting in lieu thereof the following: "The Attorney General shall report annually to the Congress on all settlements made under this section. With respect to each such settlement, the".

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 3724 of title 31, United States Code, is amended to read as follows:

"3724. Claims for damaged caused by investigative or law enforcement officers of the Department of Justice".

(2) The item relating to section 3724 in the table of sections at the beginning of chapter 37 of title 31, United States Code, is amended to read as follows:

"3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to—

(1) any claim arising on or after the date of the enactment of this Act,

(2) any claim pending on such date, and

(3) any claim arising before such date which has not been settled if the time for presenting the claim to the Attorney General under the last sentence of section 3724(a) of title 31, United States Code, has not expired.

Mr. FRANK (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Massachusetts?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from Massachusetts [Mr. FRANK] to explain what he is doing now.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, the Justice Department came to the Administrative Law Subcommittee to ask for an increase in their authority to settle claims when they had caused damage in the course of law enforcement activities. Paradoxically, if they had negligently caused harm, they could reimburse people, but, if they had nonnegligently caused harm, they could not.

For instance, Mr. Speaker, if they dug up a cellar looking for a dead body, which turned out in fact to be in the house next door, they would not be able to reimburse above $500. They asked that they be able to reimburse up to $50,000.

Mr. Speaker, we thought that was reasonable. We applauded the FBI for coming in and, in fact, in consultation with the Justice Department we extended that so any law enforcement activity that comes in the Justice Department, the agency involved would have the right to pay $50,000. This bill passed the House unanimously after having passed our committee unanimously. It went over to the other body where, in their effort to amend it,

they failed to live up to their usual standard of perfection and technical excellence, therefore requiring us to correct their work, and that is what this does.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, the gentleman from Massachusetts [Mr. FRANK] has made a very reasonable argument, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Massachusetts?

There was no objection.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO BOUNDARY CHANGE COMPACT BETWEEN SOUTH DAKOTA AND NEBRASKA

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 393) to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I take this time to ask the gentleman from Massachusetts [Mr. FRANK] to explain this legislation.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, for the purpose of explaining this, I would defer to the gentleman from not North Dakota, but South Dakota [Mr. JOHNSON], who is the sponsor from the appropriate State, and I would ask the gentleman from Wisconsin [Mr. SENSENBRENNER] if the gentleman would yield to the gentleman from South Dakota for a very brief explanation.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. Mr. Speaker, House Joint Resolution 393 is legislation which I introduced with Congressman BEREUTER to grant congressional consent to the boundary change compact between South Dakota and Nebraska.

I am here today to strongly support this legislation which will allow the States of South Dakota and Nebraska to proceed with the implementation of this border clarification which has been passed by the legislatures of both States and signed into law. South Dakota and Nebraska are eager to institute this change, however, Federal consent is required before they can begin.

This is a noncontroversial border change addressing only the portion of the State boundary which borders Union County, SD, and Dakota County, NE. It is in the best interest of both States to determine the boundary at this time in order to avoid litigation and arguments regarding sovereignty and jurisdiction in this area. The current situation leaves the States open to disputes over taxable lands and political and governmental subdivisions to name a few. At times, courts have found some land as located in Nebraska, while at other times, the courts have found the same land as located in South Dakota.

Boundary problems arose because of changes in the course of the Missouri River since the boundary compact was established in 1905. Since that time, the Missouri River has been dammed, channeled, and brought under control by the Corps of Engineers for purposes of navigation and flood control. Because of the relative stability of the river at present, it would seem a favorable time to define the boundary before protracted disputes arise.

In addition to clarifying the boundary to prevent disputes, this legislation is especially timely because of a major economic development project planned in this disputed region. Dakota Dunes, a subsidiary of the Midwest Energy Co., is developing a major planned community and business park, however, construction cannot begin until the boundary is clarified, since Union County, SD, cannot subdivide land which technically belongs to Nebraska.

Dakota Dunes is working to attract highly technical businesses and research facilities which would be major local employers. Within 15 years, the Dakota Dunes community should have a population in excess of 3,000 people which would make it the 20th largest city in South Dakota. At the same time, this project will involve a capital investment of $300 to $500 million, which makes it a major investment in the region. Furthermore, this development helps solidify the growing significance of multistate cooperation for economic development in this area which we refer to as Greater Siouxland. This corner where South Dakota, Nebraska, and Iowa meet is growing in its importance for the people of all three States, and the cooperation shown among all entities involved is a signal for the important role this region will play in the future. These States need this major commitment to future development promised by this project to help diversify the rural economy.

All affected entities have signed off on this boundary compact, from the local school districts and county governments to the State legislatures and Governors of both States. Now, Congress needs to act and bestow Federal approval of the State-passed compact. Without our action, this boundary will remain in limbo and lead to countless jurisdictional disputes. In addition, a vital economic development project which promises to inject millions of scarce dollars into our rural economy will be thwarted. I am hopeful that the House will concur with the wishes of the people of South Dakota and Nebraska and act favorably on House Joint Resolution 393.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 393

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the consent of Congress is hereby given to—

(1) the South Dakota-Nebraska Boundary Compact, approved by the State of South Dakota on March 14, 1989, and by the State of Nebraska on May 25, 1989; and

(2) the establishment of the boundary between the States of South Dakota and Nebraska agreed to in the compact referred to in paragraph (1).

(b) The South Dakota-Nebraska Boundary Compact is substantially as follows:

SOUTH DAKOTA-NEBRASKA BOUNDARY COMPACT

WHEREAS, the Missouri River has constituted the territorial boundary between the state of Nebraska and the state of South Dakota common to Dakota County, Nebraska, and Union County, South Dakota; and,

WHEREAS, by the forces of nature and construction, operation and maintenance efforts by agencies of the federal government, the flow of the Missouri River has changed its course, and the main channel of the river has changed its position in many areas along the boundary between said counties of the states; and,

WHEREAS, disputes between the state of Nebraska and the state of South Dakota, their political and governmental subdivisions, citizens and other persons have arisen with respect to the location of the true boundary between said counties of the states; and,

WHEREAS, there has for many years existed as between said counties of the states, a question as to the true and correct boundary line between them; and,

WHEREAS, in some areas land is taxed or may be taxed by governmental bodies in both states and in other areas land may be untaxed by governmental bodies in either state; and,

WHEREAS, at times courts have found some land as located in Nebraska, at other times the courts have found the same land as located in South Dakota; and,

WHEREAS, the Missouri River is now relatively stabilized by work done under the direction and supervision of the United States

Army Corps of Engineers, and a boundary based upon the present main channel of the Missouri River would be, if the works are properly maintained, as near as can be anticipated at this time, fixed and permanent; and,

WHEREAS, it is to the best interest of the states of Nebraska and South Dakota, their political and governmental subdivisions and their citizens, to determine a new and compromise boundary between said counties of the states, to avoid litigation and multiple exercises of sovereignty and jurisdiction, to encourage the optimum beneficial use of the river, its facilities and its waters, and to remove all causes of controversy between said states with respect to the boundary between said counties of the states; and,

WHEREAS, the states by entering into an agreement for a new boundary are not recognizing and do not desire to recognize the former compact boundary established between them by their legislative actions and the consent of the Congress in 1905; and,

WHEREAS, because of the numerous natural cutoffs over the years and the construction and stabilization work by the Corps of Engineers, which included the dredging of channels and construction of dikes and revetments, thus moving the river around and across islands, bar areas, and lands, as between the states, neither of them recognizes any presumption that the river has moved gradually into the present designed channel location; and,

WHEREAS, the states recognize that the Corps of Engineers' activities have caused tracts of land formerly on one side of the river to be isolated on the other side, and the states recognize there may have been many natural cutoffs of the Missouri River prior to the stabilization work by the Corps of Engineers; and,

WHEREAS, as to lands along or in proximity to the Missouri River, the states desire not to disturb private titles or claims which may have been established by individuals by recognizing or locating any specific areas as belonging to or being within one state or the other; instead the states desire to leave any questions of private titles to the parties involved; and,

WHEREAS, the terms of this compact shall be binding upon the states, their political and governmental subdivisions and officers and agents thereof; and,

WHEREAS, the parties recognize that the present main channel of the Missouri River as it exists within the designed channel stabilized by the Corps of Engineers is or may be different from a line parallel and equidistant from the present banks of the Missouri River; and,

WHEREAS, the states of Nebraska and South Dakota have agreed upon the terms and provisions of a compact to establish the boundary between said counties of the state.

To these ends, duly appointed commissioners for the state of Nebraska and the state of South Dakota jointly convened on February 24, 1989, in Lincoln, Nebraska, and have resolved to conclude a compact, following enactment by their respective legislative bodies and with consent of the Congress of the United States, and have agreed upon the following Articles:

ARTICLE I. Findings and Purposes

(a) The state of Nebraska and the state of South Dakota find that there have been actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between Dakota County, Nebraska, and Union County, South Dakota; that the Missouri River constituting the boundary between said counties of the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a designed channel of the river for navigation and other purposes, which is described and shown in the survey referred to in Article II.

(b) It is the principal purpose of the states in executing this compact to establish an identifiable compromise boundary between said counties of the states for the entire distance thereof as of the effective date of this compact without interfering with or otherwise affecting private rights or titles to property, and the states declare that further compelling purposes of this compact are: (1) to create a friendly and harmonious interstate relationship; (2) to avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority; (3) to encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigations; (4) to promote economic and political stability; (5) to encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities; (6) to establish a forum for settlement of future disputes; (7) to place the boundary in a new or reestablished location which can be identified or located; and (8) to express the intent and policy of the states that the common boundary between said counties be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

ARTICLE II. Establishment of Boundary

(a) The permanent compromise boundary line between said counties of the states shall be fixed at the centerline of the designed channel of the Missouri River (the westerly channel adjacent to Section 5, Township 29 North, Range 7 East of the 6th P.M. shall be considered the main channel). The state of Nebraska and the state of South Dakota by the ratification of this document agree to accurately describe the centerline of the design channel by reference to permanent monuments which shall be placed at locations which are easily accessible and safe from destruction. The Nebraska State Surveyors Office and a representative from South Dakota shall jointly supervise and approve placement of the monuments and the location of the compact boundary. Upon completion, the maps and record of the survey shall be incorporated herein and made a part hereof by reference. Said maps shall be placed on file with the secretaries of state of South Dakota and Nebraska. The approval of contracts and all necessary costs for the accurate survey and placement of proper monuments shall be shared equally between the states of South Dakota and Nebraska.

(b) This centerline of the channel of the Missouri River as described on said survey shall hereinafter be referred to as the "compromise boundary."

ARTICLE III. Relinquishment of Sovereignty

On the effective date of this compact, the state of South Dakota hereby relinquishes to the state of Nebraska all sovereignty over lands lying on the Nebraska side of said compromise boundary and the state of Nebraska hereby relinquishes to the state of South Dakota all sovereignty over lands lying on the South Dakota side of the compromise boundary.

ARTICLE IV. Pending Litigation

Nothing in this compact shall be deemed or construed to affect any litigation pending in the courts of either of the states concerning title to any of the lands, sovereignty over which is relinquished by the state of South Dakota to the state of Nebraska or by the state of Nebraska to the state of South Dakota and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until a final determination thereof.

ARTICLE V. Public Records

(a) On and following the effective date of this compact, the public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of South Dakota, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of South Dakota.

(b) On and following the effective date of this compact, the public record of real estate titles, mortgages and other liens in the state of South Dakota to any lands, the sovereignty over which is relinquished by the state of South Dakota to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of South Dakota, by the courts of the state of Nebraska.

(c) As to lands, the sovereignty over which is relinquished, on the effective date of this compact the recording officials of each state including the counties thereof shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

ARTICLE VI. Taxes

(a) Taxes for the calendar year of the effective date of this compact which are lawfully imposed by either Nebraska or South Dakota may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, subsequent jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the said counties or other taxing authorities affected shall act as agents in carrying out the provisions of this Article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing as aforesaid, shall be claimed or asserted within five years after this compact becomes effective and if not so claimed or asserted shall be forever barred.

(b) The lands, sovereignty over which is relinquished by the state of South Dakota to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of South Dakota from and after the calendar year of the effective date of this compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of South Dakota, shall not thereafter be subject to the imposition of taxes in the state of Nebraska from and after the calendar year of the effective date of this compact.

ARTICLE VII. Private Rights

(a) This compact shall not deprive any riparian owner of such riparian owner's rights

based upon riparian law and the establishment of the compromise boundary between said counties of the state shall not in any way be deemed to change or affect the boundary line or riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate to limit such riparian owner's rights to accretions across such compromise boundary.

(b) No private individual or entity claiming title to lands along the Missouri River, over which sovereignty is relinquished by this compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, muniments of title, or exercises of jurisdiction of or from the other state, which titles or muniments of title commenced prior to the effective date of this compact.

ARTICLE VIII. Readjustment of Boundary by Negotiation

If at any time after the effective date of this compact, the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

ARTICLE IX. Effective Date

(a) This compact shall become effective when ratified by the legislature of the state of Nebraska and the legislature of the state of South Dakota and approved by the Congress of the United States.

(b) As of the effective date of this compact, the state of Nebraska and the state of South Dakota shall relinquish sovereignty over the lands described herein and shall assume and accept sovereignty over such lands ceded to them as herein provided.

(c) In the event this compact is not approved by the legislature of each state on or before July, 1990, and approved by the Congress of the United States within three years from the date hereof, this compact shall be inoperative and for all purposes shall be void.

ARTICLE X. Enforcement

Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under this compact or the enforcement of any of its provisions.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 972 and House Joint Resolution 393, the two pieces of legislation that were just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1710

FEDERAL AVIATION ACT OF 1958 AMENDMENTS EXTENDING CIVIL PENALTY ASSESSMENT DEMONSTRATION PROGRAM

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3671) to amend the Federal Aviation Act of 1958 to extend the Civil Penalty Assessment Demonstration Program.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WILLIAMS). Is there objection to the request of the gentleman from Minnesota?

Mr. HAMMERSCHMIDT. Reserving the right to object, Mr. Speaker, I yield to the gentleman to explain his request.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding to me.

The purpose of this legislation is to extend for 4 months to a date certain, May 1, 1990, the current Civil Penalties Assessment Program of the Federal Aviation Administration, which otherwise would expire on December 30, 1989.

The bill will keep in place the current program during that 4-month period of time for the purpose of allowing the FAA to complete a study of the existing program already underway by a consultant, and a review by the Administrative Office of the U.S. Courts of the procedures employed by the FAA in assessing civil penalties, and then for the Committee on Public Works and Transportation to review their findings, conclusions, and recommendations, and at that time, presumably in April, to take further legislative action on the program, whether to continue it, terminate it, or move it to another agency, or whatever we determine at that time.

Mr. HAMMERSCHMIDT. Further preserving the right to object, Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the Subcommittee on Aviation of the Committee on Public Works and Transportation for any comments he would care to make.

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 3671.

On Wednesday of this week, the Aviation Subcommittee held a daylong hearing on the Federal Aviation Administration's Civil Penalty Demonstration Program. Testimony received from many industry witnesses were highly critical of the FAA's management of the program.

The intent of the demonstration program was to give the FAA authority to assess and adjudicate civil penalties. Doing so gives the agency much greater enforcement powers, and it relieves the U.S. attorney of a considerable caseload.

As presently authorized, the Civil Penalty Demonstration Program will expire at the end of this year. H.R. 3671 extends it until May 1, 1990. With the 4-month extension, the Public Works Committee and the House will have the opportunity next spring to fully explore the civil penalties program, together with legislative improvements. We may also choose to just kill the program, or fold it into another agency. However, to do this in an orderly fashion, Congress needs to extend its authorization.

I ask all Members to support H.R. 3671.

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I support this legislation. It would merely extend the FAA's Civil Penalty Demonstration Program for another 4 months. Without this extension, the program would expire on December 30 and the status of hundreds of civil penalty cases would be thrown into doubt.

Although I am supporting this short extension, I am concerned about the way that the FAA has implemented the Civil Penalty Demonstration Program. It has the whole aviation community up in arms.

It seems that we need to be giving this program a much closer look. But there just isn't time to do that so late in the session. The simple 4-month extension in this bill would give us the time we need.

In the course of our review of this program, one matter that we should look at is the role of the National Transportation Safety Board [NTSB] in this process. The NTSB already has procedures to deal with certificate actions. These procedures might be used for civil penalty actions as well. Or perhaps, the NTSB could take over the administration of the Civil Penalty Program entirely. I realize that there are questions about the resources available to the NTSB to do that. But it is an approach that we should at least consider.

Therefore, Mr. Speaker, I support this bill. However, its enactment

should not be viewed as approval of the FAA's procedures. Rather, it should be viewed as a way to preserve the status quo while we re-examine the whole Civil Penalty Demonstration Program.

Mr. ANDERSON. Mr. Speaker H.R. 3671 continues, for a brief period of 4 months, the authority of the Federal Aviation Administration to assess civil penalties for violations of its regulations. This brief extension will permit us to undertake a comprehensive review of the program and how it should be handled in the future.

Without this legislation, FAA's authority to assess civil penalties would expire on December 30, creating great uncertainty about the status of the 3,000 or more pending cases which have been initiated under the program. Enforcement could come to a standstill while FAA and the courts reviewed the legal issues which would arise. We can avoid these undesirable consequences by enacting the bill before us and extending the program for a four month period pending a further review and a final decision on how to handle these cases.

Mr. Speaker, I urge my colleagues to join me in passing H.R. 3671.

Mr. JONES of Georgia. Mr. Speaker, I rise today on behalf of H.R. 3671, a bill to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program for 4 months. In so doing, however, I want to caution that it is not the civil penalty assessment program itself I support, but Chairman OBERSTAR's limited extension, designed to provide a time period in which to examine the shortcomings of the program.

The civil penalty assessment program was intended to function as a 2-year demonstration program, allowing the Federal Aviation Administration to take over the prosecution, previously handled by U.S. attorneys, of civil penalties under section 905. It was intended that the FAA would establish a program which would facilitate the processing of violations while complying, at a minimum, with the due process protections contained in the Administrative Procedure Act.

Instead, the program has been fraught with serious shortcomings. Traditional requirements of due process are ignored in the rules promulgated by the FAA: there is insufficient separation of prosecutorial and factfinding functions, hearsay evidence is admissible if submitted by the FAA, but a respondent can neither submit hearsay evidence nor cross-examine FAA witnesses with regard to hearsay evidence submitted by them, and the list goes on.

It is my hope that under the leadership of Chairman OBERSTAR, the Aviation Subcommittee will use this 4-month extension to continue to actively review the Civil Penalty Assessment Demonstration Program and work to resolve the many, and serious legal questions it has raised.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO FEDERAL AVIATION ACT.

EXTENSION OF PROGRAM.—Section 905(d)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1475(d)(4) is amended by striking "2-year" and inserting "28 month".

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. OBERSTAR] is recognized for 1 hour.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I rise in favor of H.R. 3671; however, I want to make it quite clear that this should not be considered to be an endorsement of the current Civil Penalty Assessment Program. This extension is necessary to avoid the trauma and confusion associated with on-again/off-again programs. This extension is adequate time for the FAA to review the current program and to report to Congress how the major concerns coming from every segment of the aviation community are going to be resolved.

No one disagrees with the goal of enhancing aviation safety. I fully believe that the FAA should have every tool it needs to ensure safety for the flying public. However, I personally find an enforcement program that allows the prosecutor to also be the judge and the jury a gross violation of the basic principles and spirit of American jurisprudence.

Pilots in this country are terrified of the current Penalty Assessment Program. I don't blame them. This program is generating a level of fear that aviation has never before seen. It is generating an atmosphere of distrust, disrespect, and anger against the FAA that is probably undermining safety more than it is enhancing it.

I am confident that the Penalty Assessment Program can be fixed if the FAA is able to go beyond strict legal interpretations and a hardline, inflexible approach to punishment. It must also consider the public's perception of fairness. I hope that the next few months bring about a new appreciation for the concerns people have with the current program and that substantive, positive changes can be made that will serve both airmen and aviation safety.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3671, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT ON H.R. 2712, EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989

Mr. KASTENMEIER submitted the following conference report and statement on the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement of "J" nonimmigrants.

CONFERENCE REPORT (H. REPT. 101-370)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirements for "J" nonimmigrants, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Chinese Immigration Relief Act of 1989".

SEC. 2. STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) WAIVER OF FOREIGN RESIDENCE REQUIREMENT FOR "J" NONIMMIGRANTS.—The 2-year home country residence and physical presence period requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is hereby waived in the case of any national of the People's Republic of China (in this Act referred to as "China") if—

(1) the alien is present in the United States on the date of the enactment of this Act (or who would have been present in the United States but for a brief, casual, and innocent departure from the United States),

(2) the alien would otherwise be subject to that 2-year home residence requirement because of having had the status of a nonimmigrant described in section 101(a)(15)(J) of such Act (8 U.S.C. 1101(a)(15)(J)), and

(3) not later than 4 years after the date of the enactment of this Act, the alien files a nonfrivolous application for adjustment or any change of status under section 245 or 248 of such Act (8 U.S.C. 1255, 1258).

(b) PRESUMPTION OF CONTINUOUS RESIDENCE FOR CERTAIN PRC NATIONALS.—For purposes of any adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1225) or any change of status

under section 248 of such Act (8 U.S.C. 1258) in the case of an alien who is a national of China and who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant (or who would have been present in the United States in that status but for a brief, casual, and innocent departure from the United States), such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant (and to have maintained continuously a lawful status) for the period described in subsection (d).

(c) EMPLOYMENT AUTHORIZATION.—Any national of China described in subsection (b) who, as of June 5, 1989, was present in the United States in the lawful status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (or who would have been present in the United States in that status but for a brief, casual, and innocent departure from the United States) shall be granted authorization to engage in employment in the United States and shall be provided with an "employment authorized" endorsement or other appropriate work permit during the period described in subsection (d).

(d) DURATION OF STATUS.—The period referred to in subsections (b), (c), and (e) is the period during which the Attorney General has in effect a deferral of enforced departure for nationals of China.

(e) NOTIFICATION.—In the case of any alien who is a national of China and who is eligible for deferral of enforced departure pursuant to a directive of the Attorney General during the period described in subsection (d) and whose authorized period of stay as a nonimmigrant has expired, the Attorney General shall, instead of initiating deportation proceedings, against the alien (including the service of an order to show cause) during the period described in subsection (d), issue to the alien a notice of expiration of nonimmigrant status. Such notice shall be nonadversarial in nature and shall contain an explanation of the options available to such aliens under the directive of the Attorney General and under the Immigration and Nationality Act.

SEC. 3. STANDARDS TO BE APPLIED IN ADJUDICATING APPLICATIONS FOR ASYLUM, WITHHOLDING OF DEPORTATION, AND REFUGEE STATUS FROM CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES.

(a) IN GENERAL.—With respect to the adjudication of all applications for asylum, withholding of deportation, or refugee status from nationals of China filed before, on, or after the date of the enactment of this Act, careful consideration shall be given to such an applicant who expresses a fear of persecution upon return to China related to China's "one couple, one child" family planning policy. If the applicant establishes that such applicant has refused to abort or be sterilized, such applicant shall be considered to have established a well-founded fear of persecution, if returned to China, on the basis of political opinion consistent with paragraph (42)(A) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(b) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall promulgate regulations to implement subsection (a). Such regulations shall provide that an applicant described in subsection (a) shall be considered to have established a well-founded fear of persecution based on political opinion if returned to China if the applicant establishes that—

(1) the applicant (or applicant's spouse) has refused to abort a pregnancy or resisted sterilization in violation of China's family planning policy directives, and

(2)(A) in the case of an applicant for asylum or refugee status, there is good reason to believe that the applicant will be required to abort the pregnacy or to be sterilized or will otherwise be persecuted if the applicant were returned to China, or (B) in the case of an applicant for withholding of deportation, there is a likelihood that the applicant will be required to abort the pregnancy or to be sterilized or will otherwise be persecuted if the applicant were returned to China.

Such regulations shall be effective immediately on an interim basis pending the promulgation of final regulations and shall be applied throughout the Department of Justice.

(c) CONSIDERATION OF OTHER FACTORS.—All other factors (such as overt political activities, membership in an ethnic or religious minority, and family background and history) which may contribute to a determination that an applicant described in subsection (a) is eligible for asylum, withholding of deportation, or refugee status are to be given additional weight.

(d) EFFECTIVE DATE.—Subject to subsection (b), the provisions of this section shall take effect on the date of the enactment of this Act.

And the House agree to the same.

BOB KASTENMEIER,
BRUCE A. MORRISON,
HOWARD L. BERMAN,
LAMAR SMITH,
BILL MCCOLLUM,
Managers on the Part of the House.

EDWARD KENNEDY,
PAUL SIMON,
AL SIMPSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the Senate amendment to the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amended to the Senate amendment to the text of the bill struck out all after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the House amendment to the Senate amendment to the text of the House bill with an amendment which is a substitute for the Senate amendment to the text and the House amendment to the Senate amendment to the text. The differences among the Senate amendment to the text, the House amendment to the Senate amendment to the text, and the substitute agreed to in conference are noted below, except for conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SCOPE OF WAIVER OF 2-YEAR FOREIGN RESIDENCE REQUIREMENT

The Senate amendment limited the availability of the waiver of the 2-year foreign residence requirement to Chinese nationals who are "otherwise eligible for adjustment of status under the Immigration and Nationality Act" during the period of time during which the Attorney General has in effect a deferral of enforced departure for nationals of the People's Republic of China.

The House amendment to the Senate amendment made the waiver available without regard to the alien's eligibility for adjustment of status and imposed no limitation on the period of time during which aliens would have had to apply for the waiver.

The Conference substitute adopts the Senate provision with two modifications. First, the waiver would be available during a 4-year period (beginning on the date of enactment). Second, in order to qualify for the waiver an alien would have to file, during the four-year period, a nonfrivolous application for adjustment of status under section 245 (immigrants) or change of status under 248 (nonimmigrants) of the Immigration and Nationality Act.

The Conferees note that the substitute language does not make the availability of the waiver contingent upon the alien's ultimate success in obtaining adjustment of status. Instead, any timely application for adjustment of status that on its face presents an honest and plausible case for adjustment shall have the effect of permanently waiving the foreign residence requirement that otherwise would have applied to that individual.

The Conference substitute, by waiving the foreign residence requirement for individuals who file nonfrivolous applications for adjustment, effectively lifts the limitations on adjustment of status of "J" nonimmigrants contained in section 248(3) of the Immigration and Nationality Act.

CHINESE FLEEING COERCIVE POPULATION CONTROL POLICIES

The Senate amendment required all adjudicators of asylum or refugee status to give the fullest possible consideration to applications from nationals of the People's Republic of China who express a fear of persecution upon return to that country because they refuse to abort a pregnancy or resist surgical sterilization in violation of Chinese Communist Party directives on population.

The House amendment to the Senate amendment included no similar provision.

The conference substitute requires all officers and employees of the Department of Justice to give careful consideration to all applications for asylum, withholding of deportation, and refugee status filed by Chinese nationals who express a fear of persecution upon return to China because of China's "one couple, one child family planning policy". The substitute also requires the Attorney General to promulgate regulations that specify that an applicant who has violated that policy by becoming pregnant or by refusing to abort a pregnancy or resisting sterilization shall be considered to have established a well founded fear of political persecution if evidence exists that the individual will be persecuted if returned to China.

The Conference substitute contains guidelines to be applied in adjudicating applications for asylum, withholding of deportation, and refugee status from Chinese na-

tionals fleeing coercive population control policies.

Language from the Senate amendment—which allowed the Attorney General to deny asylum to any person who otherwise qualified for the benefits of this section, if that person was merely attempting to evade U.S. immigration laws—was deleted in the conference substitute.

In so doing, it is not the intent of the conferees to overturn any administrative or judicial precedents already established concerning persons who commit acts for the sole purpose of creating a pretext for invoking a fear of persecution.

BOB KASTENMEIER,
BRUCE A. MORRISON,
HOWARD L. BERMAN,
LAMAR SMITH,
BILL MCCOLLUM,
Managers on the Part of the House.

EDWARD KENNEDY,
PAUL SIMON,
AL SIMPSON,
Managers on the Part of the Senate.

Mr. GREEN. Mr. Speaker, I share the American public's continued outrage, frustration, and bitter sorrow over the Chinese Government's reaction to the peaceful student demonstrations which took place in Tiananmen Square in the weeks and months before June 3. Sadly, our daily newspaper accounts since June 3 do not indicate that the Chinese leadership has heard the international community's pleas for moderation and an end to violence and suppression.

According to the Immigration and Naturalization Service, our country is currently hosting 73,000 Chinese students as well as 309,000 other Chinese nationals who are in the United States on nonimmigrant visas. The current climate in China makes it inconceivable that any Chinese national should be forced to return to China under the present circumstances.

On June 6 the U.S. Attorney General authorized an Extended Deferred Departure Program [EDD] which allows Chinese nationals to stay in the United States until at least June 5, 1990. Unfortunately, acceptance of EDD status makes individuals ineligible for visa adjustment or application for permanent resident status. Many Chinese have been reluctant to take advantage of the EDD Program for that reason. Because of that situation, I have been a strong supporter of Congresswoman PELOSI's legislation, H.R. 2712, which clarifies the scope and application of the automatic 1 year extension authorized by the Attorney General.

The Emergency Chinese Immigration Relief Act of 1989 we are voting on today provides that the EDD status would be modified to allow Chinese nationals, if otherwise eligible, to change status within nonimmigrant categories and to apply for permanent resident status if they qualify. Most importantly, the legislation provides for a blanket waiver of the J-1 exchange visitor's visa's 2-year return resident requirement for Chinese nationals. Nearly 70 percent of Chinese students in the United States hold J-type visas, which require that the holder return to his/her home country for at least 2 years before they would be eligible for any other type of American visa. We can not further compound the tragedies recently suffered by the Chinese people by requiring those students who are currently in this country to return to China and face what many fear will be certain harassment and threat.

The PRC nationals who have come to study and work in our country should not live in fear that we will one day turn them over to a government that seems to know little mercy and to leaders who perceive democracy to be a threat rather than a promise.

I urge my colleagues to support this conference report, and to reject any attempts to delay its enactment.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT OF 1989

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3532) to extend the United States Commission on Civil Rights.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Commission Reauthorization Act of 1989".

SEC. 2. REAUTHORIZATION.

The United States Commission on Civil Rights Act of 1983 (42 U.S.C. 1975 et seq.) is amended—

(1) in section 7 (42 U.S.C. 1975e), by striking "1989" and inserting "1991"; and

(2) in section 8 (42 U.S.C. 1975f), by striking "six years after its date of enactment" and inserting "on September 30, 1991".

The SPEAKER pro tempore. Is a second demanded?

Mr. SENSENBRENNER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. EDWARDS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the Senate reached a compromise with the White House on the bill passed by the House earlier in the week, H.R. 3532, a bill to extend the U.S. Commission on Civil Rights. The compromise is now before us.

In the compromise, the Commission on Civil Rights will be extended for 22 months, through the end of fiscal year 1991, until September 30, 1991. Rather than extending the Commission for 6 months, as in the House-passed bill, and examining the options for longer extension, the Commission will continue for 22 months.

Although 22 months is far longer than I would have preferred, in the spirit of compromise I am willing to accept it. I regret, however, that given that the recess is almost upon us, the House will not have time to carefully examine this extension.

By adopting this compromise, the Commission will have the opportunity to once again become strong, independent, credible, and effective. The President will have the opportunity to fulfill his promise to revitalize the troubled Civil Rights Commission, by making responsible appointments to the Commission.

The Commission has the opportunity to regain its respectability by conducting public hearings and issuing reports on the major civil rights issues that affect our Nation, instead of shooting personal opinions from the collective hip. In the next 22 months, I hope the Commission will produce factual reports which will help Congress and the Executive develop civil rights law and policy.

The Commission also has the opportunity to begin again an examination of how well civil rights laws are being enforced. This important task was not continued over the last 6 years, a time of great change on the civil rights front.

The Commission has the opportunity to fully utilize its State Advisory Committees [SAC's]. The SAC's, composed of volunteers in every State, are really the eyes and ears of the Commission throughout the country. They should be supported by a strong regional office network, and their advice should be respectfully considered by the Commission.

By appointing persons of stature to the Commission, with an interest and expertise in civil rights, the President can go a long way toward healing the wounds of the last 6 painful years. The new Chair and Vice Chair should reflect the new spirit promised by the President.

The Senate compromise also drops the section concerning appointment of the Staff Director. Under the compromise the President will continue to have the authority to appoint the Staff Director.

The Commission has been without a permanent Staff Director since 1986. As the critical first step toward revitalizing the Commission, the President should appoint an independent and nonpolitical permanent Staff Director without delay.

The Staff Director should quickly move to address the serious financial and administrative management problems found by the General Accounting Office in 1986, and never addressed by the Commission.

Most importantly, the Staff Director must remain above the partisan fray. During the last 6 years, the Staff Directors have unfortunately viewed themselves as part of the administration, as agents of the President, rather than being independent and responsible to the Commission.

In order to maintain the independence necessary for this Commission, the Staff Director should not be beholden to the President, even though a Presidential appointee. Instead, the Staff Director should be responsible to all members of the Commission, no matter who appointed them.

Our Nation needs a strong, independent, credible and effective Commission on Civil Rights. Let us hope this compromise will enable the Commission to "launch a renewed civil rights mission," as President Bush promised in June.

□ 1720

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to compliment my chairman, the gentleman from California [Mr. EDWARDS], for his work on this bill. I think the compromise is a fair one and perhaps a very fortuitous result in terms of enabling the Congress to come to an agreeable result. The gentleman from California has done a great deal of work on this, and we look forward to the next 22 months under his leadership to legislate further with respect to perfecting the commission.

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, I thank the gentleman from Wisconsin [Mr. KASTENMEIER] for his gracious words. The gentleman from Wisconsin [Mr. KASTENMEIER] is a long-time member of the Subcommittee on Civil and Constitutional Rights and is one of the real, true heroes of the civil rights movement in the United States. I am grateful for his support, and I trust that he will be a long-time member of the subcommittee.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to suspend the rules offered by the gentleman from California [Mr. EDWARDS].

Mr. Speaker, the Senate amendments upon which this motion to concur is based basically extends the life of the U.S. Commission on Civil rights for 22 months from November 30, 1989, until the end of the fiscal year, 1991, which is September 30 of that year. This motion is different than the bill which was passed by the House earlier this week in two significant respects.

First, the extension is for 22 months rather than 6 months and, second, the power to appoint the staff director, which the House vested in the Commission itself, is again returned to the President with the concurrence of a majority of the Commission.

There is no change in this legislation, in the Commission's statutory mandate, and while I would have preferred a 1-day gap so that the present Commission would have gone out of business for a day, thus allowing a complete housecleaning of this Commission that has not fulfilled its statutory mandate, in the spirit of compromise, I am willing to go along with this motion to suspend the rules.

Mr. Speaker, I recognize that without a 1-day gap, four of the Members of the present Commission will hold over throughout the 22-month period, including two Commissioners who have been at the center of the personality disputes that have dragged this Commission into disrepute. It is my hope that these Commissioners, as well as the four new appointees, two by the President, one by the Senator from Kansas [Mr. DOLE], and the other by the gentleman from Illinois [Mr. MICHEL], will be able to exert a leveling influence on the Commission as a whole so that the Commission can get back on track and do the worthwhile work that it was noted for doing for years until the present personality conflicts seemed to go to the fore.

However, if this hope, which I know is shared by all of us who are supporting this motion to suspend the rules, is in vain, and this newly restored Commission ends up spending the next 22 months in the same type of personality arguments that the present Commission has spent the last 4 or 5 years engaging in, I wish to serve notice on the House now that this will be the last time I will support an extension of the Civil Rights Commission.

It seems to me that the Commission will be on probation this next 22 months. If it does worthwhile work, then it ought to be extended. If it falls into the same rut it has been in for the past several years, then we should allow it to die a peaceful death at the end of the fiscal year 1991.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Speaker, I will be brief. We bring to the House this evening a classic compromise fashioned by people of good will, agreed to by the administration and our colleagues in the majority party.

Mr. Speaker, I think congratulations are in order to Mr. Roger Porter of the President's Domestic Council, the chairman, the gentleman from California [Mr. EDWARDS], and the bipartisan members of the Senate Judiciary Committee, Senators SIMON, THURMOND, KENNEDY, and HATCH, as well as to the Leadership Conference on Civil Rights.

As the House has been informed, the objections that many Members had to the legislation earlier this week have been resolved, and I hope we will have a nearly unanimous vote in favor of the reauthorization.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, Members of the House, I, too, rise to support the legislation before us and proclaim, as I have anytime this issue has arisen, that I am a supporter of the basic concept of, and the institution of, the U.S. Commission on Civil Rights. But I support this piece of legislation that renews it for a 22-month period with no enthusiasm whatsoever.

I still sense that the majority in this issue, since I have been a Member of the Congress, has been in a thwarting mood, a mood to thwart President Reagan, first, and now President Bush in the power of appointment that rests exclusively at their desks. I saw in their effort here originally to extend this for only 6 months and now 22 months a cynical effort, and perhaps it is just the way I look at things, to further curb that powerful position of appointive power that the President of the United States solely holds and which he should hold solely. But because of the 22-month extension and because the White House now seems to have come to some compromise level in the present legislation, I, too, will support this new venture into the new life of the Commission on Civil Rights.

I simply want to know and will be told, I am sure, by events as they unfold if we are going to forever see the Congress of the United States interfering in its own kind of gentle and kind way with the prerogatives of the President of the United States.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to congratulate the gentleman from California and the gentleman from Wisconsin for having worked this bill out. There was some element of controversy that surrounded the passage of the bill the other day on the House floor. That controversy arose more out of procedure than it did out of the fundamental nature of the work of the Civil Rights Commission, and I think it is important to understand the gentleman from California and the gentleman from Wisconsin have worked out their differences and worked out any differences with the White House.

We do have a bill before us this evening that, I think, most of the Members of the body can feel comfort-

able in supporting. I would certainly urge them to support it at this point.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1730

Mr. EDWARDS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his gracious words. The other gentleman from Pennsylvania [Mr. GEKAS] perhaps did not use words very accurately when he said that we were cynical on this side. We are not. Mr. Speaker, the subcommittee that I chair, ably assisted by the gentleman from Wisconsin [Mr. SENSENBRENNER] and the other members of the minority, has a very large responsibility insofar as the Civil Rights Commission is concerned. We authorize the money that is appropriated for the Civil Rights Commission, to pay the salaries of its staff. We expect them to do a good job, a businesslike job, and not a political job.

The civil rights laws are very clear. They are a very proud accomplishment of this country. They make us stand tall in the world. We want a Civil Rights Commission that looks good too, and reflects the value of our civil rights laws.

I have every confidence now that President Bush is serious about getting us some good people. as the gentleman from Wisconsin [Mr. SENSENBRENNER] said, they are on probation at the Commission for the next 22 months, because if they do not do a good job, they jeopardize their future existence. At the end of this 22 months, if they are not doing a good job, perhaps the Civil Rights Commission should be no longer.

I thank my colleagues for their cooperation, and I thank the gentleman from the White House, Roger Porter, who worked with us. I especially thank the gentleman from New York [Mr. FISH], who was a great help in mediating the minor disputes that we had with not only the President's people, but among ourselves.

But we have reached an amicable agreement, Mr. Speaker, and I am very pleased. I wish the Civil Rights Commission great success in the coming 22 months.

I also know the greetings of our chairman, Mr. JACK BROOKS of Texas, go with our good will toward the Commission. As Members know, the distinguished chairman has been ill for the past few weeks, but it is with great joy that I announce that he is making good progress. He is keeping an eye on everything that we are doing here, and I am sure that he will be back with us in full bloom next year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). The question is on the motion offered by the gentleman from California [Mr. EDWARDS] that the House suspend the rules and concur in the Senate amendment to H.R. 3532.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 368]

YEAS—389

Ackerman	Cox	Grant
Akaka	Coyne	Gray
Alexander	Craig	Green
Anderson	Crockett	Guarini
Andrews	Dannemeyer	Gunderson
Anthony	Darden	Hall (OH)
Applegate	Davis	Hall (TX)
Archer	de la Garza	Hamilton
Armey	DeFazio	Hammerschmidt
Atkins	DeLay	Hancock
AuCoin	Dellums	Hansen
Baker	Derrick	Harris
Ballenger	DeWine	Hastert
Barnard	Dickinson	Hatcher
Bartlett	Dicks	Hawkins
Bateman	Dingell	Hayes (IL)
Bates	Dixon	Hayes (LA)
Beilenson	Dorgan (ND)	Hefley
Bennett	Dornan (CA)	Hefner
Bentley	Douglas	Henry
Bereuter	Downey	Herger
Berman	Dreier	Hertel
Bevill	Duncan	Hiler
Bilbray	Durbin	Hoagland
Bilirakis	Dwyer	Hochbrueckner
Bliley	Dymally	Holloway
Boehlert	Dyson	Hopkins
Boggs	Eckart	Horton
Borski	Edwards (CA)	Houghton
Bosco	Edwards (OK)	Hoyer
Boucher	Emerson	Hubbard
Boxer	Engel	Huckaby
Brennan	English	Hughes
Broomfield	Erdreich	Hunter
Browder	Espy	Hyde
Brown (CA)	Evans	Inhofe
Brown (CO)	Fascell	Ireland
Bruce	Fawell	Jacobs
Buechner	Fazio	James
Bunning	Feighan	Johnson (CT)
Burton	Fields	Johnson (SD)
Byron	Fish	Johnston
Callahan	Flake	Jones (GA)
Campbell (CA)	Flippo	Jones (NC)
Cardin	Foglietta	Jontz
Carper	Ford (MI)	Kanjorski
Carr	Frank	Kaptur
Chandler	Frenzel	Kasich
Chapman	Frost	Kastenmeier
Clarke	Gallo	Kennedy
Clay	Gaydos	Kennelly
Clement	Gejdenson	Kildee
Clinger	Gekas	Kleczka
Coble	Geren	Kolbe
Coleman (MO)	Gibbons	Kolter
Coleman (TX)	Gillmor	Kostmayer
Collins	Gilman	Kyl
Combest	Gingrich	LaFalce
Condit	Glickman	Lagomarsino
Conte	Gonzalez	Lancaster
Conyers	Goodling	Laughlin
Cooper	Gordon	Leach (IA)
Costello	Goss	Leath (TX)
Coughlin	Gradison	Lehman (CA)
Courter	Grandy	Lent
Levin (MI)	Packard	Slaughter (NY)
Lewis (CA)	Pallone	Slaughter (VA)
Lewis (FL)	Panetta	Smith (FL)
Lewis (GA)	Parker	Smith (IA)
Lightfoot	Parris	Smith (NE)
Livingston	Pashayan	Smith (NJ)
Lloyd	Patterson	Smith (TX)
Long	Paxon	Smith (VT)
Lowery (CA)	Payne (NJ)	Smith, Robert (OR)
Lowey (NY)	Payne (VA)	Snowe
Luken, Thomas	Pease	Solarz
Lukens, Donald	Pelosi	Solomon
Machtley	Penny	Spence
Madigan	Perkins	Staggers
Manton	Petri	Stallings
Markey	Pickett	Stangeland
Marlenee	Pickle	Stark
Martin (IL)	Porter	Stearns
Martin (NY)	Poshard	Stenholm
Martinez	Price	Stokes
Matsui	Pursell	Studds
Mavroules	Rangel	Stump
Mazzoli	Ravenel	Sundquist
McCandless	Ray	Swift
McCloskey	Regula	Tallon
McCollum	Rhodes	Tanner
McCurdy	Richardson	Tauke
McDermott	Rinaldo	Tauzin
McEwen	Ritter	Taylor
McGrath	Roberts	Thomas (CA)
McHugh	Robinson	Thomas (GA)
McMillan (NC)	Roe	Thomas (WY)
McMillen (MD)	Rogers	Torres
McNulty	Rohrabacher	Towns
Meyers	Ros-Lehtinen	Traficant
Mfume	Rose	Traxler
Michel	Rostenkowski	Udall
Miller (CA)	Roth	Unsoeld
Miller (OH)	Roukema	Upton
Miller (WA)	Rowland (GA)	Valentine
Mineta	Roybal	Vander Jagt
Moakley	Sabo	Vento
Mollohan	Saiki	Volkmer
Montgomery	Sangmeister	Vucanovich
Moorhead	Sarpalius	Walgren
Morella	Savage	Walker
Morrison (CT)	Sawyer	Walsh
Morrison (WA)	Saxton	Waxman
Mrazek	Schaefer	Weber
Murphy	Scheuer	Weiss
Murtha	Schiff	Weldon
Myers	Schneider	Wheat
Nagle	Schroeder	Whittaker
Natcher	Schuette	Whitten
Neal (MA)	Schulze	Williams
Nielson	Schumer	Wilson
Nowak	Sensenbrenner	Wolf
Oakar	Shaw	Wolpe
Oberstar	Shays	Wyden
Obey	Shumway	Wylie
Olin	Sikorski	Yates
Ortiz	Sisisky	Yatron
Owens (NY)	Skaggs	Young (AK)
Owens (UT)	Skeen	Young (FL)
Oxley	Slattery	

NAYS—0

NOT VOTING—44

Annunzio	Hutto	Russo
Aspin	Jenkins	Sharp
Barton	Lantos	Shuster
Bonior	Lehman (FL)	Skelton
Brooks	Levine (CA)	Smith, Denny (OR)
Bryant	Lipinski	Smith, Robert (NH)
Bustamante	McCrery	Spratt
Campbell (CO)	McDade	Synar
Crane	Molinari	Torricelli
Donnelly	Moody	Visclosky
Early	Neal (NC)	Watkins
Florio	Nelson	Wise
Ford (TN)	Quillen	
Gallegly	Rahall	
Garcia	Ridge	
Gephardt	Rowland (CT)	

□ 1759

Mr. NAGLE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the legislation just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted:

"Nay" on rollcall numbers 362, 363, and 365.

"Yea" on rollcall numbers 364, 367, and 368.

PERSONAL EXPLANATION

Mr. KANJORSKI. Mr. Speaker, due to my participation as keynote speaker at the conference on ethics in government of the American Society of Public Administrators, I was unavoidably absent for rollcall No. 354 on final passage of H.R. 3532, legislation to extend the life of the U.S. Commission on Civil Rights. I supported passage of H.R. 3532 and had I been present I would have voted for it.

PERSONAL EXPLANATION

Mr. WATKINS. Mr. Speaker, I was absent on several votes. Had I been present I would have voted: "Nay" on rollcall No. 362; "Nay" on rollcall No. 363; "Yea" on rollcall No. 364; "Nay" on rollcall No. 365; "Nay" on rollcall No. 366; "Yea" on rollcall No. 367; "Yea" on rollcall No. 368.

NORTH AMERICAN WETLANDS CONSERVATION ACT

Mr. STUDDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 804), to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats, and ask for its consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. CONTE. Mr. Speaker, reserving the right to object, I do not intend to object; I only make this reservation to give my good friend, the gentleman from Massachusetts [Mr. STUDDS], the opportunity to explain the bill, and to make a statement of my own.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, the purpose of S. 804 is to authorize funds for conservation projects in accordance with U.S. obligations under the North American waterfowl management plan.

The North American waterfowl management plan is the largest and most ambitious international wetlands protection program ever undertaken. Its goal is to double the populations of waterfowl on our continent by the year 2000, thereby restoring them to the level of 15 years ago.

To achieve this, the plan calls for the protection, restoration and enhancement of more than 5.5 million acres of wetlands, through a combination of Government appropriations, private contributions and interest on excise tax receipts from the sale of sporting arms and ammunition.

S. 804 is nearly identical to H.R. 2587, which passed the House on October 10.

However, there is one objectionable provision, added by the Senate, which I will shortly offer an amendment to delete. In addition there are technical errors in the bill, that will be corrected by my amendment. I hope, with these changes, the bill will be acceptable to this body and hopefully also to the other body, after which it can be sent to the White House.

Mr. Speaker, I want to again express my appreciation to the distinguished gentleman from Michigan [Mr. DAVIS] and the gentleman from Massachusetts [Mr. CONTE] for whom this has been an intense matter of interest for several years.

Mr. CONTE. Mr. Speaker, further reserving the right to object, I rise in support of the compromise embodied in S. 804, and I strongly support the chairman's amendment to strike section 9.

This provision would prevent additional lands from being included in the refuge system as long as the refuge revenue-sharing account was not fully funded. That account makes payments in lieu of taxes for Federal refuge lands.

I understand and share the concern of those distressed about this shortfall. Refuge revenue sharing needs to be increased, and over the past several years we have made significant progress in fully funding this account.

In fact, with my support, appropriations to this account have increased by 68 percent since fiscal year 1986. That's significantly greater than increases for most other Federal programs.

Let me assure the Members that I will continue my efforts to support appropriations that adequately fund the refuge revenue-sharing account, but I remain opposed to the restrictive and damaging language in section 9 of S. 804.

Aside from this adjustment, the compromise in S. 804 is fair, and it will establish a cost-effective wetlands conservation program—one that relies heavily on the private sector and on the willingness of sportsmen to foot the bill for conservation programs.

As a long-time member of the Migratory Bird Commission, I am pleased to see that the Commission's role remains paramount in determining priorities for wetland conservation projects.

I look forward to working with the members of the North American Wetlands Conservation Council in the review of their recommendations, and I am confident that a close working relationship between the Commission and the Council will significantly enhance national and international efforts to protect North America's wetlands resources.

Finally, Mr. Speaker, I want to commend my colleague from Massachusetts, Chairman STUDDS, for his work and leadership on this important piece of environmental legislation.

I'm also grateful to my good friends, BOB DAVIS, the ranking member of the full committee, JOHN DINGELL, with whom I have proudly served for many years on the Migratory Bird Commission, and WALTER JONES, chairman of the full committee, all of whom deserve the gratitude and appreciation of sportsmen and indeed all Americans for moving this legislation through the Congress.

Mr. Speaker, I strongly support S. 804 as amended, and I urge swift passage of this bill so that the President can sign the measure this year.

Mr. DAVIS. Mr. Speaker, S. 804, a bill aimed at rebuilding waterfowl numbers by restoring, protecting, and improving millions of acres of habitat in the United States and Canada is almost identical to H.R. 2587, a compromise between two bills, one which had been introduced by my good friend, Congressman SILVIO CONTE, and the other by me.

I appreciate that we have been able to work cooperatively, both here in the House and with our Senate colleagues, to fashion this bill which will implement the North American waterfowl management plan. This plan encourages partnerships among public agencies and private interest groups to protect, enhance, and manage habitats for migratory birds and other fish and wildlife in North America.

Mr. Speaker, S. 804 is a product of many individuals who have worked long and hard to get us to this point. The administration supports enactment of this bill, and today our actions move us one step closer to putting a bill on the President's desk for him to sign.

Mr. Speaker, I support adoption of the bill.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North American Wetlands Conservation Act".

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the maintenance of healthy populations of migratory birds in North America is dependent on the protection, restoration, and management of wetland ecosystems and other habitats in Canada, as well as in the United States and Mexico;

(2) wetland ecosystems provide essential and significant habitat for fish, shellfish, and other wildlife of commercial, recreational, scientific, and aesthetic values;

(3) almost 35 per centum of all rare, threatened, and endangered species of animals are dependent on wetland ecosystems;

(4) wetland ecosystems provide substantial flood and storm control values and can obviate the need for expensive manmade control measures;

(5) wetland ecosystems make a significant contribution to water availability and quality, recharging groundwater, filtering surface runoff, and providing waste treatment;

(6) wetland ecosystems provide aquatic areas important for recreational and aesthetic purposes;

(7) more than 50 per centum of the original wetlands in the United States alone have been lost;

(8) wetlands destruction, loss of nesting cover, and degradation of migration and wintering habitat have contributed to long-term downward trends in populations of migratory bird species such as pintails, American bitterns, and black ducks;

(9) the migratory bird treaty obligations of the United States with Canada, Mexico, and other countries require protection of wetlands that are used by migratory birds for breeding, wintering, or migration and are needed to achieve and to maintain optimum population levels, distributions, and patterns of migration;

(10) the 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act are necessary;

(11) protection of migratory birds and their habitats requires long-term planning and the close cooperation and coordination of management activities by Canada, Mexico, and the United States within the framework of the 1916 and 1936 Migratory Bird Conventions and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(12) the North American Waterfowl Management Plan, signed in 1986 by the Minister of Environment for Canada and the Secretary of the Interior for the United States, provides a framework for maintaining and restoring an adequate habitat base to ensure perpetuation of populations of North American waterfowl and other migratory bird species;

(13) a tripartite agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service, provides for expanded cooperative efforts in Mexico to conserve wetlands for migratory birds that spend the winter there; and

(14) the long-term conservation of migratory birds and habitat for these species will require the coordinated action of governments, private organizations, landowners, and other citizens; and

(15) the treaty obligations of the United States under the Convention on Wetlands of International Importance especially as Waterfowl Habitat requires promotion of conservation and wise use of wetlands.

(b) PURPOSE.—The purposes of this Act are to encourage partnership among public agencies and other interests—

(1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife in North America;

(2) to maintain current or improved distributions of migratory bird populations; and

(3) to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Agreement" means the Tripartite Agreement signed in March 1988, by the Director General for Ecological Conservation of Natural Resources of Mexico, the Director of the Canadian Wildlife Service, and the Director of the United States Fish and Wildlife Service.

(2) The term "appropriate Committees" means the Committee on Environment and Public Works of the United States Senate and the Committee on Merchant Marine and Fisheries of the United States House of Representatives.

(3) The term "flyway" means the four administrative units used by the United States Fish and Wildlife Service and the States in the management of waterfowl populations.

(4) The term "Migratory Bird Conservation Commission" means that commission established by section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a).

(5) The term "migratory birds" means all wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act, including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act (16 U.S.C. 1531 et seq.), and species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901-2912).

(6) The term "Plan" means the North American Waterfowl Management Plan signed by the Minister of the Environment for Canada and the Secretary of the Interior for the United States in May 1986.

(7) The term "Secretary" means the Secretary of the Interior.

(8) The term "State" means the State fish and wildlife agency shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(9) The term "wetlands conservation project" means—

(A) the obtaining of a real property interest in lands or waters, including water rights, if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon;

(B) the restoration, management, or enhancement of wetland ecosystems and other habitat for migratory birds and other fish and wildlife species if such restoration, management, or enhancement is conducted on lands and waters that are administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon; and

"(C) in the case of projects undertaken in Mexico, includes technical training and development of infrastructure necessary for the conservation and management of wetlands and studies on the sustainable use of wetland resources.".

SEC. 4. ESTABLISHMENT OF NORTH AMERICAN WETLANDS CONSERVATION COUNCIL

(a) COUNCIL MEMBERSHIP.—(1) There shall be established a North American Wetlands Conservation Council (hereinafter in this Act referred to as the "Council") which shall consist of nine members who may not receive compensation as members of the Council. Of the Council members—

(A) one shall be the Director of the United States Fish and Wildlife Service;

(B) one shall be the Secretary of the Board of the National Fish and Wildlife Foundation appointed pursuant to section 3(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702); and

(C) four shall be individuals who shall be appointed by the Secretary, who shall reside in different flyways and who shall each be a Director of the State fish and wildlife agency;

(D) three shall be individuals who shall be appointed by the Secretary and who shall each represent a different charitable and nonprofit organization which is actively participating in carrying out wetlands conservation projects under this Act, the Plan, or the Agreement.

(2) The Secretary shall appoint an alternate member of the Council who shall be knowledgeable and experienced in matters relating to fish, wildlife, and wetlands conservation and who shall perform the duties of a Council member appointed under subsection (a)(1)(C) or subsection (a)(1)(D) of this section—

(A) until a vacancy referred to in subsection (b)(4) of this section is filled; or

(B) in the event of the anticipated absence of such a member from any meeting of the Council.

(b) APPOINTMENT AND TERMS.—(1) Except as provided in paragraphs (2) and (3), the term of office of a member of the Council appointed under subsections (a)(1)(C) and (a)(1)(D) of this section is three years.

(2) Of the Council members first appointed under subsection (a)(1)(C) of this section after the date of enactment of this Act, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and two shall be appointed for a term of three years.

(3) Of the Council members first appointed under subsection (a)(1)(D) of this section after the date of enactment of this Act, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years.

(4) Whenever a vacancy occurs among members of the Council appointed under subsection (a)(1)(C) or subsection (a)(1)(D) of this section, the Secretary shall appoint an individual in accordance with either such

subsection to fill that vacancy for the remainder of the applicable term.

(c) EX OFFICIO COUNCIL MEMBERS.—The Secretary is authorized and encouraged to include as ex officio nonvoting members of the Commission representatives of—

(1) the Federal, provincial, territorial, or State government agencies of Canada and Mexico, which are participating actively in carrying out one or more wetlands conservation projects under this Act, the Plan, or the Agreement;

(2) the Environmental Protection Agency and other appropriate Federal agencies, in addition to the United States Fish and Wildlife Service, which are participating actively in carrying out one or more wetlands conservation projects under this Act, the Plan, or the Agreement; and

(3) nonprofit charitable organizations and Native American interests, including tribal organizations, which are participating actively in one or more wetlands conservation projects under this Act, the Plan, or the Agreement.

(d) CHAIRMAN.—The Chairman shall be elected by the Council from its members for a three-year term, except that the first elected chairman may serve a term of less than three years.

(e) QUORUM.—A majority of the current membership of the Council shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Council shall meet at the call of the Chairman at least once a year. Council meetings shall be open to the public. If a Commission member appointed under subsection (a)(1)(C) or (a)(1)(D) of this section misses three consecutive regularly scheduled meetings, the Secretary may remove that individual in accordance with subsection (b)(4).

(g) COORDINATOR.—The Director of the United States Fish and Wildlife Service shall appoint an individual who shall serve at the pleasure of the Director and—

(1) who shall be educated and experienced in the principles of fish, wildlife, and wetlands conservation;

(2) who shall be responsible, with assistance from the United States Fish and Wildlife Service, for facilitating consideration of wetlands conservation projects by the Council and otherwise assisting the Council in carrying out its responsibilities under this Act; and

(3) who shall be compensated with the funds available under section 8(a)(1) for administering this Act.

SEC. 5. APPROVAL OF WETLANDS CONSERVATION PROJECTS.

(a) CONSIDERATION BY THE COUNCIL.—The Council shall recommend wetlands conservation projects to the Migratory Bird Conservation Commission based on consideration of—

"(1) the extent to which the wetlands conservation project fulfills the purpose of this Act, the Plan or the Agreement;

(2) the availability of sufficient non-Federal moneys to carry out any wetlands conservation project and to match Federal contributions in accordance with the requirements of section 8(b) of this Act;

(3) the extent to which any wetlands conservation project represents a partnership among public agencies and private entities;

(4) the consistency of any wetlands conservation project in the United States with the National Wetlands Priority Conservation Plan developed under section 301 of the Emergency Wetlands Resources Act (16 U.S.C. 3921);

(5) the extent to which any wetlands conservation project would aid the conservation of migratory nongame birds, other fish and wildlife and species that are listed, or are candidates to be listed, as threatened and endangered under the Endangered Species Act (16 U.S.C. 1531 et seq.);

(6) the substantiality of the character and design of the wetlands conservation project; and

(7) the recommendations of any partnerships among public agencies and private entities in Canada, Mexico, or the United States which are participating actively in carrying out one or more wetlands conservation projects under this Act, the Plan, or the Agreement.

(b) RECOMMENDATIONS TO THE MIGRATORY BIRD CONSERVATION COMMISSION.—The Council shall submit to the Migratory Bird Conservation Commission by January 1 of each year, a description, including estimated costs, of the wetlands conservation projects which the Council has considered under subsection (a) of this section and which it recommends, in order of priority, that the Migratory Bird Conservation Commission approve for Federal funding under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act.

(c) COUNCIL PROCEDURES.—The Council shall establish practices and procedures for the carrying out of its functions under subsections (a) and (b) of this section. The procedures shall include requirements that—

(1) a quorum of the Council must be present before any business may be transacted; and

(2) no recommendations referred to in subsection (b) of this section may be adopted by the Council except by the vote of two-thirds of all members present and voting.

(d) COUNCIL REPRESENTATION ON MIGRATORY BIRD CONSERVATION COMMISSION.—The Chairman of the Council shall select one Council member of United States citizenship to serve with the Chairman as ex officio members of the Migratory Bird Conservation Commission for the purposes of considering and voting upon wetlands conservation projects recommended by the Council.

(e) APPROVAL OF COUNCIL RECOMMENDATIONS BY THE MIGRATORY BIRD CONSERVATION COMMISSION.—The Migratory Bird Conservation Commission, along with the two members of the Council referred to in subsection (d) of this section, shall approve, reject, or reorder the priority of any wetlands conservation projects recommended by the Council based on, to the greatest extent practicable, the criteria of subsection (a) of this section. If the Migratory Bird Conservation Commission approves any wetlands conservation project, Federal funding shall be made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act. If the Migratory Bird Conservation Commission rejects or reorders the priority of any wetlands conservation project recommended by the Council, the Migratory Bird Conservation Commission shall provide the Council and the appropriate Committees with a written statement explaining its rationale for the rejection or the priority modification.

(f) NOTIFICATION OF APPROPRIATE COMMITTEES.—The Migratory Bird Conservation Commission shall submit annually to the appropriate Committees a report including a list and description of the wetlands conservation projects approved by the Migratory Bird Conservation Commission for Federal funding under subsection (d) of this section in order of priority; the amounts and sources of Federal and non-Federal funding for such projects; a justification for the approval of such projects and the order of priority for funding such projects; a list and description of the wetlands conservation projects which the Council recommended, in order of priority that the Migratory Bird Conservation Commission approve for Federal funding; and a justification for any rejection or reordering of the priority of wetlands conservation projects recommended by the Council that was based on factors other than the criteria of section 5(a) of this Act.

SEC. 6. CONDITIONS RELATING TO WETLANDS CONSERVATION PROJECTS.

(a) PROJECTS IN THE UNITED STATES.—(1) Subject to the allocation requirements of section 8(a)(2) and the limitations on Federal contributions under section 8(b) of this Act, the Secretary shall assist in carrying out wetlands conservation projects in the United States, which have been approved by the Migratory Bird Conservation Commission, with the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act.

(2) Except as provided in paragraph (3), any lands or waters or interests therein acquired in whole or in part by the Secretary with the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, to carry out wetlands conservation projects shall be included in the National Wildlife Refuge System.

(3) In lieu of including in the National Wildlife Refuge System any lands or waters or interests therein acquired under this Act, the ", and after "may" insert ", with the concurrence of the Migratory Bird Conservation Commission, Secretary may grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act or convey any real property interest acquired in whole or in part with such funds without cost to a State or to another public agency or other entity upon a finding by the Secretary that the real property interests should not be included in the National Wildlife Refuge System: *Provided*, That any grant recipient shall have been so identified in the project description accompanying the recommendation from the Commission and approved by the Migratory Bird Conservation Commission. The Secretary shall not convey any such interest to a State, another public agency, or other entity unless the Secretary determines that such State, agency, or other entity is committed to undertake the management of the property being transferred in accordance with the objectives of this Act, and the deed or other instrument of transfer contains provisions for the reversion of title to the property to the United States if such State, agency, or other entity fails to manage the property in accordance with the objectives of this Act. Any real property interest conveyed pursuant to this paragraph shall be subject to such terms and conditions that will ensure that the interest will be administered for the long-term conservation and management of the wetland ecosystem and the fish and wildlife dependent thereon.

(b) PROJECTS IN CANADA OR MEXICO.—Subject to the allocation requirements of section 8(a)(1) and the limitations on Federal

contributions under section 8(b) of this Act, the Secretary shall grant or otherwise provide the Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937 (16 U.S.C. 669b(b)), as amended by this Act, to public agencies and other entities for the purpose of assisting such entities and individuals in carrying out wetlands conservation projects in Canada or Mexico that have been approved by the Migratory Bird Conservation Commission: *Provided*, That the grant recipient shall have been so identified in the project description accompanying the recommendation from the Council and approved by the Secretary. The Migratory Bird Conservation Commission may only grant or otherwise provide Federal funds if the grant is subject to the terms and conditions that will ensure that any real property interest acquired in whole or in part, or enhanced, managed, or restored with such Federal funds will be administered for the long-term conservation and management of such wetland ecosystem and the fish and wildlife dependent thereon. Real property and interests in real property acquired pursuant to this subsection shall not become part of the National Wildlife Refuge System. Acquisitions of real property and interests in real property carried out pursuant to this subsection shall not be subject to any provision of Federal law governing acquisitions of property for inclusion in the National Wildlife Refuge System.

SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) AID IN WILDLIFE RESTORATION.—(1) Section 3 of the Act of September 2, 1937 (16 U.S.C. 669b), is amended—

(A) by inserting "(a)" before "An amount" in the first sentence thereof; and

(B) by adding at the end thereof the following:

"(b)(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may—

"(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

"(B) sell obligations held in the fund at the market price.

"(2) The interest on obligations held in the fund—

"(A) shall be credited to the fund;

"(B) constitute the sums available for allocation by the Secretary under section 8 of the North American Wetlands Conservation Act; and

"(C) shall become available for apportionment under this Act at the beginning of fiscal year 2006.".

(2) Section 4(a) of the Act of September 2, 1937 (16 U.S.C. 669c(a)), is amended by inserting "(excluding interest accruing under section 3(b))" after "revenues" in the first sentence thereof.

(3) The amendments made by this subsection of this Act take effect October 1, 1989.

(b) MIGRATORY BIRD FINES, PENALTIES, FORFEITURES.—The sums received under section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) as penalties or fines, or from forfeitures of property are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act. This subsection shall not be construed to require the sale of instrumentalities.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act not to exceed $15,000,000 for each of fiscal years 1991, 1992, 1993, and 1994.

(d) AVAILABILITY OF FUNDS.—Sums made available under this section shall be available until expended.

SEC. 8. ALLOCATION OF AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) ALLOCATIONS.—Of the sums available to the Secretary for any fiscal year under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act—

(1) such percentage of that sum (but at least 50 per centum and not more than 70 per centum thereof) as is considered appropriate by the Secretary, which can be matched with non-Federal moneys in accordance with the requirements of subsection (b) of this section, less such amount (but not more than 4 per centum of such percentage) considered necessary by the Secretary to defray the costs of administering this Act during such fiscal year, shall be allocated by the Secretary to carry out approved wetlands conservation projects in Canada and Mexico in accordance with section 6(b) of this Act; and

(2) the remainder of such sum after paragraph (1) is applied (but at least 30 per centum and not more than 50 per centum thereof), which can be matched with non-Federal moneys in accordance with the requirements of subsection (b) of this section, shall be allocated by the Secretary to carry out approved wetlands conservation projects in the United States in accordance with section 6(a) of this Act.

(b) FEDERAL CONTRIBUTION FOR PROJECTS.—The Federal moneys allocated under subsection (a) of this section for any fiscal year to carry out approved wetlands conservation projects shall be used for the payment of not to exceed 50 per centum of the total United States contribution to the costs of such projects, or may be used for payment of 100 per centum of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters. The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs.

(c) PARTIAL PAYMENTS.—(1) The Secretary may from time to time make payments to carry out approved wetlands conservation projects as such projects progress, but such payments, including previous payments, if any, shall not be more than the Federal pro rata share of any such project in conformity with subsection (b) of this section.

(2) The Secretary may enter into agreements to make payments on an initial portion of an approved wetlands conservation project and to agree to make payments on the remaining Federal share of the costs of such project from subsequent allocations if and when they become available. The liability of the United States under such an agreement is contingent upon the continued availability of funds for the purposes of this Act.

SEC. 9. REFUGE REVENUE SHARING.

No payment of any money allocated under section 8(a)(2) may be made by the Secretary for any fiscal year to acquire lands and waters for inclusion in the National Wildlife Refuge System under this Act, except as provided under section 6(a)(3), unless there are appropriated under section 401(d) of the Act of June 15, 1935 (commonly referred to as the "Refuge Revenue Sharing Act"; 16 U.S.C. 715s(d)), for such fiscal year an amount equal to the difference between the total amount of net receipts and the aggregate amount of payments required to be made for such fiscal year to counties.

SEC. 10. RESTORATION, MANAGEMENT, AND PROTECTION OF WETLANDS AND HABITAT FOR MIGRATORY BIRDS ON FEDERAL LANDS.

The head of each Federal agency responsible for acquiring, managing, or disposing of Federal lands and waters shall, to the extent consistent with the mission of such agency and existing statutory authorities, cooperate with the Director of the United States Fish and Wildlife Service to restore, protect, and enhance the wetland ecosystems and other habitats for migratory birds, fish, and wildlife within the lands and waters of each such agency.

SEC. 11. REPORTS TO CONGRESS.

The Secretary shall report to the appropriate Committees on the implementation of this Act. The report shall include—

(1) a biennial assessment of—

(A) the estimated number of acres of wetlands and habitat for waterfowl and other migratory birds that were restored, protected, or enhanced during such two-year period by Federal, State, and local agencies and other entities in the United States, Canada, and Mexico;

(B) trends in the population size and distribution of North American migratory birds; and

(C) the status of efforts to establish agreements with nations in the Western Hemisphere pursuant to section 17 of Act; and

(2) an annual assessment of the status of wetlands conservation projects, including an accounting of expenditures by Federal, State, and other United States entities, and expenditures by Canadian and Mexican sources to carry out these projects.

SEC. 12. REVISIONS TO THE PLAN.

The Secretary shall, in 1991 and at five-year intervals thereafter, undertake with the appropriate officials in Canada to revise the goals and other elements of the Plan in accordance with the information required under section 11 and with the other provisions of this Act. The Secretary shall invite and encourage the appropriate officials in Mexico to participate in any revisions of the Plan.

SEC. 13. RELATIONSHIP TO OTHER AUTHORITIES.

(a) ACQUISITION OF LANDS AND WATERS.—Nothing in this Act affects, alters, or modifies the Secretary's authorities, responsibilities, obligations, or powers to acquire lands or waters or interests therein under any other statute.

(b) MITIGATION.—The Federal funds made available under this Act and section 3(b) of the Act of September 2, 1937, (16 U.S.C. 669b(b)), as amended by this Act, may not be used for fish and wildlife mitigation purposes under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) or the Water Resources Development Act of 1986, Public Law 99-662 (1986), 100 Stat. 4235.

SEC. 14. ADDITION OF ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR TO MIGRATORY BIRD CONSERVATION COMMISSION.

Section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by striking "the Secretary of Transportation," and inserting in lieu thereof "the Adminis-

trator of the Environmental Protection Agency,".

SEC. 15. LIMITATION ON ASSESSMENTS AGAINST MIGRATORY BIRD CONSERVATION FUND.

Notwithstanding any other provision of law, only those personnel and administrative costs directly related to acquisition of real property shall be levied against the Migratory Bird Conservation Account.

SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS TO THE MIGRATORY BIRD TREATY ACT.

Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

(1) by striking "and" after "1936,"; and

(2) by inserting after "1972" the following: "and the convention between the United States and the Union of Soviet Socialist Republics for the conservation of migratory birds and their environments concluded November 19, 1976.".

SEC. 17. OTHER AGREEMENTS.

(a) The Secretary shall undertake with the appropriate officials of nations in the Western Hemisphere to establish agreements, modeled after the Plan or the Agreement, for the protection of migratory birds identified in section 13(a)(5) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912(a)). When any such agreements are reached, the Secretary shall make recommendations to the appropriate Committees on legislation necessary to implement the agreements.

(b) Section 13(a) of the Fish and Wildlife Conservation Act (16 U.S.C. 2912(a)) is amended by striking "and" after "U.S.C. 1531 to 1543);" and striking "necessary." and inserting "necessary; and" and adding at the end the following:

"(5) identify lands and waters in the United States and other nations in the Western Hemisphere whose protection, management or acquisition will foster the conservation of species, subspecies and populations of migratory non-game birds, including those identified in paragraph (3).".

SEC. 18. TO EXPAND THE BOGUE CHITTO NATIONAL WILDLIFE REFUGE.

The Act entitled "An Act to establish the Bogue Chitto National Wildlife Refuge" (Public Law 96-288; 94 Stat. 604) is amended by—

(1) striking the period at the end of subsection 3(b) and inserting in lieu thereof: ", and within an area approximately 10,000 acres as depicted upon a map entitled "Bogue Chitto NWR Expansion", dated September, 1989 and on file with the United States Fish and Wildlife Service."; and

(2) deleting "$10,000,000" in subsection 5(a) and inserting in lieu thereof "such sums as may be necessary".

SEC. 19. WETLANDS ASSESSMENTS.

Section 401(a) of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3931(a)) is amended by adding the following new paragraph:

"(5) produce, by April 30, 1990, a report that provides—

"(A) an assessment of the estimated total number of acres of wetland habitat as of the 1780's in the areas that now comprise each State; and

"(B) an assessment of the estimated total number of acres of wetlands in each State as of the 1980's, and the percentage of loss of wetlands in each State between the 1780's and the 1980's.".

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUDDS: On page 24, beginning on line 17, and continuing through page 25, line 3, strike section 9 in its entirety and renumber all subsequent sections and references to such sections accordingly.

On page 30, line 6, delete "604) is" and insert "603), as amended, is further".

On page 30, line 8, after "area" insert "of".

On page 31, after line 12, insert the following:

"Section 401 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C 3931) is amended by deleting "and" at the end of paragraph (3) and inserting "and" at the end of paragraph (4)."

Mr. STUDDS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. Mr. Speaker, the amendment I am offering has four parts. Three are technical in nature. The substantive provision strikes section 9 of the bill. Section 9 provides that none of the lands acquired under this bill can be included in our National Wildlife Refuge System unless full payments are made under the Refuge Revenue-Sharing Program. I support, and our committee supports, the intent of that provision, which is to encourage greater funding for refuge revenue sharing. Unfortunately, there is no reason to believe that the provision would achieve its purpose, and the result, instead, would be to limit the growth of the wildlife refuge system.

As a result, I believe the bill would be more effective without the Senate provision. The effect of the amendment would be to maintain the House position, and I hope the amendment will be adopted.

Mr. CONTE. Mr. Speaker, if the gentleman will yield, I want to inform the House that the minority is in full accord with this amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF ROBERT JAMES WOOLSEY, JR., AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. FROST. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 202), providing for the appointment of Robert James Woolsey, Jr., of Maryland as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GILLMOR. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. FROST] for the purpose of explaining Senate Joint Resolution 202.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Senate Joint Resolution 202 provides for the appointment of Robert James Woolsey, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. GILLMOR. Mr. Speaker, I rise in support of Senate Joint Resolution 202 as amended, providing for the appointment of James Woolsey, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution. As a citizen of the State of Maryland, Mr. Woolsey is an attorney with the Washington firm of Shea & Gardner. He has a long and distinguished career of Government service particularly in the area of defense and arms control. Mr. Woolsey has recently been nominated as chief negotiator at the NATO talks in Vienna by President Bush. I believe that these experiences will enable Mr. Woolsey to be a valuable and valued member of the Board of Regents and I urge my colleagues to support Senate Joint Resolution 202 for his appointment.

Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 202

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the death of Carlisle H. Humelsine of Virginia on January 26, 1989, be filled by the appointment of Robert James Woolsey, Jr., of Maryland for a term of six years, effective on the date of enactment of this joint resolution.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. FROST: Strike out all after the resolving clause and insert the following:

That, in accordance with section 5581 of the Revised Statutes of the United States (20

U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the death of Carlisle H. Hummelsine of Virginia on January 26, 1989, is filled by the appointment of Robert James Woolsey, Jr., of Maryland. The appointment is for a term of six years, beginning on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. FROST].

The amendment in the nature of a substitute was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. FROST: Amend the title so as to read: "Joint resolution providing for the appointment of Robert James Woolsey, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF HOMER ALFRED NEAL AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. FROST. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 203) providing for the appointment of Homer Alfred Neal of Michigan as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GILLMOR. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. FROST] for the purpose of further explaining Senate Joint Resolution 203.

Mr. FROST. Mr. Speaker, Senate Joint Resolution 203 provides for the appointment of Homer A. Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. GILLMOR. Mr. Speaker, I rise in support of Senate Joint Resolution 203, as amended, providing for the appointment of Dr. Homer Neal, as a citizen regent of the Board of Regents of the Smithsonian Institution. As the present chairman of the physics department of the University of Michigan, Dr. Neal has an outstanding career in the academic community. His experience goes beyond the teaching level, with participation in both university administration and the field of scientific research. I am confident that Dr. Neal will be an excellent addition to this board and urge my colleagues to support Senate Joint Resolution 203 for his appointment.

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 203

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with Section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Murray Gell-Mann of California on September 13, 1988, be filled by the appointment of Homer Alfred Neal of Michigan for a term of six years, effective on the date of enactment of this joint resolution.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. FROST: Strike out all after the resolving clause and insert the following:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Murray Gell-Mann of California on September 13, 1988, is filled by the appointment of Homer Alfred Neal of Michigan. The appointment is for a term of six years, beginning on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. FROST].

The amendment in the nature of a substitute was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. FROST: Amend the title so as to read: "Joint resolution providing for the appointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1810

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EDWARDS of California). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on all remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

AGENT ORANGE COMPENSATION EXCLUSION ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs, as amended.

The Clerk read as follows:

H.R. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGENT ORANGE SETTLEMENT PAYMENTS EXCLUDED FROM COUNTABLE INCOME AND RESOURCES UNDER FEDERAL MEANS-TESTED PROGRAMS.

(a) IN GENERAL.—That none of the payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.), shall be considered income or resources in determining eligibility for or the amount of benefits under any Federal or Federally assisted program.

(b) EFFECTIVE DATE.—The provision in subsection (a) shall become effective January 1, 1989.

The SPEAKER pro tempore. Is a second demanded?

Mr. ARMEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARMEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I move to suspend the rules and pass the bill H.R. 1129, the Agent Orange Compensation Exclusion Act, which the Committee on Government Operations favorably reported out yesterday. The purpose of the bill is to ensure that U.S. veterans, injured as a result of agent orange and who receive compensation under court-ordered settlements, do not have

that compensation counted as income for the purpose of determining eligibility in all Federal means-tested programs.

The committee believes it would be a great injustice to prevent disabled and impoverished veterans, who have bravely served our country, from accepting court-approved settlement payments because it might end their eligibility for Federal programs. In the committee's view these veterans have earned these benefits, and many could not survive without them.

Although the Federal Government, unfortunately, has denied the claims of veterans for certain illnesses related to dioxin exposure, the judicial system has not. The Congress should not intrude upon a court-approved settlement by making the compensation, in some cases, a penalty for the ills suffered by those who served their country in Vietnam.

The committee strongly believes in the objectives of H.R. 1129 and I urge its adoption by the House.

Mr. ARMEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise to support H.R. 1129, legislation which will prevent needy disabled veterans from losing Federal low-income assistance, due to an out-of-court settlement with the manufacturers of agent orange.

Earlier this year, veterans began receiving their first awards from this settlement. The awards averaged $3,000, and to receive payment, a veteran was required to be totally disabled, to show exposure to agent orange, and to show that the disability was not caused by another injury. The largest possible award under the settlement is $12,800, payable over 6 years.

Unfortunately, for many disabled veterans, this additional income threatened to disqualify them from means-tested veterans' programs. Last year, Congress prevented this from happening by passing legislation prohibiting the Department of Veterans Affairs from counting agent orange settlement awards as income when determining eligibility for veterans' benefits.

However, a large opening was left in the veterans' safety net when Congress failed to address potential losses for veterans receiving other Federal means-tested assistance. H.R. 1129 closes this opening by extending the settlement income exemption to all Federal programs.

Mr. Speaker, our Nation owes a great deal to the men and women who put their lives on the line to defend the liberties and freedom we all enjoy. Those suffering disabling injuries are especially deserving of our compassion and support. I urge you to come to the aid of needy disabled veterans, and their families, by joining me today in support of this bill.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to none other than the gentleman from New York [Mr. WEISS] who chairs the subcommittee on the Committee on Government Operations that brought this measure forward.

Mr. WEISS. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS], the distinguished chairman of the Committee on Government Operations, and, before I address the legislation itself, I would like to commend the gentleman from Michigan [Mr. CONYERS] and the gentleman from New York [Mr. HORTON] for the expeditious manner in which they have had the full committee consider this legislation so that we could get action on it before the House went out of session and Congress went out of session.

Mr. Speaker, I also want to express my full appreciation and accommodation to the gentleman from New York [Mr. HOCHBRUECKNER] who originally introduced this legislation and who really set us on the path for adoption of this particular bill.

Mr. Speaker, I think the distinguished gentleman from Michigan [Mr. CONYERS] has amply addressed the legislation, has told us why it was so essential to adopt it, so that veterans who have been subjected to and victimized by agent orange would not be penalized by that compensation, deprived of other Federal benefits.

Mr. Speaker, the only additional item I want to mention is that because some of them may have already received some payment, the bill was amended to be effective, not upon the date of enactment, but as of January 1, 1989.

I also want to commend the gentleman from Texas [Mr. ARMEY], the distinguished new ranking member, on his first official act, which he has discharged magnificently.

Mr. Speaker, I urge the House to approve H.R. 1129. The bill is designed to prevent a potentially ironic injustice against Vietnam veterans. Under the terms of a court-approved settlement between the veterans and the producers of agent orange, a defoliant used during the Vietnam war, the producers will pay monetary compensation to the veterans. However, under current law, the compensation received by the veterans for the damage done to them by agent orange, will be counted as income in Federal means-tested programs, such as food stamps or supplemental security income. In some cases, the veterans could be deprived of their only means of financial support if they accept the compensation.

H.R. 1129 would exclude this compensation from being considered as part of the means test in all Federal programs. It would complete what Congress intended last year, when it approved legislation to exempt the compensation from means-tested programs of the Department of Veterans Affairs. H.R. 1129 simply extends the exclusion to all other Federal programs.

The legislation has broad support. It was reported unanimously by the Committee on Government Operations, and has already passed the Senate.

Mr. ARMEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this measure, a bill to exclude agent orange settlement payments as countable payments for means-tested programs, and I want to thank the gentleman from Michigan [Mr. CONYERS], the distinguished chairman of the Committee on Government Operations, and the gentleman from New York [Mr. HORTON], the distinguished ranking minority member, and the gentleman from New York [Mr. WEISS], the distinguished subcommittee chairman, and the gentleman from Texas [Mr. ARMEY], the ranking minority member, as well as the sponsors of the measure, the gentleman from New York [Mr. HOCHBRUECKNER], and the late Larkin Smith, the gentleman from Mississippi, for bringing this measure to the floor at this time.

Mr. Speaker, on June 30, 1988, the Supreme Court finally paved the way for distribution of the $180 million in settlement funds in the agent orange class action suit. This was, at last, what many believe to be the righteous treatment of those Vietnam veterans who suffered from agent orange exposure.

Since that time, we have come to more easily understand the myriad problems agent orange disabled veterans face. There have been many legislative efforts to correct the disparity in treatment of agent orange disabled veterans and those veterans suffering from other disabilities.

I was pleased Secretary Derwinski chose not to appeal the recent Court decision, which favored the granting of disability status to those veterans suffering from agent orange exposure related diseases. This widely hailed action by the Secretary of the Department of Veterans Affairs is one positive step toward greater Government responsibility to these veterans.

H.R. 1129 is another important step in this direction. I wholeheartedly support this measure, and I urge my colleagues to join in support of this measure.

□ 1820

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York [Mr. HOCHBRUECKNER], the author of this bill.

Mr. HOCHBRUECKNER. Mr. Speaker, I am hopeful that the House today will approve H.R. 1129, a bill I introduced to prevent disabled veterans and their survivors from losing or having their Federal public assistance benefits reduced if they are recipients

of settlement payments in the litigation against the manufacturers of agent orange. The senior Senator from New York, Senator DANIEL PATRICK MOYNIHAN, introduced the companion bill, S. 892, which the Senate approved on June 9.

Last year, I introduced H.R. 4479 which was approved by Congress and incorporated into S. 11, the Veterans' Judicial Review Act of 1988 (Public Law 100-687). With the passage of that legislation, the Veterans' Administration [VA] was prohibited from counting as income, payments that totally disabled Vietnam Veterans and their survivors receive from the agent orange settlement fund. That law preserved their eligibility for VA means-tested benefits, specifically pensions and medical care.

H.R. 1129 is an extension of this protection. This legislation will prevent the Federal Government from counting these agent orange settlement fund payments when determining eligibility or benefit amounts for all "means-tested" Federal programs: Including, Medicaid, Supplemental Security Income, Child Support, Guaranteed Student Loans, Pell Grants, Food Stamps, Low-Income Home Energy Assistance [LIHEAP], and low-income housing assistance programs under the Department of Housing and Urban Development.

Eligible veterans and their families will share the $180 million out-of-court settlement that was reached in 1984 with the chemical companies that produced the toxic defoliant, agent orange. To receive payments from the settlement fund, a veteran must be totally disabled, must show exposure to agent orange in Vietnam, and must demonstrate that the disability was not caused by another injury. Based on the court's estimates, this could mean a settlement of up to $12,800 (paid over the 6 year life of the payment plan) per disabled veteran and death benefits to a veteran's survivor up to $3,400. As you can see, despite the large size of the settlement fund, the payments to individuals will be quite modest.

Settlement checks started to be mailed to veterans and survivors beginning in March. As a result of these payments, many of these veterans have already had their Federal benefits reduced. H.R. 1129, which will be retroactively effective as of January 1, 1989, will amend current law to allow these totally disabled Vietnam veterans and their families who have suffered greatly from their battles with agent orange and the manufacturers of this defoliant to keep their hard-won and much-deserved compensation. Mr. Speaker, I hope that Congress will unanimously approve this important legislation.

Mr. ARMEY. Mr. Speaker, I do urge the body to pass this legislation, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time. I urge the passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 1129, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 892) to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGENT ORANGE SETTLEMENT PAYMENTS EXCLUDED FROM COUNTABLE INCOME AND RESOURCES UNDER FEDERAL MEANS-TESTED PROGRAMS.

(a) IN GENERAL.—(1) That none of the payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.), shall be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program described in paragraph (2).

(2) The program benefits described in this paragraph are—

(A) benefits under the supplement security income program under title XVI of the Social Security Act;

(B) aid to families with dependent children under a State plan approved under section 402(a) of the Social Security Act;

(C) medical assistance under a State plan approved under section 190(a) of the Social Security Act;

(D) benefits under title XX of the Social Security Act;

(E) benefits under the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977);

(F) benefits under the special supplemental food program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966;

(G) benefits under section 336 of the Older Americans Act;

(H) benefits under the National School Lunch Act;

(I) benefits under any housing assistance program for lower income families or elderly or handicapped persons which is administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture;

(J) benefits under the Low-Income Home Energy Assistance Act of 1981;

(K) benefits under part A of the Energy Conservation in Existing Buildings Act of 1976; and

(L) benefits under any educational assistance grant or loan program which is administered by the Secretary of Education.

(b) EFFECTIVE DATE.—The provisions of this section shall become effective on January 1, 1989.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CONYERS moves to strike all after the enacting clause of the Senate bill, S. 892, and to insert in lieu thereof the text of H.R. 1129, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1129) was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the legislation just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2505

Mr. UPTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2505, the Preventative Health Measures Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AVIATION RESEARCH GRANT ACT OF 1989

Mr. VALENTINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2581) to authorize the Federal Aviation Administration to establish an aviation research grant program, as amended.

The Clerk read as follows:

H.R. 2581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Research Grant Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Federal Aviation Administration lacks legislative authority to award research grants to colleges, universities, and nonprofit research organizations.

(2) The current procurement mechanisms for contracting with college, university, and nonprofit research organizations are cumbersome, "milestone" oriented, inflexible, and not cost-effective for either the Federal Aviation Administration or the research organizations.

(3) Many colleges, universities, and nonprofit research organizations have personnel and facilities already engaged in research in areas which are of interest to the Federal Aviation Administration.

(4) There are areas of research of special interest to the Federal Aviation Administration (such as research on air traffic control automation, aging aircraft and structural integrity, aviation training, human performance, aircraft noise abatement, and aviation applications of artifical intelligence), appropriate for academic research, which are not currently being adequately explored at colleges, universities, and nonprofit research organizations.

(5) There is a limited pool from which the Federal Aviation Administration and other segments of the aviation community can acquire the trained personnel and degree of expertise needed to conduct and manage projects in the many specialized areas of aviation related research.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To enhance the Federal Government's access to university research capabilities and products by granting the Federal Aviation Administration the authority to award single and multiyear research grants to colleges, universities, and nonprofit research organizations.

(2) To authorize the establishment of "Centers of Excellence" for research into aviation-related areas of unique interest to the Federal Aviation Administration which are not adequately sponsored by the aviation industry.

(3) To create a pool of techical professionals trained in aviation-related research areas of unique interest to the Federal Aviation Administration and the aviation community.

SEC. 3. AVIATION RESEARCH GRANT PROGRAM.

(a) IN GENERAL.—Section 312 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1353) is amended by adding at the end thereof the following new subsection:

"(g) RESEARCH GRANT PROGRAM.—

"(1) GENERAL AUTHORITY.—The Administrator may make grants to colleges, universities, and non-profit research organizations (A) to conduct aviation research, and (B) to establish centers of excellence for continuing research into areas deemed by the Administrator to be required for the long-term growth of civil aviation. Such research may include, but is not restricted to, research in the following areas among others: air traffic control automation, aviation applications of artificial intelligence, aviation and air traffic control training technologies and techniques, human factors (including those in highly automated environments), airspace and airport plannng and design, airport capacity enhancement techniques, and aviation safety.

"(2) APPLICATIONS.—A university, college, or nonprofit organization interested in receiving a grant under this subsection may submit to the Administrator an application for such grant. Such application shall be in such form and contain such information as the Administrator may require.

"(3) SELECTION.—The Administrator shall establish a solicitation, review, and evaluation process that ensures (A) the funding under this subsection of proposals having adequate merit and relevancy to the mission of the Federal Aviation Administration, (B) an equitable geographical distribution of grant funds under this subsection, and (C) the inclusion of historically black colleges and universities and other minority institutions for funding considering under this subsection.

"(4) RECORDS.—Each person awarded a grant under this subsection shall maintain such records as the Administrator may require as being necessary to facilitate an effective audit and evaluation of the use of grant funds.

"(5) REPORTS.—The Administrator shall make an annual report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the research grant program conducted under this subsection.".

"(b) CONFORMING AMENDMENT.—That portion of the table of contents contained in the first section of such act which appears under the heading:

"Sec. 312. Development planning.".

is amended by adding at the end the following:

"(g) Research grant program.".

(c) FUNDING.—Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by adding at the end thereof the following new sentence: "Not less than 1 percent of the funds made available under this paragraph for a fiscal year shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. VALENTINE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2581, the Aviation Research Grant Act of 1989 is an extremely important piece of legislation that authorizes the Federal Aviation Administration to establish an aviation research grant program that will tap the spirit of innovation that is inherent in this Nation's colleges and universities.

I would like to recognize the efforts of Mr. ROE of New Jersey, chairman of the Committee on Science, Space, and Technology in supporting this bill. I would also like to recognize Mr. WALKER of Pennsylvania, ranking Republican member of the full committee, and my colleague on the Subcommittee on Transportation, Aviation, and Materials; ranking Republican member Mr. LEWIS for the work they have done in fostering bipartisan support for this essential legislation.

Many Government agencies, such as NASA and the Department of Defense, have as one of their basic charters the development of leading edge technologies, bold new concepts, and innovative processes. The FAA, because of its operational mission to provide and maintain the infrastructure of this country's aviation system, has often been perceived as not having a need to sponsor or conduct aviation related research.

It is now abundantly clear, however, that aviation has grown to play a critical role in supporting our dynamic American economy and our mobile lifestyle. We cannot afford to permit outdated perceptions to, in any way, restrict the FAA's ability to perform research on enhancements to the effectiveness, efficiency, and safety of the national aviation system.

Research unique to aviation which must be sponsored by the FAA includes such diverse areas as air traffic control automation, airport capacity enhancements, airport security, aging aircraft, and airport noise. Clearly, the FAA needs access to all the research capabilities and facilities this Nation has to offer.

While the FAA is able to contract with industry for much of its research needs, it is currently forced to work through NASA, DOD, or some other Government agency to research academic research facilities. At a time when the rest of the world is making major gains in aviation technologies, the United States must not continue to restrict its primary aviation agency from directly providing research grant "seed money" to academic institutions. It is not good domestic policy, it is not good foreign policy, and it is not a cost effective approach to aviation research. The Federal Aviation Act of 1958 needs to be amended to correct the deficiency.

The Aviation Research Grant Act of 1989 amends the Federal Aviation Act of 1958 to provide the FAA with explicit authority to award grants to academic and nonprofit organizations to: First, conduct aviation research, and second, establish centers of excellence for continuing research deemed by the FAA Administrator to be required for the long-term growth of civil aviation.

The bill requires the FAA to:

First, establish a solicitation, review, and evaluation process that will ensure that only proposals having adequate merit will be funded,

Second, ensure an equitable geographical distribution of grant funds for those proposals ranked as being of equal merit,

Third, ensure that historically black and other minority institutions are considered for grant awards, and

Fourth, make at least 1 percent of the funds made available for research, engineering, and development in each fiscal year, available for making research grants to colleges, universities, and nonprofit organizations.

Mr. Speaker, H.R. 2581 corrects a serious omission in the research capabilities of the Federal Aviation Administration. This Nation cannot afford to restrict FAA efforts to explore leading edge technology applications if we are to maintain our position as leaders in the highly competitive arena of world aviation. This legislation is needed and I strongly urge my colleagues to support passage of the Aviation Research Grant Act of 1989.

□ 1830

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2581.

The Aviation Research Grants Act of 1989, H.R. 2581, represents a good cooperative effort by the administration and by the committee to resolve a technical problem.

During hearings this year, Federal Aviation Administration witnesses, including the former Administrator testified before the Subcommittee on Transportation, Aviation, and Materials that the Agency could not make grants to universities without expressed legislative authority to do so.

The Congress has mandated that FAA improve the research effort. Last year this body passed the Aviation Safety Research Act, which became Public Law 100-591. That act mandated that FAA establish a long-term safety research program. One of the important avenues that FAA should take to fulfill the requirements of the law, is to work with scientists at universities through a competitive grants program.

My own examination of FAA's staffing levels has shown that the agency does not have a sufficient number of scientists and engineers to conduct a long-term generic research program to improve aviation safety. Therefore, the agency must be allowed to work with university scientists in order to develop an aggressive, viable research program.

Chairman VALENTINE, along with other committee members worked with FAA and developed the legislation before us today. It passed the subcommittee and committee without opposition. H.R. 2581 simply gives FAA the authority to award research grants to universities and includes broad guidelines for the grant procedures.

Mr. VALENTINE, with support from committee Chairman ROE and ranking member, Mr. WALKER, has done a great job in bringing this important legislation before the House. I want to congratulate them for these efforts. I also want to congratulate the staff, especially Steven Alvania and Dr. Jim Green for their excellent work in preparing background information for this bill before us today.

I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. VALENTINE. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, in the United States there remain very few industries where we are indisputably the world economic leader. One of those is aviation, however, commercial aviation, general aviation, and military aviation. One of the reasons we are that is because we continue to put significant amounts of research dollars into our aviation infrastructure, into areas like, for example, composites, materials and, in addition, into areas like human factors and operational issues, aging, aircraft, these kinds of things.

It is my goal representing an area of this country where we produce a lot of airplanes, to keep America No. 1 in the aviation world. This bill will help do that.

Under current law, the Federal Aviation Administration lacks legislative authority to award research grants to colleges, universities, and nonprofit research organizations. These are the places where most of the long-term and basic research are being done, and we cannot do it because of a statutory impediment. This bill would improve the mechanisms for contracting by the FAA with colleges, universities, and nonprofit research organizations to do a whole host of things to improve research in aviation.

One of the areas happens to be in my district, Wichita, KS, where Wichita State University has developed a center for aviation research that, in my judgment, will be one of the great centers for research into all facets of aviation in the entire world. This bill will make it so that the FAA can contract with universities to do the kind of research we so desperately need.

I compliment the chairman of the subcommittee, the gentleman from North Carolina [Mr. VALENTINE], and the ranking member, the gentleman from Florida [Mr. LEWIS], for their efforts in making sure this can become law.

Mr. LEWIS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VALENTINE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from North Carolina [Mr. VALENTINE] that the House suspend the rules and pass the bill, H.R. 2581, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1840

GENERAL LEAVE

Mr. VALENTINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2581, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HOTEL AND MOTEL FIRE SAFETY ACT OF 1989

Mr. WALGREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 94) to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes, as amended.

The Clerk read as follows:

H.R. 94

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hotel and Motel Fire Safety Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

(3) some State and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

(4) through the United States Fire Administration and the Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

(b) PURPOSE.—It is the purpose of this Act to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.

SEC. 3. HOTEL AND MOTEL FIRE PREVENTION AND CONTROL.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

"LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION

"SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 1 year after the date of the enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State which the Governor of the State or his designee certifies meet the requirements of the guidelines described in section 29.

"(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).

"(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 1-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

"(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to him pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

"(3) For purposes of this subsection, the term 'agency' has the meaning given to it under section 5701(1) of title 5, United States Code.

"FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

"SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

"(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 in each guest room in each place of public accommodation affecting commerce; and

"(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, whichever is appropriate, in each place of public accommodation affecting commerce except those places that—

"(A) are 2 stories or lower;

"(B) have no guest rooms adjoining interior corridors; and

"(C) have immediate exterior egress from rooms to a ground level area.

"(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'smoke detector' means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building's fire alarm system.

"DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

"SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.".

(b) DEFINITIONS.—(1) Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) 'Director' means the Director of the Federal Emergency Management Agency;".

(2) Section 4 of such Act (as amended by paragraph (1)) is further amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting immediately after paragraph (6) the following new paragraph:

"(7) 'place of public accommodation affecting commerce' means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment;".

SEC. 4. ADHERENCE TO FIRE SAFETY GUIDELINES IN ESTABLISHING RATES AND DISCOUNTS FOR LODGING EXPENSES.

(a) AMENDMENT TO TITLE 5.—Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting immediately after section 5707 the following new section:

"§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

"(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.

"(b) The Administrator of General Services may not include in any directory listing lodging accommodations any hotel, motel, or other place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(c) The Administrator of General Services shall include in each directory listing lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

"(d) The Administrator of General Services may take any additional actions he deems appropriate to encourage employees traveling on official business to stay at places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5707 the following new item:

"5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the publication in the Federal Register of the master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 5. ESTABLISHMENT OF APPROVED ACCOMMODATIONS PERCENTAGE FOR FEDERAL AGENCIES.

(a) APPROVED ACCOMMODATIONS PERCENTAGE.—

(1) IN GENERAL.—Section 5707 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Each agency shall ensure that its approved accommodations percentage for a fiscal year shall be not less than—

"(A) 65 per centum, for the first fiscal year that begins 4 years after the date of the enactment of this subsection;

"(B) 75 per centum, for the second fiscal year that begins 4 years after the date of the enactment of this subsection; and

"(C) 90 per centum, for the third and each subsequent fiscal year that begins 4 years after the date of the enactment of this subsection.

"(2) In this subsection, an agency's 'approved accommodations percentage' for a fiscal year is the percentage determined by multiplying 100 by the quotient of—

"(A) the total number of nights spent by civilian employees of the agency (as described in section 5702(a)) for which payment was made under this chapter for lodging expenses incurred in any State at any approved hotel, motel, or other place of public accommodation not owned by the Federal Government; divided by

"(B) the total number of nights spent by such employees for which payment was made under this chapter for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government.

"(3) For purposes of this subsection, a hotel, motel, or other place of public accommodation is approved if it meets the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(4) For purposes of this subsection—

"(A) the term 'agency' does not include the government of the District of Columbia; and

"(B) the term 'State' means any State, the District of Columbia, the Commonwealth of

Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory.".

(2) CONFORMING AMENDMENT.—Section 5701 of such title is amended in the matter preceding paragraph (1) by striking "For the purpose" and inserting "Except as otherwise provided in section 5707(d), for the purpose".

(b) GAO AUDIT OF AGENCY COMPLIANCE.—Not later than 6 months after the last day of the first fiscal year during which lodging expenses are subject to the requirements of section 5707(d) of title 5, United States Code, as added by subsection (a), and not later than 6 months after the last day of every other fiscal year thereafter, the Comptroller General shall conduct an audit of the compliance of agencies with the requirements of section 5707(d) of title 5, United States Code (as added by subsection (a)), and shall submit a report to Congress describing the results of such audit.

SEC. 6. PROHIBITING FEDERAL FUNDING OF CONFERENCES HELD AT NON-CERTIFIED PLACES OF PUBLIC ACCOMMODATION.

(a) IN GENERAL.—No Federal funds may be used to sponsor or fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (as added by section 3(a) of this Act).

(b) WAIVER.—

(1) IN GENERAL.—The head of an agency of the Federal Government sponsoring or funding a particular meeting, convention, conference, or training seminar may waive the prohibition described in subsection (a) if the head of such agency determines that a waiver of such prohibition is necessary in the public interest in the case of such particular event.

(2) DELEGATION OF AUTHORITY.—The head of an agency of the Federal Government may delegate the authority provided under paragraph (1) to waive the prohibition described in subsection (a) and to determine whether such a waiver is necessary in the public interest to an officer or employee of the agency if such officer or employee is given such authority with respect to all meetings, conventions, conferences, and training seminars sponsored or funded by the agency.

(c) NOTICE REQUIREMENTS.—

(1) ADVERTISEMENTS AND APPLICATIONS.—(A) Any advertisement for or application for attendance at a meeting, convention, conference, or training seminar sponsored or funded in whole or in part by the Federal Government shall include a notice regarding the prohibition described in subsection (a).

(B) The requirement described in subparagraph (A) shall not apply in the case of an event for which a head of an agency of the Federal Government, pursuant to subsection (b), waives the prohibition described in subsection (a).

(2) PROVIDING NOTICE TO RECIPIENTS OF FUNDS.—(A) Each Executive department, Government corporation, and independent establishment providing Federal funds to non-Federal entities shall notify recipients of such funds of the prohibition described in subsection (a).

(B) In subparagraph (A), the terms "Executive department", "Government corporation", and "independent establishment" have the meaning given such terms in chapter 1 of title 5, United States Code.

(d) EFFECTIVE DATE.—The provisions of this section shall take effect on the first day of the first fiscal year that begins after the expiration of the 425-day period that begins on the date of the publication in the Federal Register of the master list referred to in section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 7. WAIVER OF FEDERAL LIABILITY.

In any action for damages resulting from a fire at a place of public accommodation, the Federal Government may not be found liable for the death of or injury to any person or damage to any property because an officer or employee of the Federal Government was negligent in carrying out any requirement under this Act or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania [Mr. WALGREN] will be recognized for 20 minutes, and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, legislation affecting health and safety areas is often called tombstone legislation when it is proposed in the aftermath of tragic death. Sadly, the Hotel and Motel Fire Safety Act is no exception.

This legislation stems from the infamous fire on New Year's Eve in the Dupont Plaza Hotel in San Juan, PR where 97 people were hopelessly trapped and lost in a matter of minutes. The investigation of this tragedy revealed, I am afraid, what was already known, that if the building had had sprinklers to suppress fire, this infamous fire would have been a nonevent. If the fire protection system in this modern hotel had included sprinklers, as the people who died there had a right to expect, not one life would have been lost.

It is a documented fact that no life has been lost in any fire in any building that was fully sprinklered, yet to our amazement, only four States require sprinklers in hotels and motels, and less than half the hotel guest rooms in the United States, which we all check into without reservation, are sprinklered.

Testimony before our Committee on Science, Space, and Technology documented that the cost of installing sprinklers is less than most hotels spend on new carpet, an investment that they make every several years. In fact, reduction in insurance rates associated with the installation of sprinklers would repay that cost in 3 to 5 years.

Sprinklers are an effective safety system that the public has a right to expect will be there to protect them from fire.

The legislation we have before us today represents an agreement reached between the Committee on Science, Space, and Technology, and the Committee on Government Operations. I want to take this time to recognize the commitment and the tenacity particularly of the ranking minority member of the subcommittee which I have the privilege of chairing, the gentleman from New York [Mr. BOEHLERT], along with other members of the Science, Space, and Technology Committee, particularly the ranking minority member, the gentleman from Pennsylvania [Mr. WALKER], and the chairman, the gentleman from New Jersey [Mr. ROE].

At the same time, I want to extend a particular expression of appreciation and respect for the chairman of the Committee on Government Operations, the gentleman from Michigan, Mr. JOHN CONYERS, along with the gentleman from New York, Mr. HORTON, who is the ranking minority member on that committee, and especially to the gentlewoman from Illinois, Mrs. CARDISS COLLINS, the chairwoman of the Subcommittee on Government Activities and Transportation; also the gentleman from Utah, Mr. HOWARD NIELSON, ranking minority member on that subcommittee, for their cooperation and the understanding that they have extended to us as we have worked on this legislation and the contributions that they have made to it.

This bill provides that within 1 year of enactment each State would submit lists of hotels or motels that meet Federal fire safety guidelines. The U.S. Fire Administration would compile the list, publish a master list in the Federal Register, and ensure that States kept that list up to date on a regular basis.

Within 60 days of publication of that list, the Federal Travel Directory, published by the General Services Administration, would then include only hotels and motels that meet these guidelines. Surveys conducted to calculate the Federal employee per diem reimbursement rate would include only those hotels and motels that meet the those guidelines.

After publication of that list, federally funded meetings and conferences could only be held in hotels and motels that meet those guidelines, unless a waiver were granted by the head of the agency involved in funding the event. Advertisements for the event would include a notice indicating that the hotel or motel had complied with Federal fire safety guidelines to underscore their importance.

But most importantly, after a phase-in period, each Federal agency would assure that at least an increasing percentage of their employees, starting with 65 percent of employee travel, would be spent at hotels and motels that meet the Federal fire guidelines.

That percentage would increase to 75 percent and then in the outyears 90 percent of Federal employees who are lodged overnight would be lodged in hotels and motels meeting the guidelines.

The Federal Travel Directory would list special safety devices, like emergency alerting devices that would be available by those hotels who provided special devices for the hearing impaired or others who were otherwise disabled.

To be eligible for listing in the Federal Travel Directory, hotels and motels would be required to install sprinklers and smoke detectors in accordance with appropriate existing national standards, and the important point is that sprinklers would be required for all hotels or motels to meet these guidelines which are over three stories in height or have guest rooms with no immediate egress from that room to the outside.

H.R. 94 would not require changes in State and local codes, would not create a new Federal bureaucracy. What this bill would do is allow the Federal Government to exercise leadership in protecting its many employees by using the $1.3 billion annually that is spent by Federal employees on lodging on official business to encourage improvement in hotel and motel fire safety.

This bill represents a realistic and feasible solution to improving fire safety in hotels and motels across this country, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States has the worst death rate and property loss rate from fires in the industrialized world. This disgraceful and alarming statistic has a single point of origin—our careless attitude toward fire safety. We ignore the fire problem—deny it, really—and as a result we are victimized by it.

The hotel fire problem demonstrates this vividly. Some of the most spectacular—and avoidable—fires in this country have occurred in hotels in the recent past.

It was the fire at the Dupont Plaza Hotel in Puerto Rico in 1986 that led us to introduce this bill. In that case, a fire that had been smouldering for hours in a closet gradually gained strength and was transformed into a fire ball that ripped through a first-story ballroom, killing 97 Americans in 12 minutes.

What did the investigation of that fire conclude? What was the conclusion after the tragic MGM Grand fire? What was the conclusion after a fire last month at a nursing home that had supposedly been fire safe because of its concrete construction? What has been the conclusion after just about every major fire in the past 50 years? The answer to all these questions is the same: If fire sprinklers had been installed, there would have been no deaths and little damage.

That's not a very difficult finding to understand, nor is it difficult to implement. How have we reacted? Largely with denial. Like the residents of Los Angeles in the early 1960's who refused to believe that auto exhaust caused their smog or the leaders of the Soviet Union who refused to believe for 70 years that their economic system caused their bad harvests, Americans keep looking for some other explanation for fire deaths as the plague continues.

This is especially inexcusable in the case of fire safety. Admitting that cars caused pollution meant basic changes in the way Californians live and major economic costs. Admitting that the Soviet system was flawed meant a revolutionary change in thinking. Admitting that sprinklers are needed for fire safety requires no revolution in thought or finance.

Testimony before our committee reveals that installing sprinklers is no more expensive than installing carpet—something most hotels do on a regular cycle. And, in the end, installing sprinklers is cheaper because they lead to insurance premium reductions that can pay back the cost of installation in as few as 5 years.

You would think that, armed with this information, hotels would be installing sprinklers or that States would be requiring them. Sadly, this is not the case. While some hotel chains are installing sprinklers, an industry survey found that no more than 45 percent of the hotels in this country are sprinklered. And only 5 States require retrofitting of existing hotels for fire safety.

What should the Federal Government do in the face of this situation? Should we spend out $1.5 billion a year travel budget in a way that continues to ignore this problem? Or should we spend that money in a way that encourages fire safety and protects employees? I hope that that's a rhetorical question.

Private corporations are already taking this step. CIGNA Corp., for example, only allows its employees to stay at sprinklered properties. Many conference planners will only use sprinklered hotels. Why should the Federal Government do any less?

This bill takes the most reasonable, minimal steps—steps that are the product of many months of negotiation with all interested parties. The bill's provisions are phased in gradually with limitations on Federal travel not taking effect for 4 years. The paperwork requirements have been limited. The States are given maximum flexibility in carrying out their responsibilities under the act, and their existing powers over codes are not interfered with. I don't see how the Federal Government could do less than this bill calls for.

The bill is based on a very basic principle: Safety need not be left to chance. It's so basic an idea that we teach it to our children in fairy tales and fables like "The Three Little Pigs."

Mr. Speaker, it's time the Federal Government do its part to ensure that our hotels are built of bricks, not of straw.

□ 1850

I would like to give particular commendation to the chairman of the Subcommittee on Science, Research, and Technology of the Committee on Science, Space, and Technology, the gentleman from Pennsylvania [Mr. WALGREN] for his leadership on this issue. He has been a valued partner.

Mr. Speaker, I would like to praise the chairman of the full committee, the gentleman from New Jersey [Mr. ROE], and its vice chairman, the gentleman from Pennsylvania [Mr. WALKER]. They, too, have been stalwarts as we have advanced this very important legislation.

Mr. Speaker, I do not want future Members of future Congresses to stand before this body and say what I have just had to say, that the United States of America, that this affluent, sophisticated, technologically superior Nation has the worst death rate and property loss rate due to fires in the industrialized world.

Let us pass this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WALGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the vice chairman of the Committee on Science, Space, and Technology.

Mr. WALKER. Mr. Speaker, I appreciate the gentleman yielding.

I rise in support of the Hotel Fire Safety Act of 1989 introduced by the gentleman from New York [Mr. BOEHLERT], vice chairman of the Subcommittee on Science, Research, and Technology, the panel which handles fire research and control matters, and by the gentleman from Pennsylvania.

The two of them, I think have shown great leadership on this issue and have gotten us here to the floor today. In fact, I would have to say at some point in the future, if there are many lives saved because a hotel was properly sprinklered, that it would probably be because of the leadership

these two gentlemen have shown on this issue in the battle this year.

This is a responsible approach for encouraging hotels to further improve their fire prevention efforts. It uses the carrot, and not the stick, as the way of getting this done.

In fact, the legislation does not put any new mandatory requirements on hotels. Rather it simply induces them to install sprinklers and smoke detectors over the next 4 years before requiring an annually increasing majority of Federal employees to stay at hotels so equipped.

In other words, what this is going to do is affect market share. If hotels go ahead and do what is required by this bill, they are going to have Federal employees staying in their hotels. If they do not do what is required, they will not have Federal employees staying in those hotels.

You are talking about several hundred millions of dollars' worth of business that they will not be eligible for.

There is a little bit of coercion of market share here, absolutely. But the idea is that they have to voluntarily choose.

We also made certain that we did not go after the mom-and-pop businesses by limiting the sprinklered hotels to those of more than three floors and by assuring that more than six units was the standard. That, it seems to me, makes certain that you have the small type of motel operations not covered under this particular bill and not faced with the kind of mandates which are incumbent within it.

So this is a good bill. I am very proud to cosponsor it. I am very happy we finally got it here to the floor. I am very proud of the two gentlemen who led the fight in the subcommittee and in the committee, and I urge the House to approve this measure.

Mr. BOEHLERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], a cosponsor of the measure and also one of the leaders in the fire services caucus.

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 94, legislation to help prevent the tragic loss of life and property in hotel and motel fires.

And I would like to commend the distinguished gentleman from Pennsylvania, the chairman of the Science, Space, and Technology Committee, Mr. WALGREN, and the ranking minority member, the gentleman from New York [Mr. BOEHLERT] for introducing this important legislation.

H.R. 94 removes the Federal Government's tacit support for unsafe public accommodations and thereby encourages the hotel-motel industry to provide a safe environment for all travelers and mandates a listing of all places of public accommodation that are in compliance with FEMA fire safety guidelines.

This legislation will assure Federal employees of their safety when traveling on Federal business.

Mr. Speaker, the loss of lives and property due to fire is a tragedy. What is even more unacceptable is the fact that many of these lives could have been saved by the installation and use or smoke detectors and automatic sprinkler systems.

It is estimated that the use of sprinklers reduces the property loss by 50 percent, and in sprinkler protected buildings the loss of life is very rare. Only cases involving extreme flammables and explosives lead to the loss of life.

These statistics speak for themselves. Sprinklers in hotels and motels save lives; therefore, it is our moral responsibility to provide all Federal employees, and other travelers, with information needed to protect their lives and the lives of their families.

Mr. Speaker, I urge my colleagues to join in safeguarding against loss of life and property by supporting this vital bill.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON], chairman of the congressional fire caucus.

Mr. WELDON. Mr. Speaker, I rise in strong support of H.R. 94, the Hotel-Motel Fire Safety Act of 1989. I do so in particular to commend the chairman of the full committee, the gentleman from New Jersey [Mr. ROE], the ranking member of that full committee, the gentleman from Pennsylvania, [Mr. WALKER], my good friend and colleague, and especially to thank those two individuals who are the driving force behind bringing this legislation to our attention here on the House floor, the chairman of the subcommittee [Mr. WALGREN], the gentleman from Pennsylvania, and the ranking member on the subcommittee, the gentleman from New York [Mr. BOEHLERT], both of whom happen to be the cochair of the congressional fire caucus, now the largest caucus on Capitol Hill.

Mr. Speaker, it is not often that we in this body have a chance to vote on legislation that will directly result in savings lives. This bill will do that. This bill will save lives not just for those people who are guests in hotels and motels, who are Federal employees using these establishments, but also those men and women, brave men and women who form the ranks of the fire service and the rescue service of this Nation.

□ 1900

They will benefit by this legislation because, in effect, it will cause hotel and motel owners across the country to install sprinkler systems and therefore will allow automatic suppression to occur when, in the past we have had to rely on sending human beings in to rescue personnel and to those types of establishments, once a fire has occurred.

As has been stated, the testimony on this particular legislation today, according to the National Fire Protection Association, there has never been a multiple loss of life in any building that has been sprinklered according to national codes. If they had had sprinklers in the Virginia nursing home a little over 1 month ago, we would not have lost 16 senior citizens.

While this bill will not cover nursing homes, the next step beyond this bill will certainly lay the groundwork for Members to require sprinkler protection from sprinklers in all residential occupancy. As a matter of fact, the cause of the impetus of this legislation states that cities all across America are now requiring sprinkler protection, many of them retroactively.

Next year, the State of Massachusetts will require all of its high rise buildings to have sprinkler protection provided in all of its residential occupancy. Every major group that is involved with fire and life safety in this country has been enthusiastically behind this piece of legislation, and has been supporting it actively to get it brought before Members today for full consideration.

The Federal Government is now following suit. We now have our Federal office buildings here on Capitol Hill that are right now in the process of being fully sprinklered, and also protected with automatic detection devices. This legislation will protect Federal employees, but will send a clear signal to America that we are serious about the problem of losing life and property from the threat of fire and disaster. We can and must take action to better protect the lives of our citizens.

Once again, I commend my colleague, the gentleman from Pennsylvania [Mr. WALGREN], and the gentleman from New York [Mr. BOEHLERT] for their leadership in this effort.

I applaud them for bringing this bill to the floor for our action today.

END BRUTALITY IN EL SALVADOR

(By unanimous consent, Mr. DICKS was allowed to proceed out of order.)

Mr. DICKS. Mr. Speaker, I want to join many of my colleagues today in expressing my personal outrage at the murder of six Jesuit priests and their coworkers that occurred earlier this week in El Salvador. This tragic and senseless act of brutality must not be condoned, even tacitly, by the Government of El Salvador, and I believe that the United States must immediately insist on an independent investigation of Thursday night's atrocity. The

credibility of the Christiani government has been challenged by the persons who reportedly witnessed Thursday night's killings, by growing numbers of Americans, and by the increasing skepticism of international world opinion. The United Nations, the Organization of American States, or another appropriate independent body must be enlisted to conduct an independent investigation of this heinous action.

The escalation of the hostilities in El Salvador is a cause for deep concern in Congress, and I join many of our Members in calling for an immediate cease-fire. We can and we must bring the full diplomatic pressure of the United States Government to bear on the Salvadoran Government and on the guerrilla forces to begin a process of national reconciliation.

In the past I have supported conditions on United States military assistance to El Salvador. Today I believe the efficacy of further military assistance is being called into question by the recent atrocities. The U.S. Government must take a leadership role. We must urge all elements—the right as well as the left—to end the brutality that has killed or injured thousands of innocent people. We must insist on an immediate cease-fire, followed by a process of political settlement. And finally, we must state clearly that the American people will not support further unconditional military aid under the current circumstances.

WASHINGTON, DC,
November 17, 1989.

President ALFREDO CHRISTIANI,
Republic of El Salvador, San Salvador, El Salvador.

DEAR PRESIDENT CHRISTIANI: I am sending this telegram as a personal appeal to you to investigate the murder of six Jesuit priests and their coworkers on Thursday night at their residence at Jose Simeon Canas Central American University. Your personal involvement in this investigation is critical, but I would also urge you to commission a thoroughly independent inquiry into this tragic crime. I cannot underestimate the importance of conducting an investigation which will produce credible results. In my judgment, this action is directly related in the United States Congress to the provision of further assistance from our Government. I and many of my colleagues in Congress urgently await your actions.

Representative NORM DICKS,
U.S. Congress.

Mr. NAGLE. Mr. Speaker, as we debate H.R. 94, the Hotel and Motel Fire Safety Act of 1989, a very important piece of legislation as it signals the intention and interest of Congress in the safety of Federal employees as they travel on the Nation's business, there are several points that need to be made:

First. In its desire to address the issues of adequate fire safety in hotels and motels, the subcommittee's hearing did not look broadly at other effective fire safety systems, other than the mandatory sprinkler and smoke detector requirements of the bill.

Second. I am aware that several respected fire safety authorities have raised concerns that pressure for sprinkler trade offs have forced some local code writers and others to permit highly combustible environments and violate traditional principles of containment.

Third. Nor does H.R. 94 acknowledge legitimate efforts that hoteliers may have taken to create a nonigniting environment, to establish hard standards regarding flammability and fire retardancy of furnishings and room appointments, or to require noncombustible construction.

Fourth. Indeed, it is my understanding that the NFPA's own life safety code, NFPA 101, effective February 2, 1988, while requiring sprinkler systems for new high rise hotels, does not make the same requirement for retrofitting. While NFPA recommends sprinkler systems in residential facilities which include commercial lodging establishments, the association has long recognized the efficacy of built-in structural fire resistance and capacity for compartmentalization. NFPA devotes at least as much time and concern on encouraging and requiring fire safe furnishings and buildings materials as it does on mechanical extinguishment. I would suggest that the Congress should do as much.

Mr. Speaker, this is a very sensitive and important issue, if we are going to require the GSA to essentially delist hotels and motels which do not meet the standards of this bill, thereby jeopardizing their ability to attract business from Government travel, even when they may, by virtue of price and location be very attractive to the traveling Federal employee, then we must think long and hard about whether we are requiring a standard higher than now commercially in place by those who follow the NFPA guidelines.

It is all well and good to speak to the positive features of redundant systems, and the well-known attributes of sprinklers and I have no intention of blocking or delaying the consideration of this bill in fact, I support it now as I did when the committee first acted.

However, I do believe that the other body should be encouraged to look closely at the matters I have raised, and I will be asking other colleagues to join me in requesting such an in-depty review as they would undertake their deliberations.

Mr. WALKER. Mr. Speaker, I rise in support of the Hotel Fire Safety Act of 1989 which was introduced by Mr. BOEHLERT of New York, the Republican vice chairman of the Science Committee's technology panel which handles fire research and control matters. H.R. 94 is a responsible approach to encourage hotels to further improve their fire prevention efforts. It uses the carrot, not the stick.

In fact, the legislation does not put any new mandatory requirements on hotels. Rather is simply induces them to install sprinklers and smoke detectors over the next 4 years before requiring an annually increasing majority of Federal employees to stay at hotels so equipped. Agencies are guaranteed sufficient flexibility where cost and availability make this impractical. This market share coercion will hopefully have a positive, but not disruptive, effect.

Small and family businesses are protected by exempting establishments with less than six units or under three floors with outside access. And from what I understand, a hotel could recover their upfront investment on the installation of smoke alarms and sprinkler systems through lower insurance premiums within about 5 years, with operational savings in the out years. Therefore, it is in the long term financial best interest of industry to increase fire safety in order to reduce its risk and potential liability.

Our committee has worked hard to address many of the issues that the administration and some in industry have raised to provide a reasonable bill. Government paperwork requirements have been reduced, phasein has been extended, and flexibility established.

The administration now supports passage. With less than half of public accommodations today protected by sprinklers at highest estimate, I am proud to be a cosponsor of H.R. 94, and urge its unanimous passage.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALGREN] that the House suspend the rules and pass the bill H.R. 94, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 94, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON H.R. 3402, SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

Mr. FASCELL submitted the following conference report and statement on the bill (H.R. 3402) to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of support for East European Democracy (SEED):

CONFERENCE REPORT (H. REPT. 101-377)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H. R. 3402) to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of support for East European Democracy (SEED), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Support for East European Democracy (SEED) Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Support for East European Democracy (SEED) Program.

TITLE I—STRUCTURAL ADJUSTMENT

Sec. 101. Multilateral support for structural adjustment in Poland and Hungary.
Sec. 102. Stabilization assistance for Poland.
Sec. 103. Agricultural assistance.
Sec. 104. Debt-for-equity swaps and other special techniques.

TITLE II—PRIVATE SECTOR DEVELOPMENT

Sec. 201. Enterprise Funds for Poland and Hungary.
Sec. 202. Labor market transition in Poland and Hungary.
Sec. 203. Technical training for private sector development in Poland and Hungary.
Sec. 204. Peace Corps programs in Poland and Hungary.
Sec. 205. Use of Polish currency generated by agricultural assistance.
Sec. 206. United States policy of private financial support for Polish and Hungarian credit unions.

TITLE III—TRADE AND INVESTMENT

Sec. 301. Eligibility of Poland for Generalized System of Preferences.
Sec. 302. Overseas Private Investment Corporation programs for Poland and Hungary.
Sec. 303. Export-Import Bank programs for Poland and Hungary.
Sec. 304. Trade Credit Insurance Program for Poland.
Sec. 305. Trade and Development Program activities for Poland and Hungary.
Sec. 306. Bilateral investment treaties with Poland and Hungary.
Sec. 307. Certain Polish bonds not subject to Internal Revenue Code rules relating to below-market loans.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

Sec. 401. Educational and cultural exchanges and sister institutions programs with Poland and Hungary.
Sec. 402. Poland-Hungary scholarship partnership.
Sec. 403. Science and technology exchange with Poland and Hungary.

TITLE V—OTHER ASSISTANCE PROGRAMS

Sec. 501. Assistance in support of democratic institutions in Poland and Hungary.
Sec. 502. Environmental initiatives for Poland and Hungary.
Sec. 503. Medical supplies, hospital equipment, and medical training for Poland.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

Sec. 601. Policy coordination of SEED Program.
Sec. 602. SEED Information Center System.
Sec. 603. Encouraging voluntary assistance for Poland and Hungary.
Sec. 604. Economic and commercial officers at United States Embassies and missions in Poland and Hungary.

TITLE VII—REPORTS TO CONGRESS

Sec. 701. Report on initial steps taken by United States and on Poland's requirement for agricultural assistance.
Sec. 702. Report on confidence building measures by Poland and Hungary.
Sec. 703. Report on environmental problems in Poland and Hungary.
Sec. 704. Annual SEED Program report.
Sec. 705. Reports on certain activities.
Sec. 706. Notifications to Congress regarding assistance.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Suspension of SEED assistance.
Sec. 802. Establishment of the Republic of Hungary.
Sec. 803. Administrative expenses of the Agency for International Development.
Sec. 804. Relation of provisions of this Act to certain provisions of appropriation Acts.
Sec. 805. Certain uses of excess foreign currencies.

SEC. 2. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) PROGRAM.

(a) SEED PROGRAM.—The United States shall implement, beginning in fiscal year 1990, a concerted Program of Support for East European Democracy (which may also be referred to as the "SEED Program"). The SEED Program shall be comprised of diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe that have taken substantive steps toward institutionalizing political democracy and economic pluralism.

(b) OBJECTIVES OF SEED ASSISTANCE.—The President should ensure that the assistance provided to East European countries pursuant to this Act is designed—

(1) to contribute to the development of democratic institutions and political pluralism characterized by—

(A) the establishment of fully democratic and representative political systems based on free and fair elections,

(B) effective recognition of fundamental liberties and individual freedoms, including freedom of speech, religion, and association,

(C) termination of all laws and regulations which impede the operation of a free press and the formation of political parties,

(D) creation of an independent judiciary, and

(E) establishment of non-partisan military, security, and police forces;

(2) to promote the development of a free market economic system characterized by—

(A) privatization of economic entities,

(B) establishment of full rights to acquire and hold private property, including land and the benefits of contractual relations,

(C) simplification of regulatory controls regarding the establishment and operation of businesses,

(D) dismantlement of all wage and price controls,

(E) removal of trade restrictions, including on both imports and exports,

(F) liberalization of investment and capital, including the repatriation of profits by foreign investors,

(G) tax policies which provide incentives for economic activity and investment,

(H) establishment of rights to own and operate private banks and other financial service firms, as well as unrestricted access to private sources of credit, and

(I) access to a market for stocks, bonds, and other instruments through which individuals may invest in the private sector; and

(3) not to contribute any substantial benefit—

(A) to Communist or other political parties or organizations which are not committed to respect for the democratic process, or

(B) to the defense or security forces of any member country of the Warsaw Pact.

(c) SEED ACTIONS.—Assistance and other activities under the SEED Program (which may be referred to as "SEED Actions") shall include activities such as the following:

(1) LEADERSHIP IN THE WORLD BANK AND INTERNATIONAL MONETARY FUND.—United States leadership in supporting—

(A) loans by the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group that are designed to modernize industry, agriculture, and infrastructure, and

(B) International Monetary Fund programs designed to stimulate sound economic growth.

(2) CURRENCY STABILIZATION LOANS.—United States leadership in supporting multilateral agreement to provide government-to-government loans for currency stabilization where such loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

(3) DEBT REDUCTION AND RESCHEDULING.—Participation in multilateral activities aimed at reducing and rescheduling a country's international debt, when reduction and deferral of debt payments can assist the process of political and economic transition.

(4) AGRICULTURAL ASSISTANCE.—Assistance through the grant and concessional sale of food and other agricultural commodities and products when such assistance can ease critical shortages but not inhibit agricultural production and marketing in the recipient country.

(5) ENTERPRISE FUNDS.—Grants to support private, nonprofit "Enterprise Funds", designated by the President pursuant to law and governed by a Board of Directors, which undertake loans, grants, equity investments,

feasibility studies, technical assistance, training, and other forms of assistance to private enterprise activities in the Eastern European country for which the Enterprise Fund so is designated.

(6) LABOR MARKET-ORIENTED TECHNICAL ASSISTANCE.—Technical assistance programs directed at promoting labor market reforms and facilitating economic adjustment.

(7) TECHNICAL TRAINING.—Programs to provide technical skills to assist in the development of a market economy.

(8) PEACE CORPS.—Establishment of Peace Corps programs.

(9) SUPPORT FOR INDIGENOUS CREDIT UNIONS.—Support for the establishment of indigenous credit unions.

(10) GENERALIZED SYSTEM OF PREFERENCES.—Eligibility for trade benefits under the Generalized System of Preferences.

(11) MOST FAVORED NATION TRADE STATUS.—The granting of temporary or permanent nondiscriminatory treatment (commonly referred to as "most favored nation status") to the products of an East European country through the application of the criteria and procedures established by section 402 of the Trade Act of 1974 (19 U.S.C. 2432; commonly referred to as the "Jackson-Vanik amendment").

(12) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Programs of the Overseas Private Investment Corporation.

(13) EXPORT-IMPORT BANK PROGRAMS.—Programs of the Export-Import Bank of the United States.

(14) TRADE AND DEVELOPMENT PROGRAM ACTIVITIES.—Trade and Development Program activities under the Foreign Assistance Act of 1961.

(15) INVESTMENT TREATIES.—Negotiation of bilateral investment treaties.

(16) SPECIAL TAX TREATMENT OF BELOW-MARKET LOANS.—Exempting bonds from Internal Revenue Code rules relating to below-market loans.

(17) EXCHANGE ACTIVITIES.—Expanded exchange activities under the Fulbright, International Visitors, and other programs conducted by the United States Information Agency.

(18) CULTURAL CENTERS.—Contributions toward the establishment of reciprocal cultural centers that can facilitate educational and cultural exchange and expanded understanding of Western social democracy.

(19) SISTER INSTITUTIONS.—Establishment of sister institution programs between American and East European schools and universities, towns and cities, and other organizations in such fields as medicine and health care, business management, environmental protection, and agriculture.

(20) SCHOLARSHIPS.—Scholarships to enable students to study in the United States.

(21) SCIENCE AND TECHNOLOGY EXCHANGES.—Grants for the implementation of bilateral agreements providing for cooperation in science and technology exchange.

(22) ASSISTANCE FOR DEMOCRATIC INSTITUTIONS.—Assistance designed to support the development of legal, legislative, electoral, journalistic, and other institutions of free, pluralist societies.

(23) ENVIRONMENTAL ASSISTANCE.—Environmental assistance directed at overcoming crucial deficiencies in air and water quality and other determinants of a healthful society.

(24) MEDICAL ASSISTANCE.—Medical assistance specifically targeted to overcome severe deficiencies in pharmaceuticals and other basic health supplies.

(25) ENCOURAGEMENT FOR PRIVATE INVESTMENT AND VOLUNTARY ASSISTANCE.—Encouraging private investment and voluntary private assistance, using a variety of means including a SEED Information Center System and the provision by the Department of Defense of transportation for private nonfinancial contributions.

TITLE I—STRUCTURAL ADJUSTMENT

SEC. 101. MULTILATERAL SUPPORT FOR STRUCTURAL ADJUSTMENT IN POLAND AND HUNGARY.

(a) MULTILATERAL ASSISTANCE FOR POLAND AND HUNGARY.—

(1) IN GENERAL.—To the extent that Poland and Hungary continue to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall take the leadership in mobilizing international financial institutions, in particular the International Monetary Fund and the International Bank for Reconstruction and Development and its affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Poland and Hungary.

(2) WORLD BANK STRUCTURAL ADJUSTMENT LOAN FOR POLAND.—In furtherance of paragraph (1), the Secretary of the Treasury shall direct the United States Executive Director of the International Bank for Reconstruction and Development to urge expeditious approval and disbursement by the Bank of a structural adjustment loan to Poland in an appropriate amount in time to facilitate the implementation of major economic reforms scheduled for early 1990, including the termination of energy, export, and agricultural subsidies and wage indexation.

(b) STABILIZATION ASSISTANCE, DEBT RELIEF, AND AGRICULTURAL ASSISTANCE FOR POLAND.—To the extent that Poland continues to evolve toward pluralism and democracy and to develop and implement comprehensive economic reform programs, the United States Government shall do the following:

(1) STABILIZATION ASSISTANCE.—The United States Government, in conjunction with other member governments of the Organization of Economic Cooperation and Development (OECD) and international financial institutions (including the International Monetary Fund), shall support the implementation of a plan of the Government of Poland to attack hyperinflation and other structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Poland, through the use of mechanisms such as—

(A) the Exchange Stabilization Fund pursuant to section 5302 of title 31, United States Code, and in accordance with established Department of the Treasury policies and procedures; and

(B) the authority provided in section 102(c) of this Act.

(2) DEBT RELIEF.—The United States Government—

(A) shall urge all members of the "Paris Club" of creditor governments and other creditor governments to adopt, and participate in, a generous and early rescheduling program for debts owed by the Government of Poland; and

(B) in coordination with other creditor governments, shall seek to expedite consultations between the Government of Poland and its major private creditors in order to facilitate a rescheduling and reduction of payments due on debt owed to such creditors in a manner consistent with the international debt policy announced by the Secretary of the Treasury on March 10, 1989.

(3) AGRICULTURAL ASSISTANCE.—The United States Government shall provide agricultural assistance for Poland in accordance with section 103.

SEC. 102. STABILIZATION ASSISTANCE FOR POLAND.

(a) IMMEDIATE EMERGENCY ASSISTANCE.—To the extent that the ongoing International Monetary Fund review of the Polish economy projects a probable balance of payments shortage for the fourth quarter of 1989, the United States Government, in carrying out paragraph (1) of section 101(b)—

(1) should work closely with the European Community and international financial institutions to determine the extent of emergency assistance required by Poland for the fourth quarter of 1989, and

(2) should consider extending a bridge loan to relieve immediate and urgent balance of payments requirements using the Exchange Stabilization Fund in accordance with paragraph (1)(A) of section 101(b).

(b) IMMEDIATE, MULTILATERAL RESPONSE TO POLAND'S ECONOMIC STABILIZATION NEEDS.—In furtherance of section 101(b)(1), the President, acting in coordination with the European Community, should seek to ensure that the industrialized democracies undertake an immediate, multilateral effort to respond to Poland's request for $1,000,000,000 to support its economic stabilization program.

(c) ADDITIONAL AUTHORITY TO PROVIDE STABILIZATION ASSISTANCE.—

(1) AUTHORITY.—In order to carry out paragraph (1) of section 101(b), the President is authorized to furnish assistance for Poland, notwithstanding any other provision of law, to assist in the urgent stabilization of the Polish economy and ultimately to promote longer-term economic growth and stability, based on movement toward free market principles. Such assistance may be provided for balance of payments support (including commodity import programs), support for private sector development, or for other activities to further efforts to develop a free market-oriented economy in Poland.

(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing the assistance authorized by this subsection, there are authorized to be appropriated $200,000,000 for fiscal year 1990 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund), in addition to amounts otherwise available for such purposes.

SEC. 103. AGRICULTURAL ASSISTANCE.

(a) AGRICULTURAL ASSISTANCE STRATEGY.—

(1) UNITED STATES ASSISTANCE.—A principal component of the SEED Program shall be the provision by the United States of food and other agricultural commodities and products to alleviate crucial shortages that may be created in an East European country by the transition from state-directed controls to a free market economy.

(2) ASSISTANCE FROM OTHER COUNTRIES.—In order to ensure the necessary quantity and diversity of agricultural assistance for that purpose, the United States shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(3) AVOIDING DISINCENTIVES TO PRIVATE AGRICULTURAL PRODUCTION AND MARKETING.—In participating in such multilateral agricultural assistance, the United States shall seek to strike a balance wherein agricultural commodities and products are supplied in such quantities as will be effective in overcoming severe shortages and dampening inflation but without impeding the develop-

ment of incentives for private agricultural production and marketing in the recipient country.

(b) AGRICULTURAL ASSISTANCE FOR POLAND.—Pursuant to section 101(b)(3), the United States Government—

(1) shall make available to Poland, in coordination with the European Community, United States agricultural assistance—

(A) to alleviate immediate food shortages (such assistance to be specifically targeted toward elements of the Polish population most vulnerable to hunger and malnutrition, in particular the infirm, the elderly, and children), and

(B) to facilitate the transition from state-directed controls to a free market economy, while avoiding disincentives to domestic agricultural production and reform; and

(2) in order to ensure the necessary quantity and diversity of such agricultural assistance, shall take all appropriate steps to encourage parallel efforts by the European Community and other agricultural surplus countries.

(c) FY 1990 MINIMUM LEVEL OF AGRICULTURAL ASSISTANCE FOR POLAND.—In carrying out subsection (b) of this section, the level of assistance for Poland for fiscal year 1990 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o) should not be less than $125,000,000. Such assistance—

(1) to the maximum extent practicable, shall be provided through nongovernmental organizations; and

(2) shall emphasize feed grains.

(d) CONSISTENCY WITH BUDGET REQUIREMENTS.—Subsection (c) should not be construed to authorize or require any budgetary obligations or outlays that are inconsistent with House Concurrent Resolution 106 of the 101st Congress (setting forth the congressional budget for the United States Government for fiscal year 1990).

SEC. 104. DEBT-FOR-EQUITY SWAPS AND OTHER SPECIAL TECHNIQUES.

(a) REDUCTION OF DEBT BURDEN.—The President shall take all appropriate actions to explore and encourage innovative approaches to the reduction of the government-to-government and commercial debt burden of East European countries which have taken substantive steps toward political democracy and economic pluralism.

(b) AUTHORITY FOR DISCOUNTED SALES OF DEBT.—Notwithstanding any other provision of law, the President may undertake the discounted sale, to private purchasers, of United States Government debt obligations of an East European country which has taken substantive steps toward political democracy and economic pluralism, subject to subsection (c).

(c) CONDITION.—An obligation may be sold under subsection (b) only if the sale will facilitate so-called debt-for-equity or debt-for-development swaps wherein such newly privatized debt is exchanged by the new holder of the obligation for—

(1) local currencies, policy commitments, or other assets needed for development or other economic activities, or

(2) for an equity interest in an enterprise theretofore owned by the particular East European government.

TITLE II—PRIVATE SECTOR DEVELOPMENT

SEC. 201. ENTERPRISE FUNDS FOR POLAND AND HUNGARY.

(a) PURPOSES.—The purposes of this section are to promote—

(1) development of the Polish and Hungarian private sectors, including small businesses, the agricultural sector, and joint ventures with United States and host country participants, and

(2) policies and practices conducive to private sector development in Poland and Hungary,

through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out the purposes specified in subsection (a), there are authorized to be appropriated to the President—

(1) $240,000,000 to support the Polish-American Enterprise Fund; and

(2) $60,000,000 to support the Hungarian-American Enterprise Fund.

Such amounts are authorized to be made available until expended.

(c) NONAPPLICABILITY OF OTHER LAWS.—The funds appropriated under subsection (b) may be made available to the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and used for the purposes of this section notwithstanding any other provision of law.

(d) DESIGNATION OF ENTERPRISE FUNDS.—

(1) DESIGNATION.—The President is authorized to designate two private, nonprofit organizations as eligible to receive funds and support pursuant to this section upon determining that such organizations have been established for the purposes specified in subsection (a). For purposes of this Act, the organizations so designated shall be referred to as the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund (hereinafter in this section referred to as the "Enterprise Funds").

(2) CONSULTATION WITH CONGRESS.—The President shall consult with the leadership of each House of Congress before designating an organization pursuant to paragraph (1).

(3) BOARD OF DIRECTORS.—(A) Each Enterprise Fund shall be governed by a Board of Directors comprised of private citizens of the United States, and citizens of the respective host country, who have demonstrated experience and expertise in those areas of private sector development in which the Enterprise Fund is involved.

(B) A majority of the members of the Board of Directors of each Enterprise Fund shall be United States citizens.

(C) A host country citizen who is not committed to respect for democracy and a free market economy may not serve as a member of the Board of Directors of an Enterprise Fund.

(4) ELIGIBILITY OF ENTERPRISE FUNDS FOR GRANTS.—Grants may be made to an Enterprise Fund under this section only if the Enterprise Fund agrees to comply with the requirements specified in this section.

(5) PRIVATE CHARACTER OF ENTERPRISE FUNDS.—Nothing in this section shall be construed to make an Enterprise Fund an agency or establishment of the United States Government, or to make the officers, employees, or members of the Board of Directors of an Enterprise Fund officers or employees of the United States for purposes of title 5, United States Code.

(e) GRANTS TO ENTERPRISE FUNDS.—Funds appropriated to the President pursuant to subsection (b) shall be granted to the Enterprise Funds by the Agency for International Development to enable the Enterprise Funds to carry out the purposes specified in subsection (a) and for the administrative expenses of each Enterprise Fund.

(f) ELIGIBLE PROGRAMS AND PROJECTS.—

(1) IN GENERAL.—The Enterprise Funds may provide assistance pursuant to this section only for programs and projects which are consistent with the purposes set forth in subsection (a).

(2) EMPLOYEE STOCK OWNERSHIP PLANS.—Funds available to the Enterprise Funds may be used to encourage the establishment of Employee Stock Ownership Plans (ESOPs) in Poland and Hungary.

(3) INDIGENOUS CREDIT UNIONS.—Funds available to the Enterprise Funds may be used for technical and other assistance to support the development of indigenous credit unions in Poland and Hungary. As used in this paragraph, the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution.

(4) TELECOMMUNICATIONS MODERNIZATION IN POLAND.—The Polish-American Enterprise Fund may use up to $25,000,000 for grants for projects providing for the early introduction in Poland of modern telephone systems and telecommunications technology, which are crucial in establishing the conditions for successful transition to political democracy and economic pluralism.

(5) ECONOMIC FOUNDATION OF NSZZ SOLIDARNOŚĆ.—Funds available to the Polish-American Enterprise Fund may be used to support the Economic Foundation of NSZZ Solidarność.

(g) MATTERS TO BE CONSIDERED BY ENTERPRISE FUNDS.—In carrying out this section, each Enterprise Fund shall take into account such considerations as internationally recognized worker rights and other internationally recognized human rights, environmental factors, United States economic and employment effects, and the likelihood of commercial viability of the activity receiving assistance from the Enterprise Fund.

(h) RETENTION OF INTEREST.—An Enterprise Fund may hold funds granted to it pursuant to this section in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a), and may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

(i) USE OF UNITED STATES PRIVATE VENTURE CAPITAL.—In order to maximize the effectiveness of the activities of the Enterprise Funds, each Enterprise Fund may conduct public offerings or private placements for the purpose of soliciting and accepting United States venture capital which may be used, separately or together with funds made available pursuant to this section, for any lawful investment purpose that the Board of Directors of the Enterprise Fund may determine in carrying out this section. Financial returns on Enterprise Fund investments that include a component of private venture capital may be distributed, at such times and in such amounts as the Board of Directors of the Enterprise Fund may determine, to the investors of such capital.

(j) FINANCIAL INSTRUMENTS FOR INDIVIDUAL INVESTMENT IN POLAND.—In order to maximize the effectiveness of the activities of the

Polish-American Enterprise Fund, that Enterprise Fund should undertake all possible efforts to establish financial instruments that will enable individuals to invest in the private sectors of Poland and that will thereby have the effect of multiplying the impact of United States grants to that Enterprise Fund.

(k) NONAPPLICABILITY OF OTHER LAWS.—Executive branch agencies may conduct programs and activities and provide services in support of the activities of the Enterprise Funds notwithstanding any other provision of law.

(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND PERSONNEL.—No part of the funds of either Enterprise Fund shall inure to the benefit of any board member, officer, or employee of such Enterprise Fund, except as salary or reasonable compensation for services.

(m) INDEPENDENT PRIVATE AUDITS.—The accounts of each Enterprise Fund shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by this section.

(n) GAO AUDITS.—The financial transactions undertaken pursuant to this section by each Enterprise Fund may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States, so long as the Enterprise Fund is in receipt of United States Government grants.

(o) RECORDKEEPING REQUIREMENTS.—The Enterprise Funds shall ensure—

(1) that each recipient of assistance provided through the Enterprise Funds under this section keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit; and

(2) that the Enterprise Funds, or any of their duly authorized representatives, have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Enterprise Funds under this section.

(p) ANNUAL REPORTS.—Each Enterprise Fund shall publish an annual report, which shall include a comprehensive and detailed description of the Enterprise Fund's operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. This report shall be published not later than January 31 each year, beginning in 1991.

SEC. 202. LABOR MARKET TRANSITION IN POLAND AND HUNGARY.

(a) TECHNICAL ASSISTANCE.—The Secretary of Labor (hereinafter in this section referred to as the "Secretary"), in consultation with representatives of labor and business in the United States, shall—

(1) provide technical assistance to Poland and Hungary for the implementation of labor market reforms; and

(2) provide technical assistance to Poland and Hungary to facilitate adjustment during the period of economic transition and reform.

(b) TYPES OF TECHNICAL ASSISTANCE AUTHORIZED.—In carrying out subsection (a), the Secretary is authorized to provide technical assistance regarding policies and programs for training and retraining, job search and employment services, unemployment insurance, occupational safety and health protection, labor-management relations, labor statistics, analysis of productivity constraints, entrepreneurial support for small businesses, market-driven systems of wage and income determinations, job creation, employment security, the observance of internationally recognized worker rights (including freedom of association and the right to organize and bargain collectively), and other matters that the Secretary may deem appropriate regarding free labor markets and labor organizations.

(c) ADMINISTRATIVE AUTHORITIES.—In carrying out subsection (a), the Secretary is authorized to do the following:

(1) Solicit and accept in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this section, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise. Gifts and donations of property which are no longer required for the discharge of the purposes of this section shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following).

(2) Solicit and accept voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. A volunteer under this paragraph shall not be deemed to be an employee of the United States except for the purposes of—

(A) the tort claims provisions of title 28, United States Code, and

(B) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

(3) Enter into arrangements or agreements with appropriate departments, agencies, and establishments of Poland and Hungary.

(4) Enter into arrangements or agreements with appropriate private and public sector United States parties, and international organizations.

(d) CONSULTATION WITH APPROPRIATE OFFICERS.—In carrying out the responsibilities established by this section, the Secretary shall seek information and advice from, and consult with, appropriate officers of the United States.

(e) CONSULTATION WITH LABOR AND BUSINESS REPRESENTATIVES.—For purposes of this section, consultation between the Secretary and United States labor and business representatives shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(f) DELEGATION OF RESPONSIBILITIES.—The Secretary shall delegate the authority to carry out the programs authorized by this section to the head of the Bureau of International Labor Affairs of the Department of Labor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor for the 3-year period beginning October 1, 1989, to carry out this section—

(1) $4,000,000 for technical assistance to Poland; and

(2) $1,000,000 for technical assistance to Hungary.

SEC. 203. TECHNICAL TRAINING FOR PRIVATE SECTOR DEVELOPMENT IN POLAND AND HUNGARY.

(a) TECHNICAL TRAINING PROGRAM.—The Agency for International Development shall develop and implement a program for extending basic agribusiness, commercial, entrepreneurial, financial, scientific, and technical skills to the people of Poland and Hungary to enable them to better meet their needs and develop a market economy. This program shall include management training and agricultural extension activities.

(b) PARTICIPATION BY ENTERPRISE FUNDS AND OTHER AGENCIES AND ORGANIZATIONS.—In carrying out subsection (a), the Agency for International Development may utilize the Polish-American Enterprise Fund and the Hungarian-American Enterprise Fund and other appropriate Government and private agencies, programs, and organizations such as—

(1) the Department of Agriculture;

(2) the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(a) (1) and (2));

(3) the International Executive Service Corps;

(4) the Foundation for the Development of Polish Agriculture;

(5) the World Council of Credit Unions; and

(6) other United States, Polish, and Hungarian private and voluntary organizations and private sector entities.

(c) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Assistance provided pursuant to subsection (a) under the authorities of part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any other provision of law.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of implementing this section, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance), in addition to amounts otherwise available for such purposes.

(e) LIMITATION WITH RESPECT TO FARMER-TO-FARMER PROGRAM.—Any activities carried out pursuant to this Act through the Farmer-to-Farmer Program under section 406(a) (1) and (2) of the Agricultural Trade Development and Assistance Act of 1954 shall be funded with funds authorized to be appropriated by this Act and local currencies made available under section 205, and shall not be funded with funds made available pursuant to section 1107 of the Food Security Act of 1985 (7 U.S.C. 1736 note) or a similar, subsequent provision of law.

SEC. 204. PEACE CORPS PROGRAMS IN POLAND AND HUNGARY.

There are authorized to be appropriated to carry out programs in Poland and Hungary under the Peace Corps Act, $6,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes. Such programs shall include the use of Peace Corps volunteers—

(1) to provide English language training, and

(2) to extend the technical skills described in section 203(a) to the people of Poland and

Hungary, using the Associate Volunteer Program to the extent practicable.

SEC. 205. USE OF POLISH CURRENCY GENERATED BY AGRICULTURAL ASSISTANCE.

(a) ADDITIONAL ASSISTANCE FOR POLAND.—A portion of the agricultural commodities described in subsection (c) may be made available and sold or bartered in Poland to generate local currencies to be used—

(1) to complement the assistance for Poland authorized by sections 103(b), 201, and 203 of this Act, and

(2) to support the activities of the joint commission established pursuant to section 2226 of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note),

notwithstanding section 416(b)(7) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)) or any other provision of law.

(b) EMPHASIS ON AGRICULTURAL DEVELOPMENT.—The uses of local currencies generated under this section should emphasize the development of agricultural infrastructure, agriculture-related training, and other aspects of agricultural development in Poland.

(c) COMMODITIES SUBJECT TO REQUIREMENTS.—Subsection (a) applies with respect to agricultural commodities made available for Poland for fiscal years 1990, 1991, and 1992 under section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 and following), and the Food for Progress Act of 1985 (7 U.S.C. 1736o).

(d) OTHER USES NOT PRECLUDED.—The uses of agricultural commodities and local currencies specified in subsection (a) are in addition to other uses authorized by law.

SEC. 206. UNITED STATES POLICY OF PRIVATE FINANCIAL SUPPORT FOR POLISH AND HUNGARIAN CREDIT UNIONS.

(a) IN GENERAL.—In order to facilitate the development of indigenous credit unions in Poland and Hungary, it is the policy of the United States that—

(1) United States citizens, financial institutions (other than federally insured depository institutions), and other persons may make contributions and loans to, make capital deposits in, and provide other forms of financial and technical assistance to credit unions in Poland and Hungary; and

(2) federally insured depository institutions may provide technical assistance to credit unions in Poland and Hungary, to the extent that the provision of such assistance is prudent and not inconsistent with safe and sound banking practice.

(b) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

"(16) subject to such regulations as the Board may prescribe, to provide technical assistance to credit unions in Poland and Hungary; and".

(c) DEFINITIONS.—For purposes of subsection (a)—

(1) the term "credit union" means a member-owned, nonprofit, cooperative depository institution—

(A) which is formed to permit individuals in the field of membership specified in such institution's charter to pool their savings, lend the savings to one another, and own the organization where they save, borrow, and obtain related financial services; and

(B) whose members are united by a common bond and democratically operate the institution; and

(2) the term "federally insured depository institution" means—

(A) any insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

(B) any insured credit union (as defined in section 101(7) of the Federal Credit Union Act).

TITLE III—TRADE AND INVESTMENT

SEC. 301. ELIGIBILITY OF POLAND FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Poland" in the table within such subsection.

SEC. 302. OVERSEAS PRIVATE INVESTMENT CORPORATION PROGRAMS FOR POLAND AND HUNGARY.

(a) ELIGIBILITY OF POLAND AND HUNGARY FOR OPIC PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2199(f)) is amended by inserting ", Poland, Hungary," after "Yugoslavia".

(b) ENHANCEMENT OF NONGOVERNMENTAL SECTOR.—In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—If the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, contains the same amendment that is made by subsection (a) of this section, the amendment made by that Act shall not be effective.

SEC. 303. EXPORT-IMPORT BANK PROGRAMS FOR POLAND AND HUNGARY.

(a) AUTHORITY TO EXTEND CREDIT TO POLAND AND HUNGARY.—Notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by the Republic of Hungary or any agency or national thereof or by the Polish People's Republic or any agency or national thereof.

(b) PRIVATE FINANCIAL INTERMEDIARIES TO FACILITATE EXPORTS TO POLAND.—Consistent with the provisions of the Export-Import Bank Act of 1945 (12 U.S.C. 635 and following), the Export-Import Bank of the United States shall work with private financial intermediaries in Poland to facilitate the export of goods and services to Poland.

SEC. 304. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by inserting after section 224 (22 U.S.C 2184) the following new section:

"SEC. 225. TRADE CREDIT INSURANCE PROGRAM FOR POLAND.

"(a) GENERAL AUTHORITY.—

"(1) ASSURANCE TO EXPORT-IMPORT BANK OF REPAYMENT.—The President is authorized to provide guarantees to the Bank for liabilities described in paragraph (2) in order to satisfy the requirement of section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) that the Bank have reasonable assurance of repayment.

"(2) LIABILITIES WHICH MAY BE GUARANTEED.—The liabilities that may be guaranteed under paragraph (1) are liabilities incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Poland.

"(b) GUARANTEES AVAILABLE ONLY FOR SHORT-TERM GUARANTEES AND INSURANCE.—Guarantees provided under subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance.

"(c) AGREEMENT ON CRITERIA AND PROCEDURES.—Guarantees or insurance extended by the Bank and guaranteed pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Administrator and the Bank.

"(d) RESERVE FUND.—The agreement referred to in subsection (c) shall also provide for the establishment of a reserve fund by the administering agency, with such funds made available to the reserve as the Administrator deems necessary to discharge liabilities under guarantees provided under subsection (a).

"(e) DISCHARGE OF LIABILITIES.—

"(1) FUNDS WHICH MAY BE USED.—Such amounts of the funds made available to carry out chapter 4 of part II of this Act (relating to the economic support fund) as the President determines are necessary may be made available to discharge liabilities under guarantees entered into under subsection (a).

"(2) CREDITING OF SUBSEQUENT PAYMENTS.—To the extent that any of the funds made available pursuant to paragraph (1) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund established pursuant to subsection (d), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Administrator to the Bank for guarantees under subsection (a).

"(f) APPROPRIATIONS ACTION REQUIRED.—Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in advance in appropriations Acts.

"(g) LIMITATION ON OUTSTANDING COMMITMENTS.—The aggregate amount of outstanding commitments under subsection (a) may not exceed $200,000,000 of contingent liability for loan principal during any fiscal year.

"(h) BIANNUAL REPORTS TO CONGRESS.—Every 6 months, the Administrator and the President of the Bank shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of guarantees and insurance provided by the Bank and guaranteed under this section during the preceding 6-month period.

"(i) ADMINISTRATIVE AND TECHNICAL ASSISTANCE.—The Bank shall provide, without reimbursement, such administrative and technical assistance to the administering agency as the Bank and the Administrator determine appropriate to assist the administering agency in carrying out this section.

"(j) FEES AND PREMIUMS.—The Bank is authorized to charge fees and premiums, in connection with guarantees or insurance guaranteed by the administering agency under subsection (a), that are commensurate (in the judgment of the Bank) with the Bank's administrative costs and the risks

covered by the agency's guarantees. Any amounts received by the Bank in excess of the estimated costs incurred by the Bank in administering such guarantees or insurance—

"(1) shall be credited to the reserve fund established pursuant to subsection (d),

"(2) shall be merged with the funds in such reserve, and

"(3) shall be available for the purpose of payments by the administering agency to the Bank for guarantees under subsection (a).

"(k) RESTRICTIONS NOT APPLICABLE.—Prohibitions on the use of foreign assistance funds for assistance for Poland shall not apply with respect to the funds made available to carry out this section.

"(l) EXPIRATION OF AUTHORITY.—The President may not enter into any commitments to guarantee under subsection (a) after September 30, 1992.

"(m) DEFINITIONS.—For purposes of this section—

"(1) the term 'administering agency' means the Agency for International Development;

"(2) the term 'Administrator' means the Administrator of the Agency for International Development; and

"(3) the term 'Bank' means the Export-Import Bank of the United States.".

(b) CONFORMING AMENDMENT.—Section 224 of that Act is amended by inserting "FOR CENTRAL AMERICA" after "PROGRAM" in the section caption.

(c) CONFORMING REFERENCE.—With respect to Poland, any reference in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to section 224 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to section 225 of that Act (as enacted by this section).

SEC. 305. TRADE AND DEVELOPMENT PROGRAM ACTIVITIES FOR POLAND AND HUNGARY.

In order to permit expansion of the Trade and Development Program into Poland and Hungary, there are authorized to be appropriated $6,000,000 for the 3-year period beginning October 1, 1989, to carry out section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2241), in addition to amounts otherwise available for such purpose.

SEC. 306. BILATERAL INVESTMENT TREATIES WITH POLAND AND HUNGARY.

The Congress urges the President to seek bilateral investment treaties with Poland and Hungary in order to establish a more stable legal framework for United States investment in those countries.

SEC. 307. CERTAIN POLISH BONDS NOT SUBJECT TO INTERNAL REVENUE CODE RULES RELATING TO BELOW-MARKET LOANS.

(a) IN GENERAL.—Paragraph (5) of section 1812(b) of the Tax Reform Act of 1986 is amended—

(1) by inserting "or Poland" after "Israel" in the text thereof, and

(2) by inserting "OR POLISH" after "ISRAEL" in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SISTER INSTITUTIONS PROGRAMS WITH POLAND AND HUNGARY.

(a) EDUCATIONAL AND CULTURAL EXCHANGES.—

(1) SUPPORT FOR EXPANDED U.S. PARTICIPATION.—The United States should expand its participation in educational and cultural exchange activities with Poland and Hungary, using the full array of existing government-funded and privately-funded programs, with particular emphasis on the J. William Fulbright Educational Exchange Program, the International Visitors Program, the Samantha Smith Memorial Exchange Program, the exchange programs of the National Academy of Sciences, youth and student exchanges through such private organizations as The Experiment in International Living, The American Field Service Committee, and Youth for Understanding, and research exchanges sponsored by the International Research and Exchanges Board (IREX).

(2) EMPHASIS ON SKILLS IN BUSINESS AND ECONOMICS.—The United States should place particular emphasis on expanding its participation in educational exchange activities that will assist in developing the skills in business and economics that are necessary for the development of a free market economy in Poland and Hungary.

(b) BINATIONAL FULBRIGHT COMMISSIONS.—The United States should take all appropriate action to establish binational Fulbright commissions with Poland and Hungary in order to facilitate and enhance academic and scholarly exchanges with those countries.

(c) RECIPROCAL CULTURAL CENTERS.—The President should consider the establishment of reciprocal cultural centers in Poland and the United States and in Hungary and the United States to facilitate government-funded and privately-funded cultural exchanges.

(d) SISTER INSTITUTIONS PROGRAMS.—The President shall act to encourage the establishment of "sister institution" programs between American and Polish organizations and between American and Hungarian organizations, including such organizations as institutions of higher education, cities and towns, and organizations in such fields as medicine and health care, business management, environmental protection, and agricultural research and marketing.

(e) AUTHORIZATION OF APPROPRIATIONS.—To enable the United States Information Agency to support the activities described in this section, there are authorized to be appropriated $12,000,000 for the 3-year period beginning October 1, 1989, in addition to amounts otherwise available for such purposes.

SEC. 402. POLAND-HUNGARY SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development is authorized to establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from Poland and Hungary to study in the United States.

(b) EMPHASIS ON BUSINESS AND ECONOMICS.—The scholarship program provided for in this section shall emphasize scholarships to enable students from Poland and Hungary to study business and economics in the United States. Such scholarships may be provided for study in programs that range from the standard management courses to more specialized assistance in commercial banking and the creation of a stock market.

(c) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate or graduate degree programs, and training programs of one year or longer, in study areas related to the critical development needs of Poland and Hungary.

(d) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational opportunities available within each State and on the assignment of scholarship recipients.

(e) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall not be more than 50 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(g) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to Poland or Hungary, as the case may be, for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(h) PRIVATE SECTOR PARTICIPATION.—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(i) FUNDING.—Grants to States pursuant to this section shall be made with funds made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). In addition to amounts otherwise available for such purpose under those chapters, there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, for use in carrying out this section.

(j) RESTRICTIONS NOT APPLICABLE.—Prohibitions on the use of foreign assistance funds for assistance for Poland and Hungary shall not apply with respect to the funds made available to carry out this section.

(k) DEFINITION OF STATE.—As used in this section, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 403. SCIENCE AND TECHNOLOGY EXCHANGE WITH POLAND AND HUNGARY.

(a) AGREEMENT WITH POLAND.—There are authorized to be appropriated to the Secretary of State for purposes of continuing to implement the 1987 United States-Polish science and technology agreement—

(1) $1,500,000 for fiscal year 1990,

(2) $2,000,000 for fiscal year 1991, and

(3) $2,000,000 for fiscal year 1992.

(b) AGREEMENT WITH HUNGARY.—There are authorized to be appropriated to the Secretary of State for purposes of implementing the 1989 United States-Hungarian science and technology agreement—

(1) $500,000 for fiscal year 1990,

(2) $1,000,000 for fiscal year 1991, and
(3) $1,000,000 for fiscal year 1992.

(c) DEFINITION OF AGREEMENTS BEING FUNDED.—For purposes of this section—

(1) the term "1987 United States-Polish science and technology agreement" refers to the agreement concluded in 1987 by the United States and Poland, entitled "Agreement Between the Government of the United States of America and the Polish People's Republic on Cooperation in Science and Technology and Its Funding", together with annexes relating thereto; and

(2) the term "1989 United States-Hungarian science and technology agreement" refers to the agreement concluded in 1989 by the United States and Hungary, entitled "Agreement Between the Government of the United States of America and the Government of the Hungarian People's Republic for Scientific and Technology Cooperation", together with annexes relating thereto.

TITLE V—OTHER ASSISTANCE PROGRAMS

SEC. 501. ASSISTANCE IN SUPPORT OF DEMOCRATIC INSTITUTIONS IN POLAND AND HUNGARY.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $12,000,000 for the 3-year period beginning October 1, 1989, which shall be available only for the support of democratic institutions and activities in Poland and Hungary.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law.

SEC. 502. ENVIRONMENTAL INITIATIVES FOR POLAND AND HUNGARY.

(a) PRIORITY FOR THE CONTROL OF POLLUTION.—The Congress recognizes the severe pollution problems affecting Poland and Hungary and the serious health problems which ensue from such pollution. The Congress therefore directs that a high priority be given in the implementation of assistance to Poland and Hungary to the control of pollution and the restoration of the natural resource base on which a sustainable, healthy economy depends.

(b) EPA ACTIVITIES GENERALLY.—In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (hereinafter in this section referred to as the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as the Administrator may deem appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment in Poland and Hungary.

(c) EPA ACTIVITIES IN POLAND.—The Administrator shall cooperate with Polish officials and experts to—

(1) establish an air quality monitoring network in the Krakow metropolitan area as a part of Poland's national air monitoring network; and

(2) improve both water quality and the availability of drinking water in the Krakow metropolitan area.

(d) EPA ACTIVITIES IN HUNGARY.—The Administrator shall work with other United States and Hungarian officials and private parties to establish and support a regional center in Budapest for facilitating cooperative environmental activities between governmental experts and public and private organizations from the United States and Eastern and Western Europe.

(e) FUNDING OF EPA ACTIVITIES.—To enable the Environmental Protection Agency to carry out subsections (b), (c), and (d), there are authorized to be appropriated $10,000,000 for the 3-year period beginning October 1, 1989, to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of Part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund). These funds may be used to carry out those subsections notwithstanding any provision of law relating to the use of foreign assistance funds.

(f) DEPARTMENT OF ENERGY ACTIVITIES RELATING TO FOSSIL FUELS.—

(1) CLEAN COAL.—The Secretary of Energy shall cooperate with Polish officials and experts to retrofit a coal-fired commercial powerplant in the Krakow, Poland, region with advanced clean coal technology that has been successfully demonstrated at a comparably scaled powerplant in the United States. Such retrofit shall be carried out by one or more United States companies using United States technology and equipment manufactured in the United States. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(2) EQUIPMENT ASSESSMENT.—The Secretary of Energy shall cooperate with Polish officials and experts and companies within the United States to assess and develop the capability within Poland to manufacture or modify boilers, furnaces, smelters, or other equipment that will enable industrial facilities within Poland to use fossil fuels cleanly. The Secretary may vest title in any property acquired under this paragraph in an entity other than the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out paragraphs (1) and (2) of this subsection, there are authorized to be appropriated $30,000,000 for the 3-year period beginning October 1, 1989. Not more than $10,000,000 of the funds appropriated under this paragraph may be used to carry out the requirements of paragraph (1).

(g) PRIORITY FOR EFFICIENT ENERGY USE.—In view of the high energy usage per unit of output in Hungary and Poland, the Secretary of Energy shall give high priority to assisting officials of Poland and Hungary in improving the efficiency of their energy use, through emphasis on such measures as efficient motors, lights, gears, and appliances and improvements in building insulation and design.

(h) ALTERNATIVE INVESTMENTS IN ENERGY IN HUNGARY.—It is the sense of the Congress that the Executive branch should work with the Government of Hungary to achieve environmentally safe alternative investments in energy efficiency, particularly with regard to projects along the Danube River.

SEC. 503. MEDICAL SUPPLIES, HOSPITAL EQUIPMENT, AND MEDICAL TRAINING FOR POLAND.

(a) AUTHORIZATION OF ASSISTANCE.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund) $4,000,000 for the 3-year period beginning October 1, 1989, which shall be available only—

(1) for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, including for the expenses of purchasing, transporting, and distributing such supplies and equipment, and

(2) for training of Polish medical personnel.

(b) NONAPPLICABILITY OF OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, other than—

(1) section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f); relating to the prohibition on the use of funds for abortions and involuntary sterilizations), and

(2) any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that relates to abortion.

TITLE VI—ADDITIONAL SEED PROGRAM ACTIONS

SEC. 601. POLICY COORDINATION OF SEED PROGRAM.

The President shall designate, within the Department of State, a SEED Program coordinator who shall be directly responsible for overseeing and coordinating all programs described in this Act and all other activities that the United States Government conducts in furtherance of the purposes of this Act.

SEC. 602. SEED INFORMATION CENTER SYSTEM.

(a) ESTABLISHMENT.—The President shall establish a SEED Information Center System, using existing Executive branch agencies and acting in cooperation with the Government of Poland and the Government of Hungary.

(b) FUNCTIONS.—

(1) IN GENERAL.—The SEED Information Center System shall serve as a central clearinghouse mechanism for information relating to—

(A) business needs and opportunities in Eastern Europe, and

(B) voluntary assistance to countries in Eastern Europe.

(2) PRIVATE ENTERPRISE DEVELOPMENT.—The SEED Information Center System shall be organized, among other purposes, to encourage—

(A) the submission of economically sound proposals to the Polish-American Enterprise Fund and Hungarian-American Enterprise Fund, and

(B) other sources of finance for the development of private enterprise in Eastern Europe.

(c) LOCATION.—The SEED Information Center System shall be based jointly in Washington, District of Columbia; Warsaw, Poland; and Budapest, Hungary; and should it become appropriate, the capitals of other East European countries.

SEC. 603. ENCOURAGING VOLUNTARY ASSISTANCE FOR POLAND AND HUNGARY.

(a) ENCOURAGING PRIVATE CONTRIBUTIONS.—It is the sense of the Congress that the President should take all possible steps to encourage across the Nation a massive outpouring of private contributions of money and nonperishable foods, to be collected by civic, religious, school, and youth organizations, for assistance to Poland and to refugees from Romania who are in Hungary.

(b) TRANSPORTATION TO POLAND OF PRIVATE CONTRIBUTIONS.—In further of subsection (a), the President—

(1) using all available authorities, including section 402 of title 10, United States Code (relating to transportation of humanitarian relief supplies), should use resources of the Department of Defense (including the National Guard) to transport nonfinancial private contributions to Poland,

(2) should request additional authorities as needed for the use of those resources for that purpose; and

(3) should encourage maximum participation by such recognized private and voluntary organizations as the Polish-American Congress in the transportation of nonfinancial private contributions to Poland.

SEC. 604. ECONOMIC AND COMMERCIAL OFFICERS AT UNITED STATES EMBASSIES AND MISSIONS IN POLAND AND HUNGARY.

It is the sense of the Congress that, to the extent practicable—

(1) the United States Embassy in Budapest, Hungary, should be assigned one additional economic and commercial officer;

(2) the United States Embassy in Warsaw, Poland, should be assigned one additional economic officer and one additional commercial officer;

(3) the United States Trade Center in Warsaw, Poland, should be assigned one additional economic and commercial officer; and

(4) the United States mission in Krakow, Poland, should be assigned one additional economic and commercial officer.

TITLE VII—REPORTS TO CONGRESS

SEC. 701. REPORT ON INITIAL STEPS TAKEN BY UNITED STATES AND ON POLAND'S REQUIREMENT FOR AGRICULTURAL ASSISTANCE.

(a) INITIAL REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Congress—

(1) describing the steps taken by the United States Government pursuant to title I, in particular sections 102 (a) and (b);

(2) assessing Poland's requirements for additional agricultural assistance during fiscal year 1990 and its requirements for agricultural assistance during fiscal years 1991 and 1992; and

(3) specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

(b) UPDATING ASSESSMENTS.—As additional information becomes available, the President shall provide to the Congress revised assessments of Poland's requirements for agricultural assistance during fiscal years 1991 and 1992, specifying how much agricultural assistance the President proposes be provided by the United States to meet those requirements.

SEC. 702. REPORT ON CONFIDENCE BUILDING MEASURES BY POLAND AND HUNGARY.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress identifying—

(1) the confidence building measures Poland and Hungary could undertake to facilitate the negotiation of agreements, including bilateral customs and technology transfer agreements, that would encourage greater direct private sector investment in that country; and

(2) the confidence building measures Poland and Hungary could undertake with respect to the treatment accorded those countries under the Export Administration Act of 1979.

SEC. 703. REPORT ON ENVIRONMENTAL PROBLEMS IN POLAND AND HUNGARY.

The first report submitted pursuant to section 704 shall include the following:

(1) ASSESSMENT OF PROBLEMS.—An overall assessment of the environmental problems facing Poland and Hungary, including—

(A) a relative ranking of the severity of the problems and their effects on both human health and the general environment;

(B) a listing of the geographical areas of each country that have suffered the heaviest environmental damage, and a description of the source and scope of the damage; and

(C) an assessment of the environmental performance of leading industrial polluters in those countries and the expected effect on pollution levels of industrial modernization.

(2) PRIORITIES AND COSTS FOR ACTION.—An analysis of the priorities that Poland and Hungary should each assign in addressing its environmental problems, and an estimate of the capital and human resources required to undertake a comprehensive program of environmental protection in that country.

(3) ROLE OF UNITED STATES AND MULTILATERAL ASSISTANCE.—A statement of strategy for United States assistance for the next 5 years to address environmental problems in Poland and Hungary, including—

(A) recommendations for appropriate levels and forms of bilateral financial and technical assistance;

(B) recommendations concerning United States participation in cooperative multilateral undertakings;

(C) an assessment of the feasibility of debt-for-nature swaps as a technique of environmental protection in each country; and

(D) recommendations for minimizing further environmental damage to Krakow, and for the protection and restoration of historic sites in that city.

SEC. 704. ANNUAL SEED PROGRAM REPORT.

(a) FINDINGS.—The Congress finds that—

(1) in order to provide the President with maximum flexibility and opportunity for innovation in implementation of the SEED Program, this Act sets forth general goals and modalities for the support of democracy and economic pluralism in Eastern Europe;

(2) prompt United States action in devising specific measures to achieve the goals outlined in this Act will be crucial in generating the public awareness, and the international commitment, necessary for United States leadership of a successful multilateral program of assistance in Eastern Europe; and

(3) clear-cut delineation of such United States actions at an early date is integral to United States leadership of this effort.

(b) INITIAL SEED PROGRAM REPORT.—Accordingly, the first report pursuant to subsection (c) shall be a comprehensive report that includes a full description of all SEED Actions taken pursuant to each provision of this Act since the enactment of this Act.

(c) ANNUAL SEED PROGRAM REPORT.—Not later than January 31 of each year (beginning in 1991), the President shall submit to the Congress a "Report on the United States Program of Support for East European Democracy (the SEED Program)". Each such report shall describe the assistance provided to each East European country under this Act during the preceding fiscal year. In addition, each such report shall contain an assessment of the progress made by each such recipient country in—

(1) implementing economic policies designed to promote sustained economic growth, develop economic freedom, and increase opportunities for the people of that country; and

(2) adopting and implementing constitutional, legal, and administrative measures that—

(A) affect the powers of the executive and legislative authorities and the independence of the judiciary,

(B) affect the formation and operation of independent political parties, groups, associations, or organizations, or

(C) affect fundamental human rights and civil liberties.

SEC. 705. REPORTS ON CERTAIN ACTIVITIES.

At the same time each report is submitted pursuant to section 704(c), the President shall submit to the appropriate committees of the Congress a report on the extent of espionage activities against the United States and other member countries of the North Atlantic Treaty Organization by operatives of the government of any East European country that is receiving assistance under this Act. Such reports may be submitted in classified form.

SEC. 706. NOTIFICATIONS TO CONGRESS REGARDING ASSISTANCE.

Section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1; relating to reprogramming notifications) applies with respect to obligations of funds made available under that Act to carry out this Act, notwithstanding any other provision of this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. SUSPENSION OF SEED ASSISTANCE.

The President should suspend all assistance to an East European country pursuant to this Act if the President determines, and reports to the Congress, that—

(1) that country is engaged in international activities that directly threaten United States national security interests;

(2) the president or any other government official of that country initiates martial law or a state of emergency for reasons other than to respond to a natural disaster or a foreign invasion; or

(3) any member who was elected to that country's parliament has been removed from that office or arrested through extraconstitutional processes.

SEC. 802. DECLARATION OF THE REPUBLIC OF HUNGARY.

(a) FINDINGS.—The Congress finds that—

(1) on October 23, 1989, in a public ceremony in Budapest, the acting President of Hungary declared the Hungarian state to be an independent, democratic Republic of Hungary;

(2) this public ceremony was held on the 33d anniversary of Hungary's 1956 revolution that was bloodily suppressed by Soviet troops;

(3) this public ceremony was held in the same Kossuth Square where the first mass rally of the 1956 revolution was held;

(4) as a further symbol of Hungary's faithfulness to the legacy of the revolution of 1956, the declaration by the acting President was made from the same balcony from which Imre Nagy, the martyred Prime Minister of the revolutionary government of 1956, addressed the citizens of Budapest 33 years before;

(5) the heroic revolt and freedom fight of the Hungarian people in 1956 was an inspirational event, reminding a generation of Americans of the sacrifices people are willing to undertake as the price of liberty; and

(6) the present efforts of the Hungarian people to validate the legacy of the revolution of 1956 by establishing a free, independent, and prosperous Hungary have gained the sympathy and admiration of the American people.

(b) CONGRESSIONAL DECLARATIONS.—The Congress—

(1) congratulates the people of Hungary on the declaration of a Republic of Hungary committed to democratic principles; and

(2) expresses its desire to enhance the friendly relations between the people of Hungary and the people of the United States and between their respective governments.

SEC. 803. ADMINISTRATIVE EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

For the purpose of paying administrative expenses incurred in connection with carrying out its functions under this Act, the Agency for International Development may use up to $500,000 each fiscal year of the funds made available to the Agency under this Act.

SEC. 804. RELATION OF PROVISIONS OF THIS ACT TO CERTAIN PROVISIONS OF APPROPRIATIONS ACT.

Any provision of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that provides that assistance for Poland or Hungary under that Act may be provided notwithstanding any other provision of law shall not supersede any requirement of this Act.

SEC. 805. CERTAIN USES OF EXCESS FOREIGN CURRENCIES.

(a) AUTHORITY TO USE.—During fiscal year 1990, the Administrator of the Agency for International Development may use, for the purposes described in subsection (b), such sums of foreign currencies described in subsection (c) as the Administrator may determine, subject to subsection (f).

(b) PURPOSES FOR WHICH CURRENCY MAY BE USED.—Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to economic assistance), and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

(c) CURRENCIES WHICH MAY BE USED.—The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

(d) WHERE CURRENCIES MAY BE USED.—Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

(e) NONAPPLICABILITY OF OTHER PROVISIONS OF LAW.—Foreign currencies may be used under this section notwithstanding section 1306 of title 31, United States Code, or any other provision of law.

(f) REQUIREMENT FOR APPROPRIATIONS ACTION.—The authority of this section may be exercised only to such extent or in such amount as may be provided in advance in an appropriation Act.

And the House agree to the same.

From the Committee on Foreign Affairs:
DANTE B. FASCELL,
LEE H. HAMILTON,
SAM GEJDENSON,
STEPHEN J. SOLARZ,
GUS YATRON,
WM. S. BROOMFIELD,
BENJAMIN A. GILMAN,
DOUG BEREUTER,

From the Committee on Ways and Means:
DAN ROSTENKOWSKI,
SAM GIBBONS,
BILL ARCHER,

From the Committee on Banking, Finance and Urban Affairs:
HENRY B. GONZALEZ,
WALTER E. FAUNTROY,
CHALMERS P. WYLIE,

From the Committee on Agriculture:
E DE LA GARZA,
DAN GLICKMAN,
TOM COLEMAN,

From the Committee on Energy and Commerce:
JOHN D. DINGELL,
AL SWIFT,
NORMAN F. LENT,

From the Committee on Public Works and Transportation:
GLENN M. ANDERSON,
HENRY J. NOWAK,
JOHN PAUL HAMMERSCHMIDT,

From the Committee on Education and Labor:
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
BILL GOODLING,

Managers on the Part of the House.

From the Committee on Foreign Relations:
CLAIBORNE PELL,
PAUL SIMON,

From the Committee on Finance:
LLOYD BENTSEN,
SPARK M. MATSUNAGA,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3402) to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of Support for East European Democracy (SEED), submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out all of the Senate amendment after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The House bill (sec. 1) provides a short title of the "Polish and Hungarian Democracy Initiative of 1989" and provides a table of contents for this act.

The Senate amendment (sec. 1) provides a short title of the "Support for Eastern European Democracy (SEED) Act of 1989" and provides a table of contents for this act.

The conference substitute (sec. 1) is the same as the Senate amendment.

SEED PROGRAM

The Senate amendment (sec. 2) expresses the sense of Congress that the United States should establish, beginning in fiscal year 1990, a Program of Support for East European Democracy, and establishes objectives for that program. In addition, the Senate amendment (sec. 3) provides a list of SEED activities.

The House bill (sec. 701) contains a related provision.

The conference substitute (sec. 2) is similar to the Senate amendment and combines the objectives of both the House bill and the Senate amendment.

TITLE I—STRUCTURAL ADJUSTMENT

MULTILATERAL SUPPORT FOR STRUCTURAL ADJUSTMENT AND FOOD ASSISTANCE

The House bill (sec. 101) states that if Poland and Hungary continue the current process of liberalization and implement economic reforms, the United States will take the lead in providing support through international financial institutions, debt rescheduling, economic stabilization assistance, and food assistance. In addition, the House bill authorizes $200 million to carry out the purposes of this section.

The Senate amendment (sec. 101 and sec. 102) is similar to the House bill and adds provisions dealing with emergency assistance required by Poland for the fourth quarter of 1989, calling for an urgent meeting of the European Community to address support for Eastern European democracy, and providing international financial relief for Poland.

The conference substitute (sec. 101 and sec. 102) is the same as the Senate amendment.

DEBT-FOR-EQUITY SWAPS

The Senate amendnment (sec. 103) authorizes the President to undertake the discounted sale of U.S. Government debt obligations of Eastern European countries which have taken substantive steps toward political democracy and economic pluralism if such sale will facilitate debt-for-equity or debt-for-development swaps.

The House bill contains no comparable provision.

The conference substitute (sec. 104) is the same as the Senate amendment.

TITLE II—PRIVATE SECTOR DEVELOPMENT

ENTERPRISE FUNDS FOR POLAND AND HUNGARY

The House bill (sec. 201) authorizes $200 million in fiscal years 1990 through 1992 for assistance to Poland and Hungary through private, bilateral Enterprise Funds; authorizes the President to designate two private Enterprise Funds which shall be governed by a Board of Directors; requires such Boards to include a representative of a credit union; and provides procedures and restrictions for the operations of such Enterprise Funds.

The Senate amendment (sec. 201) contains a similar provision, but authorizes $325 million for the purposes of this section and allows funds provided through the Enterprise Funds to be used for investment in Employee Stock Ownership Plans. In addition, the Senate amendment (secs. 601-603) authorizes $25 million to be available only for a grant to provide support for the modernization of Poland's telephone and telecommunications industries.

The conference substitute (sec. 201) is similar to the House bill, but authorizes $300 million in fiscal years 1990 through 1992 for the purposes of this section; establishes criteria for service on the Boards of Enterprise Funds; adds a list of eligible programs and projects for which the Enterprise Funds may provide assistance; allows the

Polish-American Enterprise Fund to use up to $25 million for grants providing for the introduction of modern telephone systems and telecommunications technology; allows the use of U.S. private venture capital by the Funds; and suggests that the Enterprise Funds undertake efforts to establish financial instruments that will enable individuals to invest in the private sectors in Poland. The conference substitute also deletes redundant portions of the House bill on venture capital.

TECHNICAL TRAINING FOR PRIVATE SECTOR DEVELOPMENT

The House bill (sec. 203) directs the Agency for International Development to establish a program of technical training for Poland and Hungary and authorizes $10 million for a 3-year period beginning October 1, 1989 to carry out the purposes of this section.

The Senate amendment (sec. 203) contains a similar provision.

The conference substitute (sec. 203) is the same as the House bill.

PEACE CORPS PROGRAMS

The House bill (sec. 204) authorizes $6 million over a three year period beginning October 1, 1989 to carry out Peace Corps programs in Poland and Hungary.

The Senate amendment (sec. 204) contains a similar provision.

The conference substitute (sec. 204) is similar to the House bill, but adds emphasis on English language training.

CREDIT UNIONS

The House bill (sec. 206) authorizes $10 million for support for credit unions in Poland and Hungary and permits U.S. credit unions to engage in activities in Poland and Hungary.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 206) is similar to the House bill, but deletes the authorization.

PRIVATE INVESTMENT

The Senate amendment (sec. 201(r)) sets aside funding for the Polish private investment fund for assistance to Solidarity for privatization and economic investment in Poland.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

TITLE III—TRADE AND INVESTMENT

TRADE CREDIT INSURANCE PROGRAM

The House bill (sec. 304) authorizes $200 million in guarantees for Export-Import Bank trade credits for Poland.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 304) is the same as the House bill.

TRADE AND DEVELOPMENT PROGRAM

The House bill (sec. 305) authorizes $6 million in addition to amounts otherwise available for a three year period beginning October 1, 1989 for expansion of the Trade and Development Program in Poland and Hungary.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 305) is the same as the House bill.

POLISH BONDS

The Senate amendment (sec. 704) provides an exemption under section 1812(b)(5) of the Tax Reform Act of 1986 for certain Polish bonds.

The House bill contains no comparable provision.

The conference substitute (sec. 307) is the same as the Senate amendment.

TITLE IV—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

EDUCATIONAL AND CULTURAL EXCHANGES

The House bill (sec. 401) authorizes $12 million in addition to amounts otherwise available to the United States Information Agency to support various educational and cultural exchange programs between the United States, Poland, and Hungary.

The Senate amendment (sec. 401) contains a similar provision.

The conference substitute (sec. 401) is similar to the House bill, with the addition of emphasis on exchange programs that will assist in developing skills in business and economics.

POLAND-HUNGARY SCHOLARSHIP PARTNERSHIP

The House bill (sec. 402) authorizes $10 million in addition to amounts otherwise available in development assistance and economic support fund assistance to establish a scholarship program, in cooperation with State governments, universities, community colleges, and businesses, to enable students from Poland and Hungary to study in the United States.

The Senate amendment (sec. 402) contains a similar provision.

The conference substitute (sec. 402) is similar to the House bill, with the addition of emphasis on scholarships to enable students from Poland and Hungary to study business and economics.

TITLE V—OTHER ASSISTANCE PROGRAMS

ASSISTANCE IN SUPPORT OF DEMOCRATIC INSTITUTIONS

The House bill (sec. 501) authorizes $12 million for the 3-year period beginning October 1, 1989 for support of democratic institutions in Poland and Hungary.

The Senate bill (sec. 501) contains a similar provision.

The conference substitute (sec. 501) is the same as the House bill.

ENVIRONMENTAL INITIATIVES IN POLAND AND HUNGARY

The House bill (sec. 502) authorizes $10 million to the Department of State, which shall be transferred to the Environmental Protection Agency to carry out EPA activities in Poland and Hungary and authorizes $30 million for the 3-year period beginning October 1, 1989 for Department of Energy activities in Poland, of which not more than $10 million may be used to retrofit a coal-fired commercial powerplant in Krakow.

The Senate amendment (sec. 502) is similar to the House bill, but authorizes $10 million to the Environmental Protection Agency.

The conference substitute (sec. 502) is the same as the House bill.

MEDICAL SUPPLIES AND TRAINING

The Senate amendment (sec. 503) authorizes $4 million in economic support fund assistance, in addition to amounts otherwise available, for the 3-year period beginning October 1, 1989 to be available only for providing medical supplies and hospital equipment to Poland through private and voluntary organizations, and for the training of Polish medical personnel. In addition, the Senate amendment provides that funds under this section may not be used to perform, plan, or promote abortions.

The House bill (sec. 503) contains a similar provision.

The conference substitute (sec. 503) is similar to the Senate amendment, with technical modifications.

TITLE VI—ADDITIONAL SEED PROGRAMS

POLICY COORDINATION OF SEED PROGRAM

The Senate amendment (sec. 701) directs the President to designate within the Department of State a SEED program coordinator responsible for overseeing and coordinating all programs authorized by this act.

The House bill (sec. 603) designates the Secretary of State coordinator of assistance provided under this act.

The conference substitute (sec. 601) is similar to the Senate amendment with technical modifications.

SEED INFORMATION CENTER

The Senate amendment (sec. 702) directs the President to establish a SEED Information Center System to serve as a clearinghouse for business and voluntary assistance information.

The House bill (sec. 701) contains a related provision.

The conference substitute (sec. 602) is the same as the Senate amendment.

VOLUNTARY ASSISTANCE

The Senate amendment (sec. 504) expresses the sense of Congress that the President should: (1) take steps to encourage private contributions for Poland and for Romanian refugees in Hungary; and (2) use available authorities and encourage maximum participation of private and voluntary organizations to facilitate transportation of nonfinancial private contributions to Poland.

The House bill contains no comparable provision.

The conference substitute (sec. 603) is the same as the Senate amendment.

U.S. ECONOMIC AND COMMERCIAL OFFICERS IN POLAND AND HUNGARY

The Senate amendment (sec. 903) expresses the sense of Congress regarding the assignment of additional economic and commercial officers to U.S. diplomatic and consular missions in Poland and Hungary.

The House bill contains no comparable provision.

The conference substitute (sec. 604) is the same as the Senate amendment.

TITLE VII—REPORTS TO CONGRESS

AGRICULTURAL REPORT

The House bill (sec. 102) requires the President to submit a report 60 days after the date of enactment, and as necessary during fiscal years 1990 and 1991, describing steps taken by the U.S. Government in support of section 101 of this act, assessing Poland's requirements for additional agricultural assistance during fiscal year 1990, and assessing requirements for agricultural assistance during fiscal years 1991 and 1992.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 701) is similar to the House bill, with technical modifications.

REPORT ON CONFIDENCE BUILDING MEASURES

The Senate amendment (sec. 908) requires the Secretary of State to submit a classified report to Congress identifying confidence building measures undertaken by Poland and Hungary to facilitate technology transfers by the United States to both countries.

The House bill contains no comparable provision.

The conference substitute (sec. 702) is the same as the Senate amendment.

ENVIRONMENTAL REPORT

The Senate amendment (sec. 502(e)) requires that the annual report submitted to Congress pursuant to section 704 of this act include a report on the environmental situation in Poland and Hungary, including an assessment of the problems, priorities and costs for actions, and the role of U.S. and multilateral assistance in addressing environmental problems.

The House bill contains no comparable provision.

The conference substitute (sec. 703) is similar to the Senate amendment, but limits the provision to the first annual report submitted.

ANNUAL REPORT

The Senate amendment (sec. 801, sec. 802, and sec. 803) contains congressional findings and requires the President to submit an annual report, beginning on January 20, 1990, on the United States Program of Support for Eastern European Democracy.

The House bill (sec. 602) contains a similar provision.

The conference substitute (sec. 704) is similar to the Senate amendment, but changes the date of submission of the first report to January 31, 1991. The report should include a detailed analysis of the progress on objectives set forth in section 2(b).

REPORTS ON CERTAIN ACTIVITIES

The Senate amendment (sec. 803) requires the President to submit a report 60 days after enactment, and every 6 months thereafter for 3 years, a comprehensive report on democracy and free enterprise in Poland and Hungary. The report shall include a full description of progress made toward the elimination of espionage activities by operatives of the governments of Poland and Hungary against the United States and its allies in NATO.

The House bill contains no comparable provision.

The conference substitute (sec. 705) is similar to the provision regarding espionage in the Senate amendment, but makes technical modifications. The report required by this section shall include information with respect to the extent to which the intelligence services of aid recipient countries are engaged in: (1) activities designed to obtain military information and industrial technology or secrets; (2) the sharing of any such information with other Warsaw Pact countries; or (3) surveillance or harassment of Americans who are supporting efforts in aid recipient countries to achieve democratic institutions and economic pluralism.

Other provisions of section 803 of the Senate amendment were incorporated in section 704 of the conference substitute.

NOTIFICATIONS TO CONGRESS

The conference report (sec. 706) provides that section 634A of the Foreign Assistance Act, relating to reprogramming notifications, applies with respect to the obligation of funds made under that act to carry out this act, notwithstanding any other provision of this act.

TITLE VIII—MISCELLANEOUS PROVISIONS

SUSPENSION OF ASSISTANCE

The Senate amendment (sec. 804) provides that all authorities contained in this act shall be terminated if the course of democracy in Poland or Hungary has been significantly reversed. In addition, the Senate amendment (sec. 805) provides that assistance under this act shall be terminated unless the President certifies to Congress that Poland and Hungary have ceased all arms transfers and security assistance to Cuba and Nicaragua.

The House bill contains no comparable provision.

The conference substitute (sec. 801) provides that the President should terminate assistance to an Eastern European country if he determines and reports to Congress that: (1) that country is engaged in international activities directly and fundamentally contrary to U.S. national security interests; (2) the president or any other government official of that country initiates martial law or a state of emergency for reasons other than to respond to a national disaster or foreign invasion; or (3) any member of that country's parliament has been removed from office or arrested through extraconstitutional.

ESTABLISHMENT OF THE REPUBLIC OF HUNGARY

The Senate amendment (sec. 901) contains congressional findings and expresses the sense of the Senate congratulating Hungary on the October 23, 1989 declaration of democracy.

The House bill contains no comparable provision.

The conference substitute (sec. 802) is similar to the Senate amendment with a technical modification.

ADMINISTRATIVE EXPENSES OF AID

The House bill (sec. 601) authorizes AID to use up to $500,000 of funds made available under the act in each fiscal year for the purposes of carrying out its functions under this act.

The Senate amendment (sec. 206) contains a similar provision.

The conference substitute (sec. 803) is similar to the House bill with technical modifications.

RELATION OF PROVISIONS TO CERTAIN PROVISIONS OF APPROPRIATIONS ACT

The conference substitute (sec. 804) provides that any provision of the Foreign Operations, Export Financing, and Related Programs Appropriations Act that provide assistance for Poland or Hungary may be provided notwithstanding any other provision of law shall not supersede any requirement of this act.

CERTAIN USES OF EXCESS FOREIGN CURRENCY

The Senate amendment (sec. 905) provides for the use of certain excess foreign currencies.

The House bill contains no comparable provision.

The conference substitute (sec. 805) is the same as the Senate amendment.

OECD

The Senate amendment (sec. 904) expresses the sense of Congress that the OECD should establish a working group on assistance to Eastern Europe and requires the U.S. Mission to the OECD to submit an annual report to Congress and the Commission on Security and Cooperation in Europe on progress made under this section.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

COAL IN THE SOVIET UNION

The Senate amendment (sec. 906) provides for the creation of a task force to analyze the current supply and demand situation of coal in the Soviet Union.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

MISSILE SALES TO THE MIDDLE EAST

The Senate amendment (sec. 909) prohibits the U.S. Government from assisting any missile program of the People's Republic of China until the President certifies that China is not currently supplying ballistic missiles to Iran, Iraq, Syria, or Libya and has provided reasonable assurances that no future missile sales to such countries are planned.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

TAX EXEMPTIONS

The Senate amendment (title X) extends certain expiring tax provisions through June 30, 1990.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

From the Committee on Foreign Affairs:
DANTE B. FASCELL,
LEE H. HAMILTON,
SAM GEJDENSON,
STEPHEN J. SOLARZ,
GUS YATRON,
WM. S. BROOMFIELD,
BENJAMIN A. GILMAN,
DOUG BEREUTER,

From the Committee on Ways and Means:
DAN ROSTENKOWSKI,
SAM GIBBONS,
BILL ARCHER,

From the Committee on Banking, Finance and Urban Affairs:
HENRY B. GONZALEZ,
WALTER E. FAUNTROY,
CHALMERS P. WYLIE,

From the Committee on Agriculture:
E DE LA GARZA,
DAN GLICKMAN,
TOM COLEMAN,

From the Committee on Energy and Commerce:
JOHN D. DINGELL,
AL SWIFT,
NORMAN F. LENT,

From the Committee on Public Works and Transportation
GLENN M. ANDERSON,
HENRY J. NOWAK,
JOHN PAUL HAMMERSCHMIDT,

From the Committee on Education and Labor:
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
BILL GOODLING,

Managers on the Part of the House.

From the Committee on Foreign Relations:
CLAIBORNE PELL,
PAUL SIMON,

From the Committee on Finance:
LLOYD BENTSEN,
SPARK M. MATSUNAGA,

Managers on the Part of the Senate.

REQUEST FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3402, SUPPORT FOR EAST EUROPEAN DEMOCRACY [SEED] ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 3402) to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market re-

forms, and democratic institutions; to establish, through these steps, the framework for a composite program of Support for East European Democracy [SEED].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so to afford my good friend, the gentleman from Florida [Mr. FASCELL], the chairman of the Committee on Foreign Affairs, an opportunity to explain the conference report.

Mr. Speaker, I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, the conference report is identical to the substitute amendment that was passed by the House yesterday by a vote of 372 to 47, with 2 changes.

Mr. BROOMFIELD. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of the measure. I want to commend the distinguished chairman of our Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] for their excellent leadership in the recent conference and for expediting this historic measure through the Congress.

Mr. FASCELL. Mr. Speaker, will the gentleman yield further?

Mr. BROOMFIELD. Mr. Speaker, I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I will reassure my colleagues again that the tax extenders are not in this bill.

The SPEAKER pro tempore. The chair will advise the gentleman from Florida the original papers are not at the desk at this time. Therefore, it is impossible to consider this request.

Mr. FASCELL. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The request is withdrawn.

PROVIDING FOR FIVE ADDITIONAL POSITIONS ON THE CAPITOL POLICE FOR DUTY WITH RESPECT TO THE HOUSE

Ms. OAKAR. Mr. Speaker, I offer a resolution (H. Res. 294) providing for five additional positions on the Capitol Police for duty with respect to the House of Representatives, and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 294

Resolved, That (a) there are established one additional position of sergeant and four additional positions of detective on the Capitol Police for duty with respect to the House of Representatives.

(b) Each appointment to a position under subsection (a) shall be made—

(1) by the Capitol Police Board from among members of the Capitol Police in other positions;

(2) with prior approval of the Committee on House Administration; and

(3) without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 2. The former position of a member of the Capitol Police appointed to serve in a position under the first section may not be filled while the member is so serving. Upon ceasing to serve in a position under the first section, a member shall revert to the former position of that member.

SEC. 3. There may not be paid, with respect to a position under the first section, overtime pay for a calendar year that exceeds 25 percent of the annual rate of basic pay for the position.

SEC. 4. Until otherwise provided by law, there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I do not object, but I would like to take this time to allow the gentlewoman from Ohio to explain the resolution.

I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, this resolution provides for five positions within the ranks of the Capitol Police to serve as protective service detail covering House leadership offices on both sides of the aisle. The resolution has been worked out among the affected offices.

This resolution establishes positions, within the House ranks of the Capitol Police, to provide a protective service detail covering House leadership offices.

By adopting the resolution, the House acknowledges an important security interest, as well as the custom and practice in recent years of having trained police officers carrying out that responsibility.

To cover all the leadership offices, the resolution provides for five positions for the offices of the Speaker, majority leader, minority leader, majority whip and minority whip.

Of the five positions, one is designated as the reporting head for the protective service detail, and will be titled "Protective Service Sergeant," and will be compensated at the level of sergeant.

The other four positions will be titled "Protective Service Detectives," and each will be compensated at the level of detective, which is the next rank below sergeant.

When an officer accepts an assignment to the protective service detail, the officer will assume the temporary rank defined by the position to which he or she is assigned. And when the officer leaves the protective service detail and returns to the force, he or she will revert to the previous rank.

Although it is not spelled out in the resolution, it is intended that any police officer, who is temporarily assigned to the protective service detail, will continue to accrue the employment rights of his or her previous, permanent rank, such as longevity for pay purposes, and eligibility for promotion.

Temporary assignment to the protective service detail will not preclude an officer from competing for, nor receiving, a permanent promotion from the level of his or her previous, permanent rank to the next higher rank, in accordance with standard Capitol Police personnel practices, or from accruing any other right of that previous, permanent rank, which is not inconsistent with the temporary assignment to the protective service detail position.

There are special circumstances involved in these security positions. They involve hazardous duty, special training requirements, unpredictable work hours, and overtime requirements. Each officer temporarily assigned to a protective service detail position will receive hazardous duty pay, which is currently $1,600 a year, and special security training for the position. In addition, each officer must agree to work as needed, which means unpredictable working hours. And each officer will be limited by the resolution to 25 percent of base pay in overtime compensation. Once that limit is reached, each hour of overtime worked may be taken only in the form of compensatory time off from work.

Since any officer temporarily assigned to a protective service detail position should receive compensation commensurate with the added training and service responsibilities, the pay of that officer will be set at two steps above the dollar equivalent of the pay level and step of the officer's previous, permanent position.

If administrative issues arise after the resolution is adopted, they should be addressed by actions or regulations of the Capitol Police Board, with the concurrence of the Committee on House Administration.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989

Mrs. LLOYD. Mr. speaker, I move to suspend the rules and pass the bill (H.R. 1216) to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

SEC. 2. PURPOSE.

It is the purpose of this Act to direct the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(2) fostering collaborative research and development efforts involving the private sector through government support of a program of joint research and development venture projects.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "joint research and development venture" means a joint research and development venture under the National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.);

(2) the term "non-Federal person" means an entity located in the United States, the controlling interest (as defined by the Secretary) of which is held by citizens of the United States, which agrees to manufacture or reproduce substantially within the United States for commercial sale any invention that may result from an agreement under this Act;

(3) the term "Secretary" means the Secretary of Energy; and

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

SEC. 4. NATIONAL GOALS AND MULTI-YEAR FUNDING FOR FEDERAL WIND, PHOTOVOLTAICS, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaics, and solar thermal energy programs being carried out by the Secretary:

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall emphasize—

(i) activities that address near-term technical problems and assist private sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue, and electrical systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than one cent per kilowatt hour by 1995; and

(iv) increase capacity factors for new wind energy systems to 25 to 35 percent by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies of and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability, and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic conversion efficiencies by 20 percent by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $800 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 10 cents per kilowatt hour.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources, and to promote the integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall emphasize development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insulation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses, and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit to the Congress, as part of the first report submitted under section 10, recommendations for specific cost goals and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Hydrogen Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems, and Geothermal Energy Systems.

(b) AMENDED GOALS.—Whenever the Secretary determines that any one of the goals established under this section is no longer appropriate, the Secretary shall notify Congress, as part of a report submitted under section 10, of the reason for the determination and provide an amended goal that is consistent with the purpose stated in section 2.

(c) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary—

(1) for the Wind Energy Research Program, not to exceed $10,000,000 for fiscal year 1991; $11,500,000 for fiscal year 1992; and $11,500,000 for fiscal year 1993;

(2) for the Photovoltaic Energy Systems Program, not to exceed $39,000,000 for fiscal year 1991; $40,000,000 for fiscal year 1992; and $40,000,000 for fiscal year 1993;

(3) for the Solar Thermal Energy Systems Program, not to exceed $16,000,000 for fiscal year 1991; $17,000,000 for fiscal year 1992; and $17,000,000 for fiscal year 1993;

(4) for the Biofuels Energy Systems Program, not to exceed $16,000,000 for fiscal year 1991; $16,000,000 for fiscal year 1992; and $16,000,000 for fiscal year 1993;

(5) for the Hydrogen Energy Systems Program, not to exceed $4,000,000 for fiscal year 1991; $5,000,000 for fiscal year 1992; and $6,000,000 for fiscal year 1993;

(6) for the Solar Buildings Energy Systems Program, not to exceed $5,000,000 for fiscal year 1991; $5,000,000 for fiscal year 1992; and $5,000,000 for fiscal year 1993;

(7) for the Ocean Energy Systems Program, not to exceed $4,000,000 for fiscal year 1991; $5,000,000 for fiscal year 1992; and $5,000,000 for fiscal year 1993; and

(8) for the Geothermal Energy Systems Program, not to exceed $19,000,000 for fiscal year 1991; $20,500,000 for fiscal year 1992; and $23,000,000 for fiscal year 1993.

(d) REPORT ON OPTIONS.—As part of the first report submitted under section 10, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, ocean, and geothermal renewable energy technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

SEC. 5. ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) NEW INITIATIVES.—The Secretary shall recommend amounts to be set aside for fiscal year 1991 and fiscal year 1992 for new initiatives in energy efficiency research, development, and demonstration. Funds made available for new initiatives shall supplement and not supplant funds available to complete on-going energy efficiency research, development, and demonstration projects supported in whole or in part by the Secretary during fiscal year 1990. Funds made available for new initiatives shall be used by the Secretary to support the most promising and deserving new ideas in energy efficiency research, development, and demonstration brought to the attention of the Secretary during the previous fiscal year.

(b) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary—

(1) for transportation energy research, development, and demonstration, not to exceed $68,313,440 for fiscal year 1991; $71,045,977 for fiscal year 1992; and $73,887,816 for fiscal year 1993;

(2) for industrial energy efficiency research, development, and demonstration, not to exceed $53,492,000 for fiscal year 1991; $54,792,400 for fiscal year 1992; and $56,983,368 for fiscal year 1993;

(3) for building and community systems energy efficiency research, development, and demonstration, not to exceed $37,775,000 for fiscal year 1991; $45,000,000 for fiscal year 1992; and $53,000,000 for fiscal year 1993;

(4) for multi-sector energy efficiency research, development, and demonstration, not to exceed $37,871,000 for fiscal year

1991; $36,000,000 for fiscal year 1992; and $37,000,000 for fiscal year 1993; and

(5) for energy efficiency research, development, and demonstration policy and management, not to exceed $3,650,000 for fiscal year 1991; $3,950,000 for fiscal year 1992; and $4,200,000 for fiscal year 1993.

(c) REPROGRAMMING.—The Secretary may—

(1) increase by 10 percent or less; and

(2) 30 days after submitting notice to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the intention to do so, increase by 25 percent or less,

any specific authorization amount under subsection (b) or under section 4(c), to meet unexpected cost variations. Neither the total amount authorized under subsection (b) nor the total amount authorized under section 4(c) may be increased by any actions taken under this subsection. No action may be taken under this subsection that will result in the reduction of any specific authorization amount under subsection (b) or under section 4(c), except as provided in paragraph (1) or (2).

SEC. 6. SP-100 AUTHORIZATION.

Not less than $51,000,000 is authorized for the SP-100 program for each of the fiscal years 1990 and 1991.

SEC. 7. JOINT RESEARCH AND DEVELOPMENT VENTURES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint research and development ventures can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) assist in setting national standards to improve the operation of markets for these technologies; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to make use of joint research and development ventures to assist the private sector with further commercialization of renewable energy and energy efficiency technologies.

(b) JOINT RESEARCH AND DEVELOPMENT VENTURES.—

(1) ESTABLISHMENT.—The Secretary shall solicit industry proposals for joint research and development ventures in each of the technology areas under subsection (c). The Secretary shall select at least one joint research and development venture in each of those technology areas, unless no qualified proposals in that area are received. Each joint research and development venture selected under this section shall include at least one private sector firm. Research and development activities supported under this section shall be performed in the United States.

(2) COST SHARING.—The Secretary shall require that at least 30 percent of all costs of any joint research and development venture supported under this section be provided from non-Federal sources.

(3) ADVISORY COMMITTEE.—(A) The Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Research and Development Ventures (hereafter in this section referred to as the "Advisory Committee") to advise the Secretary on the development of the solicitation and evaluation criteria for joint research and development ventures, and on the evaluation of proposals received and the selection of projects. The Secretary shall appoint members to the Advisory Committee, including at least one member representing—

(i) the Secretary of Commerce;

(ii) the National Laboratories of the Department of Energy;

(iii) the Solar Energy Research Institute;

(iv) the Electric Power Research Institute;

(v) the Gas Research Institute;

(vi) the National Institute of Building Sciences;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms in the major renewable energy manufacturing industries; and

(ix) associations of firms in the major energy efficiency manufacturing industries.

The Advisory Committee may establish such subcommittees as it considers necessary to carry out this Act.

(B) The Advisory Committee, within 120 days after its establishment, shall provide the Secretary with recommendations regarding the structure and selection criteria for a solicitation of proposals for joint research and development ventures. The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint research and development venture program. Recommendations of the Advisory Committee shall be available to the public.

(4) PUBLIC COMMENT.—After a draft solicitation for joint research and development ventures has been issued, the Secretary shall provide for a period of public comment before the issuance of a final solicitation.

(5) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress on actions taken under this section and plans for future actions to be taken under this section.

(6) PROTECTION OF PROPRIETARY RIGHTS.—Joint research and development ventures, participants in joint research and development ventures, and inventions developed as a result of joint research and development ventures under this section shall be subject to section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (102 Stat. 4075).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint research and development venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of joint research and development ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion of solar energy so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems Program set forth in section 4(a)(2), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $3,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint research and development venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of joint research and development ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $3,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint research and development venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of joint research and development ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $3,400,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(4) FACTORY-MADE HOUSING.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint research and development venture in order to establish regional projects to develop or demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction technique, marketing practices, and construction materials.

(B) Projects supported pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. Such projects shall—

(i) be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, and marketing;

(ii) develop a detailed characterization of the needs of the home building industry;

(iii) establish a close working relationship with all sectors of the home building industry; and

(iv) be coordinated to pool and conserve resources.

(C) There are authorized to be appropriated to the Secretary not to exceed $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(5) ADVANCED DISTRICT COOLING TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint research and development venture for the demonstration of advanced district cooling technologies that are applicable in cities with high cooling loads, in accordance with the provisions of this paragraph.

(B) The purpose of joint research and development ventures supported under this paragraph shall be to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select a city or cities for application of advanced district cooling technologies developed by joint research and development ventures supported under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(D) There are authorized to be appropriated to the Secretary not to exceed $1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(d) SECRETARIAL DISCRETION.—(1) If the Secretary, based on the recommendations of the Advisory Committee, with respect to a technology described in paragraph (1), (2), (3), (4), or (5) of subsection (c), determines that there is insufficient private sector interest in a joint research and development venture for the demonstration of such technology—

(A) that satisfies the requirement of subsection (b)(2);

(B) that will further the purpose of this Act; and

(C) that will advance the timely commercialization of the technology to be demonstrated,

the Secretary shall notify Congress and provide a written explanation of the reasons for the determination.

(2) Promptly after notifying the Congress under paragraph (1), the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for the selection of a substitute field or technology in which to solicit joint research and development ventures that develop or demonstrate, consistent with this section, an alternative renewable energy or energy efficiency technology so as to accomplish the purpose of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for joint research and development ventures with respect to which a determination is made under paragraph (1) may be used for a substitute joint research and development venture selected under this paragraph.

(3) When 30 calendar days have elapsed after transmittal of a plan under paragraph (2), the Secretary shall proceed with solicitations for joint research and development ventures appropriate to that plan as if such joint research and development ventures were required under subsection (c).

(e) ADDITIONAL JOINT RESEARCH AND DEVELOPMENT VENTURES.—(1) The Secretary shall recommend to the Congress three additional joint research and development ventures in the fields of renewable energy or energy efficiency technologies for fiscal year 1992. Each proposed project shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed projects under this subsection, the Secretary shall consider the recommendations of the Advisory Committee, and shall take into account the extent to which such projects will contribute to earlier commercialization of key technologies than might not occur without Federal support under this subsection, and the extent to which such projects will contribute to the competitiveness of United States firms engaged in international trade in renewable energy technologies.

(3) Joint research and development ventures supported pursuant to a recommendation under this subsection shall be carried out as if they were required under subsection (c).

SEC. 8. RENEWABLE ENERGY EXPORTS.

(a) FINDINGS AND PURPOSE.—(1) For purposes of this section, Congress finds that—

(A) among the major problems in promoting exports of renewable energy technology are the lack of available information on overseas markets and the absence of financing for the purchase of the technologies; and

(B) the Committee on Renewable Energy, Commerce, and Trade ("CORECT") established under the Renewable Energy Industry Development Act (Public Law 98-370) currently coordinates Federal Government activities to promote renewable energy exports.

(2) The purpose of this section is to evaluate current efforts to promote exports of renewable energy technology, to establish a joint government-industry plan to identify promising technologies and increase the financing available for exports of renewable energy technologies, to target potential markets for these technologies, and to authorize funding of these activities.

(b) ANNUAL REPORT.—The Committee on Renewable Energy, Commerce, and Trade shall annually report to Congress. Each report submitted under this subsection shall describe the actions of each agency represented by a member of the Committee on Renewable Energy, Commerce, and Trade taken during the previous fiscal year to achieve the purposes of such Committee and of this section. Such report shall describe the exports of renewable energy technology that have occurred as a result of such agency actions.

(c) PLAN.—(1) The Committee on Renewable Energy, Commerce, and Trade shall—

(A) establish, in consultation with representatives of affected industries, a plan to maintain or increase the market share of the United States in international trade in renewable energy technologies, including technologies for production of alcohol fuels, biomass energy, geothermal energy, and wood energy, and in technologies for passive solar energy conversion, photovoltaics, solar thermal energy conversion, and wind energy conversion, and include in such plan guidelines for agencies that are members of the Committee with respect to the financing of exports of such renewable energy technologies;

(B) develop, in consultation with representatives of affected industries, administrative guidelines for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy technologies from agencies implementing such programs; and

(C) target renewable energy technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

(2) The Committee on Renewable Energy, Commerce, and Trade shall include a description of the plan established under paragraph (1)(A) in no later than the second report submitted under subsection (b), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

(d) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for activities of the Committee on Renewable Energy, Commerce, and Trade not to exceed—

(1) $1,200,000 for fiscal year 1991;

(2) $1,500,000 for fiscal year 1992; and

(3) $1,800,000 for fiscal year 1993.

SEC. 9. DISSEMINATION OF INFORMATION.

Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding at the end the following new subsection:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of solar heating and cooling technology, the Secretary shall establish a program, which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers.".

SEC. 10. REPORTS.

(a) REPORT BY THE SECRETARY.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint research and development ventures supported under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL ENERGY POLICY PLAN REPORT.—Each biennial submission of the National Energy Policy Plan under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) shall include a two-year strategic plan for energy technology research, development, and demonstration. Such plan shall address the role of federally-assisted research, development, and demonstration in the achievement of the national policy goals of the National Energy Policy Plan and shall assess both the level of support for energy research, development, and demonstration reasonably necessary to achieve these goals and the basis for allocating the support recommended by the President among the available alternatives.

SEC. 11. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE SECRETARY.—If the Secretary, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Secretary shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1990 and 1991 and shall report to the Congress on the

number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Secretary shall also report to the Congress on the number of contracts covered under this Act (including the amendments made by this Act) and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(2) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (1).

The SPEAKER pro tempore. Is a second demanded?

Mr. MORRISON of Washington. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 20 minutes, and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I yield myself such time as I may consume. H.R. 1216, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 represents the culmination of nearly 2 years of bipartisan effort between the Committee on Science, Space, and Technology and the Committee on Energy and Commerce. I want to take this opportunity to thank Chairman ROE of New Jersey and chairman DINGELL of Michigan for their support in moving the bill through both committees.

The bill is a 3-year Department of Energy authorization for renewable energy and energy efficiency programs. The bill also authorizes the Secretary of Energy to enter into joint research and development ventures with the private sector using a cost sharing agreement.

The importance of the legislation is fourfold: First, the bill signifies the reemergence of our authorization efforts for the Department of Energy. I believe the authorization levels and guidance provided herein will allow these very important energy programs to go forward on stable ground and be less subject to funding instabilities.

Second, the legislation provides the Secretary of Energy the authority to enter into joint venture R&D projects with the private sector. The Department of Energy's hesitancy in previous years to proceed to the demonstration stage for new technologies has hindered technology transfer efforts and left worthy technologies in the laboratory. The Science, Space, and Technology Committee has received numerous testimonies as to the benefits of Government-assisted demonstration and I am pleased that this legislation corrects this policy.

Third, the bill reemphasizes our U.S. commitment to the development of renewable energy and energy efficient technologies. The neglect of the programs at the Federal level has translated into a realignment of our domestic solar industry leaving some technologies at the critical level. I believe the legislation provides needed stability that can help stimulate the renewed interest of our private sector firms and will help to regain the strength needed to meet our foreign competitors.

And finally, because of the corresponding interests in this legislation by the other body, the two House committees have worked with the Senate Energy and Natural Resources Committee in perfecting the legislation before the House today. We fully expect that what we are considering in the House today will be acceptable to the Senate and will become law.

Mr. Speaker, I do want to clarify one item in the legislation. The authorization levels for the research and development programs in sections 4 and 5 are not fully delineated. The complete funding recommendations of the Committee on Science, Space, and technology may be found in House Report 101-308, part 1.

I particularly want to express my appreciation to Congressman PHIL SHARP of Indiana who has worked so tirelessly with us at every step in developing this legislation. I hope this bill will be followed by other successful legislative efforts in the energy area which has been crying out for real policy legislation for so long now.

Last, I want to extend my thanks to Hon. SID MORRISON of Washington, the ranking Republican on the Energy Research and Development Subcommittee. His support for the legislation was invaluable in the success of our efforts to bring the bill before you today.

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Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume. I appreciate the kind words of our distinguished subcommittee chairman.

I am extremely pleased to join Chairman LLOYD and my colleagues, the leaders of the Subcommittee on Energy and Power, in bringing this legislation to the floor today. After 2 years of hard work and consensus-building in both Houses, we have succeeded in developing a piece of legislation that provides congressional guidance for a major area of focus in the big picture of our national energy policy.

As the authorizing Subcommittee for Energy Research and Development, our role is to help plan this Nation's energy future, and to provide the direction and support that are needed for a well-balanced, stable, Energy R&D Program in the Department of Energy. The lack of stability for renewable energy and energy efficiency technology programs under the previous administration was a major reason for this legislation.

Today, we have a Secretary of Energy who is dedicated to work with Congress in developing a national energy policy. We also have a newly appointed Assistant Secretary, Mike Davis, who is well qualified to carry out the missions of these important R&D areas. I have a high degree of confidence in Mike's ability, and I believe this legislation before us today expresses our desire to provide the greatest flexibility for the Department to run these programs as they fit into the overall planning and implementation of our national energy policy.

I look forward to the enactment of H.R. 1216 in the very near future.

Mr. Speaker, I reserve the balance of my time.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. SWIFT] to engage in a colloquy.

Mr. SWIFT. Mr. Speaker, I thank the gentlewoman very much for yielding to me.

I am particularly pleased that the Committee on Energy and Commerce and the Committee on Science, Space, and Technology have been able to work in a cooperative fashion to develop H.R. 1216, which deals with renewable energy and energy efficiency programs. I have enjoyed working with the distinguished gentlewoman from Tennessee [Mrs. LLOYD], who chairs the Subcommittee on Energy Research and Development. This legislation was therefore the product of hard work by both of our committees.

H.R. 1216 contains authorizations for a variety of ongoing programs in the Department of Energy relating to energy conservation and renewable energy. Over the past years, our two committees have recognized that some of these programs fall within the exclusive jurisdiction of one or the other committee, while other programs are within our shared jurisdiction. Past authorization bills have been drafted in a manner that reflected these jurisdictional understandings.

In this bill, for drafting convenience, we may have combined programs that are within the sole jurisdictions of one or the other committee, or our shared jurisdiction, within a single authorization. The inclusion of these authorizations within this legislation, and the manner of their drafting, is not intended in any way to alter our jurisdic-

tional understandings. Each committee will retain its jurisdictional responsibilities for these various energy programs, in accordance with the House rules.

There are also several new programs in this legislation. Jurisdictional responsibilities for these programs will be guided by the House rules.

Mrs. LLOYD. Mr. Speaker, if the gentleman will yield I thank the gentleman from Washington.

I agree with the remarks of the gentleman with respect to committee jurisdiction. Nothing in this legislation, or its manner of drafting, is intended to alter jurisdictional responsibilities of our two committees with respect to various energy research and development programs for conservation and renewable energy or for other R&D programs conducted by the Department of Energy.

Mr. MORRISON of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MOORHEAD], the ranking member of the Subcommittee on Energy and Power, and also an original cosponsor of this measure.

Mr. MOORHEAD. Mr. Speaker, as an original cosponsor of H.R. 1216, the renewable energy research and development authorization, it gives me great pleasure to rise in its support. After years of development, renewable energy and conservation are technologies that are coming into their own. Nine percent of primary energy production is currently supplied by renewable energy sources. Moreover, renewable energy and conservation are about to receive a boost from clean air legislation which is going to make future reliance on fossil fuels more costly. Even natural gas, which most energy analysts project will be the fuel of choice in the future, will not be immune from the effects of the Clean Air Act. Natural gas is a fossil fuel; it produces SO_2 and NO_x, just a lot less SO_2 and NO_x than coal and oil. And no one knows how much natural gas there is or what its future cost will be. Thus, I believe that as the world wrestles with the problems of clean air and global warming in the years ahead, renewable energy and conservation will become ever more important.

The challenge is to make these options affordable so that they contribute to America's economic health and growth. Neither conservation nor renewable energy has yet approached its full economic or technical potential. The 9 percent of primary energy production that renewable sources currently contribute is largely based on hydropower and biomass, the latter mostly in the form of fuel wood and wood waste. DOE estimates that much of the future growth in renewable energy will result from use of other technologies, such as photovoltaics and wind energy, that are only now approaching maturity but have already begun to make noticeable and increasing contributions.

That is why I cosponsored H.R. 1216 and it is my hope that H.R. 1216 will help focus Federal efforts to sustain and build upon past successes with these technologies. I am particularly interested in moving DOE's renewable energy program toward achieving commercial applications, and I am hopeful that the efforts of the majority and minority staffs in working with OMB, DOE, and the affected industries will greatly assist achievement of that goal.

For those of you who are doubtful of the ability of Federal legislators to achieve such lofty goals, I want to point out one provision in this bill I am particularly proud of—that is the cost sharing provision. H.R. 1216 requires that each joint venture authorized by this bill be funded 50/50 by the Federal Government and the private sector. Private sector/Federal Government cost sharing is a very important component of the success of any research and development effort intended to achieve commercial applications of new technologies. I will not recite all the previous mistakes or white elephants that American taxpayers have paid for. But the common element in all those mistakes was the failure to get a bona fide commitment from the companies who undertook projects with the Federal Government. This bill requires private companies to put up 50 percent of the money involved in each joint venture. Thus, the companies involved have a real monetary stake in the success of these projects so that they will work hard to achieve the bill's goals. Because of this cost sharing provision, the American taxpayer should not be ripped off.

I want to commend Chairmen DINGELL, SHARP, ROE, and LLOYD, and Mr. MORRISON, Mr. SWIFT, and Mr. WALKER for their hard work on this bill. I also want to commend the majority and minority staff who painstakingly put this bill together. I would point out that this is the first renewable energy and conservation authorization to pass since 1981. I think we can thank President Bush's leadership and support for this accomplishment. In sum, I think we can all be pleased that this bill will greatly assist America's future energy security.

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Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I rise to congratulate the committee on renewing the initiative for energy research that has been abandoned during the previous 8 years. I have been involved over the years in various forms of research into wind, solar, biofuels, photovoltaics, and other alternatives that can provide for our Nation's energy needs.

Mr. Speaker, we do not need to be reminded that 52 percent of our current energy requirements are imported. The expected cost of that energy is estimated in the mid-1990's to be between $100 and $120 billion a year. It is an established fact that from 1973, the year of the first OPEC oil boycott, through the 10 years that followed, the United States transferred one-half trillion dollars to foreign oil-producing nations in exchange for our energy imports. It is expected that the cost of energy to our Nation will increase to more than $1 trillion each decade if we continue on the current hapless policy.

Mr. Speaker, I want to commend the committee for taking this initiative. I personally know of many people and institutions throughout the country that have, to the extent possible, conducted various forms of energy research. This bill will encourage others to participate and make it possible for the genius of American ingenuity to come forward and provide valuable solutions to the energy dilemma that faces our Nation now in its heroinlike dependence on foreign oil.

Mr. Speaker, I would like to make a few comments regarding the biofuels provisions of H.R. 1216.

Biofuels, and particularly ethanol fuel from America's farms, can play a major role in meeting America's needs for secure energy and a cleaner environment.

However, for biofuels to be utilized to their fullest potential we need to learn how to produce greater quantities of these fuels, from more diverse feedstocks, at competitive prices. More research is imperative.

The Department of Energy is already conducting important research in this area. DOE is looking into new processes for converting cellulose to ethanol and the development of new, genetically engineered energy crops, among other things.

Nevertheless, I believe that the Department should redouble its efforts, and should utilize America's great research universities to their fullest potential.

I particularly recommend Arkansas State University to the Department of Energy as one institution well suited to assist DOE's biofuels efforts.

On Monday of this week, I cohosted a conference on alternative energy and the environment at Arkansas State University in Jonesboro.

This important meeting focused on how farmers, the energy industry, and research universities like Arkansas State can play a role in the coming transition to alternative motor fuels.

It brought together agricultural and business leaders from northeast Ar-

kansas and top Arkansas State faculty together with energy and environmental experts from around the Nation to discuss the potential of fuel from the farm.

My cochairs for the conference were Dr. Eugene Smith, president of ASU, and State Senator Jerry Bookout and State Representative Lloyd George, of the Joint Interim Committee on Energy of the Arkansas General Assembly. Also appearing at the conference were former Energy Secretary James Schlesinger; Dr. Keith Rogers, dean of agriculture at Arkansas State; Dr. Lonnie Talburt, dean of business at Arkansas State; Dr. George Harp, professor of zoology at Arkansas State; Dr. James Lents, executive officer of the South Coast Air Quality Management District in California; Mr. Kenneth Hansen of the advanced engineering staff of General Motors; Mr. Harold Idell, manager of vehicle engineering and planning for Federal Express Corp.; Mr. Charles Imbrecht, chairman of the California Energy Commission; Mr. Richard Wilson, director of the Office of Mobile Sources, Office of Air and Radiation, Environmental Protection Agency; Mr. Michael Baly, executive vice president of the American Gas Association; Mr. Martin Andreas, senior vice president of Archer Daniel Midland Co.; Mr. James Peeples, director of government affairs for Information Resources, Inc.; Mr. Jack Segal, manager of fuel design for the Atlantic Richfield Oil Co.; and Mr. Warren Carey, manager of propane marketing for the Phillips Petroleum Co.

Automakers and oil companies are preparing for the conversion to alternative fuels. So is Arkansas State. ASU has shown its interest and capacity to assist in solving the Nation's energy problems. DOE should take advantage of its expertise.

Mr. MORRISON of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Pennyslvania [Mr. WALKER], our distinguished ranking member of the Committee on Science, Space, and Technology.

Mr. WALKER. Mr. Speaker, I want to congratulate the gentleman from Washington [Mr. MORRISON] and the gentlewoman from Tennessee [Mrs. LLOYD] for their work on this bill. I think it is a great effort, and the gentleman from New Jersey [Mr. ROE] and I at the full committee level I know were very pleased with the work that went into this bill and allowed us to come to this point on the House floor.

Mr. Speaker, I am encouraged today that after many years of frustration the authorizing committees are finally intent upon moving through legislation like this that will help us develop component outyear authorization bills that can be enacted.

The bill before us today is truly a consensus approach between the Committee on Science, Space, and Technology, and the Committee on Energy and Commerce and the Senate Energy Committee to set renewable energy and conservation policy through the year 1993. The Senate is committed to clearing this legislation for Presidential signature before this session's end.

Mr. Speaker, I am particularly pleased that one of the parts of this particular program is a permanent hydrogen energy systems program with research dollars almost tripled by 1993. This signals to the administration and to the appropriators the important emphasis that Congress places on hydrogen fuel production research and development.

I think hydrogen holds important aspects for our Nation's future. It is one of the fields that can be a transportation fuel and can be a fuel of major significance in our future, and I think beginning that process in this bill is really, or expanding that process, I should say, in this bill, is really something of major significance.

Mr. Speaker, this is a bill that exercises fiscal discipline. It is a bill that will allow us to grow and yet do so responsibly.

The bill deserves the support of everyone in the House. I am pleased to rise in support of it.

Mr. MORRISON of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Speaker, the transportation research budget in H.R. 1216 represents a bipartisan effort, and the gentleman from North Carolina [Mr. VALENTINE], the distinguished subcommittee chairman, has been very cooperative in working on any concerns that we had in the Transportation, Aviation and Materials Subcommittee. I want to compliment again the gentleman from North Carolina [Mr. VALENTINE], the gentleman from New Jersey [Mr. ROE], the chairman of the full committee, and the gentleman from Pennsylvania [Mr. Walker], the ranking Republican member, and also the gentlewoman from Tennessee [Mrs. LLOYD], the Energy Subcommittee chairwoman, and the gentleman from Washington [Mr. MORRISON], the ranking Republican member, for their leadership in bringing a fiscally responsible budget recommendation before this House.

Mr. Speaker, many of the DOE transportation research programs were begun at the time of the energy crisis in the late 1970's.

This bill gives the agency time to reexamine those research goals and revise the program, because this authorization is for three years. That is long enough to plan for a research program that will address our transportation needs in the 1990's, which should include:

Environmentally safe fuels such as hydrogen;

Long-lasting ceramic car engines; and

Energy efficient automobiles.

I urge my colleagues to support this bipartisan legislation.

Thank you.

Mr. WALKER. Mr. speaker, I would like to commend Chairwoman LLOYD, Republican Vice Chairman SID MORRISON and the Science Committee's Energy R&D Panel on their dedicated hard work on this bill.

I am extremely encouraged that today, after many years of frustration, the authorization committees are finally intent on reestablishing national energy priorities for the Appropriations Committee to follow by developing component out-year authorization bills that can be enacted.

The bill before us today is truly a consensus approach between the House Science and Energy and Commerce Committees and the Senate Energy Committee to set renewable energy and conservation research policy through 1993. The Senate is committed to clearing this legislation for Presidential signature before the session's end.

Especially satisfying is that H.R. 1216 specifically recognizes hydrogen's tremendous potential by explicitly establishing for the first time a separate, permanent hydrogen energy systems program with research almost tripled by 1993. This signals to the administration and the appropriators the important emphasis that Congress places on hydrogen fuel production research and development.

Most importantly, H.R. 1216 exercises fiscal discipline. The renewable area overall can grow no more than 20 percent through 1993 consistent with the CBO out-year baseline, while the fiscal year 1991 conservation levels hold the line of this year's funding with an inflation adjustment and only 16 percent growth over the next 3 years.

Further, a $9 million reduction to the new commercialization effort in H.R. 1216 from the $50 million level reported out the House Science and Energy Committees allows for responsible technology transfer through genuine industry-led joint ventures. The non-Federal cost-sharing requirement for these cooperative DOE-private sector demonstrations has also been raised from 30 to 50 percent to at least match the taxpayer investment. This increases the likelihood for the successful transfer and actual commercial marketing of the technologies resulting from DOE's renewable and conservation R&D programs.

In addition to reestablishing the discipline and expert guidance of the authorization process, a 3-year bill also has the advantage of allowing for long-term planning by the Energy Department. This is an approach I hope we can adopt for other component civilian energy R&D bills, especially our nuclear programs. In fact, Senate Energy Committee Chairman BENNETT JOHNSTON has written our committee confirming his intent to move such a bill in the Senate early next session. Among other things, nuclear legislation will provide for SP-100 space reactor development, essential for a Moon-Mars mission. Critical SP-100 resources were originally part of H.R. 1216 and

have led to a recently signed memorandum of understanding between DOE, NASA, and DOD providing for shared yet doubled funding through fiscal year 1994. Therefore, I am proud to be a cosponsor of H.R. 1216 and look forward to quick enactment of a multiyear civilian nuclear energy R&D measure next year.

Mr. VALENTINE. Mr. Speaker, I would like to associate myself with the remarks of the gentlelady from Tennessee [Mrs. LLOYD] and lend my unequivocal support for passage of H.R. 1216. There are numerous important provisions and programs contained in this bill, but I will restrict my remarks to that portion that is within the jurisdiction of the Science Subcommittee on Transportation, Aviation, and Materials, which I chair. This encompasses the Department of Energy's transportation conservation programs.

Mr. Speaker, the mission of these programs is to reduce petroleum consumption in the transportation sector. The primary means of accomplishing this is to continue research and development on advanced technologies that will lead to either more efficient use of petroleum fuels or substitution of nonpetroleum energy sources.

In 1988, transportation accounted for 63 percent of the petroleum used in the United States, and for 28 percent of total U.S. energy consumption. As a result, transportation alone used 22 percent more oil than was being produced domestically in the United States. Highway vehicles accounted for 82 percent of this amount. So, if we are serious about avoiding another oil crisis, this is the place to concentrate.

Another important benefit of transportation conservation technologies is their potential for positive direct reduction in air pollution. Today, it is estimated that there are more than 136 million passenger vehicles on our Nation's roadways with a projected growth of over 160 million by the turn of the century. The Environmental Protection Agency's Trends Report for 1987 indicates that approximately 44.7 million metric tons of pollution are spewed into the environment as a result of the number of vehicles in use today. The development, demonstration, and deployment of cleaner burning fuels and altenative propulsion systems, would reduce the release of pollutants that cause urban air quality problems.

In recognition of the need for improved transportation systems, the legislation before us today continues and expands programs for research and development of new and more efficient propulsion systems for transportation application. It authorizes research on a variety of alternatives to the gasoline engine, including the gas turbine engine, diesel technology, electric vehicles, alternative fuels, and advanced materials.

Mr. Speaker, the overall goal of the Transportation Conservation Program is to achieve technical readiness of key technologies that are essential and necessary for subsequent industry development of advanced propulsion systems for transportation. These technologies have great potential not only for reducing air pollution caused by vehicles and reducing our dependency on foreign oil, but will also assist our industries in remaining on the cutting edge of these technial developments. In my opinion, this legislation represents a national and necessary step toward complete energy self sufficiency. I urge my colleagues to support H.R. 1216.

Mr. MORRISON of Washington. Mr. Speaker, I urge passage of this message.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. LLOYD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from Tennessee [Mrs. LLOYD] that the House suspend the rules and pass the bill, H.R. 1216, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 488) to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

SEC. 2. FINDING, PURPOSE, AND GENERAL AUTHORITY.

(a) FINDING.—Congress finds that it is in the national security and economic interest of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies.

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) achieving as soon as practicable cost-competitive use of these technologies without need of Federal financial incentives;

(2) providing a long-term stable environment for renewable energy and energy efficiency technology research and development activities through the establishment of long-term federal research goals and multi-year funding levels;

(3) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(4) fostering collaborative research and development efforts involving the private sector through government support of a program of innovative joint venture projects.

(c) GENERAL AUTHORITY.—The Secretary, acting in accordance with the authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary—

(1) is authorized and directed to—

(A) pursue a program of research, development, and demonstration, including the use of joint ventures with the private sector, to achieve the purpose of this Act, including the goals established under section 4; and

(B) undertake joint ventures as provided in section 6; and

(2) is authorized to undertake, from time to time, joint ventures in technology areas other than those set forth in subsection 6(c), subject to the conditions set forth in subsection 6(b).

SEC. 3. DEFINITIONS.

As used in this Act the term—

(1) "Secretary" means the Secretary of Energy;

(2) "joint venture" means any agreement entered into under this Act by the Secretary with more than one or a consortium of non-Federal persons (including a joint research and development venture under the National Cooperative Research Act of 1984 (98 Stat. 1815)) for cost-shared research, development, or demonstration of renewable energy and energy efficiency technologies, but does not include procurement contracts, grant agreements, or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code;

(3) "small business", with respect to a participant in any joint venture under this Act, means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under Section 3(a) of the Small Business Act (15 U.S.C. 632) for the Standard Industrial Classification (SIC) code designated by the Secretary of Energy as the primary business activity to be undertaken in the venture;

(4) "non-Federal person" means an entity located in the United States and owned initially by citizens of the United States who agree to manufacture or reproduce substantially within the United States for commercial sale any invention that may result from an agreement under this Act. This term includes a domestic entity that is:

(A) an industrial organization, such as a corporation, partnership, limited partnership, consortium, or industrial development organization;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; or

(E) a unit of State or local government; and

(5) "invention" means an invention or discovery that is or may be patentable or other wise protected under title 35, United States Code, or any novel variety of plant that is or may be protected under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) and

that is conceived or reduced to practice as a result of work under an agreement entered into under this Act.

SEC. 4. NATIONAL GOALS FOR FEDERAL WIND, PHOTOVOLTAIC, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaic and solar thermal energy programs being carried out by the Secretary.

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall include—

(i) activities that address near-term technical problems and assist private-sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue and electrical systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than 1 cent per kilowatt hour by 2000; and

(iv) increase capacity factors for new wind energy systems to 25 to 30 per centum by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic amorphous silicon modules to 15 per centum by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $1,200 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 12 cents per kilowatt hour by 1995.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources and to promote private-sector integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall include development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu by 1995; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour by 1995.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit a report on goals for other renewable energy technologies to Congress at the time of transmittal of the President's budget request for fiscal year 1992. This report shall contain the Secretary's recommendations for average cost and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems, Low-Head Hydro, Energy Storage, and Geothermal Energy.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, the Secretary shall notify Congress of the reason for the determination and provide an amended goal that is consistent with the purpose stated in section 2(b).

SEC. 5. MULTI-YEAR AUTHORIZATIONS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY RESEARCH, DEVELOPMENT AND DEMONSTRATION.

(a) RENEWABLE ENERGY AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary for the following renewable energy research, development and demonstration programs: the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Biofuels Energy Systems Program, the Solar Buildings Energy Systems Programs, the Ocean Energy Systems Program, and the Geothermal Energy Programs; not to exceed $113,000,000 in fiscal year 1991; $121,000,000 in fiscal year 1992; and $124,000,000 in fiscal year 1993.

(b) ENERGY EFFICIENCY AUTHORIZATIONS.—There is authorized to be appropriated to the Secretary for the following energy efficiency research, development, and demonstration programs: transportation efficiency; industrial energy efficiency; buildings and community systems energy efficiency; multi-sector energy efficiency; and energy efficiency policy and management; not to exceed $195,000,000 in fiscal year 1991; $199,000,000 in fiscal year 1992; and $204,000,000 in fiscal year 1993.

(c) REPORT ON OPTIONS.—On or before May 1, 1991, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector in the timely commercialization of renewable energy and energy efficiency technologies through emphasis on development and technology transfer assistance to specific technologies that are near commercial application.

(d) NEW INITIATIVES.—The Secretary shall recommend for fiscal years 1992 and 1993 amounts to be set aside for new initiatives in renewable energy and energy efficiency research, development, and demonstration. Funds made available for new initiatives shall be used by the Secretary to support the most promising and deserving new ideas in renewable energy and energy efficiency research, development, and demonstration brought to the attention of the Secretary during the previous fiscal year.

SEC. 6. JOINT VENTURES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint ventures in research and development can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) facilitate transfer of renewable energy and energy efficiency technologies, including critical enabling technologies, to the private sector; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to authorize and direct the Secretary of Energy to make use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

(b) VENTURES.—

(1) SOLICITATION.—The Secretary shall conduct a competitive solicitation of industry proposals for joint ventures in each of the technology areas set forth in subsection (c). Except as provided in subsection (d), the Secretary shall select at least one joint venture in each such technology area. Each joint venture selected under this section shall include at least one private sector firm.

(2) DOMESTIC RESEARCH AND DEVELOPMENT.—Joint venture activities under this section shall be performed in the United States, Puerto Rico, the United States Virgin Islands, or the territories and possessions of the United States.

(3) COST SHARING.—

(A) The Secretary shall require at least 50 per centum of the direct costs of any joint venture under this section to be provided from non-Federal sources.

(B) The Secretary may reduce the amount of the direct costs required to be provided by any joint venture under subparagraph (A) upon application if the Secretary determines that—

(i) the joint venture is composed of small businesses or nonprofit entities; and

(ii) the reduction is appropriate and necessary for the successful operation of the proposed joint venture.

(C) The extent of cost sharing provided under proposals shall be a criterion for selection of proposals under this section.

(4) ADVISORY COMMITTEE.—

(A) Promptly after the date of the enactment of this section, the Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures (hereafter referred to as the "Advisory Committee") to advise the Secretary in—

(i) the development of the solicitation under paragraph (1) and the evaluation criteria for joint ventures;

(ii) the evaluation and selection of proposals under this section; and

(iii) otherwise carrying out his responsibilities under this section.

(B) The Secretary shall appoint members to the Advisory Committee representing each of the following—

(i) the Secretary of Commerce;

(ii) the Solar Energy Research Institute;

(iii) the Electric Power Research Institute;

(iv) the Gas Research Institute;

(v) the National Institute of Building Sciences;

(vi) the National Laboratories of the Department of Energy;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms representing the major manufacturing industries that the Secretary determines are likely to par-

ticipate in the program under this section; and

(ix) such other persons as the Secretary finds appropriate.

(C) The Secretary may, as appropriate, establish subcommittees of the Advisory Committee, including subcommittees for energy efficiency technologies and renewable energy technologies.

(D) Within ninety days after its formation, the Advisory Committee shall provide the Secretary with recommendations regarding the structure and selection criteria for the solicitation of proposals under paragraph (1). The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint venture program under this section. Recommendations of the Advisory Committee shall be available to the public.

(5) DRAFT MANAGEMENT PLAN AND SOLICITATION.—Promptly after receiving the views of the Advisory Committee under paragraph (D), the Secretary shall publish a draft management plan for carrying out his duties under this section and a draft solicitation of proposals for joint ventures. The Secretary shall provide opportunity for comment on these drafts.

(6) FINAL PLAN AND SOLICITATION.—Promptly after review and consideration of comments received under paragraph (5), but in any case, no later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall publish—

(A) a final management plan to be administered and carried out in the conduct of activities under this section; and

(B) the first solicitation as required under paragraph (1).

(7) Joint ventures, participants in joint ventures, and inventions developed as a result of joint ventures under this section shall be subject to the provisions of section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (102 Stat. 4075).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems program set forth in section 4(a)(2) and those goals may be amended under section 4(b).

(C) In preparing solicitations and evaluating proposals received for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test, and demonstrate systems employing critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b). The joint ventures supported under this paragraph shall emphasize production of wind energy and may include systems employing other sources of energy in addition to wind energy for purposes of developing hybrid systems.

(C) In preparing solicitations and evaluating proposals received for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of the joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

(C) In preparing solicitations and evaluating proposals received for the joint ventures to be supported under this paragraph, the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $2,400,000 for each of the fiscal years 1991 through 1993 to carry out this paragraph.

(4) ENERGY EFFICIENCY TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of advanced energy efficiency technology.

(B) The purpose of the joint ventures supported under this paragraph shall be to encourage the transfer to the private sector and successful market penetration of technologies that can significantly improve the efficiency of energy use in the United States.

(C) In preparing solicitations and evaluating proposals for the joint ventures under this paragraph, the Secretary shall seek and consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(D) There is authorized to be appropriated to the Secretary a total of not more than $3,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(5) FACTORY-MADE HOUSING.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture with such specialized private firms and investors as the Secretary deems appropriate in order to establish at least three regional projects to demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating the projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction techniques, marketing practices, and construction materials.

(B) The projects established pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. The projects shall be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, marketing, and product export techniques.

(C) The demonstration strategy under this paragraph shall be guided by—

(i) a detailed characterization of the needs of the home building industry;

(ii) a close working relationship with all sectors of the home building industry; and

(iii) coordination among the projects to pool and conserve resources.

(D) In preparing solicitations and evaluating proposals the joint ventures under this paragraph, and in selecting projects under this paragraph, the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(E) There is authorized to be appropriated to the Secretary a total of not more than $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(6) ADVANCED DISTRICT COOLING TECHNOLOGY.—

(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture with such specialized private firms and investors as the Secretary deems appropriate in order to develop advanced district cooling technologies that are applicable in cities with high cooling loads.

(B) The projects of the joint venture supported under this paragraph is to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select three cities for application of advanced district cooling technologies developed by joint ventures under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(D) In preparing solicitations and evaluating proposals received for joint ventures under this paragraph, and in selecting the cities under subparagraph (C), the Secretary shall consider the recommendations of the Advisory Committee or any appropriate subcommittee thereof.

(E) There is authorized to be appropriated for each of the fiscal years 1991, 1992 and 1993 not more than $1,000,000 per year to carry out this paragraph.

(d) SECRETARIAL DISCRETION.—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (b)(4)(B), with respect to a technology described in paragraph (1), (2), (3), (4), (5), or (6), of subsection (c), determines, that—

(A) there is insufficient private sector interest in joint ventures for the demonstration of such technology to satisfy the requirement of subsection (b)(3);

(B) carrying out joint ventures for the demonstration of such technology will not further the purposes of this Act;

(C) timely commercialization by the private sector of the technology to be demonstrated will not be advanced by the proposed joint ventures; or

(D) such ventures will compete with or substantially substitute for research, development, and demonstration activities already financed by the private sector,

then the Secretary shall not be subject to the requirements of this section with respect to the technology described in such paragraph.

(2) The Secretary shall notify Congress of any determination under paragraph (1) and provide a written explanation of the reasons for the determination. Promptly thereafter, the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for substitute solicitations of proposals for joint ventures to demonstrate, consistent with the management plan under paragraph (b)(6), alternative renewable energy or energy efficiency technologies so as to accomplish the purposes of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for the joint ventures with respect to which a determination is made under paragraph (1) may be used for a substitute joint venture solicited under this paragraph.

(3) When thirty calendar days have elapsed after transmittal of the plan under paragraph (2), the Secretary shall proceed with solicitations for joint ventures described in his plan as if such venture were required under subsection (c).

(e) ADDITIONAL COMMERCIALIZATION PROPOSALS.—(1) At the time of transmittal of the President's budget request for fiscal year 1993, the Secretary shall recommend to Congress at least three additional solicitations of proposals for joint ventures to encourage commercialization by the private sector of renewable energy or energy efficiency technologies. Such solicitations shall require funding or in-kind contributions from private sources consistent with joint ventures under subsection (b). Each proposed solicitation shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed solicitations under this subsection, the Secretary shall seek and consider the recommendations of the Advisory Committee and shall take into account the extent to which joint ventures will contribute to earlier commercialization of technologies proposed under this subsection than might occur without Federal support under this subsection and the extent to which such joint ventures will contribute to the competitiveness of United States firms engaged in international trade in renewable energy and energy efficiency technologies.

SEC. 7. RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY EXPORTS.

(a) FINDINGS AND PURPOSE.—(1) For purposes of this section, Congress finds that—

(A) Access to information on overseas markets and knowledge of methods to finance the purchase of products and services can help promote export of renewable energy and energy efficiency systems; and

(B) the Committee on Renewable Energy, Commerce, and Trade ("CORECT") established under the Renewable Energy Industry Development Act (Public Law 98-370) currently coordinates Federal Government activities to promote renewable energy exports.

(2) The purpose of this section is to enhance current efforts to promote exports of renewable energy and energy efficiency technology to identify suitable technologies and increase the financing available for exports of renewable energy and energy efficiency technologies, to identify promising markets for these technologies, and to authorize funding of these activities.

(b) ANNUAL REPORT.—The Committee on Renewable Energy, Commerce, and Trade shall annually report to Congress. Each report submitted under this subsection shall describe the actions of each agency represented by a member of the Committee on Renewable Energy, Commerce, and Trade taken during the previous fiscal year to achieve the purposes of such Committee and of this section. Such report shall describe the exports of renewable energy and energy efficiency technology that have occurred as a result of such agency actions.

(c) PLAN.—(1) The Committee on Renewable Energy, Commerce, and Trade shall—

(A) establish, in consultation with representatives of affected industries, a plan to maintain or increase the exports of the United States in international trade in renewable energy and energy efficiency technologies and include in such plans recommendations for agencies that are members of the Committee regarding actions they can take within their authority to promote exports of such renewable energy and energy efficiency technologies;

(B) develop, in consultation with representatives of affected industries, recommendations for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy and energy efficiency technologies from agencies implementing such programs; and

(C) recommend renewable energy and energy efficiency technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

(2) The Committee on Renewable Energy, Commerce, and Trade shall include a description of the plan established under paragraph (1) in no later than the second report submitted under subsection (b), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

(d) AUTHORIZATIONS.—There is hereby authorized to be appropriated to the Secretary for activities of the Committee on Renewable Energy, Commerce, and Trade an amount not to exceed—

(1) $3,700,000 in fiscal year 1991;

(2) $4,000,000 in fiscal year 1992; and

(3) $4,300,000 in fiscal year 1993.

SEC. 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of renewable energy and energy efficiency technology, the Secretary shall establish a program which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of title 10, United States Code, is amended by striking "significant savings of fossil-fuel-derived energy" and inserting in lieu thereof "reduced energy costs".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

(d) ACCESS TO FOREIGN MARKETS.—Section 256(c)(2)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6276(c)(2)(D)) is amended—

(1) in clause (i) by inserting after "commerce" the following: "and to potential end users, including other industry sectors in foreign countries such as health care, rural development, communications, and refrigeration, and other,"; and

(2) in clause (ii) by striking out "export opportunities" and inserting in lieu thereof "export and export financing opportunities".

(e) DEVELOPMENT OF PROGRAM TO ENCOURAGE USE OF RENEWABLE ENERGY IN OTHER COUNTRIES.—Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 627(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) The interagency group shall establish a program to inform other countries of the benefits of policies that would allow small facilities that produce renewable energy and energy efficiency to compete effectively with producers of energy from non-renewable sources.".

SEC. 9. NO ANTITRUST IMMUNITY OR DEFENSES.

Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

SEC. 10. REPORTS.

(a) ANNUAL REPORT.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint ventures solicited or funded under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a management plan to be administered and carried out by the Secretary in the conduct of activities under this Act.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan. The plan shall be updated annually.

(3) In addition to describing the Secretary's intentions for administering the provisions of this Act, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this Act; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(c) FEDERAL FACILITIES.—The Secretary of Energy shall report annually on the applicability for use in Federal facilities of renewable energy and energy efficiency technology products being developed under this Act that are cost effective on a life cycle basis. The report shall list such products and, with respect to each, provide an estimate of the annual energy and net cost savings that would accrue to each Federal agency that consumes a significant fraction of the annual Federal energy budget if such product were widely deployed in such agency. The report shall discuss the barriers, if any, to the wide deployment of these cost-effective renewable energy and energy efficiency products by each such Federal agency and provide recommendations on how such barriers may be removed or lowered. Each Federal agency shall, upon request of the Secretary, promptly provide information needed to prepare the report under this subsection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. LLOYD

Mrs. LLOYD. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. LLOYD: Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be referred to as the "Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989".

SEC. 2. FINDING, PURPOSE, AND GENERAL AUTHORITY.

(a) FINDING.—The Congress finds that it is in the national security and economic interest of the United States to foster greater efficiency in the use of available energy supplies and greater use of renewable energy technologies.

(b) PURPOSE.—It is the purpose of this Act to authorize the Secretary of Energy, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary, to pursue an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies in order to ensure a stable and secure future energy supply by—

(1) achieving as soon as practicable cost competitive use of those technologies without need of Federal financial incentives;

(2) establishing long-term Federal research goals and multiyear funding levels;

(3) directing the Secretary to undertake initiatives to improve the ability of the private sector to commercialize in the near term renewable energy and energy efficiency technologies; and

(4) fostering collaborative research and development efforts involving the private sector through government support of a program of joint ventures.

(c) GENERAL AUTHORITY.—The Secretary, acting in accordance with the authority contained in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) and other law applicable to the Secretary—

(1) is authorized and directed to—

(A) pursue a program of research, development, and demonstration, including the use of joint ventures with the private sector, to achieve the purpose of this Act, including the goals established under section 4; and

(B) undertake joint ventures as provided in section 6; and

(2) is authorized to undertake, from time to time, joint ventures in technology areas other than those set forth in section 6(c), subject to the conditions set forth in section 6(b).

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "invention" means an invention or discovery that is patented or for which a patent may be obtained under title 35, United States Code, or any novel variety of plant that is protected or for which plant variety protection may be obtained under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) and that is conceived or reduced to practice as a result of work under an agreement entered into under this Act;

(2) "joint venture" means any agreement entered into under this Act by the Secretary with more than one or a consortium of non-Federal persons (including a joint venture under the National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.)) for cost-shared research, development, or demonstration of technologies, but does not include procurement contracts, grant agreements, or cooperative agreements as those terms are used in sections 6303, 6304, and 6305 of title 31, United States Code;

(3) the term "non-Federal person" means an entity located in the United States, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including—

(A) a for-profit business;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; and

(E) a unit of State or local government;

(4) the term "Secretary" means the Secretary of Energy;

(5) the term "small business", with respect to a participant in any joint venture under this Act, means a private firm that does not exceed the numerical size standard promulgated by the Small Business Administration under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) for the Standard Industrial Classification (SIC) code designated by the Secretary of Energy as the primary business activity to be undertaken in the venture; and

(6) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

SEC. 4. NATIONAL GOALS AND MULTI-YEAR FUNDING FOR FEDERAL WIND, PHOTOVOLTAICS, AND SOLAR THERMAL PROGRAMS.

(a) NATIONAL GOALS.—The following are declared to be the national goals for the wind, photovoltaics, and solar thermal energy programs being carried out by the Secretary:

(1) WIND.—(A) In general, the goals for the Wind Energy Research Program include improving design methodologies and developing more reliable and efficient wind turbines to increase the cost competitiveness of wind energy. Research efforts shall emphasize—

(i) activities that address near-term technical problems and assist private sector exploitation of market opportunities of the wind energy industry;

(ii) developing technologies such as advanced airfoils and variable speed generators to increase wind turbine output and reduce maintenance costs by decreasing structural stress and fatigue;

(iii) increasing the basic knowledge of aerodynamics, structural dynamics, fatigue, and electrical systems interactions as applied to wind energy technology; and

(iv) improving the compatibility of electricity produced from wind farms with conventional utility needs.

(B) Specific goals for the Wind Energy Research Program shall be to—

(i) reduce average wind energy costs to 3 to 5 cents per kilowatt hour by 1995;

(ii) reduce capital costs of new wind energy systems to $500 to $750 per kilowatt of installed capacity by 1995;

(iii) reduce operation and maintenance costs for wind energy systems to less than one cent per kilowatt hour by 1995; and

(iv) increase capacity factors for new wind energy systems to 25 to 35 percent by 1995.

(2) PHOTOVOLTAICS.—(A) In general, the goals of the Photovoltaic Energy Systems Program shall include improving the reliability and conversion efficiencies of and lowering the costs of photovoltaic conversion. Research efforts shall emphasize advancements in the performance, stability, and durability of photovoltaic materials.

(B) Specific goals of the Photovoltaic Energy Systems Program shall be to—

(i) improve operational reliability of photovoltaic modules to 30 years by 1995;

(ii) increase photovoltaic conversion efficiencies by 20 percent by 1995;

(iii) decrease new photovoltaic module direct manufacturing costs to $800 per kilowatt by 1995; and

(iv) increase cost efficiency of photovoltaic power production to 10 cents per kilowatt hour by 1995.

(3) SOLAR THERMAL.—(A) In general, the goal of the Solar Thermal Energy Systems Program shall be to advance research and development to a point where solar thermal technology is cost-competitive with conventional energy sources, and to promote the integration of this technology into the production of industrial process heat and the conventional utility network. Research and development shall emphasize development of a thermal storage technology to provide capacity for shifting power to periods of demand when full insolation is not available; improvement in receivers, energy conversion devices, and innovative concentrators using stretch membranes, lenses, and other materials; and exploration of advanced manufacturing techniques.

(B) Specific goals of the Solar Thermal Energy Systems Program shall be to—

(i) reduce solar thermal costs for industrial process heat to $9.00 per million Btu by 1995; and

(ii) reduce average solar thermal costs for electricity to 4 to 5 cents per kilowatt hour by 1995.

(4) OTHER TECHNOLOGIES.—The Secretary shall submit to the Congress, as part of the first report submitted under section 9, recommendations for specific cost goals and other pertinent goals for 1995 for Department of Energy research, development, and demonstration programs in Biofuels Energy Systems, Hydrogen Energy Systems, Solar Buildings Energy Systems, Ocean Energy Systems, Geothermal Energy Systems, Low-Head Hydro, and Energy Storage Systems.

(b) AMENDED GOALS.—Whenever the Secretary determines that any of the goals established under this section is no longer appropriate, the Secretary shall notify Congress, as part of a report submitted under section 9, of the reason for the determination and

provide an amended goal that is consistent with the purpose stated in section 2(b).

(c) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for the following renewable energy research, development, and demonstration programs: the Wind Energy Research Program, the Photovoltaic Energy Systems Program, the Solar Thermal Energy Systems Program, the Biofuels Energy Systems Program, the Hydrogen Energy Systems Program, the Solar Buildings Energy Systems Program, the Ocean Energy Systems Program, and the Geothermal Energy Systems Program—

(1) not to exceed $113,000,000 for fiscal year 1991, of which—

(A) not to exceed $39,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $19,000,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $4,000,000 shall be available for the Hydrogen Energy Systems Program;

(2) not to exceed $121,000,000 for fiscal year 1992, of which—

(A) not to exceed $40,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $20,500,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $5,000,000 shall be available for the Hydrogen Energy Systems Program; and

(3) not to exceed $124,000,000 for fiscal year 1993, of which—

(A) not to exceed $40,000,000 shall be available for the Photovoltaic Energy Systems Program;

(B) not to exceed $23,000,000 shall be available for the Geothermal Energy Systems Program; and

(C) not to exceed $6,000,000 shall be available for the Hydrogen Energy Systems Program.

Each of the President's annual budget requests submitted to Congress after the date of enactment of this Act shall include as separate line items each of the categories of renewable energy programs described in this subsection.

SEC. 5. ENERGY EFFICIENCY AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary for the following energy efficiency research, development, and demonstration programs: transportation, industrial, buildings and community systems, multisector, and policy and management—

(1) not to exceed $201,100,000 for fiscal year 1991, of which—

(A) not to exceed $68,300,000 shall be available for the transportation program; and

(B) not to exceed $53,500,000 shall be available for the industrial program;

(2) not to exceed $210,600,000 for fiscal year 1992, of which—

(A) not to exceed $71,000,000 shall be available for the transportation program; and

(B) not to exceed $54,700,000 shall be available for the industrial program; and

(3) not to exceed $225,000,000 for fiscal year 1993, of which—

(A) not to exceed $73,900,000 shall be available for the transportation program; and

(B) not to exceed $56,900,000 shall be available for the industrial program.

SEC. 6. JOINT VENTURES.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—For purposes of this section, Congress finds that joint ventures can—

(A) improve coordination in technology development among firms in industries attempting to commercialize renewable energy and energy efficiency technologies;

(B) facilitate transfer of renewable energy and energy efficiency technologies, including critical enabling technologies, to the private sector; and

(C) enhance the ability of domestic firms to compete with foreign enterprises in sales of renewable energy and energy efficiency technologies.

(2) PURPOSE.—The purpose of this section is to direct the Secretary to make use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

(b) JOINT VENTURES.—

(1) ESTABLISHMENT.—The Secretary shall solicit proposals for joint ventures in each of the technology areas under subsection (c). The Secretary shall select at least one joint venture in each of those technology areas, unless no qualified proposals in that area are received. Each joint venture selected under this section shall include at least one for-profit business. Research and development activities supported under this section shall be performed in the United States. Each joint venture under this section shall require the manufacture and reproduction, substantially within the United States, for commercial sale of any invention that may result from the joint venture.

(2) COST SHARING.—

(A) The Secretary shall require at least 50 percent of the costs directly and specifically related to any joint venture under this section, including cash, personnel, services, equipment, and other resources, to be provided from non-Federal sources.

(B) The Secretary may reduce the amount of the costs required to be provided by any joint venture under subparagraph (A) upon application if the Secretary determines that—

(i) the joint venture is composed exclusively of small businesses or of small businesses and nonprofit entities; and

(ii) the reduction is appropriate and necessary for the successful operation of the proposed joint venture.

(C) The extent of cost sharing provided under proposals shall be a criterion for selection of proposals under this section.

(3) ADVISORY COMMITTEE.—(A) The Secretary shall establish an Advisory Committee on Renewable Energy and Energy Efficiency Joint Ventures (hereafter in this Act referred to as the "Advisory Committee") to advise the Secretary on the development of the solicitation and evaluation criteria for joint ventures, and on otherwise carrying out his responsibilities under this section. The Secretary shall appoint members to the Advisory Committee, including at least one member representing—

(i) the Secretary of Commerce;

(ii) the National Laboratories of the Department of Energy;

(iii) the Solar Energy Research Institute;

(iv) the Electric Power Research Institute;

(v) the Gas Research Institute;

(vi) the National Institute of Building Sciences;

(vii) the National Institute of Standards and Technology;

(viii) associations of firms in the major renewable energy manufacturing industries; and

(ix) associations of firms in the major energy efficiency manufacturing industries. The Advisory Committee may establish such subcommittees as it considers necessary to carry out this Act.

(B) The Advisory Committee, within 120 days after its establishment, shall provide the Secretary with recommendations regarding the structure and selection criteria for a solicitation of proposals for joint ventures. The Advisory Committee shall also advise the Secretary from time to time on the implementation of the joint venture program. Recommendations of the Advisory Committee shall be available to the public.

(4) DRAFT SOLICITATION AND PUBLIC COMMENT.—The Secretary shall issue a draft solicitation for joint ventures by September 30, 1990. After such draft solicitation has been issued, the Secretary shall provide for a period of public comment before the issuance of a final solicitation.

(5) PROTECTION OF PROPRIETARY RIGHTS.—Joint ventures, participants in joint ventures, and inventions developed as a result of joint ventures under this section shall be subject to section 5 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (102 Stat. 4075).

(c) TECHNOLOGIES.—

(1) PHOTOVOLTAICS TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of photovoltaic conversion of solar energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic conversion of solar energy so as to achieve, to the maximum extent practicable, the goals of the Photovoltaic Energy Systems Program set forth in section 4(a)(2), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(2) WIND ENERGY TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the conversion of wind energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the conversion of wind energy so as to achieve, to the maximum extent practicable, the goals of the Wind Energy Research Program set forth in section 4(a)(1), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed $2,700,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(3) SOLAR THERMAL TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of the use of solar thermal energy in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the use of solar thermal energy so as to achieve, to the maximum extent practicable, the goals of the Solar Thermal Energy Systems Program set forth in section 4(a)(3), as those goals may be amended under section 4(b).

(C) There are authorized to be appropriated to the Secretary not to exceed

$2,400,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(4) FACTORY-MADE HOUSING.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture in order to establish regional projects to develop or demonstrate techniques to improve the energy performance of factory-made housing offered by United States firms. In locating projects under this paragraph, the Secretary shall consider regional differences in housing needs, housing design, construction technique, marketing practices, and construction materials.

(B) Projects supported pursuant to this paragraph shall be designed to demonstrate state-of-the-art product quality, energy efficiency, and adaptability to renewable forms of energy of factory-made housing offered for sale in the United States. Such projects shall—

(i) be structured to demonstrate improvements in housing design, fabrication, delivery systems, construction processes, and marketing;

(ii) develop a detailed characterization of the needs of the home building industry;

(iii) establish a close working relationship with all sectors of the home building industry; and

(iv) be coordinated to pool and conserve resources.

(C) There are authorized to be appropriated to the Secretary not to exceed $5,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(5) ADVANCED DISTRICT COOLING TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of advanced district cooling technologies that are applicable in cities with high cooling loads, in accordance with the provisions of this paragraph.

(B) The purpose of joint ventures supported under this paragraph shall be to develop technical strategies for decreasing the capital cost and increasing the energy efficiency of major district heating and cooling system components and to assist in making district cooling available to local governments.

(C) The Secretary shall select a city or cities for application of advanced district cooling technologies developed by joint ventures supported under this paragraph. The activities to be carried out in such application shall include district cooling assessment, feasibility, and engineering design studies.

(D) There are authorized to be appropriated to the Secretary not to exceed $1,000,000 for each of the fiscal years 1991, 1992, and 1993 to carry out this paragraph.

(d) SECRETARIAL DISCRETION.—(1) If the Secretary, based on the recommendations of the Advisory Committee under subsection (b)(3)(B), with respect to a technology described in paragraph (1), (2), (3), (4), or (5) of subsection (c), determines, that—

(A) there is insufficient private sector interest in joint ventures for the demonstration of such technology to satisfy the requirement of subsection (b)(2); or

(B) such joint ventures will substantially substitute for research, development, and demonstration activities already financed by the private sector,

then the Secretary shall not be subject to the requirements of this section with respect to the technology described in such paragraph, and the Secretary shall notify Congress and provide a written explanation of the reasons for the determination.

(2) Promptly after notifying the Congress under paragraph (1), the Secretary shall consult with the Advisory Committee, and, based on the recommendations of such Committee, shall promptly transmit to Congress a plan for the selection of a substitute field or technology in which to solicit joint ventures that develop or demonstrate, consistent with this section, an alternative renewable energy or energy efficiency technology so as to accomplish the purpose of this Act. Any unexpended funds authorized to be appropriated under subsection (c) for joint ventures with respect to which a determination is made under paragraph (1) may be used for a substitute joint venture selected under this paragraph.

(3) When 30 calendar days have elapsed after transmittal of a plan under paragraph (2), the Secretary shall proceed with solicitations for joint ventures appropriate to that plan as if such joint ventures were required under subsection (c).

(e) ADDITIONAL JOINT VENTURES.—(1) The Secretary shall recommend to the Congress three additional joint ventures in the fields of renewable energy or energy efficiency technologies for fiscal year 1993. Each proposed project shall be described in sufficient detail to support congressional authorization.

(2) In selecting proposed projects under this subsection, the Secretary shall consider the recommendations of the Advisory Committee, and shall take into account the extent to which such projects will contribute to earlier commercialization of key technologies than might not occur without Federal support under this subsection, and the extent to which such projects will contribute to the competitiveness of United States firms engaged in international trade in renewable energy or energy efficiency technologies.

(3) Joint ventures supported pursuant to a recommendation under this subsection shall be carried out as if they were required under subsection (c).

SEC. 7. RENEWABLE ENERGY EXPORTS.

(a) DISSEMINATION OF INFORMATION; ACCESS TO FOREIGN MARKETS.—Section 256(c)(2)(D) of the Energy Policy and Conservation Act (42 U.S.C. 6276(c)(2)(D)) is amended—

(1) in clause (i), by inserting after "commerce," the following: "and to potential end users, including other industry sectors in foreign countries such as health care, rural development, communications, and refrigeration, and others,"; and

(2) in clause (ii), by striking "export opportunities" and inserting in lieu thereof "export and export financing opportunities".

(b) AUTHORIZATION AND PROGRAM.—Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 6276(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) The interagency group shall establish a program to inform other countries of the benefits of policies that would allow small facilities which produce renewable energy to compete effectively with producers of energy from nonrenewable sources.".

(c) REPORT, FUNCTIONS, AND AUTHORIZATIONS.—Section 256 of the Energy Policy and Conservation Act (42 U.S.C. 6276) is amended by adding at the end the following new subsections:

"(e) The interagency working group established under subsection (d) shall annually report to Congress, describing the actions of each agency represented by a member of the working group taken during the previous fiscal year to achieve the purposes of such working group and of this section. Such report shall describe the exports of renewable energy technology that have occurred as a result of such agency actions.

"(f)(1) The interagency working group shall—

"(A) establish, in consultation with representatives of affected industries, a plan to increase United States exports of renewable energy technologies, and include in such plan recommended guidelines for agencies that are represented on the working group with respect to the financing of, or other actions they can take within their programs to promote, exports of such renewable energy technologies;

"(B) develop, in consultation with representatives of affected industries, recommended administrative guidelines for Federal export loan programs to simplify application by firms seeking export assistance for renewable energy technologies from agencies implementing such programs; and

"(C) recommend specific renewable energy technology markets for primary emphasis by Federal export loan programs, development programs, and private sector assistance programs.

"(2) The interagency working group shall include a description of the plan established under paragraph (1)(A) in no later than the second report submitted under subsection (e), and shall include in subsequent reports a description of any modifications to such plan and of the progress in implementing the plan.

"(g) For purposes of this section, the term 'renewable energy' includes energy efficiency to the extent it is a part of a renewable energy system or technology.

"(h) There are authorized to be appropriated to the Secretary for activities of the interagency working group established under subsection (d) not to exceed—

"(1) $3,000,000 for fiscal year 1991;

"(2) $3,300,000 for fiscal year 1992; and

"(3) $3,600,000 for fiscal year 1993.".

SEC. 8. RENEWABLE ENERGY AND ENERGY EFFICIENCY.

(a) DISSEMINATION OF INFORMATION.—Section 523 of the National Energy Conservation Policy Act (42 U.S.C. 8243) is amended by adding a new subsection (d) as follows:

"(d) In order to more widely disseminate information about the program under this part and under part 3 and the benefits of renewable energy and energy efficiency technology, the Secretary shall establish a program which includes site visits and technical briefings, to disseminate such information to Federal procurement officers and Federal loan officers. The Secretary shall utilize available funds for the program under this subsection.".

(b) DEPARTMENT OF DEFENSE HOUSING.—Section 2857(b)(1) of title 10, United States Code, is amended by striking "significant savings of fossil-fuel-derived energy" and inserting in lieu thereof "reduced energy costs".

(c) OVERSEAS PRIVATE INVESTMENT CORPORATION LOANS.—Section 234(e) of the Foreign Assistance Act of 1961 is amended—

(1) in the first sentence, by inserting after "cooperatives" the following: "and including the initiation of incentives, grants, and studies for renewable energy and other small business activities"; and

(2) by adding at the end thereof the following new sentence: "Administrative funds

may not be made available for incentives, grants, and studies for renewable energy and other small business activities.".

SEC. 9. REPORTS.

(a) REPORT BY THE SECRETARY.—One year after the date of the enactment of this Act and annually thereafter, the Secretary shall report to Congress on the programs, projects, and joint ventures supported under this Act and the progress being made toward accomplishing the goals and purposes set forth in this Act.

(b) NATIONAL RENEWABLE ENERGY AND ENERGY EFFICIENCY MANAGEMENT PLAN.—

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a management plan to be administered and carried out by the Secretary in the conduct of activities under this Act.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan.

(3) In addition to describing the Secretary's intentions for administering this Act, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this Act; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(4) The plan shall address the role of federally-assisted research, development, and demonstration in the achievement of applicable national policy goals of the National Energy Policy Plan required under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(5) The plan shall accompany the President's annual budget submission to the Congress.

(c) REPORT ON OPTIONS.—As part of the first report submitted under subsection (a), the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, ocean, geothermal, low-head hydro, and energy storage renewable energy technologies and energy efficiency technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

SEC. 10. NO ANTITRUST IMMUNITY OR DEFENSES.

Nothing in this Act shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from Tennessee [Mrs. LLOYD].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1216) was laid on the table.

□1930

GENERAL LEAVE

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1216, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

SENSE OF THE CONGRESS ON EFFECT OF SEQUESTRATION ON RAILROAD RETIREMENT BENEFITS

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 220) expressing the sense of the Congress that all railroad retirement benefits are exempt from sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985 and that any such benefits sequestered under the Presidential order of October 16, 1989, should be restored.

The Clerk read as follows:

H. CON. RES. 220

Whereas the Balanced Budget and Emergency Deficit Control Act clearly states that all railroad retirement benefits are exempt from sequestration;

Whereas the Congressional Budget Office has confirmed Congressional intent by taking the position that all railroad retirement benefits, including the supplemental annuity portion, are exempt from sequestration;

Whereas the Comptroller General, in Opinion number B-229-738 of March 28, 1988, has taken the same position;

Whereas the supplemental annuity portion of railroad retirement nevertheless has been sequestered under the order of October 16, 1989; and

Whereas railroad retirement checks have already been reduced as a result of this incorrect sequestration: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that all railroad retirement benefits are exempt from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 and that all supplemental annuities payable under the Railroad Retirement Act of 1974 and sequestered under the presidential order issued on October 16, 1989, should be restored immediately.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 20 minutes, and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. CONYERS] and ask unanimous consent that he be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CONYERS. Mr. Speaker, I thank my colleague for yielding me this time. The gentleman's work with the committee has done so much to help bring House Concurrent Resolution 220 to the floor.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 220, which the Committee on Government Operations unanimously reported out yesterday. This concurrent resolution expresses the sense of Congress that all railroad retirement benefits are exempt from sequestration under the Gramm-Rudman-Hollings Act and calls for restoration of benefit amounts currently sequestered under Presidential order.

Because the administration and Congress, unfortunately, have been unable to agree on deficit reduction, Gramm-Rudman-Hollings requires across-the-Board spending cuts in Government programs. To ensure that retired and disabled individuals living on fixed income payments need not unduly shoulder the burden of forced deficit reduction, Congress expressly removed all Federal retirement and disability programs from sequestration under Gramm-Rudman-Hollings. However, notwithstanding our clear intent, the Office of Management and Budget has improperly applied Gramm-Rudman-Hollings by reducing the supplemental benefits normally paid under the railroad retirement system to more than 200,000 of its 1 million annuitants. As with other retirement benefits, these supplemental payments were earned by these retired railroad workers through their work with the railroads.

As I've indicated, Congress never intended to reduce these benefits, or any other retirement benefits, through Gramm-Rudman-Hollings sequestration. The General Accounting office has reviewed the legislative history of the sequestration measures and concurs with this assessment of congressional intent. Congress must make it clear that we disagree with the administration's actions and demand the restoration of these benefits to the retirees who earned them. I urge support for this resolution.

Mr. Speaker, I yield the balance of my time, since there are no requests for time, to the gentleman from New York [Mr. HORTON], the ranking

member of the Committee on Government Operations.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 220, a resolution expressing the sense of the Congress that all railroad retirement benefits, including that portion of those benefits referred to as "supplemental annuities" be exempt from sequestration under the Gramm-Rudman- Hollings Act. Further, as the supplemental annuities portion of the railroad benefits have been sequestered since the Presidential order of October 16, 1989, the resolution calls for restoration of these benefits to the pension beneficiaries.

This legislation was favorably reported from the Government Operations Committee on November 16. It enjoys broad bipartisan support and settles the issue of Congress' intent on where these benefits fall in the budget calculation.

In addition to the favorable reporting of House Concurrent Resolution 220 by the two committees of jurisdiction—Government Operations and Energy and Commerce—the Comptroller General issued an opinion stating that these railroad retirement benefits should not be included for purposes of sequestration.

Mr. Speaker, I join my distinguished Chairman, JOHN CONYERS, in urging passage of House Concurrent Resolution 220.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

I commend Representative WHITTAKER for his leadership in bringing this resolution to the floor of the House.

It is unfortunate that the administration has again refused to implement the law that protects railroad retirees from the Gramm-Rudman hatchet. I thought we had educated the Office of Management and Budget properly 2 years ago. In 1987, over our strenuous objection, President Reagan included certain railroad retirement benefits, commonly called tier II benefits, in his sequestration order. Congress ultimately restored those benefits to railroad retirees and their families. And both the General Accounting Office and the Comptroller General later issued reports finding that Congress had exempted railroad retirement benefits from the effect of the budget laws and that OMB's actions were wrong.

But here we go again. On October 16, 1989, President Bush ordered across-the-board reductions for certain Federal programs. And OMB, in all of its glory and wisdom, implemented the President's order by chopping payments to railroad retirees. Despite the fact that it is the law, despite the fact that the General Accounting Office found that no sequestration should occur, despite the fact that the Comptroller General found that no sequestration should occur, we are back at square one again.

This resolution expresses the sense of Congress that these benefits should be restored immediately. What it does not adequately convey is the sense of outrage the Members of our subcommittee feel about this issue. Tens of thousands of railroad employees worked long and hard for these benefits. The Congress believes their benefits should remain intact. And yet the administration has again refused to follow the law.

The amounts which have been sequestered from the payments made to some 200,000 railroad retirees and their families may not seem like much. But for thousands of families, the amounts which are being wrongfully withheld could make the difference in putting food on the table, or paying this month's rent.

It is high time for the administration to stop this illegal effort which affects so many. Congress knew what it was doing when it exempted these payments from sequestration. OMB's sleight-of-hand in changing account numbers does not alter the crystal clear congressional intent expressed in amendments to Gramm-Rudman. It is the law. And even OMB should be required to follow the law.

I urge my colleagues to support this effort and commend Mr. WHITTAKER for his leadership in this important matter.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is a bipartisan response to an unconscionable and patently illegal withholding of certain railroad retirement benefits by order of the Office of Management and Budget. I take no pleasure in offering this legislation, but I feel it is our duty to uphold the principle that the law of the land, as embodied in our Federal statutes, must be obeyed by all branches of Government.

In this instance, OMB is deliberately violating a specific provision of the Gramm-Rudman Deficit Reduction Act. When the Congress established the sequestration procedure, it also created certain specific exemptions from these automatic spending cuts. One is Social Security, and another is railroad retirement.

In the fall of 1987, during the last previous sequestration, OMB ordered the Railroad Retirement Board to withhold a portion of the so-called tier II supplemental benefits paid to railroad retirees as part of the fiscal 1988 sequestration. OMB's only basis for this action was that OMB itself had assigned a new budget account number to these benefits during 1987.

I introduced a resolution similar to the one we are considering today to demand reinstatement of the wrongfully sequestered supplemental benefits. Congressional action on the resolution became unnecessary because the benefits were restored by subsequent legislation that also ended the sequestration for fiscal 1988.

The legality of OMB's action, however, was not merely dropped. First, the General Accounting Office ruled in its fiscal 1988 Gramm-Rudman compliance report that OMB had indeed wrongfully withheld the supplemental benefits that are in fact part of the specific Gramm-Rudman exemption for railroad retirement benefits.

Then in April 1988, the Comptroller General rendered a formal opinion, complete with an exhaustive legal analysis, to the Railroad Retirement Board. The Comptroller General reached the very same conclusion: Supplemental benefits are exempt, OMB had acted wrongly, and the change of budget account numbers by OMB was of no legal effect whatever.

In a land where the rule of law prevails, Mr. Speaker, that should have ended the matter once and for all. Unfortunately, on October 16 of this year, OMB engaged in exactly the same indefensible behavior for a second time: An OMB order directed the Railroad Retirement Board—under protest—to withhold part of the supplemental railroad retirement benefits yet again as part of the fiscal 1990 sequestration. Incredibly, this action was taken by OMB in direct and flagrant contravention of the Comptroller General's opinion on this precise budgetary item, and contrary to the clearly expressed intent of the Congress.

We are now faced with widespread outrage among railroad retirees—and, I might add—among Members of this body, at this flouting of the law by a few members of the bureaucracy who apparently consider themselves above the law.

Put simply, this is not a policy disagreement; it is not a debate on the desirability of the Gramm-Rudman procedures or the exemptions from sequestration. Nor is this a case of reasonable disagreement over interpreting an ambiguous legal provision. Every legal authority says that these benefits are clearly exempt, but OMB thinks that its own shuffling of account numbers somehow overrides a Federal statute.

This is not a partisan disagreement, either. It is obvious from the bipartisan sponsorship of this resolution and its speedy approval in the Energy and Commerce Committee that obeying the provisions of the Gramm-Rudman Act is not a matter of policy, but of plain and simple legal obligation. We cannot allow the bureaucrats to ignore

the clear language of a law that is on the books—a law that, unless and until it is changed by constitutional process, binds all three branches of government. I consider it shocking and embarrassing that the resolution we are considering today has become necessary.

I urge that the resolution be given prompt bipartisan approval to put the Congress on record as upholding the integrity of our Federal laws in general and the Gramm-Rudman Act in particular.

□ 1940

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas [Mr. SLATTERY], a member of the committee.

Mr. SLATTERY. Mr. Chairman, I want to take this opportunity to first commend the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], for his leadership in this effort and also the chairman of the Transportation and Hazardous Materials Subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], and my colleague, the gentleman from Kansas [Mr. WHITTAKER], for their leadership in bringing this resolution before the body this evening.

Mr. Speaker, I think previous speakers have been very precise in outlining what this legislation is all about, and in the final analysis what we are talking about is a simple question as to whether supplemental benefits under tier 2 of the Railroad Retirement Program should be subject to the automatic cuts under Gramm-Rudman. The simple answer to that question is they should not.

It is very clear that this body has made its intent very clear in the past. There should be no question about what the intent of Congress was and, in addition to that, as we have heard previous speakers emphasize, the Comptroller General's office issued a letter finding the supplemental annual annuity pension fund should not be subject to sequestration. We have authority from the General Accounting Office coming to the same conclusion, and it is regrettable that this body has to take its precious time at this hour to again send another message to the executive branch, the President and the Office of Management and Budget, that these benefits are not subject to the automatic cuts under Gramm-Rudman sequestration procedures.

Mr. Speaker, I am hopeful that we can pass this legislation, if not this evening, before we adjourn for Thanksgiving, so that those 200,000 railroad retirees across the country that are receiving these benefits will know that they will continue to receive them, and they will not be subject to the automatic cuts under sequestration, and the law of the land will be enforced by the executive as the lawmaking branch of government intended.

Mr. Speaker, again, it is a pleasure to work with my colleagues on this and, again, I commend my friend from Kansas and the chairman of the subcommittee for their leadership on this.

Mr. LENT. Mr. Speaker, I want to commend the author of this resolution, Mr. WHITTAKER, who is the ranking member of the Transportation Subcommittee of the Energy and Commerce Committee, and also the chairman of that subcommittee and the committee itself, for the prompt and expeditious consideration of this legislation.

As the bipartisan support for this resolution in our committee demonstrates, this is not a matter of party or policy differences. It is simply an official demand by the House that the executive branch abide by the law that is now on the books.

Regrettably, this is the second time in 2 years that the Congress has had to call the budgetary bureaucracy to account for the utterly baseless withholding of certain railroad retirement benefits, known as "supplemental benefits." The current sequestration of these benefits, which began with the November 1, 1989, retirement checks, is all the more egregious, because it was ordered in the face of explicit findings by the Comptroller General and the General Accounting Office that supplemental benefits are clearly exempt from sequestration under the Gramm-Rudman Deficit Reduction Act.

In these circumstances, I can offer no justification whatever for the action of the Office of Management and Budget. No one is above the law, but unfortunately, there seem to be a few elements in the budgetary bureaucracy who have yet to learn that basic principle of American government. I trust that by approving this resolution, we will assure that they get that message in unequivocal terms. I strongly urge the prompt approval of the resolution.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 220.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on House Concurrent Resolution 220, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 3402, SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 3402) to promote political democracy and economic pluralism in Poland and Hungary by assisting those nations during a critical period of transition and abetting the development in those nations of private business sectors, labor market reforms, and democratic institutions; to establish, through these steps, the framework for a composite program of Support for East European Democracy [SEED].

The Clerk read the title of the bill.

(For conference report and statement see prior proceedings of the House of earlier today.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, once again reserving the right to object, I do so to afford our chairman, the gentleman from Florida [Mr. FASCELL], the opportunity to explain the conference report.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, the conference report is identical to the substitute amendment which passed the House yesterday by a vote of 372 to 47.

As the Members know, in that substitute amendment we did not have the tax extenders, and coming back from the other body, we do not have the tax extenders in this conference. There were two small changes. One was to pick up additional language of the Cox amendment to add three objectives to the series of economic objectives that the bill set forth in section 2(b), and the other was to revise some language in section 801 which the other body had requested since it was their own language, and those are the only changes.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to join Mr. BROOMFIELD and Mr. FASCELL, the ranking Republican member and the chairman of the Foreign Affairs Committee, for their efforts in developing this important legislative

package to assist Poland and Hungary and the emerging democratic movements in those countries.

These are historic times, and it is important that we provide the assistance in this bill to support the progress being achieved there.

I urge my colleagues to support the conference report.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I wish to commend the chairman and all the House conferees on their fine efforts to bring this conference report on the Polish/Hungarian aid bill to the floor for final consideration.

Except for two minor clarifications, the chairman mentions this conference report contains the very language that the House passed overwhelmingly just last night. For all practical purposes, this is the House bill.

The changes in Eastern Europe are truly historic. The President and our Government deserve a great deal of credit for leading the West in support of democracy in Eastern Europe.

I am informed that the administration supports passage of this conference report and I feel certain that the President will sign it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME MOTION TO CONSIDER SENATE AMENDMENTS TO H.R. 3660, GOVERNMENT ETHICS REFORM ACT OF 1989

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it be in order to consider at any time a motion, if offered by the majority leader, or his designee, after consultation with the minority leader, to take from the Speaker's table the bill (H.R. 3660), and for other purposes, with the Senate amendment or amendments thereto, and to dispose of the Senate amendment or amendments; that such motion be debatable for not to exceed 1 hour, equally divided and controlled by the majority leader and the minority leader, or their designees; that the previous question be considered as ordered on the motion to final adoption without intervening motion; that all points of order against the motion be waived; that such motion shall be considered as having been read; and that such motion not be subject to a demand for a division of the question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1950

LOCAL RAIL SERVICE REAUTHORIZING ACT

Mr. THOMAS A. LUKEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 422) to amend the Department of Transportation Act to reauthorize local rail service assistance, as amended.

The Clerk read as follows:

H.R. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Rail Service Reauthorizing Act".

SEC. 2. LOCAL RAIL FREIGHT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended—

(1) by striking "and not to exceed $8,000,000 for the fiscal year ending September 30, 1988" and inserting in lieu thereof "not to exceed $8,000,000 for the fiscal year ending September 30, 1988, not to exceed $10,000,000 for the fiscal year ending September 30, 1989, and not to exceed $15,000,000 for the fiscal year ending September 30, 1990"; and

(2) by striking "after September 30, 1988" and inserting in lieu thereof "after September 30, 1990".

(b) FISCAL YEAR 1990 FUNDS.—(1) With respect to funds appropriated for carrying out section 5(i) of the Department of Transportation Act for fiscal year 1990, each State must apply for such funds within 60 days after the date of enactment of legislation authorizing appropriations for that fiscal year. Upon receipt of an application under such subsection, the Secretary shall consider the application and notify the State submitting such an application as to its approval or disapproval within 60 days. Funds provided under this subsection shall remain available to a State for obligation for the first 3 months after the end of the fiscal year for which such funds have been made available. Any funds which have not been timely applied for under this subsection, or which have remained unobligated after the expiration of the period described in the previous sentence, shall be made available to the Secretary for rail freight assistance projects meeting the requirements of this section.

(2) With respect to funds appropriated for carrying out section 5(h) of the Department of Transportation Act for fiscal year 1990, the Secretary shall establish such procedures as are necessary to ensure that funds available to the Secretary for use for rail service assistance projects are distributed by April 1, 1990. If any funds are not distributed by that date, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of such funds and the reasons for the delay in distribution.

(3) Section 4021(a)(2) of Public Law 99-509 is repealed.

(c) LOCAL RAIL FREIGHT ASSISTANCE PROGRAM.—Section 5 of the Department of Transportation Act (49 U.S.C. App. 1654) is amended to read as follows:

"LOCAL RAIL FREIGHT ASSISTANCE

"SEC. 5. (a) A State is eligible to receive rail freight assistance under this section if—

"(1) such State has established an adequate plan for rail services in such State, including a suitable process for updating, revising, and amending such plan;

"(2) such State plan is administered or coordinated by a designated State agency and provides for the equitable distribution of resources;

"(3) such State agency—

"(A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services;

"(B) employs or will employ, directly or indirectly, sufficient trained and qualified personnel;

"(C) maintains or will maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation; and

"(D) is designated and directed solely, or in cooperation with other State agencies, to take all practicable steps to improve rail transportation safety and to reduce transportation-related energy utilization and pollution;

"(4) such State provides satisfactory assurance that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and

"(5) such State complies with regulations of the Secretary issued under this section and the Secretary determines that such State meets or exceeds the requirements of paragraphs (1) through (4) of this subsection.

"(b) The Secretary shall, in accordance with this section, provide financial assistance to States for rail freight assistance projects that are designed to cover—

"(1) the cost of acquiring, by purchase, lease, or in such other manner as the State considers appropriate, a line of railroad or other rail properties, or any interest therein, to maintain existing or provide for future rail freight service, but only if the Interstate Commerce Commission has authorized, or has exempted from the requirements of such authorization, the abandonment of, or the discontinuance of rail service on, the line of railroad related to the project;

"(2) the cost of rehabilitating or improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line, but only if the line of railroad related to the project is certified by the railroad as having carried 5 million gross ton miles of freight or less per mile during the prior year; and

"(3) the cost of constructing rail or rail related facilities (including new connections between two or more existing lines of railroad, intermodal freight terminals, sidings, bridges, and relocation of existing lines) for the purpose of improving the quality and efficiency of rail freight service, but only if the line of railroad related to the project is certified by the railroad as having carried 5 million gross ton miles of freight or less per mile during the prior year.

"(c)(1) No project shall be provided rail freight assistance under this section unless the line of railroad related to the project is certified by the railroad as having carried

more than 20 carloads per mile during the most recent year of operation of service on such line. In a case where the railroad is no longer in existence, the applicant shall provide such information in the manner prescribed by the Secretary. The Secretary may waive the requirement of this paragraph upon a determination that the line of railroad is contractually guaranteed at least 40 carloads per mile for each of the first 2 years of operation if the proposed project is carried out, and the Secretary finds that there is a reasonable expectation that such contractual guarantee will be fulfilled.

"(2) No project shall be provided rail freight assistance under this section unless the ratio of benefits to costs for such project, calculated in accordance with the methodology established by the Secretary under subsection (n), is greater than 1.0.

"(d) A State shall use assistance provided under subsection (b) of this section as follows:

"(1) The State may grant or loan funds to the owner of rail properties or operator of rail service related to the project.

"(2) The State shall determine all financial terms and conditions of a grant or loan, except that the timing of all advances with respect to grants under this subsection shall be in accordance with Department of Treasury regulations.

"(3) The State shall place the Federal share of repaid funds in an interest-bearing account or, with the approval of the Secretary, permit any borrower to place such funds, for the benefit and use of the State, in a bank which has been designated by the Secretary of the Treasury in accordance with section 10 of the Act of June 11, 1942 (12 U.S.C. 265). The State shall use such funds and all accumulated interest to make further loans or grants under subsection (b) of this section in the same manner and under the same conditions as if they were originally granted to the State by the Secretary. The State may, at any time, pay to the Secretary the Federal share of any unused funds and accumulated interest. After the termination of a State's participation in the rail freight assistance program established by this section, such State shall pay the Federal share of any unused funds and accumulated interest to the Secretary.

"(4) The State, to the maximum extent possible, shall encourage the participation of shippers, railroads, and local communities in providing the State share of rail freight assistance funds.

"(e) The Federal share of the costs of any rail freight assistance project shall be 50 percent, except that in the case of assistance provided under subsection (b)(2), the Federal share shall be 70 percent. The State share of the costs may be provided in cash or through any of the following benefits, to the extent that such benefits would not otherwise be provided:

"(1) Forgiveness of taxes imposed on a railroad or on its properties.

"(2) The provision by the State or by any person on behalf of such State, for use in its rail freight assistance program, of real property or tangible personal property of the kind necessary for the safe and efficient operation of rail freight service.

"(3) Trackage rights secured by the State for a railroad.

"(4) The cash equivalent of State salaries for State public employees working in the State rail freight assistance program, but not including overhead and general administrative costs.

A State may provide more than its required percentage share of the cost of its rail freight assistance program. If a State, or any person on behalf of a State, provides more than such State's percentage share of the cost of its rail freight assistance program during any fiscal year, the amount in excess of such share shall be applied toward such State's share of the costs of its program for subsequent fiscal years.

"(f) A State seeking financial assistance for rail freight assistance projects described in subsection (b) shall apply, in the form required by the Secretary, for such assistance by January 1 of the fiscal year for which the funds have been appropriated, except in fiscal years in which authorizations of appropriations have not been enacted as of the first day of the fiscal year, in which case application must be made within 90 days after the date of enactment of legislation authorizing appropriations for that fiscal year. In considering applications for rail freight assistance projects under subsection (b), the Secretary shall consider the following:

"(1) The percentage of lines identified to the Interstate Commerce Commission by rail carriers for abandonment or potential abandonment within a State.

"(2) The likelihood of future abandonments within a State.

"(3) The ratio of benefits to costs for a proposed project calculated in accordance with the methodology established by the Secretary under subsection (n).

"(4) The likelihood that the line will continue operating with rail freight assistance.

"(5) The impact of rail bankruptcies, rail restructuring, and rail mergers on the State applying for assistance.

"(g) On the first day of the fiscal year, each State shall be entitled to $36,000 of the funds available for expenditure pursuant to subsection (q) of this section during the fiscal year to meet the cost of establishing, implementing, revising, and updating the State rail plan required by subsection (a) of this section, or to carry out projects described in subsection (b)(1), (2), or (3), as designated by the State, if such projects meet the requirements of subsection (c)(2). Each State must apply for such funds on or before the first day of the fiscal year, except in fiscal years in which authorizations of appropriations have not been enacted as of the first day of the fiscal year, in which case application must be made within 60 days after the date of enactment of legislation authorizing appropriations for that fiscal year. Upon receipt of an application under this subsection, the Secretary shall consider the application and notify the State submitting such an application as to its approval or disapproval within 60 days. Funds provided under this subsection shall remain available to a State for obligation for the first 3 months after the end of the fiscal year for which such funds have been made available. Any funds which have not been timely applied for under this subsection, or which have remained unobligated after the expiration of the period described in the previous sentence, shall be made available to the Secretary for rail freight assistance projects meeting the requirements of this section.

"(h) The Secretary shall establish such procedures as are necessary to ensure that funds available to the Secretary for use for rail freight assistance projects under subsection (b) are distributed by April 1 of the fiscal year for which such funds are appropriated. If any funds are not distributed by that date, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of such funds and the reasons for the delay in distribution.

"(i) Each State shall retain a contingent interest (redeemable preference shares) for the Federal share of funds in any line receiving rail freight assistance under this section and may exercise the right to collect its share of the funds used for a such a line, if an application for abandonment of such line is filed under chapter 109 of title 49, United States Code, or if such line is abandoned, discontinued, sold, or disposed of in any way after it has received Federal assistance.

"(j) Two or more States which are eligible to receive rail freight assistance under this section may, where not in violation of State law, enter into an agreement to combine any portion of such assistance for purposes of conducting any project which is eligible for assistance under this section and which will benefit each State which is a party to such agreement.

"(k)(1) Each recipient of funds provided under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of such funds, the total cost of the project or undertaking in connection with which such funds were provided or used, the amount of that portion of the cost of the project which was supplied by other sources, and such other records as will facilitate an effective audit. Such records shall be maintained for 3 years after the completion of such a project or undertaking.

"(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary or of the Comptroller General, may be related or pertinent to the grants, contracts, or other arrangements referred to in paragraph (1) of this subsection.

"(3) The Secretary and the Comptroller General shall regularly conduct, or cause to be conducted—

"(A) a financial audit, in accordance with generally accepted auditing standards; and

"(B) a performance audit of the activities and transactions assisted under this section, in accordance with generally accepted management principles.

Such audits may be conducted by independent certified or licensed public accountants and management consultants approved by the Secretary and the Comptroller General, and they shall be conducted in accordance with such rules and regulations as may be prescribed by the Comptroller General.

"(l) The Interstate Commerce Commission shall provide the Secretary with such information as the Secretary requests to assist in administering the program authorized by this section. The Commission shall provide the requested information within 30 days after receipt of any such request.

"(m) On or before August 1 of each year, each rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of title 49, United States Code, shall prepare, update, and submit to the Secretary a listing of those rail lines of such carrier

which, based on level of usage, carried 5 million gross ton miles of freight or less per mile during the prior year.

"(n) The Secretary, no later than July 1, 1990, shall establish a methodology for calculating the ratio of benefits to costs of projects proposed under subsection (b), taking into consideration the need for equitable treatment of different regions of the United States and different commodities transported by rail. The establishment of such methodology shall be a matter committed to the Secretary's discretion.

"(o) No more than 15 percent of the funds provided under subsection (b) in any fiscal year shall be provided to any one State. No more than 20 percent of the funds provided under subsection (b) in any fiscal year shall be provided for any one project.

"(p) As used in this section, the term "State" means any State in which a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under chapter 105 of title 49, United States Code, maintains any line of railroad.

"(q) There are authorized to be appropriated to the Secretary for the purposes of this section not to exceed $15,000,000 for fiscal year 1991. Such sums as are appropriated are authorized to remain available until expended. No funds are authorized to be appropriated under this subsection for any period after September 30, 1991.".

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect October 1, 1990.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is a second demanded?

Mr. TAUKE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. THOMAS A. LUKEN] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. TAUKE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. THOMAS A. LUKEN. Mr. Speaker, the purpose of the bill which is now before the House is to reauthorize the Local Rail Service Assistance Act. This little-noticed statute has played a vital role in ensuring the continuation of rail service to small communities and other areas where the large railroads are not able to provide rail service on an economical basis.

The need for the program's continuation is clear. Over the last 15 years the large railroads have abandoned or downgraded thousands of miles of rail lines in the face of sharply declining traffic. Since 1980, more than 200 new short line railroads have emerged to purchase and rehabilitate branch lines that are no longer profitable to the larger corporations.

The problem for new short lines, however, is scraping together the startup costs necessary to begin operations. Though these small railroads can generally earn operating profits, they cannot always afford the high acquisition and rehabilitation costs of beginning operation on a light density line. The local rail service assistance funds have been used effectively to make many of these startup rail projects possible while preserving jobs and continuing rail service.

The LRSA Program is a concept that clearly works. It has worked in my State and it has worked in many States throughout the country. This amended bill we are considering today cleans up the current statute considerably and improves the mechanism for allocating limited Federal funds.

With over 200 new short line railroads and millions of dollars of rehabilitation funds needed, we need to make sure that the best projects receive funding. That is the way this bill is organized.

I commend the gentleman from Oregon [Mr. WYDEN] a member of the committee and the sponsor of this important legislation for his efforts to bring this matter to fruition. I also want to express my thanks to the gentleman from Michigan [Mr. DINGELL], chairman of the full committee, the gentleman from New York [Mr. LENT], and the gentleman from Kansas [Mr. WHITTAKER], who have worked diligently during the past few months. Finally I would like to recognize the unflagging efforts of Senator HARKIN who has worked so hard to see this program reauthorized.

I urge my colleagues to approve reauthorization of this act.

Mr. TAUKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to commend the chairman of our subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], and the ranking member, the gentleman from the great State of Kansas [Mr. WHITTAKER] for their tremendous work on this legislation.

Mr. Speaker, the Local Rail Service Assistance Program, which this legislation extends, updates, and reauthorizes, is a key tool in the battle to keep America's rail infrastructure intact and competitive. I know that in States such as Iowa, the Rail Assistance Program—which is a matching-fund partnership that combines State and Federal resources—has been the decisive factor in keeping a number of rail lines in service to our communities and our industries. And most of those rail lines would have been abandoned, and lost to the national rail system forever, had it not been for timely rehabilitation and upgrading of critical facilities that this program made possible.

Iowa and many other States have seen in the years since the Staggers Rail Act of 1980, a flourishing of new short-line and regional railroads. These new companies typically are managing lines that were considered marginal or even ripe for abandonment by the major railroads that used to own them. But the new smaller carriers have brought a new vitality and responsiveness to rail service for numerous smaller communities where a major carrier could not have afforded to maintain service. And in many instances, the balance was tipped in favor of contiued service rather than abandonment because local rail service assistance was available to upgrade and improve the facilities on these lines. The Iowa Department of Transportation, for example, has been exceptionally effective in making use of this program to keep the State's rail infrastructure in the best possible shape.

Against this background, Mr. Speaker, the renewal of this program through fiscal 1991 is a wise investment in the underpinnings of our economy. We already have appropriated funds for fiscal year 1990, and approval of this legislation is the final step needed to make those funds usable.

Without an efficient and reliable rail network, Mr. Speaker, many of our industries would not be competitive, and many of our communities would lose a key element of their economic base. The very small Federal investment in local rail service assistance, which is combined with State and local funds, is a highly efficient way of leveraging limited Federal resources into very productive infrastructure improvements. I therefore strongly support the renewal of the authorization for this program, and urge my colleagues to do so as well.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon, [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, first I want to thank the gentleman from Ohio [Mr. THOMAS A. LUKEN], chairman of our committee for all his support in moving so expeditiously to get this bill out before the recess. I also want to express my thanks to the gentleman from Michigan [Mr. DINGELL], chairman of the full committee, as well as his staff that was just invaluable in terms of trying to work out the final details of the legislation, and also my colleagues on the other side of the aisle who have also been very supportive.

I introduced in January of this year H.R. 422 to reauthorize the local rail assistance service program. I introduced similar legislation in the last Congress, and the reason that I have tried to pursue this particular initiative so actively is that I think that this legislation presents the one opportunity we have in this country to really do

something about preventing rail line abandonments.

I think that this program can be a real life line to small communities, communities across this country that are fighting to try to preserve their railroad freight service. This legislation would literally open up opportunity for thousands of local communities to try to compete for these funds.

Since 1973, the local rail assistance program has helped States across this country. In my home State of Oregon the program has literally saved the day for shippers and communities across the State.

As my colleagues have noted, it provides grants on a matching basis to States for rail line rehabilitation, acquisition and construction projects. I think the need for this program is clear. Branch line abandonments caused by the ongoing consolidation of the railroad industry are continuing across the country, threatening local communities with loss of rail service.

Many times abandonments can be prevented by the creation of short line or regional railroads. But these newly formed railroads often do not have adequate capital to do the track work necessary to make the lines viable. The local rail assistance program steps in and helps address that need.

Since 1980, five railroads in my home State of Oregon have been assisted through 15 projects funded partly by the local rail program. Without this assistance, these five lines probably would have been abandoned, and according to the State Department of Transportation, an estimated 1,800 layoffs would have taken place at an annual payroll loss of $85 million. The Oregon Department of Transportation has identified a half dozen railroads in the State that could still benefit from similar assistance.

I think this program is an invaluable and targeted tool that will help our local communities preserve rail service, and I would urge my colleagues to accept this legislation. Even with the budget constraints that we are facing, we are still going to have to make infrastructure investments in this country. The question is to do them in a cost effective way.

That is what this program of matching grants gives us an opportunity to do. I am of the view that this program will literally be a life line to communities across this country.

I again thank the chairman of the subcommittee, the gentleman from Ohio [Mr. THOMAS A. LUKEN], and our colleagues on the other side, and I look forward to working with them in the days ahead.

Mr. TAUKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. WHITTAKER].

Mr. WHITTAKER. Mr. Speaker, I thank the gentleman from Iowa for yielding the time to me.

Mr. Speaker, I want to commend the leadership of the Energy and Commerce Committee, Chairman DINGELL; our ranking Republican member, Mr. Lent; and our Transportation Subcommittee chairman, Mr. LUKEN, for their diligent efforts in support of this important transportation legislation. I also want to thank my good friend and colleague, Mr. TAUKE, for his tireless efforts, in promoting local rail service.

The Local Rail Service Assistance Program has shown itself to be a highly useful and very cost-effective use of targeted Federal matching assistance to preserve and improve critically needed rail facilities. Although it was originally used as a stopgap operating subsidy measure in the wake of the railroad bankruptcies of the 1970's, this program has evolved into a highly successful program for joint State-Federal efforts to rehabilitate rail infrastructure. In many instances, it has made the critical difference in keeping rail service available, particularly in the Nation's small and medium-sized communities.

The Rail Assistance Program has become even more important because of one of the major trends in our rail transportation system—the restructuring of our rail network into large trunk carriers and numerous regional and short-line railroads. These new regional and short-line operations have been major recipients of rail assistance resources. Working closely with State transportation officials, these new entrepreneurs have helped to keep rail lines in service that otherwise would have been totally abandoned by the major carriers. In my own State of Kansas, this program has helped save rail service that is now a key part of our industrial and agricultural economic base.

The key role of rail assistance funds as seed money allows a combination of State and Federal resources to support critically needed improvements in roadbed and other facilities, on a highly cost-effective basis. As we became ever more aware of the role of infrastructure in our Nation's economic well-being and competitiveness, the Rail Assistance Program assumes even greater importance in a balanced national transportation policy. I strongly support the extension and updating of this program in the authorization measures we are now considering, and I urge my colleages to do so.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 422, the Local Rail Service Reauthorizing Act. I want to commend the author of the legislation, the gentleman from Oregon [Mr. WYDEN], who began the quest for this reauthorization in the 100th Congress. He introduced this bill on the first day of the 101st Congress and hopefully he will see his efforts come to fruition this evening.

I also want to recognize the chairman of the subcommittee, Mr. THOMAS A. LUKEN, the ranking minority members of the committee and subcommittee, Messrs. LENT and WHITTAKER, and the other members of the committee who have taken a personal interest in this legislation.

Much of the credit for this bill goes, as well, to the distinguished Senator from Iowa [Mr. HARKIN], who expended considerable effort over the past 2 years to enact a reauthorization bill and fund this program appropriately. I will tell the Members of this House very candidly that I was not a fan of this program because I did not believe that it had been effectively and efficiently administered in past years. In fact, we actually prohibited the further appropriation of funds for several years.

Senator HARKIN came to me on the floor at the end of the 100th Congress and asked my acquiescence in allowing a 1-year appropriation in spite of our legislative prohibition. I refused him at that time, but I made a pledge. If Senator HARKIN would take certain steps through his position on the Transportation Appropriations Subcommittee to correct what I viewed as problems with this program, I would move an authorization bill correcting other problems with all deliberate speed. Through hard work, creative thinking, and persuasive argument, Mr. HARKIN held up his end of the bargain. Now we are here to fulfill our commitment.

The chairman of the subcommittee has already discussed the significant improvements this bill will make in the local rail assistance program. We have attempted to ensure that with the very limited Federal contribution we make in this area, we will be getting the greatest benefits possible from the funding of local rail freight assistance projects.

Once again, I commend my friend Mr. WYDEN for his own diligent efforts in the House on this legislation and look forward to its speedy consideration by the Senate and its enactment into law.

Mr. LENT. Mr. Speaker, I want to commend my colleagues on the Energy and Commerce Committee, including its distinguished chairman, Mr. DINGELL, as well as the chairman and ranking member of our Transportation Subcommittee, Mr. THOMAS A. LUKEN and Mr. WHITTAKER, for their deligent efforts to renew and update this important rail infrastructure program.

The rail assistance program has proven to be a very successful framework for a State-Federal partnership in upgrading and rehabilitating critical facilities to make our rail system more efficient. Such efforts in turn have a multiplier effect on the efficiency and competitiveness of our industries.

In my own region, Mr. Speaker, the people of Long Island rely heavily on the Long Island Railroad. It is best known as the Nation's largest computer rail operation. But less known is that the railroad is the only rail freight artery connecting the industry and economy of Long Island with the rest of the Nation.

Freight that moves on the rails not only supports our industry, but it also helps relieve the overburdened highway arteries such as the Long Island expressway. Increasing rail freight utilization on Long Island thus improves both

the safety of our roads and the efficiency of our industrial transportation network. Until now, however, the complex system of interchanges in the New York metropolitan area, and other obstacles to efficient use of intermodal trailers and containers, have limited the potential of the Long Island Railroad as a freight carrier and a reliever of our highway traffic burdens.

This is where the rail assistance program holds exceptional promise. Its combination of targeted State-Federal matching funds can make possible the much-needed upgrading of intermodal facilities for container and road-railer freight traffic across Long Island and into the New York metropolitan area. With these infrastructure improvements, the Long Island Railroad can achieve at a single stroke both a major breakthrough in transportation efficiency and highway safety. I therefore strongly support the extension and improvement of the rail assistance program embodied in the legislation we are considering.

Mr. WYDEN. Mr. Speaker, I rise in support of this important legislation. In January of this year, I introduced H.R. 422, to reauthorize the Local Rail Service Assistance Program. This little-known initiative has helped to preserve railroad freight service to thousands of local communities throughout this country.

The bill before us is an amended version of my legislation. Among other things, it renames the program the Local Rail Freight Assistance program. I want to thank Mr. DINGELL, chairman of the Energy and Commerce Committee, and Mr. LUKEN, chairman of the Transportation and Hazardous Materials Subcommittee, for working with me on this legislation and bringing it to the floor in a timely manner.

The local rail program has been ε longstanding interest of mine. A bill I introduced in May of 1988 to reauthorize the program passed the full House at the end of the 100th Congress. However, the other body did not pass companion authorizing legislation.

Since 1973, the local rail assistance program has helped States fight rail line abandonments. In my home State of Oregon and nationwide, the program has literally saved the day for many shippers and communities, rural and urban, small and large.

The program provides grants on a matching basis to States for railline rehabilitation, acquisition, and construction projects as alternatives to abandonment. It also makes funds available to the States for rail planning efforts.

This program has made a real difference in States across the country. The legislation before us will ensure that program funds are distributed, on a competitive basis, to the most worthy rail projects nationwide. I believe this is an important step in these days of limited Federal funds.

Mr. Speaker, the need for the Local Rail Freight Assistance Program is clear. Branchline abandonments, caused by the ongoing consolidation of the railroad industry, continue to threaten local communities with loss of rail service. Many times, abandonments can be prevented by the creation of shortline or regional railroads. But, these newly formed railroads often don't have adequate capital to do the track work necessary to make the lines viable. The Local Rail Freight Assistance Program addresses that need.

Since 1980, five railroads in my home State of Oregon have been assisted through 15 projects funded partly by the local rail program. Without that assistance, these five lines probably would have been abandoned, causing an estimated 1,800 layoffs and resulting in an annual payroll loss of $85 million. The Oregon Department of Transportation has identified a half-dozen rail lines in the State still in need of similar assistance.

Mr. Speaker, the Local Rail Freight Assistance Program is an invaluable tool to preserve rail service to communities throughout this country. I would urge my colleagues to join us in support of this legislation.

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Mr. TAUKE. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Ohio. [Mr. THOMAS A. LUKEN] that the House suspend the rules and pass the bill, H.R. 422, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 422, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 2712, EMERGENCY CHINESE IMMIGRATION RELIEF ACT OF 1989

Mr. KASTENMEIER. Mr. Speaker, I call up the conference report on the bill (H.R. 2712), to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants.

The Clerk read the title of the bill.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the statement.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

(For conference report and statement, see prior proceedings of the House of today, November 17, 1989.)

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. KASTENMEIER] will be recognized for 30 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KASTENMEIER].

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the gentleman from Connecticut [Mr. MORRISON] chairman of the Subcommittee on Immigration, for expeditiously moving this much needed legislation. I also commend the gentlelady from California [Mrs. PELOSI], for her timely legislative response to the well founded concerns of the young Chinese nationals, studying in this country on J visas, who are fearful, under current circumstances, of returning to China to fulfill their 2-year foreign residence requirement.

H.R. 2712 was introduced on June 21 of this year with 259 cosponsors. On July 20 the subcommittee held a hearing and, in markup, the bill was amended and passed on voice vote. The full committee passed the amendment in the nature of a substitute on voice vote 6 days later. On July 31 the bill was passed in the House on suspension.

On August 4 the Senate passed H.R. 2712 with amendment and the following day the House agreed to Senate amendment with an amendment. On September 22 the Senate disagreed to the House amendment to the Senate amendment and asked for a conference. The House agreed to the conference on October 5 and insisted on its amendment to the Senate amendment.

This bill was precipitated by the cruel events of June 3 and 4 in Tiananmen Square in Beijing. The crackdown of troops on the budding democracy movement in China signaled a victory, albeit a tentative one we hope, of the hardline leaders in the Chinese Government. Since the crackdown these leaders have continued to use harsh measures to quell dissent. Thousands have been detained or arrested, and as of midsummer some 29 protesters had been executed.

Chinese students in this country report instances of harassment, including threatening phone calls and visits by Chinese diplomatic officials. People's Republic of China officials are said to be gathering evidence

against students involved in demonstrations in this country, presumably to be used against them when they return to China. The concern that Chinese students feel about what could happen to them upon return to China is very real.

There are approximately 32,000 Chinese students in the United States on J, exchange visitor, visas. The terms of this visa prohibit the holder from applying for a change of immigration status until it is established that the person has resided in his or her home country for at least 2 years following their departure from the United States. Waivers, under current law, are very hard to come by. Without this legislation Chinese students, present in this country with expiring J visas, will be faced with the untenable choice of returning to despotic, potentially dangerous conditions in China, or remaining in the United States in illegal immigration status, without the ability to work legally or to travel.

The administration's effort to resolve this problem creates more problems than it resolves. First, the Deferred Enforced Departure Program set up by the Attorney General would require applicants to declare their unwillingness to return to China, thereby creating additional dangers for their families back in China. Second, the program would require the students to relinquish permanently their current lawful status thereby abandoning their ability in the future to adjust to some other legal status.

We all hope that circumstances will change in China in the not too distant future, and that a more humane and enlightened government will come to power. Until that time however, we must take some responsibility for the safety of the Chinese students who are currently in the United States on the Exchange Visa Program. We must be sure that we are not requiring them to return to a country in which they may face incarceration or worse. I urge your favorable vote on this conference report.

Mr. Speaker, I yield such time as he may consume to the principal legislative manager of this bill, the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. I thank the gentleman, the acting chairman of the Committee on the Judiciary, the gentleman from Wisconsin [Mr. KASTENMEIER], my esteemed colleague, for yielding this time.

I also thank him for his leadership in his necessary substitution for our chairman JACK BROOKS, in facilitating the conclusion of the conference on this legislation.

This is critically important legislation, and I hope that it will have the overwhelming support of the House here tonight.

We are dealing with the fate of at least 32,000 Chinese students here in the United States who at this very time are being harassed here in this country and whose families are being harassed in China, being told that under the immigration laws of the United States they may be sent home and if and when they go home they are in trouble because here in the United States they have spoken up in support of the democracy movement in China.

This legislation is human rights legislation. It is intended to protect students who have come to the United States and who have become outspoken advocates for the transcendant value of which we are so proud in this country, the defense of democracy and human rights.

This is not a technical immigration bill. This is a bill to protect some very vulnerable people, people who want to go home to China but who want to go home to a China that will respect their rights and value their aspirations for democracy.

So it is critically important that we relieve them of the risk and the threat that the immigration laws of the United States will be used to send them home prematurely before the Chinese Government has come to grips with the will of the Chinese people for democracy and respect for human rights.

In the consideration of this legislation another human rights issue arose, the issue of Chinese policy to force abortions or sterilizations.

This is an issue that really was not directly relevant to this legislation, it was not part of this legislation when it passed the House.

But it is an important issue, and we were able to reach a compromise with language in this conference report to make sure that those with a well-founded fear of being persecuted by the execution of this Chinese forced birth control policy would have protection under our asylum and refugee laws.

In fact, the compromise is in many ways stronger than the original amendment that was added in the Senate. So I believe this is good, strong legislation that should have the unanimous support of the House. It is based on our best principles of respect for human rights, and it is much needed to protect vulnerable students so that they may complete their education and make their own timely choice about return to China.

I want to thank again the chairman for his assistance and to thank the ranking minority member of our subcommittee, the gentleman from Texas [Mr. SMITH] for his cooperation in moving this conference very expeditiously today and to bring us to this point where the legislation can be passed.

Mr. Speaker, in the past weeks this body has considered conference reports on a number of complex bills. By comparison, the measure before us today is simple; it is only a few pages long; it makes relatively minor changes in our immigration law; and it affects a fixed and finite group of people.

But the importance of H.R. 2712 cannot be measured by its length or scope. Rather, it must be measured by the principles it represents. Those principles are democracy, freedom of expression, and respect for human rights. That is what this conference report represents and that is what we will be voting on today.

The events in Tiananmen Square and the subsequent arrests and executions of the prodemocracy Chinese demonstrators are well known to all of us and need not be repeated here. Let it suffice to say that there are some 40,000 Chinese students now in the United States and that they are afraid—afraid for their friends, fellow students, and families back in China and afraid for themselves, since their exposure to Western ideals has automatically rendered them suspect in the eyes of the repressive Chinese regime. Right now, they do not want to return, and who can blame them. They hope instead to return to a China where the kinds of historical reforms we now are witnessing in Eastern Europe are duplicated. That may happen next year, or in the distant future, but it will happen. Meanwhile, the Chinese students can only wait and watch and encourage reform.

Because of the extraordinary dilemma these students face, the Bush administration announced in June that no Chinese student would be returned home earlier than June 1990. Given the circumstances, however, the administration's response can hardly be called generous. Last month, this body approved—over the strong objection of the administration—legislation that would allow the Chinese students to remain here a minimum of 3 years, and twice the House has passed H.R. 2712 over the equally strong objections of the administration. At best, the administration's position reflects gross insensitivity to the legitimate fears of the Chinese students. At worst, it represents unwitting collusion with a Chinese Government that would much have rather have these individuals back home where their cries for democracy may be more easily stifled.

Under our immigration laws any visitor for pleasure to the United States has the right to apply for a change of immigration status to any other nonimmigrant category or to any immigrant category. If the person qualifies, the adjustment of status will be made. Similarly, there are several hundred thousand students studying now in the United States and nothing in our laws prevents them from applying for a change of status. But for the majority of Chinese students now in the United States the situation is different. Of the 40,000 now here, about 32,000 are exchange students. Under our law an exchange student cannot in most cases adjust to any other immigration status without first returning home for at least 2 years. The rationale for this requirement is that the exchange student has either come here under Government auspices or has been

designated as someone having an expertise of particular benefit to the home country. In general, it is a sound rationale, but like any other policy it must give way when countervailing considerations are more important. In light of Tiananmen Square the 2-year home residence requirement for Chinese exchange visitors needs to be waived, and that, quite simply is what H.R. 2712—and this Conference Report—does.

On this issue of the waiver, the House- and Senate-passed versions of H.R. 2712 differed. Under the Senate version, a Chinese exchange student would have received the waiver if that individual, first, applied for the waiver within 1 year of enactment, and second, was in fact qualified to receive a different immigration status. By contrast, the House provision was more generous in that it made the waiver available to all Chinese exchange students in the United States without regard to any filing deadline and without regard to whether the individual might be qualified, at the time of seeking the waiver for some other immigration status.

The conference report now before us strikes what I think is a reasonable compromise between those two positions. Under the compromise language the individual will have 4 years from date of enactment to apply for the waiver. Further, the waiver will attach if during that time the individual files a nonfrivolous application for a different status. This compromise is eminently sensible in that it respects the Senate's desire for a termination date for applying for waivers and it respects the House's desire to make that waiver available even if the applicant is not qualified for a different status at the time the waiver is sought.

Other aspects of the bill were passed in each body in identical form and therefore were not conferenceable. Among these are provisions that, first, name the protected class as all Chinese nationals in the United States on date of enactment who would otherwise be subject to the home residence rule; second, provide work authorization for not only exchange students but also nonexchange students during the period of time their departure has been deferred; third, declare that time spent in deferred enforce departure shall be considered time spent in a lawful immigration status; and fourth, require the Attorney General to suspend the initiation of deportation proceedings against Chinese nationals who are eligible for deferred enforce departure.

As my colleagues know, the sticking point regarding this bill has been the Senate's language regarding the asylum and refugee-status rights of Chinese nationals who fear persecution because of their refusal to abort a pregnancy or undergo sterilization.

I believe that this conference report not only removes the ambiguities and technical defects of the Senate's provision, but more importantly provides greater protection to Chinese who have faced the prospect of forced abortion or sterilization. Specifically, the conference report, first, applies the new rules not only to asylum and refugee claims, but also withholding of deportation claims; second, requires that the Attorney General establish regulations within 60 days of enactment; third, applies to applications filed on, before, or after enactment; fourth, provides that an applicant shall have been deemed to have established a well-founded fear of political persecution if the applicant shows that the applicant or his/her spouse refused to abort or be sterilized and evidence exists that the person would be persecuted in China because of that; fifth, deletes the 1,000-per-year cap; sixth, deletes the language that would have made the individual's motive in getting pregnant an issue in these kinds of cases; seventh, deletes the requirement that the person know at time of refusal to abort that such act is dangerous; and eighth, deletes the provision that applies grounds of exclusion to those applicants that do not apply to all others who seek refuge.

Mr. Speaker, this conference report is fully worthy of everyone's support. I urge my colleagues to vote "yes" on the conference report and "no" on any possible motion to recommit.

Mr. KASTENMEIER. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleages to support the new conference report filed this evening on H.R. 2712.

The conferees met this afternoon to work out their differences and to respond to the concerns that have been raised by other Members. As a result, we have a report that all conferees can support.

There remains concern over the reaction of the Chinese Government to H.R. 2712. As Senator ALAN SIMPSON noted at the conference today, this measure may jeopardize the Fulbright Scholarship Program and other programs that have allowed Chinese students to come to the United States to study.

Let us hope that we have not gone too far and that the Chinese Government will not forbid other students from studying in the United States.

I urge my colleagues to support H.R. 2712.

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Mr. Speaker, I reserve the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI], the author of the bill.

Ms. PELOSI. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Connecticut [Mr. MORRISON] in terms of the substance of the bill, and wish to thank the gentleman from Wisconsin [Mr. KASTENMEIER], the acting chairman of the Committee on the Judiciary, and the gentleman from Connecticut [Mr. MORRISON], chairman of the subcommittee, for all of his hard work and efforts to reach a final agreement on this package. I appreciate the support of Mr. SMITH, and the gentleman from New York [Mr. FISH] ranking member of the full committee. Every chance I get I want to thank each and every Member of this body who is a cosponsor of this legislation.

I rise in support of the conference report on H.R. 2712. I want to commend the conferees for their work on this measure. I would also like to extend my appreciation to the chairman of the full committee the gentleman from Texas [Mr. BROOKS] for his leadership on this issue.

It has been more than 5 months since the brutal crackdown on the pro-Democracy movement in Tiananmen Square, and today we have the opportunity to finally extend protection to the Chinese students in the United States. I think it is especially appropriate that we consider this measure the same week that Lech Walesa addressed a joint session of Congress. I call to my colleagues' attention the statement made by Mr. Walesa and his reference to the realization of the Poles after the Second World War that they had been abandoned by their allies. "When other nations were joyously celebrating victory, Poland was again sinking into mourning." Today some in the world celebrate democracy while the people of China mourn. The United States must not abandon them.

The historic changes which are occurring in Eastern Europe are destined to one day reach China. I am hopeful that it will not take the 10 years it took Poland before China realizes the end result of the struggle.

I introduced this measure in June to ensure that the 40,000 Chinese nationals in our country are protected from their own worst enemy, their Government. H.R. 2712 is an important first step in addressing the most urgent and immediate needs of Chinese students. I have worked with the conferees to ensure that this measure will enable those students on the J visa to apply for another type of visa which will not obligate them by law to return to China.

Reports indicate that the crackdown on students has not ended in China. The Government has issued a statement labeling the Chinese student organizations in the United States as "counterrevolutionary." The students involved have been "spiritually polluted" by the Western principles of freedom and democracy. We can be certain that most of these students would be subject to some form of repression upon their return. The mere fact that these nationals have spent time in the United States, the leading democratic force in the world, makes them the target of suspicion of prodemocracy involvement.

Without the waiver of the J visa's return residence requirement, Chinese students would have no choice but to return to China at the conclusion of their program of study. This bill would offer Chinese students the

option to decide for themselves if they want to return to China. The United States should not mandate the return of any Chinese nationals during this period of extreme crisis in their homeland. While the situation in China no longer dominates the world's headlines, the struggle continues.

Newspaper reports of the last few days indicate that the greatest opponent of this legislation today is the Chinese Communist Party. If we fail to pass this conference report to protect Chinese students, we award the Chinese Government a victory and the prodemocracy movement in China a serious defeat. As Mr. Walesa reminded us on Wednesday, the supply of words on the world market is plentiful; let deeds follow words now. I urge my colleagues to support the conference report.

Mr. Speaker, I thank the gentleman from Connecticut [Mr. MORRISON] for his very hard work and leadership, and I extend my best regards to the gentleman from Texas [Mr. BROOKS], the chairman of the full committee, who started members on this path, and thank him, and commend him for his hard work and leadership on this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, as a cosponsor of H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act, I rise in support of this timely conference report. Having spoken out and voted for this measure when it was last before the House at the end of July, I want to again urge my colleagues to pass this time sensitive legislation.

We are all very aware of the tragic events that occurred in the People's Republic of China. The peaceful movement for greater economic and political reform was brutally and violently crushed by the Communist government with tanks, bullets and blood. Those active in calling for democracy in China were either gunned down by the troops that stormed Tiananmen Square, arrested on false charges and convicted by sham tribunals, or are presently being hunted down by Chinese police. Some of those arrested have been sentenced to death by firing squad.

Events in China, unfortunately, are so different—so backward—compared to the real political and economic reforms rejuvenating Eastern Europe. In China, those calling for democratic reforms were massacred. In Poland, Hungary and East Germany calls for democracy were answered with real reforms and coalition governments including non-communists. In fact, the Communist Party in Hungary has dissolved itself and the Communists in Poland are the junior partner in cabinet. While China has raised new "walls" by jamming Voice of America broadcasts, censoring mail—including international "freedom faxes"—and tapping telephone calls, East Germany has been punching holes in the Berlin Wall. While Chinese students in America fear for their lives should they return to China today, East Germans can safely travel across a former killing zone—the wall along the inner-German border and across Berlin.

Even in Bulgaria, often called the 16th Soviet Republic, the winds of reform are blowing. Much of the old ruling Politburo has been purged and political reforms are beginning. While change in the Soviet Union has not been as dramatic or substantive as it has in Hungary or Poland, nonetheless Soviet leader Gorbachev appears to be continuing to head in that direction. Unfortunately, it seems that every time Eastern Europe takes another positive step forward, China takes a negative step backward.

While I am encouraged by the changes in Eastern Europe, these grim events in China are very telling about the true nature of Communist governments that are able to stay in full control, even those, like the People's Republic of China professing to support economic and political reform. Until their promises and plans for reforms are matched by action—something that is beginning to happen in Eastern Europe with the exception of Czechoslovakia, Romania and Albania, it is important for us to remain strong and maintain a credible defense and alliance structure. Our strength and resolve was critical in bringing about today's changes in Eastern Europe. It will also be key to helping these changes continue. I hope it will have the same effect on China and other repressive Communist regimes.

We have focused on the plight of the innocent Chinese subjected to the repression of their backward communist rulers. Congress and the administration have strongly condemned the Chinese government's actions, called for clemency for those arrested and imposed sanctions in response to the outrageous human rights violations. As a senior member of the Foreign Affairs Committee, I supported and voted for those strict sanctions targetting the People's Republic of China Communist government.

However, we should not forget that there is another group of Chinese who also face grave danger from the Communists. These are the Chinese students and scholars here in the United States. Like their counterparts at home, they rallied for democracy and spoke against the repression of the Communist government. Many of them appeared on television and in newspapers across the Nation. They marched in the streets and signed petitions.

Their actions did not go unnoticed by the Communists. Chinese Government agents and Embassy officials recorded all of these events and, more importantly, who participated in them. Clearly, these students are now "marked." While they enjoy freedom and safety here in the United States, if they were forced to return home they would be subject to the same grave dangers and brutality as the student demonstrators in Beijing.

President Bush wisely provided these Chinese nationals with a year's extension on their visas. But, with the purges and sweeping arrests that continue to occur in China, this interim measure provides only temporary safety. I strongly believe that those in real danger should not have to return to the People's Republic of China.

Unfortunately, most of the Chinese scholars who are in danger should they return to China are here on J-1 visas. Under this visa, they must return home for the 2-year home residency requirement. Even those that did not participate in rallies here in the United States or were not "recorded" by the Communists face uncertain consequences upon return to China simply because they were in the United States or took advantage of President Bush's visa extension. While these Chinese could apply for political asylum, the number of Chinese involved and the nature of their situation appear to warrant some other type of action.

H.R. 2712 would waive the 2-year home residency requirement associated with the J-1 visa among other provisions. It provides the protection these innocent students need. The Senate added further provisions requiring the Justice Department to give careful consideration to all applications for asylum, refugee status and withholding deportation filed by Chinese nationals who express fear of persecution upon return home because of China's "one couple, one child" family planning policy. Their fears, too, are very real. Forced abortion and forced sterilization are inhuman, cruel policies. Unfortunately, they are the norm for the Communists in China. I support this additional provision to H.R. 2712. It further strengthens our support for human rights and the family.

While I am concerned about setting a precedent by this legislation, I believe the nature of events in China and the fact that most of these students have J-1 visas, makes this a special, separate situation, unlike others. I support H.R. 2712 and urge my colleagues to do so as well.

Mr. MATSUI. Mr. Speaker, I rise today in support of the Emergency Chinese Adjustment of Status Facilitation Act of 1989, which is designed to waive the 2-year residence requirement for Chinese nationals currently in the United States. As an original cosponsor of

this bill, I urge my colleagues to consider immediate passage to protect the Chinese prodemocracy movement.

Hundreds of Chinese students have urged the passage of this bill. It is their strong feeling that the passage of this measure will release them from fear of persecution should they be forced to return to their home country so soon after the Tiananmen Square massacre.

In addition to the many letters which plead the cause of freedom in China, I received today a lone photograph. Though the photo is clear and focused, the subjects of the photograph are almost beyond recognition. In what I can only describe as a bloody mass, the subjects of this reviewing photo are the innocent victims of the repressive Chinese regime—crushed by an armored personnel carrier. The message is all too clear: The Chinese Government will not tolerate a prodemocracy movement—neither in China nor the United States—and will go to any lengths to smother and crush the voices of freedom.

The Beijing government has been unrelenting in its powerful and deadly reaction to the student uprisings in June of 1989. Public executions of demonstrators continue. Student arrests, both public and secret, persist despite world outrage.

Nearly 80 percent of the 42,000 Chinese students in the United States would be subject to persecution by the Government of the People's Republic of China if they are required to return. This bill will save them from that fate.

It is imperative that visiting Chinese students, scholars, and their spouses be granted a waiver of the 2-year foreign residency requirement. Passage of this legislation would allow the Chinese nationals to adjust their status to other than nonimmigrant categories or to that of immigrant legally admitted to the United States for permanent residence. In addition, passage of this bill would provide that employment visas be extended for those students seeking gainful employment for the duration of their extended stays.

The Emergency Chinese Adjustment of Status Facilitation Act of 1989 is an urgent priority.

Mr. PORTER. Mr. Speaker, I strongly support the conference report on H.R. 2712, the Emergency Chinese Adjustment Status Facilitation Act of 1989. I commend our colleague BRUCE MORRISON for crafting such a timely and important bill.

Since June 4, when the Chinese Government turned tanks and guns against its own citizens, killing hundreds if not thousands, the world was put on notice that Beijing was being ruled by individuals out of touch with international norms of decency. Millions marched around the world to protest this brutality—many of them here in the United States.

Clearly, the United States had to take steps to protect those it could, and send as strong a message as possible to the Chinese Government that their actions were unconscionable and would come at a cost.

One step that is easy is to protect those nonimmigrant People's Republic of China nationals who are here under a student visa and would otherwise be eligible for adjustment of status under our laws if the Attorney General had not deferred enforced departure for People's Republic of China nationals. The bill will help prevent students and other Chinese nationals that are currently in the United States from being forced back to the People's Republic of China.

Particularly, those students who supported their brethren in Tiananmen Square by marching in United States cities to protest Lee Peng's type of rule, these students and Chinese nationals must be provided temporary protection. There clearly is no guarantee that they will be unharmed if forced to return to their motherland.

In China, the situation remains oppressive and the crackdown continues unabated. The Beijing government shows no signs of living up to its guarantees under international law nor of halting its ongoing denials of any true guarantees of human rights.

The United States must stand firmly with those who seek change in China. It is not a matter of China's "internal affairs" as Deng Xioping so arrogantly claims. Rather, it is a matter of morality and responsibility for the United States and the rest of the world.

Today we can help Chinese students in our own country: Tomorrow we may have to take steps to help the many Hong Kong citizens who fear the day that they will come under Chinese rule. I look forward to working with Chairman MORRISON in crafting additional United States immigration policy that can respond to the terribly troubling state of Chinese oppression.

Passage of this conference report will hopefully send a message to Beijing that the United States can and will take steps to protect those threatened by the current regime. I urge Members to strongly support this bill.

Mr. WEISS. Mr. Speaker, I rise in support of the conference report on H.R. 2712, the Emergency Chinese Adjustment of Status Facilitation Act of 1989. I would especially like to commend the gentlewoman from California [Ms. PELOSI] for her initiative in crafting this importance piece of legislation and her perserverance in expediting its passage.

We all are aware of the tragic events that have recently transpired in the People's Republic of China, where the government mercilessly crushed the peaceful pro-democracy movement. Hundreds—perhaps thousands—of unarmed demonstrators were shot down by troops, and others were arrested on questionable charges and sentenced to death. Many more are still being hunted down by the Chinese police.

The Chinese Government remains impervious to calls for reform, and our own Government is finding that its ability to influence China is severely restricted. We can, however, provide some protection to the Chinese nationals in the United States. These individuals, like their counterparts in China, spoke out on behalf of democracy and against their brutal and repressive government. They courageously petitioned, marched, and appeared in the mass media.

The Chinese Government knows who these pro-democracy activists are. Yes, they are free and safe while they remain in the United States. If this country forces them to return to their homeland, however, they will be in grave danger. They will almost surely receive the same brutal treatment as their counterparts in China.

Mr. Speaker, I urge my colleagues to support the Emergency Chinese Adjustment of Status Act of 1989 which grants a waiver from the requirement that holders of J-1 visas return to China for 2 years before becoming eligible to change their immigration status. The Chinese students should be able to decide for themselves whether or not to return to their homeland. Our Government should not force them back to China, into almost certain persecution.

Time is important to these Chinese students. We must move expeditiously on this urgent matter.

Ms. OAKAR. Mr. Speaker, I rise in support of the conference report. First, I would like to thank Congresswoman PELOSI for offering this critically important resolution, which addresses the very serious problems facing Chinese students in the United States. I would also like to thank Chairman MORRISON for his leadership on this bill.

There has been a tremendous amount of support for this bill throughout the United States as the American people have responded to the plight of the Chinese students. The struggle of the students in China for democracy and freedom has struck a deep chord in our Nation. Their struggle reminds us of the battles for freedom, independence, and self-determination that we fought long ago. As a democractic nation and as a nation committed to human rights, we cannot send these students back to China to face death or persecution. We must act compassionately, as a temporary haven. It is the very least we can do when their lives are at stake.

As a cosponsor of this bill, I hope that our Nation will do more to help others who are in our country and who risk losing their lives if they are forced to return home. I have been particularly concerned about the problems that the Lebanese people in our country face. Earlier this year I introduced H.R. 3267, the Lebanese Temporary Protected Status Act. This legislation creates a new Immigration and Naturalization Service status to allow Lebanese nationals to stay here temporarily, until it is safe for them to return to Lebanon. We need to correct this situation for those who can't return to their homeland.

It is my firm belief that the American people are a compassionate people who respond to others in their hour of need. The first step toward a more humane policy is the enactment of H.R. 2712 for the Chinese students. I urge the adoption of the conference report.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Mr. MORRISON of Connecticut. Mr. Speaker, I object to the vote on

the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the conference report on H.R. 2712 just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FLEET MODERNIZATION ACT OF 1989

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 897) authorizing the National Oceanic and Atmospheric Administration to modernize and expand its fleet of ocean research vessels, and for other purposes, as amended.

The Clerk read as follows:

H.R. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Fleet Modernization Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the vessels of the National Oceanic and Atmospheric Administration (hereafter in this Act referred to as "NOAA") support important fisheries, oceanographic, mapping and surveying, global climate assessment, and meteorological programs and projects;

(2) the NOAA fleet represents approximately one-third of the total Federal ocean research fleet;

(3) the NOAA fleet is rapidly approaching obsolescence since the average age of the vessels in the NOAA fleet is 24 years, which is nearly the average industry-accepted service life for vessels;

(4) a recent engineering study of the NOAA fleet, based solely on its current usage, has concluded that 4 vessels of the fleet need to be replaced and the remaining vessels need to be modernized;

(5) NOAA has new responsibilities for surveying and mapping the Exclusive Economic Zone of the United States and its offshore territories and possessions, for monitoring global climate change, and for fisheries research, that require the addition of 7 new vessels to the fleet;

(6) NOAA's overall responsibilities require a 30-vessel fleet;

(7) recent advances in technology have led to the development of modern scientific equipment for research vessels which would enable NOAA to perform its functions more efficiently; and

(8) unless NOAA implements a modernization and replacement program at this time, NOAA's ability to carry out its assigned missions will be significantly impaired, and its role as the lead civilian ocean agency will be threatened.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to direct NOAA to implement a fleet modernization and expansion program over a 10-year period;

(2) to authorize NOAA to acquire modern scientific instrumentation for its fleet;

(3) to authorize NOAA to increase its personnel to the extent necessary to develop specifications for, and provide for the construction, lease, or other acquisition of, the improved and expanded NOAA fleet;

(4) to authorize NOAA to enter into multiyear contracts for the construction, lease, or other acquisition of vessels;

(5) to direct NOAA to modernize, construct, and convert vessels under this Act in private shipyards in the United States; and

(6) to authorize appropriations necessary to carry out this Act for 3 years.

SEC. 4. FLEET MODERNIZATION AND EXPANSION.

(a) IN GENERAL.—NOAA shall develop a fleet modernization and expansion program in fiscal year 1990, and implement that program over a 10-year period beginning in fiscal year 1991. Such program shall include—

(1) the modernization or replacement of 23 vessels;

(2) the construction, lease, or other acquisition of 7 new vessels; and

(3) the acquisition of modern scientific instrumentation for the NOAA fleet, including acoustic systems, data transmission positioning and communication systems, physical, chemical, and meteorological oceanographic systems, and data acquisition and processing systems.

(b) SPECIFIC SCHEDULE.—(1) The Under Secretary shall, in fiscal year 1991—

(A) modernize and extend the service life of 1 Class I vessel to be used for oceanographic research;

(B) develop specifications for a coastal class vessel to be used for fisheries research; and

(C) develop specifications for an inshore class vessel to be used for hydrographic survey and research.

(2) The Under Secretary shall, in fiscal year 1992—

(A) construct or otherwise acquire 1 coastal class vessel to be used for fisheries research;

(B) construct or otherwise acquire 2 inshore class vessels to be used for hydrographic survey and research; and

(C) develop specifications for an offshore class vessel to be used for fisheries research.

(3) The Under Secretary shall, in fiscal year 1993—

(A) construct or otherwise acquire 1 coastal class vessel to be used for fisheries research;

(B) construct or otherwise acquire 1 offshore class vessel to be used for fisheries research; and

(C) develop specifications for an offshore class vessel to be used for oceanographic research.

(4) The Under Secretary shall continue to implement the fleet modernization and expansion program developed pursuant to subsection (a) in fiscal years after fiscal year 1993.

SEC. 5. PERSONNEL.

NOAA is authorized to fill 10 additional personnel positions to develop specifications for and provide for the construction, lease, or other acquisition of the modernized and expanded NOAA fleet.

SEC. 6. REPORT.

Within 3 months after the date of the enactment of this Act, the Under Secretary shall submit to the Congress a detailed plan for the implementation of this Act, including a schedule of anticipated modernizations, acquisitions of vessels, acquisitions of scientific instruments, hiring of additional personnel, and annual funding requirements for carrying out the fleet modernization and expansion program pursuant to section 4.

SEC. 7. CONTRACT AUTHORITY.

The Act of August 6, 1947 (33 U.S.C. 883a-i), is amended—

(1) by redesignating sections 9 and 10 as sections 10 and 11, respectively; and

(2) by inserting after section 8 the following:

"SEC. 9. (a)(1) Notwithstanding the provisions of section 1341 of title 31, United States Code, and section 10 of the Act of March 2, 1861 (41 U.S.C. 11), the Under Secretary may enter into multiyear contracts and lease agreements described in paragraph (3) if the Under Secretary finds—

"(A) that there is a reasonable expectation that throughout the contemplated contract or lease agreement period the Under Secretary will request funding from the Congress for the contract or lease agreement at the level required to avoid contract or lease agreement cancellation; and

"(B) that the use of such contract or lease agreement will promote the best interests of the United States by encouraging competition and promoting economic efficiency in the operation of the National Oceanic and Atmospheric Administration fleet.

"(2) Each multiyear contract or lease agreement entered into under this section shall include a provision that the obligation of the United States to make payments under the contract or lease agreement in any fiscal year is subject to the availability of appropriations for the purpose.

"(3) The contracts and lease agreements referred to in paragraph (1) are the following:

"(A) Multiyear contracts and leases for the construction or purchase of property (including vessels and equipment) and services necessary to carry out this Act.

"(B) Multiyear contracts for the lease of property (except vessels), including equipment, and services necessary to carry out this Act.

"(b) The Under Secretary may make appropriate provision in each contract or lease agreement entered into under this section that in the event of termination of the contract or lease agreement before the expiration of the stated term, the United States shall be liable for a specified amount to the contractor or lease agreement party, which shall be a valid obligation of the United States. In the event of any such termination, the amount may be paid from—

"(1) amounts originally appropriated for the performance of the contract or lease agreement;

"(2) amounts then available from appropriations for procurement of the type of acquisition concerned, and not otherwise obligated; or

"(3) amounts specifically appropriated for such payment.

"(c) Except in case of emergency, all modernization, construction, conversion, and repair work performed after the date of the

enactment of this Act on vessels owned, leased, chartered, or operated by the National Oceanic and Atmospheric Administration shall be carried out in private shipyards in the United States, and no vessel shall be purchased, leased, chartered, or otherwise acquired by the National Oceanic and Atmospheric Administration after that date unless the vessel was constructed in those shipyards, as follows:

"(1) All major components of the hull and superstructure of the vessel shall be fabricated in the United States.

"(2) The vessel shall be assembled entirely in the United States.

"(3) At least 50 percent of the cost of all machinery (including propulsion) and components which are not an integral part of the hull or superstructure of the vessel, except for scientific equipment which cannot reasonably be purchased in the United States, shall be attributable to items procured in the United States.

"(d) In this section—

"(1) the term 'lease' includes a lease with an option to purchase and the purchase of a vessel pursuant to that option;

"(2) the term 'multiyear' means more than 1 year, but not more than 10 years; and

"(3) the term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for carrying out this Act $20,000,000 for fiscal year 1991, $29,000,000 for fiscal year 1992, and $34,000,000 for fiscal year 1993. Any amounts authorized but not appropriated for a specific fiscal year shall be available for appropriation in subsequent fiscal years.

SEC. 9. CONSIDERATION OF GOVERNMENT-ACQUIRED VESSELS.

Before acquiring a vessel for use by the National Oceanic and Atmospheric Administration, the Under Secretary shall review the inventory of vessels acquired by the United States Government as a result of a default under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271-1279c), to determine whether any of those vessels are suitable for use by the National Oceanic and Atmospheric Administration.

SEC. 10. CLASSIFICATION STANDARDS AND NEW NOAA VESSELS.

(a) APPLICATION TO NEW VESSELS.—Each new vessel constructed for NOAA shall be constructed in accordance with the classification standards issued by the American Bureau of Shipping pursuant to section 3316(b) of title 46, United States Code, that apply to that type of vessel.

(b) SURVEYS OF NEW VESSELS.—The Under Secretary shall request the American Bureau of Shipping—

(1) to periodically conduct surveys of new vessels constructed for NOAA to determine if those vessels are in compliance with applicable classification standards referred to in subsection (a); and

(2) to provide the results of those surveys and any related recommendations to NOAA and, upon request, to the Congress and the public.

(c) NEW VESSEL DEFINED.—In this section the term "new vessel" means a vessel constructed under a contract entered into after the date of the enactment of this Act.

SEC. 11. DEFINITIONS.

In this Act—

(1) the term "Class I vessel" means a vessel with respect to which the sum of its shaft horsepower and gross tonnage is greater than 5,501 but does not exceed 9,000;

(2) the term "coastal class vessel" means a vessel approximately 175 feet overall in length capable of operating in coastal waters;

(3) the term "gross tonnage" means the tonnage of a vessel under chapter 143 of title 46, United States Code;

(4) the term "inshore class vessel" means a vessel approximately 100 feet overall in length capable of operating in nearshore waters;

(5) the term "lease" includes a lease with an option to purchase and the purchase of a vessel pursuant to such option;

(6) the term "multiyear" means more than 1 year, but not more than 10 years;

(7) the term "offshore class vessel" means a vessel at least 200 feet overall in length capable of operating in the open ocean;

(8) the term "shaft horsepower" means the total horsepower produced by a vessel's main propulsion engines; and

(9) the term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHUMWAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, I yield myself such time as I may consume.

The National Oceanic and Atmospheric Administration is in charge of national programs to manage and conserve marine resources; monitor and predict weather and environmental conditions; provide maps and charts for safe navigation and support research on advanced oceanic and atmospheric technology.

To carry out these programs NOAA must have a fleet of research and survey vessels. In fiscal year 1988 the fleet was composed of 23 vessels. Most of these vessels were built in the 1960's and are approaching the end of a normal ship's life expectancy of 20 to 25 years. Although NOAA started a limited upgrade program in 1980 to address the most critical needs of the fleet, only six ships have been partially upgraded as of 1988. In early 1988 the Oceanography Subcommittee asked the Government Accounting Office to review the operation and maintenance of NOAA's research fleet.

GAO found NOAA's fleet was less than adequate for scientific research needs because of an insufficient number of days at sea, certain limitations of ships and problems with ship equipment, simple problems such as insufficient working room or laboratory space and even winches that were unable to lower equipment to necessary depths.

GAO also found that NOAA fleet users expected demand for ship time to increase considerably. This demand is expected to exceed NOAA's current capacity, requiring additional ships as well as upgrades to the existing fleet.

It is a tribute to the personnel at NOAA that the fleet is generally in good condition for its age.

NOAA's estimated backlog of repairs has doubled in recent years. The Subcommittee on Oceanography and Great Lakes received testimony on this topic in April of this year and reported out H.R. 897 which attempts to correct the deficiencies in the NOAA fleet. Specifically, H.R. 897 would require NOAA to develop and implement a fleet modernization and expansion program requiring NOAA to: Modernize 19 ships in the current fleet; replace 4 ships; construct, charter or otherwise acquire 7 additional ships; and modernize fleet instrumentation.

The legislation also authorizes NOAA to enter into multiyear contracts and leasing agreements for construction lease or other acquisition of vessels, equipment, and services contingent on congressional funding and an emphasis on competitive contracting practices and economic efficiency.

I want to make an extremely important point. The NOAA fleet is a vitally important national security asset. Admiral Pittenger, the oceanographer of the Navy, has made a point emphasizing the importance of the NOAA fleet; it is vital to the work of the Navy. If you care about monitoring pollution, fisheries research, protecting marine sanctuaries, or hurricane research, the NOAA fleet must be on station.

I ask this body to support this carefully crafted bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Oceanography Subcommittee, back in April, held a hearing on the status of NOAA's oceanographic fleet. At that hearing, we received testimony which widely recognized that the NOAA vessels are facing a serious problem with regard to block obsolescence in the relatively near term. A report by Advanced Technology, Inc., commissioned by NOAA, and the General Accounting Office recommend that NOAA undertake a vigorous fleet replacement and revitalization plan.

Presently, NOAA has no such plan and, apparently for fiscal reasons, has been unwilling to come forward with such a plan. H.R. 897 will outline a plan for NOAA to undertake to accomplish needed revitalization of its fleet. The bill before us is a scaled-down version of the bill as originally introduced. I think it is a more reasonable and feasible approach. It does call for

$83 million in new budget authorization for NOAA beginning in fiscal year 1991, a proposal which will be hard to fulfill through appropriations in the next 3 years given our fiscal constraints. Nevertheless, we must move forward and put on the table a realistic and responsible fleet modernization and replacement plan, and H.R. 897 will do just that.

I support the bill and urge that it do pass.

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Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I rise in strong support of this bill. The backbone of the National Oceanic and Atmospheric Administration is its scientific work on fish and wildlife oceanography, and weather matters.

A great deal of this work cannot be conducted without research ships to gather data, allow observations, and run experiments. NOAA's 23-vessel fleet can barely serve this need now, and the GAO has concluded that the fleet is facing block obsolesce, that its equipment on board the vessels—both scientific and naval—is outdated and hampers the full realization of NOAA's critical missions, and that more days at sea are needed to fulfill increasing NOAA responsibilities.

One of the most pressing problems facing our coastal communities is the threat of coastal pollution. By increasing the number and quality of the NOAA ships, we hope that NOAA will be able to increase its important role in this field, by augmenting its monitoring efforts at ocean dumping sites, conducting more field surveys of fishery resources, by gathering additional information about contaminated shellfish, and by improving its ocean current models to better predict the trajectory of oilspills or other pollution incidents.

The NOAA Fleet Modernization Act forces NOAA to face the music and develop a 10-year plan to replace and rehabilitate the aging NOAA fleet. The bill provides adequate funding to begin the first 3 years of this program. The bill also gives specific direction to NOAA to replace or repair the most dilapidated of its ships.

It saddens me to know that NOAA was not able to update its vessels on its own, but needed to be pushed by the Congress. A similar bill is pending in the other House, and I hope that we can agree to terms so that NOAA can begin to modernize its fleet before it is too late, and the cost is exorbitant.

Mr. JONES of North Carolina. Mr. Speaker, I rise today to urge my colleagues to support H.R. 897, the NOAA Fleet Modernization Act of 1989. The Committee on Merchant Marine and Fisheries and outside experts who have studied the fleet have reached the same conclusion—NOAA needs to develop and implement a plan to upgrade and replace its existing fleet of ocean research vessels.

My bill, H.R. 897, contains such a plan.

The NOAA fleet currently consists of 23 ocean research vessels. These vessels serve important agency functions, including fisheries and marine mammal stock assessments, nautical mapping and charting, monitoring of global climate change, and surveying the EEZ.

Most of these vessels were built in the 1960's, and are therefore rapidly becoming obsolete. This fact has been confirmed by at least two outside studies performed in the last 2 years.

Just this month, the General Accounting Office issued its report on NOAA's ocean research fleet. The title of this GAO report tells the story: "NOAA Needs To Plan for Long-Term Fleet Requirements."

The GAO study documents the serious problems that exist because NOAA has failed to upgrade the fleet.

The short-term problems include loss of research gear because of faulty equipment and inadequate lab space to carry out scientific experiments. The long-term problem is the failure to plan for and meet projected program needs.

The GAO supports the objectives of H.R. 897. My bill directs NOAA to develop and implement, over a 10-year period, a fleet plan that includes upgrading or replacing 23 vessels, acquiring 7 new vessels, and purchasing modern scientific equipment.

The bill authorizes a total of $83 million for the first 3 years of the plan.

In addition, H.R. 897 gives NOAA the authority it needs to enter into multiyear contract or lease agreements. This will enable the agency to experiment with long-term charter and lease/purchase arrangements.

The GAO endorses the need for NOAA to have this authority, as did the Marine Board of the National Academy of Sciences in a report they issued last year.

Finally, the bill will provide needed work for private shipyards by directing that all vessels be built in U.S. yards and all major components be built in the United States.

I also wish to point out that we have added to the bill, as reported, a small amendment to address the concerns of the Budget Committee.

The amendment gives the agency flexibility to enter into multiyear contracts, while at the same time allowing the Congress to control the use of this authority through the appropriations process.

I thank the chairman of the Oceanography and Great Lakes Subcommittee, Mr. HERTEL, for his leadership and assistance in moving this bill, and urge my colleagues' support for H.R. 897.

Mr. HERTEL. Mr. Speaker, at this time I would like to thank the gentleman from California [Mr. SHUMWAY], the ranking member, for all of his work and contributions in this area, and also extend my appreciation to the gentleman from New Jersey [Mr. SAXTON].

Mr. Speaker, I have no further request for time.

Mr. SHUMWAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. HERTEL] that the House suspend the rules and pass the bill, H.R. 897, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERTEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 897, the bill just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

HURRICANE HUGO EMERGENCY RELIEF ACT

Mr. NOWAK. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3593) to provide emergency assistance to areas that sustained damages as a result of Hurricane Hugo, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, under my reservation I yield to the gentleman from New York [Mr. NOWAK], the distinguished chairman of the Subcommittee on Water Resources, to explain his request.

Mr. NOWAK. Mr. Speaker, I thank the gentleman for yielding.

This, of course, is in reaction to the problems that exist on the island. Mr. Speaker, I am pleased to bring this bill to the floor. We can proceed with an explanation, if the gentleman wants, in detail.

Mr. DE LUGO. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Speaker, this bill does five things. First, it will authorize the Army Corps of Engineers to help us by acting as construction manager for any projects that already receive Federal funds.

Second, the bill will give the Army Corps a role in assessing the damages to beaches in Puerto Rico and the

Virgin Islands and reporting back to Congress on its findings and recommendations.

Third, it will raise the ceiling on emergency road repairs in the U.S. territories, just as the national ceiling recently was raised for other areas damaged by the hurricane and earthquake.

Fourth, it directs the Federal Highway Administration to station two technicians or engineers in the U.S. Islands to help with rebuilding our roads.

And finally, it will increase the Federal ceiling on a desperately needed flood control project, but keep in place the 25 percent local match.

I want to express my appreciation to the chairman of the Public Works and Transportation Committee, the distinguished gentleman from California, to the ranking minority member, the distinguished gentleman from Arkansas, the gentleman from New York, chairman of the Subcommittee on Water Resources, the gentleman from California, chairman of the Subcommittee on Surface Transportation and to my cosponsors and the many others who have offered bipartisan support, and helped to move this urgently needed bill to the floor today.

I also want to commend both majority and minority members of the committee staff, as well as my own administrative assistant, who have devoted a great deal of effort to this bill.

I urge immediate passage of this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, there are two major subcommittees involved in this bill. I mentioned the Subcommittee on Water Resources. Also a very major player is the Subcommittee on Surface Transportation.

I yield to the distinguished chairman of that subcommittee, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in support of H.R. 3593, the Hurricane Hugo Emergency Relief Act.

As chair of the Subcommittee on Surface Transportation, I have carefully reviewed the provisons of the bill that relates to the Federal Aid Highway Emergency Relief Program and I support enactment of those provisions.

Section 5 of this measure waives the $5 million limitation per fiscal year for the territories with respect to damages incurred by Hurricane Hugo. The preliminary estimates indicate a cost of $2.365 million; however, the Department of Public Works in the Virgin Islands is continuing to review the damages and the estimated repair costs may continue to rise. Therefore, I think that it is only appropriate to provide for that contingency by waiving the limitation for the Hurricane Hugo incurred damages just as the Congress waived the limitation for damages incurred by the Loma Prieta earthquake.

Section 6 of the bill directs the Secretary of Transportation to assign at least two technicians to the Virgin Islands to assist in the repairing and reconstructing of portions of the Federal-aid highway systems damaged by Hurricane Hugo.

Mr. Speaker, the adoption of those provisions will go a long way in helping the Virgin Islands restore their Federal-aid highway system from the ravages of Hurricane Hugo.

I urge adoption of H.R. 3593.

Mr. HAMMERSCHMIDT. Mr. Speaker, I again commend the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. Speaker, I rise in support of H.R. 3593, the Hurricane Hugo Emergency Relief Act.

The devastation caused by this horrible disaster has been catastrophic. It is one of the most widespread disasters to which the Federal Emergency Management Agency has ever responded. Two months after this tragic occurrence, there is much damage in the Virgin Islands that has yet to be repaired. Running water and power continue to be unavailable to some areas of the island, several roads are still closed, and many people remain homeless.

This bill as reported by the Committee on Public Works and Transportation is a good vehicle in which to solve these problems and to help our friends in the Virgin Islands.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I yield further to the distinguished chairman of the Subcommittee on Water Resources, the gentleman from New York [Mr. NOWAK).

Mr. NOWAK. Mr. Speaker, I am pleased to bring to the floor H.R. 3593, the Hurricane Hugo Emergency Relief Act.

The Virgin Islands suffered enormous damages as a result of Hurricane Hugo. While relief efforts have been underway, a great deal remains to be done in the restoration of essential public services, the repair and restoration of public facilities, and assistance to individuals. H.R. 3593, as reported by our Committee on Public Works and Transportation, contains a number of provisions designed to assist the islands in recovering from the effects of the hurricane and in carrying out federally assisted construction projects which are needed for an adequate infrastructure.

The bill provides for an assessment by the Secretary of the Army of beaches damaged by the hurricane, assistance by the Secretary in carrying out federally assisted construction projects for various purposes, a waiver of the $5 million per year limitation on emergency highway work, and technicians from the Federal Highway Administration to assist in highway repair.

These measures will provide valuable assistance to the Virgin Islands in recovering from Hurricane Hugo, and I urge my colleagues to support the bill.

Mr. ANDERSON. Mr. Speaker, I rise in support of the bill.

This bill would provide much needed assistance to the Virgin Islands to help them recover from the effects of Hurricane Hugo and to assist them in carrying out construction projects for which Federal financial assistance is available.

The Virgin Islands suffered extensive damage as a result of Hurricane Hugo. On the island of St. Croix, for example, as many as 90 percent of the buildings sustained damages and nearly 70 pecent of all structures had major damage. Eight weeks after the storm, more than 75 percent of the people lack electricity and phone service, and extensive rebuilding of schools, hotels and industries is underway.

H.R. 3593 contains provisions which will both help in the recovery efforts and assist in the carrying out of Federally assisted construction projects which are needed to provide an effective infrastructure for the islands.

The $5 million per year cap on emergency highway repair funds is waived, and technicians from the Federal Highway Administration are made available, to assist in highway rebuilding and repair. The Secretary of the Army is authorized to provide assistance in the administering of contracts for federally assisted construction projects, and is also directed to assess the damage to the islands' beaches caused by the hurricane.

These measures are needed to assist the islands in their efforts to recover from the effects of Hurricane Hugo, and I urge enactment of the bill, which was superbly crafted by my dear friend and colleague, the Honorable RON DE LUGO.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Hugo Emergency Relief Act".

SEC. 2. CORPS OF ENGINEERS ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the Virgin Islands, the Chief of Engineers shall provide assistance to the Virgin Islands in carrying out any project for repair, restoration, reconstruction, or replacement of any facility eligible for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to damages resulting from Hurricane Hugo, September 1989. Assistance provided under this subsection may include any damage assessment, planning, engineering, design, and contract solicitation, award, and administration associated with such period.

(b) REIMBURSEMENT.—The Chief of Engineers shall be reimbursed for expenditures under this section from funds appropriated for carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Any funds received by the Chief of Engineers as reimbursement for services or supplies furnished under this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(c) FEDERAL SHARE.—The Federal share for assistance provided under this section shall be 100 percent.

SEC. 3. BEACH RESTORATION.

(a) IN GENERAL.—Upon request of the Governor of the Virgin Island of the Commonwealth of Puerto Rico the Chief of Engineers shall restore beaches in the Virgin Islands and the Commonwealth of Puerto Rico, respectively, damaged by Hurricane Hugo, September 1989, for purposes of preventing and mitigating storm damages and assisting the recovery from damages resulting from such hurricane.

(b) REIMBURSEMENT.—The Chief of Engineers shall be reimbursed for expenditures under this section from funds appropriated for carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Any funds received by the Chief of Engineers as reimbursement for services or supplies furnished under this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(c) COST SHARING.—Cost sharing under this section shall be as follows:

(1) For any costs assigned to hurricane and storm damage reduction, the Federal share shall be 65 percent.

(2) For any costs assigned to recreation for shores open to all on equal terms, the Federal share shall be 50 percent.

(3) For any costs assigned to recreation for privately owned shores (other than those described in paragraph (2)), such costs shall be borne by non-Federal interests.

(4) For any costs assigned to any purpose for federally owned shores, such costs shall be borne by the United States.

SEC. 4. CONSTRUCTION PROJECTS THROUGH CHIEF OF ENGINEERS.

(a) GENERAL RULE.—Upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make such assistance available to the Chief of Engineers instead of the Virgin Islands. The Chief of Engineers shall use such assistance to carry out such project in accordance with the provisions of such law.

(b) REIMBURSEMENT.—Any administrative costs incurred by the Chief of Engineers under subsection (a) which are not covered by Federal financial assistance made available to the Chief of Engineers pursuant to subsection (a) shall be reimbursed from funds appropriated for carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Any funds received by the Chief of Engineers as reimbursement for services or supplies furnished under this subsection shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

(c) TERMINATION DATE.—Subsection (a) shall not be effective after the last day of the 3-year period beginning on the date of the enactment of this Act; except that the Chief of Engineers shall complete construction of any project commenced under subsection (a) before such day.

SEC. 5. SAVAN GUT FLOOD CONTROL PROJECT.

The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the flood control project for Savan Gut, Virgin Islands, shall be $10,000,000 instead of $5,000,000.

SEC. 6. REIMBURSEMENT OF GSA.

Any expenses incurred by the Administrator of General Services for repair, restoration, reconstruction, or replacement of any public building damaged or destroyed by Hurricane Hugo, September 1989, and for relocating Federal employees shall be reimbursed from funds appropriated to the Federal Emergency Management Agency to carry out the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Any funds received by the Administrator of General Services as reimbursement for services or supplies furnished under this section shall be deposited to the credit of the appropriation or appropriations currently available for such services or supplies.

SEC. 7. WAIVER OF LIMITATION ON HIGHWAY EMERGENCY OBLIGATIONS.

The $5,000,000 limitation contained in section 125(b)(2) of title 23, United States Code, on obligations for projects under section 125 of such title in a fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not apply with respect to obligations for projects resulting from Hurricane Hugo, September 1989.

SEC. 8. FHWA TECHNICIANS.

(a) PROVISION BY DOT.—The Secretary of Transportation shall provide not less than 2 technicians from the Federal Highway Administration to assist in repairing and reconstructing portions of the Federal-aid highway system in the Virgin Islands damaged or destroyed as a result of Hurricane Hugo, September 1989.

(b) PAYMENT OF SALARIES FROM APPORTIONED FUNDS.—The salaries of the technicians provided under subsection (a) shall be paid from funds apportioned or allocated to the Virgin Islands under title 23, United States Code.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NOWAK

Mr. NOWAK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. NOWAK: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Hugo Emergency Relief Act".

SEC. 2. BEACH RESTORATION ASSESSMENT.

(a) IN GENERAL.—Upon request of the Governor of the Virgin Islands or the Commonwealth of Puerto Rico, the Secretary of the Army shall conduct an assessment of beaches in the Virgin Islands and the Commonwealth of Puerto Rico, respectively, damaged by Hurricane Hugo, September 1989, for purposes of determining the extent of damages, measures necessary for restoration, estimated cost of restoration, and estimated required construction period for restoration.

(b) REPORT.—Not later than 90 days after the date of a request under subsection (a), the Secretary of the Army shall submit to Congress, the Governor of the Virgin Islands, and the Governor of the Commonwealth of Puerto Rico a report on the results of the assessment conducted under this section, together with recommendations.

SEC. 3. CONSTRUCTION PROJECTS THROUGH SECRETARY OF THE ARMY.

(a) GENERAL RULE.—Upon request of the Governor of the Virgin Islands with respect to a construction project in the Virgin Islands for which Federal financial assistance is available under any law of the United States, the Federal official administering such assistance may make such assistance available to the Secretary of the Army instead of the Virgin Islands. The Secretary of the Army shall use such assistance to carry out such project in accordance with the provisions of such law.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as relieving the Virgin Islands from complying with any requirements for non-Federal cooperation with respect to a construction project carried out with Federal financial assistance provided to the Secretary of the Army pursuant to this section; except that the Secretary shall be responsible for complying with administrative and fiscal requirements associated with utilization of such assistance.

(c) TERMINATION DATE.—Subsection (a) shall not be effective after the last day of the 3-year period beginning on the date of the enactment of this Act; except that the Secretary of the Army shall complete construction of any project commenced under subsection (a) before such day.

SEC. 4. SAVAN GUT FLOOD CONTROL PROJECT.

The maximum amount which may be allotted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the flood control project for Savan Gut, Virgin Islands, shall be $10,000,000 instead of $5,000,000. Nothing in this section shall be construed as affecting any cost sharing requirements applicable to such project under the Water Resources Development Act of 1986.

SEC. 5. WAIVER OF LIMITATION ON HIGHWAY EMERGENCY OBLIGATIONS.

The $5,000,000 limitation contained in section 125(b)(2) of title 23, United States Code, on obligations for projects under section 125 of such title in a fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not apply with respect to obligations for projects resulting from Hurricane Hugo, September 1989.

SEC. 6. FHWA TECHNICIANS.

The Secretary of Transportation shall provide, at the expense of the Federal Highway Administration, not less than 2 technicians from the Federal Highway Administration to provide assistance (including damage assessment, planning, engineering, design, and contract solicitation, award, and administration) in repairing and reconstructing portions of the Federal-aid highway system in the Virgin Islands damaged or destroyed as a result of Hurricane Hugo, September 1989.

Mr. NOWAK (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. NOWAK].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NOWAK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SUPPORT FOR REGIONAL EFFORTS TO END DRIFT NET FISHING IN THE SOUTH PACIFIC

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agreed to the concurrent resolution (H. Con. Res. 214) in support of regional efforts to end drift net fishing in the South Pacific.

The Clerk read as follows:

H. CON. RES. 214

Whereas Japan and Taiwan have significantly expanded the combined size of their driftnet fishing fleets in the South Pacific region in recent years, from 9 vessels in 1987 to at least 121 vessels in the 1988–89 fishing season;

Whereas there is considerable concern among the nations of the South Pacific region that the continued widespread use of driftnets poses a danger to the South Pacific's marine resources and particularly to the albacore tuna resources of the South Pacific;

Whereas according to the report of the Second South Pacific Albacore Research Workshop, which was conducted in June 1989 under the auspices of the South Pacific Commission and included scientists from Japan and Taiwan, the harvest of South Pacific albacore tuna by driftnet fishing has "rapidly increased to an alarming level";

Whereas according to some marine biologists the continued practice of draftnet fishing in the South Pacific at current levels could deplete harvestable albacore tuna fish stocks within 2 years;

Whereas the depletion of this marine resource would have severe economic consequences not only for many of the nations of the South Pacific but also for United States economic interests in American Samoa and California;

Whereas scientific research to assess accurately the impact of driftnet fishing in the South Pacific has been greatly impeded by the absence of statistically reliable scientific data concerning draftnet fishing operations in the region, particularly those of Taiwan;

Whereas current draftnet practices result in the indiscriminate slaughter of sea birds, sea turtles, nontarget fish, porpoises, whales, seals, and other marine mammals, lending credence to claims that they function as "wall of death" where they are used;

Whereas lost and abandoned driftnets, called "ghost nets", continue to entangle, maim, and aimlessly kill thousands of marine animals each year;

Whereas on June 28, 1989, at a meeting convened in Suva, Fiji, by the South Pacific Forum Fisheries Agency, to discuss the impact of driftnet fishing on albacore tuna stocks, the South Pacific nations, supported by the United States, called for a cessation of driftnet fishing in the South Pacific until a management regime can be established;

Whereas on July 11, 1989, the South Pacific Forum, a regional organization composed of 15 South Pacific countries, issued the Tarawa Declaration, which calls on the international community to support and cooperate in the negotiation of a regional convention to establish a driftnet free zone in the South Pacific region;

Whereas pending the negotiation of such a convention, the Tarawa Declaration calls for an immediate cessation of driftnet operations in the region by Japanese and Taiwanese vessels;

Whereas on October 11, 1989, at the 29th session of the South Pacific Conference, convened in Guam, the South Pacific Commission, including the United States, supported a resolution calling for an immediate ban on the practice of draftnet fishing in the South Pacific region to allow time for the development of a comprehensive fishery management program;

Whereas Japan has announced that it would not cease the practice of driftnet fishing but would reduce the number of its driftnet fishing vessels in the South Pacific region by two-thirds during the next fishing season; and

Whereas Taiwan has neither agreed to cease its driftnet operations in the South Pacific nor to reduce the size of its driftnet fleet: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. UNITED STATES SUPPORT FOR REGIONAL EFFORTS TO PROTECT MARINE RESOURCES IN THE SOUTH PACIFIC.

(a) PROTECTION OF MARINE RESOURCES.—The Congress declares that it is in the interests of the United States to support regional efforts to protect the marine resources of the South Pacific from the indiscriminate slaughter caused by driftnet fishing, not only albacore tuna but also porpoises, whales, seals, and other marine mammals, sea birds, sea turtles, and nontargeted fish.

"(b) SUPPORT FOR TARAWA DECLARATION AND SOUTH PACIFIC COMMISSION RESOLUTION.—(1) The Congress supports the Tarawa Declaration's call for an immediate cessation of driftnet fishing in the South Pacific.

(2) The United States supports the policy, as expressed in the resolution of the South Pacific Commission, calling for an immediate ban on driftnet fishing in the South Pacific in order to allow time for the development of comprehensive fishery management programs in the region.

(c) INTERNATIONAL CONVENTION BANNING DRIFTNET FISHING.—The Congress urges the Secretary of State to cooperate with regional organizations in the South Pacific in the formulation of an international convention banning driftnet fishing in that region.

(d) ACTIONS BY JAPAN AND TAIWAN.—It is the sense of the Congress that Japan and Taiwan—

(1) should immediately cease the use of driftnets in the international waters of the South Pacific; and

(2) should furnish immediately all available scientific data on their driftnet fishing catch in the South Pacific to both the South Pacific forum and to other appropriate regional or international organizations such as the South Pacific Forum Fisheries Agency.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of State with a request that the Secretary transmit copies of the resolution to appropriate authorities in Taiwan, the Government of Japan, and the governments of the member countries of the South Pacific Forum.

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentlewoman from Hawaii [Mrs. SAIKI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 214 was introduced by the gentleman from American Samoa [Mr. FALEOMAVAEGA] and has since been cosponsored by more than 200 Members of this House.

Its purpose is to encourage the administration to use the diplomatic and political influence of the United States in support of efforts to ban the practice of large-scale drift net fishing around the world.

As Members may know, drift nets can be as long as 30 or 40 miles. They are enormously destructive not only of fish, but of marine mammals and seabirds. As a result, our own fishermen in the Northwest, governments of the island nations of the South Pacific, and conservationists from around the world, have asked that these nets be banned.

The resolution is nonbinding, but it expresses a sentiment that I believe Members from both sides of the aisle strongly support. And I urge its passage.

In closing, I would just note that the resolution was originally referred to both the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries. As the letter below indicates, the consideration of the bill today, under the management of the Merchant Marine and Fisheries Committee, is occurring without prejudice to the jurisdiction of the Committee on Foreign Affairs:

The text of the letter to which I referred is as follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 16, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Committee on Merchant Marine and Fisheries would like to have H. Con. Res. 214, in support of regional efforts to end driftnet fishing in the South Pacific, considered in the House as soon as possible. As you may know, this resolution was ordered favorably reported without amendment by the Committee on Foreign Affairs on Wednesday, November 1, 1989.

Therefore, the Committee on Foreign Affairs has no objection to the Committee on Merchant Marine and Fisheries bringing this measure before the House, without prejudice to the jurisdiction of the Committee on Foreign Affairs. In addition, I would appreciate if you would make our correspondence on this subject a part of the record when H. Con. Res. 214 is considered by the House.

Thank you for your assistance in this request.

Wish best wishes, I am
Sincerely yours,

DANTE B. FASCELL,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mrs. SAIKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 214, and to commend the efforts of South Pacific nations to stop drift net fishing in their region. To allow this fishing method to continue would be irresponsible.

House Concurrent Resolution 214 recognizes that it is in the interest of the United States to support South Pacific regional efforts to protect their marine resources. It also demonstrates United States support for the Tarawa Declaration which was issued in July by the 11 South Pacific forum nations, and calls for an end to drift net fishing in the South Pacific. This concurrent resolution, additionally, urges the Secretary of State to participate in efforts to develop an international convention to ban drift net fishing in the South Pacific region.

Historically, fishermen have attempted to harvest fish selectively. However, as fishery resources decline due to overfishing, the fishermen of some nations have turned to the use of drift nets which capture and kill nearly all creatures they contact. The staggering increase in the use of drift nets is an indication that we have so mismanaged our fishery resources that we must now sieve the haystack to find the needle.

The amount of drift nets set each night is more than enough to circle the Earth. Drift nets trap and kill all varieties of fish, turtles, birds, and marine mammals indiscriminately. This wasteful catch-all fishing technique cannot be allowed to continue.

Fisheries are the most valuable economic resource in the South Pacific. These island nations feel that the fisheries in their backyard are being rapidly and unselectively devoured by the drift net fishermen of other nations. We in the Pacific area have been aware of this situation for some time and have made progress in addressing this problem. Since 1987, the Western Pacific Regional Fishery Management Council has completely banned the use of drift nets within the U.S. exclusive economic zone of the Western Pacific region, and the State of Hawaii has just passed a law banning the use and possession of drift nets within State waters. New Zealand, together with the United States, is also working to add a new chapter to the United Nations Charter to address and correct this intolerable situation.

I firmly believe we must support South Pacific nations in their efforts to protect their resources and primary means of livelihood, not just because it is good environmental policy but, as a matter of foreign policy.

I urge my colleagues to demonstrate to the South Pacific nations that we are firmly behind their efforts by showing enthusiastic support for this bill.

Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from California [Mr. LOGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the drift net resolution, House Concurrent Resolution 214, before you today as it is important to the United States environmentally, economically and geopolitically. Our relations with the countries of the South Pacific are physically and intrinsically linked by the ocean and its marine resources.

During the past couple of decades our relations with many of the newly emerged independent island countries of the South Pacific were strained due to disagreements regarding U.S. tuna boats fishing within the 200-mile extended economic zones. U.S. law defines tuna as a highly migratory species as opposed to the island states which claim tuna as their resource. Our relations were particularly encumbered due to a number of ship seizures and fines and mandatory retaliatory trade sanctions.

We now have significantly improved relations with the South Pacific countries due to the past administration's successfully concluded South Pacific Regional Fisheries Treaty. An irritant to our foreign relations has been replaced by a constructive agreement that provides much needed revenues to the island countries and helps the U.S. tuna industry as well. Both the U.S. tuna fleet and canneries now operate in a positive climate installed by the confidence of the fisheries treaty.

If the tuna industry fails due to the depletion of tuna stocks by drift nets, and if the United States has not done all that we could do, our good relations with the South Pacific countries may once again be strained as the substance of the Fisheries Treaty will be gone. But this is not just a matter affecting our south Pacific foreign relations or our own domestic tuna industry, which are extremely important reasons for taking action today. it is our environment, our ocean and our marine life that is threatened; and, for the millions of Americans who live on the west coast and in Hawaii, Guam, the Northern Mariana Islands, and Samoa, this is our back yard. Literally from my frontyard, I often see porpoise at play and whales migrating along our Pacific Coast. Unfortunately, the ghastly consequences of drift nets can be seen in the Santa Barbara Channel as well.

On March 19 of this year, a 35-foot female gray whale was sighted by a whale watch boat off the coast of Santa Barbara entangled in hundreds of feet of drift net. Five days earlier a rescue team led by a marine biologist had failed to remove the net but did attach a yellow basketball-size buoy to the net. A Santa Barbara rescue party was formed headed by Peter Howorth, director of the local nonprofit marine mammal center.

The rescue effort was recounted by Vic Cox in the October 1989 Islands magazine:

But the rescuers found they could not reach the net from the skiff. After a checkout dive, underwater photographer and scuba instructor Tom Campbell decided the only way to free the whale was to cut the net off underwater. He and U.S. fish and wildlife divers Ron Britton and Greg Sanders joined the highly irritated whale in the water.

But she was not about to hold still for any well-meaning humans. "She'd go crazy if we touched her." Campbell said.

So the divers worked a short distance from her flukes—until she decided otherwise. The gray would swing her tail up and down, jerking the divers as if they were marionettes caught in a nightmare of strings. "She was really trying to shake us off." Campbell said. Sometimes she succeeded, but the buoys kept her from diving more than 30 feet, and the divers rejoined the fray.

Starting on their second tanks of air, the divers realized the odds were against them. They had reduced the tangle, but the winter sun was quickly slipping away.

"She wasn't tiring as fast as we were," Campbell said, As the daylight faded, Britton and Sanders paused to rest on midwater, and Campbell renewed his careful cutting of the net.

Suddenly, the gray gave a powerful surge forward and there was a loud popping noise. Campbell, startled momentarily, peered ahead, and saw the whale's tail disappearing into the murky depths. She had broken free.

The elated rescue team collected the net from the sea and went home, talking about the big one that got away.

Two months ago I introduced House Resolution 3373 with a number of my colleagues supporting the Tarawa declaration's call for the international community's support of a regional convention establishing a different free zone in the South Pacific. I am pleased that the operative language of the resolution is reflected in the policy section of the pending Fishery Conservation Amendments Act of 1989 (H.R. 2061).

The administration has been working with other countries to provide for the monitoring of drift net fishing. We must do all we can to establish a drift net free zone in the South Pacific until an adequate monitoring regime is in place.

Let's not jeopardize our improved relations with the South Pacific countries and the confidence of our tuna industry. We must also be vigilant in protecting our environment by minimizing or eliminating the killing of marine mammals and the nonselective catching of juvenile and adult tuna.

I urge my colleagues to support the passage of the resolution calling for the cessation of the use of drift nets in international waters.

Mr. STUDDS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York, [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, let me begin, first of all, by expressing my very real appreciation to the gentleman from Massachusetts [Mr. STUDDS], my very good friend, and to the gentlewoman from Hawaii [Mrs. SAIKI], my good friend, for bringing this resolution to the floor in an expeditious fashion.

Mr. Speaker, it may be a small resolution, but it covers a subject of considerable importance to our friends in the South Pacific.

During the course of August I had an opportunity, together with the gentleman from American Samoa [Mr. FALEOMAVAEGA] and the gentleman from California [Mr. DORNAN] to go on a trip to the South Pacific. We visited a number of countries to which no Member of Congress had ever been before. We were in Kiribati, Vanuatu, New Caledonia, Fiji, American Samoa, and the Solomon Islands. Wherever we went we found an overwhelming concern with the problem of drift net fishing.

Mr. Speaker, some of my colleagues may be wondering what a drift net is. Here it is right here, a small version of these walls of death which are being used by fishermen from Korea, Taiwan, and Japan to literally strip mine the sea.

Mr. Speaker, these nets often stretch for 50 miles. They literally catch up everything that passes through them, and, as a consequence, the very survival of the albacore tuna species and several other species is now in jeopardy.

In July of this year the 15 countries of the South Pacific Forum adopted the so-called Tarawa resolution calling upon all other countries engaged in drift net fishing in the South Pacific to cease and desist from this dreadful and dastardly activity, and this resolution today, which has been reported out by the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries calls upon the other countries of the world, and in particular Japan and Taiwan, to agree to a moratorium on drift net fishing so that a binding compact can be negotiated and enacted preventing this particular form of fishing in the South Pacific.

Mr. Speaker, drift net fishing, of course, is not just a problem in the South Pacific, as the gentleman from Massachusetts [Mr. STUDDS], my good friend, pointed out. It has been a problem elsewhere as well.

□ 2040

But in the South Pacific, it is a particularly egregious problem because fish is just about the only resource the people of these island countries have, and if the species that exist in those waters are driven into extinction because they are all harvested out of the water, there will be no economic future whatsoever for the peoples of the South Pacific.

So I call upon our colleagues to vote for this resolution, which will lend strong support to our friends in the democratic countries in the South Pacific in their efforts to prevent these drift nets from being used to strip mine the sea in the South Pacific.

If any of our colleagues want to see what it is like, it is available up here. Someone suggested we might bring it over to the other body, given the debate that is going on there, unfold it and catch up some of the recalcitrant Senators in order to assure a more favorable outcome.

If anyone is interested in joining us, we are ready to go anytime you are.

Mrs. SAIKI. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, this resolution addresses the paramount commercial concern of all the island States in the South Pacific. The fishing fleets of several nations are at this very moment waging war upon the ecosystems of a significant part of the planet. The catastrophic ecological damage being wrought by this scourge of drift net fishing is the nautical equivalent of General Sherman's march to the sea. Instead of scorched and blasted earth, mankind is creating empty and lifeless waters.

The evidence is overwhelming that this strip mining of the sea is not only dangerously depleting the population of the prize albacore tuna, but wreaks havoc on all marine life—turtles, dolphins, whales, and even birds—which are unfortunate enough to become enmeshed in the voluminous nets which act as such deadly vacuum sweepers.

Hooverization of the South Pacific must be stopped.

Mr. Speaker, this resolution has been worked out in close cooperation between the majority and the minority, as well as with the Department of State.

The delegate from the American Samoa [Mr. FALEOMAVAEGA] particularly is to be congratulated, as well as the gentleman from California [Mr. LAGOMARSINO] who led this Congress with several earlier draft resolutions.

In particular, I would also like to extend my appreciation to the gentleman from New York [Mr. SOLAZ], the gentleman from Massachusetts [Mr. STUDDS], and the gentlewoman from Hawaii [Mrs. SAIKI] for their leadership on this issue. I urge its adoption.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I rise in support of House Concurrent Resolution 214, which supports regional efforts to end drift net fishing in the South Pacific. I thank the chairman and members of the Merchant Marine and Fisheries and Foreign Affairs Committees for bringing the resolution to this floor. I commend my good friend, the Honorable ENI FALEOMAVAEGA from American Samoa, author of this resolution, for his insight and leadership, in identifying a serious pending disaster to the albacore tuna resources in the Pacific Ocean and in introducing this worthy resolution.

Although Congress passed the Drift Net Impact Monitoring, Assessment, and Control Act of 1987, providing economic sanctions against those countries which fail to negotiate an appropriate agreement with the United States, nations guilty of drift net fishing have yet to come to an agreement with the United States. In the meantime, the devastating effects of drift net fishing continue and the situation worsens.

In 1988, gill nets used in the drift net fishing process measured 80 meshes deep—they are now 150 meshes deep. Further, current lengths of gill nets now range between 20 to 35 miles. Over 1,000 Asian vessels set from 30,000 to 50,000 miles of gill net throughout the Pacific Ocean daily. The combined troll/gill net surface catch for the 1988–1989 season is expected to exceed 40,000 tons of albacore tuna. If the present level of gill net fishing continues unabated, the South Pacific albacore fishery may very well collapse in 2 years.

Drift net fishing has ravaged the ocean's marine life, killing vast amounts of other fish, bird, turtle, and marine mammal species, such as fur seals and beaked whales, which are caught and discarded. Destruction and waste are evident when the quantity of fish killed and lost exceeds the amount of fish harvested for consumption. Moreover, gill nets continue to destroy marine life when they are tossed overboard, set adrift, or lost at sea. Trollers report that an average of 12 percent of their catch is gill net-marked or damaged.

Gill nets are also a navigational hazard, endangering the lives of fishermen who must dive under their boats to cut the nets free from fouled propellers. This dangerous task has already resulted in recorded crew deaths.

The Hawaii State Legislature has joined the effort to ban drift net fishing by prohibiting the possession or use of drift nets in Hawaiian waters. I am hopeful that a united effort in the South Pacific will eventually lead to a total ban on drift net fishing on the high seas.

The indiscriminate killing and waste caused by drift nets must stop. It is time that we dismantle the Wall of Death.

Mrs. SAIKI. Mr. Speaker, I yield 2 minutes to our colleague, the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank my colleague, the gentlewoman from Hawaii, for yielding me this time.

The gentlewoman has done so much in helping the whole region she represents.

Mr. Speaker, I rise in strong support of this resolution. I think we need to encourage the regional efforts to end drift net fishing in the South Pacific. If for no other reason, and there are many reasons, but one, to make certain that the harvestable albacore tuna fish stocks are not depleted within 2 years, as would happen if we allow the continued practice of drift net fishing in the South Pacific.

Also, Mr. Speaker, we need to make certain that we make efforts to protect the indiscriminate slaughter of sea birds, of sea turtles, of nontarget fish, of porpoises, of whales, and other marine mammals, lending credence to claims that they function in walls of death where these nets are used. This is something we have been reading about in all our newspapers.

Furthermore, Mr. Speaker, we need to make certain that no more lost and abandoned drift nets are there to serve as ghost nets and thus entangling and maiming and aimlessly killing millions of marine mammals and animals every year.

Once again, Mr. Speaker, I want to say that I am very supportive of this resolution, and I hope all our colleagues will vote for it.

Mr. STUDDS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA], the author of this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I would be remiss if I did not extend my gratitude and personal thanks to the distinguished gentleman from Massachusetts [Mr. STUDDS], the chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries for managing this piece of legislation so well.

Mr. Speaker, I rise today to strongly urge my colleagues to pass House Concurrent Resolution 214, legislation I introduced which supports efforts in the South Pacific to immediately ban the environmental plague called drift net fishing.

With 240 Members of this great institution cosponsoring the resolution, I am overwhelmed by the tremendous show of bipartisan concern with the danger that the drift net fleets of Taiwan and Japan pose to the marine resources of the South Pacific and the region's developing island economies.

At the outset, I would like to acknowledge the immeasurable contributions to and support of this resolution by the distinguished gentleman from New York, chairman of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs, Mr. STEPHEN SOLARZ; the distinguished gentleman from Iowa, ranking minority member of the subcommittee, Mr. JIM LEACH; the distinguished gentleman from Florida, chairman of the House Foreign Affairs Committee, Mr. DANTE FASCELL; the distinguished gentleman from Michigan, ranking minority member of the committee, Mr. WILLIAM BROOMFIELD; the distinguished gentleman from Massachusetts, chairman of the House Subcommittee on Fisheries and Wildlife, Mr. GERRY STUDDS; the distinguished gentleman from Alaska, ranking minority member of the subcommittee, Mr. DON YOUNG; the distinguished gentleman from North Carolina, chairman of the House Merchant Marine Committee, Mr. WALTER JONES; and the distinguished gentleman from Michigan, ranking minority member of the committee, Mr. ROBERT DAVIS.

I would also like to thank my esteemed colleagues from the Pacific for their strong support of this measure—the distinguished gentleman from Guam, Mr. BEN BLAZ; the distinguished gentleman and gentlewoman from Hawaii, Mr. DANIEL AKAKA and Mrs. PATRICIA SAIKI; the distinguished gentlewoman and gentleman from Washington State, Mrs. JOLENE UNSOELD and Mr. JOHN MILLER; the distinguished gentlemen from Oregon, Mr. PETER DEFAZIO and Mr. LES AUCOIN; the distinguished gentlemen from California, Mr. ROBERT LAGOMARSINO and Mr. ROBERT DORNAN; and my friend from the Midwest, the distinguished gentleman from Ohio, Mr. JAMES TRAFICANT.

Mr. Speaker, in July of this year, the 15 Pacific island nations that comprise the South Pacific Forum issued, through the "Tarawa Declaration," an international cry for help to stop the rapacious drift net fleets of Taiwan and Japan. Last month, the 27 island governments and Western powers that comprise the South Pacific Commission called for an immediate ban of drift net fishing in the South Pacific. Despite the appeal for a total cessation of drift net operations in the region, the countries of Taiwan and Japan have chosen to ignore the pleas of the island nations.

Nonetheless, it is evident that the international community is moving toward a consensus that the destructive technology employed in pelagic drift net fishing must be stopped around the world. Taking note of the resolution condemning drift net fishing which was submitted recently to the U.N. General Assembly by the administration, it is gratifying to see our country assume a role of leadership in this matter. I applaud the efforts of the State Department and Ambassador Edward Wolfe in taking this matter of great environmental importance before the United Nations. In that U.N. resolution, although a call for a global moratorium on drift net fishing is to be enacted in 1992, it specifically holds that an immediate ban on drift net fishing in the South Pacific should be complied with by the international community, pending the establishment of a fishery management program.

I also wish to recognize the leadership efforts that our good friends in the nati›n of New Zealand have undertaker. in the struggle to eliminate drift netting in the region. The Honorable Geoffrey Palmer, Prime Minister of New Zealand, eloquently addressed this subject before the United Nations recently, holding that the freedom of the high seas does not and should not protect the foreign drift net fleet's systematic assault on the South Pacific's marine ecosystem. Later this month in Wellington, New Zealand, shall again play a pivotal role by hosting a conference for the formulation of an international convention creating a drift net free zone in the South Pacific. I commend the Government of New Zealand for their leadership in this matter of grave concern to all the nations of the South Pacific.

In trying to justify and protect the foreign drift net operations, certain groups have been circulating half-truths, myths and distorted informa-

tion. For example, the claim is made that drift nets have been employed for more than a thousand years throughout the world, and are used even today in the United States. The truth is that there is a world of difference between traditional, woven gill nets, less than a mile long, that are stationed around coastal areas and the high-technology, monstrously huge drift nets, extending 40 to 50 miles, that freefloat as "walls of death" on the high seas. The two fishing methods obviously cannot be equated as being the same.

Another critic contends that nontarget fish and marine mammals can swim under or around drift nets, and thereby escape. What is not revealed is that the monofilament net mesh is virtually invisible underwater and cannot be detected by ocean sonar. Furthermore, the nets are primarily set at night, adding to their deadly, unseen killing ability.

In arguing against the banning of drift net fishing, our critics have further propounded that there is insufficient data to support estimates that large numbers of marine mammals, seabirds, and nontarget fish are incidentally killed by drift net operations. What is not explained is the basis for the drift net countries' assertion that the kill estimates are inaccurate. With drift net fishing having gone on for many years in some parts of the world and in light of the international concern for the needless slaughter of marine animals, why haven't they bothered to document the bycatch killed and maintained records? It begs the question, what do they have to hide? Ironically, they now have the audacity to plead the defense there is a lack of concrete data on drift net operations to warrant taking restrictive action.

I leave it to you to draw your own conclusion whether pelagic drift net fishing is a highly destructive practice to the marine environment or not. What is important to note, however, is that drift net nations, such as Japan, have banned the use of these enormous killing machines within their own coastal seas and jurisdictional waters. Perhaps that is the most damning indictment of all.

No one wants to stop the people of the drift net nations from having access to the oceans' resources for food and traditional sustenance. Tuna and squid, however, have been caught for untold generations with other, less destructive methods of fishing employed before the advent of high-technology drift nets.

What is truly at the heart of this matter is that pelagic drift net fishing is a cheap, effective way to make a quick buck. The questions the nations of the world must answer is whether this mad, headlong rush for short-term profits shall be permitted at the expense of the future health and stability of the world's marine ecosystem. If we fail to act now, are we to leave a world with oceans stripmined of abundant and varied life to our children and their children for generations to come.

I appeal to the conscience of the good people of Taiwan and Japan and to their leaders to bring to a halt their drift net operations in the South Pacific. With Taiwan and Japan importing in 1988 close to a half billion dollars in fishery products to the United States—alone—the sheer magnitude of the total economic base of their fishing industry staggers the imagination. Surely these nations can afford to cease the deployment of this destructive new fishing technology.

The battle against drift net fishing in the South Pacific is but the first beachhead in the war to eliminate the pernicious practice of drift net fishing around the world. By passage of House Concurrent Resolution 214, Congress will have played an important role in this epic struggle of the nations of the South Pacific.

Mr. Speaker, I am reminded of a proverbial expression echoed by my Polynesian cousins from the island kingdom of Tonga—and it states, "Maumaue matagi lelei moe la a mahaehae,"—which means how unfortunate for a good wind to come, but the sails are torn."

Mr. Speaker, I submit, let us mend that torn sail to catch the good wind. Let us support this resolution with a deep sense of commitment to an issue that affects the livelihood of not only the nations of the Pacific, but of all countries, including our own. I cannot more urgently call upon my colleagues to support the passage of this resolution.

Mr. Speaker, it is only fitting and proper that I express my sincere appreciation and gratitude to the following individuals who worked long hours to advise us on this piece of legislation worthy of this institution's consideration. My personal thanks to Mr. Stanley Roth of the House Foreign Affairs Subcommittee on Asia and the Pacific; Mr. Dan Finn, minority counsel for the House Foreign Affairs Committees; Mr. Jeff Pike of the House Merchant Marine Subcommittee on Fisheries and Wildlife; Mr. Bill Woodward also of the Subcommittee on Fisheries and Wildlife; and a member of my own staff and legislative counsel Mr. Enere Levi:

Mr. Speaker, I submit the following items to be made part of the RECORD:

COSPONSOR OF H. CON RES. 214

The names of the House additional Members as cosponsors of House Concurrent Resolution 214: Mr. Smith, New Jersey; Mr. Frost, Mr. Geren; Mr. Fascell; Mr. Ravenel; Mr. Bunning; Mr. Hamilton; Mrs. Collins, Illinois; Mr. Taylor, Mississippi.

LARGE-SCALE PELAGIC DRIFT NET FISHING AND ITS IMPACTS ON LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS

The General Assembly,

Disturbed about a dramatic increase in the use of large-scale pelagic drift nets which can reach or exceed 30 miles length to catch living marine resources on the high seas of the world's oceans,

Mindful that large-scale pelagic drift net fishing is an indiscriminate fishing method which threatens the effective conservation of living marine resources such as highly migratory and anadromous species of fish, birds and marine mammals,

Expressing serious concern that in addition to targetted fish species, nontarget species of fish, marine mammals, seabirds and other living marine resources of the world's oceans, including endangered species, become entangled and die in such drift nets that are being actively fished and in such drift nets that are lost or discarded,

Recognizing that several thousand fishing vessels use such large-scale pelagic drift nets in the high-seas areas of the Pacific Ocean, the Atlantic Ocean, the Indian Ocean, the Mediterranean Sea, and in other waters beyond the exclusive economic zone of any nation,

Affirming that all members of the international community have a duty to cooperate globally and regionally in the conservation and management of living resources on the high seas, and a duty to take, or to cooperate with others in taking, such measures for their nationals as may be necessary for the conservation of the living marine resources of the high seas,

Noting that the nations of the Forum Fisheries Agency and the South Pacific Commission have called for a cessation of large-scale pelagic drift net fishing in the South Pacific and the implementation of effective management programs in recognition of the existing scientific data indicating that such fishing is having an unacceptable impact on the marine life of that region,

Also noting the declaration adopted by South Pacific Heads of Government at Tarawa on 11 July 1989 which inter alia called for a ban of such drift net fishing methods in that region and that some members of the international community have entered into negotiations on a convention which will establish the cessation of large-scale pelagic drift net fishing in the exclusive economic zones of those members, or such fishing practices by the nationals of those members,

Further noting that some members of the international community have entered into cooperative enforcement and monitoring arrangements to evaluate and mitigate the adverse impacts of large-scale pelagic drift net fishing,

Recognizing that some members of the international community have taken steps to reduce their drift net operations in some regions in response to regional concerns,

(1) Calls upon all those involved in large-scale pelagic drift net fishing to cooperate fully with the international community in the continued and enhanced collection of scientific data on the impact of such fishing methods and the conservation of the world's living marine resources;

(2) Recommends that all members of the international community review by 30 June 1991, or earlier reflecting the emergence of an international or regional consensus, the existing data on the effects of large-scale pelagic drift net fishing, and agree to coop-

erative regulation and monitoring as needed to mitigate the adverse effects of these practices;

(3) Further recommends that all members of the international community agree to:

(a) an immediate ban on the practice of drift net fishing in the South Pacific region to prevent severely adverse, perhaps irremediable, effects on South Pacific fisheries and to allow time for the development of comprehensive fisheries management programs;

(b) a moratorium on all high-seas driftnet fishing by 30 June 1992 unless or until it is agreed that the unacceptable impacts of such practices can be prevented and that the conservation of the world's living marine resources can be ensured;

(4) Asks the appropriate organs, organizations and programs of the United Nations system to include consideration of this question in their regular programme of activities;

(5) Requests the Secretary-General to bring this resolution to the attention of all members of the international community, intergovernmental organizations, nongovernmental organizations in consultative states with the Economic and Social Council, and well-established scientific institutions with expertise in relation to living marine resources;

(6) Requests the Secretary-General to report to the General Assembly at its 45th session on the implementation of the present resolution;

(7) Decides to include this question in the provisional agenda of its 45th session.

TARAWA DECLARATION

The South Pacific Forum meeting at Tarawa on 10-11 July 1980:

Recognising the crucial dependence of the Pacific Island peoples on marine resources;

Profoundly concerned at the damage now being done by pelagic drift net fishing to the economy and environment of the South Pacific region;

Convinced that this indiscriminate, irresponsible and destructive fishing technique threatens the survival of the albacore tuna resource, and also the economic well-being of Forum Island Countries;

Deeply regretting that Japan and Taiwan have failed to respond to the concerns of regional countries about this most serious issue;

Noting that it is in the mutual interest of the major fishing nations active in the region, and the Forum, to conserve fisheries stocks;

Noting that all countries inside and outside the region are affected by the mismanagement of the resources of the world's oceans, by the environmental dangers of drift net fishing and by the threat to safe navigation;

Recalling the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, and in particular Articles 63, 64, 87, 116, 117, 118 and 119;

Recognising that the use of drift nets as presently employed in the Southern Pacific Albacore Tuna Fishery is not consistent with international legal requirements in relation to rights and obligations of high seas fisheries conservation and management and environmental principles;

Resolves for the sake of this and succeeding generations of Pacific peoples to seek the establishment of a regime for the management of albacore tuna in the South Pacific that would ban drift net fishing from the region; such a ban might then be a first step to a comprehensive ban on such fishing;

Determines, to this end, to convene an urgent meeting of regional diplomatic, legal and fisheries experts to develop a Conventional to give effect to its common resolve to create a zone free of drift net fishing;

Calls on the international community to support, and cooperate, in the urgent conclusion of a Convention establishing the zone;

Resolves that individual member states of the South Pacific Forum will take all possible measures in the interim to prevent drift net fishing within their waters, and otherwise actively to discourage the operations of drift net fishers;

Further resolves that members states acting individually and collectively will take what action they can within relevant international organizations to contribute to the cessation of this harmful form of fishing;

Commends the Republic of Korea for its decision of cease drift net fishing in the region;

Calls on Japan and Taiwan to follow this example, and abandon immediately their damaging drift net operations.

SOUTH PACIFIC COMMISSION RESOLUTION ON PELAGIC DRIFT NET FISHING

The 29th session of the South Pacific Conference considered the issue of drift-net fishing in the Commission region. In doing so, the Conference:

(i) Noted the critical importance of living marine resources for the well-being of South Pacific peoples;

(ii) Expressed grave concern with the deleterious effects drift-net fishing activities were having on the living marine resources of the region;

(iii) Recognized the need for immediate and effective action, both nationally and regionally, to protect the South Pacific's living marine resources;

(iv) Called for an immediate ban on the practice of drift-net fishing in the region to prevent severely adverse, perhaps irremedial, effects on South Pacific fisheries and to allow time for the development of comprehensive fishery management programmes; and

(v) Urged the SPC to continue to play its full role in cooperation with other relevant regional bodies in the formulation of appropriate fishery management regimes for the region.

[From the Pacific Islands Monthly, July 1989]

STANDING ALONE

The Region is again awash with worries. The assassination of Malipu Balakau in Papua New Guinea and the Bougainville crisis are drawing the country deeper into trouble. Fiji is still striving to find a new constitution. The French are continuing nuclear testing in French Polynesia. The tiny atolls are facing being swamped by rising seas. And a drug haul points to a new heroin route through Vanuatu. But none of these is grabbing as much attention as the attempt to stop the use of driftnets in the rich South Pacific albacore fisheries.

The war against the "wall of death", as driftnets are now commonly known, is uniting the Pacific Island states like never before. Their fear is genuine; a collapse of fisheries in the south will deprive their canneries of stock and deny struggling economies much-needed foreign revenue. But as they unite against Japan and Taiwan they also expose the weakness of the small states to stand alone at a time of over-dependence on foreign economic aid. Japan and Taiwan are big aid donors to the region. Japan, in particular, has acquired a powerful influence. What they failed to conquer in World War Two they now buy with aid. This is why the struggle to remove Asian driftnetters from the South Pacific will be difficult.

It can be argued that Japan and Taiwan are using economic aid as leverage in their stand against a ban on driftnets. But it would be wrong to condemn individual island nations, some of which are among the poorest in the world, when they accept development aid funds from Taiwan and Japan. Albacore tuna is one thing. Financing development in countries where money is scarce, is another.

The Asians view the "wall of death" saga as an overreaction based on no concrete evidence from an indepth study of the southern fisheries. They want such a study made, the result of which can form the framework on an agreement on driftnets. This is one of the things that will be considered at the South Pacific Forum meeting in Tarawa this month. The politicians in that meeting might draw up an agreement for a regional ban on driftnetters from the region's Economic Zones. There is little else they can do. Most in the Forum meeting know their countries have other worries. Back home they will be looking for money to fund essential development projects. When the time comes to find that money, it is most likely Japan and Taiwan will be the ones signing the cheques.

TRYING TO STOP THE SLAUGHTER

The Pacific Islands are uniting like never before to eliminate the use of the destructive driftnets from the southern albacore fisheries. The issue will feature in discussions at the Forum meeting in Tarawa this month.

Imagine if the Pacific fishing fleets of Taiwan and Japan dropped their driftnets end-to-end in one night from west to east. They would stretch from Sydney past Papeete, providing a 15-metre deep curtain that would hook fish, whales, turtles, ships' propellers, and even birds. Such is the frightening ability of the driftnets to "strip-mine" the sea and empty it of its stock, hook, line and sinker. This is why the nations of the Pacific are uniting like never before against its use in the rich southern albacore fishery and the Tasman Sea.

Now commonly known as the "wall of death", driftnets or gillnets are made of fine mono-multifilament nylon mesh deployed in straight lines to hang in the water like large curtains. They can be eight to 15 metres deep and are up to 60 kilometres long. Small floats keep them perpendicular to the surface and lead weights keep the bottom edge hanging straight down in the water.

Marine environmentalists say this is the most damaging method of fishing and causes irreversible ecological damage. "It's like dropping a bomb in the ocean, killing everything within reach and people come in, take what they want and throw the rest back into the sea," said research biologist Samuel LaBudde, of the international environmental organization Earthtrust. "Few people can imagine how damaging this technology is to the resources of the sea. It's like strip-mining the ocean."

The issue, now so sensitive it has overshadowed French nuclear testing in French Polynesia, will be the focus of the South Pacific Forum meeting in Tarawa this month.

Consensus will be sought for a regional treaty backed by all member countries banning the use of driftnets in their economic zones and putting a black ban on all driftnet vessels needing harbour facilities for transhipment, refuelling and other services. Regional canneries will also be asked to stop buying albacore tuna from driftnet vessels.

The islands are getting the full backing of New Zealand and Australia. Both have imposed territorial restrictions including the banning of driftnets from economic zones, the denial of access to foreign driftnet vessels and a ban on transshipment. New Zealand warned that ships could be confiscated if they carried driftnets in New Zealand waters. And the Auckland Harbour Board has voted unanimously to ban driftnet vessels.

In Nairobi on May 29 New Zealand environmental expert John Gilbert told a United Nations environmental panel that driftnet fishing is fast depleting Pacific Islands marine resources and threatening the diversity of life in the sea. "With its large by-catch of unwanted fish marine mammals and birds, drift gill-netting is devastating marine resources," he said. He called for it to be outlawed, and immediately won the support of Australia and the international environmental organisation, Greenpeace. A month later Taiwan succumbed to an American ultimatum and agreed to sign a North Pacific driftnet agreement with the United States. The agreement, among other things, will allow for "high seas boarding" of Taiwanese driftnet vessels and requires satellite transponders placed on all Taiwanese ships so the U.S. can keep track of fishing vessels.

While the United States was able to flex its muscles and force Taiwan to an agreement, the tiny, aid-dependent Pacific Island nations are finding the battle tougher without the same political and economic advantages. A conference in Suva on June 26–28 between Pacific Island countries, Taiwan, South Korea and Japan magnified the weakness of the small states to stand alone. South Korea agreed in that meeting to withdraw a driftnet research vessel from the South Pacific. But Taiwan and Japan bluntly refused to compromise and forced an impasse in the negotiation.

Both these Asian economic powers enjoy a lot of influence in the region. Japan, for example has become one of the bigger aid donors to the Pacific Islands, providing financial assistance for a variety of project with particular attention to the development of the fishing industry. Within hours of Japan telling the Suva conference it would not stop the use of driftnets in the South Pacific, Western Samoa announced it was accepting nearly US$11.4 million from Japan to pay for the second phase of the Apia port development. (Japan provides nearly 50 percent of Western Samoa's total aid programme). The same day Japan and the Solomon Islands signed an agreement in Honiara for the Japanese government to provide US$7.4 million to pay for the construction of a fishing project at Noro. The facilities include a cold storage, a wharf, ice-making plant and workshop. It will be the new base for an expanded cannery owned jointly by the Solomons government and a Japanese company. In Tonga, Taiwan is spending US$1.8 million for the construction of an indoor stadium in Nuku'alofa to be used for the Mini South Pacific Games next month.

The list doesn't end there. Last month Taiwan shipped into Suva the first of the Hyundai Sonatas it's giving Fiji for use by government ministers. Japan at about the same time agreed to provide a further grant of US$1.7 million to buy fishing equipment for the rural areas. Fiji's fisheries department is seeking another US$1.6 million, again to buy fishing equipment. Japanese and Taiwanese aid funds are financing projects throughout the Pacific Islands. It was noted at the Suva conference, for example, that Fiji, which usually provides a pivotal role in regional decisions, was non-committal on the driftnet issue.

The albacore fishery between latitude 30 and 40 south, is one of the richest in the world having been newly-discovered by the Asian driftnetters who once concentrated in the North Pacific. The number of driftnet vessels has grown from 10 Japanese and seven Taiwanese in the 1987–88 season to at least 50 Japanese and 130 Taiwanese ships this year. The attraction is the highly-priced albacore tuna whose white flesh is fetching US$1000 a tonne in the United States, Forum Fisheries Agency estimates, however, predict a collapse of the fishery within five years if driftnetting is allowed to continue at its current rate. Such a situation would be disastrous for the longline industries in Fiji, Tonga, French Polynesia, Solomon Islands, the Cook Islands and Vanuatu.

Japan argues that the Forum Fisheries Agency does not have concrete evidence to back its argument on the albacore stock available and the sustainable level of exploitation. The agency admits such a lack of data and points only at the history of driftnet fishing in the North Pacific to draw parallels in the south. It also accuses Taiwanese and Japanese fleets in the south of not providing complete information on the amount of catch being taken.

For Asians, driftnets are essential. They are economical. Ships do not require the large crews needed by the longliners. Japan pointed out that a workshop on South Pacific Albacore Resource (SPAR) in Suva in June determined that the damage to the albacore fisheries caused by driftnets was "unclear". It is therefore necessary to do an indepth study, which Japan is prepared to help, into "all kinds of fisheries". This was supported by Taiwan which said that while it was "very much concerned about the possibility of over-exploitation of the southern albacore stock" they had very little information on the available stock. "We shall very much like to realise the exact stock status of this species before something on the conservation can be done," a Taiwan statement said. It offered to provide scientists to help in a study to determine the Maximum Sustainable Yield of the stock. Based only on such a scientific evaluation will it go into a conservation and management agreement concerning the southern albacore stock.

[From the New York Times, Nov. 14, 1989]

NEW EVIDENCE OF ECOLOGICAL DAMAGE BRINGS A CALL TO BAN DRIFT-NET FISHING

(By Timothy Egan)

SEATTLE, Nov. 13.—Prompted by new evidence that drift-net fishing is causing ecological havoc in some of the world's most bountiful waters, most nations on the Pacific Rim are calling for a total ban on a practice that is considered to be strip-mining the sea.

Japan fleets roam the Pacific with nearly 700 boats, each of which carries 30-mile-long nets that snare all marine life in its path.

The calls for an end to drift-net fishing were announced last week both at the United Nations and at the annual meeting of the International Fisheries Conference.

OPPOSITION FROM JAPAN

The measures encountered opposition from the Japanese Government, which said more study was needed before any action could be taken.

Kenjiro Nishimura, head of the Japanese delegation at the fisheries conference, called the United Nations resolution "an extreme measure" and accused the nations of "relying on emotional and irrational discussions."

New figures made public by governors of six western American states and the Premier of British Columbia who attended the conference blamed the huge nets for the worst North American tuna season in memory, a severe decline in the annual salmon harvest and the yearly killing of up to 80,000 marine mammals and a million sea birds.

The nearly invisible plastic drift nets, ostensibly used to catch squid in an area of the Pacific larger than the continential United States, are used by up to 1,200 ships from Japan, South Korea and Taiwan. The United States Coast Guard and officials from other countries say the nets are the prime killers of whales, seals, dolphins and other marine mammals, which are protected by international covenants.

The annual fisheries conference, usually a collegial gathering of Japan, Canada and the United States to divide the catch in the North Pacific, turned into a rancorous stalemate over drift nets and ended with the Japanese delegation refusing to make any concessions.

'WASTE AND DESTRUCTION' IS CITED

At the United Nations, after years of polite criticism, the United States called for a total ban on drift-net fishing by 1992. Introducing the resolution, Jonathan Moore, the chief United States delegate to the United Nations, cited "waste and destruction" caused by the nets.

A summary of recent findings on how drift-net fishing is depleting the stocks of marine species in the Pacific was included in the United States resolution.

The resolution was supported by Australia, Canada, New Zealand and by several smaller Pacific Rim nations. It comes just months after 16 South Pacific nations signed a declaration calling for a total ban of drift-net fishing.

The Soviet Union, which has been involved in recent discussions with the United States over new fishing regulations in the Pacific, has yet to take a position on the drift-net issue. But in the past it has complained about Russian-bound salmon being snagged by Japanese nets.

The furor over drift-net fishing has not been confined to international forums. In Congress, Representative Peter A. DeFazio, an Oregon Democrat, has introduced a measure that would prohibit the import of any fish caught by drift nets.

The bill is primarily aimed at the $250 million worth of tuna imported by the United States annually from Japan and Taiwan. But because the United States exports more fish to Japan than it imports from that country, the bill could have a backlash effect on American fishermen, some trade experts say.

Mr. DeFazio said drift-net snagging of tuna has caused the American fleet's annual catch of albacore tuna to drop from 17,000 tons annually in the early 1980's to an average of 4,000 tons in the last few years. This

year's catch is expected to be the worst so far, about 2,500 tons.

A recent sampling of tuna caught off the Oregon coast found that 15 percent of the fish were marked with scars that indicated they had been snared in drift nets.

"United States fishermen are losing their industry and the world is losing the marine ecosystem of the Pacific Ocean," Mr. DeFazio said. "Drift-netting has got to stop."

Drift-net fishing brings in $550 million a year to Japan, Taiwan and South Korea, the three nations involved in the practice.

EVIDENCE SAID TO BE MOUNTING

Most tuna and salmon caught by Asian squid fishermen are supposed to be thrown back. But biologists with the National Marine Fisheries Service say millions of fish are being taken illegally. They say drift nets are used by "pirate ships" fishing in waters that are supposed to be off-limits and by squid boats taking in species they are not supposed to catch.

Officials of the fisheries service told representatives at the conference here that evidence of illegal salmon fishing by drift-net fleets was mounting.

At the heart of the problem are profound changes in Japan's fishing industry, whose fleet feeds a national appetite for seafood that is five times greater than that of the United States. The average Japanese person eats 75 pounds of fish a year, as against 15 pounds in the United States. The Japanese used to fish for salmon, tuna, halibut and other species in waters near the American and Canadian coasts.

But in 1976, when North American nations established 200-mile coastal zones exclusive to their fishermen, the Japanese were forced to change their fishing methods. They started fishing for squid in international waters and introduced the use of the 40-mile-long plastic nets. By comparison, American and Canadian fishermen are limited by law from using nets no bigger than about 900 feet in the Pacific.

"The whole ocean ecology is being massively disrupted by this uncontrolled and nonsustainable fishing technology," Premier William Vander Zalm of British Columbia said in a report presented at the conference.

Japanese officials at the United Nations said they would not cut down on drift-net fishing until there was thorough documentation that the nets were causing marine destruction.

"They are just now getting a solid massage of strong opposition to drift-netting," said William Aron, a scientist with the National Marine Fisheries Service in Seattle. "And they've become as isolated on this issue as they were on commercial whaling."

Under threat of sanctions from the State Department, the governments of Japan, Taiwan and South Korea agreed to allow American observers aboard their fishing boats this year. The results of those observations are expected to play a crucial role in persuading the countries to change the way they fish.

"The end of drift-netting will only come if some way can be found to save face and still protect their fishing industry," Mr. Aron said.

Mrs. SAIKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I take this time to congratulate my friend, the gentleman from American Samoa [Mr. FALEOMAVAEGA].

It was back in the early 1970's when I was a member of the American Oceanic Organization that I first learned about the problem of drift net fishing. It was during my service on the board of directors of that organization that I learned about the problems created by it. Ten years passed before the gentleman from American Samoa brought it to my attention, and I was pleased to become a cosponsor of the bill and to support the gentleman in his initiative.

I also want to applaud the perceptive observations of my 20-year-old niece, Angela Alexander who worked in Washington last summer. I encouraged her interest in the public issues of the day. She became interested in the drift net problem. She in turn lobbied me to cosponsor this bill. Thus the interest goes beyond the South Pacific into the inner parts of our Nation, into the laboratories of our universities in the State of Arkansas. I again applaud the gentleman for his initiative.

Mr. BROOMFIELD. Mr. Speaker, I support this resolution, which calls for a cessation of drift net fishing in the South Pacific. In view of my interest in South Pacific matters, I became one of the many original cosponsors.

I commend the gentleman from Samoa for his work on this resolution and the gentlelady from Hawaii [Mrs. SAIKI] for her strong support. I also wish to note that Mr. LAGOMARSINO introduced a similar resolution, House Resolution 3373. Parts of that resolution are contained in the fisheries conservation amendments which have been reported by the Merchant Marine and Fisheries Committee.

I especially wish to commend the chairman of the Asia/Pacific Subcommittee, Mr. SOLARZ, and the ranking Republican member of the subcommittee, Mr. LEACH, for the careful work that was done on the resolution. As a result of this work, I understand that the administration has no objection to the policy contained in the resolution.

I wish to note that the administration has been very active on the issue of controlling drift net fishing, especially in the South Pacific. The United States has pursued action both on a bilateral basis with Japan, Korea, and Taiwan, and also in multilateral organizations. In addition to supporting the resolution of the South Pacific Commission, the administration is now pursuing a resolution in the U.N. General Assembly.

Mr. Speaker, we all agree that uncontrolled drift net fishing in the South Pacific—as in other parts of the world—poses a serious threat to marine resources. The executive branch has already taken a number of steps to address this problem. This timely resolution will encourage further international action.

Mr. JONES of North Carolina. Mr. Speaker, it is appropriate for the House to approve House Concurrent Resolution 214 swiftly. We should demonstrate our disagreement with drift net fishing in the South Pacific.

This bill was jointly referred to the House Merchant Marine and Fisheries Committee and the Foreign Affairs Committee. I ask that the attached letter from the Honorable DANTE FASCELL be printed in the RECORD at this point:

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 1989.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: It is my understanding that the Committee on Merchant Marine and Fisheries would like to have H. Con. Res. 214, in support of regional efforts to end driftnet fishing in the South Pacific, considered in the House as soon as possible. As you may know, this resolution was ordered favorably reported without amendment by the Committee on Foreign Affairs on Wednesday, November 1, 1989.

Therefore, the Committee on Foreign Affairs has no objection to the Committee on Merchant Marine and Fisheries bringing this measue before the House, without prejudice to the jurisdiction of the Committee on Foreign Affairs. In addition, I would appreciate if you would make our correspondence on this subject a part of the record when H. Con. Res. 214 is considered by the House.

Thank you for your assistance in this request.

With best wishes, I am
Sincerely yours,

DANTE B. FASCELL,
Chairman.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution House Concurrent Resolution 214.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING TEMPORARY COMMISSARY PRIVILEGES FOR PANAMA CANAL COMMISSION EMPLOYEES

Mr. DYSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2612) to provide temporary authority to certain employees of the Panama Canal Commission to purchase food and other goods at any commissary or exchange store located in Panama which is operated by any military department of the United States.

The Clerk read as follows:

H.R. 2612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) due to the harassment of persons by the Panamanian Defense Forces in the public areas of Panama, the security in those areas of employees of the Panama Canal Commission who are United States citizens are seriously threatened and their mobility is severely limited:

(2) the political unrest caused by the illegal acts of the Noriega-Solis regime, including the manipulation of the May 7, 1989, election returns, has resulted in the declaration by the President of the United States that Panama is unsafe for United States citizens, thereby severely hindering the ability of the employees of the Panama Canal Commission who are United States citizens to purchase food and other goods;

(3) the operation of the Panama Canal is jeopardized by the inability of these employees to purchase food and other goods safely and adequately; and

(4) in accordance with paragraph 4 of Article I of the Panama Canal Treaty of 1977, which requires the United States and Panama to assure the uninterrupted and efficient operation of the Panama Canal, it is necessary to authorize employees of the Panama Canal Commission who are United States citizens the right temporarily to purchase food and other goods at commissaries and exchanges operated by United States military departments in Panama.

SEC. 2. COMMISSARY AND EXCHANGE PRIVILEGES.

Those employees of the Panama Canal Commission who are United States citizens are authorized to purchase food and any other goods at any commissary or exchange store located in Panama which is operated by any military department of the United States.

SEC. 3. TERMINATION OF AUTHORITY.

(a) CERTIFICATION OF THE PRESIDENT.—If the President finds that—

(1) the Panamanian Defense Forces have ceased the harassment of persons in the public areas of Panama, and

(2) that food and goods are available and accessible safely to employees of the Panama Canal Commission who are United States citizens so that the operation of the Panama Canal is not jeopardized,

the President shall certify this finding to the Congress.

(b) TERMINATION OF AUTHORITY.—The President may terminate the authority described in section 2 on or after the later of—

(1) the end of the 90-day period beginning on the date on which a certification to the Congress under subsection (a) has been made, or

(2) the date of which the national emergency declared on April 8, 1988, by Executive Order Numbered 12635 is terminated.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland [Mr. DYSON] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation does just what its title declares. It would extend to United States citizen employees of the Panama Canal Commission, and their dependents, the right to secure their daily living necessities at any of the three commissaries now in operation at U.S. military bases in Panama.

The authority this bill would grant is justified because of the imminent danger that now confronts these U.S. citizens in the course of their day-to-day living routines. In the absence of this temporary authority allowing these United States citizens to secure their daily necessities in the security of United States military commissaries, our people will have no alternatives to Panama's public markets.

Earlier this summer, as most of us here recall, United States dependents both military and civilian, were relocated out of Panama because the situation had become exceedingly dangerous. This relocation included dependents of the Panama Canal Commission's American employees.

Many, but not all of these dependents, took advantage of this relocation. Canal families were considered to be secure if they were living in Panama Canal area housing units. Those families desperately need the security, and the peace of mind, that could be granted to them by allowing them to shop at U.S. commissaries.

Just 4 weeks ago, Mr. Speaker, Gen. Maxwell Thurmond, the United States military's top commander in Panama, described this situation in that country as a "classic low-intensity conflict".

We should not be confused or halfhearted in this matter. We must realize that the canal is a vital U.S. commercial and strategic asset. We must recognize that it cannot function without its employees, and they cannot function if they are apprehensive about their personal security.

I should point out, Mr. Speaker, that this bill has been studied by both the House Merchant Marine and Fisheries Committee and the House Armed Services Committee. I am a member of both, and can assure my colleagues that both committees approve of this bill.

The Merchant Marine and Fisheries Committee adopted it by unanimous vote this past June 21. The Armed Services Committee likewise approved and discharged the bill by unanimous vote on July 13. I know of no opposition to the bill in the House.

Moreover, Members may wish to know that the Panama Canal Commission itself supports extending these temporary privileges to its employees. The Commission's Chairman of the Board submitted a request to the Secretary of Defense to have this authority granted last summer. Unfortunately, that request was rejected.

Mr. Speaker, I could continue with this review but I would like to think it is unnecessary. Clearly, this bill is simply an effort to minimize the hardships and dangers that confront the canal's workers on a daily basis. We have already received well documented instances of violent attacks by members of the Panamanian defense forces against United States citizens in Panama.

According to the most recent reports, Panama's military has violated the safeguards that the treaty grants to United States citizens no less than 1,500 times.

It is absolutely necessary that we take steps to restore the faith and security of the Americans who work on the Panama Canal. This is only a small step in that direction, but it is an important one. I ask my colleagues to adopt this bill and to send to our people in Panama the message that we care, that we understand their situation, and that we will not let them face their dangers alone.

Mr. Speaker, I reserve the balance of my time.

□ 2100

Mr. FIELDS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a cosponsor of H.R. 2612, I rise to express my strong support for this legislation and to compliment Chairmen WALTER B. JONES and ROY DYSON for their effective leadership in moving this measure.

The purpose of H.R. 2612 is quite simple. It will extend temporary post exchange and commissary privileges to about 600 American families who currently work and reside in the Republic of Panama.

These Americans are employees of the Panama Canal Commission, a U.S. Government agency charged with the responsibility of operating the canal until the year 2000. Regrettably, unlike their American neighbors, these employees did not move their families onto U.S. military installations nor are their homes protected by our military forces. In fact, they must depend on Noriega's own Panama defense forces [PDF] to protect them and their property.

This is an intolerable situation compounded by the fact that these 600 American families can't even shop in the safety of our own PX and commissary stores.

Mr. Speaker, while this legislation is urgently needed, I deeply regret that it is necessary. As my colleagues may recall, last year the House overwhelmingly approved an identical proposal. Unfortunately, during the Easter congressional work period, the State Department vigorously lobbied our colleagues in the Senate and convinced them not to go forward with that legislation.

Following that tragic turn of events, Panama Canal Subcommittee Chairman BILLY TAUZIN and I entered into discussions with the State Department, the Defense Department, the Panama Canal Commission, and representatives of the legitimate Panamanian Government of President Eric Delvalle. After several weeks of talks, an agreement was reached which allowed these Americans to shop at our commissary facilities for a temporary period of time.

Regrettably, even before the first purchase, the State Department was engaged in an effort to convince the Delvalle government to withdraw its support. Sadly, the State Department was successful and as a result these Americans remain in great peril.

Mr. Speaker, to say that I was angry at the State Department for preventing the use of our PX and commissary facilities doesn't begin to describe my emotions. It is a sad day when our Government not only turns its back on its citizens but in this case slams the door in their face.

You might ask why the State Department has acted so shamefully in this matter. The answer is that certain bureaucrats in the Department believe that by extending PX and commissary privileges, the United States would commit a technical violation of the Panama Canal Treaty of 1977.

Mr. Speaker, even if this were contrary to the plain language of the treaty, which it is not, to suggest that the treaty is sacrosanct at a time when Noriega has violated it over 1,500 times is ludicrous.

In addition, the State Department also argues that the safety of these American families would be threatened if they were allowed to shop at our PX and commissary stores.

Mr. Speaker, that is a ridiculous argument which is totally without merit. During a Panama Canal Subcommittee hearing, I asked one of our witnesses, Mrs. Rebecca Cook, the wife of a Panama Canal Commission pilot, to respond to that contention. Mrs. Cook replied, and I quote:

> We have been told that they are protecting us from the Panama defense forces by keeping us out of our military facilities. I would rather take my chances with the PDF than be denied access and go into the city and face something unknown. There is no protection for me having to go 10, 15, or 20 miles into Panama City.

Mr. Speaker, on May 16, the Chairman of the Panama Canal Commission, Mr. Robert Page, requested that these PCC employees and their families be allowed the use of our military stores during the ongoing political crisis in Panama. While regrettably this request was denied, we can end the nightmare for these people by approving this legislation.

While the exciting events in Eastern Europe have removed Noriega from the front pages of our newspapers, there will never be peace, democracy, or the rule of law in Panama so long as this despot, international drug dealer, and thug remains in power.

In the past year alone, Noriega and his henchmen have beaten, raped, harassed, and intimidated hundreds of Americans. Our citizens are living in a combat zone and, make no mistake, we are at war with Noriega. Noriega is a cancer that threatens democracy throughout Central America.

Mr. Speaker, because these are extremely difficult times in Panama, we must allow these Americans to obtain the basic necessities of life without endangering their safety. H.R. 2612 does not violate the Panama Canal Treaty. What it does is allow 600 American families, who are now hostages in their own homes, to buy their groceries on a temporary basis at our military post exchange and commissary facilities. Let's send a message to these Americans that the House of Representatives cares about them and their children in the Republic of Panama.

I urge my colleagues to vote "aye" on H.R. 2612 and to encourage our colleagues in the Senate to quickly enact this important legislation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, as a member of the Panama Canal Subcommittee and a cosponsor of H.R. 2612, a bill to authorize the temporary use of military commissaries and post exchanges in Panama by American employees of the Panama Canal Commission, I support adoption of this measure. This legislation is similar to H.R. 4256 which was unanimously adopted by the House last year.

Mr. Speaker, the employees of the Panama Canal Commission have endured many hardships for more than 2 years of internal political and economic strife in the Republic of Panama. Last year, we made an attempt to ease some of the hardships that the employees have endured by granting temporary commissary and PX privileges to the American employees. In the year since we reported that legislation, if things have changed at all, they have gotten worse.

The reports of harassment of Americans in Panama have increased and the dictatorship of General Noriega has gotten even more bold and violent as witnessed by the obvious and widespread election fraud followed by the brutal beating of the opposition candidates. The measure before us today would allow American employees of the Panama Canal Commission use of the military commissary and post exchanges to buy necesssary items that either cannot be found in the Panamanian economy or cannot be obtained safely.

It is somewhat ironic that when we tried to accomplish this same thing last year, we were told by some executive branch agencies—the State Department in particular—that this was not necessary and that shopping in Panama City and other cities was not life threatening. In the last year, although some still think it is safe for Panama Canal Commission employees to shop in downtown areas, the military has issued an alert status that prohibits American servicemen from traveling downtown unless on official business, and the State Department has recalled a large portion of its embassy staff. And yet we are still told that it is safe for PCC employees.

Mr. Speaker, even though Panama already has violated the Panama Canal Treaty, it is the duty and responsibility of the United States and this Congress to uphold the Panama Canal Treaties to keep the Canal operating and maintained until the year 2000. This measure will not only help the moral of the American workers in Panama, but will also keep them out of areas where there is a potential for danger and it will ensure that the canal can continue to operate efficiently.

I urge my colleagues to support this legislation.

□ 2110

I thank the gentleman from Texas [Mr. FIELDS] for his leadership on this along with my colleague, the subcommittee chairman, the gentleman from Maryland [Mr. DYSON].

Mr. FIELDS. Mr. Speaker, before yielding back the balance of my time, I hasten to say to my colleagues we are talking about 600 American families in Panama, people who are working for our Government in the Panama Canal Commission. I think it is our purpose as elected leaders to make sure that American citizens, in whatever country, are given every security, every comfort.

That is what this legislation provides.

Again I would like to compliment our subcommittee chairman, the gentleman from Maryland [Mr. DYSON] for his fine work and leadership in bringing this bill to the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DYSON. Mr. Speaker, before I yield back my time, I would like to thank my two colleagues, the gentleman from Texas [Mr. FIELDS] and the gentlewoman from Maryland [Mrs. BENTLEY], for their comments today, particularly the gentleman from Texas, who has probably served as the ranking minority member on this subcommittee longer than anybody else

and brings a tremendous wealth of knowledge to the subcommittee.

I think we owe a great deal of gratitude to him.

Mr. Speaker, I also emphasize a point the gentleman made, that I too am disappointed in the State Department that they have taken such a hardnosed, hardline position on this.

We are talking about United States American employees when we talk about these commissary privileges. These were, of course, privileges that they did enjoy prior to the treaty. What we are asking for is a temporary permission to use this commissary.

Of course, that would end at the request of the President.

Mr. Speaker, I think it is not unreasonable. This House of Representatives has passed this unanimously in the past during the 100th Congress.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Maryland [Mr. DYSON] that the House suspend the rules and pass the bill, H.R. 2612.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2612, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPROVING LOCATION OF MEMORIAL TO WOMEN WHO SERVED IN VIETNAM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 207) approving the location of the memorial to the women who served in Vietnam.

The Clerk read as follows:

S.J. RES. 207

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal Lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as area I shall be deemed disapproved unless, not later than one hundred and fifty days after the Secretary of the Interior or the Administrator of General Services notified the Congress of his determination that the commemorative work should be located in area I, the location is approved by law;

Whereas the Act approved November 15, 1988 (102 Stat. 3922), authorizes the Vietnam Women's Memorial Project, Incorporated, to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era;

Whereas section 3 of the said Act of November 15, 1988, states the sense of the Congress that it would be most fitting and appropriate to place the memorial within the two and two-tenths acre site of the Vietnam Veterans Memorial in the District of Columbia which is within area I; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act of November 15, 1988, should be located in area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era, authorized by the Act approved November 15, 1988 (102 Stat. 3922), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as area I, is hereby approved.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 207, the Senate joint resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Joint Resolution 207 approves the location of a memorial to the women who served in Vietnam. The Subcommittee on National Parks and Public Lands recently held a hearing on the nearly identical bill, House Joint Resolution 412, which was introduced by our colleague, Congressman SAM GEJDENSON. The subcommittee then marked up Senate Joint Resolution 207 which has already passed the Senate. Mr. Speaker, I also want to thank our colleague, Congressman ANNUNZIO, chairman of the Committee on House Administration and Congressman BILL THOMAS, its ranking Republican member, for their cooperation. They have indicated that the committee has had its last committee meeting for the year and that they have no objection to bringing the bill to the floor now.

Senate Joint Resolution 207 authorizes the Vietnam Women's Memorial Project, Inc. to place a commemorative work within area I. In the 100th Congress, Public Law 100-660 authorized the Vietnam Women's Memorial Project to establish a commemorative work to honor the women who served in the United States Armed Forces in Vietnam. Following the procedures of the Commemorative Works Act, the Vietnam Women's Memorial Project is now seeking authorization for placement in area I. Such authorization must be granted by February 3, 1990. Because that date is quite early in the next session, action now is very appropriate.

I expect that there will be a design competition which will ensure that the site and design of the addition of a commemorative work depicting women who served in the Vietnam conflict will complement the existing memorial. Both the specific site and kind of commemorative work should be chosen to enhance the total memorial. I strongly urge the National Park Service and the Vietnam women's memorial project to work together so closely that the final, and complete, memorial will be harmonious, with all elements compatible with each other, as though they were all designed at the same time. This unity of design will encourage the healing the memorial originally sought to promote. Mr. Speaker, I urge the passage of Senate Joint Resolution 207.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation to approve an area I location for the Vietnam women's memorial.

The ranks of veterans today include more than 1 million women—more than half of whom served during wartime. These women have served their country under the most severe and harsh conditions like their male colleagues.

This legislation is supported by a broad coalition of veterans groups including the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and the Vietnam Veterans of America. Moreover, it has the strong support of the gentleman from Mississippi [Mr. MONTGOMERY] who chairs the House Veterans Committee.

Mr. Speaker, I urge my colleagues to support Senate Joint Resolution 207.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 207 and would like to commend the chairman of the sub-

committee of the Committee on Interior and Insular Affairs, the gentleman from Minnesota [Mr. VENTO], the ranking minority member of the subcommittee, the gentleman from California [Mr. LAGOMARSINO], and the gentleman from Illinois [Mr. ANNUNZIO], the chairman of the Committee on House Administration, and its distinguished ranking minority member, the gentleman from California [Mr. THOMAS], for their efforts in bringing this measure to the floor; and I also commend the gentleman from Connecticut [Mr. GEJDENSON], for his sponsorship.

Mr. Speaker, I am pleased that the final step in establishing a women's memorial, the designation of a location, has finally come before us on the floor.

I believe the American public would be astounded to learn of the extensiveness of women who have served in our military. Since the Revolutionary War, 1.2 million American women veterans have served our Nation with dedication and commitment, and today there are more than 400,000 women in our military services. The women who served in Vietnam deserve the recognition that this military memorial will offer. This memorial will also add to the recognition of all of our veterans, who so selflessly fought for the preservation of our Nation.

Today, our political arena has been charged with controversy over patriotism, with emotional debate over flag burning. In such an atmosphere, I am proud to lend my voice to this bill, and to honor those 1.2 million women who so proudly and heroicly have served under our American flag.

□ 2120

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON], the principal sponsor and advocate of this measure on the House side, not just in this 101st Congress, but also in the 100th Congress.

Mr. GEJDENSON. Mr. Speaker, I would like to commend all who participated in this effort, particularly, the gentleman from Minnesota [Mr. VENTO], who guided this through a very difficult process, and a very long one; also my colleagues on the Republican side of the aisle who have been so helpful; but particularly one of my constituents, Linda Schwartz, who led a herculean effort working with Liz Clutcher and Maggie Birwith, to see that this recognition was not passed by, the casualties that came out of Vietnam, would have been much higher had it not been for the bravery of these women serving our country. We owe them a great debt of gratitude, and this is but a small symbol of that gratitude that the Nation owes them.

I would particularly like to thank the gentleman from Minnesota [Mr. VENTO] for his tremendous efforts on behalf of this bill.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I, too, want to rise to commend the gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Minnesota [Mr. VENTO], and the gentleman from California [Mr. LAGOMARSINO] for their leadership on this particular memorial.

As a woman who served as a news correspondent in Vietnam in 1967, I wrote about many of the activities of American men and women over there. Therefore, I rise in very strong support of approving the location of a memorial to the women who served in Vietnam, that their memory should be on the ground near those of other outstanding memories to heroes and heroines of other conflicts in which Americans gave so much of themselves.

Mr. LAGOMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, I, too, rise in support of Senate Joint Resolution 207, approving the location of a memorial for the women who served in Vietnam.

Mr. Speaker, I came early to August in 1981 when we were just finalizing a most difficult fight over the issue of the Vietnam War Memorial, recognizing the men who were lost in conflict. I think the result of that effort and the tremendous popularity of that memorial speaks only to this one in saying that time is now of the essence, that we recognize the women who served, as we recognized the men, and that this is an appropriate memorial. It is appropriate that we move expeditiously on it.

Mr. GEJDENSON. Mr. Speaker, I rise in support of Senate Joint Resolution 207, legislation to approve the location of the Vietnam Women's Memorial.

The Vietnam Women's Memorial project has spent the last 5 years working diligently to make the memorial a reality. The project is supported by the Disabled American Veterans, the Veterans of Foreign Wars, the Vietnam Veterans of America, the American Legion, the Jewish War Veterans of the USA, and a nationwide network of project volunteers. The project is committed to creating a commemorative work that honors the military women of the Vietnam war in the spirit of healing and conciliation that is represented by the Vietnam Veterans Memorial.

It is only fitting to honor the courage and dedication of this Nation's Vietnan-era women veterans by including a realistic representation of their contribution at the Vietnam Veterans Memorial. Like their male counterparts, these women served in dangerous and difficult conditions. There is no question in my mind that as a result of the selfless and heroic nursing efforts of American women in Vietnam, there are thousands fewer names on the wall at the Vietnam Veterans Memorial.

I am sure my colleagues will join me in supporting this bill and bringing the Vietnam Women's Memorial one step closer to reality.

Mr. SHUMWAY. Mr. Speaker, today, the House will vote on authorizing a location within the 2.2-acre site of the Vietnam Veterans Memorial for the Vietnam's Women's Memorial. Over 90 percent of the women who served in Vietnam did so as nurses, providing essential lifesaving services during this conflict. I support this memorial.

We owe these women a great debt of gratitude. Nurses were subject to harsh, life-threatening conditions by hostile forces. When they returned home, they were treated poorly by a nation with mixed emotions concerning this controversial conflict, just as were the men who fought in combat. In consideration of the adverse conditions both abroad and at home, it is most appropriate that we set aside the land requested to honor these women who, on a voluntary basis and at great personal risk, served their country with honor and valor.

Mr. MONTGOMERY. Mr. Speaker, I want to take this opportunity to thank the Member from Minnesota, the Honorable BRUCE VENTO for bringing this matter to floor so expeditiously. I rise in strong support of Senate Resolution 207, legislation which would approve the location of the memorial to the women who served in Vietnam. This legislation stressed that because of the significance of this project, the memorial should be placed in area I of the Mall.

I have been a strong supporter of the project and cosponsored House Resolution 421, introduced by the distinguished gentleman from Connecticut [Mr. GEJDENSON]. He is to be commended for the major role he has played in this endeavor from the beginning stages.

Mr. Speaker, I would also be remiss if I didn't recognize the distinguished gentlelady from Ohio, the Honorable MARY ROSE OAKAR, for her strong role and guidance on the authorizing legislation as chairwoman of the Subcommittee on Libraries and Memorials during the 100th Congress.

Public Law 100-660 authorizes the Vietnam Women's Memorial Project, Inc. to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era. Public Law 100-660 also states it would be most fitting and appropriate to place the memorial within the 2.2-acre site of the Vietnam Veterans Memorial in the District of Columbia which is in within area I.

Mr. Speaker, we should all be in agreement that the placement of the memorial in area I will give full and appropriate honor to the more than 10,000 women who gave so much to our effort in Vietnam. Through many hardships of battle, these women provided key support and assistance to our troops. I went to Vietnam eight times during the Vietnam conflict and personally saw the great job women were doing for our Nation, through

their service there. In all likelihood, the Vietnam Veterans Memorial wall would be inscribed with many more names had it not been for the dedication and patriotic service of the nurses who cared for our wounded.

The group involved with the Vietnam Women's Memorial project has been one of the most effective volunteer organizations to garner support for such a worthy cause. I have had the pleasure of working with many of the participants and would like to commend them for their hard work.

I am hopeful that before long, we can all celebrate the dedication of this memorial at its proper place on the Mall.9

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 207.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

AUTHORIZING REIMBURSEMENT OF EXPENDITURES AT MINIDOKA PROJECT, IDAHO AND WYOMING

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3694) to authorize reimbursement by the Secretary of the Interior of certain expenditures at the Minidoka Project, Idaho and Wyoming.

The Clerk read as follows:

H.R. 3694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of September 30, 1950 (64 Stat. 1083) is amended by—

(1) inserting at the beginning "(a)"; and

(2) inserting the following new subsection:

"(b)(1) The Secretary of the Interior is authorized to reimburse the Fall River Rural Electric Cooperative, Idaho for expenditures incurred to meet environmental at the Island Park Dam and Reservoir, Upper Snake River Division, Minidoka Project, Idaho and Wyoming. Any moneys appropriated under this section shall be placed in escrow until such time as the hydroelectric power facilities are placed in service, at which time such moneys and accumulated interest thereon shall be paid to such Cooperative. In the event the hydroelectric power facilities are not placed in service by December 31, 1992, all moneys and accumulated interest shall be returned to the Treasury.

"(2) There is authorized to be appropriated to carry out the purposes of this section the sum of $1,000,000, to remain available until expended.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HANSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 3694, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3694.

This bill, which has strong bipartisan support and is supported by the Committee on Interior and Insular Affairs, would authorize the Secretary of the Interior to reimburse the Fall River Rural Electric Cooperative, Idaho, for the construction of facilities needed to meet environmental protection requirements at the Island Park Dam, part of the Bureau of Reclamation's Minidoka project.

The Fall River Cooperative plans to build a run of the river hydroelectric powerplant at the Bureau of Reclamation's existing Island Park Dam on the Henry's Fork of the Snake River in eastern Idaho. Power from this hydrofacility would serve customers in eastern Idaho, and in the west Yellowstone area of Montana and Wyoming.

When Congress enacted reforms to the hydro relicensing procedures in 1986, environmental protection requirements were included for the Island Park project. Specifically, the project must be operated so that there are no significant alterations of steamflow, habitat, water temperature, and quality.

Extraordinary steps have been taken over the past 3 years by the project sponsor, the State of Idaho, and others to ensure that these environmental requirements will be met. H.R. 3694 would provide the Fall River Cooperative with the assistance it needs to finance construction of these critical environmental protection facilities.

While I support enactment of H.R. 3694, the bill raises several issues which should be addressed.

First, H.R. 3694 is not intended to have any effect on cost allocations or repayment provisions for the Minidoka project. H.R. 3694 is intended only to provide a straight source of passthrough funding from the Secretary of the Interior to the Fall River Rural Electric Cooperative for the purpose of meeting environmental mitigation requirements associated with construction of a hydroelectric power at the Island Park Dam.

Second, this bill is not intended to establish any precedents regarding Federal financial assistance for mitigation requirements at privately financed hydroelectric facilities. The Island Park situation is unique because of the specific and congressionally mandated environmental protection requirements.

Third, despite the strict environmental protection requirements, questions remain unanswered regarding: First, the effectiveness of techniques for protecting water quality and the fishery resources of the Henry's Fork of the Snake River; second, ensuring the structural integrity of Island Park Dam; and third, monitoring the progress of construction and performance of the contractor regarding compliance with FERC licensing requirements and environmental mitigation requirements. It is my intention to communicate my concerns regarding these questions to the Secretary of the Interior so that there is no question that the intended environmental protection requirements can be met.

I urge my colleagues to support enactment of H.R. 3694.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill resolves a unique problem involving a small hydroelectric project in my State.

The problem was created by an action of Congress in late 1986 when the Congress intervened in midcourse during the project's permitting process and imposed new requirements on this one project alone. These requirements related to protecting the river on which the project is to be located but were also intended to allow the project to be built despite an overall ban on hydro development on the river.

What Congress did not anticipate when it imposed these new requirements is that we would cause nearly 2 years delay in the project's licensing and require it to commit to the installation of expensive new technology and equipment to meet these requirements.

Simply, this legislation represents equity on our part. We are merely seeking to restore the project to the economic footing on which it would have been if we had not intervened in its licensing. Or stated another way, this bill corrects a previous adverse economic impact on the project which

we did not envision and which we did not intend.

Mr. Speaker, I urge the adoption of this bill. This concludes my statement.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. STALLINGS] who worked very hard to bring this bill to the floor, and to address a problem that has been created within the IRS Code.

Mr. STALLINGS. Mr. Speaker, I rise in strong support of H.R. 3694. This bill resolves a longstanding problem concerning a proposed hydropower project at the existing Island Park Dam on the Henry's Fork of the Snake River in eastern Idaho.

This project would have already been placed in service but for an act of Congress which delayed it. All this legislation seeks to do is to solve a special problem which Congress created.

In 1986, Congress approved legislation which authorized the Island Park project. However, we also imposed new and additional environmental criteria for the project which is not required of any other hydroelectric facility.

The Island Park Dam, which currently has no power generation, was first built in 1938 and was reconstructed in 1982. This hydropower project is licensed to the Fall River Rural Electric Cooperative, which serves the Yellowstone corners of eastern Idaho, Wyoming, and Montana.

This legislation authorizes the Secretary of the Interior to reimburse the rural co-op for expenditures incurred to meet environmental protection requirements at the Island Park Dam. These special measures will cost approximately $1 million.

Mr. Speaker, the project cannot be financed by the co-op without some additional assistance from Congress. I have explored several options to provide such relief, but none appear available on a timeframe which will permit the sponsor to secure the investments to allow construction to begin next fall.

The bottom line is that we have a project that has been disadvantaged by site-specific congressional action. The impacts of our actions, however, were both unintended and unanticipated when we authorized the project to proceed.

I also want to emphasize to my colleagues the bipartisan support this legislation enjoys.

As a result or our congressional mandate, the sponsors have been required to commit to environmental protection measures to help ensure that construction and operation of the project will afford compete monitoring and protection.

After several years of work, the hydropower project has received the necessary construction permits from the Federal Government. In addition, the sponsors have secured a special exemption from the State of Idaho to proceed with the project.

It also is important to point out that the Idaho Department of Fish and Game has worked closely with the project sponsors. As a member of the advisory committee, the agency provided valuable assistance and has signed off on the project.

As the situation now stands, we have a good, clean hydropower proposal at an existing dam. Furthermore, it has received all necessary clearances and permits from both the Federal Government and the State of Idaho.

I strongly believe this proposal represents an excellent opportunity to produce electricity without additional water diversions or other structures which can cause environmental problems.

Mr. Speaker, let me also stress that time is of the essence on this request. The project sponsors are ready to enter commitments for preconstruction financing and planning, order equipment, and negotiate contracts for construction and environmental monitoring.

These commitments must be made no later than January in order for the project to meet the critical deadlines contained in existing law and satisfy the provisions of the license.

Furthermore, construction work at the dam will almost entirely be limited to the fall months when fishermen are off the river and the dam is drawn down at the end of the irrigation season. Therefore it is imperative that construction begin next fall in order to meet deadlines for the project to be placed in service.

As I see it, we should honor our commitment to the Island Park project and the sponsor because they would not be in the situation they are in today if Congress had not specifically intervened in the permitting process.

In summary, I believe this is a simple matter of equity and fairness on our part. Passage of this bill is necessary to make possible an excellent hydropower facility which we have placed in jeopardy by our own actions.

Mr. Speaker, I urge my colleagues to support passage of this important legislation.

□ 2130

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAIG].

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Idaho [Mr. CRAIG] is recognized for 3 minutes.

Mr. CRAIG. Mr. Speaker, I stand in support of H.R. 3694 and the very quick action that my colleague from the Second District has taken to recognize and bring forth resolution of the problem that was in fact, as he has stated, of our own doing.

A company, a co-op that has worked to comply with all of the environmental regulations that this Congress and this Government has put before it to build a hydropower project on one of Idaho's really outstanding blue ribbon fisheries is now complete. That timeframe took them into a situation that now places in jeopardy some of the funds that were granted them within past legislation. It is important that this legislation now solves that and puts them back on course.

I appreciate the gentleman from Idaho [Mr. STALLINGS], my colleague from the Second District, recognizing this need, and also working expeditiously to bring about the balance that we think is built within the project, to demonstrate that in fact you can have a hydropower project on a prime fishery without damaging it, and at the same time causing it to be a producer of needed power for that region of the State. I strongly support this legislation and urge its passage.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of H.R. 3694, legislation which would authorize $1 million to reimburse the Fall River Electric Cooperative in Idaho for expenditures incurred to meet environmental protection requirements for hydroelectric power development at the Island Park Dam and Reservoir.

This legislation resolves a longstanding problem concerning a proposed hydropower development at the Bureau of Reclamation's Island Park existing dam on the Henry's Fork of the Snake River in eastern Idaho. This project is licensed to the Fall River Rural Electric Cooperative, which serves the Yellowstone corners of eastern Idaho, Wyoming, and Montana. In order to meet the stringent environmental criteria which Congress placed on the operation of the project insofar as it relates to water releases and downstream impacts on the waters and lands of the Targhee National Forest, the project has had to commit extraordinary technology, equipment, and other environmental protection measures which clearly would not have been required in the absence of the 1986 congressional intervention in this case.

Mr. Chairman, I urge my colleagues to support this bill. This concludes my statement.

Mr. MILLER of California. Mr. Speaker, I just want to thank the members of the committee and of my subcommittee for the work they have done. I express my appreciation also to the gentleman from Utah [Mr. HANSEN], the gentleman from Idaho [Mr. CRAIG], and the gentleman from Idaho [Mr. STALLINGS], for their help in getting this matter before us.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr.

MILLER] that the House suspend the ruels and pass the bill, H.R. 3694.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965 AMENDMENTS TO INCLUDE COLUMBIANA COUNTY, OHIO

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 435) to amend the Appalachian Regional Development Act of 1965 to include Columbiana County, OH, as part of the Appalachian region.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, under my reservation I yield to the distinguished gentleman from Ohio [Mr. APPLEGATE] to explain his request.

Mr. APPLEGATE. Mr. Speaker, the bill amends the definition of the Appalachian region in section 403 of the Appalachian Regional Development Act of 1965, to include Columbiana County, OH, making it eligible for assistance under ARC. I introduced this bill with strong support from my Governor, Governor Celeste of Ohio.

Columbiana County touches other Appalachian counties to the south and east, and according to the testimony before the committee was invited to join the region back in 1965. County leaders declined, expecting that then-existing industry would provide a basis for economic growth and social improvement. This did not occur, and the county has experienced severe economic and social problems similar to neighboring Appalachian counties.

If the county is admitted, it will have minimal impact on funding allocations for other parts of the region. Nonhighway allocations consider population figures, however, Columbiana's population is very small relative to the region. As for highway funds, allocations are made proportionately to the States based on miles of the Appalachian Highway Corridor System to be completed within that State. Including Columbiana County will not affect highway allocations.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I commend the gentleman from Ohio [Mr. APPLEGATE] for his efforts on behalf of Columbiana County and his efforts on behalf of the residents of the Appalachian region.

Mr. Speaker, I would like to speak in support of H.R. 435, a bill to add Columbiana County of Ohio to the Appalachian region, as covered by the Appalachian Regional Commission.

Columbiana County is bordered by other members of the arc, and was originally invited to be an official part of the Commission when it was created in 1965. At that time Columbiana felt confident enough about its economic future to decline the invitation, but since then has suffered through the same economic changes as those of its neighboring Appalachian counties, resulting in serious underdevelopment. Economic development has always been a regional problem, and Columbiana County has clearly experienced the same problems that have long been unique to Appalachia and the region it encompasses. Today, Columbiana needs and deserves the technical and financial assistance that can be made available to its residents through the programs administered by the Appalachian Regional Commission.

I commend the gentleman from Ohio [Mr. APPLEGATE] for his efforts on behalf of Columbiana County, and his efforts on behalf of the future of the Appalachian region.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill as follows:

H.R. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 403) is amended by inserting "Columbiana," after "Carroll, Clermont,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK E. MOSS FEDERAL BUILDING

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 3311 to redesignate the U.S. Post Office-Courthouse located in Salt Lake City, UT, as the Frank E. Moss Federal Building."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I do not plan to object, but I yield to the gentleman from Ohio to explain his request on H.R. 3311.

Mr. APPLEGATE. Mr. Speaker, it is a special honor to bring to the House floor today for consideration, H.R. 3311. This noncontroversial legislation pays tribute to the distinguished public career of Senator Frank E. Moss by naming a building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse".

Senator Moss was born in 1911, in Holladay, UT. He attended Salt Lake City public high schools; graduated from the University of Utah in 1933, and from George Washington University Law School in Washington, DC, in 1937. He then began his career of public service winning election as a Salt Lake City municipal court judge in 1940. This career was interrupted by active service in the Army during World War II from 1942 to 1945. Senator Moss then returned to Salt Lake City where he won reelection as a Salt Lake City municipal court judge in 1945. He served in this capacity until 1950 when he ran and won election as Salt Lake County attorney. He served as Salt Lake County attorney until he ran successfully for a seat in the U.S. Senate in 1958.

Senator Moss served on many committees during his 18 year career in the U.S. Senate. These committees included the Interior and Insular Affairs Committee, the Public Works Committee and was named chairman of the Aeronautical and Space Science Committee in 1973.

He was a champion of consumer protection, lending his support to important legislation such as the Fair Packaging and Labeling Act, the Truth-in-Lending Act, the Flammable Fabrics Act and the Toy Safety Act. A special accomplishment was his successful effort to ban cigarette advertising from television.

It is a fitting tribute to Frank Moss remarkable career of public service to rename the Federal building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse."

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I support H.R. 3311, which would name a courthouse in Salt Lake City, UT, in honor of former Senator Frank E. Moss. Senator Moss' public service began before his election to the Senate when he served as a Salt Lake City judge and county attorney. In 1938, Frank Moss was commissioned as a second lieutenant in the U.S. Army Reserves and was called to active duty in 1942 until the end of World War II.

Senator Moss was elected to the Senate in 1958 and served for three terms. During his 18 years of service, Frank Moss became known as one of the leaders in the Senate on the issues of water resources, consumer affairs, and nursing home reform. He was one of the original sponsors of Medicare and worked to improve the Social Security Program.

Mr. Speaker, in recognition of the many years of dedicated service of Senator Frank Moss to his State of

Utah and the country, it is truly fitting to designate the courthouse in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse."

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembeled,

SECTION 1. REDESIGNATION OF FEDERAL BUILDING.

The United States Post Office/Court House located at 350 South-Main Street, Salt Lake City, Utah, is redesignated as the "Frank E. Moss Federal Building."

SEC. 2. REFERENCES.

Any reference in a law, rule, map, document, record, or other paper of the United States to the United States Post Office/Court House located at 350 South Main Street, Salt Lake City, Utah, shall be deemed to be a reference to the "Frank E. Moss Federal Building."

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. APPLEGATE

Mr. APPLEGATE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. APPLEGATE: Strike all after the enacting clause and insert the following:

SECTION 1. DESIGNATION.

The Federal building located at 350 South Main Street in Salt Lake City, Utah, shall be known and designated as the "Frank E. Moss United States Courthouse."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal buiding referred to in section 1 shall be deemed to be a reference to the "Frank E. Moss United States Courthouse."

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. APPLEGATE].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. APPLEGATE

Mr. APPLEGATE. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. APPLEGATE: Amend the title so as to read: "A bill to designate the Federal building located at 350 South Main Street in Salt Lake City, as the 'Frank E. Moss United States Courthouse'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

JOINT REFERRAL OF H.R. 3092, OIL PIPELINE REGULATORY REFORM ACT, TO COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION AND COMMITTEE ON ENERGY AND COMMERCE

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent to have the bill H.R. 3092, the Oil Pipeline Regulatory Reform Act, referred jointly to the Committee on Public Works and Transportation and the Committee on Energy and Commerce.

The Committee on Energy and Commerce has been consulted about this request, and there is no objection to the request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO HAVE UNTIL MIDNIGHT, DECEMBER 1, 1989, TO FILE REPORTS ON H.R. 3386 AND H.R. 2015

Mr. APPLEGATE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight, December 1, 1989, to file the committee report on the bill (H.R. 3386) to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes; and the committee report on the bill (H.R. 2015) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to announce that the vote on the conference report on the bill, H.R. 2712, will be further postponed. That vote will be taken following the next recorded votes taken in the House.

□ 2140

RECESS

The SPEAKER pro tempore (Mr. MONTGOMERY). The House will now stand in recess subject to the call of the Chair.

Members will be given an hour's notice before any legislative business by the whip system, and bells will be rung 15 minutes prior to reconvening.

The House is now in recess.

Accordingly (at 9 o'clock and 45 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 0120

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 20 minutes a.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3660. An act to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for governmentwide ethics reform, and for other purposes.

GOVERNMENT ETHICS REFORM ACT OF 1989

Mr. FAZIO. Mr. Speaker, pursuant to the order of the House of earlier today, I move to take from the Speaker's table the bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for governmentwide ethics reform, and for other purposes, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments: Page 2, strike out lines 1 to 4, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ethics Reform Act of 1989".

TITLE I—POST EMPLOYMENT RESTRICTIONS ON THE EXECUTIVE AND LEGISLATIVE BRANCHES

SEC. 101. RESTRICTIONS ON POSTEMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"§ 207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

"(1) PERMANENT RESTRICTIONS ON REPRESENTATION ON PARTICULAR MATTERS.—Any person who is an officer or employee of the executive branch of the United States Government (including any independent agency of the United States and any special Government employee), or of the District of Columbia, and who, after the termination of his or her service or employment with the United States Government or the District of Columbia, as the case may be, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of any department, agency, court, or court-martial of the United States or the District of Columbia, as the case may be, on behalf of any other person (except the United States), in connection with a particular matter—

"(A) in which the United States is a party or has a direct and substantial interest,

"(B) in which the person participated personally and substantially as such officer or employee, and

"(C) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in section 216 of this title.

"(b) ONE YEAR RESTRICTIONS ON AIDING OR ADVISING.—

"(1) IN GENERAL.—Any person who is a former officer or employee subject to the restrictions contained in subsection (a)(1), and any person described in (e)(7), and who personally and substantially participated in any ongoing trade or treaty negotiation on behalf of the United States within the 1-year period preceding the date on which his or her service or employment with the United States terminated, and who had access to information concerning such trade or treaty negotiation which is exempt from disclosure under the Freedom of Information Act, section 552 of title 5, United States Code, and which is so designated by the appropriate department or agency, shall not, on the basis of that information, which the person knew or should have known was so designated, knowingly represent, aid or advise any other person (except the United States) concerning such ongoing trade or treaty negotiation for 1 year after his or her service or employment with the United States Government terminates. Any person who violates this subsection shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this paragraph—

"(A) the term 'trade negotiation' means negotiations which the President determines to undertake to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988, and does not include any action taken before that determination is made; and

"(B) the term 'treaty' means an international agreement made by the President requiring the advice and consent of the Senate.

"(c) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsections (a) and (b), any person who is an officer or employee of the executive branch (including an independent agency), who is referred to in paragraph (2), and who, within 1 year after the termination of his or her service or employment as such officer or employee, knowingly makes, with the intent to influence, any communication to or appearance before any officer or employee of the department or agency in which such person served within 1 year before such termination, on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of such department or agency, shall be punished as provided in section 216 of this title.

"(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (d))—

"(i) employed at a rate of pay fixed according to subchapter II of chapter 53 of title 5, or a comparable or greater rate of pay under other authority,

"(ii) employed in a position which is not referred to in clause (i) and for which the basic rate of pay is equal to or greater than the basic rate of pay payable for GS–17 of the General Schedule,

"(iii) appointed by the President to a position under section 105(a)(2)(B) of title 3 or by the Vice President to a position under section 106(a)(1)(B) of title 3,

"(iv) employed in a position which is held by an active duty commissioned officer of the uniformed services who is serving in a grade or rank for which the pay grade (as specified in section 201 of title 37) is pay grade O–7 or above.

"(B) Paragraph (1) shall not apply to a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates.

"(C) Subparagraph (A)(ii) includes persons employed in the Senior Executive Service at that basic rate of pay.

"(D) At the request of a department or agency, the Director of the Office of Government Ethics may waive the restrictions contained in paragraph (1) with respect to any position, or category of positions, referred to in clause (ii) or (iv) of subparagraph (A), in such department or agency if the Director determines that—

"(i) the imposition of the restrictions with respect to such position or positions would create an undue hardship on the department or agency in obtaining qualified personnel to fill such position or positions, and

"(ii) granting the waiver would not create the potential for use of undue influence or unfair advantage.

"(d) RESTRICTIONS ON VERY SENIOR PERSONNEL OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsection (a) and (b), any person who—

"(A) serves in the position of Vice President of the United States,

"(B) is employed in a position paid at a rate of pay payable for level I of the Executive Schedule or employed in a position in the Executive Office of the President at a rate of pay payable for level II of the Executive Schedule, or

"(C) is appointed by the President to a position under section 105(a)(2)(A) of title 3 or by the Vice President to a position under section 106(a)(1)(A) of title 3,

and who, within 1 year after the termination of that person's service in that position, knowingly makes, with the intent to influence, any communication to or appearance before any person described in paragraph (2), on behalf of any other person (except the United States), in connection with any matter on which such person seeks official action by any officer or employee of the executive branch of the United States, shall be punished as provided in section 216 of this title.

"(2) ENTITIES TO WHICH RESTRICTIONS APPLY.—The persons referred to in paragraph (1) with respect to appearances or communications by a person in a position described in subparagraph (A), (B), or (C) of paragraph (1) are—

"(A) any officer or employee of any department or agency in which such person served in such position within a period of 1 year before such person's service or employment with the United States Government terminated, and

"(B) any other person appointed to a position in the executive branch which is listed in section 5312, 5313, 5314, 5315, or 5316 of title 5.

"(e) RESTRICTIONS ON MEMBERS OF CONGRESS AND OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH.—

"(1) MEMBERS OF CONGRESS AND ELECTED OFFICERS.—(A) Any person who is a Member of Congress or an elected officer of either House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B) or (C), on behalf of any other person (except the United States) in connection with any matter on which such former Member of Congress or elected officer seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former Member of Congress are any Member, officer, or employee of either House of Congress, or employee of any other legislative branch office of the Congress.

"(C) The persons referred to in subparagraph (A) with respect to appearances or communications by a former elected officer are any Member, officer or employee of the House of Congress in which the elected officer served.

"(2) PERSONAL STAFF.—(A) Any person who is an employee of a Senator or an employee of a Member of the House of Representatives and who, within 1 year after the termination of that employment, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a person who is a former employee are the following:

"(i) the Senator or Member of the House of Representatives for whom that person was an employee; and

"(ii) any employee of that Senator or Member of the House of Representatives.

"(3) COMMITTEE STAFF.—Any person who is an employee of a committee of Congress and who, within 1 year after the termination of that person's employment on such committee, knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or who was a Member of the committee in the year immediately prior to the termina-

tion of such person's employment by the committee, on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(4) LEADERSHIP STAFF.—(A) Any person who is an employee on the leadership staff of the House of Representatives or an employee on the leadership staff of the Senate and who, within 1 year after the termination of that person's employment on such staff, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the following:

"(i) in the case of a former employee on the leadership staff of the House of Representatives, those persons are any Member of the leadership of the House of Representatives and any employee on the leadership staff of the House of Representatives; and

"(ii) in the case of a former employee on the leadership staff of the Senate, those persons are any Member of the leadership of the Senate, and any employee on the leadership staff of the Senate.

"(5) OTHER LEGISLATIVE OFFICES.—(A) Any person who is an employee of any other legislative office of the Congress and who, within 1 year after the termination of that person's employment in such office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by any officer or employee of such office, in his or her official capacity shall be punished as provided in section 216 of this title.

"(B) The persons referred to in subparagraph (A) with respect to appearances or communications by a former employee are the employees and officers of the former legislative office of the Congress of the former employee.

"(6) LIMITATION ON RESTRICTIONS.—The restrictions contained in paragraphs (2), (3), (4), and (5) apply only to acts by a former employee who, for at least 60 days, in the aggregate, during the 1-year period before that former employee's service as such employee terminated, was paid for such service at a basic rate of pay equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule under section 5332 of title 5.

"(7) DEFINITIONS.—As used in this subsection—

"(A) the term 'committee of Congress' includes standing committees, joint committees, and select committees;

"(B) a person is an employee of a House of Congress if that person is an employee of the Senate or an employee of the House of Representatives;

"(C) the term 'employee of the House of Representatives' means an employee of a Member of the House of Representatives, an employee of a committee of the House of Representatives, an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives, and an employee on the leadership staff of the House of Representatives;

"(D) the term 'employee of the Senate' means an employee of a Senator, an employee of a committee of the Senate, an employee of a joint committee of the Congress whose pay is disbursed by the Secretary of the Senate, and an employee on the leadership staff of the Senate;

"(E) a person is an employee of a Member of the House of Representatives if that person is an employee of a Member of the House of Representatives under the clerk hire allowance;

"(F) a person is an employee of a Senator if that person is an employee in a position in the office of a Senator;

"(G) the term 'employee of any other legislative office of the Congress' means an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the Copyright Royalty Tribunal, the United States Capitol Police, and any other agency, entity or office in the legislative branch not covered by paragraph (1), (2), (3), or (4) of this subsection;

"(H) the term 'employee on the leadership staff of the House of Representatives' means an employee of the office of a Member of the leadership of the House of Representatives described in subparagraph (L), and any elected minority employee of the House of Representatives;

"(I) the term 'employee on the leadership staff of the Senate' means an employee of the office of a Member of the leadership of the Senate described in subparagraph (M);

"(J) the term 'Member of Congress' means a Senator or a Member of the House of Representatives;

"(K) the term 'Member of the House of Representatives' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

"(L) the term 'Member of the leadership of the House of Representatives' means the Speaker, majority leader, minority leader, majority whip, minority whip, chief deputy majority whip, chief deputy minority whip, the chairman of the Democratic Steering Committee, chairman and vice chairman of the Democratic Caucus, chairman, vice chairman, and secretary of the Republican Conference, chairman of the Republican Research Committee, and chairman of the Republican Policy Committee, of the House of Representatives (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989); and

"(M) the term 'Member of the leadership of the Senate' means the Vice President, and the President pro tempore, Deputy President pro tempore, majority leader, minority leader, majority whip, minority whip, chairman and secretary of the Conference of the Majority, chairman and secretary of the Conference of the Minority, chairman and co-chairman of the Majority Policy Committee, and chairman of the Minority Policy Committee, of the Senate (or any similar position created after the effective date set forth in section 102(a) of the Ethics Reform Act of 1989).

"(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

"(1) RESTRICTIONS.—Any person who is subject to the restrictions contained in subsection (c), (d), or (e) and who knowingly, within 1 year after leaving the position, office, or employment referred to in subsection (c), (d), or (e), as the case may be—

"(A) represents the interests of a foreign entity before any officer or employee of any department or agency of the Government of the United States with the intent to influence a decision of such officer or employee in carrying out his or her official duties, or

"(B) aids or advises a foreign entity with the intent to influence a decision of any officer or employee of any department or agency of the Government of the United States, in carrying out his or her official duties,

shall be punished as provided in section 216 of this title.

"(2) DEFINITION.—For purposes of this subsection, the term 'foreign entity' means the government of a foreign country as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, or a foreign political party as defined in section 1(f) of that Act.".

"(g) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person who is detailed from one department, agency, or other entity to another department, agency, or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies, or such entities.

"(h) DESIGNATIONS OF SEPARATE STATUTORY AGENCIES AND BUREAUS.—

"(1) DESIGNATIONS.—For purposes of subsection (c) and except as provided in paragraph (2), whenever the Director of the Office of Government Ethics determines that an agency or bureau within a department or agency in the executive branch exercises functions which are distinct and separate from the remaining functions of the department or agency and that there exists no potential for use of undue influence or unfair advantage based on past Government service, the Director shall by rule designate such agency or bureau as a separate department or agency. On an annual basis the Director of the Office of Government Ethics shall review the designations and determinations made under this subparagraph and, in consultation with the department or agency concerned, make such additions and deletions as are necessary. Departments and agencies shall cooperate to the fullest extent with the Director of the Office of Government Ethics in the exercise of his or her responsibilities under this paragraph.

"(2) INAPPLICABILITY OF DESIGNATIONS.—No agency or bureau within the Executive Office of the President may be designated under paragraph (1) as a separate department or agency. No designation under paragraph (1) shall apply to persons referred to in subsection (c)(2)(A) (i) or (iii).

"(i) DEFINITIONS.—For purposes of this section—

"(1) the term 'intent to influence' means the intent to affect any official action by a Government entity of the United States through any officer or employee of the United States including Members of Congress;

"(2) the term 'participated' means an action taken as an officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other such action; and

"(3) the term 'particular matter' includes any investigation, application, request for a ruling or determination, rulemaking, con-

tract, controversy, claim, charge, accusation, arrest, judicial or other proceeding.

"(j) EXCEPTIONS.—

"(1) OFFICIAL GOVERNMENT DUTIES.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply to acts done in carrying out official duties as an officer or employee of the United States Government or as an elected official of a State or local government.

"(2) STATE AND LOCAL GOVERNMENTS AND INSTITUTIONS, HOSPITALS, AND ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to acts done in carrying out official duties as an employee of—

"(A) an agency or instrumentality of a State or local government if the appearance, communication, or representation is on behalf of such government, or

"(B) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986, if the appearance, communication, or representation is on behalf of such institution, hospital, or organization.

"(3) INTERNATIONAL ORGANIZATIONS.—The restrictions contained in subsections (c), (d), and (e) shall not apply to an appearance or communication on behalf of, or advice or aid to, an international organization of which the United States is a member.

"(4) PERSONAL MATTERS AND SPECIAL KNOWLEDGE.—The restrictions contained in subsections (c), (d), and (e) shall not apply to appearances or communications by a former officer or employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibitions of those subsections prevent a former officer or employee from making or providing a statement, which is based on the former officer's or employee's own special knowledge in the particular area that is the subject of the statement, if no compensation is thereby received, other than that regularly provided for by law or regulation for witnesses.

"(5) EXCEPTION FOR SCIENTIFIC OR TECHNOLOGICAL INFORMATION.—The restrictions contained in subsections (a), (c), (d), and (e) shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information, if such communications are made under procedures acceptable to the department or agency concerned or if the head of the department or agency concerned with the particular matter, in consultation with the Director of the Office of Government Ethics, makes a certification, published in the FEDERAL REGISTER, that the former officer or employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

"(6) EXCEPTION FOR TESTIMONY.—Nothing in this section shall prevent a former Member of Congress or officer or employee of the executive or legislative branch or an independent agency (including the President, the Vice President and any special Government employee) from giving testimony under oath, or from making statements required to be made under penalty of perjury. Notwithstanding the preceding sentence, a former officer or employee subject to the restrictions contained in subsection (a)(1) with respect to a particular matter may not, except pursuant to court order, serve as an expert witness for any other person (except the United States) in that matter.".

(b) CONFORMING AMENDMENT.—The item relating to section 207 in the table of sections at the beginning of chapter 11 of title 18, United States Code, is amended to read as follows:

"207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches.".

SEC. 102. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by section 101 take effect on January 1, 1991.

(b) EFFECT ON EMPLOYMENT.—(1) The amendments made by section 101 apply only to persons whose service as a Member of Congress or an officer or employee to which such amendments apply terminates on or after the effective date of such amendments.

(2) With respect to service as an officer or employee which terminates before the effective date set forth in subsection (a), section 207 of title 18, United States Code, as in effect at the time of the termination of such service, shall continue to apply, on and after such effective date, with respect to such service.

TITLE II—FINANCIAL DISCLOSURE OF FEDERAL PERSONNEL

SEC. 201. REPEAL OF TITLES II AND III OF THE ETHICS IN GOVERNMENT ACT OF 1978.

Titles II and III of the Ethics in Government Act of 1978 (5 U.S.C. App.; 28 U.S.C. App.) are repealed.

SEC. 202. FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL.

Title I of the Ethics in Government Act of 1978 (2 U.S.C. 701 et seq.) is amended to read as follows:

"TITLE I—FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

"PERSONS REQUIRED TO FILE

"SEC. 101. (a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

"(b)(1) Within five days of the transmittal by the President to the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O–6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

"(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

"(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

"(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

"(e) Any individual who occupies a position described in subsection (f) shall, on or before the later of May 15 or the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

"(f) The officers and employees referred to in subsections (a), (d), and (e) are—

"(1) the President;

"(2) the Vice President;

"(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, whose position is classified at GS–16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS–16; each member of a uniformed service whose pay grade is at or in excess of O–7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

"(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

"(5) any employee not described in paragraph (3) who is in a position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude

from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

"(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16;

"(7) the Director of the Office of Government Ethics and each designated agency ethics official; and

"(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government employee) who holds a commission of appointment from the President;

"(9) a Member of Congress as defined under section 109(12);

"(10) an officer or employee of the Congress as defined under section 109(13);

"(11) a judicial officer as defined under section 109(10); and

"(12) a judicial employee as defined under section 109(8).

"(g) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

"(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference of the United States, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year—

"(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

"(2) the report required by subsection (e) shall be filed as provided in such subsection.

"(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that—

"(1) such individual is not a full-time employee of the Government,

"(2) such individual is able to provide services specially needed by the Government,

"(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

"(4) public financial disclosure by such individual is not necessary in the circumstances.

"CONTENTS OF REPORTS

"SEC. 102. (a) Each report filed pursuant to section 101 (d) and (e) shall include a full and complete statement with respect to the following:

"(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $200 or more in value and effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and such individuals shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

"(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

"(i) not more than $1,000,

"(ii) greater than $1,000 but not more than $2,500,

"(iii) greater than $2,500 but not more than $5,000,

"(iv) greater than $5,000 but not more than $15,000,

"(v) greater than $15,000 but not more than $50,000,

"(vi) greater than $50,000 but not more than $100,000,

"(vii) greater than $100,000 but not more than $1,000,000, or

"(viii) greater than $1,000,000.

"(2)(A) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $75 or less need not be aggregated for purposes of this subparagraph.

"(C) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

"(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

"(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, parent, brother, sister, or child or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

"(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

"(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

"(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

"(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds $1,000—

"(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

"(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

"(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

"(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of $5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report—

"(i) the identity of each source of such compensation; and

"(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

"(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

"(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by—

"(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

"(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

"(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

"(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

"(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

"(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

"(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), and (5) of subsection (a) are as follows:

"(A) not more than $15,000;

"(B) greater than $15,000 but not more than $50,000;

"(C) greater than $50,000 but not more than $100,000;

"(D) greater than $100,000 but not more than $250,000;

"(E) greater than $250,000 but not more than $500,000;

"(F) greater than $500,000 but not more than $1,000,000; and

"(G) greater than $1,000,000.

"(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

"(e)(1) Except as provided in the last sentence of this paragraph, each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

"(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

"(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

"(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

"(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

"(E) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

"(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

"(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

"(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

"(A) any qualified blind trust (as defined in paragraph (3));

"(B) a trust—

"(i) which was not created directly by such individual, his spouse, or any dependent child, and

"(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

"(C) an entity described under the provisions of paragraph (8),

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

"(3) For purposes of this subsection, the term 'qualified blind trust' includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

"(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

"(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

"(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in, any joint venture or other investment with, any interested party; and

"(III) is not a relative of any interested party.

"(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

"(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

"(II) is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and

"(III) is not a relative of any interested party.

"(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

"(C) The trust instrument which establishes the trust provides that—

"(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

"(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

"(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

"(iv) the trust tax return shall be prepared by the trustee or his designee, and

such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

"(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

"(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

"(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

"(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

"(E) For purposes of this subsection, 'interested party' means a reporting individual, his spouse, and any minor or dependent child; 'broker' has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and 'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

"(F) Any trust qualified by a supervising ethics office before the effective date of this section shall continue to be governed by the law and regulations in effect immediately before such effective date.

"(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

"(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting individual finds that—

"(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

"(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

"(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

"(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

"(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

"(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

"(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

"(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

"(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

"(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

"(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

"(i) notify his supervising ethics office of such dissolution, and

"(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

"(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

"(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

"(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection, (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

"(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

"(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $10,000.

"(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

"(7) Any trust may be considered to be a qualified blind trust if—

"(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

"(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

"(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

"(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred

compensation plan, or other investment fund), if—

"(A)(i) the fund is publicly traded; or

"(ii) the assets of the fund are widely diversified; and

"(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

"(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

"(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

"FILING OF REPORTS

"SEC. 103. (a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

"(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

"(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

"(d) Reports required to be filed under this title by the Director shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

"(e) Each individual identified in section 101(c) shall file the reports required by this title with the Federal Elections Commission.

"(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

"(g) The Office of Government Ethics shall develop and make available forms for reporting the information required by this title.

"(h)(1) The reports required under this title shall be filed by a reporting individual with—

"(A)(i) the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and

"(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989—

"(I) the congressional ethics committee designated in the statute establishing such agency or commission; or

"(II) if such statute does not designate such committee, the Senate Select Committee on Ethics for agencies and commissions established in even numbered calendar years, and the Standards of Official Conduct Committee of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

"(B) the Judicial Conference of the United States with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

"(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

"FAILURE TO FILE OR FILING FALSE REPORTS

"SEC. 104. (a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $10,000.

"(b) The head of each agency, each Secretary concerned, the Director of the Office of Government Ethics, each congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

"(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference of the United States, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

"(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

"(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

"(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period,

shall pay a filing fee of $200 to the miscellaneous receipts of the General Treasury.

"(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

"CUSTODY OF AND PUBLIC ACCESS TO REPORTS

"SEC. 105. (a) Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by—

"(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

"(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed.

"(b)(1) Each agency and each supervising ethics office shall, within thirty days after any report is received by such agency or office under this title, permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. The agency or office may require a reasonable fee to be paid in any amount which is found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

"(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

"(A) that person's name, occupation and address;

"(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

"(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

"(c)(1) It shall be unlawful for any person to obtain or use a report—

"(A) for any unlawful purpose;

"(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

"(C) for determining or establishing the credit rating of any individual; or

"(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

"(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy

shall be in addition to any other remedy available under statutory or common law.

"(d) Any report filed with or transmitted to an agency or supervising ethics office pursuant to this title shall be retained by such agency or office, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

"REVIEW OF REPORTS

"SEC. 106. (a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

"(2) Each congressional ethics committee and the Judicial Conference of the United States shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

"(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

"(2) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official or a person designated by the congressional ethics committee, or the Chairman of the Judicial Conference of the United States, after reviewing any report under subsection (a)—

"(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

"(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

"(3) If the Director of the Office of Government Ethics, Secretary concerned, designated agency ethics official, a congressional ethics committee, or the Judicial Conference of the United States, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

"(A) divestiture,

"(B) restitution,

"(C) the establishment of a blind trust,

"(D) request for an exemption under section 208(b) of title 18, United States Code, or

"(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

"(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position (other than in the foreign service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

"(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

"(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference of the United States, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

"(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

"CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS

"SEC. 107. (a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

"(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

"(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

"(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

"(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

"AUTHORITY OF COMPTROLLER GENERAL

"SEC. 108. (a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

"(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

"DEFINITIONS

"SEC. 109. For the purposes of this title, the term—

"(1) 'congressional ethics committees' means the Senate Select Committee on Ethics and the Standards of Official Conduct Committee of the House of Representatives;

"(2) 'dependent child' means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

"(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

"(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986;

"(3) 'designated agency ethics official' means an officer or employee who is designated to administer the provisions of this title within an agency;

"(4) 'executive branch' includes each Executive agency (as defined in section 105 of title 5, United States Code) and any other entity or administrative unit in the executive branch;

"(5) 'gift' means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

"(A) bequest and other forms of inheritance;

"(B) suitable mementos of a function honoring the reporting individual;

"(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government;

"(D) food and beverages consumed at banquets, receptions, or similar events; or

"(E) communications to the offices of a reporting individual including subscriptions to newspapers and periodicals;

"(6) 'honoraria' has the meaning given such term in section 503(4) of this Act;

"(7) 'income' means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

"(8) 'judicial employee' means any employee of the judicial branch of the Government, of the Tax Court, of the Court of Veterans Appeals, or of the United States Court of Military Appeals, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;

"(9) 'Judicial Conference' means the Judicial Conference of the United States;

"(10) 'judicial officer' means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in the Canal Zone, Guam, and the Virgin Islands, Court of Claims, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, United States Court of Military Appeals, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

"(11) 'legislative branch' includes—

"(A) the Architect of the Capitol;

"(B) the Botanic Gardens;

"(C) the Congressional Budget Office;

"(D) the General Accounting Office;

"(E) the Government Printing Office;

"(F) the Library of Congress;

"(G) the United States Capitol Police;

"(H) the Office of Technology Assessment; and

"(I) any other agency, entity, office, or commission established in the legislative branch;

"(12) 'Member of Congress' means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

"(13) 'officer or employee of the Congress' means—

"(A) any individual described under subparagraph (B), other than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives;

"(B)(i) each officer or employee of the legislative branch who is compensated for 60 consecutive days at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

"(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule;

"(14) 'personal hospitality of any individual' means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

"(15) 'reimbursement' means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

"(A) provided by the United States Government;

"(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

"(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

"(16) 'relative' means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

"(17) 'Secretary concerned' has the meaning set forth in section 101(8) of title 10, United States Code, and, in addition, means—

"(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration; and

"(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service;

"(18) 'supervising ethics office' means—

"(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives, and other officers or employees of the legislative branch required to file financial disclosure reports with such committee pursuant to section 103(h) of this title;

"(C) the Judicial Conference of the United States for judicial officers and judicial employees; and

"(D) the Office of Government Ethics for all executive branch employees; and

"(19) 'value' means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

"NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS

"SEC. 110. (a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference of the United States, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference of the United States, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

"(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

"ADMINISTRATION OF PROVISIONS

"SEC. 111. The provisions of this title shall be administered by—

"(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

"(2) the Senate Select Committee on Ethics and the Standards of Official Conduct Committee of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

"(3) the Judicial Conference of the United States and clerk of the applicable court, as appropriate, in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f).

"EFFECTIVE DATE

"SEC. 112. The provisions made by this title shall take effect on January 1, 1990, and shall be applicable to reports filed under this title after January 1, 1991.".

SEC. 203. PRESIDENT'S COMMISSION ON THE FEDERAL APPOINTMENT PROCESS.

(a) ESTABLISHMENT.—There shall be established an advisory commission to study the best means of simplifying the Presidential appointment process, in particular by reducing the number and complexity of forms to be completed by nominees. The Commission shall be known as the President's Commission on the Federal Appointment Process.

(b) MEMBERSHIP.—The Commission shall be composed of 14 members from among officers and employees of the three branches of the Federal Government. Eight members shall be appointed by the President, two members shall be appointed by the majority leader of the Senate, two members shall be appointed by the minority leader of the Senate, one member shall be appointed by

the Speaker of the House, and one member shall be appointed by the minority leader of the House. Any vacancy on the Commission shall be filled in the same manner as the initial appointment.

(c) REPORT.—The Commission shall present its report to the President no later than ninety days after its first meeting. The Commission shall cease to exist upon submission of its report.

TITLE III—GIFTS AND TRAVEL

SEC. 301. GIFTS TO SUPERIORS.

Section 7351 of title 5, United States Code, is amended by—

(1) adding "(a)" before "An employee may not"; and

(2) striking the final sentence and inserting the following:

"(b) An employee who violates this section shall be subject to appropriate disciplinary action by the employing agency or entity.

"(c) The Office of Government Ethics is authorized to issue regulations implementing this section, including regulations exempting voluntary gifts or contributions that are given or received for special occasions such as marriage or retirement or under other similar circumstances.".

SEC. 302. TRAVEL ACCEPTANCE AUTHORITY.

(a) Subchapter III of chapter 13 of subtitle 2 of title 31, United States Code is amended by adding at the end thereof the following:

"§ 1352. Travel acceptance authority

"(a) Notwithstanding any other provision of law, the Administrator of General Services, in consultation with the Director of the Office of Government Ethics, shall prescribe by regulation the conditions under which an agency or employee in the executive branch may accept payment from non-Federal sources for travel, subsistence, and related expenses with respect to attendance of the employee (or the spouse of such employee) at any meeting or similar function relating to the official duties of the employee. Any cash payment so accepted shall be credited to the appropriation applicable to such expenses. In the case of a payment in kind so accepted, a pro rata reduction shall be made in any entitlement of the employee to payment from the Government for such expenses.

"(b) Except as provided in this section or section 4111 of title 5, an agency or employee may not accept payment for expenses referred to in subsection (a). An employee who accepts any payment in violation of the preceding sentence—

"(1) may be required, in addition to any penalty provided by law, to repay, for deposit in the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

"(2) in the case of a repayment under paragraph (1) shall not be entitled to any payment from the Government for such expenses.

"(c) As used in this section—

"(1) the term 'executive branch' means any executive agency (as such term is defined in section 105 of title 5); and

"(2) the term 'employee in the executive branch' means—

"(A) an appointed officer or employee in the executive branch; and

"(B) an expert or consultant in the executive branch, under section 3109 of title 5; and

"(3) the term 'payment' means a payment or reimbursement, in cash or in kind.".

"(d)(1) Each executive branch agency which accepts payment or reimbursement under this section shall report to the Office of Government Ethics the amount of each payment or reimbursement received in excess of $250, the names of the payor and the employees involved, the date and places of the travel, and the nature of the expenses paid or reimbursed.

"(2) The reports required by paragraph (1) shall be transmitted to the Office of Government Ethics on October 1 and April 1 of each year and shall cover payments and reimbursements received in the previous 6 months. The Office of Government Ethics shall make each such report available for public inspection and copying.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new item:

"1352. Acceptance of travel and related expenses from non-Federal sources.".

SEC. 303. GIFTS TO FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter V of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7353. Gifts to Federal employees

"(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or the judicial branches shall solicit or accept anything of value from a person—

"(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by the individual's employing agency; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

"(b)(1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.

"(2)(A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules or regulations established by such individual's supervising ethics office pursuant to paragraph (1).

"(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of any official act.

"(3) Nothing in this section precludes a Member, officer, or employee from accepting gifts on behalf of the United States Government or any of its agencies in accordance with statutory authority.

"(c) An employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

"(d) For purposes of this section—

"(1) the term 'supervising ethics office' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

"(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers and employees of the Senate;

"(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

"(D) the Office of Government Ethics for all executive branch officers and employees; and

"(E) the ethics committee with which the officer or employee is required to file financial disclosure forms, for all legislative branch officers and employees other than those specified in subparagraphs (A) and (B), except that such authority may be delegated; and

"(2) the term 'officer or employee' means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government other than a Member of Congress.

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents for chapter 73 of title 5, United States Code, is amended by inserting after the item relating to section 7352 the following new item:

"7353. Gifts to Federal employees.".

TITLE IV—AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE

SEC. 401. AMENDING TITLE 18, UNITED STATES CODE SEC. 202.

Section 202 of title 18, United States Code, is amended by adding at the end thereof the following new subsections:

"(c) Except as otherwise provided in such sections, the terms 'officer' and 'employee' in sections 203, 205, 207, 208 and 209 of this title, mean those individuals defined in sections 2104 and 2105 of title 5. The terms 'officer' and 'employee' shall not include the President, the Vice President, a Member of Congress or a Federal judge.

"(d) The term 'Member of Congress' in sections 204 and 207 shall include:

"(1) a United States Senator; and

"(2) a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

"(e) As used in this chapter, the term—

"(1) 'executive branch' means any executive agency as defined in title 5, United States Code, and any other entity or administrative unit in the executive branch;

"(2) 'judicial branch' means the Supreme Court of the United States; the United States courts of appeals; the United States district courts; the Court of International Trade; the United States bankruptcy courts; any court created pursuant to article I of the United States Constitution, including the Court of Military Appeals, the United States Claims Court, and the United States Tax Court, but not including a court of a territory or possession of the United States; the Federal Judicial Center; and any other agency, office, or entity in the judicial branch; and

"(3) 'legislative branch' means—

"(A) a Member of the Congress, or any officer or employee of the United States Senate or United States House of Representatives; and

"(B) an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, the United States Capitol Police, and any other agency, entity, office, or commission established in the legislative branch.".

SEC. 402. AMENDING 18 U.S.C. 203.

Section 203 of title 18, United States Code, is amended by—

(1) striking "services" the first time it appears in subsection (a)(1) and inserting "representational services, as agent or attorney or otherwise,";

(2) inserting "court" after "department, agency" in subsection (a)(1);

(3) striking "shall be fined under this title or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under

the United States" in subsection (a) and inserting "shall be subject to the penalties set forth in section 216 of this title";

(4) inserting "representational" before "services" in subsection (a)(2);

(5) inserting "Member Elect," after "Member," in subsection (a)(2);

(6) inserting "Delegate Elect," after "Delegate," in subsection (a)(2);

(7) striking "including the District of Columbia" in subsection (a)(1)(B);

(8) redesignating subsection (b) as subsection (c);

(9) striking "or" at the end of subsection (a) and adding the following new paragraph (b):

"(b) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly—

"(1) demands, seeks, receives, accepts, or agrees to receive or accept any compensation for any services, as agent or attorney or otherwise rendered or to be rendered either personally or by another, at a time when such person is an officer or employee of the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the District of Columbia is a party or has a direct and substantial interest, before any department, agency, court, officer, or commission; or

"(2) knowingly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was an officer or employee of the District of Columbia;

shall be subject to the penalties set forth in section 216 of this title".

(10) adding at the end the following:

"(d) Nothing in this section prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for or otherwise representing his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

"(2) in those matters that are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

"(e) Nothing in this section prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of, the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires and publishes such certification in the Federal Register.".

SEC. 403. AMENDING 18 U.S.C. 204.

Section 204 of title 18, United States Code, is amended to read as follows:

"§ 204. Practice in United States Claims Court or the United States Court of Appeals for the Federal Circuit by Members of Congress

"Whoever, being a Member of Congress or Member of Congress Elect, practices in the United States Claims Court or the United States Court of Appeals for the Federal Circuit shall be subject to the penalties set forth in section 216 of this title.".

SEC. 404. AMENDING 18 U.S.C. 205.

Section 205 of title 18, United States Code, is amended to read as follows:

"§ 205. Activities of officers and employees in claims against and other matters affecting the Government

"(a) Whoever, being an officer or employee of the United States in the executive, legislative, or judicial branch of the Government or in any agency of the United States, other than in the proper discharge of his official duties—

"(1) acts as agent or attorney for prosecuting any claim against the United States, or receives any gratuity, or any share of or interest in any such claim, in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with any covered matter in which the United States is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(b) Whoever, being an officer or employee of the District of Columbia or an officer or employee of the Office of the United States Attorney for the District of Columbia, otherwise than in the proper discharge of official duties—

"(1) acts as agent or attorney for prosecuting any claim against the District of Columbia, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim; or

"(2) acts as agent or attorney for anyone before any department, agency, court, officer, or any commission in connection with any covered matter in which the District of Columbia is a party or has a direct and substantial interest;

shall be subject to the penalties set forth in section 216 of this title.

"(c) A special Government employee shall be subject to subsections (a) and (b) only in relation to a covered matter involving a specific party or parties—

"(1) in which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise; or

"(2) which is pending in the department or agency of the Government in which he is serving.

Paragraph (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceding period of three hundred and sixty-five consecutive days.

"(d) Nothing in subsection (a) or (b) prevents an officer or employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for, or otherwise representing, any person who is the subject of disciplinary, loyalty, or other personnel administration proceedings in connection with those proceedings.

"(e) Nothing in subsection (a) or (b) prevents an officer or employee, including a special Government employee, from acting, with or without compensation, as agent or attorney for, or otherwise representing, his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary except—

"(1) in those matters in which he has participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

"(2) in those matters which are the subject of his official responsibility,

subject to approval by the Government official responsible for appointment to his position.

"(f) Nothing in subsection (a) or (b) prevents a special Government employee from acting as agent or attorney for another person in the performance of work under a grant by, or a contract with or for the benefit of the United States provided that the head of the department or agency concerned with the grant or contract shall certify in writing that the national interest so requires and publishes such certification in the Federal Register.

"(g) Nothing in this section prevents an officer or employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

"(h) For the purpose of this section, the term 'covered matter' means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter.".

SEC. 405. AMENDING 18 U.S.C. 208.

Section 208 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or" after "United States Government,";

(B) by inserting "an officer or employee" before "of the District of Columbia";

(C) by striking "partner" and inserting "general partner"; and

(D) by striking "Shall be fined not more than $10,000, or imprisoned not more than two years, or both." and inserting "Shall be subject to the penalties set forth in section 216 of this title."; and

(2) in subsection (b)—

(A) by striking "or" at the end of clause (1);

(B) by inserting after "general rule or regulation" in clause (2) the following: "issued by the Office of Government Ethics applicable to all or a portion of the officers or employees covered by this section and"; and

(C) by striking "services. In" and all that follows through "appointment." and inserting the following: "(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act, (5 U.S.C. App. 2) (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of a financial disclosure report filed pursuant to section 107 of the Ethics in Government Act, as amended, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or "(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in a Indian tribe, band, nation, or other organized group or community, in-

cluding any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, Alaska Native village corporation as a specific party or parties.

"(c)(1) For the purpose of paragraph (1) of subsection (b), in the case of class A and B directors of Federal Reserve Banks, the Board of Governors of the Federal Reserve System shall be deemed the Government official responsible for appointment.

"(2) The potential availability of an exemption under any particular paragraph of subsection (b) does not preclude an exemption being granted pursuant to another paragraph of subsection (b).

"(d)(1) A copy of any determination by other than the Director of the Office of Government Ethics granting an exemption pursuant to subsection (b)(1) or (b)(3) shall be submitted to the Director, who shall make all determinations available to the public pursuant to section 105 of the Ethics in Government Act of 1978. For determinations pursuant to subsection (b)(3), the information from the financial disclosure report of the officer or employee involved describing the asset or assets that necessitated the waiver shall also be made available to the public. This subsection shall not apply, however, if the head of the agency or his or her designee determines that the determination under subsection (b)(1) or (b)(3), as the case may be, involves classified information.

"(2) The Office of Government Ethics, after consultation with the Attorney General, shall issue uniform regulations for the issuance of waivers and exemptions under subsection (b) which shall—

"(A) list and describe exemptions; and

"(B) provide guidance with respect to the types of interests that are not so substantial as to be deemed likely to affect the integrity of the services the Government may expect from the employee.

SEC. 406. AMENDING 18 U.S.C. 209.

Section 209(a) of title 18, United States Code, is amended by striking "Shall be fined not more than $5,000 or imprisoned not more than one year, or both." and inserting "shall be subject to the penalties set forth in section 216 of this title.".

SEC. 407. PENALTIES AND INJUNCTIONS.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding the following new section:

"§ 216. Penalties and injunctions

"(a) The punishment for an offense under sections 203, 204, 205, 207, 208, and 209 of this title is the following:

"(1) Whoever engages in the conduct constituting the offense shall be imprisoned for not more than one year or fined in the amount set forth in this title, or both.

"(2) Whoever willfully engages in the conduct constituting the offense shall be imprisoned for not more than five years or fined in the amount set forth in this title, or both.

"(b) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under sections 203, 204, 205, 207, 208, and 209 of this title and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under section 203, 204, 205, 207, 208, or 209 of this title, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.".

(c) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 11 of title 18, United States Code, is amended by inserting after the item relating to section 215 the following:

"216. Penalties and injunctions.

TITLE V—OTHER ETHICS REFORMS

SEC. 501. REFERRAL OF ETHICS VIOLATIONS BY THE SENATE ETHICS COMMITTEE TO THE GENERAL ACCOUNTING OFFICE FOR INVESTIGATION.

If the Committee on Ethics of the Senate determines that there is a reasonable basis to believe that a Member, officer, or employee of the Senate may have committed an ethics violation, the committee may request the Office of Special Investigations of the General Accounting Office to conduct factfinding and an investigation into the matter. The Office of Special Investigations shall promptly investigate the matter as directed by the committee.

SEC. 502. NONRECOGNITION FOR CERTAIN SALES TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

(a) GENERAL RULE.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. SALE OF PROPERTY TO COMPLY WITH CONFLICT-OF-INTEREST REQUIREMENTS.

"(a) NONRECOGNITION OF GAIN.—If an eligible person sells any property pursuant to a certificate of divestiture, at the election of the taxpayer, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds the cost (reduced by any basis adjustment under subsection (c) attributable to a prior sale) of any permitted property purchased by the taxpayer during the 60-day period beginning on the date of such sale.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE PERSON.—The term 'eligible person' means—

"(A) an officer or employee of the executive branch of the Federal Government, but does not mean a special Government employee as defined in section 202 of title 18, United States Code, and

"(B) any spouse or minor or dependent child whose ownership of any property is attributable under any statute, regulation, rule, or executive order referred to in paragraph (2) to a person referred to in subparagraph (A).

"(2) CERTIFICATE OF DIVESTITURE.—The term 'certificate of divestiture' means any written determination—

"(A) that states that divestiture of specific property is reasonably necessary to comply any Federal conflict of interest statute, regulation, rule, or executive order (including section 208 of title 18, United States Code), or requested by a congressional committee as a condition of confirmation,

"(B) that has been issued by the President or the Director of the Office of Government Ethics, and

"(C) that identifies the specific property to be divested.

"(3) PERMITTED PROPERTY.—The term 'permitted property' means any obligation of the United States or any diversified investment fund approved by regulations issued by the Office of Government Ethics.

"(4) PURCHASE.—The taxpayer shall be considered to have purchased any permitted property if, but for subsection (c), the unadjusted basis of such property would be its cost within the meaning of section 1012.

"(c) BASIS ADJUSTMENTS.—If gain from the sale of any property is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any permitted property which is purchased by the taxpayer during the 60-day period described in subsection (a)."

(b) TECHNICAL AMENDMENTS.—

(1) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property had been held as of the date of such sale."

(2) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) in the case of property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale of other property, to the extent provided in section 1043(c)."

(3) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1043. Sale of property to comply with conflict-of-interest requirements.".

(c) The amendments made by this section shall apply to sales after the date of the enactment of this Act.

SEC. 503. USE OF GOVERNMENT VEHICLES.

Notwithstanding any other provision of law, the head of each department, agency, or other entity of each branch of the Government shall prescribe by rule appropriate conditions for the incidental use, for other

than official business, of vehicles owned or leased by the Government.

SEC. 504. AMENDMENT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO ELIMINATE THE EXCESS CAMPAIGN FUND GRANDFATHER PROVISION.

(a) IN GENERAL.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking ", with respect to " and all that follows through "1979,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)—

(1) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress in the 102nd Congress or an earlier Congress, shall apply, except as provided in paragraph (2), to the use of excess amounts totaling more than the amount equal to the unobligated balance on hand on the date of the enactment of this Act; and

(2) in the case of an individual who serves as a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress after the 102nd Congress (including an individual referred to in paragraph (1) who so serves), shall apply to the use of any excess amount on or after the first day of such service.

SEC. 505. REPEAL OF CERTAIN OBSOLETE PROVISIONS.

(a) RESTRICTION ON PAYMENT TO CERTAIN RETIRED MILITARY OFFICERS.—Subsection (a) of section 801 of title 37, United States Code, is repealed.

(b) INTERIOR APPROPRIATIONS.—Section 319 of the Act of September 27, 1988 (Interior Department Appropriations, Fiscal Year 1988) (Public Law 100-446, 102 Stat. 1774, 1826) is repealed.

SEC. 506. RECERTIFICATION OF SENIOR EXECUTIVES.

(a) Chapter 33 of title 5, United States Code, is amended—

(1) by inserting immediately following section 3393 the following new section:

"§ 3393a. Recertification

"(a)(1) In order to ensure that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service, as set forth in section 3131, each career appointee shall be subject to recertification by the employing agency in accordance with the provisions of this section.

"(2) Beginning in calendar year 1991, and recurring every third calendar year thereafter, the head of an agency shall determine a time during such calendar year when the performance of career appointees in the agency shall be subject to recertification. Recertification shall not be required of any career appointee who has not been continuously employed as a senior executive for the 156 weeks preceding the time determined for the recertification. For the purposes of the previous sentence, a break in service of 6 months and shall be deemed not to interrupt the 156 weeks of continuous employment.

"(b) The supervising official of each career appointee shall submit to a performance review board established by the agency under section 4314 a recommendation as to whether the career appointee's performance justifies recertification as a senior executive, based on such factors as the career appointee's performance ratings for the 3 preceding years under section 4314, any award or other recognition received by the career appointee, any developmental activities of the career appointee, and any other relevant factors. The supervising official's recommendation shall reflect that official's view as to whether the career appointee's overall performance over the 3 preceding years has demonstrated the excellence expected of a senior executive in relation to the written performance requirements for the career appointee's senior executive position as established under section 4312(b). The career appointee may submit to the performance review board a statement of accomplishments and other documentation giving evidence of the quality of the career appointee's performance.

"(c)(1) After considering the recommendation and other information received under subsection (b), the performance review board shall submit to the appointing authority a recommendation as to whether the career appointee should be recertified, conditionally recertified, or not recertified as a senior executive. If the board proposes to recommend conditional recertification or nonrecertification, then the affected appointee shall be so notified and shall have the opportunity to appear before the performance review board. If the board is recommending that the career appointee be recertified, the board may also recommend that the career appointee's rate of basic pay be increased to a higher rate established under section 5382. If the board is recommending that the career appointee be conditionally recertified, the board may recommend that the career appointee's pay be reduced to the next lower rate established under section 5382. The board shall also provide to the appointing authority the recommendation and other information received under subsection (b).

"(2) More than one-half of the members of a performance review board under this section shall consist of career appointees. The requirement of the preceding sentence shall not apply in any case in which the Office of Personnel Management determines that there exists an insufficient number of career appointees available to comply with the requirement.

"(d)(1) If the appointing authority determines that the career appointee's performance during the preceding 3 years demonstrates the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be recertified as a senior executive.

"(2) If the appointing authority determines that the career appointee's performance has not demonstrated the excellence expected of a senior executive, the appointing authority shall recommend to the head of the agency that the career appointee be conditionally recertified as a senior executive or not be recertified as a senior executive.

"(e)(1) If the head of the agency decides that the career appointee's performance warrants recertification as a senior executive, the career appointee shall continue in the Senior Executive Service. If a career appointee is recertified as a senior executive, the career appointee's rate of basic pay may not be reduced at the time of recertification.

"(2) If the head of the agency decides that the career appointee's performance does not warrant full recertification, but does warrant conditional recertification, the career appointee—

"(A) shall remain a career appointee in the Senior Executive Service;

"(B) shall be subject to continuing close review of the career appointee's performance by the supervising official in coordination with an executive resources board established under section 3393, in accordance with a performance improvement plan developed by the supervising official and subject to the approval of the executive resources board;

"(C) may, if the head of the agency so determines, be reduced to the next lower rate of basic pay established under section 5382; and

"(D) shall be removed from the Senior Executive Service if the career appointee is not recertified as a senior executive at the end of the 12-month period following the conditional recertification.

If, at the end of the 12-month period following the conditional recertification, the career appointee is recertified as a senior executive, any reduction that was made in the career appointee's rate of basic pay under subparagraph (C) shall be restored prospectively.

"(3) If the head of the agency decides that the career appointee's performance does not demonstrate that the career appointee qualifies for recertification or conditional recertification as a senior executive, the career appointee shall be removed from the Senior Executive Service in accordance with section 3592.

"(f) The Office of Personnel Management shall prescribe standards and procedures to ensure consistency and fairness for the process of recertification under this section.".

(2) by inserting in the analysis, immediately following the item relating to section 3393, the following new item:

"3393a. Recertification.".

(b) Title 5, United States Code, is further amended as follows:

(1) in section 3151(a)(5)—

(A) by striking "and" at the end of subparagraph (C);

(B) by inserting "and" after the semicolon at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) recertification consistent with section 3393a;";

(2) in section 3393(g), by inserting after "1207," the following: "3393a,";

(3) in section 3592(a)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the comma at the end of paragraph (2);

(C) by inserting after paragraph (2) the following new paragraph:

"(3) if the career appointee is not recertified as a senior executive under section 3393a,"; and

(D) by inserting at the end thereof the following: "In the case of a removal under paragraph (3) of this subsection, the career appointee shall have the right to appeal the removal from the Senior Executive Service to the Merit Systems Protection Board under section 7701.";

(4) in section 3593(a)(2)—

(A) by striking "or";

(B) by striking the period and inserting in lieu thereof the following: ", or failure to be recertified as a senior executive under section 3393a.";

(5) in section 3594(b)—

(A) by striking "or" at the end of paragraph (1);

(B) by inserting "or" after the semicolon at the end of paragraph (2); and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) is removed from the Senior Executive Service for failure to be recertified under section 3393a;";

(6) in section 7701(c)(1)(A) by striking "of" and inserting in lieu thereof the following: "of a removal from the Senior Executive Service for failure to be recertified under section 3393a or";

(7) in section 8336(h)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for";

(8) in section 8339(h) by striking the period at the end of the first sentence and inserting in lieu thereof the following: ", except that such reduction shall not apply in the case of an employee retiring under section 8336(h) for failure to be recertified as a senior executive.";

(9) in section 8414(a)—

(A) in paragraph (1) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive under section 3393a or for";

(B) in paragraph (2) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(C) in paragraph (3) by striking "for" and inserting in lieu thereof the following: "for failure to be recertified as a senior executive or for"; and

(10) in section 8421(a)(2) by striking the period and inserting in lieu thereof the following: ", except that an individual entitled to an annuity under section 8414(a) for failure to be recertified as a senior executive shall be entitled to an annuity supplement without regard to such applicable minimum retirement age".

(c)(1) Section 305 of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following new subsection:

"(c) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3393a of title 5, United States Code.".

(2) Section 12(a)(1) of the National Security Agency Act of 1959 is amended—

(A) by striking "and" at the end of paragraph (F);

(B) by inserting "and" after the semicolon at the end of paragraph (G); and

(C) by inserting after paragraph (G) the following new paragraph:

"(H) provide for the recertification of members of the Senior Cryptologic Executive Service consistent with the provisions of section 3393a of such title.".

(3) Section 1601(a) of title 10, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by inserting "and" after the semicolon at the end of paragraph (7); and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) provide for the recertification of members of the Defense Intelligence Senior Executive Service consistent with the provisions of section 3393a of title 5.".

(d) The amendments made by this section shall take effect on January 1, 1991.

SEC. 507. DELAY IN EFFECTIVE DATE OF CERTAIN STATUTORY PROVISIONS.

(a) Section 6(b) of Public Law 100-679 is amended by striking "180 days after the date of enactment of this Act" and substituting "one year after the date of enactment of H.R. 3660."

(b) Sections 603 through 606, subsections (a) and (b) of Section 607, and subsections (a) and (c) of Section 608 of the Department of Energy Organization Act shall not have effect from the date of enactment of H.R. 3660 for a period of one year.

(c) Sections 2397a and 2397b of Title 10, United States Code, and Section 281 of Title 18, United States Code shall not have effect from the date of enactment of H.R. 3660 for a period of one year.

Page 2, after line 5, insert:

TITLE VI—LIMITATIONS ON OUTSIDE EMPLOYMENT AND ELIMINATION OF HONORARIA

Page 2, line 6, strike out "101" and insert "601".

Page 2, line 8, strike out "a".

Page 7, strike out all after line 9, over to and including line 18, on page 8.

Page 8, line 19, strike out "102" and insert "602".

Page 9, strike out all after line 18 over to and including the matter below line 22 on page 12.

Page 12, line 23, strike out "104" and insert "603".

Page 13, line 1, strike out "(a)".

Page 13, line 1, strike out "Sections 101 and 102" and insert "This title".

Page 13, line 2, strike out "sections 101 and 102" and insert "this title".

Page 13, line 4, strike out "303" and insert "603".

Page 13, strike out all after line 9, over to and including line 1 on page 40.

Page 40, line 2, strike out "III" and insert "VII".

Page 40, line 4, strike out "301" and insert "701".

Page 50, line 17, strike out "304(a)(1)" and insert "704(a)(1)".

Page 50, line 18, strike out "Government."

Page 50, line 22, strike out "302 and 303" and insert "702 and 703".

Page 50, line 23, strike out "Government."

Page 50, line 24, strike out "302" and insert "702".

Page 52, line 8, strike out "303" and insert "703".

Page 54, line 2, strike out "304" and insert "704".

Page 55, line 21, strike out "304(a)(1)" and insert "704(a)(1)".

Page 55, line 21, strike out "Government".

Page 56, line 9, strike out "304(a)(1)" and insert "704(a)(1)".

Page 56, line 9, strike out "Government".

Page 56, strike out all after line 15, over to and including line 23, on page 75.

Page 76, line 1, strike out "406" and insert "705".

Page 80, strike out all after line 12, over to and including line 17 on page 83.

Page 83, line 18, strike out "V" and insert "VIII".

Page 83, line 20, strike out "501" and insert "801".

Page 86, line 6, strike out "502" and insert "802".

Page 88, line 21, strike out "503" and insert "803".

Page 94, strike out "504" and insert "804".

Page 99, line 18, strike out "505" and insert "805".

Page 100, line 11, strike out "506" and insert "806".

Page 100, strike out lines 21, 22, and 23.

Page 100, after line 23, insert:

TITLE IX—RELATING TO THE SENATE

SEC. 901 GIFTS AND TRAVEL.

(a) GIFTS.—(1) No Member, officer, or employee of the Senate, or the spouse or dependent therefore, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(2) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $300 during a calendar year from any person, organization, or corporation unless, in an unusual case, a waiver is granted by the Select Committee on Ethics.

(3) In determining the aggregate value of any gift or gifts accepted by an individual during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individuals to such person, organization, or corporation during that calendar year.

(4) For purposes of this subsection only the following shall be deemed to have a direct interest in legislation before the Congress:

(A) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(B) a corporation, labor organization, or other organization which maintains, a separate segregated fund for political purpose (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purposes of influencing legislation before the Congress.

(5) The prohibitions of this subsection do not apply to gifts—

(A) from relatives;

(B) with a value of less than $75;

(C) of personal hospitality of an individual; or

(D) from an individual who is a foreign national if that individual is not acting, directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.

(6) For purposes of this paragraph—

(A) the term "gift" means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasona-

ble rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals or beverages consumed or enjoyed, provided the meals or beverages are not consumed or enjoyed in connecton with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and.

(B) the term "relative" has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521).

(7) If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph (1) such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

(8)(A) Notwithstanding the provisions of this subsection, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the Select Committee on Ethics has determined that participation in such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

(B) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises to participate in any such program. The chairman of the Select Committee shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

(C) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (A) if such funds are not used for necessary food, loding transportation, and related expenses of the Member, officer, or employee.

(b) LIMITS ON DOMESTIC AND FOREIGN TRAVEL BY MEMBERS AND STAFF OF THE SENATE.—The term "necessary expenses", with respect to limits on domestic and foreign travel by Members and staff of the Senate, means reasonable expenses for food, lodging, or transportation which are incurred by a Member, officer, or employee of the Senate in connection with services provided to (or participation in an event sponsored by) the organization which provides reimbursement for such expenses or which provides the food, lodging, or transportation directly. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for a continuous period in excess of 3 days (and 2 nights) exclusive of travel time within the United States or 7 days (and 6 nights) exclusive of travel time outside of the United States unless such travel is approved by the Committee on Ethics as necessary for participation in a conference, seminar, meeting or similar matter. Necessary expenses do not include the provision of food, lodging, or transportation, or the payment for such expenses, for anyone accompanying a Member, officer, or employee of the Senate, other than the spouse of a Member, officer, or employee of the Senate or one Senate employee acting as an aide to a Member.

SEC. 902. TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS.

(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

(b) For purposes of this section, the head of the employing office shall be—

(A) in the case of an employee of a Member, the Member by whom that person is employed;

(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves.

SEC. 903. AMENDMENT TO SENATE CONFLICT OF INTEREST RULE.

(a) Except as provided by subsection (b), any employee of the Senate who is required to file a report pursuant to Senate regulations shall refrain from participating personally and substantially as an employee of the Senate in any contact with any agency of the executive or judicial branch of Government with respect to non-legislative matters affecting any non-governmental person in which the employee has a significant financial interest.

(b) Subsection (a) shall not apply if an employee first advises his supervisor of his significant financial interest and obtains from such supervisor a written waiver stating that the participation of the employee is necessary. A copy of each such waiver shall be filed with the Select Committee.

TITLE X—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

SEC. 1001. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 225(a) of the Federal Salary Act of 1967 (2 U.S.C. 351) is amended by striking "Commission on Executive, Legislative, and Judicial Salaries" and inserting "Citizens' Commission on Public Service and Compensation".

(2) CONFORMING AMENDMENT.—The heading for section 225 of such Act (2 U.S.C. 351 and following) is amended to read as follows:

"CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION".

(b) MEMBERSHIP.—Section 225(b) of such Act (2 U.S.C. 352) is amended to read as follows:

"(b) MEMBERSHIP.—(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

"(A) 2 appointed by the President of the United States;

"(B) 1 appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority Leaders;

"(C) 1 appointed by the Speaker of the House of Representatives;

"(D) 2 appointed by the Chief Justice of the United States; and

"(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

"(2) No person shall serve as a member of the Commission who is—

"(A) an officer or employee of the Federal Government;

"(B) registered (or required to register) under the Federal Regulation of Lobbying Act; or

"(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

"(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

"(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

"(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

"(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

"(C) shall otherwise comply with applicable provisions of this subsection.

"(5) The chairperson shall be designated by the President.

"(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

"(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when engaged in the performance of services for the Commission.

"(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

"(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

"(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under subsection (g) (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

"(ii) Notwithstanding any provision of subsection (c), authority under such subsection shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve."

(c) AMENDMENTS TO SECTION 225(c).—Section 225(c) of such Act (2 U.S.C. 353) is amended by striking "subsection (b) (2) and (3)" each place it appears and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(d) AMENDMENT TO SECTION 225(f).—Section 225(f) of such Act (2 U.S.C. 356) is amended by striking "subsection (b) (2) and (3)" and inserting "subparagraphs (A) and (B) of subsection (b)(8)".

(e) REPORT TO THE PRESIDENT.—Section 225(g) of such Act (2 U.S.C. 357) is amended—

(1) by amending the subsection heading to read as follows: "REPORT BY COMMISSION TO THE PRESIDENT WITH RESPECT TO PAY";

(2) in the first sentence, by striking "Commission of" and inserting "Commission with respect to rates of pay for"; and

(3) in the second sentence, by striking "December 15" and all that follows thereafter through the period and inserting "December 15 next following the close of the fiscal year in which the review is conducted by the Commission."

(f) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—Section 225(h) of such Act (2 U.S.C. 358) is amended to read as follows:

"(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY.—(1) After considering the report and recommendations of the Commission submitted under subsection (g), the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f), which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

"(2) The President shall transmit his recommendations under this subsection to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under subsection (g)."

(g) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—Section 225(i) of such Act (2 U.S.C. 359) is amended to read as follows:

"(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT.—(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

"(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

"(B)(i) The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

"(II) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

"(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under subsection (h) with respect to such adjustment.

"(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph (2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under subsection (h)) that any of those recommendations take effect, an election of Representatives shall have intervened.

"(B) For purposes of this paragraph, the term 'election of Representatives' means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year."

(h) AMENDMENT TO SECTION 225(j).—Section 225(j)(A) of such Act (2 U.S.C. 360(A)) is amended by striking "(other than" and all that follows thereafter through ", and" and inserting "(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under subsection (h) and ending on the date of their approval under subsection (i)(2)), and".

(i) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding at the end the following:

"(l) REQUIREMENTS APPLICABLE TO RECOMMENDATIONS.—Notwithstanding any other provision of this section, the recommendations submitted by the Commission to the President under subsection (g), and the recommendations transmitted by the President to the Congress under subsection (h), shall be in conformance with the following:

"(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

"(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under subsection (f).

"(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

"(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), respectively, shall be equal.

"(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), respectively, shall be equal.

"(B) Nothing in this subsection shall be considered to require that the rate recommended for any office or position by the President under subsection (h) be the same as the rate recommended for such office or position by the Commission under subsection (g)."

(j) ADDITIONAL FUNCTION.—Section 225 of such Act (2 U.S.C. 351 and following), as amended by subsection (i), is further amended by adding at the end the following:

"(m) ADDITIONAL FUNCTION.—The Commission shall, whenever it conducts a review under subsection (f), also conduct a review under this subsection relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this subsection shall be included by the Commission as part of its report to the President under subsection (g)."

(k) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—Section 225 of such Act (2 U.S.C. 351 and following) is amended by adding after subsection (m) (as added by subsection (j)) the following:

"(n) PROVISION RELATING TO CERTAIN OTHER PAY ADJUSTMENTS.—

"(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of subsection (f) shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

"(2) For purposes of this subsection, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

"(3) Nothing in this subsection shall be considered to apply with respect to any pay increase—

"(A) which takes effect under the preceding subsections of this section;

"(B) which is based on a change in the Employment Cost Index (as determined under section 904(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

"(C) which takes effect under section 1002 or 1003 of the Ethics Reform Act of 1989."

SEC. 1002. RESTORATION OF COMPARABILITY ADJUSTMENTS.

(a) RESTORATION.—

(1) IN GENERAL.—Effective for pay periods beginning on or after the date of enactment of this Act, the rate of basic pay for any office or position in the executive, legislative, or judicial branch of the Government or in the government of the District of Columbia shall be determined as if the provi-

sions of law cited in paragraph (2) had never been enacted.

(2) CITATIONS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 620(b) of the Treasury, Postal Service and General Government Appropriations Act, 1989 (2 U.S.C. 5305 note).

(B) Section 619(b) of the Treasury, Postal Service and General Government Appropriations Act, 1990.

(b) SPECIFIC AUTHORITY.—For purposes of section 140 of Public Law 97-92 (28 U.S.C. 461 note), appropriate salary increases are hereby authorized for Federal judges and Justices of the Supreme Court pursuant to subsection (a).

(c) SPECIAL RULE.—Notwithstanding any other provision of this section, no adjustment in any rate of pay shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.

SEC. 1003. SALARY LEVELS OF SENIOR GOVERNMENT OFFICIALS.

(a) SALARY LEVELS.—

(1) EXECUTIVE POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for positions in the Executive Schedule shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(2) LEGISLATIVE POSITIONS; OFFICE OF THE VICE PRESIDENT.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the offices and positions under subparagraphs (A) and (B) of section 225(f) of the Federal Salary Act of 1967 (2 U.S.C. 356(A) and (B)) shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100).

(3) JUDICIAL POSITIONS.—Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of $100 (or, if midway between multiples of $100, to the next higher multiple of $100).

(b) COORDINATION RULE.—If a pay adjustment under subsection (a) is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under subsection (a) shall be made first.

SEC. 1004. REVISION IN METHOD BY WHICH ANNUAL PAY ADJUSTMENTS FOR CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL POSITIONS ARE TO BE MADE.

(a) PERCENT CHANGE IN THE EMPLOYMENT COST INDEX.—

(1) METHOD FOR COMPUTING PERCENT CHANGE IN THE ECI.—

(A) DEFINITIONS.—For purposes of this paragraph—

(i) the term "Employment Cost Index" or "ECI" means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics; and

(ii) the term "base quarter" means the 3-month period ending on December 31 of a year.

(B) METHOD.—For purposes of the provisions of law amended by paragraph (2), the "most recent percentage change in the ECI", as of any date, shall be one-half of 1 percent less than the percentage (rounded to the nearest one-tenth of 1 percent) derived by—

(i) reducing—

(I) the ECI for the last base quarter prior to that date, by

(II) the ECI for the second to last base quarter prior to that date,

(ii) dividing the difference under clause (i) by the ECI for the base quarter referred to in clause (i)(II), and

(iii) multiplying the quotient under clause (ii) by 100,

except that no percentage change determined under this paragraph shall be—

(I) less than zero; or

(II) greater than 5 percent.

(2) PROVISIONS THROUGH WHICH NEW METHOD IS TO BE IMPLEMENTED.—

(A) AMENDMENT TO TITLES 3, 5, AND 28 OF THE UNITED STATES CODE.—Section 104 of title 3, United States Code, section 5318 of title 5, United States Code, and section 461(a) of title 28, United States Code, are amended by striking "corresponds to" and all that follows thereafter through the period, and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 904(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(B) AMENDMENT TO THE LEGISLATIVE REORGANIZATION ACT OF 1946.—Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking "corresponds to" and all that follows thereafter through the period and inserting the following:

"corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 904(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect."

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 1991.

SEC. 1005. WORK PERFORMED BY SENIOR JUDGES IN ORDER TO RECEIVE CERTAIN SALARY INCREASES.

(a) IN GENERAL.—Section 371 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by inserting "or her" after "his"; and

(C) by striking the period and inserting the following: "if he or she meets the requirements of subsection (f).

"(2) In a case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (f), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (f) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title."; and

(2) by adding at the end the following new subsection:

"(f)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having met the requirements set forth in at least one of the following subparagraphs:

"(A) The justice or judge must have carried in the preceding calendar year a caseload involving courtroom participation which is equal to or greater than the amount of work involving courtroom participation which an average judge in active service would perform in three months. In the instance of a justice or judge who has sat on both district courts and courts of appeals, the caseload of appellate work and trial work shall be determined separately and the results of those determinations added together for purposes of this paragraph.

"(B) The justice or judge performed in the preceding calendar year substantial judicial duties not involving courtroom participation under subparagraph (A), including settlement efforts, motion decisions, writing opinions in cases that have not been orally argued, and administrative duties for the court to which the justice or judge is assigned. Any certification under this subparagraph shall include a statement describing in detail the nature and amount of work and certifying that the work done is equal to or greater than the work described in this subparagraph which an average judge in active service would perform in three months.

"(C) The justice or judge has, in the preceding calendar year, performed work described in subparagraphs (A) and (B) in an amount which, when calculated in accordance with such subparagraphs, in the aggregate equals at least 3 months work.

"(D) The justice or judge has, in the preceding calendar year, performed substantial administrative duties directly related to the operation of the courts, or has performed substantial duties for a Federal or State governmental entity. A certification under this subparagraph shall specify that the work done is equal to the full-time work of an employee of the judicial branch.

"(E) The justice or judge was unable in the preceding calendar year to perform judicial or administrative work to the extent required by any of subparagraphs (A) through (D) because of a temporary or permanent disability. A certification under this subparagraph shall be made to a justice who certifies in writing his or her disability to the Chief Justice, and to a judge who certifies in writing his or her disability to the chief judge of the circuit in which the judge sits. A justice or judge who is certified under this subparagraph as having a permanent disability shall be deemed to have met the requirements of this subsection for each calendar year thereafter.

"(2) Determinations of work performed under subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made pursuant to rules promulgated by the Judicial Conference of the United States. In promulgating such criteria, the Judicial Conference shall take into account existing standards promulgated by the Conference for allocation of space and staff for senior judges.

"(3) If in any year a justice or judge who retires under subsection (b) does not receive

a certification under this subsection (except as provided in paragraph (1)(E)), he or she is thereafter ineligible to receive such a certification.

"(4) In the case of any justice or judge who retires under subsection (b) during a calendar year, there shall be included in the determination under this subsection of work performed during that calendar year all work performed by that justice or judge (as described in subparagraphs (A), (B), (C), and (D) of paragraph (1)) during that calendar year before such retirement.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall first apply with respect to work performed on or after January 1, 1990, by a justice or judge of the United States who has retired under section 371(b) of title 28, United States Code.

(2) CALENDAR YEAR 1990.—In the case of certifications required by section 371(f) of title 28, United States Code, for calendar year 1990—

(A) such certifications shall be based on the 10-month period beginning on January 1, 1990, and ending on October 31, 1990, and shall be completed not later than December 15, 1990;

(B) determinations of work performed under section 371(f) of title 28, United States Code, shall be made pro rata on the basis of such 10-month period; and

(C) such certifications shall be deemed to be certifications made in calendar year 1991.

TITLE XI—PAY AND HONORARIA ADJUSTMENTS

SEC. 1101. ADJUSTMENTS IN RATES OF PAY AND REDUCTION IN HONORARIUM OF SENATORS.

(a) ADJUSTMENTS IN RATES OF PAY.—(1) Notwithstanding any other provision of law (including any provision of this Act or amendment made by this Act), effective as provided in paragraph (2), the rate of pay of each office and position of United States Senator, the President pro tempore of the Senate, and the majority and minority leaders of the Senate shall be increased by—

(A) the percentage increase that would have taken effect in fiscal year 1988 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each office and position in effect on January 1, 1988 without regard to section 108 of the resolution entitled "Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes", approved December 22, 1987 (101 Stat. 1329-434; 5 U.S.C. 5305 note);

(B) the percentage increase that would have taken effect in fiscal year 1989 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each office and position in effect on January 1, 1989 (as adjusted under subparagraph (A) of this paragraph) without regard to subsection (b) of section 620 of the Treasury, Postal Service and General Government Appropriations Act, 1989 (Public Law 100-440; 102 Stat. 1757; 5 U.S.C. 5301 note); and

(C) the percentage increase that would take effect in fiscal year 1990 by the application of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) (as adjusted under subparagraphs (A) and (B) of this paragraph) without regard to subsection (b) of section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1990 (Public Law 101-136).

(2) The increase in the rates of pay for each office and position described under paragraph (1) shall be effective on the first day of the first pay period beginning on or after January 1, 1990.

(b) REDUCTION OF HONORARIUM.—Section 908(b) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the provisions of this subsection—

"(A) the percentage referred to under paragraphs (1) and (2) shall be 27 percent as such paragraphs apply to United States Senators in the calendar year beginning on January 1, 1990; and

"(B)(i) beginning on and after January 1, 1991, if the aggregate salary of a United States Senator is increased pursuant to section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), or any other provision of law, the percentage referred to under paragraphs (1) and (2) (with respect to United States Senators) shall be reduced by a percentage resulting in a dollar amount decrease in the limit of honorarium for each dollar amount of increase of such aggregate salary.

"(ii) beginning on January 1 of the calendar year in which the adjustments under clause (i) of this subparagraph result in a limitation of accepting honoraria less than or equal to 1 percent of the aggregate salary paid to United States Senators for service as Senators in such calendar year, the acceptance of honoraria shall be prohibited, and thereafter no Senator shall accept honoraria.".

TITLE XII—RULEMAKING POWER OF THE CONGRESS.

SEC. 1201. RULEMAKING POWER OF THE CONGRESS.

The provisions of this Act that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

The SPEAKER. Pursuant to the order of the House of earlier today, the motion is considered as having been read.

The gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentlewoman from Illinois [Mrs. MARTIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill as it returns from the Senate essentially makes two adjustments to that which was passed by the House.

Mr. Speaker, I reserve the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO. Mr. Speaker, I yield back the balance of my time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Pursuant to the order of the House of earlier today, the previous question is ordered.

The question is on the motion offered by the gentleman from California [Mr. FAZIO].

The motion was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for this time in order that I might inquire of the distinguished majority leader what we might expect for the balance of the morning.

Mr. GEPHARDT. Mr. Speaker, will the distinguished minority leader yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

We had intended to try to do the DOD conference report, but we do not have the papers. Therefore, we will not stay and do it.

We will not be in session today, later today. We will return on Sunday at 1 p.m. in the afternoon.

I know some of the Members have an event or other events they want to be at earlier that afternoon. It probably will be that we will not get to votes right at 1 o'clock. We will hopefully have the conference report on reconciliation and the conference report on catastrophic. Obviously, each of those will take an hour.

We will let Members know as soon as the votes come on Sunday afternoon and if Members are at one of those events, we will try to get word to that event so they can come over here for the votes.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

ADJOURNMENT TO SUNDAY, NOVEMBER 19, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, November 19, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON LEGISLATIVE DAY OF SUNDAY, NOVEMBER 19, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses on the legislative day of Sunday, November 19, 1989, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 0130

INTRODUCTION OF A BILL TO ESTABLISH AREA HEALTH EDUCATION CENTERS EMPHASIZING NEEDS OF APPALACHIA AND AREAS WITH CHRONIC DISEASES OR DISORDERS

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia [Mr. RAHALL] is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, I am pleased to introduce a bill to amend the Public Health Service Act to provide for the establishment of area health education centers to serve geographic areas in which there is a significant number of low-income individuals or individuals with chronic diseases or disorders, in areas designated as health manpower shortage areas. There is a special reservation of annually appropriated funds earmarked for Appalachian States.

This legislation is very simple and straightforward. My mission is to build upon the existing Area Health Education Centers Program. This program requires such centers to be a cooperative program of one or more medical—M.D. or D.O.—schools and one or more nonprofit private or public area health education centers. Each participating school in an area health education program is required to provide for the active participation in such program by individuals who are associated with the administration of the school and each of the departments—or specialities if the school has no such departments—of internal medicine, pediatrics, obstetrics and gynecology, surgery, psychiatry, and family medicine. Each medical school is also required to provide that no less than 10 percent of all undergraduate medical clinical education of the school will be conducted in an area health education center at locations under the sponsorship of such center.

Area health education centers are required to designate a geographic area to be served, or specifically designate a medically underserved population it will serve, which area or population is in a location remote from the main site of the teaching facilities of the school or schools which participate in the program with the center. Such centers provide for or conduct training in health education services, assess the health manpower needs of the area served, provide for or conduct rotating osteopathic internship or a medical residency training program in family medicine, general internal medicine, or general pediatrics in which no fewer than four individuals are enrolled in first-year positions in such program; provide opportunities for continuing medical education, including education in disease prevention to all physicians and other health professionals, including allied health personnel, practicing within the area served by the center; and to provide continuing medical education to the National Health Service Corps members serving within the area, if any.

Mr. Speaker, I have just described, briefly, the existing Area Health Education Centers program which has been in law since the early 1970's.

Only through Area Health Education Centers can we hope to attract, recruit, train and keep doctors, nurses and all other allied health personnel in rural areas. The existing AHEC program, has proven to be highly successful but only to a limited degree in attracting and retaining those health professionals necessary to serve the neediest populations, and particularly in rural areas—but the limitation placed on AHEC's ability to achieve and even higher degree of success is due to limited funding, not the intent of the program.

It is imperative that we do more than the AHEC program funding now permits—and we can begin with the bill I am introducing today.

Mr. Speaker, I have no wish to disturb the modest AHEC program now in place by establishing a new program of AHEC's that would rake funds off the top of existing appropriations. My bill has its own authorized funding of $12 million a year, and is designed to have a high impact in high-risk areas serving targeted populations. Following is a description of the content of my bill:

APPALACHIAN HEALTH CARE INITIATIVE

Twenty-five percent of appropriated funds are reserved to serve Appalachian areas of the country—comprised of 13 States and 397 counties—where the need is greatest.

This set-aside is similar to the new AHEC program created last Congress to improve the supply, distribution, quality, and efficiency of personnel providing health services along the border between the United States and Mexico. This new border AHEC program is also separately funded from the existing program funds, and its need is self-evident. There were and continue to be unique problems of unmet need in that particular area of the country. The same is true of rural America, and of Appalachia in particular.

Second, my bill targets these new AHEC funds to areas with significant numbers of low-income individuals. Nowhere is there more significant numbers of low-income individuals and families than in West Virgina, than in the Fourth District of West Virginia which I represent, or in the Appalachian States in general.

Third, my bill targets areas which have significant chronic diseases or disorders indigenous to those areas. For example, in West Virginia, the greatest chronic disease is black lung disease, or pneumoconiosis, indigenous to West Virginia and other coal-mining States as it affects workers who mine the coal. Recently a study was conducted by Harvard University, in cooperation with Marshall University's Medical School, showing that the Kanawha Valley, and surrounding areas, are and have been for years subjected to cancer-causing air pollutants. Harvard and Marshall University medical researchers will follow up on this study in the near future to determine how pervasive or widespread such pollutants are and how extensive chronic disease/disorders have become as a result.

Mr. Speaker, just a few more words on the subject of recognized chronic diseases and disorders aside from the obvious examples just given. It is widely held that certain chronic disease and disorder can result from living in economically depressed, geographically isolated areas; other chronic diseases and disorders stem from pure and simple neglect.

Old age and its attendant geriatric disease and disorders is well documented. Yet when there is present also poor nutrition, inadequate or a total lack of dental hygiene, stress, hypertension and lack of education among already at-risk populations—that is when chronic neglect becomes chronic disease and disorders—all of which are associated with leading causes of death and morbidity nationwide. It is also necessary to add that poor nutrition, inadequate or total lack of dental and personal hygiene, stress from living in economic depression and deprivation, chronic unemployment, hypertension, and lack of education has reached epidemic proportions in many rural, isolated areas in the country, and this is especially evident throughout Appalachia.

Fourth, my bill directs funding into areas that are federally designated as health manpower shortage areas. In West Virgina, as I have said, 63 percent of the population lives in rural areas—hard to serve areas—and of its 55 countries, 42 are designated as health manpower shortage areas.

Fifth, the only change my bill would make to the existing AHEC program is to amend it so as to direct that program's annual appropriations in such manner as to assure that at least one area health education center is established in a rural designated as a health manpower shortage area, and that such rural area not previously have been served by the existing program.

It is my intention that this bill allow other university medical schools, including schools of osteopathy, to become the lead agencies for establishing additional area health education center programs in other than the six-county area now covered in my State, and elsewhere in the country where limited AHEC funding has precluded such expansion on a regional or Statewide basis.

Mr. Speaker, I repeat that it is my sincere wish to expand, without invading existing AHEC appropriations, the Area Health Education Center Programs into other regions of the country where there is overwhelming unmet need—need that is based on high numbers or percentages of low income individuals and families, in areas in economic distress, in areas which have been designated as health manpower shortage areas, and where there are incidences of chronic disease and disorders indigenous to those areas. Again, the $12 million authorized in my bill is targeted very specifically to such areas. Most importantly, it has a reservation of 25 percent of those funds that must be spent in Appalachia.

I can assure my colleagues that this bill represents a very serious effort on my part to address very critical problems in West Virginia and elsewhere, particularly in the 13-State Appalachian region.

With respect to funding requirements, I will only repeat what I and many of my colleagues have said in the recent past about the need for funding resources for a myriad of social needs—$12 million dollars is only a pittance when it is viewed in comparison with a half-billion dollar price tag on the stealth bomber which, as yet, cannot fly. It is a mere pittance also when compared to recent congressional action to bail out the savings and loan industry, with a price tag ranging from $50 billion to $300 billion, depending on whose statistics you are using.

It is my hope that my colleagues who serve with me on the Rural Health Coalition will join me in sponsoring this legislation.

Certainly, it is my hope that my colleagues from the 13 Appalachian States will join me in sponsoring this legislation.

We must find ways in which to help one another to address the health care needs of a highly disenfranchised segment of our population—those who live in economically depressed areas, with high unemployment rates, with high percentages of low-income, and often uninsured, populations, who suffer from chronic diseases and disorders indigenous to the environments in which they live, and where there is an unconscionable shortage of health professionals.

This bill cannot, and is not intended to address all the causes of chronic diseases and disorders, except those obviously brought about by lack of access to appropriate health care provided by trained health professionals. But it is intended to provide centers where professionals will work and train to treat those people afflicted by such disease and disorders, whatever there origins, and hopefully such professionals will remain in those areas after their training to serve the populations who need access to them. Low-income individuals and families in rural, often isolated areas of the country cannot always obtain the services or attentions of the medical profession because there is no place to go, and no one either trained to work, or willing to work in the health professions in rural, isolated, or economically depressed areas. Area health education centers have the potential to effect the changes we need to address these unmet needs.

There are no bricks and mortar in this bill. Area health education centers are comprised of existing community hospitals, primary and rural health facilities, and other health-related entities which will become satellites for providing rural health training, services, and care under the supervision of university medical schools or schools of osteopathy. The medical schools, in turn, will provide health care personnel who will receive their clinical training at such centers and encourage them to remain in those rural areas to practice their professions on graduation.

Area health centers and their personnel are instrumental not only in recruitment and clinical training opportunities for health professionals, but also in assessing and planning to meet future health needs.

Area health education centers have the proven capability to provide vital geographic access to low income, isolated populations where high percentages of individuals are Medicaid eligible, where rates of uncompensated care are very high, and where large portions of elderly citizens are on fixed incomes.

It is no secret that over the past year there have been literally hundreds of small, rural hospitals forced to close their doors. Through Federal assistance, these hospitals have been given modest transition grants to transform themselves into less than hospital status, but to enable them to remain open to continue to meet local health care demands.

In Appalachia, there is a growing fear that due to Federal funding cutbacks, their primary care delivery system could decline even further, and this is particularly true when you recognize that the former sizable ARC [Appalachian Regional Commission] investment in public health care delivery has shrunk to practically nothing.

These are only a few reasons why we must expand the AHEC program to serve the various targeted populations and geographic areas before all other funding runs out. Spending $12 million now, rather than trying to play catchup when the delivery system for primary care bottoms out in underserved areas, is prudent. It is also timely and appropriate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. GEPHARDT), for today, on account of death in family.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. NIELSON of Utah, for 30 minutes, on November 19.

Mr. MCEWEN, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes, on November 19.

(The following Members (at the request of Mr. APPLEGATE) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 10 minutes, today.

Mr. ALEXANDER, for 60 minutes each day, on November 20 and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CRAIG, immediately following debate on S. 737 today.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mrs. ROS-LEHTINEN in three instances.

Mr. KOLBE.

Mr. NIELSON of Utah.

Mr. BROOMFIELD.

Mr. CONTE.

Mr. SHUMWAY.

Mr. HORTON.

Mr. PORTER in two instances.

Mr. LEWIS of Florida.

Mr. DOUGLAS in two instances.

Mr. COUGHLIN in two instances.

Mr. SOLOMON.

Mr. CAMPBELL of California.

Mr. WELDON.

Mr. SCHULZE.

Mr. LOWERY of California.

Mr. FISH.

Mr. MCGRATH in two instances.

Mr. LENT.

Mr. DAVIS.

Ms. SNOWE in three instances.

Mr. MACHTLEY.

Mr. CRANE in two instances.

Mr. BARTLETT.

Mr. GALLO.

Mr. BEREUTER.

Mr. COLEMAN of Missouri.

Mr. EMERSON in three instances.

Mr. GILMAN in two instances.

Mr. GOODLING.

Mr. IRELAND.

Mr. MCEWEN.

Mr. BUECHNER.

Mr. SHAW.

Mrs. BENTLEY.

(The following Members (at the request of Mr. APPLEGATE) and to include extraneous matter:)

Mr. MONTGOMERY.

Mr. FASCELL in four instances.

Mr. FAZIO in two instances

Mr. FALEOMAVAEGA.

Mr. MAZZOLI.

Mr. ASPIN.

Mr. SOLARZ in two instances.

Mr. WYDEN.

Mr. EDWARDS of California.

Mr. TRAFICANT in three instances.

Mr. FAUNTROY.

Mr. GORDON.

Mr. TALLON.

Mr. BONIOR in two instances.

Mr. MAVROULES.

Mr. DOWNEY.

Mr. TORRICELLI.

Mr. PANETTA.

Mr. KOSTMAYER.

Mr. SMITH of Florida in five instances.

Mr. DINGELL.

Mr. MINETA.

Mr. WILLIAMS.

Mr. CLAY.

Mr. WOLPE.
Mr. MILLER of California.
Mr. APPLEGATE in three instances.
Mr. SLATTERY.
Mr. MATSUI.
Mr. DARDEN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1270. An act to provide an Indian mental health demonstration grant program; to the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs.

S. 1813. An act to ensure that funds provided under section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters; to the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs.

S. 1824. An act to reauthorize the Education of the Handicapped Act, and for other purposes; to the Committee on Education and Labor.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes a.m.), under its previous order, the House adjourned until Sunday, November 19, 1989, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2031. A letter from the Comptroller General of the United States, transmitting a report on the review of the seven deferrals of budget authority reported by the President in his first special impoundment message for fiscal year 1990, pursuant to 2 U.S.C. 685 (H. Doc. No. 101-112); to the Committee on Appropriations and ordered to be printed.

2032. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles estimated to cost $50 million or more (Transmittal No. 90-14), pursuant to 10 U.S.C. 118; to the Committee on Armed Services, November 17, 1989.

2033. A letter from the Chairman, Council of the District of Columbia; transmitting a copy of D.C. Act 8-111, "Genetic Tests for the Establishment of Paternity Amendment Temporary Act of 1989," pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2034. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-112, "Closing of a Public Alley in Square 250, S.O. 88-194, Act of 1989," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2035. A letter from the Auditor, District of Columbia, transmitting a copy of the report, "An Analysis of the D.C. Forfeiture Program—Operational Financial and Legislative Issues," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2036. A letter from the Secretary, Federal Trade Commission, transmitting the 1987 annual report on the current practices and methods of cigarette advertising and promotion, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

2037. A letter from the Executive Assistant to the Chairman, Securities and Exchange Commission, transmitting the Commission's 1988 annual report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Energy and Commerce.

2038. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navys proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services estimated to cost $84 (Transmittal No. 90-14), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2039. A letter from the President, National Railroad Passenger Corporation, transmitting a report on the status of the implementation of the Inspector General Act of 1978, as amended, pursuant to Public Law 100-504, section 111 (102 Stat. 2529; to the Committee on Government Operations.

2040. A letter from the Chairman, Board of Directors, Corporation for Public Broadcasting, transmitting the first semiannual report of the CPB Inspector General covering the period April 1, 1989 to September 30, 1989, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

2041. A letter from the Administrator, Environmental Protection Agency, transmitting a report summarizing the Agency's actions under the Program Fraud Civil Remedies Act, for the year ending September 30, 1989, pursuant to Public Law 99-509, section 6103(a) (100 Stat. 1947); to the Committee on Government Operations.

2042. A letter from the Secretary, Smithsonian Institution, transmitting a report on their implementation of the Inspector General Act Amendments; the Office of Inspector General established on April 17, 1989, pursuant to Public Law 100-504, section 111 (102 Stat. 2529); to the Committee on Government Operations.

2043. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting notification of a proposed amendatory contract with the Twin Loups Reclamation District, North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska, to increase the present program ceiling, pursuant to 43 U.S.C. 505; to the Committee on Interior and Insular Affairs.

2044. A communication from the President of the United States, transmitting the 24th annual report on the status of the National Wilderness Preservation System for calendar year 1987, pursuant to 16 U.S.C. 1136; to the Committee on Interior and Insular Affairs.

2045. A letter from the Deputy Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, transmitting the first quarterly commodity and country allocation table showing current programming plans for commodity assistance for fiscal year 1990, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2046. A letter from the Acting Secretary of State, transmitting on behalf of the President, a report on the situation in El Salvador, which documents the progress achieved by the Government of El Salvador from April 1 to September 30 in five areas, pursuant to Public Law 100-461, section 556b; jointly, to the Committees on Appropriations and Foreign Affairs.

2047. A letter from the Comptroller General, transmitting a report on the Rural Telephone Bank interest rates and loan prepayments review, pursuant to 7 U.S.C. 948(b)(3); jointly, to the Committees on Government Operations and Agriculture.

2048. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to establish a comprehensive personnel system for employees of the Administrative Office of the United States Courts and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1347. A bill to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes; with an amendment (Rept. 101-368). Referred to the Committee of the Whole House and the State of the Union.

Mr. KASTENMEIER: Committee of conference. Conference report on H.R. 2712. (Rept. 101-370). Ordered to be printed.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3671. A bill to amend the Federal Aviation Act of 1958 to extend the civil penalty assessment demonstration program (Rept. 101-37). Referred to the Committee of the Whole House and the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on trading on position and conflict of interest by former HUD Assistant Secretary June Koch (Rept. 101-372). Referred to the Committee of the Whole House and the State of the Union.

Mr. CONYERS: Committee on Government Operations. H.R. 1129. A bill to exclude agent orange settlement payments from countable income and resources under Federal means-tested programs; with an amendment (Rept. 101-373). Referred to the Committee of the Whole House and the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 435. A bill to amend the Appalachian Regional Development Act of 1965 to include Columbiana County, OH, as part of the Appalachian region (Rept. 101-374). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3311. A bill to redesignate the United States Post Office/Court House located in Salt Lake City, UT, as the "Frank E. Moss Federal Building"; with amendments (Rept. 101-375). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 3593. A bill

to provide emergency assistance to areas that sustained damages as a result of Hurricane Hugo, and for other purposes; with an amendment (Rept. No. 101-376). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee of conference. Conference report on H.R. 3402 (Rept. 101-377). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3133. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Jamal;* with amendments (Rept. 101-369). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself and Mr. HORTON):

H.R. 3695. A bill to amend chapter 35 of title 44, United States Code, to reauthorize the Office of Information and Regulatory Affairs in the Office of Management and Budget, to make changes in the requirements applying to agency collection of information, and for other purposes; to the Committee on Government Operations.

By Mr. DORGAN of North Dakota (for himself, Mr. EMERSON, Mr. BONIOR, Mr. HALL of Ohio, Mr. BEREUTER, Mr. PENNY, Mr. DURBIN, and Mr. KLECZKA):

H.R. 3696. A bill to provide survival assistance to victims of civil strife in Central America; to the Committee on Foreign Affairs.

By Mr. BARTLETT (for himself and Mr. ECKART):

H.R. 3697. A bill to promote excellence in American education by removing restrictions in Federal programs that limit the opportunities for open enrollment, by providing assistance to State educational agencies and local educational agencies that desire to adopt or expand open enrollment programs, by supporting research on open enrollment, and for other purposes; to the Committee on Education and Labor.

By Mr. BRENNAN (for himself and Ms. SNOWE):

H.R. 3698. A bill to help pay the costs of construction of an environmental assessment center at Bowdoin College, in Brunswick, ME; to the Committee on Education and Labor.

By Mr. CAMPBELL of California (for himself, Mrs. BENTLEY, Mr. BURTON of Indiana, Mr. HUNTER, Ms. KAPTUR, Mr. BENNETT, Mr. LANTOS, Mr. BUNNING, Mr. MFUME, Mr. DOUGLAS, Mr. HALL of Texas, Mr. DUNCAN, Mr. KANJORSKI, Mr. GOSS, Mr. TORRICELLI, Mr. HANCOCK, Mr. HARRIS, Mr. JAMES, Mr. LAGOMARSINO, Mr. MACHTLEY, Mr. MCCANDLESS, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROWLAND of Connecticut Mr. SCHIFF, Mr. THOMAS of Wyoming, Mr. WALSH, Mr. MOORHEAD, Mr. HANSEN, Mrs. VUCANOVICH, Mr. PORTER, and Mr. SHAYS):

H.R. 3699. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mrs. SCHROEDER, Mr. GREEN, Mr. AUCOIN, Mrs. BOXER, Mr. ACKERMAN, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ATKINS, Mr. BATES, Mr. BEILENSON, Mr. BERMAN, Mr. BOUCHER, Mr. BROWN of California, Mr. BRYANT, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CLAY, Mr. CONYERS, Mr. CROCKETT, Mr. DEFAZIO, Mr. DELLUMS, Mr. DICKS, Mr. DIXON, Mr. DOWNEY, Mr. DYMALLY, Mr. ENGEL, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FORD of Tennessee, Mr. FRANK, Mr. FROST, Mr. GEJDENSON, Mr. GIBBONS, Mr. GILMAN, Mr. GRAY, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HOYER, Mr. KASTENMEIER, Mr. KENNEDY, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mrs. LOWEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MINETA, Mr. MOODY, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. ROSE, Mr. ROYBAL, Mr. SABO, Mr. SCHEUER, Ms. SCHNEIDER, Mr. SCHUMER, Mr. SKAGGS, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mrs. UNSOELD, Mr. WAXMAN, Mr. WEISS, Mr. WILLIAMS, Mr. WILSON, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. TORRICELLI, Mr. LEVIN of Michigan, Mr. WHEAT, and Mrs. JOHNSON of Connecticut):

H.R. 3700. A bill to protect the reproductive rights of women; to the Committee on the Judiciary.

By Mrs. COLLINS (for herself and Mrs. VUCANOVICH):

H.R. 3701. A bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography under part B of the Medicare Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DOUGLAS:

H.R. 3702. A bill to amend the Solid Waste Disposal Act to authorize the Environmental Protection Agency to make technical assistance grants to certain groups to monitor, investigate, or obtain information about releases of hazardous wastes at storage, treatment, and disposal facilities; to the Committee on Energy and Commerce.

By Mr. FAZIO:

H.R. 3703. A bill to authorize the Rumsey Indian Rancheria to convey a certain parcel of land; to the Committee on Interior and Insular Affairs.

H.R. 3704. A bill to amend title 5, United States Code, to provide that a Federal annuitant or member or former member of a uniformed service who is appointed to a temporary position in the Federal Emergency Management Agency be exempt from certain offsets from pay or annuity benefits while helping to provide emergency assistance; to the Committee on Post Office and Civil Service.

By Mr. FRANK:

H.R. 3705. A bill to provide for 1,000 additional immigrant visa numbers for Tibetans; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. ERDREICH, Mr. JONES of Georgia, Mr. JOHNSON of South Dakota, Mr. BEVILL, Mr. RIDGE, Mr. CALLAHAN, Mr. FLIPPO, Mrs. PATTERSON, Mr. JAMES, and Mr. SMITH of New Jersey):

H.R. 3706. A bill to amend title 38, United States Code, to provide eligibility for burial in national cemeteries of all members of the Selected Reserve and of individuals who have served at least 20 years in the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. IRELAND:

H.R. 3707. A bill to allow the United States District Court for the Middle District of Florida to be held in Lakeland; to the Committee on the Judiciary.

By Mr. LEVINE of California (for himself, Mr. PANETTA, and Mr. LOWERY of California):

H.R. 3708. A bill to amend the Clean Air Act to control air pollution from sources on the Outer Continental Shelf, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCEWEN:

H.R. 3709. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. MCGRATH (for himself and Mr. LENT):

H.R. 3710. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit for expenditures to remove and replace underground home heating oil storage tanks in certain areas; to the Committee on Ways and Means.

By Mr. MCGRATH (for himself and Mr. JACOBS):

H.R. 3711. A bill to clarify the treatment of certain obligations under the provisions providing for a pro rata allocation of interest expense of financial institutions to tax-exempt interest; to the Committee on Ways and Means.

By Mr. MAVROULES:

H.R. 3712. A bill to amend the Energy Reorganization Act of 1974 to require financial disclosure reports from prospective commissioners of the Nuclear Regulatory Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL:

H.R. 3713. A bill to amend the Public Health Service Act to provide for the establishment of area health education centers to serve certain health manpower shortage areas, to establish an Appalachian health care initiative through such centers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHUMER:

H.R. 3714. A bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system; to the Committee on Public Works and Transportation.

By Mr. SHAW (for himself, Mrs. SAIKI, Mr. CLINGER, Mr. WALKER, Mr. SMITH of New Hampshire, Mr. BUN-

NING, Mr. BALLENGER, and Mr. HERGER):

H.R. 3715. A bill to amend title 28, United States Code, to include Members of Congress among the officers and employees of the Government with respect to whom independent counsel would be appointed in certain circumstances; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself, Mr. GEPHARDT, Mr. GONZALEZ, Ms. OAKAR, Mr. JONES of North Carolina, Mr. DYMALLY, Mr. MURPHY, Mr. KENNEDY, Mr. GAYDOS, Mr. MARTINEZ, Mr. RAHALL, Mr. HAYES of Illinois, Mr. APPLEGATE, Mr. KOLTER, Mr. FEIGHAN, and Mr. FOGLIETTA):

H.R. 3716. A bill to authorize the Secretary of Housing and Urban Development to make grants to community development corporations for reducing interest rates on loans for economic development activities in distressed cities and urban counties; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WILLIAMS (for himself, Mr. COLEMAN of Missouri, Mr. DURBIN, Mr. FORD of Michigan, Mr. GEPHARDT, Mr. HEFNER, Mr. HOYER, Mr. PERKINS, Mr. PRICE, and Mr. SMITH of Vermont):

H.R. 3717. A bill to amend title V of the Higher Education Act of 1965 to provide Federal assistance to the National Board for Professional Teaching Standards; to the Committee on Education and Labor.

By Mr. DARDEN:

H.R. 3718. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to permit an eligible individual to operate a public works vehicle without requiring such individual to pass a written test; to the Committee on Public Works and Transportation.

By Mr. FASCELL (for himself and Mr. JONES of North Carolina):

H.R. 3719. A bill to establish the Florida Keys National Marine Sanctuary, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

By Mr. GONZALEZ (for himself and Mr. WYLIE):

H.R. 3720. A bill to amend provisions of the National Consumer Cooperative Bank Act relating to the payment of interest on and the redemption of class A notes issued by the National Consumer Cooperative Bank; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McMILLEN of Maryland:

H.R. 3721. A bill to amend the Federal Deposit Insurance Act to prohibit the sale of securities issued by insured depository institutions or their affiliates on the premises of insured depository institutions which are accessible to the general public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MORRISON of Connecticut (for himself, Mrs. LOWEY of New York, Mr. MRAZEK, Mr. GEJDENSON, Mr. SHAYS, Mr. HOCHBRUECKNER, Mr. SCHEUER, Mr. ENGEL, and Mr. KENNELLY):

H.R. 3722. A bill to establish in the Environmental Protection Agency a Long Island Sound Office, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. SCHUETTE:

H.R. 3723. A bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes; to the Committee on Education and Labor.

By Ms. SNOWE:

H.R. 3724. A bill to amend the Public Health Service Act to improve health conditions in health manpower shortage areas, and for other purposes; to the Committee on Energy and Commerce.

H.R. 3725. A bill to require the Secretary of Health and Human Services to conduct a study concerning the area health education center program and submit recommendations for the improvement of such program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SOLARZ:

H.R. 3726. A bill authorizing the Secretary of State to establish a program of federally guaranteed loans to certain refugees; jointly, to the Committees on Foreign Affairs, the Judiciary, Ways and Means, Agriculture, and Energy and Commerce.

By Mr. GALLO (for himself, Mr. DORNAN of California, Mr. HAYES of Louisiana, Mr. HORTON, Mr. WILSON, Mr. NEAL of North Carolina, Mr. FAUNTROY, Mr. JACOBS, Mr. HAMILTON, Mr. BLILEY, Mr. GREEN, Mr. LANTOS, Mr. HARRIS, Mr. HAYES of Illinois, Mr. SOLARZ, Mr. DWYER of New Jersey, Mrs. COLLINS, Mr. FALEOMAVAEGA, Mrs. PATTERSON, Mr. MCDADE, Mr. FAZIO, Mr. HEFNER, Mr. SKAGGS, Mr. DAVIS, Ms. PELOSI, Mr. JONES of Georgia, Mr. LAGOMARSINO, Mr. HYDE, Mr. LEHMAN of Florida, Mr. ATKINS, Mr. UPTON, Mr. FROST, Mr. GOODLING, Mr. KOSTMAYER, Mr. SAXTON, Mr. ROE, Mr. TALLON, and Mr. PAYNE of New Jersey):

H.J. Res. 441. Joint resolution designating the month of April 1990 as "National Prevent-a-Litter Month"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Iowa:

H.J. Res. 442. Joint resolution to repeal section 614 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 and section 302 of the Foreign Relations Authorization Act, fiscal years 1990 and 1991; jointly, to the Committees on Appropriations and Foreign Affairs.

By Mr. WALGREN:

H.J. Res. 443. Joint resolution designating May 1990 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself, Mr. FORD of Michigan, Mr. MCCLOSKEY, and Mr. HORTON):

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that the U.S. Postal Service delegation to the Universal Postal Congress should seek support for the approval of proposals to strengthen mail accountability provisions in the UPU convention which will in turn help ensure that respect for the privacy and integrity of postal communications is maintained; to the Committee on Post Office and Civil Service.

By Mr. GORDON:

H. Con. Res. 230. Concurrent resolution expressing the sense of the Congress regarding the strengthening of the accreditation standards of the Joint Commission on Accreditation of Health Organizations with respect to organ donation; to the Committee on Energy and Commerce.

By Mr. GREEN:

H. Con. Res. 231. Concurrent resolution calling upon the United Nations to repeal General Assembly Resolution 3379; to the Committee on Foreign Affairs.

By Mr. HAYES of Louisiana:

H. Con. Res. 232. Concurrent resolution expressing the sense of the Congress concerning the need to examine the contribution which magnetically levitated and propelled transportation systems could make to the transportation infrastructure and world competitiveness of the United States; to the Committee on Public Works and Transportation.

By Mr. ROHRABACHER (for himself), Mr. LAUGHLIN, Mr. CRANE, and Mr. ROSE):

H. Con. Res. 233. Concurrent resolution expressing the sense of the Congress with respect to United States relations with the People's Republic of China and with the Republic of China on Taiwan; to the Committee on Foreign Affairs.

By Mr. SOLARZ:

H. Con. Res. 234. Concurrent resolution expressing the sense of the Congress with respect to the future of Taiwan; to the Committee on Foreign Affairs.

H. Con. Res. 235. Concurrent resolution to express the sense of the Congress regarding democratic reforms and human rights in Taiwan; to the Committee on Foreign Affairs.

By Ms. OAKAR:

H. Res. 294. Resolution providing for five additional positions on the Capitol Police for duty with respect to the House of Representatives; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AKAKA:

H.R. 3727. A bill to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164; to the Committee on Interior and Insular Affairs.

By Mr. DAVIS:

H.R. 3728. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 83: Mr. NIELSON of Utah.

H.R. 98: Mr. BAKER, Mr. COBLE, Mr. DANNEYMER, Mr. ROBERT W. DAVIS, Mr. FIELDS, Mr. HEFLEY, Mr. SPENCE, Mr. WELDON, Mr. PAXON, Mr. OXLEY, Mr. MCEWEN, Mr. MCCOLLUM, Mr. HERGER, Mrs. LLOYD, Mr. MACHTLEY, Mr. BROWN of California, Mr. CRAIG, Mr. FRANK, Mr. PACKARD, Mr. LEACH of Iowa, Mr. SOLARZ, Mr. MINETA, Mr. CAMPBELL of Colorado, Mr. WEBER, Mr. SCHULZE, and Mr. HAMMERSCHMIDT.

H.R. 422: Mr. WHITTAKER.

H.R. 435: Mr. TRAFICANT and Mr. MCEWEN.

H.R. 677: Mr. ESPY.

H.R. 745: Mr. LANTOS, Mr. NEAL of North Carolina, Mrs. SAIKI, and Mrs. UNSOELD.

H.R. 813: Mr. ROE.

H.R. 830: Mr. ATKINS, Mr. BONIOR, Mr. SABO, Mr. MURPHY, Mr. SWIFT, Mr. DERRICK, Mr. PEASE, Mr. SKEEN, and Mr. DONNELLY.

H.R. 911: Mr. TAUZIN, Mr. HEFLEY, and Mr. KLECZKA.

H.R. 1078: Mr. LEHMAN of California.
H.R. 1095: Mr. UPTON.
H.R. 1185: Mr. SMITH of Vermont and Mr. FUSTER.
H.R. 1197: Mr. VALENTINE, Mr. GOSS, Mr. CLINGER, Mr. ESPY, and Mr. ROBERT F. SMITH.
H.R. 1239: Mr. SMITH of New Hampshire.
H.R. 1307: Mr. SENSENBRENNER, Mr. REGULA, Mr. RAY, Mr. HYDE, Mr. NEAL of North Carolina, and Mr. Grandy.
H.R. 1420: Mr. SHAYS.
H.R. 1649: Mr. GRANT and Mr. AKAKA.
H.R. 1676: Mr. SAXTON and Mr. SCHIFF.
H.R. 1730: Mr. SMITH of New Jersey and Mr. HERTEL.
H.R. 1746: Mr. WOLPE.
H.R. 1875: Mr. SISISKY.
H.R. 1994: Mr. MARTINEZ, Mr. SAVAGE, Mr. STOKES, and Mr. PERKINS.
H.R. 2202: Mr. DYMALLY and Mr. SMITH of Florida.
H.R. 2323: Mr. DEFAZIO.
H.R. 2584: Mrs. LOWEY of New York.
H.R. 2585: Mr. BOSCO, Mr. CARPER, Mr. MACHTLEY, Mr. KASTENMEIER, Mr. OWENS of Utah, Mr. BROWN of California, Mr. DEFAZIO, Mr. TORRICELLI, Mr. LIPINSKI, and Mr. SHAYS.
H.R. 2649: Ms. PELOSI, Mr. HUCKABY, Mr. FOGLIETTA, and Mr. PAYNE of New Jersey.
H.R. 2665: Mr. DICKS, Mr. DOWNEY, Mr. SCHEUER, Mr. COYNE, Mr. OBERSTAR, Mr. HUGHES, Mr. OWENS of Utah, Mr. HERTEL, Mr. FOGLIETTA, and Mr. BUSTAMANTE.
H.R. 2667: Mr. HERGER and Mr. SKEEN.
H.R. 2700: Mr. MARTIN of New York and Mr. BURTON of Indiana.
H.R. 2707: Mr. SPENCE and Mrs. PATTERSON.
H.R. 2912: Mr. BOSCO, Mr. BURTON of Indiana, Mr. CLINGER, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. GARCIA, Mr. BATES, Mr. BORSKI, Mr. CAMPBELL of Colorado, Mr. COX, Mr. FAUNTROY, Mr. LEHMAN of California, Mr. LEVINE of California, and Mr. LOWERY of California.
H.R. 2926: Mr. YATES, Mr. UPTON, and Mr. MOODY.
H.R. 2972: Mr. DWYER of New Jersey.
H.R. 3004: Mr. MCCURDY and Mr. ROE.
H.R. 3053: Mr. HAWKINS.
H.R. 3099: Mr. JONTZ.
H.R. 3157: Mr. SKAGGS.
H.R. 3182: Mr. WOLF, Mr. SAXTON, Mr. LOWERY of California, Mr. GEREN, Mr. EMERSON, Mr. PAYNE of New Jersey, Mr. GORDON, Mr. GALLEGLY, Mr. BLILEY, Mr. CAMPBELL of California, Mr. AUCOIN, Mr. BUSTAMANTE, Mr. HUNTER, Mr. OLIN, Mr. SKAGGS, Mr. HARRIS, Mr. MCNULTY, Mr. SKELTON, Ms. KAPTUR, Mr. MFUME, Mr. HUBBARD, Mr. SLATTERY, and Mr. FEIGHAN.
H.R. 3239: Mr. ENGEL.
H.R. 3315: Mr. MILLER of Washington, Mr. HASTERT, Mr. LAFALCE, Mr. RAHALL, Mr. BARNARD, Mr. SWIFT, Mrs. JOHNSON of Connecticut, Mr. MCMILLEN of Maryland, Mr. MFUME, and Mr. HORTON.
H.R. 3319: Mr. FLORIO.
H.R. 3322: Mr. INHOFE, Mr. STARK, and Mr. ESPY.
H.R. 3333: Mr. GEREN, Mrs. MARTIN of Illinois, Mr. ANDREWS, Mr. SMITH of New Hampshire, Mr. STENHOLM, Mr. HYDE, Mr. ORTIZ, and Mr. COBLE.
H.R. 3380: Mr. SENSENBRENNER, Mr. HOLLOWAY, Mr. GINGRICH, Mr. HAWKINS, Mr. JONES of North Carolina, Mr. FLAKE, Mr. MONTGOMERY, Mr. LIVINGSTON, and Mr. GLICKMAN.
H.R. 3383: Mr. BENNETT, Mr. DE LUGO, Mr. FALEOMAVAEGA, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FUSTER, Mr. JONTZ, Mr. KILDEE, Mr. KOSTMAYER, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. MACHTLEY, Mr. MCDERMOTT, Mr. MILLER of California, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. OWENS of Utah, Ms. PELOSI, Mr. RAHALL, Mr. RICHARDSON, Mr. SABO, Mr. STARK, Mr. YOUNG of Alaska, and Mr. BILBRAY.
H.R. 3401: Mr. WOLF, Ms. SLAUGHTER of New York, Mr. SCHUETTE, Mr. SMITH of New Jersey, and Mr. RIDGE.
H.R. 3412: Mr. ATKINS, Mr. BEILENSON, Mrs. COLLINS, and Mr. EMERSON.
H.R. 3429: Mr. WHITTAKER.
H.R. 3432: Mr. WHEAT, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. HAWKINS, and Mr. MCDERMOTT.
H.R. 3464: Mr. COX.
H.R. 3471: Ms. PELOSI, Mr. FOGLIETTA, and Mr. KOLTER.
H.R. 3472: Mr. HORTON, Mr. FAUNTROY, Mr. BAKER, Mr. MORRISON of Connecticut, Mr. CONDIT, Mr. HYDE, Mr. FALEOMAVAEGA, Mr. CLINGER, Mr. BATES, Mr. FROST, Mr. FAZIO, Mr. LANCASTER, Ms. LONG, Mr. BILBRAY, Mr. HOLLOWAY, Mr. GORDON, Mr. ECKART, and Mr. STARK.
H.R. 3475: Mr. BATES, Mrs. COLLINS, Mr. MCMILLEN of Maryland, Mr. SOLARZ, and Mr. MCGRATH.
H.R. 3483: Mr. LIPINSKI, Mr. HAWKINS, and Mr. WHEAT.
H.R. 3501: Mr. APPLEGATE and Mr. NELSON of Florida.
H.R. 3517: Mr. CONDIT, Mr. BERMAN, Mrs. PATTERSON, and Mr. DELLUMS.
H.R. 3521: Mr. KOLTER, and Mr. MCDERMOTT.
H.R. 3523: Mrs. COLLINS, Mr. FALEOMAVAEGA, Mr. ANNUNZIO, Mr. SANGMEISTER, Mr. HYDE, Mr. DWYER of New Jersey, and Mr. TOWNS.
H.R. 3587: Mr. BLILEY, Mr. BONIOR, Mr. BRENNAN, Mr. BROWDER, Mr. CALLAHAN, Mr. COURTER, Mr. COYNE, Mr. CRAIG, Mr. DANNEMEYER, Mr. DELLUMS, Mr. DEWINE, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. FAWELL, Mr. HUBBARD, Mrs. JOHNSON of Connecticut, Mr. JONES of North Carolina, Mr. KENNEDY, Mrs. KENNELLY, Mr. LANTOS, Mr. LENT, Ms. LONG, Mrs. LOWEY of New York, Mr. MADIGAN, Mrs. MARTIN of Illinois, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MCNULTY, Mr. MILLER of California, Mr. MINETA, Mr. MORRISON of Washington, Mr. MYERS of Indiana, Mr. NOWAK, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PERKINS, Mr. RINALDO, Mr. ROHRABACHER, Mrs. ROS-LEHTINEN, Mr. SCHUETTE, Mr. SCHULZE, Mr. SKAGGS, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. TAUKE, Mr. TORRICELLI, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VENTO, Mr. WEBER, Mr. WHITTEN, Mr. WISE, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Alaska, and Mr. MILLER of Ohio.
H.R. 3604: Mr. HYDE, Mr. GINGRICH, Mr. ARMEY, Mr. RHODES, Mr. MARLENEE, Mr. CRANE, Mr. PAXON, Mr. BLAZ, Mr. DORNAN of California, Mr. MCCRERY, Mr. KYL, Mr. SHUSTER, and Mr. ROHRABACHER.
H.R. 3622: Mr. GEKAS.
H.R. 3623: Mr. PALLONE, Mr. COBLE, and Mr. LIPINSKI.
H.J. Res. 255: Mr. COLEMAN of Texas, Mr. MANTON, Mr. YATES, Mr. COOPER, Ms. SNOWE, Mr. BOUCHER, Mr. HAYES of Illinois, Mr. BUNNING, and Mrs. MORELLA.
H.J. Res. 397: Mr. SHAW, Mr. SKAGGS, Mrs. PATTERSON, Mr. BENNETT, Mrs. LOWEY of New York, Mr. SISISKY, Mr. BOUCHER, and Mr. BARTLETT.
H.J. Res. 398: Mr. WOLF, Mr. SAXTON, Mr. LOWERY of California, Mr. GEREN, Mr. EMERSON, Mr. PAYNE of New Jersey, Mr. GORDON, Mr. GALLEGLY, Mr. BLILEY, Mr. AUCOIN, Mr. BUSTAMANTE, Mr. HUNTER, Mr. OLIN, Mr. SKAGGS, Mr. HARRIS, Mr. MCNULTY, Mr. SKELTON, Mr. MFUME, Mr. HUBBARD, Mr. SLATTERY, Mr. FEIGHAN, and Mr. ESPY.
H.J. Res. 411: Mr. PAYNE of New Jersey, Mr. ROE, Mr. EVANS, Mr. BATES, Mr. HUTTO, Mr. STALLINGS, and Mr. JACOBS.
H.J. Res. 421: Mr. BENNETT, Mr. PAYNE of New Jersey, Mr. JOHNSON of South Dakota, Mr. PANETTA, Mr. UPTON, and Mr. LAUGHLIN.
H.J. Res. 429: Mr. JONTZ, Mr. TRAXLER, Mr. MAVROULES, Mr. HEFNER, Mr. DWYER of New Jersey, Mr. WEBER, Mrs. VUCANOVICH, Mr. VOLKMER, Mr. VANDER JAGT, Mr. VALENTINE, Mr. MCDERMOTT, Mr. TAUKE, Mr. MCGRATH, Mr. SMITH of New Hampshire, Mr. COBLE, Mr. BALLENGER, Mrs. LLOYD, Mr. STAGGERS, Mr. SOLARZ, Mr. FEIGHAN, Mrs. LOWEY of New York, Ms. PELOSI, Mr. SCHUMER, Mr. BERMAN, Mr. LEVIN of Michigan, Mr. MCHUGH, Mr. HAYES of Illinois, Mr. CROCKETT, Mr. BENNETT, Mr. MFUME, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mr. LAUGHLIN, Mr. TAUZIN, Mr. SLATTERY, Mr. HARRIS, Mr. BARNARD, and Mr. NAGLE.
H.J. Res. 430: Mr. TRAFICANT, Mr. UDALL, Mr. FUSTER, Mr. HORTON, Mr. MCDERMOTT, Mr. TOWNS, Mr. GUARINI, Mr. CONYERS, Mr. GILMAN, Mr. SKAGGS, Mr. NAGLE, Mrs. UNSOELD, Mr. LEHMAN of Florida, Mr. FASCELL, Mr. YATES, Mr. RANGEL, Mr. MILLER of Washington, Mr. BEILENSON, Mr. SOLARZ, Mr. AUCOIN, Mr. ROE, Mr. SMITH of Florida, Mr. FOGLIETTA, Mr. ANDERSON, Mr. HUGHES, Mr. BOSCO, Mr. FAZIO, Mr. LEWIS of Florida, Mr. LIPINSKI, Mr. MARKEY, Mr. SCHEUER, Mr. FROST, Mr. LANTOS, Mr. ATKINS, Mr. MOAKLEY, Mr. GREEN, Mrs. COLLINS, Mr. FRANK, Mr. STUDDS, Ms. PELOSI, Mr. YOUNG of Alaska, Mr. OWENS of Utah, Mr. WOLPE, Mr. CARPER, Mr. BRENNAN, Mr. CROCKETT, Mr. DOWNEY, Mr. COYNE, Mr. DIXON, Mr. TALLON, Mr. MANTON, Mr. DORGAN of North Dakota, Mr. MATSUI, Mr. WALGREN, Mr. PAYNE of New Jersey, Mr. BATES, Mr. KOSTMAYER, Mr. SAWYER, Mr. FAUNTROY, Mr. FRENZEL, Mr. EVANS, Mr. GARCIA, Mr. GEJDENSON, Mr. HAYES of Illinois, Mr. FALEOMAVAEGA, Mr. HANSEN, Mr. LEVIN of Michigan, Mr. DEFAZIO, Mr. DYMALLY, and Mr. GEKAS.
H. Con. Res. 23: Mr. RINALDO and Mr. BERMAN.
H. Con Res. 62: Mr. ROYBAL, Mr. LEWIS of California, Mr. MOAKLEY, Mrs. BOXER, Mr. MARKEY, and Mr. SHAW.
H. Con. Res. 69: Mr. DEFAZIO, Mr. BARNARD, Mr. ECKART, Mr. KILDEE, and Mr. HAYES of Illinois.
H. Con. Res. 123: Mr. BARTLETT, Mr. STUMP, Mr. GILMAN, Mr. PALLONE, and Mr. RAHALL.
H. Con. Res. 149: Mr. HUBBARD, Mr. NAGLE, Mr. CAMPBELL of Colorado, Mr. MACHTLEY, Mr. OBEY, Mr. COOPER, Mr. SHUSTER, Mr. ANDERSON, Mr. MOLLOHAN, Mr. STUMP, Mr. BURTON of Indiana, Mr. GALLO, Mr. LEVIN of Michigan, Mr. GUNDERSON, Mr. JONES of North Carolina, Mr. STEARNS, Mr. CARPER, Mr. HYDE, Mr. GUARINI, Mr. VOLKMER, and Mr. RITTER.
H. Con. Res. 151: Mr. JOHNSTON of Florida.
H. Con. Res. 220: Mr. BATEMAN, Mr. EMERSON, Mr. HYDE, Mrs. LLOYD, Mr. SAXTON, and Mrs. MARTIN of Illinois.
H. Res. 247: Mr. UPTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2505: Mr. UPTON.

PETITIONS, ETC.

Under clause 1 of rule XXIII

122. The SPEAKER presented a petition of the chairman, Energy, Natural Resources, and Agriculture Interim Committee, Utah State Senate, relative to a resolution adopted by the committee in support of the completion of the Central Utah Project; which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

CSIS CONGRESSIONAL STUDY GROUP ON MEXICO

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. KOLBE. Mr. Speaker, since coming to Congress I have had a great interest in United States-Mexico relations. One of my objectives has been to give my colleagues current information on issues affecting this relationship, and to build our institutional knowledge. I'm pleased to continue that effort today by submitting for the RECORD the executive summary of the CSIS Congressional Study Group on Mexico, which I cochair along with my colleagues Hon. RON COLEMAN, and Senators LLOYD BENTSEN and PETE WILSON.

The Congressional Study Group, sponsored by the Center for Strategic and International Studies, was formed to assist legislators by giving them timely, accurate information, and to generate the realistic thinking these issues demand. The Congressional Study Group is bipartisan in character, and made up of Members from both legislative bodies. The Members of the group meet on a quarterly basis to discuss a wide range of issues, including trade and economic issues, immigration, drug trafficking, foreign policy and Mexico's internal political situation.

The group has worked to build a base of congressional expertise and consensus that can serve as pillars of a stable policy. The group recently issued its report, entitled "The Congress and Mexico: Bordering on Change." The report includes policy recommendations of the group on a series of issues in our bilateral relationship.

I urge Members to read the executive summary which follows:

EXECUTIVE SUMMARY OF THE CSIS CONGRESSIONAL STUDY GROUP ON MEXICO

This Report is the product of the on-going CSIS Congressional Study Group on Mexico, co-chaired by Senator Lloyd Bentsen (D-TX), Senator Pete Wilson (R-CA), representative Ronald Coleman (D-TX) and Representative Jim Kolbe (R-AZ). The group has met on a regular basis since its establishment in 1986.

Although not a formal consensus document, this Report is being issued now to provide a framework for new bilateral achievements between the United States and Mexico. Forced to be selective, this volume addresses four key areas: Narcotics, Trade, Immigration, and Mexican Political Reform.

MAJOR CONCLUSIONS AND RECOMMENDATIONS

As Mexico embarks on a high stakes effort to restructure its economy and open its political system, a note of urgency underlies the bilateral relationship. Whether Mexico fails or succeeds in its efforts will have dramatic repercussions for the United States into the 1990s and its relations with the rest of the hemisphere. Congress will not escape the rigors of these new responsibilities and will, therefore, find itself called upon to conceptualize its activities along the following lines:

DEFINING THE PARAMETERS OF INTERDEPENDENCE

Congress is a crucial arbiter of what some have termed a "silent integration", a process in which the threads of mutual interpenetration are multiplying. Congress plays a critical role in defining the limits of interdependence, allocating its costs and benefits.

PROACTIVE LEGISLATION

There is a need to appreciate the interactive linkage between issues on the bilateral agenda. In advancing from a reactive to a proactive legislative stance, Congress can tackle either the forward end—for example, the debt crisis—or the terminal effects-immigration policy.

CONGRESSIONAL DIPLOMACY

U.S. legislators, by their very nature, have tools of statecraft distinct from those of the executive branch. They can and should communicate to our Mexican neighbors the interests and opinions of important U.S. constituencies.

SETTING THE NATIONAL POLICY AGENDA

U.S.-Mexican relations include not only border concerns but broader national issues with ramifications from the mid west to Wall Street. The Congress can help boost U.S.-Mexican relations to the forefront of national priorities.

THE DRUG WAR

The current narcotics crisis plagues both societies and can only be solved by cooperative efforts to tackle both the demand and supply sides of the policy equation.

LONG-TERM SOLUTION

U.S. responsibility entails immediate increased expenditures in educational efforts, health rehabilitation programs and improved law enforcement. Stiffer mandatory minimum penalties—including revocation of drivers' licenses and publication of offenders' identities—for the millions of recreational users would implement a national commitment to a zero tolerance policy. Promoting Mexican economic health and furthering a reduction in U.S. demand are the only long-term solutions to the drug war.

THE CERTIFICATION PROCESS

Congress must remain aware of the sweeping consequences of the certification process, and keep in mind several guidelines.

First, the range of probable Mexican responses to decertification or certification issued on less than a "full cooperation" basis should be determined. Does the value of sending a message in the form of decertification outweigh the threat of Mexican retaliation?

Second, the ramifications of decertification in the financial and trade communities must be assessed.

Third, is decertification most effective as an implied threat or as an implemented policy? It is a card that can be played only once, and ought to be reserved for extreme circumstances.

BINATIONAL OPTIONS

Government-to-government cooperation efforts can be extended and might take several forms:

First, a binational customs accord to support a training, equipment and information program.

Second, encouragement to state and municipal law enforcement bodies to create binational law enforcement associations and accords along the border.

Third, an effective relationship between the "Drug Czar" as mandated by the 1988 Anti-drug Abuse Act and his or her counterpart in Mexico.

INTERDICTION

It is far more economical to interdict the flow of large shipments of drugs along the border than it is to pursue massive law enforcement efforts against the more diffuse distribution networks within the United States.

The U.S. should continue to install and improve radar detection activities on the southwestern frontier.

Specially trained National Guard units, in particular helicopter and air assets, can complement current forces in finding and intercepting drug traffickers and transporting law enforcement units.

An aggressive policy of air interception with either hot pursuit overflight rights (non-military), jointly piloted missions or radio coordinated binational missions, offers the possibility of success.

Both the U.S. intelligence community and the military should be encouraged to share information, including satellite data, regarding clandestine drug operations.

ERADICATION

Mexico utilizes 60% of its federal Justice Department budget and employs one-quarter of its military in its war on drugs. The U.S. material contribution to this effort takes the form of annual appropriations of approximately $10–15 million for the maintenance of the helicopter fleet.

Additional cooperation might be obtained by providing sophisticated aircraft and more effective aircraft maintenance and parts procurement to the Mexican Attorney General's office.

Joint crewing could provide independent verification of Mexican efforts, stemming allegations of possible corruption.

The U.S. Congress should study the feasibility of a multinational force to conduct operations against international drug smugglers.

LAW ENFORCEMENT

The Mexican Government has signed and ratified a Mutual Legal Assistance Treaty (MLAT) with the United States. The Senate should promptly consider the pending accord. The result should be closer Mexican cooperation in ongoing U.S. criminal investigations.

TRADE POLICY

Mexico is one of the United States' key trading partners. Both nations have an interest in stimulating mutual prosperity through enhanced trade and investment re-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lations. The 1980s have been marked by a significant liberalization of Mexican economic policies. Mexico's membership in GATT and its actions to dismantle tariff barriers should be applauded. Protectionist temptations in both the U.S. and Mexico should be avoided through vigorous negotiations in the context of the 1986 U.S.-Mexican Trade and Investment Framework Agreement.

ENHANCEMENT OF RECIPROCAL TRADE LEGISLATION

The efforts of the 1987 Framework Agreement to devise permanent binational vehicles of trade consultation should be supported and enhanced.

The Framework process ought to direct its attention toward the question of protecting intellectual property rights and to explore sectoral and other avenues for enhanced trade and investment that might lead eventually to a comprehensive agreement.

The desirability of establishing sectoral or geographical (border region) free trade in areas such as the auto and computer industries should be studied.

The advantages of including Mexico in the Caribbean Basin Initiative (CBI) might be investigated.

DIVERSIFICATION OF MEXICAN EXPORT MARKETS

Nations with trade surpluses, such as Japan, must give way to greater market access to the products of not only the United States, but also goods of less developed countries (LDCs). The United States absorbs 67 percent of Mexico's exports, in contrast to Europe absorbing 15 percent and Japan absorbing 6 percent.

THE MEXICAN IN-BOND PROGRAM

Maquiladoras (in-bond plants), that have relocated close to the U.S.-Mexican border, permit U.S. firms to utilize Mexican labor and improve U.S. industrial competitiveness. Most components processed in Mexico are supplied by U.S. plants, generating employment for U.S. workers. The location of maquiladoras remains controversial, however. Some feel that manufacturers should be located near the border to take advantage of both the twin plant concept and to ensure job creation in the U.S.; others feel Mexican economic development is best served by scattering plants within the Mexican interior.

FOREIGN INVESTMENT

Mexico can better capture the benefits of foreign capital flows through the expanded waiver of Mexican equity requirements.

The relaxation of stringent export performance and domestic content requirements could also entice foreign investors.

The reprivatization of the Mexican economy can be facilitated via debt equity swaps.

Protection should be strengthened for intellectual property, making effective patent protection available for pharmaceutical, agricultural chemicals, metal alloys and biotechnology.

THE IMMIGRATION QUESTION

Immigration is a long term policy challenge with deep roots in the labor markets and demography of Mexico and the United States. These concerns led to the passage of the Simpson/Rodino Immigration Reform and Control Act (IRCA) of 1986. The passage of IRCA rejects the extremes, that is, sealing the U.S. frontier or, conversely, opening the floodgates. It demonstrates a commitment to continued immigration within the context of legal control.

LONG-RANGE POLICY

The United States might work with the Mexican government to channel foreign investment toward areas that are high exporters of labor, by striving to maintain open markets for Mexican goods, and by maintaining support for the Maquiladora program, an important generator of employment opportunity in Mexico.

EMPLOYER SANCTIONS

Employer sanctions remain the most powerful mechanism of IRCA. However, employer sanctions without strenuous enforcement are a hollow threat. Vigorous prosecution of offending industries sends a message throughout the land, and to potential immigrants in their home countries.

TEMPORARY LABOR PROGRAMS

The "Special Agricultural Workers" program (SAW) offers temporary legal status to agricultural workers who can prove that they have worked in the U.S. more than 90 days in perishable commodities between May 1985 and May 1986. One third of those legalized under IRCA fall into the SAW category and some argue that the program is resulting in a permanent loss of employment opportunities for U.S. citizens.

Study of the SAW program's continuing effect on the domestic labor market is warranted.

It may be desirable to expand the SAW program definition of "perishable commodities" to adequately consider the needs of agricultural activities such as cotton and ranching.

THE VISA PREFERENCE SYSTEM

Mexico has more pending visa requests than any other nation, with family reunification applications backlogged for six years. It may be advisable to adjust visa allocations in such a way that would stress more joined legal families, without expanding overall allocations.

BILATERAL SECURITY OPERATION

The United States should expand the sharing of information with Mexico regarding the international movement of potentially dangerous individuals at ports of entry.

CONTINGENCY PLANNING

The United States should be prepared to implement a humane border security policy in the event of disturbances in Mexico. Contingency planning should resolve jurisdictional issues at the federal and state level, establishing a phased series of responsibilities.

BILATERAL CONSULTATION

Common sense dictates that wherever possible the U.S. engage in consultation and prior notification with Mexico regarding immigration policy decisions. There will be cases when the U.S. will have to proceed with policies objectionable to Mexican public opinion, however.

ENHANCED BILATERAL COOPERATION

The U.S. and Mexico should explore enhanced cooperation regarding the deterrence, prevention and apprehension of Central American immigrants passing through Mexican territory on their way to the United States.

NATIONAL DOCUMENT VERIFICATION

Employer sanctions must rely on a system of employment verification without the invasion of citizen privacy. This might be accomplished through the creation of a social security toll-free hotline number, similar to the call-in networks established by credit companies. Such a pilot program is already in effect in parts of Texas and appears promising.

MEXICAN DEMOCRACY

No issue is more sensitive than Mexico's internal political stability. For reasons of Mexican history, sovereignty and national pride, U.S. policy in this regard must be circumspect if it is to avoid generating hostility in Mexico. At the same time, U.S. national security is predicated upon certain conditions—one of which is the stability of its southern border. Coupled with this strategic aim is our deeper commitment to supporting open and pluralistic political values around the world.

The overall objectives of U.S. policy with regard to the Mexican political system should be the maintenance of Mexican stability within a dynamic, change-sensitive context and the preservation of Mexican political independence from foreign interference.

There are at least three approaches which U.S. policymakers might pursue with regard to Mexican political change.

SUPPORTING THE STATUS QUO

Many believe that the continued single-party rule of the PRI is the most effective form of government for Mexico and a bulwark against a radical turn to the left. Special consideration of foreign debt, enhanced market access, a muting of public criticism of Mexican political institutions and declarations of congressional support would reinforce the present political structures in Mexico

CHALLENGING THE STATUS QUO

Increasingly, critics are focusing on the flaws of and dysfunction in the Mexican political system. A hardened, activist U.S. stance that includes congressional condemnation of electoral fraud through observer visits, public statements, and joint resolutions; the linkage of human rights performance to trade and other economic benefits in the form of a certification process; and the linkage of political reform to U.S. financial treatment would exert significant pressure on the Mexican government.

RESPONDING PRAGMATICALLY TO CHANGE

Pragmatists acknowledge the forces of change in Mexico, but suggest that the pace of change and the U.S. response should be determined by sensitivity to the need for opportune conditions for a healthy transition. They opt for gradual reform, preferring to steer a flexible course between immobilism and precipitous withdrawal of support for an established government.

EDUCATIONAL EXCHANGES

The U.S. would be wise to support stepped up investment in educational exchange programs, particularly at a time when the presence of Mexican students and U.S. institutions of higher learning has fallen precipitously.

The creation of a permanent scholarship fund supported by government, business and foundations on both sides of the border may offer a creative long-term solution.

BUILDING DEMOCRATIC SOCIETIES

Exchanges between U.S. and Mexican civic associations should be supported at every level. Members of Congress can encourage their own local civic associations to reach out to their Mexican counterparts.

CONGRESSIONAL DIPLOMACY

The U.S. Congress constitutes a pool of goodwill ambassadors.

The formation of a bilateral legislative study group might prove to be a useful forum to further enhance this process.

FREE THE CUBAN PLANTADOS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, I would like to enter in the CONGRESSIONAL RECORD an editorial which recently appeared in the Miami Herald regarding the state of a Cuban political prisoner, Mr. Alfredo Mustelier who has gone on a thirst and hunger strike. Mr. Mustelier is still being force fed and physically restrained to his bed. He is at Carlos Finley Military Hospital outside of Havana and his wife was allowed a short visit. She is a medical doctor and has described his condition as grave. A Catholic priest has been denied visitation. The following is the editorial:

Hunger strikes are formidable weapons in the hands of those who only appear to be powerless, Oppressors rarely know how to counter fasts by opponents who pursue specific ends. Mahatma Gandhi, for instance, used hunger strikes quite effectively to protest the methods of the British authorities in India. Once, Gandhi threatened to starve himself to death if Hindus and Muslims did not end their incipient religious war.

In Cuban political prisons, hunger strikes have been the last resort of men and women subjected to arbitrary cruelties. Where food is scarce and ill health common—as in a Cuban jail—a hunger strike entails an extraordinary risk. Yet since 1959, Cuban prisoners have called numerous hunger strikes to protest execrable conditions, harsh measures such as the cancellation of correspondence and visits, or brutal requisas—the "search and destroy" missions that prison guards carry out in cells.

Several Cuban prisoners have died during these strikes. Alfredo Mustelier—a plantado (one who won't cooperate) who completed a 20-year sentence on Oct. 27—may be the next to die if he is not freed.

Since Oct. 27 Mr. Mustelier has been on a hunger strike to protest his illegal imprisonment. Since Oct. 30, he has not consumed either food or liquid. He has been moved to an isolation cell and stripped of all his clothing. His wardens expect him to die.

Commendably, more than two dozen U.S. Congressmen, along with Sens. Connie Mack of Florida and Claiborne Pell of Rhode Island, wrote to Fidel Castro. They urged him to free Mr. Mustelier and two other long-term plantados, Ernesto Diaz Rodriguez and Mario Chanez de Armas, "who have vowed," as the letter noted, "to continue the hunger-and-thirst strike when Mustelier either dies or is freed."

Mr. Castro, who is rarely at a loss for words, has not responded. He should be deluged by telegrams demanding the hunger strikers' freedom. Though their impending deaths may only arouse the Stalinist dictator's contempt, the lives of these three courageous, abused prisoners ought to carry an enormous weight in the conscience of all who truly care about human rights.

A TRIBUTE TO MICKEY LELAND

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SOLARZ. Mr. Speaker, I am pleased to submit for the record an eloquent tribute written by our former Speaker, Jim Wright of Texas on the work of Congressman Mickey Leland. It is a moving testimony to Mickey Leland's challenge to all of us—the commitment to ending hunger in the United States as well as abroad.

TRIBUTE BY FORMER SPEAKER JIM WRIGHT

Before the death of Mickey Leland slips into the limbo of a fading footnote in our memories we need to face its implications. Mickey believed quite simply that preventable starvation must not be tolerated by an elightened people.

It challenged our sense of elemental justice that Mickey and that planeload of splendid Americans should have died in such a seemingly senseless way while on their mission of mercy. The only way their tragic loss makes any sense at all is if it sets in motion something that makes a positive difference.

That death scene on the lonely Ethiopian mountainside could come into some balance in the cosmic scale of justice if it awakens us to the fact that we really can do something about starvation, at home and abroad, and that it is inexcusable not to do it.

Mickey Leland was concerned that people starve not only in Ethiopia and Mozambique but in American cities and on every continent. Malnutrition stunts the mental growth and cramps the features of countless millions of children. In our enlightened age we have the means, if we have the will, to wipe famine from the earth.

It is not as though we couldn't afford to do it. Every day the nations of the world spend about $2 billion on the implements of war. And every day 40,000 people die of starvation or of preventable disease.

Civilized society spends twice as much on weapons as we do on food, six times as much as we do on the whole gamut of medical care and research.

In April of 1987, Mickey Leland came to me with an idea, which he wanted me to present to Mr. Gorbachev in Moscow. This was during the time following the Rekyavick summit, before we had a formal weapons reduction agreement, when each side was warily eyeing the other and each was looking for tangible signs of good will. I was preparing to take a congressional leadership group to the Soviet Union for talks in the Kremlin with Gorbachev and other Soviet leaders.

Mickey's grand idea was for a joint foodlift by the two superpowers to starving people in some famine-smitten country, perhaps in Africa. The U.S. and the USSR would each contribute unarmed transport aircraft and grain from our harvest and we'd make the delivery together—hand in hand.

From Leland's point of view, this would accomplish two positive things—feed starving people and get the two rival powers together on at least one common project. The foodlift could start as a one-time event, but Mickey hoped it would lead to other joint humanitarian ventures.

It could be a spectacular example of the maturing of our relations, of our ability to lay aside old irrelevancies and face together the most basic and universal problem of all, hunger. Dual sponsorship, my friend reasoned, would free the decent deed from taint of ideology or suspicion of manipulative power politics.

Mickey's idea has never come to fruition. I presented it to Gorbachev who said he was open to the concept if technical and logistical problems could be met. Mickey and I discussed it with our State Department people. It never has jelled. Maybe it won't ever.

Nevertheless, it points in the right direction. It is in harmony with the best American tradition and the central thrust of our Nation's history. Never has America been more admired, or more successful, than when we've put simple human needs first in our scale of priorities. And if the global complexities frustrate our noblest aspirations, there is an aching void of unmet need in the cities where we live.

To minister to fellow Americans who lack a place to sleep or enough to eat is a more genuine exercise of patriotism than to fret ourselves into an artifical frenzy over almost non-existent sins like flag-burning.

A movement currently is afoot in Washington to erect on the Mall a museum of African-American history and culture to be named in honor of Mickey Leland. Such a museum could be instructive, even inspirational. But I can't help thinking Mickey really would prefer a national commitment to feed the hungry.

The very fact that people are homeless, and hungry, nagged and tugged at Mickey Leland. It should gnaw away at each of us until we do what must be done about it.

H.R. 3700, FREEDOM OF CHOICE ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. EDWARDS of California. Mr. Speaker, today I, along with 88 other Democratic and Republican Members of the House, introduce H.R. 3700, the Freedom of Chocie Act of 1989.

The bill codifes the 1973 Roe versus Wade decision which prohibited States from restricting a woman's right to choose to terminate a pregnancy prior to fetal viability or in cases where the woman's life or health is at stake.

Mr. Speaker, last summer, the Supreme Court, in the Webster decision, invited States to enact more and more restrictive abortion laws. Some States, like Pennsylvania, have already accepted the invitation. Prochoice Members of the House do not intend to sit by and let the courts and State legislatures whittle away at this important right. This bill prevents that from happening.

Our meassage is simple: If you support Roe versus Wade, you support this bill.

TRIBUTE TO VINCE GUDOBBA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Vince Gudobba of Clinton Township, MI. Mr. Gudobba is being honored for his active role in our community.

Since Mr. Gudobba's first job, helping his father deliver milk by horse and buggy, he has been a dedicated and hard worker. He began working at Briggs in 1928 when he was 17 years old. After Briggs was taken over by Chrysler, he worked there until he retired on December 31, 1971.

Since moving to Clinton Township in 1947, Mr. Gudobba has been active in numerous community activities, earning him the respect of his fellow citizens as a man of unselfish integrity. He is a member of the Clinton Township Democratic Club and worked with other Democrats in 1947 to get water in the area. Mr. Gudobba also worked with his late wife for many years running the secretary of state office in Mount Clemens, MI. He has served for over 20 years as a union committeeman and as a union executive board member for the United Auto Workers. Mr. Gudobba's contribution as a public servant will not be forgotten. I wish him the very best.

TRIBUTE TO CHRISTOPHER BABCOCK

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to Christopher Babcock, a young man cut down in the prime of life in the tragic violence last weekend in San Salvador. Chris had committed the last 2 years of his life to the education of a future generation of leaders as an English and social studies teacher at the Escuela Americana in San Salvador. He will be sorely missed by his students in El Salvador as well as his family and friends in eastern Washington.

Chris first developed an interest in teaching while a student at the same school which I attended—Gonzaga Preparatory in Spokane, WA. He continued the pursuit of his goal when he entered Washington State University's international education program and took his first student teaching job in Taipei, Taiwan. After graduating from Washington State, Chris took a position at the Escuela Americana. Chris understood the potential of his assignment—to be able to leave a positive mark on potential future leaders of this strife-torn nation. He attempted to increase the scope of his students' world by providing an awareness of the events that were happening around them.

Chris understood the risks of working in a country suffering the ravages of civil war. But, the vast potential of this idealistic 25 year-old ended with the explosion of a rifle grenade outside the front door of his rented apartment on Saturday, November 12. While we all mourn the current bloodshed in El Salvador, the people of Washington's Fifth District who know Chris Babcock feel the tragedy all the more acutely knowing that a young man who dedicated his life to educating a new generation of leaders had himself fallen victim to the very violence which his efforts had been aimed at avoiding.

ECONOMIC DEVELOPMENT LOAN ASSISTANCE PROGRAM ACT OF 1989

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. TRAFICANT. Mr. Speaker, today I introduced legislation that is much needed in ailing communities across the Nation. It is entitled the Economic Development Loan Assistance Program Act of 1989. My bill takes a new approach to the necessity of the private sector working in conjunction with the Federal Government to revitalize economically depressed areas.

In the bill, the Secertary of HUD would be permitted to make grants to Community Development Corporations [CDC's] to buy-down interest rates, not to exceed 60 percent of the market rate of interest, on economic development loans to businesses and nonprofit organizations to be used for projects and activities that assist in rejuvenating economically depressed areas. No Federal money would be dispersed to a CDC unless the area which it targets for economic revitalization meets the criteria for an economically distressed city or urban country under the Urban Development Action Grant [UDAG] Program.

In addition, no Federal money would be dispersed to CDC's for loans made to businesses and organizations unless the CDC has a firm commitment from that business or organization that it will use its loan on an economic development project. Eligible economic development projects include housing rehabilitation and construction and any other activity that creates permanent private sector jobs.

I offer this bill as a compliment to the UDAG Program which I am trying to get reauthorized. Should the UDAG Program not be reauthorized, I offer this bill as a substitute. This bill has real potential. We just need to give it a chance to succeed. I urge you to join me and 15 of my colleagues, including Majority Leader GEPHARDT, Chairman GONZALEZ, and Chairwoman OAKAR, in cosponsoring this important legislation. In doing so, you will encourage a partnership between the Federal Government and private sector that is much needed in stimulating depressed communities.

A DAY OF HOPE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, I want to call my colleagues' attention to the continuing development of a very special project for the city of Miami. From submissive beginnings in 1947, a homeless shelter opened its doors and has grown into the largest facility this side of Atlanta. This exceptional ambition is the Miami Rescue Mission.

This progress was apparent when the newest branch opened its new 250-bed shelter in February 1989. The number of homeless people who have come through the doors have been staggering. During the first 5 months of 1989 the mission has served a record number of people. The magnitude of the homeless problem in Dade County alone is intense. The mission provided 19,500 bed nights and 73,727 meals in the first 5 months of this year.

The Miami Rescue Mission is now launching a special campaign called "A Day of Hope". It is a day that meets the basic needs of a homeless person with hot meals, showers, shaves, clean clothing, and shelter for 1 day. For many, this outreach of love and concern brings new hope to the heart. Giving to a homeless person is like reaching out to a drowning man. It is a day of hope for many, but most importantly, it can start someone on the road to a life of hope.

There are many individuals involved in this mission, however, Dr. Frank Jacobs' special commitment makes the project what it is today.

ED KOCH: TALLEST TUMMLER OF THEM ALL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SOLARZ. Mr. Speaker, when the Congress returns to Washington in January a remarkable era in American political history will have come to an end. Mayor Edward I. Koch will leave office, ending 16 years in city hall and a career in public life spanning more than a quarter century.

Born in the Bronx on December 12, 1924, Ed Koch is the son of Louis and Joyce Koch, both Polish-Jewish emigrants. Growing up during the Depression, the future mayor worked in his father's hat-check concession, at a local deli counter, and organized a baby sitters' cooperative during the summer.

He attended the City College of New York, served honorably in World War II where he received two battle stars, and returned home from Europe to attend New York University Law School where he earned his bachelor of laws in 1948.

Ed Koch entered politics when he signed on to Adlai Stevenson's 1952 Presidential campaign. In 1956 he moved to Greenwich Village

where he helped found one of the first reform Democratic Clubs in New York, the Village Independent Democrats.

Ed Koch failed in his first try at public office, a 1962 race for State Assembly against William Passannante, who today serves as Speaker pro tempore of that body. But Ed Koch was never one to be discouraged by failure. The following year he challenged the reigning political power in the Borough of Manhattan, Carmine DeSapio. That 41-vote victory, followed by larger victories in 1964 and 1965, marked the end of one political era and the beginning of another.

Following a brief stint on the city council from a district that had not elected a Democrat since 1928, Ed Koch came to Capitol Hill as a Member of this body.

During his five terms in this House, Ed Koch distinguished himself as a hard working, vocal, and effective partisan for his constituents and those causes he held most dear.

I had the privilege to serve with him in Congress and well remember that in 1976 he was voted by our city's delegation as our "most effective Congressman." We elected him as the secretary of our State's delegation four times.

In times of need, Ed Koch could fight hard for our city and win important battles. There was no more important fight than the effort to rescue New York from the depths of a crushing fiscal crisis. The assistance he helped win, $2.3 billion in Federal loans, pulled New York back from the abyss. As mayor, he made the hard fiscal judgments which restored the city's fiscal health and repaid our debt to the Nation.

As a member of the Appropriations Committee's Transportation Subcommittee, he led the fight for the mass transit operating subsidy bill of 1974. As traffic congestion continues to plague our streets and air quality, and while the mass transit system slowly rebuilds, this singular contribution appears ever more important.

Ed Koch also fought for the State of Israel with a passion born of true commitment. Israel never had a better friend in Washington than Ed Koch, nor a more effective advocate. He brought this same fighting spirit and deep personal commitment to the fight for Soviet Jewry. In 1971 he fought for and won administrative regulations removing limitations on the entry of Soviet Jews into the United States.

During his tenure, the war in Vietnam raged abroad and divided our Nation at home. Ed Koch was a fearless and outspoken leader of the antiwar movement. He saw early on that the war was a terrible mistake and that the only honorable course of action was to bring it to a quick conclusion.

Ed Koch also used his position on the Foreign Operations Subcommittee to bring the cause of human rights and the struggle for democracy to the attention of the Nation and the world. He never gave up on these cherished values, continuing to speak out on world events from the Blue Room at city hall.

Mr. Speaker, it is fitting that Ed Koch's long and distinguished career in public service be noted in the CONGRESSIONAL RECORD. As a member of this body, he made excellent use of the CONGRESSIONAL RECORD to speak out on all matters great and small, bringing to the debate his own unique style. I remember one statement in particular denouncing the crimes of then Ugandan dictator Idi Amin entitled "Idi: Short for Idiot." It was a characteristic comment from the tallest tummler of them all.

Ed Koch was inaugurated as the 105th mayor of New York City on January 1, 1978. He presided over the restoration of our city's fiscal health. He served in good times and bad, always speaking his mind even when prudence might have dictated silence. He would often quip that his outspoken manner and need to apologize to one constituency or another had earned him the unofficial title of "Mayor Culpa."

Despite, or perhaps because of, New York's long running love-hate relationship with Hizzoner, Ed Koch became synonymous with our city. He is the ultimate New Yorker, opinionated, a lover of restaurants, a citizen of the world, and a fighter who never gives up.

Mr. Speaker, all too often in public life gone is soon forgotten. I sincerely doubt that in retirement Ed Koch will be either gone or forgotten. He will doubtless continue to speak out, to be involved, to remain a vital and active participant in the life of our Nation. And when he appears somewhere to speak on the issues or sits down to dinner at his favorite Mott Street eatery, someone in the crowd will be heard to say, "Hey look, it's the Mayor!"

DARE PROGRAM KEY PART OF ANTIDRUG EFFORT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. EDWARDS of California. Mr. Speaker, I rise today to congratulate and pay special recognition to the DARE Program implemented in Fremont by the local police department and the Fremont Unified School District.

DARE, an acronym for Drug Abuse Resistance Education, is an educational program which teaches students the skills necessary to say no to drugs. This program, which originated in Los Angeles, is now being taught in more than 50,000 classrooms in 48 States and the District of Columbia. It has been projected that 3 million students will participate in the DARE Program this year.

I have always been in favor of greater drug education efforts, and it is through programs such as DARE that the potential success of drug education can be realized. The program's success is built upon personal instruction and interaction. It consists of 17 50-minute sessions which are conducted by an unarmed uniform police officer. The lessons consist of lectures, discussion time, role playing, homework and tests. Through this interaction, the officer becomes a friend and an ally of the students.

The DARE project was implemented in eight schools in Fremont during the 1988–89 school year. The pilot year was such a rousing success that the city of Fremont and the Fremont Unified School District have decided to fully fund the program for the 1989–90 school year. The DARE staff will be increased to four officers and the number of elementary schools involved in the program will grow. These 32 schools will include 5 private elementary schools.

The program's value should be obvious, and it provides many assets other than drug education. Independent research has shown that, in addition to helping students resist drugs, the DARE Program has also contributed to improved study habits and grades, as well as decreased truancy, vandalism, and gang activity. The program has also improved relations between ethnic groups, and fostered a more positive outlook on the part of students toward police and school.

The Fremont Police Department also realizes the importance of community interaction and it has been very innovative in this area. The department's use of public ceremonies and speaking engagements to both educate and inform the public about the program and its potential has been truly praiseworthy. Its solicitation of local business for funding has also raised awareness about the program.

Drug education is an indispensable facet of the war on drugs. Mr. Speaker, I am proud to honor the Fremont DARE project which has proven to be a very effective educational weapon in the effort to defeat this country's drug problem.

TRIBUTE TO NANCY WHITE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Ms. Nancy White of Clinton Township, MI. Ms. White is being honored for her active role in our community.

I can personally attest to Nancy's integrity and perseverance. She was a former staff assistant of mine and served as my campaign manager in 1978. Nancy now serves as the 12th Congressional District Democratic Committee chairperson. She has given a lifelong commitment to traditional Democratic values.

Currently Nancy is the Uniserv director for MEA–NEA Local 1. Her involvement in education has grown throughout her 23 years as a teacher and guidance counselor for Fraser Public Schools. She served as president of the Fraser Education Association for 16 years and currently is a member of the Michigan Higher Education Assistance Authority Board. Nancy also is a member of the Macomb County Mental Health Board and a member of the United Community Services Board, Macomb Division.

I have met few people who do so much, so well. Her judgment, drive and talents allow her to commit herself to organizations throughout Macomb County with no group suffering from her involvement with another. On every initiative I have worked on with Nancy, she has displayed tremendous professionalism. She is thorough, bright and sincere.

However, no commitment is more important to Nancy than her responsibility as a wife and mother. Her love for her husband, Daryl and her children, Karen and Doug, are inspiring. Her strength and drive are surely motivated by these strong relationships.

I am honored to recognize Nancy on the floor of the House for her hard work and dedication. Her active community participation has earned her the respect of her fellow citizens as a woman of unselfish integrity. She is an active member of the Clinton Township Democratic Club and has remained dedicated to instilling Democratic ideals in the hearts and minds of those she touches. Nancy's contribution to our community will not be forgotten. I wish her the very best.

UNITED NATIONS PERESTROIKA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WELDON. Mr. Speaker, we have witnessed unprecedented changes in the Soviet Union over the past few years. The bold push for "perestroika" along with recent democratic initiatives in East Germany, Poland, and Hungary indicate that freedom is truly on the march.

The chill between the superpowers is melting quickly, and we are continuing to adapt to the new state of world relations. We must continue to support efforts to bring perestroika to full fruition, and work to encourage similar progress in all nations.

Mr. Speaker, recently I had the opportunity to read a speech given by a constituent regarding these very issues. Mr. John Logue, Director of the Common Heritage Institute, told members of the Soviet Peace Committee and other world federalists his thoughts on "United Nations Perestroika." While I do not necessarily agree with each of Mr. Logue's recommendations, I think he makes some fine points and his speech is worthy of our attention. I ask that the text of that speech be inserted in the CONGRESSIONAL RECORD.

UNITED NATIONAL PERESTROIKA—AN ESSENTIAL PART OF A REALISTIC PEACE STRATEGY [1]

(By John J. Logue)

It is an honor and pleasure to speak at this great university in the great city of Leningrad on the eve of the seventieth anniversary of the October Revolution. I bring you greetings from Leningrad's sister-city, the City of Philadelphia, the City of Brotherly Love.

In Philadelphia this year we have been celebrating the 200th anniversary of the American Perestroika, that is the 200th anniversary of the Constitutional Convention which met in our famous Independence Hall under the leadership of such giants as George Washington, Benjamin Franklin and James Madison. The purpose of that Convention was to rethink and restructure American political institutions so that the promises of the American Revolution and the American Declaration of Independence could be better realized. The Convention's product was the Constitution of the United States.

On the evening of August 6th, 1987 an International Bicentennial Symposium on Strengthening the United Nations convened in Independence Hall. For three days in that hall or at the nearby University of Pennsylvania, some 450 participants considered United Nations Perestroika, i.e. how the United Nations should be restructured and strengthened so that it can accomplish the high purposes to which the organization was dedicated in San Francisco in 1945. Of special concern were the important objectives of maintaining peace and security, and promoting economic and social progress and the extension of human rights.

The Bicentennial Symposium was cosponsored by 27 organizations. It had participants from more than twenty-five countries and speakers from many of them, including Britain, Canada, China, France, Ghana, India, Jamaica, Japan, Mexico, Senegal, the Soviet Union and the United States. UN officials, five ambassadors and three Soviet academics were among the more than thirty speakers. Many of them spoke of the merits and the great influence of the American Constitution.

On Sunday August 9th many participants in the Bicentennial Symposium went to Independence Mall—in front of Independence Hall—to hear the reading of a "Declaration of Philadelphia" and to sign that Declaration. Each of you is being given a copy of that declaration, in English and in Russian.

The Declaration begins with the words "We the People of the World". Its signers demand that United Nations institutions be restructured and strengthened so that the organization will have the power, authority and funding to do the job which it was set up to do in 1945 in San Francisco. The Declaration urges world leaders to imitate "the boldness and imagination which the American Founding Fathers showed in Philadelphia 200 years ago as they sought to assure peace and justice for the United States.

Many prominent and not so prominent persons signed the Declaration at that Philadelphia meeting. Others signed it before or after the meeting. The signers include: Thor Heyerdahl, Norwegian anthropologist and ocean explorer; Arthur Lall, former Indian Ambassador to the United Nations; Jan Tinbergen, Nobel Prize winner in economics; Robert Muller, former UN Assistant-Secretary-General; Olusegun Obasanjo, former Nigerian President; Senator Claiborne Pell, Chairman of the U.S. Senate's Foreign Relations Committee; Reverend Theodore Hesburgh, former President of the University of Notre Dame; and Vladimir Orlov, Vice-Chairman of the Soviet Peace Committee.

We world federalists are glad that General Secretary Gorbachev and Foreign Minister Shevardnadze are putting great emphasis on making more and better use of the existing institutions of the United Nations. We are glad that the Soviet Union is supporting Security Council Resolution 598 which hopes to end the terrible war between Iran and Iraq. We are glad that the Soviet Union is asking for increased use of UN peacekeeping forces. Those forces have helped to keep the peace between states which were at war or were threatening to go to war. However peacekeeping forces are not enough. If the United Nations is to be able to do its job it is not enough to make better use of existing United Nations institutions. It is also necessary to strengthen those institutions.

Not everyone favors United Nations Perestroika. I am sure you have heard or can imagine some of the arguments that are used against it. I want to examine some of them with you.

A frequently heard argument against United Nations Perestroika is that the UN does not need structural changes. We are told that the existing weak institutions of the UN can do their job if the member nations will only summon up the "political will" to make those institutions work. But that argument is fatally flawed. National governments cannot do their job if they have no power to enforce their mandates. Political will did not and could not make the Holy Roman Empire work. It did not and could not make the American Articles of Confederation work or the Leagaue of Nations or the United Nations. The Karensky government could not make the weak institutions of Russia work in 1917. In each of those cases political will would have helped. But what was more essential was the restructuring of political institutions.

Some argue that since all nations are equal each must have the same number of votes in the United Nations General Assembly. I do not agree. Surely the people living in tiny Yanyi Polyani, the birthplace of Leo Tolstoi, or the people living in the small city of Zagorsk do not and should not have as many votes in your Supreme Soviet as do Moscow or Leningrad. That would be absurd. But it would be no more absurd than the one nation-one vote system in the UN General Assembly.

A third argument against United Nations Perestroika is that it is too idealistic, that, it will inevitably take a very long time to achieve. We world federalists do not agree. History furnishes many examples of bold ideas that have succeeded and timid examples that have failed.

The Philadelphia Constitutional Convention is an excellent example of the triumph of boldness. Instead of following the advice of timid men, those brilliant politicians followed the leadership of the bold president of the Convention, George Washington. Washington urged them to be honest with the American people, to tell them what was wrong with their political institutions and how those political institutions could and should be restructured and strengthened. Washington's advice was sound and it was successful. When you are sick you want your doctor to tell you what is wrong with you and what you must do to recover your health. You want him or her to tell you the truth.

In calling for boldness in the job of restructing the United Nations I feel especially at home here in Leningrad. For seventy years ago in this city, from the Finland Station to the October Revolution there was boldness in thought and action, boldness in thought and action which changed the world forever. That is what we ask of the world—including our Soviet friends—boldness in thought and action which will give the United Nations—in the near future—the power, authority and funding to do what it was established to do.

Having discussed some of the arguments against United Nations Perestroika I now want to talk about some of the structural changes which world federalists believe must be made in the United Nations.

Although it must have limited power, the restructured United Nations must be able to enforce United Nations law on the individ-

[1] This is the revised text of a lecture which Dr. Logue gave at the University of Leningrad on October 12, 1987. He is Professor of Political Science at Villanova University and Director of the University's Common Heritage Institute. He was in the Soviet Union as a member of a small delegation of the World Federalist Association (USA) who were guests of the Soviet Peace Committee. He is a Vice President of WFA and the Vice President of the World Association for World Federation. In 1987 he was Director of the International Bicentennial Symposium on Strengthening the United Nations which is mentioned in the lecture.

ual lawbreaker, whether warrior, terrorist or tax dodger. The UN must not have to choose between doing nothing about violations of world law and going to war to stop those violations. If a man violates a law of the Soviet Union in Kiev or Tblisi or Tashkent or Moscow the Soviet Union doesn't go to war with the Ukraine Republic, or the Uzbek Republic, or the Georgian Republic, or the Russian Republic. What it does instead is to arrest the offending individual, determine whether he is guilty and, if he is, punish him in an appropriate way. If a citizen of my State, Pennsylvania, violates a law of the United States he is tried in a U.S. court not in a Pennsylvania court. The United Nations should have the power to enforce UN law.

The restructured United Nations must have a large—but not too large—UN peacekeeping force. National armies and weaponry must be reduced so that they can be used only to keep order at home.

The rewritten United Nations Charter must forbid member nations to have any weapons of mass destruction or means to deliver those weapons.

The restructured United Nations must have a new way of making decisions. As I have indicated, the one nation-one vote system in the General Assembly is utterly unrealistic. So long as it continues, the world—and especially the Great Powers—will refuse to give the United Nations the additional power and authority it so desperately needs. World federalists have no magic substitute for the one nation-one vote system. But surely population should be taken into account. Perhaps—I say perhaps—economic strength should also be taken into account. Perhaps there should be a three house UN General Assembly. Or perhaps, as Richard Hudson has suggested, General Assembly votes should be binding only when they meet each of three tests: First, do two thirds of the member nations approve the proposed legislation? Second, do the nations approving it include two thirds of the UN's population? Third, do the nations approving it contribute at least two thirds of the UN's regular budget?

The decision-making process must also be improved in the Security Council where, as you know, each of the five permanent members has a veto. We cannot have an effective United Nations if any nation—whether large or small—has a veto over UN decisions. In 1982 the giant UN Law of the Sea Conference approved a treaty text which the United States opposed. I am sorry that the United States would not support—and does not support—that Law of the Sea Treaty. But I am glad that the members of the United Nations did not give the United States a veto on the question of whether the treaty should be approved. Don't misunderstand me. A decision to go ahead without a Great Power should not be taken lightly. It should not be taken without the most sincere and hard-working effort to accommodate the hold-out Great Power. That effort certainly was made in the Law of the Sea Conference. In the Reagan Administration could not be persuaded. But in the last analysis no single nation should have the power to paralyze a United Nations institution, especially the institution with the responsibility for peace and security, i.e. the Security Council.

Let us go on the question of United Nations finances. If the UN is to achieve its high purposes it must have substantial and reliable sources of funding. Money is needed to fight famine, to aid development, to fight pollution and for other important purposes. Money is needed for an adequate UN peacekeeping force. Yet the entier budget of the United Nations, including its affiliated organizations, is less than the budget of New York City. Somewhere in the *Federalist Papers* Alexander Hamilton said: "You do not truly will an end, a purpose, an objective unless you will the means to accomplish that objective." Obviously, the members of the United Nations have not yet decided to give the organization the means to accomplish the objectives they endorsed in San Francisco.

There are many possible sources of revenue for a strengthened United Nations. One of them is the tremendous deposits of oil and natural gas within 200 miles off shore. Some of us worked very hard to see that wealth—or a substantial part of the income from it—would be regarded as "the common heritage of mankind" and, through a "Common Heritage Fund", would be used to help United Nations programs and for other worthy purposes. Unfortunately, although title to that wealth was unclear in 1973 when the Law of the Sea Conference began, the Conference decided that all of that immense wealth should belong to the coastal states and, especially, to a very small number of rich states with very long coastlines.

World federalists still hope that some of that oil and gas wealth can be recaptured for mankind in a "common heritage compact". They also hope that if the great mineral wealth of Antarctica is to be exploited some or all of the income from that exploitation will be regarded as the common heritage of mankind and used to help finance the restructured and strengthened United Nations for which we are working. There are many other potential sources of UN revenue, e.g. taxes on international trade and international travel.

Unfortunately almost all UN revenue comes from the "required contributions" of member states. That is one of the greatest weaknesses of the organization. Great powers—including the United States, France and the Soviet Union—have decided to ignore their legal and moral obligation to pay their share of the UN's regular budget.[2] So have other countries. They have done so because they did not like the particular purpose for which some of their money was being spent or didn't like the UN's method of making financial decisions. But the UN cannot force governments to pay their contributions. And the deficits mount.

The last point I want to make is that the restructured institutions of the restructured United Nations must be strong—but not too strong. Here I think the nations of the world could learn much from the men who drafted the United States Constitution.

The purpose of the United Nations is not to supplant national governments or to change national ways of life but to help those national governments and their peoples to live together in a peaceful, just and prosperous world. For the sake of freedom, stability, progress, prosperity—and for a thousand other reasons—a stronger United Nations must be balanced and checked by strong national and regional institutions. A strong UN executive must be balanced—and checked—by a strong UN legislature and strong UN courts. It is also important that other institutions—including the press, universities, churches and political parties—keep their freedom, not only for its own sake but also as a check against a too strong United Nations.

The argument for checks and balances—and decentralization—has much to do with the value of human liberty and human dignity. But it also has to do with economic and social and technical progress. Everywhere bureaucrats resent criticism. Everywhere they feel threatened by it. Everywhere they are tempted to cover-up their faults and mistakes. But what is in the bureaucrats' interest is not always in the interest of the people or in the interest of justice or in the interest of progress. The bureaucrats must be made responsible.

Let me stress what a great contribution the leaders and the people of the Soviet Union can make to the essential task of restructuring the United Nations. The Soviets are a talented people with a long history and much to teach the rest of the world. You have had your troubles and we have had ours. Our Founding Fathers—the Founding Fathers I have been praising—let slavery continue even though it violated the sacred principles of the Declaration of Independence. And after slavery was ended it took another 100 years to end legal discrimination against blacks. It also took us a long time for Americans to agree that human rights include not only civic and political rights but economic and social rights as well.

As a visitor to the Soviet Union it is not my job to suggest the lessons which may be drawn from your history. But I can say that I am very happy that General-Secretary Gorbachev is urging a policy of glasnost, i.e., openness. I am happy that he is urging new political thinking. I am happy that he is urging perestroika.

Indeed when it comes to the United Nations we need glasnost, new political thinking and perestroika in the West, and especially in the United States. All too often bureaucrats and editors—and academics—are weighed down by the old political thinking which knows, as a matter of faith, that it is impossible or undesirable—or both—to restructure and strengthen the United Nations.

I have told you how much I admire the the boldness of thought and action of General Secretary Gorbachev. I would like to end my lecture with a quotation from the father of the American Constitution, James Madison. Somewhere in the *Federalist Papers* Madison addressed himself to the timid souls who argued that the ideas proposed by the Founding Fathers were too new and too bold and were therefore unwise. Madison's words remind us that the American Founding Fathers were not afraid to try new ideas, new political thinking. Here is what he said:

"Harken not to the voice which petulantly tells you that the form of government recommended for your adoption is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what is impossible to accomplish. . . Is it not the glory of the people of America, that, whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of experience?"

I ask you: Shouldn't we citizens of the world—in the Soviet Union, in America and

[2] A few days after De. Logue's lecture the Soviet Union announced that it would pay its arrears to the United Nations.

in every nation—find the courage, self-confidence and determination to give the United Nations the power, authority and money which it must have if it is to do what it was supposed to do?

I hope you will take seriously this idea of United Nations restructuring, of United Nations Perestroika.

FLORIDA POWER AND LIGHT COMPANY WINS COVETED DEMING AWARD

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. LEWIS of Florida. Mr. Speaker, there is nothing more exhilarating than to enter a race as an underdog, to apply extraordinary effort, strategy and determination, and then to achieve victory. As such, it has been a sweet victory for Florida Power and Light Co., their employees and their customers as they earned Japan's prestigious Deming Prize for outstanding achievement in the process of quality control management.

Florida Power and Light [FP&L] is the first international winner of this coveted award as announced by the Union of Japanese Scientists and Engineers [JUSE]. This prize was created in 1951 to honor American quality pioneer W. Edwards Deming and businesses that embrace his truly revolutionary management concepts. FP&L is the first overseas company to challenge for the award. Past Japanese winners include the Toyota Motor Corp., the NEC Corp. and Hitachi Ltd.

The Deming Prize recognized that FP&L has successfully applied a quality improvement process to help achieve their continuing goal of customer satisfaction. In order to compete, more than 1,800 FP&L quality improvement teams identified customer needs, gathered necessary resources and developed projects to meet those needs. The review by the Deming examiners focused primarily on how well the FP&L teams achieved those results. Obviously, they were successful in meeting the Deming standards.

The results have been dramatic in reducing costs and improving efficiency. Progress so far has reduced the average length of customer service interruptions from 100 minutes annually in 1982 to 48 minutes in 1989. In the category of safety, FP&L has reduced lost-time injuries from more than 1 per 100 employees in 1986 to .42 in 1989. Additionally, customer complaints to the Florida Public Service Commission have declined to the lowest levels in 10 years.

FP&L also has reduced its fossil power plant forces outage rate from 14 percent in 1986 to less than 4 percent this year, saving ratepayers more than $300 million that otherwise would have to be spent on new generating units.

Reliability of electricity and the stable cost of power are the primary concerns of customers. As a result of the commitment to its improvement process, FP&L has managed to reduce considerably the amount of time customers are without electricity and have kept costs well below the consumer price index. In fact, costs are lower today than in 1985.

Once again, I would like to congratulate the Florida Power and Light Co., their dedicated employees and their customers. In my book, they are all winners.

EXCELLENCE IN EDUCATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. PORTER. Mr. Speaker, I commend to you the following article written by William Zibart and which appeared in the Chicago Tribune on November 15, 1989. Mr. Zibart is a member of the faculty at New Trier High School which is located in my district. New Tier is consistently ranked among the top 10 high schools in the country, and its faculty is likewise among the finest in the United States.

I insert Mr. Zibart's article in the RECORD following my remarks:

STATE INCOME TAX WON'T FIX SCHOOLS

(By William G. Zibart)

An editorial titled "Warning to Illinois in Texas Case" commended that state's supreme court decision concerning "efficiency" in education. The decision mandates equality of education between rich and poor districts, reliance on state government for education funding and the diminution of the property tax. The new Illinois school superintendent wants to lead a "war" against the state's inequitable financing system. The answer, stated the editorial, lies in shifting the bill for schools from local property taxes to the statewide income tax. It certainly sounds like a noble goal.

I realize there are many people so young they don't know what happened in Illinois education in the 1970s. I appreciate the opportunity to inform them.

In 1971, the California Supreme Court ruled in *Seranno v. Priest* that state-local systems of school finance that link access to education funds with local wealth in real property valuation violate the Equal Protection Clause of the 14th Amendment.

That same year a book titled "Schools and Inequality" offered views we're hearing again. A property tax at some uniform and relatively low rate, with the difference between what this levy would raise for the students in each school district and state requirements to be allocated from state funds to each local school district. These revenues would be derived from state income and sales taxes.

The obvious intent was to bring the poorer districts up to the level of the richer districts, certainly not to lower the richer ones to the unacceptable level of the poorer ones. Nor to achieve some kind of universal mediocrity. In fact, a U.S. Senate committee stated in 1972: "We must assure that those good schools which are now providing excellent opportunities for their students are not required to reduce their resources or diminish the quality of education."

The Illinois General Assembly enacted the Resource Equalizer State Aid formula in 1973 with the purpose of accomplishing such equality. Did the state provide enough funds to bring up the quality of the poorer schools to that of the better schools? Was there an increase in the state income tax or the sales tax to provide the necessary albeit staggering sum required? By the very next year the equalizer formula was not being fully funded. In 1975, Gov. Dan Walker cut the state aid formula by 4.9 percent.

What effect did these efforts at educational equality have? Some schools indeed did receive more money from the state, and that no doubt helped their programs. In what were known as the "better" or "richer" school districts, like mine, the results were devastating. We offered fewer class sections, increased our average class size, provided fewer advisers for students and made cuts in building maintenance. Why didn't we just bite the bullet and pay more out of our own pockets? We weren't allowed to, remember?

In order to achieve this equality, some schools had to freeze their operating tax fund rates at their 1972-73 limits, or in some cases actually roll them back. Our 1975-76 operating budget was cut 6 percent. Another huge cut was planned for 1976, still another for 1977.

After four years, my school district had cut back $14 million in programs and depleted all its reserves.

How did it all end? Did the state ever achieve any sort of equality? Was the General Assembly willing, or able, to pay for the necessary increases for the "poorer" districts? Of course not. It became obvious that the costs would be astronomical and to continue would be to destroy all the school systems that had served as models in the state and the nation.

The Illinois Senate realized that things were in a mess and passed Senate Bill 1493, which allowed school districts the right to tax themselves once again through local referendum, thereby increasing the operating tax rate and providing the educational quality that the citizens of that district wanted.

The Texas decision for equality of educational resources is based upon wording in the state constitution that demands an "efficient system" of public education. This might seem to suggest merely the avoidance of graft or sloppy management, but the Texas state supreme court says no, it means equality of funds, and that means the same amount of money spent on each student. The Illinois Constitution contains a similar "efficiency" clause, and I therefore assume we'll soon get a similar suit in our state.

After all, it sounded like a great idea in 1971, and it sounds great again. Let's have high-quality education for all. But do we truly mean a high quality for all? Or do we mean bringing the best down to the level of the worst? Are we willing to destroy what's good in order to have everyone the same? If we want our schools to be good, are we willing to pay for them? Remember, it would mean many millions more in income tax, or major cuts in other state services.

We cannot afford to blunder along as we did years ago, taking a kind of Nero attitude that the best way to create something new and better is to destroy all existing systems first. None of us is so benighted as to disagree with the aim of decent education for all students in the state. But achieving that goal will require a determined and extended commitment on the part of all taxpayers and legislators. Let's not forget what happened in 1972, 1973, 1974 and 1975.

THE VOICE OF AMERICA WORKS TO ADVANCE INTERNATIONAL FREEDOM OF THE PRESS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Ms. SNOWE. Mr. Speaker, the dramatic and tragic events in China last June highlighted the Voice of America's key role in supporting the efforts of those struggling for democratic reforms around the globe. Even now, in the face of the Chinese Government's severe crackdown on all forms of internal dissent, VOA continues to impede the Government's efforts to rewrite the history of Tiananmen Square.

The Voice of America does more, however, than tell the world about the United States or broadcast uncensored information to regions without a free and open press. Over the past few years, VOA has reached out to media professionals around the world, particularly those from developing countries, to train them in the principles, techniques, and responsibilities of a free press. This effort is spearheaded by VOA's innovative International Training Center, which has brought more than 1,000 foreign media professionals to the United States for training.

Last year, the International Training Center and the University of Maine jointly established the Institute of Media Studies for the Developing World. This institute draws upon the skills of Maine's talented Franco-American population to conduct its programs in the French language, thus providing a unique opportunity for individuals from Francophone developing nations to receive training in the United States and to experience directly American culture and ideals.

To highlight the work of VOA's International Training Center and the new Institute of Media Studies for the Developing World, I would like to draw my colleagues' attention to an article in the August/September issue of Voice magazine.

VOA'S INSTITUTE OF MEDIA STUDIES FOR THE DEVELOPING WORLD

(By Judith Lathan)

By the end of 1989, more than 1,000 foreign broadcasters will have participated in VOA's International Training Center. "Its courses," says VOA Director Richard Carlson, "combine classroom training with actual hands-on experience in our VOA studios and Newsroom, under the guidance of highly trained professionals who understand the problems faced by journalists in developing countries."

"One of the Center's most innovative and exciting projects," according to its director Harry Heintzen, "is an institute, co-sponsored by VOA and the University of Maine, for teaching journalists, broadcasters, and media executives from the French-speaking world." In March, the institute offered training for radio and television managers from Haiti and 11 African nations (Benin, Burundi, Central African Republic, Ivory Coast, Madagascar, Mali, Mauritius, Togo, and Zaire). Heintzen described the institute, which was designed to provide a French-speaking ambience for students who have little or no English, as "the fulfillment of a long-time dream."

In the past, VOA has offered courses and workshops on news writing and reporting, production, and management in English, French, Spanish, Arabic, and Creole. These courses have been taught by VOA staff and by instructors from the private sector. The new institute takes advantage of the bilingual nature of the state of Maine, where 25 percent of the people speak French. It provides the visiting journalists and executives an opportunity to experience American life in their own language—without interpreters. "They can interact with ordinary Americans in Maine who, as second and third-generation descendants of French-Canadians, have no difficulty understanding them," said Heintzen.

The visiting media executives began their training in Washington attending lectures on the American press at VOA headquarters, observing a State Department news briefing, visiting VOA's Africa Division on VOA's Creole language service, and exploring the U.S. Congress. They visited Senator Majority Leader George Mitchell of Maine. He welcomed them by saying, "The state of Maine is honored to share its French cultural and linguistic heritage with people from Francophone countries.

In Maine, Dr. Guvenc Alpander of the University of Maine than led a two-week management seminar in French and organized field trips to nearby places of interest. The students saw the state capital where they were guided by a French-speaking state senator, the Maine Public Broadcasting System, and the offices of the Bangor Daily News.

Evariste Degla, director of the Benin Press Agency, said that "we learned a lot about the management of human resources, time management, and identification of needs and objectives; they are the major priniciples we'll try to put into practice."

Moutssa Daggo, Deputy Director-General of Chad's Ministry of Information, who found the program at the University "captivating," said "we'll try to use some of the motivation techniques to motivate our employees."

Jean Andrianarisata, of Madagascar's Radio and Television, was enthusiastic about several ideas he picked up on "nonmonetary incentives for motivating employees as a key way to develop employee loyalty." He said he was "very pleased to be in Maine, where the lack of English was not a barrier to exploring the local environs."

Ivorian Press Agency director Samba Kone claims the seminar "made us ponder whether we were good or bad managers. . . . I now delegate much more responsibility to my staff," and added, "I have begun to see the benefits since I am less tired at the end of the day." Kone was impressed by how the American press "reports the fact without any slant" and by the clear delineation between the editorial page and the rest of the paper, "which is the opposite of what is usually found in the Francophone press."

"The warmth of the welcome provided by the citizens of Maine overcame the rigors of the cold and snow," said Haitian National Radio and Television Director-General Jacqueline Andre in praise of her winter workshop experience. She especially valued the "closeknit relationship" she developed with here African colleagues. "Members of the group exchanged useful information and found the discussions with one another quite rewarding."

Jacques Raoul Rivet, director of daily and weekly newspapers in Mauritius, echoed Andre's enthusiasm for the hospitality in Maine.

The idea for international training began in VOA's Africa Division when Harry Heintzen, a former journalist and U.S. Foreign Service officer who had served in Ethiopia and Morocco, was its director. The pilot project was a course taught at VOA for Liberian broadcasters during the summer of 1983. "Media professionals from more than 90 countries have participated in VOA's training programs since then," says Heintzen. "Almost half of them have been French-speaking journalists, mostly from Haiti, but also from Francophone Africa. With congressional budget cuts, we've had to become more imaginative in exploring new funding sources."

"The VOA training programs bring journalists primarily from the developing world to the U.S. to learn skills and to observe our free and independent press and its role in a democratic society," says Heintzen. "The main reason we teach journalism the way we do is to help develop a free press, which is indispensible to democracy. We at VOA have made a profound impact on Haitian journalism, especially since February 1986 when former president Jean-Claude Duvalier was forced from power. In Haiti, where only about 20 percent of the population is literate, radio is the most important medium. The radio is 'an oral newspaper.' "

In July 1988, Heintzen received the U.S. Information Agency "Director's Award for Outstanding Creativity" for planning and implementing a comprehensive journalist training program for Latin American and Caribbean journalists. He used the award money to start a fund to help Haitian journalists study at the University of Maine.

The University of Maine experience is being duplicated for Spanish-speaking journalists this summer. VOA and San Diego State University in California will cooperate in training senior journalists from Latin America who, according to the International Training Center's director Heintzen, "would not normally study in the U.S. because of the language barrier. They will be able to file their news stories while they are here. We found the success of our earlier VOA seminars hinged on the ability of visiting journalists to report on their briefings and interviews to their home media. Basically, our concept will draw on the linguistic and professional expertise of VOA, the University, and the Hispanic-American community in San Diego," says Heintzen. "VOA has developed a model involving a whole state and a university that we hope other universities will adopt."

In May 1989, VOA and the University of South Carolina School of Communications at Columbia cooperated in a training program for senior journalists from Guyana.

The International Training Center is planning several other seminars in the next few months. A VOA and University of Maine workshop for Franch-speaking women managers will begin in August. Elizabethtown College in Pennsylvania has agreed to establish a pilot program in September for broadcasters from southern Africa, who will be provided partial scholarship in an accelerated journalism degree program. And, VOA and the University of Southern Mississippi are planning a course for journalists from the Caribbean in November.

THE ECONOMICS OF FARM SUBSIDIES

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CRANE. Mr. Speaker, over the past several years Congress has been debating, and eventually granting, different types of Federal assistance to farmers. It is clear to me, as well as others, that farm supports are not fair to many farmers or consumers. The Congress not only provides the means for a price floor but is then willing to sell farm products to other countries below that floor in order to get rid of surpluses. It is clear that something needs to be done about this waste of Federal dollars. I commend the following article which appeared in "The Free Market" of November 1989 to the attention of my colleagues as it exposes the problems of our present agricultural support policies.

THE FEDERAL AGRICULTURE SWAMP

(By James Bovard)

American agricultural policy offers many instructive lessons on how to cripple a major sector of the economy. For 60 years, the U.S. government has waged a war against the market. And for 60 years, American taxpayers and consumers have been the biggest losers.

Farm subsidies—roughly $20 billion a year in federal handouts and $10 billion more in higher food prices—are the equivalent of giving every full-time farmer two new Mercedes each year. Annual subsidies for each dairy cow in the United States exceed the per capita income of half the population of the world. With the $260 billion that government and consumers have spent on farm subsidies since 1980, the government could have bought every farm, barn, and tractor in 33 states. The average American head of household worked almost one week a year in 1986 and 1987 simply to pay for welfare for fewer than a million farmers.

The fundamental tool of agricultural policy is the price support. The government sets a price per bushel or pound it will pay for a commodity. Since government guarantees to buy unlimited quantities of a crop at the price support level, farmers will not sell the crop on the market at a price lower than they can sell to the government, and the support price thereby becomes the minimum price for any sales of the crop in the United State.

These programs lead the government to pay farmers more than market value for their crops. Farmers respond by producing surpluses, which Congress then creates other programs to dump, distribute, or repress. This is American agricultural policy in a nutshell.

Federal farm policy is a maze of contradictions. By late 1985, the U.S. wheat surplus was large enough to provide 27 loaves of bread to every person in the world. Yet, in the 1985 five-year farm bill, Congress encouraged farmers to produce even larger wheat surpluses by promising farmers crop subsidies far higher than market prices. At the same time the U.S. Department of Agriculture (USDA) paid farmers in 1986-87 to kill almost two million cows to reduce milk supplies, Congress lavishly rewarded other farmers for producing more surplus milk. The result: no decrease in milk production and continued government purchases of over five billion pounds of surplus milk a year.

"Prosperity through organized scarcity" is the core of American farm policy. In 1933, USDA began a temporary emergency program of paying farmers to slash production in order to balance production. In 33 of the last 35 years, the government has paid farmers not to work. In 1988, USDA rewarded farmers for not planting 78 million acres of farmland—equivalent to the entire states of Indiana, Ohio, and much of Illinois. Government shut down some of the best American farmland in an effort to drive up world wheat and corn prices. Set-asides—programs to pay farmers not to work by "setting aside" or idling their cropland—are the opium of American farm policymakers, the annual tribute to the bureaucratic and political delusion that America somehow controls world grain markets.

Supply controls are introduced only after politicians and bureaucrats have mismanaged price controls. Government first artificially raises the price and then artificially restricts production. The higher Congress drives up the price, the greater the need for government controls on the amount produced.

USDA marketing orders annually force farmers to abandon or squander roughly 50 million lemons, one billion oranges, 100 million pounds of raisins, 70 million pounds of almonds, 7 million pounds of filberts, millions of plums and nectarines, etc. USDA announces each season how much of certain fruits and nuts will be allowed to be sold and how much must be held off the market in order to boost prices. USDA endows cooperatives with the power to effectively outlaw competition and to force farmers to let much of their crop rot or be fed to animals. To preserve federal control of the lemon business, USDA effectively bans new technology that would boost fruit sales and benefit both growers and consumers.

Congresss responded to the agricultural recession of the early 1980s with a flood of subsidized capital. In 1985 alone, the government loaned almost a billion dollars to farmers who were already technically bankrupt. The injection of capital into agriculture has aggravated the problem of surplus production and driven up rental costs and land values in many areas. When the government announced a major debt forgiveness program in 1988, there was a fierce backlash from unsubsidized farmers.

Robert A. Dreyep, a farmer in Fenton, Iowa, complained that the government was "rewarding the poor managers who are also very inefficient farmers." Jerome Berg, another Iowa farmer, complained, "Many of those with debt write-downs are again buying more land and expensive equipment, cars, trucks, and living it up while the rest of us who paid our bills and lived within our means are now expected to help bail them out." The General Accounting Office reported in late 1988 that the Farmes' Home Administration, the agricultural credit agency, has lost $33 billion.

The federal government attempts to hide some of the damage with lavish export subsidies. In 1986, it paid four times the world price to dump sugar and rice on the world market, and three times the world price to dump butter. In 1987, the United States paid export subsidies equal to 150% of the cow's value in order to dump American dairy cows on world markets. It would have been cheaper simply to shove the cows off the Brooklyn Bridge. The government paid farmers $4.35 a bushel for wheat in 1986 that was sold to the Soviets for less than $2 a bushel. In 1988, the United States provided almost a billion dollars in credit to Iraq, thereby making American taxpayers underwrite the Iraqi war machine.

Farm program costs routinely far exceed the farmers' entire profits. For 1986 the wheat program and wheat export subsidies cost $4 billion; wheat producers' total net cash income was only $2 billion. In 1986, the rice program cost taxpayers $2.7 billion while rice producers received only $236 million in income; the cotton program cost $2.1 billion while cotton producers net cash income was only $1.3 billion. The wool program cost taxpayers $99 million while sheep producers realized only $13 million in profits from their operations.

The clearest effect of the USDA in the 1980s is to decrease the productivity of American agriculture. USDA does not reward farmers for improving their efficiency but for playing by the government's rules. Every farm bailout has discouraged farmers from maximizing their productivity and efficiency. Costs of production always tend to rise to the government guaranteed price, thereby making American agriculture appear less competitive internationally than it otherwise would be. And politicians respond with more subsidies and protective barriers.

The history of modern agricultural policy, both in the United States and elsewhere, is largely the history of a political struggle against changes in relative prices. Wheat, corn, oats, and cotton prices have been gradually declining in real terms for over 200 years, and have nosedived in comparison to units of labor required to purchase them. Prices have declined largely because of the invention of tractors, new seed varieties, powerful fertilizers, etc. Yet politicians perenially proclaim that because wheat prices are lower now than they were 10, 20, or 30 years ago, this proves that society is treating farmers unfairly and that farmers deserve recompense. Each decade, as prices trend downwards, politicians and farm lobbyists have warned that farm production is no longer profitable and that society will soon have a severe food shortage unless immediate action is taken to raise prices. Yet, in every decade farmers have produced more.

The key to understanding American agricultural policy is to realize that the vast majority of the 400 farm products produced in America receive no federal handouts. There is no fundamental difference between subsidized and unsubsidized crops—only a difference in campaign contributions to congressmen by different farm lobbies. (Not that congressmen are the only problem. President Reagan went from preaching about the "miracle of the marketplace" in 1981 to bragging in 1986 that his administration had given more handouts to farmers than any in history.)

The only solution to the "farm problem" is to abolish federal farm programs. It is a crime for government to provide any handout to any businessman, and for politicians to molest the economy for their own personal profit.

INTRODUCTION OF A BILL TO AUTHORIZE FUNDS FOR THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WILLIAMS. Mr. Speaker, I am pleased to introduce today a bill to authorize funds for the National Board for Professional Teaching Standards.

During the past 6 years a number of reports have focused our attention on the state of America's education system. In 1986, the Carnegie Forum on Education and the Economy, issued an impressive report entitled "A Nation Prepared: Teachers for the 21st Century." Among its recommendations was a call for the creation of a National Board for Professional Teaching Standards.

The call for the creation of a National Board for Professional Teaching Standards did not go unheeded. In the fall of 1987, with the encouragement of the Carnegie Forum, the Board was established as a private, nonprofit, organization. It is currently composed of 64 members representing a wide array of backgrounds and interests, including education, government, and business. More than half the membership is made up of practicing educators.

The Board has done fine work in assembling a very diverse and distinguished group of individuals who are structuring a framework for action and developing a consensus within the education and business communities about the need for professionalization within the teaching ranks.

On July 25, 1989, the Subcommittee on Postsecondary Education, which I chair, held a hearing regarding the Board and its work. We heard from a number of witnesses about the need for the kinds of research and assessment activities that the Board will undertake and how that work will help our teachers and help our schools.

Following that hearing, my colleague, Congressman TOM COLEMAN, the ranking minority member of the subcommittee, and I decided to introduce legislation to authorize funds for the Board.

The bill I am introducing today amends title V of the Higher Education Act and directs the Secretary of Education to provide financial assistance to the National Board for Professional Teaching Standards to enable the Board to conduct independent research and development related to the establishment of national, voluntary, professional standards and assessment methods for the teaching profession. Such assistance is to be matched on a dollar-for-dollar basis with private funds. For these purposes the bill authorizes $20 million to be available to the Board for fiscal years 1990 through 1992.

The legislation requires the Board to establish a Research and Development Advisory Committee and to consult with the Secretary of Education and other specified entities in appointing the 10 committee members, with the Secretary selecting two of those. It further requires funds under this act to be used only for research and development of teacher assessment and certification procedures for elementary and secondary school teachers. A priority is given for research activities relating to the teaching of mathematics, the sciences, foreign languages, and literacy; as well as for special educational populations, including limited English proficient children, gifted and talented children, children with disabilities, and economically and educationally disadvantaged children.

Finally, the bill requires the Board to report annually to the appropriate committees of Congress. It further requires the Department of Education, the National Science Foundation, and the National Research Council to review and comment on the Board's report and to report to such committees on the Board's compliance with this act.

In closing, it is important to note that with this legislation we are not endorsing any Federal certification of teachers. The Federal Government continues to maintain that decisions regarding teacher qualifications and certification procedures must stay at the local and State level.

What we are endorsing is a proposal to recognize classroom teachers as professionals, to provide a means for teachers to attain professional stature, and to enhance our children's educational experience by keeping the best and brightest of our teaching cadre in the classroom. I ask my colleagues to join us in this effort.

TRIBUTE TO THE LATE HONORABLE EDWARD STACK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SMITH of Florida. Mr. Speaker, I wish to direct your attention to the death of a former Member of this body, the Honorable Edward Stack, a man responsible for vast and sweeping improvements for the State of Florida and Broward County.

Ed Stack's life began humbly in New Jersey in 1910. He was a first generation American born of Irish immigrants. He earned his bachelor's degree from Lehigh University in 1931, his law degree from the prestigious University of Pennsylvania in 1934, and his master's degree in public law and government from Columbia University in 1938. His commitment to academics continued as he became a professor at Hunter College.

He served his country during World War II in the U.S. Coast Guard from 1942 to 1946. He practiced law in New York until 1954 at which point he followed the sun and moved to Pompano Beach. Typically, he quickly immersed himself in his new community. For the next 10 years, Ed served on the Pompano Beach Charter Revision Board. From 1965 to 1969, he won a seat on the Pompano Beach City Commission and served two terms as mayor.

Ed's major contribution to Broward County came soon after he was sworn in as Broward County sheriff in 1969. He modernized this office: creating a crime lab, the 911 emergency service, and the first drug rehab center in Broward County. Nine years later, as a Democrat, Ed finally won a seat on the U.S. Congress. At the age of 68, Ed was the oldest freshman U.S. Representative.

Ed served only one term in the House, but his energy and vitality did not wane. In 1981, Ed passed the Florida bar exam and became a professor at Florida's Nova University.

Ed Stack was a mover and shaker, the "consummate politician" and a credit to this community and his country. I will miss him as a Floridian, as an American, and all of Broward County will miss him as a friend.

LEGISLATION TO PROTECT UNDERGROUND WATER SUPPLIES

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. McGRATH. Mr. Speaker, today, I have introduced legislation with my colleague from New York [Mr. LENT], to protect the underground water supplies of my district in Long Island and of communities across the Nation which rely on underground aquifers for their potable water.

In the Fifth District of New York and surrounding areas, tens of thousands of homeowners rely on oil to heat their homes. Heating oil is often stored in underground storage tanks of 250 to 500 gallons on their property. Many of these are the original storage tanks installed in the 1940's and 1950's. These unprotected, steel tanks are now showing their age through corrosion and rust. Those that have leaked cost homeowners as much as $10,000 to replace the tank, remove contaminated soil, and test for environmental damage.

Unfortunately, homeowners are seldom aware of a problem with their storage tank until it is too late. Compounding the problem is the fact that homeowners insurance does not cover these instances because insurance companies consider such incidents as normal wear and tear. If homeowners could be encouraged to replace their storage tanks before a problem develops they could save thousands of dollars and prevent serious environmental harm from the cumulative effect of thousands of leaking tanks.

My bill would provide a tax credit for homeowners if they install a new, protected oil storage tank on their property. The credit would cover 25 percent of the costs of a new tank, protected with fiberglass, up to a maximum of $2,000. The credit would apply to homeowners who replace an old tank before a leak occurs. Additionally, only homeowners who live in a critical aquifer protection area would be eligible.

Communities across the Nation are becoming increasingly concerned about their water supply. Landfills and toxic waste dumps have created many contaminants which can seep through soil and threaten underground water supplies. We have dealt with many of these problems at their sources in Federal legislation. The danger from leaking oil storage tanks is also serious. My legislation can prevent a significant ecological disaster to the

water supply on Long Island and elsewhere in the Nation. It is a moderate, incentive program which offers a reasonable solution with minimal government intervention to a potentially major environmental problem.

TRIBUTE TO LEO "HORSE" CZARNECKI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. TRAFICANT. Mr. Speaker, I rise to pay tribute to Leo " Horse" Czarnecki who will be retiring after 42 years from the job of head of the ground crew at Pitt Stadium. The University of Pittsburgh's Department of Athletics and the Physical Plant will be sponsoring a dinner and roast on December 8, 1989 to honor "Horse".

Leo began working at Pitt on August 1, 1947. Since that time, he has been an inspiration to both the athletic team and the university. During his time at Pitt he has worked with 11 head football coaches, 6 head basketball coaches, 5 athletic directors, 5 sports information directors, and survived 1 baseball field.

Horse is the one person who has managed to give an encouraging word and to keep everyone's spirits up even in the worst situations. He reminds us that no matter how important the game may be, sports is supposed to be fun. Leo has even managed to bring his own brand of humor to Pitt. An example of this is Leo having the grounds crew paint "enter at your own risk" underneath Pitt's script in the end zone.

Leo is a true example of Pitt loyalty. He has worked tirelessly for the staff and students in the Pitt Athletic Department. Leo is considered by all to be a Pitt legend.

Mr. Speaker, I would like to take this opportunity to congratulate Leo "Horse" Czarnecki on his 42 years of service to the University of Pittsburgh. Leo is everything Pitt athletics strives to be; hardworking, dedicated, educated, and fun. I am proud to know "Horse" and wish him the very best in his retirement.

CHANGE FOR THE HUNGRY MAKING UP THE DIFFERENCE FOR NEEDY FAMILIES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WYDEN. Mr. Speaker, today I am proud to commend a compassionate campaign to relieve hunger in the State of Oregon. As part of the Change for the Hungry Program, Oregonians are making a difference in the lives of the needy.

Through the Change for the Hungry Program, the citizens of Oregon, Safeway Stores, and the Oregon Food Bank Network have united to narrow the gap between the enormous needs of poor families and the food assistance offered by the public sector. These groups have risen to this challenge as a supplement to the already massive effort in Oregon to help the less fortunate.

Oregon's Change for the Hungry project is a creative and practical way to show compassion for our neighbors who have had to make do with less. Now, when Oregonians shop for groceries, they have the opportunity to contribute directly to their less fortunate neighbors.

By simply rounding up their purchases to the nearest dollar amount and donating the difference, Oregonians contribute valuable dollars to combat hunger. Safeway collects the donations and converts them into $5 redeemable coupons the needy can use to purchase meat, fresh vegetables, dairy products, and other perishable foods not ordinarily included in emergency packages. Change for the Hungry has made it easy to help out while providing critically needed nutritional food for the less fortunate.

So far, Change for the Hungry distributed emergency food to an estimated 26,000 people in Oregon. In the future, the goal is to expand our efforts and those like it to ensure no Oregonian goes hungry.

Now, more than ever, our country needs to find new resources to provide food to the hungry. In Oregon alone, 480,000 people needed emergency food assistance last year. The Congress has responded with legislation such as the 1988 Hunger Relief Act, of which I was a proud sponsor. But our work is not finished. With declining amounts of Federal surplus commodities we need more partnerships like the Change for the Hungry project.

Mr. Speaker, I urge my colleagues to continue the fight against hunger in this country through efforts like Change for the Hungry and new legislation to strengthen our emergency food supplies.

REPRESENTATIVE GUARINI RECEIVES DISTINGUISHED SERVICE AWARD FOR TRADE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. GIBBONS. Mr. Speaker, I rise to bring to the attention of my colleagues an interesting and important speech recently given by my friend and colleague, Representative FRANK GUARINI, accepting the annual Distinguished Service Award of the U.S. Court of International Trade.

Representative GUARINI received this honor "for outstanding contributions to the administrative of justice and international trade law," during the Sixth Annual Judicial Conference of the Court.

The award was presented by our dear friend, Peter Rodino, the former chairman of the Judiciary Committee, who has done so much to uphold the rule of law, defend the Constitution, and recognize the unique stature of the Court of International Trade. Chairman Rodino pointed out that Representative GUARINI has been a leader in the field of trade through his work on the Omnibus Trade Act, the Caribbean Basin Initiative, and efforts to promote democracy in Latin America and Eastern Europe.

In his speech to the Court, Representative GUARINI noted the changes in the world economy, especially in the Warsaw Pact, and called for a "new global jurisprudence." He suggested that as the military, diplomatic, and economic fields undergo profound change, there would be a stronger reliance on the rule of law and international institutions.

By coincidence, on the day of Congressman GUARINI'S presentation, the East German Government announced a liberalization of emigration laws. Since then, Lech Walesa has come to the United States, the Berlin Wall has been partially opened, Soviet emigration laws are under review, unprecedented change continues throughout the Eastern bloc, and the leaders of the United States and the Soviet Union prepare to meet in Malta.

Having worked with Representative GUARINI on matters ranging from policy toward Poland to devising effective trade policies, I know his award is well-deserved. I hope my collegues will consider the important points raised by his acceptance speech, about the importance of the rule of law at a historically important moment for the world. I insert his timely remarks in the RECORD.

REMARKS OF REPRESENTATIVE FRANK J. GUARINI

Ladies and Gentlemen, Distinguished Members of the International Trade Bar, Mr. Chief Judge.

What makes this award so special is the stature of those who have received it before.

Chief Judge Re.

Chief Judge Markey.

Chairman Rodino.

They personify the highest ideal of public service: integrity, justice, and an abiding faith in the rule of law.

I am honored to stand in their company, and I accept this award with pride.

Let me begin by saying a few words about our Chief Judge, Ed Re.

It is often said that we are a government of laws. And we are. In our system of government, the judiciary plays a special role, based on a sacred trust.

Judges are the guarantor of liberty and justice. There is no higher responsibility in a free nation.

The judges of this Court have accepted this responsibility, and carried it out with dedication, honor and intergrity.

And Chief Judge Ed Re is a true man of the law, a leader, a scholar, and a judicial statesman. With him, justice is in very good hands.

I am proud to consider him my friend.

As we meet, dramatic events unfold around the world. We live in extraordinary times, challenging times, historic times.

These changes will alter the patterns of trade, the institutions of trade, and the laws of trade.

The impact will be felt for generations to come.

Oliver Wendell Holmes once said: "The law embodies the story of a nation's development through many centuries."

Holmes' reference to common law is equally true of international law.

Nations change, treaties change customs and mores change, legal concepts change and these changes are accelerating at a tremendous pace today.

And you, as active and respected members of the international trade bar, are at the cutting edge.

Not long ago, people talked about the American Century. They spoke of a battle of ideas, the elevation of human rights and the triumph of freedom.

And now, as we see change around the world, we can predict: when historians look back, they will see a democratic century.

We live in a world of trade, where money rockets across borders, where goods move between nations at a lightning pace.

Where science and technology advance at every-increasing velocity.

Where financial markets are linked by a global network of information.

Where ideas are communicated in seconds, where the powerful force of competition dictates the terms of the global market.

In this world, prosperity demands economic freedom. And economic freedom goes hand in hand with political freedom, ultimately, they are indivisible and inseparable.

In Europe, after centuries of war there is a newborn spirit of unity and cooperation.

Europe is becoming a continent of commerce, without borders.

A continent of democracy, bound together by common values, united by a commonality of interest rooted in the importance of trade.

More than ever, democracy has driven nations closer together.

The Group of Seven is acting in concert: on exchange rates, monetary policy, and Third World debt.

And Europe has begun a great debate about a common European currency and and central bank.

In Poland and Hungary, there is revolution in the air. Democratic revolution.

Profound change—involving economic reform, political freedom, and social justice.

Historic change—re-writing the map of post-war Europe. And again—trade is at center stage.

In the Soviet Union, President Gorbachev is promoting openness, foreign investment and reform.

Throughout the Western Hemisphere, democracy is winning, dictatorship is losing.

Free enterprise is winning. Communism is losing.

An hopefully—free trade is winning, and protectionism is losing.

As Europe becomes a truly common market, Latin America has also chosen 1992 as a landmark year for freer trade.

The Latin American Heads of State have chosen to explore a new frontier of open markets and expanded trade in this Hemisphere.

The U.S.-Canada Trade Agreement is a landmark. And President Salinas has proposed an open trade agreement for key sectors between the United States and Mexico.

In China, the government seeks economic openness, trade and foreign investment—but cannot prevent the movement for democracy that inevitably follows.

The leaders of China will learn that to modernize, prosper and grow, there must be a greater respect for human rights and human values.

The massacre at Tiananmen Square was a battle between the past and the future. Sooner or later, the future will win.

Ladies and gentlemen, we do live in exciting times.

We should not underestimate the dangers. There is resistence to change—there are those who respond with a call to protectionism—there are those who would march backwards, and turn back the clock.

And here in America we must resolve the problem of public sector deficits, private sector debt, and a culture that borrows from tomorrow to pay for today.

But our opportunities are real, unprecedented and historic.

We have reached a turning point in economic history.

The wealth of all nations is based—more than ever before—on the international movement of money, goods, knowledge, technology, and ideas.

And to prosper in the modern global economy, they must accept and honor the rule of law.

This requires a heightened commitment to relying on international economic institutions.

Above all, it requires that we develop and refine a new global jurisprudence.

I can see a day—not that far away—when the Soviets join the GATT, the World Bank, and the I.M.F.

When Jackson-Vanik is lifted, and U.S.-Soviet trade will grow dramatically.

When the ruble is convertible.

When joint ventures flourish.

When both great powers renounce the use of force, pursue a policy of peace, reduce the burden of weapons, and turn their full attention to the economic opportunities of tomorrow.

I can see a day—not that far away—when Poland and Hungary become de facto partners with a unified Europe and the Western World.

Sharing values, trading goods, accepting a common vision of progress guided by principles of law.

I can see a day when the Uruguay Round brings a new GATT Treaty, replacing the pressures for protectionism with a commitment to prosperity through trade.

When the Group of Seven achieves a coordinated policy for growth.

When the great industrial nations define their sovereign interest as working in concert.

Each of these events—which are now in progress—will require laws, institutions, and creative problem-solving. The impact on the Court of International Trade could be enormous. The contribution of the international trade bar will be critical.

One could argue, looking at the loss of sovereignty and changing approaches to dispute mechanisms, that this court could lose influence.

I believe the opposite is true.

The court has a special place and a special mission.

It has a special expertise.

It is a Court with vast experience in the rules of trade.

It is a Court whose decisions are closely examined and respected abroad.

As a Member of the Rules Advisory Committee of the Court, I propose—sometime in the Spring—to look at the Court's jurisdiction in light of what's happening in the world and in our own nation.

Perhaps the Court should have more jurisdiction, not less.

Perhaps we should use its expertise, its resources, its knowledge, its stature and its credibility even more than we do today.

We might consider a right of review for cases involving Sections 201 and 301, in a manner that would not interfere with the discretionary powers of the President.

And as the flow of trade reaches more goods and more nations in a complex world, the Court of International Trade will be critical in adjusting the structures of law to the needs of the global marketplace.

As lawyers deeply involved in trade, we can help this court play a greater role as nations come closer together.

We share a belief that trade is the currency of peace.

We share a timeless faith in the rule of law.

We share a respect for the unique role of the Court of International Trade.

We share a confidence that this court will rise to even greater heights in a changing world, and will continue to serve the needs of our nation as historic events unfold.

Ladies and gentlemen, I accept this honor and this award with gratitude, and I look forward to working with you, in the days and years ahead.

Thank you.

GOOD NEIGHBORS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. MORELLA. Mr. Speaker, all of us who represent metropolitan areas are aware of intense pressures that arise over issues of land use. In Montgomery County, MD, the Eighth Congressional District, whose citizens I am pleased to represent, one such case involving the GEICO Insurance Co., and the Brookdale Citizens Association of Chevy Chase was resolved recently in a manner that was of particular significance and deserves commendation. The Bethesda-Chevy Chase Current, in a recent editorial, explained the significance of that case and gave credit where it was due. I am pleased to bring this matter to the attention of my colleagues and I submit the editorial from the Current.

GOOD NEIGHBORS

The agreement between GEICO Corp. and the Brookdale Citizens Association in Chevy Chase over GEICO's proposal to develop some of its property is significant for more reasons than the resolution of a land-use case important to both sides. It also demonstrates what can result when neighbors on opposite sides of an issue make an intense commitment to preserve the harmonious relationship that has existed between them.

Credit goes to Brookdale, its president, Martin Weigand III, and Norman Knopf, a community resident and attorney who helped draft the agreement; and to GEICO, its chairman, William B. Snyder, and its law firm, Wilkes, Artis, Hedrick & Lane, which helped craft the negotiating strategy that worked so effectively.

The lesson of this case is clear for property owners and citizens organizations alike, particularly in the northwest-Bethesda-Chevy Chase area where so many cases like this have developed. It is that land use cases need not become contentious disputes to be resolved ultimately by a public authority, with one side the winner, the other side the loser, and bitter feelings between them. The parties themselves, if they are of good faith and reasonable in their approach, can reach an agreement that enhances, not damages, their relationship. They both can be winners and remain good neighbors.

Now the ball is in the County Council's court. The council will hold hearings on two nights at the end of this month, Oct. 30 and 31.

GIVE THE "GIFT OF LIFE"

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. GORDON. Mr. Speaker, today, I am introducing a concurrent resolution to help organ donation, and I hope my colleagues will join me in this effort.

Last month, I visited the organ transplant program at Vanderbilt University's Medical Center and met with individuals who face certain death without a transplant. Death for these people isn't a vague possibility; it is a fact that comes with an all too real timetable. They are not alone. There currently are over 18,500 Americans waiting for kidney, heart, liver, or pancreas transplants. Their only hope is for an organ match with a potential donor whose family decides to donate the organs of a loved one who has just died.

I also had the rewarding opportunity at Vanderbilt to see living proof of how transplants give a second chance of life. Nearly every day, surgeons at Vanderbilt and other organ transplant programs around the country perform transplant miracles. Earlier this year, a family in my district in Tennessee suffered the untimely loss of their son but generously agreed that his organs be used to give the gift of life. As a result, a farmer has a new kidney, a woman suffering from diabetes has both a new kidney and a new pancreas, a young man with heart disease has a new heart, and another woman whose own diseased liver had grown to 26 pounds received a new liver. The tragedy of one family profoundly transformed the lives of four lucky people.

There may be as many as 20,000 potential organ donors who could provide the gift of life for needy individuals on waiting lists for organs. Yet, less than one-fourth of these potential donors actually participate each year in organ donation. The challenge we face is to increase the level of organ donation.

Thanks largely to the efforts of Senator GORE, Congress enacted legislation to establish a network of organ procurement organizations which match donors with individuals on organ waiting lists. We also require that hospitals have transplant protocols outlining procedures to identify potential donors and notify designated organ procurement organizations of these potential donors. But merely having protocols is not enough.

To increase organ donation, we must focus on two critical areas. We must encourage hospitals to take a more active role in identifying potential donors and approaching families about donation. And we must increase public awareness about the benefits of organ donation so that hospital appeals will reach a receptive audience.

The Health Care Financing Administration [HCFA] accredits approximately 1,400 of the 6,800 hospitals in the United States. This accreditation is required for certification under the Medicare program. HCFA mandates that hospitals it accredits have written transplant protocols, identify potential donors, notify organ procurement organizations about potential donors, and have training programs to teach designated hospital staff how to best approach the families of potential donors about organ donation. So far, however, HCFA has not enforced these requirements. Therefore, I have written to President Bush to urge that he support aggressive enforcement of these transplant protocols in HCFA accredited hospitals. If these hospitals are not fully implementing transplant protocols, then their Medicare certification should be revoked.

HCFA also awards Medicare certification for hospitals accredited by the Joint Commission on Accreditation of Health Organizations [JCAHO]. The HCAHO is a private organization which accredits the majority—approximately 5,400—of hospitals in America. Thus, the JCAHO is in a position to significantly influence organ donation procedures in hospitals. Recently, the JCAHO announced an initiative to increase the amount of information it collects about the level of patient care in hospitals. This will provide data on which to better assess the quality of hospital care, and I applaud this initiative. The JCAHO's standards with respect to organ donation, however, are minimal. My resolution calls upon the JCAHO to make its accreditation standards with respect to transplant protocols at least as strict as the standards adopted by HCFA. Further, my resolution calls on the JCAHO to require hospitals to maintain records, accessible through death charts audits, which provide important data on whether potential donors were identified and whether the families of these donors were approached about donation.

To increase public awareness of the benefits of organ donation, I recently included an organ donor card in a newsletter sent to over half a million of my constituents in the 6th District of Tennessee. I circulated a copy of this newsletter to my colleagues in the House to suggest that they might want to participate in a similar initiative in their districts. In addition, I am writing to a variety of State and national publications to urge they publish organ donor cards as well. By the way, both President and Mrs. Bush have signed organ donor cards.

The gift of life that transplantation allows is too precious to be quantified. Yet, studies show that transplantation can save Federal dollars as well as lives. Kidney transplants, for instance, can save $25,000 per patient per year over the costs of dialysis. Increasing the number of kidney transplants, the most frequently performed transplant operation, could ultimately save millions of taxpayer dollars.

I urge all of my colleagues to sign organ donor cards and to support this resolution. Give the gift of life.

REFLECTIONS: A DECADE OF PARTICIPATION, PRIDE, AND PROGRESS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to honor one of our colleagues, the Honorable NORMAN Y. MINETA from California.

Mr. Speaker, late last month Mr. MINETA addressed a joint meeting of the Organization of Chinese American Women and the United States Pan Asian American Chamber of Commerce. His remarks were entitled "Reflections: A Decade of Participation, Pride and Progress."

I was so moved by Mr. MINETA's remarks that I am inserting them into today's CONGRESSIONAL RECORD so I can share them with other citizens throughout our great land:

REFLECTIONS: A DECADE OF PARTICIPATION, PRIDE AND PROGRESS

(Remarks by Hon. Norman Y. Mineta)

Thank you very much, very much—and good evening.

You have bestowed upon me a very great honor tonight by allowing me to serve in the role of Master of Ceremonies. I would like to thank each of you for your warm recognition, and I especially wish to thank the Organization of Chinese American Women and the United States Pan Asian American Chamber of Commerce for working so long and hard to create this wonderful event.

I would also like to pay special recognition to our honorees tonight:

David Henry Hwang, the Tony award winning playwright for M. Butterfly.

Yong C. Kim, founder, chairman and CEO of Y.Y.K. Enterprises.

Sammy Lee, Olympic Gold diving medalist.

Haesun Paik, winner of the William Kapell international piano competition.

Dith Pran, the New York Times photojournalist portrayed in the film The Killing Fields.

Theodore W.J. Wong, Senior Vice President and President, Missile Systems Group, Hughes Aircraft Company.

I am also pleased to recognize the Westinghouse Science Talent Search contest finalists here tonight: Divya Chander, Janet Tseng, Albert Wong, Vijay Pande, Weiva Yu Sieh, and Wei-Jing Zhu.

You should all be very proud of your great achievements.

We're here tonight celebrating a decade of excellence in youth, education, the arts, science and business. I cannot think of a more appropriate celebration here in 1989, for this year also marks the tenth anniversary of Asian Pacific Island American Heritage Week.

When the resolution authorizing Heritage Week was first introduced in the House of Representatives a dozen years ago, all too many of the outstanding contributions which Americans of Asian ancestry had made to our Nation were all but unknown—even within our own communities.

During the last ten years, however, the unique insights and experiences we bring to our Nation's cultural, economic, social and political tapestry have been recognized and celebrated.

We have been able to take great pride in our many recent political victories.

We demanded—and received—a positive response in our efforts to improve the 1990 Census.

More and more Americans of Asian ancestry are running for—and winning—public office.

And of couse, there was the triumph of the Civil Liberties Act of 1988, which offers long overdue redress for the internment of 120,000 loyal Americans during the Second World War.

More than the wrongs of the internment are being set to rights. Today, as the United States prepares to enter the 1990s. Americans of Asian ancestry have three main questions to face:

How can Asian Americans achieve full acceptance in U.S. society?

How can we fight discrimination, from its most subtle forms to the extreme of physical attacks and violence?

And thirdly, how can greater involvement by Americans of Asian ancestry in the political process be encouraged?

I believe the answers to these questions—as complex as they may be—are not only interrelated but hold the key to our future success as individual communities and as a Nation.

I also believe that no one of us can afford to be an idle bystander in this process, and our honorees and speakers tonight epitomize the high-level of community involvement we need.

Throughout the history of the United States, individuals banding together have been the force of positive change. Progressive actions have always been the result of voters pressuring their elected officials, and of political figures willing to fight for right when they are backed up by a vocal constituency.

If you're worried about a glass ceiling in your job, ask yourself: Am I registered to vote?

If you're concerned that college admission quotas may shut your daughter or son out of the school of their choice, ask yourself: When was the last time I voted, gave my time to a campaign, or even ran for office?

If you're concerned about becoming a target of harassment or violence because of your ancestry, ask yourself: Have I made my views known in city hall, in the state capitol, or in Congress?

At one time, there was a tradition in our communities of not being visible in public affairs. In my own upbringing, for example, I was taught not to become a nail that sticks out—because if you stick out, you're gonna get hit.

Americans of Asian ancestry need not stick out. But we do need to stick up for ourselves.

There are many ways to have our voices heard, our concerns known, and our needs addressed: Textbooks which present a true record of history; galleries which feature our creative and cultural genius; museums which acknowledge our contributions and display our heritage. These are all avenues to participation, pride and progress.

Many Americans still do not know the stories of our parents and grandparents. Few are aware of laws such as the Oriental Exclusion Act of 1924, which prohibited any further immigration from Asia, or of state and local laws barring Americans of Asian and Pacific Island ancestry from full participation in American life.

Yet, when we remind ourselves of the reasons we have to be proud Americans, we strengthen ourselves and our communities.

When we reaffirm our heritage and our contributions to our Nation, we help provide a future for our children which sanctions truth, not ignorance.

The more our neighbors and fellow citizens know about us, the more we will be known not as aliens but as full citizens. Greater understanding means greater acceptance and respect.

The history of the United States is a history of diversity. We are a nation rooted not in one culture, one religion, or one race. Ours is a nation based in a shared love of freedom, democracy and equality.

Ours is a living, breathing example that individuals with wide differing backgrounds can and do work together to better themselves without the oppressive weight of old animosities and hatreds.

But we must be vigilant.

Only when we work together to celebrate our diversity will we meet the challenges of the future and fulfill all our dreams. That ethic, it seems to me, is what the Organization of Chinese American Women and the United States Pan Asian American Chamber of Commerce is all about. It is why we are all here tonight.

ISRAELI PRIME MINISTER YITZHAK SHAMIR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, yesterday the House Foreign Affairs Committee had the great pleasure of meeting with Israeli Prime Minister Yitzhak Shamir. I would like to take this opportunity to personally commend his efforts in the peace process.

In his address to the members of the Foreign Affairs Committee, Mr. Shamir made apparent his dedication to the peace process in the Middle East and his qualified acceptance of Secretary Baker's five point plan. The historically embittered relations between Israel and the Arab nations has been exacerbated with tensions in the occupied territories. Shamir has been faced with the unenviable position of bringing justice to the Palestinians while maintaining Israel's security. Nevertheless, the process has tended to break down as the differences over the final settlement reappear in the initial procedural questions.

AMBASSADOR NOBUO MATSUNAGA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SOLARZ. Mr. Speaker, this weekend marks the end of the tour of His Excellency Nobuo Matsunaga, the Ambassador of Japan to the United States. I would like to take this opportunity to commend Ambassador Matsunaga for the dedication and commitment which he has devoted to United States-Japan relations.

During the period that Ambassador Matsunaga has served in Washington, America's official relationship with Japan has both broadened and deepened, further enhancing the close cooperation between our two countries. Yet simultaneously, Japan has been subject to increased criticism in the Congress and the country on a whole host of issues. Most disturbing have been the growing tendencies to link trade and defense concerns, and to view Japan as an adversary rather than an ally.

Yet, no one should make the fallacious conclusion that because frictions grew during Ambassador Matsunaga's watch they were the result of his poor stewardship. Indeed, American hostility toward Japan would no doubt have been much worse had it not been for his ameliorating efforts. Time and time again, Ambassador Matsunaga has worked to find answers when questions were raised, and to search for solutions when problems erupted. He did so in the service of his country and his Government—that, after all, was his mandate. Yet he always acted in ways that best promoted our common bilateral interests.

As Ambassador Matsunaga leaves Washington, we wish him a safe journey and a long and productive retirement. Although he will soon end his career as a Government servant, I have no doubt that he will continue to serve the cause of friendship and cooperation between the world's two leading industrial democracies. The gratitude which the United States owes him will only grow.

EDDYSTONE, PA, CELEBRATES 100TH BIRTHDAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WELDON. Mr. Speaker, I rise today to invite my colleagues to join me in offering congratulations to the Borough of Eddystone on the occasion of their 100th birthday celebration.

The Borough of Eddystone, a town located along the Delaware River in Delaware County, PA, was incorporated as a Borough by the Court of Delaware County in 1888. However, it is from the election of the first Borough Council in 1889, that Eddystone celebrates its Centennial. Since that time, Eddystone has germinated into one of the most popular blue collar municipalities in our Nation and the Commonwealth of Pennsylvania.

During the 1900's, Eddystone's population increased dramatically due to industry and this industry played a substantial role in American history. During the First World War, the Belmont Iron Works, Remington Arms Co., and Eddystone Munitions Co. were responsible for the manufacturing of ammunition for America and its allies. It has been reported that during this time, more than 50,000 men and women worked in Eddystone every day.

Mr. Speaker, I commend and thank the government of Eddystone and its residents for continuing the proud tradition of Eddystone being a fine place to work and live. I am most honored and privileged to represent the Borough of Eddystone as a Member of the U.S. House of Representatives and am proud to have them as part of the Seventh Congressional District of Pennsylvania.

EXPLANATION OF VOTES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. PORTER. Mr. Speaker, I was making an address to the American Anthropological Association this afternoon, a longstanding commitment I could not break, and unavoidably was not present for two recorded votes. Had I been present and voting, I would have voted

"no" on rollcall No. 366 and "aye" on rollcall No. 367.

DECEPTIVE MAILINGS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Ms. SNOWE. Mr. Speaker, I have long been concerned with the problem of mailings which uses names, terms or seals to deceptively imply that they are sent from the Federal Government. This underhanded tactic is being used by numerous organizations in attempt to gain consumers' attention.

Often, these solicitations bear such a resemblance to Federal documents that they can trick even the most sophisticated consumers. And more unwary individuals can be easily confused about the nature of the mailings, or worse, fall prey to their scams.

On July 31, the House passed a measure that would address this problem. This legislation, which was based on a bill that I introduced, would require that disclaimers be placed on solicitations which misleadingly imply a Federal endorsement or affiliation.

The Senate is likely to consider this issue after Congress reconvenes in January. I firmly believe that we must continue to press for action on deceptive mailings, and I would like to share with you an article from the November 1989, edition of Money magazine which discusses this problem and its consequences.

[From the Money Magazine, Nov. 11, 1989]

LOOK OUT FOR LOOKALIKE MAIL

(By Lauren Sinai)

Pop quiz: Which of the following are government agencies? Federal Social Security Center, Federal Record Service, Internal Review Service, National Records Advisory and Social Security Protection Bureau. The correct answer is none. Yet these and dozens of other outfits have devised such names and sent out streams of solicitation letters in hopes that people like you will tear open their envelopes asuming that they are official U.S. government correspondence. The firms typically sell services that are available free from federal agencies, like estimates of Social Security benefits. Worse, the companies cost time as well as money. Social Security generally sends materials in about 10 days; you'll have to wait at least a month to get the same forms and data from the middlemen, says Frank Battistelli, an agency spokesman.

You can easily distinguish, however, between government mailings and copycats. Look at the stamps on the envelopes. Official letters carry the U.S. mail eagle insignia or note the agency's government permit number that starts with a G—such as G-11. More help may be on the way. Congress is considering enacting a law that would require lookalike mailers to stamp disclaimers on their envelopes and then disclose in the letter inside that their firms are neither endorsed nor approved by the government.

REPEAL BAD HEALTH BILL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CRANE. Mr. Speaker, we are currently debating measures to repeal the horrific catastrophic health care bill. Several weeks ago Congress voted to repeal the catastrophic legislation. Thus giving America's seniors a new hope. I truly believe that our Nation's senior citizens should not be burdened with this costly catastrophic bill, especially one that asks seniors to pay an additional surtax.

I would like to bring to the attention of my colleagues an article by Richard J. Ucci, M.D., from the September 25, 1989, issue of the New American. As he states:

It is time to take action and demand from Congress the same accountability that it expects of those providing health care to the American people.

In doing so, we can regain the confidence and trust of our senior citizens.

The article referred to follows:

THE BATTLE OVER HEALTH CARE

(By Richard J. Ucci, M.D.)

Freedom is not free and it never has been. History teaches us that our freedoms can be taken away if we fail to monitor the decisions of our elected and appointed officials. The field of medical care is a prime example.

Sections 1801 and 1802 of the Social Security Act of 1965 prohibited government interference with a patient's right to choose a physician. They also outlawed government control over the compensation doctors receive for the care they provide. This "Great Society" legislation increased medical school enrollment, lowered immigration barriers to foreign physicians, established tax incentives that encouraged businesses to provide health insurance, and fostered the growth of hospital chains and the purchase of high-tech equipment.

When millions of people were freed from the responsibility of paying for their medical care, the demand for services took a giant leap. When the Medicare and Medicaid Act was passed in 1965, it was estimated that the program would cost $8.7 billion by 1990. According to congressional leaders, however, Medicare will cost more than $100 billion in 1990. Federal Medicaid costs have also risen some $25.9 billion, and states will spend another $22.3 billion.

CONTROLS FOLLOW "FAVORS"

History should certainly have taught us that government "favors" are always followed by increasing controls. One example is the Deficit Reduction Act of 1984: This measure, known as Public Law 98-369, created two classes of physicians ("participating" and "non-participating"), froze fees for Medicare services, imposed severe penalties on "non-participating" practitioners who attempted to increase fees, established incentives to encourage physicians to sign participating agreements, and authorized additional funds for Medicare carriers to inform other doctors about the Deficit Reduction Act.

It is obvious that these provisions of the Deficit Reduction Act violated sections 1801 and 1802 of the Social Security Act. Furthermore, fixing physician's fees is suggestive of involuntary servitude, which is prohibited by the 13th Amendment to the Constitution, a document that congressmen take a solemn oath to uphold. Fee freezes infringe on a doctor's right to contract with patients and subvert the principles of a free enterprise system.

It seems incongruous that a federal government with cost containment in mind would impose restrictions on physicians while simultaneously spending approximately $1 billion to fund Peer Review Organizations to monitor so-called "unnecessary" and "over-utilized" services.

OMNIBUSTED

Further loss of freedom to practice medicine came with the Omnibus Reconciliation Act (OBRA) of 1986-1987, which set a maximum charge for Medicare services, regardless of whether recipients are able or willing to pay. This provision discriminated especially against non-participating physicians who refused to accept any Medicare assignments.

The OBRA also prohibited non-participating physicians from billing Medicare patients for services considered to be "medically unnecessary," whether or not the patient or physician considered the services necessary. A physician who disobeyed this "unnecessary medical services" decree would be fined $2000 per violation. The result was rationing of health care.

The Medicare Catastrophic Coverage Act, enacted July 1, 1988, added a surtax on each $150 of federal taxes owed by each Medicare beneficiary up to a set maximum amount, which would increase yearly from 1989 to 1993. This surcharge is the largest single expansion of the Medicare program in the past 20 years, and breaks every promise Congress made in passing the 1986 Tax Reform Act. That law set a fine of $2000 for each time a physician provided a narrative diagnosis instead of a diagnostic code number on a Medicare claim.

Canada's per capita national debt is twice that of the U.S., and the Canadian medical system is leading Canada into bankruptcy. Yet the Physician Payment Service Commission created by Congress to study Medicare reform has developed a program based on the Canadian model.

LEGISLATOR, HEAL THYSELF

Our system of financing medical care was produced by legislators, not physicians. But, rather than admit they erred, lawmakers blame rising health costs on doctors and hospitals, claiming that there are too many doctors and hospital beds and that modern technology has become far too expensive to offer to all patients.

Quality health care is no longer important to the federal government: cost containment is its main priority. It is time to take action and demand from Congress the same accountability that it expects of those providing health care to the American people.

The health care battle is just one of many in the war between the forces of freedom and those of tyranny. Freedom is not free: it never has been. We must continue to fight for it.

RESOLUTION TO PRESERVE PUBLICATIONS AND MATERIALS OF ENDURING VALUE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WILLIAMS. Mr. Speaker, on April 24, I introduced a resolution to establish a national policy on the use of permanent paper for publications and materials of enduring value. This measure was designed to call attention to and mitigate a crisis we face in preserving our historic, cultural, and scientific record, not only in this country but worldwide. The acidic papers on which most publications and records have been printed for more than a hundred years are literally self-destructing. The present measure would go a long way toward halting this massive destruction by recommending that henceforth all Federal publications and materials of enduring value be printed on permanent, alkaline papers. It also encourages similar action within the private sector.

My resolution, House Joint Resolution 226, was referred to the Committee on House Administration, Subcommittee on Libraries and Memorials, and Government Operations, Subcommittee on Government Information, Justice and Agriculture. An identical resolution, Senate Joint Resolution 57, was passed by the Senate on July 31.

On August 25 of this year the International Federation of Library Associations and Institutions [IFLA] passed three resolutions on the subject of permanent paper at its 55th annual meeting in Paris. This action was taken at the initiation of the U.S. delegation to the IFLA, and represents the first time that IFLA has taken a position on permanent paper. The resolution underscore both the urgency and universality of the problem as well as the international efforts that will be necessary to solve it.

Mr. Speaker, I insert a copy of the resolutions to be included in the CONGRESSIONAL RECORD.

House Joint Resolution 226 will reinforce our Nation's commitment and our leadership in this international effort to stop the further destruction of our historic, cultural, and scientific record.

PERMANENT PAPER: RESOLUTION 1

It is generally recognized and scientifically documented that the acidic papers in general use for books, other publications and documents since the mid-nineteenth century disintegrate in a relatively short period of time. Major and costly efforts are required to salvage what can be saved of the most important existing publications and documents. Therefore, it is essential to avoid, as far as possible, the need for continuing these expensive salvage efforts in the future.

Acid-free permanent papers are now being produced in increasing quantity at costs comparable with the costs of acidic papers and the production of acid-free permanent paper has less of an adverse impact on the environment. Therefore,

Be it resolved, That IFLA urge its members to recommend strongly to their governments that policies be adopted encouraging the use of acid-free permanent papers; to paper manufacturers that increased supplies of acid-free permanent papers be produced for publishing and writing; to publishers that they use acid-free permanent papers in books and other publications themselves, in catalogs and advertizing and in bibliographic materials; and be it further

Resolved, That the International Publishers Association be urged to recommend to its national associations that publishers move to the use of acid-free permanent paper as rapidly as possible; and be it further

Resolved, That the Director General of UNESCO be requested to incorporate this issue in the work plan that organization, and as a first step to survey, monitor, and report on the present use of acid-free permanent papers and to promote their universal use in cooperation with national governments, the International Publishers Association and IFLA; and be it further

Resolved, That this Resolution be sent on an expedited basis to IFLA members and to the Director General of UNESCO, the President and Secretary General of the International Publishers Association, Directors of national libraries, and to ISO Technical Committee 46.

PERMANENT PAPER: RESOLUTION 2

Lack of an international standard for acid-free permanent paper is hampering the adoption of the use of such papers. Therefore, be it

Resolved, That ISO/TC46 move quickly to develop international standards for coated and uncoated acid-free permanent papers.

PERMANENT PAPER: RESOLUTION 3

International organizations such as IFLA, ICA, UNESCO and other specified agencies of the UN should set an example for their members. Therefore, be it

Resolved, That IFLA adopt the use of acid-free permanent paper for its publication and documentation and urge the above mentioned organizations to do the same.

CITY OF HOLLYWOOD DEDICATES BEACH SITE IN MEMORY OF FORMER MAYOR DAVID KEATING

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SMITH of Florida. Mr. Speaker, I am proud to announce that the city of Hollywood, FL, in my district, has dedicated a beautiful portion of our famous beach in the memory of one of our greatest mayors—Mayor Emeritus David R. Keating.

Dave Keating was born in Baltimore, MD, and in 1949 made Hollywood, FL, his home. In 1961 he was elected to the Hollywood City Commission, where he served with distinction for 10 years. He was elected mayor in 1971, serving in that capacity until 1986.

Dave Keating was a champion of many causes during his tenure in public office. He successfully lobbied the State legislature to pass the "Sunshine Law"; he continued the fight to preserve parkland for the city; and he was instrumental in bringing Memorial Hospital to Hollywood.

One of his greatest victories came when the threat of development on beach property in Hollywood prompted Mayor Keating to fight in court for the preservation of Hollywood beach. When a judge ruled against the city, Dave Keating fought all the way to the Florida Supreme Court and won. This 10-year fight ended in the preservation of the beach that has now, most appropriately, been named "Keating Beach."

Keating was so attached to the people of Hollywood that one of his favorite functions as mayor was the frequent house calls he made so that he was in tune with his constituents and their needs. In fact, he cherished his city so deeply that he once said, "I like Hollywood so much, I don't even want to go to heaven." Sadly, Dave Keating passed away on September 14, 1989, leaving behind Dave's son, John, and his family, and a community which suffers from its loss. But when we see and enjoy the beach which now bears his name, we will remember Mayor Keating's remarkable love and dedication to our city.

LEGISLATION TO CORRECT UNINTENDED CONSEQUENCE OF THE TAX REFORM ACT OF 1986

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. McGRATH. Mr. Speaker, today I am introducing legislation with my colleague from Indiana [Mr. JACOBS] to correct an unintended consequence of the Tax Reform Act of 1986, which has caused great expense to at least two national organizations involved in medical and scientific research.

An effort was made in 1986 to restrict the benefits of tax-exempt bonds held by financial institutions. A new provision, section 265(b), was added to disallow a deduction for the proportion of the financial institution's interest expense that corresponds to the institution's proportionate holdings of tax-exempt obligations. Organizations which had issued bonds prior to the 1986 act were caught in a predicament they could not have foreseen.

Because bonds issued by certain tax-exempt organizations generally contain a clause adjusting interest rates upward in response to a decrease in the Federal corporate tax rates, rates on existing bonds increased after passage of the 1986 Tax Act. Normally, an issuer could negotiate with financial institutions holding the bonds to obtain a more reasonable rate. The IRS, however, has held that any reduction in the interest rates would constitute a new bond issue thereby causing the banks to lose a major benefit of their original investment.

The result of this chain of events is that certain tax-exempt bond issuers pay higher interest rates and are prevented from renegotiating bond interest rates when more favorable market conditions exist. The Federal Treasury does not benefit from the IRS interpretation because the banks continue to receive the same tax deduction. The loser is the tax-exempt organization, which is unable to obtain market interest rates.

We did not intend to create this situation in 1986, and it is particularly onerous for at least two national nonprofit organizations, the American Diabetes Association and the Federation of American Societies for Experimental Biology. Over the last 2 years, the IRS ruling has forced these groups to pay nearly $200,000 in additional interest on the bonds issued to finance their national headquarters. Both the Diabetes Association and the Federation make significant contributions to a broad range of research and offer tremendous services which benefit hundreds of thousands of our citizens. I urge my colleagues on the Ways and Means Committee and in the full House to alleviate this unfair and unintended burden on these valuable organizations by supporting this legislation.

TRIBUTE TO CARDINAL MOONEY HIGH SCHOOL GOLF TEAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the members of the Cardinal Mooney High School men's golf team for their accomplishments on the golf course and in the classroom.

The team, under the leadership of Coach Robert Banks, became the Ohio State AA champions for the second year in a row by winning the tournament of champions held at Muirfield Village. These two victories mark only the fourth and fifth time a Mahoning Valley high school has won the championship in the 62-year existence of the tournament. Enroute to the State championship, the Cardinals posted a 23-to-1 record which included a perfect 12-to-0 mark in Steel Valley competition. In addition to the title of State champions, the squad earned the distinctions of Steel Valley champions, district tournament champions, and regional tournament runners-up.

Individually, members of the Cardinal Mooney golf team are academic as well as athletic champions. Senior Doug Ross is ranked 24th in his class with a 3.65 grade point average. Doug, a 4-year letterman, has been named all four years to the All Steel Valley team and twice named to the All State team.

Senior Mike Scarsella is ranked first in his class with a perfect 4.0 GPA. Mike won the 1988 Speech State championship in the humorous division. He is a 3-year letterman in golf and has garnered All Steel Valley and All State recognition.

Senior Bryan Horne and Senior Rob Schwartz are both three-year lettermen. Bryan has a 3.3 GPA and is ranked 39th in his class. He is also a member of the All Steel Valley team.

Mr. Speaker, I would like to take this opportunity to congratulate Coach Banks, Doug, Mike, Bryan, and Rob for their accomplishments and service to their community. Their dedication and efforts have given life to the term student-athlete. I am honored to represent these outstanding individuals.

FREE SUBSTANCE TESTING ELK'S DRUG AWARENESS PROGRAM

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WYDEN. Mr. Speaker, today I am pleased to recognize and commend an important program to help parents and school administrators identify students that have a problem with drugs by providing free analysis of substances discovered in the student's possession.

This program is provided by Elk's Lodge 2411 in Portland, OR. A local forensics laboratory, Intermountain Forensics Laboratories, Inc., had donated their services through the volunteerism of Dr. Raymond Grimsbo. With a confidential, anonymous procedure, parents and administrators can take the suspicious substance to the lab and know within 24 hours whether the student needs help.

In a city like Portland, plagued by drug problems, the free-analysis program and the Elks Lodge's drug awareness program are welcome efforts in the fight to end the reign of terror which illegal substances have brought to our streets.

It goes without saying that efforts like this are needed and useful. I congratulate the Elks Lodge and Dr. Grimsbo for their much-appreciated efforts.

TRIBUTE TO RUTH ANN WINSKI

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to a distinguished member of the community of Irondale, OH, Ruth Ann Winski, who has been selected by the Stanton Ruritan Club as the recipient of its Community Service Award for 1989.

Ruth Ann has held many prestigious and important positions benefiting the local school district. She was homeroom mother at Irondale Elementary for 13 years, and chairman of the Expectation for Excellence Committee of the Edison School District. By serving as president of the Band and Choir Boosters at Edison North and being an active member of the Sports Boosters, the Cheerleaders Mothers Club, and the Edison School Levy Committee, Ruth Ann displayed her dedication to the school district.

Over the years, Ruth Ann's contributions to the life of the community have been extensive. She served as president of the Irondale PTO and chairman of the PTO Christmas bazaar. Her membership in neighborhood organizations include Sunday school teacher at the Pine Grove Methodist Church, the Irondale Fire Department Ladies Auxiliary, as well as the Jefferson County Home Extension Organization. Ruth Ann was a volunteer for the Saline Township Food Pantry and is now the secretary-treasurer. She has assisted with the formation and has been chairman of the Saline Township Youth Activities Committee since its inception in 1989.

Ruth Ann is highly dedicated to the family. Twelve years ago, Ruth Ann sponsored two needy families from the community at Christmas by providing food and gifts for the children. She and her husband, Tom, brought a young Vietnamese child to the United States and adopted her. Over the years, they have had 13 foster children living in their home in addition to 6 children of their own. That, Mr. Speaker, is far beyond the call of duty. It is a call of love.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of Ruth Ann Winski, a leader in the community as well as a role model for us all.

TRIBUTE TO ENVIRONMENTAL COOPERATION

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. RAY. Mr. Speaker, I would like to bring to the attention of my colleagues an event that occurred on November 3, 1989. On that day, I participated in the dedication of the Grand Bay "MARSH" project at Moody Air Force Base located near Valdosta, GA. This project will restore some much needed wetlands to the south Georgia area.

The Grand Bay wildlife management area on Moody Air Force Base is an example of the best kind of cooperation between the Air Force, the State of Georgia's Department of Natural Resources, and Ducks Unlimited. In fact, this project represents the first cooperative venture between Ducks Unlimited and the U.S. Air Force. Those wetlands could not be restored without such an effort.

Ducks Unlimited 91 "MARSH" projects, otherwise known as its "Matching Aid to Restore State's Habitat" projects, in the Atlantic flyway already impact over 38,000 acres of habitat from New England to Florida. The Grand Bay wildlife management area will add to this chain. In fact, this area will be the largest Ducks Unlimited "MARSH" in the Atlantic flyway. It will consist of 3,563 acres of improved wildlife habitat with an additional 2,000 acres pending. This project will benefit wood ducks, ringnecks, sandhill cranes, shorebirds, wading birds, and alligators.

Five wetland impoundments will be established through the installation of several water control structures, excavation of ditches, the elevation of roads, and the removal of undesirable woody vegetation. The resulting area will be similar in character to the Okefenokee Swamp.

The Georgia Department of Natural Resources has played an active role in the protection and restoration of our State's natural habitats. The Georgia Department of Natural Resources owns a portion of the project site and currently manages a large portion of this property under a long-term agreement with the U.S. Air Force. Additionally, the department has contributed $32,500 to cooperatively fund this effort. I am sure that they will contin-

ue to work with the Air Force and Ducks Unlimited in other areas of the State in an effort to protect our duck population.

Ducks Unlimited "MARSH" Program has committed $40,625 to this project. This helps to show the confidence the national organization has in Ducks Unlimited in Georgia. Georgia's Ducks Unlimited is an excellent organization and has ranked in the top 10 in several membership and fund-raising categories. Membership is ever increasing and the work that is being generated is profound. Twelve projects have been approved in Georgia and $98,676 have been spent in the flyway. In 1988, Georgia Ducks Unlimited held 223 events which raised over $1.7 million. The goal for 1989 is over $1.8 million and I have confidence that this level will be reached. The National Ducks Unlimited "MARSH" Program has committed $40,625 to this project.

The U.S. Air Force is especially generous in allowing this land to go to such a worthy cause. Without such a gesture, the expense of this project would be overbearing.

The U.S. Department of Defense has a long history of showing a commitment to environmental protection and enhancement. The Department maintains nearly 25 million acres of real property and more than 2 million acres overseas. The services have long taken the initiative on land maintenance programs and management of fish and wildlife. They have done this by employing modern methods of forest management, fish and wildlife conservation, erosion control, and the abatement of air, noise, and water pollution.

In the particular area of wildlife habitat, the Secretary of Defense has carried out a program since 1960 in an effort to develop and conserve fish and wildlife on military reservations in cooperation with the Secretary of the Interior and the States. The Department of Defense works with the Fish and Wildlife Service to identify areas on military installations that have the potential for waterfowl habitats.

In addition, the wetland at Moody Air Force Base will disperse a huge blackbird population that annually uses that area as a winter roosting site. These blackbirds swarms have posed a serious threat to high-performance jet figher aircraft.

I am glad to see this kind of local level initiative and cooperation. We must continue to work together in reclaming wetlands so that ducks and all other wetland species will have a safe and thriving habitat.

EDUCATION BILL WILL EMPOWER PARENTS AND TEACHERS

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BARTLETT. Mr. Speaker, today Mr. ECKART and I introduced a bill entitled the Access to Education Act of 1989. The primary purpose of this bill is to remove barriers in Federal law that can impede State and local open enrollment initiatives. The bill also provides demonstration grants to States and local school districts to develop open enrollment programs, and supports research on the topic.

I would like to offer a special note of thanks to my colleague, Mr. ECKART, for joining me in this bill as an original cosponsor. Unfortunately, some have seen the issue of open enrollment in strictly partisan terms. That view is incorrect. Of the five States that have taken the lead in expanding open enrollment—Arkansas, Iowa, Minnesota, Nebraska and Ohio—three are led by Democratic Governors and two by Republicans.

The improvement of our school is not a partisan issue, but should be based on proven educational practice. At the same time, legitimate concerns need to be taken into account whenever we are charting new territory. This bill was conceived and developed from the research on parental choice and open enrollment, and was specifically designed to address the concerns of those who worry that open enrollment will deter desegregation efforts and hurt minority and disadvantaged students.

The research shows that: First, students have different learning styles, developmental needs and interests, and no "one best way" exists to provide for those differences; and second, schools are more effective when they have a clearly defined mission developed by teachers and principals and when parents are able to choose among distinctive, diverse schools the one most appropriate to their children's needs.

This bill supports State and local efforts to develop distinctive and diverse schools and to promote parental choice among the resulting schools. Built into the bill also are safeguards to assure against segregation and funding priorities to ensure that the needs of disadvantaged, minority, and rural students are met.

Currently, too few parents, particularly poor and minority parents, have any opportunity at all to select the school or program best suited for their children. And to few teachers and principals, hamstrung by the school bureaucracy, are able to fully exercise their professional judgment and expertise.

In recognition of these facts, President Bush declared that "expansion of public school choice is a national imperative," Secretary Cavazos has made choice a major initiative, and the National Governors Association in 1987 made increased parental choice one of its 5-year goals.

Today, some form of parental choice among public schools within a local district exists in 45 States and the District of Columbia; 13 States permit families to select schools outside the district; and 11 States permit secondary students to enroll in postsecondary programs. Minnesota, Arkansas, Ohio, Iowa, and Nebraska all have enacted statewide open enrollment laws. Many districts such as Dade County, FL and Eugene, OR are experimenting with site-based school management. This bill views these developments as linked—parental choice provides accountability and incentive for improving school programs and greater professional autonomy at the school site permits the freedom to improve and diversify instruction.

The bill has three major sections.

First. The first amends current Federal law to eliminate impediments to open enrollment:

Chapter 1 of the Elementary and Secondary Education Act of 1965 is amended so that funds or services follow children who, as part of a State or local educational agency open enrollment program, transfer to a school that is not eligible for chapter 1 assistance. In addition, coverage under innovation projects for desegregation is extended to otherwise eligible students transferred under an open enrollment program and the cap on these projects is raised from 5 percent to 20 percent of the LEA allocation to permit greater flexibility in continuing services to these children.

Chapter 2 of the Elementary and Secondary Education Act is amended to permit LEA's to use chapter 2 assistance for planning and implementing open enrollment programs.

Title IV of the Higher Education Act is amended to expand eligibility for Pell grants, supplemental educational opportunity grants and State student incentive grants to secondary students participating in a State-approved program that permits enrollment in postsecondary programs.

The Defense Dependent's Education Act of 1978 is amended to require the Secretary of Defense to provide tuition—up to per-pupil cost at the DOD school—to allow dependents to attend non-DOD schools whenever the parents or guardian determines it to be in the dependent's best interest.

Second. The second section establishes a new program of discretionary grants to State education agencies [SEA's] and to local educational agencies [LEA's]. Awards to SEA's will support the development of policies and procedures related to open enrollment; technical assistance to help LEA's plan and implement open enrollment programs; and data collection and evaluation related to open enrollment programs in the State. Funding for States would be on a 50-50 match basis. Awards to LEA's will support planning of open enrollment programs, outreach and dissemination activities to parents, and evaluation.

Third. The third section authorizes the Secretary of Education, through the Office of Educational Research and Improvement, to conduct research on open enrollment and disseminate the results. These activities may be carried out directly or through grants, contracts, and cooperative agreements with institutions of higher education, SEA's, public and private nonprofit organizations or individual researchers.

The point of this bill is to maximize local discretion—it merely seeks to get the Federal Government "out of the way" when States and school districts adopt open enrollment programs. It does not create new rights, requirements, or obligations, but merely supports State and local efforts to implement open enrollment programs.

The bill would not require open enrollment in States or LEA's, nor make the existence of an open enrollment program a condition for the receipt of Federal funds. The bill also would not create a voucher program, nor foster enrollment in private schools.

The bill sets the need of disadvantaged, minority and rural students as a funding priority. It also requires each applicant to assure that its project will neither result in segregation, nor impede desegregation, and provides that funding would not continue after the first year

unless the applicant described the methods by which it fulfilled this assurance.

Soon after the bill is assigned to committee, I plan to request full and comprehensive hearings.

THE PAPERWORK REDUCTION AND FEDERAL INFORMATION RESOURCES MANAGEMENT ACT OF 1989

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CONYERS. Mr. Speaker, I rise to introduce together with my distinguished colleague the Honorable FRANK HORTON of New York "The Paperwork Reduction and Federal Information Resources Management Act of 1989." This bill makes significant amendments to the Paperwork Reduction Act of 1980 and reauthorizes funding for the Office of Information and Regulatory Affairs [OIRA] which administers the Paperwork Reduction Act.

I am also inserting into the record an administrative agreement made between myself, Mr. HORTON and Mr. Darman of the Office of Management and Budget which revises and expands upon OIRA's procedures for conducting reviews of agency regulations under Presidential Executive Orders.

I would like to pay special tribute for this accomplishment to my friend FRANK HORTON, the ranking minority member of the Government Operations Committee, who is rightly known as the father of the Paperwork Act.

When we started negotiations last summer over the reauthorization of OIRA and revisions to the Paperwork Reduction Act it did not seem possible that our disparate views could be reconciled. But thanks to Mr. HORTON'S commitment and patience and the long history of good will between us—as well as the cooperation of OMB—we have managed to work out a tripartite agreement which may not fully satisfy any of us, but preserves the major policy goals of all the parties. The major aspects of this tripartite agreement are as follows:

OIRA will carry out both its review of proposed agency regulations and information collections according to strict deadlines and in the sunshine. Where OIRA causes substantive changes in agency proposals, it will be done on the record with detailed written explanations. Complaints that have been voiced by many in the public interest community that OIRA acts secretly and clandestinely and uses delay to defeat regulations designed to protect public health and safety because of unstated policy disagreements should become a thing of the past.

The original goal of the Federal Paperwork Commission and one of the goals of the act it spawned—to reduce the burden of unnecessary Federal paperwork—will be advanced. As a result of reforms developed by Mr. HORTON and his staff, procedures to eliminate redundant and unnecessary Federal information collections are strengthened while their benefits are maintained.

A major overhaul of Federal information dissemination policy is included in the bill. For the first time this will permit development of a coherent policy ensuring broad dissemination of public information products in a wide range of formats. Credit for this section of the bill belongs largely to Congressman BOB WISE, chairman of our Information Subcommittee, who has done a tremendous job in developing an agreement which meets the needs of the many diverse parties of the public information community.

I would also like to note my appreciation for the cooperation of OMB and OIRA, the third party to this agreement, for their cooperation in the final stages of these delicate negotiations. The bipartisan bill would not have been possible without the thoughtful participation of OMB Director Richard Darman and Jim MacCrae, Acting Administrator of OIRA. I know they feel they have surrendered some of their autonomy in what we call the "Administrative Agreement" which expands on the 1986 Gramm Memo governing procedures for regulatory review. In exchange, they will have the satisfaction of knowing that OIRA will be officially authorized and adequately funded through 1992.

In closing, I would like to add a word to some of my colleagues on the majority side, whom I know will be disappointed that we have omitted the restrictions on regulatory review from the bill itself. I believe this bill and the Administrative Agreement together accomplish our overriding purposes of making OIRA's review of agency regulations clearly accountable to Congress and the public. I have no doubt that the current administration at OMB and OIRA are genuinely interested in burying old hostilities, and will strictly adhere to the procedures in the new Administrative Agreement. In addition to which, it is the intention of both the majority and minority of the Government Operations Committee to closely monitor the process as part of our oversight functions.

I would therefore appeal for the unanimous support of the House majority behind this truly bipartisan legislation.

ADMINISTRATIVE AGREEMENT OUTLINING PROCEDURES GOVERNING OIRA REVIEW OF REGULATIONS UNDER EXECUTIVE ORDER NOS. 12291 and 12498

The procedures governing OIRA regulatory reviews pursuant to Executive Order Nos. 12291 and 12498 reflected in the OIRA Administrator's memorandum of June 13, 1986, are revised and updated as follows:

1. With respect to the review of agency submissions pursuant to Executive Order No. 12498—

A. For each annual review of proposed agency regulatory activities, OIRA shall establish a public docket for each agency whose submissions are reviewed. Such public docket shall include—

(1) a copy of all written material, including drafts of any proposed agency activity, exchanged between OIRA and the agency;

(2) a copy of all written material exchanged between OIRA and any other person not employed by the Federal government.

B. OIRA shall maintain a list of agency submissions that contains the information identified in Section 3 of this memorandum. This list shall be placed in the public docket of each submission.

C. OIRA will make available for public inspection and copying the public docket described in Section 1(A) of this memorandum and the list described in Section 1(B) of this memorandum on the date of publication of the annual Regulatory Program. For agency submissions made subsequent to the publication of the Regulatory Program, OIRA will make available a public docket upon completion of OIRA review.

2. With respect to the review of proposed and final agency rules pursuant to Executive Order No. 12291—

A. Reviews under Executive Order No. 12291 will be guided by the following principles:

(1) Rules must meet statutory requirements. Executive Order No. 12291 reviews cannot result in rules not authorized by law or rules that do not carry out statutory requirements.

(2) Rulemaking decisions are made by agency heads. Executive Order No. 12291 makes it clear that the rulemaking authority of the agency head is not displaced by the Order.

(3) Rules must be based on the agency record. Executive Order No. 12291 cannot cause rulemaking decisions that are supported by the agency rulemaking record. The law requires that all agency decisions must be rationally based on information in the agency record.

(4) Requirements of Executive Order No. 12291 apply only to the extent permitted by law. If there is a conflict between the Executive Order or the President's regulatory principles in Executive Order No. 12291 and the law, the law governs.

(5) OIRA review of a proposed or final rule shall be expeditious and conform with deadlines imposed by statute, judicial order or administrative agreement.

B. For each agency rule reviewed by OIRA, the Office shall establish a public docket which will be made available pursuant to Section 2(H) of this memorandum that must include the following information:

(1) a copy of all written material regardless of format, including all drafts of any proposed or final rule, exchanged between OIRA and the agency;

(2) a copy of all written material, regardless of format, exchanged between OIRA and any persons not employed by the Federal government;

(3) a list of all meetings with persons outside the Federal Government pertaining to rules of an agency;

(4) a list of all other communications with persons outside the Federal Government pertaining to a rule;

(5) a detailed written explanation set forth in Section 2(C) of this memorandum; and

(6) a register for each individual rulemaking which contains the logging information identified in Section 3 of this memorandum.

C. When a review is concluded with substantive changes made by the agency as a result of the review process, suspension of review by OIRA, or by return of the draft rule to the agency for further consideration, OIRA will put a detailed written explanation of the specific reasons for all substantive changes made to the proposed or final rule, or for the return of the rule, as the case may be, in the public docket.

D. OIRA will transmit, on a timely basis, to the head of any agency which has a rule under review a copy of all written material concerning the subject rule that OIRA receives from non-governmental persons.

E. OIRA will inform the head of any agency, on a timely basis, of the substance

of all oral communications concerning the agency's rules, e.g., meetings, telephone calls, the OIRA has with persons who are not employees of the Federal Government.

F. Only the Administrator and Deputy Administrator of OIRA may communicate with any person who is not employed by the Federal Government about regulations submitted to such office for review. Substantive discussions about such regulations will not occur unless a representative of the agency promulgating the rule has been invited pursuant to Section 2(g) of this memorandum.

G. OIRA shall inform the head of any agency which has a rule under review of all scheduled meetings with any agency or nongovernmental persons concerning the subject rule and shall provide the agency with a reasonable opportunity to attend such meetings.

H. OIRA will make the public docket for any rulemaking available for public inspection and copying on the date of publication in the Federal Register of an Advanced Notice of Proposed Rulemaking or Notice of Proposed Rulemaking (with respect to proposed rules) or on the date of publication in the Federal Register of a final rule, or when Executive Order No. 12291 review is otherwise concluded pursuant to Section 2(J) of this memorandum.

I. OIRA will make available after the end of a calendar month a list of all draft ANPRMs, NPRMs and draft final rules for which OIRA has concluded review under Executive Order No. 12291 during the preceding month and the length of review for each.

J. The time for OIRA to conclude review of agency rules, whether proposed or final, shall not exceed sixty days following receipt of such rule by the Office. The time for review may be extended for good cause by OIRA for an additional thirty days. Notices of any such extension, together with a detailed statement of the reasons therefore, shall be placed in the rulemaking docket and a copy shall be sent to the agency. Review is concluded by return of the rule to the agency, suspension of review by OIRA, or clearance with or without changes.

K. OIRA will continue to publish a complete annual accounting of Executive Order No. 12291 activities. In addition to the current information the report shall also contain the following:

(1) a list, by agency and by action taken, of proposed and final rules that have been at OIRA for review for less than 30 days, from 30-59 days, 60-90 days, and more than 90 days, and whether it is a proposed or final rule;

(2) a list, by agency and title, of regulations suspended during the year with rule type, date received and date suspended; and

(3) a list, by agency and title, of regulations that are consistent with change with rule type, date received and date reviewed.

3. With respect to the review of all agency written submissions of rules under Executive Order No. 12291 or regulatory program proposals under Executive Order No. 12498 by OIRA, a chronological list will be included in the public docket containing the following information:

(1) the identifying name and number of the submission;

(2) the name of the submitting agency;

(3) the date of receipt by OIRA of the submission;

(4) the name of the OIRA desk officer to whom the submission is assigned for review;

(5) the review authority (e.g., E.O. 12498, E.O. 12291)

(6) the final actions taken; and

(7) the date of such actions.

4. With respect to each agency activity under review under Executive Order Nos. 12498 and 12291 OIRA shall inform agencies that they have the opportunity to supplement their public docket of a rulemaking activity to include the following—

(1) copies of all written materials which the agency provides to or receives from OIRA;

(2) information about all submissions made by the agency to OIRA including—(a) the date of the submission; (b) the nature of the activity with respect to which the submission is made; and (c) the name of the person at OIRA to whom the submission is made;

(3) a written explanation of the agency's specific reasons for all substantive changes in the draft or final rule which responds to any written or oral comment made by OIRA on any draft of a proposed or final rule.

5. For purposes of this memorandum, "substantive" means any significant action that affects or relates to the content of an agency submission; for example, "substantive change" or "substantive communication." It does not include: (1) stylistic, clerical, or grammatical matters; (2) simple descriptions of a submission; or (3) status reports. It does include, but is not limited to: (1) modifications of agency cost/benefit analyses; (2) suggested changes to or criticisms of the proposal; (3) alteration of recordkeeping or reporting requirements; and (4) assessments of the impact of the agency submission.

6. For purposes of this memorandum a "proposed rule" means an advanced notice of proposed rulemaking (ANPRM) and a notice of proposed rulemaking (NPRM).

7. For purposes of this memorandum a "detailed written explanation" includes the ways in which the suggested changes differ from the initial proposal, the analytical and statistical reasons justifying such changes, and whether such changes are justified in light of the statutory mission of the agency.

THE CAMARENA MURDER CASE REMAINS UNSOLVED

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SMITH of Florida. Mr. Speaker, the world has marveled as Eastern Europe and the Soviet Union have thrown off the shackles of authoritarianism and let the light shine into their dark societies. Closer to home, however, the spirit of glasnost is not so apparent.

Next January, NBC will air a miniseries version of *Desperados*, a recent book by Elaine Shannon on the torture-murder of DEA agent "Kiki" Camarena. It is not a pretty tale. It is a painfully document account of the abduction, torture, and murder of this dedicated agent by forces of the Mexican Government and that government's subsequent coverup of its own actions. Time has dulled the original outrage over this tragedy; most people, I suspect, will be surprised to learn that almost 5 years after Camarena was murdered, no one has been convicted in Mexico for this despicable act, although literally hundreds were originally arrested.

The variety of excuses that have been offered over the past 4½ years have ranged from absurd to pathetic. While two successive administrations in Mexico have repeatedly given assurances to the highest levels of the United States Government that convictions in the case were imminent, they have at the same time sabotaged and stone-walled investigations into the case. Physical evidence has been destroyed. Requests for assistance have been denied. Some key suspects have not even been charged. One recent excuse from a judge involved in the case was that he could not proceed due to a shortage of bond paper. Meanwhile, those who are in custody continue to live in splendor that befits a king instead of a suspect.

Perhaps the miniseries will prod the glacial pace of justice in Mexico into a few convictions. The Salinas administration could then solemnly proclaim its reponsibility fulfilled. But those who watch the miniseries will question this claim. The shocking story of Camarena's murder and its subsequent coverup rivals that of Watergate and Iran-Contra. It differs from them in that the truth about Camarena's murder has never been known because the powers that be in Mexico apparently cannot withstand the truth. The Salinas administration, which has taken concrete steps to attack drug trafficking in some other areas, has proven no different than its predecessor in its handling of the case.

So while we celebrate the new spirit of openness in Eastern Europe, let us ponder on the question of why we cannot have either glasnost or justice for an American drug agent brutally murdered by those with whom he was cooperating and for whom he laid his life on the line to save their country from drugs.

TRIBUTE TO DURAMETALLIC CORP. OF KALAMAZOO, MI

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WOLPE. Mr. Speaker, I rise to pay special tribute to Durametallic Corp. of Kalamazoo, MI, on the event of the completion of the expansion of their corporate headquarters in Kalamazoo. The expansion, undertaken at a cost of $3 million, includes additional space for research and development aimed at developing products and markets of the future.

This new facility symbolizes the success the Durametallic Corp. has enjoyed in today's global economic competition. The people who make up the Durametallic corporate community have shown that they make sealing systems which compete with the finest made anywhere. That Kalamazoo has been the site of Durametallic's corporate headquarters all these years means a great deal both to the city and to the State of Michigan. Its corporate success is an important affirmation of the positive economic environment fostered by the support and cooperation of local and State business and civic leaders.

Durametallic's commitment to research and development is characteristic of a company that has always looked to the future, realizing

that it is only with such investment that America will continue to be a leader in the development and diffusion of new products.

I am honored to represent the fine people of Durametallic and I wish them continued success in all their endeavors.

AMTRAK LEGISLATION

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. NIELSON of Utah. Mr. Speaker, early last year, I was visited by Tom Matthews, Utah chairman of the Brotherhood of Maintenance of Way Employees.

Mr. Matthews brought with him reports of railway workers being sprayed with raw sewage by passing trains; of small towns like Helper, UT, having to call out the fire department to wash away sewage dumped on its main street train depot; and of young children walking through sewage-strewn areas around railroad tracks in order to get to waiting school buses.

I was surprised and shocked by his report, but even more so when he identified the perpetrator of this unfortunate practice—Amtrak. Further inquiry verified his report, and revealed this is a problem in practically every State Amtrak crosses.

I met with Amtrak officials to express my concern. They told me they could understand why people opposed the dumping, but justified the practice on economic grounds, and argued the discharge of untreated sewage posed no proven health risk to people or the environment. I told them I found it hard to believe spraying people with human waste does not potentially jeopardize their health.

Over the course of a year, numerous letters were exchanged and a hearing was held at my request by the Government Activities and Transportation Subcommittee, chaired by CARDISS COLLINS. Amtrak has taken a number of good-faith steps to try to improve the situation, but it was clear to me that nothing short or retrofitting its rails cars to retain wastes would effectively end this unfortunate practice.

Accordingly, I will introduce legislation, joined by BILL GRANT of Florida and AL BUSTAMANTE of Texas, that will require Amtrak:

First, to stop discharging all human wastes, garbage, waste water or other polluting materials effective 3 years after the bill becomes law;

Second, to begin collecting a service charge—sort of a users fee—on every ticket it sells to provide funding outside of the appropriations process to enable it to comply with the future prohibition; and

Third, to report to Congress every 6 months regarding how much money has been collected and what activities Amtrak has undertaken in order to achieve and maintain compliance.

Amtrak is given flexibility to determine how much the service charge should be. According to cost estimates provided by Amtrak, the extra assessment should be minimal, and in no way hinder its ability to compete with other modes of transportation.

We are confident this legislation will achieve our ultimate coals: to protect the workers, our communities and the environment; and to avoid cutting into Amtrak's already shrinking appropriations. We hope you agree, and will join us in this effort.

If you would like to sign on as an original cosponsor, please contact me or my staff before the close of business Monday.

INTERNATIONAL INVESTMENT POLICY MUST BE BASED ON RECIPROCITY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CAMPBELL of California. Mr. Speaker, unfair treatment by our trading partners toward our efforts to invest abroad must stop. I am thus introducing a bill, the Reciprocity of Foreign Investment Act. I also want to acknowledge the wonderful help that I have received from my colleagues, Representatives BENTLEY, BURTON, and HUNTER. In addition to their fine technical assistance, they have played an invaluable role in lining up broad-based support for this measure. This bill would amend section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)) to authorize reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment.

While our markets have remained open to foreign investment, many countries that freely invest in our country do not give our investors the benefit of similar treatment. For example, in South Korea, where the United States trade deficit is currently $9.9 billion, the Government can use a discretionary case-by-case investment approval process that can delay or place trade-distorting conditions on individual investment projects for periods of 2 months to 3 years. During this investment approval process, unfair trade-related investment measures may be used as an informal condition of approval to accomplish Korea's industrial policy objectives. South Korea prohibits foreign investment in 28 of its industries among which are farming, publishing, and radio and television broadcasting. In addition, foreign investment is restricted in a number of other industries, including engines, optical fibers, autos, and motorcycles, where foreigners can participate only through joint ventures with Korean firms. Foreign investment is also severely restricted in service industries such as banking, insurance, and advertising.

In France, America and other non-European Community [EC] investors receive neither most-favored-nation nor national treatment in their investment endeavors. The French Government requires that non-EC investors obtain approval from the French Finance Ministry to acquire firms with at least FF 10 million in assets. Approval to invest in France is sometimes linked to specific requirements such as maintaining a positive balance of trade. Recent cases have demonstrated that U.S. firms have had difficulty in obtaining such approval.

In Japan, cultural and government-imposed barriers are major obstacles to our investment efforts. Representatives from Motorola assert that the most frequently encountered cultural barriers to our attempts to buy Japanese firms stem from the requirement that aquisitions must receive 100 percent approval by the targeted firm's board of directors and from the widespread practice of interlocking directorships between many Japanese firms. In addition, the Japanese Government has the authority "to block any investment which might adversely affect Japanese businesses engaged in similar efforts, or which might otherwise disrupt the smooth performance of the Japanese economy." A recent Booz-Allen survey for the American and European Chambers of Commerce in Japan shows that more than one in four foreign businesses operating in Japan cite government-imposed discriminatory investment practices as a major concern.

The Commerce Department estimates that total foreign investments in the United States now exceed $1.5 trillion, reflecting a U.S. net debtor international investment position of approximately −$368.2 billion. Inflows of foreign direct investment—ownership or control of 10 percent or more of a U.S. company—to the United States have risen from $19 billion a year in 1985 to $41 billion a year in 1987. Foreign direct holdings in the United States now total over $262 billion. Since 1977, foreign ownership of U.S. factories, banks, businesses, and buildings has more than quadrupled.

Opinion-polls show that our citizens fear the increasing level of foreign investment; they believe that it represents one of the greatest threats to our standard of living. According to leading academics, these fears are well-founded. Dr. Pat Choate, a well known trade expert and a senior member of the TRW management team, has correctly pointed out that foreign ownership comes with a price tag attached—the price of control, something that can only be mitigated by an investment policy that is based on reciprocity.

The opportunity for Americans to invest abroad must be expanded. Foreign investment helps U.S. companies gain market access, expand their market shares, and develop more flexibility to respond to changing international economic conditions. An investment policy that is based on reciprocity would thus help preserve our ability to compete globally by putting our firms on an even playing field with their competitors.

My bill would direct the U.S. Trade Representative to open our markets in real estate, stocks, manufacturing, banking, agriculture, and so forth precisely to the degree that our trading partners open their investment markets to us. In effect, access to U.S. markets would be used as a bargaining chip to open foreign markets for U.S. businesses. Our marketplace is one of the few areas of leverage that we have to encourage other nations to end discriminatory practices against U.S. firms.

My bill would not impose broad, protectionist restrictions on foreign investment. We would continue to provide an open door to countries that, in turn, grant us reciprocal investment opportunities. It is because I support free and fair investment opportunities for all countries that I am introducing this bill.

The one-way street of foreign investment must end. An insistence on reciprocity for

direct foreign investments will only enhance our ability to obtain further concessions in our effort to establish truly free and fair trade for all nations. I hope that my colleagues will support this bill and help us create an international investment environment that will enable the world economy grow at a prodigious rate—a goal that will help all nations, whether rich or poor maximize their economic and social potential.

MAYOR BRADLEY AND KAPPA ALPHA PSI FRATERNITY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DYMALLY. Mr. Speaker, Kappa Alpha Psi Fraternity, Inc., one of the oldest and largest college fraternity in the United States, will hold its 69th annual National Conference in Los Angeles, CA, from December 26 to December 31, 1989. One of the unique features of this conclave is that the opening ceremonies will be addressed by the fraternity's former Polemarch—president—Mayor Tom Bradley.

Mr. Speaker, Mayor Bradley has had a distinguished career, not only as mayor of Los Angeles, and a law enforcement officer, but also as a member of his fraternity. He has served as Polemarch of Upsilon—undergraduate—Chapter, at the University of California at Los Angeles [UCLA]; the Los Angeles Alumni Chapter; the Western Province Chapter; and finally as National Grand Polemarch.

The Grand Chapter meeting will be a reunion of thousands of members, all of whom are college educated, and will pay tribute to a fraternity brother who has lived up to the motto of the fraternity—achievement.

For me, this conclave would be a personal reunion with Brother Bradley who initiated me into Upsilon Chapter, in 1950, while I was attending Chapman College in Los Angeles.

In the House of Representatives I am joined by Kappa Alpha Psi members—Representatives CONYERS, STOKES, FAUNTROY, and CROCKETT—in offering Mayor Bradley congratulations on his achievements.

Mr. Speaker, attorney Tom Bradley is now serving an unprecedented fifth term as mayor of the city of Los Angeles. During his mayoral tenure, which began with his election in 1973, Los Angeles has been transformed into a world city of unparalleled ethnic and cultural diversity, the financial center of the Western United States and the gateway to the Pacific Rim. Under Tom Bradley's leadership and direction, the city has grown and all of the people of Los Angeles have benefited. Tom Bradley's years in office have been a hallmark of public service.

As a means of reinforcing his strong emphasis on education and to shield the next generation of Los Angeles youth from drug peddlers and street gangs, Mayor Bradley has proposed an ambitious plan—called L.A.'s BEST—to provide computer training, tutorial assistance, and other enrichment activities to every student in the Los Angeles Unified School District's more than 400 elementary schools.

Under the L.A.'s BEST—Better Educated Students for Tomorrow—plan, parents will be able to voluntarily keep their children at school from 2:30 to 6:00 p.m. each school day to learn and play. A pilot program is already underway at 15 city schools.

With Mayor Bradley at the helm, the city of Los Angeles has implemented a sweeping and effective 18-point traffic mobility plan to reduce both traffic congestion and air quality. One component of the Bradley traffic plan in his proposal to remove 70 percent of all heavy-duty trucks from city streets during rush hour.

To protect the integrity of community neighborhoods, they cracked down on the unrestrained, runaway construction of minimalls, fought for passage of a slope density ordinance to manage the growth of residential developments along scenic hillsides, and put a new environmental review process into effect for large-scale developments. The Bradley-proposed neighborhood protection ordinance would mandate landscaping for apartment complexes, prohibit paving of front lawns, and promote the greening of Los Angeles by banishing concrete jungles.

Mayor Tom Bradley has also proposed spending more than $2 billion in tax increment funds from the city's revitalized downtown business district to fund affordable housing and services for the homeless over the next 20 years. It is the most expansive housing plan in the United States.

Because of Tom Bradley's strong and consistent concern for the environment, the city of Los Angeles is embarking on the most ambitious recycling program in the country. By 1994, trash day will become recycling day for more than 3 million city residents. To fight the global warming trend known as the greenhouse effect, the city of Los Angeles will plant millions of trees in the coming years. Under the mayor's guidance, the city stopped dumping sludge into the Santa Monica Bay. In addition, Bradley proposed a comprehensive 63-point air quality plan.

The public service legacy of the Tom Bradley era in the city of Los Angeles includes:

The 1984 Summer Olympic Games—the most successful Olympiad in the history of the quadrennial international sports competition.

Expansion of the Los Angeles International Airport and the Los Angeles Harbor—leaders in the world for cargo and commerce.

A leader in developing the Los Angeles Metro Rail Project and Los Angeles County's light rail system as a 150-mile rapid transit program when completed.

Tom Bradley had devoted himself to meeting the needs of the people of Los Angeles. Through his devotion, he has helped build and shape Los Angeles into a city where people from all walks of life and all ethnic and cultural backgrounds can live, work, and prosper in harmony.

We wish him well.

TRIBUTE TO THOMAS J. PATTON

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. APPLEGATE. Mr. Speaker, I rise today to pay tribute to Thomas J. (Tom) Patton for his 40 years of dedicated service to the Tuscarawas County YMCA in Dover, OH. Tom recently retired from his position as executive-director and was honored at a recognition dinner on October 29, 1989.

Mr. YMCA, as Tom is known, reflects his sincerity and dedication to others. Under Tom's leadership of the YMCA, many sports championships were realized, not always in trophies, but in team character. Tom embraced the YMCA symbol of "Spirit-Mind-Body," thus instilling high values in those whose lives he touched.

Tom is a lifelong resident of Dover and New Philadelphia. A graduate of Miami of Ohio University in 1949, Tom began his career with the YMCA as physical director. In 1966, after 17 years in that position, Tom succeeded the late Miles Durr as executive-director.

The Award of Administrative Excellence, honoring chief executive officers of the YMCA for outstanding achievement in the area of financial accountability and development, was presented to Tom in March 1989. He was also honored in 1965 by the Ohio-West Virginia YMCA Physical Directors Society as the top physical director in the two States and has received recognition from the Dover Chamber of Commerce, Dover Jaycees, Dover Tornado Club, and the New Philadelphia Quaker Club as well.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me and the residents of the Dover-New Philadelphia area in acclamation of Tom Patton, a leader in the community as well as a role model for us all.

ANGEL OF THE WORLD 1989

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. LEWIS of Florida. Mr. Speaker, independence is a privilege most of us take for granted. Like so many freedoms Americans enjoy in abundance, we assume we can always go and come as we please. We often forget that even in America simple choices do not come so easily for everyone.

Simple, independent choices is what my friends at the T&M Ranch work and pray for every day. That above all other goals of this wonderful home for mentally disabled adults in Indiantown, FL, is why I have for seven Christmas seasons eagerly supported their Angels of the World Program. Nothing gives me greater satisfaction than to bring to the 535 Members of Congress, Cabinet members, the President and First Lady, and the Vice President and his wife a Christmas gift of love from my wonderful friends at the T&M Ranch.

Located on 81 acres near Indiantown, the T&M Ranch is a coeducational community preparedness program for its residents. The goal of the program is to create a higher level of independence for each individual enrolled through concentrated instruction in survival skills. Graduates of the program now live and work independently in the community.

The Angels of the World Program focuses sharply on the goal of ultimate independence for these young people. From an original mold provided by internationally known sculptor Laszlo Ispanky, the T&M Ranch residents produce ceramic Christmas ornaments—sculptures of love, if you will—with strict quality control and loving attention. In the process, the ranch residents have learned to make something with their hands, prepare it for delivery and to manage money they have made from their efforts. More importantly, they have discovered through their efforts that there is a world in which they can contribute beyond the ranch's gates.

The proceeds and contributions the ranchers raise are placed in an endowment fund for scholarships to help teach independent living and working skills to future T&M Ranch residents. Also, nonprofit organizations throughout the country have been able to continue community awareness and education programs for mentally handicapped persons through sales of the angel ornaments.

The 1989, 7th edition angel is Kati of Hungary. It is my honor to again deliver to each of my colleagues this holiday gift of love on behalf of its creators at the T&M Ranch. I hope you will cherish it and display it with pride and honor.

May your holidays be a joyous time for you and our fellow countrymen and women.

JIM BALUKEVICH NAMED TO BOXING HALL OF FAME

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DOUGLAS. Mr. Speaker, I rise today to extend my warm congratulations to Jim Balukevich, a native of my own State of New Hampshire and an employee here in Congress, for his recent induction in the New Jersey Boxing Hall of Fame.

From his early years Jim showed the character traits of dedication and self-sacrifice that were to mark his life. Shortly after completing high school he passed up a basketball scholarship to serve his country in the U.S. Army. While stationed at Schofield Barracks in Oahu, he won a bronze medal in the Hawaiian Division boxing tournament.

Fittingly, Jim was once elected "mayor for a day" in his home town of Nashua, NH, located in my district.

Because of his work in the Longworth Building, where his ready smile and quick wit are always a welcome uplift for overworked Members of Congress, Jim is often referred to by the National Veteran Boxers Association as "our man in Washington."

Induction in New Jersey's Hall of Fame is apt tribute to a man who has done so much for boxing.

Congratulations, Jimmy.

VETERANS SUPPORT A CONSTITUTIONAL AMENDMENT TO PROTECT THE AMERICAN FLAG

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SOLOMON. Mr. Speaker, today I am inserting into the RECORD a letter from the national commander of the American Legion urging the House leadership to permit a vote on a constitutional amendment to protect the American flag from desecration. Our country's veteran's organizations, with a combined membership of over 10 million people, continue to call for a constitutional amendment to protect the American flag.

THE AMERICAN LEGION,
Washington, DC, November 13, 1989.

DEAR REPRESENTATIVE: The American Legion commends you for your firm stance in support of a constitutional amendment to protect the U.S. flag from desecration. We now request your assistance in urging the House leadership to schedule an amendment vote before Thanksgiving.

You and your colleagues deserve the opportunity to express your true feelings on the matter. This is particularly important to those who voted against H.R. 2978 and who, because of that vote, may have been erroneously characterized as opponents of flag protection.

An amendment vote takes on even greater significance in view of the October 30 events when flag burners demonstrated such utter contempt for the new law which had gone into effect only 48 hours earlier. Torching the flag on the Capitol steps was not only an act of defiance but was also one of complete disregard for the manner in which Congress has handled this issue thus far.

As an organization of patriotic and flag-respecting Americans, the American Legion cannot accept the notion that this matter should now be put "on hold" until the courts have assessed the constitutionality of Public Law 101-131. We are convinced that the statute is unconstitutional, and we believe that state legislatures, also saddled with unconstitutional flag statutes, are looking to Congress for positive leadership. We expect that many of those legislatures in the months ahead will demand an amendment, rather than participate in the futile exercise of developing state legislation patterned after an ineffective and unconstitutional federal law.

On behalf of three million war-time veterans who represent the views of tens of millions of other Americans across the nation, I look forward to your efforts to put the House officially on record on this issue.

Sincerely,

MILES S. EPLING,
National Commander.

NOVEMBER IS VETERANS REMEMBRANCE MONTH FOR THE ELKS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MONTGOMERY. Mr. Speaker, my colleague, JOHN PAUL HAMMERSCHMIDT, and I met earlier this month with the new national president of the Elks, Donald Dapelo, who told us about some of the things the Elks have been doing in behalf of patients in our VA hospitals.

Since the days of the Johnstown flood, the Elks have been vibrant forces in every State—helping their neighbors, sponsoring Scout troops, giving college scholarships to deserving young people, raising funds for the needy and the handicapped, supporting hospitals and community projects. I was aware of the vital community service its members provided, but I never realized the scope of the Elk's activities involving our veterans.

As World War II was ending, the Elks vowed to assist the men and women who had served, particularly the wounded and others who needed hospital care. But their pledge wasn't limited to a single war or to the immediate patriotic fervor that welcomed our troops home. In its charter, the organization promised: "So long as there are veterans in our hospitals, the Benevolent and Protective Order of Elks will never forget them."

Their contribution is particularly welcome at this time of a budget squeeze that is having a tremendous impact on the VA medical system. The BPOE is marking the month of November as Veterans Remembrance Month.

A lot of people think that Government funds provide everything a patient needs at a VA hospital. Although we try to provide them with the finest medical care, it is groups like the Elks that give that extra lift to the patient. They provide personal care items, playing cards, and reading materials. They visit with the patients and take them on outings. They provide entertainment in the wards. They show that they care.

In this vast country, people move around a lot, and many veterans may be hospitalized thousands of miles away from friends and relatives. Recognizing this, the Elks have an "adopt a veteran" program so these patients are not forgotten, particularly on their birthdays or during holidays. Last year more than 50,000 patients were "adopted" by nearby lodges.

The Elks from the Big Bear Lake lodge in California took 20 disabled veterans from the Jerry L. Pettis Medical Center in Loma Linda on a fishing trip to a nearby lake. The catch was taken back to the hospital for a fish fry, enabling those who couldn't make the trip to share in the experience. The San Bernardino Lodge took 32 veterans from the hospital's rehabilitation ward to a California Angels game in Anaheim. On Long Island, the Lynbrook Lodge bussed 150 patients from five New York City area VA centers for a roast beef dinner and a performance of the lodge's annual variety show.

Such experiences are being repeated at Elks lodges in every part of the country.

Last year, the Elks and their ladies made 53,079 visits to VA medical centers, contributing 228,641 hours of voluntary service and traveling 475,000 miles in these efforts. In addition, the Elks raised almost $2.5 million on behalf of veterans.

Out west the Elks collect rawhides, supervise tanning and ship the finished leather to lodges for use throughout the VA health care system. According to the chief of recreational and occupational therapy, the Elks are the major provider of leather for the VA. Last year the value of the hides they shipped was in excess of $175,000.

Each lodge looks at local veterans' facilities and determines what it can do to improve the lot of the patient. Members of the Elks recently helped out in a variety of ways:

In Washington State, the ladies of the Auburn lodge crocheted 44 lap robes in red, white and blue and presented them to the Old Soldiers' Home in Orting.

A popcorn machine plus cartons of popcorn and popcorn boxes were among the items given by the Arlington Heights lodge to the North Chicago VA Medical Center.

In Maine, the Bangor lodge gave an exercise bicycle to the Togus VA Medical Center.

The Arlington-Fairfax Lodge in Virginia gave the Martinsburg, WV, VA Medical Center an automatic page-turner, a device that makes it possible for patients with upper-body paralysis to read books and magazines on their own.

In Colorado, the Sterling lodge purchased a pulse oximeter for the Fort Lyon VA Medical Center.

A $4,300 donation by the Oregon State Elks Association to the Walla Walla, WA, VA Medical Center made possible the acquisition of a computer center to aid patients in rehabilitation.

Lodges in Pennsylvania donated $12,000 toward the cost of a 40-passenger bus to accommodate 12 patients in wheelchairs, a new 15-passenger van and new electrified bingo system for the Wilkes-Barre VA Medical Center.

The list of such activities goes on and on.

Mr. Speaker, as chairman of the Veterans Affairs Committee, I extend a special word of appreciation to the Benevolent and Protective Order of Elks for their commitment and service on behalf of our veterans.

Mr. Dapelo has designated the month of November as a time during which the Elks will intensify their fundraising efforts so that the coming holiday period can be a special one for our hospitalized veterans. I know that my colleagues join me in thanking the Elks and wishing them well in their efforts.

SUPPLEMENTAL SECURITY INCOME FOR DISABLED CHILDREN

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DOWNEY. Mr. Speaker, I rise to call to the attention of the Members of the House of Representatives an issue that probably affects at least one constituent in every congressional district of our Nation. It is not a big issue on which we spend billions of dollars. Instead, it is a small issue, one that affects the youngest and poorest of our citizens, disabled children. Simply put, the Social Security Administration [SSA] is disqualifying many poor disabled children from receiving supplemental security income [SSI] benefits while at the same time it is allowing disabled adults with comparable disabilities to receive SSI. This is unfair. It is wrong, and it should be changed.

Earlier this year, as acting chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, I held hearings on the SSI program. Witnesses testified at length about the deficiencies in the procedures and standards which SSA uses to determine whether a child is eligible for disability benefits under SSI. The witness for the American Academy of Pediatrics, Dr. Avrum L. Katcher, stated the problem succinctly:

The childhood listings are medically inappropriate, the comparable severity standard for determining disability—as it has been implemented by the Secretary—does not allow a functional assessment and is more restrictive for children than adults, and children with certain genetic and congenital impairments which lead to disability are excluded from the program.

The House-passed Omnibus Budget Reconciliation Act of 1989 included two important provisions which would have corrected this problem. First, it would require the Secretary of Health and Human Services to evaluate the child's ability to function. By this, I mean that the Secretary of Health and Human Services should perform an assessment of the limitations which the child's impairment or impairments place on his or her daily activities. Second, it would create "presumptive disability" status for children under 4 years old who, because of their young age, cannot be tested completely for disability and therefore, are not yet able to establish the full extent of their disability. The Secretary would have the authority to rebut this presumption, and the child's disability status would be reassessed when he or she could be tested fully.

If these provisions do not pass this year, I intend to bring them to the floor again next year. Everyone should understand that if Congress fails to act on these provisions this year, it in no way reflects on their merits. Poor disabled children should receive individual functional assessments. It is fair. It is right, and they will receive functional assessments as soon as we can complete legislative action.

SALUTE TO BART

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MILLER of California. Mr. Speaker, in the aftermath of the Loma Prieta earthquake that affected northern California last month, there are many admirable examples of individuals and communities rising up to meet the challenge of responding to the tragedy. And one of those entities that helped to sustain our region, and to allow life to continue as normally as possible under these very difficult circumstances, was the Bay Area Rapid Transit system, known as BART.

As everyone is well aware, the earthquake did serious damage to many highways and ruptured the Bay Bridge, the critical link in the East Bay-San Francisco traffic flow. As a result, hundreds of thousands of daily commuters had to find alternative means of traveling across the bay.

Because of BART, tens of thousands could choose to make their daily commute under the bay, by way our transit system's state of the art trains. So sophisticated is BART's design that neither the subterranean tunnels nor the subbay tube suffered from the quake. As a result, BART was uniquely capable of providing emergency transportation service to an additional 30 percent of bay area residents.

We in the bay area can be very proud of those who designed, built and who maintain the BART system. And the Congress, which has provided substantial amounts of the funding to construct this important transportation system, has had an exceptional example of the soundness of its investment in BART.

I would hope that there will be at least two positive developments as a result of the October 17 earthquake. Hopefully, larger numbers of commuters will recognize the advantages of using BART as an alternative to driving cars, with all their attendant problems of congestion, pollution, and energy consumption. And I also would hope that the Congress will take special note of the efficiency and superb operations of the BART system and continue the very timely expansion program that we have initiated this fiscal year in order to bring BART to eastern Contra Costa County and other, still unserved portions of the East Bay, as we initiate a comparable extension on the peninsula.

Mr. Speaker, I would like to share a recent editorial testimonial to BART's role in the postearthquake period from the San Francisco Examiner.

[From the San Francisco Examiner, Nov. 15, 1989]

BART: THE LITTLE TRAIN THAT COULD

If asked two months ago to name the primary transportation link in the Bay Area, many probably would have named the Bay Bridge. Or the Golden Gate. Or any one of several freeways.

Today, in the post-quake Bay Area, the answer would resound: BART!

After many years of being an object of criticism, some deserved, the Bay Area Rapid Transit District came through when it was most needed. There is simply no question now that BART provides the most efficient, and also the safest, means of mass transit. Those who depend on BART to get to work, or those who depend on others who depend on BART, owe the transit district's hard-working-employees great thanks.

Think back to that late afternoon of Oct. 17. Home-bound commuters on station platforms felt only moderate shaking. Those on moving trains at the time felt nothing at all. After a required shutdown indicated no serious damage, BART was back in service by morning. When the commute resumed in earnest, terminal gridlock was averted when

BART began carrying one-third more than its pre-quake average of 218,000 riders.

No one says it's been fun. No one says it's even been comfortable. But in putting more cars on the tracks, expanding rush-hour service and starting Night Owl trains, BART has helped pull us through with the Bay Bridge under repair.

BART has shown the Bay Area, and the nation, that rail transit works well. Indeed, BART's biggest problem now is that there is not enough of it. Even though BART created 9,000 emergency parking spaces almost overnight, a shortage of parking spots at stations remains a major problem. The new computer system is not yet functioning as designed, and the district still awaits delivery of many new cars ordered years ago.

There is a four-pronged expansion program underway to extend track to the San Francisco International Airport, to Pittsburg, to Dublin and past Fremont. Now there is every reason to accelerate these plans, and consider additional routes that would take BART around the Bay, and extend it into North Bay counties.

BART was a creative idea, designed by those with an expansive faith in the future of the region.

A toot of the horn to you, BART.

OPPOSITION TO AID TO VIETNAM

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. HOLLOWAY. Mr. Speaker, I stand here today in strong opposition to apparent plans to provide more than a quarter of a million dollars, worth of medical equipment to Vietnam.

Mr. Speaker, Vietnam today is a single country. But we cannot and must not forget that Communist North Vietnam was responsible for the deaths of thousands of American soldiers.

Those who propose to get rid of this medical equipment report that it is old and outmoded. If it is obsolete, fine. If our Government wishes to dispose of this equipment, we should give it to one of our friends—a nation in need who has traditionally shared American principles and values.

We need not give a handout to a totalitarian Communist regime. I oppose giving American medical equipment to Vietnam today, I'll oppose it tomorrow, I'll oppose it next year. The plan is offensive to me, and it is an insult to our Nation's 27 million veterans, many of whom are being turned away from veterans' hospitals because of budget problems.

The very agency which is struggling to care for our deserving American veterans is being asked to take care of the needs of Vietnamese veterans. This is wrong, period. Let's get our priorities straight.

HONORING THE ORDER SONS OF ITALY IN AMERICA ON THURSDAY, NOVEMBER 16, 1989

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CONTE. Mr. Speaker, skyrocketing college tuition fees coupled with greater demand for Federal aid has forced parents and students to search for alternate means of undergraduate financing.

As an 85-year proponent of education, the Order Sons of Italy in America [OSIA]—the oldest and largest Italian-American services organization in North America—continues to offset this burden by providing over one-half million dollars in national and local scholarship awards annually.

Historically, the order's emphasis has been more on substance then style. From its founding in 1905 to the present, OSIA has focused its energies on improving people's lives.

Although not widely publicized, OSIA has granted nearly $13 million in financial aid since 1968, dwarfing the contributions of similar organizations.

OSIA was also principally responsible for the reinstitution of a college board achievement test [CBAT] on the Italian language, effective in 1990.

National leadership grants are another example of OSIA's commitment to academic excellence. Ten $2,000 grants, administered by the Sons of Italy Foundation, will be awarded to two high school students, four undergraduates and four graduate students who have distinguished themselves academically.

Awards are not limited to Americans of Italian heritage. Scholarships are available to qualified members of OSIA, children and grandchildren of members of social members. Social membership is open to individuals of all ethnic and religious backgrounds.

Applicants must submit an official transcript, a 500-word personal summary and two letters of recommendation no later than March 1, 1989, to OSIA's National Education Committee. Names of winners will be published in the OSIA News, with a circulation of over 450,000 family members across the United States and Canada. Awards will be presented in the spring at a ceremony in Washington, DC.

I am impressed by the order's exemplary educational initiatives. Beyond recognizing America's outstanding youth, OSIA's extensive scholarship programs reinforce public efforts to provide equal access to quality education.

OSIA's scholarship programs are the cumulative product of the organization's numerous educators and educational proponents. OSIA plans to further expand its scholarship programs, building on its cooperation with national and international colleges and universities. A mentor program will also be announced shortly.

Over the years OSIA has organized a wide range of social justice, public affairs, cultural, and philanthropic as well as educational programs.

OSIA has contributed over $20 million to such national charities as Cooley's Anemia and the March of Dimes, while significantly promoting Italian studies through its New York City museum and cultural center—the only one of its kind run by and for Italian Americans.

A leader in the crusade against bias and bigotry aimed at all ethnic groups, the national Commission for Social Justice [CSJ] of the Order Sons of Italy in America is the principal antidefamation organization representing Italian Americans and others on this continent.

OSIA national executive director, Philip R. Piccigallo, said recently that OSIA plans to work harder than ever before to continue to support Cooley's Anemia, scholarships, cultural activities, and aid for the homeless. I am condident that OSIA will continue to build upon its unrivaled record as the premier organization representing men and woman of Italian descent in the United States.

IN RECOGNITION OF TELEPHONE PIONEER MONTH—NOVEMBER 1-30, 1989

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MATSUI. Mr. Speaker, in this country which has so much to give, there are many less fortunate Americans with a variety of needs as well as a variety of worthwhile community projects that suffer long delays or, worst yet, never happen because of insufficient financial and human resources.

Responding to those needs, the Telephone Pioneers of America has been reaching out to needy people and organizations with genuine concern, caring, and assistance for 78 years.

The west coast arm of this nationwide group—the world's largest volunteer organization—numbers 65,000 active and retired Pacific Bell, Nevada Bell, and AT&T employees in California and Nevada.

Pioneer Month will be celebrated by members of the organization in every community in California and Nevada from November 1 through 30, 1989 as a fitting tribute to the countless hours of volunteer human effort and financial assistance to needy people and organizations.

The Pioneers have demonstrated their deep commitment to help ease the suffering and pain of those in need and improve their quality of life through dozens of community service programs and thousands of hours of volunteer time and effort on such projects as Hug-A-Bears for traumatized, battered children; replanting of thousands of acres of California woodlands devastated by 1987 forest fires; feeding of the homeless and hungry, especially after the recent northern California earthquake; supporting an infant hearing assessment program; sponsoring and organizing Easter egg hunts for blind and handicapped children, sponsoring McGruff, the crime dog and Patches, the 9-1-1 safety cat, in elementary and secondary schools throughout California; sponsoring and conducting an annual Northern California Sports Jamboree for visually and physically handicapped people; sponsoring and helping organize a Winter Special

Olympics for handicapped people and running a program that provides "talking books" for visually impaired people.

On behalf of the U.S. House of Representatives, I would like to thank and personally commend this fine community service organization for all of its programs and activities that benefit needy people everywhere and urge my colleagues to join me in recognizing November 1–30, 1989 as Telephone Pioneer Month and encouraging all citizens to join in the celebration of the Pioneers' 78th year of answering the call of those in need.

UNPRECEDENTED ASSAULT ON U.S. INDUSTRIAL BASE SHOULD NOT BE ALLOWED TO SUCCEED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Ms. OAKAR. Mr. Speaker, the Washington Post carried an article on November 16, describing a series of proposals by the Bush administration to curtail or abolish some of technology programs that are most critical to the preservation of the U.S. defense industrial base and the efforts to make our civilian industrial base more world competitive.

The programs to which the article refers are as follows:

Research on high-definition television.

The Semetech Consortium for semiconductor research and manufacturing.

The Defense Manufacturing Board.

The Man-Tech Manufacturing Improvement Program.

Incredibly, the article says we may be negotiating with the Japanese to buy HDTV technology, which many industrial experts regard as critical to the future of both military and civilian manufacturing.

The programs itemized are among the most successful and promising programs that have been developed over the past 10 years through the cooperation of U.S. industry and Government for making this country's defense and civilian industry more competitive.

In my opinion, undermining any of these programs would be a severe blow to the industrial base of this country. However, the combination of these measures is greater than its individual parts. To me, it appears to be a coordinated assault on the entire effort to upgrade and modernize defense and civilian production in this country, and is tantamount to industrial sabotage of American industry by our own Government.

As chair of the Subcommittee on Economic Stabilization, which has direct jurisdiction and responsibility for the readiness of the U.S. defense industrial base, I believe these proposals would be highly destructive to the defense of this Nation. I personally am opposed to these proposals, and cannot understand the reasoning behind such a potentially counterproductive initiative. I am asking my staff to conduct a preliminary review of the circumstances so that the subcommittee can report fully to this body on these matters at the earliest possible time:

CONGRESSIONAL GROUP FEARS CUTS IN HIGH-TECH RESEARCH

(By Evelyn Richards and John Burgess)

The Bush administration may try to squash a number of government-backed high-tech initiatives and turn instead to the Japanese for key defense purchases, congressional and industry sources fear.

In a letter dated yesterday, a bipartisan group of two senators and two representatives said the group is "greatly disturbed" by the alleged administration documents that call for slashing research programs in high-definition television (HDTV), manufacturing science and semiconductors.

A high-ranking Pentagon official confirmed yesterday that a memorandum had been circulated indicating that Deputy Defense Secretary Donald Atwood wanted cutbacks in the high-definition television research being funded by the Defense Advanced Research Projects Agency. But, the official said, the memorandum had been sent "in error."

A spokesman for Darpa, a Pentagon unit that funds research in advanced technologies, said he had no information on the reported cutbacks.

Darpa's HDTV budget is relatively small—the Senate has authorized $30 million for fiscal 1990, compared with $10 million proposed by the administration—but the technology has taken on a symbolic role among those on Capitol Hill who believe federal backing is essential in key technologies. With razor-sharp screen images, HDTV is billed as having important military applications as well as delivering motion-picture quality entertainment to the living room.

Robert Cohen, a consultant on high-technology matters, warned in a memorandum released by the Economic Policy Institute, a liberal think tank, that the Pentagon also may be negotiating with several Japanese firms to purchase advanced imaging technology, including HDTV-like displays to be used on various weaponry. Such pacts "would reverse traditional Pentagon concerns for U.S.-Based technology sources of supply in critical technologies," according to Cohen.

The Pentagon official said he knew of no such negotiations.

In addition to HDTV, industry and congressional sources fear that other programs are in jeopardy, particularly those that support research in semiconductor technology. Cohen said yesterday he believes that the Office of Management and Budget had prepared a memorandum that would cut funding from several technology initiatives in the fiscal 1991 budget.

Among those said to be targeted for curtailment is Sematech, the Austin, Tex., consortium on semiconductor research that receives funding from industry and government sources. At a hearing last week, Rep. Mel Levine (D-Calif.), reportedly described as "insane" any attempts to cut Sematech's $100 million annual federal funding.

An OMB spokesman would not comment on 1991 budget matters.

In a related move, Pentagon officials have proposed disbanding the Defense Manufacturing Board, which looks for ways to improve U.S. manufacturing. It would be merged into the existing Defense Science Board. Another Pentagon-funded program to enhance manufacturing productivity, known as Mantech, is also said to be in jeopardy.

The letter raising concerns about a possible change in administration policy was signed by Levine, Sen. John Heinz (R-Pa), Rep. Richard A. Gephardt (D-Mo.) and Rep. Norman Y. Mineta (D-Calif.).

It warned that "eliminating America's few strategic technology initiatives will cause permanent damage to both our defense and commercial industrial bases."

THE CYPRUS PROBLEM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BURTON of Indiana. Mr. Speaker, a peaceful, negotiated settlement of the Cyprus problem is in the interests of the Western World and our NATO allies, Turkey and Greece. I am encouraged that the two Cypriot Presidents—Rauf Denktas who represents the Turkish Cypriots, and George Vassiliou who represents the Greek Cypriots—have engaged in numerous discussions during the past 15 months in an effort to agree upon a peace settlement for Cyprus.

However, at the very time when hope for settlement of the Cyprus problem has been raised by these intercommunal talks, the Greek Cypriots have launched a significant rearmament campaign. During the past year, Mr. Vassiliou's government has acquired many weapons—defensive and offensive—which were sold to them by the Syrian, French and Soviet governments.

Mr. Speaker, there is no rational reason why the Greek Cypriots have taken this action. At a time when peace seems to be breaking out all over the world and at a sensitive period during Turkish Cypriot and Greek Cypriot negotiations, this senseless action can only serve to exacerbate the Cyprus dispute.

The Turkish Cypriots have maintained a status quo with their troops and weaponry which remain on the island solely for defensive purposes after a July 1974 Greek-inspired coup, backed by thousands of Greek troops, ousted Archbishop Makarios as a prelude to the annexation of the island by Greece.

The July 1974 coup not only threatened the sovereignty of the island but also the lives of the Turkish Cypriots who had been under siege by Greek and Greek Cypriot terrorists since 1963.

Throughout this period which spans nearly 30 years, Rauf Denktas, the elected President of the Turkish Cypriot people, consistently has supported meeting with every elected Greek Cypriot leader in an effort to achieve a just and lasting settlement for both peoples of Cyprus—Turkish and Greek.

President Denktas has accepted U.N.-inspired peace plans on two occasions which would have established a bi-communal, bizonal Federal Republic of Cyprus. These plans included a timetable for withdrawal of all non-Cypriot troops. They were fully endorsed by the United States, Great Britain, and the Republic of Turkey. Regrettably, the Greek Cypriots and Greece did not accept these peace plans.

It is my hope that Mr. Vassiliou's government will realize that this aggressive action is not justified and will only serve as an obstacle

to achieving a just and lasting settlement for both peoples of Cyprus.

TRIBUTE TO DR. JOHN L. MANTICA

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. APPLEGATE. Mr. Speaker, I rise to pay tribute to Dr. John L. Mantica, who has given the community of Steubenville, OH, 35 years of medical care and service. Dr. John, as he is called by his friends, is being honored at a retirement dinner on November 26, 1989.

Dr. John's achievements in medical service are extensive. He was a founding member of the Medical Assisting Advisory Committee at Jefferson Technical College in Steubenville. His dynamic leadership was instrumental in molding the associate degree course of studies to meet the office and clinic needs of local physicians, as well as the placement of students in doctor's offices for practicum experience. Along with serving 10 years as the college's consulting physician, he was former Chief of Staff of Gill Memorial Hospital, and Director of Medicine at St. John Medical Center. He also served the community by maintaining a private practice from 1954 until his retirement.

Dr. John received his bachelor's degree from the University of Steubenville, and medical degree from St. Louis University. He served in the U.S. Army Medical Corps from 1942 to 1945. John is affiliated with the American, the Ohio State, and the Jefferson County Medical Associations. During his years of medical service to the community, he received many honors and awards including a Doctor of Science, honoris causae from the University of Steubenville, a fellowship from the American Academy of Family Practice, and an induction into the Sports Hall of Fame.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me and the residents of Steubenville, OH in acclamation of Dr. John Mantica, a leader in the community as well as a role model for us all.

TROOP 66: 19 NEW EAGLE SCOUTS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. HALL of Texas. Mr. Speaker, on November 5, 1989, 19 Boy Scouts from Texoma Valley Council Troop 66 received the rank of Eagle. So far as I know—this is a record for both numbers and quality.

These young men have been judged by the Boy Scouts of America of being worthy of the highest rank. As Eagle Scouts, they have assumed a solemn obligation to do their duty to God, to country, to their fellow Scouts, and to mankind in general.

Their conduct along the trail has been excellent as they have lived by the Scout oath: On my honor I will do my best to do my duty to God and my country and to obey the Scout law, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight.

Each of these young men are Eagles, but they took 19 different routes to this stage. Their projects benefited churches, crippled children and adults, a home hospice, Veterans of Foreign Wars, a wildlife refuge, historical museums, and cemeteries. The young men worked at various jobs. For example, among other services:

Brien Barron took time out from his part-time job to upgrade the County Farm Cemetery. He knows the dignity of work.

Barrett Brown, an honor student and member of the school tennis team, leveled graves and reset stones at the Grayson County Cemetery.

Casey Campbell, another honor student and assistant senior patrol leader, constructed 15 bluejay nesting boxes and placed them at the Sherman Country Club.

Nicholas Good, who plays tennis and varsity football, graded and leveled a driveway at Home Hospice in Sherman.

Joey Greger built an 8-foot fence around the basketball court at Sherman Bible Church and installed a guard light in the parking lot.

Robert Grooms, Assistant Scout Master of Troop 66, painted and repaired playground equipment at the First Presbyterian Playschool.

Larry Thomas Harris, a junior varsity basketball player and patrol leader to the National Jamboree, constructed a star base for a flagpole he erected at Texoma Christian School at Sherman Bible Church.

Scott Toney Johnstone, a third generation Eagle Scout, led a group of Scouts in rehabilitating a portion of the Sherman Historical Museum.

Brian Leinart, an honor student and varsity football and soccer player as well as patrol leader, stripped and improved a basketball court at Texoma Christian School at the Sherman Bible Church. I am proud that he is a kinsman of mine.

Kurt Odom, the new assistant senior patrol leader of Troop 66, built eight nesting boxes at Hagarman Wildlife Refuge.

Mark Schultis, a freshman honor student and senior patrol leader, built an outdoor worship center, including an altar and benches, for the Trinity Lutheran Church. Mark has served as my escort.

Christopher Tatum, a freshman who has served as patrol leader, installed a playground at Grayson County Center for Crippled Children and Adults and also organized a food drive for the victims of Hurricane Gilbert in 1988.

Michael Thoms, served as troop historian for the 1989 National Scout Jamboree. His Eagle project was directed to the benefit of the First Presbyterian Church.

Greg and Scott Wallace, one of two brother sets making Eagle today, are the grandsons of Mayor and Mrs. Foy Wallace of Gunter and Mr. and Mrs. Preston Gideon of Brownsboro. Greg laid out and painted parking stripes on two parking lots for the Sherman Bible Church. Scott removed poison ivy, trimmed trees, and beautified the church grounds. As have most of the 19, they have visited with me in Washington, DC.

Ryan Walling, an honor student and member of the leadership corps, did research on the VFW Post 2772 cannon and also painted it.

Shane and Shawn Watwood are both freshmen and patrol leaders. Shane planted ash trees around Dillingham Intermediate School and Sherman High School. Shawn checked the flow and pressure and the safety of our fire hydrants in downtown Sherman, and painted them.

Ryan Woods, who plays football, baseball, and track is in the leadership corps. He constructed an outdoor walking trail in the wooded area behind Wesley Retirement Village in Denison.

All of these fine young men have learned their lessons at the feet of a great American—their Scoutmaster Clair Schultis. The only reason Clair shouldn't be man of the year is that he would be man of the decade. What a terrific service he extends to all of us. He, of course, has the support and backup of the First Assistant Scoutmaster Les Key—and Assistant Scoutmasters Larry Campbell, Terry Conner, Jon Creel, Phil Duncan, Terry Hill, Bob Johnstone, Darryl Odom, Joan Smith, Rich Thomas, and Rob Grooms—and troop committee members Marsha Benson, chairman, Ruedi Good, Don Riedl, and Bruce Woods, with the long continuing support of Dr. Truman Wester.

Mr. Speaker, I ask you to join me in celebrating the achievements of these 19 Eagle Scouts, their parents and family and their Scoutmasters. And as we adjourn today, we do so in honor of them.

BILL BROOMFIELD: 1989 NATIONAL ITALIAN-AMERICAN FOUNDATION PRESIDENT'S AWARD RECIPIENT

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. UPTON. Mr. Speaker, I would like to honor a fellow member of the Michigan Delegation and distinguished colleague of ours—Mr. BILL BROOMFIELD. Mr. BROOMFIELD recently received the 1989 National Italian-American Foundation [NIAF] President's Award.

The NIAF is proud of its rich Italian-American heritage. As with many other ethnic groups, Italians have come to this great country of ours to take advantage of the many opportunities that are available here. The NIAF realizes the hard work and determination that many Italian-Americans have shown to become successful in this country.

In recognition of outstanding individuals who have shown similar hard work and determination to take advantage of all of the opportunities this country offers, the NIAF presents its President's Award. One of the three recipients of the 1989 President's Award is BILL BROOMFIELD.

BILL BROOMFIELD began his political career in 1948 and served for 8 years in the Michi-

gan House of Representatives and State Senate.

He was first elected to Congress in 1956 and was appointed to the House Committee on Foreign Affairs in 1961. He has distinguished himself in this area with his deep involvement and commitment to a strong bipartisan foreign policy, having served with 8 Presidents and 10 Secretaries of State from both political parties. He is currently the vice chairman of the committee. Mr. BROOMFIELD has brought his extensive experience in foreign affairs to more than 20 international and parliamentary conferences. In recent years he has been appointed congressional delegate of the Geneva arms control talks and the North Atlantic assembly. In addition, Mr. BROOMFIELD serves on the Small Business Committee where he is known for his hard work on behalf of the many small businesses that make up the backbone of this country.

I would like to offer my congratulations not only to Mr. BROOMFIELD for receiving this honor, but also to the NIAF for selecting such a worthy person for their President's Award.

THE 71ST ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENT LATVIA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. HORTON. Mr. Speaker, I rise today to call attention to a situation that deserves our recognition and support: The struggle of the Latvian people for freedom and independence from Soviet domination. I am taking this opportunity to let the people of Latvia and the rest of the world know that we are still committed to the Latvian cause and that we will continue to give whatever support we can to this brave nation's quest for autonomy.

As citizens of a free country, we often take our rights and liberties for granted. It is hard for us to imagine what our lives would be like if a foreign nation controlled our government and occupied our lands. Let us not forget how hard our ancestors fought to secure the right of self-determination for our people. It is in this same spirit that the people of Latvia are now fighting for their own freedom.

Latvia lost its independence in 1939, when Hitler and Stalin signed the infamous Molotov-Ribbentrop Pact. This deplorable pact allowed for the unlawful seizure by the Soviet Union of Latvia and the other Baltic Republics, Lithuania, and Estonia. The Soviets then proceeded to deport more than 1 million Baltic citizens from their homelands and relocate masses of their own people to replace them. Naturally, this had a profound debilitating effect on the culture and unity of these areas.

Appropriately, the United States has never recognized this forcible takeover of the Baltic States by the Soviets. In this time of glasnost and stable relations with the Soviet Union, we must not forget our commitment to the rights of Latvia and the other Baltic peoples to self-determination and freedom from foreign oppression. Our support is of vital importance to their cause.

The courageous people of Latvia are making great strides in their quest for autonomy. On August 23, the anniversary of the Molotov-Ribbentrop Pact, hundreds of thousands of Baltic citizens linked hands across their territories to protest that pact and demonstrate their determination to regain their freedom. The actions of grassroots, democratic movements have helped to restore native languages as the official languages in the Baltic States and legalize the original national flags and anthems. Moreover, Lithuania and Estonia have gained the right to manage their own natural and economic resources, without any hindrance from the Soviet Union. Unfortunately, this right has not yet been extended to Latvia.

This is a pivotal time in world history. The doors are opening for a number of countries to take their first steps toward freedom and independence. We have to keep those doors open for Latvia and the other Baltic States. They deserve the chance to join the growing community of free and democratic nations. Mr. Speaker, let us remain firm on our dedication to the principles of liberty and self-determination by expressing our support for the efforts of the Latvian people in regaining the freedom which they have too long been denied.

TRIBUTE TO HEINZ PRECHTER, RECIPIENT OF THE 1989 B'NAI B'RITH INTERNATIONAL GREAT AMERICAN TRADITIONS AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to one of the leading citizens of southeast Michigan. Heinz C. Prechter, a resident of Grosse Ile, MI, has distinguished himself as both a business and a community leader in the Downriver area. He is being honored on November 29 by the B'nai B'rith Foundation of the United States with their prestigious International Great American Traditions Award.

Mr. Prechter was born in the Bavarian village of Kleinhoebing in 1942 and came to the United States in 1963 as an exchange student at San Francisco State College. In 1965, Mr. Prechter struck out on his own and started the American Sunroof Company [ASC] in a subleased, two-car garage in Los Angeles. The company developed and patented the glass "moonroof" and had great success doing custom treatment on production cars. When he brought his sunroof company to Southgate, success followed. Today, thanks to his hard work and creativity, ASC can boast of 30 facilities modifying over 350,000 cars a year and employing hundreds of residents of southeast Michigan.

In addition to establishing a reputation as a leading business figure in Michigan and the Nation, Mr. Prechter has also gained respect as a community leader. He serves on the board of directors of Henry Ford Community College and the advisory board of Wayne County Community College. His philanthropic activities includes his work with the Boys' and Girls' Club of Metro Detroit, the Detroit Institute of Arts, the Kresge Eye Institute, and many other worthwhile organizations and institutions too numerous to mention.

Mr. Speaker, Heinz Prechter is deserving of this special recognition for his personal dedication to many charitable endeavors, his integrity, and vision and creativity as a successful business leader. I would also like to commend the B'nai B'rith Foundation of the United States for recognizing the important work that Mr. Prechter has performed for our community and our State. It is my great honor to represent this exceptional individual, as a constituent and leader of our Downriver community.

H.R. 2461, CONFERENCE REPORT—DEFENSE AUTHORIZATION BILL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. ASPIN. Mr. Speaker, earlier this year a special panel of the Armed Services Committee was created to review Department of Energy defense nuclear facilities. The conference report on the Defense Authorization Act reflects the work of that panel. The conference report provides for major increases in funding for the management of defense waste and environmental restoration, from the $1.3 billion requested by the President to nearly $1.7 billion, and a number of legislative provisions are included that seek to improve the management and operations of the Department of Energy.

However, there is still much to be done to bring the operations of the defense nuclear facilities of the Department of Energy to modern standards. I want to address one particular area that may be ready for change.

Since the inception of the nuclear age, the Department of Energy and its predecessor agencies have relied upon contractors for the operations of weapons production facilities. Those contractors have been responsible for both production and for environmental waste disposal and remediation. It seems to me that the Department of Energy ought to consider the possibility of separating these two functions. Indeed, it appears both logical and advantageous to have separate contractors responsible for weapons production and waste management including remediation.

If there are two separate contractors, then the weapons production contractor can concentrate on his vital national security mission and the environmental contractor can concentrate on waste disposal and remediation.

It is important to note that the Government has indemnified the contractors at weapons facilities because of the nuclear risks associated with the operation of such facilities. This indemnification has extended to environmental cleanup and remediation. It is my understanding there may be contractors who specialize in waste management and cleanup that would be willing to assume responsibility for such activities at DOE facilities without Government

indemnification and who would assume full liability for their actions, thus holding the Government harmless. This would appear to be advantageous for the Government, subject of course to the price for such services, and merits further review.

Similarly, taxpayers have paid the capital expenses at DOE defense facilities, including waste management facilities, since these facilities are Government-owned. I am informed that there has been at least one case of an incinerator that was built, rebuilt and rebuilt again at taxpayer expense and the permit for the incinerator is not yet issued. It may be logical to contract for incineration services from a contractor that specializes in such services. This would shift the initial capital costs to the private sector where they would be recouped only to the extent that an incinerator actually burned waste.

In sum I believe that there may be an opportunity to improve the waste management and cleanup operations at DOE facilities by contracting for such activities separately from the production activities. Such contracts could capitalize on the special skills in these areas that are not necessarily resident in the contractors with production expertise.

This is a matter that I expect that the committee will review, and if, after hearing the views of the Department of Energy, we conclude that it is appropriate to separate the conduct of weapons production and waste disposal and remediation, I would hope that such a policy could be implemented quickly.

"RICHARD MILHOUS NIXON: THE RISE OF AN AMERICAN POLITICIAN"

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. RICHARDSON. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding biography about one of this century's most fascinating and mysterious public servants.

The 1,000 page book titled, "Richard Milhous Nixon: The Rise of an American Politician," has just received rave reviews by the New York Times. Author Roger Morris of Santa Fe performs a most magnificent job in penning this first of an expected three/volume biography of President Nixon.

I hope my colleagues have an opportunity to read Mr. Morris' book. Until then, I think you will find of great value the Times review of the Nixon biography.

[From the New York Times Book Review, November 12, 1989]

RICHARD MILHOUS NIXON: THE RISE OF AN AMERICAN POLITICIAN.

(By Kevin Starr)

In April 1945, a slightly rumpled 32-year-old United States naval officer, just returned from the Pacific, looked out of the 20th-floor window of a building on Church Street in Manhattan and watched Dwight David Eisenhower, Supreme Allied Commander in Europe, ride triumphantly through the ticker tape. The distance between the five-star general and the small-town lawyer from Whittier, Calif., temporarily in uniform, was by any stretch of the imagination unbridgeable, and no one felt this more wistfully than Lieut. Comdr. Richard Milhous Nixon.

One year later, Mr. Nixon was in the House of Representatives. Four years later, he took his oath as the junior Senator from California. Six years later, before turning 40, he was elected Vice President of the United States on the ticket that took Eisenhower into the White House.

Where had this Nixon come from? To his enemies, many of them from the Eastern Seaboard, the southern California politician seemed to arise from the void, a creature of his own opportunistic self-invention. Even his friends and supporters, as well as some members of his family, found him mysterious.

He is among the most enigmatic figures in American history. Of all our Presidents, Mr. Nixon has been the most Shakespearean in his capacity to self-destruct (Richard III and Coriolanus come to mind) and, even when surviving, to elicit tortuous psychic drama from political action. The only President ever to be forced to resign from office, he occupied center stage in a unique instance of political theater. As if he were pushing the Shakespearean metaphor still further, the loss of the Presidency almost cost him his life.

This life—so internally opaque, so resistant to interpretation, so provocative of deep anger among the legions of Nixon opponents—is now the subject of a projected three-volume biography by Roger Morris, a Harvard-trained political scientist who served Mr. Nixon on the National Security Council before resigning over the invasion of Cambodia. This first volume takes the story up to the Vice Presidential inauguration in 1953.

"Richard Milhous Nixon" is a massive, powerful biography, absorbing in its research and in its skillful use of anecdote and illustrative detail. When the project is completed, America will have a narrative useful to critics and defenders alike. In fact, it will no longer be possible to damn or defend Mr. Nixon without reference to this great locomotive of a work.

Certain biographers fasten onto their subjects at just the right time: not too early, when meaning is impossible to fix, nor too late, when all that remains possible is merely one more adjustment of the academic record. Like John Morley on Gladstone or Arthur Schlesinger Jr. on Franklin D. Roosevelt, Mr. Morris is writing at a moment when his subject is at once part of history and part of the central political consciousness of our era. The roles Mr. Nixon played, the lines he spoke—in the Alger Hiss case, in the McCarthy controversy, in the Vietnam, Cambodia and Watergate crises—are pivotal points in our contemporary history. By turns admirable, despicable and even tragic, he has played dark or, in the case of China, inspired parts in momentous events that to this day affect our political values and behavior.

All of the protagonist's adult roles in "The Tragical History of Richard Nixon, Part One" are a long way from the young Nixon who pulled down the kitchen shades of the family home in Yorba Linda, Calif., so that no one could see him washing the dishes after supper, or who wrote to The Los Angeles Times at the age of 11 asking for a job as an office boy and saying that he would work at any wage offered; or who took a merciless pounding as a junior-varsity tackle at Fullerton High School, pushing himself again and again into the game despite his essential ineptitude; or who became a small-town lawyer after failing to land a job in a fancy New York law firm despite his good grades at Duke University Law School; or who, as a persistent suitor, had his future wife, the astonishingly beautiful Thelma Patricia Ryan, bolt the door in response to his persistent knocking.

Mr. Morris's biography is filled with hundreds of moments in which the reader is tempted to say: "Now I understand Richard Nixon." I am not talking here of psychoanalytic understanding or of a political or ideological response. I mean an intuitive leap—even if empathy wars with distaste—into the inner landscape of another's existence. Outside of his devoted family and a very small circle of close friends, Mr. Nixon has remained curiously resistant to such empathy.

Snobbery has accounted for some of this failure to empathize. Middle-class people like Mr. Nixon do not have the easy appeal to the intelligentsia possessed by patricians or *campesinos.* Even Arthur Miller finds it hard to like Willy Loman. But Mr. Morris has exhaustively established the human story of Mr. Nixon's early years in all their day-to-day detail, illuminating, for better or worse, defenders or critics, the public man.

The setting of this first installment is southern California, where Mr. Nixon grew up, was educated and got his political start in two ruthless campaigns. For many educated Americans, the area is terra incognita, as unsusceptible to interpretation and as tempting to scornful invective as Mr. Nixon himself. But it has been richly harvested by Mr. Morris.

Outside of those employed in the movie business, few southern Californians have entered the national arena, a surprising fact given the region's wealth, population and politically important entertainment industry. Those who have achieved national reputation—for instance, Gen. George S. Patton Jr. and Ronald Reagan—have by and large had their California associations held against them. Besides, Patton was an aristocrat, impeccable in his Virginia ancestry, and Mr. Reagan was a Midwest import turned film star. In southern California terms, Richard M. Nixon was the real thing.

Thus, when he went on television during the 1952 campaign to make his famous Checkers speech, he defended himself as the common man in politics, the sort of fellow who could afford only a cloth coat, not a mink, for his wife, Pat. This desperate ploy worked, in part because Mr. Nixon, so clumsy, so eager in his white starched shirts, perfectly embodied the lower-middle-class aspirations at the core of the southern California experience in the early 20th century. As a boy in the 1920's, Mr. Nixon was often taken, along with his brothers, to the Angeles Temple in Los Angeles to hear Aimee Semple McPherson preach. Brilliantly, "Sister Aimee" knew just what the Nixons and the others in her congregation wanted to hear: a message of redemption, economic as well as religious, amidst the bungalows and citrus groves.

Frank Nixon, the future President's father, was a sometimes streetcar conductor who worked just such a citrus grove. But when the bills came due before the lemon trees matured, he turned to running a gasoline station and a grocery store. He had married above his station, into a clan of Whittier Quakers named Milhous, which could never accept Hannah Milhous's choice

of a poorly educated, intermittently surly motorman as her husband. In later years, Hannah—a radiant figure by all reports, emanating a fundamental goodness born on an intrinsic spirituality—experienced both the positive and negative results of her choice. On the one hand, her husband adored her. And yet he could be difficult, sitting truculently in a parked car while she was visiting her relatives and honking the horn if she stayed too long. She worked by his side in the gasoline station-grocery store. Indeed, he seemed to panic when she was not by his side.

The major portion of the book concerns Mr. Nixon's political races against Jerry Voorhis and Helen Gahagan Douglas, his involvement in the Hiss case and the 1952 Presidential campaign. Each of these sections derives its power from the fact that a superbly told story is grafted onto the earlier narrative of Mr. Nixon's private life, exetending through World War II. These youthful years are not employed as reference points to justify psychologically any of Mr. Nixon's more egregious offenses—the redebaiting of Douglas, for example, who he defeated for a Senate seat in 1950. But described in detail, they do present, for the first time, a portrait of the 37th President as a full, if flawed, human being and not merely a symbol to be accepted or rejected on partisan grounds.

We see Mr. Nixon at age 12, losing his beloved younger brother Arthur to influenza and, later, his older brother, Harold, to tuberculosis. We see the teen-age Nixon rising at 4 A.M. to buy vegetables at the farmers' market for his father's grocery store, yet refusing to wear a grocer's apron and still delivering orders for his dad after he passed the bar and became a lawyer. We see him in high school, avoiding the dirty corduroy pants that were the fashion, angling for election as student body president. We see his inhibited college courtship of Ola Welch, who left him for a man who was more fun. And we see the dean's-office break-in he undertook with two fellow students at Duke to get an early look at their grades. That incident, which could have cost him his career had he been discovered, showed his massive insecurity even as a second-year law student (and, of course, is chillingly prophetic of a future break-in that would cost him the Presidency).

Mr. Nixon's courtship of Thelma Patricia Ryan has all the power of a realist novel set in southern California. Raised on a hard-scrabble ranch in Aresia, Calif., she initially craved the bright lights and the big city. She attended junior college in Fullerton, Calif., and worked in a New York City hospital before returning to graduate from the University of Southern California. Resourceful enough to earn one speaking line in the 1935 film "Becky Sharp" (the line was cut), she opted instead for the respectability of becoming Miss Ryan, teacher of commercial subjects at Whittier High School.

Mr. Morris allows none of these early details to obscure his narrative's honesty or to sentimentalize it. Those who loathe Mr. Nixon because of his role in the Hiss case or the smears he leveled against Helen Gahagan Douglas in his Senate campaign will find much to corroborate their judgments.

In terms of the major events of the early career, Mr. Morris recounts a great deal that is new. During the Hiss case, for example, Mr. Nixon was in secret and risky contact with the F.B.I. He was also being fed information by the Rev. John Cronin, a priest who had his own extensive network of informants. Mr. Morris discloses Mr. Nixon's support in the anti-Communist Roman Catholic community, including that of then-monsignor Fulton J. Sheen, and the equally important support of elite WASP's in Pasadena and San Marino, Calif. It was these gentlemen who created the fund that allowed Mr. Nixon to avoid out-of-pocket expenses for campaigning, and consequently almost cost him his place on the 1952 ticket. The account of this crisis reveals Mr. Nixon at his most complex, by turns brooding, desparing and courageous. Turning public opinion around with his Checkers speech, a televised tour de force, he buried his face in the studio curtains after the broadcast, convinced that he had blown it. He was soon capable, however, of forcing a previously vacillating Ike to eat humble pie in Wheeling, W. Va., then collapsing in tears again after the ordeal was over.

Such accounts give this biography its authority, and it will continue to be read as long as there are those who understand that to fathom Richard Milhous Nixon and his career is to come close, very close, to the inner landscape of middle-class America in all its aspirations, strengths and deficiencies. The composer John Adams understood this in his opera "Nixon in China."

PROVIDING FOR CONSIDERATION OF H.R. 1549, NUCLEAR REGULATORY COMMISSION AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MRAZEK. Mr. Speaker, I find it difficult to believe that the Shoreham issue is once again under consideration on the House floor.

The Ritter amendment is simply an attempt to obliterate a hard-fought agreement and compromise that was successfully brokered between the State of New York and a major regional utility [Lilco]. It appears to me that this amendment represents a poorly conceived attempt to advance nuclear power at any cost—costs that would ultimately be incurred by the residents of Long Island. The matter of a settlement and the future of this plant is not an issue to be debated on the merits of nuclear technology; rather, it concerns the financial future and stability of Lilco, the cost of electricity on Long Island, and the availability of safe and affordable power in the region.

For nearly two decades, the Shoreham controversy has been debated by several Federal agencies, the State of New York. Suffolk County, Lilco, the courts, and Congress. However, it was not until last year that a solution seemed likely. On February 28, 1989, Lilco entered into an agreement with the State of New York that has been approved by the company's shareholders, the New York Public Service Commission, the New York Power Authority, and the Long Island Power Authority [Lipa]. This State- and utility-approved agreement has had virtually no opposition until now, when several Members of this body are attempting to impede a State-brokered agreement and to congressionally block a binding contract. This is absurd.

This amendment would in effect supersede this agreement by prohibiting the Nuclear Regulatory Commission from spending any Federal funds on the transfer of the Shoreham plant's license from Lilco to Lipa. If the Ritter amendment were to become law, it would clearly be an encroachment of State's rights, as the Federal Government would be promoting a policy opposed by the ratepayers the State, and the utility.

New York State and Lilco arrived at a difficult compromise that is clearly in the best long-term interests of Long Island and the future stability of Lilco. In fact, last week, in testimony before the House Interior Committee, Lilco correctly stated that "the agreement ends a conflict that for too long has sapped the resources of the company, its ratepayers, and the political organs of Long Island and New York State, as well as imposed significant burdens on the political and regulatory resources of the Federal Government. No realistic alternative to the agreement exists. It is in the public interest."

Lilco has begun to dismantle the plant by removing the fuel rods and reducing staff levels. In fact, proposals are being solicited by Lipa to convert Shoreham into a gas-fired plant. Enormous progress has been made. Any attempt to thwart or delay this effort would clearly be contrary to the interests of Long Island and Lilco.

The NRC authorization bill more than likely will not be enacted into law this year. In addition, Interior Chairman Udall has requested postponement of floor consideration in order to address other outstanding issues.

A CRIME THAT CRIES OUT FOR SWIFT JUSTICE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BROOMFIELD. Mr. Speaker, yesterday the world witnessed yet another of the grisly acts that have come to characterize the civil wars that are taking place in Central America.

Since last Saturday, according to one report, 1,627 civilians have been wounded and more than 100 killed in the violence that has followed in the wake of the FMLN offensive in El Salvador. The brutal murders of six prominent Jesuit educators and their cook and her 15-year-old daughter raise the violence to a new level of perversity.

One report says the killings grow out of a right wing campaign to discredit the government of President Alfredo Christiani. A not-very-credible note left behind by the murders says the act was committed by left wing rebels.

Whatever the motives of these assassins, I believe justice demands punishment for those involved. President Christiani has promised an immediate investigation. The Bush administration has condemned the killings and has asked President Christiani to order a full inquiry.

It is important that the United States use its considerable powers to ensure that the investigation is swift, thorough and impartial. Violent men on both sides should know that there are some tactics that are beyond the pale of civilized life, and that those who commit such evil acts will face a punishment that benefits their crime.

THE SITUATION IN EL SALVADOR

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. FAZIO. Mr. Speaker, I rise today to express my profound concern about the escalation of violence which is occurring in El Salvador. The large number of civilian deaths necessitates that the United States do everything within its power to assist in bringing about a negotiated settlement to end the killings and civil war in El Salvador.

The latest atrocity—the torture and murder of six Jesuit priests—has escalated an already critical situation for the people of El Salvador. Some of these priests, representing the leadership of the local Jesuit university, were outspoken in their efforts to bring peace to El Salvador. Numerous reports cite uniformed Government soldiers behind the brutal attack, prompting an urgent need for an immediate investigation into the murders.

In addition to reports of widespread killings, chaos and fear are rampant throughout El Salvador. Many citizens are being forced to flee their homes to escape the violence and some of those who have been wounded in senseless attacks are being denied access to medical care.

The President and Congress must work together to aid the Salvadoran people. I appeal to the President to work with us to facilitate negotiations between the Salvadoran Government and the FMLN to achieve a cease-fire and bring about a permanent settlement to the civil war in El Salvador.

H.R. 639, THE ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1989

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MINETA. Mr. Speaker, I applaud the approval of H.R. 639, the Armed Forces Immigration Adjustment Act of 1989, by the U.S. House of Representatives on Monday, November 13, 1989.

This legislation, which I introduced on January 24 of this year, would allow Filipinos, Micronesians, and Marshall Islanders to become U.S. citizens after completing 6 years of honorable service and then making a commitment to reenlist for an additional 6-year tour of duty.

The legislation provides special immigrant status for certain aliens who have served honorably in the U.S. Armed Forces but who cannot, under present U.S. immigration law, attain any immigrant status if they were not resident aliens living in the United States before enlisting.

Mr. Speaker, I am very pleased that the loyal service of Filipinos and other nationals in our armed services has finally been recognized by the House of Representatives.

Under existing law, many loyal Filipino service members face a catch-22 in their desire to become American citizens. Due to the United States-Filipino Military Base Agreement, Filipinos can enlist in our armed services in the Philippines. However, they cannot later become U.S. citizens after their years of loyal service because they will have never lived in the United States. H.R. 639 will help make it possible for loyal Filipino veterans and other nationals to become U.S. citizens after honorable service in our Armed Forces.

I am enthusiastic about the future of this legislation and will be working closely with Members of the Senate to move it through the other body.

Mr. Speaker, for many decades, Filipino service members have proven their dedication to our country during wartime and during peacetime. The faithful military service of these Filipinos is symbolic of their devotion to the United States. The approval of H.R. 639 rewards the service of these nationals as we do other foreign citizens who have served honorably in our armed services.

CENTER FOR ENVIRONMENTAL ASSESSMENT

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BRENNAN. Mr. Speaker, today I am introducing legislation to authorize the Secretary of Education to provide financial assistance to Bowdoin College, in Brunswick, ME, to construct a Center for Environmental Assessment. We are all highly aware of the serious problems our Nation is facing with respect to energy resources and environmental preservation. I strongly believe it is important to fund America's commitment to our environment and to ensure future generations resources, land, forests and oceans upon which to live and enjoy.

An environmental assessment center is necessary. In the approaching decades, new energy sources must be identified and utilized in a way which creates only minimum disruption to the environment. In order to meet the resource and environmental needs of the next generation, resource development must be well founded on scientific assessments of the impact of exploration on native habitats. In order to avoid permanent or dramatic destruction of our environment we must improve our ability to detect environmental change and to scientifically measure the human impact on that change. The bill I am introducing, requests $5 million or 50 percent of the estimated construction costs, whichever is lower, for a facility where such scientific assessments may be developed.

The State of Maine is clearly an opportune location for a Center for Environmental assessment. Coastal New England, Maine in particular, is facing both the need to accommodate a rapidly increasing population and economy and the necessity to protect a largely unspoiled natural environment. Maine entails 17.2 million acres of forest, a wandering coastline and thousands of miles of rivers and streams. Such an environment is an ideal microcosm for the survey of sensitive habitats. Maine can serve as a national laboratory for environmental research and monitoring techniques. Such research can lead to environmentally ideal resource development throughout the Nation and beyond.

Bowdoin College has a strong reputation for environmental research. This Federal assistance would further ongoing projects directed at the development and application of innovative approaches to studying the impact of economic endeavors on natural ecological states. Bowdoin is well known for its strong undergraduate science education program and is in an ideal setting for a center for research of environmental issues. These issues will have a lasting significance and worldwide application.

I urge my colleagues to consider the serious resource and environmental needs that Americans face today and I ask you to join me in support of funding for a greatly needed Center for Environmental Assessment at Bowdoin College.

TRIBUTE TO CITIZENS OF AUBURN, CA

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SHUMWAY. Mr. Speaker, today I ask that my colleagues join with me in paying tribute to the citizens of Auburn, CA for a remarkable accomplishment, one which is deserving of recognition.

The city of Auburn in Placer County celebrated its centennial last year. As part of the centennial effort, the community pulled together to save the historic Auburn Depot, which was slated for demolition by Southern Pacific. Working through its chamber of commerce, the city purchased the old depot from Southern Pacific for $1, and local citizens have spent the past year donating time, resources, and effort to completely restore the facility.

The railroad bed outside the depot is actually a part of the original transcontinental railroad. As a tribute to the multitudes of Chinese laborers who built that section of the railroad, a statue of a Chinese railroad worker, created by Auburn sculptor Dr. Kenneth Fox, will be placed at the depot, standing two stories high and weighing 70 tons.

After 75 years of active service, the depot no longer sees train service. Nonetheless, the citizens of Auburn have worked together in a herculean volunteer effort to preserve this important part of the heritage of the West, and to honor the men whose hard work made it possible.

The restored depot will be dedicated at a special ceremony on December 10. I know that the event will be enhanced significantly

for the citizens of Auburn by the knowledge that my colleagues here in Congress have joined with me in commemorating this valuable achievement.

A TRIBUTE TO MICHAEL AND JAN MADIGAN

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. LOWERY of California. Mr. Speaker, I rise today to pay tribute to two citizens who indeed symbolize the true meaning of volunteerism in America. President George Bush asked that Americans take part in the development and direction of their communities, that they offer to this country a "thousand points of light" in the form of a volunteer endeavor as a symbol of their dedication. My friends, Michael and Jan Madigan, have always, without hesitation, responded to that call.

In acknowledgment of their innumerable volunteer activities and years of tireless effort, the Madigans have been honored by the San Diego County Council of the Boy Scouts of America, as 1989 Distinguished Citizens in the community. Mike and Jan are well known in San Diego for their long and continuing commitment to serving others. They are always the first to say, "we'd like to help."

Mr. Speaker, I ask my colleagues to join me in honoring the exceptional commitment of Michael and Jan Madigan, whose leadership and dedication have earned them the deserved honor of "Outstanding Citizens."

BRINGING ATTENTION TO NEUROFIBROMATOSIS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WALGREN. Mr. Speaker, today, I am introducing, a bill to designate May 1990 as "Neurofibromatosis Awareness Month." This bill would call on the President to designate May 1990 as "Neurofibromatosis Awareness Month." This type of focus from the President will help advance the public's recognition of this disease and encourage efforts to find a cure. Although the National Neurofibromatosis Foundation actively promotes awareness of NF Neurofibromatosis, many Americans still know very little about this difficult condition.

Neurofibromatosis [NF] is a neurological genetic disorder that can cause tumors to form in nerves anywhere on or in the body at any time. The disorder affects all races and both sexes with varying manifestations and degrees of severity. There is no known cure. Only surgically excising tumors, which can grow back, and correcting bone abnormalities and disfigurement provide any relief for people with NF.

At least 100,000 Americans have this disorder. One child in four thousand is born with NF. NF is the most common genetic disorder caused by a single gene, and half the people with NF have no family history of the disorder. Anyone's next child or grandchild can be born with NF, since half of all incidents occur by spontaneous mutation. The most common form of the disease that affects the peripheral nervous system, NF-1, can show signs at birth. The form that affects the central nervous system, NF-2, does not manifest itself until the late teens or in the early twenties, and often leads to deafness. NF can cause severe disfigurement, loss of limbs, blindness, skeletal defects, learning disabilities, and malignancies.

We are encouraged by recent progress. A growing group of dedicated researchers at the University of Michigan is actively pursuing the cloning of the NF-1 gene. Progress in NF-1 research over the past 2 years has been nothing short of astounding, and the NF Foundation deserves much of the credit that made this possible.

The psychological impact of the disfigurement and the isolation resulting from public fears that the tumors are contagious can be devastating. The anxiety of not knowing what will happen next, due to the disease's progressive nature, is frightening and very burdensome.

This bill recognizes the suffering of NF patients and their families. I hope my colleagues will join me in bringing recognition and attention to the need for further research that could accelerate progress toward a cure for NF. As the world's leader in biomedical research, and with the growing number of NF cases in the United States, we should make every effort available to us through bio-medical research.

CHOICE: THE BASIS OF FREEDOM

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SWIFT. Mr. Speaker, we are living in a time of great advancement for freedom. The Berlin Wall has opened, the Iron Curtain hangs in rusting threads, and people throughout Eastern Europe are building new lives with freedom as their anchor.

The wall itself has long been a symbol of repression, of the power of the state over the individual. In its demise it has become a symbol of freedom, a symbol of the inalienable rights of individuals to choose their own way, regardless of how sincere or noble the opponents of freedom and choice believe their principles are.

The contrasts in Berlin have been stark. On one side of the wall the Government decided what was right, what was moral, what was appropriate. On the other side of the wall, those choices were left to the people. The Berlin Wall came down, and it now symbolizes the triumph of liberty in this world.

Here in the United States there is also history being made. We are in the midst of a struggle to determine who decides the propriety of abortion: The State or the individual.

That has always been what the battle has been about. This has not been a disagreement over whether or not to have abortions as much as it has been a disagreement over who makes the decision—over who makes the choice. I know women who oppose abortion but who insist on the right to make that choice themselves.

All the polls show that Americans are troubled by the moral questions which surround the abortion issue. That is good. We should be sensitive to these ethical issues.

But there is profound disagreement in our society over what the ethics are. Great religions in our culture disagree, some opposing abortion on theological grounds; others, equally based in theology, support abortion.

There is no ethical consensus in our society on this issue. We do have consensus on murder or bank robbery, and on similar issues. But none exists on the abortion issue.

Instead, our society has many different perspectives on the issue of abortion. And in a free society, where there is no consensus, there should be the liberty for the individual to determine his or her own view—the liberty to choose.

This issue today is as much about freedom to choose as is the symbolism of the Berlin Wall. And as we celebrate the victories of freedom in Europe, we must insist on a victory for freedom here—for the right of women, each and individually, to assess the moral issues for themselves, to keep the State at bay, and to preserve the right of each and every woman to bring her intelligence, her knowledge of her circumstances, and her ethical code to bear on the issue so she can make the choice.

CORPORATE LAWBREAKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CLAY. Mr. Speaker, as I witness the increasing cases of fraudulent activity in corporations across the country, it seems to me that the incentives to be an "honest businessman" in America aren't strong enough. A major problem is that some of these corporate lawbreakers walk away from their crimes with little more punishment than a slap on the wrist. Penalties have been uniformly low. In a study done by Mark Cohen, an assistant professor of management at the Owen Graduate School of Management at Vanderbilt University, it was shown that the average fine imposed on all corporate crimes was $48,000, and overall, 67 percent of all fines were for less than $10,000.

Fortunately, it looks as if some reform is planned for the future. The U.S. Sentencing Commission is expected to release proposals that would dramatically increase the penalties for corporations that break Federal laws. The Commission was set up by Congress in 1984 to draw up new sentencing policies for Federal courts; its proposals will acquire the force of law when they are adopted next year after a public comment period ending on February 15, 1990.

The Commission's proposals will reportedly increase penalties for a broad range of categories of corporate offenses that stem from

regulatory violations to tax evasion to environmental crimes. The sentences are expected to be set by complex formulas which would factor in different considerations such as the amount of financial harm suffered by the Government or the public and the number of corporate officials knowledgeable about the wrongdoing. Commission Chairman William W. Wilkens, Jr. was quoted as saying that these new proposals will be "the first major step" toward stiffer penalties and the elimination of sentencing disparities for corporate defendants.

As expected, corporate representatives question these proposals. Those corporations who testified before the Commission suggested a plan that would "give corporations more incentive to obey the law instead of harsher penalties for breaking them." In my opinion, this is totally ridiculous. You either break the law or you don't, and if you do break the law you must suffer the consequences. Any corporate official guilty of breaking the law should be punished to the full extent of the law, just as in any other crime. Allowing individuals to receive preferential treatment for white-collar crimes is not justice. Of course corporations will oppose stiffer penalties for lawbreaking; it is in their best interests. But it is not in the best interest of the American people or the American judicial system.

I support tougher penalties and higher fines for corporate lawbreakers, and I applaud the U.S. Sentencing Commission for its proposal. The individuals involved in corporate scandals must realize that breaking the law is no longer an acceptable business practice in America.

THE LATE OLIVER J. DOMPIERRE

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the late Oliver J. Dompierre, a native of Negaunee, MI, and a longtime employee of both the House and Senate. I am sure that many of my colleagues are familiar with Mr. Dompierre's 48 years in Government, 44 with our distinguished institution.

Mr. Dompierre first came to Washington, DC, in July 1930 to take a position as clerk-stenographer in the U.S. Census Bureau. In 1932 he began serving as secretary to the late Senator Arthur H. Vandenberg of Grand Rapids, where he stayed until 1943. He then resigned to become the secretary to the late Congressman John B. Bennett of Ontonagon, where he served until joining the U.S. Navy in World War II. Mr. Dompierre began his service as an enlisted man, and was honorably discharged nearly 2 years later as a lieutenant senior grade. After the Navy he took the position of administrative assistant to the late Senator Homer Ferguson of Detroit, and remained with him until his defeat in 1954. The late Senator William F. Knowland of California, Republican leader of the Senate, then hired him as his administrative assistant for the leadership office. He held this post until 1959, when Senator Knowland left the Senate to run for Governor of California. Senator Everett M. Dirksen, who succeeded Knowland as Republican leader, retained Mr. Dompierre in the same position until Dirksen's death in 1969. Following that, he held the position of assistant to the Republican leader for floor operations under Senators Hugh Scott of Pennsylvania and Howard Baker of Tennessee.

Mr. Dompierre has had the unique experience of serving during the administrations of nine Presidents of the United States. Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter. It is interesting to note that no member of the Senate or House of Representatives at the time he started his career remained until his retirement in February 1979.

While working in the Government, Mr. Dompierre attended the School of Public and Business Administration of American University, and received his LLB and LLM degrees from the Columbus Law School at Catholic University. He was a member of the District of Columbia Bar, and was admitted to practice before the District of Columbia Courts, the DC Court of Appeals of the United States and the Supreme Court of the United States.

Mr. Dompierre is survived by three brothers and a sister; Mr. Francis Dompierre of Negaunee, Mr. James Dompierre of Negaunee, Mrs. Florence Kurin of Ishpeming, and Mr. Clement Dompierre formerly of Negaunee and now living in Sun City, AZ.

Mr. Dompierre's career as an employee of the House and Senate is one of the most distinguished that I have come across. He held important positions with some of the most effective politicians of his time, and was certainly a factor in their success. America is lucky to have been the beneficiary of the hard work and dedication of such an exceptional man.

HOME CARE WEEK

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. PANETTA. Mr. Speaker, I am pleased to announce that a resolution I offered along with Senator HATCH to designate the week of November 27 "National Home Care Week" passed the House yesterday. This measure, which has received the support of both Houses of Congress for 6 years, will call attention to the need to expand and encourage the use of home health care as a humane, cost-effective alternative form of care for the elderly. As the percentage of elderly in our population continues to grow, this group must not be left without adequate health care, and our senior citizens must not be forced into institutionalized care when it is not necessary. Rather, they should have the option of remaining in their own homes and communities. I urge my colleagues to support this important resolution which highlights the need for improved long-term care solutions.

TRIBUTE TO ST. PETER'S CHURCH OF GREAT VALLEY, PA

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SCHULZE. Mr. Speaker, on November 26, the congregation of St. Peter's Church in Great Valley, PA, celebrates the dedication of their church's renovation, restoration and new construction. Presiding at the dedication will be the suffragan bishop of Pennsylvania, Rev. Franklin Turner.

Founded as a log church in 1700, St. Peter's Church constructed its present stone building between 1728 and 1744. It is listed on the National Register of Historic Places, is one of the original parishes in the dioceses of Pennsylvania and is the oldest Episcopal Church in Chester County, PA.

During the American Revolution, the church served as a hospital for American and British troops. Veterans of every American war are buried in St. Peter's Cemetery.

It is indeed an historic landmark in Chester County worthy of preservation, and I congratulate the rector, Rev. Frank Harron, and the entire congregation for their tremendous success.

COASTAL PLAINS SOIL AND WATER CONSERVATION RESEARCH CENTER'S 25TH ANNIVERSARY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. TALLON. Mr. Speaker, I rise today to congratulate USDA-ARS's Coastal Plains Soil and Water Conservation Research Center in Florence, SC on its 25th anniversary.

The center's mission is to improve soil and water management conservation practices in the southeastern coastal plain by providing both basic and applied research information. A total soil and water quality, drought, water excess, poor soil physical conditions, low soil fertility, and erosion.

Conservation will be at the forefront of the future agriculture issues and 1990 farm bill. I believe that members on the Agriculture Committee and in Congress would do well to look to the work of the Coastal Plains Soil and Water Conservation Research Center for leadership in developing our priorities relating to soil and water conservation. The center has consistently demonstrated that we can increase productivity and practice conservation through research and information. South Carolina is grateful to the center for its 25 years of outstanding service.

CONGRATULATIONS TO VARICK MEMORIAL AFRICAN METHODIST EPISCOPAL ZION CHURCH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Varick Memorial African Methodist Episcopal Zion Church. Varick Memorial AME Zion Church will celebrate its 125th anniversary on Sunday, November 19, 1989.

The church was started in 1864 during the Civil War and was the first African American Church organized in Hackensack. The church was incorporated in 1866 and selected the name "The Olive Branch Colored Mission Number Three of Hackensack." On January 5, 1867, the present location of the church at 120 Atlantic Street, Hackensack, NJ, was purchased for the sum of $300. The church went through several name changes between 1869 and 1917. Finally the name Varick Memorial African Methodist Episcopal Zion Church was adopted in honor of James Varick, the founder and first bishop of the African Methodist Episcopal Zion Church.

Varick Memorial AME Zion Church has demonstrated its leadership and concern for the plight of African Americans and others by developing a community outreach program which includes an affordable housing program, plans for the construction of 66 units of rental housing for low and moderate income families, and a community service program that focuses on the needs of senior citizens.

The warmth and spirit, energy and enthusiasm of the church's 485 parishioners who come from Bergen, Essex, Middlesex, and Passaic Counties, provide strong leadership and commitment to community service. I welcome this opportunity to join with parishioners, family, and friends, in wishing Varick Memorial AME Church continued success. Mr. Speaker, it is an honor and a privilege to participate in the tributes being extended on this occasion and I know my colleagues in the House will join me in saluting the efforts and accomplishments of the church.

THE VIOLENCE IN EL SALVADOR

HON. PETER SMITH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SMITH of Vermont. Mr. Speaker, 10 years after it began, the civil war in El Salvador has never been so tragic—800 men, women, and children have died in San Salvador just in the past week. And now we get word of an incredibly despicable act of brutality: The murder and mutilation of 6 innocent educators.

This war, so close to our southern border, has cost more Salvadoran lives than all of Vietnam cost us. For its population more than 50 times as many. And though I believe now more than ever that the Salvadoran people deserve to be governed by whomever they choose, they do not deserve to live under these tragic circumstances.

I can't say right now what will happen on this floor the next time our AID package to El Salvador comes up. But in the meantime, we must ensure that the thrust of our policy is on the side of peace, rather than victory for one side or the other. We have tremendous influence on the Government of El Salvador, and with that influence we must insist on a resumption of peace talks. With every chance we get we must discourage the flow of arms, through Cuba, Nicaragua and the East bloc, that feeds the rebels. And with every breath we take we must denounce cowardly crimes against humanity like yesterday's attacks, and work to prevent them in the future.

I hope all of my colleagues, no matter what their perspective on this war, will join me in these calls.

MIDDLE INCOME FAMILY HIGHER EDUCATION SAVINGS ACT OF 1989

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. KOSTMAYER. Mr. Speaker, yesterday the House debated the Labor, Education, and Health and Human Services appropriations bill and voted to again decrease the Federal commitment for grant programs for university students. Ten years ago, grants comprised the majority of student aid in this country. Today, loans comprise the largest portion of the student aid package. Students are graduating with enormous debts which may influence their career and lifetime decisions.

In the last decade, tuition costs have gone up 82.7 percent at public universities and 118 percent at private universities. A student entering college can expect to pay an average of more than $20,000 at a public institution and more than $50,000 at a private university over 4 years. Currently, university cost are rising at approximately 8 percent a year.

Mr. Speaker, with Federal student aid programs becoming increasingly focused on low-income students, middle-income families find themselves unable to afford the rising college tuition costs and they are turning to banks to secure private loans.

For these reasons I have introduced the Middle Income Family Higher Education Savings Act of 1989. This legislation will provide middle-income families with the means to more easily save for their children's education. Under my proposal, parents would be allowed to contribute up to $1,000 a year to a child's education trust account. The contributions themselves would be deductible from taxable income, as would the accrued interest, as long as the funds are used to pay for undergraduate tuition.

If a family started an account at the birth of a child, and contributed $1,000 per year for 18 years, at 8 percent interest, this account would accrue to $37,450. According to projections by the Congressional Research Service at the Library of Congress, this would meet 71 percent of the costs of a public 4-year college, or 35 percent of the cost of a private 4-year college.

Mr. Speaker, this program would help to prevent a university education from again becoming a privilege for only a few wealthy citizens. I urge my colleagues to support this important legislation.

LOUISVILLE, KY—ONE OF AMERICA'S NEW "BOOM TOWNS"

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MAZZOLI. Mr. Speaker, I am once again elated to see my hometown, and place of birth, Louisville, KY, receive the kind of recognition it deserves for being a most desirable community in which to live, work and raise a family.

The current U.S. News & World Report is the latest in the line to have identified Louisville as special. U.S. News describes Louisville—which includes Jefferson County and several smaller cities, such as Jeffersontown, Shively, and St. Matthews which are located in the county—as a boom town. Louisville is termed a boom town because we are experiencing economic resurgence but not at the cost of comfort, convenience and livability.

That Louisville is a great city has been the consistent verdict of experts who study all American communities and determine which among them are especially attractive and livable.

Major factors in Louisville's favor in the U.S. News study, as in all earlier studies, are the strength, ingenuity, and spirit of its people. In fact, this people resource has sustained Louisville and the Jefferson County area through the difficult transition from a largely manufacturing-based economy to an economy more balanced between service and manufacturing.

This economic transition has at times been very painful to all of us who live in Louisville and Jefferson County. But, this pain is the inevitable result of change and Louisville is, in the final analysis, stronger, more resilient, more resourceful and more productive as a result.

Mr. Speaker and colleagues, I am extermely proud—as a native son of Louisville—to salute my hometown and my congressional district on a job well done.

I excerpt, at this point in the RECORD, portions of the U.S. News & World Report article entitled: "America's Boom Towns."

[From the U.S. News and World Report, Nov. 13, 1989]

BOOM TOWNS

Forget the jeremiads about America in decline. In communities from Salt Lake City to Manchester, N.H., entrepreneurs are building profitable new businesses on old industrial bases, reshuffling the country's economic deck and dealing most of the aces to the hinterland.

WHERE THE STARS ARE RISING

Technology, population shifts, foreign competition and a booming service sector have created a string of new economic hubs that one day may rival the country's traditional centers of commerce.

In some communities, entrepreneurs are carving out profitable niches in such hard-hit industries as textiles, steel and mining.

For the most part, though, booming towns and metro areas are drawing their nourishment from an array of industries that have grown large only recently. Two-income families have given a boost to chains that offer everything from tacos to motel rooms, while computer links enable banks and other financial institutions to farm out many of their "back office" operations. Major advances in telecommunications and transportation services are creating a footloose economy that permits entrepreneurs to locate where they want to be, not where stock exchanges or markets dictate they have to be.

The growth of new business centers—large and small—has come partly at the expense of big cities, where lifestyle is frenetic and costs are high.

Soft landing? Recession? Rebound, Each week, a host of analysts tries to plot the course of the U.S. economy from a welter of conflicting data. But for all their command of the navigational minutiae, the experts often guess wrong. And for good reason. America's economic topography is shifting dramatically, and the changes have yet to be recorded with precision.

While the national economy has been slowing down, new shoots of growth are greening old economic fields all over the country. Most of the sprouts are showing up outside the traditional centers of industry and finance. As New York, Detroit and Chicago struggle to keep up, outlying cities such as Wilmington, Charlotte and Seattle are brimming with fresh vitality. Dial an 800 number these days and odds are that the phone will be answered in Omaha. Pizza is putting dough into Wichita, America's fast-food and rental-service franchise capital, while computer software is rejuvenating Columbus, Ohio, in the rust belt. Indianapolis is gaining prominence as a sports center, and Minneapolis-St. Paul remains the nation's supercomputer capital despite the recent shakeout in the industry. "The economic deck is being reshuffled," observes Douglas Henton, a program manager at the Center for Economic Competitiveness at SRI International, a think tank in Menlo Park, Calif.

In many respects, the rise of secondary or even tertiary business hubs is a natural phenomenon, reflecting the desire of companies and workers to leave the clogged commuter roads, the crime and general hassle of many large urban centers. If past is prologue, the new business centers eventually will give way to other up-and-comers—a constant economic metamorphosis that is a sign of national strength. It shows, says David Birch, president of Cognetics, Inc., a consulting firm in Cambridge, Mass., that "we have a vibrant, entrepreneurial economy that refuses to fold."

Much of this vibrancy is hidden from view, because the bulk of today's jobs are being generated by smaller, privately held concerns that employ under 100 workers. Fewer than 2 percent of U.S. companies are listed on the stock exchanges and offer public information about their affairs. While the statistics-gathering system does a good job of measuring stagnant or declining parts of the economy—mainly big, shareholder-owned manufacturing corporations—it picks up far less information about the private firms that have become the engine of job formation and growth. Between 1980 and 1988, Fortune 500 companies cut some 3.5 million jobs while other enterprises, most of them small, created 21 million new slots—four times the job-growth rate in Japan.

Another reason the impact of small firms remains hidden is that most sell services rather than goods. Some 76 percent of the U.S. labor force now works in services, where economic measurement is far less precise than in manufacturing. It is much harder to assess the productivity of, say, a financial adviser than of an assembly-line laborer.

While forecasters may be hard put to gauge the effects of regional hubs on the overall economy, there is little mystery as to what makes a particular community a winner. Along with reasonable tax and wage rates, most successful localities offer something extra. A friendly working relationship between academia and business, for instance, has helped build high-tech research parks around Charlotte, N.C., and Austin, Tex. (See story, page 66.) A government that encourages development and can provide a skilled work force once brought firms to the Boston area. An efficient infrastructure with uncongested airports and up-to-date telecommunications has put places like Memphis on the map.

To flourish as a regional hub, the economic experts agree, the community needs to do several things:

ENCOURAGE RISK TAKING

Most successful new commercial centers boast environments that foster entrepreneurship.

Louisville, Ky. (pop. 967,000) has built itself into a regional health-care center on the strength of Humana, Inc., the big hospital and health-insurance company. The group sponsored Dr. WIlliam DeVries' artificial-heart experiments in 1984. Since then, says Mayor Jerry Abramson, Humana has brought to the city "incredibly bright men and women, many of whom have spun off their own companies." Among the firms started by former Humana executives, one manages hospital emergency rooms, another runs a chain of nursing homes, a third issues a medical credit card and a fourth arranges the bulk purchase of supplies for hospitals. The city prides itself on a nationally recognized downtown medical complex that includes the University of Louisville's medical school, four adult hospitals, a children's hospital and a variety of other facilities. Health care is now the leading employer in metropolitan Louisville, accounting for 37,000 workers or 13 percent of the labor force. That sector contributes $20 million a year in local taxes. Humana continues to expand, and unemployment has fallen to around 5 percent.

When foreign competition put a chill in the appliance industry, the city looked to health care to revive its economy. Led by Humana, Inc., the big hospital and health-insurance company that sponsored Dr. William DeVries' artificial-heart research, far right, Louisville has built itself into a top medical center. Humana executives have started firms to manage emergency rooms and supply hospitals. Health care employs 13 percent of the work force.

RECRUIT NEW BUSINESS

Many areas attract new businesses with a variety of financial lures.

Bidding wars are not without their risks, however. Many states have found that corporations sometimes promise more jobs than they can deliver, just to receive special tax treatment or other financial inducements. Wisconsin and Vermont now require companies to repay incentives if they do not hire as many employees as first billed. Minnesota and West Virginia have sued employers who left the state after taking breaks meant to coax them to stay.

COMMIT PUBLIC RESOURCES

Tax incentives alone are not enough to nourish new growth. In the most successful hubs, official funds are used to train workers, improve education, prepare sites, finance new ventures or speed new technologies to market. States from Pennsylvania to California have established public-private partnerships to facilitate economic development.

ENLIST ACADEMIA

A cooperative relationship between outstanding educational and research institutions and local business is a big plus. Unlike in the 1960s, when academia was hostile to industry, areas that are making it today are those that have been able to bring the two together in the cause of economic development.

OFFER UP-TO-DATE SERVICES

When viewers order a product by dialing the 800 number flashed on late-night television, chances are they will reach Omaha, Nebr. (pop. 615,000). The city is the nation's telemarketing capital largely because of the efficiency and capacity of the region's telecommunications system, a nerve center developed to service the Strategic Air Command.

Ample private capital is another essential for growth.

AN ATTRACTIVE LIFESTYLE

Winning communities often offer a quality of life that will attract workers, particularly young professionals who value lifestyle above fatter incomes. New Hampshire, Maine and other states with plentiful recreational opportunities continue to be meccas for those with portable skills.

Hometown boosterism aside, the new American economy is as unpredictable as it is uncharted. Communities and industries that are soaring today could plunge tomorrow as foreign competition and capricious markets reconfigure the map. Boston is a case in point. Rolling "readjustments" are bound to strike other regions, too.

The economic readjustments are just that: While the U.S. can no longer muster the kind of global dominance it enjoyed at the end of World War II, the country still boasts powerful engines of growth. They just happen to lie outside traditional business centers—out of sight of Washington and New York experts, perhaps, but hardly insignificant.

TRIBUTE TO COMMAND SGT. MAJ. MAURICE ZEPEDA

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MAVROULES. Mr. Speaker, Command Sgt. Maj. Maurice Zededa, U.S. Army, military district of Washington, will be retiring January

18, 1990. He is to be highly commended for his 29 years of service to the U.S. Army and for his volunteer services.

For the past 2 years Command Sgt. Maj. Zepeda has served as the chairman of the USO of Metropolitan Washington's Senior Enlisted Advisory Council [SEAC]. Through his leadership SEAC has helped to lead the expansion of USO's Emergency Housing Program. This service provides free, temporary apartment units to members who are in extreme financial distress and/or medical or emergency situations, over 105 families have been helped through this program.

He has also enthusiastically supported the USO's Holiday Link Program. This annual teleconference for military personnel stationed abroad helps bring members and their families together at Christmas and Mother's Day.

Command Sgt. Maj. Zepeda's unfailing efforts on behalf of young military enlisted men and women and their families has earned him the highest praise of the USO of Metropolitan Washington and its Board of Directors.

I hope he will continue serving his community in some capacity. I would like him to know that we sincerely appreciate his contribution to improving the quality of life for military families.

SALUTE TO LEROY THORPE AND CITIZENS ORGANIZED PATROL EFFORTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. FAUNTROY. Mr. Speaker, today I would like to call to the attention of my colleagues in the House of Representatives the work of Leroy Thorpe, the founder and president of Citizens Organized Patrol Efforts of Greater Washington, DC.

Over the years, my respect for and admiration of Mr. Thorpe has grown because of his unwavering commitment to help others. Under his dynamic leadership, COPE [Citizens Organized Patrol Efforts] has provided hope for the citizens and unparalleled persistence. COPE has put a snag in the distribution of drugs in the Shaw community.

On Sunday, November 19, 1989, Citizens Organized Patrol Efforts will hold its 1-year anniversary block party in celebration of a successful year in eliminating illegal drugs in the Shaw community.

At this time, I would like my colleagues to join me in recognizing and supporting this community-based organization. In a society such as ours, it is a sad truth that justice can only be achieved, for all people, through the goodwill of those with intelligence and includence. We must give thanks for individuals such as Leroy Thorpe and his dedicated community workers and supporters.

U.S. MUST SPEAK OUT ON SALVADORAN KILLINGS

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. CROCKETT. Mr. Speaker, the United States bears a very heavy responsibility for yesterday's killings of six priests in El Salvador.

For years our Embassy in El Salvador has routinely put out the line that the University of Central America was a guerrilla front organization.

It was easy propaganda—but words have consequences, Mr. Speaker. In El Salvador, words like that create an impression of impunity among the university's enemies. Yesterday, someone put that impression into action.

The United States must act forcefully before the campaign to eliminate those who speak for peace, justice, and human rights proceeds any further.

If the President and this highest officials do not stand up now—today—and say that the United States cannot and will not support this kind of war, then El Salvador's death squads will take the hint, and the killings will continue.

Words have consequences, Mr. Speaker. Our President must make clear where our country stands.

ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES FOR NATIONAL GUARDSMEN AND RESERVISTS WHO HAVE SERVED FOR MORE THAN 20 YEARS

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. HARRIS. Mr. Speaker, I rise today to introduce a bill to allow retired members of the National Guard and Reserve to be buried in national cemeteries. As a career member of the Alabama National Guard, I believe we need to extend this priviledge to these men who have so dutifully served our Nation for more than 20 years.

This change in benefits was one of the recommendations included in the Sixth Quadrennial Review of Military Compensation. According to the document, the change would result in 365 more burials per year. The review further states that this change is estimated to cost $123,000 per year.

I believe this small change in regulations will give dedicated servicemen a burial in one of our national treasures, the National Cemetery System. In a time when National Guard and Reservists are being asked to contribute more toward our Nation's defense, we should extend the same benefits as those afforded to full-time military personnel. It is simply a matter of fairness.

I am pleased that 10 of my colleagues have agreed to be original cosponsors to this worthwhile bill. It is my hope that there will be swift consideration of the legislation in the coming months of the 101st session.

OPPOSITION TO PAY RAISE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SCHUETTE. Mr. Speaker, I rise in opposition to the pay raise included in the bill. H.R. 3066, which we will be voting on today. I have great respect for my colleagues on the bipartisan Task Force on Ethics who have worked extremely hard in developing this package. I strongly support the ethics reforms contained in this measure, but I cannot support the provision which calls for an increase in pay for Members of Congress.

I would prefer to see the ethics provisions in this measure considered separately from the pay raise. Most of us agree that we need to move forward with comprehensive ethics reform so Government officials understand clearly the rules that govern their official actions. As public officials we must constantly earn the trust of the people we represent, and the rules that govern our actions must ensure that we are beyond reproach.

Many of the provisions in the measure we are voting on move us closer to this objective. I strongly support the ban on honoraria. I do not accept honoraria and I agree that we should move quickly in eliminating this practice. The limits on outside income, as well as limits on the acceptance of gifts to House and Senate Members also move us forward. Additionally, the repeal of the grandfather clause that currently allows Members elected before 1980 to convert campaign funds to personal use when they leave Congress is another step in the right direction. Other provisions which tighten the requirements on financial disclosures, and privately paid travel also deserve to be considered by this House.

Despite my strong commitment to ethics reform, I am against combining these much needed reforms with an increase in pay for Members of Congress. These issues can, and should be considered separately.

Mr. Speaker, I urge my colleagues to approve ethics reforms, many of which are contained in this measure before us today, but these reforms should not be tied to an increase in pay.

HOUSE CONCURRENT RESOLUTION 229, ASSURING THE INTEGRITY OF THE INTERNATIONAL MAIL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. GILMAN. Mr. Speaker, today I am introducing House Concurrent Resolution 229, a resolution expressing the sense of the Congress that the U.S. Postal Service delegation to the Universal Postal Congress should seek support for the approval of proposals to strengthen mail accountability provisions in the UPU convention which will in turn help

ensure that respect for the privacy and integrity of postal communications is maintained.

In 1978, the Post Office and Civil Service Committee began a series of hearings to focus attention on the problem of mail disruption in the Soviet Union. Unfortunately, the topic of the hearings has had to be expanded to include similar violations in both the People's Republic of China and Chinese occupied Tibet.

While it appears that the problem of mail disruption in the Soviet Union is showing signs of improvement, the situation has become worse in China and Tibet.

At a time when the Baltic States in the Soviet Union, Latvia, Lithuania, and Estonia, are achieving some degree of autonomy, as evidenced by the coming elections in December and February, the refutation of the Molotov-Ribbentrop Pact (September 23, 1989) that resulted in their force incorporation into the Soviet Union, and the declaration by the Latvian Popular Front (May 31, 1989) that they are working towards eventual independence, the people of the P.R.C. and Tibet are facing even graver human rights conditions.

The free flow of communication between the world's people is a basic right guaranteed under international law, but it is something that has been systematically denied by these countries. In China, the Beijing regime has stepped up efforts to censor the information that comes in and goes out of the country in the wake of the June massacres. In addition, the P.R.C. Government in Tibet has consistently denied this right of contact between the Tibetan people and their relatives and friends in the outside world.

In these changing times, where the hope of freedom is within the reach of more and more of the world's people, it is a tragedy that free communication between people of different nations, especially family members, is denied to so many.

The Soviet postal problems that the Congress has been investigating since 1978 still exist, but fortunately, there has been some progress made.

Over the past few years, we have seen the rate of delivery of mail between the United States and the Soviet Union increase significantly. In addition, the past few years have seen the delay in delivery of mail between the two countries decrease. However, it is still a problem: First, to obtain the addressees signature on restricted items, second, receiving confirmation of delivery from the Soviet Postal Administration, third, obtaining a notice of reasons for the return of a wrongly admitted item.

House Concurrent Resolution 229 attempts to correct these problems by urging the U.S. Postal Service delegation to the Universal Postal Congress to offer and adopt resolutions regarding the issue.

Accordingly, I urge my colleagues to support House Concurrent Resolution 229.

H. CON. RES. 229

Whereas between November 13 and December 14, 1989, the United States Postal Service is hosting the 20th Universal Postal Congress in Washington, D.C., in which representatives of 170 member nations meet to study and revise the Acts of the Universal Postal Union which govern the actions of the global postal system for the following 5-year period;

Whereas respect for human rights is a basic belief of the American people;

Whereas the rapid and unhindered delivery of correspondence, including personal mail and parcels, and respect for the privacy and integrity of postal and telephone communications, are considered basic to freedom of communication and human rights;

Whereas recent events indicate that the number of nations adhering to these principles is expanding, although some nations continue to resist these trends; and

Whereas the gathering of representatives of the world's postal administrations presents a significant opportunity to support, enhance and further the efforts to improve human rights: Now, therefore, be it

Resolved, That it is the sense of the Congress that the United States Postal Service representatives to the 20th Universal Postal Congress should seek support from all member countries for proposed resolutions which will help ensure respect for the privacy and integrity of postal communications—

(1) making clear that delivery receipts accompanying restricted delivery items must be signed;

(2) requiring destination postal administrations to provide confirmation of delivery in the event of a claim that an item has not been received; and

(3) requiring a notice of reasons for the return of wrongly admitted items.

VETERAN'S DAY—DETAILS WORLD WAR II EXPERIENCE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. McEWEN. Mr. Speaker, our Nation officially celebrated Veteran's Day on November 11. This article is so moving, I request that it be entered into the RECORD. The November 10 article in the Greenfield Daily Times by Cindi Pearce details the World War II experience of Pfc. John R. "Jack" Collins. His experience serves as an example for all of us.

WORLD WAR II VETERAN PROUD TO DEFEND OUR FREEDOM

(By Cindi Pearce)

1943—John R. "Jack" Collins has attempted to enlist in the Air Corps but is turned down due to a bad heart.

He turns 18 on a Sunday, registers for the draft on Monday and gets his papers on Friday.

The U.S. Army Infantry will take him even if the Air Corps won't.

He and Harold "Mousey" Blake board a bus for Ft. Thomas, Ky. where they're inducted.

Collins is then sent to infantry school at Ft. Benning.

Did he want to be in the infantry?

"You didn't give a damn," Collins laughed. "You went wherever they sent you. Patriotism was high. The worst thing that could happen was not being able to go to the war."

Collins eventually shipped out of the country as a division. "We were part of a 92 boat convoy. We went through the Mediterranean to Marseille, France."

It took 14 days to get to Europe. "There were 5,000 of us on a troop ship. I was nervous as hell. I can't swim."

Collins said they arrived in France then "We went to the sh——.

"We fought up the Rhone River. We were committed to action outside Marseille. The first night, we hit a road block. I was a gunner on a machine gun. I'd just set up the gun and put in a full load and somebody tapped me on the shoulder. If it wasn't a 20-foot tall German, then I've never seen one! My sergeant Dutch shot him off my back. That was my indoctrination into action. It was awfully yellow around the ground." He laughed.

The soldiers fought for 102 straight days. "When we were attacked we sustained heavy injuries." Collins remarked.

Most of the time Collins and his fellow soldiers walked but when they traveled a long distance they rode in a half track or on the backs of tanks. "We made good targets."

At one time, Collins' company was the only armored division in the 7th army "which made us have to move a lot because they needed tank support."

The soldiers traveled through the Vosges Mountains which are part of the Maritime Alps. "It was the first time an army had ever moved through mountains that big. It was very cold and there was no place to get warm," Collins remembers.

Collins' company fought in the battle of Hatten and Rittenhoffen. "It's been called the Stalinberg of the west. It lasted 14 days. We slept very little. At the end of 14 days we didn't have enough men to keep fighting. We withdrew. The same night the German division withdrew. There were 35 miles between the lines. We were both exhausted. It was one of the hardest fought battles of World War II." Collins said.

"We fought through the Seigfried Line—barbed wire, pill boxes (which are big cement bunkers), tank traps (which raised up the tanks and chewed into the belly). We had to go after them with flame throwers. We had to burn them out."

He continued, "We always carried our own shroud, which they told us was a mattress cover. It was to put our body in. I fooled them." Collins smiled. "I threw mine away."

Collins said, "We lost a lot of people, but we always tried to get them back to the roadside where their bodies would be picked up."

Collins said he and the others were in constant fear and danger. "You dug a hole at night and slept in it. A lot of them had shell shock and had to be evacuated. You get in what we called a sb——storm and they couldn't cope. They'd get a blank look and just walk away or get in the hole and not come out."

Collins continued, "It's a strain. We'd go days at a time not knowing if we were going to get blown away any minute—I don't mean to sound sadistic—but it was that way, especially in the infantry."

How did he stay sane?

"I was just lucky or too dumb to know better. There were thousands of people who went through the same thing. I thought I could do it, too."

Collins said the way soldiers are depicted on TV as screaming and shouting when they're hit isn't accurate. "I never saw any one scream. They were always quiet."

Collins' company liberated a prison camp in Moosburg, Germany that had 150,000 prisoners including some of his own division plus Jews and Russians. "They had an incenerator there. It was awful. Ashes. Deep."

"We took Nuremberg, Germany which Hitler said would never fall. It was the heart of Nazism. We burnt the town. We'd go and throw incendiary grenades. (The Germans)

would go around behind us and try to shoot us in the back."

Collins said before he and his company left the U.S. they were told not to wear any identification that would identify which outfit they were with.

However, when they landed in France, Alsis Alice, a German broadcaster, welcomed them to Europe over the air.

He laughed, "After ALL that secrecy! She told us our wives and girlfriends were having a wonderful time back in the states. She would play music and try to make us homesick. She was a real sexy broad."

After the Battle of the Bulge, Collins' company was in General George Patton's 3rd Army.

"At the time the Germans knew they were whipped and were running. We were moving so fast they had to airdrop maps and gasoline to us."

Collins saw General Patton twice. "It was something being under Patton. He came up in a tank. He told us we weren't fighting hard enough. He said we'd lost too many tanks. He said he could get all the men he wanted but couldn't get tanks. He told us to go out and protect those tanks," Collins smiled. "But he made sure you were fed well."

After the Battle of the Bulge, Collins received a letter from his older brother Bill Collins who was in the Air Corps.

"They were asking for volunteers for the infantry. Billy was thinking about volunteering. I wrote back and told him I had enough to worry about and I didn't want him there."

In December of 1944, Collins earned his Purple Heart. He was wounded by the German 88.

"There were three of us in a ditch and they killed the other two. I told them to get in the water. They didn't. I did. It's a funny thing, but I knew I was going to get wounded the day I got wounded. It was a feeling. I left all my things with the half track driver.

"The company I went in, we had 250 of us trained in the states. We had 500 replacements go through because of the killed, wounded and so forth. Of the original 250, 19 came back (home) and of the 19, five had not been wounded. Each one of us was replaced twice. People didn't realize this because the government didn't release this. (But) we won more than we lost, I guess."

After he was wounded, he was taken to the hospital in an ambulance. Kenneth Crago of the Austin area was the ambulance driver.

"I've still got the shrapnel in my leg. I got lead poisoning from it. They told me I had 40 cents worth of lead in me—a quarter, a dime and a nickel."

Collins was promoted to a staff sergeant—"I guess I just lived long enough"—and headed up a 13-man rifle squad.

Collins' mother didn't know he was in combat until Stars and Stripes sent an article to the Greenfield Daily Times stating that Collins had been wounded.

"I'd told my mother I was in training," Collins laughed. "Mother always wondered why my letters had dirt and mud on them. I told her it rained a lot."

"The two things my mother sent me that I'll never forget were a Coca Cola packed in popcorn and cold packed tenderloin. I got one swallow of the Coke. I hid the tenderloin and Dutch and I ate it."

Collins said the Greenfield Daily Times sent newspapers to all the Greenfield GIs.

"Everyone kidded me about it but everyone wanted to read it. So they knew who all had babies."

The infantry was a tough bunch and had to be. Collins recalls being kept awake for seven days straight. "Then they got another company to guard us while we slept."

One Thanksgiving the entire company got dysentery from spoiled turkey. They were all deathly sick. That night they got in the thick of things and had to fight. Collins said it was awful.

"The worst thing was the artillery. You couldn't fight back. You'd just get in your hole and pray. You did a lot of that. I had a good friend who was an atheist. We were in an artillery barrage. We dug a deep hole. I said to him, 'What are you doing?' He said, 'I'm praying.' I never thought I'd hear him say that."

On one particular occasion Collins was in the midst of another sh-- storm and was trying to dig a foxhole.

"I didn't have anything to dig with. I was digging with a mess kit spoon. You've seen the roadrunner on TV—with all the dirt flying behind him? Dutch yelled at me, 'John R. where are you?' He had a foxhole no bigger than a picture frame and we both got in it."

The soldiers would be told each evening—go in and take that village and you'll have somewhere to sleep tonight.

So, Collins said, they'd fight like hell to take the village then be told to set up an outpost outside the town.

EMERGENCY DISASTER RELIEF TEMPORARY REEMPLOYMENT ACT OF 1989

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. FAZIO. Mr. Speaker, today I am introducing a bill that would amend title 5 to exempt Federal annuitants and members or former members of the uniformed services who are appointed to a temporary position at the Federal Emergency Management Agency [FEMA] from certain offsets from pay or annuity benefits while helping to provide emergency assistance.

Mr. Speaker, in the wake of Hurricane Hugo and the Loma Prieta earthquake the rebuilding of lives continues at a slower pace than many would like. The Federal Emergency Management Agency, facing unprecedented back-to-back disasters, remains charged with a herculean task. Damages from the two disasters are estimated to run $10 billion, and FEMA must help those affected put their lives back together as quickly as possible.

FEMA's performance, as we are all aware, has been widely criticized. While I am concerned about allegations that FEMA's initial response to the hurricane was both slow and inadequate, and I believe proper inquiries should be made, I am also concerned that FEMA be provided the resources it needs to provide the quick assistance everyone is calling for. Although more than $7 million in individual and family benefits and more than $5 million in temporary housing benefits have been issued, about 35,000 to 40,000 claims are still pending.

Mr. Speaker, that is why I am introducing this bill. It would enable FEMA to beef up its staff more quickly and with more experienced workers by providing the agency permanent authority to temporarily hire Federal retirees and members or former members of the uniformed service to perform emergency relief services without offsetting their annuities or retainer pay from the pay they would receive in these temporary positions.

Easing the title 5 offset exemptions under these circumstances will provide a much greater incentive to retired Federal workers and members of the uniformed services to sign up in times of need and, at the same time, significantly expand the pool of qualified individuals FEMA has to choose from.

This bill is not without certain restrictions. Before the offset exemption can be applied to temporary positions, a major disaster or emergency must be declared by the President pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In addition, the offset exemption cannot be applied to any temporary position exceeding 1 year. Finally, the salary of the temporary employee cannot exceed the maximum rate of pay for a GS-12.

Mr. Speaker, I truly believe we must do all we can to expedite relief efforts. I believe giving FEMA this expanded authority is a step in that direction.

OVERVIEW

This bill amends title 5 to provide that Federal annuitants or current or former members of the uniformed service who are appointed to a temporary position at the Federal Emergency Management Agency [FEMA] be exempt from certain offsets from pay or annuity benefits while helping to provide emergency assistance.

SECTION 1

This section amends existing annuity offset exemption provisions for reemployed annuitants covered by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System [FERS].

Part (a) makes the following changes to the Civil Service Retirement System:

Paragraph (1) defines "emergency" as a major disaster or emergency declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Paragraph (2) specifically exempts annuitants from having their annuity offset from pay while employed in a temporary position at FEMA in connection with an emergency.

Paragraph (3) provides the offset exemption cannot exceed 1 year. Subparagraphs (A) and (B) provide that the 1 year limitation applies regardless of whether or not the temporary appointment is made as a single 1-year appointment or as a series of short term appointments.

Paragraph (4) provides that the pay rate for the temporary FEMA appointment may not exceed the lesser of (A) the highest grade or rate of pay previously paid the former employee; or (B) the maximum rate payable to a GS-12.

Paragraph (5) provides the offset exemption will not apply to anyone placed in a temporary FEMA position if, immediately prior to that placement, they were employed in a government position and subject to the other offset exemptions provided under title 5.

Part (b) makes the same changes described above to the Federal Employees Retirement System.

SECTION 2

Section 2 makes the same provisions in section 1 applicable to members or former members of the uniformed service.

SECTION 3

These amendments will apply to appointments made on or after the date of enactment.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTIONS FOR REEMPLOYED ANNUITANTS.

(a) CSRS.—Section 8344 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) For the purpose of this subsection, the term 'emergency' means a major disaster or emergency, as declared by the President under section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(2) Subject to paragraph (3), subsections (a) through (d) shall not apply to any annuitant receiving an annuity from the Fund while such annuitant is employed in a temporary position, under the administrative authority of the Director of the Federal Emergency Management Agency, in connection with an emergency.

"(3) The exemption from subsections (a) through (d) under this subsection shall not, with respect to any emergency, apply longer than—

"(A) the first 365-day period for which he receives pay under 1 appointment from the position in which he is employed, if he is serving under not more than 1 temporary appointment; or

"(B) the first period for which he receives pay under more than 1 appointment which consists in the aggregate of 365 days from all positions in which he is employed, if he is serving under more than 1 temporary appointment.

"(4) Notwithstanding any other provision of law, an individual may not, while exempted under this subsection based on service in a temporary position, be paid for service in such position at a rate which exceeds the lesser of—

"(A) the rate of basic pay then currently payable for the highest grade or pay level (if any) previously attained by that individual in any position; or

"(B) the maximum rate of basic pay then currently payable for GS-12 of the General Schedule.

"(5) The preceding provisions of this subsection shall not apply with respect to any annuitant who, immediately before being placed in the temporary position referred to in paragraph (2), was employed in a Government position in which that annuitant was subject to subsection (a), (b), (c), or (d)."

(b) FERS.—Section 8468 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) For the purpose of this subsection, the term 'emergency' means a major disaster or emergency, as declared by the President under section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(2) Subject to paragraph (3), subsection (a) and (b) shall not apply to any annuitant receiving an annuity while such annuitant is employed in a temporary position, under the administrative authority of the Director of the Federal Emergency Management Agency, in connection with an emergency.

"(3) The exemption from subsections (a) and (b) under this subsection shall not, with respect to any emergency, apply longer than—

"(A) the first 365-day period for which he receives pay under 1 appointment from the position in which he is employed, if he is serving under not more than 1 temporary appointment; or

"(B) the first period for which he receives pay under more than 1 appointment which consists in the aggregate of 365 days from all positions in which he is employed, if he is serving under more than 1 temporary appointment.

"(4) Notwithstanding any other provision of law, an individual may not, while exempted under this subsection based on service in a temporary position, be paid for service in such position at a rate which exceeds the lesser of—

"(A) the rate of basic pay then currently payable for the highest grade or pay level (if any) previously attained by that individual in any position; or

"(B) the maximum rate of basic pay then currently payable for GS-12 of the General Schedule.

"(5) The preceding provisions of his subsection shall not apply with respect to any annuitant who, immediately before being placed in the temporary position referred to in paragraph (2), was employed in a Government position in which that annuitant was subject to subsection (a) or (b)."

SEC. 2. EXEMPTION FROM REDUCTIONS IN RETIRED OR RETAINER PAY.

Section 5532 of title 5, United States Code, is amended by adding at the end the following:

"(g)(1) For the purpose of this subsection, the term 'emergency' means a major disaster or emergency, as declared by the President under section 401 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(2) Notwithstanding any other provision of law, but subject to paragraph (3), the retired or retainer pay of a member or former member of a uniformed service shall not be reduced while such member or former member is employed in a temporary position, under the administrative authority of the Director of the Federal Emergency Management Agency, in connection with any emergency.

(3) The exemption from reduction in retired or retainer pay under this subsection shall not, with respect to any emergency, apply longer than—

"(A) the first 365-day period (including any period of exemption under subsection (d)(2)) for which he receives pay under 1 appointment from the position in which he is employed, if he is serving under not more than 1 temporary appointment; or

"(B) the first period for which he receives pay under more than 1 appointment which consists in the aggregate of 365 days (including any period described in subsection (d)(2)) from all positions in which he is employed, if he is serving under more than 1 temporary appointment.

"(4) Notwithstanding any other provision of law, an individual may not, while exempted under this subsection based on service in a temporary position, be paid for service in such position at a rate which exceeds the lesser of—

"(A) the rate of basic pay then currently payable for the highest grade or pay level (if any) previously attained by that individual in any position; or

"(B) the maximum rate of basic pay then currently payable for GS-12 of the General Schedule.

"(5) The preceding provisions of this subsection shall not apply with respect to a member or former member of a uniformed service if, immediately before being placed in the temporary position referred to in paragraph (2), the retired or retainer pay of such member or former member was being reduced under this section (or would have been so reduced but for subsection (d)(2))."

SEC. 3. APPLICABILITY.

The amendments made by this Act shall apply with respect to appointments made on or after the date of enactment of this Act.

IN SUPPORT OF THE EDUCATION AND SPACE ACT OF 1989

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BUECHNER. Mr. Speaker, I am pleased to join my colleague, Congressman MURPHY, in introducing the Education and Space Act of 1989, H.R. 3685.

Our generation was fortunate enough to see our national space program ascend from the drawing board to the stars. As our scientists and engineers raced to surpass our rivals as well as our limitations, we cheered them and we identified with them in much the same way we do with our Olympic athletes.

Our space program has attracted the attention of many young men and women to the realm of science and technology, and has made America the technological leader it is today. However, recent years have been witness to a decline in interest in these fields and a growing distance between students and science. At the same time, we have watched the ascent of many new technological powers whose scientific prowess rivals our own, even as the world of technology is growing at an unimaginable rate.

Those of us in Congress have an obligation to stimulate a technological renaissance for America. If this is to occur, it must start with our children. Perhaps the greatest gift we can give them is to fire them with the same determination that our forefathers gave us. This is the goal of the Education and Space Act, and I can think of no better means to achieve it. Specificially, H.R. 3685 would establish a congressional council on education and space whose primary job would be to encourage an increased public awareness of the links among science and math education, economic competitiveness, and the space program.

Mr. Speaker, the story of the future of our country is written every day in the notebooks of our students, and it is only through their determination to understand science that our future competitiveness is guaranteed. We must instill them with a sense of pride in our Nation's scientific strength and help them identify with our fight to remain competitive in the global marketkplace for technology. We owe it to them to see that they are ready to inherit our technological leadership; we owe it

to our Nation to pass the Education and Space Act of 1989.

ALL 12 OF THE RIPKOWSKI BROTHERS SERVED IN THE MILITARY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. WILSON. Mr. Speaker, I believe all of us, especially those who are old enough to remember the fighting Sullivans—five brothers who served and died together in the U.S. Navy during World War II—will appreciate the story of another American family, the Ripkowski's of Dayton, TX. Twelve sons out of a family of 16 children served with the U.S. military, 9 of them during World War II. I ask that this Veterans' Day story from the Houston Chronicle be entered into the RECORD, as a permanent reminder of their dedication to freedom and duty.

[From the Houston Chronicle, Nov. 11, 1989]

TOUGH ENOUGH TO SURVIVE—TEXAS FAMILY SETS RECORD RISKING LIVES FOR COUNTRY

(By Cindy Horswell)

DAYTON.—One by one they came—a dozen in all—to get their marching orders from Uncle Sam.

The Ripkowski brothers—12 sons of a Polish sharecropper who eked out a living on a 200-acre farm—were proud to do their country's bidding.

"To my knowledge, there has never been another family with that many sons from the same parents participating," said Ken Satterfield, spokesman for the Pentagon in Washington, DC. "Those farm boys are following a long line of notable sibling groups, like the five Sullivan brothers from Iowa."

A 1944 movie told how the USS Juneau became the Sullivans' watery tomb when sunk by a torpedo off Guadalcanal. The Sullivans' deaths spurred a new policy that prohibits siblings from serving on the same ship together.

The Ripkowskis—believed among the largest sibling groups to serve in the American armed services—were lucky, tough or hardheaded enough to come home alive—even though nine had looked death in the eye in six different combat zones during World War II.

"They're a family that deserves recognition on Veterans Day," said Zeke Zbranek, a Liberty County attorney.

The Ripkowski brothers comprise nearly half of their local chapter of the American Legion, as well as being perhaps Dayton's largest family (consisting of 12 brothers and 4 sisters, none of them multiple births).

In years past, the Ripkowskis, who now are ages 53 to 75, have participated in Veterans Day observances, but this year they decided to bypass public ceremonies.

Here is a roll call of their names and service:

During World War II, Bernie was stationed with the U.S. Army in Alaska and the Aleutian Islands; Felix marched from North Africa to Sicily with the Army; Alex went island hopping and swung through Europe with the Army; August cruised from Pearl Harbor to Tokyo with the U.S. Navy; Leon served from Africa to England with the Army; Bill was an island hopper in the Pacific with the Army; Raymond flew around New Guinea for the U.S. Air Force; Herman served in Germany with the Army; and Franklin cruised the Atlantic with the merchant marines and then joined the Army and worked with radar surveillance in the states.

After World War II, James, or "Buster," was stationed in Germany with the Army; Mike was stationed in Okinawa with the Air Force; and Stanley spent his stints with both the Army and the National Guard in the United States. These three served either during the Korea War or in peacetime and saw no combat actions.

Officials at the American Legion's national headquarters in Indianapolis say the Ripkowskis have as unusual a story to tell as the Sullivans.

"With so many risking their lives from one family, the Ripkowskis made a significant sacrifice. That's a pretty good chunk of kids all being of service age during World War II," said Lee Harris, spokesman for the Legion. "Honestly, I have never heard of a dozen kids, all vets, who were members of the Legion."

The siblings were spaced over two decades. Though their parents, Mattie and Stash, are no longer living, the 15 surviving brothers and sisters still live close to their old farm some 30 miles east of Houston.

One brother, Raymond, died of brain cancer in 1985.

Raymond had flirted with death years earlier, during his 45 missions as a flight engineer and photographer for the U.S. Air Force. His last flight ended with a crash-landing in New Guinea.

"I still carry this in my wallet," said his brother, Franklin, displaying a crinkled, black-and-white photo of Raymond in front of an airplane with its belly resting on the ground.

The plane had been crippled from a bombing mission and was low on fuel, but the crew was afraid to parachute into the shark-infested waters below. So Raymond and the rest of the crew flew to a flat spot, braced themselves, and rode the plane down without any landing gear.

After the plane skidded across the hard earth, Raymond crawled out of the emergency hatch and passed out. He woke up several days later at a New Guinea hospital.

According to family stories, the first words he heard were from a doctor lamenting. "This one isn't going to make it."

Raymond snapped back, "Damn right, I'm going to make it!"

The baby of the family, Stanley, now 53, was a young boy when he spotted Raymond on a news reel at the movies. Raymond was filmed at the hospital where he spent several months undergoing treatment for three cracked vertebrae.

"I hadn't heard about the crash, but I could see he was OK. The film went on to tell how he had just shot a giant, six-foot iguana that he's spotted outside his hospital window," chuckled Stanley, who served in the U.S. Army during peacetime.

He remembers his mother writing one letter a day, choosing a different son each day. Often she did not receive any response for weeks and then a bundle of eight or 10 letters would come all at once.

"Mom worried, but Dad didn't have much time to think about it 'cause he was working from daylight till dark on the farm. I just remember feeling plenty proud of my brothers," Stanley said.

Raymond wasn't the only brother to narrowly escape death.

August, now 72, worked topside on the USS Reno, which bombarded and helped take back all the islands in the Pacific Ocean from Guam to Okinawa. He would have fared well except for one wayward torpedo in Manila and a suicide Japanese bomber in the Philippines.

"Some of the guys in communications said they could hear the sermon the Japs were getting before 22 of those dive bombers headed for our fleet," said August, who was manning some guns during the war. "Most were shot down, but I thought we'd never get the one headed for us. He got so close we couldn't use our big guns anymore and got to using smaller and smaller ones. We finally got him but he managed to crash into our tail end. Before he hit, I could see the pilot, sitting there, trying to maneuver into us."

The sea was rough, and the cruiser made a sharp turn, causing the waves to wash over the deck and extinguish the fire. Only a few men in the rear section were hurt, and nobody died.

The cruiser's luck again wore out one dark night when August was on watch, when a torpedo slipped through a fleet of 22 ships near Manila. It ripped a hole in the midsection, though nobody ever saw the enemy submarine that delivered the late-night special. Eighty men were killed and several hundred injured, but August escaped unharmed.

"I just kept waiting for the rattling noises and flying debris to stop. Somehow the ship managed to float at a tilt. I walked around two or three days in a daze. My good buddies—who were on their way to relieve me—were dead," he said.

August later lost an arm in an accident after the war had ended and he had returned home.

Another brother, Felix, an artillery man, was left shell-shocked after months of battle, although he earned six battle stars fighting his way from North Africa to Sicily.

"You'd get so scared you were spittin' cotton. I saw them hauling bodies off by the truckload," he said. "I just couldn't get no damn rest. The sky was always dripping fire from bombs and flares."

The brothers saw their military service as simply a "job that needed to be done."

"I just wanted to get it over with and come home alive," said Alex.

"We'd get homesick," said Franklin. "We'd just pray extra hard, a thousand times a day, like our parents taught us. At home, we used to get our prayer books and Bibles out every day."

Their parents frowned at working on Sundays, the brothers said, but were tough taskmasters the rest of the week. The boys told of learning to cook and drive tractors as early as age 5 on their family's cotton and corn farm.

Light came from kerosene lanterns, food was cooked over a wood-burning stove, the bathroom was an outdoor privy, and water was carried in by the bucket. There were no air conditioning, telephone or other luxuries.

The farm life toughened them for the job ahead in the military, the brothers agreed. And during their time in the military, they never took any guff off anyone.

Once in France, Leon, who had switched from infantry to military police, even challenged Gen. George Patton when Patton's jeep came to a checkpoint. Despite the general's rank and fame, Leon made him step out of his Jeep and be recognized.

"Afterwards, Patton complimented him for really being on the ball," his brother Felix said.

For all of the brothers, their memories solidify into a hope never to see their country at war again, especially a war like World War II.

"It was either kill or be killed. I just hope we don't have another war like it," Felix said.

BOY SCOUTS SALUTE ALAN GERRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. GILMAN. Mr. Speaker, as cochairman of this year's Hudson-Delaware Council, Boy Scouts of America dinner, I had eagerly looked forward to joining many business leaders and other friends of the Boy Scouts at our annual banquet. Unfortunately, because the House will be in session on Sunday in order to conclude the business of the 101st Congress prior to the Thanksgiving holidays, I have had to excuse myself from this gala event.

I am especially disappointed that I had to miss this year's event because I had looked forward to helping honor an outstanding community leader and good friend, Alan Gerry.

Alan is a prime example of a local businessperson who has achieved success by responding to a local need and transforming that response into a farsighted, innovative service. Thirty-three years ago, when Alan Gerry founded Cablevision Industries, its main purpose was to bring TV service to our mountainous areas which previously were out of range. Since that time, Cablevision has expanded to provide state of the art programming to its subscribers, and has grown to become our Nation's 12th largest cable operation.

Under Alan Gerry's farsighted leadership, Cablevision now provides service to customers in 18 States and urban areas, including Los Angeles and Philadelphia.

Alan Gerry has never been satisfied with just his many accomplishments in the business world. But, in addition, he has always found time to devote to numerous humanitarian pursuits. Alan has served as a member of the Board of the Robert Packer Hospital in Sayre, PA, and has also served on the board of directors of the First Federal Savings and Loan Association.

As a veteran of the U.S. Marine Corps, Alan is well acquainted with the principles of leadership and devotion to our American way of life.

Alan Gerry's entire career has been the epitome of the ideals of the Boy Scout movement. I am proud to join with all of you in saluting this outstanding community leader.

I am also disappointed that I have been unable to personally extend my greetings to the Boy Scout's guest speaker, J. Richard Munro. As cochairman and cochief executive officer of Time Warner, Inc., Mr. Munro personifies the excellence of American business as we stand on the threshold of the 1990's.

Mr. Speaker, I invite all of our colleagues to join with me in saluting an outstanding American, Mr. Alan Gerry, and in voicing our support for a great organization, the Boy Scouts of America. The final decade of the 20th century promises to be one of the most productive in the history of our Boy Scout activities. This deserving organization needs the support of all of us.

SUPPORT FOR OILSPILL LEGISLATION

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SCHUETTE. Mr. Speaker, I rise in support of H.R. 3394, the Oil Pollution Act of 1989, which is a giant step forward in helping to prevent oilspills such as the recent *Exxon Valdez* tragedy in Alaska and in providing for a comprehensive and immediate cleanup if they do occur.

The recent spate of environmental disasters and the difficulty in getting them cleaned up starkly illustrates how ill-prepared we are for tragedies of this kind and how inadequate existing government guidelines are for the cleanup and prevention of future ecological calamities. Our environment must be protected and preserved so that we, as well as future generations, can continue to maintain the quality of life that can only be enjoyed with a clean and healthy environment.

Of foremost concern to Michigan is that we protect our Great Lakes, as well as Michigan's hundreds of inland lakes. There are several general provisions in the bill before us which affect the Great Lakes, and three particular provisions which have a direct impact. The first is a requirement that United States piloting standards be followed in the Great Lakes, not the lower and weaker Canadian piloting standards. Second, it substantially increases the penalties for violations of Great Lakes piloting requirements. And finally, it specifies that tankers and barges carrying oil or hazardous substances may not be granted any exemptions from Great Lakes piloting requirements.

The bill before us also incorporates many of my own concerns about oilspills which were contained in House Joint Resolution 258, which I introduced earlier this year. My bill aimed to both aid in the quick cleanup of oilspills, as well as prevent their occurrence. It calls on the President to report to Congress with proposals to clean up oilspills on the territorial waters of the United States.

My bill also called for stronger "contingency plans," which detail how the cleanup will occur in the event of a spill. The slow response to the Alaska tragedy demonstrates the need for these tougher cleanup plans. If we did have such a spill on the Great Lakes it would have a terrible effect on our way of life. I was pleased that one of the provisions in H.R. 3394 provides for a "Federal strike force" with 7 regional strike teams to provide the necessary services to aid in the quick cleanup of oilspills.

The House bill before us is comprehensive. It replaces the four existing Federal liability and compensation systems with a single system in which the owners and operators of vessels will be directly liable up to specified Federal limits for cleanup costs and damage compensation. It limits the Federal liability of vessels to $1,200 per gross ton of the vessel. In cases of gross negligence or willful misconduct, however, the liability limits would be waived and the responsible parties would be entirely responsible for all cleanup and compensation costs. To ensure the quick payment of damages, H.R. 3394 sets up a billion dollar Oil Spill Liability Trust Fund which would be used to pay for excess cleanup and damage costs. It also sets tougher standards for foreign tankers.

These provisions will help ensure that we don't have situations like the one in Alaska where oilspill residue still lingers, without a complete cleanup.

Mr. Speaker, our environment, our lakes and water, and the 5,000-plus miles of Great Lakes shoreline, are vitally important to maintaining our quality of life. They must be protected and this bill helps do that.

IMPROVING ACCESS TO RURAL HEALTH CARE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Ms. SNOWE. Mr. Speaker, today I am introducing two bills designed to improve access to health care in rural America. Both the Area Health Education Centers Enhancement Act and the Rural Physician Shortage Act, and their Senate companion bills introduced by Senator WILLIAM COHEN, will help provide incentives through the National Health Service Corps [NHSC] and the Area Health Education Centers [AHEC] Program to encourage medical professionals to practice in rural areas.

One-fourth of the U.S. population lives in rural areas, and one-third of the rural population is elderly. However, only 12 percent of the Nation's doctors work in rural areas and, according to the National Rural Health Association, that number will drop by one-fourth over the next 25 years.

The Rural Physician Shortage Act would require the Department of Health and Human Services to update the 1980 Graduate Medical Education National Advisory Committee study of health manpower issues. This update would include a careful look at the extent to which the concentration of physicians in more populous areas leaves rural areas underserved. The act requires a review of the NHSC field strength and the establishment of a long-range plan to meet the needs of health manpower shortage areas over the next 30 years. Another important provision of the bill calls for the inclusion of physicians assistants under the scholarship and the loan repayment program.

This measure would also block the August 1989, proposal from the Department of Health and Human Services [HHS] involving changes in the criteria used to designate health manpower shortage areas. The proposal would remove this designation from areas that have the services of a part-time doctor and an

unmet need, according to HHS, for less than an additional full-time doctor. Nationwide, it is estimated that 670 of the 1,955 currently designated areas would be eliminated. In my own State, it is estimated that 15 of the 21 designated areas would be lost.

HHS wants to clarify the degree of need for areas requesting medical professionals by providing this designation only to areas in "dire need" of medical professionals. There are a number of factors to be considered when determining an area's ability to attract physicians, and I do not believe one set of criteria is able to take all of these into account. Also, loss of this designation will prevent communities from participating in 12 other Public Health Service programs aimed at improving access to health care in underserved areas.

AHEC's currently operate in 19 States, including Maine. The program links academic medical centers with actual clinical training in medically underserved areas. This provides medical students with the opportunity, not only for hands on training, but also to learn the rewards of a rural practice. They also support continuing education and clinical instruction of the health personnel, primary care, residencies and multidisciplinary training.

The Area Health Education Centers Enhancement Act would provide for the establishment of AHEC's in States without medical schools. It would also improve the existing program by increasing the authorization by 50 percent and requiring HHS to undertake a study to determine ways to improve the program.

On September 18, I held a hearing, in conjunction with Maine's senior Senator WILLIAM COHEN, on rural health care in Maine. We heard from health care providers, patients and community leaders about the increasing problems facing access to health care in rural America. We heard from two doctors, Dr. Gregory O'Keefe and Dr. Roger Pelli, about the difficulties facing medical professionals who chose to practice in rural areas. Dr. O'Keefe is 1 of 134 NHSC professionals who have served in Maine since the program's inception in 1971. His dedication to the community was shown several years ago when NHSC wanted to transfer him to a desk job and he refused to go.

Mr. Pelli went through medical school with the help of six towns in Aroostook County which raised taxes to pay his tuition. Under this creative arrangement, he has agreed to practice in the area for 8 years.

Americans should not be denied access to health care because they chose to live in a rural area, and towns should not have to beg, borrow or steal physicians in order to obtain medical services. I urge my colleagues to join me in support of these bills, and would like to share an article from the American Hospital Association News which highlights the difficulties facing rural communities in need of medical professionals.

[From the American Hospital Association News, Nov. 6, 1989]

IN SEARCH OF PHYSICIANS, RURAL HOSPITALS ROUND UP THE POSSE

(By Jeffrey Green)

Many rural hospitals that are struggling to recruit and to retain medical-staff members have resorted to unusual methods to attract physicians to their communities.

"Wanted" posters distributed by Parkers Prairie (MN) District Hospital provide just one example of how far some hospitals must go to find a physician.

The hospital's posters, reminiscent of the Old West, offer a $5,000 reward to anyone who finds a family-practice physician for the 20-bed hospital and the community.

But despite responses from as far away as the Philippines and South America, no physician vacancies have been filled, according to Lewis Struthers, M.D., a family practitioner who currently is the facility's only full-time physician.

The hospital had tried more conventional means to locate a physician before distributing the posters. In fact, hospital officials hired several physicians recruited by outside search firms. However, those physicians "did not work out," according to Struthers.

"If you get [physicians] through referral services, you have to be very, very careful about what you're getting, because you're probably getting someone else's problems," he said, "There's plenty of demand out there, so if a physician wants a job, there will be no problem getting one."

In fact, some physicians have found communities with jobs ready and waiting for them to complete their training.

Residents of several logging communities in Northern Maine waited seven years, hoping their investment would pay off with a physician.

In 1982, the towns levied a four-year tax to generate $60,000 to send Roger Pelli through medical school. With his training now complete, Pelli recently signed contracts with those communities to practice for eight years or to reimburse, with interest, the towns.

But there are risks to the strategy.

Phillip Lowe, administrator of Memorial Hospital, Weiser, ID, pointed out that the bankruptcy or unexpected death of a physician it put through school would leave a community or hospital with nothing for its investment.

Another risk, noted Craig Hostetler, a physician recruiter with the U.S. Public Health Service, is that medical students' goals can change while they are in school, especially if they get married. In these cases, they often leave the rural communities once their obligations are complete.

However, he said, new physicians who are willing to have their loans paid off in exchange for practicing in a rural community may be more inclined to settle there.

Lowe agreed: "After most physicians are in a community for the number of years it takes to pay off their loan, their roots are going to be deep enough that they will want to stay."

Lowe just hopes 27-bed Memorial Hospital can find physicians willing to put down roots.

However, he noted that there are more than 20 rural hospitals in Idaho currently recruiting physicians.

"For every four jobs, there's one physician available," Lowe said.

With two positions to fill, Memorial Hospital sent letters to 15,000 physicians. After 10 months, the effort still has not paid off.

Now the hospital has formed a physician-search committee that includes representatives from the hospital as well as community groups.

The committee met late last month to decide whether to hire a national physician-recruitment firm and to determine how they could raise the $30,000 needed to pay such a firm.

Many of the factors that make physician recruitment so difficult in rural areas are beyond the control of hospital officials.

As Hostetler sees it, physicians generally are hesitant to practice in rural communities because they want to maintain the professional camaraderie, the new technologies, and recreational and cultural activities that were readily available to them during their training in large, urban-teaching hospitals.

He added: "A lot of people are hesitant to leave to go to a rural area, where they might feel like a Lone Ranger fighting their own war."

RECRUITMENT GOALS DIFFER FOR MANY URBAN HOSPITALS

Most rural hospitals have straightforward goals for their physician-recruitment efforts: Find the physicians needed to meet patients' needs and to keep the doors open.

But the recruitment efforts of many urban hospitals are geared to offset reductions in inpatient care by boosting patient referrals.

According to Edmund Schultz, director of physician services for Premier Hospitals Alliance Inc., Westchester, IL, there are an average of 100 inpatients for every 40,135 individuals in the population.

In three years, however, Schultz expects that there will be 100 patients for every 54,000 people.

"Unless you think your city is going to grow by 35 percent, you're going to need more inpatients," he said.

It is these statistics that have led many urban hospitals to step up their physician-recruitment efforts.

To increase patient referrals to the facility's specialists, hospitals are concentrating more on improving their ties with primary networks, Schultz said.

"The issue no longer is where you are going to get new patients," he stressed. "It's who are you going to take them from."

KUDOS FOR THE BUSH FOREIGN POLICY FROM BEATRICE, NE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. BEREUTER. Mr. Speaker, 1989 has been one of the most momentous years in modern history. Before our very eyes, the Iron Curtain has begun to come down. Hundreds of millions of people who once suffered oppression from totalitarian rulers now enjoy a greater degree of freedom and pluralism.

Indeed, it appears that we have witnessed in recent months the final repudiation of the Marxist doctrine. Leaders of Communist states are now recognizing that a market economy and democratic pluralism are fundamental prerequisites for modernization and economic expansion. Changes geared to provide for pluralism and a free market are now occurring in several locations in Central and Eastern Europe. What began in Hungary and Poland has spread to East Germany, and has shown signs of life in Bulgaria. And, in the last few days, it appears that positive changes are occurring in Czechoslovakia. Whatever the future

holds, it is clear that the people of these countries will not be willing to return to the type of existence they had before these changes—things will never be like they were before.

But even in the face of remarkable democratic reforms, there are those who are not satisfied and feel compelled to snipe at the President. Critics of the Bush administration charge that the President has been slow to seize the "historic moment." These critics argue that the President has not done enough, and that quick action would lead to even greater changes.

Yet examine what has happened since President Bush took office. First, conventional and strategic nuclear arms negotiations are proceeding at an unprecedented pace. This President is likely to achieve a range of arms reduction agreements that will totally rewrite U.S. national security requirements. This is hardly the action of a timid man.

Second, as Poland and Hungary have moved toward democratic pluralism, the administration worked with the Congress to put together a comprehensive multiyear assistance package for those two countries. Here again, the President has acted with prudence and vision.

And, most recently, President Bush and Soviet General Secretary Gorbachev agreed to meet aboard ships off Malta. The agenda at that meeting is open, but there certainly is no shortage of topics to discuss.

Mr. Speaker, this Member would place into the record an editorial written by Mr. Kent Thomas, publisher of the Beatrice Daily Sun in the November 14, 1989, edition of that newspaper. This insightful essay commends President Bush for his leadership, saying that current encouraging deveiopments beyond the Iron Curtain suggest strongly that President George Bush was indeed cautious but prudent in his actions and his critics were wrong. This Member would commend this editorial to his colleagues.

[From the Beatrice (NE) Daily Sun, Nov. 14, 1989]

EAST-WEST RELATIONS FEATHER IN BUSH CAP

(By Kent Thomas)

President Bush is among the beneficiaries of improved East-West relations and the democratization of Eastern Europe.

In the first months of his administration, Bush critics charged the president was too passive and not doing enough to counter the public opinion points scored by Soviet President Mikhail Gorbachev in western Europe. The Soviet leader made a series of arms control promises and offers. Bush had ordered a review of U.S. foreign and defense policies, and he waited without countering Gorbachev's peace offensive.

Then in May at the NATO summit in Brussels, Bush surprisingly proposed swift and drastic cuts in Soviet and U.S. conventional weapons in Europe with a deal negotiated in six months or a year and actual reductions to follow in 1992 or 1993. Gorbachev had proposed reductions, too, but over a longer period—five to six years.

Bush's bold proposal silenced critics for the time being. But after Brussels and his midsummer trip to Poland and Hungary, criticism of the Bush pace picked up again. Senate Democratic Leader George Mitchell said the administration seemed more comfortable with the certainties of the Cold War than with the challenges of change in the governments and economies of the once-solid Communist bloc.

"Bush had said his goal was to overcome the division of Europe and forge a new unity based on western values," wrote Walter R. Mears, Associated Press vice president and columnist. "The goal was applauded, but as events moved that way, some Democrats said Bush wasn't doing enough to support change.

"They were dissatisfied with the economic aid package he recommended for Poland and Hungary, and Congress doubled it. They thought he should be more assertive in dealing with Gorbachev, and there were suggestions all summer that he ought to meet with the Soviet leader."

Then Bush sprang his second surprise, an information, preview meeting with Gorbachev Dec. 2 and 3, aboard ships off Malta, Bush said he had planned it since the middle of the summer, but kept it secret from all but the top echelons of the administration until the simultaneous announcements Oct. 31 at the White House and the Kremlin.

"We've known what we were doing," Bush said. "We've been on this track for some time. I've elected to remain very quiet in the face of a good deal of sentiment that we were missing an opportunity and that hasn't perturbed me• • •"

To the critics who believe he has been on the cautious side, Bush said there is reason to be cautious but that he could use a different word for it—prudent."

"I knew exactly what I wanted to do and I knew how to go about it," Bush said.

Current encouraging developments beyond the Iron Curtain suggest strongly that Bush was indeed prudent, albeit cautious, in this diplomatic relations and that his critics were wrong. It looks from here as if things couldn't be much better between the U.S. and the Soviet Union or its Communist neighbors in Europe, and President Bush deserves at least some of the credit.

THE CONTINUING TRAGEDY IN EL SALVADOR

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MOODY. Mr. Speaker, I believe that all my colleagues must have felt, as I did, concern, outrage, and deep sadness after hearing of the recent torture and slaying of five Jesuit priests, a lay professor, and a mother and child in San Salvador.

These are not the first senseless, violent killings in El Salvador. They will not be the last. But from time to time, we hear of an event so callous, so violent and cruel that we are shocked, when we thought that nothing in that tragic country could shock us again.

These six men killed were religious men—not men of war. They were intellectuals. And they were killed for the ideas they had. This is a country where you can be killed for thinking thoughts and stating beliefs.

These were courageous individuals. All of their residences had been burned or bombed before. They had received death threats. They knew their lives were in peril. But they stayed in San Salvador. They continued their religious work and they continued to speak honestly about the situation there.

Only 2 weeks ago one of these men, Dr. Segundo Montes, was here on Capitol Hill describing the human rights situation in El Salvador. His life was in danger, he said, just by traveling here and talking to Americans.

I want to repeat a few of the comments he made. He paid a great price to deliver them and his words merit our attention.

Dr. Montes point out the danger of ARENA-proposed changes to El Salvador's penal code that would restrict or prohibit peaceful means of political expression—particularly the right of Salvadorans to speak with foreigners about the human rights conditions there.

He talked about the vital importance of providing refuge to Salvadorans fleeing the country—the Moakley-DeConcini safe haven legislation which has passed the House and is awaiting action in the other body.

Dr. Montes called for the United States to use all its influence in the country to bring a just peace and a negotiated end to the war. He explained that the human rights situation was deteriorating and called on the United States to hold back military and economic aid to a government and military that consistently violates those rights.

Finally, he called forcefully for an independent investigation into the bombing of the FENASTRAS labor federation on October 31. Ten people died and 35 were seriously wounded in that bombing. He pointed out that previous investigations into human rights violations in El Salvador have repeatedly failed to identify individuals that were responsible. His hope was that an independent commission appointed by the U.S. Congress would investigate that bombing.

Mr. Speaker, I hope this Congress will turn its efforts to discover exactly who was responsible for Dr. Montes' death and the deaths of his colleagues. The United States must bring all its influence to bear through every possible channel and press the Salvadoran Government to take action. We must express our concern in the strongest possible terms and pursue this issue until individuals are named, until people are held responsible.

Do not say "Well, this happens in El Salvador." Do not say, "Well, we'll never know who did this but we can guess." Do not reward this brutality by allowing it to go forward with no response.

Those who murdered these priests, and Ms. Ramos and her daughter have achieved their purpose if this violence intimidates and silences others.

But these eight brave and principled people will have achieved their purpose if their call for peace and justice has been heard over the gunshots, bombs, and brutality of El Salvador.

UNION BAPTIST CHURCH NEARLY A CENTURY OF SERVICE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. BENTLEY. Mr. Speaker, it is with much respect and admiration that I commend Union Baptist Church for its 96 years of worship and service to the community. It was truly an honor to be in attendance at the anniversary banquet and celebration of nearly a century of spiritual and community leadership.

Since 1893, Union Baptist Church has continued to lead its congregation in devoted and faithful worship. The church was founded by a group of baptized believers who migrated from the South in an effort to improve their living conditions and secure better employment. The first worship services were originally held in a small school house with the Reverend Robert Burke leading the congregation. Throughout the years Union Baptist Church has faced change and uncertainty, yet has overcome these possible dangers and turned them into opportunities. At one point the church was forced to move due to the expansion of Bethlehem Steel and its fate might have been questioned. However, the church and Bethlehem Steel paralleled one another in their continuing growth as the church weathered its move with a renewed enthusiasm. In fact, the two shared a special relationship in that many of the parishioners were also employed by the plant.

Indeed Union Baptist Church has had a rich and vibrant history. Despite the obstacles which the test of time can produce, this church has continued upon its tradition of dedication and commitment to its faith and community. Hard work and dedication are common at Union Baptist Church. For the last 14 years Pastor William E. Johnson, Sr., has led his congregation in faithful worship. Not only has this church built a strong supportive surrounding community, but it has also reached out into the State and country. Union Baptist has been noted as the mother church of many surrounding churches and has produced men and women who have continued the ministry throughout this Nation.

I had the pleasure of recognizing those parishioners who have given selfless devotion and countless hours of work in making this church the success it is today. Names like Mrs. Louie Patterson who has the oldest membership of 72 years and Mr. William Harvey, the oldest deacon, with 66 years of service and Mrs. Hannah Dawson the oldest member, who also has given 66 years of service. These are only but a few of the many individuals who have given over 50 years of active support to Union Baptist Church.

All too often not enough emphasis is placed upon the importance of the church in our modern day society. Many have forgotten those strong bonds to our faith which our predecessors so valued. Indeed this Nation is one founded upon religious conviction. Our founding fathers so valued their religious freedoms that it still permeates every phase of our daily lives. Not only does the church provide a solid foundation for the family and community, but the very success of democracy depends upon the moral conviction of the people. A democracy relies upon the people and their will to create an organized society, it does not depend upon forced coercion and obedience. We are truly blessed for we are a nation which is not unified by fear or intimidation.

Mr. Speaker, my fellow colleagues, I urge you to join me in paying tribute to the Union Baptist Church and to those who have given so much to make the last 96 years of worship so successful. The right to worship as one desires is a uniquely American freedom and through worship the church has created a stronger family, community, and nation.

EXPORT 89

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. IRELAND. Mr. Speaker, the first ever trade fair held exclusively for small business was recently held in Frankfurt, West Germany, October 25 through October 28, 1989. This conference and trade fair was jointly sponsored by the United States Department of Commerce, MESSE Frankfurt, and the Small Business Private Sectors in the United States and the European community. It appears the conference was a great success both on the business and policy levels.

I would first like to publicly thank Representative ROMANO MAZZOLI of Kentucky for attending Export 89 in my place. Due to a last minute family illness I had to cancel my travel plans and on a virtual moments notice RON MAZZOLI rescheduled his entire weekend and flew to Frankfurt. A long-time friend and champion of small business RON MAZZOLI was warmly received in Frankfurt. His appearance and personal meetings with all our exhibitors were an inspiration to all the small businesses both American and European who participated. Late he conducted several ground breaking meetings in Brussels with our Ambassador to the European Community and later with members of the European Commission and the European Parliament. We all owe Representative MAZZOLI a great debt of sincere thanks.

I would also like to publicly thank several individuals who played major roles in the development of Export 89. Miss Helen Burroughs, a tried and true public servant at the Department of Commerce, did a remarkable job in pulling the event together. Mr. Thomas S. Watson, Jr., chairman of the Industry Sector Advisory Committee on Small and Minority Business and all the members of the committee performed admirably both in the arrangement process for Export 89 and in the conference held there. Our Ambassador to the European Commmunity, the Honorable Thomas Niles, was extremely helpful to all parties concerned as was his economic assistant, Mr. Paul Bagatelas, without whose herculean efforts our congressional delegation may not have been able to attend the Frankfurt event.

On the European side I would be remiss if I did not thank a few individuals who were also instrumental in both the planning and production stages. First, the members of the European Group for Small Business and Craft—the president, Mr. William Oliver, a businessman who devoted great time and resources to this event and very ably coordinated the activities for the closing ceremonies. The vice president of Eurogroup, a member of the European Parliament, Dr. Ingo Friedrich who spent many hours in the last year coordinating the American and European small business communities as well as serving as liaison with other European Parliament members. Unfortunately, Dr. Friedrich became ill during Export 89 and I wish him a very speedy recovery. The able administrator of Eurogroup, Mr. Hans-Hermann R. Heyland, displayed an extraordinary ability to coordinate varying activities and at the same time was able to monitor even the smallest developments during the conference. Mr. Heyland also was most cordial in hosting a dinner in Brussels for the American delegation. Also of extraordinary assistance to the Frankfurt event was Mr. Hans-Wilhelm Dunner, the executive director of BDS, a major West German small business organization. Mr. Dunner made several trips to the United States over the recent months and at Export 89 in Frankfurt had assembled his entire staff to work with any small business man or woman who needed assistance. All of the aforementioned individuals, both American and European are owed a major debt of gratitude by millions of small businesses on both sides of the Atlantic who will benefit enormously in the coming years by the work these people have just done.

Mr. Speaker, plans are underway to coordinate a similar event here in the United States in 1990 followed by a 1991 European event which even the Eastern bloc nations have now expressed an interest in. I intend in the future to work with our Government and the private sector to ensure the success of such events and to further solidify the entrepreneurial bond between the United States and our friends and allies in Europe. Finally, Mr. Speaker, I am pleased to be able to share with all my colleagues the final Export 89 conference results. I believe all Members will find this document very intriguing to say the least.

EXPORT 89 CONFERENCE RESULTS

PROPOSALS FOR INCREASING THE TRADE FLOW BETWEEN THE US AND THE EC

Believing that there is a major potential for the further development of small business trade between the US and the EC, the EXPORT 89 Conference decided upon the following proposals:

1. Create a US-EC Small Business Trade Council. The Conference creates an ad-hoc Working Group composed of interested members of the US and EC EXPORT 89 Steering Committees and other small business representatives to work out its mechanism. This council will have a presence on both sides of the Atlantic. Its tasks will cover:

Assisting small business members to identify potential trade and investment partners;

Providing market information;

Organising future EXPORT Conferences;

Organising training programmes and seminars

Creating a permanent US and EC data base on information on export and export cooperation which grants easy access for small businesses;

Advocating the institution of worthwhile programmes for small exporters in the private and public financing sectors;

Promoting by the US and the EC Administrations a training and exchange programme for small business persons between the EC and the US to develop business opportunities and to become acquainted with the philosophies and business practices in both markets.

2. The US and the EC small business communities support the creation of a free trade environment between the EC and the US. Priority attention should be given to the following actions:

Mutual acceptance of professional, educational and technical qualifications in the US and the EC;

Simplification and harmonisation of export and import licensing procedures;

US and EC environmental, safety and technical standards should be mutually acceptable where applicable and efforts be made to harmonise those standards that are considered incompatible;

US and EC entities should refrain from using or constructing standards that are designed and or implemented to serve as barriers. The standards include those on language, nomenclature and symbols; dimensions; performance and testing and certification procedures.

Create standard setting procedures that are transparent and allow timely and effective input from affected SMEs.

Work to eliminate problems with product liability on both sides through harmonising legislation.

Establish an Agency of Arbitration to settle tariff and nontariff trade action disputes under rapid procedures with straightforward, binding resolutions.

Simplification of access to transport, money and capital markets and facilities in order to ease trading conditions.

3. The small business participants in the EXPORT 89 Conference encourage both the EC and the US Government to pursue a policy of open markets in the GATT and in the ongoing Uruguay Round. Specifically, GATT negotiations in the Uruguay Round should incorporate in their intellectual property rights and dispute settlement procedures measures that will include special protection for small and medium-sized businesses.

4. On the issue of protection of intellectual property rights, the Conference makes the following recommendations to the US and the EC governments:

Create equal, clear and simple standards and controls of intellectual property rights in the EC and the US at bearable cost for small businesses. This should cover: Unified and simplified registration procedures, and mutual registration of intellectual property rights with national customs authorities.

Create a working group of US/EC experts to study the most efficient administrative procedures for resolving intellectual property disputes between US and EC companies.

NATIONAL PREVENT-A-LITTER MONTH

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. GALLO. Mr. Speaker, today I am pleased to introduce a joint resolution designating the month of April 1990, as "National Prevent-a-Litter Month."

This joint resolution calls attenton to the nationwide crisis of pet overpopulation, promotes responsible pet ownership, and focuses on the primary solution to this problem—the need for pet owners to spay and neuter their pet dogs and cats.

Senator CRANSTON is introducing companion legislation in the Senate to promote this same deserving cause.

To illustrate the scope of the pet overpopulation problem, I would like to share some statistics with you: One female dog and her offspring can be the source of 67,000 puppies in just 6 years; one female cat and her offspring can be the source of 420,000 cats in only 7 years; there are 70,000 dogs and cats born in the United States every day, compared to 10,000 humans; 12 million dogs and cats are brought to animal shelters each year, 7.5 million must be destroyed because there are not enough homes for them; and nationwide, animal control and animal shelter programs cost communities almost $800 million each year.

When I was in the New Jersey Assembly, I sponsored legislation that established a program to assist low-income individuals by subsidizing the cost of spaying or neutering their pets. Since the enactment of my 1983 bill, the New Jersey program has benefited thousands of pet owners. Because the program is funded entirely by license fees, there is no cost to the general public.

By passing a resolution declaring April 1990 as "National Prevent-a-Litter Month," Congress can play a major role in the campaign to reduce pet overpopulation. At a time of nationwide budget concerns, the success of this campaign will also help local governments address this crisis, thus making funds available for other worthwhile purposes.

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 220

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SLATTERY. Mr. Speaker, I want to take this opportunity to commend Energy and Commerce Committee chairman JOHN DINGELL and Transportation and Hazardous Materials Subcommittee chairman TOM LUKEN for the rapid progress this measure has made through the legislative process. As an original sponsor of this resolution, I also want to commend my colleague from Kansas, BOB WHITTAKER, for the leadership he has taken in introducing this measure. My colleague from Kansas is also to be congratulated for his recent announcement of his plans to return to the private sector after 12 years of dedicated service to the people of southeast Kansas.

As a member of the Budget Committee, I share the concern of many railroad retirees over the manner in which supplemental annuities have been reduced under sequestration.

Under Gramm-Rudman-Hollings, COLA's certain Federal retirement and disability programs are exempt from sequestration, including tier II rail retirement benefits. Despite this fact, under President Reagan's 1987 sequester, OMB determined that supplemental benefits under tier II should be reduced. In 1988, after that sequester was restored, the Comptroller General's Office issued a letter finding that the supplemental annuity pension fund is exempt from sequestration. The Comptroller General's opinion is consistent with the findings of a report by the General Accounting Office, which also found that OMB's interpretation is incorrect. Now, under President Bush, OMB has again made the same error.

Of the 1 million rail retirement annuitants, almost 200,000 retired employees receive supplemental annuities in addition to their regular annuities. The supplemental annuity reductions required by Gramm-Rudman-Hollings begin with monthly benefits due for October which are payable November 1, 1989, and will average about $1.25 per month.

This resolution expresses the sense of Congress, based upon this history, that supplemental benefits under tier II should not be sequestered and that the current sequestration should be restored. We need to send President Bush and his OMB a loud, clear message on this, and I hope we can get it through both Houses of Congress before Thanksgiving.

CONFERENCE REPORT TO ACCOMPANY H.R. 2883—AGRICULTURE APPROPRIATIONS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. TRAXLER. Mr. Speaker, I rise in support of the conference report to accompany H.R. 2883, the Agriculture appropriations bill for fiscal 1990. I want to offer my compliments and special thanks to the chairman of both the full committee and the subcommittee, Mr. WHITTEN, and to our ranking Republican member, the gentlelady from Nebraska, Mrs. SMITH.

We bring before you today a conference report that is the best judgment of what we can do in these very difficult budget times. Modifications have been made in both the original House and Senate recommendations in a spirit of impartial compromise while maintaining a recognition of some very pressing problems requiring funding by USDA over the next several months.

Mr. Speaker, I am pleased that we were able to provide some modest increases in our research and extension programs. In some instances our recommendations are below the original House-passed levels, but our budgetary limitations left us no other choice. There

are very meaningful programs like the formula funds for both the Cooperative State Research Service and the Extension Service that get extremely modest increases which will admittedly not even cover inflation. But until agriculture and other domestic programs receive larger allocations under our budget process, we are not able to provide the level of support that those of us on the subcommittee know is a more realistic level of funding for safeguarding our future agricultural productivity.

I am pleased that a number of special Michigan research projects were approved by the conference committee, including the provision of $3 million for design and preliminary construction work for a food toxicology center at Michigan State University. This effort is vital as we move to further assure consumers about the wholesomeness of food and production practices.

I am also pleased that we were able to provide a modest increase for the subirrigation project in Michigan. The funds combined from the Cooperative State Research Service and the Soil Conservation Service will allow for an increase of $63,000 over current funding levels, bringing total annual support for this project to $313,000. This modest increase should allow for preliminary work on establishing a pilot irrigation district and other related matters.

This project is one component of an increasingly larger effort on the part of USDA to work on problems associated with the use and supply of ground water. A major multimillion dollar research effort will be undertaken with funds provided to the Agricultural Research Service, the Cooperative State Research Service, the Extension Service, and the Soil Conservation Service. The work that has been done on the Michigan subirrigation project should help serve as a model for interagency and intergovernmental cooperation.

The agreement also provides $2,188,000 for the Michigan Biotechnology Institute, an increase over last year, but below the House amount as a result of the company compromises that had to be made. We expect that this effort will continue to move us toward commercial-scale tests of bioprocessing for the benefit of both producers and consumers. We expect to begin reviewing some of the preliminary results of this research as part of next year's appropriations hearings.

Many special research grants in Michigan were held to fiscal 1989 levels in an effort to provide on-going support for reseach that has great importance to the producers of a variety of specialty crops, while again keeping matters within our overall budgetary limitations. I am particularly pleased that our partnership in the Saginaw Valley Bean and Beet Research Farm will continue with a Federal contribution of $190,000 as the facility continues test varietal plots and works on narrow row planting technology for both sugar beets and dry beans.

While the funding for the Commodity Supplemental Food Program was not an issue with the Conference, I want to again raise here the point that both the House and Senate committees share the view that conversion of caseload from mothers, infants, and children to the elderly should be done on a local agency basis. This view is in direct line with the statutory provisions that call for conversion upon the request from a local agency. I am hopeful that the Department will be more willing to recognize the interest in caseload conversion in the immediate future. If there are hungry people who need help and caseload remains available, it should be used to help the person at the lead of the line, regardless of age.

Mr. Speaker, I also want to briefly mention that the conference agreement provides for the maintenance of the House's position on the Food and Drug Administration's treatment of red dye No. 3. Additional testing is needed before any final decisions are made, and FDA can continue to take such action as in the joint best interest of consumers and producers.

We bring you a good conference report worthy of your support, and I urge all of our colleagues to vote to approve the conference report on fiscal 1990 funding for the Department of Agriculture.

HOUSE DEFENSE APPROPRIATIONS BILL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. BOXER. Mr. Speaker, I want to express my deep gratitude to the members of the Appropriations Subcommittee for their support of my efforts, and those of Congresswoman PELOSI, to maintain the Presidio as an Army base in San Francisco.

The language of the statement of managers, directing the Secretary of the Army and the Secretary of the Interior to develop a plan allowing the Army to lease back certain facilities at the Presidio, is a victory for the people of San Francisco, and for the American taxpayers. Congresswoman PELOSI and I have been saying for nearly a year that the inclusion of the Presidio on the base closing list was a mistake and that it would cost more to close it than to keep it open. Very simply, most of the Presidio property cannot be sold if the Army leaves but reverts to another Government agency, the Department of the Interior. The cost of health care was underestimated by the Commission, as were environmental cleanup costs. And the mission of the 6th Army is not being eliminated, but merely transferred to another location.

The General Accounting Office in an interim report last June confirmed our calculations. For instance, they agreed that health care costs to the Government would skyrocket if those served by Letterman Hospital had to rely on the civilian CHAMPUS program and Medicare, instead. The bottom line, said the GAO, is that the costs of closure would exceed savings for 21 years, a violation of the charter and mission of the Base Closing Commission, which was to target only those bases that would pay back within 6 years.

I thank the conferees for recognizing the folly of pursuing the recommendations of the Commission with regard to the Presidio. I believe the committee has chartered a wise and very promising course. The management of the Presidio will fall to the Department of the Interior, as intended by the law passed by the late Congressman Phil Burton. However, through a leaseback arrangement, major Army functions will remain in San Francisco, including the activities of the 6th Army Reserves and operation of Letterman Hospital.

Again, I am extremely pleased by the fine work of this committee, and in particular, of the chairman of the Defense Appropriations Subcommittee, JOHN MURTHA. We look forward to working with the committee, the Department of the Interior, and the Secretary of the Army over the next few years to establish and implement a plan that honors congressional intent by preserving the Army presence at the Presidio, maintaining the Presidio as a beautiful park and environmental refuge under the stewardship of the Department of the Interior, and achieving maximum cost savings for the Government.

MORITA SAYS, "WAKE UP, AMERICA"

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. LAFALCE. Mr. Speaker, much attention has been focused of late on a series of essays entitled, "The Japan That Can Say 'No'." Written by Sony Chairman Akio Morita and Shintaro Ishihara, a prominent member of Japan's ruling Liberal Democratic Party, the essays have generated much criticism in this country and renewed concern about a possible wave of "America bashing" in Japan.

Obviously sensitive to the interest and minor furor which the essays have generated in this country, Morita has been careful in recent weeks to emphasize that his essays and views are to be distinquished from those of Mr. Ishihara's. And, in fact, most of the criticism has been leveled at Ishihara, not Morita. Ishihara's essays suggest that racial prejudice is at the root of "Japan bashing," and urge that Japan take a tougher stance against the United States. Morita's comments by contrast, tend to be more thoughtful and restrained than those of his fellow countryman. I would like, in fact, to share with my colleagues a few excerpts from his essays.

I take this step—despite the controversy surrounding the essays—because they contain some important and, I think, some fair criticism of the United States and its approach to competitiveness. Morita's essays in particular deserve closer scrutiny than they have received to date. A summary of his key points might best be entitled, "Wake Up, America" instead of the more cryptic and ominous "The Japan That Can Say 'No'."

One of his essays is entitled, "The Decline of an America Which Can Only See Ten Minutes Ahead." As the title suggests Morita feels that U.S. competitiveness suffers from a myopic preoccupation with the short-run, in contrast to the long-range thinking which characterizes much of Japanese planning. We can all disagree with him regarding his pessimistic view of America's future, but we ought not to ignore the attendant warning.

In another essay, he addresses what he regards as America's lack of "business creativity" in such important areas as the marketing of new technologies. Here, too, it would be easy to dismiss this criticism as so-much "America bashing," but that, I submit, would be a mistake. Many American observors have made the same charge. Morita's criticism may be gratuituous, but it is also constructive.

Finally, Morita makes the point that the United States and Japan are "inescapably interdependent." And so we are. But in making this observation, he targets his own country for as much criticism as he does the United States.

I urge my colleagues to read these excerpts with care and interest. There is much that we can learn from our economic competitors.

THE JAPAN THAT CAN SAY "NO"

(Essays by Akio Morita and Shintaro Ishihara)

(An unofficial translation)

THE DECLINE OF AN AMERICA WHICH CAN ONLY SEE 10 MINUTES AHEAD

(By Akio Morita)

AMERICA LOOKS 10 MINUTES AHEAD: JAPAN LOOKS 10 YEARS

I delivered a speech in Chicago entitled "Ten Minutes vs. Ten Years." I stated that we Japanese plan and develop our business strategies ten years ahead. When I asked an American money trader "how far ahead do you plan . . . one week?" The reply was "no, no . . . ten minutes." He was moving money through a computer, targeting the fate of that transaction ten minutes later. So, as I told the Americans, we are focusing on business ten years in advance, while you seem to be concerned only with profits ten minutes from now. At that rate, you may well never be able to compete with us.

A well-known economist, Peter Drucker, wrote recently: "Americans cannot live in a symbol economy where businessmen play only with numbers; Americans should come back to a real economy where money moves in accordance with real production activities."

Unfortunately, in America, stocks are owned and handled by institutional investors whose fund managers actually buy and sell stocks in huge numbers in an attempt to maximize profits in a given short period of time. At the slightest increase in stock prices, they sell, and when the profit margin of any company declines as a result of poor management, they sell before the company's stock prices begin to decline. For them, the name of the game of nothing but quick profits.

It is expected that the American service industry will flourish. This includes finance and financial services, where entrepreneurs and investors alike do not leave their money in long-term projects, such as the ten-year projects that have been implemented in Japan. The American economy is, then, an economy without substance. It must return to a real production economy.

In America, R&D is closely linked to the military budget. R&D in the private sector is heavily dependent on military expenditure. As a result, a corporation can engage in the development of a new fighter without worrying about profit or loss. On the other hand, budget constraints on NASA and the military agencies will directly reduce the volume of R&D.

A ten-minute profit cycle economy does not permit companies to invest in long term development. There are some exceptions, such as IBM, AT&T, DuPont and some others. But they do not represent the mainstream of American business now days. Gradually but surely, American business is shifting toward a symbol economy. In addition, it seems fashionable to call the service industry the "futuristic third wave" and information and intelligence is the business of the future. But these produce nothing. Business, in my mind, is nothing but "value added;" we must add value and wisdom to things and this is what America seems to have forgoten. And this is the most deplorable aspect of America today.

Japan will do fine as long as it continues to develop and produce things of tangible value; a shift from high technology industry to quick profits from the money game will only serve to accelerate the degeneration of the country. We must take precautions against such developments, providing for, for example, tax advantages for long term investments.

It is even more the case in America. A quick profit from a stock deal should be taxed at a higher rate than those on long term investments. Capital gains should be subject to a lower rate of taxation.

Recently I said, "America is supposedly the number one industrial country in the world. Why don't you have a Department of Industry?" Seated next to me was the chairman of the Ford Motor Corporation, Mr. Caldwell, who replied "that's right—we are supervised by the Department of Transportation." The Department of Transportation is interested in emissions control and highway safety, but has no interest in or jurisdiction over the future of the automobile industry in the United States.

America is the only nation among the advanced industrial countries that does not have a Department of Industry which is responsible for industrial policy. Instead, the Department of Commerce and USTR preside and their only concern is trade related matters and they criticize others for the failure of American industry.

AMERICA ITSELF IS UNFAIR

(By Akio Morita)

AMERICA LACKS BUSINESS CREATIVITY

Americans and Europeans are always saying "We're getting ripped off by Japan. They take the ideas we have invented, make products and then the onslaught comes. We are being damaged, they're disgraceful." Japan has certainly done better more recently, but the U.S. and Europe are very much advanced in basic research.

Last year, I was invited to speak to about 100 researchers who worked at the Bell Laboratories at ATT.

The Bell Laboratories have about 7 people who have won the Nobel Prize. To me, it seemed that I would be speaking before some of the greatest men of our time. Prior to the speech, I was shown around the Bell Laboratories, where a number of wonderful research projects were underway.

As you must know, the transistor and the semiconductor, which are at the root of the current revolution in industry were invented at the Bell Laboratories. It really brought home to me how wonderful America was.

The basic message I brought that day was that this type of research was extremely significant academically in terms of both science and culture, but to be significant from the standpoint of business and industry, two other types of creativity, in addition to the creativity required to make the original invention, were absolutely necessary.

Industry requires three types of creativity. The first, of course, is the basic creativity necessary to make technological inventions and discoveries. This alone, however, does not make for good business or good industry.

The second type of creativity that is necessary is that involving how to use this new technology, and how to use it in large quantities and in a manner that is appropriate. In English, this would be called "product planning and production" creativity.

The third type of creativity is in marketing. That is, selling the things you have produced. Even if you succeed in manufacturing something, it takes marketing to put that article into actual use before you have a business.

The strength in Japanese industry is in finding many ways to turn basic technology into products and using basic technology. In basic technology, it is true that Japan has relied on a number of foreign sources. Turning technology into products is where Japan is number 1 in the world.

Sony was the first company in Japan to license the transistor patent from Bell Laboratories, back in 1953. At that time, the transistor was only being used in hearing aids. We were repeatedly told to take this transistor and manufacture hearing aids.

When we brought this new transistor back to Japan, however, Mr. Ibuka of Sony said, "There is not much potential in hearing aids, let's make a new transistor and build radios." At that point, we put all of our energies each day in developing radios which used transistors. One of our researchers during this development effort, Mr. Esaki, subsequently went to work for IBM where he earned a Nobel Prize, but it was at our company where he did work worthy of the Prize. There are a number of Japanese who have received Nobel Prizes, but Esaki was the only one who worked for a research laboratory of a company. We poured money into development of new transistors, and developed small radios for the market, an effort that was worthy of the Nobel Prize.

It was an American company, however, who made the first transistor radio. I became a salesman, and took my product with full confidence to the United States to sell it. Prior to this sales effort, the newest innovation was a vacuum tube type of amplifier which required a lot of space. When the American company, which was a famous radio manufacturer, was initially rebuffed by people telling him "since we have this great sound and large speakers, who would want to buy your little radio," that company just quit trying to manufacture transistor radios.

We, however, had something else in mind as a way to sell these radios. "Currently in New York, there are some 20 radio stations broadcasting 20 different programs during the same time frame. If everyone had their own radio, then each person could tune in to the program he or she wanted to listen to. Don't be satisfied with one radio for the whole family, get your own radio. The next step was to do the same for televisions." This was a new marketing concept. One radio for one person became a kind of catch phrase in this campaign and the result was that Sony transistor radios became famous throughout the world.

While it is true that Sony was second in developing the transistor radio, the company who did it first lacked the marketing creativity, so without much thought, they simply quit and pulled out of the market.

America has stopped manufacturing things, but this does not mean that they do not have the technology. The reason why the link between this technology and business has not been firmly connected is because they lack the second and third types of creativity, turning products made with the new technology into a business. I feel that this is a big problem for them. This exact area happens to be Japan's stronghold for the moment.

When I went to speak at the Bell Laboratories, I got the chance to look at a lot of their research on advanced technology. I felt that they may well come up with something new that was even more important than the transistor, but since Bell Labs is a part of ATT, they are not thinking of anything except for telecommunications applications. There is not one person there who is thinking about how to use the new technology they are developing as a business. I think that this is one area where the U.S. comes up wanting. It is my feeling that even though times are good in America now and employment is up, the time will never again come when America will regain its strength in industry.

THE UNITED STATES AND JAPAN ARE "INESCAPABLY INTERDEPENDENT"

(By Akio Morita)

NO WAY TO AVOID THE TRADE FRICTIONS

Recently the expression, "inescapable interdependence" has been heard quite often among Americans. If we dare to explain this concept in a more extreme way, perhaps we can say it's a "fatal attraction". With this trend now prevailing in the world, we have no choice but to live cooperatively. Everyone on earth not just the United States and Japan is mutually dependent and this is unavoidable. This is the times that we are facing now. What does cooperation mean?

A Japanese tends to say, "Let's work together." But I often wonder whether they really understand its meaning. This can be applicable to Americans, as well. We are at home using this expression but it seems to only be used as a convenience. Furthermore it is out of the question to force "cooperation" through threats.

To cooperate is to maintain harmony. It is not harmonious to force your adversary. When they cope with you, you, too, must cope with them. You have to give up some of your interest; you must abandon something.

I tell people whenever I have a chance that we know that it is to be selfish but hardly anybody is aware when he himself is being selfish. We say that one is selfish but actually this person probably has no idea that he is perceived as such. In this sense, Japan also can be thought a little bit selfish by other countries, although we hardly have such idea.

Looking for the reason, we are so perceived, the opening of the domestic market can be one example. Everyone agrees that we should open our markets to foreign traders, but when it comes to individual, this is hard to actualize since someone says, "no, I cannot accept this", and then someone else says, "no, I cannot accept that." Although at summit meetings, Japanese leaders assure others that they will do their best, and they actually do try to open the market. In the end, however, this is never actualized since their promise goes against domestic interest groups and they are forced to back down. Only lip-serve followed by no achievement might result in being called "liars" and this is surely worse than "selfish."

The development of communication technologies means this is a shrinking world and any country will be left alone if it does not talk frankly to its people and friendly countries about the compromises that they must accept.

Free people in the free world ask for their freedom but at the same time they respect the freedom of others. And I think it is genuine freedom to think "we should abandon some so that we can respect others". It will simply increase friction if we just look out for our own benefit, and put priority on winning the race based on the premise that we simply can focus on our interests alone since we are in the world of free economy.

We should also recognize that friction seldom occurs with those who are far from you. Friction occurs as we move closer. We cannot escape from the trade friction as long as we belong to the world of "inescapable interdependence".

THE DUTCHESS COUNTY HISTORICAL SOCIETY CELEBRATES ITS 75TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. FISH. Mr. Speaker, it is a great pleasure for me to extend my congratulations to the Dutchess County Historical Society, of Dutchess County, NY, on the occasion of its 75th anniversary.

The Dutchess County Historical Society was founded in 1914, by a group of 50 county residents who were dedicated to preserving and promoting the area's rich history. Seventy-five years later, the society continues to keep the county's interesting and distinctive past alive. To this end, it has offered its members special programs, local history field trips and the Yearbook, a journal of county history. Additionally, the Clinton House, the society's headquarters in Poughkeepsie, houses a growing collection of historical objects, archival material, a local history library, rotating exhibits, and a gift shop. Together with the Junior League of Poughkeepsie, it is involved with the restoration of the historic Glebe House.

Throughout its existence, the membership of the Dutchess County Historical Society has continued to grow. At this time the society has over 800 members. A number of prominent Americans have been involved with this organization. Included on this list is President Franklin D. Roosevelt, who belonged to the society from its inception in 1914 until time of his death in 1945.

The size and influence of the historical society is not surprising in light of the history of Dutchess County. During the colonial era it was a thriving agricultural area, which grew to be larger than New York City by the time of the American Revolution. The fact that the Federal Constitution was ratified by the State of New York in the county's seat of Poughkeepsie manifests its historical significance. Prior to the creation of Putnam County, Dutchess County reached to the Manor of Cortlandt, now a part of Westchester County, embracing the Hudson Highlands. The inspirational beauty of these highlands has attracted artists before and since Currier and Ives.

As we move into the last decade of the 20th century, it is important that we not forget the historical people and events which brought us to the present. Therefore, I take pride in bringing the Dutchess County Historical Society to the attention of the House of Representatives.

MARY I. DuVALLY: SURVEYOR OF THE YEAR

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to Mary I. DuVally who was named Surveyor of the Year by the Association of Health Facility Licensure and Certification Directors.

Ms. DuVally was chosen from a field of 4,000 nurses, dieticians, therapists, and other health officials who inspect nursing homes. A further tribute to Ms. DuVally was the fact that she was the second Rhode Islander to be named Surveyor of the Year in 4 years.

Ms. DuVally grew up in South Providence. She attended the St. Joseph School of Nursing and the University of Pennsylvania School of Physical Therapy while caring for crippled youngsters who had been striken by polio upon her graduation. Ms. DuVally left Rhode Island to assume the position of chief of physical therapy at the University of Pennsylvania Graduate Hospital. Returning to Rhode Island in 1962, she has been working as a consultant and a member of the facilities regulation staff every since.

I would like to thank Ms. DuVally for her years of dedication to the field of physical therapy. Her devotion is a tribute to her love for her fellow man and I can only hope that others will follow the example she has established.

A TRIBUTE TO DETECTIVE RICHARD GUERZON

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. LENT. Mr. Speaker, in our communities every day, there is a constant struggle to win the war against crime and drugs. In Congress and in State capitals across the country, legislators enact laws to better protect our families and to keep criminals behind bars. Citizen groups, schools, and local governments are all involved in this ongoing effort.

The members of our Nation's police force, in particular, deserve special praise for their tireless work in the fight against crime. These men and women put their lives on the line every single day, to keep our neighborhoods and our children safe. They are in the thin blue line of defense against the violence and terror of the streets. The job of a police officer

is a dangerous one. It always has been. It always will be.

But as private citizens, I think we often take members of the law enforcement community for granted. We don't appreciate them until they're needed or until something tragic happens that makes us sit up and take notice.

Today, I rise to honor an outstanding police officer, Detective Richard Guerzon, a constituent of mine from Merrick, NY, who was killed in the line of duty earlier this week. A member of the Queens, NY district attorney squad, Detective Guerzon became a police officer in 1969 and worked his way up to detective in 1975. Along the way, he earned an exemplary record of service, accumulating five excellent police duty citations, seven meritorious awards and one department commendation for outstanding performance.

Through a twist of fate, he volunteered to assist Detective Keith Williams, also a member of the district attorney squad and an 8-year veteran, to take Jay Harrison back to Riker's Island from the district attorney's office where he had been held for questioning in a homicide. But they never made it to Riker's Island. Jay Harrison had a gun, and while sitting in the back of the squad car, fatally shot both officers and fled.

In every sense of the word, Richard Guerzon was a hero. A decent, honorable man he devoted his life to pursuing justice, upholding the law and making order out of chaos. During his 20 years on the force, he distinguished himself for his diligent investigative work and for going the extra mile, as he did that last day.

Richard Guerzon's dedication and unflagging commitment to protecting the public welfare and combating crime is worthy of the highest commendation. Our humble praise scarce does justice to all that he has done for his neighbors, his community, for all of us.

The public and especially members of the police force have been deeply shaken by their senseless death. But I hope the outrage and disgust we all feel at this heinous, unconscionable act can be gathered up and directed toward something positive and productive. Detectives Guerzon and Williams did not die in vain, and our commitment to carrying on their work would be an enduring tribute to these fine men and the sacrifices they made.

To Mrs. Guerzon and their four children, I offer my deepest sympathy at your tragic loss. You should be very proud of your husband and father. We owe him so much. My only regret is that we didn't have the chance to tell him sooner.

TRUST AND VERIFY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SHAW. Mr. Speaker, when dealing with the Soviet Union, President Reagan was fond of saying, trust and verify. Mr. Bush has taken this same view in his dealings with Mr. Gorbachev: trust and verify. Now, Mr. Speaker, on the eve of the President's summit meetings with Mr. Gorbachev, I urge Mr. Bush to follow his own advice. Do not offer to waive the Jackson-Vanik amendment and grant most-favored-nation status to the Soviet Union until the Soviet Union codifies its new emigration laws.

Mr. Bush has said in the past that he would consider waiving Jackson-Vanik as long as the appropriate assurances could be offered. I urge Mr. Bush to make sure that these assurances are offered. Let's see if Mr. Gorbachev is true in his pledge to continue allowing 50,000 people a year to emigrate. Let's not just take his word for it. Let's make sure that the new emigration law is written, implemented and then carried out before we reward Mr. Gorbachev by waving Jackson-Vanik and offering most favored-nation status. I urge Mr. Bush to trust and verify.

STATEMENT IN SUPPORT OF THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, I am pleased to join PAT WILLIAMS and other members of the Education and Labor Committee in being an original cosponsor of legislation which provides Federal assistance to the National Board for Professional Teaching Standards.

No one would deny that the quality of the teacher is the most important factor in education, and in our attempts nationally and locally to reform the educational system. We give lip service to the importance of teachers, but teaching as a profession draws fewer and fewer of our best and brightest young people.

Our Nation faces an acute shortage of qualified teachers at the very time our Nation is most in need of them. We know the connection between education and a highly skilled, technologically literate work force. We know that international comparisons show American students scoring far below students in Europe and Asia in the areas of mathematics and science. We know that increasing numbers of American students fail to complete high school and cannot function effectively as workers of citizens of a democracy.

Whom will we turn to, but to the teacher, to solve these problems? How do we tempt a million talented young people into teaching, and then get them to develop their knowledge and skills through years of practice in the classroom? And how do we hold on to the fine teachers already in the schools, who watch talented colleagues leave education for other fields?

The National Board for Professional Teaching Standards is an important part of the answer to these questions. By setting high and rigorous standards for what teachers should know and practice and then certifying those who meet the standards, the Board will set a standard of accomplishment and professionalism which will inspire excellence in our schools.

National Board Certification will enable experienced teachers to seek advanced recognition on a voluntary basis. Through an assessment process that would require candidates to demonstrate their competency in the classroom; knowledge of the subject areas, understanding of the emotional and intellectual development of their students; and expertise in the practice of instruction. Teachers, for the first time, will have the opportunity to meet a fair and demanding professional standard.

Board certification will give these teachers greater recognition, responsibility, and reward. School districts will seek to recruit and retain Board-certified teachers and will encourage beginning teachers to seek the knowledge and mastery of their field required for certification.

The Board has the support of both the National Education Association and the American Federation of Teachers. Many teachers, still active in the classroom, sit on the Board. The Board has the endorsement of the National Governors' Association and the National Association of State Boards of Education, as well as financial backing from the Carnegie Foundation, Xerox, DuPont, Chrysler, and other leaders of the foundation and corporate communities. This legislation will provide Federal matching funds to fulfill the Board's goal of beginning to certify teachers in 1993.

Although I strongly oppose any direct involvement by the Federal Government in educational matters which should be left to State and local authorities, a Federal investment in this public/private partnership is not only crucial to enhancing the professionalism of teachers, but it is also the direct way to protect the Federal Government's investment in American education.

The structure of the Board insures that there will be no direct Federal involvement. Every Federal dollar must be matched by private funds and must be competitively spent on research and development activities, awarded openly to universities, scholars, teachers, and research institutions.

Currently, the Federal Government spends about $11 billion annually on elementary and secondary school education. $221 million has a more-or-less, direct impact on teachers, through scholarships, fellowships, and Presidential awards for excellence in such areas as math and science. President Bush has proposed an additional $8 million for "Awards for Excellence" for outstanding teachers.

This national, voluntary program of advanced certification and professional enhancement is one of the most promising opportunities we have to deal with the national crisis in education and in the teaching profession. Such a Board will improve the quality of teachers and teaching, and hopefully will enable our schools to retain the best and brightest by recognizing their excellence in the classroom.

We must attract new teachers for the teacher shortages facing our schools in the 1990's, and we must retain those who are most talented. With Federal support, and I emphasize not Federal involvement, the Board can help make teaching both an honorable calling and a respected profession in its own right.

NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. GOODLING. Mr. Speaker, I am unalterably opposed to any Federal funding for the creation of national standards for the teaching profession. In October of this year, I wrote to Chairman NATCHER, Mr. CONTE, and other members of the House Appropriations Subcommittee on Labor, HHS, and Education and voiced my opposition to a $5 million set-aside for the National Board for Professional Teaching Standards, which had not yet been authorized or even introduced as a bill in the House.

Lawyers, physicians, and other professions have developed professional standards boards, but they have done so without asking the Federal Government to provide money to exist.

This legislation authorizes $20 million for a national board, moneys which must be matched dollar-for-dollar by the private sector. Given the Federal budgetary restraints, such an enterprise should seek all of its funding in the private arena. If Congress even had the $20 million, I would argue that this money be used to attract the best and brightest to the teaching profession, rather than subsidizing standards for elite teachers.

Additionally, the Department of Education can already carry out this kind of research activity through an open, competitive grant process through its national research centers. The Department currently supports research on teacher assessment and certification procedures.

I will oppose legislation authorizing a national standards board, both in committee and on the floor of the House. The Federal Government has no legitimate role to play in subsidizing and implicitly underwriting national standards for teachers.

THE NORTHWEST INDIANA HISPANIC COORDINATING COUNCIL'S FIRST ANNUAL CONFERENCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to the northwest Indiana Hispanic Coordinating Council for their successful sponsorship of the First Annual Conference on Hispanic Issues, held at Purdue University Calumet in Hammond, IN.

Established last year by 35 northwest Indiana Hispanic groups, this organization is committed to improving the quality of life of Hispanic Hoosiers. I was honored to attend this conference, for it created a forum in which community, State, and national leaders were able to discuss strategies that addressed a broad range of concerns that will directly affect Hispanics in the 1990's.

Education and the competitiveness of Hispanics in the workplace topped the agenda of many community leaders. It is my understanding that Hispanics are the fastest growing ethnic group in the United States. By the year 2000, they will comprise 15 percent—30 million—of the total American population. Unfortunately, many will be ill-prepared to compete in the work force. Among adults 25 to 34 years old, only 61.7 percent of the Hispanic population, in comparison to 88.8 percent of non-Hispanics, completed at least 4 years of high school.

Many northwest Indiana Hispanic leaders emphasized the importance of community involvement and funding for the development of educational programs, especially bilingual and vocational skills programs, to ensure the survival of Hispanics in the workplace and society.

Other key issues discussed included the accessibility of adequate health care for the community, especially senior citizens, and the importance of the upcoming 1990 census. Hispanics were undercounted by as much as 10 percent in the 1980 census. A more accurate census count would ensure the appropriate distribution of Federal funding to areas in need.

Mr. Speaker, I salute the efforts of the northwest Indiana Hispanic Coordinating Council for their outstanding commitment to addressing the needs of their community. The council is the embodiment of hope for Hoosier Hispanics. The strategies and goals developed during the conference will benefit the entire northwest Indiana community. I wish them continued success in furthering the progress of Hispanics and hope that they will serve as an inspiration and example to all community service groups in northwest Indiana.

POSTEMPLOYMENT RESTRICTIONS IN ETHICS BILL

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. SMITH of Texas. Mr. Speaker, as sponsor of the initial bill in the last Congress to extend postemployment restrictions to the legislative branch and as sponsor of the President's ethics bill, which extended the restrictions to all three branches, I am pleased with the postemployment language worked out with the White House and adopted in the Senate bill.

It adopts three policy approaches that I have strongly advocated over the last 2 years: First, it applies only to particular acts; second, it eliminates compensation as an element of the offense; and third, it extends coverage to all agencies of the legislative branch.

This is a fair, commonsense approach. It is worthy of our support.

ALLYSON POLLARD NAMED TEEN VOLUNTEER OF THE YEAR

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DARDEN. Mr. Speaker, Allyson Pollard, an eighth grader at Marietta Junior High School in the district I represent, is an outstanding young woman who has been recognized as "teen volunteer of the year" by the Georgia Health Care Association. Allyson spent many hours as a volunteer at Shoreham Health Care Center in Marietta, GA. Allyson eagerly offered her time during her summer vacation and weekends to assist the senior citizens at the center with their daily activities. She has been a source of joy to many at the nursing home, and her willingness to volunteer has encouraged others to get involved. If Allyson Pollard is representative of this generation of young Americans, we have much cause for hope for a bright future for our Nation.

AWARDING OF TECHNICAL ASSISTANCE GRANTS

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. DOUGLAS. Mr. Speaker, today I am introducing a bill to increase and improve the ability of the public to participate during the corrective action permitting process under the Resource Conservation and Recovery Act, known as RCRA. Seeing the need for more citizen involvement and technical assistance during this process, I drafted legislation which calls for the awarding of technical assistance grants. These grants would allow citizen groups to monitor, investigate, or obtain information about pollution caused by releases of hazardous wastes at storage, treatment, and disposal facilities.

A similar program for grants already exists for citizen involvement under the Superfund Program. My bill now makes citizen involvement available to any group of citizens which may be affected by a release of hazardous waste that is not at a Superfund site.

The public pays a very important role in the protection of our environment. I want to ensure that citizens are given the legal avenues through which to participate in cleaning up hazadous waste and that all barriers to their involvement are eliminated. Under my bill, the Environmental Protection Agency can award up to $2 million for the technical assistance grants in fiscal year 1990. No new appropriation is called for under this bill.

FRATERNALIST OF THE YEAR

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. KOLTER. Mr. Speaker, I rise today before the U.S. House of Representatives to honor Mary Jo Wojton of Ford City, PA, who has been chosen 1989 Polish Falcons of America Fraternalist of the Year.

Mrs. Wojton, who with her husband, Valentine, Jr., are the parents of five children, has been a member of Nest No. 159 in Ford City for 32 years. It is the third largest of the 141 Nests in the Polish Falcons.

After receiving her teaching certificate from the Greensburg Diocese, she became a CCD teacher and eventually principal of the junior high catechetical program for 12 years. Mrs. Wojton was also a member of the St. Francis of Paola Church Council for 6 years.

Within her community, Mrs. Wojton played a very active role in many projects, organizations and events, most notably her participation in the Ford City Founder's Day Project, the Ford City Community Picnic Committee (of which she was chairperson for 2 years), and the Ford City Heritage Days Celebration. For this major event, Mrs. Wojton was the publicity chairman.

No matter what worthy organization, Mrs. Wojton was always trying to help the group raise funds, provide programs, improve the community and help the handicapped.

Joining the Polish Falcons of America Nest No. 159 at the age of 19, Mrs. Wojton has been a very active member ever since and was elected treasurer of the Nest in 1982.

Also in 1982, Mary Jo and her family moved to the Nest's Falcon Park to become resident manager of the facility.

Most importantly, Mr. Speaker, Mrs. Wojton organized area parents to obtain classes and weekly transportation for all deaf and hard-of-hearing people in the area, including two of her own children, who were born deaf.

Mrs. Wojton has proven to be a relentless campaigner for equal opportunity for the deaf, who fought her way through the courts on behalf of the deaf as well.

Ford City is very proud of Mrs. Wojton, Mr. Speaker, as we all are in western Pennsylvania, and I congratulate this outstanding local woman as she is recognized nationally by the Polish Falcons, by honoring her before the Congress today.

HOUSE PASSES LANDMARK OILSPILL LEGISLATION

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mrs. UNSOELD. Mr. Speaker, recent oilspills reaffirm my belief that there's nothing soothing about oil on troubled waters, especially when sensitive coastal areas and fisheries resources are at stake. Whether it's 11 million gallons of crude oil spilling into Prince William Sound or 250,000 gallons of bunker fuel off Grays Harbor, these disasters scar our shorelines and create havoc for marine ecosystems and for those who depend on clean water and coastlines for their livelihood.

As one who worked to address this problem in the Merchant Marine and Fisheries Committee and in this Chamber, I am gratified that the House recently passed strong, comprehensive oilspill liability and prevention legislation.

This landmark legislation sets up a single Federal liability and compensation system, consolidating four existing Federal oilspill liability laws that have differing and sometimes conflicting provisions. The new system applies to spills from vessels and onshore and offshore facilities that could pollute navigable waters. The bill goes further, taking significant steps to prevent and respond to future spills.

Mr. Speaker, our bill sends a strong message to those who transport oil along our waterways. It provides liability for damages, including harm to natural resources; it articulates clear goals and standards for cleanup and restoration; and, most important, it requires that cleanup standards and liability limits meet the more stringent standards applicable under an affected State's environmental law.

Two dozen States already have their own liability and cleanup laws and regulations relating to oilspills; in 17 of these States, including Alaska, Washington, and all west coast States, the liability of a spiller is not limited.

While it may be easier and less costly for potential spillers to deal with a single Federal standard, I believe the additional protection provided by tougher State standards is crucial. I am pleased that the House refused to allow preemption of these tougher State standards.

It is clear that we need a comprehensive approach to oilspills. But why now, after recent oilspills expose the shortcomings of Federal oilspill response capabilities, should we deprive State governments of the right to protect their citizens?

We need only look to the Valdez spill to see the ineffectiveness of the Federal Government in dealing with oilspills. And now, Exxon has packed its bags leaving Alaska's oiled shorelines with no promise of returning and with no protest by the administration.

Mr. Speaker, if the *Exxon Valdez* spill were subject to the proposed Federal system that preempted State laws, Exxon's liability would be limited to just $114 million—for a spill where cleanup costs are expected to be nearly $2 billion. Fortunately, Alaska has a much stricter law, providing that the "polluter pays" whatever it takes to clean up and pay for damages from the spill.

The bill passed by the House sets out a single Federal standard of liability as necessary minimum. This is the same approach taken in the Clean Air Act, Clean Water Act, Superfund, and even the four existing Federal oilspill laws that we are attempting to consolidate here today. None of these Federal laws, however, preempts the authority of a State to impose stricter standards. Federal law does not prohibit States from requiring cleaner water, cleaner air, or safer hazardous waste disposal. Why should the policy be different for oil pollution?

The House also took an important step toward safer transportation of oil by requiring double hulls on all tankers and tank barges.

For many years, Congress has been involved in the debate on whether to mandate double hulls or double bottoms. Fifteen years ago, Washington's distinguished senior Senator and chairman of the Senate Commerce Committee, the late Warren G. Magnuson, introduced legislation to require double bottoms on all tankers engaged in trade with U.S. ports. Unfortunately, Senator Magnuson's legislation was not enacted.

Had these requirements been adopted, I believe our ports and our harbors would be safer today. Instead, Congress relied on the assurances of the oil industry that their tankers were safe. Congress was also assured that the oil companies could respond quickly to a major oilspill.

Senator Magnuson's love of Puget Sound and Washington's coastal waters led him to continue his support for double hulls long after he left Congress. He had recently spoken out on this topic and was working on an article advocating double hulled tankers when he died this past summer.

Mr. Speaker, I am pleased to have been part of the effort to advance the work of Senator Magnuson by incoporating the double hull requirement into our comprehensive oilspill legislation.

Reports by the Office of Technology Assessment, Coast Guard, National Transportation Safety Board, and other experts show that double hulls and bottoms reduce the chance of spills by preventing penetration of cargo areas, limiting spillage if an accident does occur, giving vessels added structural support in the event of catastrophic accidents, and even increasing their normal operational efficiency.

Mr. Speaker, the oilspill liability and prevention legislation recently passed by the House is a major step toward safer transportation of oil and the protection of our marine and coastal environments. Especially with the strengthening provisions allowing tougher State standards and requiring double hulls. I am proud of our work on this legislation and trust a House-Senate conference committee can come to terms on a strong final measure early in the next session.

OUR POLICY TOWARD EL SALVADOR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Ms. PELOSI. Mr. Speaker, I rise today to express my pain, anger, and frustration over the ongoing events in El Salvador.

When I came to Congress, my first floor statement reflected my concern about our policy toward El Salvador. Since then, I have worked consistently and diligently to change United States policy toward El Salvador by, among other actions, introducing a resolution, House Concurrent Resolution 48, calling for a negotiated political settlement to the war there, by voting my conscience and by repeat-

edly discussing the tragedy occuring there on a regular basis with my colleagues. Today, I turn to you Mr. Speaker, with an urgent call for action.

To date, reports indicate that over 800 Salvadorans have been killed in the recent fighting. The brutal murders of six Jesuit priests, Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, and Joaquin Lopez Lopez, have shocked people around the world. These men devoted their lives to improving the lives of all Salvadorans. Unfortunately, they have now been assassinated because of their efforts.

I am particularly affected by the murder of the Jesuits. My family, my husband's family and our children have all been educated in Jesuit institutions. We consider ourselves to be members of the Jesuit family. We share the grief and sadness of the other members of the Jesuit family and the global family who have suffered this violent, senseless and tragic loss.

Once again, we are seeing our worst nightmares in El Salvador coming true—death squad activity is on the rise. Now, because of the chaos created by the escalation in the war, the death squads are targeting and attacking people who have worked to improve the lives of the poor of El Salvador. The life of anyone who has said or done anything that could be perceived as critical of the Salvadoran Government is now in very real danger.

For the sake of all Salvadorans, we must renew our call for immediate negotiations toward a peaceful resolution of this decade long conflict. The Bush administration is taking the wrong approach. Recent statements that the administration will expedite the flow of military assistance to El Salvador takes us in the wrong direction—away from peace, not toward it.

There are some specific steps which must be taken. Mr. Speaker, I believe that it is important for you to meet, as soon as possible, with the President to convey to him the message that he should take every necessary step to promote a ceasefire and negotiations for a long-term peace. The U.S. Government should support the request of the International Red Cross to evacuate the wounded. We should put pressure on both sides of the conflict to allow for the evacuation of civilians and we should insist that the bombing be stopped.

American taxpayers' money is paying for the tragedy in El Salvador. It is our money that is being used to sow death and destruction. We can stop the war there by stopping the money which supports the war. A loud and clear message must be sent to President Bush and to President Cristiani. The people of the United States will not tolerate our money being used to murder innocent people.

TRIBUTE TO MRS. JESSIE JOHNSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. PAYNE of New Jersey. Mr. Speaker, on November 30, a gathering will be held in West Orange, NJ, to honor a very special person, Mrs. Jessie Johnson. Her family and her many friends will pay tribute to Mrs. Johnson on the occasion of her retirement after 40 years of dedicated service to the Newark Public Schools.

As a former educator myself, I had the pleasure of teaching with Mrs. Johnson early in my career. She is a talented teacher who quickly won the respect of her students and her colleagues.

Mrs. Johnson has worked tirelessly to provide our students with a quality education. Most recently, she has served as a Project Coordinator for the Chapter I Programs with the Newark Board of Education.

Her diverse background in education has included positions as a kindergarten teacher at Robert Treat School—now called Marcus Garvey—a supervisor of Head Start Programs, head teacher of reading programs, and orientation in-service teacher for kindergarten and first grade teachers throughout the city of Newark. She also conducted workshops and in-service training sessions for parents and teachers in Federal programs.

For her contributions to youths in the area of education, she has received numerous accolades including awards from the Title I Central Parents Council of Newark, the Civic Club—an affiliate of the New Jersey Federation of Colored Women, Inc.—and the Florida A&M University Alumni Association of New Jersey.

She is a member of the Kindergarten Association of New Jersey, the Project Coordinators Association, Alpha Kappa Alpha Sorority, the Black College Committee and the Missionary Society of Bethany Baptist Church in Newark, the NAACP, and is the vice president of the Florida A&M University Alumni Association of New Jersey.

Mrs. Johnson has shared her talents with others through a wide range of activities and public service. She is presently the organist for St. John's United Methodist Church in Orange, NJ. She formerly served as East Orange's Essex County Democratic Committee Person for the fourth ward.

This outstanding educator and community activist is also the mother of two children, Dr. Jennifer Johnson, of East Orange, and Kenneth Johnson, of Woodbridge, NJ, and the proud grandmother of four grandchildren. Mrs. Johnson, the wife of the late Albert Johnson, presently resides in Elizabeth, NJ.

Mr. Speaker, I know that all of my colleagues will join me in extending to Mrs. Jessie Johnson our congratulations on her retirement and our best wishes for many happy years ahead.

A SPECIAL TRIBUTE TO AN ACTIVE RETIREE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 17, 1989

Mr. KOLTER. Mr. Speaker, I rise today before the U.S. House of Representatives to pay special tribute to John Q. Goodman of Zelienople, PA, a retired railroader who hasn't let retirement stand in the way of doing what needs to be done.

A member of Local 1380, United Transportation Union, Pittsburgh, PA, Mr. Goodman is best known as the editor of a newsletter and numerous other publications that address issues of vital importance to retired railroaders and their families.

A former brakeman on the Pennsylvania Railroad and later with Conrail, Mr. Goodman was a charter member of BRT Lodge 1096, eventually becoming secretary, and along the way, he began posting informational items for the benefit of his coworkers.

The newsletter grew out of these bulletin board items, and Mr. Goodman today keeps more than 2,000 readers informed.

Mr. Goodman's recent newsletters have dealt with topics such as pension and insurance benefits, the proposed sale of Conrail and the need for political and legislative education for labor.

Before a disability sidelined Mr. Goodman, he helped establish a blood bank, served as legislative representative for his local, reorganized a local Boy Scout organization, worked to promote UTU's State legislative goals in Pennsylvania and was instrumental in numerous civic and charitable causes, proving, as he likes to say, that "one man can make a difference."

Mr. Speaker, I rise today to pay special tribute to John Q. Goodman of Bear Run Road in Butler County of my Fourth Congressional District because he has refused to allow retirement to slow him down and has used his retirement to help others and to help keep them informed.

MEETING NOTICE

The Full Committee on Public Works and Transportation, will hold a special meeting on Sunday, November 19, 1989, at 3:00 p.m. in 2167 Rayburn House Office Building.

For the purpose of adopting a committee resolution expressing the appreciation of the committee to Richard J. Sullivan and Dorothy A. Beam for their devoted and superb service to the House of Representatives.

HOUSE OF REPRESENTATIVES—*Sunday, November 19, 1989*

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. GRAY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 19, 1989.

I hereby designate the Honorable WILLIAM H. GRAY III to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At the beginning of this new week as we anticipate the celebration of Thanksgiving, we are grateful, O God, for the opportunities to remember the rich blessings we have received as a nation and as individuals. For the gifts of freedom and liberty, for the traditions of justice and mercy, for the bounty of food and for all the opportunities of a free people, we offer this word of gratitude and thanksgiving. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BROWN of Colorado. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, further proceedings on this question will be postponed until after 3 o'clock.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The House will be led in the Pledge of Allegiance by the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 569. An act for the relief of Maurice G. Hardy;

H.R. 1020. An act to permit reimbursement of relocation expenses of William D. Morger;

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day"; and

H.J. Res. 393. Joint resolution to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 498. An act to clarify and strengthen the authority for certain Department of the Interior law enforcement services, activities, and officers in Indian country, and for other purposes;

H.R. 1495. An act to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes; and

H.R. 2459. An act to authorize appropriations for the Coast Guard for fiscal year 1990, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2748) "An act to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the amendments of the Senate to the bill (H.R. 3402) "An act to promote political and economic democracy in Poland and Hungary as those countries develop and implement programs of comprehensive economic reform."

The message also announced that the Senate recedes from its disagreement to the amendments of the House to the amendments of the Senate numbered 17 and 278 to the bill (H.R. 2939) "An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes," and concurs therein.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3072) "An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 4, 10, 11, 12, 15, 16, 21, 25, 28, 30, 31, 32, 33, 35, 42, 43, 47, 48, 49, 53, 55, 58, 66, 69, 75, 76, 88, 91, 94, 96, 101, 103, 104, 105, 106, 107, 108, 117, 118, 120, 121, 134, 161, 172, 179, 184, 186, 187, 196, 197, 198, 199, 200, 201, 202, 203, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 220, 221, 223, 224, 225, 226, 228, 230, 232, 233, 234, 235, 237, 238, 239, 241, 242, and 244, to the above-entitled bill.

The message also announced that the Senate recedes from its amendments 239 and 243, to the above-entitled bill.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 240, with an amendment.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 388) "An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 488) "An act to provide Federal assistance and leadership to a program of research, development, and demonstration or renewable energy and energy efficiency technologies, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the bill (S. 593) entitled "An act to exempt certain activities from provisions of the antitrust laws," with an amendment.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is rquested:

S. 1702. An act to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms;

S. 1783. An act to regulate Indian child protection and prevent child abuse on Indian reservations;

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week"; and

S. Con. Res. 82. Concurrent resolution to correct the enrollment of H.R. 1396.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled joint resolutions on the legislative day of Friday, November 17, 1989:

S.J. Res. 159. Joint resolution to designate April 22, 1990, as "Earth Day," and to set aside the day for public activities promoting preservation of the global environment; and

S.J. Res. 184. Joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week."

DEPARTMENT OF DEFENSE APROPRIATIONS ACT, 1990

Mr. MURTHA. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year 1990, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment No. 240 and concur in the Senate amendment numbered 240 with a Senate amendment to the House amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment to the House amendment to the Senate amendment No. 240.

The Clerk read the Senate amendment to the House amendment to the Senate amendment numbered 240, as follows:

Senate amendment to House amendment to Senate amendment No. 240: That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate numbered 240, with an amendment as follows: At the end of the amendment, insert ": *Provided*, That section 101(a)(1) that follows "1991"; 101(c); 102(a)(2); 221(b); 702(a); 702(b) and 704(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (H.R. 1487) (including amendments made thereunder), and section 1204 of the Foreign Service Act of 1980 as amended by section 149(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; section 505(e)(3) of title V of the United States Information and Educational Exchange Act of 1948, as amended by section 205 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and section 404(b) of The Asia Foundation Act as amended by section 501 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; are hereby waived during fiscal years 1990 and 1991: *Provided further*, That so much of the preceding proviso as pertains to the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, shall take effect only on the date of enactment of that Act."

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MURTHA] is recognized for 1 hour.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the remaining amendment in disagreement to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me explain what the amendment does. The Senate amendment deletes certain obligational floors placed in the Department of State authorization bill and objected to by the chairman of the Senate Appropriations Committee. It has all been worked out between the appropriate authorization committees.

Mr. Speaker, I appreciate the support of the leadership and my colleagues on what we believe is a sound conference report.

I do again call attention to the fact with what is happening in Europe, in Germany and in Russia, we have set the direction for defense spending for the future.

Just as important as defense spending is our solution to the drug problems, the failure to have plans or facilities to treat those unfortunates, many times children, for drug addition is inexcusable.

Mr. Speaker, one of the major issues we all will have to consider is the use of vacated military bases for drug rehabilitation which Chairman WHITTEN and I advocated in H.R. 1591 introduced on March 23, 1989.

I want to take this opportunity to thank all the members of the Defense Subcommittee for their advice and hard work in producing the conference agreement on the Defense appropriations bill for fiscal year 1990.

I especially want to thank the ranking minority member of the subcommittee, JOE MCDADE, for his cooperation and assistance in formulating this difficult bill. JOE MCDADE is one of the most hard working, diligent, and talented Members of the House and I appreciate his outstanding efforts and support in completing the conference agreement on the Defense appropriations bill for fiscal year 1990.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the comments made by our distinguished colleague, the gentleman from Pennsylvania.

This amendment was passed unanimously in the Senate, rejected by the appropriate committees of the House.

I know of no objection, and I hope it will be concurred in.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. RUSSO. Mr. Speaker, may I propound a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUSSO. Mr. Speaker, there seems to be a little confusion about certain report language that seems to be agreed upon, but I feel that those Members who are impacted by the language need some time to discuss it with the chairman of the subcommittee.

□ 1310

So is it possible to have some sort of colloquy between the chairman and those affected by this?

Mr. MURTHA. Mr. Speaker, if I may explain, it has come to my attention that there may be some confusion with respect to the intent of the conferees with regard to language prohibiting the use of Navy-owned drydocks and piers by private companies in the conduct of ship repair packages. To clarify it, it is the conferees' intent that language regarding certification of private shipyards should in no way be interpreted as prohibiting private companies who have access to non-Navy drydocks and piers, whether leased or owned, from performing Navy ship repair work packages.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I am happy to yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, I still have a question. In the San Francisco area there are companies that lease piers and docks from the city and county of San Francisco, and I understand, and I have spoken to the gentleman from Oregon [Mr. AUCOIN], that

these people would not be affected. However, there are times when the Navy in San Francisco, when it issues a contract for a major overhaul, does at that time make available the use of their pier and their dock to whatever contractor comes forward. The gentlewoman from California [Ms. PELOSI] and I, after examining this, recognize that the taxpayers do benefit from that, because, in fact, the Navy is not using the pier. It is not given to one specific firm. It is given to any firm that bids for this contract.

Mr. MURTHA. Reclaiming my time, let me respond.

The conferees agree that there are instances where, for operational, national security, or other mission reasons, the Navy desires to contract out minor ship repair work to be performed at navy yards. The conferees agree that in these circumstances the Navy may award contracts to a ship repair company which does not possess organic pier and drydock capability.

Mrs. BOXER. If the gentleman will yield further, what I heard the gentleman say is that they can, in fact, under this new language interpretation, that the Navy can issue contracts for minor contracts.

Mr. MURTHA. The gentlewoman is correct.

Mrs. BOXER. The gentlewoman from California [Ms. PELOSI] and I are concerned that there are major contracts that are given out in the San Francisco area where, in fact, the Navy provides the use of its piers and docks, and I am very concerned that this is going to adversely affect not only the people in the bay area but will cost the taxpayers more money. I have to tell the gentleman, as I understand it, we are the only area that has this situation where the Navy has the space.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I am happy to yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, further to the point of the gentlewoman from California [Mrs. BOXER] about cost to the taxpayers, for example right now, there is a project that has been moved out of San Francisco because of this provision where the families, the children have been taken out of schools, new provisions for housing, et cetera, have to be provided for in another area. In the interests of the taxpayer, because of this provision, it is a higher cost to the taxpayer. If the Navy has the facilities and, therefore, the company, in order to perform major jobs, does not have to list as an expense the drydock cost, is it not logical that it would be lower cost to the taxpayer to allow major work to be performed by companies who use Navy facilities which are available to them, Navy facilities which otherwise may not be used at that time in the course of that contract?

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I am happy to yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, in order to help answer the question raised by my friend, the gentlewoman from California [Mrs. BOXER], and the other gentlewoman from California [Ms. PELOSI], I would like the chairman perhaps to answer this question: Is it not true that the statement of the managers, clarified as we have clarified it here today, represents a continuation of Federal Government policy that was established back in 1985 and repeated in 1986, and it has been policy up through 1988? Is that true?

Mr. MURTHA. The gentleman is correct.

Mr. AUCOIN. If the gentleman will yield further, is it not also true that the policy affects major overhauls, but that the Navy, in testimony before our committee, has indicated that it is moving in ship repair work to small work packages like the SRA's which are done in home port areas where one can call that minor work, but it is better stated as nonmajor work; 70 percent of that work, as now made up, is now nonmajor, and they are intending to move even further in that direction; nothing in this language bars any firm, including the firms concerned that are of concern to the gentlewoman from California, from bidding on that kind of work? Is that not correct?

Mr. MURTHA. Mr. Speaker, I am not sure of the numbers, and the staff is not sure of the numbers.

Mr. AUCOIN. That is clearly the direction that the Navy is moving?

Mr. MURTHA. That is exactly right. What we are trying to do is clarify this in line with what we have done in the past, and I think we have done that now.

Mrs. BOXER. If the gentleman will yield further, I thank the gentleman from Pennsylvania and I thank the gentleman from Oregon very much for their patience on this. This did not come to our attention, as the gentleman knows, until very recently.

In 1986 there was conference language, which I believe if we are going back to that language will be fine with the gentlewoman from California [Ms. PELOSI] and myself, and if I might just read the operative words: "The conferees agree that there are instances where, for operational, national security, or other mission reasons, the Navy desires to contract out ship repair work to be performed at Navy yards. The conferees agree that in these circumstances the Navy may award contracts to ship repair facilities who do not own their own piers or drydocks." I would note it does not say "minor." It just says "contract," which would mean major or minor contracts. Additionally, the conferees agreed that ship repair facilities which lease piers or docks from other concerns would be eligible

If we could go back to this exact language here marked fiscal year 1986 conference, certification of private yards, the gentlewoman and I would be perfectly happy with that as a resolution. But I have a question.

Mr. MURTHA. That is the revised intention of the conferees.

Ms. PELOSI. If the gentleman will yield further, notwithstanding that language, could the gentleman distinguish between major and minor?

Mr. MURTHA. That is no longer in the language.

Ms. PELOSI. No, it is not, but that is in the case of certain instances.

Mrs. BOXER. I would say to the gentlewoman that if that word "minor" is removed from the language, there is no distinction, and so it is not a problem.

Ms. PELOSI. Mr. Speaker, it is our understanding then that those companies which can take advantage of Navy drydocks can compete for this business under all circumstances, major or minor?

Mr. MURTHA. The language in the bill that the gentlewoman just read is fine with the conferees.

Ms. PELOSI. If the gentleman will yield further, I will ask the gentleman, is it then our understanding that a company can bid or can get a contract if they use Navy shipyards under all circumstances?

Mr. AUCOIN. If the gentleman will yield further, I want to say that I appreciate the chairman's patience with all three of us here. Is it not true that the answer to the question of gentlewoman from California is that it would be the policy in all cases, with the exception of something like new threat upgrades, which is the megatype work?

Mr. MURTHA. That is exactly what the committee intended.

Mr. AUCOIN. I thank the gentleman.

Ms. PELOSI. Mr. Speaker, my question was about for operational security or other missions. That is the question that is made in this.

Mr. MURTHA. That is a standing Navy operating procedure.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his clarification.

Mr. BATES. Mr. Speaker, the current report language which accompanies H.R. 3072, the Defense appropriations bill for fiscal year 1990, in regard to certification of private yards, as revised, remains blatantly antismall business and anticompetition. I am opposed to any attempt to restrict the Navy in their certification of private yards, as competition in contracting should be enforced to the highest

level and continued support for small business should be fostered, as they are strong employers and have proven to do excellent work for the Navy.

Small business is fighting for their very existence in an industry where we see shipyards, large and small alike, close their doors because of a shrinking market. The last Congress, by Public Law 100-656, the Small Business Competitiveness Demonstration Program Act of 1988, placed this industry classification in a 4-year test program, whereby they must compete head to toe with large business on an unrestricted basis. We must not, therefore, further injure this already ailing industry. We must allow them to show their competitive capabilities and not restrict them as they successfully compete with large business.

Congress strongly supports expanded use of full and open competition to assure taxpayers are receiving the greatest value for their hard-earned tax dollar. The very reference in the conference report to the award of a significant overhaul package to a company without drydock facilities, in fact, is a remarkable example of cost savings provided by the competition in Contracting Act of 1984, as competition was expanded for this overhaul package.

This package is a new threat upgrade [NTU] overhaul program on a Naval vessel. Congress in the fiscal year 1989 DOD appropriations conference report directed the Navy to include this vessel, along with three others, to be in a public/private competition program. The Navy in compliance with this direction, developed guidelines on how this four-ship program was to be competed. These guidelines limited one ship per yard due to the size and complexity of this program. Accordingly, the Navy lost a competitor as each contract was awarded. The cited overhaul package was the last of the four-ship program, and one viable competitor from the private sector remained. The Navy correctly, in compliance with fiscal year 1989 DOD appropriations conference report and the Competition in Contracting Act, expanded competition and opened this program up to shipyards who did not own a drydock.

On an equal footing, a small business provided the Government with the lowest bid and now is reportedly performing admirably with outstanding progress. The Congress must continue to strongly endorse and promote competition as well as support small business, as they also contribute to the industrial mobilization capability of the United States with integrity and hard work.

Mr. WEISS. Mr. Speaker, I rise in opposition to the Department of Defense Appropriations conference agreement. In an era of massive change in international relations, the spending priorities represented in this bill no longer fit with the national security needs of our Nation.

Unfortunately, this conference agreement reflects compromises in the Defense Department bill which are clearly inadequate. Rather than choose between the MX rail garrison and Midgetman missile, this agreement funds both programs. The conference agreement keeps spending levels for other strategic weapons, such as SDI and the Stealth Bomber Program, at unacceptably high levels.

There is one area of change in this conference report which I believe deserves special attention. In light of the recent testing problems of the Trident II (D-5) Missile Program, this conference agreement reduces funding for the program. Obviously, funding for the Trident II must not continue unless the program can succeed in the testing phase. It would be irresponsible simply to rubber stamp funding increases for the Trident II missile. I am extremely pleased that the Appropriation Committees have seen fit to include new provisions which would require successful flight tests in order for large scale funding for the Trident II Program to continue.

However, beyond this, I think we can do more. The Navy is currently planning to backfit eight Trident submarines, currently equipped with C-4 missiles. The backfitted submarines would then be equipped with D-5s. I believe this program, which is scheduled to cost over $6 billion, is strategically unnecessary. I will attempt in next year's defense authorization bill to cancel the D-5 refit program. A submarine force of 12 D-5-equipped subs and eight C-4-equipped subs is a truly adequate sea-based nuclear deterrent.

Recently, Secretary Cheney has announced his intention to cut $180 billion from the Pentagon's 3 year defense plan. While the changes required to implement these cuts are not reflected in this conference agreement, I do think it is important to think about the potential economic impact of major cuts in military spending. Clearly, in terms of reducing our budget deficit, defense spending cuts are crucial. On the other hand, many millions of Americans are dependent on the military sector for employment.

It is critical if we are to enact major cuts in military expenditures that we also have in place a program of economic conversion. Economic conversion would give communities and workers a chance to adjust to defense cutbacks. Workers and managers of military-serving firms could work together to formulate plans for alternative civilian production before cuts in military spending occur. By giving communities an alternative, the massive layoffs often associated with military contract cancellations could be avoided.

Finally, I am hopeful that recent events around the world will force policymakers to act decisively on the large questions remaining about military spending priorities. If this happens, we will go a long way toward solving our deficit problem and reducing the likelihood of nuclear war.

Mr. MURTHA. Mr. Speaker, I yield back the balance of my time.

Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY). The question is on the motion offered by the gentleman from Pennsylvania [Mr. MURTHA].

The motion was agreed to.

A motion to reconsider was laid on the table.

□ 1320

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY). At this time the Chair will recognize Members for 1-minute speeches.

THE VIOLENCE IN EL SALVADOR

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the United States sends the Government of El Salvador about $1.5 million a day. It is a Government of the army, by the death squads and for the privileged few. Its bill of rights includes the right to remain silient while being tortured to death, the right to work at slave labor wages for the landlord, and the right to remain secure in your own home, unless the army decides to strafe or bomb your neighborhood.

There is a provision in the Foreign Assistance Act which states that:

> No assistance may be provided * * * to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.

What then was the murder of six Jesuit priests? The army had the area surrounded and under its control—can there be any doubt who was responsible? Make no mistake—the Government and the military establishment bear the responsibilty for these murders, for the murders of Archbishop Oscar Romero and human rights activist Herbert Anaya, for the four American nuns raped and murdered in 1980, and for the thousands of other death squad and army killings in the last 10 years.

I am calling on President Bush to support President Cerezo of Guatemala's call for an OAS sponsored cease fire—a cease fire supervised by a U.N. peacekeeping force, if necessary—the United States should immediately cease all military assistance to the Government of El Salvador and demand that serious negotiations begin immediately.

There is a newspaper ad that many of my colleagues may have seen. It states that Congress would not have given aid to Adolf Hitler, and asks why, then, are we giving aid to his admirers in El Salvador. It is a question I hope my colleagues will ask themselves.

PROGRESS REPORT ON CANADIAN ACID RAIN CONTROL

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOEHLERT. Mr. Speaker, recently I heard of a discussion of our country's acid rain problem with a distinguished senior member of the Senate from the majority party, who responded, in effect:

I agree that acid rain is a problem we should fix, but I think the Canadians are wrongly blaming their problems on us. They haven't done much to cleanup their own house.

The following "progress report" on Canada's acid rain control program demonstrates otherwise: That Canada's comprehensive program to reduce acid rain precursors by roughly 50 percent by 1994 is on or ahead of schedule. I commend it to anyone whose tendency is to scoff at Canada's perspective on acid rain, and I urge us to do as well as our neighbors to the North.

When it comes to issues such as clean air and water, I'll proudly agree that the United States has long been at the forefront of international action. Our automobile and electric power industries in particular are unmatched in the resources they have devoted to improving air quality since passage of the Clean Air Act of 1970. The statistics show dramatic and positive results.

But the statistics show equally dramatic shortcomings of the Clean Air Act: cities still choking on smog; children and workers sickened by airborne chemicals; the ecosystem sapped by acid rain. We have much further to go before we can guarantee Americans the birthright of clean air.

And the air pollution that continues to dog us respects no political boundaries. Americans on both sides of the United States-Canada border breathe the same air, and use the same air as their dumping ground. On April 27, 1988, the Prime Minister of Canada, Brian Mulroney, addressed a joint meeting of Congress and said:

We are doing everything we can to clean up our own act. * * * We acknowledge responsibility for some of the acid rain that falls in the United States, and by the time our program reaches projected targets, our export of acid rain to the United States will have been cut by an amount in excess of 50 percent. We ask nothing more than this from you.

Mr. Speaker, swift enactment of President Bush's clean air program will keep us on the path of abiding with Mr. Mulroney's reasonable request. The following progress report provides further details and a statement of the Canadian Government's position, and I include it in the RECORD.

I also urge the Congress to respond affirmatively to President Bush's strong leadership and pass the Comprehensive Clean Air Act amendments. We have debated this issue and debated this issue and debated this issue, now it's time to act. President Bush has provided the missing ingredient, leadership. Now it is incumbent on us to go forward with him.

PROGRESS REPORT: THE CANADIAN ACID RAIN CONTROL PROGRAM

HIGHLIGHTS

Canada's comprehensive acid rain control program will reduce sulphur-dioxide (SO_2) emissions, the major source of acid rain in Canada, by 50 percent by 1994 from 1980 allowable levels.

All elements of the Canadian program are on, or ahead of, schedule.

(SO_2) emissions in the seven eastern-most provinces are today almost 40 percent below the levels allowed in 1980.

Regulations covering more than 90 percent of the mandated emission reductions have been incorporated in provincial programs.

The flow of (SO_2) from Canada into the United States has been reduced by 33 percent.

By 1994, the program will cost the private sector and provincial utilities about $500 million annually.

ONTARIO

The province is reducing its total (SO_2) emissions by 60 percent by 1994. The four largest polluters have submitted their final plans to the Ontario government detailing how they will achieve by 1994 the ceilings established for them.

INCO has already lowered emissions about 40 percent from its 1980 level through process modernization and installation of pollution control equipment. It has achieved a containment rate of more than 70 percent of the sulphur in the ore. INCO will spend a further $494 million [1] on new milling and smelting technology and by 1994 will increase its containment rate to more than 90 percent.

Falconbridge has already achieved a containment rate of 85 percent and will spend an additional $38 million for process modernization.

By 1994 it will achieve an overall containment rate of more than 90 percent.

Algoma Steel's iron ore plant's current emissions are below its 1994 ceiling. Algoma is obliged to put in place pollution control measures in the event that increasing production would result in a breach of this ceiling.

Ontario Hydro has already reduced its emissions by approximately 25 percent from its 1980 allowable levels.

It has announced it will spend $2.5 billion, between now and the year 2000, to meet, and then remain within, its 1994 ceiling. More than half this amount, $1.3 billion, is to install scrubbers at coal-fired generating stations. Two scrubbers will be installed by 1994 and six more are planned by the year 2000. Ontario Hydro will also use conservation measures, energy efficiency improvements, low-sulphur coal, etc.

By these means Ontario Hydro will reduce its average emission rate to 0.8 lb of SO_2 per million BTUs by 1994 and down to 0.3 lb by the year 2000.

QUEBEC

The province has issued regulations which will reduce its total emissions by 45 percent by 1990, four years ahead of the national deadline. Emissions which in 1980 totalled 1,085,000 tonnes had been reduced to 616,900 tonnes by 1986. The final 1990 objective for the province is 600,000 tonnes.

Noranda, which is responsible for over half of Quebec's total SO_2 emissions, has begun construction of a $125-million acid gas plant and will reduce its emissions by 50 percent by 1990. Further process changes will allow Noranda to reduce its emissions by an additional 20 percent by 1995, and bring its overall containment rate to 70 percent. These additional reductions will bring Quebec's overall emission reductions to 55 percent by 1995.

Hydro Quebec does not produce electricity from coal.

NEW BRUNSWICK AND NOVA SCOTIA

These provinces are reducing their emissions by 15 percent and 7 percent respectively. They are planning to use a mix of scubbers, advanced combustion technology and low-sulphur coal to further manage their emissions.

PRINCE EDWARD ISLAND

The province has already achieved its emission reduction commitment of 17 percent by opting to purchase all of its electricity needs from neighbouring provinces.

NEWFOUNDLAND

The province will use lower-sulphur oil for power generation and major industrial sources to achieve a 24 percent reduction in emissions by 1994.

MANITOBA

The province has issued regulations that will reduce emissions from its two largest sources, which together are responsible for more than 95 percent of Manitoba's SO_2 emissions, by a total of 40 percent by 1994 from 1980 allowable levels. Hudson Bay Mining and Smelting will spend about $80 million on process modernization to reduce its emissions by 25 percent. INCO will be using process improvements to reduce its emissions by 45 percent by 1994.

WESTERN CANADA

The three western provinces are not presently part of the Canadian acid rain control program. However, these provinces are taking steps to further manage their SO_2 emissions. Power plants in western Canada currently have an average emission rate of 0.96 lb of SO_2 per million BTUs heat input compared with 1.24 lbs in a similar area in the western United States.

BACKGROUND AND RATIONALE

The Canadian program is based on the scientifically-derived objective that acid fallout must be reduced to less than 18 lbs per acre per year in all vulnerable areas. Canadian scientists have found that damage occurs when acid fallout is above this level; they have also determined that when acid fallout drops below this threshold, recovery of the environment starts to take place. Scientific information in the United States and many European countries supports these findings.

Canadian scientists have calculated that, to achieve the 18-lbs-per-acre objective, total annual SO_2 emissions from the Saskatchewan/Manitoba border eastward must be reduced to 2.3 million tonnes (about 50 percent of the 1980 allowable level) and that the transboundary flow of SO_2 from the United States into eastern Canada must be reduced to about 2 million tonnes per year (again, about 50 percent of the 1980 level).

In eastern Canada, 60 percent of SO_2 emissions come from non-ferrous smelters and about 15 percent from thermal power plants. By contrast, in the United States about 70 percent of SO_2 emissions come from thermal power plants. This means the nature and scope of actions taken to reduce emissions from sources in the two countries will be quite different.

[1] All figures are in Canadian dollars.

The Canadian program is designed to let the private sector and provincial utilities choose the most cost-effective means of achieving the required emission reductions. Canadian non-ferrous smelters are using a number of techniques, including increasing the rejection of sulphur in their milling operations (a process similar to coal cleaning), converting SO_2 off-gases into sulphuric acid (analogous to the use of a scrubber on a power plant) and employing new process technology (analogous to the use of advanced combustion technology).

Canadian utilities will be using scrubbers, low-sulphur coal, advanced combustion technology, load management, conservation and alternative primary energy sources to reduce their emissions.

Canadian SO_2 emissions dropped 24 percent from 1980 to 1986 while U.S. SO_2 emissions dropped 8.4 percent over the same period.[2] These reductions came on top of significant reductions made in the previous decade. According to Canadian calculations, based on Environment Canada and NAPAP and EPA emissions data, during the period 1970 to 1980 Canadian SO_2 emissions decreased 33 percent, while American emissions decreased by 15 percent over the same period.

As a result of what is now the toughest national package of car and truck emission standards in the world, total national emissions of nitrogen oxides in Canada will be maintained at or below the present level (1.9 million tonnes) until at least 1995. The federal government recently announced its intention to further tighten emission standards for transportation sources.

EASTERN CANADIAN SO_2 EMISSIONS

[Thousand Tonnes]

	1980	1985	1990	1995	2000
Manitoba	738	469	584	429	428
Ontario	2,194	1,440	1,119	855	855
Quebec	1,085	693	566	463	479
New Brunswick	215	138	198	167	181
Nova Scotia	219	170	196	182	173
P.E.I.	6	2	2	2	2
Newfoundland	59	43	60	45	45
Total	4,516	2,955	2,725	2,143	2,193

CONDEMNING BARBARIC KILLINGS IN EL SAVADOR

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I rise to condemn in the strongest possible terms the barbaric and bestial killings, which occurred in El Salvador, of the six Jesuit priests, their housekeeper and their housekeeper's daughter.

For many years in this House of Representatives I have been deferential as far as possible to President Duarte and now to President Cristiani, hoping that the terrible situation in El Salvador, which has enwrapped the people of that great nation in constant warfare, would abate. However, Mr. Speaker, I think that the murders of these Jesuits and their friends constitute a watershed event, and I feel the President of the United States should call upon the President of El Salvador in the strongest terms to make an immediate investigation of this heinous crime, to apprehend those responsible, and to mete out the sternest possible punishment of those people guilty of this horrible, horrible act.

I think that the Congress of the United States will not go further in its support for this Nation unless there is action taken and speedily to resolve this terrible carnage.

GALT & CO. BICENTENNIAL BOWL

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, a modern historian, more or less paraphrasing Thomas Jefferson, has reminded us that nations sometimes suffer from amnesia. They cannot remember who they are because they have forgotten where they have been, and that we should remember some of our successes as well as our failures and some of the grace notes along the way.

Mr. Speaker, one of those grace notes was sounded last Thursday when Galt & Co., jewelers of Washington, DC, presented the House of Representatives with a magnificent crystal bowl which they had especially commissioned to celebrate the bicentennial of the Congress. It is fitting, Mr. Speaker, that Galt & Co. would give the Congress a bowl for a celebration because since its founding in 1802, Galt and Co. has been a part of many of the celebrations, private and public, of the Members of this body.

The bowl commissioned by Galt's was sensitively carried out by the Tudor Co. in England. It is in the shape of a Paul Revere bowl and is etched on one side a lovely rendering of the Capitol Building, and on the other side with the old seal that was Benjamin Franklin's design for great seal of the United States.

We thank Galt & Co., the oldest jewelry company in the United States and the oldest business in our Capitol City, for this magnificent expression of its continued interest in the Congress of the United States and its Members.

PRESIDENT BUSH NEEDS TO WORK FOR AN IMMEDIATE CEASE-FIRE IN EL SALVADOR

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, Friday night 123 Democrat and Republican Members of this House joined Deputy Whip DAVE BONIOR and myself in sending a letter to President Bush calling for an immediate cease-fire and full investigation into the executions of six Jesuit priests, their housekeeper and her daughter in El Salvador.

Clearly the continuing cycle of violence in that war-torn nation must end. President Bush is in a position to pressure Salvadoran President Christiani to implement an immediate cease-fire. A cease-fire would provide humane relief to the beleagured innocent civilians who bear the brunt of the hostilities. With over 700 deaths from the latest surge of violence the people of El Salvador ask only for an end to the steady torrent of bullets and death.

I urge President Bush to carefully consider the message sent to him by 125 House Members, to use the full force of his office and pressure the Government of El Salvador to find and prosecute the murderers of the Jesuit priests and seek a cease-fire to the ongoing violence. The only true solution to most civil wars is a negotiated settlement.

An immediate cease-fire in El Salvador would be a major first step toward achieving that important goal.

MEETING SOCIETY'S NEEDS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, many of us here have been talking, in fact there has been a literal drum beat of conversation about the unmet needs of our society, the enormous needs for our education system, for our health care system that excludes 37 million people, for our infrastructure, and we have been calling on the administration to recognize the awesome, mind-boggling changes that are taking place in Europe, in the Soviet Union, and more than the Soviet Union, in Hungary, and Poland, and East Germany, and now hopefully in Bulgaria and Czechoslovakia, and to respond to these fantastic windows of opportunity.

Now Secretary Cheney has done it. He has come up with a major initiative of saving $180 billion in the military budget over a period of 2 or 3 years. I wish to congratulate him for that forthcoming creative, positive response to the many new opportunities, many new hopes that we have heard from Russia and Eastern Europe. I hope that the Members of Congress will be just as forthcoming as Secretary Cheney was, Mr. Speaker, in cooperating with him to effect these multibillion dollar savings through base closings and other means. I hope we will eschew some of the petty politics of the past where each State dele-

[2] Congressional Research Service Report, April 20, 1988.

gation felt constrained to oppose all savings in military expenditures and join in the national interest in cooperation with Secretary Cheney in effecting these reductions that can be channeled back to reducing the budget deficit, and to creating the kind of society, the kind of civilization that we want in this country.

PRESIDENT BUSH SHOULD USE HIS POWER TO END THE BLOODSHED IN EL SALVADOR

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the six Jesuit priests who were brutally assassinated last week in El Salvador will be buried today. The administration has denounced these killings "in the strongest possible terms." But the White House will not match these words with the strongest possible action—suspending military aid to El Salvador.

America's tax dollars should be spent evacuating the wounded civilians, not bombing their houses in the middle of the night. We should demand that both sides lay down their arms, not continue to supply bullets. We should be doing everything possible to get both sides back to the bargaining table and away from the battle zones.

Mr. Speaker, the people of El Salvador want peace. Civilians have not joined the uprising because they want negotiations and diplomacy, not war and violence. We owe it to the people of El Salvador, the living and the dead, to support this moral mandate and demand a cease-fire.

In the last week, more than 800 people have been killed in El Salvador, over 100 of them civilians. One American has lost his life, and others have been arrested and deported. It is time for the President to use his power to end the bloodshed. It is time to stop payment on our check to El Salvador.

□ 1330

THE BAMBOO WALL IS GETTING TALLER AND STRONGER

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the Berlin Wall is coming down, but the Bamboo Wall is getting taller and it is getting stronger. Japan is beating us in American monopoly. They are buying America out, they are shutting us out.

If this was a baseball game, they would have a home run in every inning. Even two of America's biggest hitters, Donald Trump and T. Boone Pickens, are ticked.

Pickens invested $1.25 billion in a Japanese firm and now the Japanese are trying to get him out. Mr. Trump says the Japanese are ripping us off like no one else has ever done.

The United States is a laughingstock. Should we be getting kinder and gentler? In this case, no. We should be mad as hell and we should be getting back to what America used to be, and that is: No. 1.

PRESIDENT CRISTIANI SHOULD IMMEDIATELY FIND OUT WHO BRUTALLY MURDERED THOSE PRIESTS AND WOMEN

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Today, on the day that the people who died in El Salvador, the Jesuit priests, are buried, I stand here in sorrow and in muted rage.

I have deep concerns, Mr. Speaker, about what is happening right now in El Salvador and what is happening to taxpayers' money, American taxpayers' money.

Mr. Speaker, there will always be war, there just always will be. But in war there are certain amenities that have always happened. Certain individuals have freedom of movement. Certain individuals can be involved freely. Those individuals are doctors, physicians, religious, those that are called upon to take the dead away.

When those amenities are not provided, Mr. Speaker, we cease to be civilized, anyone involved in the situation.

These religious were brutally murdered.

I call upon the administration today to make the first priority a cease-fire right now, as soon as possible if not right now.

I next call upon the administration to call on Mr. Cristiani, the President of El Salvador, to immediately find out who brutally murdered these priests and the two women.

A large number of people were involved, Mr. Speaker. People know who did it. I have such a feeling of deja vu. I remember how long it took to find out who murdered the nuns, who murdered the individuals who were down there working for the people as representatives of labor.

Mr. Speaker, people in El Salvador know who murdered the priests and the women. Let us find out, let us immediately find out, let us have justice happen so that we can believe in ourselves because we are very much involved in El Salvador and we at least should be able to say we have done what is right even after the fact. Others know. No matter who caused these brutal murders, let us know. Don't we ever learn by past mistakes?

BUSINESS AS USUAL: DEATH SQUADS IN EL SALVADOR

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, I regret to say that a State Department briefing Thursday left me and other Members with the impression that for the administration it is business as usual in El Salvador. And by business as usual I mean the grisly work of death squads, most recently exemplified by the horrible massacre of eight Salvadorans, including six Jesuit priests.

The State Department appeared indifferent to our request to push for at least a temporary cease-fire so that innocent civilians and wounded could be evacuated from urban combat zones under fire.

The International Red Cross and other humanitarian groups have pleaded to no avail to all parties for a cease-fire to evacuate the wounded.

President Bush may be the only person on the planet with the power to get this done.

Mr. Speaker, I urge congressional leadership to meet with President Bush to press for an immediate cease-fire and other measures that could result in a lasting peace.

So far, the most significant administration response to these killings, which witnesses reportedly attributed to some 30 men wearing National Treasury police uniforms, has been to call for expedited military aid.

Also, hours after these brutal killings, uniformed security officers raided a Lutheran church office and arrested 12 missionary workers, including 4 Americans. Perhaps the Quakers are next.

I feel that a strong majority of Congress would oppose additional military aid if the Cristiani government does not substantially minimize terrorist abuses. In particular, a full investigation and prosecution of the perpetrators of the Jesuit massacres should be undertaken.

SUPERCONDUCTING SUPER COLLIDER IS ON TARGET

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, today's Washington Post carries a story with the headline that the super collider project may be over budget. What is actually happening is that Secretary Watkins, who has an excellent track record for management and who is the Secretary of Energy, is working with the Deputy Secretary Henson Moore and the people at the SSC laboratory in Texas. They are

turning a conceptual design into an actual engineering design and are refining the cost estimates. I have spoken with people at the Department of Energy and with the scientists in the laboratory in Texas, and I am very convinced that the project will be built on time, under budget, and will be the preeminent basic research project in the free world in the early 21st century.

I might point out that I called a press conference to discuss this on Wednesday. Unfortunately, I called it the same day that Lech Walesa was addressing the joint session of Congress, and not many people attended my conference.

LET US GET A CEASE-FIRE AND A NEGOTIATED SETTLEMENT IN EL SALVADOR

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise to join those who call out for a change of our policy in El Salvador. I particularly am affected by the recent execution of the six Jesuits and the cook and the daughter of the cook at the same time.

Every life that is lost in a country of conflict is very precious in the eyes of God and in the eyes of humanity. But at this point the slaying of the six Jesuits has struck a chord across the country that I think will be helpful to us in trying to get a cease-fire and a call for a negotiated settlement in El Salvador.

Many of us in this body belong to the Jesuit family; either we have brothers, sisters, or children who have been educated by the Jesuits and know the close ties that bind.

We have been hearing from those of the Jesuit family throughout the country to call for a cease-fire, for a neogitated settlement, for an investigation into the slayings and a second look again at our policy in El Salvador which has not diminished the violence and which we have an opportunity to do.

I have a resolution which I am pleased 160 of our colleagues have signed on as cosponsors for a negotiated settlement in El Salvador. I invite more of our colleagues to sign on for peace and justice in Central America.

THE COMMUNIST FMLN IN COMMUNIST NICARAGUA STARTED THE OFFENSIVE IN EL SALVADOR

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I, like my colleagues, am very saddened by the loss of the priests and nuns who have been killed in El Salvador. That is a real tragedy.

Mr. Speaker, the people of El Salvador want peace and freedom. They voted for Mr. Cristiani and they voted for democracy, not communism.

The Communist FMLN in Nicaragua started this offensive, not the Government. Do we want to reward their aggression, their aggressive acts? I think not.

A cease-fire in place would benefit the aggressors, the aggressive acts of the Communist FMLN.

Do we reward Communist aggression? I think not.

It would certainly send the wrong signal to our allies and friends in Central America and across the world. We should continue to support the democratically elected Government of El Salvador and not cave in to the Communists. This is a signal we should send around the world.

□ 1340

We support democracy. We support freedom. We should not cave in to Communist aggression.

FOOTBALL FOR CUMBERLAND UNIVERSITY

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, prior to being elected to the U.S. Congress, I had the opportunity to be president of a college, Cumberland University, which is located right outside of Nashville. They have just reestablished the football game at Cumberland University. I want to congratulate them about that.

I also want Members to know we are in the "Guinness Book of Records" about being defeated worse than any other football team in the history of football. The final score was Georgia Tech 222, Cumberland University 0. There was a book written about that game, "You Drop It, You Pick It Up," where one of the players at Cumberland University, in the middle of the game says, "Pick it up, pick it up." The other Cumberland University player says, "Well, you drop it, you pick it up." Well, Georgia Tech scored again.

However, Cumberland University is a great school. It has a great academic record. It had a good athletic program in the past. I wanted all Members to be aware that we have reestablished football, and watch out.

INADEQUATE ADMINISTRATION RESPONSE IN EL SALVADOR

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. The administration's response to the terrible murder of the priests in El Salvador has been completely inadequate. Those who think that the way for the United States to fight effectively against tyranny from the left, is to ignore this kind of a brutal murder, misread both morality and politics.

It is simply not going to work, unless the United States can firmly and vigorously act to ensure that the people who perpetrated this murder, be brought to justice, and unless the Congress can act firmly to make sure that the El Salvador Government makes clear the extent of complicity by the armed services, and what it plans to do about it. That is what is going to undermine our war against communism.

The actions of armed revolutionaries are never a justification for the murder of innocent people, and to the extent it now appears that the Government, even directly or indirectly, has some responsibility for the murder of these priests, it is urgent for Members to act to make absolutely clear that we will not tolerate this. Until the administration recognizes that, it is the administration that will be responsible for the failure of the policy of resisting left tyranny.

DO NOT ABANDON EL SALVADOR

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I have been absolutely fascinated again today with the speeches about El Salvador.

First of all, I do not believe any Members know who murdered the priests in El Salvador. No one has information. Our intelligence community does not have information. No one knows. Yet we have people coming to the floor suggesting they know. I would like them to share the information with the folks in our Government that have to make decisions based upon it.

Second, I am fascinated that people who come out and talk about withdrawing assistance from El Salvador. The fact is, El Salvador is under direct attack from Communists. We know the bullets came out of Cuba. They came through in Nicaragua in some instances. We have an attack on the Government down there, and we have people here parroting the Communist line out of El Salvador that we ought to have a cease-fire, and we ought to have the Communists negotiate with the Government when they could not win the election just a few months ago.

It seems to me that it is time for Members to step back, make certain of our facts, before we get out here and suggest we abandon another ally.

RECESS

The SPEAKER pro tempore. (Mr. GRAY). Pursuant to the order of the House on Friday, November 17, 1989, the Chair declares the House in recess to the subject to the call of the Chair.

Bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 1 o'clock and 44 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1852

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 52 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of it clerks, announced that the Senate had passed a bill, joint resolution and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 975. An act to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes;

S.J. Res. 178. Joint Resolution to express United States support for the aspirations of the people of Nagorno-Karabagh for a peaceful and fair settlement to the dispute; and

S. Con Res. 84. Concurrent resolution providing for the correction of technical errors in the enrollment of the bill H.R. 3660.

CORRECTING ENROLLMENT OF H.R. 3660, GOVERNMENT ETHICS REFORM ACT OF 1989

Mr. FROST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 84) providing for the correction of technical errors in the enrollment of the bill, H.R. 3660.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 84

Resolved by the Senate (the House of Representative concurring), That, in the enrollment of the bill (H.R. 3660 to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for government-wide ethics reform and for other purposes, the Clerk of the House of Representatives shall make the following corrections;

(1) In section 207(a)(2)(B) of title 18, United States Code (as contained in section 101(a) of the bill), strike out "with a period" and insert in lieu thereof "within a period".

(2) In section 207(b) of title 18, United States Code (as contained in section 101(a) of the bill)—

(A) in paragraph (1)—

(i) strike out "and who personally an substantially" and insert in lieu thereof "who personally and substantially"; and

(ii) strike out "the Freedom of Information Act, section 552 of title 5, United States Code," and insert in lieu thereof "section 552 of title 5, and

(B) in paragraph (2)(B), strike out "requiring" and insert in lieu thereof "that requires".

(3) In section 207(c)(2)(C) of title 18, United States Code, strike out "at that basic rate of pay" and insert in lieu thereof "at the basic rate of pay specified in that subparagraph".

(4) In section 207(e) of title 18, United States Code (as contained in section 101(a) of the bill)—

(A) in paragraph (1)(A), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(B) in paragraph (1)(B)—

(i) strike out "officer or employee" and insert in lieu thereof "officer, or employee"; and

(ii) strike out "or employee of any other legislative branch" and insert in lieu thereof "and any employee of any other legislative"; and

(C) in paragraph (1)(C), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(D) in paragraph (2)(A), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(E) in paragraph (3), strike out "Member of Congress" and insert in lieu thereof "Member, officer, or employee of either House of Congress";

(F) in paragraph (4)—

(i) in subparagraph (A), strike out "officer or employee" and insert in lieu thereof "officer, or employee"; and

(ii) in subparagraph (B)(ii), strike out the comma after "leadership of the Senate".

(G) in paragraph (7)—

(i) in subparagraph (G), strike out "entity or office" and insert in lieu thereof 'entity, or office"; and

(ii) in subparagraph (L), strike out "the chairman" and insert in lieu thereof "chairman".

(5) In section 207(i) of title 18, United States Code (as contained in section 101 of the bill)—

(A) in paragraph (1) insert a comma before "including";

(B) in paragraph (2), insert a comma after "investigation"; and

(C) in paragraph (3), insert "or" before "judicial".

(6) In section 207(j)(6) of title 18, United States Code (as contained in section 101(a) of the bill), strike out "the President,".

(7) In section 103(h)(1)(A)(ii)(II) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(8) In section 109(1) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(9) In section 109(6) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "section 503(4)" and insert in lieu thereof "section 505".

(10) In section 111(2) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(11) In section 203(b), insert after "House" each place it appears the following: "of Representatives".

(12) In the section heading of section 1352 of title 31, United States Code (as contained in section 302 of the bill), strike out "Travel acceptance authority" and insert in lieu thereof "Acceptance of travel and related expenses from non-Federal sources".

(13) In section 1352 of title 31, United States Code (as contained in section 302 of the bill), strike out subsection (d) and insert in lieu thereof the following:

"(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than $250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

"(2) The reports required by paragraph (1) shall, with respect to each payment—

"(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

"(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

"(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.".

(14) In the section 302(a) strike out "Subchapter III of chapter 13 of subtitle 2" and insert in lieu thereof "IN GENERAL.—Subchapter III of chapter 13".

(15) In the section 401, strike out the section heading and insert in lieu thereof the following:

"SEC. 401. AMENDMENT TO SECTION 202 OF TITLE 18, UNITED STATES CODE.".

(16) In section 202(c) of title 18, United States Code (as contained in section 401 of the bill), insert a comma after "208" and insert a comma after "Congress".

(17) In section 202(d) of title 18, United States Code (as contained in section 401 of the bill), strike out "include" and insert in lieu thereof "include—".

(18) In section 202(e)(1) of title 18, United States Code (as contained in section 401 of the bill), strike out "include" out "United States Code,".

(19) In section 402, strike out the section heading and insert in lieu thereof the following:

"SEC. 402. AMENDMENT TO SECTION 203 OF TITLE 18, UNITED STATES CODE.".

(20) In section 402 of the bill, strike out "(8) redesignating" and all that follows through "paragraph (b)" and insert in lieu thereof the following:

"(8) in subsection (b)—

"(A) by redesignating such subsection as subsection (c); and

"(B) by striking 'subsection (a)' and inserting 'subsections (a) and (b)'; and

"(9) by inserting after subsection (a) the following:".

(21) In section 203(b)(1) of title 18, United States Code (as contained in section 402 of the bill)—

(A) insert "representational" before "services"; and

(B) insert a comma after "otherwise".

(22) At the end of the text inserted by paragraph (9) of section 402 of the bill, insert "; and" after the close quotation marks.

(23) In section 203(e) of title 18, United States Code (as contained in section 402 of the bill)—

(A) strike out "provided that" and insert in lieu thereof "if"; and

(B) strike out "shall certify" and insert in lieu thereof "certifies".

(24) In section 403, strike out the section heading and insert in lieu thereof the following:

"SEC. 403. AMENDMENT TO SECTION 204 OF TITLE 18, UNITED STATES CODE.".

(25) In section 404, strike out the section heading and insert in lieu thereof the following:

"SEC. 404. AMENDMENT TO SECTION 205 OF TITLE 18, UNITED STATES CODE.".

(26) In section 205(f) of title 18, United States Code (as contained in section 404 of the bill)—

(A) strike out "provided that" and insert in lieu thereof "if"; and

(B) strike out "shall certify" and insert in lieu thereof "certifies".

(27) In section 405, strike out the section heading and insert in lieu thereof the following:

"SEC. 405. AMENDMENTS TO SECTION 208 OF TITLE 18, UNITED STATES CODE.".

(28) In section 405(2) of the bill, strike out "(2) in subsection (b)" and all that follows through the end of paragraph (4) of subsection (b) of section 208 of title 18, United States Code, as contained in section 405(2) of the bill, and insert in lieu thereof the following:

(2) by striking subsection (b) and inserting the following:

"(b) Subsection (a) shall not apply—

"(1) if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee;

"(2) if, by regulation issued by the Director of the Office of Government Ethics, applicable to all or a portion of all officers and employees covered by this section, and published in the Federal Register, the financial interest has been exempted from the requirements of paragraph (1) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies;

"(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to section 107 of the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

"(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation organized group or community, Alaska Native village corporation as a specific party or parties.

(29) In section 406, strike out the section heading and insert in lieu thereof the following:

"SEC. 406. AMENDMENT TO SECTION 209 OF TITLE 18, UNITED STATES CODE.".

(30) In section 407 of the bill, redesignate subsection

(c) as subsection (b).

(31) In section 502(c), strike out "The" and insert in lieu thereof "EFFECTIVE DATE.—The".

(32) In section 503, insert after "by the Government." the following: "Such use with respect to vehicles owned or leased by, or the cost of which is reimbursed by, the House of Representatives or the Senate shall be only as prescribed by rule of the House of Representatives or the Senate, as applicable.".

(33) Strike out section 507 and insert in lieu thereof the following:

"SEC. 507. SUSPENSION OF EFFECT OF CERTAIN PROVISIONS OF LAW.

"The following provisions of law shall have no force or effect during the period beginning on the day after the date of enactment of this Act and ending one year after such day:

"(1) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).

"(2) Sections 2397a and 2397b of title 10, United States Code.

"(3) Section 281 of title 18, United States Code.

"(4) Sections 603 through 606, subsections (a) and (b) of section 607, and subsections (a) and (c) of section 608 of the Department of Energy Organization Act.".

(34) In section 601, add at the end the following:

(b) CONFORMING AMENDMENTS.—

(1) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended—

(A) in subsection (a) by striking "No person while an elected or appointed officer or employee of the Federal Government" and by inserting "No person while a Senator or officer or employee of the Senate", and by striking "accept" the first time it appears; and

(B) in subsection (b) by striking "an elected or appointed officer or employee of any branch of the Federal Government" and by inserting "a Senator or any officer or employee of the Senate".

(2) Session 908(a)(3) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)(3)) is amended to read as follows:

"(3) 'Member' means a Senator; and".

(35) In section 603, strike out "section 603" and insert in lieu thereof "section 703".

(36) In section 225(b)(1)(B) of the Federal Salary Act of 1967 (as contained in section 701 of the bill), strike out "President of the Senate;" and insert in lieu thereof the following: "President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;".

(37) In section 225(i)(2)(A) of the Federal Salary Act of 1967 (as contained in section 701 of the bill), insert after "entirety." the following: "This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.".

(38) Strike out title X of the bill.

(39) Redesignate title XII of the bill as title X and redesignate section 1201 of the bill as section 1001.

(40) In section 802(d), strike out "section 407" and insert in lieu thereof "section 503".

(41) In clause 1(a)(1)(A) of rule XLVII of the Rules of the House of Representatives (as contained in section 804(a) of the bill, strike out "aggregate" and all that follows through "during" and insert in lieu thereof the following: "annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of".

(42) In clause 1(a)(2) of rule XLVII of the Rules of the House of Representatives (as contained in section 804(a) of the bill), strike out "aggregate" and all that follows through "year." and insert in lieu thereof the following: "annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer or employee during such calendar year and the denominator of which is 365.".

(43) In section 804(f), strike out "section 303" and insert in lieu thereof "section 703".

(44) In section 1101 of the bill—

(1) insert "(a)" before "(1) Adjustments"; and

(2) add after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of this section, no adjustment in any rate of pay and section 908 (b)(4)(A) of the Supplemental Appropriations Act, 1983, as added by subsection (b) of this section, shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BROWN of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 112, not voting 34, as follows:

[Roll No. 369]

YEAS—287

Ackerman	Dyson	LaFalce
Akaka	Early	Lantos
Alexander	Eckart	Laughlin
Anderson	Edwards (CA)	Leath (TX)
Andrews	Edwards (OK)	Lehman (CA)
Annunzio	Emerson	Lehman (FL)
Anthony	Engel	Levin (MI)
Applegate	English	Levine (CA)
Archer	Erdreich	Lewis (GA)
Atkins	Espy	Lipinski
AuCoin	Evans	Lloyd
Barnard	Fascell	Long
Bartlett	Fawell	Lowey (NY)
Bateman	Fazio	Luken, Thomas
Bates	Feighan	Manton
Beilenson	Flippo	Markey
Bennett	Foglietta	Marlenee
Bereuter	Ford (MI)	Martinez
Berman	Ford (TN)	Matsui
Bevill	Frank	Mavroules
Bilbray	Frost	Mazzoli
Boggs	Gallo	McCloskey
Bonior	Gaydos	McCurdy
Borski	Gejdenson	McDermott
Bosco	Gephardt	McEwen
Boucher	Geren	McHugh
Boxer	Gillmor	McMillen (MD)
Brennan	Glickman	McNulty
Broomfield	Gonzalez	Mfume
Browder	Gordon	Miller (CA)
Brown (CA)	Grant	Miller (WA)
Bruce	Green	Mineta
Bryant	Guarini	Moakley
Bustamante	Hall (OH)	Mollohan
Byron	Hall (TX)	Montgomery
Callahan	Hamilton	Moody
Campbell (CA)	Hammerschmidt	Morella
Cardin	Harris	Morrison (CT)
Carper	Hatcher	Morrison (WA)
Carr	Hayes (IL)	Mrazek
Chapman	Hayes (LA)	Murtha
Clarke	Hefner	Myers
Clement	Hertel	Nagle
Clinger	Hoagland	Natcher
Collins	Hochbrueckner	Neal (MA)
Combest	Horton	Neal (NC)
Condit	Houghton	Nowak
Conte	Hoyer	Oakar
Conyers	Hubbard	Oberstar
Cooper	Huckaby	Obey
Costello	Hughes	Olin
Coyne	Hutto	Ortiz
Crockett	Jenkins	Owens (NY)
Darden	Johnson (CT)	Owens (UT)
Davis	Johnson (SD)	Pallone
de la Garza	Johnston	Panetta
DeFazio	Jones (GA)	Parker
Dellums	Jones (NC)	Patterson
Derrick	Jontz	Payne (NJ)
Dicks	Kanjorski	Payne (VA)
Dingell	Kaptur	Pease
Dixon	Kasich	Pelosi
Donnelly	Kastenmeier	Penny
Dorgan (ND)	Kennedy	Perkins
Downey	Kennelly	Petri
Dreier	Kildee	Pickett
Durbin	Kleczka	Porter
Dwyer	Kolter	Price
Dymally	Kostmayer	Rangel
Ravenel	Skaggs	Torricelli
Ray	Skelton	Towns
Richardson	Slattery	Traficant
Rinaldo	Slaughter (NY)	Traxler
Ritter	Smith (FL)	Udall
Robinson	Smith (IA)	Unsoeld
Roe	Smith (NE)	Valentine
Rose	Smith (NJ)	Vander Jagt
Rostenkowski	Smith (VT)	Vento
Rowland (GA)	Snowe	Visclosky
Roybal	Solarz	Volkmer
Russo	Spence	Walgren
Sabo	Spratt	Walsh
Saiki	Staggers	Watkins
Sangmeister	Stallings	Waxman
Sarpalius	Stearns	Weiss
Sawyer	Stenholm	Weldon
Saxton	Stokes	Wheat
Scheuer	Studds	Whitten
Schiff	Swift	Wilson
Schneider	Synar	Wise
Schulze	Tallon	Wolpe
Schumer	Tanner	Wyden
Sharp	Tauzin	Wylie
Shumway	Taylor	Yates
Shuster	Thomas (GA)	Yatron
Sisisky	Torres	

NAYS—112

Armey	Hansen	Paxon
Baker	Hastert	Poshard
Ballenger	Hefley	Regula
Barton	Henry	Rhodes
Bentley	Herger	Ridge
Bilirakis	Hiler	Roberts
Bliley	Holloway	Rogers
Boehlert	Hopkins	Rohrabacher
Brown (CO)	Hunter	Ros-Lehtinen
Buechner	Hyde	Roukema
Bunning	Inhofe	Schaefer
Burton	Ireland	Schroeder
Chandler	Jacobs	Schuette
Clay	James	Sensenbrenner
Coble	Kolbe	Shays
Coleman (MO)	Lagomarsino	Sikorski
Coughlin	Lewis (CA)	Skeen
Courter	Lewis (FL)	Slaughter (VA)
Cox	Lightfoot	Smith (TX)
Craig	Lowery (CA)	Smith, Robert (NH)
Crane	Lukens, Donald	Smith, Robert (OR)
Dannemeyer	Machtley	Solomon
DeLay	Madigan	Stangeland
DeWine	Martin (NY)	Stump
Dornan (CA)	McCandless	Sundquist
Douglas	McCollum	Tauke
Duncan	McCrery	Thomas (CA)
Fields	McGrath	Thomas (WY)
Frenzel	McMillan (NC)	Upton
Gallegly	Meyers	Vucanovich
Gekas	Michel	Walker
Gilman	Miller (OH)	Weber
Gingrich	Molinari	Whittaker
Goodling	Moorhead	Wolf
Goss	Murphy	Young (AK)
Grandy	Nielson	Young (FL)
Gunderson	Oxley	
Hancock	Pashayan	

NOT VOTING—34

Aspin	Hawkins	Pursell
Brooks	Kyl	Quillen
Campbell (CO)	Lancaster	Rahall
Coleman (TX)	Leach (IA)	Roth
Dickinson	Lent	Rowland (CT)
Fish	Livingston	Savage
Flake	Martin (IL)	Shaw
Florio	McDade	Smith, Denny (OR)
Garcia	Nelson	Stark
Gibbons	Packard	Williams
Gradison	Parris	
Gray	Pickle	

□ 1916

Mr. MRAZEK changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PARRIS. Mr. Speaker, I was en route from the floor to my office at the time of the vote on the Journal during the vote concluded a few moments ago. Had I been present I would have voted "aye."

There was no objection.

REQUEST TO CONSIDER AT ANY TIME BILL MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS FOR FISCAL YEAR 1990

Mr. OBEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House, any rule of the House to the contrary notwithstanding, a bill to be introduced by myself making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, and that debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from Oklahoma [Mr. EDWARDS] and that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MILLER of California. Mr. Speaker, reserving the right to object, I do so to inquire of the gentleman from Wisconsin, what would be the situation with respect to possible amendments to this legislation under the motion that the gentleman has just made?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, there would not be any amendments.

Mr. MILLER of California. At this time, Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I take this time to inquire of the distinguished majority leader how we will proceed for the balance of this evening and our plans for tomorrow.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri, the majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, I would like to try to bring Members up to date on where we are, what we want to attempt to do this evening and then on into tomorrow.

We will have a vote this evening on the immigration bill that affects Chinese students. That should come rather soon. We will try to get these votes up as quickly as we can so that Members will not be held here for long.

We will be taking up the conference report on catastrophic health insurance. This is the repeal of catastrophic.

I am told that there are Members who would like to call for a vote on that. So those are two votes that we expect to have yet this evening. We also then have a unanimous-consent request with regard to the ACDA authorization bill that will come a little later this evening. We will have a unanimous-consent request to come in at 10 in the morning as opposed to 12 so that we can deal with a number of suspension bills first thing in the morning.

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Mr. GEPHARDT. Then obviously later in the day we would have to deal with reconciliation. We have to deal with the Labor-HHS appropriation, and we have to deal with the foreign aid appropriation sometime in there, as well.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader.

I gather from the strength of the objection of the gentleman from California that we had planned to do this evening will then be deferred, hopefully, until tomorrow. Not that I would have preferred that, but I would have preferred it tonight, or is there an opportunity for any discussion?

Mr. GEPHARDT. If the gentleman will continue to yield, I am sure there will be a discussion, and if there is something else we can do in the time that we will be here tonight, we will try to do that. If we cannot, we will tell Members that before the end of the last vote that we will have here tonight.

Mr. MICHEL. Mr. Speaker, the distinguished gentleman from Kentucky [Mr. NATCHER] is on the floor; as I understand it, it is only the one item, is it not, with respect to the rural centers, and so we do not really anticipate a problem with the gentleman's bill, do we?

I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, let me say to the gentleman that the matter involved pertains to small rural hospitals, the method of payment. On the other side, the amendment provided that $15 million should come out of Medicare operating expense money. That is in the jurisdiction of the Committee on Ways and Means.

The other day, as the gentleman remembers, we had two items here, one on the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], the chairman, and as I recall, the vote was about 400 to nothing. We were really embarrassed on this side. That should not have been in the bill. It has nothing to do with Labor, Health and Human Services and Education, and the same thing I say to the minority leader on this matter. We turned it down, the other side sent it back. I was watching on television, and they had it up on the other side, and they said they had some sort of an agreement as to the House now accepting it and sending it back. I talked to the chairman of the Committee on Ways and Means. He says it is in the reconciliation bill and will be handled there. It should not be done in Labor-HHS.

Mr. MICHEL. Mr. Speaker, I thank the distinguished chairman for his comments.

HOUR OF MEETING ON TOMORROW

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, November 20, 1989.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON MONDAY, NOVEMBER 20, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses on the legislative day of Monday, November 20, 1989, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 5 P.M. FRIDAY, DECEMBER 15, 1989, TO FILE SUNDRY INVESTIGATIVE REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 5 p.m., Friday, December 15, 1989, to file sundry investigative reports. This request has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 2712, CHINESE ADJUSTMENT OF STATUS FACILITATION ACT OF 1989

The SPEAKER. The unfinished business is the question of the adoption of the conference report on H.R. 2712.

The Clerk read the title of the bill.

The SPEAKER. This question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MORRISON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 370]

YEAS—403

Ackerman	Coble	Frenzel
Akaka	Coleman (MO)	Frost
Alexander	Collins	Gallegly
Anderson	Combest	Gallo
Andrews	Condit	Gaydos
Annunzio	Conte	Gejdenson
Anthony	Conyers	Gekas
Applegate	Cooper	Gephardt
Archer	Costello	Geren
Armey	Coughlin	Gibbons
Atkins	Courter	Gillmor
AuCoin	Cox	Gilman
Baker	Coyne	Gingrich
Ballenger	Crane	Glickman
Barnard	Crockett	Gonzalez
Bartlett	Dannemeyer	Goodling
Barton	Darden	Gordon
Bateman	Davis	Goss
Bates	de la Garza	Grandy
Beilenson	DeFazio	Grant
Bennett	DeLay	Green
Bentley	Dellums	Guarini
Bereuter	Derrick	Gunderson
Berman	DeWine	Hall (OH)
Bevill	Dicks	Hall (TX)
Bilbray	Dingell	Hamilton
Bilirakis	Dixon	Hammerschmidt
Bliley	Donnelly	Hancock
Boehlert	Dorgan (ND)	Hansen
Boggs	Dornan (CA)	Harris
Bonior	Douglas	Hastert
Borski	Downey	Hatcher
Bosco	Dreier	Hayes (IL)
Boucher	Duncan	Hayes (LA)
Boxer	Durbin	Hefley
Brennan	Dwyer	Hefner
Broomfield	Dymally	Henry
Browder	Dyson	Herger
Brown (CA)	Early	Hertel
Brown (CO)	Eckart	Hiler
Bruce	Edwards (CA)	Hoagland
Bryant	Edwards (OK)	Hochbrueckner
Buechner	Emerson	Holloway
Bunning	Engel	Hopkins
Burton	English	Horton
Bustamante	Erdreich	Houghton
Byron	Espy	Hoyer
Callahan	Evans	Hubbard
Campbell (CA)	Fascell	Huckaby
Cardin	Fawell	Hughes
Carper	Fazio	Hunter
Carr	Feighan	Hutto
Chandler	Fields	Hyde
Chapman	Flippo	Inhofe
Clarke	Foglietta	Ireland
Clay	Ford (MI)	Jacobs
Clement	Ford (TN)	James
Clinger	Frank	Jenkins

Johnson (CT)	Murphy	Skaggs
Johnson (SD)	Murtha	Skeen
Johnston	Myers	Skelton
Jones (GA)	Nagle	Slattery
Jones (NC)	Natcher	Slaughter (NY)
Jontz	Neal (MA)	Slaughter (VA)
Kanjorski	Neal (NC)	Smith (FL)
Kaptur	Nielson	Smith (IA)
Kasich	Nowak	Smith (NE)
Kastenmeier	Oakar	Smith (NJ)
Kennedy	Oberstar	Smith (TX)
Kennelly	Olin	Smith (VT)
Kildee	Ortiz	Smith, Robert (NH)
Kleczka	Owens (NY)	Smith, Robert (OR)
Kolbe	Owens (UT)	Snowe
Kolter	Oxley	Solarz
Kostmayer	Pallone	Solomon
LaFalce	Panetta	Spence
Lagomarsino	Parker	Spratt
Lantos	Parris	Staggers
Laughlin	Pashayan	Stallings
Leach (IA)	Patterson	Stangeland
Leath (TX)	Paxon	Stark
Lehman (CA)	Payne (NJ)	Stearns
Lehman (FL)	Payne (VA)	Stenholm
Levin (MI)	Pease	Stokes
Levine (CA)	Pelosi	Studds
Lewis (CA)	Penny	Stump
Lewis (FL)	Perkins	Sundquist
Lewis (GA)	Petri	Swift
Lightfoot	Pickett	Synar
Lipinski	Porter	Tallon
Livingston	Poshard	Tanner
Lloyd	Price	Tauke
Long	Rangel	Tauzin
Lowery (CA)	Ravenel	Taylor
Lowey (NY)	Ray	Thomas (CA)
Luken, Thomas	Regula	Thomas (GA)
Lukens, Donald	Rhodes	Thomas (WY)
Machtley	Richardson	Torres
Madigan	Ridge	Torricelli
Manton	Rinaldo	Towns
Markey	Ritter	Traficant
Marlenee	Roberts	Traxler
Martin (NY)	Robinson	Udall
Martinez	Roe	Unsoeld
Matsui	Rogers	Upton
Mavroules	Rohrabacher	Valentine
Mazzoli	Ros-Lehtinen	Vander Jagt
McCandless	Rose	Vento
McCloskey	Rostenkowski	Visclosky
McCollum	Roukema	Volkmer
McCrery	Rowland (GA)	Vucanovich
McCurdy	Roybal	Walgren
McDermott	Russo	Walker
McEwen	Sabo	Walsh
McGrath	Saiki	Watkins
McHugh	Sangmeister	Waxman
McMillan (NC)	Sarpalius	Weber
McMillen (MD)	Savage	Weiss
McNulty	Sawyer	Weldon
Meyers	Saxton	Wheat
Mfume	Schaefer	Whittaker
Michel	Scheuer	Whitten
Miller (CA)	Schiff	Williams
Miller (OH)	Schneider	Wilson
Miller (WA)	Schroeder	Wise
Mineta	Schuette	Wolf
Moakley	Schulze	Wolpe
Molinari	Schumer	Wyden
Mollohan	Sensenbrenner	Wylie
Montgomery	Sharp	Yates
Moody	Shays	Yatron
Morella	Shumway	Young (AK)
Morrison (CT)	Shuster	Young (FL)
Morrison (WA)	Sikorski	
Mrazek	Sisisky	

NAYS—0

NOT VOTING—30

Aspin	Gray	Pickle
Brooks	Hawkins	Pursell
Campbell (CO)	Kyl	Quillen
Coleman (TX)	Lancaster	Rahall
Craig	Lent	Roth
Dickinson	Martin (IL)	Rowland (CT)
Fish	McDade	Shaw
Flake	Moorhead	Smith, Denny (OR)
Florio	Nelson	
Garcia	Obey	
Gradison	Packard	

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So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ARMS CONTROL AUTHORIZATION ACT OF 1989

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1495) to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Control and Disarmament Amendments Act of 1989".

TITLE I—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1988.

Section 49(a) of the Arms Control and Disarmament Act is amended to read as follows:

"SEC. 49. (a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(A) $36,000,000 for the fiscal year 1990 and $37,316,000 for the fiscal year 1991; and

"(B) such additional amounts as may be necessary for fiscal years 1990 and 1991 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.".

SEC. 102. DUTIES OF THE DEPUTY DIRECTOR.

Section 23 of the Arms Control and Disarmament Act (22 U.S.C. 2563) is amended in the second sentence to read as follows: "The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe.".

SEC. 103. DUTIES OF THE SPECIAL REPRESENTATIVES.

(a) IN GENERAL.—Section 27 of the Arms Control and Disarmament Act (22 U.S.C. 2567) is amended by striking out "who shall perform" and all that follows through the period and inserting in lieu thereof the following: ", one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act.

SEC. 104. ARMS CONTROL IMPELEMENTATION AND COMPLIANCE RESOLUTION.

The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

(1) managing the implementation of existing and future arms control agreements;

(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions.

SEC. 105. ARMS CONTROL VERFICATION.

(a) ESTABLISHMENT OF WORKING GROUP.—The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(b) INFORMATION AND DATA BASE.—(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

SEC. 106. EXPENSES OF TRAVEL CONTINUING BEYOND THE END OF THE FISCAL YEAR.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by inserting after "personal effects" the following: "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)".

SEC. 107. REPORTING REQUIREMENT ON PROSPECTS FOR CONVERSION OF UNITED STATES DEFENSE INDUSTRIES.

The Director of the United States Arms Control and Disarmament Agency, in consultation with the Secretary of Defense and the Secretary of Commerce, shall study, and (not later than 180 days after the date of enactment of this Act) submit to the Congress a report, on concrete steps which could be taken to improve prospects for conversion of portions of United States defense industries to nondefense-related activities as opportunities are presented through the achievement of successful arms control agreements.

TITLE II—ON-SITE INSPECTION ACTIVITIES

SEC. 201. ON-SITE INSPECTION AGENCY.

The Arms Control and Disarmament Act is amended by adding at the end the following:

"TITLE V—ON-SITE INSPECTION ACTIVITIES

"SEC. 61. FINDINGS.

"The Congress finds that—

"(1) under this Act, the United States Arms Control and Disarmament Agency is charged with the 'formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security';

"(2) as defined in this Act, the terms 'arms control' and 'disarmament' mean 'the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control';

"(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

"(4) on-site inspection activities under the INF Treaty include—

"(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic,

"(B) escort duties for Soviet teams visiting the United States and the Basing Countries,

"(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and

"(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

"(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

"(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

"SEC 62. POLICY COORDINATION CONCERNING IMPLEMENTATION OF ON-SITE INSPECTION PROVISIONS.

"(a) INTERAGENCY COORDINATION.—OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

"(b) ROLE OF THE SECRETARY OF DEFENSE.—The Secretary of Defense should provide to OSIA appropriate policy guidance formulated throughout the interagency mechanism described in subsection (a) and operational direction, consistent with section 113(b) of title 10, United States Code.

"(c) ROLE OF THE DIRECTOR.—The Director should provide to the interagency mechanism described in subsection (a) appropriate recommendations for policy guidance to OSIA consistent with sections 2(d), 22, and 34(c) of this Act.

"SEC. 63. AUTHORIZATIONS OF APPROPRIATIONS FOR ON-SITE INSPECTION AGENCY.

"There are authorized to be appropriated $49,830,000 for fiscal year 1990 and $48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

"SEC. 64. DEFINITIONS.

"As used in this title—

"(1) the term 'INF Treaty' means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

"(2) the term 'OSIA' means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty.".

Mr. FASCELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I only do so to congratulate the chairman of the Foreign Affairs Committee [Mr. FASCELL] for his excellent work on this bill.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, on October 12, the House passed H.R. 1495 as amended by an overwhelming bipartisan vote of 400 to 11. The Senate subsequently passed their corresponding bill which is essentially the same as the House bill.

This legislation provides the necessary funding for our arms control negotiators and negotiations in Geneva and Vienna and for enhanced arms control verification requirements.

In order to enhance ACDA's ability to carry out its responsibilities for formulating and implementing U.S. arms control policy and for implementing and verifying existing and future arms control agreements, this legislation authorizes funds for external research, personnel and computer resources.

This legislation has the support of the executive branch.

I urge my colleagues to support this legislation.

Mr. BROOMFIELD. Mr. Speaker, I strongly support this legislation. I greatly appreciate the constructive and bipartisan spirit with which the gentleman from Florida approached this bill, particularly his support for my efforts to improve ACDA's arms control verification and compliance capabilities.

Given all the recent activity in arms control, this bill is now more important than ever. In many ways it is the heart and soul of our Nation's arms control efforts—it pays the salaries of our negotiators, it provides funds for supporting their efforts in Geneva, Vienna, and it authorizes funding for the invaluable work of the arms control "backstoppers" who labor in Washington preparing the U.S. position papers for each of these negotiations.

In October, I took part in an arms control observers trip to Geneva, Vienna, and Brussels led by majority leader, DICK GEPHARDT. One message came home loud and clear during our discussions with our arms control negotiators—verification was one of the key issues confronting them. The complexity and detail of their negotiations on verification is staggering. Obviously, everyone agrees verification of these agreements will be the key to our arms control future. This bill provides funds for this critical area of arms control.

We now have negotiations on START, CFE, NTT, Chemical Weapons, and CSBM to name just a few. This legislation pays their bills. I would also like to add that during our trip to Geneva and Vienna we learned that many other countries were not providing adequate support for their arms control negotiating teams. This bill makes certain that U.S. negotiating teams will have everything they need to do their job effectively. President Bush is firmly committed to having our Nation's best people representing America's interests at the negotiating table. This bill supports the President on this critical issue.

The committee has spent 1½ years engaged in extensive committee oversight of ACDA's operations. We have commissioned several GAO reviews of ACDA's operation, as well as an extensive inspector general report on ACDA.

A major finding of the inspector general report was that ACDA's verification capabilities needed to be strengthened. This bill responds directly to that finding. H.R. 1495 increases ADCA's budget in the area of verification research and analysis. In addition Congressman HYDE has included language calling for the establishment of a Compliance Bureau at ACDA designed to enhance U.S. efforts to effectively resolve future compliance questions. This bill, with its emphasis on verification and compliance, is a responsible effort to prepare our country for the future task of making sure that the Russians live up to their arms control responsibilities.

This is a very good bill which deserves your support. Support our negotiators in Geneva. Support verification of arms control agreements. Vote yes on H.R. 1495.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MOODY. Mr. Speaker, on Friday, November 17, 1989, I was unable to be present and record my votes in three instances. Had I been able to be present, I would have voted:

"No" on rollcall 366, the Rhodes amendment to S. 974.

"Aye" on rollcall 367, final passage of S. 974, Nevada Wilderness Act.

"Aye" on rollcall 368, H.R. 3532, Civil Rights Commission.

CONFERENCE REPORT ON H.R. 3607, MEDICARE CATASTROPHIC COVERAGE REPEAL ACT OF 1989

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 3607) to repeal Medicare provisions in the Medicare Catastrophic Coverage Act of 1988:

CONFERENCE REPORT (H. REPT. 101-378)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3607) to repeal medicare provisions in the Medicare Catastrophic Coverage Act of 1988, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Catastrophic Coverage Repeal Act of 1989".

TITLE I—PROVISIONS RELATING TO PART A OF MEDICARE PROGRAM AND SUPPLEMENTAL MEDICARE PREMIUM

SEC. 101. REPEAL OF EXPANSION OF MEDICARE PART A BENEFITS.

(a) IN GENERAL.—

(1) GENERAL RULE.—Except as provided in paragraph (2), sections 101, 102, and 104(d) (other than paragraph (7)) of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) (in this Act referred to as "MCCA") are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such section had not been enacted.

(2) EXCEPTION FOR BLOOD DEDUCTION.—The repeal of section 102(1) of MCCA (relating to deductibles and coinsurance under part A) shall not apply, but only insofar as such section amended paragraph (2) of section 1813(a) of the Social Security Act (relating to a deduction for blood).

(b) TRANSITION PROVISIONS FOR MEDICARE BENEFICIARIES.—

(1) INPATIENT HOSPITAL SERVICES AND POST-HOSPITAL EXTENDED CARE SERVICES.—In applying sections 1812 and 1813 of the Social Security Act, as restored by subsection (a)(1), with respect to inpatient hospital services and extended care services provided on or after January 1, 1990—

(A) no day before January 1, 1990, shall be counted in determining the beginning (or period) of a spell of illness;

(B) with respect to the limitation on such services provided in a spell of illness, days of such services before January 1, 1990, shall not be counted, except that days of inpatient hospital services before January 1, 1989, which were applied with respect to an individual after receiving 90 days of services in a spell of illness (commonly known as "lifetime reserve days") shall be counted;

(C) the limitation of coverage of extended care services to post-hospital extended care services shall not apply to an individual receiving such services from a skilled nursing facility during a continuous period beginning before (and including) January 1, 1990, until the end of the period of 30-consecutive days in which the individual is not provided inpatient hospital services or extended care services; and

(D) the inpatient hospital deductible under section 1813(a)(1) of such Act shall not apply—

(i) in the case of an individual who is receiving inpatient hospital services during a continuous period beginning before (and including) January 1, 1990, with respect to the spell of illness beginning on such date, if such a deductible was imposed on the individual for a period of hospitalization during 1989;

(ii) for a spell of illness beginning during January 1990, if such a deductible was imposed on the individual for a period of hospitalization that began in December 1989; and

(iii) in the case of a spell of illness of an individual that began before January 1, 1990.

(2) HOSPICE CARE.—The restoration of section 1812(a)(4) of the Social Security Act, effected by subsection (a)(1), shall not apply to hospice care provided during the subsequent period (described in such section as in effect on December 31, 1989) with respect to which an election has been made before January 1, 1990.

(3) TERMINATION OF HOLD HARMLESS PROVISIONS.—Section 104(b) of MCCA is amended by striking "or 1990" each place it appears.

(c) TERMINATION OF TRANSITIONAL ADJUSTMENTS IN PAYMENTS FOR INPATIENT HOSPITAL SERVICES.—

(1) PPS HOSPITALS.—Section 104(c)(1) of MCCA is amended by inserting "and before January 1, 1990," after "October 1, 1988,".

(2) PPS-EXEMPT HOSPITALS.—

(A) IN GENERAL.—Section 104(c)(2) of MCCA is amended—

(i) by inserting "and before January 1, 1990," after "January 1, 1989,"; and

(ii) by striking the period at the end and inserting the following: ", without regard to whether any of such beneficiaries exhausted medicare inpatient hospital insurance benefits before January 1, 1989.".

(B) TRANSITION.—The Secretary of Health and Human Services shall make an appropriate adjustment to the target amount established under section 1886(b)(3)(A) of the Social Security Act in the case of inpatient hospital services provided to an inpatient whose stay began before January 1, 1990, in order to take into account the target amount that would have applied but for the amendments made by this title.

(d) EFFECTIVE DATE.—The provisions of this section shall take effect January 1, 1990, except that the amendments made by subsection (c) shall be effective as if included in the enactment of MCCA.

SEC. 102. REPEAL OF SUPPLEMENTAL MEDICARE PREMIUM AND FEDERAL HOSPTIAL INSURANCE CATASTROPHIC COVERAGE RESERVE FUND.

(a) IN GENERAL.—Sections 111 and 112 of MCCA are repealed and the provisions of law amended by such sections are restored or revived as if such sections had not been enacted.

(b) DELAY IN STUDY DEADLINE.—Section 113(c) of MCCA is amended by striking "November 30, 1988" and inserting "May 31, 1990".

(c) DISPOSAL OF FUNDS IN FEDERAL HOSPITAL INSURANCE CATASTROPHIC COVERAGE RESERVE FUND.—Any balance in the Federal Hospital Insurance Catastrophic Coverage Reserve Fund (created under section 1817A(a) of the Social Security Act, as inserted by section 112(a) of MCCA) as of January 1, 1990, shall be transferred into the Federal Supplementary Medical Insurance Trust Fund and any amounts payable due to overpayments into such Trust Fund shall be payable from the Federal Supplementary Medical Insurance Trust Fund.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the provisions of this section shall take effect January 1, 1990.

(2) REPEAL OF SUPPLEMENTAL MEDICARE PREMIUM.—The repeal of section 111 of MCCA shall apply to taxable years beginning after December 31, 1988.

TITLE II—PROVISIONS RELATING TO PART B OF THE MEDICARE PROGRAM

SEC. 201. REPEAL OF EXPANSION OF MEDICARE PART B BENEFITS.

(a) IN GENERAL.—

(1) GENERAL RULE.—Except as provided in paragraph (2), sections 201 through 208 of MCCA are repealed and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(2) EXCEPTION.—Paragraph (1) shall not apply to subsections (g) and (m)(4) of section 202 of MCCA.

(b) CONFORMING AMENDMENTS.—Section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)) is amended—

(1) in paragraph (3)(C)—

(A) by striking "Subject to paragraph (4), deductibles" and inserting "Deductibles", and

(B) by striking "1813, section 1833(b)" and all that follows and inserting "1813 and section 1833(b)).''; and

(2) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4).

(c) EFFECTIVE DATE.—The provisions of this section shall take effect January 1, 1990.

SEC. 202. REPEAL OF CHANGES IN MEDICARE PART B MONTHLY PREMIUM AND FINANCING

(a) IN GENERAL.—Sections 211 through 213 (other than sections 211(b) and 211(c)(3)(B)) of MCCA are repealed and the provisions of law amended or repealed by such sections are restored or revised as if such sections had not been enacted.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall take effect January 1, 1990, and the repeal of section 211 of MCCA shall apply to premiums for months beginning after December 31, 1989.

SEC. 203. AMENDMENT OF CERTAIN MISCELLANEOUS PROVISIONS.

(a) REVISION OF MEDIGAP REGULATIONS.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss), as amended by section 221(d) of MCCA, is amended—

(A) in the third sentence of subsection (a) and in subsection (b)(1), by striking "subsection (k)(3)" and inserting "subsections (k)(3), (k)(4), (m), and (n)";

(B) in subsection (k)—

(i) in paragraph (1)(A), by inserting "except as provided in subsection (m)," before "subsection (g)(2)(A)", and

(ii) in paragraph (3), by striking "subsection (1)" and inserting "subsections (l), (m), and (n)"; and

(C) by adding at the end the following new subsections:

"(m)(1)(A) If, within the 90-day period beginning on the date of the enactment of this subsection, the National Association of Insurance Commissioners (in this subsection and subsection (n) referred to as the 'Association') revises the amended NAIC Model Regulation (referred to in subsection (k)(1)(A) and adopted on September 20, 1988) to improve such regulation and otherwise to reflect the changes in law made by the Medicare Catastrophic Coverage Repeal Act of 1989, subsection (g)(2)(A) shall be applied in a State, effective on and after the date specified in subparagraph (B), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the amended NAIC Model Regulation (referred to in subsection (k)(1)(A)) as revised by the Association in accordance with this paragraph (in this subsection and subsection (n) referred to as the 'revised NAIC Model Regulation').

"(B) The date specified in this subparagraph for a State is the earlier of the date the State adopts standards equal to or more stringent than the revised NAIC Model Regulation or 1 year after the date the Association first adopts such revised Regulation.

"(2)(A) If the Association does not revise the amended NAIC Model Regulation, within the 90-day period specified in paragraph (1)(A), the Secretary shall promulgate, not later than 60 days after the end of such period, revised Federal model standards (in this subsection and subsection (n) referred to as 'revised Federal model standards') for medicare supplemental policies to improve such standards and otherwise to reflect the changes in law made by the Medicare Catastrophic Coverage Repeal Act of 1989, subsection (g)(2)(A) shall be applied in a State, effective on and after the date specified in subparagraph (B), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the revised Federal model standards.

"(B) The date specified in this subparagraph for a State is the earlier of the date the State adopts standards equal to or more stringent than the revised Federal model standards or 1 year after the date the Secretary first promulgates such standards.

"(3) Notwithstanding any other provision of this section (except as provided in subsection (n))—

"(A) no medicare supplemental policy may be certified by the Secretary pursuant to subsection (a),

"(B) no certification made pursuant to subsection (a) shall remain in effect, and

"(C) no State regulatory program shall be found to meet (or to continue to meet) the requirements of subsection (b)(1)(A),

unless such policy meets (or such program provides for the application of standards equal to or more stringent than) the standards set forth in the revised NAIC Model Regulation or the revised Federal model standards (as the case may be) by the date specified in paragraph (1)(B) or (2)(B) (as the case may be).

"(n)(1) Until the date specified in paragraph (4), in the case of a qualifying medicare supplemental policy described in paragraph (3) issued in a State—

"(A) before the transition deadline, the policy is deemed to remain in compliance with the standards described in subsection (b)(1)(A) only if the insurer issuing the policy complies with the transition provision described in paragraph (2), or

"(B) on or after the transition deadline, the policy is deemed to be in compliance with the standards described in subsection (b)(1)(A) only if the insurer issuing the policy complies with the revised NAIC Model Regulation or the revised Federal model standards (as the case may be) before the date of the sale of the policy.

In this paragraph, the term 'transition deadline' means 1 year after the date the Association adopts the revised NAIC Model Regulation or 1 year after the date the Secretary promulgates revised Federal model standards (as the case may be).

"(2) The transition provision described in this paragraph is—

"(A) such transition provision as the Association provides, by not later than December 15, 1989, so as to provide for an appropriate transition (i) to restore benefit provisions which are no longer duplicative as a result of the changes in benefits under this title made by the Medicare Catastrophic Coverage Repeal Act of 1989 and (ii) to eliminate the requirement of payment for the first 8 days of coinsurance for extended care services, or

"(B) if the Association does not provide for a transition provision by the date described in subparagraph (A), such transition provision as the Secretary shall provide, by January 1, 1990, so as to provide for an appropriate transition described in subparagraph (A).

"(3) In paragraph (1), the term 'qualifying medicare supplemental policy' means a medicare supplemental policy which has been issued in compliance with this section as in effect on the date before the date of the enactment of this subsection.

"(4)(A) The date specified in this paragraph for a policy issued in a State is—

"(i) the first date a State adopts, after the date of the enactment of this subsection, standards equal to or more stringent than the revised NAIC Model Regulation (or revised Federal model standards), as the case may be, or

"(ii) the date specified in subparagraph (B),

whichever is earlier.

"(B) In the case of a State which the Secretary identifies, in consultation with the Association, as—

"(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet standards described in subparagraph (A)(i), but

"(ii) having a legislature which is not scheduled to meet in 1990 in a legislative session in which such legislation may be considered,

the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1990. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

"(5) In the case of a medicare supplemental policy in effect on January 1, 1990, the policy shall not be deemed to meet the standards in subsection (c) unless each individual who is entitled to benefits under this title and is a policyholder or certificate holder under such policy on such date is sent a notice in an appropriate form by not later than January 31, 1990, that explains—

"(A) the changes in benefits under this title effected by the Medicare Catastrophic Coverage Repeal Act of 1989, and

"(B) how these changes may affect the benefits contained in such policy and the premium for the policy.

"(6)(A) Except as provided in subparagraph (B), in the case of an individual who had in effect, as of December 31, 1988, a medicare supplemental policy with an insurer (as a policyholder or, in the case of a group policy, as a certificate holder) and the individual terminated coverage under such policy before the date of the enactment of this subsection, no medicare supplemental policy of the insurer shall be deemed to meet the standards in subsection (c) unless the insurer—

"(i) provides written notice, no earlier than December 15, 1989, and no later than January 30, 1990, to the policyholder or certificate holder (at the most recent available address) of the offer described in clause (ii), and

"(ii) offers the individual, during a period of at least 60 days beginning not later than February 1, 1990, reinstitution of coverage (with coverage effective as of January 1, 1990), under the terms which (I) do not provide for any waiting period with respect to treatment of pre-existing conditions, (II) provides for coverage which is substantially equivalent to coverage in effect before the date of such termination, and (III) provides for classification of premiums on which terms are at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage never terminated.

"(B) An insurer is not required to make the offer under subparagraph (A)(ii) in the case of an individual who is a policyholder or certificate holder in another medicare supplemental policy as of the date of the enactment of this subsection, if (as of January 1, 1990) the individual is not subject to a waiting period with respect to treatment of a pre-existing condition under such other policy.".

(b) ADJUSTMENT OF CONTRACTS WITH PREPAID HEALTH PLANS.—Notwithstanding any other provision of this Act, the amendments made by this Act (other than the repeal of sections 1833(c)(5) and 1834(c)(6) of the Social Security Act) shall not apply to risk-sharing contracts, for contract year 1990—

(1) with eligible organizations under section 1876 of the Social Security Act, or

(2) with health maintenance organizations under section 1876(i)(2)(A) of such Act (as in effect before February 1, 1985), under section 402(a) of the Social Security Amendments of 1967, or under section 222(a) of the Social Security Amendments of 1972.

(c) NOTICE OF CHANGES.—The Secretary of Health and Human Services shall provide, in the notice of medicare benefits provided under section 1804 of the Social Security Act for 1990, for a description of the changes in benefits under title XVIII of such Act made by the amendments made by this Act.

(d) MISCELLANEOUS TECHNICAL CORRECTION.—Section 221(g)(3) of MCCA is amended by striking "subsection (f)" and inserting "subsection (e)".

(e) EFFECTIVE DATE.—The provisions of this section shall take effect January 1, 1990, except that the amendment made by subsection (d) shall be effective as if included in the enactment of MCCA.

TITLE III—MISCELLANEOUS AMENDMENTS

SEC. 301. MISCELLANEOUS MCCA AMENDMENTS.

(a) IN GENERAL.—Sections 421 through 425 and 427 of MCCA are repealed and any provision of law amended or repealed by such sections is restored or revived as if such sections had not been enacted.

(b) MISCELLANEOUS TECHNICAL CORRECTIONS.—

(1) Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1987, section 1834(b)(4)(A) of the Social Security Act, as added by section 4049(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "insurance and deductibles under section 1835(a)(1)(I)" and inserting "coinsurance and deductibles under sections 1833(a)(1)(J)".

(2) Section 1842(j)(1)(C)(vii) of the Social Security Act, as added by section 4085(i)(7)(C) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "accordingly" and inserting "according".

(3) Section 1886(g)(3)(A)(iv) of the Social Security Act, as added by section 4006(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "may) be" and inserting "may be)"

(4) Section 1866(a)(1)(F)(i)(III) of the Social Security Act is amended by striking "fiscal year))" and inserting "fiscal year)".

(5) Section 1875(c)(7) of the Social Security Act, as added by section 9316(a) of the Omnibus Budget Reconciliation Act of 1986, is amended by striking "date of the enactment of this Act" and inserting "date of the enactment of this section".

(6) Section 1842(j)(2)(B) of the Social Security Act, as amended by section 8(c)(2)(A) of the Medicare and Medicaid Fraud and Abuse Patient Protection Act of 1987, is amended by striking "paragraphs" and inserting "subsections".

(c) MISCELLANEOUS CORRECTIONS RELATING TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.—

(1) Effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1987, section 1834(b)(4)(A) of the Social Security Act (42 U.S.C. 1395m(b)(4)(A)), as added by section 4049(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "insurance and deductibles under section 1835(a)(1)(I)" and inserting "coinsurance and deductibles under sections 1833(a)(1)(J)".

(2) Section 1842(j)(1)(C)(vii) of the Social Security Act (42 U.S.C. 1395u(j)(1)(C)(viii)), as added by section 4085(i)(7)(C) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "accordingly" and inserting "according".

(3) Section 1886(g)(3)(A)(iv) of the Social Security Act (42 U.S.C. 1395ww(g)(3)(A)(iv)), as added by section 4006(a)(2) of the Omnibus Budget Reconciliation Act of 1987, is amended by striking "may) be" and inserting "may be)".

(d) OTHER CORRECTIONS.—

(1) Section 1866(a)(1)(F)(i)(III) of the Social Security Act (42 U.S.C. 1395cc(a)(1)(F)(i)(III)) is amended by striking "fiscal year))" and inserting "fiscal year)".

(2) Section 1875(c)(7) of the Social Security Act (42 U.S.C. 1395ll(c)(7)), as added by section 9316(a) of the Omnibus Budget Reconciliation Act of 1986, is amended by striking "date of the enactment of this Act" and inserting "date of the enactment of this section".

(3) Section 1842(j)(2)(B) of the Social Security Act (42 U.S.C. 1395u(j)(2)(B)), as amended by section 8(c)(2)(A) of the Medicare and Medicaid Fraud and Abuse Patient Protection Act of 1987, is amended by striking "paragraphs" and inserting "subsections".

(e) EFFECTIVE DATE.—The provisions of this section (other than subsections (c) and (d)) shall take effect January 1, 1990, except that—

(1) the repeal of section 421 of MCCA shall not apply to duplicative part A benefits for periods before January 1, 1990, and

(2) the amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

And the Senate agree to the same.

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

BRIAN DONNELLY,
BEN CARDIN,
MARTY RUSSO,
BILL ARCHER,
GUY VANDER JAGT,
PHILIP M. CRANE,
BILL FRENZEL,
R.T. SCHULZE,

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
DOUG WALGREN,
RON WYDEN,
TERRY L. BRUCE,
J. ROY ROWLAND,
CARDISS COLLINS,
RALPH M. HALL,
NORMAN F. LENT,
EDWARD R. MADIGAN,
BILL DANNEMEYER,
MIKE BILIRAKIS,

Managers on the Part of the House.

LLOYD BENTSEN,
SPARK M. MATSUNAGA,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
GEORGE J. MITCHELL,
BOB PACKWOOD,
W.V. ROTH, JR.,
JOHN C. DANFORTH,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3607) to repeal medicare provisions in the Medicare Catastrophic Coverage Act of 1988, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

CATASTROPHIC HEALTH INSURANCE

1. PROVISIONS RELATING TO PART A OF MEDICARE PROGRAM AND SUPPLEMENTAL PREMIUM

Present law

(a) Part A benefits

(1) *Hospital Benefits.*—The Medicare Catastrophic Coverage Act of 1988 (MCCA) provided coverage for an unlimited number of hospital days subject to one annual deductible.

Previously, coverage was linked to a spell of illness. A spell of illness began when a beneficiary entered a hospital and ended when he or she had not been an inpatient for a hospital or skilled nursing facility (SNF) for 60 days. For each spell of illness, one deductible was imposed for the first 60 days of care. Days in excess of 60 were subject to coinsurance charges; a beneficiary could potentially have exhausted all inpatient hospital benefits.

(2) *Skilled Nursing Facility Benefits.*—The SNF benefit as modified by MCCA authorizes coverage for up to 150 days of care per calendar year; no prior hospitalization is required. Daily coinsurance charges are imposed for the first 8 days per year equal to 20 percent of the national average Medicare reasonable cost for SNF care (estimated at $25.50/day in 1989).

Prior to MCCA, Medicare covered 100 days of psot-hospital SNF care per spell of illness. (See definition under (1)). Beneficiaries were subject to daily cost-sharing charges (equal to one-eighth of the inpatient hospital deductible on days 21-100).

(3) *Home Health Benefits.*—Home health benefits are covered under Medicare if the beneficiary is homebound and requires skilled nursing care on an intermittent basis or physical or speech therapy. Program guidelines have defined intermittent as permitting daily care for 5 days a week for up to 2 or 3 weeks. MCCA, effective January 1, 1990 expands the intermittent definition so that daily care is defined as up to 7 days a week for 38 days.

(4) *Hospice Benefits.*—MCCA provided for an extension beyond the 210-day limit if the beneficiary is rectified as terminally ill.

(5) *Transition Provisions.*—No provision.

(6) *Hold Harmless.*—MCCA applied a special provision in the case of a beneficiary whose spell of illness (for which a deductible was imposed) began before Jan. 1, 1989 and had not ended on that date. No deductible could be applied for that spell of illness in 1989 or 1990.

(7) *PPS Payments.*—MCCA provided for transitional adjustments in PPS payments to take into account the new law.

In the case of a hospital exempt from PPS, MCCA provided for an adjustment in the target amount (the annual limit on total Medicare payment to such a hospital) to take into account the additional days of care that Medicare would be covering. In computing this adjustment, the Secretary has excluded days of care that will be provided to beneficiaries who had exhausted their Medicare inpatient benefit before January 1, 1989.

(b) *Supplementary Medicare Premium and Federal Hospital Insurance Catastrophic Coverage Reserve Fund.*—All persons entitled to Medicare Part A who have a Federal tax liability of $150 or more are required to pay the supplemental premium. The supplemental premium is collected in conjunction with income tax payments. An estimated 41 percent of enrollees will pay the supplemental premium in 1989.

The Internal Revenue Code specifies the following supplemental premium rates per $150 of tax liability for 1989 through 1993: 1989, $22.50; 1990, $37.50; 1991, $39.00; 1992, $40.50; 1993, $42.00. The maximum supplemental premium amount is $800 in 1989, $850 in 1990, $900 in 1991, $950 in 1992, and $1,050 in 1993.

MCCA created a Federal Hospital Insurance Catastrophic Coverage Reserve Fund on the books of the Treasury, to which is appropriated amounts received from the supplemental catastrophic coverage premiums equal to 100 percent of Part A catastrophic benefit outlays.

(c) *Study.*—MCCA required the Secretary of the Treasury to study and report to Congress by November 30, 1988, on Federal tax policies to promote the private financing of long-term care.

House bill

(a) Part A benefits

(1) *Hospital Benefits.*—Repeals expanded benefits and restores pre-MCCA provisions.

(2) *Skilled Nursing Facility Benefits.*—Repeals expanded benefits and restores pre-MCCA provisions.

(3) *Home Health Benefits.*—Repeals the MCCA expansion.

(4) *Hospice Benefits.*—Repeals the MCCA extension.

(5) *Transition Provisions.*—Provides transition provisions for beneficiaries using inpatient hospital and extended care services after January 1, 1990:

(A) No period before January 1, 1990 is to be counted in determining the beginning or period of a spell of illness.

(B) With respect to the spell of illness day limitation, days of services provided before January 1, 1990, are not to be counted except that any lifetime reserve days used before January 1, 1989 are to be counted.

(C) The limitation on coverage of extended care services to post-hospital extended care services shall not apply to an individual receiving such services from a SNF during a continuous period beginning before (and including) January 1, 1990, until the end of the 30 consecutive day period in which the individual is not provided inpatient hospital or extended care services.

(D) The inpatient deductible does not apply:

(i) in the case of an individual who is receiving inpatient hospital services during a continuous period beginning before (and including) January 1, 1990 with respect to the spell of illness beginning on that date, if a deductible was imposed during 1989.

(ii) for a spell of illness beginning during January 1, 1990, if such a deductible was imposed on the individual for a period of hospitalization that began in Dec. 1989.

(iii) in the case of a spell of illness of an individual that began before January 1, 1989 and has not ended as of January 1, 1990.

Specifies that the pre-MCCA hospice provisions shall not apply to hospice care provided during the subsequent extension period (beyond 210 days) for which an election was made prior to January 1, 1990.

(6) *Holds Harmless.*—Deletes application of the provision in 1990.

(7) *PPS Payments.*—Terminates the transitional adjustments for payments to PPS and PPS-exempt hospitals January 1, 1990.

Requires the Secretary to include, in computing adjustments to the target amounts for PPS-exempt hospitals, days of care for persons who had exhausted their inpatient benefit before 1989.

(b) *Supplemental Medicare Premium and Federal Hospital Insurance Catastrophic Coverage Reserve Fund.*—Repeals the supplemental Medicare premium and the Federal Hospice Insurance Catastrophic Coverage Reserve Fund. Provides that any balance in the Reserve Fund as of January 1, 1990 must be transferred to the HI Trust Fund, and any amounts payable due to overpayments into such Trust Fund must be payable from the HI Trust Fund.

(c) *Study.*—Delays reporting date to May 31, 1990.

Effective date.—(a) Effective January 1, 1990, except termination of transitional PPS adjustments effective as if included in the enactment of MCCA. (b) Effective January 1, 1990, except premium repeal applies to taxable years beginning after December 31, 1988. (c) Effective January 1, 1990.

Senate amendment

(a) Part A benefits

(1) *Hospital Benefits.*—No provision.

(2) *Skilled Nursing Facility Benefits.*—Provides post-hospital extended care services coverage for up to 100 days during any spell of SNF care. Restores post-hospital requirements in effect prior to MCCA and makes conforming changes.

Defines the term "spell of SNF care". It is a period of consecutive days. It begins with the first day (not included in a previous spell of SNF care) on which the individual is furnished extended care services and which occurs in a month the individual is entitled to Part A. It ends with the close of the first 60 consecutive days thereafter on which he is not an inpatient of a SNF.

Restores pre-MCCA coinsurance requirements. The daily coinsurance, equal to one eigth of the inpatient hospital deductible, is imposed on days 21-100.

Requires the GAO study the reasons for the unexpected increase in cost estimates of the Medicare extended care benefit. GAO is to report to Congress by February 1, 1990 on the results of the study.

Provides that the Secretary may provide coverage for extended care services that are not post-hospital. Such coverage is available at such time and for so long as the Secretary determines that inclusion of such services will not (A) result in any increase in the total SNF payments, and (B) will not alter the acute nature of the SNF benefit. The Secretary is required to provide to the extent necessary. (A) for limitations on the scope and extent of such services and on the categories of individuals who may be eligible for such services; and (B) notwithstanding relevant payment provisions, such restrictions and alternatives on the amount and method of payment that may be necessary.

(3) *Home Health Benefits.*—No provision.

(4) *Hospice Benefits.*—No provision.

(5) *Transition Provisions.*—Provides a transition provision for an individual who is in a current spell of SNF care. The number of days of coverage of extended care services (furnished during such spell and on or after December 1, 1989) to which individual is entitled under Part A cannot exceed 150 less the number of days for which such benefits were payable for such individual in 1989 before December 1. Further, in applying the copayment provisions (as in effect before enactment of this Act) extended care services furnished during such spell during 1990 shall be considered to have been furnished during 1989. For purposes of this provision, the term "current spell of SNF care" means a spell of SNF care which began before December 1, 1989, which includes such date, and for which benefits for extended care services were payable before such date.

Provides that in no case shall the establishment of the definition of the spell of SNF care result in an individual being entitled to benefits for extended care services for more than 150 days during 1989. Provides that if an individual would otherwise be entitled to benefits in excess of 150 days in 1989, such unpaid days in 1989 do not count in determining the number of days of benefits for such services in 1990 during a spell of SNF care. Further they do not count in the determination of coinsurance.

Specifies that for purposes of the transition provisions, the term "spell of SNF care" has the same meaning as defined under (2) above. Days before December 1, 1989 are included in the determination of spells of SNF care.

(6) *Hold Harmless.*—No provision.

(7) *PPS Payments.*—Includes identical provisions with respect to clarification of transition for PPS-exempt hospitals.

(b) *Supplemental Medicare Premium and the Federal Hospital Insurance Catastrophic Coverage Reserve Fund.*—Similar provision except disposal of funds applies to balance as of the date of enactment.

(c) *Study.*—No provision.

Effective date.—(a) applies to extended care services furnished in a spell of SNF care beginning on or after December 1, 1989 except as provided in transition provision. PPS-exempt payment adjustment effective as if included in the enactment of MCCA. (b) enactment, except premium repeal applies to taxable years beginning after December 31, 1988.

Conference agreement

(a) *Part A Benefits.*—(1) Hospital Benefits. The conference agreement includes the House provision.

(ii) *Skilled Nursing Facility Benefits.*—The Conference agreement includes the House provision.

(iii) *Home Health Benefits.*—The Conference agreement includes the House provision.

(iv) *Hospice.*—The Conference agreement includes the House provision.

(v) *Transition Provisions.*—The Conference agreement includes the House provision.

(vi) *Hold Harmless.*—The Conference agreement includes the House provision.

(vii) *PPS Payments.*—The Conference agreement includes the Senate amendment, with an amendment to terminate the transitional adjustments for payments to PPS and PPS-exempt hospitals January 1, 1990. The Secretary of Health and Human Services is required to make appropriate adjustments to the inpatient hospital services provided to an inpatient whose stay began before January 1, 1990. This adjustment shall take into account the target amount that would have been applied prior to the enactment of this Act.

(b) *Supplemental Medicare Premium and Federal Hospital Insurance Catastrophic Coverage Reserve Fund.*—The Conference agreement includes the House provision with an amendment to transfer the balance in the Reserve Fund to the Supplementary Medical Insurance Trust Fund, and any amounts payable due to overpayments must be payable from the Supplementary Medical Insurance Trust Fund.

(c) *Study.*—The Conference agreement includes the House provision.

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2. PROVISIONS RELATING TO PART B OF THE MEDICARE PROGRAM

Present law

(a) Part B Benefits.—MCCA provided coverage for the following new Part B benefits effective January 1, 1990: a limit on beneficiary Part B deductible and coinsurance charges ($1,370 in 1990); biennial screening mammograms, subject to a payment limit and Part B coinsurance charges; 80 hours of respite care per year if the beneficiary reaches either the catastrophic or prescription drug deductibles; and coverage for home intravenous drug therapy services.

(b) Outpatient Prescription Drug Benefits.—MCCA authorized catastrophic coverage for outpatient prescription drugs. Effective January 1, 1990, a limited prescription drug benefit is established for home IV drugs and immunosuppressive drugs furnished after the first year following a transplant (they were already covered in the first year). The deductible is $550 in 1990; the coinsurance is 20 percent for home IV drugs and 50 percent for immunosuppressives. The deductible does not apply in the case of home IV drugs dispensed in connection with home IV therapy services initiated during a hospital stay.

Coverage for all outpatient prescription drugs begins in 1991, subject to specified deductable and coinsurance anounts.

Payments for single-source drugs is the lowest of the pharmacy's actual charge, the 90th percentile of pharmacy charges (beginning in 1992) or the average wholesale price plus an administrative allowance.

(c) Part B Premium.—MCCA provided a fixed dollar increase in the monthly Part B premium for all Part B enrollees to finance a portion of the catastrophic benefits added by MCCA. The add-on to the Part B premium was $4.00 for 1989; $4.90 for 1990; $7.40 for 1991; $9.20 for 1992; and $10.20 for 1993. Amounts for future years were based on actual program experience during prior time periods. MCCA extended indefinitely a hold harmless provision, which provides that beneficiaries who have their Part B premiums deducted from their social security or railroad retirement checks cannot have the amount of the social security benefits drop because of a Part B premium increase.

MCCA established a Federal Catastrophic Drug Insurance Trust Fund, to which is transferred amounts from the supplemental premium and the new prescription drug monthly premium (a component of the additional Part B monthly premium amount) to pay for the prescription drug benefit. MCCA also established a Medicare Catastrophic Coverage Account which is credited with receipts and debited for outlays for all new catastrophic benefits except prescription drugs.

House bill

(a) Part B Benefits.—Repeals the following new Part B benefits provided in MCCA: the limit on beneficiary Part B liability, mammograms, respite care coverage, and home intraveneous (IV) drug therapy services. Also repealed are the provisions requiring research on long-term care services and that requiring the study of adult day care services.

(b) Outpatient Prescription Drug Benefits.—Deletes MCCA coverage for outpatient prescription drugs. Retains the MCCA requirement that physicians include the appropriate diagnosis code when requesting Medicare payment, effective March 31, 1989.

(c) Part B Premium.—Repeals the MCCA increase to the Medicare Part B premium for catastrophic benefits, the Federal Catastrophic Drug Insurance Trust Fund, and the Medicare Catastrophic Coverage Account. Retains the hold harmless provision.

Provides for a one-time transfer, as of January 1, 1990, from the Supplementary Medical Insurance (SMI) Trust Fund to the Hospital Insurance (HI) Trust Fund an amount equal to (1) the amount of the add-on to the Part B premiums collected for catastrophic coverage, minus (2) Part B administrative expenses incurred for implementation of MCCA, plus (3) interest accrued to the SMI Trust Fund attributable to the balance of (1) minus (2).

Effective date.—(a) and (b) effective January 1, 1990. (c) applies January 1, 1990, except that the repeal of the provision adjusting Part B premiums applies to premiums for months beginning after December 31, 1989.

Senate Amendment

(a) Part B Benefits.—Repeals the Part B cap. Delays implementation of the mammogram and home IV drug therapy services provisions until 1991 (and delays other reference dates in those provisions by one year).

Delays implementation of the respite provision until 1991. The payment threshold provision is modified to provide that the 12-month coverage period begins on the date that the Secretary determines that a chronically dependent individual has incurred out-of-pocket Part B cost-sharing equal to the Part B catastrophic limit. The catastrophic limit is $1,780 in 1991. This threshold is increased each year by an amount estimated by the Secretary to reflect the amount of such charges which will be incurred by only 5.5 percent of beneficiaries (other than HMO enrollees) in the following year. The Secretary is required to promulgate a new limit each year. The Secretary is required to submit a report to Congress by June 1, 1990 on alternative eligibility standards for respite benefits.

(b) Outpatient Prescription Drug Benefits.—Limits coverage for outpatient prescription drugs to immunosuppressives and home IV drugs provided in 1991 and thereafter. The deductible is $550 in 1991, increased in future years by the percentage increase in the MEI applicable to physicians services. Specifies that the coinsurance is 20 percent.

Provides that payment for single-source drugs on the basis of the 90th percentile of pharmacy charges is delayed until 1993. Specifies that the administrative dispensing allowance is $4.50.

Deletes provisions relating to prepaid organizations, physician guide, definition of outlays, participating pharmacies, administrative provisions, modification of HMO/CMP contracts, requirement for reestimation of costs, requirement for a series of additional studies, and development of a standard claims form. Modifies requirement for report on outlays and receipts. An annual report is required each May, beginning in 1990.

Deletes provision requiring establishing the Prescription Drug Payment Review Commission; however, the Commission is authorized to continue its activities for 30 days after enactment.

(c) *Part B Premium.*—Combines current catastrophic coverage monthly premium and prescription drug monthly premium into a single catastrophic coverage monthly premium. Specifies that this premium is the same as the total of the two premiums under current law for 1989-1993. Requires the Secretary to determine during September 1990, 1991, and 1992, the monthly actuarial rate for months in the succeeding year which if substituted for the specified amounts would assure (taking into account potential contingencies) a positive balance in the Medicare Catastrophic Coverage Account at the end of the succeeding year. If this rate is lower, it is to be substituted for the amount otherwise specified for that year.

Deletes current requirements for calculation of the premium after 1993. Specifies that each September (beginning in 1993), the Secretary is required to determine the monthly acturial rate for months in the succeeding year which would assure a balance in the Account at the end of the year equal to 20 percent of the total debits to the Account in the year. This rate is the catastrophic monthly premium for the year.

Specifies premiums applicable for residents of Puerto Rico and the territories. For Puerto Rico, it is $1.30 per month for 1989 and $1.40 per month for 1990. For other commonwealths and territories, it is $2.10 in 1989 and $2.30 in 1990. In subsequent years, a rate is determined for Puerto Rico and another rate is determined for other commonwealths and territories, each of which is a fraction of the rate determined for the States and DC. The fraction is to reflect the relative per capita outlays which are accounted for under the Account for residents in such respective areas compared to those for residents of the States and DC.

Specifies that, for Part B only individuals, the Part B premium (otherwise determined without regard to the catastrophic calculation) is to be increased (beginning January 1991) by a fraction of the increase otherwise determined. The Secretary is required from time to time to establish a fraction that reflects the relative per capita outlays accounted for under the Account by Part B only individuals compared to individuals entitled to benefits under both Parts A and B.

Includes a one-time transfer of funds provision similar to the House bill.

Provides for appropriation from the SMI trust fund to the HI trust fund from such amounts as are attributable to catastrophic coverage monthly premiums imposed after December 1989. The appropriation equals the amount by which HI outlays attributable to catastrophic expenses exceeds the amounts transferred under the one-time transfer of funds provision. The amounts shall be transferred from time to time (not less frequently than monthly) based on estimates made by the Secretary. Periodic adjustments are to be made.

Repeals the Federal Catastrophic Drug Insurance Trust Fund and makes conforming changes to provisions relating to the Medicare Catastrophic Coverage Account.

Effective date.—(a) enactment except the repeal of the Part B cap effective as if included in MCCA; (b) enactment; (c) enactment.

Conference agreement

(a) *Part B Benefits.*—The Conference agreement includes the House provision.

(b) *Outpatient Prescription Drug Benefits.*—The Conference agreement includes the House provision.

(c) *Part B Premium.*—The Conference agreement includes the House provision, with an amendment to strike the provisions pertaining to the transfer of funds from the Federal Supplementary Medical Insurance Trust Fund to the Hospital Insurance Trust Fund.

3. OTHER MISCELLANEOUS AMENDMENTS

Present law

(a) *Revision of Medigap Regulations.*—Individually purchased private health insurance policies which are designed to supplement Medicare's coverage are known as medigap plans. Law prior to passage of MCCA established a voluntary certification program for such policies. To be certified under the program, the plan must meet or exceed standards set forth in a model regulation approved by the National Association of Insurance Commissioners (NAIC). The voluntary program applies only in States which fail to establish equivalent or more stringent programs; almost all States have established their own programs.

MCCA amended procedures for Federal certification of medigap policies. New NAIC model standards, designed to eliminate duplication between medigap policies and Medicare's new catastrophic coverage, were adopted Sept. 20, 1989 and replaced prior law standards for new medigap policies. Policies sold before enactment of MCCA and in effect on January 1, 1989 were deemed not to duplicate Medicare's new benefits if they complied with NAIC model transition rules. These rules required insurers to notify beneficiaries of policy and premium changes and to make appropriate premium adjustments in their policies.

(b) *Contracts with Prepaid Health Plans.*—MCCA required the Secretary to modify contracts with prepaid health plans, for portions of contract years occurring after December 31, 1988, to take into account the MCCA provisions. The plans are required to make appropriate adjustments in the terms of their agreements with beneficiaries, including adjustments in benefits and premiums.

The Secretary announced the average per capita rate payment for prepaid health plans on September 7, 1989.

(c) *Notice of Changes.*—MCA provided that the Secretary must provide to new beneficiaries and annually distribute to current beneficiaries notices containing an explanation of Medicare's benefits, Medicare's limits on payments, and the limited benefits for long-term care services available under Medicare and under State Medicaid plans.

(d) *Other Miscellaneous Amendments.*—MCCA provided for a "maintenance of effort" provision requiring certain employers to provide additional benefits or refunds to beneficiaries equal to the value of the benefits in their plans which duplicated Medicare's new catastrophic coverage. Federal Employees Health Benefits (FEHB) plans are required to provide a rebate equal to the duplicative benefits. MCCA required the Office of Personnel Management (OPM) to conduct a study of changes to the FEHB program that may be required to incorporate plans designed specifically for Medicare-eligible individuals; OPM issued the study in April 1989.

MCCA required the Secretary to establish a 3-year demonstration project to train volunteers to provide benefits counseling and assistance concerning the Medicare and Medicaid programs to elderly persons.

MCCA required the Secretary to establish by July 1, 1989, four demonstration projects to provide case management services to Medicare beneficiaries with selected high cost illnesses.

MCCA required the HCFA Administrator to appoint, within 90 days of enactment, an Advisory Committee on Medicare Home Health Claims to study the reasons for the increase in the denial rate for home health claims, the ramifications of such denials, and the need for reform. The Committee is to report its findings within 1 year of enactment.

House bill

(a) *Revision of Medigap Regulations.*—Provides a period of 90 days, beginning with enactment, for the NAIC to amend their model medigap regulation to reflect the Medicare benefit changes made by this provision. Provides that the amended regulation would apply in a State effective on the date the State adopts medigap standards equal to or more stringent than the revised regulation, or 1 year after the date the NAIC first adopts such revised regulation. Provides that if the NAIC does not amend the model regulation within 90 days, the Secretary must promulgate revised Federal model standards within the subsequent 60 day period. These standards would become effective on the earlier of the date the State adopts the standards, equal or more stringent than the revised standards, or one year after the date the Secretary promulgates the standards. After either of these dates, no medigap policy may be certified by the Secretary and no Secretarial certification may remain in effect unless the policy meets the revised NAIC model standards (or the revised Federal model standards.)

Provides that medigap policies issued after July 1, 1990 must comply with the revised NAIC model regulation or Federal model standards to be in compliance. Provides that medigap policies issued before July 1, 1990 are deemed to be in compliance with the new standards if they comply with a transition provision to be issued by the NAIC no later than December 15, 1989 (or failing that, by the Secretary by Jan. 1, 1990). The transition regulation ceases to apply on the earlier (sic) of the date the State adopts the NAIC model regulation or Federal model standard or the date established for States requiring legislative action.

Provides that medigap policies in effect on January 1, 1990 would not meet the standards unless each policy holder who is eligible for Medicare is sent a notice by Jan. 31, 1990 explaining the change in Medicare's benefits resulting from this provision, and how these changes affect the policy's benefits and premium.

Provides that if an insurer had a medigap policy in effect as of December 31, 1988 which was terminated by the policyholder as of January 1, 1989 (or at the earliest renewal date thereafter), then the insurer must offer the policyholder (through written notice by January 15, 1990) continuation of coverage from January 1, 1990 to March 1, 1990. Provides that such continuation coverage be under the terms respecting treatment of preexisting conditions and group ratings of premiums which are at least as favorable to the individual as such terms which existed with respect to the policy as of December 31, 1988.

Expresses the sense of Congress that States should respond at the earliest practicable date after the enactment to requests by insurers for review and approval of riders and premium adjustments for medigap policies in order to comply with the changed requirements.

(b) *Contracts with Prepaid Health Plans.*—Provides that the requirement for contract adjustments ends January 1, 1990.

(c) *Notice of Changes.*—Provides that the Secretary must provide in the 1990 beneficiary notices a description of the changes in Medicare benefits made by this provision.

(d) *Other Miscellaneous Amendments.*—Repeals MCCA provisions related to maintenance of effort, FEHBP rebates, the OPM study of plans for Medicare-eligible individuals, benefits counseling and assistance demonstration project for certain Medicare and Medicaid beneficiaries, case management demonstration projects, and the Advisory Committee on Medicare Home Health Claims.

Makes other miscellaneous technical corrections.

Effective date.—(a), (b), and effective January 1, 1990, except the repeal of the maintenance of effort provision would not apply to duplicative Part A benefits for periods before January 1, 1990. (d) effective on enactment.

Senate amendment

(a) *Revision of Medigap Regulations.*—Similar provision relating to NAIC or Federal actions except refers to revised (rather than amended) NAIC Model Regulation.

Similar provision relating to policies issued after a particular date except that the date is the transition deadline (rather than July 1, 1990). The transition deadline is defined as one year after NAIC adopts the revised Model Regulation or one year after the Secretary promulgates revised Federal model standards, as the case may be. Further, the NAIC transition provision is to provide (1) for the restoration of benefits which are no longer duplicative, and (2) elimination of coinsurance for the first 8 days of SNF care.

Similar notice provision except applies to policyholder or certificate holder.

Provides that if an individual had a Medigap supplemental policy in effect as of December 31, 1988 with an insurer (as a policyholder, or in the case of a group policy, a certificate holder) and the individual terminated the policy before enactment of this Act, the insurer must offer the policyholder or certificate holder (through written notice between December 15, 1989 and January 30, 1990) reinstitution coverage. The individual must be offered during a period of at least 60 days (beginning not later than February 1, 1990) reinstitution coverage (with coverage effective as of January 1, 1990). The offering must be under the terms which: (1) do not provide for any waiting period with respect to treatment of pre-existing conditions; (2) provides for coverage which is substantially equivalent to coverage in effect before the date of such termination, and (3) provides for classification of premiums on which terms are at least as favorable to the policyholder or certificate holder as the premium classification that would have applied to that person had the coverage never been terminated. An insurer is not required to make this offer in the case of a policyholder or certificate holder in another medigap policy as of the date of enactment of this Act if (as of January 1, 1990) the policy under which the individual was provided coverage provides for no waiting period with respect to a pre-existing condition.

Modifies sense of Congress provision to include the sense that premium adjustments be effective January 1, 1990.

(b) *Contracts with Prepaid Health Plans.*—Requires, for calendar year 1990 only, prepaid health plans with risk-sharing contracts to provide the additional Part B benefits otherwise repealed and retains the adjustment in 1990 premium rates to cover the costs of these benefits.

(c) *Notice of Changes.*—Identical provision.

(d) *Other Miscellaneous Amendments.*—Specifies that any refund under the maintenance of effort provision is not to be considered as wages or compensation (as appropriate) and is therefore not subject to taxation for purposes of social security, railroad retirement, or Federal unemployment programs.

Includes miscellaneous corrections included in House bill as well as additional technical corrections to portions of MCCA which are retained.

Effective date.—Enactment, except that provision relating to treatment of refunds under the maintenance of effort provision applies with respect to refunds provided on or after January 1, 1989.

Conference agreement

(a) *Revision of Medigap Regulations.*—The Conference agreement includes the Senate amendment, with an amendment to strike the sense of the Congress provisions. The Conferees intend that States should respond, at the earliest practicable date after the date of enactment of this Act, to requests by insurers for review of riders and premium adjustments for medicare supplemental policies in order to comply with the amendments pertaining to the revision of Medigap regulations, and that all such premium adjustments be effective January 1, 1990.

(b) *Contracts with Prepaid Health Plans.*—The Conference agreement includes the Senate amendment with an amendment to repeal sections 1833(c)(5) and 1834(c)(6).

(c) *Notice of changes.*—The Conference agreement includes the House provision.

(d) *Other Miscellaneous Amendments*—The Conference agreement includes the House provision.

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

BRIAN DONNELLY,
BEN CARDIN,
MARTY RUSSO,
BILL ARCHER,
GUY VANDER JAGT,
PHILIP M. CRANE,
BILL FRENZEL,
R.T. SCHULZE,

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
DOUG WALGREN,
RON WYDEN,
TERRY L. BRUCE,
J. ROY ROWLAND,
CARDISS COLLINS,
RALPH M. HALL,
NORMAN F. LENT,
EDWARD R. MADIGAN,
BILL DANNEMEYER,
MIKE BILIRAKIS,

Managers on the Part of the House.

LLOYD BENTSEN,
SPARK M. MATSUNAGA,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
GEORGE J. MITCHELL,
BOB PACKWOOD,
W.V. ROTH, Jr.,
JOHN C. DANFORTH,

Managers on the Part of the Senate.

Mr. ROSTENKOWSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 3607) to repeal Medicare provisions in the Medicare Catastrophic Coverage Act of 1988 and ask unanimous consent that the conference report be considered as read and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. ARCHER. Mr. Speaker, reserving the right to object, I do not intend to object, but I take this time only to inquire as to whether this conference report embodies what the House passed in repeal of the catastrophic program.

Mr. ROSTENKOWSKI. Mr. Speaker, if the gentleman will yield, there is no change in the language. This is exactly what the House has passed, and it embodies repeal.

Mr. ARCHER. Mr. Speaker, clearly the House should accept this, and I hope the unanimous-consent request is adopted.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, the conference report embodies the House bill repealing the Medicare provisions of last year's catastrophic health insurance legislation. I rise in opposition to repeal although I have no doubt about the outcome of this vote. I truly believe that the House will regret a decision to repeal this program which we enacted just last year on a strong bipartisan basis with the support of President Reagan.

Many Members think that this will be the last chapter in the Medicare catastrophic coverage drama. I can assure you that it is not. During the short period of time since the House first considered repeal, many elderly groups have come to realize the benefits they stand to lose if the program is repealed.

The Congress may decide to repeal this program, but we cannot repeal the fundamental need that this program was designed to address. The fact is this: The need to protect senior citizens against costly medical bills will do nothing but grow in the years to come. We can run, but we can't hide.

I am not going to belabor the point. I urge my colleagues to think very carefully about taking away essential health care benefits from senior citizens. I hope my colleagues will join me in opposition to this conference report.

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Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to say to the distinguished chairman that I am aware that he attempted to compromise with the Senate and to save some of the elements of the catastrophic bill, one of which was the screening of mammography.

Mr. Speaker, I just want to say for the record that I am very disappointed that the conferees could not retain some of the elements of the catastrophic bill, at least mammography. It would not only save lives, but save an awful lot of money.

From the report that the Ways and Means Committee has given, Medicare recipients will be diagnosed as having breast cancer and probably because mammography prevention is not covered in Medicare, which it should be, those people will probably have advanced breast cancer.

Mr. Speaker, one of the things that is very dismaying is the fact that type of disease for women is reaching crisis proportions. One out of nine women will get breast cancer. Every single First Lady since Betty Ford has had some type of breast tumor. This ought to indicate that just as we pour $1.6 billion into AIDS reseaarch, which I support, we ought to be doing this minuscule type of screening in Medicare.

I frankly do not see why that could not have been folded into the entire program. So my protest vote tonight, with all due respect to the stalwart efforts of the chairman and others, is to vote against the repeal.

Mr. DONNELLY. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Speaker, I thank the gentlewoman for yielding to me.

I would like the gentlewoman to know and the Members of the House to know that in an offer sent by the House conferees to the conferees of the other body, coverage for mammography and hospice and respite care, all three of those, were included in our

offer, and that offer was rejected by the other body.

As the gentlewoman knows, I am a strong supporter of the expansion of Medicare coverage for mammography, and if in fact the House position is sustained, I would join the gentlewoman early in the second session of the next year to make sure that the coverage is provided to all Medicare beneficiaries.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for that commitment. I think that if that is accurate, the Senate ought to be ashamed of itself for not folding it in.

Mr. Speaker, one last thing. I think there is a tremendous amount of prejudice toward female dominated diseases at NIH, and in terms of the Medicare Program, two-thirds of which happen to be female. All families suffer, women and men, when women acquire this terrible disease, and it is about time the House really makes a solid commitment to having this type of coverage and research in breast cancer for the American people. We ought to be ashamed of ourselves that we cannot provide this small item.

Mr. Speaker, I thank the distinguished gentleman for letting me speak on the floor on this issue.

Ms. OAKAR. Mr. Speaker, today I rise in opposition to the measure before us to repeal most provisions of the Medicare Catastrophic Act, which this House passed last year by such an overwhelming margin. The bill before us, does save some important Medicaid provisions— the spousal impoverishment protection, Medicaid care for low-income pregnant women and infants, and Medicaid coverage for low-income elderly's copayments. Yet, I am very disappointed that we could not be given the opportunity to save some of the very important benefits that may be lost here today.

Mr. Speaker, I agree that the unfair surtax must be repealed. Of course, given that, many of the more costly Medicare improvements must go. Last year, these historic strides in Medicare coverage were handicapped by a tremendously unfair financing mechanism. The insistence last year by President Reagan that seniors only must pay for this coverage, resulted in an unreasonable financing scheme. Medicare benefits must not be subjected to a means testing. Older Americans justifiably expressed their outrage at the unusual supplemental premium they were slapped with. However, we do not need to throw out the baby with the bath water. Some vital benefits could still be preserved without retaining that surtax. I know that many of my colleagues believe that complete repeal of the Medicare Catastrophic Coverage Act is what their constituents want. Most of my constituents, however, focus their concern on the surtax. They recognize the need for the benefits we can salvage without that extra surtax, such as home health and respite care, screening mammography, and extended hospital and physician coverage.

Mr. Speaker, my colleagues are well aware that I remain among the leaders in the fight for a comprehensive national health plan. We need, desperately, to treat the ills of our backended health system. The current system is rife with problems that will not disappear. Health care costs are skyrocketing and no end is in sight. Some health experts claim that Medigap costs will dramatically increase this year. Thirty-seven million Americans remain uninsured. Just as many are underinsured. Most of these Americans live in working families. The 85-year-old and older group is the fastest growing segment of our society.

We need to adopt a national health policy that embraces cost effective measures such as prevention and home health care. We will vote today on whether or not to repeal a first in preventive care under Medicare, screening mammography for women under Medicare. This technique saves lives, potentially 14,000 American women this year alone. However, if that fact in itself does not appeal to my colleagues, routine screening mammography also saves money. We can pay $50 dollars today to detect a malignant lump in its early stages; or we can pay as much as $60,000 for disfiguring surgery and prolonged, agonizing, and all too often futile cancer treatement. Currently, Medicare does not cover routine examinations of any type. Our Nation's emergency rooms are being flooded with Medicaid patients who must wait until they are chronically ill to receive treatment. This is when our system decides to pay for these people. One way or another, in this country, we all eventually pay for the health costs of the uninsured. Mr. Speaker, we can pay for them now or we can pay for them later.

Fortunately, the Pepper Commission, to which I have been appointed, will continue to meet. By spring, the Commission will come forth with some proposals to replace that which may be taken away here today. Many such proposals are already on the table. It is encouraging that some proposals that I have seen will not only include protections to be repealed today; they will go beyond this to address the dire need for long-term care protection for the growing numbers of our Nation's older Americans. Still, a complete repeal today will be a giant step backward. Valuable time and momentum will be lost which our Nation cannot afford.

Mr. Speaker, we must continue forward in the footsteps of our late colleague and very dear friend, Claude Pepper. We cannot forget his mission. We must not forget his vision of a more compassionate America—an America that reveres its elders—an America that preserves for its parents the security that they worked so hard to provide for us.

Mr. Speaker, for all these reasons I cannot support the limited and unrealistic choice before us today. I know that many of my colleagues share my frustration, and I urge them to step forward and join me in opposition to H.R. 3607.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, our conferees on catastrophic care did an excellent job. They have come back to us with a total repeal. That is what the people of this country want.

Congress has been through the wringer on this issue, and this is our chance to put it to rest. Seniors have told us that they don't want so-called reform. They don't want us to raise part B premiums to salvage some of the program. They want total repeal.

Some in the other body want us to retain the hospital benefit. But that coverage is a bad deal. Like the physician and prescription drug coverage, it costs too much in relation to the benefit it provides.

Mr. Speaker, the only responsible answer to the catastrophic law is repeal, and I urge my colleagues to support the conference report on catastrophic care.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express further concern regarding House action to repeal the benefits provided under the Medicare Catastrophic Protection Act. While we all agree that the surtax imposed under the catastrophic law required modification, I am dismayed by the impending legislation to delete many of the vital benefits provided under the original law.

Mr. Speaker, we must recall that adoption of the Catastrophic Protection Act resulted in the first major expansion of Medicare benefits since the program's inception in 1965. Despite the flaws contained in the financing provisions of the bill, we must not overlook the fact that the catastrophic benefits provide significant new protections against many gaps in current Medicare health care coverage.

Make no mistake about it—these are real benefits which affect many needy people, particularly the elderly, the impoverished, and the disabled: Expanded home health care; hospice care; unlimited hospital stays; new benefits for respite care and expanded stays in a skilled nursing facility; protection from the high costs of prescription drugs; and universal mammography screening for all Medicare beneficiaries. These are provisions to save lives and alleviate suffering among our Nation's senior citizens and disabled Americans.

Throughout my tenure in Congress, and throughout the debate on catastrophic care, I have advocated taking action to preserve and extend benefits in the vital area of long-term health care. By this measure, we will instead reverse this process to prevent many elderly, disabled, and indigent citizens from gaining access to medical care which is desperately required.

Mr. Speaker, earlier the House had the opportunity to pursue a viable alternative proposal. During debate on the budget reconciliation legislation, the House rejected the Stark-Waxman-Gradison amendment which would have preserved many vital catastrophic care benefits and removed duplication of other retirement programs, while still repealing the objectionable catastrophic care surtax. I regret that the majority of our colleagues at that time refused to accept our pleas for common sense and compassion, and now we are faced with no alternative but repeal.

I firmly believe that when the majority of senior citizens recognize this lost opportunity for expansion of Medicare benefits, they will regret that strong opposition to the financing mechanism resulted in a loss of extended protection against the devastating effects of catastrophic illness. My own congressional district senior citizen advisory committee was almost unanimously of the opinion that without the surtax on income the catastrophic care benefits provided under the law would be worthwhile. While I recognize the strong objections to this surtax, I regret that the House was unable to proceed in such a way as to preserve the expansion of vital health care benefits for our Nation's Medicare recipients.

Accordingly, I urge my colleagues to oppose H.R. 3607, the Medicare Catastrophic Care Repeal Act.

Mr. ARCHER. Mr. Speaker, I rise in strong support of the conference report on H.R. 3607. I yield myself as much time as I might consume and ask unanimous consent to revise and extend my remarks.

Two months ago, the House of Representatives voted overwhelmingly to repeal the controversial Medicare Catastrophic Coverage Act.

The 360-to-60 vote margin reflected clearly the depth of feeling about this issue in the House and the wishes of the Nation's elderly who made their feelings so clearly known to us.

Since that time, first in the budget reconciliation conference, and then in the conference on this separate bill, there were numerous attempts to forge a compromise position with the Senate.

Unfortunately, all of those attempts to compromise with the Senate failed. In fact, no position other than straight repeal ever could attract a majority of House conferees alone.

Now a majority of conferees in both the House and Senate have agreed that repeal is the avenue we must follow in putting this issue finally to rest before Congress adjourns. I share that view.

While I personally have sought to achieve some reasonable compromise between the Senate's bill and our own, I am now of the opinion that no such compromise position exists.

It is my hope that once we have adopted this conference agreement, the Senate will also act expeditiously to pass it and send the repeal bill on to the President for his signature.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, my question is, Does the repeal preserve the provision that was in the original bill on spousal impoverishment? In other words, it protects a spouse in the event that one of the partners is under Medicaid.

Mr. ARCHER. The gentleman can be assured that it does. It is precisely the same language that was passed by a 360-to-60 vote margin.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

Mr. BRENNAN. Mr. Speaker, I must express my disappointment in the final form of this important legislation. I commend the conferees on repeal of the unfair surtax, or supplemental premium, which was placed on only 41 percent of senior citizens. Placing the financing burden completely upon beneficiaries was one of the prerequisites to achieving former President Reagan's signature on the bill and this was clearly the most controversial portion of this legislation.

Mr. Reagan emphasized, "This is a pay-as-you-go program, a program that requires no tax dollars." Throughout consideration of the bill, Mr. Reagan continually insisted on full financing by the elderly and disabled as a condition of his signing of the bill. Such a method of financing for comprehensive benefit programs raised significant concerns about acceptable and unacceptable means to finance health care and other programs initiating long-term health care coverage. I support complete and retroactive repeal of the surtax as included in the conference report.

My support stops there. How far have we come since 1986, when serious efforts to enact long-term care legislation took effect? Not very far. I think it is important to look at the progress, or lack thereof, we have achieved in 4 years.

Hospital costs are high and for many, they are out of reach and will force individuals and families into poverty. Precatastrophic coverage law patients were covered for only 90 days, they paid a deductible, $564 in 1989, every time they entered the hospital, and after 60 days of hospitalization they were required to make copayments. The Catastrophic Coverage Program provided unlimited hospitalization with no copayments and only one deductible per year. The conference report repeals hospital coverage and therefore assistance for those in need of extended hospital stays.

Physician bills are high and have been increasing beyond the rate of inflation. Before the Medicare coverage law, patients paid $75 deductible plus 20 percent of the doctor's charges. The 1988 law protected beneficiaries by setting a maximum on the amount an individual must pay for physician costs. The maximum was to be $1,370 in 1989, after which beneficiaries paid nothing. The cap was to be indexed for inflation. Protection against the costs of physician services are repealed by the conference report.

The Medicare Catastrophic Coverage Act significantly improved skilled nursing care coverage. The number of days covered was increased, copayments were significantly reduced and instead of being required every day after the first 20 days, copayments were requried only for the first 8 days of a stay. Improved coverage for individuals in need of skilled nursing facilities are repealed under the conference report.

Previously, only organ transplant patients received any Medicare assistance for the high costs of prescription drugs. The new Medicare Program, when fully implemented in 1993, would have provided 80 percent of the costs of prescription drugs after a $710 deductible. The conference bill repeals financial assistance for the increasing costs of prescription drugs.

Families and individuals in need of in-home services to relieve unpaid caregivers would have received 80 hours of respite care services per year through the Catastrophic Coverage Program. Without this program, families are provided with no respite care coverage and must care for their loved ones through short- and long-term illnesses without Federal assistance. Even this small step toward long-term care is repealed by the conference report.

The new Medicare Program increased the number of days covered for home health benefits to 38 from 21 per illness and provided coverage for 7 days a week instead of only 5. Again, what little progress that was made for long-term care is repealed by the compromise report before us today.

Terminally ill patients, people with AIDS, individuals with cancer, and many senior citizens with long-term illnesses will forgo benefits under this conference report. The Catastrophic Coverage Act extended beyond 21 days the coverage for hopice stays. Terminally ill patients would have received unlimited coverage. The conference report repeals improved hospice services and a significant step toward meeting long-term care needs.

Finally, 41,000 women may die unnecessarily of breast cancer over the next several years when they could have received mammography screening through the Medicare Coverage Program. The conference report has compromised these potential victims by repealing coverage for a mammogram every other year.

How far have we come in terms of improving the health benefits available to our Nation's senior citizens and Medicare beneficiaries? I believe this conference report repeals what little progress has been achieved. I trust that we will rectify this repeal of benefits and again begin to seriously address the national health care concerns impacting this country. The time to establish and implement a network of health services which are affordable and accessible to all is now.

The people of the United States should be guaranteed health care coverage. The program that we develop may not be perfect the first time around and may indeed require alterations once it is in effect. However, if we continue to haphazardly enact and then completely abolish health care programs we will never be able to evaluate what new programs are or are not working and we will certainly see little progress toward a comprehensive health benefit program. I will, and I look forward to working with my colleagues to develop a comprehensive health care program, one which has evaluation and revision mechanisms built into the legislation in order to avoid complete abolishment every time problems are discovered amidst the progress.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DONNELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 57, not voting 27,

[Roll No. 371]

YEAS—349

Ackerman	Douglas	Kastenmeier
Akaka	Dreier	Kennelly
Anderson	Duncan	Kildee
Andrews	Durbin	Kleczka
Annunzio	Dwyer	Kolbe
Applegate	Dyson	Kolter
Archer	Eckart	Kyl
Armey	Edwards (OK)	Lagomarsino
Atkins	Emerson	Lantos
AuCoin	Engel	Laughlin
Baker	English	Leach (IA)
Ballenger	Erdreich	Leath (TX)
Barnard	Espy	Lehman (CA)
Bartlett	Fascell	Lehman (FL)
Barton	Fawell	Levine (CA)
Bateman	Fazio	Lewis (CA)
Bates	Feighan	Lewis (FL)
Beilenson	Fields	Lewis (GA)
Bennett	Flippo	Lightfoot
Bentley	Foglietta	Lipinski
Bereuter	Ford (MI)	Livingston
Berman	Frank	Lloyd
Bevill	Frenzel	Lowery (CA)
Bilbray	Frost	Lowey (NY)
Bilirakis	Gallegly	Luken, Thomas
Bliley	Gallo	Lukens, Donald
Boggs	Gaydos	Machtley
Bonior	Gejdenson	Madigan
Borski	Gekas	Manton
Bosco	Geren	Markey
Boxer	Gibbons	Marlenee
Broomfield	Gillmor	Martin (NY)
Browder	Gingrich	Martinez
Brown (CA)	Glickman	Matsui
Brown (CO)	Goodling	Mavroules
Bruce	Gordon	Mazzoli
Bryant	Goss	McCandless
Buechner	Grandy	McCloskey
Bunning	Grant	McCollum
Burton	Green	McCrery
Bustamante	Guarini	McCurdy
Byron	Gunderson	McEwen
Callahan	Hall (OH)	McGrath
Campbell (CA)	Hall (TX)	McMillan (NC)
Cardin	Hammerschmidt	McMillen (MD)
Carper	Hancock	McNulty
Carr	Hansen	Meyers
Chandler	Harris	Michel
Chapman	Hastert	Miller (OH)
Clarke	Hatcher	Miller (WA)
Clement	Hayes (LA)	Mineta
Clinger	Hefley	Moakley
Coble	Hefner	Molinari
Coleman (MO)	Henry	Mollohan
Collins	Herger	Montgomery
Combest	Hertel	Morella
Condit	Hiler	Morrison (CT)
Cooper	Hoagland	Morrison (WA)
Costello	Hochbrueckner	Mrazek
Coughlin	Holloway	Murphy
Courter	Horton	Myers
Cox	Hoyer	Natcher
Craig	Huckaby	Neal (MA)
Crane	Hughes	Neal (NC)
Dannemeyer	Hunter	Nielson
Darden	Hutto	Nowak
Davis	Hyde	Oberstar
de la Garza	Inhofe	Olin
DeFazio	Ireland	Ortiz
DeLay	Jacobs	Oxley
Dellums	James	Packard
Derrick	Jenkins	Pallone
DeWine	Johnson (SD)	Parker
Dicks	Johnston	Parris
Dingell	Jones (GA)	Pashayan
Dixon	Jones (NC)	Patterson
Donnelly	Kanjorski	Paxon
Dornan (CA)	Kasich	Payne (VA)
Pease	Schulze	Tallon
Pelosi	Schumer	Tanner
Penny	Sensenbrenner	Tauke
Petri	Sharp	Tauzin
Pickett	Shays	Taylor
Porter	Shumway	Thomas (CA)
Poshard	Shuster	Thomas (GA)
Price	Sikorski	Thomas (WY)
Rangel	Sisisky	Torres
Ravenel	Skaggs	Torricelli
Ray	Skeen	Traficant
Regula	Skelton	Traxler
Rhodes	Slattery	Udall
Richardson	Slaughter (NY)	Upton
Ridge	Slaughter (VA)	Valentine
Rinaldo	Smith (FL)	Vander Jagt
Ritter	Smith (IA)	Visclosky
Roberts	Smith (NE)	Volkmer
Robinson	Smith (NJ)	Vucanovich
Roe	Smith (TX)	Walgren
Rogers	Smith (VT)	Walker
Rohrabacher	Smith, Robert (NH)	Walsh
Ros-Lehtinen	Smith, Robert (OR)	Watkins
Rose	Snowe	Waxman
Roth	Solarz	Weber
Roukema	Solomon	Weiss
Rowland (GA)	Spence	Weldon
Russo	Spratt	Wheat
Sabo	Stallings	Whitten
Saiki	Stangeland	Williams
Sangmeister	Stearns	Wilson
Sarpalius	Stenholm	Wolf
Sawyer	Studds	Wolpe
Saxton	Stump	Wyden
Schaefer	Sundquist	Wylie
Schiff	Swift	Yates
Schneider	Synar	Yatron
Schroeder		Young (AK)
Schuette		Young (FL)

NAYS—57

Alexander	Hamilton	Oakar
Anthony	Hayes (IL)	Obey
Boehlert	Hopkins	Owens (NY)
Boucher	Houghton	Owens (UT)
Brennan	Hubbard	Panetta
Clay	Jontz	Payne (NJ)
Conte	Kaptur	Perkins
Conyers	Kennedy	Rostenkowski
Coyne	Kostmayer	Roybal
Dorgan (ND)	LaFalce	Savage
Downey	Levin (MI)	Scheuer
Dymally	Long	Staggers
Early	McDermott	Stark
Edwards (CA)	McHugh	Stokes
Evans	Mfume	Towns
Ford (TN)	Miller (CA)	Unsoeld
Gephardt	Moody	Vento
Gilman	Murtha	Whittaker
Gonzalez	Nagle	Wise

NOT VOTING—27

Aspin	Gradison	Pickle
Brooks	Gray	Pursell
Campbell (CO)	Hawkins	Quillen
Coleman (TX)	Johnson (CT)	Rahall
Crockett	Lancaster	Rowland (CT)
Dickinson	Lent	Shaw
Fish	Martin (IL)	Smith, Denny (OR)
Flake	McDade	
Florio	Moorhead	
Garcia	Nelson	

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So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PACKARD. Mr. Speaker, I was unable to make it for the first two votes this afternoon.

Had I been here, I would have voted "yes" on both of them.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, I missed the preceding vote, and had I voted, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "yea" on rollcall numbers 370 and 371.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. RITTER. Mr. Speaker, I ask unanimous consent to have my name removed from cosponsorship of H.R. 586.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, the gentleman from Illinois is recognized for 1 minute.

There was no objection.

Mr. MICHEL. Mr. Speaker, I would inquire of the distinguished majority leader where we go from here.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, as I said earlier, having completed these two votes, there will be no more votes this evening. We will come back tomorrow, as I said, at 10 o'clock, and we will take up suspensions and try to move through the rest of the business.

Mr. MICHEL. Mr. Speaker, if there are no questions, I thank the distinguished majority leader.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-113)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2939, the appropriations bill for foreign operations, export financing, and related programs for the fiscal year 1990.

I do not take this action lightly. In a good faith effort to resolve the consti-

tutional and other problems contained in the bill, the Administration has engaged in extensive negotiations with the Congress. Those negotiations have not succeeded, and serious problems remain. Consequently, I must veto this bill.

Several sections of the bill, and in particular Section 582, interfere with my constitutional authority to conduct the foreign relations of the United States. The bill would also require the expenditure of millions of dollars to support a United Nations funds that, in turn, strongly defends and supports a foreign nation's policy of coercive abortion. United States assistance to the fund reverses existing United States policy and is unacceptable.

Section 582(a) would prohibit the obligation or expenditure of funds appropriated by the Act "for the purpose of furthering any military or foreign policy activity which is contrary to United States law." Section 582(b) would prohibit the use of funds appropriated by the Act "to solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military or foreign policy objective which is contrary to United States law." Subsequent provisions include a set of limiting definitions as well as a general limiting construction for the entire section.

Although I believe that the limiting provision may allow for a constitutional construction of Section 582, the section as a whole remains sufficiently ambiguous to present an unacceptable risk that it will chill the conduct of our Nation's foreign affairs.

Section 582 appears designed to prohibit, among other things, consultation between the United States and another sovereign nation regarding actions that nation may wish to undertake. It has, however, long been recognized—by the Framers, by the Supreme Court, and by past Congresses—that the President, both personally and through his subordinates in the executive branch, possesses the constitutional authority to communicate freely with representatives of foreign governments, and to encourage foreign nations to take such actions as the President believes are in our Nation's interest. Although Section 582(e) states that the section is not intended to limit the ability of the President or his subordinates to express their views, I am not convinced that this provision is sufficient to remove all constitutional doubt concerning Section 582. There would remain an unacceptable degree of uncertainty concerning what the section is intended to cover, and this uncertainty would inevitably restrict our contacts with foreign governments. I believe that this section impermissibly circumscribes a fundamental responsibility that the Constitution had entrusted to the President—the protection of our Nation's security through a vigorous representation of our interests abroad. I believe it is neither fair nor wise to make those who formulate and execute foreign policy serve the public under a vague and sweeping prohibition.

I am sensitive to the concerns that have prompted the adoption of Section 582. I have repeatedly emphasized in my meetings with the congressional leadership that through close consultation with the Congress I intend to build a new spirit of cooperation and trust between the legislative and executive branches. Section 582, however, is inimical to that spirit of trust and would cast a shadow over the executive branch in the conduct of our foreign policy at a time when the course of world events necessitates great flexibility.

The bill would also require the use of appropriated funds to support the United Nations Fund for Population Activities, which supports and participates in the management of a program in a foreign nation that involves coercive abortion.

On October 6, 1989, I informed the Congress of my continued strong support of the Kemp-Kasten Amendment, also known as the Kemp-Inouye-Helms Amendment, which has applied to foreign operations appropriations since 1985. The Kemp-Kasten Amendment denies United States population assistance funds to any organization that, as determined by the President, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization. I stated that if this bill as ultimately presented to me by the Congress contained any language which would weaken the current Kemp-Kasten provision, or exempt the United Nations Fund or any other organization from its full application, I would veto the bill.

Let me restate my strong support for international family planning programs, and my view that the United States should support such efforts so long as they do not violate Kemp-Kasten or other established policies of the U.S. Government.

Unfortunately, the Congress has inserted in the bill the so-called Mikulski Amendment, which would fatally weaken the integrity of the Kemp-Kasten anti-coercion provision by earmarking funds for the United Nations Fund, the only organization that has ever been determined to violate that provision. The Fund participates in and strongly defends the program of a particular foreign government which relies heavily upon compulsory abortion. This fund has received no United States assistance since 1985, precisely because of its involvement in this coercive abortion policy. The current bill thus represents a radical and unwarranted change in policy.

The Mikulski Amendment is rendered no more acceptable by a clause which requires the Fund to keep its books in a manner so as to prevent the direct flow of United States assistance to the particular foreign government. The current Kemp-Kasten law tells all family planning organizations that they must refrain from supporting coercive programs, or the United States will direct its resources to alternative organizations which respect the fundamental principle of voluntariness. The bill would negate this essential human rights principle through substitution of a simple accounting requirement, and I find this unacceptable. The bookkeeping provision would clearly place the United States in the position of supporting a program that in turn supports coercive abortions, a program that is inconsistent with American values. Such support would undermine our position that family planning must be voluntary and would contradict the human rights character of our foreign policy around the world.

Although these provisions, standing alone, would lead me to veto this bill, many other provisions of the bill also pose constitutional problems. The Administration has discussed those provisions in detail in letters to both Houses of Congress.

I look forward to working with the Congress to craft a bill that I can enthusiastically support and to passage of an appropriations bill that will facilitate our many foreign policy initiatives.

GEORGE BUSH.

THE WHITE HOUSE, *November 19, 1989.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the message together with the accompanying bill be referred to the Committee on Appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I have a motion of the highest privilege at the desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON moves that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

Ninety-seven Members are present, not a quorum.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 55, nays 268, not voting 110, as follows:

[Roll No. 372]

YEAS—55

Armey	Hall (TX)	Nielson
Bartlett	Hancock	Paxon
Barton	Hansen	Ravenel
Bentley	Herger	Ritter
Bereuter	Holloway	Rohrabacher
Bunning	Horton	Schaefer
Burton	Huckaby	Schuette
Combest	Hunter	Sensenbrenner
Cox	Hyde	Slaughter (VA)
Craig	Kasich	Smith, Robert
Crane	Kyl	(NH)
Dannemeyer	Livingston	Smith, Robert
DeLay	Lukens, Donald	(OR)
Dornan (CA)	Marlenee	Solomon
Douglas	McCollum	Stearns
Fields	McCrery	Tauzin
Gillmor	McEwen	Vucanovich
Gingrich	McMillan (NC)	Walker
Goss	Molinari	Young (FL)

NAYS—268

Ackerman	Dingell	Houghton
Alexander	Donnelly	Hoyer
Anderson	Dorgan (ND)	Hubbard
Andrews	Downey	Hughes
Annunzio	Dreier	Hutto
Anthony	Duncan	Inhofe
Atkins	Durbin	Jacobs
AuCoin	Dwyer	James
Bates	Dymally	Johnson (CT)
Beilenson	Dyson	Jones (GA)
Bennett	Eckart	Jones (NC)
Berman	Edwards (OK)	Jontz
Bilbray	Emerson	Kanjorski
Bilirakis	Engel	Kaptur
Boehlert	Espy	Kastenmeier
Boggs	Evans	Kennedy
Bonior	Fascell	Kennelly
Borski	Fawell	Kildee
Bosco	Fazio	Kolbe
Boxer	Feighan	Kostmayer
Brennan	Flake	LaFalce
Browder	Flippo	Lagomarsino
Brown (CA)	Foglietta	Lantos
Brown (CO)	Ford (TN)	Laughlin
Bruce	Frank	Leath (TX)
Buechner	Frenzel	Levin (MI)
Byron	Frost	Levine (CA)
Campbell (CA)	Gallegly	Lewis (CA)
Cardin	Gejdenson	Lewis (FL)
Chapman	Gephardt	Lewis (GA)
Clarke	Geren	Lipinski
Clement	Gibbons	Lloyd
Clinger	Gilman	Long
Coble	Glickman	Lowery (CA)
Collins	Gonzalez	Lowey (NY)
Condit	Goodling	Machtley
Conyers	Gordon	Madigan
Cooper	Grandy	Manton
Costello	Green	Markey
Coughlin	Guarini	Martin (NY)
Courter	Gunderson	Martinez
Coyne	Harris	Matsui
Darden	Hastert	Mavroules
Davis	Hayes (IL)	Mazzoli
de la Garza	Hefner	McCandless
DeFazio	Henry	McCloskey
Dellums	Hertel	McCurdy
Derrick	Hoagland	McDermott
DeWine	Hochbrueckner	McHugh
McMillen (MD)	Regula	Stenholm
McNulty	Rhodes	Stokes
Mfume	Ridge	Studds
Michel	Rinaldo	Stump
Miller (CA)	Robinson	Sundquist
Miller (OH)	Ros-Lehtinen	Swift
Miller (WA)	Rose	Synar
Mineta	Rostenkowski	Tallon
Moakley	Roukema	Tanner
Mollohan	Rowland (CT)	Tauke
Montgomery	Rowland (GA)	Taylor
Moody	Russo	Thomas (CA)
Morella	Sabo	Thomas (WY)
Morrison (CT)	Sangmeister	Torricelli
Morrison (WA)	Sawyer	Towns
Murtha	Saxton	Traficant
Myers	Scheuer	Traxler
Nagle	Schiff	Udall
Natcher	Schneider	Unsoeld
Nowak	Schroeder	Upton
Oakar	Schumer	Vento
Oberstar	Sharp	Visclosky
Obey	Shays	Volkmer
Ortiz	Sikorski	Walgren
Owens (UT)	Sisisky	Walsh
Pallone	Skaggs	Watkins
Panetta	Skeen	Weiss
Parker	Skelton	Weldon
Pashayan	Slattery	Wheat
Patterson	Slaughter (NY)	Whittaker
Payne (NJ)	Smith (FL)	Whitten
Payne (VA)	Smith (IA)	Williams
Pease	Smith (NJ)	Wilson
Pelosi	Smith (TX)	Wise
Penny	Smith (VT)	Wolpe
Petri	Snowe	Wyden
Pickett	Solarz	Wylie
Poshard	Spratt	Yates
Price	Stallings	Yatron
Rangel	Stangeland	
Ray	Stark	

NOT VOTING—110

Akaka	Gaydos	Olin
Applegate	Gekas	Owens (NY)
Archer	Gradison	Oxley
Aspin	Grant	Packard
Baker	Gray	Parris
Ballenger	Hall (OH)	Perkins
Barnard	Hamilton	Pickle
Bateman	Hammerschmidt	Porter
Bevill	Hatcher	Pursell
Bliley	Hawkins	Quillen
Boucher	Hayes (LA)	Rahall
Brooks	Hefley	Richardson
Broomfield	Hiler	Roberts
Bryant	Hopkins	Roe
Bustamante	Ireland	Rogers
Callahan	Jenkins	Roth
Campbell (CO)	Johnson (SD)	Roybal
Carper	Johnston	Saiki
Carr	Kleczka	Sarpalius
Chandler	Kolter	Savage
Clay	Lancaster	Schulze
Coleman (MO)	Leach (IA)	Shaw
Coleman (TX)	Lehman (CA)	Shumway
Conte	Lehman (FL)	Shuster
Crockett	Lent	Smith (NE)
Dickinson	Lightfoot	Smith, Denny
Dicks	Luken, Thomas	(OR)
Dixon	Martin (IL)	Spence
Early	McDade	Staggers
Edwards (CA)	McGrath	Thomas (GA)
English	Meyers	Torres
Erdreich	Moorhead	Valentine
Fish	Mrazek	Vander Jagt
Florio	Murphy	Waxman
Ford (MI)	Neal (MA)	Weber
Gallo	Neal (NC)	Wolf
Garcia	Nelson	Young (AK)

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Messrs. JAMES, THOMAS of Wyoming, DREIER of California, and FORD of Tennessee changed their vote from "yea" to "nay."

Messrs. BUNNING, DONALD E. "BUZ" LUKENS, BARTLETT, PAXON, ARMEY, HUCKABY, TAUZIN, and HALL of Texas changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speker, I was unavoidably absent on official business during rollcall vote 372. Had I been present on the House floor, I would have voted "no" on the motion to adjourn the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A BILL MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FOR FISCAL YEAR 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101–380) on the resolution (H. Res. 295) providing for the consideration of a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 6 to the bill (H.R. 3566) entitled "An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes."

The message also announced that the Senate further insists on its amendment numbered 5 to the above-entitled bill.

The message also announced that the Senate had passed a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 83. Concurrent resolution to correct the enrollment of H.R. 3566.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 975. An act to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes, to the Committee on Education and Labor.

S. 1702. An act to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms, to the Committee on the Judiciary.

S. 1783. An act to regulate Indian child protection and prevent child abuse on Indian reservations, to the Committee on Interior and Insular Affairs.

S.J. Res. 178. Joint resolution to express United States support for the aspirations of the people of Nagorno-Karabagh for a peaceful and fair settlement to the dispute, to the Committee on Foreign Affairs.

S.J. Res. 205. Joint resolution designating December 3 through 9, 1989, as "National Cities Fight Back Against Drugs Week," to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 569. An act for the relief of Maurice G. Hardy;

H.R. 1020. An act to permit reimbursement of relocation expenses of William D. Morger;

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3015. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3532. An act to extend the United States Commission on Civil Rights;

H.R. 3610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes; and

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day."

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 159. Joint resolution to designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment; and

S.J. Res. 184. Joint resolution to designate the periods commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On November 17, 1989:

H.R. 2120. An act to amend the Deep Seabed Hard Mineral Resources Act to authorize appropriations to carry out the provisions of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994;

H.J. Res. 357. Joint resolution providing for the reappointment of Samuel Curtis Johnson as a citizen regent of the Board of Regents of the Smithsonian Institution;

H.R. 1310. An act to redesignate a certain portion of the George Washington Memorial Parkway as the "Clara Barton Parkway"; and

H.J. Res. 358. Joint resolution providing for the reappointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution.

On November 19, 1989:

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 3610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes;

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes;

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day";

H.R. 1020. An act to permit reimbursement of relocation expenses of William D. Morger;

H.R. 3532. An act to extend the U.S. Commission on Civil Rights; and

H.R. 569. An act for the relief of Maurice G. Hardy.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Monday, November 20, 1989, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee of Conference. Conference report on H.R. 3607, (Rept. 101-378). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3730. A bill to amend titles II, IV, XVI, XVIII, and XIX of the Social Security Act and the Internal Revenue Code of 1986 to extend certain expiring provisions, to make miscellaneous improvements in the old-age, survivors, and disability insurance program, the supplement security income program, the program of aid to families with dependent children, the railroad retirement program, the Medicare program, and the Medicaid program, and for other purposes (Rept. 101-379, Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 295. Resolution providing for the consideration of a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-380). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NELSON of Florida (for himself, Mr. ROE, Mr. WALKER, Mr. SENSENBRENNER, Mr. VALENTINE, and Mr. LEWIS of Florida):

H.R. 3729. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. ROSTENKOWSKI (for himself, Mr. STARK, Mr. JACOBS, and Mr. DOWNEY):

H.R. 3730. A bill to amend titles II, IV, XVI, XVIII, and XIX of the Social Security Act and the Internal Revenue Code of 1986 to extend certain expiring provisions, to make miscellaneous improvements in the Old-age, Survivors, and Disability Insurance Program, the Supplemental Security Income Program, the Program of Aid to Families With Dependent Children, the Railroad Retirement Program, the Medicare Program, and the Medicaid Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STUDDS (for himself, Mr. JONES of North Carolina, Mr. YOUNG of Alaska, Mr. BRENNAN, and Mrs. UNSOELD):

H.R. 3731. A bill entitled "Extension of Japanese Fishery Agreement"; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDREWS (for himself, Mr. THOMAS of California, Mr. MATSUI, Mr. SHAW, Mr. ARCHER, Mr. SCHULZE, and Mr. PASHAYAN):

H.R. 3732. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself, Mrs. BOXER, Mr. MARKEY, and Ms. PELOSI):

H.R. 3733. A bill to rescind certain United States economic benefits to El Salvador unless steps are taken to promote democracy and respect human rights; jointly, to the Committees on Foreign Affairs and Rules.

By Mrs. KENNELLY:

H.R. 3734. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts to terminally ill individuals; to the Committee on Ways and Means.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER, Mr. WALGREN, Mrs. COLLINS, Mr. SYNAR, Mr. WYDEN, Mr. RICHARDSON, Mr. SLATTERY, Mr. BATES, Mr. ROWLAND of Georgia, Mr. MANTON, Mr. OLIN, Mr. BEVILL, Mr. WOLPE, Mr. TORRES, Mr. HOCHBRUECKNER, Mr. SKELTON, Mr. KANJORSKI, Mr. BONIOR, Mrs. MORELLA, Mr. STENHOLM, Mr. VENTO, Mr. PAYNE of New Jersey, Mr. HUGHES, Mr. BOSCO, Mr. FAZIO, Mr. HERTEL, Mr. BROWN of California, Mr. SAWYER, Mr. MADIGAN, Ms. KAPTUR, Mr. VOLKMER, Mr. DYSON, Mr. BOUCHER, Mr. TOWNS, and Ms. OAKAR):

H.R. 3735. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1990 through 1993, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER, Mr. WALGREN, Mrs. COLLINS, Mr. SYNAR, Mr. WYDEN, Mr. RICHARDSON, Mr. SLATTERY, Mr. BATES, Mr. ROWLAND of Georgia, Mr. MANTON, Mr. OLIN, Mr. BEVILL, Mr. WOLPE, Mr. TORRES, Mr. HOCHBRUECKNER, Mr. SKELTON, Mr. KANJORSKI, Mr. BONIOR, Mrs. MORELLA, Mr. STENHOLM, Mr. VENTO, Mr. PAYNE of New Jersey, Mr. HUGHES, Mr. BOSCO, Mr. FAZIO, Mr. HERTEL, Mr. BROWN of California, Mr. SAWYER, Mr. MADIGAN, Ms. KAPTUR, Mr. VOLKMER, Mr. DYSON, Mr. BOUCHER, Mr. TOWNS, and Ms. OAKAR):

H.R. 3736. A bill to amend the Solid Waste Disposal Act to ensure that any solid waste exported from the United States to foreign countries is managed to protect human health and the environment; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

By Mr. THOMAS A. LUKEN (for himself, Mr. WHITTAKER, Mr. WALGREN, Mrs. COLLINS, Mr. SYNAR, Mr. WYDEN, Mr. RICHARDSON, Mr. SLATTERY, Mr. BATES, Mr. ROWLAND of Georgia, Mr. MANTON, Mr. OLIN, Mr. BEVILL, Mr. WOLPE, Mr. TORRES, Mr. HOCHBRUECKNER, Mr. SKELTON, Mr. KANJORSKI, Mr. BONIOR, Mrs. MORELLA, Mr. STENHOLM, Mr. VENTO, Mr. PAYNE of New Jersey, Mr. HUGHES, Mr. BOSCO, Mr. FAZIO, Mr. HERTEL, Mr. BROWN of California, Mr. SAWYER, Mr. MADIGAN, Ms. KAPTUR, Mr. VOLKMER, Mr. DYSON, Mr. BOUCHER, Mr. TOWNS, and Ms. OAKAR):

H.R. 3737. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on certain uses of virgin materials and to establish a trust fund for recycling assistance and solid waste management planning; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOODY (for himself and Mr. ASPIN):

H.R. 3738. A bill to amend the Tax Reform Act of 1986 to correct technical errors in the description of certain projects located in Kenosha, WI; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3739. A bill to amend title XIX of the Social Security Act to permit States to elect the option of covering substance abuse treatment services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. RINALDO:

H.R. 3740. A bill to amend the Fair Credit Reporting Act to provide greater disclosure to consumers of information concerning consumers by creditors, credit reporting agencies, and other users of credit information, prevent abuses with regard to such information, to increase the enforcement authority of Federal regulatory agencies with responsibility to enforce the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE:

H.R. 3741. A bill to repeal the exception for certain technical personnel from provisions relating to the determination of whether individuals are employees for purposes of the employment taxes; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself and Mr. THOMAS of California):

H.R. 3742. A bill relating to the response of the United States to the adoption by the European Community of a restrictive broadcasting directive; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. BROOMFIELD):

H. Con. Res. 236. Concurrent resolution expressing the sense of the Congress deploring the escalating violence in El Salvador; condemning the killing of innocent civilians, including six Jesuit priests; and calling for an immediate cessation of hostilities; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:

H.R. 787: Mrs. BOXER.

H.R. 1561: Mrs. COLLINS.

H.R. 1675: Mr. HILER.

H.R. 1774: Mr. RICHARDSON.

H.R. 2265: Mr. ROYBAL, Mr. HEFLEY, and Mr. HAWKINS.

H.R. 2269: Mr. PICKLE.

H.R. 2270: Mr. PENNY.

H.R. 2380: Mr. BUECHNER.

H.R. 2418: Mr. OXLEY and Mr. GLICKMAN.

H.R. 2840: Mr. PEASE and Mr. GILLMOR.

H.R. 2881: Mr. HASTERT and Mr. TOWNS.

H.R. 2954: Mr. HAYES OF Illinois.

H.R. 3080: Mr. BROWN of California, Mr. ARMEY, Mr. SWIFT, Mrs. VUCANOVICH, Mr. PACKARD, Mrs. UNSOELD, and Mr. NEAL of North Carolina.

H.R. 3272: Mr. HYDE, Mr. ENGEL, Mr. NEAL of North Carolina, Mr. ECKART, Mr. STENHOLM, Mr. GILMAN, Mr. SARPALIUS, Mr. OLIN, Mr. FUSTER, Mrs. ROS-LEHTINEN, Mr. MRAZEK, Mr. KLECZKA, Mr. HASTERT, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. TOWNS, Mr. BARNARD, Mr. BRENNAN, Mr. SAXTON, Mrs. PATTERSON, and Mr. BEREUTER.

H.R. 3346: Mr. HYDE, Mr. LEATH of Texas, Mr. SENSENBRENNER, and Mr. WATKINS.

H.R. 3429: Mr. FASCELL.

H.R. 3456: Mr. ROE.

H.R. 3466: Mr. CONYERS, Mr. TAUZIN, and Mr. GEJDENSON.

H.R. 3511: Mr. DORNAN of California, Mr. RUSSO, Mr. HORTON, Mrs. MARTIN of Illinois, Mrs. KENNELLY, and Mr. MOAKLEY.

H.R. 3572: Mr. CONDIT and Mr. GILLMOR.

H.R. 3654: Mr. LIVINGSTON, Mr. TOWNS, and Mrs. SAIKI.

H.R. 3684: Mrs. UNSOELD and Mr. WEISS.

H.R. 3697: Mr. GINGRICH, Mr. THOMAS A. LUKEN, Mr. PETRI, Mr. LIPINSKI, Mr. HUNTER, Mr. TAUKE, Mr. GRANDY, Mr. ARMEY, Mr. DREIER of California, Mr. HANCOCK, Mr. HANSEN, Mr. HILER, Mr. HOLLOWAY, Mr. HYDE, Mr. IRELAND, Mrs. JOHNSON of Connecticut, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. MILLER of Washington, Mr. NIELSON of Utah, and Mr. UPTON.

H.J. Res. 140: Mr. GEREN, Mr. HEFNER, Mr. HOAGLAND, Mr. HOUGHTON, Mr. JACOBS, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. THOMAS A. LUKEN, Mr. MCCOLLUM, Mr. MCNULTY, Mr. MARKEY, Mr. MARTIN of New York, Mr. MILLER of Ohio, Mr. MORRISON of Washington, Mr. NAGLE, Mr. NATCHER, Mr. OBEY, Mr. BARNARD, Mr. BEILENSON, Mr. BOEHLERT, Mr. BUECHNER, Mr. BURTON of Indiana, Mr. COOPER, Mr. DARDEN, Mr. DELAY, Mr. DORGAN of North Dakota, Mr. DURBIN, Mr. EMERSON, Mr. FAWELL, Mr. GALLO, Mr. GOSS, Mr. GRANDY, Mr. GRAY, Mr. GREEN, Mr. HALL of Ohio, Mr. HANCOCK, Mr. HASTERT, Mr. POSHARD, Mr. RAY, Mr. RHODES, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROHRABACHER, Mrs. ROS-LEHTINEN, Mr. SCHAEFER, Mr. SCHUMER, Mr. SHAYS, Mr. SISISKY, Mr. SLATTERY, Mr. SMITH of Iowa, Mr. ROBERT F. SMITH, Mr. STUDDS, Mr. SWIFT, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR, Mrs. UNSOELD, Mr. UPTON, Mr. WELDON, Mr. WHITTEN, and Mr. YOUNG of Alaska.

H.J. Res. 364: Mrs. VUCANOVICH.

H.J. Res. 367: Mr. LEACH of Iowa, Mr. SUNDQUIST, Mr. ROBINSON, Mr. GUNDERSON, Mr. MCMILLEN of Maryland, Mrs. LLOYD, Mr. MARTINEZ, Mr. NEAL of Massachusetts, Mr. ROTH, Mr. PERKINS, Mr. WATKINS, Mr. THOMAS of Georgia, Mr. CONYERS, Mr. WYDEN, Mr. FOGLIETTA, Mr. POSHARD, Mr. GOODLING, and Mr. RAHALL.

H.J. Res. 374: Mr. GAYDOS, Mr. DERRICK, Mr. SOLARZ, Mr. LAGOMARSINO, Mr. CLINGER, Mr. GEKAS, Mr. MARTINEZ, Mrs. BENTLEY, Mr. BLILEY, and Mr. MCMILLEN of Maryland.

H. Con. Res. 6: Mr. PANETTA.

H. Con. Res. 129: Mr. HAYES of Louisiana and Mr. HALL of Ohio.

H. Con. Res. 189: Mr. ENGEL.

H. Con. Res. 191: Mr. ENGEL.

H. Res. 223: Mr. ACKERMAN, Mr. BUSTAMANTE, Mr. COX, Mr. MACHTLEY, Mr. PAXON, Mr. SOLOMON, Mr. LAGOMARSINO, Mr. FOGLIETTA, Mr. MARTINEZ, and Mr. GOSS.

H. Res. 261: Mr. MAVROULES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mr. RITTER.

SENATE—*Sunday, November 19, 1989*

(Legislative day of Monday, November 6, 1989)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us praise the Lord.

Make a joyful noise unto the Lord, all ye lands. Serve the Lord with gladness: come before his presence with singing. Know ye that the Lord he is God; it is he that hath made us, and not we ourselves; we are his people, and the sheep of his pasture. Enter into his gates with thanksgiving, and into his courts with praise; be thankful unto him and bless his name. For the Lord is good; his mercy is everlasting and his truth endureth to all generations.—Psalm 100.

Omnipresent God, help us realize that You do not leave this room when this prayer is finished.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for morning business this morning. We hope to transact some business that we can, by unanimous consent, agree to and then we will recess until 5 p.m., awaiting action in the House on a variety of measures that we hope to be able to deal with later this afternoon.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the remainder of my leader time be reserved, and I will be pleased to yield to the distinguished Republican leader at this time.

The PRESIDENT pro tempore. Without objection, the remainder of the majority leader's time is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

The PRESIDENT pro tempore. Without objection, the time of the Republican leader is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from New York is recognized.

MURDERS IN EL SALVADOR

Mr. MOYNIHAN. Mr. President, I believe that this session of the Senate might have opened with a reference to the ghastly murder of six Jesuit educators and missionaries in Central America—in El Salvador—a murder which most likely was carried out with American weapons. May I say that again? A massacre which was most likely carried out with American supplied weapons.

In December 1983, as vice chairman of the Senate Select Committee on Intelligence, I visited Central America, stopping first in El Salvador. I met behind the now-regulation walls with Embassy officials. I talked with young Americans sent down there by the AFL-CIO to help trade unions. "Please," one of the unionists begged as I left a meeting, "Tell them, we are not Communists." He was pleading for his life. There was no need to ask, "Who them?" I sat at dinners next to wealthy women who thought it self-evident that the United States ought to occupy their country; own it, if we liked. They had a piece for sale.

But before departing, there was one last person I knew I had to talk with, the rector of the University of Central America, the Jesuit institution there, and the only university still open, the Government university having closed. He came for breakfast bringing his provost, a fellow Jesuit, Ignacio Martin-Baro, who had received a doctorate in sociology from the University of Chicago. He and I had mutual friends; it is always a small world. The Ambassador's terrace that morning had the eerie quality of much of the Third World: Garden peace; flowers ablaze; winter sunshine bouncing off the nearby mountain where the insurgents lived.

It was there to ask about the civil war. The rector would know more about it than anyone else I would be able to talk with. And why? Because a university in a small country has a wide network, especially in a society still fixed in that early 20th century moment when students can become violent Marxists. The rector was seeking reconciliation even then. Later, he was to negotiate the release of President Duarte's daughter, who had been kidnaped by the Farbundo Marti National Liberation Front. I asked the one question I had come to learn about; the question central to American policy.

Were the Sandinistas sending arms to the guerrillas? Were they, that is, intervening in El Salvador? The rector replied, no, they were not. I asked, had they been? He said, yes. And so I asked why then were they now not? And he answered, because the United States was sending so many arms to El Salvador that there were more than enough to go around.

And there it was. The administration's policy toward Nicaragua at that point, I am sorry to say, although it has been said before and by others, had become a lie. We were being told in the greatest secrecy, with the utmost confidence, that the Sandinistas were smuggling arms to El Salvador and that those arms had to be interdicted. That was to be the task of the Contras. We were never shown, Mr. President, so much as a shotgun. We never interdicted a donkey's worth of weapons.

Our military had to have reported this. But for the White House and the Agency and the State Department the real object of the Contras was to over-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

throw the Government in Managua. If that meant lying to Congress, what of it.

The men who told the truth, Fathers Ellacuria and Martin-Baro, are now dead, murdered with four other Jesuits, their cook and her daughter. They were killed, of course, with American weapons. They were men of peace, even as the former Archbishop Romero, who was murdered at the altar of his cathedral in San Salvador not 3 years before I met with them.

Peace be with them.

Mr. President, I ask unanimous consent that I might include in the RECORD an op-ed from today's New York Times by Father Leo O'Donovan and a memoir of Father Martin-Baro by James A. Hijiya, professor of history at Southeastern Massachusetts University.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MARTYRDOM AND MERCY

[From the Washington Post, Nov. 19, 1989]

(By Leo J. O'Donovan, S.J.)

Before the end of darkness on the morning of Nov. 16, with unspeakable and barbaric cruelty, armed men burst into the Jesuit residence at the University of Central America in San Salvador and shot six Jesuit priests to death. At the same time, the community's cook and her daughter were murdered in their bed. According to reliable reports, several of the priests, my brothers, had their brains torn from their heads.

For a decade the people of El Salvador have suffered the effects of civil war. In recent days hundreds more have died in the seemingly senseless carnage. But the names of these latest victims are know to us quite personally. They include Ignacio Ellacuria, the rector (president) of the university, whose friendship I have treasured for six years. Fathers Segundo Montes and Ignacio Martín-Baro have been admired colleagues at Georgetown's Center for Immigration Policy and Refugee Assistance. The Jesuits' cook, Julia Elba Ramos, and her daugther Marisette were as precious in the eyes of God as any human being on Earth. If these Jesuits and their assistants can be murdered in cold blood, then anyone can be murdered.

And that, of course, is what we cry out against in our anguish. The human need to express outrage at such an evil signals our spirit's deepest conviction about justice and human dignity. Our all but mute grief mirrors a still deeper call to live life together in peace. We must believe that this call is stronger than our capacities for self-destruction. The tears we shed now are signs of a deeper power to bond us together as a human family.

For the dimensions of this tragedy are not only personal and political. If the fighting in the streets of San Salvador counts education and religious freedom among its casualties, we must decry an assault on the nation itself. Knowledge and faith belong to its soul. Whoever murders them, murders the country.

At Georgetown University, the blows struck Thursday morning of Nov. 16 have landed on our hearts. Twelve years ago my predecessor, Father Timothy Healy, journeyed with the president of the Jesuit Conference to San Salvador to award an honorary degree to Archbishop Oscar Arnulfo Romero. Two priests had recently been murdered, and Georgetown's degree was meant to show support for the archbishop and solidarity with the suffering of Salvadorans. A year later the university become a sister school of ours. But two years later still, as all the world shudders to recall, Archbishop Romero was assassinated at the altar, his martyrdom since then a symbol comparable to Thomas à Becket's in 1170 at Canterbury.

And so we beg for mercy. The most urgent need in El Salvador is for a cease-fire such as been recommended by the Catholic Church there. Only a cease-fire and a reopening of the peace talks can reestablish an initial degree of order. The government's overwhelming military power must not be used simply to exterminate the rebel forces.

Further, the International Red Cross should be allowed to enter the city. Currently, food, water and medical supplies are lacking for many wounded and dying people, especially civilians. Respect must be shown for the parishes that the Catholic Church has established as hospitals or as sanctuaries for civilians. And, of course, the crime at the university must be investigated and the perpetrators brought to justice. Our own government should be involved in pressing the peace process forward and urging the government of El Salvador to draw mercy from this latest martyrdom.

I have appealed to President Alfredo Cristiani, a graduate of Georgetown, to consider these measures. With the assistance of James Cardinal Hickey, I have gathered a group of ecumenical religious leaders and educators to approach our government and consider what we can and should do for the people of El Salvador.

Our human history is a long story of suffering. For centuries it has stood inescapably under the sign of the cross of Jesus of Nazareth. It stands now under the signs of Auschwitz and Hiroshima. But we cannot believe that it is only the annals of atrocity. We must give every effort of our hearts and minds to draw light from the darkness of nights like that of Nov. 16.

[From the New York Times, Nov. 19, 1989]

IN EL SALVADOR, DEADLY IRONIES

(By James A. Hijiya)

NEW BEDFORD, MA.—Ignacio Martín-Baro was one of the six priests murdered in El Salvador last week. I met him in April 1985 when he visited the U.S., and I saw him again that June in El Salvador.

One evening, he told me the story of his life. Here is what I remember.

Father Martín-Baro used to think it ironic that the army considered him a Communist. He had grown up in Barcelona shortly after the Spanish Civil War, and religious boys like him were always told that Communists had burned down churches and murdered priests. Going to school in Franco's Spain, he learned that Communists were his enemies.

When he went to the seminary, he continued to receive a conservative education. He was taught that people like Bartolome de La Casas, the 16th century bishop in Mexico who condemned his fellow Spaniards' slaughter and enslavement of Indians, were unpatriotic because they gave their country a bad name.

When he first went to El Salvador as a missionary, he expected to do the poor a favor by bringing them the word of God. He thought he would teach them about Christianity. But he was wrong. They taught him.

He found that the poor of El Salvador possessed a courage and a dignity that he had never seen before, never imagined. They showed him the meaning of suffering and faith; they taught him who Jesus was. After that, his life was never the same.

He learned from the oppressed, and one thing he learned was that he had nothing to teach them. So he quit missionary work and went to the University of Chicago, where he earned a doctorate in sociology.

He went back to El Salvador—Spain no longer felt like home—and became a professor, later vice-rector, at the University of Central America. He taught, conducted sociological surveys, wrote scholarly articles.

But he had not forgotten the poor. He believed that it was his duty to apply his knowledge and skills to the analysis of social evil.

He knew that telling the truth was dangerous. "The military," he told me, "is willing to suppress all intellectual life and turn everybody into a flock of sheep." His university had been bombed several times; professors and students had been killed or "disappeared."

The army considered Mr. Martín-Baro a subversive, and maybe they were right. "In this country," he said, "the structure is so awful that to say what is reality is subversive."

He once told me an academic joke: In the U.S., he said, it's publish or perish. But for professors in El Salvador, it's publish *and* perish.

Ignacio Martín-Baro was accustomed to irony.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. SANFORD] is recognized for not to exceed 5 minutes.

Mr. SANFORD. I thank the Chair.

THE PUBLIC WANTS HONEST BUDGETS

Mr. SANFORD. Mr. President, when I meet with business men and women here in Washington and in my State of North Carolina, I am always interested in what they believe our most pressing problems are. The issue that is almost always at the top of their list of concerns is the Federal budget deficits, and the gigantic debt.

Some of my colleagues believe the public, their constituents, are not interested in budgets and budget deficits. They believe budgets are complicated and boring. But I take exception to that notion. Perhaps a year ago, or 2 years ago that was true, but not now—not any longer.

Mr. President, I frequently stand here on the Senate floor and make statements about honest budget accounting and the seriousness of our $3 trillion debt and the annual deficits that add a quarter of a trillion dollars and more to that debt year after year, even with Gramm-Rudman. I am boring myself, but I get positive feedback from C-SPAN viewers all over the country who are watching these statements about the budget.

These viewers understand that we are playing games with the Federal

budget, and they don't approve. Senior citizens deplore the way we use their Social Security to cover up the true size of our deficits. Young working people are losing confidence in a Social Security program that collects money from them, earmarked for this retirement program, but is spent for general revenue purposes.

The interest that we pay to service a $3 trillion national debt is now the fastest growing part of the Federal budget. We will soon, in just 1 or 2 years, be paying more for interest on that debt than we pay for all of defense. We will soon, in just 1 or 2 years, be paying $300 billion and more each year just for interest if we do not change our present course of deceitful budgeting.

Changing our present course of spending and borrowing, and shifting this country to a proper path that leads to real, honest deficit reduction, will require three things. It must begin with credible Presidential leadership combined with congressional will and a good plan. If the President decides to lead, as he was elected to do, Congress will work with him.

As for the plan, many of my distinguished colleagues have come forward with proposals. In January this Senator introduced a plan in S. 101 that is compatible with most of the other proposals that have been offered to date. My plan provides a foundation for action. It is intended to facilitate honest deficit and debt reduction. It retains the Gramm-Rudman-Hollings disciplines, the point of order, the potential sequestration, but it requires that we work off of honest deficit figures.

Mr. President, my constituents in Charlotte, NC, understand honest budgets, just as most people all over the country who take the time to listen to or read about our fiscal problems understand what we are doing, and more importantly what we are not doing. I have just conducted a Budget Committee hearing in Charlotte, and the testimony is that business leaders are beginning to get stirred up.

I have in hand an editorial from the Charlotte Observer about S. 101, and I ask unanimous consent that it be printed in the RECORD in full. I urge my colleagues to read it and think about it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, Nov. 16, 1989]

SENATOR SANFORD'S BUDGET BILL: REALISTIC, CREATIVE PROPOSALS DESERVE SERIOUS ATTENTION

Sen. Terry Sanford's "Honest Budget Act," introduced last January by the N.C. Democrat, would outlaw some of the gimmickry Washington is using to mask the real size of the federal budget deficit. It deserves serious consideration, even if some of Sen. Sanford's colleagues would rather continue the budgetary sleight-of-hand than face, or tell, the truth.

Sen. Sanford's bill would set aside Social Security and other trust funds in calculating the deficit. Those surpluses are now used to offset part of the operating deficit and make it seem smaller than it really is. Last year, for example, the deficit, for purposes of the Gramm-Rudman-Hollings requirements, was calculated at $155 billion; but the national debt that year actually increased by $255 billion.

The bill also recognizes that the first step toward balancing the budget is balancing the actual operating budget—operating revenues against the cost of federal programs and services. And it recognizes that it is impossible to balance the budget anytime soon as long as such a large portion of current revenue has to go for debt service—$215 billion in interest last year.

These are the major provisions:

The president would be required to submit his budget in three categories—an operating budget, a retirement funds budget and a debt and interest budget.

The operating budget would reflect anticipated revenues, not counting Social Security taxes and other trust fund receipts, and proposed expenses, not counting debt service. The bill would prohibit a deficit in the operating budget beginning in fiscal 1991, except during declared war or recession. That requirement could be waived or suspended by a three-fifths vote of the Senate. But with debt service set aside, a balanced operating budget is within reach.

The bill calls for a new tax, or earmarking an existing tax, strictly for interest and debt retirement. The tax would expire whenever the national debt was reduced to 20 percent or less of the average Gross National Product over the previous three years. (The current national det of about $2.8 trillion is almost 60 percent of GNP.)

Sen. Ernest Hollings (D-S.C.) has called for a Value Added Tax for debt reduction. Sen. Sanford simply says it ought to be up to the president to propose an appropriate tax.

The bill also calls on the General Accounting Office to consider and recommend more productive uses of Social Security trust funds, possible investing them in loans for education, economic development, housing, and for construction of water and sewer systems, highways and bridges.

Sen. Sanford's proposals are honest, realistic, creative and responsible. Not much that's going on in Washington these days merits those adjectives.

If President Bush were as concerned as he ought to be about dishonest budget practices and the huge and growing national debt, and if he had enough political courage, he would be proposing something similar, and it would get the attention it deserves. Unfortunately, he isn't, doesn't and won't. So hand in there, Sen. Sanford.

Mr. SANFORD. Mr. President, I know there is a lot of support, growing support for an honest budget. I encourage my colleagues here in the Senate to spend time talking with their constituents about the Federal budget problems between now and our return in January. It is the problem that is fundamental to all other problems we face today. It has a direct impact on almost every single thing we consider in the U.S. Congress.

The PRESIDENT pro tempore. The junior Senator from Mississippi [Mr. LOTT] is recognized for not to exceed 5 minutes.

Mr. LOTT. I thank the Chair. I take this opportunity to thank the distinguished President pro tempore for the way he runs this Chamber. Although we tend sometimes to have a side conversation, he keeps us in order, and we do appreciate that; we do break the rules sometimes.

A SUNDAY SESSION

Mr. LOTT. Mr. President, this is the Sabbath, Sunday, 1:20 in the afternoon. The Senate is in session. We were told on Thursday, I believe it was, that we would be in session at 1 o'clock on Sunday. It was reaffirmed late Friday night or early in the morning Saturday that we would not be in session on Saturday but the Senate would be in session on Sunday afternoon.

I do not quite understand. Most places you do not work on Sundays, first of all. It is a day when you are not supposed to be working. I understand that there may be extenuating circumstances. We are trying to wrap up our work. That is fine. The leadership has a tough decision on scheduling, but I could not understand why we were out on Saturday and going to be in on Sunday.

There was something about, well, they are going to reach agreement on the catastrophic repeal and reconciliation on Friday night and the staff would need all day Sunday to work on the papers.

I had a lot of doubt about that. I have seen papers prepared mighty quick before in this city. But I understand; everybody is tired. Maybe they needed Saturday.

It is 1 o'clock on Sunday and the papers are not here. In fact, I do not even know that we have agreement. The Washington Post knows, but the Senate does not know exactly what is going on with reconciliation and catastrophic. But being a new Member of the Senate, what did I know? I though, gee whiz, it meant show up on Sunday at 1 o'clock. So I am here, Sunday, at 1 o'clock.

Where is the Senate? Where is the action? "Oh," we are told, "Gee, you did not get the word? There was a hotline late Saturday afternoon advising your office we would have no votes until 5."

My staff does not generally work late on Saturday afternoon. I do not know whether we got the hotline call or not. OK, it is my fault. I did not get the word we were going to work at 5 on Sunday instead of 1 on Sunday.

We are trying to finish up this session before Thanksgiving—hopefully, by Monday night. So then I asked the question, "Well, is there nothing we can do? Is there no legislation pend-

ing, no conference reports, nothing we can do?"

No. We are going to take a 4-hour break on Sunday afternoon, to go over and watch the football games, I guess. Are there no conference reports on appropriations, energy, we can do now instead of doing it at 10 o'clock tonight?

I do not understand my colleagues do not feel outraged when we are jerked around like this. We are going to be in session at 10, 11, 12 o'clock on Sunday night. That is OK. But 1 o'clock on Sunday we are going to stand aside and wait for the other body to act. I do not understand.

I will follow the leadership because we owe that to the leadership. We elect them; they have a tough job; we ought to follow them when they make a decision. But, goodness gracious, I cannot understand. There seems to be no sanity in the way we meet around here and when we deal with legislation. I do not appreciate it. I assume everybody else is perfectly happy with it.

EL SALVADOR

Mr. LOTT. Mr. President, let me switch to one other subject while I am on my feet and angry about the way things are being done. Reading the newspapers, watching the talk shows—there is outrage in America about the deaths of the priests in El Salvador. I feel that outrage. It is a horrible thing. Nobody can approve of that. I do not know who did it. But whoever did it, they ought to be caught and tried, and sentenced if convicted. But where was the outrage when the rebels attacked the capital city in El Salvador? Where was the outrage when 500 people were killed—with troops on both sides, guerrillas and government troops—innocent people? Where was the outrage then?

Now, all of a sudden when we have this particular horrible situation we are talking about cutting off the funds to a democratically elected government in El Salvador. I just have to ask this question: What do we want in El Salvador? Do we want a Communist government? I do not understand.

The media in this country, and some of the Members of Congress, are all of a sudden condemning the Government of El Salvador, democratically elected government of Cristiani. We are questioning everything they have done now. There is talk about cutting off all funds of all kinds. I just do not understand it.

I have outrage about it, about all of what is going on in El Salvador. But I have great sympathy for democracy, and an effort to keep one government from sliding off in Central America into leftist guerrilla or Communist hands. There seems to be such hypocrisy in all of Central America.

I hope my colleagues here in the Senate will look at both sides, and not be hesitant to condemn them both, but also to make a commitment to work for a democratically elected government—to try to help them instead of trying to destroy them as it looks like some people are trying to to.

Mr. President, I thank you for your patience.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. McCAIN] is recognized for not to exceed 5 minutes.

CATASTROPHIC INSURANCE

Mr. McCAIN. Mr. President, late Friday night in what in my view is a blind stampede toward adjournment, the Senate conferees caved to the House proposal to fully repeal the Medicare Catastrophic Coverage Act of 1988. This occurred in spite of the fact that the House position had only received 26 votes in an amendment here in the Senate, and that S. 1726 was adopted by a vote of 99 to nothing.

Mr. President, this action is difficult to understand given the fact that the Senate conferees have spent the last 2 weeks defending the Senate proposal. Mr. President, we cannot allow weariness to inflict the kind of pain on seniors that full repeal of this legislation would entail. Mr. President, a vote for the House position is a vote to repeal the most important and wanted benefits, including protection against catastrophic hospitalization.

We have already repealed the controversial surtax. That was the focus of the seniors' anger. A vote for the House position is a vote against the Senate position, and the Senate position is supported by every single major seniors organization in America, from the American Association of Retired Persons, the National Association of Retired Federal Employees, to the National Committee to Preserve Medicare and Social Security.

Mr. President, organizations representing some 30 to 40 million seniors oppose repeal of this legislation. Should we not listen to the people who are directly effected by this legislation when we are considering what should be done?

A vote for the House position will increase health insurance costs for seniors. Medigap plans are predicted to go up by as much as 80 to 90 to 100 percent; in some cases Medigap policies will go from $9 a month to $26 a month.

Mr. President, a vote for repeal is a vote to eliminate a very essential benefit for this Nation's elderly women: screening for mammograms. This mammogram screening alone is predicted to save 4,000 lives a year. I do not see how we can possibly consider such a callous and cruel position.

I just want to repeat: The conference report marks the Senate conferees' acquiescence in a retreat from a 99-to-nothing Senate vote and acceptance of a repeal position that was explicitly rejected in the Senate by a 73-to-26 vote.

Let us not do this. Let us think about this very carefully. Let us think about the fact that we are going to take seniors out of nursing homes 20 days after the first of the year. Let us talk about the fact we are going to deprive them of mammograms, respite home health care, and many other crucial and important benefits which are part of this legislation which we are trying to preserve.

INDIAN HEALTH FACILITIES LEGISLATION

Mr. McCAIN. Mr. President, I would like to take this opportunity to address an issue that is of great concern to me—an issue on which I plan to offer legislation in the very near future.

As many of us know, the native Americans have the lowest health status of any population group in America. While the Indian Health Service has had much success in dealing with the threat that many common diseases and maladies pose to the lives of native Americans, with the limited resources available it is a constant battle to make further inroads into improving the health status of native Americans.

As we all know, health care is in a process of rapid change. Many services, which used to be delivered only in an inpatient hospital are now being delivered in an outpatient setting, within the doctors office, and even at home. Sometimes the ease with which a system, like the Indian Health Service, can embrace change is complicated by the fact that the basic unmet need is so great. Oftentimes, it comes down to a question of how best to utililze scarce resources.

Over the past couple of years, I have been watching with interest and concern decisions to close existing Indian health care facilities in favor of consolidating services or replacing an existing facility with one offering a scaled down level of services.

Many in the native American community feel that such action may lead to a further deterioration in access to care. The end result being a decline in health status rather than an improvement. On further exploration of this issue, I found a wealth of ideas among those in the native American community with regard to how resources might be used differently so that rather than decreasing access to care, it would be enhanced. This revelation

was not new. I also found a wealth of ideas in the native American communities in the area of mental health services.

In the area of mental health, the Select Committee on Indian Affairs has just unanimously reported and the Senate has passed legislation establishing a native American mental health demonstration project. This demonstration project would provide the tribes with an opportunity to explore some of their creative ideas for how mental health needs might be more effectively met in their own communities. This type of empowerment, giving the "keys of change" to the very population to be served, is very consistent with the whole concept of self-determination. While it may seem to some like a very radical approach, I am convinced that it is the only way to go. Indian and native communities know best how to meet the challenges confronting them.

On November 2, the Select Committee on Indian Affairs was to have had a hearing to explore with native Americans the issue of health care delivery in general, for the purpose of determining whether on a small scale we shouldn't provide some flexibility to allow tribes to demonstrate some of their ideas about how their health care needs might be met more effectively. Unfortunately, due to the impeachment trial of Judge Nixon in the Senate, that hearing was postponed until next year. It is my hope, however, that when the Senate convenes for the 2d session of the 101st Congress that this will be one of the first hearings in the select committee.

While I have some ideas for what I think might constitute a sound demonstration project for Indian health facilities, I think it is important to receive input from those who would be served by such a project prior to introducing a formal proposal. It is, therefore, my intention to hold off introducing legislation until we have had the benefit of the input from those who would be served by such a demonstration project.

The concept I have in mind at this point is along the lines of establishing a program that would empower native Americans with the opportunity to demonstrate, by providing some flexibility in the current system, whether Indian health programs can be structured more effectively.

This might involve, for example, the creation of an alternative priority system that would permit the construction of facilities with the combination of IHS and non-IHS funds. This alternative system might also permit the merging of programs that have traditionally been kept separate, or involve the construction of facilities that fall between a full-blown inpatient hospital and an outpatient clinic.

Not only might such a demonstration project make services available in areas where they are not currently available, it would permit us to learn what changes ought to be made in the way in which the Indian Health Service currently approaches health programs.

I believe whatever comes from the hearings, and any demonstration project that is ultimately put into place, will hold much promise because we are putting the keys for change into the hands of those who ought to have them—the very people who are affected either positively or negatively by whatever health care service delivery system exists.

Again, it is my hope that the chairman of the Select Committee on Indian Affairs, my good friend Senator INOUYE, will agree with me that this is an issue which ought to receive high priority in the hearing schedule for next year. I look forward to working with him, other Members of this body, the administration and, most of all, our Nation's first citizens in addressing the issue of how we might best be able to continue to improve our efforts in meeting the unmet health care needs of native Americans.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota [Mr. BOSCHWITZ] is recognized for not to exceed 5 minutes.

THE BUDGET

Mr. BOSCHWITZ. I thank the President.

I recently spoke to a good friend of mine, Les Wexner, a very perceptive guy. He told me that in his judgment the people are really getting ahead of the Government. He gave several illustrations and spoke about not only the Government here in the United States, but governments particularly in Eastern Europe.

It is a little plainer in Eastern Europe where government is plainly falling behind the people. His comments, really focused my mind on the many frustrations that, I have and those frustrations particularly come to the fore toward the end of a congressional session when it is so difficulty to move forward, and when it is so difficult to achieve anything at all.

The people really are getting ahead of us and it's because the Congress does not have the will to act. There are a number of subjects that I thought about in that regard, but most particulary I thought about the budget. I would like to speak only about it this morning.

We have before us a reconciliation bill or a sequester. The reconciliation bill probably will accomplish little; much time and much effort will go into trying to make it just that, a bill that will accomplish few real cuts, and that will inflict very little pain because it's easier for a legislator not to inflict pain on constituents

Yet the reconciliation bill will be heralded as saving billions and billions, but unless it's a departure from all our past experience, it will save little.

On the other hand, there is the sequester which are the automatic cuts under Gramm-Rudman. These will result in real savings and which over a 5-year period will result in savings of perhaps $140 billion, $125 billion to $140 billion is the best estimate. Those are real savings.

The sequester is going to really amount to something, while the reconciliation bill will be very questionable, in my judgment. So I am for the sequester. I think the American people are for real savings as well.

I do not think that the American people mind taking a hit from the Federal Government, getting somewhat less from the Federal Government, in reality just a matter of a few percentage points, if there is a fairness in the approach; if there is an across-the-board reduction that applies to all. Regretfully, the sequester is not as much across the board as it might be. It exempts very large programs from being affected.

I think it should exempt nothing from a cross-the-board reduction except the poorest of our citizens. If it broadly affected all of the budget the sequester would be just a percentage point or two. I think that the American people clearly feel that what we are doing in leaving these enourmous debts to our children and grandchildren is wrong, and that they would be supportive of efforts that would remove those debts or at least remove the piling on of those debts. And so I feel that the sequester would be the best way at the present time to achieve those ends.

I also think in the future that achieving budget discipline must include the adoption of something that Congressman FRENZEL and I have introduced, the so-called commonsense budget.

Now, budgets are figured in a rather arcane manner here in the Congress. first, you take last year's spending and you add to it all of the expected increases of this year. That new level is the level from which you figure increases or decreases. You can cut the budget while increasing spending and we have done that for years—saving billions while actually spending more. All other Americans figure how much more they are spending than they spent last year, how much more they are going to have to lay out. Business people do the same.

The Federal Government, however, first adopts a new higher standard and

all add-ons or deductions are calculated on that new number. Our common sense budget plan is to take last year's spending and use that as the base, and take increases on the basis of last year's outlays. Only in that way will the American people really have a sense of what is happening down here.

Some years ago, Mr. President, when I came to the Congress, I offered what I called the "fair play budget." At that time, the budget deficit was less than half of what it is now, but, nevertheless, it was most disturbing. And at that time, the idea of moving the budget deficit down and not accumulating greater deficits was as appealing as it is today. The fair play budget said——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that I have 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator will be recognized for not to exceed 2 additional minutes; and without objection, the time for the transaction of morning business will be accordingly extended.

Mr. BOSCHWITZ. I thank the Chair.

The fair play budget said that everbody could get an increase, but that the increases would be small; and that inasmuch as there was a growth in Federal receipts of about 8½ percent in the average year, that in the event that the budget grow 2 or 3 percent, that indeed we could remove the deficit in relatively short order, a 3- or 4-year period.

It can still be done, if we would discipline outlays; if we would compare outlays to the year before; if we would allow them to go up but very slowly; if we would make the changes in all programs to affect all recipients of Government assistance except, perhaps, the poorest of the poor, and then the reductions would have to be very slight. And we could indeed move toward a balanced budget.

We do not have the will to act. My fear is that we will come upon a time of economic slowdown, that the revenues of Government will not grow by 8½ percent, may not grow at all, and that the use of Government programs such as unemployment, food stamps, and others will also increase, and then the budget deficit will balloon.

I agree with my friend, Less Wexnor, that the people are getting ahead of the Government. The people would accept changes that would mean that we would get down to the business of balancing the budget. The people would accept changes that, if they were fairly applied to all, would be applied to them as well.

So, Mr. President, I favor sequester. It is the surest way to move at this moment to a balanced budget, and that indeed is a great goal of mine, and I believe of the American people.

I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The time for morning business has expired.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the time for morning business be extended until 1:45.

The PRESIDENT pro tempore. Without objection, the time for the transaction of morning business is extended to the hour of 1:45 p.m., with the same conditions in respect to the permission to make speeches by Senators.

The Senator is recognized for not to exceed 5 minutes.

MR. GEORGE GREENBERG

Mr. DURENBERGER. Mr. President, as this first session of the 101st Congress comes to a close, I want to take a few minutes to bring to the Senate's attention the work and dedication of a person who truly embodies the ideal of public service—Mr. George Greenberg.

During the past 5½ months, George has been on temporary assignment from the Department of Health and Human Services and has worked with my staff, and the staff of the Senate Finance Committee, on health policy issues that will affect every American citizen. I sought to recruit George from the Department because of his well-deserved reputation as an expert in the field of health policy.

George was instrumental in helping to develop legislation that will bring important reforms to the current system for reimbursing physicians under Medicare. Without George's technical assistance and expertise, I am certain that this legislation would not have achieved the bipartisan support and approval of the entire Committee on Finance. I think I can speak for all of the members of the committee when I say that we are all indebted to George for the insight and perspective he brought to making this difficult and complex issue workable.

George was invaluable to me throughout the many months that I worked on reform of the Catastrophic Health Insurance Program. When the Senate debated various alternatives to the Catastrophic Health Insurance Program, I turned to George for policy advice to help me formulate a responsible alternative to the current system. George sat next to me on the floor of the Senate throughout the more than 8 hours of debate in early October, sharing his insights and perspectives on all of the proposals that were offered. I am truly indebted to him for his assistance that day and throughout the weeks and months that the Finance Committee grappled with this issue.

Mr. President, throughout the summer and into the fall, George worked tirelessly, late into the night, early in the morning, and on Saturdays and Sundays, because he wanted to make sure that the health legislation that the Congress would consider, would be written with precision and would make good policy sense. As all of my colleagues know, very often we are called on to vote on detailed and complex legislation which is unwittingly drafted in such a way that it contains traps for the unwary, and unintended and unforeseen consequences. George made sure that the catastrophic reform bill and the physician payment reform bill that we offered would not contain such hidden traps.

Mr. President, George will soon be returning to the Department of Health and Human Services to resume his 13-year career administering the laws written by the Congress. While I will miss being able to talk with George regularly about health policy issues, I am comforted in knowing that the Department and the public it serves will be better served because of George's presence within the Department.

No matter where he is, no matter what he does, I know that George will always put in 110 percent in order to make sure that a policy or program being considered will be implemented in a fair and effective manner. He serves the public out of the limelight that all of us are so accustomed to; yet without George Greenberg, and the many other dedicated public employees in the Congress and the administration, we in the Senate could not do the best job possible in serving the public.

A BALANCED BUDGET: CATASTROPHIC HEALTH INSURANCE

Mr. DURENBERGER. Mr. President, having heard the statement by my colleague from Minnesota, let me remind my colleagues if we had been pressured enough in 1982 when my colleague, Senator BOSCHWITZ, first came up with the this notion of a fair budget, we would have a balanced budget today. He had a relatively simple mechanism, which was not cutting spending, but limiting the increase of spending to only 2 percent on each of the budget categories.

Had that been carried out in 1982 when he first recommended it, I believe with the combination of economic development and revenue increase we have had, we would have a balanced budget today.

So I compliment him, and I recommend his statement here on the floor today to my colleagues as well.

I would like to also compliment and encourage the Senator from Arizona in his comments relative to catastrophic health insurance. It was a great disappointment to all of us the other night when the conferees on catastrophic met, the Senate conferees, and concluded they had no choice but to accede to the House request for repeal of catastrophic.

I must say that only a slim majority of Senators on the conference committee agreed with that inevitability, and thanks once again to the Senator from Arizona, I believe this body will have an opportunity to vote not to repeal, but to continue catastrophic insurance.

I think the passsage of time, and again, the obstinance, if you will, of the Senator from Arizona, has made it impossible for either the House or Senate to leave until they have dealt with catastrophic health insurance.

Unfortunately for the few of us, the catastrophic bill which passed the Senate includes only catastrophic protection for part A, and does not include part B. At least it is half a catastrophic, and it includes some important additional new benefits. We cannot leave here until we deal with that issue.

Mr. President, I want to make a few comments about physician payment reform. Here, again, was an issue in which some of the conferees on the Senate and House side said they could not reach agreement, and therfore the Senate ought to accede to the House and do nothing on physician payment reform.

The junior Senator from West Virginia, Senator ROCKEFELLER, who has spent a good deal of 1989 dealing with Medicare issues in his new capacity as the subcommittee chairman for Medicare of the Finance Committee, said that is not good enough for him.

All day yesterday, a number of us spend some time not resurrecting physician payment reform, but bringing together those who have worked all during this year, and over the last 3 or 4 years, on the issue of reforming physician reimbursement under the Medicare Program.

I believe we are very close to an agreement, and I hope that the leadership in the relevant committees and the leadership of the relative subcommittees and leadership here in the Senate and our colleagues in the House will agree by the end of this day that physician payment reform in the Medicare system is much too important to be left to another year's inactivity.

Physician payment reform, if it is done now, guarantees the improvement in access and quality of medical services for the elderly and the disabled in this country, and it will mean improvement in access and quality for all Americans, because once we adopt this radical new way of reimbursing physicians in this country, it is going to sweep throughout all of the third-party payment system.

It will guarantee for rural communities in this country for the first time in a long time that physicians who practice in those communities and other health providers under part B will be reimbursed for the same level of cost, plus the talent and expertise that goes into it, as the urban counterpart.

The PRESIDENT pro tempore. The time of the Senator has again expired.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might continue for an additional 5 minutes.

The PRESIDENT pro tempore. Without objection, the Senator may proceed for an additional 5 minutes.

Mr. DURENBERGER. Mr. President, I do not want to underestimate the value of payment reform in our rural communities because the inequities that have grown over the years out of a charge-based reimbursement system now find rural doctors in West Virginia and Minnesota, whose costs are now equivalent with their counterparts in New York, Miami, Washington, DC, and Los Angeles, are still being paid 2½ times less than those physicians. We struggled with this in the last several years, trying to determine how to bring equity into the system, and I believe that in the resource-based relative value system, the 5-year phase-in to equity in this system, and a variety of other protections that have been built into this system, we have a way to raise the value of rural medicine, to raise the value of primary care, family care, diagnostic care in our society's ranking of economic rewards for medicine without limiting the reimbursement for high technology and specialization.

So that is why I think it is so critically important that this reform take place and it take place as soon as possible for those who are concerned about cost containment. And there are certainly a lot of that part B of medicare which has risen 15 to 16 percent each year since 1980. In rationalizing the payment system, we have the essence of controlling cost in this country.

In addition, there are some valuable beneficiary protections included in this bill: Limitations on balanced billing, which sometimes is as much as 50 to 60 percent over what Medicare will pay, and direct billing. Many of our seniors have experienced pulling out the long bill from the doctor after they have been to see the doctor, thinking that Medicare paid the bill. The long bill they get says Medicare only paid half of it and the doctor wants more on top of it, and they cannot understand why.

Limitations on this type of balanced billing are built into this legislation. In the first year, this limitation is 125 percent of the Medicare reimbursement and goes down to 120 percent and down to 115 percent. Direct billing means the physicians will bill Medicare directly rather than running the payments through a rather complicated system which none of the beneficiaries can understand.

Mr. President, in addition to physician payment reform hung up in reconciliation, there are a number of other rural health care reforms needed and led by our colleague from Texas, Senator BENTSEN, and the minority leader, Senator BOB DOLE, which, I hope, will come through the system. That is a way of changing the way in which hospitals are reimbursed in this country to bring the same type of equity I have been talking about with physicians to the area of hospital reimbursement.

Against that, there is a phase-in over a 4- or 5-year period of time, which will bring all rural hospitals in America into an equitable position with their urban counterparts. There are also included in reconciliation Medicare reforms which expand access to Medicaid reimbursement for doctor and hospital access for infants and children in this country.

Again, here the leadership came from others. Our former colleague, Senator CHILES, on the Commission on Infant Mortality; our colleague, Senator BRADLEY, from New Jersey; and others have worked very, very hard to expand access to Medicaid. That, too, was hung up with the reconciliation process. I hope we will get to that at the end of the day today.

My last comment on that particular subject is simply to say that I hope next year we will be able, Mr. President, to remove some of the so-called Medicare reform issues from the reconciliation process so everybody, not just a few of us, every Senator will have an opportunity to deal in depth with these critical issues.

Mr. President, the last comment I make with regard to my colleague, the junior Senator from West Virginia, is he has perhaps the most challenging job lying ahead of him in the coming year, and that is as chairman of the Pepper Commission. That Commission has the obligation, by March 1 of next year, to recommend to us and to America how it is that we are going to guarantee financial access to medical services for every American, an incredible challenge.

In addition to that, how are we going to finance access for all elderly and disabled Americans to long-term care, another incredible challenge which he and several of the rest of us carry and

which I think probably ought to be the focus of the 1990 legislation in the health care area.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I rise today to introduce legislation.

The PRESIDENT pro tempore. The Chair calls attention to the fact that the time for morning business was to have expired at 1:45 p.m.

Mr. REID. I apologize to the Chair.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 1:55 p.m. today.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the previous conditions with respect to the provision to make speeches will also obtain.

The Senator is recognized for not to exceed 5 minutes.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 1923 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE CATASTROPHIC HEALTH BILL

Mr. REID. Mr. President, I disagree with my friend the Senator from Minnesota that all in the Senate disagree with what the conference did on catastrophic. There are some of us, in fact I think a majority of the Senate, that would agree with the action.

I think that the catastrophic bill, which passed approximately a year ago, in hindsight is a bad piece of legislation. The surtax in it is unfair. The benefits of the bill have been looked at and it has been determined that they are not what we originally thought they would be. I think we would be better off doing what the House did and what the conferees recommend that we do; that is, repeal it and start over.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. A point of no quorum has been raised. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING MORNING BUSINESS UNTIL 2:30 P.M.

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2:30 p.m. today with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDENT pro tempore. Is there objection? There is none. Morning business will be continued until 2:30 p.m. today and Senators will be permitted to speak therein for 5 minutes each.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. A point of no quorum having been raised, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Alabama [Mr. HEFLIN] is recognized for not to exceed 5 minutes.

BIRMINGHAM VETERANS DAY CELEBRATION

Mr. HEFLIN. Mr. President, on November 11, 1989, Birmingham continued with its great tradition of having an outstanding Veterans Day commemoration and celebration.

It has one of the largest parades in the United States honoring veterans, and the parade involves all elements of the military, as well as numerous high school bands, university and college bands, and other groups. Mr. Howard Ganbril is the parade chairman and does an outstanding job. John Golden is the overall chairman of the Veterans Day celebration for the city of Birmingham and continues to do his superb job in coordinating and arranging all of the activities, including the programs for the Veterans Day celebration.

This year, the main speaker at the World Peace luncheon, which is held on Veterans Day, was Vice Adm. Roger F. Bacon, who is the commander of the Submarine Force of the U.S. Atlantic Fleet.

Mr. President, I ask unanimous consent that this address be printed in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, the address will be printed in accordance with the request.

(See exhibit 1.)

Mr. HEFLIN. I want to congratulate all involved in the Veterans Day celebration in Birmingham and hope that they will continue, as they have in the past, to have a superb occasion which honors the veterans of this Nation.

EXHIBIT 1

ADDRESS BY VICE ADM. ROGER F. BACON, USN

Thank you Adm. Jack Natter. Senator HEFLIN, Congressman ERDREICH, Congressman HARRIS, Congressman BROWDER, Governor Hunt, Mayor Arrington, distinguished guests, fellow flag and general officers, veterans, men and women of the Armed Forces, ladies and gentlemen.

I am very proud to be here with you and to participate in your city's Annual Tribute to the many men and women who served our country in time of war or conflict, and the many who gave their lives in battle—the people who are truly our nations most elite group of citizens—our veterans.

I would particularly like to thank Mr. John Golden, Mr. Bill Powell, the 15 sponsoring organizations and the advisory committee of the 43d annual National Veterans Day ceremony for extending the honor to serve as your parade's reviewing officer and for the opportunity to speak with you today. It's very encouraging to see such strong support wherever I go. We, in the Navy, as well as all the Armed Forces, greatly appreciate it. It's great to see that Veterans Day holds a very special meaning in Birmingham, AL.

This past year, the world has been witnessing a historic and encouraging chapter in the story of global relationships. In general, the leaders as well as the people of the traditional superpower nations have been seriously reexamining the way we have thought about and dealt with one another for many years. How many here would have thought that today they would pick up the Birmingham News and read the headlines—East Germans dismantle wall, restrictions end, cranes at work. Yes, times are changing.

Now, when Adm. Bill Crowe, who spoke to many of you at this same luncheon 3 years ago, visited the Soviet Union this past summer as chairman of the Joint Chiefs of Staff, he observed that change could be seen everywhere he went. After his visit, he urged us all to continue to work toward exploiting the diplomatic opportunities as they present themselves and to continue the military-to-military discussion process. But he also cautioned that the Soviets have a monumental task ahead of them and that it will take a long time to turn the corner.

As Senator HEFLIN reminded us last night, on Veterans Day 1989, our Nation is faced with a picture of change in the Soviet Union that offers a challenge both to the United States and the United States military. The challenge is to understand what changes are taking place in the Soviet Union, and to ascertain what they imply for United States national security and the military balance. In this era of glasnost and perestroika with the prospects for a new relationship with the Soviet Union, hopes in the United States and in many other corners of the world are running high. And the result among many of our citizens is a great sense of relief, and even euphoria. I suppose it is only natural that having borne a responsibility to remain vigilant for so long, that some are ready to relax, to lay their burdens down. But therein lies a very great danger.

Today, as we honor our Nation's veterans and reflect on the causes they fought and died for, it's essential that we not allow euphoria to cloud our vision of the current reality.

While many perceive the threat from the Soviet Union as receding and that this is a time for peaceful change, it is a simple fact today that the Soviet military capability is no iess than when Mr. Gorbachev took the reins. Moscow's talk of reducing the Soviet Armed Forces, the world's largest, and adopting a defensive military doctrine, has not yet been fully implemented. To date, most of the Soviet's force reduction announcements have been focused on conventional forces. While any reduction needs to start somewhere, the Soviet strategic program presents a substantially different picture.

In fact, the United States faces a more formidable Soviet offensive strategic arsenal today than we did 4 years ago when Mr. Gorbachev came to power. To provide an example, I'll discuss their Navy. Although the Soviets are retiring older, difficult to maintain ships in their Navy, the overall quality of Soviet naval forces is increasing. The decommissioning of older ships simply allows them to focus their economic and industrial resources on newer and more capable ships. Their naval force capabilities in many areas, especially in their submarine force where they enjoy a 3-to-1 numerical advantage, continue to improve significantly. Additionally, there is a persistent movement among the Soviets to include United States naval forces and weapons in European conventional force reductions and to establish restrictions on movements of our ships in international waters. In sum, the improving Soviet naval force capabilities and their proclamations of a defensive posture combine to send a very mixed signal.

Now please understand that I, like many others, am very encouraged by the reassuring prospects of improving East-West relations. But, as an operational commander of 84 submarines, I must be a realist and pragmatically approach my command responsibilities in the Atlantic Fleet submarine force based upon what is observed rather than what we might hope.

I believe the Soviet desires to help reduce world tensions are well intended and I hope they will continue. But unlike capabilities, as Senator HEFLIN so eloquently reminded us, intentions can change quickly. Unlike Soviet intentions, the geography of the world cannot change. The Soviet Union is a continental power with trading partners on the same land mass and virtually self-sufficient in basic energy and strategic requirements with no real need for a massive blue water Navy for so called defensive purposes. On the other hand, the United States is a maritime nation, whose dependence on the seas is the bedrock of our political and economic security.

World trade routes provide our links to vital markets and key strategic materials. Today, 95 percent of our trade goes by sea representing more than 600 billion dollars' worth of exports and imports a year. As the American economy depends on the sea, so does our security. The oceans around us can either be a buffer or an invasion route. This hasn't changed since our Nation was founded. It follows that our national security objectives are shaped by this dependency on the seas, as well as by some 47 international treaties with our allies. Maintaining a capable Navy and protecting our sea lanes has always been important—but we haven't always been prepared to do so.

One need only recall the War of 1812, in which an amphibious landing was conducted in the Chesapeake Bay and our Nation's Capitol Building and the White House were burned to the ground; or, more recently, many here can recall the harsh experience of World Wars I and II, in which enemy submarines devastated United States and allied merchant shipping.

As our Nation's leader during the Great War, President Woodrow Wilson was adamant in his historic 14 points on the legal and moral need to guarantee freedom of the seas. A staunch advocate of peace, he summed our Nation's need for maritime strength when he said: "No other Navy in the world has to cover so great an area as the American Navy. It ought, in my judgment, to be incomparably the most adequate Navy in the world."

Since President Wilson's proclamation, the world has become increasingly complex and more economically interdependent. But the requirement for an adequate maritime capability to ensure our security at home and across great distances has remained a consistent requirement of our national security. This requirement existed long before glasnost was in the headlines and will exist long after it is gone.

The on-going dialogue is encouraging, and very much so. But none of the talks have altered the dictates of geography. Nor have they lessened the requirement for strong, ready, and flexible United States Armed Forces to deter and if necessary, to respond to a wide range of aggressive actions. Unfortunately, the earnest desires of Mr. Gorbachev do not remove many of the dangers in the world.

Political and economic instability is commonplace in much of this world and, as we are reminded all too frequently, the terrorists have not suddenly vanished. While East-West relations are improving, we continue to see the potential and reality in other regions of the world for civil war and terrorism. Over 200 times since the end of World War II, United States Naval Forces have been successfully called upon in crises, such as in the Persian Gulf, the Achille Lauro hijacking, and in the counterterrorist strike in Libya. Generally, one of the first questions asked by our Nation's leaders when conflict is on the horizon, is, "Where are the carriers?"

It would be irresponsible to believe that the world today is without danger. President John F. Kennedy reminded us in 1963 that, "the absence of war is not peace." In 1989, for us to think otherwise is to place our present and future national security, and the safety of our citizens at risk. It is up to all Americans to ensure we maintain the flexible forces needed to respond to today's unpredictable challenges.

If we are to be prepared to deter and respond in this age of violent peace, a credible Navy which is unrestricted in its mobility and capability to operate in distant seas, is something we cannot do without. This means a globally deployed Navy, ready to contain problems before they start and to deter any potential adversary from challenging free use of the oceans and seas. This means a Navy whose capabilities improve as the capabilities of those who might challenge also improve. This means submarines like your attack submarine USS *Birmingham*, capable of extended operations in forward areas; or, like your Trident submarine USS *Alabama*, providing a credible, enduring and survivable deterrent to strategic threats.

Never has Amrican seapower as a force for peace, been more clearly demonstrated than by the cease-fire now holding in the Persian Gulf, the quiet in the Gulf of Sidra, and the outpouring of friendship during the United States and Soviet reciprocal ship visits in Norfolk and Sevastopol. We will even have a sea going summit in a few weeks. Our naval strength and readiness have very definitely played a significant role in triggering the promising reforms that offer a bright prospect for ensuring peace. As the world changes rapidly before our eyes, the stabilizing influence of seapower will be at an even greater premium.

In 1897, Theodore Roosevelt, in a speech to the Naval War College, said: "Again and again, we have owed peace to the fact that we are prepared for war." More than 90 years later, the wisdom of those words is more apparent than ever. History has shown that if the burden of readiness is put down, even momentarily, our ability to deter and our ability to respond go down with it. It is as true today, as it has been throughout our Nation's history, that a strong U.S. Navy is a necessary element of our national defense and indeed, of world peace. And today, on veterans day, we as individuals and as a Nation must rededicate ourselves to shouldering the burden of readiness, of all military forces and to paying the price of peace and freedom, so gallantly fought for by our Nation's veterans.

On this day dedicated to the memory of all those who have fought the country's wars, I am reminded that the most fitting tribute to our veterans lies within each of us. It is not in parades or speeches but rather in the inner feelings of each of us that all true memorials exist. But what we do can also be a memorial. Today, we are strong. The value of our Nation's investment in defense, and particularly of our investment in the people of our Armed Forces has been proven. But in that strength, we should observe some caution.

It seems that no sooner do we achieve something than we ignore it for awhile. Given our concerns over the Federal budget deficit, some think we will do better to save the money or to spend it somewhere else. Thus, another challenge to our continued preeminence as a seapower is the forecast of diminishing resources. Reduced defense spending threatens our global peacekeeping capabilities. Our services will most likely be called upon to do more with less. To continue our tradition of peace through strength, we will once again look to the character and commitment of the American soldier, sailor, airman, marine and coast guardsman.

What makes us ready is your sons, daughters, grandchildren and next door neighbors who willingly serve their country under arduous conditions, for extended deployments in ships and stations throughout this world.

Today, the men of your attack submarine USS *Birmingham* and your ballistic missile submarine USS *Alabama* are key components of our nation's readiness at sea, patrolling the ocean's depths for weeks and months at a time, to keep the peace. It's those young Americans, not the guys with stars on their shoulders who make up the Navy; it is those young sailors on submarines, surface ships and aircraft carriers.

It is our people who make our Armed Forces great. Like the veterans we honor today, they are ready to put their lives on the line should the need arise. Their dedication and professionalism are a constant source of pride to me. They have readily

and fully accepted the guardianship of peace and freedom bestowed upon them.

With your support, our Navy and all our armed services will remain ready to defend the freedom, so hard won by our veterans. The cause of freedom is a work in progress, and the lesson our Nation has learned and re-learned throughout our history, is that freedom has a price, that freedom must be won, and it must be defended. Our superb military readiness of today stands as testimony that the sacrifices of our veterans will not have been in vain.

To all veterans, and especially the gold star mothers, the gold star wives, former prisoners of war, and disabled American veterans, I along with the rest of the Nation salute you. We owe you a debt of gratitude that can never be repaid. But always know that your individual contribution made a difference and contributed directly to the cause of freedom, a cause which will always continue. Thank you. God bless you and God bless America.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO PAUL E. HARRIS

Mr. HEFLIN. Mr. President, I rise today to congratulate Paul E. Harris on his recent selection as Alabama's 1989 Minority Small Business Person of the Year. Paul was nominated for this award by the Birmingham Chamber of Commerce for his outstanding work as the President and chief executive officer of Protective Industrial Insurance Co.

Paul has been the president of Protective since last year. In addition to his work with the company, Paul has been extremely active in the community. Although I cannot begin to list all of Paul's contributions to Birmingham, a few of these activities stand out. He is a Kiwanian, a member of Operation New Birmingham, the Birmingham Area Alliance of Businesses, and the Crisis Center.

Paul serves as a very able representative of this 66-year-old Birmingham Company. Protective Industrial Insurance Co. was begun in 1923 and took its present name in 1932. Through the efforts of individuals such as Paul Harris, this company has continued to expand and provide thousands of Alabamians with vitally needed insurance. The company now boosts 10 district offices and covers most of Alabama.

Protective has been widely recognized as an outstanding company and has been named by Black Enterprise magazine as the 10th largest black-owned insurance company in the Nation. Indeed, in 1988 the magazine named Protective Industrial Insurance Co. as their "Insurance Company of the Year."

I am proud to join Paul's friends and family, Protective Industrial Insurance Co., and the Small Business Administration in congratulating Paul E. Harris on this distinguished award. He is truly deserving of this recognition and I wish him much continued success.

TRIBUTE TO JUNE COLLIER

Mr. HEFLIN. Mr. President, I rise to pay tribute to one of Alabama's most outstanding business leaders. June Collier of Montgomery, AL, is widely recognized for her leadership of National Industries and for her involvement in the community.

An article about June Collier and her thoughts on U.S. trade policy appeared in the August issue of Business Alabama Monthly. I thought this article might have been of interest to the Senate.

Mr. President, I ask unanimous consent that an article about June Collier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAST TO LEAVE AND STILL SHOWING THE FLAG

The last independent auto supplier to move production out of the country, June Collier continues her fight for a gutsier U.S. trade policy

June Collier, chairman and president of Montgomery-based National Industries, is one of the state's most visible CEOs, owing to her no-holds-barred criticism of U.S. trade policies.

She thinks those policies are weak, to say the least. In her own words, she has much more to say—as she has before in more widespread forums, such as The New York Times, Fortune, "The Phil Donahue Show" . . . on and on.

It's not a battle she's willing to concede, although in recent years her company has had to make a reluctant move to foreign production facilities to compete with other companies using cheap foreign labor.

Founded in 1963 by June Collier and former husband Ben Collier, National Industries manufacturers automotive and industrial wiring assemblies, as well as injection molded plastic components and a variety of other products. June Collier owns the company, which is the largest private-sector employer in Montgomery, with some 2,000 workers.

As we went to press, National Industries' Plant Nine was scheduled for a July closing. Although many of those workers will be transferred to other Alabama plants, earlier this year Collier estimated that the company would have to lay off at least 1,500 workers over the next five years. And, as Collier explains, most of the company's production work will eventually be moved out of the country.

A new plant in Empalme, Mexico, employs 700 workers at about 55 cents an hour. Construction of a second plant there broke ground in May.

B.A.M.: What are the prospects for your main line business of making harnesses for the U.S. automotive industry?

Collier: Well, our main customers, of course, are Ford and Chrysler. That's our main line business. The competition is in Mexico and Taiwan. So I have to be able to quote those labor prices, and I can't build the bulk of them here. I have to build them offshore.

B.A.M. How have you adjusted to accommodate for the changes you anticipate in the industry?

Collier: The change we're seeing in the industry, is a lot of research and development, which we are certainly up to snuff on. In fact, we got a very, very high rating from Ford on our research and development and engineering groups. Incidentally, I will be calling a press conference within the next 30–45 days [July or early August] to show some of the things we are doing that are really great in my opinion. But the biggest thing that everybody is wanting is quality and price. You go for price first and quality is a given. You will have it or you will not ship. Our plant in Mexico, I think, was rated about the highest by Ford Motor Co. than any Mexican plant has been so far in our industry.

B.A.M.: How do they rate a plant?

Collier: They rate it on quality, statistical process control, employee environment, records, receiving, production, education of the workers as far as statistical process control is concerned, and looking at the quality.

B.A.M. Multiplexing or the conversion of technology away from traditional wiring harnesses to more computerized or high-tech electronics in automobiles: Isn't that more of a threat to your business than foreign competition, and how are you adjusting to that?

Collier: I can remember in 1967 we worried about a multiplexing system. Multiplexing has been around a long time. As I recall the figures, there are thousands of patents issued on multiplexing. And it is the thing of the future. Right now Mazda is putting multiplexing on a car. One of the things I will be showing at the press conference will be National Industries' multiplexing, but the point of multiplexing so far is that it's not cost effective.

But I will be showing a multiplexing system that we have developed and patented, incidentally, that is on an Aerostar van that has got 1,200 miles on it. This is not engine multiplexing. This is just the first step. The great thing about ours is that it is cost effective. It's within 3 percent of a wiring harness. So we are not sitting well. We are in the multiplexing field and have been. This has been an ongoing research and development project for three years now.

B.A.M.: How competitive is what you do?

Collier: We figure our prices to five decimal points if that tells you anything.

B.A.M.: What's the average term of a major contract, and don't you enjoy some security as a trusted supplier?

Collier: You always know you've got a part for a model year. Many times those parts carry over, and you generally keep it, even though it's market-tested generally. Many times you will have parts that end after one year, and right now we are designing the electrical distribution system for the Ford Aerostar. We designed the electrical distribution system for B&D Bodies for Chrysler. We do get into designs. That gives you a certain amount of step-up. But actually what's happening right now is Ford Motor Co. has five long term suppliers. They are United Technology, American Yazaki, National Industries, PEP, which is a

division of Alcoa—and half Japanese, incidentally—and Electro-Wire. Chrysler has three besides itself—American Yazaki, United Technology and National Industries. I'm kind of happy to say National Industries has been rated one of the 10 largest wiring harness suppliers in the world. I think we're pretty close to the bottom of the list, but we're still in there.

B.A.M.: Can you quantify to what extent foreign competition has affected U.S. suppliers such as yourself?

Collier: Yeah, it has demolished them, and they just went away. I'm the last one to leave. I didn't want to leave, still don't want to. I had three ways to go: I could go out of business, go broke, or go to Mexico, and I chose the latter.

B.A.M.: What growth could you have expected in your company in particular that you did not achieve because of foreign competition?

Collier: That's broad spectrum. This is what would be so thrilling to me. If we had our protective tariffs, it would mean more American cars would be sold, it would mean more people would be buying American products, and it wouldn't be just National Industries growing. There would be a lot of small businesses that had to go out of business because of this. It could be tremendous.

B.A.M.: Would you be twice as big as you are now?

Collier: There's no telling how big we would be. Again, there would be a lot of smaller suppliers still in business. I don't like to see these people go out of business. I really don't.

B.A.M.: You have indicated in the past that you would like to secure military contracts in the future. Is that a target for diversification, and how hard will it be to secure that business? Also, how much can you expect to land?

Collier: I don't know. It's something that we are looking at it. We're going to be looking at it in the very near future. We can't do it right now due to the fact we're still trying to get another plant open in Mexico, and our accounts are kind of strapped. I think we have a good possibility. I wouldn't spend money on it if I didn't think so. We will be expending some dollars trying to get that. And hopefully the Buy American Act is not totally dead. It may be. Our last administration and current one—which I supported [though], I didn't support all their ideas—have kind of killed the Buy American Act, or nobody pays any attention to it any more.

B.A.M.: In February you said you expect layoffs of up to 1,500 workers over the next five years. Is that company-wide and what accounts for that projection?

Collier: One thing, it's a guess. For example, we are closing Plant Nine. We eliminated the night shift, and I offered everyone on the night shift transfers into other plants. I'm happy to say that not one turned down a transfer, and there's a few left that will go on the day shift there. Within the next 60 days attrition takes a great amount. Right now we are on a hiring freeze until we can absorb the people we have. There's a very good possibility we won't have to lay off very many this time around, but as another plant opens in Mexico, I don't know what the impact will be. I'll be very honest with you as far as the time frame, but there's no doubt that our high-volume production will be offshore unless something changes.

B.A.M.: As you've mentioned, you've built one plant that employs about 775 workers in Mexico and a second plant under construction in Mexico. You said you resisted that out-of-country move as long as you could. How did you resist the move and what forced you to locate in Mexico?

Collier: Two years ago, car line sourcing chopped off a lot of vendors, and our prices had to be competitive with United Technology, a great American company that has its plant in Mexico. We had to be price competitive with American Yazaki which has its plant in Taiwan and Mexico. And we had to be competitive with all the off-shore plants. I saw this government was going to do absolutely nothing to help American industry, period.

B.A.M.: So you had no other choice?

Collier: I said I had three ways to go. I could go out of business, I could go broke or I could go to Mexico. I just decided I didn't want to go broke, and I didn't want to go out of business.

B.A.M.: Why Mexico in particular?

Collier: Geographically it's great. Our plant is 200 miles from our border. The culture is not nearly as different, and I don't want to fly half way around the world to go see a plant. And the wage rates in Mexico are extremely attractive.

B.A.M.: Do you see National Industries eventually operating primarily out of the country?

Collier: I see most of the production facilities being out of the country. Naturally, as bad as I hate to say it, the production facilities out of the country will strengthen our R&D and technical staff and labor here in Montgomery.

B.A.M.: Would you say you've just about given up on anything happening?

Collier: No., I'm still making speeches. I'm going to Washington, and they may as well get ready to look at my face again.

B.A.M.: Do you see any movement in that direction?

Collier: There's a great movement in the direction that affects trade laws. Most people don't put non-American ownership in the same category with trade laws, but it is. I couldn't bring that out 10 years ago because talking about foreign investments was like talking against motherhood and apple pie. There are many, many well known people fighting foreign investments. You stop allowing people from foreign nations to invest in America—or buy America. It's not "investing"—that's just a pretty word. Get it down to where the average person can understand it—"buy." Then the American consumer would be the winner, because all these nations could reduce their price. They could also keep their money at home and help the standard of living of their own citizens, so maybe they could be customers of ours. Right now the United States, in my opinion, is contributing to poverty in [other] nations by allowing the money in those countries to come here for investment or buying purposes. That money should stay in their own countries to benefit their own people, but it doesn't. It comes back over here in what we call investments.

B.A.M.: Your sales have grown from $1 million in 1966 to $126 million in 1988 and have been as high some years as $150 million.

Collier: It hasn't been quite $150 million, but what happened is we had other divisions. We had a tester division, and we had an antenna division, which is now just making service antennas. And the tester division has been spun off and now is National Microsystems.

B.A.M.: Based on those figures, that sounds like stable growth for National Industries. Where have the setbacks come?

Collier: Yes, we've done very well. The setbacks were going to come had I not been able to be competitive two years ago, but two or two and a half years ago I started getting ready to do this. I went to Mexico. I talked to many people who decided what would be ideal for National and what I wanted to do and how I wanted to do it. Then I started looking for that. I found exactly what I wanted.

B.A.M.: So things have turned around?

Collier: For National? Yes, National is about as stable as you can get. Don't get me wrong. Nobody ever gets as stable as they want to be.

B.A.M.: Isn't there a strong argument that America needs new markets to sell its products and those markets must come by building up the economy of under-developed countries like Mexico? By putting money in the hands of Mexican workers, don't you give them the ability to buy American products such as cars that have your components in them?

Collier: If you made 55 cents an hour, could you buy a car? Would you like to buy it out of Taiwan for maybe $1 an hour now? Would you like to buy something built by us in China at 21 cents an hour? This is where American economists are insane. They are talking about a system that they've never been a part of. They sit with their protected salaries in their ivory towers, and they have no earthly idea what they are talking about. Unfortunately, we worship at their feet, but I don't.

B.A.M.: As a vocal critic of U.S. trade policy, you cut across the broad: trade policies are unequal, technology transfers are unequal, cheap foreign labor costs American jobs, and foreign ownership of U.S. capital is a threat. Is not the potential for global trade war more of a threat than these concerns?

Collier: We keep talking about global trade and world markets. It's the same thing. The U.S. is the world market. There is no other. Anyone who uses that is trying to impress someone, and actually all they are doing is telling the people who really know what they are talking about how stupid they are. This is the world market right here. I'm sure you've heard my words about Japan. If we ever get our common sense back—I understand that is being outlawed daily in Washington. If anyone had any, they've been run out. Japan is not a consumer nation. They are too small. If they can't eat it, smoke it or ship it back, they can't buy it, because they don't have any place to put it. They started buying our beef. When the trade restrictions came off, guess what happened. The Japanese came to the United States and started buying our beef ranches. So they are still buying Japanese beef. They are just using our resource to do it.

This country is a fool. We are a nation that passed immigration laws three or four years ago that if somebody walked in here cold and hungry and asked for a job sweeping the floors, I'd have to look at a picture to make sure I don't give a job to an illegal alien. Right? Yet, you can take that same guy or gal, take them down to the local motel, clean them up, put them in a three-piece suit and they can come back here and buy this company. Expanding a little bit further on that, this person comes in here and I don't ask for a picture, and I say I'll pay him or her $3.50 an hour. If, come to find out, it was an illegal alien, and I took an American job and gave it to an illegal alien. I'd be strung up by the thumbs.

Right? But yet my government that passed that law pats me on the back for going to Mexico and taking 750-775 jobs already. If that makes sense, there is something wrong with that reasoning.

B.A.M.: We hear a lot about Alabama now being open for business. Do you agree?

Collier: I think they are open for anything. Give us another Emelle.

B.A.M.: How does that apply to your situation?

Collier: When this state can match the labor rates in Mexico, then they will be competitive. I don't care about tax incentives. If you don't make any money, you don't pay any taxes. I don't want to lower our standard of living. I fought too long and hard to get out of that four rooms and a bath and get electricity and air conditioning, but that's the only way for us to compete, and that's for our standard of living to go down. And it is going down, by the way.

If we want to be competitive in a global market, we'd have to pay our workers what they pay theirs. I hope that doesn't happen, because America has already given too much to too many too quick. It's time for us to think about ourselves. We're already a second-rate nation to Japan. I get so ticked off when I hear our government tell us how much a threat Russia is to us, and Russia is a threat to an extent. But the only reason they think Russia is a threat is because they've got bombs and bullets. We're sitting over here watching this big boogie man Russia and the Japs are eating our butts off from the rear end. Nobody is paying any attention to that. Japanese have bought more than the Russians could take with a nuclear war. We're fighting the same enemy that we fought on the battleground over 40 years ago.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, today marks the 1,709th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that an article on this matter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Democrat & Chronicle, Oct. 29, 1989]

AMERICANS IN CHAINS

(By Joan Mower)

WASHINGTON.—For the nation that prides itself as the mightiest on Earth, hazy television images of Americans held hostage in the Middle East have become a bitter lesson in the limits of power.

Few issues have so frustrated the American public and its leaders since radical Iranian students stormed the U.S. Embassy in Tehran 10 years ago this week—on Nov. 4, 1979—and took 53 Americans hostage.

President Bush has toned down the rhetoric in an attempt to keep the public from focusing too closely on an issue that helped topple Jimmy Carter and led Ronald Reagan into the worst foreign policy scandal of the 1980s.

But at the same time, Bush is enlisting third parties in an effort to deal with Iran and free the eight Americans now held by Iranian-backed Muslims in Lebanon.

Carter, hounded by questions about the Tehran hostages and the United States' inability to free them, withdrew to the White House Rose Garden to wage much of his 1980 re-election campaign.

Those hostages were freed after 444 days—on the day Reagan was inaugurated, Jan. 21, 1981.

But nearly six years later, Reagan's presidency was rocked by the Iran-Contra affair, revelations that his aides had sold weapons to Iran in hopes of freeing hostages in Lebanon and diverted the proceeds to Nicaraguan rebels. The arms deals came when Reagan was proclaiming publicly that the United States would not negotiate for the hostages' release.

Washington hasn't had diplomatic relations with Iran since the revolutionary government seized power in early 1979.

With little fanfare, however, the United States has been using intermediaries—Japan, Pakistan, Algeria and Switzerland, to name a few—to send messages to Tehran, says Gary Sick, author of a book about Carter's hostage crisis and a National Security Council aide during the Democrat's presidency.

The thrust of Bush's third-party message is that the United States is ready for better ties, but the hostages must be freed first, analysis say.

"Bush is conscious of Iran's power and he's shown an interest in putting things right," says Frederick Axelgard, a senior fellow at the Center for Strategic and International Studies.

While Bush has tried to play down the hostage issue publicly, he was forced to react when a group calling itself the Organization for the Oppressed on Earth reported on July 31 that it had killed Marine Lt. Col. William R. Higgins.

The president cut short a trip to the Midwest and returned to Washington to condemn the "brutal and tragic" events, but he did nothing to retaliate.

In Sick's view, Bush simply doesn't have many options.

"After the Iran-Contra episode, he can't afford to be tagged with a trade, a deal. In effect, it has tied his hands," he says.

Publicly, the administration's position on the hostages is the same as the Reagan administration's was after the Iran-Contra scandal. Secretary of State James Baker III reiterated that policy last week.

"The Iranian government has known for a long time that we are quite prepared to have open discussions with representatives of that government, provided they renounce their pursuit of terrorism and provided they take actions to seek the release and freedom of our American hostages," he said.

Iran's president, Hashemi Rafsanjani, said last week that he would help free the American hostages if the United States would release billions of dollars of assets frozen 10 years ago after the Tehran embassy takeover.

The United States rejects linking the assets, valued at between $9 billion and $12 billion, to the hostages.

U.S. officials say those disputes are, slowly but surely, being dealt with by the Iran-U.S. Claims Tribunal in The Hague, Netherlands. As of August, U.S. nationals had been awarded about $1.2 billion by the tribunal; Iranians had received $118 million, the State Department said.

Despite the stalemate, analysts say a number of factors could, in the long run, help Bush resolve the hostage issue.

Among them: the death this year of Ayatollah Ruhollah Khomeini, the hardline spiritual father of the Iranian revolution, the end of the Iran-Iraq war and the peace plan between Muslins and Christians in Lebanon.

"If the Lebanese accord works, if Rafsanjani is able to continue to consolidate his political base, then we are getting to an atmosphere in which it may be possible for something to take place," says Judith Kipper, a Middle East expert at the Brookings Institution.

Kipper says Rafsanjani's need to rebuild his country and obtain technology and economic assistance could lead him to help secure the hostages' release.

In addition, the August 1988 cease-fire in the Iran-Iraq war has reduced the perceived threat in the Persian Gulf and allowed the United States to cut back its military force there. The Iranians probably view that as a positive sign, Sick says.

Complicating the hostage picture, however, is the relationship between Iran and the Lebanese kidnappers, thought to be factions of the Hezbollah umbrella group.

TRIBUTE TO THE HELEN KELLER PUBLIC LIBRARY

Mr. HEFLIN. Mr. Speaker, I rise today to draw my colleagues' attention to the Helen Keller Public Library in my hometown of Tuscumbia, AL.

The Helen Keller Public Library is Alabama's first chartered library as well as my State's oldest continuously operating library. Through literature, this library has opened the world to thousands of Alabamians.

The library's background stems from a social and literary club formed by a group of ladies from Tuscumbia in 1891. A year later, the Helen Keller Library and Literary Association was formed from this group. This library has offered the citizens of Tuscumbia with countless wonders of literature for almost 100 years. Perhaps the library has endured because of the spirit under which it was formed.

These ladies truly wanted to advance their learning as well as to present the opportunity for learning to all the citizens of Tuscumbia. These ladies chose a fitting inspiration for the name for this library. Helen Keller stands as Tuscumbia's most famous daughter and her triumph over personal handicaps should serve as an inspiration to us all.

Mr. President, it is my hope that the Helen Keller Public Library will serve the Tuscumbia area for another century.

THE MALTA SUMMIT AND UNITED STATES FOREIGN POLICY

Mr. HELMS. Mr. President, as ranking member of the Committee on Foreign Relations, I believe there are hard questions that need to be asked as the Malta meeting approaches. In my view, Soviet pressures in Latin America are undermining our strategic position in this hemisphere and in Europe. I believe that it is time for the

United States to get back to foreign policy basics and soon.

The Western Hemisphere is our home and our base. My years as chairman of the Subcommittee on Western Hemisphere Affairs and as ranking member of the committee have reinforced my conviction that Latin America is critical to the long-range national security of the United States and critical to our ability to maintain global commitments.

Mr. President, does the Kremlin know something about Latin America that the State Department has forgotten?

Are the introduction of Mig-29's into Cuba, the guerrilla offensive in El Salvador, and the increasing recalcitrance of Nicaragua isolated events or are they part of a Soviet strategic design?

Is the Soviet Union moving into a new phase in its seven-decade-old offensive against the free world?

Since the founding of the Republic, American statesmen have recognized the strategic relationship between United States policy toward Latin America and United States policy toward Europe. They knew that for American diplomacy to be credible and to be effective in Europe the United States required a secure base within this hemisphere.

Traditional American foreign policy rested on two pillars. On the one hand, the United States sought to exclude hostile ideologies and political systems from this hemisphere. On the other hand, the United States sought to promote a salutary balance of power in Europe.

Early Presidents and statesmen such as Thomas Jefferson, James Madison, James Monroe, and John Quincy Adams built their foreign policy around these two pillars.

In our own time, as storm clouds gathered on the European continent, FDR secured our hemispheric base by means of his "Good Neighbor Policy." This policy helped the United States to later successfully restore the balance of power in Europe as well as in Asia.

Today, Latin America is in a shambles. Loose talk about instant "democracy" in this region should be judged against the centuries needed to develop, even partially, democratic institutions in the Old World. Patience, restraint, and sensitivity to Latin America's unique cultural heritage is required when assisting our southern neighbors to build democratic institutions.

Free elections are just the beginning of the process and cannot substitute for the construction of constitutional and democratic institutions in the executive, legislative, and judiciary branches of government.

Mr. President, U.S. policy toward Latin America has lacked purpose and coherence. As a result, there has been a proliferation of narco-mafias and Communist guerrilla movements which are threatening democracy south of the border.

Washington's Latin woes have not escaped the geopolitical notice of our NATO allies and Mr. Gorbachev. This is because the defense of Europe depends significantly on the sustained availability of war materiel shipped from our gulf ports through Caribbean sea lanes to our allies across the Atlantic. Moscow can read nautical and air charts as well our allies at the Brussels NATO headquarters.

As far as this Senator is concerned, the Kremlin—for over three decades—has systematically been working toward the objective of holding this hemisphere's sea and air lines of communication hostage to Soviet power. The disintegrating situation that we confront in the Caribbean is a result of this Soviet strategic policy in which Cuba and Nicaragua play such important roles.

Mr. President, dazzling to the eye as recent political events in Europe may be, it is my conviction that the United States should keep its balance and calmly assess the situation.

It is clear enough to many Americans that the sirens beckoning today from Eastern European capitals want our money.

They want our technology.

They want our allies.

Mr. President, while Gorbachev pressures Latin America he also peddles his so-called European house. I think that Alexander Solzhenitsyn would tell us that the building that Gorbachev is planning is really half prison and half psychiatric ward.

Whatever may take place at the Malta meeting, it seems to this Senator that the United States needs to get back to foreign policy basics. It is time for the United States to carefully rebuild its Latin American policy pillar. It is time for the United States to prudently shore up its European policy pillar. I hope that Senators will encourage the administration to get back to basics.

SOVIET/WARSAW PACT MILITARY THREAT CONTINUES TO GROW

Mr. HELMS. Mr. President, the Soviet and Warsaw Pact unilateral reductions, and realignments of their military forces, are significant and we cannot ignore them. Nor can we ignore the potentially momentous political changes underway inside Eastern Europe and the Soviet Union itself. These political developments have important implications for Soviet foreign policy.

Nevertheless, Mr. President, we should carefully observe the facts about what is really going on in the military threat we face. At the same time that political tensions appear to be easing, current Soviet military realignments are making Soviet forces more lethal. And we should bear in mind that American exposure of the long history of Soviet diplomatic deception finally played a role in changing Soviet foreign policy. For example, the Soviet admission that the Krasnoyarsk radar is a violation of the SALT I ABM Treaty confirms that deception has dominated Soviet foreign policy.

Mr. President, we cannot get around the fact that, despite these political and foreign policy developments, the Soviet military capability has continued to increase. In fact, there is strong evidence that the military threat from the Soviet Union and the Warsaw Pact is greater today than it was in 1987, and that this capability still continues to grow.

However, Mr. President, recent news reports indicate that President Bush and Defense Secretary Cheney, in the face of demands by Congress, have made the decision to cut the Defense budget even further in fiscal year 1991 and in the years thereafter, in response to the perception that the Soviet political threat is diminishing. This perhaps illusory perception of a diminishing political threat is contrary to Soviet actions in the military field. In my view, it is premature to cut American defense spending when the Soviet threat is continuing to grow. Political positions can change overnight, but military programs require a multiyear base for development, production, and deployment. The Soviets continued buildup means the Soviets have not taken an irreversible step.

Mr. President, the increase in Soviet military capability can be demonstrated in a careful analysis and comparison of the DOD publication "Soviet Military Power 1987"—the last edition prepared under former Defense Secretary Caspar Weinberger—with the new "Soviet Military Power 1989" edition prepared under Defense Secretary Cheney.

Such an analysis shows that despite Soviet unilateral disarmament promises and actions, Soviet military advantages have in fact increased significantly since 1987 in almost all measure of comparison for both conventional and strategic forces. Since 1987, the massive Soviet advantages in tanks, armored personnel carriers, artillery, tactical aircraft, and strategic forces continue to grow.

Indeed, despite recent press reports suggesting that the momentum of some Soviet strategic programs may have slowed, since 1987 the Soviets have added to their arsenal over 182 strategic missiles and bombers carrying thousands more nuclear warheads, while the United States had reduced

its strategic forces by over 116 strategic missiles and bombers.

Mr. President, since 1987, the Soviets have deployed nine strategic weapons systems—an effort which hardly represents a slowdown. Meanwhile, the United States is deploying only one new strategic system. Moreover, Soviet deployments of their mobile ICBM's, their most dangerous systems, have been accelerating this year. Finally, the Soviets seem to be shifting their emphasis to building the Delta IV ballistic missile submarine, which is just as lethal as the much larger Typhoon submarine—whose production has supposedly been cut off—but costs only one-third as much.

A comparison of Soviet Military Power 1987 with Soviet Military Power 1989 reveals the following specific significant facts relating to United States/NATO and Soviet/Warsaw Pact conventional forces:

TANKS

In 1987, the Soviets and the Non-Soviet Warsaw Pact had 52,000 tanks. In 1989, the Soviets and the Non-Soviet Warsaw Pact had 80,000 tanks including 4,850 in reserve. Thus the Soviet/Warsaw Pact threat in tanks increased by 28,000.

In contrast, in 1987, NATO had 24,250 tanks. In 1989, NATO had 22,224 tanks, including 5,800 in reserve. Thus NATO tanks decreased by 2,026.

ARMORED PERSONNEL CARRIERS

In 1987, the Soviets and the Non-Soviet Warsaw Pact had 54,000 armored personnel carriers. In 1989, the Soviets and the Non-Soviet Warsaw Pact had 78,000 armored personnel carriers including 3,900 in reserve. Thus the Soviet/Warsaw Pact threat in armored personnel carriers increased by 24,000.

In contrast, in 1987, NATO had 41,500 armored personnel carriers. In 1989, NATO had 17,328 armored personnel carriers including 2,870 in reserve. Thus NATO armored personnel carriers decreased by 12,900.

ARTILLERY

In 1987, the Soviets and the Non-Soviet Warsaw Pact had 42,000 artillery pieces. In 1989, the Soviets and the Non-Soviet Warsaw Pact had 60,850 artillery pieces including 5,050 in reserve. Thus the Soviet/Warsaw Pact threat in artillery increased by 18,850.

In contrast, in 1987, NATO had 18,350 artillery pieces. In 1989, NATO had 17,328 artillery pieces including 2,870 in reserve. Thus NATO artillery decreased by 1,022.

TACTICAL COMBAT AIRCRAFT

Moreover, when NATO and Soviet/Warsaw Pact tactical combat aircraft totals are compared between the 1987 and 1989 editions, the following are evident:

The Soviet/Warsaw Pact total of tactical combat aircraft had increased from 6,550 in 1987, to 8,250 in 1989, a Soviet increase of 1,700 in tactical combat aircraft.

In contrast, NATO tactical combat aircraft totaled 5,125 in 1987, and only 3,977 in 1989, a decrease of 1,148 in U.S./NATO tactical combat aircraft.

STRATEGIC FORCES

When Soviet and United States strategic forces are compared between the 1987 and 1989 editions, the Soviet advantages were also increasing in all measures.

To be specific, since 1987, Soviet strategic nuclear delivery vehicles—ICBM's, SLBM's, and international bombers—increased by over 182 missiles and bombers.

In contrast, since 1987, U.S. strategic nuclear delivery vehicles decreased by over 116 missiles and bombers.

More significantly, the Soviet advantage in number of strategic nuclear warheads increased by several thousand warheads.

The increasing Soviet strategic force advantages were accurately and prominently displayed in a comparative chart on page 86 of the 1989 edition. Indeed, Defense Secretary Cheney stated in his preface that "The most striking feature of Soviet military power today is the extraordinary momentum of its offensive strategic nuclear force modernization." This statement of the Secretary remains true despite recent unconfirmed press reports suggesting that Soviet strategic deployments may have temporarily slowed slightly in some program areas.

In sum, Mr. President, almost all measures of Soviet military advantages have increased since 1987. Sometimes perceptions of illusory—and the United States should keep its guard up.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mr. PRESSLER. Mr. President, the amendment (No. 1133) that I propose to offer, while simple in form, is of great importance in continuing to fulfill the purposes of the Community Development Block Grant [CDBG] Program—a program that over the past 15 years has greatly benefited communities throughout the Nation.

CDBG funds are allocated pursuant to law by the Department of Housing and Urban Development [HUD] to entitlement communities of more than 50,000 population and to States that choose to administer the program for their smaller nonentitlement communities. Officials of my home State of South Dakota have done an outstanding job of administering this program since the State was authorized to do so in 1982.

CDBG grants are awarded to eligible communities to carry out a wide range of community development activity directed at neighborhood revitalization, economic development, and the provision of improved community facilities and services.

Grantees must meet at least one of three program objectives:

To benefit low- and moderate-income persons; to aid in the prevention or elimination of slums and blight.

To meet other urgent community development needs certified as posing a threat to health or welfare where other financial resources are not available.

The law provides that grantees, including States, must certify during a period of not more than 3 years, that not less than 60 percent of their CDBG funds will be used for activities that benefit low- and moderate-income persons. Mr. President, it is the proposed modification of this requirement to which my amendment is directed.

The so-called HUD reform bill (H.R. 1), which recently passed the other body, would amend current law to require grantees to assure that not less than 75 percent of their CDBG funds benefit low- and moderate-income persons.

This is a 15-percent increase over existing law. Also, it has been proposed that the Senate bill (S. 566) should contain the same provision. I oppose this change.

Mr. President, there can be little doubt that raising the CDBG target to 75 percent would make the CDBG Program inoperative in a large number of communities throughout the country. It would be especially detrimental to nonentitlement or small communities that do not have concentrations of low- and moderate-income persons in one area.

Unfortunately, South Dakota ranks among the lowest of the States in per capita income, but persons of low- and moderate-income are quite evenly dispersed in our communities. Hence, raising the target to 75 percent would disqualify a substantial percentage of such communities from CDBG assistance.

I speak of South Dakota, Mr. President, but the record should show how widespread this situation is, as evidenced by a letter from the National Association of Housing and Redevelopment Officials for which I request unanimous consent be printed in the RECORD following my remarks. I also request uinanimous consent to print in the RECORD letters from Hon. George S. Mickelson, Governor of the State of South Dakota, and from the National Governors Association. I shall not burden the RECORD with numerous other such letters I have received on this subject, but I trust that my colleagues are as impressed as I am with what these State and local leaders

have to say on this subject. They are unanimous in protesting the proposed change.

Mr. President, I urge our colleagues to join in opposing an increase in the percentage of CDBG funds that must be targeted to activities that benefit low- and moderate-income persons.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS,
Washington, DC, November 14, 1989.

Hon. LARRY PRESSLER,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR PRESSLER: We write to reiterate our strong support for the reauthorization of the Community Development Block Grant program without change.

This is one of the most effective programs for meeting the physical development needs of local governments. As many of our organizations has testified before the Subcommittee on Housing and Community Development, we believe the CDBG program has proven to be a needs-based, flexible federal tool for local communities to address their locally-defined needs.

Although five HUD programs have been reviewed closely by Congress and the HUD Inspector General, the CDBG program was not the subject of Congresional scrutiny during the past seven months.

The changes to the CDBG program proposed under the rubric of "HUD reform" by Secretary Kemp have not been justified. There has been no showing of a broad national problem which would support such a radical reordering of the CDBG program that the Kemp HUD reform plan would purportedly address.

We are concerned that proposed, significant changes in the program would do substantial harm to its federal goals and objectives, would thwart localities' efforts to build and rehabilitate housing; economic development projects; to build senior centers, youth recreation centers, and other community facilities; and to provide human service programs to meet the needs of senior citizens, youth, the homeless, and disabled persons.

We urge you not to embrace any of the Kemp-proposed CDBG reforms in the absence of extensive hearings to document the need, to explore the rationale, and to weigh the ramifications for towns, cities, and counties across the country.

We must not allow colorful anecdotal stories to drive national community development policy. We must ensure that we have all of the facts before we rush to judgment of this or any other proposed HUD reforms.

Thank you for your past support of the Community Development Block Grant program and your attention to our concern here today.

Sincerely,

National League of Cities, National Association of Counties, National Community Development Association, Association of Local Housing and Finance Agencies, League of California Cities, Maryland Municipal League, Pennsylvania League of Cities, U.S. Conference of Mayors, National Association of Housing and Redevelopment Officials, City of New York, City of Chicago, City of Baltimore, City of Los Angeles, City of Philadelphia, City of Miami.

STATE OF SOUTH DAKOTA,
Pierre, SD, October 26, 1989.

Hon. JACK KEMP,
Secretary, Department of Housing and Urban Development, Washington, DC.

DEAR SECRETARY KEMP: Your efforts to restore respect in HUD and to fight against poverty by reforming in what manner HUD programs are managed is to be commended. Many of your proposals work to make HUD more visible and accountable to the people you serve. However, some proposals will have a negative impact on the people I serve.

I request that you please reconsider your proposal on the percentage of funds which must be targeted to LMI persons. This would inhibit our capacity to fight against poverty, and most likely, have a similar impact on other states.

Rural communities in South Dakota do not have concentrations of low and moderate income persons in one area of town. Many of our public facility projects benefit between fifty-one and sixty percent LMI persons within the area. Of our communities, eighty-seven percent have less than 2,000 people and sixty-two percent have less than 500 people. These communities may be smaller than one housing project in a large metropolitan city.

The population characteristics of rural communities differ from large metropolitan communities. Low and moderate income persons are generally scattered throughout the community in rural areas, and projects are often developed to meet the needs of the entire community. If a community is going to provide a decent place to raise children, work and retire, it is essential they have the opportunity to receive financial assistance to develop adequate facilities to serve their needs. The facilities, however, may not meet your proposed targeting level for LMI benefit.

Many rural communities are faced with a declining population and a need for diversifying from an agriculture-based economy. The state of South Dakota has implemented economic development programs to create new job opportunities and diversify our economic base.

The CDBG program has provided an essential tool in complementing the state's programs in communities which lack the financial resources or infrastructure to assist businesses in creating new job opportunities or retaining existing jobs. It has also given communities a resource to implement projects which provide an essential service to its continued existence, as well as ranchers and farmers.

Flexibility is the key to success by allowing states to address problems which meet current standards but do not have severe economic distress needed to meet your proposed standards. The federal government and states should not be forced to react to communities that have hit bottom, but address the problem to reverse a decline while solutions are more feasible and economical.

It appears you wish to target more funds toward housing, which is a worthy cause in many areas of the country. Many South Dakota communities are fighting to maintain their current population, and the need for infrastructure projects such as medical clinics, fire halls, water and sewer facilities, etc., have the greatest local priority. In fact, we have not received, a single housing application in several years.

The Coalition for Low-Income Community Development has also identified several legislative proposals which require an increased level of targeting of CDBG funds. In South Dakota, these changes would inhibit our capacity on fighting poverty and helping those who lack the capacity to help themselves.

Please consider the needs of rural states and communities and how we differ with entitlement areas when redesigning HUD programs. We wish to be your partner in waging war on poverty in rural areas, but need the flexibility to match your program with our needs.

Very truly yours,

GEORGE S. MICKELSON.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, November 7, 1989.

Hon. JACK KEMP,
Secretary of Housing and Urban Development, Washington, DC.

DEAR MR. SECRETARY: In 1988, the National Governors' Association adopted a strong policy position on affordable housing. We appreciate your efforts in this policy area and applaud your energy and enthusiasm in making affordable housing a national priority.

Many of the forty-two federal housing reform proposals which you announced October 3rd contain important improvements which deserve support. However, there are two additional initiatives directed at the Community Development Block Grant program (CDBG) which raise serious problems for states in the implementation of the rural balance-of-state portion of the program. These CDBG changes represent a genuine shift in the purpose of the program.

For this reason, we ask that these rural development proposals be given different treatment than the housing reform proposals. Time is needed to measure the impact of these proposals on current CDBG projects in rural areas and to create workable alternatives for those cases where projects are acceptable to all parties but do not meet the standards proposed. Sewer and water projects in rural areas, for example, are threatened by the proposals.

Thank you for your consideration in this matter.

Sincerely,

GOV. RAY MABUS,
Chairman, Committee on Economic Development and Technological Innovation.

GOV. GEORGE S. MICKELSON,
Chairman, Committee on Agriculture and Rural Development

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS—FISCAL YEAR 1990

Mr. HARKIN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3566.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 519. None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

Resolved, That the House disagree to the amendment of the Senate numbered 5 to the aforesaid bill.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, as Senators will recall, last Thursday we passed and sent to the House H.R. 3566, the fiscal year 1990 appropriation bill for Labor, Health and Human Services, Education, and related agencies.

In Senate action last Thursday, seven amendments were adopted to H.R. 3566 as it has been previously passed by the House. Friday the House accepted five of those seven amendments, rejected one, and amended another. In a few minutes I intend to move that the Senate accept one of the changes made by the House.

Mr. President, I want to quickly review the seven amendments adopted Thursday by the Senate and inform the Senate as to the action of the House.

The first Senate amendment was to require homeless health care funding provided for deferred obligation until fiscal year 1991 to be obligated entirely in the first quarter of fiscal year 1991. The House accepted this amendment.

The second Senate amendment altered language previously adopted by the Senate on the State Legalization Impact Assistance Grant Program [SLIAG] to put the language in the format of authorizing legislation. The House accepted this amendment.

The third Senate amendment included a citation for the Foster Care Program which had mistakenly been deleted from the previous bill. The House accepted this amendment.

The fourth Senate amendment included two technical earmarks for chapter 1 education programs to permit the spending for these two programs to be at the level agreed to by the conference. The House accepted this amendment.

The fifth Senate amendment extended for 1 year the existing Medicare reimbursement rate for rural referral centers. The House did not accept this amendment, and I will speak to this matter in greater detail in a few moments.

The sixth Senate amendment reinserted language previously adopted by the Senate that would prohibit funds being used for distributing sterile needles for the hypodermic injection of any illegal drug or distributing bleach for the purpose of cleansing such needles. The House accepted this amendment but deleted the portion of it relating to bleach. Again, I will speak to this item in a few moments.

The seventh Senate amendment related to dial-a-porn sanctions, and the House accepted this amendment on a vote of 402 to 0.

On the question of rural referral centers, the language added by the Senate would prevent cutbacks in Medicare reimbursement to a certain group of large rural hospitals known as rural referral centers.

This amendment is one that I will be moving the Senate to adopt here as soon as we are through with our opening comments and as soon as Senator SPECTER has had an opportunity to comment upon the conference report.

I understand and I have assurances, Mr. President, that we have been told that the House will accept the amendment this time as we send it back.

On the matter relating to needles and bleach, the version sent to us by the House reads as follows:

None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

This change brings the provision into line with congressional testimony that Dr. Louis Sullivan, Secretary of Health and Human Services, gave last July. In that testimony, Dr. Sullivan said, and I quote: "We believe that for those individuals who are IV drug users * * * we would want to do everything we can to limit the spread of this AIDS virus and therefore use of bleach which is part of the programs the Department is supporting is certainly something which is appropriate." Dr. James Mason, Assistant Secretary for Health and Human Service, called me Thursday with the same assurances. Therefore I support the change made by the House.

Mr. President, I ask unanimous consent to have printed at this point in the report the letter dated November 17 from Dr. James O. Mason, Assistant Secretary for Health and the Acting Surgeon General.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, November 17, 1989.

HON. TOM HARKIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN: I am concerned about the effects on Public Health Service (PHS) AIDS Programs of any amendment to the Labor/HHS appropriations bill (H.R. 3566) that would prohibit the use of HHS funds funds for any program of distributing bleach to intravenous drug users.

There is a distinct difference between programs that distribute needles and those that distribute bleach to drug users. We agree that programs distributing clean needles could be interpreted as encouraging drug use by giving individuals the means to support their illegal use of drugs. However, bleach is readily available legally. In addition, providing bleach as part of a comprehensive drug abuse outreach program only gives drug users the means to protect themselves and others from a fatal infection until they can be brought into treatment. Programs of this type, currently funded by the Department, show no evidence of having contributed to the spread of drug abuse. If they did, we would not support them. Such comprehensive programs include services like referral for drug treatment and other medicial services, and counseling regarding bleach use and the risks associated with needle-sharing, as well as sexual and perinatal transmission.

The PHS strongly supports projects whose purpose is to prevent the spread of HIV infection and to encourage intravenous drug users to enter drug abuse treatment and stop using drugs. We strongly support the President's National Drug Control Strategy, and our outreach efforts do reinforce that drug use is illegal and that the responsible course of action for the user is to stop using drugs and to get into treatment.

There is a limited and appropriate role for the distribution of bleach as one component of this type of comprehensive program to help contain the spread of HIV infection. Bleach distribution is only one small element, and not the primary focus of these programs. These programs represent a significant public health contribution in protecting the sexual contacts of drug users and their children from the risk of HIV infection by using bleach to break the chain of infection, and helping them to get into treatment.

Thank you for consideration of this concern.

Sincerely yours,
JAMES O. MASON, M.D., Dr.P.H.,
Assistant Secretary for Health and Acting Surgeon General.

Mr. HARKIN. Mr. President, following any statement that Senator SPECTER may have, I intend to offer two necessary motions to concur with the House in the changes that they made to the Senate amendments on Friday.

I yield for any comments that may distinguished colleague and friend has to make on the second bounce of this bill.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Iowa, the chairman of this subcommittee. As he addressed this issue, perhaps the most erudite of his comments among many was the second bounce of the ball. There is some question as to how many times the ball will bounce as we are in this extraordinary Sunday session at 3:05 trying to finish up the work of the Congress. The bill before us is from an important subcommittee where legislation was very carefully crafted by both the House and the Senate, went through to the White House, had a veto, then new

legislation was proposed, then we had seven amendments on the Senate side, five were accepted by the House and with an expectation that a sixth will be accepted by the House. We are now down to the seventh. It may be that we can actually come to some conclusion on this legislation before we run any closer to Thanksgiving or to Christmas or to New Year's.

I think that the American people—and I know there is likely to be very heavy watching of C-SPAN II this afternoon because possibly the only real competition is the Eagles versus the Minnesota Vikings. I intend to make this statement fairly brief so I may adjourn to the Cloakroom to see if the Philadelphia Eagles cannot overcome the 3 to 6 deficit. My only regret is that my speech could not be shorter and that I could not be at the Vet this afternoon enjoying my season tickets which have been taken over by my son, tickets that I have held since 1958.

But we do have very important work to conclude, hopefuly in the next 36 hours in the U.S. Senate and the Congress with the executive branch.

I am hopeful that the House will accept the McClure-Harkin amendment. Reasons have been articulated forcefully by the distinguished Senator from Idaho, Senator MCCLURE. It ought to be acceptable and we ought to move on.

It would be my hope that the provisions with respect to not distributing but to allow the distribution of bleach would be accepted. We had a long debate on this subject when the matter was before the Senate. At that time, after an extended colloquy between this Senator and Senator HELMS, it was agreed that we would deal with the needle issue, with the prohibition, subject to what the President might have to say, with Senator HELMS presssing the issue that it ought not to be left just to the Secretary of Health and Human Services, and we agreed to that.

We are now down to the issue whether bleach will be permitted, and that does not put any new needles into the field. There was quite an argument among the public health experts as to whether there should be a substitution of needles. That is a hot issue as to what ought to be done.

We have tried to craft a way so we could have reasonable medical precautions and not exacerbate a lot of concerns. So we are down to bleach. It does not provide any additional needles. So without additional needles, we are not in the position to be increasing access to drugs. All we are in a position to do is increasing access to disinfectants. So that if a needle is to be used, the question is narrowed down to whether it is clean or not clean, and I hope we can resolve the matter at this stage.

I note that the House has accepted the modified dial-a-porn legislation which passed this body by a unanimous 96-to-0 vote. This Senator had expressed some concerns about the constitutional issue. Since the time that we passed it, I have discussed the matter with the distinguished Senator from North Carolina to see how we might take a further precautionary stand, to be sure as a precaution, perhaps supplemental legislation, to be as certain as we can that all the constitutional requirements would be satisfied.

In conclusion, Mr. President, I hope that we will move ahead with the few remaining items here to come to some conclusion and that we can move ahead with the balance of the business of the country to finish the work of the first session of the 101st Congress. I thank the Chair and yield the floor.

Mr. HARKIN. Mr. President, again I wish to thank my friend and colleague for all these months of hard work and effort that he has put in. I want to thank his staff personally. I hope this is the last bounce of the ball. I hope we can send it back to the House and they can accept the amendment that we are offering here that we have been assured that they would and that we go ahead and send this very important bill down to the White House.

Mr. President, if there is no further debate on this, I move that the Senate——

The PRESIDENT pro tempore. Will the Senator withhold on that motion?

HOUSE AMENDMENT TO SENATE AMENDMENT NO. 5 IN DISAGREEMENT

The PRESIDENT pro tempore. The clerk will report the first amendment.

The legislative clerk read as follows:

Resolved, That the House disagree to the amendment of the Senate numbered 5 to the aforesaid bill.

Mr. HARKIN. Mr. President, I move the Senate further insist on amendment No. 5.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. MCCLURE].

Mr. MCCLURE. I thank the Chair and I thank the distinguished Senator from Iowa for making the motion which I am assured now the House will accept.

This is not the exact position any of us would like to be in, particularly when the appropriate committee is attempting to work on this very subject in the reconciliation. The only reason for us insisting further on this amendment is the vagary of what we have in the reconciliation measure that may or may not be before us. I think it is the uncertainty of that process that drives us to the conclusion that we must insist further.

I take this time only to make certain everyone understands it is intended that there be no change in the reimbursement rate following October 1, and that the provision of this amendment is retroactive to October 1. So there is no hiatus between October 1, 1989, and the effective date of this provision once it has passed and gone to the President and has been signed by the President.

So the action we are taking is simply in that light. We intend no change in the reimbursement rate following October 1, 1989, and throughout all of fiscal 1990.

I thank the Senator for making the motion. I fully support it.

Mr. HARKIN. Mr. President, I thank the Senator from Idaho for his careful guardianship of this measure as it has gone through this year. I appreciate his diligence in making sure we have come to this point where we have this amendment and we have it fairly well locked in.

I agree with the Senator from Idaho that the appropriate place obviously would be in finance, on reconciliation. But these rural referral centers, Mr. President, are in places all over America where different outreach clinics and smaller clinics refer patients into these rural referral centers where they do not have the equipment out in the small towns and communities to take care of these patients. They get reimbursed at a little higher rate than the other rural hospitals.

As the Senator from Idaho said, we are not changing the program but we are just keeping the program going, reaching back to October 1 and keeping it going next year. Otherwise, those hospitals will not be able to even carry the patient load they have carried in the past years. And as the Senator correctly said, because of the vagaries of reconciliation, it is most important that we insist on this amendment. I am hopeful the House will take the ball and not bounce it back here but bounce it down to the White House this time.

Mr. HELMS. Mr. President, I am gratified that the House rejected an attempt to strip the dial-a-porn legislation from the Labor, HHS bill. It appears that Congress will finally enact legislation to protect children from the ravages of dial-a-porn.

Mr. President, during Thursday's debate on the dial-a-porn measure, an incorrect summary of the minor differences between my amendment and the Dingell-Markey bill was inserted in the RECORD. It is important that the RECORD reflect the correct summary of the differences.

First, the words "which is available" were added to section b(2)(A). This language applies only to the language "any person under the age of 18 years of age" and I emphasize for the record that it does not apply to the language "or to any other person without that person's consent."

The words "which is available" make it clear that the liability of a dial-a-porner does not depend on a child's ac-

tually having placed a call. The mere fact that the message is indecent and a message provider has not restricted access to its messages in any of the ways specified by the Commission pursuant to its authority under this section is intended to be sufficient to support a conclusion that the service was available to children, and therefore was unlawful. It would, of course, be inappropriate to force a child to listen to this filth in order to investigate and/or prove a case. It would be an unacceptable anomaly if Congress required children to listen to dial-a-porn when that is precisely what Congress proposes to prohibit.

Second, the effective date is reduced from 150 days to 120 days.

Third, language is added in section (c)(1) stipulating that the blocking request must be in writing—which was clarified in the House Energy and Commerce markup.

Fourth, we remove the right to go to the FCC for a declaratory ruling on the issue of whether a particular service is indecent or obscene. By specific intent, Congress rejects the notion that the dial-a-porners should have any right to shower the FCC with frivolous requests for declaratory rulings. Our intent is that they go into court for that purpose. We should not detract the FCC's attention from its enforcement responsibilities.

A few other important points: In section 223(b) (1) and (2) we did not substitute the term "for commercial purposes" for the term "in connection with a commercial enterprise" because constitutional scholars persuaded us that it is not necessary. However, it should be emphasized that Congress, by this legislation, does not intend that the FCC or the Department of Justice be required to prove that the message provider makes a profit specifically from its provision of obscene or indecent communications or that it be a profitable enterprise overall. The term "commercial purposes" is not interchangeable with "profitable" commercial purposes. It is not intended under this legislation that the FCC must prove that a dial-a-porn operator in fact made a profit on the indecent or obscene calls.

Finally, by using the term "within the United States," the scope of section 223(b) has been expanded to include intrastate as well as interstate communications. Because of the integrating nature of the national telecommunications network, and the compelling interest in restricting the access of children to obscene and indecent communications, Congress deems it advisable to expand the enforcement authority of the Federal Communications Commission and the Department of Justice to cover intrastate as well as interstate communications. In expanding the scope of section 223(b) it is specifically intended that Federal enforcement supplement State enforcement efforts; Congress does not intend to preempt or inhibit State regulation in this area.

It is apparent that the Government has the ability to regulate activity when the instrumentalities of interstate commerce are used in that activity. Obviously, telephones and telephone lines are instrumentalities of interstate commerce.

The PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the motion by the Senator from Iowa that the Senate insist on its position on amendment No. 5

The motion was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agree to.

HOUSE AMENDMENT TO SENATE AMENDMENT NO. 6 IN DISAGREEMENT

The PRESIDENT pro tempore. The clerk will report the second amendment.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 519. None of the funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the President of the United States certifies that such programs are effective in stopping the spread of HIV and do not encourage the use of illegal drugs.

Mr. HARKIN. I move the Senate concur in the House amendment on Senate amendment No. 6.

Mr. WIRTH. Mr. President, the National Jewish Center for Immunology and Respiratory Medicine in Denver is the world's foremost medical center for the study and treatment of lung diseases. For 90 years, National Jewish has been the only medical center in this country whose research and patient care resources have been dedicated entirely to respiratory and immunologic disease.

I wish to take this time to discuss with the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education the proposal to establish a new National Research Center for Environmental Lung Disease at National Jewish.

The new center is a unique demonstration project that will accelerate the research on the causes and effects, treatments and cures for lung diseases related to occupational, environmental, and immunological factors. This project addresses vital health concerns in light of the growing problem of lung disease and the escalating link between lung disease and occupational and environmental factors in this country. Some examples of research that would be conducted at the center include: environmental studies related to air pollution and its effects on the human respiratory system, especially on the most vulnerable people—children and the elderly; and the adverse health effects on workers exposed to various airborne pollutants in the workplace, such as in mines, nuclear facilities, like Rocky Flats in my home State of Colorado, and other potentially dangerous work environments.

The center's work will build upon National Jewish's outstanding medical research and patient care and will bring another dimension to those activities, especially related to occupational and environmental lung disease.

I realize that your subcommittee has many demands on it, but I wish to request that you review this proposal and consider funding for it next year. I also hope that National Jewish will be given an opportunity to testify before your subcommittee to more fully explain the proposal and to convey their enthusiasm and support for this worthwhile project.

Mr. HARKIN. I thank my friend from Colorado for bringing this project to my attention. I recognize the seriousness of the growing problem of lung disease and understand the need for further research in this area. Certainly, any breakthroughs in treating or preventing these problems would be in the national interest as well as in the best interests of individuals affected by them. I can assure you that every consideration will be given to adequate funding for the NIH institute that would fund this project, and that I will also be happy to provide National Jewish the opportunity to testify before my subcommittee on this project next year.

Mr. President, it is with a dark and devastating feeling that I call my colleagues' attention to a report discussed in the November 10 issue of the Journal of the American Medical Association. The report, which was prepared by Dr. Denis Evans and his colleagues at Brigham and Women's Hospital in Boston with the help of a grant from the National Institute on Aging, contains some new, very startling statistics about the incidence of Alzheimer's disease.

Over the past few years, we have come to recognize Alzheimer's as one of the most devastating illnesses know to mankind. It is a disease that robs its victims of the ability to think and function independently; it is a disease that forces families to watch helplessly as their loved ones slowly and painfully deteriorate. And it is a disease that the National Institute on Aging estimates is costing our society nearly $90 billion annually.

As if that is not enough reason for concern, we now learn from Dr. Evans' study that the incidence of Alzheimer's disease is much greater than any of us imagined. Dr. Evans, who has been studying this problem since 1982, reports that 4 million Americans, not 2.5 million as we previously thought, suffer from Alzheimer's disease. Moreover, the Evans study reveals that the fastest growing segment of the elderly population, the over-85 age group, are also the most vulnerable to Alzheimer's.

In addition to their overall findings, Dr. Evans and his colleagues found that the prevalence of Alzheimer's disease rose more rapidly with age than was previously suspected. Of those people between the ages of 65 and 74, 3 percent had probable Alzheimer's disease, as compared to 18.7 percent of those between the ages of 75 and 84.

But what is most disturbing are findings that more than 47 percent of the over-85 age group—the fastest growing segment of our population—are being stricken by Alzheimer's disease.

Lastly, the results of this study presage some very disturbing news for the future. If we are unable to find a way to prevent or cure Alzheimer's, the number of persons who suffer from this horrible disease will grow to as high as 10 to 14 million within the next 50 years.

Mr. President, this new information reflects the very profound effect Alzheimer's is already having on our society. Families are being bankrupted by the costs of long-term care, as well as by the physical and emotional burden of caring for a loved one at home. Clearly, the new data represents a challenge that we can either face up to now or pay for later with untold human suffering and economic havoc.

Through the wonders of modern medicine and science, we have increased the average life span considerably. This increase in the life span and in the number of senior citizens presents this Nation with increased opportunities—the opportunity to draw on their skill and wisdom and the opportunity to provide the respect and recognition they have earned.

But as President Kennedy once said, "It is not enough for a great Nation to have added new years to life—our objective must also be to add new life to those years."

The reality is that unless we find a way to stop Alzheimer's disease those new years of life will be filled with illness, anxiety, and want. And unless we act soon to address the need for a comprehensive long-term care policy, we are certain to experience further hemorrhaging in our health care system.

What can we do to meet this frightening challenge?

Clearly, we must redouble our efforts to find a way to cure or prevent Alzheimer's disease. This can only come through strong and sustained support for medical research. Congress has taken the first step. A few weeks ago, we approved and sent to the President the Labor-HHS appropriations bill. That bill targeted $138 million specifically on research into Alzheimer's.

Mr. President, this is just one of many far-reaching issues addressed in the Labor-HHS bill. Like the others, it is an issue that has to be put on hold simply because the President's veto.

The PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the motion of the Senator from Iowa that the Senate agree to the House amendment on Senate amendment No. 6.

The motion was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTION IN THE ENROLLMENT OF H.R. 3566

Mr. HARKIN. Mr. President, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 83) to authorize a correction in the enrollment of H.R. 3566.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. This concurrent resolution is to correct an error in the first Senate amendment dealing with homeless health services. This was an amendment offered by the Senator from New Mexico [Mr. DOMENICI]. It is technical in nature, merely moving the amendment to the proper place in the bill. It has been cleared on both sides.

I understand a concurrent resolution is necessary to correct this error since the House has already agreed to the amendment. It has been cleared on all sides. I urge its adoption.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. McCLURE. We have no objection. We fully support this concurrent resolution and urge its adoption.

The PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 83) was agreed to, as follows:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring, That in the enrollment of the bill (H.R. 3566) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections:

In title II—

(1) In the paragraph under Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services—program operations, strike out period October 1, 199n through September 30, 1991, and insert: quarter beginning October 1, 1990, and ending December 31, 1990,

(2) In the paragraph under the heading Alcohol, Drug Abuse, and Mental Health Administration—alcohol, drug abuse, and mental health, strike out quarter beginning October 1, 1990, and ending December 31, 1990, and insert: period October 1, 1990 through September 30, 1991,

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The point of no quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. SPECTER. Is it appropriate at this time to proceed as in morning business for introduction of legislation?

The PRESIDENT pro tempore. If the Senator so requests and there is no objection.

Mr. SPECTER. I ask unanimous consent that I may proceed, not in excess of 5 minutes, as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for not to exceed 5 minutes.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1925 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXCELLENCE IN EDUCATION

Mr. MITCHELL. Mr. President, we are cleared to act on S. 695, the bill to promote excellence in education, and I inquire of the Republican leader if he is ready to act on that bill at this time.

Mr. DOLE. Mr. President, if the majority leader will yield, we are not prepared to act on the bill at this time. We certainly hope we can do it early next year.

Mr. MITCHELL. If it is agreeable, then, Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may, at any time after February 1, 1990, turn to the consideration of S. 695, the excellence in education bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MITCHELL. Mr. President, we have a number of other items that are noncontroversial, and with respect to which there is no disagreement. The staff are putting them together. We expect to be ready to proceed with these remaining unanimous-consent items as soon as they are ready.

I suggest for the convenience of all concerned—and I have suggested to the Republican leader—that we recess subject to the call of the Chair.

Accordingly, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDENT pro tempore. Hearing no objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 3:52 p.m., the Senate recessed subject to the call of the Chair.

Whereupon, at 4:59 p.m. the Senate reassembled when called to order by the Presiding Officer [Mr. HARKIN].

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

CORRECTION OF TECHNICAL ERRORS IN ENROLLMENT OF H.R. 3660

Mr. MITCHELL. Mr. President, in behalf of myself and Senator DOLE, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 84) providing for the correction of technical errors in the enrollment of the bill H.R. 3660.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The concurrent resolution is as follows:

S. CON. RES. 84

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for government-wide ethics reform, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 207(a)(2)(B) of title 18, United States Code (as contained in section 101(a) of the bill), strike out "with a period" and insert in lieu thereof "within a period".

(2) In section 207(b) of title 18, United States Code (as contained in section 101(a) of the bill)—

(A) in paragraph (1)—

(i) strike out "and who personally an substantially" and insert in lieu thereof "who personally and substantially"; and

(ii) strike out "the Freedom of Information Act, section 552 of title 5, United States Code," and insert in lieu thereof "section 552 of title 5,"; and

(B) in paragraph (2)(B), strike out "requiring" and insert in lieu thereof "that requires".

(3) In section 207(c)(2)(C) of title 18, United States Code, strike out "at that basic rate of pay" and insert in lieu thereof "at the basic rate of pay specified in that subparagraph".

(4) In section 207(e) of title 18, United States Code (as contained in section 101(a) of the bill)—

(A) in paragraph (1)(A), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(B) in paragraph (1)(B)—

(i) strike out "officer or employee" and insert in lieu thereof "officer, or employee"; and

(ii) strike out "or employee of any other legislative branch" and insert in lieu thereof "and any employee of any other legislative"; and

(C) in paragraph (1)(C), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(D) in paragraph (2)(A) strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(E) in paragraph (3), strike out "Member of Congress" and insert in lieu thereof "Member, officer, or employee of either House of Congress";

(F) in paragraph (4)—

(i) in subparagraph (A) strike out "officer or employee" and insert in lieu thereof "officer, or employee"; and

(ii) in subparagraph (B)(ii), strike out the comma after "leadership of the Senate".

(G) in paragraph (7)—

(i) in subparagraph (G), strike out "entity or office" and insert in lieu thereof "entity, or office"; and

(ii) in subparagraph (L), strike out "the chairman" and insert in lieu thereof "chairman".

(5) In section 207(i) of title 18, United States Code (as contained in section 101 of the bill)—

(A) in paragraph (1) insert a comma before "including";

(B) in paragraph (2), insert a comma after "investigation"; and

(C) in paragraph (3), insert "or" before "judicial".

(6) In section 207(j)(6) of title 18, United States Code (as contained in section 101(a) of the bill), strike out "the President,".

(7) In section 103(h)(1)(A)(ii)(II) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(8) In section 109(1) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(9) In section 109(6) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "section 503(4)" and insert in lieu thereof "section 505".

(10) In section 111(2) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(11) In section 203(b), insert after "House" each place it appears the following: "of Representatives".

(12) In the section heading of section 1352 of title 31, United States Code (as contained in section 302 of the bill), strike out "Travel acceptance authority" and insert in lieu thereof "Acceptance of travel and related expenses from non-Federal sources:".

(13) In section 1352 of title 31, United States Code (as contained in section 302 of the bill), strike out subsection (d) and insert in lieu thereof the following:

"(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than $250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

"(2) The reports required by paragraph (1) shall, with respect to each payment—

"(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the

nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

"(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

"(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.".

(14) In section 302(a), strike out "Subchapter III of chapter 13 of subtitle 2" and insert in lieu thereof "IN GENERAL.—Subchapter III of chapter 13".

(15) In section 401, strike out the section heading and insert in lieu thereof the following:

"SEC. 401. AMENDMENT TO SECTION 202 OF TITLE 18, UNITED STATES CODE.".

(16) In section 202(c) of title 18, United States Code (as contained in section 401 of the bill), insert a comma after "208" and insert a comma after "Congress".

(17) In section 202(d) of title 18, United States Code (as contained in section 401 of the bill), strike out "include" and insert in lieu thereof "include—".

(18) In section 202(e)(1) of title 18, United States Code (as contained in section 401 of the bill), strike out "United States Code,".

(19) In section 402, strike out the section heading and insert in lieu thereof the following:

"SEC. 402. AMENDMENTS TO SECTION 203 OF TITLE 18, UNITED STATES CODE.".

(20) In section 402 of the bill, strike out "(8) redesignating" and all that follows through "paragraph (b)" and insert in lieu thereof the following:

"(8) in subsection (b)—

"(A) by redesignating such subsection as subsection (c); and

"(B) by striking 'subsection (a)' and inserting 'subsections (a) and (b)'; and

"(9) by inserting after subsection (a) the following:".

(21) In section 203(b)(1) of title 18, United States Code (as contained in section 402 of the bill)—

(A) insert "representational" before "services"; and

(B) insert a comma after "otherwise".

(22) At the end of the text inserted by paragraph (9) of section 402 of the bill, insert "; and" after the close quotation marks.

(23) In section 203(e) of title 18, United States Code (as contained in section 402 of the bill)—

(A) strike out "provided that" and insert in lieu thereof "if"; and

(B) strike out "shall certify" and insert in lieu thereof "certifies".

(24) In section 403, strike out the section heading and insert in lieu thereof the following:

"SEC. 403. AMENDMENT TO SECTION 204 OF TITLE 18, UNITED STATES CODE.".

(25) In section 404, strike out the section heading and insert in lieu thereof the following:

"SEC. 404. AMENDMENT TO SECTION 205 OF TITLE 18, UNITED STATES CODE.".

(26) In section 205(f) of title 18, United States Code (as contained in section 404 of the bill)—

(A) strike out "provided that" and insert in lieu thereof "if"; and

(B) strike out "shall certify" and insert in lieu thereof "certifies".

(27) In section 405, strike out the section heading and insert in lieu thereof the following:

"SEC. 405. AMENDMENTS TO SECTION 208 OF TITLE 18, UNITED STATES CODE.".

(28) In section 405(2) of the bill, strike out "(2) in subsection (b)" and all that follows through the end of paragraph (4) of subsection (b) of section 208 of title 18, United States Code, as contained in section 405(2) of the bill, and insert in lieu thereof the following:

(2) by striking subsection (b) and inserting the following:

"(b) Subsection (a) shall not apply—

"(1) if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee;

"(2) if, by regulation issued by the Director of the Office of Government Ethics, applicable to all or a portion of all officers and employees covered by this section, and published in the Federal Register, the financial interest has been exempted from the requirements of paragraph (1) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies;

"(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to section 107 of the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

"(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in a Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, Alaska Native village corporation as a specific party or parties.

(29) In section 406, strike out the section heading and insert in lieu thereof the following:

"SEC. 406. AMENDMENT TO SECTION 209 OF TITLE 18, UNITED STATES CODE.".

(30) In section 407 of the bill, redesignate subsection (c) as subsection (b).

(31) In section 502(c), strike out "The" and insert in lieu thereof "EFFECTIVE DATE.—The".

(32) In section 503, insert after "by the Government." the following: "Such use with respect to vehicles owned or leased by, or the cost of which is reimbursed by, the House of Representatives or the Senate shall be only as prescribed by rule of the House of Representatives or the Senate, as applicable.".

(33) Strike out section 507 and insert in lieu thereof the following:

"SEC. 507. SUSPENSION OF EFFECT OF CERTAIN PROVISIONS OF LAW.

"The following provisions of law shall have no force or effect during the period beginning on the day after the date of enactment of this Act and ending one year after such day:

"(1) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).

"(2) Sections 2397a and 2397b of title 10, United States Code.

"(3) Section 281 of title 18, United States Code.

"(4) Sections 603 through 606, subsections (a) and (b) of section 607, and subsections (a) and (c) of section 608 of the Department of Energy Organization Act.".

(34) In section 601, add at the end the following: (b) CONFORMING AMENDMENTS.—

(1) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended—

(A) in subsection (a) by striking "No person while an elected or appointed officer or employee of the Federal Government" and by inserting "No person while a Senator or officer or employee of the Senate", and by striking "accept" the first time it appears; and

(B) in subsection (b) by striking "an elected or appointed officer or employee of any branch of the Federal Government" and by inserting "a Senator or any officer or employee of the Senate".

(2) Section 908(a)(3) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)(3)) is amended to read as follows:

"(3) 'Member' means a Senator; and".

(35) In section 603, strike out "section 603" and insert in lieu thereof "section 703".

(36) In section 225(b)(1)(B) of the Federal Salary Act of 1967 (as contained in section 701 of the bill), strike out "President of the Senate;" and insert in lieu thereof the following: "President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;".

(37) In section 225(i)(2)(A) of the Federal Salary Act of 1967 (as contained in section 701 of the bill), insert after "entirety." the following: "This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.".

(38) Strike out title X of the bill.

(39) Redesignate title XII of the bill as title X and redesignate section 1201 of the bill as section 1001.

(40) In section 802(d), strike out "section 407" and insert in lieu thereof "section 503".

(41) In clause 1(a)(1)(A) of rule XLVII of the Rules of the House of Representatives (as contained in section 804(a) of the bill), strike out "aggregate" and all that follows through "during" and insert in lieu thereof the following: "annual rate of basic pay for level II of the Executive Schedule under

section 5313 of title 5, United States Code, as of January 1 of".

(42) In clause 1(a)(2) of rule XLVII of the Rules of the House of Representatives (as contained in section 804(a) of the bill), strike out "aggregate" and all that follows through "year." and insert in lieu thereof the following: "annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer or employee during such calendar year and the denominator of which is 365.".

(43) In section 804(f), strike out "section 303" and insert in lieu thereof "section 703".

(44) In section 1101 of the bill—

(1) insert "(a)" before "(1) Adjustments"; and

(2) add after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of this section, no adjustment in any rate of pay and section 908(b)(4)(A) of the Supplemental Appropriations Act, 1983 as added by subsection (b) of this section, shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 177, S. 975, the Nontraditional Employment for Women Act.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 975) to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Employment for Women Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) over 7,000,000 families in the United States live in poverty, and over half of those families are single parent households headed by women;

(2) women stand to improve their economic security and independence through the training and other services offered under the Job Training Partnership Act;

(3) women participating under the Job Training Partnership Act tend to be enrolled in programs for traditionally female occupations;

(4) many of the Job Training Partnership Act programs that have low female enrollment levels are in fields of work that are nontraditional for women;

(5) employment in traditionally male occupations leads to higher wages, improved job security, and better long-range opportunities than employment in traditionally female-dominated fields;

(6) the long-term economic security of women is served by increasing nontraditional employment opportunities for women; and

(7) older women reentering the workforce may have special needs in obtaining training and placement in occupations providing economic security.

SEC. 3. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to encourage efforts by the Federal, State, and local levels of government aimed at providing a wider range of opportunities for women under the Job Training Partnership Act;

(2) to provide incentives to establish programs that will train, place, and retain women in nontraditional fields; and

(3) to facilitate coordination between the Job Training Partnership Act and the Carl D. Perkins Vocational Education Act to maximize the effectiveness of resources available for training and placing women in nontraditional employment.

SEC. 4. DEFINITION.

Section 4 of the Job Training Partnership Act (hereinafter referred to as the "Act") is amended by adding at the end thereof the following new paragraph:

"(30) The term 'nontraditional employment' as applied to women refers to occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work.".

SEC. 5. SERVICE DELIVERY AREA JOB TRAINING PLAN.

Section 104(b) of the Act is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), (10), and (11) as paragraphs (6), (7), (8), (9), (10), (11), and (12), respectively;

(2) by inserting after paragraph (4) the following new paragraph:

"(5) goals for—

"(A) the training of women in nontraditional employment; and

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

and a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities;"; and

(3) in paragraph (12), as redesignated in paragraph (1) above, by—

(A) striking "and" at the end of subparagraph (B);

(B) striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) adding after subparagraph (C) the following new subparagraphs:

"(D) the extent to which the service delivery area has met its goals for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and the wage at placement;

"(iii) the participant's age;

"(iv) the participant's race; and

"(v) information on retention of the participant in nontraditional employment.".

SEC. 6. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) of the Act is amended by—

(1) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The plan shall include goals for—

"(A) the training of women in nontraditional employment through funds available under the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, and other sources of Federal and State support;

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

"(C) a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities; and

"(D) a description of efforts to coordinate activities provided pursuant to the Job Training Partnership Act and the Carl D. Perkins Vocational Education Act to train and place women in nontraditional employment.".

(b) SPECIAL PROGRAMS.—Section 121(c) of the Act is amended by—

(1) redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) inserting after paragraph (8) the following new paragraph:

"(9) providing programs and related services to encourage the recruitment of women for training, placement, and retention in nontraditional employment;".

SEC. 7. STATE JOB TRAINING COORDINATING COUNCIL.

Section 122(b) of the Act is amended by—

(1) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (9), (10), (11), and (12), respectively; and

(2) inserting after paragraph (4) the following new paragraphs:

"(5) review the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) and make recommendations for technical assistance and corrective action, based on the results of such reports;

"(6) prepare a summary of the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) detailing promising service delivery approaches developed in each service delivery area for the training and placement of women in nontraditional occupations, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(7) review the activities of the Governor to train, place, and retain women in nontraditional employment, including activities under section 123, prepare a summary of activities and an analysis of results, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(8) consult with the sex equity coordinator established under section 111(b) of the Carl D. Perkins Vocational Education Act, obtain from the sex equity coordinator a summary of activities and an analysis of results in training women in nontraditional employment under the Carl D. Perkins Vocational Education Act, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;".

SEC. 8. STATE EDUCATION COORDINATION AND GRANTS.

(a) STATE EDUCATION COORDINATION AND GRANTS.—Section 123(a) of the Act is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and "and"; and

(3) inserting the following new paragraph at the end thereof:

"(4) to provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment.".

(b) USE OF FUNDS.—Section 123(c) is amended—

(1) in paragraph (2)(B) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)"; and

(2) in paragraph (3) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)".

SEC. 9. USE OF FUNDS.

Section 204 of the Act is amended by—

(1) redesignating paragraphs (27) and (28) as paragraphs (28) and (29), respectively; and

(2) inserting after paragraph (26) the following new paragraph:

"(27) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment,

SEC. 10. DEMONSTRATION PROGRAMS.

Part D of title IV of the Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION PROGRAMS

"SEC. 457. (a)(1) From funds available under this part for each of the fiscal years 1990, 1991, 1992, and 1993, the Secretary shall use $1,500,000 in each such fiscal year to make grants to States to develop demonstration and exemplary programs to train and place women in nontraditional employment.

"(2) The Secretary may award no more than 6 grants in each fiscal year.

"(b) In awarding grants pursuant to subsection (a), the Secretary shall consider—

"(1) the level of coordination between the Job Training Partnership Act and other resources available for training women in nontraditional employment;

"(2) the extent of private sector involvement in the development and implementation of training programs under the Job Training Partnership Act;

"(3) the extent to which the initiatives proposed by a State supplement or build upon existing efforts in a State to train and place women in nontraditional employment;

"(4) whether the proposed grant amount is sufficient to accomplish measurable goals;

"(5) the extent to which a State is prepared to disseminate information on its demonstration training programs; and

"(6) the extent to which a State is prepared to produce materials that allow for replication of such State's demonstration training programs.

"(c)(1) Each State receiving financial assistance pursuant to this section may use such funds to—

"(A) award grants to service providers in the State to train and otherwise prepare women for nontraditional employment;

"(B) award grants to service delivery areas that plan and demonstrate the ability to train, place, and retain women in nontraditional employment; and

"(C) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

"(2) Each State receiving financial assistance pursuant to subsection (c)(1)(A) may only award grants to—

"(A) community based organizations,

"(B) educational institutions, or

"(C) other service providers,

that have demonstrated success in occupational skills training.

"(3) Each State receiving financial assistance under this section shall ensure, to the extent possible, that grants are awarded for training, placing, and retaining women in growth occupations with increased wage potential.

"(4) Each State receiving financial assistance pursuant to subsection (c)(1)(B) or (c)(1)(C) may only award grants to service delivery areas that have demonstrated ability or exceptional performance in training, placing, and retaining women in nontraditional employment that is not attributable or related to the activities of any service provider awarded funds under subsection (c)(1)(A).

"(d) In any fiscal year in which a State receives a grant pursuant to this section such State may retain an amount not to exceed 10 percent of such grant to—

"(1) pay administrative costs,

"(2) facilitate the coordination of statewide approaches to training and placing women in nontraditional employment, or

"(3) provide technical assistance to service providers.

"(e) The Secretary shall provide for evaluation of the demonstration programs carried out pursuant to this section, including evaluation of the demonstration programs' effectiveness in—

"(1) preparing women for nontraditional employment, and

"(2) developing and replicating approaches to train and place women in nontraditional employment.".

SEC. 11. REPORT AND RECOMMENDATIONS.

(a) REPORT.—The Secretary of Labor shall report to the Congress within 5 years of the date of enactment of this Act on—

(1) the extent to which States and service delivery areas have succeeded in training, placing, and retaining women in nontraditional employment, together with a description of the efforts made and the results of such efforts; and

(2) the effectiveness of the demonstration programs established by section 457 of the Job Training Partnership Act in developing and replicating approaches to train and place women in nontraditional employment, including a summary of activities performed by grant recipients under the demonstration program authorized by section 457 of the Job Training Partnership Act.

(b) RECOMMENDATIONS.—The report described in subsection (a) shall include recommendations on the need to continue, expand, or modify the demonstration programs established by section 457 of the Job Training Partnership Act, as well as recommendations for legislative and administrative changes necessary to increase nontraditional employment opportunities for women under the Job Training Partnership Act.

SEC. 12. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon the date of enactment of this Act, except that the requirements imposed by sections 5, 6, and 7 of this Act shall apply to the plan or report filed or reviewed for program years beginning on or after July 1, 1991.

Mr. METZENBAUM. Mr. President, the Nontraditional Employment for Women Act, S. 975, will create opportunities for thousands of women to obtain employment in fields with good wages, benefits, and job security. The evidence is clear that up until now, women participating in training programs under the Job Training Partnership Act have been clustered in programs for clerical, retail, and other traditionally female fields of work. Many of these are dead-end jobs with relatively low wages.

It is no secret that technicians earn more than typists, and carpenters earn more than cashiers. Women deserve their fair share of the training available for the jobs with the best wages, benefits, and earning potential. The NEW Act will open the door to these jobs by increasing Federal efforts to prepare women for traditionally male fields of work.

The bill also creates a 4-year, $6 million demonstration program to aid in the development and replication of programs to prepare women for careers in construction, electronics, and other traditionally male fields of work. The NEW Act is bipartisan legislation with impressive support from the National Governors' Association, the AFL-CIO, Wider Opportunities for Women, Inc., and the National Women's Law Center, among other groups. I am very pleased to be joined in this effort by the ranking Republican on the Labor Committee, Senator HATCH, as well as Senators PELL, KASSEBAUM, KENNEDY, SIMON, WIRTH, CRANSTON, and PACKWOOD.

The NEW Act is a modest measure, but it will go a long way toward improving employment opportunities for women participating in programs under the Job Training Partnership Act. I thank my colleagues for their support in moving this legislation forward.

AMENDMENT NO. 1182

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. HELMS, proposes an amendment numbered 1182.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following:

(1) For purposes of this legislation, nothing in this Act shall be construed to mean that Congress is taking a position on the issue of comparable worth.

(2) Nothing in this Act shall be construed to require, sanction or authorize discrimination in violation of Title VII of the Civil Rights Act of 1964 or any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program under this Act because of race, color, religion, sex, national origin, age, handicap, political affiliation or belief. Failure to meet the goals in the Act shall not itself constitute a violation of Title VII of the Civil Rights Act of 1964 or any other Federal law prohibiting discrimination on the basis of race, color, religon, sex, national origin, handicap, or age.

Mr. HELMS. Would the Senator from Ohio be willing to respond to several questions I have concerning the legislation?

Mr. METZENBAUM. I would be pleased to try to respond to the Senator's questions.

Mr. HELMS. The bill directs States and service delivery areas established under the Job Training Partnership Act to set goals for training and placing women in traditionally male fields of employment. Am I correct that the size and composition of the goals are left to the discretion of each State or service delivery area?

Mr. METZENBAUM. The Senator is correct. The actual goals set by individual States and service delivery areas are at the discretion of those entities. It is our expectation that States and localities will set goals which will make a real difference in the training and placement of women, and that the States and localities will make a concerted effort to meet those goals.

Mr. HELMS. What, if any, consequences are faced by States and service delivery areas that fail to meet their goals?

Mr. METZENBAUM. As the Senator from North Carolina may know, the bill does not include remedies or recourse against States or service delivery areas that fail to meet their goals. The bill does direct the State job training coordinating council to review the activities of local service delivery areas and the extent to which the local areas have met their goals under the act. The job training coordinating council is authorized to make recommendations in order to assist service delivery areas to improve their performance in preparing women for nontraditional employment.

Mr. HELMS. The fact that the bill encourages States and localities to include more women in certain types of job training programs raises the concern that the bill will unfairly exclude men who are otherwise eligible for the same training programs. Does the Senator believe such actions are allowable under the bill?

Mr. METZENBAUM. No, they are not. The purpose of the bill is not to be unfair to men or women. The bill aims to increase training opportunities and awareness of opportunities for women in nontraditional fields of work, not to eliminate unfairly opportunities for men.

Mr. HELMS. It is my understanding that the Helms-Metzenbaum amendment makes clear that 29 U.S.C. 1577, prohibiting the service delivery areas or contractees from excluding individuals from a program merely because of their sex, is still applicable law.

Mr. METZENBAUM. That is correct.

Mr. HELMS. I thank the Senator.

Mr. HATCH. Mr. President, I am happy to join my colleague, Senator METZENBAUM, in support of S. 975, a bill designed to encourage a broader array of training opportunities for women in Job Training Partnership Act programs.

Today's job market requires an increasingly skilled labor force. We should not fail to encourage women, who are among those entering the labor force in the greatest numbers, to make the most of their talents and ambitions by training for these more highly skilled occupations—jobs that for the most part have traditionally been performed by men.

I would like to briefly emphasize several points. First, it is not the intention of this bill to cast aspersions on any woman who does not choose a nontraditional occupational training program. It is clearly understood that many women will want to pursue traditional jobs for a variety of reasons. Women are entitled to that choice. It is the sole purpose of this bill to encourage service delivery areas under JTPA to provide these choices.

Second, the goals set by service delivery areas under this bill are discretionary; there are no penalties on SDA's for failure to meet the goals.

I want to compliment my committee colleague, the Senator from Ohio, for his efforts on this legislation. It is not often that we agree; but, this bill represents our mutual interest in providing greater opportunity for women in JTPA.

I also want to acknowledge the distinguished Senator from North Carolina [Mr. HELMS]. He has helped clarify several important points and, in doing so, has greatly improved the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1182) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 975), as amended, was passed, as follows:

S. 975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Employment for Women Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) over 7,000,000 families in the United States live in poverty, and over half of those families are single parent households headed by women;

(2) women stand to improve their economic security and independence through the training and other services offered under the Job Training Partnership Act;

(3) women participating under the Job Training Partnership Act tend to be enrolled in programs for traditionally female occupations;

(4) many of the Job Training Partnership Act programs that have low female enrollment levels are in fields of work that are nontraditional for women;

(5) employment in traditionally male occupations leads to higher wages, improved job security, and better long-range opportunities than employment in traditionally female-dominated fields;

(6) the long-term economic security of women is served by increasing nontraditional employment opportunities for women; and

(7) older women reentering the workforce may have special needs in obtaining training and placement in occupations providing economic security.

SEC. 3. STATEMENT OF PURPOSE.

The purposes of this Act are—

(1) to encourage efforts by the Federal, State, and local levels of government aimed at providing a wider range of opportunities for women under the Job Training Partnership Act;

(2) to provide incentives to establish programs that will train, place, and retain women in nontraditional fields; and

(3) to facilitate coordination between the Job Training Partnership Act and the Carl D. Perkins Vocational Education Act to maximize the effectiveness of resources available for training and placing women in nontraditional employment.

SEC. 4. DEFINITION.

Section 4 of the Job Training Partnership Act (hereinafter referred to as the "Act") is

amended by adding at the end thereof the following new paragraph:

"(3) The term 'nontraditional employment' as applied to women refers to occupations or fields of work where women comprise less than 25 percent of the individuals employed in such occupation or field of work.".

SEC. 5. SERVICE DELIVERY AREA JOB TRAINING PLAN.

Section 104(b) of the Act is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), (9), (10), and (11) as paragraphs (6), (7), (8), (9), (10), 11, and (12), respectively;

(2) by inserting after paragraph (4) the following new paragraph:

"(5) goals for—

"(A) the training of women in nontraditional employment; and

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

and a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities;"; and

(3) in paragraph (12), as redesignated in paragraph (1) above, by—

(A) striking "and" at the end of subparagraph (B);

(B) striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(C) adding after subparagraph (C) the following new subparagraphs:

"(D) the extent to which the same delivery area has met its goals for the training and training-related placement of women in nontraditional employment and apprenticeships; and

"(E) a statistical breakdown of women trained and placed in nontraditional occupations, including—

"(i) the type of training received, by occupation;

"(ii) whether the participant was placed in a job or apprenticeship, and, if so, the occupation and the wage at placement;

"(iii) the participant's age;

"(iv) the participant's race; and

"(v) information on retention of the participant in nontraditional employment.".

SEC. 6. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN.

(a) IN GENERAL.—Section 121(b) of the Act is amended by—

(1) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) The plan shall include goals for—

"(A) the training of women in nontraditional employment through funds available under the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, and other sources of Federal and State support;

"(B) the training-related placement of women in nontraditional employment and apprenticeships;

"(C) a description of efforts to be undertaken to accomplish such goals, including efforts to increase awareness of such training and placement opportunities; and

"(D) a description of efforts to coordinate activities provided pursuant to the Job Training Partnership Act and the Carl D. Perkins Vocational Educational Act to train and place women in nontraditional employment.".

(b) SPECIAL PROGRAMS.—Section 121(c) of the Act is amended by—

(1) redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) inserting after paragraph (8) the following new paragraph:

"(9) providing programs and related services to encourage the recruitment of women for training, placement, and retention in nontraditional employment;".

SEC. 7. STATE JOB TRAINING COORDINATION COUNCIL.

Section 122(b) of the Act is amended by—

(1) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (9), (10), (11), and (12), respectively; and

(2) inserting after paragraph (4) the following new paragraphs:

"(5) review the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) and make recommendations for technical assistance and corrective action, based on the results of such reports;

"(6) prepare a summary of the reports made pursuant to subparagraphs (D) and (E) of section 104(b)(12) detailing promising service delivery approaches developed in each service delivery area for the training and placement of women in nontraditional occupations, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(7) review the activities of the Governor to train, place, and retain women in nontraditional employment, including activities under section 123, prepare a summary of activities and an analysis of results, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;

"(8) consult with the sex equity coordinator established under section 111(b) of the Carl D. Perkins Vocational Education Act, obtained from the sex equity coordinator a summary of activities and an analysis of results in training women in nontraditional employment under the Carl D. Perkins Vocational Education Act, and disseminate annually such summary to service delivery areas, service providers throughout the State, and the Secretary;".

SEC. 8. STATE EDUCATION COORDINATION AND GRANTS.

(a) STATE EDUCATION COORDINATION AND GRANTS.—Section 123(a) of the Act is amended by—

(1) striking "and" at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and "and"; and

(3) inserting the following new paragraph at the end thereof:

"(4) to provide statewide coordinated approaches, including model programs, to train, place, and retain women in nontraditional employment.".

(b) USE OF FUNDS.—Section 123(c) is amended—

(1) in paragraph (2)(B) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)"; and

(2) in paragraph (3) by striking "(1) and (3)" and inserting in lieu thereof "(1), (3), and (4)".

SEC. 9. USE OF FUNDS.

Section 204 of the Act is amended by—

(1) redesignating paragraphs (27) and (28) as paragraphs (28) and (29), respectively; and

(2) inserting after paragraph (26) the following new paragraph:

"(27) outreach, to develop awareness of, and encourage participation in, education, training services, and work experience programs to assist women in obtaining nontraditional employment, and to facilitate the retention of women in nontraditional employment, including services at the site of training or employment,

SEC. 10. DEMONSTRATION PROGRAMS.

Part D of title IV of the Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION PROGRAMS

"SEC. 457. (a)(1) From funds available under this part for each of the fiscal years 1990, 1991, 1992, and 1993, the Secretary shall use $1,500,000 in each such fiscal year to make grants to States to develop demonstration and exemplary programs to train and place women in nontraditional employment.

"(2) The Secretary may award no more than 6 grants in each fiscal year.

"(b) In awarding grants pursuant to subsection (a), the Secretary shall consider—

"(1) the level of coordination between the Job Training Partnershp Act and other resources available for training women in nontraditional employment;

"(2) the extent of private sector involvement in the development and implementation of training programs under the Job Training Partnership Act;

"(3) the extent to which the initiatives proposed by a State supplement or build upon existing efforts in a State to train and place women in nontraditional employment;

"(4) whether the proposed grant amount is sufficient to accomplish measurable goals;

"(5) the extent to which a State is prepared to disseminate information on its demonstration training programs; and

"(6) the extent to which a State is prepared to produce materials that allow for replication of such State's demonstration training programs.

"(c)(1) Each State receiving financial assistance pursuant to this section may use such funds to—

"(A) award grants to service providers in the State to train and otherwise prepare women for nontraditional employment;

"(B) award grants to service delivery areas that plan and demonstrate the ability to train, place, and retain women in nontraditional employment; and

"(C) award grants to service delivery areas on the basis of exceptional performance in training, placing, and retaining women in nontraditional employment.

"(2) Each State receiving financial assistance pursuant to subsection (c)(1)(A) may only award grants to—;

"(A) community based organizations,

"(B) educational institutions, or

"(C) other service providers,

that have demonstrated success in occupational skills training.

"(3) Each State receiving financial assistance under this section shall ensure, to the extent possible, that grants are awarded for training, placing, and retaining women in growth occupations with increased wage potential.

"(4) Each State receiving financial assistance pursuant to subsection (c)(1)(B) or (c)(1)(C) may only award grants to service delivery areas that have demonstrated ability or exceptional performance in training, placing, and retaining women in nontraditional employment that is not attributable or related to the activities of any service provider awarded funds under subsection (c)(1)(A).

"(d) In any fiscal year in which a State receives a grant pursuant to this section such State may retain an amount not to exceed 10 percent of such grant to—

"(1) pay administrative costs,

"(2) facilitate the coordination of statewide approaches to training and placing women in nontraditional employment, or

"(3) provide technical assistance to service providers.

"(e) The Secretary shall provide for evaluation of the demonstration programs carried out pursuant to this section, including evaluation of the demonstration programs' effectiveness in—

"(1) preparing women for nontraditional employment, and

"(2) developing and replicating approaches to train and place women in nontraditional employment.".

SEC. 11. REPORT AND RECOMMENDATIONS.

(a) REPORT.—The Secretary of Labor shall report to the Congress within 5 years of the date of enactment of this Act on—

(1) the extent to which States and service delivery areas have succeeded in training, placing, and retaining women in nontraditional employment, together with a description of the efforts made and the results of such efforts; and

(2) the effectiveness of the demonstration programs established by section 457 of the Job Training Partnership Act in developing and replicating approaches to train and place women in nontraditional employment, including a summary of activities performed by grant recipients under the demonstration program authorized by section 457 of the Job Training Partnership Act.

(b) RECOMMENDATIONS.—The report described in subsection (a) shall include recommendations on the need to continue, expand, or modify the demonstration programs established by section 457 of the Job Training Partnership Act, as well as recommendations for legislative and administrative changes necessary to increase nontraditional employment opportunities for women under the Job Training Partnership Act.

SEC. 12. DISCRIMINATION.

(1) For purposes of this legislation, nothing in this Act shall be construed to mean that Congress is taking a position on the issue of comparable worth.

(2) Nothing in this Act shall be construed to require, sanction or authorize discrimination in violation of Title VII of the Civil Rights Act of 1964 or any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program under this Act because of race, color, religion, sex, national origin, age, handicap, political affiliation or belief. Failure to meet the goals in the Act shall not itself constitute a violation of Title VII of the Civil Rights Act of 1964 any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon the date of enactment of this Act, except that the requirements imposed by sections 5, 6, and 7 of this Act shall apply to the plan or report filed or reviewed for program years beginning on or after July 1, 1991.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTLEMENT OF DISPUTE OVER NAGORNO-KARABAGH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 395, Senate Joint Resolution 178.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 178) to express United States support for the aspirations of the people of Soviet Armenia for a peaceful and fair settlement to the dispute over Nagorno-Karabagh.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause, and inserting in lieu thereof other text, as follows:

Whereas the people of the United States have strong historical and cultural ties with the people of Armenia;

Whereas the eighty percent Armenian majority in the region of Nagorno-Karabaugh has continually expressed its desire for self-determination and freedom;

Whereas the current status of the region of Nagorno-Karabagh is a matter of concern and contention for the people of the Armenian and Azerbaijani Soviet Republics;

Whereas the Soviet Government has termed the killings of Armenians on February 28-29, 1988, in Sumgait, Azerbaijan, "pogroms";

Whereas continued discrimination against Karabagh Armenians and the uncertainty about Nagorno-Karabagh have lead to massive demonstrations and to unrest that is continuing to this day in this area;

Whereas the people and government of the Soviet Union initially responded to the outbreak of violence in Nagorno-Karabagh with the positive step of creating an interim Special Administration Committee to stabilize the situation;

Whereas the Administrative Committee has proven ineffective because its mission has been undermined by a number of factors, including organized violence against Armenians, Jews, and other ethnic groups, and blockades of Nagorno-Karabagh, Armenia, and Georgia;

Whereas the three month blockade, theft and damage of goods in transit to Armenia have crippled the work of Armenians, Soviets, Americans, and the entire international community in rebuilding after the tragic December 7, 1988 earthquake in Armenia;

Whereas the Government and people of the United States strengthened their commitment to Armenia by assisting in the immediate relief effort and the overall reconstruction of those areas affected by the earthquake;

Whereas the United States maintains its resolve to assist the Armenians as they rebuild from the earthquake;

Whereas the United States supports the fundamental rights and the aspirations of the people of Nagorno-Karabagh for a peaceful and fair settlement to the dispute over Nagorno-Karabagh: Now therefore be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the United States should—

(1) continue to support and encourage the reconstruction effort in Armenia:

(2) urge Soviet President Gorbachev to restore order, immediately reestablish unrestricted economic and supply routes to the people of Armenia and Nagorno-Karabagh, from attacks and continue a dialog with representatives of Nagorno-Karabagh regarding a peaceful settlement;

(3) promote in its bilateral discussions with the Soviet Union an equitable settlement to the dispute over Nagorno-Karabagh, which fairly reflects the views of the people of the region;

(4) urge in its bilateral discussions with the Soviet Union that an investigation of the violence against the people of Nagorno-Karabagh be conducted, and that those responsible for the killing and bloodshed be identified and prosecuted; and

(5) express the serious concern of the American people about the ongoing violence and unrest which interferes with international relief efforts.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State.

Amend the title so as to read: "To express United States support for the aspirations of the people of Nagorno-Karabagh for a peaceful and fair settlement to the dispute."

Mr. PELL. Mr. President, on July 14, I introduced Senate Joint Resolution 178, which deals with the problem of Nagorno-Karabagh, with Senators SIMON, LEVIN, PRESSLER, CHAFEE, MCCAIN, and WILSON. The text of the joint resolution was passed by the Senate on July 19 as an amendment to the State Department authorization bill. However, the amendment was dropped in conference with the House as part of an overall agreement to strip off so-called nongermane amendments dealing with foreign policy issues.

On November 17, the Foreign Relations Committee unanimously approved by a voice vote an updated version of Senate Joint Resolution 178. This is the measure now before us. The purpose of this joint resolution is to encourage a peaceful and fair settlement to the dispute between the Soviet republics of Armenia and Azerbaijan over the status of the region of Nagorno-Karabagh. Although some 80 percent of the population of Nagorno-Karabagh is of Armenian descent, the area has been administered by the Republic of Azerbaijan.

The controversy over Nagorno-Karabagh has led to unrest and violence and taken the lives of more than 90 Soviet citizens. The efforts of the Special Administrative Committee, set up by the Soviet Government to stabilize the situation, have been undermined by blockades of Nagorno-Karabagh,

Armenia and the Georgian Republic, and by organized violence against Armenians and other ethnic groups. The disruption of the flow of relief and other supplies to Armenia have upset the daily lives of the people of Armenia and hindered Soviet and international efforts to rebuild Armenia after last year's earthquake.

The United States and Armenia have long-standing cultural and historical ties. The United States has a responsibility to encourage an equitable settlement to the problem of Nagorno-Karabagh. The pending resolution seeks to achieve this by expressing, among other things, the sense of the Congress that the United States should urge President Gorbachev to restore order and reestablish unrestricted supply routes to the people of Armenia and Nagorno-Karabagh, and that the United States should promote a fair settlement of the Nagorno-Karabagh controversy in bilateral discussions with the Soviet Union.

Mr. President, the dispute over Nagorno-Karabagh is serious and could well escalate. I believe that it is important that we go on record in support of a peaceful resolution of this crisis. This joint resolution does that. I support its passage.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—H.R. 952

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar Item No. 160, H.R. 952, Council Bluffs, IA, Trails Interpretation Center be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION MANAGING THE EXPENDITURE OF FUNDS FOR SENATE OFFICIAL MAIL

Mr. MITCHELL. Mr. President, on behalf of Senators FORD and STEVENS, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ROBB). The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 212) managing the expenditure of funds for Senate official mail.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, the hype over the official mail provision has caused us to lose sight of our objective—accountability and responsibility.

Let's look at the record. The Senate established a policy beginning in 1986 to limit mass mail. Allocations were made, and mailings were publicly reported. Under this policy, the Senate did not overspend its share of the appropriation for official mail in any year. In essence, we were responsible.

Our problem was that while this body underspent, the other body overspent. With a single account that body overspent by more than the Senate underspent. Thus, they spent our savings. My goal from the beginning was a separate account for each House. Then each House would stand on its own bottom.

The legislative branch appropriations bill accomplishes that goal. Each House will have its own account.

The second point I want to explain is the need for the Senate to adopt a policy on managing the Senate official mail account to assure a fair distribution of the funds among the various offices and to avoid overspending.

The resolution I send to the desk for myself and Senator STEVENS and ask for its immediate consideration has the following provisions:

First, allocates the Senate funds for official mail to Members under the policy that has been in effect in the Senate since 1986;

Second, requires disclosure as required by current policy;

Third, limits printing and mailing of mass mail to that paid for with official funds;

Fourth, reinstates the paper allocation in effect until February 28, 1989;

Fifth, limits statewide mailings to the equivalent of three per year;

Sixth, requires the Senate Committee on Rules and Administration to implement necessary regulations to prevent expenditure for official mail in excess of the amount appropriated for that purpose; and

Seventh, directs the Committee on Appropriations to consider funding of paper for the Senate through the Senate contingent fund in the future, rather than the Government Printing Office as presently funded.

Eighth, specifies that followup responses to communications would not be defined as "mass mail" if the responses occur within 120 days of receipt from a constituent. This provision was added to ensure that followup responses would not be classified as mass mail. Assume that a petition signed by 600 constituents requesting a response is received but requires contact with an executive agency to obtain the data requested. This provision would permit a prompt acknowledgment that the petition was received and a followup response when the data is received from the executive agency. Under the present practice, the followup response would have been classified as a mass mailing. Franking for the initial acknowledgment and followup response will be charged to the Member's allocation.

Prompt action to establish Senate policy on the management of the Senate official mail account is necessary for the following reasons.

First, an allocation system is required to assure to each Member an appropriate share of these funds. Otherwise, a few Members could expend all of the funds in the account, including funds required to respond to correspondence. The allocation in this resolution is the system that has been adopted by the Senate since 1986.

Second, since October 1, 1989, expenditures against the Senate official mail account have and are now being incurred. The longer the Senate delays action, the less funds available for distribution.

Let me emphasize that this resolution is needed to ensure that the Senate does not overspend this account, which includes funds for responding to official correspondence. Without prompt action, I can almost assure Members that the Senate will overspend this account and be rightfully accused of fiscal irresponsibility.

The Senate has a record on official mail that is excellent. We have exercised self-restraint, and since 1986 the Senate has spent less than its allocation of funds. This resolution will continue that restraint.

This resolution will apply to managing the Senate official mail account for 1990 only. The Rules Committee as a part of its ongoing responsibilities in this matter will review the various formulas to assure adequacy and fairness. All members of the committee and other Members of this body having an interest in the method of distributing the funds and paper will have ample opportunity to be heard.

Mr. President, I urge adoption of the resolution.

Mr. STEVENS. Mr. President, I join my friend the chairman of the Senate

Rules and Administration Committee, WENDELL FORD, to underscore a major change that is in the legislative branchy appropriations bill. That major change is the establishment, for the first time in the history of the congressional use of the frank, separate appropriated amounts for the House and Senate. This is a significant victory for the Senate and those who have sought to control mailing costs while at the same time continue to allow Members to carry out their obligation to respond and keep their constituents informed on various issues. These rules will allow each Chamber to control its own mail costs. Senators may not realize it, but this is a change that has not occurred suddenly in this bill. It is a change that Senate conferees, not just the conferees on the appropriation bill for fiscal year 1990, but conferees on the appropriations bills for the 2 previous years, have tried to achieve. I know because I have been one of those conferees and was one this year, and I have fought for this change. So I am very glad to see that we are about to achieve it.

The establishment of separate accounts makes it possible for the Senate to reinstate the allocation among Senators of the amount appropriated for Senate official mail. Senators will recall that allocations were first established in fiscal year 1986 and reenacted each year thereafter. The allocations for fiscal year 1989 were repealed, however, because of problems that resulted from sharing the account with the House.

Allocations become more than possible as a result of a separate appropriation. They become essential. There is no better way—in fact, there may be no other way—to ensure that the Senate as a whole does not overspend its appropriation.

Allocations are nothing more than an application to our mail costs of the most basic and fundamental element of financial management—placing responsibility for controlling costs in the same place where decisions are made to incur those costs.

Before the Senate is the Ford/Stevens resolution regarding the new franking regulations. I hope the resolution will be thoroughly reviewed, and I urge its adoption.

For the information of the Senate, sections 2 through 5 of the resolution contain little that is new. The allocation rules and formulas are essentially the same as those that were in effect in 1986, 1987, 1988, and part of 1989.

Section 6 of the resolution is identical to a provision in the Rules Committee's "Regulations Governing Mass Mail." This is the provision that provides for sending each Senator a quarterly statement detailing, work order by work order, each mass mail mailing, setting forth the postage, paper, and production costs. This provision also continues publication of a summary of Senators' mass mail costs in the "Report of the Secretary of the Senate."

This information has been published in the Secretary's report since 1985. These are legitimate expenses and have been regarded as legitimate expenses as long as there has been government. But the taxpayers have a right to scrutinize our stewardship of these funds just as much as the other funds provided to us.

Section 7 is an incorporation in this resolution of the amendment of the Senator from New Hampshire [Mr. HUMPHREY] to the legislative branch appropriation bill. It is in the conference report, and it is in this resolution. It limits the size of congressional mass mailings to two sheets of paper. We never needed such a limit before, but new printing capabilities that we now have require that such a limit be established before small booklets begin to go out as newsletters.

Section 8 continues the authorization for the Rules Committee to issue regulations implementing the resolution.

Section 9 contains two important new provisions. First, it requires that all mass mailings be mailed through the Senate Service Department. This includes not only material printed in the Service Department but also any mail matter we produce in our offices on our office automation systems that meet the definition of mass mail. That definition includes any mailing of more than 500 pieces in a 30-day period of substantially identical content, with three exceptions: First, the responses to incoming letters from constituents; second, news releases to the communications media; and third, letters to other Government officials.

The section precludes sending mass mail out of our State offices. To our knowledge that is not yet occurring on any large scale, but we know people are considering it because we and the Postal Service receive inquiries about how it could be done. It is important to keep these high-volume mailings in one place so that their cost can be tracked accurately and on a timely basis.

Second, this section states that mass mailings can be sent only as franked mail. This would preclude, for the time being at least, the installation by Senators of postage meters or the purchase by Senators of bulk mail permits and the sending of mass mail that is not franked, with the postage paid for with campaign funds. We are working toward a time when the appropriation for postage will not just be allocated among Senators but will be actually provided as part of each Senator's official personnel and office expense account. As such, the Senator could use the funds for mass mail or for other purposes. When that time comes, we may want to investigate the use of postage meters and permits instead of the frank.

This is the way the rest of the Government is beginning to handle its official mail—with metered postage rather than with permit imprints. This is the logical result of the reforms of 1954 when postage became an item that was provided in agency budgets and reimbursed to the Post Office. We and all other agencies pay postage at the same rates as any private mailer. And the establishment of the Postal Service as a semiprivate corporation strengthens the imperative for handling our business with them the way we do with any other private delivery service—that is, accurately and responsibly.

Section 10 limits mass mailings to the equivalent of three statewide mailings per year. This is different from the limit in the conference report, which applies to both the House and the Senate, in one significant respect. The limit in the resolution applies to all mass mail, whereas the conference report applies only to mass mail mailed as postal patron mail. This closes a major loophole in the limit. In fact, a limit that applies only to postal patron mail is not a limit at all.

By treating addressed and postal patron mail alike for purposes of the limit, the resolution eliminates any incentive to send, or even to maintain the capability of sending, addressed mailings, except to targeted groups. That is, there will be no incentive to use addressed mailings for the kind of blanket, indiscriminate coverage that one gets with postal patron mail. This will yield major cost savings because it will hold down the costs of returning undeliverable mail, a cost which now runs millions of dollars each year.

Sections 11 and 12 relate to paper. Section 11 merely reestablishes the paper allocations that were suspended in March of this year when the Senate acted to adopt rules identical to those of the House until separate accounts could be established. Section 12 directs the Committee on Appropriations to consider changing that account in which funds are provided for Senate printing from the congressional printing and binding account in the Government Printing Office to a Senate account. The Senate would then make disbursements to the Government Printing Office for its paper usage.

Section 13 relates to the definition of mass mail. The full definition is in two bodies of law and regulations. The franking statute defines mass mail as any franked mail in quantities of more than 500 pieces of substantially identical content with three exceptions—responses to letters from constituents, news releases to the communications media, and letters to other Government officials.

This definition is supplemented by an interpretation in the "Regulations Governing the Use of the Mailing Frank by Members and Officers of the Senate." One of the supplements limits letters to constituents to the first response. Any second or subsequent response is and has been considered mass mail.

For example, if a Senator were to receive a quantity of letters greater than 500 from constituents on a particular issue, and were to send them an acknowledgment while information was being obtained, a substantive reply could not be sent at all during the 60-day moratorium before an election, and then when answers could be sent, mass mailing reports would have to be filed with the Office of Public Records.

This is wrong. We ought to be able to keep our word and respond to our constituents without having to wait for 60 days. Such mailings are not what is commonly thought of as mass mailings, and we should change this interpretation of the statute while we have this resolution before us.

Now, I fully realize that there is a reason for the Ethics Committee's ruling limiting the exemption to the first letter. The potential for abuse is obvious. It would be possible, for example, for a Senator to develop a sophisticated address file in which everyone who had ever written to the Senator was identified by subject matter, and it would be possible, in the absence of some limit, to send a letter to everyone on the mail file, every single day, during a 60-day moratorium, even if the letter that the constituent wrote was 6 months, or a year, or 5 years old and no answer, in any meaningful sense of the word "answer" was really required. The effect would be to discard the moratorium completely, and I don't think we should do that either.

Section 13 is a middle ground that allows initial and followup responses not to be considered mass mail and still prevent abuses. It does this by limiting the exemption to those responses that are mailed not more than 120 days after the communication is received from the constituent. It further restricts possible abuse by limiting the content of the response to that which is solely and specifically related to the incoming letter. So Senators could not send a multitopic newsletter under this exemption.

Now this doesn't mean that you can't write to someone as many times as you want, for as long as you want, or send them all the newsletters that you can afford. It only means that all of those mailings will be considered mass mailings and subject to the blackout period, subject to filing with the Office of Public Records, and subject to the quota of three per year in this resolution unless they are specifically and directly related to an incoming letter and unless they are sent within 120 days of the receipt of the incoming letter.

In summary, Mr. President, this resolution provides a fair and equitable distribution of the postage appropriation among Senators and provides minimal but necessary controls to keep costs within the limits. We need to act on it, and we need to act now. Even as we speak, the presses are running, and thousands of pieces of mail are going out the door every day. Without the control mechanisms provided by this resolution, it is possible that the Senate could spend all of its appropriation in the first few months of the year. If that were to happen I don't need to point out that the embarrassment would be acute, and the criticism we would receive would be justified. I urge support of the resolution. Thank you, Mr. President.

Mr. NICKLES. Mr. President, after a few comments, I would like to engage in a colloquy with the distinguished chairman of the Rules Committee, Senator FORD. In my opinion, the method of allocating official mail appropriations among Members provided in the resolution is inequitable. A review of the allocations shows some Members, through what is called an augmentation, are able to correspond with households in their State by a factor that is three and four times greater than Senators in other States.

Under the committee's allocation method, the funding afforded Senators from Florida will allow them to correspond with 69 percent of the households in their State while, on the other extreme, Senators from Wyoming and other States will be able to reach households in their State three times, the maximum allowed under the resolution. These figures are based on a postal patron mailing with 13 cents in postage costs and demonstrate the inequity in the resolution's allocation formula. It is my hope the chairman of the Rules Committee would consider modifying the method of allocating these funds to reduce or eliminate this inequity.

Mr. FORD. I appreciate the Senator's comments. He and others have raised concerns about the method of distributing funds under this resolution. It is important to note this is the same formula that has been used in past fiscal years to allocate appropriations among Members. As we are well into fiscal year 1990, I am opposed to any changes in the allocation method on this resolution which applies only to fiscal year 1990. This issue will have to be revisited for fiscal year 1991 and subsequent fiscal years.

Mr. NICKLES. I understand the concerns the chairman has with respect to modifying the method of allocation for the current fiscal year. I do believe such a considerable discrepancy in the ability of Members to communicate with their constituents should be changed. Would the chairman be willing to modify the method of allocating official mail appropriations among Members in order to establish a more equitable means of distribution for fiscal year 1991 and future fiscal years?

Mr. FORD. Without making commitments as to what action the committee might take. I can assure the Senator that we will review this issue in an effort to establish a more equitable distribution of these funds among Members.

Mr. NICKLES. I thank the chairman. It seems the primary reason for the discrepancy is a $100,000 minimum allocation for Members, which may have to be reduced to address this inequity. Another idea to enhance equity is to provide funds to each Member in such amount as necessary to allow the Member to communicate with a certain percentage of households or individuals in the State. I provide these ideas to the chairman as options the committee may consider when reviewing the method of allocating official mail appropriations among Members.

AMENDMENT NO. 1183

(Purpose: To provide for detailed statements to and publication of summary statistics in the Congressional Record concerning the use of the franking privilege by Senate offices and require that mass mailings clearly state that they are mailed at taxpayer expense)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 1183.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Delete the language in Section 6 and substitute the following:

SEC. 6. (a) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms and Doorkeeper of the Senate shall send to each Senate office a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senate office during such quarter. The statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Senate Committee on Rules and Administration. A summary tabulation of such information shall be published quarterly in the Congressional Record and included in the semiannual

Report of the Secretary of the Senate. Such summary tabulation shall set forth for each Senate office the following information: the Senate office's name, the total number of pieces of mass mail mailed during the quarter, the total cost of such mail, and, in the case of Senators, the cost of such mail divided by the total population of the State from which the Senator was elected, and the total number of pieces of mass mail divided by the total population of the State from which the Senator was elected.

SEC. 6. (b) A mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code) by a Senate office shall contain the following notice in a prominent place on the bottom of the cover page of the document: "PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE".

Mr. HUMPHREY. Mr. President, Senators will recall that last week the Senate rejected reforms I sponsored which had originally been adopted as a part of the Senate's version of the legislative branch appropriations.

These reforms would have placed reasonable requirements on the use of the frank, included disclosure of spending practices, and truth-in-advertising statements for all mass mailed pieces.

At the time my amendment was rejected concern was expressed that adoption of the Humphrey amendment would have sent the conference report back to the House. The leadership of the House had communicated their unwillingness to consider further reforms to the franking privilege, however modest, and therefore the conference report would have been killed. Thus, it was argued, my amendment would have endangered the reforms incorporated in the conference report.

Apparently, the Senate agreed with this argument as the Humphrey amendment was tabled. I may add that there was also concern expressed that my amendment would have the effect of mandating a rules change in the House, an interpretation with which I do not agree.

However, during the debate, I was told that in view of these concerns, there would be support for my amendment if it pertained only to the Senate. In particular, the Senator from Alaska [Mr. STEVENS] who is a manager of this resolution expressed his support if my amendment only affected the Senate. Thus, I am back here today to ask that the Senate alone adopt these reforms.

This amendment will require that the Secretary of the Senate shall submit for publication in the CONGRESSIONAL RECORD a quarterly tabulation of the mail costs for each Member. This tabulation shall include the Members' name, the total number of pieces of mass-mail mailed during the quarter, the total cost of such mail, and the cost of such mail divided by the total population of the area from which the Member was elected. For those Members who are not aware, these costs are currently reported on a twice-a-year basis in the report of the Secretary of the Senate. This amendment simply makes this information more readily available to the American people.

The amendment would also require that all mass mailings sent by Members of the Senate include a statement on the cover page of the document stating that the document was "prepared, published, and mailed at taxpayer expense."

The Senate has unanimously supported this language in the past. I urge this support for my amendment once again.

The leadership is acquainted with this amendment and support it. It is an amendment that requires publication on a quarterly basis in the RECORD the mailing cost for each Senator in terms of total cost and per capita cost.

This is a wholesome amendment to our rules. It will help ensure accountability in the area which is sometimes subject to abuse, and I use the word "sometimes" humorously. Hopefully, this will correct that abuse. But more than that, in addition to that, we hope that having this wholesome change in our rules will set an example for the House.

If the House does not on its own initiative follow our example by following the rules to this effect, the existence of this rule in the Senate and lack of it in the House will raise such a clamor, the House, if not voluntarily, will be pressured by the public to change its rules likewise.

I thank the leadership for their support.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 1183) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 212), as amended, was agreed to; as follows:

S. RES. 212

Resolved, That for purposes of this resolution—

(1) the term "election fiscal year" means a fiscal year in which regular biannual general elections of Senators are held;

(2) the term "final printing and mailing clearance" means an approval of a blue line, color key, or other page proof giving final authorization to print and mail material submitted by a Senate office to the Senate Service Department;

(3) the term "franked mail" has the meaning given that term by section 3201(4) of title 39, United States Code;

(4) the term "mass mailing" has the meaning given that term in section 3210(a)(6)(E) of title 39, United States Code;

(5) the term "non-election fiscal year" means a fiscal year other than an election fiscal year;

(6) the term "official mail costs" means the equivalent of—

(A) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege; and

(B) the portions of the fees and charges paid for handling and delivery by the Postal Service of mailgrams considered as franked mail under section 3219 of title 39, United States Code; and

(7) the term "Senate office" means the Vice President of the United States, a United States Senator, a United States Senator-elect, a committee of the Senate, the Joint Committee on Printing, the Joint Economic Committee, an officer of the Senate, or an office of the Senate authorized by section 3210(b)(1) of title 39, United States Code, to send franked mail.

SEC. 2. (a) Notwithstanding any law or rule of the Senate, the amount that may be incurred by a Senate office for official mail costs for a non-election fiscal year shall not exceed the amount allocated to that Senate office for that period by the Committee on Rules and Administration in accordance with this section.

(b) With respect to a non-election fiscal year, as soon as practicable after the enactment of the appropriation for Senate official mail costs for such year, the Committee on Rules and Administration shall determine the following amounts:

(1) The amount that has been appropriated for official mail costs of the Senate for the non-election fiscal year.

(2) The amount necessary for official mail costs of Senate offices other than Senators for the non-election fiscal year.

(3) The amount necessary to be reserved for contingencies, which shall not exceed 10 percent of the amount determined pursuant to paragraph (1).

(4) The amount available for allocation to Senators, which shall be the amount determined pursuant to paragraph (1) minus the sum of the amounts determined pursuant to paragraphs (2) and (3).

(c) As soon as practicable after making the determination described in subsection (b), the Committee on Rules and Administration shall make the following allocations:

(1) The allocation to a Senate office (other than a Senator) for the non-election fiscal year.

(2) The allocation of a Senator, for official mail costs for the non-election fiscal year in an amount equal to—

(A) the amount determined pursuant to subsection (b)(4), multiplied by

(B) the ratio that the population of the State represented by the Senator bears to twice the total population of the States:

Provided, That a Senator whose allocation pursuant to the preceding provisions of this paragraph would be less than $100,000, at the request of the Senator to the Committee on Rules and Administration, shall be allocated such additional sums from the contingent fund provided for in subsection (b)(3) as are required to bring the Senator's allocation up to $100,000.

SEC. 3. (a) Notwithstanding any law or Standing Rule of the Senate, the amount that may be incurred by a Senate office for official mail costs for an election fiscal year shall not exceed the amount allocated to that Senate office for that period by the Committee on Rules and Administration in accordance with this section.

(b) With respect to an election fiscal year, as soon as practicable after the enactment of the appropriation for Senate official mail costs for such year, the Committee on Rules

and Administration shall determine the following amounts:

(1) The amount that has been appropriated for official mail costs of the Senate for the election fiscal year.

(2) The amount necessary for official mail costs of Senate offices other than Senators and Senators-elect for the election fiscal year.

(3) The amount necessary for the official mail costs of Senators-elect for the period beginning the date immediately following the date of the general elections and ending January 3 of the election fiscal year: *Provided,* That such amount shall not include amounts for mass mailings.

(4) The amount necessary for the official mail costs of newly elected Senators for the period January 3 through September 30 of the election fiscal year: *Provided,* That such amount shall not exceed three-fourths of the amount that those Senators would receive for the full election fiscal year.

(5) The amount necessary for the official mail costs of Senators whose service as Senators will end on January 3 of the election fiscal year, for the period October 1 through April 3 of the election fiscal year: *Provided,* That not more than one-fourth of the amount that such Senators would receive for the full election fiscal year shall be available for the period October 1 through January 3 of the election fiscal year: *Provided further,* That no amount shall be provided for mass mailings for the period January 3 through April 3 of the election fiscal year.

(6) The amount necessary to be reserved for contingencies, which shall not exceed 10 percent of the amount determined pursuant to paragraph (1).

(7) The amount available for allocation to Senators other than Senators whose terms of service as Senators will begin or end on January 3 of the election fiscal year, which shall be the amount determined pursuant to paragraph (1) minus the sum of the amounts determined pursuant to paragraphs (2) through (6).

(c) As soon as practicable after making the determination described in subsection (b), the Committee on Rules and Administration shall make the following allocations:

(1) The allocation to a Senate office (other than a Senator or a Senator-elect) for the election fiscal year.

(2) The allocation of a Senator-elect for official mail costs for the portion of the election fiscal year beginning the date immediately following the date of the general elections and ending the date the Senator-elect is appointed to the Senate, in an amount equal to—

(A) the amount determined pursuant to subsection (b)(3), multiplied by

(B) the ratio that the population of the State represented by the Senator-elect bears to the total population of States represented by Senators-elect.

(3) The allocation of a newly elected Senator for official mail costs for the period January 3 through September 30 of the election fiscal year, in an amount equal to—

(A) the amount determined pursuant to subsection (b)(4), multiplied by

(B) the ratio that the population of the State represented by the newly elected Senator bears to the total population of the States represented by newly elected Senators:

Provided, That a newly elected Senator whose allocation pursuant to the preceding provisions of this paragraph would be less than three-fourths of the allocation that would be made if the proviso in paragraph (5) were applicable, at the request of the Senator to the Committee on Rules and Administration, shall be allocated such additional sums from the contingent fund provided for in subsection (b)(6) as are required to bring the Senator's allocation up to three-fourths of the allocation that would be made if the proviso in paragraph (5) were applicable.

(4) The allocation of a Senator whose service as a Senator will end on January 3 of the election fiscal year for official mail costs for the period October 1 through April 3 of the election fiscal year, in an amount equal to—

(A) the amount determined pursuant to subsection (b)(5), multiplied by

(B) the ratio that the population of the State represented by the Senator bears to the total population of the States represented by such Senators.

(5) The allocation of a Senator whose term of service as a Senator does not begin or end on January 3 of the election fiscal year, for official mail costs for the election fiscal year in an amount equal to—

(A) the amount determined pursuant to subsection (b)(7), multiplied by

(B) the ratio that the population of the State represented by the Senator bears to the total population of the States represented by such Senators:

Provided, That a Senator whose allocation pursuant to the preceding provisions of this paragraph would be less than $100,000, at the request of the Senator to the Committee on Rules and Administration, shall be allocated such additional sums from the contingent fund provided for in subsection (b)(6) as are required to bring the Senator's allocation up to $100,000.

SEC. 4. (a) The amounts described in sections 2(b)(3) and 3(b)(6) shall be available for distribution by the Committee on Rules and Administration only for—

(1) providing a Senator appointed to complete the term of a Senator who dies or retires with an allocation for the fiscal year in which such appointment is effective;

(2) providing the Secretary of the Senate with sufficient postage to send franked mail as provided for by section 3218 of title 39, United States Code;

(3) reimbursing a Senator for a charge to the Senator's allocation for official mail costs when the charge is the result of an error on the part of an office of the Sergeant at Arms; and

(4) making additional allocations to Senators provided for in sections 2(c)(2), 3(c)(3), and 3(c)(5).

(b) Portions of the amounts described in sections 2(b)(3) and 3(b)(6) remaining unused at the end of a fiscal year shall be distributed among Senators in accordance with the allocation formulas set forth in this resolution.

SEC. 5. In determining official mail costs and making allocations to Senate offices pursuant to sections 2 and 3, the Committee on Rules and Administration shall consult with the Postmaster General.

SEC. 6. (a) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms and Doorkeeper of the Senate shall send to each Senate office a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senate office during such quarter. The Statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Senate Committee on Rules and Administration. A summary tabulation of such information shall be published quarterly in the Congressional Record and included in the semiannual Report of the Secretary of the Senate. Such summary tabulation shall set forth for each Senate office the following information: the Senate office's name, the total number of pieces of mass mail mailed during the quarter, the total cost of such mail, and, in the case of Senators, the cost of such mail divided by the total population of the State from which the Senator was elected, and the total number of pieces of mass mail divided by the total population of the State from which the Senator was elected.

SEC. 6. (b) A mass mailing (as defined in section 3210(a)(6(E) of title 39, United States Code) by a Senate office shall contain the following notice in a prominent place on the bottom of the cover page of the document: "PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE".

SEC. 7. A mass mailing by a Senator shall be limited to 2 sheets of legal size paper (or their equivalent), including any enclosure that—

(1) is prepared by or for the Senator who makes the mailing; or

(2) contains information concerning, expresses the views of, or otherwise relates to the Senator who makes the mailing.

SEC. 8. (1) The Committee on Rules and Administration shall—

(A) monitor all expenditures for official mail by all Senate offices; and

(B) promulgate regulations to assure compliance by each Senate office with the allocations, allowances, and restrictions provided for in this resolution.

(2) The regulations promulgated pursuant to paragraph (1) shall prescribe a procedure whereby portions of an allocation made to a Senate office may be transferred to another Senate office.

SEC. 9. All mass mailings by Senate offices shall be printed, prepared, and mailed by the Senate Service Department and shall be mailed under the frank.

SEC. 10. (a) The maximum number of pieces of mass mail that may be mailed as franked mail during any fiscal year by a Senator shall not exceed an amount equal to 3 times the number of separate mailing addresses to which such mail can be sent in the State represented by the Senator (as determined on the basis of the most recent statistics of the United States Postal Service available prior to the beginning of the fiscal year).

(b) A mass mailing that—

(1) relates solely to a notice of appearance or a scheduled itinerary of a Senator in the State represented by the Senator; and

(2) is mailed to the part of the State where such appearance is to occur,

shall not count against the limitation stated in subsection (a).

(c)(1) Except as stated in paragraph (2), a mass mailing shall count against the limitation stated in subsection (a) for the fiscal year in which it is mailed.

(2) A mass mailing may be counted against the limitation stated in subsection (a) for the fiscal year immediately preceding the fiscal year in which it is mailed if—

(A) the appropriation Act for the preceding fiscal year specifies that the funds ap-

propriated for Senate mailing expenses for that fiscal year shall remain available until expended;

(B) the Senate office for which the mailing is made has a balance in its allocation made pursuant to section 2 or 3 for the preceding fiscal year against which all or a portion of the cost of the mailing may be charged;

(C) the initial work order for the mass mailing was submitted to the Senate Service Department prior to its close of business on the last day of the preceding fiscal year; and

(D) the Senate office for which the mass mailing is mailed gives the Senate Service Department, prior to its close of business on November 15 of the fiscal year in which the mailing is made, a final printing and mailing clearance.

SEC. 11. (a)(1)(A) Each year the Secretary of the Senate shall provide each Senator with the greater of—

(ii) one and one-third sheets of blank paper per adult constituent, as reported by the Bureau of the Census; or

(ii) 1,800,000 sheets of blank paper.

(B) Each year the Secretary of the Senate shall provide each Senator with letterhead paper and envelopes in the following quantities:

(i) 180,000 sheets and 180,000 envelopes for each Senator representing a State with a resident population of less than 3,000,000;

(ii) 240,000 sheets and 240,000 envelopes for each Senator representing a State with a resident population of more than 2,999,999 and less than 4,000,000;

(iii) 300,000 sheets and 300,000 envelopes for each Senator representing a State with a resident population of more than 3,999,999 and less than 5,000,000;

(iv) 360,000 sheets and 360,000 envelopes for each Senator representing a State with a resident population of more than 4,999,999 and less than 12,000,000; and

(v) 420,000 sheets and 420,000 envelopes for each Senator representing a State with a resident population of more than 11,999,999.

(2) A portion of a Senator's allowance for paper that is unused at the end of a year may be used during the following year. A portion of such an allowance for a year that is unused at the end of the year following the year for which the allowance is made shall lapse and shall not be available for use thereafter.

(3) A portion of a Senator's allowance for paper that is unused at the time the Senator resigns, retires, or otherwise leaves office shall lapse and shall not be available for use thereafter.

(4) No portion of the paper allowance of a Senator may be given or otherwise transferred to another Senate office.

(b)(1) Each year the Secretary of the Senate shall provide each office set forth below with 180,000 sheets of blank paper, 180,000 sheets of letterhead paper, and 180,000 envelopes:

(A) Each standing committee of the Senate.

(B) Each select committee of the Senate.

(C) Each special committee of the Senate.

(D) Each impeachment trial committee of the Senate.

(2) A portion of an allowance for paper made pursuant to paragraph (1) that is unused at the end of a year shall not be available for use thereafter.

(c)(1) The Secretary of the Senate shall provide each office named in paragraph (4) with such quantities of paper and envelopes as may be necessary for the performance of its official duties.

(2) Except as provided in paragraph (3), no portion of an allowance for paper made pursuant to paragraph (1) may be given or otherwise transferred to a Senator or an office named in subsection (b)(1).

(3) Paper from the allowance of the Sergeant at Arms may be used to reprint matter previously printed and charged to the allowance of another office if—

(A) an error in the previously printed matter was caused by the Senate Service Department; and

(B)(i) the previously printed matter was destroyed prior to distribution; or

(ii) the previously printed matter was distributed before the discovery of the error, and the reprinted matter is noted as a corrected version of such previously printed matter.

(4) The offices referred to in paragraph (1) are the following:

(A) The Joint Committee on the Library.

(B) The Joint Committee on Printing.

(C) The Joint Committee on Taxation.

(D) The Joint Economic Committee.

(E) The Joint Congressional Committee on Inaugural Ceremonies.

(F) The President of the Senate.

(G) The President Pro Tempore of the Senate.

(H) The Majority Leader of the Senate.

(I) The Assistant Majority Leader of the Senate.

(J) The Secretary for the Majority.

(K) The Minority Leader of the Senate.

(L) The Assistant Minority Leader of the Senate.

(M) The Secretary for the Minority.

(N) The Republican Conference.

(O) The Republican Steering Committee.

(P) The Democratic Conference.

(Q) The Democratic Policy Committee.

(R) The Democratic Steering Committee.

(S) The Architect of the Capitol, including the Senate Restaurants and the Superintendent of the Senate Office Buildings.

(T) The Attending Physician.

(U) The Capitol Police.

(V) The Chaplain of the Senate.

(W) The Secretary of the Senate, including all offices reporting thereto.

(X) The Senate Legislative Counsel.

(Y) The Senate Legal Counsel.

(Z) The Senate Sergeant at Arms, including all offices reporting thereto.

(AA) The Congressional Budget Office.

(BB) The Office of Technology Assessment.

(CC) The Democratic Senatorial Campaign Committee.

(DD) The Republican Senatorial Campaign Committee.

(EE) The Senate Employees' Federal Credit Union.

(FF) The Senate Day Care Center.

(GG) The Senate Defense Liaison Office.

(HH) The Senate Press Galleries.

(d) For the purposes of this section—

(1) blank paper means paper that is 8.5 inches by 11 inches or 8.5 inches by 14 inches; and

(2) letterhead paper means paper that is 8.5 inches by 11 inches.

(e) For the purposes of this section, the term "year" means the period beginning on January 3 of a calendar year and ending on January 2 of the following year. Paper for any mass mailing the work order for which is submitted prior to the close of business of the Senate Service Department on January 2 of any year shall be charged to the allotment for such year ending on January 2 (or, in the case of Senators, to any remaining balance from the previous year) if the office for which the mass mailing is being prepared gives the Senate Service Department, by its close of business the following February 14, a final printing and mailing clearance. If final clearance for printing is not given by close of business on February 14, the work order for such work shall be canceled and, if the office still desires to have the work completed, a new work order shall be prepared and the paper charged to the year in which such work order is dated (or, in the case of Senators, to any remaining balance from the previous year). Costs incurred in processing a work order that is canceled because the final clearance for printing was not received prior to close of business February 14 shall be reported in the cost report for the quarter ending March 31.

SEC. 12. The Committee on Appropriations shall consider providing funds for paper for the Senate in an account under the general heading "Contingent Expenses of the Senate".

SEC. 13. The third unnumbered subparagraph of paragraph 1 of chapter 3 of the "Regulations Governing the Use of the Mailing Frank by Members and Officers of the United States Senate", issued by the Senate Select Committee on Ethics pursuant to section 3210(a)(6)(D) of title 39, United States Code, shall be amended to read as follows:

"A franked mailing made specifically and solely in response to, and mailed not more than 120 days after the date of receipt of, a written request, inquiry, or expression of opinion or concern from the person to whom it is addressed is not a mass mailing.".

SEC. 14. The mail costs for a mass mailing for which a Senate office gave the Senate Service Department, prior to October 1, 1989, a final printing and mailing clearance, shall be charged to the appropriation for official mail for fiscal year 1989.

SEC. 15. This resolution shall be effective only with respect to fiscal year 1990.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPEARANCE OF SENATE AS AMICUS CURIAE IN SUPPORT OF CONSTITUTIONALITY OF FLAG PROTECTION ACT

Mr. MITCHELL. Mr. President, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in defense of the constitutionality of the Flag Protection Act of 1989, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) to direct the Senate Legal Counsel to appear as amicus curiae in United States v. Shawn D. Eichman, and related cases.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, after careful study in both Houses of the constitutional issues involved, the Congress enacted the Flag Protection Act of 1989. In enacting the Flag Protection Act, the Congress sought to heed the requirements of the Supreme Court's decision in the case of Texas versus Johnson by crafting a statute that protected the flag regardless of the intention or lack of intention of any individual to convey a message through the burning or mutilation of a flag. The act became law on October 28, 1989, when the President neither signed nor vetoed the measure within the time provided to him by the Constitution.

The act is now in the process of being tested. On October 31, three persons were charged in the U.S. District Court for the District of Columbia with violating the Flag Protection Act in connection with the burning of several flags on the Capitol steps the preceding day. The act provides for expedited review of constitutional issues. The defendants are expected to initiate that process by filing motions which challenge the constitutionality of the act. The act provides for a direct appeal to the Supreme Court from any interlocutory or final judgment of a district court on the act's constitutionality.

The U.S. attorney for the District of Columbia has filed criminal informations against the defendants in these cases, and has the responsibility for prosecuting these cases in the district court. The Solicitor General will have the responsibility for these cases in the Supreme Court. We expect that the Department of Justice will help the President fulfill his constitutional obligation faithfully to execute the laws by being a firm advocate in the courts of the constitutionality of the Flag Protection Act.

Nevertheless, we must recognize that the Department of Justice questioned the constitutionality of a statute to protect the flag in the course of advocating before the Congress a constitutional amendment on the flag, an amendment which the Senate rejected. To help assure that the courts receive legal argument that conveys unequivocally the reasons why a statute to protect the physical integrity of the flag is consistent with the Constitution, this resolution will authorize the Senate to appear as amicus curiae in support of the act's constitutionality.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 213

Whereas, in United States v. Shawn D. Eichman, United States v. David Gerald Blalock, and United States v. Scott W. Tyler, Nos. CR-89-419, CR-89-420, and CR-89-421, pending in the United States District Court for the District of Columbia, the constitutionality of the Flag Protection Act of 1989, Public Law No. 101-131, amending 18 U.S.C. § 700, may be placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in United States v. Shawn D. Eichman, United States v. David Gerald Blalock, and United States v. Scott W. Tyler in support of the constitutionality of the Flag Protection Act of 1989.

SEC. 2. That during the adjournment of the Congress the Senate Legal Counsel is authorized to appear as amicus curiae in the name of the Senate in other cases in which the constitutionality of the Flag Protection Act of 1989 is placed in issue: *Provided*, That the Joint Leadership Group authorizes the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in such other cases.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OIL POLLUTION LIABILITY

Mr. MITCHELL. Mr. President, I ask unanimous consent to proceed to the immediate consideration of H.R. 1465, the oil pollution liability bill, just received from the House.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1465) to establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken; that the text of S. 686, as passed the Senate on August 4, be inserted in lieu thereof; that the bill be read for the third time, passed, and the motion to reconsider be laid upon the table; and I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1465), as amended, was passed.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, on September 26 of this year, the Senate reached a comprehensive agreement on how to consider legislation dealing with the control of drugs and with the issue of crime and criminal sanctions and procedures. The funding portion of that proposal was sent to the President as part of the Transportation appropriations bill; the several committees' legislative initiatives as well as certain of the legislative initiatives of the President's drug proposal, have been passed by both Houses and are now in conference. In addition, the House is considering the Senate's action on a bill containing several additional antidrug proposals.

The remaining portion of the agreement reached on September 26 provided that the majority leader, after consultation with the Republican leader, would determine a method for the consideration of a bill or a motion to proceed to such bill dealing with the death penalty, habeas corpus reforms, exclusionary rule, Justice Department reorganization, international money laundering, and the availability of firearms for purchase; and that this vehicle or motion to proceed to such vehicle shall occur no later than sine die adjournment.

Mr. President, I had been preparing to proceed to this legislation on Monday, Tuesday, and Wednesday of this coming week. Senator BIDEN has told me that he is prepared to manage the legislation and has a bill that incorporates the elements of the agreement ready to introduce. However, the Republican leader asked me at the end of last week if, given the time constraints that are facing us all at this point and the need to give concentrated attention to this topic, I would mind deferring action on this legislation until just prior to the February recess. Mr. President, I have no problem agreeing to the Republican leader's proposal; I have checked with Senator BIDEN, and he indicated that if the joint leadership wished to defer action until February, he would accede to the request. I would ask the Republican leader if I have stated the situation as he understands it as well?

Mr. DOLE. Mr. President, the majority leader is correct. I have discussed this with Senators on this side of the aisle and with officials in the administration, and they agree that it would be preferable to defer action on this important legislation until February. I believe that it needs more focused attention than time permits at

this point, because, as indicated by the majority leader, we are under rather severe time constraints.

Mr. MITCHELL. Mr. President, therefore, I now ask unanimous consent that the majority leader, after consultation with the Republican leader, may move to proceed to the consideration of legislation incorporating the six elements listed above at any time beginning Wednesday, February 7, regardless of the pendency of other legislation, and notwithstanding the provisions of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSERVATION OF NORTH AMERICAN WETLAND ECOSYSTEMS

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 804, the wetlands protection bill.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 804) entitled "An Act to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats," do pass with the following amendments:

(1) On page 24, strike out all after line 16 over to and including line 3 on page 25.

(2) On page 25, line 4, strike "SEC. 10.", and insert "SEC. 9.".

(3) On page 25A, line 1, strike "SEC. 11.", and insert "SEC. 10.".

(4) On page 26, line 13, strike "SEC. 12.", and insert "SEC. 11.".

(5) On page 26, line 21, strike "SEC. 13.", and insert "SEC. 12.".

(6) On page 28, line 1, strike "SEC. 14.", and insert "SEC. 13.".

(7) On page 28, line 7, strike "SEC. 15.", and insert "SEC. 14.".

(8) On page 29, line 1, strike "SEC. 16.", and insert "SEC. 15.".

(9) On page 29, line 10, strike "SEC. 17.", and insert "SEC. 16.".

(10) On page 30, line 1, strike "SEC. 18.", and insert "SEC. 17.".

(11) On page 31, line 1, strike "SEC. 19.", and insert "SEC. 18.".

(12) On page 30, line 6, strike "604) is", and insert "603), as amended is further".

(13) On page 30, line 8, after "area" insert "of".

(14) On page 31, after line 12, insert:

Section 401 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3931) is amended by deleting "and" at the end of paragraph (3) and inserting "and" at the end of paragraph (4).

Mr. MITCHELL. Mr. President, with Senate approval of this legislation today, we will send President Bush a major new public and private effort to conserve North American wetlands and the migratory birds and other fish and wildlife that depend on these habitats.

The conservation of wetlands and migratory birds is important to the people of Maine.

The State of Maine has lost approximately 100,000 acres of wetlands since European settlement began.

There have been fewer black ducks, a species prized by people in Maine and elsewhere in the Eastern United States and Canada, than at any time during the previous three decades.

Enactment of the North American Wetlands Conservation Act will help us reverse this steady downward trend in wetlands area and migratory bird numbers in Maine and elsewhere.

The legislation encourages partnerships among public agencies and private interests to protect wetlands, such as those in Merrymeeting Bay and Cobscook Bay, ME, for waterfowl and other fish and wildlife.

The wetlands of this continent are libraries of nature which contain volumes of priceless genetic information. They are North America's most biologically productive areas, and roughly a third of the continent's endangered species of animals are dependent on them.

And like the tropical forests of Central and South America, they have been subjected to much destruction.

From 1955 to 1975, 9 million acres of wetlands in the 48 contiguous States were drained, filled and cleared. Less than half of the original 200 million acres remain, and the destruction continues today at a rate of half a million acres per year—an area 12 times the size of the District of Columbia.

The destruction of wetlands in North America, where many migratory bird species breed, spells disaster for these species just as surely as the destruction of forests in Central and tropical South America, where they winter.

The average number of North America ducks in recent years has been lower than any comparable period on record.

Of the 30 species of migratory nongame birds that are currently of management concern to the U.S. Fish and Wildlife Service because of their uncertain status, nearly one-half are dependent upon coastal and freshwater wetlands.

The North American Wetlands Conservation Act will provide Federal funding to encourage these public and private partnerships for wetlands conservation projects in Canada and Mexico as well as in the United States.

On November 2 and again on November 17, Interior Secretary Lujan wrote the distinguished chairman of the Environment and Public Works Committee, Senator BURDICK, to emphasize that "the President has expressed a strong desire to sign this legislation this year."

I welcome the President's interest in signing this measure.

I hope that my colleagues will join me and the bill's 16 bipartisan cosponsors in agreeing to this legislation so that the President will have that opportunity.

Finally, I would like to address concerns that have been raised with respect to section 10 of this legislation.

As reported by the Environment and Public Works Committee, this provision of the bill required each Federal agency responsible for acquiring, managing or disposing of Federal lands and waters to cooperate with the Director of the U.S. Fish and Wildlife Service to restore, protect, and enhance the wetland ecosystems and other waterfowl and migratory bird habitats within its lands and waters. In the consideration of land disposal alternatives, the head of each Federal agency was required to give priority to the transfer of wetland real property interests for conservation purposes.

The provision required each Federal agency to cooperate with the U.S. Fish and Wildlife Service and to give priority to wetland property transfers for conservation purposes to the extent consistent with existing statutory authorities and with the mission of the agency as set forth in any Executive orders and other authorities.

Thus, the provision did not conflict with the Agricultural Credit Act of 1987 or any other statutory authorities of a Federal agency.

Moreover, the provision did not grant priority status to the U.S. Fish and Wildlife Service in the transfer of any wetland property interests disposed of by a Federal agency. The provision instead granted priority status to conservation purposes in an agency's decision on how to dispose of wetland property. These conservation purposes were to contribute to the furtherance of the goals of the act and the North American Waterfowl Management Plan. The act and the plan do not give priority status to the U.S. Fish and Wildlife Service, but instead envision a broad spectrum of Federal, State, local, and private efforts to conserve wetlands.

Nevertheless, in the interest of expediting consideration of the legislation, I decided to delete the requirement under section 10 that the head of each Federal agency give priority to wetland property transfers for conservation purposes.

The legislation under consideration by the Senate today retains the requirement under section 10 that each Federal agency responsible for acquiring, managing or disposing of Federal lands and waters cooperate with the Director of the U.S. Fish and Wildlife Service to restore, protect, and enhance the wetland ecosystems and other waterfowl and migratory bird habitats within its lands and waters.

This provision continues to bind each Federal agency to cooperate with the U.S. Fish and Wildlife Service to the extent consistent with existing statutory authorities and with the mission of the agency as set forth in any Executive orders and other authorities.

Mr. BURDICK. Mr. President, I am very disappointed that the other body has amended S. 804 to delete section 9 of the bill which ensured that no new Federal lands would be purchased under its provisions unless the Government provides 100 percent of the payments in lieu of taxes owed to counties with U.S. Fish and Wildlife Service lands.

Section 9 of the bill had prohibited the Secretary from acquiring lands and waters for inclusion in the National Wildlife Refuge System with the funds under the act unless full funding was provided under the Refuge Revenue Sharing Act for payments in lieu of taxes to counties with U.S. Fish and Wildlife Service lands.

Under the Refuge Revenue Sharing Act, the U.S. Fish and Wildlife Service makes payments to counties in which Service lands are located, based on their fair market value, in order to compensate these local jurisdictions for the loss of tax revenues that results from Federal acquisition of private lands.

Unfortunately, since 1980 the President has not requested and Congress has not appropriated sufficient funds to provide 100 percent of the entitlement under the act. The decline in the percent of entitlement paid to counties over the past decade has been dramatic because, while revenues and appropriations have remained fairly constant, the value and amount of Service lands have increased substantially.

The large and growing shortfall in the National Wildlife Refuge Fund is an increasingly serious problem. Some counties in which refuges are located are losing a substantial amount of revenue for support of schools and other services. This lost revenue has an especially negative impact in States where the amount and value of refuge lands are significant.

In addition, the deficit also harms the National Wildlife Refuge System as a whole by causing some States and counties to oppose having lands withdrawn from their tax rolls for conservation purposes. In the eyes of local governments, the Federal Government has broken the promise it made to counties in which refuge lands are located.

Consequently, as a member of the Appropriations Committee I offered an amendment earlier this year to increase the amount paid to counties with National Wildlife Refuge lands. That amendment was supported by the distinguished Chairman of the Appropriations Committee, Senator BYRD, and other members of the committee. As a result, there will be sufficient funding to provide between 75 and 80 percent of the full entitlement to counties for this fiscal year, rather than the 60 percent of entitlement under the President's budget.

Section 9 of S. 804 was important to ensure that the legislation did not aggravate the in lieu of tax payment shortfall. The provision also was intended to call attention to and increase pressure to secure full refuge revenue sharing payments so that our promise to counties is fulfilled and our National Wildlife Refuge System is protected and enhanced.

I believe that these purposes have been largely fulfilled.

Shortly, after the House action, Assistant Secretary of the Interior for Fish, Wildlife, Parks, Constance Harriman, wrote me to pledge that she "will do all that I can to ensure the administration submits a budget request which includes full funding for the program."

I ask unanimous consent that the letter dated November 17, 1989, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, November 17, 1989.

Senator QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I want to let you know that I share your concerns over the impacts of the shortfall in the Fish and Wildlife Service's Refuge Revenue Sharing program.

Although I unfortunately do not have the final decision-making authority, I want to assure you that I will do all that I can to ensure the Administration submits a budget request which includes full funding for the program.

In addition, it is my understanding that the Committee plans to hold hearings on the issue next year. We will work closely with you to examine all possible alternatives for additional sources of funds for Refuge Revenue Sharing.

I look forward to a cooperative effort to resolve this problem.

Sincerely,

CONSTANCE B. HARRIMAN.

Mr. BURDICK. Mr. President, with the personal assurances of Ms. Harriman and the continued support of the distinguished chairman of the Appropriations Committee, Senator BYRD, and other members of that committee, I am optimistic that the goal of section 9 of S. 804 to secure full refuge revenue sharing funding will be achieved next year.

With that in my mind and knowing of the importance of this legislation to its author, the majority leader, I am willing to support passage of the bill without the refuge revenue sharing provision.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, I wish to continue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognzied as in morning business for a period of 5 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that I may be allowed to continue for not to exceed 15 minutes, as in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized as in morning business for 15 minutes.

EL SALVADOR AND THE PRESIDENT'S VETO

Mr. LEAHY. Mr. President, I understand that within the next hour or two, we will probably receive word the President has vetoed the foreign operations bill. That is the one we approved in the early hours of yesterday.

I mention this, Mr. President, because both Republicans and Democrats alike worked hundreds of hours in a bipartisan effort to get this foreign operations bill through.

So, we might ask, why would the President veto a bill that has the strong support of both Republicans and Democrats?

It seems, Mr. President, the President of the United States and his senior advisers, including former Governor John Sununu of New Hampshire, his Chief of Staff, and Jim Baker, the Secretary of State, have said the President will veto it because it contains a U.S. contribution to the United Nations Population Fund.

This is a bill that contains $14 billion for our foreign aid programs around the world, but because it has $15 million for the U.N. Population Fund he is going to veto it.

Many people may wonder why. I will tell.

The U.N. Population Fund supports family planning programs in over 130 countries, including China. That, apparently, has outraged right-to-life committees, and they have told the President that he cannot sign this bill.

That is so despite the fact that this bill aboslutely prohibits any of the U.S. contribution from going to sup-

port any family planning activities in China.

Once again, a single-issue group saw that, ignored everything else in here that supports American foreign policy, and told the President: Do not sign it. So he is going to veto it.

The President is going to veto a bill which has over half a billion dollars in assistance for Poland and Hungary and over $350 million for the international drug war because of single issue politics.

When it comes to anything touching on abortion, the White House takes its orders from the prolife activists, even though the U.N. Population Fund does not support abortion.

To protect his political base, the President is willing to veto assistance to Poland and Hungary and money for the drug war to placate the anti-choice lobby and its supporters in Congress.

But, of course, it will not be portrayed that way. Let me tell other Senators how the public relations people at the White House are going to do it.

The President, I am sure with great fanfare, knowing Lech Walesa has been on television all week long, will sign the authorization bill that Congress approved Saturday morning for aid to Poland and Hungary.

That authorization bill does not contain 1 dime for Poland. The bill that has the money for Poland is the one he is going to veto. I mention that, Mr. President, because I want the press and the American people to understand what is happening.

With great fanfare, the President will sign a bill which authorizes aid to Poland but does not have 1 cent for Poland, and then will veto the other bill which actually does have the money.

I hope when he does that and invites everybody in, somebody will ask him, "How much money is in here for Poland?" Not even enough money to pay for the paper the bill is printed on. That is how much actual money is in there for Poland. The money is in the foreign operations bill.

I hope somebody will ask him, "Does that not include the money for the drug war? Does that not include the money for Poland? Does that not include the money for Hungary?"

"Are you claiming you signed a bill for drug money? Are you claiming you are signing a bill for Poland and Hungary? But you are vetoing it here."

I hope somebody will ask him, "the bill that does get signed, is that an empty gesture and are they really stopping the cash at the bank?" Because when he vetoes this bill, make no mistake about it, he is vetoing the money for everything from food for sub-Saharan Africa to Poland, everything from the drug war to money for refugees, everything from population control to our contribution to UNICEF.

I hope neither the House nor the Senate will stand for this charade. I hope neither the House nor the Senate will give the President the equivalent of a line-item veto by just voting to send back to him the foreign operations bill without the family planning provision included by Senator MIKULSKI and others.

I know everyone wants to finish this session and go home. I would rather be in Vermont than here. But we do have a responsibility. One thing in my mind that appeals to me about this veto is that it does bring the bill back here. Maybe we ought to look at this bill and see if everything involving foreign aid is in there that should be. And maybe we should ask if there are things in there that should not be.

Since this bill was completed about a week ago and the time the President vetoes it, today, a lot has happended very close to the United States, in Central America, in El Salvador. There is a lot of money in that bill for El Salvador.

Maybe we ought to see this as a blessing, even though it means that we may have to delay the time we go home for Thanksgiving. Maybe we ought to look at this bill and ask if it is wise to put all this money, all the money for military aid to El Salvador, in it.

Maybe the House and the Senate should show the courage of the speeches so many Members have been making in the last few days about El Salvador, and actually debate—not just talk, but debate—the issue on the foreign aid bill.

This is our only opportunity. Every House Member, every Senator, during the next few weeks when they are home on recess, if they go to any public gathering, I guarantee they will have to answer questions about El Salvador.

Wonderful speeches will be made and great statements of indignation will be made. But here is where talk can turn into action.

Earlier this fall, I tried to put some human rights conditions on our military aid to El Salvador. Any Senator who looks at this with an honest and open mind knows the Salvadoran military is still not under the control of the civilian government. Any Senator who looks at this with an open and honest mind knows that death squads still operate, with impunity in El Salvador.

Along with 31 other Senators, this Senator voted to put human rights conditions on our military aid to El Salvador.

Mr. President, only 32 U.S. Senators were right before. Let us hope that at least 19 others will now join us and make sure that human rights conditions are put on our military aid.

When we send $1.5 million of American money every single day of the week to El Salvador, let us at least say, "For God's sake, act like human beings down there in El Salvador, if you are going to be using it."

If we do not, we are saying the United States does not care; the United States is willing to send blood money.

I do not believe that is the will of the American people. We are a good and just Nation and we besmirch ourselves if we are willing to turn a blind eye to what is happening in our own hemisphere.

The savage murder of the six Jesuit priests and two women by death squads armed with American weapons compels us to ask ourselves whether the United States can go on sending massive amounts of military aid to El Salvador with absolutely no human rights conditions.

This barbaric murder was carried out in an area under the control of the Salvadoran Armed Forces, by a large group of heavily armed men.

Does any Senator question the inference to be drawn? A large group of heavily armed men were able to walk into an area controlled by the Salvadoran Army, and carry out one of the most barbaric murders any one of us has seen? Can any Senator escape the obvious inference of whose protection the killers were under when they did that?

There is no way they could have entered that upper middle class neighborhood, broken into the Jesuits' residence, murdered and mutilated eight people, and made their way out of the area without the military or the police having some knowledge of what was going on.

And what is the response in El Salvador? The Attorney General of El Salvador, charged with upholding the law, charged with bringing these people to justice, writes to the Pope and says:

> Why do you not get these militant priests and nuns out of El Salvador? They are talking about human rights. They are talking about the sanctity of life. They are talking about people obeying the law. What troublemakers. Get them out of here before more get killed.

Mr. President, we have sent billions of dollars down to El Salvador so the Attorney General of that country can stand up and say he will protect people who speak in favor of human rights; so that he will stand up and prosecute people who murder those who stand up for human rights, whether they are Catholic priests and nuns or whether they are lay people.

So, Mr. President, after all the work that we have put into the foreign operations bill, one part of me is disappointed that the President is letting a political lobby get him to veto it. But another part of me says, with what

has happened in the last few days, let it come back here.

If we have to cancel our recess, if we have to stay here through Thanksgiving and next week and the week after, then let the House of Representatives show responsibility, and let the U.S. Senate show responsibility, and let us show what kind of a people the American people are.

When we send our aid, our help, our hard-earned money to another country, we do not close our eyes to what happens with it. We do not send blood money from the United States. We will send aid. We will send help, but we send with it the commitment to human rights of the American people. And if we are unwilling to do that, Mr. President, how can the U.S. Senate say it is the conscience of this country? And if we are unwilling to put those kinds of human rights conditions on our aid, why in Heaven's name should we send aid at all?

Mr. President, there will be a debate. I do not know where the votes lie, but for me, I have had it up to here with what is going on in El Salvador. I think, Mr. President, if we do not want to perpetuate a lie in our foreign aid, then let us for once say, no human rights, no aid from the United States, because the bedrock of our country is a belief in the fundamental rights of people and in human dignity. That does not stop when you step across our borders.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I be allowed to proceed for not more than 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized as in morning business for a period of 10 minutes.

The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1927 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NUCLEAR SAFETY AND WASTE MANAGEMENT

Mr. EXON. Mr. President, as chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I wish to remind the Senate that that subcommittee has jurisdiction over all of our strategic programs. We also have oversight responsibility for the Energy Department's nuclear weapons complex as well.

The problems facing this complex in areas of safety, modernization, production, protection of the environment, and the management of nuclear wastes are of great importance to all of us. All deserve our immediate attention and focus. The same is also true for the management of nuclear wastes originating from commercial reactors and independent industries.

These problems, however, are not unique to the United States. In fact, the other superpower of the world, the Soviet Union, faces at least—and I emphasize at least—as great a challenge, if not more so, in these areas than do we. We know that the Soviet safety and nuclear waste management practices have not and do not come close to ours—and we fall far short of what should be accomplished for the long term.

The Secretary of Energy and my good friend, Adm. Jim Watkins, took the initiative of exploring with the Soviets the possibility of joint United States-Soviet efforts in the areas of nuclear safety and nuclear waste management. He did so during the September meeting of the International Atomic Energy Agency, and the Soviet response was generally favorable. Efforts are going forward to build upon these exploratory discussions, and I strongly applaud them. I believe that all of my colleagues in the Senate do likewise.

In fact, these efforts could be reinforced, Mr. President, and they could be expedited if the subject of nuclear safety and waste management were to be addressed by the President and General Secretary Gorbachev during their meeting at sea in the Mediterranean in early December in preparation supposedly for the summit.

I have expressed these thoughts in a letter to the President, and I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EXON. Discussing these important and timely issues fits in nicely with the President's desire to address a wide range of issues at the December meeting. I applaud the President's initiative in arranging this meeting, and I sincerely hope that at this meeting he will further explore, develop, and suggest cooperative United States-Soviet efforts on nuclear safety and waste management. If that could be accomplished, the whole world would applaud, and it would be a significant step in the right direction.

Therefore, what I am suggesting, Mr. President, is that the horrible problem of waste management and safe storage should be addressed at all levels of government, including the highest echelons of Government, in this case the President, with the General Secretary.

Mr. President, I thank the Chair. I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, November 17, 1989.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I applaud your initiative in arranging a meeting with General Secretary Gorbachev at sea in the Mediterranean on December 2nd and 3rd. Your intent to pursue a wide range of issues at this meeting seems prudent and timely to me.

As part of these talks, I recommend that you discuss with Secretary Gorbachev the possibility of accelerating our two nations' mutual exploratory efforts in the areas of nuclear waste management and safety. If both nations can agree on measures to limit and reduce nuclear weapons, I do not see why we cannot cooperate on the issues of nuclear safety and cleanup which plague both nations.

Last September, at a meeting of the International Atomic Energy Agency in Vienna, Secretary of Energy Jim Watkins raised these issues with Mr. Protsenko of the Soviet Delegation. The Soviet response was indeed encouraging and Admiral Watkins is pursuing this avenue with Soviet officials. The Admiral's initiative is commendable and deserving of further development.

Mr. President, as the Chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I have taken the lead in the Congress in responding to the crisis situation we are experiencing with our nuclear weapons complex. The problems with this complex are of crisis proportions. Many nations, including our own, are also facing a similar challenge in the commerical nuclear waste field. The situation is bad, getting worse, and of immediate concern to people everywhere.

Your meeting with General Secretary Gorbachev offers an excellent setting to pursue this matter. The nature of the problem facing both superpowers is such that there is every incentive for the United States and the Soviet Union to move ahead aggressively and jointly on this issue. It would be most fitting if the first two nuclear powers in history could combine their efforts to make their nuclear facilities safer and to ensure the restoration and protection of the environment.

I hope that you will build upon earlier U.S.-Soviet discussions of these matters and further explore them during your December meeting with Mr. Gorbachev.

With warm regards and best wishes for your upcoming meeting.

Sincerely,

J. JAMES EXON,
U.S. Senator.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

CATASTROPHIC HEALTH COVERAGE

Mr. CHAFEE. Mr. President, 1 year ago, when we adopted the new catastrophic coverage plan, it was fairly universally regarded in Congress and among groups representing seniors as a good thing. Since then—as complaints about the program have been voiced with steadily increasing frequency, urgency, and volume—we have let the reasons we ever created the program recede in our collective memory. We have talked ourselves into believing that the need we were responding to does not really exist after all. We have talked ourselves into believing that it was just a mirage; that we were wrong; that the elderly are very nicely set for catastrophic coverage; and not vulnerable at all to catastrophic costs.

The consensus at the time was that we should offer catastrophic benefits under Medicare, expanding Medicare to cover needs that had been met privately or not at all, and essentially putting a catastrophic safety net under all retirees. This was felt to be important for a number of reasons—reasons which we now seem to have forgotten in the rush to put out a political fire.

Previously, seniors had had to make their own, private arrangements for catastrophic coverage. For a fortunate minority, this took the form of a retiree health plan from their former employer. Others purchased such coverage, known commonly as Medigap coverage, in the private market—sometimes falling prey to unscrupulous sales tactics that caused them to spend hundreds of dollars more than necessary for coverage of dubious value. A third group—mostly consisting of the poor—had no Medigap coverage at all and no means of getting it.

Our expectation was that—in the wake of our catastrophic health insurance—retiree health plans and Medigap policies would be adjusted, and that likewise Medigap prices would be adjusted, and thus all seniors would be assured of solid protection at a reasonable price.

Now comes a jolt of a reminder of what we were thinking about then a should still be thinking about as we contemplate repeal of catastrophic. As was reported on October 26 of this year by the New York Times, private Medigap insurers are planning increases of as much as 43 percent in premiums to compensate for anticipated rollbacks in Medicare catastrophic benefits. These increases would be over and above the increases due to yearly medical inflation, which—according to Blue Cross—would run from 5 to 33 percent, depending on region. This means, for example, that in the Northeast, seniors could face total premium increases of as much as 76 percent if catastrophic is repealed.

During the last 9 months, as we have wrangled over catastrophic, we have heard a great deal about how many seniors have Medigap policies, and how happy they are with the premiums and benefits. A picture has been painted that 85 percent of the population is very adequately insured against catastrophic expenses by Medigap, and feels no vulnerability whatever on the score of catastrophic expenses.

Where they are vulnerable—and this fact has been overlooked—is on the cost of Medigap premiums, and these planned increases give us an idea of what is in store for the elderly if we repeal the catastrophic program.

The fact that Medigap premiums are expected to jump so dramatically if catastrophic is repealed or rolled back is worth keeping in mind. It indicates, first of all, how valuable the catastrophic benefits—which have often been belittled—really are. It also shows how exposed a large portion of the elderly would be if we abandoned the catastrophic program. Seniors will pay much more for the much-vaunted Medigap policies, and many may need to pare back their coverage. For those that never were able to afford Medigap, it will be even further out of reach. We will go right back to where we were 2 years ago, with too large a proportion of seniors either uninsured against catastrophic illness or underinsured and paying too much for it.

Mr. President, what these premium increases show is that the need we perceived 2 years ago was not a mirage. Until we address it, we will continue to see it in manifestations that are increasingly troubling. A repeal of catastrophic will not repeal the need it was meant to address.

That is why I vigorously oppose the suggestion of repealing our catastrophic coverage program.

Mr. President, I ask unanimous consent that this article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 26, 1989]

MANY ELDERLY SEEN FACING AN INCREASE IN INSURANCE COSTS

(By Martin Tolchin)

WASHINGTON, October 25.—Insurance experts and members of Congress say millions of older Americans will face higher health insurance costs if Congress repeals or cuts back the Medicare program that pays for the catastrophically high costs of a major illness.

The higher expected costs would come in the form of higher premiums on policies offered by many private insurers to cover the difference between the total cost of an illness and what the Government pays under Medicare.

The planned Medigap increases were not unexpected by the health insurance experts. Private insurers had said earlier this year that they were holding down increases because many benefits had been picked up by the Federal program. The proposed increases are subject to approval by individual state insurance regulators.

INCREASES UP TO 43 PERCENT

Industry officials and members of Congress said in interviews over the past two days that private insurers have proposed or plan to propose increases in premiums ranging from 10 percent to 43 percent to compensate for an anticipated increase in coverage if Congress, as expected, repeals or sharply curtails the program to pay for major illness.

The officials said they could not precisely estimate the number of older Americans who would face higher payments, but they noted that 25 million of the 33 million Medicare recipients carry the additional insurance.

Congress passed the Medicare Catastrophic Coverage Act in June 1988 to help older Americans avoid financial ruin from the cost of a major illness after President Ronald Reagan proposed the plan. But Congressional curtailment is near because of strong protests from elderly taxpayers opposed to the income tax surcharge that helps finances the program.

SULLIVAN OPPOSES REPEAL

President Bush has not taken a position on the issue. But Dr. Louis W. Sullivan, Secretary of Health and Human Services, is opposed to repeal of the program.

Some of the companies are waiting final Congressional action before proposing the amount of their increases. The legislation is now before a Senate-House conference committee. The House voted to repeal the program that places a ceiling on elderly patients' payments for hospital and doctor bills and would pay much of the cost of prescription drugs. The Senate voted to retain only the hospital benefits.

Under the program, an elderly American who earns more than $15,000 annually pays the minimum surtax, which is $22.50 for every $150 of income taxes paid, while an elderly citizen with an income of more than $35,000 pays the maximum of $800. The program is also financed by a $4 monthly premium deducted from the Social Security checks of all Medicare beneficiaries.

Many of those who pay the surtax said they resented paying to finance a program that duplicates the private coverage they have as retirement benefits.

Congressional authorities estimate that about 20 million elderly taxpayers with incomes below $15,000 would receive the benefits under the program without paying the surtax. This group is among those who now face the prospect of going without Medigap policies or having to pay for benefits they would have received under the Government program at little cost.

Insurance industry officials said that repeal or curtailment of the program is unlikely to affect the very poor, whose health benefits are covered by Medicaid.

"The people who are mostly going to be hurt by this are the 20 million who wouldn't have paid any surtax," said Representative Pete Stark, Democrat of California, the chairman of the Health Subcommittee of the Ways and Means Committee and a cosponsor of the program. Mr. Stark said he did not believe the prospect of premium increases would cause Congress to preserve the program, because those who would be hurt most were the least influential politically.

Premiums for Medigap policies range from about $200 to about $1,300 a year. The Blue Cross/Blue Shield Association estimates that repeal or cutback of the Medicare program to pay for major illness will increase monthly premiums in its policies by an average of 43 percent, or $21, in the North; 26 percent, or $14.22, in the West; 26 percent, or $12.38, in the East; 21 percent, or $11.40, in the South, and 15 percent, or $8, in the Midwest.

These increases would be in addition to increases that Blue Cross says would be to cover the cost of inflation in health care of 33 percent in the North; 14 percent in the West; 5 percent in the East and 10 percent in both the South and Midwest.

RAISES REPORTED LESS

Mr. Stark said, "These companies all told us this year that they raised their premiums less than they would have otherwise because the government's catastrophic coverage plan had taken over some of the exposure that their plans had covered."

The proposed rate increases for private insurance have stirred renewed controversy on Capitol Hill about the lobbying campaign waged by those who sought to repeal the surtax and ended up nearly destroying the program, which was passed with bipartisan support. The program pays for hospital costs above $560. Beginning Jan. 1 it would pay doctor bills of more than $1,370 and beginning in 1991 it would pay for half the cost of prescription drugs of more than $600.

The Health Insurance Association of America, which represents the health industry, estimates that supplemental insurance is held by more than 25 million people, or 78 percent of the 33 million Medicare beneficiaries, of whom 30 million are 65 and over and 3 million are disabled.

A vast majority of those with such insurance pay for its themselves. Three out of 10 older Americans receive some Medigap insurance as a retirement benefit, but many of them purchase additional Medigap insurance from private companies, according to the Employee Benefit Research Institute.

Albert A. Cardone, chairman and chief executive officer of Empire Blue Cross and Blue Shield, which covers New York City and suburbs, said, "If the Federal government covers less and we have to cover more, it would make sense to have a premium increase." He said that his organization would await final Congressional action on the program before applying for a rate increase.

In Massachusetts, Blue Cross/Blue Shield has applied for a 76 percent increase in the Medigap premiums, of which 43 percent is attributable to the repeal or drastic curtailment of the government program, said Alan P. Spielman, executive director of government relations of the Blue Cross/Blue Shield Association, which represents the Blue Cross/Blue Shield groups.

Mr. Spielman said that in Cincinnati, Blue Cross/Blue Shield had applied for an increase of 22 percent, instead of 1 percent that otherwise would have been sought, while in California Blue Cross/Blue Shield applied for an increase of 26 percent above the cost of inflation.

Mr. CHAFEE. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 3607

MEDICARE CATASTROPHIC COVERAGE REPEAL

Mr. MITCHELL. Mr. President, in a moment I am going to ask for unanimous consent that the conference report on H.R. 3607, the catastrophic health care legislation, be rejected by the Senate when that report is received by the Senate, which we expect to be shortly this evening.

Prior to presenting the request, I would like to describe for the information of Senators the status of that matter and the purpose of this request.

The two bodies have enacted legislation on this matter which are not identical. By an overwhelming vote, the House passed legislation to repeal the program. By unanimous vote, the Senate passed legislation to substantially modify the legislation.

The conferees have been unable to agree on a compromise between those two positions, despite days of effort.

The conference report in effect accepts the House position on repeal. It will be approved by the House, and it is the purpose of this unanimous-consent request to have that rejected by the Senate for the purpose of enabling this matter to be returned to conference, in the hopes that a final good-faith effort on both sides can be made to achieve a compromise which will be acceptable to both bodies.

There are many Senators who favor repeal, among them the distinguished Senator from Florida [Mr. GRAHAM]; both distinguished Senators from Nevada [Mr. REID and Mr. BRYAN], and others.

I wish to make clear to them and to all Senators that approval of this request does not in any way compromise their position.

This is merely a vehicle to return the matter to conference. There will again be further action on this matter prior to sine die adjournment. I have said many times that both the Senate and the House having acted to either substantially modify or to repeal the current law, the Congress should enact legislation which reflects the will of the overwhelming majority of those bodies.

As I noted earlier in these comments, so such agreement has yet been possible. I hope that such an agreement will be possible before adjournment, because the alternative to agreement is a continuation of current law, which has been rejected by an overwhelming majority in both bodies.

So that we may proceed to get this matter back into conference as promptly as possible and so as to reduce the already great inconvenience to Senators as we attempt to complete action prior to Thanksgiving, this request will deem the conference report defeated, provide that the Senate will insist on its amendment, which will be the legislation that the Senate previously adopted by a 99-to-0 vote modifying but not repealing the current law, and further request that the Chair be authorized to appoint conferees.

I have gone to such lengths to make this clear because I know that there are Senators who have conflicting views on this subject on both sides of the issue, and I want to emphasize that this is not the final action with respect to this matter. This does not compromise any Senator's position on the issue. It merely returns the matter to conference and enables us to, hopefully, produce a solution that would be other than current law prior to sine die adjournment.

Mr. President, I might add, before propounding the request, that I have consulted with the distinguished Republican leader on this matter prior to the drafting and presentation of this request.

Accordingly, Mr. President, I ask unanimous consent that, when the Senate receives a conference report on H.R. 3607, the catastrophic health care legislation, the conference report be deemed defeated, that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

Mr. MITCHELL. Certainly.

Mr. GRAHAM. Am I correct that there has been a conference committee report issued on this matter, which the House is preparing to consider?

Mr. MITCHELL. Yes.

Mr. GRAHAM. And that conference committee has the approval of the conferees from both the House and the Senate?

Mr. MITCHELL. A majority of the conferees, yes.

Mr. GRAHAM. If the House passes the conference report and it then comes to the Senate, if the Senate were to also agree to the conference

report, would that not be disposition of the matter?

Mr. MITCHELL. That would be.

Mr. GRAHAM. And would the conference report, coming through that form, be subject to amendment?

Mr. MITCHELL. It would not be.

Mr. GRAHAM. I assume that a conference report that was the result of the procedure that the Senator has suggested would similarly not be subject to amendment.

Mr. MITCHELL. That is correct.

Mr. GRAHAM. If the conference report, which has been agreed to by a majority of the conferees in the House and the Senate and assumedly is going to be agreed to by the House, will then come to the Senate, why should not the Senate at that point have an opportunity to debate whether we wish to concur in a conference report that a majority of our conferees agreed to?

Mr. MITCHELL. The majority of our conferees did so with the expectation and understanding that the conference report would be rejected so that the matter could be returned to conference. Had they not done so and reported in disagreement, that measure would have been subject to amendment. And as we are very late in the session, with a number of Senators having specific legislation in which they are vitally interested and looking for a legislative vehicle to which they might attach legislation, an amendable report on an important matter like this, we were concerned, would attract a very large number of amendments. So this is a mechanism by which the matter can be returned to conference without having an amendable vehicle presented to the Senate. The conferees understood that. I was one of the conferees. I signed the conference report in the expectation that we would proceed in this manner.

The situation the Senator describes may yet occur. If the conferees cannot reach a compromise, the conferees may then determine that one or the other alternative—either the Senate conferees persuading the House to accept the Senate position, which is the modifying legislation; or the House conferees persuading the Senate conferees to accept the House position, which is repeal of the legislation—may yet prevail, and we may be faced with that choice probably on tomorrow night, which we hope will be the last night of the session.

But for now, the purpose of this is to permit a resumption of the conference on this matter in an effort to reach final agreement.

Mr. GRAHAM. I am prepared on this issue to defer to the leadership. I would suggest, however, that no one needs to feel that that 99-to-0 vote that the Senate cast was a reflection of our unanimity of opinion, because, in fact, there has been approximately a third of the Senate prepared to vote for total repeal, and I suggest that that number is probably higher today.

That brings me to the second question. Part of the unanimous-consent request was a statement that the Senate is insisting upon its position. What is the rationale of unanimous consent to insist on a position when at least a third of the Senate clearly does not agree with the Senate's position?

Mr. MITCHELL. That is language that traditionally is used as a mechanism for placing the bill in conference.

Mr. GRAHAM. That is not a necessary part of the procedure to accomplish the leader's objective, is it?

Mr. MITCHELL. Yes, it is.

Mr. GRAHAM. That we urge our conferees to maintain their position in conference?

Mr. MITCHELL. This does not direct or bind conferees. It moves the matter to conference. And, of course, conferees traditionally are there for the purpose of representing the position of their bodies.

Mr. GRAHAM. The inference that is going to be given, if there was unanimous consent that the Senate direct its conferees, is that they are to vigilantly advocate, support, advance the position of the Senate. And, at least insofar as this Senator is concerned and approximately a third of my colleagues, that is not an appropriate statement. If that is just verbiage that has to be included and has no meaning, significance, impact, or will cause our conferees to be less willing to accept what I think is the logic of the the position the House has taken, I will defer.

Mr. MITCHELL. If I may just respond, every conference begins with the conferees being instructed to represent the position of their bodies. If those were construed to be permanently binding instructions, there could never be a resolution of a conference.

Necessarily, compromises come about.

Mr. GRAHAM. I understand that. But also, from time to time, there are efforts made to give greater emphasis to the position of the Chamber by passing more than just boilerplate instructions to the conferees and to underscore the commitment to the position of a particular Chamber.

I want to be assured that this is in the nature of formality and not spirit and soul.

Mr. MITCHELL. I can only say to the Senator that I am a conferee. And I hope we can reach a compromise on this matter. If we are unable to reach a compromise, then the only choices available to the Congress are to accept the Senate position, which modifies the legislation; to accept the House position, which repeals the legislation; or, if neither of those positions can be accepted by the other body, then no action will occur which will result in current law remaining in force.

Mr. GRAHAM. Mr. Leader, I respect your efforts to move us forward. I am prepared to support that with the reservations I have expressed.

I will say this, out of all of those courses, including the issue of an adjournment of this session of Congress, the one that is totally unacceptable is for us to adjourn without having dealt with this issue and faced the prospect of January 1 arriving and significant portions of this program moving into effect, which I think will compound the already serious problems that we have with this legislation, in its inchoate form we have today.

Mr. MITCHELL. I share that view and expressed it on many occasions. Of course the problem is neither side has yet displayed any willingness to concede to the other side.

The purpose of this is to permit us to make one last effort in good faith amd hopefully it will produce an agreement that will be acceptable to a majority in both Houses.

Mr. GRAHAM. Mr. Leader, I personally would like us to have a chance to vote on the matter of the House position. I think that would just establish what the Senate center of gravity is in this matter and what weight that center of gravity would have. I certainly do not want this unanimous consent to indicate that it is, in fact, anywhere near an expression of unanimity. I personally question if it is an expression of even a majority, of what the Senate would prefer.

Mr. MITCHELL. I thank the Senator. I understand his concern and that is why, in my introductory remarks I specifically included the Senator and many others, who wish to make clear that they favor repeal.

It may be they will yet have the opportunity to vote on that position, if the conferees reach no other conclusion.

Mr. EXON. Mr. President, reserving the right to object.

I am sorry, I apologize to the leader. I came in shortly after we started the request for an unanimous-consent request. Will the leader please restate it. What is the request?

If I understand the situation, we passed our bill and I voted for the McCain amendment. We appointed conferees. The House-appointed conferees.

I read about it in the paper, which indicated that the conference had agreed—after lots of discussion—to go along with the House position on total repeal, and I assume that the leader, as one of the conferees, agreed in the conference with the House that that should be the offer that we would take back to the House and the Senate for their confirmation.

Is that correct?

Mr. MITCHELL. The conference report accepted the position of the

House, with the expectation and understanding that the House would approve the conference report and the Senate would reject it and request another conference, for the purpose of making a final effort to try to reach agreement.

That was done because a conference report in disagreement, had it come back to the Senate, would have been an amendable measure. Given the lateness of the session, given the large number of Senators who have particular legislative items that they have not been able to gain enactment of, given the importance of this legislation and the expression that something will occur with respect to this legislation, an amendable vehicle involving catastrophic would almost certainly have drawn a large number of amendments and certainly would result in this session extending well beyond the Thanksgiving deadline for sine die adjournment.

The purpose of this is to permit us to attempt, in a conference, one last effort to see if we can reach agreement on a compromise that can be acceptable to both bodies. The alternative to that being current law taking effect next year, which both bodies have strongly expressed their opposition to.

Mr. EXON. I would say, if I can understand the position of the majority leader, what he is really doing, in his unanimous-consent request is to say we simply direct our conferees to go back once again and try to work out a compromise with the House without any action, any further action on a rollcall vote in the Senate and without any further amendments?

Mr. MITCHELL. That is correct. Let me just add this is an effort, also, to accommodate the many Senators who have been greatly inconvenienced today, for which I already have apologized, so they do not have to remain here for a rollcall vote on this matter this evening but rather we try again to move it in a way that gets the conference going, hopefully tonight or first thing in the morning, and a good faith effort is made to reaching agreement and we will be back with this matter, probably sometime tomorrow evening.

Mr. EXON. Reserving the right to object further, and I am not sure I will, but I want to be sure where we are coming from on this.

It seems to me the leader is probably placed in a most difficult position in that this is one of the controversial issues. I say it is one of the many that he is trying to resolve, and I compliment him for the great job he has been doing and his patience in this particular area. He has not said so, but I take it as at least an implied matter here, after reading the letter of November 18 that appeared on my desk from Senator McCain, that unless this matter is resolved to his liking, we could be here for an extended period of time.

Is that one of the concerns of the leader?

Mr. MITCHELL. I will not presume to speak for anyone else. It is my desire that we act on catastrophic health care legislation, prior to sine die adjournment. And that we complete action on that and other remaining important measures in time to permit us to adjourn sine die, prior to Thanksgiving.

Mr. EXON. I will address the question to Senator McCain in just a moment, continuing to reserve my right to object.

I would say, certainly the worst of all worlds would be not to repeal that section of the Catastrophic Act that most of us, in both bodies, feel should be repealed. The worst of all worlds, in the opinion of this Senator, would be, come January 1, that not be repealed. I want to work toward that end.

I simply say I do not think all would be lost, and I make this suggestion: All would not be lost, if we should eventually come back and agree to the House position, which would be total repeal. We could possibly revisit this when we come back in January and after, perhaps, we receive the report of the Pepper Commission that will have some effect on the overall matter of the catastrophic bill.

I take it, it is the feeling of the leader—with whom I try to go along whenever I can—that it would not be wise to accept the conference report. If the leader had his will, if that was agreed to by the conferees appointed by the Senate and by the conferees appointed by the House, we should not agree to that, in his opinion. For what reason?

Mr. MITCHELL. At this moment I would prefer that one final, good-faith effort be made by the conferees to see if an agreement can be reached that would be acceptable to a majority in both Houses.

I am not persuaded that there is yet, and there may never be, but I am not persuaded there is a majority of the Senate ready to vote for repeal. Therefore, I think given the importance of this program, and the effect on so many people's lives, given the unmistakable sentiments in both bodies of displeasure with the current law that we all have an obligation to make the best effort we can, see if an agreement can be reached and, if not, then we may return to that position tomorrow evening.

Mr. EXON. Further reserving my right to object, and I will ask my friend and colleague from Arizona maybe to clarify his position, let me phrase the question this way.

The Senator from Arizona knows I supported his amendment, and I wish that that could have prevailed. I just hope that we will not tie up the U.S. Senate. I am prepared to stay here today as long as we need to. I ask my friend from Arizona, and I assume my colleague from Arizona agrees that he concurs with unanimous-consent request as proposed by the leader; is that correct?

Mr. McCAIN. I say to my friend from Nebraska, first of all, I am not prepared—I think it would be, in fact, unconscionable, absolutely unconscionable, 20 days after the 1st of January, the 21st of January, to see people kicked out of nursing homes who are receiving skilled care at this time because they can no longer afford that.

I am not prepared to revisit the issue of home health care, which they will receive under this legislation. I am not prepared to just revisit blood deductible. I am not prepared to give up mammogram screening which, according to studies, would save 4,000 lives per year. I do not know how many would be sacrificed during the period of time that we revisit it. I am not ready to give up the so-called Mitchell drugs which are so crucial to people who are in intensive care. I am not prepared to give up the hospice care, which, of course, we know is the least expensive and the most dignified way for people who are experiencing terminal illness. I am not prepared to give up any of those, I say to my friend from Nebraska.

I think it would be outrageous to watch Medigap insurance policies go up an average of 80 percent—an average of 80 percent. Remember that these people who write these insurance policies are required to make these policies and their guidelines and premiums between now and the 1st of January. I am not prepared to give up any of those. I might point out to my friend from Florida while he is here on the floor, that number is 26 who voted for repeal. I think that is a lot closer to one-quarter than one-third, at least in Arizona the way we count.

So I say, and I am sorry for the long answer, to my friend from Nebraska, but I think if you saw a firestorm over the surtax, which we are going to repeal, "you ain't seen nothin' yet" when you see what happens when the cameras, as they should be, show people who are terminally ill and seriously ill being taken out of hospitals because they can no longer afford it because this Congress abrogated the responsibilities that we promised them when we said we would provide them catastrophic hospitalization benefits.

I guess my answer, and I am sorry it is so long, is it would be unconscionable and outrageous for us to agree to the position of the House of Representatives. Anybody who has become involved in this issue knows that.

Having said that, I would not interfere in a dilatory fashion with the

workings of the U.S. Senate. I would use the parliamentary procedures and whatever vote that we take or however we come out on this issue because I think it would be unfair to my colleagues to do anything but abide by the parliamentary procedure which will be called for.

I would say to my friend from Florida, we had hours of debate on this issue on repeal. The issue was amply ventilated and there was a grand total of 26. I do not know how many of those have changed their position because I found just the opposite. The more Members of this body who have learned the consequences of repeal, they have decided to vote against it.

My answer to my colleague's question is, I do not only not object to this unanimous-consent agreement, I will not tie up this body under any circumstances and abide by the will of the majority of both Houses.

Mr. EXON. Reserving the right to object further, and I am not sure I will, I thank my friend from Arizona for his explanation.

I agree with him that there are legitimate concerns that are being raised. I took that as the final answer of what I was trying to get to. With that assumption, I do not intend to object, Mr. President. I just simply want to say that I believe with all of the other things the Senator from Arizona has indicated that he is prepared not to do, he is also prepared not to block with any knind of an extended debate something that would cause the repeal of that section of the act that they all want and that he would not be prepared, if we cannot get anything better out of the House of Representatives, to unnecessarily delay this body and all of the other important matters that we have before us, including the fact that a sequester is now in place that I believe would seriously devastate agriculture and education that we must address.

With that understanding, Mr. President, I will not object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the majority leader? If not, that will be the order of the Senate.

UNANIMOUS-CONSENT REQUEST—H.R. 3589

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3589, a bill to amend the Disaster Assistance Act to provide assistance to agricultural producers suffering from earthquakes, now at the desk.

Mr. DOLE. Mr. President, I object on behalf of someone on this side.

The PRESIDING OFFICER. Objection is noted.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I thank my colleagues for their consideration in this regard. I would like to now advise the Members of the Senate of the status of the various matters with respect to which further action is remaining prior to sine die adjournment.

As I explained in my remarks during the discussion of the unanimous-consent request on catastrophic, there will be another meeting of conferees either this evening or tomorrow morning in an effort to reach agreement on that matter, and we can expect to have this back before us, hopefully, by tomorrow evening.

Action is continuing among the Members of the Budget, Finance, Ways and Means and other committees with respect to reconciliation. Although it had been my hope that we would be able to act finally on both matters this evening, it is now clear that as with catastrophic with respect to reconciliation, that matter is not in a posture that would permit us to bring it to the Senate floor this evening. I hope we will be able to do that on tomorrow as well.

The House has begun action on the Foreign Operations appropriations measure. It had been my hope that action would be prompt there permitting us to begin action on that measure this evening. I am now advised that the matter remains before the House and may be there for some time with the possibility of controversial amendments to it. Accordingly, it does not appear possible that we will be able to take that up this evening.

I will momentarily then announce plans for the remainder of the evening and in the morning. Before I do so, I invite any comment from the distinguished Republican leader.

Mr. DOLE. Mr. President, first with reference to the catastrophic coverage issue, I think we are using the right approach. I know some are for outright repeal, and I respect that situation.

I respect that position. I think there are still many of us who feel that those who want repeal are willing to come part way, and those who support the position of Senator MCCAIN are willing to go part way. So far, I detect a willingness on this side, but I have seen no willingness on the House side. It is immediately coming back saying "We are for repeal," and that will be their position tonight.

I do believe if that is finally the will of the Congress, that will be the will of the Congress. I agree with everyone that we cannot leave without final disposition of this issue. We do not want the surtax to go into effect. I think everyone agrees with that at this point.

But I do know that there is going to be some very senior citizens, very old, very poor, very sick Americans, men and women, who are going to be hurt if we have total repeal and we do not make some provision for some of these people. When they lose those benefits, what will happen to those people?

I ask unanimous consent at this time to place in the RECORD the letter referred to by the Senator from Nebraska from Senator MCCAIN, which gives a few examples. It sets forth what would happen to certain individuals in my State or maybe someone else's State when there is an outright repeal with no consideration to what might happen.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, November 18, 1989.

DEAR COLLEAGUE: Late Friday night, in what appeared to be a blind stampede toward adjournment, the Senate conferees caved to the House proposal to fully repeal the Medicare Catastrophic Coverage Act of 1988. This occurred in spite of the fact that the House position had only received 26 votes in the Senate, and that S. 1726 was adopted by a vote of 99 to 0.

This action is particularly difficult to understand, given that the Senate conferees have spent the last two weeks defending the Senate proposal.

While some may believe that full repeal will make the seniors happy, exactly the opposite will be true. There is no question that the seniors wanted us to eliminate the surtax—both the House repeal próposal and the Senate reform proposal did this. But, the action taken by the conferees will result in the elimination of all the benefits, regardless of their importance, desirability or affordability.

It is essential that the deal made by the conferees be rejected for the following reasons:

1. A vote for the conference report is a vote to repeal the most important and desired or needed benefits, including protection against catastrophic hospitalization bills. This was the cornerstone of President Reagan's proposal. If we agree to this conference report, going beyond elimination of the surtax and killing all of the Act's benefits, we will see our nation's seniors facing the following real examples:

Mrs. C. of Providence, New Jersey, is 86 and suffering from congestive heart failure and cataracts. She has been hospitalized twice this year but, because of the Medicare Catastrophic Coverage Act, only had to pay one hospital deductible—a savings to her of $560.

Mr. B. of Bloomington, Texas suffers from cancer. He has been hospitalized continuously for the past seven-and-a-half months. The Medicare Catastrophic Coverage Act has provided unlimited coverage of hospital care. Without it, Mr. B. will be faced with astronomical hospital bills.

Mr. C. of Pontiac Michigan has suffered from Alzheimer's disease for over five years. Rather than placing her husband in a nursing home, Mrs. C. cares for him in their home. The Medicare respite benefit and the expanded home health care coverage provided by the Medicare Catastrophic Coverage Act will ease the crushing burden of round the clock caregiving. Without these

benefits, it will be very difficult to provide the type of personal in-home care both she and her husband prefer.

2. The Senate bill already repealed the controversial surtax and the benefits of lowest priority to seniors. Total repeal goes far beyond what seniors have called for.

3. A vote for the conference report is a vote against the Senate position, which is supported by every single major national seniors organization, each of which oppose the House position and the conference position. These groups include:

National Association of Retired Federal Employees.
The Retired Officers Association.
National Committee to Preserve Social Security and Medicare.
American Association of Retired Persons.
National Council on Aging.
American Foreign Service Association.
Mail Handlers.
National Association of Postal Supervisors.
National Association of Government Employees.
National Association of Letter Carriers.
National Association of Postmasters of the U.S.
International Federation of Professional and Technical Engineers.
American Foundation for the Blind.
Marine Corps Reserve Officers Association.
Rural Letter Carriers Association.
U.S. Army Warrant Officers Association.
National Association for Uniformed Services.
Air Force Association.
Non-Commissioned Officers Association.
National League of Postmasters.
National Treasury Employees Union.
Marine Corps League.
Naval Reserve Association.
International Association of Fire Fighters.
The National Association for Public Health Policy.
Catholic Golden age.
Fleet Reserve Association.
Federal Postal Workers Union.
National Post Office Mail Handlers Union.
American Postal Workers Union.
Air Force Sergeants Association.
Reserve Officers Association.
U.S. Coast Guard Chief Petty Officers Association.

4. A vote for the conference report will increase—repeat, increase—health insurance costs of seniors. According to a November 1989 report by the General Accounting Office, if the Medicare Catastrophic Coverage Act is repealed, the monthly premiums for Medigap policies will go up from $4.93 to $26.02, depending on the policy—that's an average of $9.25.

Some have argued that this Act duplicates coverage seniors already have. This isn't true. Because the Act required Medigap plans to cease offering seniors benefits which would duplicate those under the Act, those benefits currently on-line, such as the expanded hospitalization coverage, are no longer duplicated in private policies. Therefore, if we repeal these benefits insurers are going to have to increase their rates to provide this coverage again. These increases will exceed the costs of the premium under the Senate bill. For example, Blue Cross/Blue Shield, which is one of the more reputable insurers around, has stated that the premiums for their policies are going to have to be raised an average of $5.10 per month, just to add back in the hospitalization coverage. That is more for the hospitalization benefit than the entire cost, under the Senate bill, of the hospital benefit, plus hospice, respite care, mammograms, Mitchell drugs and the other retained benefits. In short, the duplication of coverage argument is a fraud. A vote to repeal the whole Act is a vote to increase the out-of-pocket costs for 1.3 million seniors already using the new expanded hospital benefit.

5. A vote for repeal is a vote to take away several benefits seniors have been paying for and receiving all year.

6. A vote for repeal is a vote to eliminate a very essential benefit for this nation's elderly women—mammography screening. This benefit is projected to save the lives of 4000 women each year. That's an average of 80 women in each state, or 9 in each Congressional district, that will lose their lives every year as a result of the loss of this benefit.

7. A vote for repeal is a vote to deny seniors relief in the area of long-term care, by eliminating the home care, respite and hospice benefits.

8. A vote for repeal is a vote that is guaranteed to force the Senate and the House to fight this issue again next year, an election year, because it will not solve the political problem—the health care needs of seniors. I have not heard one senior object to the expanded hospitalization coverage they have been paying for and receiving all year. If we repeal the whole Act, seniors will justifiably be enraged at our irresponsibility.

The Senate passed bill extinguished the firestorm of political protest, without making mistakes that will cause new waves of protest from seniors. The Senate erred when it first passed the original Catastrophic Act and included the surtax, but the proposal adopted by the Senate on October 6 eliminates the surtax and protects the benefits important to seniors and their families.

The Conference Report make Senate conferees' acquiesence in an obvious retreat from 99-0 Senate vote and acceptance of a repeal position that was explicitly rejected in the Senate by a 73-26 vote.

Senator BENTSEN said during our Senate debate that: "These are tough choices, and this is a controversial program, we understand that. But there is a time, when standing up for the elderly of this country, that you must make those kind of tough choices."

It is clear that in our haste to adjourn, the conference report reflects either a decision to stop standing up for the elderly of this country, or to stop making tough choices. Both scenarios are unacceptable.

I do not believe we can responsibly reject the emotional and sincere sentiments of responsible health care policy advocated by so many in the Senate on October 6.

Senator MITCHELL. "We must ensure that the most fundamental catastrophic provisions remain for those who need that protection and cannot get it in any way, other than through this program."

Senator BUMPERS. "Turning our backs totally on senior citizens and saying that we are not going to address one of the most pressing needs of the Nation would be the height of irresponsibility."

Senator BOND. "If we repeal the entire program and not just its flaws, we will be right back where we started out 3 years ago. The need for protection from financial devastation from the long-term hospital stays has not changed."

Senator BURNS. "I do not think scrapping catastrophic is the answer * * * repeal does nothing for us. In fact if we start all over again, we may be in worse shape than we already are."

Senator BRADLEY. "If we repeal this bill, people will die and/or go bankrupt. This is not some small decision we are making when we vote for repeal."

Senator DOLE. "I will bet in 5 months, 6 months, 7 months those same people in many cases who though repeal was the answer are going to be pounding on our door saying what did you do it for why did you not stand up in the United States Senate? Repeal would be a grave mistake * * * the House made the wrong decision and the Senate should not repeat the same error.

Senator KENNEDY. "It would be irresponsible for Congress to repeal the entire catastrophic program."

Senator BYRD. "Repeal of this program would be a serious mistake."

Senator HEINZ. Repeal "will inflict unconscionable damage on Medicare beneficiaries and loved ones. And the only responsible principled choice of the Senate is to reject it."

The Senate bill "is the one piece of legislation that the elderly want which is fiscally responsible, and which, as good health policy, keeps the anti-spousal impoverishment and home health benefits that are the hope of a desperately needed long term care foundation. What is more, without the (Senate) bill, we will sacrifice millions of patients and their families to the financial jaws of long term hospitalization. We will withdraw life-enhancing family supports in home health benefits and respite care * * *"

"And, if we vote total repeal, we will send a clear message to thousands of terminally ill Americans that Congress now devalues the dignities and comfort of hospice care."

"And it means this body, Mr. President, supposedly elected to act for the public good, will have turned our backs on that responsibility."

Senator LOTT. "If we completely repeal this catastrophic health insurance coverage, then I think we will have thrown the baby out with the bath water."

Senator MCCONNELL. "Total repeal is not in the best interests of Medicare recipients in my State or anywhere in the country."

Senator KOHL. "To extend this debate further into next year's political election cycle would not yield more thoughtful alternatives * * * I cannot in good conscience repeal an act that—while imperfect—addresses the real and serious needs of millions of Americans."

Senator GLENN. "The elderly of this Nation will be best served by far if the House recedes to the legislation that was just passed by the Senate."

Senator KERRY. "These benefits are simply too important to repeal * * * We must not repeal the Act."

Senator D'AMATO. "Repeal is a drastic solution that would leave many senior citizens totally unprotected against potentially ruinous medical bills."

"Our passage of the Catastrophic Coverage Act contained the implicit promise that we would protect senior citizens against catastrophic health expenses—without imposing on them a catastrophic financial burden. If we are serious about keeping this promise, we can keep it—but only if we reject repeal."

Senator HARKIN. "I do not agree with those who believe the best solution is now to scrap the program entirely and go back to the drawing board."

Senator ROCKEFELLER. "These benefits were enacted because millions of citizens could not afford to buy private insurance."

"We have heard from numerous aging groups and numerous labor unions recently saying do not repeal."

"Do not repeal these benefits: If these benefits go down, if you repeal, if you can just strip this thing absolutely clean, we understand that the seniors of our country are going to be exposed out in the cold."

"In addition to the harm repeal would do to the seniors, including those who are already hospitalized and dependent on the new coverage, it would establish in this Senator's judgment a horrible precedent."

"If we repeal all of these benefits we are looking at a backlash of incredible proportion."

Last, but certainly not least, were the comments of Senator Simpson, whose pithy remarks always receive attention, but which are particularly interesting during periods of institutional stress, like the end of the session.

Senator SIMPSON. "What works and what is politically expedient today may prove hideously catastrophic for subsequent generations of elderly.

"Let me state as clearly as I know how that outright repeal of this legislation would be the most unconscionable decision this body could make. The Medicare Catastrophic Coverage Act includes certain benefits that senior citizens simply cannot access anywhere else—and they are valuable benefits."

"If we think we have problems now, Mr. President, when we get to repeal as the answer, let me tell my colleagues, 'we ain't seen nothing yet'. When older Americans discover the benefits lost under repeal—and they most certainly will be well-informed on that score in no time * * * we'll see a firestorm that outshines this one by many megawatts."

"There will be consequences to repeal, just as there were consequences of enactment. Seniors will look for those benefits one day, and they will look at us as the ones who took them away. If we repeal catastrophic, we will do grave harm. For instance, what will become of those seniors who, upon learning of the new Medicare catastrophic benefits, dropped their Medicare supplement policies as Congress intended they should?"

"What about those who did who are now uninsurable? Medicare catastrophic would be pulled out from under them while their private insurance companies won't take them back."

"Over 11 million people—many of them our poorest seniors—will need and use the benefits offered under this program. There are long-term care benefits in there that will make or break families and lives. There are acute care protections that will make the difference between perpetual welfare dependency and financial security. If we repeal this program, we will be turning our backs. And I believe that is the cruel and wrong thing to do."

Repeal is wrong. It is wrong from a political perspective. It is wrong from a health policy perspective. It is wrong from a moral perspective.

As the holidays approach us, we would do well to remember that we are indeed a nation founded on Judeo-Christian principles, and this nation is founded on principles that we do what we can to help those who are in distress and are less fortunate. Outright total repeal of the Act is, with all due respect to the proponents of that position, an abrogation of our responsibility to the poor and the elderly in our society.

I will do everything I can to prevent such a tragic and erroneous result. I urge you to join me.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

SUMMARY: MCCAIN CATASTROPHIC REFORM PROPOSAL AS ADOPTED BY THE SENATE ON OCTOBER 6, 1989, 99–0

BENEFITS

Retain core catastrophic benefits: Long-term hospitalization protection; "spousal impoverishment" protection; Medicaid buy-in and pregnant moms and infants program.

Retain other benefits in Act: Blood deductible; home health; respite, 1991 implementation; mammography screening, 1991 implementation; "Mitchell" drugs, 1991 implementation; hospice.

Repeal the skilled-nursing facility benefit would be returned to its form prior to the passage of the Medicare Catastrophic Coverage Act of 1988 for those stays after November 1. For those stays prior to November 1, they would receive the benefit under the terms of the Medicare Catastrophic Coverage Act of 1988. The terms of prior law were: 3-day prior hospitalization; beneficiary co-payment from day 21 to the end of coverage; 100 day limit on coverage.

Instruct the General Accounting Office to study what led to the problem with the skilled nursing benefit costs, and report to Congress by March 1, 1990, his findings as well as any recommendations for future changes of this benefit.

Repeal remaining benefits in Act: Outpatient prescription drug program, beyond "Mitchell" drugs; part B "out-of-pocket".

PREMIUMS

Retain existing flat Part B premium (pays for 100% of retained benefits).

Repeal the entire surtax.

**Flat premium pays 100% of the cost of the retained benefits and provides for a significant cushion in the outyears. If costs do not rise, this proposal allows the Secretary to reduce the premium.

Mr. DOLE. I apologize; some of my colleagues were unhappy they were not notified there was not going to be any action until 5 o'clock. I will accept responsibility for that because they were not notified at their homes. They were left to call in and would have had the message on the hotline. It should not have been that way. That will not happen again. So I apologize to those who made special efforts to come back at 1 o'clock and now it is 10 after 8 and there has not been a vote.

I do believe that some of that is customary when you are trying to close up a session. We could have had a vote on this issue, catastrophic. We could have had a vote on the Labor-HHS. We were able to do those with voice votes. We have completed others today. A number of bills were taken care of by unanimous consent.

I am prepared, whenever the majority leader indicates what the program is for the remainder of the evening, to indicate that to everyone on this side. It is my hope at this point there will be no more votes this evening and that we may give that information or notice as soon as possible.

Mr. MITCHELL. Mr. President, there will be no further votes. It is my intention to take up the three measures which I described but for different reasons attributable to each. They are not in that posture, and rather than calling for a rollcall vote on the catastrophic measure, I deemed it more appropriate to follow the procedure to which we have just agreed.

We will, as soon as the House completes action on foreign operations, if it is this evening, set that for tomorrow morning. If they do not complete action tonight, then they will not take it up until morning, which we will have to do as soon as possible.

I am unable to say when we will begin tomorrow morning because we are awaiting all three measures, each of which will require prior action in the House. They are working on all of them now. The distinguished Republican leader and I and others are meeting later on this evening to see what progress we can make on reconciliation.

So there will not be any further votes this evening. Again, I apologize, as I previously have, to all those Senators who have been inconvenienced. I am personally disappointed we were not able to get these measures in a position to act on in a final manner this evening, but I remain determined that we are going to complete action in time to adjourn sine die prior to Thanksgiving. We will press forward tomorrow as soon as we can get these matters before us.

In the meantime, as the distinguished Republican leader indicated, we did complete action on a number of measures today by unanimous consent and have cleared the way for sine die adjournment this week if we can get these matters, particularly catastrophic and reconciliation, disposed of in a satisfactory way.

Mr. DOLE. Just to make certain, somebody just asked me, I guess the three matters the Senator is referring to are catastrophic, foreign operations, and reconciliation?

Mr. MITCHELL. That is correct. Now, there are other measures. I did not intend that to be an all-inclusive list. There are other measures on which we hope to complete action.

Mr. DOLE. I am advised the House is just completing action on catastrophic so when that comes, it will set up a conference, since we have already taken action.

Mr. MITCHELL. Right.

Mr. DOLE. Hopefully, that can be disposed of, if not tonight, sometime tomorrow. Hopefully, it will not take too long. I understand there will be an amendment, at least one amendment on reducing, on fencing, or whatever, aid to El Salvador. I hope we might have some time agreement on that so we could dispose of that amendment

one way or the other in fairly short order. As I understand it now, it will not happen tonight but will be tomorrow morning.

Mr. MITCHELL. That is correct. I am advised that the House has not taken it up yet; it may yet do so, but that it is likely to be a quite a while. Rather than require Senators to remain for that, I think it best to see what happens in the House and begin on it first thing in the morning.

Mr. President, if the distinguished Republican leader has completed his comments, and if any other Senator is not seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. With objection, it is so ordered.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. HEINZ] is recognized.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EROSION OF THE U.S. MANUFACTURING BASE

Mr. HEINZ. Mr. President, every schoolchild knows that the eagle is our national symbol, representing a spirit of alert engagement in the world. There are apparently those in the administration who would take their spirit from a bird of a different feather— the ostrich—and bury their heads in the sand rather than face danger.

There have been some significant developments in the last few weeks with the administration that are not only deeply disturbing but I think are profundly dangerous to our future as a world leader. I refer to what appear to be systematic efforts to destroy anything the Government is doing on behalf of critical technologies.

For an example, the Defense Department is apparently in the process of shutting down new DARPA funding for research into high definition systems and displays and is investigating how to cancel awards that have already been announced. Other DARPA funding may also be jeopardized as well. This effort to root out the last vestiges of Government support for HDTV—or high definition television—goes hand in hand with the apparently successful effort by the Office of Management and Budget and the Council of Economic Advisers to block any effort by the Commerce Department and Secretary Mosbacher to develop a strategy for this industry or even to acknowledge that it is important.

Not entirely coincidentally, the Defense Department has also decided to terminate the Defense Manufacturing Board by next spring. The Board has several advisory groups examining how the United States can establish efforts in high definition system that are critical for military control and command functions.

I also understand that funding for Commerce's Technology Assessment Program will be reduced, and that further Government support for Sematech is jeopardized as well.

For some reason, Mr. President, there are people in this administration and perhaps the entire administration who are terrified of what we have come to call "the IP word"—industrial policy—that they are perfectly prepared to sell out America's technological future in favor of a misguided view of how the world trading system in fact works.

The irony is that this is not industrial policy. This is not picking winners and losers. I am against that. I think most of our colleagues are too. What DARPA is doing, what Sematech is doing, what the Commerce Department's efforts are about are trying to preserve American capability in sectors that are critical to our national security, our defense, and our economic future.

I suspect virtually every Member of this body has given speeches on this floor about critical industries—a term that is in the eye of the beholder, without question. But no matter who is giving the speech, the same sectors reappear again and again as critical—semiconductors, computers and other advanced electronics, aerospace, machine tools—to mention the most obvious. Why do we use these industrial industries as examples? For a very simple reason: These are the building blocks of the 21st century economy. More important, they are the building blocks of our defense base. We cannot build a missile or a tank, fly a plane, or launch a submarine or aircraft carrier or a missile without them.

Moreover, the defense base of the future will be increasingly grounded in high technology. DARPA is not doing research into flat screen display technology because they want higher quality television sets in officers' clubs. They are doing it because the aircraft of the future, if not the present, require it.

There may be commercial applications for that research. I certainly hope so, although the administration seems terrified by the prospect. This country has been built on spillovers from Government supported R&D. Ask anybody in the commercial aircraft or aerospace industry.

The other reason why these efforts are essential is that these are endangered sectors. I have spoken frequently in the past, Mr. President, about the decline of the American manufacturing base, and today I am going to do it again with respect to one particular sector—semiconductors.

There is a new report about to come out: "A Strategic Industry at Risk," the report of the National Advisory Committee on Semiconductors, composed of some of the leading high tech experts in this country. This report makes clear that our semiconductor industry is in trouble. I quote:

> The U.S. merchant semiconductor industry has lost its dominant world market share in the past 10 years. Leadership of the industry has largely shifted to Japan * * * As a result, while U.S. semiconductor revenues nearly tripled from 1981 to 1988, revenues for Japanese producers rose six-fold. In addition to the loss of leading-edge semiconductor markets, the United States is continuing to lose market share in less complex discrete devices * * * These devices are key to a wide range of products from military equipment to consumer electronics. * * *
>
> "The U.S. semiconductor industry's simultaneous loss of global technology and market position results in lower revenues, further reducing R&D and capital spending and leading to further decline in market share. It has already led to a change in the world leadership among semiconductor producers * * *
>
> "Reversing this trend will not be easy. Indeed, the cumulative loss of world market position by U.S. producers has had a serious effect on America's position relative to Japan's in many important aspects of semiconductor technology. The United States is holding its technological position in only a few areas, and gaining position nowhere. In critical technologies such as computer-integrated manufacturing, production quality control, and component packaging and testing, the United States has lost its technological superiority. Because technological knowledge is cumulative, once technological leadership is lost, it is very difficult to regain. The United States, therefore, has an ever-shortening window of opportunity in which to regain technological leadership before it finds itself behind the state-of-the-art."

Mr. President, it is those last few sentences of that quotation that are really important. You do not build an industry out of whole cloth, and you do not do it overnight. What is lost cannot easily be regained. Profits foregone now means R&D not done now and competitive products not developed for the future.

The fate of the semiconductor industry is, of course, directly related to high-definition television. As I said earlier, HDTV is not important because it is going to produce better television sets. It is important because it represents the integration of computer and communications technologies.

The integrated circuits we will develop for high-definition systems are going to be essential to a wide variety

of other applications, including those in the defense sector I referred to.

Having an indigenous capability to produce these products is critical to our defense and future economic growth. The Economic Policy Institute has concluded, for example, that if we end up with only a marginal role in our own HDTV industry, it will add some $225 billion to our trade deficit and cost 2 million jobs annually by the year 2010.

Mr. President, this is simply too important an industry to let disappear. Indeed, there are a lot of industries that are too important to let disappear, and although I have talked today about only two of them, these other industries that are disappearing will be the subject of comments I plan to make on other occasions.

Suffice it to say at this point that it is not simply the operation of fair competition and the free market that is doing it. While there are many steps we need to take in the area of lowering the cost of capital through tax policy and other macroeconomic measures, we will also have to deal, through trade policy, with the implacable determination of the Japanese, the able competitors that they are, backed by their government, to capture market share at our expense. If we do not do so, Mr. President, I believe we risk the very survival of our industry.

The game plan that others have, and which we face, may or may not be fair. I happen to think it is not. I have said so on numerous occasions. But either way, Mr. President, whether it is fair or foul, we are reaching the point where we are going to have to face the difficult fact that there are critical industries that we will need if we are serious about maintaining our global position. That is irrespective of whether or not they are victims of unfair trade.

That is a decision that this administration clearly does not want to face, and is doing its best to avoid. But I think the administration, and any of us who fail to face those perils, do so at our own mutual peril.

Mr. President, I think it is important that Senators see the full report of the National Advisory Committee on semiconductors which I referred to earlier. Although the charts cannot be reproduced in the RECORD, I think our colleagues will find the text is still very instructive, and I ask that it be printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A STRATEGIC INDUSTRY AT RISK

(A Report to the President and the Congress From the National Advisory Committee on Semiconductors, November 1989)

Hon. GEORGE BUSH,
President of the United States, White House, Washington, DC.

DEAR MR. PRESIDENT: The semiconductor industry in the United States is in serious trouble. If this vital industry is allowed to wither away, the Nation will pay a price measured in millions of jobs across the entire electronics field, technological leadership in many allied industries such as telecommunications and computers, and the technical edge we depend on for national security.

The reasons why the once-dominant U.S. semiconductor industry is deteriorating are many. First and foremost is the fact that foreign producers enjoy advantages in ready access to low-cost patient capital for long-term investment. Foreign producers also operate in a business environment hospitable to cooperative ventures that are not general practice here, and they find shelter in home government protection against competition from abroad. But some blame for the semiconductor industry's poor health must also rest on the lack of long-range foresight of top management of American companies, who failed to realize the full consequences of retreating from key markets such as memories and consumer electronics.

.The National Advisory Committee on Semiconductors believes that continued deterioration of America's semiconductor industry poses an unacceptable threat to U.S. economic and national security. We believe that this situation deserves your urgent attention. The Nation must act now, with the industry itself taking the lead and government at all levels participating as a strong partner. We believe that the American people, once fully apprised of the stakes involved for this country, will endorse the legislative and executive actions necessary to restore the semiconductor industry to good health.

The Committee recognizes that some of its recommendations may be controversial. We were charged by the Congress with "devising and promulgating a national semiconductor strategy." We have not shied away from controversy. In this report we present first step toward a national semiconductor strategy. We believe that the country needs bold and innovative action.

This report warns of a major threat to the United States, a threat that endangers American industry workers and strategic self-sufficiency. That threat is immediate and serious and warrants the attention of the highest councils of government. In this first report, the National Advisory Committee on Semiconductors offer for your consideration and early action initial recommendations to counter that threat and enable the U.S. semiconductor industry to flourish. If this action succeeds, the whole Nation will benefit through more jobs, the creation of new wealth, and strengthened national defense.

Pursuant to Section 5142(c) of the National Advisory Committee on Semiconductor Research and Development Act of 1988 (Public Law 100-418), therefore, I have the privilege of transmitting to you the first annual report of the National Advisory Committee on Semiconductors.

Respectfully,

IAN M. ROSS,
Chairman.

PREFACE

The 100th Congress established the National Advisory Committee on Semiconductors as part of the National Advisory Committee on Semiconductor Research and Development Act of 1988 (Public Law 100-418) to devise and promulgate a national semiconductor strategy. The Congress acted in response to growing public awareness of the importance of America's semiconductor industry to the national security and economic destiny, the increasing and pervasive loss of world market share in key elements of the industry, and the necessity of preserving this industry for the national good.

From the outset of its deliberations, the Committee agreed on the seriousness of the problems in the U.S. semiconductor industry. The Committee also recognized that this situation must be urgently addressed. This report represents early findings of the Committee, and is an effort to bring quickly to the President and the Congress suggestions for action.

In undertaking its work, the Committee drew on a number of Federal studies of issues affecting the U.S. semiconductor industry and national competitiveness in general. In a number of areas, the committee undertook additional studies to supplement the earlier work. Finally, the Committee called on the expertise of the American electronics community in the persons of Federal Government officials, industry executives, researchers, and private-sector economists and scholars. The Committee is grateful to these individuals for their help.

For development and analysis of the data and preparation of suggestions for recommendations, the Committee formed three Ad Hoc Working Groups—Business Environment, Market, and Technology—each headed by a Committee member and each drawing its membership from experts in the electronics field. The Working Group members provided the Committee with a broad and deep base of knowledge of the problems facing the American semiconductor industry.

The enabling legislation requires the Committee to report on its planned activities for the coming year. The Committee believes that this report contains early key recommendations for the President and the Congress, but also believes that continued development of recommendations is in order and that additional recommendations will be forthcoming in subsequent reports. The Committee expects to continue its work throughout fiscal years 1990 and 1991, releasing reports during this period as appropriate.

EXECUTIVE SUMMARY

The semiconductor industry is strategic to America. The industry is the foundation of the information age, playing a crucial role in the consumer electronics sector, the computer and telecommunications industry, and other industries that have a high electronic content in their products. America's national security also depends on the semiconductor industry. United States and North Atlantic Treaty Organization forces rely on the technological advantage of advanced semiconductors to offset the numerical superiority of potential adversaries.

The semiconductor industry, after an era of world leadership, is now in trouble. It has lost its dominant position in the world market. This radical change has occurred in the 1980s despite the fact that American industry invented, developed, and dominated the semiconductor market for three dec-

ades. Japanese companies, encouraged by their government, have taken aggressive actions to establish a world-class semiconductor industry that now clearly leads the world marketplace. The U.S. semiconductor industry has been unable, for many reasons, to respond to this challenge.

It is imperative that U.S. industry, in cooperation with government, develop a strategy to retain a strong semiconductor capability. Major U.S. electronics sytems industries, such as computers and telecommunications, depend on the timely availability of leading-edge semiconductor devices. In order for U.S. semiconductor manufacturers to produce leading-edge components they, in turn, need timely assess to the latest state-of-the-art semiconductor manufacturing equipment and materials. If the U.S. position in semiconductor devices, equipment, and materials continues to deteriorate, the entire domestic electronics products industry will be at the mercy of foreign suppliers. The loss of control of this large segment of the economy puts millions of jobs and billions of dollars of tax revenues in jeopardy.

A major result of losing semiconductor world market share is that U.S. semiconductor manufacturers are not able to fund research and development (R&D) at the level of their foreign competitors. Research and development spending at the top five Japanese semiconductor firms is now twice as high as spending at their U.S. counterparts. Unchallenged, this large difference will accelerate the U.S. loss of market share in the future.

There is no single reason for the decline of the U.S. semiconductor industry. The causes include changes in the business environment, shifts in the markets for electronic products, and weaknesses in the approaches used by the semiconductor industry to advance technology.

The business environment in the U.S. imposes fundamental disadvantages on American semiconductor manufacturers. These include a high cost of capital, weaknesses in the education of the work force, difficulties in enforcing U.S. intellectual property rights abroad, and the ability of foreign competitors to benefit from closed markets and liberal antitrust laws.

One underrated but key factor in the deterioration of U.S. semiconductor leadership is the loss by U.S. producers of the consumer electronics industry. The shift to the Far East of manufacturing for nearly all consumer electronic products, such as televisions, video cassette recorders, and compact disc players, had had serious consequences because almost all the electronic components used in these products are also made in the Far East. In addition, because consumer electronics can drive technology applied to advanced commercial and military systems, for example in component packaging, foreign domination of the industry will put the United States at a greater disadvantage in the future.

As the U.S. position in the world semiconductor market has declined, so has its leading position in technology. For years the Japanese semiconductor industry has recognized the advantages of cooperation in the precompetitive phases of R&D. By contrast, the U.S. industry is characterized by relationships that are mostly competitive. Because U.S. firms have acted independently, each company is burdened with the full costs of advancing every aspect of new technologies. In an era of rapidly increasing costs of technology development, independent and duplicated efforts hinder competitiveness.

In the Committee's judgment, the United States is at a critical crossroad. The decline of the U.S. semiconductor industry, coupled with the increasing costs of staying at the leading-edge, limits the window of opportunity to establish an effective semiconductor strategy. Unless the U.S industry and government take coordinated, concerted, and timely action, there will be a long-term deterioration of our industrial strength and military security, and an erosion of our economic wealth.

Recommendations: Toward a National Semiconductor Strategy

Timely industry action, supported by government, is required to arrest the deteriorating global position of the U.S. semiconductor industry. Industry and government must cooperate, with each providing its special strengths and acting in its appropriate role. The National Advisory Committee on Semiconductors has developed recommendations that serve as iniital steps towards the development of a comprehensive national semiconductor strategy. These initial recommendations are:

1. Re-establish a fully competitive and supportive business environment in the United States to enable the U.S. semiconductor industry to operate on an equal footing with its major international competitors by:

a. Promoting capital formation;
b. Improving the education system;
c. Reforming trade law;
d. Protecting intellectual property; and
e. Improving the antitrust climate.

2. Expand the U.S. industry's global semiconductor market share by rebuilding a strong U.S. position in the growing high-volume, high-technology electronic systems market by:

a. Building a supportive business environment. There are several inseparable actions that must be implemented as a unit to accomplish this:

Establishing a for-profit Consumer Electronics Capital Corporation (CECC) to resurrect the U.S. consumer eletronics industry infrastructure by providing a multi-billion dollar pool of very-patient, low-cost capital;

Urging the President to direct the appropriate agency to determine those factors which reduce the likelihood of a successful U.S. consumer electronics industry. Redress shall then be immediately sought through cooperative agreeements (with non-U.S. corporations), consumer electronics technology licensing, local technology content minimums, and local R&D and design (or any combination of the preceding); and,

Having the Federal Government encourage and purposefully support the re-entry for the U.S. consumer electronics industy and its potential to compete vigoriously. Accordingly, the Office of the U.S. Trade Representative shall ensure that access to the U.S. consumer electronics market shall be contingent upon reciprocal opportunity for U.S. companies to access foreign markets.

b. Providing expanded market opportunities by encouraging private industry to accelerate the development of a nationwide broadband network providing fiber-optic cable to the home, by modifying regulatory policy where necessary and broadly experimenting with prototype and trails.

3. Enable the U.S. semiconductor industry to retain an enduring world-class, competitive technology position witha healthy semiconductor manufacturing equipment industry by:

a. Acclerating research and development in the U.S. semiconductor materials and equipment industry by expanding the mission of SEMATECH, the semiconductor manufacturing technology consortium, in the area. SEMATECH's funding should be increased immediately by $100 million, half of which should be provided by the industry. Additional funding of $800 million will be required over the next 3 years for these programs fully to address the needs of this industry segment.

b. Sustaining the current Departments of Defense (DOD) and Energy (DOE) funding of $200 million per year that was previously allocated to very-high-speed integrated circuits and direct it toward maintaining long-term industrial R&D efforts related to silicon technology and manufacturing tools.

c. Ensuring that the DOE transfer synchrotron ring x-ray technology and systems for microlithography to U.S. industry and aggressive pursue, with DOD's Defense Advanced Research Projects Agency, and the Department of Commerce programs in mask making, mask repair, aligners, metrology, and small x-ray sources.

The Committee's full recommendations appear in Section IV.

I. THE SEMICONDUCTOR INDUSTRY AND ITS VITAL NATIONAL ROLE

The uncommonly important semiconductor industry starts from some of the most common materials on Earth—sand, water, and aluminum. Through the application of complex manufacturing processes, these raw materials are transformed into the most intricate devices ever produced. Today, a single semiconductor integrated circuit chip can contain millions of microscopic components that channel the flow of electrons, and they can perform their tasks in a few billionths of a second. Before the next century, chips containing billions of components will be made.

The transformation of sand into complex silicon integrated circuits requires exceedingly high levels of scientific and engineering knowledge. The semiconductor industry's technological know-how encompasses a broad range of fields in the physical sciences such as physics, chemistry, electrical engineering, and materials science. The needs of the industry stimulate fundamental advances in these fields, and the resulting gains spill over to fill the Nation's reservoir of technical capability.

As chips become more complex, the costs of staying at the leading-edge escalate rapidly. Chip makers are at the forefront of all U.S. industries in their annual investment (as a percentage of total revenues) for research and development, and new plants and facilities. Since 1980, the cost of a typical state-of-the-art facility for semiconductor memory chips has risen eight-fold, from $25 million to $200 million. Over the next several product generations, state-of-the-art manufacturing facilities are expected to cost between $500 million and $750 million. Last year alone, the U.S. semiconductor industry spent about $3 billion on R&D and another $3.5 billion in capital investment. Such spending strains the resources of even very large companies.

Because more and more transistors can be packed on each chip, the cost per electronic function has fallen by a factor of 100 over the past 15 years. The gains in product performance have been commensurate with this extraordinary improvement in productivity. Compare, for example, the world's first electronic computer, America's ENIAC built in 1946, with an equivalent computer built today. ENIAC was room-sized, weighed

2 tons, drew power equivalent to 100 lighthouses, and used unreliable vacuum tube technology that frequently broke down. Today, American companies produce single semiconductor chips that have 1,000 times the processing power, almost never break down, draw no more energy than a nightlight, weigh less than a gram, and cost 30,000 times less.

This tremendous improvement in productivity and performance has, in turn, opened semiconductor markets to ever wider applications. Semiconductor components are used ever more pervasively and intensively in almost all aspects of daily life. Today, chips drive products that help us to defend America, make medical diagnoses with sophisticated imaging equipment, navigate commercial aircraft, and warn when dangerous weather is approaching as well as improve the quality of our everyday lives through a broad range of consumer electronic products.

Today's $50 billion world chip industry leverages a $750-billion dollar global market in electronics products and 2.6 million jobs in the United States. This is more than double the number of jobs in the U.S. steel and auto industries combined. As products such as TV's, computers, anti-lock brakes, microwave ovens, and phone systems improve in performance and cost, demand for them increases. That increased demand prompts producers of these products to seek further advances from chip technology, pushing the industry forward toward further innovations. Such cycles of improved productivity and performance, and expanding demand for the products that take advantage of the improvements, create enormous economic and social gains. The benefits range from saving lives through improved medical safety systems to communicating by voice and data with any point in the world.

America's national security also depends on excellence in semiconductors. United States and North Atlantic Treaty Organization forces rely on a technological advantage ultimately traceable to semiconductors to offset the numerical superiority of our adversaries, as a Department of Defense task force affirmed in 1987: "The superiority of U.S. defense systems of all types is directly dependent upon superior electronics, a force multiplier which not only enhances the performance of the weapons themselves, but also maximizes the efficiency of their application through sophisticated intelligence and command and control systems. . . . The United States has historically been the technological leader in electronics. However . . . U.S. defense will soon depend on foreign sources for state-of-the-art technology in semiconductors. The Task Force views this as an unacceptable situation." [1]

Progress in the semiconductor industry advances the technical capabilities of industries that are linked to chips in the production chain, from computers and telecommunications to new materials, and indirectly advances many other industries. The semiconductor industry promotes the development of ever purer chemicals and materials, more powerful computer-aided engineering and design, and computer-integrated manufacturing, all of which find broad application in other industries. In addition, the products of the electronics industry are essential tools used to achieve the increased productivity, lower cost, and higher quality that are required from all U.S. manufacturing. Leadership in chips can result in leadership in many industries—a fact widely recognized by our major international competitors.

Because the semiconductor industry is so vital to the national economy, it is important to understand the structure of the industry and its position in world markets. The semiconductor industry has two major business segments. The first consists of the semiconductor manufacturers who actually produce semiconductor components (U.S. annual revenues are approximately $20 billion). These companies turn simple raw material into finished wafers in expensive, ultra-clean manufacturing facilities. They also provide the packaging, testing, sales, marketing, and product support that are essential for success in the marketplace. The second segment of the industry includes the semiconductor materials and equipment (SM&E) firms that produce both the raw materials and the manufacturing equipment that go into the production of integrated circuits (U.S. annual revenues are about $5 billion). Together, semiconductor manufacturing and SM&E firms enable the entire U.S. electronics products industry, as illustrated by Figure 1.

[Figure 1 not reproducible in the RECORD.]

The core of the electronic products industry is made up of SM&E companies. These firms supply the common set of tools and materials, used by most manufacturers, that enable efficient, low-cost, high-quality production. They supply both the equipment for various stages of the manufacturing process (photolithography, materials processing, chip handling, packaging, and testing) and the ultra-pure silicon, gases, chemicals, and metals that are transformed into circuits. Loss of leadership in these technologies undermines more than just semiconductors. Indeed, the SM&E industry advances [2] manufacturing disciplines as diverse as machine tools, vacuum control, automated controls, and computer-aided design. Advances within the SM&E industry, therefore, spill over into almost all aspects of the American manufacturing base.

Both the chip and SM&E industries have suffered declines in their world market positions over the past decade, as is demonstrated in the next section.

II. THE DECLINE OF THE SEMICONDUCTOR INDUSTRY

Evidence of the Decline in the U.S. Semiconductor Manufacturing

The U.S. merchant semiconductor industry has lost its dominant world market share in the past 10 years.[2] Leadership of the industry has largely shifted to Japan, as shown in Figure 2. As a result, while United States semiconductor revenues nearly tripled from 1981 to 1988, revenues for Japanese producers rose six-fold. In addition to the loss of leading-edge semiconductor markets, the U.S. is continuing to lose market share in less complex discrete devices, as shown in Figure 3. These devices are key to a wide range of products from military equipment to consumer electronics.

[Figures 2 and 3 not reproducible in the RECORD.]

Despite high investment rates relative to other U.S. industries, the U.S. chip industry is being substantially outspent by its major Japanese competitors in R&D and the gap is growing larger, as shown in Figure 4. In addition, Japanese firms have led U.S. firms in capital spending since 1982, although the United States had greater semiconductor sales until 1986. In 1988, Japanese capital spending was nearly $2 billion higher than that of the United States.

[Figure 4 not reproducible in the RECORD.]

The erosion of the U.S. position is equally apparent in key semiconductor product markets. In 1970, when the first integrated circuit memory was being sold, Japan's market share was zero. In 1988, the world Dynamic Random Access Memory (DRAM) market share of Japanese producers was nearly 80 percent. This market share loss by U.S. merchant firms is shown in Figure 5. The loss of position in memory is particularly disturbing because leading-edge memory drives technological advances in a broad range of process and manufacturing areas. DRAMs not only act as a technology driver for chip makers, but they are also an important driver for SM&E firms, as new equipment and materials are often first developed for memory production.

[Figure 5 not reproducible in the RECORD.]

The U.S. semiconductor industry's simultaneous loss of global technology and market position results in lower revenues, further reducing R&D and capital spending and leading to further decline in market share. It has already led to a change in the world leadership among semiconductor producers, as illustrated by Figure 6. This figure shows the change in the regional control of the market for metal-oxide-semiconductor (MOS) devices, which is the largest and fastest growing segment of the semiconductor market.

Reversing this trend will not be easy. Indeed, the cumulative loss of world market position by U.S. producers has had a serious effect on America's position relative to Japan's in many important aspects of semiconductor technology. The United States is holding its technological position in only a few areas, and gaining position nowhere. In critical technologies such as computer-integrated manufacturing, production quality control, and component packaging and testing, the United States has lost its technological superiority. Because technological knowledge is cumulative, once technological leadership is lost, it is very difficult to regain. The United States, therefore, has an ever-shortening window of opportunity in which to regain technological leadership before it finds itself behind the state-of-the-art.

FIGURE 6.—*Leading MOS producers revenues*

[In millions of dollars]

1973:	*Amount*
Texas Instrument	65
AMI	56
Intel	41
Rockwell	40
Mostek	39
NEC [1]	37
Hitachi [1]	35
RCA	35
National	21

[1] "Report of Defense Science Board Task Force on Defense Semiconductor Dependency," Feb. 1987, p. 1.

[2] Since U.S. captive semiconductor manufacturers do not disclose their financial position, data is presented only for the U.S. merchant industry. Data for the Japanese semiconductor industry include all production. Inclusion of U.S. captive production would slightly increase the market shares shown for the U.S. in several figures, but would not change the trends described. Based on experience in the field, the Committee believes the conclusions of this report apply equally well to merchant and captive chip producers.

Mil	20
Total Market	59
1978:	
Intel	283
Texas Instrument	238
NEC [1]	183
Motorola	143
Hitachi [1]	139
Mostek	125
National	95
Toshiba [1]	88
AMD	71
AMI	71
Total market	2,332
1983:	
NEC [1]	786
Intel	720
Motorola	697
Hitachi [1]	638
Texas Instrument	572
Toshiba [1]	458
Fujitsu [1]	406
Mostek	315
National	280
Mitsubishi [1]	247
Total market	7,951
1988:	
NEC [1]	3,114
Toshiba [1]	2,546
Intel	2,328
Hitachi [1]	1,885
Fujitsu [1]	1,437
Mitsubishi [1]	1,399
Motorola	1,399
Texas Instrument	1,271
Matsushita [1]	882
Oki [1]	841
Total market	26,964

[1] Japanese firms.

Source: Intel.

Evidence of the Decline of the U.S. SM&E Industry

Paralleling the loss in world market share for U.S. chip manufacturing has been a serious loss of market share for U.S. SM&E firms. Because SM&E firms supply the common tools and materials used by all chip manufacturers, weakness in semiconductor equipment and materials leads to weakness in semiconductor component manufacturing, and ultimately to weakness in electronic products markets.

Today's state-of-the-art silicon processing, driven principally by the manufacturing requirements of semiconductor memory chips, is moving toward decreasing feature sizes. Eighty-five percent of all leading-edge submicron manufacturing capacity is currently in the Far East. The predominance of leading-edge chip manufacturing outside the United States has very seriously undermined segments of the U.S. SM&E industry, largely because major foreign chip producers prefer working with local sources of supply they can control. These close working relationships spur equipment advances at foreign SM&E firms working with chip producers at the leading-edge.

The U.S. SM&E producers of lithography equipment, test equipment, and materials have seen their commanding market shares reduced, as shown by the examples in Figure 7. The three equipment markets shown in this figure represent critical tools used in chip manufacturing, and are representative of the declining U.S. share of most equipment markets. In 1982, U.S. SM&E firms were dominant suppliers worldwide; today, Far East firms are dominant, as shown in Figure 8. The only major U.S. SM&E survivors have succeeded by establishing close customer relationships in Asia.

[Figure 7 not reproducible in the RECORD.]

FIGURE 8.—*Top 10 semiconductor equipment suppliers' worldwide sales*

[In millions of dollars]

1982:	*Amount*
Perkin Elmer	162
Varian	100
Schlumberger	96
Takeda Riken (Advantest) [1]	84
Applied Materials	84
Eaton	80
Teradyne	79
Canon [1]	78
General Signal	77
Nikon [1]	58
1988:	
Nikon [1]	521
Tokyo Electron (TEL) [1]	508
Advantest [1]	385
Applied Materials	382
General Signal	375
Canon [1]	290
Varian	211
Perkin Elmer	205
Teradyne	190
LTX	180

[1] Japanese firms.

Source: VLSI Research, Inc., "Electronic Business."

Maintaining a competitive position both in the United States and in the Far East is difficult for most U.S. SM&E producers, partly because their industry is highly fragmented and financially weak. While many Japanese SM&E firms are part of large, diversified companies, Figure 9 shows that 88 percent of the 850 U.S. SM&E companies had 1988 annual sales of less than $25 million. These companies face a difficult competitive environment of escalating capital requirements and R&D costs, while at the same time their major market is shifting to Asia.

[Figure 9 not reproducible in the RECORD.]

Many U.S. SM&E firms still have excellent technology; the problem is that they will not be able to sustain their competitive position over time. They are also small enough to be attractive acquisitions for foreign conglomerates. Only recently, Materials Research Corporation (MRC), a critical U.S. manufacturer of semiconductor equipment and materials, accepted a tender offer from Sony. In addition, for several months Perkin Elmer has sought to sell its semiconductor lithography division. These companies represent important capabilities in the United States, and it would be damaging to the semiconductor industry, and to U.S. manufacturing as a whole, if these skills continue to migrate abroad. An exemple of the result of such a loss of U.S. capability is the sale of Monsanto's silicon materials business to the West German firm Huels, dropping U.S.-owned silicon wafer production from a 15 percent share of the world market to 1.8 percent. An initial analysis indicates that up to $1.2 billion over the next 3 years is required to restore this industry's health.[3]

[3] Analysis performed by the Semiconductor Equipment and Materials International (SEMI).

The U.S. semiconductor manufacturing firms are already heavily dependent on foreign sources of critical materials and equipment, as shown in Figure 10. Even the largest and technologically strongest U.S. chip producers are at risk of failing to gain timely access to the SM&E technologies they need to remain competitive. Unfortunately, the prospect is for increased dependence and continued deterioration of the U.S. SM&E industry as long as its major customers, the U.S. chip industry, is itself in relative decline. The decline of the U.S. SM&E industry will likely be hastened by further inroads of Asian SM&E manufacturers; an industry survey indicates that 75 percent of the next generation of processing equipment purchased by U.S. companies will be produced in Japan.

FIGURE 10.—*U.S. dependence on critical foreign semiconductor equipment and materials*

[In percent]

Equipment:	*1988 imported*
Stepping Aligners	68
Resist Processing	69
Scanning Electron Microscopes	>80
Water Saws	75
Die Bonders	80
Tape Automated Bonders	81
Mold and Sealing Equipment	65
Molding Presses	75
Lead Trim and Form	80
Materials:	
Silicon Wafers	97
Mask Blanks (share of U.S. market only)	91
Sputter Targets	96
Lead Frames	>95
TAB Tapes	85
Molding Compounds	78
Ceramic Packages	96
Ceramic Multilayer Packages	84
Ceramic Substrates	97
Hybrid Packages	80
Bonding Wire	>95

Source: SEMATECH.

The Committee believes that the continued decline of the U.S. semiconductor manufacturing and SM&E industries is unacceptable. Neither segment of the semiconductor industry can remain strong without the other. Manufacturers depend on early access to advanced materials and equipment, and SM&E firms rely on the revenues generated by sales to domestic chip manufacturers. America needs a domestic-based and controlled semiconductor industry with a full complement of leading-edge activities from R&D through production, and with production costs, quality, and performance second to none. For the foreseeable future, neither imports nor foreign direct investment can ensure that the United States receives the same level of military, technological, and economic benefits that an American industry guarantees.

Consequences of the Decline

The economic, technological, and national security gains that flow from semiconductors provide a rare combination of benefits for America. The United States was able to capture those gains effectively so long as U.S. chip producers led the world and conducted nearly all of their leading-edge R&D and manufacturing activities at home. As the U.S. industry's competitive position and state-of-the-art domestic activities weaken, so does America's ability to reap the lion's share of the available national gains.

This point is most obvious from the perspective of national security. The qualita-

tive edge in advanced weaponry that underlies America's strategic posture is put at risk by depending on trade flows that can be disrupted in wartime, and on foreign-owned capabilities, even if they are based in the United States.

Indeed, a recent publication[4] by Sony chairman Akio Morita and former Japanese minister Shintaro Ishihara, highlights the growing issue of Japan's pivotal role in developing leading-edge military electronics technology that contributes to the U.S. Soviet balance of power. They argue that because Japan has such dramatically advanced production skills, their semiconductors have achieved a level of sophistication unmatched anywhere. As a result, they contend the United States could become almost totally dependent on Japan to supply chips for its weapon systems. They go on to point out that if the supply of advanced Japanese chips to the United States were interrupted, and if Japan were to make these chips available to the Soviet Union instead, the balance of power would change dramatically.

The absence of a strong domestic U.S. semiconductor industry would also give leverage to foreign competitors to control the flow of economic gains from semiconductors to the rest of the U.S. economy. Indeed, a scenario believed possible by many observers in industry and government foresees the withering away of the U.S. semiconductor materials and equipment industry in the face of cyclical downturns in U.S. semiconductor production and increased Japanese competition. In this scenario, the fate of the U.S. semiconductor industry—and, by extension, U.S. downstream industries—would soon be in the hands of mostly Asian suppliers. In the scenario's denouement, Asia dominates the U.S. downstream electronics industry and ultimately the global electronics landscape.

Our major competitors have demonstrated capability—compelled either by policy or their own strategy and organization—to act in concert and exercise market power sufficient to control access to technology and its price. Compelling examples include the DRAM shortage, the inability of U.S. supercomputer companies to purchase the fastest foreign chips, and the inability of most U.S. chip producers to gain timely access to the most advanced foreign semiconductor manufacturing equipment and materials. In all of these areas, U.S. industry has already lost control of its own destiny, and as a result U.S. economic strength and national security is at risk.

Exploitation and realization of the economic gains that flow from semiconductors depends upon the development of a cumulative, readily accessible, and leading-edge knowledge base. In the abscence of a viable domestic industry, these factors would reside under foreign control. And they would reside there for a long period, because resurrecting a leading-edge U.S. industry, once lost, would take an extraordinary, concerted investment of time and resources. Neither imports nor foreign direct investment can relieve this dependency. Because nearly all of the R&D will be done outside the United States, imports can neither generate the kind of skill and knowledge base that a domestic-based industry generates, nor substitute for the cumulative learning that domestic activities provide. Nor, without taking substantial risks, can the Nation depend on foreign producers operating within the United States to carry on sufficient state-of-the-art science, engineering, and production and adequately to support the country's research base.

For all of these reasons, the Committee concludes that the United States can be certain of enjoying the economic, technological, and national security benefits that flow from semiconductors only if America's industry is at the leading-edge, with a full complement of world-class activities from R&D through production here at home.

III. MAJOR ROOT CAUSES OF THE SEMICONDUCTOR INDUSTRY DECLINE

At the root of the U.S. semiconductor industry's loss of world position lie critical factors that have worked to the advantage of Far East producers. These factors include differences in the business environment that result in policies and practices, abroad and at home, that are detrimental to the U.S. industry. In addition, the markets available for U.S. semiconductors have shrunk as a result of shifts in the markets for electronic products. Finally, basic technological problems exist for the industry.

The Business Environment

One fundamental cause of decline in the semiconductor industry results from differences in policies and practices between the United States and its major international competitors, differences that lend advantage to foreign producers. The most critical differences are the access to low-cost capital, the ability and willingness of foreign producers to benefit from trade practices such as closed markets and dumping, the failure of U.S. schools adequately to train the work force, and the difficulty of enforcing U.S. legal rights abroad.

For U.S. chip makers, one of the most serious disadvantages is a lack of access to low-cost capital. This disadvantage is critical for U.S. chip firms because of the semiconductor industry's increasing capital intensity. While there is some debate over the precise values for the real cost of capital in the United States and Japan, there is agreement that costs in Japan have been significantly lower. This differential was particularly important during the early part of the 1980s when the Japanese semiconductor industry was investing heavily to expand capacity. A lower cost of capital enables foreign competitors to enjoy lower risk in making investment decisions, and consequently to operate with longer time horizons and greater immunity to swings in the business cycle.

Foreign competitors also benefit from supportive industrial policies and practices in their home markets. Policies range from closed domestic markets to subsidies and the coordination of precompetitive research and development. Practices range from concerted pricing behavior to captive customer and distribution arrangements (e.g., through increased vertical integration and cross-ownership). Together, these factors have helped to create an unstable market environment with unpredictable financial returns for U.S. chip firms. This condition has discouraged the long-term investment perspective required for success in the semiconductor industry. The instability in the market was, for example, directly responsible for the dramatic decline in U.S. DRAM production.

These problems of the semiconductor industry are compounded by America's ineffective efforts to stay at the forefront of education and training. In a world where capital and technology move rapidly across national boundaries, a nation's competitive performance will depend on the continued quality of its work force. This fact is especially significant in advanced technology industries such as semiconductors. Successful firms blend theoretical physics and practical manufacturing skills. While our educational system has concentrated on educating talented students in theoretical disciplines, it has neglected training for manufacturing. In addition, manufacturing industries have been slow to communicate their needs to institutions of higher education. A revised education emphasis is required to support the gains in productivity and quality in manufacturing needed to keep the United States competitive. Companies that have recognized quality programs have found they have had to implement extensive corporate training programs for their employees at a cost that can, at times, rival their R&D budgets. Much of this training should have been a part of a fundamental educational curriculum.

The advantages of active quality programs are demonstrated by success in the market place. Asian companies were quick to recognize the importance of the customer's perception of quality in electronic products, as well as for semiconductor components. The U.S. firms that were late to understand that comprehensive quality programs are fundamental to manufacturing at the leading-edge have found themselves at a serious competitive disadvantage.

In addition, the Japanese have effectively used consensus and negotiation as a methodology for solving technical problems. This approach works well because of the relentless pace of technological change and the need for close cooperation between suppliers and customers in the semiconductor industry. In contrast, American industry has often been built on adversarial and contractual relationships. This approach slows reactions to emerging technologies, consumes valuable resources, and ultimately delays products' introduction to the market. In rapidly changing market, such delays can mean the difference between success and failure.

Finally, differences exist in the legal system and practices of chip producing countries. In several key areas, notably intellectual property and antitrust, asymmetries between domestic and foreign laws frustrate the ability of U.S. companies to take full advantage of their competitive assets. Few countries in the Far East provide comprehensive protection of intellectual property, making it easier for foregin producers to reap the returns that would otherwise accrue to U.S. inventors. Similarly, foreign producers often engage in cooperative and coordinated behavior that would not be permitted under U.S. antitrust laws.

The Market

A fundamental problem facing U.S. chip makers is the migration of their customer base to the Far East. More and more of the world's electronics systems are being produced outside the United States, especially in Asia. In 1984, electronics systems produced in the United States and Europe consumed 63 percent of all semiconductors; by 1989, their combined share was only 47 percent, and Japan had supplanted the United States as the world's largest market. Even more important has been the shift in the production of consumer electronics products. At one time the United States held a dominant position in the production of products such as radios, televisions and

[4] *The Japan that Can Say "No"*. The New U.S.-Japan Relations Card, Akio Morita and Shintaro Ishihara.

video cassette recorders, but one by one U.S. market shares have been reduced dramatically. At the same time, the electronic content of these products has increased dramatically. As shown in Figure 11, consumer electronics products will consume more than $11 billion of semiconductors in 1989—more than 20 percent of the world's semiconductor production. Looking toward the year 2000, Japanese sales of semiconductors for consumer products are projected to be $13.5 billion greater than those of U.S. chip producers. If this projection is accurate, consumer products could fund more than $1 billion dollars of R&D in Japan in excess of that being funded in the United States. This difference in R&D funding attributable to the consumer products market alone is equivalent to the total R&D spending of the top five U.S. semiconductor firms in 1987.

[Figure 11 not reproducible in RECORD.]

Changes in the location of product manufacturing are important because the U.S. chip industry is more successful selling into the U.S. market than into foreign markets. Although losing market share, U.S. semiconductor manufacturers still control nearly 70 percent of the domestic chip market. In Japan however, in spite of intense efforts by both U.S. manufacturers and the government agencies, the United States has about a 10 percent market share, as shown in Figure 12, with no growth through the 1980s. Thus, as product manufacturing shifts to Asia, the total market available to U.S. chip producers is shrinking.

[Figure 12 not reproducible in RECORD.]

It should be noted that the Japanese share of the U.S. market has increased from 5 to 30 percent in the 1980s, as shown in Figure 12. There are two major reasons for the increasing use of Asian manufactured components in the U.S. market. First is the decline of U.S. market share in DRAMs. DRAMs now account for about 15 percent of the total semiconductor market, but the U.S. market share has dropped to less than 20 percent. Another reason for the decline in U.S. semiconductor market share at home is the use of foreign components in products assembled in this country by foreign firms. Although many Japanese companies assemble personal computers and consumer products in the United States, the designs are usually done in Japan and call for Japanese components. Although assembly jobs are created, the U.S. semiconductor industry is hurt by the reduction in sales volume and by a corresponding reduction in R&D funding.

Participation in consumer electronics markets will be even more critical in the future, as the newest consumer products increasingly use highly sophisticated chip technologies and are effective drivers of chip scale-of-integration, packaging, and sub-system assembly. Indeed, Far East producers are defining a new electronics market segment: high-volume, high-technology products such as camcorders and compact disc players, facsimile machines, laptop computers, optical disk mass storage systems, laser printers, and portable telephones.

Such products constitute the fastest growing world markets for chips. American electronics manufacturers currently participate only at the fringes of these critical new markets. Developing a substantial new U.S. participation in these new consumer electronics markets would address a number of problems facing U.S. chip firms. First, increased U.S. presence in the manufacture of high-technology consumer products would provide additional markets for U.S. semiconductor manufacturers. Second, the same chips that would support a renewed U.S. consumer products industry could be marketed to foreign consumer products producers. Given the small market share currently held by U.S. firms, and the resistance to U.S.-sourced products outside of the domestic market, this effort may not produce substantial revenues initially. It would provide a better match, however, between the products U.S. semiconductor manufacturers sell and foreign markets demand.

Technology

For semiconductor firms to stay at the leading-edge of technology, the industry needs a long-term perspective, the patience to achieve high-quality through steady incremental improvements, and an understanding that the technical knowledge required for success is cumulative over many product generations. Very large, precompetitive investments in people, technology, and facilities must be made years before products are ready for market. Precompetitive investments are not related to specific products, they are aimed at the development of the common tools and technologies that will be used later in a variety of applications. With each succeeding technology generation, the precompetitive costs are rising. Because major process generations must be started 5 years or more before products are brought to market, and major product generations are introduced every 3 years, it is necessary for semiconductor firms to bear the costs of more than one precompetitive effort at once. The process development costs for a single generation now reach $150 million, and are escalating rapidly. These costs strain the financial resources of even the largest firms in the industry. The Japanese semiconductor industry has recognized this for some time, and has engaged in cooperative precompetitive research.

In the past, U.S. semiconductor firms have not supported cooperative research in the early phases of process and materials development. They viewed their early research efforts as proprietary, and did not share the results with competitors or with equipment and material suppliers. This adversarial atmosphere created inefficiency, redundancy, and even the misapplication of equipment, and it limited the financial resources applied to any single effort to those that could be borne by a single firm. One opportunity for cooperative precompetitive research efforts is x-ray lithography technology development, which is critical to the production of future generations of advanced integrated circuits. This development is expected to be extremely expensive and could greatly benefit from the pooled resources of the semiconductor industry. The U.S. effort in x-rays lacks the breadth, cooperation, and organization of the program in the Far East.

The U.S. semiconductor industry has been late to recognize the advantage of such cooperative research efforts, and have only recently organized to pool their resources. One result is SEMATECH, a government supported industry consortium dedicated to improving semiconductor manufacturing technology. By bringing together semiconductor manufacturers and SM&E firms prior to the competitive phase, it is hoped that some of the adversarial nature of their relationship can be avoided. A more cooperative atmosphere would reduce the costs for new equipment development at U.S. SM&E firms that have been hard pressed to fund enough R&D to remain competitive with foreign firms. A better working relationship would also remove risk from new product development, because SM&E firms would have more insight into the emerging needs of semiconductor manufacturers. Although a necessary effort, the $200-million-per-year SEMATECH program is by no means sufficient to solve the semiconductor industry's problems.

IV. RECOMMENDATIONS FOR INITIAL STEPS TOWARD A NATIONAL SEMICONDUCTOR STRATEGY

Timely action by industry and government is urgently required to arrest the deteriorating global position of the U.S. semiconductor industry and restore that industry to competitive health. Industry and government must cooperate, with each providing its special strengths and acting in its appropriate role. Because of the immediacy of the threat and the extraordinary losses that will befall the Nation without prompt action, this first Committee report offers recommendations for immediate consideration and early action.

The following recommendations respond to the issues outlined in the last section. Taken together, they represent initial steps toward a national semiconductor strategy. They aim to:

Expand the U.S. industry's global semiconductor market share.

Establish a fully competitive and supportive business environment in the United States.

Enable industry to achieve an enduring, world-class, competitive technology position with a healthy SM&E industry.

Market

1. Rebuilding the U.S. Consumer Electronic Industry: An effective way to expand the U.S. semiconductor industry's market share would be to reverse the flow of the consumer electronics and equipment manufacturing (and company ownership) to Asia, while simultaneously increasing significantly the likelihood of success in rebuilding the U.S. consumer electronics industry. Accordingly, we recommend that the following inseparable actions be implemented as a unit:

a. Establish a Consumer Electronics Capital Corporation (CECC): The CECC should be a for-profit, privately managed investment holding corporation. Its mission should be to provide the momentum necessary to resurrect the U.S. consumer electronics industry infrastructure by creating a multi-billion dollar pool of low-cost, very patient capital. Its investments would be judged both on their long-term profit potential and their strategic value to the mission. The key objective should be the establishment of sustainable market share through the introduction of innovative, high-quality consumer electronics products. In light of the importance of establishing market share, profits should not be expected in the short term. The CECC would be responsible for financial and investment decisions and facilitating the development of independent operating companies; these companies would be run by proven business executives.

Initial funding for CECC would be in the form of a multi-hundred-million-dollar equity investment from industry sources, private and institutional investors, and State and local governments. Subsequent major funding should be forms of commercial debt, accompanied by pledges of support from Federal, State, and local governments. The CECC would be subject to a maximum debt/equity ratio in order to ensure that CECC bore some risk with respect to its debt. Multiple secondary offer-

ings are anticipated to attract private equity investments directly in CECC's independent operating companies, gradually leading these companies to total financial self-sufficiency.

CECC would fund operating companies in the consumer electronics industry through equity investments. Emphasis should be on advanced technology development and productization.

CECC would work with State and local governments in conjunction with its operating companies with regard to the establishment, location, and support of manufacturing facilities.

CECC would search out consumer electronics-related technologies developed in United States laboratories, such as universities and the national laboratories.

CECC would function as a clearinghouse for consumer electronics R&D by working with U.S. electronics and components manufacturers to select key technologies and identify specific opportunities.

CECC would provide its operating companies with a range of support, the most important being financial and managerial.

b. Provide an Equitable Industry Operating Environment: The President should direct the appropriate Federal agency to: (1) determine, under applicable U.S. law, those factors that detract from the industrial operating environment and the expectation for successful investment by private U.S. investors in consumer electronics; and (2) seek redress of those factors. Such redress of these factors could include but not be limited to the following:

Establishing cooperative agreements;

Initiating industry-led negotiations for the licensing of consumer electronics technology to U.S. companies;

Formulating and evaluating implementation policy options for local technology content; and

Conducting substantial local R&D and design work.

c. Enforce Fair Trade Practices: By means of the following, the Federal Government should encourage and purposefully support the entry and potential for U.S. industry to compete vigorously:

The Office of the U.S. Trade Representative should ensure that access to the U.S. consumer electronics market be contingent upon reciprocal opportunity for U.S. companies to access foreign markets; and

The Department of Commerce should ensure and enforce timely application of anti-dumping laws with commensurate penalties.

2. Championing by the Commerce Department: The Department should be empowered to champion the establishment and maintenance of a benevolent operating environment for the U.S. consumer electronics industry and should coordinate the efforts of other cooperating Federal agencies. Additionally the Department should chair a working group of the Electronics Policy Council concerning consumer electronics.

3. Establishing Standards: The Federal Government (including the Federal Communications Commission) should expedite the establishment of standards affecting the introduction of consumer electronics technologies and should cooperate therein with U.S. industry.

4. Accelerating Fiber Optic Service: By changing and harmonizing regulatory policy where necessary and broadly experimenting with prototype and trends, the Nation should encourage private industry to accerate the development of a nationwide broadband network providing fiber optic services to the home. Such a network would stimulate next-generation development of a broad range of semiconductor-intensive consumer products (facsimile machines, digital photography, image compression, high definition television, etc.) that would serve as a technology driver for high-volume, high-technology consumer product manufacturing. Priority should be given to U.S.-produced goods containing significant local technology content in prototype trials.

Business Environment

1. Capital Formation: The single most important consideration for the current and future health of the semiconductor industry is the availability, cost, and patience of capital. Therefore the following actions are recommended:

a. Making the R&D Tax Credit Permanent (Channeling capital): The U.S. R&D (technically reseach and engineering, or R&E) tax credit has been renewed for 1989, but remains temporary. Stimulation of corporate R&D, through improving and making permanent the R&E credit, is essential to U.S. competitiveness in high-technology industries. Legislation should be enacted to make the R&E credit a permanent part of the Tax Code, ensuring that a wide base of taxpayers is eligible for the credit, and allowing start-up ventures to claim the credit, even before market sales. The size of the credit should be increased, and it should be made applicable to all, not just incremental R&D.

b. Reinstating the Investment Tax Credit (Channeling capital): The Tax Reform Act of 1986 eliminated the investment tax credit (ITC). Limitations on the use of the ITC carry forward amplified the negative impact of ITC elimination. The Congress should reinstate the ITC. Carry forward of the credit should be permitted. The market for U.S.-built over foreign-built equipment could be increased if tax credits favored U.S.-made equipment. The semiconductor equipment industry together with the semiconductor industry should propose ways to make the ITC favor the purchase of U.S.-made equipment.

c. Reducing Taxes on Capital Gains (Supply and cost of capital): The 1986 Tax Reform Act eliminated a long-standing policy of favoring capital gains with lower tax rates. The Committee supports proposals now before the Congress to reduce the taxation of capital gains. Special support is given to those aspects of the proposals that provide extra benefits for longer term investments.

d. Increasing Patient and Risk-Tolerant Capital (Quality of capital): There is widespread concern that American business management has an excessive preoccupation with immediate profit, sacrificing longer term, more risky opportunities that in other times may have been undertaken and formed the basis for major technological and economic breakthroughs. Financial regulators should review their regulations on investment advisers and pension funds and rules governing private placements and public issuance of new securities, to identify actions that discourage longer term investments and appropriate risk-taking, and to correct such biases.

e. Facilitating Consortia (Channeling capital): Industry and government have jointly funded SEMATECH. Other industry R&D consortia in semiconductors (such as the Semiconductor Research Corporation (SRC) and the Microelectronics and Computer Technology Corporation (MCTC)) have cleared antitrust and other restrictions. Some of these efforts do not, however, qualify for basic research tax credits. The Congress should enact and the Administration should support legislation to extend the definition of organizations qualified as eligible for the basic research credit to include a broad range of cooperative R&D efforts in semiconductors and other high-technology fields.

f. Improving SM&E Depreciation Rules (Channeling capital): The Congress revised the depreciation schedule for semiconductor equipment in the 1986 Tax Reform Act to reduce it to 5 years from 8 years. At the same time, it mandated that the Treasury Department's Office of Depreciation Analysis review this matter and make a recommendation to the Congress by 1992. At this time, the Treasury Department has postponed an investigation on depreciation rates for semiconductor equipment until 1991. As groundwork for a proposed acceleration of depreciation schedules, the semiconductor industry should update the study of economic depreciation lives, and include data on Japan, where there are much shorter depreciation schedules assigned for most advanced semiconductor equipment (1 to 3 years).

g. Easing the Burden of Section 482 (Quality of capital): Section 482 of the Tax Code requires that transfers of goods, services, and intangibles between U.S. companies and related parties outside the United States be priced as if they were market-based, arm's-length transactions between unaffiliated parties. A recent Treasury Department White Paper made comprehensive recommendations that included many modifications in current practices. These changes will result in greater paperwork, difficulties in interpretation, and greater uncertainty in intercompany relationships with especially onerous problems for semiconductor firms where risk and intangibles are shared among different corporate entities. The Treasury Department should revamp its entire approach to intercompany transfer pricing to incorporate less onerous documentation and recordkeeping, greater accommodation of accepted, proven business practices, and greater certainty and less complexity in pricing transfers and allocating value.

h. Reducing the Federal Deficit (Supply and cost of capital): The continuing deficits reduce our national savings and investment, contributing to our low rates of productivity growth. Although the shortfall of saving and investment may be offset to some degree by inflows of foreign capital, these inflows entail larger trade deficits and a reduced standard of living for Americans. The Congress should place a high priority on continuing to keep the growth of Federal spending below the growth of nominal gross national product. To the extent that changes in the Tax Code are considered necessary, they should be revenue-neutral adjustments used to tilt the tax structure away from consumption and toward increases in saving and investment.

i. Opposing Foreign Capital Controls (Supply and cost of capital): The net inflow of foreign capital into the United States has increased substantially over the past 6 years. There is growing dependence on foreign capital to make up for the shortfall of domestic savings. Disrupting these inflows could have potentially disastrous consequences for the United States. However, foreign purchases of U.S. corporate assets—especially in strategically sensitive industries

such as electronics—are creating concerns that the United States is mortgaging its economic future. The recent increase of oversight authority to the interagency Committee on Foreign Investment in the United States (CFIUS) goes at least part way toward minimizing that concern. The CFIUS should comprehend the impact on entire industries, rather than case by case. The Committee opposes all forms of legislated restrictions of foreign capital flows, including reporting requirements for foreign investment.

j. Increasing Personal Saving Incentives: (Supply and cost of capital): Personal savings in the United States is lower than among its major competitors, including Japan. Using the income tax system to favor personal saving offers one means to increase personal saving. The Congress should broaden individual retirement account (IRA) provisions, including removal of restrictions on eligibility, increasing the allowed contributions, and expanding the uses of IRA savings—for higher education, for example. The taxation on interest from savings should be eliminated or reduced.

k. Eliminating Double Taxation of Corporate Dividends (Channeling capital): In our income tax system, corporate dividends are taxed twice—as corporate profits and when received as dividends. This double taxation may discourage the use of equity financing and unduly encourage leveraging and earnings retention. The Congress should integrate the corporate and individual income taxes to eliminate this bias. Any move toward integration that results in the loss of tax revenues should be accompanied by offsetting increases in consumption taxes or reductions in Federal spending so as not to increase the Federal deficit.

l. Opposing Limits on Leveraged Buyouts (Quality of capital): Media coverage of large, leveraged buyouts (LBOs), in which new debt is issued to buy in equity in order to take corporations private, has brought calls for public policy to restrain such activity. Among the proposed "solutions" are limits on the tax deductibility of interest payments, as well as other legislative and regulatory restrictions. The Committee opposes ad hoc policies targeted at restricting LBOs and other forms of corporate restructuring.

m. Opposing the Speculation Tax (Quality of capital): There is some support for a tax on short-term turnover of securities in financial markets. Advocates assert that such a tax would not only raise funds to cut the deficit, but would also discourage speculative turnover that can create instability, and does shorten managerial horizons. The Committee opposes such a tax on the grounds that it depresses stock prices and raises the cost of capital generally, and that the asserted benefits for capital market behavior are unproven. Any scheme to tax short-term investments should be considered only in the context of providing additional resources to further reduce taxes on long-term investment to rates below what they would be in the absence of the short-term tax.

2. Education: The semiconductor industry requires well-educated workers who can adapt to new technologies and who are flexible enough to respond quickly to an increasingly sophisticated workplace. Additionally, technical training, frequently at the advanced degree level, is the lifeblood of the rapid evolution of new generations of products and processes required for world-class competitive performance. Increasingly, additional emphasis must be placed on training related to manufacturing engineering and on coursework supporting thrusts into advanced applications of total quality control.

a. Preschool: Early childhood education offers the greatest potential for improving the quality of our educational system. A nationwide, quality, comprehensive preschool for economically disadvantaged, at risk, 4-year-old children should be implemented. For every dollar invested in quality preschool, $7 are returned to society during the lifetime of the child in the form of increased earnings, less crime, and less welfare.

b. Primary/Secondary Education: To meet the needs for a literate work force, teacher competency should be enhanced and educational standards raised. A system of national teacher certification should be established that will supplement the States' minimum competency measurements. Business should share management skills with educators. Summer sessions taught by industry experts would help to develop mathematics and science teachers.

c. Dropouts: The currently unemployed, uneducated, and unskilled must be provided the literacy and skills to qualify for current and future jobs in the workplace. Government should support literacy, mathematics, and science education under the Job Training Partnership Act. The country should develop an intensive, West German-type skills-training-employment alternative to high school.

d. Higher Education: The semiconductor, and other high-technology industries will require increasing numbers and quality of technical personnel to meet the standards established by international competition. Curricula stressing manufacturing engineering and total quality concepts should be emphasized. The Federal Government should increase immigrant permanent resident status visa quotas, and relax labor certification rules for non-U.S. Ph.D. graduates of U.S. universities.

e. Workplace Literacy: Most remedial programs are not available to people who are on the job, yet 20 million to 30 million adults have basic literacy problems. Alternatives should be explored to promote business and government involvement in improving workplace literacy. Federal and State tax credits for employee literacy training should be provided. A new title under the Job Training Partnership Act should be created to deal with adult work force needs.

3. Trade Law Reform:

a. New Initiatives: A senior U.S. Government interagency committee should consider, in the context of trade remedies or actions undertaken to counter unfair trade policies, whether additional governmental and/or private sector actions or policies are necessary to complement the current statutory processes as a means of promoting the competitiveness of the U.S. semiconductor industry.

b. Market Access: Full access to foreign markets is critical. As the largest semiconductor market in the world, Japan must take immediate and meaningful steps to increase its purchases of U.S. semiconductor products. Specific sectors in Japan's market should be segregated for increased purchases, and the success of these efforts should be measured in terms of increased market share. The Administration should investigate the effectiveness of the sanctions currently in place to ensure compliance with Japan's commitments under the Semiconductor Arrangement.

c. Export controls: Export controls for both semiconductors and semiconductor manufacturing equipment should be adjusted to maximize export opportunities for U.S. producers to the highest degree possible consistent with security needs.

d. Anti-Dumping Law Reform: Anti-dumping law should be strengthened and made more effective by incorporating the principles being developed by the Semiconductor Industry Association and the American Electronics Association. Embodied principles should include accelerated processing of dumping cases, more effective penalties to deter dumping, and alternative approaches for the use of revenues collected from the dumping in third countries. The United States should actively support the strengthening of the General Agreement on Tariffs and Trade (GATT) anti-dumping code.

4. Intellectual Property:

a. Section 337: the U.S. Government should maintain that the GATT panel report on Section 337 is legally faulty, and will not be accepted by the United States. The Administration should maintain continued support and appropriate enforcement in accordance with existing regulations and practices of Section 337, while seeking broadly supported alternatives to resolve any valid conflicts between Section 337 and GATT.

b. Granting of Foreign Patents: Government and private initiatives seeking more efficient patent-granting systems and harmonization of differences between national patent systems should receive increased emphasis.

c. New Initiatives: The Administration should convene a group to study and make recommendations within this Congressional term concerning clarification of mask works regulations regarding application-specific integrated circuits (ASICs) and new forms of protection such as design protection. National trade secret legislation should be reviewed in light of possible GATT and other international agreements to determine whether to urge accession by other countries to the Hague litigation conventions.

d. Use of Current Mechanisms: The U.S. semiconductor industry should focus on protecting its intellectual property by availing itself of existing means.

5. Antitrust: Legislation to facilitate production joint ventures, as the 1984 National Cooperative Research Act (NCRA) facilitated R&D joint ventures such as the Semiconductor Research Corporation and SEMATECH, would help to strengthen the U.S. presence in strategic infrastructure electronics industry sectors and thereby bolster American competitiveness. The Congress should amend the NCRA to expand the scope of the legislation to include Production Joint Ventures. Under the expanded NCRA, the "rule of reason" and not "per se" would apply to any court challenge to a Production Joint Venture. In addition, providing notice had been given, liability would be limited to actual, not treble, damages.

Technology

1. Increasing R&D for Equipment and Materials: The U.S. semiconductor and SM&E industries must identify means to increase significantly the level of R&D activity dedicated to manufacturing tools, materials, and processes. SEMATECH's mission should be expanded to include project management for these development programs extending beyond 1993. SEMATECH's fund-

ing should be increased immediately by $100 million, half of which would be provided by the developers of such equipment materials and processes. Additional funding $800 million would be required over the next 3 years for these programs to fully address the needs of this industry segment.

2. Continuing Funding for Silicon R&D: The Departments of Defense (DOD) and Energy (DOE) should sustain the current $200 million per year funding previously allocated to very high-speed integrated circuits to maintain long-term industrial R&D efforts related to silicon technology and manufacturing tools.

3. Enhancing X-ray Lithography: The synchrotron ring x-ray technology that has been developed in the national laboratories represents a unique capability and opportunity for future advancement of a critical semiconductor manufacturing technology. The DOE should ensure the transfer of synchrotron ring x-ray technology and systems for microlithography, by having two corporations design and build prototype rings and by funding the participation of national laboratory experts in these projects. In order to ensure timely availability and rapid insertion of this critical technology, DOD's Defense Advanced Research Projects Agency (DARPA), DOE, and the Department of Commerce programs in mask making, mask repair, aligners, metrology and small x-ray sources must be pursued aggressively as well.

4. Enhancing Academic Research and Teaching: The DOD, DOE, and the National Science Foundation should substantially enhance their funding of personnel, equipment, and especially facilities in support of academic research and teaching associated with silicon technology

5. Establishing Metrology and Standards: The National Institute for Standards and Technology should establish the sophisticated metrology and standards that industry will need for manufacturing technology in the coming generations of advanced semiconductors, including the x-ray era of microlithography. The new Technology Administration Act of 1989 is an appropriate step in that direction.

6. Accelerating Residency: The Federal Government should evaluate and implement procedures allowing foreign-born students receiving M.S. and Ph.D., and equivalent degrees in natural science and engineering from U.S. academic institutions to obtain permanent residency permits within 3 months after graduation, without departure from the United States.

7. Doubling Scholarships and Fellowships: The Congress should double the number of federally funded undergraduate scholarships and graduate fellowships for natural science and engineering, and the real monetary value of these awards should be made more competitive with starting salaries in industry.

V. NEXT STEPS

The recommendations presented in this report represent the first critical steps toward a national semiconductor strategy. Further developing and working to implement that strategy is the goal of the next year of the Committee's activities. In fiscal year 1990, the Committee intends to:

Establish the Consumer Electronics Capital Corporation:

(a) Develop business plan;

(b) Obtain seed capital;

(c) Begin operation as implementation of the other unit actions permit;

(d) Achieve major equity infusion;

Continue examination of issues pertaining to a national fiber optic network. Future efforts by the Committee will be directed toward further development of the business and government initiatives required to put this network in place;

Release a separate and more detailed report on the impact of the business environment recommendations on the semiconductor industry;

Continue analysis of what is further needed to revitalize the semiconductor manufacturing and equipment industry; and

Examine two new areas: the status of American industry involved in compound semiconductors (those made from materials other than silicon), and the implications for American industry of the development of photonics (integrated electrical and optical devices), which many observers expect to constitute the next major area of growth in electronics technology.

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Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield?

Mr. HEINZ. Mr. President, I have concluded my remarks, and I was about to put in a quorum call.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

GLOBAL TRADE COMPETITION

Mr. GRASSLEY. Mr. President, everybody knows of the impending crisis in global trade for the United States. It is a subject of discussion on this floor every day that we are in session, and the remarks of my good friend, just completed, the Senator from Pennsylvania, are no exception.

The world in which we live today is being shaped by a whole host of new rules and relationships. Our competitors today are not the manufacturers across the street, but rather across the world. We have to learn to be better manufacturers, to be more innovative managers, to increase our productivity, and learn how to better market our products.

What American industry needs to do is to put its efforts into things that it has traditionally done well in the past. We have been doing that, and that is what we need to do; we need to turn the scientific and technological excellence we once had back into the marketplace winners that we were for a long period of time.

For too long, we have let our superiority in these areas go to our competitors, who have taken markets away from us at home and abroad. Manufacturers must begin to look at the long-term view, rather than just the short-term profit.

The American people, as well as our international consumers, are beginning to look at products in a new light. They want products of high quality and reliability at reasonable prices. That is a commonsense approach that is evidence of any free market.

The Europeans are on the verge of aligning themselves into a common market: EC 1992. They are tearing down internal barriers to the movement of goods, people, capital, and services.

If the United States is to compete in this global market, we must begin to rethink how we run our businesses and be a major player in what will be one of the world's largest markets for goods and services.

Now, to a lesser degree, just across what used to be the Iron Curtain, the extent of the Soviet Union and some of its Eastern bloc neighbors, they are beginning to open their doors to measures of free enterprise. That is another opportunity that we have.

Coupled with these opportunities, we must begin to insist that the Japanese open their markets to the United States and other countries, if they are to enjoy the fruits of opportunities in the United States and other countries in the world for their products. That is going to be a tough nut for all of us to crack. We have been working on that for 15 or 20 years.

Now to the point of my remarks. I recently had an opportunity to read a report called "Made in America." It was done by MIT. In this report, MIT's commission stated that, and I quote, "American industry is not producing as well as it ought to produce or as well as industries of some nations have learned to produce."

Throughout this report, the commission questions why it is that the United States cannot translate technical leadership into commercial leadership. Though the report was short on remedies for individual industries, its conclusions apply widely.

In simple terms, the MIT report stated that America has to pay more attention to manufacturing if it hopes to reap the benefits of its primacy in research and development. That means, among other things, continually improving product design and production processes.

The commission also called on U.S. executives to fundamentally rethink how they hire and manage their work force. The real key to success will be training and motivating workers to exploit fully today's machinery and more cooperation between companies, their suppliers, customers, and among companies of the same industry.

There is room for cooperation, also, this report suggests, between government and industry—not heavy-handed industrial policy, but in the areas of education and training, research and development, and antitrust and trade strategies.

Last, our engineering students need to learn to work as teams—on practical problems, no less as well as individually. They need broader education to overcome the myopia of excessive specialization.

For the United States to be able to compete in foreign markets now and into the foreseeable future, we must do a better job of educating our youth. Although many American students have improved their math, reading, writing, and science skills in the past 20 years, few can apply that knowledge in ways that would assure their success in college, careers, or even daily life.

There were pessimistic tones echoed in a February 15 national assessment of educational programs.

In that report it suggested: In reading, 61 percent of the 17-year-olds cannot understand complicated written passages, including topics they study in school, high school textbooks, or simple newspaper stories. In science, 59 percent of 17-year-olds cannot apply their knowledge to interpret text or graphs or evaluate whether the design of an experiment is appropriate. And, last, in mathematics, 49 percent of the 17-year-olds cannot solve problems using decimals, fractions, percents, basic geometry, or algebra.

Education does affect our Nation's world competitiveness, and, until we turn those statistics around and have progress in these subject matters that no only show up as improvement on basic tests but show up on the applicability of those skills to the challenges of everyday living, we are not going to be able to compete in our world.

Formal education may affect the economy's general rate of productivity in two major ways:

First, increased levels of quality of and quantity of education received by the Nation's work force can be viewed as increases in the quality of labor's input into the production process. Better educated workers may be able to accomplish more diverse tasks or adapt to changing technologies.

Second, activities of educational institutions, especially research and higher education institutions, result in advanced knowledge. Research findings can lead to more efficient production processes, and fewer inputs may be required for a given level of output.

Mr. President, I suggest the time is growing short for us to regain our competitiveness in the world trade environment. If we are to be able to be a player in international trade, I suggest that we begin immediately to get our house in order in the areas of manufacturing, specifically within manufacturing, increased production levels, increased research and development, marketing, maintaining our technical technology superiority, and, most importantly, one improvement across the board that is going to make a difference is the improvement of our educational system and the product of that educational system so it can compete in the everyday world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES SENATE

THE SENATE FILIBUSTER—1917–1989

Mr. BYRD. Mr. President, as has been noted the adoption of the cloture rule in March 1917 did not spell the end for the filibusters. In 1919, a fierce controversy over the Treaty of Versailles resulted in the adoption of cloture for the first time. After many weeks of debate, Senator Gilbert M. Hitchcock of Nebraska offered a cloture motion on November 13, signed by twenty-three senators, that the "debate upon the pending conditions and reservations proposed by Senator Lodge . . . and all substitutes, amendments and additions thereto proposed, be brought to a close."[1] Two days later, on Saturday, November 15, in the debate preceding the cloture vote, Hitchcock stated that he had "made a computation of the space occupied by each Senator in the Record during September and October in discussing the treaty." According to Hitchcock's calculations, "the supporters of the treaty during those two months" had consumed "27 per cent of the time" while the opponents had "consumed 73 per cent of the time."[2] The cloture motion was adopted by a vote of 78 to 16,[3] but the debate continued until November 19, when the Senate rejected the resolution of ratification of the treaty of peace with Germany by a vote of 39 to 55.[4] A motion to reconsider the vote carried, 63 to 30,[5] but again the Senate rejected the resolution of ratification by a vote of 41 to 51.[6] Senator Oscar W. Underwood of Alabama then moved to adopt a resolution approving the ratification of the original treaty "concluded at Versailles on the 28th day of June, 1919," and without conditions or reservations. Senator Lodge made no point of order against the Underwood resolution on condition that a vote occur immediately. The Senate rejected the resolution, 38 to 53.[7] Thus, although a cloture motion requiring a two-thirds vote had been adopted by a majority of almost 5 to 1, the ultimate question at issue—the treaty—also requiring a two-thirds vote, had failed to garner even a simple majority, with or without reservations.

On November 27, 1922, Senator Samuel M. Shortridge of California moved to take up federal anti-lynching legislation which had passed the House,[8] thus provoking southern senators into launching a vigorous filibuster. On the following morning, immediately following the prayer and a call of the roll to establish a quorum, Senator Pat Harrison of Mississippi objected to a request that the reading of the Journal be dispensed with, a request normally granted, and the clerk proceeded to read the Journal. Harrison interrupted the reading to suggest the absence of a quorum, but the chair sustained a point of order that the reading could not be interrupted by a quorum call and the Chair was upheld by a 60-to-1 vote of the Senate. After the reading was concluded, Senator Harrison moved to amend the Journal by inserting the names of senators present on the first roll call of the preceding day. Following a call of the roll to establish a quorum, the Senate, by a roll-call vote, approved the motion to amend the Journal, after which Harrison moved to adjourn and the motion was rejected. He then moved to amend the Journal by inserting the names of senators who answered present on the second roll-call vote of the preceding day. After a call of the roll to establish a quorum, the Senate, by roll call, agreed to the motion to amend the Journal, whereupon Harrison moved to adjourn and demanded the yeas and nays. The vote showed less than a quorum voting, and the roll was again called to develop a quorum, following which the adjournment motion was voted down. Harrison thereupon moved to amend the Journal a third time by inserting the names of localities in which certain North Dakota citizens lived who had, on the previous day, petitioned their senator, praying for the enactment of legislation to stabilize wheat prices. His motion on this occasion being rejected, Harrison candidly announced to the Senate that "we are not disguising what is being done," and "you are not going to get an agreement to vote on this bill." He was "opposed to the passage of this so-called 'force' bill," which, should it ever become law, "would be the beginning of tearing down the last fabric left in the Constitution to support the integrity of the State governments." Underwood then laid down his barefaced ultimatum to the majority: "There are a large number of men whose names have been sent to the Senate, who have been appointed to important offices . . . and who ought to be confirmed; but they are not going to be confirmed; we are going to transact no more business until we have an understanding about this bill. . . . You know you can not pass it."[9] After considerable debate had occurred, the Journal was at last approved and the Senate adjourned.

The next day, dilatory tactics were resumed. Senator Underwood moved to amend the Journal of the previous day's proceedings by inserting the prayer of the preceding day as it appeared, in full, in the CONGRESSIONAL RECORD. Citing the Journal as "the official document to preserve the proceedings of this body," Harrison declared that although the CONGRESSIONAL RECORD carried the daily prayer in

Footnotes at end of article.

its entirety, "all the Congressional Records may in time vanish but the Journal will be preserved, and always should record what takes place in this body." Underwood asked, "What if a hundred years from now your great-great-great-grandchildren should look over the Journal of yesterday and discover that no mention is made of the fact that there was prayer yesterday in opening this body, and then they should take the proceedings of the following day . . . and should read that their great-great-great grandfathers voted against my motion to amend the Journal so that the prayer might be incorporated in the Journal?" Underwood, with feigned piety, then answered his own question. "Why, those children of tomorrow would hang their heads in shame over the action of their ancestors." [10]

Needless to say, Senator Harrison's motion to amend the Journal was agreed to. Harrison then moved that the Journal be amended to state the exact hour on the previous day "when the President pro tempore of the Senate relinquished the chair" and "exactly at what time the Vice President resumed the chair." [11] A lengthy debate followed, the transaction of business remaining at a stand-still, until the Senate adjourned over Thanksgiving Day without having approved the reading of the Journal. Friday, December 1, was a short day of session because of the death of Illinois Representative James R. Mann, and, on Saturday, the Senate met for only two hours and forty-five minutes, recessing to attend the funeral of Representative Mann. But, even during those brief hours, the presence of a filibuster was clearly evident. "When any considerable number of Senators are satisfied," declared North Carolina Senator Lee Overman, "and conscientiously believe that any proposed legislation is unconstitutional, that it involves the integrity of the States and the liberties of the people and if passed would undermine the very foundation stones of this Republic . . . they are fully justified in filibustering to prevent, if possible, a militant majority from roughshodding over a strong minority." [12]

It was obvious that the Democrats would not relent short of total victory in their battle against the "force" bill, as it was called. For the discouraged Republican majority, there was no way to escape surrender. The transaction of business lay prostrate at the feet of a determined and sizeable minority, and the only reasonable expedient was to set the bill aside and go on to other things. Accordingly, on Monday, December 4, Senator Lodge moved to proceed to executive business, stating that the Republican conference had instructed him to say that "they would not press the bill further at the coming session or at the session which is just expiring." [13]

A week later, on December 11, another and longer filibuster was signaled, this time over a ship subsidy bill pushed by President Harding and Republican leaders on the Hill. The Senate Democratic minority was strongly opposed to the legislation, which had passed the House by a majority of only twenty-four votes. Senator Wesley L. Jones led the fight for the bill and pushed for early passage. Senator Oscar Underwood, speaking for the Democrats, sounded the filibuster alarm bell when he pointed out that House Republican leaders had opposed the president's desire to pass the bill prior to the recent November elections out of fear that its controversial nature, if passed, "would inevitably result in the defeat of many Republican Members for reelection" because the measure was "unpopular with the American people." Not withstanding the delay in House action, the bill was "one of the primary issues that determined the results" in many congressional districts, Underwood observed, and "the result was an overwhelming defeat for the champions of the measure" which "came near" to producing "a reversal of the political control of both Houses of Congress." Now it was proposed by the Republican leadership to rush the bill through the remaining weeks of the 67th Congress which would end on the 4th of March and before newly elected members who had "received the approval of the public in the last election" could be sworn into office and register their votes in opposition to ship subsidies. Such an action, thought Underwood, was "in virtual defiance of public sentiment" throughout the country.[14] Senator Duncan Fletcher of Florida then forced a reading of the bill and the accompanying committee report, which consumed more than twelve pages of the *Record*, following which the Senate adjourned until noon the next day, December 12.[15]

The Christmas holidays came and went, and other urgent legislation consumed most of the Senate's time until mid-February, when Senator Jones announced that the ship subsidy measure would be pushed and "not be laid aside for other measures except by a vote of the Senate." Stating that the Republican leadership had "been twitted on this floor because we have laid the bill aside from time to time," Jones explained that it had been necessary to pass appropriation bills in order "to avoid an extra session." He knew there was "a strong desire in Congress for a vacation" and that working "day after day from early morning till late at night," as members had been doing, it was "no wonder that they are worn out." Jones lamented that, "No man will know how many years have been taken from his life, but," said he, "we are sure that many men have had their lives shortened by their work here." [16]

Still, the talkathon droned on, with lengthy speeches on myriad subjects. Texas Senator Morris Sheppard's speech on the League of Nations began on Monday, February 19, and was resumed the next day. Commented the *New York Times* of February 21, 1923, under a February 20 dateline:

> Senator Sheppard of Texas made the longest speech of the session, ten hours and twenty-five minutes. . . . He had been selected to lead the filibuster for the first ten hours. His speech had begun at 6:25 p.m. yesterday and proceeded without interruption until the Senate adjourned at 10:12 p.m. Resuming at 11:25 this morning, and without stopping for lunch or even a glass of water, he continued to talk for more than six hours.

Reporting further on the filibuster, the *Times* stated:

> At 9:20 o'clock tonight Senator Harrison made a point of no quorum and then followed a snarl that required an hour to straighten out. As soon as the clerk began calling the roll, the Democrats went into their cloakroom. . . . Their names were repeatedly called but not one emerged from the cloakroom.

Senator Jones then moved that the sergeant at arms be instructed to request the attendance of absent senators. According to the *Times*, Sergeant at Arms David S. Barry entered the Democratic cloakroom and "politely requested" Senators Caraway, Smith, George, Brookhart and others in the room to appear in the Chamber. "The reply," said the *Times*, "was a unanimous but smiling refusal." Administration supporters, who had promised to hold the Senate in session all night, gave up and recessed until the next day.

By late February, there was no longer any doubt that the obstructionists could and would keep the filibuster going until sine die adjournment at noon on March 4, throttling other legislation in the meantime. In the face of this stark reality, Senator Jones and administration forces capitulated to the inevitable on February 28 by taking up, on motion, a so-called "filled milk" bill, thus displacing the ship subsidy bill.[17] In the words of Alabama Senator J. Thomas Heflin, the "miserable measure" had "gone to its long, last sleep." It was "already dead." [18]

In January 1926, a filibuster broke out when the World Court Protocol was before the Senate. On Friday the 15th, Senator Coleman L. Blease of South Carolina gained recognition and launched into a speech warming up with a folksy apology:

> Mr. President, I think if we ever have a contest in the United States to determine who is its poorest reader, that I can easily win the prize. So if any Senator has any other business to attend to I shall not con-

sider it the slightest discourtesy if he declines to listen to my reading.[19]

Blease proceeded to read George Washington's farewell address, complete with interspersals of Blease's own extemporaneous words of earthly wisdom sprinkled throughout. Invoking the Bible and the names of Calhoun, Francis Marion, Webster, Hayne, Theodore Roosevelt, Wilson, Jefferson, and others, Blease entertained his colleagues by heaping scorn upon international bankers, foreign embassies, members of foreign legations, evolution, and prohibition. Of prohibition, Blease said that, "any man who thinks this country has prohibition is an ignorant fool. . . . The only man in this country that has prohibition is the poor devil who has not the money to buy liquor, and everybody knows it."

Blease's contempt for foreign embassies was blistering as he spoke of "liquor sent over from Baltimore under protection for foreign embassies that they and their people might have a big Christmas, drink liquor, drink wine and champagne, frolic, and have dances." "But," contained the fiery South Carolinian, "the poor little devil who drove a street car all day in the snow, or drove his hack and had to beat his arms to keep warm, or worked down here in a ditch somewhere and quietly slipped out and got his little half pint, put it in his hip pocket, and . . . slipped home and took a little drink, whose feet were wet after he had been working hard all day some scoundrel paid by the government in the shape of a nasty, dirty spy, calling himself a prohibition agent, looking in the window, runs in and grabs him and slaps him in jail for 30 days and works him with a pick and shovel." Blease went on, with devastating fierceness; "Meanwhile, the embassy people in their uniforms and their stripes and their fine hat and clothes drink all the liquor they want, and do everything they wish at variance with the laws of the Nation, and . . . our law officers sit back and say: "Good morning, Mr. Ambassador. . . . Not only you but your attache, your little automobile driver, are exempt from the American law."

Senator Blease, like George Washington, was against "foreign intrigue," and that also went for the "league court," whose "foreign judges are going to decide against us."

Senator William E. Borah of Idaho stated that, although he had "spoken upon the subject three times," he had not spoken at great length. He had "been here 18 years" but had "never taken part in a filibuster" and was "not going to engage in any filibuster." He and others who were opposed to adherence to a world court only wanted "to present what we believe to be substantial arguments upon the proposition," after which "we will proceed to vote." When it came to fixing a date for a vote, however, he did not want to "cramp anybody."[21]

Other senators engaged freely in the loquacious sparring, talking with unbridled tongues and lusty voice boxes. On Friday, January 22, Senator Irvine Lenroot of Wisconsin introduced a cloture motion signed by forty-eight senators. Meanwhile, in a carefully prepared speech Wisconsin Senator LaFollette asked: "Why is so much pressure being exerted to force a vote on this resolution? What is the hurry? What interests of this country will be injured by considering this step fully?" LaFollette reminded his colleagues that when the question of the League of Nations was before the Senate "the same kind of false alarm as to the impatience of the public over the debate was raised by the proponents of the league as is now being raised by the proponents of this court." On that occasion, said LaFollette, "President Wilson demanded immediate action. He rebuked the Senate." LaFollette further recalled, "It was stated then that the people were behind the President urging prompt, unquestioning approval of his demand that we join the League of Nations." The President went to the country, said LaFollette, "confident that he would win an overwhelming victory," but LaFollette doubted if there had "ever been a more striking example of mistaken judgment or a more complete reversal of political fortune in the history of this Government." LaFollette alluded to certain Republicans in the Chamber who "personally have great distaste" for supporting the resolution approving America's entrance into the International Court of the League of Nations. Yet, those same Republicans, he said, were supporting the protocol "because the Harding and Coolidge administrations have sponsored it."[22]

On January 25, 1926, cloture was invoked by a vote of 68 to 26,[23] and two days later, by a vote of 76 to 17,[24] the resolution was agreed to. For the second time since the cloture rule had been adopted in 1917, cloture had been invoked. Yet, cloture would not be easily applied in the future nor would it be often invoked to curb filibusters.

A filibuster was conducted against legislation for migratory bird refuges in the spring of 1926, but the bill died after an effort to invoke cloture failed the required number of votes. Legislation for development of the Lower Colorado Basin suffered a similar fate when, on February 26, 1927, cloture was rejected by a vote of 32 to 59. Two days later, however, cloture was invoked on a Prohibition Reorganization Bill, and a curious situation ensued in which a final vote on the bill was dragged out for almost two days by the opponents of a resolution extending the life of a campaign investigating committee which was looking into charges of corruption involving senatorial elections in Illinois and Pennsylvania. As Franklin Burdette observed, "filibusterers against one measure had been able to make cloture against another serve their purposes for nearly two days!"[25] At one point, Senator Heflin of Alabama—who, incidentally was an uncle of our own colleague and friend from Alabama, Senator Howell Heflin—ridiculed "obstreperous Republican filibusterers" for obstructing action on the resolution for campaign investigations. With words dripping with sarcasm, he shouted, "You are saying in your hearts:

Committee, spare that campaign boodle tree, touch not a single bow;
In election times it shelters me,
You must not harm it now.[26]

The filibusterers succeeded in killing the campaign resolution, but a host of other measures accompanied it to the parliamentary guillotine when the hour of noon came on March 4.

During a filibuster in March 1929, against a bill extending the life of the Federal Radio Commission, Senator Cole Blease of South Carolina and Senator Royal S. Copeland of New York talked at length in opposition to the measure. Blease said that he didn't know much about the radio business" and that he had "been opposed to the bill and the commission ever since it started." Then he informed his colleagues that he had "noticed recently that there is a report that it is intended to put a radio in the Capitol; in fact, in this very room." That Blease's feeling toward radios was indeed less than lukewarm, could be inferred from the following inquiry he made of Copeland, "I want to ask the Senator, who is an expert on radio, if that radio is put back in the corner of the Chamber here close to my seat whether it would be possible for one of these anarchists to send something through it and blow us all out of here? Copeland's response was that it "would be a calamity too dire to contemplate."[27] It being March 1, just a few days prior to the inauguration, Blease spoke with dread forebodings concerning the potential for disaster. "Now they want to put a radio back here right behind me so as to broadcast what is going on in the Senate. I do not know anything about radios," he averred. "I never listened to one of them in my life. . . . I do not know what they might do, and that is what I want to ask Senators." Were not the very lives of Senators being put at risk by this contraption, the radio? "They might fill that thing up with gas, some deadly gas," he warned, "and just about the time the crowd assembled in this Chamber, everybody in control of the Government of the United States, some fellow might turn on a machine down here and just gas out the whole business."

Blease's expressed fears may have been somewhat short of rank innocence, but his dislike for the Federal Radio Commission, for radios, and for the bill was not to be doubted. "I do not care very much about the radio bill. I will be honest about it. I am opposed to it. I was the only man who voted against it when it came up," and then with modest self-deprecation, he frankly allowed that he had some "rather peculiar ideas," and he guessed that a lot of people might "think they are fool ideas." But, to save his life, he could "not see what right we have to control the air that God Almighty gave the people." The government already had "control of fish, the sidewalks, the birds, the trees" and now they were going to "come here and say, 'We are going to take the air away from the people. Let no man breathe air unless he gets a license from the Radio Commission.'" [28]

Blease and Copeland succeeded in getting the bill modified to shorten the time extension, and the filibuster ended.

In 1933, Huey Long burst upon the Senate stage. The junior senator from Louisiana was atomic energy in the flesh! Unflappable, irrepressible, indefatigable—here was the granddaddy of all filibusters, those who had gone before and those who were yet to come. For wit, brass, and pure showmanship, Huey Long was in a class all by himself. Not since the days of the eccentric John Randolph, over a century past, "had the Senate been treated to such a jargon of words." [29] The "Kingfish" had arrived! And, in January 1933, when the branch banking bill was before the Senate, he gave his colleagues a foretaste of things to come.

The bill, introduced by Senator Carter Glass of Virginia, dealt with Federal reserve banks and national banking associations and the regulation of inter-bank control, and Long and a group of other Senators vigorously opposed provisions permitting branch banks. On January 10, Long spoke at length against the bill, and, typically, subjected its provisions to the fire and brimstone of passages from the Bible, quoting from the book of Isaiah,

> Woe unto them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the midst of the earth!

Having thus proved that the Lord was clearly on his side, Long made his point: "All that it is necessary to put in there are the words 'banking house to banking house and woe be unto them.'" Laughter in the galleries drew an admonition from the Vice President in the chair. [30]

Flaying the "5 percent" of the rich people of the country, who owned "85 percent of the wealth and control the other 15 percent," [31] Long invoked the book of James:

> Go to now, ye rich men, weep and howl for your miseries that shall come upon you. Your riches are corrupted, and your garments are motheaten. Your gold and silver is cankered; and the rust of them shall be a witness against you, and shall eat your flesh as it were fire. [32]

Long left no doubt that he was for decentralization of the banking authority "to take it out of the hands of the imperialistic financial manipulators, and to put the control back among the people of this country." And, again, what better authority than from the Book of James!

> Behold, the hire of the labourers who have reaped down your fields, which is of you kept back by fraud, crieth: and the cries of them which have reaped are entered into the ears of the Lord of Sabaoth. [33]

Having warned the Senate of the dangers of the concentration of wealth in the hands of a few, Long announced that the wealth must be distributed: "The only way we are going to be able to get the people to spend more money is to give them something to spend." But instead of remedying the situation, we were "imposing a condition that means twofold more trouble on top of what we have already," said Long. The branch banking bill would "close the door so that there will be eternal trouble with a situation that admits of no correction. . . ." [34]

On the next day, Senator Long renewed his oratorical forays against the bill. At one point, he sought to have the clerk read a resolution adopted by the Country Bankers' Association, but Senator Glass objected to the request, saying, "We so much prefer to hear the mellifluous voice of the Senator from Louisiana that I am not willing to have the harsh voice of the clerk disturb us." The President pro tempore then put the question before the Senate on a voice vote, but Long demanded a division. The nays prevailed, thus rejecting the request that the clerk read the resolution. Unperturbed, Long gleefully responded to the gentle reproof:

> "Mr. President, I thank Senators for this great expression of fealty which they have toward having my vocal strains resound through this Chamber. . . . I do not know of anyone who has been told in the Senate, even against his own will, that the Senate desired to hear him, as I have been here this evening. It is a compliment which I truly appreciate. I shall carry with me, in what few days or few years I have in this body, appreciation for the Senator from Virginia; but I will read the resolution myself." [35]

Later in the day, when Long had yielded the floor, Glass stated that the Senate was "confronted with the question as to whether or not it shall be permitted to legislate." He intended that "it shall legislate" and served "notice" that, beginning the next day, he would "ask the Senate to sit until a reasonable hour in the evening in order that we may commence a deliberate consideration of the pending bill." [36]

Long and the venerable but prickly Senator from Virginia frequently clashed during the debate, at one point Long saying, "The mountain [Senator Glass] has labored and has not even brought forth a mole, much less a mouse." [37] He took on all comers, to use a familiar West Virginia idiom, and evinced an intense delight in engaging in verbal fisticuffs, even going out of his way when the opportunity arose to deliver a caustic jab at other Senators. When asked by Senator Hiram Bingham of Connecticut to yield that he might make a brief appeal to the Senate "in behalf of the poor people of the District of Columbia," Long declined "to yield to any Senator who has not a good record in behalf of the poor people or the kind of a poor people's record that I have." Said Long, "Whenever I am forced to get any advice about taking care of poor people, I want it to come from somebody who is in actual touch with the condition of the poor people." [38]

Finally, a unanimous consent agreement paved the way for passage of the Glass banking bill on January 25, 1933, and the filibuster ended. Senator Long did not vote on the passage of the bill, having announced a pair with an absent Senator, but stated that he would otherwise have voted against the bill.

Huey Long participated in several filibusters over the next 2 years, and on May 21, 1935, he undertook to prevent passage of a resolution providing for a joint session of Congress to hear President Roosevelt deliver a veto message. In the midst of a long rambling discourse, Long referred to the wage scale set by the President for "work-relief" projects, and the effect of such in Tennessee and other Southern States. Senator Kenneth McKellar of Tennessee took umbrage at the mention of his State's name and admonished Long to "confine himself to Louisiana" and "let Tennessee alone." Continuing, McKellar angrily charged Long with never having "had a bill passed for Louisiana or for the country since he has been here." Moreover, the fiery Tennessean doubted that Long "could even get the Lord's Prayer endorsed in this body if he undertook to do so." Long liked to call himself the "Kingfish," charged McKellar, and, while "he can be the 'Kingfish' in Louisiana . . . he is not the 'kingfish' in Tennessee, and he is not the 'kingfish' in this body; and his record proves that fact." McKellar's withering blast continued: "The Senator from Louisiana has an idea that he is a candidate for President. For Heaven's sake!"

The galleries convulsed with laughter, which drew a stern admonishment

from the Chair. Senator Barkley appealed to the chair not to be too harsh with the occupants of the galleries, observing that "when people go to the circus they ought to be allowed to laugh at the monkey."

Long, ever ready to turn the tables on an adversary, quipped, "Now, Mr. President, I resent that statement about my friend from Tennessee." [39]

After he had talked for about 5 hours, Senator Long suggested the absence of a quorum and left the floor, whereupon Senator Thomas Connally of Texas got recognition and claimed the floor in his own right. Long had made a technical error in walking off the floor and, in so doing, lost it.[40] The resolution authorizing the joint session was then adopted.

Mr. President, it is my conclusion, upon having read the record of the proceedings that took place during the time that Senator Long was holding the floor on May 21, 1935, several Senators exceeded the bounds of propriety in making certain derogatory remarks about the Louisiana Senator and should have been called to order by the Chair or by another Senator under rule 19.

Senator Huey Long had already proved himself to be one of the most resourceful filibusterers that the Senate had ever produced. He was a superb debator—tough, gutsy, and brilliant—and his quick wit, folksy humor, and flamboyant style made him a crowd-pleaser, whether on the campaign stump or on the Senate floor. In the clinches, he asked no quarter and gave none. When Huey Long debated an issue, he was always center-stage, but never more so than in the 1935 filibuster, for which he is perhaps best celebrated, concerning the proposed extension of the National Industrial Recovery Act. The National Industrial Recovery Act had been ruled unconstitutional by the Supreme Court, and the resolution before the Senate proposed to extend certain provisions of the original Act until April 1, 1936. Having previously passed the Senate, it had been amended by the House and was back before the Senate on Tuesday, June 11, for further amendment. Senator Gore of Oklahoma had succeeded in having an amendment adopted to require Senate confirmation of government officials appointed by the president whose salaries exceeded $4,000 per annum. Long, who supported the Gore amendment, had moved to reconsider the vote, a normal procedure, and Gore had moved to table Long's motion so as to conclude all action on the amendment and prevent any subsequent effort to overturn the vote. Senator Alben Barkley prevented a vote on Gore's tabling motion by recessing the Senate until the next day, Wednesday, June 12.

When the Senate resumed consideration of the matter on the twelfth, the vote occurred on the tabling motion, which carried, and debate began on the motion to reconsider the vote on the Gore amendment.

By this time, it was apparent that the opponents had garnered enough votes to reverse the earlier decision and defeat the amendment. Long took the floor, therefore, in opposition to the reconsideration of the earlier vote adopting the Gore amendment requiring Senate confirmation of presidential appointments to positions paying over $4,000 per year.

Referring to the Roosevelt administration, Long charged that "they are promising every man in Louisiana who will say he is against Huey P. Long a job at $300 or $400 or $500 a head." Stating that one of the "Jim Farley-Roosevelt leaders down there" was operating "a tombstone and coffin club business," and that "this thumb-rigging, screw-driving character" would promise that "if a man paid 10 cents or 25 cents or whatever it was ever so often, that when he died they would give him a decent burial. They promised him a brass band at his funeral and a coffin and a tombstone and a shroud." But, said Long, "the little bird who was running this skin game" would go out on the night after a funeral "and dig up the coffin, take out the body, take the shroud off the body, put the body in a pine box, replace it in the ground, and then pack the ground down tight over it, and put the shroud and coffin on sale again and bury another man in them the next day." Long declared, "They do not dare bring that kind of character before the United States Senate for confirmation." [41]

Long continued his harangue against the administration's job holders in his state. Singling out another target, he spoke of a "little pot-bellied character" who reminded him very much "of a chicken snake." No one within the sound of his voice could have avoided amusement as the hilarious Huey Long recalled that:

> back in the old days in the woods, how we would hear the hens squalling and the chickens raising Cain out in the backyard at night, and we would run out and take a lamp and a shotgun to see what was the matter; and, lo and behold! We would raise up the hen and there would be a chicken snake that had swallowed every egg there was in the nest, and . . . he would be so puffed out in the stomach that you could hardly see how he could crawl away from there. This chicken snake would be about 1 inch around at one end and about 1 inch around at the other end, and about 8 inches around in the middle.

Long said that the chicken snake would then "crawl through a rail fence and break the eggs, so as to get the benefit of the nutrition that is in the eggs." This "little pot-bellied politician," Long averred, had been given the right to employ several thousand people, had jurisdiction over handling several million dollars of public funds, was "getting $500 or $600 a month" and had grown so fat and so bloated, and his stomach so puffed, that they will have to get a rolling chair, if things keep on as they are, to assist him in getting about."

Of course, Long's audience could not keep from laughing. His point had been made: "They do not dare bring these characters here and allow them to be fumigated" by the United States Senate.[42]

As to "that detestable, contemptible, despicable blue-buzzard N.R.A.," Long praised the nine men on the Supreme Court who had ruled the law to be unconstitutional and, in doing so, had "saved this country from Fascism and Bolshevism." "God save and God bless those men," shouted Long, "to render service again! For every mistake they have ever made they are entitled to a million mercies." [43]

Long went on for hours, reading the Constitution, and commenting at length on section after section and clause after clause. Suffering interruptions from other senators from time to time, he would engage them in banter, sometimes derisive, sometimes cutting, often sarcastic, and always impervious to criticism or badgering from his would-be detractors.

During his long discourse, Long expounded on the Declaration of Independence, the national debt, his experiences as a railroad commissioner in Louisiana, and quoted from the Bible. He read at length from a book by Victor Hugo, "By Order of the King, or The Laughing Man," [44] and proceeded to dictate a law "to this stenographer, right here and now without having to correct a word, which will wipe out the depression of the United States by sunrise tomorrow." [45] The galleries exploded with laughter. Long continued to cover the oratorical waterfront, eventually getting around to a discussion of some of his favorite recipes. Oysters being a favorite, he regaled the galleries with a long-winded explanation on "the way to cook oysters." Then he thoughtfully advised his colleagues that "if every Member of the Senate will clip out of the Record tomorrow what I have said today and not give it to his wife"—and here he was especially considerate of Senators' spouses—"learn how to do it himself and then teach his wife—he will know how to fry oysters better than most families in Washington." It was Long's opinion that there was "no telling how many lives have been lost by not knowing how to fry oysters," there having been "many times" he had heard of "some man who was supposed to have had an acute attack of indigestion or cerebral hemorrhage or heart failure, and the chances are the

only thing that was the matter with him was that he had swallowed some improperly cooked oysters." [46]

Long then revealed his "recipe for potlikker." It was made from turnip or mustard greens, but turnip greens were preferable because they contained "more manganese." Of course, there was one problem: "Sand is always in them." His instructions were, therefore, that, "to get every vestige of dirt and sand and grit out of the greens you have to wash them many, many times." Then, after he had described the quantity of water and the amount of "salted side pork" needed, he said the greens should be cooked "until they are tender." As to the potlikker? It was the "residue that remains from the commingling, heating, and evaportation—." Interrupted by laughter, Long expostulated, "anyway, it is in the bottom of the pot!" [47]

After such a rhetorical smorgasbord of subjects had been disposed of to the obvious delight of his listeners—especially those in the galleries—the senator from Louisiana shifted his attention to the Schechter poultry case in which the N.R.A. had been declared invalid by the court. His comments on the "chicken coop case" were a classic in the use of the trenchant wit as he systematically and methodically portrayed the N.R.A. as an act of folly. According to Long, "When this coop of chickens got to New York," a man looked into the coop and decided that he liked "that pullet right over there, that frying-size pullet," but the man in charge said, "Hold on there . . . before you pull out that pullet hold on a minute; let us get the N.R.A. rule book and look through it and see what the rule is before you take a chicken out of the coop." So they got down the N.R.A. rule book "and it said there that no man could reach into a coop of chickens and pick out any particular chicken; that he had to blindfold himself and reach in and take whichever chicken came to hand. That is in the code." When the laughter subsided, Long reminded his colleagues, "that is a part of this wonderful thing that we are sitting here to enact . . . as soon as I get through talking." But, regardless of the N.R.A. and its rule book, the man proceeded to get the chicken he wanted, "so they indicted the poor devil and ordered him to the penitentiary because he got out of the coop the kind of chicken he wanted." Moreover, Long opined, the man "probably boiled the gizzard, when he should have roasted it." The man "gets a lawyer, pays him his cash, and gets convicted," all because he had violated a provision in "rule book, volume 6, page 641, paragraph *z*, subdivision 2" which provided, said Long, that a buyer had to take chickens as they come, "he cannot discriminate between chickens." Laughter rang throughout the chamber, and the chair once again reminded the galleries to observe the rules of the Senate. Long agreed that the rules did not allow demonstrations of approval or disapproval, but, he added, that if those in the galleries approved of what he said, "it would be all right for them to write me a nice letter," and, just in case he should run for office, "you can enclose a little contribution for the next election." "Things like that," said Long, "are always in the rules of the Senate," even though demonstrations in the galleries were not allowed. [48]

Later in his speech, Long returned to the culinary arts and told his audience how to make Roquefort cheese salad dressing. "There were only two men in the United States who understood how to make it, and I knew how to make it better than the other man," the Louisianian announced, but then added, "the other man is dead . . . so I will now give the recipe," and he proceeded to do so, to the enjoyment of the audience. [49]

Speaking of one of his uncles, Long said, "He was a fellow who joined the church every summer . . . it finally got to the point where they had to baptize him," and as they led him into the water, "there floated out of his pocket the ace of spades," and as he waded a little further, "the king of spades came out, then the queen of spades, and just as the preacher was ready to baptize him the jack and 10 spot of spades came out." His uncle's wife, standing on the bank, became frantic, Long related, threw up her arms and cried: "Don't baptize him, parson. My husband is lost. He is lost." But the young son was sitting on the bank, and he said, "Hold on, Ma. Don't get excited. If he can't win with the hand he's got there, he can't win at all." Again, the galleries erupted. [50]

Of such stuff was Senator Long's filibuster made. According to the *New York Times* of June 14, 1935, when the tired but scrappy Louisianian finally yielded the floor "at about 4 a.m." on Thursday, June 13, he had spoken "15½ hours" at a cost of "about $5,000." The speech consumer eighty-four pages of the *Congressional Record*, [51] including numerous interruptions—some from senators hostile to Long, while others came from senators eager to join in the prevailing carnival atmosphere.

That the feisty filibustering buccaneer was an extraordinary showman was evident; his story-telling, recipe-giving speech had elicited laughter ninety-eight times, and numerous admonitions had been directed to the gallery occupants by the chair. But Long lost the battle. The amendment requiring Senate confirmation of administration appointees was tabled by Majority Leader Barkley soon after Long's speech ended. [52]

The June 1935 speech is perhaps the most-quoted filibuster example in U.S. Senate history, but it is also one of the most ridiculed by critics of parliamentary obstructionism. Within the Senate itself, Administration forces, together with a coalition of new senators "led by Senator (Lewis) Schwellenbach, the arch-liberal from Washington, "53 were strong in their denunciations, while press comments concerning the speech were generally unfavorable regarding Long's tactics. A *New York Times* column by Arthur Krock was headlined "Long's Defeat in filibuster checks his Senate 'Mastery'," and stated that according to "some observers" the Senator from Louisiana "had let himself in for something foolish, something destructive to the reputation he has given himself . . . as the real master of the Senate." In Krock's view, "such spectacles as Mr. Long has often been permitted to make of the Senate and himself" were coming to an end. "He may try the same thing soon again. But we will be punch drunk when he enters the ring." [54]

Long did try again two months later, on the night of August 26, 1935, when a deficiency appropriation bill including funds for the social security program was racing to beat the end-of-session deadline scheduled for no later than the hour of 12 o'clock midnight. The House bill had previously been amended by Senate provisions benefiting wheat and cotton farmers, which the House had refused to accept, and when the bill came back to the Senate, Majority leader Joe Robinson of Arkansas attempted to remove the amendments. Long objected and took the floor, hoping to force the leadership of both houses to find ways to accept the amendments rather than have the bill die with the impending sine die adjournment. The amendments provided to farmers minimum prices of 90 cents a bushel for wheat and 12 cents a pound for cotton, and were supported by a coalition of western and southern senators. Complaining that "the chairman of a (House) committee has taken the deficiency bill and has served notice" that the committee would "not report the bill with the (cotton and wheat) amendment, [55] Long shouted: "I challenge all sides and beg all sides, the high, the mighty, the powerful, to let the House have a chance to vote. . . . Take this bill and send it back to the House . . . and let the House vote on this matter tonight. . . . Let them vote. Who is afraid?" Otherwise, Long made it clear, the deficiency bill would die at midnight, "If you are in such a big hurry that you have to have it by 12 o'clock or not have it at all, then you let the House of Representatives vote on the bill." [56]

At one point, Long was forced to take his seat on a question of order raised by Washington Senator Lewis Schwellenbach, whose dislike for Long's tactics was well known, the point of order being that Long had transgressed Senate rules by referring to a member (Representative James P. Buchanan of Texas, Chairman of the House Appropriations Committee) by name. On a motion by Senator Sherman Minton of Indiana, the Senate voted to permit the Louisiana Senator to "proceed in order." [57] Unperturbed, Long resumed his efforts and, as time went on, irritated colleagues became increasingly rancored, repeatedly interrupting his speech with questions and parliamentary inquiries so phrased as to deliver stinging rebukes to the senator. Schwellenbach and Alabama Senator Hugo Black were especially caustic, and they persisted in taunting Long with derisive and scornful reproaches. Schwellenbach, in the guise of a parliamentary inquiry, asked the chair

whether the older men and women of this country . . . are to be deprived of an opportunity for a pension, whether the little children . . . are to be deprived of opportunity, whether the blind are to be deprived of opportunity which this bill provides for them, simply because the Senator from Louisiana wishes to provide publicity for himself, and get himself in the newspapers, and talk to the occupants of the galleries.

The President pro tempore responded that "the Chair cannot answer that question at the present time." But Long answered by reminding his tormentors that it was he, himself, who had saved the bill and "kept it alive" on the preceding Saturday:

Ah! There was not a tear then. . . . Oh, the tears! How the salty tide runs around me. I can feel it in every pore, how there is weeping, how there is everything expressing deep sympathy, to induce me to pause long enough to allow the motion of the senator from Arkansas to prevail, to take the wheat farmer and the cotton farmer out of the bill.[58]

Again and again, Long yielded to Black for a question, only to be upbraided. In one such instance, Senator Black said:

The Senator is fine on receiving laughter from the galleries, but I ask the senator if he thinks he will receive laughter from the old people who are deprived of their pensions by his filibuster; from the crippled children who are deprived of their medicine by his filibuster; from the mothers who are sick . . . and who are deprived of their medical treatment on account of his filibuster; from the blind who are deprived of the money needed to take care of them by his filibuster; from the railroad men who desire to see their pension fund start in operation and who are deprived of having it done by his filibuster. Does he think they will smile and laugh at his witticisms and his smart sayings?

Long repeatedly responded to such censure by insisting that he was for the bill but that the House should be forced to vote on the amendment to aid the cotton and wheat farmers of America. If the Senate leadership would send the bill back to the House for a vote, he would give up the floor. In Long's view, there was a simple solution for saving the bill: "There is one man in this body who can get it over there. If the Senator from Arkansas (Majority Leader Robinson) asks me to yield for the purpose of withdrawing his motion, so that the bill may go back to the House, I will yield." [60]

As the hours went by, even other Senators who supported the amendment on wheat and cotton pleaded with Long to relent and let the bill pass. But he remained adamant to the last, impervious to entreaties and threats alike. At midnight, the gavel came down, the session ended, and the bill died.

Fifteen days later, Senator Huey Pierce Long was dead, shot by an assassin at the state capitol in Baton Rouge, Louisiana.[61] The "Kingfish," who, even today, remains unrivaled in the annals of Senate filibusters, was gone forever.

A short, but successful, one-man filibuster was conducted on the night of Saturday, June 20, 1936, when Senator Rush D. Holt of West Virginia took the Senate floor to oppose legislation to regulate commerce in bituminous coal. Holt, with whom I served in the West Virginia legislature in later years, threatened to read from a volume of Aesop's Fables until final adjournment of the Congress, due to occur at the end of that day. The bill which was the target of Holt's attack was sponsored by his senior colleague from West Virginia, Senator Matthew Mansfield Neely, but the two Senators had been feuding. Holt, had been elected to the Senate on November 6, 1934, for the term beginning January 3, 1935, but not having yet reached the age of thirty, did not take his seat until June 21, 1935. Neely, a veteran of political wars in West Virginia, was a close ally of John L. Lewis, President of the United Mine Workers of America, with over 125,000 members in the state. Both Senators were very articulate, outspoken, and tough infighters when it came to politics and debate.

When asked by Senator Sherman Minton of Indiana during Holt's filibuster whether he expected to support Neely, in the upcoming November election, Holt replied, "Mr. President, if I should say what I thought of him, I would be violating the rules of the Senate, because I am not allowed to talk about my colleagues in that way." [62] It was clear that there was no love lost between the two West Virginia Senators.

Holt talked at some length against the pending coal legislation and then turned his attention to Aesop's Fables. Senators were to draw their own inferences from the fables, some of which, of course, were meant to apply to UMWA chief Lewis and Senator Neely. Holt droned on, from fable to fable: The Elephant and the Assembly of Animals; the Dog, the Cock, and the Fox; The Wolf and the Lamb; The Ass That Carried the Image; and others, when he was asked by Majority Leader Joe Robinson, "Is it the Senator's intention to continue his address?"

"I have a great many of Aesop's Fables to read," replied Holt.

"The Senator would not be willing to yield for a vote on the bill?"

"Oh, I would have to read all these fables," Holt maintained stoutly. "I desire to read them." [63]

Robinson was not left in doubt as to Holt's intention to run the clock until the session's end. Soon afterward, the senate adjourned sine die.

Filibusters continued to occur in the late 1930's, 40's, and 50's, and efforts to invoke cloture were largely unsuccessful. In 1953, a new record was set for long-windedness in the Senate by Wayne Morse of Oregon, who took the floor at 11:40 a.m. on Friday, April 24, and spoke until 10:06 a.m. Saturday, a total of twenty-two hours and twenty-six minutes.

Morse's speech was in opposition to the pending offshore oil bill, and, according to the *New York Times* of April 26, 1953, "only once did he get a respite of as long as two minutes. . . . when he stopped for a colleague to make a brief statement introducing a bill."

Morse talked extensively about "the filibuster technique, or prolonged debate," and the purposes to be served. "There is nothing improper about it, so long as it is done with good taste, with dignity, and with sincerity," [64]

When Morse yielded to Senator Malone of Nevada for two minutes, by unanimous consent, for the purpose of introducing a bill, Majority Leader Robert A. Taft of Ohio stated that Morse "will have to stand if he is to retain the floor." Morse said that he "was merely sitting down in order to obtain a little rest," but that he would be glad to comply.[65]

Early in the morning of Saturday, Morse was called to order by Senator William A. Purtell of Connecticut, because of "the requirement that both feet be on the floor." [66] Morse had "placed a foot on a chair beside his desk and started to lean an arm on his leg."[67] Morse promised to proceed in order.

Senator Morse's record was exceeded four years later by Senator Strom Thurmond of South Carolina, who spoke in opposition to the Civil Rights Act of 1957, Thurmond began speaking at 8:54 p.m. on August 28 and completed his speech at 9:12 p.m. the next day—"24 hours and 18 minutes." [68] Thurmond stated, at the close of his

speech, that he had spoken "24 hours and 22 minutes,"[69] but, in either event, he established a record that remains unbroken today, thirty-two years later.

On June 9, 1964, I spoke fourteen hours and thirteen minutes in opposition to the Civil Rights Act of 1963.

Of the many talkathons that have occurred during the seventy-two years following the 1917 adoption of a cloture rule, anti-lynching, FEPC, anti-poll tax, and other civil rights bills have been the subject of many filibusters, but the stage has shifted over the past quarter-century following the passage of the Civil Rights Act in 1964 and the Voting Rights Act in 1965. Except for school-busing and equal job opportunity legislation, which have occupied only brief periods of time, most cloture votes have been on legislation covering a broad range of issues such as amending Rule XXII, Common-Site Picketing, consumer agency and Export-Import banking, and campaign financing reform.

Of the filibusters that have taken place during the past twenty-four years, there are only three which I shall mention here, these being the 1964 filibusters on the Civil Rights Act, the 1977 filibusters on the Natural Gas Deregulation Bill, and the 1987-88 filibusters on campaign financing reform legislation.

The 1964 filibuster occurred on a House bill, the "Civil Rights Act of 1963," its purpose being, among other things, to enforce the right to vote; protect against discrimination in federally assisted programs and in public accommodations, public facilities, and public education; extension of the Civil Rights Commission; and the establishment of a Commission on Equal Employment Opportunity. It was, indeed, a major and far-reaching civil rights bill, and it had President Lyndon Johnson's strong backing.

The bill went directly to the Senate calendar upon its arrival from the House on February 26, 1964, thus avoiding referral to the Senate Judiciary Committee, the Chairman of which was Senator James O. Eastland of Mississippi. Majority Leader Mike Mansfield moved on March 9 to proceed to the bill's consideration, and the motion was debated until March 26, when the Senate voted, 67 to 17, to take up the bill, my own vote being with those in the majority. From March 26 until June 10, the bill was before the Senate a total of seventy-seven days—including Saturdays, Sundays, and holidays—and was actually debated fifty-seven days, six of which were Saturdays, before cloture was invoked.

The southern Senators, under the leadership of Senator Richard B. Russell of Georgia, were exceptionally well organized, and their speeches were germane to the subject matter of the bill. Therefore, the 1964 filibuster was different from other lengthy filibusters of the past, in that it was, indeed, an exercise in serious and informed "extended debate" over the entire 11 weeks during which it was virtually the sole business before the Senate prior to the cloture vote. It was devoid of the time-consuming dilatory tactics that had so often been the trademark of filibusters in times past, and neither side resorted to parliamentary gamesmanship. There were only 13 rollcall votes and 165 quorum calls, an average of 3 per day for the 57 days, and half of these were initiated by the proponents of the legislation. Senator Hubert H. Humphrey of Minnesota led the forces supporting the bill, and he proved himself equal to the task. Majority Leader Mansfield played a low-key role, quietly courting Minority Leader Everett Dirksen's support, and avoiding all-night sessions, except for the night of June 9, when I spoke throughout the night against the bill—14 hours and 13 minutes, the longest speech of the debate.

Heavy and unrelenting pressure—well-orchestrated—from the administration, civil rights groups, churches, labor organizations, and the media proved, in the final analysis, to be too much for the embattled southerners. On top of this combination of formidable forces, Dirksen, who was the crucial factor in the outcome, threw his prestigious influence into the balance in support of cloture, and when the vote came on June 10, it was decisive: 71 to 29 in favor of cloture. Except for Senators Carl Hayden of Arizona and Alan Bible of Nevada, I was the only non-southern Democrat who voted against the cloture.

The outcome, once cloture was invoked, was never in doubt. Again, the southern senators played no parliamentary games and resorted to no post-cloture delay tactics. They played it straight, offered serious amendments, and accepted the verdict gracefully. They debated and called up their amendments. Thirty-four rollcall votes occurred on June 16, 1964.

When the final vote came on passage of the bill, mine again was the only non-southern Democratic vote in opposition.

The 1977 filibuster on the Natural Gas Deregulation Bill was, in several respects, very different from the 1964 filibuster on this Civil Rights Act. It was shorter and more intense and far more bitter.

As to the debate on campaign financing reform in 1987 and 1988, I tried eight times, as Majority Leader, to get cloture on the bill—the most ever for a cloture effort—after which, I saw that any further attempt to stop the Republican filibuster would be futile. The filibuster had succeeded, and the bill was shelved.

Mr. BYRD. Mr. President, I ask unanimous consent that "Footnotes for: The Senate Filibuster—1917-1989" be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOOTNOTES FOR: THE SENATE FILIBUSTER—1917-1989

[1] CONGRESSIONAL RECORD, 66th Cong., 1st Sess., p. 8413.
[2] Ibid., pp. 8548-49.
[3] Ibid., pp. 8555-56.
[4] Ibid., p. 8786.
[5] Ibid., pp. 8786-87.
[6] Ibid., p. 8802.
[7] Ibid., p. 8803.
[8] CONGRESSIONAL RECORD, 67th Cong., 3rd. Sess., p. 288.
[9] Ibid., pp. 325-32.
[10] Ibid., p. 393.
[11] Ibid., p. 396.
[12] Ibid., p. 441.
[13] Ibid., p. 450.
[14] CONGRESSIONAL RECORD, 67th Cong., 4th Sess., p. 277.
[15] Ibid., pp. 283-96.
[16] Ibid., pp. 3314-15.
[17] Ibid., p. 4852.
[18] Ibid., p. 4735.
[19] CONGRESSIONAL RECORD, 69th Cong., 1st Sess., p. 2106.
[20] Ibid., pp. 2106-15.
[21]
[22] CONGRESSIONAL RECORD, 69th Cong., 1st Sess., p. 2575.
[23] Ibid., pp. 2678-79.
[24] Ibid., p. 2825.
[25] Franklin L. Burdette, *Filibustering In The Senate*, (Princeton, N.J. 1940), pp. 154-55.
[26] Ibid., p. 160.
[27] CONGRESSIONAL RECORD, 70th Cong., 2nd Sess., p. 4865.
[28] Ibid., p. 4873.
[29] Burdette, p. 172.
[30] CONGRESSIONAL RECORD, 72nd Cong., 2nd. Sess., p. 1452.
[31] Ibid., p. 1459.
[32] Ibid., p. 1462.
[33] Ibid.
[34] Ibid., pp. 1462-63.
[35] Ibid., pp. 1579-80.
[36] Ibid., p. 1581.
[37] Ibid., p. 1455.
[38] Ibid., p. 1624.
[39] CONGRESSIONAL RECORD, 74th Cong., 1st Sess., pp. 7913-14.
[40] Ibid., p. 7941.
[41] Ibid., p. 9096.
[42] Ibid., p. 9098.
[43] Ibid., p. 9100.
[44] Ibid., p. 9116.
[45] Ibid., p. 9115.
[46] Ibid., pp. 9122-23.
[47] Ibid., p. 9123.
[48] Ibid., pp. 9128-31.
[49] Ibid., p. 9148.
[50] Ibid., p. 9150.
[51] Ibid., pp. 9091-9175.
[52] Ibid., p. 9188.
[53]
[54] New York Times, June 14, 1935.
[55] CONGRESSIONAL RECORD, 74th Cong., 1st Sess., p. 14719.
[56] Ibid., pp. 14726, 14727.
[57] Ibid., p. 14736.
[58] Ibid., p. 14744.
[59] Ibid., p. 14748.
[60] Ibid., p. 14738.
[61] "Biographical Directory of the United States Congress," 1774-1989, Bicentennial

Edition (S. Doc. 100-34, U.S. Government Printing Office—1989), p. 1388.

[62] CONGRESSIONAL RECORD, 74th Cong., 2nd Sess., p. 10543.

[63] Ibid., pp. 10544-46.

[64] CONGRESSIONAL RECORD, 83rd Cong., 1st Sess., p. 3764.

[65] Ibid., p. 3791.

[66] Ibid., p. 3848.

[67] New York Times, April 26, 1953.

[68] "Congressional Quarterly Almanac," 85th Cong., 1st. Sess., 1957, Volume XIII, "History, Techniques of Senate Filibusters" (Congressional Quarterly, Inc., Washington, D.C.), p. 570. See Also Washington Post, June 15, 1978.

[69] CONGRESSIONAL RECORD, 85th Cong., 1st Sess., p. 16456.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the request?

Mr. BYRD. Mr. President, I withhold the request.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 214. A concurrent resolution in support of regional efforts to end drifnet fishing in the South Pacific.

ENROLLED JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 159. Joint resolution to designate April 22, 1990, as Earth Day, and to set aside for public activities promoting preservation of the global environment; and

S.J. Res. 184. Joint resolution to designate the period commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

At 1:44 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2939. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 2:29 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3660) an act to amend the rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for Governmentwide ethics reform, and other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 569. An act for the relief of Maurice G. Hardy.

H.R. 1020. An act to permit reimbursement of relocation expenses of William D. Morger.

H.R. 2883. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1990, and for other purposes.

H.R. 3015. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

H.R. 3532. An act to extend the United States Commission on Civil Rights.

H.R. 3610. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

H.J. Res. 291. Joint resolution designating November 16, 1989, as "Interstitial Cystitis Awareness Day."

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 9:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following concurrent resolution, without amendment:

S. Con. Res. 84. A concurrent resolution providing for the correction of technical errors in the enrollment of the bill H.R. 3660.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1495) to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3607) to repeal Medicare provisions in the Medicare Catastrophic Coverage Act of 1988.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1965. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a copy of the Rural Telephone Bank's interest rate notice along with the details of its circulation of the interest rate to be applied to loans issued during fiscal year 1989; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1966. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Deficit Reductions for Fiscal Year 1990—Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985"; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1967. A communication from the Deputy Under Secretary of Defense (Acquisition), transmitting, pursuant to law, selected acquisition reports for the quarter ending September 30, 1989; to the Committee on Armed Services.

EC-1968. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report regarding a certain acquisition; to the Committee on Armed Services.

EC-1969. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report with respect to converting the commissary resale warehouse function at Travis Air Force Base, California, to performance by contract; to the Committee on Armed Services.

EC-1970. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the relative cost of shipbuilding in the various coastal districts of the United States for 1988; to the Committee on Commerce, Science, and Transportation.

EC-1971. A communication from the Acting Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board for 1988; to the Committee on Commerce, Science, and Transportation.

EC-1972. A communication from the Secretary to the Federal Trade Commission, transmitting, pursuant to law, the annual report on cigarette advertising for 1987; to the Committee on Commerce, Science, and Transportation.

EC-1973. A communication from the Deputy Associate Director for Collection

and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1974. A communication from the Acting Assistant Secretary of Energy (Environment, Safety, and Health), transmitting, pursuant to law, the final programmatic environmental impact statement for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-1975. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report stating that certain land within a Bureau of Reclamation project has become unsuitable for irrigation; to the Committee on Energy and Natural Resources.

EC-1976. A communication from the Administrator of the Drug Enforcement Administration and the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report of the Joint Drug Enforcement Administration and United States Environmental Protection Agency Federal Task Force on Illegal Drug Laboratories; to the Committee on Environment and Public Works.

EC-1977. A communication from the Chair of the Advisory Council on Social Security, Department of Health and Human Services, transmitting, pursuant to law, a report on activities of the Council; to the Committee on Finance.

EC-1978. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the fifty-ninth quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-1979. A communication from the Chairman of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the annual report on the activities of the Commission for calendar year 1988; to the Committee on Foreign Relations.

EC-1980. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-111 adopted by the Council on November 7, 1989; to the Committee on Governmental Affairs.

EC-1981. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-112 adopted by the Council on November 7, 1989; to the Committee on Governmental Affairs.

EC-1982. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "An Analysis of the D.C. Forfeiture Program—Operational, Financial and Legislative Issues; to the Committee on Governmental Affairs.

EC-1983. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Federal Personnel Management Since Civil Service Reform: A Survey of Federal Personnel Officials; to the Committee on Governmental Affairs.

EC-1984. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, for the information of the Senate, views on S. 1783, the Indian Child Abuse Prevention and Treatment Act, as reported by the Select Committee on Indian Affairs; to the Select Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-380. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Commerce, Science, and Transportation.

"HOUSE RESOLUTION No. 1000

"Whereas, the National Railroad Corporation (AMTRAK) has routinely dumpted untreated human waste directly onto railroad tracks and right of ways; and

"Whereas, AMTRAK's policy is simply to macerate, or grind, human waste and spray it directly, untreated, on the tracks, the railroad workers, and the children in our backyards and communities; and

"Whereas, while other railroads, airlines, and transportation systems in the country are made to comply with public health and hygiene standards, AMTRAK is allowed to continue this foul disposal of human waste; and

"Whereas, AMTRAK is an entity of the federal government; now therefore be it

"Resolved, by the House of Representatives of the Eighty-Sixth General Assembly of the State of Illinois, That we urge the Illinois delegation of the Congress of the United States to support H.R. 3380 which would prohibit the disposing of the untreated waste on railroad tracks by the National Railroad Corporation (AMTRAK) and we commend the Congressman who introduced this much-needed legislation; and be it further

"Resolved, That a suitable copy of this Preamble and Resolution be sent to all the Illinois members of Congress, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the President of the United States."

POM-381. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REJECT ANY EXTENSION OF THE MEDICARE TO ALL STATE AND LOCAL GOVERNMENT EMPLOYEES

"Whereas, There is currently pending before the Congress a proposal to extend the Medicare tax to all State and local government employees to finance the Catastrophic Health Insurance Program; and

"Whereas, Such a proposal would result in the necessary expenditure of several hundred million dollars in new Medicare taxes to be paid to the Federal Government to come from the State and local governments and its employees at a time when the Commonwealth and its cities and towns are experiencing serious financial difficulties; and

"Whereas, The Congress has other sources of revenue more bountiful than State and local government for such purposes; therefore be it

"Resolved, That the Massachusetts House of Representatives memorializes the Congress of the United States to reject any extension of the Medicare Tax to cover all State and local government employees to finance the Catastrophic Health Insurance Program; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the presiding officer of each branch of the Congress and to the Members thereof from this Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1096: A bill to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indians Claims Commission (Rept. No. 101-212).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 210: A resolution expressing the support of the Senate regarding democratic reforms and human rights on Taiwan (Rept. No. 101-213).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2783: A bill to improve the management of certain public lands in the State of Minnesota (Rept. No. 101-214).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1022: A bill to amend the Communications Act of 1934 to provide authorization of appropriations for the Federal Communications Commission, and for other purposes (Rept. No. 101-215).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 100-19. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation; and (Exec. Rept. No. 101-17); and

Treaty Doc. 101-1. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, and the Accompanying Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Exec. Rept. 101-18).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID:

S. 1923. A bill to protect the rights of victims of crime and to establish a Federal victim's bill of rights for children; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. MURKOWSKI, Mr. CONRAD, and Mr. LIEBERMAN):

S. 1924. A bill to amend the Export Administration Act of 1979 to strengthen the efforts of the Government of the United States to control exports of missile equipment and technology; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 1925. A bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and

for other purposes; to the Committee on Labor and Human Resources.

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 1926. A bill to amend the Agricultural Act of 1949 to establish an acreage base and program yield system for the 1991 through 1995 crops of wheat, feed grain, upland cotton, extra long staple cotton, and rice that promotes agricultural competitiveness and planting flexibility, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS:

S. 1927. A bill to provide for the employment, on a temporary basis, of certain Canadian citizens possessing technical and other skills; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. KASTEN):

S. 1928. A bill entitled "The Kenosha, Wisconsin, Equity Act of 1989"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 212. A resolution managing the expenditure of funds for Senate official mail; considered and agreed to.

By Mr. MITCHELL:

S. Res. 213. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in United States v. Shawn D. Eichman, and related cases; considered and agreed to.

By Mr. HARKIN:

S. Con. Res. 83. A concurrent resolution to correct the enrollment of H.R. 3566; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Con Res. 84. A concurrent resolution providing for the correction of technical errors in the enrollment; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1923. A bill to protect the rights of victims of crime and to establish a Federal victim's bill of rights for children; to the Committee on the Judiciary.

FEDERAL CHILD VICTIM'S BILL OF RIGHTS

Mr. REID. Mr. President, I rise today to reintroduce my own legislation, the Federal child victim's bill of rights. This spring I introduced S. 533, a bill to protect child victims in the Federal courts, and to prevent abuse on Federal lands or in Federal facilities through mandatory reporting of suspected abuse and mandatory criminal history checks. My purpose remains unchanged. This substantially new bill simply strengthens the provisions of S. 533.

This legislation is absolutely necessary to protect children who have been victimized. Most recent studies show that over 1.5 million children were abused or neglected nationwide in 1986. This represents a 74-percent increase in reported child maltreatment since 1980. Several States have laws to protect child victims; yet those victims whose cases fall into the jurisdiction of the Federal, rather than state system, have no laws on the books to protect them.

It is my intention that this bill should, once enacted into law, protect children in Federal courts, in Federal facilities, and on Federal lands.

I would also hope that the child victim's bill of rights will serve as model legislation for the States without adequate in-court protections for child victims, child abuse reporting requirements, or mandatory criminal history background checks of those who work with or near children. This bill will place the Federal Government in the forefront of child victim protection.

Children must have special protection as victims or witnesses in the justice system because of their being of an age of vulnerability, and therefore, deserve safeguards to assure that their rights to be free from further emotional harm and trauma occasioned by judicial proceedings is protected by the court. My legislation would ease the process of testifying by allowing a child to give testimony via two—way closed circuit video, by allowing the use of anatomical dolls to describe acts of abuse, and by allowing a child to have a child attendant—someone who sees the child's emotional needs. These are just a few of the protections offered to children by my bill.

A few years ago, I was astounded to read Justice Department findings that 90 percent of all child abuse cases do not go forward to prosecution. Children rarely go to the courtroom presumably because we adults do not want them to be hurt. We do not want them to be victimized again—this time through the judicial process.

We simply cannot allow this to go on. We are doing immeasurable harm to children who have been victimized by not affording them the opportunity to explain what happened to them and who did it. We are jeopardizing the well being of children who might be victimized by a repeat offender. If a known child abuser is not convicted because the child in question will not testify, that same child, a sibling, a schoolmate, or a neighborhood friend may also be the victim of physical or sexual abuse by the perpetrator. The court must be a place that protects the child victim. The court must not be the arena for further abuse of an already emotionally and physically battered child. We do not do justice by further traumatizing a victim or by allowing those accused of committing atrocities against children to go free and unchallenged.

Too often we think we are protecting the children who have been abused by keeping them from the judicial system. We merely bring our children home, send them back to the playground, back to school, or back to day care—back to the place where the abuse occurred. We must change our attitudes, and by doing so we can change the way our children are treated within our system of justice.

Our treatment of child victims is a classic case of society showing more concern about alleged criminals than about victims. We have a separate juvenile court system for children accused of committing crimes. We recognize that these children should be treated differently than adults. But when children are the victims, we throw them into our adult court system without any special treatment. My bill establishes Federal court procedures that recognize the special vulnerabilities of children.

The Federal child victim's bill of rights extends protections to children beyond the courtroom. A critical step in protecting our children is to identify child victims before it is too late. My proposed bill of rights requires certain professionals to identify who they suspect are victims of abuse and neglect.

Another important protection for children in my bill is mandatory background checks for all employees working with children on Federal land or in Federal facilities. There is no excuse for hiring known child abusers to work in child care facilities, classrooms or as youth group leaders yet this has happened time and time again and abuse, preventable abuse has occurred.

I am extremely encouraged by the overwhelmingly positive response to my 1989 child victim's rights bill.

Parents of abused children, lawyers and legal organizations, adults who were abused as children, child advocacy groups and my colleagues here in Congress have all expressed strong support for my efforts to protect the rights of child victims of crime.

The response has been terrific. I asked for input on my bill from such outstanding and nationally recognized groups as the American Bar Association's National Resource Center for Child Advocacy and Protection, the National Victim Center, the National District Attorney's Association's National center for Prosecution of Child Abuse, National Center for Missing and Exploited Children, and the National Organization for Victim Assistance, to name just a few. With the unprecedented cooperation and coordination of efforts of these many groups with interest and expertise in the protection of child victims, I have a truly viable bill. I urge my colleagues to cosponsor this piece of legislation essential to the protection of our children.

By Mr. HEINZ (for himself, Mr. MURKOWSKI, Mr. CONRAD, and Mr. LIEBERMAN):

S. 1924. A bill to amend the Export Administration Act of 1979 to strengthen the efforts of the Government of the United States to control exports of missile equipment and technology; to the Committee on Banking, Housing, and Urban Affairs.

MISSILE EQUIPMENT AND TECHNOLOGY CONTROL ACT

● Mr. HEINZ. Mr. President, I rise today to introduce the Missile Equipment and Technology Control Act of 1989, a bill to strengthen the efforts of the Government of the United States to control the export of missile equipment and technology.

It would be my preference not to introduce legislation directed at establishing an export control policy with regard to a specific technology. Yet, the dramatic changes in the world economy and emerging political dispositions have overloaded our existing export control regime. In the absence of a major restructuring of U.S. export controls, we have little option but to seek to foster specific policies for specific technologies.

Senator GARN and I have introduced a bill to completely overhaul our existing export control system and to align it with modern political, economic, and technological realities. The bill, among other things, proposes to establish a Bureau of Non-Proliferation, which will include oversight for foreign policy controls, including chemical, biological, and missile technology. I don't expect that piece of legislation to become law anytime soon, although I would hope to see it move expeditiously through the hearings process. In the meantime, our Nation has a clear and compelling interest in addressing the dangers posed by uncontrolled proliferation of missile equipment and technology; hence, the bill I am introducing today.

My concern over the proliferation of missile equipment and technology was heightened last year by a report coauthored by the current national security advisor, Brent Scowcroft, who argues that United States Armed Forces may have to begin to stop thinking only about Moscow and start thinking about the threat to United States national security interests from parts of the Third World. Two incidents brought this point home. In 1986, Libya fired a couple of Soviet Scuds at a United States Coast Guard station off the Italian coast. In the summer of 1988, Iran fired Chinese Silkworms at United States naval escort vessels in the Persian gulf. Fortunately, in both cases the United States did not suffer loses or damages, but one can only speculate on what could have happened if the missiles had been equipped with nuclear or chemical warheads.

Recently, a study by the London International Institute for Strategic Studies concludes that "missile technology is out of control." What is the evidence?

Today, no fewer than 20 countries have or are acquiring the knowledge to produce missiles. Nine of these countries are located in the Middle East alone, where the threat to United States front-line forces is increasing. Israel in all probability has developed nuclear warheads for its missiles, while seven other countries may have the capability to develop nuclear warheads for their missiles by the year 2000.

The threat to regional stability and United States forces in the volatile Middle East is clear. In 1988, for example, Saudi Arabia purchased 50 or 60 Chinese CSS-2's with a range of nearly 1,500 miles—2,200 kilometers—for the publicly stated purpose of defense against Iran. Israel, however, saw it differently. It warned Saudi Arabia that it would undertake a preemptive strike if it had cause to suspect that the missiles were aimed at Israel. While the sale of the Chinese missiles to Saudi Arabia took Washington by surprise, it was to the administration's credit that it pressured Israel to refrain from any preemptive strikes while Washington looked into the deal. Saudi assurances stayed Israel's hand—for the time being.

In addition, Syria has in all probability developed the capability of arming its Soviet-acquired missiles with chemical warheads, while no less than six other countries currently in possession of or learning to produce missiles, such as Libya, may develop the capability to arm the missiles with chemical warheads. We know that Iraq extended the range of Soviet Scuds for use against Iran. In all, Iran and Iraq may have used as many as 1,000 surface-to-surface missiles during the 8-year Gulf war, and cities with large civilian populations were in most cases the main targets.

How has the United States and its allied responded to this dangerous trend? On April 16, 1987, the United States, United Kingdom, Canada, West Germany, France, Italy and Japan established the Missile Technology Control Regime to control the export of missile equipment and technology. This well-intentioned regime was immediately an inadequate and weak instrument because it is a voluntary agreement and not a treaty or law. The MTCR lacks enforcement authority, and herein lies its greatest weakness.

Another problem with the MTCR is that the signatories have adopted the same broad guidelines and implemented them by means of national legislation. Unfortunately, each of the signatories reserved the discretion as to how they would implement the guidelines. As a result, one could argue that there are, in reality, seven different MTCR's. And it is no exaggeration to state that this lack of agreement on one MTCR threatens to scuttle this effort to control missile technology. My bill requests that the administration undertake an effort to encourage MTCR member nations to enforce one set of consistent laws.

A much greater problem is persuading other countries to join the MTCR. Increasingly, nonadherents such as the Soviet Union and China see the MTCR as a Western condominium which would relegate them to second-class status within the regime. Not surprisingly, they want no part of it and have told us so. Worse yet, since the MTCR-seven cannot agree among themselves who should or should not be invited to join, or under what circumstances they should join, the MTCR stops short of being the answer to the problem.

I therefore favor a two-track program. The MTCR-seven should extend invitations to join the MTCR to a select number of countries with the same political commitment to stem missile proliferation as the signatories. Several European countries have already expressed an interest in the MTCR.

In the major suppliers group, the administration should continue its bilateral diplomatic initiatives toward the Soviet Union and China, whose client-states may require a different solution outside the MTCR. The administration should seek bilateral accords to obtain agreement from the Soviet Union and China that they will adhere to the MTCR guidelines, or at a minimum, not undercut those guidelines. This formula has proven successful thus far. China, for example, has made it a point of announcing certain sales of short range missiles that do not violate MTCR parameters. India, Pakistan, Egypt, Israel, Argentina, and Brazil should also be a part of an aggressive diplomatic initiative to stem missile proliferation.

Because there are so many U.S. Government agencies interested in the MTCR and its implementation, the bill requires the administration to identify an individual—a "missile tech czar"—or office to formulate, coordinate, and implement the administration's missile nonproliferation policy, and who will have the authority to speak for the administration before the Congress.

Turning to export controls, this bill calls for the Secretary of Commerce to refer interagency only those individually validated license applications for the export of items controlled in support of U.S. foreign policy to limit the proliferation of missiles that meet the criteria set forth in the MTCR and where the destination is a country of concern, a project of concern, or the end-use of the export can be potential-

ly used for the development of nuclear-capable missiles.

The purpose of this provision is to eliminate the unnecessary paper flow that so often gridlocks the U.S. export control system. In contrast to the other bills, we require the development of guidelines to specify precisely what licenses will be referred to the relevant departments, but we do not legislate it as the other bills do. I believe that these technical decisions are best made by technicians, not politicians.

Accordingly, the bill requests that the administration draw-up license referral guidelines and provide them to the Congress in a one-time report.

Finally, the bill provides for sanctions against foreign persons who violate U.S. export control policy regarding the export of missile equipment and technology.

The administration has repeatedly asked the Congress not to tie its hands regarding the execution of these sanctions. This bill does not tie the administration's hands and indeed gives the administration the latitude and flexibility in imposing sanctions it seeks.

First, the bill provides for the following sanctions: license and import sanctions and procurement ineligibility. The sanctions shall be imposed for not less than 1 year.

Second, the sanctions shall be imposed against a foreign person only after the President has consulted with the government of primary jurisdiction over that foreign person. If the President is satisfied that the foreign government has taken appropriate measures to penalize its company or individual, the U.S. Government shall not unilaterally impose additional sanctions.

I would hope, however, that the administration will not reward foreign persons found guilty by other governments by allowing those foreign persons to do business in the United States until the administration is satisfied beyond any doubt that the foreign person has ceased all illegal activities and is satisfied that it will not engage in illegal activities in the future. There are those in the Congress that still remember the Toshiba affair.

Third, the bill contains additional criteria for exceptions and waivers in the imposition of sanctions. To ensure that the President has exercised this authority expeditiously and judiciously, the bill calls for the President to notify the Congress of the decision to waive sanctions within 20 working days before the waiver takes effect. The President is required to fully articulate the rationale and circumstances which led him to apply the waiver.

Mr. President, I believe that the U.S. Government can still take action to bring missile technology under control. For this reason, I have been working with the administration on this bill, and believe we have made progress on it. The process of consultations has better defined both of our objectives to prevent the further hemorrhaging of missile technology.

I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missile Equipment and Technology Control Act of 1989".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since the early 1980's, the Government of the United States has sought to adopt an effective set of unilateral measures to control the export of equipment and technology to develop missiles capable of delivering nuclear, chemical, and biological weapons.

(2) Under the leadership of the Government of the United States, the governments of Canada, France, the Federal Republic of Germany, Italy, Japan, and the United Kingdom formulated Guidelines pursuant to the Missile Technology Control Regime (MTCR) of April 16, 1987, to control the transfer of equipment and technology that could contribute to the development of nuclear-capable missiles.

(3) The efforts of these nations notwithstanding, regional missile arms races in many types of missiles have added a potentially destabilizing dimension to military and political relationships in the Middle East and potentially in South Asia, Latin America, and Africa.

(4) Two Middle East countries—Iran and Iraq—may have used as many as 1000 surface-to-surface missiles during the eight-year Gulf War, and cities with large civilian population centers were in most cases the main targets.

(5) The economic consequences of the demand for expensive, high technology missile equipment and technical know-how remains uncertain, but the onset of a missile-development race potentially adds another destabilizing factor to the economies of certain missile-developing countries in the third world.

(6) Missile proliferation has altered the nature of the threat to United States and Western security interests, particularly in the volatile Middle East. Countries hostile to United States and Western regional interests possess or will possess missiles with ranges capable of striking United States and Western peacekeeping land and sea forces in the region.

(7) Independent terrorist organizations or state-supported terrorist organizations hostile to the United States and the West are actively seeking to acquire missiles that could pose a clear and present danger to United States and Western security interests.

(8) United States and Western efforts to restrict the transfer of missile equipment and technology to missile-developing countries has led to a system of international cooperation in missile proliferation among missile-developing countries themselves and to suppliers such as the Soviet Union and China.

(9) The uneven implementation and enforcement of the Missile Technology Control Regime Guidelines towards firms and individuals who violate the Guidelines of the Regime has led to the disruption of political harmony among MTCR adherents.

SEC. 3. AMENDMENT TO THE EXPORT ADMINISTRATION ACT OF 1979.

The Export Administration Act of 1979 is amended by inserting after section 6 the following:

"SEC. 6A. MISSILE TECHNOLOGY CONTROL.

"(a) POLICY.—

"(1) UNILATERAL.—It is the policy of the United States to strengthen its efforts to control the transfer of missile equipment and technology by taking all appropriate measures—

"(A) to improve interagency policy formulation, coordination, and implementation by identifying and assigning responsibility for the coordination and oversight of policy formulation and implementation to control missile equipment and technology to a single office or identifiable unit within the executive branch;

"(B) to improve interagency export license processing by developing interagency-agreed guidelines for license referrals and commodity jurisdiction for items on the Missile Technology Control Regime Equipment and Technology Annex;

"(C) to strengthen United States export controls on the transfer of missile equipment and technology that would assist countries not adherents to the Missile Technology Control Regime, NATO, or NATO Programs of Cooperation to develop or to produce missiles which fall within the parameters of the MTCR Guidelines;

"(D) to deny license applications for the export of items defined by the regulations implementing the MTCR, if the item is destined for a project of concern or a country of concern, or if the end-use of the export can potentially be used for the development of nuclear-capable missiles; and

"(E) to strictly and aggressively apply penalties provided by United States law and regulations against United States and foreign persons who provide equipment and technologies on the control lists to foreign persons in violation of United States export control laws and regulations.

"(2) MULTILATERAL.—It is the policy of the United States to strengthen its efforts to control the transfer of missile equipment and technology by working with foreign governments to impose mutually agreed economic sanctions and seek appropriate legal remedies against foreign persons who violate the export control laws of the respective countries.

"(b) EXPORT CONTROLS.—The Secretary shall refer to the Secretary of State for consultation only those individually validated license applications for the export of items controlled in support of United States foreign policy to limit the proliferation of missiles that meet the criteria contained in the MTCR where—

"(1) the destination is a country of concern or project of concern to the United States, or the end-use of the export can be potentially used in the development of nuclear-capable missiles; and

"(2) the items are classified as subject to MTCR controls, as defined by the regulations implementing the MTCR.

"(c) SANCTIONS AGAINST FOREIGN PERSONS VIOLATING UNITED STATES EXPORT CONTROL LAWS REGARDING MISSILE PROLIFERATION.—

"(1) DETERMINATION BY THE PRESIDENT.—

"(A) IMPOSITION OF SANCTIONS.—Subject to subsection (e), the President shall impose on a foreign person, for a period of not less than one year, one or more of the sanctions listed in paragraph (2) if the President determines that the foreign person knowingly attempted to export, import or to obtain illegally or through diversion controlled items on the Missile Technology Control Regime Annex in violation of United States export control laws and regulations.

"(B) CONSULTATIONS WITH AND ACTIONS BY GOVERNMENT OF JURISDICTION REGARDING FOREIGN PERSONS.—Sanctions shall be imposed under subparagraph (A) on a foreign person only after the President has consulted, with respect to such sanctions, with the government with primary jurisdiction over that foreign person, and such sanctions shall not be imposed if the President has determined that such government has taken adequate corrective action with respect to the acts described in subparagraph (A) by that foreign person.

"(2) SANCTIONS.—The sanctions on a foreign person are the following:

"(A) LICENSING SANCTION.—The Secretary shall deny the issuance of any export license under the provisions of this Act, to a foreign person found in violation of United States export control laws and regulations except as provided in subsection (e).

"(B) IMPORT SANCTIONS.—The United States Government shall ban the importation into the United States of products produced by that foreign person for no more than 5 years except as provided in subsection (e).

"(d) PROCUREMENT INELIGIBILITY.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from that foreign person except as provided in subsection (e).

"(e) EXCEPTIONS.—The President shall not apply sanctions under this section—

"(1) in the case of procurement of defense articles or defense services—

"(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

"(B) if the President determines that the person to which the sanctions would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available;

"(C) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Programs of Cooperation; or

"(D) if the President determines that the export or transfer was authorized by a country that is cooperating with United States efforts to stem missile proliferation;

"(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

"(3) to—

"(A) spare parts,

"(B) component parts, but not finished products, essential to United States products or production,

"(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

"(D) to information and technology.

"(f) WAIVER AND REPORT.—

"(1) WAIVER.—The President may waive the application of subsections (c) and (d) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

"(2) NOTIFICATION OF AND REPORT TO CONGRESS.—In the event that the President decides to apply the waiver described in paragraph (1), the President shall so notify the Congress not less than 20 working days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.".

SEC. 4. REPORTS TO THE CONGRESS.

(a) INITIAL REPORT.—The President shall submit to the Congress a one-time report not later than one year after the date of enactment of this Act which includes—

(1) identification of the office within the executive branch with oversight responsibility for missile proliferation;

(2) the interagency-agreed guidelines for license referral and commodity jurisdiction of controlled items on the MTCR Annex;

(3) the bilateral initiatives planned or undertaken to obtain cooperation within or outside the principles underlying the Missile Technology Control Regime;

(4) the multilateral initiatives planned or undertaken to obtain cooperation within or outside the principles underlying the Missile Technology Control Regime;

(5) the status of the initiative to extend membership in the Missile Technology Control Regime to selected countries with similar political commitments to stem missile proliferation; and

(6) the status of the initiatives to seek peaceful resolution in regions with the potential for destabilization by the missile arms race.

(b) ANNUAL REPORT.—Section 14(a) of the Export Administration Act of 1979 is amended—

(1) by redesignating paragraphs (12) through (20) as paragraphs (13) through (21); and

(2) by inserting after paragraph (11) the following:

"(12) actions and determinations of the President under section 6A, including progress made in obtaining bilateral and multilateral cooperation to stem proliferation;".

(c) CONSTRUCTION.—Nothing in this Act shall be construed to require the disclosure of any information which would seriously—

(1) jeopardize the national security of the United States;

(2) undermine existing and effective efforts to meet the policy objectives outlined in this Act; or

(3) compromise sensitive intelligence operations or programs of cooperation which would result in grave damage to the national security interests of the United States.

SEC. 5. DEFINITIONS.

Section 16 of the Export Administration Act of 1979 is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (10) and (11), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the term 'foreign person' means—

"(A) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

"(B) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States;

"(8) the term 'Missile Technology Control Regime' or 'MTCR' means the nonbinding, nontreaty agreement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to control the export of missile-related equipment and technology listed in the Missile Technology Control Regime Annex;

"(9) the term 'missile' means complete rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) and unmanned air vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) capable of delivering at least a 1,100 pound (500 kilograms) payload to a range of 186 miles (300 kilometers) as well as the specially designed production facilities for these systems;".●

By Mr. SPECTER:

S. 1925. A bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes; to the Committee on Labor and Human Resources.

CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1989

Mr. SPECTER. Mr. President, at this extraordinary Sunday session, it has given this Senator an opportunity to review a number of documents on my desk which I had not had a chance to review during the course of our regular session. I am at this time introducing the Crime Awareness and Campus Security Act of 1989 which would require that all colleges submit to the FBI statistics on crimes committed on college campuses and send those reports to current students and employees, as well as applicants for employment or enrollment.

Mr. President, my attention was drawn to this issue as a result of a request to me by Howard and Connie Clery, whose daughter was brutally raped and murdered at Lehigh University some time ago. Lehigh University, of course, is in the Commonwealth of Pennsylvania. At the time that occurred, I noted it and was horrified and saddened by the rape and murder of a beautiful young woman on that college campus.

Recently, when I was at the White House to attend a meeting with the President on drug legislation, I met Mr. and Mrs. Clery in the reception room. At that time, they called my attention to the fact that they had established an organization called Security on Campus, Inc., for the purpose of trying to get campuses and colleges to make a report on these kinds of incidents.

It seemed to me, Mr. President, that this was very important legislation.

My staff and I have researched the issue and have found that Pennsylvania has such a statute on which this Federal bill is modeled, but that only a few States have such legislation. There was a comprehensive report in U.S.A. Today in 1987 which showed that some 31 students were killed on campus throughout the country in 1 year; 1,800 students were victims of armed robbery; and 653 rapes were reported all in the year 1987.

I am not aware of a compilation of statistics for the year 1988, but we do know that there is recurrent publicity on the issue of so-called campus rapes, social rapes. We do know that the problem of crime on our college campuses is a major, major issue in our country today.

Mr. President, when I was district attorney of Philadelphia, I dealt with a great many incidents of campus crime and know that it is a very, very serious issue. A reporting requirement similar to that embodied in this report would put everyone on notice. It would make the college authorities more aware of the issue by requiring that they compile these statistics and report them to the FBI. It would give notice to applicants at universities what the problem is at a particular university, sort of truth in scholarship opportunities, and it would put people on notice as to what security arrangements ought to be entered into and let people know that if they are considering college A, B, or C, what the respective crime rates are and what the colleges are doing about it.

This is complex legislation, Mr. President. It does have some aspects of onerous reporting requirements. Of course, requirements of reporting are never easy, but I think it is worth the effort on this kind of a serious issue. It may be that when this bill is reviewed by authorities and colleges across the country that there may be fine-tuning that is appropriate. We are never sure on introduction precisely how far the impact goes. This Senator stands ready, willing, and able to review any complaints to fine-tune this legislation. There will be an opportunity at hearings for consideration of this legislation.

But it seems to this Senator that it is important that we move forward in this line and introducing it as I am, at the close of the first session of the 101st Congress, will give people an opportunity to review it in the course of the next several weeks before we may have the opportunity for hearings when we return after the beginning of the first year.

Mr. President, today I am introducing the "Crime Awareness and Campus Security Act of 1989" to address the problem of criminal violence on or near universities, colleges, and junior colleges. Congressman GOODLING introduced companion legislation in the House of Representatives on September 26, 1989.

At one time, institutions of higher education were considered safe havens for students. In recent years, however, college and university campuses have experienced increasing violence and crime, due in large part to escalating drug related activity. This bill is designed to help ensure that students and employees of institutions of higher education are aware of crimes committed on campus and are familiar with security policies and procedures to increase their safety.

The bill I am introducing is an important first step in the direction of improving campus security standards and awareness nationwide. It would require colleges and universities that participate in Federal student assistance programs to report campus crime statistics to the FBI. The legislation also would require that such reports be sent to all current students and employees, as well as applicants for employment or enrollment. These reports must include building access times, policies regarding student housing and access to such housing, special security measures for campus housing during breaks and statistics on campus crimes. Recognizing the relationship between alcohol and campus crime, the report must also state the school's policy with respect to drinking and weapons.

This bill is based on a Pennsylvania law enacted in 1988, that requires all colleges and universities to report, for a 3-year period, campus crime statistics to the students, faculty, campus employees, and the State police. It also requires a description of the type of security provided. The Pennsylvania law was due in large part to the efforts of Connie and Howard Clery, whose daughter was brutally raped and murdered by a fellow student at Lehigh University. In order to avoid the recurrence of such tragedies, the Clerys have established Security on Campus, Inc., an organization dedicated to making parents and students aware of the magnitude of criminal activity on college campuses.

Although several States, including Tennessee, Florida, and Louisiana, have followed Pennsylvania's lead in requiring colleges to report campus crime statistics, there is no comparable system on the national level.

Recent reports indicate that violence on college campuses is an increasing problem. According to a 1987 comprehensive survey of campus crime by U.S. Today, in that year, 31 students were killed on campuses throughout the country. The same year, more than 1,800 students were victims of armed robbery. Also, 653 rapes were reported in 1987, a figure which experts consider a modest estimate. Officials also estimate that rape has surpassed theft as the principal security concern at colleges and universities around the country. Overall, 80 percent of campus crimes are committed by students and 95 percent are alcohol and drug related.

Despite rising violence and crime in college communities, fewer than 4 percent of universities provide campus crime statistics through the FBI's Uniform Crime Report. I believe that until a uniform system is available, we need to recognize the scope of campus crime. More importantly, we need to inform the people who are closest to the problem—students and their parents.

Although in recent years, many institutions have established crime prevention measures to increase campus security, there also is an indication that when rapes and other violent crimes occur on campuses, campus security officers may be inclined to discourage making such information known or available to the public or the campus community.

I believe that public awareness of campus crimes, however, will help awaken parents and students to the reality of modern campus life. This awareness, in turn, will help students to be more careful in observing security precautions. Security is not just the responsibility of school administrators, it is everyone's responsibility. Working together, parents, students, and colleges can most effectively fight campus crime. The first step is to be aware of the problem.

Accordingly, I urge my colleagues to join me in support of preventing campus crime through enhanced awareness of the extent of such crime and security measures.

Mr. President, I ask unanimous consent that a copy of the text of the bill, be printed in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Without objection, the item will be printed in the RECORD.

Mr. SPECTER. Mr. President. I thank the Chair and I compliment the President pro tempore for presiding on this Sunday afternoon, another solid bit of evidence of his commitment to his job. Not many Presidents pro tempore would be in the Chair on Sunday, presiding principally over a quorum call, but I thank the distinguished Senator, Senator BYRD, from West Virginia, for his continuing diligence in the discharge of his duties.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Awareness and Campus Security Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the reported incidence of crime on some college campuses has steadily risen in recent years, particularly violent crimes;

(2) annual "National Campus Violence Surveys" indicate that 80 percent of campus crimes are committed by a student upon another student and that 95 percent of the campus crimes which are violent are alcohol or drug related;

(3)(A) currently there are no comprehensive data on campus crimes; and

(B) out of 8,000 postsecondary institutions participating in Federal student aid programs, only 352 colleges and universities voluntarily provide crime statistics through the Federal Bureau of Investigation's Uniform Crime Report;

(4) several State legislatures have adopted or are considering adopting legislation to require reporting of campus crime statistics and dissemination of security practices and procedures, but the bills are not uniform in their requirements and standards;

(5) students and employees of institutions of higher education should be aware of the occurrence of crime on campus and policies and procedures to prevent crime or to report occurrences of crime;

(6) applicants for enrollment at a college or university, and their parents, should have access to information about that institution's crime statistics and its security policies and procedures;

(7) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need—

(A) to encourage the development on all campuses of security policies and procedures; and

(B) for uniformity and consistency in the reporting of crimes on campus.

SEC. 3. AMENDMENTS.

(a) PROGRAM PARTICIPATION AGREEMENT REQUIREMENTS.—Section 487(a) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(11) The institution certifies that—

"(A) the institution has established a campus security policy; and

"(B) the institution will submit, on an annual basis, a uniform crime report to the Federal Bureau of Investigations in the manner prescribed by the Attorney General.".

(b) DISCLOSURE REQUIREMENTS.—Section 485 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—(1) Each eligible institution participating in any program under this title shall prepare, publish, and distribute, through appropriate publications and mailings, to all current students and employees and to any applicant for enrollment or employment, upon request, an annual report containing the following information with respect to its campus security policies and campus crime statistics:

"(A) campus security procedures and practices, including—

"(i) the administrative office responsible for security on the campus;

"(ii) policy regarding access to institutional facilities and programs by students, employees, guests and other individuals;

"(iii) procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports;

"(iv) a description of the communication media used to inform the campus community about security matters as well as the frequency with which the information is usually provided;

"(B) policies concerning security and access to grounds and buildings, including security considerations used in the maintenance of campus facilities, including landscaping, groundskeeping, outdoor lighting, and lighting of buildings;

"(C) policies concerning student housing and access to student housing by students and guests, including—

"(i) policies concerning the identification and admission of visitors in student housing facilities;

"(ii) policies regarding secure entrances to student housing facilities and standard security procedures used to ensure that doors and windows in students' rooms are secured;

"(iii) the type and frequency of programs designed to inform student housing residents about housing security and enforcement procedures;

"(iv) policy and special security procedures for housing students during low-occupancy periods such as holidays and vacation period;

"(v) policy on the housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education; and

"(vi) policy regarding reassignment of students housing for security reasons;

"(D) policies concerning campus law enforcement, including—

"(i) a description of the type and number of security personnel utilized by the institution, including a description of their training;

"(ii) the enforcement authority of security personnel, including their working relationship with State and local police agencies;

"(iii) policy on reporting criminal incidents to State and local police; and

"(iv) policies which encourge accurate and prompt reporting of all crimes to the appropriate authorities; and

"(E) statistics concerning the reported occurrence on campus, during the most recent school year, and during the 2 preceding school years, of the following crimes (or attempted crimes): homicide, rape, robbery, assault, burglary, theft, arson, drug abuse, alcohol abuse, driving under the influence of alcohol or drugs, weapons possession, disorderly conduct, and vandalism;

"(F) a statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of underage drinking laws;

"(G) a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws; and

"(H) a statement of policy regarding the unauthorized possession and use of weapons by students and employees.

"(2) Each institution participating in any program under this title shall make interim reports on crimes described in paragraph (1)(E) that are reported to campus security or local law enforcement authorities. Such reports shall be distributed through appropriate publications and media to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.

"(3) The Secretary shall periodically survey campus security policies, procedures, and practices implemented by institutions of higher education and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

"(4) For purposes of this subsection, the term 'campus' includes any building or property—

"(A) owned or controlled by the institution of higher education within the same reasonably contiguous geographic area that is used by the institution for its educational purposes; or

"(B) owned or controlled by student organizations recognized by the institution.".

"(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on July 1, 1990, except that the requirement of section 485(e)(1)(E) of the Higher Education Act of 1965 (as amended by this Act) shall be applied to require statistics with respect to school years preceding the date of enactment of this Act only to the extent that data concerning such year is reasonably available.

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 1926. A bill to amend the Agricultural Act of 1949 to establish an acreage base and program yield system for the 1991 through 1995 crops of wheat, feed grain, upland cotton, extra long staple cotton, and rice that promotes agricultural competitiveness and planting flexibility, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL COMPETITIVENESS AND PLANTING FLEXIBILITY ACT

● Mr. LUGAR. Mr. President, as we near conclusion of this session of Congress, we are reminded of the tasks ahead of us in 1990. Chief among these for the Senate Committee on Agriculture, Nutrition, and Forestry is the reauthorization of the Food Security Act of 1985. Today Chairman LEAHY and I are introducing a bill that will be an important first step in the development of that legislation.

The Food Security Act of 1985 has been, by historical standards, an overwhelming success. In the 4 years prior to enactment of the 1985 farm law, real net farm income averaged $23.7 billion a year. Under the 1985 farm bill, real net farm income has averaged $38 billion per year. From 1982 to 1985, farmers' debt-to-asset ratio rose from 19.7 to 23.5 percent, a clear indication of financial stress; but under the 1985 legislation, the debt-to-asset ratio has fallen to 17.5 percent. Meanwhile, the debt-to-equity ratio, which had increased to 30.6 percent in 1985, has declined to 21.5 percent for 1989.

Similarly, total farm debt has decreased from a few years ago. After hitting its high point of $192.7 billion in 1983, farm debt declined to $138 billion. At the same time, total farm equity had declined from $771.5 billion

in 1982 to $571.3 billion in 1985; it is now estimated at $648 billion for 1989.

America's agricultural exports have increased as well. During the life of the previous farm bill, agricultural exports declined significantly: Whereas in 1980–81 the United States accounted for 55 percent of world trade in wheat and coarse grains, by 1985–86 our market share stood at only 37 percent. By 1989–90, we have attained a substantial recovery to 47 percent of world trade.

Some may argue that the successes of the 1985 farm bill have been at tremendous cost. I do not defend the current levels of agricultural spending; they cannot be maintained indefinitely and must continue to decline. However, the $26 billion annual cost that is so often quoted was attained only once, during fiscal year 1986. Spending has decreased since then, and this was the case even before the drought forced prices higher.

Under the 1981 farm bill, annual spending by the Commodity Credit Corporation averaged $13.9 billion. Under the 1985 farm bill, CCC spending has averaged $17.1 billion—$3.2 billion a year more, on average. That is a significant amount of money, but it does not represent the cataclysmic explosion of costs as some have suggested.

I conclude, Mr. President, that the basic structure of the 1985 farm bill is sound. At least until the current round of GATT talks conclude, the basic principles of the Food Security Act should be maintained: market-clearing loan rates; income support through target prices; aggressive export promotion policies; and strong incentives for sound conservation practices.

A simple extension of the current bill, however, would be ill-advised. The Food Security Act has been deficient in two areas: First, it has not afforded adequate planting flexibility to farmers, with the unfortunate result that our competitive position in some commodities—particularly oilseeds—has eroded. Second, the current law relies too heavily on acreage reduction programs that idle productive land, and on the outdated strategy of withholding supplies from the marketplace through Government stockpiling schemes.

The bill being introduced today is aimed at correcting the first of these deficiencies.

The most obvious example of the need for planting flexibility is what has happened in the soybean market. The decline of the U.S. competitive position in oilseeds predates the 1985 farm bill, but the most perverse effects have occurred since passage of that law.

The United States has long been the dominant producer and exporter of soybeans. Through the late 1970's and early 1980's U.S. market share exceeded 80 percent. Soybeans were indeed the "cinderella crop" that has achieved success with few Federal subsidies.

As things turned out, however, the lack of Federal subsidies proved costly for soybeans. Corn and soybean prices are related, inasmuch as farmers' planting decisions can often be predicted by the ratios between the respective prices. When grain prices plummeted in the mid-1980's, soybean prices also declined, and there was no deficiency payment to make up the difference. Corn and other program crops were, by comparison, more profitable and less risky.

And so, paradoxically, the supposedly "market-oriented" soybean crop did not respond to market signals. The low 1986–87 season average price of $4.78 was succeeded by a significantly higher $5.88 in 1987–88 and $7.35 in 1988–89. Compared to the very low corn prices in these years, this meant the soybean: corn price ratio was 3.2 in 1986–87, 3 in 1987–88 and 2.9 in 1988–89. Such ratios ought to say "grow soybeans" loud and clear. Normally, any ratio above about 2.4 is a signal to produce soybeans, while a ratio below that level will spur corn production.

But U.S. harvested acreage of soybeans has been stagnant: 58.3 million acres in 1986, 57 in 1987, 57.5 in 1988, and 59.1 in 1989. Why? Fundamentally, because farmers have compared the market price of soybeans not to the market price of corn but to its target price. In some years, that comparison alone has been sufficient to dissuade many people from growing soybeans: For instance, the real soybean: corn price ratio for 1986–87 on this basis was not 3.2 but 1.9, even taking set-aside requirements into account. The signal to grow corn was clear.

In other years, however, farmers did have some incentives to produce soybeans, but had to evaluate what soybean production would mean for their opportunities to receive corn deficiency payments in the future. Under the 1985 farm bill, this year's plantings help determine next year's permitted plantings for those who want farm program benefits. Planting less corn and more soybeans this year will mean a farmer will be entitled to plant less corn next year—a potentially costly decision if next year's soybean price falls. Since that cannot be known in advance, many farmers—making a perfectly rational economic decision—decided to play it safe and stick with corn.

While U.S. harvested soybean acres were basically unchanged during the latter half of the 1980's, our competitors were expanding. Foreign soybean production, which was less than 40 million metric tons in 1985–86, increased every single year since then, reaching 55.5 million tons in 1989–90. This means that on average since 1985–86, foreign soybean production was expanding at 9 percent per year—while the United States sent unintended but unmistakable signals to its farmers to grow corn and other program crops, not soybeans.

For oats, the 1985 farm bill has had equally perverse effects. Despite the growing consumer demand for oat products, and high oat prices last year, planted acres have fallen each of the last 2 years and harvested acreage has been stagnant. In what may be the ultimate irony of the 1985 farm bill, we have continued to run an acreage reduction program for oats while imports accounted last year for 23 percent of total use.

The out-of-pocket costs per acre of growing barley, oats, and wheat are similar—in 1987, $77.18 for an acre of oats, $74.74 for barley, and $68.44 for wheat. But the revenue per planted acre from the target price is very different: $88.34 in 1987 for oats, $122.10 for barley, and $138.58 for wheat. It is not surprising that interest in oats is low.

Mr. President, I am delighted to join with Chairman LEAHY in introducing major planting flexibility legislation—a bill that will revise title V of the Agricultural Act of 1949 to establish a new and more market-responsive system of acreage bases and payment yields.

Mr. President, some people deride the concept of planting flexibility. They say it is simply the latest fad in agricultural policy and will quickly be overtaken by the "old guard" advocates of traditional farm policy. I submit this is not the case.

When our rigid, crop-specific acreage base system encourages farmers to stick with crops in surplus, and avoid crops where market prices are at historically high levels—then our farmers need planting flexibility. When our policies for program crops, sensible as they may be, have the perverse result of exporting soybean acreage and soybean crushing capacity to South America—then our farmers need planting flexibility. And when the National Research Council states unequivocally that our present acreage base system and related policies "economically penalize those who adopt rotations, apply certain soil conservation practices, or attempt to reduce pesticide applications"—then our farmers need planting flexibility, and they need it now.

The Agricultural Competitiveness and Planting Flexibility Act is not a complete farm bill. I want to emphasize that fact because some people who read it will have questions: What about target prices and loan rates? What about acreage reduction programs or set-asides? What about the farmer-owned reserve?

The answer to such questions is that they are not within the scope of this bill. No doubt both the chairman and I will introduce bills dealing with these and other subjects. Our intent is to demonstrate our mutual support for planting flexibility and to indicate how it might be achieved. I might say, as well, that I do not regard this legislation as an immutable stone tablet. I am eager for the reaction of farmers, agribusinessmen and others. If there are ways to improve this legislation, I will be most open to them. I believe it is important, however, that some concrete proposals be advanced so that the agricultural community may have a point of reference. I hope today's legislation will spark vigorous discussion and serious thought.

Let me now briefly describe the legislation. This legislation establishes a normal crop acreage farm base [NCAFB] for each farm. This base will comprise the 5-year average planted acres of wheat, feed grains, cotton and rice—the so-called "program crops"—plus soybeans, sunflowers, canola and such other oilseed and industrial crops as the Secretary of Agriculture may choose to include. The NCAFB is thus similar to the normal crop acreage system that was in effect some years ago.

In contrast to the present system of crop-specific bases, farmers would be free to determine their own mix of crop plantings within the NCAFB. They would not be instructed to plant 100 acres of corn, no more and no less, in order to receive Government payments. Such questions as cross compliance and acreage reduction requirements remain to be decided in the farm bill, of course, but the general principle embodied in this legislation is that so long as a farmer's total plantings are cumulatively within his NCAFB, he is eligible for farm program benefits.

However, in giving farmers more flexibility, we want decisions to be governed by market signals and no subsidy levels among crops. Therefore, whereas a farmer can plant pretty much what he wants, any Government payments would be made on the basis of his historical planted patterns for the crop in question. In this way, a farmer who anticipated a high Government payment for cotton could not capture that payment simply by planting more cotton. Rather, he would only receive a cotton payment to the extent he had a history of planting cotton.

To be more specific, the bill creates a crop payment base for each of the program crops—wheat, feed grains, cotton, and rice. The crop payment base is equal to the current crop-specific bases for the respective crops under the present Food Security Act. The crop payment base is, in essence, frozen for the lifetime of the 1990 farm bill under our legislation. The consequence is that farmers' decisions to plant soybeans rather than corn will not reduce the number of acres on which the corn deficiency payment is made.

I believe, Mr. President, that the Agricultural Competitiveness and Planting Flexibility Act, in combination with sound policy decisions on such other topics as target prices and loan rates, will lead to a more competitive and prosperous agricultural economy. By not penalizing farmers' corn payment base just because they plant soybeans, we will allow a return to sound corn-soybean rotations and facilitate the planting of soybeans if—and only if—the market needs soybeans. By creating a payment base independent of current planting decisions, we can give farmers additional planting flexibility without the risk that they will simply move into crops with more generous target prices.

I want to commend Chairman LEAHY for his cosponsorship of this legislation. We will both be working closely together on other aspects of the new farm bill. This legislation is evidence of our desire to work together, to resolve whatever differences there may be, and to move our Nation's agricultural policies forward.

Mr. President, I ask unanimous consent that the text of the Agricultural Competitiveness and Planting Flexibility Act, and a short summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

S. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Competitiveness and Planting Flexibility Act of 1990".

SEC. 2. ACREAGE BASE AND PROGRAM YIELD SYSTEM.

Effective for the 1991 through 1995 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended to read as follows:

"TITLE V—ACREAGE BASE AND PROGRAM YIELD SYSTEM

"SEC. 501. PURPOSE.

"The purpose of this title is to prescribe a system for establishing acreage bases and program yields for the wheat, feed grain, upland cotton, extra long staple cotton, rice, and soybean and other oilseed programs under this Act that is efficient, equitable, flexible, predictable, and promotes maintenance of water quality, natural soil fertility, and international competitiveness for United States agricultural commodities.

"SEC. 502. DEFINITIONS.

"For purposes of this title:

"(1) COUNTY COMMITTEE.—The term 'county committee' means the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for the county in which the farm is administratively located.

"(2) PROGRAM CROP.—The term 'program crop' means any crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice.

"SEC. 503. NORMAL CROP ACREAGE FARM BASES.

"(a) IN GENERAL.—The Secretary shall provide for the establishment and maintenance of normal crop acreage farm bases for the 1991 through 1995 crop years.

"(b) DETERMINATION BY COUNTY COMMITTEE.—The county committee, in accordance with regulations prescribed by the Secretary, shall determine the normal crop acreage farm base for a farm for a crop year.

"(c) CALCULATION.—The normal crop acreage farm base for a farm for a crop year shall consist of the average of the acreage planted or considered planted to wheat, feed grains, upland cotton, extra long staple cotton, rice, soybeans, sunflowers, canola, and other oilseeds and industrial crops as designated by the Secretary, during the 5 immediately preceding crop years.

"(d) ACREAGE CONSIDERED PLANTED—For the purpose of subsection (c), acreage considered planted to a crop referred to in subsection (c) shall include—

"(1) any reduced acreage, set-aside acreage, and diverted acreage on a farm;

"(2) any acreage on the farm that producers were prevented from planting to such crop because of drought, flood, or other natural disaster, or other condition beyond the control of the producers; and

"(3) any acreage on the farm which the Secretary determines is necessary to be included in establishing a fair and equitable crop acreage base.

"SEC. 504. CROP PAYMENT BASES.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall provide for the establishment and maintenance of crop payment bases for each program crop.

"(2) LIMITATION.—The sum of the crop payment bases for all program crops produced on any farm for any crop year shall not exceed the normal crop acreage farm base for such farm for such crop year, except to the extent that the excess is due to an established practice of double cropping.

"(3) DEFINITION OF DOUBLE CROPPING.—As used in paragraph (2), the term 'double cropping' means a farming practice, as defined by the Secretary, that has been carried out on a farm in at least 3 of the 5 crop years immediately preceding the crop year for which the crop payment base for the farm is established.

"(b) CALCULATION.—

"(1) IN GENERAL.—The crop payment base for a program crop for any farm for each of the 1991 through 1995 crop years shall be the number of acres that is equal to the crop acreage base established for such crop on the farm for the 1990 crop year under this title (as it existed before the amendment made by section 2 of the Agricultural Competitiveness and Planting Flexibility Act of 1990).

"(2) ADJUSTMENTS.—The Secretary may make adjustments in the crop payment base established under this subsection to reflect crop rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable crop payment base.

"SEC. 505. FARM PROGRAM PAYMENT YIELDS.

"(a) IN GENERAL.—The Secretary shall provide for the establishment of a farm pro-

gram payment yield for each farm for each program crop for each of the 1991 through 1995 crop years.

"(b) CALCULATION.—The farm program payment yield for a program crop for any farm for each of the 1991 through 1995 crop years shall be the farm program payment yield established for such crop on the farm for the 1990 crop year under this title (as it existed before the amendment made by section 2 of the Agricultural Competitiveness and Planting Flexibility Act of 1990).

"(c) ADJUSTMENTS.—The county committee, in accordance with regulations prescribed by the Secretary, may adjust any program yield for any program crop for any farm if the program yield for the crop on the farm does not accurately reflect the productive potential of the farm because of the occurrence of a natural disaster or other similar condition beyond the control of the producer.

"SEC. 506. PLANTING AND PRODUCTION HISTORY OF FARMS.

"Effective for each of the 1991 and subsequent crop years, each county committee, in accordance with regulations prescribed by the Secretary, may require any producer who seeks to establish a normal crop acreage farm base, crop payment base, or farm program payment yield for a farm for a crop year to provide planting and production history of such farm for each of the 5 crop years immediately preceding such crop year.

"SEC. 507. ESTABLISHMENT OF BASES AND YIELDS BY COUNTY COMMITTEES.

"Each county committee may, in accordance with regulations prescribed by the Secretary, provide for the establishment of a normal crop acreage farm base, crop payment base, and farm program payment yield with respect to any farm administratively located within the county if such normal crop acreage farm base, crop payment base, or farm program payment yield cannot otherwise be established under this title. Such bases and farm program payment yields shall be established in a fair and equitable manner, but no such bases or farm program payment yields shall be established for a farm if the producer on such farm is subject to sanctions under any provision of Federal law for cultivating highly erodible land or converted wetland.

"SEC. 508. APPEALS.

"The Secretary shall establish an administrative appeal procedure that provides for an administrative review of determinations made with respect to normal crop acreage farm bases, crop payment bases, and farm program payment yields.

"SEC. 509. PAYMENTS AND OTHER BENEFITS.

"(a) ELIGIBILITY.—

"(1) LIMITATION ON COMBINED ACREAGE.—In order to be eligible for any deficiency payment or other benefit under this Act with respect to any crop year, the producers on a farm shall limit the combined acreage devoted to the production of wheat, feed grains, upland cotton, extra long staple cotton, rice, soybeans, sunflowers, canola, and such other oilseeds and industrial crops as the Secretary may designate, to a number of acres equal to the normal crop acreage farm base established under this title for such farm for such crop year.

"(2) PLANTING FLEXIBILITY.—Unless otherwise provided by law, the Secretary shall permit the producers on a farm to devote such acreage as the producers may choose to the production of each crop listed in paragraph (1), except that the producers shall comply with the requirements of paragraph (1) with respect to the combined acreage devoted to such crops.

"(b) METHOD OF MAKING PAYMENTS.—In making any deficiency payment or providing any other benefit under this Act with respect to any crop on a farm for any crop year, the Secretary shall use the crop payment base (if any) established under this title for such crop for such crop year to calculate the amount of such payment or to determine such benefit.".

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the successor law to the Food Security Act of 1985 (P.L. 99-198; 99 Stat. 1454) should embody the principles of—

(A) maximizing the environmentally sound utilization of the productive agricultural resources of the United States;

(B) ensuring the competitiveness of United States agricultural products in domestic and world markets;

(C) supporting the incomes of farm families, taking into account the effect of subsidies in other nations on United States agricultural producers and the willingness or lack of willingness of such nations to reform their agricultural subsidies;

(D) maintaining a safe and secure food supply for the United States and preserving the family farm system as the best means of achieving such a food supply;

(E) ensuring the preservation of the soil and water resources of the United States for future generations;

(F) minimizing unnecessary government involvement in agricultural pricing, demand, and market performance; and

(G) promoting the full and balanced development of rural economies in the United States; and

(2) such principles should be applied to all areas of the successor law to the Food Security Act of 1985, including—

(A) target prices and other means of income support;

(B) price support loan rates;

(C) mechanisms to provide stability in agricultural commodity production, stocks, and prices;

(D) programs that promote or enhance United States agricultural exports;

(E) policies and programs that conserve soil, water (including ground water) and other natural resources;

(F) domestic and foreign food assistance programs;

(G) Federal crop insurance or other means of systematic risk management with producer involvement; and

(H) policies governing or affecting stocks of agricultural commodities owned by the Federal government, or owned by agricultural producers under programs established by the Federal government, including the disposition of such stocks.

AGRICULTURAL COMPETITIVENESS AND PLANTING FLEXIBILITY ACT

SHORT SUMMARY

Crop Years Covered: 1991-1994.

Crops included:

1. Program crops (wheat, feed grains, cotton, rice).

2. Other crops (soybeans, sunflowers, canola & other oilseeds and industrial crops at Secretary's discretion).

Normal Crop Acreage Farm Base: Equal to 5-year average of acreage planted/considered planted to crops listed above.

Crop Payment Bases: Equal to 1990 crop acreage bases for program crops.

Farm Program Payment Yields: Equal to 1990 farm program payment yields for program crops.

Payments and Other Benefits: 1. To be eligible for benefits, a farmer must limit his total plantings of the crops listed above to his NCA farm base.

2. The Secretary must allow farmers to plant the listed crops as they see fit, so long as total plantings are within the NCA farm base.

3. Any deficiency payments are to be paid on the basis of the Crop Payment Base, not current acreage devoted to the crop in question.●

● Mr. LEAHY. Mr. President, I rise today, along with Senator LUGAR, the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry to introduce the Agricultural Competitiveness and Planting Flexibility Act of 1990.

Mr. President, the Agriculture Committee will have a great deal of work to do on its return for the second session of the 101st Congress. First and foremost on that list, will be development and passage of the 1990 farm bill.

The bill that Senator LUGAR and I are introducing today, is a step in that process.

I have said repeatedly that planting flexibility is a litmus test the 1990 farm bill must pass. This bill makes that point but it is not the final word. It is a bill introduced to provoke thought and discussion on planting flexibility.

I do not know of a single member of the committee that would oppose more planting choices for farmers. The real problem comes in trying to define just what flexibility means or how it would work. The 1990 farm bill will appropriately answer these questions.

There are areas of disagreement between Senator LUGAR and myself on several issues regarding flexibility. This bill is reflective of our differences and those of many others. It does not attempt to answer many of the difficult issues that must be answered if flexibility is going to work. But Senator LUGAR and I both feel that we need to begin to debate the issue now.

One key flexibility concept that I feel strongly about is contained in this bill. Any producer who participates in an acreage reduction program will be just as well off under this bill as in current law. Planting flexibility should not be an excuse to cut farmers' income. I strongly believe that the level of support should not be reduced for any producer, unless that producer makes the decision to take lower payments in exchange for expanded planting flexibility.

Greater flexibility is needed. Our producers are hamstrung in reacting to market signals by the current program. It is impossible for a farmer to practice good rotation practices when he or she is forced by the program to

plant corn after corn after corn, year in and year out.

The lack of planting flexibility in the current program has caused American agriculture to lose market share for oilseeds and oats and to increase the level of chemicals in our soil and ground water.

Senator LUGAR developed a proposal for providing producers with flexibility earlier this year. He proposed at the time as part of the reconciliation package. In discussions that followed he agreed to not push the issue in reconciliation, but rather give it a full and open debate as part of the farm bill development process. This bill begins that process.

I want to work hard with Senator LUGAR, and all members of the committee when we return in January to get a quick start on the 1990 farm bill. We need to review all serious proposals. We need to hear from the administration, and the general farm and commodity organizations.

The 1990 farm bill will start to take American agriculture into the next century. The entire committee can and will work hard early in the next session to provide the best bill possible.●

By Mr. JEFFORDS:

S. 1927. A bill to provide for the employment, on a temporary basis, of certain Canadian citizen possessing technical and other skills; to the Committee on the Judiciary.

UNITED STATES-CANADA JOB OPPORTUNITY RECIPROCITY ACT

Mr. JEFFORDS. Mr. President, today I am introducing a bill that has as its purpose the measured and controlled opening up of the United States-Canada border to technical and skilled workers of the two nations for temporary work in the neighboring country. Its intended effect would be to allow freer bilateral exchange of these workers between the two countries, without jeopardizing the jobs and opportunities of the domestic workforces. The United States-Canada Job Opportunity Reciprocity Act [JORA] is designed to alleviate immediate labor shortage problems while endorsing education, training, and retraining of the United States workforce as the only long-term solution to those problems.

Mr. President, the United States-Canada Free-Trade Agreement [FTA], which went into effect on January 1, 1989 is a truly remarkable and historic achievement. President Ronald Reagan said in his July 25, 1988 letter of transmittal to the House of Representatives:

> As this Agreement takes effect, Americans and Canadians will be more able to conduct business, invest and trade where they like. Two proud, independent, and sovereign nations—Canada and the United States—will pull together, as partners, toward a future of economic growth and prosperity. . . . With this Agreement, we reject "beggar-thy-neighbor" policies in order to build with our neighbors; we put aside special interests in favor of the common interest; we break free from the limitations of the past not only to enhance our prosperity today, but also to build a better tomorrow for generations to come in the 21st century. . . . With this Agreement, both the United States and Canada will be better prepared to compete in the global marketplace of the 21st century.

I enthusiastically support these thoughts about the FTA and have been sponsoring trade conferences in Vermont to further its understanding and implementation. However significant and comprehensive the FTA may be, in the area of temporary entry for business persons the FTA is not broad enough and this limitation is causing the United States and Canada to miss a critical opportunity to jointly address our shared employment and labor shortage problems and, at the same time, to benefit our respective economies and enhance our mutual competitiveness in the new global arena.

While the FTA explicitly recognizes the special trading relationship of the two countries and "the desirability of facilitating temporary entry on a reciprocal basis and of establishing transparent criteria and procedures for temporary entry," there is no provision in the FTA to facilitate temporary entry by Canadian or United States citizens who seek to work in the other country at a level which is not considered professional. But it is precisely at this level, which I will call the technical and skilled worker level, that our employment and labor shortage problems exist and must be addressed.

This disparity in the unemployment rates of Canada and the United States suggests one level of benefit that might accrue from job opportunity sharing proposed by JORA. On this level Canada would appear to be the primary prospective beneficiary, given the relatively low rate or current unemployment in the United States.

However, gross employment and unemployment statistics by no means reveal the whole story when evaluating the robustness and resiliency of a country's economy. The fact is that low unemployment (or effective full employment) in the United States today is occurring in conjunction with, and is symptomatic of, the emerging problem of debilitating labor shortages (or labor/job mismatches as they are sometimes described) in the technical/skilled worker areas. The severity of these labor shortfalls fluctuates in different occupations, at different times and in different locations, but the cumulative effect is national in scope and is reliably predicted to worsen into the next century. Serious adverse consequences can be predicted to result for United States productivity and competitiveness if coordinated and broad-based efforts are not brought to bear.

Vermont is certainly not exempt from this growing labor shortage phenomenon and can even be described as a microcosm of the Nation. Burlington, VT, for example, is one of five United States metropolitan areas chosen this past summer by the Department of Labor as "Workforce 2000 Cities Case Studies". The areas were chosen because each has labor shortages and characteristics projected for the labor market nationwide by the year 2000.

"Workforce 2000" is the title of the June 1987 study, completed by the Hudson Institute pursuant to a commission by the DOL. The purpose of the study, which to date is the most authoritative work on the topic, was not to provide policy prescriptions, but to furnish basic information on the job market to be used in evaluating the adequacy of current public policies and in undertaking new policy initiatives. The study states:

> A gap is emerging between the relatively low education and skills of new workers (many of whom are disadvantaged) and the advancing skill requirements of the new economy. Although this gap can certainly be bridged by education, training, automation, and other strategies, it presents a great challenge to American workers and employers.

The National Tooling and Machining Association represents America's independent contract tooling and machining industry. The industry is made up of some 12,000 small companies around the country. The NTMA states the following in an August 16, 1989, letter to me:

> Employees of the thousands of tooling and machining companies in the United States are some of the most highly skilled workers in this country. Skilled journeymen, machinists, tool and die makers, and mold makers go through a 4 to 5 year apprenticeship program involving a minimum of 144 classroom hours of related instruction and 2,000 hours of on-the-job training per year. There is presently a severe shortage of these workers.

In a similar vein, the American Society for Personnel Administration found in a recent survey that:

> * * * technical occupations and skilled/craftsman are the two occupational categories that respondents [to the survey] reported hardest to fill.

They found this problem to be consistent nationwide, few regional differences were found.

These labor shortages and skill gaps can no longer be ignored and are, rightfully, beginning to draw the legislative attention they deserve. One answer is being proposed by my esteemed colleague from New Jersey, Senator LAUTENBERG, in the Labor Shortage Reduction Act of 1989 (S. 741), of which I was a cosponsor. This act is designed to begin to correct the serious lack of information in the

United States so that labor shortages can be closely defined and identified. Specifically, the bill would require the DOL to publish an annual list of labor shortages, including information on the intensity of each shortage and on its industrial and geographic concentration. After identifying the shortages, the DOL would propose annual plans to reduce the labor shortages, focusing on education and training. A companion and essentially identical bill was introduced in the House, on June 27, 1989, in the form of an amendment addition to the Job Training Partnership Act. As one of the original architects of the JTPA, I fully embrace this effort to have that act broadened to address the labor shortage problem in this manner.

Senator LAUTENBERG's S. 741 was incorporated as an amendment into another legislative answer to the labor shortage situation proposed by Senator KENNEDY—S. 358, a bill to amend the Immigration and Nationality Act. This latter bill explicitly recognizes the existence and expected growth of labor shortages and would deal with them through permanent immigration policy in two innovative ways:

First, within a six-category preference system for immigrants, the sixth preference would be reserved for skilled workers in short supply in the United States.

Second, the bill also would establish a separate point system in which points would be allocated for occupational demand in the United States and related experience abroad.

S. 358, with the provisions of Sen. LAUTENBERG's Labor Shortage Act incorporated, was passed by the Senate by an 81 to 17 majority, and was referred on July 25 to the House Committee on the Judiciary. Thus the use of immigration policy as a tool for reducing labor shortages is a proposal already clearly before Congress and receiving favorable action.

Statistical research, the education and training of U.S. workers, and targeted permanent immigration are all essential and constructive approaches to stemming labor shortages in the long term. Of these long-term approaches I have always endorsed and continue to endorse, training and education of U.S. workers as the most critical and essential. But the labor shortage problem exists now and thus needs solutions that will begin to work now. The United States-Canada Job Opportunity Reciprocity Act is complementary to and supportive of longer term approaches but would address labor shortages in immediate and concrete ways. The very real detrimental effects of the labor shortages on U.S. competitiveness and productive capacity could begin to be effectively contained through the functioning of JORA. The bill is designed not to jeopardize jobs or opportunities of U.S. workers. On the contrary, growth in our GNP, and the jobs that generate it, can be preserved and even enhanced while we strive to assure that other measures—most notably our revamped educational and training programs—kick in with results.

The JORA idea is simple. JORA seeks to allow the market mechanism—subject to important safeguards—to regulate opportunities for temporary employment of United States and Canadian technical and skilled workers willing to move across the border in either direction. I would summarize the bill as follows:

A new category for temporary admissions would be created for Canadian workers in specified occupations. Paralleling the current category for professionals in the FTA, the United States would not require as a condition for temporary entry any prior approval procedures, petitions, labor certifications, tests, or other similar measures.

Documentation and proofs will be required, however, in order to assure that the interests of indigenous U.S. labor are thoroughly protected. For example, the Canadian citizen must present in addition to evidence of citizenship, proof that he/she has been employed in the specific occupation for at least 2 years in Canada prior to entry into the United States. Thus only already experienced workers will qualify. The worker must also show proof of a job commitment for that occupation from the U.S. employer, thereby assuring that the qualified worker reports for one specific job in one specific locality.

The prospective U.S. employer must provide an affidavit to the effect that he has used his reasonable best efforts to find a qualified U.S. citizen or permanent residence to perform the services, including having advertised for the position at the prevailing wage rate in the relevant labor market area as determined by the State employment office. Therefore, no disruption of the local wage rate structure should occur.

The term of entry for the new category of workers will be limited to an initial term of 2 years renewable for only one additional 2-year term provided the terms and conditions of original entry are again satisfied. Such a timeframe—2 to 4 years—would generally allow vocational education and other training agencies such as JTPA to identify the shortage occupations, plan and deliver the necessary training to accommodate the need and thus contribute to a viable permanent U.S. workforce—the ultimate goal. Any workable proposals by which JORA could be even more directly tied into such processes deserve serious attention.

The identification of the shortage occupations to be eligible for the new JORA category would be accomplished by use of the marketplace itself—fully in keeping with the spirit of FTA itself.

Qualifying occupations are to be restricted to technical/skilled job families as already categorized by the Department of Labor in its dictionary of occupational titles. The targeted job families are job family I (which includes such jobs as machinist, machine setter, toolmaker, cabinetmaker, metal fabricator, and supervisory machine set up jobs) and job family IV (workers such as electricians, plumbers, bookkeepers, and laboratory testers). JORA thus "hones in" on those occupations that characterize the present and projected labor shortages.

Within those "qualifying occupations" only jobs that have remained unclaimed at the appropriate State public employment agencies for at least 30 days will be eligible for the JORA procedure. Thus a certificate of such agency must be delivered to the effect that the job to be filled has been the subject of a job order and has gone unclaimed for a minimum period of 30 days. In this way shortages for purposes of JORA will be identified on a job-by-job, day-by-day basis—an ever evolving process responding to market directions. This process will also require the participation of State employment agencies—a valuable recourse that tends to be underutilized and underappreciated.

Data would be generated and gathered under JORA by both the United States and Canada and made available to the other party in conformity with applicable law. These hard data, based on actual movement of jobs, would be invaluable to the U.S. Secretary of Labor in accurately identifying labor shortages.

JORA will become effective only upon the determination of the Secretary of Labor that Canada has acted to provide effectively equivalent reciprocal admission of United States workers into Canada.

In conclusion I present JORA, in the first instance, as a reasonable and measured response to the serious and growing problem of worker shortages in the United States. It is country specific in that it applies only to Canada and Canadian citizens following the example set by the FTA in recognizing the special relationship that we have with that country. It is job specific in so far as it applies only to specific occupations and then only to specific shortages or unclaimed opportunities within those occupations and at specific locations. It is designed not to aggravate unemployment or underemployment in the United States and in fact should contribute to a more vibrant domestic economy.

A mass movement of workers will clearly not result from JORA. What

can be expected to result is a limited market controlled bilateral flow of skilled workers responding to conditions such as job shortages and unemployment. Initially, the job shortages may be predominantly in the United States and unemployment in Canada, but those factors have a way of changing, as we all know. Moreover, those factors will vary considerably in different places and occupations and at different times. JORA would allow the market mechanism to respond to those changes and rapidly adjust job exchanges accordingly.

Even if it were necessary to argue the merits of JORA absent the labor shortage issue, which it is not, a compelling case can be made for the proposal. By eliminating, in however limited a way, another of the artificial barriers to commerce presented by the United States/Canadian border, JORA is in the grand tradition of free and fair trade that has kept our country vibrant and strong over the last 213 years. This is particularly important at this time when the United States is being accused of succumbing to protectionist influences in various aspects of its trade policies. JORA is clearly a positive, forward looking and constructive response to such accusations.

JORA would also be a telling reply to the enormous challenge presented by EC-92. We all know the effort being made by the 12 Common Market nations to eliminate most physical, technical and fiscal barriers to trade within that area. A single internal market is envisioned with freedom of movement for goods, services, capital and people. The freedom of movement for workers is a fundamental tenet of the Rome treaty and concrete steps are being undertaken to make freer movement practical for the 323 million inhabitants despite enormous cultural, legal and social gaps. They are also being undertaken in the context of an overall current unemployment rate of approximately 11 percent in the Common Market countries.

In light of such a challenge from the EC, it should hardly take a leap of inspiration for the United States to endorse a limited temporary entry proposal such as JORA. We are, after all, dealing with our most immediate geographical neighbors to the north—a country with even greater cultural proximity to the United States in the minds of many. Thanks to the FTA, our joint economies are rightfully becoming more and more mutually dependent and nourishing. The time is right to reply with JORA as a partial answer to the bold challenge of the Europeans in the area of worker mobility.

This bold challenge is currently being put in dramatic context by the events in Eastern Europe. A lurch toward freedom is being made—and this lurch is focused on freedom of movement and action for individuals. While I do not wish to even imply that JORA shares the significance and profundity of those events—I believe it is of kindred spirit.

One final important point should be made. JORA, if enacted, would present virtually no budgetary burden. The cost, in terms of current dollars, will be negligible. The rewards, in terms of economic growth, reduced inflation and increased United States competitiveness are unlimited. I urge my colleagues to support the United States/Canada Job Opportunity Reciprocity Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States—Canada Job Opportunity Reciprocity Act".

SEC. 2. ADMISSION OF CERTAIN TEMPORARY WORKERS FROM CANADA.

(a) ELIGIBLE ALIENS.—Notwithstanding any other provision of law and subject to the conditions of subsection (c), an alien who is a citizen of Canada having a residence in that country which he has no intention of abandoning who seeks to enter the United States temporarily to perform technical or other services in an occupation described in subsection (b) shall be granted entry for such purpose, admitted to the United States, and authorized to perform such services—

(1) upon presentation at a Class A port of entry of proof of Canadian citizenship and documentation as follows:

(A) a commitment by a United States employer to hire the alien for an occupation described in subsection (b);

(B) proof that the alien has worked in that occupation in Canada for at least 2 years;

(C) an affidavit of the proposed United States employer of the alien which certifies that the United States employer has used his reasonable best efforts to find a qualified United States citizen or permanent resident alien to perform the services, including advertising for a resident United States worker for the position at the prevailing wage rate in the relevant labor market area as determined by the appropriate State public employment office, and failed to find such a prospective employee; and

(D) a certificate of the appropriate State public employment office attesting that a job order at the prevailing wage rate, as specified in subparagraph (C), for the position has been placed by the prospective United States employer with the respective employment office, that the position has remained open and available for a minimum of 30 days from the date of placing of the job order and that the position is in a "qualifying occupation" as defined in subsection (b); and

(2) upon demonstration at the port of entry that the alien is otherwise eligible for admission to the United States under the Immigration and Nationality Act, except that no labor certification, prior approval procedures, petitions, or other procedures of similar effect under that Act or any regulation thereunder shall be required.

(b) QUALIFYING OCCUPATIONS.—The occupations referred to in subsection (a) are those occupations that contain either a numeral zero in the sixth digit (JOB FAMILY I) or a numeral two, three or four in the fourth digit (JOB FAMILY IV) in the nine-digit occupational code used in the Dictionary of Occupational Titles of the Department of Labor.

(c) CONDITIONS OF STAY.—Nonimmigrant aliens described in subsection (a), and the alien spouse and minor children of any such alien accompanying him or following to join him, shall be admitted to the United States under such terms and conditions as the Attorney General may specify (consistent with subsection (a)) and subject to the following conditions:

(1) The stay of the alien in the United States pursuant to such admission shall be for an initial term of not to exceed 2 years, renewable for one additional 2-year term if the terms and conditions of original entry as specified in section 2(a)(1)(A), (C), and (D) are satisfied before such renewal.

(2) The status of the alien in the United States shall terminate if the alien ceases to be employed by the employer for whom, and in the occupation for which, the alien was admitted to the United States, unless the alien shall obtain a separate grant of entry under this section, subject to all the terms and conditions of original entry.

(3) The position for which the alien is admitted into the United States to occupy is not (A) vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage or (B) at issue in a labor dispute involving a work stoppage.

SEC. 3. REQUIREMENT OF COLLECTION OF CERTAIN STATISTICAL DATA.

The Secretary of Labor shall collect satistical data for the admission of nonimmigrant aliens under section 2 of this Act and shall share such statistics with the Government of Canada and with such agencies within the United States as are concerned with labor shortages.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on the effective date of legislation or other acts by the Government of Canada establishing effectively equivalent reciprocal admission of United States workers into Canada, as determined by the Secretary of Labor, but not earlier than 60 days after its date of enactment.

By Mr. KOHL (for himself and Mr. KASTEN):

S. 1928. A bill entitled the "Kenosha, Wisconsin Equity Act of 1989"; to the Committee on Finance.

KENOSHA, WISCONSIN EQUITY ACT

● Mr. KOHL. Mr. President, along with Senator KASTEN, I am today introducing the Kenosha, Wisconsin, Equity Act of 1989.

This bill makes technical corrections to the Tax Reform Act of 1986 which will allow the city of Kenosha to issue tax-exempt financing for its downtown development.

I introduce this bill with mixed feelings, Mr. President. I am proud and happy to stand up for the fine city of Kenosha. But I am disheartened that

this problem has not already been addressed. The reconciliation bill before Congress today represents yet another lost opportunity to take care of this issue.

Kenosha has endured some very difficult times over the past decade, including the loss of a major Chrysler plant. In the face of these problems, the people and leaders of the city have made herculean efforts to turn their economy around.

Among other things, Kenosha has begun a major redevelopment project along its lakefront and adjacent to its downtown area. The project consists of a marina development, parklands, commercial space, and residential development. Over $125 million will be invested, creating as many as 2,500 new jobs.

A linchpin of this development is a landfill which was to be constructed by the U.S. Army Corps of Engineers. The Corps contracted with the city of Kenosha to complete this project by 1984. Unfortunately, the Corps did not fulfill its agreement and Kenosha was left without its landfill. A GAO investigation of the matter found that the Corps not only left Kenosha waiting at the altar, but also that the Corps knew from the beginning that it would be unable to complete its work on time.

The delay caused by the Corps' action rendered the project ineligible for tax-exempt bond financing. The bill we are introducing would restore Kenosha's eligibility for that financing.

The Tax Reform Act of 1986 contained provisions aimed at providing Kenosha with the needed transition relief. Unfortunately, the impact of the language fell short of its intended effect.

To correct the problem, provisions were included in the House-passed reconciliation bill in 1987 and again this year. Congressmen MOODY and ASPIN made tremendous efforts to get the provision included. It is worth noting, Mr. President, that the Joint Committee on Taxation estimates that these provisions would not worsen our current deficit.

Unfortunately, Congressmen MOODY and ASPIN's efforts on both occasions have been for naught. The Senate failed to support the language either during consideration of our version of the reconciliation bill or in the conference. I appreciate the concerns of the Finance Committee leadership when it comes to revisiting issues related to the Tax Reform Act of 1986. However, this is one occasion that such a policy is unwarranted.

The project is crucial to an entire city's economic future. And the city's need for this relief can ultimately be laid at the feet of another government agency. Our efforts to provide transitional relief in the Tax Reform Act proved inadequate to the task. It simply is unjust that the Federal Government would put any city, much less one that has struggled as much as Kenosha has, into this situation and then walk away.

Mr. President, Kenosha has been hit by a couple of economic rabbit punches that would have flattened lesser communities. But the folks of Kenosha are a special breed and they are working to turn the situation around. This bill tells Kenosha and the Nation that the Federal Government will leave progress and prosperity, not problems, in its wake.●

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. PELL, the names of the Senator from Virginia [Mr. ROBB] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 195, a bill entitled the "Chemical and Biological Weapons Control Act of 1989."

S. 562

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 562, a bill to amend the Social Security Act to provide for improvements in services to applicants and beneficiaries under the old-age, survivors, and disability insurance program and the supplemental security income program.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 975

At the request of Mr. METZENBAUM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 975, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

SENATE JOINT RESOLUTION 187

At the request of Mr. HATCH, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. MACK], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 187, a joint resolution to designate the periods commencing on November 19, 1989, and ending on November 26, 1989, and commencing on November 18, 1990, and ending on November 25, 1990, as "National Adoption Week."

SENATE CONCURRENT RESOLUTION 83—CORRECTING THE ENROLLMENT OF THE BILL H.R. 3566

Mr. HARKIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3566) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections:

In title II—

(1) In the paragraph under Department of Health and Human Services—Health Resources and Services Administration—Health Resources and Services—program operations, strike out: period October 1, 1990 through September 30, 1991, and insert: quarter beginning October 1, 1990, and ending December 31, 1990,

(2) In the paragraph under the heading Alcohol, Drug Abuse, and Mental Health Administration—alcohol, drug abuse, and mental health, strike out quarter beginning October 1, 1990, and ending December 31, 1990, and insert: period October 1, 1990 through September 30, 1991,

SENATE CONCURRENT RESOLUTION 84 CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF THE BILL H.R. 3660

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 84

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 3660) to amend the Rules of the House of Representatives and the Ethics in Government Act of 1978 to provide for government-wide ethics reform, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 207(a)(2)(B) of title 18, United States Code (as contained in section 101(a) of the bill), strike out "with a period" and insert in lieu thereof "within a period".

(2) In section 207(b) of title 18, United States Code (as contained in section 101(a) of the bill)—

(A) in paragraph (1)—

(i) strike out "and who personally an substantially" and insert in lieu thereof "who personally and substantially"; and

(ii) strike out "the Freedom of Information Act, section 552 of title 5, United States Code," and insert in lieu thereof "section 552 of title 5," and

(B) in paragraph (2)(B), strike out "requiring" and insert in lieu thereof "that requires".

(3) In section 207(c)(2)(C) of title 18, United States Code, strike out "at that basic rate of pay" and insert in lieu thereof "at the basic rate of pay specified in that subparagraph".

(4) In section 207(e) of title 18, United States Code (as contained in section 101(a) of the bill)—

(A) in paragraph (1)(A), strike out "officer of employee" and insert in lieu thereof "officer, or employee";

(B) in paragraph (1)(B)—

(i) strike out "officer or employee" and insert in lieu thereof "officer, or employee"; and

(ii) strike out "or employee of any other legislative branch" and insert in lieu thereof "and any employee of any other legislative"; and

(C) in paragraph (1)(C), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(D) in paragraph (2)(A), strike out "officer or employee" and insert in lieu thereof "officer, or employee";

(E) in paragraph (3), strike out "Member of Congress" and insert in lieu thereof "Member, officer, or employee of either House of Congress";

(F) in paragraph (4)—

(i) in subparagraph (A), strike out "officer or employee" and insert in lieu thereof "officer, or employee"; and

(ii) in subparagraph (B)(ii), strike out the comma after "leadership of the Senate".

(G) in paragraph (7)—

(i) in subparagraph (G), strike out "entity or office" and insert in lieu thereof "entity, or office"; and

(ii) in subparagraph (L), strike out "the chairman" and insert in lieu thereof "chairman".

(5) In section 207(i) of title 18, United States Code (as contained in section 101 of the bill)—

(A) in paragraph (1) insert a comma before "including";

(B) in paragraph (2), insert a comma after "investigation"; and

(C) in paragraph (3), insert "or" before "judicial".

(6) In section 207(j)(6) of title 18, United States Code (as contained in section 101(a) of the bill), strike out "the President,".

(7) In section 103(h)(1)(A)(ii)(II) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(8) In section 109(1) of the Ethics in Government Act of 1978 (as contained section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu of thereof "Committee on Standards of Official Conduct".

(9) Section 109(6) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "section 503(4)" and insert in lieu thereof "section 505".

(10) In section 111(2) of the Ethics in Government Act of 1978 (as contained in section 202 of the bill), strike out "Standards of Official Conduct Committee" and insert in lieu thereof "Committee on Standards of Official Conduct".

(11) In section 203(b), insert after "House" each place it appears the following: "of Representatives".

(12) In the section heading of section 1352 of title 31, United States Code (as contained in section 302 of the bill), strike out "Travel acceptance authority" and insert in lieu thereof "Acceptance of travel and related expenses from non-Federal sources".

(13) In section 1352 of title 31, United States Code (as contained in section 302 of the bill), strike out subsection (d) and insert in lieu thereof the following:

"(d)(1) The head of each agency of the executive branch shall, in the manner provided in paragraph (2), submit to the Director of the Office of Government Ethics reports of payments of more than $250 accepted under this section with respect to employees of the agency. The Director shall make such reports available for public inspection and copying.

"(2) The reports required by paragraph (1) shall, with respect to each payment—

"(A) specify the amount and method of payment, the name of the person making the payment, the name of the employee, the nature of the meeting or similar function, the time and place of travel, the nature of the expenses, and such other information as the Administrator of General Services may prescribe by regulation under subsection (a);

"(B) be submitted not later than May 31 of each year with respect to payments in the preceding period beginning on October 1 and ending on March 31; and

"(C) be submitted not later than November 30 of each year with respect to payments in the preceding period beginning on April 1 and ending on September 30.".

(14) In section 302(a), strike out "Subchapter III of chapter 13 of subtitle 2" and insert in lieu thereof "IN GENERAL.—Subchapter III of chapter 13".

(15) In section 401, strike out the section heading and insert in lieu thereof the following:

"SEC. 401. AMENDMENT TO SECTION 202 OF TITLE 18, UNITED STATES CODE.".

(16) In section 202(c) of title 18, United States Code (as contained in section 401 of the bill), insert a comma after "208" and insert a comma after "Congress".

(17) In section 202(d) of title 18, United States Code (as contained in section 401 of the bill), strike out "include" and insert in lieu thereof "include—".

(18) In section 202(e)(1) of title 18, United States Code (as contained in section 401 of the bill), strike out "United States Code,".

(19) In section 402, strike out the section heading and insert in lieu thereof the following:

"SEC. 402. AMENDMENTS TO SECTION 203 OF TITLE 18, UNITED STATES CODE.".

(20) In section 402 of the bill, strike out "(8) redesignating" and all that follows through "paragraph (b)" and insert in lieu thereof the following:

"(8) in subsection (b)—

"(A) by redesignating such subsection as subsection (c); and

"(B) by striking 'subsection (a)' and inserting 'subsections (a) and (b)'; and

"(9) by inserting after subsection (a) the following:".

(21) In section 203(b)(1) of title 18, United States Code (as contained in section 402 of the bill)—

(A) insert "representational" before "services"; and

(B) insert a comma after "otherwise".

(22) At the end of the text inserted by paragraph (9) of section 402 of the bill, insert "; and" after the close quotation marks.

(23) In section 203(e) of title 18, United States Code (as contained in section 402 of the bill)—

(A) strike out "provided that" and insert in lieu thereof "if"; and

(B) strike out "shall certify" and insert in lieu thereof "certifies".

(24) In section 403, strike out the section heading and insert in lieu thereof the following:

"SEC. 403. AMENDMENTS TO SECTION 204 OF TITLE 18, UNITED STATES CODE.".

(25) In section 404, strike out the section heading and insert in lieu thereof the following:

"SEC. 404. AMENDMENT TO SECTION 205 OF TITLE 18, UNITED STATES CODE.".

(26) In section 205(f) of title 18, United States Code (as contained in section 404 of the bill)—

(A) strike out "provided that" and insert in lieu thereof "if"; and

(B) strike out "shall certify" and insert in lieu thereof "certifies".

(27) In section 405, strike out the section heading and insert in lieu thereof the following:

"SEC. 405. AMENDMENTS TO SECTION 208 OF TITLE 18, UNITED STATES CODE.".

(28) In section 405(2) of the bill, strike out "(2) in subsection (b)" and all that follows through the end of paragraph (4) of subsectio (b) of section 208 of title 18, United States Code, as contained in section 405(2) of the bill, and insert in lieu thereof the following:

(2) by striking subsection (b) and inserting the following:

"(b) Subsection (a) shall not apply—

"(1) if the officer or employee first advises the Government official responsible for appointment to his or her position of the nature and circumstances of the judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter and makes full disclosure of the financial interest and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee;

"(2) if, by regulation issued by the Director of the Office of Government Ethics, applicable to all or a portion of all officers and employees covered by this section, and published in the Federal Register, the financial interest has been exempted from the requirements of paragraph (1) as being too remote or too inconsequential to affect the integrity of the services of the Government officers or employees to which such regulation applies;

"(3) in the case of a special Government employee serving on an advisory committee within the meaning of the Federal Advisory Committee Act (including an individual being considered for an appointment to such a position), the official responsible for the employee's appointment, after review of the financial disclosure report filed by the individual pursuant to section 107 of the Ethics in Government Act of 1978, certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved; or

"(4) the financial interest that would be affected by the particular matter involved is that resulting solely from the interest of the officer or employee, or his or her spouse or minor child, in birthrights—

"(A) in a Indian tribe, band, nation, or other organized group or community, including any Alaska Native village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians,

"(B) in an Indian allotment the title to which is held in trust by the United States or which is inalienable by the allottee without the consent of the United States, or

"(C) in an Indian claims fund held in trust or administered by the United States,

"if the particular matter does not involve the Indian allotment or claims fund or the Indian tribe, band, nation, organized group or community, Alaska Native village corporation as a specific party or parties.".

(29) In section 406, strike out the section heading and insert in lieu thereof the following:

"SEC. 406. AMENDMENT TO SECTION 209 OF TITLE 18, UNITED STATES CODE.".

(30) In section 407 of the bill, redesignate subsection (c) as subsection (b).

(31) In section 502(c), strike out "The" and insert in lieu thereof "EFFECTIVE DATE.—The".

(32) In section 503, insert after "by the Government." the following: "Such use with respect to vehicles owned or leased by, or the cost of which is reimbursed by, the House of Representatives or the Senate shall be only as prescribed by rule of the House of Representatives or the Senate, as applicable.".

(33) Strike out section 507 and insert in lieu thereof the following:

"SEC. 507. SUSPENSION OF EFFECT OF CERTAIN PROVISIONS OF LAW.

"The following provisions of law shall have no force or effect during the period beginning on the day after the date of enactment of this Act and ending one year after such day:

"(1) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).

"(2) Sections 2397a and 2397b of title 10, United States Code.

"(3) Section 281 of title 18, United States Code.

"(4) Sections 603 through 606, subsections (a) and (b) of section 607, and subsections (a) and (c) of section 608 of the Department of Energy Organization Act.".

(34) In section 601, add at the end the following:

(b) CONFORMING AMENDMENTS.—

(1) Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i) is amended—

(A) in subsection (a) by striking "No person while an elected or appointed officer or employee of the Federal Government" and by inserting "No person while a Senator or officer or employee of the Senate", and by striking "accept" the first time it appears; and

(B) in subsection (b) by striking "an elected or appointed officer or employee of any branch of the Federal Government" and by inserting "a Senator or any officer or employee of the Senate".

(2) Section 908(a)(3) of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1(a)(3)) is amended to read as follows:

"(3) 'Member' means a Senator; and".

(35) In section 603, strike out "section 603" and insert in lieu thereof "section 703".

(36) In section 225(b)(1)(B) of the Federal Salary Act of 1967 (as contained in section 701 of the bill), strike out "President of the Senate;" and insert in lieu thereof the following: "President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;".

(37) In section 225(i)(2)(A) of the Federal Salary Act of 1967 (as contained in section 701 of the bill), insert after "entirety." the following: "This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.".

(38) Strike out title X of the bill.

(39) Redesignate title XII of the bill as title X and redesignate section 1201 of the bill as section 1001.

(40) In section 802(d), strike out "section 407" and insert in lieu thereof "section 503".

(41) In clause 1(a)(1)(A) of rule XLVII of the Rules of the House of Representatives (as contained in section 804(a) of the bill), strike out "aggregate" and all that follows through "during" and insert in lieu thereof the following: "annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1, of".

(42) In clause 1(a)(2) of rule XLVII of the Rules of the House of Representatives (as contained in section 804(a) of the bill), strike out "aggregate" and all that follows through "year." and insert in lieu thereof the following: "annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member, officer or employee during such calendar year and the denominator of which is 365.".

(43) In section 804(f), strike out "section 303" and insert in lieu thereof "section 703".

(44) In section 1101 of the bill—

(1) insert "(a)" before "(1) Adjustments"; and

(2) add after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of this section, no adjustment in any rate of pay and section 908(b)(4)(A) of the Supplemental Appropriations Act, 1983 as added by subsection (b) of this section, shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is rescinded.".

SENATE RESOLUTION 212—MANAGING EXPENDITURE OF FUNDS FOR SENATE OFFICIAL MAIL

Mr. MITCHELL (for Mr. FORD, for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 212

Resolved, That for purposes of this resolution—

(1) the term "election fiscal year" means a fiscal year in which regular biannual general elections of Senators are held;

(2) the term "final printing and mailing clearance" means an approval of a blue line, color key, or other page proof giving final authorization to print and mail material submitted by a Senate office to the Senate Service Department;

(3) the term "franked mail" has the meaning given that term by section 3201(4) of title 39, United States Code;

(4) the term "mass mailing" has the meaning given that term in section 3210(a)(6)(E) of title 39, United States Code;

(5) the term "non-election fiscal year" means a fiscal year other than an election fiscal year;

(6) the term "official mail costs" means the equivalent of—

(A) postage on, and fees and charges in connection with, mail matter sent through the mail under the franking privilege; and

(B) the portions of the fees and charges paid for handling and delivery by the Postal Service of mailgrams considered as franked mail under section 3219 of title 39, United States Code; and

(7) the term "Senate office" means the Vice President of the United States, a United States Senator, a United States Senator-elect, a committee of the Senate, the Joint Committee on Printing, the Joint Economic Committee, an officer of the Senate, or an office of the Senate authorized by section 3210(b)(1) of title 39, United States Code, to send franked mail.

SEC. 2. (a) Notwithstanding any law or rule of the Senate, the amount that may be incurred by a Senate office for official mail costs for a non-election fiscal year shall not exceed the amount allocated to that Senate office for that period by the Committee on Rules and Administration in accordance with this section.

(b) With respect to a non-election fiscal year, as soon as practicable after the enactment of the appropriation for Senate official mail costs for such year, the Committee on Rules and Administration shall determine the following amounts:

(1) The amount that has been appropriated for official mail costs of the Senate for the non-election fiscal year.

(2) The amount necessary for official mail costs of Senate offices other than Senators for the non-election fiscal year.

(3) The amount necessary to be reserved for contingencies, which shall not exceed 10 percent of the amount determined pursuant to paragraph (1).

(4) The amount available for allocation to Senators, which shall be the amount determined pursuant to paragraph (1) minus the sum of the amounts determined pursuant to paragraphs (2) and (3).

(c) As soon as practicable after making the determination described in subsection (b), the Committee on Rules and Administration shall make the following allocations:

(1) The allocation to a Senate office (other than a Senator) for the non-election fiscal year.

(2) The allocation of a Senator, for official mail costs for the non-election fiscal year in an amount equal to—

(A) the amount determined pursuant to subsection (b)(4), multiplied by

(B) the ratio that the population of the State represented by the Senator bears to twice the total population of the States:

Provided, That a Senator whose allocation pursuant to the preceding provisions of this paragraph would be less than $100,000, at the request of the Senator to the Committee on Rules and Administration, shall be allocated such additional sums from the contingent fund provided for in subsection (b)(3) as are required to bring the Senator's allocation up to $100,000.

SEC. 3. (a) Notwithstanding any law or Standing Rule of the Senate, the amount that may be incurred by a Senate office for official mail costs for an election fiscal year shall not exceed the amount allocated to that Senate office for that period by the Committee on Rules and Administration in accordance with this section.

(b) With respect to an election fiscal year, as soon as practicable after the enactment of the appropriation for Senate official mail

costs for such year, the Committee on Rules and Administration shall determine the following amounts:

(1) The amount that has been appropriated for official mail costs of the Senate for the election fiscal year.

(2) The amount necessary for official mail costs of Senate offices other than Senators and Senators-elect for the election fiscal year.

(3) The amount necessary for the official mail costs of Senators-elect for the period beginning the date immediately following the date of the general elections and ending January 3 of the election fiscal year: *Provided,* That such amount shall not include amounts for mass mailings.

(4) The amount necessary for the official mail costs of newly elected Senators for the period January 3 through September 30 of the election fiscal year: *Provided,* That such amount shall not exceed three-fourths of the amount that those Senators would receive for the full election fiscal year.

(5) The amount necessary for the official mail costs of Senators whose service as Senators will end on January 3 of the election fiscal year, for the period October 1 through April 3 of the election fiscal year: *Provided,* That not more than one-fourth of the amount that such Senators would receive for the full election fiscal year shall be available for the period October 1 through January 3 of the election fiscal year: *Provided further,* That no amount shall be provided for mass mailings for the period January 3 through April 3 of the election fiscal year.

(6) The amount necessary to be reserved for contingencies, which shall not exceed 10 percent of the amount determined pursuant to paragraph (1).

(7) The amount available for allocation to Senators other than Senators whose terms of service as Senators will begin or end on January 3 of the election fiscal year, which shall be the amount determined pursuant to paragraph (1) minus the sum of the amounts determined pursuant to paragraphs (2) through (6).

(c) As soon as practicable after making the determination described in subsection (b), the Committee on Rules and Administration shall make the following allocations:

(1) The allocation to a Senate office (other than a Senator or a Senator-elect) for the election fiscal year.

(2) The allocation of a Senator-elect for official mail costs for the portion of the election fiscal year beginning the date immediately following the date of the general elections and ending the date the Senator-elect is appointed to the Senate, in an amount equal to—

(A) the amount determined pursuant to subsection (b)(3), multiplied by

(B) the ratio that the population of the State represented by the Senator-elect bears to the total population of States represented by Senators-elect.

(3) The allocation of a newly elected Senator for official mail costs for the period January 3 through September 30 of the election fiscal year, in an amount equal to—

(A) the amount determined pursuant to subsection (b)(4), multiplied by

(B) the ratio that the population of the State represented by the newly elected Senator bears to the total population of the States represented by newly elected Senators:

Provided, That a newly elected Senator whose allocation pursuant to the preceding provisions of this paragraph would be less than three-fourths of the allocation that would be made if the proviso in paragraph (5) were applicable, at the request of the Senator to the Committee on Rules and Administration, shall be allocated such additional sums from the contingent fund provided for in subsection (b)(6) as are required to bring the Senator's allocation up to three-fourths of the allocation that would be made if the proviso in paragraph (5) were applicable.

(4) The allocation of a Senator whose service as a Senator will end on January 3 of the election fiscal year for official mail costs for the period October 1 through April 3 of the election fiscal year, in an amount equal to—

(A) the amount determined pursuant to subsection (b)(5), multiplied by

(B) the ratio that the population of the State represented by the Senator bears to the total population of the States represented by such Senators.

(5) The allocation of a Senator whose term of service as a Senator does not begin or end on January 3 of the election fiscal year, for official mail costs for the election fiscal year in an amount equal to—

(A) the amount determined pursuant to subsection (b)(7), multiplied by

(B) the ratio that the population of the State represented by the Senator bears to the total population of the States represented by such Senators:

Provided, That a Senator whose allocation pursuant to the preceding provisions of this paragraph would be less than $100,000, at the request of the Senator to the Committee on Rules and Administration, shall be allocated such additional sums from the contingent fund provided for in subsection (b)(6) as are required to bring the Senator's allocation up to $100,000.

SEC. 4. (a) The amounts described in sections 2(b)(3) and 3(b)(6) shall be available for distribution by the Committee on Rules and Administration only for—

(1) providing a Senator appointed to complete the term of a Senator who dies or retires with an allocation for the fiscal year in which such appointment is effective;

(2) providing the Secretary of the Senate with sufficient postage to send franked mail as provided for by section 3218 of title 39, United States Code;

(3) reimbursing a Senator for a charge to the Senator's allocation for official mail costs when the charge is the result of an error on the part of an office of the Sergeant at Arms; and

(4) making additional allocations to Senators provided for in sections 2(c)(2), 3(c)(3), and 3(c)(5).

(b) Portions of the amounts described in sections 2(b)(3) and 3(b)(6) remaining unused at the end of a fiscal year shall be distributed among Senators in accordance with the allocation formulas set forth in this resolution.

SEC. 5. In determining official mail costs and making allocations to Senate offices pursuant to sections 2 and 3, the Committee on Rules and Administration shall consult with the Postmaster General.

SEC. 6. (a) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms and Doorkeeper of the Senate shall send to each Senate office a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senate office during such quarter. The Statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Senate Committee on Rules and Administration. A summary tabulation of such information shall be published quarterly in the Congressional Record and included in the semiannual Report of the Secretary of the Senate. Such summary tabulation shall set forth for each Senate office the following information: the Senate office's name, the total number of pieces of mass mail mailed during the quarter, the total cost of such mail, and, in the case of Senators, the cost of such mail divided by the total population of the State from which the Senator was elected, and the total number of pieces of mass mail divided by the total population of the State from which the Senator was elected.

SEC. 6. (b) A mass mailing (as defined in section 3210(a)(6(E) of title 39, United States Code) by a Senate office shall contain the following notice in a prominent place on the bottom of the cover page of the document: "PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE".

SEC. 7. A mass mailing by a Senator shall be limited to 2 sheets of legal size paper (or their equivalent), including any enclosure that—

(1) is prepared by or for the Senator who makes the mailing; or

(2) contains information concerning, expresses the views of, or otherwise relates to the Senator who makes the mailing.

SEC. 8. (1) The Committee on Rules and Administration shall—

(A) monitor all expenditures for official mail by all Senate offices; and

(B) promulgate regulations to assure compliance by each Senate office with the allocations, allowances, and restrictions provided for in this resolution.

(2) The regulations promulgated pursuant to paragraph (1) shall prescribe a procedure whereby portions of an allocation made to a Senate office may be transferred to another Senate office.

SEC. 9. All mass mailings by Senate offices shall be printed, prepared, and mailed by the Senate Service Department and shall be mailed under the frank.

SEC. 10. (a) The maximum number of pieces of mass mail that may be mailed as franked mail during any fiscal year by a Senator shall not exceed an amount equal to 3 times the number of separate mailing addresses to which such mail can be sent in the State represented by the Senator (as determined on the basis of the most recent statistics of the United States Postal Service available prior to the beginning of the fiscal year).

(b) A mass mailing that—

(1) relates solely to a notice of appearance or a scheduled itinerary of a Senator in the State represented by the Senator; and

(2) is mailed to the part of the State where such appearance is to occur,

shall not count against the limitation stated in subsection (a).

(c)(1) Except as stated in paragraph (2), a mass mailing shall count against the limitation stated in subsection (a) for the fiscal year in which it is mailed.

(2) A mass mailing may be counted against the limitation stated in subsection (a) for the fiscal year immediately preceding the fiscal year in which it is mailed if—

(A) the appropriation Act for the preceding fiscal year specifies that the funds appropriated for Senate mailing expenses for that fiscal year shall remain available until expended;

(B) the Senate office for which the mailing is made has a balance in its allocation made pursuant to section 2 or 3 for the preceding fiscal year against which all or a portion of the cost of the mailing may be charged;

(C) the initial work order for the mass mailing was submitted to the Senate Service Department prior to its close of business on the last day of the preceding fiscal year; and

(D) the Senate office for which the mass mailing is mailed gives the Senate Service Department, prior to its close of business on November 15 of the fiscal year in which the mailing is made, a final printing and mailing clearance.

SEC. 11. (a)(1)(A) Each year the Secretary of the Senate shall provide each Senator with the greater of—

(ii) one and one-third sheets of blank paper per adult constituent, as reported by the Bureau of the Census; or

(ii) 1,800,000 sheets of blank paper.

(B) Each year the Secretary of the Senate shall provide each Senator with letterhead paper and envelopes in the following quantities:

(i) 180,000 sheets and 180,000 envelopes for each Senator representing a State with a resident population of less than 3,000,000;

(ii) 240,000 sheets and 240,000 envelopes for each Senator representing a State with a resident population of more than 2,999,999 and less than 4,000,000;

(iii) 300,000 sheets and 300,000 envelopes for each Senator representing a State with a resident population of more than 3,999,999 and less than 5,000,000;

(iv) 360,000 sheets and 360,000 envelopes for each Senator representing a State with a resident population of more than 4,999,999 and less than 12,000,000; and

(v) 420,000 sheets and 420,000 envelopes for each Senator representing a State with a resident population of more than 11,999,999.

(2) A portion of a Senator's allowance for paper that is unused at the end of a year may be used during the following year. A portion of such an allowance for a year that is unused at the end of the year following the year for which the allowance is made shall lapse and shall not be available for use thereafter.

(3) A portion of a Senator's allowance for paper that is unused at the time the Senator resigns, retires, or otherwise leaves office shall lapse and shall not be available for use thereafter.

(4) No portion of the paper allowance of a Senator may be given or otherwise transferred to another Senate office.

(b)(1) Each year the Secretary of the Senate shall provide each office set forth below with 180,000 sheets of blank paper, 180,000 sheets of letterhead paper, and 180,000 envelopes:

(A) Each standing committee of the Senate.

(B) Each select committee of the Senate.

(C) Each special committee of the Senate.

(D) Each impeachment trial committee of the Senate.

(2) A portion of an allowance for paper made pursuant to paragraph (1) that is unused at the end of a year shall not be available for use thereafter.

(c)(1) The Secretary of the Senate shall provide each office named in paragraph (4) with such quantities of paper and envelopes as may be necessary for the performance of its official duties.

(2) Except as provided in paragraph (3), no portion of an allowance for paper made pursuant to paragraph (1) may be given or otherwise transferred to a Senator or an office named in subsection (b)(1).

(3) Paper from the allowance of the Sergeant at Arms may be used to reprint matter previously printed and charged to the allowance of another office if—

(A) an error in the previously printed matter was caused by the Senate Service Department; and

(B)(i) the previously printed matter was destroyed prior to distribution; or

(ii) the previously printed matter was distributed before the discovery of the error, and the reprinted matter is noted as a corrected version of such previously printed matter.

(4) The offices referred to in paragraph (1) are the following:

(A) The Joint Committee on the Library.

(B) The Joint Committee on Printing.

(C) The Joint Committee on Taxation.

(D) The Joint Economic Committee.

(E) The Joint Congressional Committee on Inaugural Ceremonies.

(F) The President of the Senate.

(G) The President Pro Tempore of the Senate.

(H) The Majority Leader of the Senate.

(I) The Assistant Majority Leader of the Senate.

(J) The Secretary for the Majority.

(K) The Minority Leader of the Senate.

(L) The Assistant Minority Leader of the Senate.

(M) The Secretary for the Minority.

(N) The Republican Conference.

(O) The Republican Steering Committee.

(P) The Democratic Conference.

(Q) The Democratic Policy Committee.

(R) The Democratic Steering Committee.

(S) The Architect of the Capitol, including the Senate Restaurants and the Superintendent of the Senate Office Buildings.

(T) The Attending Physician.

(U) The Capitol Police.

(V) The Chaplain of the Senate.

(W) The Secretary of the Senate, including all offices reporting thereto.

(X) The Senate Legislative Counsel.

(Y) The Senate Legal Counsel.

(Z) The Senate Sergeant at Arms, including all offices reporting thereto.

(AA) The Congressional Budget Office.

(BB) The Office of Technology Assessment.

(CC) The Democratic Senatorial Campaign Committee.

(DD) The Republican Senatorial Campaign Committee.

(EE) The Senate Employees' Federal Credit Union.

(FF) The Senate Day Care Center.

(GG) The Senate Defense Liaison Office.

(HH) The Senate Press Galleries.

(d) For the purposes of this section—

(1) blank paper means paper that is 8.5 inches by 11 inches or 8.5 inches by 14 inches; and

(2) letterhead paper means paper that is 8.5 inches by 11 inches.

(e) For the purposes of this section, the term "year" means the period beginning on January 3 of a calendar year and ending on January 2 of the following year. Paper for any mass mailing the work order for which is submitted prior to the close of business of the Senate Service Department on January 2 of any year shall be charged to the allotment for such year ending on January 2 (or, in the case of Senators, to any remaining balance from the previous year) if the office for which the mass mailing is being prepared gives the Senate Service Department, by its close of business the following February 14, a final printing and mailing clearance. If final clearance for printing is not given by close of business on February 14, the work order for such work shall be canceled and, if the office still desires to have the work completed, a new work order shall be prepared and the paper charged to the year in which such work order is dated (or, in the case of Senators, to any remaining balance from the previous year). Costs incurred in processing a work order that is canceled because the final clearance for printing was not received prior to close of business February 14 shall be reported in the cost report for the quarter ending March 31.

SEC. 12. The Committee on Appropriations shall consider providing funds for paper for the Senate in an account under the general heading "Contingent Expenses of the Senate".

SEC. 13. The third unnumbered subparagraph of paragraph 1 of chapter 3 of the "Regulations Governing the Use of the Mailing Frank by Members and Officers of the United States Senate", issued by the Senate Select Committee on Ethics pursuant to section 3210(a)(6)(D) of title 39, United States Code, shall be amended to read as follows:

"A franked mailing made specifically and solely in response to, and mailed not more than 120 days after the date of receipt of, a written request, inquiry, or expression of opinion or concern from the person to whom it is addressed is not a mass mailing.".

SEC. 14. The mail costs for a mass mailing for which a Senate office gave the Senate Service Department, prior to October 1, 1989, a final printing and mailing clearance, shall be charged to the appropriation for official mail for fiscal year 1989.

SEC. 15. This resolution shall be effective only with respect to fiscal year 1990.

SENATE RESOLUTION 213—DIRECTING THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas, in United States v. Shawn D. Eichman, United States v. David Gerald Blalock, and United States v. Scott W. Tyler, Nos. CR-89-419, CR-49-420, and CR-89-421, pending in the United States District Court for the District of Columbia, the constitutionality of the Flag Protection Act of 1989, Public Law No. 101-131, amending 18 U.S.C. § 700, may be placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288l(a)(1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in United States v. Shawn D. Eichman, United States v. David Gerald Blalock, and United States v. Scott

W. Tyler in support of the constitutionality of the Flag Protection Act of 1989.

SEC. 2. That during the adjournment of the Congress the Senate Legal Counsel is authorized to appear as amicus curiae in the name of the Senate in other cases in which the constitutionality of the Flag Protection Act of 1989 is placed in issue: *Provided,* That the Joint Leadership Group authorizes the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in such other cases.

AMENDMENTS SUBMITTED

BROADER RANGE OF TRAINING AND EMPLOYMENT FOR WOMEN

HELMS AMENDMENT NO. 1182

Mr. DOLE (for Mr. HELMS) proposed an amendment to the bill (S. 975) to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes, as follows:

At the end of the bill, insert the following:

(1) For purposes of this legislation, nothing in this Act shall be construed to mean that Congress is taking a position on the issue of comparable worth.

(2) Nothing in this Act shall be construed to require, sanction or authorize discrimination in violation of Title VII of the Civil Rights Act of 1964 or any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age. No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in any program under this Act because of race, color, religion, sex, national origin, age, handicap, political affiliation or belief. Failure to meet the goals in the Act shall not itself constitute a violation of Title VII of the Civil Rights Act of 1964 or any other federal law prohibiting discrimination on the basis of race, color, religion, sex, national origin, handicap, or age.

MANAGING EXPENDITURE OF FUNDS FOR SENATE OFFICIAL MAIL

HUMPHREY AMENDMENT NO. 1183

Mr. HUMPHREY proposed an amendment to the resolution (S. Res. 212) managing the expenditure of funds for Senate official mail, as follows:

Delete the language in Section 6 and substitute the following:

SEC. 6. (a) Two weeks after the close of each calendar quarter, or as soon as practicable thereafter, the Sergeant at Arms and Doorkeeper of the Senate shall send to each Senate office a statement of the cost of postage and paper and of the other operating expenses incurred as a result of mass mailings processed for such Senate office during such quarter. The statement shall separately identify the cost of postage and paper and other costs, and shall distinguish the costs attributable to newsletters and all other mass mailings. The statement shall also include the total cost per capita in the State. A compilation of all such statements shall be sent to the Senate Committee on Rules and Administration. A summary tabulation shall set forth for each Senate office the following information: the Senate office's name, the total number of pieces of mass mail mailed during the quarter, the total cost of such mail, and, in the case of Senators, the cost of such mail divided by the total population of the State from which the Senator was elected, and the total number of pieces of mass mail divided by the total population of the State from which the Senator was elected.

SEC. 6(B) A mass mailing (as defined in section 3210(a)(6)(E) of title 39, United States Code) by a Senate office shall contain the following notice in a prominent place on the bottom of the cover page of the document: "PREPARED, PUBLISHED, AND MAILED AT TAXPAYER EXPENSE".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Sunday, November 19, 1989, to consider the nomination of Adis Vila, to be an Assistant Secretary of Agriculture for Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MAINTAINING AMERICA'S RURAL BRIDGES AND HIGHWAYS

● Mr. BAUCUS. Mr. President, I rise today to address an issue of the greatest importance to Montana and other rural States: the future of the Federal Aid Highway Program.

While there is no question urban America faces a serious problem with traffic congestion, this problem must not be dealt with at the expense of the arteries running through America's heartland. Our highways should bring all regions of America together. I will not stand by and allow the Federal Government to abandon its investment in rural America's highways and bridges.

The Montana Department of Highways recently prepared an excellent paper outlining the problems my State faces in maintaining and improving its existing highway system. I believe this paper reflects the difficulties other large, sparsely populated States face in this regard.

Mr. President, I ask that this paper be printed in the RECORD.

WHITE PAPER: MONTANA'S HIGHWAY SYSTEMS AND FUTURE FEDERAL FUNDING

An age old battle over federal highway funds and how they're split between urban and rural states has surfaced again. But this time more populous states see a unique opportunity to change the system to their benefit.

The impetus for the change is Congress's scheduled renewal of the five-year transportation funding bill. Now that the thirty-year effort to complete the interstate highway system has nearly come to an end, some states and interest groups are questioning whether the federal-aid highway program, as it exists today, should continue. At a minimum, they urge a revamp of the system that has long benefitted rural states like Montana, the Dakotas, Wyoming and others.

WINNERS AND LOSERS

Unlike other federal programs, Montana and other less-populous states have always done comparatively well under federal-aid highway programs.

Because of our low population, our vast road system and our status as a "bridge state," whereby much of the traffic on our roads is destined for points beyond Montana, we've historically received over $2 for every dollar paid in federal fuel tax (now 9 cents per gallon on gasoline, 15 cents on diesel). Montana's share of the $12 billion-plus federal highway program is about $100 million a year.

On the other hand, states like California, Texas, Florida, the Carolinas and others have received only about 90 cents on the dollar. California receives about $1.2 billion in federal-aid highway funds each year, but traffic congestion has become a problem of staggering proportions there. One solution they see is redirecting federal highway funds by returning more money to the large population states where it's generated.

PROPOSALS

If the federal highway program is redirected to areas of heavy urban traffic congestion as many have suggested. Montana stands to lose $25 to $30 million or more each year.

The proposals have been unfolding since passage of the last transportation bill in 1987, lead by the work of the American Association of State Highway and Transportation Officials (AASHTO, pronounced Ashtoe), of which Montana is a member, and the Federal Highway Administration (FHWA).

At the forefront of the effort is a group of states banded together to support establishing a greatly simplified system of categorizing highways. Where projects are now classified in 34 categories with about 10 to 12 of them important to any given state, the new program would have just two categories—one for the so-called Highway System of National Significance (HSNS) and another for all the other categories, which they've proposed to call the "flexible" category.

This new flexible category is where some states hope to direct a great deal of highway funding and use it to solve essentially local problems having to do with congestion. They argue that traffic congestion is a national problem, with national consequences, and are supported by opinion surveys that show traffic congestion is at or near the top of most people's list of issues of greatest concern.

Proponents believe that under the new flexible category, the numerous "strings" attached to federal funding will be cut so states have more control over how money is spent and can get a better return.

We'd argue there is no simple solution to the problem of federal strings attached to

federal funding. It's likely federal mandates will be attached to any such funding, regardless of Federal Highway Administration requirements, since environmental protection, wetlands protection, air and water quality, historic preservation and other national goals and programs enter into many or most aspects of public works.

A simplified program and fewer funding categories is appealing for many reasons. But the obvious effect of what has now been proposed is to benefit some at the expense of dollars.

CHANGES

The Highway System of National Significance being proposed would include the interstate system and less than half of Montana's current primary system.

Montana will be lucky to keep its proportional share of the primary system on the new HSNS. And even if it can, roughly 3000 miles of the current primary system and all of the secondary ("county roads"), urban and bridge programs will be shifted to the new "flexible" program.

Only $20 to $25 million in federal aid would be returned to Montana to apply to all these systems. What's more, where they are now funded at a level of over 75 percent federal funds, the new program would require half of the funding come from the state.

Of course, this will require either a substantial increase in the motor fuel taxes—now among the highest in the nation at 20 cents per gallon—or a severe reduction in the level of these programs. What's more, needs on the secondary and urban systems and bridges will have to compete for federal funds with needs on the 3000 miles of primary road that would move into the new flexible category.

TROUBLE

The Montana Department of Highways is not at all comfortable with the changes being proposed under the guise of a national transportation policy. Unrealistic restrictions were placed on the department in defining a Highway System of National Significance in Montana, with essentially no time afforded to consult with those who are going to be affected by the changes.

As a result, important highways such as MT 200 east of Lewistown to Sidney, US 12 between Helena and Garrison Junction, MT 16—the highway connecting to one of Montana's two 24-hour border stations with Canada—and highways connecting the national parks and accessing important mineral reserves had to be left off the new system.

Although it hasn't been officially approved and the department has attempted to add these routes back into the system, the potential is obvious—Montana could lose millions of dollars now supporting repairs and upgrading of numerous important highway routes.

PROGRESS

A focused effort by western states at the recent AASHTO Annual Meeting in Atlanta (October 6-10) resulted in significant improvement in the AASHTO policy.

Through a coordinated lobbying and parliamentary effort, changes were made to: Ensure each state is "held harmless"; that is, each state would receive no less in federal funding than is received under the current program. Ensure that those states held harmless under the above (predominantly rural western states) would share equitably in any growth of the federal highway program. Establish a framework so rural states can continue the Federal-aid Urban and Federal-Aid Secondary programs, even under the new simplified system.

For the time being at least, the so-called Highway System of National Significance proposal is being "put on a back burner." That, combined with the other improvements, moves the policy toward recognition of the legitimate needs of Montana and other rural states.

HIGHWAY NEEDS

Nearly two-thirds of the nation's paved roads need repairs in order to stop further deterioration. Nearly half the nation's bridges need attention. Economists argue the U.S. needs a major investment in public systems—so-called infrastructure—if we are to have any hope of competing with other nations in the world economy.

While federal aid addresses less than 22 percent of the nation's total road mileage, these roads carry 81 percent of all traffic.

Clearly, the federal government and federal transportation funds play a key role in the mobility of our nation. And now that interstate construction is complete, some argue the cost of simply maintaining the 42,000-mile network of highways could amount to more than the cost of building them in the first place.

MONTANA'S PROGRAM

The Federal Highway Administration has extensive information documenting Montana's highway problems and needs. Briefly, they are:

Our 5500-mile primary highway system is seriously outdated and much of it is physically dilapidated. The median age of the system is 32 years: half of the primary system that is in service today was constructed prior to 1957 and over 1000 miles of it was constructed prior to World War II.

Montana's 4400-mile secondary system is about 50 percent gravel road and 50 percent paved. The pavements on three-fourths of the paved secondary roads are 20 to 40 years old and have had very limited maintenance preservation work done on them.

The median age of the streets that constitute Montana's urban system is almost 40 years.

The primary system still has over 600 treated timber bridges, most of which were built prior to World War II. Two-thirds of Montana's off-system bridges are deficient and half of these currently have serious structural problems.

Ninety percent of Montana's 66,000-mile system of local roads and streets are gravel surfaced. The relatively small proportion of these roads which are paved are generally low standard roadways with generally inadequate pavements. Montana's city and county governments have very little potential to raise the funding necessary to improve these routes and most rely on scarce federal funds.

If there's good news, it's that Montana's 1200-mile interstate system is complete and in very good condition overall. It's one exception to an otherwise grim picture.

ANOTHER GOAL

Montana supports the goals of preserving the existing highway system, providing access and a balanced approach to highway funding and enhancing economic vitality through transportation, all components of AASHTO's program.

But we respectfully suggest here is a goal not included in the AASHTO policy or in the other work done to forumulate this nation's policy direction. This goal is so basic we might assume it's taken for granted, but it is of paramount concern to Montana.

It is to provide all areas of the United States with an adequate basic two-lane road. We recognize most other states have met this very rudimentary need and that they face complex problems related to growth and congestion. Montana has not.

We advocate a continued federal-aid highway program which is fair and flexible. We suggest a fair program is one which provides every state with a minimum level of funding support at least equal to the level of support now being received.

We suggest a flexible program is one in which the state can use federal money together with state funds to meet the state's most pressing highway needs in a sensible and cost-effective way.

Underlying this—the bottom line—it takes money to build highways, pure and simple. Any proposal that affects that bottom line is bound to affect the Montana Highway Program.

Senator Max Baucus is in a unique position to influence this process, since he and a number of other western Senators with similar interests sit on the Senate committee which must approve any changes to the Federal Aid Highway Act.

The Director of Highways and his staff have been working with the Congressional delegation and will be grappling with these issues at several AASHTO meetings scheduled over the coming weeks and months.

In addition, hearings in the U.S. House of Representatives are planned to begin early next year following an announcement by Secretary of Transportation Skinner on or about January 7. It's expected Secretary Skinner will call for a major shift in responsibility to the states, in part by requiring a greater share of state money to match federal funds. This shift would very likely hurt Montana's highway program.

One way Montanans can influence the outcome of this legislation is through work with national associations such as the National Association of Counties, farm and ranch associations, retail associations, etc. These associations and every county—even the most populous urban counties—ought to be interested in the issue. It has long-term consequences for the roads we drive and rely on to market goods and services and to link us with the rest of the nation and the world.●

THE CRISIS IN EL SALVADOR

● Mr. KOHL. Mr. President, we are in the midst of a crisis in El Salvador. Over 800 people have been killed there since the most recent round of fighting began. Sometimes a slaughter of this magnitude causes people to focus on the problems that create the killings. Sometimes a massacre of religious activists, people whose only "crime" was compassion and courage, forces people to see what is happening.

But we should have seen it long before. And we should have focused on it long ago.

The plain truth is that there is nothing unusual about the fact that innocent human beings are being killed in El Salvador: 80,000 have died there in the last decade. The only difference is that now they are dying more public-

ly. What the death squads and the guerrillas used to do in the darkness of night is now being done in the open. The battles are between extremists. The neighborhoods of innocents are the battlefield, each side consuming the lives of those in between. We must respond to this carnage with more than outrage and predictable politics. We need to get beyond that—not just for those who lost their lives this week, not only for the generation of Salvadorans who have suffered in the 1980's, but for the lives that may be saved in the 1990's.

At least the response of most Americans has been encouraging so far. Instead of automatically taking whatever side our political predispositions dictate, and placing all the blame on either the Government or the FMLN, most Americans are saying that both sides are at fault. Most Americans are outraged about the civilian victims, about the religious who have been killed, about the attacks that started this whole round of slaughter.

The American people are right. Both sides are at fault.

It isn't going to do any good to try to apportion blame right now. Speeches about cutting off all military aid to the government aren't going to stop the slaughter any more than talk about sending in troops to crush the rebels' will. Pointing to this atrocity by the government or that denial of human rights by the rebels will do nothing to bring peace. Just once we ought to throw away our ideological baggage and think about the people who are being killed.

Mr. President, we got to where we are because we haven't thought about the people of El Salvador. We have always viewed that country, along with most of Central and Latin America, through the fractured prism of super power confrontation. And as a result, we have never seen the reality of that land, never understood its problems, never reached out to its people.

We can't overcome generations of failure in a moment of compassion. But we can, perhaps, use our influence to say to both sides "enough." We can, perhaps, put aside our political differences long enough to urge them to put their differences aside too. The only hope for the people of El Salvador is an immediate end to the fighting, an immediate cease-fire, and the immediate beginning of negotiations. What those negotiations will bring I do not know. But I do know this: They are the only way to end the chaos and the crisis which threatens to destroy a country and which have already killed too many people.

When this latest round of killing stops, there will be time to place blame and develop new policies. Of course we have to determine who was responsible for the torture and executions which have taken place; and we have to modify future policy based on current culpability. But right now our first priority—our only priority—has to be to do whatever we can to get both sides to stop. While they may not listen to us, we have to try. And we have to encourage all other nations, in the region and throughout the world, to use their good offices to help achieve that goal. There is no other option and there is no other choice.●

RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVE ACT OF 1989

● Mr. HATFIELD. Mr. President, I rise to support the Senate passage of the House amendment to S. 488—the Renewable Energy and Energy Efficiency Technology Competitive Act of 1989. This legislation, of which I am a cosponsor, represents an enormous step forward in U.S. efforts to promote renewable energy and efficiency technology.

The bill authorizes funding levels for research, development, and demonstration [RD&D] programs for 3 years in order to provide stability in those programs. Also included are provisions establishing technical performance goals for those programs in order to provide a yardstick against which progress can be measured. In addition, the Department of Energy is required to enter into joint ventures with the private sector to demonstrate the commercial application of the most promising renewable energy and energy efficiency technologies, so that the fruits of research can be more successfully incorporated into the marketplace.

Mr. President, there is an overwhelming need for this legislation. Between 1973 and 1986, our Nation's gross national product rose over 50 percent. During that period, our energy consumption remained roughly constant, high gasoline prices led to reduced demand and increased conservation. Unfortunately, and largely due to an increase in world oil availability, our record since 1986 has been poor. Energy consumption has begun to rise while energy efficiency, which had improved steadily since 1973, has begun to fall.

As recently reported by the New York Times, the United States is over 49 percent less energy efficient than Japan. Over the last several months, imported oil has met well over 40 percent of our domestic consumption needs. It is apparent that we have not learned the lessons of the 1970's—our security is at stake when we rely too heavily on imported energy products and technology.

Another factor that must be weighed is the environmental risk we run by continued dependence on fossil fuels. Nonrenewable energy sources—oil, coal, nuclear—carry disturbing potential for adverse environmental impacts.

If we are serious about solving the problem of global warming, if we are serious about reducing the risk of nuclear contamination, if we are serious about reducing our dependence on foreign oil, the answer is clear—we must look to alternate technologies for our energy needs. This bill points us in the right direction.

Mr. President, during consideration of this bill in the Senate Energy and Natural Resources Committee, I worked with the bill's sponsor, Senator FOWLER, to include in the joint committee draft several important provisions. I would like to thank my colleague from Georgia both for his work on this important legislation, and for allowing me the opportunity to include, those provisions, which I had worked on for several years, in his package.

The provisions that I am referring to were originally part of S. 1059, the Renewable Energy Trade Equity and Promotion Act—a bill that I introduced in both the 100th and the 101st Congresses. They reestablish the feasibility program of the Overseas Private Investment Corporation allowing incentives, grants, and studies for small renewable energy businesses to assist in overseas marketing. Also, the mission of the Council on Renewable Energy Commerce and Trade [CORECT] is broadened to enhance the dissemination of information on U.S. renewable products to potential end users. Those users include sectors in foreign countries dealing with health care, rural development, communications, refrigeration, et cetera.

S. 1059 also included a reauthorization of CORECT at $2.5 millon. I am pleased to note that the conference report on S. 488 exceeds that figure, reauthorizing CORECT for $3 million in fiscal year 1991, $3.3 million for fiscal year 1992, and $3.6 million for fiscal year 1993. Since CORECT's creation in 1984, U.S. renewable energy export sales have tripled. Not only are CORECT's efforts helping U.S. manufacturers of renewable energy technology, but, by sending products such as solar powered vaccine refrigerators and wind-powered water pumps to Third World countries, they are helping those countries avoid a dangerous dependence on fossil fuels. Certainly, these efforts deserve our support.

Mr. President, the final version of S. 488 includes a mandate that, in addition to fostering the export of U.S. renewable energy products, CORECT should also promote technologies utilizing efficiency. Efficiency is eligible "to the extent it is part of a renewable energy system or technology." This langauge needs some explanation.

During deliberations between the House and Senate on S. 488, it was pointed out that increased efficiency could be interpreted to mean the use of more efficient diesel generators or other nonrenewable energy sources. This greatly concerned me. In Third World countries, where 80 percent of World Bank loans for energy projects are used to buy diesel generators or fuel, the last thing we need to do is encourage a further dependence on fossil fuel-based technologies.

The efficiency language included in this bill was worked out in order to allow only efficiency products that are a part of renewable systems or technologies. Good examples would be more efficient refrigerators that run on solar power or products to enhance the energy efficiency of housing. With regard to the latter, the outstanding work being done jointly by the University of Oregon and the Florida Solar Energy Center on energy efficient industrialized housing is a prime example of technologies that we should be promoting wholeheartedly.

Mr. President, I would like to acknowledge the outstanding contributions to this bill made by the staff of the Senate Energy and Natural Resources Committee. Ben Cooper of the majority staff and Richard Grundy of the minority have been of unfailing help to me and my staff. Their willingness to consult me on the efficiency language and their help in getting my amendments included was very much appreciated.

I am happy to note that the Senate agreed to the House amendment to S. 488 late Friday night by voice vote. Senator FOWLER did an outstanding job in crafting this legislation and it deserved our full support.●

CONFERENCE REPORT DISAGREED TO—APPOINTMENT OF CONFEREES

The PRESIDING OFFICER. Under the previous order, the conference report on bill H.R. 3607 is disagreed to. The Senate insist further on its amendments and requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees: Mr. BENTSEN, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, Mr. RIEGLE Mr. ROCKEFELLER, Mr. BRADLEY, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. HEINZ, and Mr. DURENBERGER.

The PRESIDING OFFICER. The Chair thanks the President pro tempore for withholding.

The absence of a quorum having been noted, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask the acting minority leader if there is any objection to going ahead with the final wrap-up and some measures we are prepared to clear. Does he know of anything else to come before the Senate this evening?

Mr. McCAIN. I have nothing.

UNANIMOUS-CONSENT REQUEST—S. 462

Mr. EXON. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may proceed to the consideration of Calendar No. 82, S. 462, the Amtrak reauthorization bill, and that it be considered under the following time limitation: 20 minutes on the bill equally divided and controlled between Senators EXON and KASTEN: 10 minutes on a Robb amendment relating to incentives for passenger service agreements; 10 minutes on an Exon amendment to limit the ability of railroads to stop collections of State and local taxes under the 1976 Railroad Revitalization and Regulatory Reform (4-R) Act; 2 minutes on the Adams-Gorton amendment to amend title 49 U.S.C. with respect to the State tax liability to certain railroad and motor carrier employees; 2 minutes on a Harkin amendment requiring a routine feasibility study; That there be no other amendments or motions in order; that the agreement be in the usual form; and

That following the third reading of S. 462, the Senate Commerce Committee be automatically discharged from further consideration of H.R. 2364 and the Senate proceed to its immediate consideration; that all after the enacting clause be thereof; and that the bill be read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, I object on behalf of Republicans who voiced objections. I object.

The PRESIDING OFFICER. Objection is noted.

Mr. EXON. Might I ask the acting minority leader, is there anything that the Senator from Nebraska could do? These matters have been cleared on this side. Is there any assistance we might be able to give to get clearance of this measure?

The underlying measure is very, very important to Amtrak, especially under the consideration that Amtrak would be able to save a considerable amount of money if we could act on the underlying act.

I would offer the good services of those of us on this side who have this cleared, to be of any assistance possible to those on that side so we could, possibly, consider this tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I respond to my friend from Nebraska by saying I am told that the objections are to his amendment, and that there is a willingness to work out the objections that are to his amendment on the part of several Members on this side of the aisle. They would look forward to that.

However, obviously, I do not see how that would be possible at this hour.

Mr. EXON. I understand that, and I thank the Senator from Arizona, the acting minority leader, very much. Certainly, I will be glad to consider the objections on that side.

This is an amendment that has been jointly worked out, after considering several options, by the Senator from Nebraska and the Senator from Missouri, Senator DANFORTH, to try and address the ever-present concern that Nebraska, and some other States, may have with regard to court interpretations of the 4-R Act and how it might interfere with States rights, on tax equalization policy.

But I think my friend. We will see what we can possibly work out on that tomorrow.

As far as the Senator knows, the amendment offered by the Senator from Nebraska is the only amendment to which objection has been been heard?

Mr. McCAIN. I am told that. I believe there are others as well.

Mr. EXON. If there are other concerns on that side, in addition to the Exon amendment as my colleague has indicated, we stand ready to try to work those out as best we can so we can expedite this matter. It is very important for the Amtrak service of the United States.

Mr. McCAIN. I say to my friend, I also appreciate the importance of Amtrak. I know the Members on this side do. I hope we can get it worked out between now and adjournment.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. EXON. We have been advised on this side that the following matters have been cleared off the Executive Calendar.

I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 465, Morton I. Abramowitz, for the rank of Career Ambassador in recognition of especially distinguished service over a sustained period;

Calendar 483, Ronald E. Ray, to be an Assistant Secretary of Veterans Af-

fairs (Human Resources and Administration);

Calendar 484, Edward G. Lewis, to be an Assistant Secretary of Veterans Affairs (Information Resources Management);

Calendar 485, David E. Lewis, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities);

Calendar 518, William P. Albrecht, to be a Commissioner of the Commodity Futures Trading Commission;

Calendar 519, Ruth V. Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Gambia;

Calendar 520, Daniel H. Simpson, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic;

Calendar 521, Edward S. Walker, Jr., to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Emirates;

Calendar 522, Frances D. Cook, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon;

Calendar 523, Edmund DeJarnette, Jr., to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania;

Calendar 524, Anthony Cecil Eden Quainton, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru;

Calendar 525, Bradley P. Holmes, to be United States Coordinator for International Communications and Information Policy, with the rank of Ambassador;

Calendar 526, Cynthia S. Perry, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi;

Calendar 527, Stephen J. Ledogar, to the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament;

Calendar 528, Harriet W. Isom, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Peoples Republic of Benin;

Calendar 529, Pearl Bailey, to be a Representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 530, Barbara H. Franklin, to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 531, Gary E. MacDougal, to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 532, Thomas R. Pickering, to be a Representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 533, Alexander F. Watson, to be a representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 534, Jonathan Moore, to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 535, Milton J. Wilkinson, to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations;

Calendar 536, Bernard William Aronson, to be a member of the Board of Directors of the Inter-American Foundation;

Calendar 537, Jean McKee, to be a member of the Federal Labor Relations Authority;

Calendar 538, Kathleen D. Koch, to be general counsel of the Federal Labor Relations Authority;

Calendar 539, Pamela Talkin, to be a member of the Federal Labor Relations Authority;

Calendar 540, Tony Armendariz, to be a member of the Federal Labor Relations Authority;

Calendar 541, David C. William, to be inspector general, Nuclear Regulatory Commission;

Calendar 542, Bill R. Phillips, to be deputy director of the Office of Personnel Management;

Calendar 543, Zinora M. Mitchell, to be an associate judge of the Superior Court of the District of Columbia;

Calendar 544, Donald E. Kirkendall, to be inspector general, Department of the Treasury;

Calendar 545, Robert R. McMillan, to be a member of the Board of the Panama Canal Commission;

Calendar 546, Robert C. McCormack, to be an Assistant Secretary of the Navy;

Calendar Nos. 547 and 548, promotions in the Air Force;

Calendar Nos. 549, 550, 551, 552, 553, 554, 555, 556, and 557, promotions in the Army;

Calendar 558, promotion in the Marine Corps;

Calendar Nos. 559, 560, 561, and 562, promotions in the Navy;

Calendar 563, James M. Strock, to be an assistant administrator of the Environmental Protection Agency; and

Calendar 564, Don R. Clay, to be assistant administrator, Office of Solid Waste, of the Environmental Protection Agency, and

All nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

I further ask unanimous consent—I will withhold that. I would like to know if there is objection.

Mr. McCAIN. Mr. President, I say to my friend we have no clearance for No. 494, Jean P. Bradshaw.

We are in agreement with both Lewises, and then on to 518 through the rest of the calendar.

But there has been no agreement on 494, Jean P. Bradshaw.

Mr. EXON. I thank my friend.

I ask unanimous consent, then, that Calendar No. 494, Jean P. Bradshaw, to be U.S. attorney for the Western District of Missouri, be deleted from the list I just requested.

I ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid on the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

But first I would ask for action on the nominees that we have agreed to.

The PRESIDING OFFICER. Without objection, the nominees listed, with 494 withdrawn, are confirmed en bloc.

The motion to lay on the table and the motion to reconsider, en bloc, are agreed to.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

The following-named career member of the Senior Foreign Service, class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period: Morton I. Abramowitz, of the District of Columbia.

DEPARTMENT OF VETERANS AFFAIRS

Ronald E. Ray, of Florida, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration).

Edward G. Lewis, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information Resources Management).

David E. Lewis, of Florida, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities).

COMMODITY FUTURE TRADING COMMISSION

William P. Albrecht, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1993, vice William E. Seale, resigned, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

DEPARTMENT OF STATE

Ruth V. Washington, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Gambia.

Daniel Howard Simpson, of Ohio, a career member of the Senior Foreign Service, class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Edward S. Walker, Jr., of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Frances D. Cook, of Florida, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Edmund DeJarnette, Jr., of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

Anthony Cecil Eden Quainton, of Washington, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Bradley P. Holmes, of Virginia, to be U.S. Coordinator for International Communications and Information Policy, with the rank of Ambassador.

Cynthia Shepard Perry, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Stephen J. Ledogar, of Connecticut, a career member of the Senior Foreign Service, class of Minister-Counselor, to the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

Harriet Winsar Isom, of Oregon, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Benin.

UNITED NATIONS

Pearl Bailey, of Arizona, to be a representative of the United States of America to the 44th Session of the General Assembly of the United Nations.

The following-named person to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations: Barbara Hackman Franklin, of Pennsylvania.

The following-named person to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations: Gary Edward MacDougal, of Illinois.

The following-named person to be a representative of the United States of America to the 44th Session of the General Assembly of the United Nations: Thomas R. Pickering, of New Jersey.

The following-named person to be a representative of the United States of America to the 44th Session of the General Assembly of the United Nations: Alexander Fletcher Watson, of Massachusetts.

The following-named person to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations: Jonathan Moore, of Massachusetts.

The following-named person to be an alternate representative of the United States of America to the 44th Session of the General Assembly of the United Nations: Milton James Wilkinson, of New Hampshire.

INTER-AMERICAN FOUNDATION

Bernard William Aronson, of Maryland, to be a member of the board of directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1990.

FEDERAL LABOR RELATIONS AUTHORITY

Jean McKee, of the District of Columbia, to be a member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1994.

Kathleen Day Koch, of Virginia, to be general counsel of the Federal Labor Relations Authority for a term of 5 years, vice Dennis M. Devaney, to which position she was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

Pamela Talkin, of California, to be a member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1990.

Tony Armendariz, of Texas, to be a member of the Federal Labor Relations Authority for the remainder of the term expiring July 29, 1992.

NUCLEAR REGULATORY COMMISSION

David C. Williams, of Illinois, to be inspector general, Nuclear Regulatory Commission.

OFFICE OF PERSONNEL MANAGEMENT

Bill R. Phillips, of Texas, to be Deputy Director of the Office of Personnel Management.

THE JUDICIARY

Zinora M. Mitchell, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years.

DEPARTMENT OF THE TREASURY

Donald E. Kirkendall, of Maryland, to be inspector general, Department of the Treasury.

PANAMA CANAL COMMISSION

Robert R. McMillan, of New York, to be a member of the board of the Panama Canal Commission.

DEPARTMENT OF DEFENSE

Robert C. McCormack, of Illinois, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Joseph W. Ashy, [redacted], FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles G. Boyd, [redacted], USAF.

IN THE ARMY

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. William S. Flynn, [redacted], U.S. Army.

The following-named officer for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, section 611(a) and 614:

To be permanent major general

Brig. Gen. James W. Ball, [redacted], U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Charles B. Eichelberger, [redacted], U.S. Army.

The U.S. Army Reserve officer named herein for appointment as a Commissioned Officer of the Army Reserve in the grade indicated, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be brigadier general

Col. Thomas J. Kilmartin, [redacted], U.S. Army Reserve.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Ronald L. Watts, [redacted], U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United State Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Johnnie H. Corns, [redacted], U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Jack D. Woodall, [redacted], U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Gary E. Luck, [redacted], U.S. Army.

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Charles P. Otstott, [redacted], U.S. Army.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, for appointment to the grade of

lieutenant general while assigned to a position of importance and responsibility:

To be lieutenant general

Maj. Gen. John R. Dailey, xxx-xx-xxxx /9903 USMC.

IN THE NAVY

The following-named captain in the Staff Corps of the U.S. Navy for appointment to the permanent grade of rear admiral (lower half), pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

DENTAL CORPS

To be rear admiral (lower half)

Cap. Carmen A. Chardello, Jr., xxx-xx-xxxx xxx-.../2200, U.S. Navy.

The following-named rear admiral (lower half) in the Staff Corps of the U.S. Navy for appointment to the permanent grade of rear admiral pursuant to title 10, United States Code, section 624. subject to qualifications therefor as provided by law:

CIVIL ENGINEER CORPS (5104)

To be rear admiral

Rear Adm. (Lower Half) James Carl Doebler, xxx-xx-xxxx /5104 U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Paul D. Butcher, xxx-xx-xxxx / 1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Francis R. Donovan, xxx-xx-xx... xxx-.../1110, U.S. Navy.

ENVIRONMENTAL PROTECTION AGENCY

James M. Strock, of Virginia, to an Assistant Administrator of the Environmental Protection Agency.

Don R. Clay, of Maryland, to be Assistant Administrator, Office of Solid Waste, of the Environmental Protection Agency.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Henry C. Irvin, and ending Nicholas D. Boley, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 14, 1989.

Air Force nominations beginning James O. Armacost, xxx-xx-xxxx and ending Andrew Newman, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 26, 1989.

Air Force nominations beginning Major Ray A. Boosinger, xxx-xx-xxxx and ending Major Ernest C. Fletcher xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 26, 1989.

Air Force nominations beginning Edward S. Carmick, and ending Carolyn E. Baskerville, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 13, 1989.

Air Force nominations beginning Robert P. Belihar, and ending Charles R. Glosson, which nominations were received by the Senate on October 20, 1989, and appeared in the CONGRESSIONAL RECORD of October 23, 1989.

Air Force nominations beginning Robert J. Aardema, and ending John D. Zuber, which nominations were received by the Senate on October 20, 1989, and appeared in the CONGRESSIONAL RECORD of October 23, 1989.

Air Force nominations beginning Major David C. Brown, Jr., xxx-xx-xxxx and ending Major James B. Cornelius, IV, xxx-... xxx-xx-xxxx which nominations were received by the Senate on October 30, 1989, and appeared in the CONGRESSIONAL RECORD of October 31, 1989.

Army nominations beginning James L. Kays, and ending Daniel M. Litynski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 14, 1989.

Army nominations beginning Eduardo C. Cuison, and ending Blain J. Thomas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 13, 1989.

Army nominations beginning John L. Chamberlain, III, and ending Archie D. Walden, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 13, 1989.

Army nominations beginning Stephen A. Aiello, and ending Daniel P. Coffey, which nominations were received by the Senate on October 20, 1989, and appeared in the CONGRESSIONAL RECORD of October 23, 1989.

Marine Corps nominations beginning Robert E. Apple, Jr., and ending John M. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 26, 1989.

Navy nominations beginning John A. Balacki, and ending Eleanor Travers, which nominations were received by the Senate on October 20, 1989, and appeared in the CONGRESSIONAL RECORD of October 23, 1989.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I know the hour is late. I note Calendar 529, one Pearl Bailey, to be a Representative of the United States America to the General Assembly of the United Nations, I think is particularly worthy of note as an outstanding appointment. She is a person who has contributed so much to our culture and to our Nation. We have no objection, Mr. President, to the nominees.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will not return to legislative session.

REAUTHORIZING OF THE LOCAL SERVICE ASSISTANCE PROGRAM

Mr. EXON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 422, reauthorization of the Local Rail Service Assistance Program, which is not at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 422) to amend the Department of Transportation Act to reauthorize local rail service assistance.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MITCHELL. Mr. President, I am very pleased that the Senate is considering the Local Rail Freight Assistance Act. This is an important bill which reactivates and reforms the Local Rail Services Assistance Program which lapsed in the last Congress.

The legislation targets rail rehabilitation assistance to light density railroad lines which carry a low volume of traffic but are essential to the States and local communities they serve. This legislation represents an investment in rural transportation infrastructure which is long overdue.

The 29-mile Searsport branch of the Bangor and Aroostook [B&A] Railroad in Maine is an example of a line for which assistance will be sought. This line should be operated at 40 miles per hour. However, the volume of traffic over the line does not generate sufficient revenue to enable the railroad to maintain it at that level. It is now operated at 25 miles per hour. This line carries a substantial amount of hazardous material. The B&A transports unit trains of sulfuric acid each month as well as 7,000 to 8,000 carloads of petroleum on an annual basis. It is far better and far faster that these hazardous materials travel on the railroad rather than the highway. There is an overriding public interest that the line be maintained at the optimum level. The Local Rail Freight Assistance Act will make this possible.

In January, Secretary of Transportation Samuel Skinner is expected to send to Congress a national transportation policy proposal. I am hopeful that that policy statement will recognize that the national rail freight and passenger network is underutilized and is vital to the public interest. I will encourage the Congress to adopt a unified transportation program which recognizes that moving more bulk by rail will lower highway construction and repair costs in rural areas and relieve congestion in urban areas. Highways will become safer, energy will be saved, and air pollution will be less. In the meanwhile, the Local Rail Freight Assistance Program is a good down payment on a balanced national transportation policy.

Mr. HARKIN. Mr. President, I introduced legislation extending the Local Rail Service Assistance Program in this Congress and in the last one. Since its creation in 1973, the Local Rail Service Assistance Program has played a very important role in the re-

habilitation of many of our Nation's branch lines.

Without railroad branch lines, farmers would have to move their grain by truck, a much more costly mode of shipment. The Iowa Grain and Feed Association estimates that it costs farmers 3 to 12 cents per bushel more when grain is shipped by truck instead of by rail. Small coal companies and many small manufacturers face the same problem. For many of them, the loss of rail service can mean the loss of their ability to operate economically.

In addition to the higher costs business would have to pay if branch lines are lost, Government would also pay higher costs, due to greater wear and tear on the highway system by trucks. For every 100 railroad cars filled with corn that we take out of commission, our deteriorating roads and highways will have to endure the traffic of 387 more trucks.

Some say that railroads are not a Federal responsibility. They say that if a rail line is not profitable it will be abandoned and if it is profitable, it will be maintained. That simply is not true. The real world is more complex. A railroad may make money on a line. But, it may not be making as much of a profit as it could make elsewhere. Or, a railroad may be in such poor financial shape that it cannot maintain its lines, allowing the lines to fall into disrepair and become more costly to use. Or, poor railroad management can leave shippers without cars, forcing them to use trucks which means there is less revenue earned on the branch line.

Economic systems are not perfect. The value of a branch line to local shippers may be so great that the shippers themselves may want to purchase the line if a railroad chooses to abandon it. But the shippers may not have the resources to put the deal together. The value of a line to grain elevators and farmers may be far more than the salvage value of the track and the land. But it is often very difficult to get those people together to buy the line even though it is in their own long term interest.

In addition to the interests of the parties directly involved, it is important to remember that the overall efficiency of our transportation system has a direct effect on our national competitiveness. The more it costs us to move our goods, the less competitive we are.

America's strong transportation system has been one of its greatest strengths. But, today, we see evidence all around us of highways and railroads that are poorly maintained or simply inadequate to meet the needs of commerce.

I believe that one of the most important steps our Nation has taken to stimulate the economy has been the establishment of first class transportation systems. The Federal Government provided the incentives, mainly through grants of land, for the building of our major railroads in the last century. That investment has had a tremendous positive impact on our Nation's productivity.

But, in the last few decades, our railroads have been deteriorating. We have borne this cost as a nation. Debate about who is at fault for this development is not productive. The fact is, we do not have the Federal resources to create a massive program to restore all of the lines that should be saved. And this bill we are introducing today does not contemplate such an effort. But, I do believe that we can provide a modest sum to be used to help preserve useful branch lines with significant traffic loads that would not remain viable without assistance. We can provide enough funds to help avoid the worst tragedies in this area.

The size of this program is relatively small. However, the benefits have been considerable. A very significant number of lines have been saved. That means a more efficient transportation system. Many communities have a lower cost of moving grain, manufactured goods and other products. Many communities have rail service without which businesses would not be able to continue.

The local rail service provisions in the bill before us provide for an authorized level of $15 million for fiscal year 1990 under the existing program with minor modifications and $15 million under a revised program in fiscal year 1991. Two of the key modifications that are to be put into place in fiscal year 1991 include the establishment of a uniform standard for judging all of the applications received for fiscal year 1991 and a requirement that all projects have at least a one to one cost benefit ratio.

The measure removes many obsolete provisions in the old local rail service assistance law and it provides that funding except for the $36,000 provided to each State, is to be at the discretion of the Secretary.

Assistance can take the form of grants or loans. I believe that the assistance should be in the form of loans when that is possible. States have an incentive to provide loans because the repaid funds effectively go into a revolving fund to be used for future rail projects within the State with the approval of the Federal Railroad Administration. I believe that the Federal Railroad Administration should encourage that practice. And, at a minimum, the FRA should approve the expenditure of such funds for sound projects with a minimum of administrative burden.

The chairman of the House Energy and Commerce Committee, Congressman DINGELL, has taken considerable interest in this program and had concerns over how it worked. I am very pleased that changes in the fiscal year 1990 transportation appropriations bill resolved some of his concerns. I appreciate his willingness to work with me and others to resolve those problems. I am hopeful that this program will continue to be an effective one.

I would like to thank Senators EXON, PRESSLER, and ROCKEFELLER for their very strong support and their work within the Commerce Committee on this issue. I also want to thank Senators D'AMATO, LAUTENBERG, BURDICK, COCHRAN, SIMON, BUMPERS, and DASCHLE for their work on the authorization and in the Appropriations Committee concerning this measure.

Lastly, I would like to thank Les Holland, the director of the Rail and Water Division of the Iowa Department of Transportation who has been very helpful in providing my office with needed information concerning this program. Mr. Holland has done an excellent job of operating the program in Iowa and chaired a national task force of State rail officials concerning this program.

Mr. President, I urge that the bill be passed.

Mr. SPECTER. Mr. President, Congress can be proud of the legislation it enacted in 1986 to provide for the sale of the Consolidated Rail Corporation, Conrail, to the public. The Conrail Privatization Act of 1986 has succeeded beyond our greatest expectations. Today Conrail boasts a positive cashflow with little corporate debt.

The Conrail Privatization Act, while authorizing the Department of Transportation to proceed with a public offering of the Government's 85-percent ownership interest in Conrail, imposed a number of obligations upon Conrail. These obligations, designed to make Conrail economically healthy, protect it from any takeover attempts and have placed Conrail in such positive financial fitness that today it is considered by many as a takeover target. Ironically, the original congressional intent to establish the long-term viability and takeover protection of Conrail has resulted, in effect, in Conrail being a very attractive target for a takeover.

Many of these obligations expire 5 years from the effective date of the act, or October 1991. At that time, Conrail will be prepared to confront the perils of not having a government shield. However, a discrepancy exists in the obligation requirements of the act. The Privatization Act included a 10-percent ownership limitation on all entities, other than railroads, which expires on April 2, 1990.

The expiration of this limitation places Conrail at a distinct disadvantage with respect to both other railroads and corporations in terms of managing its finances, because the

limitation expires prior to the remaining obligations. One obligation in particular that does not expire until October 1991 is the statutory requirement limiting Conrail's dividend payments or stock repurchase to 45 percent of its net income earned since passage of the act. This discrepancy, which expires 18 months after the expiration of the 10-percent ownership limitation, precludes Conrail from using a number of standard financial recapitalization strategies to fend off a takeover attempt.

I am pleased to see that during consideration of H.R. 422, the Local Rail Service Assistance Act, the House of Representatives included a provision to correct the discrepancy in the Conrail obligation requirements. This provision will allow Conrail to compete on an even keel with other railroads or corporations when its takeover protective provisions are removed in April 1990.

Mr. President, Conrail can survive as we had legislatively intended if we give it an equal ground on which to compete. Congress needs to act now before the issue comes to the forefront next spring when the 10-percent ownership limit expires.

Conrail deserves the flexibility to take the appropriate actions to organize and implement its financial competitive strategies by that date. For this reason, Mr. President, I encourage the Senate to pass this important legislation at this time.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 422) was ordered to a third reading, was read the third time, and passed.

Mr. EXON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF ROBERT JAMES WOOLSEY, JR., TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. EXON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 202.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. J. Res. 202) entitled "Joint resolution providing for the appointment of Robert James Woolsey, Jr. of Maryland as a citizen regent of the Board of Regents of the Smithsonian Institution," do pass with the following amendments:

Strike out all after the enacting clause, and insert:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the death of Carlisle H. Hummelsine of Virginia on January 26, 1989, is filled by the appointment of Robert James Woolsey, Jr. of Maryland. The appointment is for a term of six years, beginning on the date on which this joint resolution becomes law.

Amend the title so as to read: "Joint resolution providing for the appointment of Robert James Woolsey, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.".

Mr. EXON. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF HOMER ALFRED NEAL TO BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. EXON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 203.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 203) entitled "Joint resolution providing for the appointment of Homer Alfred Neal of Michigan as a citizen regent of the Board of Regents of the Smithsonian Institution," do pass with the following amendments:

Strike out all after the resolving clause, and insert:

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Murray Gell-Mann of California on September 13, 1988, is filled by the appointment of Homer Alfred Neal of Michigan. The appointment is for a term of six years, beginning on the date on which this joint resolution becomes law.

Amend the title so as to read: "Joint resolution providing for the appointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.".

Mr. EXON. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS—CONFERENCE REPORT

Mr. EXON. Mr. President, I submit a report of the committee of conference on H.R. 1312 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1312) to amend the Domestic Volunteer Service Act to extend through the fiscal year 1992 certain authorities contained in such Act relating to national volunteer antipoverty programs having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. DODD. Mr. President, I rise to urge the adoption of the conference report on H.R. 1312, the Domestic Volunteer Service Act Amendments of 1989.

This legislation is the product of a long and careful effort to strenghten our existing Federal volunteer programs. The Domestic Volunteer Service Act funds the programs of the ACTION agency. Through VISTA [Volunteers in Service to America] and the Older American Volunteer Programs, volunteers in communities across the Nation provide critical services to other people. Some are full-time VISTA volunteers, spending at least a year working in communities to address the problems that result from poverty. Others volunteer as retired senior volunteers or foster grandparents or senior companions. They too make an enormous difference in their communities.

Through a relatively small Federal investment, we enable over a half a million Americans every year to volunteer, addressing the problems of illiteracy, unemployment and homelessness, helping the frail elderly and children with special needs. In the course of the reauthorization, we heard of hundreds of successful local projects where these volunteers are helping others to help themselves. Therefore, both the Senate and the House bills attempted to strengthen and build on these very successful programs. In conference, the two bills were combined into final legislation that incorporates the best ideas of each Cham-

ber and bridges differences with a reasonable middle ground.

In the course of the reauthorization, we learned that the VISTA Program is not widely known and that local projects often cannot recruit volunteers on their own. Therefore, this bill calls for considerably greater national public awareness and recruitment activities. We want to see more college-based outreach, creative use of media and promotional materials, and greater involvement at the regional level where the link between local projects and prospective volunteers is most easily made.

Literacy is an area where the ACTION Agency has provided important assistance. The bill we are considering today includes provisions to build on that foundation by increasing the authorization level of the Literacy Corps, by including literacy as one of the New Older American Volunteer Programs of national significance, and by making available more technical assistance for literacy initiatives. In carrying out these literacy initiatives, the conferees urge the Director of ACTION to work through nonprofit organizations that conduct operations in more than one area of a State and in more than one State; because of their breadth, such organizations are often particularly effective in expanding and replicating literacy efforts.

The VISTA authorization levels would permit a significant increase in the number of VISTA volunteers. By the end of fiscal year 1993, the 1975 level of service could be restored, a measure that today's continuing poverty calls for.

For the Older American Volunteer Programs, the bill creates a new category of grants to address problems of national significance. The list of priority populations includes those who are developmentally disabled, those who suffer from chronic and debilitating illnesses, such as AIDS, and families that need respite care. We also provide for expanded programs to help children—boarder babies, teenage parents, special-needs children who are in child care, and youth who need special guidance. And we have included programs where volunteers will work with libraries in before and after-school programs for children.

The bill also takes steps to improve the conditions for the volunteers themselves. The subsistence allowance of VISTA volunteers will be adjusted to more exactly reflect the poverty level, and there will be modest increases in the stipends for VISTA volunteers and for low-income senior volunteers.

Finally, this legislation includes a number of provisions intended to permit improved administration by the ACTION Agency. These include: a 20-percent level of administrative funding, clarification of the agency's authority regarding literacy volunteer assignments, the authority for multiyear grants, and a provision for individual directors for each of the three Older American Volunteer Programs.

I would like to commend several of my colleagues for their long-time work in certain areas and thank them for their contributions to this legislation: Senator SIMON for his initiatives on literacy, Senator GLENN for his interest in libraries as a resource for latchkey children, and Senator LEVIN for his proposals for intergenerational programs in which senior volunteers tutor children. In addition, I am pleased to have had as principal cosponsors Senator COATS, the ranking minority member of the Subcommittee on Children, Family, Drugs and Alcoholism, Senator HATCH, the ranking minority member of the Committee on Labor and Human Resources, and Senator KENNEDY, chairman of our full committee.

Mr. President, I believe this bill accomplishes the goal of renewing our commitment to the volunteer programs carried out by the ACTION agency. With passage of this legislation, I hope that we will inspire even more of our citizens to come forward as volunteers over the next 4 years. Mr. President, I urge my colleagues to support this bill.

Mrs. KASSEBAUM. Mr. President, America's volunteers enrich our communities in ways that no Government program can. They shop for our frail senior citizens and keep them company. They teach adults who cannot read. They take the time to listen to our neglected children. Often enough, volunteer work is unglamorous. It's the sort of helping out that a grandparent or an energetic young person can provide, and it can be invaluable.

The idea of VISTA and the Older Americans' Volunteer Programs that are reauthorized by the Domestic Volunteer Service Act Amendments is a useful one. These programs can focus volunteer efforts on specific problems. Most pay modest stipends or, in some cases, the transportation costs of volunteers. The hope is to enable people to volunteer who might not be able to afford to do so.

We must be careful, however, to strike a balance between fostering volunteer work, and overloading it with needless statutory directives. I am pleased that my fellow conferees chose more realistic levels for volunteer positions than those of the Senate bill, although I wonder whether it is wise to continue mandating the minimum number of VISTA volunteers. I would have preferred lower authorization levels as well.

I do think that it is helpful to have included in the legislation authorization for multiyear grants. Any step that lets volunteer programs spend more time on people and less on paperwork is a step in the right direction. Overall, the conference agreement reflects a good spirit of compromise. I would like to thank Senators DODD, COATS, and HATCH for their leadership on this legislation.

Mr. EXON. Mr. President, I urge adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion on the table was agreed to.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as the Senator from Nebraska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. In my capacity as Senator from Nebraska, I ask unanimous consent that the Senate stand in recess until 12 o'clock noon tomorrow.

Without objection, it is so ordered. The Senate stands in recess.

There being no objection, the Senate, at 10:45 p.m., recessed until tomorrow, Monday, November 20, 1989 at 12 noon.

NOMINATIONS

Executive nominations received by the Senate November 19, 1989:

IN THE NAVY

THE FOLLOWING-NAMED COMMANDER FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be captain

COMDR. ROBERT D. KNOWLTON, CEC, U.S. NAVY, xxx-xx-xxxx/5104.

THE FOLLOWING NAMED LIEUTENANT COMMANDER FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2, OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be commander

LT. COMDR. EDWARD M. MOON, U.S. NAVY, xxx-x... xx.../6130.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19, 1989:

DEPARTMENT OF STATE

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

MORTON I. ABRAMOWITZ, OF THE DISTRICT OF COLUMBIA.

DEPARTMENT OF VETERANS AFFAIRS

RONALD E. RAY, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION).

EDWARD G. LEWIS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION RESOURCES MANAGEMENT).

DAVID E. LEWIS, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (ACQUISITION AND FACILITIES).

COMMODITY FUTURES TRADING COMMISSION

WILLIAM P. ALBRECHT, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1993.

DEPARTMENT OF STATE

RUTH V. WASHINGTON, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GAMBIA.

DANIEL HOWARD SIMPSON, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

FRANCES D. COOK, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

EDMUND DEJARNETTE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

ANTHONY CECIL EDEN QUAINTON, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

BRADLEY P. HOLMES, OF VIRGINIA, TO BE UNITED STATES COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY, WITH THE RANK OF AMBASSADOR.

CYNTHIA SHEPARD PERRY, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

STEPHEN J. LEDOGAR, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

HARRIET WINSAR ISOM, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BENIN.

UNITED NATIONS

PEARL BAILEY, OF ARIZONA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE FOLLOWING-NAMED PERSON TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

BARBARA HACKMAN FRANKLIN, OF PENNSYLVANIA.

THE FOLLOWING-NAMED PERSON TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

GARY EDWARD MACDOUGAL, OF ILLINOIS.

THE FOLLOWING-NAMED PERSON TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

THOMAS R. PICKERING, OF NEW JERSEY.

THE FOLLOWING-NAMED PERSON TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS.

THE FOLLOWING-NAMED PERSON TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

JONATHAN MOORE, OF MASSACHUSETTS.

THE FOLLOWING-NAMED PERSON TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 44TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS:

MILTON JAMES WILKINSON, OF NEW HAMPSHIRE.

INTER-AMERICAN FOUNDATION

BERNARD WILLIAM ARONSON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 1990.

FEDERAL LABOR RELATIONS AUTHORITY

JEAN MCKEE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1994.

KATHLEEN DAY KOCH, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS.

PAMELA TALKIN, OF CALIFORNIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1990.

TONY ARMENDARIZ, OF TEXAS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING JULY 29, 1992.

NUCLEAR REGULATORY COMMISSION

DAVID C. WILLIAMS, OF ILLINOIS, TO BE INSPECTOR GENERAL, NUCLEAR REGULATORY COMMISSION.

OFFICE OF PERSONNEL MANAGEMENT

BILL R. PHILLIPS, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

THE JUDICIARY

ZINORA M. MITCHELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

DEPARTMENT OF THE TREASURY

DONALD E. KIRKENDALL, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY.

PANAMA CANAL COMMISSION

ROBERT R. MCMILLAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION.

DEPARTMENT OF DEFENSE

ROBERT C. MCCORMACK, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

ENVIRONMENTAL PROTECTION AGENCY

JAMES M. STROCK, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

ENVIRONMENTAL PROTECTION AGENCY

DON R. CLAY, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

AIR FORCE

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH W. ASHY, [redacted]FR, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES G. BOYD, [redacted], USAF.

ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM S. FLYNN, [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 614:

To be permanent major general

BRIG. GEN. JAMES W. BALL, [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CHARLES B. EICHELBERGER, [redacted], U.S. ARMY.

THE UNITED STATES ARMY RESERVE OFFICER NAMED HEREIN FOR APPOINTMENT AS A COMMISSIONED OFFICER OF THE ARMY RESERVE IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be brigadier general

COL. THOMAS J. KILMARTIN, [redacted] U.S. ARMY RESERVE.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RONALD L. WATTS, [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATE CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHNNIE H. CORNS, [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATE CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JACK D. WOODALL, [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. GARY E. LUCK, [redacted], U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CHARLES P. OTSTOTT, [redacted] U.S. ARMY.

MARINE CORPS

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY:

To be lieutenant general

MAJ. GEN. JOHN R. DAILEY, [redacted]/9903 USMC.

NAVY

THE FOLLOWING NAMED CAPTAIN IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR APPOINTMENT TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

DENTAL CORPS

To be rear admiral (lower half)

CAPT. CARMEN A. CIARDELLO, JR., [redacted]/2200, U.S. NAVY.

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR APPOINTMENT TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CIVIL ENGINEER CORPS (5104)

To be rear admiral

REAR ADM. (LOWER HALF) JAMES CARL DOEBLER, [redacted]/5104, U.S. NAVY.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE

PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. PAUL D. BUTCHER, xxx-xx-xxxx /1110, U.S. NAVY.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. FRANCIS R. DONOVAN, xxx-xx-xxxx /1110, U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING HENRY C. IRVIN, AND ENDING NICHOLAS D. BOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 14, 1989.

AIR FORCE NOMINATIONS BEGINNING JAMES O. ARMACOST, xxx-xx-xxxx, AND ENDING ANDREW NEWMAN, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 26, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR RAY A. BOOSINGER, xxx-xx-xxxx AND ENDING MAJOR ERNEST C. FLETCHER, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 26, 1989.

AIR FORCE NOMINATIONS BEGINNING EDWARD S. CARMICK, AND ENDING CAROLYN E. BASKERVILLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 13, 1989.

AIR FORCE NOMINATIONS BEGINNING ROBERT P. BELIHAR, AND ENDING CHARLES R. GLOSSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE OCTOBER 20, 1989, AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 23, 1989.

AIR FORCE NOMINATIONS BEGINNING ROBERT J. AARDEMA, AND ENDING JOHN D. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE OCTOBER 20, 1989, AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 23, 1989.

AIR FORCE NOMINATIONS BEGINNING MAJOR DAVID C. BROWN, JR., xxx-xx-xxxx AND ENDING MAJOR JAMES B. CORNELIUS, IV, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE OCTOBER 30, 1989, AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 31, 1989.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAMES L. KAYS, AND ENDING DANIEL M. LITYNSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 14, 1989.

ARMY NOMINATIONS BEGINNING EDUARDO C. CUISON, AND ENDING BLAIN J. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 13, 1989.

ARMY NOMINATIONS BEGINNING JOHN L. CHAMBERLAIN, III, AND ENDING ARCHIE D. WALDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 13, 1989.

ARMY NOMINATIONS BEGINNING STEPHEN A. AIELLO, AND ENDING DANIEL P. COFFEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE OCTOBER 20, 1989, AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 23, 1989.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING ROBERT E. APPLE, JR., AND ENDING JOHN M. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 26, 1989.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JOHN A. BALACKI, AND ENDING ELEANOR TRAVERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE OCTOBER 20, 1989, AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 23, 1989.

EXTENSIONS OF REMARKS

INTRODUCTION OF A BILL TO ALLOW STATES THE OPTION TO COVER SUBSTANCE ABUSE TREATMENT UNDER MEDICAID

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. RANGEL. Mr. Speaker, I rise today to introduce a piece of legislation that is designed to strengthen our arsenal in the war on drugs. Actually, this bill is a companion measure to one that has already passed in the other body. This bill, Mr. Speaker, would amend title XIX of the Social Security Act, permitting States to elect the option of covering substance abuse services treatment under the existing Medicaid Program.

Under this initiative, which was originally introduced by Mr. MOYNIHAN of New York, the following types of substance abuse treatment will be covered by Medicaid: Inpatient treatment, outpatient treatment, and residential treatment services.

In the last 3 years we have fashioned two major congressional initiatives and our first-ever national strategy, but many observers have criticized our efforts for leaning too heavily on the law enforcement side. A major purpose in our enacting antidrug legislation last year was to follow up the 1986 effort with something that struck a better balance between law enforcement and public health. The drug crisis is, as we all know, a problem of both law and order and one of public health.

This bill provides another helpful tool on the demand-reduction side in the war on drugs. This bill is a very important piece of ammunition in the overall arsenal, and if passed, would make a difference in reducing the number of potential victims of the poison peddlers who operate out of Colombia and other foreign countries.

In many hospitals across the county, people who are addicted to such drugs as cocaine come in every day asking for treatment. These people may be strung out on illicit drugs, but they at least have the desire to rid their bodies of these deadly concoctions. The problem, though, is that once they come in, they find out that the Medicaid that has covered them in other medical situations does not extend to drug treatment, Mr. Speaker, and that is where this bill should fill the gap.

At this point there is no medically recognized treatment for cocaine, but there are many hospitals that make an effort to provide assistance to cocaine addicts—generally in the form of counseling. Unfortunately, these services sometimes have to go unused because there is no reimbursement for substance abuse treatment in the Federal Medicaid Program.

One of the biggest complaints about our current antidrug program is that there are not nearly enough treatment slots to handle the tremendously overwhelming number of drug addicts who are seeking treatment. After all, the Medicaid reimbursement that we make to them is an investment for the entire country. The money we spend today on medical reimbursement for substance abusers will save us billions in the future in terms of the tragic social costs of drug abuse.

I hope that my colleagues will support this legislation enthusiastically. I hope, also, that this body will move on this measure with expediency, as our efforts here would bring an important congressional demand reduction initiative full circle.

ATLANTIC APPAREL CONTRACTORS ASSOCIATION 40TH ANNIVERSARY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. RITTER. Mr. Speaker, I rise today to honor the Atlantic Apparel Contractors Association of Wind Gap—in what has traditionally been known as the Slate Belt of Pennsylvania. The association was founded 40 years ago to help the apparel industry in Pennsylvania remain competitive by keeping abreast of technological changes in machinery and manufacturing techniques. Today, they function as a coordinating body on important issues ranging from technology to regulation to legislation to labor relations.

The Atlantic Apparel Contractors Association [AACA] serves 160 companies in Pennsylvania employing over 15,000 people. About 50 percent of these employees live and work in the Lehigh Valley.

Mr. Speaker, I congratulate Joseph Dell'Alba and Arnold Delin, president and executive director of the AACA, for their efforts to help the apparel industry in Pennsylvania remain competitive. Both of these gentlemen have worked tirelessly to build a better apparel industry in Pennsylvania. They have struggled creatively against foreign imports—a virtual flood—and have held on. I count them and so many of their members as personal friends.

Earlier this year, I had the pleasure to attend an AACA industrial trade show in Allentown. I found the exhibits exciting. The AACA sponsors these shows every 2 years to inform its membership of the technological advances available to apparel manufacturers. Technological innovation and improvement is essential for manufacturers to remain competitive at home and in markets that extend beyond U.S. borders. I am proud that AACA makes these trade shows available to Lehigh Valley and Pennsylvania companies.

Mr. Speaker, my colleagues, please join me in congratulating the Atlantic Apparel Contractors Association on celebrating its 40th anniversary.

WHAT WILL EC'S NEXT MISSION BE?

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. SCHULZE. Mr. Speaker, it looks like our worst nightmares are coming true. Earlier this year, when the Subcommittee on Trade of the Committee on Ways and Means conducted hearings on the "EC 1992" topic, I expressed my skepticism about the European Community's [EC] stated desire to open up its markets to trade. Instead, I saw "EC 1992" as nothing more than a front for the EC's true desire to insulate itself from the best competition the rest of the world has to offer.

I'll admit, I was hoping I would be proven wrong and my skepticism to be unfounded. Regrettably, however, with the recent adoption by the EC of the blatantly protectionist broadcasting directive, we have seen those disturbing nightmares become self-fulfilling prophecies. What's more, I'll bet the EC is now wondering when America will turn the proverbial "other cheek," so it can slap that one too. And, as quickly as the Berlin Wall is being dismantled, the EC is busily gathering the raw materials which were used to build it so that it can complete its desired wall of protectionism around its own borders by 1992.

As you know, on October 23, 1989, the House of Representatives passed, by the overwhelming margin of 342 to 0, House Resolution 257, a resolution denouncing the severely restrictive broadcasting directive. As a member of the Ways and Means Committee's Trade Subcommittee, I can tell you that this resolution moved through the Ways and Means consideration process just as convincingly. Accordingly, the House membership owes much thanks to Committee Chairman DAN ROSTENKOWSKI, and Trade Subcommittee Chairman SAM GIBBONS, for providing the necessary leadership in this regard.

As forcefully worded as House Resolution 257 is, however, the EC's intransigence on the issue of its broadcasting directive dictates the need for a much stronger legislative response. For this reason, today I am introducing legislation directing the President to immediately enter into consultations and negotiations with the EC under article XXIII of the General Agreement on Tariffs and Trade for the purpose of achieving an agreement to ensure national treatment and nondiscriminatory treatment of broadcast programming by, and reciprocity in trade in broadcast programming with, the member states of the EC.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

If such negotiations fail to achieve the aforementioned desired results, the U.S. Trade Representative shall initiate an investigation under section 302 of the Trade Act of 1974 to determine whether the acts and practices of the EC regarding broadcast programming are actionable under section 301 of this act.

Upon an affirmative finding that such acts and practices are actionable, the Trade Representative is required to take retaliatory action under section 301 designed so as to affect goods or services of the EC in an amount that is equivalent in value to the burden or restriction being imposed by the EC on broadcast programming. Additionally, such retaliatory measures shall take into account the reciprocal opportunities in the United States for broadcast programming for nationals and firms of the EC.

Mr. Speaker, section 301 is not a toy. Accordingly, it should not carelessly be played with. In commenting on section 301 and "Super 301" during her Senate confirmation hearing, U.S. Trade Representative Carla Hills spoke eloquently on the need to preserve the "credible threat of retaliation." I wholeheartedly support the Ambassador's words, and so does my legislation. The question is: Does the EC fully comprehend that we're not playing games here? I guess we'll just have to wait for the EC's next move for the answer.

TRIBUTE TO EUGENE J. CHEPKE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Eugene J. Chepke who was chosen Ohio Athletic Director of the Year and also inducted into the Austintown Township Hall of Fame. He is being recognized for 27 years of devoted service to the Austintown public school system.

Born in North Jackson, OH, Eugene Chepke was 1 of 11 children. After graduating from North Jackson High School, he received a full scholarship to Heidleberg College. He and his wife, Ramona, have three daughters and one grandson.

Mr. Chepke is the epitome of dedication. He has recently ended 17 years as the athletic director to Austintown schools. Twelve of these years he had no assistance. Yet, with his direction the athletic programs in Austintown schools grew remarkably. They now include 17 varsity sports, 41 junior varsity and freshman sports and 18 middle school sports. Gene has also directed numerous postseason tournaments for the Ohio High School Athletic Association.

In addition to the expansion of sports, Mr. Chepke directed the local voluntary giving program to construct an all-weather track at Fitch High School. He acquired an EDA grant awarded to build a second gymnasium and was responsible for the building of tennis courts. Gene has managed the District A and AA track meets, Regional Triple A track meets, District A Wrestling meets, and Sectional Girls Gymnastic meets. He utilized his administrative and planning abilities to make each of these meets a success.

Mr. Speaker, I would like to take this opportunity to congratulate Eugene Chepke for an incredible career of service to his community. His dedication to and concern for the youth in Austintown are deserving of great praise. I am honored to represent this outstanding individual.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO ALLOW CERTAIN NATURALIZED CITIZENS TO HOLD THE OFFICES OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. FAZIO. Mr. Speaker, today I have introduced legislation which would allow certain naturalized U.S. citizens to hold the offices of U.S. President and Vice President by amending article II of the U.S. Constitution. In the spirit of the 200th anniversary of our Constitution, which we celebrated not too long ago, I believe it is appropriate to amend the Constitution to make naturalized citizens eligible to become President.

When the Constitution was drafted in 1787, we had good reasons for excluding naturalized citizens from serving as President. Having recently fought a war with the British, the Framers wanted to ensure that the leaders of the Nation would be free from the taint of Tory ideas. However, our Nation has significantly grown and prospered since those early, fragile days. We no longer need to exclude non-natives from the Presidency out of a fear of "foreign" ideas from a foreign-born President.

As Americans, we have always taken pride in our heritage from abroad; we are a nation of immigrants. A fitting and lasting tribute to that heritage would be to remove this outdated restriction on public service. I ask my colleagues to join me in this effort by cosponsoring the resolution I have introduced today.

H.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE

"A person who is a naturalized citizen of the United States and who is otherwise eligible to hold the office of the President or Vice President shall be eligible to hold such offices after being a United States citizen for eleven years.".

RESOLUTION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. DEFAZIO. Mr. Speaker, I would ask that the following resolution, approved by the Lane County Democratic Central Committee on November 16, 1989, be included in the RECORD:

The Democratic Party of Lane County deplores the torture and murder this morning of six priests and two workers at the University of Central America in San Salvador, El Salvador.

Members of the Salvadoran military have been implicated in this terrible act.

Since 1980, tens of thousands of Salvadoran civilians have been tortured and killed by "death squads" with clear ties to the Salvadoran military.

The United States continues to provide the government of El Salvador with over one million dollars per day of military and economic aid, despite continued documented reports of torture and murder by military-affiliated groups.

Although El Salvador receives the third largest portion of U.S. foreign aid of any nation on earth, this support has only served to perpetuate a state of conflict in that nation which has now degenerated into general war.

Be it therefore resolved, That the Democratic Party of Lane County calls on the United States Government to immediately halt all military aid to the government of El Salvador and to make every possible effort to bring about a cease-fire and negotiated settlement of the civil conflict in El Salvador.

This resolution has been approved by the Lane County Democratic Central Committee and shall be sent to the President and Secretary of State of the United States, the Oregon Congressional Delegation, the Congressional Foreign Affairs Committees and the President of El Salvador.

Signed,

KATY GULLETTE,
CHAIR, DEMOCRATIC PARTY
of Lane County.

INTRODUCTION OF PREPAYMENT OF DEATH BENEFITS LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation which has the potential of making the lives of terminally ill patients significantly easier.

This legislation would allow individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, to receive the proceeds of their life insurance contracts on a tax-free basis. I believe that access to these assets will make the lives of the terminally ill significantly easier without tremendous cost to the Federal Government.

Under current law, life insurance proceeds payable on death are generally tax free. This

legislation, therefore, should have only a minor revenue impact in that the only change would be one of timing—tax-free receipt of life insurance proceeds 1 year earlier than otherwise would be the case.

In addition, access to these assets is critical to those many terminally ill individuals, who have no health insurance. To the extent that these individuals tap their life insurance policies to pay their final health care costs, Federal dollars will be saved.

This initiative, when combined with my bills to promote long-term care policies will go a long way toward revolutionizing the private sector's ability to cope with these emerging health care issues.

Given the tremendous change that has occured in the industry over the past few years, and the newly designed products constantly being developed to meet consumer demand and interest, I would hope these bills serve as a catalyst to spur debate on the types of changes most needed to further encourage the ongoing private sector response to these societal demands.

THE BALTIMORE URBAN LEAGUE'S SALUTE TO THE BLACK FAMILY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. MFUME. Mr. Speaker, today I rise in special recognition of the Baltimore Urban League's Third Annual Salute to Black Families. Each year the Urban League pays a special tribute to African-American families throughout Baltimore for the purpose of saluting their successes and achievements in the face of many contemporary obstacles.

The Urban League's yearly convocation to the black family is an important salute to an institution that has endured significant changes and challenges, specifically over the last two decades. The family has long been the hub of the black community. The support and bonds within the family have enabled countless individuals to accomplish wondrous feats throughout the ages.

Mr. Speaker, the Urban League has truly provided a much needed service to the black community through their salute. Within my life, the encouragement and motivation that I received from my mother and sisters gave me the fortitude to believe that there is no dream too august to make real, and no problem to complex to solve. African-American families, as history has shown us, create their own possibilities and possess awesome talents to strive headlong into uncertainties in order to uncover a better way of life for our children.

Families of African ancestry today face a state of siege unlike no other we have seen in our history. The scourge of drugs and its concomitant violence tugs at the very heart strings of the family and community. Far too often this scourge has destroyed whole families and left many deep scars between family members. However, drugs are not the only threat to the black family.

Homelessness is a truly American problem with serious disproportionate ramifications in the minority communities. While homeless families comprise 34 percent of the entire homeless population, the majority of these famlies are black and Hispanic. Many homeless children cannot enroll in school, consequently black families who are already facing a housing crisis must also confront an educational crisis.

Additionally, the infant mortality rate for white babies is 8.6 percent per 1,000, while the rate for black babies is 18 per 1,000. I do not wish to lament heavily on these demographic statistics, but I did want to highlight some of the emerging challenges in the African-American communities and what issues lay ahead for the family institution.

No one can view themselves as an isolated abstract within the black community. In view of the onslaught of challenges facing our inner essence—the family—only in unity will real solutions and remedies be brought forth.

Mr. Speaker, I know that each Member of the House will join me in honoring the Baltimore Urban League's Salute to the Black Family, and continue to honor an institution that has survived every test of time imaginable.

PUTTING THE E BACK IN A-B-E

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. RITTER. Mr. Speaker, on Friday, November 3, President Bush signed a bill into law that put the E back in A–B–E. In 1980, the Office of Management and Budget dropped the city of Easton from the title of the Allentown-Bethlehem-Easton Metropolitan Statistical Area [MSA] because of an obscure rule: in order for a city to be included in an MSA title, it needed to be at least one-third the size of the largest city in the MSA.

The city of Easton was a part of the Lehigh Valley before this Nation was founded. The path of the Lehigh River led to the development of three cities, and they have shared, historical, economic and cultural ties from the beginning. Easton may not be quite one-third the size of Allentown, but the people of Easton were not going to let OMB deny over 250 years of history.

Last June, Bruce Frassinelli, managing editor of the Easton Express; Mike Dowd, executive vice president of the Two Rivers Chamber of Commerce; and Easton Mayor Salvatore Panto testified eloquently before the Subcommittee on Census and Population. Although the subcommittee was supportive of Easton's claim, they were reserved about restoring Easton's name to the MSA title as a matter of legislative precedent.

But the people of Easton did not give up. We worked closely and fortunately, I was able to place a provision in an appropriations bill that directs the Office of Management and Budget to include a reference to Easton in the Allentown-Bethlehem MSA.

President Bush signed that bill into law November 3, and the MSA title now officially reads: "Allentown-Bethlehem-Easton Metropolitan Statistical Area."

Mr. Speaker, little things mean a lot and I was pleased to be a part of it all. Please join me in saluting the people of Easton for their perseverance and determination and for regaining their rightful recognition.

IRS—CROSSING THE REALM OF REASON

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to amend section 530 of the Internal Revenue Code, which covers the status of independent contractors. My bill would repeal an exception for certain technical personnel singled out by section 1706 of the Tax Reform Act of 1986.

Across the United States, independent contractors, particularly those in computer consulting or high technology fields, are being singled out by the Internal Revenue Service for audit. The IRS has for some time been pushing for any and every rule available to make it's job easier. The mind-set of the IRS is to eliminate any third-party or independent relationship to ensure all American workers are easily tracked through corporate payroll accounting. I understand this mentality, and certainly it would make it easier to ensure compliance. However, if successful, this drive could very well stifle small business, entrepreneurship and American ingenuity.

Mr. Speaker, I view this legislation as a first step in telling the IRS that they are crossing the realm of reason in dealing with our vital independent contractor business sector. I look forward to developing detailed suggestions on more comprehensive legislation addressing independent contractors in the near future.

TRIBUTE TO REV. JOHN F. LYONS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Rev. John F. Lyons who has been inducted into the Austintown Township Hall of Fame. Father Lyons is being recognized for over 40 years of service to his community.

Reverend Lyons was born in Mayo, Ireland and attended St. Patrick Seminary in Carlow. In 1946, he was ordained a priest and soon after arrived in Youngstown where he was quickly assigned to the old St. Ann Church in Brier Hill.

Following this, Father Lyons moved around to several different parishes. At each one he gave his best to serve the parishioners and surrounding communities. In 1966, he was given the task to establish St. Joseph Church in Austintown. With his guidance, the parish grew from 700 to 1,600 families. Father Lyons was responsible for the construction of a church, rectory, school, and social hall at St.

Joseph, and under his leadership it has developed into an active, community conscious church.

Father Lyons has gone above and beyond the normal responsibilities of a member of the clergy. He has performed all the services of a priest as well as getting involved in various civic and community organizations. Through different capacities, he has served the St. Vincent de Paul society, the Parish Religious Education Program, the Knights of Columbus of McDonald and Wellsville, the National Council of Catholic Women of Austintown, the Clergy Conference Committee, Mahoning County North, the Committee for Continuing Education of Priests, the Parish Life Committee of the Pastoral Council, Parish Life and Ministry of the Youngstown Diocese priority plan, the Red Cross Bloodmobile, the Fourth of July Parade Committee, and the Austintown Community Council and Historical Society.

Mr. Speaker, I would like to congratulate Father Lyons on an outstanding career of service to his community. His overwhelming display of dedication is deserving of great praise. I am honored to represent this incredible individual.

MEETING THE HOUSING NEEDS OF CONSUMERS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Ms. OAKAR. Mr. Speaker, this year, the most far-reaching and comprehensive financial institutions reform legislation in over 50 years was enacted into law. The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] changes dramatically the way the savings and loan institutions are regulated. Radical changes were made in the Federal Home Loan Bank System. The Federal Home Loan Bank Board was abolished and the Federal Housing Finance Board was created along with the Office of Thrift Supervision. Major changes were made in the operations of the Federal home loan banks. Congress gave the banks additional responsibilities and provided them with additional powers and authorities in order to allow appropriate services to its members.

Questions have been raised as to whether FIRREA authorizes the banks to land funds to the mortgage banking affiliates or subsidiaries of member thrift institutions. In my opinion, it does. Many thrift institutions use their mortgage banking subsidiaries as a direct link to mortgage markets and FIRREA was designed to allow the bank system to channel funds to a variety of mortgage lenders. Lending funds directly to the subsidiaries not only augments the supply of funds available for housing finance but also contributes to the earning assets of the banks that are critical to their ability to meet the funding obligations under FIRREA. We must insure that consumers have access to meet the housing needs of this Nation.

Mr. Speaker, in my view, lending to thrift mortgage banking subsidiaries is an important component of this legislation and one that I fully support.

In conclusion, Mr. Speaker, it is important to note that the Federal home loan bank system has had a remarkable credit and earnings history. The legislation we have recently passed imposes a significant burden on that system. However, I am confident, it will continue to be sound and operate at a profit and will continue to provide billions of dollars of funds to the housing market.

ZIONISM-RACISM RESOLUTION MUST BE REPEALED ONCE AND FOR ALL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. GREEN. Mr. Speaker, as we look ahead to the coming year, I appeal to my colleagues to join me in my commitment to repeal once and for all the unconscionable U.N. General Assembly Resoluton 3379, which for nearly 15 years has made it official U.N. policy to include zionism as "a form of racism and racial discrimination." To move us yet one step closer to the goal of final repeal, I have introduced the following concurrent resolution:

H. CON. RES. —

Whereas the United Nations will celebrate the 45th anniversary of its charter on June 26, 1990;

Whereas Article I of the United Nations Charter establishes the United Nations as "a center for harmonizing the actions of nations";

Whereas on November 10, 1990, 15 years will have passed since the adoption of United Nations General Assembly Resolution 3379 which formally declared Zionism to be "a form of racism and racial discrimination";

Whereas Zionism is a national movement of the Jewish people for self-determination, a legitimate and moral aspiration characteristic of many national groups in the modern world;

Whereas Resolution 3379 has had as its overt purpose the delegitimation of the State of Israel, even to the extent of making Israel's very existence illegal;

Whereas Resolution 3379 has impeded the struggle against real forms of racial bigotry and has had the incendiary effect of stimulating and encouraging anti-Semitism;

Whereas Resolution 3379 has been used to justify terrorist attacks against innocent people;

Whereas Resolution 3379 is violative of the principles of the United Nations Charter and makes it impossible for the United Nations to play a credible role in the peaceful resolution of the Arab-Israeli conflict; and

Whereas United States law condemns, denounces, and repudiates Resolution 3379: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls upon all member states of the United Nations General Assembly to take immediate action to repeal United Nations General Assembly Resolution 3379; and

(2) commends the President for his commitment to achieving this goal.

The House and Senate have acted in the past to denounce and condemn Resolution 3379, and it is my hope that the 101st Congress can move quickly to adopt the above resolution directly calling for repeal.

As we approach the 45th anniversary of the United Nations Charter, citizens of every member nation should be able to look to the United Nations with a sense of pride and admiration. Until Resolution 3379 is repealed, however, the reputation of the United Nations will continue to be marred by the terrible misjudgment that resolution carries.

Repealing Resolution 3379 would restore important credibility to the United Nations and allow the United Nations to be a source of true leadership in working to achieve a peaceful resolution of the Arab-Israeli conflict.

Precedent is there for repeal. In 1950 the General Assembly revoked Resolution 38(1), which had been adopted 4 years earlier to bar Spain from membership in the United Nations and to recommend the withdrawal of Ambassadors and Ministers from Madrid.

When the United Nations adopted Resolution 3379, a terrible and tragic mistake was made. In the subsequent decade and a half, it has been used as an excuse to commit horrible acts of terrorism and has been ironically counterproductive in eradicating bigotry and racism.

Let us move now to endorse finally the truth by repealing U.N. General Assembly Resolution 3379.

TRIBUTE TO DR. J. HARRY SMITH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. PAYNE of New Jersey, Mr. Speaker, I would like to ask my colleagues here in the House of Representatives to join in recognizing the outstanding achievements of Dr. J. Harry Smith, who will be honored at a retirement dinner on December 12.

Dr. Smith is an extraordinarily talented educator and administrator whose career at Essex County College in Newark, NJ, has received national and international recognition.

Born on August 22, 1922, in Newport News, VA, J. Harry Smith spent his formative years in Newark, graduating from Barringer High School in 1941. Dr. Smith was the first minority student to captain Barringer High's baseball team, and he was recently honored by the Barringer High School Alumni Association at their first annual awards breakfast.

As a volunteer with the U.S. Army Air Force during World War II, Dr. Smith saw action as a navigator with the 477th Bomber Group. He was a lieutenant by the war's end. As a member of the Air Force Reserve, he was recalled to active duty briefly during the Korean conflict.

Dr. Smith played a leading role in integrating the New Jersey National Guard. He filed a successful law suit charging that the body was unlawfully segregated.

Dr. Smith is a 1948 graduate of Seton Hall University, where he was president of the debating society and vice president of the junior class. He was the first black student to attend

Georgetown University School of Law in Washington, DC. He withdrew after 1 year when it became obvious that the then-segregated facilities of the university and the Nation's Capital presented insuperable barriers to successful legal scholarship.

A public relations career with station WEVD in Manhattan was cut short when Dr. Smith's parents began to lose their sight, and he moved back to Newark to help them. He obtained his first teaching position at South Market Street School with the help of Father Patrick Owens, his parish priest. In this challenging position, Dr. Smith taught mathematics to mentally retarded adolescent boys.

He went on to teach at Robert Treat Junior High School, West Side High School, and, in 1961, at Barringer High School, where he served as an English teacher and assistant football coach. By 1964, he was the assistant principal at Barringer High.

Dr. Smith joined Essex County College as assistant to the president in January 1968. By June of the following year, he was vice president of the college, and he was designated chief executive officer in February 1970. On May 5, 1971, Dr. Smith was appointed president of the college by the Essex County College Board of Trustees.

He served as president until his resignation on July 1, 1978, when he returned to teaching English and literature at the college. He retired in September 1989.

As vice president of Essex County College, Dr. Smith was appointed in 1969 by President Richard Nixon to head the National Advisory Board on Adult Education. He traveled to Africa in 1971 for a worldwide conference of the International Association of University Presidents. In 1972, he became a fellow of the Royal Society of the Arts in London, England. During the 1970's, he served as a consultant to the World University of Puerto Rico and to other Caribbean educational institutions.

In addition to his outstanding work in the field of higher education, Dr. Smith has also made a great impact as a community and civic leader. He is a former president of the Urban League of Essex County, former chairman of the Essex County Youth and Economic Rehabilitation Commission, and former director of Americans for a Competitive Enterprise System.

Among his many activities, he served as a member of the New Jersey Scholarship Commission; on the board of St. Michael's Hospital; as a trustee of the Cancer Institute of New Jersey; and on the board of directors of New Jersey Blue Cross and Blue Shield. He currently serves as a member of the Board of Eyes of New Jersey.

Dr. Smith holds an M.A. degree and an honorary doctorate from Seton Hall University. In 1968, he was the recipient of a Kellogg Foundation scholarship to the Union College Leadership Program at the University of California at Los Angeles.

Dr. Smith and his wife, the former Marilyn Horton, have three daughters, Mrs. Danielle A. Mathis, Mrs. Stephanie C. Brown, and Ms. Judith L. Smith, and several grandchildren. Dr. and Mrs. Smith are longtime residents of Maplewood, NJ.

Mr. Speaker, we in New Jersey are very proud of Dr. Smith and grateful for his contributions to our community. I know my colleagues will join me in sending best wishes to Dr. Smith and his family for many happy years ahead.

THE ORDERLY MARKETS ACT

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. ECKART. Mr. Speaker, on November 15, 1989, I introduced H.R. 3662, the "Orderly Markets Act" to return stability to our Nation's securities markets.

What threatens that stability? Two separate markets—the stock and futures markets—operating under two distinct commercial philosophies, yet linked in our economy through trading strategies, are not linked in the regulatory structure. This disjointed economic situation can lead to chaotic results, as we have all witnessed over the past 2 years.

Currently, the stock and futures markets are regulated by two separate Federal oversight agencies, the Securities and Exchange Commission [SEC] and the Commodity Futures Trading Commission [CFTC], respectively. We need to unify the regulatory structure as the securities markets are unified and place all stock derivative instruments, such as stock futures, stock index futures and options on stock index futures, under the regulatory jurisdiction of the SEC. That is the goal which H.R. 3662 will accomplish.

From the early 1980's, the Dow Jones Industrial Average steadily increased to the astronomical levels found in mid-1987. An intraday high of 2746.65 was reached on August 27, 1987. Throughout the month of October, the Dow fell to 1708.70, over 1,000 points (37 percent) below its August high. After the devastating market break on October 19 and the high volatility found on October 20, investigations were demanded into the causes of the dramatic market decline.

The October market break was examined by Nicholas Katzenbach, who was commissioned by the New York Stock Exchange. The Chicago Mercantile Exchange, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Presidential Task Force on Market Mechanisms (Brady Commission), the General Accounting Office [GAO], and later, the Working Group on Financial Markets also commissioned reviews of the market break. Each examination resulted in a hefty and voluminous report. One common recommendation cited by many of the reports was to create a single regulatory agency to monitor stocks and their derivative products. To wit:

"From an economic viewpoint, what have been traditionally seen as separate markets—the markets for stocks, stock index futures, and stock options—are in fact one market . . . Because stocks, futures and options constitute one market, there must be in place a regulatory structure designed to be consistent with this economic reality . . . one agency must have the authority to coordinate a few critical intermarket issues cutting across market segments and affecting the entire financial system; to monitor activities of all market segments; and to mediate concerns across marketplaces." (Brady Commission Report, January, 1988, p. vi)

"No agency currently has responsibility for intermarket decisionmaking. Given the new intermarket linkages, the need to assure financial system liquidity, and the increased internationalization of markets, strong leadership is needed to develop and implement an appropriate intermarket regulatory structure." (GAO report, "Financial Markets, Preliminary Observations on the October 1987 Crash," January, 1988, p. 5)

"From a policy perspective, it makes no sense to have two separate and distinct agencies regulating essentially the same markets used by the same persons for the same or related purposes. Such a regulatory structure undermines public confidence. When each agency regulates its respective market independent of the other, different and conflicting signals can be sent to market users. Moreover, in matters such as program trading where stock and stock derivative markets are used simultaneously, the existence of two separate and distinct federal agencies creates the potential for matters needing regulatory review and action to slip between the jurisdictional cracks of the agencies. Cooperation between the two agencies may alleviate but cannot cure the problem. Ensuring the integrity of the markets would best be promoted by a single regulatory agency.

"We recommend that the SEC be given jurisdiction over all financial derivative instruments and that the CFTC continue to have jurisdiction over non-financial futures products. This recommendation is not based on any perceived inadequacies of the CFTC, but rather on the need for uniformity and consistency in the regulation of related instruments. Markets rest in large measure upon public confidence. Experience teaches that confidence is enhanced by the certainty of accountability; in other words, by the knowledge that responsible officials are easily identified and have their own clear responsibilities." (Katzenbach report, "An Overview of Program Trading and Its Impact on Current Market Practices," December 21, 1987, p. 18-9)

Following the October 1987 market break, the House and Senate held numerous hearings to determine whether congressional action was needed to arrest the volatility of our Nation's marketplaces and to restore confidence to the small investors. The record established at these hearings resulted in one bill. H.R. 4997, the "Securities Market Reform Act of 1988," which, among other things, would have granted the Securities and Exchange Commission the jurisdiction to regulate both the equity securities and stock index futures.

Index futures and options contracts were introduced in 1982 and have grown tremendously over the past 7 years. Stock derivative instruments, such as stock index futures, owe their existence to the stock markets, and their prices are linked to the movement of the underlying stocks which make up the index. However, there are tensions and differences between stocks and derivative instruments that contribute to the instability of the stock market. The stock market's philosophy is to structure a market that is "fair and orderly" while the futures markets operate to create a

marketplace which is "open and competitive." On a day like October 19, 1987, where the stock markets attempted to maintain orderly markets, the futures markets traded contracts fast and furiously, which drove the downward pace of the stock market.

In this situation, it is essential that one regulator monitors the linked stock/futures markets to infuse order into the system.

In addition, the creation of new derivative instruments and trading strategies will continue to enter our Nation's marketplace. Currently, the CFTC regulates futures and options on futures while the SEC regulates securities and options on securities. What happens when a new trading instrument is introduced that incorporates aspects of both an option and a future? The Shad/Johnson Accord, which decided the fate of stock options, stock futures and stock index futures in 1981, simply addressed the current symptom. It did not resolve the total problem. There will always be disputes between the CFTC and the SEC when each new instrument is introduced.

H.R. 3662 was introduced to address the problem and to maintain orderly markets.

I agree with Circuit Judge Easterbrook of the United States Court of Appeals, Seventh Circuit in his August 18, 1989, opinion on Chicago Mercantile Exchange versus Securities and Exchange Commission. Judge Easterbrook stated:

> Only merger of the agencies or functional separation in the statute can avoid continual conflict. Functional separation is hard to achieve (new instruments will appear at any border). The SEC favors merger; it has asked Congress repeatedly for jurisdiction over all products (including stock-index and financial futures) based on securities, which would regulate the CFTC to its original role as superintendent of commodities.

I urge my colleagues to examine this issue and sign on as cosponsors to H.R. 3662.

THE KENOSHA, WI, EQUITY ACT OF 1989

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. MOODY. Mr. Speaker, I join today with Representative LES ASPIN in introducing the Kenosha, WI, Equity Act of 1989.

This bill makes technical corrections to the Tax Reform Act of 1986 which will allow the city of Kenosha to issue tax-exempt financing for its downtown redevelopment project.

The bill is identical to an amendment I offered to the 1987 and 1989 reconciliation bills. Both times, my proposal was approved by the House Committee on Ways and Means. Both times the amendment passed the House, only to be dropped from the conference agreement because of the insistence of the Senate on ground rules which precluded consideration of the proposal.

Kenosha is a community in southeast Wisconsin which has been hard hit by unforeseen economic decline. The Chrysler Corp.—Kenosha's largest employer—shut down its Kenosha plant and threw thousands of residents out of work. The ripple effects of the Chrysler closing sent shock waves through the local economy.

Long before the Chrysler plant shutdown, Kenosha had begun planning for its own economic future. The centerpiece of Kenosha's redevelopment is a downtown waterfront area which will be developed into a retail/commercial/residential complex and will generate thousands of new full-time jobs.

The lynchpin of the proposed redevelopment project is a large confined disposal facility—a repository for harbor dredging material. The CDF was supposed to be filled by the U.S. Army Corps of Engineers, not later than 1984. Unfortunately, the Corps did not complete the fill on time, nor was it close to completion in 1986, when the Congress approved a sweeping overhaul of the U.S. Tax Code.

The 1986 Tax Reform Act generally prohibited the use of tax-exempt financing for projects such as the Kenosha redevelopment. Recognizing the problem, the city obtained a transition rule which purportedly allowed it to go forward with tax-exempt financing for the redevelopment project, notwithstanding the general prohibitions in the act. The 1986 transition rule was not controversial, in recognition of the fact that Kenosha had been unable to issue the bonds earlier because of the failure of the Federal Government to carry out its obligation to fill in the CDF.

Unfortunately, the technical drafting of the 1986 transition rule was itself flawed. As a result, the city has been unable to make use of the tax provision, despite the clear intent of the Congress that Kenosha should be able to finance its own redevelopment with tax-exempt bonds.

The Kenosha Equity Act simply makes technical corrections to the 1986 transition rule to make the transition rule work the way it was supposed to in the first place. According to revenue estimates prepared by the Joint Tax Committee, my bill is a no-cost proposal.

The entire purpose of my bill is to make the 1986 transition rule work as it was intended to when adopted. Kenosha, through no fault of its own, has been unable to use the 1986 transition rule because congressional drafters failed to write the statutory language so that the transition rule could be used as they clearly intended it to be used.

Mr. Speaker, it is just ludicrous that Kenosha is unable to use its 1986 provision because the statutory language was badly drafted.

Kenosha's situation is unique. Kenosha has been mistreated by the Corps of Engineers, which failed to live up to the terms of its obligation to fill in the confined disposal facility by 1984. Had the Corps done its job, no tax provision would ever have been needed.

Kenosha thought its problems were solved by the 1986 transition rule, only to discover that through a drafting error the tax law did not in fact accomplish what it was supposed to. The city has now been forced to wait for 3 years while the House and Senate tussle over reconciliation guidelines which have twice prevented the city from obtaining simple technical corrections to the flawed 1986 transition rule. How much longer must Kenosha be forced to wait?

I understand the reservations of those who are concerned about using the Federal Tax Code to provide special tax treatment for small numbers of beneficiaries. But Federal law and the Federal Government should not single out a community—or an individual taxpayer—for injustice and unfair treatment.

Mr. Speaker, that is exactly what is happening to Kenosha, which has been uniquely mistreated for years by the Federal Government. We now have an opportunity—and an obligation—to correct that injustice through no-cost technical changes to the 1986 transition rule. I urge support for this bill.

CONGRESSIONAL SALUTE TO WALTER J. DESMOND ON HIS 80TH BIRTHDAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. ANDERSON. Mr. Speaker, it gives me great pleasure today to rise and congratulate Walter J. Desmond, a friend and constituent of mine, who on Monday, December 4, 1989, will celebrate a personal milestone, his 80th birthday. I am taking this opportunity to publicly reflect on Walter's accomplishments as he enters his ninth decade in Long Beach, CA.

Born to Judge and Mrs. Walter Desmond of Long Beach in 1909, Walter has never strayed for long from this area. After attending local schools and graduating from Long Beach Polytechnical High School, he attended Santa Clara University, then Harvard College, from which he graduated in 1930.

Walter J. Desmond promptly returned to California, and entered the Stanford Law School. He began his legal career with the State of California Corporations Commission, and then the U.S. Navy received his service during World War II. After leaving the Navy, Walter began a private law practice in his native Long Beach. This practice, now in its 41st year, is still active today.

Outside of his professional pursuits, Walter is also a family man. Married to Virginia Daugherty in 1942, the couple proceeded to raise four sons: Walter, now in San Diego; Dennis, just north of our Capital, in Baltimore; Tim, near his parents in Lomita; and John, likewise close by in Huntington Beach. And another generation has come forth in the form of seven grandchildren, two of whom are presently serving here in Washington as congressional staff.

Walter is also active in his community. He is on the Long Beach Planning Commission, Catholic Welfare Bureau, Travelers' Aid, Newman Club, Children's Psychiatric Clinic Board, and the bar associations, just to name some. He is also a longtime supporter of the Democratic Party.

Of personal interest, Walter J. Desmond enjoys history, geography, travel, linguistics—as a notable guardian of the purity of the English language—and is an avid and wide-ranging skier.

Mr. Speaker, my wife Lee joins me in extending our most sincere congratulations to Walter J. Desmond, upon the achievement of his 80th birthday. We also thank him for his years of generosity and commitment to the

people of Long Beach and southern California. We wish Walter, Virginia, and all their children and grandchildren all the best in the years to come.

TRIBUTE TO DAVON TAYLOR

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. SARPALIUS. Mr. Speaker, in my district—indeed, throughout most of Texas—4–H Clubs and local Future Farmers of America associations play a major role in shaping our Nation's youth. Not only do these organizations teach young people about agriculture and its role in America today, but they teach leadership, organizational and business skills that too often are not taught in other classrooms.

I have seen many outstanding people come out of these programs from all across Texas. This past school year, we produced another one. Her name is Davon Taylor, and she is from Ropesville, TX.

Her most noteworthy accomplishment of the past year, without a doubt, was raising and showing the grand champion steer at the Houston Livestock Show. Her steer was a shorthorn named Viper, and it competed against 80 other shorthorns and a total of 1,200 other steers at Houston. To show you how impressive her accomplishment was, consider this: at the premium sale after the show, Viper sold for $97,000.

If we focused on just this one achievement, though, we would be missing much. Davon does more than excel at stock shows. Look at what she accomplished in 1988 alone. She placed second in the State FFA speaking contest, won the 4–H Gold Star Award and the breads and cereal division of the State 4–H Food Show and served on the livestock judging team at the State level. She also participates in UIL contests in one-act play, persuasive speaking and journalism.

Davon's workload truly is remarkable and so is her dedication to all that she does. I guess this isn't too much of a surprise since her parents, Dan and Linda Taylor, are two of the finest people you would ever want to meet. Davon also has a pretty good pair of role models in her older brother, Darrell and sister, DeLinda.

But, the bottom line is that Davon has made the most of the many natural gifts and opportunities she has been given. She is a young person to admire and one very deserving of this House's congratulations.

WASTE MATERIALS MANAGEMENT ACT

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. WHITTAKER. Mr. Speaker, today I join my distinguished colleague from Ohio, the chairman of the Subcommittee on Transportation and Hazardous Materials, in introducing legislation aimed at improving the Nation's primary waste management law. The Waste Materials Management Act would reauthorize and amend the Solid Waste Disposal Act (42 U.S.C. 6901–6992j).

This legislation represents a response to the mounting garbage crisis this country faces. The odyssey of the wandering garbage barge a few summers ago focused attention on this local and national problem. Across the country efforts are being made to reduce the amount of waste actually produced and to improve the recycling, treatment, handling, and disposal of waste that is generated. The legislation proposed today attempts to revise current law so as to facilitate, encourage and focus this ongoing activity.

I agree with the general approach taken by this proposal in several key areas. For example, the proposal basically leaves solid waste management in the hands of the States, while directing the States toward better waste management planning and creating incentives for such planning. An important issue for this legislation is defining the relationship between the universe of hazardous wastes and the other nonhazardous industrial, special, and municipal wastes so that the Nation has the safest and most efficient and workable waste management system possible. This legislation treats large volume waste—such as municipal incinerator ash, oil and gas exploration wastes, mining wastes, and electric utility wastes—under subtitle D which regulates nonhazardous wastes, and then allows States to tailor requirements to address the specific type of activity in the State and the physical characteristics of the State.

This proposal also upgrades standards and Federal enforcement under subtitle D so that it remains a viable alternative to subtitle C—which regulates hazardous wastes—for effective regulation. The bill also directs the Environmental Protection Agency to establish stringent requirements for the handling, recycling and disposing of used oil, while not specifying that it be considered a hazardous waste. The legislation would also establish a Federal regulatory program for above ground tanks.

Mr. Speaker, while the Members of the House realize—and none more so than those of us on the Energy and Commerce Committee—that reauthorization of the Clean Air Act will dominate our environmental agenda at the start of the next session, reauthorization of the Solid Waste Disposal Act must also be given considerable attention. The bill being introduced today is not perfect; however, it does represent a very useful starting point for discussing the complex problems it attempts to resolve. While I have certain reservations regarding this bill as introduced, I want to commend my colleague from Ohio for his substantial efforts in developing this bill so that reauthorization and revision of our key waste management statute is squarely before this Congress. I look forward to several legislative hearings on this bill soon after the second session starts. I expect many potential changes to the bill to emerge during the upcoming hearings and I will support fully those that warrant adoption. I look forward to working with the principle author of this bill during the upcoming subcommittee activities on this legislation.

A TRIBUTE TO SENATOR WILLIAM CAMPBELL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a most outstanding man who has commited his life to the highest level of public service.

California State Senator William Campbell was born in Coreaopolis, PA, in 1935. He attended Westminster College and Columbia University. He married Margene Taylor and has three daughters. Senator Campbell is a veteran of the 101st Airborne Division and was a first lieutenant.

Bill Campbell was elected to the California State Assembly in 1966 and served three consecutive terms until 1972, when he left to run for the board of supervisors in Los Angeles County. In 1974 he was reelected to the State assembly and served as assemblyman for the 64th assembly district. During the years we served together in the State assembly, there was no one more effective than Bill Campbell. Concurrent with his inauguration, he was the first freshman senator to be elected to the senate rules committee since 1939. In 1978, he was elected minority floor leader.

Mr. Speaker, during Senator Campbell's career, he has worked to protect the individual's freedom of choice in health care, as well as to improve the fire, police, emergency, and disaster services for the people of California.

I am proud to recognize the many fine contributions of my friend, Senator Bill Campbell, as he concludes his career in the California State Senate. I join with all his friends in wishing him good health and Godspeed in the years ahead.

LONG ISLAND SOUND CONSERVANCY ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mrs. LOWEY of New York. Mr. Speaker, today I am joining Congressman BRUCE MORRISON in introducing the Long Island Sound Conservancy Act. This legislation is an important step forward in the effort to effectively manage and clean up Long Island.

Long Island Sound is a magnificent body of water. Unfortunately, it has been subjected to a variety of pollutants, including a sizable quantity of nonpoint source pollution resulting from agricultural activities and runoff from roadways. The health of the Long Island Sound is also suffering from the presence of excessive amounts of nutrients, especially nitrogen. The effects of this alone are enough to destroy important fish habitats. These problems are compounded by the fact that over 100 jurisdictions are involved with activities

that affect water quality in the Long Island Sound. A multitude of villages, towns, cities, and counties, in both New York and Connecticut, routinely impact the health of the Long Island Sound.

When examining the issue of how best to clean up Long Island Sound, it becomes immediately clear that a unified management effort, like the Long Island Sound Conservancy, is urgently needed. When pollutants enter a body of water they can impact the entire body. Further, pollutants have a cumulative effect on the entire body of water, not just at the point of entry or discharge site. Therefore it makes no sense whatsoever, when trying to clean up a large, heavily used body of water like Long Island Sound, to clean up one area while ignoring others. Clearly, a unified formal entity is needed to implement an all-inclusive method of managing the sound. The Long Island Sound Conservancy created by this legislation will fulfill this need.

Mr. Speaker, we must take action. The Long Island Sound Conservancy will do just that. The Long Island Sound Conservancy will provide centralized coordination of cleanup and enforcement efforts and will bridge the gap between the numerous agencies responsible for managing and protecting the Long Island Sound.

The conservancy will ensure the implementation of the management plan of the Long Island Sound Study by creating a formal mechanism for the implementation of the study results. This management method is similar to the Federal/State Chesapeake Bay pollution cleanup effort. Like the Chesapeake Bay program, the Long Island Sound Conservancy will implement an ongoing interstate management strategy that has proven effective in reducing the pollution problems in the Chesapeake Bay region.

The Long Island Sound Conservancy Act creates a Long Island Sound Program Office within the Environmental Protection Agency. This office will make enforcement recommendations to the responsible local agencies and implement and build upon the management plan recommended in the Long Island Sound Study. The bill requires the continued cooperative involvement of the States of New York and Connecticut, the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the U.S. Army Corp of Engineers, the U.S. Department of Agriculture, the U.S. Coast Guard, and the Long Island Sound Advisory Committee in the implementation of the plan.

The bill authorizes $10 million each year to implement the management plan. These funds will be used to issue enforcement grants for environmental restoration, conservation and the management of Long Island Sound, and to conduct implementation programs. In another important provision, funds collected from pollution fines throughout the Long Island Sound region will be deposited in a newly created Long Island Sound Fund. Money from this fund will be made available to the States, municipalities, and community-based organizations through the Long Island Sound Program Office.

This legislation mirrors legislation introduced in the Senate, which has the support of all four Senators from New York and Connecticut. I am convinced that through the collective efforts of the Federal Government, the States of New York and Connecticut, and all of the local governments and citizen groups, we will be able to make headway in cleaning up the Long Island Sound and preserve this vital body of water for our children. It is absolutely critical. I urge all of my colleagues to join me in supporting this legislation so that we can move full speed ahead to clean up the Long Island Sound.

TRIBUTE TO FRED A. WILLIAMS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. RAY. Mr. Speaker, I rise today to pay tribute to Mr. Fred A. Williams who will retire on December 2, 1989, after 36 years of Federal service. His most recent position is that of comptroller accountant recruiting officer at Robins Air Force Base in the Third Congressional District.

Mr. Williams was born on a farm near Byron, GA. He graduated from Southern Business University in Atlanta and attended Mercer University in Macon, majoring in accounting.

Mr. Williams served 3 years in active duty with the U.S. Air Force and then 5 years on Air Force Reserve. He took a glimpse of the private sector when he worked as a CPA with Osborne, Clarry & Co.

In 1956, Mr. Williams began work at the U.S. Naval Ordinance Plant in Macon, GA. He held positions as chief of disbursing branch, chief of the general accounting branch, chief of the data processing division, and assistant to the comptroller for internal review and financial systems. At Naval Ordinance, he led a team which designed and installed the first computer inventory control and bill of material system in the Navy.

In 1965, Mr. Williams moved to Robins Air Force Base and has held positions as chief of the financial inventory accounting, chief of the material branch, chief of the accounts control, chief of management and procedures, deputy chief of accounting and finance, accounting and finance officer. He has been in his present position since 1985. At Robins, he established the first Accountant Cooperative Education Program.

Mr. Speaker, this represents over 36 years of Federal service. We as a nation owe a debt of gratitude to Mr. Williams for a job well done. In doing so, Mr. Speaker, we realize that Fred Williams is an example of what the Federal employee civilian community is all about. In recognizing his fine record—his dedication—his patriotism, we also recognize all Federal civilian employees—the glue that holds the Federal Government together.

The Warner Robins Air Logistics Center will miss Fred Williams, but I know my colleagues will join me in extending our thanks to him for a job well done and wishing him the very best in his retirement.

COKIE BOGGS ROBERTS COVERS THE CAPITOL

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Sunday, November 19, 1989

Mr. ALEXANDER. Mr. Speaker, recently the Times Mirror Co. which owns the Baltimore Sun sponsored a series of polls on public perceptions for the media. It polled the public, journalists, Government officials, business executives, and academic leaders. The overwhelming majority polled, about 80 percent, were critical of the nature of media coverage and the way it comes about. The crux of the criticisms was that the media aggressively pushes personal scandals about public figures. The highest ratings given of media coverage favored those institutions that reported the news without a lot of interpretation.

Today, the Sun published a feature story on a Washington reporter who fits into the favorable category. She is known to most Members of Congress. Cokie Boggs Roberts, the article reports, knows and understands her "beat" because she has been at the center of Washington politics all of her life. I tune in on NPR every morning because I have confidence that Cokie knows what she's talking about and that she will be balanced in her report. As a fan I hope NPR will give her a well-deserved raise so that she can keep her children in college. If they turn out like either of their parents they will make a worthwhile contribution.

SHE'S GOT THE CAPITOL COVERED—NPR'S COKIE ROBERTS ADDS TV TO HER REPORTING RESUME

(By Alice Steinbach)

WASHINGTON.—Any minute now, Cokie Roberts is going to start laughing. The conversation has to do with her hair—dark blond, by the way, and cut in a very sensible wash-and-wear style. It suits her perfectly. But now that she's becoming a recognizable television personality on ABC-TV's "This Week with David Brinkley," little changes are being suggested by the network people.

"Oh, they always want to glamorize you on television," says Ms. Roberts, who for the last dozen or so years has been heard but not seen over National Public Radio on shows such as "Morning Edition" and "All things Considered." Her beat is Congress; her reputation is the best; her fans are legion.

"And, you know, they want me to have my hair very done up and all of that. They want me to look more . . . more glamorous. That's the right word." She pauses, the laughter lurking just beneath the surface. "Of course, it's not all bad. The makeup man at ABC is so terrific that I keep trying to make him move in with me. I don't want to look shlumpy, you know, on television. But I do think my stock in trade is 'sensible person.' That 's what people like about me. From the mail I get it's clear they think I'm sort of like them. That I lead a normal, nonglitzy life."

And that perception of Cokie Roberts, who will speak at Goucher College tomorrow night, is accurate. But not complete.

On the one hand, Cokie Roberts—who lives in the same Bethesda house she lived in as a child, has been married for 23 years to a man she met in college, worries about

how to pay tuition costs for her two college-age children, and spent the night before this interview making tomato sauce from home-grown tomatoes—is a far cry from, say, Barbara Walters, who lunches with the ladies quite often at glitzy Manhattan spots like Le Cirque and Mortimer's.

On the other hand, she is in the unique position of having been at the center of Washington politics all her life. Ms. Roberts comes from an illustrious political family; her father was Democratic Representative Hale Boggs of Louisiana, who disappeard in a 1972 plane crash. His seat was taken by her mother, Lindy Boggs, who has continued to be reelected and, at 73, still serves in the House of Representatives.

The youngest of three children—her sister, Barbara Boggs Sigmund, is the mayor of Princeton, N.J., and her brother, Thomas Hale Boggs Jr., is an influential Washington lobbyist—Cokie Boggs' childhood in Washington was not exactly a typical one. The Capitol building became as second home to her, the Senate subway car a baby sitter. Her mother, Lindy Boggs, laughs as she recalls the unorthodox day-care situation she occasionally used for her young family:

"When the children were very little," says Mrs. Boggs, "and I was busy helping my husband, I would sometimes bring them down to the 'Capitol and Cokie would go with her older sister and brother and they'd ride back and forth on the Senate subway car. Then they'd go to one of the food counters for lunch." The nickname "Cokie," says Mrs. Boggs, was given to her youngest daughter "by her brother, Tommy. Her name is Corinne, like mine, but when he was about 4, he called her 'Cokie.' And it stuck."

And, no, she says, she wasn't surprised when her daughter chose reporting—and specifically reporting on congressional affairs (that's affairs as in *political* affairs)—as a career. "Let me tell you one of my favorite stories about Cokie," says Mrs. Boggs, the pleasure of a mother's memories flowing into her lilting, Southern-sweet voice. "One night at the dinner table, Hale and I were sitting with the children and talking as the Boggses always do—very quickly and interrupting each other and so on—and Cokie, who was about 5 at the time raised her hand.

" 'Daddy,' she asked, What are tuxedos?'

"But the conversation just took off to everything else under the sun. And Cokie—like the good reporter she is now—just kept holding her hand up. Finally, Hale turned to her and said, 'Yes, Corinne.'

" 'Well, Daddy, getting back to those tuxedos.' "

Well, now, getting back to the present, here is the 45-year-old version of that 5-year-old reporter, no longer interested in tuxedos but just as persistent in her exhaustive coverage of Congress. She is sitting in her tiny broadcasting cubicle in the Senate radio-television gallery with its banks of phones, a television set, computer, microphone and so on. She spends a lot of time here and knows just how to adjust the chairs so that a reporter can squeeze into the booth with her.

Congress has been Cokie Roberts' full-time beat since 1980. And while there are people who would say covering Congress is a dull beat—not a glamour beat like covering the White House—Ms. Roberts is not among them.

"I love it," she says. "First of all, you have 535 key players in this place, and they're all wildly accessible." She laughs. "When you walk around the Capitol with a microphone, you end up using it as a weapon to beat people back. Down boy! Down boy!" Another laugh.

"And here it's not that business of people bestowing news on you—which is what happens at the White House. You sit at the White House, and you're just trapped by their system. You don't have any access to anybody, so you sit on the phone and try to convince someone that it's your turn to have lunch with him. And your ability to check a story is very limited. You're really their creature."

It seems safe to say that Cokie Roberts is nobody's creature when it comes to getting the news, analyzing it and reporting it. Colleagues say she excels at her work because she understands the political process and is not overwhelmed by it. In fact, she seems at ease when immersed in the deep constitutional issues and political underpinnings that work their way through and beneath the congressional currents.

"I think the thing that sets Cokie's reporting apart from a lot of other reporters is that she starts from the premise there should be a Congress," says Linda Wertheimer, anchor of NPR's "All Things Considered."

"And you really do get a feeling that a lot of reporters nowadays are horrified by the idea of a real democracy doing what it's supposed to do. But Cokie proceeds on the premise that it may not be a pretty sight, but Congress is doing exactly what it's supposed to do. And I think that Cokie's background—her political parents and her education—gives her a kind of ear for politics the way some people have an ear for music."

The two women attended Wellesley College together in the early '60s, and Ms. Wertheimer remembers that "for all those of us who were taking courses in political science, Cokie was sort of a celebrity because she was the [House] majority leaders' daughter. And Cokie has always been as she is now—distinguished and a leader." Ms. Roberts graduated in 1964 with a degree in political science. She met her husband, Steven, while he was attending Harvard. A New York Times reporter for 25 years, Mr. Roberts recently became a senior writer for U.S. News & World Report.

On the radio, and on television, the impression Cokie Roberts gives is that of an attractive, cool, supersmart, no-nonsense woman. And, yes, she's all that, but in person she's also warm, funny, irreverent, chummy and—there is no other way to say it—unexpectedly beautiful. Ms. Roberts' response—when a reporter mutters something about hoping that last bit is not a sexist remark—is to lean forward and thank you profusely, "Are you kidding? Oh, that's wonderful," she says.

Her enthusiasm for her job almost makes it sound like fun. Almost. But there's no doubt she is a master at making complicated issues sound, if not easy, at least listener-friendly.

Still, if Cokie Roberts ever felt daunted about reporting something lucidly and correctly, it was the uphill job of covering the complex Iran-contra hearings in 1987. "That was such hard work," she says now. "Iran-contra was certainly the most complicated issue I ever covered. I filled three college notebooks on that. You just sat there every day wondering, 'What's the lead? What's the lead? It was so detailed. And we were doing it live on NPR, plus doing it live for the 'The MacNeil-Lehrer Newshour' on television, plus nightly summaries. Even now when I think about it, my stomach just starts to churn because it was such a lot of work."

Her gavel-to-gavel, live coverage of Iran-contra for "MacNeil/Lehrer"—a task shared with reporters Elizabeth Drew and Judy Woodruff—earned the trio of women accolades from every quarter. In 1987, Ms. Roberts became the first broadcast journalist ever to win the Everett McKinley Dirksen Award for Distinguished Reporting of Congress.

She's been described as a role model for younger women, and she willingly accepts that role. "Well, obviously, nobody sets out to be a role model, but I do think that younger women are looking to middle-aged women like me and asking. 'How do you do it? This balancing act?' I mean, here I am—I'm in a very good professional situation, I have two wonderful children, I have a long-term happy marriage. And what younger women want to know from me is 'How do you do it' "?

And the answer, please?

"Oh, I give them a variety of answers. One is that I don't sleep a lot. The other is that I don't play tennis. She laughs. "But I think it's important for young women to understand that you don't have to say yes to every opportunity that's offered to you the moment it's offered to you. You can say no to a good job." It's something she's done—turned down jobs—when it seemed in the best interests of the entire family. But her husband, she says, has also made concessions.

Now big-time television is calling. Not that she'd ever leave NPR. "I would really miss being on NPR," she says firmly. And while she's been on television before, the ABC affiliation has given her wider recognition than public television. At first, she says, she had to outshout the irrepressible Sam Donaldson on "This Week with David Brinkley."

"It's much harder for a woman to do that," she says. "A man can shout and that's fine. But a woman does it and she's a pushy broad. So you have to find a balance on how to do that without seeming too aggressive."

"I think she's exactly right on the Brinkley show," says Sam Donaldson. "Cokie is someone—and I know what this sounds like, but I got to say it anyway—Cokie is one of the boys on the Brinkley show. There is no feeling that you have to treat her differently."

Of course, once you get on television, the public begins to treat you differently. Now she gets recognized on the street. Cokie Roberts grimaces at the high cost of fame: "So now I have to wear lipstick and all that."

HOUSE OF REPRESENTATIVES—*Monday, November 20, 1989*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that the good words we say may be translated into good deeds, that the vision of a world at peace may transform swords into plowshares, and that our concern for the neediest among us will compel us to share the abundance we have. This is our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

So the Journal was approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. ROHRABACHER] please come forward and lead the House in the Pledge of Allegiance?

Mr. ROHRABACHER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 422. An act to amend the Department of Transportation Act to reauthorize local rail service assistance.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1668. An act to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration.

The message also announced that the Senate failed to agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3607) "An act to repeal Medicare provisions in the Medicare Catastrophic Coverage Act of 1988."

The message also announced that the Senate further insists upon its amendment to the bill (H.R. 3607) "An act to repeal Medicare provisions in the Medicare Catastrophic Coverage Act of 1988," and request a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BENTSEN, Mr. MATSUNAGA, Mr. MOYNIHAN, Mr. BAUCUS, Mr. MITCHELL, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. BRADLEY, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. CHAFEE, Mr. HEINZ, Mr. DURENBERGER, and Mr. MCCAIN, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1312) "An act to revise and extend the programs of the Domestic Volunteer Service Act of 1973."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 804) entitled "An act to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats."

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 202) entitled "Joint resolution providing for the appointment of Robert James Woolsey, Jr., of Maryland, as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 203) entitled "Joint resolution providing for the appointment of Homer Alfred Neal of Michigan as a citizen regent of the Board of Regents of the Smithsonian Institution."

MISCHIEF AND HOT WORDS ARE NO SUBSTITUTE FOR POLICY IN CLOSING HOURS OF SESSION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I have asked the Speaker for this minute so that I might make an observation or two as we strive for adjournment sine die.

It is not unique that when we are under the gun to get our work done around here that there are differences between the two Houses and the President, not to mention the personalities and the egos that are involved, and then tempers flare. We have been through a great deal during this session of Congress. I thought for once we might conclude the session with a good feeling of having worked together in the country's best interests.

Today we are going to have another test of how well we conduct ourselves as ladies and gentlemen with strong, intense differences of opinion, on both substantive and procedural matters. When we are dealing from emotions, we tend to let tactics obscure good policy.

I would suggest that we keep our eye on the policy. Mischief and hot words are no substitute for policy, nor do they ever result in good policy.

The Speaker and I have a difficult enough time under normal conditions, let alone when we strive for adjournment in the last couple days. Everybody thinks they can run the place better, and they have their own individual views to communicate one way or another.

Today the Speaker had to give an amendment to Members on his side, for obvious reasons and considerations. There are going to be times on our Republican side when I make the same kind of appeal to the Speaker. We have got to have that opportunity to have an amendment made in order, for whatever reason.

So you see, it averages out over the course of a year. We have to give and they have to give. So I would hope that as we proceed to our difficult task during the course of this day, all of us will keep in mind that we do have these strong differences of opinion, but this is the body where we argue those differences out, but always in the spirit of recognizing that we were elected to be ladies and gentlemen during the course of those deliberations.

PROVIDING FOR CONSIDERATION OF A BILL MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 295 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 295

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House a bill to be introduced by Representative Obey of Wisconsin making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes. Debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by Representative Obey of Wisconsin and Representative Edwards of Oklahoma. The previous question shall be considered as ordered on the bill to final passage without intervening motion except an amendent printed in section two of this resolution to be offered by Representative Obey of Wisconsin to be debatable for one hour, to be equally divided and controlled by Representative Obey of Wisconsin and Representative Edwards of Oklahoma, all points of order against said amendment are hereby waived, and one motion to recommit, only if offered by Representative Michel of Illinois or his designee.

At the appropriate place in the bill, insert the following new section 599J:

LIMITATION ON MILITARY ASSISTANCE TO EL SALVADOR

SEC. 599J. Not more than 70 percent of the amount made available by this Act for the fiscal year 1990 for military assistance for El Salvador under chapter 5 of part II of the Foreign Assistance Act of 1961, and under section 23 of the Arms Export Control Act, may be obligated or expended prior to April 1, 1990.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] and pending that, I yield myself such time as I may consume.

Mr. Speaker, the resolution is the rule providing for the consideration of a new bill making appropriations for foreign assistance.

As Members are aware, the President has vetoed the prior bill. The rule provides for consideration of a new foreign aid appropriation presented by the subcommittee chairman [Mr. OBEY].

The new bill deletes the funding to which the administration objected.

Mr. Speaker, the rule permits only one amendment to the bill, H.R. 5473, an amendment by the gentleman from Wisconsin to control the flow of funds to the Government of El Salvador.

The rule provides for 1 hour of general debate on the bill and for 1 hour of debate on the amendment.

Both allotments of time are divided equally between the subcommittee chairman, Mr. OBEY, and the ranking minority member, Mr. EDWARDS of Oklahoma.

The rule also permits one motion to recommit, controlled by the minority leader.

□ 1010

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have reached the point in this legislative season in which the entire process would be served if we could all set aside a little of our own infallibility. That being said, Mr. Speaker, I am compelled to oppose this rule.

Mr. Speaker, I regret having to oppose this rule, particularly because some new language on the leveraging issue, the so-called Moynihan amendment, which I adamantly opposed, has been worked out, not to my satisfaction but perhaps to that of the administration. I may say something about that a little later, but, for now at least, I will say that this new language held out the hope that we could avoid having this conference report vetoed again.

But I am afraid we have gone right back to square one again because this rule makes in order consideration of an amendment which raises an entirely new issue that will most certainly prompt yet another veto. Members ought to pay attention to that. If the Obey amendment is attached to this conference report, Members must be advised right now to make their travel reservations for a return trip to Washington after Thanksgiving. Bring a doggie bag full of turkey, because the Members are going to need it here. But, given the issue at stake, having adjournment delayed until after Thanksgiving should be really the least of our concerns.

Mr. Speaker, I think one thing we can all agree on is the statement that United States involvement in Central America has prompted more explosive debates in this House than any other issue in the past decade. And I think we can also agree that the Bush administration has made a good faith effort to work with this Congress in putting these divisive and debilitating debates behind us.

Here we go again. But all bets are off if this amendment goes through because even considering this amendment may be enough to rip apart the fabric of good-faith dealings and comity that we have labored to establish here in this House, among ourselves, working together on both sides of the aisle and with the administration. I think it is going down the drain today.

But, Mr. Speaker, far more alarming is the effect this amendment will have in El Salvador itself. I feel so badly about that. That country has just come through its most harrowing week in 10 years of civil war, 10 years that you gentlemen helped try to solve. Unable to win on the battlefield, those Communist guerrillas took their terrorism into the capital, San Salvador, in a desperate last-gasp attempt aimed at bullying the citizens and intimidating the democratically elected government. But after a week of unprecedented ferocity, those guerrillas have not won. That is, they have not won yet, unless we pass this amendment here today; and passage of this amendment will threaten to do exactly that. It will threaten to bring down that democratic government that we all helped to put in office.

Mr. Speaker, we all grieve at the deaths of the six Jesuits, their housekeeper and her daughter. Those responsible for this heinous crime must be brought to justice. But, Mr. Speaker, I think we also have to grieve for the more than 600 other Salvadorans who have died at the hands of the Communist guerrillas just this past week, 600 lives. Yes, communism knows no human rights at all, and Communists certainly do not respect human life. There is no doubt who was responsible for their deaths, and the lives of those people were every bit as precious as those of the Jesuits.

My point is, Mr. Speaker and my colleagues, this amendment is a selective response to a great tragedy. We have another ally in a predicament like El Salvador. That country is Israel, one of our strongest and most faithful allies. And yet in the past year, we have seen real problems over there involving the Armed Forces of Israel. But no one is offering an amendment to hold back any of the $3 billion in aid that we give to Israel; nor should we, because we do not face those same circumstances, just as we do not face the circumstances here today of what happened in El Salvador. We ought to respect that, and until we can comprehend the meaning of that larger situation, we would be extraordinarily ill-advised at this late hour, and without the benefit of any hearings or any intelligence briefings, to rush into the breach with this kind of an amendment.

We seem bent on heaping one tragedy on top of another, and if this rule is adopted, I cannot express strongly enough my opposition to the Obey amendment.

I regret having to oppose the rule, particularly at this late hour. I appreciate the tremendous amount of work that has gone into the conference report, particulary by the gentleman from Wisconsin [Mr. OBEY], who, I think, has done yeoman work, and the

gentleman from Oklahoma [Mr. EDWARDS].

But as the gentleman from Wisconsin [Mr. OBEY] testified before our Committee on Rules late last night, this amendment should not be considered as a part of this conference report. It should be free-standing, and you and I and every Member ought to have the guts to vote on it as a free-standing resolution, not as a part of this bill which is going to bring on a veto. He further indicated, Mr. Speaker, that the only reason he was offering this amendment was because he was being pressured by the left wing of the Democratic Caucus to bring the amendment to the floor. All well and good. But that is the reason why we should be voting against this.

I, regrettably, oppose the rule and hope that we can bring back a rule dealing strictly with the conference report as we have agreed to.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, we have a lot of rules around here, and one of the rules ought to be that one does not misquote another Member, as the previous speaker has just done.

The fact is that I did not suggest to the Committee on Rules last night that this ought to be handled as a free-standing bill. When the gentleman who just spoke raised the question about the political motives of the Members who offered this amendment last night and suggested that they might be playing politics, I responded to that accusation which was made against a number of Members on this side of the aisle by simply saying that, in my view, if those Members had wanted to play politics rather than effect policy, they would have asked to have a separate bill considered for the Salvador provision rather than having it wrapped into the appropriation bill. I explained that it was the determination of some people on this side of the aisle to try to effect policy because of their concern about substance which required them to insist that this amendment be attached to this appropriation bill rather than having a free-standing vote on a bill, which everybody understood was not going anywhere. The term I used is that they did not just want to pose for "holy pictures" but that they wanted to get something done.

I regretted the fact that we had arrived at this situation, and then I went on to say that I had originally not wanted to see this issue handled on this bill, because I was concerned that if any amendment was offered it would lose, and if it lost it would send the wrong message to the vicious members of the right-wing death squads in Salvador. It also might inadvertently send a message to the Salvadoran Government that they need not worry about pressure from the Congress if that government did not actively pursue the investigation of the murders.

I can understand that the gentleman misunderstood what I said, but I certainly cannot tolerate his misdescribing what I said on the floor.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 more minute.

Mr. Speaker, I would just say to the gentleman from Wisconsin [Mr. OBEY] that during the time that I was heaping praise on him in the Committee on Rules for the yeoman work that he had done that we engaged in a colloquy in which he said exactly what he just said now. He said exactly what he just said now. It is my interpretation that the gentleman would rather have not seen this amendment here at all, which is what he just said.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is absolutely correct. But the gentleman has misdescribed my reasons for feeling that way, and I do not appreciate it.

Mr. SOLOMON. Mr. Speaker, I beg the gentleman's pardon, and I apologize to the gentleman for it if I did that. I did not mean to hurt his feelings.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1020

Mr. WALKER. Mr. Speaker, I rise in opposition to the rule and I appreciate the gentleman from New York yielding me the time.

This rule makes in order an amendment that is the American left's latest attempt to implement the Brezhnev doctrine, even after that doctrine has been repudiated by the Soviet Union.

The amendment made in order by the rule is aimed at undermining the democratically elected Government of El Salvador, despite the fact that that Government is under attack at this moment from Communist guerrillas. I think we need to begin to ask the question, particularly as we get late in the session, and we see this kind of amendment come to the floor, of how long we are going to allow the American left to undermine and destroy America's allies.

They were totally wrong in what they told us was their reason for undermining our ally in Vietnam. They told us that we were dealing with an internal insurrection in Vietnam. We learned as the conflict ended that in fact it was a North Vietnamese invasion of Vietnam, and today those people exist in what many on the American left would call peace, but is really the reign of dictatorship. They were wrong, tragically wrong in Vietnam.

They were wrong in Afghanistan when they told us that the Soviet Union was in there and using the techniques available to them, but they were not using poison gas against the guerrillas and against the people there. It turns out they were terribly wrong, that poison gas has been used, and it is now coming out in the Soviet Union that in fact that was the case there.

They have been wrong in Nicaragua when they told us that the Contra movement was not an internal insurrection by prodemocratic people, but was in fact pro-Somoza in its orientation. They have perpetrated that myth for many many months, for years in fact. Again, they were terribly wrong.

Today they are wrong in El Salvador, because they would bring to us an amendment that deals with the attempts to get an investigation, supposedly of what is going on down there. Even the Archbishop of El Salvador, who has not frankly been a fan of the government, is quoted in today's paper as saying that he believes the elected President of El Salvador will conduct a full investigation of the incident down there.

So this amendment is not even needed on the floor today, based upon what the people who are not necessarily friends of the Salvadoran Government are saying on the scene there. So what is the purpose of the El Salvador amendment?

One has to guess that one of the purposes may be to prop up that which is failing. The guerrilla movement is failing. One of the things they hoped to do by going into the urban areas was to get the population to come with them. It has turned out that they could not get the population to come with them in El Salvador.

What we could do here in the Congress is reinvigorate what has been a failed Communist insurrection in that country. Is that really what we ought to be doing on the House floor? Make no mistake, the language that is in this amendment is pure fluff, because the people who are calling me, who are the outside groups of the left, they do not want 30 percent of the funds cut off, they are telling my office flatly they want all of the money cut off to El Salvador. They do not want one dime of money to go to El Salvador. They are on the side of the FNLM down there.

I realize there are many on the left who believe that the FNLM is a better alternative than the government. We have had Members of this body who have done fundraising for the FNLM. Some of the bullets that were used in San Salvador last week were probably

bought with money that was raised by Members of this body who have been on the fundraising trail for the FNLM. So we realize where they come from and what their agenda is on this.

But I would hope, I would hope that the majority in this Congress will reject the political left. The question here is clear. It is democracy, a democratically elected government versus Communist terrorists who are today attacking that government.

We are in fact shocked by what happened to the Jesuit priests in that country. But I know of no evidence, and I spent last evening trying to find the evidence that assures that the government was in fact responsible. There is no evidence of that type. In fact, there are some of us who have reason to believe, based upon some past performance, that the FNLM very well may have dressed up in Salvadoran uniforms and conducted these murders and these assassinations in order to inspire just the kind of thing that is being brought to the floor today.

So at the very least what we ought to do is wait until the facts come in. We ought not act hastily on this. We ought not act before we know everything that is going on down there.

If we are to act today. the chances are that what we could do is undermine the government there and destroy another ally.

Some on the left may say so be it. I say that it would be tragic to have history play itself out again and have the left once again destroy an ally.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I hope that Members will give support for the amendment when it comes to the floor later today so that we can understand that this amendment is dealing with reality, and that the reality is in El Salvador that the far right is a much greater threat to the government of Cristiani than in fact is the far left.

It is the far right that has been killing American citizens. It is the far right that has been killing religious people now for over a decade.

We have heard time and again people say that they have full faith in the President of El Salvador, whether it was Napoleon Duarte or Mr. Cristiani, that he will conduct an investigation. But after a decade of investigations, nobody has been brought to trial, nobody has been put in prison, nobody has paid for these killings. These killings have continued to go on, and they go on.

Why? They go on because they are done with a wink and a nod from the government and from the military, and the only handle we have is military assistance, because we are paying the people that can turn these killings on or turn these killings off. It is only the threat of their loss of military assistance that will make them go to the right wing and stop the killings, and as they had done previously.

What we have seen over the last several months since the election is the continued escalation. We have seen the right wing kill the American nuns. We have seen the right wing kill Cardinal Romero. We have seen the right wing kill the American labor workers. Now we have seen the right wing kill six Jesuits, their housekeeper, and a teenage daughter.

When will this Congress have enough? When will Members have seen enough when we are paying the government, the military, because without us there is no government in El Salvador?

You have contributed $4.5 billion and things are no better today. That is a separate discussion. But these killings must stop.

If you really believe in the Cristiani government, understand this: He is being undermined by the right. Let us not pretend like we have people running around dressing up in one another's clothes down there. We have a campaign. We have the Attorney General of El Salvador telling the Pope that he should remove these religious workers in El Salvador because they are working on the side of the poor and they are in danger.

Who are they in danger from? From the friends and the supporters of the Cristiani government and the ARENA Party.

When we find evidence that D'Aubisson was involved in the plot against Cardinal Romero, we all say we want justice done, and nothing has been done. When we find evidence that members of the military family were involved in the killing of the nuns, we said we want justice done, and nothing was done.

The only time that we have had an impact is when we have had conditions on military assistance, because then the military understands that the floodgates of American aid and taxpayer dollars may stop if they do not put an end to the right wing death squads, if they do not go to the members of the military who participate in these death squad activities and yank their chain. If they cannot provide some accountability to the Congress of the United States, then and maybe then American aid may stop.

So the danger, my friends, in the collapse of the Cristiani government is from the far right today as we watch this incredibly brutal murder of these six Jesuits take place.

Mr. SOLOMON. Mr. Speaker, before yielding to the gentleman from California [Mr. ROHRABACHER], let me just take 1 minute to respond.

Ladies and gentlemen, you have just heard from the far left of the Democratic Party.

Now let me quote the Archbishop Rivera Damas in El Salvador. Listen carefully and then judge who is right. Rivera Damas said, and this is quoted from the Washington Post in today's edition that "he believed that Cristiani and the armed forces would press 'an exhaustive' investigation of the Jesuits' murders."

Let me just respond one second to what my good friend, the gentleman from California, Mr. MILLER has said, and I know he believes in what he is saying. He said when will this Congress have enough. I will tell the gentleman from California when we will have enough. Let me quote from the same article. "At the beginning of the year, the rebels started to receive massive shipments," massive shipments, I say to the gentleman from California, not just the pittance that we are giving El Salvador in aid, "massive shipments of Soviet bloc rifles and other arms, along with enormous amounts of ammunition, reportedly through Nicaragua."

□ 1030

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, yes, six clergymen have been brutally murdered in El Salvador. But let it be recognized that it is just as possible that these priests were murdered by Communist guerrillas as by right-wing death squads.

Last year the Catholic Church documented a case where Communist guerrillas dressed in the uniforms of the Government killed some of their countrymen specifically to undermine support for the Government both there and here.

Let us also remember that the former head of the Communist guerrillas was himself murdered by his own central committee, stabbed to death with a pair of scissors in their headquarters in Nicaragua.

The Communists wanted a popular uprising in El Salvador, and they did not get it. They did not get it because people like these priests who were murdered did not go along with them. And it is just as possible that these priests were killed by those Communists who wanted a popular uprising as it is that they were killed by some right-wing death squad. In fact, the right wing had everything to lose by murdering these priests.

If we are played for suckers and we cut off our aid to those people who are fighting for democracy now and find out later that it was the Communists who killed these priests, the cause of democracy will be irreparably damaged.

So I oppose this rule. Let us not dishearten our friends when they are in a fight for their own freedom.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 4½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thought I had gotten psychologically prepared for my 50th birthday which will be approaching in a few months. But I must confess that as I sit here I am feeling older than that because one of the signs of age I am told is that one constantly thinks back to a happier time.

As I sat here this morning, I thought back to the time when my colleagues on the Republican side were in favor of amendments coming to the floor and being voted on, when they objected to efforts by the Committee on Rules to keep amendments off the floor.

Now I have listened to my Republican colleagues. The issue before us is not the merits of the amendment but should this House be allowed to vote on a very important issue. And what do my Republican colleagues say? "No."

Now I guess we should all lament the passing of the era when the Republican Party was talking about the need for bills to come to the floor in a fashion which allowed them to be voted on.

We will hear no more special orders and read no more letters, and no more amendments on which the Republican Party says, "Don't keep this off the floor," because on the Republican side they have not talked about the rule, they have talked about the merits.

Their argument is, "We don't like this amendment; therefore, don't even allow it to be voted on."

Now that is a position that some people in the House held.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I will be glad to yield to the gentleman from New York if he wants to change his position again. It is up to him.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, the gentleman knows I always fight for open rules unless——

Mr. FRANK. Unless.

Mr. SOLOMON. Unless there is a quid pro quo between the Republican leadership and the Democratic leadership, so that no Member on either side is being gagged.

Now——

Mr. FRANK. Is the gentleman being gagged?

Mr. SOLOMON. Well, would the gentleman——

Mr. FRANK. No. I have asked the gentleman is he being gagged? What amendment does the gentleman want? Is he being gagged?

Mr. SOLOMON. Yes, I am being gagged.

Would the gentleman yield for 1 minute?

Mr. FRANK. I would certainly yield.

Mr. SOLOMON. I do not think the gentleman knows that this is an appropriations bill coming to us as a conference report and that this is legislating on an appropriations bill.

Mr. FRANK. Let me say to the gentleman he is right; I do not know that this is a conference report.

Mr. SOLOMON. It is against the rule.

Mr. FRANK. But in fairness to me, the reason I do not know it is not a conference report is that it is not in fact a conference report.

So I agree with the gentleman that, yes, this is not a conference report, it is a bill. And this is an amendment to a bill. It is an amendment of limitation.

Mr. SOLOMON. Would the gentleman yield further?

Mr. FRANK. I have yielded to the gentleman and now I have to correct him. Now I will yield to him again. We will have to go back and forth. I will yield, he will say something wrong and I will correct him.

Mr. SOLOMON. Will the gentleman yield?

Mr. FRANK. Not yet because the gentleman incorrectly said this is a conference report. It is not a conference report. It is a bill. We have an important issue. Had the terrible murder of the priests happened months ago, we would probably have been dealing with this at the time. This terrible event happened only recently. The President vetoed the bill for reasons that I disagree with. The murder intervened before we could consider it.

What we are saying is we want to take a step.

The gentleman says he is for openness unless, unless he gets a quid pro quo. Well, that is an interesting definition of democracy. I am for democracy any time there is something in it for me. But in this case I do not understand that my friend and neighbor from Massachusetts denied a Republican amendment.

I will ask the Rules Committee chairman. I was not aware that my Republican colleagues wanted an amendment on this bill. The gentleman from New York has said he is being gagged. I ask the gentleman from Massachusetts was there a Republican request for an amendment to this bill?

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman.

Mr. Speaker, no, there was not.

Mr. FRANK. I thank the chairman.

I yield to the gentleman from New York who can now enlighten me as to how he was gagged when he did not ask for an amendment.

Mr. SOLOMON. I will be glad to yield to the gentleman. The gentleman knows that rule 21, clause 2, prohibits legislating in an appropriation bill. This bill has been batted and battered back and forth so many times, that what started out as a conference report is now back to being a bill. In any event, the rule against legislating in an appropriation bill still stands.

Mr. FRANK. Will the gentleman tell me how he was gagged on this bill? The gentleman from Massachusetts said there was no amendment requested.

A very important issue came up. The murders in El Salvador and how we should respond. It seems to be a quite moderate amendment. The gentleman from Pennsylvania said it is fluff that would undermine the Government.

A Government that could be undermined by fluff is obviously not very well based.

But the issue is not the merits of the amendment, the issue is openness. The issue is do we have to vote on this important issue? The Republican Party says "No, we don't like it. It is too difficult, don't vote on it." They are entitled to say that. They are not entitled next week to take a different position.

Mr. Speaker, I yield one last time to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding 15 seconds. The Republican leader always polls the Republican Members before he agrees to any kind of a closed rule.

Mr. FRANK. I see.

So we now have the gentleman from New York stating the principles of Republican position.

They are for an open rule unless they do not want one, they are for openness unless the Republicans do not want to have it open; therefore, having controversial issues voted on unless they do not feel like taking a position on it. That is a perfectly acceptable political position, but as a philosophical discussion of democracy, it "don't" work.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Ohio [Mr. MCEWEN].

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MCEWEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. OBEY invoked the rule earlier here in this debate that we ought not misquote colleagues. The fact is the gentleman from Massachusetts just misquoted me. It is too bad we have to have that happen.

Mr. MCEWEN. Mr. Speaker, it is a difficult time to represent the interest of the left when around the world from Managua to Moscow it is being exposed that communism is a violation of human rights and human dignity. Indeed, those who have supported the Marxist guerrillas in Central America

this week, having killed hundreds of innocent civilians throughout El Salvador, have not taken the floor to make any protestation of that death.

I believe, Mr. Speaker, that that is a serious misapproval——

Mr. OBEY. Mr. Speaker——

The SPEAKER pro tempore (Mr. WILLIAMS). For what purpose does the gentleman from Wisconsin rise?

Mr. OBEY. Mr. Speaker, I am about to ask that the gentleman's words be taken down.

Mr. Speaker, would the gentleman yield for a possible correction? I do not want to make a motion to embarrass the gentleman. Would the gentleman yield?

The SPEAKER pro tempore. Would the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. McEWEN. I yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Ohio yields to the gentleman from Wisconsin.

Mr. McEWEN. Not on my time, Mr. Speaker.

Mr. OBEY. Mr. Speaker, I would simply suggest—I would be happy to give him another minute because I will not take more than a minute.

I think I heard the gentleman say that those who support Marxist revolutions around the world have not taken specific action on this floor. I hope that the gentleman is not suggesting that anyone on this floor is in support of Marxist revolutions. We are going to have an acrimonious enough debate today without leaving mistaken impressions like that.

Mr. McEWEN. Mr. OBEY——

The SPEAKER pro tempore. The gentleman in the well reclaims his time.

Mr. McEWEN. Mr. OBEY, I would be pleased and more than willing to have my words repeated. I simply said that I am disappointed that there is not more disapproval of the action taken by the revolutionary guerrillas in El Salvador in recent weeks who killed in the civilian areas of the capital city and elsewhere those who are innocently going about their daily work.

Our issue today does not address that at all. That is a severe disappointment to me, not only as Members of the House, but also without the House.

It is not a direct aspersion on anyone, and I would hope the gentleman would not personally apply it. Because I happen to believe it is a time in which we should stand for our principles, not only in Eastern Europe but also in Central America.

The point is this: Recently a statement was made by a person, a gentleman who, as a Marxist revolutionary in El Salvador, was arrested.

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He then, upon his arrest, protested to his alliance forces in Washington. They immediately contacted the Embassy in Managua, or in San Salvador, who contacted one of the employees of the Embassy there. The Embassy employee happened to be having dinner with the head of the police force who asked whether or not this person had been arrested.

Now, understand the timeframe. It has only been a matter of minutes. The head of the police force said, "I do not know if the person is in our custody." He left the luncheon, went to a telephone, made the call, and came back and said, "Yes, he is in the custody."

The purpose of raising that example that was exposed here some weeks ago on the floor is to show the close liaison that goes on between those who are advocates of the violent overthrow of the democratically elected government in El Salvador. I would hope that we would do nothing and say nothing that would circumvent the electoral process in El Salvador, namely by supporting those guerrillas. There is no personal aspersion there.

Second, what I would say, in completing my statement, would be this: That we are on the threshold of a very difficult time in Central America. It is a time in which we shall either stand by what we believe is right and support those who stand with freedom and democracy, or whether or not we will stand by and watch the good words from our competitors not be matched with deeds as they continue through Havana, through Managua, and through San Salvador to support Marxist revolution. I believe we should oppose this bill at this time because it is pernicious, in my mind.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WILLIAMS). Before the Chair recognizes the gentleman from Massachusetts, the Chair would like to say to Members on both sides of the aisle that the Chair may intervene to prevent the arraignment of the motives of other Members. The Chair would, therefore, echo the sentiments expressed by the honorable minority leader, the gentleman from Illinois [Mr. MICHEL], this morning when he asked the Members to debate the issue and the policy and not to become involved in attacking or laying for question the motives of other Members.

PARLIAMENTARY INQUIRIES

Mr. WEBER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEBER. Mr. Speaker, I just would like to clarify on the ruling of the Chair right now.

Does the Chair believe, if someone did suggest that Members, not by name, but that Members of this body supported Marxist revolution, that would be unparliamentary language?

The SPEAKER pro tempore. The Chair is not called upon to rule on possible prior violation of the rules of the House or Jefferson's Manual.

Mr. WEBER. My parliamentary inquiry is, I do not believe this, but that seemed to be a statement of objectives, not a statement of motivation; would that be correct?

The SPEAKER pro tempore. The gentleman is expressing his own opinion. The Chair has simply stated that the Chair will move to prevent the arraignment and attack of the motives of any Member of this House in accordance with the rules of this House.

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, has there been any such language repeated in debate so far today?

The SPEAKER pro tempore. The Chair has not so ruled.

Mr. WALKER. I thank the Chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], chairman of the subcommittee.

Mr. OBEY. Mr. Speaker, I would simply like to emphasize the point made by the chair. I think everyone on both sides of the aisle understands that I have tried to be eminently fair to all sides on this bill, even to the point of supporting provisions which the minority supports, with which I do not necessarily agree, in the interests of trying to reach reasonable accommodations between reasonable persons, who can reasonably disagree.

However, I do not think that the public interest is served when individual Members suggest for one moment that any action of the President in support of a policy with which they might be disagreeing, is providing aid and comfort to rightwing killers. Neither do I think that it is appropriate for individual Members to attack other Members by name or not by name, which is even a less courageous way to conduct yourself around here.

To suggest in any way, without identifying the specific evidence, that any individual Member in any way supports the goal of a Marxist revolution is out of line in my judgment. It is going to be a very bad day, which brings discredit on any Member who talks like that if we walk down that road.

Mr. SOLOMON. Mr. Speaker, in yielding to the gentleman from Arizona [Mr. KOLBE] let me just say to that side of the aisle that certainly neither this Member nor, I do not think, any

Member would ever impugn or question either the integrity or the patriotism of Members on that side of the aisle. We are all good Americans as far as I am concerned.

Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I would associate myself with the remarks of the gentleman from Wisconsin. I agree that this debate should be conducted in a proper manner, and I do not believe the motives of any Member should be impugned.

However, I certainly object to this rule because of the amendment that it would make in order.

Mr. Speaker, the rule we are considering is for a second version of the Foreign Operations appropriation bill. The Rules Committee has made in order an amendment that would have the effect of limiting the administration's flexibility in providing aid funds to the elected Government of El Salvador.

By itself, this amendment seems somewhat innocuous. It limits the administration to the extent that only 70 percent of the aid dollars can be spent in the first half of the fiscal year. No other limitations apply after April 1 for spending the remaining dollars.

Then why, we might ask, do this? Because those outside this House who oppose the legitimately elected Government of El Salvador know that this vote will be seen as the first chink in the United States resolve to support democracy in that country. They know that it began the same way with Nicaragua and the resistance there. By chipping away at their support, gradually the Government can be undermined and replaced with something euphemistically called a "broad based coalition."

Now is the time for this body to stand with the people of El Salvador and its elected Government, to insist that this mindless slaughter end, to assist the Government in finding the truth about the tragic and senseless killing of the priests, and—above all—to demand that those who oppose this Government do so in the context of democracy and elections.

Mr. Speaker, this rule should be defeated and this amendment should not be considered. But if the rule is adopted, I hope my colleagues will vote against the amendment and send a message to both sides in El Salvador that our support for democracy will not be deterred by these tragic events.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the chief deputy whip.

Mr. BONIOR. Mr. Speaker, I want to make two points. First, Members on our side of the aisle, as well as some of the Members on that side of the aisle attended a briefing last Friday where Assistant Secretary of State Mr. Aronson appeared to assess what was going on in El Salvador with regard to not only the violence by the left, but by the right. Many of the colleagues on my side of the aisle stood up and condemned the activity of the FMLN, and condemned the rightwing activity. There were about 25 people in that room, and most of the people who spoke out against the violence were Members from this side of the aisle, although there were Members from that side of the aisle. To suggest that we have been silent is inaccurate.

The second thing I want to point out is the distinguished chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] sent a telegraph to the FMLN, as well as to the Government of El Salvador, asking that they stop the violence, that they allow evacuation of those that were caught in the violence, that they negotiate a cease-fire, and condemn the violence and activity. One hundred and fifteen Members of this distinguished body signed that letter, including a number of people on this side of the aisle. However, I would point out that probably 100 of the 115 were from this side of the aisle. So to suggest today that we have not spoken out against the violence is inaccurate. It is wrong. It is deceptive.

I hope the American people will understand that all Americans in this body hope that this 10 years of carnage, and insanity that has been going on in El Salvador, come to an end. I ask my colleagues on this side, as well as my colleagues in the Democratic Party, to stand together to condemn this violence.

NOVEMBER 16, 1989.

President Alfredo Cristiani, San Salvador, El Salvador, Central America, and High Command F.M.L.N.

We have watched with grave concern news accounts of the death and destruction that have engulfed El Salvador since Saturday. We urgently appeal to both the F.M.L.N. and the Salvadoran Government to:

(1) heed the appeal of the International Committee of the Red Cross to allow for the evacuation of wounded from conflictive areas;

(2) adhere to the principles of the Geneva Conventions and take every measure possible to avoid civilian casualties. Specifically, we call on the F.M.L.N. to allow civilians to leave areas where there is a continuing guerrilla presence. We also urge the Government to refrain from aerial attacks against civilian neighborhoods; and

(3) immediately resume negotiations, at the highest levels, to achieve a cease-fire and bring about a political settlement to the 10 year old civil war.

Sincerely,

Hon. Joe Moakley, Hon. Nancy Pelosi, Hon. Jim McDermott, Hon. John Bryant, Hon. George Brown, Hon. George Hochbrueckner, Hon. David Nagle, Hon. Robert Mrazek, Hon. Sherwood Boehlert, Hon. Robert Kastenmeier, Hon. Peter DeFazio, Hon. John Conyers, Hon. Phil Sharp, Hon. Byron Dorgan, Hon. Richard Stallings, Hon. Julian Dixon, Hon. Brian Donnelly, Hon. David Skaggs, Hon. Les AuCoin, Hon. Jim Moody, Hon. Ben Cardin, Hon. Albert Bustamante, Hon. Tom Downey, Hon. Jim Bates, Hon. Michael McNulty, Hon. David Bonior.

Hon. Peter Hoagland, Hon. Charles Schumer, Hon. Gary Ackerman, Hon. Vic Fazio, Hon. Robert Matsui, Hon. Ron Dellums, Hon. Charles Pashayan, Hon. Richard Durbin, Hon. Thomas Manton, Hon. Bruce Morrison, Hon. Cardiss Collins, Hon. Gerry Studds, Hon. Pat Williams, Hon. Matthew McHugh, Hon. Tom Carper, Hon. Bill Clay, Hon. Ed Towns, Hon. Harold Volkmer, Hon. Major Owens, Hon. Howard Berman, Hon. Christopher Shays, Hon. William Gray, Hon. Richard Gephardt, Hon. Connie Morella, Hon. Lane Evans, Hon. Gerry Sikorski.

Hon. Chester Atkins, Hon. Pete Stark, Hon. Jaime Fuster, Hon. Jim Slattery, Hon. Peter Kostmayer, Hon. James Traficant, Hon. Mel Levine, Hon. Timothy Penny, Hon. Edward Markey, Hon. George Crockett, Hon. Marty Russo, Hon. Jim Saxton, Hon. Walter Fauntroy, Hon. Robert Roe, Hon. Barbara Mikulski, Hon. Sidney Yates, Hon. Tom Ridge, Hon. Tony Hall, Hon. Leon Panetta, Hon. Gerald Kleczka, Hon. Bill Lehman, Hon. David Price, Hon. Edward Roybal, Hon. Nita Lowey, Hon. Ben Nighthorse Campbell, Hon. Don Edwards, Hon. Rich Boucher, Hon. Ted Weiss, Hon. Tom McMillen, Hon. Marcy Kaptur, Hon. Alan Wheat, Hon. Barney Frank.

Hon. Joe Kennedy, Hon. Mike Synar, Hon. Paul Sarbanes, Hon. John LaFalce, Hon. Rod Chandler, Hon. Frank Pallone, Hon. Eliot Engel, Hon. Bart Gordon, Hon. Al Swift, Hon. Louise Slaughter, Hon. Peter Smith, Hon. Charles Rangel, Hon. Norm Mineta, Hon. Silvio Conte, Hon. Mary Rose Oakar, Hon. Tom Harkin, Hon. Marcy Kaptur, Hon. Paul Kanjorski, Hon. Pat Schroeder, Hon. Douglas Applegate, Hon. George Miller, Hon. Richard Neal, Hon. Nick Mavroules, Hon. Tom Tauke, Hon. Joseph Lieberman, Hon. Herb Kohl, Hon. Frank Horton, Hon. Lewis Stokes, Hon. Donald Payne, Hon. James Jeffords, Hon. Barbara Boxer.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, I thank the gentleman for yielding time to me.

I am not here to impugn any Member's motives because I know how deeply people feel on these issues related to Central America. I am here, however, to vote against the rule because it portends great mischief for our country, and it forces Members of Congress to do something we should never do, and that is act before we have the facts. Especially in the heat of an ongoing bloody and violent battle, this could be the most terrible mistake possible.

Ordinarily, we can go a long way around here without too many facts, but in this situation we will be asked to make a judgment—either way we lose. Either we decide to curtail aid to

El Salvador, and then we play right into the strategy of the FMLN. Every reputable journalist that has written about this says the FMLM realizes it cannot win a battle, but it is staging this battle in the capital of El Salvador for the purpose of gaining worldwide support for its cause and undermining the governments of El Salvador and the United States.

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On the other hand, if we vote not to curtail the aid, then we in effect wink at the terrible violence that has been brought about in that country, the deaths of the six priests and others.

Certainly no Member in this Chamber wants to do that, certainly we do not want the United States to be in the position of seemingly supporting that type of activity.

I sit on the Committee on Foreign Affairs. The fact is, we have not had a hearing on this. There is no Member of this Congress that can stand up and say he or she has the facts on this issue.

It is precipitous. It comes too soon. We should not vote on this issue today. The only way not to do that, the only way to do the responsible thing, is to defeat this rule and get back to the bill as it was so we can send it to the President and have it signed.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, Americans around the country were shocked last Thursday to learn that six Jesuit priests had been brutally murdered in El Salvador. Many of us here in Congress are the products of Jesuit education, and many point to their Jesuit schooling as guides, not only for their personal lives, but also for voting this way or that way on a particular issue.

The ability to reason logically, to question, and through questioning to seek the truth, are the basis for Jesuit instruction.

In El Salvador, the only crime these Jesuits committed was to call for national reconciliation, justice, and human rights. For this they were labeled subversives. Some even went so far as to call their ideals liberal.

Yes; even in Spanish there is an "L" word.

Here in America, these people could be taken care of with the simple beauty of a Roger Ailes 30-second spot. But in El Salvador, there are even more sinister ways to deal with people with whom other people disagree.

We would do well to honor the memory of the slain Jesuits by looking at those ideals which cost them their lives, and, through questioning, find the truth.

If we have any influence in this world, it should be in El Salvador. That military-dominated government is wholly funded by the United States. Yet the Salvadoran military death squads still freely assassinate labor unionists, and even church leaders. They shot Archbishop Romero while he was in his cathedral saying Mass. They raped and killed four American nuns working with the poor. Now they have dragged six university priests from their university, tortured, and shot them to death.

Mr. President, what will it take after 8 years and 70,000 dead? It is time to say the policy is not working. The military is corrupt. The death squads are out of control and the people are paying with their lives.

We are perilously close to waking up and find the bullets they used to kill priests were purchased by the United States. The bottom line is we must cut military aid to death squad democracies.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. Speaker, let me express my appreciation to the distinguished chairman of the Committee on Rules for yielding time to me at this point.

Let me start by saying that it is quite clear that military solutions will never resolve the decade long conflict in El Salvador, and that the United States must bring its full diplomatic pressure to bear on the Salvadoran Government and the FMLN to end the violence and return to the negotiating table.

What I would like to really do in the remaining time I have is address the fantasy, the fairy tale now being spun by some people that it was not really the Salvadoran military dressed up in their own uniforms as death squads, but that in fact it was the guerrillas, who took the uniforms of the Salvadoran military and pretended that in fact they were the military.

Put it into context. There was an absolute curfew for the period during which these murders took place. For some period of days the university where these Jesuits taught, administered, and lived had been surrounded by Salvadoran military.

For the period of about a week all of the radio stations in El Salvador, with the exception of the radio station of the military, had been ordered shut off, had been forced to stop broadcasting.

On that military station there were repeated call-in shows which encouraged people to call in and brand certain members of Salvadoran society as traitors. Within the days preceding the murder of the six Jesuits there were repeated calls which said the Jesuits are traitors, the Jesuits should be killed, the Jesuits ought to be exterminated. Historically that kind of branding of people in El Salvador on prior occasions has been the equivalent of the sentence of death.

It is within that context that the murder of the six Jesuits took place. Face up to reality. Do not give us fairy tales or fantasies.

Mr. Speaker, after a week of intense violence in El Salvador, the tragic conflict in that nation seems no closer to solution. Although the fighting seems to have slowed in recent days, the death toll among combatants continues to rise, and thousands of innocent civilians have been caught in the crossfire.

Last week, the violence reached a new level of brutality when six Jesuit priests were dragged from their beds and murdered with what a church official called "lavish barbarity." These priests, along with their housekeeper and her teenage daughter, are only the latest victims in a war that has claimed the lives of tens of thousands of Salvadorans and has devastated the country for a decade.

The brutal rebel offensive of last week, the Salvadoran Government's response, and the barbaric murders of the Jesuits all demand a response from the United States.

First of all, we must call on both sides in the Salvadoran civil war to ensure that all those wounded in the recent days of fighting—especially the innocent civilian victims—have access to emergency medical treatment. International humanitarian law and the protocols of the Geneva Conventions require that the wounded and sick be given assistance, and that medical personnel and ambulances be allowed to operate without hindrance. The Government of the United States must call on both parties to adhere to these requirements of international law and allow humanitarian relief agencies such as the Red Cross to have access to all of the wounded.

Second, both parties must be urged to negotiate an immediate suspension of the violence, so that efforts to reach a long-term solution to the conflict can proceed without the fear of bullets, bombs, and a rising body count. Only in the context of a mutually supported cease-fire can these problems be resolved, and only in this context can we hope for an eventual revitalization of the stalled peace talks which were suspended several weeks ago.

Military solutions will never resolve the decade-long conflict in El Salvador, and the United States must bring its full diplomatic pressure to bear on the Salvadoran Government and the FMLN to end the violence and return to the negotiating table.

Finally, we must insist on a thorough investigation of the brutal November 16 killings of the Jesuit priests and their companions. Strong circumstantial evidence suggests that rightwing death squads and their allies in the Salvadoran military are responsible for these killings. One witness at the scene reported seeing about 30 men dressed in military uniforms breaking into the priests' quarters just before the shots were heard. If military personnel are found to be guilty of—or in any way involved in—these brutal murders, they must be brought to justice, and the Salvadoran Government must be held accountable.

At the very least, the Cristiani government bears direct responsibility for putting the six Jesuits at risk in the days just prior to their assignation. By allowing the state-controlled radio station to broadcast allegations that these priests were supporters of the FMLN, the Salvadoran Government placed them in great danger. This type of denunciation, even if it purportedly comes from random callers to the radio station, gives a green light to the death squads who take it upon themselves to resolve the nation's problems through intimidation and murder.

Such reckless and unfounded denunciations of the Jesuits may have contributed to the tragic events of November 16, and they have no place on state-controlled media.

Yesterday, El Salvador's Attorney General similarly endangered the rest of the nation's religious leaders by sending an outrageous and irresponsible letter to Pope Paul II. In an open letter to the Pope, the Attorney General criticized the political views of the church leadership and claimed that his government could no longer protect the bishops and other religious leaders of El Salvador. He appealed to the Pope to remove them from the country for their own safety.

El Salvador's religious leaders—especially its courageous bishops—have been at the forefront of the campaign for human rights throughout the tragic civil war, and their outspoken criticism of the Government has led to numerous threats from the same rightwing death squads that have murdered so many religious leaders in the past, including Archbishop Romero. The Attorney General's statement, whether intentionally or not, tends to send a tacit signal of approval to precisely this element of Salvadoran society. His letter to the Pope is outrageously irresponsible, and President Cristiani has rightly distanced his government from these remarks.

Mr. Speaker, the United States is in a unique position to play a constructive role in the resolution of the short-term crisis and the long-term tragedy of El Salvador's civil war. But first, we must convince the two sides to stop the violence. Once a cease-fire is achieved, then we can proceed to the difficult task of assigning responsibility for recent events and promoting eventual reconciliation and peace between the two sides.

In the meantime I urge my colleagues to vote for this rule and upon its passage to vote for the amendment which will be offered by Mr. OBEY. That amendment will prohibit the distribution—prior to April 1, 1990—of military and to El Salvador in excess of 70 percent of the total amount appropriated. By directing the withholding of 30 percent of military aid the Congress will be sending a clear signal to the Government and the military leadership of El Salvador that the patience of Congress is close to being exhausted and that unless death squad activities and other gross violations of human rights cease, all military assistance from the United States may also cease.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I would first like to associate myself with the remarks of my friend, the gentleman from Northern California [Mr. Bosco], and congratulate him on his fine statement.

I would like to congratulate my good friend, the deputy majority whip, the gentleman from Michigan [Mr. BONIOR] for very clearly pointing out that both sides of the aisle clearly deplore the kind of terrorist acts we have seen in El Salvador and other parts of the country.

Mr. Speaker, I think the point has been made clearly, and I am underscoring what the gentleman from California [Mr. Bosco] said. We have not gotten all of the facts. We need to do everything that we possible can to get more facts.

Most people have come to the conclusion that the horrible assassination, the brutal murder of Ignacio Ellacuria and the other five Jesuit priests was launched by the rightwing.

That may have been the case. I would not be surprised if it were the case. But, Mr. Speaker, we clearly have to look at the track record of the FMLN.

Two years ago last month Herbert Anaya, one of those individuals who openly criticized the human rights policy of the Government of El Salvador, was sacrificed. He became a martyr.

It has been clear from the policies of the FMLN. That they have not hesitated at all to sacrifice people.

Let me just read a quote, Mr. Speaker, which came out just a few weeks ago. It was printed in La Prensa Grafica in El Salvador.

"The most important point to me is that the Cristiani government is in the process of consolidating. He has demonstrated that he is not a 'paper president' as the press have said. He has prudence, ability, and he can consolidate too, it is important that Cristiani has strength," and support.

Mr. Speaker, that quote was provided just a few weeks ago by Father Ignacio Ellacuria.

It is very clear that he could have been sacrificed. He could have been sacrificed by the FMLN. That is why, before we make a horrible decision as we are considering in this rule today, we must get all of the facts, so that we can successfully move ahead with a very balanced approach to this very serious problem.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

□ 1100

Mr. TRAFICANT. Mr. Speaker, like everybody else, I am saddened by the developments in EL Salvador, but do you not think it is time that Americans started staying out of some of these hot spots, El Salvador, Nicaragua and Lebanon? We cannot protect Americans over there.

But what I am more sad about is that today we will vote again to send more money overseas. When is Congress going to start debating the issue that 20,000 Americans will be murdered this year in America? Do you not think it is time we do that?

I am saddened by all these developments, but I think it is time that we start taking care of our own country before the issues we see overseas continue to creep up on us over here.

I am going to vote for the rule and give everybody a chance, but I am going to vote against the bill.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, the President's advisors have done a foolish thing and needlessly opened the door to withholding vital funds for the elected government of El Salvador. The President was ill-advised to veto the foreign operations conference report.

The House and Senate decided that 5 years of making an ineffective statement on abortion in China at the expense of voluntary family planning programs in 120 other countries was enough. The President should have agreed. The $15 million for UNFPA could not under any circumstances have gone to China. Nor could it have freed up other funds for China. As was said over and over again in debate, there were no funds for China.

So the Presidential veto had only one effect: to continue to deny United States support for voluntary family planning—efforts to obviate abortion—in the other 120 countries, none of which were alleged to have coercive programs, countries like Malaysia, Turkey, Tanzania, Sri Lanka, Botswana, Gambia, and Madagascar.

I have been a consistent supporter of aid for the elected Government of El Salvador. You might think this foolish Presidential veto would lead me to support the Obey amendment. It will not.

Mr. Speaker, I urge the Members to reject this ill-advised attempt to undermine democracy in Central America and vote to send the President a foreign operations bill he can sign. Foolishness regarding UNFPA should not be permitted to result in foolishness regarding El Salvador.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the rule and the amendment. This amendment, I am not certain what my friends on the other side of the aisle think, but this amendment merely gives Congress an opportunity to revisit this issue after we have the facts. It will allow them to have 70 percent in the next month,

the next day. They can have 70 percent.

Do you not want to revisit this after we have the facts? The facts are, the hard right killed Archbishop Rivera. They killed the four nuns, and in all probability they killed these six Jesuits.

I believe that this Congress has the obligation to find out how our money is being spent, what it is being used for, and withholding a mere 30 percent is not an outrageous act, and it will not jeopardize the stability of the Government of that country.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER], a member of the Permanent Select Committee on Intelligence.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the Intelligence members did have a briefing on this issue last Friday. I have been in communication this morning again to get the latest information.

There is absolutely no credible information to indicate who perpetrated these dastardly deeds of murdering these priests. For somebody to suggest that it was the right-wing death squads is absolutely without foundation.

Mr. Speaker, there is, however, credible evidence that the FMLN has a pattern of dressing like right-wing soldiers and indeed murdering people.

In fact, the FMLN did indeed murder Herbert Anaya, and after one of theirs was captured he admitted to their doing it.

Yes, there is evidence also, Mr. Speaker, there is credible evidence that it is Cuba and Nicaragua which continue to fund and send ammunition. Here is a shell taken from one of the Marxists guerrillas from a factory in Cuba manufactured just last year.

If my friends want to send telegrams to anybody, the people you should send telegrams to are the Soviet Union, Cuba, and Nicaragua, because they are the ones that can stop this carnage.

Oppose this rule.

Mr. SOLOMON. Mr. Speaker, I yield the balance of our time to the gentleman from Illinois [Mr. MICHEL], our distinguished Republican leader.

Mr. MICHEL. Mr. Speaker and my colleagues, why are we here? Well, in the first place, the President vetoed the foreign aid measure for reasons far removed from the issue around which all this debate is swirling.

It was the judgment of some of us who last night when the measure was brought up thought that maybe the most expeditious manner by which we might absolve ourselves of this particular problem was to take the new bill that was introduced and then hash it out at that particular moment. True, it would have required unanimous consent.

Then there were those who did not think it wise to proceed immediately and wanted the matter put off until this morning.

Procedurally around here when you cannot get unanimous consent, the majority party if it wants to proceed will get a rule. We are at that juncture now where we are considering the rule for consideration of this new foreign operations appropriation bill.

Am I for it? I have to say no. I am not for the rule.

Now, that is not altogether unique around here either. Sometimes we want a closed rule. Sometimes we want an open rule. I would hate to think we had to have a universal rule apply here that every rule has either got to be closed or open. It depends on the situation. That is why we have a Rules Committee, to be flexible from time to time.

In this particular case, I am opposed to even what little I think the effect of that amendment has because of the kind of message that will be communicated down south of our border. So I take the position, as we have taken around here a number of times, not knowing whether the amendment will pass or fail, to oppose the rule to indicate my opposition to the amendment. That is the position I am going to take. If the rule goes down per chance, no big tragic thing. We can go back and get another rule. The House will have spoken indirectly on the amendment, if we defeat the rule.

The gentleman from Pennsylvania made the point so well just a moment ago with respect to the uncertainty of our being certain about who committed the killings of the priests.

Maybe it is because I come from Illinois and Chicago is in Illinois, but I remember the days when old Bugsy Siegel dressed up his troops in police uniforms for the St. Valentine's Day massacre. It is a methodology by which you can really deceive people.

I would hate to be sitting on a jury on the strength of what little information I got today and make the decision that this or that group of people were responsible. I do not know how I could make a decision with any degree of certainty.

Yes, there is a lot of evidence that would point this direction, maybe that direction, but it is not conclusive by any means. So I do not want to be condemning anybody, like I would have to do sitting on a jury and hoping to have all the information and the facts at hand. So in the absence of having precise information, I think we ought to proceed with passing this foreign aid bill, minus the amendment. The gentleman from Wisconsin and the gentleman from Oklahoma have crafted a good bill except for those three items the President predicated his veto. Rather than bring up that bill and override the President's veto, we have used this mechanism of introducing a new bill.

As I said, I am going to oppose the rule. I hope others will do likewise. It sends a clear message in the sense that we just do not like the mischief that will be implemented here by the adoption of the rule. If per chance the rule goes down, we can come back with another. If the rule passes, then of course we get an hour of debate on the amendment and a motion to recommit reserved for us. We will have other things to say at that time if we get to that point on why we think the amendment ought not to be adopted. Hopefully it will be defeated after open and free debate. That is what this House is all about. We could save ourselves a lot of grief by simply defeating the rule.

□ 1110

My point is that the longer it goes the longer the time of uncertainty, and the situation just continues to deteriorate. I would rather enjoin the issue right now up front as we have been given to doing on a few other issues around here in the last couple of weeks.

Mr. Speaker, I am going to vote against the rule, and I urge my colleagues to join me in that.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in our society, the murder of a holy man holds a special repugnancy.

The murder of six such men, in one savage, senseless, and barbaric act, defies our moral comprehension.

I met three of the Jesuit priests who were murdered last week in El Salvador. In fact, Mr. Speaker, on November 1, I shared in an award with Segundo Montes, one of the three priests who were murdered.

Over the years, I have shared their prayers for peace. And today I find myself filled with grief and sadness as I pray for these men of peace, as well as for their young cook and her 15-year-old daughter, who were also brutally murdered.

To say I am shocked by these events doesn't even begin to describe my true feelings. And I'm not alone. For the last several days, I have received hundreds of phone calls from constituents and other concerned citizens, expressing outrage, and demanding that our Government do something.

Well, today this body will have a chance to do something by voting to accept this rule and voting "yes" on a sensible amendment to be offered by Mr. OBEY, placing a modest limitation on the military aid we send to El Salvador.

Quite frankly I wish the amendment were stronger. And I wish this Congress would have acted earlier in demanding an end to the senseless killings that have claimed over 70,000 lives in El Salvador, many of which have not been investigated, have been covered up, or have been explained away.

Mr. Speaker, I have heard eloquent and heartfelt denunciations of last week's murders by many of my colleagues on both sides of the aisle. But that's not nearly enough. Talk is cheap. And all the denunciations and speeches in the world will not end the violence in El Salvador.

In 1980, we all denounced the murder of Archbishop Romero, who was assassinated while saying mass. It is now 1989, and absolutely no progress has been made in bringing the guilty parties to justice. And what's so frustrating is that we all know who was responsible for that murder—a man who is still a very powerful influence in the current ARENA government.

We also denounced the 1981 murders of two American labor advisors and a Salvadoran laborer, the 1983 Los Hojas massacre, the murder of the human rights leader Herbert Anaya in 1987, the 1988 killings that took place in San Sebastian, and the bombing at the FENASTRAS union headquarters that killed 12, which took place only a few weeks ago.

We've denounced these atrocities, we've called for investigations and for justice. And to date, none of these cases has been resolved and no justice has been done. To date, the Salvadoran military remains above the law. In fact, no Salvadoran military officer has ever been prosecuted for a human rights violation against a Salvadoran civilian. And to date, this Congress and this administration has responded only with words.

After what we witnessed last week, I sincerely hope that we realize that words are simply not enough. Expressions of grief are not enough. Verbal condemnations and sense-of-the-Congress resolutions are not enough. We must make it clear that events like last week's barbaric killings will put U.S. military aid into question.

Mr. Speaker, to drive this point home, one needs only examine events in El Salvador which have taken place since the murders of the six Jesuits and the two women.

Reports have emanated from the Catholic and Lutheran churches that the Salvadoran military and security forces have engaged in systematic harassment of churches, church personnel, and displaced persons, who the churches are attempting to protect. Churches have been surrounded by the military. The Roman Catholic archbishop, Rivera y Damas, and the Lutheran bishop, Medardo Gomez, have received a series of death threats. And, the Salvadoran attorney general, Mauricio Eduardo Colorado, sent a letter to Pope John Paul II, calling on him to remove the country's Roman Catholic Bishop for security reasons.

Mr. Speaker, these attempts at intimidation are unacceptable. And its was with great concern that I read in yesterday's Washington Post, the response of our Ambassador, William Walker, who refused to criticize Salvadoran Government troops for raiding churches, and compared it to the internment of Japanese-Americans in the United States after Pearl Harbor. Mr. Speaker, this pre-World War II mentality is something this Congress has strongly repudiated and expressed shame over.

Mr. Speaker, I wholeheartedly condemn the FMLN offensive which was launched on November 11. And I have consistently decried their horrible human rights record. But this is not a debate over who are the good guys and who are the bad guys.

This is a debate over whether or not the United States has an obligation to assure that taxpayers' moneys are going to a government that respects human rights and prosecutes human rights violators.

The amendment we will vote on is the very least we can do.

Mr. Speaker, let us not allow these holy men to have died in vain. Let their passing mark the beginning of a new intolerance on the part of this Congress toward such unconsionable and sickening acts.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am happy to yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I rise in support of the rule and associate myself with the remarks of the gentleman from Massachusetts [Mr. MOAKLEY].

Ms. OAKAR. Mr. Speaker, I rise in support of the rule which would allow the Obey amendment.

As we all know, last Thursday six Jesuit priests and two people who they worked with were killed in San Salvador. They were mutilated and murdered. These gestapo-like executions are painfuly reminiscent of the slaying of three American nuns and a layworker who were brutalized and murdered in 1980. Two of these nuns were from my hometown, Cleveland.

In 1980, the United States suspended all aid to El Salvador to pressure the Government of El Salvador to investigate the roll of the security forces in the murder of the Maryknoll nuns and a layworker.

Regrettably, the Judiciary in El Salvador has not developed significantly since the murder of the nuns and a layworker in 1980. The United States must, once again, apply pressure to the Salvadoran Government to make sure that those who are responsible for the barbaric murder of the six priests, their cook and her 15-year-old daughter are brought to justice.

The United States has a fundamental commitment to human rights; and we, in Congress, have an obligation to the taxpayers to make sure that their money is not supporting murderers or their accomplices.

I urge the adoption of the rule which allows the Obey amendment.

Mr. LEVINE of California. Mr. Speaker, I strongly support Mr. OBEY's amendment to fence 30 percent of U.S. aid to El Salvador and urge adoption of this rule.

In view of the horrifying bloodshed of recent days in El Salvador, and in particular the brutal murder of the Jesuit priests last week, we cannot pass the foreign appropriations bill as if nothing has happened since that bill was first marked-up in committee. As several members have pointed out today, we may not have all the facts to properly assign blame for every individual crime and atrocity committed in El Salvador over the past few weeks. But it is abundantly clear by the sheer level and severity of the carnage that there are no saints in this conflict, that there are no heros in El Salvador except the long-suffering Salvadoran people caught between extremists of the right and the left.

It is extraordinarily clear that there is no side in this conflict deserving of our unreserved support.

This is a modest amendment to give us some control over the enormous sums we are pouring into El Salvador in support of the government forces. I would have preferred to see far stronger action by the House, and at an earlier date. We should have fenced El Salvador aid in response to the rising human rights violations by the government and the increasing death squad activity that has been extensively documented by respected human rights organizations this year. Instead, it has taken the sickening death of six priests and two women to galvanize support for some very limited aid restrictions.

Americans underwrite a larger portion of El Salvador's budget than we do for any other country. We have a right to know how our aid is spent. At a minimum, it is incumbent upon us to demand that human rights violators, largely funded by the U.S. foreign aid program, be brought to justice and that these outrages stop if the aid is to continue.

Vote for the rule, and vote for the Obey amendment.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WILLIAMS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 194, nays 215, not voting 24, as follows:

[Roll No. 373]

YEAS—194

Ackerman	Glickman	Oakar
Akaka	Gonzalez	Oberstar
Alexander	Gordon	Obey
Anderson	Gray	Olin
Annunzio	Green	Ortiz
Anthony	Guarini	Owens (NY)
Atkins	Hall (OH)	Owens (UT)
AuCoin	Hamilton	Pallone
Bates	Hawkins	Panetta
Beilenson	Hayes (IL)	Payne (NJ)
Berman	Hefner	Pease
Bilbray	Hertel	Pelosi
Boehlert	Hoagland	Penny
Boggs	Hochbrueckner	Perkins
Bonior	Hoyer	Poshard
Borski	Hughes	Price
Boucher	Johnson (SD)	Richardson
Boxer	Johnston	Roe
Brennan	Jones (GA)	Rostenkowski
Brown (CA)	Jones (NC)	Roybal
Bruce	Jontz	Russo
Bustamante	Kanjorski	Sabo
Cardin	Kaptur	Sangmeister
Carper	Kastenmeier	Savage
Carr	Kennedy	Sawyer
Clarke	Kennelly	Scheuer
Clement	Kildee	Schroeder
Collins	Kleczka	Schumer
Condit	Kolter	Sikorski
Conte	Kostmayer	Skaggs
Conyers	LaFalce	Slattery
Cooper	Lancaster	Slaughter (NY)
Costello	Lehman (CA)	Smith (FL)
Coyne	Lehman (FL)	Smith (IA)
de la Garza	Levin (MI)	Smith (VT)
DeFazio	Levine (CA)	Snowe
Dellums	Lewis (GA)	Solarz
Derrick	Long	Spratt
Dicks	Lowey (NY)	Staggers
Dingell	Luken, Thomas	Stark
Dixon	Manton	Stenholm
Donnelly	Markey	Studds
Dorgan (ND)	Martinez	Swift
Downey	Matsui	Synar
Durbin	Mavroules	Thomas (GA)
Dwyer	Mazzoli	Torres
Dymally	McCloskey	Torricelli
Early	McDermott	Towns
Eckart	McHugh	Traficant
Edwards (CA)	McMillen (MD)	Traxler
Engel	McNulty	Udall
Evans	Mfume	Unsoeld
Fascell	Miller (CA)	Vento
Fazio	Mineta	Walgren
Feighan	Moakley	Waxman
Flake	Morella	Weiss
Foglietta	Morrison (CT)	Wheat
Ford (MI)	Mrazek	Whitten
Ford (TN)	Murphy	Williams
Frank	Murtha	Wise
Frost	Nagle	Wolpe
Gaydos	Natcher	Wyden
Gejdenson	Neal (MA)	Yates
Gephardt	Neal (NC)	Yatron
Gilman	Nowak	

NAYS—215

Andrews	Brown (CO)	Crane
Applegate	Buechner	Dannemeyer
Archer	Bunning	Darden
Armey	Burton	DeLay
Baker	Byron	DeWine
Ballenger	Callahan	Dickinson
Barnard	Campbell (CA)	Dornan (CA)
Bartlett	Campbell (CO)	Dreier
Barton	Chandler	Duncan
Bateman	Chapman	Dyson
Bennett	Clinger	Edwards (OK)
Bentley	Coble	Emerson
Bereuter	Coleman (MO)	English
Bevill	Coleman (TX)	Erdreich
Bilirakis	Combest	Fawell
Bliley	Coughlin	Fields
Bosco	Courter	Fish
Broomfield	Cox	Flippo
Browder	Craig	Frenzel
Gallegly	Lukens, Donald	Saxton
Gallo	Machtley	Schaefer
Gekas	Madigan	Schiff
Geren	Marlenee	Schneider
Gibbons	Martin (NY)	Schuette
Gillmor	McCandless	Schulze
Gingrich	McCollum	Sensenbrenner
Goodling	McCrery	Shaw
Goss	McCurdy	Shays
Gradison	McDade	Shumway
Grandy	McEwen	Shuster
Grant	McGrath	Sisisky
Gunderson	McMillan (NC)	Skeen
Hall (TX)	Meyers	Skelton
Hammerschmidt	Michel	Slaughter (VA)
Hancock	Miller (OH)	Smith (NE)
Hansen	Miller (WA)	Smith (NJ)
Harris	Molinari	Smith (TX)
Hastert	Mollohan	Smith, Robert (NH)
Hatcher	Montgomery	
Hayes (LA)	Moody	Smith, Robert (OR)
Hefley	Morrison (WA)	
Henry	Myers	Solomon
Herger	Nielson	Spence
Hiler	Oxley	Stallings
Holloway	Packard	Stangeland
Hopkins	Parker	Stearns
Horton	Parris	Stump
Houghton	Pashayan	Sundquist
Hubbard	Patterson	Tallon
Huckaby	Paxon	Tanner
Hunter	Payne (VA)	Tauke
Hutto	Petri	Tauzin
Hyde	Porter	Taylor
Inhofe	Pursell	Thomas (CA)
Ireland	Quillen	Thomas (WY)
Jacobs	Ravenel	Upton
James	Ray	Valentine
Jenkins	Regula	Vander Jagt
Johnson (CT)	Rhodes	Visclosky
Kasich	Ridge	Volkmer
Kolbe	Rinaldo	Vucanovich
Kyl	Ritter	Walker
Lagomarsino	Roberts	Walsh
Laughlin	Robinson	Watkins
Leach (IA)	Rogers	Weber
Leath (TX)	Rohrabacher	Weldon
Lewis (CA)	Ros-Lehtinen	Whittaker
Lewis (FL)	Roth	Wilson
Lightfoot	Roukema	Wolf
Lipinski	Rowland (CT)	Young (AK)
Livingston	Rowland (GA)	Young (FL)
Lloyd	Saiki	
Lowery (CA)	Sarpalius	

NOT VOTING—24

Aspin	Garcia	Rangel
Brooks	Lantos	Rose
Bryant	Lent	Sharp
Clay	Martin (IL)	Smith, Denny (OR)
Crockett	Moorhead	
Davis	Nelson	Stokes
Douglas	Pickett	Wylie
Espy	Pickle	
Florio	Rahall	

□ 1139

Messrs. LAUGHLIN, EDWARDS of Oklahoma, and BEVILL changed their vote from "yea" to "nay."

Mr. BOEHLERT and Mr. THOMAS of Georgia changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF A BILL MAKING APPROPRIATIONS FOR FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FOR FISCAL YEAR 1990

Mr. OBEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House, any rule of the House to the contrary notwithstanding, a bill to be introduced by myself making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, and that debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from Oklahoma [Mr. EDWARDS] and that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to recommit to be offered by the gentleman from Illinois [Mr. MICHEL].

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, although many Members on both sides of the aisle could not hear the request, it has been explained to Members, and I, therefore, withdraw my reservation of objection.

Mr. KOSTMAYER. Mr. Speaker, reserving the right to object, I will ask the gentleman from Wisconsin if this bill, which will be brought to the floor under this new rule, will have in it any of the family planning language.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply respond to the gentleman by saying this: My responsibility to this House is to try to produce a regular appropriation bill, and that means that sometimes I have to make choices I do not especially care for, just as other Members have to make those same choices.

The President issued an ill-advised veto. I think he was wrong on the substance of it, and I think that he was wrong to veto the bill for both population issue and leverage issue reasons.

However, sooner or later the rule of reasonableness has to prevail around here. It is obvious to me, and I think it is obvious to other Members in the House who have counted on the question, that there is no practical possibility of obtaining a two-thirds vote for any bill containing the population language to which the President objected. There certainly is not a two-thirds vote in the Senate. There is not a two-thirds vote on this side either.

I tried to cooperate with Members on both sides of the aisle in the process, last night, to the extent of agreeing to offer an amendment which I thought we might be ill advised to offer at this time. The fact is that we have about four factions in this House who have very different priorities. Unless we accept the fact that sooner or later that those priorities are not

going to win, we are going to be here for a long time.

I make the request, simply because if I do not make the request, then we go to the Committee on Rules, and get a rule. The result will be the same. The result will occur, however, 1 day later. The only practical way that we have of getting this bill to the Senate today, because of the rules under which we operate, is for me to make this motion. I would ask Members if they object to indicate their objection by voting against the final bill when it leaves this House. We have got to try to do this today if Members are going to have an opportunity to get out of here. If any Member chooses to object, our only choice is to go to the Committee on Rules. We will get precisely the same bill with precisely the same provision dropped. The problem is simply that that will happen tomorrow. If people think that it is worth objecting, I cannot control those events.

The SPEAKER pro tempore (Mr. WILLIAMS). Does the gentleman from Pennsylvania continue to reserve his right to object?

Mr. KOSTMAYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONFERENCE REPORT ON H.R. 1312, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

Mr. OWENS of New York submitted the following conference report and statement on the bill (H.R. 1312) to revise and extend the programs of the Domestic Volunteer Service Act of 1973:

CONFERENCE REPORT (H. REPT. 101-381)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1312), to revise and extend the programs of the Domestic Volunteer Service Act of 1973, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to the Domestic Volunteer Service Act of 1973.
TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS
Sec. 101. Selection and assignment of volunteers.
Sec. 102. Support services.
Sec. 103. Applications for assistance by previous recipients.
TITLE II—SERVICE-LEARNING PROGRAMS
Sec. 201. Change in general reference to programs.
TITLE III—SPECIAL VOLUNTEER PROGRAMS
Sec. 301. Authority to establish and operate programs.
Sec. 302. Special initiatives.
TITLE IV—ADMINISTRATION AND COORDINATION
Sec. 401. Reports.
Sec. 402. Evaluation.
Sec. 403. Definitions.
TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS
Sec. 501. Purposes.
Sec. 502. Programs of national significance.
Sec. 503. Increase in stipend or allowance.
Sec. 504. Volunteers serving without stipends.
Sec. 505. Promotion of programs.
Sec. 506. Administrative costs.
Sec. 507. Multiyear grants or contracts.
TITLE VI—LITERACY
Sec. 601. VISTA Literacy Corps.
Sec. 602. Technical and financial assistance for improvement of volunteer programs.
Sec. 603. Special initiatives.
TITLE VII—GENERAL PROVISIONS
Sec. 701. Assignment of volunteers to health care problems.
Sec. 702. Oath or affirmation.
Sec. 703. Limitation on funds appropriated for grants and contracts.
Sec. 704. Administrative organization.
Sec. 705. Amendments relating to demonstration partnership agreements addressing the needs of the poor.
TITLE VIII—AUTHORIZATION OF APPROPRIATIONS
Sec. 801. National volunteer antipoverty programs authorization.
Sec. 802. Priority.
Sec. 803. Administration and coordination.
Sec. 804. Older American volunteer programs.
TITLE IX—TECHNICAL AMENDMENTS
Sec. 901. Amendments to table of contents.
Sec. 902. Technical amendments.
TITLE X—TECHNICAL AMENDMENTS TO OTHER LAWS
Sec. 1001. Technical amendments to the Anti-Drug Abuse Act of 1988.
Sec. 1002. Technical amendment to the Juvenile Justice and Delinquency Prevention Act of 1974.
Sec. 1003. Technical amendments to the Runaway and Homeless Youth Act.
Sec. 1004. Technical amendments to the Missing Children's Assistance Act.

SEC. 2. REFERENCES TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 101. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

(a) RECRUITMENT AND PLACEMENT PROCEDURES.—Subsection (b) of section 103 (42 U.S.C. 4953(b)) is amended to read as follows:

"(b)(1) The Director shall establish recruitment and placement procedures that offer opportunities for both local and national placement of volunteers for service under this part.

"(2)(A) The Director shall establish and maintain within the national headquarters of the ACTION Agency a volunteer placement office. The office shall be headed by an individual designated by the Director to be the national Administrator of Recruitment and Placement, who shall be responsible for carrying out the functions described in this subsection and subsection (c) and all other functions delegated by the Director relating to the recruitment and placement of volunteers under this part.

"(B) Such volunteer placement office shall develop, operate, and maintain a current and comprehensive central information system that shall, on request, promptly provide information—

"(i) to individuals, with respect to specific opportunities for service as a volunteer with approved projects or programs to which no volunteer has been assigned; and

"(ii) to approved projects or programs, with respect to the availability of individuals whose applications for service as a volunteer have been approved and who are awaiting an assignment with a specific project or program.

"(C) The Director shall, at a minimum, designate one employee of the ACTION Agency in each region of the United States whose primary duties and responsibilities shall be to assist the Administrator in carrying out the functions described in this subsection and subsection (c).

"(D) The Director shall assign or hire as necessary, such additional national, regional, and State personnel to carry out the functions described in this subsection and subsection (c) as may be necessary to ensure that such functions are carried out in a timely and effective manner. The Director shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers under this part and to individuals who have specialized experience in the recruitment of volunteers.

"(3) Volunteers shall be selected from among qualified individuals submitting an application for such service at such time, in such form, and containing such information as may be necessary to evaluate the suitability of each individual for such service and to determine, in accordance with paragraph (7), the most appropriate assignment for each such volunteer. The Director shall approve the application of each individual who applies in conformance with this subsection and who, on the basis of the information provided in the application, is determined by the Director to be qualified to serve as a volunteer under this part.

"(4) Each application for service as a volunteer under this part shall—

"(A) indicate the period of time during which the applicant is available to serve as a volunteer under this part;

"(B) describe the previous education, training, military and work experience, and

any other relevant skills or interests of the applicant;

"(C) specify the State or geographic region in which the applicant prefers to be assigned; and

"(D) specify—

"(i) the type of project or program to which the applicant prefers to be assigned; or

"(ii) the particular project or program to which the applicant prefers to be assigned.

"(5) The Director shall ensure that applications for service as a volunteer under this part are available to the public on request to the ACTION Agency (including any State or regional offices of the Agency) and that an individual making such request is informed of the manner in which such application is required to be submitted. A completed application may be submitted by any interested individual to, and shall be accepted by, any office of the ACTION Agency.

"(6) Completed applications received by the ACTION Agency shall be forwarded to the regional ACTION office representing the State in which such applicant resides. The regional or State employees designated in subparagraphs (C) and (D) of paragraph (2) shall assist in evaluating such applications and, to the extent feasible and appropriate, interviewing applicants.

"(7)(A) The Director shall provide for the assignment of each applicant approved as a volunteer under this part to a project or program that is, to the maximum extent practicable, consistent with the abilities, experiences, and preferences of such applicant that are set forth in the application described in paragraph (4) and the needs and preferences of projects or programs approved for the assignment of such volunteers.

"(B) In carrying out subparagraph (A), the Director shall utilize the information system established under paragraph (2)(B).

"(C) A sponsoring organization of VISTA may recruit volunteers for service under this part. The Director shall give a locally recruited volunteer priority for placement in the sponsoring organization of VISTA that recruited such volunteer.

"(D) A volunteer under this part shall not be assigned to any project or program without the express approval and consent of such project or program.

"(E) If an applicant under this part who is recruited locally becomes unavailable for service prior to the commencement of service, the recipient of the project grant or contract that was designated to receive the services of such applicant may replace such applicant with another qualified applicant approved by the Director.

"(F) If feasible and appropriate, low-income community volunteers shall be given the option of serving in the home communities of such volunteers in teams with nationally recruited specialist volunteers. The Director shall attempt to assign such volunteers to serve in the home or nearby communities of such volunteers and shall make national efforts to attract other individuals to serve in the VISTA program. The Director shall also, in the assignment of volunteers under this subparagraph, recognize that community-identified needs that cannot be met in the local area and the individual desires of VISTA volunteers in regard to the service in various geographical areas of the United States should be taken into consideration.".

(b) PUBLIC AWARENESS AND RECRUITMENT.—Section 103 (42 U.S.C. 4953) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Director, in conjunction with the regional or State employees designated in subparagraphs (C) and (D) of subsection (b)(2), shall engage in public awareness and recruitment activities. Such activities shall include—

"(A) public service announcements through radio, television, and the print media;

"(B) advertising through the print media, direct mail, and other means;

"(C) disseminating information about opportunities for service as a volunteer under this part to relevant entities including institutions of higher education and other educational institutions (including libraries), professional associations, community-based agencies, youth service and volunteer organizations, business organizations, labor unions, senior citizens organizations, and other institutions and organizations from or through which potential volunteers may be recruited;

"(D) disseminating such information through presentations made personally by employees of the ACTION Agency or other designees of the Director, to students and faculty at institutions of higher education and to other entities described in subparagraph (C), including presentations made at the facilities, conventions, or other meetings of such entities;

"(E) publicizing the student loan deferment and forgiveness opportunities available to VISTA volunteers under parts B and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) and including such information in all applications and recruitment materials;

"(F) providing, on request, technical assistance with the recruitment of volunteers under this part to programs and projects receiving assistance under this part; and

"(G) maintaining and publicizing a national toll-free telephone number through which individuals may obtain information about opportunities for service as a volunteer under this part and request and receive an application for such service.

"(2) In designing and implementing the activities authorized under this section, the Director shall seek to involve individuals who have formerly served as volunteers under this part to assist in the dissemination of information concerning the program established under this part. The Director may reimburse the costs incurred by such former volunteers for such participation, including expenses incurred for travel.

"(3) The Director shall consult with the Director of the Peace Corps to coordinate the recruitment and public awareness activities carried out under this subsection with those of the Peace Corps and to develop joint procedures and activities for the recruitment of volunteers to serve under this part.

"(4) At the beginning of each fiscal year, the Director shall develop an annual plan for the recruitment of volunteers under this part that—

"(A) describes in detail (including the cost) the recruitment and public awareness activities carried out during the preceding fiscal year and evaluates the effectiveness of such activities;

"(B) identifies methods and goals for the recruitment of volunteers during the fiscal year in which such plan is made, including specific methods and goals for the recruitment of individuals 55 years of age and older, individuals 18 through 27 years of age, recent graduates of institutions of higher education, and special skilled volunteers;

"(C) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals specified in subparagraph (B); and

"(D) describes in detail (including the expected cost) the recruitment and public awareness activities that shall be undertaken throughout the year to achieve the goals for the recruitment of individuals described in subparagraph (B).

"(5) The Director shall ensure that not less than 20 percent of all volunteers under this part are 55 years of age or older and that, by the beginning of fiscal year 1991 and for each fiscal year thereafter, not less than 20 percent of all such volunteers are between 18 and 27 years of age, (inclusive).

"(6) Beginning in fiscal year 1991 and for each fiscal year thereafter, for the purpose of carrying out this subsection, the Director shall obligate not less than 1.5 percent of the amounts appropriated for each fiscal year under section 501(a).".

(c) TEMPORARY AUTHORITY FOR EXTENSIONS OF PERIOD OF SERVICE.—

(1) IN GENERAL.—Notwithstanding the limitations established in section 104(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954(b)) for the maximum period of service as a volunteer under part A of title I of such Act (42 U.S.C. 4951 et seq.), the Director of the ACTION Agency may, subject to paragraphs (2) and (3), extend beyond such maximum the period of service for such volunteer in any case in which—

(A) such extension is requested by the project or program to which such volunteer involved is assigned; and

(B) such Director determines that such extension is appropriate with respect to meeting the goals of such project or program.

(2) LIMITATIONS ON EXTENSIONS.—With respect to extensions under paragraph (1) for volunteers described in such paragraph—

(A) such an extension shall not exceed a 1-year period;

(B) not more than two of such extensions may be made for any one volunteer; and

(C) not more than 1 percent of the total number of such volunteers serving for the fiscal year involved may receive such extensions.

(3) DURATION OF AUTHORITY.—The authority established in paragraph (1) shall be effective only for fiscal years 1990 through 1993.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in section 102 (42 U.S.C. 4952)—

(A) by striking subsections (b) and (c); and

(B) by striking the subsection designation in subsection (a); and

(2) in section 103 (42 U.S.C. 4953)—

(A) in the heading for such section, by inserting "SELECTION AND" before "ASSIGNMENT";

(B) in subsection (a), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "work—" and inserting the following: "The Director, on the receipt of applications by a public or nonprofit private organizations to receive volunteers under this part, may assign volunteers selected under subsection (b) to work in appropriate projects and programs sponsored by such organizations, including work—"; and

(C) in subsection (f) (as redesignated by subsection (b)(1)), by striking "subsection (d)," and inserting "subsection (e),".

SEC. 102. SUPPORT SERVICES.

Section 105 (42 U.S.C. 4955) is amended—

(1) in subsection (a)(1), by striking "$75 per month" both places it appears and inserting "$75 per month in fiscal year 1990, $90 per month in fiscal year 1991, and $95 per month in subsequent fiscal years"; and

(2) in subsection (b)—

(A) by inserting "(1)" after the subsection designation;

(B) by striking "places of training)," and inserting "places of training and to and from locations to which volunteers are assigned during periods of service)"; and

(C) by adding at the end the following new paragraphs:

"(2) The Director shall set the subsistence allowance for volunteers under paragraph (1) for each fiscal year so that—

"(A) the minimum allowance is not less than an amount equal to 95 percent of such poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) for a single individual as expected for each fiscal year; and

"(B) the average subsistence allowance, excluding allowances for Hawaii, Guam, American Samoa, and Alaska, is no less than 105 percent of such poverty line.

"(3)(A) The Director shall consult with regional and State offices of the ACTION Agency to make a determination of the cost of living within each State and whether there are significant local price differentials within the State.

"(B) The Director shall adjust the subsistence allowances for volunteers serving in areas that have a higher cost of living than the national average to reflect such higher cost.

"(4) The Director, in coordination with regional and State offices of the ACTION Agency and taking into account paragraphs (2) and (3), shall establish a method for setting subsistence allowances. The Director shall submit a report on such methods to the appropriate authorizing committees of Congress not later than 90 days after the date of enactment of the fiscal year 1990 appropriation.".

SEC. 103. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

Part A of title I (42 U.S.C. 4951 et seq.) is amended by adding at the end the following new section:

"SEC. 110. APPLICATIONS FOR ASSISTANCE BY PREVIOUS RECIPIENTS.

"(a) DURATION.—The Director shall not deny assistance under this part to any project or program, or any public or private nonprofit organization, solely on the basis of the duration of the assistance such project, program, or organization has previously received under this part.

"(b) CONSIDERATION OF APPLICATION.—The Director shall consider each application for the renewal of assistance under this part to any project or program on an individualized, case-by-case basis, taking into account—

"(1) the extent to which the sponsoring organization has made good faith efforts to achieve the goals agreed on in the application of such project or program; and

"(2) any extenuating circumstance beyond the control of the sponsoring organization that may have prevented, delayed, or otherwise impaired the achievement of such goals.

"(c) NEW PROJECT OR PROGRAM.—The Director shall consider each application for assistance under this part for a new project or program, that is submitted by a public or private nonprofit organization that has previously received such assistance (so long as such new project or program is clearly distinct from activities for which the organization has previously received such assistance), on an equal basis with all other applications for such assistance and without regard for the fact that the organization has previously received such assistance.

"(d) RENEWAL OF ASSISTANCE.—With respect to any consideration that relates to the duration of assistance under this part and that is applied by the Director in the case of a request for a renewal of assistance under this part, the Director may not apply any such consideration against any entity that is—

"(1) functioning as an intermediary between the Director and organizations requesting such renewal and ultimately receiving such assistance; and

"(2) utilized by such organizations—

"(A) to prepare and submit applications for such assistance to the Director; and

"(B) to perform other administrative functions and services associated with applying for and receiving such assistance.

"(e) ELIGIBILITY.—All eligible public and private nonprofit organizations shall be able to apply for assistance under this part.

"(f) NOTICE.—The Director shall ensure that the language of each of subsections (a) through (e) is included verbatim in—

"(1) an application developed by the agency for use by individuals who request assistance under this part for a project or program; and

"(2) any regulation or guideline issued for the program established under this part.".

TITLE II—SERVICE-LEARNING PROGRAMS

SEC. 201. CHANGE IN GENERAL REFERENCE TO PROGRAMS.

Part B of title I (42 U.S.C. 4971 et seq.) is amended—

(1) by amending the heading for such part to read as follows:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(2) in the first sentence of section 111(a) (42 U.S.C. 4971(a)), by inserting "and community service" after "service-learning" both places it appears; and

(3) in section 114 (42 U.S.C. 4974)—

(A) by amending the heading to read as follows:

"STUDENT COMMUNITY SERVICE PROGRAMS"; and

(B) in the first sentence of subsection (a), by inserting "and community service" after "service-learning".

TITLE III—SPECIAL VOLUNTEER PROGRAMS

SEC. 301. AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS.

(a) LIMITATION ON GRANTS AND CONTRACTS.—Section 122(d) (42 U.S.C. 4992(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) After the date of enactment of the Domestic Volunteer Service Act Amendments of 1989, no grant or contract under this part may exceed $250,000.".

(b) PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN STATE OFFICES.—Section 122 (42 U.S.C. 4992) is amended by adding at the end the following new subsection:

"(e) None of the amounts made available under section 501(c) for fiscal year 1990 or subsequent fiscal years may be expended for the purpose of establishing or operating any State office with respect to volunteerism.".

SEC. 302. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended—

(1) by amending the section heading to read as follows:

"DRUG ABUSE EDUCATION AND PREVENTION SERVICES AND ACTIVITIES";

(2) in subsection (a), by striking "public service announcements,";

(3) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(4) by adding at the end the following new subsections:

"(c) In awarding grants and contracts under this section, the Director shall give priority to drug abuse education and prevention projects that serve communities, including rural communities, that have not previously received assistance under this part.

"(d) The Director shall provide for the evaluation of activities and projects conducted with financial assistance received under this section. An application for a grant under this section in excess of $10,000 shall include a description of the methods to be used in evaluating the impact any activities and programs financed through such grant have on the drug abuse problem within the communities where such activities and projects are carried out.".

TITLE IV—ADMINISTRATION AND COORDINATION

SEC. 401. REPORTS.

Section 407 (42 U.S.C. 5047) is amended to read as follows:

"SEC. 407. REPORTS.

Not later than 60 days after the beginning of each fiscal year, the Director shall prepare and submit to the appropriate committees of Congress a report that shall include—

"(1) the annual recruitment plan developed under section 103(c)(4);

"(2) a description of the activities carried out under section 103(b) during the preceding fiscal year, including a specification of the total number of—

"(A) individuals who applied for service as a volunteer under this part;

"(B) applicants approved for such service;

"(C) approved applicants provided an assignment as a volunteer under section 103(b); and

"(D) volunteers assigned to projects and programs that were outside the original home communities of such volunteers;

"(3) a description of efforts undertaken by the Director during the preceding fiscal year to involve individuals, who have formerly served as volunteers under this part, in the activities authorized under section 103(c);

"(4) a description of the number of individuals referred to in paragraph (3) that were involved in the activities referred to in paragraph (3) and the manner of involvement of such individuals; and

"(5) a specification of the number and location of employees of the ACTION Agency designated by the Director to assist in carrying out the duties described in subsections (b) and (c) of section 103 during the preceding fiscal year.".

SEC. 402. EVALUATION.

The first sentence of section 416(a) (42 U.S.C. 5056(a)) is amended by inserting after "this Act" the following: "(including the VISTA Literacy Corps which shall be evaluated as a separate program at least once every 3 years)".

SEC. 403. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(6) the term 'poverty line for a single individual' means such poverty line as established by the Director of the Office of Management and Budget in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and".

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 501. PURPOSES.

Title II (42 U.S.C. 5001 et seq.) is amended by inserting after the heading for such title the following new section:

"STATEMENT OF PURPOSES

"SEC. 200. It is the purpose of—

"(1) this title to provide for Older American Volunteer Programs, comprised of the retired senior volunteer program, the foster grandparent program, and the senior companion program, that empower older individuals to contribute to their communities through volunteer service, enhance the lives of the volunteers and those whom they serve, and provide communities with valuable services;

"(2) part A, the retired senior volunteer program, to utilize the vast talents of older individuals willing to share their experiences, abilities, and skills in responding to a wide variety of community needs;

"(3) part B, the foster grandparent program, to afford low-income older individuals an opportunity to provide supportive, individualized services to children with exceptional or special needs; and

"(4) part C, the senior companion program, to afford low-income older individuals the opportunity to provide personal assistance and companionship to other older individuals through volunteer service.".

SEC. 502. PROGRAMS OF NATIONAL SIGNIFICANCE.

(a) AUTHORITY TO MAKE GRANTS.—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following new section:

"PROGRAMS OF NATIONAL SIGNIFICANCE

"SEC. 225. (a)(1) With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants under the programs authorized in parts A, B, and C to support programs that address national problems of local concern.

"(2) Except as provided in paragraph (3), the Director may make such grants—

"(A) under the program authorized in part A, to support programs that address the national problems specified in subsection (b);

"(B) under the program authorized in part B, to support programs that address the national problems specified in subsection (b), other than paragraph (10) of such subsection; and

"(C) under the program authorized in part C, to support programs that address the national problems referred to in paragraphs (1), (2), (5), (6), and (10) of subsection (b).

"(3) Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to the program under part A, B, or C under which the program supported by such grant is to be carried out.

"(b) The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern the Nation:

"(1) Programs that assist individuals with chronic and debilitating illnesses, such as acquired immune deficiency syndrome.

"(2) Programs designed to decrease drug and alcohol abuse.

"(3) Programs that work with teenage parents.

"(4) Programs that match volunteer mentors with youth who need guidance.

"(5) Programs that provide adult and school-based literacy assistance.

"(6) Programs that provide respite care, including care for frail elderly individuals and for disabled or chronically ill children living at home.

"(7) Programs that provide before- and after-school activities that are sponsored by organizations, such as libraries, that serve children of working parents.

"(8) Programs that work with boarder babies.

"(9) Programs that serve children who are enrolled in child care programs, giving priority to such programs that serve children with special needs.

"(10) Programs that provide care to developmentally disabled adults who reside at home and in community-based settings, including programs that, when appropriate, involve older developmentally disabled individuals as volunteers under this title.

"(11) Programs that provide volunteer tutors to assist educationally disadvantaged children, on a one-to-one basis, to improve the basic skills of such children.

"(c)(1) In order for an applicant to be eligible to receive a grant under subsection (a), such applicant shall demonstrate to the Director that such grant will be used to increase the total number of volunteers supported by such applicant under this title.

"(2) Funds made available under subsection (d) shall be used to supplement and not supplant the number of volunteers engaged in activities under parts A, B, and C (without regard to this section) addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this section.

"(d)(1) Except as provided in paragraph (2), in each fiscal year there shall be available to the Director to make grants under subsection (a) not more than—

"(A) $6,000,000 from funds appropriated under section 502(a);

"(B) $9,000,000 from funds appropriated under section 502(b); and

"(C) $9,000,000 from funds appropriated under section 502(c).

"(2) No funds shall be available to the Director to make grants under subsection (a) for a fiscal year unless the amounts appropriated under subsections (a), (b), and (c) of section 502 and available for such fiscal year to carry out parts A, B, and C (without regard to this section) are sufficient to maintain the number of projects and volunteers funded under parts A, B, and C, respectively, in the preceding fiscal year.

"(e) The Director shall disseminate information on grants that may be made under subsection (a) to field personnel of the ACTION Agency and to community volunteer organizations that request such information.".

(b) DEFINITION.—Section 421 (42 U.S.C. 5061), as amended by section 403 of this Act, is amended by adding at the end the following new paragraph:

"(7) the term 'boarder baby' means an infant described in section 103 of the Abandoned Infants Assistance Act of 1988 (Public Law 100-505; 42 U.S.C. 670 note).".

SEC. 503. INCREASE IN STIPEND OR ALLOWANCE.

Section 211(d) (42 U.S.C. 5011(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting after "$2.20 per hour" the following: "until October 1, 1990, $2.35 per hour during fiscal year 1991, and $2.50 per hour on and after October 1, 1992";

(2) in paragraph (1), by striking "no increase in the stipend or allowance shall be made pursuant" and inserting "such stipend or allowance shall not be increased as a result of an amendment made"; and

(3) in paragraph (2), by striking "$2.20 per hour" and inserting "the minimum hourly rate specified in this sentence".

SEC. 504. VOLUNTEERS SERVING WITHOUT STIPENDS.

Section 211(f) (42 U.S.C. 5011(f)) is amended—

(1) in paragraph (1)(C) by inserting "unless such individuals have been referred previously for possible placement as volunteers under part A and such placement did not occur" before the period at the end; and

(2) in paragraph (3)—

(A) by inserting "take into consideration or" after "may not";

(B) in subparagraph (A) by inserting "or recruit" after "accept"; and

(C) by adding at the end of paragraph (3) the following:

"The Director may not coerce any applicant for, or recipient of, such grant or contract to engage in conduct described in subparagraph (A) or (B).".

SEC. 505. PROMOTION OF PROGRAMS.

(a) DUTIES OF DIRECTOR.—Section 221 (42 U.S.C. 5021) is amended—

(1) by amending the heading to read as follows:

"PROMOTION OF OLDER AMERICAN VOLUNTEER PROGRAMS";

(2) by inserting "(a)" after "SEC. 221."; and

(3) by adding at the end the following new subsection:

"(b)(1) In carrying out this title, the Director shall encourage and facilitate the efforts of private organizations to promote the programs established in parts A, B, and C and the involvement of older individuals as volunteers in such programs.

"(2) The Director shall take appropriate actions to ensure that special efforts are made to publicize the programs established in parts A, B, and C, in order to facilitate recruitment efforts, to encourage greater participation of volunteers, and to emphasize the value of volunteering to the health and well-being of volunteers and the communities of such volunteers. Such actions shall include informing recipients of grants and contracts under this title of all informational materials available from the Director.

"(3) From funds appropriated under section 502, the Director shall expend not less than $250,000 in each fiscal year to carry out paragraph (2).".

SEC. 506. ADMINISTRATIVE COSTS.

Part D of title II (42 U.S.C. 5021 et seq.), as amended by section 502(a) of this Act, is amended by adding at the end the following new section:

"ADJUSTMENTS TO FEDERAL FINANCIAL ASSISTANCE

"SEC. 226. (a)(1)(A) In determining the amount of Federal financial assistance to be provided under this title to applicants, the Director shall consider the impact of changes in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of

Labor on the administrative costs of operating the projects for which such assistance will be provided.

"(B) The Director shall, to the fullest extent practicable, make appropriate adjustments in the amount referred to in subparagraph (A) to ensure the effective administration of such projects.

"(2) The Director shall take reasonable actions to inform applicants for such assistance that such adjustments may be available.

"(b)(1) The Director shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report on the extent to which adjustments are made under subsection (a).

"(2) With respect to each of parts A, B, and C, the Director shall include in such report—

"(A) a summary of the number of, and purposes for which, such adjustments are requested by the recipients of grants and contracts under parts A, B, and C, respectively;

"(B) a description of the extent that such requests are accommodated; and

"(C) a statement explaining the decisions made by the Director with respect to the requested adjustments.".

SEC. 507. MULTIYEAR GRANTS OR CONTRACTS.

Title II (42 U.S.C. 5001 et seq.), as amended by sections 502(a) and 506 of this Act, is amended by adding at the end the following new section:

"MULTIYEAR GRANTS OR CONTRACTS

"SEC. 227. (a)(1) Subject to paragraph (2) and the availability of funds, the Director may make a grant or enter into a contract under part A, B, or C for a period not to exceed 3 years. Each applicant who receives a grant, or enters into a contract, under such part for a period exceeding 1 year shall comply with such regulations as the Director may issue to require such applicant—

"(A) to demonstrate that such applicant is in compliance with such part and with the terms and conditions of such grant or contract; and

"(B) to provide information to update the application submitted to obtain such grant or contract.

"(2) If the amount appropriated for any fiscal year to carry out part A, B, or C in a period during which multiyear grants or contracts are in effect under such part is less than the amount appropriated to carry out such part in the first fiscal year in such period, then the amounts payable under all such grants and contracts in effect in such period under such part shall be reduced pro rata.

"(b) The Director shall require each applicant for a multiyear grant or contract under this section, to document or describe in the application any meaningful administrative savings that will result from such multiyear grant or contract.

"(c) If an applicant does not receive a multiyear grant or contract under this section, the Director shall consider such applicant for a single-year grant or contract.

"(d) If the Director approves an application for a contract or grant to carry out a project for a multiyear period as referred to in subsection (a), the Director shall ensure that such project shall be treated in the same manner as a single-year contract or grant with respect to—

"(1) the overall level of funding for such project;

"(2) any adjustments to Federal financial assistance that may be available under section 226; and

"(3) the renewal of funding on the expiration of the term of such contract or grant.".

TITLE VI—LITERACY

SEC. 601. VISTA LITERACY CORPS.

Section 109 (42 U.S.C. 4959) is amended—

(1) in subsection (g)(1), by adding at the end the following new sentence: "The Director shall ensure that records are maintained to indicate the degree of compliance with this requirement."; and

(2) by adding at the end the following new subsection:

"(h)(1) Subject to paragraphs (2) and (3), with respect to any individual providing volunteer services in the program under this section regarding literacy, the Director may, with the written consent of the individual, assign the individual to serve in the general program under this part regarding literacy.

"(2) To the extent practicable and without undue delay, the Director shall ensure that a volunteer under this section is assigned to the vacancy created within the relevant literacy project or program established under this section.

"(3) Nothing in this subsection shall diminish or otherwise affect the requirement in subsection (g)(1) that funds made available for this section shall be used to supplement and not to supplant the 1986 level of literacy services provided under part A.".

SEC. 602. TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS.

Section 123 (42 U.S.C. 4993) is amended—

(1) by adding "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

"(b)(1) The Director shall provide assistance for identification, development, and dissemination of effective literacy materials and programs by grant or contract to public and private nonprofit organizations whose principal purpose is combatting of illiteracy and its associated problems.

"(2) The Director shall consult with and annually submit summaries of exemplary projects based on project reports to the national clearinghouse on literacy education, as designated under section 372(d)(2) of the Adult Education Act (20 U.S.C. 1211a(d)(2)).

"(3) The emphasis for the grants or contracts under paragraph (1) shall be—

"(A) broadly disseminating information relating to training and technical assistance for the use of volunteers in projects or programs providing literary services in poor urban and rural areas, including English language literacy services for individuals with limited English proficiency; or

"(B) developing new and innovative solutions to illiteracy problems that involve the more effective and extensive use of volunteers in such projects or programs.".

SEC. 603. SPECIAL INITIATIVES.

Section 124 (42 U.S.C. 4994) is amended by adding at the end the following new subsection:

"(c) The Director may provide technical assistance, by grant or contract, to employers who have established or desire to establish worksite literacy programs to assist such employers in obtaining, training, and integrating volunteers into worksite literacy programs. The Director shall coordinate any activities assisted under this subsection with the Department of Education Workplace Literacy programs established under part C of the Adult Education Act (20 U.S.C. 1201 et seq.).".

TITLE VII—GENERAL PROVISIONS

SEC. 701. ASSIGNMENT OF VOLUNTEERS TO HEALTH CARE PROBLEMS.

Section 103(a) (42 U.S.C. 4953(a)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) in addressing significant health care problems, including chronic and life-threatening illnesses and health care for homeless individuals (especially homeless children) through prevention, treatment, and community-based care activities; and".

SEC. 702. OATH OR AFFIRMATION.

The first sentence of section 104(c) (42 U.S.C. 4954(c)) is amended by striking "in section 5(j)" and all that follows through "except" and inserting "for persons appointed to any office of honor or profit by section 3331 of title 5, United States Code, and shall swear (or affirm) that the volunteer does not advocate the overthrow of the constitutional form of government of the United States and that the volunteer is not a member of an organization that advocates the overthrow of the constitutional form of government of the United States, knowing that such organization so advocates, except".

SEC. 703. LIMITATION ON FUNDS APPROPRIATED FOR GRANTS AND CONTRACTS.

Section 108(a) (42 U.S.C. 4958(a)) is amended by striking "16 per centum" and inserting "30 percent".

SEC. 704. ADMINISTRATIVE ORGANIZATION.

Section 401 (42 U.S.C. 5041) is amended by adding at the end the following: "There shall also be in such agency three individuals who shall report directly to the Assistant Director who is primarily responsible for the Older American Volunteer Programs under title II of this Act. Each of such individuals shall be primarily responsible for part A, B, or C of such title.".

SEC. 705. AMENDMENTS RELATING TO DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—Section 408(a)(1) of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9910b(a)(1)) is amended—

(1) in the first sentence, by striking "provide for the self-sufficiency of the Nation's poor" and inserting "stimulate the development of new approaches to provide for greater self-sufficiency of the poor, to test and evaluate such new approaches, to disseminate project results and evaluation findings so that such approaches can be replicated, and to strengthen the integration, coordination, and redirection of activities to promote maximum self-sufficiency among the poor"; and

(2) in the second sentence—

(A) by striking "or" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) contain an assurance that the applicant for such grants will obtain an independent, methodologically sound evaluation of the effectiveness of the activities carried out with such grant and will submit such evaluation to the Secretary.".

(b) LIMITATIONS.—

(1) SUBSEQUENT GRANTS.—Section 408(b)(1) of such Act is amended—

(A) by striking "Grants" and inserting "(A) Subject to subparagraph (B), grants";

(B) by striking "new" both places it appears; and

(C) by adding at the end the following new subparagraph:

"(B) After the first fiscal year for which an eligible entity receives a grant under this section to carry out a program, the amount of a subsequent grant made under this section to such entity to carry out such program may not exceed 80 percent of the amount of the grant previously received by such entity under this section to carry out such program.".

(2) AMOUNT AND NUMBER OF GRANTS.—Section 408(b)(3) of such Act is amended—

(A) by inserting "in each fiscal year" after "one grant";

(B) by striking "$250,000" and inserting "$350,000"; and

(C) by adding at the end the following new sentence: "Not more than 2 grants may be made under this section to an eligible entity to carry out a particular program.".

(c) DISSEMINATION OF RESULTS.—Subsection (c) of section 408 of such Act is amended to read as follows:

"(c) DISSEMINATION OF RESULTS.—As soon as practicable, but not later than 180 days after the end of the fiscal year in which a recipient of a grant under this section completes the expenditure of such grant, the Secretary shall prepare and make available to each State and each eligible entity a description of the program carried out with such grant, any relevant information developed and results achieved, and a summary of the evaluation of such program received under subsection (a)(1)(D) so as to provide a model of innovative programs for other eligible entities.".

(d) DEFINITION.—Section 408(d)(1) of such Act is amended by inserting before the semicolon the following: ", except that such term includes an organization that serves migrant and seasonal farm workers and that receives a grant under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) in the fiscal year preceding the fiscal year for which such organization requests a grant under this section".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408(e) of such Act is amended—

(1) by striking "is" and inserting "are"; and

(2) by inserting after "1989," the following: "and $7,000,000 for fiscal year 1990,".

(f) REPORT TO CONGRESS.—Section 408 of such Act (as amended by subsections (d) and (e) of this section) is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsections:

"(d) REPLICATION OF PROGRAMS.—(1) The Secretary shall annually identify programs that receive grants under this section that demonstrate a significant potential for dealing with particularly critical needs or problems of the poor that exist in a number of communities.

"(2) Not less than 10 percent, and not more than 25 percent, of the funds appropriated for each fiscal year to carry out this section shall be available to make grants under this section to replicate in additional geographic areas programs identified under paragraph (1).

"(e) REPORT TO CONGRESS.—The Secretary shall submit annually, to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report containing—

"(1) a description of—

"(A) programs for which grants under this section in the then most recently completed fiscal year; and

"(B) the evaluations received under subsection (a)(1)(D) in such fiscal year; and

"(2) a description of the methods used by the Secretary to comply with subsection (c);

"(3) recommendations of the Secretary regarding the suitability of carrying out such programs with funds made available under other Federal laws; and

"(4) a description of each program identified under subsection (d)(1) or replicated under subsection (d)(2), and an identification of the geographical location where such program was carried out.".

TITLE VIII—AUTHORIZATION OF APPROPRIATIONS

SEC. 801. NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION.

(a) VOLUNTEERS IN SERVICE TO AMERICA.—Section 501(a)(1) (42 U.S.C. 5081(a)(1)) is amended—

(1) by striking "and" after "1988,"; and

(2) by inserting before the period at the end the following: ", $30,600,000 for fiscal year 1990, $39,900,000 for fiscal year 1991, $47,800,000 for fiscal year 1992, and $56,000,000 for fiscal year 1993";

(b) VISTA LITERACY CORPS.—Section 501(a) (42 U.S.C. 5081(a)) is amended—

(1) in paragraph (2)—

(A) by striking "and" after "1988,"; and

(B) by inserting before the period at the end the following: ", $6,050,000 for fiscal year 1990, $7,500,000 for fiscal year 1991, $9,000,000 for fiscal year 1992, and $10,500,000 for fiscal year 1993"; and

(2) in paragraph (3), by striking "1987, 1988, and 1989" and inserting "1987 through 1993".

(c) SERVICE-LEARNING PROGRAMS.—Section 501(b) (42 U.S.C. 5081(b)) is amended by inserting before the period at the end the following: ", $1,900,000 for fiscal year 1990, $2,000,000 for fiscal year 1991, $2,100,000 for fiscal year 1992, and $2,200,000 for fiscal year 1993";

(d) SPECIAL VOLUNTEER PROGRAMS.—Section 501(c) (42 U.S.C. 5081(c)) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", $1,100,000 for fiscal year 1990, $1,150,000 for fiscal year 1991, $1,200,000 for fiscal year 1992, and $1,275,000 for fiscal year 1993"; and

(2) in the third sentence—

(A) by striking "and" after "1989,"; and

(B) by inserting before the period the following: ", $5,250,000 for fiscal year 1992, and $5,500,000 for fiscal year 1993".

(e) YEARS OF VOLUNTEER SERVICE.—Section 501(d)(1) (42 U.S.C. 5081(d)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) 2800 years of volunteer service in fiscal year 1990;

"(E) 3000 years of volunteer service in fiscal year 1991;

"(F) 3200 years of volunteer service in fiscal year 1992; and

"(G) 3400 years of volunteer service in fiscal year 1993.".

SEC. 802. PRIORITY.

Section 501(d) (42 U.S.C. 5081(d)) is amended by adding at the end the following new paragraph:

"(4)(A) In applying criteria with respect to meeting the number of years of volunteer service under paragraph (1) for a fiscal year, the Director may not exclude the costs of complying with section 105(b)(2) for each volunteer under this part.

"(B) The minimum level of allowances for subsistence required under section 105(b)(2) to be provided to each volunteer under this part may not be reduced or limited in order to provide for the increase in the number of years of volunteer service specified in paragraph (1) for each of the fiscal years 1990 through 1993.

"(C) If the Director determines that funds appropriated to carry out part A of title I are insufficient to provide for the years of volunteer service as required in paragraph (1), the Director shall, within a reasonable period of time in advance of the date on which such additional funds must be reallocated to satisfy the requirements of such subsection, notify the relevant authorizing and appropriating Committees of Congress. Funds shall be reallocated to part A of title I from amounts appropriated for part C of such title prior to the reallocation of funds appropriated for other parts.".

SEC. 803. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsection:

"(b) For each of the fiscal years 1990 through 1993, there is authorized to be appropriated for the administration of this Act, as authorized in title IV, 20 percent of the total amount appropriated under sections 501 and 502.".

SEC. 804. OLDER AMERICAN VOLUNTEER PROGRAMS.

(a) RETIRED SENIOR VOLUNTEER PROGRAM.—Section 502(a) (42 U.S.C. 5082(a)) is amended—

(1) by inserting after "appropriated" the following: "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "$31,100,000" and all that follows through "1988, and"; and

(3) by inserting after "1989" the following: ", $39,900,000 for fiscal year 1990, $43,900,000 for fiscal year 1991, $48,300,000 for fiscal year 1992, and $53,100,000 for fiscal year 1993,".

(b) FOSTER GRANDPARENT PROGRAM.—Section 502(b) (42 U.S.C. 5082(b)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "$58,700,000" and all that follows through "1988, and"; and

(3) by inserting after "1989" the following: ", $70,800,000 for fiscal year 1990, $80,900,000 for fiscal year 1991, $91,700,000 for fiscal year 1992, and $98,200,000 for fiscal year 1993,".

(c) SENIOR COMPANION PROGRAM.—Section 502(c) (42 U.S.C. 5082(c)) is amended—

(1) by inserting after "appropriated" "not less than the amount appropriated in the previous fiscal year and not more than";

(2) by striking "$28,600,000" and all that follows through "1988, and"; and

(3) by inserting after "1989" the following: ", $36,600,000 for fiscal year 1990, $39,000,000 for fiscal year 1991, $44,700,000 for fiscal year 1992, and $48,700,000 for fiscal year 1993,"

TITLE IX—TECHNICAL AMENDMENTS

SEC. 901. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in the first section (42 U.S.C. prec. 4951) is amended—

(1) by striking the item relating to section 103 and inserting the following new item:

"Sec. 103. Selection and assignment of volunteers.";

(2) by inserting after the item relating to section 109 the following new item:

"Sec. 110. Applications for assistance by previous recipients.";

(3) by striking the item relating to the heading for part B of title I and inserting the following new item:

"PART B—STUDENT COMMUNITY SERVICE PROGRAMS";

(4) by striking the item relating to section 114 and inserting the following new item:

"Sec. 114. Student community service programs.";

(5) by striking the item relating to section 124 and inserting the following new item:

"Sec. 124. Drug abuse education and prevention services and activities.";

(6) by striking the item relating to the heading of title II and inserting the following new item:

"TITLE II—OLDER AMERICAN VOLUNTEER PROGRAMS";

(7) by inserting after the item relating to the heading of title II the following new item:

"Sec. 200. Statement of purposes.";

(8) in the matter relating to the heading of part B of title II by striking "AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS";

(9) by striking the item relating to section 221 and inserting the following new item:

"Sec. 221. Promotion of older American volunteer programs.";

(10) by adding at the end of the items relating to part D of title II the following new items:

"Sec. 225. Programs of national significance.

"Sec. 226. Adjustments to Federal financial assistance.

"Sec. 227. Multiyear grants or contracts."; and

(11) by striking the item relating to section 502 and inserting the following new item:

"Sec. 502. Older Americans volunteer programs.".

SEC. 902. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 4951 et seq.) is amended—

(1) in the heading of title II (42 U.S.C. prec. 5001), by striking "NATIONAL";

(2) in section 201(a) (42 U.S.C. 5001(a)—

(A) by striking "programs" and inserting "projects"; and

(B) by striking "program" each place it appears and inserting "project";

(3) in the heading of part B of title II (42 U.S.C. prec. 5011) by striking "AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS";

(4) in section 212(b) (42 U.S.C. 5012(b)), by striking "a community action agency" and all that follows through the period and inserting "an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).";

(5) in section 213(c)(1) (42 U.S.C. 5013(c))—

(A) by inserting "after subsection (a)" after "contracts"; and

(B) by inserting "individuals" after "elderly" each place it appears;

(6) in section 224 (42 U.S.C. 5024), by striking "programs" and inserting "projects"; and

(7) in the heading of section 502 (42 U.S.C. 5082) by striking "NATIONAL".

TITLE X—TECHNICAL AMENDMENTS TO OTHER LAWS

SEC. 1001. TECHNICAL AMENDMENTS TO THE ANTI-DRUG ABUSE ACT OF 1988.

(a) DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.—Section 3503(2) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11803(2)) is amended by striking "that it has" and inserting "have".

(b) PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.—Section 3515 of such Act (42 U.S.C. 11825) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by inserting "stating" after "(B)"; and

(B) in subparagraph (C), by striking "a description of" and inserting "describing"; and

(2) in subsection (c), by striking "Administrator" and inserting "such officer".

(c) EVALUATION.—

(1) IN GENERAL.—Section 3522 of such Act (42 U.S.C. 11842) is amended—

(A) in subsection (a)—

(i) by striking ", acting through the Administrator,"; and

(ii) by striking "(as defined in section 3601(6))"; and

(B) in subsection (b), by striking "Administrator" and inserting "Secretary of Health and Human Services".

(2) ADMINISTRATOR.—Section 3601 of such Act (42 U.S.C. 11851) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (13) as paragraphs (1) through (12), respectively.

(d) REPORTS.—Section 7296(b) of such Act (42 U.S.C. 5601 note) is amended—

(1) in paragraph (2) by striking "section 7274(b)(1)" and inserting "section 7253(b)(1)"; and

(2) by amending paragraph (3) to read as follows:

"(3) Notwithstanding the 180-day period provided in—

"(A) section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), as added by section 7255;

"(B) section 361 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), as redesignated by section 7273(e)(2) and amended by section 7274; and

"(C) section 404(a)(5) of the Missing Children's Assistance Act (42 U.S.C. 5773(a)(5)), as amended by section 7285(a)(3);

the reports required by such sections to be submitted with respect to fiscal year 1988 shall be submitted not later than August 1, 1989.".

(e) CLERICAL AMENDMENTS.—

(1) AUTHORIZED FUNDS.—Section 7265(a)(4) of such Act (102 Stat. 4448) is amended by inserting "after 'fiscal years' " before ", and".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 7280(2) of such Act (102 Stat. 4459) is amended by inserting "after 'fiscal years' " before the comma at the end.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 7289(3) of such Act (102 Stat 4461) is amended by inserting "after 'fiscal years' " before the period at the end.

SEC. 1002. TECHNICAL AMENDMENT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

Section 291(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)(1)) is amended by striking "is authorized" and inserting "are authorized".

SEC. 1003. TECHNICAL AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 361(a) (42 U.S.C. 5715(a)), by striking "report to the Congress" and inserting "submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate";

(2) in section 361(b) (42 U.S.C. 5715(b)), by striking "The Secretary shall annually report to the Congress" and inserting "Not later than 180 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate"; and

(3) in section 366(a)(1) (42 U.S.C. 5751(a)(1)), by striking "is authorized" and inserting "are authorized".

SEC. 1004. TECHNICAL AMENDMENTS TO THE MISSING CHILDREN'S ASSISTANCE ACT.

The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(1) in section 401 (42 U.S.C. 5601 note)—

(A) by inserting open quotation marks after "as the"; and

(B) by inserting close quotation marks after "Act";

(2) in section 404 (42 U.S.C. 5773)—

(A) in subsection (a)(5)(C), by striking the comma at the end and inserting a semicolon; and

(B) in subsection (b)(2)(A), by inserting "to" after "(A)"; and

(3) in section 405(a)(9), (42 U.S.C. 5775(a)(9)), by striking "clearinghouse" and inserting "clearinghouses".

And the Senate agree to the same.

AUGUSTUS F. HAWKINS,
MAJOR R. OWENS,
DALE E. KILDEE,
TOM SAWYER,
DONALD M. PAYNE,
BILL GOODLING,
THOMAS J. TAUKE,
STEVE BARTLETT,
FRED GRANDY,
Managers on the Part of the House.

CHRISTOPHER DODD,
CLAIBORNE PELL,
TOM HARKIN,
BROCK ADAMS,
EDWARD M. KENNEDY,
DAN COATS,
ORRIN G. HATCH,
NANCY LANDON KASSEBAUM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1312), to revise and extend the programs of the Domestic Volunteer Service Act of 1973, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM VISTA

(1) Technical Difference—style.

(2) The House bill mandates that the Director of ACTION shall select volunteers

for service from among those qualified individuals who have submitted acceptable applications, in accordance with procedures and criteria to be established by the Director, subject to the limitation in (b)(4). [Relating to placement consistent with abilities, preference and experiences.]

The Senate amendment mandates that the Administrator of Recruitment and Placement [see note 9] (a position established by this measure and reporting to the Director) shall make the final selection of volunteers and their assignments based upon criteria to be established by the Director and the Administrator and the system established by this measure. Also directs the Administrator to maintain up to date info on existing and future placement opportunities.

The House recedes with an amendment in the nature of a substitute encompassing the issues of recruitment and placement, and information dissemination. The House language states that a national volunteer placement office is to be created which shall be headed by an Administrator of Recruitment and Placement designated by the Director. The Office shall maintain a central information system (with specified minimum information) to assist individuals in learning of VISTA volunteer openings and to assist projects in locating individuals for assignment. The Director shall designate one ACTION employee in each region whose primary duties shall be assisting the Administrator in evaluating volunteer applications, interviewing applicants and carrying out volunteer recruitment activities.

(3) The Senate amendment, but not the House bill, mandates that the Director shall establish recruitment and placement procedures to offer local and national placement opportunities. These procedures shall be carried out by (1) making applications at National, regional or State offices, (2) providing interested individuals with application info, and (3) forwarding applications received by National and State offices to the regional office serving the State in which the applicant resides.

The House recedes with an amendment in the nature of a substitute—see note 2.

(4) The House bill directs the Director to approve applications which comply with the applications requirements spelled out in the law and which, on the basis of the info in the application, are determined to be qualified to serve. No requirement for an interview.

The Senate amendment states that the regional or State employes designated or hired by the Director for this purpose shall interview and evaluate applicants and send the applications "of the most qualified applicants" to the Administrator for selection and placement. [See note 9.]

The House recedes with an amendment in the nature of a substitute—see note 2.

(5) The House bill, but not the Senate amendment, directs that the placement of volunteers shall be to the "maximum" extent possible consistent with certain criteria.

The House recedes with an amendment in the nature of a substitute—see note 2.

(6) The House bill, but not the Senate amendment, directs that in carrying out placements, the Director shall utilize the information system established by this measure.

The House recedes with an amendment in the nature of a substitute—see note 2.

(7) The House bill, but not the Senate amendment, directs that no volunteer may be assigned to any project or program without its express approval and consent (positive action). [See Note 19.]

The House recedes with an amendment in the nature of a substitute—see note 2.

(8) The House bill states that the Director "shall assign" low-income volunteers to serve in their home communities.

The Senate amendment states that the low-income volunteers "shall be given the option" of serving in their home communities. Also, the language gives this responsibility to the director, though the Administrator has the overall responsibility for making placements.

Finally, technical difference in language relating to volunteers desires regarding various geographic areas of the country.

The House recedes with an amendment in the nature of a substitute—see note 2.

(9) The House bill mandates that the Director shall establish and maintain in the national headquarters a volunteer placement office, to be a central location for application submission, to develop, operate and maintain a "current and comprehensive" central information system, which shall, upon request, provide info to individuals about specific volunteer service opportunities and to projects or programs about waiting and potential volunteers.

The Senate amendment mandates that the Director shall appoint a national Administrator of Recruitment and Placement. [See note 2.] The Director shall hire, as necessary, additional staff at all levels to carry out the requirements of this measure "in a timely and efficient manner". At least one State and regional ACTION employe per office shall be designated whose duties shall include assisting such region in carrying out recruitment and application evaluation functions. [See also Note 16, for similar though not identical House provision.]

The House recedes, with an amendment in the nature of a substitute—see note 2.

(10) The House bill, but not the Senate amendment, states that the Director shall "ensure" that applications are available upon request (including at State and regional offices) and that individuals making such request are informed of the manner for submitting same.

The House recedes with an amendment in the nature of a substitute—see note 2.

(11) The House bill states that the Director shall undertake national, regional and local level activities to recruit individuals, to publicize "the activities and accomplishments of the program, and to : "inform the public of the opportunities such program provides for volunteer service to Americans from all walks of life, age groups, economic levels, and geographic areas." [NOTE.—See note 15, below, where the Senate has the same language.] Adds a list of activities to be done, but stipulates that the list is not inclusive.

The Senate amendment states only that the Administrator [see note 2], in conjunction with regional or State employes, is to "engage in public awareness and recruitment activities". No caveat with respect to the following list.

In general the activities are the same, with the following differences:

(a) wording with respect to info to be provided telephone callers;

(b) the House uses the term "personnel" in describing those disseminating information, the Senate uses the term "employes";

(c) the Senate states that info on opportunities to serve shall be disseminated to "relevant entities" and then stipulates some such. The House has no such term; and

(d) the Senate stipulates that the info on student loan deferment and forgiveness must be put in all application and recruitment materials.

The House recedes with an amendment in the nature of a substitute—see note 2.

(12) The House bill directs the Director to "seek to" coordinate with the Director of the Peace Corps. Coordination is to be particular with relation to presentations made by ACTION employes under info dissemination efforts.

The Senate amendment directs the Administrator to coordinate with the Director of the Peace Corps.

The House recedes with an amendment in the nature of a substitute—see note 2.

(13) The House bill, but not the Senate amendment, states that with respect to the use of former volunteers to aid in information dissemination, particular attention is to be paid to live presentations under (2)(E) [Senate (7)(d)].

NOTE.—Senate gives this injunction to the Director. However, the Administrator is to do these activities.

The House recedes with an amendment in the nature of a substitute—see note 2.

(14) The House bill, with respect to the annual plan to be submitted, vests the responsibility in the Director.

The Senate amendment vests the responsibility in the Administrator. Also, requires the report to include specific information on recruitment and public awareness activities planned to recruit the specific age and education groups spelled out in the section.

Also, several technical differences:

(a) the House asks for "goals and objectives", the Senate asks for "methods and goals";

(b) the House talks in terms of the "current" fiscal year, the Senate uses the term "existing" fiscal year; and

(c) and the House includes "objectives" along with "goals" to be identified with respect to current year activities.

The House recedes with an amendment in the nature of a substitute—see note 2.

(15) The House bill stipulates that 1%, or $300,000, whichever is less, of the funds appropriated for the VISTA basic program shall be used for recruitment and public awareness activities.

The Senate amendment stipulates that the Director shall expend "no less than" $600,000 from all 501 appropriations for national, regional, and State for recruitment and public awareness. In addition, the Director shall use $200,000 of the funds appropriated for the administration of ACTION for recruitment expenses. [NOTE.—The Senate includes the language referred to in Note 11].

The Senate recedes with an amendment stating that beginning in Fiscal Year 1991, the Director shall obligate at least 1.5% of the annual appropriations for VISTA and VISTA Literacy Corps for recruitment and public awareness activities.

While the Conference compromise does not require that the 1.5% minimum be spent until Fiscal Year 1991, the Conferees urge the Director, in the strongest possible terms, to increase ACTION Agency funding for these activities in 1990 to an amount approaching as nearly as possible the figure generated under the 1.5%.

(16) The House bill, but not the Senate amendment, mandates that, at a minimum, the Director shall designate one employe in each region to only do recruitment and public awareness. Also says the Director "shall ensure" sufficient personnel are as-

signed at the national, regional and State levels to see that these functions are carried out in a "timely and effective manner". [See Note 9 for similar, but not identical Senate provision.]

The House recedes with an amendment in the nature of a substitute—see note 2.

(17) The Senate amendment, but not the House bill, requires that, beginning in FY 1991 and beyond, at least 20% of all volunteers must be between 18 and 27 years of age.

The House recedes.

(18) The House bill, but not the Senate amendment, provides authority to extend to no more than 1% of volunteers (per fiscal year) the current 5 year service limit for up to 2 additional years. Waiver authority expires at the end of FY 1993. Technical differences on the oaths to be administered provisions.

The Senate recedes.

(19) The Senate amendment, but not the House bill, stipulates that the sponsoring agency may recruit volunteers and such locally recruited volunteer shall be given placement "priority" by the Administrator. [See Note 7.]

The House recedes with an amendment in the nature of a substitute—see note 2.

(20) The House bill, but not the Senate amendment, makes technical and conforming amendments occasioned by the way in which the House measure was drafted [adding and redesignating subsections].

(21) The Senate amendment, but not the House bill, increases the monthly VISTA stipend from $75 to $100.

The House recedes with an amendment which would lift the stipend to $90 in FY 1991, and lift it to $95 in the other fiscal years.

(22) The House bill, but not the Senate amendment, extends the payments for expenses to the periods associated with going to and from assignments.

The Senate recedes.

(23) The House bill sets the subsistence allowance for each volunteer for the fiscal year at 95% of the poverty line for a single individual, where subsistence involves other than cash, fair market value shall be assigned the goods. The Director "shall seek to ensure" that allowances are adjusted to reflect differences between localities in the costs of living, so that all volunteers have economic parity. In doing this, the Director is to consult with serving volunteers, sponsoring agencies and regional and State ACTION offices.

The Senate amendment sets the average subsistence allowance at 105% of the poverty line for a single individual "as expected in each fiscal year". The Director is to consult with regional and State ACTION offices to determine the cost of living for each State and whether there are significant price differentials within the State. The Director is to increase the subsistence allowance for those in areas which have a higher cost of living than the national average. The Director, with regional and State offices, shall establish a method for setting subsistance allowances and report on same to Congress no more than 90 days after enactment of the FY 1990 appropriation.

The House recedes with an amendment in the nature of a substitute. The Director would establish a subsistence allowance for each fiscal year so that it is no less than 95% of the single individual poverty line (per the Community Services Block Grant Act) and the average, excluding Hawaii, Guam, American Samoa and Alaska, amount, nationwide, would be not less than 105% of such poverty line.

The subsistence allowances for Hawaii, Guam, American Samoa, and Alaska have historically been higher than the allowances for other areas, a practice which Conferees expect the Director to maintain. The average of all other subsistence allowances should be calculated and should be equal to no less than 105% of the nationwide poverty line as projected for the period during which the allowance will be paid.

(24) The Senate amendment, but not the House bill, requires the Director to "ensure" that records are maintained "to indicate the degree of compliance" with the supplement, not supplant requirement.

The House recedes.

(25) Relating to applications for assistance from prior recipients—Technical drafting differences throughout. Substantive differences noted individually below.

(26) The House bill, but not the Senate amendment, requires "individualized" consideration of each application.

The Senate recedes.

(27) The House bill, but not the Senate amendment, stipulates that entity be functioning as an intermediary between Director and those "ultimately" receiving assistance (Senate does not have underlined word.)

The Senate recedes.

(28) The House bill, but not the Senate amendment, stipulates that all eligible public and nonprofit private entities may apply for assistance.

The Senate recedes.

(29) The House bill requires the reproduction of these assurances "verbatim". Also talks of applications developed by the Director.

The Senate amendment requires the inclusion of the assurances, but not verbatim. Also, talks of the applications developed by the agency.

The House recedes/the Senate recedes, combining the provisions.

(30) Technical amendment to table of contents.

TITLE II—SERVICE-LEARNING PROGRAM

(31) Technical amendments.

(32) Technical and conforming amendments.

TITLE III—SPECIAL VOLUNTEER PROGRAMS

(33) The Senate amendment, but not the House bill, gives the Secretary the authority to waive the $250,000 limit due to exceptional circumstances. [NOTE.—the House bill sets the $250,000 limit, but without a provision for a waiver.]

The Senate recedes.

(34) The House bill, but not the Senate amendment, prohibits the use of any funds under section 501 (after FY 1990) from being used to establish any State office with respect to volunteerism. Terminates current authority.

The Senate recedes.

(35) The House bill, but not the Senate amendment, strikes "public service announcement" from subsection (a).

The Senate recedes.

TITLE IV—ADMINSTRATION AND COORDINATION

(36) Technical differences.

(37) Technical difference—The House bill amends the first sentence of section 416(a).

The Senate amendment amends the second sentence of section 416(a).

(38) The House bill defines the term "poverty line for a single individual" as that established by O.M.B. and revised pursuant to the Omnibus Budget Reconciliation Act of 1981.

The Senate amendment defines the same term as that set by section 673(2) of the Community Service Block Grant.

The House recedes with an amendment clarifying that the Director of O.M.B. is to make this determination.

TITLE V—OLDER AMERICAN VOLUNTEER PROGRAMS

(39) The House bill, but not the Senate amendment, makes clarifying changes in Sec. 211(d) of the Act regarding increases in the stipend paid to Foster Grandparents and Senior Companion volunteers.

The Senate recedes.

(40) The House bill authorizes new grants for projects of national significance to expand older American volunteer services to increase literacy, provided child care to children before and after school, and provide respite care to families caring for frail elderly individuals.

The Senate amendment authorizes a new grant program entitled programs of national and local significance to expand older American volunteer services in eleven specific service areas.

The House recedes/the Senate recedes. The agreement authorizes a new grant program entitled Programs of National Significance to expand Older American Volunteer services in eleven specific service areas. The Director shall spend on Programs of National Significance at least one-third of the funds appropriated above the level necessary to maintain the number of projects and volunteers funded in each of the Older American Volunteer programs in the previous fiscal year. The conferees intend that grants will be made for $5,000 to $20,000.

The Conferees also intend that the Director shall not limit the categories in subsection (b) for which local applicants may apply. Applicants may apply for a grant to carry out any of the activities authorized by this section. All grants must be consistent with the requirements of the program under which such grant is made, including those which establish the program's intended service population. Grants must supplement and not supplant the number of program volunteers engaged in addressing the problem for which such grant was made, except in the case of a renewal of a grant previously made under this section. The Director shall disseminate information regarding this section to field personnel of the ACTION Agency and to community volunteer organizations upon request.

(41) The House bill requires the Director to spend up to $250,000 on public relations activities as appropriations increase.

The Senate amendment requires the Director to spend not less than $250,000 on promotional activities.

The House recedes.

(42) The House bill, but not the Senate amendment, strikes "And Older American Community Service Programs" in the heading of Part B.

The Senate recedes.

(43) The Senate amendment, but not the House bill, authorizes multi-year grants.

The Senate recedes with respect to the VISTA authority. With respect to the Older American volunteer programs the House recedes with an amendment moving this provision into Title II and stipulating that subject to the availability of funds the Director may make multiple-year grants for up to three years. As a condition of receiving such grant, the applicant is required to document that meaningful administrative savings would result from the multiple-year grant

award. Those applications for multiple-year grants which are not approved, are to be automatically considered under the annual grant cycle. Guantees funded under multiple-year grants are entitled to equal consideration for adjustments to federal financial assistance in the event of increases in appropriations and/or increases in administrative costs.

The Conferees intend that all increases in appropriations be distributed on an equitable basis to all potential applicants. The Director shall ensure that such increases, over and above the funds needed to meet current obligations for outstanding grants and contracts (including increases required by legislation) be distributed only upon the submission of new or augmented applications from all entities, including both multiple and single year grant recipients or contractors. The Conferees expect that there be no repetition of a situation in another program where grantees on multiple-year cycles were unable to access substantial increases in funds made available by the Appropriations Committee for a given year.

The Conferees intend that when a multiple-year grant or contract expires, the applicant shall submit an application for a new grant or contract which shall be reviewed under the same rules and procedures as all other grant or contract applications received for the same period. There is to be no separate competition or application process. There shall be no presumption that an applicant which has received a multiple-year grant or contract in the past is entitled or should receive any future grant or contract on a multiple-year basis.

TITLE IV—LITERACY

(44) The House bill, but not the Senate amendment, permits the Director, with the written consent of the volunteer, to reassign a VISTA Literacy Corps volunteer to a "regular" VISTA literacy project. The Director will then "ensure", to the extent practicable, a replacement volunteer for the Literacy Corps vacancy.

The Senate recedes with an amendment in the nature of a substitute which places caveats on this authorization. The substitute clarifies the existing authority of the Director to re-assign volunteers under the stated circumstances, provided that such reassignment does not undermine the requirement that the section 109(g)(1) literacy activities supplement and not supplant the 1986 level of literacy services provided under part A. The substitute also requires that the Director take prompt steps to fill the section 109(g)(1) vacancy created by such a reassignment.

(45) The House bill establishes an authority for the Director to provide assistance for projects by grant or contract to non-profit organizations whose principal purpose is combating illiteracy and its associated problems. Emphasis is to be given to the dissemination of information relating to training and technical assistance on use of volunteers in poor urban and rural areas (including for l.e.p. individuals) and new and innovative solutions that involve more effective volunteer use. Annual summaries of exemplary projects are to be sent to designated clearinghouses.

The Senate amendment has a similar provision. However, it stipulates that the grantee must be conducting operations in more than one area in a State, qualifies those who wish to be involved in "problems of illiteracy", does not mandate an annual summary, limits grants or contracts to the two given uses, and qualifies the preparation of materials.

The Senate recedes. With the severe problems of illiteracy which plague this nation, it is only appropriate that all avenues of assistance be fully utilized to address this issue. Therefore, it is the intent of the Conferees that the Director provide assistance for identification, development and dissemination of effective literacy materials and programs, by grant or contract, to public and private non-profit organizations whose principal purpose is the combating of illiteracy and its associated problems.

The Director shall consult with the national clearinghouse on literacy education as designated under section 372(d)(2) of the Adult Education Act in providing and coordinating such assistance. Exemplary projects for which information is provided shall include demonstration programs and programs effective in combating illiteracy, including workplace literacy. Activities assisted under this subsection may include: (1) training volunteers of such organizations to provide services with respect to such purposes; (2) carrying out demonstration projects to identify materials that are effective in carrying out such purposes, or demonstration projects to develop such materials, or both; (3) carrying out demonstration projects to identify model programs for use in carrying out such purposes or demonstration projects to carry out such programs, or both; and (4) disseminating to such nonprofit organizations the information developed as a result of such demonstraation projects carried out under this section and disseminate to such non-profit organizations the information developed as a result of such evaluations of programs that develop new and innovative solutions to illiteracy problems that involve more effective and extensive use of volunteers.

(46) The Senate amendment, but not the House bill, authorizes technical assistance to employers who have established, or wish to establish, a workplace literacy program.

The House recedes with an amendment, directing the Director to coordinate these activities with activities funded under this provision with Department of Education Workplace Literacy Programs.

TITLE VII—GENERAL PROVISIONS

(47) The Senate amendment, but not the House bill, authorizes "addressing significant health care problems" and health care for the homeless (especially homeless children)" as VISTA eligible activities.

The House recedes.

(48) The Senate amendment, but not the House bill, lifts the 16% cap on direct cost of volunteer support and substitutes a report to Congress whenever an amount in excess of 16% is used for this purpose.

The House recedes with an amendment providing that no more than 30% of the funds appropriated in each fiscal year may be utilized under this authority.

(49) Technical differences.

(50) The House bill but not the Senate amendment requires that there be a separate individual responsibility for each of the Older Americans Volunteer Programs—the Retired Seniors Volunteer Program, the Senior Companion Program and the foster Grandparent Program.

The Senate recedes.

(51) The House bill authorizes $7.5 million for FY 1990 for Sec. 408 of the Human Services Reauthorization Act of 1986.

The Senate amendment authorizes $6.5 million for FY 1990 for Sec. 408 of the Human Services Reauthorization Act of 1986.

The Conferees agree that the authorization for FY 1990 is $7 million.

(52) The House bill stipulates that not less than 120 percent and not more than 30 percent of the total appropriation is to be used for project replication.

The Senate amendment requires that not less than 20 percent of the funds appropriated be used for project replication under Sec. 408 of the Human Services Reauthorization Act of 1986.

The Conferees agree that not less than 10 percent and not more than 25 percent of the funds appropriated shall be used to replicate projects.

TITLE VIII—AUTHORIZATION OF APPROPRIATIONS

(53) The House bill authorizes the following figures (in millions) for the main VISTA program:

1990: $29.747
1991: $31.4
1992: $33.746
1993: $36.228

The Senate amendment authorizes the following figures (in millions) for the main VISTA program:

1990: $30.6
1991: $39.9
1992: $47.8
1993: $56

The House recedes.

(54) The House bill authorizes the following figures (in millions) for the VISTA Literacy Corps (section 501(a)(2)):

1990: $5.25
1991: $5.513
1992: $5.789
1993: $6.078

The Senate amendment authorizes the following figures (in millions) for the VISTA Literacy Corps:

1990: $6.050
1991: $8
1992: $10
1993: $12

The House recedes with an amendment substituting the following figures:

1990: $6.050
1991: $7.5
1992: $9
1993: $10.5

(55) Technical Difference

(56) The House bill authorizes the following figures (in millions) for the Service-Learning program:

1990: $1.352
1991: $1.352
1992: $1.352
1993: $1.352

The Senate amendment authorizes the following figures (in millions) for the Service-Learning program:

1990: $1.9
1991: $2
1992: $2.1
1993: $2.2

The House recedes.

(57) The House bill authorizes the following figures (in millions) for the Special Volunteer Programs (except drug abuse prevention):

1990: $1
1991: $1
1992: $1
1993: $1

The Senate amendment authorizes the following figures (in millions) for the Special Volunteer Programs (except drug abuse prevention):

1990: $1.1

1991: $1.15
1992: $1.2
1993: $1.275
The House recedes.

(58) The Senate amendment, but not the House bill, authorizes the following figures (in millions) for the Drug Abuse Prevention activities:
1992: $5.25
1993: $5.5
The House recedes.

(59) The House bill sets the following figures as years of volunteer service floors:
1990: 2,800
1991: 3,000
1992: 3,100
1993: 3,200
The Senate amendment sets the following figures as years of volunteer service floors:
1990: 2,800
1991: 3,100
1992: 3,600
1993: 4,100
The House recedes with an amendment substituting the following figures as years of volunteer service floors:
1990: 2,800
1991: 3,000
1992: 3,200
1993: 3,400

(60) The Senate amendment, but not the House bill, includes a provision stating that in the event that the Director determines that the funds appropriated for part A of VISTA are insufficient to fully fund the authorized volunteer service year floors, the Director shall take the funds necessary to meet such floors first from part C, then from part B, of title I of the Act.
The House recedes.

(61) The Senate amendment, but not the House bill, authorizes an amount for administration of the program equal to 20% of the funds appropriated for the programs reauthorized herein for FYs 1990–1993.
The House recedes.

(62) The House bill authorizes funds for the Retired Senior Volunteer Program for four years:
1990: $38 M
1991: $41 M
1992: $44 M
1993: $48 M
The Senate amendment authorizes funds for the Retired Senior Volunteer Program for four years and prohibits the appropriation of less than the amount appropriated the previous year, and no more than:
1990: $39.9 M
1991: $43.9 M
1992: $48.3 M
1993: $53.1 M
The House recedes.

(63) The House bill authorizes funds for the Foster Grandparent Program for four years:
1990: $69 M
1991: $78 M
1992: $88 M
1993: $95 M
The Senate amendment authorizes funds for the Foster Grandparent Program for four years and prohibits the appropriation of less than the amount appropriated the previous year, and no more than:
1990: $70.8 M
1991: $80.9 M
1992: $91.7 M
1993: $98.2 M
The House recedes.

(64) The House bill authorizes funds for the Senior Companion Program for four years:
1990: $33 M
1991: $38 M
1992: $43 M
1993: $47 M
The Senate amendment authorizes funds for the Senior Companion Program for four years and prohibits the appropriation of less than the amount appropriated the previous year and no more than:
1990: $36.6 M
1991: $39.0 M
1992: $44.7 M
1993: $48.7 M
The House recedes.

TITLE X—TECHNICAL AMENDMENTS TO OTHER LAWS

(65) The House bill but not the Senate amendment makes clarifying and technical changes to the Anti-Drug Abuse Act of 1988, the Juvenile Justice and Delinquency Prevention Act of 1974, the Runaway and Homeless Youth Act, and the Missing Children's Assistance Act.
The Senate recedes.

EFFECTIVE DATE

(66) The House bill but not the Senate amendment states that the amendments made by titles I through VI shall not apply with respect to funds appropriated for any fiscal year ending, and grants and contracts made, before October 1, 1989.
The Senate amendment but not the House bill sets an effective date.
The House recedes/the Senate recedes.

AUGUSTUS F. HAWKINS,
MAJOR R. OWENS,
DALE E. KILDEE,
TOM SAWYER,
DONALD M. PAYNE,
BILL GOODLING,
THOMAS J. TAUKE,
STEVE BARTLETT,
FRED GRANDY,
Managers on the Part of the House.

CHRISTOPHER DODD,
CLAIBORNE PELL,
TOM HARKIN,
BROCK ADAMS,
EDWARD M. KENNEDY,
DAN COATS,
ORRIN G. HATCH,
NANCY LANDON KASSEBAUM,
Managers on the Part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2273

Mr. HOYER. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from Texas [Mr. BARTLETT] as a cosponsor of H.R. 2273. Mr. BARTLETT supports the Americans with Disabilities Act as it has now been amended, but inadvertently his name was added to the bill as it formerly was.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1990

Mr. OBEY. Mr. Speaker, pursuant to the unanimous request previously agreed to, I introduce the bill (H.R. 3743) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3743 is as follows:

H.R. 3743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTIONS FOR ARREARAGES

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $6,666,667, for the United States contribution to the replenishments, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $75,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided,* That of this amount not more than $24,544,000 may be expended for the purchase of such stock in fiscal year 1990.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $31,617,983, and for the United States share of the increases in the resources of the Fund for Special Operations, $63,724,629, to remain available until expended: *Provided,* That the funds made available under this heading shall be withheld from obligation until the Secretary of the Treasury certifies that the Board of Executive Directors of the Inter-American Development Bank has adopted policies to ensure that all recipients of assistance must agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services: *Provided further,* That the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to use

the voice and vote of the United States to oppose any assistance by the Bank to any recipient of assistance who refuses to agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services: *Provided further,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $137,948,091, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $1,654,000, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

ANNUAL CONTRIBUTIONS TO INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock, for the General Capital Increase, $50,000,795, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $958,333,333, for the United States contribution to the replenishment, to remain available until expended: *Provided,* That $115,000,000 of the funds made available under this heading shall be withheld from obligation until January 1, 1990: *Provided further,* That such funds withheld from obligation may be obligated after January 1, 1990, only if the President certifies: (1) that the International Development Association has not provided any new loans to China since June 27, 1989, or (2) that, if such loans have been provided, the United States Government believes that such loans will support the process of increasing individual freedoms and improving human rights in China: *Provided further,* That fifteen days prior to any obligation of funds for the International Development Association, the President shall report his certification to the Committees on Appropriations of the House and Senate, and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate: *Provided further,* That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $40,000,000, to remain available until expended: *Provided,* That no such contribution may be made while the United States Executive Director to the Asian Development Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $105,000,000, for the United States contribution to the fifth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $7,987,308 to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $134,809,613.

CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND

For payment to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the International Monetary Fund, $140,000,000 to remain available until expended: *Provided,* That such funds are available subject to authorization: *Provided further,* That none of the funds made available by this paragraph shall be available for obligation or disbursement until the Secretary of the Treasury has assured the Committees on Appropriations in writing that the current policy of the International Monetary Fund (IMF) and the United States Government requiring that all congressional inquiries to IMF employees be cleared through the office of the United States Executive Director of the IMF has been reversed thereby allowing unmonitored and unfettered contact between Congress and IMF employees.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, $265,115,000: *Provided,* That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further,* That the total amount of funds appropriated under this heading shall be made available only as follows: $109,510,000 for the United Nations Development Program; $65,400,000 for the United Nations Children's Fund, of which amount 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 526 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of the United Nations Children's Fund fourth quarter of operations for 1990; $980,000 for the World Food Program; $1,500,000 for the United Nations Capital Development Fund; $800,000 for the United Nations Voluntary Fund for the Decade for Women; $200,000 for the United Nations

International Research and Training Institute for the Advancement of Women; $100,000 for the Intergovernmental Panel on Climate Change; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $22,000,000 for the International Atomic Energy Agency; $12,000,000 for the United Nations Environment Program; $800,000 for the United Nations Educational and Training Program for Southern Africa; $110,000 for the United Nations Institute for Namibia; $500,000 for the United Nations Trust Fund for South Africa; $750,000 for the Convention on International Trade in Endangered Species; $220,000 for the World Heritage Fund; $100,000 for the United Nations Voluntary Fund for Victims of Torture; $245,000 for the United Nations Fellowship Program; $400,000 for the United Nations Center on Human Settlements; $500,000 for the UNIDO Investment Promotion Service; $10,000,000 for the Organization of American States; and $35,000,000 for the United States contributions to the third replenishment of the International Fund for Agricultural Development: *Provided,* That none of the funds appropriated under this heading shall be made available for the International Fund for Agricultural Development until agreement has been reached on the third replenishment of the Fund: *Provided further,* That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1990, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 103, $483,715,000: *Provided,* That up to $5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products: *Provided further,* That not less than $8,000,000 shall be provided for the Vitamin A Deficiency Program: *Provided further,* That, notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this heading shall be made available, and remain available until expended, for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations: *Provided further,* That not less than $1,000,000 shall be available for a Farmer-to-Farmer program for Poland, notwithstanding any other provision of law.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), $220,000,000: *Provided,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

HEALTH, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(c), $125,994,000.

INTERNATIONAL AIDS PREVENTION AND CONTROL PROGRAM

For necessary expenses to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, $42,000,000, which shall be made available only for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries: *Provided,* That of the funds made available under this heading $21,000,000 shall be provided directly to the World Health Organization for its use in financing the Global Program on AIDS, including activities implemented by the Pan American Health Organization.

CHILD SURVIVAL FUND

For necessary expenses to carry out the provisions of section 104(c)(2), $71,000,000.

EDUCATION AND HUMAN RESOURCES DEVELOPMENT, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 105, $134,541,000: *Provided,* That $1,500,000 of the funds appropriated under this heading shall be made available for the Caribbean Law Institute: *Provided further,* That not less than $67,270,000 of the funds appropriated under this heading and under the heading "Sub-Saharan Africa, Development Assistance" shall be available only for programs in basic primary and secondary education: *Provided further,* That in fiscal year 1990 the Agency for International Development shall initiate three new bilateral projects in basic primary and secondary education, at least two of which shall be initiated in Sub-Saharan Africa: *Provided further,* That not less than $20,000,000 of the funds appropriated under this heading shall be made available for the International Student Exchange Program, of which $2,000,000 shall be available, notwithstanding any other provision of law, for students from Poland and Hungary: *Provided further,* That not less than $1,200,000 of the funds appropriated under this heading shall be made available for leadership programs for the Americas that have a demonstrated record of performance: *Provided further,* That not less than $2,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for technical training for the people of Poland and Hungary in skills which would foster the development of a market economy and the private sector, including training in management and agricultural extension: *Provided further,* That not less than $3,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for educational and cultural exchanges with Poland and Hungary, which shall be undertaken in cooperation with the United States Information Agency.

PRIVATE SECTOR, ENVIRONMENT, AND ENERGY, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 106, $149,209,000: *Provided,* That not less than $7,500,000 shall be made available only for cooperative projects among the United States, Israel and developing countries of which not less than $5,000,000 shall be made available for the Cooperative Development Program, and of which not less than $2,500,000 shall be made available for cooperative development research projects: *Provided further,* That not less than $5,000,000 shall be made available only for the Central American Rural Electrification Support project: *Provided further,* That not less than $2,000,000 of the funds appropriated under this heading or under the heading "Sub-Saharan Africa, Development Assistance", shall be made available for assistance in support of elephant conservation and preservation: *Provided further,* That not less than $3,300,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for assistance to establish an air quality monitoring network in the Krakow, Poland metropolitan area, to improve water quality and the availability of drinking water in the Krakow metropolitan area, and to establish and support a regional environmental center in Budapest, Hungary for facilitating cooperative environmental activities, which activities shall be undertaken in cooperation with the Environmental Protection Agency: *Provided further,* That not less than $10,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for support for retrofitting a coal-fired commercial plant in the Krakow, Poland region with clean coal technology and for assistance to assess and develop the capability within Poland to manufacture or modify equipment that will enable industrial activities within Poland to use fossil fuels cleanly, which activities shall be undertaken in cooperation with the Department of Energy: *Provided further,* That the Administrator of the Agency for International Development or his designee may vest title in any property acquired under the previous two provisos in an entity other than the United States: *Provided further,* That not less than $1,500,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the provision of technical assistance to Poland and Hungary (1) for the implementation of labor market reforms, and (2) to facilitate adjustment during the period of transition to free labor markets and labor organizations, which activities shall be undertaken in cooperation with the Department of Labor and United States labor and business representatives.

SCIENCE AND TECHNOLOGY, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 106, $8,662,000.

MICRO-ENTERPRISE DEVELOPMENT

Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $75,000,000 shall be made available for programs of credit and other assistance for micro-enterprises in developing countries: *Provided,* That local currencies which accrue as a result of assistance provided to carry out the provisions of the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 may be used for assistance for micro-enterprises: *Provided further,* That such local currencies which are used for this purpose shall be in lieu of funds earmarked under this heading and shall reduce the amount earmarked for assistance for micro-enterprises by an equal amount.

POLAND AND HUNGARY

Notwithstanding any other provision of law, of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $45,000,000 shall be made available for Poland and not less than $5,000,000 shall be made available for Hungary, which funds shall be used in support of the private sector and other economic development programs: *Provided,* That funds made available under this heading shall remain available until September 30, 1991.

SUB-SAHARAN AFRICA, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103 through 106 and section 121 of the Foreign Assistance Act of 1961, $565,000,000, for assistance only for Sub-Saharan Africa, which shall be in addition to any amounts otherwise available for such purposes: *Provided,* That the authorities contained under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), shall be applicable to amounts appropriated under this heading until an Act authorizing assistance for such purposes for the fiscal year 1990 is enacted into law: *Provided further,* That not less than $50,000,000 of the funds appropriated under this heading shall be made available only to assist activities supported by the Southern Africa Development Coordination Conference: *Provided further,* That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Coordination Conference shall be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

ZAIRE

Funds appropriated to carry out chapter 1 of part I which are allocated for Zaire shall be made available through private and voluntary organizations to the maximum extent practicable.

ASSISTANCE FOR DISPLACED CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $3,000,000 shall be made available for programs and activities for children who have become orphans as a result of the effects of drought, civil strife, and other natural and man-made disasters: *Provided,* That assistance under this heading shall be made available in accordance with the policies and general authorities contained in section 491 of the Foreign Assistance Act of 1961.

ASSISTANCE FOR VICTIMS OF WAR

Of the aggregate of the funds appropriated by this Act to carry out part I and chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, for assistance for the provision of prostheses and related assistance for civilians who have been injured as a result of civil strife and warfare: *Provided,* That this amount shall be derived in equal amounts from part I and from chapter 4 of part II.

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $5,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than $3,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided,* That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided,* That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

PRIVATE SECTOR REVOLVING FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, not to exceed $5,000,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1990, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed $3,500,000.

During fiscal year 1990, total commitments to guarantee loans shall not exceed $46,115,020 of contingent liability for loan principal.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, $35,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, $25,000,000, to remain available until expended: *Provided,* That not less than $500,000 of the funds appropriated under this heading may be made available for assistance for children who have become orphans as a result of natural disasters.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $40,147,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $437,000,000: *Provided,* That not more than $15,000,000 (except that payment may be made under this limitation only for those categories of services for which charges have been made under Foreign Affairs Administrative Support both in prior years and in the current year) of this amount shall be for Foreign Affairs Administrative Support.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $31,000,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding section 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided,* That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further,* That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further,* That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and forty at September 30, 1990.

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

During the fiscal year 1990, total commitments to guarantee loans shall not exceed $125,000,000 of contingent liability for loan principal: *Provided,* That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject only to the availability of qualified applicants for such guarantees: *Provided further,* That guarantees issued under this heading shall guarantee 100 per centum of the principal and interest payable on such loans: *Provided further,* That no loans guaranteed under this heading shall be issued or held by the Federal Financing Bank: *Provided further,* That pursuant to section 223(e)(2) of the Foreign Assistance Act of 1961 borrowing authority provided therein may be exercised in such amounts as may be necessary to retain an adequate level of contingency reserves for the fiscal year 1990: *Provided further,* That section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1991": *Provided further,* That notwithstanding the prior limitation on total commitments to guarantee loans at not to exceed $125,000,000, during the fiscal year 1990, total commitments to guarantee loans shall not exceed $100,000,000 of contingent liability for loan principal.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $3,205,000,000: *Provided,* That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1989, whichever is later: *Provided further,* That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further,* That sufficient Egyptian pounds generated from funds made available under this heading or any other heading of this Act shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978 (which provide for local currency requirement for programs of the United States in Egypt to be made available to the United States in the manner requested by the United States Government), to enable the United States Embassy in Cairo to restore the endowment entitled "U.S. Government Trustee" to the Egyptian pound equivalent level, at the commercial rate of exchange, of $50,000,000, the level of endowment established by Congress in Public Law 99-88: *Provided further,* That an additional 20,000,000 Egyptian pounds generated from the same sources shall be made available pursuant to the same agreements to enable the United States Embassy in Cairo to establish an endowment to support other United States educational programs in Egypt: *Provided further,* That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: *Provided further,* That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: *Provided further,* That of the funds appropriated under this heading and allocated for El Salvador, up to $1,500,000 (or the equivalent in local currencies generated with funds provided to El Salvador under this heading) may be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, to assist the Government of El Salvador's Special Investigative Unit, including for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further,* That section 534(e) of the Foreign Assistance Act of 1961 is amended by (1) striking "each of fiscal years 1988 and 1989" and inserting in lieu thereof "fiscal year 1990"; and (2) striking "September 30, 1989" and inserting in lieu thereof "September 30, 1990": *Provided further,* That not less than $12,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Asia and Near East regional program: *Provided further,* That not less than $35,000,000 of the funds appropriated under this heading shall be made available for Jordan: *Provided further,* That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus: *Provided further,* That not less than $230,000,000 of the funds appropriated under this heading shall be made available for Pakistan: *Provided further,* That not less than $20,000,000 of the funds appropriated under this heading shall be made available for Morocco: *Provided further,* That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further,* That prior to the initial obligation of assistance for El Salvador from funds appropriated under this heading, the President shall report to the Congress on the extent to which the Government of El Salvador has made demonstrable progress in settling outstanding expropriation claims of American citizens in compliance with the judgment of the Supreme Court of El Salvador: *Provided further,* That the total amount of assistance provided for any country in Central America under this heading and to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 shall not be reduced, from amounts allocated to such country for such purposes for fiscal year 1989, by a percentage greater than the percentage reduction from amounts allocated for any other country in Central America for such purposes for such fiscal year: *Provided further,* That if funds made available under this heading are provided to a foreign country as cash transfer assistance, that country shall be required to maintain these funds in a separate account and not commingle them with any other funds: *Provided further,* That such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That all local currencies that may be generated with such funds shall be treated in accordance with section 592 of this Act: *Provided further,* That at least fifteen days prior to obligating any such assistance to a foreign country under this heading, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance): *Provided further,* That not more than $5,000,000 of the funds appropriated under this heading may be made available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of $5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further,* That notwithstanding any other provision of law, none of the funds appropriated under this heading may be used for tied aid credits without the prior approval of the Administrator of the Agency for International Development: *Provided further,* That, except as provided by this Act, none of the funds appropriated under this heading by this Act or prior foreign assistance appropriations Acts, shall be made available for tied aid credits in accordance with any provision of law enacted after May 19, 1988: *Provided further,* That not less than $5,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the humanitarian relief, medical treatment, education and vocational training of victims of the Armenian earthquake of December 7, 1988, which amount shall be channeled through United States private and voluntary organizations and other United States nongovernmental organizations: *Provided further,* That $2,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for the provision of medical supplies and hospital equipment to Poland, including expenses of purchasing, transporting, and distributing such supplies and equipment, and for training Polish medical personnel: *Provided further,* That $1,500,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, only to support Solidarity through the AFL-CIO's Free Trade Union Institute to promote democratic activities in Poland: *Provided further,* That not less than $200,000,000 of the funds appropriated under this heading shall be available, notwithstanding any other provision of law, for Poland: *Provided further,* That $2,500,000 of the funds appropriated under this heading shall be available, notwithstanding any other provision of law, to support independent, democratic organizations and activities in Poland and Hungary: *Provided further,* That funds made available under this heading shall remain available until September 30, 1991.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II, $20,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided,* That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further,* That funds made available under this heading shall remain available until expended.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, $160,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided,* That not less than 75 per centum of the funds appropriated under this heading shall be made available for project and sector activities consistent with the purposes of sections 103 through 106 of such Act: *Provided further,* That the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $20,000,000 of the funds appropriated under this heading and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act: *Provided further,* That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of such Act may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts con-

tained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961: *Provided further,* That any funds transferred to carry out the purposes of this heading shall be made available only for projects and activities which are consistent with the purposes of those funds as initially appropriated: *Provided further,* That of the total amount of funds transferred to carry out the purposes of this heading not less than 50 per centum shall be derived from funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act: *Provided further,* That transfers of any funds to carry out the purposes of this heading shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds made available under this heading shall remain available until September 30, 1991: *Provided further,* That none of the funds appropriated under this heading shall be made available except as provided through the regular notification procedures of the Committees on Appropriations.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $9,000,000: *Provided,* That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made. This provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further,* That section 507(a)(1) of the African Development Foundation Act is amended by adding at the end thereof the following: "Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party.": *Provided further,* That the amendment to section 507(a)(1) of such Act shall not affect an appointment made to the Board prior to the date of enactment of this Act: *Provided further,* That section 511 of the African Development Foundation Act is repealed.

INTER-AMERICAN FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,932,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1990 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $20,000,000.

During the fiscal year 1990, total commitments to guarantee loans shall not exceed $215,000,000 of contingent liability for loan principal: *Provided,* That not less than $40,000,000 of such amount shall be used for projects for Poland, notwithstanding any other provision of law.

Except as provided in this Act, no provision of any other Act not enacted into law by May 19, 1988, shall be construed to require the exercise of authority to provide direct loans or to make commitments to guarantee loans contrary to the limitations contained under this heading.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $168,614,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided,* That none of the funds appropriated under this heading shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $115,000,000: *Provided,* That in carrying out the provisions of section 481, increased emphasis should be placed on (1) further intensifying United States efforts in the eradication and interdiction of illicit narcotics, and (2) seeking international cooperation on narcotics enforcement matters such as in the areas of extradition treaties, mutual legal assistance to combat money laundering, sharing of evidence, and other initiatives for cooperative narcotics enforcement efforts: *Provided further,* That of the funds made available under this heading, such funds as the President deems necessary may be made available for the funding of United States participation in a multilateral anti-narcotics strike force not including any Communist or Warsaw Pact troops: *Provided further,* That funds for such a force may only be provided if the Committees on Appropriations of the House of Representatives and of the Senate are notified at least 15 days in advance of the obligation of funds.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $370,000,000: *Provided,* That not less than $25,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further,* That funds appropriated under this heading shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further,* That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infiltration in the Western Hemisphere: *Provided further,* That of the funds appropriated under this heading not less than $15,000,000 shall be available for Refugee Entrant Assistance: *Provided further,* That of the funds appropriated under this heading not less than $46,000,000 shall be made available for the refugee admission program for first asylum refugees from East Asia: *Provided further,* That section 584(a)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended by striking "8 months" and inserting "one year": *Provided further,* That of the funds appropriated under this heading not less than $1,500,000 shall be made available for a Thailand-Cambodia border refugee protection program: *Provided further,* That of the funds appropriated under this heading not less than $1,500,000 shall be made available for the antipiracy program, none of which funds shall be used by any government to deny asylum to individuals seeking asylum: *Provided further,* That not less than $10,000,000 shall be made available to the Republic of Turkey for assistance for shelter, food and other basic needs to ethnic Turkish refugees fleeing the People's Republic of Bulgaria and resettling on the sovereign territory of Turkey: *Provided further,* That section 584(a)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100-202), is amended by striking "during the 2-year period beginning 90 days after the date of the enactment of this Act" and inserting "during the period beginning on March 22, 1988, and ending on September 30, 1990": *Provided further,* That the sixth proviso under Migration and Refugee Assistance, Department of State, in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 is amended by striking "before the end of the 2-year period" and inserting "before the end of the period": *Provided further,* That not more than $8,250,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State: *Provided further,* That of the funds appropriated under this heading, $250,000 shall be made available, notwithstanding any other provision of law, for food, medicine, medical supplies, medical training, clothing, and other humanitarian assistance for displaced Burmese students at camps on the border with Thailand.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $50,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $10,017,000.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, $47,400,000: *Provided,* That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,297,404,194: *Provided,* That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, not less than $1,300,000,000 shall be available for grants only for Egypt, not less than $230,000,000 shall be available for grants only for Pakistan, and not less than $48,000,000 shall be available for grants only for Jordan: *Provided further,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $400,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further,* That grants provided with funds made available by this paragraph shall be implemented by grant documents which do not include a requirement to repay the United States Government, notwithstanding any requirement in section 23 of the Arms Export Control Act.

For expenses necessary for loans to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $406,000,000: *Provided,* That any funds made available by this paragraph, except as otherwise specified, may be made available at concessional rates of interest: *Provided further,* That the concessional rate of interest on Foreign Military Financing Program loans shall be not less than 5 per centum per year: *Provided further,* That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures: *Provided further,* That during fiscal year 1990, gross obligations for the principal amount of direct loans under this heading exclusive of loan guarantee defaults, shall not exceed $406,000,000.

Of the funds appropriated under this heading $500,000,000 only shall be available for Turkey and $350,000,000 only shall be available for Greece and, if Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants: *Provided,* That funds previously obligated for the Philippines under the heading "Foreign Military Credit Sales" but uncommitted on the date of enactment of this Act shall be used at any time hereafter only to finance sales made under the Arms Export Control Act: *Provided further,* That of the funds appropriated under this heading not more than $85,000,000 shall be available for El Salvador: *Provided further,* That of the funds appropriated under this heading not more than $9,000,000 shall be available for nonlethal assistance for Guatemala: *Provided further,* That of the funds appropriated under this heading, except through the regular notification procedures of the Committees on Appropriations, not more than $3,000,000 shall be available for Zaire: *Provided further,* That of the funds appropriated under this heading $43,000,000 shall be available for Morocco: *Provided further,* That of the funds appropriated under this heading $30,000,000 shall be available for countries in sub-Saharan Africa: *Provided further,* That none of the funds appropriated under this heading shall be available for Sudan or Somalia, except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That not more than $687,404,194 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further,* That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That any material assistance provided with funds appropriated under this heading for Haiti shall be limited to non-lethal items such as transportation and communications equipment and uniforms: *Provided further,* That funds made available under this heading for Haiti shall be made available only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further,* That any reference in title V of this Act to "Foreign Military Credit Sales" shall be deemed to be a reference to grants and loans pursuant to the Foreign Military Financing Program under this heading: *Provided further,* That not more than $39,000,000 of the funds appropriated under this heading may be obligated for necesary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further,* That section 515(d) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the word "chapter" the phrase "or the Arms Export Control Act", and section 636(g) of that Act is amended by inserting immediately after the phrase "for the purposes of part II" the phrase "or the Arms Export Control Act".

FOREIGN MILITARY SALES DEBT REFORM

Funds made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, for obligation and expenditure after October 1, 1988, subject to a Presidential budget request, under the heading "Foreign Military Sales Debt Reform", subsection (b) "Interest Rate Reduction" shall be available, subject to the same conditions and provisos, only after October 1, 1990: *Provided,* That such subsection and subsection (a) under such heading are amended by striking "ten" in all places in which that word appears and inserting in lieu thereof "eight".

GUARANTY RESERVE FUND

If during fiscal year 1990 the funds available in the Guaranty Reserve Fund (Fund) are insufficient to enable the Secretary of Defense (Secretary) to discharge his responsibilities, as guarantor of loans guaranteed pursuant to section 24 of the Arms Export Control Act (AECA) or pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, under the heading "Foreign Military Sales Debt Reform", the Secretary shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or obligations may be redeemed by the Secretary from appropriations and other funds available, including repayments by the borrowers of amounts paid pursuant to guarantees issued under section 24 of the AECA. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under the Second Liberty Bond Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this heading. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed $280,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1990, to remain available for obligation until September 30, 1992: *Provided,* That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, $33,377,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1990 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $615,000,000: *Provided,* That gross obligations for the principal amount of direct loans pursuant to the medium-term financing program shall not exceed $215,000,000: *Provided further,* That the interest subsidy authority and the tied aid grants authority provided under this heading are subject to authorization: *Provided further,* That there are hereby appropriated $110,000,000 to be made available for tied aid grants in accordance with section 15 of the Export-Import Bank Act of 1945, as amended, or, at the discretion of the Chairman of the Export-Import Bank, in accordance with the Trade and Development Enhancement Act of 1983, as amended: *Provided further,* That there are hereby appropriated $20,000,000 to be made available for interest subsidy payments in accordance with the Export-Import Bank Act of 1945, as amended: *Provided further,* That none of the funds appropriated under this heading for interest subsidy payments may be used in conjunction with any loan guaranteed from authority provided under this heading: *Provided further,* That the funds made available under this heading for both grant and subsidy purposes shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That $110,000,000 of the funds made available for tied aid grant purposes and $20,000,000 of the funds made available for interest subsidy payments shall be subject to the limitation on the gross obligations for the principal amount of direct loans specified under this heading: *Provided further,* That funds made available for grants or interest subsidy payments shall be made available only as authorized by law: *Provided further,* That loan guarantee authority available to the Export-Import Bank of the United States may be used by the Bank to participate in the financing of commercial sales of defense articles and services destined for Greece and Turkey, notwithstanding any other provision of law: *Provided further,* That the authority provided by the previous proviso shall not be used for the procurement of defense articles or services for use on Cyprus: *Provided further,* That during the fiscal year 1990, total commitments to guarantee loans shall not exceed $10,384,000,000 of contingent liability for loan principal: *Provided further,* That the direct loan, tied aid grant and interest subsidy authority provided under this heading shall remain available until September 30, 1991.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $22,000,000 (to be computed on an accrual basis) shall be available during fiscal year 1990 for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $16,000 for official reception and representation expenses for members of the Board of Directors: *Provided,* That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $30,000,000: *Provided,* That except as provided in this or any other Act appropriating funds for foreign operations, export financing, and related programs, no provision of law enacted after May 19, 1988, may transfer funds to, or otherwise make available funds for, the Trade and Development Program.

AGENCY FOR INTERNATIONAL DEVELOPMENT

TRADE CREDIT INSURANCE PROGRAM

During fiscal year 1990, total commitments to guarantee or insure loans for the "Trade Credit Insurance Program" shall not exceed $200,000,000 of contingent liability for loan principal for Central America and, notwithstanding any other provision of law, not to exceed $200,000,000 of contingent liability for loan principal for Poland pursuant to the authorities of section 224 of the Foreign Assistance Act of 1961: *Provided,* That section 224(c) of the Foreign Assistance Act of 1961 is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1990".

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $11,500 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $115,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,875 shall be available for entertainment expenses and not to exceed $75,000 shall be available for representation allowances: *Provided further,* That of the funds made avail-

able by this Act under the heading "International Military Education and Training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,875 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,600 shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,300 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria: *Provided,* That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents: *Provided further,* That such prohibition shall not apply to the Export-Import Bank or its agents if in the judgment of the President its application is not in the national interest of the United States and so reports to Congress.

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1990, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided,* That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further,* That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided,* That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act for any narcotics-related activities in Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961, as amended, or the Arms Export Control Act.

FINANCIAL INSTITUTIONS—NAMES OF BORROWERS

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

FINANCIAL INSTITUTIONS—DOCUMENTATION

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the information is essential to the operation of the institution.

COMMERCE AND TRADE

SEC. 521. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SURPLUS COMMODITIES

SEC. 522. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 523. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Agriculture, rural development, and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "International AIDS Prevention and Control Program", "Education and human resources development, Development Assistance", "Private Sector, environment, and energy, Development Assistance", "Science and technology, Development Assistance", "Sub-Saharan Africa, Development Assistance", "International organizations and pro-

grams", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961 or of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

CONSULTING SERVICES

SEC. 524. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 525. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 526. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), the Southwest Africa People's Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1991.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

UNITED NATIONS VOTING RECORD

SEC. 527. (a) IN GENERAL.—Not later than March 31 of each year, the Secretary of State shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete annual report which assesses for the prior calendar year, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

(b) INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS.—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding year, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

(3) with respect to plenary votes of the United Nations General Assembly—

(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively and a brief description of the issues involved in each such vote;

(B) a listing of the votes described in subparagraph (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(C) a country-by-country listing of votes described in subparagraph (A); and

(D) a listing of votes described in subparagraph (A) displayed in terms of United Nations regional caucus groups;

(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the vote cast by each member country with the vote cast by the United States;

(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

(c) FORMAT.—Information required pursuant to subsection (b)(3) shall also be submitted, together with an explanation of the statistical methodology, in a format identical to that contained in chapter II of the March 14, 1988, Report to Congress on Voting Practices in the United Nations.

(d) STATEMENT BY THE SECRETARY OF STATE.—Each report under subsection (a) shall contain a statement by the Secretary of State discussing the measures which have been taken to inform United States diplomatic missions of United Nations General Assembly and Security Council activities.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The following provisions of law are repealed:

(1) The second undesignated paragraph of section 101(b)(1) of the Foreign Assistance and Related Programs Appropriations Act, 1984 (Public Law 98-151; 97 Stat. 964).

(2) Section 530 of the Foreign Assistance and Related Programs Appropriations Act, 1985 (Public Law 98-473, 98 Stat. 1837).

(3) Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as enacted by Public Law 99-190 (99 Stat. 1185).

(4) Section 528 of the Foreign Assistance and Related Programs Appropriations Act, 1987, as enacted by Public Law 99-500 (100 Stat. 1783) and Public Law 99-591 (100 Stat. 3341).

(5) Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as enacted by Public Law 100-202 (101 Stat. 1329).

(6) Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as enacted by Public Law 100-461 (101 Stat. 2268).

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

SEC. 528. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

SEC. 529. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 530. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an eco-

nomically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

SEC. 531. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

SEC. 532. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

ENVIRONMENTAL CONCERNS

SEC. 533. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Directors of each multilateral development bank (MDB) to promote vigorously within each MDB the expansion of programs in areas which address the problems of global climate change through requirements to—

(1) augment and expand the professional staff of each MDB with expertise in end-use energy efficiency and conservation and renewable energy;

(2) develop methodologies which allow borrowing countries to include investments in end-use energy efficiency and renewable energy as explicit alternatives in the "least cost" energy sector investments plans they prepare with MDB assistance. Such plans shall give priority to projects and programs which support energy conservation, end-use efficiency and renewable energy sources in major economic sectors, and shall compare the economic and environmental costs of those actions with the economic and environmental costs of investments in conventional energy supplies;

(3) provide analysis for each proposed loan to support additional power generating capacity, comparing the economic and environmental costs of investments in demand reduction, including energy conservation and end-use energy efficiency, with the economic and environmental costs of the proposal;

(4) assure that systematic, detailed environmental impact assessments (EIA) of proposed energy projects, or projects with potential significant environmental impacts, are conducted early in the project cycle. Assessments should include but not be limited to—

(A) consideration of a wide range of alternatives to the proposed project including, where feasible, alternative investments in end-use energy efficiency and non-conventional renewable energy; and

(B) encouragement and adoption of policies which allow for public participation in the EIA process;

(5) include environmental costs in the economic assessment of the proposed projects with significant potential environmental impacts, or power projects, and if possible for all projects which involve expansion of generating capacity of more than 10 MW, develop a standard increase in project cost as a surrogate for the environmental costs;

(6) encourage and promote end-use energy efficiency and renewable energy in negotiations of policy-based energy sector lending, and MDBs should consider not proceeding with policy-based sector loans which do not contain commitments from the borrowing country to devote a significant portion of its sector investments toward energy efficiency and renewable energy;

(7) provide technical assistance as a component of all energy sector lending to help borrowing countries identify and pursue end-use energy efficiency investments. This technical assistance shall include support for detailed audits of energy use and the development of institutional capacity to promote end-use energy efficiency and conservation;

(8) work with borrowing countries, with input from the public in both borrowing and donor countries, to develop loans for end-use energy efficiency and renewable energy, where possible "bundling" small projects into larger, more easily financed projects; and

(9) seek the convening of a special seminar for board members and senior staff of each MDB concerning alternate energy investment opportunities and end-use energy efficiency and conservation.

(b) The Secretary of the Treasury as a part of the annual report to the Congress shall describe in detail, progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a), including in particular—

(1) efforts by the Department of Treasury to assure implementation by each of the MDBs of programs substantially equivalent to those set out in this section, and results of such efforts;

(2) progress made by each MDB in drafting and implementing least cost energy plans for each recipient country which meets requirements outlined in subsection (a)(2);

(3) the absolute dollar amounts, and proportion of total lending in the energy sector, of loans and portions of loans, approved by each MDB in the previous year for projects or programs of end-use energy efficiency and conservation and renewable energy.

(c) Not later than April 1, 1990, the Secretary of the Treasury shall request each MDB to prepare an analysis of the impact its current forestry sector loans will have on borrowing country emissions of CO_2 and the status of proposals for specific forestry sector activities to reduce CO_2 emissions.

(d)(1) The Administrator of the Agency for International Development shall issue guidance to all Agency missions and bureaus detailing the elements of a "Global Warming Initiative" which will emphasize the need to reduce emissions of greenhouse gases, especially CO_2, through strategies consistent with their continued economic development. This initiative shall emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

(2) The Agency for International Development shall—

(A) increase the number and expertise of personnel devoted to end use energy efficiency, renewable energy, and environmental activities in all bureaus and missions;

(B) devote increased resources to technical training of mission directors, in energy planning, energy conservation, end use energy efficiency, renewable energy, reforestation, and biodiversity;

(C) accelerate the activities of the Multi-Agency Working Group on Power Sector Innovation to enable completion of case studies of at least ten countries in fiscal year 1990; and

(D) devote at least 10 percent of the resources allocated for forestry activities to the preservation and restoration (as opposed to management for extraction) of natural forests.

(3) Funds appropriated by this Act to carry out the provisions of sections 103 to 106 of the Foreign Assistance Act of 1961 may be used to reimburse the full cost of technical personnel detailed or assigned to, or contracted by, the Agency for International Development to provide expertise in the environmental sector.

(4)(A) Section 119(b) of the Foreign Assistance Act of 1961 is amended by inserting ", notwithstanding section 660," after "this part".

(B) Not less than $10,000,000 of the funds appropriated to carry out the provisions of sections 103 through 106 of such Act (including funds for sub-Saharan Africa) shall be made available for biological diversity activities, of which $2,000,000 shall be made available for the Parks in Peril project, pursuant to the authority of section 119(b) and $1,000,000 shall be available for the National Science Foundation's international biological diversity program.

(C) Funds obligated in prior fiscal years pursuant to the authority of section 119(b) may be expended in fiscal year 1990 pursuant to the authority of such section as amended by subparagraph (A).

(e) The Secretary of the Treasury shall—

(1) instruct the United States Executive Directors to the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, the Asian Development Bank, and the International Monetary Fund, to actively support lending portfolios which allow debtor developing countries to reduce or restructure debt in concert with the sustainable use of their natural resources. As a part of any such debt restructuring program, the United States Executive Director should require a thorough review of opportunities this initiative may offer for providing additional financial resources for the management of natural resources. The Secretary shall submit a report to the Committees on Appropriations on the progress of this program by April 30, 1990;

(2) instruct the United States Executive Directors to the international financial institutions to seek the support of other donor countries in the implementation of this policy; and

(3) instruct the United States Executive Director to the International Bank for Reconstruction and Development to actively seek the implementation by the World Bank of the recommendations set forth in its April 1, 1988, report on "Debt-for-Nature swaps", including the setting up of a pilot debt-for-nature swap program in one or more interested countries. The Secretary shall submit a progress report on the implementation of this program to the Committees on Appropriations by April 1, 1990.

(f) The Secretary of the Treasury shall seek to incorporate natural resource management initiatives throughout the implementation of the Brady Plan. The Secretary shall submit to the Committees on Appropriations a report by April 15, 1990, describing how such initiatives have been incorporated into the Brady Plan and identifying any such initiatives undertaken to date.

(g) The Secretary of the Treasury shall instruct the United States Executive Director to the Inter-American Development Bank to—

(1) seek implementation of the environmental reform measures agreed to as part of the Bank's 7th Replenishment;

(2) seek adoption of Bank policies regarding indigenous people, relations with nongovernmental organizations, and the protection of wildlife and unique natural and cultural features;

(3) require the Bank to demonstrate how it has improved, and will improve, the monitoring of environmental and social components of loans; and

(4) within four months after the date of enactment of this Act report to the Committees on Appropriations on the progress the Bank has made in implementing each of these reforms.

GLOBAL WARMING INITIATIVE

SEC. 534. (a) TROPICAL FORESTRY ASSISTANCE.—(1) In order to achieve the maximum impact from activities relating to tropical forestry, the Agency for International Development shall focus tropical forestry assistance programs on the key middle- and low-income developing countries (hereinafter "key countries") which are projected to contribute large amounts of greenhouse gases related to global warming as a result of industrialization and the burning of fossil fuels, and destruction of tropical forests.

(2) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting tropical forestry programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation makes a significant contribution to global warming, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(3) In providing assistance relating to tropical forests, the Administrator of that Agency shall, to the extent feasible and appropriate, assist countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry.

(b) ENERGY ASSISTANCE.—(1) In order to achieve the maximum impact from activities relating to energy, the Agency for International Development shall focus energy assistance activities on the key countries, where assistance would have the greatest impact on reducing emissions from greenhouse gases. Such assistance shall be focused on improved energy efficiency, increased use of renewable energy resources and national energy plans (such as least-cost energy plans) which include investment in end-use efficiency and renewable energy resources.

(2) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting energy programs aimed at reducing emissions of greenhouse gases related to global warming with regard to the key countries, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(3) It is the sense of the Congress that the Agency for International Development should increase its efforts in the fields of energy efficiency, renewable energy, and energy planning. Such increase should take place with respect to key countries and countries with large Economic Support Fund project assistance. Such efforts should include—

(A) an increase in the number of Agency for International Development staff with energy expertise, including staff with expertise in renewable energy technologies and end-use efficiency;

(B) assistance to develop analyses of energy-sector actions that could minimize emissions of greenhouse gases at least cost, while at the same time meeting basic economic and social development needs. Such assistance should include country-specific analyses which compare the economic and environmental costs of actions to promote energy efficiency and nonconventional renewable energy with the economic and environmental costs of investments to provide additional conventional energy supplies;

(C) assistance to develop energy-sector plans that employ end-use analysis and other techniques to identify the most cost-effective actions to minimize increased reliance on fossil fuels, ensuring to the maximum extent feasible that nongovernmental organizations and academic institutions are involved in this planning;

(D) insuring that AID energy assistance—including support for private-sector initiatives—is consistent with the analyses and plans described in subparagraphs (B) and (C) above, and that environmental impacts (including that on global warming) and alternatives have been fully analyzed;

(E) assistance to improve efficiency in the production, transmission, distribution, and use of energy. Such assistance should focus on the development of institutions to (i) promote energy efficiency in all sectors of energy production and use, (ii) provide training and technical assistance to help energy producers and users identify cost-effective actions to improve energy efficiency, (iii) finance specific investments in energy efficiency in all sectors of energy production and use, and (iv) improve local capabilities in the research, development, and sale of energy efficient technologies;

(F) assistance in exploiting nonconventional renewable energy resources, including wind, solar, small-hydro, geothermal, and advanced biomass systems. This assistance should also promote efficient use of traditional biomass fuels through improved fuelwood management and improved methods of charcoal production;

(G) expanding efforts to meet the energy needs of the rural poor through the methods described in subparagraphs (E) and (F). Specifically these efforts should promote improved efficiency in the use of biomass fuels for household energy, improved systems of fuelwood management, and the development of the nonconventional renewable energy systems described in subparagraph (F);

(H) encouraging host countries to sponsor meetings with officials from the United States utility sector who are leaders in energy efficiency and other United States experts to discuss the application of least-cost planning techniques;

(I) developing a cadre of United States experts from industry, academia, nonprofit organizations, and government agencies capable of providing technical assistance to developing countries concerning energy policy and planning, energy efficiency and renewable energy resources;

(J) in cooperation with the Department of Energy, the Environmental Protection Agency, the World Bank, and the Development Assistance Committee of the OECD, supporting research concerning the ways developing nations can meet their energy needs while minimizing global warming and how to meet those needs; and

(K) strengthening the Agency for International Development's partnership with the Department of Energy in order to ensure that the Agency's energy efforts take full advantage of United States expertise and technology.

(c) REPORTS AND AUTHORITIES.—(1) The Agency for International Development, in consultation with the Environmental Protection Agency (EPA), the Department of State, and other appropriate agencies, shall submit to Congress no later than April 15, 1990, a report which (1) examines the potential contributions of developing countries to future global emissions of greenhouse gases under different economic growth scenarios, (2) estimates the relative contributions of those countries to global greenhouse gas emissions, and (3) identifies specific key countries which stand to contribute significantly to global greenhouse gas emissions, and in which actions to promote energy efficiency, reliance on renewable energy resources, and conservation of forest resources could significantly reduce emissions of greenhouse gases. This report should utilize existing data, including the models and methodologies already developed by the EPA for their report to Congress on policy options for stabilizing global climate.

(2) Of the funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, the Agency for International Development may use such amounts as may be necessary to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full costs of employees detailed or assigned to the Agency for International Development for the purpose of carrying out activities relating to forestry and energy programs aimed at reducing emissions of greenhouse gases related to global warming. Personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

(d) EXPORT-IMPORT BANK.—(1) Of the financing provided by the Export-Import

Bank that is utilized for the support of exports for the energy sector, the Bank shall seek to provide not less than 5 per centum of such financing for renewable energy projects.

(2) The Export-Import Bank shall take all appropriate steps to finance information exchanges and training whose purpose it is to help link United States producers in the renewable energy sector with assistance programs and potential foreign customers.

(3) Beginning on April 15, 1990, the Chairman of the Export-Import Bank shall submit an annual report to the Committees on Appropriations on the Bank's implementation of this subsection.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 535. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. 536. Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, not less than $70,000,000 shall be made available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law: *Provided*, That of the funds appropriated under the heading "Private Sector, Environment, and Energy, Development Assistance", $13,500,000 shall be transferred to "International Organizations and Programs" and made available only for the United Nations Afghanistan Emergency Trust Fund.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 537. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

EL SALVADOR—INVESTIGATION OF MURDERS

SEC. 538. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders, and (3) pursued all legal avenues to bring to trial those who ordered and carried out the September 1988 massacre of ten peasants near the town of San Francisco, El Salvador, and to obtain a verdict.

REFUGEE RESETTLEMENT

SEC. 539. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

IMMUNIZATIONS FOR CHILDREN

SEC. 540. The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990.

ETHIOPIA—FORCED RESETTLEMENT, VILLAGIZATION

SEC. 541. None of the funds appropriated in this Act shall be made available for any costs associated with the Government of Ethiopia's forced resettlement or villagization programs.

SUDAN, SOMALIA, LEBANON, LIBERIA, AND ZAIRE NOTIFICATION REQUIREMENTS

SEC. 542. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Uganda, Liberia, Lebanon, Zaire, or Somalia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 543. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961, as amended.

CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 544. Of the funds made available by this Act for assistance for health, child survival, and AIDS, up to $6,000,000 may be used to reimburse United States Government agencies, agencies of State governments, and institutions of higher learning for the full cost of employees detailed or assigned, as the case may be, to the Agency for International Development for the purpose of carrying out child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That personnel who are detailed or assigned for the purposes of this section shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment.

CHILE—LOANS FROM MULTILATERAL DEVELOPMENT INSTITUTIONS

SEC. 545. (a) It is the sense of Congress that pursuant to section 701 of the International Financial Institutions Act of 1977, the United States Government should oppose all loans to Chile from international financial institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) Except for programs under section 534(b) (4) or (6) of the Foreign Assistance Act of 1961 to support the efforts of private groups and individuals seeking to develop a national consensus on the importance of an independent judiciary and the administration of justice generally in a democratic society, assistance for which programs may be made available notwithstanding section 726 of the International Security and Development Cooperation Act of 1981, and assistance under subsection (c) of this section, none of the funds made available by this Act for "Economic Support Fund" or for title III shall be obligated or expended for Chile.

(c)(1) The Congress supports the democratic transition underway in Chile, and intends to assist the new democratically elected government, following its inauguration in March of 1990, with assistance to—

(A) strengthen democratic institutions; and

(B) establish a new relationship with the Chilean armed forces appropriate to a democratic system of government.

(2) Of the funds appropriated by this Act under the heading "International Military Education and Training", up to $50,000 may be made available for Chile for fiscal year 1990, subject to the following conditions—

(A) a civilian, democratically elected President is in power in Chile and has requested such funds;

(B) internationally recognized human rights are being respected and the civilian government is exercising independent and effective authority; and

(C) the Government of Chile is making good-faith efforts in attempting to resolve the murders of Orlando Letelier and Ronni Moffitt.

(3) Assistance may be provided under paragraph (2) without regard to the requirements of section 726(b) of the International Security and Development Cooperation Act of 1981.

COMMODITY COMPETITION

SEC. 546. None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this section shall not prohibit:

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

PROHIBITION OF FUNDING RELATED TO COMPETITION WITH UNITED STATES EXPORTS

SEC. 547. None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 548. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, Iran, or Syria unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

ASSISTANCE FOR LIBERIA

SEC. 549. (a) During fiscal year 1990, in determining whether to furnish economic support fund assistance and foreign military financing under the Foreign Assistance Act of 1961 to Liberia, the President shall take into account whether the Government of Liberia—

(1) has demonstrated its commitment to economic reform, including taking steps to fundamentally change the current financial practice of making extra-budgetary expenditures, including steps to channel the revenues from such major sources as the Liberia Petroleum Refinery Corporation and the Forestry Development Authority through the normal budgetary process; and

(2) has taken significant steps to increase respect for internationally recognized human rights including—

(A) the removal of all restrictions on the right of political parties to operate freely;

(B) the lifting of restrictions on freedom of the press; and

(C) the restoration of an independent judiciary.

RECIPROCAL LEASING

SEC. 550. Section 61(a) of the Arms Export Control Act is amended by striking out "1989" and inserting in lieu thereof "1990".

DEFENSE EQUIPMENT DRAWDOWN

SEC. 551. (a) Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided,* That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

(b) Section 506(a) of the Foreign Assistance Act of 1961 is amended by—

(1) inserting "(1)" after "(a)";

(2) striking "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively; and

(3) inserting the following new paragraph:

"(2)(A) If the President determines and reports to the Congress in accordance with section 652 of this Act that it is in the national interest of the United States to draw down defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, he may direct—

"(i) the drawdown of such articles, services, and the provision of such training for the purposes and under the authorities of chapters 8 and 9 of part I, as the case may be; and

"(ii) the drawdown of defense services for the purposes and under the authorities of the Migration and Refugee Assistance Act of 1962.

"(B) An aggregate value of not to exceed $75,000,000 in any fiscal year of defense articles, defense services, and military education and training may be provided pursuant to subparagraph (A) of this paragraph.".

(c) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 552. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided,* That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided,* That of the funds appropriated by this Act for the "Economic Support Fund" and "Foreign Military Financing Program" accounts, not more than 33⅓ percent of the amounts made available by this Act for each such account excluding amounts made available for Israel, Egypt, Poland, and Hungary, may be obligated and expended prior to March 1, 1990, unless an Act authorizing appropriations for such account has been enacted.

NOTIFICATION CONCERNING EL SALVADOR

SEC. 554. (a) The Congress expects that—

(1) the Government of El Salvador and the armed opposition forces and their political representatives will be willing to pursue a dialog for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (b), in implementing the land reform program.

(b) REPORTS.—On April 1, 1990, and September 30, 1990, the President shall report to the Speaker of the House of Representatives, the Committees on Appropriations and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (a) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall specify the status of all cases presented to the Salvadoran courts involving human rights violations against civilians by members of the Salvadoran security forces, including military officers and other military personnel and civil patrolmen.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. 555. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided,* That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. 556. (a) Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than $7,000,000 from funds appropriated under the heading "Economic Support Fund".

(b) Of the funds made available under the heading "Economic Support Fund", $5,000,000 shall be available only for a grant to assist in capitalizing an endowment whose income will be used for scholarships to enable Israeli Arabs to attend institutions of higher education in the United States: *Provided,* That such endowment and scholarship program shall be administered by an organization located in the United States: *Provided further,* That a grant may be made to capitalize such endowment only if private sector contributions of at least $5,000,000 have been made by September 30, 1990, to assist in capitalizing the endowment: *Provided further,* That if the requirement for private sector contributions is not met, funds earmarked for the purpose of the endowment shall be reprogrammed within the Economic Support Fund account.

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 557. It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress, that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 558. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Pakistan.

EARMARKS

SEC. 559. Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989; however, before exercising the authority of this section with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided,* That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That assistance that is reprogrammed pursuant to this section shall be made available under the same terms and conditions as originally provided.

HAITI

SEC. 560. (a) SUSPENSION OF ASSISTANCE.—During fiscal year 1990, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the Government of Haiti has embarked upon a credible transition to democracy—

(1) by restoring the 1987 Constitution;

(2) by appointing a genuinely independent electoral commission to conduct free, fair, and open elections as soon as possible at all levels, and by giving that commission adequate support; and

(3) by taking adequate steps to provide electoral security.

(b) EXCEPTIONS.—The term "United States assistance" does not include—

(1) assistance, provided through private and voluntary organizations or other nongovernmental agencies, to meet humanitarian and developmental needs or to promote respect for human rights and the transition to democracy;

(2) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961);

(3) assistance for refugees;

(4) assistance under the Inter-American Foundation Act; the Peace Corps Act; and under title IV, chapter 2 of part I, of the Foreign Assistance Act of 1961 (relating to the Overseas Private Investment Corporation);

(5) assistance necessary for the continued financing of education for Haitians in the United States;

(6) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations;

(7) assistance to a genuinely independent electoral commission that is responsible for the holding of elections consistent with the 1987 Constitution;

(8) assistance for the prevention of HIV infection and the control of Haiti's AIDS epidemic and for family planning assistance; or

(9) assistance necessary for the control and eradication of swine flu.

(c) NOTIFICATIONS.—None of the funds appropriated in this Act shall be obligated or expended for Haiti except as provided through the regular notification procedures of the Committees on Appropriations.

(d) DETERMINATION.—Funds may be obligated and expended notwithstanding subsection (a) if the President determines that it is in the national interest of the United States to do so.

ASSISTANCE FOR PANAMA

SEC. 561. (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) an impartial investigation into allegations of illegal actions by members of the Panama Defense Force is being conducted;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are being restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for programs, projects, or activities which assist or lend support for the Noriega regime, or ministries of government under the control of the Noriega regime, or any successor regime that does not meet the criteria specified in subsection (a) of this section in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the fiscal year 1990.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence;

except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief as-

sistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the purpose of continuing participant training programs (including scholarships) already being supported as of the date of any prohibition of assistance otherwise applicable to Panama, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of the Treasury shall instruct the United States Executive Directors to the International Financial Institutions (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

ELIMINATION OF THE SUGAR QUOTA ALLOCATION OF PANAMA

SEC. 562. (a) IN GENERAL.—Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of Panama may be imported into the United States after the date of enactment of this Act during any period for which a limitation is imposed by authorities provided under any other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States: *Provided,* That such products may be imported after the beginning of the last week of any quota year if the President certifies that for the entire duration of the quota year, freedom of the press and other constitutional guarantees, including due process of law, have been restored to the Panamanian people.

(b) REALLOCATION OF QUOTA AMOUNTS.—For any quota year for which the President does not certify for the entire duration of the quota year, freedom of the press and all other constitutional guarantees, including due process of law, have been restored to the Panamanian people, no later than the last week of such quota year, the United States Trade Representative shall reallocate among other foreign countries (but, primarily, among beneficiary countries of the Caribbean Basin Initiative and Bolivia) the quantity of sugar, sirup, and molasses products of Panama that could have been imported into the United States before the date of enactment of this Act under any limitation imposed by other law on the total quantity of sugars, sirups, and molasses that may be imported into the United States during any period: *Provided,* That no one country may receive more than 20 per centum of such reallocation.

(c) CERTIFICATION.—The provisions of subsections (a) and (b), and the amendments made by subsection (c) of section 571 of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988, shall cease to apply if the President certifies to Congress pursuant to section 561(a) of this Act.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 563. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 564. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to fiscal year 1990, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DETENTION OF CHILDREN

SEC. 565. It is the sense of the Congress that the practice of detaining children without charge or trial is unjust, inhumane, and is an affront to civilized principles. The Congress further believes that it should be the policy of the United States to make the ending of the practice of detaining children without charge or trial a matter of the highest priority. Therefore, the Congress believes the Secretary of State should convey to all international organizations that ending the practice of detaining children without charge or trial should be a policy of the highest priority for those organizations.

MILITARY ASSISTANCE TO MOZAMBIQUE

SEC. 566. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available pursuant to this Act may be used to provide military assistance to Mozambique.

HONDURAS—RAMIREZ CASE

SEC. 567. It is the sense of the Congress that, pursuant to the procedures contained in section (j) under the heading "Assistance for Central America" enacted in Public Law 100–71, the Honduran Government appears to have made a reasonable and good faith settlement offer based on a factual analysis by third parties, and the owner of the property in question is strongly encouraged to accept the proposed settlement. Therefore, notwithstanding the provisions of such section, $5,000,000 of the Economic Support Fund assistance made available by Public Law 100–71 for Honduras but withheld from expenditure shall be available for expenditure upon enactment of this Act: *Provided,* That if a settlement is reached on the property in question, then the additional $10,000,000 withheld from expenditure pursuant to such section shall then be available for expenditure.

SOUTH AFRICA—SCHOLARSHIPS

SEC. 568. Of the funds made available by this Act under the heading "Economic Support Fund", not less than $10,000,000 shall be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. 569. (a)(1) Of the funds appropriated by this Act under the heading "Economic Support Fund" $69,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Peru.

(2) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $35,000,000 may be made available for Bolivia, Ecuador, Jamaica, and Colombia.

(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $3,500,000 shall be made available in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961, only for the procurement of weapons or ammunition for foreign law enforcement agencies, and paramilitary units organized for the specific purposes of narcotics enforcement, for use in narcotics control, eradication, and interdiction efforts: *Provided,* That funds made available under this paragraph shall be made available only for Bolivia, Peru, Colombia, Ecuador, and shall be in addition to any amounts provided for the countries contained in paragraph (2) of this subsection.

(4) Of the funds appropriated by this Act to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, not less than $500,000 shall be made available to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

(5) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", $1,000,000 shall be made available to arm, for defensive purposes, aircraft used in narcotics control, eradication or interdiction efforts: *Provided,* That such funds may only be used to arm aircraft already in the inventory of the recipient country, and may not be used for the purchase of new aircraft.

(6)(A) Of the funds appropriated by this Act to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, up to $2,000,000, except through the regular notification procedures of the Committees on Appropriations, may be made available for Bolivia, Peru, Colombia, and Ecuador, notwithstanding section 660 of such Act, for—

(i) education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(ii) the expenses of deploying, upon the request of the government of such foreign country, Department of Defense mobile training teams in that foreign country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(B) Education and training under this paragraph may be provided only for foreign law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(7) Funds made available under this subsection shall be available for obligation consistent with the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control)

except as provided in paragraph (3) of this subsection.

(b) None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1989, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures (including satisfying the goals agreed to in applicable bilateral narcotics agreements as defined in section 481(h)(2)(B) of the Foreign Assistance Act of 1961) to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

(c) In making determinations with respect to Bolivia, Colombia, Ecuador, and Peru pursuant to section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, the President shall take into account the extent to which the Government of each country is sufficiently responsive to United States Government concerns on coca control and whether the provision of assistance for that country is in the national interest of the United States.

(d)(1) If any funds made available for any fiscal year for security assistance are not used for assistance for the country for which those funds were allocated because of any provision of law requiring the withholding of assistance for countries that have not taken adequate steps to halt illicit drug production or trafficking, the President shall use those funds for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(A) Those funds may be transferred to and consolidated with the funds made available to carry out section 481 of the Foreign Assistance Act of 1961 in order to provide additional narcotics control assistance for those countries. Funds transferred under this paragraph may only be used to provide increased funds for activities previously justified to the Congress. Transfers may be made under this paragraph without regard to the 20-percent increase limitation contained in section 610 of the Foreign Assistance Act.

(B) Any such funds not used under subparagraph (A) shall be reprogrammed within the account for which they were appropriated (subject to the regular reprogramming procedures of the Committees on Appropriations) in order to provide additional security assistance for those countries.

(2) As used in this section, the term "security assistance" means economic support fund assistance, foreign military financing, and international military education and training.

(e) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy programs) of the Agency for International Development, and $40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(f) In order to maximize the participation of other countries in the effort to promote international narcotics control, the Secretary of State is directed to urge the United Nations Fund for Drug Abuse Control to develop a more comprehensive program for enlisting greater multilateral support for coca control programs and related development activities in South America.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

SEC. 570. Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 571. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

CAMBODIAN NONCOMMUNIST RESISTANCE FORCES

SEC. 572. If the President makes available funds appropriated by this Act for the Cambodian non-Communist resistance forces, not to exceed $7,000,000 may be made available for such purpose, and such funds shall be derived from funds appropriated under the headings "Foreign Military Financing Program" and "Economic Support Fund", and shall be made available notwithstanding any other provision of law: *Provided*, That funds made available for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83): *Provided further*, That, to the maximum extent possible, all funds made available under the authority of this section shall be administered directly by the United States Government.

MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN COUNTRIES

SEC. 573. (a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—

(1) NATO SOUTHERN FLANK COUNTRIES.—The President may transfer—

(A) to any NATO southern flank country which is eligible for United States security assistance and which is integrated into NATO's military structure; and

(B) to any major non-NATO ally on the southern and southeastern flank of NATO which is eligible for United States security assistance, such excess defense articles as may be necessary to help modernize the defense capabilities of such country.

(2) MAJOR ILLICIT DRUG PRODUCING COUNTRIES.—Subject to subsection (f), the President may transfer to any country—

(A) which is a major illicit drug producing country,

(B) which has a democratic government, and

(C) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights, such excess defense articles as may be necessary to carry out subsection (f)(1).

(3) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

(b) LIMITATIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

(1) they are drawn from existing stocks of the Department of Defense;

(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

(c) NOTIFICATION TO CONGRESS.—

(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until thirty days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

(A) a certification of the need for the transfer;

(B) an assessment of the impact of the transfer on the military readiness of the United States; and

(C) the value of the excess defense articles to be transferred.

(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(d) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) of the Foreign Assistance Act of 1961 does not apply with respect to transfers of excess defense articles under this section.

(e) MAINTENANCE OF MILITARY BALANCE IN EASTERN MEDITERRANEAN.—

(1) UNITED STATES POLICY.—The Congress intends that excess defense articles be made available under this section consistent with the United States policy, established by section 841 of the International Cooperation Act of 1989, of maintaining the military balance in the Eastern Mediterranean.

(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the three-year period beginning on October 1, 1989, the ratio of—

(A) the value of excess defense articles made available for Turkey under this section, to

(B) the value of excess defense articles made available for Greece under this section, closely approximates the ratio of—

(i) the amount of foreign military financing provided for Turkey, to

(ii) the amount of foreign military financing provided for Greece.

(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or

Turkey ceases to be eligible to receive excess defense articles under subsection (a).

(f) MAJOR ILLICIT DRUG PRODUCING COUNTRIES IN LATIN AMERICA AND THE CARIBBEAN.—

(1) PURPOSE.—Excess defense articles shall be transferred under subsection (a)(2) for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotrophic drugs or other controlled substances.

(2) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

(3) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a)(2) and insure that any transfer is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

(4) LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a)(2) in any fiscal year may not exceed $10,000,000.

(g) DEFINITIONS.—As used in this section—

(1) the term "excess defense article" has the meaning given that term by section 644(g);

(2) the term "made available" means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

(3) the term "major non-NATO ally" includes Australia, Egypt, Israel, Japan, and New Zealand;

(4) the term "NATO" means the North Atlantic Treaty Organization; and

(5) the term "NATO southern flank countries" means Greece, Italy, Portugal, Spain, and Turkey.

COMPETITIVE INSURANCE

SEC. 574. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

PAY RAISES

SEC. 575. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

IRELAND

SEC. 576. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.

ASSISTANCE TO AFGHANISTAN

SEC. 577. Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.

EL SALVADOR ECONOMIC SUPPORT FUNDS

SEC. 578. Not less than 25 per centum of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.

DISADVANTAGED ENTERPRISES

SEC. 579. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the fiscal year 1990 for development assistance and assistance for famine recovery and development in Africa shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 percent of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for famine recovery and development in Africa for fiscal year 1990.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 percent of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least 7 business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(6) The Administrator shall issue interim regulations to carry out this section within ninety days after the date of the enactment of this Act and final regulations within one hundred and eighty days after that date.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 133(c)(5) of the International Development and Food Assistance Act of 1977, except that the term includes women.

STINGERS IN THE PERSIAN GULF REGION

SEC. 580. Except as provided in section 581, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

STINGERS FOR BAHRAIN

SEC. 581. (a) PREVIOUSLY TRANSFERRED STINGERS.—Notwithstanding section 580, section 573(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, and section 566(b)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, shall cease to apply with respect to Stingers made available to Bahrain under those sections if the President determines, and notifies the Committees on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) the Stingers are needed by Bahrain to counter an immediate air threat or to contribute to the protection of United States personnel, facilities, equipment, or operations;

(2) no other appropriate system is available from the United States;

(3) Bahrain has agreed, in writing, to such safeguards to protect against diversion of the Stingers as may be required by the United States; and

(4) Bahrain has agreed in writing to return to the possession and control of the United States all Stingers made available under those sections and subsection (b) of this section, other than Stingers which have been fired or otherwise destroyed, at any time the United States determines, subject to subsection (c).

(b) REPLACEMENT STINGERS.—Notwithstanding section 580, Stingers may be made available to Bahrain under the Arms Export Control Act or the Foreign Assistance Act of 1961 after September 30, 1989, in order to replace, on a one-for-one basis, Stingers pre-

viously made available under this subsection, section 573 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, or section 566 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, that have been fired or otherwise destroyed, subject to the following conditions:

(1) DETERMINATIONS.—Replacement Stingers may be made available to Bahrain pursuant to this subsection only if the President makes the determinations specified in paragraphs (1) through (4) of subsection (a).

(2) NOTICE TO CONGRESS BEFORE STINGERS ARE TRANSFERRED.—At least 30 days before making any replacement Stingers available to Bahrain pursuant to this subsection, the President shall notify the committees designated in subsection (a) that he has made the determinations required by paragraph (1). Any such notification shall include the information required in a certification under section 36(b) of the Arms Export Control Act. This paragraph applies without regard to the value of the Stingers to be made available.

(c) RETURN OF STINGERS TO THE UNITED STATES.—All Stingers made available to Bahrain pursuant to subsections (a) and (b), other than those fired or otherwise destroyed, shall be returned to the possession and control of the United States not later than September 30, 1991, unless the President—

(1) determines that each of the conditions specified in subsection (a) continues to apply; and

(2) notifies the committees designated in subsection (a) not later than September 15, 1991, in accordance with the regular reprogramming procedures of such committees, that the United States intends to waive the requirement that the Stingers be returned to the United States by the date specified in the subsection.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 582. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purpose of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

APPROPRIATIONS OF EXCESS CURRENCIES

SEC. 583. The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

DEBT-FOR-DEVELOPMENT

SEC. 584. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including debt-for-development and debt-for-nature exchanges, a nongovernmental organization may invest local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used, including for the establishment of an endowment, for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. 585. Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 not less than $7,500,000 shall be made available for Lebanon: *Provided*, That such funds may be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961.

JOB-RELATED CRIMES

SEC. 586. (a) Section 1106(8) of the Foreign Service Act of 1980 is amended by inserting at the end thereof the following sentence: "Notwithstanding the first sentence of this paragraph, the Board's authority to suspend such action shall not extend to instances where the Secretary, or his designee, has determined that there is reasonable cause to believe that a grievant has committed a job-related crime for which a sentence of imprisonment may be imposed and has taken action to suspend the grievant without pay pending a final resolution of the underlying matter.".

(b) Section 610(a) of the Foreign Service Act of 1980 is amended by inserting the following new paragraphs:

"(3) Notwithstanding the hearing required by this section, or procedures under any other provision of law, where there is reasonable cause to believe that a member has committed a crime for which a sentence of imprisonment may be imposed, and there is a nexus to the efficiency of the Service, the Secretary, or his designee, may suspend such member without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.

"(4) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to—

"(A) advance written notice of the specific reasons for such suspension, including the grounds for reasonable cause to believe a crime has been committed;

"(B) a reasonable time, not less than seven days, to answer orally and in writing;

"(C) be represented by an attorney or other representative; and

"(D) a final written decision.

"(5) Any member suspended pursuant to subsection (a)(3) of this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11. The Board review, however, shall be limited only to a determination of whether there exists reasonable cause to believe a crime has been committed for which a sentence of imprisonment may be imposed, and whether there is a nexus between the conduct and the efficiency of the Service.".

(c) For purposes of the amendments made by subsections (a) and (b) of this section, reasonable cause to believe that a member has committed a crime for which a sentence of imprisonment may be imposed shall be defined as a member of the Service having been convicted of, and sentence of imprisonment having been imposed for, a job-related crime.

LOCATION OF STOCKPILES

SEC. 587. (a) Except for stockpiles located in the Republic of Korea, Thailand, a country which is a member of the North Atlantic Treaty Organization, or a country which is a major non-NATO ally, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(b) Section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h) is amended—

(1) in subsection (b)(1), by striking out "greater than" and inserting in lieu thereof "that"; and

(2) in subsection (b)(2), by striking out "$77,000,000 for fiscal year 1989" and inserting in lieu thereof "$165,000,000 for fiscal year 1990".

HONG KONG

SEC. 588. It is the sense of the Congress that the President and Secretary of State should convey to the People's Republic of China and the United Kingdom strong concerns over the absence of full direct elections in the colony and lack of independent human rights guarantees in the draft Basic Law, pending the colony's scheduled reversion to China in 1997.

RESCISSION

SEC. 589. Of the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, under the heading "Economic Support Fund", $50,000,000 of such funds are hereby rescinded: *Provided*, That such rescission may be derived only from unearmarked funds and funds earmarked under such heading for Sub-Saharan Africa and allocated for Sudan, Somalia, and Liberia.

WEST BANK SCHOOLS

SEC. 590. The United States Congress commends Israel's decision to open schools on the West Bank beginning July 22, 1989.

The Congress expresses the hope that all schools will be opened at an early date and will remain open, will not be used for political purposes, and will be respected and regarded as places of learning, not as places from which to further violent activity.

ASSISTANCE FOR PAKISTAN

SEC. 591. Section 620E(d) of the Foreign Assistance Act of 1961 is amended by striking out "April 1, 1990" and inserting in lieu thereof "April 1, 1991".

SEPARATE ACCOUNTS

SEC. 592. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapter 1 of part I (including assistance for Sub-Saharan Africa) or chapter 4 of part II of the Foreign Assistance Act of 1961 under arrangements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) established by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 of part I or chapter 4 of part II (as the case may be), or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 of part I (including assistance for Sub-Saharan Africa) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98-1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

GLOBAL REDUCTION OF POVERTY

SEC. 593. (a) The Congress finds that the reduction of poverty on a global basis is a fundamental goal of United States foreign assistance. Therefore, to measure progress toward that goal, the Administrator of the Agency for International Development shall, in consultation with the Congress and other appropriate governmental agencies and nongovernmental agencies and nongovernmental organizations, establish a system of quantitative and qualitative indicators of poverty reduction, which shall be established on a country-by-country basis. These indicators shall include the percentage of persons living below the absolute poverty level, rates of infant and child mortality, rates of literacy for men and women, per capita income and purchasing power, rate of employment, and other factors measuring poverty reduction and economic growth as the Administrator of the Agency for International Development shall deem appropriate.

(b) As part of its annual congressional presentation to Congress, the Agency for International Development shall identify those poverty reduction objectives that have been set for each country receiving development assistance, and the progress that has been achieved in past years and future steps to be taken to achieve them.

INTERNATIONAL MONETARY FUND

SEC. 594. (a) The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (IMF) to regularly and vigorously promote the following policy and staffing changes through formal initiatives before the Board and management of the IMF and through bilateral discussions with other member nations:

(1) The addition to the IMF's staff of natural resource experts, and development economists trained in analyzing the linkages between macroeconomic conditions and the short- and long-term impacts on sustainable management of natural resources.

(2) In a manner consistent with the purposes of the IMF, the establishment in the IMF of a systematic process to review in advance, and take into account in policy formation, projected impacts of each IMF lending agreement on the long-term sustainable management of natural resources, the environment, public health and poverty.

(3) The creation of criteria to consider concessional and favorable lending terms to promote sustainable management of natural resources. Such capacity should seek the reduction of the debt burden of developing countries in recognition of domestic investments in conservation and environmental management.

(b) The Secretary of the Treasury shall prepare an annual report to the Congress on the progress made by the United States Executive Director to the IMF in implementing the reforms encompassed in this section.

EL SALVADOR

SEC. 595. With respect to the ongoing political unrest and armed conflict in El Salvador, the Congress hereby—

(1) welcomes the negotiating process set in motion on September 13, 1989 in Mexico City by the Government of El Salvador and the leadership of the Farabundo Marti National Liberation Front and the expressed willingness of both parties to continue this process;

(2) urges the parties to these negotiations to achieve, as quickly as possible—

(A) a cessation of hostilities; and

(B) an overall political settlement of the ten-year old conflict; and

(3) calls upon the Secretary of State to consult frequently with the Congress on the status of the Salvadoran negotiations and on the efforts being undertaken by the President to support these negotiations.

CENTRAL AMERICAN DEVELOPMENT COORDINATION COMMISSION

SEC. 596. (a) FINDINGS.—The Congress finds that multi-donor foreign assistance funds made available to the Central America region should be channeled through regional institutions which have strong participation in decision-making by Central Americans to ensure adequate coordination among donors.

(b) ASSISTANCE FOR CADCC.—Upon the request of the governments of Central America, the President shall provide appropriate support and assistance in the development of a coordination mechanism agreed to by the governments of Central America, which shall be designated as the Central American Development Coordination Commission (CADCC). In providing such support and assistance, the President shall, in concert with the governments of Central America, with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations—

(1) encourage and participate in the creation of a multi-donor, multi-sectoral coordinating mechanism known as the CADCC; and

(2) provide not less than $500,000 or more than $1,000,000 of funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) to be used to assist in the implementation of such Commission, and United States participation therein.

(c) FACTORS IN ESTABLISHING CADCC.—In establishing the CADCC, consideration should be given to:

(1) involving representatives from both the public and private sectors, including representatives from the trade unions and business communities, and nongovernmental organizations at the regional level;

(2) involving regional institutions and multi-lateral organizations such as the Inter-American Bank, the Central American Bank for Economic Integration (CABEI), the Central American Monetary Council (CMCA), the Economic Commission for Latin America (ECLAC), the International Bank for Reconstruction and Development, and the United Nations in project design, implementation, and coordination; and

(3) establishing in each country a National Recovery and Development Commission, modeled after the National Reconciliation Commissions called for in the Esquipulas II Accords agreed to by the presidents of the five countries of Central America in Guatemala on August 6-7, 1987.

(d) SECRETARIAT OF THE CADCC.—The United Nations Development Programme shall be designated as the social service and refugee and displaced persons technical assistance secretariat for the CADCC.

(e) ELIGIBILITY FOR ASSISTANCE.—The President is authorized to furnish assistance under this section to each country in Central America which is in compliance with the Esquipulas II Accords.

(f)(1) ENCOURAGEMENT OF MULTILATERAL CONTRIBUTIONS.—The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation in, and support for, implementing

the recommendations of the International Commission for Central American Recovery and Development.

(2) It is the sense of the Congress that, in carrying out paragraph (1), the President should exert leadership in multilateral and regional forums, and at economic summits to further a multidonor, multisector solution to the crisis in Central America.

ELIGIBILITY OF POLAND AND HUNGARY FOR OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 597. (a) PROGRAMS.—Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting "Poland, Hungary," after "Yugoslavia,".

(b) PARTICIPATION BY NONGOVERNMENTAL SECTOR.—(1) In accordance with its mandate to foster private initiative and competition and enhance the ability of private enterprise to make its full contribution to the development process, the Overseas Private Investment Corporation shall support projects in Poland and Hungary which will result in enhancement of the nongovernmental sector and reduction of state involvement in the economy.

(2) For purposes of this subsection, the term "nongovernmental sector" in Poland and Hungary includes private enterprises, cooperatives (insofar as they are not administered by the Governments of Poland or Hungary), joint ventures (including partners which are not the Governments of Poland or Hungary or instrumentalities thereof), businesses in Poland or Hungary that are wholly or partly owned by United States citizens, including those of Polish or Hungarian descent, religious and ethnic groups (including the Catholic Church), and other independent social organizations.

(c) DEFINITION OF ELIGIBLE INVESTOR.—Notwithstanding subsection (b), the term "eligible investor" with respect to OPIC's programs in Poland and Hungary has the same meaning as contained in section 238(c) of the Foreign Assistance Act of 1961.

(d) EFFECTIVE DATE.—The authority of the Overseas Private Investment Corporation to issue insurance, reinsurance, guarantees, and to provide any assistance under its direct loan and equity programs with respect to projects undertaken in Poland and Hungary shall take effect upon the date of enactment of this Act and shall remain in effect until September 30, 1992.

INTERNATIONAL COFFEE AGREEMENT

SEC. 598. It is the Sense of the Congress that the International Coffee Agreement is an important measure in promoting economic and political stability in many developing countries, including Colombia, that the collapse of the Agreement would seriously undermine Colombia's efforts at fighting illegal drugs, and that the Administration should undertake every possible effort to successfully conclude a renewal of the Agreement.

LATVIA, ESTONIA, AND LITHUANIA

SEC. 599. (a) The Congress finds that—

(1) the Baltic states of Latvia, Estonia, and Lithuania gained their independence from the Russian Socialist Federative Soviet Republic in 1918, a fact recognized by the government of the Russian Socialist Federative Soviet Republic in 1920;

(2) the governments of the Latvian Democratic Republic and the Russian Socialist Federative Soviet Republic (RSFSR) signed a Treaty of Peace in Riga, Latvia on August 11, 1920, in which the RSFSR "establishes the right of self-determination for all nations, even to the point of total separation from the States with which they have been incorporated" and declares that "Russia unreservedly recognizes the independence, self-subsistency and sovereignty of the Latvian State and voluntarily and forever renounces all sovereign rights over the Latvian people and territory which formerly belonged to Russia";

(3) similar treaties were signed by both the Republic of Estonia and the Republic of Lithuania with the RSFSR on February 2, 1920 and July 12, 1920, respectively";

(4) the independent republics of Latvia, Estonia, and Lithuania swiftly recovered from the ravages of World War I and became active in the World community, gaining membership in the League of Nations on September 22, 1921 and full recognition by the United States on July 28, 1922;

(5) the sovereign rights of the independent states of Latvia, Estonia, and Lithuania were violated by the Union of Soviet Socialist Republics in a Secret Protocol to the Nazi-Soviet Treaty of Nonaggression of August 23, 1939, which divided Eastern Europe into Nazi and Soviet "spheres of influence";

(6) the Union of Soviet Socialist Republics coerced the governments of Latvia, Estonia, and Lithuania to sign Pacts of Mutual Assistance in October 1939, which stipulated that the "contracting parties undertake not to enter into any alliances or to participate in any coalitions directed against one of the contracting parties" and that "the carrying into effect of the present pact must in no way affect the sovereign rights of the contracting parties, in particular their political structure, their economic and social system, and their military measures";

(7) the Union of Soviet Socialist Republics violated not only those bilateral agreements with the independent Baltic states but also international conventions on the changing of international borders by force when the Soviet Union issued ultimatums to the three independent nations on June 15–16, 1940, demanding the formation of governments to their liking, followed by armed invasions of Lithuania, Latvia, and Estonia on June 16–17, 1940;

(8) the occupation of the Baltic states was confirmed on July 14–15, 1940, with the irregular and illegal "election" of new parliaments, which then petitioned for admission into the Soviet Union, and these petitions were accepted by the Soviet Union, as follows: Lithuania's on August 3, 1940, Latvia's on August 4, 1940, and Estonia's on August 5, 1940;

(9) the Government of the United States continues its policy of standing by the 1922 recognition of the de jure independent governments in the Baltic states, and of refusing to recognize the forced incorporation of the Baltic states into the Soviet Union;

(10) the peoples of Latvia, Estonia, and Lithuania have never accepted the occupation of their native lands, and have demonstrated their resolve on numerous occasions since 1940, most notably in the last three years. The most striking demonstration of the desires of the Baltic people took place on August 23, 1989, the fiftieth anniversary of the Nazi-Soviet Treaty of Nonaggression, when nearly two million citizens of Latvia, Estonia, and Lithuania joined hands in a four-hundred-mile human chain stretching across the Baltic states from the Estonian capital of Tallinn, through the Latvian capital, Riga, to the Lithuanian capital of Vilninus;

(11) the people of the Baltic states, through their elected representatives in the Popular Front of Latvia, the Popular Front of Estonia, and the Lithuanian Movement in Support of Perestroika "Sajudis", have declared their desire for the restoration of independence in the Baltic states; and

(12) even the Communist officials and regimes in each of the Baltic states have begun to respond to the drive for more autonomy.

(b) The Congress urges the President—

(1) to raise the issue of the political rights of the Baltic peoples in all diplomatic contacts with the Soviet Union including during the meeting between President Bush and President Gorbachev in December, 1989 and during the Presidential summit scheduled in 1990 between the United States and the Soviet Union; and

(2) to call upon the Soviet Union—

(A) to honor the international agreements it has voluntarily entered into, such as the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the United Nations Declaration of Human Rights, as well as the bilateral agreements it has voluntarily entered into with the independent governments of Latvia, Estonia, and Lithuania,

(B) to allow the people of Latvia, Estonia, and Lithuania their right of self-determination, as guaranteed by the RSFSR in 1920 as well as by the current constitution of the Soviet Union,

(C) to recognize the human rights of all peoples both within the Soviet Union and under Soviet influence, and

(D) to replace the policy of aggressive industrialization in the Baltic states, which has poisoned the land, air, and water of Latvia, Estonia, and Lithuania, with one of environmental responsibility.

IMPORTATION OF CERTAIN DEFENSE ARTICLES FROM POLAND, CZECHOSLOVAKIA, AND HUNGARY

SEC. 599A. Notwithstanding section 38 of the Arms Export Control Act (22 U.S.C. 2278) or any other provision of law, any article that—

(1) is a defense article for purposes of section 38 of the Arms Export Control Act,

(2) is from Poland, Hungary, or Czechoslovakia,

(3) was imported or temporarily imported into the United States before June 30, 1989, by, or on behalf of, a museum or educational institution that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(4) was manufactured at least 20 years before its importation into the United States,

(5) has been disabled so that no weapon or weapons system is functional, and

(6) is to be used only for display to the public by the museum or educational institution for educational purposes,

shall be considered to have been lawfully imported into the United States and shall be permitted to remain in the United States, and the museum or educational institution shall not be subject to any penalty by reason of such importation.

HUMAN RIGHTS IN CUBA

SEC. 599B. (1) FINDINGS.—The Congress finds that—

(A) the United Nations in 1989 issued its first report on humans rights in Cuba this year, the result of a year-long investigation that concluded on the 30th year of Fidel Castro's rise to power;

(B) the report extensively documented across-the-board human rights abuses that

include cases of torture, missing people, religious persecution, violations of civil and political rights and violations of economic and social rights;

(C) the United Nations received 137 complaints of "torture, cruel, inhuman or degrading treatment or punishment";

(D) among the abuses reported to the United Nations were sensory deprivation, immersion in a pit latrine, mock executions, overcrowding in special cells, deafening loudspeakers, keeping prisoners naked in front of relatives, and forcing a prisoner about to be executed to carry his own coffin or dig his own grave;

(E) the United Nations commissioners also charged the Cuban regime with carrying out reprisals against Cuban citizens who offered testimony to the United Nations group, a clear violation of the Castro's government's promise not to harass those who complained about human rights;

(F) at least 22 Cuban human rights activists who were arrested are currently serving prison sentences or being held without trial;

(G) the Human Rights Commission approved a resolution on March 9, 1989, calling on the Cuban government to cooperate with the Secretary General of the United Nations in settling unresolved issues raised by the human rights study group;

(H) since March 9, 1989, the United Nations has failed to take any substantive action to follow up on the March 9 resolution. The United Nations also has failed to intervene on behalf of those who are now imprisoned because of their attempts to testify before the United Nations human rights investigative group last fall.

(2) STATEMENT OF POLICY.—In the interest of promoting respect for human rights in Cuba, the Congress—

(A) calls on the Secretary General of the United Nations to act upon the resolution approved by the Commission on Human Rights March 9, 1989, calling on the Secretary General to take appropriate follow up action on the Commission's report;

(B) calls on the Secretary General to specifically urge the Cuban government to release the 22 persons still being held in detention because of their human rights activities;

(C) calls on the United States Ambassador to the United Nations to make known in the strongest terms the dissatisfaction of the United States with the failure by the United Nations to continue to act on its own resolution; and

(D) calls on the Secretary of the United Nations to expand the United Nation's investigation of Cuba to include an examination of labor rights in recognition of current Cuban law which prohibits the formation of independent unions and which has led to the imprisonment of those Cuban workers who have tried to organize themselves.

ASSISTANCE FOR POLAND AND HUNGARY

SEC. 599C. (a) In addition to amounts appropriated under the heading "Trade and Development Program", there is hereby appropriated $2,000,000, to remain available until expended, to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(b) Notwithstanding any other provision of this Act, any funds made available by this Act for a specific activity for Poland or Hungary instead may be obligated for Poland or Hungary for an activity with a similar purpose. The authority of section 515 of this Act may also be used to deobligate such funds and reobligate them for Poland or Hungary for an activity with a similar purpose: *Provided*, That the authority of this subsection shall be exercised subject to the regular notification procedures of the Committees on Appropriations.

(c) Funds made available by this Act and obligated for the Government of Poland shall not be expended if the President of Poland, or any other Polish official, initiates martial law without the consent of the Polish Senate and Sejm, or if members of the Polish Senate or the Sejm are removed from office or are arrested through extra-constitutional processes: *Provided*, That, notwithstanding the restriction on expenditures contained in this subsection, the President of the United States may continue to expend funds made available to Poland if he determines and certifies to Congress that it is in the foreign policy interest of the United States to do so.

ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS

SEC. 599D. (a) IN GENERAL.—In the case of an alien who is within a category of aliens established under subsection (b), the alien may establish, for purposes of admission as a refugee under section 207 of the Immigration and Nationality Act, that the alien has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion by asserting such a fear and asserting a credible basis for concern about the possibility of such persecution.

(b) ESTABLISHMENT OF CATEGORIES.—

(1) For purposes of subsection (a), the Attorney General, in consultation with the Secretary of State and the Coordinator for Refugee Affairs, shall establish—

(A) one or more categories of aliens who are or were nationals and residents of the Soviet Union and who share common characteristics that identify them as targets of persecution in the Soviet Union on account of race, religion, nationality, membership in a particular social group, or political opinion, and

(B) one or more categories of aliens who are or were nationals and residents of Vietnam, Laos, or Cambodia and who share common characteristics that identify them as targets of persecution in such respective foreign state on such an account.

(2)(A) Aliens who are (or were) nationals and residents of the Soviet Union and who are Jews or Evangelical Christians shall be deemed a category of alien established under paragraph (1)(A).

(B) Aliens who are (or were) nationals of the Soviet Union and who are current members of, and demonstrate public, active, and continuous participation (or attempted participation) in the religious activities of, the Ukrainian Catholic Church or the Ukrainian Orthodox Church, shall be deemed a category of alien established under paragraph (1)(A).

(C) Aliens who are (or were) nationals and residents of Vietnam, Laos, or Cambodia and who are members of categories of individuals determined, by the Attorney General in accordance with "Immigration and Naturalization Service Worldwide Guidelines for Overseas Refugee Processing" (issued by the Immigration and Naturalization Service in August 1983) shall be deemed a category of alien established under paragraph (1)(B).

(3) Within the number of admissions of refugees allocated for fiscal year 1990 for refugees who are nationals of the Soviet Union under section 207(a)(3) of the Immigration and Nationality Act, notwithstanding any other provision of law, the President shall allocate one thousand of such admissions for such fiscal year to refugees who are within the category of aliens described in paragraph (2)(B).

(c) WRITTEN REASONS FOR DENIALS OF REFUGEE STATUS.—Each decision to deny an application for refugee status of an alien who is within a category established under this section shall be in writing and shall state, to the maximum extent feasible, the reason for the denial.

(d) PERMITTING CERTAIN ALIENS WITHIN CATEGORIES TO REAPPLY FOR REFUGEE STATUS.—Each alien who is within a category established under this section and who (after August 14, 1988, and before the date of the enactment of this Act) was denied refugee status shall be permitted to reapply for such status. Such an application shall be determined taking into account the application of this section.

(e) PERIOD OF APPLICATION.—

(1) Subsections (a) and (b) shall take effect on the date of the enactment of this Act and shall only apply to applications for refugee status submitted before October 1, 1990.

(2) Subsection (c) shall apply to decisions made after the date of the enactment of this Act and before October 1, 1990.

(3) Subsection (d) shall take effect on the date of the enactment of this Act and shall only apply to reapplications for refugee status submitted before October 1, 1990.

(f) GAO REPORTS ON SOVIET REFUGEE PROCESSING.—

(1) The Comptroller General shall submit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of this section in Italy and the Soviet Union. Such reports shall include a review of—

(A) the timeliness and length of individual interviews,

(B) the adequacy of staffing and funding by the Department of State, the Immigration and Naturalization Service, and voluntary agencies, including the adequacy of staffing, computerization, and administration of the processing center in Washington,

(C) the sufficiency of the proposed Soviet refugee processing system within the United States,

(D) backlogs (if any) by ethnic or religious groups and the reasons any such backlogs exist,

(E) the sufficiency of the means of distributing and receiving applications for refugee status in Moscow,

(F) to the extent possible, a comparison of the cost of conducting refugee processing only in Moscow and such cost of processing in both Moscow and in Italy, and

(G) an evaluation of efforts to phase out Soviet refugee processing in Italy.

(2) The Comptroller shall submit a preliminary report under paragraph (1) by December 31, 1989, and a final report by March 31, 1990. The final report shall include any recommendations which the Comptroller General may have regarding the need, if any, to revise or extend the application of this section.

ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES

SEC. 599E. (a) IN GENERAL.—The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment,

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed,

(3) is admissible to the United States as an immigrant, except as provided in subsection (c), and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall only apply to an alien who—

(1) was a national of the Soviet Union, Vietnam, Laos, or Cambodia, and

(2) was inspected and granted parole into the United States during the period beginning on August 15, 1988, and ending on September 30, 1990, after being denied refugee status.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (14), (15), (20), (21), (25), (28) (other than subparagraph (F)), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this section and the Attorney General may waive any other provision of such section (other than paragraph (23)(B), (27), (29), or (33)) with respect to such an adjustment for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(d) DATE OF APPROVAL.—Upon the approval of such an application for adjustment of status, the Attorney General shall create a record of the alien's admission as a lawful permanent resident as of the date of the alien's inspection and parole described in subsection (b)(2).

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act.

REPEAL OF PROVISION

SEC. 599F. (a) The following provision under the heading "Salaries and Expenses, General Legal Activities", contained in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (H.R. 2991), as enacted into law, is hereby repealed: ": *Provided further*, That for fiscal year 1990 and hereafter the Attorney General may establish and collect fees to cover the cost of identifying, copying and distributing copies of tax decisions rendered by the Federal Judiciary and that any such fees shall be credited to this appropriation notwithstanding the provisions of 31 U.S.C. 3302".

(b) The provisions of subsection (a) shall take effect upon the date of the enactment into law of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (H.R. 2991).

CONDITIONAL ASSISTANCE FOR EL SALVADOR FOR POLICE TRAINING

SEC. 599G. (a) CONDITIONAL ASSISTANCE.—In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the armed forces of El Salvador, funds made available under chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated to El Salvador may, notwithstanding section 660 of that Act, be provided to El Salvador for fiscal year 1990 for purposes otherwise prohibited by section 660 of the Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2)(A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban law enforcement training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of equipment such as communication devices, transportation equipment, forensic equipment, and personal protection gear. No such assistance may be used for the purchase of any lethal equipment, except for small arms ammunition and rifle ammunition solely for training purposes.

(3) At least thirty days before obligating such assistance, the President certifies to the Committee of Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee of Foreign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding 6 months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for their political views, or prolonged detention without trial. Any such certification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed. Any such certification shall also include a report on the status of all investigative action and prosecutions with respect to those responsible for the 1980 murders of Archbishop Oscar Romero and the four American churchwomen, the recent murder of Ana Casanova, the recent bombings of the headquarters of the FENASTRAS union and the office of COMADRES, a human rights organization, and the recent murder of six Jesuit priests and their associates.

(4) REPROGRAMMING.—Funds made available under this subsection shall be subject to the regular reprogramming procedures of the Committees on Appropriations.

(b) DEFINITION.—For purposes of this section, the term "civilian law enforcement personnel" means individuals who are not members of the United States Armed Forces.

(c) Not more than $5,000,000 shall be made available in fiscal year 1990 to carry out the provisions of this section. Not less than $7,000,000 of the funds made available to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1990 shall be made available for the purposes of subsection 534(b)(3) of the Foreign Assistance Act of 1961.

CROPS IN PERU, BOLIVIA AND JAMAICA

SEC. 599H. Notwithstanding any other provision of law, the President may provide assistance under chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 for Peru, Bolivia and Jamaica to promote the production, processing, or marketing of all crops which can be economically grown in areas of those countries which currently produce crops from which narcotic and psychotropic drugs are derived.

LAND REFORM IN EL SALVADOR

SEC. 599I. (a) It is the sense of the Congress that the success and continuation of land reform in El Salvador is vital to United States policy and to political stability, economic development and maintenance of democratic institutions in that country.

(b) Therefore, when allocating Economic Support Funds to El Salvador, the President shall take into consideration progress in the Salvadoran Land Reform Program.

TITLE VI—FUNDING ADJUSTMENTS

REDUCTION OF APPROPRIATIONS

SEC. 601. Each appropriation item, direct loan obligation limit, loan guarantee commitment limit, or obligation limit provided by this Act shall be reduced by 0.43 per centum: *Provided*, That such reduction shall be applied proportionally to each program, project, and activity as set forth in section 543 of this Act: *Provided further*, That programs and activities exempt from sequestration under section 255 of the Deficit Control Act of 1985 shall be exempt from the uniform reduction required by this paragraph.

COUNTER-NARCOTICS PROGRAMS

SEC. 602. For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961 and the Arms Export Control Act, $125,000,000, which shall be made available only for counter-narcotics programs: *Provided*, That none of the funds appropriated under this heading shall be made available except as provided through the regular notification procedures of the Committees on Appropriations.

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990".

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous tabular material on H.R. 3743, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the bill I have introduced today has three changes from H.R. 2939, the foreign operations export financing and related programs appropriation bill for fiscal year 1990.

These three changes are: First, deletion of language earmarking $215 million to the United Nations Population Program; second, the addition of the murderers of the Jesuits in El Salvador to the list of investigations which must be reported on to Congress; third, revised language on leveraging of funds in the foreign aid bill.

The original foreign operations appropriation bill for fiscal 1990 contains substantial legislative history in the

House-Senate in conference report language. In addition, full consideration of the bill contained a number of clarifications of legislative directions. On items that have not been changed, in the new bill, the report in the floor consideration of H.R. 2939 is to be followed.

□ 1150

Mr. Speaker, the first thing I would like to do is express my understanding of those Members of the House who are unhappy because the U.N. family planning item has been dropped from the bill, and also to express my understanding of those Members whose concern about the killings in El Salvador led them to try to create an opportunity for an amendment to be offered that would signal our concern.

I share in both instances the frustration that has bubbled to the top.

Mr. Speaker, as I have indicated throughout the debate, I share the President's concern about the nature of the Chinese population control program, because of the coercive activities of the Chinese Government with respect to that program. But I very strongly feel that the President is ill advised to use the method he has chosen in order to try to do something about it.

As I said on the floor earlier, I think all Members ought to be concerned about the coercive nature of the Chinese population control program. But I think the most effective way for the President to demonstrate American concerns about that program would have been for us to pay our contribution into the United Nations Population Program. It would have been for the President to then designate a very strong tenacious right to life advocate, who would argue the cause within that program, who would argue the cause that I think all of us believe in, which is to have family planning efforts that are not tainted with any activities that relate in any way to abortion.

The President choose to differ on that issue. That was one of the reasons that led him to veto the previous bill.

Now, I happen to think that reasonable people can disagree on that issue. I recognize that Members have strongly held views on both sides of that issue. But I think it is a reasonable point of disagreement for people, and sooner or later one side or the other has to recognize that they are not going to win the argument.

That is in essence what this bill does today. It recognizes that both Houses of the Congress did not pass family planning language vetoed by the President by more than a handful of votes. And that means, because we have to have two-thirds vote in order to overcome the President's veto, it simply is not practical at this stage in the legislative process for us to pursue that issue again.

The other issue on which the President vetoed the bill is what is known as leveraging. I happen to think that this is a crucial issue which relates to the integrity of constitutional processes in the American system of government.

That is why even though we have dropped the language the President objected to on the question of population, we did not drop efforts to nail in to this law the principle that taxpayer money for foreign aid ought to be expended for the purposes for which it is appropriated, and they ought not to be expended in any way to promote or entice other governments to support policies which would be illegal if followed by the United States.

Mr. Speaker, 4 days ago when we dealt with the ethics and pay reform package, Members of this House stood on the floor and, irrespective of party, stood in solidarity to take an action which might be misunderstood by some, but which I deeply believe will enhance and strengthen the ability of this body to operate in a manner which demonstrates to the American public the integrity which they have a right to expect from the people's branch of government.

Today we face a similar issue in my view on this bill. This issue does not just involve a question of personal convenience as some might feel the other issue did last week. This issue involves in my view a constitutional obligation on the part of Congress.

I saw one news story over the weekend that described the differences between the President and the Congress on this issue as being simply an argument over power. That is really not what this issue is at all. It is not that we have an obligation to see to it, that Congress has more power than the President or that the President does not infringe upon our powers. That is not the point. But we do have a constitutional obligation to see to it that no funds are expended except in accordance with a duly appropriated item.

We took an oath to uphold that constitution, and that is why we have insisted on retaining antileveraging language in this bill.

This country is emerging from what has been a 2-year scandal referred to as Iran-Contra. The trial of Oliver North produced a series of documents which showed conclusively in my judgment that this Congress was lied to by previous administration witnesses on the question of how foreign aid money was used.

We were lied to in testimony before our committee. The documents revealed that the administration took a series of actions with respect to Honduras in providing $109 million to Honduras, in return for Honduras taking certain actions with respect to the Contras—actions prohibited by law at the time.

Now, let me simply suggest this issue before us today is not about how Members feel about aid to the Contras. Again, reasonable people can disagree on that issue.

The issue before Members is how we feel about our own obligation to prevent appropriated foreign aid dollars from being subverted and used for a purpose which is contrary to U.S. law.

I have tried to demonstrate my good faith in dealing with the administration on this bill. I certainly tried to reach accommodation with them and various other parties on the population issue. As I said, reasonable people can disagree about those issues. But no reasonable person can disagree with the proposition that the President is not above the law, that any administration is not above the law. And no reasonable person can disagree with the proposition that when all Members vote, as we will in an hour, to spend $14 billion of taxpayer money, that we have an obligation to be able to assure those taxpayers that this money will be spent in a manner which is not inconsistent with U.S. law.

□ 1200

Now again, Mr. Speaker, I do not think the President wants to or intends to violate the law. His attorneys evidently are telling him that to protect Presidential prerogatives he should have vetoed the previous language.

I happen to disagree with that, and I happen to think that the gentleman from Oklahoma [Mr. EDWARDS] and I have worked out language which is infinitely reasonable. It protects the congressional obligation at the same time it gives the recognition to the need of the President to conduct foreign affairs.

Mr. Speaker, the operative sentence of the language in question would simply read as follows: None of the funds appropriated by this act may be provided to any foreign government including any instrumentality or agency thereof, foreign person or U.S. person, in exchange for that foreign government or person undertaking any action which is, if carried out by the U.S. Government, a U.S. official or employee, expressly prohibited by a provision of U.S. law.

Mr. Speaker, in plain language all that paragraph says is that, if this administration wants to try to accomplish a foreign policy purpose, which is contrary to a specific prohibition in U.S. law, it cannot use money in this bill to do it. That is all it says. It is a very simply proposition.

Other language in the provision defines further what we mean on this issue, and I would suggest it is an emi-

nently reasonable position for the Congress to take. And I think that we have not only a right, but a profound obligation, to take the position.

Mr. Speaker, I urge the House to support this bill, even though my colleagues may have concern about what has been left out, so that we can, in the spirit of reasonableness, while still preserving our constitutional rights and obligations, move this bill on to the President so that we can end this session with minimum rancor.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me begin by complimenting the chairman of the subcommittee, the gentleman from Wisconsin [Mr. OBEY]. We have had for the last week or two some very difficult times in trying to move this bill through the conference process and back onto the floor with all of the controversy that a bill of this kind generates, and the gentleman from Wisconsin [Mr. OBEY] has been very cooperative in working to try to find that balance which would allow people on both sides of the aisle to say that we have done something good in passing this piece of legislation. I sincerely compliment the gentleman from Wisconsin [Mr. OBEY] as well as the other members of the subcommittee on both sides of the aisle.

Mr. Speaker, I would say that this bill, as well as could possibly be done, reflects the priorities of the Bush administration in providing assistance to our allies around the world, but, in addition to that, it provides money to help promote freedom and democracy for those other nations which are beginning to emerge from behind the Iron Curtain and, for the first time in many years, to taste the air of freedom. The money that is in here to help with Poland and Hungary is a major step forward in terms of us saying to the rest of the world that, "We welcome you to the free world, we want to help you and we want to encourage you." That alone is reason to support this bill.

Let me comment for just a minute on the issue that the gentleman from Wisconsin [Mr. OBEY] brought up in terms of the so-called leveraging language. The Bush administration was concerned, and I think was properly concerned, that we might put into this bill language which would make it difficult for people in the administration and the State Department to function effectively representing the interests of this country for fear that they would find themselves in a situation in which every time an eyebrow was raised or somebody smiled at a particular time they could be accused of having made a deal to promote the interests that were contrary to the laws of the United States. I think that it was a reasonable fear. People who are going about their business representing this country in dealings with other nations do not want to have to live in fear that their every action is going to be misinterpreted and that they are going to find themselves faced with a special prosecutor because they did not dot the i or cross the t. But that is not what we wanted to have happen either.

So, Mr. Speaker, the language that we have in this bill would properly not be called leveraging language, which is the term of art that has now been adopted, but quid pro quo language. What we prohibit in this bill is a quid pro quo which would allow the money we are appropriating here for the United States' foreign policy purposes to be provided to another government or person in exchange for that government or person agreeing to do something which, if it were done by an American citizen or by our Government, would be a violation of U.S. law. That is all it does. It prohibits a quid pro quo.

Mr. Speaker, that is a good compromise. I think it takes care of the legitimate concerns of the administration while at the same time protecting the rights of the Congress to see to it that the money that we appropriate is used only for the purposes we intended it to be used for.

There is no sense in taking more time to reiterate all of the things that are in this bill, the MAI money for the Philippines, the money to help the nations in the Middle East, the money to help our NATO allies, the ESF and SMF funds.

My colleagues have heard this before. This is the same bill that came back from the conference except for the few minor changes that we mentioned on UNFPA, on the change in the leveraging language to quid pro quo language, so I would at this time, Mr. Speaker——

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Illinois [Mr. MICHEL], the Republican leader.

Mr. MICHEL. Mr. Speaker, I appreciate the gentleman from Oklahoma [Mr. EDWARDS] for yielding, and I ask only for a moment to simply compliment the gentleman from Oklahoma [Mr. EDWARDS] and the gentleman from Wisconsin [Mr. OBEY] for the manner in which they have acquitted themselves, not only over the last 48 hours or so, but during both their tenures in the Congress.

Mr. Speaker, we have our differences from time to time, argue them out very vociferously, but in the end, as my colleagues know, to be able to give with an unforeseen development from time and time and respond in good time I think again reflects so credibly on both the distinguished gentleman from Wisconsin [Mr. OBEY] and the gentleman from Oklahoma [Mr. EDWARDS] because they do not have the easiest bill to deal with.

As a matter of fact, I am reminded of my junior days around here when on that issue it was simply, "Don't confuse me with the facts. My mind is made up. Vote no. That's what the folks back home would appreciate more than anything."

So, Mr. Speaker, we have got a difficult task to perform in harmonizing all these differing views around here, and, as I indicated, this is not exactly the kind of measure that brings all kinds of pork barrel points to the folks back home, but necessary for the security in the country.

Mr. Speaker, I just did not want to let the opportunity go by without complimenting the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Oklahoma [Mr. EDWARDS] and the members of the subcommittee for the job they do.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I appreciate the comments of the gentleman from Illinois [Mr. MICHEL].

I also would say that in these last few days as we have ridden through crisis, after crisis, after crisis on this bill, which sometimes happens to us, I have been impressed by the way in which the Republican leader, the Republican whip, the chairman of the Republican conference, who is a member of our subcommittee, and other Members on the Republican side of the aisle have reacted in helping us keep together a good package. I know the same thing has happened on the Democratic side of the aisle with, not only the gentleman from Wisconsin [Mr. OBEY], but the Speaker and others who have helped to move this along as smoothly as was possible.

Mr. Speaker, at this point I merely ask the Members to support this bill. It is a good bill. I think it reflects the priorities, not only of the Congress, but of the administration, and I hope that all of the Members will support it.

Mr. Speaker, I reserve the balance of my time.

□ 1210

Mr. OBEY. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding me this time.

The gentleman from Oklahoma [Mr. EDWARDS] said a few moments ago that the bill reflects the priorities of the administration, but I do not think in certain crucial respects it reflects the priorities of the American people. I am referring to the President's veto of the bill based in large measure on the bill's support for voluntary family planning. The overwhelming majority

of the people in America believe in family planning, not only for themselves, but for any person around the world to be able to plan the size of their family voluntarily.

Abortion is controversial and people will differ on that, of course. The President vetoed the HHS bill because it permitted funding of abortions to save the life of the mother and for victims of rape and incest. That is his right. I disagree with that, but that is his right, and the House is divided on that.

The President vetoed the D.C. home rule bill because it permitted that with its own money, not Federal money. He has that right. I disagree with that, but that is his right.

The public is divided on some of those issues, but on family planning, voluntarily family planning, there is very little disagreement in this country that people should be allowed to exercise that. Over half the people in the Third World, over half the women in the Third World have no access to any family planning services whatsoever and millions of women and children do not have access to health care funds, family planning funds, maternal and child health care, which is provided by the United Nations and through the U.N.

The President himself admitted that not one penny in that bill went to China, which has a controversial program, and not one penny goes for abortion anywhere in the U.N. The only complaint was that the U.N. is in a country where there is coercive abortion, and we can argue that, but if we are not going to give money to the U.N., because not with their own money, but with money from somebody else there are in a position where somebody else with their own money performs abortion, then we could ask the U.N. to get out of America, because there is abortion in America, too, with somebody else's money, not with U.N. money.

Not only that, we should get out of the U.N. in a lot of ways. Unless we agree with everything the U.N. is doing, we should then leave the organization under the logic. It defies logic to say that we should not permit women in Bangladesh, Haiti, Sierra Leone, and Mexico to have any funds for family planning or for material and child health because of what is happening inside China, even though we know that none of our money was going to those things inside China, nor indeed to anywhere in the world that would involve abortion.

Are we saying the U.N. is so thoroughly tainted that we cannot be in it if they are in a country that does this? Then we should leave the U.N.

Family planning is important because it saves lives. It prevents abortions. Family planning is important because it preserves the environment.

Mr. Speaker, we are in a race of population versus resources. There is the ozone layer. There is global warming. There is desertification where thousands and thousand of acres become desert every year in sub-Sahara Africa. The desert is creeping forward every year as people overgraze the land, strip out the firewood. Are we going to stand by and say that we do not want to send money to Niger to prevent that because of what is happening in China with somebody else's money, not ours? That has got to be the most heartless, cruel veto the President has ever exercised, and it goes beyond anything I have ever seen. Not our money, not the U.N.'s money, but we have to deny money all around the world for conservation, for the environment, for ozone, for the atmosphere, for all our resources, and for the state of the living, and yes, for the lives of mothers and children at the edge of starvation so the President can play a symbolic game of vetoing money that does not in fact go for any abortion.

I think it is tragic that we are playing those kinds of symbolic games with the lives of millions of people.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, it is with great dismay that I heard that the President vetoed this bill and that part of the reason was the funding for family planning through the United Nations.

Some years ago when my family and I were stationed in Nepal with the Peace Corps I had a lovely young woman 20 years old who worked for me. One day after the weekend off she did not return to work. I did not think much of it, but the second day I went to her house to see what was wrong. She was almost unconscious. She had been hemorrhaging for more than 24 hours. I packed her down two flights of stairs and got her to the hospital. We found volunteers with matching blood and got transfusions for her to save her life.

She told me, "I already have two children. My husband has another wife with three children. He cannot afford any more children."

I helped her get permission from her husband for her to have her tubes tied, and at that time it required greater surgery than today. The gynecologist that performed the operation told me that this 20-year-old woman had a uterus so badly scarred from repeated abortions because she had no other recourse. There was no family planning facility available to that young woman.

What has our President done to cut off the kind of legitimate approach to family planning matters that these poor women in other countries so much desire to have available to them so that they can control their lives and their futures for the children that they do have.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MCHUGH].

Mr. MCHUGH. Mr. Speaker, I rise in support of this foreign aid bill and urge my colleagues on both sides to vote for it. Although there are certain items in the bill with which I disagree, it is on balance a responsible bill and one that will effectively serve U.S. interests abroad.

Mr. Speaker, I very much regret that the House on the last vote precluded us from offering an amendment on El Salvador. At this point we have no alternative but to rely upon the aggressive pursuit by the President of our interests and goals in that country, which most certainly include the serious pursuit of a cease-fire and an end to the killing which has ravaged that country, not only in the last week but over many years.

In conducting American policy in El Salvador, I would urge Mr. President as well as my colleagues to bear certain facts in mind.

Since 1980 we have put about $3.6 billion of economic and military assistance into El Salvador. We have done that in the hope, and I emphasize "in the hope," of enabling the Government there to not only resist the guerrillas, but also to enable that Government to address more effectively the causes of revolution. Those causes include generations of economic and political repression and a long history of human rights abuses. Unless those causes are more effectively dealt with, it is quite clear that the democracy and peace we have sought in El Salvador will never be achieved. For many of us the goal in El Salvador has not been to achieve a military victory—I don't believe such a victory is possible—but to achieve a more just, equitable society. That is the only kind of victory that can possibly justify our substantial level of assistance.

□ 1220

As we review the last 8 or 9 years in El Salvador, we can conclude that some modest progress has been made toward democratic rule. There have been elections, and I think that our assistance and our support of the democratic process there have contributed to some movement toward democracy. However, If we are honest with ourselves, we also must recognize that there are still enormous problems that have not been effectively addressed. The intense fighting in the last week and the brutal murders of the six Jesuits, their housekeeper and her daughter have only served to bring these deficiencies home to us in a dramatic fashion. They are symptomatic of deep and continuing problems. Indeed, the human rights abuses in

that country are escalating, not diminishing.

Both sides can take their share of blame. The major battles recently begun were started by the FMLN guerrillas. They deliberately chose to conduct their fighting in urban neighborhoods where they must have understood that large numbers of innocent people would be killed. They bear enormous responsibility for undertaking that kind of conflict in urban areas. The Government responded with excessive forces that worsened the situation. There have been reports of bombings, rather indiscriminate bombings, in urban areas which again hit primarily innocent people.

The murders that have taken place have shocked not only us in the United States, but others around the world. We are all shocked and saddened by the murders of the Jesuits, their housekeeper and her daughter. It is true that there is not conclusive evidence as to who was responsible. None of us can make a final judgment at this point.

Some have suggested that the FMLN might be responsible. Perhaps so. However, there are credible indications that the area where the Jesuites lived was under Government control. The military had surrounded their home prior to these murders. Military men were seen leaving the premises after the shootings took place. Apparently, the Government controlled radio station broadcast statements that identified these priests as subversives. Based on what we know now I think it is fair to say that there is at least some evidence that the Government might well have been involved or at least indirectly knew of these despicable crimes.

Mr. Speaker, at the very minimum we need to investigate these murders, but even more importantly we need to aggressively pursue an end to the war, an end to the killing that has already claimed 70,000 lives. We need to aggressively pursue a cease-fire as a first critical step in that process.

As I said earlier, the United States has put $3.6 billion into this country, and therefore we have a profound responsibility to see that the killing ends, to see that human rights abuses come to a conclusion, to see that, for the first time, there is a justice system worth the name, so that people who commit these egregious murders can be brought to justice. None of that is happening at this moment. I think it is incumbent upon the President, particularly since the House has just voted not to even consider an amendment, to be aggressive in using American influence to achieve a cease-fire, to investigate these murders, and to make more meaningful progress on the underlying causes of the conflict in El Salvador, steps which have not been pursued sufficiently to this point.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I intend to support the bill that is before us in a moment, but I want to join in associating myself with the remarks that were made just now by the gentleman from New York [Mr. MCHUGH].

Mr. Speaker, earlier today the House was given the opportunity to respond to the horrible carnage that is taking place in El Salvador. I was deeply disappointed when the House, by a narrow margin, rejected the rule that would have permitted consideration of an El Salvador amendment.

The amendment that many of us wanted to add to the foreign operations appropriation bill was very modest—many of us felt it was too modest: It would simply have stated that no more than 70 percent of the military aid for El Salvador in the bill could be used prior to April 1. Fencing off 30 percent of these funds would have sent an important signal to the Cristiani government that the Congress does not intend to give a blank check to a government that seems to be either unable or unwilling to control its own military and associated right-wing death squads. Surely, it is not too much to ask of the El Salvador Government, a government that since 1980 has received almost $4 billion from American taxpayers, that it investigate and prosecute those responsible for the savage assassinations of six Jesuit priests that occurred this past week.

But there is little tangible evidence of the Government's willingness to do anything of substance. To the contrary, only this morning, the attorney general of El Salvador was quoted as saying that the Catholic bishops there have "somewhat questionable—political—tendencies." He went on to say, "I personally think no one is being persecuted by anyone" in El Salvador. Moreover, these observations of the attorney general come on the heels of equally disturbing reports that other priests involved in relief work with the poor, including American Jim Barnett; a Dominican priest, have received death threats in recent days, and the Salvadoran Treasury Police continue to raid churches, confiscating books and papers.

One final word: The escalation of the Salvadoran civil war has brought with it a tragic loss of life, and all parties to the conflict—the rebel forces and the Government alike—bear responsibility. There has been extraordinary callousness and brutality evidenced by both sides. And American diplomacy now must be focused on ending the killing. Too much blood has been shed in that sad land.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I did not serve in Congress when the American nuns were raped and killed, and I was not here when Archbishop Romero was shot and killed in his church while he said mass. But now I am, and a year ago, January, I had an opportunity to go to El Salvador and meet with Bishop Gomez, the bishop of the Lutheran Church, who was in hiding. His family has been dispersed. His church has been taken over and raided.

I told the Lutherans in my area when I was going that I would try to see him, and I sort of took it as a personal responsibility to sort of try to keep the man alive.

I had a chance while I was there to meet with Colonel Ponce and Colonel Cepeda as well as President Duarte, and I said to them that I did not believe the American Congress would stand for the killing of more religious persons as long as we were sending them $1.5 million a day, and that we wanted it to stop. I was wrong. We can not absorb the killing of six priests in the most barbaric way, and the housekeeper and her daughter, simply because they were witnesses.

I guess there is not any atrocity there against the church that is going to be too much for us to stop sending that money. I am not trying to undermine any government nor trying to bring down any President. But as a Member of the Congress of the United States and as a citizen of America, I want to tell the Members that I do not think we want our money spent for that, and the persons I spoke with in El Salvador, from academics to religious people, said, "It's the money. Please stop it."

I wish we could have paid attention.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take additional time not to prolong the debate but only to try to set clear some of the record in regard to what is happening in El Salvador.

It is unfortunate that the FMLN launched a very serious offensive into the city of San Salvador, which has caused a great loss of life. They moved into San Salvador with the specific goal of causing a number of executions and assassinations for the purpose of bringing down that government.

There is no one on that side of the aisle or this side of the aisle who does not condemn the atrocities that have happened in that country. There is no clear answer at this point as to who is responsible for those atrocities.

As we all know, President Cristiani has repudiated the remarks of the attorney general. President Cristiani has made very clear, the Government of El

Salvador has made very clear that they intend to actively pursue this case. They intend to apprehend the people who committed these crimes. They intend to bring them to justice regardless of who they were, whether they were from the right, whether they were from the left, whether they were from the military.

□ 1230

But at this point, we have only hearsay. We do not know. We have reports that they were people wearing uniforms, but we have also known in the past of atrocities that we recommitted by members of the FNLM wearing uniforms. So we do not know who is responsible, and I do not think this is the time to rush to judgment.

We ought to stand behind what we all agree on, that it was a terrible thing to have happened, that we support the Government of El Salvador in doing everything humanly possible to apprehend the people who did it, and bring them to justice, and let us not sit here or stand in the well here in the House of Representatives and attempt to determine for ourselves, based on hearsay, or something we read, who it is that was responsible. Let us merely say to the FNLM and to the far right and to the Government of El Salvador that we want it solved, and we support President Cristiani in his efforts to bring justice and to bring to justice the people who committed these crimes.

There is no sense getting into it here and picking out who we think did it and starting to beat up on them. You do not know who did it; I do not know who did it. Let us give the President of El Salvador a chance to find out who did it and bring them to trial and bring them to justice.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, what the previous speaker just referred to is the whole point. The point is that we have to find out exactly who carried out these murders.

We are used to disagreeing in this body. We represent different constituencies. We differ about matters across this country and we differ about matters around this world. But the point is every once in a while something occurs that is so outrageous, so unacceptable, that it goes beyond the bounds of civilization, and everyone knows it will not go away until it is resolved.

Many of us are disappointed that we did not get a chance to vote on the amendment today to reduce the funding to El Salvador by 30 percent, but so be it. This situation will not go away. The word "democracy" and President Cristiani cannot be used in the same sentence unless this issue is resolved, unless we are willing to face up to the facts, find out exactly who carried out these murders because the American people will not let us continue to fund this so-called democracy unless we find out these facts.

So I think many of us in this body who are committed to find out the facts will insist that we find out the facts, and if things do not change we will insist on our amendments until the true facts are found out and made known to the world.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. WILLIAMS). The Chair would advise the gentleman from Wisconsin [Mr. OBEY], that he has 6 minutes remaining.

Mr. OBEY. Mr. Speaker, I want to say three things in closing. I want to say something about the bill itself; then I want to say something about Salvador; and then I want to say something about the gentleman from Oklahoma.

With respect to Salvador, let me simply say that I have served on this subcommittee for over a decade. No issue has troubled me more, save perhaps the Contra situation, than has the situation in Salvador.

I think two things have to happen. I think when the President goes to the summit and talks to Mr. Gorbachev, at the top of his list, given the fact that Mr. Gorbachev is going to be asking for a few things, I think at the the top of his list ought to be to try in the most forceful way possible to extract from Mr. Gorbachev, a commitment to end Soviet assistance to revolutionary groups in this hemisphere, certainly including the Salvadoran revolutionary groups.

I find their conduct, as usual, to be obstreperous, pigheaded, double-tongued, and vicious.

But I also suggest that we have an obligation to recognize in the end that we do not fund the Salvadoran rebels. We fund the Salvadoran Government, and that gives us a special duty to try to affect their conduct.

I would say that I for one have personal confidence in the desire of the new President to try to bring order to his country and to his society. But anyone who is familiar with that society and the sociopathic elements within it, recognizes that we have, after the expenditure of almost $4 billion, made very little progress in taming the base instincts of certain elements of that society. Yes, there are fewer victims of killings these days. I would submit one of the reasons is that so many have been killed there are few potential victims left.

We do not know for certain who killed those Jesuits. But I do think we have an obligation to take note of outrageous statements, including those of the Salvadoran Attorney General, and to spell out that they should not misread what happened here today on the floor. Make no mistake about it, if those killers are not brought to justice, if the Salvadoran Government does not demonstrate a capacity to begin to establish an effective judicial system, a system of justice which will bring to the bar those who have perpetrated crimes like this, then they are going to face a very difficult time in the next appropriation cycle in obtaining the funds that will be asked for them. I think that the Salvadoran Government and the Salvadoran military ignore that fact at their peril.

With respect to the bill before us, let me simply say I think this is a good bill for a number of reasons. I think the primary reason is that it cuts $514 million from the President's request for the original items in the bill. It also in effect transfers about $500 million from military assistance to economic and development assistance. A smaller percentage of the bill will fund military aid programs than last year. I think that is the way it ought to go.

It provides badly needed assistance to Poland and Hungary. In that respect it recognizes that we are entering a new age, and I hope that the foreign aid bill which is presented by the President for consideration next year will, to a much greater extent than this one, recognize the need to move more toward economic challenges rather than military challenges that confront us and the Third World.

Lastly I simply want to congratulate the gentleman from Oklahoma [Mr. EDWARDS]. He and I disagree on a number of issues, but what I respect most about him is that he is a true institutionalist. He understands that there are some questions which transcend differences on philosophy, some questions which transcend partisan considerations. He understands that occasionally we have a duty, regardless of party, and regardless of political philosophy, to defend the constitutional obligations of what is still the greatest and most independent legislative body in the world. This body is truly the best hope in the long term for preserving Western values, and I congratulate the gentleman because he is an essential part of it.

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I thank the gentleman for yielding.

I was en route from my district and was not here for the vote that occurred earlier on the rule that the gentleman from Wisconsin offered. Had I been here I would have voted aye.

In supporting it, I do not wish to pass judgment on who caused these atrocious killings in El Salvador, but that type of an action cannot be condoned.

The President must get a promise out of President Gorbachev that the arms flow to El Salvador will stop, and he must get a promise out of President Cristiani to see that the killings are thoroughly investigated. I think we must take bolder action than we have before.

I commend the gentleman on his motion.

Mrs. LOWEY of New York. Mr. Speaker, I rise reluctantly in support of the Foreign Aid Assistance Act for fiscal year 1990.

This bill contains urgently needed aid for many nations around the world. At this time of dramatic change in Eastern Europe, it contains a major aid package for the governments of Poland and Hungary. It contains important funding for the war against drug trafficking—an essential component of our Nation's overall battle against drugs. It continues substantial funding for development activities in the world's poorest nations. And it continues essential aid to the signatories of the Camp David accords, Israel and Egypt.

All of these provisions are worthy of our strong support. However, the bill also contains some provisions which are deeply disturbing. The aid package for El Salvador in this legislation is completely unacceptable, particularly in light of the atrocities that have been reported in that nation in recent days.

I am deeply disappointed that the House is not taking action to restrict aid to El Salvador. Last week's news of the brutal executions of six Jesuit priests and the intensified conflict that is taking the lives of hundreds of civilians has shocked and horrified the entire world. Yet the United States Government appears unwilling to recognize the extent of this tragedy and the importance of taking steps to eliminate the death squad activity that has terrorized the nation of El Salvador for far too long.

Mr. Speaker, United States policy toward El Salvador has not succeeded in bringing an end to the bloodshed in that nation. Rather, the bloodshed continues unabated. The atrocities continue unabated. The human rights violations continue unabated.

On Friday, I called for a total suspension of aid to El Salvador until death squad activities have ceased, those responsible have been brought to justice, and human rights reforms have been enacted.

We should not be sending further U.S. military aid to the nation of El Salvador when death squads are executing religious leaders and civilian casualties are mounting. President Bush should bring strong pressure to bear on President Cristiani to identify and bring to justice those who murdered the priests and those who are responsible for other death squad activities.

In addition, President Bush should play a leading role in pressing for an immediate cease-fire in El Salvador. I have signed a letter urging the President to press for such a cease-fire and to take steps to implement an immediate investigation of last week's murders.

Further, I have joined other Members of Congress in sending a telegram to President Cristiani and the rebel leadership calling on both sides to resume negotiations for a cease-fire and urging them to permit the Red Cross to evacuate the wounded from areas of conflict. The telegram also calls on both sides to adhere to the principles of the Geneva Conventions by taking every measure possible to avoid civilian casualties.

Earlier today, those of us who are deeply concerned about the violence and brutality in El Salvador voted to permit an amendment to restrict military aid to that nation. However, the House rejected even this modest attempt to condition aid to this nation. This action by the House is of grave concern and reflects a lack of understanding of the course of events in El Salvador.

The situation in El Salvador is truly frightening. We cannot continue the status quo, which simply perpetuates the ongoing cycle of violence in that nation and undermines the democratic ideals which we hold so dear. Over the coming months, we must conduct a comprehensive review of our policy toward El Salvador. And we must do everything possible to encourage a diplomatic resolution of the conflict.

We must continue to press for a new United States policy toward El Salvador—one that will make a real contribution toward peace and democracy in that nation, rather than promoting additional violence and bloodshed.

In addition, I am deeply disappointed by the fact that this bill does not contain funds for the U.N. Fund for Population Activities [UNFPA]. I strongly supported an appropriation of $15 million for the UNFPA because of the critical role that the UNFPA plays in voluntary family planning worldwide.

Over the last few years, the United States has not provided funds for the UNFPA because of concerns about monetary support going to the coercive family planning policy in the People's Republic of China. However, the bills passed by the House and the Senate this year strictly forbid any use of funds in China. Instead, the $15 million was to go to over 120 other nations who desperately need our help in developing their own family planning programs.

Unfortunately, the President chose to veto the earlier version of this legislation because of the funding it contained for UNFPA. Because we do not have the two-thirds vote necessary to override the President's veto, this funding has been removed, and we must resolve ourselves to fighting next year for this very critical appropriation.

Mr. Speaker, this bill contains much that is worthy of support. But we should not have included military aid to El Salvador, and we should have included badly needed funding for UNFPA. Those of us who understand the importance of these issues will continue to press for prompt action in Congress and by the Bush administration to respond to the atrocities in El Salvador and to provide badly needed family planning aid to the poorer nations of the world.

Mr. SMITH of New Jersey. Mr. Speaker, the President stood firm in favor of voluntary family planning by vetoing the foreign operations bill. The President has said "no" to supporting any organization—even a U.N. agency—if that organization supports or comanages a coercive population control program.

The President has chosen to side with the oppressed and he is to be commended for that principled stand. Clearly, Mr. Speaker, that action was right, it was proper, it was motivated by the deepest concern for human rights and individual liberty. I deeply respect the President's courage and vision in taking this position.

Mr. Speaker, the President wisely insisted that the United States continue its human rights policy first enacted in 1985 of denying funds to any organization that supports or comanages a coercive population control program.

There is no doubt, Mr. Speaker, that the U.N. Population Fund aggressively supports—and provides tangible financial and technical assistance—to the brutal Chinese program. There is no doubt that the Chinese population control leaders continue to rely on forced abortion, and forced sterilization, to achieve their objective of one child per family.

The results since 1979 have been nothing less than horrifying—over 100 million unborn children butchered by abortionists, many late in pregnancy, most the result of coercion.

Mr. Speaker, the President's refusal to embrace coercion, in any way, sends a clear, unmistakable message to all population planners worldwide. The President has said: Coercion—forced abortion, forced sterilization will not be tolerated by the United States. The President has clearly articulated for the world that only voluntary family planning is acceptable. Only voluntary family planning will receive U.S. support and assistance.

Mr. MINETA. Mr. Speaker, the violence in El Salvador is a tragedy, pure, and simple. But what is more complex, what is more insidious is the apparent complicity of the Government of El Salvador in aiding and abetting—or at the very least looking the other way—while death squads inflict their savage barbarity.

Congress can speak of its anger at the violence. But Congress should do more.

This morning, we had an opportunity to withhold 30 percent of the military aid we provide El Salvador annually. That we failed to do so is a tragedy in its own right.

Mr. Speaker, we should cut off all military aid to El Salvador, for it is clear that the Bush administration has no understanding of the appalling acts of violence now enveloping El Salvador.

Just this last weekend, our own Ambassador to El Salvador compared the killings of the six priests at Jose Simeon Canas Central American University to the internment of 120,000 Americans of Japanese descent by the United States Government during the Second World War. But his motive was not to compare tragedy with tragedy. His aim was to illustrate the point that in wartime, governments must do what they must do. That's just plain wrong.

Mr. Speaker, we should end our military involvement in El Salvador now, and since we don't have the courage to do that today, I urge a "no" vote on this bill.

Mr. COLEMAN of Texas. Mr. Speaker, I am reluctantly supporting this bill. I voted against the rule which deleted family planning in our foreign operations bill because the President was plain wrong in vetoing this legislation. As Democrats, we are not smart to give in by passing a rule which does just as the President wants for the sake of obtaining a second vote—which we would lose—to withhold—for only 4 months—30 percent of the military assistance in this bill for El Salvador. I disagree with the chairman of my subcommittee on the House's obligation to try to produce a foreign operations appropriations bill. I am reluctant because the President had no business vetoing this bill in the first place and because against our better judgment we have gone out of our way to capitulate to the administration on every issue the White House cared to raise.

The State Department had no problem with any of the conferees' language. There were two sections that the political people in the White House apparently found objectionable. One section said that no funds in this bill could be used to break the law. The other sections said that we should provide funds for family planning through the United Nations if it were made clear that none of the funds we were making available would go to the People's Republic of China, whose population policies we all abhor. That is what our language said.

The White House apparently has a problem with the proposition that no funds in the foreign operations appropriations bill may be used to break other laws. The argument that the language constitutes an infringement of Presidential authority is as patently false as the proposition that the money we are providing to the U.N. Fund for Population Activities [UNFPA] constitutes funding for abortion. Both arguments are very obviously untrue and the White House clearly knows it in both instances. This bill should never have been vetoed.

But since the bill has been vetoed—and since we have made changes in the bill solely for the sake of adjourning—we have brought back a second and a third version. The gentleman's latest version remains silent on the unfolding tragedy in El Salvador, even though we have a timely opportunity to speak to that issue. We should not forget that it is the White House which wants this bill most of all.

It was the White House which insisted on earmarking Military Assistance Program funding and which then abandoned those earmarks when they proved unpopular. We had carried a lot of water for the administration in this bill when we brought out the conference agreement last week, prior to the veto. I am angry, as any member of the subcommittee would be, by the sheer hypocrisy of the language in the veto message. This latest version of H.R. 2939 is a version which attempts to convince the administration and ourselves that our obligation to produce a spending bill for foreign aid before adjournment outweighs our obligation to speak to a number of very important issues in foreign policy.

I will vote for this bill as a member of the subcommittee, but I urge others to think long and hard before they do the same.

Mr. AuCOIN. Mr. Speaker, I am voting "no" on the foreign operations appropriations bill for two strong reasons: George Bush's ludicrous veto of international population planning funds—programs needed to keep women from getting in the position of requiring an abortion; and the refusal of the White House and the House majority to place even modest restraints on military aid to El Salvador after the recent assassination of six Jesuit priests, a woman, and a child.

My colleagues know that this session of the Congress will be remembered for the emergence of the abortion rights issue as one of the central issues of the Government. No one saw it coming. But since the Webster case essentially told American women they can no longer look to the courts to protect their right to freely exercise their conscience, the prochoice mainstream American public has had to turn to legislative and political action.

I have been in the middle of that struggle and have led the fight to establish a prochoice majority in the House in the instances of assistance to poor women who are victims of rape and incest, for self-determination for the District of Columbia on the use of its funds for these same purposes, and for international population planning.

In each of these instances, the will of that majority has been thwarted by a Presidential veto and the use of a minority to sustain it. It happend again in the case of the foreign operations appropriations bill, even though the population planning programs the President objected to would actually reduce the number of abortions he says he now opposes.

I resent very much being put in this position, for this bill contains funds for our ally, Israel, and I am a staunch supporter of Israel. Just this month I passed an amendment that protected key Israeli defense programs from appropriations cuts. Aid to Israel is not at issue here and should the bill in this form be defeated, overwhelming support for Israel in the House would guarantee that aid to Israel be an integral part of a rewritten bill.

I am confident that friends of Israel in the United States will understand that I have arrived at this position out of conviction and principle. I am equally confident that they understand that congressional supporters of Israel cannot be asked to vote for any foreign aid bill, regardless of how many offensive provisions might be included in it.

That would be one-issue voting and, in the long run, destructive to the vital interests of the great State of Israel, which I have visited and which I love.

Mr. OBEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Under the unanimous-consent request, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KOSTMAYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken byu electronic device, and there were—yeas 310, nay 107, not voting 16, as follows:

[Roll No. 374]

YEAS—310

Ackerman	Downey	Kyl
Alexander	Dreier	LaFalce
Anderson	Dwyer	Lagomarsino
Andrews	Dymally	Lancaster
Annunzio	Dyson	Lantos
Anthony	Edwards (OK)	Laughlin
Atkins	Emerson	Leach (IA)
Baker	Engel	Leath (TX)
Ballenger	Erdreich	Lehman (FL)
Barnard	Espy	Lent
Bartlett	Fascell	Levin (MI)
Barton	Fawell	Levine (CA)
Bateman	Fazio	Lewis (CA)
Beilenson	Feighan	Lewis (FL)
Bennett	Fish	Lightfoot
Bentley	Flake	Lipinski
Bereuter	Flippo	Livingston
Berman	Foglietta	Long
Bevill	Ford (TN)	Lowery (CA)
Bilbray	Frank	Lowey (NY)
Bilirakis	Frost	Luken, Thomas
Bliley	Gallegly	Machtley
Boehlert	Gallo	Madigan
Boggs	Gejdenson	Manton
Bonior	Gephardt	Martin (NY)
Borski	Geren	Martinez
Bosco	Gillmor	Matsui
Boucher	Gilman	Mavroules
Boxer	Gingrich	Mazzoli
Brennan	Glickman	McCollum
Broomfield	Gordon	McCrery
Browder	Goss	McCurdy
Brown (CA)	Gradison	McDade
Brown (CO)	Grandy	McDermott
Bryant	Grant	McEwen
Buechner	Gray	McGrath
Bunning	Green	McHugh
Burton	Guarini	McMillan (NC)
Bustamante	Gunderson	McMillen (MD)
Byron	Hall (OH)	McNulty
Campbell (CO)	Hamilton	Meyers
Cardin	Harris	Mfume
Carper	Hastert	Michel
Carr	Hatcher	Miller (OH)
Chandler	Hawkins	Miller (WA)
Chapman	Hayes (LA)	Moakley
Clarke	Hefley	Molinari
Clement	Hertel	Mollohan
Clinger	Hiler	Montgomery
Coble	Hoagland	Morella
Coleman (MO)	Hochbrueckner	Morrison (CT)
Coleman (TX)	Holloway	Morrison (WA)
Combest	Horton	Mrazek
Condit	Houghton	Murtha
Conte	Hoyer	Nagle
Cooper	Hunter	Natcher
Costello	Hutto	Neal (MA)
Coughlin	Hyde	Nielson
Courter	Inhofe	Nowak
Cox	Ireland	Oakar
Coyne	James	Oberstar
Darden	Jenkins	Obey
Davis	Johnson (CT)	Olin
de la Garza	Johnson (SD)	Ortiz
Dellums	Johnston	Owens (NY)
Derrick	Jones (GA)	Owens (UT)
DeWine	Kanjorski	Oxley
Dicks	Kaptur	Packard
Dingell	Kasich	Pallone
Dixon	Kennelly	Parker
Donnelly	Kildee	Patterson
Dorgan (ND)	Kleczka	Paxon
Dornan (CA)	Kolbe	Payne (NJ)

Payne (VA)	Schulze	Thomas (GA)
Pease	Schumer	Thomas (WY)
Pelosi	Shaw	Torres
Penny	Shays	Torricelli
Porter	Sikorski	Towns
Poshard	Sisisky	Traxler
Price	Skaggs	Udall
Pursell	Skeen	Unsoeld
Ravenel	Skelton	Upton
Regula	Slattery	Vander Jagt
Rhodes	Slaughter (NY)	Vento
Richardson	Slaughter (VA)	Visclosky
Ridge	Smith (FL)	Volkmer
Rinaldo	Smith (IA)	Vucanovich
Ritter	Smith (NJ)	Walgren
Roe	Smith (TX)	Walker
Rohrabacher	Smith (VT)	Walsh
Ros-Lehtinen	Solarz	Waxman
Rostenkowski	Spratt	Weber
Rowland (CT)	Stallings	Weiss
Rowland (GA)	Stangeland	Weldon
Sabo	Stearns	Whitten
Saiki	Stenholm	Wise
Sangmeister	Stokes	Wolf
Sarpalius	Sundquist	Wolpe
Sawyer	Swift	Wyden
Saxton	Synar	Yates
Schaefer	Tallon	Yatron
Schiff	Tauke	Young (AK)
Schneider	Tauzin	
Schuette	Thomas (CA)	

NAYS—107

Akaka	Hayes (IL)	Roberts
Applegate	Hefner	Robinson
Archer	Henry	Rogers
Armey	Herger	Roth
AuCoin	Hopkins	Roukema
Bates	Hubbard	Roybal
Bruce	Huckaby	Russo
Callahan	Hughes	Savage
Campbell (CA)	Jacobs	Scheuer
Clay	Jones (NC)	Schroeder
Collins	Jontz	Sensenbrenner
Conyers	Kastenmeier	Shumway
Craig	Kennedy	Shuster
Crane	Kolter	Smith (NE)
Dannemeyer	Kostmayer	Smith, Robert (NH)
DeFazio	Lehman (CA)	
DeLay	Lewis (GA)	Smith, Robert (OR)
Dickinson	Lloyd	
Duncan	Markey	Snowe
Durbin	Marlenee	Solomon
Early	McCandless	Spence
Eckart	McCloskey	Staggers
Edwards (CA)	Miller (CA)	Stark
English	Mineta	Studds
Evans	Moody	Stump
Fields	Murphy	Tanner
Ford (MI)	Myers	Taylor
Frenzel	Neal (NC)	Traficant
Gaydos	Panetta	Valentine
Gekas	Parris	Watkins
Gibbons	Pashayan	Wheat
Gonzalez	Perkins	Whittaker
Goodling	Petri	Williams
Hall (TX)	Pickle	Wilson
Hammerschmidt	Quillen	Young (FL)
Hancock	Rangel	
Hansen	Ray	

NOT VOTING—16

Aspin	Lukens, Donald	Rose
Brooks	Martin (IL)	Sharp
Crockett	Moorhead	Smith, Denny (OR)
Douglas	Nelson	
Florio	Pickett	Wylie
Garcia	Rahall	

□ 1300

The Clerk announced the following pair.

On this vote:

Mr. Nelson for with Mr. Rahall aganist.

PERSONAL EXPLANATION

Mr. DOUGLAS. Mr. Speaker, I insert in the RECORD a statement concerning rollcalls Nos. 373 and 374, concerning which I missed this morning. This morning I was in New York City for a breakfast meeting a number of Jewish organizations gave for Jack Kemp, a Maimoides award. I was there to introduce Jack, and I did not get back in time due to traffic, but I wish to state had I been here on rollcall No. 373 concerning the rule on the foreign operations bill, I would have voted "no"; and on rollcall No. 374, final passage of H.R. 3743, I would have voted in the affirmative.

Messrs. WILSON, McCLOSKEY, and RANGEL changed their vote from "yea" to "nay."

Mr. MANTON and Mr. SKAGGS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR MEMBER TO ADD NAMES OF MEMBERS TO LIST OF SPONSORS OF H.R. 14

Mr. SYNAR. Mr. Speaker, I ask unanimous consent, pursuant to clause 4 of rule XXII of the Rules of the House of Representatives, to add the following sponsors to H.R. 14: Mr. SOLARZ and Mr. WILSON.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. SYNAR. Mr. Speaker, I was unavoidably detained on Friday, November 17 and missed several recorded votes. Had I been present I would have voted the following way:

Yes on the Conte motion to concur with Senate amendment No. 7 to H.R. 3566, the fiscal year 1990 appropriation for the Departments of Labor, HHS, and Education (roll No. 364).

No on the Vucanovich amendment to S. 974, the Nevada Wilderness Protection Act, which would strike provisions establishing a Federal reserved water right for the Nevada wilderness area (roll No. 365).

No on the Rhodes amendment to S. 974 which would require that stream adjudication claims filed by the Secretary be pursuant to the laws of the State of Nevada (roll No. 366).

Yes on final passage of S. 974 (roll No. 367).

Yes on H.R. 3532, the Civil Rights Commission Reauthorization Act (roll No. 368).

VETERANS' HEALTH CARE PROGRAMS AMENDMENTS OF 1989

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 901) to amend title 38, United States Code, to improve programs for the recruitment and retention of health-care personnel of the Department of Veterans Affairs, to extend certain expiring programs of that Department, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments with amendments.

The Clerk read the title of the bill.

The Clerk read the House amendments to the Senate amendments, as follows:

House amendments to Senate amendments: In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Amendments of 1989".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DEFINITIONS.

(a) TITLE 38, USC.—Section 101(1) is amended to read as follows:

"(1) The terms 'Secretary' and 'Administrator' mean the Secretary of Veterans Affairs, and the terms 'Department' and 'Veterans' Administration' mean the Department of Veterans Affairs.".

(b) THIS ACT.—For purposes of this Act, the term "Secretary" means the Secretary of Veterans Affairs.

TITLE I—COMPENSATION AND PENSION

PART A—COMPENSATION RATE INCREASES

SEC. 101. DISABILITY COMPENSATION.

(a) 4.7 PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$73" in subsection (a) and inserting in lieu thereof "$76";

(2) by striking out "$138" in subsection (b) and inserting in lieu thereof "$144";

(3) by striking out "$210" in subsection (c) and inserting in lieu thereof "$220";

(4) by striking out "$300" in subsection (d) and inserting in lieu thereof "$314";

(5) by striking out "$426" in subsection (e) and inserting in lieu thereof "$446";

(6) by striking out "$537" in subsection (f) and inserting in lieu thereof "$562";

(7) by striking out "$678" in subsection (g) and inserting in lieu thereof "$710";

(8) by striking out "$784" in subsection (h) and inserting in lieu thereof "$821";

(9) by striking out "$883" in subsection (i) and inserting in lieu thereof "$925";

(10) by striking out "$1,468" in subsection (j) and inserting in lieu thereof "$1,537";

(11) in subsection (k)—

(A) by striking out "$63" both places it appears and inserting in lieu thereof "$66"; and

(B) by striking out "$1,825" and "$2,559" and inserting in lieu thereof "$1,911", and "$2,679", respectively.

(12) by striking out "$1,825" in subsection (l) and inserting in lieu thereof "$1,911";

(13) by striking out "$2,012" in subsection (m) and inserting in lieu thereof "$2,107";

(14) by striking out "$2,289" in subsection (n) and inserting in lieu thereof "$2,397";

(15) by striking out "$2,559" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,679";

(16) by striking out "$1,098" and "$1,636" in subsection (r) and inserting in lieu thereof "$1,150" and "$1,713", respectively; and

(17) by striking out "$1,643" in subsection (s) and inserting in lieu thereof "$1,720"; and

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$88" in clause (A) and inserting in lieu thereof "$92";

(2) by striking out "$148" and "$46" in clause (B) and inserting in lieu thereof "$155" and "$48", respectively;

(3) by striking out "$61" and "$46" in clause (C) and inserting in lieu thereof "$64" and "$48", respectively;

(4) by striking out "$71" in clause (D) and inserting in lieu thereof "$74";

(5) by striking out "$161" in clause (E) and inserting in lieu thereof "$169"; and

(6) by striking out "$136" in clause (F) and inserting in lieu thereof "$142";

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$395" and inserting in lieu thereof "$414".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$564	W-4	$809
E-2	581	O-1	714
E-3	597	O-2	737
E-4	634	O-3	789
E-5	651	O-4	834
E-6	666	O-5	920
E-7	698	O-6	1,038
E-8	737	O-7	1,121
E-9	[1] 770	O-8	1,229
W-1	714	O-9	1,318
W-2	742	O-10	[2] 1,446
W-3	764		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $831.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,550.";

(2) by striking out "$62" in subsection (b) and inserting in lieu thereof "$65";

(3) by striking out "$161" in subsection (c) and inserting in lieu thereof "$169"; and

(4) by striking out "$79" in subsection (d) and inserting in lieu thereof "$83".

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$271" in clause (1) and inserting in lieu thereof "$284";

(2) by striking out "$391" in clause (2) and inserting in lieu thereof "$409";

(3) by striking out "$505" in clause (3) and inserting in lieu thereof "$529"; and

(4) by striking out "$505" and "$100" in clause (4) and inserting in lieu thereof "$529" and "$105", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$161" in subsection (a) and inserting in lieu thereof "$169";

(2) by striking out "$271" in subsection (b) and inserting in lieu thereof "$284"; and

(3) by striking out "$138" in subsection (c) and inserting in lieu thereof "$144".

SEC. 106. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this part shall take effect on December 1, 1989.

PART B—COMPENSATION AND PENSION PROGRAM CHANGES

SEC. 111. LIMITATIONS ON PENSIONS OF CERTAIN VETERANS RECEIVING INSTITUTIONAL CARE.

(a) PAYMENT OF PENSION.—Section 3203(a)(1) is amended—

(1) by striking out "$60" in subparagraphs (A) and (B) and inserting in lieu thereof "$90";

(2) by striking out "second" in subparagraph (A) and inserting in lieu thereof "third";

(3) by striking out "hospital or" each place it appears in subparagraphs (B) and (D).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on February 1, 1990.

SEC. 112. EXPANSION OF CLOTHING ALLOWANCE.

Section 362 is amended—

(1) by striking out "Administrator" the first two places it appears and inserting in lieu thereof "Secretary";

(2) by striking out all after "each veteran" and inserting in lieu thereof "who—

"(1) because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which the Secretary determines tends to wear out or tear the clothing of the veteran; or

"(2) uses medication which (A) a physician has prescribed for a skin condition which is due to a service-connected disability, and (B) the Secretary determines causes irreparable damage to the veteran's outergarments.".

SEC. 113. REDUCTION IN PERIOD OF MARRIAGE REQUIRED FOR ELIGIBILITY FOR CERTAIN SURVIVOR BENEFITS.

Section 418(c)(1) is amended by striking out "two years" and inserting in lieu thereof "one year".

SEC. 114. TEMPORARY PROGRAM OF VOCATIONAL TRAINING.

(a) REDUCTION IN MAXIMUM AGE OF NEW PENSION RECIPIENTS FOR WHOM VOCATIONAL EVALUATIONS ARE REQUIRED.—Section 524(a) is amended by striking out "50" in paragraphs (1) and (2) and inserting in lieu thereof "45".

(b) PRESERVATION OF DISABILITY RATING.—Section 524 is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

"(c) In the case of a veteran who has been determined to have a permanent and total non-service-connected disability and who, not later than one year after the date the veteran's eligibility for counseling under subsection (b)(3) of this section expires, secures employment within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation (or in a related field which requires reasonably developed skills and the use of some or all of the training or services furnished the veteran under such plan), the evaluation of the veteran as having a permanent and total disability may not be terminated by reason of the veteran's capacity to engage in such employment until the veteran first maintains such employment for a period of not less than 12 consecutive months.".

SEC. 115. DECISIONS AND NOTICES OF DECISIONS.

(a) IN GENERAL.—(1) Chapter 51 is amended by inserting after section 3003 the following new section:

"§ 3004. Decisions and notices of decisions

"(a)(1) In the case of a decision by the Secretary under section 211(a) of this title affecting the provision of benefits to a claimant, the Secretary shall, on a timely basis, provide to the claimant (and to the claimant's representative) notice of such decision. The notice shall include an explanation of the procedure for obtaining review of the decision.

"(2) In any case where the Secretary denies a benefit sought, the notice required by paragraph (1) of this subsection shall also include (A) a statement of the reasons for the decision, and (B) a summary of the evidence considered by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3003 the following new item:

"3004. Decisions and notices of decisions.".

(b) EFFECTIVE DATE.—Section 3004 of title 38, United States Code, as added by subsection (a), shall apply with respect to decisions by the Secretary of Veterans Affairs made after January 31, 1990.

TITLE II—HEALTH-CARE PROVISIONS

SEC. 201. EXTENSION OF CERTAIN EXPIRING PROGRAMS.

(a) RESPITE CARE.—Section 620B(c) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) STATE HOME GRANT AUTHORITY.—Section 5033(a) is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

(c) HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(d) ANNUAL REPORT ON MEANS TEST FOR FURNISHING NON-SERVICE-CONNECTED HEALTH CARE.—Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 379) is amended by striking out "and 1988" and inserting in lieu thereof ", 1988 and 1989".

(e) UPDATES OF REPORTS UNDER SECTION 110(e) OF PUBLIC LAW 98-528.—(1) Not later than February 1, 1990, the Special Committee on Post-Traumatic Stress Disorder (hereinafter in this subsection referred to as the "Special Committee") established pursuant to section 110(b)(1) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2691) shall submit concurrently to the Secretary of Veterans Affairs and the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this subsection referred to as the "Committees") a report containing information updating the reports submitted by the Secretary under section 110(e) of such Act, together with any additional information the Special Committee considers appropri-

ate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life.

(2) Not later than 60 days after receiving the report under paragraph (1), the Secretary shall submit to the Committees any comments concerning the report that the Secretary considers appropriate.

SEC. 202. REIMBURSEMENT FOR EMERGENCY CARE OF VOCATIONAL REHABILITATION PARTICIPANTS.

(a) IN GENERAL.—Section 628(a)(2)(D) is amended by striking out "found to be" and all that follows through "rehabilitation training and" and inserting in lieu thereof "(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act.

SEC. 203. APPOINTMENT OF CERTAIN INDIVIDUALS IN HEALTH-CARE POSITIONS.

Section 4106 is amended by adding at the end the following new subsection:

"(h)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) has successfully completed a clinical education program affiliated with the Department.

"(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

SEC. 204. APPROVAL OF SPECIAL RATES OF PAY.

Section 4107(g)(4) is amended—

(1) in the first sentence, by striking out "ninety days prior to" and inserting in lieu thereof "45 days before"; and

(2) by adding at the end the following new sentence: "If, before such effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.".

SEC. 205. REVISION IN LIMITATION ON COMPENSATION OF HEALTH-CARE PERSONNEL WHO ARE RETIRED MILITARY PERSONNEL.

(a) EXTENSION TO REGISTERED NURSES.—Section 4107(i) is amended—

(1) by inserting ", and registered nurse positions," after "physician positions"; and

(2) by adding at the end the following new sentence: "The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the first day of the first pay period beginning on or after the date of the enactment of this Act.

SEC. 206. LEAVE SHARING AND LEAVE BANKS.

(a) IN GENERAL.—Section 4108 is amended by adding at the end the following new subsection:

"(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals referred to in the matter preceding clause (1) of subsection (a) of this section. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

"(2) To the maximum extent feasible—

"(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

"(B) any leave bank program established pursuant to paragraph (1) of this subsection shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

"(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1) of this subsection, and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

"(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) of this subsection to participate in the leave transfer program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

"(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) of this paragraph shall be subject to such requirements and conditions as may be prescribed in such agreement.

"(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4) of this subsection.".

(b) IMPLEMENTATION.—(1) The Secretary shall implement the programs provided for in subsection (e) of section 4108 of title 38, United States Code (as added by subsection (a) of this section), not later than October 1, 1990.

(2) The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, to operate a leave-transfer program for employees subject to section 4108 of title 38, United States Code, is extended until the programs provided for in subsection (e) of such section 4108 (as added by subsection (a) of this section) are implemented, but not later than October 1, 1990.

SEC. 207. HEALTH PROFESSIONAL SCHOLARSHIPS.

(a) APPLICANT PRIORITY AND EQUITABLE ALLOCATION FOR NURSING DEGREE APPLICANTS.—Section 4312(b)(5) is amended to read as follows:

"(5) In selecting applicants for the Scholarship Program, the Secretary—

"(A) shall give priority to applicants who will be entering their final year in a course of training; and

"(B) shall ensure an equitable allocation of scholarships to persons enrolled in the second year of a program leading to an associate degree in nursing.".

(b) IMPLEMENTATION REQUIREMENT.—The Secretary of Veterans Affairs shall provide for the implementation of the amendment made by subsection (a) beginning with scholarships awarded under section 4312 of title 38, United States Code, during 1990.

TITLE III—HOUSING

SEC. 301. SHORT TITLE.

This title may be cited as the "Veterans Home Loan Indemnity and Restructuring Act of 1989".

SEC. 302. ESTABLISHMENT OF GUARANTY AND INDEMNITY FUND.

(a) NEW FUND.—(1) Section 1825 is amended to read as follows:

"§ 1825. Guaranty and Indemnity Fund

"(a) There is hereby established in the Treasury of the United States a revolving fund known as the Guaranty and Indemnity Fund.

"(b) The Guaranty and Indemnity Fund shall be available to the Secretary for all operations carried out with respect to housing loans guaranteed or insured under this chapter that are closed after December 31, 1989, except for operations with respect to loans for any purpose specified in section 1812 of this title, for loans guaranteed under section 1811(g) of this title, and for administrative expenses. For purposes of this subsection, the term 'administrative expenses' shall not include expenses incurred by the Secretary for appraisals performed after December 31, 1989, on a contractual basis in connection with the liquidation of housing loans guaranteed, insured, or made under this chapter.

"(c)(1) All fees collected under section 1829 of this title for loans with respect to which the Guaranty and Indemnity Fund is available shall be credited to such Fund.

"(2) There shall also be credited to the Guaranty and Indemnity Fund—

"(A) for each loan closed during fiscal year 1990 with respect to which the Guaranty and Indemnity Fund is available, an amount equal to 0.375 percent of the original amount of such loan for each of the fiscal years 1991 and 1992;

"(B) for each loan closed after fiscal year 1990 with respect to which the Guaranty and Indemnity Fund is available, an amount equal to 0.25 percent of the original amount of such loan for each of the three fiscal years beginning with the fiscal year in which such loan is closed;

"(C) all collections of principal and interest and the proceeds from the use or sale of property which secured a loan with respect to which the Guaranty and Indemnity Fund is available;

"(D) amounts required to be credited under subsections (a)(3) and (c)(2), including amounts credited pursuant to subsections (a)(4) and (c)(3), of section 1829 of this title;

"(E) fees collected under section 1829(b) of this title with respect to guaranteed or insured loans that are closed after December 31, 1989, and subsequently assumed; and

"(F) all income from the investments described in subsection (d) of this section.

"(d)(1) The Secretary of the Treasury shall invest the portion of the Guaranty and Indemnity Fund that is not required to meet current payments made from such Fund, as determined by the Secretary of Veterans Affairs, in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

"(2) In making investments under paragraph (1) of this subsection, the Secretary of the Treasury shall select obligations having maturities suitable to the needs of the Guaranty and Indemnity Fund, as de-

termined by the Secretary of Veterans Affairs, and bearing interest at suitable rates, as determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(e)(1) Notwithstanding subsection (b) of this section, the Guaranty and Indemnity Fund shall be available to the Secretary, to such extent as is, or in such amounts as are, provided for in appropriation Acts and subject to paragraph (2) of this subsection, for—

"(A) contracts for the performance of supplementary services described in paragraph (2) of section 1824(e) of this title for which the Secretary is otherwise authorized to contract; and

"(B) the acquisition of supplementary equipment described in such paragraph,

(not including services or equipment for which the Guaranty and Indemnity Fund is available under subsection (b) of this section), as the Secretary determines would assist in ensuring the long-term stability and solvency of the Guaranty and Indemnity Fund.

"(2) The Secretary may not in any fiscal year obligate more than a total of $25,000,000 for services or equipment under this subsection and section 1824(e) of this title.".

(2) Section 1824(e)(3) is amended—

(A) by inserting "a total of" before "$25,000,000"; and

(B) by inserting "and section 1825(e) of this title" before the period.

(3)(A) The section heading of section 1824 is amended to read as follows:

"§ 1824. Loan Guaranty Revolving Fund".

(B) The table of sections at the beginning of chapter 37 is amended by striking out the items relating to sections 1824 and 1825 and inserting in lieu thereof the following:

"1824. Loan Guaranty Revolving Fund.
"1825. Guaranty and Indemnity Fund.".

(b) ANNUAL SUBMISSION OF INFORMATION.—(1) Subchapter III of chapter 37 is amended by adding at the end the following new section:

"§ 1834. Annual submission of information on the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund

"(a) In the documents providing detailed information on the budget for the Department of Veterans Affairs that the Secretary submits to the Congress in conjunction with the President's budget submission for each fiscal year pursuant to section 1105 of title 31, United States Code, the Secretary shall include—

"(1) a description of the operations of the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund during the fiscal year preceding the fiscal year in which such budget is submitted; and

"(2) the needs of such funds, if any, for appropriations in—

"(A) the fiscal year in which the budget is submitted; and

"(B) the fiscal year for which the budget is submitted.

"(b) The matters submitted under subsection (a) of this section shall include, with respect to each fund referred to in subsection (a), the following:

"(1) Information and financial data on the operations of the fund during the fiscal year before the fiscal year in which such matters are submitted and estimated financial data and related information on the operation of the fund for—

"(A) the fiscal year of the submission; and

"(B) the fiscal year following the fiscal year of the submission.

"(2) Estimates of the amount of revenues derived by the fund in the fiscal year preceding the fiscal year of the submission, in the fiscal year of the submission, and in the fiscal year following the fiscal year of the submission from each of the following sources:

"(A) Fees collected under section 1829(a) of this title for each category of loan guaranteed, insured, or made under this chapter or collected under section 1829(b) of this title for assumed loans.

"(B) Federal Government contributions made under clauses (A) and (B) of section 1825(c)(2) of this title.

"(C) Federal Government payments under subsections (a)(3) and (c)(2) of section 1829 of this title.

"(D) Investment income.

"(E) Sales of foreclosed properties.

"(F) Loan asset sales.

"(G) Each additional source of revenue.

"(3) Information, for each fiscal year referred to in paragraph (2) of this subsection, regarding the types of dispositions made and anticipated to be made of defaults on loans guaranteed, insured, or made under this chapter, including the cost to the fund, and the numbers, of such types of dispositions.".

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 1833 the following new item:

"1834. Annual submission of information on the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund.".

(c) CONFORMING AMENDMENTS.—Section 1824 is amended—

(1) in subsection (b), by inserting before the period at the end of the first sentence the following: "and the operations carried out in connection with the Guaranty and Indemnity Fund established by section 1825 of this title"; and

(2) in subsection (c)—

(A) by inserting after "title" in clause (2) the following: "for loans closed before January 1, 1990, except that fees collected (A) for all loans made for any purpose specified in section 1812 of this title, or (B) under subsection (b) of such section 1829 for guaranteed or insured loans that are closed before January 1, 1990, and subsequently assumed shall also be deposited in the Fund"; and

(B) by inserting after "under this chapter" in clause (3) the following: "(other than operations for which the Guaranty and Indemnity Fund established under section 1825 of this title is available)".

SEC. 303. LOAN FEE.

(a) IN GENERAL.—Section 1829 is amended to read as follows:

"§ 1829. Loan fee

"(a)(1) Except as provided in subsection (c)(1) of this section, a fee shall be collected from each veteran obtaining a housing loan guaranteed, insured, or made under this chapter, and from each person obtaining a loan under section 1833(a) of this title, and no such loan may be guaranteed, insured, or made under this chapter until the fee payable under this section has been remitted to the Secretary.

"(2) The amount of such fee shall be 1.25 percent of the total loan amount, except that—

"(A) in the case of a loan made under section 1811 or 1833(a) of this title or for any purpose specified in section 1812 of this title, the amount of such fee shall be one percent of the total loan amount;

"(B) in the case of a guaranteed or insured loan for a purchase (except for a purchase referred to in section 1812(a) of this title), or for construction, with respect to which the veteran has made a downpayment of 5 percent or more, but less than 10 percent, of the total purchase price or construction cost, the amount of such fee shall be 0.75 percent of the total loan amount; and

"(C) in the case of a guaranteed or insured loan for a purchase (except for a purchase referred to in section 1812(a) of this title), or for construction, with respect to which the veteran has made a downpayment of 10 percent or more of the total purchase price or construction cost, the amount of such fee shall be 0.50 percent of the total loan amount.

"(3) Except as provided in paragraph (4) of this subsection, there shall be credited to the Guaranty and Indemnity Fund (in addition to the amount required to be credited to such Fund under section 1825(c)(2)(A) or (B) of this title), on behalf of a veteran who has made a downpayment described in paragraph (2)(C) of this subsection, an amount equal to 0.25 percent of the total loan amount for the fiscal year in which the loan is closed and for the following fiscal year.

"(4) Credits to the Guaranty and Indemnity Fund under paragraph (3) of this subsection with respect to loans guaranteed or insured under this chapter that are closed during fiscal year 1990 shall be made in October 1990 and October 1991.

"(5) The amount of the fee to be collected under paragraph (1) of this subsection may be included in the loan and paid from the proceeds thereof.

"(b) Except as provided in subsection (c) of this section, a fee shall be collected from a person assuming a loan to which section 1814 of this title applies. The amount of the fee shall be equal to 0.50 percent of the balance of the loan on the date of the transfer of the property.

"(c)(1) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.

"(2) There shall be credited to the Guaranty and Indemnity Fund (in addition to the amount required to be credited to such Fund under section 1825(c)(2)(A) or (B) of this title and subsection (a)(3) of this section), on behalf of a veteran or surviving spouse described in paragraph (1) of this subsection, an amount equal to the fee that, except for paragraph (1) of this subsection, would be collected from such veteran or surviving spouse.

"(3) Credits to the Guaranty and Indemnity Fund under paragraph (2) of this subsection with respect to loans guaranteed, insured, or made under this chapter that are closed during fiscal year 1990 shall be made in October 1990.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

(c) FEE COLLECTION THROUGH 1989.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall collect

fees under section 1829 of title 38, United States Code, through December 31, 1989.

SEC. 304. INDEMNIFICATION AFTER DEFAULT.

(a) IN GENERAL.—Section 1803 is amended by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (2) of this subsection, an individual who pays a fee under section 1829 of this title, or who is exempted under section 1829(c)(1) of this title from paying such fee, with respect to a housing loan guaranteed or insured under this chapter that is closed after December 31, 1989, shall have no liability to the Secretary with respect to the loan for any loss resulting from any default of such individual except in the case of fraud, misrepresentation, or bad faith by such individual in obtaining the loan or in connection with the loan default.

"(2) The exemption from liability provided by paragraph (1) of this subsection shall not apply to—

"(A) an individual from whom a fee is collected (or who is exempted from such fee) under section 1829(b) of this title; or

"(B) a loan made for any purpose specified in section 1812 of this title.".

(b) CONFORMING AMENDMENT.—The last sentence of section 1832(a)(1) is amended by striking out "If" and inserting in lieu thereof "Except as provided in section 1803(e) of this title, if".

SEC. 305. SALE OF VENDEE LOANS.

(a) IN GENERAL.—Section 1833 is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by striking out "Before October 1, 1990," and inserting in lieu thereof "Subject to subparagraph (C) of this paragraph,";

(B) in subparagraph (B), by striking out "occurring before October 1, 1990"; and

(C) in subparagraph (C), by striking out "October 1, 1990," and inserting in lieu thereof "October 1, 1989,";

(2) in subsection (a)(6), by striking out "October 1" and inserting in lieu thereof "December 31"; and

(3) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the amount received from the sale of any note evidencing a loan secured by real property described in subsection (a)(1) of this section shall be credited, without any reduction and for the fiscal year in which the amount is received, as offsetting collections of—

"(1) the revolving fund for which a fee under section 1829 of this title was collected (or was exempted from being collected) at the time of the original guaranty of the loan that was secured by the same property; or

"(2) in any case in which there was no requirement of (or exemption from) a fee at the time of the original guaranty of the loan that was secured by the same property, the Loan Guaranty Revolving Fund; and

the total so credited to any revolving fund for a fiscal year shall offset outlays attributed to such revolving fund during such fiscal year.".

(b) EFFECTIVE DATES.—(1) If, before the date and time of the enactment of this Act, no provision of law has been enacted amending section 1833 of title 38, United States Code, by adding a new subsection (e) with a text substantively identical to the text of the new subsection (e) added to such section 1833 by subsection (a)(3) of this section, the provisions of subsection (a)(1) of this section amending subsection (a)(3) of such section 1833 shall not take effect.

(2) Subsection (e) of section 1833 of such title 38, as added by subsection (a)(3), shall apply with respect to amounts referred to in such subsection (e) received after September 30, 1989.

SEC. 306. INCREASE IN ENTITLEMENT AMOUNT.

(a) INCREASED ENTITLEMENT.—Section 1803(a)(1) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "or" after the semicolon in subclause (I); and

(B) by striking out subclause (II) and inserting in lieu thereof the following:

"(II) in the case of any loan of more than $45,000, but not more than $56,250, $22,500;

"(III) in the case of any loan of more than $56,250, but not more than $144,000, the lesser of $36,000 or 40 percent of the loan; or

"(IV) in the case of any loan of more than $144,000 for a purpose specified in clause (1), (2), (3), or (6) of section 1810(a) of this title, the lesser of $46,000 or 25 percent of the loan; or"; and

(2) in subparagraph (B), by striking out "$36,000" and inserting in lieu thereof "$36,000, or in the case of a loan described in subparagraph (A)(i)(IV) of this paragraph, $46,000,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply only with respect to loans closed after such date.

SEC. 307. NOTIFICATION REQUIREMENT.

Section 1832(a) is amended by adding at the end the following:

"(5) In the event of default in the payment of any loan guaranteed or insured under this chapter in which a partial payment has been tendered by the veteran concerned and refused by the holder, the holder of the obligation shall notify the Secretary as soon as such payment has been refused. The Secretary may require that any such notification include a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, and the reasons for the holder's refusal.".

SEC. 308. NO-BID FORMULA.

(a) EXCLUSION OF INTEREST COSTS.—Section 1832(c)(1)(C)(ii) is amended by inserting before the period the following: ", excluding any amount attributed to the cost to the Government of borrowing funds".

(b) EXTENSION.—(1) Section 1832(c)(11) of such title is amended by striking out "October 1, 1989" and inserting in lieu thereof "October 1, 1991".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1989.

SEC. 309. REFINANCING LOANS.

(a) REPEAL OF LIMITATION ON AMOUNT OF REFINANCING LOAN.—Section 1810 is amended by striking out subsection (h).

(b) CONDITIONS FOR GUARANTEEING OR MAKING A REFINANCING LOAN.—Subsection (b) of section 1810 is amended—

(1) in clause (5)—

(A) by inserting "except in the case of a loan described in clause (7) or (8) of this subsection," after "(5)"; and

(B) by striking out "and," at the end;

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new clauses:

"(7) in the case of a loan (other than a loan made for a purpose specified in subsection (a)(8) of this section) that is made to refinance—

"(A) a construction loan,

"(B) an installment land sales contract, or

"(C) a loan assumed by the veteran that provides for a lower interest rate than the loan being refinanced,

the amount of the loan to be guaranteed or made does not exceed the lesser of—

"(i) the reasonable value of the dwelling or farm residence securing the loan, as determined pursuant to section 1831 of this title; or

"(ii) the sum of the outstanding balance on the loan to be refinanced and the closing costs (including discounts) actually paid by the veteran, as specified by the Secretary in regulations; and

"(8) in the case of a loan to refinance a loan (other than a loan or installment sales contract described in clause (7) of this subsection or a loan made for a purpose specified in subsection (a)(8) of this section), the amount of the loan to be guaranteed or made does not exceed 90 percent of the reasonable value of the dwelling or farm residence securing the loan, as determined pursuant to section 1831 of this title.".

SEC. 310. COMPUTATION OF ENTITLEMENT AMOUNT.

Section 1802(b) is amended—

(1) by striking out "or" at the end of clause (1)(B);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (2) the following new clause:

"(3)(A) the loan has been repaid in full; and

"(B) the loan for which the veteran seeks to use entitlement under this chapter is secured by the same property which secured the loan referred to in subparagraph (A) of this paragraph.".

SEC. 311. WAIVER OF INDEBTEDNESS TO THE UNITED STATES.

Section 3102 is amended—

(1) in subsection (b), by striking out "may" and inserting in lieu thereof "shall, except as provided in subsection (c) of this section,"; and

(2) in subsection (c)—

(A) by striking out "The" and all that follows through "thereon)" and inserting in lieu thereof "The recovery of any payment or the collection of any indebtedness (or any interest thereon) may not be waived under this section"; and

(B) by striking out ", material fault, or lack of good faith" and inserting in lieu thereof "or bad faith".

SEC. 312. STUDY OF HOME LOANS TO NATIVE-AMERICAN VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of the Interior shall jointly conduct a study to determine the following:

(1) The extent to which veterans who are Native Americans living on Native-American trust lands participate in the Department of Veterans Affairs home loan guaranty program under chapter 37 of title 38, United States Code.

(2) The level of participation of such veterans in such program, whether such participation is lower than the level of participation of all veterans and, if so, the reasons for the lower level of participation, including any reasons relating to the structure of the home loan guaranty program, the secondary mortgage market, the willingness of

lenders to make home loans on trust land, cultural factors, and attitudinal factors.

(3) The legislative, regulatory, and administrative actions necessary, if any, to improve the access of the veterans referred to in paragraph (1) to benefits under chapter 37 of title 38, United States Code.

(4) Whether it would be desirable, feasible, and equitable to utilize the direct home loan authority under section 1811 of title 38, United States Code, to promote increased home ownership among such veterans.

(b) CONSIDERATIONS.—In conducting the study, the Secretaries shall consider—

(1) the concerns and recommendations of the Advisory Committee on Native-American Veterans contained in the reports submitted by that committee pursuant to section 19032(f) of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388);

(2) the experience of the Bureau of Indian Affairs and the Department of Housing and Urban Development in developing and carrying out programs designed to meet the home financing needs of Native Americans; and

(3) any experience of private-sector lending institutions in making loans on trust land.

(c) REPORT.—Not later than June 1, 1990, the Secretaries shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under subsection (a).

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "Native-American trust land" means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian lands;

(C) is owned by a Regional Corporation or a village corporation, as such terms are defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary of Veterans Affairs; and

(2) the term "Native American" means—

(A) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));

(B) a Native Hawaiian, as defined in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 313. CLARIFYING AND TECHNICAL AMENDMENTS.

(a) CLARIFYING AMENDMENT.—Section 1801(b) is amended by adding at the end the following new paragraph:

"(4) The term 'veteran' also includes an individual serving on active duty.".

(b) TECHNICAL AMENDMENTS.—Title 38 is amended as follows:

(1) Chapters 23, 24, and 37 are amended by striking out "Administrator" and "Administrator's" each place such terms appear (other than in sections 906(e)(2) and 1812(h)(2)(B) and in section 1845(a) the third place "Administrator " appears) and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

(2) Subchapter III of chapter 37 is amended by striking out "Veterans' Administration" and "Veterans' Administration's" each place such terms appear and inserting in lieu thereof "Department of Veterans Affairs" and "Department of Veterans Affairs' ", respectively.

(3) Section 906(e)(2) is amended by striking out "Administrator or the Secretary" and inserting in lieu thereof "Secretary of Veterans Affairs or Secretary of the Army".

(4) Section 1005(a) is amended by inserting "of the Interior" after "Secretary" the second place it appears.

(5) Section 1009(b) is amended by inserting "of the Army" after "Secretary".

(6) Section 1803(c)(1) is amended by inserting "of Housing and Urban Development" after "Secretary" the second place it appears.

(7) Section 1812(h)(2)(B) is amended—

(A) by striking out "Secretary pursuant" and inserting in lieu thereof "Secretary of Housing and Urban Development pursuant"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(8) Section 1823(a) is amended by inserting "of the Treasury" after "Secretary" the last place it appears.

(9) Section 1823(d)(2) is amended by inserting "of the Treasury" after "Secretary".

TITLE IV—EDUCATION AND EMPLOYMENT

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans Education and Employment Amendments of 1989".

SEC. 402. RATES OF REHABILITATION SUBSISTENCE ALLOWANCES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—The table contained in section 1508(b) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$333	$413	$486	$35
Three-quarter time	250	310	364	27
Half-time	167	207	244	18
Farm cooperative, apprentice, or other on-job training:				
Full-time	291	352	405	26
Extended evaluation:				
Full-time	333	413	486	35
Independent living training:				
Full-time	333	413	486	35
Three-quarter time	250	310	364	27
Half-time	167	207	244	18".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 1990.

SEC. 403. RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS.

(a) IN GENERAL.—Chapter 35 is amended—

(1) in section 1732(a)(1), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "paid at the monthly rate of $404 for full-time, $304 for three-quarter-time, or $202 for half-time pursuit.";

(2) in section 1732(a)(2), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "paid at the rate of (A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) $404 per month for a full-time course, whichever is the lesser.";

(3) in section 1732(b), by striking out "$304" and inserting in lieu thereof "$327";

(4) in section 1732(c)(2), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "$327 for full-time, $245 for three-quarter-time, and $163 for half-time pursuit.";

(5) by amending section 1732(c)(3) to read as follows:

"(3) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (a)(2) of this section for less than half-time but more than quarter-time pursuit. If the entire training is to be pursued by independent study, the amount of the eligible person's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which such person is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Secretary of Veterans Affairs, for resident training. An eligible person's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.";

(6) in section 1732(c)(4), by striking out "section 1682(e) of this title" and inserting in lieu thereof "paragraph (3) of this subsection";

(7) in section 1732(e), by inserting before the period the following: ", except that the references therein to the monthly educational assistance allowance prescribed for a veteran with no dependents shall be deemed to refer to the applicable allowance payable to an eligible person under corresponding provisions of this chapter or chapter 36 of this title, as determined by the Secretary of Veterans Affairs";

(8) in section 1733(a)(1), by striking out "benefits" and all that follows through the end of the paragraph and inserting in lieu thereof "assistance provided an eligible veteran under section 1691(a) (if pursued in a State) of this title and be paid an educational assistance allowance therefor in the manner prescribed by section 1691(b) of this title, except that the corresponding rate provisions of this chapter shall apply, as determined by the Secretary of Veterans Affairs, to such pursuit by an eligible person.";

(9) in section 1734(b), by striking out "1786 of this title" and inserting in lieu

thereof "1786 (other than subsection (a)(2)) of this title and the period of such spouse's entitlement shall be charged with one month for each $404 which is paid to the spouse as an educational assistance allowance for such course"; and

(10) in section 1742(a), by striking out "$376", "$119" (each place it appears), and "$12.58" and inserting in lieu thereof "$404", "$127", and "$13.46", respectively.

(b) APPRENTICESHIP.—Section 1787(b)(2) is amended by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "$294 for the first six months, $220 for the second six months, $146 for the third six months, and $73 for the fourth and any succeeding six-month periods of training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 404. PROVISION FOR PERMANENT PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

Section 1520 is amended—

(1) by striking out subsection (b);

(2) by striking out paragraph (5) of subsection (a);

(3) by redesignating paragraphs (2), (3), (4), (6) and (7) of subsection (a) as subsections (b), (c), (d), (e) and (f), respectively;

(4) in subsection (a)—

(A) by striking out "(1) During fiscal years 1982 through 1989, the" and inserting in lieu thereof "The";

(B) by striking out "paragraph (7) of this subsection" and inserting in lieu thereof "subsection (f) of this section"; and

(C) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (b) of this section";

(5) in subsection (b), as redesignated by clause (3), by striking out "and who is selected" and all that follows through "subsection";

(6) in subsection (c), as redesignated by clause (3), by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (b) of this section";

(7) in subsection (e), as redesignated by clause (3), by striking out "of the fiscal years 1982 through 1989" and inserting in lieu thereof "fiscal year"; and

(8) in subsection (f), as redesignated by clause (3)—

(A) by striking out "paragraph" and inserting in lieu thereof "subsection"; and

(B) by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

SEC. 405. VETERANS' AND RESERVISTS' WORK-STUDY PROGRAM.

(a) CRITERIA FOR DETERMINING WORK-STUDY ALLOWANCE.—(1) Section 1685(a) is amended—

(A) in the second sentence, by striking out "Such" and all that follows through "other applicable enrollment period," and inserting in lieu thereof "Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period,";

(B) by striking out the third and fourth sentences;

(C) by inserting "(1)" after "(a)"; and

(D) by adding at the end the following new paragraph:

"(2) For the purposes of paragraph (1) of this subsection, the term 'applicable hourly minimum wage' means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage.".

(2) Section 1685(b) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

(b) SELECTED RESERVISTS' WORK-STUDY ASSIGNMENTS.—The second sentence of section 1685(a), as amended by subsection (a)(1)(A), is further amended—

(1) in clause (3), by striking out "or" at the end; and

(2) by striking out the period at the end and inserting in lieu thereof ", or (5) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities.".

(c) ELIGIBILITY.—Section 1685(b) is amended—

(1) in the first sentence by striking out "veteran-students who are pursuing" and all that follows through the period and inserting in lieu thereof "individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student."; and

(2) in the last sentence by striking out "the veteran ceases to be" through "the veteran" and inserting in lieu thereof "an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual".

(d) TECHNICAL AMENDMENTS.—(1) Section 1685(b) is amended by striking out "per centum" and inserting in lieu thereof "percent".

(2) Section 1685 is amended—

(A) by striking out "Veteran-students" in subsection (a) and inserting in lieu thereof "Individuals";

(B) by striking out "veteran-students" each place it appears and inserting in lieu thereof "individuals";

(C) by striking out "A veteran-student" in subsection (a) and inserting in lieu thereof "An individual";

(D) by striking out "veteran-student's" in subsection (a) and inserting in lieu thereof "individual's";

(E) by striking out "veterans" in subsection (c) and inserting in lieu thereof "individuals";

(F) by striking out "veteran" each place it appears, other than in subsection (c)(4), and inserting in lieu thereof "individual"; and

(G) by striking out "veteran's" in subsection (c)(2) and inserting in lieu thereof "individual's".

(3) Section 2136(b) of title 10, United States Code, is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

(4)(A) The section heading of section 1685 is amended to read as follows:

"§ 1685. Work-study allowance".

(B) The table of sections at the beginning of chapter 34 is amended by striking out the item for section 1685 and inserting in lieu thereof the following:

"1685. Work-study allowance."

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 1990, and shall apply to services performed on or after that date.

SEC. 406. WORK-STUDY PROGRAM FOR SURVIVORS AND DEPENDENTS.

(a) IN GENERAL.—(1) Subchapter IV of chapter 35 is amended by inserting after section 1736 the following new section:

"§ 1737. Work-study allowance

"(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 1685(a) of this title, the services of any eligible person who is pursuing, in a State, at least a three-quarter-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereafter in this section referred to as 'work-study allowance') in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 1685(a) of this title.

"(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 1685 of this title with regard to individuals pursuing at least three-quarter-time programs of education referred to in subsection (b) of such section.".

(2) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 1736 the following new item:

"1737. Work-study allowance.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 1990.

SEC. 407. EXTENSION AND EXPANSION OF THE VETERANS' READJUSTMENT APPOINTMENT AUTHORITY.

(a) EXTENSION OF AUTHORITY.—(1) Paragraph (2) of section 2014(b) is redesignated as paragraph (4) and is amended by striking out "1989" and inserting in lieu thereof "1993".

(2) Section 2011(2)(B) is amended by inserting before the period the following: "except for purposes of section 2014 of this title".

(b) ELIGIBILITY.—(1) Section 2014(a)(1) is amended by striking out "qualified disabled veterans and veterans of the Vietnam era" and inserting in lieu thereof "certain veterans of the Vietnam era and veterans of the post-Vietnam era who are qualified for such employment and advancement".

(2) Subsection (b) of section 2014 is amended—

(A) in paragraph (1)—

(i) by striking out "veterans of the Vietnam era" and inserting in lieu thereof "veterans referred to in paragraph (2) of this subsection";

(ii) in clause (A), by inserting the following before the semicolon: "or in the case of a veteran referred to in paragraph (2)(A) of this subsection, the level of GS–11 or its equivalent";

(iii) by striking out clause (B) and inserting in lieu thereof the following:

"(B) a veteran referred to in paragraph (2) of this subsection shall be eligible for such an appointment during (i) the four-year period beginning on the date of the veteran's last discharge or release from active duty, or (ii) the two-year period beginning on the date of the enactment of the Veterans Education and Employment Amendments of 1989, whichever ends later;";

(iv) in clause (C), by inserting "referred to in paragraph (2) of this subsection" after "a veteran of the Vietnam era";

(v) by striking out "and" at the end of clause (C);

(vi) by striking out the period at the end of clause (D) and inserting in lieu thereof "; and"; and

(vii) by adding after clause (D) the following new clauses:

"(E) the requirement of an educational or training program for a veteran receiving such an appointment shall not apply if the veteran has 15 years or more of education; and

"(F) in the case of a veteran who is not a disabled veteran, the veteran may not have completed more than 16 years of education at the time of the veteran's appointment."; and

(B) by inserting after paragraph (1) the following new paragraphs:

"(2) This subsection applies to—

"(A) a veteran of the Vietnam era who—

"(i) has a service-connected disability; or

"(ii) during such era, served on active duty in the Armed Forces in a campaign or expedition for which a campaign badge has been authorized; and

"(B) a veteran who served on active duty after the Vietnam era.

"(3) For purposes of paragraph (1)(B)(i) of this subsection, the last discharge or release from a period of active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 408. PILOT PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND SERVICES TO MEMBERS OF THE ARMED FORCES SEPARATING FROM THE ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—During the three-year period beginning on January 1, 1990, the Secretary of Labor (hereafter in this section referred to as the "Secretary"), in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, shall conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days before such members are separated from the Armed Forces.

(b) AREAS TO BE COVERED BY THE PROGRAM.—The Secretary shall conduct the pilot program in at least five, but not more than ten, geographically dispersed States in which the Secretary determines that employment and training services to eligible veterans will not be unduly limited by the provision of such services to members of the Armed Forces under the pilot program.

(c) UTILIZATION OF SPECIFIC PERSONNEL.—The Secretary shall utilize disabled veterans' outreach program specialists or local veterans' employment representatives to the maximum extent feasible to furnish employment and training information and services under the pilot program.

(d) REPORT.—Not later than May 1, 1992, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the findings and conclusions reached as a result of such pilot program.

SEC. 409. SECONDARY SCHOOL REQUIREMENTS FOR MONTGOMERY GI BILL ELIGIBILITY.

Sections 1411(a)(2) and 1412(a)(2) are amended—

(1) by inserting "(i)" after "except that"; and

(2) by inserting before "; and" at the end the following: ", and (ii) an individual described in clause (1)(A) of this subsection may meet such requirement by having successfully completed the equivalent of such 12 semester hours before the end of the individual's initial obligated period of active duty".

SEC. 410. PROHIBITION ON RECEIVING CREDIT UNDER TWO PROGRAMS.

Section 1621 is amended by adding at the end the following:

"(f) An individual who serves in the Selected Reserve may not receive credit for such service under both the program established by this chapter and the program established by chapter 106 of title 10 but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited.".

SEC. 411. ACCEPTING SCHOOL CERTIFICATION FOR RENEWAL OF EDUCATIONAL BENEFITS AFTER UNSATISFACTORY PROGRESS.

(a) VETERANS' EDUCATIONAL ASSISTANCE.—Section 1674 is amended by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the veteran—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 1724 is amended by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) the eligible person will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such eligible person's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the eligible person—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the eligible person's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.".

SEC. 412. UNIFORMITY OF ATTENDANCE REQUIREMENT.

(a) IN GENERAL.—Section 1780(a) is amended—

(1) in clause (1) of the second sentence, by striking out "enrolled in a course" through "1788(a)(7) of this title,";

(2) by striking out clause (2) of the second sentence;

(3) by redesignating clauses (3), (4), and (5) of the second sentence as clauses (2), (3), and (4), respectively;

(4) in the third sentence, by striking out "set forth in clause (1) or (2)" and inserting in lieu thereof "set forth in clause (1)";

(5) in subclause (A) of the third sentence, by striking out ", and such periods" through "subsection"; and

(6) in subclauses (B) and (C) of the third sentence by striking out ", but such periods" through "subsection".

(b) CONFORMING AMENDMENTS.—Section 1674 and section 1724 are each amended by striking out "conduct" in the first sentence and inserting in lieu thereof "attendance, conduct,".

SEC. 413. PROGRAM ADMINISTRATION.

(a) Section 1788 is amended—

(1) in subsection (a), by inserting after "three hours" in clause (C) of the penultimate sentence the following: "(or three 50-minute periods)"; and

(2) in subsection (c), by inserting after "three hours" in the second sentence the following: "(or three 50-minute periods)".

(b) Through July 1, 1990, no provision of law shall preclude the Department of Veterans Affairs, in making determinations of the active-duty or Selected Reserve status, or the character of service, of individuals receiving benefits under chapter 30 or 32 of title 38, United States Code, or chapter 106 of title 10, United States Code, from continuing to use any category of information provided by the Department of Defense or Department of Transportation that the Department of Veterans Affairs was using prior to the date of the enactment of this Act, if the Secretary of Veterans Affairs determines that the information has proven to be sufficiently reliable in making such determinations.

SEC. 414. FUNDING FOR STATE APPROVING AGENCIES FOR TRAINING CURRICULUM DEVELOPMENT.

Section 1774(a) is amended—

(1) in paragraph (2)(A), by striking out "section and for" and inserting in lieu thereof "section, for expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title (except for administrative overhead expenses allocated to such activities), and for"; and

(2) in paragraph (2)(C), by inserting before the period the following: "and the amount of expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title for such period (except for administrative overhead expenses allocated to such activities)".

SEC. 415. PROOF OF SATISFACTORY PURSUIT OF A PROGRAM OF EDUCATION.

(a) WITHHOLDING OF BENEFITS; FORM OF PROOF.—Section 1780(g) is amended by striking out "the Administrator is authorized" in the second sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof "the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of

such veteran's or person's program as sufficient proof of the certified matters.".

(b) CONFORMING AMENDMENTS.—Section 1434 is amended—

(1) in subsection (a)(1), by striking out "1780(g),";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 416. REPORTING FEES.

(a) IN GENERAL.—Section 1784 is amended—

(1) in subsection (a)(1), by striking out "chapter 34" and inserting in lieu thereof "chapter 31, 34,";

(2) in subsection (b), by striking out "chapters 34" and inserting in lieu thereof "chapters 31, 34"; and

(3) in subsection (c), by striking out "chapter 34" each place it appears and inserting in lieu thereof "chapter 31, 34,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 417. CLOCK-HOUR MEASUREMENT OF CERTAIN UNIT COURSES OR SUBJECTS CREDITABLE TOWARD A STANDARD COLLEGE DEGREE.

Section 1788(e) is amended to read as follows:

"(e)(1) For the purpose of measuring clock hours of attendance or net of instruction under clause (1) or (2), respectively, of subsection (a) of this section for a course—

"(A) which is offered by an institution of higher learning, and

"(B) for which the institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree pursued in residence on a standard quarter- or semester-hour basis,

the number of credit hours (semester or quarter hours) represented by such unit courses or subjects shall, during the semester, quarter, or other applicable portion of the academic year when pursued, be converted to equivalent clock hours, determined as prescribed in paragraph (2) of this subsection. Such equivalent clock hours then shall be combined with actual weekly clock hours of training concurrently pursued, if any, to determine the total clock hours of enrollment.

"(2) For the purpose of determining the clock-hour equivalency described in paragraph (1) of this subsection, the total number of credit hours being pursued will be multiplied by the factor resulting from dividing the number of clock hours which constitute full time under clause (1) or (2) of subsection (a) of this section, as appropriate, by the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution.".

SEC. 418. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN COURSES.

Section 1789(b)(6)(B) is amended by inserting "and members of the Selected Reserve of the Ready Reserve eligible for educational assistance under chapter 106 of title 10;" after "dependents".

SEC. 419. EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS.

Section 3013 is amended—

(1) by striking out "Effective" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, effective"; and

(2) by adding at the end the following new subsection:

"(b) The effective date of an adjustment of benefits under any chapter referred to in subsection (a) of this section, if made on the basis of a certification made by the veteran or person and accepted by the Secretary under section 1780(g) of this title, shall be the date of the change.".

SEC. 420. DETERMINATION OF DELIMITING PERIOD.

(a) MINIMUM REQUIREMENT FOR ACTIVE DUTY SERVICE.—(1) Section 1431 is amended—

(A) by adding at the end the following new subsection:

"(g) For purposes of subsection (a) of this section, an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in subsection (a), by inserting ", and subject to subsection (g)," before "of this section," in the material preceding clause (1).

(2) Section 1632(a) is amended—

(A) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in paragraph (1), by inserting ", and subject to paragraph (4)," before "of this subsection,".

(3) Section 1662(a) is amended—

(A) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in paragraph (1), by striking out "No" and inserting in lieu thereof "Subject to paragraph (4) of this subsection, no".

(b) SPECIAL RULE.—Section 1431(e) is amended—

(1) by striking out "(e) In" and inserting in lieu thereof "(e)(1) Except as provided in paragraph (2) of this subsection, in"; and

(2) by adding at the end the following:

"(2) In the case of an individual to which paragraph (1) of this subsection is applicable and who is described in section 1652(a)(1)(B) of this title, the 10-year period prescribed in subsection (a) of this section shall not be reduced by any period in 1977 before the individual began serving on active duty.".

SEC. 421. INFORMATION TO ASSIST VETERANS RECEIVING EDUCATION BENEFITS.

(a) IN GENERAL.—For the purpose of assisting individuals receiving education benefits from the Department of Veterans Affairs, the Secretary of Veterans Affairs shall prepare, and update periodically, a document containing a detailed description of the benefits, limitations, procedures, requirements, and other important aspects of the education programs administered by the Department.

(b) DISTRIBUTION.—The Secretary shall, beginning in fiscal year 1990 but not before July 1, 1990, distribute copies of such document—

(1) to each individual applying for benefits under an education program administered by the Department of Veterans Affairs and to each such individual at least annually in the years thereafter in which the individual receives such benefits;

(2) to education and training institution officials on at least an annual basis; and

(3) upon request, to other individuals significantly affected by education programs administered by the Secretary, including military education personnel.

(c) FUNDING.—The Secretary shall use funds appropriated to the readjustment benefits account of the Department to carry out this section.

SEC. 422. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) THE MONTGOMERY GI BILL ACTIVE DUTY PROGRAM.—(1) Section 1434 is amended by inserting after subsection (c), as added by section 423(a)(6)(B), the following new subsection:

"(d)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(2) Section 1432 is amended by inserting at the end the following new subsection:

"(f)(1) Notwithstanding subsection (a) of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 1434(d) of this title shall be paid an educational assistance allowance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No educational assistance allowance may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The number of months of entitlement charged in the case of any individual for a program of education described in paragraph (1) of this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such program by the monthly rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), or (c) of section 1415 of this title, as the case may be.".

(b) THE MONTGOMERY GI BILL SELECTED RESERVE PROGRAM.—(1) Section 2136 of title 10, United States Code, is amended by adding the following new subsection:

"(c)(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of title 38) by an individual entitled to educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(2) Section 2131 of such title is amended—

(A) in subsection (b), by striking out "(f)" and inserting in lieu thereof "(g)"; and

(B) by adding at the end the following new subsection:

"(g)(1) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 2136(c) of this title shall be paid an educational assistance allowance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No educational assistance allowance may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each $140 which is paid to that individual as an educational assistance allowance for such program.".

(c) EVALUATION OF PROVIDING ASSISTANCE FOR FLIGHT TRAINING.—(1)(A) The Secretary of Veterans Affairs shall conduct an evaluation of paying educational assistance for flight training under chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code.

(B) The evaluation required by subparagraph (A) shall be designed to determine the effectiveness of the provision of educational assistance referred to in such subparagraph in preparing the recipients of such assistance for recognized vocational objectives in the field of aviation.

(2) Not later than January 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation required by paragraph (1). Such report shall include—

(A) information, separately as to payments made under chapter 30 of title 38, United States Code, and payments made under chapter 106 of title 10, United States Code, regarding—

(i) the number of recipients paid educational assistance allowances for flight training;

(ii) the amount of such assistance;

(iii) the amount paid by the recipients for such training;

(iv) the vocational objectives of the recipients; and

(v) the extent to which the training (I) assists the recipients in achieving employment in the field of aviation, or (II) was used only or primarily for recreational or vocational purposes; and

(B) any recommendations for legislation that the Secretary considers appropriate to include in the report.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1990.

SEC. 423. TECHNICAL AND CLERICAL AMENDMENTS.

(a) IN GENERAL.—Title 38 is amended as follows:

(1)(A) Section 1412(a)(1) is amended—

(i) in clause (A)(ii), by striking out "and after completion" and inserting in lieu thereof "and beginning within one year after completion"; and

(ii) in clause (B)(ii), by striking out "and after completion" and inserting in lieu thereof "and beginning within one year after completion".

(B) Section 1412(b)(2) is amended by striking out "Continuity of service" and all that follows through "such clauses" and inserting in lieu thereof "After an individual begins service in the Selected Reserve within one year after completion of the service described in clause (A)(i) or (B)(i) of subsection (a)(1) of this section, the continuity of service of such individual as a member of the Selected Reserve".

(2) Section 1413 is amended—

(A) in subsections (a)(2) and (b), by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)";

(B) in subsection (a)(2), by striking out "1411(a)(1)(B)(ii)(I)" the second place it occurs and inserting in lieu thereof "1411(a)(1)(A)(ii)(I)"; and

(C) in subsection (c)—

(i) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(ii) by adding at the end of such subsection the following:

"(3) Subject to section 1795 of this title and subsection (d) of this section, an individual described in clause (B) or (C)(ii) of section 1418(b)(3) of this title (other than an individual described in paragraph (2) of this subsection) is entitled to the number of months of educational assistance under this chapter that is equal to the number of months the individual has served on continuous active duty after June 30, 1985.".

(3) Section 1417(a)(1)(A)(ii) is amended by striking out "but for" and all that follows through "of this title" and inserting in lieu thereof "but for clause (1)(A)(i) or clause (2)(A) of section 1411(a) or clause (1)(A)(i) or (ii) or clause (2) of section 1412(a) of this title".

(4) Section 1431(f) is amended by striking out ", under this section," in paragraphs (1) and (2) and inserting in lieu thereof ", under section 1413,".

(5)(A) Section 1434(a)(3) is amended by striking out "employment)" and inserting in lieu thereof "employment during and since the period of such veteran's active military service)".

(B) Section 1641(a)(2) is amended by striking out "employment" and inserting in lieu thereof "employment during and since the period of such veteran's active military service".

(6) Section 1434 is amended—

(A) in subsection (a)(1), by inserting "1780(f)," after "1780(c),"; and

(B) by inserting after subsection (b), as redesignated by section 415(b)(3), the following new subsection:

"(c) Payment of educational assistance allowance in the case of an eligible individual pursuing a program of education under this chapter on less than a half-time basis shall be made in a lump-sum amount for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such individual has enrolled in and is pursuing a program at such institution. Such lump-sum payment shall be computed at the rate determined under section 1432(b) of this title.".

(7) Section 1633 is amended by adding at the end the following new subsection:

"(d) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under subsection (c) of this section shall be reduced in the same proportion as the monthly benefit payment payable is reduced under subsection (b) of this section.".

(8)(A) Section 1781(b) is amended by adding at the end the following:

"(5) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).".

(B) Section 1795(a) is amended by adding at the end the following:

"(8) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).".

(9) Section 1790 is amended—

(A) in subsection (a)(2) by striking out "and prepayment";

(B) in subsection (b)(3)(A) by inserting "30," before "32"; and

(C) in subsection (b)(3)(B)—

(i) by striking out "(B)(i)" and inserting in lieu thereof "(B)"; and

(ii) by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii), respectively.

(b) TECHNICAL AMENDMENTS TO CHAPTERS 30, 31, 32, 34, 35, 36, AND 41 CONCERNING THE NEW DEPARTMENT OF VETERANS AFFAIRS.—Title 38 is amended as follows:

(1) Chapters 30, 31, 32, 34, 35, and 36 are amended—

(A) by striking out "Administrator" each place it appears (other than in section 1652(b)) and inserting in lieu thereof "Secretary"; and

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(2) Sections 1723(e), 1743(a), 1779(b), 1780(d)(3), 1790(b)(3)(B)(i)(III), 1794, 1796(c), and 1799(d) are amended by strik-

ing out "Administrator's" and inserting in lieu thereof "Secretary's".

(3) Section 1402(5) is amended to read as follows:

"(5) The term 'Secretary of Defense' means the Secretary of Defense, except that it means the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

(4) The following sections, as in effect on the day before the date of the enactment of this Act, are amended by inserting "of Defense" after "Secretary":

(A) Sections 1418(a)(3), 1621(c), 1621(e), 1622(a), 1622(d), 1623(b), 1631(a)(2)(C), and 1642.

(B) Sections 1421(a), 1421(b), and 1622(e), the second place "Secretary" appears.

(C) Section 1422(b), the third place "Secretary" appears.

(D) Sections 1436(b), 1622(c), and 1643, each place "Secretary" appears.

(5) Section 1415(c), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by striking out "prescribed by the Secretary," and inserting in lieu thereof "prescribed by the Secretary of Defense,"; and

(B) by inserting "of Defense" after "Secretary" the last place it appears.

(6) Section 1621(b)(1), as in effect on the day before the date of the enactment of this Act, is amended by striking out "(hereinafter" and all that follows through "Secretary')".

(7) Section 1623(d), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by inserting "of Defense" after "Secretary" the first place it occurs; and

(B) by striking out "the Secretary" the second place it appears and inserting in lieu thereof "such Secretary".

(8) Chapter 41 is amended—

(A) by striking out "Administrator" each place it appears (other than in paragraphs (1) and (2) of section 2002A(e) and in section 2010(b)(1)(G)) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

TITLE V—MEMORIAL AFFAIRS

SEC. 501. REIMBURSEMENT FOR COST OF CEMETERY HEADSTONE OR MARKER.

Subsection (d) of section 906 is amended—

(1) by striking out "actual costs incurred by or on behalf of such person in acquiring" in the first sentence and inserting in lieu thereof "cost of acquiring";

(2) by inserting after the first sentence the following: "The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be."; and

(3) by striking out "the preceding sentence" and inserting in lieu thereof "this subsection".

SEC. 502. BURIAL OF CREMATED REMAINS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end the following new section:

"§ 1010. Burial of cremated remains in Arlington National Cemetery

"(a) The Secretary of the Army shall designate an area of appropriate size within Arlington National Cemetery for the unmarked interment, in accordance with such regulations as the Secretary may prescribe, of the ashes of persons eligible for interment in Arlington National Cemetery whose remains were cremated. Such area shall be an area not suitable for the burial of casketed remains.

"(b) The Secretary of the military departments shall make available appropriate forms on which those members of the Armed Forces who so desire may indicate their desire to be buried within the area to be designated under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1010. Burial of cremated remains in Arlington National Cemetery.".

SEC. 503. MEMBERSHIP ON AMERICAN BATTLE MONUMENTS COMMISSION.

The first section of the Act entitled "An Act for the creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes" (36 U.S.C. 121), approved March 4, 1923, is amended by striking out "commissioned officers" in the third sentence and inserting in lieu thereof "members".

SEC. 504. GRAVE LINERS.

(a) IN GENERAL.—Subsection (e)(1) of section 906 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary of Veterans Affairs shall provide a grave liner for each new grave in an open cemetery within the National Cemetery System in which remains are interred in a casket.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interments that occur after January 1, 1990.

SEC. 505. OPERATION OF CERTAIN CEMETERY.

The Secretary of Veterans Affairs shall enter into a contract with the State of Michigan, or the appropriate State agency thereof, under which the Secretary shall, beginning not later than July 1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System.

TITLE VI—MISCELLANEOUS

SEC. 601. EXPANSION OF MULTIYEAR PROCUREMENT AUTHORITY TO INCLUDE NONMEDICAL ITEMS.

(a) EXPANSION OF AUTHORITY.—Section 114 is amended—

(1) in subsection (a), by striking out "for use in Veterans' Administration health-care facilities";

(2) in subsection (b)(2)(A), by striking "health-care"; and

(3) in subsection (e)—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 114. Multiyear procurement".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 is amended to read as follows:

"114. Multiyear procurement.".

SEC. 602. COURT OF VETERANS APPEALS.

(a) JUDICIAL PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS.—(1) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(A) in clause (9), by inserting "United States Court of Veterans Appeals;" after "Appeals;"; and

(B) in clause (10)—

(i) by striking out "or" the first place it appears; and

(ii) by inserting a comma and "or of the United States Court of Veterans Appeals" after "Appeals".

(2) Not later than 30 days after the date of the enactment of this Act, each person who, on that date, is a judge of the United States Court of Veterans Appeals or a judicial employee of such court and each person who, before that date, has been nominated by the President to be a judge on such court shall file a report containing the information described in section 302(b) of the Ethics in Government Act of 1978 (28 U.S.C. App. 302(b)). Subsections (e), (f), and (g) of section 302 of such Act shall apply to the requirement in the preceding sentence.

(b) AUTHORITY TO ADMINISTER OATHS.—Section 4054 is amended by adding at the end the following new subsection:

"(d) Judges of the Court shall have the authority to administer oaths.".

(c) AUTHORITY TO COMPEL ACTIONS UNREASONABLY DELAYED.—Section 4061(a)(2) is amended by inserting "or unreasonably delayed" after "withheld".

SEC. 603. COLLOCATION AND LEASE PURCHASE.

(a) REGIONAL OFFICES AND MEDICAL CENTERS.—Section 230 is amended by adding at the end the following new subsection:

"(c)(1) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the collocation of at least three regional offices with medical centers of the Department—

"(A) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

"(B) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such collocation.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) (A) or (B) of this subsection.

"(B) Such real property shall be used as the site of a facility—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department for such use and such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of any facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) Each agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus

"(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6)(A) Subject to subparagraph (C)(i) of this paragraph, the Secretary shall, within 120 days of the date of the enactment of this subsection, issue an invitation for offers with respect to three collocations to be carried out under this subsection. Such invitation shall include, with respect to each such collocation, at least—

"(i) identification of the site to be developed;

"(ii) minimum office space requirements for regional office activities;

"(iii) design criteria of the facility to be constructed;

"(iv) a plan for meeting the security and parking needs for the facility and its occupants and visitors;

"(v) a statement of current and projected rents and other costs for regional office activities;

"(vi) the estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility;

"(vii) a plan for securing appropriate licenses, easements, and rights-of-way; and

"(viii) a list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

"(B) Subject to subparagraph (C)(ii) of this paragraph, the Secretary shall—

"(i) within one year after the date on which the invitation is issued under subparagraph (A) of this paragraph, enter into an agreement to carry out one collocation under this subsection; and

"(ii) within 180 days after entering into the agreement referred to in clause (i) of this subparagraph, enter into agreements to carry out two additional collocations,

unless the Secretary determines that it is not economically feasible for the Department of Veterans Affairs to undertake them, taking into consideration all of the tangible and intangible benefits associated with such collocations.

"(C) The Secretary shall—

"(i) at least 10 days before the issuance or other publication of the invitation referred to in subparagraph (A) of this paragraph, transmit a copy of such invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(ii) at least 30 days before entering into an agreement under subparagraph (B) of this paragraph, transmit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under subparagraph (A) of this paragraph.

"(7) The authority to enter into an agreement under this subsection shall expire on October 1, 1992.".

(b) LEASE-PURCHASE OF CERTAIN MEDICAL CENTERS.—Section 5003 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary may provide for the acquisition of not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements on real property under the jurisdiction of the Department of Veterans Affairs.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party any of the real property described in paragraph (1) of this subsection.

"(B) Such real property shall be used as the site of a facility referred to in paragraph (1) of this subsection—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department for such use and for such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of any facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) Each agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus

"(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6) The authority to enter into an agreement under this subsection—

"(A) shall not take effect until the Secretary has entered into agreements under section 230(c) of this title to carry out at least three collocations; and

"(B) shall expire on October 1, 1993.".

SEC. 604. RATIFICATION.

Any actions of the Secretary of Veterans Affairs in carrying out the provisions of section 620B of title 38, United States Code, section 115 of the Veterans Benefits and Services Act of 1988, section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, or section 1829 of such title, by contract or otherwise, during the period beginning on December 1, 1989, and ending on the date of the enactment of this Act are hereby ratified.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to provide a 4.7 percent cost-of-living adjustment in rates of disability compensation for veterans with service-connected disabilities and in rates of dependency and indemnity compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health-care, education, housing, and memorial affairs programs; and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the House amendments to the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi [Mr. MONTGOMERY]?

Mr. STUMP. Mr. Speaker, reserving the right to object, I take this time to yield to the gentleman from Mississippi for an explanation.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I am glad to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, during this session of the Congress, the House has passed and sent to the other body 17 veterans' bills. On October 3, the Senate passed one of our bills, H.R. 901, with major amendments, and since that date, we have been working to resolve our differences. The proposed House amendments to the bill as amended by the Senate, reflect a compromise we have reached with the leadership of the Senate Veterans' Affairs Committee on many of the outstanding issues. The proposed House amendments would provide the following:

COMPENSATION AND DIC

Effective December 1, 1989, title I of the proposed amendments would provide a 4.7-percent cost-of-living adjustment [COLA] in rates of disability compensation, including the so-called K award, and dependency and indemnity compensation [DIC]. Earlier this year the House passed H.R. 1335 which would have provided a 4.9-percent COLA to these rates, but the other body would not accept an increase greater than that provided to Social Security and Department of Veterans Affairs [DVA] pension recipients. The increases contained in the agreement should be reflected in checks received on February 1, and, of course, benefits payable for the month of December would be retroactively adjusted.

The proposed amendments would remove a current provision in law which limits the amount of pension payable, $60 per month, to single veterans with no children who are fur-

nished hospital care by the DVA for periods in excess of 3 months, and increase the maximum amount of pension payable to such veterans who are furnished nursing home or domiciliary care from $60 to $90 per month. These changes recognize that, in some instance, some veterans who are hospitalized for several months are losing their homes or suffering other hardships because their pensions are reduced. We also recognize that the maximum amounts of pension payable to long-term nursing home patients and domiciliary residents have not been increased since 1978.

Title I would also liberalize the length-of-marriage criteria applicable to certain survivors benefits paid at DIC rates by reducing the required length of marriage from 2 years to 1 year. In a small number of cases, survivors of severely disabled veterans have been denied any benefits simply because the marriage to the veteran had occurred within 2 years of the veteran's death. This change simply makes the marriage criteria for these benefits consistent with the criteria applicable to normal DIC benefits.

Title I would expand eligibility for the clothing allowance currently payable to certain veterans who use prosthetic devices or wheelchairs to certain veterans suffering from service-connected skin conditions to the extent that use of medications prescribed by physicians for such conditions cause irreparable damage to veterans' outer garments.

Additionally, title I would reduce the age at which mandatory vocational rehabilitation evaluations must be conducted under the temporary program of vocational rehabilitation for veterans awarded nonservice-connected disability pension, from age 50 to age 45, so that veterans over age 45 would not be required to be evaluated. The bill would also protect the permanent and total disability rating of program participants until employment has been continuously maintained for 12 months in a field of employment consistent with the veteran's vocational rehabilitation program. This amendment recognizes the greater potential for rehabilitation in younger veterans and will permit better use of staffing within the Veterans Benefits Administration with regard to vocational rehabilitation counseling. Also, the agreement will provide an additional incentive for veterans to participate in programs of vocational rehabilitation without fear that their basic eligibility for pension, that is, their permanent and total disability ratings, will be protected while they are reestablishing themselves in a productive employment situation.

Finally, title I would codify a requirement that veterans be furnished notices of decisions and advised of appellate rights relating to claims, and would further require, in cases of denials, that such notices include a summary of the evidence considered, as well as a statement of the reasons for the decision. For some time the notices provided veterans regarding their claims have been less than adequate, particularly since very little information is provided as to the reasons that some claims are denied. This has been pointed out during several hearings before the Veterans' Affairs Committee as well as in a report by the General Accounting Office. This amendment will ensure that veterans are better informed as to the bases of DVA determinations and will allow them to make more knowledgeable decision as to whether appeals of decisions would be worthwhile. Recognizing that, in many cases, veterans file notices of disagreement simply to obtain a more complete explanation in the form of a statement of the case, this amendment may also reduce the need for preparation of these detailed and time consuming documents and, in this manner, help to improve quality and timeliness in the adjudication divisions. I want to thank the very distinguished and able ranking member of our committee, the gentleman from California [Mr. EDWARDS], for the leadership he has provided in helping to draft this notice provision. Although the agreement does not go as far as his bill would require, it will assure that veterans will be better informed of the reasons for denial of their claim and notice will be required to be given on their rights of appeal.

HEALTH CARE

Title II of the proposed House amendments contain several personnel care provisions that would make improvements in certain health care programs of the Department of Veterans Affairs. The amendments would also extend several programs that have been evaluated and shown to achieve desirable results and to be cost effective. While the proposed amendments certainly do not address all the health care issues that I believe need to be addressed, it does cover those areas that we were able to come to agreement on with the Senate. Unfortunately, some of the more critical provisions of the bill passed by the House are not contained in the proposed House amendments. So, early next year I anticipate revisiting many of the issues that are not covered in our agreement with the other body, especially those pertaining to the recruitment and retention of nursing personnel.

One of the personnel provisions in the proposed amendments would allow retired military nurses to keep their military retirement pay if they choose to work as nurses in the DVA. While there may be only a small pool of such nurses, their experience would be a valuable resource to the DVA. The disincentive to working in the DVA's medical care system under current law is that they would lose part of their retirement pay if they worked at a Federal job. Some people may consider such limits justified in order to prevent so-called "double dipping."

Retirement pay, however, is a benefit that has been earned through dedicated service, and in view of the severe shortage of nurses, we should take every opportunity to increase the number of those who want to work for the DVA. In response to these concerns, we propose to set a limit on the duration of this waiver authority for 3 years. At that time, the extent of the use of the authority will be assessed as will the associated costs and benefits.

Another provision in the proposed amendments with regard to personnel has applicability to all individuals who have a recognized degree in an "allied health profession" and who have completed a clinical education program affiliated with the Department of Veterans Affairs. Such individuals would be able to accept an appointment with the DVA without having to go through the Office of Personnel Management process for civil service employment.

As described in a 1982 report to the Congress, highly motivated allied health care employees who might consider employment with the DVA become frustrated with the length and complexity of the civil service procedures. The Department, as part of its statutory mission to develop and carry out a program of education and training of health care personnel for the Nation, annually trains more than 50,000 allied health professions students through clinical education programs in DVA facilities. Fewer than 6 percent of these students take jobs with the DVA. We hope that this provision will aid in the recruitment and retention of allied health professionals. I also want to stress that the individuals who are so directly appointed be graduates who meet the DVA's high standards as evidenced by academic credentials and by successful completion of an affiliated DVA clinical education program. Nothing in this provision would weaken the standards that have kept veterans' health care at such high quality.

The proposed amendments would require the establishment of a 5-year voluntary leave sharing program for DVA health care employees appointed under title 38. Under current law, title 38 employees are covered by a temporary 1-year program which terminates on November 30, 1989. Previously, title 5 employees were covered by a temporary program also, but under Public Law 100-566 they were also placed under a 5-year program. This has resulted in inequitable treatment of employees under the two employment au-

thorities. By extending the 5-year program to title 38 employees, the DVA would be able to avoid possible adverse morale problems associated with having part, but not all, of its employees eligible for participation.

This program would permit the voluntary transfer of annual leave from one employee to another in order to help employees cope with emergency leave situations, such as when an employee is faced with an extended illness and has only a limited amount of personal leave time available. Under this program the Secretary would have the authority to establish a leave sharing bank for title 38 employees, such as the leave sharing bank which is available to title 5 employees. The Secretary would also have authority under this program to allow the conjoining of title 5 and title 38 leave transfers. It is the intent of the committee to provide equitable leave sharing programs for both title 5 and title 38 employees. As I stated earlier, the enactment of this legislation would extend programs that have been evaluated and shown to have achieved desirable results and to be cost effective. There are five program extensions addressed by this bill.

First, a 3-year extension would be provided, until September 30, 1992, for the DVA's respite Care Program, which under current law is scheduled to expire on November 30, 1989. The ultimate goal of respite care is to help veterans with severe chronic illnesses remain at home for as long as medically possible. It is widely agreed that, where medically feasible, allowing a person to remain at home is better for the person's overall health status than institutional care. It is, also, a far more efficient and cost-effective way to meet individuals' health care needs. Under the Respite Care Program, the DVA provides chronically ill veterans who reside at home with brief, planned periods of care in DVA facilities in order to provide the veteran's immediate care givers, usually family members, with some relief from the physical and emotional rigors of continuous home care. This is a program that has worked very well in the past and the committee expects that it will continue to do so in the future.

Second, the DVA's State Home Grant Program would be extended for 2 years, until September 30, 1992. Under this program, the DVA provides grant support to assist States in the construction and acquisition of State home facilities and, also, in the renovation of existing facilities to be used in the State home program with the DVA providing up to 65 percent of these costs.

The State Veterans Home Program has grown from 11 homes in 11 States in 1888 to 58 DVA-recognized homes in 36 States. These homes currently have over 18,000 beds and in fiscal year 1988 provided more than 4.8 million days of care. These facilities make it possible to provide care to many more veterans than would be possible in DVA facilities, while at the same time doing so in a cost-effective manner. The projected increase in the elderly population of the United States is being experienced earlier in the veteran population than in the general population. The number of veterans over the age of 65 was 4.6 million in 1985 and is predicted to increase to 7.2 million by 1991 and to peak at 8.9 million veterans in 1999. In 1999, 60 percent of all males over the age of 65 will be veterans.

The committee is committed to this program as it has been and will continue to be very successful in helping to meet the DVA's growing need for long-term care facilities.

Third, the proposed amendments would extend for 3 years the Department's authority to conduct a pilot program, originally authorized under Public Law 100-322, to provide community-based residential care to homeless chronically mentally ill veterans. The pilot program has been implemented and there is evidence of its success. However, the 1-year timeframe originally established under Public Law 100-322 now appears to be insufficient to complete a comprehensive assessment.

There has been considerable hearing testimony, broadcast media, and editorials concerning the type and scope of problems relating to homeless persons. Most estimates suggest that many homeless persons may be eligible for veterans' benefits and that a significant proportion are chronically mentally ill. An additional 3 years would be sufficient time to evaluate the scope and impact of the homeless veteran population.

Fourth, the proposed amendments would extend for 1 year the so-called "means test" reporting requirement. Under Public Law 99-272, the Congress provided for reform of veterans' eligibility for DVA medical care and authorized third-party recovery from health care insurers for nonservice-connected disabled veterans who obtain health care in DVA facilities. This so-called means test was implemented in response to budget reconciliation instructions to achieve specified cost savings. The law required the Secretary to provide to the Congress a report on the effects of the eligibility reforms contained in the bill.

The current budget situation facing the DVA Medical Care Program presents numerous potential alternative actions by the DVA. Fundamental in making these decisions is accurate information regarding the operations of the medical care system. I believe that the report required by Public Law 99-272 contains much important information that the DVA can use in these efforts. Therefore, the reporting requirement should be extended for an additional period of time.

Fifth, the reporting requirement of the chief medical director's special advisory committee on post traumatic stress disorder would be extended for 1 year. In 1980, the American Psychiatric Association's diagnostic and statistical manual officially recognized post traumatic stress disorder [PTSD] as a diagnosis and identified combat as a potential stressor. At that time, because of the relatively recent acceptance by the medical community of this disorder, procedures for diagnosing and treating PTSD were not well established. In an effort to address the problems, a special advisory on PTSD was established under Public Law 98-528 to advise the chief medical director on diagnosis, treatment, and a wide range of PTSD related issues.

Recent research suggests that about 15.2 percent of male and 8.5 percent of female Vietnam theater veterans are currently suffering from PTSD. We believe that the special committee has been instrumental in helping the Department develop procedures to evaluate, recognize, and treat those veterans who are suffering from this disorder. Therefore, the reporting requirement should be extended, as the special committee is continually providing advice in this area.

It is unfortunate that many of the substantive and much needed provisions contained in H.R. 901, as originally passed by the House, and in H.R. 1199 are not contained in the agreement we have reached with the other body. Once again I will remind my colleagues that we sent legislation over to our colleagues early in the session, but did not receive anything back until late in the session. This left us little time to come to agreement on the large number of substantive issues. I can only hope that our colleagues on the other side will act more expeditiously next session when we present them with many of these same provisions.

HOUSING

I am pleased that the other body has accepted the majority of the provisions in the bill passed by the House, H.R. 1415, which would reform the financing of the Home Loan Guaranty Program for veterans but keep the beneficial nature of the program intact.

Since the inception of the Veterans Home Loan Guaranty Program in 1944, more than 13 million veterans have been able to purchase homes. Many of these veterans would have been unable to purchase homes without the assistance provided by this program. In addition to the benefit provided our veterans, the program has proven to be a powerful stimulus to the Nation's housing economy.

Although the program has proven to be highly successful, over the years efforts have been made by the Office of Management and Budget [OMB] to ease the Federal Government out of housing programs and many of the policy changes imposed by the Agency have tended to weaken the program's potential for serving veterans effectively. In addition such efforts have adversely affected the long-term solvency of the loan guaranty revolving fund.

As an example, in the mid-1960's and in subsequent years, OMB forced the Agency to sell much of its loan portfolio assets. The policy continues to this day and Congress must now attempt to find a way to solve the financial problems that have resulted.

To compound the problem, during the past several years the foreclosure rate on these homes has increased substantially. Most of the foreclosures have occurred in the oil- and gas-producing States. States such as Texas, Colorado, Louisiana, Oklahoma, and others in the Southwest and Western areas have experienced a severe downturn in their economies. Although the situation today is not quite as bad as previous years, the committee has been working for the past 2 years with many economists, mortgage bankers, and other lenders to try to find a better way to respond to the current problems. We firmly believe that the provisions contained in title III of the proposed House amendments are a step in the right direction.

I believe enactment of this legislation will lead to a more financially secure loan guaranty revolving fund.

The measure before us offers a better approach to financing the Veterans Home Loan Guaranty Program by creating a new fund, establishing a new fee structure, requiring an upfront Government contribution, and authorizing investment of excess moneys. Investing this money should generate receipts of approximately $195 million in the next 5 years.

Title III of the proposed amendments would make the following changes in the fee structure:

First, raise the basic loan fee to 1.25 percent;

Second, reduce the loan fee to 0.75 percent if the borrower makes a downpayment of 5 percent or more;

Third, require the Government to contribute 0.25 percent of the loan amount for the fiscal year in which the loan is guaranteed and for the next 2 fiscal years, except that the Government contributions for loans made in fiscal year 1990 would be paid in two equal 0.375 percent installments in fiscal years 1991 and 1992.

Fourth, reduce loan fee to 0.5 percent if borrower makes a downpayment of 10 percent or more, provides for 0.5 percent Government contribution to be made in 0.25 percent installments in each of the first 2 fiscal years of the loan;

Fifth, require no fee from compensably rated service-connected disabled veterans and spouses of deceased service-connected disabled veterans.

Sixth, require Government payment of an amount equal to the fee that an exempt borrower is excused from paying.

In return for payment of the indemnity fee, veterans would be protected from liability to the Department due to foreclosure unless there are indications of fraud, misrepresentation, or bad faith.

Title III of the proposed amendments also deal with how the Federal Government should account for receipts from loan sales. Approximately 2 years ago, the committee learned that the Congressional Budget Office [CBO] and the Office of Management and Budget had agreed to change the treatment of receipts from loan asset sales. CBO and OMB ordered this scorekeeping change without seeking our committee's views or those of other committees with jurisdiction over loan asset sales. Essentially, what they decided was to treat receipts from loan sales without recourse as offsetting collections, and to ignore all but a small percentage of the receipts from loan sales with recourse.

Both CBO and DVA's financial advisers have compared the results of loan sales without recourse versus the results that could be expected from selling with recourse. As one would expect, cash proceeds from the structured nonrecourse loan asset sales were only 55 to 60 percent of the face value of the loans. But the long-term losses which the Government will suffer were estimated to be $37 million annually. Thus, by pursuing a policy of loan sales without recourse, the Treasury loses around $300 million in cash proceeds in an average fiscal year and will only recover about $260 million of that loss over time.

Veterans are also taxpayers and there is no legitimate reason to continue a policy which discourages the Government from getting the best price for its assets. Therefore both the proposed amendments and H.R. 3499—the reconciliation bill—contain a provision that would require that loan assets be scored as offsetting collections whether loans are sold with or without recourse.

Another major provision in the proposed amendments would increase loan guaranty entitlement to $46,000 or 25 percent for loans that exceed $144,000. The House passed a measure 2 years ago increasing loan guaranty entitlement but it was not fully accepted by the other body. Therefore, I am glad that we were finally able to work this out with them.

Other provisions in the compromise would allow for easier refinancing of certain conventional loans; require lenders to notify the Department of Veterans Affairs if a lender refuses to accept a partial payment from a veteran; amend the debt waiver provisions to ensure equitable consideration; and extend the Department's foreclosed property acquisition formula for 2 years, specifically exempting imputed interest costs from "net value" determinations.

We are hopeful that enactment of the proposed amendments will eventually preclude the need for the increased annual supplemental appropriations required in recent years to pay claims. These housing reforms are unique in that they not only will provide real benefits to our Nation's veterans but will save millions of dollars in Federal funds over the next several years. Earlier cost estimates by the Congressional Budget Office indicated that similar reforms could save more than $1 billion over the next 5 fiscal years.

EDUCATION AND EMPLOYMENT

Following my remarks, Mr. PENNY will briefly outline the provisions contained in title IV of the proposed amendments pertaining to education, training, and employment.

MEMORIAL AFFAIRS

Title V contains provisions which will benefit the National Cemetery System, Arlington National Cemetery, and the American Battle Monuments Commission.

Graveliners will now be required for each new grave in open national cemeteries. This will enhance the beauty of our national cemeteries and will save money in outyears.

Payment of the headstone or marker allowance to the estate of the deceased eligible veteran who purchased a headstone prior to death will now be authorized similar to monetary benefits payable when certain burial expenses and cemetery plots are prepaid.

Appointments for enlisted members of the Armed Forces to the American Battle Monuments Commission will now be authorized and the Secretary of the Army will be directed to set aside an appropriate area in Arlington National Cemetery for the unmarked interment of cremated remains.

The Secretary of Veterans Affairs will be required to enter into a contract with the State of Michigan to operate and maintain the veterans cemetery located in Mackinac Island State Park.

COLLOCATION

Title VI of the proposed amendments would require the Secretary of Veterans Affairs to collocate at least three, but not more than seven, regional offices onto medical center grounds or onto real property under the jurisdiction of the Department which is adjacent to a medical center. This section would also authorize the

Secretary to lease real property under the jurisdiction of the Department for use as the site for constructing a regional office facility which in turn would be leased by the Department for a period not to exceed 35 years. Each such lease agreement is required to include a provision that the ownership of a facility constructed under this authority shall vest in the United States at the end of the lease.

The House amendments provide that after agreements for the collocation of at least three regional offices have been entered into following the date of enactment of this bill, the Secretary is authorized to enter into lease-purchase agreements for a total of three facilities for the provision of either outpatient or nursing home care on the grounds of medical centers.

The committee is frustrated, disappointed, and perplexed by the lack of action taken by the Department to collocate regional offices onto medical center grounds. While the Department has acknowledge on more than one occasion the many benefits and advantages of collocation and has reported below-standard conditions in regional offices which have not been collected, inexplicably the Department has failed repeatedly to aggressively pursue collocation. During the last 6 years the Department has developed at least 5 plans for collocating not fewer than 25 regional offices, but, since 1983, only 2 of those regional offices have been collocated. This continuing failure has been shortsighted and costly and must be corrected.

One costly consequence of the failure to collocate regional offices has been a dramatic and constant increase in paid rent for regional offices. For fiscal year 1990, annual rent costs for regional offices are expected to total $54.66 million, a 22.9-percent increase from fiscal year 1987. As Department regional office are typically located in privately owned commercial office buildings or Federal office buildings and the Department is a tenant which pays fair market rent, this rapid escalation in regional office costs is expected to continue as current long-term lower cost leases expire and significantly higher lease rates become effective.

Regional office working conditions which are detrimental to employee health and safety and a productive office environment are another consequence of the failure of the Department to collocate regional offices. Numerous deficiencies and needed improvements, including repair of elevators, removal of potential hazardous conditions and materials, elimination of insect infestations, improvements in security, and the provision of adequate ventilation, heating, and cooling have been cited in regional offices which have not been collocated.

Earlier this year the Department acknowledge the less than adequate condition of many regional offices when it reported:

Not all facilities rented by the VA for regional offices are in good repair and completely satisfactory to our standards for sound operating environments.

Generally, the principal areas of concern involve inadequate heating, ventilation, and air-conditioning of our office areas. In addition, we continue to experience delays in some renovation and alterations projects which adversely impact our ability to operate in an efficient manner. In order to correct these deficiencies, we continually work with the General Services Administration to rectify and improve out-of-line conditions.

By collocating Veterans' Administration regional offices, significant benefits, lead by improvement in services provided to veterans and including reduced Government spending and significant long-term savings, are expected. Based on considerations which include improved services to veterans, expected savings and the need for improvement regional office conditions, in selecting regional offices to be collocated, the committee believes high priority should be given by the Department of the St. Petersburg, Houston, Los Angeles, Jackson, Columbia, New York, and Montgomery regional offices. The committee expects the Department to aggressively pursue collocation using the authority contained in this legislation.

I urge my colleagues to support the proposed House amendment to H.R. 901 as amended by the other body.

There follows a more detailed explanation of the agreement reached with the other body on H.R. 901:

EXPLANATORY STATEMENT ON THE COMPROMISE AGREEMENT ON H.R. 901 AS AMENDED, THE VETERANS BENEFITS AMENDMENTS OF 1989

This document explains the provisions of various measures (listed below) passed by the Senate and House of Representatives on which the Senate and House Committees on Veterans' Affairs have reached agreement, and which will be offered as a proposed House substitute amendment to H.R. 901, and of the provisions of that agreement. There remain many issues outstanding with respect to health-care, health-personnel, and other matters covered in the measures listed below which the Committees plan to resolve in the next Session of this Congress and which thus are not described in this document. Any provision not described in this document is thus still a matter for resolution by the Committees next Session.

The differences between these various measures with respect to the provisions in the compromise agreement and the provisions of the compromise agreement itself are noted below, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

The measures referred to above are as follows:

H.R. 1414, a bill to provide for appointment of enlisted members to the American Battle Monuments Commission, as passed by the House on May 23, 1989.

H.R. 1415, the proposed "Veterans' Home Loan Mortgage Indemnity Act of 1989", as passed by the House on June 6, 1989.

H.R. 901, the proposed "Veterans' Health-Care Programs Amendments of 1989", as passed by the House on June 27, 1989.

H.R. 1199, the proposed "Veterans Nurse Pay Act of 1989", as passed by the House on June 27, 1989.

H.R. 1334, a bill to remove the limit on pension paid to certain hospitalized veterans and reduce the marriage period required for certain survivors' benefits, as passed by the House on June 27, 1989.

H.R. 2486, the proposed "Veterans Recruitment Authority Act of 1989", as passed by the House on July 31, 1989.

H.R. 88, a bill to require setting aside an area in Arlington National Cemetary for unmarked burials of cremated remains, as passed by the House on October 2, 1989.

H.R. 1335, the proposed "Veterans' compensation Amendments of 1989", as passed by the House on October 2, 1989.

H.R. 1358, a bill to modify the Montgomery GI Bill, as passed by the House on October 2, 1989.

H.R. 3199, the proposed "Veterans Health Professionals Educational Amendments of 1989", as passed by the House on October 30, 1989.

H.R. 3390, a bill to modify veterans education programs, as passed by the House on October 30, 1989.

S. 13, the proposed "Veterans Benefits and Health Care Act of 1989", as reported by the Senate Committee on September 13, 1989, and amended by the Senate on October 3, 1989, the text of which was passed by the Senate on October 3 as a substitute for the text of H.R. 901.

The foregoing House-passed bills are referred to simply by bill number, and the text of S. 13 as passed in H.R. 901 is referred to as the "Senate bill".

TITLE I—COMPENSATION AND PENSION

Compensation rate increases

Current law: Under chapter 11 of title 38, United States Code, the Department of Veterans Affairs pays monthly cash benefits to veterans who have service-connected disabilities. The amounts paid depend on the nature of the veteran's disability or combination of disabilities and the extent to which the disability impairs earning capacity. Special monthly rates are payable to totally disabled veterans with certain specific, severe disabilities and combinations of disabilities. A veteran whose disability is rated 30 percent or more also receives additonal compensation for a spouse, children, and dependent parents. Section 314(k) provides additonal disability compensation for the loss or loss of use of certain organs or limbs.

Under chapter 13 of title 38, the Department pays dependency and indemnity compensation (DIC) to survivors of servicemembers or veterans who died on or after January 1, 1957, from a disease or injury incurred or aggravated during active service. Surviving spouses receive DIC at rates based on (1) the pay grade (service rank) of the deceased veteran, (2) whether the surviving spouse is so disabled as to be housebound or in need of regular aid and attendance, and (3) the number of surviving children. When there is no surviving spouse, DIC is paid to surviving children.

House bill: Sections 2 through 7 of H.R. 1335 would provide for a 4.9-percent cost-of-living adjustment (COLA), effective December 1, 1989, in the rates of disability compensation and DIC, with each increase

rounded down to the next whole dollar. The House bill also would increase by that percentage the statutory award paid under section 314(k) of title 38.

Senate bill: Section 101 would, effective December 1, 1989, require the Secretary to increase the disability compensation and DIC rates, effective December 1, 1989, by the same percentage as the Social Security COLA that will take effect on that date. The Senate bill would also increase the section 314(k) award by the same percentage effective August 1, 1990.

The increases would be rounded down to the next whole dollar for veterans with 10- and 20-percent disability ratings and rounded to the nearest dollar for veterans with disabilities of 30-percent or higher and for veterans receiving statutory fees.

Social Security COLA: Following House passage of H.R. 1335 and Senate passage of H.R. 901, it was announced that Social Security recipients would receive a 4.7-percent COLA.

Compromise agreement: Sections 101 through 105 provide for a 4.7-percent COLA, effective December 1, 1989, with all increases rounded to the nearest whole dollar.

Limitations on pensions of certain veterans receiving institutional care

Current law: Section 3203(a)(1)(B) of title 38 limits the pension that the Department pays to a veteran who has neither spouse nor dependent child and is being furnished hospital or nursing home care by the Department for extended periods. After the end of the third full calendar month following the month of admission to a hospital or nursing home, the veteran's pension generally may not exceed $60 per month. Under section 3203(a)(1)(D), the veteran's pension would be continued without reduction for up to three more months if the Secretary determines that the primary purpose of furnishing care is to provide a prescribed program of rehabilitation services designed to restore the veteran's ability to function within his or her family or community. Further extensions are provided if the Secretary determines that rehabilitation continues to be necessary and remains the primary purpose of the veteran's hospital or nursing home care.

As to a veteran who resides in a domiciliary and has no spouse or dependent child, section 3203(a)(1)(A) limits the amount of pension paid after the end of the second full calendar month following the month of the veteran's admission to the domiciliary to no more than $60 per month.

House bill: Section 1 of H.R. 1334 would eliminate the reduction in pension payments to hospitalized veterans having neither spouse nor child.

Senate bill: Section 103(a) would extend from three to eight months the period of hospitalization permitted before a veteran's pension benefits are reduced. In addition, the Secretary would be authorized to grant extensions for no more than two additional two-month periods if the Chief Medical Director determines that the veteran is likely to be released within a reasonably short period of time. Section 103(b) also would increase from $60 to $105 the amount to which benefits are limited for veterans receiving hospital, nursing-home, and domiciliary care from the Department for periods beyond those prescribed in section 3203(a)(1).

Compromise agreement: Section 111 would, effective February 1, 1990, (1) eliminate the reduction in pension payments under section 3203(a)(1)(B) to veterans furnished hospital care; (2) increase to $90 the amount to which benefits are limited for veterans receiving nursing-home or domiciliary care from the Department for periods beyond those prescribed in section 3203(a)(1); and (3) extend the period after which the Department must reduce pension payments to a domiciliary resident to the end of the third calendar month following the month of admission.

Expansion of clothing allowance

Current law: Section 362 of title 38 provides an annual clothing allowance ($414 as proposed to be increased by section 101 of the compromise agreement) to a veteran who, because of a service-connected disability, uses a prosthetic or orthopedic appliance (including a wheelchair) that tends to wear out or tear the veteran's clothing.

Senate bill: Section 102 would expand this allowance to include cases in which the Secretary determines that medication prescribed for a veteran's service-connected skin condition stains or otherwise damages the veteran's clothing.

House bill: No provision.

Compromise agreement: Section 112 would expand the clothing allowance to include cases in which a veteran uses medication which (1) a physician has prescribed for a service-connected skin condition, and (2) the Secretary determines causes irreparable damage to the veteran's outergarments.

The Committees do not intend the term "irreparable damage" to include stains that are removable through regular laundering or dry cleaning. The term "outergarments" is intended to exclude cases in which damage is done only to underwear.

Reduction in period of marriage required for eligibility for certain survivors benefits

Current law: Section 418 of title 38 provides for the payment of DIC-equivalent benefits to the surviving spouses or children of certain veterans who die of non-service-connected causes while receiving or being entitled to receive compensation for a service-connected disability rated totally disabling. The veteran's disability must have been continuously rated totally disabling for either (1) a period of 10 or more years, or (2) at least five years from the date of release from active duty. For a surviving spouse to be eligible, he or she must have been married to the veteran for at least two years immediately preceding the veteran's death.

House Bill: Section 2 of H.R. 1334 reduces from two years to one year the period of time a surviving spouse must have been married to qualify for DIC-equivalent benefits under section 418 of title 38.

Senate bill: No provision.

Compromise agreement: Section 113 contains the House provision.

Vocational training for certain pension recipients

Current law: Section 521 of title 38 provides for VA payment of need-based pension benefits to wartime veterans who have non-service-connected disabilities rated permanently and totally disabling or who are over age 65. Section 524 provides that a veteran under age 50 who receives an award of non-service-connected disability pension between February 1, 1985, and January 1, 1992, is required to undergo evaluation of the veteran's potential for vocational rehabilitation and the penalty for refusal of such evaluation is the suspension of the veteran's pension. If it is determined that pursuit of a vocational goal is feasible for the veteran, he or she is entitled to be provided with a vocational training program to enable the veteran to prepare for, gain, and maintain employment. Participation in vocational training is entirely voluntary. A veteran who is 50 or older is not required to undergo evaluation.

Senate bill: Section 303 would make participation in the temporary program of vocational evaluations and training voluntary for all new pension recipients by eliminating the requirement that veterans under age 50 participate in a vocational evaluation. It would also establish trial-work periods for participants in the program by providing that the pension paid to a vocational training participant who secures employment within the scope of the participant's rehabilitation plan, or in a related field which requires reasonably developed skills and the use of some of the training or services furnished under the plan, shall not be terminated by reason of either the participant's capacity to engage in employment or the income received from employment unless the veteran maintains that employment for twelve consecutive months.

House Bill: No provision.

Compromise agreement: Section 114 would (1) lower from "under 50" to "under 45" the age group of new pension recipients subject to mandatory vocational evaluation; and (2) provide that the permanent and total disability evaluation of the veteran receiving training under this section may not be terminated by reason of the veteran's employment until the veteran maintained such employment for 12 consecutive months if (A) the employment was secured not later than one year after the date on which the veteran's eligibility for counseling under section 524(b)(3) has expired, and (B) the employment was within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation, or in a related field, and requires the use of the training or services furnished the veteran under such plan.

Decisions and notices of decisions

Current law: No statutory provisions specify what notice a claimant of a Department of Veterans Affairs benefit must be given of the disposition of the claim at the regional-office level. However, section 3.103(e) of title 38, Code of Federal Regulations, states: "The claimant will be notified of any decision affecting the payment of benefits or granting relief. Notice will include the reason for the decision and the date it will be effectuated as well as the right to a hearing. . . . The notification will also advise the claimant of his right to initiate an appeal by filing a Notice of Disagreement which will entitle him to a Statement of the [c]ase for his assistance in perfecting his appeal. Further, the notice will advise him of the periods in which an appeal must be initiated and perfected. . . ."

Senate bill: Section 703 would amend chapter 71 of title 38 by adding a new section 4011 to require the Secretary (or Chairman of the Board of Veterans' Appeals (BVA) as to BVA decisions), at each procedural stage relating to the disposition of a claim for benefits, to provide to the claimant and the claimant's authorized representative, if any, written notice of the procedural rights of the claimant and the rationale for the decision, including a summary of the evidence (or lack of evidence) supporting the decision.

House bill: No House provision.

Compromise agreement: Section 115 of the compromise agreement would require the Secretary, in a case in which the Secretary has made a decision affecting the provision of benefits, to provide the claimant and the claimant's representative notice of the decision on a timely basis. All notices would be required to include an explanation of the procedure for obtaining review of the decision. In cases in which the decision of the Secretary denies any benefit sought by the claimant, the notice would also be required to include the reasons for the decision and a summary of the evidence considered.

The Committees intend that the reference to denial of "a benefit sought" includes a claim that is partially denied. (For example, a partial denial would include a situation in which a claimant seeks a specific level of benefits or a specific rating but is awarded a lesser benefit or rating.) It is further intended that the requirement to provide "reasons for the decision" would not be met by such terms as "service connection not found" or other such conclusory statements.

TITLE II—HEALTH RESPITE CARE

Current law: Section 620B of title 38 authorizes the Secretary to furnish respite care services to a veteran who is eligible to receive care under section 610 of title 38. "Respite care" is defined as hospital or nursing home care which is of limited duration, is furnished in a VA facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home, and is furnished for the purpose of helping the veteran to continue residing primarily at home. Section 201(b) of Public Law 99-576 requires the Secretary to submit a report, not later than February 1, 1989, to the Committees on Veterans' Affairs on the Secretary's evaluation of the health efficacy and cost-effectiveness of furnishing respite care. Respite care authority was extended by Public Law 101-110 through November 30, 1989.

House bill: Section 201(a) of H.R. 901 would make permanent the Secretary's authority to provide respite care to certain chronically ill veterans.

Senate bill: Section 215 would extend through September 30, 1991, VA's authority to furnish respite-care services and would extend for one year, to February 1, 1990, the due date for the report evaluating the furnishing of such care.

Compromise agreement: Section 201(a) would extend through September 30, 1992, the Department's authority to furnish respite-care services.

State home grant authority

Current law: Section 5033(a) of title 38 authorizes, through September 30, 1990, the appropriation of such sums as are necessary for the Department to carry out its program of grants to the states for the purpose of construction of State Veterans' Homes.

House bill: Section 210(b) of H.R. 901 would extend until September 30, 1992, the authorization of "such sums" appropriations for this program.

Senate bill: Section 218 is substantively identical to the House provision.

Compromise agreement: Section 210(b) would extend through September 30, 1992, the authorization of appropriations of "such sums as are necessary" for this program.

Homeless veterans

Current law: Section 115 of Public Law 100-322 requires the Department of Veterans Affairs to conduct a pilot program, originally through September 30, 1989, to provide care, treatment, and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless chronically mentally ill veterans who are eligible for care under section 610(a)(1) of title 38. This authority was extended by Public Law 101-110 through November 30, 1989.

House bill: Section 201(c) of H.R. 901 would extend the program through September 30, 1992.

Senate bill: Section 203 would (1) remove the pilot program designation of the Department's homeless chronically mentally ill program; (2) place the program in title 38 and extend the program through September 30, 1992; and (3) expand eligibility to include (a) veterans with service-connected chronic mental illnesses, (b) veterans who have a service-connected disability rated at 50 percent or more and who have chronic mental illnesses, and (c) veterans being furnished hospital or nursing home care by the Secretary for chronic mental illnesses.

Compromise agreement: Section 201(c) would extend the pilot program through September 30, 1992.

Annual report on means test for furnishing non-service-connected health care

Current law: Section 19011(e)(1) of Public Law 99-272 requires the Secretary to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a detailed report for each of fiscal years 1986, 1987, and 1988 concerning the furnishing of health-care services and the implementation of changes in eligibility pursuant to that law.

House bill: Section 201(d) of H.R. 901 would extend through September 30, 1992, the requirement for such reports.

Senate bill: No provision.

Compromise agreement: Section 201(d) would extend the requirement for such reports through fiscal year 1989.

Updates on reports under section 110(e) of Public Law 98-528

Current law: Under section 110(b) of the Veterans' Health Care Act of 1984 (Public Law 98-528), the Secretary is required to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives annual reports regarding the Department's efforts regarding PTSD and to include in such reports the views of the Department's Special committee on PTSD. The annual reports are required to be submitted no later than February 1 of 1986, 1987, 1988, and 1989.

House bill: Section 201(e) of H.R. 901 would extend for three years the reporting requirements of the Secretary.

Senate bill: Section 205 would extend for three years the reporting requirements but require that the reports be made directly by the Department's Special Committee on PTSD and require the reports to be submitted concurrently to the Department and the Committees on Veterans' Affairs.

Compromise agreement: Section 201(e) would require the Special Committee to submit a report, concurrently to the Department and the Committees on Veterans' Affairs, by February 1, 1990.

Reimbursement for emergency care of vocational rehabilitation participants

Current law: Section 628(a)(2)(D) of title 38 authorizes the Secretary to reimburse certain veterans for costs of services furnished by non-VA sources. Specifically, this section authorizes reimbursement of a veteran entitled to hospital care or medical services for the reasonable value of such care or services when such care or services were rendered by a non-VA source to a veteran if the veteran (1) is in need of vocational rehabilitation under chapter 31 of title 38 and for whom an objective had been selected or (2) is pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or to prevent interruption of a course of training, or to hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition.

Senate bill: Section 221 would authorize the Secretary also to reimburse a service-disabled veteran in a Department vocational rehabilitation program for certain emergency hospital or medical services provided during the time the veteran is receiving post-training employment services.

House bill: No provision.

Compromise agreement: Section 202 contains the Senate provision.

Appointment of certain individuals in health-care positions

Current law: Subchapter I of chapter 33 of title 5, United States Code, establishes the competitive service within the Civil Service and generally sets forth the procedures for examination, selection, and appointment, including provisions relating to a prohibition on considering recommendations of members of Congress in connection with the appointment of an individual, preference in hiring for certain veterans, and preclusion of appointing individuals who have not registered with the Selective Service.

House bill: Section 105 of H.R. 901 would authorize the Secretary, without regard to regular Civil Service procedures, except for those relating to recommendations of members of Congress and to the preclusion of appointing individuals who have not registered with Selective Service, to appoint in VA, under title 5, individuals with degrees or certificates in a health-care profession or occupation from accredited institutions who have successfully completed a VA-affiliated education program. In making such appointments, the Secretary would be required to apply the principles of veterans preference from subchapter I of chapter 33 of title 5.

Senate bill: Section 252 would (1) authorize the Secretary, without regard to regular Civil service procedures, to appoint in VA, under title 5, individuals with degrees or certificates in a health-care profession or occupation from accredited institutions who, within one year before their appointments to the competitive service, have successfully completed a VA-affiliated education program; and (2) provide such authorization only upon the recommendation of the Chief Medical Director. In making such appointments, the Secretary would be required to apply the principles of veterans preference from subchapter I of chapter 33 of title 5.

Compromise agreement: Section 203 contains the House provision.

Approval of special rates of pay

Current law: Section 4107(g)(4) of title 38 requries the Secretary, not less than ninety days prior to the effective date of a proposed increase in rates of pay for certain VA health-care employees hired in VHS&RA under title 5, United States Code, to notify the President of the Secretary's intention to provide such an increase in pay. If, prior to such effective date, the President (or the

President's designee) disapproves such an increase and provides the appropriate committees of the Congress with a written statement of the reasons for such disapproval, such proposed increase may not take effect.

Senate bill: Section 257(b) would (1) reduce from 90 to 45 days the period, after the Department's submission of notice of such a proposed increase, for disapproval by the President (or the President's designee), and (2) clarify that the proposed rate may be put into effect immediately upon approval by the President in a shorter period.

House bill: No provision.

Compromise agreement: Section 204 contains the Senate provision.

Revision in limitation on compensation of health-care personnel who are retired military personnel

Current law: Section 4107(i) of title 38 authorizes the Secretary to make exceptions to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, United States Code (relating to reduction in retired pay of retired members of the uniformed services who are employed in the civil service) if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions that otherwise cannot be readily met.

House bill: Section 103 of H.R. 901 would, for the three-year period beginning with the first pay period beginning on or after the date of enactment, expand the Secretary's authority to make an exception to the title 5 provision to include RNs.

Senate bill: Section 258 would expand the Secretary's authority to make an exception to the title 5 provision so as to include other VHS&RA employees.

Compromise agreement: Section 205 contains the House provision.

Leave sharing and leave banks

Current law: Public Law 100-566, enacted on October 31, 1988, added new subchapters III and IV to chapter 63 of title 5, United States Code, under which the Office of Personnel Management is required to establish a five-year leave-sharing program (through FY 1993), including leave transfers and leave "banks", pursuant to which federal employment appointed under title 5 could transfer leave to other such employees in connection with medical emergencies. This authority does not apply to Department employees apointed in VHS&RA under title 38. As to those employees, the only authority for leave sharing is a more limited, fiscal year 1989 authority enacted in Public Law, 100-440. This authority was extended through November 30, 1989, by Public Law 101-110.

House bill: Section 106 of H.R. 901 would, for five years effective October 1, 1989, authorize the Secretary to carry out a leave-sharing program, including both leave transfer and leave banks, consistent with leave-sharing programs authorized in subchapters III and IV of chapter 63 of title 5, in the case of title 38 employees who have medical emergencies.

Senate bill: Section 262 would, for five years beginning no later than October 1, 1990, (1) require the Secretary to conduct a leave-transfer program to be used in the case of medical emergencies of Department employees, and (2) authorize the Secretary to establish and conduct a leave-bank program consistent with such programs authorized in subchapter IV of chapter 63 of title 5 in the case of medical emergencies of title 38 employees.

Compromise agreement: Section 206 would require the Secretary to conduct a leave transfer program and authorize the Secretary to establish and conduct a leave bank program for title 38 employees consistent with such programs authorized in subchapters III and IV of chapter 63, title 5, United States Code, beginning not later than October 1, 1990. The leave-sharing authority for these employees under Public Law 100-440 would remain in effect until the new program is implemented.

Health Professional Scholarships

Current law: Section 4312(b)(5) of title 38, requires the Secretary, in selecting applicants for the Department's Health Professional Scholarship Program, to give priority to the applications of individuals who will be entering their final year in a course of training.

Senate bill: Section 266 would require the Secretary, in giving such priority, to ensure an equitable allocation of scholarships to persons enrolled in the second year of a program leading to an associate degree in nursing.

House bill: No provision.

Compromise agreement: Section 207 contains the Senate provision.

The Committees note that no scholarships have been allocated to persons enrolled in programs leading to an associate degree in nursing. The Committees intend that an equitable number of such scholarships (as compared to the total number awarded) be allocated to individuals seeking such an associate degree.

TITLE III—HOME LOAN

Establishment of Guaranty and Indemnity Fund

Current law: Under section 1824 of title 38, United States Code, the Loan Guaranty Revolving Fund (LGRF) finances operations of the Department of Veterans Affairs loan guaranty program. LGRF receipts primarily consist of fees on guaranteed home loans, income from the sale of properties the Department acquired after foreclosure of a guaranteed loan and from the sale of loans the Department makes to purchasers of Department-acquired properties (vendee loans), interest on vendee loans, and appropriations. LGRF expenditures consist primarily of payments of claims on VA guaranties and the payment of costs of acquiring homes upon foreclosure and of certain administrative expenses. Any LGRF amounts that the Secretary of Veterans Affairs determines exceed the needs of the program must be transferred to the Treasury.

House bill: Section 2(a) of H.R. 1415 would (1) add to title 38 a new section 1824A to establish the Veterans' Mortgage Indemnity Fund (VMIF), a new revolving fund to replace the LGRF with respect to loans guaranteed after September 30, 1989; (2) for each loan guaranteed after that date, require the Federal Government to contribute 0.25 percent of the loan amount for the fiscal year in which the loan is guaranteed and for each of the next two fiscal years; and (3) require the Secretary of the Treasury to invest in government securities all VMIF amounts that the Secretary of Veterans Affairs determines exceed the needs of the home-loan guaranty program.

Senate bill: Section 401 would (1) add a new section 1824A substantively identical to the House provision, except that the new revolving fund would be called the Home Loan Guaranty Fund (HLGF) and the Government contributions for loans made in FY 1990 would be paid in FY's 1991, 1992, and 1993; and (2) add to title 38 a new section 1834 to require the Department to include in its annual budget submission to Congress certain information about the current and future operations and financial status of both the LGRF and the HLGF.

Compromise agreement: Section 302 would replace the text of section 1825 of title 38 (discussed under "Clarifying and Technical Amendments", below) with provisions that would (1) establish a new revolving fund, called the Guaranty and Indemnity Fund (GIF), to replace the LGRF with respect to loans closed after December 31, 1989; and (2) for each loan closed after that date, require the Government to contribute 0.25 percent of the loan amount for the fiscal year in which the loan is guaranteed and for the next two fiscal years, except that the Government contributions for loans made in FY 1990 would be paid in two equal 0.375-percent installments in FY's 1991 and 1992. Section 302 also would add to title 38 a new section 1834 imposing the information-reporting requirements of the Senate bill.

The Committees intend that the "information and financial data" required by new subsection 1834(b)(1) include costs of operation, fund balances, and property inventory and sales related to the LGRF and the GIF and that the information submitted pursuant to the reporting requirements (1) include breakdowns of the number and costs of default terminations according to the manner of their disposition—such as property acquisition, no-bid, third-party upset, or deed in lieu of foreclosure—and whether the loans had been assumed; and (2) separately identify costs and receipts associated with loans for manufactured and conventional housing.

Loan fee

Current law: Until October 1, 1989, section 1829 of title 38 generally required a 1-percent fee to be paid for loans guaranteed, made, or insured by the Department and for vendee loans (extensions of credit from the Department to finance an individual's purchase of a home the Department acquired upon foreclosure of a loan it had guaranteed), and a 0.5-percent fee to be paid for assumptions of guaranteed loans. Veterans with compensable service-connected disabilities and surviving spouses of those who died from a service-connected disability are exempt from the fees. Public Law 101-110, enacted October 6, 1989, extended to loans closed before December 1, 1989, the Department's authority to collect the fees. Section 1812(c)(5) of title 38 requires a downpayment of at least 5 percent for loans to purchase manufactured housing.

House bill: Section 2(b) of H.R. 1415 would, effective for loans closed after September 30, 1989 (1) generally increase the loan fee to 1.25 percent but reduce the fee to 0.75 percent if the borrower makes a downpayment of 5 percent or more; (2) continue the current 1-percent fee for vendee loans; and (3) continue the current 0.5-percent fee for assumptions.

Senate bill: Section 402 contains provisions substantively identical to the House provisions, except that (1) the loan fee would be reduced to 0.5 percent if the borrower makes a downpayment of 10 percent or more; (2) for guaranteed loans for manufactured housing, the fee would be reduced to 0.75 percent for downpayments of 10 percent or more; (3) the fee for assumptions after September 30, 1989, would be increased to 0.75 percent; (4) for exempt bor-

rowers, the Government would be required to pay an amount equal to the fee that the exempt borrower otherwise would have paid; (5) the Secretary, upon making a determination that the revolving fund would become insolvent in the upcoming 24 months, would be authorized to raise all fees uniformly to no more than 20 percent above the statutory fees; and (6) if the fees had been increased and the Secretary determined that an increased amount were not necessary for the solvency of the fund, the Secretary would be authorized to reduce the fees to no less than statutory fees. The Government payments of amounts equal to fees that would be exempted from payment in FY 1990 would be made in October 1990.

Compromise agreement: Section 303 would, effective with respect to loans closed after December 31, 1989 (1) raise the basic loan fee to 1.25 percent and reduce it to 0.75 percent if the borrower makes a downpayment of 5 percent or more; (2) reduce both the fee and the Government contribution (described above in the item entitled "Establishment of Guaranty and Indemnity Fund; Government Contributions") to 0.5 percent if the borrower makes a downpayment of 10 percent or more; (3) in the case of such a downpayment, provide for the 0.5-percent Government contribution generally to be made in 0.25-percent installments in each of the first two fiscal years of the loan; and (4) require Government payment of an amount equal to the fee that an exempt borrower is excused from paying. The fees for direct loans, manufactured housing loans, and vendee loans would remain at 1 percent and continue to be deposited in the appropriate fund (the DLRF for direct loans, the LGRF for manufactured housing loans, and either the LGRF or GIF for vendee loans). In the cases of loans closed in FY 1990, both the Government contributions and the Government payments in lieu of the fees that exempt borrowers otherwise would have paid would be paid in October 1990.

Indemnification after default

Current law: Section 1832 of title 39 provides that, when the Department of Veterans Affairs pays the guaranty on a loan, it is subrogated to the rights of the holder of the loan to the extent of the guaranty payment. The veteran to whom the loan was made thus generally is liable to the Department for the amount of that payment. If the veteran sells the home to a buyer who agrees to assume the loan, the veteran may apply under section 1813 or 1814, based on the creditworthiness of the assumptor, to be released from liability to the Department. Also, the veteran's liability to the Department may be waived under section 3102(b) if the Secretary determines, on a case-by-case basis, that collection of the debt "would be against equity and good conscience".

House bill: Section 2(c) of H.R. 1415, effective with respect to loans made after September 30, 1989, would indemnify against liability to the Department veterans who default on guaranteed loans except in the case of fraud, misrepresentation, or bad faith by the veteran in obtaining the loan or in connection with the loan default.

Senate bill: Section 403 is substantively identical to the House bill, except that (1) those who default for reasons within their control also would not be indemnified; and (2) assumptors would be indemnified.

Compromise agreement: Secton 304 contains the House provision.

The Committees direct the Secretary to ensure that the Department's loan forms make clear that indemnification is not assumable.

The Committees intend that a borrower's abandonment of a mortgage despite having the financial ability to make the mortgage payments be considered "bad faith" in connection with the default and that "misrepresentation" include only a material misrepresentation.

Sale of vendee loans

Current law: Section 1833(a)(3) of title 38 allows the Department to sell vendee loans without recourse only if it receives at least the unpaid balance ("par value") of the loan. Section 1833(a)(6) sets an expiration date of October 1, 1990, for that provision and for other provisions of section 1833(a) that (1) establish limits on the proportions of the sales of homes acquired by the Department upon foreclosure that may be made for cash and may be financed with vendee loans; (2) generally require a 5-percent downpayment on vendee loans; (3) allow additional vendee-loan financing for the costs of rehabilitating the property; and (4) allow below-market interest rates on vendee loans.

In 1987, the Office of Management and Budget, and later the Congressional Budget Office, adopted a new approach to counting, for budget purposes, the proceeds of with-recourse sales of vendee loans. Instead of counting the proceeds of with-recourse sales as offsetting collections of the LGRF, OMB and CBO now consider those sales as the equivalent of a loan from the purchaser to the Government. Loans sold without recourse continue to be counted as offsetting collections.

House bill: Section 3 of H.R. 1415 would, effective October 1, 1989, (1) allow the sale of vendee loans with or without recourse only if the cash proceeds of the sale are equal to at least 90 percent of par value; and (2) reverse the current OMB and CBO rules for counting the proceeds of certain with-recourse sales by requiring that (A) the proceeds from such sales be credited as offsetting collections of either the LGRF or the new VMIF, depending on which fund received the fee for the original guaranteed loan secured by the same property securing the vendee loan sold; (B) the crediting be made without reduction and for the fiscal year in which the amount involved was received; and (C) all amounts so credited offset outlays of the respective fund during the fiscal year in question.

Senate bill: Section 404 would extend for one year, through FY 1990, the provisions of section 1833(a)(3) of title 38 as they applied to vendee loan sales prior to October 1, 1989. Section 404 of S. 13 as reported also contained provisions substantively identical to the House scorekeeping provisions with language added to supercede explicitly the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget and Impoundment Control Act of 1974, under which the current scorekeeping conventions were adopted. This provision was deleted during Senate floor consideration of S. 13 on October 3 in order to avoid possible procedural delays in considering that omnibus bill, which was passed that day.

Compromise agreement: Section 305 contingently would nullify a provision, if it is enacted in H.R. 3299 (the Omnibus Budget Reconciliation Act of 1989), postponing until October 1, 1990, the effective date of the provision in section 1833(a)(3) of title 38 which allows the Department to sell vendee loans without recourse only if the proceeds are at least equal to par value. This nullification of the postponement would take effect only if the scorekeeping provision described in item (2) of the House bill is enacted before the enactment of the compromise agreement—which the Committees expect to occur in H.R. 3299. In addition, section 305 would enact such a scorekeeping provision, in case it is not enacted in H.R. 3299. (The Senate-passed provision in section 404 is contained in section 9002 of the conference report on H.R. 3299.)

Increase in entitlement amount

Current law: Section 1803(a)(1) of title 38 provides a guaranty equal to (1) 50 percent of the loan amount for loans of up to $45,000; or (2) 40 percent of the loan amount for loans of more than $45,000, but not less than $22,500 or more than $36,000. The maximum guaranty to which a veteran is entitled is $36,000, reduced by the amount of entitlement previously used by the veteran and not restored. Under the credit standards established by the secondary mortgage market, the maximum amount of the loan that a veteran can obtain with the maximum $36,000 guaranty is $144,000.

Senate bill: Section 405 would allow a veteran to acquire up to $5,000 of additional guaranty for a loan by paying a 0.1-percent fee (in addition to the 1.25-percent fee on the amount of the loan) for each additional $1,000. The total of the guaranty and any downpayment could not exceed 25 percent of the purchase price unless the Secretary grants a waiver of this requirement. The fee for additional guaranty could be financed as part of the loan.

House bill: No provision.

Compromise agreement: Section 306 would, effective on the date of enactment, provide additional guaranty entitlement for loans that exceed $144,000, equal to 25 percent of the loan amount over $144,000, up to a total guaranty of $46,000. No fee would be charged in addition to the 1.25-percent fee on the total amount of the loan.

Notification requirement

Current law: Section 1832(a) of title 38 requires lenders to notify the Department when a veteran defaults on a guaranteed loan. Upon receiving notice of the default, the Department is required to provide the defaulting veteran with information and, where feasible, counseling about alternatives to foreclosure and the effects of foreclosure on the liabilities of the Department and the veteran, except where the Secretary determines that the lender has a demonstrated record of providing the same information in a timely and accurate manner.

House bill: Section 7 of H.R. 1415 would require a lender (1) to notify the Department when the lender refuses a borrower's tender of a partial payment of the amount in arrears; and (2) to include in the notice a statement of the circumstances of the default and the reasons for the lender's refusal.

Senate bill: Section 406(a) would authorize the Secretary to require a lender (1) to notify the Department immediately after a lender refuses a borrower's tender of a significant portion of the amount due; and (2) to include in the notice a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, the reasons for the holder's refusal, and such other information as the Secretary determines is necessary to service defaulted loans.

Compromise agreement: Section 307 would, effective on the date of enactment

(1) require a lender to notify the Secretary when the lender refuses a borrower's tender of a partial payment; (2) and authorize the Secretary to require a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, and the reasons for the lender's refusal.

No-bid formula

Current law: Section 1832(c) of title 38 requires the Department, in making a determination whether to acquire the property upon foreclosure or pay the amount of the guaranty, to compare the net cost of acquiring the property and reselling it with the cost of simply paying the guaranty amount. In making this comparison, the Department is required to determine the net value of the property, which is "the amount equal to (i) the fair market value of the property, minus (ii) the total of the amounts which the [Secretary] . . . estimates the [Secretary] . . . would incur (if the [Secretary] . . . were to acquire and dispose of the property) for property taxes, assessments, liens, property maintenance, property improvement, administration, resale, and other costs resulting from the acquisition and disposition of the property."

Under section 1832(a), if the net value of the property is not greater than the amount of the indebtedness minus the guaranty, the Department must pay the guaranty and not acquire the property, an alternative known as a "no-bid." If the net value exceeds the amount of the indebtedness minus the guaranty, the Department generally is required to pay the holder of the loan the amount of the indebtedness and to acquire the property. Section 1832(c) does not expressly authorize including in the calculation the Government's costs of borrowing funds to acquire the property. Section 1832(c) expired on October 1, 1989. The Department has continued, as a matter within its discretion, to apply the no-bid formula in the expired provision.

House bill: Section 6 of H.R. 1415 would (1) prohibit the Department from considering any cost of borrowing funds in determining net value; and (2) extend the "no-bid formula" by two years, through FY 1991.

Senate bill: Section 406 would (1) prohibit the Department from considering the cost of borrowing funds in determining net value, except to the extent of one-half of the amount by which the cost of borrowing the funds necessary to acquire the property exceeds the cost of borrowing the funds necessary to pay the guaranty; and (2) extend the no-bid formula through FY 1991.

Compromise agreement: Section 308 contains the House provision.

Refinancing loans

Current law: Section 1810(h) of title 38 limits the amount of a guaranteed loan to refinance a mortgage or other lien on a veteran's current home to no more than 90 percent of the appraised value of the home.

Senate bill: Section 407 would exempt from the 90-percent loan-to-value limit those loans made to refinance a construction loan, to replace an installment land sales contract with a traditional deed and mortgage loan, or to refinance an conventional or FHA-insured loan with a lower-rate Department of Veterans Affairs guaranteed loan. These refinancing loans could not exceed the lesser of the home's reasonable value or the sum of the outstanding balance on the existing loan plus closing costs.

House bill: No provision.

Compromise agreement: Section 309 contains the Senate provision.

This provision was derived from S. 898, legislation introduced at the request of the Administration in a transmittal of proposed legislation from the Secretary of Veterans Affairs dated April 17. In the future, the Committees will consider legislation proposed by the Administration only if transmitted to the Senate and House prior to April 1. The Committees have considered this and other provisions from S. 898, despite the late transmittal date, only because the Secretary was not appointed until March of this year.

Computation of entitlement amount

Current law: Section 1802(b) of title 38 generally requires that a veteran who has repaid a guaranteed loan must dispose of the property that secured the loan before the veteran's loan-guaranty entitlement is restored.

House bill: Section 4 of H.R. 1415 would eliminate the requirement to dispose of the property and would restore the veteran's entitlement upon repayment of the loan.

Senate bill: No provision.

Compromise agreement: Section 310 would restore entitlement to veterans who have repaid the original guaranteed loan but not yet disposed of the property as long as the restored entitlement is to be used for a loan secured by the same property that secured the original loan.

Waiver of indebtedness to the United States

Current law: Section 3102(b) of title 38 allows the Secretary to waive a veteran's home-loan indebtedness to the Department where the Secretary "determines that collection of such indebtedness would be against equity and good conscience." Section 3102(c) prohibits the Secretary from exercising the authority to waive either home-loan debts or non-home-loan debts in cases involving "fraud, misrepresentation, material fault, or lack of good faith".

House bill: Section 5 of H.R. 1415 would (1) prohibit waiver determinations based on solely the balancing of fault or whether the debtor might be able to repay the debt in the future; and (2) repeal the requirement for the denial of waivers in cases of "misrepresentation, material fault, or lack of good faith".

Senate bill: No provision.

Compromise agreement: Section 311 would, effective upon enactment, (1) generally make mandatory the granting of waivers of home-loan debts if collection of the debt would be against equity and good conscience; and (2) prohibit waiver in cases involving "fraud, misrepresentation, or bad faith."

The Committees intend that a borrower's abandonment of a mortgage despite having the financial ability to make the mortgage payments be considered "bad faith" in connection with the default and that "misrepresentation" include only a material misrepresentation.

Study of home loans to Native-American veterans

Senate bill: Section 603 would require the Secretary (1) to conduct—and submit to the Committees by March 1, 1990, a report on the result of—a study to determine (A) whether Native-American, Native-Alaskan, and Pacific-Islander (including Native-Hawaiian) veterans living on trust or other communally-owned lands participate in the Department-guaranteed home loan program at a disproportionately low rate, (B) if so, why, (C) what administrative, regulatory, or legislative measures are necessary to address any inequities, and (D) whether the Department's direct-loan authority should be used to promote increased home ownership among such veterans; and (2) in conducting the study, to consider the experiences of the Department of Housing and Urban Development and the Bureau of Indian Affairs.

House bill: No provision.

Compromise agreement: Section 312 contains the Senate provisions, modified to require (1) that the study be conducted and the report be submitted jointly by the Secretaries of Veterans Affairs and of the Interior; (2) that the study examine any effects of the secondary mortgage market and the willingness of lenders to make home loans on trust land; (3) that the Secretaries take into account any experience of private lenders in making home loans on trust lands; and (4) that the report be submitted not later than June 1, 1990.

The Committees note that the legislative, administrative, or regulatory actions recommended by the Secretaries may concern any laws or policies, not just those directly related to benefits administered by the Department of Veterans Affairs.

Clarifying and technical amendments

Current law: Section 1802(a)(2)(C)(ii) of title 38 grants eligibility for guaranteed home loans to "veterans" who have served on active duty for more than 180 days and continue on active duty without a break in service. Section 101(2), however, defines "veteran" as a person who served on active duty "and who was discharged or released therefrom under conditions other than dishonorable."

Section 1825 of title 38 ostensibly grants home-loan entitlement to servicemembers who are hospitalized pending final discharge from active duty if the person is otherwise qualified, but the section duplicates other eligibility provisions.

Section 10 of the Department of Veterans Affairs Act (Public Law 100-527) provides that references to the Veterans' Administration or the Administrator of Veterans' Affairs shall be deemed to refer to the Department of Veterans Affairs or the Secretary of Veterans Affairs, respectively. However, that Act did not actually amend title 38 to accomplish the revisions.

Senate bill: Section 409 would clarify that servicemembers on active duty for more than 180 days are "veterans" for purposes of eligibility for home loans guaranteed, insured, or made by the Department.

This section would supercede current section 1825 of title 38.

House bill: No provision.

Compromise agreement: Section 313 contains (1) the Senate provision; and (2) technical amendments to chapters 23, 24, and 37 of title 38 to reflect the elevation of the Veterans' Administration to Cabinet-level status as the Department of Veterans Affairs.

TITLE IV—EDUCATION AND EMPLOYEMENT

Rehabilitation subsistence allowances for veterans with service-connected disabilities

Current law: Section 1508(b) of title 38, United States Code, provides the various rates—currently, for example, $310 per month for a veteran pursuing a full-time institutional program—of the rehabilitation subsistence allowance paid to a veteran who is participating in the Department of Veterans Affairs program, under chapter 31 of title 38, of rehabilitation for veterans with service-connected disabilities. Automatic cost-of-living adjustments to these rates are

not provided for in current law. Congress last enacted an increase to those rates effective October 1, 1984, in Public Law 98-543.

House bill: Section 5 of H.R. 1358 would provide for a 5-percent COLA, effective January 1, 1990.

Senate bill: Section 301 would provide for a 9.5-percent COLA to chapter 31 rates, effective January 1, 1990.

Compromise agreement: Section 402 would provide for a 7.5-percent effective January 1, 1990.

Educational assistance for survivors and dependents

Current law: Section 1732 of title 38 (by cross-reference to the educational assistance rates paid under section 1682 to Vietnam-era GI Bill participants) provides the various rates—currently, for example, $376 per month for surviving spouse pursuing a full-time institutional program—at which educational assistance allowances are paid under chapter 35 of title 38 to survivors of veterans who died of service-connected disabilities and the dependents of those who have service-connected disabilities rated permanent and total lost to certain servicemembers who are prisoners of war or are missing in action. Automatic COLAs to these rates are not provided for in current law.

House bill: Section 6 of H.R. 1358 would provide for a 5-percent COLA, effective January 1, 1990.

Senate bill: Section 302 would provide for a 9.5-percent COLA, effective January 1, 1990.

Compromise agreement: Section 403 would provide for a 7.5-percent COLA, effective January 1, 1990.

Provision for permanent program of independent living services and assistance

Current law: Section 1520 of title 38 authorizes the Secretary of Veterans Affairs to provide, through September 30, 1989, a program of independent living services and assistance to veterans with service-connected disabilities for whom it is determined that the achievement of a vocational goal is not currently feasible.

Senate bill: Section 304 would eliminate the September 30, 1989, termination date, thereby making the program permanent.

House bill: No provision.

Compromise agreement: Section 404 contains the Senate provision.

Veterans' and reservists' work-study program

A. Criteria for determining work-study allowance

Current law: Under section 1685 of title 38, the Department administers a work-study program for veteran-students pursuing full-time programs of rehabilitation, education, or training under chapter 30 (Montgomery GI Bill—Active Duty), 31 (rehabilitation for certain veterans with service-connected disabilities), 32 (Post-Vietnam Era Educational Assistance Program), and 34 (Vietnam-Era GI Bill) of title 38. Participating students receive a work-study allowance in exchange for services performed in connection with Department activities. Participants currently are paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 (the Federal minimum wage) times 250, or $625, whichever is higher, in exchange for performance of work-study services aggregating 250 hours during a semester or other applicable enrollment period. The work-study allowance for veteran-student services totalling less than 250 hours is determined by multiplying the number of hours of work performed times either the hourly Federal minimum-wage rate in effect or $2.50, whichever is higher.

Senate bill: Section 305(a) would require the Secretary to base work-study-allowance payments for services performed after July 31, 1990, on the higher of the Federal hourly minimum wage or the hourly minimum wage of the State in which the services are performed.

House bill: Section 3(a) of H.R. 3390 would, effective January 1, 1990, (1) conform the formulation in section 1685(a) of the rate of payment of the work-study allowance to the Department's interpretation of that provision (as stated in the above description of section 1685 of current law), and (2) provide that payment may be made for not more than 20 hours of work per week rather than for a maximum of 250 hours per semester as under current law.

Compromise agreement: Section 405(a) would (1) provide that hours of veteran-student services to be performed shall be the amount equal to 25 times the number of weeks in the applicable enrollment period; (2) authorize the Secretary, effective August 1, 1990, to base work-study-allowance payments on the higher of the Federal minimum wage or the minimum wage of the State in which the work is performed; and (3) change the name of the program from Veteran-Student Services to Work-Study Allowance.

The Committees expect that the Department will pay the State minimum wage where the State wage is higher and where necessary to compete in the marketplace.

B. Selected reservists' work-study assignments

Current law: Under section 1685 of title 38, individuals training under chapter 106 of title 10 (Montgomery GI Bill for members of the Selected Reserve) are not eligible to participate in the work-study program and the authorized assignments do not include activities related to the administration of chapter 106.

Senate bill: Section 305(b) would expand the work-study program to include Selected Reserve members pursuing a full-time program under chapter 106 who perform work related to the administration of chapter 106 at Department of Defense facilities.

House bill: No provision.

Compromise agreement: Section 405(b) would authorize, for purposes of work study in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities.

C. Eligibility

Current law: Section 1685(b) of title 38 provides work-study eligibility to participants who are pursuing full-time programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34.

Senate bill: Section 305(c) would, effective August 1, 1990, make eligible for work-study benefits (1) service-disabled veterans pursuing training or attending school at a half-time-or-higher rate under chapter 31, and (2) veterans with service-connected disabilities rated at 30 percent or more who are pursuing a program of education under chapter 30, 32, or 34. Further, section 306 would expand, effective August 1, 1990, eligibility for VA's work-study program to include survivors and dependents pursuing an education program on a full-time basis under chapter 35.

House bill: Section 3(b) of H.R. 3390 would expand work-study eligibility, effective January 1, 1990, to individuals who are pursuing at least half-time programs of rehabilitation, education, or training under chapter 30, 31, 32, 34, or 35.

Compromise agreement: Section 405(c) would provide that individuals pursuing at least ¾-time programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of title 38 and chapter 106 of title 10 are eligible for work-study participation, effective May 1, 1990.

Work-Study Program for survivors and dependents

Current law: Service-connected-disabled veterans' survivors and dependents pursuing education programs under chapter 35 of title 38 are currently ineligible for work-study benefits.

Senate bill: Section 306 would, effective August 1, 1990, expand eligibility for the Department's work-study program to include service-connected-disabled veterans' dependents and survivors pursuing education programs under chapter 35.

House bill: No provision.

Compromise agreement: Section 406 contains the Senate provision with an amendment limiting the provision's applicability to chapter 35 students who are pursuing an education program at the rate of ¾-time or higher, effective may 1, 1990.

Extension and expansion of the Veterans' Readjustment Appointment [VRA] Authority

Current law: the VRA authority was created in 1970 by Executive Order 11521 and is derived from the earlier "Vietnam-Era Transitional Appointment" authority created in 1968 by Executive order 11397. The VRA authority has been revised and codified in section 2014 of title 38. The statutory appointment authority expires on December 31, 1989. Under section 2014, certain Vietnam-era and service-disabled Vietnam-era veterans may be given excepted appointments in the Federal civil service, i.e., may be hired non-competitively. A veteran who receives a VRA must be provided with a program combining education or training with the opportunity for a regular career appointment. A veteran who satisfactorily completes two years of substantially continuous service under a VRA and an education or training program may be converted to career-conditional employment and automatically acquires a competitive status for civil service purposes.

Extension of Termination Date

Current law: Appointments may not be made under section 2014 after December 31, 1989.

House bill: Section 2 of H.R. 2486 would eliminate the December 31, 1989, termination date and thus make the VRA authority permanent.

Senate bill: Section 308 would extend the termination date to December 31, 1991.

Compromise agreement: Section 407(a) would extend the VRA termination date to December 31, 1993.

Eligibility

Current law: Vietnam-era veterans who are not entitled to service-connected disability compensation and who have no more than 14 years of education, and all Vietnam-era veterans, regardless of the educational level achieved, who have compensable disabilities or were discharged for service-connected disabilities are eligible for VRAs up to and including the GS-9 level or its equivalent.

House bill: Section 2 of H.R. 2486 would (1) provide eligibility to veterans of the Vietnam era and veterans who first became members of the Armed Forces or first entered on active duty after January 1, 1977; (2) provide VRA eligibility without regard to the number of years of education completed by the veteran; and (3) require that veterans who are entitled to service-connected disability compensation or were discharged for a service-connected disability be given a preference for a VRA appointment over other veterans.

Senate bill: Section 308 would (1) provide eligibility during the two-year extended period to (A) Vietnam-era veterans who are service-disabled or served on active duty in the Vietnam theater of operations, (B) any veteran with a service-connected disability rated at 30 percent or more, and (C) veterans who served on active duty after the Vietnam era; and (2) permit a veteran to receive only one appointment after the date of enactment.

Compromise agreement: Section 407(b) would, as of the date of enactment, provide eligibility during the extended period to (1) Vietnam-era veterans who are service-disabled or received a campaign badge during the Vietnam era (including a campaign badge for service in the Dominican Republic, Korea, and Cambodia); (2) post-Vietnam-era veterans (i.e., those discharged after May 5, 1975); and (3) eligible non-disabled veterans who have completed not more than 16 years of education at the time of appointment.

The Committees note that section 3112 of title 5, United States Code, provides authority for non-competitive appointments of all veterans with service-connected disabilities rated at 30 percent or higher. Federal Government employment and advancement opportunities for such veterans is promoted through the Disabled Veterans Affirmative Action Program, and a service-disabled veteran who has completed a chapter 31 program of rehabilitation is eligible for a non-competitive appointment.

Grade Level Restriction

Current law: A VRA may not be made above the GS-9 level or the equivalent.

House bill: Section 2 of H.R. 2486 would provide that a VRA may be made to a position at any grade level in the competitive service.

Senate bill: No provision.

Compromise agreement: Section 407(b) would raise the grade-level restriction from GS-9 to GS-11 for a Vietnam-era veteran who is service-disabled or who earned a campaign badge during the Vietnam era.

Eligibility Period

Current law: A veteran of the Vietnam era is eligible for a VRA without any time limitation based on the date of separation from active duty.

House bill: Section 2 of H.R. 2486 would provide that (1) a Vietnam-era veteran, a service-connected-disabled veteran, and a veteran who served in a campaign or expedition for which a campaign badge has been authorized shall be eligible for a VRA without any time limitation; and (2) a veteran who first became a member of the Armed Forces or first entered on active duty after January 1, 1977, may receive an appointment only within the 5-year period following (A) the date of the veteran's last discharge or release from active duty, or (B) the date of enactment, whichever is later.

Senate bill: Section 308 would limit the period during which a veteran may receive an appointment to the later of (1) the end of the 4-year period from date of separation, or (2) the end of the 2-year period beginning on the date of enactment.

Compromise agreement: Section 407(b) contains the Senate provision.

Training for VRA Appointees/Conversion to Career-Conditional Appointment

Current law: A VRA appointee must satisfactorily complete both an education or training program and a period of substantially continuous service measuring at least 2 years before being eligible for conversion to career-conditional status in the competitive service.

House bill: Section 2 of H.R. 2486 would provide that any veteran receiving a VRA (1) is to receive training or education to the extent, if any, considered appropriate by the agency involved, and (2) upon successful completion of any prescribed probationary period established by the employing agency, would acquire competitive status.

Senate bill: No provision.

Compromise agreement: Section 407(b) would require education or training only for those appointees with fewer than 15 years of education.

Pilot Program to furnish employment and training information and services to separating members of the Armed Forces

Current law: Chapter 41 of title 38 authorizes Disabled Veterans' Outreach Program Specialists (DVOPs) and Local Veterans' Employment Representatives (LVERs) to furnish job and job-training counseling, employment placement, and job-training placement services to eligible veterans and persons.

Senate bill: Section 309 would require, effective October 1, 1989, the Secretary of Labor, during fiscal years 1990 through 1992, to conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days before they are separated from the Armed Forces. The pilot program would be conducted in not more than five geographically-dispersed States in which the Secretary of Labor determines that services to veterans would not be unduly limited as a result of the pilot program, with the Secretary to provide a report on the experience under the pilot program by February 1, 1992. In carrying out the program, the Secretary would be required to utilize Disabled Veterans' Outreach Program Specialists or Local Veterans' Employment Representatives to the maximum extent feasible to furnish services under the pilot program.

House bill: No provisions.

Compromise agreement: Section 408 contains the Senate provision with amendments (1) requiring that (A) the pilot program be conducted in not less than five and not more than ten States meeting the requirements in the Senate provision, and (B) the Secretary of Labor to conduct the pilot program in cooperation with the Secretary of Defense and the Secretary of Veterans Affairs; (2) changing the program period from fiscal years 1990 through 1992 to calendar years 1990 through 1992; and (3) postponing the deadline for the Secretary's report to May 1, 1992.

The Committees intend that (1) at the majority of sites in the pilot program individual State Employment Security Agencies (SESAs) which are participating in the pilot program be given discretion to use college faculty and service officers of veterans' service organizations in addition to DVOPs and LVERs in the conduct of the program, (2) the Secretary take into account the benefits of not outstanding DVOPs and LVERs, as demonstrated by the Career Awareness Program of the California Employment Development Department, the U.S. Navy, and the Disabled American Veterans, Department of California Rehabilitation Foundation, as compared to the apparent disadvantages of outstationing used in other projects of this type, (3) the Secretary draw liberally from the experiences of CAP in conducting the pilot program, (4) the Secretary's February 1, 1992, report on the experience under the pilot program address, among other issues, job placement rates and unemployment costs avoided, and contain a rigorous review of the strengths and weakness of the pilot program, and (5) in providing any funding to be provided to individual SESAs for preseparation employment and training programs for servicemembers, the Secretary of Labor give special consideration to those States which have developed such programs through their own initiative.

Further, the Committees intend that (1) the pilot program be administered through a line-management official in the Veterans' Employment and Training Service (VETS) rather than by the immediate staff of the Assistant Secretary for Veterans' Employment and Training, and (2) in case any individual is detailed to the Labor Department from other Federal agencies or Departments to assist in the pilot program, such individual should be assigned to the line-management official in VETS responsible for administering the program.

Secondary school requirement for Montgomery G.I. bill eligibility

Current law: Sections 1411(a)(2) and 1412(a)(2) of title 38 require that, to be considered eligible for the Montgomery GI Bill (MGIB) (Active Duty), a servicemember must have earned a secondary school diploma or an "equivalency certificate" before completing his or her initial tour of active duty. Section 2132(a)(2) of title 10 requires that, for a member of the Selected Reserve to earn MGIB (Selected Reserve) eligibility, he or she must earn a diploma or equivalency certificate before completing active duty for training. The term "equivalency certificate" has been used in title 38 (in section 1691) since 1970 and has been interpreted to mean a general education diploma (GED).

House bill: Section 3 of H.R. 1358 would permit chapter 30 participants to meet the secondary-school-diploma requirement by successfully completing the equivalent of 12 semester hours in a program of education leading to a standard college degree before the end of the individual's initial obligated period of active duty.

Senate bill: Section 310 would authorize the Secretary of Defense to prescribe regulations under which the Secretaries of the service branches may determine what constitutes an acceptable secondary school equivalent as a prerequisite for MGIB eligibility—both Active Duty and Selected Reserve.

Compromise agreement: Section 409 contains the House provision.

Prohibition on receiving credit under two programs

Current law: As a result of an inadvertent drafting error, section 1621 of title 38 does not prohibit an individual from earning dual entitlement to educational assistance under chapter 32 of title 38 (the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP)) and chapter 106 of title 10

(MGIB—Selected Reserve) based on the same period of service.

House bill: Section 2 of H.R. 1358 would prohibit individuals from receiving entitlement credit under both chapter 32 of title 38 and chapter 106 of title 10 for the same period of service.

Senate bill: Section 311 is substantively identical to the House provision.

Compromise agreement: Section 410 contains this provision.

Accepting school certification for renewal of benefits after unsatisfactory progress

Current law: Section 1674 of title 38 permits the Secretary to resume payment of education benefits to a veteran following a termination based on unsatisfactory conduct or progress, if the Secretary finds that the cause of the unsatisfactory conduct or progress has been removed and that the veteran's program of education is suitable to the veteran's aptitudes, interests, and abilities.

Senate bill: Section 312 would permit the Secretary to renew the payment of the benefits if the Secretary finds that the veteran will be resuming enrollment at the same educational institution in the same program of education and the institution has approved the veteran's reenrollment and certified it to the Department of Veterans Affairs. In the case of a proposed change of either educational institution or program of education by the veteran, the Secretary would be permitted to renew payment of the benefits if (1) the cause of the unsatisfactory conduct or progress has been removed; (2) the program proposed to be pursued is suitable to the veterans' aptitudes, interests, and abilities; and (3) when a proposed change of program is involved, the change meets the requirements for approval under section 1791 of title 38.

House bill: Section 4 of H.R. 3390 is substantively identical to the Senate provision.

Compromise agreement: Section 411 contains this provision.

Removal of attendance requirements distinctions between degree and non-college degree training

Current law: Sections 1674, 1724, 1775(b), and 1780(a) of title 38 and implementing regulations include a variety of distinctions in the treatment of courses which lead to a standard college degree and courses which do not, including requirements dealing with daily attendance reporting, as set forth in Department of Veterans Affairs regulations (38 C.F.R. 21), and requirements related to standards of academic progress for courses which do not lead to a standard college degree.

According to the Department's regulations (38 C.F.R. 21.4203), educational institutions which have Department-assisted students enrolled in courses which lead to a standard college degree are not required to submit monthly certifications for such students. Rather, such students enrolled in a standard college-degree program certify once a year or term as to attendance. Individuals pursuing non-standard-college-degree programs, on the other hand, are required to certify their absences to the Department on a monthly basis.

Senate bill: Section 313 would—

(1) amend the "standards of academic progress" requirements under sections 1674 and 1724 of title 38 to require that educational assistance be discontinued in the case of a veteran or eligible person who fails to meet the regularly prescribed standards and practices of the educational institution with regard to attendance, progress, and conduct;

(2) amend section 1775(b) to require that, as a condition of approval of accredited courses of an educational institution, a State approving agency must find that adequate records are kept by the institution to show the progress of each eligible person or veteran and that the records must include at a minimum the requirements under section 1776(c)(7) (except for attendance if the institution does not impose minimum attendance standards) in connection with the institution's policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; and

(3) amend section 1780(a) to eliminate the prohibition against the payment of educational assistance to those enrolled in a non-college-degree program or course for any day of absence in excess of 30 days in any 12-month period.

House bill: Section 5 of H.R. 3390 would amend section 1780(a) of title 38 by eliminating the bar to payment of educational assistance or subsistence allowances to an individual enrolled in certain courses not leading to a standard college degree for any day of absence in excess of 30 days in a 12-month period; providing, instead, that no such payment shall be made to a person who is not pursuing his or her course in accordance with the regularly prescribed policies and regulations of the educational institution and of the Secretary, and with the requirements of title 38 education program provisions. This provision further would make conforming amendments to section 1674 and 1724 to clarify that the Department shall discontinue educational assistance allowances to an individual based not only on his or her unsatisfactory conduct or progress but, also, on his or her unsatisfactory attendance as determined in accordance with the regularly established standards and practices of the educational institution involved.

Compromise agreement: Section 412 contains the House provision.

Program administration

Current law: Section 1788 of title 38, relating to the measurement of courses for purposes of determining the rate (*e.g.*, full-time or half-time) at which educational assistance is to be paid, provides that a student participating in a program not leading to a standard college degree and enrolled in a course involving shop instruction must attend three hours of shop training per week in order to obtain the training-time equivalent of one quarter or semester hour or one standard class session.

House bill: Section 6 of H.R. 3390 would change the standard for evaluating the training time of students enrolled in courses with shop training so that a minimum of three 50-minute shop periods per week would be the equivalent of one quarter or semester hour or one standard class session.

Senate bill: No provision.

Compromise agreement: Section 413 contains the House provision with an amendment providing for the continuation for six months of the Department's current effort to avoid overpayments resulting from changes of military status of educational assistance recipients under chapter 106 of title 10 and chapters 30 and 32 of title 38.

Funding for State approving agencies for training curriculum development

Current law: Under section 1774 of title 38, the Department of Veterans Affairs enters into contracts with State approving agencies (SAAs) under which the Department provides them with reimbursement (up to an aggregate total of $12 million in any fiscal year) for their reasonable and necessary expenses of (1) ascertaining the qualifications of educational institutions for furnishing courses of education to eligible persons or veterans under Department-administered programs and the supervision of these educational institutions, and (2) furnishing, at the request of the Secretary, any other services in connection with those programs. Section 1774A(a)(4) of title 38 requires the Secretary to cooperate with the SAAs in developing and implementing a uniform national curriculum, to the extent practicable, for training new SAA employees and for continuing the training of their employees and to sponsor with the SAAs the training and continued training.

House bill: Section 7 of H.R. 1358 would amend section 1774(a) to provide for the use of readjustment benefit account funds to carry out activities in connection with SAAs pursuant to section 1774A. Such activities would include, but not be limited to, the development and implementation of a national training curriculum for SAA employees.

Senate bill: Section 314 would provide that, effective October 1, 1989, FY 1990 funding that the Secretary provides to SAAs for their expenses in carrying out their duties may be used for expenses incurred in carrying out activities in connection with section 1774A(a)(4) of title 38 (except for administrative overhead expenses allocated to such activities).

Compromise agreement: Section 414 contains the Senate provisions.

Proof of satisfactory pursuit of a program of education

Current law: Section 1784(a)(1) of title 38 requires educational institutions as well as individuals training under chapter 34 (Vietnam Era GI Bill Program) or 35 (Survivors' and Dependents; Educational Assistance Program) to report without delay enrollments, terminations, and interruptions of eductional pursuit, including changes in enrollment status such as discontinuance of a course. By Department of Veterans Affairs regulation (38 CFR 21.4203, "Report/requirements"; 38 CFR 21.4204, "Periodic certifications"; and 38 CFR 21.4205, "Absences"), this reporting requirement is applied differently to individuals enrolled in various types of educational and training programs and at degree-granting versus non-degree-granting institutions.

Section 1434(b) of title 38 provides that the Secretary may withhold payment of chapter 30 (Montgomery GI Bill (MGIB)) education assistance benefits to students pending receipt of the necessary reports and proof of enrollment in and satisfactory pursuit of a program. Under this provision, the Department requires MGIB (Active Duty) participants to provide monthly self-certifications verifying pursuit of training as a prerequisite to payment of benefits.

Senate bill: Section 315 would provide that the Secretary may (1) withhold educational or rehabilitation allowances under any Department-administered program until the required proof of enrollment and pursuit is received and the amount of payment is appropriately adjusted; and (2) accept the veteran's or eligible person's monthly certification of enrollment in and satisfactory pursuit of his or her program as sufficient proof of the certified matters.

House bill: No provision.

Compromise agreement: Section 415 contains the Senate provision.

Reporting fees

Current law: Under section 1784(c) of title 38, the Department annually pays reporting fees to educational institutions and training establishments. This fee is intended to help defray the costs associated with the schools' processing of various reports and certifications required to be submitted to the Department on the enrollment of students receiving Department assistance under all Department-administered programs other than chapter 31 (rehabilitation programs for certain service-disabled veterans). Educational institutions are required to report promptly the entrance, re-entrance, change in hours of credit or attendance, interruption, and termination as to each Department-assisted student. In addition, schools must verify the enrollment of, and delivery of benefit checks to, each veteran or eligible person receiving advance payment.

The annual reporting fee paid to a school is computed by multiplying the number of Department beneficiaries training at the school by $7 (or $11 in the case of individuals on whose behalf an advance payment of benefits is sent to the school) who are enrolled at the school on each October 31.

Senate bill: Section 316 would amend section 1784 of title 38 to include veterans pursuing chapter 31 training in the count of those on whose behalf VA pays schools a fee to defray the costs they incur in providing VA with mandatory reports and certifications regarding the enrollment of VA-assisted students.

House bill: Section 2 of H.R. 3390 is substantively identical to the Senate provision.

Compromise agreement: Section 416 contains this provision.

Clock-hour measurement of certain unit courses or subjects creditable toward a standard college degree

Current law: Section 1788(e) of title 38 sets forth a method for determining full-time pursuit of a course not leading to a standard college degree that is offered by an institution of higher learning and for which the institution requires one or more unit courses or subjects creditable toward a standard college degree. The prescribed method provides for reducing the number of clock hours otherwise required for considering a non-degree as full-time study by the percentage which the number of credit hours (represented by such unit courses or subjects) being pursued is of the number of credits required for a full-time college-degree course (under section 1788(a)(4)).

Senate bill: Section 317 would revise the method for measuring pursuit of such a non-degree course so that the number of college credit hours would be converted to equivalent clock hours, which then would be combined with the actual number of clock hours being concurrently pursued, if any, to determine training time under the clock-hour measurement standards.

House bill: Section 7 of H.R. 3390 is substantively identical to the Senate provision.

Compromise agreement: Section 417 contains this provision.

Department of Veterans Affairs approval of certain courses

Current law: Section 1789 of title 38 sets forth the "two-year" rule, under which the Secretary may not approve the enrollment of veterans and other eligible persons in certain courses that have not been in operation for at least two years. Section 1673(d) of title 38 sets forth the "85-15" rule, under which veterans and other eligible persons generally may not be paid educational assistance for enrollment in any course in which more than 85 percent of the enrollees have all or part of their tuition, fees, or other charges paid to or for them by the Department or by the educational institution. These rules do not apply to courses offered by an educational institution under contract with the Department of Defense (DOD) that are given on or near a military base, are available only to active-duty military personnel or their dependents, or both, and have been approved by the State approving agency of the State in which the base is located.

Senate bill: Section 318 would amend section 1789(b)(6)(B) of title 38 to modify the exemption for a course offered under DOD contract on or near a military base so as to include individuals training under chapter 106 of title 10 (MGIB-Selected Reserve) among those to whom an exempt course may be available.

House bill: No provision.

Compromise agreement: Section 418 contains the Senate provision.

Effective date of adjustments of educational benefits

Current law: Section 1784 of title 38 requires veterans and other individuals training under Department-administered education programs and the educational institutions involved to report to the Department, without delay, enrollments, terminations, and interruptions of educational pursuit, including changes in enrollment status such as discontinuance of a course. In the case of veterans enrolled in degree programs, the school is required by Department regulation (38 CFR 21.4203) to have in place a procedure for monitoring student pursuit that enables a school to report a change in a student's enrollment up to 30 days after the date on which the change occurs. Failure to report changes in a timely manner may result in liability for overpayments for both the institution and the student. In the case of degree-level training, reductions in benefits based on changes in the rate of pursuit—for example, a reduction from full-time benefits to three-quarter-time benefits in the case of a veteran who discontinues a course and drops from 12 hours to 9 hours of pursuit—are effective at the end of the month in which the change occurs.

Senate bill: Section 320 would amend section 3013 of title 38 to provide that, in the case of programs as to which the Department exercises the discretionary authority to require monthly self-certifications—authority proposed in section 415 of the compromise agreement (discussed above)—the effective date of an educational benefits adjustment based on a change of a student's course load or other change in aggregate training time would be the date of the change rather than the end of the month in which the change occurs.

House bill: No provision.

Compromise agreement: Section 419 contains the Senate provision.

Determination of delimiting period

Current law: Chapters 30, 32, and 34 of title 38 contain certain service requirements for the initial period of active duty under which the individual earns program eligibility. For those who remain on active duty following completion of the initial qualifying period of service or who have more than one period of active duty, the 10-year delimiting period for use of education benefits is computed based on the last date of discharge or release from active duty. Under current law, no minimum length of service is required in order to establish a new delimiting period based on a period of active duty which follows the initial qualifying active duty period.

House bill: Section 1 of H.R. 1358 would provide that the 10-year delimiting period for use of educational assistance benefits under chapters 30, 32, and 34 of title 38 would begin on the date of the last discharge or release from active-duty period of at least 90 continuous days unless the individual is discharged or released for a service-connected disability, for a medical condition which pre-existed such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force. This limitation would apply only to an active-duty period served subsequent to completion of an individual's initial qualifying active-duty period.

Senate bill: No provision.

Compromise agreement: Section 420 contains the House provision.

Information To Assist Veterans Receiving Department-Administered Education Benefits

House bill: Section 1 of H.R. 3390 would require the Secretary, for the purpose of assisting individuals receiving Department-administered education benefits, to (1) prepare and update periodically a detailed document describing the benefits, limitations, procedures, requirements, and other important aspects of Department education programs; (2) distribute copies of the document (A) on an annual basis to each individual applying for and receiving benefits, (B) on at least an annual basis to education and training institution officials, and (C) upon request to others significantly affected by Department education programs, including military education personnel; and (3) use funds appropriated to the Department's readjustment benefits account to carry out this provision.

Senate bill: No provision.

Compromise agreement: Section 421 contains the House provision.

Educational Assistance for Flight Training

Current law: Section 1673 of title 38 prohibits the use of Department-administered education benefits for any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree.

Senate bill: Section 322 would amend sections 1432 and 1434 of title 38 and sections 2131 and 2136 of title 10 to establish, effective September 30, 1990, a four-year program under which Montgomery GI Bill benefits may be used for flight training if (1) the training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation; (2) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial license; and (3) the flight school courses meet Federal Aviation Administration (FAA) standards for such courses and are approved by the FAA and the State approving agency. This provision would be effective September 30, 1990, and would not apply to a course of flight training that commences after September 30, 1994.

The educational assistance allowance would be paid in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly-circumstanced nonveterans enrolled in the same flight course are required to pay. In the case of an individual training under chapter 30 of title 38,

the number of months of entitlement charged would be computed by dividing the total amount of educational assistance paid for flight training by the participant's normal monthly rate of educational assistance; in the case of an individual training under chapter 106 of title 10, one month of entitlement would be charged for each $140 of educational assistance paid for flight training.

The Secretary would be required to conduct—and by January 31, 1994, submit to the Committees a report on—an evaluation of the effectiveness of paying flight-training benefits in preparing veterans for employment in the field of aviation.

House bill: No provision.

Compromise agreement: Section 422 contains the Senate provision.

Various technical and clerical amendments

Half-Time Training Under Chapter 30

Current law: Section 1434(a) of title 38 makes certain provisons of chapter 36 (Administration of Educational Benefits) applicable to the administration of the chapter 30 program. As a result of an oversight, the application to chapter 30 of such provision, section 1780(f)—which deals with computing chapter 34 and 35 benefits for less-than-half-time training—results in paying chapter 30 part-time participants at chapter 34 and 35 rates rather than chapter 30 rates.

House bill: Section 8 of H.R. 3390 would make section 1780(f) inapplicable to the chapter 30 program and add a new subsection (c) to section 1434 to provide for the same method of payment to be used for less-than-half-time training as under chapter 34 and 35 but for payment to be made at chapter 30 rates.

Senate bill: Section 321(a) contains the same provision.

Compromise agreement: Section 423(a) contains this provision.

Entitlement Charge Under Chapter 32

Current law: Title 38 is silent on the appropriate reduction to be made in chapter 32 entitlement when a veteran pursuing an apprenticeship or other on-job training program under chapter 32 works less than 120 hours in a month.

Senate bill: Section 321(b) would amend section 1633 of title 38 to provide for a proportionately reduced charge to entitlement when a veteran pursuing apprenticeship or other on-job training under chapter 32 receives a reduced monthly allowance because of having worked less than 120 hours in a month.

House bill: Section 8 of H.R. 3390 contains the same provision.

Compromise agreement: Section 423(a) contains this provision.

Administration of Educational Benefits

Current law: Under section 1790(a)(2) of title 38, the Secretary may disapprove educational institutions for the enrollment of eligible veterans or eligible persons when the institution has a policy or practice that has the effect of denying them the benefit of the prepayment of allowances—that is, payment of an educational assistance allowance for a month of pursuit prior to the actual month of such pursuit. However, the Department no longer prepays monthly educational benefits. Instead, the allowance is paid following the month of pursuit.

Section 1790(b)(3)(A) provides that the Department may suspend all Department-administered educational benefits in the case of a school that has violated one or more of the recordkeeping or reporting requirements in chapter 32, 34, 35, or 36. However, there is no express provision which would permit the Department to suspend benefits if an institution violated these same requirements under chapter 30. Thus, the Department may suspend benefits under chapter 30 for violations of the recordkeeping or reporting requirements in other chapters, but not for violations of those in chapter 30 itself.

Senate bill: Section 321(c) would (1) amend section 1790(a)(2) to delete the outdated reference to the prepayment of monthly educational assistance allowances, and (2) amend section 1790(b)(3)(A) to authorize suspensions for violation of chapter 30 recordkeeping and reporting requirements.

House bill: No provision.

Compromise agreement: Section 423(a) contains the Senate provision.

Deadline for Initiation of Selected Reserve Service Under Chapter 30

Current law: Section 1412 of title 38 requires that a chapter 30 participant earning entitlement through two years of active duty and four years of service in the Selected Reserve begin the 4-year continuous Selected Reserve portion of the program after completion of the requisite active-duty period.

House bill: Section 8 of H.R. 1358 would provide that a participant has one year following separation from active duty to start the four-year continuous Selected Reserve portion of the program.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Entitlement for "Open Period" Enrollees Under Chapter 30

Current law: Section 1418 of title 38 established a seven-month "open period" (December 1988–June 1989), during which certain servicemembers who opted out of chapter 30 participation at the time of entering on active duty would have an opportunity to withdraw their earlier selections not to participate.

House bill: Section 8 of H.R. 1358 would amend section 1413(c) of title 38 to provide that those who become chapter 30 participants during the open period but who, because of service-connected disability, pre-existing medical condition, hardship, or reduction in force, are discharged before completing the requisite period of active duty are entitled to one month of chapter 30 assistance for each month of continuous active duty.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Extension of Montgomery GI Bill Death Benefit to Include Survivors of Non-High-School Graduates

Current law: Section 1417 of title 38 requires the Secretary, effective July 1, 1985, to provide a death benefit to certain survivors of a chapter 30 MGIB participant who is eligible for MGIB benefits and who dies from a service-connected cause while serving on active duty. The death benefit is equal to the total amount of the deceased participant's pay reductions minus the amount of educational assistance that the participant had received.

House bill: Section 8 of H.R. 1358 would extend the death benefit to include certain survivors of MGIB participants who die on active duty prior to establishing MGIB eligibility through the attainment of a high school diploma or the equivalent.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provisions.

Reference to Chapter 109 of title 10

Current law: Section 1433(b) of title 38 employs an outdated reference to "section 902 of the Department of Defense Authorization Act, 1981(10 U.S.C. 2141 note)" in providing that service counted for purposes of repayment of an education loan under that section may not also be counted for purposes of entitlement to educational assistance under chapter 30.

House bill: Section 8 of H.R. 1358 would replace the outdated citation with a reference to chapter 109 of title 10.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Refresher Training Under Chapters 30 and 32

Current law: Under section 1671 of title 38, veterans and eligible persons may not be paid educational benefits for pursuit of a program of education if they are already qualified for the objective of the program. However, sections 1434(a)(3) and 1641(a)(2) allow benefits under chapters 30 and 32, respectively, to be paid for "refresher" courses, which include courses to update the individual's knowledge and skills or to provide instruction in technological advances.

House bill: Section 8 of H.R. 1358 would clarify that the reference to technological advances for which refresher training may be pursued under chapters 30 and 32 is to advances made during and since the periods of the veteran's service on active duty.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Inclusion of Omnibus Diplomatic Security and Anti-Terrorism Act of 1986

Current law: Section 1871(b) of title 38 generally prohibits the concurrent receipt of educational benefits under two or more provisions of law administered by the Department, and section 1795(a) generally limits to 48 months (or the part-time equivalent thereof) the aggregate period for which any person may receive Department-administered educational assistance.

House bill: Section 8 of H.R. 1358 would add references to the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 in sections 1781(b) and 1795(a) of title 38.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Clarification and Extension of Chapter 30 Entitlement Upon Expiration

Current law: Section 1661(b) of title 38 provides for an individual's entitlement under chapter 34 to be extended to the end of a quarter or semester when entitlement would otherwise expire during the quarter or semester or, if the individual is enrolled in an institution not operated on the quarter or semester system, to the end of a course or for 12 weeks, whichever is the lesser period, when entitlement would expire after completion of the majority of the course. Current law provides for no such entitlement-extension authority with respect to students enrolled under chapter 30 of title 38.

House bill: Section 8 of H.R. 1358 would include chapter 30 participants among those eligible to receive extensions of entitlement in the same way as is currently reserved for chapter 34 participants in section 1661(b).

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Withdrawal From Course Under Mitigating Circumstances

Current law: Section 1780(a)(4) of title 38 permits a student who is using VA education benefits a one-time opportunity to withdraw from a course or courses not exceeding 6 semester hours or the equivalent without being required to repay benefits retroactive to the beginning of the term. Where the withdrawal is from a course or courses exceeding 6 semester hours or is the second or subsequent withdrawal, the individual must either demonstrate that mitigating circumstances are involved in the withdrawal or be charged with an overpayment retroactive to the beginning of the term.

Senate bill: Section 307 would provide that mitigating circumstances include difficulties beyond the control of the eligible student in making or changing child-care arrangements that are necessary for the student to pursue training.

House bill: No provision.

Compromise agreement: No provision.

The Secretary has stated in the Department's Interim Report on Veterans' Education Policy that he will address this issue through regulatory change. The Committees urge that such regulation *require* that child-care difficulties be included as a "mitigating circumstance" and intend to reconsider the Senate provision in the event that such a regulatory change does not materialize.

TITLE V—MEMORIAL AFFAIRS

Reimbursement for Cost of Cemetery Headstone or Marker

Current law: Section 906 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to reimburse the person entitled to request the headstone or marker for the actual costs incurred by or on behalf of that person in acquiring a headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of a deceased individual who is eligible for burial in a national cemetery. The amount of the reimbursement may not be in excess of the average actual cost that VA pays for headstones and markers.

House bill: No provision.

Senate bill: Section 501 would permit payment of the headstone or marker allowance to the estate of a deceased veteran who purchased a headstone or marker prior to death.

Compromise agreement: Section 501 contains the Senate provision.

Burial of Cremated Remains in Arlington National Cemetery

House bill: H.R. 88 would direct the Secretary of the Army, who administers the Arlington National Cemetery, to set aside an appropriate area in Arlington National Cemetery (not suitable for the burial of casketed remains) for the unmarked interment of the cremated remains of persons eligible for interment in that cemetery. Secretaries of the military departments would be required to make available appropriate forms for those who wish to be buried in accordance with this provision.

Senate bill: Section 502 is substantively identical to the House provision.

Compromise agreement: Section 502 contains the House provision.

Membership on American Battle Monuments Commission

Current law: Section 121 of title 36, United States Code, provides for the appointment of commissioned officers of the Armed Forces as members of the Commission.

House bill: Section 1 of H.R. 1414 would authorize the appointment of enlisted members of the Armed Forces as members of the Commission.

Senate bill: No provision.

Compromise agreement: Section 503 contains the House provision.

Grave Liners

Current law: Section 906(e) of title 38 authorizes the Secretary to provide a grave liner for any grave in a cemetery within the National Cemetery System in which remains are interred in a casket.

House bill: Section 2 of H.R. 1414 would require the Secretary, effective October 1, 1989, to provide a grave liner for each grave in a cemetery within the National Cemetery System if the cemetery (1) was established on or after January 1, 1987; or (2) had over 200 interments during the year preceeding the year in which the grave liner is to be provided.

Senate bill: No provision.

Compromise agreement: Section 504 would require, effective January 1, 1990, that graveliners be used for each new grave in open national cemeteries.

Operation of Certain Cemetery

House bill: Section 3 of H.R. 1414 would require the Secretary to enter into a contract with the State of Michigan under which the Department would operate and maintain the Fort Mackinac post cemetery located in Mackinac Island State Park.

Senate bill: No provision.

Compromise agreement: Section 505 contains the House provision.

In view of the low one-time cost and recurring costs of only $8–10 thousand a year and the fact that the Mackinac cemetery was initially part of the Federal National Park System, the Committees believe Federal maintenance of the cemetery is an appropriate way of commemorating those veterans buried there. The Committees do not consider this arrangement to be a precedent for legislation that would require VA to assume management of state cemeteries.

TITLE VI—MISCELLANEOUS

Expansion of Multiyear Procurement Authority To Include Non-Medical Items

Current law: Section 114 of title 38 currently authorizes the Department, under certain circumstances, to use multi-year contracts for the procurement of certain supplies and services used in its health-care facilities.

Senate bill: Section 702 of the Committee bill would expand the Department's multiyear procurement authority to include the purchase of non-health-care supplies and services.

House bill: No provision.

Compromise agreement: Section 601 contains the Senate provision.

The Committees intend that, within 18 months after enactment, the Secretary provide a letter-report to the Committees on the extent to which the Secretary has used this authority and economies and efficiencies gained from it in regard to (a) bid prices, (b) contract administration, and (c) increased quality of service from contractors.

Court of Veterans Appeals Judicial Personnel Financial Disclosure Requirements

Current law: Title III of the Ethics in Government Act of 1978 (sections 301–09 of title 28 Appendix, United States Code) sets forth the financial disclosure requirements generally applicable to Federal judges and to Federal court employees who either perform adjudicatory functions or are paid at or above the minimum rate for grade GS–16. The requirements of this Act apply to judges of the Court of Claims, the Court of International Trade, the Tax Court, and the United States Court of Military Appeals, and to judicial employees of the Tax Court and the Court of Military Appeals.

Senate bill: Section 705(b) would amend section 308 of the Ethics in Government Act, to add the United States Court of Veterans Appeals to the list of courts covered by that law.

House bill: No provision.

Compromise agreement: Section 602(a) contains the Senate provision.

Authority To Administer Oaths

Current law: Chapter 72 of title 38, which established the Court of Veterans Appeals, does not specifically authorize judges of the Court of Veterans Appeals to administer oaths. However, judges in other Article I courts such as the Tax Court (26 United States Code, section 7456) and the Court of Military Appeals (title 10, United States Code, section 936) are specifically authorized by statute to administer oaths.

Senate bill: Section 705(c) would amend section 4054 of title 38 to authorize judges of the Court to administer oaths.

House bill: No provision.

Compromise agreement: Section 602(b) contains the Senate provision.

Authority To Compel Actions Unreasonably Delayed

Current law: Section 4061(a)(2) of title 38 authorizes the Court of Veterans Appeals to "compel action of the Secretary . . . unlawfully withheld." The Adjudication Procedures Act (title 5, United States Code, section 706) authorizes U.S. courts to compel both action unlawfully withheld and action unreasonably delayed.

Senate bill: section 705(d) would amend section 4061(a)(2) of title 38 to authorize the Court to compel actions of the Secretary unreasonably delayed.

House bill: No Provision.

Compromise agreement: Section 602(c) contains the Senate provision.

Collocation of Regional Offices With Medical Centers

Current Law: Section 230 of title 38 provides that the Department's Central Office must be located in the District of Columbia and authorizes the Secretary to establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary deems necessary.

House bill: Section 8 of H.R. 1335 would require the Secretary to take action to collocate at least three, but not more than seven, Department regional offices with Department medical centers on the sites occupied by the medical centers or on adjacent property under the jurisdiction of the Department. This provision would authorize the Secretary, in accomplishing the collocations (1) to lease property on medical center grounds or property adjacent to medical centers under the jurisdiction of the Department to private parties for up to 35 years; (2) to enter into lease agreements for

new office facilities to be constructed on the leased property by the private parties, with any such lease to be limited to 35 years and required to contain a provision stating that ownership of the facility would vest in the United States at the end of the lease term; and (3) to sublease portions of the facility to other parties at a rate not less than the rate provided in the facility lease agreement, with amounts received by the Secretary required to be used to defray the cost of the lease of the facility. The Secretary's authority to enter into such an agreement would expire on October 1, 1992.

The Secretary would be required to issue, within 90 days after enactment, a request for proposals for three collocations, and, within one year after issuance of the request, unless the Secretary determines that the collocations are not economically feasible, the Secretary would be required to enter into an agreement to carry them out. The House and Senate Committees on Veterans' Affairs would be provided with copies of the request for proposals and the agreement for the collocation project at least 30 days, before the issuance of the request or the contract is entered into, as the case may be.

Senate bill: No provision.

Compromise agreement: Section 603 contains this provision with amendments providing that (1) each agreement to lease a facility shall include a provision that the obligation of the United States to make payments under the lease is subject to the availability of appropriations for that purpose; (2) the Secretary would be required to issue, within 120 days after the date of enactment an invitation for offers with respect three collocations, and, within one year after issuance of the invitation, unless the Secretary determines that the collocations are not economically feasible, enter into an agreement to carry out one collocation, and, within 180 days after entering into the first agreement, enter into agreements to carry out two additional collocations; (3) the House and Senate Committees on Veterans' Affairs would be provided with at least 10 days advance notice of the invitation; and (4) the Secretary would be provided with similar authority to acquire not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements. The authority to enter into an agreement for such a facility would not take effect until the Secretary has entered into agreements to carry out at least three co-locations and would expire on October 1, 1993.

Court of Veterans Appeals Exclusive Jurisdiction

Current law: Section 775 of title 38 provides United States district courts with "original jurisdiction of any civil action or claim against the United States founded upon [subchapter III of chapter 19 of title 38]", which relates to Servicemen's Group Life Insurance and Veterans' Government Life Insurance, and section 784(a) confers jurisdiction on U.S. district courts to "hear and determine" controversies involving National Service Life Insurance or United States Government Life Insurance claims. Section 1820 provides that the Secretary may sue or be sued "in any court of competent jurisdiction, State or Federal", with respect to "matters arising by reason of [chapter 37]", relating to the Department's home loan guaranty program. However, under section 4052(a) of title 38, the United States Court of Veterans Appeals has exclusive jurisdiction to review decisions of the Board of Veterans' Appeals (BVA). Under section 402 of the Veterans' Judicial Review Act (division A of Public Law 100-687), the provisions of section 4052(a) apply with respect to cases in which the notice of disagreement (the first step in taking an appeal to the BVA) is filed after November 17, 1988.

Senate bill: Section 705(a) would postpone the effective date of the grant of exclusive jurisdiction to the Court of Veterans Appeals with respect to BVA decisions in insurance and home loan matters by providing that the jurisdiction of the Court to review BVA decisions with respect to a matter covered by sections 775 or 784, or arising under chapter 37, of title 38 shall not be exclusive in cases in which a notice of disagreement is filed before the end of the 30-day period beginning on the date of enactment.

House bill: No provision.

Compromise agreement: No provision.

The committees note that the effect of the Judicial Review Act is that once the BVA has rendered a decision on a claim—including claims relating to insurance and home loan matters—the claimant may not obtain review of that decision in a court other than the Court of Veterans Appeals. However, it is the committees' understanding that under current law, prior to a final decision by the BVA in an insurance or home loan case, a claimant would be able to withdraw the case from the BVA and pursue the claim in a U.S. district court.

Mr. Speaker, let me make a few more comments and say that I want to thank the Members of the House who have been so supportive of our veterans programs, not only this year but in other years past, and especially the subcommittee chairman and the ranking minority members on these subcommittees.

The whole House has been so supportive. We ran out of money last year to run our veterans hospitals, and this House stood up and got extra money to run these veterans hospitals.

The best friend a veteran has is the Congress, especially the U.S. House of Representatives, and we want to let everyone know that. They do not have a better friend nor do the orphans of these veterans or the dependents of these veterans.

Now, Mr. Speaker, we have at the desk on our side of the aisle blue sheets to explain the different veterans amendments and bills that we are passing now, and they will be very helpful to Members. I hope the Members will pick up these supplements.

Mr. STUMP. Mr. Speaker, further reserving the right to object, under my reservation I yield to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman from Arizona, the ranking member of the committee, for yielding.

Mr. Speaker, I rise in strong support of H.R. 901, as amended, the veterans benefits amendments of 1989. This bill is the result of negotiations with the other body and has the consensus of both sides.

The bill itself is a very lean version of legislation upon which the body has already acted favorably. Due to the committee's inability to reach accord with our Senate counterparts, on a number of substantive health care issues contained in the original bill, we are left with basic program reauthorizations and very few new initiatives.

This bill in no way reflects the true nature of the hard work put forth by the chairman, Mr. MONTGOMERY, ranking member, Mr. STUMP, and all members of the committee on Veterans' Affairs.

Important issues, such as the committee's legislative redress to the acute shortages and retention problems of professional nurses employed by the Department of Veterans Affairs and revision of entitlement to outpatient care are not contained in this measure we have before us.

I want to make it very clear to my colleagues that as the ranking member of the Subcommittee on Hospitals and Health Care, these issues are a high priority of mine. I have no intention of letting go of the struggle to correct these glaring deficiencies.

It is my intention to continue to attempt a compromise with the other body and I will push for a resolution in the early months of the second session. I am distressed that this is the second year in a row in which we have been unable to send legislation to the President to address the nursing shortage.

Unfortunately, Mr. Speaker, as you know, the other body is not held to the same set of rules as this one. It seems that every time we send legislation over, it come back very late in the session, with very little time for discussion, containing proposals that our committee simply cannot support. It is for this reason, that the Nation's veterans will be presented with a very lean legislative compromise this year.

I urge the support of my colleagues on H.R. 901, as amended. Although it does not represent the entire legislative agenda for the Committee on Veterans' Affairs for this session, it does contain some essential program reauthorizations and some highly desirable health care program improvements.

Mr. APPLEGATE. Mr. Speaker, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Ohio.

Mr. APPLEGATE. Mr. Speaker, I simply want to echo the words of the gentleman from Mississippi. As the gentleman indicated, title I of the proposed compromise bill would provide a 4.7 percent cost-of-living adjustment [COLA] in rates of disability compensation, including the so-called K award, and dependency and indemnity compensation [DIC], effective December 1. Earlier this year, the House passed a bill that would have provided a 4.9-percent COLA but the other body would not accept an increase greater than that provided to Social

Security and VA pension recipients. Fortunately, it appears that we will be able to enact this important COLA before we adjourn and I wish to thank all those concerned for their efforts.

I wanted to add that title I also contains provisions that would liberalize current law regarding the payment of a special clothing allowance to certain service-disabled veterans with skin conditions, permit certain hospitalized veterans to continue to receive their full pension benefits while so hospitalized, raise the monthly amount of pension that certain veterans may be paid while they are in nursing homes and domiciliaries, lower certain age requirements applicable to the temporary program of vocational rehabilitation for young pensioners, and finally, require the Department to provide more complete information in its notices to claimants, especially in cases where a specific benefit sought is denied. These are all good changes and I urge my colleagues to support the compromise agreement.

Mr. Speaker, I want to compliment and commend besides our chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Arizona [Mr. STUMP], and the gentleman from Ohio [Mr. MCEWEN], for the work they did on the committee in seeing that this bill is before us today.

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Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I just want to rise in the strongest possible support for this legislation and really to commend the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP], as well as the gentleman from Ohio [Mr. APPLEGATE] and the gentleman from Ohio [Mr. MCEWEN] for the outstanding job they did. I am the former ranking Republican on the committee, and I can tell my colleagues that the committee is continuing the way they always have in getting the legislation out, getting it over to the Senate, and the Senate procrastinated in getting it back over here to us.

But again, Mr. Speaker, I thank those four gentlemen and want my colleagues to know that if it were not for the great staffs they have, they would not be as good as they are.

Mr. Speaker, I urge support of this legislation.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I believe we have worked out a good agreement with the other body on the provisions affecting veterans' education, training, and employment programs, as contained in title IV of H.R. 901, as amended. I regret the other body was unwilling to accept certain provisions we thought particularly important, such as some related to the Veterans Readjustment Program, but, overall, the compromise is a good one.

Title IV of H.R. 901, as amended, would:

First, provide that the 10-year delimiting date for use of educational assistance benefits under chapters 30, 32 and 34 would commence from the last discharge from active duty of at least 90 continuous days.

Second, bar receipt of benefits from the VEAP and MGIB-Selected Reserve based on the same period of service.

Third, permit MGIB-Active Duty participants to meet their secondary school diploma requirements by successfully completing the equivalent of 12 semester hours in a program of education leading to a standard degree.

Fourth, increase by 7.5 percent the rates of subsistance allowance paid under chapter 31—vocational rehabilitation.

Fifth, increase by 7.5 percent the rates of educational assistance paid under chapter 35—survivors and dependents.

Sixth, require the Department of Veterans Affairs [DVA] to prepare and distribute a detailed document describing the benefits procedures, requirements, and other pertinent information regarding veterans' educational assistance programs. The document would be sent to individuals when they first apply for DVA education benefits and to education and training institutions.

Seventh, include veterans training under chapter 31 in the annual tally of individuals receiving DVA education benefits for purposes of determining the reporting fee to be paid to an educational institution.

Eighth, extend eligibility for the DVA Work-Study Program to survivors and dependents receiving training under chapter 35.

Ninth, permit the DVA to accept a school's certification for renewal of an individual's educational benefits following termination for unsatisfactory progress or conduct.

Tenth, provide that the measurement of a combination clock/credit hour program would permit the conversion of a credit hours pursued to the equivalent clock hours.

Eleventh, make the attendance requirement for vocational education courses consistent with that of degree programs.

Twelfth, require the DVA to consider three 50-minute periods of workshop training as the equivalent of one standard class session.

Thirteenth, establish a 4-year program under which MGIB benefits may be used for flight training.

Fourteenth, make permanent the program of independent living services for service-disabled veterans under chapter 31.

Fifteenth, authorize the Secretary to base work-study-allowance payments on the higher of the Federal minimum wage or the minimum wage of the State in which the work is performed.

Sixteenth, provide that the maximum hours of work-study to be performed shall be the amount equal to 25 times the number of weeks in the applicable enrollment period.

Seventeenth, provide that individuals pursuing at least three-fourths time programs of education under chapters 30, 31, 32, 34, and 35 of title 38 and chapter 106 of title 10 are eligible for work-study participation.

Eighteenth, authorize the Secretary of Labor, in conjuction with the Secretary of Veterans Affairs and the Secretary of Defense, to conduct a pilot program providing employment and training information services to servicemembers within 6 months of their separation dates.

Nineteenth, provide that funding for the development of a national training curriculum for State approving agencies may come from the amounts made available to the SAA's by the Secretary.

Twentieth, provide the Secretary with discretionary authority to require monthly self-certification verifying pursuit of training under any DVA education program for degree and nondegree training and for all rates of training, including training on less than a half-time basis.

Twenty-first, provide that, if the DVA exercises the discretionary authority to require monthy self-certification, the effective date of an educational benefits adjustment based on a change of a student's course load or other change in aggregate training time would be the date of the change.

Twenty-second, modify the criteria for determining the applicability of, and exceptions to, both the "2-year" and the "85–15" rules, which limit the types of courses for which GI bill benefits may be paid, for certain courses provided under contract with the Department of Defense so as to take into account individuals training under chapter 106, title 10.

Twenty-third, extend the VRA authority from December 31, 1989 to December 31, 1993.

Twenty-fourth, provide eligibility for a VRA appointment to first, veterans of the Vietnam era who are service disabled or who earned a campaign badge of the Vietnam era, and second, veterans who entered on active duty after the Vietnam era.

Twenty-fifth, provide eligibility for a VRA appointment until the later of, first, the end of the 4-year period from date of separation, or second, the end

of the 2-year period beginning on the date of enactment.

Twenty-sixth, provide that nondisabled veterans with no more than 16 years of education could participate in the VRA Program.

Twenty-seventh, increase the maximum grade-level appointment to GS-11 or its equivalent for eligible veterans of the Vietnam era.

Twenty-eighth, require training under the VRA authority only for those appointees with 14 years of education or less.

As I stated earlier, I am disappointed the other body would not accept several of the House-passed provisions relating to the Veterans Readjustment Appointment [VRA] authority. I believe there are fundamental differences in the philosophies of the two bodies regarding both the purpose of the VRA Program and our national responsibility to those who serve in our country's Armed Forces.

We in the House believe the VRA Program serves two very important purposes. The first is to provide employment opportunities for those who have served in the U.S. military, and the second is to enable the Federal Government agencies to quickly and easily recruit and hire veterans. Accordingly, H.R. 2486, the Veterans Recruitment Authority Act of 1989, which was approved by the House on July 31, 1989, would have made the VRA authority permanent. Unfortunately, the other body refused to accept this provision, and the compromise extends the program for 4 years.

Additionally, the House-passed bill would provided eligibility for a VRA appointment for all veterans of the Vietnam era and provided a preference for a VRA appointment to service-disabled veterans over other veterans. We feel a particularly strong sense of responsibility to our citizens who have served in the Armed Forces during a period of war or national conflict and believe we should provide these individuals every opportunity to obtain employment with the same Federal Government that asked them to perform military service. The other body, however, would not accept this provision and would agree to provide eligibility only for those Vietnam-era veterans who are service-disabled or who earned a campaign badge of the Vietnam era.

H.R. 2486 would also have provided that a VRA appointment could be made to a position at any grade level in the competitive service, thus eliminating the current restriction to the GS-9 level or the equivalent. We believe the removal of the grade level restriction would have provided expanded career opportunities for veterans and increased agencies' usage of the VRA. Again, however, the Senate refused to accept our provision and the compromise raises the grade-level restriction from GS-9 to GS-11 for a Vietnam-era veteran who is service disabled or who earned a campaign badge during the Vietnam era.

The provisions mentioned above, and others in the House bill, are important. They would significantly increase employment opportunities for veterans and enhance the ability of Federal agencies to hire the finest-available employees, our Nation's veterans. Accordingly, I intend to raise these issues again in the next session.

I want to thank Chairman MONTGOMERY and the gentleman from Arizona for their resolution and tenacity in working out this excellent compromise. My appreciation also goes to the chairman and ranking minority member of the Senate Veterans' Affairs Committee, ALAN CRANSTON and FRANK MURKOWSKI, for their cooperation.

I also want to take this opportunity to say thank you and wish good luck to Darryl Kehrer, the majority staff member on the Senate committee with responsibility for education, training and employment issues. Darryl will soon be leaving the Senate committee in order to accept a position at the Department of Veterans Affairs. Unquestionably, our loss is the Department's gain. Darryl is the epitome of the dedicated public servant, and we will miss his great spirit of cooperation, commitment, and sincere concern for the veterans of this country.

Title IV of this measure would greatly improve the implementation and administration of veterans' educational assistance programs and our Nation's veterans in their efforts to find meaningful employment. I urge my colleagues to support this compromise.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, I rise in strong support of the measure we have before us. I do so in the firm belief that this legislation serves the purpose of demonstrating our commitment to our veterans.

I wish to commend the dedicated work of the chairman, Mr. MONTGOMERY, and vice chairman, Mr. STUMP, who once again have proven themselves most able and energetic leaders in the formation of responsible veterans policy.

I also wish to note the able leadership of my colleague and friend from Ohio, the chairman of the subcommittee which has made possible the extremely important COLA provisions in this bill. As vice chairman, I am pleased to take special note of the most urgent need that we have addressed.

In recent weeks, we have witnessed a resounding reaffirmation of the allure of freedom, in places where freedom has been denied for too long. We can be grateful that new liberties are being seized peacefully, in Europe and elsewhere.

A responsible veterans policy rightfully recognizes the high price of freedom paid by American service men and women under far more trying conditions, a price that often has included lifelong disabilities and lingering pain.

Just as previous Congresses have justly noted that the guardians of American freedom were deserving of remuneration for their service-connected disabilities, so should we act to assure that such rewards maintain their value.

As has been noted, the proposed amendments would provide a 4.7 percent cost-of-living increase for 2.2 million service-connected veterans, and the 272,000 spouses and 42,000 children receiving dependency and indemnity compensation benefits. This increase would become effective December 1, 1989.

This is absolutely vital to ensure that those who have endured the ravages of war might enjoy some economic security in the midst of a hard-earned peace.

The spouses and children who are recipients of dependency and indemnity compensation deserve similar protection.

Toward that end, I wholeheartedly endorse this legislation.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from West Virginia [Mr. STAGGERS].

(Mr. STAGGERS asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I want to commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee, for his leadership in moving the compromise measure through so expertly; and in addition, I want to thank the gentleman from Arizona [Mr. STUMP], the ranking minority member of the subcommittee, and the gentleman from Indiana [Mr. BURTON], and all of the members for their favorable support.

Mr. Speaker, title III of the compromise bill contains most of the provisions in H.R. 1415 which passed the House on June 6. The agreement we have reached with the other body is a reasonable compromise. Let me explain what we have agreed to do.

Under current law, the loan guaranty revolving fund [LGRF] finances the operations of the Department of Veterans Affairs Loan Guaranty Program. Receipts primarily consist of fees on guaranteed home loans, income from the sale of properties the Department acquired after foreclosure of a guaranteed loan and from the sale of loans the Department makes to purchasers of Department-acquired properties—vendee loans—interest on vendee loans

and appropriations. LGRF expenditures consist primarily of payments of claims on VA guaranties and the payment of costs of acquiring homes upon foreclosure and of certain administrative expenses. Since 1983, nearly $2.4 billion in external financing has been needed for the LGRF. Out of that total, nearly $1.7 billion was needed for both fiscal years 1988 and 1989. If we do nothing, the Congressional Budget Office estimates substantial deficiencies in the existing loan guaranty revolving fund with no breakeven point.

The compromise agreement would establish a new guaranty and indemnity fund in the Treasury of the United States with respect to loans closed after December 31, 1989 for all operations, except administrative expenses, carried out with respect to Department of Veterans Affairs guaranteed or insured housing loans.

This new fund will be more financially sound than the current loan guaranty program because of its fee structure and Government contribution. It would replace the 1-percent user's fee paid by veterans who obtain guaranteed home loans with a 1¼-percent mortgage indemnity fee. The Government would contribute one-fourth of 1 percent of the value of the loan over a 3-year period except that Government contributions for loans made in fiscal year 1990 would be paid in two equal 0.375 installments in fiscal years 1991 and 1992. Service-connected disabled veterans rated 10 percent or more and surviving spouses of veterans whose deaths are service-connected would be exempt from paying this fee and the Government would pay an amount equal to the fee that the exempt borrower is excused from paying. Veterans who make a downpayment of 5 percent or more would be charged a ¾-percent fee and veterans who make a downpayment of 10 percent or more would be charged a ½-percent. The Government contribution in these instances would be in a matching amount.

The bill's fee structure was based upon the Federal Housing Administration's [FHA] experience in formulating its mortgage insurance fee. FHA computer models were used to calculate a one-time fee based on the Department of Veterans Affairs past and projected foreclosure statistics. Projections were formulated to calculate the present value of expected income equal to the sum of projected expenses associated with these new loans.

The new fee structure, according to the FHA model, should be approximately 2 percent for the new indemnity program based on the following assumptions:

First, the term of the loan is 30 years.

Second, the contract interest rate is 10 percent compounded monthly;

Third, the discount rate is 6.5 percent compounded semiannually;

Fourth, the loss ratio is 30 percent of the original mortgage amount;

Fifth, the ultimate claim rate is 8.03 percent.

In exchange for the payment of the higher fee, veterans would be released from liability to the Department of Veterans Affairs in the event of foreclosure unless there are indications of fraud, misrepresentation, or bad faith on the part of the veteran in connection with either the loan organization or the foreclosure. The veteran would continue to be liable for the debt to the lender. This change in policy is consistent with the practices of commercial lenders and other Federal housing programs.

The compromise would continue the current 1-percent fee for vendee loans and manufactured housing loans and the ½-percent fee for assumed loans. Purchasers would remain liable to the Federal Government in the event of default.

In addition, the Department of Veterans Affairs would be authorized to invest excess money in Government securities. FHA currently has authority to invest its excess funds. According to the Congressional Budget Office, if fund balances are invested in 90-day Treasury bills, interest collections would be approximately $195 million over the next 5 years.

Even though this measure would replace the home loan guaranty fund with a new guaranty and indemnity fund, the effect on the program's operations would be relatively minor. This bill is essentially a financing measure, designed to ensure that sufficient capital is placed in the revolving fund at the time new loans are guaranteed or insured to cover the anticipated cost of defaults to those loans. The Congressional Budget Office estimates that the guaranty and indemnity fund should carry a significant unobligated balance through the 1990's.

Mr. Speaker, it is hoped that this long-range plan toward solvency will deter any efforts to undermine this program in the future, including backdoor approaches to terminating this program. Unfortunately, many of the Department's administrative decisions over the last several years have been made on the basis of the impact on outlays from the loan guaranty revolving fund in one fiscal year rather than a concern for long-term prudent management. We believe that by virtue of this restructuring, the Department will be in a position to cope much more effectively with the program's basic operation.

The compromise agreement will also grant authority to the Secretary to use the proceeds of the guaranty and indemnity fund to such extent or in such amounts as are provided for in appropriation acts for certain supplemental services, the acquisition of supplementary equipment but not in excess of $25 million in any fiscal year.

Information reporting requirements including costs of operation, fund balances, property inventory, and sales related to program will also be required. Such information should include breakdowns of the number and costs of default terminations according to the manner of their disposition, and whether the loans have been assumed and separately identifying costs and receipts associated with loans for manufactured and conventional housing.

Mr. Speaker, the compromise agreement would also affect the sale of the Department's loan assets and would require that loan assets be scored as offsetting collections whether loans are sold with or without recourse.

This will ensure that if loan asset sales are to continue, they should be conducted in such a way as to maximize cash proceeds.

The bill would provide additional guaranty entitlement for loans that exceed $144,000 equal to 25 percent of the loan amount over $144,000, up to a total guaranty of $46,000. Current law would remain unchanged for loan amounts up to $144,000, the current effective maximum loan.

The compromise measure would require lenders to notify the Department of Veterans Affairs if a lender refuses to accept a partial payment from the veteran.

Section 36.4315 of title 38 of the Code of Federal Regulations requires that lenders notify the Department of Veterans Affairs within 90 to 105 days of pending home loan defaults. Following the receipt of such a notice, the Department of Veterans Affairs is required, by law, to service the loan by providing the veteran with information and, to the extent feasible, counseling regarding alternatives to foreclosure, as appropriate in light of the veteran's particular circumstances, including possible methods of curing the default. However, overall loan guaranty employment has decreased by 370 people, from 2,470 to 2,100 during the 10-year period from 1978 to 1988. During the same period of time, the number of claims filed rose from 14,399 to 50,285 and properties on hand have also increased from 11,291 to 21,161. This reduction in personnel and increase in workload has resulted in servicing efforts which are usually inadequate or nonexistent.

It recently came to the committee's attention that although the Department's regulations require mortgage lenders to accept partial payments, if certain conditions are met, from veterans facing temporary financial difficulties, returns of such payments by mortgage companies occur on a regular basis. By the time the lender notifies the Department of the delinquen-

cy, the veteran is already 3 or 4 months in arrears and may be in a position of never being able to bring the loan current. The compromise measure therefore would require early notification to the Department by lenders in those instances where partial payments have been tendered by the veteran but refused by the holder. The Secretary would also be authorized to require a statement of the circumstances of the default, the amount tendered, the amount of indebtedness on the date of the tender, and the reasons for the lender's refusal. It is believed that this early notification to the Department, will target these particular cases as potentially curable since the veteran has demonstrated a desire to avoid foreclosure. We anticipate that special consideration will be given to these veterans by loan guaranty employees in their servicing efforts and this will result in fewer foreclosures. The Government will save money and veterans will not lose their homes.

The compromise agreement would also extend the Department's foreclosed property acquisition formula for 2 years, specifically exempting imputed interest from net value determinations.

The formula—commonly known as the no-bid formula—for determining whether the Department of Veterans Affairs will offer the lender an election to convey the foreclosed property to the Department is set fourth at 38 CFR 36.4320 which is based on the provisions of 38 U.S.C. 1832. A key component of this formula is the net value of the property. Essentially, net value is the fair market value of the property minus the total costs the Secretary estimates would be incurred by the Department resulting from the acquisition and disposition of the property for property taxes, assessments, liens, property maintenance, property improvement, administration, and resale.

Mr. Speaker, the compromise agreement would also modify the existing refinancing loan provisions to allow for easier refinancing of certain conventional loans.

Under current law and implementing regulations, certain veterans may have their loan guaranty entitlement restored. A veteran may qualify for restored entitlement if he or she has been relieved of liability on a GI loan, which normally is accomplished when the loan is paid in full and property has been disposed of; or if a veteran-buyer agrees to substitute his or her entitlement for that of the original veteran-borrower and meets all other requirements for substitution or entitlement.

However, it has come to the committee's attention that once a veteran has refinanced a GI loan conventionally, he or she may no longer refinance that same home through a Department of Veterans Affairs guaranty, even though it remains his primary residence. The compromise agreement will remedy this inequity.

The compromise agreement would also clarify the waiver provisions contained in section 3102 to title 38 by generally making mandatory the granting of waivers of home-loan debts if collection of the debt would be against equity and good conscience.

The Home Loan Guaranty Program is designed to afford veterans whose credit and resources might otherwise be inadequate the opportunity to purchase a house without downpayment by using the Government's credit to supplement their own. Implicit in such a benefit is the risk that there will be failures and defaults. Where the veteran has done his or her very best to keep the loan current, the loss of the home can be the most traumatic financial loss in the veteran's life. The waiver statute was designed to afford deserving veterans relief from the double penalty of home loss and substantial debt.

It has always been the Congress' intent to afford waiver relief when equitable considerations warrant it. Recently, however, many cases have been brought to the committee's attention documenting the Department's reluctance to grant a waiver request if there is even a remote possibility of collecting some part of the indebtedness.

Although the law permits waiver whenever collection of the indebtedness would violate equity and good conscience, the Department relies heavily on two additional criteria—balancing of fault and the veteran's abiltiy to repay.

By disagreeing with the Department's undue emphasis on these two criteria, this does not mean that fraud, waste, or neglect must be condoned by the Department. Therefore, waiver would be prohibited in cases involving fraud, misrepresentation, or bad faith. It is intended that a borrower's abandonment of a mortgage despite having the financial ability to make the mortgage payments be considered bad faith in connection with the default and that misrepresentation include only material representation.

The compromise bill also contains an administration-requested provision to exempt from the 90-percent loan-to-value limit certain loans made to replace an installment loan sales contract with a traditional deed and mortgage loan and to refinance with a lower interest rate. These refinancing loans could not exceed the lesser of the home's reasonable value or the sum of the outstanding balance of the existing loan plus closing costs.

Lastly, title III of the compromise agreement would require that the Secretary of Veterans Affairs and the Secretary of the Interior jointly conduct a study of home loans to native American veterans. This study which should be submitted by June 1, 1990, should include the effects of the secondary market and the willingness of and experience of lenders in making home loans in trust lands as well as recommendations to remedy existing loans or policies.

Mr. Speaker, title V of the compromise measure contains five provisions affecting memorial affairs.

The first would authorize a monetary allowance of prepurchased gravemarkers. Section 906(d) of title 38, United States Code, provides for the payment of a monetary allowance in lieu of a Government-furnishd headstone or gravemarker under certain circumstances. Prepaid funeral arrangements are gaining in popularity and serve as thoughtful means of sparing survivors the need to make difficult decisons during a period of emotional stress. Under existing law, the Department of Veterans Affairs is authorized to pay burial and plot allowances to reimburse for prepayment of such funeral expenses. This measure simply extends that approach to the acquisition of headstones or gravemarkers.

The compromise agreement would also direct the Secretary of the Army to set aside an appropriate area in Arlington National Cemetery, not suitable for burial for casket remains, for the unmarked interment of the cremated remains of persons eligible for interment in that cemetery.

Arlington National Cemetery is this Nation's principal shrine to the men and women who served in the Armed Forces. It is a visable reflection of America's appreciation for those who have made the ultimate sacrifice to maintain our freedom.

Over 200,000 veterans and eligible family members are currently interred within an area of 572 acres developed for ground burials. Althought an additional 40 acres is scheduled for development, it is anticipated that there will be no space for inground burials after 2020.

This measure is an alternative approach to prolong the life of the cemetery and it is supported by the Department of the Army.

The compromise measure would require, effective January 1, 1990, that graveliners be used for each new grave in open national cemeteries.

Graveliners were first introduced in the national cemetery system in 1975 on an experimental basis at 10 locations. The test proved so successful that use was gradually expanded to 30 of the 57 national cemeteries then open. In 1980, the administration forced the Department of Veterans Affairs to cut back substantially on the use of graveliners.

Although Public Law 100-322, which became effective on May 20, 1988, authorized the use of graveliners at all national cemeteries, only seven cemeteries are using them today.

A study concluded by consulting engineers at the request of the Department determined that graveliners are cost effective within 5 to 7 years in national cemeteries with 550 interments. The recovery period for cemeteries with under 550 interments a year is slightly longer.

Other advantages in regard to the installation of graveliners are the prevention of headstones sinking and tilting; reducing falls and accidents due to uneven ground and uniformed cemetery appearance.

Mr. Speaker, this provision makes sense operationally from a fiscal standpoint and will maintain high standards of appearance in our national cemetery system.

The compromise agreement would require the Department of Veterans Affairs to enter into a contract with the State of Michigan to operate and maintain the veterans' cemetery located in Mackinac Island State Park.

Fort Mackinac was established as a United States military post in 1796. A small post cemetery was located there for burial of soldiers and family members. There are about 110 interments in the cemetery, approximately 70 unknown and 30 to 40 known. The first battle of the War of 1812 fought on U.S. soil took place at Fort Mackinac and 17 dead from that encounter are among those buried. There have been no interments since 1815.

In view of the low one-time cost and recurring costs of only $8 to $10 thousand a year and the fact that the Mackinac Cemetery was initially part of the Federal National Park System, it is believed that Federal maintenance of the cemetery is an appropriate way of commemorating those veterans buried there.

Lastly, the compromise measure will authorize the appointment of enlisted members of the Armed Forces as members of the American Battle Monuments Commission.

Since the enlisted serviceman and the noncommissioned and petty officer bear the brunt of the battle preceding the creation of every memorial it is believed that they should be given the opportunity to be represented on the Commission.

Mr. Speaker, I urge favorable consideration of this compromise measure.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, as the ranking minority member of the Veterans' Affairs Subcommittee on Education, Training, and Employment, I rise in support of H.R. 901, as amended. I want to commend Mr. MONTGOMERY and Mr. STUMP, and my good friend Mr. PENNY, chairman of the subcommittee.

H.R. 901, as amended, contains several provisions from legislation reported out of the the Subcommittee on Education, Training, and Employment and passed by the House earlier this year. The bill clarifies provisions in the Montgomery GI Educational Assistance Program, provides for increases in subsistence allowances for participants in certain rehabilitation programs, and further simplifies and clarifies VA educational programs in response to the recommedndations of the Commission on Veterans' Education Policy.

Additionally, H.R. 901, as amended, makes changes in the Veterans Readjustment Appointment [VRA] program. Though H.R. 901, as amended, does not make the VRA program permanent, as the original House legislation would have done, it does extend authority for the program to December 31, 1993 and it makes the program available to a larger group of veterans.

Mr. Speaker, H.R. 901, as amended, will improve veterans education programs and provide veterans with improved benefits. I encourage my colleagues to support the legislation.

Mr. STUMP. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 901, the Veterans' Health Care Program Amendments of 1989, and I would like to commend the distinguished chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for the unceasing, devoted efforts to improve veterans health care.

Recently, the Department of Veterans Affairs has been plagued with problems relating to veteran health care. The national shortage of nurses has especially effected the DVA, since the salary for DVA nurses has been chronically well bellow the competitive salaries in the private sector.

Mr. Speaker, veteran health care cannot be neglected. There are flaws in the health care programs that need to be corrected. H.R. 901 attempts to resolve many of the difficulties that the DVA has today.

The provisions for health-care personnel include allowing the DVA to exceed maximum salary limitations in order to attract difficult-to-recruit physicians. The bill also extends premium pay to nurses and nurse assistants during overtime and on Saturdays.

Mr. Speaker, H.R. 901 not only improves availability of health care personnel, but also provides for expanded programs to veterans. This measure makes permanent the provision for respite care and extends, for 3 years, the pilot program of contract community-based care for homeless and chronically ill veterans. Finally, H.R. 901 also expands veteran outpatient care, a Department program that has proved cost efficient and successful in providing care to a larger number of eligible veterans.

Mr. Speaker, I was pleased to raise in support of this measure when it first came before us in May, and I again urge my colleagues to support this worthly legislation.

Mr. STUMP. Mr. Speaker, I appreciate the remarks of all the members of the committee and I thank them for their hard work. I especially appreciate the very hard work of our very able staff on both sides of the aisle, and I would like to commend them.

Mr. Speaker, I rise in support of H.R. 901, as amended, the Veterans Benefits Amendments of 1989. This legislation is the result of conference negotiations with our counterparts in the other body. The joint explanatory statement which accompanies this bill gives the details of the provisions contained in the legislation. Unfortunately, we were unable to reach a compromise on a number of issues important to the Nation's veterans. There are many reasons why we were unable to come to an accord.

The other body did not take action on H.R. 901 until October 3, very late in the session to begin negotiations. The House had passed the bill on June 27. When the bill came back to the House, it contained some highly controversial amendments. The House committee had already made it clear that these were unacceptable as part of a larger package. Nonetheless, the other body proceeded with the amendments placing the entire legislative agenda for veterans in jeopardy.

Under the skillful guidance of our distinguished chairman, Mr. MONTGOMERY, the committee staff was instructed to attempt a compromise. Due to the lateness of the session, the staff was only able to tackle the least controversial provisions. It is for these reasons that the bill we have before us today reflects the barest minimum of what our committee had hoped to accomplish this year.

Early in the session, the subcommittee on hospitals and health care took favorable action on a number of proposals to improve health care delivery and programs in the Department of Veterans Affairs. Perhaps the most critical was the committee's legislative remedy to the Department's serious professional nurse shortage. It is extremely disturbing to me that for the second year in a row now, we will be unable to send legislation to the President to address this severe problem. Every day nurses are exiting the system. This deprives veterans of essential health care by forcing bed and even whole hospital ward closings due to lack of nursing staff. Moreover, this drives up costs to the Government because some of the nurses who leave DVA employment will be replaced by much more expensive contract nurses.

Another important health care issue the House took favorable action on was to allow

the Department to provide medical treatment to veterans who due to service-connected disabilities are unable to have children. This is the second year that we were unable to reach a compromise with the other body on this provision as well, even though they have passed similar legislation. Vietnam veterans, the population who would be the most likely beneficiaries of such treatment, are all at least in their thirties. In fact, many are already past their peak childbearing years. But they will once again have to put off starting their families.

A provision also not included in the final agreement would have allowed the Department to provide specially trained assistive monkeys and dogs to veterans who have either service-connected quadriplegia or hearing impairments. In a sense, these animals are trained to help the veteran overcome a catastrophic disability by being a substitute for hands that are paralyzed or ears that cannot hear. I was willing to include a provision which would give the Department permanent authority to provide these special animals to veterans who are in need of them. Unfortunately, the other body was insistent upon conditioned authority to the point of the provision's demise.

Mr. Speaker, the education provisions agreed upon in H.R. 901, as amended, are for the most part technical improvements to the administration of the Montgomery GI bill and other educational programs.

Unfortunately, H.R. 3199, the Veterans Health Professionals Educational Amendments of 1989 as passed by the House is not included in this bill. It was designed to attract much-needed health care professionals to the Department of Veterans Affairs through the use of the Montgomery GI bill. CHRIS SMITH, the ranking minority member on the Subcommittee of Education, Training, and Employment was the author of this innovative proposal. The subcommittee, led by chairman and cosponsor TIM PENNY, expeditiously acted upon it. The bill had the enthusiastic support of the Department of Defense, Department of Veterans Affairs, and even the Office of Management and Budget seemed to like it. We have been given assurance by our counterparts in the Senate that this bill will be given prompt consideration early next year.

Several provisions of H.R. 2486, the House bill to extend and improve the Veterans Readjustment Act were not accepted by the other body. It was the intent of the House to make improvements to the program by expanding the scope of the hiring authority to all service-connected disabled veterans, not just those of the Vietnam era, and by establishing it as permanent. It would have also been renamed the Veterans Recruitment Authority Act to recognize its evolving purpose. Although we were unable to establish the program as permanent, we reached an agreement to extend the program until December 31, 1993.

Mr. Speaker, the DVA Home Loan Guaranty Program has been floundering in a sea of red ink, more than a billion dollars in the last fiscal year. Obviously, this situation cannot continue long for this program, which has enjoyed the strong support of the Congress over the years. In the last session, the House passed H.R. 5221, an indemnity bill to restructure the loan guaranty program financially, but there were differences between the bodies and it was agreed to take up the matter again this session. The House and the Senate both introduced similar indemnity-type bills, and I am most pleased that the bodies were able to work out the details and resolve the differences between them to produce title III of H.R. 901.

The indemnity approach accomplishes the financial restructuring of the Home Loan Guaranty Program by establishing a new resolving fund, the guaranty and indemnity fund, to replace the current loan guaranty revolving fund and by raising the loan fee from one to one and one-quarter percent. Previously, the only benefit the veteran derived from paying the fee was the privilege of using the entitlement. Now the veteran will be indemnified from liability to the Government in the event of default on the loan, unless fraud, misrepresentation or bad faith by the veteran was involved. If a fee must be charged in order to ensure the financial stability of the program, at least now the veteran will receive something of real value for it.

Mr. Speaker, title III of H.R. 901, as amended, has the support of veterans service organizations. I particularly commend MARCY KAPTUR, formerly chairwoman of our Subcommittee on Housing and Memorial Affairs, and DAN BURTON, the subcommittee's ranking minority member, for developing the conceptual basis for the indemnity approach with H.R. 5221 in the previous session. HARLEY STAGGERS, now subcommittee chairman, has done an excellent job completing this important work.

Further, Mr. Speaker, the committees have again acted to protect veterans disability compensation from increases in the cost of living with a full 4.7 percent COLA, though thankfully the highly successful economic policies of the Reagan and Bush administrations have stopped the runaway inflation that once threatened our standard of living and the integrity of veteran benefit programs.

Mr. Speaker, H.R. 901 and other bills passed by this body contained many, many improvements to veterans' programs. They are too numerous to list here. All our committee members worked long and hard to fashion these improvements. I regret that the final product for this session is so much less than it should be. The House Committee on Veterans' Affairs will not abandon veterans on these necessary changes. We will continue to fight for the programs and improvements which we believe are vitally necessary.

As always, I look forward to the leadership and bipartisan friend and distinguished Chairman SONNY MONTGOMERY.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of H.R. 901. I wish to thank Chairman SONNY MONTGOMERY, ranking Republican BOB STUMP and all members of the Veterans' Affairs Committee for their continuing efforts on behalf of this Nation's veterans.

This bill has many outstanding features, chief among them a 4.7 percent cost-of-living adjustment for veterans as well as continuation of crucial education benefits. But I rise today in special support of the inclusion of the bill by my colleague from California, Congressman EDWARDS. This provision requires the Department of Veterans Affairs, when denying an application for benefits by a veteran, to explain why the claim is denied, what criteria was used and what other means the veteran has at his or her disposal.

Mr. Speaker, those of us who have made strong commitments to helping veterans in our districts share the frustration of many veterans denied claims when the VA presents a simple bureaucratic no when denying a claim. The VA's denial could be for a number of different reasons, but the veteran is nevertheless left in the dark. This provision will make the VA more accountable to the individual veteran, improve understanding of VA procedures among veterans and create a better atmosphere among the VA and veterans by simply improving basic communications.

Like many other Members of this House, I joined Mr. EDWARDS in cosponsoring his original bill. It is a credit to the Veterans' Affairs Committee that it is included in today's legislation. I urge my colleagues to join me in support of H.R. 901.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the amendments to H.R. 901, the bill just considered.

The SPEAKER. pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MULTIYEAR AUTHORIZATION ACT OF 1989

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology be discharged from further consideration of the bill (H.R. 3729) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from New Jersey?

Mr. PACKARD. Reserving the right to object, Mr. Speaker, I will not object, but I yield to the gentleman from New Jersey to explain the purpose of his motion.

Mr. ROE. Mr. Speaker, I thank the distinguished gentleman for yielding to me.

The reason I have made the pending request is because of the unusual circumstances the House finds itself in as a result of action by the other body on the NASA multiyear authorization bill.

As the distinguished gentleman from California knows, the House passed its multiyear authorization bill, H.R. 1759, on September 21 of this year. The bill went to the Senate, was referred to the Committee on Commerce, Science, and Transportation; however, when the Senate subsequently acted on November 9, it chose to use its own bill, S. 916, and retain the House-passed bill in the committee.

Today I am proposing to the committee here to send to the Senate the text of the multiyear NASA authorization bill as passed by the House, which preserves all the language agreed to in the committee and on the floor, with the hope that the Senate will choose to act on the bill before the end of this session.

Following is a summary of the major differences between H.R. 3729, introduced November 19, 1989, and H.R. 1759, passed September 21, 1989. Both bills authorize appropriations for fiscal year 1990 for the National Aeronautics and Space Administration; the total amount of budget authority provided in each bill meets the President's request:

SUMMARY OF MAJOR DIFFERENCES BETWEEN H.R. 3729 AND H.R. 1759

Section 4(1) revises multiyear funding of research and development programs from 3 years to 2 years except for Space Station Freedom for which a 3-year authorization is retained;

Section 4(1) Also adds identification of a new line item, for the Earth Observing System of Mission to Planet Earth, included in S. 916;

Section 4(3) provides for construction of three additional facilities—Advanced Solid Rocket Motor Facility, Space Station Orbital Debris Radar Facility, and Wake Shield Facility;

Section 11, in lieu of an amendment of the National Aeronautics and Space Act of 1958, requires instead a report specifying regulatory obstacles to the acquisition of space launch services and hardware on a commercially reasonable basis;

Section 13 is revised to add a request for a study of the U.S. expendable launch vehicle and satellite industries as is included in S. 916;

Section 16 is revised to reflect more specific guidelines regarding circumstances requiring the use of the space shuttle;

Section 24, included in S. 916, is revised to allow the agency's use of small business innovation research funds for program management and promotional activities;

Section 25, included in S. 916, is added to provide NASA with authority to use previously authorized funds for continued development of an extended duration orbiter;

Section 26, included in S. 916, is added to provide NASA with authority to use previously authorized funds for space transportation system requirements;

Section 27, included in S. 916, is added to extend the National Space Grant College and Fellowship Program to undergraduate students;

Section 28, included in S. 916, is added to limit the use of Space Station Freedom for peaceful purposes; and

Former Section 9, Non-Federal Financing of Facilities, is deleted.

The following table provides a detailed description of the funding levels for each authorized program.

NASA FISCAL YEAR 1990 DETAILED SPREAD SHEET

Programs	Fiscal year 1989 appropriation	Fiscal year 1990 request	House action	Senate action	H.R. 3729	Notes
Research and development	4,266.6	5,751.6	*5,407.2	*5,804.6	*5,419.9	
Space Station	900.0	2,050.2	(2,130.2)	2,050.0	(1,800.0)	(1)
Development	842.0	1,970.2				
Management and integration	187.7	230.2				
Pressurized modules	155.5	366.0				
Assembly hardware/subsystems	263.2	762.0				
Platforms and servicing	51.2	130.0				
Power systems	120.0	298.0				
Operations/utilization cap	64.4	184.0				
Flight telerobotic servicer	46.0	15.0				
Operations		25.0				
Transition definition	12.0	25.0				
Orbital debris radar		15.0	(15.0)			(2)
Space transportation cap. and dev	681.0	639.0	651.5	635.5	651.5	(3)
Spacelab	88.6	98.9				
Upper stages	138.8	88.6				
Engineering and tech. base	155.4	189.8				
Payload operations and sup. equip	64.7	81.1				
Advanced programs	52.7	48.7				
Tethered satellite system	26.4	19.9				
Orbital maneuvering vehicle	73.0	107.0				
Advanced launch systems	81.4	5.0				
Space Science and Applications	1,830.2	1,995.3				
Physics and astronomy	734.1	894.5	914.5	903.5	914.5	(4)
Hubble space teles. dev	95.9	67.0				
Gamma ray observatory	41.9	26.7				
Advanced X-ray astrophysics fac	16.0	44.0				
Global geospace science	64.4	112.3				
Payload and instrument dev	81.7	71.4				
Shuttle/spacelab payload mission management and integration	69.7	86.1				
Space station integrated planning and attached payloads	8.0	23.0				
Explorer development	82.1	93.2				
Mission operations and data analysis	143.2	204.8				
Research and analysis	85.8	112.5				
Suborbital program	45.4	53.5				
Life sciences	78.1	124.2	124.2	122.7	124.2	(5)
Human space flight and systems eng	27.6	42.8				
Space biological sciences	10.1	27.6				
Research and analysis	40.4	53.8				
Planetary exploration	416.6	396.9	361.9	396.9	361.9	(6)
Galileo development	73.4	17.4				
Ulysses	10.3	14.5				
Magellan	43.1					
Mars observer	102.2	100.5				
Comet rendezvous asteroid flyby/Cassini		30.0				
Mission operations and data analysis	110.7	155.4				
Research and analysis	76.9	79.1				
Space applications	601.4	579.7	646.0	631.0	631.5	(7)
Earth sciences	413.7	434.3				
Upper atmosphere res. satellite	94.2	73.9				
Ocean topography experiment	83.0	72.8				
Scatterometer	10.6	13.8				
Earth science payload instru. dev	46.4	66.5				
Airborne science and applications	23.0	19.7				
Geodynamics	32.9	38.0				
Mission operations and data analysis	17.6	24.8				
Research and analysis	106.0	124.8				
Materials processing	75.6	92.7				

NASA FISCAL YEAR 1990 DETAILED SPREAD SHEET—Continued

Programs	Fiscal year 1989 appropriation	Fiscal year 1990 request	House action	Senate action	H.R. 3729	Notes
Space communications	92.2	18.6				
Information systems	19.9	34.1				
Commercial programs	44.7	61.0	(63.0)	61.0	(63.0)	
Technology utilization	16.5	22.7	22.7		22.7	
Commercial use of space	28.2	38.3	40.3		40.3	[8]
Aeronautical Research and Technology	404.2	462.8	589.8	462.8	589.8	[9]
Research and technology base	315.6	335.7				
Systems technology programs	88.6	127.1				
Space Research and Technology	295.9	338.1	358.1	325.1	358.1	[10]
Research and technology base	134.1	130				
Civil space technology initiatives	121.8	144.5				
Pathfinder program	40.0	47.3				
In-space flight experiments	0.0	16.2				
Space exploration		(20.0)	20.0		20.0	[11]
Global change/EOS		(24.2)		24.2	24.2	[12]
Transatmospheric research and tech	69.4	127.0	(127.0)	127.0	(127.0)	[13]
Safety, reliability and quality assurance	22.4	23.3	23.3	23.3	23.3	
University space science and tech	(22.3)	35.0	35.0	38.0	38.0	[14]
Tracking and data advanced systems	18.8	19.9	19.9	19.9	19.9	
CRAF/Cassini New Start Authority		(30.0)	1,600.0	(30.0)	1,600.0	[15]
Space Flight, Control and Data Com	4,464.2	5,139.6	5,013.8	5,139.6	5,133.8	
Shuttle production and capability dev	1,128.2	1,305.3	1,264.5	1,340.3	1,340.3	[16]
Orbiter operational capability	281.8	237.0				
Propulsion systems	582.2	727.3				
Launch and mission support	264.2	341.0				
Space shuttle operations	2,305.2	2,562.7	2,500.7	(2,562.7)	2,544.9	[17]
Flight operations	685.7	772.6				
Flight hardware	1,112.7	1,236.5				
Launch and landing operations	506.8	553.6				
Expendable launch vehicles	85.5	169.5	171.5	(169.5)	171.5	[18]
Space and ground networks, com. and data sys	945.3	1,102.1	1,077.1	1,077.1	1,077.1	
Space network	483.9	582.3				
Ground network	228.1	269.6				
Communications and data systems	233.3	250.2				
Construction of facilities	275.1	341.8	331.8	449.3	449.3	[19]
Research and program management	1,891.6	2,032.2	2,032.2	2,049.2	2,032.2	[20]
Inspector general	(8.6)	8.8	8.8	8.8	8.8	
Total budget authority	10,897.5	13,274.0	*12,793.8	13,451.5	*13,044.0	

* Budget figures reflect full budget authority for CRAF/Cassini in the amount of $1,600,000,000 and no additional budget authority for the space station beyond that already provided in Public Law 100-685. Except for CRAF/Cassini, the total amount of budget authority for NASA in fiscal year 1990 is equal to the President's request.

[1] Bill reflects the recently rephased Space Station program and the amount provided in the F.Y. 90 Appropriations Conference Report 100-297.

[2] Bill assumes funding in the amount provided in the F.Y. 90 Appropriations Conference Report 100-297.

[3] Bill incorporates House number which includes additional funding for Shuttle C and the ACTS upper stage.

[4] Bill incorporates House number which includes funding for the Gravity Probe B program.

[5] Bill incorporates House number which fully funds the Life Sciences program.

[6] Bill incorporates the House number which places the CRAF-Cassini program in a separate account.

[7] Bill incorporates the Senate number which places the Earth Observing System program in a separate account, provides funding for the ACTS program, and includes funding for the Total Ozone Mapping Spectrometer. Bill also includes House provision for ACTS ground station funding and restores the reduction made by the Senate to the Materials Processing in Space program.

[8] Bill incorporates the House number which includes an increase for the establishment of a new Center for the Commercialization of Space.

[9] Bill incorporates the House version which is equivalent in budget authority to the Senate version except that all aeronautical activities are carried in a single account.

[10] Bill incorporates the House number which includes an increase for the Pathfinder program.

[11] Bill retains House version which establishes a new line item for Space Exploration.

[12] Bill incorporates Senate line item for the Earth Observing System except that the item identity is broadened to include all activities for Global Change.

[13] Funding for the Aerospace Plane is included in the Aeronautical Research and Technology account.

[14] Bill incorporates the Senate version which includes an increase for the Space Grant College program.

[15] Bill incorporates the House version for full funding for the CRAF/Cassini program but includes the Senate requirement for a cost containment plan.

[16] Bill incorporates the Senate number which includes funding for the tooling for the Advanced Solid Rocket Motor program.

[17] Bill incorporates a compromise between the House funding level and the Senate funding level.

[18] Bill incorporates the House number which includes funding for the purchase of an additional expendable launch vehicle for the TDRSS-G.

[19] Bill incorporates the Senate number which includes additional facilities.

[20] Bill incorporates the Senate number which includes additional budget authority to accommodate a potential transfer from other accounts outlined in the Appropriations Conference Report 100-297.

Mr. SENSENBRENNER. Mr. Speaker, I would like to express my support for H.R. 3729, the fiscal year 1990 NASA authorization bill. This bill is very similar to the original version of the NASA authorization bill, H.R. 1759, that the House passed overwhelmingly on September 21. Unfortunately, that measure was never acted upon by the other body, which instead chose to pass their own NASA bill. Consequently, we now find ourselves with no conference vehicle and time running out.

The bill before us today represents our best efforts to draft a new NASA authorization bill which will be acceptable to the Senate. H.R. 3729 retains the key provisions in our original House version, yet makes some changes to accommodate certain specific interests of the Senate. H.R. 3729 enjoys the broad bipartisan support of the Science, Space and Technology Committee.

One of the most notable changes in H.R. 3729 from the earlier House version is the authorization level for the international space station. Subsequent to House passage of H.R. 1759 in September, NASA decided to rephase the Space station, which would have the effect of lowering the required funding in fiscal year 1990. Thus, H.R. 3729 reduces the authorization level for the space station in fiscal year 1990 to match the rephased station funding plan. H.R. 3729 also provides authorizations for the space station in fiscal year 1991 and fiscal year 1992. For essentially all other programs exclusive of the space station, H.R. 3729 provides only a 2-year authorization, instead of the 3-year authorization contained in our original bill. Dropping the fiscal year 1992 authorization was one concession we made to our Senate counterparts who have a philosophical problem with the concept of multiyear authorizations.

Of particular importance to me is the retention in H.R. 3729 of the provision which essentially prohibits the export of U.S. satellites for launch on Soviet built launch vehicles, unless the President certifies that these Soviet rockets are not heavily subsidized. The Soviet Union is aggressively marketing its launch vehicles and services, and is offering very attractive, below market rates to win satellite customers in the very competitive world marketplace. U.S. commercial launch industry is at a very infant, tenuous stage in its development. We must not permit unfair trading practices, especially from the Soviet Union, to undermine our industry and thereby place our Nation's future access to space at risk.

I would hope that the other body shares our desire for enacting a NASA authorization and adopts our new bill expeditiously.

Mr. LEWIS of Florida. Mr. Speaker, I strongly support the NASA Multiyear Authorization Act of 1989, H.R. 3729. I am very pleased that the act contains valuable funding and policy statements on the aeronautics programs.

I want to congratulate the chairman of the committee, Mr. ROE, and the ranking member, Mr. WALKER, for their leadership in bringing this important legislation before the House. I also want to congratulate the chairman of the Subcommittee on Transportation, Aviation and Materials, Mr. VALENTINE, for the outstanding bipartisan job he has done on the aeronautics portion of the NASA Authorization Act. Finally, I want to thank Chairman ROE for including the text of H.R. 2241, the National Aero-Space Plane Program Act, in H.R. 3729.

The funding level for fiscal year 1990 reflects the administration's budget request and inflationary growth for fiscal year 1991. The support for ongoing long-term research will insure that the programs will yield the maximum results for many years to come.

Equally important is the funding and policy for the National Aero-Space Plane [NASP]. The funding levels are to support an aggressive program that will have the original goal of a flight demonstration in 1995. Moreover, H.R. 3729 mandates that the NASP Program remain a joint DOD-NASA project with DOD funding two-thirds of the cost.

To a great degree, the future of both military and civil aircraft industry depends on the completion of the NASP Program. In 1988 the United States positive balance of trade in aerospace products was $18.7 billion. That was larger than any other industrial sector. Much of the U.S. technology lead is the result of long-term, high risk research, like that underway in the NASP Program.

Few Federal programs have as great a positive impact on the American economy as the NASA aerospace research program. Programs such as NASP are a wise investment of taxpayers' dollars because the economic benefits are felt in every segment of our economy.

If we do not fund NASP at an adequate level, it could jeopardize our lead in aerospace technology. Japan, West Germany, and the Soviet Union have active aerospace programs underway. If other countries develop the engines, materials, and technology to fly into space on a daily basis, which NASP should be able to do, before we do, a large segment of our aerospace industry would move overseas.

I urge my colleagues to support the funding levels and the long-term space policy provisions contained in H.R. 3729.

Mr. PACKARD. Mr. Speaker, I thank the distinguished committee chairman for his explanation, and I withdraw my reservation of objection.

The Speaker pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Multiyear Authorization Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States aeronautics and space program is supported by an overwhelming majority of the American people;

(2) the United States aeronautics and space program genuinely reflects our Nation's pioneer heritage and demonstrates our quest for leadership, economic growth, and human understanding;

(3) the United States space program is based on a solid record of achievement and continues to promote the objective of international cooperation in the exploration of the universe;

(4) the United States aeronautics and space program generates critical technology breakthroughs that benefit our economy and significantly improve our standard of living;

(5) the United States aeronautics and space program excites the imagination of every generation and can stimulate the youth of our Nation toward the pursuit of excellence in the fields of science and mathematics;

(6) the United States aeronautics and space program contributes to the Nation's technological competitive advantage;

(7) the United States aeronautics and space program requires a sustained commitment of financial and human resources;

(8) the United States space transportation system will depend upon a robust fleet of Space Shuttle Orbiters and expendable launch vehicle services;

(9) the United States space program will be advanced with the deployment of a permanently manned space station with research, observation, servicing, manufacturing, and staging capabilities;

(10) the United States aeronautics program has been a key factor in maintaining preeminence in aviation over many decades;

(11) the United States needs to maintain a strong program with respect to transatmospheric research and technology; and

(12) the National Aeronautics and Space Administration is primarily responsible for formulating and implementing the civil aeronautics and space program in the United States.

SEC. 3. POLICY.

It is declared to be national policy that the United States should—

(1) rededicate itself to the goal of leadership in critical areas of space science, space exploration, and space commercialization;

(2) increase its commitment of budgetary resources for the space program to reverse the dramatic decline in real spending for such program since the achievements of the Apollo program;

(3) forge a robust national space program that maintains a healthy balance between manned and unmanned space activities and recognizes the mutually reinforcing benefits of both;

(4) maintain an active fleet of space shuttle orbiters, including an adequate provision of structural spare parts, and evolve the Orbiter design to improve safety and performance, and reduce operational costs;

(5) sustain a mixed fleet by utilizing commercial expendable launch vehicle services;

(6) continue with the development and deployment of a permanently manned space station;

(7) establish a dual capability for logistics and resupply of the space station utilizing the space shuttle and expendable launch vehicles, including commercial services if available;

(8) continue to seek opportunities for international cooperation in space;

(9) maintain an aggressive program of aeronautical research and technology development designed to enhance the United States preeminence in civil and military aviation and improve safety and efficiency of the United States air transportation system; and

(10) conduct a program of technology maturation and flight demonstration to prove the feasibility of an air-breathing, hypersonic aero-space plane capable of single-stage-to-orbit operation and hypersonic cruise in the atmosphere.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1990, except as otherwise provided:

(1) For "research and development", for the following programs:

(A) United States International Space Station Freedom—

(i) Notwithstanding section 201(a)(1)(A) of the National Aeronautics and Space Administration Act, fiscal year 1989, not more than $1,800,000,000 shall be made available for Phase I for fiscal year 1990.

(ii) of the $2,912,500,000 authorized for fiscal year 1991 by section 201(a)(1)(A) of the National Aeronautics and Space Administration Act, fiscal year 1989, $2,700,000,000 shall be made available for Phase I for fiscal year 1991 and $212,500,000 shall be made available for Phase II enhancements for fiscal year 1991.

(iii) $3,085,000,000 for Phase I for fiscal year 1992 and $409,400,000 for Phase II enhancements for fiscal year 1992.

A Phase II enhancements plan shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 120 days of enactment.

(B) Space transportation capability development, $651,500,000, along with $716,000,000 for fiscal year 1991.

(C) Physics and astronomy, $914,500,000, along with $1,013,000,000 for fiscal year 1991.

(D) Life sciences, $124,200,000, along with $154,000,000 for fiscal year 1991.

(E) Planetary exploration, $361,900,000, along with $322,000,000 for fiscal year 1991.

(F) Space applications, $631,500,000, of which $62,000,000 shall be available only for the Advanced Communications Technology Satellite, and of which $10,000,000 shall be available only for a program of Earth Probes beginning with the Total Ozone Mapping Spectrometer, along with $552,000,000 for fiscal year 1991 including not more than $2,000,000 for each such fiscal year for experimenter ground stations for the Advanced Communications Technology Satellite, but only if the experimenter receiving funds obtains at least an equal amount of funds from sources other than the National Aeronautics and Space Administration as is received under this subparagraph.

(G) Global Change, $24,200,000 for the Earth Observing System of Mission to Planet Earth in order to complete phase B activities and to initiate phase C/D of the program in fiscal year 1991.

(H) Technology utilization, $22,700,000, along with $23,400,000 for fiscal year 1991.

(I) Commercial use of space, $40,300,000, along with $59,700,000 for fiscal year 1991.

(J) Aeronautical research and technology, and transatmospheric research and technology, $589,800,000, along with $621,000,000 for fiscal year 1991. None of the funds authorized under this subparagraph for fiscal year 1990 shall be expended unless at least $127,000,000 are made available for such fiscal year for the National Aero-Space Plane program.

(K) Space research and technology, $358,100,000, of which $72,300,000 shall be available only for the Pathfinder program, along with $487,000,000 for fiscal year 1991, of which $150,000,000 shall be available only for the Pathfinder program.

(L) Space exploration, $20,000,000, along with $35,000,000 for fiscal year 1991.

(M) Safety, reliability, maintainability, and quality assurance, $23,300,000, along with $24,000,000 for fiscal year 1991.

(N) Tracking and data advanced systems, $19,900,000, along with $21,000,000 for fiscal year 1991.

(O) University Space Science and Technology Academic Program, $38,000,000 for fiscal year 1990, of which $5,000,000 shall be available only for the National Space Grant College and Fellowship Program, $40,000,000 for fiscal year 1991.

(P) Comet Rendezvous Asteroid Flyby/Cassini mission, not to exceed $1,600,000,000, for development, launch, and 30 days of operations thereof, to remain available until expended, of which—

(i) $490,000,000 shall be available for obligation after October 1, 1989;

(ii) an additional $370,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a preliminary design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(iii) an additional $640,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a critical design review to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(iv) an additional $100,000,000 shall be available for obligation 30 days after the submission of a report summarizing the results of a spacecraft integration and systems test to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

A cost containment plan shall be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by January 31, 1990, and updated on July 31 and January 31 of each succeeding year until such funds are expended.

(2) For "Space flight, control and data communications", for the following programs:

(A) Shuttle production and operational capability, $1,340,300,000, of which $90,000,000 are authorized only for safety enhancements to the shuttle orbiter, including—

(i) for the space shuttle main engine—

(I) improved design and installation of High Pressure Oxygen Turbopump bearings;

(II) installation of the 2-duct hot gas manifold;

(III) development of enlarged throat diameter;

(IV) development of single-crystal turbine blades; and

(V) general redesign to reduce welds and make welds totally inspectable;

(ii) for the solid rocket booster/solid rocket motor—

(I) implementation of the recommendations contained in the report of the National Research Council entitled "Collected Reports of the Panel on Technical Evaluation of NASA's Redesign of the Space Shuttle Solid Rocket Booster", issued in 1988;

(II) development of a locking feature for the nozzle leak check port plugs;

(III) development of one-piece case stiffener rings;

(IV) development of nonasbestos motor insulation;

(V) enhancement of lightning protection for case and nozzle; and

(VI) modification of aft skirt structure;

(iii) for the external tank—

(I) upgrading of liquid hydrogen and oxygen temperature, pressure, and liquid level sensors;

(II) upgrading of thermal insulation on areas where dislodged insulation can affect the orbiter; and

(III) investigation of corrosion prevention methods to preclude structural problems; and

(iv) for the orbiter—

(I) modification of structure to eliminate negative margins;

(II) upgrading of the auxiliary power units;

(III) development of a redundant nose wheel steering system (including possible extension of the nose wheel strut);

(IV) elimination of Kapton electrical wire insulation; and

(V) upgrading of valves and regulators to preclude leakage of fuels and oxidizers.

By September 30, 1990, the Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full report on the completion of the safety enhancements specified in this subparagraph. Additionally, there is authorized to be appropriated $1,303,000,000 for fiscal year 1991.

(B) Shuttle operations, $2,544,900,000, along with $2,495,000,000 for fiscal year 1991.

(C) Expendable launch vehicles and services, $171,500,000, along with $240,000,000 for fiscal year 1991. Of such funds, $2,000,000 in fiscal year 1990, and $26,000,000 in fiscal year 1991 may be used only to purchase expendable launch vehicle services, supporting studies, and spacecraft modification for dual compatibility for the TDRS-G satellite.

(D) Space and ground network, communications and data systems, $1,077,100,000, along with $1,159,000,000 for fiscal year 1991.

(3) For "Construction of facilities", including land acquisition, as follows:

(A) Construction of addition for Space Systems Automated Integration and Assembly Facility, Johnson Space Center, $10,500,000.

(B) Construction of addition to Mission Control Center, Johnson Space Center, $17,800,000.

(C) Construction of addition to Simulator/Training Facility, Johnson Space Center, $3,800,000.

(D) Modifications for Expanded Solar Simulation, Johnson Space Center, $2,000,000.

(E) Modifications of Process Technology Facility for Space Station, Marshall Space Flight Center, $4,000,000.

(F) Replace Cooling Towers, Launch Complex 39 Utility Annex, Kennedy Space Center, $4,600,000.

(G) Replace Pad A Chillers and Controls, Launch Complex 39, Kennedy Space Center, $1,200,000.

(H) Replace Roofs, Launch Complex 39, Kennedy Space Center, $11,000,000.

(I) Replace Vehicle Assembly Building Air Handling Units, Kennedy Space Center, $1,800,000.

(J) Upgrade Orbiter Modification and Refurbishment Facility to Orbiter Processing Facility #3, Kennedy Space Center, $26,000,000.

(K) Modification of High Pressure Industrial Water System, Stennis Space Center, $2,000,000.

(L) Replacement of High Pressure Gas Storage Vessels, Stennis Space Center, $3,000,000.

(M) Construction of natural resource protection at various locations, $3,800,000.

(N) Refurbish bridges, Merritt Island, Kennedy Space Center, $4,500,000.

(O) Rehabilitation of Spacecraft Assembly and Encapsulation Facility II, Kennedy Space Center, $3,500,000.

(P) Rehabilitation of Central Heating/Cooling Plant, Johnson Space Center, $2,800,000.

(Q) Construction of Data Operations Facility, Goddard Space Flight Center, $12,000,000.

(R) Construction of Quality Assurance and Detector Development Laboratory, Goddard Space Flight Center, $7,500,000.

(S) Modernization of South Utility Systems, Jet Propulsion Laboratory, $5,400,000.

(T) Construction of 40 x 80 Drive Motor Roof, Ames Research Center, $1,000,000.

(U) Modifications to Thermo-Physics Facilities, Ames Research Center, $4,600,000.

(V) Modifications to 14 x 22 Subsonic Wind Tunnel, Langley Research Center, $1,000,000.

(W) Modifications to National Transonic Facility for Productivity, Langley Research Center, $7,600,000.

(X) Modifications to 20-Foot Vertical Spin Tunnel, Langley Research Center, $1,900,000.

(Y) Rehabilitation of Central Air Systems, Lewis Research Center, $2,400,000.

(Z) Rehabilitation of Central Refrigeration Equipment, Lewis Research Center, $7,200,000.

(AA) Rehabilitation of 8 x 6 Supersonic and 9 x 15 Low-Speed Wind Tunnels, Lewis Research Center, $6,800,000.

(BB) Rehabilitation of Hypersonic Tunnel, Plum Brook, $4,100,000.

(CC) Repair and Modernization of the 12-Foot Pressure Wind Tunnel, Ames Research Center, $27,600,000.

(DD) Construction of Automation Sciences Research Facility, Ames Research Center, $10,600,000.

(EE) Construction of Supersonic/Hypersonic Low Disturbance Tunnel, Langley Research Center, $6,900,000.

(FF) Modifications for Seismic Safety, Goldstone, CA, Jet Propulsion Laboratory, $2,600,000.

(GG) Repair of facilities at various locations, not in excess of $750,000 per project, $28,000,000.

(HH) Rehabilitation and modification of facilities at various locations, not in excess of $750,000 per project, $36,000,000.

(II) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $500,000 per project, $10,000,000.

(JJ) Environmental compliance and restoration, $30,000,000.

(KK) Facility planning and design not otherwise provided for, $26,300,000.

(LL) Construction of the Advanced Solid Rocket Motor Facility, Yellow Creek, Mississippi, $90,000,000.

(MM) Construction of a Space Station Orbital Debris Radar Facility, $15,000,000.

(NN) Construction of a Wake Shield Facility, $2,500,000.

(OO) Construction of Observational Instrument Laboratory, Jet Propulsion Laboratory, $14,000,000.

Notwithstanding subparagraphs (A) through (OO), the total amount appropriated under such subparagraphs shall not exceed $449,300,000.

(4) For "Research and program management", $2,032,200,000.

(5) For "Inspector General", $8,795,000, along with $9,000,000 for fiscal year 1991.

(6) Notwithstanding paragraph (9), appropriations authorized pursuant to this Act for "Research and development" and "Space flight, control and data communications" may be used (A) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts, and (B) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator of the National Aeronautics and Space Administration (hereafter in this Act referred to as the "Administrator") determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" and "Space flight, control and data communications" pursuant to this Act may be used in accordance with this paragraph for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $500,000, unless the Administrator or the Administrator's designee has notified the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, of the nature, location, and estimated cost of such facility.

(7) Except as otherwise provided, and to the extent provided in an appropriation Act, (A) any amount appropriated pursuant to this Act for "Research and development", for "Space flight, control and data communications", or for "Construction of facilities" may remain available without fiscal year limitation, and (B) contracts may be entered into under "Research and program management" for maintenance and operation of facilities, and for other services to be provided, during the next fiscal year.

(8) Appropriations made pursuant to paragraph (4) may be used, but not to exceed $35,000 per fiscal year, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and his determination shall be final and conclusive upon the accounting officers of the Government.

(9)(A) Funds appropriated pursuant to paragraphs (1), (2), and (4) may be used for the construction of new facilities and additions to, repair, rehabilitation, or modification of existing facilities, if the cost of each such project, including collateral equipment, does not exceed $100,000.

(B) Funds appropriated pursuant to paragraphs (1) and (2) may be used for unforeseen programmatic facility project needs, if the cost of each such project, including collateral equipment, does not exceed $500,000.

(C) Funds appropriated pursuant to paragraph (4) may be used for repair, rehabilitation, or modification of facilities controlled by the General Services Administration, if the cost of each project, including collateral equipment, does not exceed $500,000.

(10) None of the funds authorized under this section for fiscal year 1991 shall be expended unless at least $2,700,000,000 are made available for such fiscal year for the United States International Space Station Freedom unless such amount is not available solely due to the application of the Balanced Budget and Deficit Control Act of 1985.

SEC. 5. ADMINISTRATOR'S REPROGRAMMING AUTHORITY.

Any of the amounts authorized in section 4(3)(A)—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the circumstances of such action, may be varied upward 25 percent, to meet unusual cost variations.

The total amount authorized under section 4(3) for fiscal year 1990 shall not be increased as a result of reprogramming carried out pursuant to this section.

SEC. 6. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities; the Administrator may transfer not to exceed 1/2 of 1 percent of the funds appropriated pursuant to section 4(1) and (2) to the "Construction of facilities" appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized under section 4(3) for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site reparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 7. LIMITATIONS ON AUTHORITY.

Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program not authorized, or in excess of amounts authorized, by the Congress, unless a period of 30 days has passed after the receipt by the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

SEC. 8. PROCUREMENT OF SPACE SHUTTLE STRUCTURAL SPARE PARTS.

The Administrator is authorized and encouraged to use up to $25,000,000 of the funds appropriated for orbiter production under section 101(g) of the joint resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes" (100 Stat. 3341-242) to procure shuttle structural spare parts.

SEC. 9. GEOGRAPHICAL DISTRIBUTION.

The Administrator shall distribute research and development funds geographically in order to provide the broadest practicable participation in the programs of the National Aeronautics and Space Administration.

SEC. 10. BUY AMERICAN.

(a) GENERAL RULE.—The Administrator shall award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 50 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

(b) EXCEPTIONS.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States;

(2) the term "foreign firm" means a business entity not described in paragraph (1).

(d) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are made available pursuant to this Act; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(e) REPORT TO CONGRESS.—The Administrator shall report to the Congress on contracts covered under this section and entered into with foreign entitities in fiscal year 1990 and 1991 and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Administrator shall also report to the Congress on the number of contracts covered under this Act and awarded based upon the parameters of this section.

SEC. 11. AMENDMENTS TO THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958.

Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended—

(1) in subsection (a), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) adding at the end the following new paragraphs:

"(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

"(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government."

(2) In order to establish procedures for the procurment of private sector space launch services and hardware for the National Aeronautics and Space Administration or other Government agencies, the Administrator shall provide by March 15, 1990, to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House a report on specific Federal Acquisition Regulations, policies, and all other directives which inhibit the acquisition of such space launch services and hardware on a commerically reasonable basis.

SEC. 12. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended by adding at the end thereof the following: "There are authorized to be appropriated to the Secretary to carry out this Act $4,392,000 for fiscal year 1990.".

SEC. 13. NATIONAL SPACE COUNCIL AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), $1,200,000 for fiscal year 1990. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

(b) STAFFING.—Not more than 6 individuals may be employed by the National Space Council without regard to any provision of law regulating the employment or compensation of persons in the Government service, at rates not to exceed the rate of pay for level VI of the Senior Executive Schedule as provided pursuant to section 5382 of title 5, United States Code.

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Executive Secretary, National Space Council.".

(d) EXPERTS AND CONSULTANTS.—The National Space Council may, for purposes of carrying out its functions, employ experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate individuals so employed for each day they are involved in a business of the National Space Council (including traveltime) at rates not in excess of the daily equivalent of the maximum rate of pay for grade GS-18 as provided pursuant to section 5332 of title 5, United States Code.

(e) REVIEW OF LAUNCH INDUSTRY.—(1) The National Space Council is requested to initiate a review of United States launch policy, including the Nation's expendable launch vehicle and satellite industries, their current and projected markets, the existing and projected level of foreign competition in these industries, the extent and level of support from foreign governments in these markets and industries, the consequences of the entry of nonmarket providers of launch services and satellites into the world market, restrictions on the use of foreign launch services and the export of United States satellites, and the importance of the United States launch vehicle and satellite industry to the national and economic security.

(2) The findings of this review and any policy recommendations are to be submitted to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by August 1, 1990.

SEC. 14. INTERNATIONAL SPACE YEAR.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should—

(1) lead the formulation of an International Space Year agenda developed in consultation with foreign leaders;

(2) declare a World Space Congress, to be convened in 1992, to establish a program for cooperative space activities among cooperating nations in space science, space exploration, and the application of space technologies;

(3) invite the American public to develop International Space Year activities that foster the cooperative spirit of the International Space Year; and

(4) direct the National Aeronautics and Space Administration to continue to develop International Space Year activities with a primary emphasis on Mission to Planet Earth, but also with a strong emphasis on the other space sciences, human exploration, education, and developing nations applications.

(b) REPORT TO CONGRESS.—The President shall report to Congress at the earliest practicable date, but no later than January 1, 1990, on the steps taken pursuant to this section.

SEC. 15. ADVANCED SOLID ROCKET MOTOR.

The Administrator shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the following:

(1) A report on the projected cost to complete the design, development, and qualification of the Advanced Solid Rocket Motor. The first report shall be submitted at the end of 6 months after the signing of the Advanced Solid Rocket Motor contract, and thereafter with the National Aeronautics and Space Administration's annual budget request.

(2) An annual report on the projected unit cost of the flight motors.

(3) An annual report on the increase in space shuttle payload capability provided by the Advanced Solid Rocket Motor. The report shall include the original baseline payload capability, adjustments to that baseline capability, and the projected payload capability.

(4) An assessment by the National Research Council of the need for the Advanced Solid Rocket Motor by September 1, 1990.

(5) An assessment by the National Research Council of options to the Advanced Solid Rocket Motor to provide desired performance and safety enhancements by September 1, 1990.

SEC. 16. SPACE SHUTTLE USE POLICY.

(a)(1) It shall be the policy of the United States to use the Space Shuttle for purposes that (i) require the presence of man, (ii) require the unique capabilities of the Space Shuttle or (iii) when other compelling circumstances exist.

(2) The term "compelling circumstances" includes, but is not limited to, occasions when the Administrator determines, in consultation with the Secretary of Defense and/or the Secretary of State, that important national security or foreign policy interests would be served by a Shuttle launch.

(3) The policy stated in subsection (a)(1) shall not preclude the use of available cargo space, on a Space Shuttle mission otherwise consistent with the policy described under subsection (a)(1), for the purpose of carrying secondary payloads (as defined by the Administrator) that do not require the presence of man if such payloads are consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(b) the Administrator shall, within six months after the date of enactment of this Act, submit a report to the Congress setting forth a plan for the implementation of the policy described in subsection (a)(1).

Such plan shall include—

(1) details of the implementation plan;

(2) a list of purposes that meet such policy;

(3) a proposed schedule for the implementation of such policy;

(4) an estimate of the costs to the United States of implementing such policy; and

(5) a process for informing the Congress in a timely and regular manner of how the plan is being implemented.

(c) At least annually, the Administrator shall submit to the Congress a report certifying that the payloads scheduled to be launched on the space shuttle for the next four years are consistent with the policy set forth in subsection (a)(1). For each payload scheduled to be launched from the space shuttle, which do not require the presence of man, the Administrator shall, in the certified report to Congress, state the specific circumstances which justified the use of the space shuttle. If, during the period between scheduled reports to the Congress, any additions are made to the list of certified payloads intended to be launched from the Shuttle, the Administrator shall inform the Congress of the additions and the reasons therefor within 45 days of the change.

(d) The report described in subsection (c) shall also include those NASA payloads designed solely to fly on the space shuttle which have begun the phase C/D of its development cycle.

SEC. 17. FAIR PRICING AGREEMENT.

(a) FINDINGS.—The Congress finds that—

(1) the export of United States manufactured satellites is a valuable contributor to the United States balance of trade and should be encouraged;

(2) unfair trade practices which undermine the viability of the United States launch vehicle industry will also ultimately lead to the loss of the United States competitive posture for United States manufactured satellites; and

(3) the viability of the United States commercial launch industry is undermined by competition from the Soviet Union, whose subsidized launch vehicles are priced significantly below world market prices.

(b) POLICY.—It is the policy of the United States that the United States Trade Representative should enter into negotiations for the purpose of achieving fair pricing agreements for international trade in commercial launch services. Such agreement shall sup-

port free and fair competition for those services.

(c) PRESIDENTIAL CERTIFICATION.—The policy stated in subsection (b) shall not apply if the President certifies to Congress that the price of launch services offered by any nation utilizing Soviet Union launch vehicles is not more than 25 percent below the price of a comparable launch vehicle built in a market-based economy, as determined using generally accepted cost accounting standards used in market-based economies.

(d) FURTHER POLICY.—In absence of agreement stated in subsection (b), or Presidential Certification stated in subsection (c), it is the policy of the United States that the export of United States manufactured satellites for launch on Soviet Union manufactured vehicles should be prohibited.

SEC. 18. EXPORT OF SATELLITES FOR LAUNCH BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) EXPORT OF SATELLITES.—Any license for the export of a satellite of United States origin that is intended for launch from a launch vehicle owned by the People's Republic of China (specifically including the Hughes Aircraft Model HS-601 Spacecraft (commercial communications satellites) whose export is described in the certification transmitted to the Congress pursuant to section 36(c) of the Arms Export Control Act on September 12, 1988) shall continue to be suspended, unless the President makes a report under subsection (b) of this section. Any license for such an export that was issued before the enactment of this Act shall also continue to be suspended unless the President makes a report under subsection (b) of this section.

(b) PRESIDENT'S REPORT.—A report referred to in subsection (a) is a report by the President to the Congress—

(1) that the Government of the People's Republic of China has made progress on a program of political reform throughout the country, including Tibet, which includes—

(A) lifting of martial law;

(B) halting of executions and other reprisals against individuals for the nonviolent expression of their political beliefs;

(C) release of political prisoners;

(D) increased respect for internationally recognized human rights, including freedom of expression, the press, assembly, and association; and

(E) permitting a freer flow of information, including an end to the jamming of Voice of America and greater access for foreign journalists; or

(2) that it is in the national security interest of the United States to terminate a suspension under subsection (a).

SEC. 19. LIFE SCIENCES STRATEGIC PLAN.

(a) FINDINGS.—The Congress finds that—

(1) the current knowledge base in life sciences is not compatible with the National Aeronautics Space Administration's current objectives in space, and the National Aeronautics Space Administration lacks an adequate strategic plan to acquire this knowledge base;

(2) it is critical to the success of manned missions in space, be they commercial operations of microgravity laboratories or manned missions to Mars, that a realistic appraisal of the influences of the space environment on biological systems is completed and appropriate protective countermeasures developed;

(3) the space station is rapidly approaching design maturity without a corresponding development of the physiological and other human factors knowledge base necessary for long-term manned operations in space; and

(4) space station laboratory hardware specifications are being fixed before fully establishing the objectives and requirements for life sciences research.

(b) STRATEGIC PLAN.—The Administrator shall—

(1) review currently proposed manned space flight missions in order to—

(A) identify the physiological and other human factors knowledge base necessary to determine the human capacity to adapt to and perform effectively in the space environment according to mission requirements, including identifying which life sciences parameters must be measured and which technologies, processes, and procedures must be developed; and

(B) develop a schedule indicating when specific components of information, technologies, processes, or procedures identified under subparagraph (A) will need to be acquired or developed in order to verify that human adaptability requirements of manned space flight missions can be achieved;

(2) develop a strategic plan for life sciences research and technology development sufficient to accomplish the life sciences knowledge base acquisition schedule developed under paragraph (1)(B), including—

(A) a crew certification plan setting acceptable crew deconditioning standards for Extended Duration Orbiter operations and verifying countermeasures sufficient to meet those standards before actual Extended Duration Orbiter operations; and

(B) a life sciences implementation plan for the design and development of the space station, to be provided as part of the Preliminary Design Review for the space station, and to include crew adapatability standards; and

(3) verify the physiological and technical feasibility of the life sciences implementation plan developed under paragraph (2)(B), as part of the Critical Design Review for the space station.

SEC. 20. COMMISSION FOR INTERNATIONAL COOPERATION IN PLANETARY EXPLORATION.

(a) SHORT TITLE.—This section may be cited as the "Commission for International Cooperation in Planetary Exploration Act".

(b) FINDINGS.—The Congress finds that—

(1) the President on January 5, 1988, established the long-range goal of expanding human presence and activity beyond Earth orbit into the solar system in the twenty-first century;

(2) the United States and the Soviet Union, in cooperation with other countries, are currently planning further unmanned missions to the Moon and to Mars with the possible goal of landing a human on Mars;

(3) a series of international missions to expand human presence beyond Earth orbit would further a spirit of, and follow through on the commitment made in, the 1987 agreement between the Soviet Union and the United States for space cooperation, as well as the successful cooperative agreements the United States has pursued with over one hundred countries since its inception, including the agreement with Japan, Canada, and the European countries for Space Station Freedom;

(4) international manned missions beyond Earth orbit could save the individual nations involved tens of billions of dollars over national missions; and

(5) a multilateral effort for manned missions to establish a lunar colony, a Mars mission, and any other missions that have the goal of establishing human presence beyond Earth's orbit and possibly landing a human on Mars would lead to greater understanding of our universe and greater sensitivity to our own planet.

(c) ESTABLISHMENT.—There is established a commission to be known as the "Commission for International Cooperation in Planetary Explortation" (hereafter in this section referred to as the "Commission").

(d) PURPOSE OF COMMISSION.—The purpose of the Commission is—

(1) to develop an inventory of intentions of all national space agencies with regard to lunar and planetary exploration, both manned and unmanned;

(2) to seek ways to enhance the planning and exchange of information and data among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(3) to prepare a detailed proposal that most efficiently uses the resources of the national space agencies in cooperative endeavors to establish human presence beyond Earth orbit;

(4) to develop priority goals that accomplish unmet needs that could not be achieved by any individual country;

(5) to explore the possibilities of international unmanned probes to the Moon and Mars, and the possibilities for international manned missions beyond Earth's orbit; and

(6) to devise strategies for such cooperation that would prevent the unwanted transfer of technology.

(e) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 16 members, appointed from among experts in space policy or space science, as follows:

(A) Eight members shall be appointed by the President, one of whom shall be the Chairman of the National Space Council, who shall serve as Chairman of the Commission.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the President Pro Tempore of the Senate.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) BASIC PAY.—Members of the Commission shall serve without pay.

(f) DIRECTOR AND STAFF OF COMMISSION.—

(1) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission and who shall be paid at the rate of basic pay payable for GS-15 of the General Schedule.

(2) STAFF.—Subject to paragraph (3) and such rules as may be prescribed by the Commission, without regard to section 5311(b) of title 5, United States Code, the Commission may appoint and fix the pay of such additional personnel as the Commission considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(g) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORT.—The Commission shall, within one year after the date of the enactment of this Act, prepare and submit to the President and the Congress a report—

(1) outlining a preliminary strategy for cooperation among the United States, the Soviet Union, European countries, Canada, Japan, and other interested countries with respect to unmanned projects beyond Earth orbit, in anticipation of later international manned missions to the Moon and to other bodies, including the possible goal of an international manned mission to Mars;

(2) including an initial proposal outlining a possible international manned mission, in coordination with the preliminary strategy referred to in paragraph (1); and

(3) containing an inventory of planned and anticipated missions, manned and unmanned, that are being considered by national space agencies.

(i) TERMINATION.—The Commission shall cease to exist thirty days after submitting its report pursuant to subsection (h), unless the President or the Congress have requested further revisions to the report.

SEC. 21. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space related issues, programs, and initiatives within the Department of Commerce. The Office shall—

(1) promote private sector investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assist commercial space companies in their efforts to do business with the United States Government, and act as an industry advocate within the Executive Branch to ensure that the Government meets its space related requirements, to the fullest extent feasible, with commercially available space goods and services;

(3) ensure that the United States Government does not compete with the private sector in the provision of space hardware and services otherwise available from the private sector;

(4) promote the export of space related goods and services;

(5) represent the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(6) seek the removal of legal, policy, and institutional impediments to space commerce.

SEC. 22. NATIONAL AERO-SPACE PLANE PROGRAM.

(a) FINDINGS.—The Congress finds that—

(1) if the United States is to maintain preeminence in military and commercial aeronautics into the next century, research into technology development and validation of the National Aero-Space Plane (NASP) is vital;

(2) the new and advanced materials being developed for the NASP have numerous applications in the military and the civilian aviation industry, as well as in other industries utilizing high temperature technologies;

(3) the benefits to the military and civilian aviation programs from the new and innovative technologies developed in connection with the NASP program in propulsions systems, aerodynamics, and control systems could be enormous, especially for high speed aeronautical and space flight; and

(4) military and commercial spin-off applications of NASP technologies include future superior military aircraft, space transportation systems, and commercial hypersonic aircraft.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense (hereafter in this section referred to as the "Secretary") and the Administrator shall jointly establish a National Aero-Space Plane program whose objective shall be exclusively the development and demonstration, by 1995, of a primarily air breathing single-stage-to-orbit and long range hypersonic cruise research flight vehicle. The program shall be a research program, and to the extent practicable technological information developed shall be transferred to the military and to the domestic civil aviation and other private industries.

(c) RESPONSIBILITIES.—The Secretary shall have responsibility for procurement, experimental flight vehicles, and overall program administration of the program established under subsection (b). The Administrator shall have responsibility for providing technology development and flight test support and shall have an integral role in the overall program. Representatives of both the Secretary and the Administrator shall participate in all aspects of the program.

(d) MANAGEMENT PLAN.—

(1) The Secretary and the Administrator shall jointly develop a management plan for the program established under subsection (b), which shall include goals, major tasks, anticipated schedules, organizational structure, funding profiles, details of the respective responsibilities of the Secretary and the Administrator, and resource procurement strategies.

(2) The management plan developed pursuant to paragraph (1) shall be submitted to the Congress within 120 days after the date of enactment of this Act.

(e) FUNDING.—The Secretary shall be responsible for not less than two-thirds of the funding for the program established under this section, and the Administrator shall be responsible for not more than one-third of the funding for such program.

SEC. 23. RANDOM DRUG TESTING.

The Administrator shall require random drug testing of officers and employees of the National Aeronautics and Space Administration.

SEC. 24. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

The Administrator may utilize up to 5 percent of the funds provided for the Small Business Innovation Research Program for program management and promotional activities. None of the the National Aeronautics and Space Administration Small Business Innovation Research Program funds may be used for travel or civil service salaries.

SEC. 25. FUNDING FOR EXTENDED DURATION ORBITER DEVELOPMENT.

The Administrator is authorized to use up to $25,000,000 of the funds appropriated in section 101(g) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes", approved October 30, 1986 (Public Law 99-591; 100 Stat. 3341), for continued development of an extended duration orbiter.

SEC. 26. FUNDING FOR SPACE TRANSPORTATION SYSTEM.

The Administrator is authorized to use up to $25,000,000 of the funds appropriated in section 101(g) of the Joint Resolution entitled "Joint Resolution making continuing appropriations for the fiscal year 1987, and for other purposes", approved October 30, 1986 (Public Law 99-591; 100 Stat. 3341), for space transportation system requirements.

SEC. 27. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.

(a) Section 203(1) of the National Aeronautics and Space Administration Authorization Act of 1988 (42 U.S.C. 2286a(1)) is amended by inserting "and undergraduate" after "graduate".

(b) Section 209(a) of the National Aeronautics and Space Administration Authorizaton Act of 1988 (42 U.S.C. 2486g(a)) is amended by inserting "and undergraduate" after "graduate".

SEC. 28. PEACEFUL USES OF SPACE STATION.

No civil Space Station authorized under this Act may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil Space Station may be used only for peaceful purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to

revise and extend their remarks and include therein extraneous material on H.R. 3729, the bill just passed, and that I may include a summary of major differences between H.R. 3729 and H.R. 1759.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING SECRETARY OF THE SENATE TO MAKE CORRECTION IN ENROLLMENT OF S. 488, RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989

Mr. ROE. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 237) authorizing the Secretary of the Senate to make a correction in the enrollment of the Senate bill (S. 488) to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. PACKARD. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New Jersey to explain his request.

Mr. ROE. Mr. Speaker, basically the Senate bill, S. 488, which passed the House on November 17 had an error in the enrollment. The concurrent resolution at the desk is required to correct a technicality on the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1988, they had made a transposition of the word "shall" to "should". We are simply correcting that mistake, so that the last sentence in section 4 reads "shall".

Mr. PACKARD. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 237

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate, in the enrollment of the bill S. 488, is authorized to make the following correction:

In the last sentence of section 4, strike "should" and insert "shall".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL YEAR OF BIBLE READING

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 164) designating 1990 as the "International Year of Bible Reading," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do not object, but I simply take the time to acknowledge the work of our colleague, the gentleman from New York [Mr. GARCIA] who is the chief sponsor of this particular measure.

I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 164

Whereas the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed Nation and People;

Whereas deeply held religious convictions springing from the Holy Scriptures led to the early settlement of our Nation;

Whereas many of our great national leaders, such as Presidents Washington, Jackson, Lincoln, and Wilson, paid tribute to the important influence the Bible has had in the development of our Nation;

Whereas President Jackson called the Bible "the rock on which our Republic rests";

Whereas the history of our Nation clearly illustrates the value of voluntarily applying the teachings of the Holy Scriptures in the lives of individuals, families, and societies;

Whereas, the Bible has had a profound positive effect in the shaping of individuals, families, and societies in many parts of the world;

Whereas, the Bible provides a major source of hope for the poor and repressed peoples of the world;

Whereas the family of nations now faces great challenges that will test international relationships as they have never been tested before;

Whereas the renewing of knowledge and faith in God through Holy Scripture reading can strengthen the family of nations and their respective people; and

Whereas numerous individuals and organizations around the world are joining hands to encourage international Bible reading in 1990: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That 1990 is designated as the "International Year of Bible Reading". The President is authorized and requested to issue a proclamation recognizing both the formative influence the Bible has had on many societies of the world and the need for world wide study and application of the teachings of the Holy Scriptures.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER: Page 2, line 6, strike "need for" and all that follows through line 2 on page 3 and insert in lieu thereof "value of the study of the Bible."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble offered by Mr. SAWYER: Page 1, in the 1st whereas clause beginning on that page, strike ", the Word of God,".

Page 1, in the 1st whereas clause beginning on that page, strike "People" and insert in lieu thereof "people".

Page 1, in the 2nd whereas clause beginning on that page, strike "religious convictions springing from the Holy Scriptures" and insert in lieu thereof "values springing from the Bible".

Page 2, in the 1st whereas clause beginning on that page, strike "clearly".

Page 2, in the 1st whereas clause beginning on that page, strike "Holy Scriptures" and insert in lieu thereof "Bible".

Page 2, in the 1st whereas clause beginning on that page, strike "individuals, families, and societies;" and insert in lieu thereof 'individuals and of families; and".

Page 2, strike the 2nd, 3rd, 4th, and 5th whereas clauses beginning on that page.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Ohio [Mr. SAWYER].

The amendment to the preamble was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEAF AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 140) designating March 7 through March 13, 1989, as "Deaf Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do so to acknowledge the work of our good

friend, the gentleman from Wisconsin [Mr. GUNDERSON].

I believe we do have an amendment that my colleague, the gentleman from Ohio, is going to offer to that resolution.

We thank the gentleman from Wisconsin [Mr. GUNDERSON] for getting 218 cosponsors.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 140

Whereas during the second week of March 1988, a revolutionary sequence of historic social events evolved on the campus of Gallaudet University, the only university in the Nation which teaches exclusively deaf and hard of hearing students;

Whereas the events which occurred at Gallaudet University in the Spring of 1988 had great significance to all Americans, especially those who are deaf or hard of hearing;

Whereas the week long social protest at Gallaudet University awakened the people of nations around the world to the fact that deaf and hard of hearing individuals are able to achieve at the same level as others and need to be recognized as individuals with unique abilities and qualities; and

Whereas the week long social protest at Gallaudet University served to educate and sensitize the American people concerning the hopes and dreams of the 24,000,000 Americans who are deaf or hard of hearing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 7 through March 13, 1989, is designated as "Deaf Awareness Week": The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week by remembering the significance of the historic social movement, which began in March 1988 at Gallaudet University, through appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAWYER:

Page 2, line 3, strike out "March 7 through March 13, 1989" and insert in lieu thereof "March 11 through March 17, 1990".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. SAWYER].

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Speaker, I offer an amendment to the title:

The Clerk read as follows:

Title amendment offered by Mr. SAWYER:

Amend the title so as to read: "Joint Resolution designating March 11 through March 17, 1990, as 'Deaf Awareness Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1330

NATIONAL AMERICAN INDIAN HERITAGE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 218) to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply do so to acknowledge the work of our colleague, the gentleman from Washington [Mr. DICKS], who brought this matter to our attention.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 218

Whereas American Indians were the original inhabitants of the territories that now constitute the United States of America;

Whereas American Indians and the descendants of such American Indians have made many essential contributions to this Nation;

Whereas the citizens of the United States should be reminded of the assistance given to our Founding Fathers by the native Americans;

Whereas the citizens of the United States should be aware of the present relationship between American Indians and the United States; and

Whereas the first week of November takes place during the harvest season in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 3, 1989, through December 9, 1989, is designated as "National American Indian Heritage Week", and the President is authorized and requested to call upon Federal, State, and local governments, interested groups and organizations, and the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WORLD AIDS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 430) to designate December 1, 1989, as "World AIDS Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply would like to inform the Members that the World Health Organization contacted our colleagues, the gentleman from New York [Mr. WEISS] and the gentleman from Iowa [Mr. LEACH], to promote this particular piece of legislation. The committee was very pleased to endorse it and bring it to the floor at this particular time.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 430, legislation to designate December 1, 1989, as "World AIDS Day."

And I would like to commend the gentleman from New York [Mr. WEISS] for introducing this important legislation.

Mr. Speaker, the World Health Organization has designated December 1, 1989, as "World AIDS Day"; a day for the exchange of information, education and caring for the victims of AIDS.

In my home State of New York, as of December, 1987, 13,462 residents have been diagnosed with AIDS; 7,352 have already died. And this tragic toll of death continues to rise.

Recently, pediatric AIDS cases have added to this growing tragedy. Unfortunately, the majority of the cases are through maternal transmission.

Many AIDS cases occur simply because individuals did not know how to take simple steps to prevent this tragic affliction.

However, education, increased dissemination of information, and understanding will help to combat this epidemic. While these concepts are no panacea for the vast problems of AIDS, they are a step in the right direction.

Accordingly, Mr. Speaker, I urge my colleagues to join today in adopting this resolution and to commit ourselves to provide substantial support for expanded medical research to combat this scourge on our society.

Mr. WEISS. Mr. Speaker, I rise in support of House Joint Resolution 430, a bill designating December 1, 1989, as "World AIDS Day."

The World Health Organization estimates that there are now 600,000 cases of AIDS in 150 countries. The number of persons infected with the human immunodeficiency virus and likely to develop AIDS has reached between 5 and 10 million persons.

There is no question that urgent worldwide action is necessary to stop this pandemic. We commend the World Health Organization for creating a Global Program on AIDS which has achieved impressive results in stimulating and establishing programs against HIV infection and aids in every country in the world. It is essential that these efforts continue in order to prevent the continuing transmission of HIV and meet the challenges of AIDS. This is especially important in light of the absence of a

cure, and the scarcity of effective treatment. In this situation, education is without a doubt our best weapon.

The World Health Organization is organizing a World AIDS Day on December 1 which will be a day of information, education, and action. It will also be a day of compassion for people with HIV infection and AIDS around the world. This year it will focus on young people because they are one of the groups most vulnerable to the human immunodeficiency virus.

I urge my colleagues to support this resolution, which represents a straightforward and constructive way to promote healthy behavior and help to prevent the transmission of the deadly AIDS virus around the globe.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 430

Whereas infection with the Human Immunodeficiency Virus and the incidence of Acquired Immunodeficiency Syndrome has become a global problem of urgent proportions, with an estimated six hundred thousand cases of AIDS in over one hundred and fifty countries and between five million and ten million persons already infected with HIV;

Whereas the worldwide action necessary to stop this global epidemic must continue without compromising the medical, ethical, socioeconomic, cultural, and psychological well being of HIV-infected persons or people living with AIDS while maintaining the momentum that has allowed those engaged in the struggle to close in on the challenges posed by HIV/AIDS;

Whereas the World Health Organization Global AIDS Strategy, undertaken by the WHO Global Program on AIDS, and forged in the light of this worsening pandemic, has achieved impressive results in establishing and stimulating the urgent, worldwide response that has led to the establishment of programs or activities against HIV/AIDS in every country in the world;

Whereas the one hundred and sixty-six Member States of the World Health Organization, in concert with intergovernmental and nongovernmental organizations around the world have accepted the responsibility to safeguard the health of everyone and control the spread of HIV infection through national policies and programs, and in conformity with the WHO Global Strategy;

Whereas these efforts must continue to strive to prevent the transmission of HIV and meet the challenges of AIDS because of the lengthy process that will be required to develop and ultimately distribute widely an effective treatment;

Whereas the World Summit of Ministers of Health on AIDS Prevention in London in 1988, recognizing that, the widest possible dissemination and exchange of information and educational messages is vital to the success of AIDS prevention programs and campaigns and thus pledged to open fully channels of communication in each society, by creating the basis for the declaration of a World AIDS Day as a day of information, education, action, and compassion on AIDS;

Whereas the first World AIDS Day on December 1, 1988, brought messages about the need for action, compassion, and understanding about AIDS to every country in the world;

Whereas the World Health Organization has on World AIDS Day this year chosen to focus on young people because they are critical to HIV/AIDS prevention and control; and

Whereas youth should be given encouragement and the means to organize World AIDS Day activities so that they can talk between themselves and others about the risk of AIDS, caring for people with AIDS, and the global mobilization underway against AIDS: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 1, 1989, is designated "World AIDS Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities, with a special focus on youth.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMEMORATING 75TH ANNIVERSARY OF INTERNATIONAL LADIES' GARMENT WORKERS' UNION HEALTH CENTER

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor and the Committee on Post Office and Civil Service be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 72) to commemorate the 75th anniversary of the International Ladies' Garment Workers' Union Health Center, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to our colleague, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I rise in total support of the concurrent resolution.

The International Ladies' Garment Workers' Union has been very, very important in my district, and, of course, the people they represent are extremely important. I wish there were more, but unfortunately the numbers have declined.

Mr. SAWYER. Mr. Speaker, this concurrent resolution (S. Con. Res. 72), commemorates the 75th anniversary of the founding of the International Ladies' Garment Workers' Union Health Center. The measure passed the Senate on September 25, 1989, and was ordered reported by the House Committee on Education and Labor on November 8, 1989.

Founded in 1914, this ILGWU Health Center was the first health care facility operated by a trade union. Its mission was to care for the workers with tragic diseases and illnesses caused by sweatshop conditions in the garment industry. The Union Health Center developed pioneer programs in health care, benefits, and sickness prevention and has dramatically improved the health of many thousands of workers over these past 75 years. Today the ILGWU's health facilities serve as a model for quality worker health care.

I urge my colleagues to support this resolution which recognizes the historical significance of the first union health center as a visionary example to the United States of how advanced health, safety, and welfare services can be provided to American workers and commends the ILGWU for their dedication in establishing and maintaining the center for 75 years.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 72

Whereas, in 1914, the International Ladies' Garment Workers' Union (ILGWU) established the first health care facility in the United States operated by a trade union and dedicated to the health and welfare of working men and women;

Whereas on November 20, 1963, an Act of Congress was signed by President John F. Kennedy that authorized that a silver medal be struck in recognition of the 50th Anniversary of the ILGWU Union Health Center;

Whereas on June 6, 1964, President Lyndon B. Johnson presented the Medal to the Union Health Center in honor of the trade union crusaders who were in the vanguard of the battles against sweatshops and disease; and

Whereas the ILGWU Union Health Center has often been referred to as "the granddaddy of third-party medicine in the United States": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, on the 75th anniversary of the International Ladies' Garment Workers' Union (ILGWU) Health Center, Congress—

(1) recognizes the historic significance of this first Union Health Center as a visionary example to the United States of how advanced health, safety, and welfare services can be provided to American workers; and

(2) commends the ILGWU for establishing and maintaining the Center.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint and concurrent resolutions just agreed to and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR MEMBER TO ADD ADDITIONAL SPONSORS TO H.R. 2273

Mr. HOYER. Mr. Speaker, I ask unanimous consent to add additional sponsors to H.R. 2273, as follows:

Mr. TIMOTHY PENNY and Ms. OLYMPIA SNOWE.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

RELEASING RESTRICTIONS ON THE USE OF CERTAIN PROPERTY CONVEYED TO THE PENINSULA AIRPORT COMMISSION FOR AIRPORT PURPOSES

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 838) to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission for airport purposes with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment to H.R. 838: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SEC. 2. Section 511 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210) is amended by adding at the end thereof the following new subsection:

"(g) USE OF AIRPORT GENERATED REVENUES IN HAWAII.—

"(1) GENERAL RULE.—Notwithstanding the limitation on the use of revenues generated by airports contained in subsection (a)(12) of this section, the State of Hawaii may use for highway construction which would facilitate access to airports revenues generated on the sale at off-airport locations in the State of duty-free merchandise under a contract between the State and a duty-free sales enterprise.

"(2) LIMITATIONS.—

"(A) APPLICABILITY PERIOD.—This subsection only applies to revenues generated on sales referred to in paragraph (1) in the period beginning on the date of the enactment of this subsection and ending December 31, 1994.

"(B) COVERAGE OF AIRPORT CAPITAL AND OPERATING COSTS.—The State of Hawaii may use under paragraph (1) revenues generated on sales referred to in paragraph (1) in a calendar year only if the amount of such revenues, when added to the amount of funds received in such year by the State for airport capital and operating costs from all others sources (including revenues generated by such airports from other sources and unrestricted cash on hand and including Federal funds made available under this Act for expenditure at such airports), exceeds 150 percent of the projected airport capital and operating costs for such year, as determined under methods approved by the Secretary. The amount of revenues generated on sales referred to in paragraph (1) in such year which the State may use under paragraph (1) may not exceed the amount of the excess determined under the preceding sentence.

"(C) AGGREGATE CAP.—Subject to subparagraph (D), the maximum amount of revenues which the State of Hawaii may use under paragraph (1) may not exceed $150,000,000 in the aggregate.

"(D) REDUCTION DUE TO LANDING FEE INCREASE.—If any fee levied or collected by an airport operated by the State of Hawaii for a rental charge, landing fee, or other service charge from an aircraft operator for the use of airport facilities is increased in the period of applicability set forth in subparagraph (A) by a percentage which is greater than the percentage change in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor in such period and if the revenues derived from such fee increases, as a result of such fee increase, the $150,000,000 limit established by subparagraph (C) shall be reduced by the amount of the projected increase in such revenues in such period less any portion of such increase which is attributable to changes in such Index in such period, as determined by the Secretary.

"(E) UNAVAILABILITY OF GRANTS UNDER SECTION 505.—In any calendar year in which the State of Hawaii uses revenue generated by airports for highway construction under this subsection, the State shall not receive any grant under section 505 for airport development, airport planning, airport noise compatibility planning, or airport noise compatibility programs.

"(3) PERIOD OF USE.—Revenues generated on sales referred to in paragraph (1) in the period of applicability set forth in paragraph (2)(A) may be used under paragraph (1) in any calender year, including a calendar year beginning after December 31, 1994.

"(4) DEFINITIONS.—As used in this subsection—

"(A) AIRPORT CAPITAL AND OPERATING COSTS.—The term 'airport capital and operating costs' means capital and operating costs of all airports operated by the State of Hawaii.

"(B) CUSTOMS TERRITORY.—The term 'customs territory' means the customs territory of the United States and foreign trade zones.

"(C) DUTY-FREE SALES ENTERPRISE.—The term 'duty-free sales enterprise' means a person that sells, for personal use outside the customs territory, duty-free merchandise which is delivered from a bonded warehouse to an airport or other exit point for exportation by, or on behalf of, individuals departing from the customs territory.

"(D) DUTY-FREE MERCHANDISE.—The term 'duty-free merchandise' means merchandise in a duty-free sales enterprise on which neither Federal duty nor Federal tax has been assessed pending exportation from the customs territory.

"(E) EXIT POINT.—The term 'exit point' means the area in close proximity to an actual exit for departing from the customs territory, including the gate holding area in the case of an airport.

"(F) PERSONAL USE.—The term 'personal use' means use for other than resale and includes use by a purchaser for household or family consumption as well as use by the purchaser for gifts to others.".

SEC. 3. Section 601(f) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (6); and

(2) by inserting after paragraph (2) the following new paragraphs:

"(3) OPERATIONAL EVALUATION.—The Administrator shall institute, for a 1-year period beginning not later than December 30, 1990, a program for the operational evaluation of the collision avoidance system known as TCAS-II, in order to collect and assess safety and operational data from the civil aircraft equipped with such system. In conducting the program, the Administrator shall encourage the participation of foreign air carriers which operate civil aircraft equipped with such system.

"(4) EXTENSION OF TIME.—If the Administrator determines that extending the deadline contained in paragraph (2) is necessary—

"(A) to promote a safe and orderly transition to operation of a fleet of civil aircraft described in paragraph (2) which is equipped with the collision avoidance system known as TCAS-II, or

"(B) to promote other safety objectives, the Administrator may extend such deadline for a period not to exceed 2 years; except that the Administrator may further extend such deadline if the Administrator determines that such further extension is necessary to promote aviation safety and notifies, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such extension at least 90 days before such extension is to take effect.

"(5) COMPATIBILITY OF WINDSHEAR EQUIPMENT INSTALLATION SCHEDULE.—The Administrator shall consider the feasibility and desirability of amending the schedule for the installation of airborne low-altitude windshear equipment in order to make such schedule compatible with the schedule for the installation of the collision avoidance system known as TCAS-II.".

SEC. 4. Section 905(d)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1475(d)(4)) is amended by striking "2-year" and inserting "28 month".

Mr. ANDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to the chairman of our committee, the gentleman from California [Mr. ANDERSON], to explain his request.

Mr. ANDERSON. Mr. Speaker, the House amendment consists of three legislative provisions which have already passed the House and one additional provision.

The three provisions which previously passed the House are:

First, a provision allowing the Peninsula Airport Commission to convey 13 acres of land which are no longer needed for airport purposes.

Second, a provision providing authority to the FAA Administrator to modify deadlines for installation of collision avoidance equipment for safety reasons.

Third, a 4-month extension of the authority of the Federal Aviation Administration to impose civil penalties for violations of FAA safety and security regulations.

The additional provision in the bill allows the State of Hawaii to use excess revenues generated by the duty-free shop in Honolulu to fund the construction of highways facilitating access to the airport. Under a grant assurance for airport development, Hawaii is required to use all revenues generated by the duty-free shop for airport purposes. The duty-free shop is generating much more revenue than is needed for airport development. This bill would permit excess revenues to be used to develop roads leading to the airport. The use of excess revenues for this purpose is supported by the Hawaii delegation in the House and the other body. It does not involve any expenditures by the Federal Government but merely permits the State to use excess revenues generated by a duty-free shop for highway purposes related to the airport.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished chairman of the Aviation Subcommittee.

Mr. OBERSTAR. Mr. Speaker, I appreciate the splendid cooperation on the part of the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the gentleman from Pennsylvania [Mr. CLINGER], ranking member of the Aviation Subcommittee, in bringing these matters to fruition, particularly this rather thorny issue of the Hawaii duty-free shops, which the gentleman from California [Mr. ANDERSON], the chairman, has already explained.

Let me give just a few further details. The money from the duty-free shops must be used only for highway construction that would facilitate access to the airport in Hawaii. The authority to spend excess revenues is available only for 5 years, and the moneys can be used only to the extent that all airport revenues exceed 150 percent of airport expenses including debt service. Further, there is a cap of $150 million on total use of the duty-free revenues and, finally, in any calendar year in which duty-free revenues are used for highway purposes, the State of Hawaii under this legislation would be ineligible for airport improvement grants.

I think we have very narrowly defined, very narrowly limited this very unique provision; unique only to Hawaii, and unique because they have such an enormous amount of revenue from the duty-free shop, which is not located on the airport premises. We also relied upon a study done by the Department of Transportation which indicated that Hawaii has more excess revenue than other major airports in the United States.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I appreciate the very able work of our distinguished chairman of the Subcommittee on Aviation. I know that he and the gentleman from Pennsylvania [Mr. CLINGER], along with our chairman, the gentleman from California [Mr. ANDERSON], and myself met with the Governor of Hawaii in an effort to accommodate a request of Senator INOUYE, and I hope we are moving in that direction, that this will accommodate that.

Further reserving the right to object, I yield to the distinguished ranking member of the subcommittee, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I want to associate myself with the remarks of my chairman, the gentleman from Minnesota.

Mr. Speaker, this is basically an effort to combine a number of things that have already passed the House together with the one new provision relating to the airport in Honolulu in an attempt to get these measures passed before we adjourn.

The original bill involved here was introduced by our colleague, the gentleman from Virginia [Mr. BATEMAN]. What it does, in effect, is remove some deed restrictions on the Peninsula Airport at Newport News, and this is a matter that has been pending for some time. I am delighted that we are going to be able to address the concerns of the gentleman from Virginia [Mr. BATEMAN] and take care of that problem.

The other one that has already been alluded to is the addition of the T-CAS, that is, the collision avoidance systems. Here again, I would acknowledge the very strong work of our colleague, the gentleman from California [Mr. PACKARD], who has been working very tirelessly on this issue. What it represents is an effort to ensure that this very vitally needed equipment is going to be installed in a reasonable time, not overpressure the system, but make sure that the equipment is installed in an appropriate time and that we will have this additional protection for the traveling public.

Finally, the civil penalties extension which just passed this body on Friday, giving a 4-month extension to that program, and that will not lapse.

I would just add that on the provision for the Honolulu Airport there are very tight, I think, restrictions so that we do not make a major change in the overall policy, which is that we do not allow the use of revenue develop or produced by franchises or shops within an airport complex to be used for purposes other than airport improvement.

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But because of the fact that this particular provision has been so successful, and because of a very real, pressing need particularly with relation to highway 3 which services the Honolulu Airport, most of this money, as I understand, will be used for that purpose.

The only other condition I think that was included in this bill would indicate that the airport authority could not raise the landing fees at the airport above the CPI, above the cost-of-living adjustment, and if they were to do so, in other words, if they did increase the landing fees above the cost-of-living adjustment, that also would be deducted from the $150 million cap we have put on the provision.

So I would just commend all of our staff for pulling these matters together into one bill at this late stage, and hopefully we can see these matters addressed in the other body as well.

Mr. HAMMERSCHMIDT. Further reserving the right to object, I thank the gentleman for his explanation. I too want to pay tribute to our staff on the Public Works and Transportation Committee, not only for this bill, but for the fine work they have done all through this session of Congress.

Mr. Speaker, I rise in support of this legislation, several components of which have previously passed this body with wide support.

First, the underlying legislation clears up some unfinished business from the last two Congresses. In the 99th Congress, we passed a bill that removed certain deed restrictions on the airport in Newport News, VA. This cleared the sale of about 20½ acres of property at that airport which was no longer needed for airport purposes. However, when the Senate took up the bill, they took out about 13 acres. This left some of the property still subject to the deed restriction.

Last year, during the 100th Congress, the Senate took another look at this issue and decided to pass a bill to remove the restriction on the last 13 acres. However, the House took no action on that bill.

The bill before us now is similar to the one the Senate passed last year and the same as the one that the House passed earlier this year. It completes the action that this body initiated 3 years ago by releasing the remaining 13 acres of airport property from restrictions in the deed that prevent their sale.

The second component of this bill is the Senate amendment to H.R. 838. It would permit the State of Hawaii to utilize revenue from a duty-free store for transportation related projects.

While recognizing the unique situation in Hawaii, I am concerned about the possible precedent setting nature of this provision. Therefore, I was pleased that the Senate amendment has been revised to limit the ap-

plication of the provision. As revised in this bill, the State of Hawaii would be limited to spending excess duty-free revenue on highway construction that facilitates access to the airport. Hawaii would not be eligible for Airport Improvement Program [AIP] grants in any year that it used duty-free store revenue for highway construction. This bill also imposes a $150 million cap on the amount of excess revenues that can be spent on highways.

This bill also proposes to amend H.R. 838 with a provision which passed the House just last week by unanimous consent. This provision would extend the FAA's Civil Penalty Demonstration Program for 4 months. In 1987, we authorized this program to permit FAA to administratively impose and enforce small civil penalties so that the FAA would not have to go through the U.S. attorney.

Unfortunately, while the civil penalty demonstration may have increased efficiency, it has been very controversial. Aviation groups which are often unable to agree on other issues have been united in their opposition to this program. The problem is not with the concept of the program as much as with the procedures that FAA has adopted to implement the program.

These procedural objections are particularly troublesome because the NTSB already has procedures to deal with certificate actions. One question we should be examining here is whether those procedures could simply be used for this program or whether the NTSB could take over the administration of this program entirely. I realize that there are questions about the resources available to the NTSB to do this, but I believe it is a question we should address next year. That is the reason for a 4 month extension.

Finally, the legislation includes a provision which the House passed previously involving the airline collision avoidance system known as TCAS–II.

This bill would permit the FAA to adopt a phased implementation schedule and to conduct a test of the TCAS–II system as it is being phased in. It would set a target of 1993 for the complete installation of TCAS. The FAA could extend this 1993 date but it would face a heavy burden in doing so.

In my view, this approach will allow for a safe and orderly installation of collision avoidance technology. It will also keep the FAA's and the airline's "feet to the fire" to ensure that they install this important safety equipment as soon as possible.

All of the above provisions are good ones and I therefore support the enactment of this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL CONSUMER COOPERATIVE BANK AMENDMENTS OF 1989

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 3720) to amend provisions of the National Consumer Cooperative Bank Act relating to the payment of interest on and the redemption of class A notes issued by the National Consumer Cooperative Bank, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I do so to ask the distinguished gentleman from Texas [Mr. GONZALEZ], chairman of the committee, to explain the bill.

Mr. GONZALEZ. Mr. Speaker, if the gentleman will yield, this is a technical amendment designed primarily to clarify the manner in which the Secretary of the Treasury determines and pays the interest that applies to the notes issued as seed money for the National Consumer Cooperative Bank.

The notes reflect advances made to the bank pursuant to 1981 amendments which converted the bank to private status.

This technical amendment has the full support of the Secretary of the Treasury and the National Consumer Cooperative Bank.

The amendment and the related financing agreement between Treasury and the bank fix three problems: First, the interest rate is clarified. Second, due dates for the interest payments are specifically provided. Third, the final maturity of the notes is moved from December 31 to October 31, 2020.

BACKGROUND

The 1978 National Consumer Cooperative Bank Act and its 1981 amendments contemplated that the Treasury would provide seed money to fund the creation and growth of the bank to maturity. The total advances are not to exceed $184,270,000 and advances will be made after the year 2019. These advances were to bear interest at market rates after October 1, 1990; however, the 1981 amendments based the interest rate after 1990 on obligations of comparable maturity. Treasury's general counsel has interpreted this to mean that rates would be based not on the rates for 1-year Treasury obligations each year, but rather on 30-year obligations for the first year, 29-year obligations for the second year, and so on, until the final maturity of all the notes in the year 2020.

It is unusual and difficult to base rates in today's markets on 30-year Treasury securities. Even ARM's are usually based on 1-year Treasury securities or similar indices, even if the ARM has a 30-year term.

The new language bases the interest rate on comparable terms and conditions, as opposed to comparable maturity, of U.S. obligations.

Without the clarification provided in this amendment, it would be extremely difficult for the bank to persuade its borrowers to accept loan pricing keyed to such long-term rates with only annual rate adjustments.

The amendment also gives the Treasury Secretary the discretion to enter into a separate financing agreement with the bank which will be signed upon adoption of the technical amendment. The financing agreement provides the Secretary with the discretion to determine market rates for rate adjustment periods that will permit the bank to more prudently plan its asset and liability matching.

The financing agreement also provides stated due dates for interest payments.

Mr. LEACH of Iowa. Mr. Speaker, further reserving the right to object, I support the remarks of the distinguished chairman of the Banking Committee.

In 1978, Congress created the National Consumer Cooperative Bank as a mixed-ownership Government corporation to provide financial and associated services to stimulate the performance and growth of the cooperative sector of the economy. To provide seed money for the bank, $184 million in class A stock was sold to the Treasury.

In 1981, the bank was converted to a private corporation. The privatization was accomplished by the bank's purchasing 100 percent of the class A stock from the Treasury. The purchase was made with a note payable over 40 years. Under current law, the interest rate paid on these notes is set by the Secretary of the Treasury annually. This bill would authorize the Secretary to determine the rate at the beginning of each 5-year period—with the rate to be based on yields on Treasury securities with comparable maturities—5 years. This change is needed to enable the bank to match its funding and lending operations with its liabilities to Treasury. The bill also provides a date certain—October 21, 2020—by which all of the notes must be repaid.

The National Consumer Cooperative Bank is today a $350 million lending institution serving the financial needs of cooperative enterprises nationwide. The changes provided in this bill will provide the certainty needed for

future financial planning and will enable the bank to remain financially sound.

Mr. Speaker, this bill has the support of the Treasury Department and I urge its adoption.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Consumer Cooperative Bank Amendments of 1989".

SEC. 2. AMENDMENTS RELATING TO CLASS A NOTES.

Section 104(c) of the National Consumer Cooperative Bank Act (12 U.S.C. 3014(c)) is amended–

(1) by striking out the first 2 sentences and inserting the following: "The holder of class A notes shall be entitled to interest at a rate or rates determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable terms and conditions as of the last day of the month proceeding each issuance of such class A notes to the Secretary of the Treasury, except that, until October 1, 1990, interest payments shall not exceed 25 percent of gross revenues for the year, less necessary operating expenses including a reserve for possible losses. From time to time, the Bank may, with the approval of the Secretary of the Treasury and consistent with the terms of this Act, issue replacement class A notes upon terms and conditions to be agreed upon by the Bank and the Secretary, bearing interest as provided in this subsection (c), in substitution for those class A notes previously issued."; and

(2) by adding at the end the following: "All class A notes shall be redeemed by the Bank no later than October 31, 2020.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

CONFERENCE REPORT (H. REPT. 101-383)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3611) to combat international narcotics production and trafficking, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Narcotics Control Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Andean drug initiative.
Sec. 3. Military and law enforcement assistance for Bolivia, Colombia, and Peru.
Sec. 4. Acquisition by Special Defense Acquisition Fund of defense articles for narcotics control purposes.
Sec. 5. Excess defense articles for certain major illicit drug producing countries.
Sec. 6. Waiver of Brooke-Alexander amendment for major coca producing countries.
Sec. 7. Mexico.
Sec. 8. Nonapplicability of certification procedures to certain major drug-transit countries.
Sec. 9. Coordination of United States trade policy and narcotics control objectives.
Sec. 10. Debt-for-drugs exchanges.
Sec. 11. Multilateral antinarcotics strike force.
Sec. 12. Weapons transfers to international narcotics traffickers.
Sec. 13. Rewards for information concerning acts of international terrorism.
Sec. 14. Waiver of Bumpers Amendment.
Sec. 15. Participation in foreign police actions.
Sec. 16. Authorization of appropriations for international narcotics control assistance.
Sec. 17. Revisions of certain narcotics-related provisions of the Foreign Assistance Act.

SEC. 2. ANDEAN DRUG INITIATIVE.

(a) FINDINGS RELATING TO ECONOMIC ASSISTANCE NEEDS.—The Congress finds that—

(1) it is crucial to international antidrug efforts that funds be made available for crop substitution programs and alternative employment opportunities to provide alternative sources of income for those individuals in major coca producing countries who are dependent on illicit drug production activities, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries; and

(2) the United States and other major donor countries (including European countries and Japan) should provide increased economic assistance, on an urgent basis, to those major coca producing countries which have taken concrete steps to attack illicit coca production, processing, and trafficking, by eradication, interdiction, or other methods which significantly reduce the flow of cocaine to the world market.

(b) PLAN TO ADDRESS NEED FOR ASSISTANCE.—The Congress, therefore, urges the Director of National Drug Control Policy to submit to the Congress in February 1990, as part of the National Drug Control Strategy report required by section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504), a plan which addresses the need outlined in subsection (a).

(c) ANDEAN SUMMIT.—The Congress urges the President in the strongest possible terms to include the following issues on the formal agenda of the meeting between the President and the heads of government of Bolivia, Colombia, and Peru, scheduled for early February 1990:

(1) Bilateral and multilateral antidrug efforts that make funds available for crop substitution programs and alternative employment opportunities in major coca producing countries, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries.

(2) Initiatives to improve and expand antidrug efforts in the Andean region, including through the use of United States international economic, commercial, and other policies.

(3) Prior bilateral discussions aimed at increasing multilateral economic development assistance from Japan, Canada, and Western European countries for antidrug efforts in the Andean region.

(4) Debt-for-drugs exchanges that forgive Andean bilateral debt held by the United States and other creditor countries in return for commitments by Andean governments to use the savings in debt service for antidrug programs, pursuant to agreements negotiated under section 481(h)(2)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(2)(B)) and other international agreements and initiatives.

(5) Bilateral and multilateral efforts to halt the transfer of arms, precursor chemicals, and sophisticated communications equipment and technology from legitimate sources to drug trafficking organizations.

(d) REPORT ON ANDEAN SUMMIT MEETING.—Not later than 30 days after the conclusion of the Andean summit meeting described in subsection (c), the President shall report to the Congress on the outcome of that meeting.

(e) SUPPLEMENTAL BUDGET REQUESTS.—At the same time as he submits the report required by subsection (d), the President shall submit to the Congress such supplemental budget requests for fiscal years 1990 and 1991 as may be necessary to cover the United States share of the cost of additional economic assistance to implement an Andean antidrug strategy, including the commitments made at the Andean summit meeting described in subsection (c).

SEC. 3. MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU.

(a) PURPOSES OF ASSISTANCE.—Assistance provided under this section shall be designed to—

(1) enhance the ability of the Government of Bolivia, the Government of Colombia, and the Government of Peru to control illicit narcotics production and trafficking;

(2) strengthen the bilateral ties of the United States with those governments by offering concrete assistance in this area of great mutual concern; and

(3) strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking.

(b) MILITARY ASSISTANCE AND TRAINING.—Subject to the requirements of this section, the President is authorized to use the funds made available to carry out this section to provide defense articles, defense services, and international military education and training to Bolivia, Colombia, and Peru. Such assistance shall be provided under the authorities of section 23 of the Arms Export Control Act (22 U.S.C 2763; relating to the foreign military financing program) and chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 and following; relating to international military education and training). Such assistance is in addition to any other such assistance made available to those countries.

(c) LAW ENFORCEMENT TRAINING.—

(1) AUTHORIZED FORMS AND RECIPIENTS OF ASSISTANCE.—Subject to paragraph (2), up to $6,500,000 of the funds made available to carry out this section may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on law enforcement assistance)—

(A) to provide to law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement by the Government of Bolivia, the Government of Colombia, or the Government of Peru, education and training in the operation and maintenance of equipment used in narcotics control interdiction and eradication efforts; and

(B) for the expenses of deploying, upon the request of the Government of Bolivia, the Government of Colombia, or the Government of Peru, Department of Defense mobile training teams in that country to conduct training in military-related individual and collective skills that will enhance that country's ability to conduct tactical operations in narcotics interdiction.

(2) OFFSETTING REDUCTION.—The amount that may be used under paragraph (1) shall be reduced by the amount of any assistance provided for Bolivia, Colombia, or Peru under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, for the purposes specified in subparagraph (A) or (B) of paragraph (1).

(d) EQUIPMENT FOR LAW ENFORCEMENT UNITS.—

(1) AUTHORIZED FORMS AND RECIPIENTS OF ASSISTANCE.—Subject to paragraph (2), up to $12,500,000 of the funds made available to carry out this section may be used, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to the prohibition on law enforcement assistance), for the procurement of defense articles for use in narcotics control, eradication, and interdiction efforts by law enforcement agencies, or other units, that are organized for the specific purpose of narcotics enforcement.

(2) OFFSETTING REDUCTION.—The amount that may be used under paragraph (1) shall be reduced by the amount of any assistance provided for Bolivia, Colombia, or Peru under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, for the procurement of weapons or ammunition in accordance with the general authorities contained in section 481(a) of the Foreign Assistance Act of 1961.

(e) CONDITIONS OF ELIGIBILITY.—Assistance may be provided under this section to Bolivia, Colombia, or Peru only—

(1) so long as that country has a democratic government; and

(2) the law enforcement agencies of that country do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)(1)).

(f) NOTIFICATIONS TO CONGRESS.—Not less than 15 days before funds are obligated pursuant to this section, the President shall transmit to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) a written notification in accordance with the procedures applicable to reprogrammings under that section. Such notification shall specify—

(1) the country to which the assistance is to be provided;

(2) the type and value of the assistance to be provided;

(3) the law enforcement agencies or other units that will receive the assistance; and

(4) an explanation of how the proposed assistance will achieve the purposes specified in subsection (a) of this section.

(g) REPORTS ON HUMAN RIGHTS SITUATION.—Section 502B(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(c); relating to country-specific human rights reports upon the request of the foreign affairs committees) applies with respect to countries for which assistance authorized by this section is proposed or is being provided.

(h) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000,000 for fiscal year 1990 to carry out this section, which amount is authorized to be made available until expended.

SEC. 4. ACQUISITION BY SPECIAL DEFENSE ACQUISITION FUND OF DEFENSE ARTICLES FOR NARCOTICS CONTROL PURPOSES.

Section 51(a) of the Arms Export Control Act (22 U.S.C. 2795(a)) is amended by adding at the end the following:

"(4)(A) The Fund shall also be used to acquire defense articles that are particularly suited for use for narcotics control purposes and are appropriate to the needs of recipient countries, such as small boats, planes (including helicopters), and communications equipment.

"(B) Each report pursuant to section 53(a) shall designate the defense articles that have been acquired or are to be acquired pursuant to this paragraph and the defense articles acquired under this chapter that were transferred for use in narcotics control purposes.".

SEC. 5. EXCESS DEFENSE ARTICLES FOR CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

Chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 and following) is amended by adding at the end the following:

"SEC. 517. MODERNIZATION OF MILITARY CAPABILITIES OF CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES.

"(a) AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.—Subject to the limitations in this section, the President may transfer to a country—

"(1) which is a major illicit drug producing country (as defined in section 481(i)(2)) in Latin America and the Caribbean,

"(2) which has a democratic government, and

"(3) whose armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights (as defined in section 502B(d)(1)),

such excess defense articles as may be necessary to carry out subsection (b).

"(b) PURPOSE.—Excess defense articles may be transferred under subsection (a) only for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotropic drugs or other controlled substances (as defined in section 481(i)(3)).

"(c) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

"(d) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a). In accordance with section 4601 of the International Narcotics Control Act of 1988, the Secretary shall ensure that the transfer of excess defense articles under subsection (a) is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

"(e) DOLLAR LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a) in any fiscal year may not exceed $10,000,000.

"(f) CONDITIONS ON TRANSFERS.—The President may transfer excess defense articles under this section only if—

"(1) they are drawn from existing stocks of the Department of Defense;

"(2) funds available to the Department of Defense for the procurement of defense equipment are not expended in connection with the transfer; and

"(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

"(g) TERMS OF TRANSFERS.—Excess defense articles may be transferred under this section without cost to the recipient country.

"(h) WAIVER OF REQUIREMENT FOR REIMBURSEMENT OF DOD EXPENSES.—Section 632(d) does not apply with respect to transfers of excess defense articles under this section.

"(i) NOTIFICATION TO CONGRESS.—

"(1) ADVANCE NOTICE.—The President may not transfer excess defense articles under this section until 30 days after the President has provided notice of the proposed transfer to the committees specified in paragraph (2). This notification shall include—

"(A) a certification of the need for the transfer;

"(B) an assessment of the impact of the transfer on the military readiness of the United States; and

"(C) a statement of the value of the excess defense articles to be transferred.

"(2) COMMITTEES TO BE NOTIFIED.—Notice shall be provided pursuant to paragraph (1) to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.".

SEC. 6. WAIVER OF BROOKE-ALEXANDER AMENDMENT FOR MAJOR COCA PRODUCING COUNTRIES.

During fiscal year 1990, section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) and section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, do not apply with respect to narcotics-related assistance for a country which is a major illicit drug producing country (as defined in section 481(i)(2) of the Foreign Assistance Act of 1961) because of its coca production.

SEC. 7. MEXICO.

(a) LIMITATION ON NARCOTICS CONTROL ASSISTANCE.—

(1) LIMITATION.—Except as provided in paragraph (2), not more than $15,000,000 of the amounts made available for fiscal year 1990 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 and following; relating to international narcotics control assistance) may be made available for Mexico.

(2) PROCEDURE FOR ADDITIONAL ASSISTANCE.—Assistance in excess of the amount specified in paragraph (1) may be made available for Mexico only if the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) are notified at least 15 days in advance in accordance with the procedures applicable to reprogrammings under that section.

(b) SENATE POLICY TOWARD THE CONTROL OF ILLEGAL DRUGS IN MEXICO.—

(1) FINDINGS.—The Senate finds that—

(A) the Foreign Assistance Act of 1961 requires, except in cases of vital national interest, that all countries determined to be a major illicit drug producing country or a major drug-transit country must be "cooperating fully" with United States antinarcotics activities in order to continue receiving various forms of United States foreign assistance;

(B) relations between the United States and Mexico have suffered since the 1985 kidnapping and murder of Drug Enforcement Administration agent Enrique Camarena and the 1986 torture of DEA agent Victor Cortez;

(C) testimony before the Senate dating to 1986 has indicated that high-ranking Mexican government, military, and law enforcement officials have been involved in illegal narcotics operations, including narcotics trafficking operations into the United States;

(D) Mexico has been determined to be the primary producer of marijuana and heroin entering the United States and the transit point for up to 50 percent of the cocaine being smuggled into this country;

(E) there have been three drug-related mass murders involving more than 30 victims along the southwest border in recent months involving Mexican drug trafficking organizations;

(F) the United States continues to seek, with Mexican cooperation, hot pursuit and overflight authority for United States law enforcement agencies, access to bank records, verification of eradication figures, information on those who have been tried, charged, sentenced, and served time for narcotics-related crimes, and extradition of criminal figures;

(G) there was sworn in a new president and Government of Mexico on December 1, 1988, creating a new era of opportunity for increased cooperation and mutual friendship;

(H) the new President of Mexico, Carlos Salinas de Gortari, has indicated a strong willingness to expand and improve Mexico's antinarcotics activities;

(I) the Chief of the Mexico City Police Investigative Service, Miguel Nazar Haro, who is under indictment in the United States, has been fired;

(J) the Government of Mexico has arrested Miguel Angel Felix-Gallardo, one of the most notorious drug trafficking figures in Mexico;

(K) Mexican officials have for the first time conceded that corrupt Mexican officials, including law enforcement, government, and military officials, have previously protected Mr. Gallardo; and

(L) criminal charges of electoral fraud against the mayor of Hermosillo, Carlos Robles, and homicide and arms charges against the head of Mexico's Oil Workers Union, Joaquin Hernandez Galicia, have been filed.

(2) SENATE POLICY.—It is the sense of the Senate that—

(A) President Salinas should be supported in his expressed willingness to end the narcotics-related corruption that has permeated the Government of Mexico in the past;

(B) Mexico should conclude the prosecution of the murders of Drug Enforcement Administration agent Camarena, the perpetrators of torture against DEA agent Cortez, and make progress in the prosecution of Felix-Gallardo;

(C) Mexico should demonstrate its commitment to cooperating fully in antinarcotics activities by entering into negotiations with the United States on—

(i) joint overflight and hot pursuit operations, involving Mexican law enforcement officials traveling on United States interdiction aircraft with Mexican officers having responsibility for actual arrests of suspects;

(ii) participation of United States law enforcement agencies in air surveillance flights for interdiction efforts and joint United States-Mexico border enforcement and interdiction operations;

(iii) United States requests for access to bank records to assist in carrying out narcotics-related investigations; and

(iv) United States requests for verification of eradication statistics, including ground verification; and

(D) the people of Mexico should be supported in their efforts to rid their country of illicit narcotics, bribery and corruption, and electoral fraud.

SEC. 8. NONAPPLICABILITY OF CERTIFICATION PROCEDURES TO CERTAIN MAJOR DRUG-TRANSIT COUNTRIES.

Section 481(h) of the Foreign Assistance Act of 1961 shall not apply with respect to a major drug-transit country for fiscal year 1990 if the President certifies to the Congress, during that fiscal year, that—

(1) subparagraph (C) of section 481(i)(5) of that Act, relating to money laundering, does not apply to that country;

(2) the country previously was a major illicit drug producing country but, during each of the preceding two years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own—

(A) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in section 481(h)(2)(B) of that Act) or a multilateral agreement which achieves the objectives of that section;

(B) in preventing narcotic and psychotropic drugs and other controlled substances transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States; and

(C) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts.

SEC. 9. COORDINATION OF UNITED STATES TRADE POLICY AND NARCOTICS CONTROL OBJECTIVES.

(a) NEED FOR COORDINATION.—It is the sense of the Congress that United States trade policy should be coordinated with United States narcotics control objectives, particularly with respect to issues such as the International Coffee Agreement.

(b) PRESIDENTIAL REVIEW.—The Congress commends the President for reviewing whether the International Coffee Agreement negotiations should be resumed and whether the trade benefits provided in the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 and following) should be extended to the major coca producing countries of Latin America.

SEC. 10. DEBT-FOR-DRUGS EXCHANGES.

(a) AUTHORITY.—The President may release Bolivia, Colombia, or Peru from its obligation to make payments to the United States Government of principal and interest on account of a loan made to that country under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to foreign assistance programs) or credits extended for that country under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military sales credits) if the President determines that that country is implementing programs to reduce the flow of cocaine to the United States in accordance with a formal bilateral or multilateral agreement, to which the United States is a party, that contains specific, quantitative and qualitative, performance criteria with respect to those programs.

(b) CONGRESSIONAL REVIEW OF AGREEMENTS.—The President shall submit any such agreement with Bolivia, Colombia, or Peru to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate at least 15 days before exercising the authority of section (a) with respect to that country.

(c) COORDINATION WITH MULTILATERAL DEBT RELIEF ACTIVITIES.—The authority provided in subsection (a) shall be exercised in coordination with multilateral debt relief activities.

(d) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1990.

SEC. 11. MULTILATERAL ANTINARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the Congress has, in the past, indicated its support for a multilateral, regional approach to narcotics control efforts;

(2) a proposal to create a multilateral, international antinarcotics force for the

Western Hemisphere, is a plan worthy of praise and strong United States support;

(3) the development of a greater capability to assist the governments of Latin America and the Caribbean, including the Caribbean Basin nations, is an essential component of efforts to interdict the flow of narcotics to the United States; and

(4) regional leadership in the promotion of a multilateral, paramilitary force to combat the drug cartels is welcomed and encouraged.

(b) SENSE OF CONGRESS.—It is therefore the sense of the Congress that—

(1) the proposal for the promotion of a regional multilateral antinarcotics force for the Western Hemisphere should be endorsed; and

(2) the United States should work through the United Nations, the Organization of American States, and other multilateral organizations to determine the feasibility of such a force and should assist in the establishment of this force if it is found to be feasible.

SEC. 12. WEAPONS TRANSFERS TO INTERNATIONAL NARCOTICS TRAFFICKERS.

(a) HALTING WEAPONS TRANSFERS TO NARCOTICS TRAFFICKERS.—The Congress urges the President to seek agreement by the relevant foreign countries, especially the member countries of the North Atlantic Treaty Organization and the member countries of the Warsaw Pact, to join with the United States in taking the necessary steps to halt transfers of weapons to narcotics traffickers in Latin America.

(b) COORDINATION OF UNITED STATES EFFORTS TO TRACK ILLEGAL ARMS TRANSFERS.—The Congress urges the President to improve the coordination of United States Government efforts—

(1) to track the flow of weapons illegally from the United States and other countries to international narcotics traffickers, and

(2) to prevent such illegal shipments from the United States.

(c) INTERPOL.—The Congress calls upon the President to direct the United States representative to INTERPOL to urge that organization to study the feasibility of creating an international database on the flow of those types of weapons that are being acquired illegally by international narcotics traffickers.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the steps taken in accordance with this section.

SEC. 13. REWARDS FOR INFORMATION CONCERNING ACTS OF INTERNATIONAL TERRORISM.

(a) AMENDMENT.—Subject to subsection (b), section 36(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(c)) is amended by striking out "$500,000" and inserting in lieu thereof "$2,000,000".

(b) AVOIDING DUPLICATIVE AMENDMENTS.—If the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is enacted before this Act, and that Act makes the same amendment as is described in subsection (a), then subsection (a) shall not take effect. If, however, this Act is enacted before the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and that Act would make the same amendment as is made by subsection (a), then that amendment as proposed to be made by that Act shall not take effect.

SEC. 14. WAIVER OF BUMPERS AMENDMENT.

(a) ASSISTANCE FOR CROP SUBSTITUTION ACTIVITIES.—During fiscal year 1990, the provisions described in subsection (b) do not apply with respect to assistance for crop substitution activities undertaken in furtherance of narcotics control objectives.

(b) BUMPERS AMENDMENT.—The provisions made inapplicable by subsection (a) are any provisions of the annual Foreign Operations, Export Financing, and Related Programs Appropriations Act that prohibit the use of funds made available to carry out part I of the Foreign Assistance Act of 1961 for activities in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

SEC. 15. PARTICIPATION IN FOREIGN POLICE ACTIONS.

Section 481(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(c)) is amended to read as follows:

"(c) PARTICIPATION IN FOREIGN POLICE ACTIONS.—

"(1) PROHIBITION ON EFFECTING AN ARREST.—No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law.

"(2) PARTICIPATION IN ARREST ACTIONS.—Paragraph (1) does not prohibit an officer or employee of the United States, with the approval of the United States chief of mission, from being present when foreign officers are effecting an arrest or from assisting foreign officers who are effecting an arrest.

"(3) EXCEPTION FOR EXIGENT, THREATENING CIRCUMSTANCES.—Paragraph (1) does not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

"(4) EXCEPTION FOR MARITIME LAW ENFORCEMENT.—With the agreement of a foreign country, paragraph (1) does not apply with respect to maritime law enforcement operations in the territorial sea of that country.

"(5) INTERROGATIONS.—No officer or employee of the United States may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

"(6) EXCEPTION FOR STATUS OF FORCES ARRANGEMENTS.—This subsection does not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.".

SEC. 16. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292(a)(1)) is amended by striking out "$101,000,000 for fiscal year 1989" and inserting in lieu thereof "$115,000,000 for fiscal year 1990".

SEC. 17. REVISIONS OF CERTAIN NARCOTICS-RELATED PROVISIONS OF THE FOREIGN ASSISTANCE ACT.

(a) PLANS BY SIGNATORIES TO 1961 SINGLE CONVENTION.—Section 481(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)(1)) is amended by striking out the last sentence.

(b) QUARTERLY AND MID-YEAR REPORTS.—Section 481(b) of that Act (22 U.S.C. 2291(b)) is amended by striking out "(1)" and all that follows through "August" in paragraph (2) and inserting in lieu thereof "MID-YEAR REPORT.—Not later than September".

(c) USE OF HERBICIDES FOR AERIAL ERADICATION.—Section 481(d) of that Act (22 U.S.C. 2291(d)) is amended to read as follows:

"(d) USE OF HERBICIDES FOR AERIAL ERADICATION.—

"(1) MONITORING.—The President, with the assistance of appropriate Federal agencies, shall monitor any use under this chapter of a herbicide for aerial eradication in order to determine the impact of such use on the environment and on the health of individuals.

"(2) NOTICE TO HHS AND EPA.—The Secretary of State shall inform the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency of the use or intended use by any country or international organization of any herbicide for aerial eradication in a program receiving assistance under this chapter.

"(3) ANNUAL REPORTS.—In the annual report required by subsection (e), the President shall report on the impact on the environment and the health of individuals of the use under this chapter of a herbicide for aerial eradication.

"(4) REPORT UPON DETERMINATION OF HARM TO ENVIRONMENT OR HEALTH.—If the President determines that any such use is harmful to the environment or the health of individuals, the President shall immediately report that determination to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, together with such recommendations as the President deems appropriate.".

(d) DEFINITION OF COOPERATION.—Section 481(h) of that Act (22 U.S.C. 2291(h)) is amended—

(1) in paragraph (2)(A)(i)(IV), by inserting "illicit" before "production";

(2) in paragraph (2)(B)(iii), by striking out "treatment" and inserting in lieu thereof "education and treatment programs";

(3) in paragraph (2)(B)(v), by inserting "essential" before "precursor"; and

(4) in paragraph (3)(D), by inserting "illicit" before "production".

(e) DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(i)(2) of that Act (22 U.S.C. 2291(i)(2)) is amended to read as follows:

"(2) the term 'major illicit drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana;".

(f) DETERMINING MAJOR ILLICIT DRUG PRODUCING AND DRUG-TRANSIT COUNTRIES.—Section 481(k) of that Act (22 U.S.C. 2291(k)) is amended by striking out paragraph (4).

(g) CONTRIBUTION BY RECIPIENT COUNTRY.—Section 482(d) of that Act (22 U.S.C. 2292(d)) is amended to read as follows:

"(d) CONTRIBUTION BY RECIPIENT COUNTRY.—To ensure local commitment to the activities assisted under this chapter, a country receiving assistance under this chapter should bear an appropriate share of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. A country may bear such costs on an 'in kind' basis.".

(h) CONFORMING AMENDMENTS TO NARCOTICS CONTROL TRADE ACT.—The Narcotics Control Trade Act (19 U.S.C. 2492 and following) is amended—

(1) in section 802(b)(1)(A)(i)(IV), by inserting "illicit" before "production";

(2) in section 802(b)(1)(B)(iii), by striking out "treatment" and inserting in lieu thereof "education and treatment programs";

(3) in section 802(b)(1)(B)(v), by inserting "essential" before "precursor";
(4) in section 802(b)(2)(D), by inserting "illicit" before "production";
and
(5) in section 805, by amending paragraph (2) to read as follows:
"(2) the term 'major drug producing country' means a country that illicitly produces during a fiscal year 5 metric tons or more of opium or opium derivative, 500 metric tons or more of coca, or 500 metric tons or more of marijuana; and".

And the Senate agree to the same.

DANTE B. FASCELL,
LAWRENCE J. SMITH,
EDWARD F. FEIGHAN,
GARY ACKERMAN,
HARRY JOHNSTON,
FRANK MCCLOSKEY,
BILL BROOMFIELD,
BEN GILMAN,
JAN MEYERS,
PORTER J. GOSS,
Managers on the Part of the House.

EDWARD M. KENNEDY,
CHRISTOPHER DODD,
CLAIBORNE PELL,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOE BIDEN,
PAUL SARBANES,
ORRIN G. HATCH,
DAN COATS,
PETER WILSON,
JESSE HELMS,
PHIL GRAMM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3611) to combat international narcotics production and trafficking, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE AND TABLE OF CONTENTS

The House bill (sec. 1) states that this act may be cited as the "International Narcotics Control Act of 1989", and provides a table of contents for this act.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1) is the same as the House bill.

ECONOMIC ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU

The House bill (sec. 2) expresses the sense of the Congress that it is crucial to international antidrug efforts that funds be made available for crop substitution programs and alternative employment opportunities to provide alternative sources of income for those individuals in major coca-producing countries who are dependent on illicit drug production activities, as well as for eradication, enforcement, rehabilitation and treatment, and education programs in those countries; and that the United States and other major donor countries (including European countries and Japan) should provide increased economic assistance, on an urgent basis, to those major coca-producing countries which have taken concrete steps to attack illicit coca production, processing, and trafficking, by eradication, interdiction, or other methods which significantly reduce the flow of cocaine to the world market. The House bill further urges the Director of National Drug Control Policy to develop a plan which addresses the needs outlined in subsection (a). This plan is to be submitted to the Congress in February 1990 as part of the National Drug Control Strategy report required by section 1005 of the Anti-Drug Abuse Act of 1988.

The Senate amendment contains no comparable language.

The conference substitute (sec. 2) is the same as the House bill, with additional language regarding the anticipated summit between the United States and the Andean countries and topics to be discussed at such summit. The committee of conference notes that the initiatives discussed under conference substitute (b)(2) should include a timetable for the restoration of negotiations of the International Coffee Agreement. The committee of conference further notes that section 2 of the conference substitute should be read in conjunction with section 9 of the conference substitute.

DEBT BURDEN OF DRUG PRODUCING COUNTRIES OF LATIN AMERICA

The House bill (sec. 13) contains congressional findings on the link between narcotics production and trafficking and the debt crisis in Latin America; the need to reduce the production, trafficking, and consumption of narcotics; the severe economic problems of Latin American countries whose recovery remains blocked by a massive debt burden; the worsening narcotics and economic problems of Latin American countries; the role of debt in hampering Latin American antidrug efforts; the role of the economic crisis in the region leading to increased dependency on drug-related income; the dramatic increase in drug abuse, drug-related violence, drug production, and trafficking in Latin America; the U.S. national interest in working with Latin American countries to solve both the debt and drug problems; the relation between Latin American debt problems and increased migration to the United States; and the relation of these problems to a reduction in Latin American exports, as well as a major loss of jobs in the United States.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision. However, language relating to this subject is contained in section 2.

MILITARY AND LAW ENFORCEMENT ASSISTANCE FOR BOLIVIA, COLOMBIA, AND PERU

The House bill (sec. 3) authorizes $125 million for military and law enforcement assistance to Bolivia, Colombia, and Peru for fiscal year 1990. Of that amount, no more than $12.5 million may be made available for equipment (both lethal and nonlethal) to police in those countries, and not more than $6.5 million in training for police in those countries. It further waives section 660 of the Foreign Assistance Act of 1961 (prohibiting aid to foreign police forces) for up to the amounts specified. The same conditions as those contained in section 4204 and 4205 of Public Law 100-690 apply: the existence of a democratic government, respect for human rights, prior notification to Congress of all aid, and coordination with the international narcotics control program.

The Senate amendment (sec. 9) permanently waives section 660 for Bolivia, Colombia, and Peru.

The conference substitute (sec. 3) is similar to the House bill, but clarifies that any funds earmarked for this purpose in the conference report on the Foreign Operations Appropriations Act for fiscal year 1990 shall count toward the ceilings contained in this section. The committee of conference notes that section 3 applies to the $125 million appropriated in that act for counternarcotics purposes.

ANTI-NARCOTICS MILITARY ASSISTANCE AND TRAINING FOR OTHER COUNTRIES

The House bill (sec. 4) extends the authorities of section 4204 and 4205 of the Anti-Drug Abuse Act of 1988 to fiscal year 1990, except that the amounts earmarked have been changed to reflect actions taken under section 3. Section 4202 earmarks $2 million in fiscal year 1989 International Military Education and Training (IMET) funds, with a section 660 waiver, for narcotics-related training in Latin America and the Caribbean. Section 4205 authorizes the use of fiscal year 1989 and fiscal year 1990 military assistance (MAP) funds for narcotics-related law enforcement assistance, waiving section 660, with $3.5 million in fiscal year 1989 funds earmarked for such use for Latin America and the Caribbean. Section 4(c) is intended to ensure that in fiscal year 1990 countries other than Bolivia, Peru, and Colombia continue to receive the benefits outline so long as they meet the standards contained in the law (a major illicit drug-producing or drug-transit country, a democratic government, and respect for human rights), and under the same conditions contained in the law (prior notification to Congress, and coordination with the international narcotics control program). It also ensures that the authorities included in this section are not used to provide aid additional to that contained in section 3 to law enforcement forces in Peru, Bolivia, and Colombia. It further clarifies that foreign military financing program (FMFP) funds may be used for this purpose. This change was necessitated by Appropriations Committee action which has essentially consolidated all military aid programs within the FMFP.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate amendment. This section was dropped at the insistence of the chairman of the Senate Appropriations Committee.

ACQUISITION BY SPECIAL DEFENSE ACQUISITION FUND OF DEFENSE ARTICLES FOR NARCOTICS CONTROL PURPOSES

The House bill (sec. 5) amends Section 51(a) of the Arms Export Control Act by adding at the end a new paragraph (4). The new paragraph states that the Special Defense Acquisition Fund (SDAF) shall be used to acquire defense articles that are particularly suited for use for narcotics control purposes and are appropriate to the needs of recipient countries, such as small boats, planes (including helicopters), and communications equipment. It further requires that each report pursuant to section 53(a) shall designate the defense articles that

have been or are to be acquired pursuant to this paragraph, and the defense articles acquired under this chapter that were transferred for use in narcotics control purposes.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 4) is the same as the House bill, but clarifies that the Fund is to acquire equipment for narcotics control purposes in addition to other purposes.

EXCESS DEFENSE ARTICLES FOR CERTAIN MAJOR ILLICIT DRUG PRODUCING COUNTRIES

The House bill (sec. 6) amends chapter 2 of part II of the Foreign Assistance Act by adding a new section 517. New section 517 provides the President the authority, subject to the limitations in this section, to transfer excess defense articles to countries for antinarcotics purposes if a country is a major illicit drug-producing country in Latin America and the Caribbean, and has a democratic government, and its armed forces do not engage in a consistent pattern of gross violations of internationally recognized human rights.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 5) is the same as the House bill. The Committee of conference notes that the authority contained in this section is the same as, not in addition to, any such authority provided in the Foreign Operations Appropriations Act for fiscal year 1990.

WAIVER OF BROOKE-ALEXANDER AMENDMENT FOR MAJOR COCA-PRODUCING COUNTRIES

The House bill (sec. 7) states that during fiscal year 1990, section 620(q) of the Foreign Assistance Act of 1961 and section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, do not apply with respect to narcotics-related assistance for a country which is a major illicit coca-producing country. This provision waives, for major illicit coca-producing countries for fiscal year 1990, a provision commonly known as "Brooke-Alexander" which requires the suspension of aid to any country more than 1 year behind in its repayment of official U.S. Government debt. It further waives, for major illicit coca-producing countries for fiscal year 1990, section 620(q), which requires the suspension of aid to any country more than 6 months behind in its repayment of official U.S. Government debt. A major illicit coca-producing country is defined in section 481(i)(2) of the Foreign Assistance Act of 1961 as a country producing 500 tons or more of coca during a fiscal year. During 1988, major coca producers included Bolivia, Colombia, and Peru.

The Senate amendment (sec. 9) permanently waives the "Brooke" amendment and section 620(q) for Bolivia, Colombia, and Peru.

The conference substitute (sec. 6) is the same as the House bill.

PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS

The House bill (sec. 8) requires $1 million of the funds allocated for military assistance programs in fiscal year 1990 to be used to arm, for defensive purposes, aircraft used in narcotics control eradication or interdiction efforts. It further states that these funds may not be used for the purchase of new aircraft. It also requires that the Congress be notified of the use of funds under subsection (a) at least 15 days in advance in accordance with the reprogramming procedures contained in section 634A of the Foreign Assistance Act.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate amendment. This provision was dropped at the insistence of the Chairman of the Senate Appropriations Committee.

HERBICIDES FOR AERIAL COCA ERADICATION

The House bill (sec. 9) earmarks $500,000 of international narcotics control funds in fiscal year 1990 to finance the testing and use of safe and effective herbicides for use in the aerial eradication of coca.

The Senate amendment contains no comparable provision.

The conference substitute is the same as the Senate amendment. This provision was dropped at the insistence of the chairman of the Senate Appropriations Committee.

MEXICO

The House bill (sec. 10) limits the amount of INM funding made available to Mexico to $15 million for fiscal year 1990, and provides that assistance in excess of $15 million may be made available for Mexico only in accordance with the reprogramming procedures of section 634A of the Foreign Assistance Act of 1961, which require that the Congress is notified at least 15 days in advance.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 7) is the same as the House bill, with additional language stating the sense of the Senate on narcotics issues with Mexico.

NONAPPLICABILITY OF CERTIFICATION PROCEDURES TO CERTAIN MAJOR DRUG-TRANSIT COUNTRIES

The House bill (sec. 11) provides that the requirements of section 481(h) of the Foreign Assistance Act, relating to the withholding of 50 percent of assistance for certification purposes shall not apply with respect to a major drug-transit country for fiscal year 1990 if the President certifies to the Congress, during that fiscal year, that:

(1) subparagraph (C) of section 481(i)(5) of the Foreign Assistance Act relating to money laundering, does not apply to that country;

(2) the country previously was a major illicit drug-producing country, but during each of the preceding 2 years, has effectively eliminated illicit drug production; and

(3) the country is cooperating fully with the United States or has taken adequate steps on its own in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States, preventing illicit narcotics from being transported into the United States, and preventing and punishing drug-related bribery and other forms of public corruption.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 8) is the same as the House bill.

COORDINATION OF U.S. TRADE POLICY AND NARCOTICS CONTROL OBJECTIVES

The House bill (sec. 12) expresses the sense of Congress that U.S. trade policy should be coordinated with U.S. narcotics control objectives, particularly with respect to issues such as the International Coffee Agreement.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 9) is the same as the House bill.

DEBT-FOR-DRUGS

The House bill (sec. 17) contains language which adds a new section that provides that the President may release Bolivia, Colombia, or Peru from its official U.S. debt repayment obligations for a fiscal year if the President determines that that country has agreed to, and is participating in a program during that fiscal year for the use of a safe, effective aerial coca herbicide. The authority contained in this section will not become effective until October 1, 1990.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 10) incorporates the House provision with the following modifications: Forgiveness of debt is subject to the President determining that the countries specified are implementing programs to reduce the flow of cocaine to the United States in accordance with a formal agreement to which the United States is a party and which contains specific, quantitative, and qualitative performance criteria. Any debt foregiveness may not be provided until the Congress has had 15 days advance notification of the agreement. The authority contained in this section is also to be exercised in coordination with multilateral debt relief activities.

This provision is designed to encourage coordinated bilateral debt relief by the United States, Japan, the Western European countries, and other creditor nations.

MULTILATERAL ANTINARCOTICS STRIKE FORCE

The House bill (sec. 14) states congressional findings which note: Congress' historical support for a multilateral, regional approach to narcotic control efforts, that a proposal to create a multilateral antinarcotics force for the Western Hemisphere is worthy of strong U.S. support, that the development of a greater capability to assist the governments of Latin America is essential, and that regional leadership in the promotion of such a force is encouraged. It further states the sense of the Congress that the proposal for the promotion of a regional multilateral force should be endorsed, and that the United States should work through the United Nations, the Organization of American States, and other multilateral oranizations to determine the feasibility of such a force and should assist in the establishment of such a force.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 11) is the same as the House bill.

WEAPONS TRANSFERS TO INTERNATIONAL NARCOTICS TRAFFICKERS

The House bill (sec. 15) urges the President to seek agreement by the relevant foreign countries, especially the member countries of NATO and the Warsaw Pact, to join with the United States in taking the necessary steps to halt weapons transfers to narcotics traffickers in Latin America. It further urges the President to improve the coordination of U.S. Government efforts to (1) track the flow of weapons illegally from the United States and other countries to international narcotics traffickers, and (2) prevent such illegal shipments from the United States. Finally, it calls upon the President to direct the U.S. representative to INTERPOL (International Criminal Police Organization) to urge that organization to study the feasibility of creating an international database on the flow of those types of weapons that are being acquired illegally by international narcotics traffickers. The

President is to report not later than 6 months after date of enactment the steps taken pursuant to this section.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 12) is the same as the House bill.

REWARDS FOR INFORMATION CONCERNING ACTS OF INTERNATIONAL TERRORISM

The House bill (sec. 16) amends section 36(c) of the State Department Basic Authorities Act of 1956 to raise the current ceiling on terrorist and narcoterrorist information rewards from $500,000 to $2 million.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 13) is similar to the House bill, with a clarification that if the Foreign Relations Authorization Act is enacted before this act and contains the same amendment, this section shall not take effect, and vice versa.

WAIVER OF BUMPERS AMENDMENT

The House bill (sec. 17) contains language which adds a new section which provides that the prohibition in the annual Foreign Assistance Appropriation Act on providing aid for commodities which are in direct competition with U.S. commodities do not apply if the assistance is for crop substitution projects in support of narcotics control activities.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 14) is similar to the House bill, but limits the waiver to fiscal year 1990.

PARTICIPATION IN FOREIGN POLICE ACTIONS

The House bill (sec. 170 contains language which clarifies section 481(c) of the Foreign Assistance Act of 1961, commonly known as the Mansfield amendment.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 15) is the same as the House bill.

AUTHORIZATION FOR THE BUREAU OF INTERNATIONAL NARCOTICS MATTERS

The House bill (sec. 17) authorizes the appropriation of $115 million in both of the fiscal years 1990 and 1991 for the Bureau of International Narcotics Matters.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 16) is similar to the House bill, but limits the authorization to fiscal year 1990.

REVISION AND CONSOLIDATION OF PERMANENT INTERNATIONAL NARCOTICS CONTROL PROVISIONS

The House bill (sec. 17) reorganizes and streamlines chapter 8 of part I of the Foreign Assistance Act, which contains the basic authorities and guidelines for international narcotics policy. It also contains several new provisions.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 17):

Retains language in the House bill which deleted an obsolete provision in section 481(a) of the Foreign Assistance Act of 1961:

Retains language in the House bill which changed the requirements of section 482(d) of the Foreign Assistance Act of 1961;

Retains language in the House bill which rewrites section 481(d) of the Foreign Assistance Act to delete obsolete provisions and clarify current authorities;

Retains language in the House bill which changes current law by moving the mid-year reporting requirement contained in section 481(b) of the Foreign Assistance Act of 1961 from August 1 to September 1, and drops the requirement for quarterly reporting to the Congress on the programming and obligation of narcotics control assistance funds;

Retains language in the House bill which deletes section 481(k)(4) of the Foreign Assistance Act of 1961. This change relates to the timing of determinations of major drug-transit countries for the purpose of certification; and

Retains language in the House bill which makes technical and clarifying corrections requested by the executive branch, and conforming changes to the corresponding provisions of the Narcotics Control Trade Act.

DOMESTIC PROVISIONS

The Senate amendment contained various provisions unrelated to international narcotics control (all provisions except sec. 9) which fall under the sole jurisdiction of committees of the House of Representatives other than the Committee on Foreign Affairs. These provisions were not included in the conference substitute.

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BEN GILMAN,
JAN MEYERS,
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Managers on the Part of the House.

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PETE WILSON,
JESSE HELMS,
PHIL GRAMM,
Managers on the Part of the Senate.

CONFERENCE REPORT (H. REPT. 101-384)

[To accompany H.R. 3614]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3614) to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and prevention programs in elementary and secondary schools, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Schools and Communities Act Amendments of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 5111(a) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3181(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting after "part C" the following: "and section 5136"; and

(ii) by striking "and $20,000,000" and all that follows and inserting the following: "$20,000,000 for the fiscal year 1990, and $35,000,000 for each of the fiscal years 1991, 1992, and 1993."; and

(B) in subparagraph (B), by striking "$230,000,000" and inserting "$215,000,000"; and

(2) by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated for purposes of carrying out section 5136 $25,000,000 for each of the fiscal years 1991, 1992, and 1993.".

SEC. 3. RESERVATIONS AND STATE ALLOTMENTS.

Section 5112 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3182) is amended—

(1) in subsection (a), by striking "From" and inserting "Except as provided in subsection (c)";

(2) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(3) by adding at the end the following new subsections:

"(c) DISTRIBUTION OF APPROPRIATIONS.—Except for funds provided for any fiscal year for part C of this title and sections 5136 and 5137, and for fiscal year 1991 for section 5146, the Secretary shall distribute any amounts appropriated or otherwise made available to carry out this title for any fiscal year in the following manner:

"(1) In any year in which the total of such amounts is not more than the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989, the Secretary shall distribute such total amount as provided in subsections (a) and (b).

"(2) In any year in which the total of such amounts is greater than the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989, the amount in excess of the total amount appropriated or otherwise made available to carry out this title for the fiscal year 1989 shall be distributed as follows:

"(A) Such amount as is necessary to carry out the reservations under paragraphs (1), (2), and (3) of subsection (a);

"(B)(i) Except as provided in clause (ii), not more than $14,700,000 to be allocated to the chief executive officer of each State, in an amount which bears the same ratio to such amount as the school-age population of the State bears to the school-age population of all States.

"(ii) For fiscal year 1990, in addition to amounts made available under clause (i), $25,000,000 shall be available for distribution to the chief executive officer of each State in an amount which bears the same ratio to such additional amount as the school-age population of the State bears to the school-age population of all States. Funds available under this clause shall be used to carry out section 5136.

"(C) Subject to subparagraph (D), of the remainder—

"(i) 50 percent of such remainder shall be distributed to the States under subsection (b); and

"(ii) 50 percent of such remainder shall be distributed to the States on the basis of the amounts received by each State under part A of title I of chapter 1 for the preceding fiscal year.

"(D) Under subparagraph (C), no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

"(d) DEFINITION.—For the purposes of this section, the term 'State' means any of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.".

SEC. 4. USE OF ALLOTMENTS BY STATES.

Section 5121 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3191) is amended by adding at the end the following new subsection:

"(c) USE OF ADDITIONAL AMOUNTS.—Any amounts received by a State under section 5112(c)(2)(C) shall be used by the State educational agency to make grants to local educational agencies for purposes of carrying out programs in accordance with section 5125. The State educational agency shall distribute any such amounts among the local educational agencies within the State on the basis of the amounts received by each such local educational agency under part A of title I of chapter 1 for the preceding fiscal year.".

SEC. 5. STATE PROGRAMS.

Section 5122 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3192) is amended—

(1) in subsection (a) by striking "local governments" and all that follows through "organizations" and inserting "parent groups, community action agencies, community-based organizations, and other public entities and private nonprofit entities";

(2) in subsection (a)—

(A) in paragraph (6) by striking "and" at the end thereof;

(B) in paragraph (7) by striking the period at the end thereof and inserting "; and"; and

(C) by adding at the end of such subsection the following new paragraph:

"(8) to promote, establish, and maintain drug-free school zones for schools within the State.".

(3) in subsection (b) by striking the second sentence of paragraph (1) and inserting the following:

"The chief executive officer shall make grants to or enter into contracts with public entities or private nonprofit entities for purposes of providing community-based programs of coordinated services that are designed for high-risk youths, including programs that use strategies to improve skills of such youths such as vocational and educational counseling and job skills training, giving priority to assisting community action agencies, community-based organizations, parent groups, and other entities which are representative of communities or significant segments of communities and which have the capability to provide such services. The chief executive officer shall also make grants to private nonprofit organizations to develop new strategies to communicate anti-drug abuse messages to youths.";

(4) in subsection (b)(2)—

(A) in subparagraph (I) by striking "or";

(B) in subparagraph (J) by striking the period and inserting "; and"; and

(C) by adding after subparagraph (J) the following new subparagraph:

"(K) is a juvenile in a detention facility within the State.".

(5) by adding at the end thereof the following new subsection:

"(d) DRUG TESTING PROGRAMS.—For each fiscal year, amounts made available to the chief executive officer of a State by section 5121(a) may be used for nondiscriminatory random drug testing programs for students voluntarily participating in athletic activities only in schools which voluntarily choose to participate in such a program. Nothing in this subsection shall prescribe or prohibit the use of drug testing programs.".

SEC. 6. STATE APPLICATIONS.

Subsection (b) of section 5123 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3193) is amended—

(1) in paragraph (7), by inserting before the semicolon the following: ", and judicial officials";

(2) by striking "and" at the end of paragraph (10);

(3) by striking the period at the end of paragraph (11) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(12) include a plan for providing innovative programs of drug abuse education for juveniles in detention facilities within the State as required by section 5122(b)(1)(A).".

SEC. 7. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES.

Section 5124 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3194) is amended—

(1) by amending subsection (a) to read as follows:

"(a) GRANTS TO LOCAL AND INTERMEDIATE EDUCATIONAL AGENCIES.—(1) Each State educational agency shall use a sum which shall not be less than 90 percent of the amounts available under section 5121(b) for each fiscal year for grants to local educational agencies, intermediate educational agencies, and consortia in the State, in accordance with applications approved under section 5126.

"(2) From the sum described in paragraph (1), the State educational agency shall distribute funds for use among local educational agencies, intermediate educational agencies, and consortia in the State on the basis of the relative enrollments in public schools and private nonprofit schools served by such agencies and consortia.

"(3)(A) Not later than July 1 of each year, the State educational agency shall inform each local educational agency, intermediate educational agency, and consortium in the State of the amount allocated to such agency or consortium from amounts available under subsections (b) and (c) of section 5121. If a local educational agency or a consortium of local educational agencies chooses not to apply to receive the amount allocated to such agency under this subsection, the State educational agency—

"(i) shall distribute such amount to the intermediate educational agency serving such local educational agency or consortium; or

"(ii) may, if it is able to facilitate the arrangement of a consortium among local educational agencies in the State that choose not to apply to receive the amounts allocated to such agencies under this subsection, distribute such amount to such consortium.

"(B) The State educational agency shall distribute to a local educational agency, intermediate educational agency, or consortium the amount allocated to such agency or consortium from amounts available under subsections (b) and (c) of section 5121 upon the approval of an application for such agency under section 5126.

"(4)(A) Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date that a local educational agency, intermediate educational agency, or consortium under this subsection receives its allocation under this subsection—

"(i) such agency or consortium shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(ii) the State educational agency shall reallocate any such amount to local educational agencies, intermediate educational agencies, or consortia that have plans for using such amount for programs or activities on a timely basis.

"(B) In any fiscal year, a local educational agency, intermediate educational agency, or consortium may retain for obligation in the succeeding fiscal year—

"(i) an amount equal to not more than 25 percent of the allocation it receives under this subsection for such fiscal year; or

"(ii) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency,"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting after "materials" the following: "that clearly and consistently teach that illicit drug use is harmful"; and

(B) in paragraph (5), by striking "2.5 percent" and all that follows and inserting "5 percent of the amounts available under subsections (b) and (c) of section 5121.".

SEC. 8. LOCAL DRUG ABUSE EDUCATION AND PREVENTION PROGRAMS.

Section 5125 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3195) is amended in subsection (a)—

(1) in paragraph (2), by inserting before the semicolon the following: ", which—

"(A) should, to the extent practicable, employ counselors whose sole duty is to provide drug abuse prevention counseling to students;

"(B) may include the use of drug-free older students as positive role models and instruction relating to—

"(i) self-esteem;

"(ii) drugs and drug addiction;

"(iii) decisionmaking and risk-taking;

"(iv) stress management techniques; and

"(v) assertiveness;

"(C) may bring law enforcement officers into the classroom to provide antidrug information and positive alternatives to drug use, including decisionmaking and assertiveness skills; and

"(D) in the case of a local educational agency that determines it has served all students in all grades, such local educational agency may target additional funds to particularly vulnerable age groups, especially those in grades 4 through 9";

(2) in paragraph (4)—

(A) by inserting "and intervention" after "drug abuse prevention"; and

(B) by striking the semicolon at the end and inserting the following: ", which may include—

"(A) the employment of counselors, social workers, psychologists, or nurses who are trained to provide drug abuse prevention and intervention counseling; or

"(B) the provision of services through a contract with a private nonprofit organization that employs individuals who are trained to provide such counseling;";

(3) in paragraph (8), by striking "educational personnel" and inserting "school personnel"; and

(4) in paragraph (11) by striking "and" at the end thereof;

(5) by redesignating paragraph (12) as paragraph (13); and

(6) by adding after paragraph (11) the following new paragraph:

"(12) model alternative schools for youth with drug problems that address the special needs of such students through education and counseling; and".

SEC. 9. LOCAL APPLICATIONS.

Section 5126 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3196) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the period the following: "before the expiration of the 120-day period beginning on the date that the State educational agency notifies the local educational agency, intermediate educational agency, or consortium of the amount allocated to such agency or consortium under section 5124(a).''; and

(B) in paragraph (2)—

(i) in subparagraph (H), by inserting before the semicolon the following: "and with appropriate community-based organizations";

(ii) by striking "and" at the end of subparagraph (L);

(iii) by redesignating subparagraph (M) as subparagraph (R); and

(iv) by inserting after subparagraph (L) the following new subparagraphs:

"(M) describe how the applicant will ensure that the schools will be an important part of a community-wide effort to achieve a drug-free population;

"(N) describe how, to the extent practicable, assistance provided under this title will be used to provide trained counselors, social workers, psychologists, and nurses to carry out drug abuse prevention and intervention activities in addition to any individuals so employed by the applicant on the date of the enactment of the Drug-Free Schools and Communities Act Amendments of 1989;

"(O) provide assurances that the applicant will maintain and make available for distribution a list of local resources for substance abuse counseling and treatment;

"(P) provide assurances that the applicant has reviewed curricula that it intends to use and that such curricula will meet the needs of the schools served by the applicant;

"(Q) describe the training that will be provided for teachers and other personnel who are involved in the implementation of programs to be carried out by the applicant under this part; and''; and

(2) by amending paragraph (1) of subsection (b) to read as follows:

"(1) Each applicant shall annually submit to the State educational agency a progress report on the implementation of its plan. The progress report shall include—

"(A) the applicant's significant accomplishments under the plan during the preceding year;

"(B) the extent to which the original objectives of the plan are being achieved;

"(C) a discussion of the method used by the applicant to evaluate the effectiveness of its drug education program carried out under its plan; and

"(D) the results of the evaluation described in subparagraph (C).''.

SEC. 10. REPORTS.

Subsection (a) of section 5127 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3197) is amended in paragraph (3)—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) an evaluation of the effectiveness of State and local drug and alcohol abuse education and prevention programs.''.

SEC. 11. TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL.

(a) AMENDMENT TO PART HEADING.—The heading for part C of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3198 et seq.) is amended to read as follows:

"PART C—TRAINING OF TEACHERS, COUNSELORS, AND SCHOOL PERSONNEL".

(b) PROGRAM AND ALLOCATIONS.—Subsection (b) of section 5128 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3198) is amended by striking "educational personnel" in the first sentence and inserting "school personnel".

SEC. 12. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 5131 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3211) is amended—

(1) in paragraph (4) of subsection (a), by striking "subsection (d)" and inserting "subsection (c)";

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) by striking subsection (e).

(b) TRANSITION PROVISION.—Any amounts appropriated for the fiscal year 1990 and for any subsequent fiscal year for the purpose of making training grants under section 5131(b) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3211) as such section existed on the day before the date of the enactment of this Act shall be used by the Secretary of Education for the purpose of making grants under section 5128 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3198).

SEC. 13. FEDERAL ACTIVITIES.

Subsection (b) of section 5132 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3212) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraphs:

"(6) use private nonprofit organizations to develop innovative strategies to communicate antidrug abuse messages to youths and to eliminate drug abuse from the communities of the Nation; and

"(7) as necessary, evaluate programs assisted under this title.''.

SEC. 14. EMERGENCY GRANTS.

Part D of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3211 et seq.) is amended by adding at the end the following new section:

"SEC. 5136. EMERGENCY GRANTS.

"(a) PROGRAM AUTHORIZED.—Except as provided under subsection (d), the Secretary, in consultation with the Attorney General and the Secretary of Health and Human Services, shall make grants to eligible local educational agencies that demonstrate significant need for additional assistance for purposes of combating drug and alcohol abuse by students served by such agencies.

"(b) ELIGIBLE AGENCIES.—A local educational agency shall be eligible to receive a grant under this section if such agency—

"(1) receives assistance under section 1006 or meets the criteria of clauses (i) and (ii) of section 1006(a)(1)(A); and

"(2) serves an area—

"(A) in which there is a large number or a high percentage of—

"(i) arrests for, or while under the influence of, drugs or alcohol; or

"(ii) convictions of youths for drug or alcohol-related crimes;

"(B) in which there is a large number or high percentage of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs; and

"(C) that has a significant drug and alcohol abuse problem, as indicated by other appropriate data.

"(c) AMOUNT OF GRANTS.—Each grant awarded under this section shall be in an amount that is not less than $100,000 and not more than $1,000,000.

"(d) FISCAL YEAR 1990.—For fiscal year 1990, funds available for the purposes of this section shall be allocated to the chief executive officer of each State for distribution through State educational agencies to local educational agencies.''.

SEC. 15. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM.

Part D of the Drug-Free Schools and Communities Act (20 U.S.C. 3211 et seq.) is amended by adding after section 5136 (as added by section 14) the following new section:

"SEC. 5137. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM FOR DRUG-FREE SCHOOL ZONES.—The Secretary of Education is authorized to establish a demonstration program to establish and maintain drug-free school zones. In carrying out the demonstration program under this section, the Secretary shall make grants to local educational agencies, intermediate educational agencies, and consortia.

"(b) EVALUATIONS.—The Secretary shall evaluate programs under this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out the purposes of this section. Funds appropriated under this section are authorized to remain available until expended.''.

SEC. 16. DEFINITIONS.

Section 5141 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3221) is amended—

(1) in paragraph (1), by inserting before the period the following: ", including anabolic steroids";

(2) in paragraph (2), by inserting before the period the following: ", including anabolic steroids"; and

(3) by adding at the end the following new paragraph:

"(10) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.''.

SEC. 17. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE NONPROFIT ELEMENTARY AND SECONDARY SCHOOLS.

Subsection (c) of section 5143 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3233) is amended—

(1) by striking "WAIVER;";

(2) by inserting after "SECRETARY" the following: "AND STATE EDUCATIONAL AGENCIES";

(3) by inserting "(1)" before "If by reason"; and

(4) by adding at the end the following new paragraph:

"(2) If a State educational agency determines that a local educational agency, intermediate educational agency, or consortium, as appropriate, is failing to provide for the equitable participation of children or teachers from private nonprofit elementary or secondary schools in accordance with subsection (a) or (b), the State educational agency shall waive the requirements of such subsection with respect to such local educational agency, intermediate educational agency, or consortium and make appropri-

ate arrangements for the equitable participation of such children or teachers.".

SEC. 18. NATIONAL DIFFUSION NETWORK.

Part D of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3221 et seq.) is amended by adding at the end the following new section:

"SEC. 5146. DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.

"(a) DISSEMINATION OF INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary, through the National Diffusion Network established under section 1562, shall disseminate information and technical assistance with respect to drug abuse education and prevention programs of demonstrated effectiveness.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $500,000 for fiscal year 1991.".

SEC. 19. DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION MATERIALS.

(a) AMENDMENT TO PART HEADING.—The heading for part F of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3227) is amended to read as follows:

"PART F—DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION MATERIALS".

(b) PROGRAM AUTHORIZED.—Subsection (a) of section 5151 of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3227) is amended—

(1) by striking "and such other" and inserting "such other"; and

(2) by inserting before the period the following: ", and to parents of children participating in such programs".

SEC. 20. LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT.

Section 541(b) of the Higher Education Act of 1965 (20 U.S.C. 1109(b)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) developing skills and techniques for administering drug prevention and education programs.".

SEC. 21. EMERGENCY GRANTS FOR CHILD ABUSE PREVENTION SERVICES FOR CHILDREN WHOSE PARENTS ARE SUBSTANCE ABUSERS.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.), as amended by the Child Abuse Prevention Challenge Grants Reauthorization Act of 1989 (Public Law 101-126), is amended by adding after section 107 the following new section:

"SEC. 107A. EMERGENCY CHILD ABUSE PREVENTION SERVICES GRANT.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to eligible entities to enable such entities to provide services to children whose parents are substance abusers.

"(b) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section shall be—

"(1) State and local agencies that are responsible for administering child abuse or related child abuse intervention services; and

"(2) community and mental health agencies and nonprofit youth-serving organizations with experience in providing child abuse prevention services.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCE OF USE.—An application submitted under paragraph (1) shall—

"(A) contain an assurance that the applicant operates in a geographic area where child abuse has placed substantial strains on State and local agencies and has resulted in substantial increases in the need for services that cannot be met without funds available under this section;

"(B) identify the responsible agency or agencies that will be involved in the use of funds provided under this section;

"(C) contain a description of emergency situations with regard to children of substance abusers who need services of the type described in this section;

"(D) contain a plan for improving the delivery of such services to such children;

"(E) contain assurances that such services will be provided in a comprehensive multidisciplinary and coordinated manner; and

"(F) contain any additional information as the Secretary may reasonably require.

"(d) USE OF FUNDS.—Funds received by an entity under this section shall be used to improve the delivery of services to children whose parents are substance abusers. Such services may include—

"(1) the hiring of additional personnel by the entity to reduce caseloads;

"(2) the provision of additional training for personnel to improve their ability to provide emergency child abuse prevention services related to substance abuse by the parents of such children;

"(3) the provision of expanded services to deal with family crises created by substance abuse; and

"(4) the establishment or improvement of coordination between the agency administering the grant, and—

"(A) child advocates;

"(B) public educational institutions;

"(C) community-based organizations that serve substance abusing parents, including pregnant and post-partum females and their infants; and

"(D) parents and representatives of parent groups and related agencies.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 1990, and such sums as may be necessary for each of the subsequent fiscal years 1991, 1992, and 1993.".

SEC. 22. DRUG-FREE SCHOOLS AND CAMPUSES.

(a) IN GENERAL.—

(1) CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM.—Title XII of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end a new section 1213 to read as follows:

"DRUG AND ALCOHOL ABUSE PREVENTION

"SEC. 1213. (a) Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless it certifies to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes—

"(1) the annual distribution to each student and employee of—

"(A) standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

"(B) a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

"(C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

"(D) a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

"(E) a clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (1)(A); and

"(2) a biennial review by the institution of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

"(b) Each institution of higher education that provides the certification required by subsection (a) shall, upon request, make available to the Secretary and to the public a copy of each item required by subsection (a)(1) as well as the results of the biennial review required by subsection (a)(2).

"(c)(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for institutions of higher education that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(E) may include the completion of an appropriate rehabilitation program.

"(d) Upon determination by the Secretary to terminate financial assistance to any institution of higher education under this section, the institution may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such institution is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the institution concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.".

(2) EFFECTIVE DATE.—(A) Except as provided in subparagraph (B), the amendment made by paragraph (1) shall take effect on October 1, 1990.

(B) The Secretary of Education may allow any institution of higher education until not later than April 1, 1991, to comply with section 1213 of the Higher Education Act of 1965 (as added by paragraph (1)) if such institution demonstrates—

(i) that it is in the process of developing and implementing its plan under such section; and

(ii) it has a legitimate need for more time to develop and implement such plan.

(b) AMENDMENTS TO DRUG-FREE SCHOOLS AND COMMUNITIES ACT OF 1986.—

(1) IN GENERAL.—Part D of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3171 et seq.) is amended by adding after section 5144 the following new section:

"SEC. 5145. CERTIFICATION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS.

"(a) IN GENERAL.—Notwithstanding any other provision of law other than section 432 of the General Education Provisions Act and section 103(b) of the Department of Education Organization Act, no local educational agency shall be eligible to receive funds or any other form of financial assistance under any Federal program unless it certifies to the State educational agency that it has adopted and has implemented a program to prevent the use of illicit drugs and alcohol by students or employees that, at a minimum, includes—

"(1) age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for students in all grades of the schools operated or served by the applicant, from early childhood level through grade 12;

"(2) conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

"(3) standards of conduct that are applicable to students and employees in all the applicant's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises or as part of any of its activities;

"(4) a clear statement that sanctions (consistent with local, State, and Federal law), up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by paragraph (3) and a description of those sanctions;

"(5) information about any available drug and alcohol counseling and rehabilitation and re-entry programs that are available to students and employees;

"(6) a requirement that parents, students, and employees be given a copy of the standards of conduct required by paragraph (3) and the statement of sanctions required by paragraph (4);

"(7) notifying parents, students, and employees that compliance with the standards of conduct required by paragraph (3) is mandatory; and

"(8) a biennial review by the applicant of its program to—

"(A) determine its effectiveness and implement changes to the program if they are needed; and

"(B) ensure that the sanctions required by paragraph (4) are consistently enforced.

"(b) DISSEMINATION OF INFORMATION.—Each local educational agency that provides the certification required by subsection (a) shall, upon request, make available to the Secretary, the State educational agency, and to the public full information about the elements of its program required by subsection (a), including the results of its biennial review.

"(c) CERTIFICATION TO SECRETARY.—Each State educational agency shall certify to the Secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by its students and employees that is consistent with the program required by subsection (a) of this section. The State educational agency shall, upon request, make available to the Secretary and to the public full information about the elements of its program.

"(d) REGULATIONS.—(1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

"(A) the periodic review by State educational agencies of a representative sample of programs required by subsection (a); and

"(B) a range of responses and sanctions for local educational agencies that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

"(2) The sanctions required by subsection (a)(1)(4) may include the completion of an appropriate rehabilitation program.

"(e) Upon a determination by the Secretary to terminate financial assistance to any local educational agency under this section, the agency may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such agency is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the agency concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.".

(2) CONFORMING AMENDMENTS.—Paragraph (2) of section 5126(e) of the Drug-Free Schools and Communities Act of 1986 (20 U.S.C. 3196(c)) (as amended by section 9 of this Act) is amended—

(A) by striking subparagraphs (E), (F), and (G); and

(B) by redesignating subparagraphs (H) through (R) as subparagraphs (E) through (O), respectively.

(3) EFFECTIVE DATE.—(A) Except as provided in subparagraph (B), the amendments made by paragraphs (1) and (2) shall take effect on October 1, 1990.

(B) The Secretary of Education may allow any local educational agency until not later than April 1, 1991, to comply with section 5145 of the Drug-Free Schools and Communities Act of 1986 (as added by paragraph (1)) if such agency demonstrates—

(i) that it is in the process of developing and implementing its plan under such section; and

(ii) it has a legitimate need for more time to develop and implement such plan.

SEC. 23. BEFORE AND AFTER SCHOOL PROGRAMS FOR UNSUPERVISED CHILDREN.

Section 3521(d) of the National Narcotics Leadership Act of 1988 is amended by—

(1) redesignating paragraph (8) as paragraph (9);

(2) striking "and" at the end of paragraph (7); and

(3) inserting after paragraph (7) the following new paragraph:

"(8) programs for unsupervised children before and after school, including—

"(A) education and instruction consistent with the Drug-Free Schools and Communities Act of 1986;

"(B) athletic activities;

"(C) creative activities; and

"(D) other programs designed to reduce the risk of drug abuse; and".

And the Senate agreed to the same.

AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
DALE E. KILDEE,
MAJOR R. OWENS,
BILL GOODLING,
STEVE BARTLETT,
PAUL HENRY,
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Managers on the Part of the House.

EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
CLAIBORNE PELL,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOE BIDEN,
PAUL SARBANES,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3614) to amend the Drug-Free Schools and Communities Act of 1986 to revise certain requirements relating to the provision of drug abuse education and for prevention programs in elementary and secondary schools, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 1. SHORT TITLE

Senate recedes.

SECTION 2. AUTHORIZATION OF APPROPRIATIONS

Senate recedes.

While the conference agreement stipulates a new distribution plan for funds provided for the Drug-Free Schools Act above the FY 1989 level, the conferees expect that funds provided for Part C teacher training activities, Emergency Grants, Drug-Free School Zones, and the National Diffusion Network (NDN) for any fiscal years for which such activities are authorized shall be allocated at levels specified in relevant Appropriations Acts. In addition to amounts explicitly made available for Part C activities by Appropriations Acts ($14,738,000 for FY 1990), the conference agreement also mandates that funds that would be made available in fiscal year 1990 and any subsequent fiscal year for teacher training activities under section 5131(b) shall be allocated under Part C of the Act. The new distribution plan should in no way affect appropriations for Innovative Alcohol Abuse Education ($2,500,000 in FY 1990) which is not authorized under the Drug-Free Schools Act.

SECTION 3. RESERVATIONS AND STATE ALLOTMENT

The Senate recedes with an amendment extending the set-asides for Indians, Native

Hawaiians, and the territories to the funds appropriated in excess of the FY 1989 level. The reservation of 0.5 percent for small States is also extended to the new formula.

The section also provides that the Governors' share is capped at $125 million in FY 1990 and at $100 million, thereafter. In FY 1990, $25 million is allotted to the Governors for distribution through State Educational Agencies (SEAs) to Local Educational Agencies (LEAs) for Emergency Grants. In subsequent years, the Emergency Grant program is a national program with a separate $25 million authorization.

The conferees intend that the setasides are reserved prior to any other allocation. Then, funds are reserved and allotted to the Governors. The remaining funds are distributed to the States on the basis of a formula different from that in current law.

The conferees further extend that for funds appropriated up to the FY 1989 level, States and Governors will receive the same allocation as under current law. Funds above the FY 1989 level are distributed according to the following formula: The Governors' allocation is based on FY 1989 levels plus a proportionate share of the difference between FY 1989 levels and $100 million. Funds for the States are distributed based on 50 percent on head count and 50 percent on poverty.

SECTION 4. USE OF ALLOTMENTS BY STATES

Senate recedes.

SECTION 5. STATE PROGRAMS

Senate recedes with an amendment making the Drug-Free School Zones a demonstration program, with separate authority of $2 million. It also makes serving juveniles in detention an allowable activity for the Governors.

SECTION 6. STATE APPLICATIONS

Senate recedes.

SECTION 7. RESPONSIBILITIES OF STATE EDUCATIONAL AGENCIES

Senate recedes.

SECTION 8. LOCAL DRUG EDUCATION AND PREVENTION PROGRAMS

Senate recedes with amendment.

It is the intention of the conferees that services for students in grades 4 through 9 are encouraged to:

(I) include, or coordinate with, community-based programs;

(II) include resistance skills training, social support for prevention, and changing social norms to include nondrug use;

(III) include, for middle school grades, teaching refusal or resistance skills through peer counseling and other techniques, and life and social skills training;

(IV) include, for elementary school grades, social developmental programs that include resistance skills and social skills training;

(V) identify, provide or refer high risk youth to available counseling and appropriate social services; and

(VI) include programs, which involve parents, other community members, government officials, and the media.

This provision is based on the growing body of evidence showing that these kinds of techniques are the most effective in reducing drug use among this age group.

The amendment also allows LEAs to operate model alternative schools for youths with drug problems. The conferees intend that State and local education standards apply to such schools and that students in such schools receive appropriate academic credit or certification as a result of attending.

SECTION 9. LOCAL APPLICATIONS

Senate recedes.

SECTION 10. REPORTS

House recedes to current law on reporting requirements and the Senate recedes to the House of evaluations.

SECTION 11. TRAINING OF TEACHERS, COUNSELORS AND SCHOOL PERSONNEL

Senate recedes.

SECTION 12. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

Senate recedes.

SECTION 13. FEDERAL ACTIVITIES

Senate recedes.

SECTION 14. EMERGENCY GRANTS

Senate recedes as of FY1991. For the current year program, see agreement in Section 3.

SECTION 15. DRUG-FREE SCHOOL ZONES DEMONSTRATION PROGRAM

Senate recedes.

SECTION 16. DEFINITIONS

Senate recedes.

SECTION 17. PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE NONPROFIT ELEMENTARY AND SECONDARY SCHOOLS

Senate recedes.

The conferees have agreed to retain the House language enabling a State Educational Agency to make appropriate arrangements for the equitable participation of private school students if the State determines that the Local Educational Agency is failing to provide these services to private school students. The conferees recognize that other federal elementary and secondary education programs provide the Secretary with this "bypass" authority but do not afford the States the same authority. The conferees would like to note that the State "bypass" language was agreed to so that it would address difficulties in providing private school students equitable participation in drug education programs in New York. It should by no means be construed as a precedent for making a similar change in the other federal elementary and secondary education programs.

SECTION 18. NATIONAL DIFFUSION NETWORK

Senate recedes with an amendment.

It is the intention of the conferees that the National Diffusion Network (NDN) be included in the national effort to educate our children about the dangers of illegal drug use. The conferees have, therefore, authorized $500,000 for FY1991 in order for the Secretary to disseminate through NDN drug education and prevention programs of proven effectiveness. The Secretary may expedite the inclusion of such programs in the NDN system through a process of review and approval different from that currently in place.

SECTION 19. DEVELOPMENT OF EARLY CHILDHOOD EDUCATION DRUG ABUSE PREVENTION MATERIALS

Senate recedes.

SECTION 20. LEADERSHIP IN EDUCATIONAL ADMINISTRATION DEVELOPMENT

Senate recedes.

SECTION 21. EMERGENCY GRANTS FOR CHILD ABUSE PREVENTION SERVICES FOR CHILDREN WHOSE PARENTS ARE SUBSTANCE ABUSERS

Senate recedes with an amendment.

The conferees do not intend that this program duplicate the efforts of any existing program. Rather, the intent is to supplement existing efforts to reduce and prevent child abuse.

SECTION 22. DRUG-FREE SCHOOLS AND CAMPUSES

Senate recedes with information about or a description of available re-entry programs. For institutions of higher education, such description shall not be construed to require an institution of higher education to readmit any student. For LEAs, such information does not require that they have available re-entry programs which are inconsistent with local policies regarding suspension or expulsion of students. Nothing is to be construed to require an LEA to readmit any student.

SECTION 23. COMMUNITY YOUTH ACTIVITY PROGRAM

House recedes with an amendment.

The conferees also included a provision proposed by the Senate to address concerns raised by a study by the National Institute on Drug Abuse which found that elementary and secondary school-aged children who are unsupervised by an adult for more than eleven hours per week were twice as likely to use drugs. The amendment would authorize projects aimed at creating programs before and after school for unsupervised children eligible to participate in the Community Youth Activity Program.

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Managers on the Part of the Senate.

STATEHOOD CENTENNIAL COMMEMORATIVE COIN ACT OF 1989

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1553) to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes; as amended.

The Clerk read as follows:

H.R. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—STATEHOOD CENTENNIAL COIN

SEC. 101. SHORT TITLE.

This title may be cited as the "Statehood Centennial Commemorative Coin Act of 1989".

SEC. 102. SPECIFICATIONS OF COINS.

(a) AUTHORIZATION.—Subject to subsection (b), the Secretary of the Treasury (hereafter in this title referred to as the "Secretary") shall mint and issue not more than 1,000,000 one-dollar silver coins in commemoration of the 100th anniversary of the

statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming (hereafter in this title referred to as the "Centennial States").

(b) SPECIFICATIONS.—Each silver coin referred to in subsection (a) shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inch; and

(3) be composed of 90 percent silver and 10 percent alloy.

(c) DESIGN.—

(1) IN GENERAL.—The design of the coins minted in accordance with this section shall contain an engraving of the Centennial States' regional logo on one side; and on the other side, the bust of Thomas Jefferson, and the busts of Lewis and Clark overlooking the Missouri River.

(2) INSCRIPTIONS.—Each coin shall bear a designation of the value of the coin, an inscription of the year 1989, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum". The reverse side may also contain the words "Northwest Centennial" and "Statehood 1889-1890".

(3) MODIFICATIONS AUTHORIZED.—Modifications to the designs referred to in paragraph (1) may be made, if necessary, by the Secretary upon consultation with a duly authorized representative of the Centennial Commissions of the Centennial States.

(4) CONSULTATION WITH COMMISSION OF FINE ARTS.—The design for each coin referred to in subsection (a) shall be selected by the Secretary after consultation with the United States Commission of Fine Arts.

(d) NUMISMATIC ITEMS.—For purposes of sections 5111(a) and 5132(a)(1) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

(e) LEGAL TENDER.—The coins referred to in subsection (a) shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 103. SOURCES OF BULLION.

The Secretary shall obtain silver for the coins minted under this title only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 104. MINTING AND ISSUANCE OF COINS.

(a) UNCIRCULATED AND PROOF QUALITIES.—The coins minted under this title may be issued in uncirculated and proof qualities, except that not more than 1 facility of the Bureau of the Mint may be used to strike each quality.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this title as soon as practicable.

(c) TERMINATION OF AUTHORITY.—Coins may not be minted under this title after December 31, 1990.

SEC. 105. SALE OF COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this title at a price equal to the face value of such coins, plus the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this title at a reasonable discount.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this title prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—Sales of coins minted under this title shall include a surcharge of $7.

SEC. 106. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 107. DISPOSITION OF PROCEEDS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this title shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this title from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this title.

(b) DISPOSITION OF SURCHARGES.—

(1) CENTENNIAL EXHIBITION PROGRAM.—An amount equal to $1,500,000 of all surcharges received by the Secretary from the sale of coins minted under this title shall be provided to the "Documents West" exhibition program and administered by the Idaho Centennial Foundation. These funds shall be used for the sole purpose of promoting the exhibition of historical and educational artifacts pertaining to the 6 Centennial States.

(2) REDUCTION OF NATIONAL DEBT.—The amount of all surcharges that are received by the Secretary from the sale of coins minted under this title in excess of the amount referred to in paragraph (1) shall be deposited in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.

SEC. 108. AUDITS.

The Comptroller General shall have the right to examine such books, records, documents, and other data of the Idaho Centennial Commission as may be related to the expenditure of amounts paid under section 107(b)(1).

SEC. 109. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL. Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity. For purposes of the preceding sentence, no person shall be treated as a contractor with the Federal Government solely by reason of such person's participation in the distribution of coins as a coin consignee of the Bureau of the Mint.

TITLE II—SILVER PROOF SETS

SEC. 201. SHORT TITLE.

This title may be cited as the "Silver Coin Proof Set Act".

SEC. 202. DENOMINATIONS, SPECIFICATIONS, AND DESIGN OF SILVER PROOF SETS.

Section 5112 of title 31, United States Code, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SILVER PROOF SETS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section or section 5111(a)(1) of this title, the Secretary may mint and issue, in such quantities as the Secretary determines are necessary to meet the public demand, proof sets containing coins described in paragraphs (5) and (6) of subsection (a), and coins described in paragraphs (1), (2), (3), and (4) of subsection (a) that—

"(A) are an alloy of 90 percent silver and 10 percent copper,

"(B) have a design and inscriptions consistent with the requirements of subsection (d)(1),

"(C) have reeded edges; and

"(D) have a mint mark indicating their place of manufacture.

"(2) SALE OF COINS.—The Secretary shall sell the proof sets minted under this subsection to the public at a price equal to the sum of—

"(A) the face value of such coins; and

"(B) to cost of minting, marketing, and distributing such coins (including labor, materials, dyes, use of machinery, and overhead expenses).

"(3) NUMISMATIC ITEMS.—For purposes of sections 5111(a)(3) and 5132(a)(1) of this title, all coins minted under this subsection shall be considered to be numismatic items.".

SEC. 203. SOURCE OF SILVER FOR PROOF SETS.

Section 5116(b) of title 31, United States Code, is amended by adding at the end of the following new paragraph:

"(3) SOURCE OF SILVER FOR PROOF SETS.—The Secretary shall obtain silver for the coins authorized under section 5112(h) of this title by purchase from stockpiles established under the Strategic and Critical Materials Stock Piling Act and from Treasury stocks on hand. At such time as the Secretary determines that a surplus no longer exists with respect to the source referred to in the preceding sentence, the Secretary shall acquire silver for such coins by purchase of silver mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. The Secretary shall pay not more than the average world price for the silver. The Secretary may issue such regulations as may be necessary to carry out this paragraph.".

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, H.R. 1553 is the Statehood Centennial Commemorative Coin Act. This bill is cosponsored by the vast majority of Members of the House, and was reported unanimously from subcommittee.

H.R. 1553 authorizes the production of not more than 1 million silver dollar coins to commemorate the statehood centennial of our six great Northwestern States: North Dakota, South Dakota, Idaho, Montana, Wyoming, and Washington.

Under this legislation, commemorative coins of uncirculated quality, and also coins of proof set quality will be produced. These coins will have the standard inscriptions carried on all U.S. coinage. The design will include the centennial States logo on one side, and on the other side will be engraved the bust of Thomas Jefferson and the busts of Lewis and Clark, shown overlooking the Missouri River. This design is appropriate, since the great Northwest was acquired through the vision of Thomas Jefferson and had its first systematic exploration through the great Lewis and Clark expedition. Not more that $1.5 million of the proceeds derived from the sales surcharge on these coins will be used to support an exhibition of documents and artifacts pertaining to the six centennial States.

I want to emphasize that this commemorative coin program must be administered in such a way that there will be no net cost to the U.S. Government. Additionally, the net profits will be used to offset the Federal debt.

I want to commend my colleagues PAT WILLIAMS and LARRY CRAIG for their dedicated effort in behalf of this commemorative coin bill. They have been diligent in pursuing the bill, and they have worked with the committee to resolve technical problems with the original draft.

I want to thank Mr. WILLIAMS and Mr. CRAIG for their leadership on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN], chairman of the Subcommittee on Consumer Affairs and Coinage.

Mr. LEHMAN of California. Mr. Speaker, I thank the distinguished chairman for yielding time to me and for his expeditious handling of this legislation.

Mr. Speaker, the bill, H.R. 1553, authorizes the minting of a silver dollar coin to commemorate the centennial of the entrance of six Western States into the Union—Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. The bill would also authorize silver proof sets of circulating coinage.

I want to acknowledge the very hard work done by Mr. WILLIAMS, Mr. CRAIG, and their colleagues in exceeding the 218 cosponsors required by our committee rules for a commemorative coin.

At our October 5 hearing, concern was expressed regarding a provision of the bill that would have authorized a palladium commemorative coin. In response, the ranking minority member of the subcommittee, Mr. HILER, and I offered an amendment in the nature of a substitute which was adopted without dissent as original text. The substitute would delete the requirement that a coin be minted in palladium, and would make other clarifying and technical changes.

Mr. Speaker, this is a noncontroversial bill that has been worked out on a bipartisan basis. The bill was reported by our committee without dissent. I urge its passage.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today that the House is considering H.R. 1553, a bill to mint a commemorative coin for the centenial of six Western States.

The primary sponsors of H.R. 1553, Congressmen WILLIAMS and CRAIG have done excellent work on this proposal and I salute their efforts in obtaining 230 cosponsors in order to comply with our subcommittee rules.

I want to also commend Chairman LEHMAN for being sensitive to the suggestions of the mint in moving this legislation forward. I am particularly pleased that the portions of the bill dealing with the creation of a palladium coin have been deleted. The use of palladium in a commemorative coin have caused severe production and marketing problems and I think it was an excellent idea to delete these provisions.

I am also encouraged to know that under the chairman's leadership we will be considering broader mint legislation early in 1990, incluidng a review of the mint's procurement procedures and the upgrading of certain senior level positions. These are changes that are long overdue.

H.R. 1553 authorizes the mint to strike up to 1 million silver coins to commemorate the statehood centennials of the States of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming. The coins will be minted at no cost to the Federal Government and a surcharge of $7 will be charged on each coin. The first $1.5 million of surcharges will be used to fund the "Documents West" historial exhibition sponsored by the Idaho Centennial Foundation. The remaining surcharges will be used to retire the national debt.

Additionally, title II of the bill authorizes the mint to sell silver proof sets of circulating coins. This is authority that has been long sought after by the mint and they indicate a great consumer demand for these proof sets.

The bill, as reported out of the subcommittee, makes certain substantive changes from H.R. 1553 as introduced. First, the subcommittee bill deletes the authorization of a palladium coin from the bill. References to palladium have been deleted throughout the text and sections have been renumbered accordingly.

Second, the reported bill grants the Secretary of the Treasury the final decision regarding design selection. This amendment is merely a clarification of the original language in H.R. 1553, and is consistent with existing authority.

Third, the reported bill makes changes regarding bulk sales and prepaid orders. This change was requested by the mint to better reflect their use of discounts as a sales incentive.

Fourth, the reported bill deletes the hallmark requirement from the bill for silver proof sets. The hallmark requirement, which indicates fine metal content, poses production difficulties and would require the production of entirely new master dies.

Lastly, the language requiring that the price of the proof sets be partially determined by the market value of the bullion at the time of sale of the coins has been removed. This requirement has been removed from the bill at the request of the mint because it would require them to operate a numismatic program like a bullion program by changing the price of the coins daily.

In closing, Mr. Speaker, I would like to say that the Centennial of the six Western States is an important event in our country's heritage and I am pleased we are able to suitably commemorate it through this legislation. I urge my colleagues to suppport this bill.

□ 1350

Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAIG], a coauthor of the bill, who worked very, very diligently to secure the needed cosponsors.

Mr. CRAIG. Mr. Speaker, at the outset let me thank the chairman of the Coinage Subcommittee, the gentleman from California [Mr. LEHMAN] the chairman of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], and the gentleman from Indiana [Mr. HILER], for the effort that they put forth in this Centennial Commemorative Coin Act of 1989.

My colleague, Mr. WILLIAMS and I, as was mentioned in the opening debate, were able to secure from all of you the 230 cosponsors it was necessary for the subcommittee to bring this bill forward.

Let me also thank Speaker FOLEY for his effort as his State, the State of Washington, has been involved and was a major contributor in ultimately getting this legislation before us today.

As has been mentioned, Idaho, Montana, North Dakota, South Dakota, Washington and Wyoming within a 2-year period will celebrate their centennials, having come out of similar territorial act.

So this 1 million silver coins of the traditional silver dollar style, with Lewis and Clark on one side and Thomas Jefferson on the other, are important and say something very valuable as to our Nation's history, recognizing an important part of that Western heritage.

It is also important to another portion of the heritage of the Northwest as it relates to the issue if mining. The silver coin signifies the silver industry of those Western States and the tremendous value it has had.

My State of Idaho alone accounts for nearly one-fourth of our Nation's silver production. It will not only commemorate and honor our States but it will be extremely valuable to our mining industries as they work to recover from the recession of the early 1980's.

Also included in this bill is a provision calling for the minting of a silver prestige proof set, extremely valuable to the coin industry itself and to the mint.

The director of the mint, Donna Pope, testified as to how important this will be to offer an expansion of their portfolio in a prestige set that will certainly enhance it as it relates to buyers and be of extreme value to the whole of their efforts.

The proceeds from the coins will go to reduce our Federal deficit and to provide $1.5 million to Documents West, a historical records collection program to be administered by the Centennial Foundation of my home State of Idaho in conjuction with the six States and their centennial commissions.

Mr. Speaker, our six States have a great deal in common. In addition to our centennials, we are neighbors and we share common boundaries. We northerners and westerners are proud of this tremendous heritage.

We are extremely proud of our natural resource industry base. Certainly using a silver coin to recognize that goes a long way in recognizing the Dakotas' wheat production, Washington's timber production, my State's abundant mining production, and of course the reliance upon that natural resource production.

We also share a heritage that was and still is a part of the Old West.

From a time of cowboys and prospectors and farmers and ranchers and loggers, we still recognize that heritage because it is current, alive, and vital today in these States.

The excitement of being on the open range or the splendor of our region's grand mountains exists today the same as it did 100 years ago when all these States became States out of that regional process.

The pioneer spirit is alive and well and is clearly recognized on a coin that recognizes those great explorers, Lewis and Clark, and certainly the marvelous leadership of our founding father, Thomas Jefferson.

A great majority of the States have celebrated their centennials, and with this commemorative coin they will continue the process of recognizing their centennials.

Entry into the State of Union is truly an event of national significance and deserves this type of recognition.

Therefore I am extremely pleased that the Coinage Subcommittee was able to do this along with the whole of the Banking Committee in cooperation with the mint.

I hope that we can work to iron out our differences with my colleagues in the Senate who had insisted that palladium be a part of this Coinage Act. I hope that can be done in the closing hours of this session so that we can move this expeditiously to the President's desk for signature and move on with the production of this coin in recognition of these centennials.

Once again in recognition of my colleague from Montana [Mr. WILLIAMS] and myself, we would like to thank the 230 cosponsors and especially the committee for allowing this bill and allowing this measure to come to the floor in the closing hours of this session.

Mr. HILER. Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I am delighted to yield such time as he may consume to one of the coauthors of this legislation, the gentleman from the great State of Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, Members of the House of Representatives, I am pleased to have the opportunity today to speak on behalf of H.R. 1553, a bill to commemorate the 100th anniversary of the statehood of Idaho, North and South Dakota, Washington, Wyoming, and my State of Montana.

The legislation we are passing here today would authorize the minting of a centennial coin in silver. This legislation represents a great deal of work and compromise arrived at only after 4 years of consideration. The final product of the House is disappointing in its dropping of the companion palladium coin, which was included in my original legislation. I have from the beginning recognized that suggestion of a palladium coin would be controversial. I do not believe the information collected by the committee and the U.S. Mint, which opposed the palladium minting, justify an outright dropping of this provision, but with the chairman's assurances that it is not a dead issue, I am willing to allow this legislation to go on the conference.

The suggestion for this legislation was formed in full cooperation with all of the six State Centennial Commissions, as well as the House and Senate congressional delegations from each State.

The design of the silver coin will be completed by the Secretary of the Treasury with consultation by the Commission on Fine Arts, and the profit from the sales of the coin will go toward the national debt and the funding of a traveling documents display showing the region's historic course toward statehood.

In the minting of this coin, we are recognizing the importance of silver to all the States involved—both historically and economically. My district of western Montana is the home of extensive silver mining and at Troy, MT, is located one of the largest silver deposits ever discovered. Silver, of course, is the traditional type of coin for centennial mints. My legislation authorizes up to 1 million coins in silver, and has the full support of the silver industry. This legislation also reauthorizes the minting of the pure silver proof set, which I believe is an important issue for collectors and the industry.

Some in Congress have asked, "Why a coin for the State centennials?" Centennial coins are a traditional form of commemorating a State's entry into the Union. The States of Texas, Louisiana, Illinois, Maine, Alabama, Missouri, Maryland, Arkansas, Wisconsin, Iowa and others all have had statehood centennial coins. The chairman's State of California celebrated its diamond jubilee with a coin.

This legislation would commemorate six States on the one coin. There is a precedent for such a group concept, one in fact from the Pacific Northwest. This area was the subject of twin coins in 1902 and 1904 celebrating the Louisiana Purchase and the Lewis and Clark Expedition. to follow these coins with a centennial statehood minting in 1989 seems altogether fitting and appropriate.

It is clear the folks in all of the six States are supportive of this effort. I have received letters from across my district asking that these coins be minted, and I submitted, for the RECORD, a copy of a letter from each Governor of the six States, asking for this coin.

I want to thank my colleagues who assisted greatly by helping secure the 248 cosponsors of this bill. That remarkably broad and bipartisan support here in the Congress for the centennial coin was also found in the Senate for a similar version of this leg-

islation which passed the other body earlier this year.

This coin represents a bit of the old, precious, traditional, and yet also the bold, innovative and new. This is the legacy of our region's 100 years of statehood. Proud of our past, prepared for our future.

I am hopeful that there can be an agreement reached with the Senate and I again commend Congressman LEHMAN for assuring me that the palladium coin would be discussed. I'm pleased to have sponsored this legislation.

□ 1400

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman for yielding.

I support his statement, and say to my neighbor from South Dakota and others who join Members in this centennial year, this is an important effort for Members. I want to thank the gentleman for his leadership.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for his comments and his support and encouragement of this legislation.

Mr. Speaker, I want to thank the chairman for his generosity in sending this bill to the floor, and the gentleman from California [Mr. LEHMAN]. We have appreciated their work to see that this bill moved through the subcommittee, as well.

Mr. HILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CARDIN). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 1553, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1553, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 1312, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

Mr. OWENS of New York. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 1312), to revise and extend the programs of the Domestic Volunteer Service Act of 1973.

(For Conference Report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Is a second demanded?

Mr. BARTLETT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. OWENS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on H.R. 1312, the Domestic Volunteer Service Act Amendments of 1989.

The year marks the 25th anniversary of the Volunteers in Service to America—or VISTA—Program. VISTA is the Federal Government's only full-time domestic volunteer service program. First proposed by President Kennedy as a "national service corps" modeled on the Peace Corps to fight poverty here at home, the VISTA Program was later revived by President Johnson and included in the "War on Poverty" proposals in the 1964 Economic Opportunity Act. VISTAs serve for 1 year, working full-time with public and private nonprofit agencies to establish and expand programs to alleviate poverty-related problems. VISTA volunteers receive a modest subsistence allowance while in service and are expected to live among the same low-income people they serve.

During the last quarter century, over 100,000 Americans have served as VISTA volunteers. Their achievements have been extraordinary. VISTA's have helped create job training programs, health clinics, battered women's shelters, food pantries, low-income housing, literacy programs and legal services centers. They have worked with Native Americans, migrant farmworkers, people with disabilities, immigrants, the very young and the very old, and other disadvantaged Americans to help enable them to become more self-reliant. Each VISTA volunteer costs the Federal Government about $8,000 but each VISTA project mobilizes a median of $54,600 in new funds and services that otherwise would not have been available. VISTA, in other words, more than pays for itself.

Despite VISTA's impressive track record, 1989 did not originally promise to be a happy anniversary for the VISTA Program. In the words of one program sponsor, VISTA had become a "bare-boned mediocrity", a program whittled down, worn out, and weakened by an incompetent and contemptous bureaucracy. It had survived the Reagan era, but only just barely.

During the reauthorization process, however, we were able to work with Members on both sides of the aisle and in both bodies to develop consensus legislation which would give VISTA the complete, top-to-bottom overhaul it so badly needed. The final product of those year-long efforts is before us today. Once passed by the Congress and signed by the President, H.R. 1312 will do much to help VISTA recapture its former glory in this 25th anniversary year.

VISTA recruitment efforts in recent years have been a disaster. During our hearings we heard about many talented young people—including the son of the first OEO Director Sargent Shriver—who tried to become VISTA volunteers but were unable to—not because there were no vacancies, but because VISTA recruitment procedures are so convoluted and confusing. Compounding these problems has been the ACTION Agency's failure to adequately promote and publicize the program. As a result, VISTA has become a well-kept secret, little known even to the most passionate advocates of volunteerism.

The committee believes that these problems with recruitment and public awareness pose a grave threat to the vitality of the VISTA Program. We have heard from a number of antipoverty organizations who once viewed VISTA as a critical resource but who now see it as more of a burden than a help; they simply do not have the time or energy to recruit VISTA volunteers all by themselves.

For this reason, H.R. 1312 requires the ACTION agency to implement a comprehensive program of national recruitment and public awareness which is to be supported by at least 1.5 percent of VISTA's annual appropriation. The committee looked closely at the recruitment efforts of the Peace Corps and other similar programs and have required ACTION to emphasize those recruitment activities that these other organizations have found to be most cost effective, such as targeting graduating college seniors. To stretch our limited resources further, we also require ACTION to coordinate its recruitment efforts with those of the Peace Corps. At one time, Peace Corps and VISTA recruiters worked together

and we expect that ACTION will seek to resume this close degree of cooperation with the Peace Corps through interagency agreements and other arrangements.

H.R. 1312 also addresses another critical problem which has hampered volunteer recruitment: the meager subsistence allowance and stipend VISTA provides its volunteers. Prior to the Reagan administration, the allowance was traditionally set at or slightly above poverty level; in recent years, however, the value of allowance has dropped far below poverty. The stipend, currently $75 a month, has not been increased in more than a decade; its real value has been more than cut in half by inflation in the intervening years. The conference report thus provides for long-overdue adjustments in both the subsistence allowance and the stipend. The subsistence allowance would be set at no less than 95 percent of the poverty level and the average allowance must be at least 105 percent of poverty. An increase in the monthly stipend would be phased in gradually, increasing to $90 in fiscal year 1991 and $95 in succeeding years.

The conference report also almost fully restores the VISTA's funding authorization to what it was when President Reagan took office. The VISTA service year floor would be increased by 800 over the next 4 years. By 1993, there should be at least 3,400 VISTA volunteers deployed in the field. Should additional appropriations become available as part of a national service initiative or for other reasons, VISTA's authorization level has been set at a level sufficient to support 4,100 volunteers in fiscal year 1994. Even if this level of service were to be attained, however, there would still be fewer volunteers in the field than there were 10 years ago and this is certainly less than what is needed to address the staggering poverty in this Nation.

Finally, the bill corrects a problem that our colleague from Wisconsin, JIM MOODY, brought to our attention during consideration of H.R. 1312—the agency's arbitrary termination of VISTA umbrella sponsors and its insistence that projects be defunded after 4 years. H.R. 1312 bars ACTION from basing its renewal decisions solely on the basis of the number of years a project has been funded, requiring that these decisions be made on an individualized, case-by-case basis, taking into account any extenuating circumstances which may have prevented a sponsor from attaining its goals. The bill also precludes ACTION from terminating assistance to any umbrella sponsor on the basis of the number of years it has been funded. These sponsors assume chief administrative responsibility for the VISTA program, but do not actually use the services of the VISTA's themselves, assigning them instead to affiliated organizations in the community. For this reason, the duration of assistance is not an appropriate factor to consider in evaluating their renewal applications. I want to extend my appreciation to Mr. MOODY for bringing this issue to the subcommittee's attention and for his hard work in helping to resolve it.

Although H.R. 1312 may not correct every problem in the VISTA Program and the ACTION Agency and does not go as far as some of us on the majority side would have liked, it does represent a bipartisan effort to resolve the most grievous problems in the program. I commend Mr. BARTLETT for his contributions to this legislation and for his cooperation in making it a truly bipartisan initiative.

I urge my colleagues to support the conference report. With these amendments, we can help assure that VISTA will reclaim its original promise and experience a rebirth of energy, commitment, and purpose as it moves into its next quarter-century of service to the Nation.

□ 1410

Mr. BARTLETT. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. TAUKE], the ranking Republican on the Subcommittee on Human Resources, which has jurisdiction over the Older Americans Volunteer Program that are part of this legislation.

Mr. TAUKE. Mr. Speaker, I rise in support of the conference report accompanying H.R. 1312, the Domestic Volunteer Service Act of 1973. The provisions of this agreement reflect a bipartisan, bicameral effort. I wish to thank all members of the conference committee, particularly the chairman of the Human Resources Subcommittee, Mr. KILDEE, for their work in producing an agreement which will benefit both the volunteers and those individuals receiving volunteer services.

I would particularly like to address those provisions within the jurisdiction of the Subcommittee on Human Resources affecting the Older American Volunteer Programs; which include the Retired Senior Volunteer Program [RSVP], the Foster Grandparent Program and the Senior Companion Program.

While we did not make any substantial changes in these volunteer programs, we did make some important improvements. For instance, we increased the amount of the stipend paid to low-income seniors in the Foster Grandparent and Senior Companion Programs. The stipend will be increased over a 2-year period, beginning in fiscal year 1991, when the stipend will increase from $2.20 an hour to $2.35 per hour. An additional increase in 1992 will increase their stipend to $2.50 per hour. These low-income volunteers have not received a stipend increase since 1983. It is time for us to reward all of their hard work. I should, however, note that we included a protective provision in this legislation which prevents the increase in the stipend if such an increase would cause a reduction in the number of volunteers able to participate in the program.

Mr. Speaker, we have also retained the provisions in current law which permit the use of nonstipend volunteers in the Foster Grandparent and Senior Companion Programs. While there are not very many of these volunteers, they provide a valuable service in filling in the gaps when regular volunteers are unable to fulfill their responsibilities or when there are too few stipend volunteers to meet the needs of the community.

This legislation also requires ACTION to spend $250,000 per year to promote the Older American Volunteer Programs. It is our hope that these activities will increase participation by the private sector and encourage additional senior citizens to offer their services as volunteers.

Mr. Speaker, the Older American Volunteer Programs are important. Whether the senior volunteers are helping a young child develop the literacy skills he needs to be successful in school or providing assistance to another senior citizen confined to his or her home, such services are invaluable. I urge my colleagues to support the senior volunteers in their State by supporting passage of the conference report accompanying H.R. 1312.

Mr. OWENS of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding to me. I want to commend the gentleman from New York [Mr. OWENS] for his leadership as the chairman of this important subcommittee and encourage my colleagues to support this resulution.

I do want to draw the attention of the Members of the House to both VISTA and the current discussion about national service legislation. Both those inside and outside of the administration are calling for national service in the United States, as if it did not exist in programs such as VISTA.

Many, both within and outside of the Congress, talk about volunteer service and the passage of national service legislation as if such service encouraged by the Federal Government had not been a continuing example for all of the lifetime of this Republic.

National volunteer activity in the service of America reached its zenith under former President John F. Kennedy, and it continues to exist, perhaps exists, most prominently in the

legislation we are passing today, VISTA.

Last year there were 3,200 Americans, each a point of light, serving in VISTA. They were doing national service.

While we are discussing this legislation, many thousands of Americans each a point of light are involved in national service to their country through Green Thumb, the Foster Grandparent Program, such programs as RSVP and, of course, the Peace Corps. There are many others.

My point is that we should not forget as Members of the House of Representatives that national service has a long and valued tradition in the United States, and there are today many tens of thousands of Americans who volunteer in service to this country, either on their own, through a business, or through a corporation with which they are associated, through their local school board, or country, or State, or yes, the Federal Government.

Perhaps national service could be better organized. Perhaps it could be better encouraged. But the notion that points of light have not always existed in the United States in the form of people volunteering their service for this country is an incorrect notion, and the great example of that is VISTA.

Mr. Speaker, I thank the gentleman for the time.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report to H.R. 1312 which reauthorizes the VISTA and Older American Volunteer Programs. I want to thank the chairman of the House subcommitees, Mr. OWENS and Mr. KILDEE and our counterparts in the other body, Senator DODD and Senator HATCH, for negotiating a bipartisan agreement that Members can support. The administration has worked with the conferees to negotiate this legislation and has no objection to it.

Mr. Speaker, while I am supporting this conference agreement and the service year levels that it authorizes, I do so reluctantly with regard to the service years, because the conference report does retain the "service year" in the VISTA Program.

The VISTA authorization, Mr. Speaker, is unique, and unique in a negative way, because the service year floor contained in the legislation drives the appropriation for the VISTA Program. In effect, the service year floor, unique among authorizing legislation, amounts to a minimum appropriation, unless that service year floor were to be specifically waived by the appropriations bill.

The action agency must meet the authorized service year floor, even if the appropriation is not sufficient to fund such a level.

□ 1420

Mr. Speaker, to do this, ACTION must rob from other programs in order to fund VISTA and if there are not enough funds available, ACTION will be violating the law solely because they did not appropriate adequate funds. The Senate and House bills were very far apart on the service year levels and while the conferees agreed to a reasonable compromise on service years, I am uncertain that fiscal year 1991 appropriations will allow the ACTION Agency to meet the authorized floor. I for one along with other members of the authorizing committees plan to urge the appropriate committee to waive this minimum appropriations requirement known as a service year funding floor, and while I do have severe misgivings about the service year floors I think there were many improvements made by this legislation that will benefit the VISTA Program. One of the major improvements included in both bills is the increase in the subsistence allowance. VISTA volunteers receive a basic allowance to cover housing, food, and incidentals. The conference report requires that the subsistence allowance be not less than 95 percent of the poverty line for a single individual and that the average subsistence allowance, excluding Alaska, Hawaii, Guam, and American Samoa, is no less that 105 percent of the poverty level. This will allow ACTION to make adjustments that reflect local and regional differences in cost of living while maintaining a level that is tied to the poverty level which will increase each year. Most importantly, the Director must fund the subsistence allowance first as a priority before adding any new VISTA volunteers.

The conference report increases the stipend that VISTA volunteers receive at the end of their service from the current $75 to $90 in fiscal year 1991 and $95 thereafter. This is an improvement from the House passed bill because no increase in the stipened was included in our bill and I fully support the increase.

As I visited with VISTA volunteers in Texas, many of them noted that the low level of subsistence allowance was the single most important issue for them, and for the success of VISTA service to their neighborhoods. Based on these discussions and on testimony before the subcommittee, I believe VISTA lost many qualified individuals who wanted to serve as volunteers because the subsistence allowance was too far below the poverty level. I am therefore glad that the conference report increases both the subsistence allowance and the stipend and I believe this action will encourage more individuals to become VISTA volunteers.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Texas [Mr. [BARTLETT] for yielding to me, and I want to join with him in his statement, his excellent statement, and also in urging the Congress and the House of Representatives to pass this very fine conference report. I commend him especially for increasing the stipend, which was long overdue, for the VISTA workers, and again I commend him for his fine work on this piece of legislation.

Mr. Speaker, I rise to give my enthusiastic support for the conference report authorizing funds for the Volunteers in Service for America [VISTA] and the Older American Volunteer Program. They are important programs which do a gerat deal of good for some of our country's poorest and most vulnerable people, and I hope the House will give them its full support.

The VISTA Program has proven its worth. Since we created it 25 years ago, it has allowed tens of thousands of young and idealistic volunteers to work in poverty-stricken urban neighborhoods, rural regions and Indian reservations to help their residents develop their economies, and the skills which allow those regions to move forward on their own. I fully support the $213 million authorization the conference report has allotted.

I particularly call attention to one provision that I advocated to allow senior VISTA volunteers the opportunity to continue in VISTA with a waiver once their regular term of appointment is up. There are some folks in western Massachusetts who eagerly await this provision.

The bill also reauthorizes the OAVP at $695.2 million. It also makes a very important extension of the program by funding its new component, the programs of national significance, with at least one-third of the funds appropriated above the level needed to maintain last year's OAVP programs.

This new initiative will put more volunteers to work on the local manifestations of problems which affect the entire country. It represents a nationwide commitment to the volunteer spirit, and I congratulate both the administration and the Committee on Education and Labor for bringing it forward.

These programs illustrate one of our great strengths as a nation—the spirit which brings thousands of communities and individuals together to improve their own lives, and to help those who are less fortunate. I warmly endorse this bill, and I urge each

Member of the House to support it as well.

Mr. BARTLETT. Mr. Speaker, I appreciate the kind words of the gentleman from Massachusetts [Mr. CONTE] and accommodation, and we all appreciate the work he does on the Committee on Appropriations on this.

Mr. Speaker, another important and good legislative addition that this conference report makes is the improvement of recruitment and placement procedures so that more individuals who want to become VISTA volunteers will have that opportunity. Under this legislation, a placement office must be established in the national ACTION agency headquarters to be headed by an individual designated by the Director of ACTION who will be responsible for recruitment and placement of volunteers. This placement office will allow the Director to match qualified VISTA volunteers with projects and match projects with qualified volunteers. This office will assist prospective VISTA volunteers to find projects that they are interested in working for, while maintaining that the final approval for hiring that volunteer lies with the local project.

Too many times over the last several years we have seen VISTA volunteers unable to match up with VISTA projects and vice versa. I think the new recruitment policy will maintain the concept of local volunteers, while also providing a productive match between the volunteer and the project. In addition, I believe the aggressive public awareness campaign that the conference report establishes should encourage more people to serve as VISTA volunteers.

Three other issues that are part of the conference report include:

First, a mandate that 20 percent of VISTA volunteers be between the ages of 18 and 27. I opposed this age quota system in the VISTA program, this was an issue that the majority of the conferees clearly supported.

Second, a flat 1.5 percent of VISTA funds must be spent on recruitment and public awareness. This is too much in my judgment, but it is less than the other body had suggested.

Third, a VISTA literacy corps volunteer may serve as a regular VISTA in a literacy program if he or she wants. While this language was part of the House bill, the conference report clarifies this language to ensure that it does not diminish the current "supplement, not supplant" concept in the VISTA literacy corps. In addition, the Director must make every effort to fill the VISTA literacy corps vacancy.

This legislation is part of the kinder, gentler nation for the 1990's because these two volunteer programs are designed to help neighbors and the VISTA Program particularly focuses on helping low-income people become self-sufficient. VISTA volunteers live and work among the poor and serve in urban areas, rural areas, and on Indian reservations. VISTA volunteers focus on the problems of hunger, homelessness, illiteracy, unemployment, drug and alcohol abuse, domestic violence, child abuse, and neighborhood revitalization.

While I will retain concerns about the service year floor, I think this is a good bill and deserves our support. I urge my colleagues to support passage of this conference report.

Mr. KILDEE. Mr. Speaker, I rise in support of the conference agreement on the Domestic Volunteer Services Act, H.R. 1312.

The conference agreement reflects the concern and cooperation of a number of Members on both sides of the aisle and in both the House and Senate.

I would particularly like to thank the subcommittee members, both Democratic and Republican, for their tireless efforts on behalf of the conference agreement.

Mr. Speaker, title II of the Domestic Volunteer Services Act authorizes the older American volunteer programs which fall under the jurisdiction of the Subcommittee on Human Resources, which I chair.

They are the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program.

These programs enable seniors to continue to contribute their time, energy and experience to their communities in a variety of ways.

Individuals enrolled in the Retired Senior Volunteer Program [RSVP] volunteer their services to benefit local community agencies and organizations.

The Senior Companion Program pairs low-income elderly volunteers with other elderly individuals who are disabled, frail or isolated. These Senior Companions receive a small stipend while offering companionship and encouragement.

Foster Grandparents offer individualized supportive services to special needs children in a variety of settings. Like Senior Companions, Foster Grandparents are low-income and receive a small stipend.

Without a doubt, these are three of the most popular programs operating in the Federal Government today.

The conference report on H.R. 1312 reauthorizes these vital programs for 4 additional years and contains some important changes.

These include:

An increase in the stipend paid to Foster Grandparents and Senior Companions from the current $2.20 per hour to $2.35 per hour in 1991 and $2.50 per hour in 1992; and

A new section titled "programs of national significance" which will enable current grantees to expand services to address such pressing problems as illiteracy, long-term care for the elderly and respite care for the families of disabled children and frail elderly individuals.

Mr. Speaker, the conference agreement also extends the Demonstration Partnership Program addressing the needs of the poor for 1 additional year.

This small grant program enables community action agencies to receive funds that would otherwise be unavailable to test new and innovative methods to alleviate poverty.

I urge my colleagues to support this important conference report.

Mr. GOODLING. Mr. Speaker, I rise in support of the conference report accompanying H.R. 1312, amending the Domestic Volunteer Service Act of 1973. I wish to thank all members of the conference committee for their efforts to produce this agreement.

The volunteer services provided through the VISTA and older American volunteer programs are invaluable. Every day volunteers working through these programs provide volunteer services which help others in their community.

I am especially appreciative of the services provided through the older American volunteer programs, which include the Retired Senior Volunteer Program [RSVP], the Foster Grandparent Program and the Senior Companion Program.

I am often amazed at the miracles these seniors can perform. Imagine a student who has dropped out of school and violated the law. As part of their punishment, the student is referred to an alternative school where there are Foster Grandparent volunteers. Many times, this Foster Grandparent is the first person with whom the student comes in contact who honestly cares for them and really tries to understand how they feel. With encouragement and support from the Foster Grandparent, the student completes their education, receives vocational skills and becomes an asset to their community. There are programs like this in existence today—and they work.

Mr. Speaker, I would like to briefly outline some of the important changes in the older American volunteer programs. First and foremost, we increased the amount of the stipend paid to low-income seniors in the Foster Grandparent and Senior Companion Programs. Over a 2-year period, beginning in fiscal year 1991, the stipend will increase form $2.20 per year to $2.50 per year. This increase is long overdue and should help some of our low-income volunteers keep pace with inflation.

We have also created a new section in the law, "Programs of National Significance." Grantees receiving money under this section of the law will use funds to address problems in any of 11 different areas. Volunteers will work in programs which help decrease drug and alcohol abuse, provide literacy assistance to adults and children, and serve children in child care programs, to name just a few. It is important to note that grantees will have to use funding provided under this section to add additional volunteers. They will have to supplement, not supplant the current number of volunteers working on these programs.

It is our hope that volunteer services performed under this section of the law, in conjunction with other efforts to promote the older American volunteer programs, will help increase support for volunteers from the private sector and encourage additional senior citizens to volunteer for these three important programs.

Mr. Speaker, I urge my colleagues to support H.R. 1312. It would be impossible for us

to place a dollar value on volunteer work carried out under the VISTA and older American volunteer programs. We can show our appreciation to these volunteers by reauthorizing these important programs for 4 more years.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 1312.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OWENS of New York. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTLETT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and agree to the conference report on the bill, H.R. 1312.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE CONGRESS ON THE 25TH ANNIVERSARY OF VOLUNTEERS IN SERVICE TO AMERICA

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the concurrent resolution (H. Con. Res. 228) to express the sense of the Congress regarding the 25th anniversary of Volunteers in Service to America.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I will not object, but under my reservation of objection I yield to the gentleman from New York [Mr. OWENS] to explain his unanimous-consent request.

Mr. OWENS of New York. Mr. Speaker, this is a resolution which expresses the sense of Congress regarding the 25th anniversary of Volunteers in Service to America, the VISTA Program, which we have just concluded discussing. Mr. Speaker, I join with the remarks of the gentleman from Montana [Mr. WILLIAMS], the former chairman of the Subcommittee on Select Education, and with the gentleman from Texas [Mr. BARTLETT] the ranking member.

Mr. Speaker, I think we have adequately set forth the purposes and the achievements of the VISTA Program, and we would like to note that it is in existence already. Several thousand points of light have been out there for some time. They continue to be out there with the sponsorship of the Federal Government, and we hope it will continue to be there for another 25 years.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 228.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1430

Mr. BARTLETT. Mr. Speaker, I do support the legislation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 228

Whereas in 1964 Congress enacted legislation establishing the Volunteers In Service To America program (in this resolution referred to as "VISTA"), the only full-time, volunteer, antipoverty program in the Nation;

Whereas since 1964, more than 100,000 individuals, from all walks of life, geographic areas, and ages have given a year or more of time as VISTA volunteers to help the poor and disadvantaged of the United States;

Whereas VISTA has helped communities develop local leadership and has empowered people to help themselves and their communities;

Whereas VISTA volunteers have helped to create and maintain employment programs, health clinics, shelters for battered women, legal services centers, literacy organizations, literacy education programs, food banks, substance abuse prevention projects, and housing programs;

Whereas VISTA volunteers have worked with homeless families, the mentally and physically disabled, migrant farm-workers, low-income senior citizens, incarcerated youth and adults and refugees to encourage self-reliance; and

Whereas, with the increasing number of poor individuals in the United States, the importance of VISTA as one of the most effective weapons in the Nation against poverty cannot be underestimated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) VISTA be commended on its 25th anniversary for its work in helping to combat the difficulties caused by poverty; and

(2) VISTA is a highly successful program and the commitment of the Congress to VISTA is reaffirmed.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL MIDNIGHT, DECEMBER 15, 1989, TO FILE SUNDRY REPORTS

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries have until 12 p.m. on December 15, 1989, to file reports on H.R. 2061, the Fishery Conservation Act of 1989, and H.R. 3332, the Global Environmental Research and Policy Act of 1989.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SURVIVAL ASSISTANCE FOR VICTIMS OF CIVIL STRIFE IN CENTRAL AMERICA

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3696) to provide survival assistance to victims of civil strife in Central America.

The Clerk read as follows:

H.R. 3696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SURVIVAL ASSISTANCE.

(a) AUTHORIZATION.—The Agency for International Development shall use unobligated funds made available pursuant to section 8(a) of Public Law 100-276 to provide medical care and other relief for noncombatant victims of civil strife in Central America. Such assistance shall be used to make available prosthetic devices and rehabilitation, provide medicines and immunizations, assist burn victims, help orphans, and otherwise provide assistance for noncombants who have been physically injured or displaced by civil strife in Central America. Priority shall be given to those with the greatest needs for assistance.

(b) USE OF PVO'S AND INTERNATIONAL RELIEF ORGANIZATIONS.—Assistance pursuant to this section shall be provided only through nonpolitical private and voluntary organizations and international relief organizations. Preference in the distribution of such assistance shall be given to organizations presently providing similar services such as Catholic Relief Services, the International Committee of the Red Cross, CARE, the United Nations Children's Fund, the Untied Nations High Commissioner for Refugees, Partners of the Americas, and the Pan American Health Organization.

(c) ASSISTANCE IN NICARAGUA.—Not more than one-half of the assistance provided under this section may be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua. None of the assistance pursuant to this section may be provided to or through the Government of Nicaragua.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I my consume.

Mr. Speaker, this bill authorizes the continuation of a program in Central America that we can all support, namely the Child Survival Assistance Program that we first authorized in the last Congress.

As Members will recall, in 1988, we included $17.7 million in medical aid for children as part of the nonlethal Contra Aid Program. Under the law, at least 50 percent of the funds were to be spent it Nicaragua, and the remainder could be spent in neighboring countries, but all of it was intended for victims of the Nicaraguan civil war.

Unfortunately, the Government of Nicaragua refused to permit the expenditure of most of the funds earmarked for expenditure in that country. Most of the other 50 percent of the funds have been used outside of Nicaragua, but some $2 million remains. A total of $9.6 million of the original $17,7 million remains unexpended. AID is planning to close down the program, and in the absence of the legislation now before us that money would revert to the Treasury.

This bill before us today would do three things:

First, it would require the expenditure of the remaining $9.6 million;

Second, it would allow the funds to be spent on any noncombatant victims of civil strife in Central America, not just children, and not just victims of the war in Nicaragua.

And finally, it removes the requirement that 50 percent of the funds be spent in Nicaragua.

As far as I am aware, this bill is supported by the minority and is noncontroversial.

And given the events in El Salvador this past month, I cannot conceive of a more necessary bill.

Mr. Speaker, I yield to the author of the bill, the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, H.R. 3696, the Survival Aid for Central Americans Act, broadens the authority of section 8 of Public Law 100-276 to permit us to send much-needed assistance to noncombatant victims of civil strife in Central America. H.R. 3696 directs the Agency for International Development [AID] to continue and broaden its programs to help children. Under H.R. 3696, critical medical needs of adults and children can be met.

Because of certain limitations in the earlier law, it appeared likely that AID will cease its activities under this program. Passing H.R. 3696 ensures that these programs will continue to help noncombatant civilians in need.

When I led a congressional delegation to Central America this fall, I witnessed the successes of this program: mutilated children who have received well-crafted artificial limbs—and new hope; children horribly burned—made whole again by timely, effective surgery; and many other moving examples of how United States aid can be used to help human beings who through no fault of their own are suffering. The heroic private and voluntary and international relief organization officials from CARE, Catholic Relief Services, the Pan American Development Foundation, the United Nations High Commissioner for Refugees [UNHCR], World Rehabilitation Fund, and many others should be recognized and applauded for their service to humanity.

Many of their activities funded under section 8 of Public Law 100-276 should, I believe, receive additional funding under H.R. 3696. Facilitating the good work of these groups is one of the many reasons I urge your support for H.R. 3696.

It broadens section 8 of Public Law 100-276 in two ways: First, the people we can help is broadened from "children who are victims of Nicaraguan civil strife" to "noncombatant victims of civil strife in Central America." Second, half of the $17.7 million in Public Law 100-276 was earmarked for nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua; H.R. 3696 states that "not more than one-half of the assistance provided under this section may be provided through nonpolitical private and voluntary organizations and international relief organizations operating inside Nicaragua."

AID spent a large amount of time defining what precisely a "child" was and which categories of "children" could be legally assisted under section 8 of Public Law 100-276. Under H.R. 3696, the phrase "noncombatant victims" needs clarification: I intend this phrase to mean that assistance should be provided to, and only to, people who have never been combatants and who need one of the identified types of assistance. There are three criteria, therefore for determining who is eligible for assistance under H.R. 3696: First, has the person never fought for any side in any war in Central America? If so, he or she may be eligible for assistance under this program. Second, is the person physically injured or displaced? If so, he or she may be eligible for assistance under this program. Third, does the person need one of the types of assistance identified in H.R. 3696? If so, he or she may be eligible for assistance under this program.

It is my intent that only noncombatant civilians who meet all three of these criteria shall receive assistance under H.R. 3696. These restrictions are provided since this category is clearly the neediest, most neglected group of suffering people in Central America. Wounded combatants generally receive effective care in one of the region's hospitals; not so for many innocent civilians caught in cross-fire or who have stepped on a land mine. I intend that assistance provided under H.R. 3696 shall help children and other innocent civilians who have suffered because of widespread civil strife in Central America.

The purpose of these changes is to make it easier for private and voluntary and international relief organizations to provide effective, genuinely humanitarian assistance to people in need. The bill provides AID with the flexibility and responsibility to determine the precise amounts to allocate to meet the urgent needs identified in section 1(a) to qualified groups such as those named in section 1(b), with the understanding that this aid is for, and only for, physically injured or displaced people who have never been combatants and who need one of the identified types of assistance.

There remain many similaries between H.R. 3696 and section 8 of Public Law 100-276. The most important is that this assistance should be allocated to noncombantant victims with the greatest needs. This is still intended to include, if possible, Nicaraguans in need. This aid would be provided notwithstanding other provisions of U.S. law. However, as in section 8, none of the assistance may go to or through the Government of Nicaragua.

The aid should be provided to noncombants who have not participated as fighters in any of the conflicts rending Central America, and it should be provided to such people irrespective of their political affiliation.

The needs of these people continue to be enormous—and unmet. With the modest changes H.R. 3696 makes in section 8 of Public Law 100-276, it will be possible to continue helping innocent victims of civil strife in war-torn Central America. As chairman of the International Task Force of the Select Committee on Hunger, I urge my support for continuing efforts to provide assistance to nongovernmental organizations working to reduce human suffering in Central America.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3696, a bill to provide survival assistance to victims of civil strife in Central America.

As you will recall, in march 1988, the Congress voted for and, on April 1, the

President signed into law a measure to provide $17.7 million for medical and related care to children affected by the Nicaraguan's civil strife.

That law mandated that assistance to children be channeled only through nonpolitical private and nonvoluntary organizations [PVO's] or international organizations. At least half the aid was to be delivered through organizations operating inside Nicaragua, but none of this assistance could be provided to or through the Government of Nicaragua.

This Child Survival Assistance Program had to be changed when the Sandinista government, through action taken by the Nicaraguan National Assembly, outlawed acceptance of United States Government assistance. In effect, the Sandinistas made it a treasonable act to accept money from the U.S. Government even for taking care of maimed kids.

As a result, a good portion of the money intended for the Child Survival Assistance Program went unobligated. The administration is now seeking to use the unobligated funds remaining from this program—approximately $9.6 million—to provide medical care and other relief for noncombatant victims of civil strife in Central America.

This assistance would be used for, among other things, to make available artificial limbs, medicines, immunizations, assist burn victims, help orphans and any other noncombatants who have been injured or displaced by civil stife in Central America.

Consideration of this timely measure by the Congress is urgent, and it is imperative that the House act to provide authority for this humanitarian endeavor. I urge my colleagues to give their unanimous support to this legislation.

Mr. STUDDS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY).

Mr. PENNY. Mr. Speaker, I rise in strong support of H.R. 3696, providing survival assistance to victims of strife in Central America. This bill, which I have coauthored, will utilize unobligated funds to provide humanitarian aid to noncombat victims of the regional strife in Central America.

Mr. DORGAN, Mr. DURBIN, Mr. KLECZKA, and I traveled to Central America last September to observe the activities of private voluntary organizations involved in the AID-funded Child Survival Assistance Program [CSAP]. CSAP was funded as part of the Contra aid package passed by the Congress in 1988, and is now operating in Honduras and Costa Rica. This program has been extraordinarily effective in meeting the medical needs of children affected by the Contra war. We witnessed PVO workers performing restorative surgery, fitting prosthetic devices for hundreds of injured children, and providing urgently-needed medical and food aid to thousands more.

This bill will make minor modifications to the CSAP Program that will ensure that unobligated CSAP funds are utilized to the full extent by PVO's that are already operating in Central America. Without our action, these valuable activities will come to a halt at the end of this year. It is our feeling that we should use these funds to meet the needs of the innocent victims of regional conflict.

The original CSAP Program was intended to operate inside Nicaragua also, through PVO's, but unfortunately all such aid was banned by the Sandinista government in October 1988. This bill will allow up to 50 percent of the available funds to be used in Nicaragua but would not require that amount to be spent only in Nicaragua as did the original CSAP law. Such funds would be available to nonpolitical private agenies and international organizations operating in that country or else where in the region.

No matter what you think of the politics in Nicaragus or throughout Central America, we have a moral obligation to provide humanitarisn assistance to the children and other innocent victims there. As the recent violence in El Salvador has once again shown, it is usually the civilian population that suffers most from political and military strife in Central America. I urge your support of this bill.

Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I support this legislation which provides assistance to victims of civil strife in Central America.

This legislation provides the necessary authorization to allow the agency for international development to utilize remaining unobligated funds for the relief of victims of continuing strife.

The assistance shall be available for prosthetic devices and rehabilitation, medicines and immunizations, to assist burn victims, to help orphans, and to otherwise provide assistance for noncombatants.

I urge all Members to support this humanitarian legislation.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in support of the resolution to revise the Child Survival Assistance Program. This is a very worthwhile program that has already provided medical assistance to children who have been injured in the Nicaraguan civil war. I thank Mr. LAGOMARSINO, Mr. DORGAN, and Mr. PENNY for their valuable consideration of this issue.

This legislation would do three things. First, it would remove the 50 percent earmark for Nicaragua that was in the original legislation. These funds were never spent because the Sandinistas, in a fit of spite, forbade their citizens—their own little children—from accepting this human survival aid. Removing the earmark would allow the Agency for International Development to use the remaining $9 million helping children in need of the assistance, without regard to political ideolgy. No new money would be authorized.

Second, this legislation would expand the coverage of the survival program to include all noncombatants, not just children. Aid and the private voluntary organizations have recommended this change to more adequately meet the needs of the war-affected population.

Third, the bill would allow the funds to be used for noncombatant victims of civil strife throughout Central America. This is principally a recommendation from the PVO's concurred in by AID. Some of this money will go to continue supporting existing health programs for Nicaraguans who have fled to neighboring countries. Other funds will very likely be used to treat civilians who have been injured during the recent rebel offensive in El Salvador.

Mr. Speaker, this legislation enjoys broad, bipartisan support. The Member from North Dakota has cooperated very closely with the minority and the administration in drafting this legislation. I understand that the ranking minority members of the authorizing and appropriating committees support it, as does the Republican leadership and the administration.

I, therefore, urge the Members to support this worthwhile bill.

Mr. LOGAMARSINO. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 3696, to ensure that the Child Survival Assistance Program funds for assistance to children who are victims of civil strife in Central America will be fully utilized. Also, I want to commend the distinguished gentleman from North Dakota [Mr. DORGAN] and my colleagues on the Select Committee on Hunger for focusing the attention of the House on the value and need for modifying existing legislation. We have the opportunity, the support from our colleagues on the authorizing and appropriation committees.

This program, enacted in the 100th Congress, has been meeting the needs of children physically injured or displaced by the conflicts in Central America through food aid, restorative surgery, and artificial limbs for injured children. Half of the $17.7 million originally earmarked for this program was set aside for use in Nicaragua. However, the Nicaraguan Government has refused to allow almost any of these funds to be spent to help

child victims and orphans, since all assistance must be provided through nonpolitical private and voluntary organizations and international relief organizations, and not through the government.

This bill will allow the as-yet-unobligated funds under this effective program, totaling about $9 million, to be redirected to the special medical and other relief needs of these noncombatant victims of strife in other countries of Central America. These needs are unfortunately great, and these children need our help. We should keep the full amount of the original funding available for them. I urge support of the bill.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H.R. 3696, both as an original cosponsor of this important bill, and as chairman of the Select Committee on Hunger. The sponsor of this legislation, Mr. DORGAN, has done tremendous work on this issue, first as chairman of the Hunger Committee's Working Group on Central America, and now as chairman of the Committee's International Task Force.

Nothing is more important to me and to the Select Committee on Hunger than finding ways to provide appropriate humanitarian assistance to those who most need it. It has sometimes seemed in Central America that we have found ways to provide assistance to everything and everybody in certain countries except those innocent civilians who have suffered most in the fighting. H.R. 3696 is an important exception to this, and points toward a better, smarter U.S. policy toward Central America. By providing assistance only through nonpolitical nongovernmental organizations we assure that the assistance will not be misused or mismanaged by governments in the region. By targeting assistance to noncombatant victims of civil strife, we assure that those most in need will be helped. I urge all my colleagues to give this measure, and the idea of providing genuine humanitarian assistance regardless of politics to those who need it most, their full support.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3696.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3696, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAMS AUTHORIZATION ACT OF 1989

Mr. HERTEL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1668) to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Programs Authorization Act of 1989".

SEC. 2. NATIONAL OCEAN SERVICE.

(a) MAPPING, CHARTING, AND GEODESY.—There are authorized to be appropriated to the Department of Commerce for carrying out mapping, charting, and geodesy activities of the National Oceanic and Atmospheric Administration (including geodetic data collection and analysis) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $47,694,000 for fiscal year 1990.

(b) OBSERVATIONS AND ASSESSMENTS.—There are authorized to be appropriated to the Department of Commerce for carrying out observation and assessment activities of the National Oceanic and Atmospheric Administration—

(1) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $28,533,000 for fiscal year 1990;

(2) under the National Ocean Pollution Planning Act of 1978 (33 U.S.C. 1701 et seq.), not more than $4,000,000 for fiscal year 1990; and

(3) under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.), not more than $17,000,000 for fiscal year 1990.

(c) OCEAN AND COASTAL MANAGEMENT.—There are authorized to be appropriated to the Department of Commerce for carrying out ocean and coastal management activities of the National Oceanic and Atmospheric Administration under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1401 et seq.), and any other law involving those activities, not more than $57,752,000 for fiscal year 1990.

SEC. 3. OCEAN AND GREAT LAKES RESEARCH.

There are authorized to be appropriated to the Department of Commerce for carrying out ocean and Great Lakes research activities of the National Oceanic and Atmospheric Administration under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 833a et seq.), the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.), and any other law involving those activities, not more than $95,855,000 for fiscal year 1990.

SEC. 4. OYSTER DISEASE RESEARCH.

Pursuant to section 206 of the National Sea Grant College Program Act (33 U.S.C. 1125), $3,000,000 may be appropriated for priority oyster disease research in fiscal year 1990.

SEC. 5. PROGRAM SUPPORT.

(a) ADMINISTRATION AND SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out executive direction and administrative activities of the National Oceanic and Atmospheric Administration (including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development) under the Act entitle "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.), and any other law involving those activities, not more than $73,994,000 for fiscal year 1990.

(b) FACILITIES.—There are authorized to be appropriated to the Department of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration under any law involving those activities, not more than $4,082,000 for fiscal year 1990.

(c) MARINE SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out marine services activities of the National Oceanic and Atmospheric Administration (including ship operations, maintenance, and support) under the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), and any other law involving those activities, not more than $59,910,000 for fiscal year 1990.

(d) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Department of Commerce for carrying out aircraft services activities of the National Oceanic and Atmospheric Administration (including aircraft operations, maintenance, and support) under the Act entitle "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving those activities, not more than $8,446,000 for fiscal year 1990.

SEC. 6. REQUIREMENT OF NOTICE OF REPROGRAMMING.

The Secretary of Commerce shall not reprogram an amount appropriated under the authority of this Act unless, before carrying out that reprogramming, the Secretary provides notice of that reprogramming to the Committee on Commerce, Science, and

Transportation of the Senate and to the Committee on Merchant Marine and Fisheries and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 7. INTERNATIONAL FISHERY AGREEMENT.

Notwithstanding any provision of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the governing international fishery agreement entered into between the Government of the United States and the Government of Japan, as contained in the message to the Congress from the President of the United States dated October 30, 1989, is approved by the Congress and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 8. LOBSTER CONSERVATION.

Section 307(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) in subparagraph (H) by striking "or" at the end;

(2) in subparagraph (I) by striking the period at the end and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(J) to ship, transport, offer for sale, sell, or purchase, in interstate or foreign commerce, any whole live lobster of the species Homarus americanus, that—

"(i) is smaller than the minimum possession size in effect at the time under the American Lobster Fishery Management Plan, as implemented by regulations published in part 649 of title 50, Code of Federal Regulations, or any successor to that plan, implemented under this title;

"(ii) is bearing eggs attached to its abdominal appendages; or

"(iii) bears evidence of the forcible removal of extruded eggs from its abdominal appendages.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SHUMWAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Michigan [Mr. HERTEL] will be recognized for 20 minutes, and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1668, the NOAA Ocean and Coastal Programs Authorization Act, was returned by the Senate with amendments.

This legislation represents the first time the Congress has passed comprehensive legislation for the complete spectrum of ocean and coastal programs including the National Ocean Pollution Planning Act, the Marine Sanctuaries Act, the National Sea Grant College Program, the Coastal Zone Management Program, and dozens of other vital mappings, charting, administrative, and support functions at NOAA.

The amendments have made some minor adjustments in budgetary allocations. Less than 1 percent of the total bill has been changed in that regard, but these changes are certainly acceptable to the majority.

Also added are two provisions, the Japanese Governing International Fishing Agreement and the Lobster Conservation Amendment. We have reviewed the amendments and ask the House to accept this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H.R. 1668, I rise in support of this legislation. I applaud the subcommittee chairman, Mr. Hertel, for his leadership on this bill. H.R. 1688 is a new approach in dealing with NOAA's ocean and coastal programs and, I believe, it is a worthwhile approach.

The Office of Technology Assessment [OTA] estimates that by 1990, 75 percent of the U.S. population will live within 50 miles of the coast. As a result, Mr. Speaker, the importance of protecting and understanding our ocean and coastal resources is becoming a higher and higher national priority. H.R. 1668 is an important step by Congress to review our Federal programs in this area in an orderly fashion, and to set our priorities in this regard with an eye toward the future.

Historically, NOAA's ocean and coastal programs have been established administratively with their budgets being determined largely by the executive branch or the Appropriations Committee. Passing a NOAA ocean and coastal programs authorization bill will give the Congress and the Merchant Marine and Fisheries Committee greater control and influence over NOAA's specific programs and over their funding levels. In this fashion, we can weed out those programs which we believe are nonessential and strengthen those which we determine to be of greater priority.

Mr. Speaker, the authorization levels in this bill are, in my mind, reasonable. As a general proposition, programs are funded at either last year's appropriation level, at the administration's request, or consistent with current law.

The bill authorizes National Ocean Service programs such as mapping, charting, and geodesy; ocean observation and assessments; and ocean and coastal management, including marine sanctuaries, deep seabed mining, and coastal zone management. The bill likewise authorizes oceanic and atmospheric research programs within the jurisdiction of the Merchant Marine and Fisheries Committee, including the Sea Grant Program, the Great Lakes Environmental Research Laboratory, undersea research programs, and global change research. Finally, the bill authorizes program support activities including NOAA agency administration; facility maintenance and construction; oceanographic fleet operations and maintenance; and aircraft operations.

The bill also improves congressional oversight of NOAA ocean and coastal program budgeting by requiring the Secretary of Commerce to notify the appropriate congressional committees regarding any proposal to reprogram funds appropriated pursuant to the authorizations in this act.

While H.R. 1668 is the first consolidated authorizing legislation regarding these NOAA programs, it is certainly envisioned that the committee will go through this reauthorization process again for the next fiscal year and subsequent years after that thereby improving congressional oversight and, in turn, improving our Nation's ocean and coastal programs and capabilities.

The bill also now contains a Senate amendment which extends the fisheries agreement between the United States and Japan, which is due to expire on December 31 of this year. Failure to extend this agreement could result in a substantial economic loss to United States fishermen who are operating in joint fisheries ventures with Japanese companies. The administration supports extending the GIFA.

The Senate amendment also includes a provision to require that lobsters imported into the United States meet the same standards and regulations that U.S.-caught lobsters are subject to. The amendment has an economic benefit to U.S. fishermen and a biological benefit to the resource.

Again, I congratulate subcommittee chairman HERTEL for his leadership on this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, today the House will address an issue of vital importance to the American lobster fishery. In response to resource management concerns, the State of Maine, other New England States, and the Federal Government have implemented minimum size limitations for the harvest of lobster. Unfortunately, these size restrictions do not apply to imported lobsters. Canada, for example, is the largest importer of lobster into the United States and has adopted size limits that are below the United States standard.

An amendment to H.R. 1668 will make it illegal to sell in interstate commerce any live lobsters which are smaller than the minimum possession size limit established under the American Lobster Fishery Management Plan. This will ensure that American

lobstermen will be able to compete in a fair and equal marketplace.

This amendment is similar to H.R. 3328 which I introduced in October of this year and is similar to an amendment that was attached to the Magnuson Fisheries Act by Mr. BRENNAN of Maine and Mr. STUDDS of Massachusetts.

Every effort has been made to address the concerns of the Canadian Government by making this legislation apply only to live lobsters. This will allow 80 percent of the Canadian short lobster harvest to still be processed in Canada.

It is important to realize that this is a vital conservation measure that could severely affect American lobster conservation efforts. The presence of Canadian short lobsters on the American market creates a black-market for illegal domestic short lobsters. In addition, American lobstermen have become increasingly frustrated at having to compete against the shorter imported lobsters and have initiated attempts to repeal our conservation measures.

I am proud of the Maine lobstermen and their commitment to sound management of the lobster fishery. I feel that it is vital that we do all that we can to assure the lobstermen of Maine and the rest of the United States that our conservation measures will be fairly and fully enforced. This amendment emphasizes our commitment to the responsible management of the American lobster resource.

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Mr. HERTEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, I rise today in support of H.R. 1668. The bill contains necessary provisions for the continuance of the National Oceanic and Atmospheric Administration's vital work, and includes other important provisions as well.

Included in this important legislation is a provision to supplement the New England conservation and management plan for American lobsters (Homarus Americanus), contained in 50 C.F.R. 649 et seq. The provision prohibits the sale, purchase, or transport of live lobsters in interstate or foreign commerce that fail to meet the Federal minimum lobster size ("short" lobsters); that bear eggs attached to its abdominal appendages ("berried" lobsters); or bear evidence of the forcible removal of eggs from its abdominal appendages ("scrubbed" lobsters). These standards are intended to allow lobsters to grow to sexual maturity and to enhance their reproduction as a means of maintaining the lobster fishery.

Under the FMP and the laws of Maine, Massachusetts and Rhode Island, the minimum body shell length (carapace size) for lobsters is currently 3 and ¼ inches. Additional increases of 1/32nd of an inch are scheduled for 1991 and 1992. In Connecticut and New York, State laws will match the current Federal size in 1990, with additional increases scheduled for 1992 and 1993, creating a 1-year delay between the State and FMP requirements. New Hampshire will match the current Federal size in 1990, but has not scheduled further increases. However, in such States lobstermen holding permits to catch lobsters both in State waters and the EEZ are required to comply with the Federal minimum size. The amount of lobsters legally caught in State waters that are below the Federal minimum size is minimal. In New Hampshire, for example, which accounts for 3 percent of total U.S. lobster landings, 75 percent of lobsters are caught by lobstermen holding Federally endorsed permits, and who therefore must comply with the Federal minimum size. Furthermore, only a portion of lobsters caught by New Hampshire lobstermen fishing exclusively in State in-shore waters can be expected to be less than the Federal minimum size.

While New England has increased the minimum lobster size to improve conservation of the resource, Canada has not. Canada currently applies 14 different minimum sizes among 45 lobster-producing areas; all the Canadian sizes are below the U.S. minimum size. Nine are below 3 inches. Approximately 50 percent of lobsters sold in the United States are imported from Canada, and an estimated 30 percent of lobsters imported into the United States from Canada will be below the United States minimum size by the time the last scheduled United States increase occurs in 1992.

The difference between the United States and Canadian minimum lobsters sizes poses serious problems for the enforcement and acceptance of increased sizes under the Federal conservation and management plan. Differences between the Federal and State size also pose such problems, although to a much less significant degree.

First and foremost is the problem of effective enforcement. Lobsters from Canada are sold to wholesalers in the United States, and become intermingled in the stream of commerce. In drafting the FMP, the New England Fisheries Management Council [NEFMC] considered including a prohibition on the import of live lobsters into the United States. Although such a prohibition has been promulgated and accepted relative to imports of certain whole groundfish species, the National Marine Fisheries Service [NMFS] advised the NEFMC that it lacked the authority for such a prohibition in the case of lobsters. NMFS instead relies on "certificates of origin" (bills of lading) for lobsters imports as proof that short lobsters contained in such shipments have not been taken in violation of the FMP. Unfortunately, reliance on certificates of origin creates a risk of black market trade in short lobsters of U.S. origin—a risk that will only increase as the Federal minimum size increases.

In the State of Maine alone, the number of cases brought by the Department of Marine Resources in 1989 for violation of the new minimum size increased 44 percent over 1987, the year before the first one thirty-second increase went into effect. The number of short lobsters confiscated increased by 68 percent. United States lobster dealers depend on imports of lobsters from Canada, along with United States lobsters, to meet demand. When different lots of live lobsters are intermingled in large commercial shipments, it is impossible to distinguish between foreign and domestic lobsters. Short lobsters of United States origin can be sold with short lobsters of Canadian origin, and the original certificate of origin from Canada is fraudulently used for the entire shipment. Similarly, it is impossible to determine whether short lobsters in the stream of commerce are from New Hampshire in-shore waters or the EEZ. Finally, although the market for lobsters is nationwide, enforcement is limited to New England. The end result is an inability to enforce the FMP.

Difference between the Federal minimum lobster size and those of Canada and some States also have created problems for the "legitimacy"—that is, acceptance—of the Federal and State laws. New England lobstermen see themselves as being held to standards which do not necessarily apply to imports from Canada within the same United States market. In the case of New Hampshire, off-shore lobstermen and lobstermen from neighboring States see themselves held to a stricter standard than that which applies to the small number of New Hampshire in-shore lobstermen. The perception of unfairness in the application of conservation standards has contributed to industry resistance to the increases in the minimum size. Earlier this year, the Maine Lobstermen's Association petitioned for a delay in increases scheduled for 1991 and 1992. Legislation also may be introduced in the Maine State Legislature to repeal the one thirty-second of an inch increase that went into effect in 1989, as well as the increases slated for 1991 and 1992. The issue of unfairness has undermined the legitimacy of the law, and threatens the long-term conservation and management efforts in the region.

Finally, there is concern about Canada's own conservation and management efforts. In March 1988, the Fisheries Council of Canada asked the Canadian Government to increase Can-

ada's own minimum lobster size requirement in order to match—at least in some areas—the increase in the United States minimum size scheduled for 1989. In a March 22, 1988, letter to Canada's Department of Fisheries and Oceans, the President of the Council stated: "In particular, there is concern that the legal minimum sizes eligible for capture throughout Atlantic Canada and Quebec provide for only a low level of spawning stock and, as such, a high percentage of female lobsters are harvested before reaching sexual maturity and before extruding their first clutch of eggs." A year later, Canada announced regulations to increase its minimum size, effective July 1, 1989.

However, implementation of these regulations has been postponed indefinitely. President Bush then raised the conservation issue with Canadian Prime Minister Mulroney in Kennebunkport, ME, in August 1988. Nevertheless, on September 14 the Nova Scotia/Bay of Fundy Advisory Committee announced its opposition to any increase in Canada's minimum lobster size requirements. In lieu of Canada's conservation record on this issue, the speculative concern has been raised that live Canadian lobsters could be diverted into the frozen trade in order to evade the conservation intent of the legislation. Accordingly, frozen lobsters have been included within the scope of the measure.

Canadian Government officials have indicated that without industry support an increase in the Canadian minimum size is unlikely. Canada has the right to determine its own conservation and management system; however, legitimate concern exists within New England for lobster stocks throughout the Gulf of Maine. Although lobster migrations generally occur laterally between in-shore and off-shore waters, there is some evidence of greater migration, particularly among larger lobsters. Studies published in Canada have reported evidence of long-distance movements of lobsters from Canadian waters in the Bay of Fundy to waters as far south as Cape Cod and Rhode Island (see "Migratory Movements of Ovigerous Lobsters Tagged Off Grand Manan, Eastern Canada," Canadian Journal of Fisheries and Aquatic Science, Vol. 43, 1986, pp. 2197-2205, and "Movement of Lobsters Tagged in the Bay of Fundy," Marine Biology, Vol. 92, 1986, pp. 393-404).

The provision in this bill has been drafted so as to clarify the legislation's conservation purpose, applying to all lobsters in interstate commerce without regard to domestic or foreign origin. The primary concern of this provision is to strengthen enforcement of the Federal Management Plan for lobsters. Any adverse trade impact on Canada would be minimal, and the legislation is clearly consistent with chapter 12 of the FTA and articles III and XX of the General Agreement of Tariffs and Trade [GATT].

The effect of the lobster provision is to create a uniform minimum size as a national standard. There is absolutely no discrimination between imports and lobsters of United States origin. Although the law will apply to lobsters imported from Canada, the only burden placed on Canadian dealers would be the necessity to cull lobsters according to size before shipment to the United States. The legislation will directly affect all lobstermen and dealers within the United States; the Federal minimum size will effectively preempt State authority by establishing a standard, minimum threshold for lobster sizes.

Mr. HERTEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise in strong support of the bill. I want to particularly commend the gentleman from Michigan [Mr. HERTEL] for his long-suffering and patient attitude as we fought out some issues here.

Mr. Speaker, as the gentleman from Michigan has pointed out, the other body amended this legislation to accomplish two purposes in addition to those of the bill as it originally passed the House.

The first is to grant congressional approval, in accordance with the Fisheries Conservation and Management Act, of a fisheries agreement between the United States and Japan. The second is to encourage the effective conservation of lobsters.

On October 31, Congress was notified by the President of an agreement between the United States and Japan extending for 2 years the governing international fishery agreement between our countries. Under the law, no international fishery agreement—or renewal of an existing agreement—can take effect until Congress has had 60 days of continuous session to review it. Because the current agreement with Japan lapses at the end of 1989, and the congressional review period would otherwise extend well into next year, approval of the agreement before we adjourn is necessary.

The agreement serves the best interests of the United States because it will enable United States fishermen to continue their participation with Japanese fishermen in joint ventures that yield benefits to both sides. The State Department has informed our committee that it considers approval of the agreement urgent, and I know of no controversy or disagreement from any source on that point.

The second purpose of the bill, as I mentioned, is to encourage conservation of lobster resources found off the northeast coast of the United States.

The bill would make it illegal to sell in interstate commerce a lobster that could not have been caught legally under the applicable U.S. fisheries management plan. That means a lobster that is undersize, or that is a female bearing eggs or that has had her eggs stripped away.

As many Members know, New England lobstermen are being asked, for conservation purposes, to accept a steady increase in the minimum size of their catch. At the same time, they must compete in the marketplace with a steady flow of undersized lobsters from Canada, a country that supplies 50 percent of the lobsters sold in our country.

The current situation is unfair to our fishermen, and very harmful to conservation. Once a lobster has entered the marketplace, it is virtually impossible to tell the legal U.S. lobsters from the illegal ones.

So we have two choices. We can stop taking steps necessary to conserve the U.S. lobster resource. Or we can provide an incentive for Canada to match our conservation measures. This legislation takes the latter—and I believe by far the wiser—course.

In closing, let me just thank and congratulate the gentleman from Michigan for his willingness to bring this bill to the floor and for his flexibility in accepting the additions made by the other body.

Mr. SHUMWAY. Mr. Speaker, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 1668. One provision of this bill provides an extension of a fisheries agreement between the United States and Japan which is due to expire on December 31, 1989. Failure to extend this agreement could result in a substantial economic loss to United States fisherman who are operating in joint fishing ventures with Japanese companies. The administration supports extending the GIFA.

Mr. Speaker, this is a noncontroversial measure which will benefit the U.S. fishing industry and I support the adoption of the bill.

Mr. HERTELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I too rise in support of the conference report and thank the gentleman from Michigan [Mr. HERTEL], and the ranking minority member, the gentleman from California [Mr. SHUMWAY] and in particular I thank them for the amount of money that has been included in this conference report for oyster disease research.

Mr. Speaker, this is an important bill, and it contains several provisions that are worthy of comment. I want to take only a few moments, however, to commend the excellent work that Chairman HERTEL and his subcommittee have undertaken in drafting this measure.

They have faced a tough job and done it well, and I for one greatly appreciate their efforts.

Mr. Speaker, I represent the Chesapeake Bay area of Maryland. This bay has always been the most productive fishery lying entirely within our national waters. But is now under siege. Its waters once teemed with rockfish, shad, white perch, and blue crab. And of all its abundant life, the bay was best known for possessing the Nation's richest oyster beds. The Chesapeake oyster was the jewel of the bay, its most prized delicacy.

Today the Chesapeake oyster is threatened with extinction, Mr. Speaker, and the bill that is before us offers us the means to prevent this loss.

There is more at stake here than the future of the best oyster that this country's waters can produce. For centuries the Chesapeake Bay has given life to hundreds of communities in the district I represent. Its waters, and the bounty they contained, are the heart and soul of these fishing communities.

Any Member of this Congress, Mr. Speaker, can take a trip back through history, to a simpler time when hardy men and women worked from the decks of solitary vessels to supply themselves and their neighbors with the riches of the bay. They need only take a short drive to southern Maryland or the Eastern Shore. There they could see for themselves the sort of America that was the home of our parents and grandparents and their parents before them.

Anything that threatens the future of the bay's fisheries, likewise threatens these communities and the watermen's families. Pollution and mismanagement have wasted the bay's riches, but these alone are not the principal threat to the future of the Chesapeake oyster. The bay's beds are now under attack by a variety of microscopic diseases that we know virtually nothing about. We can be sure of two things only. They are harmless to humans, and they are absolutely devastating to productive oyster beds.

The legislation that Chairman HERTEL is bringing forward today establishes a $3 million program for basic and applied research into the life-cycle of these diseases and how we can defeat them. I drafted and sponsored this provision, and I am working to get this program funded. I intend to spend the coming months perfecting legislation that will build on the experience that this provision will support.

But in the meantime, I wish to say that few members of this Congress understand the urgent need for this program as well as Chairman HERTEL does, and I want to thank him and his subcommittee for their attention to this matter.

With luck, and hard work, we will get a program going that can address the needs of the Chesapeake watermen and those of the gulf and the west coast. There too, the oyster bars are being ravaged by these diseases. This is a national problem, Mr. Speaker, and the provisions contained in this bill offer us a national response. In closing, therefore, I once again commend the Subcommittee on Oceanography and the Great Lakes, and its chairman, Representative HERTEL, for their support and attention on this matter.

Mr. HERTEL. Mr. Speaker, in 1980 the ocean coastal program comprised 46 percent of the total NOAA budget. In 1988-89 this share decreased to some 36 percent. Since 1980, the oceans programs have lost more than $500 million to inflation.

The administration's proposed budget for fiscal year 1990 would result in further reduction to the NOAA budget by 26 percent. Decreases are proposed in that budget in mapping, in charting, in ocean circulation programs, ocean assessment activities, acquisitions, new estuary research, and marine sanctuaries. The biggest cut proposed by the administration in 1990 was the proposed termination of the coastal zone management grants to States, slashing the budget by $33.9 million.

H.R. 1668 represents an outstanding bipartisan effort to exert congressional leadership to revitalize the demoralized agency.

I would like to take just a minute to thank my colleague across the aisle for cooperation and leadership in this endeavor. Five committees have reviewed this legislation and made their suggestions, which we will incorporate shortly in this bill overall. I particularly want to thank the gentleman from California [Mr. SHUMWAY], the ranking member of the subcommittee for all of his assistance and leadership. Today's bill is the result of our simultaneous reactions to budget presentations earlier this spring, the first authorizations for NOAA. So we will be in control of the budget through the legislative process and any reprogrammings in the future.

Mr. DAVIS. Mr. Speaker, the members of the Merchant Marine and Fisheries Committee took this bill to the Members of the House in September, and it received their approval. However, the Senate has eliminated a critical program, the Great Lakes Research Office, from our bill. It is unfortunate that NOAA will continue to play only a minor role in meeting our objectives under the Great Lakes Water Quality Agreement.

Although I am gravely disappointed at the deletion of the Great Lakes Research Office from this bill, on balance I find that I must support it. The bill continues level funding for the Great Lakes Environmental Research Laboratory and for Great Lakes mapping. In addition, funding for important Great Lakes work under the National Sea Grant College Program and Coastal Zone Management Act will be continued. The House should know that continued funding for the CZMA is very important this year, because Ohio is a likely addition to the coastal zone management family.

H.R. 1668 represents a great degree of cooperation between majority and minority, especially in setting fair but realistic limits on funding. Congressmen SHUMWAY and HERTEL should be applauded for laying this groundwork for the future of our oceans and Great Lakes. I urge support for the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUMWAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. HEFNER]. The question is on the motion offered by the gentleman from Michigan [Mr. HERTEL] that the House suspend the rules and concur in the Senate amendment to H.R. 1668.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERTEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 1989

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 296) to provide for consideration of the Senate amendment to H.R. 2459.

The Clerk read as follows:

H. RES. 296

Resolved, That upon the adoption of this resolution the bill (H.R. 2459) to authorize appropriations for the Coast Guard for fiscal year 1990, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the text of the bill be, and the same is hereby, agreed to with an amendment as follows: in lieu of the matter proposed to be inserted by the Senate, insert as an amendment in the nature of a substitute the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1989".

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1990.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1990, as follows:

(1) OPERATION AND MAINTENANCE.—For the operation and maintenance of the Coast Guard, $2,312,200,000.

(2) ACQUISITION AND CONSTRUCTION.—For the acquisition, construction rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment, $746,300,000 of which up to $20,000,000 shall be used to rehabilitate the Coast Guard Cutter MACKINAW, and additional sums as may be necessary to carry out the Coast Guard icebreaker ship program and the Coast Guard patrol boat program, to remain available until expended.

(3) RESEARCH AND DEVELOPMENT.—For research, development, test, and evaluation, $29,000,000, to remain available until expended.

(4) RETIREMENT BENEFITS.—For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $420,800,000, to remain available until expended.

(5) ALTERATION OR REMOVAL OF BRIDGES.—For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, $2,300,000.

SEC. 102. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1991.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1991, as follows:

(1) OPERATION AND MAINTENANCE.—For the operation and maintenance of the Coast Guard, $2,381,500,000.

(2) ACQUISITION AND CONSTRUCTION.—For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including related equipment $501,800,000, to remain available until expended.

(3) RESEARCH AND DEVELOPMENT.—For research, development, test, and evaluation, $29,000,000, to remain available until expended.

(4) RETIREMENT BENEFITS.—For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and for payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $451,200,000, to remain available until expended.

(5) ALTERATION OR REMOVAL OF BRIDGES.—For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, $7,500,000.

SEC. 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1990.

(a) ACTIVE DUTY PERSONNEL.—As of September 30, 1990, the Coast Guard is authorized an end-of-year strength for active duty personnel of 38,750. This authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) STUDENT LOADS.—For fiscal year 1990, the Coast Guard is authorized average military training student loads as follows:

(1) RECRUIT AND SPECIAL TRAINING.—For recruit and special training, 2,687 student years.

(2) FLIGHT TRAINING.—For flight training, 110 student years.

(3) PROFESSIONAL TRAINING.—For professional training in military and civilian institutions, 390 student years.

(4) OFFICER ACQUISITION.—For officer acquisition, 900 student years.

SEC. 104. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1991.

(a) ACTIVE DUTY PERSONNEL.—As of September 30, 1991, the Coast Guard is authorized an end-of-year strength for active duty personnel of 39,300. The authorized strength does not include members of the Ready Reserve called to active duty under section 712 of title 14, United States Code.

(b) STUDENT LOADS.—For fiscal year 1991, the Coast Guard is authorized average military training student loads as follows:

(1) RECRUIT AND SPECIAL TRAINING.—For recruit and special training, 2,787 student years.

(2) FLIGHT TRAINING.—For flight training, 110 student years.

(3) PROFESSIONAL TRAINING.—For professinal training in military and civilian institutions, 390 student years.

(4) OFFICER ACQUISITION.—For officer acquisition, 900 student years.

SEC. 105. MODIFICATION AND EXTENSION OF RULES OF ROAD ADVISORY COUNCIL AND EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

(a) RULES OF THE ROAD ADVISORY COUNCIL.—

(1) MODIFICATION AND EXTENSION.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended as follows:

(A) Subsection (a) is amended by striking "Rules of the Road Advisory Council" and inserting "Navigation Safety Advisory Council".

(B) Subsection (b) is amended to read as follows:

"(b) The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to the prevention of collisions, rammings, and groundings, including the Inland Rules of the Road, the International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.'.

(C) Subsection (d) is amended by striking "September 30, 1990" and inserting "September 30, 1995".

(2) REFERENCES.—Each reference to the Rules of the Road Advisory Council in a law, regulation, order, document, record, or paper of the United States is deemed to be a reference to the Navigation Safety Advisory Council.

(b) TOWING SAFETY COMMITTEE.—Subsection (e) of the Act entitled "An Act to establish a Towing Safety Advisory Committee in the Department of Transportation", approved October 6, 1980 (33 U.S.C. 2131a(e)), is amended by striking "September 30, 1990" and inserting "September 30, 1995".

SEC. 106. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE APPOINTMENTS

Section 4508 of title 46, United States Code, is amended by adding at the end of subsection (b)(2) the following: "The Secretary may not seek or use information concerning the political affiliation of individuals in making appointments to the Committee."

TITLE II—PROGRAMS

SEC. 201. TECHNICAL AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS

The Act to Prevent Pollution from Ships (33 U.S.C. 1901-1912) is amended—

(1) in section 6(c)(1), by striking "Annex V" and inserting "Annex I and Annex II";

(2) in section 8(c)(1), by inserting "or of this Act" after "Convention"; and

(3) in section 8(e)(2), by inserting "or of this Act" after "MARPOL Protocol".

SEC. 202. TECHNICAL CORRECTIONS RELATING TO SAFEGUARDING MILITARY WHISTLEBLOWERS

Section 1034 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by inserting "when the Coast Guard when the Coast Guard is not operating as a service in the Navy" immediately after "in the case of a member of the Coast Guard";

(2) in subsection (c)(5), by inserting "(or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "to the Secretary of Defense";

(3) in subsection (c)(6), by inserting "(or to the Secretary of Transportation in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "to the Secretary of Defense"; and

(4) in the first sentence of subsection (e), by inserting "(except for a member or former member of the Coast Guard when the Coast Guard is not operating as a service in the Navy)" immediately after "former member of the armed forces".

SEC. 203. MISCELLANEOUS PROVISIONS CONCERNING CONTINUITY OF GRADE, APPOINTMENT, AND RETIREMENT OF COAST GUARD PERSONNEL

Title 14, United States Code, is amended—

(1) in section 52, by inserting "or admiral" immediately after "to another position as a vice admiral";

(2) in section 271(e), by inserting at the end of the first sentence, "except that advice and consent is not required for appointments under this section in the grade of lieutenant (junior grade) or lieutenant" immediately after "consent of the Senate";

(3) in section 289(c), by striking "no less than 75 percent" and inserting "no less than 50 percent";

(4) in section 736(c), by adding at the end the following new sentence: "However, the Secretary may adjust the date of appointment—

"(1) if a delay in the finding required under section 734(a) of this title is beyond the control of the officer and the officer is otherwise qualified for promotion; or

"(2) for any other reason that equity requires."; and

(5) in section 741(a), by inserting "who have 18 years or more of service for retirement and are" after "in an active status" the third time it appears.

SEC. 204. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of the Department in which the Coast Guard is operating (hereinafter in this section referred to as the "Secretary") may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Dade County Public School System of Dade County, Florida, as part of the Maritime and Science Technology Academy established by that school system (hereinafter in this section referred to as the "Academy").

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the section—

(1) shall be known as the "Claude Pepper, Junior Reserve Officers Training Program"; and

(2) shall provide to students at the Academy—

(A) instruction in subject areas relating to operations of the Coast Guard; and

(B) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to the Academy—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Academy to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and the Academy.

(2) AUTHORIZED PAY.—(A) Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—

(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and

(ii) the amount of retired pay the individual is entitled to receive during that period.

(B) The Secretary shall pay to the Academy an amount equal to one-half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.

(C) Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.

SEC. 205. LIMITATIONS ON CONTRACTING OF COAST GUARD SERVICES.

Notwithstanding any other provision of law, an officer or employee of the United States may not enter into a contract for procurement of performance of any function being performed by Coast Guard personnel as of January 1, 1989, before—

(1) a study has been performed by the Secretary of Transportation under the Office of Management and Budget Circular A-76 with respect to that procurement;

(2) the Secretary of Transportation has performed a study, in addition to the study required by paragraph (1) of this subsection, to determine the impact of that procurement on the multimission capabilities of the Coast Guard; and

(3) copies of the studies required by paragraphs (1) and (2) of this subsection are submitted to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 206. LOCAL HIRE.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section;

"§ 666. Local hire

"(a) Notwithstanding any other law, each contract awarded by the Coast Guard for construction or services to be performed in whole or in part in a State that has an unemployment rate in excess of the national average rate of unemployment (as determined by the Secretary of Labor) shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in that State, individuals who are local residents and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills. The Secretary of Transportation may waive the requirements of this subsection in the interest of national security or economic efficiency.

"(b) LOCAL RESIDENT DEFINED.—As used in this section 'local resident' means a resident of, or an individual who commutes daily to, a State described in subsection (a).".

(b) CLERICAL AMENDMENT.—The analysis for chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"666. Local hire.".

SEC. 207. REPORT ON CONTROL OF EXOTIC SPECIES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall submit to the Congress a report on the options available to control the infestation of the waters of the United States, including the Great Lakes, by exotic species from the ballast water of vessels operating on the waters of the United States. In preparing this report, the Secretary shall consult with the Secretary of the Interior, the Secretary of Commerce, the Great Lakes Fishery Commission, and other appropriate parties.

(b) EXOTIC SPECIES DEFINED.—In this section "exotic species" means nonnative fish, mollusks, crustaceans, zooplankton, and other aquatic organisms, other than sea lampreys.

SEC. 208. LAW ENFORCEMENT SURVEILLANCE.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall—

(1) submit a report to the Congress that identifies—

(A) the needs for outfitting existing Coast Guard aircraft with surveillance and reconnaissance equipment to assist in the conduct of law enforcement activities; and

(B) the cost of that equipment; and

(2) in cooperation with the Secretary of Defense, establish and submit to the Congress a plan for closing existing gaps in radar coverage along the coastline of the United States on the Gulf of Mexico and the coastline of the southeastern United States on the Atlantic Ocean.

SEC. 209. NUMBERING OF VESSELS.

Section 2101 of title 46, United States Code, is amended by inserting after paragraph (17) the following:

"(17a) 'numbered vessel' means a vessel for which a number has been issued under chapter 123 of this title.".

SEC. 210. CONSTRUCTIVE SEIZURE PROCEDURES.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of the Treasury, in order to avoid the devastating economic effects on innocent owners of seizures of their vessels, shall develop a procedure for constructive seizure of vessels of the United States engaged in commercial service as defined in section 2101 of title 46, United States Code, that are suspected of being used for committing violations of law involving personal use qualities of controlled substances.

SEC. 211. USER FEES REPORT CLARIFICATION.

Section 664(c) of title 14, United States Code, is amended as follows:

(1) in paragraph (1) by striking "collected stating—" and substituting "collected under any law stating—"; and

(2) in paragraph (2) by inserting "under any law" after "collected" the first time it appears.

SEC. 212. BOARD FOR THE CORRECTION OF MILITARY RECORDS.

Not late than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall—

(1) amend part 52 of title 33, Code of Federal Regulations, governing the proceedings of the board established by the Secretary under section 1552 of title 10, United States Code, to ensure that a complete application for correction of military records is processed expeditiously and that final action on the application is taken within 10 months of its receipt; and

(2) appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with paragraph (1) of this subsection.

SEC. 213. CONSIDERATION OF MARITIME ADMINISTRATION VESSELS.

Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation or the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271-1279c), to determine whether any of those vessels are suitable for use by the Coast Guard.

SEC. 214. REQUIREMENT TO REPORT SEXUAL OFFENSES.

(a) IN GENERAL.—Chapter 101 of title 46, United States Code is amended by:

(1) deleting section 10104; and

(2) adding the following new section:

"§ 10104. Requirement to report sexual offenses

"(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.

"(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of not more than $5,000.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 101 of title 46, United States Code, is amended by striking, "10104. Regulations." and inserting "10104. Requirement to report sexual offenses.".

SEC. 215. LIMITATION ON VESSEL TRANSFER FROM GULFPORT, MISSISSIPPI.

The Secretary of Transportation shall not transfer the Coast Guard cutter ACUSHNET from Gulfport, Mississippi, until at least two Coast Guard patrol boats are based permanently in Gulfport.

SEC. 216. CONSIDERATION OF DEPARTMENT OF DEFENSE HOUSING FOR COAST GUARD.

Notwithstanding any other provision of law, the Coast Guard is deemed to be an instrumentality within the Department of Defense for the purposes of section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687).

SEC. 217. PROHIBITION AGAINST REDUCTION IN SERVICES.

The Secretary of Transportation may not reduce expenditures in fiscal year 1990 or fiscal year 1991 for Coast Guard services other than drug law enforcement to increase drug law enforcement unless the Secretary first notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives 30 days prior to any reduction, except that nothing in this section shall be construed to reduce the Coast Guard's ability to respond to interdiction opportunities that may arise in the course of normal activities.

SEC. 218. COST OF SECURITY AT KENNEBUNKPORT, MAINE.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall—

(1) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives that identifies the costs incurred by the Coast Guard and any reallocation of assets or personnel that would have been used for search and rescue or law enforcement operations, as a result of providing security at Kennebunkport, Maine; and

(2) actively seeking reimbursement of those costs from the Secretary of Treasury.

SEC. 219. VESSEL TRAFFIC SERVICE RESTORATION.

The Secretary of the department in which the Coast Guard is operating shall reestablish a vessel traffic service on the Lower Mississippi River in New Orleans, and shall continue operation of the New York Harbor area and other existing vessel traffic service systems.

SEC. 220. SEARCH AND RESCUE SATELLITE SYSTEM.

(a)(1) The Secretary of Transportation shall take such action as may be necessary to upgrade the ground segment of the Search and Rescue Satellite Aided Tracking system (hereafter in this section referred to as "SARSAT").

(2) In carrying out this section, the Secretary of Transportation shall establish not less than 5 SARSAT ground stations for the purpose of providing adequate coverage of the United States area of search and rescue for which it has responsibility under the program known as "COSPAS-SARSAT". In establishing such stations, the Secretary, after consultation with the satellite search and rescue offices of the Coast Guard, the National Oceanic and Atmospheric Administration, the Air Force, the National Aeronautics and Space Administration, and the SARSAT Program Steering Group, shall locate the stations in the most optimum sites to assure complete coverage of the search and rescue areas for which the United States is responsible.

(b) The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration, shall administer the SARSAT ground stations. Such administration shall be carried out in consultation with the Secretary of Transportation and the Secretary of Defense.

(c) For the purpose of carrying out the provisions of subsection (a) of this section, there is authorized to be appropriated $5,300,000. Moneys appropriated pursuant to this subsection shall remain available until expended.

SEC. 221. BOSTON LIGHT STATION.

(a) The Congress finds and declares the following:

(1) The Boston Light Station (hereafter in this section referred to as the "Boston Light") on Little Brewster Island, Boston Harbor, Massachusetts, is the Nation's oldest lighthouse station.

(2) The Boston Light is a National Historic Landmark and Little Brewster Island is listed in the National Register of Historic Places. As such, they should be administered and maintained in a way that preserves for public enjoyment and appreciation their special historic character.

(3) Continued manned operation of the Boston Light will preserve its special historic character. Any proposal to automate or modernize Boston Light must be consistent with the provisions of sections 106 and 110 of the National Historic Preservation Act (16 U.S.C. 470f and 470h-2).

(4) Efforts should be undertaken that will facilitate public access to, and enhance the public enjoyment and appreciation of, the Boston Light and Little Brewster Island.

(b) The Boston Light shall be operated on a permanently manned basis. The amounts authorized to be appropriated under sections 101 and 102 include funds—

(1) for maintenance of the keeper's house and of the Boston Lighthouse; and

(2) to enhance public access to the Boston Light and Little Brewster Island, including making pier improvements on the island.

(c) The Secretary of Transportation shall, in consultation with the Secretary of Interior, the Massachusetts with the Secretary of Interior, the Massachusetts Department of Environmental Management, the Massachusetts Historical Preservation Officer, appropriate local government entities, and private preservation groups, develop a strategy to implement policies regarding the ownership, maintenance, staffing, and use of the Boston Light. The strategy shall propose ways—

(1) to provide improved public access to the Boston Light and Little Brewster Island, and

(2) to ensure that the special historic character of the Boston Light will be preserved, with the continuing presence of Coast Guard personnel, so as to provide the best possible public enjoyment and appreciation.

SEC. 222. COAST GUARD ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM.

(A) ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM.—Title 14, United States Code, is amended by adding the following new chapter 19 after chapter 17:

"CHAPTER 19—ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

"Sec.
"690. Definitions.
"691. Environmental Compliance and Restoration Program.
"692. Environmental Compliance and Restoration Account.
"693. Annual Report to Congress.

"690. Definitions.

"For the purpose of this chapter—

"(1) 'environment', 'facility', 'person', 'release', 'removal', 'remedial', and 'response' have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

"(2) 'hazardous substance' has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given 'oil' in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

"(3) 'pollutant' has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

"691. Environmental Compliance and Restoration Program.

"(a) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

"(b) Program goals include:

"(1) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

"(2) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

"(3) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

"(4) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

"(c)(1) The Secretary shall respond to releases of hazardous substances and pollutants—

"(A) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

"(B) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

"(C) on each vessel the Coast Guard owns or operates.

"(2) Paragraph (1) of this subsection does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

"(3) The Secretary shall pay a fee or charge imposed by a state authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same exent that nongovernmental entities are required to pay for permit services. This paragraph does not apply to a payment that is the responsibility of a lease, contractor, or other private person.

"(d) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary's responsibilities under this chapter. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary's responsibilities under this chapter. Services that may be obtained under this subsection include identifying, investigating, and cleaning up off-site contamination that may have resulted from the

release of a hazardous substance or pollutant at a Coast Guard facility.

"(e) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this chapter. The Coast Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor's reasonable, potential, long-term liability.

"692. Environmental Compliance and Restoration Account

"(a) There is established for the Coast Guard an account known as the Coast Guard Environmental Compliance and Restoration Account. All sums appropriated to carry out the Coast Guard's environmental complaince and restoration functions under this chapter or another law shall be credited or transferred to the account and remain available until expended.

"(b) Funds may be obligated or expended from the account to carry out the Coast Guard's environmental compliance and restoration functions under this chapter or another law.

"(c) In proposing the budget for any fiscal year under section 1105 of title 31, United States Code, the President shall set forth separately the amount requested for the Coast Guard's environmental compliance and restoration activities under this chapter or another law.

"(d) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary's response actions at current and former Coast Guard facilities shall be credited to the account.

"693. Annual Report to Congress

"(a) The Secretary shall submit to Congress a report each fiscal year describing the progress the Secretary has made during the preceding fiscal year in implementing this chapter.

"(b) Each report shall include:

"(1) A statement for each facility or vessel for which the Secretary is responsible under section 691(c) of this title where a release of a hazardous substance or pollutant has been identified.

"(2) The status of response actions contemplated or undertaken at each facility.

"(3) The specific cost estimates and budgetary proposals for response actions contemplated or undertaken at each facility.

"(4) The total amount required to clean up contamination at all identified facilities.".

(b) TITLE ANALYSIS. —The title analysis at the beginning of part I of title 14, United States Code, is amended by adding after item 17:

"19. Coast Guard Environmental Compliance and Restoration Program..... 690".

(c) PRIOR AUTHORIZATION REQUIREMENT. — Section 662 of title 14, United States Code, is amended by adding the following the paragraph:

"(5) For environmental compliance and restoration at Coast Guard facilities.".

SEC. 223. BLOCK ISLAND SOUTHEAST LIGHTHOUSE PRESERVATION.

(a) CONVEYANCE.—(1) The Secretary of the department in which the Coast Guard is operating may convey, by any appropriate means, all right, title and interest of the United States in the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation (hereafter referred to as the "Foundation") of the town of New Shoreham, Rhode Island.

(2) The purpose of this conveyance is to establish and maintain a nonprofit center for the public at the Block Island Southeast Lighthouse for interpretation and preservation of the culture of the United States Coast Guard and Block Island's maritime history.

(3) The Secretary may not transfer the Block Island Southeast Lighthouse until the Foundation or the State of Rhode Island, acting on its behalf, requests from the Secretary that the transfer occur.

(b) TERMS AND CONDITIONS.—The conveyance shall be made—

(1) without payment of consideration;

(2) subject to the condition that if the property, or any part of the property, ceases to be used for the purpose of this section, title to all such property shall be deemed to have immediately reverted to the United States; and

(3) subject to such other terms and conditions as the Secretary of the department in which the Coast Guard is operating may impose.

(c) REQUIREMENTS.—The conveyance shall include provisions necessary to assure that—

(1) the light, antennae, sound signal, and associated equipment which are active aids to navigation shall continue to be operated and maintained by the United States;

(2) the Foundation will not interfere or allow interference in any manner with navigational aids without written permission of the United States;

(3) there is reserved to the United States the right to relocate, replace, or add any navigational aids, or make any changes on any portion of the property as may be necessary for navigation purposes;

(4) the United States shall have the right, at any time, to enter the property without notice to maintain navigational aids; and

(5) the United States shall have an easement for access to the property to maintain navigational aids.

(d) PROPERTY DESCRIPTION.—The Secretary of the department in which the Coast Guard is operating shall identify, describe, and determine the property to be conveyed under this section.

(e) DEFINITION.—For purposes of this section, "Block Island Southeast Lighthouse" means the lighthouse and attached keeper's dwelling, several ancillary building, a fog signal, and land (but not less than nine acres) necessary to carry out the purpose of this section located in the town of New Shoreham, Rhode Island.

(f) STRATEGY.—The Secretary of Transportation shall within six months of the date of enactment, in consultation with the Secretary of the Interior, appropriate state, local, and other governmental entities, and private preservation groups, develop a strategy regarding the ownership, maintenance, operation, and use of the Block Island Southeast Lighthouse that will preserve the special historic character of the Lighthouse and ensure public access. Any proposal must be consistent with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.), other applicable law, and efforts to interpret and preserve the material culture of the United States Coast Guard and Block Island's maritime history.

TITLE III—MISCELLANEOUS

SEC. 301. DOCUMENTATION OF VESSELS.

(a) TECHNICAL AMENDMENTS.—Chapter 121 of title 46, United States Code, is amended as follows:

(1) Section 12101(b) is amended—

(A) in paragraph (1), by striking "registry as" and inserting "registry endorsement as";

(B) in paragraph (2), by striking "coastwise license" and inserting "coastwise endorsement";

(C) in paragraph (3), by striking "Great Lakes license" and inserting "Great Lakes endorsement";

(D) by repealing paragraph (4); and

(E) by redesignating paragraph (5) as paragraph (4).

(2) Section 12102 is amended—

(A) in the matter preceding paragraph (1) of subsection (a)—

(i) by inserting "that is" before "not", and

(ii) by inserting "or is not titled in a State" after "foreign country";

(B) by striking "(b)(1)" and inserting "(c)(1)";

(C) in subsection (c)(1) (as redesignated by subparagraph (B)), by striking "fishery license" and inserting "fishery endorsement"; and

(D) by repealing subsection (c).

(3) Section 12103 is amended—

(A) in subsection (a), by striking "of one of the types" and inserting "endorsed with one or more of the endorsements"; and

(B) in subsection (b)—

(i) by striking "(b)" and inserting "(b)(1)"; and

"(ii) by adding at the end the following new paragraphs:

"(2) The Secretary shall require each person applying to document a vessel to provide—

"(A) the person's social security number; or

"(B) for a person other than an individual—

"(i) the person's taxpayer identification number; or

"(ii) if the person does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the person and who signs the application for documentation for the vessel.".

(4) Section 12104(2) is amended by striking "vessel license," and inserting "endorsement,".

(5) Section 12105 is amended—

(A) by amending subsection (a) to read as follows:

"(a) A certification of documentation may be endorsed with a registry endorsement.";

(B) in subsection (b), by inserting "endorsement" after "registry";

(C) by repealing subsections (c) and (d); and

(D) in the catchline, by inserting 'endorsements" after "Registry".

(6) Section 12106 is amended—

(A) in subsection (a), by striking "A coastwise license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued" and inserting "A certificate of documentation may be endorsed with a coastwise endorsement";

(B) in subsection (b), by striking "coastwise license or an appropriately endorsed registry" and inserting "certificate of documentation with a coastwise endorsement";

(c) in subsection (c), by striking "license and inserting "endorsement";

(D) by repealing subsection (d); and

(E) in the catchline, by striking "licenses and registry" and inserting "endorsement".

(7) Section 12107 is amended—

(A) in subsection (a), by striking "A Great Lakes license, or as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued" and insert-

ing "A certificate of documentation may be endorsed with a Great Lakes endorsement";

(B) by amending subsection (b) to read as follows:

"(b) Subject to the laws of the United States regulating trade with Canada, only a vessel for which a certificate of documentation with a Great Lakes endorsement is issued may be employed on the Great Lakes and their tributary and connecting waters in trade with Canada.";

(C) by repealing subsection (c); and

(D) in the catchline, by striking "licenses and registry" and inserting "endorsements".

(8) Section 12108 is amended—

(A) in subsection (a), by striking "A fishery license or, as provided in section 12105(c) of this title, an appropriately endorsed registry, may be issued" and inserting "A certificate of documentation may be endorsed with a fishery endorsement";

(B) in subsection (a)(1), by striking "and";

(C) in subsection (b), by striking "fishery license or an appropriately endorsed registry" and inserting "certificate of documentation with a fishery endorsement";

(D) in subsection (c), by striking "license" and inserting "endorsement";

(E) by repealing subsection (d); and

(F) in the catchline, by striking "licenses and registry" and inserting "endorsements".

(9) Section 12109 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) A certificate of documentation with a recreational endorsement may be issued for a vessel that is eligible for documentation.";

(B) in subsection (b)—

(i) by striking "licensed recreational vessel" and inserting "documented vessel with a recreational endorsement"; and

(i) by striking "Such" and inserting "A recreational";

(C) by adding at the end the following new subsection:

"(c) A documented vessel operating under a recreational endorsement may be operated only for pleasure."; and

(D) in the catchline, by striking "vessel licenses" and inserting "endorsements".

(10) Section 12110 is amended—

(A) by amending subsection (a) to read as follows:

"(a) A vessel may not be employed in a trade except a trade covered by the endorsement issued for that vessel."; and

(B) in subsection (c)—

(i) by striking "certificate of documentation" and inserting "endorsement",

(ii) by striking "recreational vessel" and inserting "vessel with a recreational endorsement", and

(iii) by striking "except" and inserting * * *.

(11) Section 12112 is amended—

(A) in subsection (a), by striking "an appropriate document" and inserting "a certificate of documentation with an appropriate endorsement"; and

(B) in subsection (b), by striking "an appropriate" and inserting "a".

(12) The table of sections at the beginning of chapter 121 is amended by striking the entries for sections 12105 through 12109 and inserting the following:

"12105. Registry endorsements.
"12106. Coastwise endorsements.
"12107. Great Lakes endorsements.
"12108. Fishery endorsements.
"12109. Recreational endorsements.

(b) DOCUMENTATION SURRENDER AND INVALIDATION.—Section 12111(c)(3) of title 46, United States Code, does not apply to a mortgage that—

(1) was filed or recorded before January 1, 1989; and

(2) was not a preferred mortgage (as that term is defined in section 31301(6) of that title) on that date.

SEC. 302. VESSEL IDENTIFICATION SYSTEMS.

Chapter 125 of title 46, United States Code, is amended as follows:

(1) Section 12501(b)(2) is amended to read as follows:

"(2) identifying the owner of the vessel, including—

"(A) the owner's social security number; or

"(B) for an owner other than an individual—

"(i) the owner's taxpayer identification number; or

"(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;".

(2) Section 12503(a)(2) is amended to read as follows:

"(2) identifies the owner of the vessel, including by—

"(A) the owner's social security number; or

"(B) for an owner other than an individual—

"(i) the owner's taxpayer identification number; or

"(ii) if the owner does not have a taxpayer identification number, the social security number of an individual who is a corporate officer, general partner, or individual trustee of the owner and who signed the application for documentation or numbering for the vessel;".

(3) Section 12504 is amended by striking "Secretary, the Secretary of Transportation—" and inserting "Secretary of Transportation, the Secretary—"

SEC. 303. COMMERCIAL INSTRUMENTS AND MARITIME LIENS.

Chapter 313 of title 46, United States Code, is amended as follows:

(2) Section 31306 is amended—

(A) in subsection (a), by striking "When" and inserting "Except as provided by the Secretary of Transportation, when" and by striking "of Transportation"; and

(B) in subsection (c), by striking "An" and inserting "Except as provided by the Secretary, and".

(2) Section 31321(c) is amended—

(A) by striking "that has not yet been documented," and inserting "for which an application for documentation is filed,"; and

(B) by striking "party whose name and address is stated on" and inserting "interested party of";

(3) Section 31322 is amended—

(A) amending subsection (a)(2) to read as follows:

"(2) Paragraph (1)(D) of this subsection does not apply to—

"(A) a documented vessel that has a fisheries endorsement or a recreational endorsement, or both endorsements; or

"(B) a vessel for which an application for documentation with a fisheries endorsement or a recreational endorsement, or both endorsements, has been filed.";

(B) in subsection (d)(1), by striking "representing financing of a vessel under State law that is made under applicable State law" and inserting "granting a security interest perfected under State law"; and

(C) in subsection (e)(1) and (2) by striking "the validity of the preferred mortgage" each place that phrase appears and inserting "the status of the preferred mortgage".

(4) Section 31325 is amended—

(A) by amended subsection (b) and (c) to read as follows:

"(b) On default of any term of the preferred mortgage, the mortgagee may—

"(1) enforce the preferred mortgage lien in a civil action in rem for a documented vessel, a vessel to be documented under chapter 121 of this title, or a foreign vessel; and

"(2) enforce a claim for the outstanding indebtedness secured by the mortgaged vessel in—

"(A) a civil action in personam in admiralty against the mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness; and

"(B) a civil action against the mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness; and

"(c) The district courts have original jurisdiction of a civil action brought under subsection (b)(1) or (2) of this section. However, for a documented vessel, a vessel to be documented under chapter 121 of this title, or a foreign vessel, this jurisdiction is exclusive of the courts of the States for a civil action brought under subsection (b)(1) of this section.";

(B) in subsection (d)(3) in the second sentence by inserting "or to enforce a maritime lien" after "section"; and

(C) by adding at the end the following:

"(f) This chapter does not prohibit a mortgagee from exercising other remedies available under other law if the mortgagee provides a notice to each person claiming an undischarged lien recorded under section 31343 of this title of any remedy pursued that may affect that person's claim. A party required to give notice under this subsection is liable to the person not notified for damages in the amount of that person's undischarged claim, terminated by the remedy pursued under this subsection and, if an action is brought to recover that amount, for costs and attorney fees awarded if the person prevails."

(5) Section 31341(a)(3) is amended by striking "mangement" and inserting "management".

(6) Section 31342 is amended—

(A) by striking "A person providing necessaries to a vessel (except a public vessel) on the order of a person listed in section 31341 of this title" and inserting "(a) Except as provided in subsection (b) of this section, a person providing necessaries to a vessel on the order of the owner"; and

(B) by adding the following new subsection (b) at the end:

"(b) This section does not apply to a public vessel.".

(7) Section 31343 is amended by striking "vesel covered by a preferred mortgage filed or recorded under this chapter" and inserting "documented vessel".

(8) The following new section is added at the end:

"§ 31344. Extinction of maritime liens

"Except as otherwise provided by law, a person must bring an action to enforce a maritime lien (except a preferred mortgage lien) within 3 years after the day when the lien arose.".

(9) The table of sections is amended by adding at the end the following:

"31344. Extinction of maritime liens.".

SEC. 304. AMENDMENTS TO THE SHIPPING ACT, 1916.

(a) EXEMPTION FROM REQUIREMENT OF APPROVAL BY SECRETARY.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), is amended in subsection (c)(1) by inserting "or the last documentation of which was under the laws of the United States" before the semicolon at the end;

(2) in subsection (c)(2) by inserting ", or a vessel the last documentation of which was under the laws of the United States," after "a documented vessel";

(3) in subsection (d) (1) and (2), by striking "or control in" and inserting "in or control of"; and

(4) adding the following new paragraph:

"(4) A person that charters, sells, transfers, or mortgages a vessel, or an interest in or control of a vessel, in violation of this section is liable to the United States Government for a civil penalty of not more than $10,000 for each violation.".

(b) REMISSION OF FORFEITURE.—Section 38 of the Shipping Act, 1916 (46 App. U.S.C. 836) is amended by striking "duties." and inserting "duties, except that forfeitures may be remitted without seizure of the vessel.".

SEC. 305. CIVIL PENALTY PROCEDURES.

Chapter 3 of title 49, United States Code, is amended—

(1) by adding at the end of subchapter II the following new section:

"§ 336. Civil penalty procedures

"(a) After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated a provision of law that the Secretary carries out through the Maritime Administrator or the Commandant of the Coast Guard or a regulation prescribed under that law by the Secretary for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

"(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.

"(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

"(d) The Secretary may refund or remit a civil penalty collected under this seection if—

"(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

"(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed."; and

(2) in the table of sections, by adding at the end the following:

"336. Civil penalty procedures.".

SEC. 306. EXEMPTION OF CERTAIN FISHING INDUSTRY FROM INSPECTION REQUIREMENTS.

Section 403(a) of Public Law 98-364 is amended by striking "1990" in the first sentence and insert: "1991".

SEC. 307. LAWS REPEALED.

The following laws are repealed:

(1) Section 4172 of the Revised Statutes of the United States (46 App. U.S.C. 41).

(2) Section 8 of Public Law 96-376 (46 App. U.S.C. 382b-1).

(3) Section 9(a) of the Shipping Act, 1916 (46 App. U.S.C. 808(a)).

(4) Sections 15 and 34 of the Merchant Marine Act, 1920.

(5) Section 701 of the Merchant Marine Act, 1928 (46 App. U.S.C. 891s).

(6) Section 6 of the Act of June 16, 1933 (46 App. U.S.C. 891y).

(7) Sections 201(b), 201(g), 510(h), 612, 804(c)(2), 805(e), 806(a), 807, 1106, 1107, and 1109 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1111(b), 1111(g), 1160(h), 1182, 1222(c)(2), 1223(e), 1224, 1225, 1276, 1279, and 1279b).

(8) Section 402 of the Act of October 8, 1940 (46 App. U.S.C. 1155a).

(9) Section 101 of the Act of June 25, 1958 (46 App. U.S.C. 1242-1).

(10) Sections 3(b) and 9 of the Act of December 13, 1977 (46 App. U.S.C. 1502(b) and 1508).

(11) Sections 20(a), 21, and 22 of the Shipping Act of 1984 (46 App. U.S.C. 1720).

(12) Sections 3(b)-(f), 4, 5(a), (b), and (d), 6, 7, 8(a)-(c), 10, 11(b), 12(b)-(e), and 13 of the Act of March 8, 1946 (50 App. U.S.C. 1736(b)-(f), 1737, 1738(a), (b), and (d), 1739, 1740, 1741(a)-(c), 1743, 1744(b), 1745(b)-(f), and 1746).

(13) Section 2 of the Act of June 29, 1949 (50 App. U.S.C. 1738a).

(14) The Act of September 21, 1959 (50 App. U.S.C. 1745a).

(15) Sections 1-5 of the Act of March 21, 1945 (50 App. U.S.C. 1721-1725).

(16) The Act of August 20, 1954 (50 App. U.S.C. 2391-2394).

(17) Section 4377 of the Revised Statutes of the United States (46 App. U.S.C. 325).

SEC. 308. COASTWISE DOCUMENTATION AND OPERATION.

(a) DOCUMENTATION.—Notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation endorsed with a coastwise endorsement for each of the following vessels:

(1) Camelot (United States official number 536408).

(2) Crili (United States official number 656976).

(3) Da Warrior (Hawaiian Registration number HA 161 CP).

(4) Harbor Exec (United States official number 563895).

(5) Jamal (United States official number 611165).

(6) Karlissa (United States official number 950453).

(7) Lazy Jack (Maine Registration number ME9395G).

(8) Magnum Force (United States official number 287968).

(9) Terangi No. 2 (United States official number 572048).

(10) 3/4 Time (United States official number 907962).

(11) Winddancer (United States official number 955031).

(b) OPERATION.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the submersible vessel PC-1501 may engage in the coastwise trade.

SEC. 309. EFFECTIVE DATE AND TRANSITION PROVISIONS

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—

(1) The amendments made by section 1(a)(2) take effect January 1, 1989, except that the amendment made by subparagraph (A) of such section does not apply to a vessel titled in a State until one year after the Secretary of Transportation prescribes guidelines for a titling system under section 13106(b)(8) of title 46, United States Code.

(2) The amendments made by section 1(a)(3) take effect on the 180th day after the date of the enactment of this Act.

(c) TRANSITION.—The amendments made by section 3 (8) and (9) do not apply to a maritime lien arising before the date of enactment of this Act. Except as otherwise provided by law, a person must bring an action to enforce a maritime lien arising before the date of enactment (except a preferred mortgage lien) within 3 years after the date of enactment of this Act.

SEC. 310. SUBSTITUTION OF VESSEL.

Section 4(c)(2) of 101 Stat. 1780 is amended by adding after "1987" the following:

", except that an alternative vessel of no greater tonnage than the vessel in the application may be substituted, if that substitution is made by the original applicant".

The SPEAKER pro tempore. Is a second demanded?

Mr. DAVIS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. TAUZIN] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the section-by-section analysis of the House amendment be included at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The section-by-section analysis is as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act is entitled the "Coast Guard Authorization Act of 1989."

Title I—Authorizations

SECTION 101. AUTHORIZATION OF FUNDS FOR FISCAL YEAR 1990

This section authorizes funds for Coast Guard expenses in various budget categories for Fiscal Year 1990 in accordance with the following table:

[Numbers in millions]

Account	1989 (Reflects Public Law 100–457 and Public Law 100–690)	1990 (Administration request)	1990 (proposed authorization)	1991 (proposed authorization)
Operating expenses	[1] 2,122.4	[2] 2,252.2	2,312.2	2,381.5
AC&I	[3] 435.8	682.3	746.3	501.8
Research and development	18.8	19.0	29.0	29.0
Bridge alteration	13.5	.....	2.3	7.5
Retired pay	410.8	420.8	420.8	451.2

[1] Includes $140 million "services-in-kind," $60 million "cash," and $6 million for 200 LEDETS from the DOD and $16 million from the Anti-Drug Abuse Act of 1988.
[2] Includes $10 million requested in the President's budget, but not contained in the Administration's proposed authorization bill.
[3] Includes $50.3 million from Military Construction Appropriations and $100 million from the Anti-Drug Abuse Act of 1988.

Paragraph (1) authorizes $2,312,200,000 for operating expenses for Fiscal Year 1990. This number exceeds the amount proposed by the President for expenditure from this account during 1990 by $60 million. However, it is $70 million more than the amount contained in the Administration's proposed Coast Guard Authorization bill. The additional $10 million was added by President Bush to the Reagan budget and is intended to allow the Coast Guard to increase its drug interdiction activities in Fiscal Year 1990, but was inadvertently deleted from the Administration's proposed authorization bill. The amount authorized in H.R. 2459 for operating expenses is approximately $211.7 million more than the amount authorized for 1989 and $189.8 million more than the amount appropriated for that year.

Paragraph (2) authorizes $746,300,000 for acquisition, construction, and improvements (AC&I) for 1990. This number is $64 million more than President's request, and $310,500,000 more than the amount appropriated for 1989, and $398,300,000 more than the 1989 authorization.

The acquisition and construction account authorization includes a direction to spend not more than $20,000,000 to rehabilitate the Coast Guard Cutter *Mackinaw*. This paragraph authorizes additional sums as may be necessary to carry out the Coast Guard icebreaker program and patrol boat program; funds for these programs are presently contained in the 1989 Defense Appropriations Act, and this language authorizes the expenditure of those funds.

Paragraph (3) authorizes $29,000,000 for the Coast Guard's research, development, test, and evaluation program. This amount is $10,000,000 more than the President's 1990 request and the 1989 authorization. It is $10,200,000 more than the 1989 appropriation.

Paragraph (4) authorizes $420,800,000 to pay obligations to retired Coast Guard personnel. This amount is the same as that requested by the Administration.

Paragraph (5) authorizes $2,300,000 for the Truman-Hobbs bridge alteration or removal program. These monies are needed to complete the alteration of the Burlington Northern Railroad bridge in Portland, Oregon and to continue alteration of the Norfolk Southern Railroad bridge in Hannibal, Missouri. The Committee notes that legislation transferring the Coast Guard's entire bridge administration program to the U.S. Army Corps of Engineers (H.R. 1755) was ordered reported by the Committee on June 21, 1989. when this legislation is enacted, any unexpended appropriations in this account will be transferred to the Army Corps.

SECTION 102. AUTHORIZES FUNDS FOR FISCAL YEAR 1991

Section 102 authorizes funds totalling $3,579,600,000 for the Coast Guard for Fiscal Year 1991, as follows: $2,381,500,000 for operations and maintenance, $501,800,000 for acquisition and construction, $29,000,000 for research and development, $451,200,000 for retirement benefits, and $7,500,000 for alteration or removal of bridges.

SECTION 103. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1990

Subsection (a) authorizes a Coast Guard end-of-year strength for military personnel of 38,750 in fiscal year 1990. In the wake of the *Exxon Valdez* oil spill it is imperative that the Coast Guard improve its oil spill prevention and response capabilities. Therefore, the Committee is authorizing this higher number of military personnel to allow the Coast Guard to reestablish its Atlantic Strike Team in Elizabeth City, North Carolina, and to create another strike team on the west coast (for a total of four strike teams), as well as to increase the number of personnel assigned to marine safety and local Captain of the Port offices. Personnel assigned to these offices respond to oil and hazardous chemical spills as well as inspect oil and hazardous chemical facilities and vessels to insure compliance with Coast Guard regulations. The Committee would also like to encourage the Coast Guard to use a portion of the additional personnel to increase its drug interdiction efforts.

Subsection (b) also authorizes the student year levels for various categories of Coast Guard training for Fiscal Year 1988 as follows:

(1) For recruit and special training: 2,687 student years.

(2) For flight training: 110 student years.

(3) For professional training in military and civilian institutions: 390 student years.

(4) For officer acquisition: 900.

A student year is defined as the product of the number of students scheduled to attend each course in the category multiplied by the course length expressed in fractions of years (i.e., course length in weeks divided by weeks). The proposed student training levels are equal to the Administration's request, except for recruit training which has been increased by 170 student years. This increase is intended to allow the Coast Guard to recruit and train the additional active duty military personnel authorized in section 104(a).

SECTION 104. AUTHORIZED LEVELS OF MILITARY STRENGTH AND MILITARY TRAINING FOR FISCAL YEAR 1991

Subsection (a) authorizes a Coast Guard end-of-year strength for military personnel of 39,300 in fiscal year 1991.

Subsection (b) also authorizes the student year levels for various categories of Coast Guard training for Fiscal Year 1988 as follows:

(1) For recruit and special training: 2,687 student years.

(2) For flight training: 110 student years.

(3) For professional training in military and civilian institutions: 390 student years.

(4) For officer acquisition: 900.

SECTION 105. MODIFICATION AND EXTENSION OF RULES OF THE ROAD ADVISORY COUNCIL AND EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE

Subsection (a) changes the name of the Rules of the Road Advisory Council to the Navigational Safety Advisory Council. In addition, this subsection expands the charter of the Council to include advice and recommendations on matters relating to the prevention of collisions, rammings, and groundings, including navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Finally, this subsection extends the termination date for the Council until September 30, 1995, and directs that the Council meet at least twice each calendar year.

Subsection (b) extends the termination date of the Towing Safety Advisory Committee to September 30, 1995. This extension, along with the extension authorized under subsection (a), will insure that the authorization for all advisory committees under the purview of the Coast Guard expire at the same time.

SECTION 106. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE APPOINTMENTS

This section amends section 4508 of title 46, United States Code, to ensure that the Secretary of Transportation does not solicit or use the political affiliation of potential members of the Commercial Fishing Industry Advisory Committee when making appointments to the Advisory Committee. The Committee strongly believes that a person's political affiliation has no bearing on his or her ability to serve on this Advisory Committee.

Title II—Programs

SECTION 201. TECHNICAL AMENDMENTS TO THE ACT TO PREVENT POLLUTION FROM SHIPS

Subsection (a) corrects inadvertent errors in the Act to Prevent Pollution from Ships (APPS) by substituting the words "Annexes I and II" for "Annex V" in section 6(c)(1) of APPS. This change is necessary because section 6(c)(1) deals with reception facilities for oil and noxious liquids, the subject of these annexes, not garbage, the subject of Annex V.

Paragraphs (2) and (3) add "or of this Act" to sections 8(c)(1) and 8(e)(2) of APPS. Both of these provisions concern inspections for violations of the International Convention for the Prevention of Pollution from Ships (MARPOL). This section extends the inspections to include inspections for violations of APPS.

SECTION 202. TECHNICAL CORRECTIONS RELATING TO SAFEGUARDING MILITARY WHISTLEBLOWERS

This section makes several changes to section 1034 of title 10, United States Code, which relate to the protection of military whistleblowers. When section 1034 was enacted in 1988, it did not provide for the proper relationship between the Secretary of Transportation, the Inspector General (IG), and a Coast Guard member, because it was only concerned with instances when the Coast Guard is operating as a service of the Navy, not as part of the Department of Transportation where it normally operates.

Paragraph (1) clarifies that the Department of Transportation Inspector General (DOTIG) is required to investigate allegations of personnel actions prohibited by section 1034 when the Coast Guard is in the Department of Transportation (DOT) and the Department of Defense Inspector Gen-

eral (DODIG) when it is operating as a service in the Navy. Paragraph (2) makes it clear that the DOTIG shall report the findings of the investigation to the Secretary of Transportation and the DODIG shall report to the Secretary of Defense.

Section 1034(c)(6) of title 10, United States Code, requires the IG to notify the Secretary of Defense if the report on the allegation cannot be completed within 90 days. Paragraph (3) clarifies that the DOTIG is required to make the same notification when the Coast Guard is operating in the DOT.

Paragraph (4) clarifies that an administrative review by a board for the correction of military records provided for by section 1034(e) should be reviewed by either the Secretary of Defense or the Secretary of Transportation depending on which department the Coast Guard is operating in.

SECTION 203. MISCELLANEOUS PROVISIONS CONCERNING CONTINUITY OF GRADE, APPOINTMENT, AND RETIREMENT OF COAST GUARD PERSONNEL

Paragraph (1) provides that a vice admiral who is selected for Commandant will retain precedence on the active duty promotion list, date of rank, grade, pay, and allowances at the rank of vice admiral. Under current law, a vice admiral who is selected to become Commandant would lose precedence to vice admirals and rear admirals with an earlier date of rank. If the pay cap were raised, this could result in loss of pay.

Paragraph (2) removes the requirement that appointments to lieutenant (junior grade) and lieutenant receive the advice and consent of the Senate. This will improve the efficiency of the promotion process and brings the Coast Guard into conformity with the Department of the Defense.

Paragraph (3) amends section 289(c) of title 14, United States Code to require the Coast Guard to select no less than 50 percent of the captains eligible for promotion to admiral for continuation in the service. Under current law, not less than 75 percent of the captains eligible for promotion to admiral must be selected, i.e., only 25 percent of the captains can be involuntarily retired. This statute along with the large number of captains who entered the Coast Guard in the late 1960's and the early 1970's has combined to severely impede the promotion flow from the grade of lieutenant commander through captain. This section will provide the Coast Guard the flexibility to manage the number of captains so that promotions from the lower grades are not impeded and an adequate pool of captains is maintained to compete for rear admiral.

Paragraph (4) gives the Secretary of Transportation the authority to adjust the appointment date of a reserve officer if there is a delay in finding the officer physically fit for promotion and the delay is beyond the control of the officer. This provision only applies prospectively.

Paragraph (5) codifies the existing Coast Guard administrative practice of not separating reserve officers with under 18 years of service through captain's retention boards. This provision is designed to protect captains with under 18 years of service from competing with more senior captains for retention in the Coast Guard.

SECTION 204. AUTHORIZATION FOR JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM

This section authorizes the Coast Guard to establish and maintain a Junior Officers Training Corps (JROTC) program in cooperation with the Maritime and Science Technology Academy of the Dade County Public School System. The program shall be entitled the "Claude Pepper, Junior Reserve Officers Training Program," in honor of the late Senator and Congressman from Florida. This represents the Coast Guard's first JROTC program and is modeled after existing programs within the Department of Defense under section 2031 of title 10, United States Code. This section authorizes the Coast Guard to provide assistance in developing the pilot program's curriculum, as well as to provide instructors, and uniforms and other course materials. In an effort to reduce the costs of this pilot program, the Academy is authorized to hire retired or reserve Coast Guard personnel to serve as instructors and administrators.

SECTION 205. LIMITATIONS ON CONTRACTING OF COAST GUARD SERVICES

This section prohibits an employee of the United States from entering into a contract for the performance of any function being performed by Coast Guard personnel as of January 1, 1989, unless three conditions are met. Specifically, the conditions are: (1) an Office of Management and Budget Circular A-76 study is completed; (2) the Secretary of Transportation has completed a study of how the proposed contract will affect the multimission capabilities of the Coast Guard; (3) copies of these two reports have been submitted to the House Committee on Merchant Marine and Fisheries and the Senate Committee on Commerce, Science, and Transportation. The Committee has received reports that the Coast Guard may be moving beyond areas that it has normally contracted out, e.g., food services, security, and grounds maintenance, and is considering contracting out functions which are central to the Coast Guard's mission, e.g., aids to navigation. The Committee strongly believes that the Coast Guard's aids to navigation program is an inherently governmental responsibility, and as such should not be contracted out under the A-76 program.

SECTION 206. LOCAL HIRE

This section adds a new section to the end of chapter 17 of title 14, United States Code, which will require that Coast Guard contracts in states with unemployment rates above the national average be performed with local state residents. Local resident is defined as a resident of a particular state or an individual who commutes daily to the state. Individuals who are temporary residents of a state only for the purpose of fulfilling a Coast Guard contract do not qualify as local residents under this section. The Secretary of Transportation may waive this requirement for either national security or economic reasons.

SECTION 207. REPORT ON CONTROL OF EXOTIC SPECIES

This section requires that the Secretary of Transportation report on the options available to control the infestation of the waters of the United States, including the Great Lakes, by exotic species transported in vessel ballast water. Exotic species are defined as nonnative fish, mollusks, crustaceans, zooplankton, and other aquatic organisms, other than sea lampreys. The report must be submitted to Congress within six months of the date of enactment of this Act.

In compiling information for this report, the Secretary shall consult with the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Great Lakes Fishery Commission, state fish and wildlife agencies, the American Fisheries Society, and any other individuals or groups that the Secretary deems appropriate. This report should contain a complete discussion of the monetary costs, efficacy, and environmental risks associated with each method of controlling ballast water introductions. Control methods discussed in the report should include: (1) ballast water exchange at sea; (2) treatment of ballast water with chlorine or some other toxicant; (3) installation of filters on ballast water pumps; and (4) coating vessel ballast water tanks with antifouling paint. The Secretary should also be aware that different control methods may be required for different parts of the country. For example, ballast water exchange at sea may be effective in controlling the introduction of marine exotic species in the fresh waters of the Great Lakes, but it may not be effective in the saline waters of many U.S. ports. Finally, given the international nature of this problem, the secretary is urged to bring this matter before the International Maritime Organization.

SECTION 208. LAW ENFORCEMENT SURVEILLANCE

Paragraph (1) requires the Secretary of Transportation to identify the needs and cost of outfitting existing Coast Guard aircraft with proper surveillance and reconnaissance equipment and report to Congress within six months of the date of enactment of this Act. The Committee is aware that the Coast Guard's ability to photograph aircraft suspected of smuggling drugs is limited by incomplete or nonexistent equipment on some of its HU-25 Falcon aircraft. Therefore, the Committee believes that the report mandated by this subsection is an important first step towards improving the Coast Guard's drug interdiction capability.

Paragraph (2) requires the Secretary of Transportation, in consultation with the Secretary of the Defense, to establish and submit to Congress a plan for closing the gaps in radar coverage along the Gulf and southeast Atlantic coasts.

SECTION 209. NUMBERING OF VESSELS

This section amends section 2101 of title 46, United States Code, by defining numbered vessel as a vessel that is numbered under chapter 123 of title 46.

SECTION 210. CONSTRUCTIVE SEIZURES

This section directs the Secretaries of Transportation and the Treasury to develop a procedure for constructive seizure of vessels of the United States engaged in commercial service that are suspected of having on board personal use quantities of controlled substances. The constructive seizure procedure should allow the owners or operators of vessels seized for violations of the drug laws to continue to operate the vessel while the owner appeals the seizure of a vessel on which personal use quantities of illegal substances are found. This section is designed to protect innocent owners from the devastating economic effects of the physical seizure of a vessel.

SECTION 211. USER FEES REPORT CLARIFICATION

This section amends section 664(c) of title 14, United States Code, to clarify that the report required under section 664(c) applies to user fees collected under any law, not just section 664. This section was prompted by the incomplete report that the Committee received from the Secretary of Transportation in January 1989. In that report, the Secretary stated that the Coast Guard has collected about $300 in user fees in 1988. Since 46 C.F.R. 76.43, inter alia, allows the

Coast Guard to charge $100 for each of the thousands of recreational vessel documents it issues each year, this figure is obviously incomplete. An itemized accounting of all of the user fees currently collected by the Coast Guard is essential for the Committee deliberations on the Administration's proposal to impose additional Coast Guard user fees.

SECTION 212. BOARD FOR THE CORRECTIONS OF MILITARY RECORDS

This section requires the Secretary of Transport tion to amend the regulations governing the Coast Guard's Board for the Correction of Military records (BCMR) so that appeals are processed expeditiously and that final decisions are made within 10 months of their receipt by the BCMR. The Secretary is required to maintain a staff and a panel of potential BCMR members that is adequate to insure compliance with this section.

The Committee first became aware of problems with the BCMR when six present and former Coast Guard personnel filed a class action suit against the BCMR and the General Counsel of the Department of Transportation. The plaintiffs in that suit maintained that their applications for relief in a reasonable period of time (some the plaintiff's applications were pending over 2½ years). Delays of this length are problematic because Coast Guard members often are not aware that there is a significant problem with their military record until they are passed over for promotion because of it. If a member's appeal is not acted on within a year the officer will likely be passed over for promotion again. In many cases this will mean an end to the officer's Coast Guard career.

The BCMR suit was settled out of court in April of 1988. Under the terms of this settlement, the Coast Guard and the Department of Transportation agreed to take several actions designed to improve the efficiency of the BCMR. However, the agreement did not address the central problem with the BCMR, an insufficient number of BCMR staff attorneys capable of processing applications for relief expeditiously. Therefore, this section directs the Secretary of Transportation to ensure that adequate personnel are assigned to the BCMR to insure that application are processed expeditiously.

SECTION 213. CONSIDERATION OF MARAD VESSELS

This section requires the Secretary of Transportation or the Commandant of the Coast Guard to consider vessels held by the Secretary as a result of a title XI default (title XI of the Merchant Marine Act of 1936) before acquiring additional Coast Guard vessels. The intent of this section is to reduce the inventory of title XI vessels and allow the Coast Guard to acquire suitable vessels at a significant savings to the Government. When carrying out the provisions of this section, the Secretary and the Commandant should consider the cost of the acquisition of a title XI vessel relative to the cost of a new vessel and how well the title XI vessel meets the Coast Guard's requirements. This section shall remain in effect until specifically repealed.

SECTION 214. REQUIREMENT TO REPORT SEXUAL OFFENSES

This section requires the master or other person in charge of a documented vessel to report a complaint of a sexual offense prohibited by the Sexual Abuse Act of 1986, and imposes a civil penalty of not more than $5,000 for failure to comply with this provision. The provision was prompted by a General Accounting Office report that found that the Coast Guard has no specific requirements for the reporting of shipboard assaults and other offenses covered by the Sexual Abuse Act. Reports from women mariners confirmed that such incidents are rarely reported to the Coast Guard or other law enforcement authorities. This provision should serve to promote greater awareness of the Sexual Abuse Act within the maritime community, it should provide information on the circumstances and extent of such offenses, and it could serve to increase the willingness of victims to come forward.

SECTION 215. LIMITATION ON THE TRANSFER OF A VESSEL FROM GULFPORT, MISSISSIPPI

This section requires the Coast Guard to replace the cutter ACUSHNET, a buoy tender currently stationed in Gulfport, Mississippi, before it can be transferred to the Pacific area. In addition to the ACUSHNET, a Coast Guard patrol boat is presently stationed in Gulfport. This section ensures that the two-vessel complement will be maintained by requiring that two patrol boats be permanently stationed at the Gulfport location.

SECTION 216. COAST GUARD HOUSING

This section designates the Coast Guard as an instrumentality within the Department of Defense for the purpose of section 204(b) of the Defense Authorization Amendments and Base Closures and Realignment Act, thus qualifying the Coast Guard to acquire surplus military housing units for its official use under that provision.

SECTION 217. PROHIBITION AGAINST REDUCTION IN SERVICES

Section 217 of this bill contains a prohibition against a reduction in Coast Guard services other than drug law enforcement to increase drug law enforcement without 30 days notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries in the House of Representatives.

In the Anti-Drug Abuse Acts of 1986 and 1988, the Coast Guard is prohibited from increasing drug law enforcement except to the extent additional funds are appropriated for that purpose.

In recent years, the Coast Guard reduced the amounts spent for search and rescue, fisheries law enforcement, and other essential Coast Guard services and devoted a greater percentage of budgetary resources to drug law enforcement without an increase in appropriations for that purposes.

Section 217 of this bill prohibits the Coast Guard from sacrificing essential Coast Guard services, such as search and rescue, aids to navigation, marine safety, fisheries law enforcement, marine environmental protection, ice operations, or defense readiness, to increase drug law enforcement efforts without notifying the appropriate authorizing committees in the House and Senate.

SECTION 218. COST OF SECURITY AT KENNEBUNKPORT, MAINE

This section requires the Secretary of Transportation to identify and report on the costs of providing security for the President at Kennebunkport, Maine, and any reallocation of assets or personnel that would have been used for search and rescue or law enforcement operations as a result of providing that security. The Coast Guard is to actively seek reimbursement for those costs from the Secretary of the Treasury within six months of the date of enactment of this act.

SECTION 219. VESSEL TRAFFIC SERVICE RESTORATION

This section directs the Secretary of the Department in which the Coast Guard is operating to reestablish a vessel traffic service (VTS) system on the Lower Mississippi River in New Orleans and to continue operation of the New York harbor area and other existing VTS systems.

SECTION 220. SEARCH AND RESCUE SATELLITE SYSTEM

Under the National Search And Rescue Plan, the Coast Guard coordinate maritime and aeronautical search and rescue for 5.9 million square miles of the Atlantic and 18.7 million square miles of the Pacific. Approximately 20 percent of the Atlantic and 50 percent of the Pacific areas remain without coverage by the system for most existing beacons (about 350,000 U.S. beacons are in service) and without real-time coverage for new beacons coming into service. The United States is responsible for search and rescue for distressed vessels and aircraft of any nation within these areas. The entire international system (known as COSPAS-SARSAT) has been credited with saving about 1200 lives, (half of which were U.S. citizens), with about an equal number of maritime and aeronautical saves recorded. Nevertheless, the system has been criticized by Congress, National Transportation Safety Board, the Office of the Secretary of Transportation Safety Task Force, and increasingly by the public for insufficient coverage in Caribbean, Atlantic, and Pacific areas. This provision takes a step toward complete and adequate funding for the system.

SECTION 221. BOSTON LIGHT STATION

This section ensures that Boston Light, the oldest lighthouse station in the nation, will continue to be manned and operated in a manner which preserves its historical significance. Any proposal to modernize the lighthouse must be consistent with the general provisions of the National Historic Preservation Act.

In addition, this section directs the Coast Guard to work with various state and local government entities to develop a strategy that will provide increased public access and enjoyment of this historical light. This section clarifies that the funds authorized by section 101 and 102 of this bill include the sums necessary to operate and maintain the lighthouse and its associated keeper's house and pier. Under this section, the Coast Guard is no longer required to man the lighthouse when a final transfer of the lighthouse has been completed.

SECTION 222. COAST GUARD ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

Section 222 of this bill adds a new chapter 19 to title 14, United States Code, which establishes a new Coast Guard Environmental Compliance and Restoration program. This program is similar to the Department of Defense Environmental Restoration program contained in chapter 160 of title 10, United States Code.

New section 690 of title 14, United States Code, defines certain terms used in this chapter. The definitions of "hazardous substance" and "pollutant" are intended to include every substance regulated by a Federal, State, or local environmental law or regulation.

New section 691 directs the Secretary of Transportation to carry out the Environ-

mental Compliance and Restoration program at current and former Coast Guard facilities. The program is intended to include all actions the Coast Guard takes to comply with Federal, State, or local environmental laws or regulations. In this respect, the Coast Guard program is broader than the existing Department of Defense program. For example, under section 691(b), the Coast Guard program includes ongoing monitoring actions to prevent contamination from hazardous substances and pollutants at Coast Guard facilities. In addition, under subsections 691(b) and (c), the Coast Guard program applies to all Coast Guard activities related to environmental compliance and is not limited to compliance with any particular law.

Under subsections 691(b) and (c), the Coast Guard is required to demolish and remove unsafe buildings and structures at former Coast Guard facilities and respond to releases of hazardous substances and pollutants at formerly owned Coast Guard facilities. These subsections require the Coast Guard to clean up the PCB contamination from the electrical distribution system transferred to the Kodiak Electric Association in Kodiak, Alaska, in November 1984.

New section 691(d) allows the Secretary to enlist the help of other Federal, State, or local government entities in carrying out the Environmental Compliance and Restoration program.

New section 691(e) also requires the Coast Guard to indemnify all response action contractors to the extent that adequate insurance is not available at a fair price. Under this section, section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors. This reference does not limit the Coast Guard's responsibility to indemnify response action contractors to sites on the National Priorities List. For the purpose of this chapter, the term "response action contract" means any written contract or agreement entered into by a response action contractor (as that term is defined in section 119 of CERCLA) with the Coast Guard to undertake any environmental compliance or restoration actions authorized under this chapter, including response actions, with respect to the release or threatened release of a hazardous substance, or pollutant or contaminant.

Normally, a response action contractor would obtain insurance to cover the liabilities associated with the cleanup of hazardous waste sites, and the cost of the premiums would be reimbursed as a contract item. According to recent reports by the General Accounting Office, pollution insurance is not generally available in adequate amounts or duration, and the future prospects for the development of insurance are uncertain.

For this reason, the Coast Guard is required to indemnify response action contractors against the reasonable, potential long-term liability associated with the cleanup of hazardous waste sites. This liability potentially includes the cost of future cleanups, and third-party claims which may exceed the value of the cleanup contract. Liability may also persist for decades after completion of the cleanup contract.

The Coast Guard may require contractors to purchase any insurance that is available at a fair and reasonable price. Indemnification shall continue to be provided to the extent that insurance is not adequate to cover the liabilities that may arise both during and after cleanup. In establishing indemnity terms, the Coast Guard should consider the potential cost of future cleanup or third-party claims if contractors are found liable, and the fact that claims may arise many years after completion of cleanup contracts.

Under new section 692, the President's annual budget submission for the Coast Guard is required to reflect the total amount requested for all environmental compliance and restoration at Coast Guard facilities in the new Environmental Compliance and Restoration program. The funds appropriated to this new account are "no year" dollars, and remain available until expended.

New section 693 requires the Secretary to report to Congress each fiscal year on the progress the Secretary is making in implementing the new Environmental Compliance and Restoration program.

Subsection (c) of section 244 of this bill amends section 662 of title 14, United States Code, to require an annual "line item" authorization on funds for the Coast Guard Environmental Compliance and Restoration program.

Title III—Miscellaneous

SECTION 223. BLOCK ISLAND SOUTHEAST LIGHTHOUSE PRESERVATION

This section requires the Secretary of Transportation, in consultation with all interested parties, to develop a strategy to preserve the Block Island Southeast Lighthouse in Rhode Island and authorizes the the transfer of the lighthouse and all appurtenant surrounding property associated with the lighthouse. The transfer may not occur unless requested by the Block Island Southeast Lighthouse Foundation or the State of Rhode Island, acting on its behalf.

SECTION 301. DOCUMENTATION OF VESSELS

Section 301 makes certain technical changes to chapter 121 of title 46, United States Code, to reflect the conversion from a system of separate and distinct types of documents based on the use of the vessel to a system of multiple endorsements on a single document to reflect authorization for a particualr trade or use. Section 12103 of title 46 is amended by adding a new paragraph requiring the Secretary of Transportation to obtain either a social security number or a taxpayer identification number from each person applying to document a vessel. Since a taxpayer identification number may not have been received by an entity prior to its application for documentation a provision has been included in such cases for the submission of the social security number of the individual who is holding certain positions within the entity and who signs the application for documentation.

SECTION 302. VESSEL IDENTIFICATION SYSTEMS

This section amends chapter 125 of title 46, United States Code, by requiring the Secretary to include the owner's social security number of the owners taxpayer identification number in the vessel identification system established by Public Law 100-710. This amendment further serves to conform the data required on the application for documentation to the information required for the effective operation of the vessel identification system.

SECTION 303. COMMERCIAL INSTRUMENTS AND MARITIME LIENS

Section 303 makes certain technical and conforming amendments to chapter 313 of title 46, United States Code. Specifically, section 31306 is amended to allow the Secretary greater flexibility with respect to the filing of a declaration of citizenship at the time of transfer of ownership. The Secretary may, for instance, choose to issue regulations which exempt mortgagees of recreational and fishing vessels from the declaration of citizenship requirements under this section. Section 31321 is amended to clarify the notice provisions when the Secretary determines that a vessel cannot be documented after the application has been filed.

Section 31322 is amended to exempt certain recreational and fishing industry vessels from the citizenship requirements otherwise applicable to preferred ship mortgages. The exemption is changed from being based solely on the pleasure or fishing operations of these vessels. Instead, the exemption is based also on the fishing or recreational endorsement issued to the vessel.

Section 31325 is amended to clarify the fact that a duly recorded foreign mortgage on a foreign flag vessel can be foreclosed in a civil action in rem in a U.S. District Court. This change simply conforms this section with the long established rule of law in international shipping. This amendment clarifies and revises the traditional requirements for a vessel sale in an in rem action in admiralty as well as the traditional distinction between an in rem action in admiralty against the vessel and an in personam action against the mortgator, comaker, or guarantor.

A new subsection (f) is added to section 31325 to clarify that this chapter does not prohibit a mortgagee from exercising other remedies available under other laws. For instance, the holder of a preferred mortgage in default may be entitled to exercise the remedies available under the law in the country where the ship may be found. Likewise, the holder of a preferred mortgage in default on a yacht or other recreational vessel may be entitled to exercise remedies available under state law such as self-help repossession. Section 31325(f) is added to specifically negate the decision in *Bank of America Natl. Trust & Saving Ass'n* v. *Fogle*, 637 F. Supp. 305 (N.D. Cal. 1985). However, section 31325(f) does require a mortgagee to give notice to any affected party claiming an undischarged lien recorded under section 31343 if remedies other than those contained in this chapter are being used. Obviously, the fact that notice to affected lienholders is required should not be construed as affecting in any way the validity of a lien recorded under this Act or the rights of the lienholder to enforce that lien. In this regard, current law is retained, i.e., that only an in rem action in admiralty in a U.S. District Court can be effective to extinguish a maritime lien.

Section 31342 has been rewritten by deleting the parenthetical provisions relating to excluding public vessels from the application of the existing law and replacing it with a new subsection (b) to assure clarity. This is not a substantive change but simply makes more explicit the long established rule of law prohibiting maritime liens against public vessels. It further clarifies the existing law that a claim may not be brought either in personam or in rem on a maritime lien theory against a public vessel. This section does not affect a cause of action against the United States based on a valid maritime contract.

Section 31343 is amended to permit a person claiming a lien on a documented vessel to record a notice of that person's lien claim with Secretary of Transportation. Under prior law such notice of lien claim could only be subject to a preferred mortgage.

Section 31344 is added as a new section and establishes a 3-year statute of limitations period for commencing an action to enforce a maritime lien. The limitation period does not apply to the lien established by a preferred mortgage.

SECTION 304. AMENDMENTS TO THE SHIPPING ACT, 1916

Section 304 simply clarifies the authority of the Secretary to exempt certain transactions from the requirement of approval. A new penalty provision is added to enhance the enforcement mechanisms in Section 9 of the Shipping Act, 1916. Section 38 of that Act is amended to allow a remission without seizure of the vessel.

SECTION 305. CIVIL PENALTY PROCEDURES

Section 305 amends title 49, United States Code, to establish uniform penalty assessment procedures whenever there is a violation of a law that is administered by the Coast Guard or the Maritime Administration. This change simply codifies existing practices and provides procedures which conform to fundamental due process standards. The assessment of civil penalties under this section should not require an "on the record" hearing within the meaning of the Administrative Procedures Act (APA). It is intended that these civil penalties be assessed in a fair manner. Statutes passed in the last decade have involved the Coast Guard in tens of thousands of civil penalty enforcement cases and that it is necessary that the penalties be assessed efficiently. The more rigid and time-consuming procedures applicable to APA adjudications are unwarranted in the case of civil penalty assessment procedures and would seriously hamper the orderly enforcement of these administrative penalties. It is expected that the procedures established under sections 2107 and 2108 of title 46, United States Code, will be continued.

SECTION 306. EXEMPTION OF CERTAIN FISHING INDUSTRY VESSELS FROM INSPECTION REQUIREMENTS

Section 306 exempts for an additional year certain fishing industry vessels from inspections requirements so they may continue to provide general cargo service to remote communities in Alaska.

SECTION 307. LAWS REPEALED

Section 307 repeals various obsolete or redundant maritime laws.

SECTION 308. COASTWISE DOCUMENTATION AND OPERATION

Section 308 authorizes certain vessels to operate in the coastwise trade.

SECTION 309. EFFECTIVE DATES AND TRANSITION PROVISIONS

Section 309 provides generally that the amendments made by this Act are effective on the date of enactment. However, the provisions in section 12102 of title 46, United States Code, relating to surrender of a certificate of title will not be effective until 1 year after the Secretary prescribes guidelines for a state boat titling system. This section also provides for a 3-year limitation period on maritime liens in existence on the date of enactment of this Act.

SECTION 310. SUBSTITUTION OF VESSEL

Section 310 permits the substitution of an alternative vessel of equal size for purposes of satisfying the grandfather provision of the Fishing Industry Anti-Reflagging Act of 1987, if the substitution of the vessel is made by the original applicant.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. SPEAKER. Earlier this month, the House approved H.R. 2459, the Coast Guard Authorization Act of 1989.

The Senate approved H.R. 2459 late last week with an amendment that included the text of S. 1512.

The majority and minority leadership for authorizing committees of both bodies worked through the weekend and have resolved the differences between our respective versions of the bill. That agreement is, in fact, the substance of the amendment incorporated into resolution.

H.R. 2459, with the House amendment, authorizes appropriations for the Coast Guard's operating expenses; acquisition, construction, and improvements; research and development; and retired pay for fiscal years 1990 and 1991.

It also sets end-of-year strength levels for active duty military personnel, establishes military training levels, and addresses several other areas under the jurisdiction of the Coast Guard and the authorizing committees.

The funding authorized by H.R. 2459 reflects the already-approved appropriations for the Coast Guard from all sources, as well as the need to fully fund increased military personnel levels for the Coast Guard.

This funding request is a "bare bones" budget, the minimum funding the Coast Guard requires to meet its current and reasonably anticipated operating and capital plan requirements.

I urge the adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with Mr. TAUZIN, the chairman of the Subcommittee on Coast Guard and Navigation, and Mr. JONES, the chairman of the Merchant Marine and Fisheries Committee, in support of H.R. 2459, the Coast Guard Authorization Act of 1989.

This bill contains far more than the expected authorization for appropriations for the functioning of the U.S. Coast Guard. While that is reason enough for its rapid passage, there are other, equally compelling reasons. To those provisions previously passed by this House, we have included several new ones returned by the Senate and several of our own which have great merit.

As you have just heard described by the chairman, we have now included technical modifications to the Ship Mortgage Act codification passed last year by the 100th Congress. These refinements will further enhance effectiveness of an act that is so important to the maritime community.

Specifically, we have clarified the fact that a duly recorded foreign mortgage on a foreign-flag vessel can be foreclosed on in a U.S. district court. Likewise, we have clarified provisions relating to maritime liens against public vessels. Although I felt that we had taken of any uncertainty last year, we have rewritten section 31342 to clarify once and for all the fact that a claim may not be brought either in personal or in rem on a maritime lien theory against a public vessel. Of course, this does not in any way preclude an action against the United States based on a valid maritime contract for those necessaries provided to a public vessel.

H.R. 2459 as passed by the House of Representatives on November 7, 1989, contained three provisions that are similar to provisions in H.R. 1465, the Oil Pollution Act of 1989, passed by the House on November 9, 1989. Section 213 contained a study to evaluate double hulls and double bottoms for tankers and barges. Section 215 contained authority for the Secretary of Transportation to review the criminal records of applicants for merchant mariners licenses. These provisions will be addressed during the upcoming deliberations on H.R. 1465, the 1989 Oil Pollution Act.

The version of H.R. 2459 that passed the House on November 7, 1989, contained a provision requiring the Coast Guard to comply with certain buy America requirements. This bill does not contain that section, because the provisions of the Buy America Act apply to the Coast Guard as well as all other Federal agencies. I suport the Buy America Act and encourage the Coast Guard to fully comply with its requirements to the fullest extent.

Section 103 of H.R. 2459 as passed by the House on November 7, 1989, contained authority for the Secretary of Transportation to lease a polar ice-breaking vessel. This bill does not contain that provision, and whether to give that authority to the Secretary of Transportation in the future is an open question. I support giving the Secretary of Transporation the authority to charter polar ice-breaking services and look forward to further consideration of this matter in the next session of Congress.

Section 217 of this bill contains a prohibition against a reduction in Coast Guard services other than drug law enforcement to increase drug law enforcement within 30 days notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries in the House of Representatives.

The Anti-Drug Abuse Acts of 1986 and 1988 prohibited the Coast Guard from increasing drug law enforcement except to the extent additional funds are appropriated for that purpose. In recent years, the Coast Guard reduce the amounts spent for search and

rescue, fisheries law enforcement, and other essential Coast Guard services and devoted a greater percentage of budgetary resources to drug law enforcement, without an increase in appropriations for that purpose.

Section 217 of this bill prohibits the Coast Guard from sacrificing essential Coast Guard services, such as search and rescue, aids to navigation, marine safety, fisheries law enforcement, marine environmental protection, ice operations, or defense readiness, to increase drug law inforcement efforts without notifiying the appropriate authorizing committees in the House and Senate.

I am extremely pleased that this bill contains provisions based in part on my bill, H.R. 1341, to establish a new environmental compliance and restoration program for the Coast Guard.

The program established by this bill is intended to include all actions the Coast Guard takes to comply with Federal, State, or local environmental laws and regulations. This bill is modeled after the Department of Defense Environmental Restoration Program, contained in chapter 160 of title 10, United States Code. The Coast Guard program is broader than the DOD program in some respects. For example, the Coast Guard program includes ongoing monitoring of certain situations to identify or prevent contamination from hazardous substances. In addition, the Coast Guard program applies to all Coast Guard activities related to environmental compliance and is not limited to compliance with any particular law.

It is clear that the Coast Guard is responsible under this program for cleaning up the PCB contamination from the electrical distributing system transferred to the Kodiak Electric Association in Kodiak, AK, in November 1984. The Coast Guard has been unable to get the cleanup started in Kodiak, and I am pleased that this bill will allow them to begin that process.

The President's annual budget submission for the Coast Guard is required to reflect the total amount requested for all environmental compliance and restoration at Coast Guard facilities in the new Environmental Compliance and Restoration Account. Amounts directly or indirectly related to compliance with Federal, State or local environmental laws are required to be budgeted and appropriated to the new Environmental Compliance Account. Funds for environmental compliance formerly budgeted and appropriated to the Coast Guard Operating Expenses Account or the Acquisition, Construction, and Improvements Account will now be budgeted and appropriated to the new Environmental Compliance Account.

New section 691(e) requires the Coast Guard to indemnify all response action contractors to the extent that adequate insurance is not available at a fair price. This indemnification requirement is not limited to Coast Guard actions at National Priority List sites, but includes all Coast Guard contracts entered into under the new Coast Guard Environmental Compliance Program.

Normally, a response action contractor would obtain insurance to cover the liabilities associated with the cleanup of hazardous waste sites, and cost of the premiums would be reimbursed as a contract item. According to recent reports by the General Accounting Office, pollution insurance is not generally available in adequate amounts or duration, and the future prospects for the development of insurance are uncertain.

For this reason, the Coast Guard is required to indemnify response action contractors against the reasonable, potential long-term liability associated with the cleanup of hazardous waste sites. This liability potentially includes the cost of future cleanups, and third-party claims which may exceed the value of the cleanup contract. Liability may also persist for decades after completion of the cleanup contract.

The Coast Guard may require contractors to purchase any insurance that is available at a fair and reasonable price. Indemnification shall continue to be provided to the extent that insurance is not adequate to cover the liabilities that may arise both during and after cleanup. In establishing indemnity terms, the Coast Guard should consider the potential cost of future cleanup or third-party claims if contractors are found liable, and that claims may arise many years after completion of cleanup contracts.

I urge all of the Members to join with me in a unanimous show of support for the U.S. Coast Guard by promptly passing H.R. 2459.

□ 1500

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I am extremely pleased that this bill contains provisions based on my bill, H.R. 1327, to establish a new environmental compliance and restoration program for the Coast Guard. I have been working for several years on the problem of PCB contamination at the Coast Guard Support Center in Kodiak, AK. The program established by this bill will allow the Coast Guard to clean up the PCB contamination there and address other environmental problems at Coast Guard facilities around the country.

The program established by this bill is intended to include all actions the Coast Guard takes to comply with Federal, State, or local environmental laws and regulations. This bill is modeled after the Department of Defense Environmental Restoration Program, contained in chapter 160 of title 10, United States Code. The Coast Guard program is broader than the DOD program in some respects. For example, the Coast Guard program includes ongoing monitoring of certain situations to identify or prevent contamination from hazardous substances. In addition, the Coast Guard program applies to all Coast Guard activities related to environmental compliance and is not limited to compliance with any particular law.

It is clear that the Coast Guard is responsible under this program for cleaning up the PCB contamination from the electrical distribution system transferred to the Kodiak Electric Association in Kodiak, AK, in November 1984. I have been disappointed in the Coast Guard's inability to get the cleanup started in Kodiak, and I am pleased that this bill will allow them to begin that process.

The President's annual budget submission for the Coast Guard is required to reflect the total amount requested for all environmental compliance and restoration at Coast Guard facilities in the new Environmental Compliance and Restoration Account. Amounts directly or indirectly related to compliance with Federal, State or local environmental laws are required to be budgeted and appropriated to the new Environmental Compliance Account. Funds for environmental compliance formerly budgeted and appropriated to the Coast Guard operating expenses account or the acquisition, construction, and improvements account will now be budgeted and appropriated to the new environmental compliance account.

New section 691(e) requires the Coast Guard to indemnify all response action contractors to the extent that adequate insurance is not available at a fair price. This indemnification requirement is not limited to Coast Guard actions at Superfund sites, but includes all Coast Guard contracts entered into under the new Coast Guard Environmental Compliance Program.

Normally, a response action contractor would obtain insurance to cover the liabilities associated with the cleanup of hazardous waste sites, and the cost of the premiums would be reimbursed as a contract item. According to recent reports by the General Accounting Office, pollution insurance is not generally available in adequate amounts or duration, and the future prospects for the development of insurance are uncertain.

For this reason, the Coast Guard is required to indemnify response action contractors against the reasonable, potential long-term liability associated with the cleanup of hazardous waste sites. This liability potentially includes the cost of future cleanups, and third

party claims which may exceed the value of the cleanup contract. Liability may also persist for decades after completion of the cleanup contract.

The Coast Guard may require contractors to purchase any insurance that is available at a fair and reasonable price. Indemnification shall continue to be provided to the extent that insurance is not adequate to cover the liabilities that may arise both during and after cleanup. In establishing indemnity terms, the Coast Guard should consider the potential cost of future cleanup or third-party claims if contractors are found liable, and the fact that claims may arise many years after completion of cleanup contracts.

Mr. TAUZIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise to commend the gentleman from Louisiana [Mr. TAUZIN] and his counterpart on the minority side, distinguished all, in our annual effort to keep the Coast Guard afloat.

I would take particular note of the minimal manning requirements in this bill for the Coast Guard with the new responsibilities it will be receiving and some particular pride in some of the smaller items in the bill particularly with respect to the housing problems faced by the Coast Guard and a matter I know of great concern particularly to the gentleman from Alaska, the preservation of Boston Light.

Mr. Speaker, I commend all involved.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. STUDDS], the gentleman from Alaska [Mr. YOUNG], the gentleman from Michigan [Mr. DAVIS], in fact all who worked with us on this bill. It does in fact have many small provisions, all of which are critically important to the operation of the Coast Guard, to which many have contributed many long hours.

I also want to cite the contributions of the one of this body's newest Members, the gentleman from Mississippi, Mr. GENE TAYLOR. GENE TAYLOR has been very active in helping resolve the vessel complement problems in the Gulfport area, and while a new Member he has done a remarkable job in bringing that issue to a conclusion successfully. I want to compliment him on his efforts as well as thank all the Members for their cooperation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS. Mr. Speaker, it is a pleasure, as always to work with the gentleman from Louisiana [Mr. TAUZIN], the subcommittee chairman of the Coast Guard and Navigation Subcommittee. As usual, it is a good job, and there has been a lot of cooperation between the majority and minority on this particular legislation. We have a good piece of legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and agree to the resolution, House Resolution 296.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DEPLORING ESCALATING VIOLENCE IN EL SALVADOR, CALLING FOR IMMEDIATE CESSATION OF HOSTILITIES

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 236) deploring the escalating violence in El Salvador; condemning the killing of innocent civilians, including six Jesuit priests; and calling for an immediate cessation of hostilities.

The Clerk read as follows:

H. CON. RES. 236

Whereas violence in El Salvador has reached unprecedented levels with the military offensive begun by the Farabundo Marti National Liberation Front (FMLN) on November 11, 1989;

Whereas hundreds of civilian casualties have resulted from fighting in densely populated areas;

Whereas due to the intensity of the fighting the Red Cross and other humanitarian organizations have not been able to provide basic medical treatment or other support;

Whereas escalating violence preceding and following the FMLN offensive has resulted in numerous incidents of brutality;

Whereas six Jesuit priests and two others in their household were brutally assassinated;

Whereas President Cristiani of El Salvador has ordered that an immediate and thorough investigation be conducted of the barbaric murder of the six Jesuits;

Whereas continued guerrilla warfare in populated areas will further jeopardize innocent life;

Whereas the Government of El Salvador and the FMLN were engaged in a dialog to seek a political settlement of the conflict in El Salvador;

Whereas the people of El Salvador have repeatedly demonstrated a clear preference for a democratic system of government based on respect for the dignity of the individual: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring)—

(1) deplores the continuing violent hostilities in densely-settled areas and calls for a disengagement of the military forces of both sides and to allow the Red Cross and other international humanitarian organizations to provide medical attention and supplies to the civilian casualties;

(2) condemns the FMLN for initiating on November 11, 1989 the military offensive in El Salvador which has led to the death of hundreds of innocent civilians;

(3) urges the Government of El Salvador and the FMLN to immediately resume a peaceful dialog as scheduled in Caracas, Venezuela leading to a political settlement of the conflict;

(4) deplores and expresses its strongest revulsion at the heinous murder of six Jesuit priests and two women and demands that those responsible be brought to justice and punished for their crimes;

(5) states unequivocally that a satisfactory resolution of this case is a pivotal test of El Salvador's democratic and judicial institutions and will be instrumental in determining continued U.S. support for the Government of El Salvador.

The SPEAKER pro tempore. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the debate be extended 20 minutes, to be divided and controlled by myself and the gentleman from Michigan [Mr. BROOMFIELD].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I want to advise those who are listening and watching that it is our intention to ask for a rollcall on this resolution. I will not take much time, Mr. Speaker. There has been considerable debate on this subject already. This is a very serious matter.

We have many requests for time, and we will try to accommodate as many people who indicate to us they would like to discuss the resolution, as is possible.

The important thing as far as the resolution is concerned, and I think I ought to read it, is the resolving clause, so that those who are listening and watching can get the exact language.

House Concurrent Resolution 236 represents an effort to speak in a unified voice in this body on what is one of the great tragedies of our time. It revolves, Mr. Speaker, that the Congress, first, deplores that continuing violent hostilities in the densely-settled areas and calls for a disengagement of the military forces of both sides and to allow the Red Cross and other international humanitarian organizations to provide medical attention and supplies to the civilian casualties;

Second, it condemns the FMLN for initiating on November 11, 1989 the military offensive in El Salvador which has led to the death of hundreds of innocent civilians;

Third, it urges the Government of El Salvador and the FMLN to immediately resume a peaceful dialogue as scheduled in Caracas, Venezuela leading to a political settlement of the conflict;

Fourth, deplores and expresses its strongest revulsion at the heinous murder of six Jesuit priests and two women and demands that those responsible be brought to justice and punished for their crimes;

Fifth, states unequivocally that a satisfactory resolution of this case is a pivotal test of El Salvador's democratic and judicial institutional institutions and will be instrumental in determining continued United States support for the Government of El Salvador.

Mr. Speaker, all of us are frustrated, all of us are horrified at the course of events in El Salvador.

We had hoped with all of our hearts in this Congress, regardless of our political affiliation or our feelings, that some way, somehow the expression of democratic intent that has occurred by the people of El Salvador several times now under the most difficult of circumstances, would at long last bring some resolution to the conflict in El Salvador.

We had hoped, of course, that with tremendous interest and effort of not only the United States but many other nations, that economic improvements could be made in El Salvador where 70 to 80 percent of the people are constantly out of the mainstream of anything that goes on, either economically, socially, politically, or otherwise. But that has not been the case.

Yet we never know, Mr. Speaker, what will ultimately happen. We see today a change in the whole world attitude with respect to the confrontation of 40 years of existence between the superpowers, a whole change in the relationship that exists in Eastern Europe.

□ 1510

Who knows, maybe the same kind of spirit can take hold in countries where, for generations literally, there has been the kind of conflict that has existed, the kind of economic disparity, the political instability, the kind of horror that has taken place in El Salvador. I do not know that any one person has the answer.

There comes a time when maybe we get so frustrated we want to send a plague on every person's house; and violence, there is no justification for violence. We would hope that some way could be found to end the brutality that exists in El Salvador and other countries. The world today faces perhaps 20 or more undeclared wars in which people are using violence one way or another, either to express their political opinion, to right a cause or to justify their position, whatever it is.

However, all Members know and see that what happens, as did happen in so many cases, and as happened in El Salvador, that innocent people are brutally murdered, men, women, children, priests. It is hard to make any justification on either side for that kind of barbarity, but at least this Congress has never been hesitant about speaking up on where the United States stands on the issues.

This resolution does that. We call attention to the fact, Mr. Speaker, that we deplore the increased violence. I am not here to say, and this resolution is not here to say whose fault it is and whose fault it is not. The point is that we are saying that yes, the people of El Salvador, they have an elected government. Yes, there is a responsibility on that government. Yes, there is a responsibility for those who established the increased violence in order to either better their position for whatever purposes, whether it was to negotiate or to make a statement or whatever. However, to use the lives of innocent people in order to make that statement, is unacceptable to Members. So we express in the strongest possible terms our condemnation of what went on there, and we also say to the duly elected government in El Salvador, here is the real test for El Salvador on the establishment of the democratic principles, which the people themselves fought and died for, and went to the polls several times to announce, to encourage, and to implement. We in the United States are anxious to help to bring an end to the violence, to have peace in El Salvador and in Central America, to have people stop killing themselves. We will use what El Salvador does in the implementation of the democratic principles as a test of what our future relationships will be.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, Central Americans are experiencing the senseless bloodshed that has characterized the civil wars in that region in recent years.

We should begin this debate by putting the violent events of the last several days in perspective. This whole conflict is about two ends against the middle.

The violent left and the violent right will do everything they can to bring down the freely elected Government of El Salvador.

The brutal murder of six prominent Jesuit educators and their cook and her daughter demonstrates that there are no limits to savagery among extremists.

Last Saturday, a military offensive was launched by the FMLN—the leftwing extremists. Its purpose was clear. They wanted to decapitate the legitimate Government of El Salvador. A government that had been chosen by the people of El Salvador.

In a free and fair election, the people came out in large numbers, in the face of rebel bullets, and registered their choice. What the rebels lost with ballots, they're trying to recapture with bullets.

We have learned the basic elements of the guerrilla plan of attack. These plans make it very clear what this offensive is all about. The rebels planned to assassinate President Cristiani and other top officials in his government.

Let's consider who these officials are. They are the equivalent of President Bush and Vice President Quayle. They include the equivalent of our distinguished Speaker, Mr. FOLEY, and the Senate's distinguished majority leader, Senator MITCHELL.

All of these freely elected officials of the Salvadoran Government were being shadowed by leftwing terrorist units whose sole mission was to hunt them down, corner them, and kill them.

The guerrillas failed. First, they failed because Salvadoran security units responded quickly and effectively.

There was a time when the Salvadoran military was a poorly trained fighting force. That has changed. It's changed because this Congress has voted on several occasions to help El Salvador build an army that is professional, combat ready and strives to be free of corruption. This is no time to knock down what we have helped build up.

Second, the guerrillas failed because the people of El Salvador refused to rally to a bloodthirsty band of Marxist terrorists. Any Salvadoran who has read a paper or listened to a radio or watched a television knows what Marxism has brought to East Germany or Ethiopia, or, particularly, to their next door neighbors in Nicaragua. Marxists have nothing to offer the people of El Salvador but violence, poverty, and political servitude.

Their assassination strategy didn't work. Now the rebels are executing the second part of their strategy. It's equally immoral, and we should condemn it.

The rebels have taken their campaign of terrorism to the poorest neighborhoods of San Salvador. They are holding the poor at gunpoint in their own homes. Marxists who say they would save the poor are in truth using the poor to save themselves.

The rebels are taunting the Salvadoran Army. Come and get us, they are saying. See if your bullets can kill us without also killing innocent men and women and children.

There are the tactics of immoral men. To his credit, President Cristiani has urged his military to use maximum restraint. His policies have no doubt saved many innocent lives.

But it's clear that there are elements in the military and elements beyond the reach of the Cristiani government that know no restraints.

No one knows who assassinated the six Jesuit educators. I've heard Assistant Secretary Bernard Aronson say that it's quite likely that the assassins were members of the extreme right. It's not only possible; it's entirely probable. They have just as much reason to bring down the Cristiani government as those on the left.

The rightwing claims that the terrorist tactics of the left justify the terrorist tactics of the right. The leftwing claims that the tactics of the right justify the tactics of the left.

Today the situation in El Salvador is being driven by the insane bloodlust of the extremes. El Salvador's only hope is that its future will be ordered by the politics of the democratic center.

Someone must call a stop to the violence in El Salvador. The only person with the authority to so is President Cristiani. He has taken the necessary first step. He has pledged to launch a swift, fair, and thorough investigation of the murder of the six Jesuits.

His many supporters on both sides of the aisle in this Congress expect this to be done. We demand that it be done. And he knows it.

Next, we must have a cessation of hostilities.

First, the guerrillas must agree in principle to lay down their weapons and walk peacefully out of the major urban areas.

Second, once the guerrillas agree in principle, the army should stand down and allow the guerrillas safe passage.

Third, both sides should return to the negotiating table.

I know that such a plan will produce heated criticism within some elements of the Salvadoran Army.

Yet there are limits in war. There are boundaries in human conduct which no army should be allowed to cross, no matter how brutal the enemy it faces. I know there are responsible officers in the Salvadoran Army who can be counted on to safeguard the lives and property of their own people. We should be prepared to support those officers.

Now and most important—this resolution should make it clear to President Cristiani's government and the Salvadoran military that their conduct will determine the future of United States policy and assistance toward El Salvador.

Finally, this resolution will demonstrate to Salvadorans that the United States is prepared to help strengthen the democratic center and bring down the violent extremes. I urge support for this resolution.

□ 1520

Mr. FASCELL. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong support of this resolution which deplores the violence in El Salvador; condemns the killing of innocent civilians, including the brutal slaying of six Jesuit priests; and calls for an immediate cessation of hostilities.

We are in a flurry of activity trying to finish up mattters of business before we wrap up the session. But colleagues, believe it or not, the real world goes on. While we are working to settle our differences in several appropriations bills, reconciliation, sequestration, catastrophic, and so forth, violence in El Salvador has reached crisis proportions. That forever struggling nation is in a state of emergency.

We were all horrified to hear of the deaths of the six Jesuit priests. However, let us be clear about one thing. We are not saying that the brutal murder of these priests was any more cruel or their lives any more important than the 70,000 murders that preceded theirs.

What we are saying is that their deaths—the deaths of individuals who dedicated and risked their lives to promote peace in El Salvador—symbolize something monumental. These were very special individuals recognized and respected internationally. Their deaths send a message which is loud and clear: If these particular men are not safe, then no one is safe. In El Salvador, civilization has ceased. Life has no meaning.

In a civilized nation, members of the religious community are allowed to move more freely among those in combat. They comfort the wounded, the children, the elderly. They provide gentle human aid during a time when there is nothing else. * * * in the Society of Jesuits. The Jesuit represented however as well as * * *.

We in this democratic system of government always proclaim to the world that President Cristiani and his administration were democratically elected. However, if anarchy prevails, no democracy can possibly exist.

We in the United States are supplying the Government of El Salvador with economic and military aid. We are the proud beacons of democracy in this modern world. But, we cannot have it both ways. Democracy must prevail. Or we should withdraw our aid without hesitancy or apology.

I urge my colleagues to join me in support of this very important message.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 236, deploring the escalating violence in El Salvador. And I commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida and our ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD] for providing this vehicle for expressing our concerns about the bloodshed in El Salvador. The forces of decency and humanity compel us to call for an end to the violence and bloodshed of the El Salvadoran civil war. The violence and anguish that has plagued that nation has recently manifested itself in the killing of six Jesuit educators as well as their cook and her daughter, demonstrating that indiscriminate violence knows no bounds.

Last week, we became aware of an attempt by the FMLN to lay siege to the city of San Salvador. Their plan included the assassination of certain key Government officials, including President Cristiani. The guerrillas also attempted to assassinate several key figures in the Salvadoran military. Thank heavens their plan ended in failure. We must somehow convey the message to these people that violence

only begets further violence. There have been over 1,000 casualties in the last few weeks.

Press reports indicate that these deaths of the priests may have been caused by the extreme right. It is critically important to bear in mind that the extreme right is not under President Cristiani's control, and that right wing elements have as much to gain from trying to reduce the Cristiani government's credibility as does the FMLN.

The extreme right and the extreme left are determined to do everything they can to destroy the newly elected Government of El Salvador.

The escalated violence is affecting all aspects of Salvadoran society. Mr. Speaker, it behooves all of us in this body to call upon both the extreme right and extreme left to cease hostilities and to begin discussions once again.

Accordingly, I urge the strong support of this resolution to demonstrate to the Salvadoran people that the United States Congress is anxious to help them democratize, and to demonstrate to the Salvadoran Government that future United States assistance depends on their cooperation in investigating all wanton acts of violence.

Mr. FASCELL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, I wish to thank the distinguished chairman for allowing us this opportunity to express our views on this before we all break to go home to our families, so that we can give support to those innocent people who are caught in the crossfire in that country.

Mr. Speaker, I rise in support of this resolution and to thank the distinguished chairman for this opportunity to express our outrage at the turn of events in this country torn by violence.

I support this resolution deploring the continuing violent hostilities and calling for a disengagement of the military forces of both sides and to allow the Red Cross and other international humanitarian organizations to provide medical attention and supplies to the civilian casualties.

I support this resolution urging an immediate resumption of a peaceful dialog as scheduled in Cararcas, Venezuela, to lead to a political settlement of this conflict.

I support this resolution deploring and expressing our strongest revulsion at the heinous murder of six Jesuit priests and two women and demanding that those responsible be brought to justice and punished for their crimes.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of this constructive resolution. Yesterday, I wrote President Bush urging him to use his unique influence to end the bloodshed in El Salvador.

The text of my letter is as follows:

DEAR MR. PRESIDENT: The brutal murders of six Jesuit priests, their housekeeper and her daughter yesterday and the strafing of urban neighborhoods by the military, have forced me to reassess my support for our policy in El Salvador.

I have consistently supported aid to El Salvador and endorsed the efforts of President Duarte to find a middle ground between the violent right and left. However, it is becoming increasingly evident that President Cristiani cannot control the actions of the military. As a result, human rights abuses and repression are increasing. Innocent civilians bear the brunt of this chronic violence.

Yesterday, the House of Representatives approved the foreign aid appropriations bill, which included more military aid to the government of El Salvador. Yet, after a decade of U.S. aid, I cannot see measureable progress toward resolving the fundamental economic and political problems which underlie the conflict there. I believe the United States cannot stand blindly by, providing military aid but denying responsibility for how it is used and the suffering it brings.

I urge you to use your considerable influence to bring about an immediate cease-fire and support a negotiated end to the conflict in El Salvador. When Congress next addresses aid to that country, the purpose and consequences of U.S. aid will undergo a fresh examination. But right now, we need your efforts and leadership to bring an end to the bloodshed.

Sincerely,

DAN GLICKMAN
Member of Congress.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, I rise in strong support of this resolution presented by the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], and the ranking member, the gentleman from Michigan [Mr. BROOMFIELD].

Mr. Speaker, it is clear that the violence from both extremes is again dominating the events in El Salvador the past few days. It is clear that the provocation and the attack by the FMLN within the civilian community of San Salvador has cost numerous lives within that country.

It is also clear, Mr. Speaker, that the barbaric slaughter of the 6 Jesuit priests has represented the Cristiani government with a fundamental test to prove whether it is going to be a Cristiani administration, or D'Aubisson administration.

The evidence seems to indicate that the far right is more likely to be the perpetrators of this heinous crime. We in this body rise to not only condemn these heinous actions, but to call upon the Cristiani government to put the full force and effect of its government behind the investigation and prosecution of those responsible.

I hope that they will move further and faster than they have in the San Sebastian murders, even though they have taken action.

We must find ways to assist that government of El Salvador to end the political violence in El Salvador. But the way to eliminate that political violence is not by creating another Guatemala, where the United States cut off aid, giving the right the excuse to cut out the democratic center of that country and wage brutal warfare against the citizens of that troubled nation.

Mr. Speaker, the Cristiani government has forced the Salvadoran Armed Forces to prosecute the San Sebastian case, and deaths associated directly to government forces have been dramatically decreased over the last year.

□ 1530

The greatest challenge, however, Mr. Speaker, to the Government of El Salvador is to establish, not only a professional law enforcement system to protect the citizens and the human rights of the individuals but also to create a viable judicial system, which does not exist today, to provide the rights and protections for the individuals in that country, and it is incumbent upon the Cristiani government to take the lead and be strong.

Mr. Speaker, as we condemn the violence on both extremes, I must recall the meeting I had with Miguel Castellanos in San Salvador earlier this year who was a former commander in the FMLN and who had defected from the FMLN several years ago. Mr. Castellanos had been speaking out against the violence of the FMLN. The very next day after our meeting he was assassinated by the FMLN in San Salvador.

The people of El Salvador want the war to stop and for the political extremes to be reined in, Mr. Speaker, Mr. Cristiani must act now.

Mr. BROOMFIELD. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of this resolution. I commend the chairman, Mr. FASCELL, and the vice chairman, Mr. BROOMFIELD, for bringing this resolution to us.

The Marxist FMLN guerrillas have attempted throughout this year to destabilize democracy in El Salvador. Increasingly brutal attacks on Government figures and innocent family members have been used by the FMLN in an attempt to provoke bloody reprisals by the military. That the Cristiani government and the military responded with restraint only seems to have served to make the FMLN more extreme in its tactics to target innocent Salvadorans.

The urban offensive launched by the FMLN on November 11 was the bloodiest, most brazen attack yet on humble Salvadorans who were used as human shields for the terrorists.

I frankly, am dismayed that following the initial stages of the fighting led by the FMLN, there was no bipartisan resolution expressing outrage at the callous disregard for human life demonstrated by the FMLN offensive.

Are some of my colleagues saying that humble Salvadoran men, women, and children whose identities are unknown are somehow of less value than six Jesuit priests? Certainly, it is right that we all join together to express our outrage and condemnation of the barbaric murder of these six priests and two women.

But, where was the outrage for all the other innocents killed as a result of the FMLN offensive?

In our rush to pass judgment on alleged rightwing death squads, we must not jeopardize the lives of millions of other innocent Salvadorans who have braved adversity, economic hardship, and death to align themselves on the side of democratic government and the free electoral process.

The objective of United States economic and military assistance to El Salvador for the past 10 years has been to foster democratic institutions and strengthen protection of human rights and civil liberties. While some critics complain that we have not fully achieved those goals, I only ask that they consider where we would be in El Salvador if we had not provided that aid. What we would have in El Salvador is another Nicaragua.

It is ironic that at the same time this Congress is trying to achieve in Nicaragua the conditions to allow free and fair elections, the sponsors of this amendment seek to jeopardize all that has already been accomplished in El Salvador, which has carried out five successful democratic elections.

United States aid to El Salvador has not been just a humanitarian gesture on the part of the American people to show our good will to a southern neighbor in need. It has also been a very significant investment in preserving U.S. national security interests in the Western Hemisphere. We've given aid because it has been the right thing to do for our own interests.

For those who believe it is now necessary to cut off or further condition aid to El Salvador, it makes no sense to punish ourselves in the false belief that we are somehow going to punish as yet unidentified perpetrators of the outrageous murders of six priests.

In our efforts to strengthen democracy and human rights in El Salvador are to succeed, we have to show ourselves and the Salvadorans that we believe they are capable of administering a system of justice that brings punishment to the guilty no matter who they are. To deny President Cristiani the opportunity to demonstrate his control over his own Government before he has the time to carry out a thorough investigation of this crime does a disservice to him and to our own sense of orderly judicial procedure.

No one in this Congress can help but condemn the unspeakable barbarity of the assassinations of the six priests. But we also must not forget the hundreds—the thousands—of other innocent Salvadorans who have been killed as the result of the brutal guerrilla warfare that has shaken El Salvador for 10 years. The majority of Salvadorans have chosen the political path of democracy over the military path of war. We must not abandon them to the tyranny of armed terrorists seeking to win with the gun what they could not win with the vote.

I reject the emotional response to punish democracy and reward terrorism.

It is imperative that we remember what we are trying to accomplish in Central America: To promote free and fair elections. If we send a message that we're on the road to abandoning the achievements of democratic institutions in El Salvador then we have no hope of establishing democracy in Nicaragua.

All of us deplore the violence that has devastated El Salvador over the past 10 years, and the events of this past week only serve to magnify our concern that irrational forces are brutalizing the people of that country without regard for human rights or civil liberties.

When the FMLN guerrillas launched their urban offense last weekend, they demonstrated once again their total contempt for innocent men, women, and children as they sought to shield themselves behind civilians. FMLN tactics deliberately placed humble Salvadorans at risk in this latest offensive, and they continued their strategy of trying to provoke a brutal reaction from the Salvadoran military. Although it is not yet completely clear who carried out the assassination of the six Jesuit priests and two women, these murders have been condemned by both the Salvadoran Government and our own. We join in the expressions of outrage that have denounced this heinous act.

To his credit, President Cristiani has called for an immediate and thorough investigation of this barbarous atrocity, and we in the Congress expect and demand that upon completion of a full investigation those determined to be guilty will be brought to justice.

As shocking as the deaths of these Jesuits priests are—and they are—it must be remembered that the Marxist guerrillas, the FMLN, who led this offensive against the Government of El Salvador had the specific objectives of assassinating the President, the Vice-President, and the leaders of the National Congress as well as killing military officials and reducing the democratically elected Government to chaos.

The FMLN guerrillas do not have a monopoly on justice and virtue, for they have engaged in a series of calculated attacks and assassinations of innocent Salvadorans on their own. The Minister of the Presidency was assassinated shortly after the inauguration of President Cristiani, the Governor of the State of Usulutan was executed by the FMLN, the house of the Vice-President-elect was bombed while his children were at home, the home of the mother of the Minister of Defense was bombed, and the daughter of a leading army officer was killed by the FMLN during the talks going on in Mexico between the Government and the guerrillas, to cite just a few examples of FMLN terrorist tactics.

The cost of the guerrilla war against the Salvadoran Government also cannot be ignored. United States economic and military assistance has totaled billons of dollars over the past 10 years, yet damage to the Salvadoran economic infrastructure from the FMLN guerrillas has totaled more than $2 billion. That in conjunction with the devastation from the 1986 earthquake demonstrates United States aid has barely kept the Salvadoran economy afloat. Without our help, the democratic advances and economic reforms being attempted in El Salvador would not have had a chance.

Captured documents and weapons demonstrate this FMLN offensive has been planned for months, long before the October 31 bombing of the Fenastras Union offices, which guerrillas have claimed was the catalyst for this latest offensive. On October 18, Honduran officials captured a truckload of Soviet bloc weaponry destined for the Salvadoran guerrillas being sent from Nicaragua. The truckdriver admitted he had been delivering weapons monthly from Nicaragua since August 1988. This October 18 discovery came after the Tela accord in August where Nicaraguan leader Daniel Ortega admitted the Sandinistas had been supplying the Salvadoran guerrillas but pledged to stop doing so as part of the Tela agreement.

It is a cause for great concern that at a time when it appeared that both sides were engaging in a dialog to seek a political settlement to the conflict in El Salvador the FMLN guerrillas should undertake a massive military offensive. Whatever the FMLN was attempting to prove, it is incumbent upon both sides to return to the negotiations and that both sides engage in an honest effort to seek a political solution to the crisis affecting El Salvador. Cristiani has agreed to do so.

Until he proves differently, President Cristiani deserves our continued support for his efforts to strengthen democratic institutions in his Nation and to advance the cause of human rights and civil liberties and to oppose the efforts of a band of armed guerrillas trying to take by force what they are unable to accomplish through democratic, political means.

As we condemn the atrocities of the left, we also condemn those of the right. It is imperative that we make clear our strong revulsion at the deaths of the six priests and two women, and that satisfactory resolution of this case is a critical test of El Salvador's democratic and judicial institutions and will be instrumental in determining continued United States support for the Government of El Salvador.

I urge support of this resolution.

Text of letter to President Bush from President Cristiani:

NOVEMBER 19, 1989.

To President Bush:

As I expressed in our telephone conversation, we are extremely concerned with the reappearance of violent acts such as the brutal assassination of the Jesuit priests, an act which we have condemned in the strongest terms.

It is our firm commitment to investigate this despicable crime and have justice prevail by punishing those who are guilty, whoever they are. We cannot permit that violent radical groups from the right or the left interfere with the consolidation of our democratic process and the search for peace through rational means.

It is in this context that we have requested the support of Spain, Great Britian, and your government by way of experts in the field of investigation, so that our own means can be enhanced in the search for justice.

In the hope that we can, one more time, count on your acquiescence, I remain respectfully yours.

Alfredo Cristiani.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, we are often accused of attempting to solve problems by throwing money at them. This is what United States foreign policy in El Salvador has been for the last 10 years. Enough is enough.

We can stand here and argue for hours about who is worse, the Government, the military, or the FMLN. We can stand here and bicker for hours about who is responsible for the horrible and tragic deaths of six Jesuit priests, their cook, and her daughter. We can blather on for days about who is responsible for the deaths of over 70,000 innocent civilians, killed during the civil war that has raged on for too long. Or, we can do something. This resolution is just a small step in the right direction.

Hours ago Member after Member of this body stood up during the debate over whether to consider a 30 percent reduction in aid to El Salvador, expounding on the necessity of learning the facts, of applying a system of rational blame to the needless deaths in El Salvador. Where has their concern for the facts been for 10 years? Where has the administration been in pressuring the Salvadoran Government into bringing murderers to justice? Where is the assassin of Archbishop Oscar Romero, killed while he was giving mass in church? Where is the murderer of Herbert Anaya, prominent human rights activist? We have been exercising caution while we have been waiting for the facts.

Ten years is too long to have to wait for the facts. It is too long to sit by and watch the people of El Salvador—the people who are neither aligned with the right or the left—be killed. It is time that we, who have had no small part in this war, take responsibility for what we are doing. This is a small step and it is the right step.

I urge my colleagues to lend their support to this fair and reasonable request for all parties in El Salvador to immediately cease hostilities.

Mr. FASCELL. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 236. This resolution affords all Members of this body the opportunity to express our outrage with the brutal killing of the Jesuit priests and hundreds of others who have died in senseless acts of violence in El Salvador.

I am also outraged that the FMLN would launch a hopeless and senseless military attack against the elected government of El Salvador in urban areas where they must have known innocent men, women, and children would be killed.

Mr. Speaker, I am convinced that President Cristiani is a man personally dedicated to democracy and freedom in El Salvador. I am convinced he wants to end the violence in his country. However, Mr. Speaker, I am not convinced he has the power to establish order and end the fanatical rightwing death squad activity.

In light of the fact that we provide El Salvador more than $1 million a day in military and economic assistance, President Bush has a special responsibility to do everything within his power to help President Cristiani bring the rightwing death squads to justice.

Let us not forget that President Bush is the chief architect of foreign policy, and no one in this country can argue that his hands have been tied in dealing with El Salvador. President Bush has already condemned the killings and communicated his strong desire to President Cristiani that the rightwing extremists are brought to justice for the brutal killings of the priests.

However, Mr. Speaker, more is needed. President Bush should call for an immediate cease-fire. He should make it clear that military equipment provided by the United States cannot be used to bomb or strafe urban areas.

Last, he should encourage the Cristiani government to more actively seek a negotiated solution.

Mr. Speaker, I, like other speakers here today, condemn the violence from the far right and on the far left. I do not think that we should turn El Salvador over to the FMLN, so the only other choice that we have is to support those voices of moderation in El Salvador that are being shot at from the far right and being shot at from the far left. I happen to believe that President Cristiani is one of those voices of moderation, and I do not think we have any other choice but to try and support him in his efforts to restrain the rightwing death squad activities as he tries to restore order to a tragic war-torn nation.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from California [Mr. LAGOMARSINO], my colleague, recently said that Mr. Cristiani deserves our continued support, and I agree with that, and for that reason I have some problem with this resolution.

If my colleagues look at section 5 on the last page, it states unequivocally that a satisfactory resolution of this case is a pivotal test of El Salvador's democratic and judicial institutions and will be instrumental in determining continued United States support for the Government of El Salvador.

Mr. Speaker, there is an implied threat in that language that we may cut off aid to El Salvador if they do not find out who these people are, and that may be very difficult. I do not know. Sometimes we are called ugly Americans because we are hated by the Communists, and we are then hated by people who love democracy because we abandon them. We do not want to reward Communist aggression. We do not want them to gain by aggression what they cannot win at the ballot box.

□ 1540

There is a double standard being applied. The Communists kill civilians and government leaders. They send notes to village mayors giving them 24 hours to resign. They say, "Leave town or be killed."

Many here say nothing about that, but an allegation that government troops killed these priests and some spring into action by wanting to cut off aid, and that sends the wrong signal.

Sure, we want those brought to justice who killed these priests. President Cristiani is going to do his level best to see that this is done; but we should not threaten to abandon him or his country. We should not send this kind of signal. We should not reward ag-

gression. We should not let Communists gain by war what they cannot win through the ballot, and this language at the end of the resolution says that.

People in East Germany, Poland, Hungary, Czechoslovakia, and the Soviet Union are fighting for freedom they have not had for over 40 years. Let us not condemn those who have freedom in El Salvador to the tyranny that those in Eastern Europe have had to endure.

This language in section 5 of this bill implies that we may cut off aid if they do not find out who killed those priests. I take issue with that. I want them to find out who killed these priests. They should be brought to justice, but the duly elected Government of El Salvador, that democracy should not be imperiled because of language like this.

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time. I commend him and the gentleman from Michigan [Mr. BROOMFIELD] for bringing this resolution to the floor. I think it is balanced and I think it recognizes what we all recognize, and that is that there is far too much violence in El Salvador and it has got to stop and it has got to stop by recognizing the value of the negotiations, and hopefully this will help get both the guerrillas and the Government back to the negotiating table.

I think it also recognizes that a democratically elected government, such as exists in El Salvador, cannot be a democracy just simply by having an election. It must be able to assure full participation in that democracy by its citizens, and right now there is a cancer loose in the country of El Salvador, and it is the death squad. I think if it is not put to rest, if it is not ended by the power of the President of El Salvador and the power of the President of the United States with respect to funding, we will see that it will be the rightwing, it will be the death squads that bring down the Government in El Salvador, not the FMLN. We will see that in fact it will be the death squads that turn people against this Government. This has got to stop. You cannot have a democracy that is enforced by death squad activities.

Now we are spending $4 billion. We have a voice in trying to influence the Cristiani government. I am convinced that he recognizes the need to stop these activities, but we have stood on the floor of this Congress after each one of these horrendous killings and we have asked for justice, we have asked for arrests, we have asked for prosecution and we have asked for penalties, and none of that has occurred. I think that is why this is a pivotal resolution, because if it does not happen, there will not be democracy in El Salvador and there cannot be a continuation of the funding from this Congress.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], a member of the Foreign Affairs Committee.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding me this time.

You know, saying negotiations does not mean you can have negotiations, especially if one side wants to shoot their way into power. That has been the history of the Communist FMLN since they were organized. They were invited, begged to participate in the elections. They have not done so until the last election when they got about 4 percent of the vote. They do not have popular support.

We say "cease-fire, cease-fire," while the last meeting in October in Costa Rica was occurring between the FMLN and the Cristiani government, they were already preparing to try to turn San Salvador into Beirut. They did not come to those meetings with good faith.

Now, Cristiani, the poor man, is in the middle. He is being pressured from the right and from the left, but he is the last hope for democracy in that country. I would hope we would remember that foreign policy is what is in our best interest, in America's best interest, and then secondarily what is in other people's best interest.

I submit turning that country, that bleeding country of El Salvador over to the FMLN because perhaps they have not satisfactorily resolved the murder of these priests, would certainly not be in our best interests.

I submit turning that country, that bleeding country of El Salvador over to the FMLN Because perhaps they have not satisfactorily resolved the murder of these priests, would certainly not be in our best interests.

Judicial institutions, how would you like to be a judge in Colombia? How would you like to be the Minister of Justice in Colombia? It is easy to say that we ought to find these people and prosecute them. It is very difficult in a country where you can get shot in the head when you turn a corner.

I remember President Zia of Pakistan and Ambassador Rafeal, two fine people who were assassinated in an airplane, that has not been solved yet. Should we walk away from Benazir Bhutto? Should we say not longer will we support a country because they have not satisfactorily resolved the murder, the assassination of our Ambassador and the President of the country? I do not think so.

Our role ought to be to support, strengthen, sustain the forces of democracy, not threaten them or walk away from them. I hope and I pray that Cristiani can find—the words escape me without being profane—those who performed this dastardly deed, and I hope they get everything that is coming to them, but I hope we do not abandon democracy by yielding to those who really would like the FMLN to win.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of House Concurrent Resolution 236, and I commend the gentleman from Florida and the gentleman from Illinois for bringing it to us and suggest that the death of the six Jesuits is a watershed event that has to be dealt with.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I rise in support of the resolution.

The American taxpayer is a patient soul. But it troubles the souls of all Americans that our tax money is being used to prosecute the civil war in El Salvador, when the issues of contention are so murky and where both sides seem ready to slaughter innocent civilians to gain tactical and territorial advantage.

Certainly, we cannot in any way excuse the terrible and violent deeds against noncombatants that the same elements of the FLMN have committed. The assassinations, acts of terrorism, and intimidations carried out by FLMN military and paramilitary forces are shocking to Americans.

On the other hand, the frequent forays of the right wing death squads some—allegedly abetted by elements of the El Salvador military are equally shocking.

The latest deeply disturbing horror is the senseless torture-slaying of six Jesuit priests and two other innocent civilians under circumstances strongly suggesting complicity by the El Salvador military.

While this resolution by Congressmen FASCELL and BROOMFIELD carries no sanctions or threat of cutoff of U.S. support, it nonetheless signals our profound grief over that barbaric act and our determination that the perpetrators be brought to justice.

It also serves notice to the Government of El Salvador that Congress will not endlessly support assistance to the government there if that government or its military fails to drastically improve its so far tragically inadequate human rights record.

Mr. FASCELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, the death squads are back in El Salvador.

The military and the right wing are engaged in a campaign of terrorism against the church community and all opposition voices.

A week ago, the military searched the Jesuit residence at the university. On Thursday, six of those Jesuits, their housekeeper and her

15-year-od daughter were brutally assassinated.

On Friday a 11 Lutheran clergy were picked up by the Treasury police, held overnight, and expelled from the country.

On Sunday, the codirector of the Episcopal Social Agency was taken from his home by uniformed military men. This morning they came back for his wife and all international workers and Salvadorans at his church. We still do not know the whereabouts of any of these people.

This has got to stop. We have gone back to the dark days when Archbishop Romero, and the four nuns were assassinated.

We cannot allow innocent people and church workers to be killed just because they dare to speak out.

Over the weekend the attorney general of El Salvador wrote a letter to the Pope asking him to recall his clergy who are "keeping alive the questionable ideology of the church of the poor" because the Salvadoran Government could no longer protect these people.

Well if the Salvadoran Government cannot protect such people we must, and that is what the Obey amendment does. It tells the right-wing death squads that the killing of priests and innocent church workers has to stop or else U.S. military aid will stop.

It is the only message that worked when Romero and the nuns were killed. It is the only message the death squads will understand today.

At a time when the whole world is being swept by democracy, in El Salvador unfortunately the door is closing.

We cannot remain silent while these crimes continue. The United States Government pumps over a million dollars a day into El Salvador.

We in Congress must reexamine this policy. Both sides must get back to the negotiating table. The killing must stop.

Send a message to the death squads, vote for the Obey amendment.

Mr. FASCELL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

I support this resolution, for last week in El Salvador six good men, six men of God were killed. They were not terrorists. They were not guerrillas. They were men of God.

These priests were not armed with bombs nor guns. They were armed only with a dream, the teachings of the Great Teacher.

The senseless violence and killing must stop. It must end now.

In this body and throughout the Nation, there should be a sense of righteous indignation. As a nation and as a people, we must show the world that we will not stand by and continue to provide financial support to a government that allows this kind of violence to continue.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I rise in support of this resolution and as a cosponsor of the resolution.

This resolution gives us the chance after the last week of violence in El Salvador to speak out, to speak out in carefully measured, but strong words, to speak out against the violence that has killed so many civilians in the guerrilla offensive, to speak out against the terrible murder of six Jesuit priests and others, to speak out against the previous assassinations of mayors and an attorney general in that country.

It also gives us a chance to speak for something, to speak for resuming the dialogue, speak out for bringing peace along with democracy to El Salvador.

There are several tests that a democratic government has to meet. One test is to be elected in a fair and free election. That test has been met by the Government of El Salvador, and that is why they have received our support; but there is a second test, and that test for a government to call itself democratic is to protect the human rights of its citizens.

□ 1550

That is a test that the Government of El Salvador is called on to meet in the next several months. If it meets that test, then I am confident that it will be able to meet a third test that any democratic government must meet, and that is to preserve itself against violent overthrow.

I urge support of the resolution.

Mr. FASCELL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of the Fascell-Broomfield resolution on El Salvador, which I am very pleased to consponsor.

I want to commend the authors of the resolution for crafting language to express our revulsion at the continuing violence and atrocities in El Salvador. I had myself intended to offer a similar resolution. I am very pleased that the bipartisan Committee on Foreign Affairs leadership has united behind a strong statement of peace and human rights in El Salvador.

The unprecedented scale and severity of the war has dismayed all of us who held out hope that the negotiations under way would bear fruit. The horrors of the past 10 days, the heavy civilian toll, the brutal murder of the Jesuit priests, only make more clear that there can be no military solution to the crisis.

The Fascell-Broomfield resolution calls for resumption of the peaceful dialogue that is scheduled in Venezuela.

Mr. Speaker, I urge my colleagues to send a strong signal on behalf of negotiations and against continuing warfare in El Salvador by supporting this language.

Mr. Speaker, perhaps even more important, this resolution makes explicit our determination to see the perpetrators of the barbaric murders of the six priests be brought to justice. It is appalling that we continue to send millions upon millions of dollars in military assistance to El Salvador without insisting on human rights improvements and official judicial action against human rights violators.

As we condemn the offenses of the FMLN which have resulted in so many civilian casualties, we must also call on the recipients of a massive U.S. assistance program to abide by minimal human rights standards. It would have been a serious mistake to adjourn without expressing to the Salvadorans in the strongest possible language our outrage and our revulsion at the brutal murders and insist that the killers of these Jesuit priests be brought to justice.

In the face of continuing bloodshed in El Salvador, we must speak with a strong and unified voice in opposition to this dire crisis. I urge all Members to send a bipartisan and overwhelming message to both sides in the El Salvador conflict.

Again, I commend the authors of the resolution and urge the Members on both sides of the aisle to support democracy and to support the Fascell-Broomfield resolution.

Mr. FASCELL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, I rise in support of the Resolution. As we all know, last Thursday six Jesuit priests and two people who they worked with were killed in San Salvador. They were mutilated and murdered. These gestapo-like executions are painfully reminiscent of the slaying of three American nuns and a lay worker who were brutalized and murdered in 1980. Two of these nuns were from my home town, Cleveland.

In 1980, the United States suspended all aid to El Salvador to pressure the Government of El Salvador to investigate the roll of the security forces in the murder of the Maryknoll nuns and a layworker.

Regrettably, the Judiciary in El Salvador was not an effective administraton of justice in 1980, and it is still not an effective nor indpendent part of the Salvadoran Government in 1989. The United States must, once again, apply pressure to the Salvadoran Government to make sure that those who are responsible for the barbaric murder of the six priests, their cook and her 15-year old daughter are brought to justice.

The United States has a fundamental commitment to human rights; and we, in Congress, have an obligation to the taxpayers to

make sure that their money is not supporting murderers or their accomplices. We must speak out about these atrocities not only for the deceased, but for the sake of the people of El Salvador.

Mr. FASCELL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I commend the gentleman from Florida and I commend the gentleman from Michigan [Mr. BROOMFIELD] for their hard work and leadership in bringing this resolution to the floor.

Mr. Speaker, the escalation in the Civil War in El Salvador, the tragic increase in death and destruction there, the serious rise in death squad activity and the recent assassinations of six Jesuit priests, the backbone of El Salvador's intellectual community, all cry out for action by the United States to change our policy.

I must state for the RECORD that I am disappointed that we do not have before us today a bill for a total cutoff of military aid to El Salvador. The sheer fact of the matter about the situation in EL Salvador is that it is American taxpayers' dollars which are paying for the war there. We send $1.5 million a day, not a week, not a month, Mr. Speaker, but $1.5 million a day to support the regime in El Salvador. Without our tremendous amount of foreign aid to this tiny country, the war could not go on.

There are very strong indications that the assassinations of the six Jesuit priests, men who devoted their lives to improving the lives of Salvador's poor and oppressed, were carried out by either members of the military or by people closely associated with the military. This belief has been stated by Archbishop Arturo Rivera y Damas, a man whose predecessor, Archbishop Romero, was murdered by right wing death squads. Even Ambassador Walker seemed surprised that the Salvadoran Government asked the bishops to leave the country in a letter to the Pope.

I am very concerned that the escalation in the war will serve as a cover under which the death squads systematically capture, torture, and assassinate anyone whom they consider to be an enemy of the Government. The dislike of the death squads for anyone who works with the poor in El Salvador, including Catholics, Lutherans, trade unionists, and human rights workers, is well documented in the history of death squad activity.

If we do not act to stop the war by cutting off funding, if we do not act to send a message to El Salvador that we will not support repression there, we will be responsible for the deaths of people whose sole goal in life has been to improve life for all Salvadorans. I urge my colleagues to support Mr. FASCELL's resolution. Thank you.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of House Concurrent Resolution 236.

Mr. FASCELL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, what a tragedy is unfolding in El Salvador. The violence comes from the left, and the violence comes from the right, and in the middle are the innocents. They walk through towns and villages with white flags, the women and the children, and yet the white flags often turn red with blood in the Salvadoran slaughter.

We need to do all we can to stop the violence, and this resolution is a start. I want to thank the chairman, the gentleman from Florida [Mr. FASCELL], and the gentleman from Michigan [Mr. BROOMFIELD], for their swift work in bringing this forward.

A cease-fire and peace talks are the only way out. My colleague, the gentlewoman from California [Ms. PELOSI], has a bill for neogtiations, and many Members are on that. We need to get to that stage. No more deaths of innocents. No more deaths of holy people.

Both sides should hear us well: guns will not win the hearts and minds of the Salvadoran people no more than guns won the hearts and minds of the Philippine people, and no more than guns won the minds of the Polish people when the Communists used the guns.

It is time to end the violence, Mr. Speaker. I am pleased to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I extend congratulations to the distinguished chairman of the full committee, the gentleman from Florida for bringing forward this resolution.

I happen to be one, Mr. Speaker, who always likes to find a silver lining in a dark cloud. The situation in El Salvador clearly is an extraordinarily dark cloud for every one of us, and yet this resolution is a silver lining within that dark cloud. The resolution is bipartisan. It is not emanating from the administration. It is emanating from the U.S. House of Representatives.

The last 72 hours have been very difficult as we have dealt with the crisis in El Salvador. This resolution really brings us together, and I would simply like to congratulate again the members of the Committee on Foreign Affairs for doing just that.

In El Salvador, we have an extraordinary tragic situation. Earlier this morning I had the opportunity to speak with one of our representatives in El Salvador, and he told me that the death toll—those killed in action among the Salvadoran armed forces, the FMLN, and civilians—is probably over 2,500 as of today. It is clearly a terrible situation.

It is unfortunate that the brutal killing and mutilation of Father Ignacio Ellacuria and the other five Jesuit priests brought us to this point, but it did. It brought us in a bipartisan way to face the issue.

Mr. Speaker, we know full well that in the year that ended in March 1989, 12 mayors had been killed, 214 of the 262 mayors in El Salvador have been threatened by the FMLN, and we also know that some half dozen judges have been killed.

I endorse the remarks of my friend, the gentleman form Oklahoma, who talked about the necessity for Freddie Cristiani to bring about the kind of judicial reform in his country that is necessary to address these kinds of crises.

□ 1600

The General Accounting Office has looked into this issue and they have found that the kinds of changes which are taking place in El Salvador's judiciary today are very positive.

Mr. Speaker, we have to encourage President Cristiani, as the last item of this resolution does, to bring these reforms about. But we also have to realize that the deaths of those Salvadoran judges, and the deaths of all of the high-ranking Government officials, including the Attorney General and the Minister of the Presidency, are a result of FMLN tactics.

I support this resolution, and I urge my colleagues to do the same. Again I compliment everyone who has been involved in this issue, and especially the deputy majority whip, my friend, the gentleman from Michigan.

Mr. FASCELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding time to me.

I would just take this time to make one personal and perhaps quixotic observation. I think when at 10 a.m. this morning if a disinterested observer had wandered into this Chamber and had spent the last 6 hours attempting to ascertain the attitude of this Congress with respect to Central America, we would have to understand that if this person were somewhat confused, I expect, since during the past 6 hours by unanimous consent we passed a resolution against the violence and expressing the sense of Congress deploring the escalating violence in El Salvador. Also within the last 6 hours we

have adopted legislation providing $9 million to children maimed in that violence. Just before that, we supported legislation and enacted legislation to provide $85 million more in military assistance to continue that violence.

No wonder that person might be somewhat confused in attempting to understand what we are saying today.

Mr. BROOMFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude with some brief remarks. First I would like to express my appreciation to the distinguished gentleman from Michigan [Mr. BROOMFIELD], the ranking member and the minority leader on the Foreign Affairs Committee, and to all of those who regardless of opinions on this matter will support this resolution as reasonable and as sensible, but yet a passionate and determined statement of principle by the people of the United States with regard to the tragedy in El Salvador.

Mr. DICKS. Mr. Speaker, I rise in support of this House concurrent resolution, but at the same time I want to express my regret that we were not able to consider the amendment withholding a portion of the funding for the Government of El Salvador. I believe that the Congress has an obligation to send a message to the Government of El Salvador that the strife and the brutality must stop. The amendment which Mr. OBEY was preparing to offer would have given us a way of expressing our outrage at the continuing violence in El Salvador, perpetrated by the right as well as by the left.

We provide a substantial amount of funding to the El Salvadoran Government, headed by President Cristiani, and clearly we can use this influence to effect positive change. Last week's killing of the six Jesuit priests is only the most recent atrocity. The credibility of the Cristiani government, accused of complicity in these murders, is being challenged by world opinion, and I believe it is entirely appropriate for the Congress to express its skepticism through the way we provide financial assistance.

I believe that it would have been constructive to withhold a portion of the funding—30 percent as Mr. OBEY's amendment called for—as prudent method of encouraging the Cristiani government to investigate the recent murders, to achieve a cease-fire, and to begin substantive discussions with the opposition forces. This approach would have provided another opportunity, a review by April 1, to use the carrot-and-stick approach. If the Government failed to take affirmative actions, the amendment would allow the Congress an opportunity, later, to curtail a portion of our aid. El Salvador needs a process of national reconciliation, and I believe the House of Representatives should not have missed this opportunity to provide constructive encouragement to the Cristiani government.

Mr. YATRON. Mr. Speaker, as an original sponsor of this resolution, I want to commend the chairman and ranking minority member of the House Foreign Affairs Committee, Congressmen FASCELL and BROOMFIELD and all the members involved for the bipartisan spirit in which this legislation was crafted.

Mr. Speaker, with developments in Eastern Europe moving swiftly toward respect for human rights and democratic institutions, the recent events in El Salvador suggest that the forces of tyranny and repression remain in power throughout many parts of the globe.

Over the past 10 years, El Salvador has been wracked by bloodshed and violence sponsored by the extreme right and the left. There have been no winners—just losers—and it is the innocent people of El Salvador who have lost the most. Almost 70,000 Salvadorans have been killed in the 1980's with no end to the violence in sight.

Mr. Speaker, the extremes in that country seem equally committed to subverting democracy in that country. On the one hand, El Salvador is confronted by a Marxist insurgency which has no claim to popular support for its violent struggle. This most recent offensive, a last ditch attempt to achieve a military solution, has failed. The cynical nature of the guerrillas is underscored by the fact that they were fully aware that this offensive, in heavily populated areas, would result in extremely high civilian casualties.

On the other hand there is the Government of El Salvador, supported by the United States, which does not seem able to control radical elements associated with the security forces. This cold reality is plainly evident in the military's response to the guerrilla offensive. The casualty list of noncombatants indicates that the military put human rights on hold and did not fully comply with the rules of engagement of war.

The worst of the brutalities in recent days was the slaughter of the six Catholic priests and two church workers. These murders were apparently committed by rightwing extremists possibly associated with the military or the police. These murderers were cognizant of the fact that in recent years almost know one in El Salvador has been convicted of a human rights violation.

Mr. Speaker, the absence of a functioning judicial system threatens the future of El Salvador's evolving democracy. To those who would obstruct the judicial process, this resolution sends a clear message that the United States will not rest until the killers of the church people are brought to justice.

House Concurrent Resolution 236 sends a clear, unambiguous signal to the El Salvadoran government that United States support should not be viewed as a blank check and that if human rights violations escalate and their is a return to the level of violence which plagued El Salvador in the early eighties, United States support will erode. It should also send a signal to the Marxist guerrillas, that the American people reject and condemn their actions as do the people of El Salvador. The resolution also calls upon the government to allow the Red Cross and other international organizations to provide medical assistance to the civilian casualties of the war.

I urge my colleagues to strongly support this resolution.

Mr. CONTE. Mr. Speaker, six peaceful Jesuit educators were murdered Thursday, along with their cook and her 15-year-old daughter. Their killers tortured them before their deaths. The massacre was an outrageous and sickening crime; and it occurred in a government-controlled area patrolled by government soldiers.

The administration and the Salvadoran Government assure us that Salvadoran soldiers and police respect basic human rights.

It is time for them to prove it.

Alfredo Cristiani's government must bring the killers of the Jesuits to justice immediately. If they will not, our military aid must end.

This week's violence has taken almost a thousand lives. It is time for that killing to stop. I join religious and political leaders, concerned citizens in the United States and around the world, and El Salvador's suffering people in asking the government and the FMLN to reopen negotiations and give their country peace.

I urge passage of this resolution.

Mr. MAZZOLI. Mr. Speaker, last week's killing of six Jesuit priests in San Salvador was an act of depravity and bestiality.

For me, this heinous act was a watershed event. Up until now, I have been disposed to give the Duarte and Cristiani governments a chance to work out their problems. However, this intention must be reassessed in view of this horrible tragedy.

In this regard, earlier today, I supported an effort to withhold 30 percent of United States military aid to El Salvador until the facts of last week's incident are known. Unfortunately, this effort failed.

But, later on today, a majority of my colleagues joined me in approving House Concurrent Resolution 236, which expresses the sense of Congress deploring the escalating violence in El Salvador, condemning the killing of innocent people and calling for the immediate cessation of hostilities.

Mr. Speaker, I would also like to submit for the RECORD the text of a letter I sent to Secretary James Baker last Friday, demanding an investigation to determine who is responsible for the events leading to the recent slayings.

I hope that my colleagues will join me in demanding a full accounting by the government of El Salvador of this tragic situation.

The letter follows:

NOVEMBER 17, 1989.

Hon. JAMES BAKER,
Secretary of State, U.S. Department of State, 2201 C Street, NW., Washington, DC.

DEAR MR. SECRETARY: I am appalled by yesterday's torture and execution of six Jesuit priests, their housekeeper and her 15-year old daughter by armed gunmen in San Salvador.

I have long been troubled by the violence and bloodshed in that country—which seemed to diminish somewhat during the Duarte years, but which seemed now to be resurging.

I hope that the government of President Christiani is not involved directly or indirectly in these heinous acts. But, should the evidence point that way, the U.S. has a moral obligation to demand quick and stern punishment of those who committed these brutal and ghastly crimes.

Meantime, I hope that the Administration will immediately demand a full accounting of the events leading to these horrible slayings. We must leave no stone unturned

in our efforts to identify the responsible party or parties for these acts.

I would appreciate your keeping me posted on your actions—and findings—here.

All best wishes.

Sincerely,

ROMANO L. MAZZOLI,
Member of Congress.

Mr. FEIGHAN. Mr. Speaker, the resolution before us expresses the sense of Congress deploring the escalating violence in El Salvador; condemning the killing of innocent civilians, including six Jesuit priests; and calling for an immediate cessation of hostilities.

I am disappointed that this resolution is what we are left with after the defeat of a measure to hold up 30 percent of new year's aid to El Salvador. This morning we had a chance to put the brakes on a policy that has brought nothing but death and destruction to the people of El Salvador, Unfortunately, we were not successful.

Still it is important to register the grave concerns that we have over the events of the last week in El Salvador and the implication they hold for United States policy. Over the past 10 years, we have poured nearly $4 billion of American aid into that country. And today, we are no closer in ending the war or addressing the underlying economic problems which plague that country. What we have done is associate the United States Government with successive Salvadoran Governments that have proven fully incapable of controlling military and paramilitary death squads.

The brutal torture and murder of six Jesuit priests is only the most recent incident of a continued pattern of death squad brutality. We have a pledge from our Ambassador to El Salvador as well as President Christiani that a full investigation will go forward. But we know that over the last 10 years, not one member of the Salvadoran military has been punished for human rights offenses against a Salvadoran citizen.

No member of the House favors washing our hands of El Salvador. But every Member should recognize that each day that this conflict goes unresolved, the more power accrues to the extremes of both the left and the right. Last week, 115 Members of this House sent a message to both the government and the FMLN telling them to stop the killing. We say to the FMLN that their strategy of political assassination, targeting of families of government officials, and an escalation of urban violence offer no solution to Salvador's problem.

In the weeks ahead, we will have the opportunity to scrutinize the breaking events in El Salvador—including the progress of the Embassy's investigation into the murder of the Jesuit priests. I am certain that once we have the results of that investigation, we will want to revisit the issue of aid to El Salvador.

We have learned that it is impossible for the United States Congress to legislate an end to the war in El Salvador. What we can do is use our influence to bring the parties to the negotiating table. Each day we give over a million dollars to the Salvadoran Government. It's time we convert that aid into an investment in peace, and convert our policy into one that accords with our own human rights law.

I urge a "yes" vote on the resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to state my support for full funding for El Salvador because to do otherwise would send the wrong message to the people of El Salvador and to our allies throughout the world. Cutting aid to a country that is struggling to make sure that democracy works is wrong because it says to the people that we have given up on them and that we do not care if communism prevails.

To cut funding would also send a clear message to the Farabundo Marti National Liberation Front [FMLN] that certain terrorist tactics are effective and that next time they can orchestrate violent acts and the Congress will respond by further cuts in foreign aid.

If we cut funding, we will see other extreme groups employing terrorist activities in order to have Congress give knee jerk responses.

Let us not give in to the these desperate ploys from extremist groups. Let us not send the wrong message to the people of El Salvador.

Let us continue to help the people working to make democracy work in our hemisphere.

Mr. KOSTMAYER. Mr. Speaker, today we rise, one after another on the floor or the House, to once again condemn murder and torture in tiny El Salvador. This time it is the savage murder of six Jesuit priests, their housekeeper, and her 15-year-old daughter.

Mr. Speaker, our words are empty gestures as long as the Bush administration and the Congress remain unwilling to reexamine in the most fundamental way the role the United States is playing in sustaining the Government of El Salvador.

When will our deeds match our words? When will we not only speak against, but act against the murder and torture of the innocent in that tiny and desperate country?

When will we send a signal to the Salvadoran military and its right wing murder squads that we will not continue to send them $1½ million a day so that murder and torture can continue without sanction or penalty?

The Salvadoran Government must feel relieved that yet again the Congress is expressing its outrage and demanding an investigation. We have been demanding investigations for a decade, a decade that began with a bullet to the head of Archbishop Romero and a decade that ends with the murder of six Salvadoran priests.

Why should the Salvadoran Government be worried, Mr. Speaker? Just this morning the House could not even muster enough votes to even consider the question of aid to El Salvador. The amendment some of us sought to offer to the foreign aid appropriations bill was symbolic and would not have had any real impact on the flow of aid. The gentleman from Pennsylvania [Mr. WALKER] called it "fluff". He was right, but apparently even "fluff" was too much for the administration and its allies in the House.

The question is not support for the FMLN. I do not support the FMLN or the violence it has engaged in. But the United States does not fund the FMLN. It does fund—to the tune of almost $1½ million a day—the Salvadoran Government.

Mr. Speaker, perhaps the murders of these six priests will awaken true outrage in this Congress and in the country, outrage that will make the Members of this body really act. But, it is hard to feel anything, but resignation when I look back on a decade of bloodshed, a decade in which more than 70,000 Salvadoran civilians have perished, so many at the hands of the blood thirsty death squads.

And so I will cast my vote against the foreign aid appropriations bill and its many provisions I support, because of the virtually unconditional military aid to El Salvador contained in this piece of legislation. It is our money which sustains the war and makes a cease-fire and a negotiated settlement impossible. Our unconditional aid shames this Congress and our beloved country, too.

Mr. SWIFT. Mr. Speaker, the latest round of violence in El Salvador has once again brought United States policy toward that country into question. I was deeply disturbed to learn of the murder of six Jesuit priests and the arrest of two medical advisers from Seattle. The continuing cycle of violent, senseless activity does the reconciliation process absolutely no good at all. It serves only to aggravate relations between the ARENA government and the FMLN, and furthermore, to perpetuate misery and devastation upon the real victims in this tragedy, the Salvadoran people.

There is something wrong in El Salvador. We have all agreed that the current government of El Salvador was elected by a majority in a "largely democratic" election. However, the continuous flow of information depicting incidents of violence, intimidation, and repression—like those mentioned above—belies the perception of stability in El Salvador.

This administration is traveling down the same broken road as the one before. Ronald Reagan vigorously pursued a unilateral policy of intervention in Central America. His manipulation of events in both Nicaragua and El Salvador has been widely condemned by governments from Latin America to Europe. Like his predecessor, George Bush is continuing to force an unpopular policy on a beleaguered nation. I disapprove of these administrations' willingness to prop up any government just because it declares itself "anti-communist". The current situation, which has been fostered under the financial support of the United States, is totally unacceptable. We have created an environment in which two warring factions are tearing a country apart and leaving no room for compromise—all to the detriment of the people.

We all know what the record has to say about the Contras in Nicaragua. It now seems that the record will be equally disdainful of the ARENA government in El Salvador. In the wake of recent events, I feel it is incumbent on this administration to totally reevaluate its policy regarding El Salvador. Regional diplomacy, aimed at achieving reconciliation and consensus, is a far more productive approach than continuous arms shipments. It is imperative that we work with—not separately from—Central American leaders as they address regional dilemmas.

Mrs. MEYERS of Kansas. Mr. Speaker, as a member of the Foreign Affairs Committee, I am pleased to be a cosponsor of H. Con. Res. 236 regarding the tragic situation in El Salvador. I urge the House to approve this resolution.

H. Con. Res. 236 expresses Congress' concern about the escalating violence in El Salva-

dor, which has resulted in the killing of innocent civilians and 6 Jesuit priests. Many of the civilian casualties have resulted because the offensive was launched and carried out from residential areas.

The fighting in El Salvador has also touched the Kansas City area. Sister Mary Meyer was at the parish of Bishop Gomez when she was detained by the police. Fortunately, she has been released unharmed based on the information I have received.

This resolution expresses Congress views on five important issues involving the recent violence in El Salvador.

First. It calls for a disengagement of military forces to allow the Red Cross and other international humanitarian organizations to provide medical attention and supplies to the civilian casualties.

Second. This resolution condemns the leftist FMLN for launching the military offensive on November 11 that has resulted in so many deaths among innocent civilians.

Third. Congress recommends that the government of El Salvador and the FMLN immediately resume a peaceful dialogue that will lead to a political settlement of the conflict.

Fourth. The resolution expresses revulsion at the heinous murder of the 6 Jesuit priests. Those responsible for these murders should be brought to justice and punished. We are pleased that President Cristiani has ordered an immediate and thorough investigation of these barbaric murders.

Finally, this resolution states that the government of El Salvador's handling of the investigation of the Jesuit priests' murders will be instrumental in determining continued U.S. support for that government.

The U.S. Government has been a positive force for peace in this hemisphere. More importantly, our Government is a strong force for democracy. This resolution guarantees our commitment to the democratically-elected Salvadoran Government, while insisting that it continue its commitment to upholding democratic ideals and human rights. I urge my colleagues to support the resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution [H. Con. Res. 236].

The question was taken.

Mr. FASCELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 3, not voting 21, as follows:

[Roll No. 375]

YEAS—409

Ackerman	Dymally	Kennedy
Akaka	Dyson	Kennelly
Alexander	Early	Kildee
Anderson	Eckart	Kleczka
Annunzio	Edwards (CA)	Kolbe
Anthony	Edwards (OK)	Kolter
Applegate	Emerson	Kostmayer
Archer	Engel	Kyl
Armey	English	LaFalce
Atkins	Erdreich	Lagomarsino
AuCoin	Espy	Lancaster
Baker	Evans	Lantos
Ballenger	Fascell	Laughlin
Barnard	Fawell	Leach (IA)
Bartlett	Fazio	Leath (TX)
Barton	Feighan	Lehman (CA)
Bateman	Fields	Lehman (FL)
Bates	Fish	Lent
Beilenson	Flake	Levin (MI)
Bennett	Foglietta	Levine (CA)
Bentley	Ford (MI)	Lewis (CA)
Bereuter	Ford (TN)	Lewis (FL)
Berman	Frank	Lewis (GA)
Bevill	Frenzel	Lightfoot
Bilbray	Frost	Lipinski
Bilirakis	Gallegly	Livingston
Bliley	Gallo	Lloyd
Boehlert	Gaydos	Long
Boggs	Gejdenson	Lowery (CA)
Bonior	Gekas	Lowey (NY)
Borski	Gephardt	Luken, Thomas
Bosco	Geren	Lukens, Donald
Boucher	Gibbons	Madigan
Boxer	Gillmor	Manton
Brennan	Gilman	Markey
Broomfield	Gingrich	Martin (NY)
Browder	Glickman	Martinez
Brown (CA)	Gonzalez	Matsui
Brown (CO)	Gordon	Mavroules
Bruce	Goss	Mazzoli
Buechner	Gradison	McCandless
Bunning	Grandy	McCloskey
Bustamante	Grant	McCollum
Byron	Gray	McCrery
Callahan	Green	McCurdy
Campbell (CA)	Guarini	McDade
Campbell (CO)	Gunderson	McDermott
Cardin	Hall (OH)	McEwen
Carper	Hall (TX)	McGrath
Carr	Hamilton	McHugh
Chandler	Hammerschmidt	McMillan (NC)
Chapman	Hancock	McMillen (MD)
Clarke	Hansen	McNulty
Clay	Harris	Meyers
Clement	Hastert	Mfume
Clinger	Hatcher	Michel
Coble	Hawkins	Miller (CA)
Coleman (MO)	Hayes (IL)	Miller (OH)
Coleman (TX)	Hayes (LA)	Miller (WA)
Collins	Hefley	Mineta
Combest	Hefner	Moakley
Condit	Henry	Molinari
Conte	Herger	Mollohan
Conyers	Hertel	Montgomery
Cooper	Hiler	Moody
Costello	Hoagland	Morella
Coughlin	Hochbrueckner	Morrison (CT)
Courter	Holloway	Morrison (WA)
Cox	Hopkins	Mrazek
Coyne	Horton	Murtha
Craig	Houghton	Myers
Dannemeyer	Hoyer	Nagle
Darden	Hubbard	Natcher
Davis	Huckaby	Neal (MA)
de la Garza	Hughes	Neal (NC)
DeFazio	Hunter	Nielson
DeLay	Hutto	Nowak
Dellums	Hyde	Oakar
Derrick	Inhofe	Oberstar
DeWine	Ireland	Obey
Dickinson	Jacobs	Olin
Dicks	James	Ortiz
Dingell	Jenkins	Owens (NY)
Dixon	Johnson (CT)	Owens (UT)
Donnelly	Johnson (SD)	Oxley
Dorgan (ND)	Johnston	Packard
Dornan (CA)	Jones (GA)	Pallone
Douglas	Jones (NC)	Panetta
Downey	Jontz	Parker
Dreier	Kanjorski	Parris
Duncan	Kaptur	Pashayan
Durbin	Kasich	Patterson
Dwyer	Kastenmeier	Paxon
Payne (NJ)	Schaefer	Synar
Payne (VA)	Scheuer	Tallon
Pease	Schiff	Tanner
Pelosi	Schroeder	Tauke
Penny	Schuette	Tauzin
Perkins	Schulze	Taylor
Petri	Sensenbrenner	Thomas (CA)
Pickett	Shaw	Thomas (GA)
Pickle	Shays	Thomas (WY)
Porter	Shumway	Torres
Poshard	Shuster	Torricelli
Price	Sikorski	Towns
Pursell	Sisisky	Traficant
Quillen	Skaggs	Traxler
Rangel	Skeen	Udall
Ravenel	Skelton	Unsoeld
Ray	Slattery	Upton
Regula	Slaughter (NY)	Valentine
Rhodes	Slaughter (VA)	Vander Jagt
Richardson	Smith (FL)	Vento
Ridge	Smith (IA)	Visclosky
Rinaldo	Smith (NE)	Volkmer
Ritter	Smith (NJ)	Vucanovich
Roberts	Smith (TX)	Walgren
Robinson	Smith (VT)	Walker
Roe	Smith, Robert (NH)	Walsh
Rogers	Smith, Robert (OR)	Watkins
Rohrabacher	Snowe	Waxman
Ros-Lehtinen	Solarz	Weber
Rose	Solomon	Weiss
Rostenkowski	Spence	Weldon
Roth	Spratt	Wheat
Roukema	Staggers	Whittaker
Rowland (CT)	Stangeland	Whitten
Rowland (GA)	Stark	Williams
Roybal	Stearns	Wilson
Russo	Stenholm	Wise
Sabo	Stokes	Wolf
Saiki	Studds	Wolpe
Sangmeister	Stump	Wyden
Sarpalius	Sundquist	Yates
Savage	Swift	Yatron
Sawyer		Young (AK)
Saxton		Young (FL)

NAYS—3

Burton	Crane	Marlenee

NOT VOTING—21

Andrews	Goodling	Schumer
Aspin	Machtley	Sharp
Brooks	Martin (IL)	Smith, Denny (OR)
Bryant	Moorhead	Stallings
Crockett	Murphy	Wylie
Flippo	Nelson	
Florio	Rahall	
Garcia	Schneider	

□ 1623

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I unavoidably missed the last vote. Had I voted, I would have voted yes on the El Salvadoran resolution.

U.S. TRADE REPRESENTATIVE, U.S. INTERNATIONAL TRADE COMMISSION, AND U.S. CUSTOMS SERVICE AUTHORIZATION, 1990

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1164) to authorize appropriations for fiscal year 1990 for the Office of the U.S. Trade Representative, the U.S. International

Trade Commission, and the U.S. Customs Service, as amended.

The Clerk read as follows:

S. 1164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Paragraph (1) of section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) by striking out "1988" in subparagraphs (A) and (B) and inserting in lieu thereof "1990".

(2) by striking out "$15,172,000" in subparagraph (A) and inserting in lieu thereof "$19,651,000", and

(3) by striking out "$69,000" in subparagraph (B)(i) and inserting in lieu thereof "$89,000".

(b) PANELS AND COMMITTEES UNDER CANADA FREE-TRADE AGREEMENT.—Paragraph (1) of section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112, note) is amended by striking out "1989 such sums as may be necessary" and inserting in lieu thereof "1990, $1,492,000".

SEC. 2. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1990", and

(2) by striking out "$35,386,000" and inserting in lieu thereof "$39,943,000".

SEC. 3. UNITED STATES CUSTOMS SERVICE.

(a) IN GENERAL.—Subsection (b) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) by striking out "fiscal year 1989" each place it appears and inserting in lieu thereof "fiscal year 1990",

(2) by striking out "$440,504,000" in paragraph (1) and inserting in lieu thereof "$418,822,000",

(3) by striking out "$615,257,000" in paragraph (2) and inserting in lieu thereof "$656,468,000",

(4) by striking out "$142,262,000" in paragraph (3) and inserting in lieu thereof "$128,128,000", and

(5) by striking out paragraph (4).

(b) APPOINTMENT OF THE COMMISSIONER OF CUSTOMS.—(1) The second sentence of the first section of the Act entitled "An Act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury", approved March 3, 1927 (44 Stat. 1381, 19 U.S.C. 2071), is amended to read as follows: "The Commissioner of Customs, who shall be appointed by the President by and with the advice and consent of the Senate, shall—

"(1) be at the head of the United States Customs Service;

"(2) carry out the duties and powers prescribed by the Secretary of the Treasury; and

"(3) report to the Secretary of the Treasury through such other officials as may be designated by the Secretary.".

(2) The individual who is serving as the Commissioner of Customs on the day before the date of the enactment of this Act may continue to serve in such capacity until a Commissioner of Customs, appointed as provided in the amendment made by paragraph (1), takes office.

(c) FOREIGN TRADE ZONES AT SMALL AIRPORTS.—

(1) Paragraph (2) of section 13031(e) of Public Law 99-272 (19 U.S.C. 58c(e)(2)) is amended—

(A) by striking out "This subsection" and inserting in lieu thereof "(A) This subsection", and

(B) by adding at the end thereof the following new subparagraph:

"(B) Subparagraph (C) of paragraph (6) shall not apply with respect to any foreign trade zone or subzone that is located at, or in the vicinity of, an airport to which section 236 of the Trade and Tariff Act of 1984 applies.".

(2) Section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b) is amended by adding at the end thereof the following new subsection:

"(f) For purposes of this section, customs services provided in connection with, or with respect to, any foreign trade zone or subzone that is located at, or in the vicinity of, any airport described in subsection (a) or designated under subsection (c) shall be considered to be customs services provided at such airport.".

(d) NORTHERN BORDER ENHANCEMENT PROGRAM.—The Commissioner of Customs shall provide the facilities, equipment, and staff at the port of entry at Chateaugay, New York, that are necessary to make the port of entry at Chateaugay, New York, a commercial center under the Northern Border Enhancement Program administered by the Commissioner of Customs.

(e) DISPOSITION OF FORFEITED PROPERTY.—

(1) Subparagraph (B) of section 616(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)(1)) is amended to read as follows:

"(B) Transfer any of the property to—

"(i) any other Federal agency;

"(ii) any State or local law enforcement agency that participated directly or indirectly in the seizure of forfeiture of the property; or

"(iii) the Civil Air Patrol.".

(2) Subsection (c) of section 616 of the Tariff Act of 1930 (19 U.S.C. 1616a(c)) is amended by adding at the end thereof the following new paragraph:

"(3) Aircraft may be transferred to the Civil Air Patrol under paragraph (1)(B)(iii) in support of air search and rescue and other emergency services and, pursuant to a memorandum of understanding entered into with a Federal agency, illegal drug traffic surveillance. Jet-powered aircraft may not be transferred to the Civil Air Patrol under the authority of paragraph (1)(B)(iii).".

(f) USER FEE FOR CUSTOMS SERVICES AT SMALL SEAPORTS AND OTHER FACILITIES.—

(1) Section 236 of the Trade and Tariff Act of 1984 (19 U.S.C. 58b), as amended by this Act, is further amended—

(A) by inserting ", seaport, or other facility" after "airport" each place it appears in the section other than in paragraph (1) and (2) of subsection (a),

(B) by inserting ", seaports, and other facilities" after "airports" in subsection (c), and

(C) by inserting "AND OTHER FACILITIES" after "AIRPORTS" in the section heading.

(2) Paragraph (2) of section 13031(e) of Public Law 99-272, as amended by this Act, is further amended by inserting ", seaport, or other facility" after "airport" each place it appears.

The SPEAKER pro tempore. (Mr. HEFNER). Is a second demanded?

Mr. CRANE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be consider as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes and the gentleman from Illinois [Mr. CRANE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 1164, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1164 as amended, which authorizes appropriations for fiscal year 1990 for three important trade agencies—the U.S. Customs Service, the U.S. International Trade Commission, and the Office of the U.S. Trade Representative [USTR].

S. 1164 authorizes the same level of appropriations for these agencies as the House trade agency authorization bill, which passed the House as part of H.R. 3299, the Omnibus Budget Reconciliation Act.

Further, the Senate Bill is substantially similar to the House-passed version in most other respects. Both bills provide for the first time that the Commissioner of Customs, who is now appointed by the Secretary of the Treasury without the advice and consent of the Senate, would be nominated by the President and be subject to Senate confirmation. Because the Senate version would apply to the recently appointed Commissioner of Customs, Carol Hallett, I am offering the House-passed provision requiring Senate confirmation for Commissioners appointed only after the date of enactment of this bill. This provision would insure that a nominee for one of the most important trade positions in the Government is subject to close scrutiny on his or her enforcement and trade views and qualifications for the job.

By passing S. 1164 today, the House is demonstrating its good faith in carrying out the terms of the conference agreement on the budget reconciliation bill. Under that agreement, the House agreed to drop all of the trade provisions in the bill, including the trade agency authorization provisions, and to make best efforts to pass S. 1164 this year. In exchange, the

Senate agreed to make best efforts to pass the House-passed steel bill (H.R. 3275) with two important amendments—the House-passed Superfund and CBI-ethanol provisions. The Senate further agreed to make best efforts to pass a new trade bill early next year using a House-passed H.R.-numbered bill. This bill would contain the substance of the trade provisions which the house agreed to drop from the reconciliation bill—CBI, customs user fees, and miscellaneous tariff provisions. Additionally, the new bill would provide an authorization of appropriations for the trade agencies on a 2-year basis.

This is extremely important from a process standpoint. It will ensure that we do not face a situation like we did this year whereby the Committee on Appropriations refuses to act on an appropriation bill for a trade agency on the grounds that an authorization bill has not previously been enacted for such agency. The Committee on Ways and Means will be working diligently with the trade agencies, the administration, and the Senate Committee on Finance to ensure that all future authorizations for the trade agencies will be done on a 2-year basis.

Mr. Speaker, our action today on S. 1164 will send a positive signal to the Senate that we are prepared to carry out our commitment under the conference agreement on H.R. 3299. We are hopeful that the Senate is prepared to do the same. I urge all of my colleagues to join me in passing S. 1164.

□ 1630

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1164, as amended, a bill authorizing appropriations in fiscal year 1990 for the U.S. Customs Service, the U.S. Trade Representative [USTR], and the U.S. International Trade Commission [ITC]. I offer my thanks to the distinguished chairman of the Committee on Ways and Means for working out an arrangement with our counterparts in the other body for consideration of this important legislation. S. 1164 is nearly identical to legislation passed by the Committee on Ways and Means on May 25, 1989, and approved by the House as part of its budget reconciliation package.

The authorization of appropriations levels provided for in this bill are, in fact, identical to the House-approved levels. The bill provides $39.9 million for the ITC and $21.1 million for USTR, both equal to the President's budget request. It also provides $418.8 million for Customs noncommercial operations and $656.5 million for Customs commercial operations, for a total of $1.02 billion for Customs salaries and expenses. For Customs air operations, the President's request of $128.1 million is authorized.

However, the House had approved language providing a funding floor for Customs commercial operations, to remedy the recent practice of cutting commercial services to fund additional enforcement operations. While funding drug enforcement initiatives is a top priority, which I support, we cannot continue to rob Peter to pay Paul. Unfortunately, two other important provisions passed by this House to improve the much maligned Customs seizure program are not included in this bill. My hope is that we can strengthen this committee's influence over spending priorities in the future by passing these provisions in a long-term trade authorization bill early next year.

Mr. Speaker, S. 1164, as amended, now makes several positive program changes. First, the committee amendment inserts the House-passed language to make the office of Customs Commissioner a Presidential appointment, subject to Senate confirmation. This compromise arrangement will allow the current Commissioner to continue to serve until a Presidential appointment is made. I want to thank the chairman of the Ways and Means Committee for acting to preserve the House position.

In addition, the bill gives Customs authority to transfer forfeited property to the Civil Air Patrol, and collect user fees for Customs services provided at small seaports and at foreign trade zones operated at small airports.

Mr. Speaker, I commend the Chairman for bringing this measure to the floor, and urge my colleagues to vote "aye".

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from the great State of Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, illegal drugs have produced many victims in this country. The war on drugs has in turn acquired many assets, some of which are actually being turned against the drug dealers by law enforcement authorities.

Under current law, the Customs Service has the authority to transfer forfeited property to other Federal agencies and State and local law enforcement agencies that participated directly or indirectly in the seizure or the forfeiture.

Earlier this past summer, I recommended an amendment to the Customs authorization bill to permit, but not require, the Customs Service to share seized property with the Civil Air Patrol. My amendment allows the transfer of seized aircraft to the Civil Air Patrol for its use in support of drug surveillance flights, search and rescue missions, and other emergency services.

Mr. Speaker, it is estimated that 90 percent of the cocaine entering this country comes in by air. To fight this battle, we need to have the same tools at our disposal that the drug dealers have. Aircraft surveillance of our borders is critical to the war on drugs. Local members of the Civil Air Patrol have donated thousands of hours of flying time in cooperation with local and Federal authorities for drug surveillance flights. Let's give them the tools to do even more.

I strongly urge passage of S. 1164 and this amendment.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI], that the House suspend the rules and pass the Senate bill, S. 1164, as amended.

The question was taken; and the (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend the bill, H.R. 3566, and the remaining Senate amendment in disagreement, Senate amendment No. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mr. CRAIG. Mr. Speaker, I inadvertently missed roll call 371, the conference report on H.R. 2712 yesterday. Had I been present, I would have voted "aye."

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. NATCHER. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 3566) making appropriations for the Departments of Labor, Health and Human Services, and Education for the fiscal year ending September 30, 1990, and I further move that the House recede from its disagreement to Senate amendment of the Senate numbered 5 and concur therein.

The Clerk read the title of the bill.

The Clerk read Senate amendment numbered 5, as follows:

Senate amendment No. 5: Page 74, after line 7, insert:

SEC. 519. Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of implementing in whole or in part the proposed regulation published in the Federal Register on September 1, 1989 (54 F.R. 36485), relating to the classification of rural referral centers. Notwithstanding any other provision of law, the amount available for transfer to Health Care Financing Administration Program Management as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance, the Federal Supplementary Medical Insurance, the Federal Catastrophic Drug Insurance, and the Federal Hospital Insurance Catastrophic Coverage Reserve Trust Funds are hereby reduced by $15,000,000.

□ 1640

The SPEAKER Pro tempore. (Mr. HEFNER). The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. CONTE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAIG].

[Mr. CRAIG addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. NATCHER. Mr. Speaker, I have no further requests for time.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to this amendment. The amendment provides the $15 million offset needed to maintain these centers' reimbursement. Nowadays rural medical centers all across the country are in dire straits. We need to give rural centers time to adjust to these new regulations. This amendment buys them that time and gives them a chance to maintain quality services to their patients.

I urge adoption of the amendment on its merits and to facilitate the passage of this bill.

Mr. Speaker, I just want to take the opportunity to congratulate the gentleman from Kentucky, the chairman of the subcommittee, BILL NATCHER.

There is no one in this House more respected than the gentleman from Kentucky, and he has worked very hard to get a Labor/Health and Human Services and Education bill to the point where it can be signed into law.

I want to thank as well all the members of the subcommittee, particularly those on my side, CARL PURSELL, JOHN PORTER, BILL YOUNG, and VIN WEBER.

If only we can get rid of Gramm-Rudman-Hollings and its meat ax across the board cut, we will be in good shape.

Mr. ALEXANDER. Mr. Speaker, I rise to express my appreciation for your assistance in suspending the order that would reduce payments to rural referral center hospitals. As you know rural hospitals are having a difficult time making ends meet. I thank you for the thousands of rural residents who will continue to have access to medical service. I include a copy of my letter to you in that regard.

CONGRESS OF THE UNITED STATES,
November 20, 1989.

Hon. WILLIAM H. NATCHER,
Chairman, Subcommittee on Labor, Health and Human Services, and Education, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my deep concern about the continuation of the Rural Referral Center (RRC) program.

By providing expensive, specialized health care services to rural Americans, Rural Referral Centers serve as linchpins in our effort to preserve the accessibility of health care to the citizens of our nation. Right now, 226 hospitals in forty-two different states receive higher payments for Medicare services because of their RRC designation. Unless fiscal 1989 Medicare reimbursement rates for RRCs are maintained, approximately forty-four of these hospitals will lose their designation and suffer a crippling funding loss. Many of these hospitals can offer a broad range of services only because of the extra funds provided by the RRC reimbursement rate. Without them, we will lose a critical link in our health care system.

In the Arkansas district I represent, three of our hospitals have been designated as Rural Referral Centers. The reimbursement rates of one of these centers, the Mississippi County Hospital in Blytheville, Arkansas, has already been severely cut. If Congress does not extend the RRC designation of this hospital, a large number of my constituents in Northeast Arkansas will no longer have access to necessary health care services.

I hope you will give every consideration to receding to the Senate position on the Senate amendment #5 to H.R. 3566, the FY 1990 appropriations bill for the Departments of Labor, Health and Human Services, and Education. Similar efforts to extend the RRC designation have been made by members of the Rural Health Care Coalition and budget reconciliation conferees. However, there remains the possibility that the President will veto the reconciliation bill. While I share your concerns about placing legislative language on a general appropriations bill, I believe it may be necessary to include the RRC language in HR 3566 in order to guarantee the survival of the RRC program.

With kindest regards, I am

Sincerely,

BILL ALEXANDER,
Member of Congress.

Mr. CONTE. Mr. Speaker, I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The motion was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 3566, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 83) to correct the enrollment of H.R. 3566, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3566) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes", the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the said bill, to make the following corrections:

In title II—

(1) In the paragraph under Department of Health and Human Services Health Resources and Services Administration—Health Resources and Services—program operations, strike out period October 1, 1990 through September 30, 1991, and insert: quarter beginning October 1, 1990, and ending December 31, 1990,

(2) In the paragraph under the heading Alcohol, Drug Abuse, and Mental Health Administration—alcohol, drug abuse, and mental health, strike out quarter beginning October 1, 1990, and ending December 31, 1990, and insert: period October 1, 1990 through September 30, 1991.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. There appears to be no other business before the House.

The Chair will declare a recess.

The bells will be rung 15 minutes before reconvening.

The House is now in recess.

Accordingly (at 4 o'clock and 43 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 p.m.

PROVIDING FOR CONSIDERATION OF H.R. 3746, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1990

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House, any rule of the House to the contrary notwithstanding, H.R. 3746, making appropriations for the government of the District of Columbia and that debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from New Jersey [Mr. GALLO], and that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to commit, to be offered by the gentleman from Massachusetts [Mr. CONTE] or his designee.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1990—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-114)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 3610, the "District of Columbia Appropriations Act, 1990."

On October 27, 1989, I vetoed H.R. 3026, the earlier version of this bill. In my veto message of October 27, I stated my intention to veto any bill that does not contain language that prohibits the use of all congressionally appropriated funds to pay for abortions other than those in which the life of the mother would be endangered if the fetus were carried to term. The limitation I propose is identical to the one included in the District of Columbia Appropriations Act for 1989 (Public Law 100-462).

H.R. 3610 would place such a restriction on the use of Federal funds to pay for abortion, but would permit congressionally appropriated local funds to be used for abortions on demand with no restriction whatever. As a matter of law, the use of local funds in the District of Columbia must be approved by the Congress and the President; the Federal Government is thus responsible for decisions as to the use of such local funds. Under these circumstances, the failure of H.R. 3610 to prohibit the use of all taxpayer funds appropriated by the bill to pay for abortion, except in those limited circumstances, is unacceptable.

From the outset of our Administration, I have repeatedly stated my deep personal concern about the tragedy in America of abortion on demand. As a nation, we must protect the unborn. H.R. 3610 does not provide such protection. I am, therefore, compelled to disapprove it.

GEORGE BUSH.

THE WHITE HOUSE, *November 20, 1989.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the veto message of the President, together with the accompanying bill (H.R. 3610) be referred to the Committee on Appropriations.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1990

Mr. DIXON. Mr. Speaker, pursuant to the unanimous consent agreement of earlier this evening, I call up the bill (H.R. 3746) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

The clerk read the title of the bill.

The text of H.R. 3746 is as follows:

H.R. 3746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1990, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1990, $430,500,000: *Provided,* That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For payment to the District of Columbia for the fiscal year ending September 30, 1990, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, $8,685,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

TRANSITIONAL PAYMENT FOR SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), $15,000,000.

CRIMINAL JUSTICE INITIATIVE

For an additional amount for the design and construction of a prison within the District of Columbia, $20,300,000 to become available October 1, 1990: *Provided,* That these funds shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison.

The $50,000,000 previously appropriated under "Criminal Justice Initiative" for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1989, for the design and construction of a prison within the District of Columbia shall remain in the United States Treasury and shall be transferred to the District of Columbia government only to the extent that outstanding obligations are due and payable to entities other than agencies and organizations of the District of Columbia government, and payments to such agencies and organizations may be made only in reimbursement for amounts actually expended in furtherance of the design and construction of the prison: *Provided,* That construction may not commence unless access and parking for construction vehicles are provided solely at a location other than city streets: *Provided further,* That District officials meet monthly with neighborhood representatives to inform them of current plans and discuss problems: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding the new prison, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the new prison.

DRUG EMERGENCY

For a Federal contribution to the District of Columbia, $31,772,000, to remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current

fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $112,971,000: *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That notwithstanding any other provision of law, there is hereby appropriated $6,726,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which $818,000 shall be derived from the general fund and not to exceed $5,908,000 shall be derived from the earnings of the applicable retirement funds: *Provided further,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That an additional $150,000 out of local funds shall remain available until expended, to close open air drug markets, increase police visibility, and provide for speedier court processing of drug-related violent cases: *Provided further,* That no part of these funds shall be used for lobbying to support or defeat legislation pending before Congress or any State legislature.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $137,913,000: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia: *Provided further,* That up to $275,000 within the 15 percent set-aside for special programs within the Tenant Assistance Program shall be targeted for the single-room occupancy initiative.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 130 passenger-carrying vehicles for replacement only for police-type use and 29 additional passenger-carrying vehicles for fire-type use without regard to the general purchase price limitation for the current fiscal year, $861,341,000, of which $150,000 shall be derived by transfer from "Governmental Direction and Support": *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That not to exceed $26,000 shall be available solely for an accreditation study of the Metropolitan Police Department by a recognized law enforcement accreditation organization: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1990, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during fiscal year 1990 in relation to the Lorton prison complex. Such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further,* That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: *Provided further,* That the staffing levels of each two-piece engine company within the Fire Department shall be maintained in accordance with the provisions of article III, section 18 of the Fire Department Rules and Regulations as then in effect: *Provided further,* That none of the funds provided in this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services which are performed in emergencies by the National Guard in a militia status and which are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursements to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and their availability shall be deemed as constituting payment in advance for the emergency services involved: *Provided further,* That $17,630,000 for the Metropolitan Police Department and $2,600,000 for the District of Columbia Superior Court shall remain available until expended: *Provided further,* That of funds provided to the Department of Corrections $36,311,000 shall be for the expense of housing D.C. Code violators in Federal Bureau of Prisons facilities, including $5,064,000 of payments previously forgiven.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $691,120,000, to be allocated as follows: $502,346,000 for the public schools of the District of Columbia; $86,300,000 for the District of Columbia Teachers' Retirement Fund; $76,088,000 for the University of the District of Columbia; $18,849,000 for the Public Library; $3,527,000 for the Commission on the Arts and Humanities; $3,440,000 for the District of Columbia School of Law; and $570,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1990, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That funds provided under this head in Public Law 100-202 (101 Stat. 1329-94) to match private contributions to the District

of Columbia Public Schools Foundation shall be available until September 30, 1990.

HUMAN SUPPORT SERVICES

Human support services, $827,918,000: *Provided,* That $18,611,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That of the funds provided for the D.C. General Hospital subsidy, $646,000 shall be used to provide health care to homeless persons.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $223,898,000, of which not to exceed $3,600,000 shall be available for the School Transit Subsidy: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $7,874,000: *Provided,* That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual Convention Center audit.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act Amendments, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $251,474,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of reducing the $218,872,000 general fund accumulated deficit as of September 30, 1988, $20,000,000, of which not less than $442,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both): *Provided,* That if the Federal payment to the District of Columbia for fiscal year 1990 is reduced pursuant to an order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, approved December 12, 1985), as amended, the percentage (if any) by which the $20,000,000 set aside for repayment of the general fund accumulated deficit under this appropriation title is reduced as a consequence shall not exceed the percentage by which the Federal payment is reduced pursuant to such order: *Provided further,* That all net revenue the District of Columbia government may collect as a result of the District of Columbia government's pending appeal in the consolidated case of U.S. Sprint Communications, et al. v. District of Columbia et al., CA 10080-87 (court order filed November 14, 1988), shall be applied solely to the repayment of the general fund accumulated deficit.

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $10,997,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $2,569,000.

ENERGY ADJUSTMENT

The Mayor shall reduce authorized energy appropriations and expenditures within object class 30a (energy) in the amount of $2,000,000, within one or several of the various appropriation headings in this Act.

EQUIPMENT ADJUSTMENT

The Mayor shall reduce authorized equipment appropriations and expenditures within object class 70 (equipment) in the amount of $6,100,000, within one or several of the various appropriation headings in this Act.

PERSONAL SERVICES ADJUSTMENT

The Mayor shall reduce appropriations and expenditures for personal services within object classes 11, 12, 13, and 14 in the amount of $31,550,000, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $134,650,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 to 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That $10,556,000 shall be available for project management and $26,319,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That $20,300,000 of the $134,650,000 shall be available solely for the Correctional Treatment Facility to be constructed in the District of Columbia which is financed with Federal funds appropriated to the District of Columbia for fiscal year 1991: *Provided further,* That $547,000 for the Department of Recreation and $3,080,000 for the Department of Public Works for pay-as-you-go capital projects shall be financed from general fund operating revenues: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1991, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1991: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $199,382,000, of which $34,964,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $29,700,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): *Provided,* That the requirements and restrictions which are applicable to general fund capital improvement projects and are set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further,* That of the $27,085,000 in water and sewer enterprise fund operating revenues for pay-as-you-go capital projects, $1,200,000 shall fund new authority in the fiscal year 1990 capital budget and $25,885,000 shall fund prior year capital budget authority.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for fiscal year 1982, approved December 4, 1981, (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,600,000, to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the sources of funding for this

appropriation title from its own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $1,600,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor, except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personnel compensation may be used to pay the cost of overtime or temporary positions.

SEC. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1990, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds 39,262.

SEC. 110A. (a) No funds appropriated by this Act may be expended for the compensation of any person appointed to fill any vacant position in any agency under the personnel control of the Mayor unless:

(1) The position is to be filled by a sworn officer of the Metropolitan Police Department; or

(2) The position is to be filled as follows:

(A) By a person who is currently employed by the District of Columbia government at a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who is willing to assume a lower grade level in order to fill the position.

(b) Subsection (a) of this section shall not apply to any position for which the City Administrator certifies that:

(1) The position is necessary to the fulfillment of an identified essential governmental function; and

(2) The position cannot be filled from within the District of Columbia government:

(A) At a grade level that is equal to the grade level of the position to be filled; or

(B) By a person who is currently employed by the District of Columbia government at a grade level higher than the grade level of the position to be filled, and who is willing to assume a lower grade level in order to fill the position.

(c) The City Administrator shall submit the certification required by subsection (b) of this section to the Council on the 1st day of each month.

SEC. 110B. (a) APPLICATION FOR EMPLOYMENT, PROMOTIONS, AND REDUCTIONS IN FORCE.—

(1) IN GENERAL.—The rules issued pursuant to the amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203) shall include the provisions described in paragraph (2).

(2) DESCRIPTION OF POLICIES.—

(A) POLICY REGARDING APPLICATION FOR EMPLOYMENT.—The Mayor of the District of Columbia may not give an applicant for District of Columbia government employment in the Career Service who claims a District residency preference more than a 5 point hiring preference over an applicant not claiming such a preference, and, in the case of equally qualified applicants, shall give an applicant claiming such a preference priority in hiring over an applicant not claiming such a preference.

(B) POLICY REGARDING PROMOTIONS AND REDUCTIONS IN FORCE FOR CAREER SERVICE EMPLOYEES.—In calculating years of service for the purpose of implementing a reduction-in-force, the Mayor may not credit an employee in the Career Service who claims a District residency preference with more than 1 year of additional service credit, and in the case of equally qualified employees, shall give an employee claiming such a preference priority in promotion over an employee not claiming such a preference.

(C) INDIVIDUALS SUBJECT TO PROVISIONS.—The amendments to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 made by the Residency Preference Amendment Act of 1988 shall apply only with respect to individuals claiming a District residency preference or applying for employment with the District of Columbia on or after March 16, 1989.

(b) SCOPE OF 5-YEAR DISTRICT RESIDENCY REQUIREMENT FOR EMPLOYEES CLAIMING PREFERENCE.—

(1) CAREER SERVICE EMPLOYEES.—Section 801(e) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (section 1-608.1(e), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), the Mayor may not require an individual to reside in the District of Columbia as a condition of employment in the Career Service.

"(B) The Mayor shall provide notice to each employee in the Career Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.".

(2) EDUCATIONAL SERVICE EMPLOYEES.—Section 801A(d) of such Act (section 1-609.1(d), D.C. Code), as amended by the Residency Preference Amendment Act of 1988 (D.C. Law 7-203), is amended by adding at the end the following new paragraph:

"(7)(A) Except as provided in subparagraph (B), the Boards may not require an individual to reside in the District of Columbia as a condition of employment in the Educational Services.

"(B) The Boards shall provide notice to each employee in the Educational Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 5 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.".

SEC. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1991, shall be

transmitted to the Congress no later than April 15, 1990.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency, Federalism and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 117. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 123. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided,* That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 125. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1989 shall be deemed to be the rate of pay payable for that position for September 30, 1989.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 126. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 127. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency and the District's best interest.

SEC. 128. No later than 30 days after the end of the first quarter of fiscal year 1990, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1990 revenue estimates as of the end of the first quarter of fiscal year 1990. These estimates shall be used in the fiscal year 1991 annual budget request. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 129. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), is amended by striking out "sold before October 1, 1989" and inserting in lieu thereof "sold before October 1, 1990".

SEC. 130. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 131. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided,* That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 132. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided,* That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act which are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 133. (a) It is the purpose of this section to improve the means by which the District of Columbia is paid for water and sanitary sewer services furnished to the Government of the United States or any department, agency, or independent establishment thereof.

(b) Section 106 of title I of the District of Columbia Public Works Act of 1954 (68 Stat. 102; D.C. Code, sec. 43-1552) is amended by—

(1) striking in subsection (a) all that follows the sentence beginning with "Payment shall be made as provided in subsection (b)"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for water services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, one-fourth (25 percent) of the annual estimate prepared by the District government shall be paid, not later than the second day of each fiscal quarter, to the District government by the Secretary of the Treasury from funds deposited by said departments,

establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made by the Secretary of the Treasury from funds available to the United States Treasury and shall be reimbursed promptly to the United States Treasury by the respective user agencies. Payments shall be made to the District government by the Secretary of the Treasury without further justification, and shall be equal to one-fourth (25 percent) of the annual estimate prepared by the District government pursuant to paragraph (2) of this subsection.

"(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide the total estimated annual cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a yearly basis shall reflect such adjustments as are necessary to (1) account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th, and (2) reflect changes in rates charged for water and sewer services resulting from public laws or rate covenants pursuant to water and sewer revenue bond sales.

"(3) Each Federal department, independent establishment, or agency receiving water services in buildings, establishments, or other places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to one-fourth (25 percent) of the annual estimate for said services as provided for in paragraph (2) of this subsection.

"(4) The amount or time period for late payment of water charges involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.".

(c) Section 212 of the District of Columbia Public Works Act of 1954 (68 Stat. 108; D.C. Code, sec. 43-1612) is amended by—

(1) striking in subsection (a) all that follows ": *Provided*, That"; and

(2) amending subsection (b) to read as follows:

"(b)(1) Beginning in the second quarter of fiscal year 1990, the government of the District of Columbia shall receive payment for sanitary sewer services from funds appropriated or otherwise available to the Federal departments, independent establishments, or agencies. In accordance with the provisions of paragraphs (2) and (3) of this subsection, one-fourth (25 percent) of the annual estimate prepared by the District government shall be paid, not later than the second day of each fiscal quarter, to the District government by the Secretary of the Treasury from funds deposited by said departments, establishments, or agencies in a United States Treasury account entitled 'Federal Payment for Water and Sewer Services'. In the absence of sufficient funds in said account, payment shall be made by the Secretary of the Treasury from funds available to the United States Treasury and shall be reimbursed promptly to the United States Treasury by the respective user agencies. Payments shall be made to the District government by the Secretary of the Treasury without further justification, and shall be equal to one-fourth (25 percent) of the annual estimate prepared by the District government pursuant to paragraph (2) of this subsection.

"(2) By April 15 of each calendar year the District shall provide the Office of Management and Budget, for inclusion in the President's budget of the respective Federal departments, independent establishments, or agencies, an estimate of the cost of service for the fiscal year commencing October 1st of the following calendar year. The estimate shall provide the total estimated annual cost of such service and an itemized estimate of such costs by Federal department, independent establishment, or agency. The District's estimates on a yearly basis shall reflect such adjustments as are necessary to (1) account for actual usage variances from the estimated amounts for the fiscal year ending on September 30th of the calendar year preceding April 15th, and (2) reflect changes in rates charged for water and sewer services resulting from public laws or rate covenants pursuant to water and sewer revenue bond sales.

"(3) Each Federal department, independent establishment, or agency receiving sanitary sewer services in buildings, establishments, or other places shall pay from funds specifically appropriated or otherwise available to it, quarterly and on the first day of each such fiscal quarter, to an account in the United States Treasury entitled 'Federal Payment for Water and Sewer Services' an amount equal to one-fourth (25 percent) of the annual estimate for said services as provided for in paragraph (2) of this subsection.

"(4) The amount or time period for late payment of charges for sanitary sewer services involving a building, establishment, or other place owned by the Government of the United States imposed by the District of Columbia shall not be different from those imposed by the District of Columbia on its most favored customer.".

(d) The first sentence of subsection (d) of section 207 of the District of Columbia Public Works Act of 1954 (68 Stat. 106) is amended to read as follows: "Whenever a property upon which a sanitary sewer service charge is a public park, or uses water from the water supply system of the District for an industrial or commercial purpose in such a manner that the water so used is likewise not discharged into the sanitary sewage works of the District, the quantity of water so used and not discharged into the sanitary sewage works of the District may be excluded in determining the sanitary sewer service charge on such property, if such exclusion is previously requested in writing by the owner or occupant thereof and approved in writing by the District government in advance of the billing period involved.".

(e) The amendments made by this section shall take effect January 1, 1990, and shall terminate December 31, 1990.

SEC. 134. (a) The paragraph under the heading "Lottery and Charitable Games Enterprise Fund" in the District of Columbia Appropriation Act, 1982, approved December 4, 1981 (95 Stat. 1174; Public Law 97-91), is amended—

(1) by striking the 10th proviso; and

(2) in the 11th proviso, by striking "1144, as well as in the Old Georgetown Historic District:" and inserting "1144:".

(b) The 11th proviso referred to in subsection (a)(2), as amended by such subsection, shall not apply with respect to any activity relating to a lottery, raffle, bingo, or other game of chance sponsored by, and conducted solely for the benefit of, an organization which is described in section 501(c)(3), and exempt from tax under section 501(a), of the Internal Revenue Code of 1986.

SEC. 135. No funds appropriated in this Act for the operation of programs, projects, or activities of the government of the District of Columbia for which the Council of the District of Columbia has approved a specific budget increase shall be reprogrammed or reduced prior to 30 days written notice to the Council of the District of Columbia.

SEC. 136. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 137. For the fiscal year ending September 30, 1990, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 138. Section 11-903, District of Columbia Code, is amended to read as follows:

"§ 11-903. Composition.

"Subject to the enactment of authorizing legislation, the Superior Court of the District of Columbia shall consist of a chief judge and fifty-eight associate judges.".

SEC. 139. Of the funds appropriated in Public Law 100-202 for carrying out part B of title VII of the Higher Education Act that remain available for obligation, $6,700,000 shall be awarded without regard to section 701(B), section 721(B), and section 721(C) of said Act to the consortium of institutions of higher education in the Washington, DC, metropolitan area for the purpose of constructing and equipping an academic research library to link the library and information resources of the universities participating in the consortium.

SEC. 140. TASK FORCE ON SUBSTANCE ABUSING PREGNANT WOMEN AND INFANTS EXPOSED TO MATERNAL SUBSTANCE ABUSE DURING PREGNANCY.—(a) IN GENERAL.—The Director of the Department of Human Services of the District of Columbia (referred to as the "Director") shall establish a task force, to be known as the District of Columbia Task Force for Coordinated Service to Drug-Exposed Infants (referred to as the "Task Force"), to develop a plan for the most efficient and effective delivery of services to substance abusing pregnant women and infants who were exposed to maternal substance abuse during pregnancy, including recommendations to ensure maximum cooperation between service providers.

(b) MEMBERS.—(1) The Director shall appoint no more than 15 persons to serve on the Task Force, including persons with experience in treating substance-exposed infants, representing the following organizations and disciplines:

(A) Child protection and welfare.

(B) Local hospitals.

(C) Health care professionals, including drug treatment specialists, public health experts, primary care providers, and child development specialists.

(D) Public safety and justice.
(E) Public education.
(F) Community-based organizations serving substance abusing pregnant and post partum women and their infants.
(G) Public housing officials.
(H) Other human support services.

(2) In addition to the members of the Task Force appointed pursuant to paragraph (1), the United States Attorney or a designee of the United States Attorney shall be a member of the Task Force.

(3) The Director or the designee of the Director shall act as chairman of the Task Force and provide such clerical support as the Task Force requires.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act the Task Force shall submit a report to Congress making findings and recommendations for legislative or other action, and including a specific plan detailing how the District will provide for the care of abandoned or otherwise abused infants for whom foster homes have not been found within 6 months of birth; and a timetable for implementing its recommendations.

(d) TERMINATION.—The Task Force shall terminate on submission of its report in accordance with subsection (c).

SEC. 141. (a) This section may be cited as the "Nation's Capital Religious Liberty and Academic Freedom Act".

(b) Section 1-2520 of the District of Columbia Code (1981 edition) is amended by adding after subsection (2) the following new subsection:

"(3) Notwithstanding any other provision of the laws of the District of Columbia, it shall not be an unlawful discriminatory practice in the District of Columbia for any educational institution that is affiliated with a religious organization or closely associated with the tenets of a religious organization to deny, restrict, abridge, or condition—

"(A) the use of any fund, service, facility, or benefit; or

"(B) the granting of any endorsement, approval, or recognition,

to any person or persons that are organized for, or engaged in, promoting, encouraging, or condoning any homosexual act, lifestyle, orientation, or belief.".

This Act may be cited as the "District of Columbia Appropriations Act, 1990".

The SPEAKER. Pursuant to the unanimous consent agreement, the gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. GALLO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the only conclusion anyone can arrive at based on the President's veto of H.R. 3610, the D.C. Apropriations Act for 1990, is that President Bush does not agree with the decision of the Supreme Court on July 3, 1989, in the case Webster versus Reproductive Health Services.

That decision, which Americans are led to believe is the law of the land, allows local jurisdictions to determine their own abortion regulations and method for paying for abortions.

The Congress did not make that decision—the Supreme Court, the highest court in this Nation, handed down that decision.

And because it is a Supreme Court decision, it is the law of the land—the law that is supposed to apply to all Americans in all of the 50 States and the District of Columbia.

But President Bush, in vetoing this bill, is saying that the citizens of the District of Columbia are excluded from the Supreme Court decision and do not have the right to make their own decision when it comes to abortions.

Mr. Speaker, the President is wrong—he is deciding the health policy for the 630 thousand people who live in the District of Columbia, instead of letting their elected officials set that policy.

The bill I just introduced and that we are now considering is identical in every respect to the two earlier D.C. appropriations bills that were vetoed by the President with the exception of section 117 on page 26 dealing with abortions.

That section now reads: "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

It is unfortunate that we have no choice at this time except to send this revised bill to the President.

And it is most unfortunate for the citizens of the District of Columbia—especially those who are economically dependent on the District government for health care.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLO. Mr. Speaker, I yield myself such time as I may consume.

I would like to say that I also am disappointed that the President saw fit to veto this legislation. However, understanding the importance of getting a package together for D.C., we have had in the area of law enforcement some significant changes that have brought about additional personnel, which is important. One thousand policemen, judicial additions to the courts, and also, though I have concerns as to what has transpired, I think we have run out of the alternatives just as the gentleman from California [Mr. DIXON] has indicated.

This bill has been before Members twice. It has been vetoed twice. If we are going to be able to get some assistance to D.C. in some of the areas that Congress has felt as important, then I think we have no alternative.

Mr. Speaker, I reserve the balance of my time.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. AUCOIN], a member of the Committee on Appropriations.

Mr. AUCOIN. Mr. Speaker, last night's veto of the International Population Planning Fund was the latest example of the "Looney Tunes" leadership we have been getting out of the Bush White House on the reproductive rights of women. A President who has been obsessed with the stifling of abortion rights, vetoed last night international birth control programs that would keep women from being put in the position of having to seek an abortion.

Now we have this, this contemptible, outrageous intrusion of Big Brother into a local government's prerogatives over what it can spend money on and what it cannot spend money on. This is a direct contradiction of the Supreme Court's Webster case which held the decisions on funding abortion for poor women should be left to the States and to lower levels of government. That case was heralded and celebrated by the Bush White House.

I just have to ask, after this veto tonight, are there no limits to how far this President will go to show poor women who is boss in this country? Are there no principles of Federalism or moderation that can restrain this President's strange zeal on this question?

□ 2110

What happened to this conservative creed that government governs best which governs least?

George Bush evidently wants to govern and regulate everything from Federal policies, to local government, right down to the bodies of poor women who are victim of rape and incest.

With this, and the three other vetoes on abortion rights, an embarrassing picture of George Bush emerges: One of a man held hostage by the right wing political fringe of this country.

This is a President in handcuffs, put there by antichoice forces who will not let him pursue the broader goals of governing the country, even though the pact he has made with them contradicts everything he has stood for throughout his public life.

It now seems evident that Mr. Bush is willing to submerge every major national policy interest to the Faustian political bargain he struck with the antichoice crowd.

His antichoice position is a higher priority than funds to El Salvador, which he has been willing to walk over broken glass for up to this point.

His antichoice position is a higher priority than the critical investments in his education presidency, because he vetoed the Labor-HHS appropriations bill.

His antichoice position is now even higher as a priority than resources to roll back communism in Poland at a

time of historic change in Eastern Europe.

Now we are seeing the President trying to be Mayor of the District of Columbia. I think this is an absolutely outrageous intrusion of Federal Government into the affairs of local government. I am amazed that this President, who is supposed to be a moderate man, would bend and twist the power of the Federal Government in such a way as to make a colony out of this city and its citizens.

I believe in local government and that government governs best which governs locally. I cannot understand this veto.

More important, Mr. President and your allies, Americans do not understand it either, and will remember this disgraceful night through election day next year.

Mr. DIXON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Speaker, not only do the people of this country not understand this President's actions, but the people of the civilized world stand aghast at what this President is doing to us as a nation, let alone what he is doing to poor women who want to control their fertility, who want to be in charge of their reproductive systems.

Around the world, across the length and breadth of Europe and in Asia, civilized developed countries are absolutely agog at this President's incomprehensible obsession with denying women their contraceptive rights. They cannot understand how a President of the United States, who is the flower of the enlightened Eastern Protestant establishment, can possibly be functioning in this manner.

What kind of a signal is he trying to send the women? What kind of a signal is he trying to send the rest of the country? What kind of a signal is he sending the world about the kind of a country we are? That we would deny our poorest women, our most defenseless women, our most resourceless women, the right ultimately to make vital decisions affecting their fertility, affecting whether they will bear a child?

Is it conceivable that the Government of France could pass legislation saying that Paris, the municipality of Paris, with its own funds could not provide funds for an abortion in a case of a poor woman who could not afford it?

Would the Parliament or governing party of Italy conceivably in our wildest imagination ever decree that the citizens of Rome, even as it is the seat of the Vatican, that the citizens of Rome, the poor women of Rome, could not have access to abortion?

Is it conceivable in Spain that their National Parliament, their Chief of State, could decree that the women of Madrid could not avail themselves of contraceptive services provided from funds raised by the city of Madrid?

This is not some Catholic-like world that the President is leading us into. There is not a developed Catholic country in Europe, not France, not Italy, not Spain, that would treat its women in this fashion. Why in the world would we?

Mr. Speaker, I knew George Bush when he was in Congress. He was a decent, compassionate, kindly man. He was a friend of mine. He worked with me closely between 1967 and 1970 in passing a massive family planning act.

He was one of two Republicans I could always count on for support, he and Bob Taft, decent, fine, enlightened men.

Where is the George Bush of the late 1960's?

Mr. DIXON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I hope all America is watching tonight. I think it is interesting that the President chose tonight to veto this bill. I guess he did not want to embarrass the two women candidates that he was campaigning for today, so he waited until his campaign day was over so they would not be embarrassed until tomorrow morning.

But the fact remains that the President has vetoed this Washington, DC bill, and he is reflecting in that veto a minority view of the House and a minority view of the Senate.

It is remarkable to me, Mr. Speaker, that this bill contains no Federal funding for abortion, not one dime, except in the case of the life of the mother.

We struck the provision to help victims of rape and incest. We did not like doing that. We should not have really done it, but we felt we would fight that battle another day, never thinking, never thinking that he would veto this bill, reaching into local government, local control.

Can this be a Republican President, Mr. Speaker, a Republican President who has always stressed States rights, local government? Has he not read the Webster case that so many of the prolife people support, which gives the right to the local government to decide these issues?

This President has really lost it. He is bringing down government for this rightwing view. He has cast three vetoes on this bill, and I think he is swimming against the tide, not only of this House, not only of the Senate, but against the American people.

Slavery is over, Mr. President. Washington, DC, is no longer a plantation. You do not own it. You should not tell it how to use its own funds.

This is a sad day for the people of D.C. But I pledge on behalf of the majority of this House that we will be back, and we will gain the 50 Members we need to become a prochoice House of Representatives.

Mr. GALLO. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding.

First of all let me express my gratitude to the President for keeping his word and sticking to his principles that unborn children are precious and they are deserving of our respect.

Notwithstanding some of the personal attacks that I have heard leveled against the President this evening, the President has nevertheless stood his ground. He has stood firm, as he has done in the past, and I believe he will do again in the future.

I think a very clear message emerges this evening. The President, when he says he is going to veto something, will veto it.

Mr. Speaker, the President has simply insisted that current law be retained. In fiscal year 1988, before current law went into effect, 3,100 children were killed by the abortionists at taxpayer expense, and abortion was on demand. There were no limits. If the economic criteria were met, the abortion was procured.

□ 2120

Mr. Speaker, if the President had accepted and signed the bill that was presented to him, he would have OK'd taxpayers' funding for abortion on demand. That was the issue.

Mr. Speaker, government is not being brought down by this veto or shutdown. This legislation, I would suspect will pass, will be over on the President's desk probably as early as tomorrow. The D.C. funds will flow, and the antidrug and the other important measures in the bill will become law.

Mr. Speaker, I yield back the balance of my time.

Mr. GALLO. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to this bill. I rise in very strong opposition to this bill and urge my colleagues to reflect on the fact that we, as representatives of all the people in America, the very poorest, the very most desperate, the very most destitute, have a responsibility in the years ahead to find a way to assure that women who are victims of rape and incest have access to those common health care procedures that all the rest of us have access to.

Mr. Speaker, this is a sad day for the House. This is not a proud action because it denies to women who are victims ordinary care that any woman ought to have the right to expect a free society would offer to her.

Furthermore, it denies D.C. the dignity of the right to decide how they will spend their own moneys, a dignity that we allow to States throughout America. If this were a bill that denied the States the right to make this determination as to how they would spend their money, we would not stand for it, but we will abuse D.C. and the millions of poor women in D.C. and deny that local government the right that other autonomous segments of our federal system have, and we will fly in the face of the Supreme Court decision here tonight.

Mr. Speaker, that is not an action we should be proud of.

Under any other circumstances I would not let this bill go without a rollcall vote, but in respect to my colleagues, in recognition of the hour, in recognition of the need for families to be together on a holiday, I will not call for a rollcall vote. But I do not think it is honorable for the House to deal at this hour so lightly and so callously with women, poor women, in America, and particularly in D.C., but the implication of this will go well beyond the poor women of D.C. and the rights of the District government which we are so callously trampling upon.

With regret I oppose the bill. With deep regret I will not call for a rollcall vote.

Mr. DIXON. Mr. Speaker, I yield 3 minutes to the gentleman from the District of Columbia [Mr. FAUNTROY] to close debate.

Mr. FAUNTROY. Mr. Speaker, this is a sad day of course for the nearly three-quarters of a million citizens whom I represent in this body without a vote, three-quarters of a million citizens who pay more taxes per capita than residents of 49 out of the 50 States, who gave more of their young men in the Vietnam war per capita than the residents of 47 States of this Union, all of whose sons died defending the democracy that we do not enjoy here.

Mr. Speaker, I have fought with every means at my disposal this blatant injustice to the citizens whom I represent, and I must ruefully acknowledge tonight that the President has again exercised the raw, naked power of the Presidency to deny poor women in our Nation's Capital what he cannot deny poor women anywhere else in this Nation, and that is the use of the locally raised funds for abortion, particularly abortions should they be raped or the victims of incest.

This is a painful reminder of an unkind and ungentle President who has painfully reminded us that the strong do what they can and the weak suffer what they must.

While I acknowledge that we are going to have to accept what is going to be done now, I am not without hope. We shall overcome. I remember in 1956 that those in Hungary suffered and died, but they proclaimed, "We shall overcome someday." I see that wall in Berlin coming down, and I remember those who sought to climb it were gunned down, but they died saying, "We shall ovecome someday." And I leave this Chamber saddened tonight by this act of callous unkindness confident that I would rather lose in a cause that must ultimately win than to win a temporary victory in a cause that must ultimately lose. I thank God for the young students in Tiananmen Square. I thank God for those who walk and march in East Germany today, and with them we in the District of Columbia shall someday overcome.

Mr. DIXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CARDIN). Pursuant to the previous order of the House, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3746, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3620. An act to clarify the Food Security Act of 1985.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 727. An act to amend the Animal Welfare Act to provide protection to animal research facilities from illegal act;

S. 1526. An act to authorize the State of Oklahoma and the Kiowa, Comanche, and Apache Tribes to enter into an agreement regarding the exercise of State jurisdiction over a portion of Indian country located in Comanche County, Oklahoma;

S. 1606. An act to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and who are from disadvantaged backgrounds, and for other purposes; and

S. 1939. An act to extend the authorization of appropriations for the Taft Institute.

□ 2130

SAFETY FOR AGING AIRCRAFT

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, this afternoon I introduced the Aging Aircraft Safety Act of 1989, the purpose of which is to require the Federal Aviation Administration to establish a heightened, more intensive review of aircraft as they reach and surpass their economic design lives. This bill will be one of the early priorities of the Subcommittee on Aviation of the Committee on Public Works and Transportation, when Congress reconvenes next year.

The legislation is a product of several years of intensive review by both the Subcommittee on Aviation and the Subcommittee on Investigations and Oversight, which I have chaired, on oversight of the FAA's maintenance program, specifically the maintenance of aging aircraft.

The legislation I have introduced directs the FAA to initiate a rulemaking to require a special inspection of aircraft focused on aging aircraft issues. This special inspection would take place during the last year of the economic design life of the aircraft to ensure that all necessary actions have been taken to operate the aircraft safely beyond its economic design life.

The bill would require the FAA to propose a rule within 6 months of enactment. This will give the FAA time to develop regulations, and then to publish them to assure full public participation and input into what will be a new procedure for the management of aging aircraft: terminate and replace, instead of the current practice of "inspect and replace as needed."

This new approach will also put the burden on the carrier to comply with the new rule, in order for the aircraft to be permitted to continue to fly.

The purpose of the legislation is to establish a higher level of visibility and public accountability by air carriers, who have the first line responsibility for maintenance, especially maintenance of aging aircraft.

I want to assure all concerned that the Subcommittee on Aviation will follow with intense interest the progress and product of the resulting rulemaking.

The Aging Aircraft Safety Act will, if enacted and properly implemented, respond to the public's very real concern for the safety of aging aircraft. This legislation and the resulting aging aircraft program will go a long way toward assuring our fellow Americans will be able to fly with added confidence that older aircraft have been given an extra, intensive inspection, with particular attention to the specif-

ic problems common to aging aircraft, and that each of these aircraft will be as safe as human beings can make it.

IN SUPPORT OF WASTE MATERIALS MANAGEMENT ACT OF 1989

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, today I rise in strong support of H.R. 3735, the Waste Materials Management Act of 1989, of which I am an original cosponsor.

This bill will go a long way in addressing the problems America is having dealing with its trash.

In particular, I got involved with this bill because of my concern over the Kim-Stan landfill in Selma, VA. Kim-Stan used to be a local operation which accepted only local trash. But Kim-Stan was sold last year, and the new owners began accepting garbage from other States. Kim-Stan is now accepting more than 65 tractor trailers of out-of-State trash and garbage each day!

The Waste Materials Management Act of 1989 will make it possible for States to decide whether they want to accept out-of-State garbage. It would require every State to develop a plan for dealing with their own trash.

The Kim-Stan landfill is operating today against the wishes of the local government and everyone who lives near it. It is a glaring example of why we need a new law.

NOTICE OF CONTINUING HEARINGS ON S&L SITUATION

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, tomorrow morning at 10 o'clock the Committee on Banking, Finance and Urban Affairs, is going to continue hearings on the S&L situation. As all of you in this body know, it is an extremely crucial issue and one that is going to come back to face us.

We are at this time holding hearings on the Lincoln Savings & Loan, for example, that is costing the American taxpayer, that is every American, $2½ billion, which translates into about $10 for every man, woman, and child in America. That is only one savings and loan. We have 600 that are going to be closed.

This issue is costing a total now of about $284 billion, and we have been told that we need more money to save the savings and loans.

It is an extremely important issue for all of you to follow and I hope in the break that you will follow this, because in the spring this issue is going to come back and I am afraid it is going to come back to really haunt this House and the American people.

I am asking every person in this body to say tuned to this issue.

A CUSTOM-MADE FAX MACHINE FOR THE AIR FORCE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, an article in my local newspaper indicates the Air Force, always at the cutting edge of technology, is getting its own custom-made Fax machine for more than $421,000 a machine, including spare parts.

Now, although our constituents can pick up a Fax machine for about $1,000, those machines are not up to the sand, dust, rain, fog—listen to this—fungus, and nuclear survivability standards of the Air Force.

Now, I have heard about a virus in a computer, but I have never heard about a fungus in a Fax machine before, until the Air Force got hold of it.

What is more, the average constituent's Fax does not use paper that costs $100 a roll.

Now, the Air Force said that the Government is acquiring a state-of-the-art facsimile machine that can send and receive high-resolution imagery data any place, any time around the world, and Litton Industries is building 173 of these machines for a total cost of about $40 million.

Now, I guess my question to the Air Force is, Don't they ever learn, doesn't the Pentagon ever learn that some of these expenses just cannot be understood by the average American taxpayer?

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman tell us whether this Fax machine is compatible with the $8,500 coffeemakers?

Mr. GLICKMAN. I am not sure, but I assume they will put them next to each other.

Mr. FORD of Michigan. I assume they did not want to embarrass the coffeemakers by putting a cheap Fax machine next to it.

U.S. RISKS LOSING OUT ON ECONOMIC OPPORTUNITIES IN EASTERN EUROPE

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, the United States risks fiddling while Eastern Europe burns with the fire of economic opportunity. Now is the time to demonstrate the "made in America" brand of entrepreneurship that made the United States a global economic power in decades past.

We are running the risk of focusing on what to do about military competition when the future is economic competition.

I congratulate General Electric which has just invested $150 million for control of a Hungarian lightbulb company. Others include the Guardian Industries of Detroit which is spending $100 million to build a glass plant in Hungary and the Pritzker family's Marmon Group which just bought a Hungarian trading company.

Our government should take every step to encourage United States companies to develop the markets and opportunities that beckon beyond the crumbling walls of Eastern Europe. The Nation and its business community that moves aggressively will be rewarded with export driven job opportunities. Already, Pacific rim and European countries are mounting a profit motivated invasion.

I am pleased to report that Secretary of Commerce, Robert Mosbacher, as a followup to his September trip to Eastern Europe, will be leading a group of chief executive officers, and leading economists, to Poland next week for a fact finding mission to investigate trade and investment opportunities for United States companies. He should be commended for his leadership in recognizing the trade possibilities existing in a rapidly changing Eastern Europe.

INTRODUCTION OF BILL DIRECTING SECRETARY OF HEALTH AND HUMAN SERVICES TO ANALYZE DIFFERENCES IN ACTUAL OPERATING COSTS AMONG HOSPITALS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I take this time to announce that I am introducing a bill tonight because a similar provision was stricken from the reconciliation bill.

The bill is to direct the Secretary of Health and Human Services to analyze differences in actual operating costs among rural, large urban and other urban hospitals, and for other purposes.

The purpose of the bill is simply to require the Secretary of Health and Human Services to determine the actual operating differentials, if any, among large urban metropolitan hospitals and those lying within that metropolitan region, if there is a difference.

UPDATE ON ROMANIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, just to give the House an update on Romania, as we know, there is democracy in Poland, the Wall has been pierced and broken down in East Berlin, there is free travel in Czechoslovakia, demonstrations in Bulgaria, and yet tonight President Ceausescu appeared on the news at the party conference in Romania, and there is absolutely no change.

The Romanians have closed their borders, prohibited the press from coming in, all press from coming in, persecute the Catholic Church, persecute other religious beliefs, stop food from coming into their country, beat up individuals, including Catholic priests, and yet nothing changes.

□ 2140

Mr. Speaker, it is important that President Bush, when he meets with General Secretary Gorbachev in Malta in the beginning of December, get together both the United States and the Soviet Union to put pressure on the Romanian Government to bring about a change and to bring about democracy in Romania.

A DEPRESSING NOTE TO END THE FIRST SESSION OF THE 101ST CONGRESS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute.)

Mr. SCHEUER. Mr. Speaker, there have been a number of rather depressing incidents and phases in this session of Congress, starting out with the embarrassing spectacle of the extended Senate debate on the confirmation of Senator Tower, the incident of our majority whip being, in effect, driven out of office by a feeding frenzy in the press, by our great Speaker, Jim Wright, being driven out of office, and now the spectacle of the President, in the last day of the session, denying the ability of the District of Columbia with its own funds to provide for the contraceptive rights of its citizens, of its poorest citizens, to enable them to achieve an abortion.

It seems I am in a time warp, that I am taken back to the 1600's in Puritan New England to the time of "The Scarlet Letter" when Hester Prynne was stamped as a symbol of all that was degrading. Perhaps the President would like us to set up a stockade in Lafayette Park.

While all across the length and breadth of Eastern Europe there is a new breath of freedom, a new breath of respect for individual rights, in Poland, in Hungary, in East Germany, even Bulgaria and Czechoslovakia, this President surrounds the citizens of the District of Columbia with his own Berlin Wall, denying the District the right to care and help for its own women, with their own funds in providing and assuring their right to an abortion. This is truly a depressing note on which to end the first session of the 101st Congress.

THE ISSUE OF BALTIC INDEPENDENCE

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, on December 2 and 3, President Bush is scheduled to meet with Secretary Gorbachev somewhere in the Mediterranean Sea. I call on President Bush to use this opportunity to address the question of self-determination for the people of the Baltic States.

It was 50 years ago that Joseph Stalin and Adolf Hitler conspired to divide Eastern Europe into spheres of influence and precipitated the outbreak of World War II. This conspiracy culminated in the illegal annexation of the Baltic States of Lithuania, Latvia and Estonia into the Soviet Union.

Today, the democratic winds of change are blowing through Eastern Europe. The Berlin Wall has been opened up to the world's amazement, the policies of the Eastern bloc have failed and with them emerges a new hope for democracy. But these winds of change have not yet reached the three small Baltic States of Lithuania, Latvia, and Estonia.

While the people of the Baltic States have organized new popular front movements and have kept their struggle for independence alive for over 50 years, they still remain under the occupational forces of the Soviet Army and the administration of Moscow. More recently they have shown their commitment to independence, when over 2 million people joined hands and created a Human Chain which stretched from Vilnius to Riga to Tallinn, over 400 miles long.

In view of the changing realities in Eastern Europe, Mr. Speaker, I am calling on President Bush, to bring up the issue of Baltic independence when he meets with Secretary Gorbachev this December. I urge the President to place the Baltic question of self-determination through free and open elections on the conference agenda.

We can no longer ignore the spirit and determination of the people of Lithuania, Latvia, and Estonia. For 50 years these people have suffered in virtual silence, peacefully pushing on. Secretary Gorbachev is a reasonable man, the Soviets negotiated troop withdrawals from Finland, Austria, and more recently Afghanistan. It is now time that they address the desires of the Baltic people, who's nations were once free, unique countries of Europe, and members of the League of Nations.

It is time that these small, independence seeking republics be granted their stolen freedom, and the consequences of the Hitler-Stalin pact be finally resolved. Mr. Speaker, we must not forget the people of Lithuania, Latvia, and Estonia.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished majority leader the program for the balance of this evening and what the prospects are for tomorrow.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, good progress has been made during the day on the bills that are finished which are obviously the reconciliation bill and the catastrophic bill. However, when and if they are completely finished, and I expect that that will happen in the next few hours, we have about 3 to 5 hours of hard drafting work to do on the reconciliation bill.

There is a lot of intricate new material that is in it, and it will take a long time to get it right. We do not want to have a bill that is written wrong and, therefore, we are going to not have further votes tonight.

We are going to come back at 9 o'clock in the morning. We will hope to have the reconciliation bill at the point ready, the catastrophic bill ready, and try to move out of here as quickly as we can.

There is no way now that we can give Members an exact prediction as to how long all of this will take, but I would hope that we could have the reconciliation bill up for consideration at 9 o'clock.

Mr. MICHEL. Mr. Speaker, I appreciate that, and if I might only make the comment on our side that if Members have any particular comments or views with respect to the catastrophic issue, I would certainly appreciate their communicating those thoughts to me just as quickly as possible.

As the majority leader indicated, there are those who would like to do something with that tomorrow, and we cannot leave without resolving the issue to some degree, and the question is whether or not it is outright repeal or whether it is something left in a package. I happen to subscribe to the view that we ought to retain some-

thing that is viable, but there are all kinds of differing views around here as to what that ought to be. If Members would give us the benefit of their thoughts, it may very well be helpful when the time comes for us to either put it together tomorrow or put it to bed, one way or the other.

I thank the distinguished majority leader.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TOMORROW, NOVEMBER 21, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare recesses on the legislative day of Tuesday, November 21, 1989, subject to the call of the Chair.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW, TUESDAY, NOVEMBER 21, 1989

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2505

Mr. MACHTLEY. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2505.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mr. MACHTLEY. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 586.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

THE FRANK E. MOSS FEDERAL BUILDING

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, on Friday last, we passed legislation and tonight the Senate will honor a former U.S. Senator from the State of Utah who has devoted is life to public service—Frank Moss. His 18 years of service in the Senate directly influenced many of the most dramatic and far-reaching events in modern American history—the war in Vietnam, the social changes of the 1960's, the Great Society, space exploration, and the rise of the nuclear age.

This bill, which redesignates the court house and U.S. Post Office located at 4th South and Main Street in Salt Lake City the "Frank E. Moss Federal Building," commemorates not only Ted Moss' lifelong dedication to the public good as a U.S. Senator, but his previous service as a judge in Salt Lake City's municipal court, a colonel in the U.S. Army Reserve, the elected Salt Lake County attorney, and his continuing contributions as a community leader today.

Having served in the Senate leadership as Secretary of the Democratic Conference, he is described by his colleagues as one of the most productive men ever to have served in that body. In the area of consumer protection, he was a genuine leader, a pioneer. He was the principal sponsor of the Toy Safety Act, and is recognized for his crucial role in the passage of the Fair Packaging and Labeling Act, the Truth-In-Lending Act, the Flammable Fabrics Act, and many other consumer-oriented bills. Perhaps best known to his friends in Utah and throughout the country was his success in leading the fight to ban cigarette advertising from television.

The list of Ted Moss' accomplishments reads, as former Senator Howard Cannon of Nevada said on the Senate floor, "like an encyclopedia." From his involvement in nursing home reform and Medicare to the creation of the country's greatest natural treasures—Canyonlands, Capitol Reef, and Arches National Parks—Senator Moss has earned a place in the hearts of all Utahns and remains a vital force in our State. My two colleagues in the Senate, JAKE GARN and ORRIN HATCH have graciously consented to support this bipartisan legislation as it moves through the legislative process, and I urge your support as well.

□ 2150

FRANK E. MOSS FEDERAL BUILDING

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, I would like to add to the remarks of my colleague, the gentleman from Utah, and congratulate the gentleman for naming the post office for Senator Moss who served for 18 years honorably from the State of Utah. I would like to add my congratulations to him and also to Senator Moss at this time.

GENERAL LEAVE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks and include extraneous material on the subject of the special order of the gentleman from Ohio [Mr. THOMAS A. LUKEN].

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from New York?

There was no objection.

WASTE MATERIALS MANAGEMENT ACT OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. THOMAS A. LUKEN] is recognized for 5 minutes.

Mr. THOMAS A. LUKEN. Madam Speaker, I rise today to introduce the Waste Materials Management Act of 1989. This omnibus reauthorization of the Solid Waste Disposal Act is a bipartisan effort and I commend my colleague Mr. WHITTAKER, ranking minority member of the subcommittee, for his support and guidance. I also commend and congratulate the other co-sponsors [RICHARDSON, MANTON, SLATTERY, BATES, SYNAR, WYDEN, WALGREN, SKELTON, ROWLAND, BEVILL, OLIN, KANJORSKI, DON PAYNE, BILL HUGHES, TORRES, WOLPE, HOCHBRUECKNER, BONIOR, COLLINS, FAZIO, HERTEL, GEORGE BROWN, MORELLA, STENHOLM, VENTO and BOSCO].

The goals of waste minimization, recycling and strong Federal-State-local government relations in waste materials planning and management have guided the development of this legislation, the most comprehensive and sweeping restructuring of the Solid Waste Disposal Act since it became law in 1965. Since then, the problems have increased, not only in quantity, but in potential for dire health and environmental consequence.

Recognizing the constitutent problems of members because of one State's shipment of wastes to another, the bill resolves these problems. We have heard proposals to ship wastes as far as from Maryland to New Mexico. As I am sure you are aware, my State of Ohio accepts a large amount of waste from the Northeast. This has created ill will among the States, several of which have devised ways to limit or stop waste imports.

The solution this legislation provides is to create strong incentives for States to handle their own garbage. It requires states to maintain open borders for garbage until a State certifies that it has adequate capacity as part of an approved waste management plan. Only then can a State ban imports from States that have not certified capacity. It also prohibits States without approved plans from exporting their trash to other States.

In this way a tremendous incentive is created for each State to provide for its own waste and thereby be able to fend off garbage from other States.

Twenty five years ago landfilling was an acceptable solution for getting rid of our solid waste. Today, we still landfill almost 80 percent of our garbage; but, by 1993 more than

one-third of our landfills will be filled to capacity and by 1995 our States will have exhausted their landfill capacity.

What has been our reaction to this developing crisis in landfill capacity? Long Island sent over 3,000 tons of its garbage on a long vacation—by barge. And you know where the garbage ended up? Back in Long Island, to be disposed of through incineration.

Philadelphia sent 15,000 tons of its incinerator ash on an even longer voyage—2 years—during which it was repeatedly turned away form port-after-port, until the ship dumped the ash under mysterious circumstances—probably at sea.

Even as we continue this near total reliance on land disposal, we no longer do so in our own neighborhood; in many neighborhoods that is because there is no longer room. As a result, east coast trash often finds a final resting place in the Midwest. In Ohio, we put nearly 2,000,000 tons of New Jersey garbage into our landfills each year. Now, there are even plans to ship garbage from states such as Maryland to landfills as far away as New Mexico.

People in the East think it is an east coast problem because they do not have anyplace to put their solid waste.

People in the Midwest and the West think it is a Midwest and West problem because the Nation's garbage is being dumped on their land.

This is America's problem—we have an American crisis in solid waste.

We must reduce the amount and toxicity of our waste. To the extent that we reduce our amount of waste, we reduce the scope of our waste crisis.

We must change the way Americans practice throw away, out of sight out of mind, waste materials management. We must strengthen and expand our national, local and regional efforts to recycle, conserve and recover our natural material and energy resources.

We must insure that waste management facilities meet standards sufficiently stringent to assure our citizens that the environment and human health are properly protected.

The Federal Government is a partner in this effort. The Federal Government must take the lead by adopting procurement practices which give preference to the procurement of items with the highest percentage of recovered materials practicable.

The Federal Government must set an example in new maket development for recyclable materials and products with high recycled content.

And the Federal Government must set national standards for waste management facilities to ensure protection and prevent the unacceptable creation of dumping ground States caused solely because it is cheaper to do business in one State than it is in another.

The legislation which I am introducing provides the flexibility needed for all the States and the thousands of local communities and industries to meet the goals of resource conservation, recycling, and waste reduction; and to recognize that sound waste management planning begins with an understanding of regional diversity.

Throughout this session of Congress we have been tackling our clean air problems. Let's be sure that our clean ground and clean water problems do not get left behind. It is time to clean the entire house.

A recent Gallup Poll indicated that over 50 percent of all Americans would change their buying habits to purchase food and beverages sold in containers that are recyclable.

Unfortunately, according to a recent New York Times poll, there are still many Americans more interested in sophisticated and increasingly elaborate packaging for their food and beverages than in environmentally sound packaging.

We need to get the word out to America.

This legislation requires State plans to include educational programs for school age children. If the future of America is in the hands of our children, then we must be sure that they are aware of the importance of an environmentally responsible America.

We must take action before our solid waste crisis overwhelms us.

Neither Ohio, nor New Mexico, nor any other State should be the Nation's dumping ground.

It is also essential that existing waste export controls, which are limited and ineffective, by improved. Along with the Waste Materials Management Act, I am introducing a bill to require that any exported wastes be treated, stored and disposed of in a manner that is protective of human health and the environment and which is no less strict than that required in the United States.

It was my original intention to include waste export provisions in the Waste Materials Management Act. However, because jurisdiction over this issue is shared with another committee, I have decided to introduce these provisions as a separate bill. I want to express my strong belief that this waste export bill is a significant part of our effort to fashion a sound waste control program, and it is my intention to address both the waste export bill and the Waste Materials Management Act as a package. I hope that the Foreign Affairs Committee will move expeditiously on this issue so that we can achieve this goal.

And I call on all my colleagues to help me in working to pass legislation which comprehensively addresses waste materials management and sends a clear, unmistakeable signal that the American people recognize no one's right to pollute.

Major environmental legislation is never easy. But, to avoid leaving our children the legacy of living in their own garbage with no place to put it, of living with ground and surface water contaminated with the pollutants of decaying trash we must act today.

Madam Speaker, I ask unanimous consent that the texts of the Waste Materials Management Act of 1989 be printed in the RECORD.

Mr. WALGREN. Mr. Speaker, today I am pleased to join Congressman LUKEN and others in introducing the Waste Materials Management Act of 1989 which is the first full reauthorization and update of the Solid Waste Disposal Act in 24 years. This is a landmark bill and I commend Congressman LUKEN for his hard work. I am doubly pleased that Mr. LUKEN has included a revised version of my bill H.R. 1993, the Tank Spill Prevention Act of 1989, in title V of his bill. These provisions would add new safety requirements applying to above-ground storage tank and hopefully prevent recurrence of spills such as one in my district.

On the 2d of January, 1989, 3.8 million gallons of No. 2 diesel oil gushed from the collapse of an above-ground oil storage tank, owned and operated by Ashland Petroleum Co., near Pittsburgh. The 40-year-old tank had been cut apart, moved from Cleveland and reconstructed. It was being filled with oil for the first time at the time of the collapse. One million gallons poured into the Monongahela River; approximately 20 percent of that was recovered from the river. Diluted along its course, the slick from the spill traveled the length of the Ohio River and merged into the Mississippi.

Immediately after the rupture, 1,200 people had to be evacuated from their homes because of the potential of fire. The drinking water supplies of at least 1 million people were affected with some communities having no water for 8 days. Businesses in Pittsburgh had to close. Fish and waterfowl were killed.

Investigation by the National Bureau of Standards, and the Batelle Institute confirmed that the spill was caused by a brittle fracture of substandard steel. Many question whether the company followed good engineering practices or voluntary industry standard in the construction of this tank. Most who are familiar with this accident agree that the tank would not stand up to the level of safety that should be demanded of all storage tanks.

CURRENT REGULATION

I have been dismayed to learn that current Federal regulation of above-ground tanks is limited at best. First, there is virtually no regulation of the structural strength required. There are only voluntary industry practices. Second, there are some regulations for spill containment, but their enforcement appears to be very irregular. EPA has never inspected the spill containment system for the Ashland tank.

Current EPA spill containment regulations are broad and vague, essentially leaving the industry in the role of setting its own standards, policing its own operations, and conducting its own inspection. For example, EPA does not require the SPCC plan to be modified when a tank is relocated or rebuilt until 6 months after the tank is in operation. EPA regulations allow a new or rebuilt tank to operate without an inspection. The Pittsburgh tank had been, in different phases, under construction for a year and a half, but Ashland did not amend the spill plan until 2 days after the spill.

Industry standards may be generally good guidelines and if followed, can prevent all sorts of mishaps. However, because they are in most cases voluntary, they give little assurance of safety to private citizens. If there is a tragedy, as we have painfully learned, there is little recourse for the Federal Government but to impose minimal fines that hardly fit the scale of the damage incurred by communities, governments, individuals, and natural resources.

CURRENT FEDERAL INVOLVEMENT

Several agencies address tanks and spills within their jurisdiction, but none directly address the Ashland collapse:

The Coast Guard responds to spills in waterways from vessels and regulates the design of vessels.

EPA addresses spills on land and into waterways from facilities, but as I have outlined EPA does not regulate structural tank safety and the spill containment regulations are spotty.

The Superfund Hazardous Waste Cleanup program does not cover petroleum.

The Solid Waste Disposal Act regulates underground storage tanks, but not aboveground tanks.

The Hazardous Materials Transportation Act regulates the movement of hazardous materials. Oil is not considered to be hazardous.

The Department of Interior regulates offshore oil activity.

The Pipeline Safety Act regulates oil flowing through pipelines.

Somehow, in terms of Federal law, aboveground tanks have fallen through a very big crack.

The bill we are introducing today would put into place some tough requirements and a clear enforcement program that hopefully will help prevent another spill like the one we had in Pittsburgh.

Title V of the Waste Materials Management Act amends the Solid Waste Disposal Act, adding a part 2 to subtitle I.

The bill would require EPA to publish regulations prescribing standards for all aboveground storage tanks with a capacity greater than 4,200 gallons that contain certain regulated substances and petroleum, as defined by the Solid Waste Disposal Act. Farm and residential tanks would be excluded. The standards would cover design, siting, construction, fabrication, testing, inspection, maintenance, modification, and release and spill detection and prevention.

For tanks erected in the field, the regulations would require a release prevention plan for each tank facility with secondary containment sufficient to contain all spills and leaks. The tank and physical construction of the facility would be required to reflect good engineering practices. And the bill would require a release prevention system, including training of personnel, assurance of readily available cleanup equipment, procedures for cleanup, and notification of local officials and the National Response Center.

For the smaller shop-fabricated tanks, EPA would be required to establish an inspection system at the factory to ensure that tanks that are shipped meet the design standards. Tanks would then have to be installed according to EPA regulation. These provisions were not in my original bill and are designed to relieve the administrative burden presented by the large number of smaller tanks.

The bill would authorize EPA to require owners or operators to maintain evidence of financial responsibility for tanks.

ENFORCEMENT

The problem with the current voluntary standard is that there is little enforcement or oversight by any level of government. The Solid Waste Disposal Act, if this bill is enacted, would require EPA to enforce the regulations and standards unless a State receives EPA approval for a State enforcement program that is as stringent as the Federal program.

To begin, each owner or operator would be required to have each tank inspected by a qualified independent professional engineer. The Administrator would be charged with setting realistic, ongoing testing schedules for all types of tanks. In each case, the inspection would have to be certified by an independent professional engineer and a copy sent to EPA or the State.

The bill would require testing of all tanks, including rebuilt tanks, before beginning operations. No rebuilt tanks would be allowed to operate until the tank is inspected, tested, and certified by a qualified independent engineer and the inspection filed with the EPA or the State.

EPA or States would be required to conduct periodic inspections to ensure compliance with the regulations. Funding for the Federal and State enforcement programs would be provided by the tank spill enforcement fund, created by user fees collected on tanks, based on size.

CLEANUP

The new requirements would make owners or operators liable for cleanup of spills or leaks, restoration of natural resources, real or personal property damage, subsistence loss, and loss of certain revenues and profits, including replacement water supplies and water treatment. If the owner or operator should fail to respond to a spill or leak in a proper or a timely fashion, the bill would authorize EPA to direct the cleanup activities. Funds expended by the EPA could be recovered from the party responsible for the leak or spill.

While this is a very important step, aboveground tanks are only one piece of this comprehensive bill. Among the other important parts of this legislation are provisions that would improve the Federal role in national recycling and solid waste handling, renew and improve the Nation's safety requirements for hazardous wastes, and make numerous improvements in waste and product management. In addition, I appreciate the support of Congressman LUKEN by including a provision from my bill, H.R. 3094, which will make it easier for Government documents which have a lasting value to be printed on permanent paper. Current purchasing guidelines for the Government fail to take any account of the enormous advantage of using permanent nonacidic paper. This provision, if enacted, will save the Nation's libraries literally billions of dollars in preservation costs without costing the Government a penny. This is an important bill and I am pleased to be an original cosponsor.

Again, I am grateful to Congressman LUKEN for his work and interest in tank legislation and I look forward to working with him and others in getting the bill enacted into law.

Mr. SYNAR. Mr. Speaker, I am pleased to cosponsor the Waste Materials Management Act of 1989. The chairman of the Subcommittee on Hazardous Materials and Transportation and his staff are to be commended for this mammoth undertaking. It reflects a great deal of hard work and is an excellent starting point for our efforts to improve the present system of controlling the generation, storage, treatment, and disposal of waste in the United States.

The bill makes especially significant progress in certain key policy areas. It recognizes and promotes the fact that the best solution to our waste problem is to limit the amount which is generated and disposed of. Accordingly, the bill requires states to: Develop programs to reduce waste at the source; to implement aggressive programs to separate out materials that can be recycled or composted, or that should be handled with special care; creates an interagency working group on market development to encourage private demand for recyclable materials and products; and spurs Federal purchases of recycled products.

The bill also makes it very clear that, at the local and State levels, we must take responsibility for the waste we generate. It requires communities to plan ahead for the management of wastes generated within their regions. Similarly, we as a Nation within the international community must assure our neighbors that we will deal with our waste problems in a responsible manner. In order to accomplish this purpose, the chairman has also introduced a companion measure which will put an end to the inadequate regulation of waste exported from our country to other nations. Currently, generators can avoid the disposal controls being implemented in this country by shipping their waste to foreign facilities with weaker controls. The waste export bill requires that any exported wastes be treated, stored, and disposed of in a manner that is protective of human health and the environment and which is no less strict than that required in the United States. This bill demonstrates to our international neighbors that the United States is serious about taking responsibility for its waste problems, and will not dispose of its waste in a manner which affords less protection to citizens of other nations than we demand for ourselves.

The waste export bill is a very important measure and an integral part of the waste management plan we are attempting to fashion. Therefore, it is essential that it be moved in tandem with the Waste Materials Management Act. I appreciate the attention the gentleman from Ohio has given to this matter and thank him for his commitment to move the export bill and the Waste Materials Management Act as a package. I will certainly do all that I can to help him in this endeavor.

Also of special interest are the provisions for handling oil and gas wastes. As my colleagues know, this issue has been a particularly controversial one and Chairman LUKEN and his staff are to be commended for their effort to address the regulation of oil and gas wastes with a sensible approach which balances the diverse state of existing regulation with the clear need for improvements in some areas.

Mr. Speaker, this bill is a living document. I believe all of the cosponsors are committed to continuing to look for ways to improve it and provide greater protections for citizens and the environment. One area which merits attention is the corrective action program to clean

up old hazardous waste sites at currently operating facilities. I look forward to working with the chairman of the Transportation and Hazardous Materials Subcommittee and the rest of my colleagues as this bill is reviewed and considered by the House.

Mr. RICHARDSON. Mr. Speaker, I rise in support of the Resource Conservation and Recovery Act [RCRA] reauthorization bill sponsored by my colleague TOM LUKEN. The Nation's solid waste problem is one of the most pressing issues this Congress faces. This legislation goes a long way in dealing with this problem with it's emphasis on waste reduction and recycling.

I am particularly supportive of language in the bill concerning the interstate transfer of waste. We are faced with ever increasing amounts of solid waste while available landfill space is rapidly decreasing. The acute shortage of landfill capacity in regions throughout the country has forced some States to search for alternatives outside their own borders. Obvious sites are those States with vast amounts of open terrain. Unless these States have strict regulations governing waste disposal, they are attractive targets for those States wishing to transport waste across the borders.

New Mexico, with it's inadequate waste management regulations, vast open space, and sparse population, is a classic example. Private waste management firms from across the country are attempting to open new landfill sites in the State because they have to comply with few environmental regulations. In fact, a Maryland waste firm recently bought 23,000 acres of ranch land in Lordsburg, NM, and plans to open the largest landfill in the country, about half the size of the District of Columbia. As a result, fears are mounting within the State that New Mexico will soon become the Nation's dumping ground.

Earlier this year I testified before Mr. LUKEN's committee concerning H.R. 2099, legislation I introduced that would give States the right to refuse the interstate transfer of solid waste. During the hearing, Mr. LUKEN graciously agreed to work with me and members from States in similar situations to incorporate language into the RCRA reauthorization bill that would protect States from interstate waste dumping.

The bill we are introducing today provides just that. It gives States the authority to prohibit the interstate transport of waste once they have submitted and received approval on solid waste management plans and provided certification that the State will complete construction on facilities that will provide at least 70 percent recycling, incineration, and solid waste capacity.

I strongly support this language. It requires States to develop efficient waste management plans. It also provides those States who develop approved waste management plans protection from interstate waste dumping. I commend my colleague Mr. LUKEN for his efforts and I urge Members to push for quick action on this legislation as we reconvene next year.

Mr. SKELTON. Mr. Speaker, I rise to join in the support of the Waste Materials Management Act of 1989 being introduced today by my colleague from Ohio, TOM LUKEN. I would urge our colleagues to take a close look at this bill and support its speedy passage. One of the advantages of our system of laws, Mr. Speaker, is that they are not made in a vacuum and then cast in stone. We can collect and act on the best information available. Once passed, we can continue to review and determine what works and what does not and make the necessary revisions. The bill that is brought before us today does just that, Mr. Speaker; it would take the best information we have available today about waste control, incorporate emerging ideas on recycling and treatment and establish a coherent national policy.

Mr. Speaker, we are drowning in our own waste and inefficiency. Every day it seems more stories come out about waste from American cities and industries being sent by barge, boat, train, or truck in search of a final resting place. Around every corner we find yesterday's effluent diminishing the quality of today's life. Even when we are able to establish a desirable recycling discipline, it always seems to lack all the elements to make it truly successful. The current glut of recycled newspapers is an example. We have managed to persuade people to recycle but in some cases there is no market. The bill that has been introduced today Mr. Speaker, learns from the past and builds for the future. It charts a national policy course by establishing a policy and setting the standards we will use to live up to that policy.

Reducing, recycling, treating, disposing: that should be the priority order for our waste stream and the Waste Materials Management Act of 1989 would put such a regime into action. What we can not exclude from the waste stream in the first place, we should recycle, if possible. What cannot be recycled should be treated and at least rendered harmless. Finally, what cannot be rendered harmless as a last resort should be disposed of safely and responsibly. Now is the time to insist that we examine our wastes and see what can be minimized, reclaimed, or neutralized first.

Let me address one feature of the bill with which I am more familiar. The Waste Materials Management Act of 1989 would establish management standards for the recycling of used oil. The provisions are based on the concept that used oil, if properly handled, is not a hazardous waste, a concept which I propose in my bill, H.R. 1593, the Used Oil Recycling Act of 1989. Used oil is a ubiquitous product found in abundance in the homes and garages of almost every American. Because of this, our ability to recycle depends on each of us, and each of our neighbors, making a conscious effort to do the right thing. No penalty is workable or enforceable. No monitoring system is capable of preventing the casual disposable of millions of gallons of used oil each year. Make no mistake, the cost that we pay and that our children's children will pay is high if we do not start persuading consumers to recycle used oil.

Our approach, and it is my opinion that it is the most sensible approach, is based on four simple elements. First, tell all oil users what the right thing to do is any why. Next, make compliance as easy and convenient for them as possible. Then, once the material is in the hands of professionals, have them treat it with as much care and responsibility as is possible. And finally, work with industries, field regulators, and end-users to make sure that the reclaimed product is handled in such a way that if retains some economic value. A recycled product with no economic value will not be recycled for long. If used oil is arbitrarily categorized as a hazardous waste, its economc value, again according to those who would normally use it, is greatly diminished.

The used oil provisions of Waste Materials Management Act of 1989 follows these steps. First, it calls for labels and education programs, so that consumers will know they should recycle used oil and how they can do it. It has been my experience, Mr. Speaker, that people want to do what is right. Next, the system makes it easy and inexpensive for every corner gas station, truckstop, car repair business, or auto parts store to collect and enter used oil into the recycling system. We know from hearings and testimony that if used oil is categorized as a hazardous waste instead of a valuable resource, insurance costs will rise and the paperwork burden will increase and as a result, these collectors will drop out of the system. The bill also puts in place a comprehensive management system that tracks, tests, and cares for used oil once it is in the hands of professionals. Finally, we have talked to the industries which would burn the used oil or who would re-refine the product to make sure that the system established by the bill produces a product that is marketable. These industries have a use for the product and they will continue to as long as used oil is not categorized as a hazardous waste and as long as the price remains favorable. Again, without either of these elements, end-users they will simply switch to virgin oil and I think we all recognize that in this day and age, that is an extravagant waste of a precious resource that we can ill afford.

The fact is, Mr. Speaker, businessmen, trade associations, regulators, and over 120 of our colleagues support this type of system for recycling used oil. More persuasively, a number of State governments who have tried the system of categorizing used oil as a hazardous waste have come forward to say that their system does not work. They are urging us to avoid making the same mistake. I would earnestly ask that all those Member who joined me as cosponsor of my bill, the Used Oil Recycling Act of 1989, H.R. 1593, consider cosponsoring the bill introduced today, the Waste Materials Management Act of 1989.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise in strong support of the Waste Materials Management Act of 1989, introduced today by our colleague from Ohio, THOMAS A. LUKEN, the chairman of the Energy and Commerce Subcommittee on Transportation and Hazardous Materials.

This legislation is the product of extensive hearings and careful planning. The gentleman from Ohio has taken into account excellent suggestions from many of our colleagues and from expert witnesses before his subcommittee. The bill introduced today is comprehensive in scope. It deals with the goals many of us share—creating markets for recyclable materials; establishing a Federal clearinghouse of information on recycling; and setting stand-

ards for recycling used oil and managing hazardous wastes. The gentleman from Ohio and his subcommittee staff are to be congratulated today for their hard work and their fine product.

I want to highlight one section of this legislation which incorporates a bill I introduced earlier this year known as the Battery Recycling and Research Act of 1989, H.R. 2853. Section 107 of Mr. LUKEN'S Waste Materials Management Act, entitled "Battery Recycling and Research," is designed to protect human health and the environment from improper disposal of used lead-acid batteries. The legislation bars landfilling or incinerating lead-acid batteries and requires distributors to take back used lead-acid batteries for recycling. It also asks for a report by the Environmental Protection Agency [EPA] on the feasibility of recycling household batteries.

This legislation is compatible with battery recycling laws enacted by the States of California, Florida, Minnesota, Pennsylvania, Rhode Island, and Wyoming. While it does not institute a deposit system, the legislation would not preempt such systems at the State or local level.

Each lead-acid battery contains about 20 pounds of lead and three pounds of plastic. Over 70 million scrap vehicle batteries are generated in the United States annually, containing an estimated 630,000 tons of lead. According to the EPA, lead-acid batteries contributed 65 percent of the lead found in solid waste in 1986.

Success in lead-acid battery recycling has depended largely upon economics. The recycling rate declined from 90 percent in 1980 to 66 percent in 1985, due largely to falling lead prices. The rate is said to have increased to 80 percent in 1988.

Environmental groups, the EPA, and manufacturers alike agree that lead-acid batteries must be kept out of municipal solid waste and recycled. H.R. 2853 and the legislation introduced today by Mr. LUKEN would protect the environment by requiring 100 percent recycling of lead-acid batteries.

Household batteries, which can contain mercury, cadmium, zinc, and manganese, are commonly discarded in trash. Household battery collection programs have been initiated, but household batteries are not currently being recycled. While some analysts believe that household batteries should be recycled or managed outside of the municipal waste stream, manufacturers argue that household batteries do not pose a threat and should not be separated for recycling. H.R. 2853 and the legislation introduced today by Mr. LUKEN would have EPA examine this issue and determine a sound Federal policy on used household batteries.

Mr. Speaker, I am proud to be an original cosponsor of the Waste Materials Management Act of 1989, and I ask the support of all Members for comprehensive legislation to promote waste reduction, recycling, and composting.

Mr. TORRES. Mr. Speaker, I rise to offer my support for the Waste Materials Management Act of 1989 and I am pleased and honored to be an original cosponsor of that historic legislation.

I would like to address the House on the important issue of used lubricating oil. Did you know, Mr. Speaker that almost 60 percent of used oil is thrown away, the equivalent of almost 35 *Exxon Valdez* oil spills? And much of the wasted oil finds its way into our ground water supply.

Oil is a valuable resource. We must stop wasting it.

Automobile lubricating oil is entering the waste stream in alarming amounts—because we only recycle 30 percent. Used oil, which we know to contain toxic elements, is being taken to landfills daily, being dumped down sewers, or being burned in an unregulated fashion in apartment house furnaces or cargo ship boilers. The result is that we are drinking and breathing toxic waste every day.

The question is: What can we do about it? Some would say that we need more regulations, but the fact is, that the regulations currently in place are only affecting a small part of the illegal behavior. It would require an army of "oil police" to ensure that every American behaves in an environmentally acceptable fashion.

Under the current system, when the oil in a car is changed, the used oil is a recyclable resource. However, depending on the prevailing market conditions—the price of domestic or imported oil—the used oil may have no value; it currently has a negative value of up to 50 cents a gallon. In the past, gas stations would take the used oil from the "do-it-yourselfers," who represent 50 percent of the automobile oil market, and would in turn, sell it to refiners or reprocessors for a very small profit. To cover their costs, if the price of new oil is low, recyclers may have to charge the gas station owner to take it away. Charging for oil pickup has, in turn, has led to more illegal behavior. Illegal trucking firms sometimes collect the oil, which the gas station owner needs to get rid of, and deliver it directly to apartment buildings in place of home heating fuel. When burned without legitimate processing used oil is a very toxic air pollutant, containing arsenic, lead and even PCB's.

Do-it-yourself oil changers, who want to do the responsible thing with their used oil, frequently have no proper place to take the used oil for recycling. Gas stations and auto service shops don't want to take do-it-yourselfer oil both because of being charged to take the oil away, and because of potential liability.

Another pathway of illegal disposal is one with which we in the Congress are unfortunately all too familar. Many of the Superfund sites in our districts, toxic sites that our constituents are being exposed to daily, exist as a result of the "midnight dumping" of used oil or the seepage from abandoned tanks of sham recyclers.

The economics of oil recycling causes citizens to foul ground water aquifers by dumping their used automobile lube oil down sewers or by sending it to the dump mixed with their trash. If the oil is collected by irresponsible recyclers we have in addition, the potential for major abandoned toxic waste sites or serious air pollution.

Clearly, the process now in place doesn't work. More regulations, even if they are reasonable, are difficult, if not impossible, to enforce without an army of inspectors and lawyers. More regulation would make legitimate recycling more costly and even less attractive. However, the installation of a system of credits, to provide economic incentives to the actors in the used oil drama, together with a simple but highly effective enforcement mechanism, would have a positive effect on this process.

The chemical composition of used oil does not prevent its recycling. Chemists tell us that rerefined or reprocessed used oil is as good—if not better, because of the additives—as virgin lubricating oil.

The problem, pure and simple, is economics—it costs more to rerefine or reprocess used oil than it does to produce a virgin oil product.

The Consumer Products Recovery Act would resolve this problem by requiring the companies that produce or import lubricating oil to take responsibility for seeing to it that a set percentage of the product they produce is recycled. The percentage that they would be required to recycle would increase from its current rate—approximately 30 percent—by 2 percentage points a year for the next 10 years.

The petroleum companies would be allowed to accomplish this recycling goal by either: Rerefining the used oil themselves; purchasing rerefined oil from legitimate recyclers to be included in their processes; or, by purchasing recycling credits from recyclers. These credits would guarantee that the oil had been properly recycled. In this way, a much needed infusion of capital would go into the recycling industry with a minimum amount of Government intervention.

The money generated from these credits would then be used by the reprocessor/recycler to purchase the used oil from the gas station owners. The gas station owners, now realizing a profit from simply storing the oil, might be willing to actually pay for the oil from the do-it-yourselfer. The price paid for the used oil credits would not be set by the Government, only the percentage necessary to meet the requirements of the law. The price for the credits would be set by market forces.

The used oil credit system would allow for the maximum amount of flexibility, while achieving an environmentally desirable goal of increasing the amount of used oil which remains in commerce and out of our trash and our ground water.

Similar systems, achieving remarkable results, are currently in place in Western Europe. In the United States only 5 percent of do-it-yourselfer oil was recycled in 1986, while in West Germany approximately 85 percent of the do-it-yourselfers recycled their oil.

If we are to begin to address the critical problems of solid and hazardous waste management our laws must reflect our priority of source reduction and recycling. Frequently, recycling is technically feasible and environmentally sound but doesn't happen because the wrong economic incentives are in place. We can learn valuable lessons from the Europeans who have achieved dramatic results with deposit-refund and other incentive mechanisms.

The legislation that I introduced in June, the Consumer Products Recovery Act, would

direct EPA to set a mandatory "recycling ratio" for used oil. The used oil provisions of the Consumer Products Recovery Act would make the producer of the original lubricating oil product responsible for seeing to it that a certain percentage of that oil is recycled.

I am very pleased to announce the inclusion of the used oil provisions from the Consumer Products Recovery Act in the Waste Materials Management Act being introduced today by Representative TOM LUKEN. I applaud his efforts and his leadership. The Waste Materials Management Act deserves the support of my colleagues in the House.

Mr. WYDEN. Mr. Speaker, today Mr. THOMAS A. LUKEN is introducing a major reauthorization of the Solid Waste Disposal Act, and I am pleased to join him as a cosponsor.

This bill contains several provisions growing out of H.R. 2845, a bill I introduced with Mr. RINALDO and Mr. HOCHBRUECKNER to promote recycling of solid waste. It overhauls Resource Conservation and Recovery Act section 6002, governing Federal procurement of goods containing recycled material. It directs the Commerce Department to help promote markets for recycled materials. And it includes incentives for Federal agencies to recycle their waste.

In addition, the bill has provisions that are very close in spirit to H.R. 2845. It sets up systems to encourage recycling of specific items that ought to be separated out of the municipal solid waste stream, such as automobile batteries and motor oil. It establishes a national waste management policy promoting waste reduction and recycling. It establishes labelling standards for plastic packaging. And it mandates comprehensive State waste management planning.

These are all timely initiatives. Many parts of our Nation are suffering a solid waste management crisis; many other areas are only a few years away from a crisis situation. Local waste problems overflow and become regional concerns; regional problems become national or even international issues. The Federal Government must work with States and localities to seek coordinated, comprehensive solutions.

The Solid Waste Disposal Act is one of the cornerstones of Federal pollution control law. Its revision and reauthorization is a major undertaking. I am pleased to join Mr. LUKEN in this effort, and look forward to continuing to work with him to improve and perfect this bill.

Mr. KANJORSKI. Mr. Speaker, I rise today to call my colleagues' attention to the introduction of the Waste Materials Management Act of 1989. As an original cosponsor, I am pleased to point out that it establishes a strong Federal role in containing and solving what is becoming an increasingly serious dilemma throughout the country.

The problems associated with solid and hazardous wastes are rapidly propelling communities across the country into major crises. Available landfill capacities are being exhausted. The costs associated with the disposal of waste are soaring and in some instances businesses are relocating or closing because communities are unable to handle their disposal needs.

Since coming to Congress, I have advocated taking the initiative and establishing a strong Federal role in handling municipal and industrial waste. I have testified at hearings to the need to move forward in this area. As one of the original requestors of the recently released OTA study on America's waste predicament I was pleased to see that they have concurred with a number of my recommendations as well as a call for action.

There is not a single Member in this body who does not have some problem in his or her district related to waste disposal. The American public sees the environmental problems resulting from our outdated methods of disposing of municipal solid waste. They see groundwater contamination from landfills, air pollution from incineration plants, and trash from other States being dumped in their district. As their concerns mount, they increasingly fight against any new landfills or incinerators being placed in their area.

Yet what are we doing to tighten guidelines on landfills, incineration, hazardous waste, and interstate transportation of waste? Up to now, the Federal Government has done very little. A strong Federal role is needed to guide policy and set standards to ensure the environmental and health security of our citizens. Yet this policy must be flexible enough to allow States and communities to utilize their particular resources and address their needs.

The Waste Materials Management Act of 1989 takes these considerations into account. By setting strict requirements for State plans, we will hopefully, be able to control what enters into the waste stream, both in terms of quality and quantity. Furthermore, it sets rigorous new regulations for landfills and incinerator ash, yet it allows State laws, if tougher, to predominate. Finally, it allows States and communities, if they create an acceptable plan, to control the amount of waste that is imported across State lines.

Mr. Speaker, the truth is that the American public does not have faith in the Federal Government to adequately protect their environmental rights or safety. Their lack of confidence is understandable; under the Reagan and Bush admiistrations very little has been done to ensure that our waste has been handled in an efficient, secure manner.

It is the goal of the Waste Materials Management Act of 1989 to reverse this trend, and I think there is little argument that such legislation is overdue. I urge my colleagues to join us by cosponsoring this landmark legislation.

SAFEGUARDS FOR BIOLOGICAL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Madam Speaker, I am today introducing a very special piece of legislation which goes to a remedy for possible danger that might exist in the near or far future. We have within the defense establishment, Madam Speaker, an ongoing research effort on biological warfare weapons and defense and detection thereof, and there are many, many entities throughout the United States—dozens of them—that are engaged daily in research in this very vital field.

I believe that is a proper function we must do because the national security of our Nation depends partly on being prepared to combat any kind of warfare that might be waged upon us, including biological warfare. It is a very nasty business, a very dangerous, a very potent threat, but we must continue research on it.

But at the same time we ought to make sure that all the safeguards that are absolutely possible are built in, not only on the research and development that is going on within these plants and entities and defense establishments that are engaged in this research, but also outside the establishment; that is, our communities and the public safety and the apparatus of our communities must be prepared to combat or to thwart any kind of danger to the community that might occur if there is an escape of some of these biological elements.

So the bill I am introducing will simply be able to make sure that the Secretary of Defense outlines, in cooperation with the communities, an information link that will allow the local public safety officials to know exactly what kind of biological elements are being utilized in that plant, and then to establish a kind of a plan as to how to evacuate people, if necessary, or how to counter a release of these biological elements.

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It is a very straightforward bill. It does nothing at all to harm national security. I would not be a part of it if it did.

But second, it does follow a tradition that we have and that we are further developing in our country to allow our local communities to be poised for any danger that might be released against them by some mishap that might occur within one of our defense establishments. In this case it would be those private enterprises that are under contract to the Department of Defense for the development and research on biological chemicals and other elements that are used in that, as I say, terrible kind of business, but is one for which we must prepare as if the worst were to happen, hoping that it never does.

MAJOR ECONOMIC LEGISLATION OF 1989

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Madam Speaker, as the legislative year draws to a close, this is an appropriate time to take stock of where we are with some of the more important legislation we

have on our agenda, and to consider some directions we might take next year.

Perhaps the most important piece of legislation we still have to consider is the deficit-reduction reconciliation package. The mandate for this legislation—as set out in the budget-summit agreement earlier this year—is to reduce the fiscal 1990 deficit by about $14 billion.

We all know too well that the legislative and executive branches were at an impasse. But fortunately, a series of compromises on both sides has evidently removed the roadblocks to a package acceptable to all sides.

The White House gave up on its effort to attach an amendment that would have reduced capital-gains rates. In addition, the Congress severed two measures—the child-care initiative and repeal of Medicare's catastrophic-costs insurance coverage—with the understanding that they would be submitted separately. The child-care legislation is expected to be brought up next year.

There has been a shadow looming over these developments, and that is the shadow of Gramm-Rudman-Hollings.

When this law passed, it set out a schedule for reducing the deficit. It said that for fiscal 1990—the fiscal year that just started last month—Congress and the White House would have to agree on a budget that cuts the deficit to $110 billion.

Gramm-Rudman also says that if Congress could not come up with a budget that meets the target, then sequestration—which is a kind of meat ax—would swing into action and cut a wide range of programs across the board. Some of the areas suffering the most would be education, defense, drug-fighting, and environmental protection.

It sounds like the worst possible way to cut Federal spending, and it is. But the theory behind sequestration is that it is so disruptive, so senseless, that the legislative and executive branches will do anything to work out a budget and head off sequestration.

Our colleague Congressman LEON PANETTA, the chairman of the House Budget Committee, says that sequestration is "a coward's approach to deficit reduction." He points out that "this is the way it was designed to be for those who can't face the tough choices." He is right.

In fact, the threat of sequestration was not sufficient to generate an adequate budget in time, so actual sequestration has taken place.

At this point, both parties have come to terms with a temporary sequestration this fiscal year. The main difference between the two is whether the sequestration will last 6 months, as Republicans are suggesting, or 3 months, as the Democrats propose.

One of the significant developments in this session has been the failure of the campaign to reduce the capital-gains tax rate. This has been one of the most contentious issues in Congress this year.

One of the most compelling arguments against capital-gains rate reduction has been its lopsided distributional effect. In the proposals that we have seen, some 60 percent of the benefits would go to individuals whose annual income is $200,000 or more, and about 80 percent of the benefits would go to individuals with an annual income of $100,000 or more.

But while the effort has failed this year, it will probably come up again in 1990. Let's review how it has evolved.

A remarkable feature of the capital-gains debate this year is that not one single proposal for capital-gains cuts has survived scrutiny for very long in this session. Instead, there have been several proposals that have come and gone.

My fellow Pittsburgher, the artist Andy Warhol, once said that everyone would be famous for 15 minutes. Well, it looks like Warhol's prediction came true in 1989 for capital-gains proposals.

The most recent proposal is called "IRA Plus." It has two main parts.

The first is a moderate cut in the capital-gains rate. It would exclude from taxes 5 percent of a capital gain for each year the asset was held. The maximum exclusion would be 35 percent for an asset held for 7 years. It would include an alternative, where a person could choose to reduce a gain to account for inflation.

The second part of IRA Plus is a proposal for a radical restructuring of the IRA. Under this plan, you could contribute up to $2,000 per year to your IRA account, and that ceiling would rise to $3,000 after 5 years.

So far, that is not a big change. The changes come by doing away with the deductibility of those contributions for everyone. The current system gives people in the lower income brackets the right to deduct all or part of their IRA contributions. IRA Plus would do away with that deductibility entirely.

At the same time, it would allow the entire IRA account—both contributions and earnings—to be paid out tax free after retirement.

One of the most important questions we should be asking about IRA Plus—and, for that matter, about any proposal to cut the capital-gains rate—is this: What is its long-term effect on the deficit?

In the first 5 years, it has been estimated that the second component of IRA Plus would pay for the first. But if we look much beyond that, we are confronting a disaster.

Consider these figures. The Joint Committee on Taxation says that the first component of the plan, the capital-gains cut, would cost the Federal Government some $37 billion in the first 10 years. The second component of the plan, the changes in IRA's, would increase revenues in the short term by $11.5 billion, but it would cost the Treasury about $22 billion in future revenues.

Of course, all this would not take place in a vacuum. There is a larger context to keep in mind. The Federal debt has mushroomed above the $3 trillion mark and the budget deficit is hovering around $160 billion. The huge revenue losses resulting from IRA Plus would only make a bad problem worse.

Nevertheless, capital-gains rate reduction still has the strong support of the White House and it enjoys widespread support in Congress. It is likely that either IRA Plus or some other similar legislation will probably be back with us in 1990.

Mr. Speaker, there are several points that I want to address concerning the conference report on the reconciliation package.

The conferees agreed to a 1-year extension of certain expiring tax provisions.

The exclusion for the employer provided educational assistance is included. The Ways and Means Committee in extending this provision was of the opinion that this section was essential to upgrade and improve the skills of our work force if we are to improve our competitive posture.

The conferees also included an extension of the targeted jobs tax credit. Present law permits the use of this provision to encourage the hiring of individuals in nine targeted groups.

The qualified mortgage revenue bond provisions are also extended. These bonds are used at the present time to encourage the ownership of single family, owner occupied homes.

The small issue industrial development bond provisions are also extended. These bonds are intended to encourage economic activity that, absent the use of the bonds, would not take place, specifically manufacturing activity.

The legislation also extends the health insurance deduction for self-employed individuals.

Also extended was the low-income rental housing tax credit. The conferees were concerned about the lack of affordable housing for individuals. This credit is viewed as a way to increase the affordable housing stock available to low-income individuals.

The conferees also extend the research and experimentation tax credit. Again, this credit was extended to encourage research in an effort to improve our competitiveness.

The reconciliation bill before us calls for the following: In the area of hospital payment, starting January 1, 1990, the update for large urban hospitals would be market basket minus 1.1 percent. Hospitals in other urban areas would be market basket minus 1.75 percent. Rural hospitals new reimbursement level would be market basket plus 3 percent. I am especially pleased to see that supplemental payments would be made to hospitals serving a disproportionate share of low-income patients.

As of April 1, 1990, the MEI update for primary care physicians would be 5.3 percent. For other services the update would be 2 percent. Procedures that are deemed overvalued by the Physician Payment Review Commission would be reduced by one-third. Cuts that were implemented by Gramm-Rudman would be extended until March 31, 1990.

Since 1986, both the House and Senate have worked very hard to reform the way in which Medicare reimburses physicians. Specifically, efforts have been made to overhaul the current system so that primary care services are reimbursed equitably and that certain overvalued procedures are reduced.

The Health Subcommittee of Ways and Means participated in multiple meetings on this issue. I believe that establishment of a new payment system for physicians is critical. In particular, I strongly supported a Resource Based Relative Value Scale created by William Hsiao and developed by the Physician Payment Review Commission. Not only would this fee schedule fix distortions in the current

system, it would curtail overutilized services and thus be more cost-efficient for beneficiaries.

Unfortunately, the final reconciliation package did not include physician payment reform. Most importantly, I would like to see the current system changed so that beneficiaries would be protected from paying too much money for unnecessary procedures. The leadership has asserted that they will return to this issue next year.

The Medicare Catastrophic Act was enacted last year and would have expanded Medicare benefits for acute care. It also would have protected a number of senior citizens from financial ruin should they become gravely ill—or, as my colleague from Wisconsin, Congressman JIM MOODY, aptly referred to it, as an asset protection program.

The House voted overwhelmingly to repeal the entire program. The Senate voted to rework the program by keeping the hospital benefits only and a handful of other items such as mammography screening, and increased hospice, respite, and home health care provisions. The Senate would pay for the added benefits with the additional part B premium that is included in the current catastrophic program. This was designed by Senator JOHN MCCAIN of Arizona.

If no consensus is reached between the two bodies, current law will prevail. I hope a compromise is reached. I would like to see a package developed that would at a minimum provide limited extra benefits such as better home health, respite, and mammography screening benefits. This would be a workable solution for very little money—not more than 80 cents a month for the first year.

Mr. Speaker, I urge adoption of the budget reconciliation package and at a minimum a limited catastrophic health insurance program.

CHILD CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BUSTAMANTE] is recognized for 5 minutes.

Mr. BUSTAMANTE. Madam Speaker, I come before the House today to speak about an issue of extreme importance to all Americans. That issue is child care—quality, affordable child care for every youngster in this country.

For months now, many Members of Congress and countless numbers of child care advocates across this country have worked tirelessly for passage of an effective and comprehensive child care bill.

Now it seems all the hard work that has been put into this legislation is in danger of being lost because of infighting and guerilla warfare in this body.

Apparently, the earliest we're going to see ABC legislation up for consideration is January. This disturbs me deeply. We were on the verge of passing the most comprehensive child care bill this Nation has ever seen.

Instead of passage, we are seeing attempts to delay and gut the bill.

Allowing this bill to be delayed is criminal—yet that's just what all this fighting over jurisdiction has done.

Equally criminal are the efforts to substitute $200 million in title XX funds for over a billion dollars in new ABC funds. That type of substitution would gut the bill.

Needless to say, I strongly oppose these actions to delay or further cut up this legislation. Working parents all over this country have been promised help from the Government—it's time for us to follow through on that commitment.

The many single mothers of this country need our help. The working poor of this country need our help. The children of this country need our help.

Today, over 1,000 children visited Capitol Hill to personally deliver their plea to Congress. What do we say to these children and their families if we don't pass the child care bill before we leave?

That they're not important enough to receive our attention this time around? That they have to wait even longer for the help we've promised? I add my voice to the voices of those children here today.

And I ask my colleagues: Are we serious about child care legislation? Are we serious about providing adequate child care in this country? Are we serious about the Head Start Program and preschool education?

Head Start is amazingly popular in my district. It prepares children to learn. It helps give children a way out of the cycle of poverty. Everyone acknowledges that it is a model of effectiveness in a social program.

President Bush said at his recent education summit that we wanted to see every child in America able to learn to read and write when they enter school. Well, so do I.

Listen to what we're talking about here. Having every child in this country ready to learn in school. How can we turn our backs on America's children?

That's what we'll be doing if we don't address this issue soon. The time for waiting is over—pass the child care bill now.

THE 1990 ELECTION YEAR MAILING RESTRICTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Madam Speaker, with the 1990 election year rapidly approaching, the House Commission on Congressional Mailing Standards wishes to remind Members of the House about the franking statutes, rules, and regulations governing mass mailings by candidates prior to elections.

Generally, Members of the House seeking reelection are prohibited from sending franked mass mailings during the 60-day period immediately before the date of any public election—whether primary, general, special, or runoff—in which the Member's name appears on the ballot.

Further, any Member who is a candidate for other public office may not frank any mailings outside of the congressional district from which the Member was elected, beginning at the time the Member is certified for candidacy.

Members should ensure that staff persons responsible for mass mailings are knowledgeable concerning State election laws as they affect mailing privileges during the period prior to primary and general election periods. Members' staff seeking advisory opinions from the Commission must certify that, to the best of their knowledge, the frankability of the proposed mailing is not adversely affected by applicable State election laws.

Mr. Speaker, I cannot emphasize strongly enough the importance of compliance with these regulations. I urge my colleagues to ensure that their staffs are familiar with the statutes, rules of the House, and pertinent regulations and guidelines governing the proper use of the franking privilege.

The Commission staff is ready to assist in every possible way.

A detailed explanation of the mass mailing provisions, along with a listing of cutoff dates for the congressional primaries in the various States, follows:

LIMITATIONS ON THE USE OF THE FRANK BY CANDIDATES FOR PUBLIC OFFICE

Pursuant to H.R. 3014, the Legislative Branch Appropriations Act for Fiscal Year 1990, as passed by the House and Senate,

39 U.S.C. 3210(a)(6)(A) provides that, "It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is postmarked fewer than 60 days immediately before the date of any primary election or general election (whether regular, special or runoff) in which the Member or Member-elect is a candidate for any other public office.

39 U.S.C. 3210(a)(6)(F) states that for purposes of subparagraphs (A) * * * if mail matter is of a type which is not customarily postmarked, the date on which such matter would have been postmarked if it were of a type customarily postmarked shall apply.

DEFINITIONS

Mass mailings

Mass mailings are defined by law [39 U.S.C. 3210 (a)(6)(E)] as newsletters and other similar mailings (including town meeting notices) of more than 500 pieces in which the content of the matter mailed is substantially identical. Mail matter is deemed to be a mass mailing when the total number of pieces exceeds 500, whether in a single mailing or in cumulative mailings during the 60-day period.

Candidate for election or relection to the House of Representatives

For purposes of the subject statutes and regulations, a Member of or a Member-elect to the House of Representatives is deemed to be a candidate for public office at any election if his or her name appears anywhere on any official ballot to be used in a public election.

Candidate for "any other public office"

For the purpose of 39 U.S.C. 3210 (a)(6)(A)(ii), "any other public office" means any local, State, or Federal office. (Examples: President, Governor, U.S. Senator, State Supreme Court Justice, State Senator, Assemblyman, etc.) "Candidate" means a Member who has qualified under State or local law for the official ballot in a primary, runoff, special, or general election, or who has been certified for candidacy by an appropriate State or local election official.

EXCEPTIONS

The subject statutes, rules, and regulations provide three exceptions to the mass mail prohibition prior to elections, as follows:

(i) mailings which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) mailings to colleagues in Congress or to government officials (whether Federal, State, or local); and

(iii) mailings of news releases to the communications media.

The Commission believes the latter two exceptions are self-explanatory.

In application of the first exception, the Commission stresses the phrase "direct response to inquiries or requests". Therefore, response to a signed petition with a form or identical letter individually addressed to each of the signers of the petition is frankable. However, a followup letter to the same list of petitioners is not frankable under this section in that it would not be in direct response to an inquiry.

Similarly, follow-up letters to persons who had previously written and had been answered on a particular subject, if such letters by their form and volume constitute a mass mailing, are not frankable during the 60-day period prior to elections. Also, requests for questionnaire results or other material, when solicited by Members on questionnaire forms or newsletters, are not deemed to be in direct response to any inquiry or request.

The above restrictions on mass mailings by candidates do not apply to mass mailings by the chairman of any standing, select, joint or other official committee of the Congress, or subcommittee thereof, and which relate to the normal business of the committee [39 U.S.C. 3210(a)(6)(B)]. The Commission emphasizes "normal and regular" committee business, i.e., press releases, hearing schedules, or committee documents.

TIME OF MAILING

Processing by a postal facility

Mass mailings as defined under 39 U.S.C. 3210(a)(6)(E) may not be mailed as franked mail by a Member of or a Member-elect to the House of Representatives when the same is mailed at or delivered to any postal facility less than 60 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member or Member-elect is a candidate for any public office.

Processing by the House Publications Distribution Service

Such mass mailings, if processed through the House Publications Distribution Service, hereinafter referred to as the House folding room, must be delivered to and received by the House folding room, in enough time to ensure their mailing by the 60-day cutoff date. The Commission urges Members to contact the House folding room with further questions regarding delivery of mass mailings to them for processing.

The House folding room will issue a receipt, which shall specify the date and time of mailing and a brief description of the matter to be processed.

1990 CONGRESSIONAL PRIMARY DATES—ALPHABETICAL LIST BY STATE

State	Primary date	60-day cuttoff	Folding room-imposed cutoff
Alabama	June 5	Apr. 6	Feb. 5.
(Runoff)	June 26	Apr. 27	Feb. 26.
Alaska	Aug. 28	June 29	Apr. 30.
Arizona	Sept. 11	July 13	May 14.
Arkansas	May 29	Mar. 30	Jan. 29.
(Runoff)	June 12	Apr. 13	Feb. 12.
California	June 5	Apr. 6	Feb. 5.
Colorado	Aug. 14	June 15	Apr. 16.
Connecticut	Sept. 11	July 13	May 14.
Delaware	Sept. 8	July 10	May 11.
Florida	Sept. 4	July 6	May 7.
(Runoff)	Oct. 2	Aug. 3	June 4.
Georgia	July 17	May 18	Mar. 19.
(Runoff)	Aug. 7	June 8	Apr. 9.
Hawaii	Sept. 22	July 24	May 25.
Idaho	May 22	Mar. 23	Jan. 22.
Illinois	Mar. 20	Jan. 19	Nov. 20, 1989.
Indiana	May 8	Mar. 9	Jan. 8.
Iowa	June 5	Apr. 6	Feb. 5.
Kansas	Aug. 7	June 8	Apr. 9.
Kentucky	May 29	Mar. 30	Jan. 29.
Louisiana	Oct. 26	Aug. 7	June 8.
Maine	June 12	Apr. 13	Feb. 12.
Maryland	Sept. 11	July 13	May 14.
Massachusetts	Sept. 18	July 20	May 21.
Michigan	Aug. 7	June 8	Apr. 9.
Minnesota	Sept. 11	July 13	May 14.
Mississippi	June 5	Apr. 6	Feb. 5.
(Runoff)	June 26	Apr. 27	Feb. 26.
Missouri	Aug. 7	June 8	Apr. 9.
Montana	June 5	Apr. 6	Feb. 5.
Nebraska	May 15	Mar. 16	Jan. 15.
Nevada	Sept. 4	July 6	May 7.
New Hampshire	Sept. 11	July 13	May 14.
New Jersey	June 5	Apr. 6	Feb. 5.
New Mexico	do	do	Do.
New York	Sept. 11	July 13	May 14.
North Carolina	May 8	Mar. 9	Jan. 8.
(Runoff)	June 5	Apr. 6	Feb. 5.
North Dakota	June 12	Apr. 13	Feb. 12.
Ohio	May 8	Mar. 9	Jan. 8.
Oklahoma	Aug. 28	June 29	Apr. 30.
(Runoff)	Sept. 18	July 20	May 21.
Oregon	May 15	Mar. 16	Jan. 15.
Pennsylvania	do	do	Do.
Rhode Island	Sept. 11	July 13	May 14.
South Carolina	June 12	Apr. 13	Feb. 12.
(Runoff)	June 26	Apr. 27	Feb. 26.
South Dakota	June 5	Apr. 6	Feb. 5.
(Runoff)	June 19	Apr. 20	Feb. 19.
Tennessee	Aug. 2	June 3	Apr. 4.
Texas	Mar. 13	Jan. 12	Nov. 13, 1989.
(Runoff)	Apr. 10	Feb. 9	Dec. 11, 1989.
Utah	Sept. 11	July 13	May 14.
Vermont	do	do	Do.
Virginia	June 12	Apr. 13	Feb. 12.
Washington	Sept. 18	July 20	May 21.
West Virginia	May 8	Mar. 9	Jan. 8.
Wisconsin	Sept. 11	July 13	May 14.
Wyoming	Aug. 21	June 22	Apr. 23.
American Samoa	Nov. 6	Sept. 7	July 9.
(Runoff)	Nov. 20	Sept. 21	July 23.
District of Columbia	Sept. 11	July 13	May 14.
Guam	Sept. 1	July 3	May 4.
Virgin Islands	Sept. 11	July 13	May 14.
1990 general election	Nov. 6	Sept. 7	July 9.

Note: The 60-day cutoff regulation also applies to runoff elections in which the Member is a candidate.

1990 CONGRESSIONAL PRIMARY DATES—CHRONOLOGICAL LIST BY DATES

State	Primary date	60-day cutoff	Folding room-imposed cutoff
Texas	Mar. 13	Jan. 12	Nov. 13, 1989.
Illinois	Mar. 20	Jan. 19	Nov. 20, 1989.
Texas (runoff)	Apr. 10	Feb. 9	Dec. 11, 1989.
Indiana	May 8	Mar. 9	Jan. 8.
North Carolina	do	do	Do.
Ohio	do	do	Do.
West Virginia	do	do	Do.
Nebraska	May 15	Mar. 16	Jan. 15.
Oregon	do	do	Do.
Pennsylvania	do	do	Do.
Idaho	May 22	Mar. 23	Jan. 22.
Arkansas	May 29	Mar. 30	Jan. 29.
Kentucky	do	do	Do.
Alabama	June 5	Apr. 6	Feb. 5.
California	do	do	Do.
Iowa	do	do	Do.
Mississippi	do	do	Do.
Montana	do	do	Do.
New Jersey	do	do	Do.
New Mexico	do	do	Do.
North Carolina (runoff)	do	do	Do.
South Dakota	do	do	Do.
Arkansas (runoff)	June 12	Apr. 13	Feb. 12.
Maine	do	do	Do.
North Dakota	do	do	Do.
South Carolina	do	do	Do.
Virginia	do	do	Do.
South Dakota (runoff)	June 19	Apr. 20	Feb. 19.
Alabama (runoff)	June 26	Apr. 27	Feb. 26.
Mississippi (runoff)	do	do	Do.
South Carolina (runoff)	do	do	Do.
Georgia	July 17	May 18	Mar. 19.
Tennessee	Aug. 2	June 3	Apr. 4.
Georgia (runoff)	Aug. 7	June 8	Apr. 9.
Kansas	do	do	Do.
Michigan	do	do	Do.
Missouri	do	do	Do.
Colorado	Aug. 14	June 15	Apr. 16.
Wyoming	Aug. 21	June 22	Apr. 23.
Alaska	Aug. 28	June 29	Apr. 30.
Oklahoma	do	do	Do.
Guam	Sept. 1	July 3	May 4.
Florida	Sept. 4	July 6	May 7.
Nevada	do	do	Do.
Delaware	Sept. 8	July 10	May 11.
Arizona	Sept. 11	July 13	May 14.
Connecticut	do	do	Do.
Maryland	do	do	Do.
Minnesota	do	do	Do.
New Hampshire	do	do	Do.
New York	do	do	Do.
Rhode Island	do	do	Do.
Utah	do	do	Do.
Vermont	do	do	Do.
Wisconsin	do	do	Do.
District of Columbia	do	do	Do.
Virgin Islands	do	do	Do.
Massachusetts	Sept. 18	July 20	May 21.
Oklahoma (runoff)	do	do	Do.
Washington	do	do	Do.
Hawaii	Sept. 22	July 24	May 25.
Florida (runoff)	Oct. 2	Aug. 3	June 4.
Louisiana	Oct. 6	Aug. 7	June 8.
American Samoa	Nov. 6	Sept. 7	July 9.
(runoff)	Nov. 20	Sept. 21	July 23.
1990 general election	Nov. 6	Sept. 7	July 9.

Note: The 60-day cutoff regulation also applies to runoff elections in which the Member is a candidate.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. LEHMAN] is recognized for 5 minutes.

Mr. LEHMAN of Florida. Madam Speaker, because of pressing commitments in my district, I missed six votes on November 17, 1989. I would like to take this opportunity to explain how I would have voted had I been here.

On roll No. 363, I would have voted "yes." On roll No. 364, I would have voted "yes." On roll No. 365, I would have voted "no." On roll No. 366, I would have voted "no." On roll No. 367, I would have voted "yes." Finally, on roll No. 368, I would have voted "yes."

CALL FOR A CEASE-FIRE IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, I rise to declare my outrage and sorrow in the wake of the savage murders, death threats, torture,

and war-related civilian deaths the world witnessed in El Salvador last week.

The violence Salvadorans are enduring has escalated beyond comprehension; their society, their Government, their compatriots have spun madly out of control and no one—I repeat, no one—is safe. The coldblooded torture and assassination of Jesuit priests dedicated to mediation and peace studies is yet another horrible reminder of the truly wanton and unchecked power of the death squads. This desperate crisis results from the Government's failure to control the paramilitary death squads known to operate within the shadows of its defense and internal security forces. They are gnawing away at El Salvador's political center, leaving no one but rightists and the FMLN.

Madam Speaker, we are not removed from this madness. We have close relations with the people of El Salvador. Salvadorans live among us. Our histories are intertwined. And, most important, we in the United States House of Representatives approve $85 million in military assistance to El Salvador every year.

Madam Speaker, we cannot ignore the ill-conceived campaigns of the FMLN rebels. Their acts of war are not to be excused. But we do not give $85 million in military aid and send along military advisers to the FMLN guerrillas each year. We give it to the Government of El Salvador, and, in the giving and receiving of that aid, both we and the Government of El Salvador have a responsibility. That responsibility is to ensure that civilian—from professional mediators such as the assassinated priests to children killed by indiscriminate Government bombings—will not die from military aid supplied by nations outside of El Salvador.

Today I call upon my colleagues here and in the other body to press the President not to expedite arms to the Government of El Salvador. What is needed is not an escalation of the war there, but a cease-fire.

I call upon the President to halt the provision of military aid and advisers to El Salvador, and I would implore him strongly to urge the ARENA government to negotiate a cease-fire immediately and allow the International Red Cross to enter all sectors of San Salvador to evacuate and treat the dead and wounded.

In addition, I would urge the President to commence talks with the Central American Presidents and the Organization of American States toward the arrangement of talks on a permanent cease-fire. Finally, I call on President Bush to raise this issue with General Secretary Gorbachev at their summit in December. Certainly the Soviet Union could be helpful in arranging a permanent cease-fire with the FMLN.

I would hope that lask week's horrific violence will force the administration to acknowledge that our plan has not worked. Millions of dollars for the Salvadoran Army have not had their intended effect. And Mr. Cristiani has not succeeded in gaining control of his party and his armed forces. Failure to take these actions will allow El Salvador to descend into national anarchy.

It is time to recognize these hard facts; it is time for bold and immediate action to stop the killing in El Salvador.

BUDGET REFORM: WORK NOT DONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 60 minutes.

Mr. ALEXANDER, Madam Speaker, at the conclusion of each session of Congress there is praise and criticism, mostly criticism. This has been called a do nothing Congress. Everyone is entitled to an opinion.

There is at least one subject where Congress deserves criticism. Had the charge been that this Congress has done nothing to achieve budget reform, the indictment would have been true. Congress has done nothing to reform the budget bind that continues to confuse the American people.

In ignoring the need to reform the budget process Congress continues to rely upon tricks to hide the truth about the deficit.

The U.S. economy is so dependent on foreign credit that the President and the Congress are afraid to tell the American people the truth about the deficit; and that the Federal Government is unable to deal with the economic problems facing our Nation. Instead, we are relying upon the Japanese and Europeans to bail us out. Dr. Robert Triffin, a Yale professor emeritus of economics, estimates that 80-percent of the U.S. external and internal deficits are financed with foreign capital.

In the contest of budget truth or consequences the cost of interest on the Federal debt has increased by $160 million thereby reducing funds to improve the infrastructure, such as its highways, water systems and waste management facilities, which is rapidly deteriorating. America the beautiful is becoming Pothole City in Pollution Country.

The truth is the hidden Federal funds deficit increases the cost of servicing the debt and hangs over the Nation like a burgeoning cumulous cloud. It is reducing congressional options for responding to national needs.

The truth is that the American people have a right to know that the real budget deficit in 1989 was the $283 billion Federal funds deficit, not the rosier, though still enormous, $152 billion unified budget deficit.

I believe that the American people must be told the truth about the real budget deficit, the Federal funds deficit before they will understand the problem.

In support of that belief, I have introduced two bills intended to focus public attention on the truth about the deficits.

The first bill, H.R. 3411, would change the definitions of defict changing Federal law to require the President to include Federal funds deficit estimates in the budget he sends to the Congress. This would not change the present process, only the definitions.

The second bill, H.R. 1420 prohibits the use of trust fund reserves, including Social Security trust funds in calculating the budget deficit.

Bringing about passage of laws such as my proposals represent is not the whole solution. But, factual evidence provided by developments of the last 8 years makes it clear that without these two essential first steps, deficit confusion among and budget deception of the American people will be victorious until the inevitable economic catastrophe forces adoption of draconian solutions to the Federal budget deficit problem.

Unless they are given the unvarnished facts about the deficit state of the Federal budget, the American people will continue to be easy victims for the tricks of easy fix budgeteers who are wasting time while the problem worsens.

Yes, Congress deserves criticism for not taking action to address the most serious fiscal problems in the history of the Nation.

I strongly urge the congressional leadership of both political parties to give consideration early next year to the bills I have introduced, or similar ones, and move decisively to untangle the budget problems facing the Nation.

Madam Speaker, I yield to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. I thank the gentleman for yielding.

I think the gentleman makes an excellent statement. Would the gentleman agree, however, that there is no substitute for leadership, that process changes, as important as they are, do not in and of themselves substitute for the ability to make tough decisions and particularly for the White House, whoever occupies it, Democrat or Republican, to step forward to lay out to the Nation what the truth is about the deficit, what corrosive influences of the deficits are and then roll up his or her sleeves, prepare to work with the Congress rather than enter into a deadlock which we have seen for the last few years?

Mr. ALEXANDER. I certainly agree with the gentleman from Wisconsin, but given the failure of the President to assert leadership on the question of budget reform and budget process change, I then think that a vacuum is created on this issue and it becomes incumbent upon those of us in the Congress to fill that vacuum with some positive and, hopefully, constructive recommendations which would bring about a solution to this dilemma that faces our Nation.

Mr. MOODY. Would the gentleman supplant, replace Gramm-Rudman with these new processes?

Mr. ALEXANDER. No.

Mr. MOODY. Or would they supplement them?

Mr. ALEXANDER. No, the first bill would only change the definition of the word "deficit" and would require the President to include the Federal funds deficit or all that we owe in his budget that he submits to the Congress. It would in no way change the mechanism, the timetable, the numbers, the fixations, the fictions, any of the things that we deal with in order to cook up the present budget situation.

As the gentleman knows, under Gramm-Rudman, the budget is sup-

posed to be balanced by 1993 and, in fact, the real budget as estimated by the Congressional Budget Office is about $300 billion. We would not change any of the fictions, the imaginary machinery that we have created in order to deal with this. We would simply change the definition so we would reveal the truth to the American people. If that is done, then we would take up budget process reform, and only deal with the process after we have changed the definition.

Mr. MOODY. If the gentleman will continue to yield, one of the most massive frauds ever perpetrated, I think, on the public was the S&L bailout whereby we took about two-thirds of the problem off budget, and we say we are fine, we met our Gramm-Rudman targets because we have moved something off budget that is too inconvenient to do on budget.

Would your reform permit this sort of game plan?

Mr. ALEXANDER. It would not at this stage, because I think if we would try to go out and lasso all of the off-budget items into one reform package, we would not make any progress.

Therefore, I have taken a step-by-step approach to the problem dealing first with a definition in order to reveal the truth, then dealing with the process in order to fix the system so that it reports the truth.

Third, I would come in and accept the gentleman's recommendation to include all of the off-budget items which would reveal the total picture to the American people.

Mr. MOODY. The gentleman mentions that the true budget deficit is about $300 billion.

Mr. ALEXANDER. That would be in 1993 when Gramm-Rudman said it is balanced.

Mr. MOODY. Current Gramm-Rudman does not count a whole host of off-budget items.

Mr. ALEXANDER. The gentleman has used the word "fraud." The Gramm-Rudman law is a fraud. It is undoubtedly the biggest fraud ever perpetrated upon the American people. That is exactly what it is. I think the gentleman is correct in his description of the Gramm-Rudman law.

Mr. MOODY. If I could add, not only a fraud, it is also expensive, because we have resorted to gimmicks that will end up costing far more. Again, to use the off-budget trick with savings and loans, estimates range between $3 to $20 billion extra we would have to pay in extra higher premiums to pay for it off budget, because the full faith of the United States is not actually behind the debt, although the taxpayers pick up the debt, and we are actually spending more in the long term to make Congress look good in the short term with the S&L bailout, and that is an example that could be augmented with other examples.

Mr. ALEXANDER. That is correct. What frightens me most with the current situation, according to a doctor from Yale University, about 80 percent of our deficit, both public and private, is financed by foreign capital. That is to say, the Japanese and the Europeans. We are not our own bankers any longer, and therefore do not hold the fate of our financial future in our hands. It is in the hands of foreigners.

Mr. MOODY. Madam Speaker, I appreciate the gentleman, and think he has rendered a service to the Congress and to the Nation to raise these issues at this time.

Mr. ALEXANDER. Madam Speaker, I thank the gentleman, and welcome his involvement and support on this initiative, which perhaps we can get considered next year. We have not been successful this year.

As I said earlier, I think we are due criticism for failing to raise this important issue. Perhaps by bringing it to the attention of the American people at the close of the first session of the 101st Congress we can generate some support for giving it attention during the second session of the 101st.

Mr. MOODY. I think people everywhere can hope this is the end of the first session.

Mr. ALEXANDER. We will join them on that.

CONSULTATION ON THE REFUGEE ADMISSIONS PROGRAM FOR FISCAL YEAR 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MORRISON] is recognized for 15 minutes.

Mr. MORRISION of Connecticut. Madam Speaker, the Refugee Act of 1980 (Public Law 96-212) requires the President to consult with Congress prior to the beginning of each fiscal year with regard to his proposals for refugee admissions for the coming year.

The following testimony from the U.S. Coordinator for Refugee Affairs, dated September 13, 1989, sets forth the administration's proposal for the U.S. refugee admission program for fiscal year 1990. This proposal formed the basis for the consultation with the House and Senate Committees on the Judiciary:

STATEMENT OF AMBASSADOR-AT-LARGE JEWEL S. LAFONTANT, U.S. COORDINATOR FOR REFUGEE AFFAIRS

It is a pleasure for me to be here this morning as the Administration's witness in these formal refugee consultations for fiscal year 1990. This is the first annual refugee consultations hearing of this Administration and my first such hearing as well.

We are consulting at an historic moment. As we meet today, thousands of East Germans are moving across the borders from Hungary to Austria and into West Germany where they have a chance for the first time to live in freedom. As the barriers to emigration fall throughout the Soviet Union and Eastern Europe, more and more people are having the opportunity to emigrate to the West.

These trends are a tribute to the policies the United States has followed over the past years. We are pleased with these developments and take pride in the role the United States has played in helping create the conditions that brought them about.

Of course, the increased refugee flows bring problems in their wake. That is to be expected; but how much better it is to have to deal with the problems caused by the success of one's policies than to deal with problems caused by failure.

Mr. Chairman, tomorrow you are chairing hearings on the whole range of issues surrounding processing of Soviet refugees. These hearings could not be more timely, and we welcome them. Therefore I will not dwell at length on Soviet processing matters today.

I am happy to have with me this morning Princeton Lyman, former Ambassador to Nigeria and now the Director of the State Department's Bureau for Refugee Programs, Philip A. Holman, Acting Director of the Department of Health and Human Services' Office of Refugee Resettlement, and A. D. Moyer, the Acting Executive Associate Commissioner of the Immigration and Naturalization Service.

Although this hearing marks the beginning of the formal consultations process, it is not the first step in the process. Over the past few months, I have met with members and staff of Congressional committees concerned with refugee issues. I have had meaningful consultations with representatives of state and local governments, private voluntary agencies, public interest groups, the Department of State, the Immigration and Naturalization Service, the Department of Health and Human Services, and others.

I have also consulted with the heads of international organizations who play such an important role in providing assistence to refugees overseas.

I recently traveled to Geneva and Rome where I met with host government officials and renewed my acquaintance with representatives of international organizations. During my trip to Italy, I had an opportunity to observe first hand the on-site processing of Soviet emigres. I visited the seaside town of Ladispoli where so many Soviet emigres are located. I talked to them in their cultural center and in the schools where they study English. The message they all conveyed was "please help us."

REFUGEE POLICY

Before providing an overview of some of the major refugee situations and the links between these concerns and our refugee admissions proposals, let me briefly review the major tenets of our refugee policy, which are a manifestation of our nation's traditional humanitarian concern and assistance.

Our refugee policy embodies the fundamental values of the American people: compassion, humanitarianism, idealism. We offer assistance to refugees not merely out of compassion but to promote stability in geographic regions of concern.

Relief

An important part of our refugee policy is the mobilization of international relief assistance to the more than 14 million refugees scattered throughout the globe. For

many of these people, international assistance is a life or death matter. The international assistance program encompasses a wide range of activities, including education, health and vocational training. Increasingly, international agencies are recognizing that care and maintenance is not enough if refugees are going to return to their homeland some day as productive members of society.

Over the years, the United States has taken the lead in establishing and supporting an international network of organizations whose purpose is to assist refugees to cope with their current situation and to give them hope for the future. The United States remains committed to continue our support for the vital programs these organizations carry out.

Resettlement

The second pillar of U.S. refugee policy is resettlement. Our policy is to support voluntary repatriation when conditions permit; to facilitate resettlement in country of asylum or in a third country; and, when resettlement in the United States is the only alternative, to admit refugees who are of special humanitarian concern to the United States or whose admission to the United States is in our national interest.

U.S. ADMISSIONS PROGRAM

As you know, this is the eve of the tenth anniversary of the Refugee Act of 1980 which sought to establish a more uniform and equitable basis for refugee admissions to the United States. To this end, Congress adopted the definition of refugee as used in the U.N. Convention and Protocol relating to the status of refugees to which we became party in 1968, and removed the geographic and ideological limits found in the Immigration and Nationality Act definition of 1952.

The Act of 1980 established the procedure of formal Congressional consultations and specified the type of information required by the Congress. We have prepared this information for you in our report to the Congress on proposed refugee admissions for fiscal year 1990.

At this time, I would like to share with you a brief overview of some of the major refugee situations which require resettlement in the United States.

For fiscal year 1990 the President is recommending the admission of up to 125,000 refugees. That ceiling includes the subceiling for the following refugee groups of special humanitarian concern to the United States: 3,000 refugees from Africa; 25,000 from first asylum countries in East Asia; 26,500 from Vietnam through the Orderly Departure Program (including Amerasian immigrants); 50,000 from the Soviet Union; 6,500 from Eastern Europe; 3,500 from Latin America and the Caribbean; 6,500 from the Near East and South Asia; and 4,000 unallocated privately funded.

Of the total proposed admissions number of 125,000, 14,000 are to be privately funded, included 10,000 from the Soviet Union.

Africa

As the Committee is aware, Africa is a region with serious refugee problems. There is a vast and growing number of refugees and displaced persons in need of life-sustaining support. Many African countries continue to provide opportunities for asylum, local resettlement and at times, voluntary repatriation. Malawi, for example, provides asylum for thousands of Mozambicans despite the impact on its own economy. Our major effort in Africa has been to provide assistance for emergency care and feeding in refugee camps.

With regard to refugee processing, we now have an INS post in Nairobi which has improved our ability to process refugees in Africa. In the Sudan, where asylum has been provided for hundreds of thousands of refugees, with the cooperation of the host government, we anticipate an early movement of some 2,000 Ethiopian refugees who are already in the pipeline.

The proposed ceiling of 3,000 is an increase of 1,000 over last year's ceiling of 2,000 and will provide opportunities for the admission of refugees already in the pipeline in addition to others.

East Asia

In meeting our commitments undertaken under the Comprehensive Plan of Action at this summer's International Conference Plan of Action at this summer's International Conference on Indochinese Refugees, the President is proposing to admit from East Asia 25,000 refugees from first asylum and 26,500 refugees from ODP. The admissions from first asylum will allow the United States to continue its commitment to ease the burden of first asylum countries in Southeast Asia while encouraging broad participation in this international effort.

The proposed ODP refugee admissions ceiling of 26,500 includes an estimated 7,000 former reeducation center detainees to be admitted as refugees under the agreement recently concluded with the Vietnamese. This number will also include Amerasian immigrants who enter the United States under the provisions of separate legislation. In addition, there will be another 2,000 persons admitted as immigrants, including former detainees.

Soviet Union

We stand now in the midst of dramatic improvements with regard to emigres from the Soviet Union. This fiscal year, the United States will have admitted over 35,000 Soviet refugees. The liberalization of Soviet exit/entry laws is expected to further expand next year's flow.

Because of the substantially increased opportunities for emigration from the Soviet Union, the administration is increasing the ceiling from last year's 43,500 to 50,000. Of this number, 10,000 are to be funded by the private sector.

Eastern Europe

The President's proposal adopts the suggestion that separate ceilings be indicated for the Soviet Union and Eastern Europe. The proposed refugee ceiling for Eastern Europe is 6,500 and should enable us to make a substantial inroad on cases presently registered for our program. The vast majority of persons registered by voluntary agencies and awaiting INS interviews are Poles and Hungarians.

Near East and South Asia

The proposed ceiling of 6,500 will provide for the admission of Iranians, Afghans and Iraqis as well as other nationalities on a case-by-case basis. Our concern for the persecution of religious minorities in Iran continues despite the death of Khomeini and the accession of a new regime. With regard to Afghans, we do not anticipate that their eventual repatriation will have a significant impact on our U.S. resettlement program.

Latin America and the Caribbean

The proposed ceiling for this region is 3,500. We are committed under the migration agreement of 1984 with Cuba to resettle all qualifying former political prisoners and their families from Cuba each year. The proposed ceiling would also permit admission of up to 500 refugees from the region including former political prisoners in Nicaragua who were recently released from prison.

Our refugee admissions numbers are only a small part of the total numbers who enter the United States each year. During fiscal year 1988 over 391,834 immigrant visas were issued, of which number 270,000 were used. In addition, 8 million non-immigrant visas were issued. There are significant others who came in who are not included in these numbers.

Funding

It is apparent that the President's proposal carries with it important funding implications. Largely as a result of increased refugee flows from the Soviet Union, the current budget requests for the State Department and HHS for fiscal year 1990 did not anticipate arrivals of this magnitude when setting funding levels for admissions and resettlement needs.

The recommended level for consultations is higher than that assumed in the State Department budget and will require about $58 million more for admissions than originally requested. The Department of State is addressing the international budget issues and is working with the Appropriations committees in an attempt to meet as much of our refugee admissions requirements as possible without an adverse funding effect on other important foreign policy programs and priorities. Once the appropriations process is complete, the administration will have to consider how it can best meet the unfunded requirements, if any. There is room on the domestic side, within the 1990 Bipartisan Budget Agreement, for Congress to provide necessary funding for the HHS costs of refugee resettlement. In addition, I plan to consult with my former colleagues in the corporate world to ask for their assistance in evaluating the potential for private sector input in refugee programs.

DOMESTIC RESETTLEMENT

I would like to turn briefly now to the domestic implications of our refugee policy. By the very act of admitting refugees to this country, we assume a certain level of responsibility for their successful integration into a new culture and a new environment. We are sensitive to the fact that refugees are a special class of immigrant, requiring, for an initial period of time, special forms of support and assistance. Many refugees who come here suffer the trauma of separation from their culture, their way of life, their home, their family members. Although overseas orientation programs help prepare refugees for resettlement, without the support of the private voluntary organizations and state and local governments, resettlement could not be effectively accomplished.

Mr. Chairman and members of the Committee, we will continue to work to resolve the root causes of refugee flows and strive to provide a refugee program to meet our international and domestic concerns within a humanitarian framework.

Thank you again.

I would be happy to answer your questions.

On September 13, 1989, the Subcommittee on Immigration, Refugees, and International Law held an oversight hearing on refugee admissions for fiscal year 1990. Witnesses for the administration were Ambassador Jewel S. Lafontant, U.S. Coordinator for

Refugee Affairs; Ambassador Princeton Lyman, Director, Bureau for Refugee Programs, Department of State; Philip Holman, Acting Director, Office of Refugee Resettlement, Department of Health and Human Services; and James Buck, Acting Commissioner, Immigration and Naturalization Service.

The report to the Congress mandated by the Refugee Act on the "Proposed Refugee Admissions for 1990" was submitted by the U.S. Coordinator for Refugee Affairs for the Members' information prior to the consultation. The report contains the following chart of estimated costs for the program proposed by the President:

MIGRATION AND REFUGEE ASSISTANCE, FISCAL YEAR 1990—SUMMARY BY PROGRAM

[In thousands of dollars]

	1988 enacted	1989 estimate	1990 request	Incr/decr (−)
Refugee admissions	119,548	140,000	156,500	16,500
Refugee assistance:				
East Asia	26,700	26,000	25,500	−500
Africa	56,800	54,530	58,200	3,670
Near East	80,300	81,800	80,300	−1,500
Western Hemisphere	12,400	11,020	11,200	180
Subtotal	176,200	173,350	175,200	1,850
Other activities:				
Refugees to Israel	25,000	28,000	20,000	−8,000
Other international organizations	9,702	12,600	10,300	−2,300
Subtotal	34,702	40,600	30,300	−10,300
Administration	8,000	8,000	8,000	
Total	338,450	361,950	370,000	8,050

On September 20, 1989, the Attorney General met in a private meeting with the consultative members of the Committee on the Judiciary: Congressmen JACK BROOKS, HAMILTON FISH, Jr., LAMAR SMITH, and myself to complete the second and concluding stage of the consultation process mandated by the Refugee Act of 1980.

After consideration of the relevant prepared reports by the Department of State and the U.S. Coordinator, and the testimony furnished by the witnesses at the hearing, the following letters from the consultative members were sent to the President:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 28, 1989.

Hon. GEORGE BUSH,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The House Committee on the Judiciary has completed the consultative process mandated by the Refugee Act of 1980 with regard to your proposed refugee admissions ceilings and allocations for fiscal year 1990.

The Administration has proposed a FY 1990 ceiling of 125,000, of which it expects private sources to fund 14,000. Moreover, the Administration's FY 1990 budget request included funding for 84,000. These facts present two problems. First, the use of unfunded numbers raises a number of issues that are not addressed by the 1980 Refugee Act. Until a firmer, more complete statutory basis is crafted for such admissions we believe that the Administration should avoid any expansion of the unfunded refugee program. Thus, we believe that the Administration should seek funding for all but 4,000 of the 125,000 proposed.

Second, it appears unlikely that the FY 1990 Foreign Operations Appropriations measure will result in funding for more than 84,000. Thus, the Administration's proposal far exceeds the total number of refugee slots likely to be funded at the outset of this fiscal year. We have been assured that the Administration will continue to seek ways to secure the resources necessary to admit at least 111,000, and we pledge to you our cooperation and support in that effort. But should our efforts fail, it will become necessary to determine how the numbers shortfall is to be distributed among the various regions. It is our expectation that we will be consulted during the decision-making process should such a reallocation ever appear necessary.

We believe that the Administration's allocation of 50,000 numbers for the Soviet Union represents a good faith response to a difficult situation. Moreover, we are supportive of the Administration's desire to reduce costs and enhance efficiency by shifting refugee processing efforts to Moscow. Nonetheless, we are convinced that the logistics of managing a refugee program from inside the Soviet Union have not been fully worked out and thought out. In this regard, we believe it is essential that the U.S. Government take a strong and active role in ensuring that voluntary agencies are permitted to establish a presence in Moscow to perform their vitally important role of assisting refugees in the preparation of cases.

Attorney General Thornburgh's decision to reconsider the cases of the approximately 5,000 Soviet citizens who were denied refugee status by the United States and remain in Italy is a most welcome development for a variety of reasons, one of which is that current law does not contemplate the use of indefinite parole for those denied refugee status. For that reason we urge the Administration to consider seriously the cessation of this practice. In its place we propose to work with the Administration to develop legislation that will be responsive to identifiable needs that cannot be met through existing refugee processes.

Recent hearings, conducted by the Subcommittee on Immigration, Refugees, and International Law revealed that the Orderly Departure Program (ODP) for Vietnamese is a nearly indecipherable concoction of refugee, immigrant, and parole programs. We are of the opinion that the Administration's inability to conform ODP to existing law undermines our important efforts in Southeast Asia and raises serious equity issues.

The Administration's proposal fails to designate nationals of Haiti a population of special humanitarian concern to the United States. We believe that efforts must be made to discourage dangerous boat-departures from Haiti and that the establishment of an Orderly Departure Program in Haiti is an essential step in that direction.

We are disappointed that seven years after Congress passed legislation to resolve the Amerasian issue many thousands of Amerasians and their immediate relatives remain in Vietnam. We urge the Administration to redouble its efforts to identify and process all remaining beneficiaries so that this episode may be brought to an end.

Regarding Eastern Europe, it is our understanding that between 2,000 and 4,000 Poles and other Eastern Europeans who were approved for admission will not be brought in this fiscal year despite the availability of admissions numbers. While recognizing that delays are inherent in processing, we hope that better planning in the future will avoid situations in which approved numbers are allowed to lapse.

We support the Administration's plan to assist in the reintegration of the Nicaraguan resistance forces and their families into Nicaragua society. We understand that the Administration has no intention of admitting this category of persons to the United States. We trust that you will keep us advised as to the progress of your efforts to achieve their reintegration.

Finally, we are deeply concerned by the Administration's apparent lack of interest in domestic resettlement. In this regard we note that (1) the Adminiistration's budget proposal for the Office of Refugee Resettlement (ORR) for FY 1990, reflected a drastic decrease in funding; (2) ORR has been without a Director for months; and (3) little effort has been made within the Administration to find innovative, cost-saving, effective ways to resettle refugees. As a result, state and local governments have been forced to shoulder a heavier and heavier burden. We believe that this trend is both unfair and dangerous. The Committee intends to examine these issues fully and carefuly during upcoming hearings on the Refugee Act.

We thank Attorney General Thornburgh, Secretary Eagleburger, Ambassador Lafontant and the other representatives of the Executive Branch for their cooperation and assistance during the refugee consultation process.

Sincerely,

JACK BROOKS,
Chairman, Committee on the Judiciary.
BRUCE A. MORRISON,
Chairman, Subcommittee on Immigration, Refugees, and International Law.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 29, 1989.

Hon. GEORGE BUSH,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We appreciate the cooperation and assistance of representatives of the Executive Branch—including Attorney General Thornbugh, Secretary Eagleburger, and Ambassador Lafontant—in the consultation on refugee admissions for FY 1990.

This letter is being sent to advise you that we have no objections to the Administration's proposed FY 1990 ceiling and allocations. A more detailed response will follow.

Sincerely,

HAMILTON FISH, Jr.,
Ranking Minority Member, Committee on the Judiciary.
LAMAR SMITH,
Ranking Minority Member, Subcommittee on Immigration, Refugees, and International Law.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, November 15, 1989.

Ambassador JEWEL S. LAFONTANT,
Ambassador-at-Large and U.S. Coordinator for Refugee Affairs, Department of State, Washington, DC.

DEAR AMBASSADOR LAFONTANT: Prior to the beginning of the fiscal eyar, we advised the President that we had no objections to the Administration's proposed FY 1990 refugee admissions ceiling and allocations. The Administration, in our view, deserves commendation for submitting a FY 1990 proposal that maintains this country's commitment to a humane refugee admissions policy. We welcome this opportunity to underscore the importance of our refugee program as it relates to the two areas in the world that receive the highest allocations for FY 1990.

The United States, in our view, should respond compassionately to the plight of Southeast Asian refugees who are outside their countries of origin at the same time that we support and strengthen the Orderly Departure Program. The Administration appropriately allocates substantial numbers for each of these two components of East Asia admissions.

The United States must do its share, in conjunction with other resettlement countries, to help maintain the viability of first asylum in that region of the world. When we accept refugees who have found temporary shelter, we respond to a compelling humanitarian need, discourage the involuntary return of people to conditions of persecution, and provide a positive example to other countries.

The Orderly Departure Program provides a structured mechanism for the United States to offer resettlement opportunities to qualifying individuals and family members currently in Vietnam. We believe the United States has a special interest in two groups in Vietnam—Amerasians and former reeducation camp detainees—and we encourage the Administration to continue its efforts on their behalf.

The lowering of barriers to departures from the Soviet Union is an important human rights development that challenges the United States and other countries to respond with increased refugee admissions. The allocation of 50,000 numbers for Soviet refugees—an increase over FY 1989 figures—is fully justified by the new circumstances in the Soviet Union.

We recognize that a substantial percentage of this total for Soviet refugees will be needed for persons in the "pipeline" prior to the beginning of the fiscal year—and that humanitarian and national interest considerations mandate flexibility to accommodate numbers in excess of the allocation for the Soviet Union. We therefore commend the Adminstration for recognizing the need for legislation to help meet the exigencies of the new flow. Expeditious congressional action is required to facilitate an appropriate United States response.

Finally, we note that this is a time of exciting change in Eastern Europe as the desire for freedom finds expression in various countries. These exhilarating developments have significant potential implications of U.S. refugee policy. Members of Congress involved in refugee issues and Administration representatives need to maintain close contacts in charting the future direction of our refugee policy for Eastern Europe.

We look forward to working with you on refugee matters in the months ahead.

Sincerely,

HAMILTON FISH, Jr.,
Ranking Minority Member, Committee on the Judiciary.

LAMAR SMITH,
Ranking Minority Member, Subcommittee on Immigration, Refugees and International Law.

As a result of the consultation between the Congress and the President, the following Presidential Determination No. 90-2 was issued on October 6, 1989:

THE WHITE HOUSE,
Washington, October 6, 1989.

Presidential Determination No. 90-2

MEMORANDUM FOR THE UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

Subject: Determination of FY 1990 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act.

In accordance with Section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

a. The admission of up to 125,000 refugees to the United States during FY 1990 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1990 with federal refugee resettlement assistance under the Amerasian admissions program, as provided in paragraph (b) below.

Fourteen thousand of these admissions numbers shall be set aside for private sector admissions initiatives. Of these, 10,000 shall be used for the Soviet Union, and 4,000 for any region. The admission of refugees using these numbers shall be contingent upon the availability of private sector funding sufficient to cover the reasonable costs of such admissions.

b. The 125,000 admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this Determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia Orderly Departure Program shall be reduced by one for each person admitted to the United States during FY 1990 with federal refugee resettlement assistance under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in Section 101(e) of Public Law 100-202 (Amerasians and their family members):

Africa	3,000
East Asia, first asylum	25,000
East Asia, Orderly Departure Program	26,500
Soviet Union	[1] 50,000
Eastern Europe	6,500
Near East/South Asia	6,500
Latin America/Caribbean	3,500
Not designated	[2] 4,000

[1] Including 10,000 funded by the private sector.
[2] Funded by the private sector.

Utilization of the 111,000 federally funded admissions numbers shall be limited by such public and private funds as shall be available to the Department of State and the Department of Health and Human Services for refugee and Amerasian admissions in FY 1990. You are hereby authorized and directed to so advise the Judiciary Committees of the Congress.

Unused admissions numbers allocated to a particular region within the 111,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such reallocation.

The 4,000 privately funded admissions not designated for any country or region may be used for refugees of special humanitarian concern to the United States in any region of the world at any time during the fiscal year. You are hereby authorized and directed to notify the Judiciary Committees of the Congress in advance of the intended use of these numbers.

c. An additional 5,000 refugee admissions numbers shall be made available during FY 1990 for the adjustment to permanent resident status under Section 209(b) of the Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under Section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with Section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), I also specify, after appropriate consultation with the Congress, that the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States while still within their countries of nationality or habitual residence:

a. Persons in Vietnam and Laos who have past or present ties to the United States or who have been or currently are in reeducation camps in Vietnam or seminar camps in Laos, and their accompanying family members.

b. Present and former political prisoners and persons in imminent danger of loss of life in countries of Latin America and the Caribbean, and their accompanying family members.

c. Persons in the Soviet Union.

You are hereby authorized and directed to report this Determination to the Congress immediately and to publish it in the Federal Register.

GEORGE BUSH.

SUBCOMMITTEE INVESTIGATION DISCOVERS DANGERS TO U.S. ENERGY SECURITY THAT CALL FOR ACTION NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 30 minutes.

Ms. OAKAR. Madam Speaker, before Congress adjourns for 1989, I want to inform the Members of this House that our country faces serious problems with respect to our long-term energy security, and that these

problems could become critical unless action is taken without delay.

SCOPE OF INQUIRY

The Subcommittee on Economic Stabilization, which I am privileged to chair, began looking at the Nation's long-term energy security in 1988, at the time of the Persian Gulf engagement. We proceeded under the provisions of the Energy Security Act additions to the Defense Production Act that designate energy as a strategic and critical materials for purposes of the Nation's defense industrial base. The subcommittee has held seven public hearings since then to systematically explore whether our industrial base will be more or less secure, and our economy will be more or less stable, over the next 5 to 10 years in the light of energy considerations.

DEPTH OF PROBLEMS ENCOUNTERED

What we have found has caused me and other subcommittee members deep concern.

First, for almost a year, the Nation's energy security has been in peril. President Ronald Reagan made a formal finding to that effect on January 3, 1989—CONGRESSIONAL RECORD, May 24, 1989, page E 1888.

Second, the situation is growing more dangerous. For 1988, the likely base year for the President finding, the U.S. was dependent on foreign petroleum imports for 38.1 percent of domestic consumption, according to the most conservative method of calculation. From January through September 1989—the first three quarters of this year—the dependency ratio rose to 44.3 percent, the second highest annual rate in U.S. history.

Third, the indications are that, although the world is not yet running out of fuels, this country is running out of time to adjust to these sharply higher dependency levels.

Few if any solutions to energy problems are short-term. Whether the project is bringing a new oil field into production, constructing a mainline electric power generating plant, developing an advanced nuclear reactor, maximizing the potential for renewable and alternative energy sources, or popularizing energy saving efficiency programs, the leadtimes seem very formidable—often up to 8 to 10 years. when the U.S. shifted it primary reliance from wood to coal and from coal to oil, it took about 60 years for each of these major transitions.

This makes the time dimension critical. If, as many experts believe, the Middle East will reach 90 percent of its petroleum producing capabity in the mid-1990s, our country's energy security appears to be in a period of deepening exposure to events this Nation cannot control.

A DISSENTING VIEW

In fairness, my view is not universal. One major corporation stated publicly, recently, that:

It hardly matters whether the (petroleum) import level is 10 percent, 40 percent or 60 percent. Japan imports virtually all its oil, and the Japanese economy doesn't seem to (suffer) . . . (Washington Post, November 12, 1989, page H-3).

WEIGHT OF THE EVIDENCE SUGGESTS SUBSTANTIAL THREAT TO U.S. ENERGY SECURITY

However, witnesses before our subcommittee have taken direct issue with the above assessment. For example, James Schlesinger, our lead-off witness in 1989, who was both Secretary of Energy and Secretary of Defense, has stated:

I believe the United States should be worried. Its role in the world is unique. Unlike Germany, Japan, or France, all of which incidentially worry a great deal about oil dependency, the United States is the great stabilizing power in the free world * * * if * * * the United States is to sustain its role in the world and to maintain the necessary freedom of action in foreign policy matters, it cannot afford to become excessively dependent on oil imports, particularly from the most volatile regions of the world. ("Oil and America's Security," Brookings Institution, Ocober 15, 1987, page 11).

FOREIGN POLICY CONSTRAINTS

Secretary Schlesinger testimony underscored this point as follows: "Madam Chairman * * * by the middle 1990's we will be dependent upon overseas supplies for 11 to 12 million barrels per day or about 65 percent of our total oil usage * * * (this) imposes a constraint on American foreign policy and upon the President of the United States." (Transcript, May 9, 1989, pages 12-13).

POSSIBLE ECONOMIC INSTABILITY

The American Petroleum Institute [API], whose president, Charles DiBona, testified before us on June 22 of this year, has concluded that, at a 60 percent level of import dependence, "a supply disruption * * * could cause a price shock even more damaging than those of the 1970's"—white paper on "Energy Security," API, November, 1988, page 4.

Many observers believe that the oil shocks of the 1970s caused the most severe global recession since the 1930s—see "Warning Signs on Oil," Washington Post, Oct. 29, 1989, page B6.

THREATS TO COLLECTIVE SECURITY

In addition to U.S. freedom of action, and the stability of the our own domestic economy, the petroleum dependency situation of our country's allies and friends has also been an American energy security consideration. This factor prompted sending an American fleet to the Persian Gulf in 1987. For the better part of a year, 40 U.S. combatant ships, about 20 support vessels, as well as 25,000 U.S. fighting men and women were on station in the Gulf, sustaining energy security, at an expenditure of $69 million over and above normal operating costs—"Spending on the Persian Gulf's," Washington Post, October 22, 1987, page A-21.

LACK OF ADEQUATE RESPONSE TO THE PROBLEMS

On the basis of this and similar testimony, my opinion is that there are very serious potential energy security and economic stability problems resulting from increasing dependency on petroleum imports on the part of this country and its allies and trading partners.

Granted there are strategic petroleum reserves that did not exist in the 1970s, as well as international voluntary agreements to coordinate responses to various specified energy emergencies. These are major plus factors for energy security, but they are not the total answer, as the General Accounting Office and others have told Congress on a number of occasions—see, for example, "International Energy Agency, Effectiveness of Members' Oil Stocks and Demand Restraint Measures," GAO/NSIAD 89-42, February, 1989.

In the words of General Richard Lawson, Deputy Commander of U.S. forces in Europe at the time of the Gulf hostilities, and currently president of the National Coal Association:

Our first objective must be to reverse the increase in oil imports * * * and * * * to achieve "relative energy independence." (Testimony of General Lawson before the Subcommittee on Economic Stabilization, Nov. 8, 1989, page 11).

However appealing these objectives might be, they are not national priorities at this time. Other than the strategic arrangements described above—which are limited in scope—the United States does not have national objectives, plans, policies, strategies or priorities in the energy security area at this time. We find this situation difficult to understand.

POTENTIAL SHORTAGE OF ELECTRICAL ENERGY

And, there is further bad news for U.S. energy security. Testimony on October 4 informed us that the country is in near-term danger of running out of electric power, the energy source that has been the main engine of post-World War II U.S. economic growth. Explicit testimony to the subcommittee explains why. To prevent power disruptions, a capacity generating margin of 17 percent is considered to be a minimum.

In 1988, the Nation's capacity fell to 19 percent overall, 16 percent in Ohio and 15 percent on the entire east coast. The consequences of capacity shortfall such as this can be damaging and costly, especially under adverse weather conditions. The middle-Atlantic states had three "brown-outs" last summer and New England had eight!—Testimony of Joseph M. Farley, chairman American Nuclear Energy Coun-

cil, Subcomm. on Economic Stabilization, Nov. 8, 1989, pages 2-3.

According to the Boston Chamber of Commerce, these electric reliability problems cost the economy of Massachusetts $86 million. It has been reported that Standard and Poor's, the financial rating service, regards declining electric reliability as a threat to the credit-worthiness of the entire northeast region—Statement of U.S. Council on Energy Awareness at Department of Energy National Energy Strategy hearing, August 1, 1989, page 2.

Another example, in the midwest, is my own State of Ohio. A recent study by the U.S. Council for Energy Awareness predicted that, by 1995, Ohio will be short 2,000 megawatts of new electric generating capacity (enough for a city of about 1 million people). By the year 2000, the shortfall was estimated at 6,000 megawatts—beyond what is now planned. If that capacity is not built, the study predicts that capacity margins in Ohio will shrink to 10 percent in 1995 and zero in 2000.

The same study projects that, in the absence of this new capacity, Ohio will lose $35 billion in gross State product, $5.9 billion in business profits, $4.9 billion in State and local tax revenues and 650,000 jobs over the next decade.

Across the Nation, estimates of need range between 72,200 and 100,000 megawatts of new power generating capacity in the next decade. Any shortfalls will increase the risks of maintaining the U.S. industrial base, servicing industries critical to U.S. world competitiveness, and sustaining national energy security, not to mention accommodating expanding business and consumer needs.

I certainly hope energy disasters do not overtake us. But, I must be candid with this body. We are presently headed down the road to crisis, and unless this country establishes effective policies, we are headed into the teeth of the problems described by our witnesses. As Mr. Farley told the subcommittee: "We ignore these signals at our peril."

FRAMEWORK FOR RESPONSE ALREADY IN PLACE

Energy security problems were forseeable in 1977 when Congress enacted the legislation setting up the Department of Energy. At that time, Congress required the President to formulate a comprehensive national energy policy plan and to update it every 2 years—42 U.S.C. 7321.

Such problems were even more apparent in 1988 when Congress requested the President to devise an international energy strategy to cope with increased energy dependency—42 U.S.C. 6272.

In late 1989, this country has neither a national energy plan nor an international energy plan.

The National Governors Association was able to agree unanimously on recommendations for a national energy policy—"A Comprehensive National Energy Policy," policy positions for 1988-89, National Governors Assn., March 1989, pages 59-64. Many other organizations have also been successful in formulating national energy recommendations and should be commended for their efforts.

What has not happened is that the executive branch of this Government—specifically the President—has not fulfilled the central responsibilities for energy policy assigned by Congress. The Secretary of Energy, Admiral Watkins, indicated on August 1 in opening his remarks on this subject that President Bush thinks a national energy strategy is good idea. We welcome the commencement of the planning process, as well as a few other steps this administration has taken in the direction of energy security. But, to date, the Nation does not have the comprehensive policy plan or strategy that it needs.

According to a Senate Government Affairs committee report, the Department of Energy on September 30, 1989, had 16,005 employees. In addition, the Department advised the committee that it also had about 100,000 contract employees—Consultants and Contractors: Pervasive Presence at Energy," Washington Post, November 7, 1989, page A23:1.

So, it certainly seems to me that the executive branch of this Government has the personnel and budget to draft a comprehensive, balanced, credible national energy plan, policy, strategy, or whatever one may wish to call it, for the energy security of our economy and our defense industrial base.

It has also had plenty of time—about a dozen years since the passage of the Energy Department Organization Act. In fact, in my personal opinion, the President's energy policy plan is long, long overdue.

My feeling is that the initial plan need not be perfect. The legislation contemplates revisions and up-dates every 2 years. It is also my feeling that such a policy plan should have definite short-term components, as well as medium and long-term components because of the critical period just ahead.

CONGRESS SHOULD HELP

I regard it as vitally important is for us in Congress to assist constructively in every way possible in achieving the objective of energy security at the earliest possible date. The energy problems of the defense industrial base, and other pivotal industries and segments of our economy, as well as regions and States of special interest to members of this body, can be resolved only as part of wider, coordinated national and international efforts.

There are many positive contributions that Congress can make. We can legislate, where necessary and appropriate, to advance energy security objectives. We can build consensus for appropriate solutions to difficult energy policy problems.

We can also help discover energy security problems, help to analyze them, and advance the process of education, so that the Government and private sector can better focus on ultimate solutions.

THE PRESIDENT NEEDS TO BEGIN

I believe that we are serving a useful purpose by informing the House and the public of these matters. Secretary Schlesinger made a point of saying that, in a democracy, policies should be openly discussed and arrived at in order to merit public support.

In my opinion, it is time for plain talk. This country has energy security problems. Congress is attempting to do its part in resolving them, but in a matter of this technical and multifaceted complexity, Congress decided a decade ago that the President should mobilize the vast and specialized resources of the executive branch to take the lead, and to give guidance to the legislative branch, State governments and regulators, domestic energy producers—who often have up to a 20-year planning cycle—industry, business, consumers, motorists, environmentalists, and the public.

Now, I believe, is the time for action. I implore the President, and the Secretary of Energy, to get the job done, and to do so without delay. Lead-times are long in the energy field, and the next 5 to 10 years are critical. Every passing month without a national energy policy, in my judgment, cuts down the country's margin of safety in energy security. Every passing season sees us forfeit export opportunities for energy technologies and techniques that this country should be developing. Every passing year without direction in this vital field erodes the leadership capability of the United States in organizing responses to global energy and environmental problems.

IMPORT WATCH SERVICE

In a further effort to assist the energy security policy or strategy process, I am inaugurating today, as a service to all concerned, an Import Watch Communication. This watch will appear as warranted, to highlight the status of petroleum imports, the country's relative dependence on these imports, and other matters related to the energy security of the Nation's defense industrial base. It will concentrate on statistical matters, and will be devoted to objectivity. Where differences of opinion exist about these matters, import watch will try to clarify the differences.

I ask unanimous consent that the first edition of the Import Watch be inserted in the RECORD following my remarks.

This edition sets forth the current level of petroleum consumption in this

country—about 18 million barrels per day—the current level of imports—about 8 million barrels per day-and the resulting current percentage of import dependence—44.3 percent. It also presents the history of petroleum consumption, imports and dependency from 1973 until September 30, 1989, as developed by the Department of Energy.

Members will note that import levels declined substantially for 8 years, 1977 to 1985. After the price of oil declined significantly in 1986, petroleum imports and dependency percentages have risen steadily, and are currently just below the record high rates of 1977.

I hope this kind of information, published periodically in our Import Watch, will be helpful to all those interested in progressing toward a more secure energy future for this country.

IMPORT WATCH

Import Watch is published as a service to the public. It will appear periodically as warranted by developments in U.S. petroleum consumption, levels of petroleum and other energy imports, levels of U.S. dependency on foreign energy sources, and related matters. Material in Import Watch may be freely copied and reprinted, with attribution appreciated.

EDITION NO. 1, NOVEMBER 1989

Dependency level. Oil imports for the first three quarters of 1989 (January 1 through September 30) were at the annual rate of 44.3% of U.S. consumption. If this rate continues for the balance of 1989, the yearly percentage for this year will represent an increase in import levels of 20.8% from 1988, 34.5% from 1987, 46.3% from 1986 and 85.6% from 1985.

Method of computation. The above calculations are made according to the most conservative method, which is used by the U.S. Department of Energy and the Congressional Research Service. The formula for import dependence is based on total products supplied to the American market, including exports originating from American refineries. This is on the assumption that much of the petroleum that is tabulated in published reports as "exports" is shipped to refineries in the Caribbean and returns to the United States as refined petroleum products. (Congressional Research Service).

Alternative method. The American Petroleum Institute (API), which measures imports on a "gross import" basis, reported imports for the first nine months of the year at 46.5%. This is 1.2 percent less than the record import level of 47.7% (API basis) in the year 1977. API's Monthly Statistical Report recorded imports at 50.2% of U.S. consumption for July and 49% for August, 1989.

Historical perspective. The growth of petroleum imports as a percentage of U.S. consumption, since the oil embargo year of 1973, based upon the Department of Energy "net import" basis, is set forth in the following table:

PETROLEUM IMPORTS AS A PERCENTAGE OF U.S. SUPPLY

[Thousands of barrels per day]

Average	U.S. supply	Imports	Percentage
1973	17,308	6,025	34.8
1974	16,653	5,892	35.5
1975	16,322	5,846	35.8
1976	17,461	7,090	40.6
1977	18,431	8,565	46.5
1978	18,847	8,002	42.5
1979	18,513	7,985	43.1
1980	17,056	6,365	37.3
1981	16,058	5,401	33.6
1982	15,296	4,298	28.1
1983	15,231	4,312	28.3
1984	15,726	4,715	30.0
1985	15,726	4,286	27.3
1986	16,281	5,439	33.4
1987	16.665	5,914	35.5
1988	17,283	6,587	38.1
1989 9 mos	17,961	7,955	44.3

Source: Energy Information Administration, Monthly Energy Review Table 1.8, May, 1989, page 19; American Petroleum Institute, Monthly Statistical Report Estimated United States Petroleum Balance, Oct. 18, 1989, page 5.

Some of the trends emerging from the above figures are:

The U.S. achieved enviable improvements in energy efficiency between 1973 and 1985, reducing the level of petroleum imports from 17.3 million barrels per day to 15.7 million.

Since 1985, import levels have climbed from 15.7 million to 17.9 million barrels per day, in increase of more than 2 million barrels per day.

Domestic production of petroleum has declined more rapidly than expected.

Dependency levels have not reached the 40 percent level since the 1976-79 period. For the first three-quarters of 1989, oil dependency was at the second highest yearly level in U.S. history.

Mr. GEPHARDT. Mr. Speaker, I would like to thank the Chair of the Subcommittee on Economic Stabilization, Representative OAKAR, for the important report she has just presented to the House.

Since 1985, America's appetite for oil has grown 15 percent, even as our ability to satisfy that demand from domestic production has continued to shrink. As my colleague from Ohio has pointed out, oil imports today constitute nearly half of our consumption. By the end of 1990, oil imports will have nearly doubled from their 1985 levels.

Oil imports already constitute the largest component of our deficit and a massive drain on our balance of payments. Our growing import dependence has already given OPEC, and particularly the producing countries of the Middle East, the market power they need to raise prices. As Jim Schlesinger has pointed out, "the United States has now unquestionably become the best ally that OPEC has" and "the main engine for the restoration of OPEC power."

The threat to our economic future and our Nation's security is a real one. I appreciate the work that the gentlelady and the subcommittee have done to document and explain these facts. Their ongoing interest in these matters, as indicated by her intention to set up an "Import Watch" communication, is highly commendable. A periodic, objective report on import dependency will draw attention to this problem and help Members join together to cope with this threat to our common security.

AMERICA NEEDS MARSHALL PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madam Speaker, some interesting stories have been surfacing in the press in recent weeks on the actions of the Boeing Corp. regarding a joint venture with Japan to develop a 300-seat jetliner. It seems only yesterday that on this floor we had a battle over the coproduction of the FSX military plane with Japan.

In those debates, for those who do not remember, references were made to GAO investigations of past deals with foreign nations, not on codevelopment of weapons, but just on coproduction, where time after time we transferred technology way beyond the limits of the agreement—where we gave away the whole store.

And fears were expressed by many Members, in both Houses, that we, once again, would be transferring—with the FSX—the technology and know-how for Japan to become a competitive producer of military aircraft. That by the midnineties, Japan would emerge as one of the world's major weapons suppliers.

I know their Constitution prohibits this, but then, I recall a time when their Constitution prohibited cartels, and that has either been changed, or ignored. And, they are a sovereign nation, able to change their Constitution any time they wish.

So our Defense Department urged upon them coproduction of a new fighter plane, and now Boeing is urging coproduction of a new commercial plane. A Journal of Commerce article of November 3 reports that Japan covets Boeing's marketing expertise and "will invest hundreds of millions of dollars to get it."

The story goes on to report that "The Japanese companies at first expected that a joint venture role"—on a former aircraft project which was aborted—"would give them access to advanced technology, engineering, and production techniques necessary for Japan to compete as a producer of commercial jetliners."

"In the years since then," the story continues, "the Japanese firms were able to acquire most of the design, engineering and production methods they need, in part by becoming a major producer of fuselage sections for the Boeing 767."

And there it is—technology transfer beyond any expectations by just having subcontracted a part of an aircraft offshore.

Now, that they have picked up the basic expertise, a Japanese aircraft expert is quoted in the Journal as saying, the Japanese "realized that in the development of a new airplane,

market research and sales are much more important than technology."

So, once again they are coming back to the well. And once again, we are inviting them in.

Why? Boeing announced a 68-percent profit in third quarter earnings just this week. How much is enough? There seems to be no financial need at Boeing to make them risk future sales and markets with that kind of earnings report.

Boeing should look no farther than the condition of the United States automotive producers to see what Japan can do when it moves into a market. And at least, Ford and GM and Chrysler can comfort themselves, scant though it may be, they did not teach the Japanese how to build automobiles. They did not create their own nemesis.

One thing is for sure, the current leadership of Boeing will be long gone by the time this happens and the folks who sold the store will have retired on the bloated profits of the short-term gain. And so, what will it matter to them? They will have served their own careers well. It is my personal opinion, that long term, they will have served their company and their country poorly.

But it seems that many managers in this country are in a frenzy of short-term profits feeding—eating up future markets, as in the Boeing case—destroying investment in research and developments, the long-term commitments, as in the paring down of Bell Labs—gutting the wealth of old line asset rich companies by leveraged buyouts, burdening not only them but our banks with debt to a point of possible insolvency.

I know, Madam Speaker. Everybody is doing it. The stock market and the Harvard Business School mentality demands the soaring growth figures—always upward, always growing—even at the cost of devouring the bone and fiber of the company and the country.

I suggest to this House, that the lemming, which in a self-destructive migration, inexplicably, herds into the sea, never goes anywhere alone. Not even to his own death. I'm also beginning to suspect that the lemming wears Reeboks, drives a BMW, and probably dreams of surviving one of those European migrations, to come to America and work in the leverage business where the possibilities for destruction are so much greater than in some Norwegian fjord.

In this country, the lemming would discover that the numbers game is the thing. And numbers have no faces, or children—no blood.

Well, I am going to warn these soulless numbers tumblers that—inside a Democratic system such as ours, the consequences of such actions can and will have a political fallout.

If it seems a long time in coming, there are some straws in the wind which should not be ignored. The most recent reports on unemployment in the country are sobering—despite the cheery headline in the Washington Post last week, which reads, "Jobless Rate Held Steady In October at 5.3 Percent." Numbers tumblers and headline writers can make the story anything they wish it to be and when you read beyond the happy Post headline one finds that the "surprising economic strength" is for "continued local government hiring for the school year." And that "automobile manufacturing led the overall decline in the industrial sector."

Also, it is reported that "unexpected job growth and persistent wage inflation" will keep "the Federal Reserve from immediately easing its hold on credit, which in turn would have triggered lower interest rates."

The real downer is in the last paragraph which points out that the goods-producing sector lost 3,000 jobs in the quarter offset by modest gains in mining and construction, softening the effect of a 13,000 drop in manufacturing employment.

This followed a revised drop of 88,000 factory jobs in September alone. In the last 5 months, the durable goods sector has lost more than 150,000 jobs.

The joint ventures abroad, the leveraged buyouts are beginning to take their toll. In that mass of employment figures, it should always be remembered that if an employee loses a full-time job paying $30,000 a year and is employed somewhere else for minimum wage for as little as 1 day a week, he is considered employed for the purposes of the numbers tumblers.

For a great many Americans, it doesn't matter what the headlines say, they know that it now takes both husband and wife working to pay the bills—when only 10 years ago, one job would suffice. They are aware also that there are fewer jobs which guarantee fringe benefits or even 40 hours of work.

To many in the American work force the idea of going to work for a company and planning to retire from the same company, as their fathers and grandfathers did only a generation or two ago, is a dream of job security beyond their grasp.

And there is a price to be paid for this kind of insecurity. It is well documented that when companies close, when people become fearful about their future, alcoholism and drug usage rise as does domestic violence. So far, there seems to have been enough lower paid jobs coming on to at least keep some of these people from bottoming out economically.

But Madam Speaker, we all know that this economy has set records for the longevity of it expansion. There has been no rational recession since the 1982-1983 downturn, despite regional recessions in the Southwest and in the rustbelt of the Central States. I suspect the wheels have been kept turning nationwide by bountiful consumer credit which helps explain some of the growth of jobs in the service sector. In a recession, it is consumer spending which stops almost immediately. And, at that point, then related jobs, in the service sector, dry up.

Jobs in heavy industry, the jobs we are losing to free trade and to offshore—as in the subcontracting offshore by Boeing—are more enduring in the face of recession than the service sector. The old line companies—the giants of another time in this country—survived recessions and a wrenching depression and there were layoffs, but workers got called back eventually, and they had pensions and medical benefits and 40 hour weeks.

That this confidence in the blue chip companies still has an economic impact, the Baltimore Sun on October 17 credited "large industrial stocks" with pulling the stock market "back from near-disaster" in the precipitous fall of the day before. While the johnnie-come-latelies on the stock market may be exciting and produce the stunning highs, when the situation gets scary, everybody wants to wrap their arms around "Ma Bell" or "Big Blue."

It is companies such as these who are increasingly shipping production offshore, or buying component parts offshore, as Boeing is planning to do. We no longer are exporting just the old minimum wage jobs. We now are exporting the quality, highly skilled jobs—both blue collar and white collar—and keeping the laundry jobs for ourselves and our children. We are selling out the middle-class future and the future of the middle class.

In this whole picture there is a dichotomy concerning the growth of the service sector, which I would like to share with you. As we have been reassured, repeatedly, that service sector jobs will expand to replace the manufacturing job losses, I have noticed that the more service jobs we get, the less service we get.

We have had to learn to pump our own gas. And, in all too many instances, we stand in line to get our food—whether fancy buffet—or fast food, where we also must clean off our own table. Increasingly one can order furniture, only to discover that it has to be assembled. For a long time, it has been necessary to put together children's toys, but increasingly stores are selling ready-to-assemble grown-up furnitures.

Now, there's a new twist which really catapults us into the Brave New World. There is now a store that neither assembles the furniture nor will take the responsibility of delivering

the furniture—no matter its size. If one purchases an item that needs delivery, one must go to the warehouse and physically move it to an adjoining office run by an independent trucker. He is then paid by the purchaser, in an operation totally separate from the furniture store.

Amazing. The whole idea seems to be an import from Sweden—IKEA. I am sure their advertisements do not advertise service, so I am forced to wonder if this is a vision of the future named, "Beyond the service economy."

How far are we going down this path? Ten years ago, as hard pressed as the steel industry was, I would not have believed that so many could have come so close to dissolution, in such a short period of time. And the shipping companies that have disappeared, and the shipyards that have closed and the foundries and machine tool plants. The electronics companies. Automobile plants and parts-producing plants.

All going down under the impetus of free trade and technology and market loss. And of the giants that are left, many are inviting the camel into the tent.

Something must be done and done soon to begin to rebuild both an industrial base and the micro-electronics industry. I appeal to our colleagues, Madame Speaker, to study this situation and begin to think about what must be done for America. While I support aid to Eastern Europe, in order to sustain the needed financial aid we must also rebuild our stricken industries. We need a Marshall plan for America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANCASTER (at the request of Mr. GEPHARDT), for November 19, on account of official business.

Mr. BROOKS (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACHTLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today and on November 21.

Mr. DREIER of California, for 60 minutes, today and on November 21 and 22.

Mr. DORNAN of California, for 5 minutes, today and for 60 minutes on November 21, 22, 27, 28, and 29.

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

Mr. THOMAS A. LUKEN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. BUSTAMANTE, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. LEHMAN of Florida, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MORRISON of Connecticut, for 15 minutes, today.

Ms. OAKAR, for 30 minutes, today.

Mr. ALEXANDER, for 60 minutes, on November 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MACHTLEY) and to include extraneous matter:)

Mr. RITTER in two instances.

Mr. SCHULZE in two instances.

Mr. GREEN.

Mr. LEWIS of California in two instances.

Mr. WHITTAKER.

Mr. CRAIG.

Mr. BROOMFIELD.

Mr. DANNEMEYER.

Mrs. ROS-LEHTINEN.

Mr. COUGHLIN.

Mr. DAVIS.

Mr. GILMAN in three instances.

Mr. HYDE.

Mr. CONTE in three instances.

Mr. LOWERY of California.

Mr. PORTER in two instances.

Mr. GINGRICH.

Mr. BALLENGER.

Mr. SOLOMON.

Mr. GEKAS.

Mr. MACHTLEY.

Mr. BILIRAKIS.

Mr. MCEWEN in two instances.

Mr. SCHUETTE.

Mr. NIELSON of Utah.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. FAZIO.

Mr. TRAFICANT in three instances.

Mr. MFUME.

Mr. KENNEDY.

Mr. ECKART.

Mr. KANJORSKI.

Mr. ALEXANDER.

Mr. RAY.

Mr. ROE.

Mr. NELSON of Florida in two instances.

Mr. STOKES in two instances.

Mr. WILLIAMS.

Mr. CAMPBELL of Colorado.

Mr. MATSUI.

Mr. COLEMAN of Texas.

Mr. FASCELL in five instances.

Mr. GARCIA.

Ms. SLAUGHTER of New York.

Ms. KAPTUR.

Mr. DOWNEY.

Mr. EDWARDS of California.

Mr. BONIOR.

Mr. DWYER of New Jersey.

Mr. ORTIZ.

Mr. MCMILLEN of Maryland.

Mr. MILLER of California in two instances.

Mr. DONNELLY.

Mr. PENNY.

Mr. FLORIO.

Mr. STALLINGS.

Mr. GORDON.

Ms. PELOSI.

Mr. DE LUGO.

Mr. GRAY.

Mr. DICKS.

Mrs. SCHROEDER.

Mr. MONTGOMERY.

Mr. CARR.

Mr. ACKERMAN.

Mr. STARK.

Mr. MAZZOLI in three instances.

Mr. WISE.

Mr. SISISKY.

Mr. SOLARZ.

Mr. FAUNTROY.

Mr. DELLUMS.

Mr. VENTO.

Mr. SCHEUER.

Mr. RICHARDSON.

Mr. SMITH of Florida.

Mr. JONES of North Carolina in two instances.

Mr. FUSTER.

Mr. TORRICELLI.

Mr. JONTZ in two instances.

Mr. BENNETT in four instances.

Mr. SKAGGS.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2461. An act to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

H.R. 2748. An act to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes;

H.J. Res. 282. Joint resolution designating November 19–25, 1989, as "National Family Caregivers Week;" and

H.J. Res. 393. Joint resolution to grant the consent of Congress to the boundary change

compact between South Dakota and Nebraska.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes;

S. 737. An act to adjust the boundary of Rocky Mountain National Park;

S. 818. An act to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes;

S. 1390. An act to provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes;

S.J. Res. 207. Joint resolution approving the location of the memorial to the women who served in Vietnam; and

S.J. Res. 218. Joint resolution to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week."

A BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3015. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1990, and for other purposes.

ADJOURNMENT

Mr. MOODY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 21, 1989, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2049. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act to authorize the pooling of funds from the various accounts provided by the acts to be available to pay administrative expenses under the two acts and for other purposes; to the Committee on Energy and Commerce.

2050. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Australia for defense articles and services estimated to cost $48 million (Transmittal No. 9-16), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2051. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing foreign nationals, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

2052. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the third and final review and comments on a total of 62 projects authorized under the Water Resources Development Act of 1986, pursuant to Public Law 99-662, section 903(a)(2) (100 Stat. 4184); to the Committee on Public Works and Transportation.

2053. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1989, pursuant to 42 U.S.C. 5848; jointly to the Committees on Interior and Insular Affairs and Energy and Commerce.

2054. A letter from the Secretary of Energy, transmitting a comprehensive report describing the project entitled, "So_x-NO_x-RO_x Box Flue Gas Clean-Up Demonstration Project," proposed by Babcock & Wilcox, the 11th project to be negotiated under the 2d solicitation for the Clean Coal Technology Demonstration Program, pursuant to Public Law 99-190 (99 Stat. 1251); Public Law 100-202 (101 Stat. 1329-240); jointly to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

2055. A letter from the Secretary of Energy, transmitting a comprehensive record describing the project entitled, "Demonstration of Advanced Combustion Techniques for a Wall-Fired Boiler", proposed by Southern Co. Services, Inc., the 12th project to be negotiated under the 2d solicitation for the Clean Coal Technology Demonstration Program, pursuant to Public Law 99-190 (99 Stat. 1251); Public Law 100-201 (101 Stat. 1329-240); jointly to the Committee on Appropriations; Energy and Commerce; and Science, Space, and Technology.

2056. A letter from the Secretary of Energy, transmitting a comprehensive record describing the project entitled, "Cement Kiln Flue Gas Recovery Scrubber", proposed by Passamaquoddy Tribe, the 13th project to be negotiated under the 2d solicitation for the Clean Coal Technology Demonstration Program, pursuant to Public Law 99-190 (99 Stat. 1251); Public Law 100-201 (101 Stat. 1329-240); jointly to the Committee on Appropriations; Energy and Commerce; and Science, Space, and Technology.

2057. A letter from the Secretary of Energy, transmitting a comprehensive record describing the project entitled, "Advanced Flue Gas Desulfurization (AFGO) Demonstration Project", proposed by Pure Air, the 14th project to be negotiated under the 2d solicitation for the Clean Coal Technology Demonstration Program, pursuant to Public Law 99-190 (99 Stat. 1251); Public Law 100-202 (101 Stat. 1329-240); jointly to the Committee on Appropriations; Energy and Commerce; and Science, Space, and Technology.

2058. A letter from the Secretary of Energy, transmitting a comprehensive record describing the project entitled, "WSA-SNOX Flue Gas Cleaning Demonstration Project", proposed by Combustion Engineering, the 15th project to be negotiated under the 2d solicitation for the Clean Coal Technology Demonstration Program, pursuant to Public Law 99-190 (99 Stat. 1251); Public Law 100-202 (101 Stat. 1329-240); jointly to the Committee on Appropriations; Energy and Commerce; and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee of Conference. Conference report on H.R. 1312 (Rept. No. 101-381). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. Report on DOD automated information systems experience runaway costs and years of schedule delays while providing little capability (Rept. 101-382). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee of Conference. Conference report on H.R. 3611 (Rept. 101-383). Ordered to be printed.

Mr. HAWKINS: Committee of Conference. Conference report on H.R. 3614 (Rept. 101-384). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 1347. A bill to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes; Committee of the Whole House on the State of the Union discharged, and referred to the Committee on Post Office and Civil Service for a period ending not later than March 15, 1990, for consideration of such provisions of the bill (and amendments recommended by the Committee on Merchant Marine and Fisheries) as fall within the jurisdiction of that committee pursuant to clause 1(o), Rule X (Rept. 101-368). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 3743. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. PENNY:

H.R. 3744. A bill entitled, "The Minnesota Family Investment Plan"; to the Committee on Agriculture.

By Mr. CONYERS:

H.R. 3745. A bill to acknowledge the fundamental injustice; cruelty, brutality, and inhumanity of slavery in the United States and the Thirteen American Colonies between 1619 and 1685 and to establish a com-

mission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. DIXON:

H.R. 3746. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

By Mr. ALEXANDER (for himself, Mr. GILMAN, and Mr. LANCASTER):

H.R. 3747. A bill to direct the Secretary of Health and Human Services to analyze differences in actual operating costs among rural, large urban, and other urban hospitals, and for other purposes; to the Committee on Ways and Means.

By Mr. APPLEGATE (by request):

H.R. 3748. A bill to amend title 38, United States Code, to limit the apportionment of benefits paid by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 3749. A bill to authorize a period in which otherwise eligible veterans with service-connected disabilities may apply for coverage under the Service Disabled Veterans Insurance Program; to the Committee on Veterans' Affairs.

H.R. 3750. A bill to amend title 38, United States Code, to provide that the condition of amyotrophic lateral sclerosis [ALS] becoming manifest in a veteran within 7 years from discharge from military service shall be presumed to have been incurred in or aggravated by such service for purposes of disability compensation benefits provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Mr. LEVINE of California, Mr. RAVENEL, Mr. FASCELL, Mr. AUCOIN, Mr. BRENNAN, Mr. CARDIN, Mr. CARPER, Mr. DEFAZIO, Mr. FLORIO, Mr. HOCHBRUECKNER, Mrs. KENNELLY, Mr. LEHMAN of Florida, Mr. LEWIS of Georgia, Mr. MAVROULES, Mr. MCDERMOTT, Mr. MORRISON of Connecticut, Mr. PALLONE, Mr. PICKETT, Mr. ROSE, Ms. SCHNEIDER, Mr. SMITH of Florida, Mr. SMITH of New Hampshire, Mr. TALLON, and Mrs. UNSOELD):

H.R. 3751. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf; referred to the Committee on Interior and Insular Affairs, and concurrently to the Committee on Merchant Marine and Fisheries for a period ending not later than 30 legislative days following the date on which the Committee on Interior and Insular Affairs files its report in the House.

By Mr. CONTE:

H.R. 3752. A bill to establish a Senior Biomedical Research Service in the Public Health Service; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, and Ways and Means.

By Mr. CRAIG (for himself, Mr. MARLENEE, Mr. DENNY SMITH, Mr. STUMP, Mr. HANSEN, and Mrs. VUCANOVICH):

H.R. 3753. A bill to amend the Endangered Species Act to provide for public participation before a species is proposed for listing as threatened or endangered, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DEFAZIO:

H.R. 3754. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of leave-sharing arrangements; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 3755. A bill to amend title II of the Social Security Act to provide a graduated exemption from the public pension offset applicable to certain monthly insurance benefits under such title based on the amount of total monthly benefits received; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mrs. COLLINS, Mr. MADIGAN, Mr. PORTER, Mr. HYDE, Mr. ANNUNZIO, Mr. HAYES of Illinois, Mr. BRUCE, Mr. COSTELLO, Mr. DURBIN, Mr. LIPINSKI, Mr. POSHARD, Mr. RUSSO, Mr. SANGMEISTER, Mr. SAVAGE, and Mr. YATES):

H.R. 3756. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to conduct a 5-year pilot program to demonstrate the advantages of providing veterans in nursing homes with treatment and services to maintain or reactivate living function in veterans; to the Committee on Veterans' Affairs.

By Mr. FEIGHAN (for himself, Mr. STARK, Mr. HOYER, Mr. GRAY, Mr. FAWELL, Mr. SMITH of Florida, Mrs. SAIKI, Mr. BERMAN, Mr. MAZZOLI, Mr. FAZIO, and Mr. PORTER):

H.R. 3757. A bill to amend title 18, United States Code, to prohibit the possession or discharge of a firearm in a public school zone; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 3758. A bill to amend title 10, United States Code, to require operators of facilities that conduct biological defense research to provide notification and related information to police, hospitals, and fire departments; to the Committee on Armed Services.

H.R. 3759. A bill to amend title 18, United States Code, to provide penalties for international parental abduction of children, and for other purposes; to the Committee on the Judiciary.

H.R. 3760. A bill to amend title 18, United States Code, respecting the use in undercover operations of official representatives that property is stolen or counterfeit; to the Committee on the Judiciary.

By Mr. HAYES of Louisiana (for himself and Mr. KOLBE):

H.R. 3761. A bill to provide a method for removing one-cent pieces from cash transactions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUTTO:

H.R. 3762. A bill to amend title 10, United States Code, to authorize certain services to be provided to the Armed Forces in connecting with military historical collections; to the Committee on Armed Services.

By Ms. KAPTUR (for herself, Mr. GEPHARDT, Ms. SCHNEIDER, Mr. RIDGE, Mr. LEVINE of California, Mr. SHARP, Mr. PENNY, Mrs. BENTLEY, Mr. MOODY, Mr. ANDREWS, Mr. TOWNS, Mrs. JOHNSON of Connecticut, Mr. POSHARD, Mr. CAMPBELL of Colorado, Mr. PEASE, Mr. KENNEDY, Mr. JONTZ, Mr. VALENTINE, Mr. LEVIN of Michigan, Mrs. LLOYD, and Mr. DEFAZIO):

H.R. 3763. A bill to provide for the issuance of super savings bonds to increase national savings and reduce Federal debt owed to foreign creditors; to the Committee on Ways and Means.

By Mr. KOSTMAYER:

H.R. 3764. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in the States of Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

H.R. 3765. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in the States of Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. LEVINE of California (for himself, Mr. RANGEL, Mr. COUGHLIN, Mr. LEWIS of Florida, Mr. BERMAN, and Mr. ROYBAL):

H.R. 3766. A bill to amend the Controlled Substances Act to impose a mandatory minimum sentence for illegal manufacture, distribution, or dispensation of smokable crystal methamphetamine; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. MACHTLEY (for himself and Ms. SCHNEIDER):

H.R. 3767. A bill to establish the Cliff Walk National Historic Site in the State of Rhode Island; to the Committee on Interior and Insular Affairs.

By Mr. MARLENEE (for himself, Mr. VOLKMER, Mr. DINGELL, Mr. YOUNG of Alaska, Mr. ESPY, Mr. HANSEN, Mr. SCHULZE, Mr. THOMAS of Georgia, Mr. ROBINSON, Mr. RICHARDSON, Mr. STANGELAND, Mr. HOLLOWAY, Mr. KOLTER, Mr. DYSON, Mr. HERGER, Mr. HATCHER, Mr. HARRIS, Mr. JOHNSON of South Dakota, Mr. CHAPMAN, Mr. LIGHTFOOT, Mr. SHUMWAY, Mr. QUILLEN, Mr. HUNTER, Mr. MURPHY, Mr. LAGOMARSINO, Mrs. VUCANOVICH, Mr. CRAIG, Mr. ROBERT F. SMITH, Mr. HANCOCK, Mr. PACKARD, Mr. POSHARD, Mr. DAVIS, Mr. FIELDS, Mr. GRANT, Mr. DANNEMEYER, Mr. DONALD E. LUKENS, Mr. CLEMENT, Mr. PASHAYAN, Mr. PAXON, Mr. SKEEN, Mr. PAYNE of Virginia, Mr. WALSH, Mr. GALLEGLY, Mr. OWENS of Utah, Mr. FROST, Mr. NIELSON of Utah, Mr. SCHAEFER, Mr. STUMP, Mr. PARRIS, Mr. DELAY, Mr. RIDGE, and Mr. MCCRERY):

H.R. 3768. A bill to allow the Secretary of the U.S. Department of Agriculture or other appropriate official to protect persons engaged in a lawful hunt within a national forest or on other lands affected with a Federal interest; establishing an administrative civil remedy against individuals or groups intentionally obstructing, impeding, or interfering with the conduct of a lawful hunt; and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. MONTGOMERY (by request):

H.R. 3769. A bill to provide eligibility for military commissary and exchange privileges and space-available transportation on military aircraft to certain former enlisted members of the Armed Forces discharged for disability; to the Committee on Armed Services.

H.R. 3770. A bill to amend title 38, United States Code, to extend to recipients of the Medal of Honor eligibility for medical and dental care furnished by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 3771. A bill to amend title 38, United States Code, to authorize the Department of Veterans Affairs to accept gifts, devises, and bequests for certain purposes; to the Committee on Veterans' Affairs.

By Mr. NIELSON of Utah (for himself, Mr. SIKORSKI, Mr. GRANT, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. COURTER, Mr. DICKINSON, Mr. GILMAN, Mr. HANSEN, Mr. HUNTER, Mr. DONALD E. LUKENS, Mr. SCHIFF, Mr. SLATTERY, and Mr. LAGOMARSINO):

H.R. 3772. A bill to prohibit Amtrak from disposing wastes from trains, and for other purposes; to the Committee on Energy and Commerce.

By Ms. OAKAR:

H.R. 3773. A bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 3774. A bill to amend the Federal Aviation Act of 1958 relating to the suspension of airworthiness certificates at the end of the economic design life of aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RANGEL:

H.R. 3775. A bill to establish a National Commission To Study the Causes of the Demand for Drugs in the United States; to the Committee on Government Operations.

By Mrs. SCHROEDER:

H.R. 3776. A bill to amend chapter 73 of title 10, United States Code, to provide that certain former spouses of members of the uniformed services entitled to retired pay shall (subject to court orders) be paid a pro rata share of such retired pay, to provide that former spouses of such members shall be eligible to receive a survivor annuity on the same basis as former spouses of retired Federal civilian employees, and for other purposes; to the Committee on Armed Service.

By Mr. SCHUMER:

H.R. 3777. A bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHUMER (for himself and Mr. HOAGLAND):

H.R. 3778. A bill to amend and reauthorize the Public Housing Drug Elimination Act of 1988; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SKAGGS (for himself, Mr. PACKARD, Mr. COSTELLO, Mr. DEFAZIO, Mr. MINETA, Mr. BOEHLERT, and Mr. FUSTER):

H.R. 3779. A bill to amend the Airport and Airway Improvement Act of 1982 to establish a program for guaranteeing the repayment of principal and interest on loans, bonds, and other securities issued to finance projects to expand the capacity of airports, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Ms. SLAUGHTER of New York:

H.R. 3780. A bill to provide for the termporary duty-free entry of certain frozen vegetables; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself and Mr. SCHUETTE):

H.R. 3781. A bill to amend title 18, United States Code, to establish a Religious Issues Oversight Board; to the Committee on the Judiciary.

By Mr. STALLINGS:

H.R. 3782. A bill to designate certain public lands in the State of Idaho as Craters of the Moon National Park and the Great Rift National Preserve; to the Committee on Interior and Insular Affairs.

By Mr. STEARNS (for himself, Mr. PAXON, Mr. HASTERT, Mr. LEWIS of Florida, Mr. JAMES, Mr. LIGHTFOOT, Mr. WALSH, Mr. GUNDERSON, Mr. WEBER, Mr. GINGRICH, Mr. WALKER, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. LAGOMARSINO, Mr. CHANDLER, Mr. WHITTAKER, Mr. SCHIFF, Mr. HEFLEY, Mr. YOUNG of Florida, Mr. MCCOLLUM, Mr. HYDE, Mr. DUNCAN, Mr. HUNTER, Mr. HANCOCK, Mr. MINETA, and Mr. DOUGLAS):

H.R. 3783. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability and some or all of their income tax refunds, and to contribute additional amounts, for purposes of rehabilitation and treatment in combating the war on drugs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SWIFT:

H.R. 3784. A bill to ensure that funds provided under section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. TAUKE:

H.R. 3785. A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of pornographic material; to the Committee on the Judiciary.

By Mr. TORRES:

H.R. 3786. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to allow the Environmental Protection Agency to support independently created community reward funds for rewards leading to the identification and conviction of, or identification of a recovery of cleanup cost from, responsible parties; to the Committee on Energy and Commerce.

By Mrs. UNSOELD (for herself, and Mr. SWIFT):

H.R. 3787. A bill to authorize a joint Federal, State, and tribal study for the restoration of the fishery resources of the Chehalis River basin, Washington, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 3788. A bill to suspend for a 3-year period the duty on certain radio-type player combinations; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. GRAY, Mr. GONZALEZ, Mrs. ROUKEMA, Mr. HAWKINS, Mr. KILDEE, Mr. WAXMAN, Mr. RANGEL, Mr. DOWNEY, Mr. CONYERS, Mrs. COLLINS, Mr. ACKERMAN, Mr. APPLEGATE, Mr. ATKINS, Mr. AUCOIN, Mrs. BOXER, Mr. CARPER, Mr. CLAY, Mr. CROCKETT, Mr. DEFAZIO, Mr. DICKS, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FLAKE, Mr. FOGLIETTA, Mr. FRANK, Mr. FROST, Mr. GILMAN, Mr. HAYES of Illinois, Mr. HUBBARD, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MFUME, Mr. MILLER of Washington, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Ms. PELOSI, Mr. PERKINS, Mr. ROE, Mr. SABO, Mr. SCHUMER, Mr. SHAYS, Mr. STUDDS, Mr. TALLON, Mr. TORRES, Mr. TOWNS, and Mr. WYDEN):

H.R. 3789. A bill to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; Education and Labor; and Veterans' Affairs.

By Mr. AKAKA:

H.J. Res. 444. Joint resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:

H.J. Res 445. Joint resolution making urgent supplemental appropriations for the fiscal year 1990, and for other purposes; to the Committee on Appropriations.

By Mr. BENNETT (for himself and Mr. JAMES):

H.J. Res. 446. Joint resolution to amend the National Trails System Act to establish the Florida Frontiers Spanish Heritage Trail in northeast Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MRAZEK (for himself and Mr. ROYBAL):

H.J. Res. 447. Joint resolution designating September 9 through 15, 1990, as "Paget's Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H. Con. Res. 237. Concurrent resolution correcting the enrollment of the bill S. 488; considered and agreed to.

By Ms. SLAUGHTER of New York:

H. Con. Res. 238. Concurrent resolution expressing the sense of the Congress that the President should designate a special envoy to negotiate the release of Americans held hostage in Lebanon; to the Committee on Foreign Affairs.

By Mr. TAUZIN:

H. Res. 296. Resolution to provide for consideration of the Senate amendment to H.R. 2459; considered and agreed to.

By Mr. CAMPBELL of California (for himself, Mr. BENNETT, Mr. BEREUTER, Mr. CRANE, Mr. GOSS, and Mr. VANDER JAGT):

H. Res. 297. Resolution encouraging the President to exercise the line-item veto; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 3790. A bill extending the term of a U.S. Patent; to the Committee on the Judiciary.

By Mr. SLAUGHTER of Virginia:

H.R. 3791. A bill for the relief of Beulah C. Shifflett; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of Nov. 19, 1989]

H.R. 3701: Mr. MOAKLEY, Mr. PANETTA, Mr. BONIOR, Mr. TOWNS, Mr. MCGRATH, Mrs. SAIKI, Ms. SNOWE, Mr. WOLPE, Ms. LONG, Mr. ACKERMAN, Mr. JACOBS, Ms. SLAUGHTER of New York, Ms. ROS-LEHTINEN, Mr. PRICE, Mr. MARKEY, Ms. PELOSI, Mr. HAYES of Illinois, Mr. ROYBAL, Mr. ATKINS, Mrs. MARTIN of Illinois, Mr. WOLF, Mr. COLEMAN of Texas, Mr. MOLINARI, Mr. EMERSON, Mr. MCNULTY, Mrs. BOXER, Mr. OWENS of New York, Mr. EVANS, Mr. ROE, Mr. TORRICELLI, Mr. LAGOMARSINO, Mr. CROCKETT, Mr. GILMAN, Mr. RANGEL, Mr. LEHMAN of Florida, Mr. SHUMWAY, Mr. MCDERMOTT, Mr. HUGHES, Mrs. BYRON, Mr. AUCOIN, Mr. MOLLOHAN, Mr. JONTZ, Mr. JOHNSTON of Florida, Mr. SMITH of Vermont, and Mr. HAYES of Louisiana.

[Submitted Nov. 20, 1989]

H.R. 14: Mr. SOLARZ and Mr. WILSON.

H.R. 39: Mr. MACHTLEY, Mr. THOMAS A. LUKEN, and Mr. JOHNSON of South Dakota.

H.R. 41: Mr. LEHMAN of California, Mr. RANGEL, and Mr. YATES.

H.R. 98: Mr. BERMAN, Mr. ROSE, Mr. WEISS, and Mr. WHEAT.

H.R. 101: Mr. HOCHBRUECKNER.

H.R. 145: Mr. GONZALEZ.

H.R. 290: Mr. BONIOR.

H.R. 385: Mr. BRENNAN.

H.R. 500: Mr. OLIN.

H.R. 534: Mr. LANTOS.

H.R. 581: Mr. KOLTER, Mr. BERMAN, Mr. STALLINGS, Ms. SLAUGHTER of New York, Mr. GEJDENSON, Mr. GLICKMAN, Mr. PURSELL, Mr. HERTEL, and Mr. ROBINSON.

H.R. 766: Mr. BOEHLERT.

H.R. 929: Mr. POSHARD.

H.R. 931: Ms. KAPTUR and Mr. FORD of Tennessee.

H.R. 979: Mr. MACHTLEY.

H.R. 1087: Mr. MCHUGH.

H.R. 1095: Mr. MACHTLEY and Mr. MFUME.

H.R. 1140: Mrs. LOWEY of New York.

H.R. 1205: Mr. COSTELLO, Mr. PACKARD, Mr. GEJDENSON, and Mr. SENSENBRENNER.

H.R. 1239: Mr. WHITTAKER.

H.R. 1400: Mr. BEILENSON, Mr. HANSEN, Ms. OAKAR, Mr. SWIFT, Mr. PANETTA, Mr. INHOFE, and Mr. POSHARD.

H.R. 1464: Mr. ROHRABACHER.

H.R. 1490: Mr. RINALDO.

H.R. 1500: Mr. MACHTLEY, Mr. HUGHES, and Mr. BROWN of California.

H.R. 1530: Mr. WEISS.

H.R. 1570: Mr. ROSE, Mr. CAMPBELL of Colorado, Mr. FUSTER, Mr. DYSON, Mr. MCGRATH, Mr. DONALD E. LUKENS, Mr. SOLARZ, Mrs. KENNELLY, Mr. MAVROULES, Mr. GORDON, Mr. STARK, Mr. BUSTAMANTE, Mr. FROST, Mr. EVANS, Mrs. MARTIN of Illinois, Mr. BENNETT, and Mr. LAGOMARSINO.

H.R. 1648: Mr. GRANDY.

H.R. 1674: Mr. MOLINARI, Mr. JOHNSTON of Florida, Mr. POSHARD, and Mr. WOLPE.

H.R. 1693: Mr. LIPINSKI, Mr. BONIOR, Mr. SAXTON, and Mr. WHEAT.

H.R. 1730: Mr. THOMAS A. LUKEN, Mrs. LOWEY of New York, and Mr. FISH.

H.R. 2023: Mr. BLILEY.

H.R. 2025: Mr. BORSKI, Ms. LONG, and Mrs. BOXER.

H.R. 2086: Mr. HAYES of Illinois, Mr. BATES, and Mr. TRAXLER.

H.R. 2096: Mr. MCDERMOTT.

H.R. 2103: Mr. LEWIS of Florida and Mr. SCHULZE.

H.R. 2168: Mr. BRUCE, Mr. MCCLOSKEY, Mr. FORD of Tennessee, Mr. BONIOR, Mr. SLATTERY, and Mr. COLEMAN of Texas.

H.R. 2172: Mr. MRAZEK, Mr. DORNAN of California, Mr. SLATTERY, Mr. WHEAT, Mr. ROYBAL, Mr. PANETTA, Mr. BOEHLERT, Mr. MCMILLEN of Maryland, Mr. UDALL, and Mr. FEIGHAN.

H.R. 2185: Mr. JOHNSON of South Dakota.

H.R. 2188: Mr. LEVIN of Michigan, Mr. MCNULTY, Mr. LEWIS of Georgia, Mr. BRUCE, Mr. ACKERMAN, Mr. WOLPE, Mr. GORDON, Mr. MYERS of Indiana, Mr. CLINGER, Mr. MCDERMOTT, Mr. JONES of Georgia, Mr. CAMPBELL of California, Mr. PAYNE of New Jersey, and Mr. SAWYER.

H.R. 2192: Mr. MCDERMOTT, Mr. SAXTON, and Mr. HYDE.

H.R. 2195: Mr. BRENNAN.

H.R. 2265: Mr. COURTER.

H.R. 2273: Mr. PENNY and Ms. SNOWE.

H.R. 2288: Mr. DORNAN of California, Mr. SCHAEFER, Mr. TOWNS, Mr. MANTON, and Mr. DEFAZIO.

H.R. 2383: Mr. KYL, Mr. GINGRICH, Mr. COX, and Mr. BLILEY.

H.R. 2456: Mr. WEISS.

H.R. 2525: Mr. MRAZEK, Mr. PALLONE, Mr. DELLUMS, Mr. OWENS of Utah, and Ms. SLAUGHTER of New York.

H.R. 2580: Mr. CAMPBELL of Colorado, Mr. STUDDS, Mr. VENTO, and Mr. WEISS.

H.R. 2584: Mrs. COLLINS.

H.R. 2648: Mr. DURBIN.

H.R. 2667: Mr. JOHNSON of South Dakota.

H.R. 2740: Mr. HYDE.

H.R. 2760: Mr. DELLUMS.

H.R. 2761: Mr. HUNTER, Mr. DONNELLY, Mr. SCLARZ, Mrs. BOXER, Mr. COYNE, Mr. DWYER of New Jersey, Mr. GAYDOS, Mr. MARKEY, Mr. TRAFICANT, Mr. FIELDS, Mr. PURSELL, Mr. SAXON, Mr. SCHUETTE, Mr. SMITH of New Hampshire, Mr. LOWERY of California, Mr. SABO, Mr. KYL, Mr. JONES of Georgia, Mr. WOLPE, Mr. ROYBAL, Mr. GILMAN, Mrs. JOHNSON of Connecticut, Mr. SCHULZE, Mr. WEISS, and Mr. ATKINS.

H.R. 2765: Mr. BROWN of California and Mr. SMITH of New Hampshire.

H.R. 2775: Mrs. VUCANOVICH, Mr. LAFALCE, and Mr. FISH.

H.R. 2781: Mr. CLEMENT, Mrs. BOXER, Mr. RIDGE, Mr. MRAZEK, Mr. FORD of Tennessee, Mr. YOUNG of Florida, Mrs. UNSOELD, Mr. FISH, Mr. WOLPE, and Mr. MCDERMOTT.

H.R. 2797: Mr. SMITH of New Hampshire, Mr. ROHRABACHER, Mr. LIVINGSTON, Mr. RITTER, and Mr. SOLOMON.

H.R. 2798: Mr. MCEWEN.

H.R. 2870: Mr. ANNUNZIO, Mr. WHEAT, and Mr. WILSON.

H.R. 2881: Mr. BEREUTER.

H.R. 2951: Mr. SOLARZ, Mr. MORRISON of Connecticut, Mr. WEISS, Mr. COSTELLO, Mr. MACHTLEY, and Mr. POSHARD.

H.R. 2952: Mr. SOLARZ, Mr. MORRISON of Connecticut, Mr. WEISS, Mr. COSTELLO, Mr. POSHARD, and Mr. OBERSTAR.

H.R. 2958: Mr. PEASE.

H.R. 2995: Mr. WEISS.

H.R. 3004: Mr. ECKART, Mr. FISH, Mr. WELDON, and Mr. HUBBARD.

H.R. 3017: Mr. SHARP, Mr. WALGREN, Mr. VALENTINE, and Mr. SCHUETTE.

H.R. 3050: Mr. EDWARDS of California.

H.R. 3080: Mr. SHUMWAY.

H.R. 3094: Mr. BOEHLERT, Mr. WOLPE, Mr. DORNAN of California, Mr. COLEMAN of Texas, Mr. SAXTON, Mr. ATKINS, Mr. DICKINSON, Mr. MRAZEK, and Mr. OBERSTAR.

H.R. 3105: Mr. BONIOR, Mr. DANNEMEYER, Ms. SLAUGHTER of New York, Mr. SMITH of Vermont, and Mr. DAVIS.

H.R. 3122: Mr. CHAPMAN.

H.R. 3161: Ms. SLAUGHTER of New York, Mr. WEISS, Mr. YATES, and Mr. ESPY.

H.R. 3164: Mr. SYNAR, Mr. MYERS of Indiana, and Mr. PERKINS.

H.R. 3200: Mr. BATES, Mr. FAUNTROY, Mr. AUCOIN, Mr. SOLARZ, Mr. AKAKA, Mr. PENNY, Mr. JOHNSON of South Dakota, Mr. BRENNAN, Mr. NELSON of Florida, Mr. YATES, Mr. KOSTMAYER, Mrs. LLOYD, Mr. MRAZEK, Mr. WOLPE, Mr. KLECZKA, Mr. CONTE, Mr. LEWIS of Georgia, Mr. OLIN, Mr. WALGREN, Mr. BUSTAMANTE, Mr. CARDIN, Mr. MARKEY, and Mr. DURBIN.

H.R. 3240: Mr. MCDERMOTT, Mr. FALEOMAVAEGA, Mr. CONYERS, Mr. CROCKETT, Mr. DYMALLY, Mr. HAYES of Illinois, Mr. HAWKINS, Mr. RANGEL, Mr. GRAY, Mr. OWENS of New York, Mr. FAUNTROY, Mr. DIXON, Mr. FUSTER, Mr. PAYNE of New Jersey Mr. COLEMAN of Texas, Mr. MRAZEK, Mrs. SAIKI, Mr. WOLPE, Mr. TOWNS, Mr. CLAY, Mrs. COLLINS, Mr. BATES, Mr. TORRES, Mr. EVANS, Mr. MOAKLEY, Mr. WHEAT, Mr. FOGLIETTA, Mr. JACOBS, Ms. PELOSI, Mr. FAZIO, and Mr. ATKINS.

H.R. 3271: Mr. SMITH of New Hampshire.

H.R. 3292: Mr. NIELSON of Utah.

H.R. 3297: Mr. GEKAS.

H.R. 3315: Mr. MORRISON of Washington.

H.R. 3321: Mr. GRANDY, Mr. JACOBS, and Mr. GOODLING.

H.R. 3365: Mr. FROST and Mr. GONZALEZ.

H.R. 3389: Ms. PELOSI, Mr. SCHEUER, Ms. SCHNEIDER, Mr. KOSTMAYER, Mr. DURBIN, and Mr. CONYERS.

H.R. 3401: Mr. SHAYS.

H.R. 3422: Mr. LANCASTER and Mr. ENGLISH.

H.R. 3429: Mr. MCCOLLUM.

H.R. 3430: Mr. BONIOR.

H.R. 3453: Mr. RANGEL, Mr. NAGLE, Mr. POSHARD, Mr. ROYBAL, Mr. HUGHES, Mrs. COLLINS, Ms. SLAUGHTER of New York, Mr. MORRISON of Connecticut, Mr. PANETTA, Mr. CARPER, and Mr. MCDERMOTT.

H.R. 3483: Mr. PEASE.

H.R. 3485: Mr. WALSH, Mr. KOLTER, Mr. MCEWEN, and Mr. ROE.

H.R. 3491: Mr. TOWNS, Mr. KOLTER, and Mr. ATKINS.

H.R. 3496: Mr. WYDEN, Mr. RAVENEL, Mr. HARRIS, Mr. BATES, Mr. BEILENSON, Mr. MANTON, Mr. FAUNTROY, Mr. SIKORSKI, and Mr. MCDERMOTT.

H.R. 3500: Ms. SLAUGHTER of New York, Mr. POSHARD, and Mrs. BYRON.

H.R. 3501: Mr. MCEWEN and Mr. MONTGOMERY.

H.R. 3508: Mr. STANGELAND.

H.R. 3517: Mr. BUSTAMANTE, Mr. RAHALL, Mr. MFUME, Mr. GAYDOS, Mr. HAYES of Illinois, Mr. PERKINS, and Mr. POSHARD.

H.R. 3539: Mr. MACHTLEY, Mr. SMITH of New Hampshire, and Mrs. MARTIN of Illinois.

H.R. 3561: Ms. SLAUGHTER of New York.

H.R. 3575: Mr. KOLTER, Mr. NEAL of Massachusetts, and Mr. COURTER.

H.R. 3615: Mr. PANETTA, Ms. PELOSI, and Mr. EVANS.

H.R. 3621: Mr. CRAIG.

H.R. 3622: Mr. SCHUETTE.

H.R. 3623: Mr. SANGMEISTER.

H.R. 3624: Mr. DELLUMS and Mr. FORD of Tennessee.

H.R. 3696: Mr. BROOMFIELD and Mr. LAGOMARSINO.

H.R. 3706: Mr. SMITH of New Hampshire.

H.R. 3732: Mr. BUECHNER.

H.J. Res. 110: Mr. ROTH.

H.J. Res. 226: Mr. HORTON.

H.J. Res. 248: Mr. ROBINSON, Mr. SARPALIUS, and Mr. SOLARZ.

H.J. Res. 367: Ms. SLAUGHTER of New York, Mrs. PATTERSON, Mr. HARRIS, Mr. STOKES, Mr. TRAFICANT, Mr. SAVAGE, Mr. VALENTINE, Mr. TALLON, Mr. APPLEGATE, Mr. WALSH, Mr. WOLF, Mr. SCHUETTE, and Mr. UDALL.

H.J. Res. 372: Mr. MFUME.

H.J. Res. 418: Mr. SLATTERY, Mr. MRAZEK, Mr. SCHEUER, Mr. BONIOR, Mr. DEFAZIO, Mr. FAUNTROY, Mr. NEAL of North Carolina, Mr. GEJDENSON, Mr. BILBRAY, Mr. LANCASTER, Mr. WHEAT, Mr. WOLPE, Mr. HUGHES, Mr. BATES, Mrs. UNSOELD, Mr. SIKORSKI, Mr. CLEMENT, and Mr. WILSON.

H. Con. Res. 48: Mr. MURPHY and Mr. FRANK.

H. Con. Res. 110: Mr. PAYNE of New Jersey and Mr. YATRON.

H. Con. Res. 116: Mr. VENTO, Mr. COBLE, Mr. SPENCE, and Mr. JONES of Georgia.

H. Con. Res. 149: Mr. MAVROULES, Mr. MORRISON of Washington, Mr. RAVENEL, Mr. MCMILLAN of North Carolina, Mr. DICKS, Mr. DANNEMEYER, Mr. SMITH of Vermont, Mr. COURTER, Mr. SCHEUER, Mr. EARLY, Mr. SCHIFF, Mrs. JOHNSON of Connecticut, Mr. TAUZIN, Mr. DOUGLAS, Mr. VISCLOSKY, Mr. MILLER of Washington, Mr. GLICKMAN, Mr. BATEMAN, Mr. MCCRERY, and Mr. WYDEN.

H. Con. Res. 172: Mr. SOLARZ, Mr. MORRISON of Connecticut, Mr. WEISS, Mr. COSTELLO, Mr. MACHTLEY, Mr. POSHARD, and Mr. OBERSTAR.

H. Con. Res. 186: Mr. DEFAZIO.

H. Con. Res. 219: Mr. BLILEY.

H. Con. Res. 224: Mr. LAGOMARSINO and Mr. SMITH of Texas.

H. Con. Res. 236: Mrs. UNSOELD, Mr. ANDERSON, Mrs. KENNELLY, Mr. PERKINS, Mr. TORRES, Mr. CROCKETT, Mr. GLICKMAN, Mr. MAZZOLI, Mr. LEVINE of California, Mr. YATRON, Mr. DONNELLY, Mr. MCNULTY, Mr. COOPER, Mr. STALLINGS, Mr. SLATTERY, Mr. MCCURDY, Mr. MILLER of California, Ms. PELOSI, Mr. LEWIS of Georgia, Mrs. BOXER, Mr. JONES of Georgia, Mr. BORSKI, Mr. ROYBAL, Ms. OAKAR, Mr. DICKS, Mr. CARDIN, Mr. DYSON, Mr. MOODY, Mr. BONIOR, Mr. KILDEE, Mr. MONTGOMERY, Mr. GEJDENSON, Mr. OBEY, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. SHAYS, Mr. LAGOMARSINO, Mr. MILLER of Washington, and Mrs. MEYERS of Kansas.

H. Res. 158: Mr. KENNEDY and Mr. KOSTMAYER.

H. Res. 206: Mr. ENGEL, Mr. UPTON, Mr. STALLINGS, Mr. GINGRICH, Mr. BEVILL, Mr. BROWDER, Mr. COLEMAN of Texas, Mr. DARDEN, Mr. JONES of Georgia, Mr. LEWIS of Georgia, Mr. SABO, Mr. SAWYER, Mr. TALLON, and Mr. TAUZIN.

H. Res. 219: Mr. FORD of Tennessee, Mr. SHAW, Ms. SLAUGHTER of New York, Mr. WAXMAN, Mrs. JOHNSON of Connecticut, and Mr. WEISS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mr. MACHTLEY.

H.R. 2044: Mr. MORRISON of Connecticut.

H.R. 2273: Mr. BARTLETT.

H.R. 2505: Mr. MACHTLEY.

SENATE—*Monday, November 20, 1989*

(Legislative day of Monday, November 6, 1989)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all * * *. For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.*—I Timothy 2:1, 2.

Gracious Heavenly Father, help us to take seriously Paul's exhortation concerning giving of thanks. How often we pray without thanksgiving. As we approach Thursday, we heed the words of our first President, George Washington:

"I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States, to the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be: That we may then all unite in rendering unto him our sincere and humble thanks for his kind care and protection of the people of this country. * * *"

On October 3, 1789, George Washington penned those words because "it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor. * * *"

Patient God, help us to recover the faith of our fathers. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders there be a period for morning business until 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of our colleagues we are awaiting action in the House on the foreign operations appropriations measure. That measure is at this moment being considered in the House and as soon as the House completes action we will take that up here.

Meantime discussions continue on both catastrophic and reconciliation, both of which, as we all know, are very important matters on which we must act prior to sine die adjournment. It remains my intention that we will complete action and adjourn sine die prior to Thanksgiving Day and we will continue to move toward that objective.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders is reserved.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business to extend until 1 p.m. today, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Washington [Mr. GORTON] is recognized for 5 minutes.

Mr. GORTON. Thank you, Mr. President.

RESPONSIBLY MEETING CHALLENGES

Mr. GORTON. Mr. President, as you and each of the Members know, today may well be the last day of this session of Congress. It, therefore, provides a time both to look backward and to look forward. In addition to many matters which are of importance to many individual people in the country, we are required to complete action on two overwhelmingly important issues for the United States of America before we adjourn.

The first of those is the partial or total repeal of the catastrophic health care bill of last year. I believe that the distinguished Senator from Arizona [Mr. MCCAIN] together with the leadership on both sides on the Finance Committee are to be commended for last night's action in not being hurried by the House of Representatives into an entire repeal of that bill. Overwhelmingly, the objections to that proposal were directed at the surtax primarily earmarked for prescription drugs.

Very, very important parts of that bill, however, dealt with long-term hospital care for people of relatively low incomes. Its total repeal literally would put out on the streets by the 20th or 21st of January many people desperately in need of aid.

Coming up with a responsible response to this challenge, Mr. President, is more important, in the view of this Senator, than a prompt adjournment. I hope that it can be accomplished today, but if it would require us to be here for a couple of more days or, heaven forbid, after the Thanksgiving holiday, to do that job right, it seems to me necessary that we return.

Perhaps the same comments are appropriate with respect to the reconciliation bill. We have an opportunity, a challenge from the President, to deal responsibly with a huge budget deficit. The President has asked that we reduce that deficit by at least $14 billion as against the more than $16 billion which will be caused by the mindless, across-the-board cuts required by Gramm-Rudman if we fail to do our job.

Again, in this connection, Mr. President, I think it vitally important that we meet or come very close to those goals set out by the President and to do so in a realistic fashion. Even if we do a good job this year, the job of meeting the Gramm-Rudman deficit reduction goals for 1991 will be ex-

tremely difficult. If we duck our responsibilities this year, they will be next to impossible. That, too, is a challenge which, if it requires more time, we Members, even at our own personal costs, must be willing to make that sacrifice.

This is, however, Mr. President, also a time to look forward. We have just completed both the defense authorization and the defense appropriations bill for 1990. We now have the startling, and I may say courageous, statements made by the Secretary of Defense that the defense budget for fiscal year 1991 is likely to be at least $10 billion less than the budget which we have just adopted for fiscal year 1990.

Mr. President, many Members who have been talking about a defense dividend had been discussing the necessity to reduce our defense expenditures for some time. Now two reasons have joined together to bring that to reality. The first, of course, is the budget crunch. The second is the set of dramatic changes taking place in Eastern Europe and in the Soviet Union.

I commend the Secretary of Defense for his position. I suspect that those cuts in 1991 may be somewhat larger even than the Secretary of Defense wishes. I also suspect that we will find many Members who have been talking about defense cuts in the abstract objecting to those cuts in their own districts or in their own States when they result in future base closures or the reduction of the number of defense contracts.

Representing a State which is high in both of those fields, Mr. President, I simply say that for a peace dividend, a dividend resulting from a successful defense and national security, the strategy is going to be well worth it.

The number of jobs which will be created and the positive impact on our economy which will be created by lower budget deficits through a dividend we can get from peace will overwhelm any individual community losses. I think we look forward to a difficult time in the next year, Mr. President, but a time of great promise as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. A point of no quorum has been raised. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Arizona is recognized for not to exceed 5 minutes.

Mr. DECONCINI. Mr. President, I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 1929 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. The senior Senator from Idaho [Mr. MCCLURE] is recognized for not to exceed 5 minutes.

Mr. MCCLURE. I thank the Chair.

SOMETHING OUT OF WHACK

Mr. MCCLURE. Mr. President, something is out of whack. That something, I fear, is the judgment of some members of the environmental community.

Common sense would seem to dictate that, when we contemplate a particular action, we should weigh the relative costs and benefits of that action. But when it comes to environmental regulation, cost-benefit analysis is "absolutely anathema," at least according to an attorney from the Natural Resources Defense Council cited in Tuesday's Wall Street Journal.

Mr. President, them's fighting words. My dictionary defines "anathema" as "a person or thing detested or loathed," or even "a formal ecclesiastical curse involving excommunication." When the environmental community starts defining common sense as something to be detested, loathed, or excommunicated, we are in even more trouble than I thought.

The anathema in question was an administration proposal, as part of a pesticide monitoring plan, to allow EPA to take the value of a pesticide into effect before banning it. But the same kind of thinking is apparent in a new EPA rule that, as written, could force the closing of an elemental phosphorus plant in my State.

Although EPA has previously determined that a standard of 21 curies of radionuclide emissions a year was safe, the new rule would lower that standard to 2 curies. For technical reasons, the FMC plant in Pocatello, ID, can almost certainly not meet that emissions standard.

Let me give you an idea of what kind of risk we are talking about here. Under the new rule, a person who spent 70 years in the most exposed spot in the plant—never took time off to go to church or go fishing—would have a 1-in-10,000 chance of increased cancer.

The FMC Corp. is willing to install scrubbers to reduce emissions. But there is no guarantee that the scrubbers will bring emissions down to that standard. They may come close. But it does not appear that the plant can get to 2 curies even with the most modern scrubber technology.

Against that risk, consider the benefits of keeping 618 people employed, feeding their families, paying taxes and spending their money in the community. And think about the health risks of throwing all those people out of work.

Last week I met with EPA Administrator Reilly and his staff, and with officials of FMC. I hope that the EPA and FMC will be able to work out a solution that will achieve the EPA's environmental goals while protecting the jobs of more than 600 people in my State. And I am willing to work with the EPA to ensure that such a solution is found.

But the statement I cited above gives you an idea of what we're up against.

Mr. President, I ask unanimous consent that the editorial from the Wall Street Journal be entered in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 14, 1989]

"ABSOLUTELY ANATHEMA"

"It's a tremendous disappointment. Allowing the EPA to condone continued use of a chemical whenever the benefits outweigh the risks is absolutely anathema to the environmental community."—Janet Hathaway, attorney for the Natural Resources Defense Council.

Yes, you read it correctly. The environmental community opposes the use of chemicals even when the benefits outweigh the risks. The environmentalists have violently opposed using cost-benefit analysis to weigh clean-air proposals, and now they oppose a modest version of it when it is used to evaluate pesticides.

Ms. Hathaway's fumings came in response to a Bush administration pesticide-monitoring plan. The proposal is basically a cave-in to the hysterics who claim that pesticides have somehow made the food supply unsafe, but it does contain one provision that would allow the EPA to take the value of a chemical into account when deciding whether to ban it. Most chemicals would face the old standard; they would be banned if they caused one case of cancer in a million over a lifetime. But valuable and irreplaceable chemicals would face a one in a 100,000 standard.

For environmentalists, this sort of thing is the thin end of the wedge. Cost-benefit analysis directly threatens some of the environmentalists' most treasured policies. If people start asking "Is this worth it?" when it comes to pesticide policy, then they soon might ask the same cost questions of urban smog policy or ozone hole policy. Indeed, the Bush administration refuses to do cost-benefit analysis on its clean-air bill.

Instead of cost-benefit judgments, the environmentalists would rather rely on the pseudoreligious exhortations that have carried the day for them so far. Congress long ago passed the Delaney Clause that forbids cost-benefit analysis on chemicals in processed foods, and this is the 30th anniversary of the great Thanksgiving cranberry scare, when Americans first learned about how they'd have to ingest tons of these chemical substances to start worrying. The environmentalist lobby now charges that the President's pesticide proposal sacrifices human health for the sake of farmers' profits, imagining, as is their wont, that their concerns are higher than the venalities of economics. But the risks caused by pesticides

are infinitesimal compared with the health benefits of eating fruits and vegetables.

The President's pesticide proposal emerges just as news reporters are discovering the effects of the NRDC's famous Alar scare. The Associated Press recently reported that apple color is off, there is a loss of internal firmness, the McIntosh crop is down, Staymans are cracking more, ruining them for supermarket sales. Farmers in the warmer apple climates are especially hard hit, since without Alar, the apples will not store as well. There may be hard times ahead for farmers in the Columbia River basin in Washington, as well as for apple farmers in eastern states from Virginia to New England. This is the result when you anathematize the idea that a society when possible ought to weigh benefits against costs.

The PRESIDENT pro tempore. The Senator from Maine, Mr. COHEN, is recognized for not to exceed 5 minutes.

SWEARING-IN CEREMONY FOR JUDGE CONRAD K. CYR

Mr. COHEN. Mr. President, I regret, for a number of reasons, that it was necessary for us to be in session today, but one particular regret I have is that I am unable to attend a very important function in my home town of Bangor, ME, today.

Today we are going to have the swearing in of Conrad K. Cyr as a new member of the First Circuit Court of Appeals. That was a matter of some importance to me. He is a longstanding friend and someone I admire a great deal.

There will be in attendance at this session a number of people who are of great importance to the State of Maine, indeed to the entire legal profession. The ceremony is going to be honored by the presence of the entire membership of the First Circuit Court of Appeals, U.S. district court judge Gene Carter, Chief Justice Vincent McKusic, and members of the Maine Supreme Judicial Court, along with many, many other members of the judiciary and friends and neighbors of Conrad K. Cyr.

One of the outstanding judges who will be in attendance is Judge Frank Coffin, whose distinguished career has been largely devoted to public service. Judge Coffin has the unique distinction of having served in great honor in all three branches of government.

Mr. President, in his classic book, "Future Shock," Alvin Toffler noted that time is now speeded up by events, and our values and our customs are being shaken in the hurricane winds of change.

Each day, there is a new revelation: Pictures of heroic people throwing off the leg chains of slavery, bursting through walls of concrete that had sealed off liberty. A non-Communist government now rules in Poland. A Polish electrician addresses a joint meeting of Congress. There is a call for free elections in all of Eastern Europe. Thousands have scaled the Berlin Wall, that obscene scar on the face of humanity. Everywhere one turns, the fires of freedom are burning.

How many revolutions have we seen in this century? How many revolutionary thinkers—Marx, Freud, Einstein, Gorbachev, to name but a few.

We have moved from the Model T to supercomputers.

We have reached for the Moon, and we have touched the face of Mars.

Despite wars, industrial development, the emergence of technology that has harnessed electricity and nuclear energy in the span of just two generations, despite the spread and demise of social and political tyranny, our courts have continued to administer what is essentially the common law system that we inherited more than 200 years ago with its emphasis upon the preservation of private rights and the protection of personal liberties.

It has been the single most distinctive feature of our society, this commitment to the resolution of conflict through rules of procedure, to concepts of due process, fair play, and the ever shifting size of the chancellor's foot—the concept of equity. It has been the reverence for the rule of law rather than the law of rule that marks our place in the sweep of history.

So, it is both a solemn and celebratory occasion that is occurring in Bangor, ME, today.

It is solemn because those who are in attendance at that courthouse have entered a temple. It is a temple where rich and poor alike may seek refuge against injustice. It is a celebration because those in attendance are going to sing the praises of those who sit in this temple, not as priests who are given to the pursuit of divine truths, but as jurists who must peer into the fog of human conflict and arrive at what can only be called a close approximation of the truth as viewed through imperfect eyes.

Judge Frank Coffin, in his brilliant book, "The Ways of a Judge," had occasion to quote from the works of Learned Hand, who said:

> It is as important to a judge called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton, Maitland, with Thucydides, Gibbon, and Carlyle, with Homer, Dante, Shakespeare, and Milton, with Machiavelli, Montaigne, and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have been specifically written on the subject.

Mr. President, I doubt very much whether most judges have the time to acquaint themselves with the libraries of Learned Hand or Oliver Wendell Holmes, Jr., or, indeed, Benjamin Cardozo, but the point is a valid one. There is a moral and philosophical dimension to the law, and our judges should, on occasion, pause long enough to try to catch this "echo of the infinite" that Holmes used to write about.

While it is important to have judges, particularly appellate court judges, spend a portion of their time pondering eternal verities, it is of equal importance that they be men and women who possess a sense of propriety, of proportion, of fairness, of compassion; men and women who will remain impartial but never indifferent, who understand the complexities of life cannot be resolved by unreal simplicities, men and women who have been brushed by the wing of humility.

What makes Conrad Cyr so eminently qualified to serve on the First Circuit Court of Appeals is that he, like his predecessor, Frank Coffin, is a man of intellect and integrity, of scholarship and common sense, who has never acted out of fear or with favor for any individual. As an assistant U.S. attorney, bankruptcy court judge, U.S. district court judge, he has displayed a muscular mind and a gentle manner while giving every American his due.

I am confident that his service on the circuit court is going to follow in the tradition of Judge Coffin and bring great pride to Maine and great prominence to our legal system.

Mr. President, we have had the unhappy occasion during the past year to conduct impeachment investigations, indeed procedures, against two Federal court judges. It has been a very unhappy experience, certainly in my life, and I think in the lives of all of the Members of the Senate. With Conrad Cyr, I think we never need question whether he will reach the very highest standards of integrity and intellect that we demand of our judiciary. So, it is with particular regret, as I indicated before, that I am unable to be present to partake in the ceremony that commends his service to the court of appeals.

The PRESIDENT pro tempore. The Senator from Florida, rising first to seek recognition, is recognized for not to exceed 5 minutes.

FREE ALFREDO MUSTELIER

Mr. MACK. Mr. President, I rise for the third time in about 10 days to call on Fidel Castro to release Alfredo Mustelier, a man who may starve himself to death if he is not released.

Alfredo has already suffered 20 years in Cuban prisons. Today is the 21st day since he announced that he would not take any food or water until he dies or is released.

On November 10, Alfredo's wife, who lives in Havana, was allowed a brief visit to see him. He had lost consciousness and been transferred to a military prison. He was being force-fed and physically restrained by straps to his bed.

Alfredo told his wife that he was being fed against his will and would continue his thirst strike until he died or was released.

On November 10 in Dallas, President Bush called on Castro to release all political prisoners and, specifically, to release Alfredo Mustelier.

President Bush said:

I view with grave concern the news that long-term Cuban political prisoner Alfredo Mustelier has been on a hunger strike since completing 20 years in Castro's prisons on October 27. For the past week he has been refusing liquids as well, and his current health situation is extremely serious.

I commend President Bush for taking a public stance on this critical humanitarian issue. I call on other world leaders to publicly call for the release of Alfredo and the other two plantados, Ernesto Rodriguez and Mario Chanes.

Mr. President, I also commend Amnesty International for taking on Alfredo's case. On November 13, Amnesty International issued an "urgent action" appeal, its highest priority appeal.

Senator CLAIBORNE PELL and I are now circulating again our telegrams to Castro and to the Secretary General of the United Nations. We currently have 40 Senators on the telegrams. We hope to have almost every Member of the U.S. Senate on these telegrams before we leave here.

I ask unanimous consent to have printed in the RECORD an editorial from the Miami Herald, the Associated Press story on the President's remarks, and the "Urgent Action Appeal" from Amnesty International.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Nov. 11, 1989]

FREE THE PLANTADOS

Hunger strikes are formidable weapons in the hands of those who only appear to be powerless. Oppressors rarely know how to counter fasts by opponents who pursue specific ends, Mahatma Gandhi, for instance, used hunger strikes quite effectively to protest the methods of the British authorities in India. Once, Gandhi threatened to starve himself to death if Hindus and Muslims did not end their incipient religious war.

In Cuban political prisons, hunger strikes have been the last resort of men and women subjected to arbitrary cruelties. Where food is scarce and ill health common—as in a Cuban jail—a hunger strike entails an extraordinary risk. Yet since 1959, Cuban prisoners have called numerous hunger strikes to protest execrable conditions, harsh measures such as the cancellation of correspondence and visits, or brutal requisas—the "search and destroy" missions that prison guards carry out in cells.

Several Cuban prisoners have died during these strikes. Alfredo Mustelier—a plantado (one who won't cooperate) who completed a 20-year sentence on Oct. 27—may be the next to die if he is not freed.

Since Oct. 27 Mr. Mustelier has been on a hunger strike to protest his illegal imprisonment. Since Oct. 30, he has not consumed either food or liquid. He has been moved to an isolation cell and stripped of all his clothing. His wardens expect him to die.

Commendably, more than two dozen U.S. congressmen, along with Sens. Connie Mack of Florida and Claiborne Pell of Rhode Island, wrote to Fidel Castro. They urged him to free Mr. Mustelier and two other long-term plantados, Ernesto Diaz Rodriguez and Mario Chanez de Armas, "who have vowed," as the letter noted, "to continue the hunger-and-thirst strike when Mustelier either dies or is freed."

Mr. Castro, who is rarely at a loss for words, has not responded. He should be deluged by telegrams demanding the hunger strikers' freedom. Though their impending deaths may only arouse the Stalinist dictator's contempt, the lives of these three courageous, abused prisoners ought to carry an enormous weight in the conscience of all who truly care about human rights.

[From the Associated Press, Nov. 11, 1989]

PRESIDENT URGES CASTRO TO FREE ALL POLITICAL PRISONERS

DALLAS.—President Bush today expressed "grave concern" about the health of an imprisoned Cuban dissident who is on a hunger strike, and he called upon Cuban President Fidel Castro to free all political prisoners.

In a statement issued by the traveling White House, Bush said:

"I view with grave concern the news that long-term Cuban political prisoner Alfredo Mustelier Nuevo has been on a hunger strike since completing 20 years in Castro's prisons on Oct. 27. For the past week he has been refusing liquids as well and his current health situation is extremely serious."

Bush said two other political prisoners, Ernesto Diaz Rodriguez and Mario Chanes de Armas, "have languished in Cuban prions for over 20 years" after trials that "lacked any semblance of due process."

The president said the three "are no threat to the Cuban government. I call upon the Cuban government to release these men immediately, as well as to free all remaining political prisoners."

Bush also mentioned Castro in an interview Friday with Texas reporters focusing on East Germany's opening of its borders and other waves of change sweeping through Eastern Europe.

"I think we're seeing a disintegration of that form of totalitarianism in Eastern Europe. I hope it's a contagious disease and Castro catches it and (Nicaraguan President) Daniel Ortega catches and perhaps (Panamanian leader) Gen. (Manuel Antonio) Noriega catches it," Bush said.

URGENT ACTION APPEAL, AMNESTY INTERNATIONAL, NOVEMBER 13, 1989

CUBA: ALFREDO MUSTELIER NUEVO

Alfredo Mustelier Nuevo, a long-term political prisoner, reportedly went on hunger-strike on 27 October 1989 in Combinado del Este Prison on the outskirts of Havana, Cuba, protesting against his continued imprisonment. Since 31 October he has also refused to ingest liquids. His wife, who is a medical doctor, was allowed to visit him on 9 November in the prison. According to reports she found his health had deteriorated significantly since he initiated the hunger-srike: she found he was suffering from dehydration, migrain and muscle cramps and that his mental faculties have been affected.

BACKGROUND INFORMATION

Alfredo Mustelier has completed 20 years of a prison term for 'offences against the integrity and stability of the nation'. He was originally sentenced to death, the sentence was later commuted to 23 years' imprisonment. He is one of the last remaining of a group of prisoners known as the 'Plantados Historicos', 'Historical Plantados'—political prisoners who have persistently refused to take part in rehabilitation programs inside the prison or to wear the uniform of common law prisoners. Amnesty International has received many reports over the years that in response to their refusal to cooperate with the prison regimen, the 'Plantados Historicos' were deprived for long periods of many of their rights and subjected to severe prison conditions and ill-treatment.

A penal code introduced in 1979 established 20 years as the maximum prison sentence except in the case of crimes which carry the death penalty as a possible sentence. Although many common law prisoners and political prisoners have had their cases reviewed and have been released since the introduction of these provisions, it is unclear how the Cuban authorities have applied this provision to the category of prisoners already sentence to prison terms in excess of 20 years.

Amnesty International has repeatedly expressed concern to the Cuban authorities that trials of political prisoners, particularly in the early years of the government of Fidel Castro, failed to conform to internationally recognized standards and has pressed for a revision of these cases. In view of the serious deficiencies in political trials during the period that Alfredo Mustelier Nuevo was convicted, Amnesty International considers that the case should be subject to a judicial review.

Recommended action: telexes/telegrams/express or airmail letters (in Spanish is possible):

Expressing concern about the health of Alfredo Mustelier Nuevo while on hunger-strike and requesting that he be given adequate medical supervision;

Expressing concern that the trial of Alfredo Mustelier Nuevo may not have conformed to internationally recognized standards and request that his case be subject to a judicial review.

Appeals to:

S.E. Comandante en Jefe, Dr. Filed Castro Ruz, Presidente de la Republica y Presidente de los Consejos de Estado y de Ministros, Ciudad de la Habana, Cuba.

Telegrams: Presidente Fidel Castro, Habana, Cuba. Telexes: 511383 spec.

Dr. Juan Escalona Requera, Ministro de Justicia, Ministerio de Justicia, Calle O no. 216, 8vo piso, 4/23 y Humboldt, Vedado, Ciudad de la Habana, Cuba.

Telegrama: Ministro Justicia Escalona, Habana, Cuba.

Telexes: 511331.

Mr. Jose Arveau Fraga, Cuban Interests Section, 2639 and 2639 16th St., NW., Washington, DC 20009.

The PRESIDENT pro tempore. The senior Senator from New York [Mr. MOYNIHAN] is recognized for not to exceed 5 minutes.

INDIAN ELECTION FORGERY

Mr. MOYNIHAN. Mr. President, as a former Ambassador to India, I have

watched with great interest the developments of the current Indiawide election campaign, an election which will be held beginning on Wednesday. It is an election in which more persons will participate than in any democratic election ever in the history of the world.

All Americans wish the Indian nation well in the free choice of the leaders of its free society. Whoever succeeds, they will be welcomed in our councils. We look forward to continuing our relations.

Unfortunately, Mr. President, at the last moment a most unfortunate charge has been made in the Indian elections, to the effect that a major leader of the opposition forces has been involved with the Central Intelligence Agency in the United States. I need not tell the Presiding Officer the import of that kind of charge in any campaign anywhere, a charge that a person of national stature is, somehow or other, beholden to a foreign government and a foreign government's intelligence agency.

Yet more unfortunate, Mr. President, is the fact that the statement is a fraud.

It is a tragic, transparent fraud, a palpable fraud, a contemptible fraud. I use that phrase with some care on the Senate floor, not least in the presence of our President pro tempore who does not allow strong language save where it is required. Sir, I think you would agree that it is required here.

I learned of this only yesterday when the New York Times reported, in an article headed "Foe of Gandhi Stung by Accusations of CIA Role." This was filed by Barbara Crossette, the very able New Delhi correspondent of the Times. It reported the claim that the opposition leader, Vishwanath Pratap Singh collaborated with the Central Intelligence Agency and a private American foundation to obtain a $1 million grant.

Inasmuch as I am acquainted with many of the Indians involved, including Mr. Subramaniam Swamy, who brought the charge, and, as it happens, all of the Americans mentioned in the article, I was naturally interested and naturally concerned.

I have now, sir, received from New Delhi, by the miracle of the fax machine, a copy of the letter mentioned in the article. I have it here. The letter is on the letterhead of the Committee for the Free World. It was allegedly sent by Mr. Irving Kristol on behalf of that committee.

I must report to the Senate, which would be concerned in such a matter, and hope that I will be heard in India, that this letter is a painful, dare I say pathetic forgery. To begin with the letter is dated July 20, 1989, but the letterhead is obviously 9 or 10 years old. At the top of the list of names associated with the committee, as international chairman, is listed Mr. Raymond Aron. Mr. Aron was a great French intellectual. He was alive 10 years ago. Alas, he is now 6 years dead.

Dr. William J. Bennett was listed as the director of the National Humanities Center in North Carolina. Today, as the Senate knows, he is an official of the Bush administration in charge of the Nation's drug program, and was previously Secretary of Education.

But most of all, sir, and I speak with very close personal knowledge in this regard, of my dear friend, Irving Kristol, a friend of 30 years who does not sign letters "Irv" as we have here. His handwriting does not slant rightwards. Nor does Irving Kristol confer the title "Esq." on persons with whom he corresponds. The letter is directed to Richard Mitchell, "Esq.", a common usage in India, a usage almost unknown in the United States and certainly not one employed by Mr. Kristol. In America we use the plain democratic salutation "Mr.", and, of course, so does that plain democratic man Kristol.

Mr. President, I regret making a personal remark. But frankly, Mr. President, I would have thought that Subramaniam would have learned at least that much at Harvard.

I trust the Hindustan Times will report my statement. I am sure the electorate of the world's largest democracy will not allow their votes to be affected by a transparent and pitiable fraud; pitiable, but no less despicable. Anything that puts in danger the judgment of democratic electorate is an offense against free governments and free society everywhere. And for myself personally, I am surprised that this could happen, but I hope it will now be put behind for the election, sir, is Wednesday. The President will understand these matters. This is a last-minute bombshell and a transparent fraud.

Mr. President, I ask unanimous consent that the Times article and the forged letter from the Committee for the Free World to Richard Mitchell, Esq., from Mr. Kristol be placed in the RECORD. Because of its significance, I would also request that a list containing the names and affiliations of the board members on the letterhead of the Committee for the Free World be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 19, 1989]

FOE OF GANDHI STUNG BY ACCUSATIONS OF C.I.A. ROLE

(By Barbara Crossette)

NEW DELHI, November 18.—An independent Indian politician believed to be working behind the scenes for Prime Minister Rajiv Gandhi has accused the leader of the political opposition, Vishwanath Pratap Singh, of collaborating with the United States Central Intelligence Agency and a private American foundation to obtain a $1 million grant.

In India's highly charged political atmosphere, accusations of involvement with American intelligence agencies can be extremely damaging, with or without evidence, because they are widely circulated. Mr. Gandhi faces a tough election contest next week.

The allegations, printed on Friday in The Hindustan Times, which has been under pressure to support the Government, are the latest in a series of moves intended to discredit the political opposition, which has accused Mr. Gandhi of presiding over a corrupt administration that has taken huge kickbacks in weapons contracts.

The American Embassy rejected the story, written by an anonymous correspondent, as "mischievous" and designed to damage Indian-American relations at a critical time.

The published allegations, made by Subramaniam Swamy, a Harvard-educated political maverick who has been involved in previous attempts to discredit Mr. Singh, were accompanied by what were described as photocopies of "documents" proving the charges.

These included a "secret" message from the United States Embassy here to the State Department and a letter on stationery from the New York-based Committee for the Free World to a purported "C.I.A. operative" outlining the conditions for the grant. Midge Decter, executive director of the committee, said in a telephone interview on Friday night that she had not heard the Indian allegations but that she would get in touch with the State Department to obtain more information.

European diplomats here dismissed the evidence presented by Mr. Swamy as unbelievable. One of the documents was described as a C.I.A. cable that appeared to be printed on agency stationery. The authenticity of the purported cable, which said Mr. Singh stood a good chance of becoming Prime Minister "especially if discreetly supported by us," was challenged by an American statement here.

"The embassy can say categorically that the U.S. Government does not transmit messages using the cable formats reproduced by The Hindustan Times," the statement said.

The letter attributed to the Committee for the Free World dated July 20, 1989, was typed and signed simply "Irv." Irving Kristol, the conservative commentator, is a member of the organization's board, along with a number of other prominent conservatives, including George F. Will, Saul Bellow and Lord Chalfont. The statement said the letter had inaccuracies that indicated that it was "a patent forgery."

Indian politicians are particularly sensitive to the accusations of C.I.A. involvement after the recent failure of a former opposition leader and Prime Minister, Moraji Desai, to win a libel case against the American author Seymour Hersh who had incorporated similar charges against Mr. Desai into a book on Henry A. Kissinger. Indian newspapers have reported that if any Indian had taken money from the C.I.A. it was not Mr. Desai but another leader close to the Congress Party.

In a recent interview, Mr. Singh said that Mr. Gandhi's Government appeared to have a "department of forgeries," turning out accusations intended to destroy political enemies. Earlier this year, newspapers here and abroad were offered what were described as documents proving that Mr.

Singh's son Ajeya had bank accounts in the Caribbean nation of St. Kitts and Nevis worth $21 million.

Those veracity of those documents, printed in pro-Government papers here, have been successfully challenged by the New York-based newspaper India Abroad. Indian newspapers and magazines have similarly questioned the genuineness of hotel receipts produced by unknown accusers to prove that Prime Minister Gandhi's cousin and political opponent, Arun Nehru, had been vacationing in the United States this summer at an extravagant cost not permitted by foreign-exchange regulations here.

THE COMMITTEE FOR THE FREE WORLD,
New York, NY, July 20, 1989.

RICHARD MITCHELL, Esq.,
207 North Columbia,
Arlington, VA.

Dear Dick: You'll be pleased to hear that your request for a grant to your friend, Mr. V.P. Singh, has been approved, with an advance of $25,000 to cover developmental costs.

Needless to say, the fact of American backing must be concealed. A check for the initial $25,000 will be sent to you before the end of the week, but before the $1,000,000 can be deposited you must inform us how you intend to ensure this. Also, for the benefit of our project accountants, your project must have a convincing pretense of official blessing. How do you intend to manage this? I gather that both you old agency and your new one are with you, but can't you convince the State Department to give it official blessing? We insist on back-up insurance in the form of endorsement by some appropriate USG agency.

Naturally, some of your initial $25,000 must be spent on whatever effort it takes to write up an explicit project proposal, although it can have flexibility written into it. In your letter you say that "land reform" is the logical field with which to associate Mr. Singh, but couldn't your project specify a more general objective? What about simply "to strengthen democratic institutions"?

We leave this to you, All I can say is that anything that will advance mutually beneficial relations between India and the United States will suit us just fine.

Sincerely.

IRV.

THE COMMITTEE FOR THE FREE WORLD

Board Members and Executive Director listed on the letterhead of the alleged July 20, 1989 letter from Irving Kristol to Richard Mitchell, Esq.:

International Chairman: Raymond Aron
Executive Director: Midge Dector.
Board of Directors (in formation):
William Barrett, author and philospher, U.S.
Luigi Barzini, author, Italy.
William J. Bennett, Director, National Humanities Center, U.S.
Saul Bellow, author, U.S.
Alain Besancon, Ecole des Hautes Etudes, France.
Enzo Bettiza, il Giornale, Italy.
Francois Bondy, Weltwoche, Switzerland.
Jean-Claude Casanova, Commentaire, France.
Lord Chalfont, author, United Kingdom.
Carl Gershman, Social Democrats, U.S.
Paul Johnson, American Enterprise Institute, U.S.
Jeane Kirkpatrick, Georgetown University, U.S.
Leszek Kolakowski, Oxford University, United Kingdom.
Neal Kozodoy, Commentary, U.S.
Milton Kramer, The New York Times, U.S.
Irving Kristol, The Public Interest, U.S.
Leopold Labedz, Survey, United Kingdom.
Melvin Lasky, Encounter, United Kingdom.
Seymour Martin Lipset, Stanford University, U.S.
Indro Montanelli, il Giornali, Italy.
Norman Podhoretz, Commentary, U.S.
Tom Stoppard, playwright, United Kingdom.
Hugh Thomas, Centre for Policy Studies, United Kingdom.
Jacqueline Wheldon, author, United Kingdom.
George F. Will, columnist, U.S.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The point of order having been raised, suggesting the absence of a quorum, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. The time for the transaction of morning business has expired.

Does the Senator wish to extend that time?

EXTENSION OF MORNING BUSINESS

Mr. WALLOP. Yes, I ask unanimous consent that I be permitted to speak for 3 minutes as if in morning business.

The PRESIDENT pro tempore. Without objection, the time for morning business will be extended for 5 minutes, and the Senator from Wyoming will be recognized not to exceed 5 minutes.

SOVIETS EXPORT MIG-29 FIGHTER TO CUBA

Mr. WALLOP. Mr. President, the Washington Post carried an article on November 16 indicating that the Soviets "may have" shipped Mig-29 aircraft to Cuba. That was verified this morning by Soviet foreign minister spokesman Mr. Gerasimov.

The article stated that the Mig-29's were observed by United States intelligence after their arrival in Cuba late last month and that information from a Cuban military defector in 1986 indicated that Cuba would be receiving a squadron of these aircraft from the Soviet Union. The Mig-29 aircraft is one of the newest generation of Soviet fighters. This high performance aircraft, whose presence and demonstrated performance at Western air shows has captured the attention of the West, is equipped with a pulsed Doppler, lookdown/shootdown airborne radar, an infrared search and track set, and a laser rangefinder. Although the aircraft's primary mission is air-to-air, it also has a secondary mission of air-to-ground.

The question of why the Cubans need such high performance aircraft was raised in the article. State Department official, Richard Boucher, stated that other countries in the region do not have comparable equipment and since Cuba does not face a threat from the United States it does not need such equipment. However, another even more important issue was mentioned. Is the Soviet Union breaking its 1962 pledge not to introduce offensive weapons into Cuba? Is the Soviet Union, dispite a 1978 assurance that it would not provide nuclear-ready versions of combat aircraft to Cuba, doing just that?

The article states that the Mig-29's spotted in Cuba "do not appear to be the nuclear-related version." This brings to mind numerous questions. How can we tell whether the aircraft are the nuclear-related version? How easily can we, if we can at all, distinguish between nonnuclear and nuclear-related versions of the aircraft with available imagery? If it is possible to confirm that the aircraft are not nuclear-related versions then the question still remains of how difficult it would be to modify the aircraft to be capable of carrying nuclear missiles.

This is another example of differences between the behavior and the rhetoric of the Soviet Union. Amid all the talk of glasnost and Soviet defense spending cutbacks, here is yet another example of why the United States should not accept blindly all of the promises made by the Soviet leadership.

Mr. President, I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 16, 1989]

SOVIETS MAY HAVE SENT MIG-29 JETS TO CUBA

(By Don Oberdorfer)

The State Department said yesterday that U.S. intelligence agencies think that the Soviet Union "may have" shipped high-performance MiG-29 jet aircraft to Cuba and condemned the step as unnecessary and "wholly inconsistent" with assurances of a constructive Soviet policy in the Western Hemisphere.

"We see no legitimate Cuban need for such advanced aircraft, and we do not consider this a helpful step," said spokesman Richard Boucher in confirming a Washington Times report of the Soviet shipments.

State Department officials said the MiG-29s, which were observed by U.S. intelligence after their arrival in Cuba late last month, are probably intended to upgrade Cuba's air defense capability. Officials said Washington had been aware of the possibility of such MiG-29 shipments since 1986, when a Cuban military defector said a deal had been made with Moscow for acquisition of a squadron of the planes.

"Other countries in the region don't have similar equipment," Boucher said. "Cuba does not face a threat from the United States, and we just don't see a need for such equipment."

Soviet President Mikhail Gorbachev and Foreign Minister Eduard Shevardnadze have stated their willingness to cooperate in promoting peace in Central America on several occasions. In addition, Gorbachev provided private assurances to President Bush, later made public, that the Soviet Union has stopped supplying weapons to Nicaragua, and Shevardnadze informed Secretary of State James A. Baker III of a Nicaraguan commitment not to provide further arms to the FMLN rebels in El Salvador.

Officials said they knew of no recent explicit commitment from Moscow regarding the supply of Soviet weaponry to Cuba. The Soviet Union continues to be bound by a 1962 pledge not to introduce offensive weapons into Cuba and a 1978 assurance not to provide nuclear-ready versions of combat aircraft to Cuba, the officials said. The MiG-29s recently spotted in Cuba do not appear to be the nuclear-related version, the sources said.

State Department officials said the recent MiG shipments may have been among the contributing factors to strong statements by Bush and Baker in recent days about Soviet activity in the Western Hemisphere.

Baker, in a speech Monday to the Organization of American States, said "Soviet behavior toward Cuba and Central America remains the biggest obstacle to a full, across-the-board improvement in relations between the United States and the Soviet Union." Baker said Moscow bears special responsibility for the armed conflicts in Central America "because its arms and money, moving through Cuba and Nicaragua, continue to support violence, destruction and war."

Bush said Tuesday he will urge Gorbachev at the forthcoming shipboard summit to stop the flow of arms to the hemisphere. "This will be very much on my mind" in the meeting, said Bush.

MIG-29

Type: All-weather fighter with attack capability.

Accommodation: Pilot only.

Wing span: 37 ft., 3¼ in.

Length overall: 56 ft, 10 in.

Background: Operational since early 1985, the MiG-29 is a twin-engined combat aircraft comparable to the U.S. F/A-18 Hornet. The plane, which has day and night all-weather operating capability against low-flying targets, was designed by Soviet engineers to close the technology gap with the West.

Source: Jane's All the World's Aircraft, 1988-89.

Mr. WALLOP. Mr. President, I would just observe in closing that it is well and good for Mr. Gerasimov to provide pronouncements that these are merely training aircraft to be followed by the real thing. But it does not exactly bode well for Soviet behavior in our hemisphere what with the events in Nicaragua and the events in El Salvador and the newly enriched Cuban military. It would seem that were the Soviets to really live up to the new reputation they seek from the West, that they might think twice and withdraw some of those weapons rather than adding to them.

Mr. President, I suggest the absence of quorum.

The PRESIDENT pro tempore. The point of no quorum has been raised. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. BRADLEY). The Senator from New York.

The Senator from New York should know that there are only 2 minutes left in morning business.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to speak for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM IN EASTERN EUROPE

Mr. D'AMATO. I thank the Chair. Mr. President, Lech Walesa's speech, given to the Congress last week, was inspirational. His message is one that I believe should be taught in every school, not only the vivid history of what took place in Poland and to its people, but as a reminder that freedom is a human right.

He made this point so vividly that I am going to quote from him: "Assistance extended to democracy and freedom in Poland and all of Eastern Europe is the best investment in the future and in peace, better than tanks, warships, and war planes, an investment leading to greater security."

Mr. President, it is in that spirit that I urge President Bush and our NATO allies to accelerate the end of the cold war. Forty-four years after VE Day is long enough. It is time to bring the boys home from Europe.

When President Bush meets Mr. Gorbachev in December, I hope that they will press ahead with the conventional forces in Europe talks. First, let us get the deep cuts now being negotiated. But where do we go after a treaty is signed?

I hope that our President will seize the moment and will call for agreement to begin a second phase of the conventional forces in Europe talks. Gorbachev has said that his goal is to get all Soviet forces out of Eastern Europe. This goal can only be achieved through action, not just rhetoric. Let us get it done.

Phase 2 of CFE should get all Soviet troops back into the Soviet Union and finally permit the United States to bring our forces home. We need to set a goal and get moving so that our NATO allies can plan for the day when there are no more GI's standing sentry in Germany and no more Soviet tanks in Eastern Europe.

Now is the time for America to show the world that we truly believe that national security and world peace will come from an investment in freedom and human dignity.

Peace through strength has led us to freedom. It has helped preserve us. Let us now place our resources toward balancing the budget, improving the quality of life for Americans and committing ourselves to making freedom, free markets, and free expression a reality in Eastern Europe and the rest of the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I further ask unanimous consent that morning business be extended until 2 p.m., with the previously announced conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of S. 1930 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for a period of up to 5 minutes as in morning business.

PESTICIDES IN OUR FOOD

Mr. LIEBERMAN. Mr. President, when the Pilgrims of the Plymouth Colony sat down with the Indians of the Wampanoag Tribe for the first Thanksgiving back in 1621, there was no Macy's Parade or NFL football game on TV and there were no pesticides on their food.

We have many things to be thankful for on Thanksgiving Day, 1989, but our society's overreliance on pesticides is not one of them. The fact is, when we sit down for our traditional Thanksgiving feast, we will be having some very untraditional items on our menu, such as phosmet, malathion and EBDC's. The Thanksgiving dinner of today contains dozens of such pesticides, and Americans have little choice but to eat them.

For example, the pesticide EBDC can be found on potatoes, onions, tomatoes, carrots, and pumpkins—all staples of a traditional Thanksgiving dinner. EBDC is worse than Alar, and we have known about its threat to human health for 20 years, yet the EPA has yet to act against this pesticide.

Seventeen possible or probable carcinogens can exist in poultry. Out of many millions of turkeys sold in 1988, the Federal Government tested only 179 turkeys for pesticide residues.

Thirty-seven percent of sweet potatoes have one or more pesticide residues, which include phosmet, a possible carcinogen. Some carrots contain parathion, another possible carcinogen. More than half of children's exposure to parathion, a possible carcinogen, comes from cranberries. Thirty percent of pumpkins are treated with EBDC's.

And despite the removal of Alar from apples, one hundred and ten pesticides are still registered for use on the fruit, including captan and EBDC's. Twenty-four of those pesticides contain possible or probable carcinogens. The list goes on.

Mr. President, one meal will do no harm. I am going to enjoy a typical Thanksgiving dinner with my family, and I hope all Americans will be able to do the same. The problem is long-term. Too many pesticides are on too many of the foods we consume every day. We must improve current laws so we can get problem pesticides off the market sooner.

As a member of the Toxic Substances Subcommittee of the Environment and Public Works Committee, I am pleased to be working with several of my colleagues on legislation that will allow us to regulate pesticides more strictly. Perhaps next Thanksgiving, our food will be a little bit safer, and we will have even more to be thankful for.

I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today is the 1,710th day that Terry Anderson has been held in captivity in Beirut.

As we approach the holiday season, I ask that we pay particular mind to Terrry Anderson's continuing captivity—it has been more than 4½ years—and to the ordeal that persists for his family.

TENURE OF ADM. WILLIAM J. CROWE, JR., AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. NUNN. Mr. President, last month, Adm. William J. Crowe, Jr., the Chairman of the Joint Chiefs of Staff, the senior military position in the Armed Forces of the United States, retired from active duty in the U.S. Navy. Today I want to briefly review the career of Adm. Bill Crowe and pay tribute to this extraordinary American.

Admiral Crowe was born on January 2, 1925, and grew up in Oklahoma City, OK. He attended Oklahoma University for 1 year and then attended the U.S. Naval Academy from which he graduated in 1946 with the class of 1947. He also received a master of arts in personnel administration from Stanford University and a Ph.D. in politics from Princeton.

Admiral Crowe served in a number of challenging assignments on active duty including senior U.S. adviser to the Vietnamese Riverine Force, Republic of Vietnam; Director of the Office of Micronesian Status Negotiations, Department of the Interior; commander Middle East Force based in Bahrain in the Persian Gulf; commander Middle East Force based on Bahrain in the Persian Gulf; commander in chief Allied Forces Southern Europe; and commander in chief Pacific; proior to assuming the position of Chairman of the Joint Chiefs of Staff on October 1, 1985.

At the time of Admiral Crowe's nomination to be the JCS Chairman, I said "he is the right man, in the right place, at the right time." The time to which I referred, saw the Congress formulating legislation that would be the most significant reorganization of the Department of Defense in four decades; a time of declining defense budgets; and a time of dramatic change in the world and particularly in the Soviet Union.

Admiral Crowe played a key role in assisting the Committee on Armed Services in designing a structure, as is now refelcted in the Goldwater-Nichols Act, for the Joint Chiefs of Staff and for the unified and specified combatant commanders that would both improve the quality of military advice to the President, the National Security Council and the Secretary of Defense and provide for more efficient and effective operation of the Armed Forces. Admiral Crowe did a masterful job in the initial implementation of the resulting Goldwater-Nichols Department of Defense Reorganization Act. His forceful but sensitive leadership allowed a smooth transition of power and authority from the corporate JCS body to the JCS Chairman, while keeping the JCS fully involved in the process of providing crisp, realistic and sound advice to the chain of command. He also was very successful in enhancing the authority of the combatant commanders within their commands and in increasing their influence on the budget and acquisition processes of the Department of Defense. Finally, he made significant progress in beginning a cultural change in the Armed Forces that has resulted in a major growth in the stature and prestige of officers assigned to joint duty. He emphasized the need for and strengthen the ability of service units to operate effectively together.

Admiral Crowe's tenure as JCS Chairman has also seen the use of the Armed Forces to accomplish operational missions with a significant political content. His careful structuring of a streamlined and clear chain of command in the operating forces during such operations as the escorting of United States-flagged Kuwaiti tankers and the use of force in various situations in the Persian Gulf was totally consistent with the objectives of Goldwater-Nichols and was instrumental in the success of those operations.

Perhaps most notable of Admiral Crowe's accomplishments over the last 4 years was his vision in opening contacts with the military leadership of the Soviet Union to enhance mutual understanding and thereby decreasing the risk of accidental incidents or the escalation of unpreventable incidents into major confrontations between our respective Armed Forces. Admiral Crowe welcomed the then Soviet Chief of the General Staff, Marshal Sergei Akhromeyev, into the "tank" for an historic meeting with the Joint Chiefs of Staff during the December 1987 Washington Summit between President Reagan and General Secretary Mikhail Gorbachev. Admiral Crowe later entertained Marshal Akhromeyev in July 1988 on a visit to U.S. military bases and to his home State of Oklahoma to give the Marshal a better appreciation of the quality of the U.S. military and a better understanding of American values and way of life. He also arranged for a series of military exchanges between units of the two countries and formed bilateral groups to consider ways of preventing military confrontations. During a reciprocal visit to the Soviet Union in June of this year, Admiral Crowe and his new counterpart, Gen. Mikhail Moiseyev, signed the Agreement on the Prevention of Dangerous Military Activities.

As the fiscal pressures on the defense budget increased, Admiral Crowe tackled the tough tasks of conducting net assessments and preparing fiscally constrained strategic plans. In this

effort, he invested a great deal of his personal energy and time and eased the effort of the Secretaries of Defense whom he served in making tough budget decisions.

Mr. President, for myself, and I know this view is shared by my Senate colleagues and the American people, I want to extend our gratitude and our admiration to Adm. Bill Crowe for his service to our Nation during his 43 years of active duty and for his inspired leadership as Chairman of the Joint Chiefs of Staff over the last 4 years. Finally, I am pleased to note that Admiral Crowe will remain in the Washington area and I look forward to being able to call on him from time to time for advice and in continuing our friendship.

TRIBUTE TO GRETCHEN BYRD

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Gretchen Thomas Byrd who died recently following a tragic fight against cancer. Most of you will remember Gretchen as the friendly and charming wife of former Senator Harry F. Byrd, Jr.

Gretchen was extremely active in the Senate Wives Organization. She came to be good friends with my wife, Elizabeth Ann, and I know that she will be greatly missed by all of the wives of Senators and those Senators who knew her. Gretchen was constantly trying to reach out to others and be of service to those in need, regardless of who they might be. She was the ideal Senator's wife—helpful, friendly, and always supportive.

Mrs. Byrd was an extremely caring person, a loving wife to Harry, and a devoted mother to their three children. She has been prominent in Washington since 1965 when Harry was elected to the Senate. Gretchen personified the true southern belle. She made her debut in New Orleans and was widely recognized as a striking beauty. She was the Shenandoah Apple Blossom Queen in 1937. Her marriage to Harry of almost 50 years was filled with joy and happiness.

I ask that the attached news article concerning the death of Mrs. Byrd be printed in the CONGRESSIONAL RECORD following my remarks.

I join Gretchen's family and her myriad of friends in their sorrow over her death. Elizabeth Ann and I will both miss her greatly as will all who knew her.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRETCHEN BYRD, 71, WIFE OF SENATOR, LOSES CANCER FIGHT

Gretchen Thomson Byrd 71, wife of former U.S. Sen. Harry F. Byrd Jr., died Thursday afternoon in Winchester Medical Center.

Mrs. Byrd's death ended a nearly year-long fight with cancer. She underwent surgery in December 1988 and radiation treatments this past summer.

Despite her pain, she maintained her sense of humor and "never once complained," Sen. Byrd said.

Mrs. Byrd was born in New Orleans, the daughter of Gretchen Bigelow and Paul J. Thomson.

She was a graduate of National Cathedral School in Washington, D.C., where she was vice president of her class, and attended Tulane University in New Orleans.

She made her debut in New Orleans, was in the Mardi Gras Court, and was the Shenandoah Apple Blossom Queen in 1937. The New Orleans newspaper called her "a noted beauty" and reported that when Actor Cary Grant came to New Orleans, "he spent much time with Gretchen Thomson."

She and her mother and brothers moved to Winchester in 1939 after the death of her father the previous year.

Gretchen Thomson and Harry Flood Byrd Jr. were married in Christ Episcopal Church, Winchester, on Aug. 9, 1941.

During the war years she remained in Winchester while her husband was on naval duty in the Pacific.

When Byrd was elected to the Virginia Senate in 1947, she divided her time between the three children in Winchester and her husband in Richmond.

When her husband went to the U.S. Senate in 1965, she spent most of her time with him in Washington, where they had an apartment. But she kept her home open in Winchester and was hostess to 20 of the 62 Apple Blossom queens.

During Byrd's 36 years in public office, Mrs. Byrd entertained a president of the United States, senators, and governors in her home on Tennyson Avenue.

She was an avid reader, and needlepoint was her favorite hobby. For nearly a quarter of a century Mrs. Byrd attended regularly the weekly meeting of a group of Senate wives doing volunteer work for the American Red Cross. This regular attendance continued until her cancer surgery last December.

Although married to a politician, Mrs. Byrd had little enthusiasm for politics. But Sen. Byrd valued her judgment and said many times that she was a great help to him, especially her "uncanny ability to size up other politicans and tell me which could be trusted and which needed a watchful eye."

Surviving, besides her husband, are two sons, Harry F. Byrd III and Thomas Thomson Byrd, both of Clarke County; a daughter, Beverley, of London, England; a brother, James M. Thomson of Richmond; and nine grandchildren.

A graveside service will be at noon Saturday in Mount Hebron Cemetery, Winchester, with the Rev. David Knight, rector of Christ Episcopal Church, officiating.

Memorials may be made to Henry & William Evans Children's Home, 330 E. Leicester St., Winchester, or to the Winchester Chapter, American Cancer Society, 1804 Valley Ave., Winchester 22601.

TRIBUTE TO REV. DR. OTIS E. KIRBY, SR.

Mr. HEFLIN. Mr. President, I rise today to inform my colleagues of the death of one of my good friends and an outstanding Alabamian, the Reverend Dr. Otis E. Kirby, Sr., from Decatur, AL.

Dr. Kirby was 91 years old when he passed away and had served the North Alabama Methodist Conference with distinction for almost a half of a century. I knew Dr. Kirby well from the days when he was a professor at Birmingham Southern College where I was one of his pupils when he was my minister at First United Methodist Church in Tuscumbia. He was one of the most loved pastors to serve the Methodists of Tuscumbia. He also served as the head of church relations and on the board of trustees for my alma mater—Birmingham Southern College. He was also a graduate of the Yale University School of Divinity.

In addition to his work with the Methodist Church in other parts of North Alabama, Dr. Kirby was a former minister of the First United Methodist Church of Decatur and the superintendent for the Decatur district of the United Methodist Church. He spent his adult life serving others through the church and through his community involvement. Reverend Kirby was active in both the Decatur Rotary Club and the Decatur Parks and Recreation Department.

Dr. Kirby was truly a fine citizen and Decatur has been extremely fortunate to have him in their community. His tireless work and devotion served as an example to others who wished to serve their community in a worthy manner. Reverend Kirby always placed others' needs above his own and always seemed to find and appropriate solution or an encouraging word. Perhaps the most amazing aspect of Reverend Kirby's life was his endless energy. He was an avid tennis player and continued to play well into his late eighties. It was this type of effort which he took to each of his endeavors.

Dr. Otis, Kirby gave his life to the United Methodist Church and it will indeed be fortunate to attract others of his caliber into the ministry. Reverened Kirby was a fine gentleman, a deeply religious person, a gifted minister, and a caring friend. We will miss him greatly.

TRIBUTE TO DONALD RICHARD HEIDORN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Donald Richard Heidorn who recently passed away at the age of 56. Don was a long-time resident of Muscle Shoals, AL, and a devoted educator.

Although Don is most remembered for his contributions to the field of education, he most recently served as an assistant manager at Listerhill Credit Union. Although he retired from his work in the Muscle Shoals city school system Don won election to the Colbert County Board of Education in 1988. This election allowed him

to continue to improve the education system in north Alabama.

Don devoted his entire life to making Alabama's educational system more competitive. He served as a coach, a teacher, and the superintendent of education for the Muscle Shoals city school system. He worked for this school system for 24 years including 17 as the superintendent. It is because of people like Don Heidorn that the educational system in Alabama has made advances. He was committed to excellence in every aspect of the system. Don also contributed to higher education as the president of the Shoals Community College Foundation.

Although Don was born in South Solon, OH, he was committed to Alabama. He was a veteran of the Korean war and a gifted athlete. He played in the Cincinnati Reds baseball organization and played basketball for the University of North Alabama. Besides his commitment to the educational system, Don also worked to improve his community on a local and a State level. His accomplishments are far too numerous to list.

Mr. President, Don Heidorn had endless energy and accepted no less than excellence from the school system. Don was a good friend and a great leader. I will miss him greatly.

TRIBUTE TO GOLDSTEIN AND COHEN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of the greatest institutions in Alabama's clothing industry. The store, Goldstein and Cohen, has been located in downtown Ensley for 84 years and has continuously served the needs of the people of Birmingham and Alabama.

About 40 years ago, Goldstein and Cohen decided to pay special attention to serving the needs of the community's big and tall men. They carved out a niche and have continually served people from across Alabama and from several neighboring States. I was one of their many well satisfied customers.

Since the late 1950's Eugene Goldstein and Vernon Cohen have run the store which was started by their fathers' in 1905. When Max Cohen and Simon Goldstein started the store, they had both recently immigrated to the United States from Poland. When the store opened, Ensley was the thriving center of Birmingham's steel community. The store became extremely popular among the steelworkers who could shop there at 5 a.m. or after work. Today, Ensley and Birmingham have shifted from their reliance on the steel economy but Goldstein and Cohen's has remain an integral part of the community.

While the store will be greatly missed in Ensley, Steve Goldstein, Eugene's son, is opening another big and tall men's store in the Palisades shopping center. This location should be a more central location for many customers while still allowing those people from Ensley access to the store.

I am sorry to see Goldstein and Cohen close after all these successful years. I do, however, wish Vernon Cohen and Gene Goldstein the best of luck as they pursue their other dreams. I look forward to their continued success in each of their endeavors and wish them an enjoyable retirement. Goldstein and Cohen will long remain an important part of any description of Ensley in this century.

Gene and Vernon are to be congratulated for adding so much to this country by successfully continuing a successful business started by their fathers. That story is the fabric of the American dream that brought so many others to the United States. Vernon and Gene give hope and provide each of us with an example of how much we can accomplish through hard work.

MURDERS IN EL SALVADOR

Mr. MOYNIHAN. Mr. President, I believe that this session of the Senate might have opened with a reference to the ghastly murder of six Jesuit educators and missionaries in Central America—in El Salvador—a murder which most likely was carried out with American weapons. May I say that again? A massacre which was most likely carried out with American supplied weapons.

In December 1983, as vice chairman of the Senate Select Committee on Intelligence, I visited Central America, stopping first in El Salvador. I met behind the now-regulation walls with Embassy officials. I talked with young Americans sent down there by the AFL-CIO to help trade unions. "Please," one of the unionists begged as I left a meeting, "Tell them, we are not Communists." He was pleading for his life. There was no need to ask, "Who them?" I sat at dinners next to wealthy women who thought it self-evident that the United States ought to occupy their country; own it, if we liked. They had a piece for sale.

But before departing, there was one last person I knew I had to talk with, the rector of the University of Central America, the Jesuit institution there, and the only university still open, the Government university having closed. He came for breakfast bringing his provost, a fellow Jesuit, Ignacio Martin-Baro, who had received a doctorate in sociology from the University of Chicago. He and I had mutual friends; it is always a small world. The Ambassador's terrace that morning had the eerie quality of much of the Third World: Garden peace; flowers ablaze; winter sunshine bouncing off the nearby mountain where the insurgents lived.

I was there to ask about the civil war. The rector would know more about it than anyone else I would be able to talk with. And why? Because a university in a small country has a wide network, especially in a society still fixed in that early 20th century moment when students can become violent Marxists. The rector was seeking reconciliation even then. Later, he was to negotiate the release of President Duarte's daughter, who had been kidnaped by the Farabundo Marti National Liberation Front. I asked the one question I had come to learn about; the question central to American policy.

Were the Sandinistas sending arms to the guerrillas? Were they, that is, intervening in El Salvador? The rector replied, no, they were not. I asked, had they been? He said, yes. And so I asked why then were they now not? And he answered, because the United States was sending so many arms to El Salvador that there were more than enough to go around.

And there it was. The administration's policy toward Nicaragua at that point, I am sorry to say, although it has been said before and by others, had become a lie. We were being told in the greatest secrecy, with the utmost confidence, that the Sandinistas were smuggling arms to El Salvador and that those arms had to be interdicted. That was to be the task of the Contras. We were never shown, Mr. President, so much as a shotgun. We never interdicted a donkey's worth of weapons.

Our military had to have reported this. But for the White House and the Agency and the State Department the real object of the Contras was to overthrow the Government in Managua. If that meant lying to Congress, what of it.

The men who told the truth, Fathers Ellacuria and Martin-Baro, are now dead, murdered with four other Jesuits, their cook and her daughter. They were killed, of course, with American weapons. They were men of peace, even as the former Archbishop Romero, who was murdered at the altar of his cathedral in San Salvador not 3 years before I met with them, was a man of peace.

Peace be with them.

Mr. President, I ask unanimous consent that I might include in the RECORD an op-ed from today's New York Times by Father Leo O'Donovan and a memoir of Father Martin-Baro by James A. Hijiya, professor of history at Southeastern Massachusetts University.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MARTYRDOM AND MERCY

[From the Washington Post, Nov. 19, 1989]

(By Leo J. O'Donovan, S.J.)

Before the end of darkness on the morning of Nov. 16, with unspeakable and barbaric cruelty, armed men burst into the Jesuit residence at the University of Central America in San Salvador and shot six Jesuit priests to death. At the same time, the community's cook and her daughter were murdered in their bed. According to reliable reports, several of the priests, my brothers, had their brains torn from their heads.

For a decade the people of El Salvador have suffered the effects of civil war. In recent days hundreds more have died in the seemingly senseless carnage. But the names of these latest victims are know to us quite personally. They include Ignacio Ellacuria, the rector (president) of the university, whose friendship I have treasured for six years. Fathers Segundo Montes and Ignacio Martín-Baro have been admired colleagues at Georgetown's Center for Immigration Policy and Refugee Assistance. The Jesuits' cook, Julia Elba Ramos, and her daugther Marisette were as precious in the eyes of God as any human being on Earth. If these Jesuits and their assistants can be murdered in cold blood, then anyone can be murdered.

And that, of course, is what we cry out against in our anguish. The human need to express outrage at such an evil signals our spirit's deepest conviction about justice and human dignity. Our all but mute grief mirrors a still deeper call to live life together in peace. We must believe that this call is stronger than our capacities for self-destruction. The tears we shed now are signs of a deeper power to bond us together as a human family.

For the dimensions of this tragedy are not only personal and political. If the fighting in the streets of San Salvador counts education and religious freedom among its casualties, we must decry an assault on the nation itself. Knowledge and faith belong to its soul. Whoever murders them, murders the country.

At Georgetown University, the blows struck Thursday morning of Nov. 16 have landed on our hearts. Twelve years ago my predecessor, Father Timothy Healy, journeyed with the president of the Jesuit Conference to San Salvador to award an honorary degree to Archbishop Oscar Arnulfo Romero. Two priests had recently been murdered, and Georgetown's degree was meant to show support for the archbishop and solidarity with the suffering of Salvadorans. A year later the university become a sister school of ours. But two years later still, as all the world shudders to recall, Archbishop Romero was assassinated at the altar, his martyrdom since then a symbol comparable to Thomas à Becket's in 1170 at Canterbury.

And so we beg for mercy. The most urgent need in El Salvador is for a cease-fire such as been recommended by the Catholic Church there. Only a cease-fire and a reopening of the peace talks can reestablish an initial degree of order. The government's overwhelming military power must not be used simply to exterminate the rebel forces.

Further, the International Red Cross should be allowed to enter the city. Currently, food, water and medical supplies are lacking for many wounded and dying people, especially civilians. Respect must be shown for the parishes that the Catholic Church has established as hospitals or as sanctuaries for civilians. And, of course, the crime at the university must be investigated and the perpetrators brought to justice. Our own government should be involved in pressing the peace process forward and urging the government of El Salvador to draw mercy from this latest martyrdom.

I have appealed to President Alfredo Cristiani, a graduate of Georgetown, to consider these measures. With the assistance of James Cardinal Hickey, I have gathered a group of ecumenical religious leaders and educators to approach our government and consider what we can and should do for the people of El Salvador.

Our human history is a long story of suffering. For centuries it has stood inescapably under the sign of the cross of Jesus of Nazareth. It stands now under the signs of Auschwitz and Hiroshima. But we cannot believe that it is only the annals of atrocity. We must give every effort of our hearts and minds to draw light from the darkness of nights like that of Nov. 16.

[From the New York Times, Nov. 19, 1989]

IN EL SALVADOR, DEADLY IRONIES

(By James A. Hijiya)

NEW BEDFORD, MA.—Ignacio Martín-Baro was one of the six priests murdered in El Salvador last week. I met him in April 1985 when he visited the U.S., and I saw him again that June in El Salvador.

One evening, he told me the story of his life. Here is what I remember.

Father Martín-Baro used to think it ironic that the army considered him a Communist. He had grown up in Barcelona shortly after the Spanish Civil War, and religious boys like him were always told that Communists had burned down churches and murdered priests. Going to school in Franco's Spain, he learned that Communists were his enemies.

When he went to the seminary, he continued to receive a conservative education. He was taught that people like Bartolome de La Casas, the 16th century bishop in Mexico who condemned his fellow Spaniards' slaughter and enslavement of Indians, were unpatriotic because they gave their country a bad name.

When he first went to El Salvador as a missionary, he expected to do the poor a favor by bringing them the word of God. He thought he would teach them about Christianity. But he was wrong. They taught him.

He found that the poor of El Salvador possessed a courage and a dignity that he had never seen before, never imagined. They showed him the meaning of suffering and faith; they taught him who Jesus was. After that, his life was never the same.

He learned from the oppressed, and one thing he learned was that he had nothing to teach them. So he quit missionary work and went to the University of Chicago, where he earned a doctorate in sociology.

He went back to El Salvador—Spain no longer felt like home—and became a professor, later vice-rector, at the University of Central America. He taught, conducted sociological surveys, wrote scholarly articles.

But he had not forgotten the poor. He believed that it was his duty to apply his knowledge and skills to the analysis of social evil.

He knew that telling the truth was dangerous. "The military," he told me, "is willing to suppress all intellectual life and turn everybody into a flock of sheep." His university had been bombed several times; professors and students had been killed or "disappeared."

The army considered Mr. Martín-Baro a subversive, and maybe they were right. "In this country," he said, "the structure is so awful that to say what is reality is subversive."

He once told me an academic joke: In the U.S., he said, it's publish or perish. But for professors in El Salvador, it's publish *and* perish.

Ignacio Martín-Baro was accustomed to irony.

RED CHINA'S BALLISTIC MISSILE SALES TO SYRIA

Mr. HELMS. Mr. President, according to a number of Western and Arab sources, Syria and China signed an agreement on May 1, 1989, under which China would provide Syria with a number of M-9 surface-to-surface ballistic missiles.

According to an unclassified Defense Intelligence Agency report, the M-9 is a solid-fuel missile with a range of 375 miles. The M-9 is highly mobile and can be set up, ready to fire, in half an hour. It can carry nuclear, chemical, biological, or conventional warheads. It is, in fact, the Chinese equivalent of the Soviet SS-23 missile, the same one covered by the Intermediate Nuclear Forces, or INF Agreement, with the Soviets.

On March 1, 1989, the Director of the Central Intelligence Agency, the Honorable William Webster, told the Senate Foreign Relations Committee in a public session that Syria has a poison gas plant in production. Three hundred and seventy-five miles—more than enough to cover all of Israel and threaten our forces off Lebanon.

M-9 missiles in the hands of the Syrians would not only alter the balance of power in the Middle East; they would also effectively destroy the missile technology control regime, our multilateral effort to control the spread of ballistic missiles.

It is worth noting that the deal was signed on May 18, before martial law was declared in Beijing and before the massacre of June 4. Therefore, no one can suggest that sanctions on Communist China made them do this. Since an agreement is only signed at the end of the negotiation, it is likely that discussions of this deal began much earlier in the spring, perhaps in March.

China today is a miltary dictatorship. Power is in the hands of the Military Control Commission, not the civilian government or even the Communist Party. It was the Chinese Communist Army which massacred the prodemocracy demonstrators in Tiananmen Square.

It is also the Chinese Communist Army which designs, develops, tests, and deploys ballistic missiles. One of these missiles, the Long March, can be used to launch nuclear warheads or to put satellites in orbit. In order to finance the development of their next generation of ballistic missiles, the Chinese Communists have offered, at

a cut rate, to launch Western communications satellites.

At least three contracts have been signed, two with Australia and one with a group of countries in Southeast Asia and Hong Kong. If the contracts go through, the Chinese ballistic missile teams would receive $25 million for each launch.

I would emphasize that we are talking about a minimum of $75 million in hard currency going into the bank account of the Chinese Communist ballistic missile developers.

After the massacre at Tiananmen one of the first sanctions considered by the Congress was a restriction on Chinese launches of Western satellites. The satellites typically have dual-use components and can be restricted by the State Department through the denial of the munitions license. Restrictions on Chinese satellite launches have been placed in both the State, Justice, Commerce appropriations bills and the State Department authorization bill. However, the restrictions in both bills can be waived if the President determines that it is in the national interest to do so.

The information relative to the Chinese M-9 missile sale to Syria became available after the State authorizations and appropriations bills were approved. Senator SIMON and I decided that there should be a tougher restriction on satellite launches and an amendment was approved to the Poland aid bill. The amendment would have restricted any United States assistance to the Chinese missile program unless the President certified that Communist China was not currently supplying ballistic missiles or missile technology to Iran, Iraq, Syria, or Libya and that Communist China had provided reasonable assurances that no future sales were contemplated. Under the present circumstances, it would have been difficult for the President to so certify.

The Senate conferees on the Poland aid bill have agreed to drop the amendment. They did so on the basis of assurances from Deputy Assistant Secretary of State Lorne Craner that he "knows" of no plan by the administration to grant the licenses so that Communist China can launch Western satellites.

Now, Mr. President, relations between the executive and legislative branches are based on mutual trust. Without such trust we cannot function. The conferees have taken the word of the State Department on this issue even though the Washington Times reported on November 16 that the State Department is moving behind the scenes to lift the restrictions on satellite launches. There is no denying that Capitol Hill is awash with rumors that the State Department is waiting until the session ends and then it plans to move.

If the State Department should release the satellites, that would have very negative consequences for relations with the Congress.

Mr. President, I ask unanimous consent that an article in the Washington Times of November 16, 1989, an article in the Al-Ittihad newspaper of Abu Dhabi of July 31, 1989, an article in the Al-Qabas newspaper of Kuwait of July 26, 1989, and an article in the Defense and Foreign Affairs Weekly of June 5, 1989 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Nov. 16, 1989]

CONGRESS WARY OF MOVE TO SHIP SATELLITES TO CHINA

(By Warren Strobel)

The Bush administration is moving to lift restrictions imposed after China's crackdown on dissent and allow U.S.-built communications satellites to be exported to China for launch on Chinese rockets, congressional, administration and diplomatic sources say.

But the proposed action, coupled with fresh concerns over Chinese missiles sales in the Middle East, has prompted bipartisan legislation that could make it all but impossible for the proposed Chinese launches to go through.

The State Department suspended export licenses for two spacecraft and froze consideration of another as part of the sanctions it imposed following Beijing's June massacre of pro-democracy protestors in the Chinese capital's Tiananmen Square.

Its final decision in the matter is seen as a barometer of U.S. sentiment toward China. And the issue increasingly appears likely to provoke a confrontation between the executive and legislative branches.

Opponents of the deal argue that by allowing the satellites to be launched on China's Long March rockets, the United States would be supporting China's effort to develop ballistic missiles and sell them worldwide. This is true, they say, because China's military and civilian rocket programs are virtually indistinguishable.

The Senate voted Monday to attach a provision to a foreign aid bill that would forbid U.S. help for Chinese missile programs unless the president certifies that China is not selling military missiles to Iran, Iraq, Syria or Libya and has no plans to do so.

The provision, sonsored by Sens. Jesse Helms, North Carolina Republican, and Paul Simon, Illinois Democrat, could make it politically impossible for the White House to approve the satellite exports. However, it faces an uncertain future in legislative conference with the House, which rejected a similar measure last year.

"We've seen the text of it. We don't like it," said one administration official.

Sources, who spoke on condition of anonymity, said the administration was moving quickly in hopes of granting at least one export license—for a craft called ASIASAT—during Congress' upcoming recess. No final decision has been made, they stressed.

Owners of ASIASAT, which never received a formal license, have asked the State Department to make a decision by Dec. 15.

The Australian government, which owns a majority share in the other two satellites that had their licenses suspended, has asked the United States to decide their fate by yearend.

The Helms-Simon amendment has complicated administration efforts to grant the licenses, although a congressional aide said last night that he was told the State Department intends to go through with the approval for ASIASAT unless the measure becomes law.

Mr. Helms, in a floor speech Monday, said that "unless Congress acts to stop issuance of this export license . . . the United States would be in the position of providing direct assistance to the Chinese missile program at a time when the Chinese may be peddling missiles and missile technology to the most rabid anti-American states in the Middle East."

Mr. Helms was reacting to a report in the New York Times last week quoting a senior administration official as saying China may be backing off its commitment not to sell intermediate-range missiles to states in the Middle East.

That commitment was secured by then-Defense Secretary Frank Carlucci last year after the United States learned that China had sold its CSS-2 missile to Saudi Arabia.

Press reports here and in the Middle East have indicated that China now may be preparing to sell its M-9 intermediate-range missile to Syria. The weapon is similar to the Soviet SS-23, which Moscow reportedly refused to sell to Damascus.

The State Department, in a statement yesterday, said: "The Chinese have repeatedly been told of our concern about the dangers posed by the proliferation of ballistic missiles and their component technology . . . . We have no evidence at this time to indicate the Chinese have transferred any intermediate-range missiles other than to Saudi Arabia."

[From Al-Ittihad, July 31, 1989]

AL-ITTIHAD ON M-9 MISSILE DEAL WITH CHINA

Al-Ittihad has learned from specialized U.S. defense sources that on 18 May, Syria signed an official agreement with China in accordance with which Syria will receive an undefined number of Chinese-made 500 km-range M-9 surface-to-surface ballistic missiles. These sources added that Syria's approach to obtain these missiles came after it was unable to obtain the new 500 km-range SS-23 missiles from the USSR as these missiles are included in the treaty on removing intermediate-range nuclear missiles between Washington and Moscow.

Neutral Western military sources affirm that if this American information on the Syrian-Chinese deal proves to be correct this will constitute an important qualitative step because these missiles will provide Syria with long-range strategic deterrent capabilities and with huge devastating capabilities it did not previously possess.

It is noteworthy that Syria now possesses 36 launching pads for the Soviet 180 km-range SS-21 missiles and 24 launching pads for the 300 km-range SS-Scud missiles.

[From the Defense & Foreign Affairs Weekly, June 5, 1989]

SYRIA REPORTED TO HAVE ACQUIRED PRC BALLISTIC MISSILES

Syria was reported to have signed a contract May 18 for the acquisition of an unspecified number of MS-9 East Wind SSMs

and CSS-2 MRBMs from the People's Republic of China. The deal was financed in full by Saudi Arabia. Syria had placed an order with the PRC for a number of MS-9s in August 1988 and it is unclear at this time if the current contract represents a continuation of the 1988 deal or an entirely new order. In any case, the acquisition of the CSS-2 is a new development and one that should be watched closely. The CSS-2 is self-guided and capable of striking targets accurately at ranges of up to 2700 km. Saudi Arabia had previously financed its own purchase of CSS-2s.

[Unattributed report from Geneva, July 26, 1989]

GOVERNMENT REPORTEDLY REQUESTS CHINESE MISSILES

Syria has asked China to supply it with M-9 missiles which have a range of 600 km and are capable of carrying a conventional, nuclear, or chemical warhead weighing 1,000 kg.

The Soviet Union earlier refused to supply Syria with Sophisticated SS-23 Spider missiles which have a range of 500 km and carry a warhead weighing 1,000 kg.

THE STATE OF THE TEXTILE AND APPAREL INDUSTRY

Mr. HOLLINGS. Mr. President, today I rise, as I have on five other occasions, with legislation in hand to prevent the steady decline of the domestic textile and apparel industry. I am ready to introduce this bill right now to express my commitment to the economic security of this country and my frustration with the "pick a little, talk a little" trade policy of this administration.

On textiles, this administration, like many before it, have held meetings, studies the facts, and produced only empty promises. At the beginning of the year, the administration started holding meetings with textile industry leaders. Senators and Congressmen were invited, but I was not included.

Those who were included, now have arrived at a split decision. Some in the textile coalition say we have wasted enough time in conversation. They argue that I should move ahead and introduce the bill to let our intentions be known and put the administration on notice that we will not stand idly by if they give away the store in position papers they are putting forth in the Uruguay round next month. Others in the coalition tell me that introducing the bill today would be hostile act and would irritate our negotiators.

When do we reach the point where enough is enough? Is this administration working with the industry in good faith? I have been advised to be patient. For the moment, I will hold off on introducing the Textile and Apparel Trade Act and give the administration until the end of the year to respond.

My patience is running thin. This year textile and apparel imports are up 13 percent over last year. In the first 9 months of 1989, the textile and apparel trade deficit was $19.8 billion, up 7.3 percent over last year. Textiles and apparel now account for almost 24 percent of the total merchandise trade deficit.

For comparison's sake, let's look at how the European Community and the United States have fared under the MFA. The European Community started the decade with a $5 billion deficit in textile and apparel trade. The United States had a $4.7 billion deficit. In 1986, the European Community had a deficit of $1 billion. The United States had a deficit in 1986 of $21.2 billion. We are heading toward a $26.4 billion deficit this year. What accounts for this difference? The willingness of the European Community to vigorously use the MFA to control their imports and our unwillingness to do so.

The free-trade fanatics will say, "Here he goes again." Well, I say, "There they go again" preaching "prudence" and passivity at even this late hour.

As I think about working with yet another administration on textile and apparel trade, I feel like Yogi Berra must have felt when he said, "It's deja vu all over again." My association with this issue goes back over three decades and encompasses the administrations of eight Presidents.

During the Eisenhower administration, I testified as Governor of South Carolina before the U.S. Tariff Commission and took the textile industry's case to the President. Promises were made, but relief did not follow.

During the Kennedy administration, the President made good on his campaign pledge to me that he would negotiate fair treatment for the textile industry. Under the Civil Defense Mobilization Act, a formal determination was made that textiles ranked second, only to steel, in their importance to our national security. President Kennedy followed up by negotiating a seven-point accord governing trade in cotton textiles.

In 1968, I along with Senator Cotton of New Hampshire, sponsored a textile bill that passed the Senate only to die in the House. In 1978, both Houses passed a textile bill by substantial majorities, only to be vetoed by President Carter. We continued to press the case, and in 1979, the Carter administration issued a white paper on textiles, which led to more vigorous enforcement of our trade agreements and stabilization of textile imports.

In the early 1980's, the Reagan administration's hands-off, see-no-evil policy of inaction and nonenforcement unleashed a flood tide of textile and apparel imports. The Congress passed two textile bills during the Reagan administration. Each time President Reagan vetoed the overwhelming will of the Congress. The Reagan administration's record was one of broken promises and cavalier indifference to the textile industry.

And now we are waiting on the promises of the Bush administration. I think there is a Rose Garden strategy—and that strategy is to lead us down the garden path by stringing us along with meetings and pledges while record imports devastate the remains of this great industry.

Congress should warn the administration that they must negotiate strong bilateral agreements and protect this economic base and its 2 million workers in the GATT negotiations. They cannot come back to Congress with excuses that they fear retaliation. We are already being retaliated against. We are being retaliated right out of business.

OUR GRATITUDE TO THE NFL

Mr. CRANSTON. Mr. President, on several previous occasions I've brought to the Senate's attention the amazing courage and tremendous unity Californians demonstrated during the Loma Prieta earthquake last month. Amidst a time of great need, many responded with swift and compassionate support to those involved in such a disastrous situation. The generosity and assistance still continue to be offered as northern Californians recover from this tragic earthquake.

Knowing just how crucial community support is for the San Francisco 49ers and other clubs in the National Football League, recently NFL Charities together with Edward J. DeBartolo, Jr., owner of the 49ers, demonstrated their support for the people of the bay area by presenting a total of $1.25 million to United Way of America to aid victims of the earthquake. The $1 million donation made on behalf of the 28 member clubs is the single largest grant NFL Charities has ever made. In addition, Mr. DeBartolo contributed $250,000 on behalf of his family and the San Francisco 49ers, while 49ers players themselves donated $25,000 specifically for the relief effort. These generous contributions will significantly aid the relief effort. But more important, they let Californians know that the NFL is indeed an integral member of our community.

United Way will distribute the funds to numerous agencies in northern California who are working to help individuals and communities recover and rebuild. The steadfast commitment and assistance that United Way has provided northern California throughout this disaster is tremendously appreciated. On behalf of the people in California, I want to express our gratitude to both NFL Charities and United Way for the support they've given us during a crucial time.

TRIBUTE TO THE UNIVERSITY OF ALABAMA AT BIRMINGHAM

Mr. HEFLIN. Mr. President, I rise today to pay tribute to the thriving medical community in Birmingham, AL, and to the integral role which the University of Alabama at Birmingham has played in the growth of that community.

The New Orleans Times-Picayune recently published an article describing the fabulous success which the university has achieved in the past few years. This success has been widely followed in the national medical community and was recently recognized by their ranking as the third best hospital in the United States by the 1986 book, "The best in Medicine."

The medical center in Birmingham fuels the city's economy and provides 12,500 jobs with the university. Last year the University of Alabama at Birmingham received $60.1 million in grants from the National Institutes of Health and $36 million in other grants and contracts.

I applaud the medical and research advances which have been made at the University of Alabama at Birmingham and look forward to their continued growth and success. I ask unanimous consent that the article from the Times-Picayune be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIRMINGHAM REAPS REWARD

(By John Pope)

BIRMINGHAM, AL.—Around here, a standing joke is that UAB stands for the University that Ate Birmingham.

There's more than a little bit of truth in that. Since World War II, the University of Alabama at Birmingham has grown from a community hospital into a prestigious medical and research complex employing more people than any other business in the state.

More kidney transplants are performed at UAB than anyplace else in the country, heart patients fly in from all over the world, and researchers were awarded $60.1 million in grants last year from the National Institutes of Health—more than twice as much as Tulane and LSU combined.

Within the past three weeks, ground was broken for a $20 million research center for the study of retardation and developmental disabilities, and for a $103.5 million outpatient clinic designed by internationally renowned architect I.M. Pei.

In a 1986 book, "The Best in Medicine," Dr. Herbert Dietrich, a former Harvard medical school faculty member, and Virginia Biddle ranked UAB the third best hospital in the United States, surpassed only by the Mayo Clinic and Massachusetts General Hospital.

"It's on a roll," Gloria Howton, director of university relations, said. "It's been on a roll for a long time. There's a lot of momentum at this place, and we haven't gotten tired yet."

The medical center began in 1944, when the University of Alabama's medical school was moved to Birmingham from Tuscaloosa. Medical center veterans say it flourished for two reasons:

U.S. Sen. Lister Hill, a doctor's son who became a major force on Capitol Hill, made health his primary interest. Until his retirement in 1969, he guided federal money into health-related projects, especially those in his home state.

Visionary physicians from such respected institutions as Tufts University and the Mayo Clinic were hired and began attracting researchers adept not only at scientific inquiry but at getting lots of grant money. The early recruiting of medical stars provided a kind of critical mass for continued growth: Star teachers and researchers attracted more money and the brightest students, who formed a culture that attracted more stars and bred still more success.

"We don't have any ivy growing around here," said Dr. Richard McElvein, the hospital's assistant chief of staff. "All we've got is scaffolding putting up buildings."

UAB occupies 67 blocks of Southside Birmingham, much of it on land once occupied by slums razed in the mid-1960s as part of urban renewal.

By that time, the university's economic impact on Birmingham was enhanced as the steel industry, once the city's biggest employer, slid into a terminal decline, said David Lewis, an economics professor who has compiled several studies on the university's economic clout.

Unlike other cities, such as New Orleans, which are trying to figure out how to turn their medical centers into economic assets, university officials did that job on their own before city fathers realized the potential was there, McElvein said.

"UAB was a stepchild of the University of Alabama," he said. "We took what was believed to be a deficit and turned it into an asset. . . . We had to prove ourselves.

As a result, people kept coming, even though Birmingham acquired a terrible reputation in the early 1960s. It was the city where, in 1963, police turned fire hoses and dogs on civil-rights demonstrators and four girls were killed when a black Baptist church was bombed.

Even after a quarter-century, those impressions have stuck. "Our toughest job is to get people to come to Birmingham," Lewis said. "Their preconceptions change once they see the area."

Renowned physicians come to the medical center for its research and for the chance to work with leaders in their fields, said Dr. John Durant, the university's vice president for health affairs. It was Durant who built the university's comprehensive cancer center, one of 20 so designated by the National Cancer Institute.

Kenneth Roozen, the vice president for university affairs, said the university appeals to entrepreneurial instincts because it encourages researchers to apply for as many grants as they can use.

"We're hungry," he said. "The good thing about this place is that you can do what you want that's within the law."

The hustling spirit shows in the university's ability to wrest grants. In addition to $60.1 million from the National Institutes of Health, the university received $36 million in 1988 in other grants and contracts.

Overall, the university is responsible for 31,000 spinoff jobs in addition to the 12,500 people on its own payroll, producing a total income of $477.4 million. The local business volume attributable to the university's presence is $817.3 million.

And the growth continues. In much of the South, particularly in the Oil Belt, people don't talk much about expansion because they can't afford it. But Dr. J. Durwood Bradley, chief of staff at University Hospital, ticks off the areas in which he expects the medical center to excel.

"It's our perception that we're going to be active in neurological and clinical services related to the brain—neurology, neurosurgery, psychology," he said. "We're building a new facility for that because, looking at what's going on in science now, it looks like it's headed toward something terrific."

TRIBUTE TO MISS SHAY ATKINSON

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Miss Shay Atkinson who was recently selected as Miss National Peanut Festival in Dothan, AL. Shay certainly deserves this honor and it will be a fitting addition to her many accomplishments.

Shay has been extremely active at Enterprise High School where she is a senior. She was first runner-up in the Homecoming Court her senior year and was also the sophomore attendant. Shay has the experience for the Miss National Peanut Festival having served as both Miss Enterprise and Little Miss Enterprise.

In addition to her beauty titles, Shay has been involved in high school athletics and her church, the First Baptist Church of Enterprise. She is a member of the Alabama High School Rodeo Association and served as the reserve rookie of 1988 and the reserve girls cutter.

Miss Shay Atkinson is certainly deserving of this outstanding recognition as the 1989 Miss National Peanut Festival. I congratulate her and look forward to her continued success.

MALPRACTICE

Mr. HATCH. Mr. President, since the mid-1970's there has been growing public and professional concern surrounding the issue of medical malpractice litigation. Medical liability has become what RAND Corp. calls high stakes litigation. And, the stakes are getting higher all the time. This issue has created tension between the professions of law and medicine as well as between the payers for health care services and the consumers of health care services.

If this were the only result of the liability crisis, I would not be standing here today. But it is not. Access to health care, an issue of utmost importance to all of us, is being adversely affected.

An August 1987 report, issued by a special task force of the U.S. Department of Health and Human Services, noted "increasing reports of diminution in availability of care." The task force documented 150 examples of access impairment in 26 States. A majority of the examples of access problems were found among low-income

patients, including Medicaid recipients.

Perversely, access is most difficult for those patients who need it the most—those with high-risk medical conditions. The problem is most pronounced in the maternal health care field. As of 1987, 12.4 percent of obstetrician-gynecologists nationally had given up obstetrics due to liability concerns and 27 percent had decreased the level of high-risk obstetric care they provided. Even larger numbers of family physicians have stopped delivering babies.

In some States, including Utah, Nevada, and Alabama, more than half of the family physicians have discontinued the obstetrics part of their practices. To cite a few examples, 57 Georgia counties, 28 Alabama counties, and 19 Colorado counties presently lack a single provider of obstetric care. Faced with this liability driven access problem, it is no wonder that infant mortality has started to climb in some areas, and our Federal efforts to reduce infant mortality have had little success.

The access problem is directly related to the threat of being sued, and it is not confined to the obstetrics field alone. According to GAO estimates, 24 percent of all medical claims are filed against obstetricians and surgeons, suggesting that choice of speciality—not competence—is the physician's highest risk factor.

Seventy-one percent of all obstetrician-gynecologists and more than half of the Nation's surgeons will be sued at some time in their careers. A 1980 survey by the American College of Surgeons indicated that 40 percent of the Nation's surgeons have stopped performing certain procedures because of concern over the possibility of suits.

There is a geographical component to the issue as well. For example, 50 percent of all physicians in Illinois—where insurance rates are high and juries are known to be generous—indicated that they no longer performed certain medical procedures because of potential liability problems.

The liability crisis also affects access by increasing costs beyond the point where many can afford it. In Florida, the cost of liability insurance adds $1,225 to the cost of delivering every baby. In New York and Arizona, the cost is $644 and $503 respectively.

The cost of medical services is also increased substantially by the practice of defensive medicine—those practices adopted by providers primarily to avoid liability risk. A number of studies have shown that the current liability system creates strong incentives for physicians to order additional laboratory tests, x rays, and consultations to confirm their medical judgments as a protection against future liability claims that may result if optimal treatment outcomes are not experienced.

A study by Medical Economics found that 70 percent of physicians order more consultations, 66 percent order more diagnostic tests, 54 percent order more followup visits, and 28 percent now do some procedures themselves which in the past would have been delegated to other medical personnel. A surprising 26 percent of physicians were found to order at least $50,000 per year of unnecessary tests and procedures, and 14 percent were found to order more than $100,000 each year.

As former Secretary of the Department of Health and Human Services Otis Bowen recently said that, a doctor used to treat a child's bump on the head with advice to "go home and put ice on it. Now you give him $100 worth of x rays and tell him to go home and put ice on it."

The price of resolving medical malpractice claims is also out of control. RAND Corp., the U.S. General Accounting Office, and other independent researchers all indicate that well over 50 percent of providers' premium dollars are spent in paying the lawyers, expert witnesses, and insurance companies as opposed to paying awards to persons injured by medical malpractice. In any other business sector, transaction costs of this magnitude would be intolerable.

What is worse, much of the money is spent on claims that should never have been filed. GAO estimates that, of the $807 million spent defending claims closed in 1984, 43 percent of this figure, or $349 million, was spent on claims that were ultimately closed in favor of the defendant with no indemnity award made to the patient whatsoever.

If any of us were to propose a program where less than one-half of each taxpayer's dollar went to provide services, I am sure the voters back home would quickly reconsider our tenures in this body. If we would not tolerate this inefficiency in our Government programs, we should not tolerate it in our liability system.

In the handful of States where strong reform has been achieved, including California, Indiana, and Virginia, the trends are promising. For example, California's medical malpractice reform resulted in a $6.5 million savings in indemnity payments in 1987, the first year after the legislation was upheld in the State's supreme court. The frequency of settlements has also increased substantially, and the average elapsed time from incident to the closing of a claim has decreased more than a year.

Unfortunately, after 15 years of State-based initiatives, the tort reform movement has been effectively stalled in most States. Although Federal constitutional challenges to the legislation have been soundly defeated, State supreme courts have reached widely divergent results. Laws—and as a result, insurance premiums—now vary widely from State to State.

Traditionally, reform has been viewed as a State issue, and tort reform initiatives have been pursued in virtually every State legislature. But State legislatures have not been able to resolve the problem. In fact, it is worsening. It is now apparent that addressing medical liability issues is integral to the Federal Government's leadership role in promoting the availability of health care and containing its cost. Effective nationwide tort reform must be a part of any Federal initiative in this area.

Too often in the past, debate on tort reform and the related issues of physician competence and the role of the liability insurer has been characterized by parochial views and finger-pointing among the affected interest groups. Recently, however, there has been a move away from such counterproductive activity toward a recognition that solutions must be built on the best efforts of all concerned.

I have arisen today to put my colleagues on notice that before we go home next session, we must address this problem. If we fail to do so, much of the effort we have made in the past years—through the National Health Service Corps, the Medicaid Program, and the community and migrant health centers—will be wiped out by liability costs. A recent IOM report confirms this concern and indicated there is a role for the Federal Government. Senator KENNEDY has also recently recognized this problem publicly and has agreed to work with me to find a solution.

Earlier this year, I asked a number of groups to come together and develop proposals for Federal action, I am pleased to say that a coalition was formed with almost 40 different groups represented, including the National Council of Community Hospitals, the American Medical Association, the American College of Obstetricians and Gynecologists, the American Insurance Association, the Physicians Insurers Association of America, and the Washington Business Group on Health. This coalition met throughout the summer and is ready to assist us in addressing this issue.

Mr. President, this issue must be addressed before the end of the 101st Congress. If we don't, more children will die at birth because where wasn't a doctor available to provide prenatal care, and defensive medicine will continue to drive up health care costs so that fewer and fewer Americans can afford it.

We can choose between solving this problem or retaining the status quo. Solving this problem will help almost every American by reducing health

care cost and increasing access to health care. Maintaining the status quo only benefits a selected few. The choice is ours. I ask all of my colleagues to think during the next few months about how we might address this problem, and I invite all of the Senators to work with me in finding a solution that can be signed into law by the end of this Congress.

DEDICATION OF COFFEY COUNTY AIRPORT

Mrs. KASSEBAUM. Mr. President, I would like to offer my congratulations today to the people of Coffey County, KS, on the advent of the completion of their new airport. Gov. Mike Hayden will officially open the Coffey County Airport when he lands there on December 2. This dedication will mark the culmination of several years of hard work, resulting in a modern and well-equipped facility, designed to meet the growing needs of the county.

The airport, constructed on 900 acres, will be owned and operated by the county. The facility includes a new terminal building and hangar, together with a concrete runway 4,200 feet in length. The people of Coffey County have good reason to be proud of this event, especially since this airport was built without Federal assistance.

The airport will expand much needed air facilities for the people of Burlington and the entire county. I know that this airport will be put to good use, both for purposes of air transportation and recreation. Again, I would like to commend the people of Coffey County for their efforts and ultimate success upon the completion of the Coffey County Airport.

CAPT. MANLEY L. "SONNY" CARTER

Mr. NUNN. Mr. President, with luck and hard work, the space shuttle *Discovery* will roar off into space later this week. Like all Americans, the people of Georgia are proud of the courage and dedication of all of America's astronauts. In the case of this shuttle mission, the people of Georgia are especially proud to have a son of Georgia serve as a mission specialist on the crew of the space shuttle.

Manley L. "Sonny" Carter, Jr., a captain in the U.S. Navy, was born, raised, and educated in Georgia. He was born in Macon and grew up in Warner Robins. He received his bachelor of arts degree in chemistry from Emory University and a degree in medicine from Emory University's School of Medicine. Even after assignments across the country as a naval officer, Sonny still calls Georgia home.

After medical school, Sonny joined the Navy and served as a flight surgeon with the Marine Corps and as the senior medical officer aboard the U.S.S. *Forrestal.* Besides being a gifted surgeon, Sonny is a skilled pilot. As a naval aviator, he logged over 2,400 flying hours and 160 carrier landings. In addition, he successfully completed the Navy's demanding training programs at the Top Gun Fighter Weapons School and the U.S. Naval Test Pilot School. As a Navy test pilot, Sonny was selected by NASA to serve in the shuttle program.

To Sonny's wife Dana, his two daughters, Olivia and Meredith, and to the families of the rest of the crew, our prayers and best wishes will go out to you when the mission begins this week. It is unfortunate that Sonny and the rest of the shuttle crew cannot be with their families on Thanksgiving Day. This is just one of the many sacrifices that the astronauts and their families make in order to serve our country.

And to the commander of the *Discovery,* Col. Frederick C. Gregory, Sonny Carter, and the rest of the shuttle crew, we wish you a safe flight and a successful mission.

Mr. President, I ask unanimous consent that an article from Emory magazine entitled "Your Basic American Hero" be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By Andrew W.M. Beierle)

YOUR BASIC AMERICAN HERO

The main entrance to the Lyndon B. Johnson Space Center angles off a neon-lined stretch of highway named NASA Road One in Clear Lake, Texas, some twenty miles south of Houston. Through the rain-streaked windshield of our rented sedan, the space center appears to be an unremarkable piece of real estate—a panorama of low, uniformly modern buildings nearly devoid of color or distinguishing features, set on flat, scrubby land. It has the feel of the campus of a community college built in the late sixties or early seventies. At the gate a lone security guard occupies a glassed-in enclosure similar to a turnpike tollbooth. I slow to a stop, and crank down the window.

"I'm supposed to meet Sonny Carter here," I say, assuming the guard knows each of the 100 active astronauts by name and will know who I'm talking about.

"He drives a Porsche" the guard asks.

Without thinking about it, without, in fact, realizing what I'm saying, I reply, "Yeah. He probably does." Besides me, photographer Ann Youngling laughs. I take it she knows what I mean.

I had never met Sonny Carter, had spoken to him only briefly the week before, and had never had occasion to speculate on his means of transportation, yet my instinctive response seemed entirely logical. At the age of forty-two, Manley Lanier Carter Jr., a graduate of both Emory College and the School of Medicine, has lived out the macho fantasies of many men—professional athlete, fighter pilot, test pilot, astronaut. What other kind of car could he possibly drive?

"He's waiting over there," the guard says, pointing to a parking lot on the left side of the road. We pull into the lot and get out of the car. In the weeks prior to my trip to Houston, I had talked to people who had known Carter at Emory—Associate Professor of Medicine Michael Lubin, who shared a first-year residency with him, and Professor of Medicine Kenneth Walker, who supervised his residency. Lubin and Walker, who supervised his residency. Lubin and Walker had said Carter would be courteous, friendly, smart, unassuming—deceptively casual for a someone who lives as intensely as he does.

Carter greets us warmly and refuses to take Youngling's place in the front seat of our small foreign car, folding himself instead into the cramped back seat. Sonny Carter is no Top Gun Tom Cruise, no raven-haired, jut-jawed jet jockey who masks his face behind mirrored aviator glasses. Yes, he is tan and lanky, as one might expect, but his brown hair is thinning and his lean, boyish face is brightened by an impish grin. Despite unpleasant weather—it is particularly gray and cold afternoon—he wears no jacket over his starched blue oxford cloth shirt.

For an hour or so, Carter takes us on a tour of the space center, affording us a closeup look at sights such as Mission Control that tourists see only from a distance, as well as off-limits areas they never see such as crew training facilities and even the private (but spartan) gym facilities reserved for astronauts. Eventually we make our way to a cafeteria where, over coffee and chocolate-chip cookies, we talk about his career.

To someone unfamiliar with Carter, his life might appear to be an effortless progression toward a pinacle of achievement at an early age. "Anybody could have done it, "he is wont to say. In fact, his success has been anything but effortless. Those who know him say he has pursued each of his goals with a quiet determination that borders on relentlessness. He has at times been forced to make difficult choices: to accept an invitation to enter the United States Military Academy at West Point or follow the family tradition and enroll in Emory College: to continue his career as a professional athlete or abandon it in favor of completing his medical education to maintain a medical practice as he engaged himself in an ever more rigorous flight training program of turn away from the profession he had spent nine years pursuing.

"Something always came along, and it seemed at the time it was the right thing to do," Carter says of his choices. "I thought each of them was worthwhile, and they all represented something more than just me doing it. . . .

"But my momma said it was just because I couldn't hold down a job."

Says longtime friend and fellow Emory alumnus David Short, now a Texas heart-transplant surgeon, "I admire him more than anybody I know, because he's chosen to do the right things in life and he's willing to make the sacrifices necessary to do them.

He's an American hero, pardner."

As a boy in South Georgia in the early fifties, Carter thought little about space travel or flying. "I grew up in Warner Robins," he says. "There's a big air base out there, and I'd see airplanes all the time. They say that influences you, but I don't remember it influencing me. I thought airplanes were neat, but I never cared any about flying them until way much later."

What he did want was to become a doctor. His father worked as a pharmacist, and Carter had an inkling of what medicine was all about. He also was befriended by the

family doctor, W.G. Talbert, who would drive Carter and his two sons to Athens on autumn weekends to see the University of Georgia Bulldogs play football.

"I knew Dr. Talbert was a nice guy, so I liked medicine from that point of view," he says. "I don't mean to sound too gee-whizzish, but I grew up thinking medicine was a great thing to do—to spend your life helping people. I've always liked helping people, and to me medicine was something where you help people on a very personal scale. You help them live, you deliver babies, you work on them if they've got a bad disease, keep them alive as long as you can. I thought that was good stuff."

It was Carter's mother, Elizabeth, who provided him with the inspiration to reach his goal. "My dad worked really hard, he worked all the time, so I wasn't around my dad so much. Mom was the most influential on me when I was growing up. She hoped a lot for me. She always made me think I could do whatever I undertook. I think she's had more influence on what I am today than anybody else.

"Ever since I was a little boy, my mother wanted me to go to Emory. My dad had been to Emory and his brother had been to Emory and my cousin had been to Emory. There are a lot of Carters in our family who have all been to Emory. So I went to Emory 'cause that was the only place to go—Harvard of the South, all that stuff. I had been accepted to West Point and decided not to go there. . . . In our family you wouldn't consider any other place unless they wouldn't let you go to Emory. So I tried to do the best I could, tried not to embarrass the family name."

At first Carter was afraid he might do just that. "I thought I was gonna go up to Emory and be a doctor and stuff, and when I took my first chemistry test I made a forty-five, a forty-five on my first test in college. I thought, 'Whoa, things have changed here. Maybe I'm not going to be a doctor after all. Maybe I'm not as smart as I think I am.' That was the truth. I was not as smart as I thought I was in high school. I was an average student at best. But I worked real hard, and I learned an incredible amount. I still think of Emory as a great place. And my education is what got me here. I would not be here unless I had been challenged at Emory. I think college develops you and leaves you with a challenge and prevents you from staying the same forever. It expands your horizons. That's what Emory did for me."

If it is true, as one sports-minded pundit said, that "athletics don't build character so much as they reveal it," it is possible to see in Sonny Carter's participation in sports a metaphor for his life. With no previous experience in the game, he became a valued member of the Emory soccer team and ultimately was drafted to play professionally. He succeeded not through some extraordinary skill but by dint of his determination. Likewise he has achieved in life far more than one might have expected from a small-town South Georgia boy, and he has done it in much the same way—with grit and tenacity.

"Until I went to Emory, I wasn't a big athlete of any kind," Carter says. "I'd played small-town sports and that kind of stuff, but I was never any good. I just lucked on to soccer."

Former Emory soccer coach Tom Johnson, however, calls Carter a "tremendous" athlete. "While he had a limited background, he was a very good player as a defender, an extremely intelligent player, and basically very, very tough," Johnson says. "I recall a story that to me really epitomizes his competitiveness and his commitment. We were going to Erskine [College] to play a match, and Sonny spent the whole trip vomiting in the bus restroom. He was almost totally wiped out. He couldn't eat anything prior to the game. But he went out and played the match, which finished in overtime. He played the entire match. He was so sick he almost had to be carried to the bus for the trip home. But he wouldn't have any part of not playing. I doubt seriously that you would find any athlete today who would commit himself to that kind of thing. . . .

"Sonny is, in my opinion, one of the most competitive individuals I have ever seen. I'm going to qualify that by saying he is one of the most positive or wholesome competitors that I've ever seen—very hard-nosed but committed to the team, and as far as I can remember a very fair competitor. He would do anything within the limits of the rules of the game to succeed individually and for the team. . . . If it meant running into a goalpost to win a game, he'd do it. He had that kind of dedication. He was totally unselfish, totally committed."

In 1970 the Atlanta Chiefs professional soccer team, in only its second year of play, selected Carter as a first-round draft choice. "Nobody at Emory had ever been drafted for anything. Ever," he says not with bravado but with a sense of astonishment. "The Chiefs were national champs the year before. They could pick whoever they wanted, and they picked me."

Johnson says Carter was not, in fact, a soccer superstar; he would not be a starter for the Chiefs. But he was selected because he was a developing player and, best of all, an American. Professional soccer was new to the United States, and American players were rare—perhaps three or four in the entire league. Until they drafted Carter, the Chiefs, a largely British team, had none.

"I think Atlanta wanted an American soccer player to draw a crowd, and I believe [having one] did," Carter says. "People would tell you they came to see the American play." The patriotic appeal of representing his country in a game dominated by foreigners was not lost on Carter. "It was something I could hardly turn down, even though I knew it would be tough."

But the decision to play for the Chiefs was not an easy one: Carter already had been accepted to medical school at Emory, and he did not want to abandon or even postpone his plans to beceome a doctor. "I talked to Coach Johnson, and he thought it was a great opportunity. So I went to Dr. Papageorge, Evangeline Papageorge, who was the [executive associate dean] at the medical school at the time, and asked her. And she said. 'That's fine,' but she reminded me that medicine was difficult and that the trouble she had seen with students who didn't make it through medical school was that they got behind in their studies. She told me that getting behind in your subjects was soemthing I might not be able to tolerate if I tried to do both of these.

"So with her approval, and Coach Johnson's, I signed the contract. They paid me money to play soccer, which, I mean, was pretty incredible if you ask me. Here's somebody from South Georgia who'd never seen a soccer ball three years before, who was now being paid for it."

Carter's schedule was grueling. The Chiefs trained from January to March and competed from April to September. During the academic year he took classes during the day, practice two or three hours with the team at night, and studied in the library until it closed. He would sleep for maybe four hours, rise at 6:30 a.m., and begin the cycle again. To avoid the appearance of special treatment, Carter would take as many of the tests as he could in advance of the rest of the class.

"There was a lot of studying. I took my books with me on all the plane trips. I'd take big physiology books and anatomy books and pathology books, and my teammates would be reading magazines and stuff and I'd be there bookin' on the flights. Sometimes we'd fly to Dallas and play on Friday, fly to Washington and play on Saturday, fly to Toronto and play on Sunday, so I didn't get that much sleep. I think if I had been able to, I would have been a stronger player."

During this third year in medical school, when clinical studies required his presence at Henry W. Grady Memorial Hospital, Carter would jog from the hospital to nearby Atlanta-Fulton County Stadium, practice with the Chiefs, run back to the hospital, shower, and return to work.

"I'd be pretty tired a lot of the time, but I tried to not let soccer interfere with my studying. I was fairly slow and methodical and plodding in my approach to things, so had I been smarter and more efficient I would have had more time. I wouldn't say I was physically exhausted, though sometimes I was very, very tired. But it was great fun, and I would have done it for no money."

As Carter began his final year of medical school in the fall of 1972, he realized the responsibilities of his clinical training would be too intense for him to continue playing soccer professionally while completing his medical education.

"All the things that you had book-learned the previous years you had to learn to apply to patients. It wasn't just whether I knew [the material] or not—I had to use it on people, and I didn't want a patient not to have my best. . . . I recognized early that if you don't apply all your strength to medicine, somebody will pay the price and it will not be you. That was someting I couldn't live with. You don't practice medicine for yourself, or at least I never did. You practice medicine for your patients, and I didn't want them to pay the price. Plus, I was good [at soccer] as I was going to be, which was average."

By the time Carter completed medical school in 1973, he had left behind any concerns he might have had about embarassing the family name at Emory. His first disappointing test score eight years before notwithstanding, by graduation day he had been elected to Alpha Omega Alpha, the medical school equivalent of Phi Beta Kappa. In 1974, after completing an internal medicine internship at Grady Hospital, Carter joined the Navy and underwent training to become a flight surgeon.

"I thought everybody ought to serve the country, and I still do," he says. "That's just the way I was brought up."

Within three years he was selected for jet flight training and was posted to the aircraft carrier *Forrestal* in the Mediterranean Sea as senior medical officer. After completing additional training on F4 Phantom jets in March 1979, he returned to the *Forrestal.* Once again Carter found himself faced with a decision about which career path to follow, this time choosing between practicing medicine and continuing to fly.

"When I first started flying jets in the Navy, I took calls in the hospital as well as fly. I could see that you could be a competent doctor as well as fly on a regular schedule, but there wasn't enough time for me to be with my family. I knew I had to leave one of those things for a while, at the intense level, and I chose to leave medicine behind. The flying part I had to do. I knew I would come back to medicine later."

In 1982 Carter was selected for the rigorous and intensely selective fighter pilot training known as Top Gun, at the Marimar, California Naval Air Station. "The school is not exactly like the movie. You don't jump on a motorcycle and go out on the town every night. You're very tired at the end of the day." Carter was the first, and to date only, flight surgeon ever to graduate from Top Gun.

Within a year he was selected for the more elite—and more dangerous—training as a Navy test pilot. "I was going to be kind of a human engineer for the Navy testing unit, where you try to make man and machine interface better," he says. "I knew something about medicine and something about tactical aviation, so it was useful to the Navy, tactically and monetarily, to have me help them make better systems for the people that protect the nation. And I thought I'd be doing that for the next little while. I don't think I would be down here [at the space center] at all.

"I followed the space program, but I never thought I'd be a part of it. One day at test pilot school we were sitting around having lunch—test pilot school is really intense and lunch is a real rest period for an hour or so—and these guys came in with applications for astronaut training. I just said, 'Hey, can I make a copy of that.' So I made a copy and filled it out in pencil right there and turned it in. I didn't think I had much of a chance. I was flattered just to have my name on the list the Navy sent to NASA. After that I got a notice I had an interview down here. The interviews are a week long and it's great; the best part was that you got out of test pilot school for a week. Test pilot school is the world's biggest grind. It's much harder than medical school was."

The interviews went well. "I had a great time," Carters says. "But I thought that was the end of my contact with the space program. . . . I thought all the people in my interview group were much more qualified for this job than I was. I still think so.

"If I had to guess why I was selected over anyone else, I'd say it had something to do with medicine and something with aviation. Going to test pilot school's a big deal, and the space program is tied in closely with aircraft testing. That's what this is; a huge test program for space. Many of the people in the astronaut office have always come from the test pilot [ranks]. So aviation experience had a lot to do with it; I'd flown as a flight surgeon and as a pilot. There have been doctors before, but many more test pilots than doctors. I also think that down here they place some emphasis on demonstrated proficiency in different areas; not, say, in just one area, like if I'd only been a doctor. . . . But I've stopped thinking about it. I figured they just had the wrong person, misspelled the name."

The astronaut office occupies the top floor of a three-story building at the heart of the Johnson Space Center. On the gloomy Saturday afternoon we visit, it has the deserted air of a high school in the late afternoon after everyone else has gone home. At first I attribute that to the familiar narrow corridors, darkened now, and the institutional cinder-block construction of the interior walls, but then I realize it's not the walls themselves but what's on them: banners and blue and white ballons welcoming home the crew of the shuttle *Atlantis*, just back from NASA's second manned post-*Challenger* mission; posters of various flight crews, some defaced in a good-natured way with devil's horns and goatees; a variety of hand-lettered signs and drawings, many obviously made by children of astronauts and other space center employees. The place exudes the camaraderie and optimism of high school primed for a pep rally.

Carter's office, which he shares with two other astronauts, is decorated with photographs of British soccer teams and souvenirs from the Los Angeles Dodgers, his favorite baseball team.

"There's lots of fun stuff that goes on. We play all kinds of little jokes on one another," Carter says. "It's all harmless stuff, never anything malicious. It's fun and we do a lot of laughing, because there's a fair amount of time when we're serious. Nobody takes themselves too serious; very few do. But they all take their jobs very seriously."

When he's not actually training for his upcoming flight—he is scheduled to be aboard *Discovery* when it makes a classified Department of Defense mission November 19—Carter spends a good deal of time in conference. He often meets with engineers and is a member of the committee that evaluates the scientific merit of experiments involving humans in space. His job also includes some of the more mundane responsibilities the astronauts must shoulder—the excruciatingly precise and often dry calculations and analyses that form the largest part of their tenure with the space program.

"I think most people are surprised or frustrated when they ask me, 'Well, when are you going to fly? You've been down there five years.' Of course, this job is about flying and doing things in space for your country, but that's only part of it. . . . This job is about the nation's space program and not so much about us flying in space. You realize that after you're here if you didn't before . . . I seldom think about flying. In fact, it never bothered me. . . . You think about what you can do for mankind, because there's really nothing else to think about. You can't be selfish and be in this program. Those two are incompatible. They don't fit."

Carter says the loss of the *Challenger* hit the close-knit astronaut corps especially hard. "I think it took about a year or two for people [at NASA] to recover from thinking about it," he says. "Since the accident, NASA has done incredible amounts of work reviewing everything, more so than I think most people in America would ever imagine. That doesn't mean it's not still dangerous. It is. It is a rocket; it's not like a bus going into space. It is a *rocket*. . . ."

For Carter the loss of the *Challenger* and its crew was a deeply personal one. "They were all my friends," he says. "All those people were our friends. I knew all of them real well. In fact, I was the person who strapped them in the orbiter that day. I was the last . . ."

He doesn't finish the sentence, perhaps because it is too painful, perhaps because linking himself to America's fallen heroes might be misinterpreted as self-aggrandizement.

"Each crew who goes on a mission," he continues, "has somebody called a 'Cape Crusader,' an ASP—astronaut support person—who straps them into the orbiter and helps close the hatch. That astronaut is the last person to leave the pad. Well, 51-L was my crew. I was the person who greeted them. I was inside . . . when you saw them in the pictures going into the hatch. I was inside there, strapping them in. they were all my friends. And everybody was happy, just like for any launch day. They waited for that day, and I wait for that day. Launch day will be great. . . ."

Despite the *Challenger* tragedy and the renewed sense of danger, Carter's own enthusiasm for space flight remains undiminished; if anything, he is more committed to it than ever.

"If you've never seen the launch of an orbiter, it is something that will make you cry, because you cannot believe your country is capable of doing such a thing. . . . It reminds you of all the things you think about when you sing 'The Star Spangled Banner.' And that's the truth. . . .

"Losing friends happens all the time in [military] aviation. It's just that we in America never thought this would happen to [the space program] because we were so good at it. . . . I was very sorry that we had to lose those people, the orbiter, the trust of the nation . . . to have us understand once again, after years without an accident, who we are and what we represent for the nation."

TRIBUTE TO IMPACT II

Mr. KENNEDY. Mr. President, I want to take this opportunity to recognize the 10th anniversary of IMPACT II. This program was originally designed to counter "teacher burnout" and to keep the best and the brightest teachers in the business of educating our Nation's youth.

Teachers are faced with one of the most important, most difficult, and most thankless jobs in the Nation. They are the front line in the battle where America's future will be determined—in the classrooms of the next generation of Americans.

Often today, in addition to their responsibilities as educators, teachers must also respond to the outside world that students bring into the classroom—crime in the neighborhoods, drugs in the hallways, the abuse and neglect in the home.

In spite of these responsibilities, teachers endure unacceptably low salaries and low status. The result is hardly surprising. It is becoming harder to recruit teachers and harder to retain them.

In September I introduced the Excellence in Teaching Act to reduce teacher shortages, increase the number of qualified teachers, and enhance the status of the teaching profession in America.

The Federal Government has an important role to play in this area. But programs such as IMPACT II are vital as well. IMPACT II is a nationwide nonprofit organization that recognizes and rewards innovative teachers by providing grants for the dissemination of new and creative teaching tech-

niques. The program "networks" these new techniques across the Nation to other interested teachers. IMPACT II motivates teachers, and these teachers in turn motivate students.

Programs such as IMPACT II are making an essential difference for teachers nationwide. I particularly want to recognize some of the special teachers from Massachusetts who are participating in the IMPACT II Program in Boston: Brenda Richardson, Adam Artis, and Alma Wright of the Trotter Elementary School; Barbara Garlington of the Early Learning Center; Carol Airasian, Rita Bermingham, and Florence Aversa of the Wheatley Middle School; Judy Weisenberger of the Ohrenberger Elementary School; Estelle Stuart of the Conley Elementary School; Celeste Janey of the S. Greenwold Elementary School; Meg Watson of the Chittick Elementary School; Mary Counihan of Dorchester High School; and Zakiyagh Bilal of the Lewenberg Middle School. I commend them all for their commitment and achievements, and I wish IMPACT II even greater success in the years ahead.

JUDICIAL NOMINATION OF VAUGHN R. WALKER

Mr. HEFLIN. Mr. President, I rise today to express my support for the nomination of Vaughn R. Walker to be a Federal judge in the Northern District Court of California.

Mr. Walker has an outstanding educational background culminating with his graduation from Stanford University Law School. He followed up his law school years by being a judicial law clerk, including being a law clerk to the Honorable Robert J. Kelleher of the U.S. District Court, Central District of California. Mr. Walker then moved into private practice, and has established an outstanding reputation as a private attorney.

I know that this nomination has been substantially delayed; however, I am pleased to note that final action will take place on this nomination. I have found Mr. Walker to be an engaging and thoughtful individual, and fully support his elevation to the Federal bench.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR LEGISLATION

Mr. BAUCUS. Mr. President, last Thursday, the Environment Committee voted 15 to 1 to report comprehensive clean air legislation.

On Friday, the majority leader announced that clean air legislation will be the first order of business when the Senate returns on January 23.

With President Bush joining the effort this year to overhaul the Clean Air Act—a struggle that many of us on the Environment Committee, have waged for close to a decade—the omens are good that 1990 will be the year that we finally pass a new Clean Air Act.

As my colleagues study the bill over the next 2 months they will find legislation that is truly comprehensive. I hope they will also find that the legislation meets three principles. First, it sets the standards that have to be set if we are to solve the problems of urban smog, acid rain, toxic air pollution and the destruction of the stratospheric ozone layer. Second, it would create programs that are realistic and workable—policies that will allow us to meet the standards while promoting the growth and efficiency of our economy, policies that we can live with while getting the job done. Finally, I hope they find legislation that succeeds in balancing the regional and economic interests involved here.

The bill's acid rain program would produce a 10-million ton reduction in one of the chief acid rain precursors—sulfur dioxide—by the year 2000. Then, total emissions of the pollutant would be capped at this reduced level to ensure a permanent solution, and not just a temporary fix, to the acid rain crisis. Since the cap would not be on individual plants, the cap would work to promote energy management decisions, especially energy conservation, that would start us on the road to dealing with global warming without jeopardizing economic growth.

In the acid rain provisions, the committee embraced an innovative approach first introduced by the administration. The bill's marketable permit or allowance system could lower the cost of the overall program by 20 percent. It could also enable those utilities facing the largest reduction burdens and highest total costs to offset some of those costs literally by selling extra pollution reductions for cash. At the same time, utilities in growth States would find that the allowance system is the lowest cost means for meeting their emissions limitations.

More than half of all Americans live in cities where it is dangerous just to breathe—and they know it. That is why they are demanding an end to the ongoing crisis in ozone smog and carbon monoxide nonattainment. Our committee heard extensive expert testimony about the cost in illness and death created by our continued failure to clean up the air. And, we learned that these human costs—often paid by our children and elderly—have a steep financial price tag, too.

Accordingly, the bill strengthens the Federal requirements that smog-ridden areas must meet. But these areas will never succeed unless we come to grips with the most significant source of smog pollution—the automobile. Ironically, the current Clean Air Act has in fact succeeded in putting much cleaner cars on the road. But still, the smog crisis persists and auto emissions continue to be the chief culprit. Unless we do even better on auto emissions we will not solve the problem. As long as Americans rely on their cars we have to ensure that their cars run as clean as possible so that Americans will not be forced to choose between their cars and their health. For this reason, our bill has two rounds of requirements for tailpipe emissions reductions.

These auto requirements are tough because they have to be, but they are also affordable and realistic. No one is more sensitive than the members of the committee to the fact that the automakers must be given standards that are feasible and that the American consumer must not be saddled with unnecessary or prohibitive costs in the name of pollution control. Our bill gives automakers both the time and the options they need to get the job done.

Environmental policy for the 1990's and beyond will be focused not only on smog and acid rain but on the global threats of stratospheric ozone depletion and the greenhouse effect. Our bill takes a major step in this effort. In addition to acid rain provisions which will stimulate energy conservation, and requirements to reduce carbon dioxide emissions from automobiles and to enhance transportation efficiency, the bill will require the elimination of chlorofluorcarbons by the year 2000. CFC's not only deplete the Earth protective ozone shield but they are a powerful greenhouse gas. We must phaseout new production and control those CFC's already in the system.

Finally, the bill tries to tackle the toxics challenge with programs both to regulate the release of toxic air pollutants and to ensure that municipal waste incineration is managed in an environmentally sound way.

I would like to make a pledge of cooperation, constructiveness and consensusbuilding to each and every one of my Senate colleagues in the hope that each will make a similar pledge in return. Over the next 2 months and through the balance of the legislative process, I am committed to giving full and careful consideration to all of the concerns that my colleagues have with regard to this legislation.

It is my hope that the deliberations of the Environment Committee can be

the model for the clean air deliberations of the full body. We must move forward in a genuine spirit of bipartisanship to produce legislation that works for all major sectors of the economy, all regions of the country and, above all, for the health of all the men, women, and children of this country who are depending on us to ensure the healthfulness of the air they breathe.

Mr. President, some may find our bill too ambitious, but the human health and global environmental threats we face demand nothing less than our finest efforts. I am eager to work with all my colleagues to enact good clean air legislation.

I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AGRICULTURAL CHEMICALS AND PESTICIDES

Mr. SYMMS. Mr. President, I happened to catch, when I was in my office, a few comments my good friend from Connecticut made with reference to some of the things that we do not have to be thankful for. I think he spoke of agricultural chemicals and pesticides, and that we still have many of those being used in American agriculture; and his goal would be, if I heard his remarks right, to try to get in a position where we might use less of those.

Mr. President, I want to say that always it is "compared to what," when people express concern about the quality of the food, the safety of the food, that the American people are offered by the market system in the United States. Compared to what?

I just say to my friends in the Senate, and to the President, that the American people enjoy the benefits of the cleanest, the safest, the most convenient to use, the most plentiful and widest variety of food, at the lowest cost, of any group of people on the face of the Earth. I think we have that to be thankful for, also, as we go into this Thanksgiving.

Thanks to all the people in the food chain, all the way from the farmers to the people that will be working late Wednesday night prior to Thanksgiving day in all of the local grocery stores, to see that those products are available for the American people. I think we owe them a big debt of thanks, and we owe as part of that a big debt of thanks to the system that has developed a very strong, a very research-oriented, agricultural chemical business in this country, that has provided us with the high tech methods, high technology methodology of farming, to be able to synthesize the use of chemicals with biological control, reduce the amount of chemicals that we use, and we have reduced them.

I might say to my colleague, I probably have sprayed more agricultural chemicals personally than anyone else in this Senate, and I can tell you from my own experience that the farmers and produce producers in this country are using less and less and less of these products, as they learn better ways to do it, to have a good symbiotic relationship between nature and these products. I think agriculture in America has moved forward through the research centers, through the agriculture research center of USDA, through the Extension Service of our respective States, through the land grant university system. We do have a good, clean, safe food supply for the American people at a very low cost.

There are some problems ahead. And I am glad I am on that committee. We do have the problem of reregistration of pesticides. I might say to my colleagues that one of the major problems is in the reregistration process, that if you have a specialized crop such as celery seed or carrot seed or some crop where there is a little bit being grown, but a little bit will cover the demand for the market, it may not be profitable for a big agricultural chemical producer to go in and spend the millions of dollars necessary to register that product to use on those specialized crops.

So we must, I think, in our reflection and our reauthorization of this process, think very carefully of what we are going to do. We do not want to have done things here in this Congress today when there is already a move toward being more concerned, more careful, a better recognition of the sensitivity of some of these very toxic chemicals that are used only in very small amounts over large acres or large dilutions. When it is really spread out, it is not so dangerous.

The most dangerous point in using any toxic chemical is at the point of taking it and opening the can or bottle and putting it in the spray machine. That is the most dangerous portion of the whole process.

Once spread out, it is not as hazardous either to the environment or the people who happen to be in the area.

I think we must be very, very careful in our actions here or some Thanksgiving, Americans will come in and find out what they produce is filled with rot and worms and other pesticides; that the crops will not be as good; that the quality of the food will not be as good as it is today; and that the cost will be much, much higher.

It was interesting, on the day that the members of the Soviet group were here on the Senate floor, that in my visit with one of them who did speak English, he said to me when I told him I was from Idaho, he incidentally knew we were the largest producer of potatoes of any State of the United States. He told me in the Soviet Union they produce three times as many potatoes as we do in the United States of America, but they only get to market with half as many of the potatoes that we produce in the United States of America for a wide range of reasons, one of which is they do not have the methodology to handle them, to transport them, to treat them properly with some chemicals to keep the rot out, and they lose a great portion of their crop, well over half of it, as a matter of fact, for just the process of trying to get those potatoes to the marketplace where people can actually enjoy eating them.

So I think we should remember and give our thanks for that fact again, to the entire food chain producers in the United States, and I repeat again, Mr. President, we have the cleanest, we have the safest, we have the lowest-priced, the most convenient, and the most abundant supply of food of any group of people living on the face of the Earth.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL SALVADOR

Mr. LEAHY. Mr. President, there have been many discussions of what we should or should not do on the foreign aid bill, when the new foreign aid bill comes before us.

As I said last night, Mr. President, the President vetoed the foreign aid bill that had the aid for Poland, the aid for Hungary, and the aid for the drug war. And, one of the antichoice political action groups was opposed to language on population planning—a little tiny part of the whole bill, so the President vetoed it.

Be that as it may, we are now back on the bill and that has prompted, by a number of members of both bodies, discussions of the situation in El Salvador.

Mr. President, there is a time when every American has to decide where he or she stands on important moral issues of the day. Civil rights was one such issue. Vietnam was another. El Salvador is that issue today.

For 8 years, we have poured money into that country, $1.5 million every day. We wanted to support democracy, and that was the reason U.S. citizens were willing to send so much money down there. On one level, we have done that. There have been elections. But underneath that thin facade, El Salvador is the antithesis of a democ-

racy. There is no justice, even for the victims of some of the most heinous crimes. There is no sign that the Arena government, like any government before it throughout the history of that country, is willing or able to protect the basic rights of the majority of its people who continue to live in poverty.

Instead of democracy, the $4 billion of aid that we have poured into that country has been the life blood of corruption and repression. The military runs El Salvador, and it does so with U.S. support. The militarization of that country over the past 8 years is a tragic legacy of a United States policy that in recent days has degenerated into a frenzied, ferocious blood letting.

Mr. President, 2 months ago I offered an amendment on this floor to give the Congress a say in how our money is spent in El Salvador. It was a modest amendment. It did not automatically cut off aid. It required the President to report to us on what progress was being made by both sides to find a negotiated end to the war and stop abuses of human rights. It gave Congress the option of cutting off aid next year if the situation got worse.

The Senate worked its will. We had a straight up-or-down vote and the Senate rejected my amendment. Instead, it voted to send more military aid than last year and with no strings attached. Our message to the military was that the U.S. Congress is fully behind them, whatever they do, despite the corruption, despite the abuses, despite the fact that our own military experts say the war in El Salvador is unwinnable.

In the 2 months since that vote, we have seen the violence in El Salvador escalate out of control. Each side has provoked the other with death threats, assassinations and bombings, and then after withdrawing from the peace talks after only the second meeting, the FMLN launched a major offensive in the capital city. The attack was obviously planned weeks, if not months, ago.

We watched in horror as the FMLN took cover in heavy populated neighborhoods and then launched their attacks. They fired rockets indiscriminately. They killed and wounded many citizens. By hiding in homes, churches, hospitals and schools, they have endangered innocent lives and caused great suffering.

The military predictably has responded with terrible force in an effort to drive the FMLN out. Despite President Cristiani's insistence that care is being taken to minimize civilian casualties, cargo planes with gattling guns, helicopters with machineguns, A-37B jets with rockets have fired on these neighborhoods killing hundreds.

Then, as if to remind us how little has changed in El Salvador in the 8 years since the cowardly murder of Archbishop Oscar Romero, we saw gruesome pictures on television of the mutilated bodies of Jesuit priests and others.

Mr. President, I said the other night that we have a situation in El Salvador where the left kills in the name of liberation and the right kills in the name of the Lord, and the defenseless people are caught in the middle.

Mr. President, you and I have a great honor and a great privilege to represent in this parliamentary body the greatest democracy in history. The United States has been built on a bedrock of respect for human rights, of individual dignity, of the rule of law, not the rule of individuals and ideology. We have tried to help other countries. We have sent aid to all parts of the world. At times, our aid has been the thing that guaranteed not only peace, but a better life for millions of people.

I think of the unparalleled generosity of the American people in the Marshall plan, as one example. We eradicated disease and hunger in parts of the world. We removed illiteracy in other parts. We have brought relief for victims of famine.

But when I look at El Salvador, I have to ask myself where is the greatness of the United States reflected in the policies carried out there, policies that have been supported by our aid?

As I said before, I feel almost like saying pox on both your houses; on both sides for their justification of murder and destruction of civilian populations.

Look at what has happened down there. Father Ignacio Ellacuria was an eloquent voice of conscience and of hope. He dedicated his life to bettering the lives of the whole of the Salvadoran population. Despite the murder of many of his friends and associates and countless threats on his own life, he never gave up the struggle for an end to this tragic war.

Also murdered were Father Amando Lopez, Professor of Theology, Father Joaquin Lopez y Lopez, Father Segundo Montes, Father Juan Ramon Moreno, Julia Elba Ramos, and Celina Ramos. They were tortured and shot in the early morning hours in an area under surveillance by the Salvadoran military, who days before had searched Father Ellacuria's home where the murders were carried out.

Mr. President, before I came to this body, I spent 8½ years as a prosecutor. I went to many murder scenes. I prosecuted many gruesome murders. Nothing, nothing I ever saw in some of the worst murders that I ever prosecuted would match the human depravity that we saw last week in El Salvador.

Mr. President, do we just close our eyes to this? Do we say, "do better next time?" Do we say, as we have now for a decade time and time again, now is not the time to put on restraints, now is not the time to send a signal that the United States is not completely behind the government there, now is not the time to raise questions? If now is not the time, what in Heaven's name has to happen in that country before it is the time?

The people who were killed were not guerrillas; they were bridge builders between the government, the military, and the forces of the left. They were calling for a cease-fire and a political settlement of the war, just as Assistant Secretary Aaronson says is the goal of this administration. They represented the best hope for peace in El Salvador.

This terrible act shows to all that the President of El Salvador, whatever he may say or may want personally, is not able to control the killers. There can be no serious progress in the negotiations until such individuals and those who gave the orders are brought to justice and punished.

These savage, bloody, barbaric slayings are the real measure of El Salvador in the 1980's.

True, the number of mutilated corpses on the roadside are fewer today than 8 years ago, and I am grateful for that. But the war rages on and hundreds are dying and hundreds more are crippled and disfigured for life and we are paying for it.

I cannot help but recall the first time I ever went to that country, seeing a body on the side of the road, apparently killed a very short while before. A couple of people had stopped to look at it, somebody else was taking a photograph, others walked by without even looking because it is such an everyday occurrence, and then almost nonchalantly two men started digging a grave beside the road.

I could not help but think earlier this past weekend of a father, in a brief halt in the shooting between the guerrillas and the government in San Salvador, taking time to dig a hole in the road in which to put the body of his infant child.

A few days ago the Assistant Secretary, Mr. Aronson, testified before the Foreign Relations Committee. He spoke at length about the bloody tactics of the FMLN. I do not disagree with many of the things he said. What troubles me most, Mr. President, is what he did not say about the consequences of United States policy in El Salvador.

We saw what happened when we hid the truth with the Contras, when the previous administration lied to the Congress and to the American people, and even to themselves.

For years the previous administration ignored the corruption which all concede was rampant in the Duarte government. Despite that, we backed the Duarte government with millions

of dollars, no questions asked, no conditions levied.

This and the previous administration said they were outraged by the political killings. But when no one was prosecuted they did nothing, even when it was an open secret who was responsible. Again, we continue our aid, no questions asked, no conditions levied.

In a now familiar litany, Mr. Aronson deplored the violence, as we all do. He blamed the FLMN. As the military dropped bombs on houses and schools, he said it had used restraint. He called for an investigation of the murders of the priests. Yet he warned against imposing any condition on our aid to El Salvador, saying it would "send the wrong message"—words we have heard so many times that in this Senator's mind they have lost their meaning.

But what he did not say and what the administration refuses to admit, is that a policy based on military victory over the rebels in El Salvador only condemns the people of that country to greater misery and devastation.

What he did not say is that while the Salvadoran people did not side with the FMLN in this latest offense, neither did they side with the government. They are exhausted, apathetic, stunned by endless violence and hopelessness. The FMLN will continue to be a serious threat to the government as long as it can at least count on the neutrality of the civilian population.

It was not mentioned that the majority of these 70,000 Salvadorans killed were the victims of the security forces, trained and equipped by the United States of America.

Or that the present Army Chief of Staff was head of the Treasury Policy when it was linked to some of the worst death squad atrocities. Or that President Cristiani occupies the presidential palace because Roberto D'Aubuisson chose him for the job. Or that many of the same Salvadoran officials who use our aid malign us behind our backs. Or that after thousands of political killings attributable to the military, no military officer has ever been punished for any of those crimes.

That is the reality of El Salvador, the reality that this country has not had the courage or sense to admit and why we have lost the respect of so many of the people there. We have spoken out only when it served our interests. We have let our money be used to subvert the very goals we sought to achieve.

The administration says the FMLN lost the offensive. If the FMLN's goal was to defeat the government, then I agree with the administration. But history has shown that as long as we continue on this course, the FMLN will continue fighting. There will be no winners in this war.

There is no military solution there. The FMLN cannot win militarily. The government cannot win militarily. The only way to prevent prolonged bloodshed is for the government to stop the corruption and the human rights abuses and show it can provide a better life to the suffering people of El Salvador.

Mr. President, there has been discussion of what would happen if we withhold aid to El Salvador. Earlier today the House voted not to take up such an amendment. I think we should vote on it in the Senate. If we are, after all, as we are often proud to proclaim ourselves the conscience of this country, then we ought to show that conscience. How many times can we say we are facing a legislative deadline or face a calendar deadline or whatever, that this is not the time to act?

We all deplore the violence. I deplore the violence of the right and left. I think of the people in between who suffer. Does anybody care enough to do more than deplore what is happening?

No Member of this body, Republican or Democrat, no matter where they are from, can help but be shocked by the murders that have taken place. None of us condone murders, whomever is responsible. But, Mr. President, when we send our foreign aid, we send it out of the generosity of a great and good nation that exists on the bedrocks of liberty and respect of human rights.

If we ask people to believe in democracy, to have free elections modeled after ours, and when we are the main support financially of a country or government, do we not also have to say along with that comes responsibility to show a respect for the basic human rights that we do?

That is not the message we are sending if we do not act today.

The Senate can vote my amendment down. But what message does that send? Some can argue that this is not the time. But sooner or later we have to ask ourselves, after years and years of refusal to add restrictions, when is it the time? How many tens of thousands of deaths must we have before you reach that level when it is the time?

I think today is the time. Let us see at what point our revulsion reaches such a level that we will stand up as a body and say it is the time.

Mr. President, I yield to the distinguished Senator from Washington State.

Mr. ADAMS. I thank both Senators from Wyoming.

Mr. President——

[Disturbance in the gallery.]

The PRESIDING OFFICER. I will remind the people in the gallery that they must be in order at all times.

The Senator from Washington.

Mr. ADAMS. Mr. President, I rise today in support of Senator LEAHY's position on withholding military aid to El Salvador.

In doing so, I want to express my view that I know this effort may take today and many days of effort, but I personally do not believe we should spend even one more American dollar on military aid to El Salvador until we have been provided with clear and unequivocal proof that our assistance contributes to peace, not war; to rational dialog, not kidnaping and assassination; and to national reconstruction, not to death and destruction.

President Cristiani holds office, but does he hold power? That is a crucial question being asked, and the one that must be answered before we commit any additional financial support to the Salvadoran military. To do otherwise would be an act of extreme irresponsibility. Blood money from murderers can only stain the hands of those who send it.

Mr. President, the recent outbreak of hostilities within San Salvador, with the civil war carried to the capital city and with the fragment grenades exploding within distance of President Cristiani's personal residence, carried with them a strange and eerie echo, an echo of the Tet offensive and the turning point in the Vietnam War.

Even as we listen to predictions that the FMLN is losing strength, that it lacks any meaningful popular support, that its hardcore members are less than 2,000, we see proof that our financial assistance has not made a difference, has not contributed to a negotiated settlement, and has not brought the kind of positive changes within El Salvador's military we should expect.

Mr. President, we have been down this road before in other countries, and the tragedy of placing credibility and financial might of the United States of America behind flawed intervention policies is not a road that we should be on. Far better that we should turn back than we should lose our way.

On September 20, 1989, we in this body on one of those few occasions, thanks to Senator LEAHY, who is on the floor now, were having a discussion concerning El Salvador and what has occurred in recent years. By a vote of 68 for to 32 against, this Senate voted to remove restrictions from the Foreign Assistance Act that would have conditioned our assistance upon positive changes in the human rights situation in that country.

I spoke in opposition to removing that restriction and voted with 31 of my colleagues, and along with Senator LEAHY, to insist that we condition assistance on positive developments in the area of human rights. Some very compelling and persuasive arguments in support of removing those restrictions were made by individuals whose

opinions I respect and with whom I have joined in previous efforts to deny assistance to El Salvador.

The distinguished Senator from Vermont [Mr. LEAHY] argued eloquently that this body should argue and should serve as a conscience of our Nation. He has done that again today, Mr. President.

However, those who voted with us to cap aid were right. But later, some said, "Give President Cristiani a chance," and "Do not send the wrong signal to Mr. Cristiani's opponents in the military."

Well, they carried the day, and some of us who had tried to condition assistance on human rights went along. We will not do that again. We went down that road, and we will not go down that road again by voting to send unrestricted military aid to the El Salvador military. By doing that, we sent precisely the wrong signal; the wrong signal was sent to those merchants of death who hold control of military power in that tragic war-torn little country.

To think that we have done otherwise ignores the painful facts that accompany the Nation's 10-year investment in El Salvador's civil war.

I was not here at the beginning of that war, Mr. President, but I was serving in the Congress of the United States during the Vietnam war. Some of us have come back, and we see in El Salvador too many of the things that we saw in Vietnam.

Mr. President, my State, the State of Washington, has suffered. That is one of the reasons I am here today, not only for personal conscience, but to speak for those people who have suffered.

Mr. President, it is necessary at this point to review a few of the facts and draw some necessary conclusions that flow from those facts before we consider, once again, whether we shall be the conscience of this Nation as it relates to our involvement in El Salvador.

El Salvador is the smallest country in the Western Hemisphere. It is the most densely populated, with more than 5 million citizens, the vast majority of whom live in landless, grinding poverty.

We have sent over $1 billion in military assistance to El Salvador over the past decade. With our support in this poor country, the Salvadoran Armed Forces have grown from 12,000 to 56,000. Has the quality of life of the average Salvadoran been positively impacted by that investment? Most certainly not.

Over the past decade, living standards have dropped by 30 percent. over 70,000 have died; over 10,000 children have become orphans. Over 10,000 citizens have become amputees.

From the remoteness of this Senate floor, these numbers too often appear to be just tragic statistics, but that is wrong. These are living, breathing human beings, individuals killed or wounded in El Salvador, and each is a unique human being, a person with hopes and expectations and a desire to live.

Two of those who died in El Salvador came from my State. Their reasons for being in that troubled little place and the circumstances surrounding their deaths weigh very heavily upon me. They affect my thinking about this country's commitment to the present El Salvador Government, and they will continue to affect every vote I cast for as long as the subject of aid to El Salvador returns to the Senate for consideration. As a Senator from the State of Washington, I feel obliged to ask tough questions and to insist on honest answers.

Mark Pearlman was a dedicated young man from Seattle, WA, who went to El Salvador in 1981 to help implement the Salvadoran Government's land redistribution program. His work was under the sponsorship of the American Institute for Free Labor Development, through a grant from the Agency for International Development.

While dining in a San Salvador restaurant in 1981, Mark Pearlman was brutally murdered, along with a fellow American, Mark Hammer, and with Jose Rodolfo Viera.

The men who ordered these brutal murders have never been prosecuted, and those who committed these murders were placed in prison but have been released from prison, despite substantial evidence that has been collected implicating both those who ordered the murder and those who carried it out. They enjoy the protection of top-ranking military officials in El Salvador: the opportunity to commit murder without fear of punishment. Despite our pleas that justice be done, despite our withholding aid as an incentive for prosecution, nothing is done. Neither President Duarte nor President Cristiani has been able to convince the civilian legal system to deal with murderers in uniform. This failure speaks loudly of the civilian government's status: holding office without holding power. And what has become of the land reform program for which Mark Pearlman gave his life? Mr. Cristiani's ARENA Party has no interest in the effort to provide for land reform in El Salvador. The ARENA-controlled Supreme Court has issued five rulings reversing portions of the land reform program, and is expected to hand down 21 additional decisions in the next year.

A little over a week ago, Christopher Babcock, a young man from Spokane, WA, died after being hit by a grenade fragment. He was a schoolteacher, who happened to live a few doors from President Cristiani's residence.

In the span of time between the death of Mark Pearlman in 1981 and the death of Christopher Babcock in 1989, I have been advised of numerous cases of harrassment, intimidation, and arrest of other citizens of my State. In every instance, the individuals have been in El Salvador for humanitarian purposes: members of the clergy ministering to the spiritual needs of the traumatized poor in El Salvador; doctors, nurses, and health care workers attending to the sick and wounded. These good people are called "subversive" by the current government, and accused of collaborating with "the enemy." Yet the most subversive item any of them has ever been accused of carrying is a Bible, or a bandage, or a plan for land reform.

Mr. President, a government that is unable to differentiate between the epistles of St. Paul and the teaching of Karl Marx, is a government in need of focus and direction that cannot be found in the barrel of a gun or on a ride in a helicopter gunship.

We were asked on September 20, 1989, to give President Cristiani a chance. We agreed to send him military assistance. Since that vote, six Jesuit priests were brutally tortured and killed, along with their cook and her teenage daughter. Most probably, weapons purchased with U.S. tax dollars were used to carry out these acts of unspeakable violence. What is the response of civilian law enforcement authorities? The Attorney General of El Salvador brazenly suggest that Pope John Paul should remove all senior clergy from the country, for their own safety. He suggests that teaching a theology that respects the dignity and rights of the poor is unwanted in El Salvador.

This is the same arrogant attitude that asks us to provide military assistance without condition, without accountability for the death of Mark Pearlman and other Americans murdered by government troops, and without asking whether our contribution is likely to lead to a just and enduring peace. Until I am convinced that our financial aid is so directed, I firmly believe we should stop aiding and abetting this tragedy.

Mr. President, I ask unanimous consent that an editorial from the Seattle Post Intelligencer; a letter from the Jesuit Fathers from Gonzaga University, Spokane, WA; and a letter from the Church Council of Greater Seattle and other religious community leaders that have been sent to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post Intelligencer, Nov. 17, 1989]

HALT ARMS AID TO EL SALVADOR

The struggle against repressive, totalitarian governments is not limited to Eastern Europe. It is also taking place in El Salvador.

The bloody violence that broke out last Saturday in El Salvador already has killed a number well over 500, which rises almost by the hour.

The pace of terror increased even more in the early hours yesterday when gunmen, alleged to be in uniform, dragged a Jesuit priest, believed to be a rebel sympathizer, and seven others from their beds, tortured them and shot them to death.

El Salvador's recent history is, or course, written in blood. It is plagued by "death squads" and torn apart by revolution. Civil war has tormented the nation for a decade now, taking a toll of some 70,000 dead.

While there appeared the glimmer of hope for true democracy under the now terminally ill former President Jose Napolean Duarte, the power of the old-line military was too much for Duarte. Current President Alfredo Cristiani and his right-wing ARENA party appear willing allies of the brutal military establishment.

Another willing ally is the United States, which pumps an average of $1 million a day into the Salvadoran government. Astonishingly, the Bush administration is calling for an immediate increase in military aid to the ARENA regime.

That financial support, argues Salvadoran union spokesmen Gregorio Osorio Duran and Miguel Ramirez, is the only thing left propping up the Cristiani government. Osorio and Ramirez, on a speaking and fund-raising tour of the United States, argue that with a constant flow of American dollars to pack the Salvadoran coffers and line the pockets of the military elite, ARENA has no real motivation to take part in earnest, legitimate negotiations.

Clearly, the apparently broad-based violent opposition to the ARENA regime now playing itself out in the streets and town squares of El Salvador casts doubt on Cristiani's popular support.

That, combined with the growing reports of government atrocities, old and new, make a convincing case for suspension of U.S. military aid to the Cristiani administration. Rather than guns, El Salvador needs a cease fire coupled with a clean process to assure Salvadorans a freely and fairly elected system of government.

GONZAGA UNIVERSITY,
Spokane, WA, November 17, 1989.

Senator BROCK ADAMS,
Washington State Senator.

DEAR SENATOR: On the occasion of the violent deaths of our brother Jesuits in San Salvador, the Jesuits of Gonzaga University wish to express our outrage at the continuing bloodshed sustained by American arms. We call on the government to stop shipment of all arms to El Salvador and to ask the Soviet Union to do the same.

Patrick B. O'Leary, S.J., Rector; Robert V. Lyons, SJ; Patrick Rogers, SJ; Tom Lamanna, SJ; Stephen R. Kuder, SJ; Tim F. Cronin, SJ; Harold Grief,, SJ; Robert R. Dorin, SJ; Gary Uhlenkott, SJ; J. Kevin Waters, SJ; James G. Powers, SJ; James N. Meehan, SJ; Tom Miller, SJ; Robert Gillingham, SJ; Frank B. Costello, SJ; Patrick J. Ford, SJ; Joseph F. Conwell, SJ; Donald B. Sharp, SJ; James K. Voiss, SJ; Peter Ely, SJ; Francis Walsh, SJ; Bernard Tyrrell, SJ; Lloyd St. Marie, SJ; George Morris, SJ; William F. Ryan, SJ; Jerome Schwegman, SJ; Walter Leedale, SJ; Joe Masciulli, SJ; Neill Meany, SJ; Scott Coble, SJ; Kenneth Krall, SJ; Dave Anderson, SJ; A.L. Morisette, SJ; Don Jellison, SJ; Hugh Boyle, SJ; A.L. Dussault, SJ; Michael Cook, SJ; John J. Evoy, SJ; Jim White, SJ; Len Sitter, SJ.

THE CHURCH COUNCIL
OF GREATER SEATTLE,
Seattle, WA, November 17, 1989.

We, the undersigned leaders of the religious community of Washington State, call upon our president and leaders in Congress to help stop the war now raging in El Salvador.

Today, we grieve for the many who have died in the past few days and the past few years in that troubled country. We grieve for the 6 Jesuits and their staff who advocated peaceful change and reconciliation. Their brutal murders will further undermine the faith of the El Salvadoran people in non-violent change. We grieve for all who have already died.

This week a teacher from our own state was among the 70,000 who have been killed in the war. More deaths will not bring him back to us. We fear for our friends in El Salvador. We fear for the Lutherans whose church has been occupied and whose leaders have been threatened with death and taken into custody. We fear for the safety of the church workers from our community who have been arrested and are being held by the Salvadorian armed forces. We fear for the homeless earthquake victims who are being bombed and caught in the crossfire.

At a time when hopes for peace and democracy are being realized in Eastern Europe we deplore this situation that we have promoted in our own hemisphere.

We object to our U.S. foreign aid being used to bomb, to torture, to murder innocent civilians.

We believe our government can and must help end the conflict. We urge our leaders to: 1) call on both sides to agree to an immediate cease-fire and to resume peace talks; 2) demand that both sides respect the lives and rights of civilians and 3) immediately suspend military aid to El Salvador.

After 10 years of suffering war and violence, the time has come for peace and reconciliation in El Salvador.

Yours in peace.

A partial and growing list of signatories:

Alice Carle;

Father Bill Waring;

The Very Rev. Frederick Northup, Dean of St. Mark's Episcopal Catherdal;

Rev. Barbara Wells of Eastshore Unitarian Church;

Archbishop Raymond G. Hunthausen, Roman Catholic Archdiocese;

Rabbi Norman Hirsch, Temple Beth Am;

Coadjutor Archbishop Thomas Murphy, Roman Catholic Archdiocese;

Rev. Dorian McGlannon of Epiphany Episcopal Church;

Rev. Donovan Cook, University Baptist Church;

Rev. Greg Zimmer of Renton United Methodist Church;

Anne Hall, University Baptist Church;

Rev. John Hierholzer of First United Methodist Church;

Rabbi James L. Mirel Temple B'Nai Torah;

Fr. William Treacy;

Rev. David Bloom, Church Council of Greater Seattle;

Sr. Barbara Schamber, Sisters of Providence;

Sr. Sharion Casey, Tacoma Dominicans;

Sr. Andrea Nenvel, Sisters of St. Joseph of Peace;

Alice M. Woldt, Church Council of Greater Seattle;

Rev. Steven Bauck of Ecumenical Metropolitan Ministries;

American Friends Service Committee;

Albert Hideshima;

Rev. John Boonstra, Executive Minister, Washington Association of Churches;

Kay Wight, President, Seattle Church Women United;

Ginny Andrews, President, State Church Women United;

Jan Cate, Church Women United;

Penny Poor, Church Women United;

Rosemary Christilaw;

Rev. Dr. Peter Raible of University Unitarian;

Tony Lee of Washington Association of Churches;

Rev. Ronald Marshall of First Lutheran of West Seattle;

Rev. Dr. William B. Cate, President-Director, Church Council of Greater Seattle;

Rev. Robert Winkel of Magnolia Lutheran Church;

Rev. James Stockdale of University Christian Church;

Dr. Bruce G. Parker, District Superintendent of United Methodist Church;

Rev. Bob Gray of Pine Lake Presbyterian Church;

Frank Case, S.J., Oregon Province of Society of Jesus;

Sharon Casey, O.P.;

Patty Beaty, Agness Huck, Executive Team of Dominican Sisters of Tacoma;

Magdelen Kefel, O.S.B.;

Therese Gonville, O.S.B. Benedictine Sisters of Lacey;

Barbara Matteson, O.P., Dominican Sisters of Edmonds;

Andrea Nenzel, Kathleen Pruitt, Char Davenport, Carmel Little, C.S.J.P., Administrative Team of Sisters of St. Joseph of Peace;

Louise Dumont, C.S.J.P.;

Barbara Shamber, S.P. Sisters of Providence;

Steve Sundborg, S.J., Rector of Jesuit Community of Seattle University;

Kathryn Ferguson, S.N.J.M. Provincial Sisters of the Holy Names of Jesus and Mary, Spokane Province;

Elizabeth Brennan, B.V.M.;

Rev. Dale Kelly, University Christian Church;

Jack Morris, S.J.;

Peter Bryne, S.J.;

Rev. Duncan Hanson, Pastor of Woodland Park Presbyterian;

Mary E. Hanke;

Alice Myra Siegal;

Art Siegal;

Nancy Rising;

Rabbi Earl S. Starr;

Rabbi Stanley Meisel;

E. Robert Fleisher;

Patricia Stotland;

Rabbi Daniel E. Bridge;

Billie Portnow;

Sarajay Burnley;

Judith Schocken;

Lon Berg;

Bernice Lillrose of Overlake Park Presbyterian Church;

Alma Bates of Overlake Park Presbyterian Church;

Rachel Cohen;
Deborah Cambell;
Martin Cartageno;
Kathy Henderson;
Barbara Fithian;
Jean Hueston;
Unitarian Universalist Service Committee/WA.;
Roseanna Lagace.

Mr. ADAMS. I thank you, Mr. President, and I thank the other Members of the Senate for their time.

A tragedy of enormous proportions is unfolding in this Nation.

I commend Senator LEAHY for reminding us that we are the conscience of our Nation. We should vote our conscience, and we should be certain people of the United States are protected and know that we are a conscience and are carrying out our duty.

Thank you and I yield the floor.

[Disturbance in the Visitors' Galleries.]

The PRESIDING OFFICER. The Chair reminds the people in the Gallery that any kind of an outburst will not be tolerated, that the Sergeant at Arms will remove and, if necessary, arrest violators of that rule.

[Disturbance in the Visitors' Galleries.]

The PRESIDING OFFICER. If the Sergeant at Arms——

[Disturbance in the Visitors' Galleries.]

The PRESIDING OFFICER. The Republican leader is recognized.

TRIBUTE TO OLIVER J. DOMPIERRE, SENATE LEGEND

Mr. DOLE. Mr. President, I rise today to pay tribute to a Senate legend—Oliver J. Dompierre who passed away on November 16 at the age of 80, at Washington's Georgetown University Hospital.

Mr. Dompierre spent almost five decades on Capitol Hill with most of his distinguished years of work coming here in the Senate. He retired in 1979 as assistant to the Republican leader for floor operations.

In 1955, Mr. Dompierre became administrative assistant to Senator William F. Knowland of California. When the Senator was elected to be the Senate Republican leader, Oliver became the Senator's eyes and ears on the floor. He assisted the leader with floor operations, which included keeping track of the special legislative needs of the Members, where each Member stood on pending legislation, and whatever else needed immediate attention as it often does around this place.

It's never easy, but Oliver had an unusual kind of commitment and dedication. The truth is, he loved the Senate, which is why we will miss him here.

Mr. Dompierre continued his good work under Senator Knowland's successors as Republican leader: Senator Everett McKinley Dirksen of Illinois, Senator Hugh Scott of Pennsylvania, and Senator Howard Baker of Tennessee.

A resident of Washington since 1930, Mr. Dompierre was born in Negaunee, MI. He graduated from Columbus Law School, now part of Catholic University, and he attended American University, where he studied business. He recived LL.B. and LL.M. degrees.

He was a member of the District of Columbia Bar and was admitted to practice before the District of Columbia courts, the D.C. Court of Appeals of the United States, and the Supreme Court of the United States. During World War II, he served in the Navy.

He began his career on Capitol Hill in 1932, when he went to work for Senator Arthur Vandenberg of Michigan. He remained with him until the 1940's. When he joined the staff of Representative John B. Bennett of Michigan, he worked for Senator Homer Ferguson of Michigan before going to work for Knowland.

Mr. Dompierre was a member of the parish of Annunciation Catholic Church.

Survivors include his wife, Randy Fallen Dompierre of Washington; two daughters, Randy Mixer of Orlando, FL, and Carol Nottingham of Rockville, Md; a sister; three brothers; four grandchidren; and two great-grandchildren.

NOMINATION UPDATE

Mr. DOLE. Mr. President, to continue my update to the Senate on the progress of the administration's nominations awaiting Senate action, I was pleased that the Senate last night confirmed 33 nominations that were on the majority leader's list of nominations that both the White House, and the ranking minority members feel are important to be confirmed prior to the Senate's adjourning.

The list I submitted to the majority leader on Wednesday of last week, included 85 priority nominations. Counting last night's confirmations that brings the total number of nominations that the Senate has confirmed, since the majority leader received the list, to 39. Over half of the 46 nominations that remain on the majority leader's list are in committee awaiting action. If Senate committees are able to report out most of those nominations, and the Senate confirms the majority of those reported out, then, in this Senator's opinion, the Senate will have fulfilled its constitutional duties in a fairly responsible manner before we adjourn sine die.

SENATE JOINT RESOLUTION 212—ARMENIAN GENOCIDE RESOLUTION

Mr. DOLE. Mr. President, it is not often that a commemorative resolution turns out to be one of the most controversial items of a congressional session.

But that is exactly what has happened with Senate Joint Resolution 212—the Armenian genocide resolution I introduced earlier this year, which is now on the Senate calendar. At the time that the Senate Judiciary Committee favorably reported out the resolution, I indicated that I intended to give all interested parties an opportunity to consider and offer comments and ideas on the resolution before I sought to move it to the floor.

In fact, I have had a number of very useful discussions on the resolution with senior officials of the administration. The President has written to me twice on the matter. I think we have made some progress in closing the gap of disagreement that existed on the resolution.

Simultaneously, I have also been in close touch with the Armenian-American community; I have met with members of the Jewish-American community who have taken a special interest on the resolution; and I have also been in touch with both the Turkish-American community and the Turkish Embassy here, including meeting with the Turkish Ambassador.

I made it clear to everyone that I remain firmly committed to the resolution and intend to move it as soon as possible. I also made clear that, in my view, the resolution should not and need not have any impact on United States-Turkish relations nor should it in any way be seen as offensive to citizens of Turkey nor, especially, Turkish-Americans.

The resolution commemorates events long since past, perpetrated by people long since dead, in an imperial state long since swept away by history.

The resolution notes the tragedy that befell hundreds of thousands of Armenians. It says nothing about modern-day Turkey or its citizens.

Despite good faith efforts on all sides, we have not yet been able to come to a meeting of the minds on language that would be true to my original intent, make clear the essential points I have just mentioned, and still be acceptable to the administration.

Meanwhile, the session will draw to a close within days, certainly, and hopefully, within hours.

For that reason, I have today informed the White House, and I want the Senate to know, that I have decided not to seek floor action on Senate Joint Resolution 212 during this session; that I do intend to continue the consultations I have already undertaken, especially with the administration, to determine if acceptable language can be devised; but, in any case, it is my intent to revisit this issue early in the next session.

The bottom line: It remains my intention to see that the Senate acts, and acts favorably, on Senate Joint Resolution 212 well prior to the April 24 date it marks to remember the terrible events of the Armenian genocide. And I invite all interested parties to work with me toward that end.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. CONRAD. Mr. President, before I proceed with the statements that I have prepared, I want to associate myself with the remarks of the Senator from Vermont.

I share his outrage at the murders in El Salvador of the six Catholic priests. I think this is an action that shocks and outrages us all. It strikes me that this is the time to send a message. We want no part of a government and a movement that would in any way condone or be involved with such outrages.

INDIAN TRIBAL COLLEGES

Mr. CONRAD. Mr. President, I rise today to call to the attention of my colleagues the very important report released last week by the Carnegie Foundation for the Advancement of Teaching. The report, entitled, "Tribal Colleges: Shaping the Future of Native America," was the culmination of a 2-year study of our Nation's tribal colleges. It provides testimony to the significant contribution these institutions make to Indian country, and I commend it to my colleagues.

Tribally controlled community colleges play a vital role on Indian reservations where they exist. They contribute to a sense of community, promote Indian culture, aid reservation economic development, and provide educational opportunities that would otherwise be unavailable to many Indian people.

The four tribal colleges in North Dakota—Standing Rock College, Fort Berthold, Little Hoop, and Turtle Mountain Community Colleges—as well as United Tribes Technical College in Bismarck and the many other tribal colleges throughout the country, provide indispensable education services to Indian people. They are shining stars of opportunity in areas often ridden with poverty and lost hopes.

I have seldom seen institutions do more—and with less financial support—than tribal community colleges. These institutions have been living a barebones financial existence for years. Their per pupil funding during fiscal year 1989 was $1,964—more than 50 percent below what a small State institution would receive in equivalent appropriations, and less than one-sixth of the funding per student provided, for example, to Howard University here in Washington. But faced with these conditions, tribal colleges have still managed to contribute.

For example, the report cites the achievements of Turtle Mountain Community College and Standing Rock College in North Dakota. According to the report, 28 percent of Turtle Mountain's vocational education graduates transferred to a 4-year college and over 70 percent found employment immediately after graduation in 1983.

And at Standing Rock, with a reservation unemployment rate of about 80 percent, fewer than 5 percent of the community college's graduates are known to be unemployed or not attending another institution of higher education. A total of 228 students graduated from Standing Rock College between 1976 and 1986.

With a reservation population of only a few thousand people, these results have important implications. And as the Carnegie report points out, the benefits are not merely job-related. Rather, "graduates who remain on their reservations after graduation offer the seeds of social stability, economic growth, and future leadership."

Mr. President, I would like to read briefly from the report one example of how these institutions can make a difference:

> On (the) Turtle Mountain Reservation, about 45 percent of the high school students do not finish school, but until the college started its center, the nearest GED program was over 90 miles away. With no satisfactory way to earn a diploma, many simply went without the education and remained unemployable. Today Turtle Mountain Community College has one full-time and two part-time instructors who tutor about 250 GED students a year. About 65 go on to complete the course and pass the exam. According to Director Sandy LaRocque, about 70 percent of the students are women and many are single parents. "They quit school because they got pregnant," she said. "Now that their children are older, they are coming back." For many students too old to return comfortably to the public school and unable to move off the reservation, the college's program is the only acceptable option. "If there was no program, there would be no other alternative," LaRoque said.

Mr. President, these institutions play an essential role on Indian reservations. And if we expect them to continue to make a difference, we cannot expect them to continue operating without even half the funds of other educational institutions.

The Carnegie report makes several recommendations with an eye toward improving tribal college capabilities. These include developing cooperative relationships between 4-year colleges and tribal colleges, linkages between tribal colleges and the economic and social needs of their communities, faculty, libraries, science labs, and classroom facilities, just to name a few.

At the top of the list of recommendations, however, is funding. Without adequate funding, these schools each year are faced with cutting salaries, employee fringe benefits, equipment, and many areas of their instructional programs. Without a realistic Federal commitment, many may be forced to cut back on the quality of education they provide, or even to close their doors. Without adequate funding, they will be forced to struggle for their very existence, rather than build their communities.

This year Congress provided tribal colleges with a much needed increase in funding. However, even this increase will add only about $400 per student. Much more is needed.

The Bismarck Tribune last Tuesday ran an editorial entitled "Indian Schools Need Federal Commitment." While the editorial cited important private contributions being made to tribal colleges, it went on to say that "the key to improved education for American Indians remains a genuine commitment on the part of the Federal Government. Per-pupil payments must be raised."

Mr. President, tribal colleges aren't asking for much—just a fair chance to keep trying to improve educational opportunities for Indian people. This will be good for all of us—Indians and non-Indians alike.

The Bush administration is currently working on its proposed budget for fiscal year 1991. Early next year, Congress will begin action on the budget. I urge President Bush, as well as my congressional colleagues, to heed the words of the Bismarck Tribune and the Carnegie report on tribal colleges. This is one area where a Federal investment really does make a difference.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1934 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CONRAD. Mr. President, I thank the Chair. I thank very much my colleagues for allowing me to make these presentations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 1935 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 1935 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. KOHL assumed the chair.)

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, it is my understanding we are now in a period where we are without business before the Senate.

I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AID TO EL SALVADOR

Mr. KERRY. Mr. President, the subject of El Salvador has been on the minds of a number of colleagues in the course of today. It is obviously in the minds of many people in this country, no less so, I should say, than in the minds of Salvadorans themselves at this moment.

We have had a meeting in the course of this afternoon—Senator LEAHY, Senator MITCHELL, Senator KENNEDY, Senator DODD, Senator HARKIN, and myself—and there are, I think, other meetings going on to discuss the question of where we are parliamentarily and where we may proceed at this point in time given the parliamentary situation with respect to this issue.

I would like to speak for a moment, Mr. President, if I may, about that situation in El Salvador and what it is that some of us are thinking about at this moment with respect to it.

It occurs to this Senator—and I join Senator LEAHY, Senator HARKIN, and others in an expression of this view—that the events of recent days in El Salvador bring us to a point where, by necessity, by conscience, as well as by the practicality of what will or will not impact on events in El Salvador, we ought to be taking some kind of action here in the United States Senate to signal a shift in our view regarding our policy in that region. It is imperative, I believe, that the United States Congress make a judgment with respect to the changes that have taken place in El Salvador in recent days, indeed, in recent months, but which have only perhaps manifested themselves as a result of the actions of recent days. And in light of those changes, we ought to be considering whether or not we are willing to have U.S. tax dollars go for further military aid in a totally open-ended fashion in a way that places no restraint whatsoever on the use of those dollars or on the expectations that are attached to the receipt of those dollars.

Mr. President, only 2 months ago, I joined with other Senators on this floor in respecting what we perceived at that moment in time to be a viable peace process, and we determined at that point in time because the FMLN had made a proposal in which it withdrew its request for power sharing and in which there was a series of steps taken by President Cristiani evidencing his good faith fulfillment of promises that he had made both quietly and openly respecting the peace process, that in furtherance of those two events and a commitment by both sides to sit at the peace table without either side walking out, that there was, in effect, a congressional willingness to reinforce the importance of that peace process.

Today, however, we meet at a moment where the peace process has been interrupted by strafings of civilians, by 500-pound bombs dropping on barrios of San Salvador, by .50 caliber bullets and "Puff, the Magic Dragon," shooting indiscriminately at civilians in El Salvador.

I heard a witness the other day before the Foreign Relations Committee talk about how surgical Puff, the Magic Dragon can be, and how it has the ability to pick its target with such care.

The hard fact is, Mr. President, that the current spate of casualties in El Salvador belie the reality of that accuracy and call into question whether or not we are pursuing a policy which citizens of this country ought to feel is appropriate and can continue to support.

Mr. President, the brutal murder last Thursday of six Jesuit priests—and I want to make one thing very clear here, I am not comfortable, and I am not going to come to the Senate floor trying to draw grisly pictures of the brutality of those murders that somehow separate it from the total brutality of what is going on in El Salvador. On the right and on the left.

No Senator in good conscience ought to come to the floor and avoid either the realities of war itself and the brutalities that go with it or avoid the degree to which the FMLN have been responsible for setting into motion this current, latest moment of violence and the degree to which they have been guilty of assassinations themselves.

As I said, when I came to the floor in the middle of last week, neither side comes to this process with clean hands, but we are responsible for articulating a policy. As a country, we are responsible for determining how our tax dollars are spent. We are responsible for making choices that can or cannot affect the course of negotiations, and in fact, how our actions affect the poor majority themselves in El Salvador.

I would suggest respectfully that the hard reality is that currently our dollars are being spent in an indiscriminate way that does not maintain accountability over the process, that does not further the peace process, and that even, I believe, weakens the hand of President Cristiani.

Mr. President, the murder that I referred to of those six Jesuit priests at the Central American University in San Salvador is an ominous sign that the rightwing death squads inside and outside of the security forces are operating with impunity once again.

Every Member of the Senate and of the House of Representatives ought to be sufficiently forewarned that the killing of these six priests is only a beginning. The Attorney General of El Salvador, Mauricio Eduardo Colorado, made that very clear in a letter that he sent to Pope John Paul II last week. In that letter, the Attorney General, not a member of the military, not a member of any faction outside of Government, but the Attorney General of the Government that we support with our dollars, warned that Catholic bishops who promote the Church of the Poor in El Salvador should leave the country for their personal safety.

In that letter, Colorado stated that although the armed forces were in total control of the national territory of his country "we believe it is 1,000 times better to prevent actions than to have to investigate them later." In other words, Mr. President, they stand a very good chance of being killed.

Colorado followed up that letter with a press conference on Sunday, and he charged in that press conference that the bishops "had somewhat questionable political tendencies."

So, Mr. President, here we have the attorney general of the country that we are supporting with our tax dollars saying that there is not any room for political pluralism; saying that they cannot safeguard the lives of even church members who are trying to bridge the gap between war and peace.

Mr. President, the signal is very clear. This threat, coming as it does from a member of the Salvadoran Government, is really a declaration of open war on the Catholic Church in that country. That opening volley of the war came with the murder to which we have referred. And Attorney General Colorado is responsible for overseeing the investigation of the Jesuit murders.

Are we to believe that a person who is unwilling to protect the pluralism, who sends a warning to the Catholic Church that they must retreat and withdraw and pull out because they hold questionable political tendencies, that that investigation will be carried to its fullest?

Is that supposed to give us the confidence that we will have a legitimate

investigation? Can any one of us in the United States delude ourselves into believing now that this investigation will be a fully serious investigation that will bring to trial those who not only pulled the triggers but those who ordered this extraordinary deed to be carried out?

Mr. President, I believe that the Senate and this country ought to act in the strongest possible way to say that we do have a right to expect that justice will be served. A failure to do so, a failure to send that message, will result in many more innocent victims between the time we adjourn, perhaps sometime in the next hours or this week, and when we return in January.

So I ask my colleagues, the choice is between sending a message to the Cristiani government and to the military in El Salvador that we do expect some kind of standard in the face of what has gone on, or the choice is that we send no message whatsoever and they receive continuation of military funds that require no accountability whatsoever, except the accountability of diplomatic cables, the accountability of words exchanged at the table, the accountability of an Ambassador saying we are going to hold you accountable but not one real stick that sends a message that we are serious.

As I said, Mr. President—and I do not mince these words—we do deplore the FMLN's violation of the rules of war, and they have violated those rules by going into civilian areas and using civilians as human shields.

But, Mr. President, we had a situation where you had some 1,500 guerrillas fighting against an army of 55,000 people, and I would ask whether or not the government of President Cristiani would not have been far, far better off to have played by those rules of war; to have held the army in restraint; to have had a structure where they had accountability so that the murders had not taken place, and then allowed the full fury of the world, indeed the full fury of the U.S. Senate and the House and of this Congress and this country to be heaped upon the FMLN for their brazen violation of those rules.

Would we not be in better shape, all of us pointing a singular finger at the FMLN for their actions, rather than for elements of the security forces to have taken license in this moment and have seen in it not a moment of opportunity for peace but a moment of opportunity to annihilate the people who are in fact the very bridges to the peace process itself?

So, Mr. President, we have a choice. It is not a pretty choice and it is not an easy choice. There is no reason whatsoever that anybody in the Senate ought to be sanctimonious about choosing and pointing the finger between one person's atrocity or another person's atrocity. But the process here is not one that is governed by money we give to anyone else except the money that we give to the Government of El Salvador. The test is whether or not the Government is truly in control.

Do we have a right to give money to a government that is not in control? Do we have a right to give money to a military that is going to take that money and use the bullets and use the guns and use the license of the unconditional attachment of that money so that they can go out and conduct their business as usual, which is obviously killing in the dark of night those who are innocent and those who seek peace?

Mr. President, I do not think there is any question about the choice, frankly.

It seems to me than the message sent by the attorney general of El Salvador is more than just a veiled threat. Over the past 4 days the Salvadoran military and security forces have engaged in a systematic harassment of churches, church personnel, and displaced persons for whom the religious community is attempting to provide protection and temporary shelter.

A growing number of church personnel have been taken into custody by the Salvadoran National Guard. The atrocity that was committed against the priests last week, Mr. President, or at the start of this week, did not end with that atrocity. It is continuing on a daily basis with the taking of prisoners of war, of those who are not even combatants in that war.

Church leaders and church personnel, including the Catholic Archbishop Rivera Y Damas, Auxiliary Bishop Rosa Chavez and Lutheran Bishop Medardo Gomez have each received a series of death threats. Twelve international church workers were taken from the Lutheran Church compound by the national guard on Thursday. Three Salvadorans who were employees of the Lutheran Church of El Salvador were detained Thursday afternoon. The 12 international church workers have been ordered to leave El Salvador. Two of the three Salvadorans who were employees of the church have been released now, but the third, a Salvadoran by the name of Salvador Antonio Ibarra, was ironically the defense attorney for the national guardsmen accused in the 1980 killings of the four Catholic lay workers and nun. He, Mr. President, is still in jail.

In recent days the Salvadorn treasury policy have undertaken extensive raids on churches, labor and peasant unions and opposition political party offices and they have been confiscating books and papers. Is that the democracy that we want our money to support, a democracy that intimidates those who dare to speak out about peace, a democracy that has foresaken a constituency of the poor and seeks to annihilate all who represent them? Is that where the tax dollars of this country are going, Mr. President?

More than 70,000 Salvadorans have died in this decade-long civil war. The vast majority of those 70,000 have been innocent civilians. And the vast majority of those innocent civilians, it is a documented fact, have died at the hands of security forces of that country and of the right-wing death squads. So we know, Mr. President, that the Pol Pots of the world come in many ideological disguises, and I would suggest, respectfully, that there are Pol Pots at high levels within the Salvadoran Armed Forces.

In 1984, the Senate Select Committee on Intelligence in a joint effort with the Central Intelligence Agency produced a highly classified study on right-wing terrorism in El Salvador.

Mr. President, I purposefully avoided seeing that report and I have never signed it out, or read it, or talked to anybody who has had anything to do with it. But I do know from independent sources within El Salvador, and I know from people who have confirmed to me about who was involved in the death squad activities, that that report contains the names of many Salvadoran military officers who to this day are in positions of command responsibilities.

So do we adjourn this session of Congress with unrestricted U.S. taxpayers' dollars subsidizing terrorist activities of those officers and their allies outside of the security forces?

I would surely hope that most of my colleagues would answer that question, "No."

In 1985, I asked the Reagan administration to declassify that report and to make it public so that people would understand the nature of this right-wing terrorism and the degree to which there are people within the military itself who are part of that problem. The administration refused to do so, Mr. President, and it is conceivable that we could judge that today the dilemma that we face as a Congress in trying to sort out how you support a decent person like President Cristiani, who takes risks and changes, how you support him while at the same time recognizing that when push comes to shove and you truly get near peace or you truly get near a true dialog, those forces always have the ability to rear their ugly head and somehow prevent that reconciliation from taking place.

Every knowledgeable observer of the Salvadoran system understands all too well that the FMLN offensive has given the extreme right the excuse for doing what those within it have done before and wanted to do and view as the real solution to the problem of El Salvador—that is to go out and elimi-

nate people who dare to speak for pluralism, who dare to speak for democracy, who dare to speak for the rights and needs of the poor of that country.

The reality and the tragedy here is that as President Cristiani tries to pick his way through this thicket, if we send our money, absolutely without any expectation as to what standard of behavior should be adhered to as conditions for receiving that money, then President Cristiani will deal with people who believe they have the upper hand.

Mr. President, if we cut off our money tomorrow, which many people in this country feel is something we ought to do and many in the Senate feel might be appropriate if we can move no further in any other direction, then you can bet your boots that the Salvadoran military would face a predicament. It is only the possibility of that predicament, of that reality, that will force then to a different standard of behavior. In the absence of that, Mr. President, the hardliners in the military will believe that they can do anything, as they have proven they are willing to do—for those who believe that the evidence points in their direction.

I know that some colleagues will come to the floor and say, well, Senator, how can you possibly draw conclusions thousands of miles from El Salvador when the investigation is not over and we do not know what has happened?

One of my colleagues who joins me in this effort had a conversation with President Cristiani today, and in the conversation with President Cristiani, it was acknowledged that the evidence pointed toward the military, and the military most likely had done this.

The Archbishop of San Salvador, on the front page of the New York Times said today, some strong indications are that members of the military or people close to them were responsible for this killing.

Let us say they are not. We are not seeking by conditioning this money to preclude the bringing to trial of people who are not in the military. The point is that our money ought to be guaranteed to bring whoever it is to justice, and to guarantee that we are supporting the government which has both the intent and the capacity to do so.

Mr. President, as we sit here and look at El Salvador today, based on the evidence we have seen of what the military is doing to the church, to the political parties, to the labor unions, to the Red and Green Cross, and to the people themselves, we cannot say that this is the kind of democracy or even a democracy that we would want to support.

No matter how well-intentioned President Cristiani and his allies in the private sector may be, the commander in chief of the Salvadoran Armed Forces is not the elected civilian head of government. The Salvadoran Armed Forces, no matter how many billions of dollars we have put in, are not a truly professional army.

Oh, yes, there are professionals within the army, and there are units that are professional. But the professionals are not in control of the armed forces across the board. That is a reality that we have to face.

Mr. President, I ask my colleagues to look at the lifestyles of many of the senior members of the Salvadoran military. Far too many of them have become more interested in involving themselves in business enterprises and indeed in borrowing from the national treasury, if not raiding it, than in supporting a professional army that is subservient and accountable to a democratically elected President.

Arturo Muyshondt is the president of the Bank Hipoticario. He has received two death threats because of his willingness to go public on the loans that he has been forced to give to individuals fronting for military officers. These loans run into the millions of dollars. They are unsecured and they will never be repaid. Collateral has not even been offered in most instances.

Mr. President, a military that is more interested in self-enrichment rather than in protecting the people, and a military that is more interested in protecting its own position of privilege rather than in supporting a negotiated political solution to this conflict is not a military that deserves the support of the United States.

I agree with Assistant Secretary Bernie Aronson that the biggest obstacle to the peace process in El Salvador is not the old oligarchy which used the armed forces to protect their economic and political interests. The new oligarchy emerging in El Salvador is within the armed forces itself, and that is why many in the private sector are strongly supportive of a negotiated solution and a reduction in the power of the military.

In Friday's testimony before the Senate committee on foreign relations, Assistant Secretary Aronson said that he felt the Salvadoran Armed Forces had exercised remarkable restraint in the face of continued FMLN provocations.

He stated that the human rights record this past year had demonstrated a diminution of abuses by the security forces. Yet, a recently published United Nations study paints an entirely different picture. That study points out that the human rights situation in El Salvador has worsened markedly in 1989, with murders by government and the leftwing forces continuing, and the torture in the jails becoming a frequent practice.

Hundreds of people have been executed in the past year by Salvadoran troops, rightwing death squads, and the guerrillas. The report stated further that hundreds, perhaps thousands more, have been arrested for political reasons with scores reported missing after their arrests.

The report called for the immediate adoption of measures to ensure that police interrogation of detainees conforms to the standards that have been set in El Salvador's constitution.

Mr. President, that 27-page document painted a picture of a society descending to near lawlessness. Human rights workers and witnesses describe long periods of interrogation while being blindfolded, extensive beatings, electrical shocks, and water tanks, use of drugs and acids, and on many occassions rape and sexual abuse of both men and women.

The author of the report pointed out that while the government had cooperated with the study itself, it had done little to prosecute the killings.

So, Mr. President, again I underscore, the least that we can do is what we did in the case of four Catholic lay workers and nuns who were killed by the national guardsmen in the early 1980's. In 1983, our distinguished colleague from Pennsylvania, Senator SPECTER, succeeded in having an amendment very similar to the amendment of Senator LEAHY, myself, and others, which related to that particular case, enacted into law.

That action on behalf of the Congress led to the conviction of the national guardsmen who pulled the triggers in that case. But as has consistently been the case in El Salvador, those who ordered the rape and murder of the nuns and Catholic lay workers were never held accountable.

That is why the measure that we contemplate taking, depending on the parliamentary situation, is one that includes military officers who ordered the commission of the crime, should they have been involved in this latest atrocity.

Mr. President, no doubt some will argue that any measure we take at this time will weaken President Cristiani; that if we place some conditions on aid, somehow we will be showing some sort of interference or some constraints that tie President Cristiani's hands.

I ask my colleagues to think about that assertion very, very carefully. The thought that President Cristiani's hands are tied right now is simply unacceptable. President Cristiani is struggling with a military that has evidenced its capacity to do what it wants, when it wants, and a military that most people who are observing this closely believe is out of control.

Moreover, the choice the Senate faces is a choice of sending no message at all, other than words, or sending some kind of message that makes clear

that the United States cannot sit by and see its tax dollars support a military that makes a mockery of the concept of democracy for which the Salvadorans voted in the recent election.

A prominent conservative politician was quoted in this morning's Washington Post saying, "Cristiani has become almost irrelevant in this." A diplomat was quoted as saying, "What is blindingly clear is that Cristiani does not have control of the far right. Some of the people may not be in the party, and I don't believe the party is organizing (the violence), but they are out of control."

Now, I realize that, again, there are those who will assert that the FMLN should be blamed for everything that is happening in EL Salvador today and that we should not take any action that will play into the hands of the FMLN.

Mr. President, I suggest that what is happening there now plays into the hands of the FMLN. Unless you give President Cristiani some tools to deal with this problem, he will not be able to control those responsible for death squad killings. Every time they engage in their violence, it will raise a hue and cry in this country that ultimately will take away from the progress which many thought they could have perceived some several months ago.

So, Mr. President, I think we have the special responsibility as the provider of the funds to attempt—I say attempt—to hold accountable, based on the proven experience of what we did in 1983, those who currently spend the hard-earned tax dollars of the U.S. citizens. Words have not worked. In 1983, then Vice President Bush went down there, and he issued a strongly worded warning about death squad activities. This year, Vice President QUAYLE delivered the very same warning.

Most recently, the conveyor of our concerns was Assistant Secretary Aronson. But, notwithstanding all this, the Church is being told, "Leave." We are being told the priests cannot be protected. We are being told—not told, we are watching while the political parties and labor unions and the others stand by helplessly as their offices are raided and documents confiscated and democracy rendered a sham.

Mr. President, some have said this is a moment to give more military aid to El Salvador. I respectfully suggest that the alternative open to us in the U.S. Senate, as an act of conscience, is to try to hold accountable that aid that we are already sending down there.

I am reminded of the words of President Kennedy. I cannot remember which speech it was, but I know he suggested that the United States had to evaluate its capacity to be policemen for the other 94 percent of mankind. Those words, perhaps, were never more applicable than they may be to the current situation and to the billions of dollars that we have extended in El Salvador.

When we met with Secretary Aronson in the Foreign Relations Committee last Friday, the distinguished senior Senator from Tennessee [Mr. SASSER], who has been deeply involved in this issue, asked a more important question. He asked why it is that this military that has had so many billions of dollars, that has had a recent election reinforcing the notion of democracy, that has had an enormous affirmation by virtue of American military assistance, why it is that they have so much difficulty in dealing with these numbers of guerrillas, and why it is that people in the barrios and elsewhere seem not to be so supportive of that military.

Yesterday, Archbishop Arturo Y'Damas warned of the growing fear of a return to the early 1980's, when up to 800 bodies a month were found multilated on the streets of San Salvador. Teachers, union leaders, students, academics, peasant leaders, and opposition politicians were all fair game. Many people in the Congress knew and respected Father Ignacio Ellacuria, Rector of the University of Central America. Many were close friends of the Rector.

In the Washington Post there appeared an op-ed piece by the president of Georgetown University, Leo O'Donovan, Society of Jesuits. Father O'Donovan wrote,

> If these Jesuits and their assistants can be murdered in cold blood, then anyone can be murdered.
>
> And that, of course, is what we cry out against in our souls. The human need to express outrage at such an evil signals our spirits' deepest conviction about justice and human dignity. Our all but mute grief mirrors a still deeper call to live together in peace. We must believe that this call is stronger than our capacities for self destruction. The tears we shed now are signs of a deeper power to bond us together as a human family.
>
> For the dimensions of this tragedy are not only personnal and political. If the fighting in the streets of San Salvador counts education and religious freedom among its casualties, we must decry an assault on the nation itself. Knowledge and faith belong to its soul. Whoever murders them, murders the country.

Can we turn our backs on that plea and on the reality of what is happening in El Salvador today? Must we stand by in silence as the 1980's return to those streets and visit us with a vengeance? I believe we have a moral responsibility to prevent that from happening.

War is once again being declared on the Catholic Church in El Salvador. It was declared in the murder of the six Jesuits and their assistants. It was publicly declared by the Attorney General, of El Salvador, who stated the church should cease being "the church of the poor" in his country.

The preachings of the church in El Salvador are consistent with every Christian teaching with which we have grown up. A vicious radical minority has taken virtually everything from the poor majority in El Salvador. Now they want to take away their spiritual strength and support. They literally want to take away their God.

I question whether these are the values we want to communicate with out aid, our tax dollars. Do we want another archbishop assassinated by the Pol Pots of the right? I plead with my fellow colleagues to send some kind of signal that we expect justice to be done in this case, that we expect the promise of democracy to be delivered. As Monsignor Ricardo Urioste, of the Archdiocese of San Salvador, always stresses to those who visit that: "Elections are but one note in the song of democracy. You Americans keep playing that note and expect us to hear a song."

Now even that note is on the verge of being lost in the cacophony of violence that is exploding in that country again.

I hope, Mr. President, that the values of our people and the values of our country and the values of millions of people around the world, which are admired by the people of El Salvador will be reenforced in the message that we send to them on this aid package.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, I shall speak very briefly, I say to my colleagues who are desiring to speak on the floor. I simply want to rise and join in those who are expressing concern about what is happening in El Salvador. Frankly, what is happening in El Salvador is in part—I am not saying entirely—but in part the result of an American foreign policy that has believed that we can have a military solution to the situation in El Salvador. When former President Duarte met with some of the rebel leaders, it was despite pressure to the contrary from the Government of the United States.

We were doing everything to see that those talks did not succeed because we accepted the word of the military leaders that somehow there could be a military solution. We have much too frequently, in Central America, tried to respond in the military fashion.

I always remember—and this deals with Nicaragua rather than El Salvador—when the State Department asked me to speak to an international gathering of education leaders in Washington. This was maybe 5 or 6 years ago. Before I began speaking

about our educational system in the United States, I said is there anyone in the group here from Nicaragua? And two people raised their hands. I said, could I talk to you afterward? They came down in front. I said to them—and I had not spoken about our policy in Central America at all—what should United States policy be in Nicaragua? And both of them said we do not like the Sandinistas, but let us solve our own problems; do not send down your weapons that are killing us.

I think we need, frankly, a reexamination of our initial kind of knee-jerk military response to this kind of a situation.

I have just been reading a book relating the story of the French Revolution. The French Revolution did not succeed as the American Revolution did and was much more bloody because there was not the constraint used by people on both sides. And to the people in El Salvador, whether the military or the rebels, I would say take a look at the American Revolution where moderates led, and take a look at the French Revolution. You do not want to do to your country what the French Revolution did to France.

France eventually worked out. France today is a fine, healthy democracy, and it is a great country. But the military response is the wrong response.

Seventy thousand people have been killed in El Salvador, a little tiny country of 3.5 million people. Much of the killing was as a result of weapons that we have been sending down there.

Mr. President, I have been in touch with a Lutheran bishop down in El Salvador by the name of Bishop Gomez. I ask unanimous consent to print his statement in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY BISHOP MEDARDO ERNESTO GOMEZ

The guerrilla attacks begun Saturday, November 11, persists after four days.

The victims, both dead and wounded, are numerous. They are in the hundreds and before the indiscriminate attacks to the civilian population, many people left their communities seeking refuge to protect their lives.

The Lutheran Church, in association with other sister churches, has put its resources together to serve in the areas of emergency to offer help.

After four days of fighting, the effects on basic needs are being felt so much, they are no longer insignificant. Those interested should help:

Spiritually: your prayers to God are needed to terminate the spilling of blood and find a solution to the conflict.

Economically: to help with typical basic needs of this emergency; especially for food and medicine.

Politically: actions to cease the fire, re-establish dialogue and the re-establishment of constitutional guarantees. Protection for institutions that offer humanitarian assistance, for churches, and for the lives of political leaders, popular and religious.

The danger these leaders are in is very great. Their persecution was initiated with the capture of Mr. Manuel de Jesus Guevara.

Mr. Guevara was taken out of his house at 6:00 a.m., on November 14, by men dressed in civilian clothes who were looking for Mrs. Ana Isabel de Guevera, member of the CPON (Comite Permanente Del Debate Nacional Por La Paz) (Committee for Peace).

Mr. Guevara was with his young children, sequestered, so he would not be found with his wife.

People have been captured, some disappeared, and even assassinated. People are in great danger: members of popular groups, of the CPON, of humanitarian institutions and of the church.

In the name of God, of this suffering Salvadoran city, of those in most need, we solicit your intervention to save lives.

With the benediction of God, Father, Son, and Holy Spirit.

Mr. SIMON. Bishop Gomez is in hiding right now. He and others who speak up for peace and for settlement in El Salvador fear for their lives. That just should not be. I have heard a report, and I am trying to verify it right now, that he is under an arrest order in El Salvador. I hope that it is not true.

But what we clearly have to do is, at the minimum, adopt an amendment that Senator LEAHY is going to be offering, saying let us hold back some of our military aid until we are least see that justice is done in the case of the slaving of these Jesuit priests. We ought to be doing much more than that. We ought to be leading to see that we pull the parties together and establish peace in that tiny little desperate country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CATASTROPHIC HEALTH CARE

Mr. MCCAIN. Mr. President, as is well known to all of us here we are facing a situation where we are nearing adjournment for the remainder of this year, and there are a couple of major issues that remain to be resolved between the House and the Senate.

One of the two is, of course, the issue of catastrophic health care legislation on which there are two significantly different positions taken by the House and the Senate. As we all know the other body has steadfastly held the position of total repeal of that legislation and the Senate by a vote of 99 to nothing. They have supported a position where the surtax has been repealed, and yet many of the core benefits associated with this catastrophic legislation has been preserved, such as catastrophic hospitalization, mammography, respite, home health care and so-called Mitchell drugs and other programs which, frankly, Mr. President, I believe are critical to seniors in this country.

There is some perception in the other body that there is an unwillingness to compromise and negotiate from the Senate position. I want to assure my colleagues and my colleagues in the other body, that that simply is not the case. We are eager to compromise. We are eager to negotiate. We feel that it would be a terrible thing for us not to get this issue resolved and go out of session.

There is one unanimous opinion or near unanimous opinion on the part of all Members in both bodies and that is that existing legislation is not satisfactory and it is not satisfactory for us to adjourn with existing legislation in place.

So Mr. President, I wanted to restate that we are willing to compromise. But more important than that, as I have said many times on this floor, I am not the message, I am the messenger. I am the messenger for millions and millions and millions of seniors across this country and I speak for them in many respects, and the credibility that I have, very frankly, comes from the organizations here in Washington that represent them, such as the National Council on Aging; such as the Coalition for Affordable Health Care, which represents 45 organizations of some 19 million people; such as the National Committee to Preserve Social Security and Medicare.

Mr. President, today I have been talking with those organizations and seeing if they are willing also to compromise because they speak for seniors. Mr. President, I shall read three letters into the RECORD at this time:

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Attention: Mr. David McIntyre.

DEAR SENATOR MCCAIN: The National Council on the Aging would like to add its name to those organizations supporting the compromise legislation now being considered to retain certain of the benefits of the Medicare Catastrophic Health Care Legislation.

While we would prefer to see that McCain initiative enacted as it passed the Senate 990, we are willing to support, reluctantly, certain compromises between the preferences of the Senate and the House that may include a second, limited deductible on Medicare Part A. We feel that the retention of even a limited number of the Catastrophic Care benefits are important enough to the interests of the aging, and indeed, to all Americans, to accept such a second deductible. We also support adoption of the House skilled nursing care transitional provisions.

The benefits that remain under the McCain legislation are too important to be lost to repeal. They address basic, unmet

and important needs of the elderly and ensure effective integration of benefits with private Medigap policies that have already been altered and put in place in anticipation of the Catastrophic Care program. They maintain the framework of a program of important Medicare benefits that will provide a base for efforts to fill in the gaps that yet remain in health care for the aging, especially long term care and full protection against the increasing costs of physician and/or pharmaceutical treatment.

For those reasons we are willing to support this compromise legislation and look forward to its final passage.

Sincerely,

DR. DANIEL THURSZ,
President.

NOVEMBER 20, 1989.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: As the House and Senate continue late hour negotiations on major revision of the Medicare Catastrophic Coverage Act of 1988, please be advised that the 45 organization member Coalition for Affordable Health Care will support a compromise plan incorporating the House language on skilled nursing facility coverage and add a second hospital deductible to the provisions of the Senate-passed catastrophic reform measure. The Coalition for Affordable Health Care has been on record in support of your bill which repeals the controversial surtax while maintaining a core package of benefits paid for with limited flat Plan B premium. We believe your compromise proposal meets these goals of the coalition.

GEORGE HENNRIKUS,
Co-Chair.
JUDY PARK,
Co-Chair.

NOVEMBER 20, 1989.

Hon. JOHN MCCAIN,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: The National Committee to Preserve Social Security and Medicare understands that House and Senate conferees have reached a compromise on the Medicare Catastrophic Coverage Act which would essentially retain the benefits which were included in the legislation which you sponsored and the Senate approved and add a second yearly hospital deductible not to exceed $400.00. While the National Committee does not favor having the hospital benefit reduced in this way, we strongly believe that this approach is preferable to total repeal.

Sincerely,

MARTHA A. MCSTEEN,
President.

Frankly, Mr. President, we have also talked to the American Association of Retired Persons. They are also in favor of assuming compromise.

I would like to state unequivocally from my conversations with Members around this body that we are willing to compromise. We are willing to bring other programs on line and we are willing to take certain measures to prevent what I think would truly be a catastrophic outcome, and that would be total repeal of this legislation. And the next greatest catastrophe which, in my view, would be to maintain the onerous burden of surtax on our seniors.

Mr. President, I yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as if in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. KERREY assumed the chair.)

CATASTROPHIC HEALTH CARE

Mr. JEFFORDS. Mr. President, first of all, I want to commend the Senator from Arizona for his words with respect to catastrophic health care. I think it would be a travesty if we were to leave this year without having reconciled the dilemma that we are in between repeal and doing something reasonable to keep the program in force.

I commend the Senator for his tremendous efforts in this regard. He knows I still support him strongly.

VIOLENCE CONTINUES IN EL SALVADOR

Mr. JEFFORDS. Mr. President, I want to talk now about another issue, an issue of great importance to me and to the country and one which troubles me deeply. I refer to El Salvador.

I have heard from many concerned Vermonters over the past 2 weeks expressing their outrage at these events and calling upon Congress to cut all military aid to El Salvador. I can assure you that in Vermont this is an incredibly important issue. Vermont, probably more than any other State, has a deep interest in the success of the democracy in Central America.

More than a week has now passed since the Salvadoran guerrillas launched a major military offensive, taking control of serveral areas of San Salvador and occupying areas outside the capital. Close to 1,000 people have been killed, and the death toll continues to mount. Most of the fighting is taking place in San Salvador, thereby putting more civilians at risk. The Air Force has responded to the FMLN attacks by bombing residential areas of the city, resulting in heavy civilian casualties. Both sides have been unwilling to allow the Red Cross and other medical teams into the areas of conflict, and the Salvadoran Armed Forces have refused to accept a temporary, 6-hour truce to allow for evacuation of wounded. I understand that the Secretary General of the Organization of American States, Joao Baena Soares, is personally attempting to bring about some resolution of this situation.

On November 16, the world was further shocked by the horrible news that six Jesuit priests had been dragged from their home at 3 a.m. that morning, tortured and then brutally assassinated, along with their housekeeper and her 15-year-old daughter. One of the priests was the prominent rector of the Central American University, Rev. Ignacio Ellacuria, and the vice rector, Ignacio Martin-Baro. All indications to date point to the involvement or at least knowledge of some members of the armed forces.

Mr. President, preventing human rights abuses and prosecution of those guilty of human rights violations have been cornerstones of U.S. policy since 1984. When President Duarte came to power, the United States agreed to provide massive quantities of aid, second only on a per capita basis to that provided to Israel and Egypt. We conditioned aid upon a reduction in human rights abuses and upon other areas of change, especially in the area of land reform, along with judicial reform. We insisted upon prosecution of those guilty of the murders of Archbishop Romero and the four American churchwomen.

Five years later, neither case has been satisfactorily resolved. Yet the United States is still providing more than a million dollars a day to El Salvador. Land reform has virtually halted, judicial reform is questionable at best, and we are faced with a human rights situation so appalling that is rivaled only by the bloody days of a decade ago in that same country. Where has all the money gone? What has it achieved? Where has it left the Salvadoran people?

I join many of my colleagues in calling for swift, decisive action in locating the killers of the priests and bringing them to justice. This is not an unreasonable condition. In fact I see it as a minimal condition for continuation of United States military aid in El Salvador.

This is a critical moment for El Salvador. It is an even more critical moment for President Cristiani. He must followthrough immediately on his stated commitment to human rights and the rule of law by forcing immediate and thorough action to bring the killers of the priests to justice. He must take swift and firm action to rein in the extreme right which seems to think it can act with impunity. If President Cristiani is not able to do so, Congress will have no choice but to take strong action.

If the violence of the last 3 weeks has proven anything, I would propose that it is that negotiation and compromise are the only ways to solve El Salvador's problems and ease the intense suffering of her people. Each side has made it clear that it is capable of inflicting heavy losses on the other and that it is capable of preventing the other from achieving complete military superiority. Yet the only real result of all this is great suffering for the people of El Salvador. Serious ne-

gotiations are the only alternative to this bloodshed. And willingness to compromise is the only alternative to military bravado.

I join many of my colleagues and many, many Vermonters in urging the Salvadoran Government and the FMLN to leave the embattled barrios and return to the bargaining table. There is no other way to bring peace to El Salvador and dignity to the lives of its people.

Mr. President, now is the time for Congress to take action. Now is the time to make it clear to the far left, the far right, the military, and the Salvadoran Government that the United States will not support such behavior. This situation demands a response from Congress. I urge my colleagues to grasp this moment and put our actions squarely behind our words. And I would urge conditioning military aid upon a full investigation of the priests' deaths as a start.

I yield to the floor.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. The Sergeant at Arms will restore order in the Galleries.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. The Sergeant at Arms will restore order in Galleries.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. The Sergeant at Arms will clear the Galleries. The Sergeant at Arms will clear the Galleries.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. The Sergeant at Arms will clear the Galleries. The Sergeant at Arms will clear the Galleries.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. The Chair directs the Sergeant at Arms to clear the entire Gallery.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. The Chair directs the Sergeant at Arms to clear the entire Gallery now.

[Disturbance in the Visitor's Gallery.]

The PRESIDING OFFICER. When order is restored, the Chair will direct the Sergeant at Arms to reopen the Galleries.

Mr. SYMMS. Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(During the course of the quorum call, the following occurred:)

The PRESIDING OFFICER. The Chair directs the Sergeant at Arms to reopen the Galleries.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL SALVADOR

Mr. SIMPSON. Mr. President, we have had quite a bit of activity here in the Gallery in the last few minutes. This is a very serious issue, the issue of El Salvador, and what we do there. As we think of war, I recognize that the occupant of the Chair has served his country so honorably in wartime and in combat. I was never in combat but I was in the service overseas.

It is always curious to me to observe those who think that somehow war is carried out only by one side. It is always carried out by two sides.

There is not one of us here who does not share in the outrage and repugnance of all civilized people at the murders of the six priests in San Salvador. That is disgusting beyond belief.

We must insist, if possible, that the criminals—and that is what they are—who are responsible for this be brought to justice. That is our job: To help, if we can. But recall this is another country.

But just as we condemn those brutal murders—and that is exactly what they are—we must also, I think, condemn the rebels, the FMLN, who took the war into the inner city. That is part of this.

This conflict was going on outside of the heavily populated areas. So they decided to take the war into the inner city, the most populated area of their country, hoping to spark a national insurrection, and they are doing a good job of it.

They, the FMLN, callously made a determined effort to place the civilian population at great risk, causing hundreds of civilian casualties as the military and rebels fought, block by block in the city. What did they think would happen? And that deserves our outrage and condemnation as well. We seem to forget that. In fact, an appalling atrocity, such as the murder of a priest, is exactly what the rebels hoped to instigate by their week-long offensive exposing the citizen population, and they got it.

The FMLN knew it would lose the battle but planned to win the war politically. And the atrocity against the priests, unfortunately, has helped that along immensely in a sad, tragic, and manipulative way.

So I urge my colleagues, as we once again engage in Central America polemics, that we should save some of our outrage and disgust for the FMLN those ultimately responsible for taking the conflict into those areas where it became so vivid to us. They are not exactly the nicest guys in El Salvador.

The military, indeed, has its own faults. "War is hell." It was said many years before I ever came on the national scene, and it will be said forever more, and it is, and this is another tragic example.

I ask if the Senator from Florida would wish the floor? I will cease my remarks and ask if the Senator from Florida wishes the floor?

Mr. GRAHAM. When the Senator from Wyoming is finished with his always instructive comments.

Mr. SIMPSON. Hopefully, always so, Mr. President. Let me, then, just inform my colleague so he can plan his schedule, I will speak for about 5 minutes and then conclude my remarks. I appreciate his courtesy.

CHINESE STUDENTS

Mr. SIMPSON. Mr. President, in recent days we have been dealing in conference with a bill with regard to the emergency Chinese student adjustments of status, and I have become very concerned about what I see as a possible detrimental effect of this legislation on our Nation's long-term policy of encouraging openness and democracy in the People's Republic of China.

Let me say first, Mr. President, very clearly: We must fully protect those Chinese students in the United States who by openly supporting the Democratic movement could face persecution or prosecution upon return to their homeland. That is the first and that is the most important consideration.

But the important thing to recall is that President Bush very swiftly addressed that concern at the time of the events in Tiananmen Square in early June. The President deferred the departure of all of the Chinese students in the United States until we could be certain that they could return in safety and dignity. That is what he did.

The President announced the first period of deferred departure would extend for 1 year, until June 5, 1990. Thus the Chinese vocational students here on M visas can remain here until it is safe to return; the Chinese young people here on regular academic student visas, the F visas can remain until it is safe to return; and the Chinese students here on J visas, the educational and cultural exchanging visas, can remain until it is safe to return.

During the immigration debate, we put in a provision, and I think it is a good one, that all J visa students will return home for 2 years at the conclusion of their studies in the United States. That 2-year return requirement is not always popular with foreign students because it prevents them

from adjusting their status and remaining here as immigrants after the conclusion of their studies.

But we did it because we wanted to encourage foreign countries to send their bright, fine, young people to the United States to study, to learn about democracy, to experience a free and open society, and then take that story, that message, back to their home country. And we fully realized the value of sending these people of ours abroad for study where they can learn the language and customs of that country, and also tell the story abroad of American freedom and democracy.

It was Senator William Fulbright who recognized the value of that years ago and he sponsored the original legislation establishing the Fulbright scholarships. So that is what we were doing.

Then, in recent days we have, in this conference committee, come to a situation where we have heard from the Chinese students that they "cannot plan their lives and careers" because at some point the President could decide it has become safe for them to return. Then these students would have to fulfill the 2-year return requirment of their exchange student visa. So the complaint is not that they would have to return home to danger, but that they would have to return home at all.

The bill passed by the House waived the 2-year return requirement permanently for all Chinese J visa students in this country on the date of enactment. Because some of the J visa students could be here for 8 years or more before their studies are completed, the 2-year return requirement would not become a factor until late in the 1990's. As we have recently seen in Europe, there can be a change in the policies of totalitarian countries within a much shorter period of time. Therefore, I proposed, and the Senate agreed, to waive the 2-year return requirement for Chinese J students for only 4 years. Even this 4-year waiver is unnecessary to protect the students, but it is a narrower waiver than that proposed by the House. It is unnecessary because the President has already taken appropriate action to insure that no Chinese student, whatever his visa, will have to return to China before it is safe to do so.

Mr. President, I now have additional reservations about this legislation—serious reservations that I did not have 1 week ago.

When the President announced that the departure of all Chinese students in the United States would be deferred until it was safe in China, with the first deferral period extending for 1 year, the Chinese Government announced that it was putting the Fulbright Scholarship Program "on hold" for that year. That was very disappointing, but understandable in view of the action we had taken to protect the Chinese students in the United States. However, last Wednesday, November 15, the Chinese Foreign Ministry advised our Ambassador in Beijing that if this legislation is enacted, the Chinese Government will terminate outright the Fulbright Scholarship Program, as well as all other educational and cultural exchange programs with the United States.

Mr. President, I believe that were it not for programs such as the Fulbright scholarships, and J student exchange programs with China, we would never have seen the democracy movement take root among the students in China. The combination of Chinese students studying in the United States and returning to tell the American story in China, and our students studying in China as Fulbright scholars, planted those seeds of democracy in China. It was through these student exchange programs that China's "window to the west" was opened.

Our Embassy in China, and the State Department, believe that passing this legislation would be a most serious mistake. It is possible the State Department will recommend a veto to the President, if the bill does pass.

Mr. President, this is overreaching—it is redundant and symbolic. The President has already provided appropriate protection for these students. He has offered full protection to them from having to return home unless we can assure ourselves they can do so in safety and dignity. However, it is not necessary to that protection that we pass this bill waiving the return requirement for the next 4 years. The Chinese students want this bill because, like a great many, if not all of the foreign students who study in the United States, they would prefer to stay on in this country where freedom and opportunity so far surpasses that of their own homelands.

However, we do require all exchange students from all countries to return home for at least 2 years after their studies here. It is good for us, and it is good for the home countries of the students. I do not think this bill is necessary for the safety of the Chinese students in the United States. I do not think it is wise that we pass this bill and risk the loss of our Fulbright Scholarship Program and other educational and cultural exchange programs with the People's Republic of China. It is an example of a fine idea that has been very much overworked and lessened in the process.

What we all must be aware of is, I think, the President will veto that bill when we are gone. The reason will be because the Chinese Government has now said they will terminate the Fulbright programs and all other programs of educational exchange, and I think that would be a tragedy. We were doing pretty well with the original Bush proposal and the Senate proposal. I think we passed a good piece of legislation.

But when we did the housework on this bill, there is a question in my mind it will be vetoed, and that will be the ultimate tragedy as we see the exchange programs terminated between the People's Republic of China and the United States of America. It is an example of a fine idea that has been very much overworked and lessened in the process, almost like it was evidence of overthinking an issue when we had the target in mind and now we may lose the entire foreign exchange program. I would certainly hope that not occur. Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I would like to clarify a couple of points for the record which hopefully will eliminate unnecessary paperwork and redtape in the implementation of H.R. 2712.

First, as I indicated when the Senate first considered H.R. 2712 in August, we intend for visas to be issued to qualified students, even if the passports of those students have expired. We are told that many students—even those whose student visas remain valid—have applied with their consulates to renew their expired passports, only to have their passports confiscated.

It is our intent that an expired or confiscated passort shall not be a barrier in the application for change or adjustment of status by any Chinese national under this bill, and that any necessary regulatory adjustments will be made by the Attorney General to further this purpose.

Second, once the 2-year foreign residency requirement is waived for an applicant, that applicant will not be required to seek additional waivers in the future regarding other changes or adjustments of status that that applicant might seek.

Third, the language adopted by the conference is clear that the conference intended that any change or adjustment of status triggers the waiver, regardless of whether a waiver was necessary for that particular change.

Finally, the work authorization provisions of the conference report are intended to apply regardless of work restrictions which may otherwise be applicable to a particular visa. We recognize that some Chinese nationals may not need a different status, but only need to be able to work in their current status, as their funding sources have been cut.

Mr. President, I ask unanimous consent that an editorial from the Los Angeles Times be printed in the RECORD immediately following my statement on H.R. 2712.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN AFFRONT TO TRADITION

The Bush Administration seems determined to disgrace itself in the conduct of Sino-American relations.

In the immediate aftermath of last June's massacre of peaceful student demonstrators in and around Beijing's Tian An Men Square, the President adopted a policy that was both principled and prudent. As a Former U.S. Ambassador to China, Bush understood that a total break in relations would serve no one's interests. But, he argued, "It is very important that the Chinese leaders know it's not going to be business as usual." To that end, the Administration undertook a diminution of diplomatic contacts, froze various bilateral economic programs and held up sales of $600 million in U.S. military equipment marked for China. Because these initiatives were coordinated with Japan and the European allies, Beijing found itself more isolated than its wizened autocrats ever could have anticipated.

Unfortunately, however, the Administration has taken a series of steps calculated to undercut its own successful policy: It has warmed diplomatic contacts to virtually normal levels; it has allowed sales of military hardware to proceed. Most recently—and most distressingly—it has intervened to block congressional passage of a bill that would allow 32,000 Chinese students, many of them active in the movement for democratic reform, to remain in this country after they complete their studies.

The proposal, which passed both the Senate and House in slightly different forms last summer, is at present before a conference committee for reconciliation. Final passage seemed assured until the Administration reversed its position and actively began to lobby for the bill's defeat. State Department officials now argue that enactment of the measure would threaten Sino-American educational exchange programs.

But, as Times writer Jim Mann reported Thursday, the students almost certainly face persecution and reprisals if they are compelled to return home. The threat of such forced repatriation also virtually guarantees the end of the struggle for democratic reform by young Chinese in exile here.

"If we do not get any protection from the United States government and Congress, the result will be that the Chinese democracy movement in this country will perish," Luo Zhexi, chairman of the Harvard University Chinese Students Assn. told Mann this week.

Chinese officials, who already have terminated their participation in the Fulbright program of scholarly exchange, say that if Congress allows the students to remain in this country, exchanges at the university-level will be threatened, too. The Chinese government justifies its position by claiming that since it supports the scholars and students financially, it has a right to demand they return.

Neither contention ought to be given any consideration by U.S. lawmakers. One is merely bluster; the other is simply false.

The 40,000 Chinese students in the United States—about 8,000 are supported solely by their families—constitute the largest group of foreign students in this country. Many, in fact, are the children of high-level Chinese Communist Party cadres. They are here, at least in part, because no other advanced nation's university system could absorb them in such numbers.

And—Beijing's insistence notwithstanding—the overwhelming majority are supported neither by the Chinese nor the American government but by the U.S. school that they attend. For that reason, the pressure and espionage Chinese officials continue to direct against them are unacceptable abuses of the American people's generous hospitality.

More to the point, it is shockingly unworthy for the government of the United States to argue that young men and women who have spoken for peaceful democratic change should now be unwillingly returned to the custody of a regime that maintains its hold on power by the murder of its own people. Such an appalling step would not only betray these courageous young Chinese but also affront the historic American tradition that this country is an inviolable refuge for those whose only crime is to pursue the "inalienable" rights derived from "self-evident" truth.

Because it denies that truth, the course being urged on Congress by the Administration is not realistic but cynical.

STATUS OF NOMINATIONS

Mr. MITCHELL. Mr. President, earlier today, the Republican leader made a statement on the status of nominations. Last week, a list of 88 nominations was given to me. This list represented nominations that the White House wanted confirmed prior to adjournment. The Republican leader correctly stated that 39 of these nominations have since been confirmed by the Senate.

There are on the White House list and pending on the Executive Calendar 14 nominations which have been cleared by Democrats and have been blocked for the past 2 days by Republican Senators.

Mr. President, I ask unanimous consent to print in the RECORD a list of nominations.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Calendar 474. Forrest J. Remick to be a member of the Nuclear Regulatory Commission;

Calendar 486. John M. Walker, Jr., to be a U.S. circuit judge for the Second Circuit;

Calendar 488. Edwin L. Nelson to be U.S. district judge for the Northern District of Alabama;

Calendar 489. G. Thomas Van Bebber to be U.S. district judge for the District of Kansas;

Calendar 490. Susan W. Wright to be U.S. district judge for the Eastern and Western Districts of Arkansas;

Calendar 491. Edward W. Nottingham to be U.S. district judge for the District of Colorado;

Calendar 492. Arthur D. Spatt to be U.S. district judge for the Eastern District of New York;

Calendar 493. Edward J. Lodge to be U.S. district judge for the District of Idaho;

Calendar 494. Jean P. Bradshaw to be U.S. attorney for the Western District of Missouri;

Calendar 495. Joyce J. George to be U.S. attorney for the Northern District of Ohio;

Calendar 496. Timothy D. Leonard to be U.S. attorney for the Western District of Oklahoma;

Calendar 497. Gene W. Shepard to be U.S. attorney for the Southern District of Iowa;

Calendar 498. Cindy S. Daub to be a Commissioner of the Copyright Royalty Tribunal; and

Calendar 512. Barbara S. Pope to be an Assistant Secretary of the Navy.

Mr. MITCHELL. Mr. President, I want to repeat, these are 15 nominations that have been blocked for the past 2 days by Republican Senators. I urge my Republican colleagues to stop blocking these nominations by President Bush, nominations which have been approved by the appropriate committees and are on the Senate Calendar awaiting action. If these 15 or 14 nominations were cleared by the Republicans, a total of 54 out of the 88 nominations on the White House list would have been confirmed by the Senate. Committees are continuing to report nominations and it is my hope that additional nominations will be confirmed prior to sine die adjournment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I am not familiar with all of the reasons, but I understand the majority leader is saying there are 15 nominations that will not be cleared and the reason for that is because of some unknown colleagues on this side of the aisle, or known?

Mr. MITCHELL. That is correct. I am merely making a point: constantly statements are being made about the pace of nominations, and I just want the RECORD to be complete that a substantial number of these nominations are being blocked by Republican Senators.

Mr. SIMPSON. I understand fully. I am inquiring is that the National Labor Relations Board and judiciary appointments in that compilation?

Mr. MITCHELL. The list includes judicial appointments but not the National Labor Relations Board nominees.

Mr. SIMPSON. I know the leader was saying we should make better progress, and indeed we have some difficulty with Federal district judgeships in States, and my colleague, the majority leader, was a Federal district judge, where we are finding the recommendations from the Senators are not being accepted. They ask for three names when the Senator feels after judiciously canvassing his State that one will be quite adequate. I think until we inform our administration that one is plenty good enough in some situations, that, indeed, will be a difficulty for us on this side of the aisle.

I would say that the Judiciary Committee chairman, Senator BIDEN, is ready to schedule a great deal of activ-

ity next year. There are 46 vacancies, but 44 of those have had no name presented. I think that is not appropriate, and I think the administration needs to participate with more vigor and get those names to us. I would certainly say that and have.

Mr. MITCHELL. I thank the Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1938 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

OPPOSING U.S. BLANK CHECK TO EL SALVADOR

Mr. KENNEDY. Mr. President, today, the Senate begins a task it should have started long ago—to condition our assistance to El Salvador on respect for human rights. Six murdered priests and two murdered women are the latest casualties of our blank check policy toward that nation. The time has come to send a strong message to the military and the right wing death squads of El Salvador—no more United States aid without respect for fundamental human rights.

The amendment before us sends a strong message to the Government of El Salvador—justice or no aid. Take your pick.

We have had enough of Salvadoran mock justice. Never in the history of El Salvador has a military officer been brought to justice for a human rights crime. Tens of thousands of Salvadorans have been killed in the last decade of civil war. Rape, murder, torture, mutilation, maiming—they have done it all in El Salvador. And never has justice been done.

Archbishop Romero. Murdered. Four U.S. Maryknoll nuns. Murdered. Two United States labor workers at the Sheraton Hotel in San Salvador. Murdered. Ten peasants in San Sebastian. Murdered.

And now six Jesuit priests, their housekeeper and her 15-year-old daughter taken from their university campus in the dead of night—murdered by a death squad that managed to slip through a military curfew.

The American people demand justice, the Salvadoran people demand justice, and it is time the United States Senate demanded justice.

Two months ago, the Senate sent the wrong signal to the military of El Salvador. We stripped this bill of human rights protection—and at the same time we provided increased military aid. Now, the murderous forces of El Salvador, free of United States constraints, have lashed out at the voices of reason and peace in that troubled country.

The United States provides $1.5 million a day to El Salvador. That government would crumble without our support. Is it too much to ask that American dollars be conditioned on respect for human rights?

President Cristiani has ordered an immediate investigation of the barbaric murders of the priests. We all welcome that move. But in a troubling development, the Attorney General of El Salvador yesterday charged that the rebels were plotting to kill other leaders of the Roman Catholic Church and urged the priests to leave the country.

Instead of warning members of the church in El Salvador, the Attorney General ought to be vigorously pursuing the murderers of the Jesuit priests. And until he does, our aid should not be flowing.

The human tragedy of this brutal war demands the immediate and generous response of the United States and the international community. At least 1,000 Salvadorans have been killed and over 3,000 wounded in the current fighting. We may never know how many others have died in remote areas of the country. The vast majority of the victims has been innocent civilians—men, women, and children who support neither the guerrillas nor the army.

To the moral outrage of the world, the FMLN guerrillas ensconced themselves in the civilian population of San Salvador to launch their final "Tet" offensive. Hiding behind this human shield, the guerrillas put thousands of innocent citizens at risk with these despicable tactics.

The Salvadoran Armed Forces responded to the guerrillas' offensive with heavy ground and air attacks well populated areas—causing heavy civilian casualties. Surely, enough blood has been shed in El Salvador. It is time for the violence to end.

Both sides continue to block international efforts to provide humanitarian relief to the victims of the current fighting. Let us hope that these senseless restrictions will end, and that humanitarian aid will be available to help the wounded and save lives that otherwise may be lost.

It is my understanding that up to $8 million is available in unobligated funds in some of the accounts dealing with Central America. I hope the administration will see fit to provide a substantial portion of these funds to the Red Cross and other voluntary organizations struggling to meet the emergency needs of the people of El Salvador.

I urge my colleagues to support the amendment on human rights. It sends the right message to the Government of El Salvador. No more blank checks for United States aid. The United States must not continue to fund the law of the jungle in El Salvador. If the government of El Salvador does not end these atrocities, the United States should cut off all United States aid.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY CHINESE IMMIGRATION RELIEF ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2712 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2712) to facilitate the adjustment or change of status of Chinese nationals in the United States by waiving the 2-year foreign residence requirement for "J" nonimmigrants having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 14, 1989.)

Mr. KENNEDY. Mr. President, we in America are honored to have among us the best and brightest of China—some 40,000 men and women of great achievement whom we all hope one day will be the next leaders of their nation.

These students and scholars are living representatives of the dream for democracy in China. But this dream could be dashed in an instant if they are required to return against their will. At best, they may join those Chinese democratic leaders who are in the human rights underground. At worst,

they could well join their Tiananmen colleagues in martyrdom.

The images of the march for democracy in China, then the Tiananmen massacre, are etched in our memories. We will never forget their courage as they faced tanks and guns in their peaceful protest.

Many of us in this Chamber supported the actions of the President when he announced that no Chinese student in America would be required to return to China for the next year. And we have the opportunity again today to stand with those who carry on the dream of liberty for the Chinese people.

The conference report before us addresses some of the immediate obstacles which the students face. The administration has acted to assure that no deportations will occur before June of next year. But many students would be eligible not to adjust to other more permanent immigration statuses, except for the requirement in our law that they first return home for 2 years.

The prospect of return in June not only causes great anxiety among the students, but also inhibits their efforts on behalf of democracy. Fear of return to China has inhibited many in speaking out against the actions of their government.

For those students for whom the 2-year home residency requirement applies—namely those on the so-called Exchange Visitor Program—the bill waives the requirement for the next 4 years. During this 4-year window, they are permitted to apply for other immigration statuses for which they are otherwise eligible, including permanent residence.

Those students not here on the Exchange Visitor Program face other challenges. The visas of many of these students have expired in the more than 5 months since Tiananmen, and many more will expire over the 6 remaining months that the administration has stayed departures.

Current law prohibits many of those without valid visas—and therefore technically subject to deportation—from adjusting to another immigration status for which they might be eligible. The bill before us remedies this by permitting such changes of status for as long as the Attorney General continues to suspend departures to China.

Finally, the bill provides work authorization to all the students. Many have had their financial support canceled by their government and are in need of employment.

For these modest measures, the government in Beijing has threatened to suspend cultural exchange programs.

I should note that Beijing, and not the administration or this Congress, suspended the Fulbright Program in June. And they have almost completely ceased cooperation under the Exchange Visitor Program.

But if the rulers in Beijing should seek further sanctions as we protect students, I would only state that this bill is made necessary by Beijing's own brutality.

We cannot afford to sacrifice these students in the face of a threatened embargo on further exchanges.

I have met with the students, as have many in the Senate. I know personally of their desire to return home in freedom. And I am confident they will carry their considerable talents home the minute freedom welcomes them in their homeland.

It is my hope as well that the administration will not sacrifice the well-being and protection of these brave students because of grievances by the very leaders in Beijing who ordered the massacre on the square.

Mr. President, it is time to act. In taking this step today, we are giving the students the security that the United States will not be party to adding to the tragedy of Tiananmen.

Mr. KOHL. Mr. President, the executions may have faded from the headlines, but political conditions in China are getting worse, not better. The Beijing government has launched a campaign to "educate"—or neutralize—students and other intellectuals, who are regarded as counterrevolutionary threats. Forced labor in the factories, indoctrination classes, dormitory patrols—all are part of the regime's effort to suffocate democracy.

For these reasons, it is imperative that President Bush sign the Emergency Chinese Immigration Relief Act of 1989 (H.R. 2712). This measure will provide essential relief to Chinese students as well as valuable protection for Chinese nationals fleeing that nation's coercive "one couple, one child" family planning policies. The bill has three key components: First, it waives an immigration provision—the "J" visa residency requirement—that forces many of the 40,000 Chinese students in the United States to return home before it is safe. Second, it gives legal status to the students, permitting them to apply for visas that best suit their individual needs. And third, it requires the Attorney General to implement a policy providing asylum or refugee status to Chinese nationals who could face compelled abortion or sterilization upon return.

Through the administration has offered a grace period until June, the overwhelming majority of students are afraid to enter this program because it puts them on record as denouncing China. In addition, those who accept the grace period are prohibited from obtaining current visas, meaning they will have to leave in June. H.R. 2712 cures these problems.

Representative PELOSI's H.R. 2712 is almost identical to legislation that I introduced last June (S. 1218). Ever since, I have been working hard with some of my colleagues to pass legislation like this through the Senate. I am therefore pleased that we are close to seeing this humane relief finally enacted into law. Still, I want to express my hope that we can return to the issue soon and do even more for our Chinese guests. For example, we should not lose sight of the long-term assistance provided to the students in the immigration Act of 1989 (S. 358), which is now pending in the House. H.R. 2712 and S. 1218 were always conceived as stopgap measures that address only the most urgent needs of Chinese visitors. They do not discharge our responsibilities entirely.

Mr. President, I have met with many Chinese students since the Tiananmen Square massacre last June. They paint a picture of China that is very different from the one currently being marketed by former President Nixon and former Secretary of State Kissinger. The students tell of continuing harassment, repression, and fear. They tell of an authoritarian regime that has learned something about public relations but which is squeezing the people more and more. And they know about these things from their family and friends back home.

Until the squeeze in China ends, Mr. President, we must hold our own arms open.

Mr. President, a number of Senators and I intend to write President Bush urging his signature on this bill. I would like to read a portion of our letter to the President:

This vital piece of legislation will provide temporary shelter to Chinese students in the United States while political conditions remain dangerous in China. It is a moderate and compassionate measure giving our Chinese guests some breathing room; it does not permit them to stay here indefinitely.

Recent press reports suggest that the Administration is concerned that the Chinese government will cancel future student exchange programs if H.R. 2712 is enacted. While we do not want to see educational programs scuttled, we believe that the United States owes a special obligation to Chinese students who use American freedoms to help spur democracy in China. They deserve our protection, even if such assistance upsets the Chinese leadership. Indeed, signing H.R. 2712 into law will indirectly send a valuable message to Beijing: "The United States condemns your violent suppression of the pro-democracy forces. We cannot overlook such brutality.

The letter to the President continues:

One provision of H.R. 2712 deserves special mention. It requires the Attorney General to implement a policy providing asylum or refugee status to Chinese nationals who could face compelled abortion or sterilization upon return. This provision, we believe, reflects your own abhorrence of China's coercive family planning programs. Just this week, you vetoed the foreign aid appropriations bill, partly because it provides money

to an agency that funds Chinese population control programs. H.R. 2712 seems to be consistent with your position.

Mr. President, H.R. 2712 is needed and overdue. Thank you.

Mr. SIMON. Mr. President, I rise in support of the conference committee report on H.R. 2712, the emergency immigration relief legislation introduced by Representative NANCY PELOSI of California. As a member of the Senate Immigration and Refugee Affairs Subcommittee, I served on the House-Senate conference committee on this bill for Chinese students on the J-1 visa. The immigration relief afforded by this bill is urgently needed.

Last June 4, the world was shocked by the brutality waged by the Chinese Government against its students. Since the Tiananmen Square uprising and the brutal crackdown by Chinese leaders, the advocates of democracy in China have been silenced by Deng Xiao Peng. The voices of democracy inside China have been smothered. It is all the more important for the Chinese people to find a voice outside of today's China and this legislation is essential for the students to be free to speak out. We ought to be doing everything we can to support them and this legislation is in line with my views.

Since June 4, the outpouring of support for and advocacy by Chinese students in the United States has been truly historical and overwhelming. In Chicago, I was honored to attend the first congress on the future of China convened by the Independent Federation of Chinese Students and Scholars. There were many people responsible for bringing this important effort before Congress. I want to pay tribute to Dr. Yin Wu of the Mid-America Association for Democracy in China for his and his organization's tireless efforts in this regard.

The students of China have touched the conscience of the world. Their cause is the cause of freedom-loving people everywhere and freedom-loving people everywhere support that struggle. The legislation before us, to grant a waiver of the 2-year foreign residency requirement for J visa holders, while not as generous as legislation I cosponsored that the Senate passed unanimously this summer, gives these students some needed security. I urge its adoption and urge the President to sign it into law at the earliest possible moment.

Mr. MITCHELL. Mr. President, I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the motion by which the conference report was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE EXPANSION OF THE MEMBERSHIP OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 3670, a bill to authorize additional judges for the District of Columbia Superior Court just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3670) to authorize the expansion of the membership of the Superior Court of the District of Columbia from 50 associate judges to 58 associate judges.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ADAMS. Mr. President, this bill provides an authorization for eight additional judges for the District of Columbia Superior Court. This authorization was originally carried in the District appropriations bill that the Senate passed on September 14, 1989. However, in the conference with the House we agreed to make the appropriation contingent upon the passage of authorizing legislation. This bill carries out that commitment, and I appreciate the efforts of Senators SASSER and GLENN on this side of the aisle, and Senators HEINZ and STEVENS on the other side in gaining its passage. Without the efforts of these colleagues, the superior court would not be receiving these much needed resources.

Mr. President, the need for these additional judges is well documented in three hearings our subcommittee held earlier this year. Felony indictments, due principally to the incredible growth in drug and homicide cases, have increased by 30 percent in the last year, and it takes 326 days on average for the superior court to dispose of a felony. These additional judges will not completely solve the case backlog problem, they will enable Chief Judge Ugast to double the number of expedited felony calendars to eight. This will permit superior court judges to detain some of the most dangerous criminals pending their trial and to hold those trials within 180 days as required by law.

Mr. President, Judge Ugast testified that his analysis reveals a need for 15 additional judges. This bill only contains the number that are needed and can be used immediately to deal with the current drug emergency. This is why I am supporting this bill at this time. Crime and justice have become an emergency in the District. These resources are needed now, and we need to take action before this session of Congress ends so that the process of selecting and nomination these judges may proceed. The appropriations bill for the District already has included $4.8 million for the courts, $2.6 million for these judges. Drug offenders must be tried and punished as swiftly as possible after arrest. This bill will help ensure that we reach that goal in the District of Columbia.

Mr. President, in closing I want to once again express my appreciation to the Senators on the Governmental Affairs Committee and their able staff, Mr. John Belferman, for their cooperation in bringing this bill to the floor. Also their colleagues in the House of Representatives, DELLUMS and PARRIS, and the Delegate from the District of Columbia, Mr. FAUNTROY, for their assistance.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 3670) was ordered to a third reading, was read the third time, and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA POLICE AUTHORIZATION AND EXPANSION ACT

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1502.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1502) entitled "An Act to authorize the appropriation of funds to the District of Columbia for additional officers and members of the Metropolitan Police Department of the District of Columbia, and to provide for the implementation in the District of Columbia of a community-oriented policing system", with the following amendments:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Police Authorization and Expansion Act of 1989".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL OFFICERS AND MEMBERS FOR THE METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 502 of the District of Columbia Self-Government and

Governmental Reorganization Act is amended by adding at the end thereof the following new subsection:

"(c)(1) In addition to the amounts authorized to be appropriated under subsection (a) and subject to paragraphs (2) and (3), there are authorized to be appropriated to the District of Columbia, for salaries and expenses (including benefits) of 700 additional officers and members of the Metropolitan Police Department of the District of Columbia, $23,149,000 for fiscal year 1990, $23,338,000 for fiscal year 1991, $25,199,000 for fiscal year 1992, $27,252,000 for fiscal year 1993, and $28,367,000 for fiscal year 1994.

"(2) Amounts appropriated under paragraph (1) shall be available only for salaries and expenses (including benefits) of officers and members of the Metropolitan Police Department of the District of Columbia in excess of 4,355 officers and members (and supplies, equipment, and protective vests for reserve officers of the Metropolitan Police Department).

"(3)(A) For fiscal year 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until 120 days after the Mayor develops and submits a plan for the implementation in the District of Columbia of a community-oriented policing system (modeled after, though not limited to, such a system in Houston, Texas) to the Committee on the District of Columbia of the House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate.

"(B) For fiscal years after 1990, no funds authorized to be appropriated under paragraph (1) may be obligated or expended until the Mayor submits a notification to the Committee on the District of Columbia of the House of Representatives and the subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate that the District of Columbia has implemented for such fiscal year a community-oriented policy system in the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1989.

SEC. 3. STUDY OF DISTRICT OF COLUMBIA COURT RESOURCES.

Not later than 60 days after the date of the enactment of this Act, the Joint Committee on Judicial Administration in the District of Columbia shall prepare and submit to Congress a report—

(1) analyzing resources available to District of Columbia courts;

(2) analyzing the feasibility of, and the costs associated with, an increase in the number of support personnel and judges assigned to District of Columbia courts; and

(3) evaluating the need for changes in the District of Columbia Pre-Trial Detention Act, the proposed felony sentencing guidelines for the District of Columbia Superior Court, and the social services program managed by and under the direction of the District of Columbia courts.

SEC. 4. REPORT ON EFFECTS OF INCREASED DISTRICT OF COLUMBIA LAW ENFORCEMENT EFFECTS ON CRIME IN METROPOLITAN AREA.

Not later than 60 days after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report analyzing the potential effects of increased efforts to eliminate drug-related criminal activity in the District of Columbia on crime and law enforcement in the metropolitan area surrounding the District, including the effects of such efforts on the caseload of prosecuting attorneys (including United States Attorneys) in such area.

SEC. 5. DEVELOPMENT OF CLASSIFICATION SYSTEM FOR INDIVIDUALS CONVICTED OF CRIMES IN DISTRICT.

(a) ASSISTANCE FROM BUREAU OF PRISONS AND NATIONAL INSTITUTE OF CORRECTIONS.—Not later than 180 days after the date of the enactment of this Act, the District of Columbia shall request the Director of the Bureau of Prisons and the Director of the National Institute of Corrections to provide the District of Columbia with technical assistance and training in the development of a criminal recordkeeping and classification system, which will provide a basis for a uniform strategy for managing and evaluating the processing in the District of Columbia's criminal justice system of individuals convicted of crimes in the District of Columbia.

(b) INFORMATION INCLUDED IN SYSTEM DATA BASE.—The recordkeeping and classification system described in subsection (a) shall include a data base continuously updated to provide current information on the prison population of the District of Columbia, including, but not limited to, the following:

(1) Aggregate inmate profiles and classifications based on individual records and files.

(2) Escape and other risk assessments for individual inmates.

(3) Ongoing counts of the number of persons at various stages of processing in the criminal justice system.

(4) Projections for future prison populations.

SEC. 6. USE OF PROCEEDS OF FORFEITED PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—Section 502(d)(3)(B) of the District of Columbia Uniform Controlled Substances Act of 1981 (section 33-552(d)(3)(B), D.C. Code) is amended by striking "shall be used to finance programs" and inserting "shall be used, and shall remain availabie until expended regardless of the expiration of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs".

(b) CLERICAL AMENDMENT.—Paragraphs (3) and (3a) of section 502(d) of the District of Columbia Uniform Controlled Substances Act of 1981 (sections 33-552(d) (3) and (3a), D.C. Code) are amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) redesignating paragraph (3a) as paragraph (3); and

(3) reordering the paragraphs so that paragraph (3), as redesignated, precedes paragraph (4), as redesignated.

SEC. 7. PARTICIPATION OF DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT IN THE NATIONAL CRIME INFORMATION SYSTEM.

(a) DISSEMINATION OF ADULT ARREST RECORDS TO LAW ENFORCEMENT AGENTS.—(1) Notwithstanding any other provision of law, the Metropolitan Police Department of the District of Columbia shall disseminate its unexpurgated adult arrest records to members of the court and law enforcement agents, including the Identification Division of the Federal Bureau of Investigation. Such dissemination shall be done without cost and without the authorization of the persons to whom such records relate.

(2) Any records disseminated under this section shall be used in a manner that complies with applicable Federal law and regulations.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "member of the court" shall include judges, prosecutors, defense attorneys (with respect to the records of their client defendants), clerks of the court, and penal and probation officers;

(2) the term "law enforcement agent" shall include police officers and Federal agents having the power to arrest; and

(3) the term "unexpurgated adult arrest records" shall include arrest fingerprint cards.

SEC. 8. ESTABLISHMENT OF DISTRICT OF COLUMBIA POLICE CORPS PROGRAM.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Mayor of the District of Columbia, in consultation with the Chief of the Metropolitan Police Department of the District of Columbia, shall establish a pilot program under which the District shall agree to assist not more than 25 eligible college students or graduates in paying loans or other financial obligations incurred in obtaining a baccalaureate or graduate degree if such a student or graduate agrees to serve not less than 4 years as a member of the Metropolitan Police Department.

(b) APPROVAL OF PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit a description of the program described in subsection (a), including any regulations proposed to implement such program, to the Committee on the District of Columbia of the United States House of Representatives and the Subcommittee on General Services, Federalism, and the District of Columbia of the Committee on Governmental Affairs of the United States Senate for the committees' approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 9. ESTABLISHMENT OF WEST VIRGINIA POLICE CORPS PROGRAM

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Governor of West Virginia, in consultation with the West Virginia Superintendent of Police, shall establish a pilot program under which West Virginia shall agree to assist not more than 25 eligible college students or graduates in paying loans or other financial obligations incurred in obtaining a baccalaureate or graduate degree if such a student or graduate agrees to serve not less than 4 years as a law enforcement officer in West Virginia.

(4) APPROVAL OF PROGRAM.—Not later than 60 days after the date of the enactment of this Act, the Governor of West Virginia shall submit a description of the program described in subsection (a), including any regulations proposed to implement such program, to the Subcommittee on General Services, Federalism, and the District of Columbia of the Governmental Affairs of the United States Senate for the subcommittees' approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Amend the title so as to read: "An Act to authorize the appropriation of funds to the District of Columbia for additional officers

and members of the Metropolitan Police Department of the District of Columbia, to provide for the implementation in the District of Columbia of a community-oriented policing system, and for other purposes.".

Mr. MITCHELL. I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the motion.

Mr. BURNS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

DISADVANTAGED MINORITY HEALTH IMPROVEMENT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 399, S. 1606, a bill to improve the health of minority and disadvantaged groups.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1606) to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and who are from disadvantaged backgrounds, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disadvantaged Minority Health Improvement Act of 1989".

SEC. 2. FINDINGS.

Congress finds that—

(1) racial and ethnic minorities are disproportionately represented among individuals from disadvantaged backgrounds;

(2) the health status of individuals from disadvantaged backgrounds, including racial and ethnic minorities in the United States is significantly lower than the health status of the general population of the United States;

(3) minorities suffer disproportionately high rates of cancer, stroke, heart diseases, diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders;

(4) the incidence of infant mortality among minorities is almost double that for the general population;

(5) Blacks, Hispanics, and Native Americans constitute approximately 12 percent, 7.9 percent, and 0.01 percent, respectively, of the population of the United States;

(6) Blacks, Hispanics, and Native Americans in the United States constitute approximately 3 percent, 4 percent, and less than 0.01 percent, respectively, of physicians, 2.7 percent, 1.7 percent, and less than 0.01 percent, respectively, of dentists, and 4.5 percent, 1.6 percent, and less than 0.01 percent, respectively, of nurses;

(7) the number of individuals who are from disadvantaged backgrounds in health professions should be increased for the purpose of improving the access of other such individuals to health services;

(8) historically, the mission of minority health professions institutions has been to increase the number of minority health practitioners to serve the medically needy;

(9) such institutions (and other health professions institutions), and individuals from disadvantaged backgrounds, including minority individuals, should receive Federal financial assistance to facilitate an increase in the number of such individuals in the health professions;

(10) the Report of the Secretary's Task Force on Black and Minority Health (prepared for the Secretary of Health and Human Services and issued in 1985) described the health status problems of minorities, and made recommendations concerning measures that should be implemented by the Secretary with respect to improving the health status of minorities through programs for providing health information and education; and

(11) the Office of Minority Health, created in 1985 by the Secretary of Health and Human Services, should be authorized pursuant to statute and should receive increased funding to support efforts to improve the health of individuals from disadvantaged backgrounds, including minorities, including the implementation of the recommendations made by the Secretary's Task Force on Black and Minority Health.

TITLE I—HEALTH PROMOTION AND DISEASE PREVENTION FOR MINORITIES

Subtitle A—Programs for Minorities Generally

SEC. 101. ESTABLISHMENT OF OFFICE OF MINORITY HEALTH AND AUTHORITY OF OFFICE TO MAKE GRANTS FOR PREVENTION AND CONTROL OF PREVALENT DISEASES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1707. ESTABLISHMENT OF OFFICE OF MINORITY HEALTH.

"(a) IN GENERAL.—The Secretary shall establish in the Office of the Assistant Secretary for Health an Office of Minority Health. The Secretary shall appoint a Deputy Assistant Secretary of Minority Health, who shall serve as Director of such Office.

"(b) FUNCTIONS.—The Office of Minority Health shall, with respect to the health concerns of individuals from disadvantaged backgrounds, including members of minority groups—

"(1) establish short-range and long-range goals and objectives and coordinate all other activities within the Department of Health and Human Services that relate to disease prevention, health promotion, service delivery, and research concerning individuals from disadvantaged backgrounds, including racial and ethnic minorities;

"(2) coordinate efforts to promote health programs and policies in the voluntary and corporate sectors to improve the health status of individuals from disadvantaged backgrounds, including racial and ethnic minorities;

"(3) establish a national minority health resource center to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, to assist in the analysis of issues and problems relating to such matters, and to provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance); and

"(4) support research, demonstrations and evaluations to test new and innovative models, to increase knowledge and understanding of health risk factors, and to develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including minorities.

"(c) GRANTS.—The Secretary, acting through the Director of the Office of Minority Health, may under subsection (b)(4) make grants to, and enter into contracts with, public and nonprofit private entities for the purpose of conducting programs of research, training, education, epidemiological studies, and data collection, with respect to the prevention and control among individuals from disadvantaged backgrounds, including minority groups of diseases or other adverse health conditions determined by the Secretary to be prevalent among such groups.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1991, $12,000,000 for fiscal year 1992, and $15,000,000 for fiscal year 1993.".

SEC. 102. DUTIES OF SECRETARY WITH RESPECT TO THE HEALTH OF INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended by section 101), is further amended by adding at the end thereof the following new section:

"SEC. 1708. GENERAL AUTHORITY WITH RESPECT TO THE HEALTH OF INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"With respect to the health concerns of individuals from disadvantaged backgrounds, including racial and ethnic minorities, the Secretary shall administer this title in cooperation with health care providers, educators, voluntary and professional organizations, businesses, State and local health agencies, minority and other organizations.".

SEC. 103. GRANTS TO IMPROVE THE HEALTH STATUS OF DISADVANTAGED INDIVIDUALS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended by sections 101 and 102), is further amended by adding at the end thereof the following new section:

"SEC. 1709. GRANTS TO IMPROVE THE HEALTH STATUS OF DISADVANTAGED INDIVIDUALS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts with, public or private nonprofit entities to enable such entities to conduct and support new and innovative programs in health information and health promotion, preventive health services, and education in the appropriate use of health care, specifically targeted at improving the health status of individuals from disadvantaged backgrounds, including minorities.

"(b) SPECIFIC ILLNESSES.—In supporting programs designed to reduce the incidence of specific illnesses among disadvantaged minorities, the Secretary may—

"(1) support demonstration programs involving the provision of health care services;

"(2) support demonstration programs to provide health care services in, or in close proximity to, public housing units;

"(3) provide consultation and technical assistance to entities that request help in planning, operating and evaluating programs described in subsection (a);

"(4) develop health information and health promotion materials and teaching programs, including—

"(A) model curriculums for the training of health professionals;

"(B) model curriculums to be used in primary and secondary schools and institutions of higher learning;

"(C) materials and programs for the continuing education of health professionals;

"(D) materials for public service use by the print and broadcast media; and

"(E) materials and programs to assist health care professionals in providing health education to their patients;

"(5) support demonstration and evaluation programs for individual and group self-help programs designed to assist the participant in using their capacities to reduce health risks; and

"(6) support expansion and enhancement of tertiary perinatal facilities in rural States with infant mortality rates among individuals from disadvantaged backgrounds, including minorities that are significantly above the national average for such rates.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 in fiscal year 1991, $30,000,000 in fiscal year 1992, and $40,000,000 in each of the fiscal years 1993 and 1994, to carry out this section.".

Subtitle B—Programs for American Samoa

SEC. 111. HEALTH SERVICES FOR AMERICAN SAMOANS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended by subtitle A), is further amended by adding at the end thereof the following new section:

"SEC. 1710. HEALTH SERVICES FOR AMERICAN SAMOANS.

"(a) GRANTS.—The Secretary shall provide grants to, or enter into contracts with, public or private nonprofit agencies that have demonstrated experience in serving the health and social service needs of American Samoans living in the State of Hawaii and the Continental United States.

"(b) USE OF GRANTS OR CONTRACTS.—Grants or contracts made or entered into under subsection (a) shall be used—

"(1) to employ health professionals and bilingual individuals to provide health promotion and disease prevention services, focusing on specific problems such as maternal and child health, nutrition, mental illness, and adolescent violence, in the State of Hawaii; and

"(2) to plan for extension of the services described in paragraph (1) to American Samoans living in the Continental United States.

"(c) CONSULTATION.—Prior to the awarding of any grant or contract under this section in the State of Hawaii, the Secretary shall consult the Governor of the State of Hawaii.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1991, $2,000,000 for fiscal year 1992, and $3,000,000 for each of the fiscal years 1993 and 1994. Of the amounts appropriated to carry out this section, not more than $1,000,000 shall be used in fiscal year 1993, and not more than $2,000,000 shall be used in fiscal year 1994, to provide grants to, or enter into contracts with, public or private nonprofit agencies in the Continental United States as provided in subsection (b)(2).".

TITLE II—DISADVANTAGED MINORITIES IN HEALTH PROFESSIONS

Subtitle A—Health Professions Generally

SEC. 201. FEDERAL CAPITAL CONTRIBUTIONS TO CERTAIN STUDENT LOAN FUNDS.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Each agreement entered into under this section with a school shall provide (in addition to the provisions required under subsection (b)) that any Federal capital contribution made to the student loan fund of the school from amounts appropriated pursuant to section 742(c)(1), together with the school contribution appropriate under subsection (b)(2)(B) to the amount of the Federal capital contribution, will be utilized only for the purpose of making loans to individuals who are from disadvantaged backgrounds.

"(2) Repayments to the student loan fund of loans made under agreements entered into under paragraph (1) shall be utilized only for the purpose described in paragraph (1).

"(3) Federal capital contributions made pursuant to an agreement under subsection (a) to the student loan fund of a school from amounts appropriated pursuant to section 742(a), together with the school contributions appropriate under subsection (b)(2)(B) to the amount of the Federal capital contributions, may be utilized for the purpose of making loans to individuals as described in paragraph (1).".

(b) DEFINITION WITH RESPECT TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 740 of the Public Health Service Act (42 U.S.C. 294m) is amended by adding at the end thereof the following new subsection:

"(e) As used in this section, the term 'individuals from disadvantaged backgrounds' shall be defined in accordance with criteria prescribed by the Secretary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 742 of the Public Health Service Act (42 U.S.C. 294o) is amended by adding at the end thereof the following new subsection:

"(c)(1) For the purpose of making Federal capital contributions to the student loan funds of schools that have established such funds under section 740, and that have made agreements under subsection (c) of such section, there are authorized to be appropriated $20,000,000 for each of the fiscal years 1991 through 1993.

"(2) The Secretary shall make available not less than 50 percent of the amounts appropriated under paragraph (1), to carry out paragraph (1) through schools described in such paragraph at which individuals described in section 740(e) constitute not less than 25 percent of the total number of individuals enrolled at the school.".

SEC. 202. ASSISTANCE PROGRAMS FOR HEALTH PROFESSIONS STUDENTS FROM DISADVANTAGED BACKGROUNDS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart VI—Assistance for Students from Disadvantaged Backgrounds

"SEC. 760. GRANTS FOR SCHOLARSHIPS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary may make grants to health professions schools for the purpose of assisting such schools in providing scholarships to individuals who—

"(A) are from disadvantaged backgrounds; and

"(B) are enrolled (or accepted for enrollment) as full-time students in such schools.

"(2) HEALTH PROFESSIONS SCHOOLS.—As used in this subpart the term 'health professions schools' means schools that are public or nonprofit private schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, public health, allied health, or public and nonprofit private schools that offer graduate programs in clinical psychology that are accredited as provided in section 721(b)(1)(B).

"(b) FORM AND LIMITATIONS ON SCHOLARSHIP.—

"(1) FORM OF SCHOLARSHIP.—A scholarship provided to a student for a school year under a grant under subsection (a) may consist of all or part of—

"(A) payment to, or (in accordance with paragraph (3)) on behalf of, the student of the amount of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such year; and

"(B) payment to the student of a stipend not in excess of $400 per month (adjusted in accordance with paragraph (4)) for each of the 12 consecutive months beginning with the first month of such school year.

"(2) TOTAL AWARD.—Notwithstanding paragraph (1), the total amount of a scholarship awarded to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(3) CONTRACT WITH INSTITUTION.—The Secretary may contract with an educational institution that has enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (1)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(4) ADJUSTMENT IN STIPEND.—The amount of the maximum allowable monthly stipend, specified in paragraph (1)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.

"(c) APPLICATION.—

"(1) REQUIREMENT.—The Secretary shall not make a grant under subsection (a) unless an application for such grant is submitted to the Secretary.

"(2) ASSURANCES.—Applications submitted under paragraph (1) shall, provide assurances that the applicant will comply with this subpart and shall otherwise be in such form, made in such manner, and contain such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out subsection (a), there are authorized to be appropriated $25,000,000 for fiscal year 1991, $30,000,000 for fiscal year 1992, and $35,000,000 for fiscal year 1993.

"(2) EARMARKING OF FUNDS.—The Secretary shall make available not less than 50 percent of the amounts appropriated under paragraph (1), to carry out subsection (a) through schools described in such subsection at which individuals described in section 740(c) constitute not less than 25 percent of the total number of individuals enrolled at the school.

"SEC. 761. LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a loan repayment program (hereinafter in this subpart referred to as the "program") in order to assure an adequate supply of trained physicians, dentists, and nurses, podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physician assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals. Individuals referred to in this subsection are individuals who are from disadvantaged backgrounds.

"(b) ELIGIBILITY.—To be eligible to participate in the program, an individual shall—

"(1) meet the requirements of subsection (a)(2);

"(2)(A) be enrolled—

"(i) as a full-time student—

"(I) in an accredited (as determined by the Secretary) educational institution of the type described in section 760(a) in a State; and

"(II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health; or

"(ii) in an approved graduate training program in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health; or

"(B) have—

"(i) a degree in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health;

"(ii) completed an approved graduate training program in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health, except that the Secretary may waive the completion requirement of this clause for good cause; and

"(iii) a license to practice medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health in a State; or

"(C) be enrolled in the final year of a graduate program in health administration, physician assistant training, dental auxiliary training, or nurse practitioner training;

"(3) submit an application to participate in the program; and

"(4) sign and submit to the Secretary, at the time of the submission of an application under paragraph (3), a written contract (as described in subsection (f)) to accept repayment of educational loans and to serve on the faculty of an institution as described in subsection (f)(1)(B).

"(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

"(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

"(B) information respecting obtaining a full-time faculty appointment for not less than 2 years as provided in subsection (f)(2)(D) and such other information as may be necessary for the individual to understand the individual's prospective participation in the program.

"(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the program.

"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITY.—In determining which applications under the program to approve (and which contracts to accept), the Secretary shall give priority to applications made by individuals whose training is in a health profession or specialty determined by the Secretary to be the most desirable.

"(e) APPROVAL REQUIRED FOR PARTICIPATION.—

"(1) IN GENERAL.—An individual becomes a participant in the program only on the approval of the Secretary of the individual's application submitted under subsection (b)(3) and the acceptance by the Secretary of the contract entered into by the individual under subsection (b)(4).

"(2) WRITTEN NOTICE.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the program; or

"(B) the Secretary's disapproving an individual's participation in such program.

"(f) CONTENTS OF CONTRACTS.—The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual, loans in accordance with subsection (g);

"(B) subject to paragraph (3), the individual agrees to accept an offer of any school described in subsection 760(a)—

"(i) at which individuals as described in subsection (a)(2)(A) constitute not less than 25 percent of the total number of individuals enrolled at the school; and

"(ii) that offers the applicant a full-time faculty appointment at the school for not less than 2 years;

"(2) an agreement by the applicant—

"(A) to accept loan payments on behalf of the applicant;

"(B) if such applicant is enrolled in the final year of study, to maintain enrollment in a course of study or training described in subsection (b)(2) until the individual completes the course of study or training;

"(C) if such applicant is enrolled in the final year of study, that while enrolled in such course of study or training, the applicant shall maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

"(D) to serve for a time period (hereinafter in this subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, as a faculty member as described in paragraph (1)(B);

"(E) to complete the requirements established by such school for a degree from the school; and

"(F) that, with respect to any violation by the applicant of an agreement entered into pursuant to this subsection, to pay such liquidated damages for such violation as the Secretary may by regulation prescribe.

"(3) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (2)(D);

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subpart;

"(5) a statement of the damages to which the United States is entitled to for the individual's breach of the contract; and

"(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (3), for each year for which an individual accepts, pursuant to subsection (f)(2)(D), an offer to serve as a member of the faculty of a school described in subsection 760(a), the Secretary may, subject to paragraph (2), pay not more than $20,000 on behalf of the individual for loans described in such subsection.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(C) MAXIMUM AMOUNT OF PAYMENTS.—Payments made on behalf of an individual pursuant to subparagraph (A) shall not exceed $80,000.

"(3) TAX LIABILITY.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secre-

tary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(i) TERMINATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

"(1) TERMINATION.—Any obligation of an individual under a contract entered into under this section for service or payment of damages shall be terminated on the death of the individual.

"(2) WAIVER OR SUSPENSION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under a contract entered into under this section (a) whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(3) BANKRUPTCY.—Any debt that is a loan insured under this section may be released by a discharge in bankruptcy under any chapter of title 11, United States Code, only if such discharge is granted—

"(A) after the expiration of the 5-year period beginning on the date that payment of such debt is first required; and

"(B) on a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable.

"(j) REPORTS.—The Secretary shall, not later than March 1 of each year, prepare and submit to the appropriate Committees of Congress a report specifying—

"(1) the number, and type of health profession training, of individuals receiving loan payments under the program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 1991 through 1993.".

Subtitle B—Nursing

SEC. 211. ESTABLISHMENT OF ADDITIONAL ASSISTANCE PROGRAMS FOR DISADVANTAGED NURSING STUDENTS.

Part B of title VIII of the Public Health Service Act (42 U.S.C. 297 et seq.) is amended by adding at the end thereof the following new subparts:

"Subpart V—Assistance for Students from Disadvantaged Backgrounds

"SEC. 848. SCHOLARSHIPS FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to schools of nursing, as described in paragraph (2), for the purpose of assisting such schools in providing scholarships to individuals who—

"(A) are from disadvantaged backgrounds; and

"(B) are enrolled (or accepted for enrollment) as students in such schools.

"(2) SCHOOLS OF NURSING.—

"(A) DEFINITION.—As used in this section, the term 'schools of nursing' means public or nonprofit private schools accredited for the education of professional nurses at which individuals described in paragraph (1) constitute not less than 25 percent of the total number of individuals enrolled at such school.

"(B) USE OF FUNDS.—The Secretary may use not to exceed 15 percent of the amounts appropriated under this section for grants to schools of nursing with programs for individuals from disadvantaged backgrounds in rural America, notwithstanding the 25 percent requirement described in subparagraph (A) for individuals enrolled at such school.

"(3) DEFINITION WITH RESPECT TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—As used in this section, the term 'individuals from disadvantaged backgrounds' shall be defined in accordance with criteria prescribed by the Secretary.

"(b) USE OF SCHOLARSHIP.—A scholarship provided pursuant to subsection (a) for attendance at a school described in paragraph (2) of such subsection—

"(1) shall be expended for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in such attendance; and

"(2) shall not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year for the expenses specified in paragraph (1).

"(c) APPLICATION.—

"(1) REQUIREMENT.—The Secretary shall not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary.

"(2) ASSURANCES.—Applications submitted under paragraph (1) shall be in such form, made in such manner, and contain such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection, and shall, with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $25,000,000 for fiscal year 1991, $30,000,000 for fiscal year 1992, and $35,000,000 for fiscal year 1993.

"SEC. 849. LOAN REPAYMENT PROGRAM FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a loan repayment program (hereinafter referred to in this subpart as the "program") for the purpose of assisting individuals who meet the requirements of paragraph (2) in paying the principal and interest on Government and commercial loans received by such individuals for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred by such individuals in attending schools of nursing.

"(2) ELIGIBLE INDIVIDUALS.—Individuals referred to in paragraph (1) are individuals who—

"(A) are from disadvantaged backgrounds;

"(B) are enrolled (or accepted for enrollment) as students at a school described in paragraph (3); and

"(C) are in the final year of a course of study leading to a degree from such school.

"(3) SCHOOLS OF NURSING.—As used in this section, the term 'schools of nursing' means public or nonprofit private schools—

"(A) that are accredited schools of nursing; and

"(B) at which individuals described in paragraph (2) constitute not less than 25 percent of the total number of individuals enrolled at the school.

"(b) ELIGIBILITY.—To be eligible to participate in the program, an individual shall—

"(1) meet the requirements of subsection (a)(2);

"(2) submit an application to participate in the program; and

"(3) sign and submit to the Secretary, at the time of the submission of an application under paragraph (2), a written contract (as described in subsection (e)) to accept repayment of educational loans and to serve on the faculty of an institution as described in subsection (e)(2)(D).

"(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

"(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

"(B) information respecting obtaining a full-time faculty appointment for not less than 2 years as provided in subsection (e)(2)(D) and such other information as may be necessary for the individual to understand the individual's prospective participation in the program.

"(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the program.

"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) APPROVAL REQUIRED FOR PARTICIPATION.—

"(1) IN GENERAL.—An individual becomes a participant in the program only on the approval of the Secretary of the individual's application submitted under subsection (b)(3) and the acceptance by the Secretary of the contract entered into by the individual under subsection (b)(3).

"(2) WRITTEN NOTICE.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the program; or

"(B) the Secretary's disapproving an individual's participation in such program.

"(e) CONTENTS OF CONTRACTS.—The written contract (referred to in this section) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual, loans in accordance with subsection (f);

"(B) subject to paragraph (3), the individual agrees to accept an offer of any school described in subsection (a)(3)—

"(i) at which individuals as described in subsection (a)(2)(A) constitute not less than 25 percent of the total number of individuals enrolled at the school; and

"(ii) that offers the applicant a full-time faculty appointment at the school for not less than 2 years;

"(2) an agreement by the applicant—

"(A) to accept loan payments on behalf of the applicant;

"(B) to maintain enrollment in a course of study or training described in subsection (a) until the individual completes the course of study or training;

"(C) that while enrolled in such course of study or training, the applicant shall maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

"(D) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, as a faculty member as described in paragraph (1)(B);

"(E) to complete the requirements established by such school for a degree from the school; and

"(F) that, with respect to any violation by the applicant of an agreement entered into pursuant to this subsection, to pay such liquidated damages for such violation as the Secretary may by regulation prescribe.

"(3) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (2)(D);

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subpart;

"(5) a statement of the damages to which the United States is entitled to for the individual's breach of the contract; and

"(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(f) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (3), for each year for which an individual accepts, pursuant to subsection (d)(2)(D), an offer to serve as a member of the faculty of a school described in subsection (a)(3), the Secretary may, subject to paragraph (2), pay not more than $10,000 on behalf of the individual for loans described in such subsection.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(C) MAXIMUM AMOUNT OF PAYMENTS.—Payments made on behalf of an individual pursuant to subparagraph (A) shall not exceed $40,000.

"(3) TAX LIABILITY.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the program to establish a schedule for the making of such payments.

"(g) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(h) TERMINATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

"(1) TERMINATION.—Any obligation of an individual under a contract entered into under this section for service or payment of damages shall be terminated on the death of the individual.

"(2) WAIVER OR SUSPENSION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under a contract entered into under this section whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(3) BANKRUPTCY.—Any debt that is a loan insured under this section may be released by a discharge in bankruptcy under any chapter of title 11, United States Code, only if such discharge is granted—

"(A) after the expiration of the 5-year period beginning on the date that payment of such debt is first required; and

"(B) on a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable.

"(i) REPORTS.—The Secretary shall, not later than March 1 of each year, prepare and submit to the appropriate Committees of Congress a report specifying—

"(1) the number of individuals receiving loan payments under the program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 1991 through 1993.".

TITLE III—COORDINATION OF FEDERAL EXPENDITURES FOR HEALTH PROGRAMS OF TRUST TERRITORIES OF THE PACIFIC ISLANDS

SEC. 301. PACIFIC BASIN HEALTH SERVICES COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary") shall establish a public or private nonprofit entity to be known as the "Pacific Basin Health Services Council" (hereafter in this title referred to as the "Council").

(b) DEFINITION.—As used in this title, the term "Pacific Basin" means the Federated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, Guam, and American Samoa.

(c) DUTIES.—The Council shall—

(1) monitor the need for health services and health professions development in the Pacific Basin; and

(2) establish priorities for the expenditure of public health funds in the Pacific Basin.

(d) MEMBERS.—The Council shall consist of no more than 16 members, and shall include—

(1) four representatives from the Schools of Medicine, Nursing, Social Work, and Public Health of the University of Hawaii;

(2) a representative from the University of Hawaii Community College system;

(3) representatives from the Health Departments for the State of Hawaii and the Federated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, Guam, and American Samoa;

(4) a representative from the Rehabilitation Hospital of the Pacific in the State of Hawaii;

(5) additional members that the Secretary shall appoint with the advice of the Governor of the State of Hawaii, to ensure that the public health expertise of the Pacific Basin is appropriately represented; and

(6) such additional ex officio members as the Secretary determines appropriate.

(e) USE OF FUNDS.—

(1) FIRST PRIORITY.—The Council shall give first priority in expending the funds referred to in subsection (h) to continuing the Pacific Basin medical officer training program in effect on March 1, 1989, on Pohnpei.

(2) ADDITIONAL PROJECTS.—The Council may expend the remaining funds in subsection (h) to—

(A) establish nurse practitioner or nurse clinical specialist training programs;

(B) provide technical training of new auxiliary health workers including environmental sanitation aides, social work assistants, community and hospital nurse assistants, and allied health technicians;

(C) upgrade the training of currently employed health personnel in special areas of need, including management, social services, and the establishment of continuing education programs for any of the traditional health professionals;

(D) establish and support appropriate health promotion and disease prevention efforts;

(E) develop a long-term plan for meeting the health professions needs, and to collect and analyze relevant statistical information on which to develop and regularly update such plan; and

(F) provide innovative health professions training initiatives (including scholarships) targeted toward ensuring that residents of the Pacific Basin attend and graduate from recognized health professional programs in medicine, dentistry, nursing, optometry, pharmacy, podiatry, public health, psychology, social work, and allied health, that includes—

(i) support for upgrading the quality and depth of the preventative health professions educational programs within the Pacific Basin; and

(ii) residency training in public health, primary care and preventive medicine for National Health Service Corps officers assigned to the Pacific Basin.

(f) AUTHORIZATION TO SUBCONTRACT.—In order to comply with the duties of the Council described in subsection (c), the Council may enter into contracts with various educational and service delivery institutions with relevant expertise.

(g) REPORT.—The Council, in consultation with the Secretary, shall annually prepare and submit to the appropriate Committees of Congress a report describing the expenditure of the funds authorized to be appropriated under subsection (h) and any programmatic recommendations that the Secretary may have.

(h) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this title $20,000,000 for each of the fiscal years 1991 through 1993.

(2) LIMITATION.—No more than 10 percent of the funds appropriated under this subsection shall be used for administrative expenses of the Council.

Mr. KENNEDY. Mr. President, I am honored and proud to speak on behalf of S. 1606, the Disadvantaged Minority Health Improvement Act of 1989. This legislation addresses the plummeting health status of our Nation's disadvantaged minority citizens. It will authorize the Office of Minority Health to coordinate Federal efforts to better understand and reduce the incidence of illness among minority Americans, as recommended in the 1986 Report of the Secretary's Task Force on Black and Minority Health. It will also provide support for health promotion and disease prevention activities and increase the supply of minority health professionals.

S. 1606 will establish new authority and programs under title XVII of the Public Health Service Act. The Office of Minority Health would be authorized within the Office of the Assistant Secretary for Health, to coordinate all activities within DHHS that relate to health promotion, disease prevention, service delivery, and research involving the health of individuals from disadvantaged backgrounds, including racial and ethnic minorities. The office would support research, demonstration projects, and data collection with respect to the prevention and control of diseases or other adverse health conditions of high prevalence among disadvantaged minorities. Amounts authorized for these activities would be $10 million for fiscal year 1991, $12 million for fiscal year 1992, and $15 million for fiscal year 1993.

The Secretary would also be authorized to provide grants and contracts to support new and innovative programs designed to reduce the incidence of specific illnesses and improve the health status of individuals from disadvantaged backgrounds, including racial and ethnic minorities. Amounts authorized for this program would be $20 million for fiscal year 1991, $30 million for fiscal year 1992, and $40 million for fiscal year 1993.

A program to support health promotion and disease prevention activities, focusing on the health problems of American Samoans who live in Hawaii and the continental United States would be authorized. Amounts authorized for this program would be $1 million for fiscal year 1991, $2 million for fiscal year 1992, and $3 million for each of the fiscal years 1993 and 1994.

Title II would establish new authority and programs under titles VII and VIII of the Public Health Service Act. Additional Federal contributions to the health professions student loan funds of eligible health professions schools would be authorized to provide loans to individuals from disadvantaged backgrounds, including racial and ethnic minorities. Lack of sufficient financial aid has proven to be a barrier to access to health professions education for disadvantaged blacks, Mexican-Americans, mainland Puerto Ricans, and American Indians. For this and other reasons, these groups are considered underrepresented in the health professions in comparison to other racial and ethnic groups in the United States. These additional loan resources should facilitate the entry into health professions schools for these underrepresented minority students. In addition, historically minority health professions schools such as Howard University, the Meharry Medical College and the Morehouse School of Medicine, have proven to be national resources in the effort to train minority health care providers in spite of their relatively weak financial health. Recognizing the need to strengthen these institutions and enhance their ability to provide the necessary financial aid to students from disadvantaged backgrounds, 50 percent of the funds appropriated would be provided to schools at which underrepresented minorities constitute not less than 25 percent of the total enrollment—$20 million would be authorized for each of the fiscal years 1991 through 1993 for these contributions.

New authority would be added to provide funds to schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, public health, and allied health, and graduate programs in clinical psychology, to provide scholarships to individuals from disadvantaged backgrounds, including racial and ethnic mincrities. As with the additional loan funds, we would expect that these funds would be directed to increase the number of underrepresented minority health professions students. Amounts authorized for this program would be $25 million for fiscal year 1991, $30 million for fiscal year 1992, and $35 million for fiscal year 1993.

A new loan repayment program would be established for graduates of health professions schools, with the aim of increasing the number of full-time faculty at health professions schools with relatively large enrollments of individuals from disadvantaged backgrounds, including racial and ethnic minorities. The Secretary would be able to contract with a graduate of a health professions school who agreed to serve on the faculty of such a health professions school, in exchange for repayment of educational loans of up to $20,000 per year and a total of $80,000—$3 million would be authorized for each of the fiscal years 1991 through 1993 for this loan repayment program.

Similar scholarship and loan repayment programs would be established for nursing students and graduates of professional schools of nursing. For the nursing scholarship program, $25 million would be authorized for fiscal year 1991, $30 million for fiscal year 1992, and $35 million for fiscal year 1993. For the nursing loan repayment program, $3 million would be authorized for each of the fiscal years 1991 through 1993 for this loan repayment program.

In title III of the bill, a Pacific Basin Health Services Council would be established to monitor the need for health services and health professions development, and determine priorities for the expenditure of public health funds in the Pacific Basin. The trust territories that constitute the Pacific Basin include the Federated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, Guam, and American Samoa. Representation would be drawn from the University of Hawaii and the directors of the health departments from all the trust territories. Funds would be used to support the Pacific Basin Medical Officers Training Program, and other health professions development activities—$20 million would be authorized for each of the fiscal years 1991 through 1993.

At the time of introduction, Secretary of Health and Human Services Louis Sullivan indicated the support of the administration to include in the fiscal year 1991 budget proposal, at least $117 million in funds to support programs to improve the health status of disadvantaged minority Americans. This represented the total amount to be authorized by S. 1606 at the time of introduction. The Committee on Labor and Human Resources subsequently reported this legislation unanimously, with an increase in the total authorization to $127 million for fiscal year 1991. I have every confidence that now, the full Senate will favorably consider and pass S. 1606.

I want to express my appreciation to the cosponsors of S. 1606, Senators SIMON, DODD, MATSUNAGA, METZENBAUM, INOUYE, HATCH, COCHRAN, and SPECTER, along with the remaining members of the Committee on Labor and Human Resources, for their commitment to passing this important health legislation. And I urge my colleagues in the House of Representatives to quickly consider the Disadvantaged Minority Health Improvement Act of 1989, so that it can be enacted into law at the earliest possible date.

Mr. HATCH. Mr. President, I am pleased to offer my support for S. 1606, the Disadvantaged Minority Health Improvement Act of 1989. I want to applaud the efforts of Senator KENNEDY and Secretary Sullivan. They have worked hard with me and other members of the Labor and Human Resources Committee to make this bill better for disadvantaged Americans, including those who suffer from racial and ethnic prejudice. I believe that the health care needs for these Americans are critical; and, this legislation expands our ability to respond.

Over the last decade, Americans have continued to improve their health care status. But, unfortunately, there are still segments of our population that have not caught up. Life expectancy for blacks is 69.7 years compared to 75.4 years for whites. Hispanics in the United States have about twice the risk of stomach cancer as other Americans. And, American Indians die from injuries almost twice as often as nonminorities.

Many of the causes of these differences can be prevented through improved public education and better coordination of services. I applaud the provision of this bill which will authorize grant programs to enhance such prevention efforts.

Furthermore, we need to ensure that there are sufficient numbers of trained health professionals to serve the needs of individuals from disadvantaged backgrounds. And, we should also support programs to help persons from such backgrounds obtain the education and training necessary to become health professionals. This bill keeps the focus where it should be, disadvantaged minorities. By making "disadvantage" the touchstone, we reach the same racial and ethnic minorities encompassed within the bill as it was originally introduced and as this negotiated bill repeatedly makes clear. Indeed, a new finding has been added that states, "racial and ethnic minorities are disproportinately represented among individuals from disadvantaged backgrounds." But, this bill also ensures that a disadvantaged, stigmatized nonminority, such as a coal miner's child living in a deprived community, lacking educational and other resources, has an opportunity to benefit from the programs in this bill.

Another important part is the requirement that schools with 25 percent enrollment of individuals from disadvantaged backgrounds receive funding under these programs. The Labor and Human Resources Committee received testimony from prominent Hispanic organizations who were concerned that the previous set-aside prohibited schools which had large Hispanic populations from participating. I would like to thank Senator KENNEDY for making this change. Hispanics, as a general population, have very similar types of health care concerns as other racial and ethnic minorities.

Mr. President, I am pleased to offer one amendment to S. 1606 which will address another major concern that comes up in discussions on the problems of the disadvantaged—prenatal care. This amendment is designed to put a greater emphasis on prenatal care by providing $5 million to States to coordinate existing prenatal programs. Existing prenatal care efforts are scattered in at least five separate programs and need to be better coordinated.

My home State of Utah has been a model for coordinating such services. Governor Bangerter and his capable advisers, Dr. Suzanne Dandoy, the director of the Utah Department of Health, and Dr. Peter van Dyke, director of Utah's Maternal and Child programs, have provided Congress with direction on how our Federal and State prenatal care efforts can work better.

They have created new initiatives in Utah which combine public and private sector efforts to help mothers have healthy babies. They do this by offering and delivering services in a coordinated fashion. This one-stop shopping concept allows a pregnant woman to go to one place to receive information about all the services that are available to her. This eliminates the need to go to four or more places to apply for and receive prenatal care services.

I thank those in Utah who have developed this program. What they are doing is reducing infant mortality and morbidity by providing increased access be prenatal care. This should be a model for other States.

Every year 40,000 babies die in the United States. From now until the end of this century, 620,000 infants will die unless we work to change the course that we are on. This is more than the total number of deaths of the American forces that resulted on the battlefields during World War I, World War II, Korea, and Vietnam.

This amendment will allow women greater access to the health care system and the prenatal services that they need. In addition, prenatal services are also cost effective. It is estimated that for every $1 invested in prenatal care, $3 in neonatal care is saved in the child's first year and $11 is saved over the child's lifetime in medical, social, and educational costs.

The future of our Nation is based on our greatest natural resource, our children. Investing wisely in prenatal care will result in long-term benefits for this Nation.

Again, I would like to thank those who worked so hard on some very difficult issues surrounding this bill. Minority health care issues are very important to all of us, and I appreciate the efforts of all Senators to make this an effective piece of legislation. I urge my colleagues to support this legislation.

Mr. SPECTER. Mr. President, I am pleased to support the passage of S. 1606, the Disadvantaged Minority Health Improvement Act of 1989, of which I am an original cosponsor. This legislation, which was introduced on September 11, 1989, seeks to improve the health status of disadvantaged minorities in this country.

At the core of this effort is the authorization of the Office of Minority Health, an issue which has been a priority of mine since the introduction of such legislation on November 17, 1987. My legislation in the 100th Congress, S. 1872, authorized AIDS education and prevention funds for minority community-based organizations and authorized the Office of Minority Health within the Department of Health and Human Services. The AIDS education provisions were included in Public Law 100-607. Today, I endorse the Senate action on legislation to authorize the Office of Minority Health.

Mr. President, it has been 4 years since former Secretary of Health and Human Services Margaret Heckler reported the startling findings of the Secretary's Task Force on Black and Minority Health. After completing a year-long study, the task force reported that 60,000 excess minority deaths occur each year. These are deaths that could be prevented if blacks and other minorities had the same mortality rate as nonminorities. The report cited six causes of death for more than 80 percent of the excess mortality: Cancer; cardiovascular disease and stroke; chemical dependency; diabetes; homicides and accidents; and infant mortality.

Within the black community, the task force identified 18,000 excess deaths from heart disease and stroke; 11,000 from homicides and accidents; 8,100 from cancer; 6,100 from infant mortality; 2,150 from cirrhosis, and 1,850 from diabetes. AIDS had not been recognized as a minority health issue at the time the task force conducted its study.

As a result of the task force findings in 1985, former Secretary Heckler created the Office of Minority Health within the Office of the Assistant Secretary for Health. An initial $3 million was committed by the Secretary to fund this Office, the charge of which was to coordinate the implementation of task force recommendations. Unfortunately, with Secretary Heckler's departure, departmental commitment to the Office of Minority Health and to addressing the minority health crisis in this country seemed to dissolve. Only through congressional leadership has the Office received increased financial support. This disregard for the crisis in minority health led me to introduce my legislation in 1987, and again this year as S. 1607.

Under the terms of my legislation, the Office of Minority Health would: coordinate all activities within the Department that relate to minority health care education, prevention, and service delivery; coordinate efforts to promote minority care programs and policies in voluntary organizations and in the private sector; establish a minority health care resource center; and support projects and conduct research and demonstrations regarding minority health care. In addition, the Office would make grants to support efforts to increase AIDS education and prevention initiatives in minority communities. Finally, the legislation would require the Secretary to submit to the President for transmittal to Congress an annual report on the status of minority health care efforts.

Mr. President, S. 1606, the legislation before us today, seeks to help improve the health status of disadvantaged minorities by: One, authorizing the Office of Minority Health to coordinate Federal efforts to better understand and reduce the incidence of illness among disadvantaged minorities; two, increasing the supply of health professionals from disadvantaged backgrounds through scholarship and loan repayment initiatives; and three, providing support for health promotion and disease prevention activities designed to reduce the occurrence of illnesses that are particularly prevalent among individuals from disadvantaged backgrounds, including racial and ethnic minorities. For the initiatives set forth in this legislation, $127 million is authorized in fiscal year 1991, $150 million in 1992, and $174 million in 1993.

Mr. President, for the first time in this century, blacks in the United States have experienced a decline in life expectancy for 2 consecutive years, while the life expectancy for whites has increased slightly. According to a study by the National Center for Health Statistics, the average life expectancy of whites increased from 75.3 to 75.4 years between 1984 and 1986. Conversely, blacks experienced a decline in life expectancy, from 69.7 to 69.4 years during the same period.

Major factors in the decline for blacks are homicides—including drug-related deaths and police shootings—accidents, AIDS, tuberculosis, cancer, and infant mortality. This is the first time since 1962 that life expectancy has declined 2 years in a row for any race, and the only time in this century that life expectancy for blacks dropped while the figures rose for whites.

Mr. President, the legislation before us today represents a real commitment to attacking the health crisis in black, Hispanic, and other minority populations. Combined with efforts to address underlying societal conditions such as homelessness, poor nutrition, inadequate housing, chronic unemployment, poor education and other conditions of poverty, our Nation can begin to close this gap in health status.

Accordingly, I urge my colleagues to join in support of this vital health initiative.

The PRESIDING OFFICER. Are there amendments to the substitute?

AMENDMENT NO. 1184

(Purpose: To provide for the coordination of prenatal care programs)

Mr. BURNS. Mr. President, I send an amendment to the desk on behalf of Mr. HATCH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. HATCH, proposed an amendment numbered 1184.

Mr. BURNS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE —IMPROVING THE HEALTH OF MOTHERS AND THEIR BABIES

SEC. 01. COORDINATION OF PRENATAL CARE PROGRAMS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended in this Act) is further amended by adding at the end thereof the following new section:

"SEC. 1711. COORDINATION OF PRENATAL CARE PROGRAMS.

"(a) IN GENERAL.—The Secretary shall establish a program to make grants to States who establish procedures to coordinate assistance provided through Federal and State prenatal care programs.

"(b) APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application at such time, in such form, and containing such information as the Secretary shall prescribe.

"(c) COORDINATION.—The assistance provided through various programs that shall be coordinated by States that receive grants under this section shall include—

"(1) assistance provided under section 17 of the Child Nutrition Act of 2966 (42 U.S.C. 1786);

"(2) assistance provided under title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(3) assistance provided under title V of the Social Security Act (42 U.S.C. 701 et seq.);

"(4) assistance provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(5) assistance provided under subpart I of part D of title III of this Act; and

"(6) assistance provided through other Federal or State programs that is targeted at reducing infant mortality.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section, $5,000,000 for each of the fiscal years 1990 through 1992.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I am very pleased that the Senate today moves to pass the new Low-Income AIDS/HIV Treatment Assistance Program.

This program will enable the Public Health Service to extend its program of grants to States to assist low-income individuals with AIDS or HIV disease in receiving treatments which prolong life and prevent serious deterioration of health.

The funding is urgently needed not only to prevent thousands of people currently enrolled from being cut off of treatment, but also to advance our entire public health effort to bring the AIDS epidemic under control.

Our strong commitment to biomedical research in AIDS has brought significant recent advances in the treatment of HIV infection and treatments for the prevention of AIDS related. These advances—paired with progress in diagnosis and clinical management of HIV disease—mean that AIDS is increasingly being viewed as a chronic, treatable illness.

The availability of effective treatments for HIV is an essential component of public health efforts to bring the AIDS epidemic under control. The most compelling incentive for individuals to step forward for HIV testing and counseling is the availability of proven medical interventions which can extend life and reduce suffering.

The overriding reason for providing Federal assistance AIDS/HIV treatment, beyond simple compassion, is the transmissible nature of the illness. By providing incentives for infected individuals to seek medical treatment as early as possible, caregivers and public health officials gain an opportunity to

deliver education and counseling that has been demonstrated to reduce rates of transmission.

AIDS represents a unique threat to our citizens and to future generations. This illness was effectively nonexistent in our Nation a decade ago and today directly jeopardizes over a million Americans. Rationing access to treatment for AIDS and HIV disease based on the individual's inability to pay would ultimately result in more Americans unknowingly becoming infected with HIV—thus increasing the total cost of the epidemic.

By helping low-income individuals gain access to AIDS/HIV treatments, we can help many HIV infected individuals continue working and earning, thus eliminating their need to turn to public assistance programs for life-saving assistance.

In addition, access to early treatment can help reduce utilization of hospitals. Currently, the added demand for services created by the HIV epidemic is taxing many inner city health systems to the point of breakdown.

This program will provide life sustaining therapeutics to individuals who face both poverty and otherwise certain death. It is a compassionate and cost-effective measure designed to assist those persons in severe economic distress who are also combatting HIV.

This critical authorization will regularize a program that has operated in a haphazard manner for too long. The program will be administered by the Health Resources and Services Administration [HRSA] and provides grants to the States based on the relative number of diagnosed AIDS cases in a State compared to all U.S. cases—as reported to the Centers for Disease Control.

The bill makes it clear that States must ensure that persons served under the program are low-income individuals who otherwise would have no means of obtaining life prolonging treatment. Each State must determine that individuals seeking treatment under the program are not currently eligible for reimbursement of treatment expenses by any other third party payor or benefits program.

In authorizing this program, we will ask HRSA to compile complete information on future utilization of the program. In particular, we expect to receive detailed information on the number of individuals served by the program, procedures for targeting assistance to low-income persons, and economic and health characteristics of the individuals enrolled. We shall also ask HRSA to conduct an evaluation of the program's effectiveness in meeting the overall need for AIDS/HIV treatments—including measures of cost effectiveness and patient outcomes.

Finally, we will begin to build a partnership with States, particularly those with a significant incidence of AIDS. This authorization provides a State share up to 1 percent of the total allotment free and clear. Those States that receive more than 1 percent of the total appropriation will be required, in the out years, to match these Federal funds, dollar for dollar. In so doing, we recognize that the health care challenges presented by the HIV epidemic will never be adequately confronted without the cooperation of all levels of government—and the private sector.

By passing this authorization today, the Senate not only secures life saving therapeutics but implements a key component of our public health strategy to end this epidemic.

I ask unanimous consent that the dear colleague and other support materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 18, 1989.

DEAR COLLEAGUE: We write to express our support for the grant program to states for AIDS treatment assistance. This program does more than make life prolonging therapies available to low income individuals with HIV diseases, it also helps to bring the AIDS epidemic under control.

The availability of effective treatments for HIV is the most compelling incentive for individuals to step forward for HIV counseling and testing. By providing access to treatment, caregivers and public health officials gain a crucial opportunity to deliver AIDS education that has been demonstrated to facilitate behavior change and reduce transmission of the AIDS virus.

Among the many diseases which confront us, HIV is unique because it is both lethal and transmissible, through sexual contact, sharing of needles, and from mother to newborn. AIDS was effectively non-existent in our nation a decade ago and today directly jeopardizes a million Americans. Rationing access to treatment of HIV disease based on the patient's ability to pay would ultimately result in more Americans unknowingly becoming infected—thus increasing the human and fiscal toll taken by AIDS.

Providing federal funds to assist low-income individuals obtain treatment for AIDS and HIV disease is not just an act of compassion, it is a key part of the public health strategy to end this epidemic. We urge you to actively support both funding and renewed authorization for this program.

Sincerely,

Edward M. Kennedy, Orrin Hatch, Joseph Biden, Bob Packwood, Tim Wirth, Carl Levin, Chuck Robb, Frank Lautenberg, Pete Wilson, Alfonse D'Amato, Lloyd Bentsen, Spark Matsunaga, John Chafee, Patrick Leahy, John F. Kerry, Claiborne Pell, Howard Metzenbaum, Herb Kohl, Joseph I. Lieberman, John Glenn, Bill Bradley, Barbara Mikulski, Bennett Johnston, Terry Sanford, Paul Simon, Donald Riegle, Slade Gorton, Christopher J. Dodd, Alan Cranston, Dave Durenberger, Daniel Inouye, Arlen Specter, Paul Sarbanes, Jim Jeffords, Daniel Patrick Moynihan, Nancy Kassebaum, Brock Adams, Bob Dole, Mark O. Hatfield, Tom Harkin, Albert Gore.

AN URGENT MESSAGE TO THE PRESIDENT AND MEMBERS OF CONGRESS FROM STATE COMMISSIONERS OF HEALTH: PLEASE DON'T TURN YOUR BACKS

"I want all our citizens with HIV infection to know that we are in this fight with them all the way. We are on their side, doing everything we can. We will not turn our backs."—Louis W. Sullivan. M.D., Secretary of Health and Human Services, May 6, 1989.

In recent weeks federally financed research efforts have yielded breakthrough information in the fight against AIDS. In many people who have no symptoms, but who are infected with HIV, the underlying cause of AIDS, early treatment with the drug AZT has been shown to delay the onset of AIDS and to enhance both length and quality of life. The news augments an earlier announcement that the preventive use of the drug pentamindine in aerosol form can forestall the pneumonia that has been the principal cause of AIDS-related hospitalization and death in the United States. For the million or more Americans infected with HIV, this is a time of hope. For too many of them this hope will never be realized—without your help.

Access to treatment will buy precious time as scientists continue search for even more effective therapies. Failure to guarantee access to treatment will result in needless suffering.

The availability of treatment provides a new opportunity to slow the spread of HIV infection. Those who receive ongoing treatment will be in close contact with clinicians and counselors who can help them make profound behavioral changes necessary to interrupt the spread of HIV. Men, women, and adolescents will be given a new reason and new support for considering the importance of prevention.

Developing outpatient services now will enable us to conserve scarce medical resources. If adequate ambulatory treatment is available, unnecessary and costly hospital stays can be reduced.

Congress can act now. The Congress should renew and broaden the drug subsidy program due to expire on September 30. The program was first enacted as an emergency measure two years ago to ensure access to AZT for people with full-blown AIDS. As the recent studies have demonstrated, hundreds of thousands more Americans can now benefit from early drug therapy.

This is an epidemic. It requires national leadership. As Commissioners of Health, concerned about AIDS, we see an unparalleled opportunity for bold policies that can match the strides of science.

Secretary Sullivan held out the vision of a partnership in the fight against AIDS. We urge you to take up the challenge now.

COMMISSIONERS OF PUBLIC HEALTH WHO HAVE SIGNED THE ATTACHED LETTER

Alabama: Claude Earlfox, M.D., M.P.H.
Alaska: Elizabeth Ward.
Arizona: Glyn Caldwell, M.D.
Arkansas: M. Joycelyn Elders, M.D.
Colorado: Thomas Vernon, M.D.
Connecticut: Frederick Adams, D.D.S., P.H.
Delaware: Lester Wright, M.D., M.P.H.
Georgia: James Alley, M.D.
Hawaii: John Lewis, M.D.
Illinois: Bernard Turnock, M.D.

Indiana: Woodrow Meyers, Jr., M.D.
Kansas: Charles Konigsberg, M.D.
Kentucky: Carlos Hernandez, M.D., M.P.H.
Louisiana: David Ramsey.
Michigan: Raj Wiener.
Minnesota: Sister Mary Madonna Ashton.
Mississippi: Alton Cobb, M.D., M.P.H.
Missouri: Robert Harmon, M.D.
Montana: Donald Pizzinni, M.E.S.
Nebraska: Greg Wright, M.D.
Nevada: Joseph Jarvis, M.D.
New Hampshire: William Wallace, Jr., M.D.
New Jersey: Molly Coye, M.D.
New York: David Axelrod, M.D.
North Dakota: Robert Wentz, M.D.
Ohio: Ronald Fletcher, M.D.
Oklahoma: Joan Leavitt, M.D.
Oregon: Kristine Gebbie, R.N.
Pennsylvania: N. Mark Richards, M.D.
South Carolina: Michael Jarrett.
South Dakota: Charles Anderson, Ed.D.
Tennessee: Richard Light, M.D.
Texas: Robert Bernstein, M.D.
Utah: Sheldon Elman.
West Virginia: George Lilly, Jr., Ed. D.
Wisconsin: George MacKenzie.
Wyoming: Larry Meuli, M.D.

NATIONAL COMMISSION ON AIDS,
Washington, DC, September 19, 1989.

STATEMENT ON THE FY '90 APPROPRIATIONS

We, the Members of the National Commission on Acquired Immune Deficiency Syndrome (AIDS), strongly support the increase in AIDS funding endorsed by both Houses of Congress and the Administration. While we believe that much work remains to secure adequate funding for the national battle against AIDS, we also recognize the fiscal challenges facing the Congress.

We are particularly pleased that the Senate Committee on Appropriations has increased the total AIDS budget to accommodate humane and cost-effective programs designed to meet the burgeoning care needs resulting from the HIV epidemic. The Congress made clear the priority it places on the health care needs of people with AIDS and HIV in the AIDS legislation that was unanimously approved last fall. Being able to provide access to lifesaving medical treatment to those who face poverty and death is not only a compassionate response to the crisis but a sound public health strategy for bringing the epidemic under control. The most compelling incentive for individuals to step forward for HIV counseling and testing is the availability of effective treatment and appropriate medical care.

The Commission is most invigorated by the task of advising both the Administration and the Congress. It is a responsibility that we accept with great determination. Given the gravity of the HIV epidemic, we are fortunate to have an abundance of sound data on which to base our public health policy decisions. With this in mind, we urge the Congress to be deliberative in its policy-making processes and to resist fragmented approaches to public policy via amendments to the FY '90 Appropriations bill.

The National Commission on AIDS stands ready to review and comment on proposals under consideration by the Congress for addressing the challenges presented by the HIV epidemic.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, July 12, 1989.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Re: Funding for AZT.

DEAR SENATOR KENNEDY: The American Medical Association understands that you have proposed a mechanism for the federal funding of AZT. This proposal would provide grants to states so that the cost of AZT could be covered for certain AIDS patients.

As you know, the AMA previously has expressed support for federal funding of AZT for AIDS patients. Recently reported results at the Fifth International Conference on AIDS add to the evidence that the survival experience of AIDS patients taking AZT significantly improves.

The existing temporary funding scheme for AZT has reached the brink of termination on several occasions. This situation is unfortunate for the AIDS patients who would be devastated without continued access to AZT.

The AMA supports your effort to include a longer-term solution to the problem of funding AZT treatment as part of reconciliation legislation. Your leadership and initiative on this and other AIDS issues is to be commended.

Sincerely,

JAMES H. SAMMONS, M.D.

ASSOCIATION OF SCHOOLS OF PUBLIC HEALTH,
WASHINGTON, DC, July 17, 1989.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 24 deans of the schools of public health, I wish to reaffirm our support for a provision that would facilitate access to drugs for low income persons with HIV infection. As you know well, such funding expires September 30, and the sooner the issue is addressed, the more effectively states can plan for therapies. We, therefore, support you in your efforts to make such provision as soon as possible in the Congressional legislative season.

Sincerely,

D.A. HENDERSON, MD, MPH,
ASPH President and Dean, School of Hygiene and Public Health, The Johns Hopkins University.

ASSOCIATION OF SCHOOLS OF PUBLIC HEALTH—LIST OF DEANS

Dean Juan Navia (Acting), School of Public Health, University of Alabama-Birmingham, 305 Tidwell Hall, Birmingham, Alabama 35294. (205) 934-2288.

Director Norman A. Scotch, School of Public Health, Boston University, 80 East Concord Street, A-407, Boston, Massachusetts 02118-2394. (617) 638-4640.

Dean Robert C. Spear (Acting), School of Public Health, University of California-Berkeley, 19 Earl Warren Hall, Berkeley, California 94720. (415) 642-2523.

Dean A.A. Afifi, School of Public Health, University of California-Los Angeles, Center for Health Sciences, Rm. 16-035, Los Angeles, California 90024. (213) 825-6381.

Dean Allan Rosenfield, School of Public Health, Columbia University, 600 West 168th Street, New York, New York 10032. (212) 305-3929.

Dean Harvey Fineberg, School of Public Health, Harvard University, 677 Huntington Avenue, Boston, Massachusetts 02115. (617) 732-1025.

Dean Jerrold M. Michael, School of Public Health, University of Hawaii, 1960 East-West Road, Honolulu, Hawaii 96822. (808) 948-8491.

Dean Jacob A. Brody, School of Public Health, University of Illinois at Chicago, Health Sciences Center, P.O. Box 6998, Chicago, Illinois 60680. (312) 996-6620.

Dean Donald A. Henderson, School of Hygiene and Public Health, The Johns Hopkins University, 615 North Wolfe Street, Baltimore, Maryland 21205-2179. (301) 955-3540.

Dean Edwin Krick, School of Public Health, Loma Linda University, Loma Linda, California 92350. (714) 824-4578 or (800) 854-5661.

Dean Stephen H. Gehlbach, School of Public Health, 108 Arnold House, University of Massachusetts, Amherst, Massachusetts 01003-0037. (413) 545-1303.

Dean June Osborn, School of Public Health, University of Michigan, 109 South Observatory Street, Ann Arbor, Michigan 48109-2029. (313) 763-5454.

Dean Robert L. Kane, School of Public Health, University of Minnesota, A-304 Mayo Memorial Building, Minneapolis, Minnesota 55455-0318. (612) 624-6669.

Dean Michel A. Ibrahim, School of Public Health, University of North Carolina, Campus Box 7400 Rosenau Hall, Chapel Hill, North Carolina 27599-7400. (919) 966-3215.

Dean Allen C. Meadors (Acting), College of Public Health, University of Oklahoma, P.O. Box 26901, Oklahoma City, Oklahoma 73190. (405) 271-2232.

Interim Dean Thomas Detre, Graduate School of Public Health, University of Pittsburgh, 111 Parran Hall, Pittsburgh, Pennsylvania 15261. (412) 624-3000 or 624-2396.

Dean Juan Silva-Parra, School of Public Health, University of Puerto Rico, G.P.O. Box 5067, San Juan, Puerto Rico 00936. (809) 758-2525 x 1402.

Director F. Douglas Scutchfield, Graduate School of Public Health, San Diego State University, San Diego California 92182-0405. (619) 594-6317 or 594-4239.

Dean Winona Vernberg, School of Public Health, University of South Carolina, Columbia, South Carolina 29208. (803) 777-5032.

Dean Peter J. Levin, College of Public Health, University of South Florida, MHH-104, 13301 Bruce B. Downs Blvd., Tampa, Florida 33612-3899. (813) 974-3623.

Dean Palmer Beasley, School of Public Health, University of Texas, Health Science Center at Houston, Reuel A. Stallones Building, P.O. Box 20186. Houston, TX 77225.

Dean J.T. Hamrick (Acting), School of Public Health and Tropical Medicine, Tulane University, 1430 Tulane Avenue, New Orleans, Louisiana 70112. (504) 588-5397.

Dean Gilbert S. Omenn, School of Public Health and Community Medicine, University of Washington, SC-30, Seattle, Washington 98195. (206) 543-1144.

Chairman Burton R. Singer, Department of Epidemiology and Public Health, Yale University, School of Medicine, P.O. Box 3333, 60 College Street, New Haven, Connecticut 06510. (203) 785-2867.

Dean Haroutune K. Armenian, Faculty of Health Sciences, American University of Beirut, Beirut, Lebanon. (Affiliate Member.)

Eugene J. Gangarosa, Director, MPH Program, Division of Public Health, Emory University, 1599 Clifton Road, Atlanta, Georgia 30329. (404) 727-7806. (Affiliate Member).

Dean David Carpenter, School of Public Health, SUNY at Albany, Tower Building 2523, Empire State Plaza, Albany, New York 12237. (518) 473-7553. (Affiliate Member).

JULY 19, 1989.

Hon. EDWARD M. KENNEDY,
Chair, Senate Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We, the undersigned denominational and interfaith agencies, thank you for your leadership in the passage of S. 586 which authorized a six month extension of federal subsidies to provide the life saving drug AZT to low income persons living with AIDS.

The effectiveness of this particular treatment has been well documented in scientific literature, but is dependent on regular, continuous prescribed use. Its availability for low income persons, however, has been equally dependent on short term appropriation authorizations. While certainly not a permanent solution, a longer term effort is needed to ensure persons living with AIDS that they at least can depend on the availability of AZT for the course of their treatment.

In addition, with the emergence of other forms of treatment for HIV infection and AIDS, there needs to be a mechanism for states and the federal government to provide a more stable source of support for such treatments to low income persons with AIDS.

It is our understanding that the Low Income AIDS HIV/Treatment Assistance Program could provide this increased assurance. This proposal calls for the authorization of a 36 month, interim AIDS/HIV treatment program to be funded at $30 million in FY 90 with similar amounts in the remaining years. The program would be administered by the Health Resources and Systems Administration with a 50/50 split of costs between the federal government and the states.

It is essential that the appropriate federal agencies take what they have learned from the success of the AZT authorization extension and apply it to other life saving treatments. With the availability of additional treatments to low income persons will come additional benefits, not only to those receiving the treatments, but to society as well. Many of the new treatments, in particular aerosolized pentamidine, have been proven effective as a preventative agent in the treatment of pneumocystis pneumonia. This particular opportunistic infection lead to the death of over 17,000 persons last year. At the current time this life preserving treatment is unavailable to thousands of persons with AIDS because no mechanism such as the AIDS Treatment Program is in effect. This program should be targeted at the most needy. 85% of persons with AIDS currently receiving treatments like AZT have incomes below 200% of the poverty level. These persons should be those most eligible for such a program.

While we are aware that this type of effort will not provide a permanent solution to the ongoing financial and treatment needs of low income persons with AIDS, it is a dramatic step forward. We support your continuing efforts to bring this type of essential health care to persons with AIDS and know that we will urge your fellow members of Congress to support this measure as well.

Sincerely,

Kenneth T. South, Public Advocate, AIDS National Interfaith Network.

Jim Matlock, Director Washington Office, American Friends Service Committee.

Benita Gayle-Almelah, American Jewish Committee.

Silly Timmel, Director Washington Office, Church Women United.

Ruth Flower, Friends Committee on National Legislation.

Joseph R. Hacala, S.J., Director National Office, Jesuit Social Ministries.

Donna T. MortonStout, JD, M.Div., Associate General Secretary, Issues Development and Advocacy Unit, The United Methodist Church.

Mary Cooper, National Council of the Churches of Christ in the U.S.A.

Mary Jane Patterson, Director Washington Office, Presbyterian Church, U.S.A.

Rabbi Lynne Landsberg, Religious Action Center of Reform Judaism.

Jay Lintner, Director Washington Office, Office for Church in Society, United Church of Christ.

Robert L. Alpern, Director Washington Office, Unitarian Universalist Association of Congregations.

Father Robert J. Brooks, Washington Office, The Episcopal Church.

NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
Miami, Florida, September 17, 1989.

To whom it may concern:

At its 20th Annual Convention and Community Health Institute, the National Association of Community Health Centers has passed the following resolutions, developed by the AIDS Task Force and approved today by the NACHC House of Delegates:

1. As a major provider of primary care for a large percentage of our population nationally, community health centers are already confronting and accepting the responsibility for the care of significant numbers of HIV-infected individuals.

It is crystal clear that the epidemic which is now sweeping our country will not be confined to the poor, to the IV drug abuser, the homosexual, or the transfusion recipient.

HIV infection will spread throughout the entire population. There is no family that is immune. This disease now threatens not only our lives but the health care delivery "non-system" on which all of us depend.

The challenge posed by HIV infection presents a crisis which must be faced squarely now if we are going to survive. It is incumbent upon all that we maintain or comprehensive approach to health care which includes all health services: disease prevention and health promotion for our entire population, to include perinatal, pediatric, adult and geriatric care.

In a society which has homelessness, substance abuse, violence, racism and is closer to collapse than we care to realize, it is important that we now *use* the HIV epidemic to bring us together. If we fulfill our primary care mission as was the original intent, we can improve our health care overall, and end the categorical approaches and the attendant waste and duplication which continue to plague us.

The National Association of Community Health Centers must bring the collective weight of our communities to strengthen the existing coalition, and clearly establish its leadership profile and begin to coordinate a national effort to fight AIDS.

2. The recent announcements with reference to the new uses of AZT are both welcome and frustrating: welcome because they bring hope and the promise of longer life to a previously doomed population; frustrating because the drug AZT is costly and out of the reach of most community health center users.

We call upon our national association to lead the fight to make AZT and all other effective therapeutic measures available, not just to the affluent, but to all members of our society.

To that end we call on our government to use its inherent powers to bring the new medicines to the population whose lives depend on them. AZT is our immediate goal and we need it now.

JOHN HOLLOMAN, M.D.,
Chairman, AIDS Task Force.
ROLAND J. GARDNER,
President.

THE UNITED STATES CONFERENCE OF MAYORS,
Washington, DC, July 18, 1989.

Sen. EDWARD KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the United States Conference of Mayors, I am writing to inform you of our nation's cities full support for a three year authorization for the Low Income Treatment Assistance Program for AIDS/HIV treatment assistance, and to commend you for your leadership on this issue. Over 250 mayors met last month in Charleston and passed a policy resolution in support of early intervention for the treatment of HIV infected persons. I have enclosed a copy of our policy for your review.

As you know, in the early years of the battle against AIDS, prevention education was the sole tool available to combat this disease. Now, however, with promising new drugs such as AZT and aerosolized pentamidine, hope is available for those infected with HIV, if they can afford the costly treatments.

The funding Congress has twice provided for the AZT treatment program has been enormously helpful in assisting low income persons to obtain this life prolonging treatment. Early indications for the success of aerosolized pentamidine are even more promising in treating pneumocystis pneumonia, the most common killer of those with AIDS. Increased access to these drugs will enable HIV infected persons to remain healthy—avoiding costly hospital care which is already straining the budgets of federal, state and local governments.

It is the Conference of Mayors' belief that the Low Income AIDS/HIV Treatment Assistance Program would be best retained as a solely federal program. Establishing a state option to "opt out" of the federal-state matching requirement would shift the financial burden of the program to cities—the level of government least able to absorb these added costs or raise moneys in support of the program. Such a move would be an unprecedented shift from the established federal-state partnership in financing health care in America.

As you are well aware, the vast majority of AIDS cases to date occur in our major cities. Our mayors find themselves on the front line of this disease, with local government bearing a significant financial proportion of this national epidemic. The Low Income AIDS/HIV Treatment Assistance Program should remain as it was originally intended: a clear federal commitment to dealing with a national health crisis that is overwhelming the capacity of state and local resources.

The U.S. Conference of Mayors is very supportive of your efforts to authorize the Low Income Treatment Assistance Program. We look forward to working with you to ensure that treatment for HIV infection and AIDS is made available to all who need it. Please do not hesitate to call Richard D. Johnson, Assistant Executive Director, at 293-7330, if you or your staff have any questions or if we can be of any assistance to you.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL ORGANIZATIONS
RESPONDING TO AIDS,
Washington, DC, July 12, 1989.

DEAR SENATOR: The promising news about early interventions for people with HIV infection, as well as therapeutics for people with AIDS, is tempered by a policy challenge to find a way to finance the care and treatment theoretically available but realistically unaccessible.

Two years ago, the Senate passed a special measure with bi-partisan support to provide financial assistance to people with HIV infection and related diseases in order to purchase drugs. At the time, AZT was the newest and most promising drug, but its price was virtually unaffordable for most Americans. Since that original program, Congress has supported two extensions with a promise to enact a more permanent and equitable program.

We are writing to urge you support for a three year authorization on a bill to provide financial assistance to people with HIV infection for the purpose of purchasing life extending medical therapies and treatments. This program would be designed to assist low income individuals and should include both federal and state matching funds. We believe that such a program is in keeping with our nation's commitment to extend the productive lives of those who are HIV infected, as well as meeting the equity concerns of a public health epidemic.

Currently, funds available from the federal government will expire on September 30, 1989. Without a new authorization and corresponding appropriations, thousands of Americans will be faced with the cruel dilemma of treatment vs. poverty or death. There is much to be proud of in our scientific advances of late, but these advances are truly meaningless without the opportunity for people to access the new treatments and therapies.

We look forward to your support of this worthwhile program.

Sincerely,

AIDS Action Council.
AIDS National Interfaith Network.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs.
American College Health Association.
American Nurses' Association.
American Psychological Association.
American Public Health Association.
American Red Cross.
American for Democratic Action.
American Foundation for AIDS Research.
American Jewish Committee.
American Medical Students Association.
Center for Population Options.
Chronic Fatigue Syndrome Information Institute, Inc.
City of New York.
Human Rights Campaign Fund.
Legal Action Center.
National AIDS Network.
National Association of Counties.
National Association for Home Care.
National Association of Public Hospitals.
National Association of Social Workers.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hospice Organization.
National Minority AIDS Council.
National Network of Runaway and Youth Services.
National Puerto Rican Coalition.
National Women's Health Network.
Parents/Friends of Lesbians and Gays.
Rainbow Lobby.
United Food and Commercial Workers International Union.

Mr. ADAMS. I would like to engage the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, in a colloquy regarding an amendment I had intended to offer to this legislation. As the Senator knows, the loan repayment provisions of the bill before us apply only to health professionals from disadvantaged backgrounds who agree to accept a full time faculty position at a health professions school where at least 25 percent of the students are from disadvantaged backgrounds, including racial and ethnic minorities. I had intended to offer an amendment to this bill which would have also targeted such a loan repayment program to health professionals who agree to practice in health manpower shortage areas, many of which are largely populated by racial and ethnic minorities. Such a loan repayment program is worthy of Federal support because of the dire need in communities with large concentrations of minority populations for more health professionals. The report of the Secretary's Task Force on Black and Minority Health found that minorities are underrepresented in the health professions. And most minority individuals receive health care from providers who do not share their own ethnic or cultural background.

Mr. KENNEDY. The Senator and I have discussed his proposal, and we are in agreement on the value of such an approach. Because of my desire to move this legislation forward without additional delay, though, I prefer to include your proposal as an amendment to legislation to reauthorize the National Service Corps which the Congress will consider next year. The Senator has my strong commitment of support for his initiative at that time.

Mr. ADAMS. I thank the chairman for his leadership and for his cooperation. The bill before us is an important element in a program designed to improve health care for individuals from disadvantaged backgrounds, including racial and ethnic minorities, in the United States. At the same time, in passing this legislation today, we must acknowledge that it is only one element. The Secretary's report on black and minority health outlines many other initiatives, including the one I have advanced here, which must be undertaken if we are to implement a comprehensive and effective approach to improving the health status of individuals from disadvantaged backgrounds, including racial and ethnic minorities.

Mr. KENNEDY. The Senator is correct. I look forward to working with him in the months ahead to further address the recommendations of the Secretary's report on black and minority health, and I appreciate his willingness to delay the offering of the amendment to this particular bill at this time.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill S. 1606, as amended, was passed, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disadvantaged Minority Health Improvement Act of 1989".

SEC. 2. FINDINGS.

Congress finds that—

(1) racial and ethnic minorities are disproportionately represented among individuals from disadvantaged backgrounds;

(2) the health status of individuals from disadvantaged backrounds, including racial and ethnic minorities in the United States is significantly lower than the health status of the general population of the United States;

(3) minorities suffer disproportionately high rates of cancer, stroke, heart diseases; diabetes, substance abuse, acquired immune deficiency syndrome, and other diseases and disorders;

(4) the incidence of infant mortality among minorities is almost double that for the general population;

(5) Blacks, Hispanics, and Native Americans constitute approximately 12 percent, 7.9 percent, and 0.01 percent, respectively, of the population of the United States;

(6) Blacks, Hispanics, and Native Americans in the United States constitute approximately 3 percent, 4 percent, and less than 0.01 percent, respectively, of physicians, 2.7 percent, 1.7 percent, and less than 0.01 percent, respectively, of dentists, and 4.5 percent, 1.6 percent, and less than 0.01 percent, respectively, of nurses;

(7) the number of individuals who are from disadvantaged backgrounds in health professions should be increased for the purpose of improving the access of other such individuals to health services;

(8) historically, the mission of minority health professions institutions has been to increase the number of minority health practitioners to serve the medically needy;

(9) such institutions (and other health professions institutions), and individuals from disadvantaged backgrounds, including minority individuals, should receive Federal financial assistance to facilitate an increase in the number of such individuals in the health professions;

(10) the Report of the Secretary's Task Force on Black and Minority Health (prepared for the Secretary of Health and Human Services and issued in 1985) described the health status problems of minorities, and made recommendations concerning measures that should be implemented by the Secretary with respect to improving the health status of minorities through programs for providing health information and education; and

(11) the Office of Minority Health, created in 1985 by the Secretary of Health and Human Services, should be authorized pursuant to statute and should receive increased funding to support efforts to improve the health of individuals from disadvantaged backrounds, including minorities, including the implementation of the recommendations made by the Secretary's Task Force on Black and Minority Health.

TITLE I—HEALTH PROMOTION AND DISEASE PREVENTION FOR MINORITIES

Subtitle A—Programs for Minorities Generally

SEC. 101. ESTABLISHMENT OF OFFICE OF MINORITY HEALTH AND AUTHORITY OF OFFICE TO MAKE GRANTS FOR PREVENTION AND CONTROL OF PREVALENT DISEASES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1707. ESTABLISHMENT OF OFFICE OF MINORITY HEALTH.

"(a) IN GENERAL.—The Secretary shall establish in the Office of the Assistant Secretary for Health an Office of Minority Health. The Secretary shall appoint a Deputy Assistant Secretary of Minority Health, who shall serve as Director of such Office.

"(b) FUNCTIONS.—The Office of Minority Health shall, with respect to the health concerns of individuals from disadvantaged backgrounds, including members of minority groups—

"(1) establish short-range and long-range goals and objectives and coordinate all other activities within the Department of Health and Human Services that relate to disease prevention, health promotion, service delivery, and research concerning individuals from disadvantaged backgrounds, including racial and ethnic minorities;

"(2) coordinate efforts to promote health programs and policies in the voluntary and corporate sectors to improve the health status of individuals from disadvantaged backrounds, including racial and ethnic minorities;

"(3) establish a national minority health resource center to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, to assist in the analysis of issues and problems relating to such matters, and to provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance); and

"(4) support research, demonstrations and evaluations to test new and innovative models, to increase knowledge and understanding of health risk factors, and to develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backrounds, including minorities.

"(c) GRANTS.—The Secretary, acting through the Director of the Office of Minority Health, may under subsection (b)(4) make grants to, and enter into contracts with, public and nonprofit private entities for the purpose of conducting programs of research, training, education, epidemiological studies, and data collection, with respect to the prevention and control among individuals from disadvantaged backrounds, including minority groups, of diseases or other adverse health conditions determined by the Secretary to be prevalent among such groups.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1991, $12,000,000 for fiscal year 1992, and $15,000,000 for fiscal year 1993.".

SEC. 102. DUTIES OF SECRETARY WITH RESPECT TO THE HEALTH OF INDIVIDUALS FROM DISADVANTAGED BACKROUNDS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended by section 101), is further amended by adding at the end thereof the following new section:

"SEC. 1708. GENERAL AUTHORITY WITH RESPECT TO THE HEALTH OF INDIVIDUALS FROM DISADVANTAGED BACKROUNDS.

"With respect to the health concerns of individuals from disadvantaged backgrounds, including racial and ethnic minorities, the Secretary shall administer this title in cooperation with health care providers, educators, voluntary and professional organizations, businesses, State and local health agencies, minority and other organizations.".

SEC. 103. GRANTS TO IMPROVE THE HEALTH STATUS OF DISADVANTAGED INDIVIDUALS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended by sections 101 and 102), is further amended by adding at the end thereof the following new section:

"SEC. 1709. GRANTS TO IMPROVE THE HEALTH STATUS OF DISADVANTAGED INDIVIDUALS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts with, public or private nonprofit entities to enable such entities to conduct and support new and innovative programs in health information and health promotion, preventive health services, and education in the appropriate use of health care, specifically targeted at improving the health status of individuals from disadvantaged backrounds, including minorities.

"(b) SPECIFIC ILLNESSES.—In supporting programs designed to reduce the incidence of specific illnesses among disadvantaged minorities, the Secretary may—

"(1) support demonstration programs involving the provision of health care services;

"(2) support demonstration programs to provide health care services in, or in close proximity to, public housing units;

"(3) provide consultation and technical assistance to entities that request help in planning, operating and evaluating programs described in subsection (a);

"(4) develop health information and health promotion materials and teaching programs, including—

"(A) model curriculums for training the health professionals;

"(B) model curriculums to be used in primary and secondary schools and institutions of higher learning;

"(C) materials and programs for the continuing education of health professionals;

"(D) materials for public service use by the print and broadcast media; and

"(E) materials and programs to assist health care professionals in providing health education to their patients;

"(5) support demonstration and evaluation programs for individual and group self-help programs designed to assist the participant in using their capacities to reduce health risks; and

"(6) support expansion and enhancement of tertiary perinatal facilities in rural States with infant mortality rates among individuals from disadvantaged backrounds, including minorities that are significantly above the national average for such rates.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 in fiscal year 1991, $30,000,000 in fiscal year 1992, and $40,000,000 in each of the fiscal years 1993 and 1994, to carry out this section.".

Subtitle B—Programs for American Samoa

SEC. 111. HEALTH SERVICES FOR AMERICAN SAMOANS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended by subtitle A), is further amended by adding at the end thereof the following new section:

"SEC. 1710. HEALTH SERVICES FOR AMERICAN SAMOANS.

"(a) GRANTS.—The Secretary shall provide grants to, or enter into contracts with, public or private nonprofit agencies that have demonstrated experience in serving the health and social service needs of American Samoans living in the State of Hawaii and the Continental United States.

"(b) USE OF GRANTS OR CONTRACTS.—Grants or contracts made or entered into under subsection (a) shall be used—

"(1) to employ health professionals and bilingual individuals to provide health promotion and disease prevention services, focusing on specific problems such as maternal and child health, nutrition, mental illness, and adolescent violence, in the State of Hawaii; and

"(2) to plan for extension of the services described in paragraph (1) to American Samoans living in the Continental United States.

"(c) CONSULTATION.—Prior to the awarding of any grant or contract under this section in the State of Hawaii, the Secretary shall consult the Governor of the State of Hawaii.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1991, $2,000,000 for fiscal year 1992, and $3,000,000 for each of the fiscal years 1993 and 1994. Of the amounts appropriated to carry out this section, not more than $1,000,000 shall be used in fiscal year 1993, and not more than $2,000,000 shall be used in fiscal year 1994, to provide grants to, or enter into contracts with, public or private nonprofit agencies in the Continental United States as provided in subsection (b)(2).".

TITLE II—DISADVANTAGED MINORITIES IN HEALTH PROFESSIONS

Subtitle A—Health Professions Generally

SEC. 201. FEDERAL CAPITAL CONTRIBUTIONS TO CERTAIN STUDENT LOAN FUNDS.

(a) IN GENERAL.—Section 740 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) Each agreement entered into under this section with a school shall provide (in addition to the provisions required under subsection (b)) that any Federal capital contribution made to the student loan fund of the school from amounts appropriated pursuant to section 742(c)(1), together with the school contribution appropriate under subsection (b)(2)(B) to the amount of the Federal capital contribution, will be utilized only for the purpose of making loans to individuals who are from disadvantaged backgrounds.

"(2) Repayments to the student loan fund of loans made under agreements entered into under paragraph (1) shall be utilized only for the purpose described in paragraph (1).

"(3) Federal capital contributions made pursuant to an agreement under subsection (a) to the student loan fund of a school from amounts appropriated pursuant to section 742(a), together with the school contributions appropriate under subsection (b)(2)(B) to the amount of the Federal capital contributions, may be utilized for the purpose of making loans to individuals as described in paragraph (1).".

(b) DEFINITION WITH RESPECT TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Section 740 of the Public Health Service Act (42 U.S.C. 294m) is amended by adding at the end thereof the following new subsection:

"(e) As used in this section, the term 'individuals from disadvantaged backgrounds' shall be defined in accordance with criteria prescribed by the Secretary.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 742 of the Public Health Service Act (42 U.S.C. 294o) is amended by adding at the end thereof the following new subsection:

"(c)(1) For the purpose of making Federal capital contributions to the student loan funds of schools that have established such funds under section 740, and that have made agreements under subsection (c) of such section, there are authorized to be appropriated $20,000,000 for each of the fiscal years 1991 through 1993.

"(2) The Secretary shall make available not less than 50 percent of the amounts appropriated under paragraph (1), to carry out paragraph (1) through schools described in such paragraph at which individuals described in section 740(e) constitute not less than 25 percent of the total number of individuals enrolled at the school.".

SEC. 202. ASSISTANCE PROGRAMS FOR HEALTH PROFESSIONS STUDENTS FROM DISADVANTAGED BACKGROUNDS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart VI—Assistance for Students from Disadvantaged Backrounds

"SEC. 760. GRANTS FOR SCHOLARSHIPS.

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary may make grants to health professions schools for the purpose of assisting such schools in providing scholarships to individuals who—

"(A) are from disadvantaged backgrounds; and

"(B) are enrolled (or accepted for enrollment) as full-time students in such schools.

"(2) HEALTH PROFESSIONS SCHOOLS.—As used in this subpart the term 'health professions schools' means schools that are public or nonprofit private schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, public health, allied health, or public and nonprofit private schools that offer graduate programs in clinical psychology that are accredited as provided in section 721(b)(1)(B).

"(b) FORM AND LIMITATIONS ON SCHOLARSHIP.—

"(1) FORM OF SCHOLARSHIP.—A scholarship provided to a student for a school year under a grant under subsection (a) may consist of all or part of—

"(A) payment to, or (in accordance with paragraph (3)) on behalf of, the student of the amount of—

"(i) the tuition of the student in such school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such year; and

"(B) payment to the student of a stipend not in excess $400 per month (adjusted in accordance with paragraph (4)) for each of the 12 consecutive months beginning with the first month of such school year.

"(2) TOTAL AWARD.—Notwithstanding paragraph (1), the total amount of a scholarship awarded to a student for each year shall not exceed the cost of attendance for that year at the educational institution attended by the student (as determined by such educational institution).

"(3) CONTRACT WITH INSTITUTION.—The Secretary may contract with an educational institution that has enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (1)(A). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

"(4) ADJUSTMENT IN STIPEND.—The amount of the maximum allowable monthly stipend, specified in paragraph (1)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary for each school year by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5, United States Code) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.

"(c) APPLICATION.—

"(1) REQUIREMENT.—The Secretary shall not make a grant under subsection (a) unless an application for such grant is submitted to the Secretary.

"(2) ASSURANCES.—Applications submitted under paragraph (1) shall, provide assurances that the applicant will comply with this subpart and shall otherwise be in such form, made in such manner, and contain such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out subsection (a), there are authorized to be appropriated $25,000,000 for fiscal year 1991, $30,000,000 for fiscal year 1992, and $35,000,000 for fiscal year 1993.

"(2) EARMARKING OF FUNDS.—The Secretary shall make available not less than 50 percent of the amounts appropriated under paragraph (1), to carry out subsection (a) through schools described in such subsection at which individuals described in section 740(c) constitute not less than 25 percent of the total number of individuals enrolled at the school.

"SEC. 761. LOAN REPAYMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a loan repayment program (hereinafter in this subpart referred to as the "program") in order to assure an adequate supply of trained physicians, dentists, and nurses, podiatrists, optometrists, pharmacists, clinical psychologists, graduates of schools of public health, graduates of programs in health administration, graduates of programs for the training of physician assistants, expanded function dental auxiliaries, and nurse practitioners (as defined in section 822), and other health professionals. Individuals referred to in this subsection are individuals who are from disadvantaged backgrounds.

"(b) ELIGIBILITY.—To be eligible to participate in the program, an individual shall—

"(1) meet the requirements of subsection (a)(2);

"(2)(A) be enrolled—

"(i) as a full-time student—

"(I) in an accredited (as determined by the Secretary) educational institution of the type described in section 760(a) in a State; and

"(II) in the final year of a course of study or program, offered by such institution and approved by the Secretary, leading to a degree in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health; or

"(ii) in an approved graduate training program in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health; or

"(B) have—

"(i) a degree in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health;

"(ii) completed an approved graduate training program in medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health, except that the Secretary may waive the completion requirement of this clause for good cause; and

"(iii) a license to practice medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, psychology, public health or allied health in a State; or

"(C) be enrolled in the final year of a graduate program in health administration, physician assistant training, dental auxiliary training, or nurse practitioner training;

"(3) submit an application to participate in the program; and

"(4) sign and submit to the Secretary, at the time of the submission of an application under paragraph (3), a written contract (as described in subsection (f)) to accept repayment of educational loans and to serve on the faculty of an institution as described in subsection (f)(1)(B).

"(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

"(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

"(B) information respecting obtaining a full-time faculty appointment for not less than 2 years as provided in subsection (f)(2)(D) and such other information as may be necessary for the individual to understand the individual's prospective participation in the program.

"(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the program.

"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) PRIORITY.—In determining which applications under the program to approve (and which contracts to accept), the Secretary shall give priority to applications made by individuals whose training is in a health profession or specialty determined by the Secretary to be the most desirable.

"(e) APPROVAL REQUIRED FOR PARTICIPATION.—

"(1) IN GENERAL.—An individual becomes a participant in the program only on the approval of the Secretary of the individual's application submitted under subsection (b)(3) and the acceptance by the Secretary of the contract entered into by the individual under subsection (b)(4).

"(2) WRITTEN NOTICE.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the program; or

"(B) the Secretary's disapproving an individual's participation in such program.

"(f) CONTENTS OF CONTRACTS.—The written contract (referred to in this subpart) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual, loans in accordance with subsection (g);

"(B) subject to paragraph (3), the individual agrees to accept an offer of a any school described in subsection 760(a)—

"(i) at which individuals as described in subsection (a)(2)(A) constitute not less than 25 percent of the total number of individuals enrolled at the school; and

"(ii) that offers the applicant a full-time faculty appointment at the school for not less than 2 years;

"(2) an agreement by the applicant—

"(A) to accept loan payments on behalf of the applicant;

"(B) if such applicant is enrolled in the final year of study, to maintain enrollment in a course of study or training described in subsection (b)(2) until the individual completes the course of study or training;

"(C) if such applicant is enrolled in the final year of study, that while enrolled in such course of study or training, the applicant shall maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

"(D) to serve for a time period (hereinafter in this subpart referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, as a faculty member as described in paragraph (1)(B);

"(E) to complete the requirements established by such school for a degree from the school; and

"(F) that, with respect to any violation by the applicant of an agreement entered into pursuant to this subsection, to pay such liquidated damages for such violation as the Secretary may by regulation prescribe.

"(3) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (2)(D);

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subpart;

"(5) a statement of the damages to which the United States is entitled to for the individual's breach of the contract; and

"(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(g) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (3), for each year for which an individual accepts, pursuant to subsection (f)(2)(D), an offer to serve as a member of the faculty of a school described in subsection 760(a), the Secretary may, subject to paragraph (2), pay not more than $20,000 on behalf of the individual for loans described in such subsection.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(C) MAXIMUM AMOUNT OF PAYMENTS.—Payments made on behalf of an individual pursuant to subparagraph (A) shall not exceed $80,000.

"(3) TAX LIABILITY.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the program to establish a schedule for the making of such payments.

"(h) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(i) TERMINATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

"(1) TERMINATION.—Any obligation of an individual under a contract entered into under this section for service or payment of damages shall be terminated on the death of the individual.

"(2) WAIVER OR SUSPENSION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under a contract entered into under this section (a) whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(3) BANKRUPTCY.—Any debt that is a loan insured under this section may be released by a discharge in bankruptcy under any chapter of title 11, United States Code, only if such discharge is granted—

"(A) after the expiration of the 5-year period beginning on the date that payment of such debt is first required; and

"(B) on a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable.

"(j) REPORTS.—The Secretary shall, not later than March 1 of each year, prepare and submit to the appropriate Committees of Congress a report specifying—

"(1) the number, and type of health profession training, of individuals receiving loan payments under the program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 1991 through 1993.".

Subtitle B—Nursing

SEC. 211. ESTABLISHMENT OF ADDITIONAL ASSISTANCE PROGRAMS FOR DISADVANTAGED NURSING STUDENTS.

Part B of title VIII of the Public Health Service Act (42 U.S.C. 297 et seq.) is amended by adding at the end thereof the following new subparts:

"Subpart V—Assistance for Students from Disadvantaged Backgrounds

"SEC. 848. SCHOLARSHIPS FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to schools of nursing, as described in paragraph (2), for the purpose of

assisting such schools in providing scholarships to individuals who—

"(A) are from disadvantaged backgrounds; and

"(B) are enrolled (or accepted for enrollment) as students in such schools.

"(2) SCHOOLS OF NURSING.—

"(A) DEFINITION.—As used in this section, the term 'schools of nursing' means public or nonprofit private schools accredited for the education of professional nurses at which individuals described in paragraph (1) constitute not less than 25 percent of the total number of individuals enrolled at such school.

"(B) USE OF FUNDS.—The Secretary may use not to exceed 15 percent of the amounts appropriated under this section for grants to schools of nursing with programs for individuals from disadvantaged backgrounds in rural America, notwithstanding the 25 percent requirement described in subparagraph (A) for individuals enrolled at such school.

"(3) DEFINITION WITH RESPECT TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—As used in this section, the term 'individuals from disadvantaged backgrounds' shall be defined in accordance with criteria prescribed by the Secretary.

"(b) USE OF SCHOLARSHIP.—A scholarship provided pursuant to subsection (a) for attendance at a school described in paragraph (2) of such subsection—

"(1) shall be expended for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in such attendance; and

"(2) shall not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year for the expenses specified in paragraph (1).

"(c) APPLICATION.—

"(1) REQUIREMENT.—The Secretary shall not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary.

"(2) ASSURANCES.—Applications submitted under paragraph (1) shall be in such form, made in such manner, and contain such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection, and shall, with respect to carrying out the purpose for which the grant is to be made, provide assurances of compliance satisfactory to the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $25,000,000 for fiscal year 1991, $30,000,000 for fiscal year 1992, and $35,000,000 for fiscal year 1993.

"SEC. 849. LOAN REPAYMENT PROGRAM FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish a loan repayment program (hereinafter referred to in this subpart as the "program") for the purpose of assisting individuals who meet the requirements of paragraph (2) in paying the principal and interest on Government and commercial loans received by such individuals for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred by such individuals in attending schools of nursing.

"(2) ELIGIBLE INDIVIDUALS.—Individuals referred to in paragraph (1) are individuals who—

"(A) are from disadvantaged backgrounds;

"(B) are enrolled (or accepted for enrollment) as students at a school described in paragraph (3); and

"(C) are in the final year of a course of study leading to a degree from such school.

"(3) SCHOOLS OF NURSING.—As used in this section, the term 'schools of nursing' means public or nonprofit private schools—

"(A) that are accredited schools of nursing; and

"(B) at which individuals described in paragraph (2) constitute not less than 25 percent of the total number of individuals enrolled at the school.

"(b) ELIGIBILITY.—To be eligible to participate in the program, an individual shall—

"(1) meet the requirements of subsection (a)(2);

"(2) submit an application to participate in the program; and

"(3) sign and submit to the Secretary, at the time of the submission of an application under paragraph (2), a written contract (as described in subsection (e)) to accept repayment of educational loans and to serve on the faculty of an institution as described in subsection (e)(2)(D).

"(c) APPLICATION, CONTRACT, AND INFORMATION REQUIREMENTS.—

"(1) SUMMARY AND INFORMATION.—In disseminating application forms and contract forms to individuals desiring to participate in the program, the Secretary shall include with such forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled in the case of the individual's breach of the contract; and

"(B) information respecting obtaining a full-time faculty appointment for not less than 2 years as provided in subsection (e)(2)(D) and such other information as may be necessary for the individual to understand the individual's prospective participation in the program.

"(2) UNDERSTANDABILITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the program.

"(3) AVAILABILITY.—The Secretary shall make such application forms, contract forms, and other information available to individuals desiring to participate in the program on a date sufficiently early to ensure that such individuals have adequate time to carefully review and evaluate such forms and information.

"(d) APPROVAL REQUIRED FOR PARTICIPATION.—

"(1) IN GENERAL.--An individual becomes a participant in the program only on the approval of the Secretary of the individual's application submitted under subsection (b)(3) and the acceptance by the Secretary of the contract entered into by the individual under subsection (b)(3).

"(2) WRITTEN NOTICE.—The Secretary shall provide written notice to an individual promptly on—

"(A) the Secretary's approving, under paragraph (1), of the individual's participation in the program; or

"(B) the Secretary's disapproving an individual's participation in such program.

"(e) CONTENTS OF CONTRACTS.—The written contract (referred to in this section) between the Secretary and an individual shall contain—

"(1) an agreement that—

"(A) subject to paragraph (3), the Secretary agrees to pay on behalf of the individual, loans in accordance with subsection (f);

"(B) subject to paragraph (3), the individual agrees to accept an offer of a any school described in subsection (a)(3)—

"(i) at which individuals as described in subsection (a)(2)(A) constitute not less than 25 percent of the total number of individuals enrolled at the school; and

"(ii) that offers the applicant a full-time faculty appointment at the school for not less than 2 years;

"(2) an agreement by the applicant—

"(A) to accept loan payments on behalf of the applicant;

"(B) to maintain enrollment in a course of study or training described in subsection (a) until the individual completes the course of study or training;

"(C) that while enrolled in such course of study or training, the applicant shall maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study or training);

"(D) to serve for a time period (hereinafter in this section referred to as the 'period of obligated service') equal to 2 years or such longer period as the individual may agree to, as a faculty member as described in paragraph (1)(B);

"(E) to complete the requirements established by such school for a degree from the school; and

"(F) that, with respect to any violation by the applicant of an agreement entered into pursuant to this subsection, to pay such liquidated damages for such violation as the Secretary may by regulation prescribe.

"(3) a provision permitting the Secretary to extend for such longer additional periods, as the individual may agree to, the period of obligated service agreed to by the individual under paragraph (2)(D);

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this subpart;

"(5) a statement of the damages to which the United States is entitled to for the individual's breach of the contract; and

"(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(f) PAYMENTS.—

"(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual for—

"(A) tuition expenses;

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; or

"(C) reasonable living expenses as determined by the Secretary.

"(2) PAYMENTS FOR YEARS SERVED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (3), for each year for which an individual accepts, pursuant to subsection (d)(2)(D), an offer to serve as a member of the faculty of a school described in subsection (a)(3), the Secretary may, subject to paragraph (2), pay not more than $10,000 on behalf of the individual for loans described in such subsection.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this subsection shall provide that any repayments for a year of obligated service shall be made no later than the end of the fiscal year in which the individual completes such year of service.

"(C) MAXIMUM AMOUNT OF PAYMENTS.—Payments made on behalf of an individual pursuant to subparagraph (A) shall not exceed $40,000.

"(3) TAX LIABILITY.—In addition to payments made under paragraph (2), in any case in which payments on behalf of an individual under the program result in an increase in Federal, State, or local income tax liability for such individual, the Secretary may, on the request of such individual, make payments to such individual in a reasonable amount, as determined by the Secretary, to reimburse such individual for all or part of the increased tax liability of the individual.

"(4) PAYMENT SCHEDULE.—The Secretary may enter into an agreement with the holder of any loan for which payments are made under the program to establish a schedule for the making of such payments.

"(g) EMPLOYMENT CEILING.—Notwithstanding any other provision of law, individuals who have entered into written contracts with the Secretary under this section, while undergoing academic or other training, shall not be counted against any employment ceiling affecting the Department.

"(h) TERMINATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

"(1) TERMINATION.—Any obligation of an individual under a contract entered into under this section for service or payment of damages shall be terminated on the death of the individual.

"(2) WAIVER OR SUSPENSION.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under a contract entered into under this section whenever compliance by the individual is impossible or would involve extreme hardship to the individual and if enforcement of such obligation with respect to any individual would be unconscionable.

"(3) BANKRUPTCY.—Any debt that is a loan insured under this section may be released by a discharge in bankruptcy under any chapter of title 11, United States Code, only if such discharge is granted—

"(A) after the expiration of the 5-year period beginning on the date that payment of such debt is first required; and

"(B) on a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable.

"(i) REPORTS.—The Secretary shall, not later than March 1 of each year, prepare and submit to the appropriate Committees of Congress a report specifying—

"(1) the number of individuals receiving loan payments under the program;

"(2) the educational institution at which such individuals are receiving their training;

"(3) the number of applications filed under this section in the school year beginning in such year and in prior school years; and

"(4) the amount of loan payments made in the year reported on.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 1991 through 1993.".

TITLE III—COORDINATION OF FEDERAL EXPENDITURES FOR HEALTH PROGRAMS OF TRUST TERRITORIES OF THE PACIFIC ISLANDS

SEC. 301. PACIFIC BASIN HEALTH SERVICES COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary") shall establish a public or private nonprofit entity to be known as the "Pacific Basin Health Services Council" (hereafter in this title referred to as the "Council").

(b) DEFINITION.—As used in this title, the term "Pacific Basin" means the Federated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, Guam, and American Samoa.

(c) DUTIES.—The Council shall—

(1) monitor the need for health services and health professions development in the Pacific Basin; and

(2) establish priorities for the expenditure of public health funds in the Pacific Basin.

(d) MEMBERS.—The Council shall consist of no more than 16 members, and shall include—

(1) four representatives from the Schools of Medicine, Nursing, Social Work, and Public Health of the University of Hawaii;

(2) a representative from the University of Hawaii Community College system;

(3) representatives from the Health Departments for the State of Hawaii and the Federated States of Micronesia, the Republic of Palau, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, Guam, and American Samoa;

(4) a representative from the Rehabilitation Hospital of the Pacific in the State of Hawaii;

(5) additional members that the Secretary shall appoint with the advice of the Governor of the State of Hawaii, to ensure that the public health expertise of the Pacific Basin is appropriately represented; and

(6) such additional ex officio members as the Secretary determines appropriate.

(e) USE OF FUNDS.—

(1) FIRST PRIORITY.—The Council shall give first priority in expending the funds referred to in subsection (h) to continuing the Pacific Basin medical officer training program in effect on March 1, 1989, on Pohnpei.

(2) ADDITIONAL PROJECTS.—The Council may expend the remaining funds in subsection (h) to—

(A) establish nurse practitioner or nurse clinical specialist training programs;

(B) provide technical training of new auxiliary health workers including environmental sanitation aides, social work assistants, community and hospital nurse assistants, and allied health technicians;

(C) upgrade the training of currently employed health personnel in special areas of need, including management, social services, and the establishment of continuing education programs for any of the traditional health professionals;

(D) establish and support appropriate health promotion and disease prevention efforts;

(E) develop a long-term plan for meeting the health professions needs, and to collect and analyze relevant statistical information on which to develop and regularly update such plan; and

(F) provide innovative health professions training initiatives (including scholarships) targeted toward ensuring that residents of the Pacific Basin attend and graduate from recognized health professional programs in medicine, dentistry, nursing, optometry, pharmacy, podiatry, public health, psychology, social work, and allied health, that includes—

(i) support for upgrading the quality and depth of the preventative health professions educational programs within the Pacific Basin; and

(ii) residency training in public health, primary care and preventive medicine for National Health Service Corps officers assigned to the Pacific Basin.

(f) AUTHORIZATION TO SUBCONTRACT.—In order to comply with the duties of the Council described subsection (c), the Council may enter into contracts with various educational and service delivery institutions with relevant expertise.

(g) REPORT.—The Council, in consultation with the Secretary, shall annually prepare and submit to the appropriate Committees of Congress a report describing the expenditure of the funds authorized to be appropriated under subsection (h) and any programmatic recommendations that the Secretary may have.

(h) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this title $20,000,000 for each of the fiscal years 1991 through 1993.

(2) LIMITATION.—No more than 10 percent of the funds appropriated under this subsection shall be used for administrative expenses of the Council.

TITLE —IMPROVING THE HEALTH OF MOTHERS AND THEIR BABIES

SEC. 01. COORDINATION OF PRENATAL CARE PROGRAMS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended in this Act) is further amended by adding at the end thereof the following new section:

"SEC. 1711. COORDINATION OF PRENATAL CARE PROGRAMS.

"(a) IN GENERAL.—The Secretary shall establish a program to make grants to States who establish procedures to coordinate assistance provided through Federal and State prenatal care programs.

"(b) APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application at such time, in such form, and containing such information as the Secretary shall prescribe.

"(c) COORDINATION.—The assistance provided through various programs that shall be coordinated by States that receive grants under this section shall include—

"(1) assistance provided under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(2) assistance provided under title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(3) assistance provided under title V of the Social Security Act (42 U.S.C. 701 et seq.);

"(4) assistance provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(5) assistance provided under subpart I of part D of title III of this Act; and

"(6) assistance provided through other Federal or State programs that is targeted at reducing infant mortality.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section, $5,000,000 for each of the fiscal years 1990 through 1992.".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMANITARIAN SERVICE OF JEAN-PIERRE HOCKÉ

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 215 submitted earlier by Senator KENNEDY concerning the humanitarian service of Jean-Pierre Hocké.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 215) expressing the appreciation of the Senate for the distinguished humanitarian service of Jean-Pierre Hocké as United Nations High Commissioner for Refugees and with the International Committee of the Red Cross.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I am pleased today to join with my colleagues from the Foreign Relations Committee, Senators PELL and LUGAR, and my colleague on the Subcommittee on Immigration and Refugee Affairs, Senator SIMPSON, in sponsoring this resolution in recognition of the distinguished service of Jean-Pierre Hocké as United Nations High Commissioner for Refugees and as former Director of Operations for the International Committee of the Red Cross.

For over 20 years, Jean-Pierre Hocké has served the interests of humanity, giving meaning to that phrase—"the humanitarian concern of the international community"—by actually implementing programs in the field—programs that often meant the difference between life and dealth.

Jean-Pierre, a Swiss national, begin his service with the International Committee of the Red Cross during the tragic civil war between Nigeria and Biafra—where famine was used as an instrument of war. He led the Red Cross effort to open the first airlift into Biafra, which was the first lifeline to millions of Biafran men, women, and children threatened by starvation.

He eventually assumed the duties of Director of Operations of the ICRC, which meant he was involved with every Red Cross Program around the world for over a decade. I personally know of his humanitarian work in Cyprus, in Vietnam during the war, in Central America—tireless efforts on behalf of refugees, political prisoners, and prisoners of war—including our own POW's in Hanoi during the Vietnam war.

But I particularly remember his leadership in trying to break the impasse over the protection and assistance under the Geneva Conventions to Soviet troops captured in Afghanistan by guerrilla forces. When no other agency or person was willing to take leadership in this unpopular task, the ICRC and Jean-Pierre Hocké did.

Finally, in 1985, Jean-Pierre Hocké was elected by the General Assembly to be United Nations High Commissioner for Refugees. In the nearly 4 years, he held that post before resigning last month, Jean-Pierre fulfilled his mandate to strengthen the organization's work in the field, to reorganize its headquarters staff, and to expand its programs of assistance in behalf of refugees around the world.

His work was particularly notable in Africa, where he took the lead in galvanizing international attention to the escalating refugee crisis in southern Africa and the continuing tragedy in the Horn of Africa. He also dealt with the changing character of the Indochinese refugee problem, leading to last June's Second International Conference on Indochinese Refugees in Geneva, and the adoption of a comprehensive plan of action that remains a challenge before the international community today.

Mr. President, I am pleased to join with my colleagues in expressing our appreciation for the work of Jean-Pierre Hocké and through him, to the thousands of his colleagues and fellow officers of the ICRC and the Office of the High Commissioner for Refugees who are serving in every corner of the globe.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the resolution.

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 215

Whereas Jean-Pierre Hocké of Switzerland has served the cause of peace and relief around the world for more than 20 years, including until recently by serving as the United Nations High Commissioner for Refugees;

Whereas Jean-Pierre Hocké, as Director of Operations for the International Committee of the Red Cross, worked tirelessly to protect the rights and safety of prisoners of war, political detainees and refugees, including famine relief in Nigeria and Biafra in 1969–1970, assistance to prisoners and refugees on Cyprus in 1974, and the release and protection of soldiers from the Soviet Union in Afghanistan, among many other humanitarian assignments for the Red Cross;

Whereas Jean-Pierre Hocké, as United Nations High Commissioner for Refugees from 1985–1989, brought new hope and assistance to millions of refugees in Africa, Asia, and Latin America, strengthening the High Commission's field operations and programs, particularly humanitarian efforts on behalf of African refugees; and

Whereas throughout his career Jean-Pierre Hocké has exemplified selfless service to humanity and displayed the highest qualities of dedication, integrity, and rectitude: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for the distinguished service that Jean-Pierre Hocké has rendered on behalf of the most needy around the world: refugees, displaced persons, political prisoners, and prisoners of war; and

(2) expresses its appreciation for the selfless humanitarian service of thousands of his colleagues serving in the Office of the United Nations High Commissioner for Refugees and with the International Committee of the Red Cross in every region of the world.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL MEAT AND POULTRY INSPECTIONS ACTS AMENDMENT

Mr. KERREY. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 2134, a bill to amend the Federal Meat and Poultry Inspections Acts to authorize the distribution of meat and poultry to charity and public agencies, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2134) to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that are not in compliance with the Acts to charity and public agencies.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, my staff has consulted with the Department of Agriculture, and its Office of General Counsel, on a concern I had regarding H.R. 2134. I wanted clarification on the sentence which states that, "the person from whom such article was seized and condemned may not be held legally responsible for such article if such article * * * [at entry of decree

was wholesome but mislabeled or misbranded]."

The Department has made it clear that the language could, in no way, be interpreted to excuse the prosecution, civil or criminal, of anyone who mislabeled, misbranded, or adulterated meat or poultry products, or who otherwise violated the Federal Meat Inspection Act or the Poultry Products Inspection Act.

I will rely on that assertion that persons who violate these laws will continue to be prosecuted by the Department and the Justice Department. That is certainly my intent.

This bill is intended to simply permit courts to donate seized meat or poultry products, that are wholesome but that were mislabeled, to charitable private organizations and public agencies to feed the needy. Rather than allowing this meat or poultry to go to waste, we should use it to feed the hungry.

Mr. BOSCHWITZ. Mr. President, I am pleased that today we are able to complete Senate action on an important bill that will help in our continuing fight against hunger in America. This bill allows perfectly wholesome meat or poultry products, confiscated by the Federal Government because it was fraudulently mislabeled or misbranded, to be donated to charitable organizations and public agencies that feed the hungry.

There is strong bipartisan support for this bill. Senators HEFLIN, DOLE, LUGAR, BOND, CONRAD, and LEAHY were original cosponsors of the Wholesome Meat Charity Distribution Act of 1989 when I introduced the bill in July. Ten Senators have joined us as sponsors of this legislation since then.

Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, the Federal Government is required to confiscate meat and poultry products that have been misbranded or mislabeled or are otherwise not in compliance with these laws. In many cases the Government confiscates meat that simply carries a higher label than is accurate. For example, that would include meat labeled prime that is actually choice. The meat, however, is wholesome and is still entirely fit for human consumption.

Once the Federal Government seizes the meat or poultry products, an attempt is made to adjudicate the case in court. If the defendant loses or makes a settlement that leaves the meat or poultry products in the Government's possession, the court is responsible for disposing of the meat or poultry products. There are two choices: Sell it, with the proceeds going to the Government, or destroy it. Currently the court doesn't have the authority to donate this food to charitable organizations or public agencies.

My bill would provide the court with a third option. It would allow the meat or poultry products to be donated to nonprofit organizations and public agencies that feed the hungry. I must stress that before the meat or poultry products could be donated to a charitable organization, the meat or poultry must have passed every inspection procedure mandated by the Federal Meat Inspection Act and the Poultry Products Inspection Act. Any meat or poultry that fails to meet the same rigorous standards applied to meat or poultry in our local grocery store could not be donated to a charitable organization.

Simply put, this is common sense. Wholesome meat or poultry products that might be thrown out can now be donated to a charitable organization and put to good use. Many food banks or soup kitchens would be able to serve more people in need through this simple change.

I want to provide clarification on one important point. The bill reads: "The person from whom such article was seized and condemned may not be held legally responsible for such article, if such article was found after inspection under this act to be wholesome and not adulterated and a determination was made at the time of the entry of the decree that such article was wholesome and not so adulterated." My staff and the Senate Agriculture Committee staff have been in contact with the Department of Agriculture about this issue. The Department has made it clear that in no way can this sentence be interrupted to excuse prosecution—criminal or civil—of anyone who has mislabeled or misbranded or adulterated any meat or poultry products or otherwise violated the Federal Meat Inspection Act or the Poultry Products Inspection Act.

Back in 1983 I joined the Nutrition Subcommittee because of my growing concern with the problem of hunger and my interest in the ways the Federal Government can address that problem. I'm now the ranking Republican on that subcommittee, and have been a strong supporter of Federal nutrition programs such as WIC, school lunch, school breakfast, and food stamps.

It's true that a number of people in this country struggle to get enough to eat. But it is also true that the Federal Government spends a lot of money getting food to the hungry and improving the nutritional status of large segments of the population.

I've long believed that private sector efforts must play an important role in helping to alleviate hunger in our country. There is no single solution to the problem of hunger. Rather, all the pieces—Federal nutrition programs, State programs, and private sector efforts—need to fit together to achieve a healthy well-fed America. I will continue to work for a greater public-private cooperation in reducing hunger and malnutrition in America. I urge my Senate colleagues to strongly support final passage of the Wholesome Meat Charity Distribution Act of 1989.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2134) was ordered to a third reading, was read the third time, and passed.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROTECTION TO ANIMAL RESEARCH FACILITIES

Mr. KERREY. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 727, a bill to provide protection to animal research facilities from illegal acts, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 727) to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1185

Mr. KERREY. Mr. President, I send a substitute amendment to the desk on behalf of Senator HEFLIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for Mr. HEFLIN, proposes an amendment numbered 1185.

Mr. KERREY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

Title XVII of the Food Security Act of 1985 (99 Stat. 1354 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Animal Research Facilities

"SHORT TITLE

"SEC. 1781. This subtitle may be cited as the "Animal Research Facilities Protection Act of 1989".

"FINDINGS

"SEC. 1782. Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"PROHIBITED ACTS

"SEC. 1783. (a)(1) It shall be unlawful for any person—

"(A) to steal, cause the unauthorized release or the intentional loss of any animal from a research facility;

"(B) to damage, vandalize, or steal any property in or on a research facility;

"(C) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(D) to receive, conceal, or retain any material, equipment, or animals of any research facility, knowing them to have been stolen or converted; or

"(E) to enter, obtain access, or remain on a research facility with the intent to commitment an act prohibited under this subsection.

"(2) It shall be a defense to any provision under this subsection that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or such person is acting under the authorization of a law enforcement official and such action is within the scope of the law enforcement officials.

"PENALTIES

"SEC. 1784. (a) Any person who violates any provision of section 1783 shall be subject to a fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation. If such violation causes harm to person or property and is willful and malicious then such person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation. If as a result of such violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b)(1) The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 1782.

"(2) Any persons convicted of such violation shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"COURT JURISDICTION

"SEC. 1785. The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this section, and shall have jurisdiction in all other kinds of cases arising under this section.

"PRIVATE RIGHT OF ACTION

"SEC. 1786. (a) Any research facility injured in its business or property by reason of a violation of this Act may recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provisions of this section.

"(b) Nothing in this Act shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this section. Paragraph (1) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of subsection (a).

"STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES

"SEC. 1787. (a) The Secretary of Agriculture and the Attorney General of the United States shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research, production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) Not later than 1 year after the date of enactment of this subtitle, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a) together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"EFFECT ON FEDERAL AND STATE LAWS

"SEC. 1788. Nothing in this subtitle shall be construed to affect or preempt any Federal or State law or regulation.".

Mr. HEFLIN. Mr. President, I rise today to ask for your unanimous consent for S. 727 as substituted by the Senate Agriculture Committee, this legislation was introduced in an effort to deter crimes committed against the great research institutions of this country.

Unfortunately, there are some people so opposed to the use of animals in essential research that they are setting fire to research facilities or breaking into laboratories to steal animals and destroy equipment, records, and research data. There are dozens of recent examples. In the week before S. 727 was introduced, the University of Arizona was the victim of arson which destroyed two laboratories. I subsequently visited the Tucson campus and witnessed the Great devastation for which the Animal Liberation Front [ALF] claimed responsibility. Three months later, the ALF struck again at Texas Tech University where a laboratory was broken into, research animals and records were stolen and tens of thousands of dollars in damage was done to equipment. Research into the cause of Sudden Infant Death Syndrome lost valuable information and was set back for months following the crime.

The victims of the illegal acts of animal liberation supporters are not only research institutions and staff but all of us. The immediate cost of crimes against research facilities is severe, but the ultimate cost to society as a whole is inestimable. Lost research time and information means the delay or loss of the products of that research. The real price of the crime my legislation seeks to prevent is paid by all those who are waiting for cures and treatment for their afflictions. Research into Alzheimers disease, cancer, AIDS, substance addition, and mental health is at stake here. Human beings, of course, will pay the price, but so will all animal life, for animals as well as people benefit from research.

Lawful protest and legitimate criticism are not the issue here, freedom of speech is a cherished right. Nevertheless, ideological terrorists and vigilantes who take the law into their own hands must not be tolerated.

Everyone can agree that we owe an enormous debt to research animals. Laboratory animals should be utilized only when necessary and must be well cared for and respected for humane as well as scientific reasons. But no one can condone lawless and senselessly destructive acts for whatever reason they are motivated.

The Animal Research Facility Protection Act is needed to support law enforcement efforts around the country. Crimes against the Nation's research facilities should be Federal offenses. The Federal investigative capability and legal system must be brought to bear against research sabotage that threatens the future health of the Nation. No single State is able to provide the legal protection required to combat interstate and possibly even international saboteurs.

I request your support in approving this much needed Federal protection. Dedicated scientists conducting humane animal research must not continue to be subjected to crimes perpetrated by those who consider themselves outside the Law.

The criminals responsible for arsons, thefts, and threats to public health say that concrete and steel doors will not stop them. They say they will keep coming back until all research with animals is stopped. Their attitude is an affront to common sense. I contend that it is the animal terrorists

that must be stopped before they cause any more harm to the public and the animals they purport to protect. Please join me in giving responsible, life-saving research the Federal protection it needs and deserves.

What I am offering to you is S. 727 as substituted by the Senate Agriculture Committee which carries 23 bipartisan cosponsors.

Mr. KOHL. Mr. President, I rise today to cosponsor the Animal Research Facilities Protection Act of 1989, legislation introduced by my distinguished colleague Senator HEFLIN. There is no question that vandalism, thefts, and break-ins by so-called animal liberationists must be stopped. In my own State, major research institutions such as the University of Wisconsin and the Medical College of Wisconsin have not been affected by such violence; but the possibility of attack remains a constant threat, and we clearly must take stronger steps to protect our Nation's biomedical research community.

While I respect the strong feelings of many animal rights advocates, I think that most people agree that violence against scientists and research facilities is unconscionable. To protest the use of animals in biomedical research is the right of all Americans; but these protests must be conducted peacefully, without threats, violence, or destruction. We cannot allow vigilantism in our country to go unchecked.

Some have argued that this legislation is unnecessary because every State already has statutes that offer protecton to these facilities. However, the record of terrorism by groups such as the Animal Liberation Front clearly shows that these laws have not protected and cannot adequately protect research facilities. And since the research conducted at these facilities is often funded by Federal dollars and, more importantly, produces medical treatments which benefit all Americans, it is in the direct interest of the Federal Government to protect these laboratories.

I would like to make it clear, however, that I cosponsor this legislation with the understanding that it will be modified to permit laboratory workers to report suspected animal abuses without the fear of prosecution. With this small change, I endorse Senator HEFLIN's timely and needed proposal, and I urge the support of my colleagues for this crucial legislation.

Mr. SANFORD. Mr. President, the legislation that is before us at present would grant additional protections to facilities that are engaged in important biomedical research. North Carolina is justly proud of its reputation as a leader in medical research. We are fortunate in our State to have several of the Nation's leading research universities, together with a number of outstanding private and Government research facilities. Taken together, these facilities have made outstanding contributions to our knowledge of the medical and environmental sciences.

Some of these facilities are engaged in research which may involve animal subjects. This is a topic which is of concern to many of my constituents. It is a difficult issue. I believe we ought to be doing all we can to ensure humane treatment of all animals, and to develop alternatives to animal research where practical. But, although we can continue to make progress in these areas, we will continue to need to do some research involving animals if we are to keep on making great strides in medical knowledge and in learning how to better protect our environment.

Issues surrounding animal welfare are bound to provoke debate, and that is proper. Legitimate debate and legitimate protest are productive in our society. But we should all be able to agree that when debate and protest are translated into acts of violence or illegal seizure of property, something ought to be done. I cannot condone acts of violence toward research facilities. Unfortunately, there have been a number of cases of this nature recently, where individuals have broken into facilities and stolen, vandalized, or destroyed property. Such actions should not be tolerated. In the long run, such actions will not only do great damage to biomedical research, but will harm the cause of animal welfare as well.

So I strongly agree with the intent of this bill, which is to protect our research facilities, that are so important to the future of this Nation, from actions of this kind. I commend my distinguished colleague from Alabama, Senator HEFLIN, for his work on this legislation.

However, there is one aspect of this bill with which I have had some concerns, and I would like to seek some clarification in this area from my good friend from Alabama.

I strongly agree that possession, alteration, destruction, or transportation of equipment, research animals, or research materials should be unlawful. However, I am concerned about the reference, in the section of this bill entitled "Findings", to the "possession" or "transportation" of "research records" and "test data."

In many—and perhaps most—circumstances, I would agree that regulation of these activities would be appropriate.

However, let us say that we have an employee of a laboratory, a legitimate employee not acting under false pretenses, who believes that improper activities are occurring at a research facility. Let us assume that such employee decides to copy certain documents as proof of such improprieties, and then send those documents to other parties, such as Government officials, reporters, or other individuals. In such circumstances, I would not want those who have innocently received such materials to be considered criminals, nor would I want the whistleblowing employee to be subject to penalties under this bill, other than any penalties to which that employee might be subject under existing law.

I would ask the distinguished senior Senator from Alabama if it is the intent of this legislation to find that such a whistleblower, or any recipient of documents from a whistleblower, should be subject to additional penalties under this bill?

Mr. HEFLIN. I would respond to my friend from North Carolina by saying that, in the circumstances he has described, this legislation was not intended to find that either such a whistleblower or a recipient of documents sent by a whistleblower should be subject to any penalties, not provided by current law, under the terms of this bill.

Mr. SANFORD. I thank the Senator for his response. I would further note that, in the section of this legislation entitled, "Prohibited Acts," it is stated that, "It shall be unlawful for any person * * * to receive, conceal, or retain any material, equipment, or animals of any research facility * * *." This clause refers specifically to materials, equipment, and animals, and does not refer explicitly to documents such as research records. I would ask my friend from Alabama whether the term "material" was intended to be inclusive of copies of documents such as research records?

Mr. HEFLIN. The term "material" was selected deliberately as distinct from the term "research records" which appears elsewhere in the bill. The term "material" would not, therefore, include copies of documents such as the Senator from North Carolina has described.

Mr. SANFORD. I appreciate the response of the distinguished Senator. His comments have been helpful. My concern is not for a person who breaks into a facility or acts on false pretenses and steals documents, nor for a person who distributes or possesses copies of documents in violation of some other provision of law. I would simply like to make sure that this legislation does not seek to discourage legitimate whistleblowing activity by adding penalties for such activity which are not found in existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1185) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title XVII of the Food Security Act of 1985 (99 Stat. 1354 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Animal Research Facilities

"SHORT TITLE

"SEC. 1781. This subtitle may be cited as the "Animal Research Facilities Protection Act of 1989".

"FINDINGS

"SEC. 1782. Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"PROHIBITED ACTS

"SEC. 1783. (a)(1) It shall be unlawful for any person—

"(A) to steal, cause the unauthorized release or the intentional loss of any animal from a research facility;

"(B) to damage, vandalize, or steal any property in or on a research facility;

"(C) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(D) to receive, conceal, or retain any material, equipment, or animals of any research facility, knowing them to have been stolen or converted; or

"(E) to enter, obtain access, or remain on a research facility with the intent to commit an act prohibited under this subsection.

"(2) It shall be a defense to any provision under this subsection that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or such person is acting under the authorization of a law enforcement official and such action is within its scope of the law enforcement official.

"PENALTIES

"SEC. 1784. (a) Any person who violates any provision of section 1783 shall be subject to a fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation. If such violation causes harm to person or property and is willful and malicious then such person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation. If as a result of such violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b)(1) The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 1782.

"(2) Any persons convicted of such violation shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"COURT JURISDICTION

"SEC. 1785. The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this section, and shall have jurisdiction in all other kinds of cases arising under this section.

"PRIVATE RIGHT OF ACTION

"SEC. 1786. (a) Any research facility injured in its business or property by reason of a violation of this Act may recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this section.

"(b) Nothing in this Act shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this section. Paragraph (1) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of subsection (a).

"STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES

"SEC. 1787. (a) The Secretary of Agriculture and the Attorney General of the United States shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research, production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) Not later than 1 year after the date of enactment of this subtitle, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a) together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"EFFECT ON FEDERAL AND STATE LAWS

"SEC. 1788. Nothing in this subtitle shall be construed to affect or preempt any Federal or State law or regulation.".

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

POTENTIAL IMPACTS OF CLIMATE CHANGE ON AGRICULTURE AND FORESTRY

Mr. KERREY. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1610, a bill to determine the potential impacts on climate change on agriculture and forestry, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1610). To develop a program to determine potential impacts of climate change on agriculture and forestry, to provide for the development of policies designed to address issues of potential climate change, with respect both to developing a capacity for agriculture and forestry to adapt to climate change, and to developing innovative ways to ameliorate climate change, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, legend has it that in ancient Rome, Nero fiddled while Rome burned.

Today it is the rain forests of the Amazon that are ablaze, and the entire planet is threatened with global warming.

Global warming is one of those issues that can affect us on both a local and international level.

On a local level, scientists tell me that the increased concentration of carbon dioxide in the air may mean the end of maple trees in Vermont. Some predict this happening within the next 30 to 80 years.

On an international basis, some scientists foresee a dramatic 50 percent decrease in rice production due to a mere 4 degree rise in average temperature. Because rice is the basic food for 70 percent of the world's population, global warming could devastate the world's food supply and reverse the green revolution.

I have introduced a package of three bills to address global warming.

First, there is the Global Environmental Protection Act of 1989 (S. 333) which sets a tough phaseout schedule for CFC's and other greenhouse gases, such as nitrogen oxides, tailpipe hydrocarbons and methane. These proposals are being actively considered in the Environment and Public Works Committee.

Second is the International Climate Change Prevention Act of 1989 (S. 1611) which focuses the U.S. foreign aid program on the critical problems of tropical deforestation and wasteful use of energy. All of the key provisions and resources in this bill are included

in the foreign operations appropriations bill which is on the President's desk for signature and enactment. These will be the first important global warming provisions to be enacted by this Congress.

Third is the Global Climate Change Prevention Act of 1989 (S. 1610)—the bill which is before us for final passage today.

With bipartisan support in the Senate and the support of the Secretary of Agriculture this bill can now be enacted quickly, putting in place two-thirds of my global warming program.

S. 1610 has two primary goals:

First Agriculture must help prevent global warming.

Increased CO_2 from automobiles and factories is a major cause of global warming. Trees and plants can absorb greenhouse gases but the projected dramatic increase threatens to overwhelm the natural balance.

This legislation provides for massive reforestation of at least 3 million acres (CRP acres) of trees—enough to fill the entire State of Connecticut. These new trees will absorb 8 million tons of carbon annually.

The bill also contains incentives for planting more trees in urban areas. This is important because urban trees are 15 times more effective at reducing carbon dioxide emissions than forest trees.

Second. Agriculture must not be a victim of global warming.

In earlier hearings, what we learned about the sensitivity of agriculture and forestry to climate change was sobering.

The potential for disruption of U.S. agriculture by climate change is enormous. So is the potential for the disruption of world food security. Some scientists warn that dramatic warming would probably decrease average yields of wheat, corn and soybeans.

We learned in our hearings that forests could take an even greater hit from climate change. Forests would be more susceptible to insects, disease and fire. Major changes in the Southeastern United States could turn substantial woodlands into grasslands.

The legislation seeks ways to insure that agriculture and forestry survive in a warmer world and continue to provide the quality and quantity of food and fiber that we and the rest of the world need.

Mr. President, there are many uncertainties involved as we look ahead to possible climate change. These uncertainties, however, must not obscure the fact that there is a consensus among scientists that the probability of climate change is high enough that we shouldn't wait until it hits us in the head before we do anything.

This bill puts agriculture ahead of the curve. It complements on a domestic basis the significant international global warming provisions in the foreign operations appropriations bill. I strongly urge its enactment.

Finally, I would like to mention and recognize the enormous contribution of Senators DASCHLE and BOND to this legislation. Elements of both S. 1411 and S. 1901 and included in this legislation.

AMENDMENT NO. 1186

(Purpose: To make certain technical changes.)

Mr. KERREY. Mr. President, I send an amendment to the desk for Senators DASCHLE and BOND.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for Mr. DASCHLE (for himself and Mr. BOND) proposes an amendment numbered 1186.

Mr. KERREY Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, beginning with "office" on line 16, strike out all through line 19 and insert in lieu thereof the following: "Department of Agriculture the Office of Climate Change (hereinafter referred to as the 'Office'). The Secretary shall designate the Assistant Secretary responsible for departmental coordination of climate change activities to administer the Office. The Director of the Office shall be appointed by and report to the designated Assistant Secretary.".

On page 3, line 23, immediately after "search,", insert "extension, technology transfer,".

On page 4, line 20, immediately after "climatology", insert "and agricultural economics and rural sociology".

On page 5, line 5, immediately after "activities", insert a comma and "including the United States global change research program".

On page 5, line 16, delete "and".

On page 5, strike out line 24 and insert in lieu thereof the following: "quest; and".

On page 5, after line 24, add the following:

"(9) coordinating research, education, extension, and technology transfer activities of the Department of Agriculture related to climate change issues.".

On page 23, line 18, immediately after "the" insert "Committee on Earth Sciences, particularly including the".

On page 24, line 13, immediately after "the", insert "Committee on Earth Sciences, including the".

On page 26, line 13, beginning with the period, strike out all through line 17 and insert in lieu thereof a semicolon.

On page 28, line 18, beginning with the second comma, strike out all through the comma on line 20.

On page 29, after line 21, add the following:

(c) The Secretary will undertake the activities identified in subsection (b) in Agency for International Development-assisted countries only at the request of or with the concurrence of the Administrator of the Agency for International Development.

On page 44, between lines 20 and 21, insert the following:

"(a) PURPOSE.—(1) This section is designed to enhance the number of acres planted to trees, to help pay the costs of maintaining the trees, including such activities as cultivating and watering trees during the first four years of the contract."

On page 44, line 21, immediately before "The", insert "(2)".

On page 44, line 25, beginning with the first comma, strike out all through line 4 on page 45, and insert in lieu thereof a period and the following:

"(b) The measures referred to in subsection (a) shall include, but not be limited to—

"(1) CONVERSION TO TREES.—

"(A) ELIGIBILITY.—In order to offset the environmental effects of burning fossil fuels, improve wildlife habitat, and to ameliorate potential climate change, the Secretary shall offer owners or operators who have entered into contracts under the Conservation Reserve Program the option of converting acres entered into the program from grass to trees.

"(B) PAYMENTS.—In making payments to an owner or operator for converting acres entered into the program from grass to trees, the Secretary shall pay—

"(i) 50 percent of the cost of establishing trees on these acres, unless these acres qualify for higher cost-sharing payments under clause (ii); and

"(ii) 75 percent of the cost of establishing hardwood trees on these acres.

"(C) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

"(i) IN GENERAL.—The Secretary shall encourage owners and operators of converted acres, as referred to in paragraph (B) to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees on converted acres.

"(ii) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator under paragraph (1)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees on converted acres.

"(D) CONTRACT EXTENDING.—A program participant currently in the program who converts land not now into hardwood trees shall be eligible for a contract extension of up to 5 years at the option of the program participants.

"(2) SHELTERBELTS, WINDBREAKS, AND WILDLIFE CORRIDORS.—

"(A) ELIGIBILITY.—In order to prevent soil erosion, improve wildlife habitat, and to ameliorate potential climate change, the Secretary may make cropland devoted to a shelterbelt, windbreak, or wildlife corridor eligible to be placed in the Conservation Reserve Program, regardless of the soil erosion classification of such cropland.

"(B) PAYMENTS.—In making payments to an owner or operator for cropland devoted to a shelterbelt, windbreak, or wildlife corridor under a contract entered into under this provision, the Secretary shall pay—

"(i) 50 percent of the cost establishment shelterbelts, windbreaks, or wildlife corridors (as set forth in such contract), unless the cropland qualifies for higher cost-sharing payments under clause (ii);

"(ii) 75 percent of the cost of establishing hardwood shelterbelts, windbreaks, or wildlife corridors.

"(C) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

"(i) IN GENERAL.—The Secretary shall encourage owners and operators of cropland to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees in shelterbelts, windbreaks, or wildlife corridors.

"(iii) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator under paragraph (1)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees in shelterbelts, windbreaks, or wildlife corridors.

"(3) Continuous signup for tree planting; and

"(4) 10- to 15-year contracts, at the option of the producer, for current or future program participants, for hardwood tree planting.

"On page 45, before line 5, insert the following:

"SEC. 252. CONSERVATION RESERVE PROGRAM.

"(a) FINDINGS.—Congress finds that—

"(1) the Conservation Reserve Program established under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) has been successful in reducing soil erosion on farms and ranches by taking more than 30 million acres out of production;

"(2) the Conservation Reserve Program has reduced soil loss, improved wildlife habitat, and enhanced water resources on farms and ranches;

"(3) tree production is a vital component of the Conservation Reserve Program because trees are aesthetically pleasing and provide important benefits to both the environment and wildlife;

"(4) the goal of the Conservation Reserve Program, as referred to in section 1232(c) of such Act (16 U.S.C. 3832(c)), is to devote not less than one eighth of the number of acres of land that is placed in the conservation reserve to trees but only 6.4 percent of such acres are planted to trees; and

"(5) modifications to the Conservation Reserve Program are necessary if the tree planting goal referred to in paragraph (4) is to be achieved.

"(b) ENROLLMENT OF LAND.—

"(1) CONSERVATION RESERVE PROGRAM.—Notwithstanding part 704.2(a)(1) of title 7 of the Code of Federal Regulations, the Secretary may allow land that has been cropped in 2 of the years between 1981 and 1988 to enroll in Conservation Reserve Program, if such land is planted to trees.

"(2) PERMISSION TO PLANT CROPS.—

"(A) IN GENERAL.—The Secretary of Agriculture may permit owners and operators to plant crops on land that is subject to subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 1211 et seq.) and subtitle D of such Act (16 U.S.C. 3831 et seq.) for a period of time to be determined by such Secretary, if such land is to be planted to hardwood trees.

"(B) CANCELLATION.—The Secretary of Agriculture shall cancel rental payments for such owner or operator during such period.

"(3) ACCEPTANCE OF BIDS.—

"(A) IN GENERAL.—The Secretary may accept bids on cropland of up to 10 percent over the Maximum Acceptable County Rental Rate, as established by the Agricultural Stabilization and Conservation office operating in the area where such cropland is located, if such cropland is planted to trees under title XII of the Food Security Act of 1985 (16 U.S.C. 3801).

"(B) PAYMENTS TO PRODUCERS.—The differential in bids, as referred to in paragraph (3)(A), shall be available to eligible producers in the form of two lump-sum payments to be paid along with the final two annual rental payments of the contract period.

"(C) INSPECTION.—The Secretary shall take any necessary action to ensure that trees planted under subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) are maintained throughout the contract period. Such action may include an inspection of such trees at, or near, the end of the contract period.

"(D) PENALTY.—Any producer who fails to provide adequate maintenance on trees planted under this section, as determined by the Secretary, shall forfeit any differential in bids as referred to in paragraph (3)(A) due under subparagraph (B) in addition to any other penalties assessed under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(4) EDUCATION AND TECHNICAL ASSISTANCE.—The Secretary shall ensure that producers who plant trees under subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et. seq.) have access to appropriate educational and technical assistance to minimize the risk of damage or loss to such trees."

Mr. DASCHLE. Mr. President, I rise today on behalf of myself and Senator BOND to offer an amendment to S. 1610, the Global Climate Change Prevention Act of 1989. I am proud to be an original cosponsor of Senator LEAHY's bill, and am pleased that we now have an opportunity to bring this bill before the Senate. The provisions in this bill and my amendment can do much to help us preserve our environment.

As we discussed the language of the global climate change bill, it became clear to me that its objective of expanding tree planting in the CRP acreage could become a reality by including provisions of legislation I introduced earlier this session. That bill, S. 1411, the Conservation Reserve Adjustment Act of 1989, is designed to increase tree planting on CRP acreage in a number of ways.

There is no question that we must do more to encourage tree planting in the CRP program. To date, just over 30 million acres of highly erodible cropland and certain other environmentally sensitive lands have been enrolled in the program. However, as we enter the final scheduled year for farmers to sign up for this program, it is apparent that the tree planting goal of the program will not be achieved unless certain changes are made. Only 2 million of the 30 million acres presently enrolled in the CRP, or one-fifteenth instead of the goal of one-eighth of the reserve, have been planted in trees.

The provisions of my earlier legislation that I am offering as an amendment today to S. 1610 would expand tree planting in several ways. First, those owners or operators that currently have land enrolled in the CRP that is devoted to grassland conserving uses, will be given the option to convert that land into trees. If this option is chosen a 50-percent cost share for establishing trees would be available. The cost share would increase to 75 percent if the acreage is devoted to hardwood trees.

Second, the amendment permits the Secretary of Agriculture to enroll cropland that does not meet current erodibility requirements into the program if that land is planted to trees in the form of a shelterbelt, windbreak, or wildlife corridor. Cost shares of 50 percent for softwoods and 75 percent for hardwoods would be available for establishing the stands in addition to the annual rental payments.

This amendment also incorporates the concept introduced in S. 1411 of cost sharing the maintenance of the trees in the early establishment years of the contract, with Senator BOND's provision of allowing for a bonus payment in the later years of the contract if the stand has been adequately maintained. One of the problems encountered in the past with establishing trees in various regions of the country has been the close attention to cultivation and watering that is necessary in the trees' early years. This provision recognizes the importance of paying adequate attention to maintenance by providing compensation for a share of those costs once the stand has been successfully established.

The amendment will further encourage tree planting in the CRP by enabling the Secretary of Agriculture to allow owners or operators of land that has been cropped in two of the years between 1981 and 1988 to enroll in the CRP if the land is planted to trees. The amendment offers three further incentives for tree planting by allowing land entered into the program to trees to be cropped between the trees in the establishment years, by allowing continuous signup for trees, and allowing CRP contracts for land in trees to be extended for up to 5 years.

All of these provisions will be of benefit in the battle to preserve our environment from the potential of global warming, and will also achieve many other positive environmental and economic goals. I thank Senators LEAHY, LUGAR, and BOND for their work on this bill and amendment and appreciate the assistance of their staff. I ask all of my Senate colleagues to support this amendment and the underlying bill.

Mr. BOND. Mr. President, I rise in support of the Daschle-Bond amendment to S. 1610, the Global Climate Change Prevention Act of 1989. Several of the provisions which relate to the Conservation Reserve Program [CRP] were included in legislation which I introduced last week. I join my distinguished colleagues, Senators LEAHY,

LUGAR, and DASCHLE in attempting to provide the Secretary of Agriculture with additional tools to encourage landowners to plant trees under the CRP.

Although much has been said about global warming in recent months, it is clear we lack a great deal of information about this issue. While many mysteries remain, scientists agree that trees do reduce the buildup of carbon dioxide emissions. As a result, reforestation efforts have received a great deal of attention; attention which I believe is long overdue.

The options are clear, we can either reduce those activities which produce greenhouse gases or we can simply plant more trees. I believe we should get to the root of the issue and do both. Regardless of whether global warming is occurring today, unless we modify our activities it will be a problem soon.

Mr. President, the numbers of acres planted to trees under the CRP remains well short of the 12.5 percent target. With the future of the CRP unclear, approximately 6 percent of total acreage is now planted to trees. In Missouri, less than 1 percent of CRP acreage is planted to trees.

I am very pleased that several of the provisions in my bill, S. 1901, have been incorporated in the Global Climate Change Prevention Act of 1989. Specifically, the amendment:

Requires the Secretary of Agriculture to offer participants the option of extending their contract for up to an additional 5 years, if the land is planted to trees.

Authorizes the Secretary to broaden program eligibility by extending the cropping period by 3 years.

Authorizes the Secretary to allow participants to continue cropping eligible land for a period of time, if the land is planted to hardwood trees.

Authorizes the Secretary to make additional payments at the end of the contract period, if the land is planted to hardwood trees.

Requires the Secretary to ensure that producers have access to appropriate educational and technical assistance to minimize tree damage or loss.

Mr. President, the amendment also includes 75 percent cost sharing for hardwood trees and continuous signup periods for hardwood trees.

In aggregate, these provisions will improve significantly the Secretary's arsenal of ways to encourage landowners to plant trees on CRP acreage. While we may never reach the 12.5 percent goal, I believe we have a unique opportunity to implement measures which have multiple benefits. Furthermore, I believe Secretary Yeutter understands this well and will give these new authorities thorough review.

I commend Senators LEAHY, LUGAR, and DASCHLE for their work on this issue and appreciate the assistance of their staffs on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1186) was agreed to.

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Climate Change Prevention Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the earth's atmosphere is being altered by the generation of carbon dioxide and other infrared absorptive gases;

(2) these gases are, in large part, linked to population growth and are the byproducts of human activities, including the widespread combustion of fossil fuels, deforestation, and the use of chlorofluorocarbons;

(3) agricultural production and forest practices may contribute to global climate change, and that such contributions must be evaluated in light of the enormous productivity of modern agriculture and the importance of maintaining a viable agricultural production base;

(4) there is reasonable scientific concern that the atmospheric "greenhouse effect" is likely to cause a general global warming trend that may cause significant disruption of temperature and precipitation patterns worldwide;

(5) the global warming trend may cause serious economic and environmental dislocation within American agriculture and forestry, including diminished capacities to grow certain major crops and timber species in the geographic regions in which they are currently produced;

(6) such impacts could threaten the national economy and world food security; and

(7) expanded application of sustainable agricultural and forestry practices and energy conservation may ameliorate the greenhouse effect.

TITLE I—AGRICULTURE AND GLOBAL CLIMATE CHANGE

Subtitle A—Office of Climate Change

SEC. 101. OFFICE OF CLIMATE CHANGE.

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE.—For the purpose of having within the Department of Agriculture a focal point for coordinating all issues of climate change there is hereby established in the Department of Agriculture the Office of Climate Change (hereinafter referred to as the 'Office'). The Secretary shall designate the Assistant Secretary responsible for departmental coordination of climate change activities to administer the Office. The Director of the Office shall be appointed by and report to the designated Assistant Secretary.

(b) DUTIES.—The Office of Climate Change shall serve as the lead organization within the Department of Agriculture for coordinating policy analysis, long range planning, research, extension, technology transfer, and response strategies relating to climate change issues. The Office shall insure that a concern for the potential for climate change is fully integrated into the research, planning, and decision-making processes of the Department. The Office shall provide liaison with other United States Government agencies dealing with issues of climate change and shall insure that the impacts on agriculture and forestry are fully understood and addressed in interagency councils, including with respect to broader issues relating to such matters as energy which affect the impact of climate change upon the Nation's farms and forests. The Office shall keep the Secretary fully apprised of scientific developments and policy issues relating to climate change and agriculture and forestry, and it shall advise the Secretary with respect to alternative courses of action.

(c) SPECIFIC RESPONSIBILITIES.—The Office of Climate Change shall be responsible for—

(1) coordinating the response of the Department of Agriculture to the requirement for a climate change study contained in section 102 of this Act;

(2) providing, through the Cooperative State Research Service, competitive grants for research in atmospheric sciences and climatology and agricultural economics and rural sociology as they relate to the potential impact of climate change on agriculture and forestry;

(3) providing, through the Cooperative State Research Service, competitive grants for research on the potential for agriculture and forestry to mitigate the buildup of atmospheric carbon dioxide and methane;

(4) coordinating United States Department of Agriculture participation in interagency climate-related activities, including the United States global change research program;

(5) coordinating with the climate research activities of the National Academy of Sciences and climate-related activities of other private, academic, State, and local groups;

(6) representing the Department on the Climate Program Policy Board as established by the National Climate Program Act (15 U.S.C. 2901 et seq.) and for coordinating activities of the Department of Agriculture in response to requirements of that Act;

(7) representing the Department of Agriculture on the Intergovernmental Panel on Climate Change;

(8) reviewing and making recommendations with respect to all United States Department of Agriculture budget items relating to climate change issues, including specifically the research budget submitted to the Committee on Earth Sciences, and the United States Department of Agriculture submission to the Office of Management and Budget's integrated multiagency request; and

(9) coordinating research, education, extension, and technology transfer activities of the Department of Agriculture related to climate change issues.

SEC. 102. UNITED STATES DEPARTMENT OF AGRICULTURE STUDY ON AGRICULTURE AND FORESTRY IMPLICATIONS OF GLOBAL CLIMATE CHANGE.

(a) STUDY.—The Secretary of Agriculture, in consultation with other appropriate government departments and agencies, shall

conduct a study on the implications of global climate change for agriculture and forestry.

(b) PURPOSE.—The study shall assess the potential effects of global climate change on United States agriculture and forestry and on global food production and trade, including implications for—

(1) soil and water resources;

(2) river transportation and rural employment;

(3) management of destructive agents such as pests, plant diseases, and wildfires;

(4) geographic ranges of crops and forest species;

(5) adequacy of available crop and forest genetic resources;

(6) irrigation and tillage practices;

(7) long range world food and fiber supplies and prices, including global nutritional needs;

(8) United States exports and international trade; and

(9) United States agricultural and forestry policies and programs.

(c) REPORT.—Within 24 months following the date of the enactment of this Act, the Secretary of Agriculture shall report to Congress on the results and findings of the study prepared pursuant to this section.

Subtitle B—Research on Global Warming, Forests, and Agriculture

SEC. 106. SHORT TITLE.

This subtitle may be cited as the "Domestic Research on Global Warming, Forests, and Agriculture Act of 1989".

SEC. 107. FINDINGS.

The Congress finds that—q

(1) the Earth's atmosphere is changing due to increasing concentrations of anthropogenic and biogenic pollutants including methane (CH_4), carbon dioxide (CO_2), nitrous oxide (N_2O), non-methane hydrocarbons (NMHC), and tropospheric ozone (O_3);

(2) temperature increase and other climatological phenomena are likely to result from the greenhouse gas emissions to the atmosphere which have already occurred to date, even if stringent efforts are made to limit emissions;

(3) studies have shown that global warming is likely to cause changes in the climatology and hydrology of major crop growing areas; these changes could lead to climatologic regimes outside of recent experience and may potentially interfere with the world supply of food and the agricultural productive capacity of many countries;

(4) current scientific studies indicate that changes in current precipitation patterns and sea surface temperatures may lead to increases in the severity and frequency of storms and hurricanes;

(5) understanding the potential risks that global warming is presenting to agriculture and forestry is important to formulating programs to limit emissions; and

(6) forests and agricultural systems may offer the potential for limitation of emissions through changes in planting, harvesting, fertilizing, and other practices.

SEC. 108. PURPOSES.

(a) The primary purpose of this subtitle is to identify research priorities and direct research for examining the effects of global warming on forests and agricultural productivity and to determine and demonstrate possible changes in forest management and agricultural practices which could reduce emissions of greenhouse gases, with due regard for the maintenance of agricultural productivity and incomes.

(b) In support of the purpose described in subsection (a), the specific purposes of this Act are to direct research to—

(1) assess the impacts of global warming on crops vital to the world and the United States and develop means to mitigate the impacts, if necessary;

(2) assess the emissions of greenhouse gases from forest and agricultural processes, determine means of reducing these emissions where possible, and explore cost effective options for emissions reduction; and

(3) assess potential increases in greenhouse gases and related pollutants from agriculture and forests in response to global warming.

SEC. 109. RESEARCH STUDIES.

(a) CROPS.—

(1) FINDINGS.—The Congress finds that—

(A) rice is the major world crop, providing 70 percent of caloric intake for 2.8 billion people; several studies have shown that temperature rise can adversely affect rice during periods of reproduction and ripening; the impacts on rice of combined increased temperatures and carbon dioxide are unknown;

(B) the potential effects of temperature increases on crops grown widely in the United States such as corn, sorghum, wheat, soybeans, and millet are unknown; existing studies show maize, sorghum, wheat, millet, and soybeans are adversely affected by high temperatures during phases of early growth, flowering, and ripening; studies also show that the viability and vigor of the next generation of seed are adversely affected by high temperatures during development for millet and soybeans;

(C) methane is an important greenhouse gas with many times the warming per equivalent change in atmospheric concentration as carbon dioxide; methane has a relatively short atmospheric lifetime of 7 years so the effect of cutbacks in emissions could be realized within the next decade; recent studies indicate that a cutback of 10 to 20 percent in methane emissions would stabilize concentrations at current levels;

(D) current estimates suggest that irrigated rice production contributes 20 percent of the world's methane emissions; however, these estimates are based on limited studies and data;

(E) methane emissions from irrigated rice cultivation may be affected by fertilization practices, management practices, and soil temperatures; methods for reducing methane emissions from irrigated rice production have not been examined, but may be possible; and

(F) nitrous oxide concentrations have increased by 5 to 10 percent since preindustrial times; each nitrous oxide molecule has over 200 times the impact on climate change as a carbon dioxide molecule; emissions from nitrogen intensive crops may contribute to this rise; however, there is insufficient information to estimate this contribution or to then formulate plans to reduce these nitrous oxide emissions if substantial.

(2) STUDIES ON RICE YIELDS.—

(A) The Secretary of Agriculture shall conduct a study on the effects of global warming on rice production which shall at a minimum address—

(i) the impacts of a range of possible simultaneous increases in temperature and carbon dioxide on the yields of the most temperature tolerant and most economically important species of rice.

If the results of the study conducted under subparagraph (i) warrant, the Secretary shall conduct a study addressing means of mitigating the impacts of global warming on rice which shall—

(ii) identify if tolerance can be bred into sensitive cultivars, within what timeframe and ultimately with what effects on farmers' incomes;

(iii) evaluate the current genetic resources and current breeding programs for rice for their sufficiency for developing new breeds which will be tolerant to anticipated climate changes; and

(iv) assess the potential for breeding rice cultivars which are tolerant to anticipated climate changes and which also have other desirable traits such as tolerance to drought, pests, and salinity.

(B) The Secretary of Agriculture shall provide a report of the results of the study conducted under subparagraph (A) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives within 4 years after the enactment of this Act. Interim reports shall be provided yearly.

(C) There are authorized to be appropriated for fiscal year 1990, and each of the next following 3 fiscal years, $2,000,000 to carry out such studies.

(3) STUDIES ON MAJOR UNITED STATES CROPS.—

(A)(i) The Secretary of Agriculture shall conduct experimental studies on the effects of global warming on the production of major United States crops which shall at a minimum address—

(I) the impacts of simultaneous increases in temperature and carbon dioxide on yields of corn, wheat, sorghum, millet, and soybeans;

(II) the impacts of more severe weather events;

(III) the impacts of potential changes in hydrologic regimes on current crop yields;

(IV) the economic and social impacts of widespread and increased drought frequency in the south, midwest, and plains States; and

(V) changes in pest problems due to higher temperatures.

(ii) If the results of the study conducted under subparagraph (i) warrant, the Secretary of Agriculture shall conduct further studies addressing means of mitigating the impacts of global warming on major United States crops which shall at a minimum—

(I) identify if tolerance can be bred into sensitive crops, within what timeframe, and ultimately with what effects on farmers' incomes;

(II) evaluate the current genetic resources and current breeding programs for crops in terms of their sufficiency for developing new breeds which will be tolerant to anticipated climate changes; and

(III) assess the potential for breeding crops which are tolerant to anticipated climate changes and which also have other desirable traits such as tolerance to drought, pests, and salinity.

(B) The Secretary of Agriculture shall provide a report of the results of the study conducted under paragraph (2) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives within 6 years after the date of the enactment of this Act. Interim reports shall be provided yearly.

(C) There are authorized to be appropriated for fiscal year 1990, and each of the next following 5 fiscal years, $4,000,000 to carry out such studies.

(4) METHANE EMISSIONS.—

(A) The Secretary of Agriculture shall conduct a study on methane emissions from United States and Asian irrigated rice production which shall at a minimum address—

(i) obtaining detailed and systematic field measurements of emissions of methane from irrigated rice cultivation;

(ii) determining methane emissions from irrigated rice cultivation over complete growing seasons;

(iii) determining the effect of soil temperature and fertilizer rates and types on methane emissions;

(iv) obtaining measurements of other trace gases such as nitrous oxide in irrigated rice cultivation;

(v) evaluating options for reducing methane emissions from rice growing including cultivar selection and management practices; and

(vi) assessing the effects of simultaneously increased temperature and carbon dioxide on methane emissions.

(B) The Secretary shall provide a report of the results of the part of the study conducted under subparagraph (A) and his recommendations for promulgating the results to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives within 3 years after the date of the enactment of this Act. Interim reports shall be provided yearly.

(C) There are authorized to be appropriated for fiscal year 1990, and each of the next following 2 fiscal years, $1,000,000 to carry out such studies.

(5) EMISSIONS FROM NITROGEN INTENSIVE CROPS.—

(A) The Secretary of Agriculture shall conduct a study on the magnitude and types of emissions from nitrogen intensive crops and on means for reducing emissions which shall at a minimum address—

(i) obtaining field measurements of nitrous oxide from nitrogen intensive growing of such grains as corn, cotton, wheat, legumes, and rice;

(ii) obtaining measurements of nitrous oxide from manure and biomass burning; and

(iii) identifying management techniques appropriate for sustainable or other agricultural practices that can reduce the emissions of nitrous oxide.

(B) The Secretary of Agriculture shall provide a report of the results of the study conducted under subparagraph (A) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives within 3 years after the date of the enactment of this Act. Interim reports shall be provided yearly.

(C) There are authorized to be appropriated for fiscal year 1990, and each of the next following 2 fiscal years, $1,000,000 to carry out such studies.

(b) LIVESTOCK.—

(1) FINDINGS.—The Congress finds that—

(A) managed ruminants and other animals are an important source of methane emissions from human activities, accounting for on the order of 15 percent of total annual methane emissions; and

(B) many promising opportunities exist for reducing methane emissions from this source; these efforts may simultaneously contribute to higher animal productivity and increased farmers' incomes which would have significant benefits in addition to the benefit of reducing methane emissions.

(2) METHANE EMISSIONS EVALUATION, USE, AND CONTROL PROGRAM.—

(A) The Methane Emissions Evaluation, Use, and Control Program shall be created in the United States Department of Agriculture. The objectives of this program are to—

(i) evaluate methane emissions from agriculture-related activities in the United States and around the world, particularly the management of ruminants and other animals and the wastes produced by these animals;

(ii) develop data describing the factors influencing rates of emissions from agriculture-related activities and identify opportunities for reducing methane emissions from agricultural activities; and

(iii) demonstrate the effectiveness of alternative methods of reducing methane emissions from agricultural activities under field conditions.

(B) The program shall evaluate the feasibility and costs (including effects on farmers' incomes) of options for achieving reductions in methane emissions from animal management activities, including—

(i) modifying the feeding strategies of United States dairy and beef animals, while maintaining or improving animal productivity and profitability;

(ii) evaluating the use of supplements (i.e., nonprotein nitrogen supplements, such as urea) to animals in developing countries in terms of the types of animals that may benefit, the costs of providing supplements, and the methane reductions achieved;

(iii) assessing the near- and long-term opportunities for reducing methane emissions by engineering microbes through such activities as genetic engineering of rumen acetogens and engineering better degradation of feed fibres;

(iv) evaluating the magnitude of variation of individual animals in terms of methane production and the heritability of the characteristic; and

(v) evaluating current animal waste management practices in terms of methane generation and identifying and evaluating options for recovering or preventing the release or creation of this methane.

The program shall also evaluate options for the beneficial utilization of methane.

(C) The Secretary of Agriculture shall provide a report of the options evaluated in subparagraph (B) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives within 18 months following the date of the enactment of this Act. Included in the report shall be recommended studies and demonstration projects that will improve our understanding of opportunities for reducing and using methane emissions from agriculture-related activities. The Secretary shall initiate these studies and demonstration projects within 6 months after submission of the report. First priority shall be given to demonstrating those opportunities for reducing emissions that are anticipated to increase animal productivity in the United States or developing countries or are anticipated to be cost beneficial in their own right.

(D) There is authorized to be appropriated for fiscal year 1990, $5,000,000, and for each of the next following 2 fiscal years, $7,000,000, to carry out such program.

(c) FORESTS.—

(1) FINDINGS.—The Congress finds that—

(A) deforestation activities make a major contribution to carbon dioxide in the atmosphere;

(B) temperate and tropical forests may be adversely affected by climate change;

(C) tropical forests may be major sources of methane and nitrous oxide; however, the actual contribution of tropical forests is unknown;

(D) improved management of forests and increased planting of trees could result in increased utilization of forests as carbon sinks; and

(E) current research and information are inadequate to allow accurate assessment of either risks to forest systems from global warming or opportunities to reduce global concentrations of greenhouse gases using altered management practices.

(2) STUDY.—

(A) The Secretary shall conduct a study on the emissions of methane, nitrous oxide, and hydrocarbons from tropical and temperate forests, how global change may affect emissions, and how the emissions may be reduced through management practices which shall at a minimum address—

(i) obtaining measurements of nitrous oxide, methane, and nonmethane hydrocarbons ("NMHCs") from tropical forests;

(ii) obtaining measurements of NMHCs from temperate forests;

(iii) determining how the NMHC emissions from temperate and tropical forest systems will respond under anticipated climate change;

(iv) identifying management techniques for temperate and tropical forests which could potentially reduce emissions of greenhouse gases; and

(v) determining how the carbon dioxide sink that forests create can be increased by more intensive management, use of new lands, and planting of short rotation trees.

(B) The Secretary of Agriculture shall provide a report of the results of the study conducted under subparagraph (A) to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives within 3 years after the enactment of this Act. Interim reports shall be provided yearly.

(C) There are authorized to be appropriated for fiscal year 1990, and each of the next following 2 fiscal years, $2,000,000 to carry out such studies.

SEC. 110. COORDINATION.

For all of the activities discussed in this subtitle, the Secretary of Agriculture shall coordinate plans and activities with the Committee on Earth Sciences, particularly including the Environmental Protection Agency. In particular, the Secretary shall submit to the Environmental Protection Agency a report on options for controlling methane emissions from livestock and rice on a schedule compatible with the Environmental Protection Agency's needs to prepare control plans for all methane sources.

SEC. 111. TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a technical advisory committee to advise on the major study areas such as studies on rice, studies of crops vital to the United States, studies of methane emissions from rice, studies of emissions from nitrogen intensive crops, etc., and for the Methane Emissions Evaluation, Use, and Control Program discussed in this subtitle.

(b) MEMBERS.—The technical advisory committee shall comprise representatives of universities, professional societies, government laboratories, agricultural, environmental and other organizations as the Secretary, in consultation with the Committee on Earth Sciences, including the Environmen-

tal Protection Agency, deems appropriate based on the Secretary's assessment of the technical and other qualifications required to advise on the different major study areas. Appointments to the technical advisory committee shall be made within 90 days after the date of the enactment of this Act. The technical advisory committee shall have a chairman who shall be elected by the members from among their number.

SEC. 112. DEFINITIONS.

As used in this subtitle, the term "Secretary" means the Secretary of Agriculture.

TITLE II—FORESTRY AND GLOBAL CLIMATE CHANGE

Subtitle A—International Forestry Cooperation

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "International Forestry Cooperation Act of 1989".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the nations of the world are bound by common interest in achieving sustainable global environmental stability, economic development, scientific discovery, and opportunities for trade;

(2) nations are inextricably dependent upon and linked to each other for resources;

(3) forests in many parts of the world are rapidly declining both in terms of health and extent. In the tropics, an estimated 28 million acres of forests are lost each year and another 9 million acres are seriously degraded. Deforestation in the tropics is a major contributor to global climate change, threatens the very ability of land to sustain life and reduces biological diversity. In nonforested areas of the tropics, pastoral and community trees are rapidly disappearing. In temperate regions where deforestation has been stabilized, industrial pollution, insects and diseases threaten productivity;

(4) forestry and natural resource programs in the United States benefit substantially from international advances in science and technology, a better balance in wood products trade, greater utilization of wood products, and an improved global environment;

(5) tropical forests and woodlands are essential to the economic and social well-being of people in developing countries;

(6) global forestry and natural resource problems require global solutions which can only be achieved through concerted international cooperation;

(7) the United States Department of Agriculture, through the Forest Service and other cooperating agencies, has expertise and experience that could contribute significantly to the transfer of forestry related knowledge and technology between the United States and foreign countries. In particular, Forest Service technology transfer, research and training experience could be brought to bear on problems facing tropical forests and tropical forest dwellers, and to demonstrate and teach multiple-use tropical forest management;

(8) the United States Department of Agriculture Forest Service has over 70 years experience managing the Caribbean National Forest/Luquillo Experimental Forest in Puerto Rico, and over 50 years of experience conducting tropical forestry research at the facility. In addition, the Forest Service conducts tropical forestry research and technology transfer programs in Hawaii, the Western Pacific, and at the Forest Products Laboratory in Wisconsin; and

(9) the Caribbean National Forest/Luquillo Experimental Forest in Puerto Rico, is the only tropical forest that is managed by the United States Department of Agriculture Forest Service. This forest has been designated a Biosphere Reserve by the UNESCO Man and Biosphere Program.

(b) PURPOSE.—The purpose of this title is to encourage cooperation with other countries as they seek to achieve sustainable economic development through sound natural resource management that meets human needs while protecting environmental quality, and to that end, encourage the participation of the United States Department of Agriculture Forest Service in promoting sound management and conservation of forests and related natural resources in other countries.

SEC. 203. FORESTRY AND RELATED NATURAL RESOURCE ASSISTANCE.

(a) COUNTRY FOCUS.—

(1) The Congress finds that remedial actions with respect to forestry policy and resource conservation and development undertaken by a relatively few key industrializing, middle income and low-income developing countries (hereafter in this title "key countries") could have a substantial impact on emissions of greenhouse gases related to global warming.

(2) In order to achieve the maximum impact from activities undertaken under the authority of this title, the Secretary shall focus such activities on the key countries referred to above.

(b) AUTHORITY FOR INTERNATIONAL FORESTRY ACTIVITIES.—In support of forestry and related natural resource activities outside the United States and its territories and possessions, the Secretary is authorized to—

(1) provide assistance that promotes sustainable development and global environmental stability, including but not limited to: conservation and sustainable management of forest land; forest plantation technology and tree improvement; rehabilitation of cutover lands, eroded watersheds, and areas damaged by wildfires or other natural disasters; prevention and control of insects, diseases, and other damaging agents; preparedness planning, training, and operational assistance to combat natural disasters; more complete utilization of forest products leading to resource conservation; range protection and enhancement; and wildlife and fisheries habitat protection and improvement;

(2) share technical, managerial, extension, and administrative skills related to public and private natural resource administration;

(3) provide education and training opportunities in order to promote the transfer and utilization of scientific information and technologies;

(4) engage in scientific exchange and cooperative research with foreign governmental, educational, technical and research institutions; and

(5) cooperate with United States and international organizations that further international programs for the management and protection of forests, rangelands, wildlife and fisheries habitat, and related natural resource activities.

(c) The Secretary will undertake the activities identified in subsection (b) in Agency for International Development-assisted countries only at the request of or with the concurrence of the Administrator of the Agency for International Development.

SEC. 204. TROPICAL DEFORESTATION ASSESSMENT AND ASSISTANCE.

In support of the Tropical Forestry Action Plan and to specifically address tropical deforestation and degradation, the Secretary is authorized to—

(1) support and actively participate in global and regional meetings that seek to refine the Tropical Forestry Action Plan and promote coordination among all agencies involved in its implementation;

(2) together with the United States Agency for International Development (AID), and other United States Government agencies, provide technical assistance to tropical countries for the formulation of national forestry sector development strategies;

(3) cooperate with tropical countries on research, training, and technical programs aimed at implementing national forestry sector development strategies;

(4) provide staff to the Food and Agriculture Organization through the Associate Professional Officer Program or other mechanisms on either long- or short-term assignments to assist with assessing the status of tropical forests and other aspects of tropical forestry and natural resources development. Assignments may be at the Food and Agriculture Organization headquarters or in tropical countries;

(5) share with the Food and Agriculture Organization nonsensitive technologies and satellite imagery relevant to assessing the status of tropical forests; and

(6) provide financial assistance to the Food and Agriculture Organization for the purposes of assessing the status of tropical forests, for implementing and coordinating the Tropical Forestry Action Plan, and for related tropical forestry development activities.

SEC. 205. TRAINING FOR TROPICAL FOREST MANAGEMENT AND CONSERVATION.

In support of tropical forestry training activities both within and outside the United States and its territories and possessions, the Secretary is authorized to—

(1) develop partnerships with tropical forestry management, research or training institutions to promote the exchange of technical information and personnel on all aspects of natural resource conservation and forest land management. Special attention should be given to assisting tropical countries with outreach activities which promote "grass roots" reforestation, multiple-use forest management, and land rehabilitation activities;

(2) develop and maintain close cooperation with universities and technical schools both in the United States and in tropical countries to facilitate the education and training of students and professionals on all aspects of research and management of tropical forest lands;

(3) manage the Caribbean National Forest/Luquillo Experimental Forest, as a model of quality tropical forest management, as a site for research on tropical forestry and natural resources, and as a center for demonstration, training, and outreach on tropical forest and natural resources research and management;

(4) utilize the facilities and resources of the Forest Service, including the Institute of Tropical Forestry, the Institute of Pacific Islands Forestry, and the Forest Products Laboratory to carry out research, technology transfer, training, information exchange, and demonstrations on management of tropical forests and related resources; and

(5) in cooperation with the United States Agency for International Development (AID), work with tropical country governments, land managers, and industry to coop-

eratively encourage local and village level conservation, reforestation, training, and education for sustainable tropical forestry management.

SEC. 206. INSTITUTE OF TROPICAL FORESTRY.

(a) The Secretary shall expand the capabilities of and construct additional facilities at the Caribbean National Forest and Institute of Tropical Forestry in Puerto Rico, as the Secretary deems necessary and as funds are appropriated for such purpose, to support the purpose of this title.

(b) Within 1 year following the date of enactment of this title, the Secretary shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and to the Committee on Agriculture of the House of Representatives a plan for the expansion and construction of such additional facilities. Such a plan shall include, but not be limited to, provisions for—

(1) a major center for education, interpretation, and appreciation of the benefits and methods of the wise management of tropical forests;

(2) facilities for housing and classroom instruction near the Caribbean National Forest/Luquillo Experimental Forest; and

(3) facilities for the study of and recovery of endangered tropical wildlife, fish and plant species.

SEC. 207. ADMINISTRATIVE PROVISIONS.

(a) COORDINATION ACTIVITIES.—The Secretary shall coordinate all activities outside the United States under this title with other Federal officials, departments, agencies, and international organizations, as the President may direct.

(b) ASSISTANCE.—As the Secretary deems appropriate in furtherance of this title, the Secretary may provide assistance including, but not limited to, technical and financial assistance, equipment, and facilities without reimbursement.

SEC. 208. APPROPRIATIONS AUTHORIZATION.

There are authorized to be appropriated such funds as are necessary to carry out the provisions of this title.

SEC. 209. CONFORMING AMENDMENTS.

(a) AMENDMENTS.—The Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1600 et seq.) is amended as follows:

(1) in section 2, designate the existing text of subsection (a) as paragraph (1) and add at the end the following new paragraph:

"(2) The Congress further finds that the forest and rangeland renewable resources of the world are threatened by deforestation due to conversion to agriculture of lands better suited to other uses, over-grazing, over-harvesting, and other causes which pose a direct adverse threat to people, the global environment, and the world economy. It is an additional purpose of this Act to authorize the Secretary to expand research activities to encompass international forestry and natural resource issues on a global scale.";

(2) in section 3(a), delete the period at the end of the first sentence and insert the words "of the United States and such other countries as the Secretary deems desirable.";

(3) in section 4, insert the word "international, " before the word "Federal" in the first sentence of subsection (c);

(4) in section 6, add the following new subsection:

"(g) In conducting activities authorized by this Act outside the United States, the Secretary shall coordinate with other Federal officials, departments, agencies, or international organizations, as the President may direct.".

(b) AMENDMENTS.—The Cooperative Forestry Assistance Act of 1978 (92 Stat. 365) is amended as follows:

(1) in section 2(a), delete "and" at the end of paragraph (6), delete the period and insert in lieu thereof "; and" at the end of paragraph (7), and add the following new paragraph at the end thereof:

"(8) the same forest resource supply, protection and management issues which exist in the United States are also present on an international scale, and the forest and rangeland renewable resources of the world are threatened by deforestation due to conversion to agriculture of lands better suited to other purposes, over-grazing, over-harvesting, and other causes which pose a direct adverse threat to people, the global environment, and the world economy.";

(2) in section 2(b), after the words "non-Federal forest lands,", add the words "in the United States, and forest lands in foreign countries,"; and

(3) in section 10, add the following new subsection at the end thereof:

"(h) In addition to the authority provided elsewhere in this Act, the Secretary is authorized to assist other countries with respect to the activities identified in section 3(b), paragraphs (1) through (6), section 5(b), paragraphs (1) through (5), and section 7(b), paragraphs (1) through (3). For the purposes of assistance to other countries under this subsection, the term 'non-Federal forest land' shall mean any forest land and related renewable natural resources in such countries. In providing the assistance authorized by this subsection, the Secretary shall coordinate with other Federal officials, departments, agencies, or international organizations, as the President may direct. The references to 'State foresters or equivalent State officials' in this Act shall not apply to the assistance provided by the Secretary to other countries under this subsection.".

Subtitle B—Forestry Planning and Global Warming

SEC. 215. AMENDMENTS TO THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.

(a) AMENDMENTS.—Section 3(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(a)) is amended—

(1) by deleting "and" after the semicolon in paragraph (3);

(2) by deleting the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraphs:

"(5) a detailed analysis of the potential effects of climate change on the condition of renewable resources on America's forests and rangelands; and

"(6) a detailed analysis of the rural and urban forestry opportunities to mitigate the buildup of atmospheric carbon dioxide and reduce the risk of climate change from global warming,".

(b) AMENDMENTS.—Section 4 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1602) is amended—

(1) by deleting "and" immediately after the semicolon in paragraph (5)(D);

(2) by deleting the period at the end of paragraph (5)(E) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) account fully for the effects of climate change on forest and rangeland conditions, including potential effects on the geographic ranges of species, and on forest and rangeland products.".

(c) AMENDMENT.—Section 6(e)(2) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(e)(2)), as amended by the National Forest Management Act of 1976, is amended by inserting immediately before the period at the end thereof a comma and following: "and the potential effects of climate change on the condition of forest lands, natural resources and ecosystems".

Subtitle C—Urban Forestry

SEC. 221. URBAN FORESTRY ENERGY CONSERVATION PROGRAM.

The Congress finds that—

(1) the Earth's atmosphere is being changed at a rapid rate resulting from human activities, especially as related to the burning of fossil fuels, and the concurrent destruction of trees and forests;

(2) the results of these activities contribute to an increase in the so-called greenhouse gases, especially carbon dioxide;

(3) the improved management and expansion of forests are essential to reduce the rate of buildup of the so-called greenhouse effect;

(4) the risks of global warming are sufficiently great that positive action is warranted to alleviate the potential consequences;

(5) cities increasingly experience so-called heat island effects as a result of human activities that produce heat, and the absorption and retention of heat by buildings, pavement, and other portions of the built-environment;

(6) trees, when properly sited around urban buildings, have been shown by research at Federal laboratories to be effective at ameliorating the so-called heat island effects, offering a low-cost way to reduce air-conditioning needs which will in turn reduce carbon dioxide emissions from electrical generation;

(7) an urban tree is 15 times more effective than a forest tree at reducing the buildup of carbon dioxide emissions, through the "oasis effect" of cooling urban heat islands; and to directly sequester the amount of carbon saved by the planting of 100 million urban trees, it would require the planting of 1.5 billion forest trees;

(8) reducing each pound of atmospheric carbon dioxide through tree planting costs about 0.3 to 1.3 cents, while through improved appliances it costs about 2.5 cents per pound, and through more efficient cars it costs 10 cents per pound;

(9) studies have shown that urban trees are disappearing and that approximately four trees are dying for each tree planted in most cities;

(10) enormous opportunities exist to plant energy efficient trees in urban areas, such as 100 million spaces near residences and small commercial buildings, and another 60 million spaces along streets, as well as parks and other open areas;

(11) to achieve the maximum benefits from trees, public education, technical assistance, research, and incentives to plant more trees will be required;

(12) the American Forestry Association has initiated Global ReLeaf, a public information and education campaign to encourage tree planting, and better forest management nationally and internationally, with the initial goal of planting 100 million trees

in cities by 1992 to capture the benefits of trees for energy conservation.

SEC. 222. URBAN FORESTRY ENERGY CONSERVATION PROGRAM.

(a) PLANTING PROGRAM.—The Secretary of Agriculture, in conjunction with other relevant governmental agencies, and interested members of the public, shall carry out an urban forestry education and accelerated planting program for reducing carbon dioxide emissions and conserving energy and improving urban air quality, in addition to providing other environmental benefits. The program shall include citizen education, technical assistance, and accelerated demonstration plantings to show the contributions of trees in meeting environmental needs in urban areas.

(b) SERVICES.—For the purpose of urban forestry energy conservation, this Act authorizes—

(1) education to encourage owners of private residences and commercial properties to plant and maintain energy-saving trees;

(2) technical assistance to local units of government in selecting, locating, planting, and maintaining urban trees;

(3) a tree planting program supported through competitive matching grants to local units of government, or IRS-approved 501-C3 organizations pending approval of a plan; and

(4) applied research to provide data on costs and savings associated with tree planting for energy conservation purposes, to suggest a range of public policies and incentives to further encourage public and private efforts to plant trees, and maintain them in the hostile urban environment.

(c) REPORT.—The Secretary of Agriculture shall report to Congress annually on the effectiveness of this program as part of the Annual Report of the Forest Service prepared pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1606).

(d) AUTHORIZATIONS.—For fiscal year 1990, and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(e) ASSISTANCE.—In carrying out this section, the Secretary shall work with, and utilize the assistance of, the United States Department of Agriculture Cooperative Extension Service, the United States Department of Agriculture Forest Service, forestry and research services of States, universities, and private entities, the Environmental Protection Agency, the Department of Energy, the Department of the Interior, and the Agency for International Development.

Subtitle D—Biomass Energy Demonstration Projects

SEC. 231. PROJECTS.

The Secretary of Agriculture is authorized to carry out projects that demonstrate the potential of short-rotation silvicultural methods to produce wood for electricity production and industrial energy needs. In carrying out such projects, the Secretary shall cooperate with private industries, Federal and State agencies, and other organizations.

Subtitle E—Forestry Research and Global Warming

SEC. 241. AMENDMENTS TO THE FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978.

(a) AMENDMENTS.—Section 3(a) of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1642(a)) is amended—

(1) by deleting "five" and inserting in lieu thereof "six" and by deleting "(5)" and inserting in lieu thereof "(6)" in the first paragraph;

(2) by inserting "biodiversity, germ plasm reserves," immediately after "fish and wildlife," in paragraph (1); and

(3) by inserting at the end thereof a new paragraph as follows:

"(6) Renewable resource response to environmental stress research shall include, as appropriate, research activities related to understanding the effects of weather, climate, and air pollution on forests and rangelands, understanding the effects of forest and rangeland management activities on weather, climate, and air pollution, and developing the scientific and technical basis of alternatives for adaptation to environmental stress and mitigation of adverse impacts that affect the management and protection of forests and rangelands.".

(b) AMENDMENT.—Section 3(c)(4)(B)(ii) of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1642(c)(4)(B)(ii)) is amended by inserting "and other anthropogenic environmental stress" immediately after "effects of atmospheric pollution".

Subtitle F—Conservation Reserve Program

SEC. 251. TREE PLANTING ON CONSERVATION RESERVE PROGRAM LANDS.

(a) PURPOSE.—This section is designated to enhance the number of acres planted to trees, to help pay the costs of maintaining the trees, including such activities as cultivating and watering trees during the first four years of the contract.

(2) The Secretary shall take such measures as are necessary to achieve the Conservation Reserve tree planting goal of at least 12.5 percent of the total 40-45 million acres target specified in section 1232(c) of the Food Security Act of 1985.

(b) The measures referred to in subsection (a) shall include, but not be limited to—

CONVERSION TO TREES.—

(A) ELIGIBILITY.—In order to offset the environmental effects of burning fossil fuels, improve wildlife habitat, and to ameliorate potential climate change, the Secretary shall offer owners or operators who have entered into contracts under the Conservation Reserve Program the option of converting acres entered into the program from grass to trees.

(B) PAYMENTS.—In making payments to an owner or operator for converting acres entered into the program from grass to trees, the Secretary shall pay—

(i) 50 percent of the cost of establishing trees on these acres, unless these acres qualify for higher cost-sharing payments under clause (ii); and

(ii) 75 percent of the cost of establishing hardward trees on these acres.

(C) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

(i) IN GENERAL.—The Secretary shall encourage owners and operators of converted acres, as referred to in paragraph (B) to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees on converted acres.

(ii) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator under paragraph (1)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees on converted acres.

(D) CONTRACT EXTENSIONS.—A program participant currently in the program who converts land not now in trees to hardwood trees, shall be eligible for a contract extension of up to 5 years at the option of the program participant.

(2) SHELTERBELTS, WINDBREAKS, AND WILDLIFE CORRIDORS.—

(A) ELIGIBILITY.—In order to prevent soil erosion, improve wildlife habitat, and to ameliorate potential climate change, the Secretary may make cropland devoted to a shelterbelt, windbreak, or wildlife corridor eligible to be placed in the Conservation Reserve Program, regardless of the soil erosion classification of such cropland.

(B) PAYMENTS.—In making payments to an owner or operator for cropland devoted to a shelterbelt, windbreak, or wildlife corridor under a contract entered into under this provision, the Secretary shall pay—

(i) 50 percent of the cost of establishing shelterbelts, windbreaks, and wildlife corridors (as set forth in such contract), unless the cropland qualifies for higher cost-sharing payments under clause (ii);

(ii) 75 percent of the cost of establishing hardward shelterbelts, windbreaks, and wildlife corridors.

(C) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

(i) IN GENERAL.—The Secretary shall encourage owners and operators of cropland to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees in shelterbelts, windbreaks, and wildlife corridors.

(ii) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator under paragraph (1)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees in shelterbelts, windbreaks, and wildlife corridors.

(3) Continuous signup for tree planting; and

(4) 10- to 15-year contracts, at the option of the producer, for current or future program participants, for hardwood tree planting.

SEC. 252. CONSERVATION RESERVE PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the Conservation Reserve Program established under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) has been successful in reducing soil erosion on farms and ranches by taking more than 30 million acres out of production;

(2) the Conservation Reserve Program has reduced soil loss, improved wildlife habitat, and enhanced water resources on farms and ranches;

(3) tree production is a vital component of the Conservation Reserve Program because trees are aesthetically pleasing and provide important benefits to both the environment and wildlife;

(4) the goal of the Conservation Reserve Program, as referred to in section 1232(c) of such Act (16 U.S.C. 3832(c)), is to devote not less than one-eighth of the number of acres of land that is placed in the conservation reserve to trees but only 6.4 percent of such acres are planted to trees; and

(5) modifications to the Conservation Reserve Program are necessary if the tree planting goal referred to in paragraph (4) is to be achieved.

(b) ENROLLMENT OF LAND.—

(1) CONSERVATION RESERVE PROGRAM.—Notwithstanding part 704.2(a)(1) of title 7 of the Code of Federal Regulations, the Secretary may allow land that has been cropped in 2 of the years between 1981 and 1988 to enroll in Conservation Reserve Program, if such land is planted to trees.

(2) PERMISSION TO PLANT CROPS.—

(A) IN GENERAL.—The Secretary of Agriculture may permit owners and operators to plant crops on land that is subject to subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 1211 et seq.) and subtitle D of such Act (16 U.S.C. 3831 et seq.) for a period of time to be determined by such Secretary, if such land is to be planted to hardwood trees.

(B) CANCELLATION.—The Secretary of Agriculture shall cancel rental payments for such owner or operator during such period.

(3) ACCEPTANCE OF BIDS.—

(A) IN GENERAL.—The Secretary may accept bids on cropland of up to 10 percent over the Maximum Acceptable County Rental Rate, as establish by the Agricultural Stabilization and Conservation office operating in the area where such cropland is located, if such cropland is planted to hardwood trees under title XII of the Food Security Act of 1985 (16 U.S.C. 3801).

(B) PAYMENTS TO PRODUCERS.—The differential in bids, as referred to in paragraph (3)(A) shall be available to eligible producers in the form of two lump-sum payments to be paid along with the final two annual rental payments of the contract period.

(C) INSPECTION.—The Secretary shall take any necessary action to ensure that trees planted under subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) are maintained throughout the contract period. Such action may include an inspection of such trees at, or near, the end of the contract period.

(D) PENALTY.—Any producer who fails to provide adequate maintenance on trees planted under this section, as determined by the Secretary, shall forfeit any differential in bids as referred to in paragraph (3)(A) due under subparagraph (B) in addition to any other penalties assessed under subtitle D of the title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(4) EDUCATION AND TECHNICAL ASSISTANCE.—The Secretary shall ensure that producers who plant trees under subtitle D of the Food Security Act of 1985 (916 U.S.C. 3838 et seq.) have access to appropriate educational and technical assistance to minimize the risk of damage or loss to such trees.

Subtitle G—Interagency Cooperation on Forestry and Climate Change

SEC. 261. INTERAGENCY COOPERATION TO MAXIMIZE BIOMASS GROWTH.

The Secretary of Agriculture is authorized to enter into agreement with the Secretary of Defense to—

(1) conduct a study of reforestation and improved management of Defense Department military installations and lands; and

(2) develop a program to manage these forests and lands so as to maximize their potential for biomass growth and sequestering carbon dioxide.

SEC. 262. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1990, and each of the next following 2 fiscal years, $2,000,000 to carry out the program in this subtitle.

TAFT INSTITUTE APPROPRIATIONS EXTENSION

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1939, to extend the authorization of the Taft Institute appropriations, introduced earlier today by Senator MOYNIHAN.

THE PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1939) to extend the authorization of appropriations for the Taft Institute.

THE PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, the Robert A. Taft Institute was founded in 1961 in memory of one of our most exceptional statesmen, Senator Robert A. Taft of Ohio. The institute is a nonprofit, nonpartisan organization dedicated to the hugely important task of improving civic education. The Taft Institute provides elementary and secondary school teachers direct access to Government leaders. Lecturers have included President George Bush, former Vice Presidents Walter Mondale and Hubert Humphrey, and Supreme Court Justice Sandra Day O'Connor. Other lecturers include public servants and professors of government.

Over the years, the institute has taught thousands of teachers, and in turn, has reached several million students. In the past year, it conducted 30 seminars in 27 States. Teachers are taught how to educate young people in civic responsibility.

In 1980, Congress recognized the need to support the work of this organization, and for the first time authorized appropriations for the Taft Institute. In 6 of the last 7 years, the institute received Federal funding to continue and expand its programs. We now need to continue this support by passing this reauthorization bill.

As we mark the 100th anniversary of Senator Taft's birth, the institute has been reinspired for its mission by its distinguished chairman of the board of trustees, Prescott S. Bush, Jr. The institute has embarked upon a private fundraising campaign with the goal of being self-sufficient by fiscal year 1993. To facilitate this transition, the bill gradually decreases the institute's authorization from $750,000 to $200,000 over 4 years.

I do hope that my colleagues share my belief in the importance of civic education as a safeguard for democracy. I am pleased that the bill will receive the unanimous support of the Senate.

Thank you, Mr. President.

Mr. SIMON. Mr. President, I strongly support this amendment sponsored by Senator PELL, Senator KENNEDY, Senator MOYNIHAN, and myself. The amendment would reauthorize the School Dropout Demonstration Program under part A of title VI of the Elementary and Secondary Education Assistance Act. The amendment provides for a $50 million authorization in each of fiscal year 1990 and fiscal year 1991. It further provides for several technical changes in the Elementary and Secondary Education Assistance Act to incorporate an evaluation component into the School Dropout Demonstration Program.

Mr. President, the authorization for this program expired at the end of fiscal year 1989 and reauthorizing legislation is needed to continue it. The House of Representatives has already acted by passing a bill to extend the School Dropout Demonstration Program for 2 years, and now we must act quickly on similar legislation. The language of the amendment is identical to language included in S. 695, the Excellence in Education Act, that has been reported favorably by the Labor and Human Resources Committee. S. 695, however, has not yet been cleared for floor consideration. We have an opportunity now to extend a program that is vitally important to reducing the dropout rates in our schools and is an important weapon in our arsenal against illiteracy.

The School Dropout Demonstration Program is the Federal Government's only program focused solely on attacking the national school dropout problem. In fiscal year 1989, $21 million was appropriated for this purpose. This program is one of the most popular initiatives in education in recent years. In fiscal year 1989, there were over 850 applicants for funding, but only 80 grants were awarded.

Our Nation's schools are desperately in need of answers and assistance to deal with dropout rates that are approaching 50 percent and 60 percent in some urban systems. On an average day, 600,000 to 700,00 students drop out of high school. The Chicago Public Schools are coping with a 43 percent dropout rate and have effectively used this program to begin the development of innovative approaches to a problem that is reaching crisis proportions.

I commend Senator PELL, Senator KENNEDY, and Senator MOYNIHAN for their efforts to continue this important education program.

Mr. KENNEDY. Mr. President, the School Dropout Prevention Demonstration Act was first authorized in 1988 to provide assistance to local educational agencies, community-based organizations and public/private partnerships to test methods to reduce the number of students who do not com-

plete their elementary and secondary education. The action we are taking today would extend the current 2-year old program for 2 additional years. Without this measure, the Federal Government's only program for stemming the dropout tide would expire in fiscal year 1990.

The current program provided approximately $23.9 million in fiscal year 1988 funds and $21.7 million in fiscal year 1989 funds to about 80 eligible LEAS and other recipients. Over 800 applications for these grants were received in the current funding cycle, now set to expire.

These grants are badly needed to help schools reduce the alarming dropout rates this Nation faces. Nearly 750,000 high school students drop out of school each year in this Nation. Nearly 4.2 million young adults in this Nation are without a high school diploma. The dropout problem is particularly acute among Hispanic, Native American, African American, innercity, and handicapped youngsters. Nearly one-third of Hispanic dropouts, for instance, have completed no more than 6 years of school.

We have seen some recent improvements in the dropout rates, particularly among African-American youth, partially because of the success of the program we are considering today. These improvements need to be continued, however. For every $1 invested in this program, nearly $9 are returned in increased tax revenues from employed individuals and lowered social costs.

I urge my colleagues to approve the extension of this important program.

Mr. PELL. Mr. President, I rise on behalf of a very important provision in the legislation before us. That provision would reauthorize the School Dropout Demonstration Assistance Act, legislation I originally authored in 1985 and which became law in 1987.

The need for this legislation to continue is just as critical today as it was when I originally introduced this measure over 4 years ago. It is truly a national disgrace that each year more than 25 percent of our youth—or 1 million students—drop out of school. In some of our urban schools, the dropout rate reaches the alarming rate of 80 percent. The economic waste in those tragic figures is immeasurable. Dropouts swell our unemployment and welfare rolls. And, if dropouts do find jobs, those jobs all too frequently require only minimal skills and involve only minimal wages.

It was this situation that led us to enact the School Dropout Demonstration Assistance Act 2 years ago, and that cries out for positive action on our part to continue this very important program. The frontal assault on the dropout problem has only just begun, and it would be a tragedy of truly national proportions if we were to abandon the battle at this critical juncture.

Mr. President, legislation continuing the School Dropout Demonstration Assistance Act has already passed the U.S. House of Representatives, and I believe it crucial that the Senate follow suit by approving the measure that is a part of the Taft Institute reauthorization.

Let me point to my home State of Rhode Island to demonstrate the importance of this program. In Rhode Island, the statewide dropout rate has consistently hovered around 25 percent, but in our capital city of Providence, it is 40 percent. In response to this situation, the University of Rhode Island's Urban Field Center joined together with the Providence School Department to form the Providence Dropout Prevention Collaborative and to launch a concentrated attack on the school dropout problem.

Under the Federal legislation, the Providence Collaborative has received two grants totaling more than $450,000. With those funds, the collaborative has begun to identify potential dropouts and to implement programs that will deter them from leaving school. It has started early intervention programs to attack the dropout problem at the earliest possible stage and age. And, it has sought to involve parents in the program in the belief that direct parental involvement in the education of their young is one of the best deterrents to a student's dropping out of school.

The most important aspect of this endeavor, however, is that it has only just begun to have an impact on the dropout problem. In cities where work has begun, it must be continued. In areas where work has not begun, it must be encouraged and initiated. And, in both instances, that means we cannot abandon the good work being done by this act and the good work it can do in the future if reauthorized.

Mr. President, I ask my colleagues to join me in supporting this important measure, and in not only continuing but hopefully intensifying the critical work we have begun at the Federal level to attack the terrible scourge that dropping out of school has on the future strength and health of our Nation.

Mr. D'AMATO. Mr. President, I join my colleague from New York today in introducing legislation to reauthorize the Robert A. Taft Institute of Government through fiscal year 1993.

The Taft Institute was founded in 1961 in memory of the late Senator Robert A. Taft of Ohio. It is a not-for-profit, nonpartisan, educational organization dedicated to Senator Taft's philosophy that "an enlightened citizenry participating in the political process is the best way to protect America's freedom."

The Institute seeks to instill in our Nation's young people a sense of the obligations and privileges of citizenship. It does this by offering seminars for teachers, administrators, and librarians who are responsible for teaching social studies, history, and government. For 28 years, these seminars—taught by practicing politicians and government officials—have stimulated the development of innovative teaching methods in civics, inspiring students to take a more active interest in government at all levels.

While the Institute's national office is based in New York, its impact is felt in classrooms across America. Last year alone, the Institute sponsored 30 seminars in 27 States, enrolling 847 teachers, administrators, and librarians. Over its history, the Institute has sponsored 580 seminars on more than 125 college campuses. It has a large and growing constituency in all 50 States.

Congress has supported the Institute since 1980 with annual authorizations of $750,000. Our legislation would authorize the Institute for an additional 5 years. However, recognizing that the Institute's original supporters intended that it eventually survive without Federal support, our bill would reduce the authorization levels annually so that the Institute is self-sufficient by 1994.

Mr. President, this year marks the 100th anniversary of the birth of Senator Robert A. Taft. I can think of no better way to honor this great statesman than to support the Taft Institute in its continued efforts to promote an enlightened citizenry.

I encourage my colleagues to join us in support of this legislation, and I urge its immediate passage.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE TAFT INSTITUTE

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1373 of the Education Amendments of 1980 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1373. There are authorized to be appropriated to carry out this subpart—

"(1) $750,000 for fiscal year 1990;

"(2) $600,000 for fiscal year 1991;

"(3) $400,000 for fiscal year 1992; and

"(4) $200,000 for fiscal year 1993.

No funds are authorized to be appropriated to carry out this subpart for fiscal year 1994 or any succeeding fiscal year.".

TITLE II—EXTENSION OF SCHOOL DROPOUT DEMONSTRATION PROGRAM

SEC. 20. EXTENSION OF SCHOOL DROPOUT DEMONSTRATION PROGRAMS.

Section 6003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3243) is amended—

(1) by striking "There" and inserting the following: "(a) IN GENERAL.—Subject to subsection (b), there";

(2) by inserting "each of" before "the fiscal";

(3) by striking "year" and inserting "years";

(4) by inserting before the period the following: ", 1990, and 1991"; and

(5) by adding at the end the following new subsection:

"(b) No amounts are authorized to be appropriated under subsection (a) for any fiscal year in which assistance is made available to local educational agencies under part C of chapter 1 of title I.".

SEC. 702. AUTHORIZATION OF USE OF FUNDS FOR EVALUATION ACTIVITIES.

Subsection (a) of section 6004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3244) is amended—

(1) by inserting after "the Secretary" the following: "shall first reserve not more than $1,500,000 for the purposes of evaluating programs carried out with assistance under this part. From the remaining amount, the Secretary"; and

(2) by striking "the amount appropriated" each place it appears after the first occurrence and inserting "such remaining amount".

SEC. 203. AUTHORIZATION OF REALLOTMENT OF CERTAIN FUNDS.

Paragraph (1) of section 6004(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3244(b)) is amended by striking "25 percent" and inserting "not less than 25 percent and not more than 50 percent".

SEC. 204. DEADLINE FOR EVALUATIONS.

Subsection (d) of section 6201 of the Elementary and Secondary Education Act of 1965 is amended by striking "at the end" and all that follows and inserting "not later than the expiration of the 6-month period following the end of the grant period.".

TITLE VIII—HIGHER EDUCATION

SEC. 301. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) HIGHER EDUCATION.—Section 484 of the Higher Education Act of 1965 is amended by adding a new subsection (k) at the end thereof:

"(k) STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institutions of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 1, 2, or 4 of part A or part C of this title.

(b) TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.—Section 4502 of the Elementary and Secondary Education Act of 1965 is amended by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands" each place it appears and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Island, and the Federated States of Micronesia".

(c) TECHNICAL AMENDMENT.—Section 1204(a) of the Higher Education Act of 1965 is amended by striking out "Trust Territories of the Pacific Islands, and the Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands Palau, and, subject to the provisions of Public Law 99-239, the Federated States of Micronesia, and the Republic of the Marshall Islands.".

SEC. 302. DEFINITIONS.

Section 545 of the Higher Education Act is amended in paragraph (3) by striking "the Trust Territory of the Pacific Islands" and inserting in lieu thereof "the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau".

SEC. 803. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 1204 of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subsection (d):

"(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act."

TITLE IV—ELEMENTARY AND SECONDARY EDUCATION

Sec. 401. TECHNICAL AMENDMENTS.

(a) ELEMENTARY AND SECONDARY EDUCATION.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in sections 1005(a), 1006(a)(1)(A), 1291, 2004(a), and 4502 by striking "and the Trust Territory of the Pacific Islands" each place such term appears and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau";

(2) in sections 1404, 1405(a)(2)(A), 1405(a)(2)(B) and 1471(22) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau"; and

(3) in sections 1511(a)(1), 2104(a)(1), 5112(a)(1) and 5141(b)(6) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau".

(b) ADULT EDUCATION ACT.—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau"; and

(2) in sections 313(b) and 361(a) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

(c) STAR SCHOOLS PROGRAM.—Section 907(8) of the Star Schools Program Assistance Act is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, Palau".

(d) EDUCATION OF THE HANDICAPPED.—The Education of the Handicapped Act is amended in—

(1) Section 602(a)(6) by striking "or the Trust Territory of the Pacific Islands" and inserting "the Federated State of Micronesia, the Republic of the Marshall Islands, or Palau";

(2) Section 611(a)(2) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau"; and

(3) Section 611(e)(1) by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau".

Mr. KERREY. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCLUSION OF AGENT ORANGE COMPENSATION FROM MEANS-TEST

Mr. KERREY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 892, the agent orange settlement bill.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 892) entitled "An act to exclude Agent Orange settlement payments from countable income and resources under Federal means-tested programs," do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. AGENT ORANGE SETTLEMENT PAYMENTS EXCLUDED FROM COUNTABLE INCOME AND RESOURCES UNDER FEDERAL MEANS-TESTED PROGRAMS.

(a) IN GENERAL.—That none of the payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.), shall be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program.

(b) EFFECTIVE DATE.—The provision in subsection (a) shall become effective January 1, 1989.

Mr. KERREY. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. KERREY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO RE-REFER S. 1840 FROM THE BANKING COMMITTEE TO THE JUDICIARY COMMITTEE

Mr. KERREY. Mr. President, I ask unanimous consent that S. 1840, which would amend the Bankruptcy Code, be referred from the Banking Committee to the Judiciary Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD SECURITY ACT CLARIFICATION

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 401, H.R. 3620, a bill to clarify the Food Security Act of 1985.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3620) to clarify the Food Security Act of 1985.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1187

(Purpose: To make certain technical corrections)

Mr. KERREY. Mr. President, on behalf of Mr. LEAHY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for Mr. LEAHY, proposes an amendment numbered 1187.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike "subparagraph 1001(5)(D)" and insert "section 1001(5)(D)".

On page 2, line 23, strike "paragraph (2)" and insert "paragraph (1) or (2)".

On page 3, line 5, strike "subparagraph 1001(5)(D)" and insert "section 1001(5)(D)".

On page 3, line 13, strike "paragraph (2)" and insert "paragraph (1) or (2)".

On page 3, line 19, strike "Secretary" and insert "Secretary of Agriculture".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1187) was agreed to.

Mr. KERREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I fully support H.R. 3620. H.R. 3620 provides relief from cumbersome landlord-tenant requirements of the farm program payment limitations.

Under regulations issued by the Department of Agriculture in 1988, cash tenants who fail to comply with farm program requirements are combined with the landlord for payment purposes. This act of combining noncomplying tenants with their landlords penalizes a landlord for the acts of third parties that are outside of the landlord's control.

I originally encountered the injustice of this requirement when the Indian farmers in Arizona brought it to my attention. Indian tribes are severely penalized by this requirement. Indian tribes, because of their special trust relationship with the United States, currently enjoys an exemption from the number and amounts of payments that the tribe could receive from the Federal farm program. This exemption was designed, in part, to recognize that such lands are farmed on behalf of the tribe and that payments are received on behalf of the tribe as a whole.

The Department of Agriculture now requires that if a tenant of an Indian tribe falls out of compliance with program requirements the tenant will be combined with the tribal venture as one person. The result is that the tribal venture would then lose its exemption and thus would be limited to one payment.

Last week I introduced legislation, S. 1871, to alleviate the burden on the Indian tribes. At the same time, the House Agriculture Committee in reviewing the plight of the Indians recognized that the landlord-tenant requirements were unfairly penalizing all farmers who participate in the farm program. Consequently, the House decided to extend the relief to all farmers. I congratulate the House in its effort to insure that fairness is spread across the board.

I commend the Senate Agriculture Committee for all of its painstaking efforts to assist the Indians with the agricultural problems that have been caused by the USDA's 1988 regulations. Thanks to the very able assistance of Carolyn Brickey of the committee, most of the difficulties have been resolved adminstratively. The remaining problem that is caused by the landlord tenant requirement has been addressed through Senator LEAHY's outstanding leadership in seeking the appropriate legislative relief. Accordingly, I fully support H.R. 3620.

Mr. MCCAIN. Mr. President, I am pleased to rise in support of the passage of H.R. 3620, a bill to clarify the Food Security Act of 1985. I wish to express my appreciation to Senator LEAHY and Senator LUGAR, chairman and ranking minority member, respectively, of the Committee on Agriculture, Nutrition, and Forestry, for their able and quick assistance in moving this bill in the Senate.

The basis for this legislation stems from the regulations issued by the Department of Agriculture on August 5, 1988, pursuant to the Agricultural Reconciliation Act of 1987. The Department has interpreted its new regulations to require an entire Indian tribal venture to be combined as "one person" with a lessee of a tribe, and to thus share a single payment with the lessee, if it is determined that the lessee, or any member of the leasing entity, is not in compliance with any portion of the payment limitation regulations. This would occur despite the fact that the tribe has no control over the compliance activities of the lessee or leasing entity and despite the fact that all tribal leases must be approved by the Department of the Interior. Moreover, because the lessee's noncompliance may not come to light for up to 6 years following the year in question, as part of a departmental OIG audit, tribes could well be required to pay back substantial ASCS payments received years earlier for their own farming operations and already expended on tribal government functions, all as a result of the actions of an entity not under their control. The severe economic impact this would have on a tribe, and the problems it creates for tribes in planning their budgets and fund necessary governmental functions, are readily apparent.

Let me say a few words about tribal leases. The leasing of trust lands on Indian reservations is highly regulated by the United States through the Secretary of the Interior and the Bureau of Indian Affairs. Title 25 of the United States Code provides numerous provisions governing the leasing of lands for agricultural purposes on an Indian reservation. The BIA regulations are designed to obtain fair market value for the land, thus guarding against one of the major abuses intended to be prevented by the Agricultural Reconciliation Act of 1987. The regulations also ensure that there is an arms length relationship between a tribe or an individual Indian who owns the land and the lessee. Requirements for the bidding on lands available for lease, a prohibition on renewal preferences, limits on duration, and limitations on rents below fair market value ensure that the type of collusion and abuses which the Congress intended to address in the 1987 act will not occur on Indian lands. It is ironic, given the significant amount of control and limitations imposed on the leasing of Indian reservation lands by the BIA, that the ASCS would insist that the 1987 act intended to penalize tribes because of the hypothetical possibility of collusion after the Congress has taken such extensive steps to ensure that all tribe-lessee relationships are at arms length.

H.R. 3620, as amended, ensures that fair and equitable treatment is given to the landlord and the tenant by focusing the sanctions on the one who violates the act. H.R. 3620 as originally introduced was intended to apply only to Indian tribes. The House Committee on Agriculture amended the bill so as to apply to all landlords who lease land to Federal commodity program participants. I am pleased to see that

the work of the Colorado River Indian Tribes and other members of the Indian agricultural community will also extend this same benefit to non-Indian farming operations.

Mr. President, I am pleased to see that the Congress is able to address this particular problem before we adjourn. I want to again express my appreciation to Senators LEAHY and LUGAR, and to their able staff people who committed their time to resolving this issue quickly.

The PRESIDING OFFICER. If there are no further amendments, the bill is considered read the third time and passed.

So the bill (H.R. 3620), as amended, was passed.

Mr. KERREY. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. BURNS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

EXERCISE OF STATE JURISDICTION OVER CERTAIN INDIAN COUNTRY

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 319, S. 1526, regarding an agreement between the State of Oklahoma and the Kiowa, Comanche, and Apache Tribes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1526) to authorize the State of Oklahoma and the Kiowa, Comanche, and Apache Tribes to enter into an agreement regarding the exercise of State jurisdiction over a portion of Indian country located in Commanche County, Oklahoma.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Select Committee on Indian Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. EXERCISE OF JURISDICTION BY STATE OF OKLAHOMA.

[(a) IN GENERAL.—The State of Oklahoma shall be permitted to exercise civil and criminal jurisdiction over the Fort Sill Indian School as authorized by this Act.

[(b) LEASE.—Subsection (a) shall take effect upon the effective date of a lease between the State of Oklahoma and the Kiowa, Comanche and Apache Intertribal Land Use Committee under which the Fort Sill Indian School is leased by the State for the purpose of operating a minimum security correctional facility for the duration of the lease and any renewal or extension of such lease.]

SECTION 1. AUTHORIZATION OF LEASE AND EXERCISE OF JURISDICTION BY THE STATE OF OKLAHOMA.

(a) LEASE.—The State of Oklahoma and the Kiowa, Comanche and Apache Intertribal Land Use Committee are authorized to enter into a lease under which the Fort Sill Indian School is leased by the State for the purpose of operating a minimum security correctional facility. Such lease shall require the approporiate approvals of the Kiowa, Comanche, and Apache Indian tribes and the Secretary of the Interior or his designee.

(b) JURISDICTION.—The State of Oklahoma is authorized to exercise exclusive civil and criminal jurisdiction over the Fort Sill Indian School lands during the term of such lease, or any renewal or extension thereof.

(c) EFFECTIVE DATE.—The State of Oklahoma shall be vested with jurisdiction over the Fort Sill Indian School lands on the date that the Secretary of the Interior publishes in the Federal Register those portions of the lease between the State of Oklahoma and the Kiowa, Comanche and Apache Intertribal Land Use Committee that relate to the assumption of jurisdiction by the State of Oklahoma and the future reversion of such jurisdiction to the United States or Kiowa, Comanche and Apache Tribes.

(d) SAVINGS CLAUSE.—Nothing in this Act shall effect jurisdiction over any cause of action which arose, or offense which was committed, prior to the effective date of any change of jurisdiction as provided by the terms of the lease authorized by this Act.

SEC. 2. TERMINATION OF JURISDICTION UPON TERMINATION OF LEASE.

Upon the expiration or cancellation of the lease referred to in [section 1(b)] *section 1* the exercise of civil and criminal jurisdiction by the State of Oklahoma under this Act shall terminate and civil and criminal jurisdiction over the Fort Sill Indian School shall revert to the United States and the Kiowa, Comanche, and Apache Indian tribes.

SEC. 3. RULE OF CONSTRUCTION.

Except as provided in section 1, nothing in this Act shall be construed to grant the State of Oklahoma any civil or criminal jurisdiction over any Indian Country within the State.

SEC. 4. FORT SILL INDIAN SCHOOL.

For the purposes of this Act, the term "Fort Sill Indian School" means that parcel of land located in Comanche County, Oklahoma, together with all improvements thereon, comprised of approximately 115.41 acres that is described in the lease referred to in [section 1(b)] *section 1*. The Secretary of the Interior shall publish in the Federal Register a legal description of such land by no later than the date that is 60 days after the date of enactment of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. Are there further amendments? If there are no further amendments, the bill is considered read the third time and passed.

So the bill, (S. 1526) as amended, was passed.

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF LEASE AND EXERCISE OF JURISDICTION BY THE STATE OF OKLAHOMA.

(a) LEASE.—The State of Oklahoma and the Kiowa, Comanche and Apache Intertribal Land Use Committee are authorized to enter into a lease under which the Fort Sill Indian School is leased by the State for the purpose of operating a minimum security correctional facility. Such lease shall require the appropriate approvals of the Kiowa, Comanche, and Apache Indian tribes and the Secretary of the Interior or his designee.

(b) JURISDICTION.—The State of Oklahoma is authorized to exercise exclusive civil and criminal jurisdiction over the Fort Sill Indian School lands during the term of such lease, or any renewal or extension thereof.

(c) EFFECTIVE DATE.—The State of Oklahoma shall be vested with jurisdiction over the Fort Sill Indian School lands on the date that the Secretary of the Interior publishes in the Federal Register those portions of the lease between the State of Oklahoma and the Kiowa, Comanche, and Apache Intertribal Land Use Committee that relate to the assumption of jurisdiction by the State of Oklahoma and the future reversion of such jurisdiction to the United States or Kiowa, Comanche and Apache Tribes.

(d) SAVINGS CLAUSE.—Nothing in this Act shall effect jurisdiction over any cause of action which arose, or offense which was committed, prior to the effective date of any change of jurisdiction as provided by the terms of the lease authorized by this Act.

SEC. 2. TERMINATION OF JURISDICTION UPON TERMINATION OF LEASE.

Upon the expiration or cancellation of the lease referred to in section 1, the exercise of civil and criminal jurisdiction by the State of Oklahoma under this Act shall terminate and civil and criminal jurisdiction over the Fort Sill Indian School shall revert to the United States and the Kiowa, Comanche, and Apache Indian tribes.

SEC. 3. RULE OF CONSTRUCTION.

Except as provided in section 1, nothing in this Act shall be construed to grant the State of Oklahoma any civil or criminal jurisdiction over any Indian Country within the State.

SEC. 4. FORT SILL INDIAN SCHOOL.

For the purposes of this Act, the term "Fort Sill Indian School" means that parcel of land located in Comanche County, Oklahoma, together with all improvements thereon, comprised of approximately 115.41 acres that is described in the lease referred to in section 1. The Secretary of the Interior shall publish in the Federal Register a legal description of such land by no later than the date that is 60 days after the date of enactment of this Act.

Mr. KERREY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO PRINT A SENATE REPORT

Mr. KERREY. Mr. President, I ask unanimous consent that the order to print as a Senate document a report from the Select Committee on Indian Affairs Special Committee on Investigations be vitiated, and that the report now at the desk be printed as a Senate report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that I may be permitted to speak as in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL SALVADOR: LET US KEEP OUR FACTS STRAIGHT

Mr. HELMS. Mr. President, like many others, I listened with great interest to the discussion today on the House floor concerning El Salvador. The House of Representatives did the right thing when it refused to be bullied into abandoning our allies and friends in El Salvador. I hope the Senate will follow this course and reject efforts to condition military aid to El Salvador.

In the days since the FMLN terrorists launched their offensive against the democratically elected Government of El Salvador, I have been in frequent contact with the United States Ambassador in El Salvador, the Salvadoran Foreign Minister, and the chief of staff of the Salvadoran Armed Forces. And I have reported my findings to the Senate on two occasions during the past week.

Therefore, I find myself a bit appalled at the distortions that I have heard and read during the past 5 days.

Up until this past Thursday, I do not recall hearing very much on this Senate floor about the FMLN offensive, which began on November 11. Senators who are now making all of the exhortatory speeches were silent in seven languages. I do not recall any speech denouncing the efforts by the Communist FMLN insurgents, as they are called—I call them terrorists—to overthrow the freely elected Government of El Salvador. I do not recall any speeches denouncing the hundreds of people killed by the FMLN offensive, or the forcible entry by FMLN terrorists into the homes of innocent citizens.

Why all the silence during that and all of the oratory today? This past Thursday and Friday, all of a sudden, Senators got up, one after another, to denounce the murders of six Jesuit priests. Some Senators even called for an immediate end to military aid to that troubled country.

Let there be no misunderstanding, all of us—and I especially—we're appalled by the murders of these six Jesuit priests. As a matter of fact I doubt there is a Member of this Congress who is not absolutely repulsed by this crime. But I find it incomprehensible that some Members of Congress, without any evidence, certainly no conclusive evidence, are already blaming the government of President Cristiani, and are calling on this Congress to walk away from the brave men and women who are fighting communism in this hemisphere.

So I feel obliged, Mr. President, to respond to some of my colleagues who have been making matter-of-fact statements about the six Jesuit priests who were murdered. But, first, let me emphasize I cannot say who is to blame for the murder of the priests nor can anyone else until an investigation is completed. Let me emphasize that the Government of El Salvador is moving rapidly to investigate this incident. That expeditious action is scarcely ever mentioned in all of the oratory we are hearing.

Let the record show that President Cristiani—who, by the way, came here and met with most, if not all, of the Senators—dispatched the special investigative unit to the scene of the crime. He did that forthwith. He has also welcomed U.S. offers to participate in the investigation. And, at this very minute, as I stand here on the Senate floor, United States officials are already on the ground in El Salvador assisting in that investigation.

Furthermore, this morning, Monday morning, President Cristiani named an international commission comprised of representatives from the United States, Spain, and Great Britain to investigate the crime. I am confident with this expertise a fair, comprehensive, and impartial investigation will, in fact, be conducted.

The fact is, despite all of the oratory to the contrary, that both sides in the conflict had ample motivation to perpetrate this crime. It is just as reasonable, if not more so, to look toward the FMLN as the perpetrators of this crime, as it is to rush to judgment, as some are doing, against some nebulous assailants from the Salvadoran military.

It is true that some Salvadorans looked upon the victims as the leading propagandists for the Communist guerrillas, and as particularly nefarious because they had trained the FMLN leadership at the university. But the discovery of an FMLN cache of arms at the Jesuit retreat house must have confirmed many in the belief that this group was working against the best interests of the Salvadoran people, rich and poor alike.

At the same time, the very facts which seem to support this position make it too obvious and too easy to accuse elements in the military. The circumstances of the murders are totally ambiguous. They fit both theories, on the one hand that it was the military or on the other that it was the FMLN, itself, perpetrating a setup against the military.

I was talking earlier this afternoon with the distinguished Congressman from Illinois [Mr. HYDE]. He pointed out that the Valentine's Day massacre was committed by the Moran mob, wearing stolen police uniforms. So this is an old trick.

I am not saying that is what happened, because I do not know. But neither does any other Senator who has stood on this floor and made declarations. I do not have enough information to enable me to support either theory. But I do say it is irresponsible to make either one claim or the other claim. The investigation is underway and it is being done by responsible people from Spain and Great Britain and the United States and El Salvador.

In any case, Mr. President, just as soon as I learned of the heinous incident in El Salvador, I immediately began to try to get as many facts as possible, because of my responsibility as ranking Republican member of the Foreign Relations Committee.

Once again, I say I got these facts from various sources including both the United States and the Salvadoran Governments, and I think I should discuss for the record some of the arguments that I have been hearing.

Senators have been charging that the very house where the priests were murdered had been searched by the Salvadoran Armed Forces just days before. It seems to me, however, that Senators are confusing their facts just a little bit. The Armed Forces did search a Jesuit retreat house days before the murders where they found numerous Soviet bloc weapons with ammunition. But the priests were murdered in a totally different place, the private residence of the Jesuits. The private residence had never been searched.

I have been informed by my sources—and they are entirely credible and have been in the past—that in the area where the priests were discovered, used AK-47 bullet casings were found. I point out to my colleagues, it is the terrorists, the FMLN, that use AK-47 weapons, not the Salvadoran Army.

Some are also arguing that the Armed Forces must have been in-

volved with the murder, since there was a curfew in effect at the time of the murder and because witnesses observed the men wearing military uniforms at the crime scene.

What does that prove? What did it prove in the case of the Valentine's Day massacre? Or the assassinations and mayhem in Nicaragua years ago? It is an old trick—to steal uniforms and to pretend to be law enforcement officers or military or whatever. This is an old, Communist trick.

In any case, that kind of logic, saying they are automatically guilty because the assailants were wearing military uniforms, is without merit, based on false assumptions. Who can believe that the Communist terrorists are observing the curfew? Of course, they are not. It is a fact that the FMLN terrorists have dispersed into small cadres throughout the capital of San Salvador to operate specifically during the curfew hours. This past Wednesday night there was intense fighting throughout the downtown area.

Second, the fact that some witnesses observed men dressed in military uniforms provides no evidence at all. It is not difficult to obtain a military uniform, as I have indicated earlier. It is done all the time. The FMLN has been known in the past to dress themselves in military attire for the preformance of terrorist acts in order to confuse the witnesses.

It is also worth noting that the murdered Jesuits were long-time supporters of the FMLN. But in recent weeks they had drawn back from that support and they had admitted publicly that the FMLN had gone too far—something that has not been mentioned on this floor or, as far as I know, in the media, to any extent.

In fact, the rector of the university, Father Ellacuria, had appeared on camera several times, denouncing the violence and terrorism of the FMLN. Recently he publicly supported the Cristiani government and its efforts toward peace in El Salvador.

So, without drawing a conclusion pending the completion of the investigation, it is fair to say that it is not inconceivable that the terrorists, FMLN, decided that new martyrs were necessary in order to breathe new life into their dying offensive, and they decided that these priests were expendable. It would be better to have them dead as martyrs than living and criticizing the bloody revolution that they had played such a key role in starting.

How about the orchestration of the activity in this Chamber today? We do have reports that the FMLN were planning acts of terrorism on the very night that the Jesuits were murdered. I received information from a reliable source, very credible, that the Communist guerrillas had plans to assassinate President Cristiani that night. Mr. President, the terrorist-induced violence has claimed more than 1,000 lives during the past 10 days and at least the same number of wounded.

Moreover the Soviet, Cuban, Nicaraguan connection to the brutal violence against the Salvadoran people is clear. In fact, there are also reports that Cuban terrorists may be among those killed, but the investigation will indicate the validity of that.

If there is any doubt in anyone's mind about the Communist connection, let them try this on for size: Most of the weapons captured from the terrorists, the FMLN, are from the Communist bloc nations. Among those are at least 324, by actual count, AK-47's, and at least 75 Chinese, Communist Chinese rocket-propelled grenades.

Just last month a major weapons cache was captured in Honduras on its way from Nicaragua to El Salvador. The driver acknowledged that he had been making monthly trips to take weapons from the Communist government in Nicaragua to the Communist terrorists in El Salvador. Why was there no protest on the Senate floor about that? Not a peep. Silent in seven languages. This past May, just 2 days before President Cristiani's inauguration, Government forces uncovered in San Salvador a massive cache of Soviet-Chinese and East bloc weaponry.

Mr. President, the Communists in El Salvador will use any excuse, any means, to seize power. They were decisively rejected at the polls by the people of El Salvador. Now they are claiming that their offensive is in retaliation for the bombing of the labor organization, FENASTRAS. But the facts surrounding this bombing of the labor group are rather interesting when you think about it. Immediately following this act of terrorism at the labor organization, President Cristiani ordered a full-scale investigation and attempted to name a commission. The commission was to include the United Nations, the Organization of American States, the Catholic Church, the Attorney General, and a representative from FENASTRAS, the bombed labor organization. And interestingly enough, guess who refused to participate in the investigation? That is right, the labor organization FENASTRAS itself. It had no interest in finding out who did the bombing.

These are the facts, as we know them today, and I acknowledge that these facts are not conclusive, one way or the other. But I will say that those who choose to draw conclusions with finality apparently have more information than is available to the United States Government or to the Government of El Salvador. If you want my opinion, Mr. President, it is a put-up job, but that is an opinion. We will see who is right when the investigation is concluded.

Mr. President, Freddie Cristiani, the President of El Salvador, has been here in Washington. I reiterate, he has met with most, if not all, Senators, and I have not heard one Senator to say other than he is a conscientious man, apparently an honest man. And yet here come all of these accusations and distorted facts and oratory designed to inflame. Plus the fact that the galleries were loaded, just by accident, with people who got up and shouted and had to be expelled from the Senate Chamber this afternoon. Is all of this just coincidental? Do not bet the farm on it. It is the way Communists operate.

But the violent actions of the Communists this week demonstrate that it is impossible to negotiate with Communist terrorists. It has been true in the past; obviously it is true now. The FMLN feared a total defeat, I believe, in its dialog with the Government; so, instead, they decided to wage war on the Salvadoran people, innocent people, a thousand of them killed, another thousand of them at least wounded by this crowd. The very same people who have been killed and wounded are the people that the FMLN so piously claim they want to liberate. Liberate from what?

Mr. President, the intentions of the Soviet Union and Cuba and Nicaragua and Panama and Central America are more than clear, it seems to me. They want to seize power, they want to consolidate power. Whatever violence occurs during this final offensive, if you want to call it that, is a product of the brutal violence instigated by the FMLN terrorists, in my judgment. That is one man's opinion, one Senator's opinion, but we will see who is right when the investigation is complete.

But I do think that it is very clear that negotiations, or so-called dialog, that neither is going to bring about peace or freedom in Central America, and for that reason I am absolutely persuaded that the United States should give all necessary assistance to Central American freedom fighters, whether they be the Government of El Salvador or the Nicaraguan resistance.

Mr. President we are now in the advanced phase of the Communist effort to impose a totalitarian government on El Salvador. To understand what is happening there today, it is necessary to go back into history a bit and recall the whole background.

EARLY SOVIET INFLUENCE IN EL SALVADOR

In all the debates in Congress and in all the media coverage of the situation in El Salvador one central fact has been neglected. It is certainly no secret that the Soviet Union has been fomenting revolution in this hemisphere for almost seven decades. The strategic objective of the Soviet lead-

ership to promote world revolution has been a central feature of international reality since the Bolshevik coup d'etat in Russia in 1917. The question today, as it has been for most of this century, is what are we going to do to halt and to roll back Soviet global aggression?

Back in 1918, three Soviet agents—Guraski, Glabauf, and Kavanov—entered El Salvador to work with Esteban Pavletich to establish the first Communist cells in El Salvador. Subsequently, Salvadorans such as Luis Felipe Recinos, Enrique Conde, and Augustin Faribundo Marti entered the Communist Party network. Enrique Conde fled to Costa Rica after President Maximiliano Hernandez Martinez launched his campaign against the Communist uprising in El Salvador in 1932. Conde continued his subversive activities against El Salvador from his base in Costa Rica and worked closely with key Costa Rican Communists such as Manuel Mora Valverde.

The penetration of the labor movement worldwide has always been a standard Communist tactic. In 1922, the Central American Labor Confederation [COCA—Confederacion Obrera Centroamericana] was founded and was based upon the Communist Party sections and organizational structures in Central America. The Salvadoran group that became a member of COCA was the Regional Federation of EL Salvadoran Workers [FRTS—Federacion Regional de Trabajadores de El Salvador].

In 1929, the Soviet Communist Party sponsored a meeting in Havana, Cuba, of the heads of the Communist Parties of Central America and the Caribbean. In this October meeting, the Soviets brought Faribundo Marti under stricter discipline. The Soviets viewed his plans for a revolution in El Salvador in 1929 as premature and wanted the Communist Party and supporters in El Salvador to take more time to work out the plans for a more detailed strategy and to make better preparations.

The Komintern organization based in Moscow had a number of delegates at this meeting. At the time, the Komintern had a special department for Central America and the Caribbean whose central objective was fomenting revolution in the region. The Komintern directors at the Havana meeting wanted the Communist uprising in El Salvador to commence on October 17, 1932, and worked with the Communist Party of El Salvador [PCS] to assist in the coordination of the Communist elements in the labor movement, the peasant movement, and even within the military. The PCS had the support of Communist front operations controlled by Moscow such as Red Aid International based in New York, the International Labor Federation based in Amsterdam, the Komintern organization based in Moscow, the Communist Congress of Buenos Aires, and the Latin American Labor Confederation based in Montevideo.

The Communist rising in El Salvador did erupt in 1932 as planned but under the strong leadership of President Hernandez Martinez it was suppressed. Today, five decades later, we are again confronted by a Communist onslaught backed by Moscow in El Salvador.

STRUCTURE OF THE SOVIET-BACKED COMMUNIST FORCES IN EL SALVADOR

The principal directing organ of the Communist revolution in El Salvador is the Unified Revoluntionary Directorate [DRU-Direccion Revolucionaria Unificada] which controls the military, diplomatic, political, and economic aspects of the revolution. Five organizations are represented in the DRU: The Communist Party of El Salvador [PCS], the Popular Forces of Liberation [FPL], the Armed Forces of National Resistance [FARN], the Revolutionary Army of the Poor [ERP], and the Revolutionary Party of Central American Workers [PRCT].

The Communist Party of El Salvador started to be organized in 1918 as I mentioned earlier. In 1925, the party took on a formal and overt character. In 1930, Faribundo Marti returned from abroad to El Salvador and became the Secretary General of the party and picked as his chief lieutenants Alfonso Luna and Mario Zapata. Two factions within the PCS developed during the 1960's. One was headed by Shafik Handel who allowed for penetration of the electoral process as tactic to achieve power. The other faction was headed by the late Cayetano Carpio and it emphasized violent armed revolution as the road to power.

In April 1970, the FPL was formed when the Cayetano Carpio faction broke away from the official Communist Party which remained in the hands of Shafil Handel. In August 1975, the FPL established a mass front organization called the Popular Revolutionary Bloc [BPR]. This front was formed through a coalition of FPL supporters and primarily those groups organized by Father Bernard Bourlang, a French Jesuit priest. Three of the four members of the central command within the FPL National Masses Committee—Juan Chacon, Facundo Guardado, and Julio Flores—became the leaders of the BPR. A fourth member of the committee, Oscar Bonilla, became secretary general of AGEUS [Association of University Students of El Salvador]. Both the BPR and AGEUS were housed in the same office in the National University of El Salvador. The clear cut Marxist-Leninist ideology of the BPR and AGEUS are revealed in their publications such as "Red Star," "Popular Combat," "Guerrilla," and "The Rebel."

The Revolutionary Army of the Poor [ERP] was formed in March 1972 by a number of members of the El Salvadoran Communist Party. Under the leadership of Joaquin Villalobos, the EPR has had close working relationships with several guerrilla organizations in Latin America including the Tupamaro National Liberation Movement of Uruguay, the People's Revolutionary Army of Argentina, the leftist Revolutionary Movement of Chile [MIR].

The mass front organization for the ERP is called the Popular Leagues of February 28 [LP-28] which has been concerned with propaganda, mobilization, and recruitment. The clear cut Marxist-Leninist ideology of the ERP and its LP-28 is found in their publications such as "Proletariat Thought," "Communist Press," "Red Flag," "Wake Up Peasant," and "The Power is Born from the Gun." It is significant that an ERP member, Norma Guevara, was placed into a leadership position in the Communist supporting Salvadoran Commission of Human Rights.

The Armed Forces of National Resistance [FARN] was formed in 1975 after the assassination of an ERP member Enrique Dalton which precipitated a split in the ranks. FARN's former leader, Ernesto Jovel, was replaced by Ferman Cienfuegos after the former's death. Cienfuegos' real name is Eduardo Sancho.

FARN took over the Unified Popular Action Front [FAPU] which has been formed in 1974 by two Catholic priests, Higinio and Jose Inocencio Alas. FAPU has been especially close to the Union of Workers of the Salvadoran Institute of Social Security [STISS]. The Marxist-Leninist ideology of FARN and FAPU are clearly identifiable in their publications such as "Pueblo" and "For the Proletarist Cause."

The Revolutionary Party of Central American Workers [PRTC] was also spawned by the Communist Party of El Salvador. Its mass front organization is the Movement of Popular Liberation [MLP].

For its part, the Communist Party of El Salvador long operated through a mass front called the National Democratic Union [UDN] which was formed in 1970 and which participated in the 1972 and 1977 elections through a coalition of opposition parties known as the National Opposition Union [UNO]. The UDN is composed of several Marxist-Leninist labor and peasant organizations including the Salvadoran Workers Confederation [CUTS].

The labor laws on El Salvador require that 10 unions are necessary to form 1 federation and that 3 federations are necessary to form a confederation. The Communist Party of El Sal-

vador controls three federations: the United Trade Union Federation of El Salvador [FUSS]; the Federation Union of Food, Garment, and Textile Industry Workers [FESTIAVTSCES]; and the National Trade Union Federation of Salvadoran Workers [FENASTRAS]. CUTS is the confederation in which these three federations are joined and it operates in close cooperation with the guerilla front organizations such as the BPR, LP-27, and FAPU.

THE UNIFIED REVOLUTIONARY DIRECTORATE (DRU)

In May 1980, at a meeting in Havana, Cuba, the Unified Revolutionary Directorate of the El Salvadoran revolution was formed at the direction of Fidel Castro as a precondition for larger scale Cuban aid. The DRU is composed of three representatives of each of the five major Communist organizations in El Salvador.

According to information reaching my office, the membership of the DRU is as follows. The members from the FPL are: Leonel Gonzalez—a pseudonym; Dimas Hernandez—a pseudonym; and the third name is unknown. The members from the ERP are: Joaquim Villalobos; Jorge Melendez; and Sonia Medina. The members from the FARN are: Ferman Cienfuegos—a pseudonym for Eduardo Sancho; Oscar Armando Acevedo; and the third name is unknown. The members from the PRTC are: Roberto Roca—a pseudonym: Mario Lopez; and the third name is unknown. The members from the Communist Party of El Salvador are: Jorge Shafik Handai; Roberto Castellanos Calvo; and Mario Aguinada Carranza.

The DRU operates two key Commissions: The Commission for Finances (COFIN) and the Commission for International Relations (CORINTER). The Commission on Finances is composed of one member from each of the five organizations comprising the DRU. The head of the commission is Farid Handai, the brother of Shafik Handai who is the head of the Communist Party of El Salvador. The mission of COFIN is to amass the financial support for the Salvadoran revolution from the international contacts. The commission was located in Mexico City until late 1982 when the Mexican Government nationalized the private banks and the financial situation was unstable. COFIN was charged with handling the donations which came in the form and various currencies such as U.S. dollars, German marks, French francs, and so forth. The commission then changed the foreign currencies into dollars for use inside of El Salvador by the DRU as well as for external purchases of arms. COFIN is now located in Panama taking advantage of the sophisticated network of international banking services in that country for the movement of moneys for the support of the Salvadoran revolution.

The Commission for International Relations, CORINTER, has had its base in Managua, Nicaragua, but now operates in a number of countries. Its offices in Mexico City are said to have been the most important in terms of organizing international support and establishing logistical support for the Salvadoran revolution. The head of this commission is Ferman Cienfuegos, whose real name is Eduardo Sancho. The delegate to CORINTER from the EL Salvadoran Communist Party was reported to be Dr. Miguel Angel Saenz Varela.

In Costa Rica, the Salvadoran revolutionary complex maintains a similar operation to that in Mexico City. The head of this operation is reported to be Dr. Renan Rodas Lazo.

In Prague, Czechoslovakia, the Salvadoran revolutionary complex maintains an operation which interfaces with the Soviet Union and other satellite countries. The head of this office is reported to be Dr. Jorge Arias Gomez.

In Havana, Cuba, the DRU naturally maintains a key operational center whose head is reported to be Julio Cesar Salazar.

THE DEMOCRATIC REVOLUTIONARY FRONT [FDR]

Subordinate to the DRU is the Democratic Revolutionary Front [FDR] which was created in April 1980 to disseminate propaganda outside of EL Salvador. The FDR is composed of the Revolutionary Coordinator of the Masses [CRM] which was formed in January of 1980 and the Democratic Front [FD] which was formed in April of 1980.

The CRM is composed of the overt mass organizations of the five Marxist-Leninist revolutionary organizations. The BPR is the mass organization for the FLP. The LP-28 is the mass organization for the ERP. The FAPU is the mass organization for the FARN. The MLP is the mass organization for the PRTC. The UDN is the mass organization for the Communist Party of El Salvador.

The Democratic Front is composed of organizations which do not take part in the armed military struggle on an overt basis. Three small political parties form the basis of the FD. They are the National Revolutionary Movement [MNR], the Popular Social Christian Movement [MPSC]; and the Independent Movement of Professionals and Technicians of El Salvador [MIPTES].

Guillermo Ungo, the leader of the MNR which is a member of the Socialist international organization, is the head of the Democratic Revolutionary Front. It should not escape notice that Dr. Ungo went to Moscow during the 1960's to sign a cultural exchange agreement with Lomonosov University. He was representing the National University of El Salvador and traveled with its rector Dr. Fabio Castillo Figueros. Dr. Castillo is the head of the Movement of Popular Liberation [MLP] which I mentioned earlier was the front organization for the PRTC which is one of the five Marxist-Leninist revolutionary organizations comprising the DRU.

According to information reaching my office, the Executive Council of the FDR is composed of one member from each of the eight organizations comprising the FDR. The BPR representative is Oscar Bonilla; the LP-28 representative is Galindo Marisol; the FAPU representative is Jose Napoleon Rodriguez Ruiz; the MLP representative is Fabio Castillo; the UDN representative is Dagoberto Gutierrez. The MNR representative is Guillermo Manuel Ungo; the MPSC representative is Ruben Zamora; the MIPTES representative is Eduardo Francisco Calles who acts as the vice-president of the FDR.

THE FARIBUNDO MARTI NATIONAL LIBERATION FRONT (FMLN)

Also subordinate to the DRU is the Faribundo Marti National Liberation Front which was formed in November 1980 to coordinate and execute the armed revolutionary insurgency in El Salvador. The FMLN is composed of the five Marxist-Leninist revolutionary groups which form the DRU. They are: the Communist Party of El Salvador [PCS]; the Popular Forces of Liberation [FPL]; the Armed Forces of National Resistance [FARN]; the Revolutionary Army of the Poor [ERP]; and the Revolutionary Party of the Workers of Central America [PRTC]. The FMLN has a general command which integrates and coordinates the armed insurgency of these groups.

COMMUNISM IS THE ENEMY IN EL SALVADOR

Mr. President, as I said at the outset I am deeply concerned that the Congress and the media are refusing to come to grips with the central fact in El Salvador. That fact is that the Soviet Union directly and through its satellites and surrogates is fomenting Communist revolution at our very doorstep.

The facts about the Soviet thrust into El Salvador and the Soviet-Cuban orchestration and manipulation of the revolutionary forces in El Salvador are clear for all to see. The facts about seven decades of Soviet subversion in our hemisphere are available to anyone who would care to study them. It is inconceivable to this Senator that at this late hour these facts are not being recognized for what they are and that truly effective steps are not being taken to exclude the Communist menace from our hemisphere.

We must be absolutely clear that communism is the enemy in Central America whether it hides behind a So-

cialist face or whether it stands plainly out in the open for all to see.

Mr. President, there is no substitute for military victory over the Communist forces in Central America and there is no substitute for free enterprise to bring prosperity and a better life for all in the region. It is at our peril that we forget these fundamental truths.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 10 minutes on an unrelated subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TIME FOR ACTION

Mr. BUMPERS. Mr. President, the changes we see taking place in the world today are as startling as they are profound. I believe that one has to go back nearly a century and a half ago, to 1848, to find a point in European history that even remotely compares to what is now occurring. I personally believe the potential for lasting political change, and for a durable peace are the greatest in history.

Future generations will look back and see this period as the beginning of a new history, a new historical epoch. While it is no time to be careless, we must be aware of the risks of inaction as well as the risks of action.

What an invigorating, exciting time to be alive. In the events of the last few years, and especially of the last 12 months, we are hearing the gears of history in motion. The protests and triumphs of the people of Eastern Europe, and the spirited attempts at reform by the leaders of the Soviet Union and other Eastern European countries, are a mighty affirmation of the desire of nations for freedom and democracy. They are sick, as one East Berliner said, "of being cooped up."

For those of us who believe so deeply in the democratic process, these are truly momentous times. As the leader of the free world, we are witnessing the culmination of decades of national effort. America has paid dearly in terms of treasure, and, sadly, lives, in order for freedom and democracy to be the rallying cry heard around the world.

SLEEPWALKING THROUGH HISTORY

Yet at this time of approaching triumph, where is the United States? At a time when we face opportunities that visionary postwar leaders like Dwight Eisenhower and Jack Kennedy could only dream of, we too often hear only words of caution from the administration. Timidity has replaced leadership and boldness. We seem to be sleepwalking through one of the most momentous chapters in human history.

Mr. President, I ask unanimous consent that an editorial from the New York Times entitled "On Moscow: The President Is Missing" be placed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUMPERS. It is proper to bear in mind the risks of bold moves in U.S. policy and defense preparedness that are inherent in recent events. We should keep our powder dry as events unfold. But it is every bit as important to focus as well on the risks of not responding to the new opportunities that the current change offers us. I believe the risks of inaction now outweigh the risks of action, and I urge the President to shake off the shackles of the status quo that seem to have paralyzed his administration so far.

GIVE A START AGREEMENT TOP PRIORITY

President Bush has made one good step by agreeing to meet with President Gorbachev early next month. I am hopeful of many things for that "Saltwater Summit," not the least of which is the announcement of new progress in the START talks. Amidst all our happiness over recent events in Eastern Europe, let us not forget that the Soviet Union and the United States still have enough nuclear firepower pointed at each other to reduce the fruits of thousands of years of civilization to a funeral pyre for the 5 billion men, women, and children of this planet.

While we all hailed the INF Treaty, let us remember a sobering fact: the superpowers have added more weapons to their strategic arsenals since the signing of that treaty than they have reduced under that treaty. While the political climate has improved, from a technical perspective things have only gotten worse. I firmly believe that the CFE negotiations on conventional weapons and the chemical arms talks are very important. Nonetheless, I believe that the START talks on strategic weapons must remain our highest priority. And I am troubled by some trends in those talks.

About 15 months ago we were hearing reports that the Reagan Administration was making a concerted push to sign a START Treaty before the November elections, and that a lot of progress was being made. We were told that the sides were not too far apart, and that an agreement was possible. I was skeptical. It sounded too much like an election year ploy, and I was concerned about what we might be agreeing to in the stampede to get an agreement.

Now we seem to be in the opposite situation. President Bush told everyone that getting a START agreement was a lower priority for him, and sadly he has made good on his word. There are few reports of major progress, except for the Soviet concession on limiting SDI in START and the United States finally moving away from its untenable ban on mobile land-based missiles. And we hear reports of tinkering with the START framework which had been agreed upon by both sides 3 years ago, such as in bomber-counting rules.

How could we be so close to an agreement over a year ago and yet so far from one now?

Both President Bush and Secretary Baker concede that a continuation of the Soviet policies that have led to so much change in the last 12 months would be very much in the interests of the United States and the Western alliance. Yet we see little but calls for caution and warnings of "no slackening" in the Soviet strategic modernization effort when the CIA's own data tells a different, and more encouraging, story. We are the leader of the Western alliance—we should start acting like it. Timidity in the face of historic change does not serve America well, and will not be weighed favorably on the scales of history.

I am not calling for wholesale concessions by the United States. All I am saying to the Bush administration is to preserve what we have agreed upon already and to give START top priority. Surely we're not that far away from an agreement.

PUT A TEMPORARY CAP ON THE STRATEGIC ARSENALS OF BOTH SIDES

At the same time, I urge President Bush to discuss with President Gorbachev next month the problem of the continuing growth of the nuclear arsenals of both sides. It makes no sense for both sides to keep piling more and more nulcear weapons upon each other when we are not far away from agreeing upon major cuts.

I call upon both sides to agree on a way to "cap" their nuclear arsenals at approximately current levels until a new START agreement goes into effect. This need not halt current modernization programs, but it would at least ensure that for every new weapon deployed, an existing one would be dismantled. Not only would this cap the arms race, it would be a positive response to the change that is taking place in Eastern Europe. And it would also save some money on both sides as well, which we both desperately need.

Until 1986, the United States and the Soviet Union both had a policy of "not undercutting" the SALT agreements as long as the other side did not. And while we had some compliance concerns with the Soviets, they continued to abide by the key numerical sublimits of the SALT I and II Treaties. But at Thanksgiving of 1986, President Reagan ignored the advice of the Joint Chiefs of Staff and allowed U.S. strategic forces to exceed the SALT II limits. What has been the result?

Given the present state of good relations between the superpowers, a major Soviet breakout from the limits was fortunately not in the cards. Instead, they have done just what we have done—their own forces have now gradually drifted above and beyond the SALT II limits, and their dismantling of older systems has slowed but not stopped, just as has ours. And the Soviets have more nuclear warheads pointed at us than they would have if we had not trashed the SALT II sublimits and not trashed the "no undercut policy."

Most information in this area is classified, but available unclassified statements show that the Soviets have only broken the SALT II limits on MIRV'd missiles since we first violated those limits in 1986.

In 1987, my colleagues Senators LEAHY, CHAFEE, and HEINZ were given the following statement:

According to information provided to us through the Intelligence Committee, recent Soviet actions bring them at or near the 820 MIRVed ICBM launcher subceiling. The information provided also makes us confident that the Soviets are or soon will be below the 1200 MIRVed ICBM/SLBM sublimit.

Mr. President, bear in mind that was the intelligence community assessment before we trashed the no undercut policy. But in October 1988 we were given a less encouraging statement:

According to information provided to us through the Intelligence Committee, recent Soviet actions leave them below the 820 MIRVed ICBM launcher subceiling, as well as below the 1320 MIRVed ICBM/SLBM/ALCM heavy bomber subceiling. The information provided also appears to put the Soviets slightly above the the 1200 MIRVed ICBM/SLBM subceiling. The Soviets have on occasion temporarily exceeded this sublimit since mid-1987. It is quite possible that the Soviets will exceed some of these limits in the future as the United States continues to remain above the 1320 subceiling.

The warning in the last sentence is important, and accurately predicted what was to come in 1989. The most recent unclassified statement is:

According to information provided to us through the Intelligence Committee, recent Soviet actions leave them below the 820 MIRved ICBM launcher subceiling. The Soviets appear to be slightly above the SALT II sublimit of 1200 MIRVed ICBM and SLBM launchers, and may be above the sublimit of 1320 total MIRVed launchers and aircraft equipped for long-range cruise missiles (LRCMs). The Soviets have, on occasion, temporarily exceeded the sublimit of 1200 MIRVed launchers since mid-1987.

Does anybody in this body, indeed in this Nation, indeed on this planet feel safer knowing that there are no limits on offensive nuclear weapons? Does anyone here feel safer knowing that the Soviets have more nuclear weapons than they would have if we had not trashed the policy in 1986 of not undercutting the SALT II Treaty?

We do not necessarily need to reinstate SALT II as our "interim restraint" policy, but we ought to have some policy of interim restraint. Otherwise, if everyone's worst fears come true, and Gorbachev is replaced by a Brezhnev-like hard-liner, as some in the Bush administration are saying, we will regret our failure to have some interim restraint policy in place. I believe that a cap on warheads would be appropriate, but for God's sake let's have something.

NUCLEAR TESTING

There is another area where progress could be made at the salt-water summit fairly easily, and that is in the area of nuclear testing. I urge President Bush to end the holdup on the two nuclear testing treaties, the Threshold Test Ban Treaty [TTBT] and the Peaceful Nuclear Explosions Treaty [PNET]. There is no reason for any further delay in these treaties.

The Threshold Test Ban Treaty is now 15 years old. The final procedures for verification can and ought to be agreed upon immediately. And certainly the meeting between President Bush and Secretary Gorbachev next month can at least accomplish this small step. It would be useful if they also would agree to resume negotiations to seek to go beyond the limits of these 15-year-old treaties. A further reduction in the testing threshold ceiling below the current 150 kilotons could be an important step.

Mr. President, I sincerely hope that important progress can be made at the upcoming summit, and that this administration will come to grips with this pivotal period of world history.

Mr. President, I have said many times you do not have to be a rocket scientist to be President, but you do have to be bold, and the times call for boldness. And I wish the President Godspeed. I hope he will come home with some good news that will give the people of this Nation a good night's sleep.

EXHIBIT 1

[From the New York Times, Oct. 30, 1989]

ON MOSCOW: THE PRESIDENT IS MISSING

There is an iron law of bureaucratic politics in Washington: Until a President takes a firm public position on an issue, even his closest aides will push and pull in different directions. And there's an obvious corollary: Without a united administration, coherent action is impossible.

That's why it was comforting when Secretary of State James Baker seemed, in two important speeches, to put a stop to the Administration's extended hand-wringing over policy toward the Soviet Union. He declared unequivocally that the United States wants Mikhail Gorbachev's reform efforts to succeed.

Now, distressingly, the Administration seems to have stumbled into disarray again. On Oct. 17, only a day after Mr. Baker pledged the Administration's help in changing the Soviet economy, Vice President Quayle had another idea. In a little-noticed speech, Mr. Quayle said, "Let them reform themselves."

Last week, an even more questionable challenge to policy unity was under way in the White House basement. Robert Gates, the deputy national security adviser, drafted a speech saying Mr. Gorbachev's prospects for success are very slim indeed, and implying that Washington should invest little in the Soviet leader's future. Fortunately, Mr. Baker squelched the Gates speech, though not the story, which was uncovered by The Times' Thomas Friedman.

President Bush's role in all this is unclear, as it is in many other matters. Perhaps he savors the idea of placating contending constituencies with the Quayle and Gates speeches for the hard-liners and the Baker speeches for liberals and moderates. That might make everybody happy and leave the President riding 70 percent approval ratings.

But surely Mr. Bush must see the dangers in all this confusion. For starters, disarray feeds the growing impression that he has no convictions and that he's straddling most important issues. He might also reflect on the fact that his political support, while broad, isn't very deep. He'll need a record of accomplishment to consolidate his strength.

Soviet-American relations are the best place to make his mark. Americans want glasnost and perestroika to succeed because these policies are bringing the changes the U.S. has wanted for 40 years. Mr. Baker is as pessimistic as the next official about Mr. Gorbachev's prospects. But he understands that's all the more reason to lock in agreements now, like treaties to cut arms that Mr. Gorbachev's successors would find difficult to reverse.

Unless the President puts his public stamp on the Baker line and grasps the historic opportunities before him, he will pay dearly. His advisers will fight each other over every comma of an arms treaty and stymie any effort to give economic help to Moscow. The moment for accomplishment will pass and Americans will know whom to blame.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. COHEN. Let me commend several portions of the statement that the Senator from Arkansas just made.

I agree with him that the time has come for a reduction in the testing threshold ceiling. I have in recent years urged that action. As a matter of fact, back in 1984, Senator BIDEN and I returned from the Soviet Union and made an attempt to persuade the Reagan administration to call up the two treaties for ratification.

So I think the time is long overdue.

Second, I also agree with the Senator from Arkansas that we should not have undercut the SALT II Limitations, whether or not we supported the SALT II Treaty in its totality, because the limits that were set in that agreement made sense for the Soviet Union and for us. We should adhere to those limits.

There is a suggestion, however, that perhaps the START Treaty should occupy a higher profile than that of the Conventional Forces Treaty in Europe. I would simply like to suggest

that perhaps the reason the President has downgraded the status of the START agreement is because events are unfolding so rapidly in Europe that the Europeans themselves are now focusing on conventional forces.

I do not think it is a question of timidity. I do not think it is a question of a lack of boldness on his part. I think he is indeed going to go to this "saltwater summit," as the Senator has characterized it, to help define where we are going with the CFE Treaty.

The last point I would like to make concerns the Senator's suggestion that we should not be tinkering with the counting rules under SALT II or the Reykjavik counting rules that are presently governing the negotiations. I would like to suggest that we indeed may want to tinker with those rules. Those rules give a high priority to the region.

I am not sure where the Senator comes down on the B-2, but the accounting rules at Reykjavik provide a premium to develop the B-2 as opposed to having a B-1 with standoff capability. We may want to modify these rules.

We had witnesses who testified on this. The Senator from Colorado [Mr. WIRTH] has taken this floor to criticize the Air Force. He said that if we lose the B-2, we will have to scrap the whole SALT-START agreement. I do not think that is the case.

I think we may have to go back and modify the counting rules to give at least an equal chance for the B-1 with standoff capability instead of the B-2.

I think the Senator has made some valid points. I think there are some counter arguments that have to be explored but we cannot simply dismiss the President's program as timid or lacking courage or conviction.

I thank the Senator for yielding.

Mr. BUMPERS. Mr. President, if I may just respond to the very eloquent and largely appropriate remarks made by the Senator from Maine, and say, No. 1, I suppose my primary concern right now is that I am on the arms control observer group. We went to Geneva and Vienna back in May.

No. 1, the thrust of the START talks where the Senator emphasizes the number of warheads on each side, rather than so-called launchers, is a very obvious improvement over the SALT II Treaty. As the Senator knows, there was sort of a tentative agreement that we would cut each side's nuclear warheads in half. At that time we sort of used a rule of thumb in discussing both privately and publicly 12,000, and each side would limit themselves to about 6,000 warheads. I do not know where we are on that right now.

I want to say I have the distinct impression that we are no longer talking about 6,000 warheads, and, of course, as the Senator pointed out, the accounting rules changed what we are willing to accept. But it is going to be 6,000, 7,000, or something else? I would divinely hope that somehow or other we can at least limit each side to no more than 6,000 warheads.

We made a proposition, and I am not giving away any state secrets. We can read this in the New York Times, or Washington Post, or any other newspaper in the country. We wanted to count our bombers equipped with cruise missiles at something less than their capability. The Soviets were greatly concerned about that. As someone told me, I guess I can paraphrase it in our language, they would say, "We may be dumb, but we ain't stupid." They said if a B-1, for example, is capable of carrying 20 nuclear-tipped cruise missiles, it ought to be counted as 20 nuclear warheads against the so-called 6,000. I think since that time we have considered another offer, maybe to count it as 10 even though it might carry 20.

The Soviets say if you want to count it 10, even though it is equipped with 20, then you need to configure that plane somehow or other so we can identify the fact that it is only carrying 10. Those are perfectly legitimate requests and demands. We would do the same thing.

Mr. COHEN. If the Senator will yield. The Senator says the Soviets are greatly concerned about that.

We had testimony before the Armed Services Committee that the Soviets have tremendous fear of the B-2 bomber, and I raise this issue. Because if they were so frightened of the B-2 bomber, why in the world would they ever agree to a counting rule that says the B-2 bomber counts as one? A B-2 bomber can carry 20 or 25 bombs on board and still only count as 1 weapon. The rationale offered by the Air Force did not make sense to me. It seems to me if they were that fearful of the B-2 bomber, they would not agree to an accounting rule that gives it a premium such as one bomber counts as one, when it may have 25 bombs on board.

It seems to me that if they feared the B-1 less, they would have said, "OK, we will give you a favorable accounting rule and we will say a B-1 standing way off with the long-range cruise missiles counts as 1 even though it has 25.

All I am suggesting is we may have to adjust those accounting rules to come under that. I agree. I think the 6,000 limit is just arbitrary. We ought to try to do that, but we may, in order to adjust our own weapons system to that accounting rule, insist upon a different way of counting the B-1 as opposed to where it is now.

Mr. BUMPERS. I thank the Senator for engaging in this little colloquy. I think that is helpful. I know the Senator was supportive back in the first part of the Reagan administration of the Leahy proposal not to undercut the SALT II Treaty. I think we were ill-served when we decided to trash that treaty.

I think the Soviets by and large have afforded the intelligence community only slightly above the limits, and are obviously waiting to see what is going to happen to START. Of course, I think we are sort of trapped in the START Treaty, putting too much emphasis on our own modernization program, and we do not know yet. I do not mean to be critical of the President on this. I simply do not believe that we have decided what kind of a mix we want, or how many we are going to put on the submarines. As the Senator knows, 70 percent of all our warheads are on submarines. My concern is the Trident submarine has been widely misrepresented. I am a strong proponent of the Trident submarine. I have voted for every appropriation for the Trident, I was simply making the point if you build 24 Trident submarines and each 1 of them has 192 warheads, and we are limited to 4,900 out of the 6,000 warheads that we may agree to, 4,900 out of them could be ballistic missiles carrying warheads with ballistic missiles. Then you are going to wind up destroying—that is going to take up the whole 4,900 and all I said was let us not build Trident submarines unless we know for sure that is the way we want to deploy these warheads.

If we want to continue 70 percent, or if we want to cut back to 60 percent, we are exacerbating the problem even more. But if we want to put 80 percent of our ballistic warheads on Tridents, then we will go ahead and build 24. That is fine with me. But I say the reason I believe this administration is having a tough time agreeing to much of anything at the START Treaty is because we have the Midgetman, we want the Minuteman, they want the MX rail mobile garrison, and they know we cannot verify the difference between a conventionally tipped cruise missile and a nuclear-tipped cruise missile.

That is a big problem with the Soviets as it is for us. And we have the B-2 bomber. We have not decided on how we are going to count that. I think all of those things—I would not say they have the administration confused, but I just think we have to come down prepared solidly, and we have not negotiated with the Soviet Union with the degree of confidence about what we want to do that I would like to see.

Let me make one other point, and I will yield the floor. That is this. I do not believe if we all agree that 6,000 warheads is where we are headed, you have to bear in mind 6,000 warheads is enough to give this planet a very severe headache.

The 6,000 on each side is enough to give it an incurable headache. So my point is this: I do not think there ought to be linkage between the START talks, as long as we are agreeing that we are not going to go over 6,000 war heads and the conventional forces talks and the chemical weapons talks. All of it should, I think, should proceed apace. If you want to link the short-range missiles in Europe, as far as strategic warheads are concerned, I do not see the connection.

Mr. COHEN. The Senator makes an absolutely valid point. We have to decide what our strategic component is going to consist of before we sit down with the Soviets. The administration is negotiating with the Congress first. We have not decided yet. There is a split in the Senate and the House as to whether we should go forward with the Midgetman or MX. I favor the Midgetman. It makes much more sense. It is more expensive initially, but it makes more sense, because it enhances stability.

There are others in this Chamber who favor the MX rail garrison, which does not make a great deal of sense to me. There is a split over on the House side as well. The administration is in a position of going to sit down with the Soviets without having reconciled their views with the House and Senate.

The B-2 bomber. Is there going to be long-term support for an aircraft that costs one-half of a billion dollars per copy? I doubt it. I do not think that the American people will end up supporting aircraft, at least for those prices, for 135 B-32's. And, of course, the more we cut down on the numbers, the higher the unit cost will go. I do not see a very promising future for the B-2.

Now we walk into an agreement where we have given an incentive. It makes no sense in terms of where we are going. I think it is important for the administration to sit down and start negotiating, so that we have some some kind of an agreement between Congress and the administration. We have not received that yet.

That is part of the point they are raising. Maybe that is the reason why the administration has not been eager to make START a higher priority than the CFE. That is a very legitimate concern on their part. If we can reach agreement amongst ourselves, then I think the administration can sit down with the Soviets and come to an agreement rather quickly.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that I might proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPONSE TO CHINESE AMBASSADOR TO THE UNITED STATES REGARDING THE "CHINA AMENDMENT" TO THE STATE DEPARTMENT AUTHORIZATION BILL

Mr. HEINZ. Mr. President, last week, I received a form letter from the new Ambassador from the People's Republic of China to the United States, the Honorable Zhu Qizhen. Ambassador Zhu exhorted me—and I assume my Senate colleagues—not to support the so-called China amendment, or, title 9 of the State Department authorization bill.

I ask unanimous consent that the Ambassador's letter to me be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE EMBASSY OF THE
PEOPLE'S REPUBLIC OF CHINA,
Washington, DC, November 3, 1989.

DEAR SENATOR: As I assume the important post of the PRC Ambassador Extraordinary and Plenipotentiary to the United States, I have the honor and privilege to take this opportunity to extend my cordial greetings to you. I also wish to bring a matter of urgency to your immediate attention. The conference of both houses of the U.S. Congress is now discussing "The State Department Authorization Bill" and its amendments including the amendment on sanctions against China. If passed, this amendment will greatly affront the Chinese people's feelings and damage the Sino-U.S. relations. Naturally, we are extremely concerned about and firmly opposed to this move which may be taken by the U.S. Congress.

1. The anti-government riot which broke out in Beijing at the turn of spring and summer this year was aimed at overthrowing the current legal government in China. In face of the deteriorating circumstances, the Chinese Government was compelled to take resolute measures to quell the riot, so that the State and people averted a greater catastrophe. This was a justified move that any sovereign state is entitled to. During the eight-week-long volatile period of turmoil, the Chinese Government all along took a highly restrained approach. This is known to all.

2. Having returned to normal, the situation in China now is stable. With full confidence, the Chinese people are rededicating themselves to the pursuit of achieving socialist modernization. The Chinese Government will continue to implement the policy of reform and opening-up. It will continue to develop and expand friendly exchanges and cooperation with other countries in various fields. This policy likewise applies to its relations with the United States. The Chinese Government has adopted a policy of leniency toward those involved in the turmoil without holding them accountable for what happened. Only the very few who committed grave crimes are punished according to law.

3. The Sino-U.S. relations are experiencing temporary difficulties. This is not what we want to see, and the responsibility does not lie with China. In the past decade and more, China has not done one single thing harmful to the United States. But the United States was too deeply involved in the turmoil in Beijing. China is the real victim and it is unjust to reprove China for it. It is true that there are vast differences between China and the United States in terms of social system and ideology. These differences, however, did not obstruct the development of the Sino-U.S. relations in the past, nor should they become obstacles hindering the growth of our relations in the future. It is our desire to restore and develop normal relationship between China and the United States. However, this relationship must be based upon the principles embodied in the three Sino-U.S. joint communiques, especially the principles of mutual respect for state sovereignty and territorial integrity, and non-interference in each other's internal affairs. Should the Congress pass the "Sanctions Against the PRC" amendment, it will only cast more dark clouds over the Sino-U.S. relations, and place another barrier in way of restoring normal relations between our two countries. I do believe this is certainly not what all good-intentioned people wish to see.

In view of the above, I urge you to take the matter seriously and exercise your influence to prevent the passage of this amendment in the fundamental and long-term interest of our two countries.

With best regards.

Sincerely yours,

ZHU QIZHEN,
Ambassador of the People's Republic of China.

Mr. President, I found the Ambassador's letter deeply troubling, as anyone reading it would. I believed that the Ambassador's letter deserved a polite but clear response. The following letter is that response.

DEAR MR. AMBASSADOR: Welcome as the new ambassador of the People's Republic of China to the United States. I recall meeting you in Beijing during my visit to China in 1986. In this regard, I want to thank you for your letter of November 3 expressing your government's views on the proposed "China amendment" to the State Department Authorization Bill. I regret, however, that this exchange of letters could not have been under different circumstances.

I read your letter very carefully. There is much with which I can agree and disagree. I certainly agree that our social systems are different, that this difference did not obstruct the development of U.S.-China relations in the past, and that the relationship should be based on the principles embodied in the three joint communiques between our two countries. I also agree that we share a common interest in fostering friendly exchanges and cooperation, particularly the U.S. role in China's modernization program.

More importantly, I agree that our two countries "are experiencing temporary difficulties". The most important question we need to resolve now is how can the two countries overcome these difficulties, if indeed they are temporary?

I believe that both governments have a lot of work before them to create the environ-

ment necessary to heal the wounds in both countries. Your government should understand that the terror and suppression of pro-democracy activities in Tiananmen Square on June 3-4 deeply shocked the sensibilities of millions upon millions of our citizens who witnessed these events on television. These scenes of terror against unarmed peaceful demonstrators were compounded by the PLA's indiscriminate shooting in and around the apartment complex housing American embassy dependents.

I firmly believe that Chinese officials have yet to fathom the depth of the anger and disappointment of those Americans who worked so diligently to improve the relationship between our two countries for the past two decades. President Nixon, who is universally credited with the improvement of relations between our two countries, recently told your leaders as much.

But, in my view, no one has captured the feelings of the American people toward your government's actions on June 3-4 better than Winston Lord, the former United States Ambassador to the People's Republic of China. On November 16, he testified before a hearing of the Senate Foreign Relations Committee on U.S. policy toward China, and said:

"I have been very harsh in my condemnation of the Chinese government's actions. Frankly, this has not been easy. For I have been intimately involved in strengthening our bonds and enjoyed close personal and professional ties with the Chinese leaders * * * I believe in sticking by old friends when they are in trouble * * * Such inhibitions have been swept away, however, as Beijing's leaders proceeded from intransigence to massacre to executions to repression, roundups, purges, disappearances, harassment, surveillance, Orwellian groupthink, rollback of reforms, and extreme xenophobia—all cloaked in a particularly brazen display of the Big Lie."

The actions of the United States Congress also reflect the feelings of the American people. In this respect, please allow me to explain what Title 9 (the "China amendment") does and does not do. I believe you will see that the amendment is flexible and provides for both countries to take unilateral actions to begin the healing process in the bilateral relationship.

The first part of the amendment states that the suspension of programs and activities by the President on June 5 shall continue. This section is binding on the President, but is subject to Presidential waiver if the President certifies that the Government of the People's Republic of China has made progress on a program of political reform throughout the country or if he finds that it is in the U.S. national interest to lift the suspension(s). Consequently, the President may lift these sanctions if the situation in China improves.

The second part contains additional measures urging what the President should do if the situation in China does not improve. This part—which includes measures concerning the Export-Import Bank, MFN, the liberalization of export controls, and the GATT—is not binding. It does reflect, however, the broad agreement of an educated and well-informed American citizenry that it would be inconsistent with deeply held American values for America not to take additional measures matching our concerns if China persists in a systematic violation of basic human rights.

In constructing the amendment in this way, the Congress acknowledged the President's request to retain flexibility in the conduct of foreign policy. The Congress also recognized that the President must weigh several elements in determining what is in the U.S. national interest, especially human rights and national security considerations. The Congress recognized that U.S. economic interests are part of the national interest, but that the economic interests of the U.S. and of individual American companies should not be the sole factor in a Presidential determination to apply the national interest waiver.

Your government—and your letter—blame the United States for "the turmoil in Beijing." Your government has laid down the condition that "he who ties the knot should untie it." I am a great admirer of Chinese proverbs; they are usually on target. Except this one. I can recall the number of times my sons tied their shoelaces in such impossible knots that it required two or more of us to untie them. In the vastly more complicated arena of international relations, problems may also be tied into such impossible knots by one or more hands that they usually require two or more hands to solve them. This is the dilemma we find ourselves in today.

Chinese officials such as yourself should be aware that the American people, and this Congress, will approach the restoration of relations with the People's Republic of China at the level which existed before the Tiananmen Square incident with great care, caution and, understandably, with some reluctance. In my own view, the restoration of the relationship will depend to a great extent on the improvement in the political and human rights situation in China. Hopefully, we are not dealing with a knot of Gordian proportions.

It is my hope that the People's Republic of China will avail itself of the flexibility Title 9 gives to the President to "restore and develop" the relationship, as you indicate you desire. Here, too, we agree.

Sincerely,

JOHN HEINZ,
U.S. Senator.

Mr. President, I conclude my statement. I see once again the Senator from Vermont who has taken turns sharing the floor with me today at one time or another seeking recognition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, FISCAL YEAR 1990

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate take up and consider H.R. 3743.

The PRESIDING OFFICER (Mr. ADAMS). Is there objection?

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3743) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, this is the foreign operations bill which the Senate passed in the past few weeks. It went down to the President. It was vetoed, and this is a new one which the House quickly passed and sent back here.

I note we have the distinguished ranking member of the committee on the floor. Before I yield to him I would like to explain some of the differences.

There are basically three differences between this new bill and the one the Senate adopted in the conference report early Saturday morning.

Because of the President's veto, the House has stripped out the Mikulski provision on a U.S. contribution to the United Nations Population Fund. I know of no indication from any Senator that they will make an attempt to reintroduce that population fund amendment.

So the President will have in effect achieved a line-item veto, even though there is a tidal wave of population growth in the poorest countries in the world. Yet because of this veto the United States will not participate in the largest and most effective international family planning organization. We will not help the UNFPA work for voluntary family planning in over 130 countries.

I will not reopen the debate but as stated over and again on the floor, the UNFPA does not support abortion in any way. I am sorry we do not have the votes to override the veto. It is unfortunate our foreign aid bill was vetoed because of the family planning funds in it, expecially when it was directed to the area of the world that needs our help the most.

The second change is a bipartisan revision of the leveraging language, and that was done by Congressmen OBEY and EDWARDS to make it more acceptable to the administration.

However, I have heard that there may yet be a problem with it.

I understand that the new language, as I read it, makes even clearer that no foreign aid money from this act could be used to get another country or foreign person to carry out an activity prohibited by U.S. law. In other words, Mr. President, we cannot take our foreign aid money, give it to somebody else, then, say, "Here, we are not allowed to engage in such and such an activity but use our money and you carry it out for us because you are not subjected to our law." That provision is in this bill.

Finally, the House added the murders of the Jesuits and the two women that we have spoken of so often here on the floor—that Republicans and Democrats, have spoken of—to the list of investigations to be reported to

Congress in connection with the provision on police aid.

Mr. President, let me also state for the RECORD that the original foreign operations appropriations bill for fiscal year 1990 contained substantial legislative history in House, Senate and conference report language. In addition, floor consideration of the bill in both Houses contained a number of clarifications of legislative directions. On the items that have not been changed in the new bill, the reports and floor consideration on H.R. 2939 are to be followed.

Mr. President, I yield to my good friend, the distinguished senior Senator from Wisconsin.

Mr. KASTEN. Mr. President, I simply want to say that I agree with the summary that the chairman has outlined. It is my understanding that the UNFPA language is now acceptable to all parties and the White House.

I would say to the Senate that we still have problems. The administration does not accept the so-called leveraging provisions included in the House language. I will have an amendment later that I would like to propose with regard to leveraging. It is my understanding that, at least up until now, we came very close to having a unanimous-consent request that no amendments would be in order to this bill. It is my understanding now that there is going to be one amendment with regard to El Salvador.

I simply want to say to the chairman that at the earliest time I would be prepared to work with him and the leadership in developing a unanimous-consent request that would limit the time to, let us say, a half an hour, 40 minutes, 45 minutes, whatever. A large number of the people who are involved in this amendment have already spoken this afternoon. My hope would be that they would not find it necessary to come and speak again.

At the end of that time, I am assuming there would be some kind of a leadership motion made to table, I am not sure. But the main thing is if we could develop a time agreement with regard to the El Salvador amendment, I think that would be helpful to our colleagues. And if, at the same time, we could also say that no other amendments would be in order except for a leveraging amendment which I intend to offer, discuss briefly, and then not vote on tonight, that would mean—if the El Salvador amendment were defeated and I withdrew my amendment on leveraging—the bill would not be in disagreement in any way with the House and we would find ourselves, at least for this series of negotiations back and forth, we would find ourselves with a bill that would be worked through both Houses and acceptable to the administration in all except for one respect, the leveraging respect. And that we would hope to work out between now and later in the week when the administration will deal with this bill.

So my first hope would be that we could ask unanimous-consent request for a time limit on the Senator's amendment and that we limit other amendments.

Mr. LEAHY. Mr. President, I say to my friend from Wisconsin that all that sounds very acceptable to me.

I would note, certainly from the whip count I have done here in the Senate, I think I know were the votes are on the El Salvador issue, which will be the amendment that I will offer. I have counted votes in this body for years. I think virtually every Senator has made up his or her mind on how they will vote on it.

The Senator from Wisconsin has mentioned the leveraging language. I understood that the language that is in the House bill was acceptable and I believe the managers over there thought it was. But I understand now that new objections have been raised.

I would ask the distinguished Senator from Wisconsin: Does he mean by this that he would not want to complete this bill tonight, or did I misunderstand him?

Mr. KASTEN. If the Senator will yield, I am hoping that we will complete this bill tonight; that we will have an agreement that we will vote on the El Salvador amendment. I am assuming that that amendment will fall, that amendment will not be agreed to. Then I would introduce my leveraging amendment, which is the administration's position on leveraging, in order to put the Senate on record and the House that this is the language that would be necessary for this bill to be signed; or, the other way, without this language, the bill would be vetoed .

Then we would still send the bill downtown. After discussions that I have had with Governor Sununu and Secretary Baker and with others over the last several hours on this leveraging amendment, we would continue our discussions on leveraging with the idea that on some other piece of legislation the repair would be made, the fix would be established, but it would not be on this bill.

At some point, whether it is another approriations measure, the continuing resolution, the reconciliation bill, I am assuming at some point we will reach agreement with regard to this language. I am hopeful of that. Therefore, our bill would be there. It would not be signed or vetoed until we had a final conclusion of the leveraging question, but we would have our bill there.

Mr. LEAHY. If I understand what the distinguised Senator from Wisconsin is saying, he does not intend to raise an amendment on leveraging tonight.

Mr. KASTEN. Yes. The reason for that is we do not want this bill to go back to the House of Representatives. The leadership on both sides said if the bill goes back to the House of Representatives, it will open up a number of questions in the House of Representatives. It is our desire that this bill not have amendments in disagreement and, in fact, go to the White House. I cannot give you right now, I might say to my friend, the chairman, I cannot give you right now a time agreement, but we are going to check a time agreement right this moment among our colleagues. Forty-five minutes, equally divided, is fine with this Senator. I am just hopeful it will be fine with other Senators.

Mr. LEAHY. Mr. President, there are a couple of other people who want to speak. Let us seek 1 hour, equally divided.

Mr. KASTEN. I cannot agree to anything yet.

Mr. LEAHY. I understand the Senator cannot agree with that yet. But I would suggest, Mr. President, that we attempt at least to have a 1 hour agreement, equally divided. I do not make that as a request, I simply say that I would ask in our Cloakroom if they might seek that agreement and I know the distinguished Senator from Wisconsin will also do that.

I also see Senators who wish to speak on the bill. So, Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, I would like to use this time to speak to the United States Senate and the American people on the conditions in El Salvador. I know that later on this afternoon an amendment will be offered by the Senator from Vermont [Mr. LEAHY] on the foreign aid bill. I would like to take this opportunity to speak on it because I know there will be many other Senators who will want to speak at that time. I would like to take this opportunity now to say that I support the effort that will be made later today to tie a portion of our military aid to the resolution of the murder of the Jesuit priests.

Mr. President, I know that the Senator from Vermont will be making every effort to try to do something about our policy in El Savador. I support his efforts.

Mr. President, I think that tying a portion of the aid to accountability for the death of the Jesuit priests is not strong enough. I think we should evaluate our whole military aid package to El Salvador because essentially it is our guns being used, it is our helicopters being used, it is our telecommunications equipment that is being used to kill not only the Jesuits but also the hundreds and hundreds and hundreds of ordinary people in El Salvador.

I know that the Senate and the United States Congress have grown weary of the battles in Central America. We have grown weary of the battles in El Salvador. And now it has taken the death of six Jesuits, their housekeeper and her daughter to focus our attention on that situation.

Let us view this situation as if those Jesuits were martyrs and, as in the past, all martyrs focus our attention on a greater evil. It is just not the priests that are dying, it is not just the Maryknoll nuns that were killed a number of years ago, it is not just Archbisop Romero who was killed while saying Mass in a hospital chapel; since 1980, 70,000 deaths have occurred in El Salvador, mostly civilians and mostly by the army—ordinary people, campesinos who wanted to talk about land reform, mothers and fathers, social workers, teachers, nurses, farmers, people who just wanted to be able to live in their own country in dignity. And now, after 10 years of American involvement and American aid, nothing constructive has happened.

Mr. President, we must learn the fact that we cannot rent domocracy. Democracy is not a product which we can buy, which we can rent, or that is bought and sold. It has to come from the depths of the people themselves. I do not support the guerrilla movement by any means. What I would like to see is peace in El Salvador. And I would like to see the involvement of the U.S. Government and other powers of the Organization of American States restore the peace.

What about an amendment for the other thousands who have died in addition to the Jesuit priests? We have been guilty of ignoring the suffering and courage of the men and women who fought for basic rights and suffered the ultimate penalty of not just death, but horrible torture; mothers who buried the tortured, mutilated bodies of their sons; children who have lost their parents; the so-called incidental casualties of war. They are victims not only of the military we fund, but victims of FMLN land mines; men and women in the wrong place at the wrong time. All the people of El Salvador have been denied the right to live in peace, the right to their basic physical needs and the right to determine their own destiny.

We cannot control the guerrilla fighters. We cannot control the death squads. But we can control how U.S. tax dollars are used. We ask little, but we do ask that our aid not support torture and murder; that we punish murderers; and that our aid be used for the good of the people.

The Catholic church has been a key target of recent attacks. Why? What were the crimes of the priests and the Maryknoll nuns? They wanted democracy in that country. They wanted to help the poor, the disenfranchised, the dispossessed. They believed that when God created us He created us with a soul that was meant to live in dignity. And they wanted to be sure, as they worked with the poor and the dispossessed, that they knew their own dignity, that they had a right to learn to read, that they had a right to learn, to go to school, to be able to grow their own crops. And now the Salvadoran attorney general has said that the church leaders should leave the country in order to avoid being attacked. There is an open season on the Roman Catholic church in that country.

The PRESIDENT pro tempore. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I ask for 5 minutes additional time.

The PRESIDENT pro tempore. Without objection, the Senator from Maryland may continue to speak out of order as long as she desires.

Ms. MIKULSKI. We need to be concerned about the attack on the church and essentially the believers of the church. Mr. President, I am a Roman Catholic, and I believe in the church militant and in the church triumphant, but today we must identify ourselves with the church suffering in El Salvador.

I do not like the FMLN, either. I have supported aid to El Salvador and must say the FMLN has been responsible for many deaths.

Our money is going to the Salvadoran Government, and we must demand accountability—$1.5 million per day is going to El Salvador. We have paid half of the Salvadoran budget, at least $3.5 billion since 1980. What do we get for it? Why do we not use our leverage to end political murders?

Since 1982, there have been no real conditions on our aid, and in that time, there have been many hundreds of purely political deaths. Has there been progress toward democracy? Yes; free elections and open campaigning by the opposition. But death squads and some army battalions still run wild, with the bombing of union offices, and the raid on the offices of earthquake victims—they actually raided the office for earthquake victims and stole the money from there—the disappearance of numerous activists, and so on.

Mr. President, I feel very emotional about this because I have been to El Salvador; I have worked on the El Salvador issue. I have kind of grown weary of the subject, like many of my colleagues. But now as we approach Thanksgiving and the Christmas holidays, we must again turn to this important matter.

We need to curtail our aid. We need to step up our efforts to bring about a ceasefire, to ask that the Red Cross be allowed to evacuate the wounded and try to bring some sense and stability there. But at the very least, we should not fund the death squads and other brutality.

Mr. President, I ask unanimous consent that three articles, include statement of church leaders in Baltimore be printed in the RECORD along with a recent memo by the Evangelical Lutheran Church.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Nov. 18, 1989]

RELIGIOUS LEADERS RESPOND TO DEATH OF JESUIT PRIESTS

(By Frank P.L. Somerville)

A cross section of Baltimore's religious leaders and activists, Jewish and Christian, huddled around the dining table of a downtown church rectory yesterday to plan a united response to Thursday's torture and murder of six Jesuit priests in El Salvador.

The group of about 20 men and women, who included both Roman Catholic and Protestant clergy, nuns and other representatives of Baltimore Archbishop William H. Keeler, prepared messages to Maryland's congressional delegation calling on the U.S. government to:

Suspend immediately all military aid to the war-torn country.

Use its influence to bring about an immediate cease-fire.

Begin earnest efforts toward a negotiated political settlement between the Salvadoran government and the Farabundo Marti National Liberation Front, the leftist rebels.

Not all of the participants in the dining-room discussion at St. Vincent de Paul's Roman Catholic rectory on Front Street could agree with the contention that the Salvadoran rebel faction is blameless in the current escalation of the war. Several people in the meeting had been to El Salvador recently to see the violence for themselves.

But to a man and a woman, the group agreed that the U.S. government must accept at least part of the blame for Thursday's assassinations, because it has spent about $3 billion arming what they see as a representative right-wing Salvadoran regime.

Richard Ullrich, a Catholic lay worker for the Marianist religious order, said, "I want to see us tell the U.S. Congress and the Bush administration. 'Put relief for the victims at the top of the list.' The U.S. government should take this responsibility."

Along with the six priests slain Thursday, their cook and a teen-age girl who had sought safety at the Jesuit university in San Salvador were shot and killed.

In a message read at the meeting, Archbishop Keeler and the three auxiliary bishops of Baltimore asked for contributions to relief aid administered by churches in El Salvador.

Catholic-Relief Services, the international-aid agency of the church that recently moved its headquarters to Baltimore, announced Thursday that it was sending $25,000 to buy food and medicine for some 4,000 people left homeless by recent strafing and shooting in the Salvadoran capital.

Archbishop Keeler also asked for a large turnout at a memorial Mass for the victims set for 7:30 p.m. Tuesday on the Loyola College campus.

Members of the clergy at yesterday's meeting included the Rev. James Brashler, a Presbyterian minister who is dean of the

Ecumenical Institute at St. Mary's Seminary and University and who recently returned from El Salvador: the Rev. Robert Leavitt, S.S., president-rector of the Catholic seminary: and the Rev. Frank McG. Nugent, S.J., assistant to the superior of the Maryland Province the Jesuits.

Father Leavitt persuaded the group that its statement should call for an immediate suspension rather than an end to U.S. military aid to El Salvador. The Rev. Jack Lombardi, assistant pastor of St. Mary's Catholic Church in Govans, urged the group to consider the public's perception that the rebels' increased attacks on the Salvadoran government were responsible for the war's intention were responsible for the war's intensity.

But Dorothy T. Katzenstein, a member of Baltimore Hebrew Congregation, argued that the rebels were merely fighting right-wing oppression, which she said the United States were supporting with its military aid. "We can live with socialists and communists in Europe," she said. "Why can't we [do so] in Latin America?"

[From the Baltimore Sun, Nov. 19, 1989]

SALVADORAN EVENTS DISPROVE ASSURANCES OF U.S. "EXPERTS"

(By Kenneth E. Sharpe)

The massive offensive launched last weekend by leftist rebels in El Salvador jolted U.S. officials, as the guerrillas seized large areas of the capital and mounted simultaneous attacks against provincial centers.

On Thursday, gunmen—likely from rightist death squads connected with the U.S.-backed military—burst into the home of six Jesuit priests who taught at the Catholic University and murdered them, their cook and her daughter.

In both cases, damage control experts in the Bush administration rushed to put the best face on events which shatter their previous image-making efforts.

The rebels of the Farabundo Marti National Liberation Front [known by its Spanish initials as the FMLN], they had said before last week, were too weak to mount such a coordinated and sustained offensive.

And the same "experts" had been saying the elected government of rightist President Alfredo Cristiani was serious about protecting human rights and pursuing the kind of negotiated solution to the civil war these very priests had been advocating.

The miscalculations by U.S. officials are a measure of their misunderstanding of Salvadoran reality and their misdirection of U.S. policy. There are three lessons policymakers must learn from the recent violence if the United States is to avoid being dragged further into a needless and tragic war.

The rebels have the power to veto U.S. strategy.

For years, the State Department has been selling an optimistic picture of the growing strength and capability of the Salvadoran military, claiming the guerrillas had been reduced to small bands that lacked popular support.

Massive U.S. aid after 1984 did blunt the rebels' growing offensive capability, as $1.5 million a day in U.S. aid kept the government's 56,000-man military well armed and well trained.

But the FMLN quickly revised its strategy, breaking its forces (now estimated at 6,000 to 8,000 full-time combatants) down into small groups, employing homemade land mines that have wreaked havoc on the military, expanding urban operations and organizing a political base of support among rural peasants and workers. This circumvented the military's high-tech, airborne offensive.

The rebels' recent attacks are a logical outgrowth of their increasing strength and sophistication.

Although the military knew the guerrillas were planning an attack on the capital, they were unable to prevent it. The FMLN infiltrated 1,000 to 1,500 guerrillas into the capital, moved ammunition and arms into position for the offensive, and caught the army by surprise.

An operation of this size would have been impossible without widespread urban support. The massive, secret guerrilla penetration of the capital (the first fighting there since 1981) and the ability of the guerrillas to prevent the army from dislodging them for a week surprised U.S. officials, who lamely responded that the government was not threatened and pointed to evidence of aid from Nicaragua, Cuba and the Soviets to divert attention away from the local roots of support.

The fighting in the capital of San Salvador that began last weekend was only part of a coordinated set of nationwide attacks that included provincial capitals such as Santa Ana, San Miguel, Zacatecoluca and San Francisco Gotera. Although a news blackout has made it difficult to assess the costs inflicted by the rebels in these regions, their very ability to coordinate such widespread attacks further underlines their continued strength. Although casualty figures varied, the Red Cross said more than 1,500 people had been killed or wounded.

Even before the recent attacks, the rebels had demonstrated their power to block the economic recovery and the quick victory promised by President Cristiani when he took office in June.

The government's treasury is almost bankrupt, and deficits, trade imbalances and recession threaten to make the economic crisis worse. No one will invest in economic recovery until the war winds down, and a military solution is a distant hope at best.

The Salvadoran government and military and the United States are blocking a negotiated solution.

Because Washington underestimates rebel power, it misinterprets the repeated attempts of the guerrillas to forge a political solution, sometimes calling it a ploy and sometimes claiming that FMLN concessions are a sign of weakness.

The FMLN, however, entered negotiations rightly perceiving themselves to be growing stronger militarily, but feeling it would be years before they could defeat the U.S.-backed military. They also knew that continued war as costly to their own forces, their supporters and their country.

Further, even a military victory would leave them a country in ruins. With the Soviets pulling back on international commitments and the United States as an enemy, who would fund the reforms they have been fighting for? A negotiated solution might allow more reform to be financed than would a military victory.

To show their seriousness about negotiations, the FMLN made dramatic gestures. It surprised most observers earlier this year by offering to participate in El Salvador's March elections and abide by the results if the elections were postponed six months and their security was guaranteed. They also laid aside their long-standing demand that government and rebel forces needed to be merged in any solution and agreed to accept the existing military if officers guilty of crimes were brought to trial. These offers were rejected.

After President Cristiani's inauguration, it was the guerrillas who promoted the new round of negotiations that began in September with the strong support of almost all the major labor and peasant organizations and other political parties—except for Mr. Cristiani's Nationalist Republican Alliance (Arena), which only reluctantly agreed.

As a sign of good will, the rebels added some immediate concessions to their previous offers. They unilaterally agreed to suspend sabotage and use of mines for a period of time and encouraged the government to reciprocate with measures such as easing assassinations, kidnappings and disappearances and removing military encirclements of the national university. Such measures would have allowed a slow ratcheting-down of the violence and served as confidence-building steps that would have encouraged further progress at talks.

The guerrillas looked for two kinds of signs at the negotiations. First, they wanted assurances that Mr. Cristiani and the United States were serious about negotiations. Second, they wanted signs that human rights conditions in El Salvador were improving—signs that it made sense for them to consider laying down their arms and joining with the non-violent political opposition. They got exactly the opposite.

The elected Cristiani government has already unleashed increasingly brutal and widespread repression.

There has been a major public relations effort by the Bush administration to sell the Cristiani government as representing the more moderate wing of the ultra-rightist Arena party, whose leader, Roberto D'Aubuisson, has been directly implicated in death squad activity. A majority in Congress have proved gullible, ignoring the increasing ruthlessness of a military that Mr. Cristiani is, to be overly generous, unwilling or unable to control. Loathsome examples lie behind the grisly statistics of disappearance, murder and torture.

In July, for instance, soldiers ransacked the offices of the National Union of Earthquake Victims, taking or destroying nearly $1 million in relief supplies from the United States and Canada, and arrested 18 people, torturing some of them, according to relief workers. The soldiers were freed after a judicial tribunal found no grounds on which to prosecute them, but since then five other members of the union have been arrested, and one member, picked up June 3, still remains "disappeared."

On Oct. 31, a leftist labor federation was bombed by right-wing death squads (usually organized or directed by the government's security forces), killing 10 people and wounding 29.

The next week, while Assistant Secretary of State Bernard Aronson visited San Salvador to express concern about the growing violence, two members of the small left-of-center Popular Social Christian Party (led by Ruben Zamora) were seized along with a third victim by heavily armed men in civilian clothes identified by witnesses as soldiers from the military detachment in Sonsonate. The three were found in the morgue, dead of rifle wounds, with cards on them saying, "For being traitors to the homeland."

The torture and murder of six priests last week (along with their housekeeper and a teen-age girl) was another dramatic exam-

ple. The government and armed forces denied that any troops were involved.

The growing violence against government critics participating in non-violent politics was a clear signal to the rebels that Mr. Cristiani and the military were not serious about negotiations. Congress and the White House sent the same signal.

In late September, a group of senators led by Patrick J. Leahy, D-Vt., Mark O. Hatfield, R-Ore., and Tom Harkin, D-Iowa, attempted to restrict and place conditions on next year's $85 million in military aid to El Salvador by making aid contingent on serious efforts to "settle the conflict . . . through . . . negotiations" and "protect . . . human rights."

But Bush administration allies, with the surprising help of usually knowledgeable liberals such as Christopher J. Dodd, D-Conn., and John F. Kerry, D-Mass., defeated this moderate and reasonable measure and wrote the hard-liners in El Salvador another blank check.

The latest offensive was an effort by the FMLN to make a point: We are a power to be reckoned with and you had better start negotiating seriously.

The exact outcome of the recent guerrilla offensive is still unclear. No doubt the State Department will crow that the attack was beaten back. President Cristiani will deplore the "mysterious" death squads. And naive members of Congress will condemn the violence on both sides, earnestly demanding that the very officials who protect the death squads carry out an "investigation." Meanwhile, Congress will keep dollars flowing so as not to "abandon an elected government."

All this handwringing and denial risks drowning out the simple facts. Nine years and $3.4 billion of U.S. aid have not only failed to transform a lawless government but have failed to bring the guerrillas to their knees. They are a powerful military force that can veto the U.S. attempt to exclude them from a solution.

And in this era of glasnost and perestroika, we have no need to exclude them. Washington needs to get serious about a negotiated solution and send this message—not blank check funds—to the Salvadoran military.

[From the New York Times, Nov. 20, 1989]

ARCHBISHOP OF EL SALVADOR LINKS ARMED FORCES TO PRIESTS' SLAYING

(By Lindsey Gruson)

SAN SALVADOR, Nov. 19—The Archbishop of El Salvador said today that there was a "strong indication" that the six Jesuit priests shot to death last week were killed by members of the military or by people close to them.

The Archbishop, Arturo Rivera y Damas, whose predecessor, Oscar Arnulfo Romero, was assassinated in 1980 by gunmen linked to right-wing death squads, said in his weekly sermon that the killings "put our country in first place in terms of barbarity."

His remarks seemed to reflect the continuing state of mistrust, if not outright hostility, between the Government and the Roman Catholic Church, whose clergy is often sympathetic to the poor and opposed to conservative governments and the military.

LEFTIST REBELS ACCUSED

As if in reply, the Attorney General, Mauricio Eduardo Colorado, charged that leftist rebels were plotting to kill leaders of the Roman Catholic Church to destablize the country. He warned the prelates to leave the country.

Although neither the Archbishop nor the Attorney General offered evidence to bolster his statement, the Archbishop's view on the priests is widely shared by Salvadoran and American officials. The Jesuits were killed on Thursday as battles raged between leftist guerrillas and the army for control of the capital and much of the countryside.

The volley of accusation came on a day when two United States military officers were spotted under fire at a battle site in Soyapango. The officers were dressed in army fatigues and camouflage and carried assault rifles, ammunition clips, commando knifes and side arms. They were traveling in a white armored Plymouth.

American officials said the men were military officers attached to the office of the United States Embassy's military attaché. They were reportedly seeking information about the extent of the aerial bombardment, and the embassy said they did not violate strict American guidelines prohibiting the 55 American military advisers here from becoming involved in combat.

OFFICERS 'DID NOTHING WRONG'

"They did nothing wrong," a spokesman for the embassy insisted this afternoon. He added it was the embassy's "responsibility" to personnally investigate widespread reports of indiscriminate aerial attacks on civilians by the United States-supplied armed forces.

The spokesman said it was an isolated incident. But rebel officials here and in Managua, the Nicaraguan capital, have repeatedly charged that United States military officers have been present at the battle front for most of the last week and have been helping to direct the counterattack.

Archbishop Rivera, in his homily, also criticized the rebel offensive, which began on Nov. 11, calling it "useless and unjustifible." He added that the army's response was "excessive."

He said that as the guerrillas were withdrawing from the battlegrounds, "a dreadful wave of revenge , repression and witch hunting may follow." He added, "The senseless 10-year war has been marked by monstrous violence."

Some 70,000 people have been killed in the war, most at the hands of rightist death squads. The Archbishop was asked about a letter that the Attorney General, Mauricio Eduardo Colorado, sent to the Vatican calling on Pope John Paul II to remove the country's Roman Catholic bishops for their own safety. The letter said many Salvadorans thought that some bishops were responsible for fomenting unrest and guerrilla violence.

"Certainly," the Archbishop said, "I have received some terse threats that refer to my person."

A SMOKE SCREEN, DIPLOMAT SAYS

The Attorney General, who was educated in Jesuit schools and is charged with investigating the case, declined repeatedly to say how he obtained his information about the plot or what made him believe that it was accurate. Despite skeptical questioning, he insisted that the plot was credible.

But his assertions were dismissed by many here. "It's nothing more than a smoke screen," a diplomat said.

The charges came amid crackdown on church officials and affililated lay groups. They are often accused by rightists of fostering Communism and aiding leftist rebels by politicizing the poor.

Two American religious workers, a Roman Catholic priest and a Lutheran pastor who have been working with the poor, today said they had received death threats and were leaving the country. And a group of reporters at a funeral Mass for the slain priests were approached by a man who said "they should have killed them all."

The Attorney General announced the purported plot during funeral services for the six Jesuits, who were tortured and killed before dawn on Thursday.

"If they kill me, I will be resurrected in the Salvadoran people," a black steel sign on the front wall of the chapel said.

Several thousands mourners pressed into a nearby auditorium for the funeral Mass. Hundreds more stood outside straining to hear the service. Most did not personally know the slain men, who have become the symbols of last week's savage violence. They came to mourn and pray for all of their dead countrymen, and for the future of this tiny country, which has been ravaged by a decade of civil war.

POPE SENDS CONDOLENCES

"I implore that this sacrifice not be in vain and that it be the seed of fertile love in this martyred nation," Pope John Paul II said in a telegram of condolence read at the Mass.

The service was attended by President Alfredo Cristiani and his wife, Maguerita, the hierarchy of the Roman Catholic Church, the United States Ambassador, William G. Walker, a phalanx of security officials and most of the faculty of the Jesuit-run school. But even as the mourners rededicated themselves to peace, there was more savage fighting. Helicopters strafed and rocked rebel strongholds in Soyapango, a working-class bedroom community on the eastern outskirts of the capital.

It appeared today that the guerrillas had been driven out of or were pulling back from many strongholds along the northern and northeastern periphery of the city. It remained unclear if the insurgents were retreating to prepare for a counterattack or whether, as the army claimed, they had been routed.

The capital's downtown returned to normal for the first time since the beginning of the rebel offensive, which set off the fiercest fighting in the civil war. A garbage truck began its daily rounds. "Your tax dollars at work," a sign on the freshly painted truck said.

[From the Evangelical Lutheran Church in America, Office for Governmental Affairs, Nov. 19, 1989]

ATTACKS ON CHURCHES IN EL SALVADOR

The Salvadoran military and security forces, over the past four days, have engaged in systematic harassment of churches, church personnel, and displaced persons for whom the churches are attempting to provide protection and temporary shelter. A growing number of church personnel have been taken into custody by the Salvadoran National Guard. The following is a partial list of additional incidents from recent days:

1. Church leaders and personnel, including Catholic Archbishop Rivera y Damas, Auxiliary Bishop Rosa Chavez, and Lutheran bishop Medardo Gomez have received a series of death threats. Several of the assassinated Jesuit priests had received repeated death threats in recent days and weeks. There were repeated denunciations of them and of other church leaders on the government emergency radio channel. The Jesuits

residence was searched by the army on Monday, November 13. An Evangelical Lutheran Church in America missionary and U.S. citizen Bill Dexheimer, received a telephoned death threat at his home on Tuesday, November 11. The threat was delivered in unaccented English. He subsequently left the country.

2. Twelve international church workers were taken from the Lutheran Church compound by the National Guard on Thursday, November 16. Three Salvadorans who are employees of the Lutheran Church of El Salvador also were detained Thursday evening. The twelve international church workers were released on Friday, November 17. As a condition of their release, all are required to leave the country. All except three U.S. citizens have left. Two of them have Salvadoran spouses and require time to attend to personal matters.

Two of the three Salvadorans have been released and are in a safe location. The third, Salvador Antonio Ibarra, a lawyer in the Lutheran legal assistance office, remains in detention. In 1983, Ibarra served as defense attorney for a National Guardsman accused in the 1980 Killings of the four American religious women. He was granted political asylum in the U.S. after being imprisoned and tortured in El Salvador for refusing to cooperate in the prosecution of the case after coming to the conclusion that a cover-up had taken place. It has been reported, but not confirmed, that he is presently being held at the Treasury Police headquarters.

3. The Lutheran church compound in the San Miguelito area of San Salvador has been surrounded by National Guard troops since 8:30 a.m., Friday, November 17. The military commander on the scene has indicated that he has orders to arrest any foreigner who appears there as well as Bishop Gomez. Bishop Gomez remains unharmed in a safe location. The rights of the people to worship and carry out their ministry, which are not being respected at this time, are being taken up through diplomatic channels.

4. Juan Antonio Berti Quinonez, co-director of the Episcopal church social agency, CREDHO, was taken from his home at 9:30 a.m., Sunday, December 19, Taken with him was Francisco Pax. The two were captured by uniformed National Guard troops. There is no confirmation of their whereabouts.

5. The army orderd displaced persons seeking refuge in the Emmanuel Baptist Church to leave the premises, saying that it was prohibited to congregate during the state of siege. Many of those seeking refuge did leave.

6. The military raided the offices of Catholic Relief Services on November 15.

7. Maria Madre de los Pobres parish in Chacra, was hit by a mortar on Wednesday, November 15, while approximately 200 people were taking shelter in the parish day care center. Most of those taking shelter left. When church workers returned on November 16, they found much of the church destroyed.

8. The military entered the premises of San Rogue parish at 8:30 a.m. on Wednesday, November 15. They harassed persons taking shelter there as well as relief workers. On November 19, National Guard troops arrived and searched the parish house, looking for the parish priest, Fr. Pedro Cortez, who was not on the premises. The situation was reported as tense and there is an unconfirmed report that approximately 50 people had been taken away from the church compound.

9. The army is reported to be requiring church shelters to provide lists of those taking shelter in each location. Government troops entered many refuges on Friday, November 17, collecting names.

10. The Washington Post, on Sunday, November 19, reported the following:

"In a letter to Pope John Paul II made public today, Attorney General Mauricio Colorado, speaking as a private citizen and a Catholic, asked that bishops "acting outside the general policy of the church" by "keeping alive the questionable ideology of 'the church of the poor'" be removed from the country for their own personal safety. He was most likely referring to Archbishop Arturo Rivera y Damas and Auxiliary Bishop Gregorio Rosa Chavez, who are often criticized by right-wingers."

The U.S. Ambassador to El Salvador, William Walker, was reported in the Washington Post (11/19/89) in his Friday press conference to have "refused to criticize government troops for raiding churches in the wake of the rebel offensive and justified the raids as comparable to the internment of Japanese-Americans in the United States after Pearl Harbor."

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have tried to restrain myself today but I do feel compelled to make just a few brief comments with respect to this bill that is before us; and, more specifically, with respect to the situation in El Salvador. That is necessary if we ever hope to see freedom restored and stability restored to the people in that country.

I hope we can reach an agreement, when the time comes, on the amendment of the Senator from Vermont, and have a rather short discussion of it and vote on it. I hope all my colleagues will vote down that amendment, either in the form of a tabling motion or on the amendment itself.

I listened perceiving some irony in what is happening in this country, and what has happened. The recent tragic event we all abhor. Certainly no one can condone priests or nuns falling to guns or any other means of murder. We abhor that.

But we must be realistic. We must think, since this outbreak of hostilities: What about the hundreds and hundreds of civilians who have died at the hands of the leftwing death squads? All we ever hear about are the rightwing death squads. What about the leftwing death squads?

I say to my colleagues from the farm bloc that if they went into the farm States and cut up all the property the farmers have in the United States of America and issued worthless paper: What would happen? That is what happened in a government supported by the United States of America. They issued worthless paper and turned the farms over to other people. The old owners had to watch the destruction of those farms. That is what happened during the 1970's and 1980's during the implementation of the U.S. Government's foreign policy.

I think we might be shocked at the response of some Americans if they had their property taken away from them, no compensation for the property, and a total destruction of the productive capacity of the country; we might be shocked by the response.

We should be very careful to remember that Jeffersonian Democrats are always hard to find in a Third World country. Those countries have not had the opportunity that we have enjoyed in the United States of America, with the fundamental bedrock of the U.S. Constitution and the people that had the education to write that document, people who lived in commune with the laws of nature, if you will, Mr. President. We become sometimes a little holier than thou with others who have not had the same opportunities and background that we have. I think we sometimes tend to be outraged in righteous indignation. But, under certain circumstances, we might find events like this, the confiscation of property, tend to bring about a great upheaval.

Mr. President, that was a little bit of a digression. But since the recent hostilities broke out, the leftwing, Communist death squads that have been inspired by Fidel Castro, funded all the way from our new partners in peace, the Soviet Union, through Cuba, through Nicaragua, into El Salvador, have killed hundreds and hundreds of people. But I have not heard the righteous indignation expressed on this floor about the hundreds of innocent Salvadoran civilians who have been killed as a result of the Communist-inspired guerrilla activities, the leftwing death squads, if you will, who have been trying to bring down President Cristiani's government.

Mr. President, we need to get the record clear. The FMLN acted in desperation, when they brought this war against the legitimately elected Government of El Salvador. I laud the Salvadoran people. I laud the government of Napoleon Duarte, who allowed these elections to take place, after he had been elected as the first freely elected President of the country.

When the opposition party won that election, President Duarte saw to it that the opposition party, the rightist party, were allowed to take office. He did not declare a military dictatorship, with a military enforcement of it. He allowed the election to stand, unlike what happened in Panama. He allowed it to stand in El Salvador and allowed the people to have their wishes and they elected President Cristiani.

The FMLN, backed by the Communists in Cuba and the money from the Soviet Union, have been working relentlessly to bring down President's Cristiani's government.

I think we need to get the records straight. The FMLN are the ones who

have utilized negotiation as a temporary means so they could regroup for their next military offensive. They are the ones, Mr. President, who refused to participate in the electoral process when they had the opportunity and the invitation of President Duarte. They refused to participate. They are the ones who threatened to kill voters who did go vote. And they are the ones who have done everything in their power to sabotage the free elections that elected President Cristiani.

Mr. President, I have already mentioned none of us condone some of the atrocities that happened. But we have to put them into perspective.

Incidentially, Mr. President, I would invite members of the Intelligence Committee who have been briefed on this to tell us what the U.S. intelligence community says about who is responsible for this. Was it really so-called rightwing murders of priests and nuns and others? Or was it the Communist leftwing murderers who murdered them and tried to make it appear that it was a rightist murder? Who knows? I do not know, and I say if any Senator has the information that it was a rightwing death squad, or someone who had anything to do with President Cristiani's government, I wish they would come to the floor and say so instead of making these allegations.

Mr. President, I know an amendment will be offered later tonight to fence our assistance to El Salvador. As one Senator who has been to El Salvador on numerous occasions, I think that would be a tragic mistake. It may be it is too late. Every time anyone who believes in private property, who believes in any kind of a market economic system, that anyting good can happen, we have Senators jump up on the Senate floor and try to berate and attack and blame them as being at fault for this.

The way I remember it in 1979, in 1980—it is true most of the property was held by too few people in El Salvador. Their government at the time recognized that they had a problem and they were rapidly working with private investment to develop higher wages; a growth in the middle class was taking place. This was in 1979 and 1980, all through the late 1970's.

At that time the U.S. Government, under the Carter administration, intervened. I think it was Ambassador White who was the Ambassador then. We started talking about the terrible situation with El Salvador.

The U.S. Government intervened and things started going downhill from then. The capital that was invested in El Salvador started fleeing the country, because of fear; because of economic terrorism from their own government. They had not only terrorism from Communist leftwing murderers who were throwing hand grenades in schoolhouses, blowing down powerlines, and disrupting the civil affairs of people, but they had the economic terrorism that started being implemented by pressure from the U.S. Government to force them to "socialize" their economic more.

We went through a very tumultuous period, Mr. President. Finally we helped and they got an election and Napoleon Duarte was elected President—a graduate of Notre Dame University.

His party, the Christian Democrats, who had defeated the ARENA Party which was considered the rightist party, which was led by Roberto D'Aubuisson at the time, asked for more implementation of what we call land reform.

The big pressure here in the U.S. Senate was, unless they have land reform we will have no aid or no support for the Salvadoran Government. The people who had money invested in El Salvador saw this coming and reacted, as most people do, who have something to protect.

They sold the cows out of the herds. They cashed in all the crops that they could. They took as much money as they could take out of the country and deposited it in banks in what they considered to be a safer haven, in many cases Miami, FL. That left the country at great risk financially.

By now we are up to 1981 and 1982; President Reagan has been elected, with the U.S. State Department under his leadership still basically pushing a policy of supporting the Christian Democratic Party.

I think the record shows that they did financially support that party through that elective process with dollars from the taxpayers of the United States because they were afraid that somehow if the party President Cristiani now comes from was elected, that the U.S. Congress would not give them any aid, and I think the President was right in his assessment of sentiment on the Hill.

When we started imposing economic terrorism on the business people in El Salvador, with the tacit approval of the United States Government, the capital fled the country along with a lot of skilled workers and skilled people who fled the country to escape what they perceived to be, correctly so, a very disruptive, tumultuous, dramatic, and traumatic time in their history.

We went through the leadership of Roberto D'Aubuisson. Our administration would not let him have a visa to come to the United States to defend himself, which I think was a tragic mistake, because he was always linked with the rightwing death squads. They never talked about the FMLN who are linked with the leftwing death squads, who are shooting innocent people on a daily basis in the streets of San Salvador and the countryside.

I want to say, Mr. President, to his everlasting credit, President Duarte, who was elected with our support, when the people of El Salvador finally elected President Cristiani, a capitalist-oriented free-market humanitarian leader, President Duarte insisted that election stand.

So I think we did find that he is a democrat with a small D. So we, the United States, did find that there are Jeffersonian democrats in El Salvador, if we will just support them. I believe the people in El Salvador have elected another one. He happens to be oriented economically on a wavelength that I think is better for their country and for the future of their country than the previous administration in El Salvador.

But for us to withdraw aid at this time would be one of the biggest travesties in the history of this country. I hope that this Congress will do nothing of the kind, and I hope that this Congress will continue the support in El Salvador which I believe is very important. I hope we will not act adverse to the interest of the elected Government of El Salvador when there has been no evidence presented to this body about who is responsible for these tragic deaths. I hope we will continue to support a reasonable, stable Government which is making every effort to restore stability in that country so the economy can grow and people can have an opportunity and some civility.

Yes, Mr. President, civility, so those people can live a life without fear of murder and all kinds of other activities that go with the so-called peaceful deliberations from the left, where the way they win the election finally is by force and terror, which is exactly what is happening in that country.

It is a beautiful country. There are many beautiful people who live there. I pray for their betterment in the future. I hope they will have the opportunity to have a better life in the coming years, because they certainly deserve it, as all people do.

They are Americans, and I hope that they continue to get the support and the best wishes of the people of the United States.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, last Wednesday, shock waves were sent through Washington as reports of the horrible murders of six prominent priests reached us. Some of these men were known to our colleagues here in the Senate. The Salvadoran situation today, with the revelation of these heinous crimes and this latest crisis in El Salvador, is likened to the year 1980,

when four churchwomen were brutally killed and the respected archbishop of San Salvador was taken out by an assassin's bullet.

We do not know for sure who killed Father Ellacuria and the other seven. We have every reason to suspect that the armed forces were in some way involved. But we must not be silent while we wait for the right information to emerge so that we may place the blame.

It is very easy to point fingers to both sides in terms of brutality and the kind of harsh military and police tactics that have been used by both sides.

We know that what happened, though, was wrong. It was absolutely barbaric and must be addressed. The United States must voice its official outrage over the deaths of the priests and their companions. And the Government of El Salvador must do everything within its power to find the perpetrators and bring them to justice.

To do less would be to verify the charges some, including myelf, have made in the past: that neither the Government of El Salvador nor the United States Government is willing to commit itself to ending 10 years of bloodshed. This most recent incident did not occur in a vacuum, after all. We have been witness to the slow burn of terrorism which has taken place during this decade, when so many others, most without our knowing it, have lost their lives.

Mr. President, I am heartened by my colleagues' calls for peace in El Salvador. But I have to ask, "why now?" Yes, perhaps as many as 1,000 people have died in the past week of fighting. But what about the other 70,000 Salvadorans who have lost their lives during the course of this dirty little war? Why do we all of a sudden give a hoot about that country, when for 10 years we have tolerated—no, more than that—silently endorsed a U.S. policy which has done nothing but bankroll the guaranteed failure of any potential for peace?

Mr. President, 5 years ago, El Salvador was drifting from our headlines, replaced by other dirty little wars in the region. Our consciousness appeared only able to absorb one problem country at a time. The media can only cover one war at a time. Five years ago I commissioned a report on our United States policy in Salvador. That first report, which I sponsored with Representatives JIM LEACH and GEORGE MILLER, concluded that the military solution that our country was pursuing was unworkable. The report warned that unless U.S. policy was changed, economic and social conditions would continue to deteriorate, resulting in a military, political, and economic stalemate.

We reported this in 1985. But, Mr. President, nothing happened. Congress still was not interested in El Salvador. We avoided opportunity after opportunity to define our policy and alter it in order to bring about peace, and the deaths continued.

So in 1987, we decided to update our report, to research the impact of U.S. aid after 7 years of civil war, in hopes that we find evidence of things getting better, but they were not; they were worse. In fact, as the 1987 report found, "The situation about which we warned in our earlier report has not only materialized but also been institutionalized", as I quote from the report.

"The 7-year-old civil war and the economic and humanitarian problems which perpetuate it now threaten the political strength and credibility of those in the moderate political center of both the government and various opposition groups."

Two years ago, we were reminded that our policy in El Salvador was accomplishing nothing save the perpetuation of misery. Any measurement of the conditions of the people—health, access to clean water, education, housing, economy, everything was down. The people of El Salvador today are far worse off than when we launched this policy in any measurement that you want to place to human conditions. Yet we continue to send down the military aid.

Just 2 months ago we had the opportunity to say enough is enough. The proposal I offered 2 months ago was that we ask for a vote that would establish a timetable of reports so that Congress could closely monitor the taxpayers' money which continues to flow at the rate of $1.5 milllion per day.

The United States aid sent to El Salvador matches, if not exceeds, that country's own contribution to its government. We have funneled $3.7 billion to that country only to have this kind of crisis occur now. Have we no right to ask why, after almost $4 billion, 70,000 lives, a policy has not produced different results? Why can we not find a way to obtain peace in El Salvador?

I can give you one reason: Because we have been going about it all wrong. Our twisted policy is based upon the premise that we can buy peace in El Salvador by spending $3 for war-sustaining efforts for each dollar we spend addressing the root causes of the war, and we wonder why the blood continues to flow.

Here we are, on the eve of another massive infusion of military aid to El Salvador. The FMLN has undertaken a country-wide assault, and the government is responding with a counterattack. We hear that maybe 1,000 people have died and as many as 1,600 civilians have been wounded. The civilians are being used as pawns by the rebels, and our belief in the government's commitment to their safety has been rocked by the savage murder of the Jesuits. The burning question on the Salvadoran Army's mind seems to be just how many civilian casualties will be deemed "acceptable".

We have to make a stand. The administration needs to call for an immediate humanitarian truce so that the International Red Cross and other relief agencies may tend the wounded, and there needs to be a U.S. call for an internationally observable cease-fire. A U.S. call must be heard for negotiations to end the hostilities without further bloodshed, and we must demand justice for the eight men and women who died at the University of Central America.

After 10 years of bankrolling failure, it is time we altered our policy. Ten years ago four nuns were tortured and murdered, and Archbishop Romero was felled by an assassin's bullet. Five days ago six priests were dragged from their beds and shot, and in between 70,000 Salvadoran men, women, and children have died. How much more does it take?

I call upon my colleagues to help stop bankrolling failure in El Salvador, and I also think this would be one of those opportune times for our administration to challenge Mr. Gorbachev, to say, in effect, stop the flow of military aid to the rebels as we would stop military aid to the government, and let us together work out a solution committing our resources, not for weapons of destruction, to rebuild that country, a country for the future, hopefully, with peace and with the needs of those people being met, because, until we address the root cause of these wars, they will continue. They will continue to bleed the American taxpayer as well as continue the flow of the blood of the Salvadoran people themselves.

I am not here to point the finger of blame for the deaths at this moment. We do not have the evidence. But, Mr. President, we can point the finger to the policy that has contributed to this continued civil war in El Salvador. We have a chance to vote on that tonight.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I, like all my colleagues who have spoken, utterly deplore the murder of the six Jesuit priests and the two apparent witnesses to the brutality in El Salvador 5 days ago. But there are a couple of points that I want to make in this debate because it seems to me that if we did not make them, we might be overlooking a significant aspect of the very great strife that has been visited upon that country.

It seems to me that perhaps we and the news media are guilty of a double standard, and that double standard is

that while we quite properly focus on the deaths of these eight women and men—one woman, child, and six priests—we have forgotten the other tragedy that took place and how it happened; namely, that a guerrilla army infiltrated an urban area and started to take it over.

I do not care whether that guerrilla army is of the right or of the left. The fact is that any time a military operation moves into an urban area that is heavily populated with civilians, they are signing the death warrants of literally hundreds of innocent people. Now, it happens to be the fact that it was the FMLN that went into San Salvador, and it is they who should be held accountable for the murders of the innocent civilians in San Salvador, regardless of whose bullets hit them. It would not have occurred but for their entry.

As to the issue of the murdered priests, there is nothing that can be said to excuse it. There is no excuse either for the Government of El Salvador not making every effort to bring to justice whoever perpetrated those absolutely reprehensible murders, to use every resource they have to find and dispatch those perpetrators, to apprehend them, to give them a trial and the justice they deserve.

But I think we need to be clear about who is doing what to whom in this country.

I think it is true that we do not know whether it was a rightwing or a leftwing death squad. Probabaly it was a rightwing death squad. We do not know that. But what I think we ought to be clear on is that there are indeed death squads. The guerrilla army that moved into El Salvador was a death squad. It did not happen to be shooting the civilians. It had the army to do the dirty work for it when they tried to route them out.

But we forget that both the left, which lost the election overwhelmingly last year, and the right—I mean the far right who do not want the government, this government or any government to succeed with a land reform effort—both the left and right have one objective in common. Mr. President, do you know what that is? That is to get the United States out of El Salvador.

The left wants us out for obvious reasons. Why does the far right want us out? Because from their point of view we are meddling in the business of their government. We are putting pressure on Cristiani and his government to do land reform, and all kinds of things that the far right in that country finds anathema. So they have an interest in embarrassing the Cristiani government just as much as the left does in that country. Both would like us to leave. There ought to be a message in that, Mr. President.

That message is let us not assume that whoever perpetrated these crimes is on the side of the Cristiani government. Maybe there is more common cause between ourselves and the authorities in El Salvador than some would like to admit.

I just want to commend the Senator from Idaho for something he said a moment ago, and indeed the Senator from Oregon said it in admittedly a very different way, which is, we all hope for a better life for the people of El Salvador. It has been brutal. It has been dehumanizing.

In addition to just the statistics of death and destruction there is multiplied many times over, maybe 5 or 10 times over, human suffering in every family, not only from the loss of loved ones, but from being injured, crippled or reduced in the prospects of life to an unending prospect of poverty.

It is sad. It is serious. I hope we can find a solution. But I guarantee you as long as there are contending parties that are willing to use violence, that violence is highly likely to continue. I am somewhat drawn to the suggestion of the Senator from Oregon that we find a way to disengage people down there if we possibly can. But that is another debate on another occasion.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the one thing that I am sure of is there is not a Senator here, no matter how they may have voted on this issue in the past, who condones the senseless, brutal killings that have gone on. That is abhorrent to every Member of the U.S. Senate. The debate will be about what will be the best way to bring pressure to stop it.

Mr. President, shortly, I will send to the desk an amendment and seek the yeas and nays on it, and a time agreement on the amendment understanding that it may be set aside briefly while we do another amendment.

AMENDMENT NO. 1188

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. HATFIELD, Mr. HARKIN, Mr. KERRY, Mr. INOUYE, Mr. PELL, Mr. MOYNIHAN, Mr. CRANSTON, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LEVIN, Mr. SIMON, Mr. RIEGLE, Mr. ADAMS, Mr. KOHL, Mr. DASCHLE, Mr. KENNEDY, Mr. WIRTH, Mr. CONRAD, and Mr. METZENBAUM, proposes an amendment numbered 1188.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 168, after line 6, insert:

SEC. 599J. Not more than 70 percent of the amount available in this Act for Fiscal Year 1990 for military assistance for El Salvador under chapter 5 of part II of the Foreign Assistance Act of 1961 and under section 23 of the Arms Export Control Act, may be obligated until the President reports to the Committees on Appropriations of the House and Senate that Salvadoran authorities have substantially concluded all investigative actions in the case and apprehended and brought to trial those responsible for ordering and carrying out the November 16, 1989, murders of Father Ignacio Ellacuria; Father Ignacio Martin Baro; Father Segundo Montes; Father Amando Lopez; Father Joaquin Lopez y Lopez; Father Juan Ramon Moreno; Julia Elba Ramos; and Celina Ramos.

Mr. LEAHY. Mr. President, this is an amendment that has been described earlier to withhold a portion of military aid to El Salvador. I will be describing it further.

But I ask unanimous consent that there be a 1-hour time agreement on this amendment; that there be no amendments to the amendment; and that that 1 hour be under the control equally divided between myself and Mr. KASTEN.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I reserve the right to object, Mr. President. I have been waiting for some time to get the floor to speak on this amendment. I am a supporter of the amendment. I have been up against these time agreements before. I would like to speak on this amendment. I do not know how long it is going to take me, I tell the author of the amendment. I may want to speak for as much as 20 to 25 minutes. I just do not know. I just do not know how many other people are lining up to speak on this. If there is only a 1-hour time agreement, I say in all candor, I do not know. It may take me 20 minutes or more.

Mr. LEAHY. Mr. President, I ask unanimous consent that we have 1 hour and 20 minutes equally divided. That will be acceptable.

Mr. HARKIN. I would appreciate that.

Mr. LEAHY. I ask unanimous consent that we have 1 hour and 20 minutes equally divided between Mr. KASTEN and myself, that no amendments to the amendment be in order, and that only tabling motions be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a suficient second.

The yeas and nays were ordered.

Mr. KASTEN. Mr. President, I suggest to the distinguised chairman that we may also be in a position to get a unanimous-consent agreement, and I

would suggest that although we are unable to deal with the time part of it that we now go forward; and I would suggest that the chairman make a unanimous-consent agreement that on the foreign operations conference report, the Leahy amendment with regard to El Salvador, the Kasten amendment with regard to leveraging and an Armstrong amendment with regard to Poland be the only amendments that would be in order for this evening on this bill.

Mr. LEAHY. Do I understand once those are disposed of we would then go the final passage?

Mr. KASTEN. The Senator is correct.

Mr. LEAHY. Mr. President, the amendment or the request has been made. I understand there may be a question. I ask the distinguished Senator from Wisconsin if he may want to withhold for the moment on that request, and we then be able to renew it subsequently.

If we are now on the amendment, time is not yet started on the amendment. I understand time has not yet started.

The PRESIDING OFFICER. Time has not yet started. The floor was and is held by the Senator from Vermont, who is making inquiry of the Senator from Wisconsin.

Mr. LEAHY. Mr. President, how much time does the Senator from Iowa wish?

Mr. HARKIN. Twenty minutes.

Mr. LEAHY. Mr. President, I yield 20 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. the Senator from Iowa is recognized for 20 minutes under the unanimous-consent order previously entered into.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my distinguished colleague and chairman of the committee, Senator LEAHY, for offering this amendment which I am a cosponsor of, which I strongly support and urge adoption here this evening.

Mr. President, the entire world is shocked by the news and the photographs that were subsequently released of the brutal murder of the six Jesuit priests and the two women in San Salvador last week.

The public outcry over these dramatic deaths should not diminish our concern also for the 60,000 Salvadorans who have died so far in the country's 10-year-old civil war; but even more than the 10-year-old civil war, Mr. President, I would say in almost a 50-year-long civil war since the 1930's when thousands and thousands of El Salvadorans were killed at that time, and accused of being communist because they dared to ask for food, and ask for jobs.

In the thirties, over 30,000 El Salvadorans were killed by the rightwing and the oligarchy that controlled El Salvador. Since that time, the people of El Salvador have been struggling to try to change the social and economic order of El Salvador, to provide for a little bit more social and economic justice in that country.

When you speak of the recent struggle of El Salvador, you cannot speak of it in terms of weeks or months or even a decade. We must go back many, many years, perhaps even longer than 50 years, and only then can we really understand the root causes of what caused the assassination of these six Jesuit priests, what brought about the assassination of Archbishop Oscar Romero in 1980, and what brought about the rape and murder of the four nuns, again, also in 1980.

When you understand the history of that country, when you understand the social and economic order of that country, when you understand the privileges of the few, the few very wealthy in that country, who control everything, and the millions of poor who have nothing, then you begin to understand what happened last week.

Mr. President, I have traveled to many countries, as I am sure the occupant of the chair has. We have seen a lot of poverty in the world—Southeast Asia and many other places, including the Philippines; but in no country has this Senator ever seen more disparity between the few very rich and the many poor and the closeness with which they live together.

When you drive in San Salvador up in the better places of the city, there are huge mansions. One time, I went by one, and I counted four Mercedes Benz automobiles in the driveway. They build walls and have armed guards and dogs. Big beautiful mansions. Looking right down the hill three blocks away, there are people huddled in tar paper shacks in the gullies, with no running water, no electricity, no education, no health care, nothing, absolutely nothing. You have that stark contrast between the obscene wealth of a few and the obscene poverty of the many.

When you see that, then you begin to understand what is happening in El Salvador. When you understand the military of El Salvador, in that the military is not today, nor has it ever been, constituted to protect the people of El Salvador from outside forces. Nor has the military of El Salvador ever been constituted to really protect the people of El Salvador from internal uprisings. That has never been the reason for the existence of the El Salvadoran military.

The El Salvadoran military has existed all these years as a force and entity unto itself, in which it protects the wealth of the few, and even more recently in which it protects its own institution even more than that; in which one group of officers protects their own, regardless of what anyone does. In the Salvadoran military there is no rule of law, there is no rule of law governing the military of El Salvador. They are a law unto themselves. They have the guns; they have the power; they are the law. Whatever they want to do, they do.

The Salvadoran military has never really been constituted to fight against invaders or even to fight against rebels in their own country. The fact that 1,500 rebels, poorly dressed, not very well equipped—I am sure they have rifles and grenade launchers and a few things—go up against an army of 50,000, and how does the 50,000 soldiers in the military of El Salvador respond? Do they go out to meet them head on? No. They call in the gunships, call in the Gatling guns, call in Puff the Magic Dragon with the AK-47's and level the communities, call in the 250- and 500-pound bombs. You know, it is the same reaction, the same way that Somoza and his people dealt with the Sandinistas in 1979. It is the same way that the military of El Salvador is dealing with rebels today.

So when you see that kind of response, you understand the military of El Salvador. They are not fighters. They are an institution that exists basically as a means of making a living and protecting themselves to any and all outside or inside forces that would change that.

I remember when once traveling in El Salvador, one of the several times I was there, I was taken out to look at the places where the military live, where officers live in San Salvador. It is interesting. You would think a military that is set up to protect the people would not fear the people. I found the military living in homes where the front of the homes are all bricked in, living behind big gates, protected off in a separate part of town. When you see that, you begin to understand that the military is not really one with the people. They never have been, and they are not today.

So when you understand the history of El Salvador, the disparity between the wealth and poverty, the closeness with which they exist, the institution of the military and how it functions, you begin to understand some of the things that are happening. That is why all of our hortatory language and wonderful speeches are not going to change anything. There is only one thing that the Salvadoran military understands: Money. U.S. money. That is how they exist. Without it, they do not exist. And until we put some tight controls on that money and what the military can do with it, forget it.

Do you think that the six Jesuits who were killed last week is the end of it? Forget it. There is going to be more. We were outraged when the nuns were raped and killed and buried

in a common grave in the dirt. That did not stop anything. We were outraged when Archbishop Oscar Romero, the man I had the privilege of spending an entire afternoon with, was assassinated. While saying mass, he was shot by a sniper with a bullet right through the heart. There was a sense of outrage. Did that stop the military? Of course not. The outrage that we express at this brutality today is not going to stop the military of El Salvador. Quit kidding yourself. These are hardened killers.

They will go to any lengths to protect themselves and to protect whoever committed this heinous crime.

One thing else I want to say: The nature of the individuals who were so brutally killed and the role they were playing in trying to bring some peace to their country make their deaths even more shocking when you think about who they were and what they were doing.

Father Ellacuria was one of the strongest advocates of peace talks between the Salvadoran Government and the FMLN rebels.

In 1985, he served as one of the chief mediators in the release of then-President Duarte's daughter when she was kidnaped by the guerrillas. Most recently, President Cristiani appointed Father Ellacuria to serve on a commission to investigate the October 31 bombing of the Fenestras union headquarters, which resulted in the death of the 10 Salvadorans.

That was on October 31. Father Ellacuria was appointed to that commission.

I must say here that President Cristiani has said he is going to appoint a commission now to look into the deaths of the priests. Father Ellacuria was on the commission to investigate the October 31 bombings that killed 10 Salvadorans. What happened to that commission? So we just have another commission to look into something.

Another of those killed, Father Ignacio Martin-Baro, was the vice rector of the university and headed the only respected polling institution in the country.

Also killed was Segundo Montes, who headed Catholic University's Human Rights Institute.

The six Jesuits murdered on Thursday morning found themselves among the handful of Salvadorans who devoted their efforts—and their lives—to a peaceful resolution of the conflict in their country. What is so important about their deaths is that their loss represents the beginning of the end of hope for an end to the cycle of violence that has torn apart El Salvador for the past 60 years.

What is also so tragic is the way the six priests were killed. Circumstantial evidence, reports of eyewitnesses, as well as the conclusions of Amnesty International and Americas Watch indicate that members of the Salvadoran Armed Forces were responsible for the murders.

The priests were murdered in an area controlled by the military. Their housing compound was next to the residential area for Salvadoran military officers and their families.

There was a heavy Salvadoran military presence in the area at the time.

These killings took place during a dusk to dawn curfew imposed by the government and thus the only elements in El Salvador that wandered freely in the streets that night unchallenged were the security forces and military.

So to think that someone committed this heinous act without the knowledge of the military is sheer folly. We do not know eactly who did it but we know that the military security forces had to have known and had to have been involved and they must know who those individuals are.

According to church officials, a large contingent of Salvadoran soldiers had surrounded the University of Central America for the past several days and earlier searched the Jesuit rectory of Father Ellacuria. Get this: They searched his rectory. They surrounded the university.

Father Ellacuria was denounced and threatened on a government-controlled radio station just prior to his assassination.

These circumstances caused Americas Watch to conclude that "the circumstances in this case create a very grave presumption that the Army of El Salvador is responsible for last night's assassinations."

Amnesty International has come to the same conclusion.

Mr. President, I am not unaware of the role that the FMLN has played in escalating the level of violence in El Salvador.

Since a week ago Saturday, the leftist rebels have mounted a major offensive throughout the country.

In San Salvador, rebel forces used the shield of innocent civilians to protect them from a military-led counteroffensive.

They have recruited young men in the barrios to build barricades, set up offices in apartment buildings, and dared the armed forces to attack.

This so-called rebel final offensive has been unconscionable, barbarous, and from news accounts I have read, unsuccessful.

And most tragic, the FMLN drive has brought the war into the cities, and as a result contributed to the deaths of more than a thousand Salvadorans.

However condemnable the FMLN offensive is, and continues to be, it cannot be used as a justification for the Thursday morning's assassinations. Father Ellacuria offered one of the last remaining hopes to pull El Salvador out of its current cycle of violence.

Furthermore, his death—and the apparent role of the Salvadoran Armed Forces in it—should wake us in Congress up to the fact that after $4 billion in United States aid—more than $1 billion for the very same military we are talking about here, the Armed Forces of El Salvador—little has changed since 1980 in El Salvador.

Just 9 years and $4 billion earlier, another Salvadoran clergyman, Archbishop Oscar Romero, was gunned down.

Those responsible for the Romero killing have never been brought to justice.

There has been no action in this case even though most observers, including former President Duarte, consider Roberto D'Aubuisson, founder and still prominent member of President Cristiani's ARENA party, the "intellectual author."

Let me quote from a UPI release dated this summer, July 26, 1989. It is an interview with President Duarte. The UPI story quotes Napoleon Duarte as saying: "To me, D'Aubuisson is the real author (of the crime)."

Duarte elaborated on the question of why the Salvadoran Government has not moved on the Romero case.

Duarte continued:

> We've got proof (of D'Aubuisson's involvement), but unfortunately with the court in the hands of ARENA, with the judges in the hands of ARENA, they said the proof wasn't valid, Duarte said.
>
> To me, D'Aubuisson's is the real author (of the crime).
>
> Duarte, who is suffering from stomach cancer, said he wanted to get "certain things off my chest" in what would "probably be my last interview."
>
> "I think we have solved that crime totally," said Duarte.
>
> Calling D'Aubuisson the "intellectual author" of the crime, Duarte said the actual shooting of Romero was done by a bodyguard of the ARENA leader, named Regalado.

And it goes to tell how it was done and the car that was used. Let me read what Duarte said:

> Duarte said "there's an internal fight" going on between Cristiani, inaugurated 2 months ago, and D'Aubuisson, a legislator.
>
> "Yes, it is a criminal mafia (D'Aubuisson's faction in ARENA) that is running the part of the dirty war, and there is a government that's trying to hold to the line of the irreversibility of democracy. That's why I say that there is a president and a caudillo (strongman), who are having a confrontation," Duarte said.

There you have it. Mr. President, I ask unanimous consent that the UPI release be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DUARTE ACCUSES D'AUBUISSON IN ARCHBISHOP'S ASSASSINATION

WASHINGTON.—Former Salvadoran President Jose Duarte, stricken with terminal cancer, accused right-wing leader Roberto D'Aubuisson of ordering the assassination of a popular Salvadoran cleric almost a decade ago.

Duarte also said a rupture has developed between his successor, new President Alfredo Cristiani, and D'Aubuisson, although both are members of the Nationalist Republican Alliance, known as ARENA. Cristiani is considered far more moderate than D'Aubuisson.

Duarte made his comments in a television interview Monday from San Salvador with Univision, the largest Spanish-language television network in the United States. A copy of the transcript was obtained Tuesday.

Although Duarte served as president of El Salvador from 1984 until June 1, 1989, the interview marked the first time Duarte directly accused D'Aubuisson of ordering the assassination. D'Aubuisson could not be reached for comment about the accusation.

ARENA, which defeated Duarte's Christian Democrats in elections earlier this year, has been accused by international human rights groups of heading death squads.

When a gunman opened fire on Archbishop Oscar Arnulfo Romero on March 24, 1980, while the prelate was conducting mass, many Salvadorans believed ARENA was responsible. The slaying sparked widespread riots and fueled the nation's decadelong civil war, which to date has left more than 70,000 people dead, most of them civilians.

"We've got proof, (of D'Aubuisson's involvement), but unfortunately with the court in the hands of ARENA, with the judges in the hands of ARENA, they said the proof wasn't valid," Duarte said.

"To me, D'Aubuisson is the real author (of the crime)."

Duarte, who is suffering from stomach cancer, said he wanted to get "certain things off my chest" in what would "probably be my last interview."

"I think we have solved that crime totally," said Duarte.

Calling D'Aubuisson the "intellectual author" of the crime, Duarte said the actual shooting of Romero was done by a bodyguard of the ARENA leader, named Regalado. Romero, a popular cleric in El Salvador, irked conservatives by denouncing paramilitary death squads and urging soldiers to disobey orders to kill unarmed civilians.

Duarte said Regalado took orders from a Capt. Saravia, who was the head of ARENA's security wing.

"There were two people in a car, one was driving the car and the other was doing the shooting," Duarte said. "They had two cars, one for security and one which was going to commit the assassination. A red car got to the place where Bishop Romero was celebrating mass. . . . (Regalado) shot him from the car. It was a sharpshooter with a telescopic rifle."

When Saravia went to tell D'Aubuisson the mission had been accomplished, he was criticized for carrying out the mission ahead of schedule, Duarte said.

Duarte said the bodyguard and security chief were given money by ARENA and sent out of the country and into hiding.

Thirty-one people were killed and 200 injured when security forces fired into a crowd of 70,000 at Romero's funeral.

Duarte said "there's an internal fight" going on between Cristiani, inaugurated two months ago, and D'Aubuisson, a legislator.

"Yes, it is a criminal mafia (D'Aubuisson's faction in ARENA) that is running the part of the dirty war, and there is a government that's trying to hold to the line of the irreversibility of democracy. That's why I say that there is a president and a caudillo (strongman), who are having a confrontation," Duarte said.

Mr. HARKIN. So there you have it. What we have is we have a contest here between D'Aubuisson and the ARENA party, those who Duarte says are responsible for this dirty war, killing of civilians, and Cristiani. So what do we do? Whose hand do we strengthen, who do we back up?

Since Romero's murder, the powerful in El Salvador—both inside and outside the military—have murdered thousands of their countrymen with impunity.

In 1982, I traveled to El Salvador immediately after 10 peasants were killed in the small town of San Antonio Abad.

I was there the day after it happened with a Member of the House—I was in the House at the time—Congressman JIM OBERSTAR from Minnesota. The official army line was that there was a firefight that night and these peasants had died in a crossfire. Yet our U.S. Embassy under Ambassador Deanne Hinton at the time sent someone down to the morgue to view the bodies and this person said that every single one had been shot in the back of the head with a single bullet, assassination style. The military said they had been caught in the crossfire. So Congressman OBERSTAR and I went out to San Antonio Abad and interviewed the people and talked to the people on the street, talked to a woman whose son had been hiding in the house. He had been a student at the university. She said he was not a rebel and not involved himself in rebel activities but had been active in a student union calling for peace. In the middle of the night he was jacked out of the house and everybody else was told to stay in their homes, The military took him out there, forced him to lie in the street, and shot each one in the back of the head. Yet the military said it was a firefight. Our Ambassador said that after reviewing the evidence that the army had shot the peasants and despite pressure from the Ambassador not a single soldier or officer has been tried for that massacre.

And we know who the army commander was that was there that night and commanded those troops. He is still in the military. Not one thing has happened to him, even though we know that they assassinated those people.

The PRESIDING OFFICER (Mr. BREAUX). The time allocated to the Senator has expired.

Mr. LEAHY. Mr. President, how much time is remaining to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 20 minutes remaining.

Mr. HARKIN. I thought we had an hour and 20 minutes.

Mr. LEAHY. Equally divided.

Mr. President, I yield 5 more minutes to the Senator from Iowa.

Mr. HARKIN. I appreciate that.

In February 1983, 70 Indians were slaughtered in the village of Los Hojas. The U.S. Embassy knew at the time that the commander of local forces, Col. Gonzalez Araujo, ordered the massacre. Yet he was never prosecuted. Today, Gonzalez Araujo still serves in the Salvadoran Army.

In 1986, members of the Salvadoran security forces, led by Salvadoran Col. Mauricio Staben, organized a kidnaping ring. Yet Colonel Staben still serves in the Salvadoran Army.

Ten years and 60,000 deaths later, not a single senior officer in the Salvadoran Armed Forces has ever been brought to justice for a human rights abuse; not one.

All the United States training, and the $1 billion the United States has poured into El Salvador has not civilized the Salvadoran Armed Forces.

Until the United States Government has the courage to force the Salvadoran Armed Forces to punish one of its own for a human rights abuse, we might as well forget it. They are going to continue to murder innocent civilians.

Unless we have the courage to stare down the Salvadoran Army and force them to accept the rule of law, forget it; lawlessness will continue to prevail in El Salvador.

Until we are fed up with the murders, with the corruption, and with the abuses of the Salvadoran Armed Forces—Innocent Civilians, Like Father Ellacuria, his fellow Jesuits, Archbishop Romero, and others are going to die.

I also have another person. Father Ron Hennessey, a Maryknoll priest from Iowa. Over the weekend, his church was broken into and the crucifix taken out and a sign was left there that the priests no longer served the people. No, it is going to continue. It is going to continue until we say no, until we quit giving a blank check to the Salvadoran military.

It is going to continue until the root causes of this civil war that has gone on now for 60 years—not 10, but 60 years—until the root causes have been addressed—the poverty, the social injustice, the millions of Salvadorans who have no hope for a better life. Until the military is forced to obey the rule of law and, indeed, the rules of civilized society, these things will continue.

That is why it is important for us to support the Leahy amendment, to send a signal that we support Cristiani, that we support the evolution of democracy in that country, but no longer are we going to permit the Salvadoran Armed Forces to commit these barbarous, heinous crimes; no longer are we going to permit them to act with impunity in killing their own people.

Not one Salvadoran officer has ever been prosecuted for a human rights abuse. Yes, it is time for outrage, but it is also time for action here on the floor of the Senate. It is time to say that no longer will our taxpayers' dollars go to support that kind of a military.

I know people say, "Well, there is a leftist down there in the FMLN and there are 1,500 of them taking on an army of 50,000." I do not condone the FMLN, the brutality and the uprising. But things must be put into perspective.

Until these root causes are addressed, until we force—and I mean force—the Salvadoran military to redefine itself, to reconstitute itself, to purge itself of D'Aubuissons and the people around D'Aubuisson, as I said, we might as well forget it because more priests and more nuns and more bishops are going to be killed in that country.

So I hope that the Leahy amendment wins and I hope it wins because it will send that signal and that message to the Salvadoran military.

I thank the Senator from Vermont for his yielding me time.

The PRESIDING OFFICER. The Senator from Vermont controls 15 minutes.

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

Mr. KASTEN. Mr. President, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. I thank the Chair and I thank my distinguished colleague from Wisconsin.

Mr. President, I stand in strong opposition to this amendment. It would be a mistake, an overwhelming mistake, to adopt it. I urge my colleagues to oppose it.

Somehow—I must admit I do not quite understand how it has happened—the democratically elected Government of El Salvador has become the bad actor in the unfortunate events that are unfolding in San Salvador.

A quick review of the events of the past week will explain my concern over the current debate. On November 11, the Communist FMLN guerrillas left the negotiating table and began a massive offensive against the Government. The rebels launched this offensive in heavily populated areas, completely disregarding the safety of the civilian population. FMLN leaders have not tried to hide the fact that the attack was aimed at improving their position vis a vis the Government and harming the Government's reputation.

I will read the first and third paragraphs of this morning's Washington Post.

SAN SAVLVADOR, November 19.—The weeklong offensive by leftist rebels was their biggest gamble of the decade-old civil war. It was aimed at much at provoking the violent right into widespread human rights abuses and discrediting the government politically as at achieving a military victory.

Moving to the third paragraph:

The risk for the Marxist-led Farabundo Marti National Liberation Front (FMLN) is that military failure will leave the rebels weakened in the field. They appear to have thrown almost all of their resources into the offensive and exposed much of the clandestine urban structure that made the push possible.

Yet despite these undisputed facts, we have seen few cries of outrage against the rebels, we have seen few members of this body point out that the Government troops were doing their duty in repeling the attack by the FMLN. Instead, Member after Member of this body has come to the floor to denounce the Government of El Salvador and call for an end to United States aid.

I simply do not understand the logic, or the supposed logic, behind these statements.

Certainly we all are outraged by the deaths of hundreds of innocent civilians caught in the fighting. But once again let us ask who left the negotiating table and started the fighting? Not the Government, but the Communist rebels.

Certainly we are all sickened, horried and deeply saddened by the brutal murder of the six Jesuit priests and two church workers. But there is no evidence that the Government was responsible for that heinous act. To the contrary, President Christiani has moved quickly to investigate the crime and he has assured U.S. officials that the perpetrators will be brought to justice.

Mr. President, a review of the media in the past few days and the comments of some of my colleagues in the past few hours cause one to ask what has happened to the American idea of justice.

I am under the impression that ours is a system in which we conduct an investigation first, consider the facts, and then make a charge as to guilt in a crime. Yet in newspaper after newspaper and in not just a few floor statements, we see conclusive declarations that these killings were carried out by rightwing death squads.

Yet there is no proof that that is the case. No investigation has been completed, yet these statements are accepted as fact. It is not hard to conceive of a totally different scenario which could be the basis for these heinous, unforgivable, unpardonable sins. Yet these acts are used as the basis to argue that we must act today to cut support for El Salvador.

I have no idea who was guilty of the murder of the priests. I feel confident that none of my collegaues do either. We will have to wait for the investigation to be completed before we can say with certainty what actually happened. Once that information is in, we can take the appropriate steps to ensure that the guilty are punished to the full extent of the law and to further ensure that the United States is not subsidizing such crimes.

What I do understand clearly, however, is that it would be a mistake to cut aid today. What would it say about the word of our Government if we cut aid now. What kind of a signal would it send to our friends throughout the world that when a democratically elected ally of our Nation comes under attack from a violent Communist force bent on overthrowing the Government and waging war on the population, we turn our tails and run.

That is not the signal that I want to send, and I believe it is not the signal that the people of this Nation want to send. I urge my colleagues to stick by our commitment to support democracy in this hemisphere and throughout the world and I urge them to oppose this misguided amendment.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I wish to yield such time as he may desire to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, let me quote at the outset of these remarks from the testimony of Bernard Aronson, Assistant Secretary of State for Inter-American Affairs, given before the Foreign Relations Committee last Friday, November 17. Secretary Aronson said:

The purpose of the military offensive the FMLN launched November 11th late in the evening in San Salvador was to decapitate the elected government of El Salvador. In the early hours of the attack, the guerrillas attempted to assassinate the four senior elected officials of the Cristiani government, the President and his Constitutionally designated successors: the Vice President, the First Delegate and President of the National Assembly. That would have been the equivalent of murdering the President, Vice President, Speaker of the House, and President Pro Tem of the Senate here in the United States.

The FMLN had set in motion a simultaneous operation to kill the members of the high command of the Salvadoran military early in the offensive. While these attacks

were going other FMLN units were poised to seize Ilopango Air Force Base, thus neutralizing the Salvadoran airforce and any resupply capability.

The purpose of the FMLN offensive, which involved from 1,600 to 2,000 combatants, was to take total power; not to strengthen the FMLN's negotiating position. Had they succeeded, there would have been no struggle for democratic space in El Salvador or effort to expand the rule of law or fight for human rights. Instead, another ally of Cuba and Nicaragua, holding power with Soviet bloc weaponry, would have been firmly entrenched in Central America.

The rocket propelled grenades, mortars, AK-47 rifles, grenades and other weapons of war used in this attack have been shipped to the FMLN over the last year in increasing numbers by Cuba through Nicaragua. The truck captured in El Espino on the Honduran border on October 18 is one of many such weapons loads that Nicaragua has trans-shipped to El Salvador over the last year by sea, air, and overland. The truck contained more than 300 rifle grenades, 800 mortar shells, Soviet-made grenades, FMLN urban commando instruction booklets, ammunition, assault weapons and more. Its driver claimed he had been making that run since August 1988, loading weapons in Managua. The State Department also has evidence of senior FMLN comandantes being trained this year inside Nicaraguan by Nicaraguan armed forces personnel on makeshift mortars, such as those that were used in the unsuccessful October 30 mortar attack on the Estado Mayor in San Salvador which killed two civilians and wounded fifteen others. The high command of the FMLN, its top comandantes, have been in Managua throughout this attack helping to direct offensive operations.

The FMLN attack did not succeed for two reasons. First, because the Salvadoran people refused to rise up as the FMLN called upon them to do, just as they refused in January 1981 when the FMLN launched its earlier "final offensive." The people of El Salvador do not want to be ruled by the Marxist elites of the FMLN; as they have proved every time they have been permitted to vote in a free election, five of which have been held in the past 7 years, the people of El Salvador want democracy and peace and economic dignity.

The FMLN attack also failed because the Salvadoran government and armed forces responded quickly, and effectively when the attack was first launched. That is due both to President Cristiani's leadership, the growing professionalism of the armed forces, and also to the training and capability they have developed with U.S. assistance.

The FMLN offensive soon degenerated into a strategy of taking civilian hostages and holding population centers hostage. Instead of capturing airplanes and holding passengers hostage, the FMLN took housing projects and private homes, many in the poorest neighborhoods of San Salvador. They forced residents to dig trenches and erect barricades. They used civilians as their shields. I saw an FMLN spokesman bemoaning the loss of civilian lives in these attacks. If this was a better term than rank, cynical hypocrisy for that kind of statement I would employ it; it is the FMLN's strategy to put civilians at risk and dare the government to liberate their territory, knowing that civilians will die and suffer in the process.

During the offensive the FMLN over-ran the hospital at Zacatecoluca, first killing the security guards, then shooting wounded Salvadoran soldiers, and then blowing up the fourth floor of the hospital. There have also been persistent reports of summary executions by the FMLN of family members of the armed forces.

Mr. President, no one supports the wanton violence in El Salvador, whether it comes from the left or the right, from the military or the FMLN. No one wants to see a continuation of the misery, poverty, human rights abuses, and the mass exodus of Salvadorans from their country. Everyone wants to see the murderers of Father Ellacuria and his colleagues brought to justice and punished. Everyone wants El Salvador to institute a system of justice that has been absent in that beleaguered country. Everyone wants a restoration of civility, order, and peace so that Salvadorans can go about their business of leading normal lives again. But, Mr. President, very little of this can happen without a cessation of hostility and an end to the civil war that has ravaged El Salvador for more than a decade.

Now the opponents of the Government in El Salvador want to punish the government for human rights abuses that have been provoked by the FMLN. They want to place the blame of the recent round of violence squarely on U.S. military assistance, but that places the burden on the wrong source. They want to fence 30 percent of this assistance until there is a satisfactory judicial response to the brutal assassinations of the six Jesuit priests. I want to see a legal response too. President Cristiani wants that. He immediately denounced the killings and dispatched a special investigative unit to the scene of the crime to gather evidence. He invited a United States forensic team to assist in the investigation and they have been in El Salvador since last week. He publicly vowed to prosecute those responsible for the crimes.

But, what sanctions does this amendment place on the FMLN who launched this offensive and precipitated this round of violence? Where is the outrage and the condemnation of the FMLN? Instead of bashing the 6-month-old government of President Cristiani, we ought to be putting our energies into mobilizing the international community, including Central American countries who have been so forceful about the Contras, to apply pressure to bring about an end to this senseless conflict. Only then can democracy grow and the economy have a chance to develop.

The Senate and the House have already spoken decisively on this issue. The conferees struggled over assistance to El Salvador and decided to give the Cristiani government the benefit of the doubt. That was the correct decision. This amendment would be in direct defiance of the collective judgments in those decisions.

The Foreign Relations Committee held a hearing on Friday to discuss the current FMLN offensive in El Salvador and the violence and killings taking place there. It seems clear that the FLMN launched these attacks first to assassinate the leadership in the civilian government.

The El Salvadorans were outraged. We would be outraged if our President, Vice President, Speaker, and President pro tempore were targeted for assassination with a very good chance of an enemy getting that job done.

The FMLN had a second objective in mind. It seems clear also that the FMLN strategy was designed to provoke the military or the rightwing thugs to commit highly visible human rights violations. It is profoundly tragic that someone so reacted, although we just do not know who is responsible at this point.

It may have been the military. It may have been rightwing thugs. It may have been freelancers of the left or the right. It may have been leftwing thugs. We do not know yet. The strategy of the FMLN is, of course, intended to convince the Congress and the American people to limit or terminate United States military assistance to El Salvador because they know they cannot win a military confrontation against the Salvadoran Armed Forces, but they could win on the political front that which could not be gained in a free election or on the field of battle.

Fencing off these funds with this amendment sends a negative signal to the Cristiani government at a very crucial time. Is that what we want to do?

Mr. President, of course, we do not want to send that kind of a signal. But there is a well-orchestrated campaign underway to do that here in Washington and elsewhere. What the proponents of cutting United States assistance cannot do is to simultaneously act to terminate military assistance to the FMLN, much of which comes from Nicaragua and Cuba.

If termination of those arms were possible, as the five Central American Presidents called for at Tela, a comprehensive reduction of military assistance on both sides might have a salutary effect. But what the opponents of U.S. assistance are saying now is that only one side should unilaterally disarm. In my judgment, that would have tragic implications for the people of El Salvador and its history.

Those consequences lead to one of two results, both of which are unintended and tragic. The military advantage would soon shift to the FMLN, who have shown no respect for human rights themselves. Urban terrorist strategy is testimony to that. We would see more violence, not less, if we

disarm the government of the country. More likely, the rightwing terrorists would see the situation as short term and unleash an all-out attack on their opponents. If that is true, we would be helping to create the very situation we hope to avoid. We would be creating an incentive to killing and terrorism. We saw the reaction when U.S. assistance was cut off in Guatemala several years ago. The killing increased dramatically after military assistance and our surveillance was cut off.

Mr. President, this is a critical decision that should be carefully weighed tonight. We ought not to accept this amendment in a fit of pique over the President's veto because the consequences in El Salvador are potentially disastrous. I personally will urge President Bush and Secretary Baker to communicate with the Salvadoran authorities with regard to human rights. Their attention should be essential to our continued military support. I am certain other Members of this body will choose to do the same. Whether the rightwing thugs know it or not, if they are responsible, they are major allies of the FMLN, and by committing murder and kidnapings, as they have done, they strengthen the case for the FMLN.

But, Mr. President, if President Cristiani is going to be successful in this effort to reduce human rights abuses and bring the murderers of the Jesuit priests to trial, he will need more and not less support on our part, military and economic assistance. We cannot and we should not back down on him. We should not back El Salvador into a corner and simply hope for the best. That strategy will not work. I urge the defeat of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time does the Senator need? I yield 5 minutes to the distinguished senior Senator from Rhode Island.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. PELL. I thank the Senator from Vermont. I remember the last time I was in El Salvador was with the distinguished sponsor of the amendment, the Senator from Vermont [Mr. LEAHY]. On our way to the airport, we passed two dead bodies, separated by a distance of a few hundred yards. The disregard for human life in El Salvador is difficult to comprehend. These two bodies—I will never forget it—were just lying there and people around them were rather nonchalant, not paying much attention to them. That left a tremendous impression on me. What we see now is a necessity to see a plague on the right, a plague on the left, a plague on the whole temperament that disregards and devalues human life.

I fully support this amendment, which is a product of the outrage felt by this body, as well as by the American people, in response to the brutal slaying of the six Jesuit priests and the two employees at the University of Central America. The killing of Father Ellacuria, the rector, the vice rector, and the head of the university's human rights office, along with the other three priests, were vengeful and dastardly acts apparently intended to silence human rights activity in El Salvador, as well as those who have worked for social justice in that war-ravaged country.

This amendment will assure that the Government of El Salvador will conduct and conclude an investigation of the murders of the six priests. It will pressure the government to arrest and bring to justice those who ordered and carried out the murders. The amendment will send a strong message to the Government and Armed Forces of El Salvador. The people of the United States, and I know particularly in my own State of Rhode Island, are not willing to send vast sums of money for military assistance while the Salvadoran military and security forces are at the same time violating the human rights of their own people; while innocent people are being massacred in the name of anticommunism.

President Cristiani will have to exert greater authority over the military and security forces so that the perpetrators of these vile acts will pay for their crimes; so that abuse of their own people will end. Furthermore, the military will be put on notice that continued abuses will put at risk the rest of the military aid that we now send. This message must be sent. The amendment should be adopted. We all hope the trust that President Cristiani will truly come to occupy the center, as did President Duarte. He has to seek to bring to heel both the animals of the extreme right and, yes, the animals of the extreme left, as they continue to disregard human life. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KASTEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Wisconsin has 20 minutes. The Senator from Vermont controls 12 minutes.

Mr. KASTEN. I yield 5 minutes to the Senator from Virginia, Mr. ROBB.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBB. Thank you, Mr. President. I will not use the 5 minutes. I thank the Senator from Wisconsin. I had planned to make a more formal speech this evening. I have listened to many of my colleagues discuss the issue and, Mr. President, I am very much concerned. I was just speaking with the Senator from Iowa, who has been speaking very forcefully and eloquently in favor of the amendment, which would have the effect, I believe, of sending a message that would not serve our long-term best interest.

I have to confess that I find nothing inherently wrong with the amendment itself, but I think that the timing is going to have the effect of giving the FMLN a victory or success when they have been unable to achieve it in El Salvador.

The effect, I am afraid, of the amendment will be to sent a message that, if you do create the kind of internal anarchy that they have succeeded in creating in El Salvador and provoke an overreaction from the right, as they apparently have done, that you force the United States to withdraw its support for President Cristiani and his government at precisely the time they most need some indication of support from us.

I am very troubled by the events that have transpired in the last few days, particularly the murder of the six Jesuit priests and the two who assisted them. I am very much troubled by the inability of the Salvadoran army to gain control over its own forces. I have spent time in that country on many occasions, there are no easy answers. But I am convinced that President Cristiani wants to succeed, wants to bring about the kind of human rights reform that he has publicly committed himself to doing. And that if we send this message at this time, it will have the effect of cutting off support for him and reinforcing those on both extremes, both on the right and the left, neither of whom have given any indication of support for the basic human rights that this country is hoping in this particular case to support.

So I am going to oppose the amendment, not because it is a bad amendment, not because it should not be revisited thoroughly, but because I think it is the wrong time, and it will send a message to the FMLN that they can succeed by simply creating this kind of disruption in the United States and we will be, in effect, choosing one of the two extremist forces rather than sticking with the political center which has been our long-term objective.

Mr. President, I plan to vote against the amendment, but I do want the sponsors of the amendment to know that I share very much their concern, and I think the course of action they outlined may be one that the administration is going to want to follow in the near term. But I do not think this is the way to go about it.

Mr. KERRY. Will the distinguished Senator from Virginia yield for a question?

Mr. ROBB. I will be very happy to yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I would ask the distinguished Senator—I lis-

tened to his comments carefully—he made the comment that this amendment would in fact not signal support for President Cristiani. I wonder if given the fact that one of the problems in El Salvador that we could actually cope with is the problem of death squads and of those within the military who do not adhere to President Cristiani's advice and counsel and authority, how he feels no attachment provides any leverage whatsoever for President Cristiani to be able to say to them, behave differently from the way you behave now?

Mr. ROBB. Mr. President, I say to the Senator from Massachusetts, I think the very fact that we are debating this particular amendment at this time, and as one who has supported our own Goverment position in that particular area but has given a number of warnings to both President Cristiani and others in the government, that they would be held to a very strict standard, that simply now is not the time to send that particular message. I am concerned because I think that President Cristiani wants to succeed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Mr. President, I yield 1 minute to the Senator from Washington State.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. I rise this evening to express my strong support for the amendment proposed by the distinguished chairman of the Senate Foreign Operations Appropriations Subcommittee, Senator LEAHY. This amendment sends the right signal at the right time to the leaders of El Salvador.

As I stated this afternoon, I don't believe we should spend even one more American dollar on military aid to El Salvador until we have been provided with clear and unequivocal proof that our assistance contributes to peace, not war; and to national reconstruction, not to death and destruction. Mr. President, the tragic events in El Salvador over the last week clearly indicate that the decade-old war continues to ravage this country. How much longer will we pursue this ill-advised foreign policy in El Salvador? How many more innocent people must die before the United States stands up and takes responsibility for our role in the bloodletting?

I have listened carefully this evening to my colleagues on both sides of this issue as they voiced their opinions on continued military aid. I share some of the views and oppose others. While there have been significant differences of opinion as to what our response should be, there are no differences of opinion that the road to peace will not be through conflict, but through negotiation. I submit that the only way we can begin down the road to negotiation is to vote for this amendment and require the Government of El Salvador to fully investigate and bring to trial those responsible for the brutal slayings of the six Jesuit priests.

Mr. President, this amendment may not be agreed to tonight, it is my sincere hope that it will, but should it be defeated, you can be assured that I will continue to fight for a responsible United States policy in this country; even if that means stopping all United States military aid to El Salvador.

Mr. President, I heard several times today people say that several Senators had spoken about things of which there was no evidence available. I particularly have been outraged since 1981 in the case of the murder of Mark Pearlman from my State, where there was not only evidence that the people who pulled the trigger were placed in jail, but those people were released as part of an amnesty program and those who ordered the killing were not ever prosecuted.

This has gone on for years and years, and I agree with those who state that this is the only way that we can affect policy. The question is, Will we continue on the course we have. I agree with the Senator from Vermont. He stated it very well, that our purpose here is to indicate a change in policy by the United States is needed. I support the amendment and will vote for it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. KASTEN. Mr. President, I yield to the Senator from Florida. I said I was going to try to yield him 5 minutes. I would like very much to yield 4 minutes because I now have a couple extra people. I yield the Senator from Florida 4 minutes.

Mr. MACK. I thank the Senator for yielding.

What we are witnessing in El Salvador is an attempt by the guerrillas to impose by force what they had been unable to accomplish at the ballot box. We ought to ask the question really, what factors led to their decision to begin this offensive.

I think it is rather interesting to read the Washington Post story today that indicates the first reason was because of the perception that Cristiani was winning the war for international public opinion by capitalizing on the peace process begun in September.

The second point that was made—and these points, by the way, are being made by a commander in the guerrilla forces—was the decision that the war could never be won if the rebels continued fighting essentially a rural conflict.

Then, asked the question, what were they trying to accomplish? It is clear that what they were trying to do was eliminate or decapitate the Cristiani government. There were efforts to kill the President, the Vice President, and, to put it in language that we would understand, both the Speaker of the House and the President pro tempore. In addition to that, their attempt was to take over control of the airport and to try to eliminate the military high command.

Mr. President, they have failed. I think it is important to ask the question about why they have failed. I point out two reasons.

One is because I think the Cristiani government was better prepared to deal with the offensive and, second, and probably more significantly, the failure on the part of the populace to support the rebel movement.

I think the population of El Salvador has indicated over and over again their desire to try to solve their problems through the democratic process and have, in fact, elected two presidents coming from two different parties where there was a peaceful transfer of power.

I think what we are seeing, frankly, is an act of desperation on the part of the guerrillas. We hear this discussion about death squads. The single largest death squad in El Salvador today, in fact, is the guerrillas.

I am sure that all of us have a sense of disgust at what we saw with respect to the killing of the six Jesuit priests. I have a sister who is a Catholic nun. My sister Susan is deeply concerned, as many of us are, about the well-being of people not only in this country but around the world; the church is known for its participation in trying to assist the poor.

I tried to figure how I would react if the news had come that my sister had been killed such a way, and I would have expressed deep outrage. But I ask myself the question, where have all these individuals been who have expressed outrage at these killings when we have seen the FMLN involved in the killing of 12 mayors in El Salvador, threatening 214 of the 262 mayors? How about the death of Maria Casanova, the daughter of the Air Force colonel? She was killed on October 17. I can go on and on and name a number of individuals who have been killed—the attorney general. Where was the outrage then?

There are other individuals, and I am sure other speakers will name those who have been killed and those who have been wounded by the FMLN.

The Cristiani government is responding. President Cristiani has expressed his outrage and called these acts barbaric. He is going to aggresively pursue those who are involved.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. MACK. If I may have 30 seconds additional time.

Mr. KASTEN. We are down to 11. If the Senator could complete his thoughts as quickly as he can.

Mr. MACK. Mr. President, to withdraw the aid today would in fact be a reward to the guerrillas, to the terrorists. It would be rewarding them for their activities and encouraging them to carry out similar acts. It would be a mistake to adopt this amendment.

Mr. KASTEN. Mr. President, I yield 2 minutes to the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, A series of terrible tragedies have taken place recently in El Salvador.

The decision of the FMLN rebels on November 11 to launch an all-out offense against the Salvadoran people made clear that the recent peace talks were a sham. We know now that the entire time negotiations were going on in September and October, the FMLN was mapping out its plans for this bloody siege.

Also extremely troubling is the rebel strategy of using the civilian populace as a shield against a government army counterattack. This is a deplorable and cynical tactic which, again, seriously calls into question the FMLN's commitment to a peaceful El Salvador where the rights of all Salvadorans are respected.

El Salvador is under siege, and civilians have been caught in the crossfire. Ambassador William Walker, in my view, has been doing an outstanding job of communicating to Salvadoran President Alfredo Cristiani that the army should exercise extreme restraint in areas where there is a risk of civilian casualties. The army's air attacks, although effective against FMLN forces, also demonstrate an atrocious disregard for innocent lives. I have been in touch with the State Department to urge that Ambassador Walker keep the pressure on the Government of El Salvador.

Now, both the Salvadoran and American nations have been rocked by the ghastly murders of six Jesuit priests and two female employees at the University of Central America.

I am sickened by this brutal, cold-blooded act, and wonder what kind of things could do such a thing.

I join Ambassador Walker and Assistant Secretary of State Aronson in calling for an immediate and thorough investigation into the execution of these scholarly and peaceful individuals, and hope for swift justice for those implicated in this horrible crime. I further join them in pressing for an immediate resumption of negotiations between the Salvadoran Government and the FMLN guerillas.

This tragic series of events leads us inevitably to revisit the question of whether the United States should continue to send military aid to President Cristiani's government.

In my view, this is an extremely serious question. Even though we are trying to complete Senate business today in an attempt to adjourn sine die, our relationship with El Salvadors deserves careful discussion today before we go.

I have brooded over this issue, Mr. President. The violence in El Salvador seems out of control, and the ugliness there seems to defy solution. The senseless deaths of Jesuit priests who advocated peace talks has pushed many U.S. policymakers to the brink.

It would be easy, even gratifying, to vote today to take a step back from the situation in El Salvador. Washing our hands of this bloody mess would give us a pleasing sense of moral accomplishment, at least for a time.

But what would voting for this amendment really accomplish? Would it increase chances for a negotiated solution to the conflict? I don't think so. Would it lead to a cessation of the bloodshed? I don't think so. Would it strengthen the position of moderate forces against the violent extremes of the right and the left? I don't believe anyone thinks that.

After much thought, I can only conclude that disengaging ourselves from the Salvadoran Government will not accomplish the important goals that this amendment sets out. I fear that backing off from our commitment to the duly elected Cristiani Government—which to my knowledge has not been implicated in the heinous murder of the priests—instead would strengthen both the right wing death squads and the leftist guerrillas as they attempt a violent solution to El Salvador's terrible problems. It would weaken the influence of our very able Ambassador as he states very forcefully the case for negotiation and for restraint.

I am not comfortable that we can be certain about the outcome of any step we take right now. But I do have serious misgivings about this amendment, and just think it would do more harm than good.

It therefore is my belief that we should not adopt it.

Mr. KASTEN. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator controls 11 minutes, and the Senator from Vermont controls 10 minutes.

Mr. KASTEN. I yield 4 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. McCAIN. Mr. President, last week I called the appalling slaughter of six Jesuit priests, their housekeeper and her daughter a "wretched offense against all humanity." A civilized government, I claimed, would apprehend and punish the criminals who committed this atrocity. Mr. President, I want to again express my disgust over these killings. Every American should condemn the despicable actions of men who live their lives without regard for the values that should define modern societies—respect for human life, for the dignity of man. These murderers, whoever they are, consciously reject the belief that it is respect for human rights that has advanced civilizations beyond the dark ages. By their actions, they have made themselves less than animals.

Mr. President, there are no circumstances in any country—no repression, no war, no poverty—that excuses their criminality.

However, Mr. President, we cannot allow our contempt for these killers and our horror over their bloody handiwork to confuse us about the causes of this most recent chapter in the Salvadoran tragedy and thus provoke us into narrowing our commitment to relieve the suffering that Salvadorans presently endure. By being clear about the causes of the climate of violence that grips El Salvador today we do not excuse the killers of Father Ellecuria and the others. On the contrary, we are trying to broaden our indictment to include all those elements in Salvador who serve their causes, whatever they are, with terror and violent coercion and consequently helped to hold the guns that shot six poor priests, a mother and her daughter.

Mr. President, though we do not know conclusively, I know like many others assume that the murders were committed by members of the Salvadoran violent right. They are the killers that occupy a position so far out on the rightwing fringe of Salvadoran society that they have joined in a symbiotic relationship with the killers of the FMLN. They have joined in an alliance of necessity with the FMLN and with terrifying consequences for the rest of El Salvador. The rest of El Salvador—from President Cristiani to leftist politicians who participate openly in the democratic process—from the children of honorable Salvadoran public officials to the children of poor campesinos—from the unfortunate Salvadorans who are trapped in the densely populated neighborhoods to which the FMLN brought war and terror to the humble altars of the church where service to mankind is repayed with torture and murder—the rest of El Salvador, Mr. President, is trapped between the twin creeds of the extreme left and right, the creeds that teach their adherents to express themselves politically with violence, the creeds that preach contempt for human life.

The FMLN realizes it has lost the war for El Salvador militarily. Recognizing that they have lost the war on

the ground, the FMLN adopted a final desperate strategy to reverse their failing military fortunes. They now seek a political victory and have elicited the support of far right death squads in a partnership of terror. Mr. President, the FMLN has been employing the elements of this strategy to finally and decisively undermine the beleaguered democracy of El Salvador for months, even years. They began the process by soliciting significant increases in military support from thier patrons in the Soviet Union, Cuba, and Nicaragua. They continued by building up their network of front organizations in San Salvador and the other urban areas presently under siege. Next, they undertook a systematic program of assassinations that took the lives of 12 Salvadoran mayors, of the governor of Usulatan, of Francisco Peccorini, a 75-year old American citizen of Salvadoran descent, of the young daughter of one colonel in the Salvadoran Armed Forces and the 72-year old father of another.

Mr. President, I have a longer list of other victims of FMLN terror and ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FMLN ASSASSINATIONS OF GOES OFFICIALS AND CONSERVATIVES

In the year ended March 1989, the FMLN killed 12 mayors and threatened 214 of the 262 mayors in El Salvador.

The governor of Usulutan was executed in January 1989.

The FMLN wounded the 75-year-old mother of the Minister of defense in January.

Miguel Castellanos, a former guerrilla who renounced violence in 1985, was killed on February 16.

Francisco Peccorini, a 75-year-old American citizen of Salvadoran descent was killed on March 15.

Carlos Ernesto Mendoza, editor of a conservative intellectual journal, lost his arm in a bomb explosion on April 5.

The FMLN has attacked the home of Legislative Assembly President Ricardo Alvarenga three times: March, May, November.

Attorney General Garcia was assassinated on April 12.

The FMLN bombed the house of Vice President-elect Merino on April 14.

Minister of the Presidency (the equivalent of White House Chief of Staff) Jose Rodriguez Porth, 73, was killed on June 9.

Fire Chief Colonel Robert Armando Rivera was gunned down outside his house on June 25.

Rightwing ideologue Edgar Chacon was assassinated on June 30. His assistant, Guillermo Payes, was killed on July 19.

The 72-year-old father of 3rd Brigade chief Colonel Vargas was wounded in a September attack.

On October 10, Elvira Sanchez de Fuentes and Oscar Rene Fuentes, the wife and son of a newspaper editor Luis Fuentes Hernandez, were assassinated.

Maria Isabel Casanova Porra, daughter of an ESAF colonel, was killed on October 17.

The FMLN sought to kill Cristiani, VP Merino, the First Delegate, and Alvarenga on November 11, as the offensive began.

Guerrillas assassinated two wounded soldiers in the Zacatecaluca hospital on November 13.

Mr. McCAIN. Mr. President, the last stage of the FMLN strategy was the military offensive that exploded in San Salvador last week. Under the pretext of a rise in rightwing violence—which they had worked industriously to provoke—the FMLN brought the terror of the war back to the poorest neighborhoods of the cities and villages of El Salvador. Mr. President, let's be clear, the FMLN did not resume open hostilities either in response to renewed death squad activity or as a ploy to improve their negotiating position in the next round of cease-fire talks. The FMLN planned this offensive before the last cease-fire negotiations were begun. The offensive began with assassination attempts on President Cristiani, other leading officials of his administration, and the military high command. Clearly, this offensive didn't spring full-blown from the FMLN's indignation over right wing violence or their disappointment over the lack of progress toward a permanent cease-fire.

The FMLN were quite confident that they could provoke the death squads back into operation. So sure were they of their ability to again forge an alliance with their brother terrorists on the right that they began infiltrating commandos into San Salvador 2 months ago. Now, with the murder of Father Ellacuria and the other Jesuits, their housekeeper and her daughter, the FMLN's desperate strategy is exactly halfway to total success.

Mr. President, the FMLN has indeed coaxed the rightwing extremists back into operation. And the brutal consequences have succeeded in achieving the FMLN's first objective—to blind the rest of the world to their persistent campaign to reverse Salvadoran democracy with a violent expression of rightwing political intolerance. The FMLN sought and, judging by the proposal we are now considering, has at least partially achieved the distraction of the United States away from our dedication to support democratic institutions and practices in El Salvador and focusing our attention only on the violence of the right. The FMLN now expects that the United States will confuse our support for freedom and democracy in El Salvador with support for death squad terrorism. Mr. President, they are so confident that they will achieve this political victory that they have risked virtually everything militarily.

But I think that the FMLN have this time overplayed their hand. I do not think most Senators or the people we serve will accept that our support for the fledgling democracy in El Salvador is tantamount to support for right wing violence. Most of us recognize that the FMLN has refused to discontinue the violent pursuit of political objectives, it is the FMLN that has rejected peaceful elections as a means to promote their political fortunes, it is the FMLN that has brought the war to the poorest of Salvadorans, it is the FMLN that deliberately, with cunning, brought El Salvador back to the brink of destruction. They have revealed the measure of their contempt for democracy and their disregard for the suffering of their countrymen—it is absolute.

And now some Senators ask us to help the FMLN do what it has been unable to do as of yet—bring an end to the aspirations of Salvadorans for the peaceful, free pursuit of a better life. They resumed the war, they encouraged the return of the awful terror of the death squads, they carefully orchestrated the wretched climate of violence and the siege of democracy that El Salvador is again forced to endure. And now we are asked to accept that our support for democrats and democracy in that troubled country has been misguided and should be terminated in part or totally. No, Mr. President, I will not participate in the weakening of our resolve to support freedom in this hemisphere.

President Cristiani is a good and decent man, who reveres the democratic values we have sought to promote in El Salvador. He has pledged his determination to bring these killers to trial and punish them to the fullest extent of the law. I for one will take the word of this good man. He like other Salvadorans is trapped in that carefully constructed vice of political intolerance. And I do not intend to assist in abandoning him or any other Salvadoran to one or the other antidemocratic extremes.

No, Mr. President, by withholding part of our assistance to El Salvador we are assuredly not promoting our national values. On the contrary, we are helping to ensure that those committed adversaries of democracy—on the right and left—can continue their violent campaign to undermine the democratic experiment undertaken at such great cost in El Salvador over the last decade.

Mr. President, freedom will eventually triumph in El Salvador. The FMLN has gambled on this last attempt to reverse the progress of democracy. We will not reward their cynicism and cowardice. Their purposes are antithetical to ours and we will not serve them. We will not perpetuate the suffering of Salvadorans. We will not deprive them of their place within the community of free nations. We will endure the trials of the moment and stay focused on our only objec-

tive—the success of liberty in El Salvador.

Mr. LEAHY. Mr. President, I yield myself 4 minutes.

Mr. President, this amendment is patterned on the amendment by the Senator from Pennsylvania [Mr. SPECTER] in 1983 relating to the murders of the four American churchwomen. Because of that amendment, and I believe only because of it, the Salvadoran National Guardsmen who fired the fatal shots went to jail. Regrettably, the men who gave the orders still walk free, the beneficiaries of a judicial system under the thumb of the military.

This amendment will fence 30 percent of United States military assistance to El Salvador in fiscal 1990 until an investigation of the murdered Jesuits and the two women is completed and those responsible for this outrage have been brought to trial.

All the Salvadoran Government has to do to get its military aid is carry out a real investigation and bring to trial those who did this horrible atrocity. No more stalls and coverups, like in the murder of Archbishop Romero, the American labor advisers, the American churchwomen, and many other murders.

Those of us who are offering this amendment believe the murders of the Jesuits and the two women demands no less of the Senate than when we adopted the Specter amendment fencing military aid in the case of the American churchwomen.

Mr. President, I ask unanimous consent that an article from the Philadelphia Inquirer, dated November 18, 1989; that an article from the Baltimore Sun; and an article from the New York Times of Monday, November 20, 1989, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Nov. 18, 1989]

SALVADOR ARCHBISHOP BLAMES MILITARY

(By Mark Fazlollah)

SAN SALVADOR, EL SALVADOR.—Archbishop Arturo Rivera y Damas charged yesterday that paramilitary units working with the armed forces—or the Salvadoran army itself—assassinated six Jesuit priests Thursday. Dozens of religious, academic and labor figures, fearing for their lives, went into hiding.

"The presumption is that they [the killers] are from the army," the archbishop told a news conference at the San Salvador archdiocese. "Though this moment it [government repression] is open," Archbishop Rivera y Damas said. "This moment is even more difficult."

He said he had little faith that the killers would be brought to justice. Although Archbishop Romero was killed nine years ago, he noted, no arrests have been made.

U.S. Ambassador William J. Walker, however, said yesterday he expected that the murders would be solved "within a few weeks" given the "large amount of evidence in the case."

Walker offered protection to any citizens who might provide information, and said that he was confident the miliary-run police would be able find the culprits, even though initial reports said the killers were about 30 men dressed in military uniforms.

In a separate news conference, Christian Democratic Party leader Fidel Chavez Mena echoed the archbishop's declarations, stating that "it would be difficult" for anyone other than the army to have killed the priests.

"There were tanks 100 yards away" from the site of the killings, Chavez Mena said. "It was during the state of siege."

The government imposed the state of siege, giving the police new powers and setting a dusk-to-dawn curfew, after the guerrillas launched, they could be from paramilitary units, the bottom line is that they [paramilitary and government troops] act together."

Fighting in the capital slackened significantly, six days after the leftist insurgents launched the biggest offensive of their decade-old war with the U.S.-backed government. But battles still were being fought in the northern neighborhood of Mejicanos, where a British journalist was fatally wounded.

The allegation of army involvement in the killings of the six Jesuit priests Thursday was viewed as exceptionally direct for the archbishop, who usually issues only tempered criticism of the armed forces.

He noted that on Tuesday the army sent troops to the campus of the Jose Simeon Caras University of Central America, where the priests lived and worked. Among the victims were university's rector, the Rev. Ignacio Ellacuria, its vice rector and the head of its human rights institute.

The archbishop also said that church officials recently had been the target of public attacks from rightists.

Talking later with a small group of journalists, he said Salvadoran church workers faced a more serious threat now than they did in 1980—considered the worst year of attacks on religious institutions.

In 1980, right-wing assassins murdered four American churchwomen, numerous Salvadoran religious workers and Archbishop Oscar Arnulfo Romero.

"If you ask me which time was worse, I would say now because in their offensive last weekend, setting off large-scale fighting in the capital for the first time in 10 years of civil war.

Chavez Mena said dozens of religious workers, labor activists, academics and political figures had gone into hiding. "We have the justified fear that the assassinations are the beginning of a series of actions against unions, labor groups and politicians," he said.

President Alfredo Cristiani's Nationalist Republican Alliance (Arena) considers church and labor groups supporters of the leftist rebels. Security forces yesterday raided the offices of the Emanuel Baptist Church, which operates aid programs across El Salvador and is supported by the Baptist Church in the United States.

It was the second raid in two days on a religious facility accused of sympathizing with the rebels. On Thursday, soldiers arrested 13 foreigners—including four Americans and a Canadian—at a refugee and center operated by the Salvadoran Lutheran Church.

One of those arrested was a New Jersey teacher and peace activist—Teresa Fitzgibbon, 53, of Trenton. According to Sen. Bill Bradley (D., N.J.), Fitzgibbon was part of a group of American, Canadian, and West German doctors and nurses providing care to refugees from the fighting.

Bradley called on the government of El Salvador to release Fitzgibbon. Later yesterday, Canadian diplomat Michel Gagne said all the foreigners were being released on the condition that they would leave El Salvador.

In the heaviest combat in the capital yesterday, warplanes and helicopters strafed and rocketed suspected guerrilla positions in the Mejicanos neighborhood on the northern edge of the capital. Ground troops pounded the area with mortar rounds.

Residents said the guerrillas, including several top rebel leaders, were holding the central market in the neighborhood and some buildings.

British journalist David Blundy was fatally wounded yesterday during the Mejicanos fighting.

Blundy, 44, reporting for London's Sunday Correspondent, and several other foreign journalists were walking along a roadway near the fighting, carrying a white flag. A single shot was fired, striking Blundy in the chest and piercing both lungs.

Blundy crumpled to the pavement and the others were unable to move him to a hospital for several minutes because the fighting prevented them from bringing a vehicle to the site. He died about four hours later at a local hospital.

It was not clear whether the shot that killed Blundy, who had extensive experience as a foreign correspondent, came from positions occupied by guerrillas or government soldiers.

The guerrillas appeared to have withdrawn from the nearby Zacamil apartment complex, where snipers for four days traded fire with government troops hiding in tall grass covering surrounding embankments. Most of the rebels were believed to have left Zacamil to support the main force of rebels in Mejicanos.

In Soyapango, a poor district on the capital's eastern fringe, guerrilla forces advanced after paratroopers weary from nearly a week of heavy fighting withdrew.

Hundreds of residents, many carrying white flags, others with empty plastic containers, walked the ruined streets in search of water or a few ounces of beans or bread.

"We have no water! We have no food!" dozens of people shouted in Soyapango, surrounding journalists. "Tell them to bring food and water!"

"We have nowhere to go," said Marcos Quintanilla, out looking for food for his family. "We're terrified by the bombardments. Tell them to stop bombing us."

FINGERPRINTS FOUND AT SITE OF SALVADORAN KILLINGS

(By John M. McClintock)

SAN SALVADOR.—Investigators have discovered "hundreds" of fingerprints in connection with Thursday's slaying of six Jesuit priests, according to reliable church sources.

The finding of the fingerprints is important because many human rights cases here are lost for lack of legal evidence.

The church sources are hopeful that the fingerprints will provide the key evidence in finding the killers of the Rev. Ignacio Ellacuria, the rector of the University of Central America; the vice rector; and the head of the university's human rights office.

Salvadorans are fingerprinted for drivers' licenses and for military and government jobs.

But the sources said that even if the evidence is clear that military men or extreme rightists were involved, it is doubtful that the government will act, given the sharp turn to the right that the guerrillas' stunning military offensive has prompted.

The Salvadoran attorney general sent a letter to Pope John Paul II yesterday requesting the removal of "bishops of the popular church" on grounds that "large sectors" hold them partly responsible for creating the atmosphere that led to the current rebel offensive.

Although the letter mentioned no names, he was thought to be referring to Archbishop Arturo Rivera y Damas and his auxiliary bishop, the Most Rev. Gregorio Rosa Chavez.

The archbishop said in a recent interview that those responsible for killing the priests were of the same stripe as those who killed Archbishop Oscar Arnulfo Romero in 1980.

Both of the bishops and some Catholic relief workers have been given round-the-clock protection since the priests were slain.

"We are witnessing the militarization of the government with the lunatic fringe of the right being given a free hand," said a diplomat from Western Europe. "It is doubtful that the military's state of siege will be lifted any time soon. They have adopted a wartime mentality, and the priests' case is a typical result."

About 30 men dressed in military uniforms killed the priests, a cook and a teenage girl early Thursday morning at a time when the university was surrounded by military check points.

The killers spent up to two hours searching bedrooms, a dining room and the kitchen, leaving behind fingerprints as they went. The prints are now in the hands of a U.S.-trained Salvadoran forensic unit capable of analyzing them.

Father Ellacuria was frequently the target of right-wing attacks for his championing of human rights and his backing of talks with the guerrillas.

In recent months, the university's publications office and press have been bombed, along with the gate to the priest' dormitory. No arrests were made in any of those cases.

U.S. Ambassador William J. Walker urges caution in blaming a particular group for the massacre.

Other U.S. officials noted that rebels of the Farabundo Marti National Liberation Front had much to gain by killing the priests and blaming it on the military.

"Up until that point, they had broken off peace talks and started an offensive that was condemned by world opinion," one official said. "Now the situation has turned around. The massacre dominates the news, and congressmen are talking about cutting off aid."

The United States gives El Salvador about $1 million a day in aid.

The killings marked the deep polarization in El Salvador since the Marxist-led FMLN launched its startling offensive eight days ago.

Yesterday, Guillermo Ungo, the former leftist presidential candidate, and two top lieutenants flew out of the country after spending several days in the Venezuelan Embassy. They had pleaded for government protection but sought diplomatic refuge when it wasn't provided.

Ruben Zamora, another leftist leader now in the Mexican Embassy, was expected to fly out of El Salvador soon.

Mr. Zamora, Mr. Ungo and his colleagues, all former leaders in the rebels' political front, returned to El Salvador in 1987 to test government promises of a pluralistic democracy.

Nearly all leftists politicians and trade union leaders have gone underground or sought refuge.

Churches have been raided and their foreign workers expelled from the country. Two U.S. human rights activists, being expelled from the country claim they were tortured and beaten by the Treasury Police.

Many diplomats think the Salvadoran security forces have been deeply embarrassed by the FMLN's ability to hold a professionally trained army at bay for eight days.

Even though the guerrilla offensive is clearly waning, the political result is that the government will effectively remain in the hands of the military and that President Alfredo Cristiani and U.S. concerns will be largely ignored, said the Western European diplomat.

"We are back to the days of the 1980s, when right-wing death squads were given a free hand," said another Western diplomat.

Though the offensive appears to have sharply diminished, the rebels still dominate a San Salvador community of 100,000 people and control large sections in the cities of Zacatccoluca and San Miguel.

An essential goal of the rebel offensive was to create a crisis within Mr. Cristiani's ruling National Republican Alliance (ARENA) which is broadly divided between extreme rightists, with strong ties to the military, and Mr. Cristiani's technocrats.

Comandante Facundo Guardado said in an interview Friday in the Mejicanos combat zone that the killing of the priests exposed Mr. Cristiani as powerless to control extreme elements within his party and the military.

"This is what we have been saying all along. He is no different than [former President Jose Napoleon] Duarte. Now the true colors of the beast are exposed," he said.

Almost no one thinks Mr. Cristiani or members of the pro-U.S. high command had a hand in the killings. But the high command, Mr. Cristiani and the United States, are being heavily criticized in rightist circles for the military's failure to crush the revolt immediately.

Salvador Bishop Links Military to Killing of 6

(By Lindsey Gruson)

San Salvador, Nov. 19.—The Archbishop of El Salvador said today that there was a "strong indication" that the six Jesuit priests shot to death last week were killed by members of the military or by people close to them.

The Archbishop, Arturo Rivera y Damas, whose predecessor, Oscar Arnulfo Romero, was assassinated in 1980 by gunmen linked to right-wing death squads, said in his weekly sermon that the killings "put our country in first place in terms of barbarity."

His remarks seemed to reflect the continuing state of mistrust, if not outright hostility, between the Government and the Roman Catholic Church, whose clergy is often sympathetic to the poor and opposed to conservative governments and the military.

LEFTIST REBELS ACCUSED

As if in reply, the Attorney General, Mauricio Eduardo Colorado, charged that leftist rebels were plotting to kill leaders of the Roman Catholic Church to destabilize the country. He warned the prelates to leave the country.

Although neither the Archbishop nor the Attorney General offered evidence to bolster his statement, the Archbishop's view on the priests is widely shared by Salvadoran and American officials. The Jesuits were killed on Thursday as battles raged between leftist guerrillas and the army for control of the capital and much of the countryside.

The volley of accusations came on a day when two United States military officers were spotted under fire at a battle site in Soyapango. The officers were dressed in army fatigues and camouflage and carried assault rifles, ammunition clips, commando knifes and side arms. They were traveling in a white armored Plymouth.

American officials said the men were military officers attached to the office of the United States Embassy's military attaché. They were reportedly seeking information about the extent of the aerial bombardment, and the embassy said they did not violate strict American guidelines prohibiting the 55 American military advisers here from becoming involved in combat.

OFFICERS "DID NOTHING WRONG"

"They did nothing wrong," a spokesman for the embassy insisted this afternoon. He added it was the embassy's "responsibility" to personally investigate widespread reports of indiscriminate aerial attacks on civilians by the United States-supplied armed forces.

The spokesman said it was an isolated incident. But rebel officials here and in Managua, the Nicaraguan capital, have repeatedly charged that United States military officers have been present at the battle front for most of the last week and have been helping to direct the counterattack.

Archbishop Rivera, in his homily, also criticized the rebel offensive, which began on Nov. 11, calling it "useless and unjustifiable." He added that the army's reponse was "excessive."

He said that as the guerrillas were withdrawing from the battlegrounds, "a dreadful wave of revenge, represssion and witch hunting may follow." He added, "The senseless 10-year war has been marked by monstrous violence."

Some 70,000 people have been killed in the war, most at the hands of rightist death squads. The Archbishop was asked about a letter that the Attorney General, Mauricio Eduardo Colorado sent to the Vatican calling on Pope John Paul II to remove the country's Roman Catholic bishops for their own safety. The letter said many Salvadorans thought that some bishops were responsible for fomenting unrest and guerrilla violence.

"Certainly," the Archbishop said, "I have received some terse threats that refer to my person."

'A SMOKE SCREEN,' DIPLOMAT SAYS

The Attorney General, who was educated in Jesuit schools and is charged with investigating the case, declined repeatedly to say how he obtained his information about the plot or what made him believe that it was accurate. Despite skeptical questioning, he insisted that the plot was credible.

But his assertions were dismissed by many here. "It's nothing more than a smoke screen," a diplomat said.

The charges came amid growing evidence of a rightist crackdown on church officials and affiliated lay groups. They are often accused by rightists of fostering Communism and aiding leftist rebels by politicizing the poor.

Two American religious workers, a Roman Catholic priest and a Lutheran pastor who have been working with the poor, today said they had received death threats and were leaving the country. And a group of reporters at a funeral Mass for the slain priests were approached by a man who said "they should have killed them all."

The Attorney General announced the purported plot during funeral services for the six Jesuits, who were tortured and killed before dawn on Thursday.

"If they kill me, I will be resurrected in the Salvadoran people," a black steel sign on the front wall of the chapel said.

Several thousand mourners pressed into a nearby auditorium for the funeral Mass. Hundreds more stood outside straining to hear the service. Most did not personally know the slain men, who have become the symbols of last week's savage violence. They came to mourn and pray for all of their dead countrymen, and for the future of this tiny country, which has been ravaged by a decade of civil war.

POPE SENDS CONDOLENCES

"I emplore that this sacrifice not be in vain and that it be the seed of fertile love in this martyred nation," Pope John Paul II said in a telegram of condolence read at the Mass.

The service was attended by President Alfredo Cristiani and his wife, Maguerita, the hierarchy of the Roman Catholic Church, the United States Ambassador, William G. Walker, a phalanx of security officials and most of the faculty of the Jesuit-run school. But even as the mourners rededicated themselves to peace, there was more savage fighting. Helicopters strafed and rocketed rebel strongholds in Soyapango, a working-class bedroom community on the eastern outskirts of the capital.

It appeared today that the guerrillas had been driven out of or were pulling back from many strongholds along the northern and northeastern periphery of the city. It remained unclear if the insurgents were retreating to prepare for a counterattack or whether, as the army claimed, they had been routed.

The capital's downtown returned to normal for the first time since the beginning of the rebel offensive, which set off the fiercest fighting in the civil war. A garbage truck began its daily rounds. "Your tax dollars at work," a sign on the freshly painted truck said.

Mr. LEAHY. Mr. President, there has been a lot of discussion here about who is more at fault, the FMLN or the government forces. That is really not the issue here. I have said over and over again that we have a situation in El Salvador where on the left killings are done in the name of liberation, and on the right they are done in the name of either freedom or the Lord. But it is the people who are in the middle—innocent people in the middle who are killed.

As I stated to the Senate once before, I recall speaking with a woman there whose husband and children had been killed. She had one child left, and she was in a refugee camp. I was there with the distinguished senior Senator from Rhode Island. She told me of her whole family being killed. I remember asking her, who did it? Those on the right or those on the left? She did not know. She made it very clear to me that you do not ask those kind of questions. I asked her whose side she was on, the left or the right? She said, "Neither side. All I want is to be able to go back to my land, raise food for my remaining child and live in peace."

That was several years ago, Mr. President.

Look at the tens of thousands of people who have died in El Salvador since then. We had an amendment similar to mine 6 years ago, sponsored by Senator SPECTER after the rape and murder of the four American nuns. We passed it. People actually were prosecuted. I am convinced they never would have had we not done that.

Over and over again when we see atrocities in El Salvador, we stand up here and wring our hands and say, next year, next year when that appropriations bill comes up we are going to start putting some teeth in it, and we are going to stand up to those people. But then year after year we say it is not the time. That if we act now it will be misunderstood.

Misunderstood? Mr. President, we send $1½ million a day, 7 days a week, 365 days a year down to El Salvador. What is understood? Are we a money machine just sending it down? Or should it be understood that the United States, the greatest democracy in history, says if it sends aid, it sends it because we want to encourage similar democracy, but contingent upon our deeply rooted belief in human rights, and our belief in the dignity of the individual. We are not doing that here.

We say next time, next time we are going to get angry. Mr. President, we have to ask ourselves, if we are unwilling to put strings on this money, strings that might in some way save the lives of people, how clean is this money? At what time does this change from being money that is truly aid from a great and generous nation, to money that turns into blood money when it arrives?

Let us finally after all these years say we will no longer tolerate the atrocities and we want some control over how our aid is used.

I yield 2 minutes, Mr. President, to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, let me add to my earlier comments a very disturbing report that I have just received.

Early this morning, the Salvadoran military security forces arrested 16 social workers in an Episcopal Church. That church sheltered about 200 refugees. Over the past 2 days, they also raided at least seven churches and schools.

Nine Salvadorans and seven foreigners were arrested and taken to the treasury police headquarters—although the treasury police refused to confirm they held any of them.

All those detained this morning worked in the church's social services program—including the director of the program, his wife, and a lay worker. The foreigners included a Canadian, a Colombian, a Guatemalan, and three people from Spain. A church worker said the foreigners would probably be deported.

In recent days, many other foreign workers have been arrested, including a dozen Lutheran missionaries.

The Episcopal pastor of the church raided this morning has gone into hiding.

According to the Archbishop of San Salvador, there were also raids on the Emmanuel Baptist Church and five Roman Catholic schools. Five Salvadoran lay workers were taken away from one of the Catholic schools.

These disturbing actions by the Salvadoran military are very troubling—especially in light of the brutal and vicious attack against the six Jesuit priests last week. The church in El Salvador has been one of the most eloquent and consistent voices of reconciliation and peace in that troubled land. We must ensure they do not again fall victim to the extreme elements responsible for so much bloodshed in El Salvador.

The amendment before us sends a crucial signal to the very forces that threaten the church in El Salvador. I urge my colleagues to support it.

I ask unanimous consent that the text of the Associated Press report detailing these developments may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GOVERNMENT CONTINUES CHURCH RAIDS AS COMBAT WANES

(By Candice Hughes)

SAN SALVADOR, EL SALVADOR.—Security forces arrested 16 social workers in a dawn raid Monday on the Episcopal church. Combat in a guerrilla offensive was reported continuing in only a few isolated areas.

Security forces raided at least seven churches or church schools Sunday and Monday in a backlash to the offensive that paralyzed the capital for a week.

Church workers and war refugees they sheltered were questioned and the buildings were searched for arms, ammunition and medicine, said church officials, workers and witnesses.

Salvadoran churches, especially those that work with the poor, are considered hotbeds of leftist subversion by the right and authorities suspect them of aiding or harboring guerrillas.

In Washington, President Bush said he opposed cutting off aid in response to the slayings Thursday of six Jesuit priests, which Archbishop Arturo Rivera Damas of San Salvador said appeared to be the work of the military.

The House of Representatives rejected an attempt to restrict the aid, voting 215-194 to keep the restriction from being added to a foreign aid bill.

Combat between guerrillas and the army was largely confined to the working class neighborhood of Soyapango. There was heavy fighting in Apopa, a town 12 miles to the north and about halfway along the retreat route for rebels returning to their strongholds on Guazapa mountain.

Although thousands were homeless, the capital appeared to be returning to normal. Stores, shops and other businesses were open and service stations were selling gasoline for the first time since last week.

The Farabundo Marti National Liberation Front high command said Monday the offensive had dealt the government political and military blows.

"The fascist beast is defeated politically and militarily, it is mortally wounded," the guerrillas said on their clandestine radio, Venceremos.

National Guard troops raided the Episcopal church just after the dusk-to-dawn curfew ended, a guard officer said privately.

The church, in one of San Salvador's most affluent neighborhoods, has sheltered about 200 refugees.

Nine Salvadorans and seven foreigners were arrested and taken to Treasury Police headquarters, said a church worker who would not let his name be used.

The Treasury Police refused to confirm they had anyone from the church in custody.

All those detained worked in the church's social services program, the church worker said.

He said the director of the program, Juan Antonio Luis Quinonez, his wife, Ana Rivera de Quinonez, and a lay worker, Francisco de Paz, were arrested Sunday in their homes.

The foreigners included Josphine Beecher of Lopez Island, Wash., a Canadian woman, a Colombian, a Guatemalan and three people from Spain.

The church worker said they probably would be deported. Other foreign workers, including a dozen Lutheran missionaries, have been arrested and expelled from the country in recent days.

The Rev. Luis Serrano, the Episcopal pastor, went into hiding, the church worker said.

In Washington, the Evangelical Lutheran Church in America, which has been active in humanitarian work in El Salvador, identified another as Marcela Rodriguez, a naturalized U.S. citizen.

The office of the archbishop of San Salvador said there also were raids on the Emmanuel Baptist Church and five Roman Catholic churches or schools.

The Lutheran Church was shuttered. Its bishop, Medardo Gomez, is an outspoken member of the national coalition seeking peace talks between the U.S.-backed government and the rebels.

Like many clerics, including Rivera Damas and the slain Jesuits, Gomez says nothing has been done to address the poverty, ignorance and misery that led to the decade-old conflict in this Massachusetts-sized nation of 5.2 million.

Such opinions are deemed subversive by some on the right.

Attorney General Mauricio Colorado blamed Rivera Damas and the auxiliary bishop for fomenting leftist violence through their "questionable ideology."

Rivera Damas' office said security forces had raided three other Roman Catholic churches La Maria de los Pobres, San Francisco, and San Roque on Sunday. It said there were raids on two Roman Catholic schools: Sacred Family and Emiliani. War refugees were being sheltered at each of the sites.

At San Francisco Church, five Salvadoran lay workers were taken away by soldiers, the parish priest said, refusing to give his name.

He said the soldiers accused the church of running a clandestine clinic for wounded guerrillas. The clinic is in an area held by the rebels.

"We don't make distinctions," he said. "We were taking care of everyone. Our work is humanitarian, Christian. We didn't ask who people were. But none of them had weapons."

Civilian casualties appeared heavy in the weeklong battle and many were treated in the neighborhoods were wounded because ambulances could not get into combat zones to evacuate.

Mr. KASTEN. Mr. President, how many minutes do I have remaining.

The PRESIDING OFFICER. Three minutes, 41 seconds.

Mr. KASTEN. I yield 1 minute to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I went to El Salvador to observe the election of the next President of that country. Thousands of people came out against not only threats of violence but to actually exercise their right in that democracy to choose their leadership, and they chose it overwhelmingly.

Mr. President, unfortunately, we do not hear much around here about violence and threats of violence on the left, only when it appears to occur on the right. We all abhor what happened to the priests. We are anxious to find out exactly what did happen.

I cannot think of anything worse, Mr. President, than to pass this amendment at this particular time undermining this freely elected government that took power in an orderly fashion and is trying its best to continue the movement of El Salvador toward complete and total democracy.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Who yields time?

Mr. LEAHY. I yield to the distinguished Senator from Massachusetts [Mr. KERRY] 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KERRY. If I can add very quickly to my remarks and adding to those of Senator KENNEDY, it is not just those workers for the Episcopalian church now under attack. It was also the Baptist, Lutheran, and as we have mentioned earlier, the Catholic Church.

Indeed, all of the churches in El Salvador are currently being harassed by the military, by the security forces, and I keep hearing my colleagues on the other side of the aisle say, well, this somehow weakens the hand of President Cristiani. How on Earth does it weaken the hand of the President of the democratically elected country that we are totally responsible for funding and supporting, to ask them to do the bare minimum that they ought to do under the law? What this permits President Cristiani to do is to turn to the members of the military, then he must purge and say to them that we must do this because, without it, there will be no funding to support the military whatsoever. Our very survival depends on it.

On the other hand, if it is just mealymouth words, as in the past, they will have free license to do what they are doing in the churches and to do what they are doing to the people of El Salvador. Moveover, I say, Mr. President, respectfully, that it seems to me, as well as to others, that this is the very least step that we can take to ask for some adherence to the standards.

Vice President Bush went down there in 1983 and delivered to them a list of people who he said must be purged from the military as essential to getting rid of the death squads. Today, as we debate this issue, those very same people remain in power within the government.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. It is imperative that we send a message to say things must change.

Mr. LEAHY. I yield to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I was shocked and saddened to learn of the savage torture and coldblooded murder of Father Ellacuria, the rector of the Catholic University in El Salvador, along with 5 other Jesuit priests, their cook, and her 15-year-old daughter.

The murder of those dedicated to peaceful change in El Salvador, and those who happened to witness that murder, is despicable and tragic. I know my colleagues join me in condemning this crime in the strongest terms. Father Ellacuria's role as an intermediary between the rebels and the Government on prisoner exchanges and other issues, and his advocacy of a negotiated peace in the decade-old civil war made him a widely respected voice of moderation and optimism in a war-torn country.

The vice rector of the university, the head of the university's human rights office, and three other high officials of the college, were also targets of this vicious, premeditated and grisly crime. The murders of their cook and her 15-year-old daughter who apparently found themselves in the wrong place at the wrong time only add to the tragedy.

Their deaths deal a crippling blow not only to those who knew and loved

these victims but to all who hope for a peaceful resolution of the conflict in El Salvador.

The latest atrocity caps days of violence in which hundreds in El Salvador have been killed and thousands more wounded. Innocent civilians have been caught between the Marxist guerillas willing to sacrifice innocent civilians, and the Salvadoran military, which has used overwhelming force to try to root out the guerillas from their strongholds among the civilian neighborhoods in the capital. Both sides must be condemned for their part in the slaughter and wounding of innocents. Both sides need to stop the killing and sit down at the peace table so that the bloodshed will end.

Mr. President, President Cristiani has ordered an immediate investigation of these horrible murders. But given past difficulties in El Salvador in investigating and prosecuting those responsible for other brutal murders, it is advisable to condition some of our military aid on such action. Because, despite the last 10 years of violence, despite the murder of Archbishop Romero and the 4 Maryknoll nuns, the two labor workers in San Salvador, and countless others, never has a military officer been successfully prosecuted for a human rights crime.

Moreover, although no one knows for sure who carried out these recent killings the circumstances suggest the involvement of the Salvadoran military, or those acting with its blessing. The murders were carried out by heavily armed men in an area that was under the control of the Salvadoran Armed Forces, during the hours when a curfew was in effect in San Salvador. Given these circumstances, President Cristiani will need to use all resources at his disposal to bring the perpetrators of this heinous crime to justice.

Mr. President, this crime, the ongoing slaughter occurring in the neighborhoods of El Salvador, and the rising tide of death squad murders only reaffirm the need for us to condition some of our aid on improvements in the human rights situation there. Earlier this year, I supported an amendment offered by Senator LEAHY to put some human rights conditions on our military aid. It was a modest approach. It withheld some of our military aid pending a review of the progress El Salvador was making in achieving a negotiated solution to the conflict and ending the human rights abuses. Although we did not prevail, I continue to think that that approach was the right one. I hope that it will prevail tonight.

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. Two minutes 27 seconds.

Mr. LEAHY. I yield myself such time as I may need.

Political and foreign policy issues come before this Chamber very often. Appropriations bills come here every year, and money issues are debated all the time. It is rare that the U.S. Senate gets to debate a truly moral issue. I feel, Mr. President, this is one of those rare times. This is indeed a moral issue. This body should be the conscience of the Nation.

Each Senator, each one of us must examine our consciences and ask how do we approach this moral question, which I believe transcends any political or foreign policy issue.

I do not question in any way the motivation or conscience of any individual Senator. But I would ask you what kind of a signal do we send with our foreign aid, what kind of a signal do we send to the rest of the world, if we do not put conditions on our foreign aid to a country where priests are tortured and killed and human rights are routinely abused.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. KASTEN. How much time do I have remaining, Mr. President.

The PRESIDING OFFICER. The Senator controls 2 minutes 33 seconds.

Mr. KASTEN. Mr. President, first of all, I share the outrage expressed by my colleagues over the senseless, brutal murder of six priests and two other innocent Salvadorans last week. That has been well expressed on the floor. This massacre should be condemned by all regardless of our political persuasion or views on the conflict of El Salvador.

I fear, though, however, that in an understandably emotional reaction to these murders we risk bringing further conflict and polarization to El Salvador. If, in our rush to condemn the murders, we restrict aid to the Government of El Salvador, we risk endangering further violence from the far left and the far right.

This vote tonight is going to send a clear message to the centrists in El Salvador, to the right and to the left of El Salvador. To the center, the message is this: If this amendment were to pass, the United States Congress has lost faith in the process of democratization in El Salvador. We have begun to withdraw support from your efforts to bring peace and justice to El Salvador.

To the far right and left, the message is this: There is no penalty for further violence. The FMLN, which is currently debating whether to send reinforcements into battle, will take the passage of this amendment as a signal to renew the conflict. The war between the army and the guerrillas will widen, and more innocent civilians will die. The death squads of the far right will realize that, with the army's aid threatened, they have nothing to lose by assassinating priests, nuns, and other innocent victims.

President Cristiani has pledged and I quote, "to conduct an in-depth investigation to punish the perpetrators of this savage action, regardless of who is involved."

Instead of seeking to punish Cristiani and others who want to see peace and justice in El Salvador, we should work tonight to give them a chance to prove this sincerity.

We should not act in the heat of the moment to reward those who would condone a cycle of death and violence in El Salvador. I urge my colleagues to act deliberately. Give President Cristiani the opportunity to prove that he will do all within his power to ensure that those guilty of such heinous crimes will no longer be tolerated in El Salvador. I urge my colleagues to vote against the pending Leahy amendment.

Mr. President, I yield back the remainder of my time and I consent to yield to the majority leader in a moment, and he will use some of his leadership time, but I understand that the Senator from Vermont still has time available also.

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator from Vermont controls 1 minute and 6 seconds.

Mr. LEAHY. Mr. President, I understand that the Senator from Kansas is going to soon move to table. I would like to retain at least 30 seconds of my time after he finishes speaking before he does that.

Mr. DOLE. I would be happy to. I think I have not used the leader time. I will be happy to yield the Senator a couple minutes of that.

Mr. LEAHY. I will yield back the remainder of my time with the understanding that the leader will yield me a minute or so if I wish it. I thank him.

Mr. LEVIN. Mr. President, a fundamental value shared by all Americans is the sanctity of human rights. Our system is predicated on the idea that each human being is endowed with certain inalienable rights. This is a profoundly important concept to Americans—both in their personal lives and in the life of their country. The dignity of full human rights is a right God-given to all individuals. Americans demand, and have just cause to expect no less than full adherence to, a respect of basic human rights by their Government.

The United States has been an inspiring beacon to people throughout the world in the never-ending struggle for human rights. In waging this struggle, we have much of which to be proud in our history.

And yet, Mr. President, there have been times when we have made mistakes, or not backed the causes of freedom with as much vigor and determination as we might have.

In our responsibility to defend these profoundly important yet basic rights in our relations with the people of El Salvador, we are at a crossroads. It is our responsibility to ensure that the aid extended by the American people to El Salvador is not used to violate the human rights of the people of that country.

Mr. President, we are at a crossroads. We must not condone or deny the reprehensible acts of cowardice that occurred last week with the murder of the Jesuit priests, their housekeeper, and her daughter. We must not fail to remember that the hellishly brutal civil war in El Salvador has cost more than 70,000 people their lives.

Mr. President, in September I voted against sending unconditioned military aid to El Salvador. Unfortunately, unconditioned aid was approved. We now have an opportunity to withhold 30 percent of this aid until the authorities in El Salvador conclude an investigation of the murders of November 16, 1989, and apprehend and bring to trial those found by that investigation to be responsible for ordering and carrying out this incomprehensibly horrible deed.

This is not an unreasonable demand. It is a matter of simple human justice.

Mr. President, I do not know for sure who is responsible for these executions. No one here is in a position to know. But that does not mean we should not do all that is within our power to see that those responsible are apprehended and tried.

Not only should the United States do what it can to see that such an atrocity does not happen again, the United States should exercise what leverage it can to see that justice is served in this specific outrage. That is why I am a cosponsor of this amendment, and why I urge its passage.

Mr. KOHL. Mr. President, last September I joined with Senator LEAHY and 30 of our colleagues in an effort to make continuation of our aid to El Salvador conditional on progress in the negotiations and progress in protecting human and civil rights in that troubled country. Obviously our amendment failed.

Obviously our country failed.

The people of El Salvador are paying the price for that failure.

Somehow all sides in that tragic conflict got the wrong message from the fact that the Senate was not willing to condition aid. The FMLN apparently concluded that they had nothing to lose by launching an unprovoked and unjustified attack against the cities. The ARENA party, or isolated rightwing factions, thought that they could kill six clerics, a housekeeper, and her daughter and not risk any American response. And the Cristiani government apparently concluded that they could bomb their own cities and refuse to allow aid to get to the wounded without worrying about American dismay.

Mr. President, we are in a difficult position in El Salvador. Withdrawing aid to the Cristiani government at this point would be tantamount to inviting the FMLN to continue their tactical, terrorist decision to use the civilian population as hostages in their armed conflict. I don't want to see that happen. But I also do not want to see American taxpayers subsidize governmentally sanctioned death and destruction.

The amendment before us today would navigate between these two polar extremes. As a result, it will not fully satisfy anyone. But it is a responsible amendment. It does not give the Cristiani government a blank check nor does it give the FMLN an open invitation to continue their brutal war. It is the best response we can make to what is a very difficult situation.

In essence, this amendment says that 30 percent of the aid allocated to El Salvador will be held out until the Cristiani government has brought to trial those responsible for the torture and killing of the clerics and their housekeeper and her daughter. Now, Mr. President, I understand that some will argue that attaching such a condition to our aid isn't the best thing to do: After all, not every crime is solved and we ought not put pressure on the Government to find someone to take the fall just so that they can continue to get our aid. I understand that argument—but it doesn't have a lot of power when applied to El Salvador.

The Government of El Salvador certainly has not rushed to judgment in the case the nuns who were raped and killed. Nor have they shown an inclination to rush to prevent the sort of systematic persecution and harassment of churches and church personnel who are trying to bring a little safety and a little humanity to the suffering people of El Salvador. Nor have they demonstrated a rush to judgment when it comes to responding to requests for a cease-fire or requests to allow the Red Cross to treat the wounded. The Government of El Salvador knows who committed those crimes, it just hasn't had the political will to bring them to justice. This amendment may help give them that will.

I really do not think we have to worry about the Government of El Salvador abandoning due process as a result of this amendment. After all, the amendment requires that the President certify that a thorough investigation has been done prior to any arrests and trial. I think we have adequate protections in place. It is about time we gave some protection to the people who are threatened by death squads.

Mr. President, I do not know how we get the FMLN and the Government in El Salvador to stop this war. But I do know that neither side can win if each side continues to kill innocent people and destroy an entire country. There has been too much death; we have to do more than we have to bring this senseless and ceaseless slaughter to an end. This amendment represents an effort to do a little more. I really do not know how we can be satisfied with less.

Mr. LIEBERMAN. Mr. President, like all Americans, I am appalled by the murders of the six Jesuit priests. Although some elements of the Salvadoran Government have accused the guerrillas of perpetrating this massacre, much of the evidence points toward rightwing death squads. These tragic events occurred on the grounds of the Central American University, which was under the control of government forces. Moreover, priests connected with the university have been attacked by death squads in the past.

At a time when so many hopeful developments are occurring in Eastern Europe, El Salvador remains a haunting nightmare. A series of images have made the nightmare in El Salvador all the more vivid in recent days. First, the slain priests. Then, the grieving mourners at the memorial service. And as if that was not enough, there were the heartbreaking images of hysterical civilians fleeing combat. I remember in particular one scene of a tearful father who had become separated from his three children during an air attack. One can only wonder whether death made this separation permanent.

I will support the Mitchell-Dole amendment that calls for an immediate cease-fire. I also urge the Government and the guerrillas to forsake the battlefield for the bargaining table. Both sides must compromise so that this mindless slaughter comes to an end.

The Government should cease its use of helicopter gunships and attack aircraft in civilian areas. The real losers in this latest guerrilla offensive are the noncombatants whose only concern is survival.

I cannot, however, support the Leahy amendment in its present form. It would mandate that the Government, in order to receive our aid, prosecute individuals for the killings of the priests whether it was able to find the guilty parties or not. This is the precise opposite of the due process for which we have always stood.

I will support an aid cut if the Salvadoran Government fails to make a good faith effort to investigate and

bring to prosecution those individuals guilty of the priests' murder. And this should not be an isolated step. It should be a first step toward ending all death squad activity and terrorism from the right and the left in El Salvador.

Mr. DURENBERGER. Mr. President, I wish to express my opposition to the Leahy amendment that would place certain conditions on a portion of United States aid to El Salvador. While I abhor the brutal murders of the Jesuit priests every bit as much as we all do, conditioning aid to El Salvador in this way would not achieve the objectives claimed by its supporters.

It would have the effect of handing the guerrilla FMLN a political victory where they could not win militarily. I am confident the Government of El Salvador will thoroughly investigate this heinous crime and bring to justice the criminal perpetrators.

Mr. President, earlier today, a substantial number of constituents visited my Minneapolis office to protest United States policy as well as my positions on the El Salvador issue. They presented to my staff a statement, which I ask unanimous consent be printed in the RECORD at the end of this paragraph. I also submit to the RECORD my response to the visitors' statement, which I request appear immediately following the visitors' statements.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR DURENBERGER: On November 10, six Jesuit priests, their cook and her daughter were brutally tortured and murdered. It is clear that the murders were carried out by the Salvadoran military. The area around the priests' home had been secured for the past week by military units. An outpost was stationed some 100 feet from the scene of the cirme. The murders were committed during a military curfew. Numerous eye-witnesses have testified to the fact that members of the Salvadoran military committed the murders. Amnesty International and Americans Watch have conducted investigations and are convinced beyond a reasonable doubt that the Salvadoran military was responsible. The Salvadoran government and the U.S. Ambassador have called for "investigations." This is an insult to the intelligence of U.S. citizens. It is simply a delaying tactic that will allow these savage murders to continue.

These killings are only the tip of the iceberg. The Salvadoran military has been indiscriminately bombing and strafing civilian neighborhoods during the recent fighting to the point where there are more civilian casualties than military casualties. We are outraged by the actions of the Salvadoran government. And as U.S. citizens, we are outraged by the participation of the U.S. government in these actions.

The Detroit Free Press reported that U.S. air force pilots are flying night time bombing attacks on civilian neighborhoods in El Salvador. The New York Times reported that heavily armed U.S. combat personnel have been sighted along side Salvadoran troops involved in combat. U.S. naval ships are now stationed off the coast of El Salvador. The U.S. government has provided the Salvadoran military with *all* of their weapons, including napalm bombs that have been used recently against civilians, according to Lutheran Bishop Medardo Gomez and Baptist minister Edgar Palacios.

Senator Durenberger, your aids have called you a close personal friend of Salvadoran President Alfredo Cristiani. We hope that the recent barbaric actions of the Salvadoran military will cause you to re-assess this friendship, and to take the following actions.

Senator Durenberger, we demand that you:

Introduce and actively support legislation in the Senate calling for an immediate halt to all U.S. aid to El Salvador;

Issue a public statement calling for an immediate cease fire, as called for by the International Red Cross and the FMLN, and serious negotiations between the Salvadoran military, the Arena party and the FMLN;

Issue a public statement calling for the immediate removal of all U.S. troops from El Salvador; including pilots flying bombing missions and naval ships that are reported off the coast of El Salvador.

Senator DURENBERGER's response:

In addressing the concerns raised by the visitors to our office in Minneapolis today, let me first state that I very much share your deep concern and interest in El Salvador. As you are, I am terribly disturbed by the recent upsurge in violence in that country, most especially the vicious, brutal slaying of the six Jesuit priests as well as the houseworker and her daughter.

Indeed, these atrocious murders are profoundly deplorable and regrettable. Such atrocities serve only to perpetuate the cycle of violence that has affected virtually every member of Salvadoran society. I support your call for an immediate end to this violence.

In this regard, I renew my call on both sides to cease hostilities immediately. The FMLN must finally realize that it will never succeed militarily. For the sake of peace and decency, the FMLN must immediately end this latest offensive and return to the negotiating table.

The government, for its part, must also renew its commitment to finding a peaceful solution to the decades-old conflict that has raged and ravaged in El Salvador. Let us not forget that the people of El Salvador, in the cities and the country-side, want and deserve the opportunity to live peaceful and decent lives. Once and for all, the fighting must end.

We must never lose sight of the people that are caught up in the conflict. These are real people, with real families, and real lives that are being so deeply and enduringly affected by this continuing and escalating violence. I have traveled to El Salvador many times in the last two decades, and I have met and spoken with the people there. There are also a great many Minnesotans that have lived, worked, and traveled in El Salvador. I share your concern regarding the situation there. It saddens me that peace has proven so elusive in El Salvador.

Regarding your specific requests, I do indeed renew my previous public call for an immediate end to the violence that continues to plague El Salvador. On the Senate Floor, on November 1, well before the recent FMLN offensive, I stated, "I must condemn and urge my colleagues to condemn these irrational acts of violence, regardless of who's responsible. Each of these acts of violence represents a deplorable and offensive disregard for human life. There must be an end to this apparent retaliatory cycle." I emphasize again that continuing the conflict does not serve the cause of peace.

Regarding the U.S. troops in El Salvador, it is my understanding that the 55 U.S. advisors stationed in that country are under strict orders not to participate in any armed conflicts, except to protect themselves if fired upon. I have instructed my staff to immediately investigate the assertions that U.S. advisors are directly involved in any bombing or other military action. If this is true, it would be a violation of U.S. guidelines for the advisors' role in El Salvador.

Regarding the U.S. naval vessels reportedly off the coast of El Salvador, it would not be unusual for the U.S. Navy to have vessels anywhere around the world in international waters. As a matter of policy, the U.S. Navy does not reveal the location of its ships at any given time, but the Navy categorically assures my office that there is no build-up of naval resources in the waters around El Salvador, or anywhere else in the region.

Your call for an immediate end to all U.S. aid to El Salvador, if implemented now, would be counter-productive to your purposes. I have been to El Salvador often, in close touch with Salvadorans, and in the last six weeks, in weekly contact with either our Embassy in San Salvador or their Embassy in Washington,.

I am convinced that the far left wants U.S. aid ended on the presumption that it would end U.S. interest in El Salvador and makes it easier to achieve their radical ends.

I am equally convinced that the far right in El Salvador also wants U.S. aid ended. I have heard as much. The "death squad right" believes U.S. aid in the last ten years has created more problems for them than it's resolved, and they would be pleased to be given a free hand—free of any U.S. involvement.

Who will suffer? The middle. Those in government who are trying to end right and left extremism. The people of El Salvador. If you want to return to 900 deaths a month, then withdraw all U.S. assistance.

I have urged the government of El Salvador to pursue most vigorously the investigation into the murders. There is no doubt, the perpetrators must be identified and brought to justice. The United States has pledged to assist the government in investigating the crimes, and I am hopeful that the heinous murderers will be justly punished.

If the government of El Salvador and President Alfredo Cristiani is found to have ordered, authorized, and carried out the murders, that would indeed raise serious questions regarding the U.S. aid program to El Salvador. If right-wing extremists or others who belong to the Armed Forces are found to have acted outside the authority of the government, that raises serious questions regarding the government's ability to control its own forces. Even if the government is not responsible for directly authorizing the assassinations, that does not exonerate it from responsibility to control its forces.

Mr. HATCH. Mr. President, the recent murder of six Jesuit priests and two innocent women has brought a new public awareness to the tragic and inhuman events engulfing the country of El Salvador. With good reason the people of El Salvador and people

throughout the world are outraged at the senseless waste of human life and the callous disrespect for human rights and the rule of law. For over a decade this Central American country has been locked in a bloody civil war. Over 70,000 individuals have lost their life during this struggle—most of the them innocent civilians.

How many more innocent people must die before the people of El Salvador scream enough? How many more people must die because they stand up for human rights? How many more individuals will disappear in the night because of their respect for government and the rule of law? These questions must be answered before peace can come to El Salvador.

For over a decade the United States has supported the establishment of democracy in El Salvador. We have condemned the work of left and rightwing death squads, and we have supported the freely elected governments of Jose Napolean Duarte and now Alfredo Cristiani in their efforts to defeat the Communist guerrilla forces.

But we must not lose sight of what is happening in this country. Amongst the killing and violence the transfer of power between two freely elected governments has just taken place. A majority in El Salvador want peace and democracy and the United States has always answered the call from people yearning to be free. We must not lose sight of why we are supporting democracy in El Salvador and throughout the world and why Americans throughout the years have died in wars on foreign soil. So other people could taste the joys of freedom.

Our country must remain committed to ensuring this quest in El Salvador and throughout the world. We must not tolerate indiscriminate killing and murder of civilians and innocent people, but we cannot allow the work of extreme radical elements, be they on the left or the right, to make us waver on doing what is right. In El Salvador there is no alternative—the battle is for freedom or oppression; democracy or Communist rule.

Given this context, the United States has supported El Salvador in her struggle for freedom and democracy. We have pressed for a cease-fire and an end to the violence, hostilities, and killing. We have condemned and deplored the killing and murder of innocent men, women and children. We have demanded the application of law and justice. Finally, we have served notice to the people of El Salvador—we will not abandon you in your effort to be free.

Mr. DOMENICI. Mr. President, this is likely to be the last time that the Senate considers foreign aid appropriations during the 1980's. In a few moments I will have more to say about the significance of the occasion.

First, I take this opportunity to congratulate the managers for upholding many sound Senate positions during a very difficult conference with the House. In particular, they declined to hold these programs hostage to several unenacted authorization bills. They have made the adjustments that are necessary to secure the President's signature.

Second, this appropriations bill fully complies with the congressional budget, and is consistent with the subcommittee's 302(b) allocation. Its current allocation reflects the recent addition of $202 million in budget authority and $57 million in outlays reallocated from other subcommittees.

At the President's request, $140 million in budget authority was transferred from defense to foreign aid for assistance to Poland. This type of action violates our bipartisan summit agreement and makes it difficult to protect the defense budget from more raids to fund domestic initiatives.

OLD PRIORITIES IN A NEW ERA

Mr. President, this may be an appropriate opportunity to reflect upon the recent events in East Asia, central Europe, and the Soviet Union that have transfixed the free world.

In many ways, our own American principles of individual opportunity and individual rights have triumphed during the 1980's. It has been a decade of decline for orthodox Marxism, as Communist parties desperately strive to survive by adopting Western concepts.

The dogmas of Marxism and extreme socialism have failed: obsessive interference in the lives of each citizen; central control and planning of national economies; nationalization of trade and industry; barriers against international trade and currency convertability; and state control of "private" enterprises.

If you do not believe that, ask the citizens of Hungary, Poland, East Germany, Nicaragua, and the Soviet Union.

Yet during the 1980's, foreign aid agencies that are funded in this bill have continued to support institutions and countries that follow these failed dogmas.

That is either boundless optimism or extreme negligence.

The one characteristic of Communist foreign aid—the transfer of outmoded technology—has also failed.

If you do not believe that, ask the citizens of Angola, Vietnam, Nicaragua, Cuba, Mozambique, and Egypt. They are paying for plants that cannot produce, and would not have markets if they could.

Yet during the 1980's, foreign aid programs in this bill have continued to promote training and technology that are unsuitable or have failed many time elsewhere.

In fact, we are now funding foreign aid projects to correct the results of terrible advice and technology put in place by earlier foreign aid projects. At least, that is a step in the right direction.

These observations are not new. In some ways they are now conventional wisdom in the every-shifting orthodoxy of foreign aid theology.

Why then is so little that is new attempted?

Why do we cling to our good intentions rather than judging the actual results of our foreign assistance efforts? It is not for lack of evaluations. There are thousands of them.

The managers of this bill, and other Members, have tried to correct some of the most obvious problems. This year they attempted to limit earmarks and to stop some countries from piling up unused military aid credits desperately needed by others. They were outvoted or overwhelmed.

The distinguished new chairman of this subcommittee, the Senator from Vermont, offered bold proposals to help the Solidarity-led Government of Poland. As chairman of the Agriculture Committee, he is leading an effort to reform food aid.

My friend and Budget Committee Colleague, the ranking Republican member from Wisconsin, has long supported Solidarity as well as other democratic movements in Eastern Europe. He has been a champion of the fledgling democracies in Central America, free enterprise at home, and a global improvement in our environment.

You would expect the priorities in this bill to be in support of democracy and economic opportunity. They are not.

In most respects, this bill reflects the priorities of the 1970's. It offers old solutions to yesterday's problems. It is, simply, an anachronism.

TOO MANY FRIENDS

Why is that? I do not know for sure, but I can offer some clues. Many say that foreign aid has no friends, but this bill, in fact, has too many friends.

The constituency for this bill includes the public interest groups, educational institutions, contractors, and ethnic American associations who benefit from this bill. The international development community is a very intense and savvy constituency.

There is nothing wrong with that. It is every American's constitutional right to bring his or her concerns to the Congress.

The problem is that Congress and the top ranks of the executive branch are preoccupied by the allocation of foreign aid to countries and causes we like.

None of us wants to tell an old friend that we have helped as long as

we can, and now we must cut back on his aid in order to help someone else.

There is not enough time to check on what is being done with the aid. There isn't enough time to think about whether it makes sense. There isn't enough time to listen to the aid professionals in the field who can tell us what is wrong.

Too often we do not learn about what has happened, or not happened, with our aid until a foreign leader we have long been helping, such as President Marcos or Somoza, is forced from office. Then, we are told, nothing worked.

WE MUST DO BETTER

I am no expert on foreign aid, but I have had to learn a lot about many domestic programs and a few foreign programs during my 17 years in the Senate.

Like domestic programs, some foreign aid programs are better or more important than others. Some can be discontinued or phased out. It is not easy, but it cannot be more difficult than terminating revenue sharing here at home.

How do we know that? By becoming involved with them, by listening to people who benefit or suffer from them. That is not as easy for us to do with programs that take place far away and affect people who are not our constituents.

It is my impression that oversight is not popular. Few Senators or professional staff make the time to look behind the dollars to see what we are accomplishing overseas.

Oversight is not solely a prerogative of the authorizing committees. I know that the appropriators and budgeteers have been encouraging our staffs to work and travel together for many years to assess our foreign aid programs. That is how we are able to encourage many useful activities and stop some of the bad ones we learn about.

Let me offer a small suggestion. It is not a new one. If foreign aid is to compete effectively with other claims on our resources, it needs a clear objective.

The objective or our foreign aid should be to help fellow human beings enjoy a little more personal freedom and be in a position to secure better opportunities for themselves and their children.

If this objective is acceptable, why do we not concentrate our foreign aid where it has a reasonable chance of accomplishing those objectives?

That would require acceptance of the reality that we cannot do much for people in countries that hate the United States.

It would require acceptance of the reality that some leaders just don't share our objectives, they fear our objectives. They will take our dollars, but still cling to bad, old ways.

It would require acceptance that some objectives that may have made sense in the past, but make less sense now:

Base access.—Except in the Azores, we have had little access to foreign bases when the chips are down. Why do we put so much emphasis in this bill on paying exorbitant rents for ever more restrictive base access?

The Central America and Middle East peace processes.—Why do we subsidize economies in strategic areas that do not work well, and have been getting worse during most of the 1980's? Is that not subsidizing failure instead of a transition to economic freedom and regional peace?

A parent learns to practice "Tough Love," encouraging our children to make difficult choices now that will pay great dividends in years to come. Should we not do as much for our closest friends abroad?

Most of all, we know that we cannot buy friends. Why do we keep trying?

All of us recognize the hard work that has gone into this appropriations bill by the managers and staff, but I am not certain that they would disagree with my assessment.

Mr. President, the latter half of the 1980's may well be viewed by future generations as the end of the post-World War II global competition between communism and freedom.

I hope that when the first foreign assistance appropriations bill of the 1990's comes before the Senate, we can applaud a bill that helps America in the 1990's take advantage of the legacies and lessons of the volatile 1980's.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, this is a terrible amendment.

If we pass it, we will be rewarding the Communist terrorists who have launched a bloody attack on the people of El Salvador; and punishing the democratically elected government that has already pledged that it will find and punish the murderers of the six priests.

Let us be clear: Do we—every single one of us—deplore the horrible violence going on in El Salvador? Yes.

Do we—every single one of us—regard the murder of the six priests and two members of their household as a barbaric act; do we demand that the perpetrators be found and punished? You bet we do.

So those are not the issues.

The real issues are clear.

Because eight people were murdered in a gruesome manner by unknown persons—do we cut off, reduce, or limit aid to a democratically elected government under vicious assault by a Communist insurgency?

Do we cut off that aid in the middle of a terrorist-style assault on the people and Government of El Salvador, in which hundreds of innocent civilians—men, women, and children—have been cut down in the streets by the Communist guerrillas?

Do we cut off aid without a peep of criticism of the murderous, terrorist Communist assault which kicked off the current wave of violence?

Do we cut off the aid in the face of the pledge of the President of El Salvador, President Cristiani, that he intends to investigate the slaying with all the resources available to his government, and prosecute any found to be responsible with all the legal means at his command?

Mr. President, I happen to think every human life has enormous value.

I am sickened at what happened to the six priests. But I am sickened, too, at what has happened to the men, women, and children cut down by the Communist terrorists. I happen to think their deaths represent just as big a tragedy, and just as big a crime.

Mr. President, it is the Communists who turned their backs on negotiations. It is the Communists who launched a bloody terrorist attack on the citizens of El Salvador. It is the Communists who are ultimately responsible for the tragedy that is playing out in El Salvador.

Let us not reward those terrorists by cutting off, reducing, or limiting aid to the government and people they have attacked.

Mr. President, I am happy to yield 2 minutes.

Mr. LEAHY. Mr. President, I will be very, very brief and I appreciate the courtesy of the distinguished Senator from Kansas. I know that every man and woman in this body is sickened by what we have seen, as I am.

In my years as a prosecutor I saw an awful lot of death scenes. I was present at a lot of murder scenes and investigated several of them. I cannot think of anything I saw so brutal and horrible as this.

Every Senator, Republican, Democrat, every Member of this body feels that revulsion. I do not question the motivation of any Senator, how he or she may vote on this. Every one of us must in this instance make up our mind the way we feel is best. I think it is clear that every one of us is sickened by this and every one of us, it is safe to say, hope that somehow, somehow, such killings can stop in that poor, war-torn country where so many decent, innocent people have suffered so much.

Mr. President, I thank the Senator for yielding. I yield the floor.

Mr. DOLE. I reserve the leader time. If there is no other request, I think all time has been yielded back.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DOLE. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Vermont. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistance legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Nevada [Mr. BRYAN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. BOREN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—58

Armstrong	Gorton	Murkowski
Bentsen	Graham	Nickles
Bond	Gramm	Nunn
Boschwitz	Grassley	Packwood
Breaux	Hatch	Pryor
Burns	Heflin	Reid
Chafee	Heinz	Robb
Coats	Helms	Roth
Cochran	Hollings	Rudman
Cohen	Humphrey	Shelby
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Dixon	Kasten	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wilson
Fowler	McClure	
Glenn	McConnell	

NAYS—39

Adams	Gore	Metzenbaum
Baucus	Harkin	Mikulski
Biden	Hatfield	Mitchell
Bingaman	Inouye	Moynihan
Bradley	Jeffords	Pell
Bumpers	Kennedy	Pressler
Burdick	Kerrey	Riegle
Byrd	Kerry	Rockefeller
Conrad	Kohl	Sanford
Cranston	Lautenberg	Sarbanes
D'Amato	Leahy	Sasser
Daschle	Levin	Simon
Ford	Matsunaga	Wirth

NOT VOTING—3

Boren	Bryan	Garn

So the motion to lay on the table was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.N. POPULATION FUND

Ms. MIKULSKI. Mr. President, I was very sorry to see President Bush veto the foreign aid appropriations bill over a provision which I proposed, to send $15 million to the U.N. Population Fund [UNFPA].

My provision would not have allowed even $1 to go to the People's Republic of China, where there are reports of forced abortion and sterilization.

The Senate and House of Representatives both voted twice to contribute to UNFPA, but these expressions of support were nullified by the veto.

The President and his staff seem to think that this provision was another "abortion" issue. It was not. No abortions are promoted or supported by UNFPA.

UNFPA provides to poor women around the world counseling on birth control, birth control devices, and instruction on maternal and child health.

The Fund operates in over 130 countries around the world; in many of these countries the United States has no bilateral program. In Africa, where the population threat is greatest, UNFPA has a presence in 16 countries where there is no United States program.

I hope that the administration will be open to further discussion on this issue. For my part, I will do all I can to clarify UNFPA's role in China and around the world, to resolve the differences between the administration and the Congress and to find a way for the United States to fill its proper leadership role in international family planning through UNFPA.

UNFPA VETO

Mr. LEAHY. Mr. President, President Bush vetoed the foreign operations bill because we have provided for a U.S. contribution to the United Nations Population Fund.

The President says he vetoed the bill because the UNFPA operates in China, and China has a policy of coercive abortion. He says this even though we expressly prohibited any United States funds from going to support China's family planning program.

I cannot believe our interest in supporting the worldwide family planning activities of the UNFPA was the real reason the President vetoed this bill. It was because he is beholden to the single issue antichoice lobby.

The power of the antichoice lobby is obvious from the President's own statements about the UNFPA in the past.

In 1971 then U.S. Ambassador to the United Nations George Bush said that the rate of population growth in the Third World is "a prescription for tragedy and chaos."

He urged that the U.N. Population Fund "should grow rapidly * * * to a point where it will be making an important impact on world population."

Today, UNFPA is the world's leading family planning organization, providing alternatives to abortion in over 130 countries.

But now the President takes a different tack. Because of the right-to-lifers, he has put politics over the health and welfare of millions of the poorest people in the world, especially women.

The President justifies his veto on the grounds that "UNFPA strongly defends and supports China's policy of coercive abortion." Nothing could be further from the truth.

UNFPA's charter specifically states that it does not support abortion. It pays for contraceptives, maternal and child health care, education and information about family planning.

Family planning saves women's lives, and it saves the lives of children. An African woman's chances of dying in childbirth are 1 in 14. In the industrialized countries, the chances are 1 in 5,000. Pregnancy related deaths account for one quarter of all deaths among women aged 15 to 49 in the developing countries.

In sub-Saharan Africa women average 6.5 children per year. A baby born there is 10 times more likely to die in infancy that in the United States. Hundreds of millions of women who want contraceptives cannot get them. Indeed, if all the women in the developing countries who want no more children were able to stop having them, the number of births could be cut by 30 percent.

Mr. President, women in the Third World live on the edge of subsistence. They are economically dependent and vulnerable, and politically and legally powerless. Our contribution to the U.N. Population Fund would have given those women a chance. It would have paid for contraceptives, and health care for children to reduce the infant mortality rate.

The world's population is doubling every 40 years. Ninety percent of those births will occur in countries that cannot even feed their own people today. Everything we are trying to do with our foreign aid, to promote economic development, to save the environment, is being swallowed by the population explosion in the Third World.

The United States is the undisputed leader in family planning technology and expertise. If ever there was a time to exercise that leadership it is today.

The funds in this bill for the U.N. Population Fund would not have been used for abortions or any coercive measures. None of the funds would have gone to China.

But despite that, single issue politics won out.

We fought a good fight. We had majority votes in both Houses supporting this measure, despite intense lobbying against it by the antichoice lobby and the administration.

A year from now there will be another 90 million people in the world. The need will be that much greater

for a U.S. contribution to this important organization. President Bush will have a second chance to do the right thing.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, no Senator has yet requested a rollcall vote on final passage of this bill. If no Senator does request such a rollcall vote, there will be none.

Mr. LEAHY. I know of none.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is my understanding that we will be able to take up the D.C. appropriations measure without the necessity for a rollcall vote tonight, unless someone requests a rollcall vote on that. Hearing no response, I assume the answer is in the negative.

Accordingly, there will be no further rollcall votes this evening. I should report to my colleagues that there have been extensive meetings all day with respect to the reconciliation measure, and we are making what I think is considerable progress. I will be in a position later this evening to make an announcement with respect to the handling of the measure, if we reach agreement tomorrow, and also on catastrophic with respect to which there is no agreement yet.

So Senators should have their staffs remain to listen and hear what the plans are for tomorrow. We are not in any position to make an announcement on it yet but hope to do so before the Senate goes out this evening. I am still determined that we will complete action in time to adjourn sine die before Thanksgiving.

Mr. President, there will be no further rollcall votes.

Mr. ADAMS. Will the majority leader yield for a moment?

Mr. MITCHELL. Certainly.

Mr. ADAMS. Mr. President, I want it to be very clear while the Senators are here that I have acceded to the majority leader's request that there be no rollcall vote on the D.C. appropriations bill which was vetoed again tonight by the President and a new bill has been passed by the House. But I want to obtain from the majority leader a commitment and to state very clearly this Senator's commitment so that everyone understands that this bill was vetoed so that locally raised District of Columbia revenues could not be used for any abortion purposes except to save the life of the mother.

The President is wrong to veto this bill and restrict the use of local funds, but due to the lateness of the session I will not insist on a vote. I want to assure my colleagues that next year a bill will come up early.

Last week I called for a rollcall vote and was persuaded not to go forward.

Mr. President, I am convinced that our side has the votes to pass the bill and have it state that the District of Columbia spend its funds——

The PRESIDING OFFICER. Will the Senator from Washington please withhold. The Senate is not in order. Would those who do not have business before the Senate at this time please remove to the Cloakroom? The Senator from Washington,

Mr. ADAMS. I am very disappointed with the President's veto of the second D.C. bill. I acted in good faith and felt that he would sign it after we had made changes with regard to Federal funding so that the provisions were identical to the Labor HHS appropriations bill. But he moved even farther and put an imprimatur on the District of Columbia's own locally raised funds.

I am not going to ask for a rollcall on this, but I ask the majority leader to understand my frustration, and I want to know whether I have a commitment that I will be able to both present a bill early in the next year, and I certainly intend to serve notice on everyone that I will have available as the bills come over an amendment on every appropriations bill until this injustice is righted because the Senate has not had an opportunity to vote on a veto override.

The President has vetoed this twice, and we only heard of this at 6:30 p.m. this evening. I do not wish to hold up the Senators who wish to go on to recess, but the President is putting his personal wishes over what is a drug fighting bill. It is a bill that contains the money and things that have not been controversial because we have kept it from being controversial.

I think this is a wrong thing the President has done, and I want to serve notice on him next year this will not happen again.

I say to the majority leader, I follow you and I follow the leadership of the chairman of the Appropriations Committee. I discussed this with both of them, and I want to be certain that next year no later than February we have an opportunity to file a bill and from then on, we have the opportunity to have votes in the Senate to restore control over District funds to the citizens of the District of Columbia.

Mr. MITCHELL. Mr. President, I thank the Senator for his comments. I share his disappointment and concern over the President's veto which I believe, as does the distinguished Senator from Washington, was a serious mistake and disregards the rights of the citizens of the District of Columbia in a manner that would not be tolerated by any Senator here were the same treatment accorded to the constituents of our respective States.

I believe it was a serious error demonstrating, again, the President's total insensitivity in this area. I respect, of course, the Senator's determination in this regard. He has every right to introduce the legislation and to offer it as an amendment to other legislation next year. I will do what I can to be of assistance to him in seeing that this matter can be brought before the Senate for a vote.

Mr. ADAMS. I thank the majority leader, and I thank him for his patience. I, once again, just wish to state that we have acted in good faith and we are appalled by the fact that there would be a second veto of the bill after we met what we felt was every legitimate request made with regard to the abortion issue. Therefore, we will, next year, treat this matter in an entirely different fashion, so far as the President is concerned.

I am very disappointed we arrived at this result. I do want to thank my ranking Member, the Senator from Texas [Mr. GRAMM] for having cooperated during the course of the year. I am not critical of him that this has happened. We have a good bill otherwise. I am just disappointed that the poor women of the District of Columbia have been unfairly treated, and I intend to do everything I can to protect them next year. I thank the Senate.

The PRESIDING OFFICER. Are there any further amendments on the pending bill?

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for a very brief period of time.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

CHANGES IN EUROPE AND SUPERPOWER RELATIONS

Mr. EXON. Mr. President, we all find ourselves spellbound by events taking place in Eastern Europe and the Soviet Union. Each new day brings new changes, new hopes, and new opportunities. Each day also adds a bit more confusion as to where all this is going. But the trends are indeed positive and we are all anxious for more.

Our Nation's strategy of containing Soviet adventurism and military power, painful though it has been at times, is paying off.

It has discouraged world war III and the holocaust of a nuclear war. It has bought the time for the Soviets to come to its senses and shrug off the failure which is communism.

While we should express enthusiasm and optimism for the changes underway, these expressions should be tempered with some caution. All too often in history, rapid change has led to instability, and instability has resulted in unforeseen problems and crises.

If we are to take advantage of the opportunities offered to us today, all nations will have to work closely together for clear and shared notions of where these changes should ultimately lead.

Certainly, much depends upon the attitude of the Soviet Union. The recent tragic events in China illustrate that those with the guns can assert control or at least make reform a terribly costly thing. Fortunately, as reform progresses over time, it becomes more and more difficult to reverse. Even if Gorbachev were to be replaced, the cork could not be fully reinserted into the bottle.

Gorbachev has unleashed forces restrained for over 70 years by the Communists. He has argued for reform, given it legitimacy within the Soviet system, and provided it momentum. Concrete changes to the Soviet system are less well advanced, however. We have seen the popularity with which glasnost has taken root, witnessed the restructuring of the Soviet legislative apparatus, and noted some reduction in Soviet military capabilities. Yet much reform remains to be permanently enacted. While Gorbachev has my hopes for carrying out his reform policies, he faces many challenges.

Among these are a formidable opposition still entrenched within the party leadership and state bureaucracy, worsening economic trends, and a society in which productivity and efficiency are largely alien. The road toward reform in the Soviet Union is still uphill.

Additionally, I believe that Gorbachev himself sees limits to the change he has encouraged. He has stated that he is a Communist reformer determined to restore socialism to a more stable path. Some of this may be face-saving rhetoric or internal political cover.

Yet there probably are limits to what the Soviets will tolerate.

What that limit is in Eastern Europe is unclear. It is interesting to note that Gorbachev has blasted the Government of Czechoslovakia for its failure to enact timely reforms. At the same time he has emphatically stated that this was neither the time for German reunification nor for the Soviet Communist Party to give up its position of authority.

I suspect that the Soviets will allow the Eastern Europeans the freedom to pursue their own economic path. This is nothing new; it has been allowed to some extent in the past. And it shifts a heavy economic burden from Soviet to Western shoulders. I also suspect that the Soviets will allow the Eastern Europeans more internal self-determination. That is indeed new and the most fascinating part of what is taking place today. However, it is too soon to say how much freedom the Soviets will tolerate in the area of international political relations.

My assessment is that the Soviets will not prevent reform in Eastern Europe or within the Soviet Union as long as that reform does not assume an anti-Russian form. A politically friendly Eastern Europe will probably remain desirable to the Soviets as a security buffer zone. However, within the Soviet Union, freedom for various regions would probably not be tolerated and Gorbachev has given every indication of that.

Allowing one region or nationality independence or significant autonomy would open a floodgate that the Soviets fear they could not possibly control.

Not only would the Baltic people eagerly leave the Soviet empire, but so would European minorities, Central Asians, and probably ethnic Slavs as well. The Soviets must wonder where the dissolution would end. For the Soviet Union is composed of regions conquered and occupied by the Russians under the czars. Few willingly live under Russian rule. From the Russian perspective, the dissolution of the Soviet Union would be an affront to its rulers, the Russian people. Secession on such a scale would end the status of the Soviet Union as a world power in geographic, economic, and military terms.

Under the present international situation, I do not think that any Soviet leader will allow this to happen.

Should such a dissolution begin, it could unleash forces and a reaction which could precipitate a global political, and possibly military crisis. This should remind us all that change can get out of hand and lead to the exact opposite of what it is hoped will happen. It should remind us that times of great change are potentially times of great instability and risk.

Clearly, there is greater tolerance and less risk for change in Eastern Europe than in the Soviet Union. While great change can take place in the near term within the Soviet Union, there is, in my opinion, little immediate prospect of freedom and nationalistic determination for those who rightly yearn for it within the Soviet borders. I sincerely hope that this will soon change. Only then we will see a truly reformed Soviet Union.

Mr. President, the world is complex and world events are governed by a multitude of factors, many of which are beyond our control. We do have tremendous influence and leverage. However, just as we cannot be the world's policeman or sustain the economies of every developing nation, we cannot control or dictate how Eastern Europe and the Soviet Union evolve. There are economic, military, and political limits to the power of even a superpower. I hope that we do not think otherwise.

Politically, we need to be understanding, patient, flexible, and innovative in our thought. Economically, we need to be helpful but we cannot sustain the economies of Eastern Europe by ourselves. I hope that our Eastern European friends are not expecting this for it is simply beyond our means. Certainly, our assistance must be in conjunction with equal generosity on the part of our friends and allies. Great as our Nation is, we can no longer fund all of our good intentions. Nor should we have to, since our past generosity has enabled our friends to become economically sound and equally capable of assisting the Eastern Europeans.

As always, we must remain alert to the danger of providing the Soviet Union the means to militarily threaten us. Safeguarding our technology will, therefore, assume even greater importance as East-West economic ties solidify. There is also always the danger that an economically revitalized Soviet Union could ultimately prove to be an even greater military threat in the future.

Militarily, we need to acknowledge that revolutionary changes are underway throughout the world.

We need to review the role of military force in international affairs. In my opinion, the military value of nuclear weapons is declining but still important as long as the Soviets retain a nuclear arsenal. Despite some reductions in the nuclear area, the Soviets seem intent upon retaining their nuclear forces. Furthermore, since our Nation and NATO still rely upon nuclear weapons to offset Soviet conventional advantages, we cannot do away with our nuclear crutch until we have resolved the conventional imbalance. This is and will remain central to our Nation's defense strategy.

The prospects for resolving the conventional imbalance are better than ever. I would argue that making progress on conventional arms control should be the first order on our arms control agenda. Indeed, our strategic situation necessitates the resolution of the conventional imbalance before we reduce our nuclear reliance further.

We need to find a middle ground which encourages the reduction of military tensions but still allows us to adequately defend our Nation.

Given both the budgetary morass we are in and the declining Soviet military threat, I believe that we can reduce our Defense budget by as much as 5 percent annually in the near future. I am pleased to see the Secre-

tary of Defense and the services already moving in this direction.

Despite these reductions, it will remain vital to our Nation's security that we maintain balanced forces, responsive to real strategic needs. I do have some concerns in this regard.

Our declining Defense budget constrains our security options. We cannot have all the forces of all the types we want. Tough decisions will be the order of the day. Reductions should not be made uniformly among all services. We will need to emphasize those forces which give us the maximum flexibility in terms of mobility, firepower, and their necessary support structure. Very careful tradeoffs will have to be made. Less flexible, more ponderous forces should be assigned to the reserve components or disestablished. It is difficult for out defense establishment to think in these new ways.

Yet the Commander in Chief and the military leadership must take the lead in restructuring our defense posture.

It is clear that there is going to have to be major reductions in force structure. Manpower is the area of the Defense budget that takes up the largest dollar amount. We must not break any contract we have with the excellent men and women in the services. We therefore must address this difficult task of reduction up fromt along with other cuts. Early planning is a must here. I suggest that the President consider a 90 freeze on recruitment to allow some far advance planning. Announcement of this before the upcoming talks with the Soviet would allow us to help gain the initative on serious and dramatic reductions.

The Congress must also change its ways if we are to have a sound, affordable, and realistic defense posture in the future. Members will have to set aside their short-term constituent interests and not force the funding of items not deemed necessary by our security experts. Members and the American people will have to accept the closing of surplus bases in their districts while understanding the need for critical overseas bases.

All participants in the Defense budget process must come to realize that, as the Defense budget declines, sound planning and budgeting become imperative. The Congress desperately needs to do a better job and show more self-discipline.

Last, Mr. President, let me conclude with a fundamental observation. If any lesson is clear from the wondrous events we are witnessing today, it is that our Nation must be involved in world affairs and actively work for peace and stability.

We are an international power in economic, military, political, and perhaps most importantly, moral terms. Thus, we are a European power as well as a Pacific power. We have been a guiding light to the world and should continue to be as we work to make America an even greater Nation.

Mr. HUMPHREY. Mr. President, I commend President Bush for his veto of H.R. 2939, the foreign operations appropriations bill. In his veto statement the President noted that the bill would "require the expenditure of millions of dollars to support a United Nations fund that, in turn, strongly defends and supports a foreign nation's policy of coercive abortion. The United States assistance to the fund reverses existing United States policy and is unacceptable."

Again, that is from the President's veto message. The President has thus sent a clear signal to all population control organizations, namely, that the United States will not tolerate coercive abortion procedures and programs. We will not tolerate or fund programs of compulsory abortion like that practiced in the People's Republic of China.

Mr. President, I would note for the record that the bill appropriates, both the one the President vetoed and the substitute now before us, $220 million for family planning. I suspect that virtually all Senators support family planning providing that does not include abortion because abortion is not a method of family planning.

Those who support the President's position and who voted with the President when the issue was before the Senate the other day did not at that time, have never advocated reducing by even 1 cent, not even by 1 cent, the amount of money appropriated by this bill for family planning. We were only seeking to eliminate the earmark from the United Nations fund for population activities.

That is the distinction, Mr. President. There was never an effort to reduce the amount of money appropriated for legitimate family planning practices around the world. The effort was to eliminate the earmark which the committee had applied reserving for the United Nations fund for population activities a certain part, I think it was $15 million—it was, indeed, $15 million of that $200 million.

The point is that family planning programs, legitimate family planning programs are not in issue. The President said he would veto the bill if the Mikulski language was included in the version presented him, and he did just that. I admire the President's courage and his principled stand and his leadership.

In his veto message the President said further that "The Congress has inserted in the bill the so-called Mikulski amendment, which would fatally weaken the Kemp-Kasten anticoercion law by earmarking funds for the United Nations fund, the only organization that has ever been determined to violate that provision. The fund participates in and strongly defends the program of a particular foreign government which relies heavily upon compulsory abortion."

Mr. President, the UNFPA has recieved no funds since 1985 because both the Reagan and Bush administrations, whose policies stood up to challenges in the courts, have determined that the UNFPA's extensive involvement in China's coercive population control program violates the 1985 Kemp-Kasten amendment. That amendment, that law denies U.S. population assistance funds to any organization which supports or participates in the management of a program of coercive abortion or involuntary sterilization.

It is clear, Mr. President, that the population control program of the People's Republic of China remains a program of coercive abortion and involuntary sterilization. Steve Mosher, an expert on China, testifying this past April before the House Subcommittee on foreign Operations, had this to say: "China's population control program is coercive both in design and implementation. Most couples are limited to one child by means detailed by Peking in its technical policy on population control."

Mr. President, some suggest that the situation in China is improving. Let me share with my colleagues a February 1989 statement by John Aird, former research specialist on China, at the United States Bureau of the Census. He says, "The Chinese program is at present actually becoming more coercive."

Mr. President, currently the compulsory abortion policy of the People's Republic of China is being applied with special brutality in Tibet, On February 26, the Washington Post published an essay by Dr. Blake Kerr, an international human rights activist citing credible eyewitness testimony regarding a mobile team of People's Republic of China population control agents who forcibly aborted every pregnant woman in a village including those in the ninth month of preganancy.

Let me read an excerpt from that essay. "A particularly appalling story I heard came from a pair of refugee Buddhist monks. 'In the autumn of 1987,' they told me, 'a Chinese birth control team set up their tent next to our monastery in Amdo. The villagers were informed that all women had to report to the tent for abortions and sterilizations or there would be grave consequences. For the women who went peacefully to the tents and did not resist, medical care was given. The women who refused were taken by force, operated on, and no medical care was given. Women 9 months pregnant had their babies taken out.'

"During the 2 weeks the birth control tent stood in the village, the monks claimed that all pregnant women had abortions followed by sterilization and every woman of childbearing age was sterilized. 'We saw many girls crying, heard their screams as they waited for their turn to go into the tent, and saw the growing pile of fetuses build outside the tent, which smelled horrible.

"The birth control teams were initiated in 1982," the monks continued, "but since 1987 there has been a tremendous increase in the number and frequency of the teams that moved from town to town, and to nomad areas."

Mr. President, I recognize that the proponents of the Mikulski amendment claimed that no United States funds would be sent to the People's Republic of China, but let us cut through the fog. That is a bookkeeping distinction and a bookkeeping distinction only. It is meaningless. Senators know how agencies keep their books and they know very well that money is perfectly fungible.

The $15 million earmarked for UNFPA with the proviso that it not be used in the PRC would have freed up $15 million elsewhere in the UNFPA budget for use in the People's Republic of China. The effect is the same, absolutely the same. The United States would be subsidizing an agency that subsidizes forced abortions in China, and that is why the Senate for years, until this year, refused to provide funds to the UNFPA, and that is why the last two administrations, despite court challenges which were overcome, have refused to request funds for UNFPA. That is why the House of Representatives in the fiscal year 1990 bill refused to fund UNFPA, and that is why President Bush, bless his heart, vetoed the earlier bill, which replacement we are now considering.

As to legitimate family planning practices, I emphasize again that by removing the earmark for UNFPA we have not reduced by 1 cent the total amount of funding we are making available to legitimate family planning activities abroad.

By "legitimate," I mean those which reject abortion as a means of family planning.

Fortunately, Mr. President, there are plenty of such legitimacies, plenty of agencies beside the badly tainted United Nations fund for population activities.

So I say to President Bush, thank you and bravo, continue to stand for the sanctity of human life, and never let us get entangled in any of this grizzliness of forced abortions by subsidizing agencies which, in turn, use our subsidy to foster such programs.

Mr. President, I thank the Chair.

I suggest the absence of a quorum.

AMENDMENT NO. 1190

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 1190.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 132A, strike paragraph (a) of section 582 and insert in lieu the following:

None of the funds appropriated for assistance by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States persons pursuant to an agreement under which, as an express condition for receipt of such assistance, the recipient is required to fund or carry out a military or foreign policy activity which is expressly prohibited by a provision of United States law.

Mr. KASTEN. Mr. President, as I said in the opening remarks earlier this evening, the administration is opposed to this bill because of the so-called leveraging amendment. The latest version of that amendment is included in the House bill, and is now being referred to as the Obey amendment.

Unfortunately, there is still a necessary, or what is likely to be, could be, a necessary change with regard to that amendment absent a further understanding of what the Obey language really means.

So, Mr. President, the administration is going to withhold action on this bill. We will go to third reading, and pass it. I will not press this amendment which, if adopted, would force this bill to go back to the House of Representatives and to an uncertain fate based on the readings that we are getting from the leadership there.

So the bill will go downtown with the language that right now is not the administration's language, and the bill is a possible veto, absent fixing this language in some further legislative vehicle, or clarifying in some other way the fact that the administration can work with this language.

So what I am doing with my amendment is saying this is what the administration wants, this is what the administration needs, and this is what the administration, I hope, will be able to get worked out sometime between now and Thursday or Friday when I hope this bill can be signed, and not vetoed.

Right now, a veto is likely.

The provision is vague as to what actions by U.S. officials are covered. It is very often the case that foreign assistance funds are legitimately provided to countries which have relationships with governments that are subject to U.S. statutory prohibitions. In every case of this sort, inferences or suspicions could arise under this provision that the assistance was being provided in exchange for action by that government of the sort prohibited. It is not fair to subject U.S. officials to such suspicions, and to the ensuing investigations into whether something was done in exchange for assistance. I understand that this provision is intended only to cover an actual quid pro quo, but its formulation would give executive officials no standard to protect against inquiries that go far beyond that intended scope.

It is essential, therefore, to adopt substitute language which makes clear that providing assistance is only prohibited when it is done pursuant to an agreement under which, as an express condition for receipt of such assistance, the recipient is required to take the prohibited action. Such a formulation truly requires a quid pro quo. It establishes a much clearer line as to what conduct is prohibited and what is not, and reduces the possibility that U.S. officials might be subject to unfounded charges of having violated the more ambiguous standard in the current provision.

The provision is also vague as to what prohibitions are involved. We assume this applies only to matters for which all support is prohibited for a particular activity, as opposed to a matter for which the amount of funds that may be provided is limited, or for which conditions or restrictions are imposed on U.S. assistance. I believe we all agree that conditions or restrictions of this sort should not be considered to be prohibitions for the purposes of this provision.

Mr. President, I also would like, if I could, to ask the Senator from New Hampshire about parts of this language. He has been working with the Senator from New York, and others with regard to this so-called leveraging language. He has also worked with the people at the State Department, the National Security Agency, and the White House.

But do we have essentially language here which—if I could yield to the Senator for the purpose of asking a question, at least as far as I can tell, and I am not a lawyer—everyone is trying to get to the same place with? Is that the Senator's understanding? Any maybe he can expand on where the similarities are and where the differences are with regard to the Obey amendment.

Mr. RUDMAN. I thank my distinguished friend from Wisconsin. Let me say that the distinguished Senator from New York, Senator MOYNIHAN, and I worked for some months to get a final version of the Moynihan amendment which of course was attached to

the State Department authorization bill in a more or less original form with some changes, not with the latest agreement that we had, we thought, worked out.

There was a significant difference between that amendment called the Moynihan amendment and this amendment referred to as the Obey amendment. The greatest difference was that we resisted all efforts to remove criminal sanctions from the Moynihan amendment. We attempted to draw it very narrowly, very tightly, and so that like in all statutes that have a criminal sanction it could be clearly understood by those who worked within that area so as not to accidentally fall into a criminal act.

The Obey amendment contains no criminal sanctions. It is my understanding that the Senator from Wisconsin and I will enter into a colloquy sometime this evening to lay that out very clearly.

I point out that the Obey amendment says essentially that none of the funds appropriated by this act may be provided to any foreign government including any instrumentality or agency thereof, foreign person, U.S. person in exchange for that foreign government or person undertaking any action which, if carried out by the U.S. Government, the U.S. officer, or employee is expressly prohibited by a provision in the U.S. law.

It is fairly clear. Unfortunately, there are some who feel—and maybe they are correct—that it should have been drawn more narrowly, and that what it should have said was that such an agreement ought to be, such an understanding ought to be pursuant to an agreement under which as an expressed condition for receipt of such assistance the recipient is required to fund or carry out a military or foreign policy activity which is expressly prohibited by the provision of U.S. law.

Basically, what we were all trying to do was to avoid the situation where the U.S. Congress prohibits an act similar to the amendment that we just tabled where all aid was going to be barred under the current appropriations to El Salvador. Had that passed, and this language were in effect, it would be unlawful for a member of the administration to say to some third party country, if you will help El Salvador, we will do X, Y, or Z for you. That is what we tried to prevent.

The Moynihan amendment did that very well, and the Moynihan amendment in fact included criminal penalties for that. This amendment does not contain criminal penalties. Many of our laws do not. Our colloquy specifically directs itself to that.

It would be, I think, unreasonable to expect people engaged in the Foreign Service to be working in this area unaware that there was some possible criminal penalty. Senator MOYNIHAN and I sought to avoid that trap by specifically putting that in our law.

I believe it is the intention of the Senator from New York—he is on the floor, I am sure he will speak for himself—to offer some version of that amendment again next year and I again will work with him because I believe that properly and narrowly drawn there ought to be a criminal sanction for that kind of conduct. However, the Obey amendment as passed by the House and accepted here contains no such provision, and the Senator from Wisconsin and I will enter, I believe, a colloquy into the RECORD to make that clear so that the unwary will not be penalized for something that they should not be penalized for.

Mr. MOYNIHAN. Mr. President, I thank the Senator from New Hampshire for his elucidation, and I express my gratification that he would refer to this as "our law" because it is so very much his. It is not yet law, of course. But in my 13 years in the Senate I have not seen a Senator work harder to see that a statute is drafted correctly, carefully, has proper confines, and is comprehensible, to ensure that it will indeed benefit the Presidency and the Congress.

That particular amendment is not before us tonight. It is part of the State Department authorization bill. Should it not become law in this session, I very much appreciate the Senator's statement that we will return to this matter in the next one.

I thank him, and I thank the distinguished managers.

Mr. KASTEN. I note that section 582, the revised Obey amendment, does not provide a criminal penalty for violation of its leveraging prohibition. Does this indicate congressional intent that there be no criminal penalty for violation of section 582?

Mr. RUDMAN. Yes Senator, that is my understanding. If a criminal penalty were intended, it would have been provided on the face of the provision. In the absence of such a provision, it should be understood that Congress intends that no criminal penalties will apply to the amendment. In particular, it should be understood that the criminal conspiracy statute will not apply to the amendment.

Mr. KASTEN. Could the Senator elaborate on the rationale for having no criminal penalty for violations of section 582?

Mr. RUDMAN. Certainly. The absence of a criminal penalty reflects the fact that the leveraging prohibition is to apply across-the-board to essentially all existing prohibitions on U.S. assistance. Without individually examining these prohibitions to determine whether, in the context of each prohibition, a criminal penalty for leveraging would be appropriate, it would be unwise for Congress to apply such a penalty across-the-board.

Mr. KASTEN. I would thank the Senator for that clarification. I would further ask whether the Senator can clarify the meaning of the "in exchange for" language that appears in section 582?

Mr. RUDMAN. Certainly. It is not Congress' intent in approving this amendment to create a trap for the unwary. Accordingly, there is no intent to prohibit the provision of U.S. assistance where, coincidentally, the recipient undertakes an action that the United States itself is prohibited to carry out. Therefore, the words "in exchange for" in the amendment must be understood to require an agreement between the United States and the aid recipient under which, as an express condition for receiving the U.S. assistance, the recipient undertakes an action which the United States itself is prohibited to carry out.

Mr. KASTEN. I thank the Senator for that additional clarification. I want the record to reflect that my support for section 582 is conditioned on the clarifications that Senator has provided. I could not vote for this bill if I believed that section 582 could provide a basis for criminal liability, or that it prohibited the provision of U.S. assistance in situations where there was no agreement between the United States and an aid recipient under which, as an express condition for receiving the U.S. assistance, the recipient was required to undertake an action which the United States itself is prohibited to carry out. I know that many Senators on my side of the aisle share this view.

Mr. RUDMAN. I fully agree with this interpretation of section 582, and I know that the votes of many Senators are similarly conditioned.

Mr. DOLE. Mr. President, I support both the amendment of the Senator from Wisconsin, and his decision to withdraw the amendment, for the reasons he has cited.

I want to affirm what he has already said—that the White House is very concerned about the so-called leveraging language as some have interpreted it. Senior White House officials have told me that they would advise the President to veto the bill unless this matter is satisfactorily clarified.

As the Senator from Wisconsin has said—with both "signature" pen and his "veto" pen at close hand. And he will decide which to use, depending on whether or not we address the President's concerns.

I hope we do resolve the President's concerns on this issue. He is right—if misinterpreted, this language could have a chilling effect on administration officials charged with implementing our foreign policy.

We cannot have lawful, but confident and creative, handling of our foreign policy—if every administration official hereafter is always looking over his shoulder to see if some aggressive special prosecutor—out to get his name in the headlines—might be concocting some fanciful charge based on vague language.

Mr. President, this is urgent legislation. It contains the real money for Poland, and the Philippines, and the many other allies and friends around the world we are pledged to help. It contains such small but important and urgent items as aid for Armenian earthquake relief and reconstruction.

Mr. President, this is a must-pass legislation. The Kasten amendment signals that, if we don't take care of the leveraging problem, it will be must-veto legislation. Let us work with the President to make sure that doesn't happen.

Mr. KASTEN. Mr. President, I will now withdraw my amendment. I am hopeful that in some piece of legislation or in the interpretation of this legislation, along with the new facts that we have outlined here, that the foreign operations bill will not be signed into law. That is my hope. If we cannot fix this or reinterpret parts of it, we are going to have to have a veto. Right now I am optimistic that we can fix it, that we can work it on other legislation, if necessary, or possibly with the understandings that we have reached here tonight, in terms of the real scope of the Obey amendment. With these understandings, we can avoid a veto.

I withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment. The amendment therefore is withdrawn.

Mr. KASTEN. I know of no other amendments.

Mr. LEAHY. I know of none.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 3743) was ordered to a third reading, was read the third time, and passed.

Mr. LEAHY. I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. I thank the distinguished Senator from Wisconsin and everybody else involved, as well as Mr. Newsom, and others on this side for all their help. Without them it truly would have been impossible.

Mr. KASTEN. I simply want to echo the words of the Senator from Vermont and thank our staffs, particularly thank the Senator, the chairman of the committee. We have been here once or twice, more than we thought we were going to be here. I am assuming this is our last time, at least for this year. I thank the chairman and particularly thank the staff. I yield the floor.

Mr. LEAHY. If this is our last time here, Mr. President, we will both have something to be truly thankful for this Thanksgiving.

Mr. President, I mentioned Mr. Newson, Mr. Rieser and, please, I ask unanimous consent to add to that list, of course, Mr. Fishbein and Mr. Cannon from my staff.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. ADAMS].

PRESIDENT'S VETO OF DISTRICT OF COLUMBIA APPROPRIATIONS, 1990

Mr. ADAMS. Mr. President, the President of the United States has vetoed a second District of Columbia appropriations bill. When he vetoed the first District of Columbia bill, I stated I thought it was a tragedy.

Mr. President, this action that has taken place just tonight is deeply troubling, because the president has chosen to place his personal views on abortion above fighting drugs and crime which is basically the D.C. appropriations bill, and above the right of U.S. citizens of the District of Columbia to decide how their tax dollars will be spent on this issue.

Regardless of how you feel on the issue, people of individual States should have the right to elect representatives to decide this matter, and the citizens of the District of Columbia should enjoy this right as the citizens of any other part of the country.

Mr. President, on November 7, 1989, at a news conference, President Bush was asked if the vetoes of the Labor-Health and Human Services and the District of Columbia appropriations bills meant that abortion is his first domestic priority, and the President's response was an unequivocal "no." However, what inference are we to draw when the President's actions place the abortion issue above hiring more police, above providing for more judges, above more for drug education programs in the D.C. schools, and above providing for treatment on demand for pregnant women. How can we conclude that abortion is anything but the President's first domestic priority?

It is ironic that earlier today the President campaigned for two pro choice Republican candidates and returned to his desk to veto an appropriations bill over one issue: choice.

By his action, the President has unnecessarily delayed further the implemention of the District's expanded drug-fighting program. This delay has not come without cost. Since the President vetoed the first D.C. bill on October 27, there have been 33 murders in the District. Mr. President, I do not mean to suggest that is the bill had been signed, those people would all be alive today, but it does represent a callous disregard for the drug emergency in the Nation's Capital and the rights of the citizens.

So, Mr. President, make no mistake about the fact that the President of the United States, President Bush, has won on this matter for this year, on this appropriations bill. Because I will not call for a rollcall vote on this tonight, because we would have to go back to the House and we would go through the veto process all over again. However, the President cannot long thwart the will of the Congress, the citizens of the District of Columbia, and indeed the will of the American people on this issue without further dividing the country.

There will be another day, a day of reckoning, and it may come sooner than the President is prepared for, because I have earlier in the evening had a colloquy with the majority leader in the presence of a great portion of the Senate, indicating that I shall do everything under my power under the rules of the Senate to bring this up as early as possible next year and on all the appropriation bills as they come along.

Now, Mr. President, we must take care of the Nation's business; the continuing resolution that would apply to the District expires at midnight. I do not wish to stop the District of Columbia from operating.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. ADAMS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3746, the new D.C. appropriations bill, which we have this night received from the House of Representatives to replace the bill that was vetoed by the President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3746) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ADAMS. Mr. President, I ask unanimous consent the bill be read for the third time, and passed.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Reserving the right to object, I wanted to address this briefly. Mr. President, I want to defend the President's two vetoes of the D.C. appropriations bills for fiscal year 1990.

First off, it is not a question of the fundamental issue of right to abortion that led to the President's vetoes. Rather, it was the distinct question of the funding of abortion in the District of Columbia, funding, as distinct from the fundamental issue.

Mr. President, it may displease some Members, but it is a constitutional fact that the District of Columbia is a Federal enclave; that, in fact, we the Congress are the legislature under the Constitution and the home rule statute; we are the legislature for the District of Columbia in the sense that we appropriate all funds, all funds, however derived, for the District. That is simply a constitutional fact.

Some might suggest that that is an anachronism, that it ought to be repealed or amended. But the fact is that is where the Constitution stands today.

However much some Senators might desire to overlook that fact as an inconvenience in their arguments, that is the fact, and we have the responsibility and the duty to appropriate every dollar spent by the District of Columbia and to appropriate it with the greatest care, so that those who raise home rule objections are really on very weak ground.

The charge that the Senate is unduly interfering in the business of the District of Columbia is simply invalid under the Constitution and the laws as they now stand.

So I suggest the President was right. He was right on principle, on the Constitution, and on law.

And I am puzzled by those who insist otherwise.

Mr. President, what is even more puzzling is that the very Senators who criticize the President for interfering in the District of Columbia with respect to abortion matters are almost name for name the very same Senators who are original cosponsors of a bill introduced last week, a bill called the Freedom of Choice Act of 1989.

What does this bill do, or what would it do if enacted? It would prohibit any State from proscribing abortion. Under the Webster decision of the Supreme Court a few months back, States are given some not very well defined but clearly greater latitude in restricting and regulating abortion. That has given rise to great alarm among those who want to continue abortion on demand.

So alarmed are they that they have now introduced into the Congress as of last week this so-called Freedom of Choice Act of 1989. That Freedom of Choice Act will absolutely erase any choice that States have in setting policy under the new latitude permitted by Webster.

States will have no choice because if the bill is enacted, States will be prohibited from proscribing abortion wherever abortion is deemed necessary for the health of the mother, including the mental health, and that is the loophole through which about 99 percent of the abortions pass today.

So I find it ironic. On the one hand, those who criticize the President's veto say it is wrong for the Congress to tell the District of Columbia it may not use its own funds to pay for abortions. On the other hand, the very same Senators, almost name for name, are now advocating a bill that will tell the District of Columbia and every one of the 50 States and all of the territories and possessions that they may not proscribe abortion.

If that is not an inconsistency, then I have never seen one, and I do not think they can have it both ways. They cannot berate us for what they regard as interference in the abortion policies of the District one week, and then the next week introduce a bill that clearly is intended to interfere in the abortion policies of the District of Columbia and of every State and of every territory and possession of the United States.

They cannot have it both ways. But they object to the interference by Congress in the affairs of the District with respect to abortion; then they are, it seems to me, inconsistent in supporting this other bill which has as its fundamental purpose interference with the District of Columbia in respect to the matters of abortion, interference with any of the 50 States and all of the territories and possessions.

The fundamental issue over which President Bush twice vetoed the D.C. appropriations bill is the issue of who pays for abortion in the District of Columbia, not the question of whether an abortion can be performed.

The President did no touch upon that a bit. The question was funding, and he was quite right in insisting that the Congress restrict taxpayer funding of abortion to those cases and those cases only where the life of the mother is at stake.

So I commend him for his adherence to principle; I commend him for his courage in standing up to a lot of demagoguery on the issue, a lot of obfuscation about the constitutional status of the District of Columbia and the responsibility of Congress to appropriate funds, all funds for the District.

I think the President is to be commended. I certainly commend him, and I urge him on this year and next year and every year to come, in this important matter of principle.

I thank the Chair.

The PRESIDING OFFICER. There is still pending the unanimous-consent request of the chairman of the D.C. Appropriations Committee for the third reading and passage of the bill.

Without objection, it is so ordered.

The question is on the third reading and passage of the bill.

The bill (H.R. 3746) was ordered to a third reading, was read the third time, and passed.

Mr. ADAMS. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I think the comments of the Senator from New Hampshire are quite interesting. I think they miss the whole point, and I wonder whether the citizens of the State of New Hampshire would like to have someone tell them how they can spend their tax dollars on the matter of prochoice.

The Supreme Court has now placed before the American public, and this debate will continue. I know where I stand. I am with those who say that the Government should not interfere with the woman's right to choice.

Others may disagree with that, but to use the funding mechanism where we were attempting to provide for a fight against drugs and the funding of the District to accomplish the end of denying choice to women I think is wrong, and I will join the debate with the Senator from New Hampshire on this during the next year.

I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. ADAMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington has suggested the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATION TO ENHANCE SCIENCE AND MATH EDUCATION

Mr. BINGAMAN. Mr. President, I rise today to express my support for the two legislative initiatives being introduced today by Senators GLENN and HATFIELD. I am proud to be a cosponsor of these important bills, which should significantly improve the quality of our children's science, mathematics, and technology education.

Without question, the need to improve our Nation's science and math educational system is urgent and important. We simply must give a higher priority to remaining a world leader in science, engineering, and technology. And we cannot do this without giving an equally high priority to the education of our children.

I. THE SCIENCE AND MATH CHALLENGE

The importance of science and technology in our modern world is indisputable. When the history of the 20th century is written, I believe it will be recorded as the century in which science and technology dramatically and permanently altered the lives of all of mankind.

None of us exaggerates when we say that the nations that lead in science and technology will inevitably lead economically and militarily as well. It follows that the nations which fall behind in science and technology also will fall behind economically and militarily. But it is important to remember: a country that leads in science does not simply produce Nobel laureates. That is only part of the measurement of success.

A country that leads in science must also lead in applying new scientific knowledge—in putting new technology to use. And for a country to lead in applying science, it must have a reasonable level of general scientific competency within its entire population.

Mr. President, I believe that we all agree on the importance of science and technology to our Nation's future economy and future security. Now, we must begin to seriously address some obvious questions:

How are we doing?

Are we still preeminent in these fields?

Are we doing what we should to maintain a leadership position?

Unfortunately, the answers to these basic questions are not encouraging. We are no longer preeminent in many key fields of science. We are not taking the steps we need to take to maintain a leadership position.

In his book, "The Business of Science," Simon Ramo traces our country's performance in science and technology over the last three decades.

In the 1960's, Ramo writes, scientific preeminence was a major national goal. By the end of the decade, few doubted that the United States led the world in virtually all areas of scientific discovery and invention. The launching of Sputnik by the Soviets and the national commitment to send a man to the moon were major factors in our drive for preemminence.

Throughout the 1970's, we continued to lead. But by the beginning of this decade—the 1980's—our lack of priorities and our complacency with previous successes began to take their toll.

And as the 1980's draw to a close, Simon Ramo's assessment of our position is sobering. He states, as so many others have also stated:

> In recent decades the United States has lost its position as global champion in technology and has become an average performer, winning some contests, but losing more.

What has happened? Part of what has happened is that the focus on science, engineering, and technology, which characterized public sentiment in the 1960's, has been lost.

We have an inherent belief, as Ronald Reagan said so often during his presidency, that "given a level playing field, Americans can outperform and outcompete anyone in the world." Unfortunately, we have allowed this self-confidence to persuade us that, unlike other nations, we do not need to set national priorities or goals. We do not need to make plans to achieve our objectives.

We falsely believe that being the world leader is our birthright. We leave the planning and hard work to others. It is time to forget about birthrights and to work for what we deserve. Just as our parents and grandparents worked to make this country great, so too must we work. We must once again focus on creating and improving the technological base needed to be a world-class economic power.

II. THE SOLUTION

I believe these legislative initiatives will help us sharpen that focus. But to achieve any lasting benefit, these measures must be enacted into law. We must commit ourselves today to making this a high priority in the second session of the 101st Congress. I believe we must set this goal now because it will be left to us—the Members of the House and the Senate, together with the States—to take up the science and math challenge.

I hope I am wrong, but I do not believe we can realistically expect the administration to do much of what needs to be done. In fact, during this decade, the greatest failure of leadership we have experienced in science and math education has been within the administration.

We began this decade with former President Reagan's pledge to abolish the U.S. Department of Education and an attempt to eliminate the National Science Foundation's math and science education programs. His position clearly was that Federal involvement in education should be terminated, or at least substantially diminished. And it was.

As this decade ends and we turn our sights toward a new millennium, I hope we can turn this trend around. Mr. President, I know we can turn this trend around. During the 1990's and into the 21st century, we can recreate a system in which the Federal Government will once again work in partnership with States to help meet the challenge to succeed in the sciences.

Indeed, we can already point to some successes. In my home State of New Mexico, for example, a "Science and Technology Alliance" has been forged between educational institutions and our national laboratories. Through the alliance, New Mexico's Highlands University and Luna Vocational-Technical Institute have joined with Los Alamos and Sandia National Laboratories to pursue a program sponsored by the Department of Energy that will help increase crucially-needed minority representation in the Department's scientific and engineering programs.

Another success in New Mexico is the establishment and invigorating continuation of the "Centers of Technical Excellence" at three of the State's universities. But clearly, we cannot stop there. We must strive for more. I believe we all should be working toward four basic steps:

First, we need to develop a better method for measuring and assessing the condition of science and math education nationally and among individual States, from year to year.

Throughout a recent set of hearings on the quality of our Nation's education information and statistics gathering efforts, which I chaired in my capacity as chairman of the Governmental Affairs Subcommittee on Government Information and Regulation, I have been struck by how incomplete and fragmentary our informational base is.

We need to know the level of effort in each school.

We need an objective appraisal of how much our students are learning from year to year.

Most importantly, we need to know the condition of our teaching force, which is given the difficult task of instructing our children in these subjects.

Second, we need to set some realistic, but ambitious, goals for the next 10 years and beyond. After determining where we are today, we need to set goals—not only to increase basic knowledge of math and science, but to really help students who will pursue careers in these fields.

Nationwide, of every 1,000 young people who will graduate from college this year, only about 7 will pursue a career in science or engineering. In Germany, the figure is 25 out of 1,000.

In Japan, it is 40 out of 1,000. It is no wonder that we are losing ground in our competition with those nations.

Third, we need to improve funding for the teaching of these vital subjects. We need to ensure adequate salaries for the people who do that teaching.

Fourth, we need to continue developing innovative ways for our students to benefit from the scientific talent and the tremendous research activity that exists throughout our country, in every State.

The legislation being introduced today will go a long way toward reaching this goal. We simply must coordinate Federal education efforts and network our resources. I strongly support these measures to establish an interagency committee of Federal mission agencies to coordinate science, math, and technology education at the Federal level and to establish regional networks of consortia to provide schools with vitally needed assistance as they undertake critical reform efforts.

III. CONCLUSION

Mr. President, I am well aware that setting goals and priorities sparks argument. Some will agree with the priorities I have briefly described. Others will disagree.

But the alternative to setting these priorities is unthinkable. It is to continue to drift. It is to continue to assume that we will remain a world leader without making the kind of concerted effort other countries around the world are making. Or it is to assume that maintaining a leadership position in these fields is not important to our country's future.

I reject all of these suggestions.

I believe our country can meet the challenge. I believe we can remain a leader in the ongoing scientific revolution. We can remain a leader if we seriously commit ourselves to working persistently and creatively toward this national goal. Through legislative initiatives such as these, I am confident that we will achieve our goals. Thank you.

RURAL DEVELOPMENT SUCCESSES IN 1989

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on Agriculture, Rural Development, and Related Agencies I occasionally recognize the critical efforts of certain Senators regarding the appropriations process.

It is important that we all recognize the crucial role Senator LEAHY played this year regarding rural development. His efforts contributed to an increase of $250 million in Federal funding and support for rural development. This significant increase in funding will greatly aid rural America.

Earlier this year, Senator LEAHY was appointed chairman of the Senate Task Force on Rural Development. He initiated a bipartisan letter to the Senate Budget Committee requesting additional Federal funding for rural development. Through his persistent and continuing efforts, he was able to obtain more funds than anyone would have thought possible to help revitalize rural areas.

As you all know, the struggle to help rural America often turns on getting more funding appropriated. Rural development legislation, already on the books, provides the authorization to fund a huge range of rural development efforts. What becomes critical each year is the level of funding that is provided by the Congress.

Senator LEAHY's efforts early this year led to a $300 million increase in rural development funding in the budget resolution. As a result, the Appropriations Committee divided the funds allocated to it under the budget resolution so that additional funding was available to the Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies for rural development purposes.

The appropriations report provides $640 million for water and sewer projects; over $16 million for rural development grants; $120 million for community facility loans; and $120 million for other rural development projects. This money represents a $20 million increase for this rural development work—a 38 percent increase over last year.

Senate passage of his bill, the Rural Partnerships Act of 1989 (S. 1036), sent a clear message to the Congress. The message was that the Senate was willing to make the budget decisions necessary to fund these important rural development efforts. On behalf of rural America I thank Senator LEAHY for his important efforts this year.

H.R. 2712, AS AMENDED

Mr. GORTON. Mr. President, H.R. 2712, as amended, represents a good and compassionate first step to help our Chinese visitors who are unable to return home. As one of the parties to this compromise, I wish to make clear the bases upon which those of us who had proposed to do more accepted this bill as an interim measure. I limit my comments to the provisions relating to the immigration status of Chinese students who lawfully arrived to the United States pursuant to nonimmigrant visas.

Over 30,000 of the Chinese students who are in the United States arrived on J-1 exchange visas. With the legislation, these students will not be required to return home before they may apply for another U.S. visa. Further, if these students change or adjust to other than J visa status within the specified duration, including a change to F visa status, they will not be subject to the 2-year foreign residency requirement for any later change or adjustment of status.

This bill also grants to all Chinese students the authority to seek employment. Work authorization is necessary because scholarships and other sources of funds may be exhausted or overstrained due to the unexpected extension of their stay here.

These benefits are available to the Chinese students notwithstanding whether their passports may expire or not be extended by the Chinese Government after the operative dates contained in the bill.

The Chinese leadership has been telling us that the situation is back to normal, yet their actions belie their words. China is still under martial law, and the systematic search and seizure of known and suspected dissidents continues. Participants in prodemocracy activities, at minimum, are required to undergo "self-criticism," a public admission of their mistakes. Students' activities are being closely monitored to prevent the prodemocracy movement from reemerging on college campuses. Political education once again is being emphasized in the schools and work place. Entering college students and intellectuals are being sent to the countryside for reeducation and political isolation.

The Chinese Government is trying to undermine and discourage the prodemocracy activities of Chinese students in the United States and abroad as well. Chinese nationals wishing to extend their passports must first sign a statement supporting the official position of the Chinese Government.

These students are not the victims of Chinese political oppression; they are its targets.

This bill is an important first step to help the Chinese students in our country. Waiver of the 2-year foreign residency requirement was among the recommendations that I sent in a letter to President Bush during the first week following the Tiananmen Square massacre.

By passing this legislation, we in Congress send the unequivocal message to the current Chinese leaders and the rest of the world that America supports freedom and democracy, wherever found. We will protect those who fight for those rights and values that Americans hold dear.

I am especially pleased that we are able to take this initial step before Congress adjourns. With this legislation, we will add a small but significant degree of security to the Chinese students whose lives have been disrupted by tumultuous events halfway across the world. In this stronghold of liberty and compassion, the Chinese students should not be forced to lie in

endless fear for their role in supporting freedom and democracy.

We in Congress should not stop and pat ourselves on the back just yet, however. There is much work still to be done. We should provide the Chinese students with full assurances that they are welcomed to remain safely in the United States for so long as they may need.

Earlier this year, Mr. President, I introduced the Emergency Chinese Immigration Relief Act (S. 1370). In addition to providing safe haven for visiting Chinese students, S. 1370 would permit them to adjust to temporary resident status—the first step in a process which may ultimately lead to citizenship—if the President is unable or unwilling to certify by July 1990 that it is perfectly safe for them to return to China.

Our visiting Chinese students represent the best and brightest youth of a nation exceeding one billion citizens. These students most certainly will make significant contributions to any country in which they choose to reside—be it China or the United States.

Further, S. 1370 would provide a powerful incentive for the Chinese Government to take positive steps to attract these talented individuals to return voluntarily. Under S. 1370, Chinese students would no longer be faced with the possibility of forced return upon the completion of their studies. China can ill afford to forego these valuable human resources.

As the Chinese students further their education and practical training in the United States, they will continue to experience firsthand the virtues of democracy and freedom. Wherever they ultimately choose to live, these individuals will continue to play important roles to promote greater democracy and freedom in China.

Those who choose to return to China will take with them a heightened sense of our fundamental values of free governance, and one by one, will replant the seeds of political reform. I am confident that through the continued leadership of Chinese students around the world, these values once again will be embraced openly by China and her people.

Mr. President, H.R. 2712 represents an important first step to help the Chinese students in our country, and I am pleased to support it as such. I encourage my colleagues to work to provide more permanent protections. We in Congress should not be satisfied until all Chinese students and visitors in the United States are free to speak out for freedom in China and to stay in this country until that freedom is assured.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 218. Joint resolution to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 72. A concurrent resolution to recognize the historic significiance of the International Ladies' Garment Workers' Union [ILGWU] Health Center, on the 75th anniversary of the Center, and to commend the ILGWU for establishing and maintaining the Center.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3743. An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes.

At 3:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1553. An Act to require the Secretary of the Treasury to mint and issue coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming, and for other purposes; and

H.J. Res. 430. Joint resolution to designate December 1, 1989, as "World AIDS Day."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 4:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes;

S. 737. An act to adjust the boundary of Rocky Mountain National Park;

S. 818. An act to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes;

S. 1390. An act to provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes;

H.R. 2748. An act to authorize appropriations for fiscal year 1990 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S.J. Res. 207. Joint resolution approving the location of the memorial to the women who served in Vietnam;

S.J. Res. 218. Joint resolution to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week";

H.J. Res. 282. Joint resolution designating November 19-25, 1989, as "National Family Caregivers Week"; and

H.J. Res. 393. Joint resolution to grant the consent of Congress to the boundary change compact between South Dakota and Nebraska.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILL SIGNED

At 5:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2461. An act to authorize appropriations for fiscal year 1990 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 7:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 83. Concurrent resolution to correct the enrollment of H.R. 3566.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1668) to authorize appropriations for certain ocean and coastal programs of the National Oceanic and Atmospheric Administration.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on

the amendment of the Senate to the bill (H.R. 1312) to revise and extend the programs of the Domestic Volunteer Service Act of 1973.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 838) to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the Peninsula Airport Commission for airport purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 901) to amend title 38, United States Code, to improve programs for the recruitment and retention of Healthcare personnel of the Department of Veterans Affairs, to extend certain expiring programs of that Department, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the joint resolution (S.J. Res. 164) designating 1990 as the "International Year of Bible Reading"; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3696. An act to provide survival assistance to victims of civil strife in Central America;

H.R. 3720. An act to amend provisions of the National Consumer Cooperative Bank Act relating to the payment of interest on and the redemption of class A notes issued by the National Consumer Cooperative Bank;

H.R. 3729. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; and

H.J. Res. 140. Joint resolution designating March 11 through March 17, 1990, as "Deaf Awareness Week."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 228. Concurrent resolution to express the sense of the Congress regarding the 25th anniversary of Volunteers in Service to America;

H. Con. Res. 236. Concurrent resolution expressing the sense of the Congress deploring the escalating violence in El Salvador; condemning the killing of innocent civilians, including six Jesuit priests; and calling for an immediate cessation of hostilities; and

H. Con. Res. 237. Concurrent resolution correcting the enrollment of the bill S. 488.

At 9:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House recedes from its disagreement to the amendment of the Senate numbered 5, to the bill (H.R. 3566) making appropriations for the Departments, of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1990, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2459) to authorize appropriations for the Coast Guard for fiscal year 1990, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 1164) to authorize appropriations for fiscal year 1990 for the Office of the U.S. Trade Representative, the U.S. International Trade Commission, and the U.S. Customs Service; with an amendment, in which it requests the concurrence of the Senate.

At 10:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3746. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1990, and for other purposes.

At 10:17 p.m., a message from the House of Representatives announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 240 to the bill (H.R. 3072) making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3566. An act making appropriations for the Departments of Labor, Health and Human Services, and related agencies for the fiscal year ending September 30, 1990, and for other purposes; and

H.R. 3072. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, November 20, 1989, he had presented two following bills and joint resolutions to the President of the United States:

S. 338. An act to authorize the Secretary of the Interior to provide for the development of a trails interpretation center in the city of Council Bluffs, IA, and for other purposes;

S. 737. An act to adjust the boundary of Rocky Mountain National Park;

S. 818. An act to commemorate the contributions of Senator Clinton P. Anderson to the establishment of the National Wilderness Preservation System, and for other purposes;

S. 1390. An act to provide for the construction of biomedical facilities in order to ensure a continued supply of specialized strains of mice essential to biomedical research in the United States, and for other purposes;

S.J. Res. 159. Joint resolution to designate April 22, 1990, as Earth Day, and to set aside the day for public activities promoting preservation of the global environment;

S.J. Res. 184. Joint resolution to designate the period commencing on November 26, 1989, and ending on December 2, 1989, and commencing on November 25, 1990, and ending on December 1, 1990, as "National Home Care Week";

S.J. Res 207. Joint resolution approving the location of the memorial to the women who served in Vietnam; and

S.J. Res 218. Joint resolution to designate the week of December 3, 1989, through December 9, 1989, as "National American Indian Heritage Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents which were referred as indicated:

EC-1985. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's first special impoundment message for fiscal year 1990; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture Nutrition and Forestry, the Committee on Armed Services, the Committee on Finance, the Committee on Foreign Relations, and the Committee on Commerce, Science and Transportation.

EC-1986. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Egypt for defense articles estimated to cost $50 million or more; to the Committee on Armed Services.

EC-1987. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation to amend section 4(b) of Public Law 97-454 regarding the effective date of that act in order to extend authority of the Secretary of Commerce to conduct the quarterly financial report program; to the Committee on Commerce, Science, and Transportation.

EC-1988. A communication from the Secretary of Energy, transmitting pursuant to law, a report entitled "WSA-SNO$_x$ Flue Gas Cleaning Demonstration Project"; to the Committee on Energy and Natural Resources.

EC-1989. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Advanced flue Gas Desulfurization [AFGD] Demonstration Project"; to the Committee on Energy and Natural Resources.

EC-1990. A communication from the Secretary of Energy, transmitting pursuant to law, a report entitled "Cement Kiln Flue Gas Recovery Scrubber"; to the Committee on Energy and Natural Resources.

EC-1991. A communication from the Secretary of Energy, transmitting pursuant to law, a report entitled "Demonstration of Advanced Combustion Techniques for a Wall-Fired Boiler"; to the Committee on Energy and Natural Resources.

EC-1992. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "SO_x-NO_x-RO_x Box Flue Gas Clean-Up Demonstration Project"; to the Committee on Energy and Natural Resources.

EC-1993. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the second calendar quarter of 1989; to the Committee on Environment and Public Works.

EC-1994. A communication from the Director of Government Affairs of the Lower Mississippi Delta Development Commission, transmitting, pursuant to law, the interim report of the Commission dated November 16, 1989; to the Committee on Environment and Public Works.

EC-1995. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting a draft or proposed legislation to establish a comprehensive personnel system for employees of the Administrative Office of the U.S. Courts, and for other purposes; to the Committee on Governmental Affairs.

EC-1996. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the simi-annual report of the Inspector General Corporation for Public Broadcasting, for the period April 1 to September 30, 1989; to the Committee on Governmental Affairs.

EC-1997. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report on actions of the Commission in relation to the directive in Section 7301 of the Anti-Drug Abuse Act of 1988; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on environment and Public Works, without amendment:

S. 1210. A bill to conduct a comprehensive national assessment of the nature and extent of aquatic sediment contamination.

S. 1539. A bill to amend the Federal Water Pollution Control Act so as to include Lake Champlain in the Clean Lakes Demonstration Program.

By Mr. DECONCINI, from the Select Committee on Indian Affairs:

Special report entitled "Final Report and Legislative Recommendations: A Report of the Special Committee on Investigations of the Select Committee on Indian Affairs, United States Senate" (Rept. No. 101-216).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 768. A bill to amend the Public Health Service Act and the Fair Labor Standards Act of 1938 to provide basic health benefits for all Americans, and for other purposes (Rept. No. 101-217).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 321. A bill to revise provisions of law that provide a preference to Indians (Rept. No. 101-218).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 903. A bill to provide for accountability with regard to environmental compliance and to provide notice and an opportunity to comment on designations of special use airspace.

By Mr. COHEN, from the Select Committee on Intelligence:

Special report entitled "Report on Activities of the Select Committee on Intelligence During the 100th Congress" (Rept. No. 101-219).

Mr. BOREN. Mr. President, Senator COHEN and I are pleased as the vice chairman and the chairman of the Select Committee on Intelligence to submit to the Senate this report on our activities during the 100th Congress.

At the beginning of the 100th Congress, the vice chairman and I conducted a comprehensive review of committee procedures and instituted a series of reforms to approach national security issues in a bipartisan fashion that were adopted by the full committee. We also strengthened procedures for the protection of classified material and the prevention of unauthorized leaks and disclosure of such material.

The scope of this report covers the initial inquiry into the Iran-Contra affair, the verification aspects of the INF Treaty, Embassy security, espionage and confirmation hearings for the Director of Central Intelligence. These issues as well as the budget authorization process are detailed herein.

I believe this unclassified report will be found thorough and accountable to the Senate and to the public although most of the business of the committee must, of necessity, be conducted in secrecy.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Philip Lawrence Christenson, of Virginia, to be an Assistant Administrator of the Agency for International Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Housing, and Urban Development.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

The following-named lieutenant commander for promotion to the permanent grade of commander under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America.

To be commander

Lt. Comdr. Edward M. Moon, U.S. Navy, [redacted]

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. SHELBY, from the Committee on Armed Services:

Jerome G. Cooper, of Alabama, to be an Assistant Secretary of the Air Force.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constitued committee of the Senate.)

By Mr. KENNEDY, from the Committee on Armed Services:

The following-named commander for promotion to the permanent grade of captain under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America.

To be captain

Comdr. Robert D. Knowlton, CEC, U.S. Navy, [redacted]

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Adis Maria Vila, of Florida, to be an Assistant Secretary of Agriculture.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 1929. A bill to provide for a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico; to the Committee on Environment and Public Works.

By Mr. GORE:

S. 1930. A bill to amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and

employees of campus crime statistics and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DANFORTH (for himself, Mr. BIDEN, Mr. THURMOND, and Mr. PELL):

S. 1931. A bill to prevent the discharge in a chapter 13 bankruptcy proceeding of certain debts arising out of the debtor's operation of a motor vehicle while legally intoxicated; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1932. A bill to amend title VI of the act of December 19, 1980 (94 Stat. 3227) to provide further relief to the Vermejo Conservancy District from its repayment obligation for the construction, operation, and maintenance of the Vermejo reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 1933. A bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fireservice bill of rights and programs to fulfill those rights; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 1934. A bill to amend the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian housing assisted under such act; to the Select Committee on Indian Affairs, pursuant to the order of May 27, 1988 with instructions that if and when reported, the bill be referred to the Committee on Banking, Housing and Urban Affairs for a period not to exceed 60 days provided that said committee may propose amendments only to those provisions affecting the HUD Indian housing programs.

By Mr. SIMPSON (for himself, Mr. WALLOP, Mr. BAUCUS, and Mr. BURNS):

S. 1935. A bill to authorize the Secretary of Agriculture to compensate owners of property damaged by forest fires that were permitted to burn out of control; to the Committee on the Judiciary.

By Mr. KASTEN:

S. 1936. A bill to make amendments to the Liability Risk Retention Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 1937. A bill to require the deepening of the Arkansas Post Canal of the McClellan-Kerr Arkansas River Navigation System, Arkansas; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. NUNN, and Mr. CRANSTON):

S. 1938. A bill to amend the Internal Revenue Code of 1986 to stimulate investment through a reduction in the capital gains tax; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. PELL, Mr. SIMON, and Mr. KENNEDY):

S. 1939. A bill to extend the authorization of appropriations for the Taft Institute; considered and passed.

By Mr. MATSUNAGA:

S. 1940. A bill for the relief of Clement Perez; to the Committee on Armed Services.

By Mr. PELL (by request):

S. 1941. A bill to implement the Obligations of the United States Under the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

By Mr. ROCKEFELLER (for himself, Mr. BRADLEY, Mr. MITCHELL, Mr. RIEGLE, Mr. PRYOR, Mr. DASCHLE, Mr. SIMON, Mr. CRANSTON, Mr. HOLLINGS, and Ms. MIKULSKI):

S. 1942. A bill to provide for home and community care as optional state-wide service, and for other purposes; to the Committee on Finance.

By Mr. PRESSLER:

S. 1943. A bill to authorize a program of scientific drilling into the continental crust of the United States; to the Committee on Energy and Natural Resources.

By Mr. COATS:

S. 1944. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical accounts to assist in the payment of long-term and catastrophic medical care expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

By Mr. WIRTH:

S. 1945. A bill to authorize a land exchange in South Dakota and Colorado; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. METZENBAUM):

S. 1946. A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; to the Committee on Finance.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1947. A bill to establish the Newberry Volcanoes National Monument in the State of Oregon and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 1948. A bill to authorize the Secretary of the Army to release the reversionary interest of the United States in certain portions of Camp Withycombe, Clackamas County to the State of Oregon in exchange for a contingent interest in Camp Rilea, Clatsop County, OR; to the Committee on Armed Services.

By Mr. KENNEDY:

S. 1949. A bill to amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself and Mr. DOLE).

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month"; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 230. Joint resolution to designate the period commencing on May 6, 1990 and ending on May 12, 1990 as "National Drinking Water Week"; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S.J. Res. 231. Joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. BOREN, Mr. COHEN, Mr. CRANSTON, Mr. D'AMATO, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. KERRY, Mr. LIEBERMAN, and Mr. WILSON):

S. Res. 214. Resolution that a reward should be offered under the provisions of title 18, United States Code for any information leading to the arrest of those individuals who bombed the vehicle of Sharon Rogers of La Jolla, CA; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. PELL, Mr. SIMPSON, and Mr. LUGAR):

S. Res. 215. Resolution expressing the appreciation of the Senate for the distinguished humanitarian service of Jean-Pierre Hocke as United Nations High Commissioner for Refugees and with the International Committee of the Red Cross; considered and agreed to.

By Mr. SHELBY:

S. Res. 216 Resolution to express the sense of the Senate concerning the formation by the States of interstate agreements to govern the management of hazardous waste; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1929. A bill to provide for a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico; to the Committee on Environment and Public Works.

UNITED STATES AND THE UNITED STATES OF MEXICO AIR QUALTY IMPROVEMENT ACT

Mr. DECONCINI. Mr. President, today I am introducing legislation that, in my opinion, takes a significant step in protecting the health and environment of those Americans living along the border between the United States and Mexico.

As you know, Congress is currently considering legislation that will hopefully become the first major revision of the Clean Air Act since 1977. This legislation focuses primarily on three specific areas: Acid rain, air toxics and urban non-attainment. I commend and support the distinguished majority leader and both the chairman of the Environment and Public Works Committee and the chairman of the Environmental Protection Subcommittee for their efforts to bring this legislation to the floor of the Senate as soon as Congress reconvenes next year. A revision and a strengthening of the Clean Air Act is much needed and long overdue.

However, there are a significant number of Americans living in communities along the United States-Mexico border that are breathing air that does not meet current air quality standards, let alone new ones that are being pro-

posed in legislation pending in Congress. In Arizona, for example, there are three border communities that are nonattainment areas for particulate pollution.

Studies by the Arizona Department of Environmental Quality have determined that in at least two of these cities, Douglas and Nogales, the predominant sources of the air pollution are the many miles of unpaved roads in the Mexican communities just to the south—Agua Prieta and Nogales respectively.

Air quality degradation along the United States-Mexico border is not isolated to just Arizona border communities and to just particulate pollution. El Paso and San Diego, for example, have been classified by the EPA as serious ozone nonattainment areas. It would be incorrect to lay all of the blame on Mexico for the air pollution in these United States cities.

However, just by virtue of the size of Tijuana and Juarez, their neighbors to south, one can draw the ligitimate conclusion that these cities are contributing significantly to the degradation of the air quality in San Diego and El Paso. For example, Tijuana has a population of approximately 1.3 million compared to 875,538 living just across the border in San Diego. Juarez has a population of 1.2 million, dwarfing its neighbor to the north, El Paso at 425,259.

The problem, Mr. President, lies in the fact that the northern border of Mexico is the fastest growing area in that country and infrastructure development has not kept pace with this growth. This has led to a number of environmental consequences, including the degradation of air quality in both the United States and Mexico.

There have been efforts in the past to resolve binational environmental problems. In 1983, President Reagan and President De La Madrid signed the historic agreement on cooperation for the protection and improvement of the environment in the border area. Since the signing of this agreement, also kown as the La Paz Agreement, both countries have agreed to several annexes that attempt to resolve specific transboundary environmental issues.

For example, annex 4 dealt with air pollution coming from copper smelters on both sides of the border. An irony of this agreement is that one of its major provisions required that the smelter in Douglas, the major employer in that community, be closed because it impacted air quality in Mexico.

As I mentioned previously, Douglas does not meet the health standards for particulate pollution which largely comes from Mexico. Technically, under current law, the citizens of Douglas could be penalized for a problem that they did not cause.

While the La Paz Agreement was a significant step in creating a dialogue between the United States and Mexico to resolve binational environmental issues, it is in my opinion, inadequate in two respects:

First, it is a piecemeal approach. For each specific binational environmental issue, specific negotiations must take place to develop specific annexes to the agreement. For example, negotiations were recently concluded on annex 5 which establishes a joint monitoring program for just the El Paso/Juarez area.

This is certainly commendable; however, this program should be expanded to include the entire United States-Mexico border.

Second, the La Paz Agreement does not authorize the utilization of United States funds and resources in Mexico to remediate the sources of pollution which affect the health and environment of American citizens living along the United States-Mexico border.

In fact, the Office of Management and Budget has consistently opposed United States funding of pollution control measures in Mexico, regardless of the benefits that would be derived in the United States.

In an attempt to provide an ongoing program to monitor and approve air quality along the border between our two countries and resources to accomplish this, I am introducing the United States-Mexico Air Quality Improvement Act. The major provisions of this legislation are:

First. Authorizes the Administrator of the Environmental Protection Agency to enter into negotiations with the appropriate authorities in the Mexican Government to establish joint air quality monitoring agreements. This program will identify and determine the sources of pollutants that cause the nonattainment of air quality standards in the United States.

This data will allow projections to be made on the amount of emission reductions necessary in both the United States and Mexico to bring about attainment of air quality standards.

Second. Authorizes the Administrator to negotiate with the Mexican Government to develop joint remediation measures to reduce the levels of air pollution in the border region.

These joint remediation measures may include those that are outlined in the EPA's control techniques and control technology documents. Also, the joint remediation measures agreed to will become enforceable control strategies for the State implementation plans for the affected nonattainment areas.

Third. Gives the Administrator the authority to make available funds, personnel, and equipment to carry out the joint monitoring and remediation programs. The Administrator may also develop grant agreements with Mexico to carry out the provisions of the Act. This legislation also requires the Administrator to ensure that United States resources used in Mexico are effectively utilized in implementing the provisions of this legislation.

Other provisions of the bill require that the Administrator make annual reports to Congress on the progress of bringing nonattainment areas along the border into compliance with air quality standards. Also, the authorization for this program will expire 5 years after its enactment prior to which the GAO will be required to summarize the program and make recommendations on how to improve it prior to its reauthorization.

Mr. President, I ask unanimous consent to include as part of the RECORD letters of support for this legislation which I have received from the mayors of Douglas and Nogales, AZ. I would also like to include an article that appeared in the Arizona Republic on March 26, 1989, that summarizes, with clarity, the air quality problems in Douglas.

I want to express my appreciation to Dick Kamp, Director of the Border Ecology Project for his valuable input in the drafting of this legislation. For many years, he has been working with representatives of both the United States and Mexican Governments to clean up the environment on both sides of the border.

As we proceed with legislation to revamp the Clean Air Act, I hope that we will not forget those citizens living along the border and will pass the United States-Mexico Air Quality Improvement Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CITY OF DOUGLAS,
OFFICE OF THE MAYOR, CITY HALL,
Douglas, AZ, November 16, 1989.

Hon. DENNIS DECONCINI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DECONCINI: On behalf of the citizens of Douglas, Arizona, I'm happy to assure you of our wholehearted support for your efforts to begin the task of improving air quality for the border cities. The City of Douglas has been extensively monitored for air quality over this decade as a result of being the home of the Phelps Dodge smelter, and remains a primary nonattainment area as a result of the problems with particulates from unpaved roads on both sides of the border.

The administrations of the City of Agua Prieta, Sonora and the City of Douglas have worked toward mutual cooperation on quality of life issues, and on air pollution we have two projects in the works on road paving and stabilization. We know our efforts will have some impact, but the problem is too big for local resources alone to correct. In addition, our particulate non-attainment limits industrial growth in our area, and inhibits growth of the local tax base—further limiting our ability to deal with the problem.

The bill you are introducing will provide what we need on the border to structure support for our efforts at all levels of government, and formalize our cooperative efforts.

We urge the Senate to consider and adopt this important initiative.

Sincerely,

GEORGE SAYERS,
Mayor, City of Douglas.

CITY OF NOGALES,
Nogales, AZ, November 15, 1989.

Hon. DENNIS DECONCINI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DECONCINI: On behalf of the citizens of Nogales, Arizona, I extend our wholehearted support for your efforts to address air quality problems along our common border with Mexico. The establishment of a program to monitor and improve air quality in regions along the border between the United States of America and the United States of Mexico is essential for the health and welfare of our communities.

As residents of the border area we have long realized that bi-national cooperation is essential to managing the many challenges that face our region. With the growth and development that is occurring along the border, this cooperation has become critical. While the population of Nogales, Arizona, is 20,000 persons, our sister city immediately across the international border has a population of approximately 300,000 people. Our cities share both the benefits and the burdens of the accelerated development.

The bill that you are introducing today provides the necessary cooperation and recognizes the fact that the United States of Mexico and the United States of America must work together to resolve our common problems. We would urge the Senate to consider, support, and adopt this critical legislation.

Respectfully submitted,

JOSE LUIS DE LA OSSA,
Mayor, City of Nogales.

[From the Arizona Republic, Mar. 26, 1989]

DOUGLAS ENVELOPED BY MEXICAN DUST

(By Gene Varn)

DOUGLAS—Two years ago, when an ancient copper smelter closed down and no longer spewed pollution into the air, residents of this border town were supposed to breathe easy.

No longer would they have to breathe air laden with sulfur dioxide and other chemicals generated by a smelter that a federal study had called the largest uncontrolled source of air pollution in the western United States.

The two towering smokestacks of the Phelps Dodge Corp.'s 80-year-old smelter shut down in January 1987.

The smelter, long the bulwark of Douglas' economy, closed after a long battle waged by environmental groups that claimed it was a health hazard on the horizon.

But when the smelter closed, there was another potential health hazard on the horizon.

Dust, clouds of it, filled the air, seeping into the homes and lungs of Douglas residents.

Most of the dust, according to preliminary studies, came from the adjoining Mexican border city of Agua Prieta, Sonora.

Dust in Douglas, a town of about 14,000 people that is located in the arid, sparsely vegetated plain of the Sulphur Springs Valley is not something new.

"Everybody here always has lived with dust. If you can't, you leave," said Douglas Mayor George Sayers.

But the dust problem has grown more intense in the past two decades because of the booming growth of Agua Prieta.

Once a town of about the same size as Douglas, Agua Prieta is now estimated to have from 75,000 to 125,000 people, although no one knows for sure.

The population boom is the result of the so-called twin plants in Agua Prieta that use low-wage labor to assemble goods brought from the American side of the border and then ship them back.

The clouds of dust that daily envelop Agua Prieta and then travel across the border to Douglas are mainly the result, according to American and Mexican officials, of Agua Prieta residents driving their vehicles on unpaved roads.

CLEAN-AIR STANDARDS VIOLATED

In December, Douglas officials were informed by the Environmental Protection Agency and the Arizona Department of Environmental Quality that Douglas' dust problem was in violation of federal clean-air standards, according to Sayers.

That determination means that the state environmental agency will conduct further studies to determine more precisely the scope and source of Douglas' air-quality problems, said Gary Neuroth, manager of air-quality assessment for the state agency.

Then the state agency is required to develop a plan to deal with the problem, Neuroth said.

But there is a major hitch in that formula, he said, because neither his agency nor the federal EPA has any power in Agua Prieta.

Preliminary studies have indicated 60 percent of Douglas' problem with dust, or "particulate matter" in formal government terms, is generated in Agua Prieta, while the remainder is locally produced, Neuroth said.

Those figures are challenged by Sayers, who said that probably 90 percent of the air-quality problems in his town are blown across the border from Agua Prieta.

The highest annual average allowed by the federal government on dust matter in the air is 50 micrograms per cubic meter of air, Neuroth said.

Douglas had an annual average of 52 micrograms in 1987 and an annual average of 65 micrograms through August 1988, said Jim Guyton of the state environmental agency's Office of Air Quality.

The highest annual average of particulate matter in the state was in Nogales, which had a reading of 72 micrograms in 1987 and 77 micrograms through September 1988, Guyton said.

NOGALES ALSO HAS DUST WOES

Neuroth said that Nogales, like Douglas, suffers from particulate matter blown from the city across the border, Nogales, Sonora.

But in Nogales, unlike in Douglas, Neuroth said he knows of no cooperative project under way with the city across the border aimed at curing the problem.

In Nogales, as in Douglas, the particulate problems are mainly caused by vehicles traveling over unpaved roads in Nogales, Sonora, he said.

In Douglas' case, however, efforts have begun on both sides of the border that are aimed at controlling the dust.

In something of an ironic twist, the dust-cleanup efforts center on using a remnant of that old health hazard, the now-closed copper smelter.

In October, Sayers said, Baudelio Vildosola Teran, the mayor of Agua Prieta, suggested that slag, the residue of the copper-smelting process that stands in huge piles around the smelter, be used to cover Agua Prieta streets.

For years, Sayers said, slag has been used to cover unpaved alleys in Douglas.

But Vildosola has proposed using slag on a much larger scale to pave several miles of streets in Agua Prieta, where less than 30 percent of the streets are paved, according to Miguel Gonzales Robles, head of Agua Prieta's municipal-planning panel.

Sayers said he and Vildosola are considering a two-step project. The slag, which resembles small rocks but without any sharp edges, first simply would be dumped on Agua Prieta streets as a temporary measure to control dust, Sayers said.

Then, the two cities would work toward finding funding to use slag in making asphalt that would be a permanent cover for the Sonoran city's unpaved streets, Sayers said.

The problem is money, something neither city has for new projects such as this, he said.

75,000 TONS OF USABLE SLAG

There are an estimated 75,000 tons of usable slag at the smelter, perhaps enough to cover 100 miles of unpaved streets, Sayers said.

Although Phelps Dodge has set no firm price on the slag, it may cost around 60 cents a ton, he said.

Then there are the additional costs of moving and laying the slag, tasks for which no estimate is available.

Sayers said, "For a quarter of a million dollars, we could transfer a lot of slag onto the roads of Agua Prieta."

The two mayors have sent a letter to Sonoran Gov. Rodolfo Felix Valdez asking for help in paving Agua Prieta's streets with slag.

The letter said, "Because of complications of international law and fiscal issues, these solutions are beyond the capability of our cities."

Also joining the effort to pave Agua Prieta's streets is Dick Kamp of the Border Ecology Project, and environmental group that led the battle against the Phelps Dodge copper smelter.

Kamp, who lives about 25 miles west of Douglas in Bisbee Junction, said he decided to take up the paving issue because "I've got a lot of friends down here."

"Many of them have respiratory problems because of the dust," he said.

Dr. Ulises Guzman, who has a medical practice in Agua Prieta, said that dust in the city is the main reason for respiratory problems that plague residents.

"The acute problem here medically is coming from the dust," Guzman said.

ELIMINATE THE DUST

"You can't treat it," he said. "The answer is eliminating the dust."

Kamp said he has begun an effort to convince EPA officials and their counterparts in Mexico that paving Agua Prieta's streets will require money and effort from both national governments.

U.S. Rep. Jim Kolbe, in whose district Douglas is located, said in a recent letter to Kamp, "I certainly agree that the issue of particulate control through road paving is an item deserving of attention and discussion" from officials of both countries.

Kolbe said he would ask that the Agua Prieta road-paving issue be considered at a

meeting later this year of environmental officials from Mexico and the United States.

Sayers said, "The roads in our little towns are just too far down the political agenda. We've just got to turn up the public interest."

By Mr. GORE:

S. 1930. Amend the Higher Education Act of 1965 to require colleges and universities to establish and disclose campus security policies and to inform students and employees of campus crime statistics, and for other purposes; to the Committee on Labor and Human Resources.

CAMPUS SAFETY AND SECURITY ACT OF 1989

Mr. GORE. Mr. President, today I am introducing the Campus Safety and Security Act of 1989. The incidence of crime on college campuses has risen in recent years, and this legislation addresses the crucial need to heighten student and employee awareness of what's happening where they live and work. Joining me as an original cosponsor of this legislation is Senator KENNEDY.

It's no secret that crime rates have grown at an alarming pace the last few years. Each time we open a newspaper or turn on the television, we are reminded of the figures and the reality behind them—people are being killed, lives are being destroyed, and businesses and neighborhoods are being threatened.

At first glance, a college campus appears to offer students the security and comfort of home. Many students consider their campus to be as safe as their own backyard.

Unfortunately, the fact is that the college campuses are as vulnerable to crime as any other environment. According to a USA Today survey, one of every four college students is a crime victim. Many of these crimes are petty thefts and other relatively minor acts; but some of these crimes have tragic consequences.

A student named Tom Baer was fatally stabbed at a fraternity house in Tennessee. A young woman, Jeanne Cleary, in Pennsylvania was awakened in her campus dormitory room by another student who was robbing the room. He then brutally attacked, sexually assaulted, and killed her.

The rate of reported sexual assaults on college campuses has soared. With classes barely underway this fall, three rapes had already occurred at Syracuse University, according to a September 25 report in the Boston Globe.

A survey of 1,100 colleges by the Center for the Study and Prevention of Campus Violence at Towson State in Maryland reports that 434 sexual assaults and 205 rapes occurred last year. About 80 percent of these were student-to-student and 34 percent date rapes. More than half the incidents were alcohol-related, the survey noted.

Tragedies such as these have shaken the public consciousness and caused students and parents and other concerned citizens on and off campus to unite in demanding that steps be taken to prevent such brutal acts from happening again. Howard and Constance Cleary, the parents of the young woman killed in Pennsylvania, last year successfully devoted themselves to passing a Pennsylvania law which ensures that college employees and students are aware of crimes committed on their campus and the school's security policies. Tom Baer's parents helped draft and pass a similar law in my home State of Tennessee.

These are important steps, but we are a long way from solving the problem. Recently, two daughters of a friend of mine tried to get information about all types of crimes on their college campus, as part of an educational program on self-defense. They were told they couldn't have this information.

Crimes themselves are tragic enough, especially when the victims are young people. But to deny college students information that would help them protect themselves only serves to make the situation worse.

As a father myself, I want my children to grow up understanding that they need to take precautions. And I want them to grow up with the right to find out what they need to know to protect themselves.

The Campus Safety and Security Act of 1989 amends the Higher Education Act to require colleges and universities throughout the Nation to compile an annual report which provides specific campus crime statistics for the three most recent academic years. The institution must provide this report to students and employees upon request and make known to these individuals the availability of such information. In addition, the institutions will submit the statistic compilation to the Federal Bureau of Investigation.

As Congressman GOODLING from Pennsylvania notes in similar legislation he has introduced in the House of Representatives, "80 percent of campus crimes are committed by a student upon another student and that 95 percent of the campus crimes which are violent are alcohol or drug related."

In light of such knowledge, this bill will also require from the colleges and universities statements of policies concerning the following areas: The possession, use, and sale of alcoholic beverages and illegal drugs on the campus, and the unauthorized possession or use of weapons.

Central to fostering a more safe environment for young people is the institution's duty to warn students about possible dangers on campus. With proper warning, an individual is more likely to take extra measures to ensure his or her personal safety. I believe that the knowledge of crime on campus will encourage victims to report any violation of their rights, especially in the instance of date rape, which is one of the most underreported crimes.

Many institutions and some State legislatures have taken great steps to heighten students' and employees' knowledge of crime committed on campus and taken other preventative actions to ensure campus safety. However, not all institutions are willing to provide this information, much less encourage students and employees to obtain it.

This bill is one step in making safer the campuses of our Nation's colleges and universities. It is my hope that along with new State laws, it will encourage institutions to take assertive action to protect their students and employees.

I ask unanimous consent that the text of this bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campus Safety and Security Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the reported incidence of crime on some college campuses has steadily risen in recent years, particularly violent crimes;

(2)(A) currently there are no comprehensive data on campus crimes; and

(B) out of 8,000 postsecondary institutions participating in Federal student aid programs, only 352 colleges and universities voluntarily provide crime statistics through the Federal Bureau of Investigation's Uniform Crime Report;

(3) several State legislatures have adopted or are considering legislation to require reporting of campus crime statistics and dissemination of security practices and procedures, but the bills are not uniform in their requirements and standards;

(4) students and employees of institutions of higher education should be aware of the occurrence of crime on campus and policies and procedures to prevent crime or to report occurrences of crime;

(5) applicants for enrollment at a college or university, and their parents, should have access to information about that institution's crime statistics and its security policies and procedures;

(6) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need—

(A) to encourage the development on all campuses of security policies and procedures; and

(B) for uniformity and consistency in the reporting of crimes on campus.

SEC. 3. AMENDMENTS.

(a) PROGRAM PARTICIPATION AGREEMENT REQUIREMENTS.—Section 487(a) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(11) the institution certifies that the institution will submit a uniform crime report to the Federal Bureau of Investigation in the manner prescribed by the Attorney General.".

(b) DISCLOSURE REQUIREMENTS.—Section 485 of the Higher Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—(1) Each eligible institution participating in any program under this title shall prepare and publish, and distribute upon request to all students, employees and to any applicant for enrollment or employment, an annual report containing the following information with respect to its campus security policies and campus crime statistics:

"(A) statistics concerning the reported occurrence on campus, during the most recent school year, and during the 2 preceding school years, of the following crimes (or attempted crimes): homicide, rape, robbery, assault, burglary, theft, arson, drug abuse, alcohol abuse, driving under the influence of alcohol or drugs, weapons possession, disorderly conduct, and vandalism;

"(B) a statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of underage drinking laws;

"(C) a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws; and

"(D) a statement of policy regarding the unauthorized possession and use of weapons by students and employees.

"(2) Each institution participating in any program under this title shall make known to all students, employees and to any applicant for enrollment or employment the availability of copies of the annual report prepared pursuant to paragraph (1).

"(3) The Secretary shall periodically survey campus security policies, procedures, and practices implemented by institutions of higher education and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

"(4) For purposes of this subsection, the term 'campus' includes any building or property—

"(A) owned or controlled by the institution of higher education within the same reasonably contiguous geographic area that is used by the institution for its educational purposes; or

"(B) owned or controlled by student organizations recognized by the institution.".

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on July 1, 1990, except that the requirement of section 485(e)(1)(E) of the Higher Education Act of 1965 (as amended by this Act) shall be applied to require statistics with respect to school years preceding the date of enactment of this Act only to the extent that data concerning such years is reasonably available.

By Mr. DANFORTH (for himself, Mr. BIDEN, Mr. THURMOND, and Mr. PELL):

S. 1931. A bill to prevent the discharge in a chapter 13 bankruptcy proceeding of certain debts arising out of the debtor's operation of a motor vehicle while legally intoxicated; to the Committee on the Judiciary.

DRUNK DRIVING VICTIMS PROTECTION ACT

● Mr. DANFORTH. Mr. President, a drunk driving crash in which an innocent victim is injured or killed is a tragedy. It is a double tragedy if the drunk driver can avoid paying a civil judgment to his victims by seeking protection under the bankruptcy laws. Today I am introducing legislation which will help ensure rightful financial compensation to the victims of drunk drivers.

In the past decade, our efforts to deter drunk driving have begun to pay off. According to the National Highway Traffic Safety Administration [NHTSA], in 1982, 25,165 Americans were killed in alcohol related accidents. By 1988, the toll had decreased more than 7 percent to 23,352 alcohol related fatalities. Drunk driving, however, is still responsible for nearly 50 percent of all highway fatalities. If this national average were applied to Missouri, over 550 deaths could be attributed to alcohol related accidents in my home State in 1988 alone.

Our progress has come about in part because of national initiatives. In 1982 and 1988, respectively, I authored and cosponsored legislation which created incentive grant programs designed to encourage States to enact tougher drunk driving laws. In 1984, we passed the National Minimum Age Drinking Act, which has led all 50 States to raise their drinking age to 21.

Congress has also worked to guarantee that those persons who are injured by drunk drivers will receive an appropriate level of financial compensation. Specifically, I introduced and the Congress passed legislation in 1984 to prevent drunk drivers from escaping payment of civil judgments to their victims by filing for bankruptcy under chapter 7 of the bankruptcy code. Before 1984, chapter 7 afforded an opportunity for scandalous abuse. Under this statute, drunk drivers who killed or injured innocent people could escape civil damage judgments by declaring bankruptcy.

It has now come to my attention that drunk drivers can still discharge civil judgments through a chapter 13 bankruptcy filing. Instead of the liquidation of personal assets which occurs under chapter 7, chapter 13 allows the debtor to restructure his debt payments over a 3- to 5-year period. By filing for personal bankruptcy under chapter 13, drunk drivers are still allowed to discharge judgments awarded against them, and thereby escape full payment to their victims.

One such case is that of Dorothy Mercer of Michigan. In 1982, Dorothy was hit by a drunk driver traveling over 100 miles per hour with twice the legal limit of alcohol in his blood. She filed a civil suit against the driver to compensate her for her injuries, including permanent brain damage and a compression of the spine which caused a loss of 3 inches in height. To protect himself from the lawsuit, the drunk driver filed for bankruptcy under chapter 13 in November 1984. Because any judgment could be fully discharged by the bankruptcy court at a future date, Dorothy was forced to settle for a fraction of her original suit.

In sum, Mr. President, this legislation finalizes the effort we began in 1984 to protect the right of compensation for injuries sustained by drunk driving victims. The message to drunk drivers is that they will be held financially accountable for their acts. The message to victims and their families is that Congress protects their rights.

Mr. President, I urge all my colleagues to join in supporting this important highway safety legislation.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1932. A bill to amend title IV of the act of December 19, 1980 (94 Stat. 3227) to provide further relief to the Vermejo Conservancy District from its repayment obligation for the construction, operation, and maintenance of the Vermejo reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

DEFERRMENT OF REPAYMENT OBLIGATIONS OF THE VERMEJO CONSERVANCY DISTRICT

● Mr. DOMENICI. Mr. President, today I am introducing legislation to clarify a law, authored by me, and passed by the Congress in 1980. That law, Public Law 96-550, deferred payments and transferred certain project facilities from the Bureau of Reclamation to the Vermejo Conservancy District in New Mexico.

Under the law, the Bureau and the Vermejo Conservancy District were required to develop an amendatory contract on the repayment and transfer question. However, that contract has never reached final approval because of a difference of opinion surrounding the transfer of one lake—lake 13.

Lake 13 was acquired for the Vermejo project in 1954. However, a solicitor's opinion has ruled that the lake should not be transferred to the district because of certain exceptions that are contained in the law.

Those exceptions are for "any lands or interests in lands, or interests in water, or other contractual arrangements which may be held by the Secretary for the management of the Maxwell National Wildlife Refuge, for wildlife enhancement purposes."

Despite the fact that lake 13 was acquired in 1954 and the Maxwell National Wildlife Refuge was not established until 1966, the solicitor's opinion argues that the use since 1969 of lake 13 by the Secretary for the Maxwell Refuge under certain contractual arrangements means that the United

States "holds" lake 13 within the meaning of the transfer exception.

While the Vermejo Conservancy District does not dispute, and will honor, the contractual right of the United States to use lake 13 for fish and wildlife purposes, the lake should not fall within the transfer exception.

Instead, the exception language in the law refers to the approximately 3,300 acres of land acquired by the United States from individual landowners for the wildlife refuge, and not to any project facilities acquired by the United States for the Vermejo project.

The legislation I am introducing is quite simple. It clarifies that lake 13 should be transferred to the district and also requires that the district continue to honor its contractual agreements with the refuge.

I am pleased to be joined in this effort by my colleague from new Mexico [Mr. BINGAMAN].

I urge rapid action on this legislation and ask that the entire text of the bill be entered at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1932

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of December 19, 1980, (94 Stat. 3227) is amended by striking "Transfer of project facilities to the district shall be without any additional consideration in excess of the existing repayment obligation of the district, and shall include any related lands or interest in lands acquired by the Federal Government for the project, except that any lands or interests in land, or interests in water, or other contractual arrangements which may be held by the Secretary for management of the Maxwell National Wildlife Refuge, for wildlife enhancement purposes, shall not be transferred and shall be maintained consistently with existing arrangements" and inserting in lieu thereof "Effective as of the date of the above written consent of the Vermejo Conservancy District all project facilities are hereby transferred to the District. The transfer to the district of project facilities shall be without any additional consideration in excess of the existing repayment contract of the district and shall include all related lands or interest in lands acquired by the Federal Government for the project, but shall not include any lands or interests in land, or interests in water, purchased by the Federal Government from various landowners in the district, consisting of approximately 2,800 acres, for the Maxwell Wildlife Refuge and shall not include certain contractual arrangements, namely Contract No. 14-06-500-1713 between the Bureau of Reclamation and the Bureau of Sport Fisheries and Wildlife, and concurred in by the district, dated December 5, 1969, and the lease agreement between the district and the Secretary dated January 17, 1985, and expiring January 17, 1990, for 468.38 acres under the district's Lakes 12 and 14, which contractual arrangements shall be maintained consistent with the terms thereof".●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 1933. A bill to provide for the minting of coins in commemoration of the bicentennial of the death of Benjamin Franklin and to enact a fire service bill of rights and programs to fulfill those rights; to the Committee on Commerce, Science, and Transportation.

BENJAMIN FRANKLIN MEMORIAL FIRE SERVICE BILL OF RIGHTS ACT

Mr. HEINZ. Mr. President, I am pleased to introduce legislation today that will authorize the minting of three commemorative coins honoring a great American—Benjamin Franklin—and will establish a fire service bill of rights and programs to fulfill these rights.

Title I of the bill provides for three commemorative coins honoring Mr. Franklin. This is only appropriate, on the bicentennial of his death—1990, the Franklin Legacy Year—for as George Washington is remembered as the Father of our great Nation, Ben Franklin might well be the grandfather. He was scholar and statesman of the highest order, and although he called himself nothing more than a printer, Franklin was the only one of America's Founding Fathers who signed all four of the principal documents that led to the establishment of this great Nation—the Declaration of Independence, the Constitution, the Treaty of Alliance with France, and the Treaty with England at the end of the Revolutionary War.

A quick look into history shows that Ben Franklin was the epitome of all that America was to become. He was a scientist, philosopher, author, educator, publisher, inventor, politician, businessman, and public servant. Among other things, he explored the secrets of electricity; plotted the course of the Gulf Stream; penned Poor Richard's Almanac and an autobiography considered one of the greatest ever written; founded the University of Pennsylvania and the American Philosophical Society; published a variety of sage and popular periodicals; invented bifocals and the Franklin stove; served as America's first Ambassador, initially to England and then with our first ally, France; acted as the President of Pennsylvania and America's first insurance company and volunteer fire department. His list of achievements goes on and on, and demonstrates why he was the most widely known and respected American throughout the 18th century. I believe, Mr. President, that this bill provides Benjamin Franklin a small measure of the recognition he so richly deserves.

Mr. President, this bill also acknowledges the enormous contributions to this country made by America's firefighters and moves toward giving them the support, honor, and recognition they deserve. During the recent hurricane and earthquake disasters, the fire service demonstrated that when this Nation is faced by an emergency they are alsways ready to respond. Every day America's career and volunteer fire service personnel are called upon to respond to a growing variety of emergencies, often putting their own lives at risk in order to save others. For this reason, title II of the bill establishes a firefighters bill of rights that will serve as a comprehensive set of goals for future fire service initiatives. Mr. President, this body has supported legislation of this type before to raise money for worthwhile purposes. For example, prior to the centennial celebration of the Statue of Liberty the U.S. Mint issued several coins with the proceeds going to the Statue of Liberty Foundation for the restoration of that magnificent landmark in New York Harbor. It is only fitting that in commemoration of the bicentennial of Benjamin Franklin's death in 1990 we commit ourselves to a similar project in his honor. For this reason, the legislation I'm introducing today would direct the proceeds from the sale of a $5 gold coin, a $1 silver coin, and half dollar clad coin be divided between two worthy causes—The Benjamin Franklin National Memorial and the establishment of a National Fire Center and Museum. The three coins shall be issued in uncirculated, proof qualities and will be emblematic of the bicentennial of Franklin's death, the role Franklin played as the founder of the fire service in the United States, and the contributions to the founding of our Nation.

The Franklin National Memorial, which was designated by Congress in 1972 as the official memorial to Franklin, will receive 25 percent of the proceeds. Coin sale receipts will be used for the restoration and renovation of the memorial, acquisition and archiving of Franklin artifacts and memorabilia, and for charitable and equitable purposes.

The remaining 75 percent of the coin sale proceeds will be used for the establishment of a National Fire Center and Museum, creation of a hero scholarship which will provide tuition assistance for the children of fallen fire service workers, and to provide necessary computer equipment to fire departments across America to assist in the handling of hazardous materials.

Both the planners of the National Fire Center and The Franklin Institute, which administers the Benjamin Franklin National Memorial, have developed comprehensive plans for awards programs that are in keeping with the Franklin tradition of entrepreneurship. Neither will receive taxpayer funds, and yet they will be able

to serve the public in ways I'm sure Franklin would have been proud of.

The Franklin Institute, for example, has plans for the establishment of a new world-class award, similar to the Nobel Prize in scope, that will reward individuals who excel in business leadership and science. The National Fire Center will likewise reward excellence by making money available for the study of new, innovative fire safety and firefighting methods.

It is only fitting that the Congress support this legislation and recognize Ben Franklin's service, commitment, and dedication to this country by striking these coins in his honor.

This bill directs the Treasury to see that the coins shall be sold at a price sufficient to cover their cost and shall result in no cost to the U.S. Government.

I urge my colleagues to support this special tribute to a great American and look forward to its quick passage.

I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Benjamin Franklin Memorial Fire Service Bill of Rights Act".

TITLE I—MINTING OF BENJAMIN FRANKLIN NATIONAL MEMORIAL COMMEMORATIVE COIN

SEC. 101. SHORT TITLE.

This title may be cited as the "Benjamin Franklin National Memorial Commemorative Coin Act".

SEC. 102. COIN SPECIFICATIONS.

(a) FIVE DOLLAR GOLD COINS.—

(1) ISSUANCE.—The Secretary of the Treasury (hereinafter in this title referred to as the "Secretary") shall issue not more than 1,000,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) DESIGN.—The design of the five dollar coins shall be emblematic of the bicentennial of the death of Benjamin Franklin. On each five dollar coin there shall be a designation of the value of the coin, an inscription of the year "1990" and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) ONE DOLLAR SILVER COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 10,000,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(2) DESIGN.—The design of the one dollar coins shall be emblematic of the role Benjamin Franklin played as the founder of the fire service in the United States. On each one dollar coin there shall be a designation of the value of the coin, an inscription of the year "1990" and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) HALF DOLLAR CLAD COINS.—

(1) ISSUANCE.—The Secretary shall issue not more than 10,000,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) DESIGN.—The design of the half dollar coins shall be emblematic of the contributions of Benjamin Franklin to the United States. On each half dollar coin there shall be a designation of the value of the coin, an inscription of the year "1990", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) LEGAL TENDER.—The coins issued under this title shall be legal tender as provided in section 5103 of title 31, United States Code.

SEC. 103. SOURCES OF BULLION.

(a) SILVER.—The Secretary shall obtain silver for the coins minted under this title from stocks of silver held by the Secretary or from any other federally owned stocks of silver.

(b) GOLD.—The Secretary shall obtain gold for the coins minted under this title pursuant to the authority of the Secretary under existing law.

SEC. 104. DESIGN OF THE COINS.

The design for each coin authorized by this title shall be selected by the Secretary after consultation with the Chairman of the Benjamin Franklin National Memorial at the Franklin Institute, the Chairman of the Congressional Fire Services Institute, and the Chairman of the Commission of Fine Arts.

SEC. 105. SALE OF THE COINS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the coins issued under this title shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses) and the surcharge provided for in subsection (d).

(b) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) SURCHARGES.—All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 for the half dollar coins.

SEC. 106. ISSUANCE OF THE COINS.

(a) FIVE DOLLAR COINS.—The gold coins authorized by this title shall be issued in uncirculated and proof quality and shall be struck at no more than one facility of the United States Mint.

(b) ONE DOLLAR AND HALF DOLLAR COINS.—The one dollar and half dollar coins authorized under this title may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this title beginning on January 1, 1990.

(d) TERMINATION OF AUTHORITY.—No coins shall be minted under this title after December 31, 1991.

SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this title.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this title from complying with any law relating to equal employment opportunity.

SEC. 108. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of coins issued under this title shall be promptly paid by the Secretary as follows:

(1) AMOUNTS PAID TO THE BENJAMIN FRANKLIN NATIONAL MEMORIAL.—Subject to section 109, the Secretary shall pay to the Benjamin Franklin National Memorial (hereafter in this section referred to as the "Franklin Institute") 25 percent of the amount of such surcharges so received. Such amounts shall be used—

(A) to restore and renovate the Benjamin Franklin National Memorial;

(B) to construct or renovate adjoining areas of the Franklin Institute relating to the various interests of Benjamin Franklin, such as science, education, and government;

(C) for exhibits in the Memorial or in the adjoining areas of the Franklin Institute relating to Franklin or to science and education;

(D) for capital funds for construction of access, parking, and related facilities at the Franklin Institute;

(E) for funds for the acquisition and preservation by the Franklin Institute of artifacts relating to Benjamin Franklin; and

(F) to establish an endowment in an amount determined sufficient by the Memorial, in consultation with the Secretary of the Interior, to ensure the continued upkeep and maintenance of the Memorial.

(2) AMOUNTS PAID UNDER TITLE II.—

(A) FIRST YEAR OF SALES.—In the first year beginning on the date on which coins are first issued under this title, the Secretary shall pay, of the amount of the surcharges so received—

(i) 25 percent to the National Fire Center and Museum Account of the Firefighters Assistance Trust Fund established pursuant to section 207;

(ii) 7 percent to the National Hero Scholarship Account of that Trust Fund;

(iii) 3 percent to the Firefighter's Tuition Assistance Account of that Trust Fund;

(iv) 30 percent to the Hazardous Materials Response Computer Account of that Trust Fund;

(v) 8 percent to the In Search of Excellence Research and Education Account of that Trust Fund; and

(vi) 2 percent to the Burn Research Grant Account of that Trust Fund.

(B) SUCCEEDING YEARS.—In each year after the year following the date on which coins are first issued under this title, the Secretary shall pay, of the amount of the surcharges so received—

(i) 25 percent to the National Fire Center and Museum Account of the Firefighters Assistance Trust Fund established pursuant to section 207;

(ii) 39 percent to the National Hero Scholarship Account of that Trust Fund;

(iii) 3 percent to the Firefighter's Tuition Assistance Account of that Trust Fund; and

(iv) 8 percent to the In Search of Excellence Research and Education Account of that Trust Fund.

SEC. 109. AUDITS.

As a condition for receiving the proceeds of the surcharges pursuant to section 108(1), the Benjamin Franklin National Memorial shall allow the Comptroller General to examine such books, records, documents, and other data of the Memorial as may be related to the expenditure of amounts paid, and the management and expenditures of the endowment established, under paragraph (1)(F) of section 108.

SEC. 110. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this title shall result in no net cost to the United States Government.

(b) PAYMENT FOR COINS.—No coin shall be issued under this title unless the Secretary has received—

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

TITLE II—FIRE SERVICE BILL OF RIGHTS

SEC. 201. SHORT TITLE.

This title may be referred to as the "Fire Service Bill of Rights Act".

SEC. 202. FIRE SERVICE BILL OF RIGHTS.

Section 2 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) FIRE SERVICE BILL OF RIGHTS.—

"(12) The fire service has the right to be recognized as America's first responder to all domestic emergencies.

"(13) The fire service has the right to be adequately protected from the dangers associated with emergency response.

"(14) The fire service has the right to have their families provided for in the event of tragic death.

"(15) The fire service has the right to be educated in the latest fire and life safety sciences.

"(16) The fire service has the right to be provided with state-of-the-art equipment and apparatus to better handle all emergency situations.

"(17) The fire service has the right to share innovative fire and life safety programs that have proven successful across the Nation.

"(18) The fire service has the right to fully understand and be able to effectively respond to incidents involving the transportation, storage, and use of hazardous materials.

"(19) The fire service has the right to be fully informed of the threat of contracting infectious diseases during the course of life safety activities.

"(20) The fire service has the right to expect that the American people will become full partners in the struggle to preserve life and property from the ravages of fire and other disasters.

"(21) The fire service has the right to celebrate the proud history of the American fire and emergency services personnel and the sacrifices they have made for communities across the Nation.".

SEC. 203. ESTABLISHMENT OF NATIONAL FIRE CENTER AND MUSEUM.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 and following) is amended by adding at the end the following:

"SEC. 28. NATIONAL FIRE CENTER AND MUSEUM.

"(a) IN GENERAL.—There is established the National Fire Center and Museum. The Museum shall be operated by the Board of Directors appointed pursuant to subsection (b).

"(b) BOARD OF DIRECTORS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator shall appoint the Board of Directors. The term of each Director appointed by the Administrator shall be 4 years. In making appointments to the Board, the Administrator shall ensure that representatives from national fire service organizations and businesses associated with fire protection and safety are included on the Board. The Administrator shall determine the number of directors and that number shall not thereafter be subject to change.

"(2) EX OFFICIO MEMBERS.—The Chairman of the Congressional Fire Services Institute shall serve as the Chairman of the Board of Directors. The Administrator shall serve as an ex officio member of the Board.

"(c) CURATOR.—The Board of Directors shall appoint, and fix the pay of, a curator. The Curator shall—

"(1) be responsible for the administration of the Museum; and

"(2) make an annual report to the Board regarding the administration and operation of the Museum.

"(d) FUNCTIONS OF THE MUSEUM.—The Board of Directors shall ensure that the Museum provides—

"(1) a depiction of the history of firefighting and related emergency services in the United States;

"(2) information to fire services and the public relating to the responsibilities of and technology used by the fire service;

"(3) a library of technical and general information about the fire service and safety; and

"(4) other services or displays the Board determines is beneficial to the operation of the Museum.

"(e) LOCATION OF MUSEUM.—The Museum shall be located in the District of Columbia.

"(f) FUNDING.—The Fund shall be the only source of funding for the establishment and operation of the Museum.".

SEC. 204. ESTABLISHMENT OF NATIONAL HERO SCHOLARSHIP.

The Federal Fire Prevention and Control Act of 1974, as amended by the preceding section of this title, is further amended by adding at the end the following:

"SEC. 29. ESTABLISHMENT OF NATIONAL HERO SCHOLARSHIP.

"(a) IN GENERAL.—In any case in which a benefit is paid pursuant to section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(a)) to the children or spouse of a deceased firefighter, the Administrator may grant scholarships to the children and spouse of that firefighter in accordance with this section. Such scholarships shall be for study and training at institutions of higher education. All scholarships shall be paid from the Fund.

"(b) LIMITATIONS ON SCHOLARSHIPS.—

"(1) IN GENERAL.—The limitations on paying benefits contained in section 1202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) shall apply with respect to the granting of scholarships under this section.

"(2) AMOUNT OF SCHOLARSHIP.—The Administrator shall determine the amount of each scholarship awarded under this section, except that no individual may receive a scholarship for more than 4 years.

"(c) AMOUNTS PAID AS SCHOLARSHIPS NOT COUNTED AS INCOME.—Any amount paid under this section shall not be counted as income for the purpose of any need-based scholarship or tuition assistance program provided by the United States.

"(d) DEFINITION OF CHILD.—As used in this section, the term 'child' means any natural or adopted child or stepchild of a deceased firefighter who, at the time of the death of the firefighter, was substantially dependent on the income of that firefighter for support.".

SEC. 205. ESTABLISHMENT OF TUITION ASSISTANCE RELATING TO THE STUDY OF FIRE PROTECTION AND SCIENCE.

The Federal Fire Prevention and Control Act of 1974, as amended by preceding sections of this title, is further amended by adding the end the following:

"SEC. 30. ESTABLISHMENT OF SCHOLARSHIPS FOR FIREFIGHTERS.

"(a) IN GENERAL.—The Administrator may award scholarships to firefighters for the study of and training in a field relating to fire safety or protection at an institution of higher education.

"(b) APPLICATION AND NOMINATION.—A scholarship may not be made under this section unless an application or nomination is made to the Administrator at such time and in such manner as the Administrator may require. An application shall be submitted by an individual firefighter desiring a scholarship under this section and a nomination shall be submitted by an organization listed in subsection (e).

"(c) ELIGIBILITY.—Scholarships awarded under this section shall be made only to firefighters at the beginning of a program of study and training referred to in subsection (a) and shall continue during the time the firefighter remains in academic standing satisfactory to the Administrator. The Administrator shall determine—

"(1) the type and content of the programs in which a firefighter must be enrolled in order to qualify for a scholarship; and

"(2) the standards relating to satisfactory academic standing.

"(d) AMOUNT OF ASSISTANCE.—The Administrator shall determine the amount of each scholarship that can be granted to firefighters under this section.

"(e) NOMINATING ORGANIZATIONS.—The organizations referred to in subsection (b) are—

"(1) the International Association of Fire Chiefs;

"(2) the International Association of Fire Fighters;

"(3) the International Society of Fire Service Instructors;

"(4) the International Association of Black Professional Fire Fighters;

"(5) the National Volunteer Fire Council;

"(6) the National Fire Protection Association; and

"(7) other organizations concerned with fire protection and safety as determined by the Administrator.

"(f) SOURCE OF FUNDS.—All amounts provided to firefighters under this section shall be paid from the Fund.".

SEC. 206. IN SEARCH OF EXCELLENCE RESEARCH AND EDUCATION ACCOUNT.

The Federal Fire Prevention and Control Act of 1974, as amended by preceding sections of this title, is further amended by adding at the end the following:

"SEC. 31. IN SEARCH OF EXCELLENCE RESEARCH AND EDUCATION ACCOUNT.

"The Administrator may use amounts in the In Search of Excellence Research and Education Account of the Fund to fund activities under sections 6, 8 through 10, 12, 18, and 24.".

SEC. 207. ESTABLISHMENT OF FIREFIGHTER ASSISTANCE TRUST FUND.

The Federal Fire Prevention and Control Act of 1974, as amended by preceding sections of this title, is further amended by adding at the end the following:

"SEC. 32. ESTABLISHMENT OF FIREFIGHTER ASSISTANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the 'Firefighter Assistance Trust Fund'.

"(2) ACCOUNTS IN TRUST FUND.—The Fund shall consist of—

"(A) a National Fire Center and Museum Account;

"(B) a National Hero Scholarship Account;

"(C) a Firefighter Tuition Assistance Account;

"(D) an In Search of Excellence Research and Education Account;

"(E) a Hazardous Materials Response Computer Account; and

"(F) a Burn Research Grant Account.

"(b) PROVISION OF FUNDS TO ACCOUNTS.—Each such account shall consist of such amounts as may be—

"(1) appropriated to it in appropriation Acts;

"(2) deposited in it from amounts made as donations;

"(3) deposited in it as provided in paragraph (2) of section 108 of the Benjamin Franklin National Memorial Commemorative Coin Act; or

"(4) paid to it as provided by subsection (c).

"(c) MANAGEMENT OF TRUST FUND.—Section 9602(b) of the Internal Revenue Code of 1986 (relating to the management of trust funds) shall apply with respect to the Fund.

"(d) EXPENDITURES FROM ACCOUNTS.—

"(1) INITIAL EXPENDITURES.—In the year following the date specified in section 106(c) of the Benjamin Franklin National Memorial Commemorative Coin Act, an amount not to exceed—

"(A) the principle and interest from the accounts established by—

"(i) subparagraph (A) of subsection (a)(2) shall be available, as provided by appropriation Acts, to establish the Museum; and

"(ii) subparagraphs (E) and (F) of that subsection shall be available, as provided by appropriation Acts, to carry out sections 209 and 210 of the Fire Service Bill of Rights Act, respectively;

"(B) the interest earned from the accounts established by paragraphs (B), (C), and (D) of subsection (a)(2) shall be available, as provided by appropriation Acts, to carry out sections 29 through 31, respectively, of this Act.

"(2) SUCCEEDING YEARS EXPENDITURES.—In the years after the year following the date specified in section 106(c) of that Act, an amount equal to the interest earned from the accounts contained in subparagraphs (A) through (D) of subsection (a)(2) shall be available, as provided by appropriation Acts, to carry out sections 28 through 31, respectively, of this Act.".

SEC. 208. PLACING NATIONAL FIRE ACADEMY WITHIN THE FIRE ADMINISTRATION.

Section 7(a) of the Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(a)) is amended by inserting "within the Administration" after "establish".

SEC. 209. CONTRACT FOR HAZARDOUS MATERIALS ACCIDENT RESPONSE EQUIPMENT.

(a) DETERMINATION OF EQUIPMENT NEEDS.—Within 6 months after the date of the enactment of this Act, the Administrator shall issue specifications regarding the type and configuration of computer equipment that will be provided to the fire service pursuant to this section.

(b) REQUIREMENT TO ENTER INTO CONTRACT.—Within 18 months after the date that coins are first issued under title I, the Administrator shall enter into a contract using competitive procedures to procure computer equipment meeting the specifications issued under subsection (a). The contract shall require that all equipment purchased under the contract must be delivered within 6 months after the date that the contract is entered into.

(c) FIRE DEPARTMENTS TO RECEIVE EQUIPMENT.—Each State desiring to obtain equipment under this section shall, within 6 months after the date of the enactment of this Act, submit a list containing the address and chief officer of each fire service in that State that wants to obtain equipment under this section. The Administrator shall compile the lists received from the States into a single list for use as described in subsection (b).

(d) SOURCE OF FUNDS.—Amounts made available to carry out the contract under subsection (b) shall be derived from the Hazardous Materials Response Computer Account of the Fund.

(e) BUDGET ACT COMPLIANCE.—The Administrator may enter in a contract under this section for any fiscal year only to such extent or in such amounts as are provided in advance appropriation Acts.

SEC. 210. BURN RESEARCH AND EDUCATION GRANT.

(a) IN GENERAL.—The Administrator shall make a grant to a national firefighter's burn foundation that the Administrator determines is deserving of such a grant. The foundation must be dedicated to reducing burn injuries in order to be eligible to receive a grant. Any such foundation may apply for the grant, but a grant may be made to only one foundation. The grant may be made under this subsection only in the fiscal year beginning October 1, 1990.

(b) APPLICATION.—The grant referred to subsection (a) may not be made unless an application is made to the Administrator at such time and in such manner as the Administrator may require. The Administrator shall establish requirements, other than those specified in subsection (a), necessary for the awarding of the grant.

(c) SOURCE OF FUNDS.—Amounts made available for the grant under subsection (a) shall be derived from the Burn Research Grant Account of the Fund.

SEC. 211. INFORMATION CONCERNING PROCEDURES FOR THE ACQUISITION OF SURPLUS FEDERAL PROPERTY.

(a) PREPARATION OF MANUAL.—The Administrator, in consultation with the Administrator of General Services shall prepare, and make available to State fire marshals upon their request, a manual describing the procedures through which the Federal Government disposes of surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following). The manual should highlight how such fire services could obtain surplus property.

(b) DATE OF AVAILABILITY.—The Administrator shall make the manual referred to in subsection (a) available within 12 months after the date of the enactment of this title and shall update the manual at such times thereafter as is necessary to reflect changes in the procedures described in the manual.

SEC. 212. INFORMATION ON INFECTIOUS DISEASES.

The Administrator shall distribute information to each State fire marshal relating to the infectious diseases to which firefighters are particularly vulnerable. The Administrator shall distribute this information within 12 months after the date of the enactment of this title and shall update the information at such times thereafter as is necessary.

SEC. 213. USE OF DONATIONS.

Section 21 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218) is amended by adding at the end the following:

"(f) USE OF DONATED FUNDS.—The Administrator may accept a donation under subsection (b)(2) that is conditioned on its being used to fund activities under section 28, 29, 30, or 31. Such a donation shall be deposited in the Trust Fund account funding the respective section.".

SEC. 214. DEFINITIONS.

(a) DEFINITIONS RELATING TO THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by—

(1) redesignating paragraph (4) as paragraph (5), paragraph (5) as paragraph (8), and paragraphs (6) and (7) as paragraphs (10) and (11), respectively;

(2) adding after paragraph (3) the following:

"(4) 'firefighter' has the meaning that term is given in paragraph (2) of section 1203 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(2));"

(3) adding after paragraph (5), as redesignated, the following:

"(6) 'Fund' means the Firefighter Assistance Trust Fund;"

"(7) 'institution of higher education' has the meaning that term is given in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));" and

(4) adding after paragraph (8), as redesignated, the following:

"(9) 'Museum' means the National Fire Center and Museum;".

(b) DEFINITIONS RELATING TO TITLE II.—As used in this title—

(1) the terms contained in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) apply with respect to this Act; and

(2) the term "fire marshal" means an individual who is the head of a State agency responsible for the regulation of fire services in that State.

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 1934. A bill to amend the United States Housing Act of 1937 to provide for the payment of fees for certain

services provided to Indian housing assisted under such Act; to the Select Committee on Indian Affairs, pursuant to the order of May 27, 1989, with instructions that if and when reported, the bill be referred to the Committee on Banking, Housing and Urban Affairs for a period not to exceed 60 days, provided that said committee may propose amendments only to those provisions affecting the HUD Indian housing programs.

PAYMENT FOR CERTAIN SERVICES PROVIDED TO INDIAN HOUSING

Mr. CONRAD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Mr. President, I rise today on behalf of myself and Senator BURDICK to introduce legislation to ensure that communities are adequately compensated by the Federal Government for the services they provide to Indian housing.

The Department of Housing and Urban Development currently uses a formula to determine the compensation due to towns which provide services to Indian rental housing. However, HUD's formula is woefully inadequate, and creates hardship for the towns and reservations alike.

The inequities of the current law have manifested themselves on the Fort Berthold Indian reservation in North Dakota. Fort Berthold's Indian Housing Authority owns 20 percent of the total properties in the city of Parshall and 15 percent of the properties in the city of New Town. When HUD acquires property in these towns, the property is removed from the tax rolls. The resulting contraction in the tax base makes it extremely difficult for these towns to adequately fund city services.

To compensate towns for lost tax revenues, HUD provides a payment of 10 percent of the total shelter rent, minus utilities, to be paid to the towns by the Housing Authority. However, the rents paid for Indian housing are so low that once utilities are subtracted the final figure is a negative. As a result, the towns have never received a penny.

The legislation I am introducing today will require HUD to make payments adequate to compensate these towns for the revenues they lose when these properties go into trust. Small rural towns are financially troubled enough without the added burden of providing to rental housing units city services for which they receive no compensation. The law is unfair, and it should be changed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b) of the United States Housing Act of 1937 is amended by adding at the end the following: "Where a unit of general local government is located within the exterior boundaries of an Indian reservation and provides such services and maintains such facilities with respect to Indian housing, the Secretary shall make payments to that unit of general local government equivalent to the amount of the local property tax payment that would be payable if the housing were subject to such tax."

By Mr. SIMPSON (for himself, Mr. WALLOP, Mr. BAUCUS, and Mr. BURNS):

S. 1935. A bill to authorize the Secretary of Agriculture to compensate owners of property damaged by forest fires that were permitted to burn out of control; to the Committee on the Judiciary.

CATASTROPHIC FOREST FIRE COMPENSATION

Mr. SIMPSON. Mr. President, on behalf of my fine colleagues, Senators WALLOP, BURNS, BAUCUS and myself, today I rise to introduce a bill which would authorize the Secretary of Agriculture to compensate the owners of property which was damaged in the summer of 1988 by the forest fires in and near Yellowstone National Park.

It is so important to remember the magnitude of these fires and the tragedies that resulted. They raged through the Yellowstone National Park and into the Bridger-Teton National Forest, the Shoshone National Forest, the Gallatin-Custer National Forest, and the Lewis and Clark National Forest. The fires burned millions of acres, and destroyed millions of dollars worth of private property. People, citizens—who had no control whatsoever over the fires—lost their summer homes, cabins, stores, and their personal belongings. If this property is not covered by insurance, these people deserve to be assisted with their losses as they were not at fault in any way.

And that is the purpose of this legislation today. Without laying blame on the Forest Service, this legislation permits victims to file claims with the Forest Service for the compensation of lost property, and provides a means whereby the Federal Government can pay these claims. The fires are out, the forests are beginning recovery, and now the Federal Government, in this instance of sole responsibility, must help the people to recover their losses.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CATASTROPHIC FOREST FIRE COMPENSATION.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, may settle and pay claims for loss of or damage to property resulting from the Mink Fire (Bridger-Teton National Forest and Yellowstone National Park), Clover-Mist Fire (Yellowstone National Park and Shoshone National Forest), Storm Creek Fire (Yellowstone National Park and Gallatin-Custer National Forests) and Canyon Creek Fire (Lolo, Helena, and Lewis and Clark National Forests) which were originally classified as prescribed fires but subsequently became wildfires.

(b) REQUIRED SHOWING.—A claimant shall be entitled to compensation pursuant to subsection (a) upon a showing of—

(1) causation of the loss or damage for which compensation is claimed by a fire described in subsection (a) or by efforts to contain the fire; and

(2) the amount of the loss or damage.

(c) PROCEDURE.—(1) No claim under this Act shall be entitled to consideration unless the claim is submitted to the Secretary of Agriculture, on Standard Form 95 prescribed by the Department of Justice, not later than 90 days after the date of enactment of this Act.

(2) Not later than 120 days after receipt of a claim, the Secretary shall—

(A) determine, in a reasoned written decision, whether and in what amount a claimant is entitled to compensation; and

(B) pay the amount to which the claimant is determined to be entitled.

(3)(A) If the Secretary fails to pay the full amount of a claim or render a reasoned decision denying a claim in whole or in part within 120 days after the date of receipt of the claim, the claimant may bring an action in a United States district court or other court of competent jurisdiction and, on proof of the filing of the claim within the time prescribed in paragraph (1), shall recover the amount of the claim and reasonable costs, including attorneys' fees.

(B) If the Secretary renders a reasoned decision denying a claim in whole or in part, the claimant may bring an action in a United States district court or other court of competent jurisdiction and, on proof of the filing of the claim within the time prescribed in paragraph (1) and on making the showing required by subsection (b) with respect to any part of the claim that was denied, shall recover the amount of the claim and reasonable costs, including attorneys' fees.

(d) PAYMENT OF CLAIMS.—Settlement of claims under this Act shall, for the purpose of section 1304 of title 31, United States Code, be deemed to be made pursuant to section 3723 of title 31, United States Code, but the limit on the amount of settlements contained in section 3723 shall not apply to settlements under this Act.

(e) OTHER RIGHTS.—Creation of the right to compensation under this Act shall not affect any other right of recovery that a claimant may have, but a recovery made in pursuance of any other right of recovery shall be reduced by the amount of any recovery made under this Act.

Mr. WALLOP. Mr. President, this legislation eliminates a "catch-22" for property owners whose property was damaged or destroyed by the Yellowstone fires of 1988. Under the Federal "let burn" fire policy, these property owners watched helplessly while Federal Land Managing Agencies allowed their property to go up in smoke. When the property owners filed for compensation, however, the Federal

Government denied the claims for negligence on the part of the fire managers.

In other words, the Federal Government could not control these fires—and in fact its policies allowed the fire to get out of control—but this inaction, or indecision, was not deemed to be negligent. The Federal Government considers itself not to be responsible.

Isn't it ironic that the Federal Government billed an outfitter and his client $2.8 million for allegedly starting one of the Yellowstone fires, but rejected damage claims submitted by people whose property was destroyed by the fires? With this legislation, Senators BAUCUS, BURNS, SIMPSON, and I hope to cure this inequitable situation.

Mr. President, under current Federal fire policy, there are prescribed fires and wildfires. Prescribed fires are those ignited, or allowed to burn, under specified conditions to achieve established management objectives, and which must be conducted and closely monitored by qualified personnel under written prescriptions, a prescribed fire plan. Wildfires are any other fire, for which immediate suppression action must be taken. If a prescribed fire exceeds its limits, it will be classified as a wildfire

The fires covered by this bill were initially classified as prescribed fires—and allowed to burn—and later classified as wildfires when they, surprise, got out of control. Our initial estimates show that about $4 million worth of private claims have been filed for damages from these fires, with about $1 million of that for damage in Wyoming. Incidentally, the fiscal year 1990 Interior appropriations bill directed the Forest Service to report to the Congress on the status of each of these claims by March of 1990, so we will have firm damage figures shortly.

Under our legislation, once a claim has been filed with the Forest Service, the claimant need only prove two things: causation and damages. That is, if a claimant can show that his property was damaged by a prescribed fire later classified as a wildfire, then the Forest Service must compensate the claimant for the loss.

Mr. President, this is a simple solution to a very real problem. Clearly, private property was destroyed by a fire-management policy that all now admit was wrong for the conditions that existed. This bill puts the responsibility where it belongs and begins the process of making these property owners whole.

Mr. BURNS. Mr. President, the Yellowstone and fires throughout Montana and Wyoming during the summer of 1988 are now just a memory, but the losses to private property owners still linger. I am cosponsoring along with the senior Senator from Montana and the two Wyoming Senators legislative relief for those property owners who lost feed, livestock, and facilities from the fires that were allowed to burn on Federal lands. There were hundreds of wildfires during the summer of 1988. But in four cases, the Mink fire, the Clover Mist fire, the Storm Creek fire and the Canyon fires, officials stood by and allowed fires to burn, and they later blew up and out on private land. The Department of Agriculture has determined that the decision to allow these fires to burn was not negligent under the terms of the Tort Claims Act.

These are fires that started on federally owned land and were permitted to spread to private property and I feel that individuals with losses from those fires should be compensated. If the bureaucrats that manage our national lands want to have a let it burn policy I think they should understand the financial implications of that decision.

The only source of relief for the many Montanans and Wyomingites who lost feed, livestock, and facilities due to the uncontrolled fires is action by the Congress to provide settlement of their claims—approximately 130 of them. Congress has seen fit to rectify a moral obligation like this in the past when it passed a similar provision in Public Law 99-500.

By Mr. KASTEN:

S. 1936. A bill to make amendments to the Liability Risk Retention Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LIABILITY RISK RETENTION AMENDMENTS

Mr. KASTEN. Mr. President, today I am introducing the Liability Risk Retention Amendments of 1989. I am proud to have been the sponsor of legislation in the Senate which culminated in the enactment of the Product Liability Risk Retention Act of 1981, the clarifying amendments of 1983, and the 1986 amendments which broadened the reach of the act beyond just the provision of product liability coverage.

Over the years other members of the Senate Commerce Committee have also worked hard and exerted leadership on this issue, including Senators HOLLINGS, DANFORTH, GORTON, FORD, and ROCKEFELLER. I look forward to again working with these colleagues, Consumer Subcommittee Chairman BRYAN, and others, as we consider the legislation that I am introducing today.

The basic rationale behind the 1981 act, and of the amendments adopted since, was that it would provide an alternative to the traditional insurance market. We wanted to permit insurance buyers to form their own insurance companies or band together for the group purchase of insurance. This legislation has accomplished much toward increasing the capacity of the markets, reducing costs for participants, and promoting more competition among insurers so that rates more accurately reflect loss experience.

But there are continuing problems which need to be addressed so that this alternative can realize its full potential. Three years have passed since the Risk Rentention Act Amendments of 1986 were adopted, and over 2 years have elapsed since the Commerce Department's first implementation report was submitted in September of 1987. In that report it states:

> The Act is not working as well as intended and some modification of the Act is necessary if it is to serve its purposes more effectively.

Based on the detailed comments of that report, information provided by those attempting to use these risk retention groups or purchasing groups, and the testimony that we heard at the Consumer Subcommittee's hearing last May, I believe the Commerce Department was absolutely correct in arriving at that conclusion. I am anxiously awaiting the second implementation report which is now overdue, but should be available shortly. I believe it will show that the problems noted in the first report continue to hinder the development of the risk retention concept we enacted.

The amendments that I am introducing will get us back on track and allow the act to operate as it should.

Other interested observers of the system that we hoped to establish have expressed their disappointment with its current operation. The American Bar Association's Commission to Improve the Liability Insurance System, in its report to the ABA house of delegates, praised the "enhanced competition and availability risk retention groups and purchasing groups promise," however, they also pointed out that "uncertainties concerning the scope of the act and State regulatory resistance to its innovations can limit realization of that promise." The ABA's house of delegates approved the Commission's recommendation that:

> Congress amend the Risk Retention Act of 1986 to clarify the uncertainties that may be inhibiting development or risk retention groups and purchasing groups, and state regulatory officials should not unreasonably resist implementation of the policies underlying the Act.

I strongly believe that the Risk Retention Act can play an enormously beneficial role in enhancing the availability of liability insurance at reasonable rates to commercial insurance purchasers, particularly smaller businesses which are always hit hardest by downturns in the insurance cycle.

We should remember that the delegates to the 1986 White House Conference on Small Business included expansion of the scope of the Risk Retention Act as one of their final recommendations.

For the Risk Retention Act to work, the State regulators must respect the congressional policy decision to preempt State laws which hinder the formation, and multi-State operation, of risk retention and purchasing groups, and to focus the primary responsibility for regulation on a single State. But where do we stand?

On the positive side, we have witnessed a broad interest in programs authorized by the act. Some 50 risk retention groups and 100 or more purchasing groups are in operation today and there are an equal number at some stage of formation.

However, I am deeply concerned that some State regulatory developments, and two Federal court decisions, are inconsistent with the letter and spirit of the act. If we fail to correct this situation, this alternative to traditional insurance markets will not be able to deliver all the benefits that we believed were possible upon enactment in 1981 and at the time of 1986 amendments.

I therefore submit this package of amendments to improve the operation of the system for both those looking to it for insurance, and those charged with the protection of the public. These amendments are consistent with the underlying policy of the Risk Retention Act. I hope that my colleagues will study these reforms, and then join with me in expediting these changes to enable the risk retention concept to be utilized to the fullest extent possible.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be included in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1936

To be enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Liability Risk Retention Amendments of 1989".

SEC. 2. Whenever in this Act an amendment is expressed in terms of an amendment to a section, the reference shall be considered to be a reference to the Liability Risk Retention Act (15 U.S.C. § 3901 et seq. (1982 & Supp. 1988)).

SEC. 3. The purpose of this Act is to facilitate the formation and operation of risk retention groups and purchasing groups by eliminating certain government regulations that would prevent or hinder the operation of these groups in interstate commerce.".

SEC. 4. Section 2(a)(1) of the Act is amended to read as follows:

"(1) 'insurance' means any arrangement for shifting and distributing risks which is considered insurance under applicable State or Federal law;".

SEC. 5. Section 2(a)(2) of the Act is amended—(1) in paragraph (A) by adding a new clause (iii) as follows:

"(iii) includes all coverages included in commercial motor vehicle and trucking policy forms;" and

(2) by adding at the end of paragraph (B) the following:

"and employers liability insurance in excess of the minimum policy limits required under applicable state worker's compensation laws;".

SEC. 6. Section 2(a)(4)(G)(ii) of the Act is amended by adding after "liability exposure of" the following phrase "its own members or".

SEC. 7. Section 2(a) of the Act is amended by adding a new paragraph as follows:

"(8) 'principal place of business' means with respect to a purchasing group, the city and state in which the purchasing group maintains its principal office, if the group has and maintains members in that State.".

SEC. 8. Section 3(a)(1) of the Act is amended—

(1) by amending paragraph (B) to read as follows:

"(B) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on admitted insurers under the laws of the State.".;

(2) by striking paragraph (C); and

(3) amending paragraph (E) (ii) to read as follows:

"(ii) any such examination has been coordinated to avoid unjustified duplication and unjustified repetition and no risk retention group shall be required to submit to more than one financial examination during any calendar year unless ordered to do so by a Federal district court;".

SEC. 9. Section 3(a)(1)(I) of the Act is amended by adding after "10 point" the following phrase "or longer".

SEC. 10. Section 3(a)(3) of the Act is amended to read as follows:

"(3) require any insurance policy issued to a risk retention group or any member of the group to be countersigned by an insurance agent or broker;".

SEC. 10. Section 3(a) of the Act is amended by adding the following new paragraphs:

"(4) prohibit a risk retention group from ceding any or all of the insurance issued to its members to any reinsurer which meets the requirements of the risk retention group's chartering State for allowing balance sheet credit for reinsurance ceded;

"(5) require a risk retention group to file its policy forms and rates for approval, except as may be required by the law of the State in which the group is chartered as an insurer;

"(6) refuse to recognize as an asset a letter of credit that has been issued by a person that is a member of the Federal Reserve System, if the letter of credit is drafted in a form that has been approved by the commissioner of the State in which the group is licensed as an insurer and that commissioner has recognized the letter of credit as an asset of the group.".

SEC. 11. Section 3(c) of the Act is amended to read as follows:

"(c) A State may require a person acting as an agent or broker for a risk retention group to be licensed as such subject to the following—

"(1) Officers, directors and full time employees of a risk retention group may engage in the direct sale and servicing of insurance to members without regard to the brokers' and agents' licensing requirements of any State.

"(2) Other persons acting or offering to act as an agent or broker for a risk retention group must obtain a license from the chartering State, but that State may not:

"(A) impose any qualification or requirement which discriminates against a nonresident insurance agent;

"(B) impose licensing requirements different from those applicable to insurance agents generally in that State; or

"(C) require a risk retention group to appoint a licensed insurance agent, if no person is acting or offering in that capacity.

"(3) Any insurance agent licensed by the State in which a risk retention group is chartered may act as an insurance agent on behalf of that group in all States where it does business notwithstanding that the insurance agent is not licensed by any other State.".

SEC. 12. Section 3 of the Act is amended by adding two new subsections as follows:

"(d) A risk retention group may provide liability insurance coverage to a nonmember as an additional named insured under coverage issued to a member in order to provide insurance for the liability of any such nonmember assumed under a contract entered into during the course of any business or activity described in Section 2(a)(4)(F) of this Act.

"(e) No state, other than the jurisdiction in which a risk retention group is chartered, may require the group to submit to an examination for the purpose of determining whether its members are engaged in similar businesses or activities as defined in Section 2(a)(4)(F) of this Act.".

SEC. 13. Section 4 of the Act is amended by—

(1) amending subsection (a)(2) to read as follows:

"(2) make it unlawful for insurers to provide or offer to provide liability insurance, or to act or to offer to act as agent or broker with respect to the provision of any such insurance, on a group basis, or any other basis which affords rate, coverage, policy form, or other advantages to a purchasing group which are not made available to persons who are not members of the purchasing group;";

(3) by amending subsection (a)(7) to read as follows:

"(7) require that any insurance policy issued to a purchasing group or any members of the group be countersigned by an insurance agent or broker;".

SEC. 14. Section 4(c) of the Act is amended to read as follows:

"(c) A State may require a person acting as an agent or broker for a purchasing group to be licensed as such, subject to the following—

"(1) Officers, directors and full time employees of a purchasing group may engage in the direct sale and servicing of insurance to members without regard to the brokers' and agents' licensing requirements of any State.

"(2) Other persons acting or offering to act as an agent or broker for a purchasing group must obtain a license from the chartering State, but that State may not:

"(A) impose any qualification or requirement which discriminates against a nonresident insurance agent;

"(B) impose licensing requirements different from those applicable to insurance agents generally in that State; or

"(C) require a purchasing group to appoint a licensed insurance agent if no person is acting or offering to act in that capacity.

"(3) Any insurance agent licensed by the State in which a purchasing group maintains its principal place of business may act as an insurance agent on behalf of that

group in all States where it does business notwithstanding that the insurance agent is not licensed by any other State.".

SEC. 15. Section 4(d) of the Act is amended by—

(1) amending subparagraph (1)(C) to read as follows:

"(C) shall identify the insurance company from which the group intends to purchase insurance and the address, telephone number and domicile of that company; and";

(2) adding the following new subparagraphs:

"(E) shall identify the principals or officers of the purchasing group;

"(F) shall identify any organization engaged to manage or service the operation of the purchasing group and the address of any such organization; and

"(G) shall certify that all members of the purchasing group are engaged in similar or related activities with regard to their exposure to the liability which is insured under the group's program.".

SEC. 16. Section 4(f) of the Act is amended to read as follows:

"(f) a purchasing group may purchase insurance only from an insurer meeting the requirements set forth in Section 5 of this Act.".

SEC. 17. Section 4(g) of this Act is amended by adding after the phrase "purchasing group" the phrase "or purchasing group insurer".

SEC. 18. A new Section 5 is added to the Act as follows:

"SEC. 5. (a) Admitted insurers, approved surplus lines insurers and other non-admitted insurers are authorized to provide insurance under this Act to purchasing groups pursuant to the following conditions and qualifications and subject to the other provisions of this Act:

"(1) An insurer is qualified to write purchasing group insurance in any State if the insurer:

"(A) is admitted in at least one State, and;

(i) retains risk, net of reinsurance, in an amount less than the maximum permitted for admitted insurers under the laws of each state in which the insurer is writing insurance for a purchasing group or its members; and

(ii) maintains minimum capital and surplus of at least $3 million as determined in accordance with the statutory accounting principles of the State in which the group maintains its principal place of business; or

(B) is an alien insurer that is listed on the most recent NAIC Non-Admitted Insurers Quarterly Listing.

"(b) The provision of insurance by a qualified purchasing group insurer shall be regulated by the State in which the purchasing group has its principal place of business and the authority of other States in which insurance is provided to any group member is limited to those matters authorized by this section.

"(1) The State in which a purchasing group has its principal place of business shall, with regard to the insurer's provision of insurance to the group, apply the policy form, coverage and rating laws and regulations of that State in the same manner as it applies those laws to an admitted insurer doing business in the State:

"(2) Any State may require a purchasing group insurer to—

"(A) comply with the unfair claim settlement practices law of the State;

"(B) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on admitted insurers and surplus lines insurers under the laws of the State;

"(C) register with and designate the State insurance commissioner as its agent solely for the purpose of receiving service of legal documents or process;

"(D) submit to an examination by the State insurance commissioner in any State in which the purchasing group insurer is doing purchasing group business to determine the group's financial condition, if—

"(i) the commissioner of the jurisdiction in which the purchasing group insurer is domiciled has not begun or has refused to initiate an examintion of the insurer; and

"(ii) any such examination has been coordinated to avoid unjustified duplication and unjustified repetition and no purchasing group insurer shall be required to submit to more than one financial examination during any calendar year unless ordered to do so by a Federal district court;

"(E) comply with a lawful order issued—

"(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (D); or

"(ii) in a voluntary dissolution proceeding;

"(F) comply with any State law regarding deceptive, false, or fraudulent acts or practices, except that if the State seeks an injunction regarding any such conduct, the injunction must be obtained from a court of competent jurisdiction;

"(G) comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the purchasing group insurer is a hazardous financial condition or is financially impaired; and

"(H) provide the following notice, in 10 point or larger type, in any insurance policy issued to a purchasing group:

NOTICE

'This policy is issued by your purchasing group insurer which may not be subject to all of the insurance laws and regulations of your State. State insurance insolvency guaranty funds may not be available for your purchasing group insurer.'

"(3) No State may:

"(A) require any insurance policy issued to a purchasing group or any member of the group to be countersigned by an insurance agent or broker;

"(B) require the submission of declinations or certificates of non-availability prior to or as a condition of writing purchasing group insurance; or

"(C) otherwise discriminate against a purchasing group insurer, except that nothing in this section shall be construed to affect the applicability of State laws generally applicable to persons or corporations.

"(4) No State, other than the state in which the purchasing group has its principal place of business, shall have the right to regulate policy forms, rates or coverage provided the puchasing group except as otherwise authorized by this Act.

"(c) Purchasing group insurers shall furnish—

"(1) to the insurance commissioner of the State in which the purchasing group has its principal place of business—

"(A) the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the insurer intends to offer the purchasing group and its members; and

"(B) a copy of the insurer's annual financial statement, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

"(i) a member of the American Academy of Actuaries, or

"(ii) a qualified loss reserve specialist.

"(C) such other information as the Commissioner may require.

"(2) Copies of each of the documents required to be filed with the State in which the purchasing group has its principal place of business shall be filed with the insurance commissioner of each State in which the purchasing group is doing business. Copies of any document filed with the State in which the purchasing group has its principal place of business shall be sufficient for submission to all other States.

"(d) Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

"(1) the solicitation or sale of insurance by a purchasing group insurer to any person who is not eligible for membership in such group; or

"(2) the solicitation or sale of insurance by, or operation of, a purchasing group insurer that is in hazardous financial condition or is financially impaired;

"(3) any false, deceptive or fraudulent conduct by a purchasing group or its insurer, agents or broker.

"(e)(1) Nothing in this Act shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a purchasing group insurer is not exempt under this Act.

"(2) If a State seeks an injunction regarding the conduct described in subsection (d) of this section, the injunction must be obtained from a Federal or State court of competent jurisdiction.

"(f) Nothing in this Act shall affect the authority of any State to bring an action in any Federal or State court.

"(g) A purchasing group insurer shall register with and designate the State insurance commissioner of each State in which the purchasing group has insured members as its agent solely for the purpose of receiving service of legal documents or process.

SEC. 19. Section 2(a) of this Act is amended by adding a new paragraph as follows:

"(9) 'group basis' includes a group master policy, coverage issued on an individual basis pursuant to a mass marketing plan, or any other arrangement for providing liability insurance to members of a purchasing group on substantially the same terms and conditions.".

SEC. 20. Section 5 [now 6] of the Act is amended by—

(1) renumbering paragraph (2) as paragraph (3) and adding a new paragraph (2) as follows:

"(2) considered exempted securities for the purposes of the broker-dealer registration requirements of Section 15(a)(1) of the Securities Act of 1933 [15 U.S.C. § 77o.(a)(1);"; and

(2) adding a new paragraph as follows:

"(d) the exemption provided under this section includes the promotion, sale, and distribution of ownership interests in a company or association which is being organized solely for the purpose of qualifying as a risk retention group as defined in Section 2(a)(4).".

SEC. 21. Section 6 [now Section 7] of the Act is amended by—

(1) adding after the words "risk retention group" in subsections (a), (b) and (c), the phrase "or purchasing group insurer";

(2) by amending subsection (d) to read as follows:

"(d) subject to the provisions of Section 3(a)(4) and Section 4(a)(8) relating to discrimination, nothing in this Act shall be construed to preempt any State statute or regulation issued under a State statute that specifies acceptable means of demonstrating financial responsibility as a condition for obtaining a license or permit to undertake specified activities. As used in this subsection, "acceptable means of demonstrating financial responsibility" includes a demonstration that the risk retention group or insurer of a purchasing group maintains the minimum capital and surplus required for an admitted insurer in the state in which coverage is provided to a group member.".

(3) adding a new subsection (e) as follows:

"(e) no state may prohibit any political subdivision or other public entity from becoming a member of a risk retention group or a member of a purchasing group or from obtaining insurance provided by or for a group of which it is a member.".

SEC. 22. The Act is amended by adding the following new sections:

"Sec. . (a) No State, except the State in which a risk retention group is chartered or the State in which a purchasing group maintains its principal place of business, may require a risk retention group or a purchasing group to pay a registration fee.

"SEC. . The Attorney General or the Secretary of Commerce (with the concurrence of the Attorney General) may bring a civil action to enjoin a State insurance commissioner from—

"(1) applying any State law or regulation that is inconsistent with this Act; or

"(2) discriminating against a risk retention group or a purchasing group.

"SEC. . Whenever this Act establishes a requirement or authorizes an activity, no state or political subdivision of a state may establish or apply any requirement or limitation on the authority of a risk retention group or purchasing group which is not identical to those set forth in this Act.

"SEC. . (a) The Secretary of Commerce shall, in accordance with chapter 5 of title 5, United States Code, prescribe standard forms for the filing of notification by a purchasing group or risk retention group that it intends to do business in a state and a standard form appointing the insurance commissioner as a group's agent for service of process.

"(b) The Secretary shall before issuing any standard forms described in subsection (a), consult with the National Association of Insurance Commissioners.".

SECTION-BY-SECTION ANALYSIS OF THE RISK RETENTION ACT AMENDMENTS OF 1989

Section 1.—This section is the short title of the bill, the Liability Risk Retention Act Amendments of 1989.

Section 2.—This section specifies that whenever an amendment specifies a section, the reference is to the Liability Risk Retention Act.

Section 3.—Adds a new purpose section to the Act stating that the purpose of the Act is to facilitate the formation and operation of risk retention groups and purchasing groups by eliminating certain government regulations that would otherwise prevent or hinder the operation of these groups in interstate commerce. This section is intended to give additional focus to the importance of exempting risk retention groups and purchasing groups from regulations that prevent or hinder their operation in interstate commerce.

Section 4.—Section 2(a)(1) of the Act is amended to simplify the definition of insurance.

Section 5.—Section 2(a)(2) of the Act is amended by adding a new provision to permit insuring all coverages included in commercial motor vehicle and trucking policy forms and to authorize insuring employers' liability insurance in excess of any coverage required under applicable state workers' compensation laws. The purpose of the first provision is to authorize a risk retention group (or purchasing group) to include all of the standard commercial motor vehicle coverages, including physical damage and collision, that are included in a standard commercial motor vehicle or trucking policy form. Excess employers' liability coverage is authorized so that risk retention groups can incorporate these risks into their policies to the same extent they are included in standard commercial excess and umbrella policy forms.

Section 6.—Section 2(a)(4)G)(ii) is amended to permit a risk retention group to reinsure the liability exposure of "its own members." Thus, a risk retention group is authorized to reinsure the risks that are written by a "fronting" company that issues liability insurance policies to the group's members.

Section 7.—Section 2(a) is amended by adding a definition of the principal place of business of a purchasing group. Principal place of business is defined as the city and state in which a purchasing group maintains its principal office, if the group has and maintains members in that state. This definition is intended to replace the concept of the state in which a purchasing group is "located," which has caused misunderstanding and litigation.

Section 8.—Section 3(a)(1)(B) is amended to provide that a risk retention group may be required to pay, on a nondiscriminatory basis, applicable premium taxes and other taxes which are levied on admitted insurers. This conforms to the practice of the vast majority of states which treat risk retention groups as admitted insurers for the purpose of taxation. It will prohibit a state from treating a risk retention group as a surplus lines insurer for the purpose of determining the amount or method of payment of premium taxes.

Section 8 also amends Section (a)(1)(E)(ii) to prohibit a state from requiring a risk retention group to submit to more than one financial examination during any calendar year unless the additional examination is ordered by a federal district court.

Section 9.—Section 3(a)(1)(I) is amended to permit a risk retention group notice that it is not covered by a state guaranty fund and is not subject to all insurance laws may be in 10 point "or larger" type. The purpose of this amendment is to prevent state insurance departments from threatening a risk retention group with technical violation of its regulations because it has provided notice to its policyholder members in type that is larger than the minimum required under the Act.

Section 10.—Section 3(a)(3) of the Act is amended to clarify that an insurance policy issued to a risk retention group is not required to be countersigned by an insurance agent or broker. The language of the current Act prohibits a state from requiring a policy to be countersigned by an agent or broker "residing in the state" and some states have construed this as permitting them to require policies to be countersigned by a non-resident agent or broker. Because the purpose of the Act was to remove all countersignature requirements, it is amended to clearly implement this policy.

Section 10.—Section 3(a) is amended by adding three new paragraphs. Paragraph (4) prohibits a state from preventing a risk retention group from ceding any or all of the insurance issued to its members to a reinsurer which meets the requirements of the risk retention group's chartering state for allowing balance sheet credit for reinsurance ceded. The purpose of this provision is to require recognition of reinsurance that is recognized in the group's chartering state.

Paragraph (5), as added by these amendments, prohibits a state from requiring a risk retention group to file its policy forms and rates for approval. This simply clarifies existing practice and implements the policy that except as specified in the Act, a risk retention group is exempt from insurance regulation except in the state in which it is licensed as an insurance company.

Paragraph (6), as added by these amendments, prohibits a state from refusing to recognize as an asset of a risk retention group a letter of credit that has been issued by a bank that is a member of the Federal Reserve System, if the letter of credit is drafted in a form that has been approved by the commissioner of the state in which the group is licensed as an insurer and that commissioner has recognized the letter of credit as an asset of the group. Several states, including states with special captive insurance laws, recognize a letter of credit as an asset for determining if the group meets the state's minimum capital and surplus requirements. Other states under their Statutory Accounting Principles do not recognize a letter of credit as an asset although they recognize surplus notes and other instruments.

Because it is a policy of the Risk Retention Act to promote the formation of risk retention groups which can be licensed as captive insurance companies, and to exempt these groups from most insurance regulations of a non-chartering state, a non-chartering state should recognize a letter of credit as an asset of the group. Of course, if a non-chartering state believes that the letter of credit is a forgery, or is invalid or has no value, or that the risk retention group is otherwise in a "hazardous financial condition," then that insurance department may take action to enjoin the operation of the risk retention group in that state.

Section 11.—Section 3(c) of the Act is amended to specify in greater detail persons who are eligible to act as an agent or a risk retention group and to define those situations in which such a person must be licensed as an agent. Paragraph (1) provides that officers, directors, and full-time employees of a risk retention group may engage in the direct sale and servicing of insurance to members of the group without being licensed as an insurance agent or broker under the laws of any state.

Paragraph (2) provides that other persons acting as an agent or broker for a risk retention group must obtain a license from the group's chartering state, but that state may not impose any qualification that discriminates against a non-resident agent, impose licensing requirements different from those applicable to resident agents, or require a risk retention group to appoint a licensed agent, if no person is acting or offering to act in that capacity.

Paragraph (3) provides that any person who is licensed as an agent by the state in which the risk retention group is chartered may act as an agent on behalf of that group in all states in which it does business, notwithstanding the insurance agent licensing laws of any other state.

The purpose of these amendments is to simplify and clarify the insurance agent licensing requirements for a risk retention group. Because the purpose of the Act is to remove conflicting and burdensome state insurance regulations, it is necessary in carrying out that policy to exempt persons acting as an agent for a risk retention group from these multi-state licensing requirements. The amendment also exempts the officers, directors and employees of a risk retention group from agent licensing requirements and does not impose any licensing requirements if a group solicits members through direct marketing without the use of any agents or brokers.

Section 12.—Section 3 is amended by adding two new subsections. Subsection (d) provides that a risk retention group may provide insurance for a non-member that is assumed under a contract entered into during the course of any business or activity that is similar or related to the business or activity of the members of the group. The purpose of this amendment is to permit a tenant or lessee of equipment to include as an additional named insured the owner of the property or equipment so that the group member can meet the requirements of a lease agreement requiring it to include the owner of the property or equipment as an additional named insured and to permit other coverage in other situations where contractual liability coverage is a common business practice.

Subsection (e) provides that no state other than the jurisdiction in which the risk retention group is chartered, may require the group to submit to an examination for the purpose of determining whether its members are engaged in similar or related businesses or activities as defined in Section 2(a)(4)(F) of the Act. Generally, risk retention groups have been formed by homogeneous groups of businesses or professionals. There have been some instances, however, of state insurance departments requiring risk retention groups to submit extensive information to prove that their members have a similar or related exposure liability. Review by the chartering state is considered sufficient to assure that this requirement is met.

Section 13.—Section 4(a)(2) of the Act is amended to permit the insurer of a purchasing group to provide liability insurance on a group basis or on any other basis which affords "rate, coverage, policy form, or other advantages to a purchasing group which are not available to persons who are not members of the purchasing group." This incorporates the exemption as set forth in the Department of Commerce Risk Retention Proposal of 1979 and, gives insurers greater flexibility in the manner in which an insurer may offer special terms regarding rates, coverages, or policy forms to members of a purchasing group.

Section 4(a)(7) is amended to prohibit any state from requiring an insurance policy issued to a purchasing group or any member of the group to be countersigned by an insurance agent or broker. This clarifies the exemption from countersignature laws contained in the existing Act and is identical to Section 3(a)(3).

Section 14.—Section 4(c) of the Act is amended in exactly the same manner as Section 3(c) to simplify the licensing requirements of any person acting as an agent or broker of a purchasing group.

Section 15.—Section 4(d)(1)(C) is amended to specify in greater detail the information about a purchasing group insurer that must be provided to each state insurance department.

Section 4(d)(1) is amended by adding three new subparagraphs: (E) which requires the group to identify its principals or officers; (F) to identify any organization engaged to manage or service the operation of the purchasing group and the address of any such organization; and (G) to certify that all members of the purchasing group are engaged in similar or related activities with regard to their exposure to any liability which is insured under the group's program.

Section 16.—Section 4(f) is amended to provide that a purchasing group may purchase insurance from any insurer meeting the requirements set forth in a new Section 5 added by these amendements. Reference to the state in which a purchasing group is "located," which had lead to litigation is deleted. The purpose of this amendment is to clarify the requirements for an insurer providing insurance to a purchasing group.

Section 17.—Section 4(g) is amended by adding after the phrase "purchasing group" the phrase "or purchasing group insurer." The purpose of this amendment is to clarify that a state may apply any of its insurance laws to a purchasing group or the group's insurer that are not preempted by the Risk Retention Act.

Section 18.—This section contains a new Section 5 of the Act that specifies the qualifications of an insurance company that is eligible to provide liability insurance to a purchasing group, specifies certain state laws, reporting requirements that apply, and specifies enforcement actions that may be taken against any such insurer.

Section 5(a), as added by these amendments, provides that an insurer is authorized to write coverage for a purchasing group if the insurer is: (1) admitted in at least one state; (2) retains risk, net reinsurance, in an amount less than the maximum permitted for admitted insurers under the laws of each state in which the insurer is writing insurance for a purchasing group or its members; and (3) maintains minimum capital and surplus of at least $3 million as determined in accordance with the Statutory Accounting Principles of the state in which the group has its principal place of business. In addition, an alien insurer that is listed on the most recent NAIC "Non-Admitted Insurers Quarterly Listing" is authorized to insure a purchasing group. The purpose of this provision is to establish some minimum financial or listing qualifications for the insurer of a purchasing group.

Section 5(b) provides that the insurer of a purchasing group shall be regulated "by the state in which the purchasing group has its principal place of business and the authority of other states in which insurance is provided to any member of the group is limited to those matters authorized by this Section [5]." The purpose of this provision is to focus the regulation of the purchasing group insurer on the insurance department of the state in which the group maintains its principal place of business. The insurer of a purchasing group is not, however, totally exempt from regulation or review by the insurance department of other states.

Section 5(b)(1) provides that the state in which a purchasing group has its principal place of business shall apply its laws to the policy form, coverage, and rates of the purchasing group's insurer in the same manner as it applies those laws to an admitted insurer doing business in that state.

Section 5(b)(2) provides that any state may require a purchasing group insurer to (A) to comply with its unfair claim settlement practices law, (B) pay on a non-discriminatory basis applicable premium taxes, (C) register with and designate the state insurance commissioner as the insurer's agent for service of process, if it has not already done so, (D) submit to an examination by a state insurance commission of any state in which it is doing business, if the commissioner of the insurer's domicile has not begun or refused to initiate such an examination, except that any such examination must be coordinated to avoid unjust duplication and repetition, (E) comply with a lawful order issued in a delinquency proceeding or a voluntary dissolution proceeding, (F) comply with any state law regarding deceptive, false or fraudulent acts or practices, (G) comply with an injunction issued by a court of competent jurisdiction based on a finding that the insurer is in a hazardous financial condition or is financially impaired and (H) provide a notice in 10 point or larger type in any insurance policy issued by a purchasing group that the insurer may not be subject to all of the insurance laws of the state and that the insurer (if it is a non-admitted carrier) is not covered by the state's guaranty fund.

Section 5(b)(3) provides that no state may (A) require any insurance policy issued to a purchasing group to be countersigned by an insurance agent or broker, (B) require the submission of declination or certificates of non-availability prior to or as a condition of writing purchasing group insurance; or (c) otherwise discriminate against a purchasing group insurer.

Section 5(b)(4) provides that no state, other than the state in which the purchasing group has its principal place of business, shall have the right to regulate policy forms, rates, or coverage provided to a purchasing group except as otherwise authorized by the Risk Retention Act.

Section 5(c) provides that a purchasing group insurer must furnish to the insurance commissioner of the state in which the purchasing group has its principal place of business information regarding (A) the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the insurer intends to offer to the purchasing group, (B) a copy of the insurer's annual financial statement, which must be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expenses rendered by a member of the American Academy of Actuaries or a qualified loss reserve specialist and (C) any other information the commissioner may require. Copies of all of this information must be filed with the insurance commissioner of each additional state in which the purchasing group is doing business. Copies of any documents filed with the state in which the purchasing group has its principal place of business shall be sufficient for submission in all other states.

Section 5(d) provides that nothing in this section shall be construed to affect the authority of any federal or state court to enjoin (1) the solicitation or sale of insurance by a purchasing group insurer to any person who is not eligible for membership in the group, (2) the solicitation or sale of in-

surance by or the operation of a purchasing group insurer that is in a hazardous financial condition or is financially impaired, or (3) any false, deceptive, or fraudulent conduct by a purchasing group or its insurer, agents, or broker. The purpose of Section 5(d) is to clarify that state insurance commissioners retain the authority to take action to prevent or halt any false or deceptive acts or practices or the insurance operations of any insurer that is in a hazardous financial condition.

Section 5(e) provides that nothing in the Risk Retention Act shall be construed to affect the authority of any state to make use of any of its powers to enforce the laws of that state with respect to any activities of a purchasing group insurer which are not exempt from state regulation under the Risk Retention Act. This simply restates a provision of existing loss—that any activity of a purchasing group insurer which is not exempt from state regulation remains subject to that regulation—and (2) that if a state seeks an injunction regarding the conduct described in Section 5(d), the injunction must be obtained from a federal or state ccurt of competent jurisdiction.

Section 5(f) provides that nothing in the Risk Retention Act shall affect the authority of any state to bring an action in any federal or state court.

Section 5(g) provides that a purchasing group insurer must register with and designate the state insurance commissioner of each state in which the purchasing group has insured members (and in which it has not already appointed the insurance commissioner as its agent) as the insurer's agent solely for the purpose of receiving service of legal documents or process.

Section 5 (b)(2), (b)(3), and (b)(4), and Section 5(c), 5(d) and 5(g) are virtually identical to similar provisions dealing with the requirements of a risk retention group and the authority of a state insurance commissioner to regulate such a group.

Section 19.—Section 2(a) of the Act is amended by adding a new paragraph (9) defining "group basis" to include a group master policy, coverage issued on an individual basis pursuant to a mass marketing plan, or any other arrangement providing liability insurance to members of a purchasing group on substantially the same terms and conditions. The purpose of this amendment is to set forth a broad definition of the meeting of group basis and thereby provide insurers with substantial latitude in developing group liability insurance programs under the Act.

Section 20.—Section 5 (now Section 6) is amended by adding a new paragraph 2 which provides that the ownership interest in a risk retention group shall be considered an exempted security for the purpose of the broker-dealer registration requirements of Section 15(a)(1) of the Securities Act of 1933, 15 U.S.C. § 77o(a)(1). Because the ownership interest in a risk retention group are not primarily investments but a necessary capital expenditure to permit the formation of a joint insurance venture, and because in most cases these ownership interest are promoted on an accommodation basis rather than for the purpose of earning fees or commissions, the exemption from the registration requirements under the securities laws is extended to the broker-dealer registration requirements.

In addition, a new Section 6(d) provides that the exemption from the registration requirements of the securities laws includes the promotion, sale, and distribution of ownership interests in a company or association which is being organized solely for the purpose of qualifying as a risk retention group. The purpose of this amendment is to clarify that the exemption from the registration requirements of the securities laws extends to the activities, including capital formation, which necessarily precede the licensing of a risk retention group as an insurance company and its certificate of authority to commerce doing business.

Section 21. Section 6 (now Section 7) of the Act is amended by (1) adding after the words "risk retention group" in subsections (a), (b), and (c), the phrase "or purchasing group insurer"; (2) by amending subsection (d) to provide that state financial responsibility laws will apply only if they are incorporated in a state statute or regulation issued under a state statute that specifies financial responsibility as a condition for obtaining a license or permit to undertake specified activities, and by defining "acceptable means of demonstrating financial responsibility" to include a demonstration that a risk retention group or the insurer of a purchasing group maintains the minimum capital and surplus required for an admitted insurer in the state in which coverage is provided to a group member.

In addition a new Section 7(e) is added which provides that no state may prohibit any political subdivision or other public entity from becoming a member of a risk retention group or a member of a purchasing group or from obtaining insurance provided by or for a group of which it is a member. The purpose of this provision is to prohibit states from enacting laws and to prevent state insurance commissioners from promulgating regulations that attempt to defeat the purpose of the Risk Retention Act by preventing political subdivisions and other organizations of a state from participating in risk retention insurance ventures.

Section 22.—The Risk Retention Act is amended by adding four new sections that further clarify the exemption of risk retention groups and purchasing groups from state insurance regulation and provide methods for reducing misunderstandings regarding the scope of this exemption.

Section 8, as added by the amendments, provides that no state, except the state in which a risk retention group is chartered or the state in which a purchasing group maintains its principal place of business, may require a risk retention group or purchasing group to pay any registration fee. The purpose of this amendment is to prevent state insurance departments from imposing burdensome registration fees and annual fees on risk retention groups and purchasing groups when the only purpose of the registration is to appoint the insurance commissioner as the group's agent for service of process.

Section 9, as added by the amendments, provides that the Attorney General or the Secretary of Commerce (with the concurrence with the Attorney General) may bring a civil action to enjoin a state insurance commissioner from (1) applying any state law or regulation that is inconsistent with the Risk Retention Act or (2) discriminating against a risk retention group or a purchasing group. The purpose of this provision is to allow the federal government to initiate legal action in those cases where a state is interfering with the policy of the Risk Retention Act by applying its laws or regulations in a manner that are inconsistent with the Act or that discriminate against a risk retention group or a purchasing group. Similar authority is granted to the United States and government departments under many other laws.

Section 10, as added by these amendments provides that whenever the Risk Retention Act establishes a requirement or authorizes an activity, no state or political subdivision of a state may establish or apply any requirement or limitation on the authority of a risk retention group or purchasing group which is not identical to those set forth in the Risk Retention Act. The purpose of this provision is to prevent states from enacting risk retention laws or regulations that depart from the provisions of the Risk Retention Act and that seek to impose different or conflicting burdens or requirements on risk retention groups and purchasing groups.

Section 11, as added by these amendments, provides that the Secretary of Commerce shall, in accordance with the Administrative Procedure Act, promulgate standard forms for the filing of notification by a purchasing group or risk retention group that it intends to do business in a state and to promulgate a standard form appointing the insurance commissioner as the group's agent for service of process. The Secretary is required before issuing any such standard forms to consult with the National Association of Insurance Commissioners. The purpose of this provision is to prevent the unnecessary burden now imposed on purchasing groups and risk retention groups of filing out fifty different registration forms.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 1937. A bill to require the deepening of the Arkansas Post Canal of the McClellan-Kerr Arkansas River Navigation System, Arkansas; to the Committee on Environment and Public Works.

DEEPENING THE ARKANSAS POST CANAL OF THE MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM

● Mr. BUMPERS. Mr. President, I am pleased to be joined by my colleague, Senator PRYOR, in introducing a bill that addresses both an operational and quality of life problem in the Mississippi River delta region of Arkansas. My bill would authorize the Corps of Engineers to deepen the Arkansas Post Canal of the McClellan-Kerr Arkansas River Navigation System. This canal connects the lower Arkansas River, just before it enters the Mississippi River, with the lower White River for the last 10 miles before reaching the Mississippi. By connecting with the White River, the navigation system was considerably shortened.

However, the hinge pool operation of the canal has never functioned properly. Large pockets of silt and sediment have collected which have required the corps to maintain a higher than normal water level in the pool for navigational purposes.

This bill authorizes the corps to excavate the Arkansas-White River canal to its full depth and to deposit the fill material resulting from this excavation at Morgan Bendway. This ex-

cavation is crucial if the corps is to be able to operate Pool 2 to move sediments through the system and to greatly reduce annual dredging costs. The corps estimates that the cost of the project will be around $10 million, and that it will save many more millions in annual maintenance costs.

This project also has a very beneficial side effect on the quality of life of the residents living in the area. The corps has agreed to deposit the fill material just below Dam 2 on the Arkansas River at a point known as Morgan Bendway. Morgan Bendway is a horseshoe lake just off the main channel that has ideal possibilities as a recreational lake. Unfortunately, the lake is an unsafe swift-water lake for parts of the year, and a low-water slough during the summer and fall months, and one end of the horseshoe must be closed for it to be suitable for recreational use.

By depositing the fill material and forming a weir at Morgan Bendway, the corps kills two birds with one stone. It avoids the recurring problem of where to deposit fill material and it effects the closure of part of the horseshoe lake. With the finishing touches of stabilizing the closure with stone, Southeast Arkansas will have an excellent recreational fishing and water sport lake.

State Representative Charlotte Schexnayder of Dumas, AR, has received a commitment from the State to develop a park and recreational facility at Morgan Point, thus relieving the Corps of any additional burden. This project has long been sought by area residents, and I believe it fits very nicely with the work of the Lower Mississippi Delta Development Commission to improve the quality of life of all residents.

Mr. President, I urge swift consideration of this bill so that funding can be considered in the normal course of events on the fiscal year 1991 energy and water development appropriations bill. I ask unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, shall proceed to deepen the Arkansas Post Canal of the McClellan-Kerr Arkansas Navigation River System to bring that waterway to project dimensions for the purpose of removing operational constraints that when accomplished would allow the canal to be hinged as are other pools on the System. Such material shall be disposed across the Morgan Bendway near its confluence with the Arkansas River downstream of Dam 2, and such resulting disposal area shall be stabilized with stone to withstand annual overlapping by Mississippi River backwater.

SEC. 2. There are hereby appropriated such funds as are necessary to complete the project described in this Act.●

● Mr. PRYOR. Mr. President, the legislation Senator BUMPERS and I are introducing this afternoon will authorize the Army Corps of Engineers to perform a very important task that will serve two purposes. I thank my colleague for his diligence in pursuing this matter with the Army and for identifying this solution to a problem with which we have both wrestled.

This bill will require the Corps of Engineers to deepen the Arkansas Post Canal of the McClelland-Kerr Arkansas River Navigation System. This is simple, and it is inexpensive, Mr. President, when we consider the hundreds of thousands of dollars that are being spent annually to dredge the Arkansas River to provide safe passage for the two boats and barges that the system was designed to guarantee.

This action, when completed, will allow the pool on this stretch of the Arkansas river to be hinged, as are the other pools on the system. Hinging is a technique designed to allow the river to become self-cleaning, removing the need for dredging.

A secondary benefit, beyond the obvious benefit to navigation, is the stabilization of the river channel banks to withstand annual overlapping by backwater from the Mississippi River. In stabilizing this particular area of the river, known as the Morgan Bendway, a potential environmental enhancement to Morgan's Point could accrue as a year-around stable water level would permit the development of a first class recreational fishing resource by the State of Arkansas. The original development of the river destroyed any potential for this because of the unstable water levels.

Mr. President, I urge my colleagues to support this legislation, and I ask for its prompt consideration.●

By Mr. GRAHAM (for himself, Mr. NUNN, and Mr. CRANSTON):

S. 1938. A bill to amend the Internal Revenue Code of 1986 to stimulate investment through a reduction in the capital gains tax; to the Committee on Finance.

CAPITAL GAINS TAX REDUCTION

Mr. GRAHAM. Mr. President, this evening, with my colleagues, Senator NUNN and Senator CRANSTON, I am introducing legislation to establish a long-term capital gains tax treatment. For some time we have been concerned with the timeframe in which economic decisions have been made in this country. There is strong evidence that our Nation's investors, entrepreneurs, and corporate management, have substantially overemphasized financial return on a short-range basis to the detriment of a longer term investment consideration.

This short-range emphasis has resulted in a number of ills within America's economy. It has contributed to a lack of commitment to research and development, to an increase in plant and equipment deterioration, and it has created an environment in which many American industries are failing to invest so that they can be competitive in the global economy of the 21st century.

Mr. President, as public policymakers, we have a responsibility for the creation of an economic environment that will encourage corporate management and investors, to focus away from a quarter-by-quarter analysis for measuring profit successes or failures. Unfortunately, Mr. President, Congress has not itself been immune from a virus of a short-term focus. Two recent examples: the capital gains bill passed by the House and the IRA proposal which was coupled with the reasonably proposed capital gains bill introduced by our colleague, Senator PACKWOOD. Both of these measures have a common thread. Both proposals were lured by the siren song of the need for immediate revenue gains. To enhance revenue in the near term, the next 2 years, the House bill encouraged short-range thinking. It would have encouraged a churning of activity in order to generate additional revenue over a 24-month period through reducing the tax rate on capital gains and then returning the rate to its existing status with indexing for the future.

The IRA proposal traded a small amount of current revenue for a substantial reduction of future taxes from our most affluent taxpayers.

Instead of succumbing to this siren song, this allure of immediate gratification and revenue enhancement, America should be looking to the longer range; we should be encouraging our corporate managers, our entrepreneurs, our investors, to be looking for the long term, to invest their money for long-term growth in the American economy which will provide jobs and economic opportunities for the future.

One step to this long-range thinking is to lengthen the holding period for investment purposes, which is one of the objectives of our legislation. Low-cost capital is another element that can remove some of the pressure for instant gratification. From a public policy point of view, we recognize this cannot be achieved until we have the political will to move substantially toward the reduction of our Federal deficit and the achievement of our goal of a balanced Federal budget.

However, we can assist in the achievement of low-cost capital and expand the horizon of the timeframe for economic decisions be rewarding

investors whose investments meet the criteria of being long term.

Next year we look forward to working with the leadership to incorporate a proposal similar to this capital gains proposal into a legislative program that addresses America's competitive future. The bill we have introduced today has the following characteristics: Mr. President, it has the characteristic of not being a panacea. We do not intend to represent that this bill alone will accomplish the objective of refocusing American investment on a longer-term basis. We do believe that it will be a significant part of a comprehensive strategy to accomplish that objective. This legislation would apply to all capital assets except collectibles. This legislation would apply a tax rate cut but does not incorporate indexation. This legislation is directed to both individuals and to corporations.

The excluded gain is to be treated as a tax preference for alternative minimum tax purposes. Specifically, individuals who acquire capital assets after the date of enactment will be able to exclude 5 percent of the gain on the sale of such capital asset after a 1-year holding period. For each additional year of holding period thereafter, the individual can exclude an additional 5 percent which occurs after a 10-year holding period.

Individuals who acquired capital assets prior to date of enactment of this legislation and all corporate capital assets (those previously owned and those acquired after the date of enactment of this legislation) will be able to exclude 5 percent of the gain on the sale of said capital assets after a 2-year holding period.

For each additional year of holding period thereafter, the taxpayer could exclude an additional 2.5 percent of the taxable gain up to a total exclusion of 25 percent, which occurs after a 10-year holding period.

For capital assets acquired prior to the date of enactment of this bill, the taxpayer will be credited up to 6 years of holding period as of the enactment date of this legislation. Previously held assets qualifying for the maximum 6-year holding period will be eligible for a 15 percent exclusion at the date of sale.

For each additional year of holding period thereafter an additional 2.5 percent exclusion is allowable until a maximum exclusion of 25 percent is reached.

Additionally, the bill provides for a special new tax incentive for venture/seed capital investment that has the following characteristics:

Mr. President, I would like to specifically commend Senator BUMPERS who is the principal architect of this privision of the legislation.

This would apply to direct investment in new corporations with capitalization of less than $20 million.

It would apply to individuals and corporations.

After a 4-year holding period a 40 percent exclusion of the gain is applicable; after a 6-year holding period a maximum 50 percent exclusion of the gain is applicable.

Fifty percent of the excluded gain would be used as a tax preference for the alternative minimum tax.

Mr. President, with those who join me this evening, we have a long time interest and a long standing concern for the economic future of this Nation and the importance of refocusing America on its tradition of an investment for the future, an investment in what will build this Nation an investment that will encourage a larger economic America in which we can all participate and prosper.

We believe that adjusting capital gains is a way to contribute to that lengthening of the timeframe for economic decision. I believe that this bill is an important step on a road to an economic objective which we as a Nation must reach.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "_____ Act of 1989".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—NONCORPORATE TAXPAYERS

SEC. 101. REDUCTION IN CAPITAL GAINS TAX FOR NONCORPORATE TAXPAYERS.

(a) GENERAL RULE.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. REDUCTION IN CAPITAL GAINS TAX FOR NONCORPORATE TAXPAYERS.

"(a) DEDUCTION ALLOWED FOR CAPITAL GAIN.—

"(1) IN GENERAL.—If, for any taxable year, a taxpayer other than a corporation has a net capital gain, an amount equal to the applicable percentage of the net capital gain shall be allowed as a deduction.

"(2) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under paragraph (1) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(b) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the applicable percentage shall be the percentage determined in accordance with the following table:

"In the case of:	The applicable percentage is:
1-year gain	5
2-year gain	10
3-year gain	15
4-year gain	20
5-year gain	25
6-year gain	30
7-year gain	35
8-year gain	40
9-year gain	45
10-year gain	50.

"(2) ASSETS HELD BEFORE OCTOBER 14, 1989.—

"(A) IN GENERAL.—In the case of any asset the holding period for which began before October 19, 1989, the applicable percentage shall be the percentage determined in accordance with the following table:

"In the case of:	The applicable percentage is:
2-year gain	5
3-year gain	7.5
4-year gain	10
5-year gain	12.5
6-year gain	15
7-year gain	17.5
8-year gain	20
9-year gain	22.5
10-year gain	25.

"(B) ASSETS HELD BEFORE OCTOBER 19, 1983.—In the case of any asset for the holding period which began before October 19, 1983, the holding period shall be treated as having begun on October 19, 1983, for purposes of subparagraph (A).

"(C) EXCEPTION FOR TRANSACTIONS BETWEEN CERTAIN RELATED PERSONS.—If a taxpayer acquires an asset after October 18, 1989, from a related person (as defined in section 465(b)(3)(C)), the taxpayer shall be treated for purposes of this paragraph as having held such asset during the period such asset was held by the related person if such asset was acquired for a price less than the asset's fair market value.

"(3) QUALIFIED VENTURE CAPITAL STOCK.—If for any taxable year a taxpayer has any qualified venture capital stock net capital gain, paragraph (1) shall be applied—

"(A) by substituting '40 percent' for the applicable percentage determined for such gain which is 4-year or 5-year gain, and

"(B) by substituting '50 percent' for the applicable percentage determined for such gain which is 6-year, 7-year, 8-year, or 9-year gain.

"(c) GAIN TO WHICH DEDUCTION APPLIES.—For purposes of this section—

"(1) 1-YEAR GAIN.—The term '1-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from the sale or exchange after October 18, 1989, of assets with a holding period of at least 1 year but less than 2 years.

"(2) 2-YEAR GAIN, ETC.—The terms '2-, 3-, 4-, 5-, 6-, 7-, 8-, or 9-year gain' mean the amounts determined under paragraph (1)—

"(A) by reducing the amount of the net capital gain under subparagraph (A) thereof by the amount of net capital gain determined by taking into account only gain or loss from the sale or exchange of assets

with a holding period less than the minimum holding period for any such category, and

"(B) by substituting 2, 3, 4, 5, 6, 7, 8, or 9 years for 1 year and 3, 4, 5, 6, 7, 8, 9, or 10 years for 2 years, respectively, in subparagraph (B) thereof.

"(3) 10-YEAR GAIN.—The term '10-year gain' means the lesser of—

"(A) the net capital gain for the taxable year, reduced by 1-, 2-, 3-, 4-, 5-, 6-, 7-, 8-, and 9-year gain, or

"(B) the net capital gain for the taxable year determined by taking into account only gain or loss from the sale or exchange after October 18, 1989, of assets with a holding period of 10 years or more.

"(4) QUALIFIED VENTURE CAPITAL STOCK NET CAPITAL GAIN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified venture capital stock net capital gain' means the lesser of—

"(i) net capital gain for the taxable year, or

"(ii) the net capital gain for the taxable year determined by only taking into account gain or loss from sales or exchanges after October 18, 1989, of qualified venture capital stock.

"(B) QUALIFIED VENTURE CAPITAL STOCK.—

"(i) IN GENERAL.—The term 'qualified venture capital stock' means stock which—

"(I) is issued by a qualified venture capital corporation after October 18, 1989,

"(II) is first acquired (whether directly or through an underwriter) by the taxpayer, and

"(III) is not issued in redemption of (or otherwise exchanged for) stock issued before October 19, 1989.

"(ii) QUALIFIED VENTURE CAPITAL CORPORATION.—For purposes of clause (i)—

"(I) IN GENERAL.—The term 'qualified venture capital corporation' means a corporation the paid-up capital of which immediately after the date of issuance described in clause (i) is less than $20,000,000.

"(II) ACTIVE TRADE OR BUSINESS REQUIREMENT.—A corporation shall not be treated as a qualified venture capital corporation unless such corporation was engaged in the active conduct of a trade or business during the 5-year period ending on the date of issuance described in clause (i) (or if shorter, its period of existence), and is so engaged immediately after such date.

"(III) EXCEPTION FOR PERSONAL SERVICE CORPORATIONS.—The term 'qualified venture capital corporation' shall not include a personal service corporation (within the meaning of section 269A(b)(1)).

"(5) SPECIAL RULES FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this subsection with respect to any pass-thru entity, the determination of when a sale or exchange has occurred shall be made at the entity level.

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund.

"(6) SPECIAL RULES FOR CARRYOVERS, ETC.—

"(A) CERTAIN CARRYOVERS.—For purposes of this subsection—

"(i) any amount treated as a loss under section 1212(b) for any taxable year beginning after October 18, 1989, shall be treated as a loss from a sale or exchange occurring after such date, and

"(ii) any such loss described in section 1212(b)(1)(B) shall be treated as a loss from the sale or exchange of a capital asset held for 1 year or more but less than 2 years.

A similar rule shall apply to any loss carried to such a taxable year under section 465(a)(2) or 469(b).

"(B) RECAPTURE OF NET ORDINARY LOSS UNDER SECTION 1231.—For purposes of this subsection, if any amount is treated as ordinary income under section 1231(c) for any taxable year—

"(i) the amount so treated shall be allocated proportionately among the section 1231 gains (as defined in section 1231(a)) for such taxable year, and

"(ii) the amount so allocated to any such gain shall reduce the amount of such gain.

"(d) ORDERING RULES.—

"(1) IN GENERAL.—This section shall be applied separately (and in the following order) with respect to the following net capital gain:

"(A) Qualified venture capital stock net capital gain.

"(B) Net capital gain determined by taking into account only gain or loss from the sale or exchange of assets the holding period of which begins after October 18, 1989.

"(C) Net capital gain determined by taking into account only gain or loss from the sale or exchange of assets the holding period of which began before October 19, 1989.

"(2) REDUCTION IN NET CAPITAL GAIN.—In the case of gain described in subparagraphs (B) and (C) of paragraph (1), paragraphs (1)(A) and (3)(A) of subsection (c) shall be applied by reducing the amount otherwise determined under such paragraphs by the net capital gain taken into account under the preceding subparagraphs of paragraph (1)."

(b) TREATMENT OF COLLECTIBLES.—

(1) IN GENERAL.—Section 1222 is amended by inserting after paragraph (11) the following new paragraph:

"(12) SPECIAL RULE FOR COLLECTIBLES.—

"(A) IN GENERAL.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) TREATMENT OF CERTAIN SALES OF INTEREST IN PARTNERSHIP, ETC.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof)."

(2) CHARITABLE DEDUCTION NOT AFFECTED.—

(A) Paragraph (1) of section 170(e) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

(B) Clause (iv) of section 170(b)(1)(C) is amended by inserting before the period at the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) MINIMUM TAX.—Section 56(b)(1) is amended by adding at the end thereof the following new subparagraph:

"(F) CAPITAL GAINS DEDUCTION DISALLOWANCE.—The deduction under section 1202 shall not be allowed to the extent it exceeds an amount equal to 50 percent of such deduction allowed with respect to qualified venture capital stock net capital gain."

(d) CONFORMING AMENDMENTS.—

(1) Section 62(a) is amended by inserting after paragraph (13) the following new paragraph:

"(14) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1202."

(2) Clause (ii) of section 163(d)(4)(B) is amended by inserting ", reduced by the amount of any deduction allowable under section 1202 attributable to gain from such property" after "investment".

(3)(A) Section 170(e)(1)(B) is amended by inserting "the nondeductible percentage" before "the amount of gain".

(B) Section 170(e)(1) is amended by adding at the end thereof the following new sentence: "For purposes of subparagraph (B), the term 'nondeductible percentage' means 100 percent minus the applicable percentage with respect to such property under section 1202(b), or in the case of a corporation, 100 percent minus the deduction equivalent of the applicable percentage under section 1201(b)."

(4)(A) Section 172(d)(2) (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(5)(A) Section 221 (relating to cross reference) is amended to read as follows:

"SEC. 221. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 is amended by striking "reference" in the item relating to section 221 and inserting "references".

(6) Paragraph (4) of section 642(c) is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for net capital gain). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(7) Paragraph (3) of section 643(a) is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for

net capital gain) shall not be taken into account."

(8) Paragraph (4) of section 691(c) is amended by striking out "1201, and 1211" and inserting in lieu thereof "1201, 1202, and 1211".

(9) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for net capital gain) and" after "except that".

(10) Section 1402(i)(1) is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(11)(A) Sections 7518(g)(6)(A) is amended by striking the last sentence.

(B) Section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking the last sentence.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Reduction in capital gains tax for noncorporate taxpayers."

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) shall apply to taxable years ending after October 18, 1989.

(2) TREATMENT OF COLLECTIBLES.—

(A) IN GENERAL.—The amendment made by subsection (b) shall apply to taxable years beginning after October 18, 1989.

(B) SPECIAL RULE FOR 1989 TAXABLE YEAR.—In case of any taxable year which includes October 18, 1989, for purposes of sections 1201 and 1202 of the Internal Revenue Code of 1986 (as added by this section) and section 1(g) of such Code (as amended by this part), any gain or loss from the sale or exchange of a collectible shall (within the meaning of section 1222(12) of such Code) be treated as gain or loss from a sale or exchange occurring on or before October 18, 1989.

SEC. 102. RECAPTURE UNDER SECTION 1250 OF TOTAL AMOUNT OF DEPRECIATION.

(a) GENERAL RULE.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) GENERAL RULE.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property, shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) DEPRECIATION ADJUSTMENTS.—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 168 (as in effect before its repeal by the Tax Reform Act of 1976), 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188, 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) LIMITATION IN CASE OF INSTALLMENT SALES.—Subsection (i) of section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1989)", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(2) Subparagraph (B) of section 1250(d)(6) is amended to read as follows:

"(B) DEPRECIATION ADJUSTMENTS.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain to which section 751(b) applied."

(3) Subparagraph (D) of section 1250(d)(8) is amended—

(A) by striking "additional depreciation" each place it appears and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(4) Paragraph (8) of section 1250(d) is amended by striking subparagraphs (E) and (F) and inserting the following:

"(E) ALLOCATION RULES.—For purposes of this paragraph, the amount of gain attributable to the section 1250 property disposed of shall be the net amount realized with respect to such property reduced by the greater of the adjusted basis of the section 1250 property disposed of, or the cost of the section 1250 property acquired, but shall not exceed the gain recognized in the transaction."

(5) Subsection (d) of section 1250 is amended by striking paragraph (10).

(6) Section 1250 is amended by striking subsections (e), (f), and (g) and by redesignating subsections (h) and (i) as subsections (e) and (f), respectively.

(7) Paragraph (5) of section 48(q) is amended to read as follows:

"(5) RECAPTURE OF REDUCTION.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(8) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1989)".

(9)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) SPECIAL RULE FOR POLLUTION CONTROL FACILITIES.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Paragraph (2) of section 291(d) (as redesignated by subparagraph (C)) is hereby repealed.

(E) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(E) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(10) Subsection (d) of section 1017 is amended to read as follows:

"(d) RECAPTURE OF DEDUCTIONS.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(11) Paragraph (5) of section 7701(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1989)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after October 18, 1989, in taxable years ending after such date.

TITLE II—CORPORATIONS

SEC. 201. ALTERNATIVE CAPITAL GAINS RATE FOR CORPORATIONS.

(a) IN GENERAL.—Section 1201 is amended to read as follows:

"SEC. 1201. ALTERNATIVE TAX FOR CORPORATIONS.

"(a) GENERAL RULE.—If, for any taxable year, a corporation has a net capital gain, then, in lieu of the tax imposed by sections 11, 511, and 831 (a) or (b), there is hereby imposed a tax (if such tax is less than the tax imposed) in an amount equal to the sum of—

"(1) a tax computed on the taxable income reduced by the amount of net capital gain, at the rate and in the manner as if this subsection had not been enacted, plus

"(2) a tax equal to the applicable percentage of the net capital gain.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"In the case of:	The applicable percentage is:
2-year gain	32.30
3-year gain	31.45

"In the case of:	The applicable percentage is:
4-year gain	30.60
5-year gain	29.75
6-year gain	28.90
7-year gain	28.05
8-year gain	27.20
9-year gain	26.35
10-year gain	25.50

"(2) QUALIFIED VENTURE CAPITAL STOCK NET CAPITAL GAIN.—If for any taxable year a taxpayer has any qualified venture capital stock net capital gain, paragraph (1) shall be applied—

"(A) by substituting '20.4 percent' for the applicable percentage determined for such gain which is 4-year or 5-year gain, and

"(B) by substituting '17 percent' for the applicable percentage determined for such gain which is 6-, 7-, 8-, 9-, or 10-year gain.

"(c) NET CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—Net capital gain shall be the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain for the taxable year determined by only taking into account gain or loss from sales or exchanges after October 18, 1989.

"(2) 2-YEAR GAIN, ETC.—The categories of gain described in subsection (b) shall be determined in the same manner as under section 1202(c).

"(3) OPERATING RULES.—Rules similar to the rules of paragraphs (5) and (6) of subsection (c) and subsection (d) of section 1202 shall apply.

"(d) CROSS REFERENCES.—For computation of the alternative tax—

"(1) in the case of life insurance companies, see section 801(a)(2),

"(2) in the case of regulated investment companies and their shareholders, see section 852(b)(3) (A) and (D), and

"(3) in the case of real estate investment trusts, see section 857(b)(3)(A)."

(b) CONFORMING AMENDMENT.—Clause (iii) of section 852(b)(3)(D) is amended—

(1) by striking "66 percent" and inserting "the qualified percentage"; and

(2) by adding at the end thereof the following new sentence: "For purposes of this clause, the term 'qualified percentage' means 100 percent, reduced by the applicable percentage determined under section 1201(b)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after October 18, 1989.

Mr. NUNN. Mr. President, today, I am pleased to join Senator GRAHAM in introducing a capital gains proposal which we believe will stimulate the long-term capital investment our Nation needs to sustain economic growth and to enhance our international competitiveness.

As we close out this first session of the 101st Congress, I hope that this bill can act as next year's starting point for the design of a comprehensive and long-term fiscal policy which includes responsible deficit reduction and encourages investment and savings.

First, this bill would reward those investors who make long-term investment decisions by lowering the capital gains tax rate on assets held over a period of time. If we ever hope to stem the much-maligned "now-now" attitude of many investors, we must provide some incentives for long-term investment decisions.

This proposal also rewards those who invest in small, start-up businesses by granting investors in qualified venture capital stock favorable capital gains tax treatment. These new ventures are typically on the leading edge of technology and are responsible for creating many of the new jobs our Nation needs. However, these new ventures have a hard time securing the initial capital investments they require to begin operations. Our Nation needs these new, innovative businesses, and this bill provides an incentive for investments in these important, new enterprises.

Another attractive feature of the bill is its inclusion of timber as an asset eligible for the capital gains differential. I opposed the 1986 Tax Reform Act, in part, because of my belief that the removal of the capital gains differential would serve as a disincentive to long-term investment. Timber management is, by its very nature, a long-term investment. The restoration of favorable capital gains treatment is essential for an industry which plays such a vital part of the economic and environmental health of my State and of the Nation.

As I join Senator GRAHAM in introducing this capital gains proposal, I want to make it clear that it is my hope that the Congress and the President themselves will heed the message this bill will send to investors—we must begin to think long-term. Our Nation must have a comprehensive approach to its fiscal policy.

Rather than discouraging investment through a shortsighted tax policy, we should address our country's need for capital formation, for sound, domestic investment and for increased savings. Rather than adopting revenue offsets for a capital gains tax reduction which gain short-term revenue but lose large sums over the years as in the Roth IRA plan, we should seek spending reductions or, if necessary, revenue increases that are carefully weighed for their long-term effects.

Most importantly, the Congress and the President must join together to make the tough decisions that will mean real deficit reduction rather than continuing this "on-budget, off-budget" charade. In fiscal affairs, it is time for vision and a time for leadership.

I commend Senator GRAHAM for initiating this important debate on our Nation's economic future, and I urge all Members of the Senate to consider the merits of his proposal.

Mr. CRANSTON. Mr. President, as a long-time supporter of a meaningful capital gains differential, I am pleased to join my colleagues in introducing this new capital gains bill. As Democrats, we believe we have come up with a carefully structured, sensible bill which stresses new, long-term investment.

Now that the rhetoric of this year's contentious political debate has ended, let's begin a serious and substantive debate on the various capital gains proposals. The question is: What is the best way to promote long-range economic thinking and long-term investment—particularly in risky ventures? At issue is the very health of our economy and the standard of living of our children.

Mr. President, the capital gains debate is not a new one. We have debated this issue many times before and every argument that we have heard in recent weeks—both pro and con—has been heard before. Therefore, I will just take a few minutes to explain my position.

A lowering of the capital gains tax is important for several reasons. It has a positive impact on the national savings rate, the cost of capital, international competitiveness, and entrepreneurialism. It also strikes at our chronic lack of a long-range orientation.

By providing a greater after-tax return to investments, we will encourage people to save and invest. Our current Tax Code discourages savings, and a lowering of the capital gains tax is a small step to remedy that. If income which is saved—and the income that savings generates—were partially exempt from taxation, the cost of current consumption compared to what could be consumed in the future would rise. Therefore, the incentive to save would be strengthened.

It is generally agreed that the cost of capital in the United States is higher than that of our international competitiors. Stanford University Professor John Shoven reported that after the Tax Reform Act of 1986, the cost of capital in the United States is 63 percent higher than in Japan and 26 percent higher than in West Germany. The capital gains tax directly impacts the cost of capital by lowering the "hurdle rate" which new investments must meet in order to be initiated. A capital gains differential will mean that for any given after-tax rate of return required by investors, the pretax return can be smaller, thus lowering the cost of capital firms face. Therefore, more projects will meet the new, lower hurdle rate and investment will be encouraged. This will increase the Nation's capital stock, increase productivity, and raise our standard of living.

Mr. President, it is important to look at the international implications of this debate. We live in a fiercely competitive global economy and our tax policies must recognize that. We need to have policies which help our compa-

nies compete internationally, not which place them at a disadvantage. It is pertinent, then, to note that most of our major trading partners tax long term capital gains much less heavily than the United States. In fact, Germany, Taiwan, and South Korea do not tax long term gains at all.

A capital gains differential is particularly important to the electronics industry. The tax cuts in 1978 and 1981 spurred venture capital and entrepreneurship. Hundreds of leading edge high tech firms were created as a result. In fact, almost half of the 3,500 member firms of the American Electronics Association were formed after 1978 and the industry is responsible for over 1 million new jobs between 1978 and 1984. The electronics industry is the Nation's largest manufacturing sector and employs over 2.5 million people, over 600,000 of which are in California. A recent survey of 523 high tech firms nationwide led to the following conclusions: young technology companies are major engines of job creation; creating new jobs, especially in young technology companies, requires risk capital; recently, the amount of risk capital required to form new technology companies has increased substantially; the risk capital invested in technology companies is provided primarily by investors subject to capital gains taxation; risk capital investors seek capital gains, not dividends; in addition to creating jobs, risk capital investments in young technology companies also create quantifiable and on-going streams of other benefits to the economy.

Dr. Yolanda Henderson of the Federal Reserve Bank of Boston found that the additional cost of equity funds caused by the increased capital gains tax rates after 1986 imposes a disproportionate burden on new companies. These companies are hurt harder because of their limited access to tax deductible debt financing.

These conclusions make it clear that a capital gains differential is important in our leading edge, high technology industries. This sector is absolutely critical to the long-term health of our economy. This is the sector that must pour billions of dollars into research and development. This is the sector that must plan years in advance. This is the sector that doesn't generally pay dividends or always have good quarterly returns. In short, this is the sector that is disadvantaged by our current investment philosophy and tax policy.

The current economic environment and investment mentality have forced companies to think only about the short term. The Tax Reform Act of 1986 did not help by lowering the tax on short-term gains while increasing the tax on long-term gains. Our Nation simply cannot remain the global economic leader with such an outlook. We must spend more on research and development, and we must invest more in building up our plants and equipment to meet the challenges facing us. Only then will we ensure a high standard of living for our children.

Firms must begin to take a long-range view, and we in Washington must do what we can to encourage such action. The bill we are introducing today is a significant step in that direction.

This legislation is based on the sliding scale approach I advocated in my bill, S. 551. That is, the longer an asset is held, the greater the differential. In this bill, the differential ranges from 5 percent for assets held 1 year to 50 percent for assets held 10 years. The bill has several other distinctive features. For currently owned assets, only half of the capital gains differential would be granted. We propose this critical difference with Senator PACKWOOD's amendment because we believe the purpose of a capital gain differential is to change the way people behave in the future and to encourage new, long-term investment. This new investment will increase our capital stock and create jobs. And finally, our bill has a special provision to benefit small, start-up companies. This provision is based on the concept championed by our colleague, Senator BUMPERS, and would give a greater capital gains differential to investors who are willing to commit patient capital to new ventures. This added incentive gets to the heart of what we are trying to encourage: long-term investment, particularly in risky, leading edge technologies.

Mr. President, I am fully aware of how controversial a lowering of the capital gains tax rate is and I believe we were right to delay full consideration until next year. But as I said earlier, this is a carefully structured, sensible bill. I urge my colleagues on both sides of the aisle to review it thoroughly and objectively.

Before concluding, Mr. President, let me briefly respond to some of the common criticisms of a capital gains differential. Three arguments often used against a capital gains differential are that it is a "giveaway to the rich", it is a revenue loser, and it doesn't really help venture capital.

Wealthy people are not the only ones with capital gains. Nearly half of the capital gains are realized by taxpayers with normal income under $50,000. In addition, more than 45 million Americans currently hold securities, either directly or indirectly, that are subject to capital gains. These investors have a median household income of under $40,000 and represent one in five adult citizens.

Regarding the revenue effects, we must all admit nobody really knows. Revenue estimates vary considerably. It is argued that a lowering of the tax will reduce revenue, but according to the CBO, revenue from capital gains increased from $8.5 billion in 1978 to $23.7 billion in 1985. This 179 percent increase can't be explained by inflation and GNP growth alone.

Mr. President, we cannot forget that the capital gains tax is a voluntary one. The Government will not raise revenue if investors refuse to sell their assets. A lower tax will eliminate the lock-in effect and will lead to more efficient and productive uses of capital.

Opponents of a capital gains differential say that a large portion of organized venture capital comes from nontaxable sources, therefore the tax rate is irrelevant. However, they don't tell the entire story. According to a study done at the University of New Hampshire, more new technology based firms raise equity type capital from private individuals than from any other source—including venture capital funds. When total financing is less than $1 million, private individuals are the primary source of outside equity type capital. More importantly, private individuals—who are obviously subject to taxation—tend to invest earlier in the life of high-tech start-ups than do outside sources of capital.

Mr. President, we Democrats firmly believe that it is in the best interest of our Nation to adopt new policies to enhance our economic strength. In doing so, we must address the issues of savings, investment, and productivity. There has been much rhetoric in recent weeks. It is time now to let the dust settle and, over the next several months, take a careful, thorough look at all these issues. Then we can debate them on their merits, not the politics. We offer this bill today as an option to be considered as part of that debate.

By Mr. PELL (by request):

S. 1941. A bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary for Legislative Affairs of the Department of State to the President of the Senate, dated October 17, 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1941

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Title 9, United States Code, is amended by adding:

"CHAPTER 3. INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

"Sec.
"301. Enforcement of Convention.
"302. Incorporation by reference.
"303. Order to compel arbitration; appointment of arbitrators; locale.
"304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity.
"305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.
"306. Applicable rules of Inter-American Commercial Arbitration Commission.
"307. Chapter 1; residual application.

"Sec. 301. Enforcement of Convention

"The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

"Sec. 302. Incorporation by reference

"The provisions of chapter 2, sections 202, 203, 204, 205 and 207 shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter "the Convention" shall mean the Inter-American Convention.

"Sec. 303. Order to compel arbitration; appointment of arbitrators; locale

"A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. The court may also appoint arbitrators in accordance with the provisions of the agreement.

"In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

"Sec. 304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity

"Arbitral decisions or awards made in the territory of a foreign State shall, on the basis of reciprocity, be recognized and enforced under this chapter only if that State has ratified or acceded to the Inter-American Convention.

"Sec. 305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958

"When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

"(1) If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are member States of the Organization of American States, the Inter-American Convention shall apply.

"(2) In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall apply.

"Sec. 306. Applicable rules of Inter-American Commercial Arbitration Commission

"(a) For the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on January 1, 1978.

"(b) In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of the said Commission, the Secretary of State, by regulation in accordance with Section 553 of Title 5, United States Code, consistent with the aims and purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

"Sec. 307. Chapter 1; residual application

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States."

SEC. 2. Title 9, United States Code, is further amended by adding to the table of chapters at the beginning a new sub-heading as follows:

"3. Inter-American Convention on International Commercial Arbitration ..... 301".

SEC. 3. This Act shall be effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States.

SECTION-BY-SECTION ANALYSIS OF A BILL TO IMPLEMENT THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Section 1. Section 1 of the bill amends Title 9 of the United States Code by addition of a new Chapter 3, consisting of sections 301 through 307. As amended, Title 9 would thus contain three chapters: Chapter 1 (sections 1-14), the original Federal Arbitration Act; Chapter 2 (sections 201-208), the implementing legislation for the "New York" U.N. Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 ("New York Convention"); and Chapter 3 (sections 301-307), the implementing legislation for the Inter-American Convention on International Commercial Arbitration of January 30, 1975 ("Inter-American Convention").

Section 1 would add the following new provisions to Title 9:

Section 301. Section 301 would parallel existing section 201, enacted as part of the implementing legislation for the New York Convention, and provides for enforcement of the Inter-American Convention in United States courts in accordance with this new Chapter 3.

Section 302. Section 302 would incorporate existing sections 202, 203, 204, 205, and 207 implementing the New York Convention; the two Conventions are substantially similar and call for similar measures of implementation in these respects.

The incorporation of existing section 202, which provides that an arbitration agreement or arbitral award arising out of a legal relationship "which is considered as commercial" falls under the Convention, is intended to provide the basis for a broad definition of the term "commercial" for purposes of the Convention. While the Convention itself provides no definition of the term, it is the understanding and intent of the United States that trade, investment, and other business and financial activities which bear on "foreign commerce" be considered commercial and thus within the scope of the Convention.

The incorporation of section 202 also clarifies that the Inter-American Convention, like the New York Convention, shall not apply to an arbitral agreement or award arising out of a legal relationship which is entirely between citizens of the United States, unless it involves property located abroad, envisages preformance or enforcement abroad, or has a reasonable relationship with one or more foreign states.

The incorporation of sections 203 and 204 extends the same provisions concerning jurisdiction of the United States district courts and venue to actions or proceedings falling under the Inter-American Convention. Similarly, the incorporation of section 205 gives defendants the right to remove actions or proceedings relating to arbitration agreements or awards falling under the Inter-American Convention from State courts to an United States district court, as is now the case under Section 205 for actions or proceedings falling under the New York Convention.

With the incorporation of section 207, the three-year limitation period for application to a court for an order confirming an arbitral award covered by the New York Convention will also apply to awards covered by the Inter-American Convention. Section 207 also requires the court to confirm the award unless it finds applicable one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the Convention. Those grounds are specified in Article 5 of the Inter-American Convention, which was taken almost verbatim from Article V of the New York Convention, in order to ensure that the grounds for refusal of the recognition and enforcement of an award will be the same under both Conventions.

Section 303. The first paragraph of this section repeats 9 U.S.C. section 206 and provides that a court may direct that arbitration be held in accordance with the arbitration agreement at any place therein provided for, whether that place is within or outside the United States, and that the court may also appoint arbitrators in accordance with the provisions of the agreement.

The second paragraph of section 303 is new, reflecting Article 3 of the Inter-American Convention. Article 3 provides that when or to the extent that the parties fail to agree upon applicable rules of procedure, arbitration shall be governed by the rules of procedure of the Inter-American Commercial Arbitration Commission, a non-governmental organization originally established in 1934 in accordance with a resolution of the Conference of American States, the predecessor of the Organization of Ameri-

can States (OAS). The specification of "back-up" rules provides a desirable certainty and uniformity in the application of the Inter-American Convention. Neither the Federal Arbitration Act not the New York Convention contains a comparable provision, leaving the choice of rules of procedure to the court in the absence of agreement by the parties.

Section 304. Section 304 provides a rule of reciprocity similar to that applicable to the New York Convention. The latter (Article I, paragraph 3) permits a reservation, which the United States has made, that a State may on the basis of reciprocity apply the convention to the recognition and enforcement of only those awards made in the territory of another Contracting State. In accordance with the terms of the advice and consent by the Senate, the United States will make a comparable reservation with regard to the Inter-American Convention, and Section 304 has been drafted to make that reservation readily available for the reference of courts and practitioners.

The section as worded means that it is intended only to be a rule of reciprocity. It is not a determination that arbitral decisions and awards made in the United States are excluded from the applicability of the Inter-American Convention. Furthermore, although the Inter-American Convention refers in its title and preamble to "international commercial arbitration", there is nothing in the operative articles of the Convention or in the negotiating history to indicate an intent to limit its applicability to awards made in countries other than those where recognition and enforcement are sought.

Section 305. The Inter-American Convention does not contain an express provision concerning its applicability when there is another convention or recognition and enforcement of arbitral agreements and awards which might also apply to a specific case. The United States and some other countries will be a party to both the Inter-American and the New York Conventions. Give the substantial identity of the two conventions, the question as to which Convention applies is not expected to be of great consequence. It is useful, nonetheless, to clarify this issue in order to remove a potential ground for controversy. The New York Convention is better established in law and in practice than the Inter-American Convention and has greater worldwide participation. The United States will therefore enter a reservation in accordance with the terms of Senate advice and consent when ratifying the Inter-American Convention, to establish clearly the applicability of the New York Convention in appropriate cases.

Section 305 reflects this reservation, providing that where both Conventions are applicable, the United States would apply the provisions of the Inter-American Convention only if a majority of the parties to the arbitration agreement are citizens of OAS Member States that have ratified this Convention. Both the Senate reservation and the proposed Section 305 permit the parties to alter this by express agreement.

Section 306. Section 306, like section 303, is necessary in order to implement Article 3 of the Inter-American Convention, which specifies applicable rules of procedure for cases in which the parties fail to agree in advance on such rules. It is intended by Articles 3 and 5(1)(a) of the Convention, read together, that in the absence of rules agreed upon by the parties, the arbitration rules of the Inter-American Commercial Arbitration Commission (IACAC) would be applied. The IACAC rules are virtually identical to the widely recognized and applied Rules of Arbitration of the United Nations Commission on International Trade Law and are acceptable to the United States. With respect to possible amendments to the IACAC rules, however, the United States will enter a reservation regarding Article 3 that the United States will apply only the rules of procedure in effect as of ratification, unless a later official determination is made to adopt and apply any amendments to those rules. Section 306 provides for rulemaking procedures for making such a determination, as set forth in Section 33 of Title 5, United States Code.

Section 307. Section 307 incorporates a provision parallel to 9 U.S.C. section 208, applying the procedures set forth in Chapter 1 of Title 9 to actions and proceedings brought under this Chapter 3, except to the extent inconsistent therewith or inconsistent with the Convention as ratified.

Section 2. Section 2 of the bill adds a new subheading to the table of chapters at the beginning of Title 9 to correspond to the new Chapter 3.

Section 3. Section 3 of the bill provides for the effective date of the Act.

DEPARTMENT OF STATE,
Washington, DC, October 17, 1989.

Hon. DAN QUAYLE,
President, U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: I have the honor to transmit for the consideration of the Congress the draft of a bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration. The Senate gave its advice and consent to ratification in October, 1986 (Sen. Exec. Rept. 99-24), on the understanding that ratification would be deposited with the Organization of American States only when appropriate implementing legislation has been enacted. The Convention would enter into force for the United States on the thirtieth day after deposit of the instrument of ratification.

The draft bill is identical to the bill which was introduced, by request, in the House of Representatives on September 22, 1986 by Chairman Rodino (H.R. 5574) and in the Senate on October 21, 1988 by Chairman Pell (S. 2204). The Senate passed the legislation during the 99th and 100th Congresses but the House did not act on that portion of the bill.

Consistent with the longstanding United States policy to promote arbitration as a means of resolving international commercial disputes, this Convention provides for the recognition and enforcement of commercial arbitration agreements and awards among countries in this hemisphere who are parties to the Convention.

The Inter-American Convention entered into force on June 16, 1976. At present, Chile, Columbia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Urugay and Venezuela are parties. The Inter-American Convention is modeled after the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which the United States became a party in 1970. While over 70 nations are parties to the New York Convention, a number of member states of the OAS prefer to join a regional convention which would accomplish the same legal and commercial objectives.

The draft bill to implement the Inter-American Convention is modeled after, and incorporates in large part, the legislation which implements the New York Convention, codified at 9 U.S.C. 201-208. Several new provision are incorporated in the draft bill in order to clarify the application of the Inter-American Convention; they are described in the section-by-section analysis which accompanies this letter.

The Inter-American Convention on International Commercial Arbitration has received the support of a large number of interested and representative organizations, including the American Bar Association, the American Arbitration Association, the United States Chamber of Commerce, the Association of American Chambers of Commerce in Latin America, and the American Foreign Law Association. The implementing legislation was drafted in consultation with the American Arbitration Association and the American Bar Association.

Prompt approval of this implementing legislation will permit United States citizens and concerns seeking enforcement of commercial arbitration agreements and awards to enjoy the benefit of this Convention among the countries which are parties, and may encourage more rapid and widespread ratification of the Convention by other countries as well.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

With best wishes,

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.●

By Mr. ROCKEFELLER (for himself, Mr. BRADLEY, Mr. MITCHELL, Mr. RIEGLE, Mr. PRYOR, Mr. DASCHLE, Mr. SIMON, Mr. CRANSTON, Mr. HOLLINGS, and Ms. MIKULSKI):

S. 1942. A bill to provide for home and community care as optional statewide service, and for other purposes; to the Committee on Finance.

MEDICAID HOME AND COMMUNITY CARE OPTIONS ACT OF 1989

● Mr. ROCKEFELLER. Mr. President, I rise today to introduce what I believe is an improved and strengthened version of legislation I first introduced last April, the Medicaid Home and Community Care Options Act of 1989 (S. 785). Just as S. 785, this bill seeks to provide crucial and desperately needed long-term care assistance to low-income, frail senior citizens by allowing states the option of offering home and community-based services to functionally disabled seniors.

This bill builds on the experience of 37 States, including my own State of West Virginia, which have demonstrated through special waiver programs under Medicaid that home and community-based alternatives to institutionalization are possible and indeed critically needed.

I am very pleased that Senators BRADLEY, MITCHELL, RIEGLE, PRYOR, DASCHLE, SIMON, CRANSTON, MIKULSKI, and HOLLINGS have joined me in co-

sponsoring this vitally needed legislation.

Since introducing S. 785, I have worked closely with various senior advocacy groups, State government, and others to improve on the bill's original provisions. The bill I am introducing today has been revised to address concerns and to strengthen provisions included in the original bill. Unfortunately, while there are other improvements I would like to see included in this bill—such as expanding income eligibility and broadening the definition of functional disability—fiscal reality has guided me in maintaining the bill's thrust of targeting resources to the truly neediest of our seniors.

I am happy to note that this bill continues to be strongly supported by the American Association of Retired Persons, Families U.S.A., the National Council of Senior Citizens, the National Association of Area Agencies on Aging, the Older Women's League, and other senior advocacy groups.

In addition, the Alzheimer's Association has stated in a letter that this bill:

> Can benefit thousands of Alzheimer's patients and their families who cannot now afford any help in the home and whose only option is nursing home placement. * * * Our families vastly prefer care for their loved ones at home to nursing home placement for as long as they can possibly manage. They need the help your bill will make available.

As originally introduced, the bill contained eligibility standards that qualified low-income seniors in need of assistance in two out of five activities of daily living—such as bathing, dressing or eating—for home and community care services. These services would be financed through the Medicaid Program administered by States. Due to budget constraints, eligibility was limited to those seniors with disabilities due to a physical impairment and excluded others. The Congressional Budget Office has estimated that to include all functionally disabled elderly would cost approximately $375 million in fiscal year 1990. Because fiscal reality simply forces us at the present time to set priorities and make difficult choices, the bill was drafted to only include a small subset of older Americans needing assistance—those with physical impairments—in order to hold down the costs of the bill. My intention was never to single out a group to not receive long-term care services. Rather, my intention was, and continues to be, to push for enactment of a first-step long-term care program for needy seniors.

Because of understandable concerns raised about the precedent this type of exclusionary language would establish, I am pleased to report that an approach has been taken in this new bill which modifies eligibility for long term services to include all seniors unable to perform two out of three activities of daily living—regardless of the cause of their disability. I think this is a fair and fiscally realistic compromise, and enjoys the strong support of the National Mental Health Association, American Psychiatric Association, American Psychological Association, and other mental health advocacy groups.

Last spring, a task force of long-term care experts gathered to provide input and technical assistance on the minimal Federal quality standards that would be established by S. 785. As a result of that meeting, the quality guidelines have been revised to reflect current state-of-the-art thinking on quality assurance for home and community care services. This is an area that will need to be closely watched and modified, as necessary, as we learn more about setting standards, monitoring, and enforcing quality in noninstitutional settings. But, I believe, this bill puts in place a sound system for assuring high quality home and community care services for this Nation's seniors.

Mr. President, as Chairman of the Bipartisan Commission on Comprehensive Health Care—renamed the Pepper Commission—I have been intensely engaged over the recent months in deliberations aimed at developing a strategy to assure long-term care to all Americans when they need such assistance. We must find a way to protect our citizens from the emotional and financial devastation that occurs when a family member—young or old—requires long-term care. I am deeply committed to solving this problem comprehensively and effectively.

A recent GAO report, "Long-Term Care for the Elderly," cited estimates that up to 40 percent of the elderly living in the community have unmet care needs. Lack of a national policy for long-term care means that too many elderly are forced to struggle miserably along on their own. Over 9 million elderly live alone and many do not have family members close by. Although projections on the extent of need may vary, there is unanimous agreement that the need for long-term care will grow tremendously over the next few decades.

This bill I am introducing today, the Medicaid Home and Community Options Act, is one step—but a meaningful, desperately needed step—toward our ultimate goal of long-term care coverage for all Americans. It is one of many crucial care coverage for all Americans. It is one of many crucial efforts we must pursue to fill in the remaining gaps in our health care system, in order to bring immediate relief to some of our Nation's neediest, disabled older citizens.

I urge all of my colleagues to join me in cosponsoring this bill and in pressing for its passage in the near term.

Mr. President, I ask unanimous consent that the text of the bill and a description of the bill be printed in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Home and Community Care Options Act of 1989".

SEC. 2. HOME AND COMMUNITY CARE AS OPTIONAL, STATEWIDE, SERVICE.

(a) PROVISION AS OPTIONAL, STATEWIDE SERVICE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) by striking "and" at the end of paragraph (20);

(2) by redesignating paragraph (21) as paragraph (22); and

(3) by inserting after paragraph (20) the following new paragraph:

"(21) home community care (as defined in section 1926(a)) for functionally disabled elderly individuals; and".

(b) HOME AND COMMUNITY CARE FOR FUNCTIONALLY DISABLED ELDERLY INDIVIDUALS.—Title XIX of such Act, as amended by section 303(a) of the Family Support Act of 1988 (Public Law 100-485), is amended—

(1) by redesignating section 1926 as section 1928; and

(2) by inserting after section 1925 the following new section:

"HOME AND COMMUNITY CARE FOR FUNCTIONALLY DISABLED ELDERLY INDIVIDUALS

"SEC. 1926. (a) HOME AND COMMUNITY CARE DEFINED.—In this title, the term 'home and community care' means one or more of the following services furnished to an individual who has been determined, after an assessment under subsection (c), to be a functionally disabled elderly individual, furnished in accordance with an individual community care plan (established and periodically reviewed and revised by a qualified community care case manager under subsection (d)):

"(1) Homemaker/home health aide services.

"(2) Chore services.

"(3) Personal care services.

"(4) Nursing care services provided by, or under the supervision of, a registered nurse.

"(5) Respite care.

"(6) Training for family members in managing the individual.

"(7) Adult day health services.

"(8) In the case of an individual with chronic mental illness, day treatment or other partial hospitalization, psychosocial rehabilitation services, and clinic services (whether or not furnished in a facility).

"(9) Such other home and community-based services (other than room and board) as the Secretary may approve.

"(b) FUNCTIONALLY DISABLED ELDERLY INDIVIDUAL DEFINED.—

"(1) IN GENERAL.—In this title, the term 'functionally disabled elderly individual' means an individual who—

"(A) is 65 years of age or older;

"(B) is determined to be a functionally disabled individual under subsection (c); and

"(C)(i) subject to section 1902(f) (as applied consistent with section 1902(r)(2)), is described in section 1902(a)(10)(A)(i); and

"(ii) at the option of the State, is described in section 1902(a)(10)(C).

"(2) TREATMENT OF CERTAIN INDIVIDUALS PREVIOUSLY COVERED UNDER A WAIVER.—In the case of a State which—

"(A) at the time of its election to provide coverage for home and community care under this section has a waiver approved under section 1915(c) or 1915(d) with respect to individuals 65 years of age or older, and

"(B) subsequently discontinues such waiver,

individuals who were eligible for benefits under the waiver as of the date of its discontinuance and who would, but for income or resources, be eligible for medical assistance for home and community care under the plan shall, notwithstanding any other provision of this title, be deemed a functionally disabled elderly individual for so long as the individual would have remained eligible for medical assistance under such waiver.

"(3) USE OF PROJECTED INCOME.—In applying section 1903(f)(1) in determining the eligibility of an individual (described in section 1902(a)(10)(C)) for medical assistance for home and community care, a State may, at its option, provide for the determination of the individual's anticipated medical expenses (to be deducted from income) over a period of up to 6 months.

"(c) DETERMINATIONS OF FUNCTIONAL DISABILITY.—

"(1) IN GENERAL.—In this section, an individual is 'functionally disabled' if the individual—

"(A) is unable to perform without substantial assistance from another individual at least 2 of the following 3 activities of daily living: toileting, transferring, and eating; or

"(B) has a primary or secondary diagnosis of Alzheimer's disease and is (i) unable to perform without substantial human assistance (including verbal reminding or physical cueing) or supervision at least 2 of the following 5 activities of daily living: bathing, dressing, toileting, transferring, and eating; or (ii) cognitively impaired so as to require substantial supervision from another individual because he or she engages in inappropriate behaviors that pose serious health or safety hazards to himself or herself or others.

"(2) ASSESSMENTS OF FUNCTIONAL DISABILITY.—

"(A) REQUESTS FOR ASSESSMENTS.—If a State has elected to provide home and community care under this section, upon the request of an individual who is 65 years of age or older and who meets the requirements of subsection (b)(1)(C) (or another person on such individual's behalf), the State shall provide for a comprehensive functional assessment under this subparagraph which—

"(i) is used to determine whether or not the individual is functionally disabled,

"(ii) is based on a uniform minimum data set specified by the Secretary under subparagraph (C)(i), and

"(iii) uses an instrument which has been specified by the State under subparagraph (B).

No fee may be charged for such an assessment.

"(B) SPECIFICATION OF ASSESSMENT INSTRUMENT.—The State shall specify the instrument to be used in the State in complying with the requirement of subparagraph (A)(iii), such instrument shall be—

"(i) one of the instruments designated under subparagraph (C)(ii); or

"(ii) an instrument which the Secretary has approved as being consistent with the minimum data set of core elements, common definitions, and utilization guidelines specified by the Secretary in subparagraph (C)(i).

"(C) SPECIFICATION OF ASSESSMENT DATA SET AND INSTRUMENTS.—The Secretary shall—

"(i) not later than July 1, 1990—

"(I) specify a minimum data set of core elements and common definitions for use in conducting the assessments required under subparagraph (A); and

"(II) establish guidelines for use of the data set; and

"(ii) by not later than July 1, 1990, designate one or more instruments which are consistent with the specification made under subparagraph (A) and which a State may specify under subparagraph (B) for use in complying with the requirements of subparagraph (A).

"(D) PERIODIC REVIEW.—Each individual who qualifies as a functionally disabled elderly individual shall have the individual's assessment periodically reviewed and revised not less often than once every 12 months.

"(E) CONDUCT OF ASSESSMENT BY INTERDISCIPLINARY TEAMS.—An assessment under subparagraph (A) and a review under subparagraph (D) must be conducted by an interdisciplinary team designated by the State. The Secretary shall permit a State to provide for assessments and reviews through teams under contracts—

"(i) with public organizations; or

"(ii) with nonpublic organizations which do not provide home and community care or nursing facility services and do not have a direct or indirect ownership or control interest in, or direct or indirect affiliation or relationship with, an entity that provides, community care or nursing facility services.

"(F) CONTENTS OF ASSESSMENT.—The interdisciplinary team must—

"(i) identify in each such assessment or review each individual's functional disabilities and need for home and community care, including information about the individual's health status, home and community environment, and informal support system; and

"(ii) based on such assessment or review, determine whether the individual is (or continues to be) functionally disabled.

The results of such an assessment or review shall be used in establishing, reviewing, and revising the individual's ICCP under subsection (d)(1).

"(G) APPEAL PROCEDURES.—Each State which elects to provide home and community care under this section must have in effect an appeals process for individuals adversely affected by determinations under subparagraph (F).

"(d) INDIVIDUAL COMMUNITY CARE PLAN (ICCP).—

"(1) INDIVIDUAL COMMUNITY CARE PLAN DEFINED.—In this section, the terms 'individual community care plan' and 'ICCP' mean, with respect to a functionally disabled elderly individual, a written plan which—

"(A) is established, and is periodically reviewed and revised, by a qualified case manager after a face-to-face interview with the individual or primary caregiver and based upon the most recent comprehensive functional assessment of such individual conducted under subsection (c)(2);

"(B) specifies, within any amount, duration, and scope limitations imposed on home and community care provided under the State plan, the home and community care to be provided to such individual under the plan, and indicates the individual's preferences for the types and providers of services; and

"(C) may specify other services required by such individual.

An ICCP may also designate the specific providers (qualified to provide home and community care under the State plan) which will provide the home and community care described in subparagraph (B).

"(2) QUALIFIED CASE MANAGEMENT ENTITY DEFINED.—In this section, the term 'qualified case management entity' means a nonprofit or public agency or organization which—

"(A) has experience or has been trained in establishing, and in periodically reviewing and revising, individual community care plans and in the provision of case management services to the elderly;

"(B) is responsible for (i) assuring that home and community care covered under the State plan and specified in the ICCP is being provided, (ii) visiting each individual's home or community setting where care is being provided not less often than once every 90 days, and (iii) informing elderly individual or primary caregiver on how to contact case manager if service providers fail to show or other similar problems occur;

"(C) in the case of a nonpublic agency does not provide home and community care or nursing facility services and does not have a direct or indirect ownership or control interest in, or direct or indirect affiliation or relationship with, an entity that provides, home and community care or nursing facility services;

"(D) has procedures for assuring the quality of case management services that includes a peer review process;

"(E) completes the ICCP in a timely manner and reviews and discusses new and revised ICCPs with elderly individuals or primary caregiver; and

"(F) meets such other standards, established by the Secretary, as to assure that—

"(i) such a manager is competent to perform case management functions;

"(ii) individuals whose home and community care they manage are not at risk of financial exploitation due to such a manager; and

"(iii) meets such other standards as the State may establish.

"(3) APPEALS PROCESS.—Each State which elects to provide home and community care under this section must have in effect an appeals process for individuals who disagree with the ICCP established.

"(e) CEILING ON PAYMENT AMOUNTS AND MAINTENANCE OF EFFORT.—

"(1) CEILING ON PAYMENT AMOUNTS.—Payments may not be made under section 1903(a) to a State for home and community care provided under this section in a quarter to the extent that the medical assistance for such care in the quarter exceeds 50 percent of the product of—

"(A) the average number of individuals in the quarter receiving such care under this section;

"(B) the average per diem rate of payment which the Secretary has determined (before the beginning of the quarter) will be payable under title XVIII (without regard to coinsurance) for extended care services to be provided in the State during such quarter; and

"(C) the number of days in such quarter.

"(2) MAINTENANCE OF EFFORT.—

"(A) ANNUAL REPORTS.—As a condition for the receipt of payment under section

1903(a) with respect to medical assistance provided by a State for home and community care, the State shall report to the Secretary, with respect to each Federal fiscal year (beginning with fiscal year 1989) and in a format developed or approved by the Secretary, the amount of funds obligated by the State (including funds obligated by localities in the State) with respect to the provision of home and community care to the elderly in that fiscal year.

"(B) REDUCTION IN PAYMENT IF FAILURE TO MAINTAIN EFFORT.—If the amount reported under subparagraph (A) by a State with respect to a fiscal year is less than the amount reported under subparagraph (A) with respect to fiscal year 1989, the Secretary shall provide for a reduction in payments to the State under section 1903(a) in an amount equal to the difference between the amounts so reported.

"(f) MINIMUM REQUIREMENTS FOR HOME AND COMMUNITY CARE.—

"(1) REQUIREMENTS.—Home and Community care provided under this section must meet such requirements for individuals' rights and quality as are published or developed by the Secretary under subsection (k). Such requirements shall include—

"(A) the requirement that individuals providing care are competent to provide such care; and

"(B) the rights specified in paragraph (2).

"(2) SPECIFIED RIGHTS.—The rights specified in this paragraph are as follows:

"(A) The right to be fully informed in advance, orally and in writing, of the care to be provided, to be fully informed in advance of any changes in care to be provided, and (except with respect to an individual determined incompetent) to participate in planning care or changes in care. In cases of incompetence, these same rights shall apply to the primary caregiver or family member.

"(B) The right to voice grievances with respect to services that are (or fail to be) furnished without discrimination or reprisal for voicing grievances, and to be told how to complain to State and local authorities.

"(C) The right to confidentiality of personal and clinical records.

"(D) The right to privacy and to have one's property treated with respect.

"(E) The right to refuse all or part of any care and to be informed of the likely consequences of such refusal.

"(F) The right to education or training for oneself and for members of one's family or household on the management of care.

"(G) The right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints imposed for purposes of discipline or convenience and not included in an individual's ICCP.

"(H) The right to be fully informed orally and in writing of the individual's rights.

"(I) Any other rights established by the Secretary.

"(g) MINIMUM REQUIREMENTS FOR SMALL COMMUNITY CARE SETTINGS.—

"(1) SMALL COMMUNITY CARE SETTINGS DEFINED.—In this section, the term 'small community care setting' means—

"(A) a nonresidential setting that serves more than 2 and less than 8 individuals; or

"(B) a residential setting in which more than 2 and less than 8 unrelated adults reside and in which personal services (other than merely board) are provided in conjunction with residing in the setting.

"(2) MINIMUM REQUIREMENTS.—A small community care setting in which community care is provided under this section must—

"(A) meet such requirements as are published or developed by the Secretary under subsection (k);

"(B) meet the requirements of subparagraphs (A), (C), and (D) of paragraph 1, paragraph 3, and paragraph 6 of section 1919(c), to the extent applicable to such a setting;

"(C) inform each individual receiving community care under this section in the setting, orally and in writing at the time the individual first receives community care in the setting, of the individual's legal rights with respect to such a setting and the care provided in the setting;

"(D) meet any applicable State or local requirements regarding certification or licensure;

"(E) meet any applicable State and local zoning, building, and housing codes, and State and local fire and safety regulations; and

"(F) be designed, constructed, equipped, and maintained in a manner to protect the health and safety of residents.

"(h) MINIMUM REQUIREMENTS FOR LARGE COMMUNITY CARE SETTINGS.—

"(1) LARGE COMMUNITY CARE SETTING DEFINED.—In this section, the term 'large community care setting' means—

"(A) a nonresidential setting in which more than 8 individuals are served; or

"(B) a residential setting in which more than 8 unrelated adults reside and in which personal services (other than merely board) are provided in conjunction with residing in the setting; in which home and community care under this section is provided.

"(2) MINIMUM REQUIREMENTS.—A large community care setting in which community care is provided under this section must—

"(A) meet such requirements as are published or developed by the Secretary under subsection (k);

"(B) meet the requirements of subparagraphs (A), (C), and (D) of paragraph (1), paragraph (3), and paragraph (6) of section 1919(c), to the extent applicable to such a setting;

"(C) inform each individual receiving community care under this section in the setting, orally and in writing at the time the individual first receives home and community care in the setting, of the individual's legal rights with respect to such a setting and the care provided in the setting; and

"(D) meet the requirements of paragraphs (2) and (3) of section 1919(d) (relating to administration and other matters) in the same manner as such requirements apply to nursing facilities under such section; except that, in applying the requirement of section 1919(d)(2) (relating to life safety code), the Secretary shall provide for the application of such life safety requirements (if any) that are appropriate to the setting.

"(3) DISCLOSURE OF OWNERSHIP AND CONTROL INTERESTS AND EXCLUSION OF REPEATED VIOLATORS.—A community care setting—

"(A) must disclose persons with an ownership or control interest (including such persons as defined in section 1124(a)(3)) in the setting; and

"(B) may not have, as a person with an ownership or control interest in the setting, any individual or person who has been excluded from participation in the program under this title or who has had such an ownership or control interest in one or more community care settings which have been found repeatedly to be substandard or to have failed to meet the requirements of paragraph (2).

"(i) SURVEY AND CERTIFICATION PROCESS.—

"(1) CERTIFICATIONS.—

"(A) RESPONSIBILITIES OF THE STATE.—

"(i) IN GENERAL.—Under each State plan under this title, the State shall be responsible for certifying the compliance of providers of home and community care and community care settings with the applicable requirements of subsections (f), (g) and (h).

"(ii) CONSTRUCTION.—The failure of the Secretary to issue regulations to carry out this subsection shall not relieve a State of its responsibility under this subsection.

"(B) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall be responsible for certifying the compliance of State providers of home and community care, and of State community care settings in which such care is provided, with the requirements of subsections (f), (g) and (h).

"(C) FREQUENCY OF CERTIFICATIONS.—Certification of providers and settings under this subsection shall occur no less frequently than once every 12 months.

"(2) REVIEWS OF PROVIDERS.—

"(A) IN GENERAL.—The certification under this subsection with respect to a provider of home or community care must be based on a periodic review of the provider's performance in providing the care required under ICPP's in accordance with the requirements of subsection (f).

"(B) SPECIAL REVIEWS OF COMPLIANCE.—Where the Secretary has reason to question the compliance of a provider of home or community care with any of the requirements of subsection (f), the Secretary may conduct a review of the provider and, on the basis of that review, make independent and binding determinations concerning the extent to which the provider meets such requirements.

"(3) SURVEYS OF COMMUNITY CARE SETTINGS.—

"(A) IN GENERAL.—The certification under this subsection with respect to community care settings must be based on a survey. Such survey for such a setting must be conducted without prior notice to the setting. Any individual who notifies (or causes to be notified) a community care setting of the time or date on which such a survey is scheduled to be conducted is subject to a civil money penalty of not to exceed $2,000. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The Secretary shall review each State's procedures for scheduling and conducting such surveys to assure that the State has taken all reasonable steps to avoid giving notice of such a survey through the scheduling procedures and the conduct of the surveys themselves.

"(B) SURVEY PROTOCOL.—Surveys under this paragraph shall be conducted based upon a protocol which the Secretary has provided for under subsection (k).

"(C) PROHIBITION OF CONFLICT OF INTEREST IN SURVEY TEAM MEMBERSHIP.—A State and the Secretary may not use as a member of a survey team under this paragraph an individual who is serving (or has served within the previous 2 years) as a member of the staff of, or as a consultant to, the community care setting being surveyed (or the person responsible for such setting) respecting compliance with the requirements of subsection (g) or (h) or who has a personal or familial financial interest in the setting being surveyed.

"(D) SPECIAL SURVEYS OF COMPLIANCE.—Where the Secretary has reason to question

the compliance of a community care setting with any of the requirements of subsection (g) or (h), the Secretary may conduct a survey of the setting and, on the basis of that survey, make independent and binding determinations concerning the extent to which the setting meets such requirements.

"(4) INVESTIGATION OF COMPLAINTS AND MONITORING OF PROVIDERS AND SETTINGS.—Each State and the Secretary shall maintain procedures and adequate staff to investigate complaints of violations of applicable requirements imposed on providers of community care or on community care settings under subsections (f), (g) and (h).

"(5) INVESTIGATION OF ALLEGATIONS OF INDIVIDUAL NEGLECT AND ABUSE AND MISAPPROPRIATION OF INDIVIDUAL PROPERTY.—The State shall provide, through the agency responsible for surveys and certification of providers of home community care and community care settings under this subsection, for a process for the receipt, review, and investigation of allegations of individual neglect and abuse (including injuries of unknown source) by personnel providing such care or in such setting and of misappropriation of individual property by such personnel. Such process shall provide for documentation of findings relating to such allegations with respect to an individual, for inclusion of any brief statement of the individual disputing such findings, and for inclusion, in any disclosure of such findings, of such brief statement (or of a clear and accurate summary thereof).

"(6) DISCLOSURE OF RESULTS OF INSPECTIONS AND ACTIVITIES.—

"(A) PUBLIC INFORMATION.—Each State, and the Secretary, shall make available to the public—

"(i) information respecting all surveys, reviews, and certifications made under this subsection respecting providers of home or community care and community care settings, including statements of deficiencies,

"(ii) copies of cost reports (if any) of such providers and settings filed under this title,

"(iii) copies of statements of ownership under section 1124, and

"(iv) information disclosed under section 1126.

"(B) NOTICES OF SUBSTANDARD CARE.—If a State finds that—

"(i) a provider of home or community care has provided care of substandard quality with respect to an individual, the State shall make a reasonable effort to notify promptly (I) an immediate family member of each such individual and (II) individuals receiving home or community care from that provider under this title, or

"(ii) a community care setting is substandard, the State shall make a reasonable effort to notify promptly (I) individuals receiving community care in that setting, and (II) immediate family members of such individuals.

"(C) ACCESS TO FRAUD CONTROL UNITS.—Each State shall provide its State medicaid fraud and abuse control unit (established under section 1903(q)) with access to all information of the State agency responsible for surveys, reviews, and certifications under this subsection.

"(j) ENFORCEMENT PROCESS FOR PROVIDERS OF COMMUNITY CARE.—

"(1) STATE AUTHORITY.—

"(A) IN GENERAL.—If a State finds, on the basis of a review under subsection (i)(2) or otherwise, that a provider of home or community care no longer meets the requirements of this section, the State may terminate the provider's participation under the State plan and may provide in addition for a civil money penalty. Nothing in this subparagraph shall be construed as restricting the remedies available to a State to remedy a provider's deficiencies. If the State finds that a provider meets such requirements but, as of a previous period, did not meet such requirements, the State may provide for a civil money penalty under paragraph (2)(A) for the period during which it finds that the provider was not in compliance with such requirements.

"(B) CIVIL MONEY PENALTY.—

"(i) IN GENERAL.—Each State shall establish by law (whether statute or regulation) at least the following remedy: A civil money penalty assessed and collected, with interest, for each day in which the provider is or was out of compliance with a requirement of this section. Funds collected by a State as a result of imposition of such a penalty (or as a result of the imposition by the State of a civil money penalty under subsection (i)(3)(A)) may be applied to reimbursement of individuals for personal funds lost due to a failure of home or community care providers to meet the requirements of this section. The State also shall specify criteria, as to when and how this remedy is to be applied and the amounts of any penalties. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the penalties and shall provide for the imposition of incrementally more severe penalties for repeated or uncorrected deficiencies.

"(ii) DEADLINE AND GUIDANCE.—Each State which elects to provide home and community care under this section must establish the civil money penalty remedy described in clause (i) applicable to all providers of community care covered under this section. The Secretary shall provide, through regulations or otherwise by not later than July 1, 1990, guidance to States in establishing such remedy; but the failure of the Secretary to provide such guidance shall not relieve a State of the responsibility for establishing such remedy.

"(2) SECRETARIAL AUTHORITY.—

"(A) FOR STATE PROVIDERS.—With respect to a State provider of home or community care, the Secretary shall have the authority and duties of a State under this subsection, except that the civil money penalty remedy described in subparagraph (C) shall be substituted for the civil money remedy described in paragraph (1)(B)(i).

"(B) OTHER PROVIDERS.—With respect to any other provider of home or community care in a State, if the Secretary finds that a provider no longer meets a requirement of this section, the Secretary may terminate the provider's participation under the State plan and may provide, in addition, for a civil money penalty under subparagraph (C). If the Secretary finds that a provider meets such requirements but, as of a previous period, did not meet such requirements, the Secretary may provide for a civil money penalty under subparagraph (C) for the period during which the Secretary finds that the provider was not in compliance with such requirements.

"(C) CIVIL MONEY PENALTY.—If the Secretary finds on the basis of a review under subsection (i)(2) or otherwise that a home or community care provider no longer meets the requirements of this section, the Secretary shall impose a civil money penalty in an amount not to exceed $10,000 for each day of noncompliance. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). The Secretary shall specify criteria, as to when and how this remedy is to be applied and the amounts of any penalties. Such criteria shall be designed so as to minimize the time between the identification of violations and final imposition of the penalties and shall provide for the imposition of incrementally more severe penalties for repeated or uncorrected deficiencies.

"(k) SECRETARIAL RESPONSIBILITIES.—

"(1) PUBLICATION OF INTERIM REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall publish, by July 1, 1990, an interim regulation that sets forth interim requirements, consistent with subparagraph (B), for the provision of home and community care and for community care settings, including—

"(i) the requirements of subsection (c)(2) (relating to comprehensive functional assessments, including the use of assessment instruments), of subsection (d)(2)(E) (relating to qualifications for qualified case managers), of subsection (f) (relating to minimum requirements for home and community care), of subsection (g) (relating to minimum requirements for small community care settings), and of subsection (h) (relating to minimum requirements for large community care settings, and

"(ii) survey protocols (for use under subsection (i)(3)(A)) which relate to such requirements.

"(B) MINIMUM PROTECTIONS.—Interim requirements under subparagraph (A) and final requirements under paragraph (2) shall assure, through methods other than reliance on State licensure processes, that individuals receiving home and community care are protected from neglect, physical and sexual abuse, financial exploitation, inappropriate involuntary restraint, and the provision of health care services by unqualified personnel in community care settings.

"(2) DEVELOPMENT OF FINAL REQUIREMENTS.—The Secretary shall develop, by not later than October 1, 1991—

"(A) final requirements, consistent with paragraph (1)(B), respecting the provision of appropriate, quality home and community care and respecting community care settings under this section, and including at least the requirements referred to in paragraph (1)(A)(i), and

"(B) survey protocols and methods for evaluating and assuring the quality of community care settings.

The Secretary may, from time to time, revise such requirements, protocols, and methods.

"(3) NO DELEGATION TO STATES.—The Secretary's authority under this subsection shall not be delegated to States.

"(4) NO PREVENTION OF MORE STRINGENT REQUIREMENTS BY STATES.—Nothing in this section shall be construed as preventing States from imposing requirements that are more stringent than the requirements published or developed by the Secretary under this subsection.

"(l) DEEMING AND WAIVER.—

"(1) DEEMING.—Area agencies on aging as defined in the Older Americans Act (Public Law 100-175) are considered public agencies for purposes of this section.

"(2) WAIVER.—States may waive the requirement that a nonpublic agency not provide home and community care or nursing facility services and do not have a direct or indirect ownership or control interest in, or direct or indirect affiliation or relationship

with, an entity that provides, community care or nursing facilities for nonprofit agencies located in an area that is not an urbanized area (as defined by the Bureau of the Census).".

(c) PAYMENT FOR HOME AND COMMUNITY CARE.—

(1) REASONABLE AND ADEQUATE PAYMENT RATES.—Section 1902 of such Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(13)—

(i) by striking "and" at the end of subparagraph (D),

(ii) by inserting "and" at the end of subparagraph (E), and

(iii) by adding at the end the following new subparagraph:

"(F) for payment for home and community care (as defined in section 1926(a) and provided under such section) through rates which are reasonable and adequate to meet the costs of providing care, efficiently and economically, in conformity with applicable State and Federal laws, regulations, and quality and safety standards;"; and

(B) in subsection (h), by adding before the period at the end the following: "or to limit the amount of payment that may be made under a plan under this title for home and community care".

(2) DENIAL OF PAYMENT FOR CIVIL MONEY PENALTIES, ETC.—Section 1903(i)(8) of such Act (42 U.S.C. 1396b(i)(8)) is amended by inserting "(A)" after "medical assistance" and by inserting before the semicolon at the end the following: "for home and community care to reimburse (or otherwise compensate) a provider of such care for payment of a civil money penalty imposed under this title or title XI or for legal expenses in defense of an exclusion or civil money penalty under this title or title XI if there is no reasonable legal ground for the provider's case".

(d) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "(21)" and inserting "(22)".

(2) Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by striking "through (20)" and inserting "through (21)".

(e) EFFECTIVE DATES.—

(1) Except as provided in this subsection, the amendments made by this section shall apply to home and community care furnished on or after July 1, 1990, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2)(A) The amendments made by subsection (c)(1) shall apply to home and community care furnished on or after July 1, 1990, or, if later, 30 days after the date of publication of interim regulations under section 1926(j)(1).

(B) The amendment made by subsection (c)(2) shall apply to civil money penalties imposed after the date of the enactment of this Act.

(f) WAIVER OF PAPERWORK REDUCTION, ETC.—Chapter 35 of title 44, United States Code, and Executive Order 12291 shall not apply to information and regulations required for purposes of carrying out this Act and implementing the amendments made by this Act.

SUMMARY OF THE MEDICAID HOME AND COMMUNITY CARE OPTIONS ACT

OPTIONAL EXPANSION OF HOME AND COMMUNITY CARE SERVICES

Allow States, at their option, to cover under their Medicaid program "home and community care services" for functionally disabled elderly individuals. Unlike the current "section 2176" home and community-based services waiver, this option would not require the States to demonstrate budget neutrality or limit participation to those at risk of institutional care. The bill directs the Secretary of Health and Human Services (HHS) to develop interim and final quality requirements for such case, and establishes a monitoring and enforcement process to ensure compliance with these requirements.

DETERMINATIONS OF FUNCTIONAL DISABILITY AND USE OF CASE MANAGEMENT SERVICES

To be eligible for home and community care benefits, an individual must be (1) 65 years of age or older, (2) eligible for Medicaid in the community due to low income and resources (i.e., receiving Supplemental Security Income (SSI) or qualifying as "medically needy"), and (3) determined to be functionally disabled.

Functional disability is to be determined on the basis of a comprehensive assessment conducted by an interdisciplinary team designated by the State and used to evaluate an individual's ability to perform activities of daily living (bathing, dressing, eating, toileting, and transferring) or "ADLs".

An individual would be functionally disabled if the individual

(1) is unable to perform at least 2 of the following 3 activities of daily living: toileting, transferring, and eating; or

(2) has a primary or secondary diagnosis of Alzheimer's disease and is unable to perform without human assistance (including verbal reminding or physical cueing) or supervision at least 2 of the following activities of daily living: bathing, dressing, toileting, transferring, and eating, or cognitively impaired so as to require substantial human assistance from another individual because he or she engages in inappropriate behaviors that pose serious health or safety hazards to himself or herself or others

Based upon this assessment, an individual community care plan (ICCP) is to be developed and periodically reviewed and revised by a qualified care manager who is responsbile for assuring that the community care specified in an ICCP is being provided.

QUALITY ASSURANCE FOR HOME AND COMMUNITY CARE SERVICES

Requires the Secretary to establish quality standards for home and community care and for settings in which community care is provided. Such standards must include minimum qualifications for personnel providing community care and the establishment of a patient's bill of rights. The requirements established by the Secretary must also assure, through methods other than reliance on State licensure, that individuals receiving community care are protected from neglect, physical and sexual abuse, financial exploitation, inappropriate involuntary restraint, and provision of health care services by unqualified personnel in board and care facilities and other community settings. States would retain the right to impose quality standards more stringent than the minimum Federal requirements developed by the Secretary.

CEILING ON PAYMENTS FOR HOME AND COMMUNITY CARE SERVICES

Aggregate State Medicaid expenditures for the optional benefit could not exceed the product of the (1) the average number of individuals receiving the benefit in a given quarter times (2) 50 percent of the average State per diem rate for Medicare skilled nursing facility (SNF) services times (3) the number of days in such quarter.

MAINTENANCE OF EFFORT

States would be required to report to the Secretary all funds other than Medicaid funds spent on home and community care services for the elderly in FY 1989 and every year thereafter. States electing this new option would be required, each fiscal year, to maintian their State-only expenditures for such services at the FY 1989 level. Failure to do so would result in a reduction of federal matching payments for these services to the extent of the shortfall in state-only spending.●

By Mr. PRESSLER:

S. 1943. A bill to authorize a program of scientific drilling into the continental crust of the United States; to the Committee on Energy and Natural Resources.

CONTINENTAL SCIENTIFIC DRILLING PROGRAM ACT

Mr. PRESSLER. Mr. President, I rise today to introduce the Continental Scientific Drilling Program Act of 1990. The purpose of this bill is to make the U.S. Geological Survey [USGS] the lead agency in the Continental Scientific Drilling Program [CSDP], which is a cooperative program of the Department of Energy [DOE], the USGS, and the National Science Foundation [NSF].

Programs, no matter how laudable, suffer when they are split among several agencies with no single agency in the lead role. CSDP is an excellent example of this fact.

DOE funding for this program has become tenuous, because it must compete with other programs within the Office of Basic Energy Science/Geosciences [OBESG]. The budget for a new program within OBESG, underground imaging, has been growing rapidly, while the overall OBESG budget has remained static at approximately $17 million. Funding increases for underground imaging, a program which has not been approved through the peer review process, are on the verge of causing unacceptable damage to both CSDP and the core programs within OBESG.

USGS and NSF remain fully committed to their roles in CSDP. But the less steady support for this program from DOE endangers the whole program. Subsidiary programs at universities across the Nation are endangered in turn, all because of its decentralized nature at the Federal level.

CSDP enjoys overwhelming congressional support, as shown by passage of the Continental Scientific Drilling and Exploration Act (Public Law 100-441) in the last Congress. CSDP also enjoys widespread support in the scientific community and was supported through the peer review process.

CSDP supports drilling projects such as the Cajon Pass project, near San Bernardino, CA; the Upper Crust/CICSCO project, through the University of Kansas and the South Dakota School of Mines and Technology,

which has drilled in Iowa and would continue in South Dakota, Minnesota, Illinois, Ohio, and Indiana; the Creede project in southern Colorado, the Valles Caldera project in New Mexico; the ADCOH project, along the Georgia-South Carolina border; volcanic drilling in Hawaii; the Katmai project in Alaska; and the Mid-Continental Rift project in Minnesota, Kansas, and northern Michigan.

This program will enhance our scientific understanding of a multitude of processes going on beneath the Earth's crust. These include plate tectonics, earthquakes, volcanic eruptions, geothermal energy, mineral formation, underground fluid migration, and water distribution. The recent devastating earthquake near San Francisco underscores the importance of improving our earthquake predictive capability. The safe disposition of hazardous waste depends on our knowledge of underground fluid migration and water distribution. The information we can gain from this program will enhance our ability to locate new sources of petroleum, minerals, and water.

I would be remiss if I did not mention the important role played by Dr. Jim Papike of the South Dakota School of Mines and Technology in the Continental Scientific Drilling Program. Jim has worked tirelessly in support of this program, both as a scientist and as a coordinator of the universities involved. It was he who first brought this important program to my attention 5 years ago. I was impressed then by his presentation of the scientific merits of continental drilling and exploration. I continue to be impressed by the great potential scientific and technological spinoffs that can be achieved through this program.

Mr. President, this is an extremely important program for this country. It deserves our continued strong support. It deserves support for the USGS in the role of lead agency. I ask unanimous consent that the text of the bill be inserted in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Continental Scientific Drilling Program Act of 1990".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) because the Earth provides energy, minerals, and water, and is used as a storage medium for municipal, chemical, and nuclear waste, an understanding of the processes and structures in the Earth's crust is essential to the well being of the United States;

(2) there is a need for a substantially funded long-term program of scientific drilling in a wide range of geological settings of the continental crust of the United States; and

(3) a continental scientific drilling program would enhance—

(A) understanding of the crustal evolution of the Earth and its mountain building processes;

(B) understanding of the mechanisms of earthquakes and volcanic eruptions and the development of improved techniques for prediction;

(C) understanding of the development and utilization of geothermal and other energy sources and the formation and occurrence of mineral deposits;

(D) understanding of the migration of fluids in the Earth's crust for evaluation of waste contamination and the development of more effective techniques for the safe subsurface disposal of hazardous wastes;

(E) understanding and definition of the size, source, and more effective use of aquifers and other water resources;

(F) evaluation and verification of surface geophysical techniques needed for modeling, exploring, and monitoring the Earth's crust; and

(G) development of drilling technologies needed to regain international prominence for the United States in this area.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) provide for a continental scientific drilling program within the Geological Survey in the Department of the Interior, based on the cooperative efforts and long-range plans of Federal entities in response to the Continental Scientific Drilling and Exploration Act (43 U.S.C. 31 note);

(2) enhance fundamental understanding of the composition, structure, dynamics, and evolution of the continental crust and the crustal processes that affect natural phenomena such as earthquakes, volcanic eruptions, distribution of mineral deposits, occurrence of fossil fuels and geothermal energy sources, and the nature and extent of aquifers;

(3) obtain critical data about the Earth's crust relating to isolation of hazardous wastes;

(4) advance basic earth sciences research;

(5) advance related technological developments, especially for improved and lower cost drilling and logging; and

(6) increase training of graduate students in geological sciences and increase the flow of multidisciplinary professionals into academia and drilling-related industries by participation in continental scientific drilling projects.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the terms "continent" and "continental" refer to the land mass of the United States above sea level and the adjacent shallow continental margins;

(2) the term "DOSECC" means the consortium known as "Deep Observation and Sampling of the Earth's Continental Crust";

(3) the term "hole of opportunity" means a hole drilled for other than scientific purposes to which scientific experiments can be added at modest cost;

(4) the term "Interagency Coordinating Group" means the Interagency Coordinating Group for Continental Scientific Drilling;

(5) the term "ocean drilling program" means the program of scientific drilling in ocean basins conducted by the National Science Foundation;

(6) the term "program" means the Geological Survey continental scientific drilling program established under section 5;

(7) the term "Secretary" means the Secretary of the Interior;

(8) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, and any other territory or possession of the United States; and

(9) the term "United States" means, when used in a geographic sense, all of the States.

SEC. 5. CONTINENTAL SCIENTIFIC DRILLING PROGRAM.

(a) ESTABLISHMENT.—There is established, in the Geological Survey in the Department of the Interior, a continental scientific drilling program.

(b) PROGRAM REQUIREMENTS.—The program shall—

(1) be designed and administered to achieve the objectives set forth in subsection (c);

(2) involve the agencies listed in subsection (d); and

(3) include the research elements described in subsection (e) and the implementation plan described in subsection (f).

(c) DUTIES.—The Secretary shall—

(1) not later than 120 days after the date of enactment of this Act, submit to the Congress the implementation plan described in subsection (f); and

(2) not later than 180 days after such date of enactment—

(A) establish by regulation goals, priorities, and target dates for implementation of the program; and

(B) provide for qualified staffing for the program and its components.

(d) OBJECTIVES.—The objectives of the program shall include—

(1) advancement of basic science associated with the Earth's continental crust;

(2) acquisition of new information for an improved basis for resource management;

(3) acquisition of new information for a better basis for geologic hazard mitigation;

(4) enhancement of United States competitiveness in downhole drilling, sampling, and observational technology;

(5) establishment of a readily accessible permanent public record of continental scientific drilling activities;

(6) utilization of holes of opportunity drilled by entities for primarily nonscientific purposes, where practicable, to obtain program data as a substitute for or to supplement data obtained from dedicated drilling undertaken by the program specifically for scientific purposes; and

(7) continuity in the conduct of a national continental scientific drilling program with other Federal agencies.

(e) PARTICIPATION.—(1) In planning and carrying out the program, the Geological Survey shall include—

(A) the National Science Foundation;

(B) the Department of Energy;

(C) other Federal agencies;

(D) State agencies;

(E) academic institutions;

(F) private and national research laboratories; and

(G) private industry, primarily through its representation on the Interagency Coordinating Group.

(2) Representation in the Interagency Coordinating Group may be supplemented by additional Federal agency members and standing committees, working panels, and

ad hoc groups, as deemed necessary by the Interagency Coordinating Group.

(3) The Geological Survey shall maintain liaison with the ocean drilling program and with continental scientific drilling programs of other nations to—

(A) make use of appropriate technologies already developed;

(B) prevent unnecessary duplication of new technology developments; and

(C) share scientific and drilling results.

(f) RESEARCH ELEMENTS.—The research elements of the program shall include—

(1) earthquakes and crustal deformation;

(2) volcanic and magmatic processes;

(3) evolution of the continental lithosphere;

(4) basin evolution and hydrocarbon resources;

(5) mineral resources;

(6) thermal regimes and geothermal resources;

(7) geophysical calibration of the Earth's crust;

(8) the role of fluids in crustal processes;

(9) lithospheric dynamics;

(10) geologic environments for radioactive and toxic waste disposal; and

(11) the role of subterranean bacteria in formation of resources.

(g) IMPLEMENTATION PLAN.—(1) The Secretary shall develop, through the Geological Survey, an implementation plan which shall set year-by-year goals through at least 1995.

(2) The implementation plan described in paragraph (1) shall provide—

(A) a strategy and schedule for undertaking dedicated drilling of multiple targets at shallow, intermediate, and great depths;

(B) a strategy and schedule for developing the improvements in drilling, coring, logging, sampling, and testing technologies necessary to successfully complete the scheduled drilling;

(C) a means of identification and timely use of holes of opportunity;

(D) a means of publishing timely reports on the progress and results of individual projects of the program and of maintaining a readily accessible permanent public record of samples, data, logs, and related information for each project;

(E) estimates of funding and staffing required to carry out the scheduled drilling and related activities described in subparagraphs (A) through (B); and

(F) a framework for ensuring involvement of all appropriate Federal agencies and non-Federal scientific and drilling entities during the planning and implementation phases of the program, including utilization of the International Coordinating Group's National Interagency Coordinating Group's Forum for Continental Scientific Drilling and university/industry consortia such as DOSECC;

(3) The implementation plan described in paragraph (1) shall be updated annually on a schedule to be determined by the Secretary.

(4) The results and status of the program and of the individual drilling projects conducted thereunder shall be reported in the annual Interagency Coordinating Group report to Congress on continental scientific drilling required by section 4 of the Continental Scientific Drilling and Exploration Act (43 U.S.C. 31 note).

SEC. 6. GRANTS AND CONTRACTS.

(a) IN GENERAL.—The Secretary shall determine the appropriate means for carrying out drilling and drilling-related activities such as coring, logging, sampling and testing, including making contracts with private firms, State agencies, and educational institutions.

(b) ASSOCIATED STUDIES.—(1) For associated scientific studies, the Secretary shall make grants and contracts to educational institutions, State agencies, private and national research laboratories, industrial research organizations, university/industry consortia such as DOSECC, and other Federal agencies.

(2) Approximately one-half of the funds available for studies under paragraph (1) shall be awarded to educational institutions.

(3) Grants and contracts described in paragraph (1) shall be made on the basis of merit and feasibility of the project, based on expert evaluation as deemed appropriate by the Secretary, taking care to protect proprietary information.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $5,000,000 for fiscal year 1991;

(2) $10,000,000 for fiscal year 1992;

(3) $15,000,000 for fiscal year 1993;

(4) $20,000,000 for fiscal year 1994; and

(5) $25,000,000 for fiscal year 1995.

By Mr. COATS:

S. 1944. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of individual medical accounts to assist in the payment of long-term and catastrophic medical care expenses, to provide that the earnings on such accounts will not be taxable, and for other purposes; to the Committee on Finance.

INDIVIDUAL MEDICAL ACCOUNTS ACT

● Mr. COATS. Mr. President, I rise today to introduce legislation that will establish individual medical accounts [IMA] in order to provide much needed assistance to people in planning for catastrophic medical expenses and long-term medical care.

This legislation is targeted at those individuals who are concerned with the ever increasing costs of medical treatment, most especially the financial devastation that a serious or prolonged illness or accident can bring on a family. Today health care costs have been rising far more rapidly than most Americans' incomes. Of all of us in this country who face these mounting medical price tags, it is our seniors who suffer the most. Most seniors are on fixed incomes and have little chance of keeping up with the rapid rise in medical costs. They and their families are acutely aware of both their fragile health and their fragile finances. One illness can mean sudden poverty.

The individual medical account [IMA] will enable families and individuals in our country to better prepare for their potential need for catastrophic medical care and long-term care. This legislation will allow individuals, as well as their parents, children, and spouses, to contribute $2,000 per year to an individual's IMA. The IMA's growth and earnings will remain tax-exempt while in the account, thus helping the account's growth rate keep pace with the growth in medical costs. Most importantly, all distributions from the IMA taken to pay for catastrophic or long-term-care costs will remain tax-exempt. In addition, all distributions taken to pay for insurance contracts to cover catastrophic or long-term health care will also remain tax-exempt.

By offering significant tax insentives to save for medical catastrophies and allowing family members to contribute to an individual's account, we will be encouraging savings, and helping families and individuals avoid financial ruin in the form of punishing medical bills.

In addition to its savings provisions, this legislation makes changes in the tax laws that will encourage insurance companies to offer more attractive long-term care policies. A wider variety of more affordable policies have become available in the last several years, and this is a trend that needs to be encouraged. This bill will also make it possible to transfer money from whole life insurance policies to an IMA.

In summary, Mr. President, the individual medical account legislation I am introducing today seeks to encourage better planning and higher savings for long-term health care and catastrophic medical care on the part of families and individuals. In order to be of the greatest use, the IMA beneficiaries must be able to choose from a wide variety of long-term health care insurance options when they become older. Such coverage will become both more necessary and more expensive. To this end this legislation also seeks to encourage a competitive and innovative insurance marketplace, which ultimately should be the cornerstone of this country's long-term care policy.●

By Mr. WIRTH:

S. 1945. A bill to authorize a land exchange in South Dakota and Colorado; to the Committee on Agriculture, Nutrition, and Forestry.

LAND EXCHANGE IN SOUTH DAKOTA AND COLORADO

Mr. WIRTH. Mr. President, I rise today to introduce a bill to authorize a land exchange in South Dakota and Colorado. I ask unanimous consent that a copy of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EKBERG-COPPER SPUR LAND EXCHANGE.

Notwithstanding any other provision of law.—(a) The Secretary of Agriculture is hereby authorized and directed, upon receipt of an offer from the owner or owners thereof, to accept title to approximately

four hundred and twenty seven acres of land located in Pennington County, South Dakota, and shown as "Tract A" and "Tract B" on a map entitled "Ekberg-Copper Spur Ranch Land Exchange-Proposed" dated September 1989. Such lands shall become part of the Black Hills National Forest upon their acquisition and shall be administered by the Secretary of Agriculture in accordance with the laws, rules and regulations applicable to the National Forest System.

(b) Upon receipt of Title to the lands described in subsection (a) the Secretary of Agriculture shall convey to the owner or owners of such lands all right, title, and interest of the United States in the lands shown as the "Copper Spur Ranch—portion to Ekberg" and located in Routt County, Colorado, which are currently administered by the Farmers Home Administration and which comprises approximately seven hundred and twenty acres, as generally depicted on a map entitled "Ekbert-Copper Spur Ranch Land Exchange—Proposed", dated September 1989; and

(c) The Secretary of Agriculture shall transfer without reimbursement to the administrative jurisdiction of the Secretary of the Interior all right, title and interest of the United States in approximately eight hundred and forty acres of lands located in Routt County, Colorado, which are currently administered by the Farmers Home Administration and which are shown on the map referenced in subsection (b) of this section as the "Copper Spur Ranch—portion to BLM". The lands transferred to the Secretary of the Interior pursuant to this subsection shall be administered by the Bureau of Land Mangement in accordance with the laws, rules and regulations generally applicable to the public lands.

SEC. 2. EQUALIZATION OF PAYMENT.

If the values of the lands proposed for exchange in section 1 are not equal, they shall be equalized by the payment of cash as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 as amended by the Federal Land Exchange Facilitation Act of 1988, without regard to the 25 per centum limitation contained in such Acts.

SEC. 3. DATE OF EXCHANGE.

The exchange of lands required by section 1 shall be completed not later than one hundred and eighty days after the date of enactment of this Act.

SEC. 4. RESERVATION OF EASEMENTS.

(a) Lands conveyed into private ownership or transferred to the jurisdiction of the Secretary of the Interior pursuant to this Act shall be subject to the Conservation Easement granted to the State of Colorado (Division of Wildlife) by the United States acting by and through the Secretary of Agriculture dated April 27, 1988 and recorded in Routt County, Colorado (Reception No. 375283, Book 637, pages 1741-43) on October 6, 1988.

(b) Lands conveyed into private ownership pursuant to this Act shall be subject to the following easements for ingress and egress through such lands for the benefit of the United States and the public, which shall replace and be in lieu of the easements granted between agencies of the United States on May 10, 1989 and recorded in Routt County, Colorado (Reception Number 380443, Book 643 at Pages 0051-0055):

(1) a perpetual easement for administrative and emergency access by the United States and for access by the public (as determined appropriate by the Bureau of Land Management) through lands in Sections 23 and 26 Township 1 South, Range 83 West, 6th Principal Meridian, Colorado, on existing roads and trails which lead to Black Mountain;

(2) a perpetual easement for administrative and emergency access by the United States and for non-motorized access by the public to public lands in Grand County, Colorado, on the existing road in the North one half of the North one half of Section 35 and the Southwest one quarter of the Southeast one quarter of Section 26, Township 1 South, Range 83 West, 6th Principal Meridian, Colorado; and

(3) an easement for motorized access for firewood cutting and removal by authorized users and for motorized access by the public to public lands in Grand County, Colorado between June 1st and November 30th of each year on the road described in subparagraph (2) of this section: Provided, That if within five years of the date completion of the exchange directed by this Act an alternative road is completed for access to public lands in Grand County, Colorado under such terms, conditions and funding as may be agreed upon by the Bureau of Land Managment, the owner of the Copper Spur Ranch and the State of Colorado, the easement conferred by this subparagraph shall terminate. If such alternative road is not completed within five years, the easement conferred by this subparagraph shall become perpetual and year-round.

(c) All easements conferred by this subsection shall permit the United States to maintain, improve, repair and if necessary, relocate, existing roads and trails to accommodate appropriate uses of such easements as set forth herein.

By Mr. CRANSTON (for himself, Mr. PACKWOOD, and Mr. METZENBAUM):

S. 1946. A bill to amend various provisions of law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; to the Committee on Finance.

REPRODUCTIVE HEALTH EQUITY ACT

Mr. CRANSTON. Mr. President, I am today introducing with the Senator from Oregon [Mr. PACKWOOD] and the Senator from Ohio [Mr. METZENBAUM] the "Reproductive Health Equity Act." This legislation has been introduced in past Congresses in the House of Representatives and was reintroduced in that body on February 6, 1989, as H.R. 857.

When I introduced the Freedom of Choice Act of 1989, S. 1912, on Friday, November 17, 1989, I indicated that although that bill does not deal with the issue of funding for abortion services, I would soon be introducing in the Senate the Reproductive Health Equity Act. This bill would amend various provisions of Federal law to ensure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs. It would thus have the effect of repealing the various restrictions which have been placed in Federal statutes over the past decade. These restrictions deny women exercising their right to terminate a pregnancy equitable treatment under existing programs. Current law encourages the creation of a two-tiered system which protects only the rights of women who can afford to pay for an abortion—an unconscionable result.

I ask unanimous consent that the text of this legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to printed in the RECORD, as follows:

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Reproductive Health Equity Act".

SEC. 2. FINDINGS.

(b) The Congress finds that—

(1) abortion is a legal medical service related to pregnancy and the choice to elect an abortion is a personal, private right protected by the Constitution;

(2) the Federal Government provides assistance for pregnancy-related care for substantial numbers of women under a variety of Federal programs, including the medicaid program, the Indian health care program, the Federal employees' health benefits program (FEHBP), the program of health care for military dependents and retirees (CHAMPUS), the Peace Corps program, general payments to the District of Columbia, and the program of medical services to Federal penal and correctional institutions;

(3) pregnant women who otherwise are provided pregnancy-related care under these programs have been denied equal access to health care services due to Congress' severe and unjustified restrictions on their freedom to choose services that relate to abortion; and

(4) denial of access to health care services because those services relate to abortion is unjust and unfair to pregnant women who are or whose spouses are employed by the Federal Government or who otherwise are dependent on the Federal Government for health care and threatens the health and well-being of themselves and their families.

SEC. 3. MEDICAID PROGRAM.

Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), relating to medical assistance under the medicaid program, is amended—

(1) by striking "and" at the end of subparagraph (D),

(2) by inserting "and" at the end of subparagraph (E), and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) for making medical assistance available with respect to services related to abortion in the same manner as such assistance is provided with respect to other pregnancy-related services;".

SEC. 4. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

Section 8904 of title 5, United States Code, relating to the type of benefits under the Federal employees health benefits program, is amended by adding at the end the following new sentence: "All plans contracted for under this section shall include benefits for services related to abortion in the same manner as for other pregnancy-related services.".

SEC. 5. INDIAN HEALTH CARE.

(a) GENERAL AUTHORITY.—Section 201(a) of the Indian Health Care Improvement Act (25 U.S.C. 1621(a)), relating to the direct or indirect patient care program for Indians, is amended by inserting after the first sentence the following new sentence: "Funds appropriated pursuant to this section for each fiscal year are available to provide services related to abortion in the same manner as such funds are available for other pregnancy-related services.".

(b) CONFORMING REPEAL.—Section 706 of the Indian Health Care Improvement Act (25 U.S.C. 1676) is repealed.

SEC. 6. MILITARY HEALTH CARE.

(a) MEMBERS AND FORMER MEMBERS.—Section 1074 of title 10, United States Code, relating to medical and dental care for members and certain former members of the uniformed services, is amended by adding at the end the following new subsection:

"(d) Medical care provided under this section shall include services related to abortion in the same manner as such care includes other pregnancy-related services.".

(b) DEPENDENTS.—Section 1077(a)(8) of such title, relating to medical care for dependents of members of the uniformed services, is amended by inserting before the period at the end the following: ", including services related to abortion in the same manner as other pregnancy-related services".

SEC. 7. PEACE CORPS.

Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)), relating to health care for Peace Corps volunteers, is amended by inserting before the period at the end of the first sentence the following: ", except that health care provided under this subsection to volunteers during their service shall include services related to abortion in the same manner as such care includes other pregnancy-related services".

SEC. 8. DISTRICT OF COLUMBIA.

Section 502 of the District of Columbia Self-Government and Governmental Reorganization Act, relating to the authorization of appropriations of the Federal payment to the District of Columbia, is amended by adding at the end the following new subsection:

"(c) Amounts appropriated pursuant to the authorization provided under this section shall be made available for services related to abortion in the same manner as such amounts may be made available for other pregnancy-related services.".

SEC. 9. FEDERAL PENAL AND CORRECTIONAL INSTITUTIONS.

Section 4005(a) of title 18, United States Code, relating to medical services to the Federal penal and correctional institution, is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, medical services provided under this subsection shall include services related to abortion in the same manner as they include other pregnancy-related services.".

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 1947. A bill to establish the Newberry Volcanoes National Monument in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

NEWBERRY VOLCANOES NATIONAL MONUMENT

●Mr. HATFIELD. Mr. President, I am here today on behalf of myself and Senator PACKWOOD to introduce legislation establishing the Newberry Volcanoes National Monument located in central Oregon. Representatives BOB SMITH, the Congressman representing the affected district, is introducing an identical bill today in the House of Representatives.

This legislation is the product of several years of effort by a local group known as the Newberry Volcanoes National Monument Commission. The commission is made up of members representing all the major interests groups in the local area—including the Audubon Society, the Oregon State Snowmobile Association, the Mount Bachelor ski area, the Native Plant Society, the Bend Chamber of Commerce, the Northwest Forestry Association, the Oregon Hunters Association, the Forest Service, and BLM, companies holding geothermal rights in the area, representatives from local governments, and others.

Having recently worked on another major public lands issue, I can tell my colleagues that it can be difficult to get representatives of those diverse interests to even sit down together in the same room, much less negotiate the terms of a complex proposal dealing with land designations. The chairman of the commission, Dr. Stuart Garrett, and its members deserve a great deal of credit for establishing the consensus and political will be necessary to move this proposal forward.

While other groups talk about incorporating multiple uses and values into land designation proposals, rarely is it actually achieved. However, this group has accomplished exactly that. This is not to say that the legislation I am introducing today is a perfect bill. I expect that it will receive serious scrutiny by the committees of jurisdiction both in the Senate and in the House. The end product may include some refinement and improvement. That is expected because this is a leading edge piece of legislation.

The bill's purpose is to protect an area of my State that includes many outstanding geologic and natural characteristics. The 60,000 acres to be included in the Newberry Volcanoes National Monument encompass lava caves, obsidian flows, a tree cast forest formed when molten lava flowed through a stand of trees, cinder cones including the 6,100-foot Lava Butte, and two high mountain lakes that lie next to the Newberry volcano crater itself. Clearly, these outstanding examples of volcanic activity deserve to be managed in a way that will protect their scenic and scientific qualities for years to come.

Currently, the area to be included in the national monument is managed by the Forest Service as part of the Deschutes National Forest. The Forest Service will continue to manage these lands, but will not allow any geothermal leasing, timber harvesting, or other activities which would be detrimental to the national monument designation. Two companies who have existing geothermal rights within the proposed monument, California Energy Co. and GEO Newberry Crater, Inc., have agreed to give up their leases in lieu of leases of equal geothermal value outside the monument's boundaries.

Mr. President, the concept of a Newberry Volcanoes National Monument has the support of the residents of central Oregon, it has the support of the State's congressional delegation, and it deserves the support of the Congress as well.●

● Mr. PACKWOOD. Mr. President, I am pleased to cosponsor legislation to create the Newberry Volcanoes National Monument in the Deschutes National Forest in central Oregon. The introduction of this bill today is a tribute to the Newberry Volcanoes National Monument Committee, a group of 30 central Oregon citizens who represent diverse natural resource interests. This coalition has worked over 2 years crafting a proposal that balances resource protection with resource utilization. They have also built a local consensus which supports the proposal. I commend these individuals for their successful efforts and their dedication.

The proposed Newberry Volcanoes National Monument lies within the Cascade Range, a chain of volcanic mountains that runs the length of Oregon and Washington. The monument would encompass 60,000 acres of National Forest System lands and incorporate several significant geological features. These include Newberry Crater, a partially collapsed volcano; Lava River cave, a mile-long lava tube; and Lava Cast Forest, a cast formed when molten lava followed through a forest. Two major recreational lakes, East Lake and Paulina Lake, would also fall within the monument boundary.

Another unique feature of this area is a potentially significant geothermal steam resource. Estimates place the potential energy reserves at 500 megawatts—enough to meet the energy needs of 500,000 people. I am a longtime supporter of the development of alternative energy sources, and geothermal steam energy should be developed as a clean alternative to fossil fuels.

The Newberry Volcanoes National Monument proposal is designed to protect an area that has significant geological, recreational and scenic values while at the same time allow for development of the energy resources in a manner compatible with protection of the surface features. The monument designation will promote public and scientific understanding and appreciа-

tion of the area's unique volcanic history.

I am delighted to be able to cosponsor legislation which balances commercial and conservation interests to the satisfaction of a wide range of constituencies. The Newberry Volcanoes National Monument proposal is an important example of cooperative resource management. I hope this consensus effort can be a model for other natural resource projects.

Mr. President, the proposed Newberry Volancoes National Monument would benefit Oregon and the Nation. I look forward to working with my colleague, Senator HATFIELD, on this exciting proposal.●

By Mr. HATFIELD:

S. 1948. A bill to authorize the Secretary of the Army to release the reversionary interest of the United States in certain portions of Camp Withycombe, Clackamas County, OR, to the State of Oregon in exchange for a contingent interest in Camp Rilea, Clatsop County, OR; to the Committee on Armed Services.

EXCHANGE OF CERTAIN INTERESTS IN MILITARY PROPERTY

Mr. HATFIELD. Mr. President, at the request of the Oregon Military Department, today I am introducing legislation to implement the exchange of the United States' reversionary interest in two tracts of land at Camp Withycombe, Clackamas County, OR, for a contingent interest in a parcel of land at Camp Rilea, Clatsop County, OR. Each of these three parcels of land are owned currently by the State of Oregon and used by the Oregon Military Department.

The need for this legislation arose when the Oregon Department of Transportation announced its intention to extend an expressway through Camp Withycombe. Running in a general east-west direction, the expressway is designed to relieve the hazardous congestion at the I-205/Highway 212-224 interchange. There is no question that this expressway is necessary and there is no other reasonable location for it. Accordingly, it is necessary for Congress to authorize the Secretary of the Army to release the reversionary interest that was created by the enactment of Public Law 872 on August 1, 1956.

The two parcels of land within the boundaries of Camp Withycombe are comprised of a total of 159.31 acres. One parcel contains 156.57 acres and the other 2.74 acres. The larger tract of land, which contains Camp Withycombe's rifle and pistol ranges, an ammunition storage area, and the local training area, will be used by the Oregon Department of Transportation for its proposed expressway. The smaller parcel, however, is separated from the larger tract and is not required for the construction of the expressway. Clackamas County has requested that this property be conveyed to it for use as a railroad museum. The Oregon Military Department estimates that the value of both parcels is approximately $4,530,000. The remaining 74.99 acres of Camp Withycombe that are not involved in this transaction will remain under the ownership of the State of Oregon and subject to the original reversion clause.

In exchange for the release of the United States' reversionary interest in the two Camp Withycombe parcels, the legislation allows for the conveyance of a contingent interest to the United States in a 166 acre tract at Camp Rilea which belongs to the State of Oregon for military purposes. Furthermore, the bill indicates that, in the event of war, the property may be used without payment by the United States for military purposes.

Over the past 10 years the Oregon Military Department has made substantial improvements to Camp Rilea. The six new barracks buildings, armory, and ranges (present and programmed for construction) have made Camp Rilea a premier training facility. The Oregon Military Department estimates that the total value of the property and the structures and other improvements thereon is $8,560,000. This is nearly twice the estimated value of the Camp Withycombe property.

Mr. President, in light of the fact that the Camp Withycombe property is needed by the Oregon Department of Transportation to alleviate a potentially dangerous traffic congestion problem, and that the value of Camp Rilea is nearly double that of Camp Withycombe, I believe that this legislation is both equitable and warranted. Therefore, it is my hope that the Senate will support and approve this measure.

Mr. President, I ask unanimous consent that the text of a letter from Lt. Col. B.N. Schriever to Mr. Bruce Olsen comparing the values of Camp Withycombe and Camp Rilea and a copy of the bill be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OREGON MILITARY DEPARTMENT,
HEADQUARTERS OREGON NATIONAL GUARD,
Salem, OR, January 11, 1989

Mr. BRUCE OLSEN,
Corps of Engineers,
Seattle District, Seattle, WA.

DEAR MR. OLSEN: The State of Oregon is proposing Congressional action to transfer the military use clause presently in the deed of the Camp Withycombe property to a like quantity of land at Camp Rilea in Clatsop County near Warrenton, OR. Property descriptions are attached.

The Camp Withycombe property proposed for release is approximately 156 acres made up of 47 acres on flat and level ground and 109 acres of wooded hillside. The approximate market value of the level ground is $50,000 per acre, based on general industrial zoning, unimproved land. The wooded hillside is valued at $20,000, per acre, based on residential (R20) unimproved land. The value of the improvements is negligible, since they are single purpose and non conforming use to the current zoning regulation. The value computes as:

47 acres $50,000	$2,350,000
109 acres $20,000	2,180,000
Total	4,530,000

The Camp Rilea property proposed to gain the military use clause is approximately 166 acres and encompasses the contonment area of the Camp Rilea military training site. It is zoned military reserve and the land value is $10,000/acre. There are substantial improvements on this site. The major ones, and their value, are listed below:

Armory 30,000 SF	$1,200,000
Barracks (6 ea)	3,000,000
Vehicle Maint Shop	600,000
Vehicle Storage Bldgs (3)	400,000
Gymnasium	300,000
Post Headquarters	100,000
Sewage Treatment System	100,000
Underground Elec Dist System	100,000
Water Dist System	200,000
Road System	200,000
Fire Station	200,000
Misc Small Wooden Structures	500,000
	$6,900,000

The value for Camp Rilea computes as:

Land value, 166 acre at $10,000	$1,660,000
Improvements	6,900,000
Total	8,560,000

B. N. SCHRIEVER,
Lieutenant Colonel, USA Retired, Installations Officer.

By Mr. KENNEDY:

S. 1949. A bill to amend the Labor Management Relations Act of 1947 to permit parties engaged in collective bargaining to bargain over the establishment and administration of trust funds to provide financial assistance for employee housing; to the Committee on Labor and Human Resources.

HOUSING TRUST FUNDS IN COLLECTIVE BARGAINING

●Mr. KENNEDY. Mr. President, today I am introducing legislation to provide an opportunity for management and labor to negotiate trust funds addressing one of the most pressing issues of our day: affordable housing.

I have long been proud that Massachusetts has been on the cutting edge of innovative employment practices and policies. That tradition continues today. A contract negotiated between Local 26 of the Hotel Employees and Restaurant Employees Union under the leadership of Domonic Bezzoto and to, and the Boston hotels provides for a joint trust fund for housing assistance to employees.

The agreement provides that employers will contribute 5 cents an hour for the purpose of financial assistance for employee housing. The funds will

be expended or used as collateral for mortgage assistance, closing costs and bank fees, favorable interest rates, down payment assistance, or rental security deposits. However, the agreement also requires Congress amend the law to explicitly provide for such a trust before May 31, 1990, or the sums would be transferred into the health and welfare fund.

Management and labor agreed that this issue needed to be addressed, and they agreed to this unprecedented arrangement. Both the local union and the local hotel mangement are to be commended for this innovative and creative contract.

For the housing trust fund to become a reality, however, Congress must amend the Labor Management Relations Act. The legislation I am introducing today will make clear that a trust fund providing financial assistance for employee housing is permissible trust fund under the Labor Management Relations Act.

The legislation does not create any new madatory subjects of bargaining for employers. It amends section 302(c)(7), which already provides for education and child care trusts, and which are explicitly designated as permissible subjects of bargaining. Neither party can be required to bargain over these issues, and refusal to bargain does not constitute an unfair labor practice.

The education and child care trusts were added in 1969, and have resulted in many collective-bargaining agreements for education scholarships and child care centers for employees and their families.

There is widespread recognition of the difficulties that workers face in finding affordable housing. Yet there is little agreement on the appropriate solution to this growing crisis, and even less agreement about where the money should come from and how much we should spend.

I urge the Congress to adopt this worthwhile addition to the Labor Management Relations Act. Employers and employees should have this option under the collective-bargaining process, and we should do all we can to encourage them to address it.

As one of the hotel managers noted in his letter to me in support of this legislative change: "Housing is one of the most severe problems many of our employees face, and I am very supportive of any effort to assist our people in finding affordable housing for themselves and their families."

In this case, labor and management in Boston have agreed on an effective approach to better housing. They need no money from the Congress for this trust fund to become a reality: All they need is permission to do so under the Labor Management Relations Act.

I hope we can quickly enact this legislation into law, so that those who wish to address the increasingly pressing problem of affordable housing as part of the collective-bargaining process may be able to do so.●

By Mr. CRANSTON (for himself and Mr. DOLE):

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month"; to the Committee on the Judiciary.

NATIONAL PREVENT-A-LITTER MONTH

Mr. CRANSTON. Mr. President, I am today pleased to introduce a joint resolution designating April 1990 as "National Prevent-A-Litter Month." I want to thank the distinguished Republican leader, Senator DOLE, for joining me in sponsoring this measure.

This joint resolution, which is being introduced in the House of Representatives by Congressman DEAN GALLO of New Jersey, draws our attention to the tragic and costly problem of pet overpopulation. It is unfortunate that so little attention is paid to this serious problem. For example, Mr. President, although 70,000 cats and dogs are born in the United States each day, how many Americans are aware that only 20 percent of these 70,000 animals find homes? How many of us know that each year 7.5 million unwanted animals are destroyed? These figures translate into the sad statistic that for every dog or cat who has a loving home, four animals are hungry, cold, and abandoned. While it may seem inappropriate to assess a dollar value to the suffering of so many unwanted dogs and cats, it is estimated that animal control and animal shelter programs costs our Nation $800 million annually.

Mr. President, I know that these are shocking statistics. Yet, it is clear that we can reduce these numbers. Pet overpopulation is an issue that lends itself to a simple, noncontroversial solution: promoting responsible pet ownership and convincing pet owners to accept responsibility for having their dogs and cats spayed or neutered.

Across the country, animal protection organizations, animal shelters, and local communities are working hard to place homeless animals and reduce pet overpopulation through education programs, spay-neuter clinics, and local ordinances which encourage spaying or neutering. I am proud to say that seven States—including my home State of California—have enacted mandatory spay and neuter laws. Complementing these laws are the extraordinary efforts of individual citizens. For example, one of my constituents in Los Angeles, Ms. Joy Goldschmidt, founded the Cassidy Foundation "for the purpose of informing the public about the plight of homeless animals and finding humane solutions to this ever growing problem." Between October 1987 and January 1988, Ms. Goldschmidt spearheaded a successful sterilization program which spayed and neutered over 11,000 cats and dogs. When you consider that one female dog and her offspring can be the source of 67,000 puppies in 6 years, and a cat and her young responsible for 420,000 cats in 7 years, it is evident that programs such as Ms. Goldschmidt's effectively alleviate animal suffering, reduce pet overpopulation, and reduce animal control costs.

Mr. President, I ask unanimous consent that the story of Ms. Goldschmidt's efforts, as told by "Shelter Sense," a publication of the Humane Society of the United States, be inserted in the RECORD at the conclusion of my remarks.

Mr. President, despite valiant efforts by States and individuals, more needs to be done to address this problem. Continued public education on the need for spaying and neutering pets will be instrumental in convincing pet owners to act responsibly. By passing this resolution declaring April 1990 "National Prevent-A-Litter Month," Congress can play a major role in the campaign to alleviate animal suffering and reduce pet overpopulation. At a time of nationwide budget concerns, the success of this campaign will also help local governments address this crisis and free up funds for other worthwhile endeavors.

I urge my colleagues to join Senator DOLE and myself in supporting this important resolution.

Mr. President, I ask that the joint resolution and the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES 229

Whereas the irresponsibility of some dog and cat owners in allowing uncontrolled breeding of their pets has created a pet overpopultion problem in the United States;

Whereas the pet overpopulation problem results in the destruction of millions of dogs and cats each year;

Whereas the pet overpopulation problem results in other cruelties to pets caused by neglect, such as abandonment, starvation, and injury;

Whereas the cruelties inflicted on pets result not only in lost animal lives but also in lost resources spent by thousands of communities to shelter neglected and displaced pets;

Whereas the pet overpopulation problem can be solved only by active promotion of pet owner responsibility programs that include spaying and neutering of pets, proper care and sheltering of pets, and compliance with animal control regulations; and

Whereas the people of the United States should commit themselves to preventing the needless destruction of pets by practicing responsible pet ownership and by spaying and neutering pets as a means of combating the problem of pet overpopulation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That April 1990 is designated as "National Prevent-A-Litter Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

"BE A P.A.L." WINNER PROFILE: INDIVIDUAL GETS 11,000 ANIMALS STERILIZED IN LOS ANGELES

(By Geoffrey L. Handy)

Prevent A Litter" contest winners in the "individual" category is the last in a series of articles describing effective pet overpopulation and spay/neuter campaigns throughout the country. These award-winning efforts by local humane societies and animal control agencies are solid proof that pet overpopulation campaigns get results.

Of all the winning campaigns, the most impressive in terms of sheer numbers was the one undertaken by Joy Goldschmidt, first-place winner for an individual in the "Be a P.A.L." contest. As a result of Goldschmidt's initiative and effort, over 11,000 cats and dogs were sterilized for free at Los Angeles clinics during the four-month period from October, 1987, through January, 1988. Sharon Pflaumer of DeKalb, Illinois took second place in this category, and an honorable mention went to Vennie Carpenter of Dallas, Texas.

Joy Goldschmidt founded the Cassidy Foundation in Los Angeles in 1985 "for the purpose of informing the public about the plight of homeless animals and finding humane solutions to this ever-growing problem." She received financial backing and office space from Intralink Film Graphic Design, a motion picture advertising firm owned and run by Goldschmidt and her husband, Anthony.

Named after a three-legged mongrel dog, the Cassidy Foundation undertook its ambitious spay/neuter campaign in the summer of 1987, when Goldschmidt approached Los Angeles City Councilman Joel Wachs with a proposal. She told him that the Foundation would coordinate a major advertising campaign for a free spay/neuter program if the City of Los Angeles agreed to completely fund the spays and neuters at its six area animal clinics.

Wachs, swayed by the promotional program designed by Goldschmidt and her husband, went along with the proposal. He ushered an ordinance through the city council that provided for four months of free surgeries using money from the city Department of Animal Regulation's spaying and neutering trust fund. Signed by Mayor Tom Bradley, the ordinance applied to the pets of all Los Angeles residents and also mandated the sterilization of any pet adopted from city shelters during the same four-month period.

Using Intralink's network of contacts in the advertising industry, Goldschmidt persuaded several major outdoor advertising companies to donate over 500 billboards, bus boards, and bus shelters to publicize the program. The ads included a toll-free spaying and neutering hot-line number.

As part of the program, Goldschmidt also promoted pet adoptions. She persuaded the city to waive the $45 adoption fee during the four months of free surgeries.

The program "exceeded everyone's expectations," said Goldschmidt. "It was projected to have prevented the birth of 60,000 kittens and puppies the first year alone, with the city saving an estimated $1.5 million of the cost of destroying unwanted animals."

More recently, Goldschmidt has directed her efforts toward the Hispanic communities of East Los Angeles. With the goal of spaying or neutering 1,200 animals, the Cassidy Foundation is offering free sterilizations to local residents and has publicized the program by distributing flyers written in both English and Spanish. In September, 1989, Goldschmidt received city funding—$20,000 a year for three years—to help with the program.

Using money from private donations, the Foundation continues to provide low-cost spay/neuter "vouchers" to low-income people and senior citizens who request them.

Another individual who made great strides in educating her community about the pet-overpopulation crisis was second-place winner Sharon Pflaumer (1103 Glidden Ave., #9, DeKalb, IL 60015). Through a letter to her city alderwoman, Pflaumer persuaded the city to proclaim April, 1988, as "Prevent-A-Litter" Month. She also wrote letters to the editors of several area newspapers and distributed press releases, ad slicks, and radio public-service announcements. She hung up posters all over DeKalb and gave some to teachers at a local elementary school.

Vennie Carpenter of the Animal Connection of Texas (ACT, 5537 Martel, Dallas, TX 75206) received an honorable mention for this contest category after hanging 1,500 "Be a P.A.L." posters on walls throughout the Dallas area. Carpenter raised awareness of pet overpopulation by distributing posters to 635 supermarkets, 324 schools and colleges, 80 libraries, and 35 stores of a laundry chain.

Mr. DOLE. Mr. President, I rise today to introduce a joint resolution designating the month of April 1990 as "National Prevent-A-Litter Month."

This joint resolution addresses the nationwide crisis of pet overpopulation, promotes responsible pet ownership and focuses on the primary solution to this tragedy—the need for pet owners to have their cats and dogs spayed and neutered.

Representative GALLO is introducing an identical resolution in the House.

Pet owners in the United States allow approximately 70,000 kittens and puppies to be born each day.

Add the number of kittens and puppies born to stray or homeless animals, and you have as many as 250,000 newborn animals every 34 hours. Clearly, there are not enough good homes for these animals. Consequently, 7.5 million cats and dogs are destroyed each year in shelters throughout the land. And, these may be considered lucky, since they are spared the suffering of malnutrition, disease, or injury guaranteed to an abandoned or stray animal attempting to survive on its own.

I am particularly sensitive to this problem because the Dole family includes our wonderful dog, Leader, a homeless pet we adopted from an animal shelter. I am therefore very supportive of every effort to increase public awareness of this problem.

This crisis pervades every community in the United States. Across the country animal protection organizations, animal shelters, and local communities continue to work hard to place homeless animals and reduce pet overpopulation through spay-neuter clinics, education programs and local ordinances which encourage spaying or neutering. However, much more needs to be done.

Many Americans do not realize how many animals are homeless, nor how much these animals can suffer, nor how much it costs to maintain shelters to deal with stray animals. Each year communities nationwide spend almost $800 million on animal control and shelter programs.

By passing this resolution declaring April 1990 as "National Prevent-A-Litter Month," the Senate can play a vital role in the campaign to reduce pet overpopulation and alleviate animal suffering.

Mr. President, I ask that this joint resolution be printed in the RECORD.

By Mr. GRASSLEY:

S.J. Res. 231. Joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week"; to the Committee on the Judiciary.

STATE-SUPPORTED HOMES FOR VETERANS WEEK

● Mr. GRASSLEY. Mr. President, today I am introducing a bill to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week."

State-supported veterans homes provide critically important assistance to veterans and their families, and will continue to do so for the foreseeable future. At least 36 States have established a total of 58 State-supported homes for veterans.

Across the country, State-supported veterans homes are a cost-effective way to provide long-term health care for the ever-increasing number of older veterans in the country. The veterans home program represents a cost-effective partnership between the Federal Government, the States, and the residents of the homes.

I learned about the wonderful work that State veterans homes do from watching, over many years, the evolution of the Iowa State Veterans Home at Marshalltown.

The Marshalltown home has been doing marvelous work for Iowa veterans for almost 102 years. It was founded in 1867 by the 21st General Assembly of Iowa. Last year, it celebrated its centeniary.

With 795 residents and 830 beds, and a staff of 866, including full- and part-time people, the Marshalltown home is the third largest such home in the country. The total budget is $28.2 million, of which the State government pays slightly more than 50 percent.

The Marshalltown facility has three levels of care. It has 26 infirmary beds,

691 nursing care beds, and 113 domiciliary care beds. A year or two ago the Marshalltown home started in the nursing home section an Alzheimer's disease unit of 37 beds.

The focus of programs at Marshalltown is on rehabilitation, on getting each resident to his or her maximum level of functioning. Mr. President, one only has to walk through the facility to see veterans with high morale, to see veterans all around engaged in life-enhancing activities.

Mr. President, I believe that the State veterans homes are doing a magnificent job of caring for our veterans and, therefore, a bill commemorating and celebrating the job they are doing is in order.●

ADDITIONAL COSPONSORS

S. 110

At the request of Mr. KENNEDY, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 110, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 269

At the request of Mr. RIEGLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 269, a bill to prohibit the disposal of solid waste in any State other than the State in which the waste was generated.

S. 434

At the request of Mr. REID, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 520

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 520, a bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances to volunteers working on behalf of nonprofit organizations and governmental entities.

S. 672

At the request of Mr. HEINZ, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 672, a bill to increase and extend the authorization of appropriations for highway bridge replacement and rehabilitation, and for other purposes.

S. 714

At the request of Mr. MCCLURE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 714, a bill to extend the authorization of the Water Resources Research Act of 1984 through the end of fiscal year 1993.

S. 727

At the request of Mr. HEFLIN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 727, a bill to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts.

S. 849

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

At the request of Mr. BURNS, his name was added as a cosponsor of S. 849, supra.

S. 1150

At the request of Mr. CONRAD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1150, a bill to provide for the payment by the Secretary of the Interior of undedicated receipts into the Refuge Revenue Sharing Fund.

S. 1181

At the request of Mr. HEINZ, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 1181, a bill to amend the Solid Waste Disposal Act to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such oil, and for other purposes.

S. 1384

At the request of Mr. DASCHLE, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1606

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1606, a bill to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and who are from disadvantaged backgrounds, and for other purposes.

S. 1610

At the request of Mr. WILSON, his name was added as a cosponsor of S. 1610, a bill to develop a program to determine potential impacts of climate on agriculture and forestry, to provide for the development of policies designed to address issues of potential climate change, with respect both to developing a capacity for agriculture and forestry to adapt to climate change, and to developing innovative ways to ameliorate climate change, and for other purposes.

S. 1624

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. FOWLER], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 1624, a bill to grant a Federal charter to the National Association of Women Veterans, Inc.

S. 1630

At the request of Mr. BAUCUS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

S. 1651

At the request of Mr. MCCAIN, the names of the Senator from Georgia [Mr. NUNN], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1651, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States Organization.

S. 1653

At the request of Mr. BAUCUS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1653, a bill to preserve the solvency of the railroad retirement system.

At the request of Mr. HEINZ, the names of the Senator from Vermont [Mr. JEFFORDS], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1653, supra.

S. 1769

At the request of Mr. MATSUNAGA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1769, a bill to amend title XIX of the Social Security Act to require nursing facilities participating in the medicaid program to pay, on a phased-in basis, nursing personnel at a rate at least equal to the mean rate paid nursing personnel employed outside nursing facilities.

S. 1782

At the request of Mr. KENNEDY, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 1782, a bill to amend the Public Health Service Act to provide for the establishment of an AIDS treatment assistance program for low income individuals, and for other purposes.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961

to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1853

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1858

At the request of Mrs. KASSEBAUM, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1858, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 1876

At the request of Mr. KOHL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1876, a bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for the costs of small businesses in providing accessibility for disabled individuals.

S. 1890

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

SENATE JOINT RESOLUTION 214

At the request of Mr. THURMOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 214, a joint resolution to express the sense of the Congress regarding the removal of offensive sexual material from television broadcasting.

SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the names of the Senator from Kansas [Mr. DOLE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to designate March 11, through March 17, 1990, as "Deaf Awareness Week".

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. SASSER, his name was added as a cosponsor of Senate Concurrent Resolution 49, a concurrent resolution to express the sense of the Congress that the States should retain authority to regulate alcohol beverages.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. MOYNIHAN, the names of the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. ADAMS], the Senator from Utah [Mr. HATCH], the Senator from Maryland [Ms. MIKULSKI], the Senator from Georgia [Mr. FOWLER], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 73, a concurrent resolution to express the support of the Congress for the courageous people of Columbia.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. ROTH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], the Senator from Oklahoma [Mr. NICKLES], the Senator from Texas [Mr. GRAMM], the Senator from Idaho [Mr. SYMMS], the Senator from Mississippi [Mr. LOTT], the Senator from Alaska [Mr. STEVENS], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Concurrent Resolution 78, a concurrent resolution expressing the sense of the Congress relating to the conference committee action on the reform of the Medicare Catastrophic Coverage Act of 1988.

SENATE RESOLUTION 211

At the request of Mr. ADAMS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Resolution 211, a resolution to commend the Government of Hong Kong on its commitment to halting software piracy.

SENATE RESOLUTION 214—CALLING FOR THE OFFERING OF A REWARD FOR THE ARREST OF INDIVIDUALS RESPONSIBLE FOR THE BOMBING OF THE VEHICLE OF SHARON ROGERS

Mr. SPECTER (for himself, Mr. BOREN, Mr. COHEN, Mr. CRANSTON, Mr. D'AMATO, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. KERRY, Mr. LIEBERMAN, and Mr. WILSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 214

Whereas Sharon Rogers, the wife of Captain Will Rogers III who was the captain of the U.S.S. *Vincennes,* was a probable victim of a terrorist attack on March 10, 1989, when her car was bombed;

Whereas this incident was a direct assault on American citizens in the United States and endangered the lives of innocent civilians;

Whereas the La Jolla Country Day School had received a bomb threat from an unidentified individual;

Whereas after such bombing, the La Jolla Country Day School terminated the employment of Sharon Rogers to teach at such school;

Whereas the bombing seriously disrupted the lives of the Rogers and the students, parents and teachers of the La Jolla Country Day School, where Sharon Rogers was employed;

Whereas chapter 204 of title 18 of the United States Code permits the Attorney General to provide rewards to any individual who furnishes information that leads to the arrest or conviction of an individual who commits an act of terrorism; and

Whereas the United States should confront the terrorist threat posed to the citizens of the United States and to United States military personnel, and the relatives of such personnel, and protect the rights of such citizens: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That, the Attorney General, pursuant to chapter 204 of title 18, United States Code, should offer a $100,000 reward to any individual who furnishes information that leads to the arrest or conviction, in any country, of any individual or individuals found to—

(1) have conspired or committed the bombing of Sharon Rogers' van; or

(2) have conspired or made the bomb threats against the La Jolla Country Day School.

Mr. SPECTER. Mr. President, in a May 1, 1989 floor statement, I noted the sad state of affairs which followed the terrorist bombing of the vehicle of Sharon Rogers. Mrs. Rogers is the wife of the former commanding officer of the U.S.S. *Vincennes* which mistakenly downed a misidentified Iranian airliner.

But the bombing of Sharon Rogers' van was not a mistake of misidentification.

It was premeditated and carefully calculated. According to a news interview reported as recently as November 9, 1989, FBI Direcor William Sessions said that the FBI is still pursuing the case as an act of terrorism. If this is so, the motive is clearly one of revenge against Captain Rogers. Shortly after the airliner was shot down, Mrs. Rogers received a threatening phone call from a caller with a Middle East accent.

After her van was bombed on March 10, a group calling itself the Guardians of the Islamic Revolution called a Los Angeles radio station claiming responsibility. The FBI is still investigating. But so far there is no proof because information on the incident has been drying up.

Terrorism experts speculate that the late Ayatollah Khomeini's death sentence on author Salmon Rushdie may have set off a more general thirst for retaliation against the West and Captain Rogers, in particular, by Muslim fundamentalists in the United States. This is entirely plausible in view of the fact that the FBI has testified that there are several hundred hardcore Iranian militants remaining in the United States who are capable of such action.

But, as sad and as nearly fatal as that act was, there may have been an equally damaging consequence not only for Sharon Rogers, but for all Americans. For, following that near-fatal event, Sharon Rogers ultimately lost her teaching job, and as I under-

stand it, her school also received a bomb threat. We have been spared the ravages of terrorism inflicted upon Americans abroad. But, when one act is perpetrated in the United States, we retreat. Is this the message we want to send to terrorists, that there is an easy way to win with terrorism? These events have stirred considerable debate in San Diego. But, they have not led to a solving of the van bombing and the threat to the school. More public awareness and more information is needed.

I have been working to increase this public awareness. I have urged inclusion of $100,000 in the fiscal year 1990 Commerce, Justice, State, the Judiciary and related agencies appropriations bills as reward funding for information regarding acts of terrorism in this country. On October 20, 1989, the Congress gave final approval to that appropriation.

I am joined in introducing this resolution by Senators BOREN, COHEN, CRANSTON, D'AMATO, HATCH, HELMS, HOLLINGS, JOHN KERRY, LIEBERMAN and WILSON. Today, I am calling upon our other colleagues to join us in expressing concern for what has happened and on a sense of the Senate resolution. That resolution calls on the Attorney General to offer this $100,000 as a reward for any information leading to the arrest and conviction of any individual found to have conspired or committed the bombing of Sharon Rogers' van or who may have threatened the LaJolla Country Day School.

SENATE RESOLUTION 215—COMMENDING JEAN-PIERRE HOCKE, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Mr. KENNEDY (for himself, Mr. PELL, Mr. SIMPSON, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 215

Whereas Jean-Pierre Hocké of Switzerland has served the cause of peace and relief around the world for more than 20 years, including until recently by serving as the United Nations High Commissioner for Refugees;

Whereas Jean-Pierre Hocké, as Director of Operations for the International Committee of the Red Cross, worked tirelessly to protect the rights and safety of prisoners of war, political detainees and refugees, including famine relief in Nigeria and Biafra in 1969–1970, assistance to prisoners and refugees on Cyprus in 1974, and the release and protection of soldiers from the Soviet Union in Afghanistan, among many other humanitarian assignments for the Red Cross;

Whereas Jean-Pierre Hocké, as United Nations High Commissioner for Refugees from 1985–1989, brought new hope and assistance to millions of refugees in Africa, Asia, and Latin America, strengthening the High Commission's field operations and programs, particularly humanitarian efforts on behalf of African refugees; and

Whereas throughout his career Jean-Pierre Hocké has exemplified selfless service to humanity and displayed the highest qualities of dedication, integrity, and rectitude: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude for the distinguished service that Jean-Pierre Hocké has rendered on behalf of the most needy around the world: refugees, displaced persons, political prisoners, and prisoners of war; and

(2) expresses its appreciation for the selfless humanitarian service of thousands of his colleagues serving in the Office of the United Nations High Commissioner for Refugees and with the International Committee of the Red Cross in every region of the world.

SENATE RESOLUTION 216—RELATING TO INTERSTATE AGREEMENTS ON HAZARDOUS WASTE

Mr. SHELBY submitted the following resolution; which was considered and agreed to:

S. RES. 216

Resolved, That it is the sense of the Senate that the States should negotiate among themselves and enter into interstate agreements to govern the management of hazardous waste generated within their borders, including agreements for the purpose of accomplishing the objectives of section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

AMENDMENTS SUBMITTED

MINORITY AND DISADVANTAGED INDIVIDUALS HEALTH CARE

HATCH AMENDMENT NO. 1184

Mr. BURNS (for Mr. HATCH) proposed an amendment to the bill (S. 1606) to amend the Public Health Service Act to improve the health of individuals who are members of minority groups and who are from disadvantaged backgrounds, and for other purposes, as follows:

At the end of the bill, add the following new title:

TITLE —IMPROVING THE HEALTH OF MOTHERS AND THEIR BABIES

SEC. 01. COORDINATION OF PRENATAL CARE PROGRAMS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) (as amended in this Act) is further amended by adding at the end thereof the following new section:

"SEC. 1711. COORDINATION OF PRENATAL CARE PROGRAMS.

"(a) IN GENERAL.—The Secretary shall establish a program to make grants to States who establish procedures to coordinate assistance provided through Federal and State prenatal care programs.

"(b) APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application at such time, in such form, and containing such information as the Secretary shall prescribe.

"(c) COORDINATION.—The assistance provided through various programs that shall be coordinated by States that receive grants under this section shall include—

"(1) assistance provided under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(2) assistance provided under title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(3) assistance provided under title V of the Social Security Act (42 U.S.C. 701 et seq.);

"(4) assistance provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(5) assistance provided under subpart I of part D of title III of this Act; and

"(6) assistance provided through other Federal or State programs that is targeted at reducing infant mortality.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this section, $5,000,000 for each of the fiscal years 1990 through 1992.".

PROTECTION OF ANIMAL RESEARCH FACILITIES

HEFLIN AMENDMENT NO. 1185

Mr. KERREY (for Mr. HEFLIN) proposed an amendment to the bill (S. 727) to amend the Animal Welfare Act to provide protection to animal research facilities from illegal acts, as follows:

Strike all after the enacting clause and insert the following:

Title XVII of the Food Security Act of 1985 (99 Stat. 1354 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle H—Animal Research Facilities

"SHORT TITLE

"SEC. 1781. This subtitle may be cited as the "Animal Research Facilities Protection Act of 1989".

"FINDINGS

"SEC. 1782. Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"PROHIBITED ACTS

"SEC. 1783. (a)(1) It shall be unlawful for any person—

"(A) to steal, cause the unauthorized release or the intentional loss of any animal from a research facility;

"(B) to damage, vandalize, or steal any property in or on a research facility;

"(C) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(D) to receive, conceal, or retain any material, equipment, or animals of any research facility, knowing them to have been stolen or converted; or

"(E) to enter, obtain access, or remain on a research facility with the intent to commit an act prohibited under this subsection.

"(2) It shall be a defense to any provision under this subsection that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their offical duties, or such person is acting under the authority of a law enforcement official and such action is within the scope of the law enforcement officials.

"PENALTIES

"SEC. 1784. (a) Any person who violates any provision of section 1783 shall be subject to a fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation. If such violation causes harm to person or property and is willful and malicious then such person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both for each such violation. If as a result of such violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b)(1) The United States District Court of the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 1782.

"(2) Any person convicted of such violation shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"COURT JURISDICTION

"SEC. 1785. The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this section, and shall have jurisdiction in all other kinds of cases arising under this section.

"PRIVATE RIGHT OF ACTION

"SEC. 1786. (a) Any research facility injured in its business or property by reason of a violation of this Act may recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this section.

"(b) Nothing in this Act shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this section. Paragraph (1) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of subsection (a).

"STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES

"SEC. 1787. (a) The Secretary of Agriculture and the Attorney General of the United States shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research, production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) Not later than 1 year after the date of enactment of this subtitle, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a) together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"EFFECT ON FEDERAL AND STATE LAWS

"SEC. 1788. Nothing in this subtitle shall be construed to affect or preempt any Federal or State law or regulation.".

GLOBAL CLIMATE CHANGE PREVENTION ACT OF 1989

DASCHLE-BOND AMENDMENT NO. 1186

Mr. KERREY (for Mr. DASCHLE and Mr. BOND) proposed an amendment to the bill (S. 1610) to develop a program to determine potential impacts of climate change on agriculture and forestry, to provide for the development of policies designed to address issues of potential climate change, with respect both to developing a capacity for agriculture and forestry to adapt to climate change and to developing innovative ways to ameliorate climate change, and for other purposes, as follows:

On page 3, beginning with "office" on line 16, strike out all through line 19 and insert in lieu thereof the following: "Department of Agriculture the Office of Climate Change (hereinafter referred to as the 'Office'). The Secretary shall designate the Assistant Secretary responsible for departmental coordination of climate change activities to administer the Office. The Director of the Office shall be appointed by and report to the designated Assistant Secretary.".

On page 3, line 23, immediately after "search,", insert "extension, technology transfer,".

On page 4, line 20, immediately after "climatology", insert "and agricultural economics and rural sociology".

On page 5, line 5, immediately after "activities", insert a comma and "including the United States global change research program".

On page 5, line 16, delete "and".

On page 5, strike out line 24 and insert in lieu thereof the following: "quest; and".

On page 5, after line 24, add the following:

"(9) coordinating research, education, extension, and technology transfer activities of the Department of Agriculture related to climate change issues.".

On page 23, line 18, immediately after "the" insert "Committee on Earth Sciences, particularly including the".

On page 24, line 13, immediately after "the", insert "Committee on Earth Sciences, including the".

On page 26, line 13, beginning with the period, strike out all through line 17 and insert in lieu thereof a semicolon.

On page 28, line 18, beginning with the second comma, strike out all through the comma on line 20.

On page 29, after line 21, add the following:

(c) The Secretary will undertake the activities identified in subsection (b) in Agency for International Development-assisted countries only at the request of or with the concurrence of the Administrator of the Agency for International Development.

On page 44, between lines 20 and 21, insert the following:

"(a) PURPOSE.—(1) This section is designed to enhance the number of acres planted to trees, to help pay the costs of maintaining the trees, including such activities as cultivating and watering trees during the first four years of the contract."

On page 44, line 21, immediately before "The", insert "(2)".

On page 44, line 25, beginning with the first comma, strike out all through line 4 on page 45, and insert in lieu thereof a period and the following:

"(b) The measures referred to in subsection (a) shall include, but not be limited to—

"(1) CONVERSION TO TREES.—

"(A) ELIGIBILITY.—In order to offset the environmental effects of burning fossil fuels, improve wildlife habitat, and to ameliorate potential climate change, the Secretary shall offer owners or operators who have entered into contracts under the Conservation Reserve Program the option of converting acres entered into the program from grass to trees.

"(B) PAYMENTS.—In making payments to an owner or operator for converting acres entered into the program from grass to trees, the Secretary shall pay—

"(i) 50 percent of the cost of establishing trees on these acres, unless these acres qualify for higher cost-sharing payments under clause (ii); and

"(ii) 75 percent of the cost of establishing hardwood trees on these acres.

"(C) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

"(i) IN GENERAL.—The Secretary shall encourage owners and operators of converted acres, as referred to in paragraph (B) to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees on converted acres.

"(ii) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator under paragraph (1)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees on converted acres.

"(D) CONTRACT EXTENSIONS.—A program participant currently in the program who converts land not now into hardwood trees, shall be eligible for a contract extension of up to 5 years at the option of the program participant.

"(2) SHELTERBELTS, WINDBREAKS, AND WILDLIFE CORRIDORS.—

"(A) ELIGIBILITY.—In order to prevent soil erosion, improve wildlife habitat, and to ameliorate potential climate change, the Secretary may make cropland devoted to a

shelterbelt, windbreak, or wildlife corridor eligible to be placed in the Conservation Reserve Program, regardless of the soil erosion classification of such cropland.

"(B) PAYMENTS.—In making payments to an owner or operator for cropland devoted to a shelterbelt, windbreak, or wildlife corridor under a contract entered into under this provision, the Secretary shall pay—

"(i) 50 percent of the cost establishment shelterbelts, windbreaks, or wildlife corridors (as set forth in such contract), unless the cropland qualifies for higher cost-sharing payments under clause (ii);

"(ii) 75 percent of the cost of establishing hardwood shelterbelts, windbreaks, or wildlife corridors.

"(C) AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES.—

"(i) IN GENERAL.—The Secretary shall encourage owners and operators of cropland to enter into agreements with Federal and State forestry and soil conservation agencies to provide for the planting, cultivating, and watering of trees in shelterbelts, windbreaks, or wildlife corridors.

"(iii) COST-SHARE PAYMENTS.—The amount of any cost-sharing payments received by an owner or operator under paragraph (1)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator from a Federal or State forestry or soil conservation agency for the planting, cultivation, and watering of trees in shelterbelts, windbreaks, or wildlife corridors.

"(3) Continuous signup for tree planting; and

"(4) 10- to 15-year contracts, at the option of the producer, for current or future program participants, for hardwood tree planting.

"On page 45, before line 5, insert the following:

"SEC. 252. CONSERVATION RESERVE PROGRAM.

"(a) FINDINGS.—Congress finds that—

"(1) the Conservation Reserve Program established under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) has been successful in reducing soil erosion on farms and ranches by taking more than 30 million acres out of production;

"(2) the Conservation Reserve Program has reduced soil loss, improved wildlife habitat, and enhanced water resources on farms and ranches;

"(3) tree production is a vital component of the Conservation Reserve Program because trees are aesthetically pleasing and provide important benefits to both the environment and wildlife;

"(4) the goal of the Conservation Reserve Program, as referred to in section 1232(c) of such Act (16 U.S.C. 3832(c)), is to devote not less than one eighth of the number of acres of land that is placed in the conservation reserve to trees but only 6.4 percent of such acres are planted to trees; and

"(5) modifications to the Conservation Reserve Program are necessary if the tree planting goal referred to in paragraph (4) is to be achieved.

"(b) ENROLLMENT OF LAND.—

"(1) CONSERVATION RESERVE PROGRAM.—Notwithstanding part 704.2(a)(1) of title 7 of the Code of Federal Regulations, the Secretary may allow land that has been cropped in 2 of the years between 1981 and 1988 to enroll in Conservation Reserve Program, if such land is planted to trees.

"(2) PERMISSION TO PLANT CROPS.—

"(A) IN GENERAL.—The Secretary of Agriculture may permit owners and operators to plant crops on land that is subject to subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 1211 et seq.) and subtitle D of such Act (16 U.S.C. 3831 et seq.) for a period of time to be determined by such Secretary, if such land is to be planted to hardwood trees.

"(B) CANCELLATION.—The Secretary of Agriculture shall cancel rental payments for such owner or operator during such period.

"(3) ACCEPTANCE OF BIDS.—

"(A) IN GENERAL.—The Secretary may accept bids on cropland of up to 10 percent over the Maximum Acceptable County Rental Rate, as established by the Agricultural Stabilization and Conservation office operating in the area where such cropland is located, if such cropland is planted to hardwood trees under title XII of the Food Security Act of 1985 (16 U.S.C. 3801).

"(B) PAYMENTS TO PRODUCERS.—The differential in bids, as referred to in paragraph (3)(A), shall be available to eligible producers in the form of two lump-sum payments to be paid along with the final two annual rental payments of the contract period.

"(C) INSPECTION.—The Secretary shall take any necessary action to ensure that trees planted under subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) are maintained throughout the contract period. Such action may include an inspection of such trees at, or near, the end of the contract period.

"(D) PENALTY.—Any producer who fails to provide adequate maintenance on trees planted under this section, as determined by the Secretary, shall forfeit any differential in bids as referred to in paragraph (3)(A) due under subparagraph (B) in addition to any other penalties assessed under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(4) EDUCATION AND TECHNICAL ASSISTANCE.—The Secretary shall ensure that producers who plant trees under subtitle D of the Food Security Act of 1985 (16 U.S.C. 3838 et. seq.) have access to appropriate educational and technical assistance to minimize the risk of damage or loss to such trees."

FOOD SECURITY ACT AMENDMENTS

LEAHY AMENDMENT NO. 1187

Mr. KERREY (for Mr. LEAHY) proposed an amendment to the bill (H.R. 3620) to clarify the Food Security Act of 1985, as follows:

On page 1, strike "subparagraph 1001(5)(D)" and insert "section 1001(5)(D)".

On page 2, line 23, strike "paragraph (2)" and insert "paragraph (1) or (2)".

On page 3, line 5, strike "subparagraph 1001(5)(D)" and insert "section 1001(5)(D)".

On page 3, line 13, strike "paragraph (2)" and insert "paragraph (1) or (2)".

On page 3, line 19, strike "Secretary" and insert "Secretary of Agriculture".

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, FISCAL YEAR 1990

LEAHY (AND OTHERS) AMENDMENT NO. 1188

Mr. LEAHY (for himself, Mr. HATFIELD, Mr. HARKIN, Mr. KERRY, Mr. INOUYE, Mr. PELL, Mr. MOYNIHAN, Mr. CRANSTON, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LEVIN, Mr. SIMON, Mr. RIEGLE, Mr. ADAMS, Mr. KOHL, Mr. DASCHLE, Mr. KENNEDY, Mr. WIRTH, Mr. CONRAD, and Mr. METZENBAUM) proposed an amendment to the bill (H.R. 3743) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990, and for other purposes; as follows:

On page 168, after line 6, insert:

SEC. 599J. Not more than 70 percent of the amount available in this Act for fiscal year 1990 for military assistance for El Salvador under chapter 5 of part II of the Foreign Assistance Act of 1961 and under section 23 of the Arms Export Control Act, may be obligated until the President reports to the Committees on Appropriations of the House and Senate that Salvadoran authorities have substantially concluded all investigative actions in the case and apprehended and brought to trial those responsible for ordering and carrying out the November 16, 1989, murders of Father Ignacio Ellacuria; Father Ignacio Martin Baro; Father Segundo Montes; Father Amando Lopez; Father Joaquin Lopez y Lopez; Father Juan Ramon Moreno; Julia Elba Ramos; and Celina Ramos.

PROTECTION OF UNBORN CHILDREN AND OTHER PURPOSES

McCONNELL AMENDMENT NO. 1189

(Ordered referred to the Committee on the Judiciary.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 3) proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons, as follows:

On page 2, line 12, insert before the period the following: ", or such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or a public health service".

Mr. McCONNELL. Mr. President, the Supreme Court decision in Webster versus Reproductive Health Services has prompted many Americans to reconsider the issues surrounding abortion. I have spent a great deal of time thinking about it and talking with people in Kentucky about their feelings on this difficult and emotional issue.

I remain strongly committed to the prolife position I have always supported as a U.S. Senator. At the same time, I have given serious thought to the problems facing women who are victims of rape or incest. Consequently, I am introducing an amendment to Senate Joint Resolution 3, of which I am a cosponsor, to include in the proposed constitutional amendment protecting the lives of unborn children, an exception in the case of rape or incest. Where a woman is the victim of rape or incest and becomes pregnant, this presents such an extreme circumstance that not allowing an exception would be the worst of two very difficult alternatives.

On September 26, and again on October 19, I voted for the Labor, HHS appropriations bill containing Federal funding for abortions for poor women and children in the event of rape or incest, or when the life of the mother is in endangered. I simply cannot discriminate against a poor woman who found herself in that tragic situation.

Abortions for rape or incest account for less than 1 percent of all abortions performed. Upon serious reflection, I believe an exception should be allowed for these extreme cases, as I believe it should where the mother's life is in danger.

Again, I remain strongly committed to the prolife position that I have always supported as a U.S. Senator. The 20 million lives lost to abcrtion since Roe versus Wade are a national disgrace. The rape/incest exception is a necessary concession to a harsh reality of life in our society.

FOREIGN OPERATIONS EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, FISCAL YEAR 1990

KASTEN AMENDMENT NO. 1190

Mr. KASTEN proposed an amendment to the bill H.R. 3743, supra, as follows:

On page 132A, strike paragraph (a) of section 582 and insert in lieu the following:

"None of the funds appropriated for assistance by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person pursuant to an agreement under which, as an express condition for receipt of such assistance, the recipient is required to fund or carry out a military or foreign policy activity which is expressly prohibited by a provision of United States law."

NEVADA WILDERNESS ACT

McCLURE AMENDMENT NO. 1191

Mr. HUMPHREY (for Mr. McCLURE), proposed an amendment to the amendment of the House to the bill (S. 974) to designate certain lands in the State of Nevada as wilderness, and for other purposes, as follows:

At the appropriate place, add the following new subsection 8(e):

"(e) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Nevada designated by this Act. Nothing in this Act, nor in any legislative history accompanying this Act related to reserved Federal water rights, shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto."

IMMIGRATION NURSING RELIEF ACT

SIMPSON AMENDMENT NOS. 1192 AND 1193

Mr. HUMPHREY (for Mr. SIMPSON), proposed an amendment to the bill (H.R. 3259) to amend the Immigration and Nationality Act to provide for adjustment of status, without regard to numerical limitations, for certain H-1 nonimmigrant nurses and to establish conditions for the admission, suring a 5-year period, of nurses as temporary workers, as follows:

(1) On page 7, in clause (iii), strike out "in the locality", and insert in lieu therof, "in the geographic area";

(2) Cn page 8, insert at the end of subparagraph (B) the following new sentence: "Nothing herein shall require a facility to take more than one step, if the facility can demonstrate that taking a second step is not reasonable.";

(3) On page 7, in clause (iii), strike out "trained and";

(4) On page 9, in clause (iii), strike out "120" and insert in lieu thereof, "180"; and

(5) On page 9, in clause (iv), insert after "civil monetary penalties" the following: "in an amount not to exceed $1,000 per violation".

SEC. 6. ADDITIONAL USES OF STATE LEGALIZATION IMPACT ASSISTANCE GRANT FUNDS.

(A) IN GENERAL.—Section 204(c) of the Immigration Reform and Control Act of 1986 is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting a comma, and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) to make payments for public education and outreach (including the provision of information to individual applicants) to inform temporary resident aliens regarding—

"(i) the requirements of sections 210, 210A, and 245A of the Immigration and Nationality Act regarding the adjustment of resident status,

"(ii) sources of assistance for such aliens obtaining the adjustment of status described in clause (i), including educational, informational, referral services, and the rights and responsibilities of such aliens and aliens lawfully admitted for permanent residence,

"(iii) the identification of health, employment, and social services, and

"(iv) the importance of identifying oneself as a temporary resident alien to service providers,

except that nothing in this subparagraph may be construed as authorizing the provision of client counseling or any other service which would assume responsibility for the alien's application for the adjustment of status described in clause (i),"

"(E)(i) subject to clause (ii), to make payments for education and outreach efforts by State agencies regarding unfair discrimination in employment practices based on national origin or citizenship status,

"(ii) except that the State agencies shall not initiate such efforts until after such consultation with the Office of the Special Counsel for Unfair Immigration-Related Employment Practices as is appropriate to ensure, to the maximum extent feasible, a uniform program."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(D) Of the amount allotted to a State with respect to any fiscal year, a State may not use more than—

"(i) 1 percent (or, if greater, $100,000) for payments under paragraph (1)(D), and

"(ii) 1 percent (or, if greater, $100,000) for payments under paragraph (1)(E).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to the use of allotments for fiscal years beginning with fiscal year 1989.

PEMIGEWASSET RIVER STUDY ACT

JOHNSTON AMENDMENT NO. 1194

Mr. REID (for Mr. JOHNSTON) proposed an amendment to the bill (S. 1524) to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study as a National Wild and Scenic River; as follows:

On page 2, line 5, strike "( )" and insert in lieu thereof, "(107)".

On page 2, line 12, strike "1276(b)) is" and insert in lieu thereof, "1276(b)), as amended, is further".

On page 2, line 14, strike "( )" and insert in lieu thereof, "(9)".

On page 2, line 17, strike "the Pemigewasset River Study Act of 1989." and insert in lieu thereof, "this paragraph.".

On page 2, line 18, strike all of section 4 and insert in lieu thereof:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

On page 2, lines 8 and 9, strike "Route 104 Bridge in New Hampton;" and insert in lieu thereof, "backwater of the Ayers Island Dam;".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance

be authorized to meet during the session of the Senate on November 20, 1089, at 10 a.m. to hold a hearing on the issue of mass mailings that deceive or mislead senior citizens about matters related to Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on November 20, 1989, at 10 a.m. to hold a hearing on H.R. 3000, the Fastener Quality Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Monday, November 20, 1989, at 11 a.m. to consider the nomination of Gordon Mansfield to be an Assistant Secretary of Housing and Urban Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, November 20, 1989, to consider the nomination of Adis Vila to be Assistant Secretary for Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during session of the Senate Monday, November 20, 1989, at 2 p.m. to conduct hearings on Corporate takeover legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Monday, November 20, 1989, at 2 p.m. to consider the nominations of Susan B. Crawford to be inspector general, Department of Defense and Jerome G. Cooper to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LITTLE BROTHERS—FRIENDS OF THE ELDERLY

● Mr. DIXON. Mr. President, I would like to take this opportunity to commend the good work of the Little Brothers—Friends of the Elderly on their 30th anniversary.

Since their conception on November 20, 1959, in Chicago, the Little Brothers—Friends of the Elderly have worked hard to serve the needs of the elderly. This organization was created to relieve isolation and loneliness, and preserve the well-being of elderly individuals who have no family or other resources to help them.

The Little Brothers—Friends of the Elderly organization should be applauded for their spirit of voluntarism which has touched the lives of thousands of less fortunate Americans over the years. These volunteers respond to the needs of the community by originating and pioneering large-scale programs that are adopted by other organizations. Whether involved in a large program or taking the time out to talk and play cards with a senior citizen these individuals have a direct and valuable impact on the quality of life of elderly Americans.

The good works of this organization have gone beyond the boundary lines of this Nation. As a founding member of the International Federation of Little Brothers of the Poor, Little Brothers—Friends of the Elderly is part of a network of seven countries providing programs and services for the elderly—having been chartered in Chicago in 1959 as the United States arm of countries—including Canada, France, Ireland, Mexico, Morocco, and Spain—serving the needy elderly throughout the world.

I congratulate the Little Brothers—Friends of the Elderly for 30 years of charitable service and I look forward to their continued efforts in assisting the elderly.●

SECOND ANNUAL U.S. CAPITOL POLICE AWARDS CEREMONY

● Mr. HATFIELD. Mr. President, last Wednesday a very important recognition ceremony took place here on the premises we call the Hill. The U.S. Capitol Police Force held its second annual awards ceremony to recognize the achievements of the best and the brightest among the police force.

These men and women deserve mention here on the floor of the Senate because of the dedicated, but often unrecognized work they perform to protect all of us, our staffs, and visitors to the Capitol; to maintain an orderly flow of movement through this vast complex of office buildings; and to handle the innumerable special needs associated with the many special events and ceremonies of state that take place here.

All of the officers who were recognized during the awards ceremony, and their achievements, were listed in the program for the event which was held in the Dirksen Senate Office Building Auditorium. I would like to request that the program booklet be reprinted in its entirety in the CONGRESSIONAL RECORD so that those individuals may have the particular mention in the pages that record our history. For the Capitol Police Force is a significant element of our life here in the Congress.

Thank you, Mr. President.

The program booklet follows:

U.S. CAPITOL POLICE, THE SECOND ANNUAL AWARDS CEREMONY

(Honoring the police officers who serve the Nation's Capitol, November 8, 1989, the Auditorium, room SDG-50, Dirksen Senate Office Building, Washington, DC, 10:30 a.m.)

PROGRAM

Welcome: Frank A. Kerrigan, Chief of the U.S. Capitol Police.

Presentation of Colors: The United States Capitol Police Ceremonial Unit.

The National Anthem: Officer Garland Thompson, Officer Paul B. Singleton, House Division, Ceremonial Unit.

Invocation: Rev. Richard C. Halverson, L.L.D. Chaplain of the U.S. Senate.

Introductions: Harry B. Grevey, Assistant Chief of Police.

Presentation of Awards: Frank A. Kerrigan, Chief of the U.S. Capitol Police.

Closing prayer: Rev. James David Ford, Chaplain, U.S. House of Representatives.

Retirement of Colors: The U.S. Capitol Police Ceremonial Unit.

After the Retirement of Colors, all award recipients and their families are invited to the reception in the Senate Caucus Room located in the Russell Building (Room SR-325).

WELCOME

Welcome to the United States Capitol Police Second Annual Awards Ceremony. Year after year, hundreds of officers serve our nation's Capitol with pride and honor. Their professionalism is marked with patience, dedication and a sense of brotherhood not often found in contemporary society. These officers assist thousands of citizens and visitors day after day and year after year. Without their efforts, our nation's Capitol would be a less safe, less cordial, and less inviting place to visit.

Today we honor a number of these officers for their sense of dedication and achievements. In honoring these officers, we also acknowledge those who daily go about their duties with loyalty, courtesy and that sense of dedication which is the real backbone of every organization. These awards give testimony to not only those who receive them, but to every law-enforcement officer who serves the United States Capitol Police.

With this in mind, let us now stand for the Presentation of Colors.

THE U.S. CAPITOL POLICE SECOND ANNUAL AWARDS CEREMONY

The Career Service Award—25 years

Sergeant Harry R. Campbell, Sergeant John B. Ruffato, Lieutenant Gregory L.

Rozum, Lieutenant Joseph R. Schaap, Captain George B. Carver, Captain Charles T. Kindsvatter, Assistant Chief Harry B. Grevey: Awarded for 25 years of service and dedication to the Department and the Congress of the United States.

Certificate of Appreciation

Officer Allen W. Atkins, Officer Robert M. Hagerty: Awarded for their outstanding performance of duty during an extremely dangerous hostage situation. These officers greatly assisted in the actions which led to the safe escape of the hostage and the apprehension of the suspect.

Officer Clarence R. Blodgett: Awarded for his professionalism, dedication and willingness in accepting the responsibilities of his superior officer while that officer was recuperating from an illness. Officer Blodgett's extraordinary performance during this critical time helped his unit and the three sections involved to function positively and without any backlog of work.

Officer Gayle D. Coletrane: Awarded for her outstanding performance of duty during a serious fire evacuation procedure. Officer Coletrane's exemplary performance ensured the safety of the officers involved and the successful and safe conclusion of the incident. Officer Coletrane's actions were so noteworthy that the audio tape of this incident is being used as a training tape for all U.S.C.P. dispatchers.

Sergeant Michael P. Conway: Awarded for his two-year exemplary performance, positive attitude and cooperation in the development of a sophisticated security system to meet the needs of Congress.

Officer Shirley Bland, Officer Robert E. Casey, Officer Vernon F. Colfack, Officer Bernard George, Jr., Officer Noelle E. O'Donnell, Officer Joanne M. Sayre, Officer Sterling D. Spriggs, Officer William R. Turner, Technician Diane M. Howell, Technician Zara J. Tomlin, Sergeant John J. Delucca, Sergeant Donald L. Flanders, Jr., Sergeant Douglas W. Pippin: Awarded for their outstanding and cohesive performance during a series of demonstrations. These officers handled the processing of over 600 arrestees and made possible the orderly and expeditious success of this operation.

Sergeant Patricia K. Higgs: Awarded for her exemplary preparation of a criminal case which was successfully prosecuted by the U.S. Attorney. Because of Sgt. Higgs' investigative work the defendant entered a guilty plea. The U.S. Attorney congratulated the Department on behalf of Sgt. Higgs for her excellent work in this case.

Officer Rodric J. Myers: Awarded for taking upon himself extraordinary administrative and operational duties during a major demonstration. Officer Myers scheduled personnel for mass arrest assignments and ensured that personnel were utilized in such a manner that the security of the Congress was maintained without interference by demonstrators.

Officer Noelle E. O'Donnell: Awarded for her exemplary and on-going volunteer work. Officer O'Donnell's work on behalf of the Heroes' Fund Drive, the Combined Federal Campaign, and the Capitol Division Picnic and Christmas Party have more than merited her this award.

Detective Joseph Ozag, Jr.: Awarded for his noteworthy and extraordinary perseverance in an undercover intelligence gathering operation that provided the Department with critical information needed for the maintenance of security.

CCTV Operator Guy D. Rinaldi: Awarded for his outstanding observation skills in spotting a suspicious package which resembled a homemade bomb. This incident serves as a benchmark against which all Closed-Cable-Television Operators are measured.

The Administrative Service Award

Sergeant Kenneth M. Allen: Awarded for planning and training the Chamber Details and the First Responder Unit in a Chamber Evacuation Plan. This training enhanced and greatly improved the coordination and effectiveness of these two units.

Mr. Kevin Collins, Sergeant Michael A. Dougherty: Awarded for automating the Building Patrol Report. The implementation of this program has saved the Department countless manhours.

Officer Richard E. Wolford, Lieutenant Raymond L. Carson, Inspector James G. Dameron: Awarded for organizing and coordinating the 1989 Presidential Inaugural making it one of the best planned of all inaugurals.

Sergeant William H. Emory: Awarded for his administrative contributions which have enhanced the effectiveness of the IAD by reducing a case backlog.

Captain Ronald F. Reginaldi, Inspector Robert R. Howe: Awarded for their supervisory control during a series of demonstrations. Their initiative contributed significantly towards improving the processing of a large number of prisoners.

Sergeant Michael A. Jarboe: Awarded for his superior performance during the same series of demonstrations. His work in intelligence gathering helped to minimize any negative affects on the Congress during a very critical period.

Sergeant Charles S. Karadimos: Awarded for his assistance in developing the First Responder Unit into a professional and highly trained unit. Through the development and implementation of new training techniques, Sgt. Karadimos improved the effectiveness of this unit.

Certificate of Commendations

SERGEANT PHILIP P. D'AMBROSIO: Awarded for his outstanding, effective leadership and presence of mind during a volatile situation. His actions and professionalism led to the capture of a suspect who had taken an officer hostage.

DETECTIVE JOHN W. EUILL, DETECTIVE RICHARD LOPEZ, DETECTIVE ELROY SHOOK, DETECTIVE JAMES A. SMITH, SERGEANT DAVID F. CALLAWAY: Awarded for their excellent and coordinated police work that led to the capture of three armed suspects wanted in New York for armed robbery and kidnaping.

SERGEANT THOMAS J. GALIFARO, JR.: Awarded for his immediate diagnoses and emergency treatment of a citizen suffering from life-threatening shock because of an allergic reaction. The citizen said, "Sgt. Galifaro's expertise allowed me to survive my life-threatening situation."

OFFICER YANCEY H. GARNER: Awarded for his excellent and immediate response to a "Flash Look-Out." Officer Garner apprehended and arrested a dangerous suspect who was carrying a handgun, two knives, a slapjack and a large amount of drugs.

OFFICER GUILLERMO MORALES, SERGEANT CHRISTOPHER M. GIVENS: Awarded for their efforts in the protection of life and property during a fire on the fourth floor of the Cannon House Office Building. These officers climbed out on a narrow ledge with a fire extinguisher to fight the source of the fire located in an outside window frame.

SERGEANT MICHAEL W. HAYS: Awarded for his excellent tactical, supervisory and resource management skills that resulted in the arrest of four suspects and the largest narcotics recovery in the history of the Department. This eight month investigation exposed an interstate narcotics ring for a DEA follow-up investigation.

OFFICER PAUL Z. HERRMAN: Recognized that a stopped stolen car was also wanted by the MPD in connection with a murder. The two suspects arrested subsequently confessed to murdering the owner of the stolen vehicle.

OFFICER AUDREY Y. JORDAN: Awarded for her life-saving response to a child who was choking due to candy being stuck in his throat. Officer Jordan's quick and decisive action, in all likelihood, saved the child's life.

LIEUTENANT PATRICK J. KERRIGAN: Awarded for his exemplary leadership in a life threatening situation during which time an officer was taken hostage.

OFFICER JOHN D. KURTZ, IV, OFFICER GUILLERMO MORALES, OFFICER ROBERT C. TURNER: Awarded for their prompt, professional, and tenacious attempt to save the life of a Congressman who had suffered an apparent heart attack. Unfortunately the victim died, but the efforts of these three officers were extraordinary.

DETECTIVE JOSEPH OZAG, JR.: Awarded for his exemplary actions during a fire insuring that a deaf congressional employee had reached safety. Detective Ozag, because of his concern for this citizen's safety, was the last to leave the smoke-filled hallways.

OFFICER RENEE C. RIDDICK: Awarded for her contribution to a narcotics investigation that led to the arrest of a "crack" dealer. Her contribution was exceptional in that Officer Riddick at the time was a Security Aide with little law enforcement training.

OFFICER RAYMOND E. RIVET: Awarded for the off-duty arrest of an armed and dangerous suspect who threatened officer Rivet by pointing a gun at him. Officer Rivet demonstrated exemplary professionalism in the apprehension of this suspect.

OFFICER MCKINLEY WHITE: Awarded for his exceptional undercover work that extended over an eight month period. Officer White's work resulted in the arrest of four individuals and the largest seizure of a controlled substance in the history of the Drug Enforcement Section.

The Police Service Award

SERGEANT PAUL J. JOHNSON: Sergeant Paul J. Johnson of the United States Park Police was assisting the members of our Protective Services Bureau during a memorial service commemorating former U.S. Senator Robert F. Kennedy. While giving support to the U.S. Capitol Police, Sgt. Johnson was struck by a vehicle traveling at a high rate of speed. He suffered serious injuries because of this incident. The U.S.C.P. appreciates Sgt. Johnson's efforts and cooperation in giving this Department a "helping hand." His helping this Department carry out its mission is a noteworthy example of the ongoing cooperation between our two Departments. The Police Service Award is gratefully presented to Sgt. Johnson for his support to this Department.

The Meritorious Award

DETECTIVE RAYMOND E. EATON, SERGEANT MICHAEL P. CONWAY: Awarded for their professionalism and perseverance in the removal of 1½ pounds of high strength explosives from a residence that was searched in connection with a bank robbery and homicide investigation. These two individuals handled and removed sensitive and deteriorated ex-

plosives that could have been detonated by any spontaneous movement.

DETECTIVE JOSEPH M. DEPALMA: Awarded for his extraordinary perseverance and excellent police work that culminated in the arrest of three suspects wanted in New York for armed robbery. Detective DePalma's patience and surveillance of a suspicious vehicle evolved into a detailed police operation involving the talents of many U.S.C.P. officers. Two suspects were arrested in crowded Union Station before they knew they had been recognized as fugitives.

DETECTIVE BILLY R. FRYE: Awarded for his extraordinary diligence in the protection of life and property while assigned to the Republican Issues Conference in Houston, Texas. During this assignment, Detective Frye responded to an area where a device resembling a pipe bomb was discovered. Without regard for his own safety, he carried this device down six flights of stairs where it was then transported to a safe area for closer examination.

OFFICER STEPHEN J. HEANEY, OFFICER KURTIS J. TIMMER: Awarded for their exemplary actions during a stressful and dangerous hostage incident. The actions of these officers contributed greatly to the safe escape of the hostage and the apprehension of the suspect, all without any serious injury to those involved.

K-9 HANDLER THOMAS P. PISHOCK: Awarded for his extraordinary diligence and perserverance in tracking and apprehending an armed suspect who had taken a police officer hostage. Officer Pishock and his K-9 dog Feger, entered a wooded area knowing that the suspect was armed and apprehended him without incident.

OFFICER VIRGIL L. VANFLEET: Awarded for his assistance to two police officers who had been attacked and injured. The suspect was trying to grab one of the officer's service revolver. He was shouting "I'm going to kill you." Officer Vanfleet subdued the suspect after an intense struggle; the suspect appeared to be under the influence of a drug and was virtually impervious to pain. According to the MPD officers, Officer Vanfleet's actions saved their lives.

The Valor Award

DETECTIVE NETTIE B. JOHNSON: Awarded for her exemplary dedication and performance while working with MPD's Special Emphasis Task Force. Officer Johnson infiltrated a major narcotics organization and often placed her life in great danger. Because of her excellent detective work, two major cocaine distributors were arrested, several others were identified, and much information was gathered about the distribution of cocaine in the Washington, D.C. area.

THE AWARDS

Career Service Award—Given at 10, 20, 25, and 30 years of service provided that service has not taken been by more than a 30 day period.

Certificate of Appreciation —Presented for any single or multiple acts or occasion(s) of outstanding administrative or operational performance of duty, where an employee's efforts are noteworthy of recognition in that the employee's attitude and conduct promotes a positive image within and without the Department. That attitude and conduct must exceed the attitude and conduct of even a better-than-average-employee who carries out his assigned duties in a satisfactory manner.

The Administrative Service Award—Presented to one or more employees who have made an administrative contribution which has significantly enhanced the effectiveness of a given Department operation. This administrative contribution must be of such a nature that its conception or implementation greatly depended upon the creativity or efforts of the nominee.

Certificate of Commendation—Presented for outstanding performance in the apprehension of a criminal, prevention of crime, or the protection of life and property.

Police Service Award—Presented to one or more citizens who assist the Department in the prevention of crime, the apprehension of a criminal, rendering aid in an emergency or medical situation, or for other notable support of the Department.

Meritorious Award—Presented for services rendered, in the line of duty, which illustrate extraordinary perseverance, dedication and diligence in criminal apprehension or arrest, or in the protection of life or property.

Valor Award—The highest award bestowed by the Department and awarded only in exceptional cases where a hazardous duty is performed by a member who is in actual and immediate danger and who nevertheless risks life and limb to perform the hazardous act. The act shall be of such an extraordinary nature that, without such an act, the loss of life, limb or property would be highly probable.●

CALL TO CONSCIENCE

● Mr. WIRTH. Mr. President, in recent months we have witnessed several positive changes in the Soviet Union's position on human rights. Under Mr. Gorbachev's leadership, the Soviet Union has shown an increased commitment to its citizens, and a greater responsiveness to their demands for personal freedom.

For example, in the month of September, 8,444 Soviet Jews emigrated from the U.S.S.R—an increase of nearly 2,000 emigrants from the previous month, and the highest monthly figure on record. These advances in the area of human rights are promising. But, in our rush to applaud such progress, we must not lose sight of obligations yet unfulfilled. Hundreds of Soviet Jews and other citizens who wish to emigrate remain in the Soviet Union, having been denied exit visas under restrictions which the Soviet Union has previously pledged to eliminate.

Among those waiting are Mark Bernstein and his wife Mary. Mr. Bernstein is what is referred to as a "poor relative." Poor relatives are people who are barred from even applying to emigrate because they cannot obtain the necessary financial waivers from their relatives. The Soviets maintain that this stipulation is designed to protect family members to whom the emigre may have a financial obligation. In effect, however, this regulation gives the Soviets yet another way to control the movement and freedom of its citizens. Oftentimes, however, poor relatives are refused emigration visas for reasons other than financial obligation. Relatives sometimes refuse to sign the waiver for far of retribution by Soviet authorities, or simply because they do not maintain good relations with the family member in question.

In the case of Mark Bernstein, the reason he is unable to leave the Soviet Union has more to do with personal conflict than with legitimate financial claims. Mark Bernstein has been estranged from his in-laws since they bitterly opposed his marriage to their daughter, Mary, 20 years ago. Yet, under current Soviet policy, Mark and Mary are dependent upon their inlaws to secure permission to emigrate. This practice should end.

As a signatory to the Universal Declaration of Human Rights, the Helsinki accords, and the Vienna concluding document, the Soviet Union obliged itself to eliminate all remaining restrictions on emigration. But, the fact that the Bernsteins and others remain in the Soviet Union clearly indicates that further steps must be taken by the Soviets in the area of human rights. Though it is encouraging that the Soviet Union has acknowledged its obligations, such acknowledgment will not help Mark Bernstein, or the hundreds of others still denied emigration visas, until it is translated into action.

We must let the Soviet Union know that we will not consider their obligations fufilled until all restrictions on emigration have been eliminated.●

JAMES M. LAMBE, CITATION FOR MERITORIOUS SERVICE

● Mr. McCLURE. Mr. President, I would like to call the attention of my colleagues to an award which is about to be made by the Secretary of the Interior to National Park Service employee James M. Lambe.

Known as Mike to all who work with him, his professional accomplishments are virtually as numerous as the many parks that make up the National Park System. Since his coming to the Service in 1961, Mike has been intimately involved in the complex legislative process which has produced literally hundreds of new and expanding units.

Mr. President, Mike's official personnel folder is replete with letters of commendation from Members of Congress, Interior Department officials, bureau heads, congressional staff, and National Park Service leaders and coworkers. He has been personally responsible for providing expert advice and service on a wide range of issues related to the establishment of new units of the National Park System, amendments to existing units, legislation of a generic nature affecting the System or Service, and a host of legislation dealing with other Federal agencies which might potentially affect the Service or System.

As the Service's sole legislative "expert," Mike has long been looked to for advice and counsel from a wide array of officials both within and outside the executive branch. His name has become virtually synonymous with National Park Service legislation.

Mr. President, it is appropriate that Mr. Lambe is recognized for his efforts and it is truly fitting that the Secretary is about to bestow one of the Department's highest honors—the Meritorious Service Award—to James M. (Mike) Lambe. I know many of my colleagues join me in this tribute.●

JAMES M. LAMBE, CITATION FOR MERITORIOUS SERVICE

● Mr. WALLOP. Mr. President, James M. Lambe of the National Park Service is about to receive one of the Department of Interior's highest and most prestigious accolades, the Meritorious Service Award.

Throughout his distinguished career with the National Park Service, spanning in excess of 28 years, "Mike" Lambe has been known for his unparalleled professional ability, his total dedication to the Bureau mission, and his absolute commitment to excellence. He has earned the unqualified respect of his peers, administration officials, and Members of Congress.

The Secretary is about to recognize Mike for his significant contributions in the field of legislation and congressional affairs with the presentation of the Department's Meritorious Service Award. I am sure my colleagues will join me in extending their congratulations. The National Park Service and the American people are the beneficiaries of the unselfish and conscientious work accomplished by Mike in helping make the Park System what it is today.●

LECH WALESA

● Mr. KERRY. Mr. President, in his address Wednesday before the joint meeting of Congress, Lech Walesa reminded each and every one of us of the tireless efforts of the Polish people for freedom and democracy in their land. The determination, the faith, and, to use Walesa's own words, the stubbornness, of the Polish people in their long fight for freedom serve as an inspiration to us all. Lech Walesa himself is proof of the wisdom and workability of government "of the people, by the people, and for the people." Mr. President, I ask that the words of this great man be printed in the RECORD.

The remarks follow:

LECH WALESA: ADDRESS TO A JOINT MEETING OF THE CONGRESS OF THE UNITED STATES OF AMERICA, NOVEMBER 15, 1989

Mr. Speaker, Mr. President, members of the Cabinet, distinguished members of the House and Senate, ladies and gentlemen:

"We the people * * * ."

With these words I wish to begin my address. I do not need to remind anyone here where these words come from. And I do not need to explain that I, an electrician from Gdansk, am also entitled to invoke them.

"We the people * * * ."

I stand before you as the third foreign non-head of state invited to address the joint Houses of Congress of the United States. The Congress, which for many people in the world, oppressed and stripped of their rights, is a beacon of freedom and a bulwark of human rights. And here I stand before you, to speak to America in the name of my nation. To speak to citizens of the country and the continent whose threshold is guarded by the famous Statute of Liberty. It is for me an honor so great, a moment so solemn, that I can find nothing to compare it with.

The people in Poland link the name of the United States with freedom and democracy, with generosity and high-mindedness, with human friendship and friendly humanity. I realize that not everywhere in America so perceived. I speak of her image in Poland. This image was strengthened by numerous favorable historical experiences, and it is a well known thing that Poles repay warmheartedness in kind.

The world remembers the wonderful principle of the American democracy: "government of the people, by the people, for the people."

I too remember these words; I, a shipyard worker from Gdansk, who has devoted his entire life—alongside other members of the Solidarity movement—to the service of this idea: "government of the people, by the people, for the people." Against privilege and monopoly, against violations of the law, against the trampling of human dignity, against contempt and injustice.

Such in fact are the principles and values—reminiscent of Abraham Lincoln and the Founding Fathers of the American republic, and also of the principles and ideas of the American Declaration of Independence and the American Constitution—that are pursued by the great movement of Polish Solidarity; a movement that is effective. I wish to stress this point with particular strength. I know that Americans are idealisitc but at the same time practical people endowed with common sense and capable of logical action. They combine these features with a belief in the ultimate victory of right over wrong. But they prefer effective work to making speeches. And I understand them very well. I too am not fond of speeches. I prefer fcts and work. I treasure effectiveness.

Ladies and gentlemen, here is the fundamental, most important fact I want to tell you about. The social movement bearing the beautiful name of Solidarity, born of the Polish nation, is an effective movement. After many long years of struggle it bore fruit which is there for all to see. It pointed to a direction and a way of action which are today affecting the lives of millions. It speeded the march toward freedom and democracy, a march that is now being joined by swelling throngs of people speaking various languages. It had swayed monopolies, overturning some altogether. It has opened up entirely new horizons.

And this struggle was conducted without resorting to violence of any kind—a point that cannot be stressed too much. We were being locked up in prison, deprived of our jobs, beaten and sometimes killed. And we did not so much as strike a single person. We did not destroy anything, did not smash a single windowpane. But we were stubborn, very stubborn, ready to suffer, to make sacrifices. We knew what we wanted. And our power prevailed in the end.

The movement named Solidarity received massive support and scored victories because at all times and in all matters it opted for the better, more human and more dignified solution, standing against brutality and hate. It was a consistent movement, stubborn, never giving up. And that is why after all these hard years, marked by so many tragic moments, Solidarity is today succeeding and showing the way to millions of people in Poland and other countries.

Ladies and gentlemen, it was nine years ago, in August 1980, that there began in the Gdansk shipyard the famous strike which led to the emergence of the first independent trade union in communist countries, which soon became a vast social movement supported by the Polish nation. I was nine years younger then, unknown to anybody but my friends in the shipyard, and somewhat slimmer. This last circumstance was quite important, and here's why. An unemployed man at that time, fired from my job for earlier attempts to organize workers in the fight for their rights, I jumped over the shipyard wall and rejoined my colleagues who promptly appointed me the leader of the strike. That's how it all began. When I recall the road we have travelled I often think of that jump over the fence. Now others jump fences and tear down walls. They do it because freedom is a human right.

But there is also another reflection that comes to my mind when I think of the road behind us. In those days, at the beginning, many warnings, admonitions and even condemnations reached us from many parts of the world. What are those Poles up to?—we heard. They are mad, they are jeopardizing world peace and European stability. They ought to stay quiet and not get on anybody's nerves.

We gathered from these voices that the other nations have the right to live in comfort and well-being, they have the right to democracy and freedom, and it is only the Poles who should give up these rights so as not to disturb the peace of others.

In the days before the Second World War there were many people who asked: Why should we die for Gdansk? Isn't it better to stay at home? But war soon paid them a visit, and they had to start dying for Paris, for London, for Hawaii. This time too there were many who complained: There is that Gdansk again disturbing our peace.

But the recent developments in Gdansk carried a different meaning. This was not the beginning but the true end of that war. This was the beginning of a new, better, democratic and safe era in the history of our world. There is no longer a question of dying for Gdansk but of living for it.

Looking at what is happening around us today we may state positively that the Polish road of struggle for human rights, struggle without violence, the Polish stubbornness and firmness in the quest for pluralism and democracy show many people today, and even nations, how to avoid the greatest dangers. If there is something threatening European stability, it certainly is not Poland. Poland's drive toward profound transformations, transformations achieved through peaceful means, through evolution, negotiated with all the parties concerned, makes it possible to avoid the worst pitfalls, and may be held up as a model for many other regions. And as we

know, changes elsewhere are not so peaceful.

Peacefully and prudently, with their eyes open to dangers, but not giving up what is right and necessary, the Poles gradually pave the way for historic transformations. We are joined along this way, albeit to various extents, by others: Hungarians and Russians, the Ukrainians and people of the Baltic Republics, Armenians and Georgians, and, in recent days, the East Germans. We wish them luck and rejoice at each success they achieve. We are certain that others will also take our road, since there is no other choice.

I ask now: Is there any sensible man understanding the world around him who could now say that it would be better if the Poles kept quiet because what they are doing is jeopardizing world peace? Couldn't we rather say that Poles are doing more to preserve and consolidate peace than many of their frightened advisers? Could we not say that stability and peace face greater threats from countries which have not yet brought themselves to carry out long-ranging and comprehensive reforms, which do their utmost to preserve the old and disregard ways of government, contrary to the wishes of their societies?

Things are different in Poland. And I must say that our task is viewed with understanding by our eastern neighbors and their leader Mikhail Gorbachev. This understanding lays foundations for new relations between Poland and the USSR, much better than before. These improved mututal relations will also contribute to stabilization and peace in Europe, removing useless tensions. Poles have had a long and difficult history, and no one wants peaceful coexistence and friendship with all nations and countries—and particularly with the Soviet Union—more than we do. We believe that it is only now that the right and favorable conditions for such coexistence and friendship are emerging.

Poland is making an important contribution to a better future for Europe, to a European reconciliation—also to the vastly important Polish-German reconciliation—to overcoming of old divisions and to strengthening of human rights on our continent. But it does not come easily for Poland.

In the Second World War Poland was the first country to fall victim of aggression. Her losses in terms of human life and national property were the heaviest. Her fight was the longest; she was always a dedicated member of the victorious alliance; and her soldiers fought in all the war's theatres. In 1945 she was, theoretically speaking, one of the victors. Theory, however, had little in common with practice. In practice, as her allies looked on in tacit consent, there was imposed on Poland an alien system of government, without precedent in Polish tradition, unaccepted by the nation, together with an alien economy, an alien law, an alien philosophy of social relations. The legal Polish government, recognized by the nation and leading the struggle of all Poles throughout the war was condemned, and those who remained faithful to it were subjected to the most ruthless persecution. Many were murdered, thousands vanished somewhere in Russia's east and north. Similar repression befell soldiers of the underground army fighting the Nazis. It is only now that we are discovering their bones in unmarked graves scattered among forests.

These atrocities were followed by persecutions of all those who dared think independently. All the solemn pledges about free elections in Poland that were made in Yalta were broken.

This was the second great national catastrophe, following the one of 1939. When other nations were joyously celebrating victory, Poland was again sinking into mourning. The awareness of this tragedy was doubly bitter. as the Poles realized they had been abandoned by their allies. The memory of this is still strong in many minds.

Nonetheless, the Poles took to rebuilding their devastated country and in the first years following the war they were highly successful. But soon a new economic system was introduced, in which individual entrepreneurship ceased to exist and the entire economy ended up in the hands of a state run by people who were not elected by the nation. Stalin forbade Poland to use aid provided by the Marshall Plan, the aid that was used by everyone in Western Europe, including countries which lost the war. It is worth recalling this great American plan which helped Western Europe to protect its freedom and peaceful order. And now it is the moment when Eastern Europe awaits an investment of this kind—an investment in freedom, democracy and peace—an investment adequate to the greatness of the American nation.

The Poles have travelled a long way. It would be worthwhile for all those commenting on Poland, often criticizing Poland—not always rightly—to bear in mind that whatever Poland has achieved she achieved through her own effort, through her own stubbornness, her own relentlessness. Everything was achieved thanks to the unflinching faith of our nation in human dignity and in what is described as the values of Western culture and civilization.

Our nation knows well the price of all this.

Ladies and gentlemen, for the past fifty years the Polish nation has been engaged in a difficult and exhausting battle. First to preserve its very biological existence, later to save its national identity. In both instances Polish determination won the day. Today Poland is rejoining the family of democratic and pluralistic countries, returning to the tradition of religious and European values.

For the first time in half a century Poland has a noncommunist and independent government, supported by the nation.

But on our path there looms a serious obstacle, a grave danger. Our long subjection to a political system incompatible with national traditions, to a system of economy incompatible with rationality and common sense, coupled with the stifling of independent thought and disregard for national interests. All this had led the Polish economy to ruin, to the verge of utter catastrophe. The first government in fifty years elected by the people and serving the people has inherited from the previous rulers of the country a burden of tremendous debts they incurred and subsequently wasted, of an economy organized in a manner preventing it from satisfying even the basic needs of the people.

The economy we inherited after almost five decades of communist rule is in need of thorough overhaul. This will require patience and great sacrifice. This will require time and means. The present condition of the Polish economy is not due to chance, and is not a specifically Polish predicament. Today all the countries of the Eastern Bloc are bankrupt. The communist economy has failed in every part of the world. One result of this is the exodus of the citizens of those countries, by land and by sea, by boat and by plane, swimming and walking across borders. This is a mass-scale phenomenon, well known in Europe, Asia and Central America.

And Poland entered this new road and will never be turned back. The sense of our work and struggle in Poland lies in our creating situations and prospects that would hold Poles back from seeking a place for themselves abroad, that would encourage them to seek meaning in their work and a hope for a better future in their own country, their own home.

One hears sometimes that people in Poland do not care to work well. But even those who say this, know that Poles work well and effectively if only they see the sense and usefulness of their toil. The working people know their arithmetic too. They are working much harder and in worse conditions then their opposite numbers abroad, and on top of that are paid much lower wages. The economic system around them is absurd. To make matters worse, every several or dozen years the country has suffered a new crisis, a new crunch, and time and time again it turned out that past efforts went to waste. How many of these wasted efforts, how many disappointed hopes and broken promises we have lived to witness! Show me people who would have worked well, stuck for decades under such a system! Wouldn't they too have succumbed to pessimism? But I wish no one experiences such as these. What matters is that we too be spared them in the future.

This system had to be changed. And the Poles took it upon themselves to change it.

We know that America has her own problems and difficulties, some of them very serious. We are not asking for charity, or expecting philanthropy. But we would like to see our country treated as a partner and a friend. We would like cooperation under decent and favorable conditions. We would like Americans to come to us with proposals of cooperation bringing benefits to both sides. Americans are known to be energetic and practical businessmen. And since we want to introduce a free market and free competition to our country, Americans should show an interest, for it is on this that their prosperity is based. And this is precisely what we are counting on.

We believe that assistance extended to democracy and freedom in Poland and all of Eastern Europe is the best investment in the future and in peace, better than tanks, warships and war planes, an investment leading to greater security.

Poland has already done much to patch up the divisions existing in Europe, to create better and more optimistic prospects. Poland's efforts are viewed with sympathetic interest by the West—and for this thanks are in order. We believe that the West's contribution to this process will grow now. We have heard many beautiful words of encouragement. These are appreciated, but, being a worker and a man of concrete work, I must tell you that the supply of words on the world market is plentiful, but the demand is falling. Let deeds follow words now.

The decision by the Congress of the United States about granting economic aid to Poland opens a new road. For this wonderful decision, I thank you warmly. I promise you that this aid will not be wasted, and will never be forgotten.

Ladies and gentlemen, from this podium I'm expressing words of gratitude to the American people. It is they who supported

us in the difficult days of martial law and persecution. It is they who sent us aid, who protested against violence. Today, when I am able to freely address the whole world from this elevated spot, I would like to thank them with special warmth.

It is thanks to them that the word "Solidarity" soared across borders and reached every corner of the world. Thanks to them the people of Solidarity were never alone. In this chain of people linked in solidarity there were many, very many Americans. I wish to mention here with warm gratitude our friends from the U.S. Congress, the AFL-CIO trade unions, from the institutions and foundations supporting freedom and democracy, and all those who lent us support in our most difficult moments. They live in all states, in small and large localities of your vast country. I thank all those who through the airwaves or printed word spread the truth. I also wish to say thank you and to greet all Polish Americans who maintain warm contacts with their old fatherland. Their support was always priceless for us.

I wholeheartedly thank the President of the United States and his Administration for involvement in my country's affairs. I will never foreget the then Vice-President George Bush speaking in Warsaw over the tomb of the Rev. Jerzy Popieluszko, the martyr for Poland. I will not forget President George Bush speaking in Gdansk in front of the monument of the Fallen Shipyard Workers: It's from there that the President of the United States was sending a message of freedom to Poland, to Europe, to the World.

Pope John Paul II once said: "Freedom is not just something to have and to use, it is something to be fought for. One must use freedom to build with it personal life as well as the life of the nation."

I think this weighty thought can equally well be applied to Poland and to America.

I wish all of you to know and to keep in mind that the ideals which underlie this glorious American republic and which are still alive here, are also living in faraway Poland. And although for many long years efforts were made to cut her off from these ideals, Poland held her ground and is now reaching for the freedom to which she is justly entitled. Together with Poland, other nations of Eastern Europe are following this path. The wall that was separating people from freedom has collapsed. The nations of the world will never let it be rebuilt.

Thank you.●

IZAAK WALTON LEAGUE AND SEMIAUTOMATIC GUNS

● Mr. SYMMS. Mr. President, debate over possible restrictions on the importation, manufacture, possession, and use of semiautomatic firearms continues in the wake of several widely publicized tragedies involving the criminal misuse of such guns. Members of Congress have proposed a number of bills to prohibit the possession or use of semiautomatic guns—some of those bills list the specific guns to be banned while others try to define "assault weapons" and leave the Treasury Secretary to decide which specific guns are included in the definition.

I oppose each of these bills because they do nothing to get at the criminal who uses a firearm in the commission of a crime. Instead, they perpetuate the disproven notion that by attacking the inanimate object which may be misused by a criminal we can effectively constrain the criminal's ability to commit the crime. Of course, the problem is that very few muggers care whether the gun they use to rob someone can be legally obtained by law-abiding citizens. The muggers will continue to get firearms as they always have—illegally, through the black market.

I recently received a copy of a resolution on this subject adopted by the Izaak Walton League of America at their convention in Harrisburg, PA, last July. I ask that the resolution be printed in the RECORD following my remarks, and I commend it to the attention of my colleagues.

The resolution follows:

THE IZAAK WALTON LEAGUE OF AMERICA CALLS ON CONGRESS TO OPPOSE SEMI-AUTOMATIC FIREARMS RESTRICTIONS

SEMI-AUTOMATIC FIREARMS

Tragic instances of criminal misuse of semiautomatic firearms have triggered a national debate over so-called "assault rifles." That debate has blurred the real differences between automatic and semiautomatic firearms and has created an illustory distinction between "assault rifles" and other semiautomatic firearms.

Semiautomatic firearms are not machine guns. The distinguishing feature of a semiautomatic is that a new cartridge is mechanically loaded into the chamber each time a round is fired. In a semiautomatic, the trigger must be pulled to fire each round, just as with a singleshot firearm.

Millions of semiautomatic rifles, handguns, and shotguns are used legally and routinely for hunting, target shooting, competition, and recreation. However, legislative proposals currently being considered by the Congress and by many state legislatures fail to distinguish between "assault weapons" and other semiautomatic firearms and would ban or severely restrict the manufacture, sale, purchase, and possession of semiautomatic sporting arms.

Proposed legislation would broadly restrict purchases of semiautomatic firearms by legitimate users, but weapons for criminal purposes would remain freely available on the black market. Restrictive legislation that is focused upon inanimate firearms instead of the criminals who use them for illegal purposes will not prove effective in reducing or controlling violent crime.

The Isaak Walton League of America assembled in convention in Harrisburg, Pennsylvania July 10-21, 1989, calls upon the Congress and the State Legislature to reject propositions that would restrict the legal possession and use of semiautomatic firearms, a right guaranteed by the Second Amendment to the Constitution. Instead, the League urges Congress and the State Legislators to establish and enforce mandatory penalties for the use of a firearm while committing a violent crime.●

RURAL HEALTH FOR NATIVE AMERICANS STILL INADEQUATE

● Mr. DASCHLE. Mr. President, as a Senator from a largely rural State, I am increasingly aware of and concerned about the need for better access to health care for rural Americans. Nowhere is this problem greater than on South Dakota's Indian reservations.

At the Senate Select Committee on Indian Affairs, my colleagues and I have held many hearings on this subject. It is clear that in South Dakota, as in other States, the large Indian population has not received the care it deserves from the Indian Health Service. Shockingly, in the Indian Health Service's Aberdeen service area, which includes South Dakota, Iowa, North Dakota, and Nebraska, the age-adjusted death rate for Native Americans is twice that of the general population, at 1,261.3 per 100,000. The outrageous death rate is just one indication of the neglect of these people.

I call my colleagues' attention to an article from the November 12 edition of the Sioux Falls Argus Leader. The reporters, Mike Snider and Mike Roemer, thoroughly examined the Indian Health Service in the Aberdeen area, as well as at the national level. They report that the Indian Health Service's effectiveness in serving the needs of Native Americans is coming under fire.

Mr. Snider and Mr. Roemer point to three major problems with the Indian Health Service's current efforts to deliver health care services. First, the IHS has great difficulty in attracting and keeping doctors and medical workers. And, the doctors who do serve have a high turnover rate, largely due to burnout.

The second major problem is a severe shortage of funds. The Federal Government is not providing resources sufficient to meet the challenge of health care delivery in Indian country. Moreover, this problem is exacerbated by mismanagement of already overstretched funds and by administrative priorities that often seem to put career advancement for doctors and administrators over the needs of the Indian population they serve. Many IHS doctors prefer to work at headquarters in Maryland, or in larger urban areas served by the IHS, such as Albuquerque and Phoenix. As a result, IHS facilities in underserved rural locations remain understaffed, and the limited IHS health personnel in those areas remain overburdened.

Third, there has been a band-aid approach to medical care, resulting in less effective, more costly short-term care as opposed to preventive medicine. Thus, the current delivery system, through this misallocation of resources, both does a disservice to the patient population and costs the Federal Government unnecessarily.

The IHS has taken some preliminary steps toward better care for rural areas. However, their top priority seems to be building hospitals, not

staffing them with doctors and other health care personnel. I hope this long neglect of Indian health care needs will end as the public eye turns toward the problem and we all acknowledge that quality of care should be our No. 1 priority.

Mr. President, I ask that the text of the Argus Leader article be printed at this point in the RECORD.

The article follows:

[From the Sioux Falls (SD), Argus Leader, Nov. 12, 1989]

RESERVATION HEALTH CARE AILING FROM LACK OF MONEY, MANPOWER

ROSEBUD.—The wrinkles of Francis Whitewash's leathery face liven as he tells his nurse to grab a chainsaw and whack his left foot off.

The silver-haired Whitewash also jokes that he drinks Lysol. "He's just kidding," says Nancy Vande Brake-Kasyoki, an Indian Health Service nurse who supervises six public health nurses at the hospital here.

This fall afternoon, Vande Brake-Kasyoki meandered 40 miles over gravel and dirt roads by four-wheel-drive to Whitewash's isolated Indian community near Wood.

A proud man with a sense of humor, Whitewash, 88, lives in a home meager even by reservation standards. Wallpaper hung before Nixon became president has peeled. An artist's rendition of dogs playing poker hangs on one wall, photographs of his stepson's children on another. Empty beer cans sit by the door.

But the conditions do not concern him. "He doesn't want to be a burden to anyone," Vande Brake-Kasyoki says. "Most people here aren't complainers. People here have to be survivors."

Whitewash is on the regular house-call list because he has had surgery for a leg ulcer caused by poor circulation. He watches TV's Sesame Street from his wheelchair. Everything is not A-OK with his leg today—the skin graft is oozing and could be infected.

He should see a doctor, Vande Brake-Kasyoki says as she changes the bandage. She will make an appointment and arrangements for him to be taken to Rosebud.

Back outside, she says, "To him, cutting off his leg is a solution. Doctors could fit him with an artificial leg and he might be able to walk." But doctors prefer to save his leg, she says.

Whitewash's story epitomizes what some say the Indian Health Service is doing—changing bandages rather than dispensing preventive care.

"I see physicians ready to tear their hair out because they are treating somebody who could get better today if treated, but will get much worse if left alone," says Gayla Twiss, service unit director at the Rosebud IHS Hospital. "I think it's real frustrating for the physicians to have the type of care they like to provide put off because we don't have the funds we need."

Easily, the biggest challenge facing understaffed IHS hospitals in South Dakota is attracting doctors and other medical personnel. Delivering adequate health care while lacking financing is another challenge.

Those problems entrap reservation dwellers within a cynical dilemma: The reservation environment encompasses many illnesses that can only be solved by preventive care, but its medical delivery system must focus on the immediate malady rather than the long-term prognosis.

"What we end up doing is prioritizing care," says Dr. Terry Sloan, director of the IHS Aberdeen area office.

The U.S. government's duty to provide Indian health care dates to 18th-century treaties. As recent as 1954, Congress passed the Transfer Act, which gave Indian healthcare responsibility to the Public Health Service in the Department of Health and Human Services.

Under IHS are 50 hospitals and 139 health centers in the United States that treated about 1.1 million people last year. Of its 12 districts, one is the Aberdeen area, which includes South Dakota, Iowa, North Dakota and Nebraska. During the past year, the IHS treated 95,500 patients in the Aberdeen area.

To receive direct care at an IHS outlet, a patient must be of American Indian descent. Patients needing care not provided at IHS outlets are treated at tertiary centers on a priority basis.

Sometimes opinions clash about whether IHS provides care as a service to Indians or to fulfill an obligation. That is evident when Congress sets its budget, Twiss says, as the IHS budget is often considered negotiable.

"The IHS sees itself as a residual resource," she says. "The tribes see it as a governmental agency that provides health care because of treaty obligations. They had to give up a lot for this. Whether it's free, that's debatable."

While the country as a whole cares for its suffering rural health system, the IHS stands as a separate entity facing problems both similar and unique to the rest of rural America. Its budget of $935 million meets only 65 percent of Indian health-care needs, says IHS Director Dr. Everett Rhoades.

"In my lifetime, there has always been rationing of care for Indians," says Rhoades, a member of the Kiowa tribe in southwest Oklahoma.

Throughout the United States, Indians have lower life expectancies than the composite of all U.S. races. Within the Indian population, the Aberdeen area has the highest age-adjusted death rate of IHS' 12 areas at 1,261.3 deaths per 100,000, more than twice that of the general population. Pneumonia and influenza deaths in the area are four times the U.S. rate.

Since 1977, the infant death rate for Indians in South Dakota has been about twice that of whites. Between 1983 and 1987, nonwhite South Dakota babies more than 1-month-old had a mortality rate of more than three times that of white babies.

"It is the absolute worst in the country. That's just unacceptable." says Sen. Tom Daschle. D-S.D., of the Aberdeen area. He is a member of the Senate Select Committee on Indian Affairs.

Additionally, physicians' numbers in the Aberdeen area are pitifully low. Rosebud doctors find themselves overworked, practicing medicine in a different manner than they were trained in medical school.

"The kind of medicine they have to practice here—we just wear them out," Twiss says.

The Rosebud Hospital operates with a less than adequate number of physicians. Rosebud has six physicians, but the hospital is slated for eight or more. Neighboring Pine Ridge has eight physicians, but could use 13 to 16.

"There is really no major incentive to come here." Sloan says.

In the past, many doctors came from the National Health Service Corps, created in 1970 to provide personnel to designated shortage areas. In return for each year of tuition assistance, physicians were obligated to spend one year in a shortage area, with a two-year minimum obligation.

Because of budget cuts, the number of Corps assignees in rural areas dropped by nearly 400 to about 1,450 in 1987 and 1988. That compares to 1,300 U.S. rural shortage areas. No remaining Corps doctors will be placed this year, says Daschle, who favors revitalized Corps funding.

Despite former U.S. Surgeon General C. Everett Koop's promise "to make it (the Corps) lean and mean and make physicians go to troubled areas, that really didn't happen," says David Spence, a pediatrician and clinical director at the Pine Ridge Hospital.

Some argue that IHS is top-heavy, with too many doctors working at desk jobs and money being poorly spent.

Doctors prefer to go to prime IHS locations, such as Phoenix and Albuquerque, N.M., which are less rural and have newer facilities and technology. Spence says. "This may be sour grapes, but there are clearly areas of Indian Health that have a surplus of physicians. If you've got a staff of 20 doctors you can spare a couple without hurting the staff."

IHS administration, which includes many non-practicing doctors, has too many layers of bureaucrats, says Bruce Nicholson, a former emergency room physician at Pine Ridge.

"I think what you see is people in a typical government situation." says Nicholson, now in Charlottesville, Va., training as an anesthesiologist. "They are career-oriented and they get to a point where their only function is to protect themselves and their jobs, regardless if they are effective at what they're doing."

Rhoades disagrees, saying doctors are needed in administrative positions to recruit other doctors and make some decisions that affect practicing IHS doctors. "I think the physician on the ward out there would pay a terrible price if I didn't have a doctor here."

Daschle decries that attitude. "There's a lot of these people who love the big city. That's just a fact. They complete their National Health Service Corps obligation right in Rockville, (Maryland, which houses IHS headquarters)," he said. "I can't believe it takes a doctor to recruit a doctor."

Should the Corps be revitalized, a balance must be found in doctor allocation. "We'll let them go to the Southwest for a year, but by God, they're going to Pine Ridge for a year, too."

In May, a Senate Indian Affairs committee investigated alleged fraud and abuse in Indian programs. The findings should be released this week.

During the May hearing, accounts of questionable appropriations were aired. One instance involved allegations that the Albuquerque IHS office spent $80,000 from its alcoholism treatment fund for a five-day retreat where IHS staffers received massages as part of a seminar.

Rhoades defended the massages saying they were on the cutting edge of alcoholism therapy, says Nicholson, who testified at the hearing. "That is nothing but a bunch of bull. There is no reason to send people to a retreat like that when they can't afford to run an alcoholism program of any kind on Pine Ridge."

Rhoades says the seminar included massage instruction for patients, not for the IHS employees. "I happen to think it was a

wise, well maybe it wasn't a wise, but a worthwhile thing to do."

Lack of doctors shows at many levels. For patients, it manifests as an annoyance. Irene Wright, Francis Whitewash's 65-year-old sister, sums up many Indians' view of the Rosebud hospital clinic. "When you go you have to wait and wait. Then you get a blood test. Then you wait some more." she says.

At one time this summer, Sloan said he would work at the Pine Ridge hospital to help relieve some doctors who had worked more than a week straight and were exhausted.

Continuity of care also is a problem. "Every time you come, you see a new face, then you have to go over your history again. Then the doctors get to know you, then they're gone," says Charles White, Rosebud tribal health services administrator.

Health officials at Rosebud and other area reservations hope to be able to attract more doctors with new medical buildings. A new $20 million Rosebud hospital with 450 rooms should be in operation by early December. Congress approved $3.5 million for 110 new staff positions at Rosebud, bringing the total staff to 250.

In sharp contrast to other buildings in Rosebud, the circular hospital stands as a ornamental edifice. Beautiful paintings by Indian artists hang throughout the hospital's carpeted waiting areas and corridors. A skylight over the large waiting room illuminates a mock city square equipped with old-style streetlights.

The lavish decor illustrates the dichotomy of Indian health funding, Daschle says. A one-time appropriation was found to pay for the new hospital and its furnishings, but money for higher doctor wages is neglected. "Given the choice to have the best doctor in a garage than a hospital with no doctor, I know what I would choose," he says.

To Rhoades, the new Rosebud hospital could be a rallying point for the community. "There's no question in my mind this is now a symbolic building. It represents something new," he says.

At Pine Ridge, a new hospital slightly larger than Rosebud's is going up. A new IHS clinic opened this fall in Kyle. Porcupine area residents raised enough money to build their own clinic, without IHS funds.

Also, the IHS's Sloan says the Aberdeen area has received approval to provide a benefits package for physicians with higher pay. The package includes:

$90,000 starting salary. Now, doctors' salaries run from $40,000 to $75,000.

Paid malpractice insurance. Also paid health and whole life insurance, along with a disability policy.

30 days paid leave annually.

$1,200 bonus for using 1 week of continuing education.

As a perk for medical personnel, Spence says volunteers from the tribe and staff hope to build a covered recreational building offering tennis and handball.

For instance, the Rosebud Sioux tribe will consider giving land parcels to physicians. Tribes also are trying to find help other ways, such as chemical dependency treatment money through the Robert Wood Foundation.

"IHS has just recently been recognizing the caliber of physician needed," says White, Rosebud tribal health services administrator. 'They are finally seeing the way to bring down mortality rates is to get quality physicians, especially pediatricians and obstetricians, to address particular problems like infant mortality.' IHS doesn't like to hear they're doing poor in these areas, but they are," IHS cannot sufficiently pay for the Aberdeen area programs that would help increase the average person's health care, so tribes must find other help, White says. "IHS is not addressing it right," he says. "Right now, they're the only game in town, so we have to play with them. But IHS is not going after dollars we need, so we have to."

Meanwhile, hospitals operate under a financially inconsistent system. The Rosebud hospital had a fiscal year 1989 total budget of about $6.1 million after Medicare and Medicaid collections. With Congress's approval of increased staff, Twiss says the hospital should get an additional $1 million in the fiscal 1990 budget.

"Our budget hasn't gone up very much in the last four or five years," Twiss says, Rosebud's service unit director. "We struggle and hope we'll get all that's appropriated. We never really know."

Last year's budget was not enough. In contract health care provided at referral centers, the hospital overspent $92,000.

"There are always bills that we have to turn down at the end of the year," Twiss says. "In some cases when they don't get paid the process is automatic—the bill sits there for so long and they turn it over to a collection agency that goes after the patient. They didn't necessarily choose where we sent them. We have some people here who are upset and rightfully so."

While tackling the day-to-day problems, the health service also is trying to change its focus to preventive care to offset alcoholism, poor nutrition, and lacking prenatal and infant care.

"Disease prevention is the way, putting a Band-aid on the situation is not the way to go," says Dr. Terry Maresca, former clinical director at Pine Ridge hospital.

Nutrition information is important to diabetics and can help offset obesity. "We need to teach that bread is good for people, Fry bread is not," says VandeBrake-Kasyoki, the IHS nurse and supervisor.

Rosebud native Rose Lunderman, who coordinates health care under the Head Start program, sees an overall improvement in the whole health situation on the reservation. "Everybody's sobering up and people are trying to have a more positive life," he says.

A former IHS laboratory technician for 10 years. Lunderman had worked in emergency rooms on Rosebud, Standing Rock and Pine Ridge reservations.

The overwhelming amount of alcohol-related medical cases eventually caused her to quit her hospital job.

Now she looks to preventive care as the possible saving grace of Rosebud's people.

During meetings in reservation communities, Head Start representatives are emphasizing preventive care. People seem to be paying attention, Lunderman says.

"I'm just really positive. I think people have seen how alcohol and drugs is taking us down and I think that's leveling off," she says.

"You can just see it in the attendance at the parent meetings we have monthly—the concern they have. When you're out among the people, there's a big change going on here."●

THE DOMESTIC VOLUNTEER SERVICE ACT

● Mr. COATS. Mr. President, the Reauthorization of the Domestic Volunteer Service Act reinforces the commitment of Congress to the many valuable programs which exist under the ACTION Agency umbrella. ACTION's history of sustained success reveals that the goals and ideals of volunteerism are deeply rooted in the American character. Participation is not limited to the fittest or wisest. Every person—regardless of his or her age, sex, race, or income—can play a meaningful role in contributing to the welfare of others. The individual programs which comprise ACTION not only encourage private citizens to pitch-in and help, but also demonstrate that a single person can make a difference.

Volunteers under the ACTION Agency work toward meeting many of society's most pressing problems: Teaching the illiterate, combating drug use among the young, deterring child abuse, working to prevent crime, helping to alleviate poverty, establishing food banks and assisting the elderly. They make these contributions by extending human concern and understanding, supplementing community social services, offering counsel to the troubled, inspiring confidence, and sharing strength and hope with the less advantaged. It is the heart of our Government's conviction that volunteers—from teenagers working on a student community service project to senior citizens helping each other under the Senior Companion Program—can help in eliminating loneliness, combating low self-esteem, and ending isolation.

Major components of the reauthorization package include:

More than doubling the size of the VISTA literacy crop to help transform the lives of the several million Americans who cannot even read at a fourth grade level;

Substantially increasing the number of volunteers in the VISTA Program to focus on community problems of alcohol and drug abuse, unemployment, hunger and homelessness, and illiteracy;

Reaffirming Congress' support of the Older American Volunteer Program, allowing hundreds of thousands of older Americans to participate in the Senior Companion, Foster Grandparents and Retired Senior Volunteer Programs;

Streamlining the application process for the older American volunteer programs and, therefore, encouraging more time to be spent on providing volunteer services;

Increasing the stipend allowance for VISTA volunteers to encourage participation in areas where the high cost of living makes that participation difficult.

Establishing a system which funds local innovative projects to address problems of national significance, thereby encouraging communities to develop their own approaches to concerns such as drug and alcohol abuse, the frail elderly, disabled and chronically ill children, and boarder babies.

Unfortunately, the excellent work of ACTION volunteers gets too little credit and attention. This lack of recognition has prompted the Congress to authorize additional appropriations for publicity and recruitment. We are confident that this incentive will provide the ACTION Agency with additional guidance and resources to promote its valuable programs and increase its awareness among the many Americans who know little of this Agency and Congress' commitment to volunteer services.

I would also like to mention that this year marks the 25th anniversary of Volunteers in Service to America, a milestone which the Senate recognized in a formal resolution on September 15, 1989. More than 100,000 Americans have volunteered for a year or more under the VISTA Program since 1964. They have contributed to thousands of projects dealing with illiteracy, unemployment, hunger and homelessness. Private initiatives and contributions have also played a major part in the continuation of these projects beyond the commitments made by VISTA volunteers themselves. The VISTA Program has been one of the great undertakings of Americans who want to help the betterment of the less advantaged. The contributions of these VISTA volunteers are realized long after the volunteer has completed his or her year assignment. No doubt the committed and caring work of the early VISTA volunteers is still being felt today in thousands of cities and rural areas throughout the country.

Mr. President, I would especially like to thank the many organizations and members who helped bring about this reauthorization in a truly bipartisan and noncontroversial manner. The association of senior volunteers and friends of VISTA have been particularly helpful. Moreover, Senator, DODD, KENNEDY and HATCH and their staffs have provided a great deal of support and direction in promoting the reauthorization of the Domestic Volunteer Service Act. This reauthorization will allow thousands of Americans to contribute to the well-being of others as well as provide a vehicle to make use of their own skills and talents.●

AMERICANS FOR GENERATIONAL EQUITY

● Mr. MOYNIHAN. Mr. President, I recently spoke before a symposium on America's infrastructure needs sponsored by Americans for Generational Equity [AGE]. This organization, as many of you know, is chaired by our good friend and colleague from Minnesota, DAVID DURENBERGER.

It is hard to dispute the goal of generational equity. However, concern has been expressed that generational equity could be used to pit young against old. More specifically, to attack Social Security benefits designed to improve the lot of older Americans.

An article by Bob Kuttner in the November 17, 1989, Boston Globe makes it clear that such an approach is not on AGE's agenda. In the words of AGE executive director Bruce Freed, AGE is interested in forging a "generational partnership," not attacks on the elderly. The way to improve the lot of young families is not Social Security bashing but to promote economic growth that will provide a decent standard of living for the elderly and opportunity for an improved standard of living for the young. AGE's current emphasis on matters such as infrastructure development illustrates this broader perspective.

I ask that Mr. Kuttner's November 17, 1989, article from the Boston Globe be printed in the RECORD at this point.

The article follows:

SQUEEZING THE YOUNG

(By Bob Kuttner)

Here is another leading indicator that the 1990's will bring a more affirmative view of government.

You may remember a group called Americans for Generational Equity. AGE was founded in 1984 by Republican Sen. David Durenberger of Minnesota and Democratic Rep. Jim Jones of Oklahoma. AGE's expressed concern was that the babyboom generation, for the first time in American history, was likely to live less well than its parents.

This is a widely shared worry, and one grounded in fact. Yet the version of the story that emerged from AGE had a peculiar twist.

According to the first executive director of AGE, Paul Hewitt, and his research director, Phillip Longman, young people were hurting economically, mainly because old people were too well off. And old people were too well off in large part because they consumed the lion's share of the welfare state via Social Seucrity and Medicare—programs financed by taxes on the young.

Social Security, wrote Longman in a 1987 article titled "Born to Pay," is "like a Ponzi scheme. . . . Building up a surplus in Social Security will not only cause a reduced lifetime standard of living for the baby boomers, but will also increase the burden they will present to their children in old age."

Hewitt, early in 1989, wrote a plaintive lament in The Washington Post complaining that he and his wife were financially squeezed despite a combined annual income of $115,000. "I am tired of shelling out ever-greater portions of my income," he declared, "to subsidize the leisure of 62-year-old 'senior citizens' who live better than we do on a third of our income."

AGE in its first incarnation was an ideological critique parading as a generational one: If young people faced downward mobility, the villain was simply government spending tilted toward the old. One searched AGE's early literature in vain for materials advocating more balanced government spending on, say, education, or on health insurance for the young.

To its critics, AGE sounded like the yuppie desk of the taxpayer revolt. It gained notoriety as a granny-basher. This increasingly became a political embarrassment to Durenberger, a moderate Republican who had something different in mind.

"The people who worked for us were anti-government," Durenberger said recently. "They had an adversarial view of the generations, and they used adversarial language. I don't believe you have to rip the blanket off the old guy in order to cover the kid."

Hewitt and Longman are now gone from AGE. In their place as executive director is Bruce Fried, a former Wall Street Journal writer and Senate staffer, who shares Durenberger's views.

According to Durenberger and Fried, AGE's current priorities include universal access to health care, increasing America's savings rate for the sake of long-term economic growth, promoting homeownership for young families, improving the education system, and putting the financing of infrastructure on a sounder basis.

"We are interested in generational partnership," says Fried. He even plans a conference with the American Association of Retired Persons.

Strip away the Social Security bashing, and a real issue emerges. America's young working families are indeed likely to be less affluent than their parents. Hewitt was right when he compared the house that his father's modest income could buy with the much smaller house affordable on his and his wife's combined earnings.

But the culprit is not pensions or Medicare. The downward mobility of the young reflects everything from the declining real wages of the average worker after 1978, to the exposure of the US economy to global competition, to the shortage of housing, to the rise of single-parent households.

The causes are complex, and so are the cures. Many of them will involve more creative uses of government, and not simply cutting taxes on the working young.

The more profound equity problem in America is not the gap between old and young but the growing gap between rich and poor. There are plenty of affluent young professionals, and plenty of old folks just scraping by.

Durenberger and Fried are right to emphasize policies that help young families got a foot on the ladder—just as government policies did for the affluent World War II generation now in or approaching retirement. They are also right to emphasize economic growth, for that is the surest guarantee that the old will be maintained in decency and that the young will experience rising living standards.

It is nice to see the generational-equity issue come, so to speak, of age.●

ENVIRONMENTAL LEADERSHIP BY PHILIPPINE PRESIDENT CORAZON AQUINO

● Mr. KASTEN. Mr. President, on November 10, Philippine President Cora-

zon Aquino made two historic speeches on environmental protection.

President Aquino has taken up the torch of leadership in promoting the dual goals of economic development and environmental protection. The eyes of the world are now upon the Philippines.

President Aquino is setting an example for the developing world. By embracing the twin goals of economic expansion and natural resource management she is steering her nation on a course of sustainable development.

The challenges which face the Philippines are very tough. The lessons we learn in the Philippines can help shape our future economic assistance programs.

I commend President Aquino for her leadership.

I ask that copies of Mrs. Aquino's speeches before the Smithsonian and Philippine American Foundation be printed in the RECORD immediately following my remarks.

The remarks follow:

PRESIDENT AQUINO'S REMARKS AT THE SMITHSONIAN

The first astronauts to see the Earth from outer space described it as "a blue pearl" floating in space. Indeed, it looked like a living, breathing thing.

A blue pearl is a rare find in the earth's ocean. So is a planet like ours in the universe. The chance of finding another Earth in all its vast reaches is less than one in a billion trillion trillion. We may well be the only pearl, a small speck, in the lifeless beauty of the cosmic ocean.

These staggering numbers highlight the human responsibility towards the preservation of that pearl of surpassing beauty and incalculable worth.

There is a line in Shakespeare about the base Indian who threw away a pearl richer than all his tribe. After the second half of this century, humanity started to behave as mindlessly as that fellow.

We are slashing and burning our forests, extinguishing in the process millions of life species we shall never know. We are burning fuels and darkening our skies. We are poisoning our oceans and rivers for a thousand years. It is as though we had set fire to our own house after we had locked ourselves inside and thrown away the keys.

The rich countries are burning fossil fuels and releasing poisonous elements into the air and into our streams. The poor nations are cutting wide swaths of the forests that serve as the lungs of the earth—areas the size of countries.

The destruction of the Earth has gone so far that we have started to notice changes in what man believed were eternal verities: the limitless hospitality of the Earth for human life and the permanence of its scenic grandeur. The simile of the burning house is not altogether far-fetched. We are getting hot under the collar. The globe is warming under the greenhouse effect produced, among other factors, by the rising levels of carbon dioxide in the air.

In confronting the phenomenon of global warming, two distinct initiatives must be taken: One is the rapid reduction of the emissions of greenhouse gases in the industrialized North, and the other is the reversal of alarming trends of deforestation among the poor countries of the South.

The first would require drastic changes in the North's patterns of consumption.

The second initiative is more difficult, because the destruction of tropical forests is not a matter of consumer preference but of naked survival. Forests are being destroyed to provide living space and livelihoods for the fast multiplying populations of the Third World. In countries saddled with huge and unproductive debts, the government is virtually powerless to slow down or alleviate the increasing misery.

The Philippines finds itself in this situation. Yet, we shall carry our share of the human responsibility to prevent that blue pearl in space from turning into a bowl of dust. Philippine forests constitute a mere 0.2 percent of the total forests of the world and only 0.4 percent of total tropical forests. What we do to our forests may not significantly worsen the global picture, but we do feel the obligation that everyone should: If not now, when; if not us, who will? At least a start is being made in one small country.

In the Philippines we are determined to achieve the transition from net deforestation to net afforestation in the remaining term of my administration.

In 1986, we banned the export of raw logs. This year, we banned the export of lumber.

In 1988, we launched the National Forestation Program which aims to reforest 300,000 hectares.

With the Asian Development Bank, we have prepared a Master Plan for Forestry Development. Its most important recommendation is the preservation of the remaining virgin dipterocarp forests, pine forest and mossy forests and their inclusion into the national protected area system. The virtual sequestration of these forests will seriously affect livelihoods of many communities.

What the industrial North will do is up to the conscience of its governments. We are doing our part. The best way for Northern governments to help the conservation efforts of countries like the Philippines is to stop the importation of illegal logs into their countries.

There is talk about swapping debt for forests, since most of the tropical forests are found in the 15 top debtor countries. We won't hold our breaths on that one. There will be occasion for doing so when the atmosphere is entirely polluted. The efforts of responsible Third World governments will not wait on the commitment of the Earth's primary polluting countries. We look more hopefully towards non-governmental organizations like World Wildlife Foundation for conservation grants.

Let us conclude as we began, with a view from space. That blue pearl in the void, so soothing to the eye, is flanked by two glaring red planets, whose searing temperatures and raging, lifeless surfaces hint at the future of the Earth.

One day perhaps, a consideration such as this on the global environment will end on a bright note of hope. It is too soon for that. The alarm must continue to be sounded.

Thank you.

PRESIDENT CORAZON'S REMARKS AT THE PHILIPPINE AMERICAN FOUNDATION

It is a great privilege to address the American non-governmental organizations that have assisted us through the years in the areas of education, nutrition, and very often, in disaster relief. I am also happy to note that a delegation of Philippine NGO's who came to the US for a conference on the environment could join us today.

With the world fast becoming, indeed, one global village there is need and singular opportunity for men to act in concert, in the pursuit of common goals, and for the safety of their one and only home—the planet whose ultimate fate they must all share.

I see the solidarity of common men, working through NGOs, to do the work that governments cannot, and to make the commitments that governments refuse—and that is to make the people strong.

I have seen your efforts to empower the poor to retake the direction of their lives by education, skills training, and access to credit through cooperatives and credit unions. By teaching them modern agricultural techniques, you have given them the best hope of a better life working the soil.

The basic postulate of your work is the search for human dignity. In your work you have been sensitive to unique cultural values and ways, while pushing for the universal advantages that practical education gives, I have marvelled at the depth of your commitment to serve the people, even in the remotest areas.

We, in government, cannot hope to match your commitment. But we can in our way approximate your usefulness to the people. We have at least more resources, although, at times, not the resourcefulness to use them well. The 49% of the population that scratches out an existence below the poverty line is a perennial rebuke to our performance.

The shortcomings of government in improving the lot of the poor has convinced many NGOs that a "people-powered" economic policy would be preferably a market driven one. For it seems that the tremendous progress the Philippines has made in the past three years has served principally to fatten the bank accounts of the rich. They have called for more nationalism in economic policy, such as excluding foreign investments. They have called for the equal redistribution of present wealth rather than the generation of more wealth. If economies would work on the principle of justice alone, I wouldn't have any objection. But in fact economies work by forces that would simply expire from the populist solutions proposed.

The strong economies of the Asian tigers shows the one sure road to success. It would be folly to strike out on a new path at this late date. We are taking the free market, capitalist road to progress and the Christian path to social justice.

I understand there would be more involvement in the work of NGOs but for the peace and order situation in the Philippines. I share your concern for the safety of field workers, but the dangers have been exaggerated. On both sides of the tragic conflict that continues in my country, there is a deep respect for those who work for the poor.

The Philippine Assistance Program assumes an important role for NGOs in the implementation of its programs. Three of PAP special projects depend on NGO expertise in institution building, cooperative organization, and technical assistance.

It would be best to give the lead in environmental protection to the NGOs. As parts of the communities that are most affected by the degradation of their environments, only the NGOs will exercise the vigilance to prevent further destruction. For the common man, the issue of environmentalism is just one issue out of many, it affects directly the kind of life he will lead. Whether one of plenty in a balanced environment, or one of destitution on a dessicated land.

The protection of the earth must be placed in the first instance, and last, in the hands of those who really care; the ordinary people.

In conclusion, I would like to express again my gratitude to the American NGOs for all the good you have done for our people.●

CLARA BARTON PARKWAY

● Ms. MIKULSKI. Mr. President, I rise today to express my delight in the Senates passing of H.R. 1310, a bill that renames the portions of the George Washington Memorial Parkway in Montgomery County, MD and the District of Columbia the "Clara Barton Parkway."

This bill offers a practical legislative remedy to a problem faced by motorists traveling in this area. The George Washington Memorial Parkway runs on both sides of the Potomac, in two different States, with two different destinations, yet carries the same name. Renaming the Maryland side of the parkway after Clara Barton will remove the confusion.

But why rename the parkway after Clara Barton? It is unlikely there is any other American from the area that the parkway passes through who has been more important to the ideals of voluntarism than Clara Barton. Clara Barton committed her whole life to helping others. While her contributions are too many to be accounted for her, I would like to share with you a brief but illuminating look at Clara Barton.

She began her selfless career as a school teacher in New England, where she helped promote public education. Then she moved to Washington, where, as one of the Government's first women clerks, she continued her efforts on behalf of the civil rights and women's rights movements. When the Civil War broke out, Clara Barton devoted her time to assisting the soldiers. From delivering food to extracting bullets, she entered the war zone time and time again, and she spearheaded the move to identify the missing, and reunite families.

Her experiences on the front lines of the Civil War did not stop Clara Barton from traveling abroad to offer her help in the Franco-Prussian War, where the newly formed International Red Cross had a profound impact on her. After this experience she returned to the States and began her campaign to make the United States an accessory to the Treaty of Geneva and she was ultimately successful in committing the United States to a history of humanitarian aid.

Most of us know Clara Barton as the woman who founded and directed the American Red Cross, and expanded its mission to helping others not only during war time, but during times of natural disaster. The Treaty of Geneva was amended with this spirit and the amendment Clara Barton inspired is known as the American amendment.

Even at the age of 77, Clara Barton continued to come to the aid of those in need. Putting aside her personal interests, she once again suited up and headed off to the war zone in Cuba during the Spanish-American War.

Clara Barton organized much of this relief out of her home in Glen Echo, MD, adjacent to the parkway. I will be honored to be reminded of her sacrifies as I travel on the road that in another time, and certainly in another condition, brought her to the home where her spirit of voluntarism is still saluted.

Today, the Red Cross continues to call on over 1.1 million volunteers to help their neighbors across the country in times of need, and Clara Barton's spirit and commitment is renewed in each relief effort. Let us take our hats off to Clara Barton and these volunteers.●

HOLLOW LEADERSHIP

● Mr. LEAHY. Mr. President, the specter of poison gas warfare has painfully resurfaced in the past several years, conjuring up memories most of us thought had been left in our history books.

Reports of poison gas being used by Iran and Iraq, against each other and innocent Kurdish villagers were horrifying and revolting, and led many of us to increase our efforts to tighten international controls on these weapons.

President Bush wisely took the lead on this issue. Republicans and Democrats in Congress were initially encouraged by the President's open enthusiasm to reach an international agreement to ban the production of chemical weapons. In May, I joined over 70 Senators in a letter to the President expressing our support for such an agreement. On September 25, in an address to the U.S. General Assembly, President Bush announced he favored immediate steps to "halt and reverse" the proliferation of chemical weapons.

Supporters of a ban on chemical weapons were buoyed by these remarks, but only briefly. Administration officials now admit that the President supports continued production of chemical weapons even after a treaty banning such arsenals has been signed. The United States would continue to produce new chemical weapons like the Bigeye bomb while our overall stockpile was being reduced.

This is not the leadership we need from a President who wants to be remembered as the leader responsible for eliminating chemical weapons. His rhetoric may have taken us one step closer to an agreement but his final proposal has actually moved the world several steps away from banning chemical weapons.

The Bush proposal to continue production will require revisions in the agreed text of the treaty draft. Negotiators in Geneva worked for many years to reach the point where a final treaty is a forseeable objective. Almost incredulously, as Vice President, George Bush, presented a draft in 1984 that called for an immediate halt in production once a treaty is signed. Now he wants to sabotage his previous proposal.

Mr. President, there are problems that go beyond the negotiating table. Our continued production will encourage other countries to pursue the development of chemical weapons. The Bush proposal is simply sponsoring increased proliferation. Verification, already very difficult due to the nature of chemical weapons, will also become more complicated. Ensuring there are no violations of a total ban is much easier than verification under a partial ban.

Mr. President, we need leadership. Not more talk.

Mr. President, I ask that a thoughtful and relevant article on this issue by Representative DANTE FASCELL, chairman of the House Foreign Affairs Committee, be printed in the RECORD.

The article follows:

[From the Washington Post, Nov. 20, 1989]

BACKSLIDING ON NERVE GAS

(By Dante B. Fascell)

President Bush's commitment to a total ban on chemical weapons is commendable and supported by an overwhelming bipartisan majority in Congress. Unfortunately, as frequently happens in Washington, a strong leadership initiative is accompanied by bureaucratic infighting and policy underbrush which needs to be cleared away.

Immediately following Bush's speech at the U.N., Washington's policy underworld began elaborating on the president's simple desire for a worldwide ban on chemical weapons with a contradictory explanation that binary nerve gas weapon production must continue even after achievement of a worldwide ban. Adverse reaction to this policy "elaboration" has been swift and strong from foreign governments, Congress and independent arms control experts.

A policy of continued U.S. production of new binary nerve gas weapons spells trouble for Bush's own objective. It places all the positive features of his U.N. speech at risk. It unwittingly legitimizes the very thing he wants to stop, chemical weapons proliferation. It is also a violation of the treaty that vice president Bush presented in 1984 and the current draft treaty in Geneva, both of which call for an immediate cessation in chemical weapons production.

This policy of continuing binary nerve gas weapons production will not only provoke cries of U.S. hypocrisy, but worse yet, it will provide only countries an easy rationale for pushing ahead with their own chemical weapons production. The very crucial antiproliferation dynamic the president has attempted to fire up by his U.N. proposal for a bilateral chemical weapons destruction schedule would self-destruct. The appeal of

the president's bilateral destruction proposal is the superpower message on chemical weapons; we, the superpowers, have them, we will destroy them, we want a global ban as soon as possible, and we expect other countries to follow our example. A U.S. policy of continued new chemical weapons production under cuts this superpower leverage.

The dangerous risk is that such a change in U.S. policy, pursuing new chemical weapons production, could create a proliferation nightmare. Why should the United States be the only country allowed to continue production while the rest of the world can only destroy its chemical weapons? That's the question the other 20-odd states with chemical weapons will ask. New states may rush to get into production before a treaty, assuming that they can keep on producing after one. Such a policy jeopardizes the superpower destruction plan and poses a provocative challenge to the Soviets to break their declared 2½-year moratorium on chemical weapons production.

U.S. priorities should clearly stress accelerated destruction, development of verification capabilities and chemical weapons arms control, not new chemical weapons production.●

A SOLDIER'S RESPONSE

● Mr. GORE. Mr. President, during the Veteran's Day Parade in Athens, TN, I had the good fortune of meeting one of our country's distinguished World War I veterans, Prof. B.L. Hale. I presented Professor Hale with a special certificate on behalf of the Governor of Tennessee, Ned McWherter. Following the presentation, Professor Hale told the crowd gathered for the parade that he wanted to share some thoughts with us. He told us he didn't have any new ideas, but wanted us to know the ideas that went through his head 72 years ago, when he was on his way to World War I Army training camp.

To the delight of the Veterans Day crowd, Professor Hale read a poem he had written on the train taking him away from the familiar rolling hills of Knoxville and carrying him to the Army training camp and then to the battlefields of World War I.

Professor Hale's declarations of patriotism and loyalty did not surprise his audience, for Hale had been teaching those lessons for more than 50 years to hundreds of youngsters in east Tennessee. As a teacher at schools throughout east Tennessee and then as the principal of McMinn High School for 15 years, Professor Hale has inspired generations of children to learn the lessons of history and to love our country and values for which the United States stands.

When Professor Hale wrote his poem, "A Soldier's Response" papers in the Knoxville area published it for residents to read and enjoy. At this time, 72 years later, I would like to place the poem into the CONGRESSIONAL RECORD so that the entire country can read it and admire B.L. Hale, one of Tennessee's distinguished veterans, who has earned our admiration, respect, and gratitude for his service to our country.

A SOLDIER'S RESPONSE

(By B.L. Hale)

We didn't begin it
But since we are in it
It takes but a minute
To decide to help win it.

We didn't intend it
But tyrants did send it;
Since we can't amend it
We'll help them to end it.

When Liberty calls us
No monarch appalls us
And what'ere befalls us
There's nothing that stalls us.

For children are crying;
Fond Mothers are signing
While brave men are lying
On battlefields dying.

Oh; Liberty lead us
Oh; Brothers help feed us
Oh; Uncle Sam speed us
To help those who need us.

For we're loyal and true
To the Red, White and Blue
And we'll fight this thing through
For the right and for you.●

RETIREMENT OF DON VON STEEN, ARKANSAS AGRICULTURAL STATISTICS SERVICE

● Mr. PRYOR. Mr. President, on December 29, 1989, Don Von Steen, State statistician for the Arkansas Agricultural Statistics Service will retire.

Don will leave AASS after 13 year of dedicated service as State statistician and a total of 32 years in Government service.

Don Von Steen's interest and involvement in agriculture can be traced to his roots growing up on a farm. After a stint in the U.S. Army, Don attended the University of Nebraska where he received his B.S. and M.S. in agricultural economics.

He began his career as a statistician with the Census Bureau in 1959. His talents were readily recognized and through the years he has been elevated through the ranks to achieve his own personal goal of being named a State statistician.

Don and his wife Elsie plan to retire in Little Rock, AR. It is a retirement that is well deserved and I want to wish he and Elsie all the best.

Don Von Steen is a prime example of a Federal employee who has worked all his life to bring credit to his profession and to make a contribution to this Nation's agricultural output.●

PHENOMENAL CHANGES ON THE SCENE IN EASTERN EUROPE

Mr. SANFORD. Mr. President, I am confident that my colleagues in the Senate will agree with me that 1989 will be remembered as a distinctly different and dynamic year that transformed the complexion of the late 20th century.

The fruitful promise of freedom and the jubilant victory for human liberties that is apparent across the European Continent is unparalleled. Jack R. Perry, a well-known former Ambassador and current director of the Dean Rusk Program in International Studies at Davidson University has eloquently captured the enthusiasm that pervades our discussion of Eastern Europe in an article published in the Charlotte Observer. I submit this article to the RECORD, and urge us to accept the challenge of engaging ourselves with devotion, hope, and excitement for the phenomenal changes that are in motion in Eastern Europe.

The article follows:

[From the Charlotte Observer, Nov. 15, 1989]

THE RESUMPTION OF EUROPEAN HISTORY BRINGS HOPES AND FEARS

(By Jack R. Perry)

Exciting days to be alive! Eastern Europe in ferment—Poland non-communist—Hungary going multiparty—Bulgaria changing leaders—the Berlin Wall opening—exciting days! I sometimes wonder why people turn to drugs, when the news of the day is so intoxicating.

Many friends have said, "Me, too," when I admitted to tears while watching the celebration at the Berlin Wall. Certainly my wife and I, who knew so many Russians and Czechs and Bulgarians and others who lived with tragedy and oppression, have found these last days full of emotion. Going about the Davidson campus, talking with faculty and student friends with excitement about the pace of events, I have more than once thought of Wordsworth's famous lines about the French Revolution:

"Bliss was it in that dawn to be alive,
But to be young was very heaven!"

It does seem in 1989, and it must have seemed in 1789 and after, that this is an annus mirabilis, a year of wonders when the whole political landscape of our times is changing.

We may hope to be witnessing the rearrangement of the system set in place at the end of World War II. At that time, in 1945 at the forward-looking age of 15, I saw the defeat of Hitler as a wonderful opening of the prospect for a better world. In fact, the destruction of the power center in Europe was the preparation for Europe's division and for the advent of the Cold War. We have lived with that for over 40 years. We were ready for a new dawn.

UNEXPECTED DIRECTIONS

The lesson is that wonder years may have dark sides, may lead in unexpected directions. One is reminded of another annus' mirabilis, 1848, when liberalism swept Europe but when more hopes were dashed than were fulfilled. Or 1968, when the political world shook, but when the legacy was the Soviet occupation of Czechoslovakia.

My joyful tears as I watch the dancing on the Wall, my happiness as I see freedom springing up east of the Elbe, are thus tempered by sober reflections about the ever-present dangers in world politics.

What we witness, at bottom, is great political change in Moscow which has allowed the release of suppressed political demands in the Soviet sphere of influence. The rigid, artificial system that Stalin imposed on the countries of Eastern and Central Europe,

from the Baltic to the Adriatic—a system held in contempt by most of its subjects—has been let go by the will of the Russian rulers, and change is erupting. We are seeing the resumption of European history. And that brings serious questions to mind.

Do we have in mind a framework, a security system, to replace the Cold War system that divided Europe under NATO and the Warsaw Pact? No mortal knows if it was the threat of nuclear war, or underlying political wisdom, or the existence of the Atlantic Alliance, or mere luck, that kept us from war in Europe all these years. But if we are resuming European history—paradoxically with the East splintering while the West is coming together—then who will see to it that peace is kept amidst resurgent nationalism, and ethnic quarrels across frontiers, and stressful economic differences east and west, north and south? The Pax Americana cum Pax Sovietica may no longer do that job.

Some argue that the power of both ourselves and the Soviets is demonstrably declining in the area where it counts, getting others to do what we want them to do. If the so-called Superpowers can indeed no longer afford to dominate global politics, then how prepared are the Soviets, and we Americans too, to take our proper place in a no longer bipolar world? If the movement of history is toward a reunification of Germany, are we statesmanlike enough to package that movement within a system guaranteeing security for everyone?

Or look through Russian eyes. If Gorbachev is prepared to let the former East European satellites literally go their own way—as Gennadi Gerasimov put it, "the Brezhnev Doctrine is dead and in its place is the Sinatra Doctrine, or 'I did it my way' "—how can Moscow be assured that its security is not threatened in the process? Gorbachev is a powerful leader, but he is opening himself up to the criticism that as socialist Eastern Europe evolves, and as the two Germanies move closer, then he is losing for Russia the fruits of the Fatherland War of 1941-45. "Why did 20 million and more of our citizens die fighting Hitler," some may say, "if we are to open ourselves up to another threat from the west"? And for that matter, can any American president act the statesman in Europe without being accused of scuttling what America has suffered for since 1941?

A NEW WORLD POLITICS

Perhaps it is my age, or my being so involved with the old system, but as I see the framework of world politics coming down, and a new framework, still unknown, starting to go up in its place, I feel both hope and fear.

We Americans are perhaps more comfortable being a world-dominating Superpower than a nation among nations. But the realities of the new generation of world politics are that we Americans must learn to operate in a world of fresh competition and new dangers, a world where our military strength will not guarantee success. "The leader of the free world" is going to have to prove it, in a new and sticky environment.

Humans being what they are, which is to say not very human at times, we shall certainly have wars and rumors of wars, political crises, revolutions, clashes of interests—and all without the old Cold War rules of the game to work by. The challenge to the peacemakers in that sense is greater than ever.

Beyond the fear, though, is a surging sense of hope.

In this year of wonders, what marvelous fulfillments of dreams have we already seen in the communist world! What prospects are opening before us! What chances to move beyond old agendas and deal seriously with the health of our planet!

A tyranny is ending. A fresh wind is blowing. For our children, the chance of a safer, healthier planet is real.

Hope is in the air. I see it in the faces of the dancers on the Berlin Wall. I see it in the faces of the students on the Davidson campus. "Bliss was it in that dawn to be alive."

Thank God for 1989.●

LOW-LEVEL NUCLEAR WASTE DISPOSAL

● Mr. BRYAN. Mr. President, the House Committee Report 101-96 on H.R. 2696, the energy and water development appropriations bill, 1990 contained a recommendation for the Department of Energy which would be detrimental if implemented, and therefore I am bringing this to the attention of all Senators.

The report recommends that DOE fund an independent forum of States and low-level radioactive waste disposal compacts. One objective of this forum appears to be to facilitate a reduction in the number of radioactive waste disposal facilities.

It should be noted that States and existing compacts have already created the low-level radioactive waste forum to facilitate implementation of the Low-Level Radioactive Waste Policy Act Amendments of 1985. In addition, DOE has funded a variety of technical assistance activities requested by the forum membership.

Creation of a second forum by DOE would serve to jeopardize the sensitive siting processes already underway in the various States and compacts. Final determination of the number and location of disposal facilities is best left to State and compact interaction, without interference from DOE. As such, the Department of Energy should continue to focus its resources on providing State-requested technical assistance through the existing forum. This will best assist the existing compacts and States to meet the current statutory milestones of the act, and will continue the success that the 1985 act has already achieved in solving one of the Nation's vexing waste management problems.

I intend to closely monitor the actions of the Department of Energy as they relate to low-level radioactive waste disposal and I encourage other Senators to do the same. The existing process is working and is an example of a good legislative resolution of a vexing problem.●

IN HONOR OF THE FIFTH GRADE ENVIRONMENTAL FAIR AT WESTMINSTER DAY SCHOOL IN OKLAHOMA CITY

● Mr. BOREN. Mr. President, I would like to commend today the fifth grade students at Westminster Day School in Oklahoma City for their vigorous work over the past month on a 2-day environmental fair that is being held November 21 and 22. It is always rewarding to me when I see young people show an active awareness of the important issues facing their generation and future generations. There is no more important issue facing us in the 21st century than the needs of the environment. The problems are numerous and the solutions are often difficult, requiring enormous sacrifices from communities as well as individual citizens. By hosting this 2-day environmental fair, the Westminster Day School's fifth grade students have played an important role in raising their community's awareness of this international problem. I commend Peggy Stegmann, Debbie McCarry, and Joanna Anderson for their leadership as teachers in putting together this exciting and beneficial project. They have divided their students into 17 groups, addressing environmental concerns ranging from littering and waste disposal to the ozone, toxic wastes, and water pollution. In conjunction with the art department and computer department, the students have made maps, charts, and graphs. Each student has worked over the past month on a research paper and exhibit on the environmental concerns addressed by the 2-day fair. The students contacted Federal and State agencies and environmental organizations for information, and they applied their math, science, and civic classes to the project. Since the students have invited the first through fourth grade classes and their parents to the fair, over 500 people will gain valuable knowledge about important environmental issues as a result of this endeavor. The problems we now face in protecting our environment must be addressed internationally, but the solutions will come from individuals who make a commitment to the changes and sacrifices that are necessary. Each of us must show individual initiative to affect our own community, and each community, in turn, will affect a nation. Each nation will then be able to contribute to a better global environment. It is in this spirit of individual contribution that each Westminster Day School student collected aluminum cans as a symbol of the need for environmental action. But this symbol led to the collection of 1,500 pounds of aluminum cans. That's even more cans of Diet soda than my staff drinks. The students are now donating the money raised through the can col-

lection to a local charity, proving that environmental initiatives have many positive ripple effects. To recognize the effects of Oklahoma students to address our Nation's very serious solid waste disposal problem, I have decided to join my colleague Senator JOHN HEINZ in cosponsoring Senate Resolution 113, which calls for the discontinuation of styrofoam products in the Senate food services. As the Senate considers a wide range of national and international environmental legislation, I think it is important that we prove our own personal commitment to change. I am extremely proud of these 50 students and I give them my heartiest congratulations on a job well done.●

FRANKLIN PUBLIC LIBRARY BICENTENNIAL

● Mr. KERRY. Mr. President, on Sunday, November 26, 1989, the town of Franklin, MA, will begin a year-long celebration of the bicentennial of the oldest public library in the Nation.

When Franklin, MA, asked Benjamin Franklin to return the compliment they had paid him by naming the town in his honor, they suggested the gift of a bell for the meeting house steeple. He replied that, "Sense being preferable to sound," he would instead give them a gift of books. The books arrived in 1786, and a great controversy immediately arose as to who should be allowed to use them, Finally, in 1790, the town meeting voted to lend books to all inhabitants of Franklin.

Although there were other libraries in the country, the Franklin Library was the first to be open to all the people, not just those who were able to afford the subscription price.

Among the thousands of people who have benefited through 200 years from Dr. Franklin's gift was Horace Mann. Mann, often called the Father of Public Education, was a native of Franklin. Like his benefactor, he believed in the importance of libraries to society, saying, "Had I the power, I would scatter libraries over the whole land as the sower sows his wheatfield."

Two years ago, Franklin undertook a $3.2 million expansion and renovation of their beautiful 1904 library building. Now the fine collection which has grown from the seeds planted by Benjamin Franklin is fittingly housed and available to its citizens for years to come.

I join with my constituents from Franklin as they begin this bicentennial year in remembering with gratitute those wise town meeting members who made Dr. Franklin's books available to all.●

RURAL HIGHWAYS: A LIFE LINE OF AMERICA

● Mr. BAUCUS. Mr. President, with approximately 93 million acres, my home State of Montana is a land of vast expanses. Rich in natural beauty and natural resources, America depends upon many of Montana's commodity resources.

Yet our minerals, beef, grain and timber don't make their way to market automatically. With the closure of many rail branch lines, our rural highways face increased heavy use.

The U.S. Department of Agriculture [USDA] has done extensive work on the issue of maintaining and improving rural America's highways. Earlier this month, I asked Mr. Thomas C. Rubel, confidential assistant to the Administrator of USDA's Office of Transportation, to testify before a Lewistown, MT, hearing of the Senate Environment and Public Works Committee.

Mr. Rubel's testimony impressed me as an excellent treatment of this important subject.

Mr. President, I ask that these remarks be printed in the RECORD.

The remarks follow:

TESTIMONY OF THOMAS C. RUBEL

BACKGROUND

Over the last ten years, the U.S. Department of Agriculture's Office of Transportation (OT) has completed several transportation studies addressing rural infrastructure and service concerns. These studies focused on both freight and passenger mobility. This work is in keeping with the Department's agricultural marketing and rural development missions, and the Agency's commitment to assist in the creation and promotion of an efficient transportation system to meet the needs of agriculture and rural America.

The demands on the transportation system serving agriculture and rural communities are changing. The transportation system provides for direct and immediate access to basic commodities, and access to jobs and services often located tens, if not hundreds, of miles away. Changes in the transportation system have taken place; and people assume their mobility needs will be met. Significant public investment in infrastructure, particularly the Interstate Highway System, has led to impressive improvements in mobility and transport efficiency for our Nation. And deregulation of the transportation industries—rail, air, truck, and bus—has generally improved service and reduced fares. But the modified system is impacting rural residents, farmers, businesses, and rural communities. For example, rural communities have been especially affected by the abandonment of light density railroad branch lines for freight movement and by the loss of intercity bus service for personal mobility. Today, most rural communities are dependent upon roads for access and are increasingly reliant upon commercial trucking for the movement of freight.

CURRENT SITUATION

Since roads serve as the foundation of the rural transportation system, OT has worked with a number of agencies and organizations to learn more about the rural roads and bridges throughout the country. Our focus has been on the roadways that serve as access to land, farms, processing plants, shipping and receiving points, centers of employment, and needed services rather than on the Interstate Highway System. About three-fourths of all counties in the United States are considered to be non-metropolitan. Only 31 percent have an Interstate highway running through them. This is described in OT's report, "Rural Highway Finance: Federal Funding for Interstate and Non-Interstate Highways in Rural Areas."

Including Interstate highways, however, about 81 percent of the Nation's total highway mileage is classified as rural. To fill a void in the information available about the rural road system, OT has completed a series of studies focusing on the condition, finance, and administration of rural roads and bridges. Our research has culminated in the completion of a nationwide study done in cooperation with Western Illinois University. Since responsibility for the rural road system is primarily shared by the local and State level of government, we also involved the National Associations of Towns and Townships (NATaT), Counties (NACo), and County Engineers (NACE), and the American Association of State Highway and Transportation Officials (AASHTO) in the study effort.

The nationwide study builds upon two midwestern studies involving Illinois, Minnesota, Ohio, and Wisconsin that were completed between 1983 and 1987. The results of the first study, focusing on towns and townships, are reported in "Financing Rural Roads and Bridges in the Midwest" (October 1984). The results of the second are reported in "Rural Roads and Bridges in the Midwest: Finance and Administration by Counties" (July 1987).

Surveys of State, county, town, and township highway officials were done by Western Illinois University in conjunction with the national organizations. Advice and consultation also was provided by the U.S. Department of Transportation's Federal Highway Administration (FHWA) and the U.S. Advisory Commission on Intergovernmental Relations. The detailed findings of the study are provided in two research reports: "Rural Roads and Bridges: Federal and State Financing, and Rural Roads and Bridges: A Dilemma for Local Officials."

A brief summary of the study results follows—highlighting system size, responsibility, and condition.

SYSTEM SIZE

The Nation's rural road network is large, and primarily serves low volumes of traffic. Highway statistics published by the U.S. Department of Transportation's Federal Highway Administration (FHWA) indicate that of the Nation's 3.9 million miles of highways, 3.2 million are rural. "Rural" is defined by FHWA as those areas outside of populated areas having 5,000 or more people. Interstate and other principal arterials, which serve to connect metropolitan areas, make up 8 percent of the Nation's rural road network; whereas, collector and local routes, which feed into the arterials, account for 92 percent of the systems. The majority of rural America is served by lower order arterial, collector, and local roads.

On these rural roads, there are about 470 thousand inventoried bridges 20 feet or greater in length (see Rural Bridges: "An Assessment Based Upon the National Bridge Inventory." Rural bridges, like the rural mileage, therefore account for about 81 per-

cent of the Nation's total. We suspect that there are hundreds if not thousands of rural bridges under 20 feet in length that are not systematically taken into account in the National Bridge Inventory (NBI) maintained by FHWA.

RESPONSIBILITY

The rural road network is almost entirely the responsibility of the local and State levels of government. Today, about 71 percent of the rural road mileage nationwide is under local control, and 22 percent is under State control. But this varies considerably by State. At the local level, responsibility is divided among a number of independent general purpose local governments, depending upon the governmental structure and laws of the State. In rural areas, these most notably include counties, towns, and townships. In certain states and localities, particularly in the West, the Federal government's direct control over the construction of highways and bridges on Federal lands also is significant.

Although rural roads and bridges are constructed and maintained by numerous governments, the assignments of responsibility are not similar in all States. Three basic approaches, however, to financing and administering rural roads and bridges exist in the United States.

A centralized approach whereby State governments work through regional offices to fund highway improvements (e.g., Delaware, Virginia, West Virginia, and North Carolina).

States working with a dual system of local governments (counties and towns/townships) that share the responsibility for making improvements (19 states primarily in Northeast and Midwest).

States working with counties that share the responsibility to make improvements in unincorporated areas (27 states).

CONDITION OF RURAL ROADS AND BRIDGES

The adequacy of the rural road network to meet the needs of rural America and the Nation is a major concern. For many years, FHWA in its status report to Congress has identified the rural collector roads as being in the poorest condition of all roads eligible for Federal financing. However, since the majority of the rural road system is not on the Federal-aid system, little national data exists to describe condition. We do know, however, that about half of the road miles maintained by counties, towns, and townships have earth, gravel, or loose aggregate surfaces.

Through our research effort, we also have learned that local officials believe that much of the mileage is not in good surface condition. County highway officials reported that nearly 38 percent of the road mileage has limited failures and is barely adequate for present travel demands, or worse. Similar conditions were reported by town and township officials. The surveys also determined that not only is the present condition of rural roads cause for concern, but the trend is downward. Only 44 percent of the county highway officials reported improvements in the quality of county maintained roads over a two-year period; and only 43 percent of the town and township officials reported such improvements.

Although the road problems are significant, the bridge conditions are of special concern. Based upon data in the National Bridge Inventory, which is maintained by FWA, 48 percent of the rural bridges that are 20 feet or greater in length and under county responsibility were found to barely meet minimum tolerable limits to be left in place. Furthermore, 57 percent of the bridges maintained by towns and townships were rated as being less than barely adequate. According to the surveys, only 45 percent of the county officials and 21 percent of the town/township respondents reported the overall quality of bridges had improved between 1985 and 1987.

CURRENT ISSUES TO BE ADDRESSED

We believe three major issues have surfaced regarding rural roads and bridges that highlight the need to search for solutions to improve worsening conditions: Financing, linkage to economic development, and safety.

FINANCING

In 1987, counties, towns, and townships were responsible for 56 percent of the Nation's highway mileage, most of which is rural; but spent 18 percent of the highway funds. In comparison, municipalities and States spent 21 and 60 percent of the funds, respectively, and were responsible for 18 and 21 percent of the mileage, respectively. Local governments finance roads and bridges using several revenue sources, including local revenues, State highway aid, and receipts from States through the Federal-aid highway program. Although the distribution of these revenue sources varies greatly by locality and State, property taxes generally are an important component of local highway finance. Dedicated property taxes for maintaining roads and bridges have remained at about 20 percent since 1977. Reliance upon intergovernmental aid from the Federal and State governments, however, declined from 49 percent in 1977 to 35 percent in 1986. Towns and townships especially were affected by the loss of Federal General Revenue Sharing (GRS) at the end of 1986 since 84 percent of them reported having used GRS funds for roads and bridges.

Currently, only 20 percent of the rural road network is eligible for Federal financing from the Highway Trust Fund (HTF). Due to differences in allocative methods, there is little overall consistency among the States regarding the distribution of HTF revenues. Federal funding also is available from the Federal Highway Bridge Replacement and Rehabilitation Program (HBRRP) for bridges located off the Federal-aid system, which tend to be in rural areas. Over the years, states have obligated about 20 percent of the HBRRP funds for off-system improvements although they are allowed by law to obligate up to 35 percent.

The fact that many roads and bridges controlled by counties, towns, and townships are in unsatisfactory condition to meet current service demands means that many local governments will face major costs if the integrity of the system is to be maintained. Since precise estimates of rehabilitation and replacement costs are not readily available, local highway officials were asked to estimate maintenance costs as part of the national study conducted by OT. County highway officials reported the annual average cost of maintaining a mile of road ranges from $1,890 per mile for loose aggregate surface roads to $5,109 for concrete or paved roads. Nearly half of the county-maintained mileage was reported to be earth, gravel, or loose aggregate. Only 4 percent was paved. A sizeable majority of the road mileage maintained by towns and townships also is earth, gravel, or loose aggregate. Given current resources, it is questionable whether many local rural governments are able to spend even $1,890 per mile for maintenance, let alone the amount required to upgrade surfaces for higher traffic volumes and weights.

Data collected from county engineers in four Midwestern states during 1986, and reported in "Rural Roads and Bridges in the Midwest: Finance and Administration by Counties," also indicates the cost of making rural bridge improvements is substantial. The average cost per bridge was found to be nearly $96,000 in the four states. This compares with an estimated average cost of $153,000 per off-system bridge that needs to be replaced, according to FHWA.

LINKAGE TO ECONOMIC DEVELOPMENT

The demands on the rural road network are changing. Much of the network provides for the direct and immediate access to basic commodities, many of which underpin the Nation's industrial and economic strength. In recent years, the rural economy has diversified beyond its traditional agricultural base with agriculture giving way to increased employment in the trade, services, and manufacturing sectors. Even in the agricultural-dependent regions, rural people travel to jobs off the farm. Since 1960, off-farm income has accounted for 40 to 55 percent of the net incomes of farm households. But as the rural economy has become more diverse, the options for transporting people and goods have lessened, resulting in a greater reliance on the road network for mobility and trucks to move production inputs and goods.

Rather than viewing transportation as an end in and of itself, the role of roads and bridges in accommodating and facilitating economic growth increasingly is gaining recognition. In Pennsylvania, for instance, the Department of Transportation has developed a strategic planning process for incorporating the needs of the State's industrial, commercial, agricultural, and forestry sectors into its highway planning and programming efforts. In addition, the Task Force on Rural Development of the National Governors' Association reports that wiser investments in rural areas could be made by gearing highway investment decision to the economic opportunities which exist.

SAFETY

National accident statistics indicate there is a major problem with fatalities on rural roads and bridges. About one-third of all fatal and nonfatal traffic accidents occur on rural roads, accounting for over half of all traffic fatalities. The rural road network is, in fact, travelled by motorists from all parts of the country for economic and social reasons including: (1) the delivery of production inputs and transport of commodities and manufactured products, (2) accessing mineral and timber resources, (3) attending schools and universities, (4) reaching hospitals and obtaining emergency medical services, (5) and utilizing recreational and tourist attractions.

Poor infrastructure conditions, traffic engineering problems, and travel situations that do not meet motorists' expectations are the major reasons cited for safety problems associated with rural roads and bridges. The National Safety Council reports that very often the rural road system simply does not meet motorists' expectations based upon driving experiences and training. This causes fatal accidents on roads and bridges where traffic volumes typically are low.

Others, including local highway officials, report that serious safety problems also result from the fact that local governments

cannot afford to maintain, rehabilitate, or replace roads and bridges due to lack of funds. Much of the problem relates to the fact that design standards for low-volume roads and bridges often have had to conform to design guides and standards initially recommended for high-speed, high-volume situations. Public safety, they contend, can actually be improved by utilizing alternative, and affordable road and bridge designs that would reduce individual project costs, spur improvements, and restore the integrity of the system. In addition, more uniform signs and pavement markings are recommended; better and brighter signs that can be seen by older and visually impaired drivers should be used; and speed limits should be enforced.

OPTIONS FOR THE FUTURE

Improving the Nation's rural road network, which is primarily low volume in usage, increases the desirability of our rural areas as places to live and conduct business—and relieves the pressure caused by the increased concentration of people around and within metropolitan cities.

The future federal role is being considered in the administration's ongoing deliberations over the upcoming highway reauthorization legislation. The following are possible local and state options.

LOCAL STRATEGIES

Reduce the number of rural miles and/or bridges through closure or return to private ownership, thus allowing localities to spend their available resources on priority projects.

Reduce maintenance costs. This is being tried in several states through minimum maintenance or primitive road programs.

Find alternative revenues, focusing on both traditional sources (e.g., property taxes) as well as less conventional ones (e.g., local option tax on motor fuels).

Seek opportunities to improve efficiency, utilizing the most cost-effective technologies and materials, upgrading management capabilities through training and use of automated procedures, utilizing cooperative purchasing agreements with other units of government, and considering consolidation of local government responsibilities.

STATE OPTIONS

Review and, if possible, adopt more flexible, yet safe design and construction standards to minimize project costs.

Do not let State assistance erode simply due to inflation without making a conscious policy decision to do so, given the limited resources available to make rural improvements. Review the flexibility of State revenue sources and spending authority granted to local governments to ensure that most effective use of State funds.

Realign the responsibilities between the State and local governments to reflect changes in usage of the road network and changes in the expertise required to administer and manage the roads and bridges.

Encourage regional planning in order to better address planning and programming concerns that cross political boundaries, affect multiple governments, and incorporate multimodal/intermodal opportunities.

SUMMARY

The rural road and bridges problems facing the Nation are not isolated to particular types of communities or regions of the country. They are pervasive, affecting the entire Nation's growth, prosperity, and competitive position. Furthermore, the transportation problems facing rural America are not neatly compartmentalized along modal lines, political boundaries, or levels of government. Likewise, they are not limited to the public or the private sector. Therefore, we believe the solutions to the rural road and bridge problems, and to other rural transportation problems, are to be found through greater cooperation between the public and private sectors, and across the modes.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $7.3 billion in budget authority, and over the budget resolution by $10.5 billion in outlays. Current level is under the revenue floor by $4.9 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $120.8 billion, $20.8 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 20, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through November 17, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my report dated November 13, 1989, the President has signed into law the Military Construction Appropriations Act (P.L. 101-148). Congress has also completed action on and sent to the President the National Defense Authorization Act (H.R. 2461), and the Support for East European Democracy Act (H.R. 3402). These actions increased the current level estimate of budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS., AS OF NOV. 17, 1989

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget Authority	1,322.1	1,329.4	−7.3
Outlays	1,175.7	1,165.2	10.5
Revenues	1,060.6	1,065.5	−4.9
Debt Subject to Limit	2,885.9	3,122.7	−236.8
Direct Loan Obligations	17.9	19.3	−1.4
Guaranteed Loan Commitments	110.8	107.3	3.5
Deficit	120.8	[2] 100.0	[3] 20.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 17, 1989

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	966,154	797,014	
Other appropriations		214,199	
Offsetting receipts	−193,106	−193,106	
Total enacted in previous sessions	773,048	818,107	1,068,600
II. Enacted this session:			
Adjust purchase price for certain dairy products (Public Law 101-7)		−25	
Implementation of the bipartisan accord on Central America (Public Law 101-14)	13	7	
Dire emergency and urgent supplemental appropriations (Public Law 101-45)	−21	802	
Apex project, Nevada Land and Water Transfer Act (Public Law 101-67)	−2	−2	
Financial Institutions Reform, Recovery and Enforcement Act (Public Law 101-73)	2,200	1,400	594
Allow planting of alternative crops on permitted acreage (Public Law 101-81)	−10	−10	
Disaster Assistance Act of 1989 (Public Law 101-82)	502	504	
Section 107: Disaster relief and emergency assistance (Public Law 101-100)		443	
Energy and water development appropriations (Public Law 101-101)	18,625	11,254	
Performance Management and Recognition Systems Reauthorization Act (Public Law 101-103)		−125	
Extension of certain veterans programs (Public Law 101-110)			
Interior appropriations, 1990 (Public Law 101-121)	11,018	7,352	
Section 108: Emergency supplemental to meet the needs of natural disasters (Public Law 101-130)	2,850	1,067	
Disaster Assistance Act (Public Law 101-134)	9	9	
Treasury-Postal appropriations, 1990 (Public Law 101-136)	18,394	16,268	500
Offsetting receipts	−5,212	−5,212	
Defense Production Act extension (Public Law 101-137)	−3	−190	
Statutory debt limit increase (Public Law 101-140)			−157
Veterans, HUD appropriations, 1990 (Public Law 101-144)	66,788	38,679	

PARLIAMENTARIAN STATUS REPORT 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS NOV. 17, 1989—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Child Nutrition and WIC Reauthorization Act (Public Law 101–147)			
Military construction appropriations, 1990 (Public Law 101–148)	8,490	3,095	
Total enacted this session	123,641	75,316	937
III. Continuing resolution authority:			
Further continuing appropriations, 1990 (Public Law 101–130)	455,228	309,479	
IV. Conference agreements ratified by both Houses:			
National Defense Authorization Act, 1990 (H.R. 2461)	−1	−27	
Support for East European Democracy Act (H.R. 3402)	12	12	
Total conference agreements	11	−15	
V. Entitlement authority and other mandatory items requiring further appropriation action, continued:			
FEMA: Disaster relief	−1,100	−883	
Firefighting adjustments	−624	−192	
Administration of territories	−1		
Compensation	457	412	
Payment to civil service retirement	(84)	(84)	
Government payment for annuitants	−3	−2	
Readjustment benefits	−62		
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	279	279	
Total entitlement authority	−1,113	−387	

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THE BRAVERY OF CHICAGO POLICE OFFICER GREGORY JAGLOWSKI

Mr. SIMON. Mr. President, I would like to take this opportunity to pay tribute to Chicago Police Officer Gregory Jaglowski, who was recently named Police Officer of the Year by the International Association of Chiefs of Police. Officer Jaglowski showed courage and bravery beyond the call of duty for stopping a drug-crazed gunman who had killed four people, including his partner, Officer Irma Ruiz, at a Chicago school. "Had it not been for Greg, it could have been a massacre. We owe him our lives," Principal Bernard Karlin told Parade magazine. Officer Jaglowski was wounded by the gunman in both legs, but continued to exchange fire until fatally wounding the gunman. Officer Jaglowski, a 16-year veteran of the Chicago Police Department, has since recovered and has resumed patrol at the school.

Officer Jaglowski is a credit to the police force, school, and community he serves. I'm proud that such a fine example of a Chicago police officer and American has been honored by police chiefs across the Nation.

Mr. President, I ask unanimous consent that a copy of an article from the October 15, 1989, Parade magazine describing Officer Jaglowski be included in the RECORD.

THE POLICE OFFICER OF THE YEAR

(By Pam Proctor)

Wounded in the leg by a deranged gunman who had just slain three persons, Chicago Police Officer Gregory Jaglowski staggered toward the school where the killer had fled.

He heard gunfire. His partner, Officer Irma Ruiz, was in there, along with nearly 200 children and teachers.

For his ensuing actions, in which he killed the gunman and thereby saved perhaps dozens of lives, Gregory Jaglowski, 39, has been named the Police Officer of the Year by the International Association of Chiefs of Police. The award, also sponsored by Parade, will be presented by the association on Oct. 17 in Louisville, Ky.

"Had it not been for Greg," says Bernard Karlin, principal of the Moses Montefiore School, where the incident took place, "it could have been a massacre. We owe him our lives."

Chicago Police Supt. LeRoy Matin concurs: "Anybody who crossed the assailant's path that day was going to get shot and killed. He had already killed innocent people, two in an auto-parts store and one of the engineers at the school. He was hell-bent on destruction."

Greg Jaglowski's story is also the story of a partnership between two officers.

"Greg was a shining example of what a policeman should be," says Karlin, who worked closely with Jaglowski and Ruiz during their four years together as school-patrol officers. "He treated all the kids much the way he treated his own daughters," says Sgt. Tom Fuller, a police supervisor.

Jaglowski's partner was like a mother figure. With four children of her own at home, Irma Ruiz "knew exactly what to say to kids," says Victor Zapatka, a guidance counselor at Montefiore.

Typical was the time Ruiz and Jaglowski came upon a woman scolding her 8-year-old son. "If you're not good," the woman warned the boy, "these policemen will put you in jail."

"Oh, I'd never put you in jail," replied Ruiz, looking warmly at the child. "I know you're too good a boy."

On Sept. 22, 1988, Montefiore reported that a student had assaulted a teacher, but by the time Ruiz and Jaglowski got there, the boy had gone home. Then came the report of shots. Jaglowski was first out the door. A bullet hit him in the leg, knocking him down. He dove for cover as the gunman raced into the school.

"I thought Irma had gone for cover," said Jaglowski, "I hoped she had."

As a shot rang out, Jaglowski headed back inside the school, dazed and bleeding from his wound.

There, in a pool of blood, lay his partner. Irma had been shot once in the chest. She was dead at age 40. The gunman, later identified as Clemmie Henderson, had ducked into the school library to reload. As Jaglowski looked up, he came out shooting from only a few feet away.

"It looked like fire coming out of his gun," recalls Jaglowski. "It was like slow motion; I could almost feel the bullets going by me."

The cop fired back, trading bullets with the gunman, who shot him in his other leg, severing an artery. Jaglowski kept pumping rounds into the man.

Nothing seemed to stop the gunman. But with his last bullet, Jaglowski finally dropped Henderson, a jobless neighborhood figure with a history of erratic behavior. In his blood and urine, according to the medical examiner, were traces of the drug PCP, also known as angel dust.

For Jaglowski, a new battle was just beginning.

"Sometimes I still can't believe that Irma is dead," says the 16-year police veteran. "You get angry when you think about these things. Sometimes it bothers me why God would take someone like that."

"His wounds are healing," says Jaglowski's wife, Diana. "He's walking and he's functioning. But what's rough is the mental part of it—losing Irma and seeing her kids not having a mother and her husband not having a wife." Today, more than a year since the shooting, Diana adds, "it's still as fresh as it was then."

Jaglowski could have remained outside the school, tending his own wounds and calling for help, says Cmdr. Ettore DiVito, his chief in the Youth Division. "But the fact that he did go back into the school—that's what separates a hero from just a good, solid police officer."

Today, Gregory Jaglowski accepts such accolades with a self-effacing smile and then sets the record straight.

"Remember Irma," he tells the kids. "Never forget what she did."●

● Mr. SIMON. Mr. President, it is with great pleasure that I rise to commend the Senate Finance Committee on its efforts this past week to move the Puerto Rico plebiscite process a step closer toward fruition. S. 712, the Puerto Rico plebiscite bill that I have cosponsored, had been given careful consideration in the Senate Energy Committee during hearings this past June and July. Under the skillful leadership of Senators J. BENNETT JOHNSTON and JAMES MCCLURE, the chairman and ranking member of that committee and the bill's chief sponsors, S. 712 was reported out of committee in August. On Tuesday and Wednesday of this past week, Senator LLOYD BENTSEN chaired hearings before the Senate Finance Committee on S. 712, a bill to allow Puerto Ricans to vote in a 1991 plebiscite on the island's future and permanent status.

I was scheduled to appear before the Senate Finance Committee to testify about statehood for Puerto Rico. Because of scheduling difficulties, I was not able to come personally before the committee. Nonetheless, I would like to share with my colleagues my testimony on the need for this plebiscite and to share with my colleagues an important economic report on statehood.

The status question is a highly complex and serious matter, and, although the issue is not expected to reach the Senate floor until next year, Senator BENTSEN, as chairman of the Senate Finance Committee, along with the rest of his committee, should be congratulated for these efforts that move the bill to full consideration.

I ask consent that the previously described testimony and report be printed in full immediately following my remarks.

The material follows:

STATEMENT OF U.S. SENATOR PAUL SIMON ON PUERTO RICO PLEBISCITE BILL, S. 712

Good morning, Mr. Chairman. I am pleased to come before the Senate Finance Committee today to speak in strong support of the Puerto Rico plebiscite bill, S. 712. I have joined our colleagues, J. Bennett Johnston and James McClure, the Chairman and ranking member respectively of the Energy and Commerce Committee, to cosponsor this important legislation for the future status of Puerto Rico. I am greatly appreciative that the Finance Committee has agreed to hold hearings on this legislation prior to the end of the session.

As you may be aware, I believe in statehood for Puerto Rico. If statehood is the ultimate status that the Puerto Rican people desire, then Congress ought to act on that message. Every president since Harry Truman has endorsed the principle that the United States will elicit and respect the will of the people of Puerto Rico on this vitally important subject. The plebiscite bill before this committee gives Puerto Ricans the full opportunity to express their will, be it for commonwealth status, statehood or independence.

This choice is one that belongs in the hands of the people of Puerto Rico. I have made known for many years my support for statehood because I believe that it is the only status under which Puerto Ricans will be treated as full United States citizens. Nonetheless, it is more important to me that the choice of the Puerto Rican people determine the outcome.

The Puerto Rico status question is of critical importance, not just on the island of Puerto Rico but strikes close to many core principles of the nation. At present, the people of Puerto Rico are treated as second-class citizens. We recently celebrated the 72nd anniversary of U.S. citizenship for Puerto Ricans granted by the enactment of the 1917 Act to provide for a civil government for Puerto Rico. But that citizenship is still second-class citizenship and enhancing the current status will not cure that defect.

Let me share with the Committee some of the ways in which Puerto Rico is shortchanged. First, we have no colleagues in the United States Senate representing Puerto Rico. On any issue that comes to the floor of the United States Senate, the people of Puerto Rico have views. But Americans living in Puerto Rico have no direct say on the Senate floor whether that be on housing, employment, defense, foreign policy or any other issue. Second, in the House of Representatives, the 3.3 million Puerto Ricans have only one non-voting representative. If Puerto Rico were a state, it would have six or seven voting representatives. Third, Puerto Ricans on the island have no electoral votes for President or Vice President of their United States. They are American citizens but are virtually shut out of representation in these two branches of government.

What does that shortcoming translate into in every day terms? I mentioned that Puerto Rico has 3.3 million residents. This is roughly equal to the population of each of the states of Arizona, Colorado, Connecticut, Kentucky, Oklahoma and South Carolina. The average federal expenditure for these states is $10.3 billion. Yet the federal expenditures for Puerto Rico are just $5.8 billion. The Puerto Rico shortfall is $4.5 billion and Puerto Rico's populations is far more in need than the populations of these states. Similarly, per capita federal expenditures nationally are $3,252 per person. But Puerto Ricans only get $1,786 in per capita expenditures. There are a number of other federal programs in which American citizens in Puerto Rico are treated less favorably than other Americans and there are programs from which Puerto Rico is totally excluded.

The sons of Puerto Rico have fought and died for this country in every battle waged by our military—65,000 Puerto Ricans served during World War II, 61,000 served in Korea. In Korea, Puerto Rico had one casualty for every 600 inhabitants as compared to one casualty for every 1125 inhabitants on the mainland. The legendary 65th Infantry Regiment composed of Puerto Ricans distinguished itself in almost all of the major battles in the Korean Conflict and received numerous Presidential commendations. It is said that Puerto Ricans benefit today by not having to pay federal taxes. The reality is that they have paid the highest tax of all in defense of our nation and statehood will give them the respect and fair treatment they deserve.

Let me conclude, Mr. Chairman, by bringing to your attention a report prepared by the accounting firm of Price, Waterhouse. The report documents the value of federal grants made available to states at the time of their admission. Translated into 1989 dollars, the average state received the equivalent of $48,169 per person. My own state of Illinois received $860,864 per person. Obviously, Puerto Ricans will be receiving nowhere near that amount nor is anyone proposing that they do. Nonetheless, it is important that this historical context be brought into the debate when it is suggested that the legislation as appoved by the Energy Committee somehow unfairly tilts toward one status over the others.

Every status option has it plusses and minuses. Some can be readily quantified and some are not so easily quantified. Statehood brings with it increased and fair participation in federal programs and full and appropriate imposition of federal income taxes. S. 712 is a balanced bill and a timely one. I thank the Committee for the opportunity to speak in favor of S. 712 this morning.

VALUE OF GRANTS RECEIVED BY STATES AT TIME OF ADMISSION AND EQUIVALENT GRANT FOR PUERTO RICO

This report analyzes the value of land and money granted to the 50 states at the time of their admission to the Union. The study converts these values to current dollars and determines an equivalent value of a grant for Puerto Rico should it become a state. Based on this analysis, we conclude that the equivalent value grant for Puerto Rico would be $154 billion. It should be noted that Congress has historically established land and money grants on the basis of each state's facts and circumstances rather than on averages.

In Table I, the value of the land grant received by each state is calculated in 1989 dollars. This calculation involves first valuing all real property for each of the fifty states. For the value of real property, we used the market value of all assessed ordinary real property published by the Bureau of the Census for 1981.[1] This underestimates the value of real property in each state to the extent that some land is not assessed for property tax purposes (e.g., federal and state-owned land). To arrive at an approximate land value for each state from real property values, we use the benchmark of Manvel[2] that land is 39% of real property values.

TABLE 1.—LAND AND MONETARY GRANTS RECEIVED BY STATES AT TIME OF ADMISSION

State	Year entered union	Land grant (million acres)	Total State land (million acres)	State population		State real property value, 1981 (billions)	Value of State land		Value of State land grant 1989 prices [3]	
				Year of admission (million)	1980 census (million)		1981 prices [1] (billions)	1989 prices [2] (billions)	Total (billions)	Per person (thousands) [4]
Alabama	1819	5.007	32.678	0.100	3.894	$51.397	$20.045	$37.179	$5.697	$56.967
Alaska	1959	104.569	365.481	.226	.401	13.507	5.268	9.771	2.795	12.360
Arizona	1912	10.543	72.688	.204	2.716	88.219	34.405	63.815	9.256	45.294
Arkansas	1836	11.937	33.599	.080	2.286	43.974	17.150	31.810	11.301	141.266
California	1850	8.825	100.206	.093	23.668	864.113	337.004	625.075	56.049	594.506
Colorado	1876	4.472	66.485	.194	2.890	112.225	43.768	81.180	5.460	28.099
Connecticut	1788	.180	3.135	.238	3.108	94.206	36.740	68.146	3.913	16.444
Delaware	1787	.090	1.266	.059	.594	13.567	5.291	9.814	.698	11.806
Florida	1845	24.214	34.721	.054	9.747	315.394	123.004	228.147	159.107	2,920.629
Georgia	1788	.270	37.295	.083	5.463	103.491	40.361	74.863	.542	6.566
Hawaii	1959	0	4.106	.633	.965	47.947	16.699	34.684	(5)	(5)
Idaho	1890	4.254	52.933	.089	.944	26.183	10.211	18.940	1.522	17.190
Illinois	1818	6.235	35.795	.035	11.427	239.126	93.259	172.977	30.130	860.864
Indiana	1816	4.041	23.158	.064	5.490	95.256	37.150	68.906	12.024	188.175
Iowa	1846	8.061	35.860	.150	2.914	96.334	37.670	69.685	15.665	104.431
Kansas	1861	7.795	52.511	.107	2.364	60.016	23.406	43.414	6.445	60.114
Kentucky	1792	.355	25.512	.074	3.660	50.815	19.818	36.758	.511	6.912

[1] Bureau of the Census, "Taxable Property Values and Assessment—Sales Price Ratios," *1983 Census of Governments*, U.S. Department of Commerce, Washington, D.C.: USGOP, February 1984, Table 11.

[2] Allen Manvel, "Trends in the Value of Real Estate and Land, 1959, 1966," *Three Land Research Studies*, The National Commission on Urban Problems, Washington, D.C.: USGOP, 1968.

TABLE 1.—LAND AND MONETARY GRANTS RECEIVED BY STATES AT TIME OF ADMISSION—Continued

State	Year entered union	Land grant (million acres)	Total State land (million acres)	State population		State real property value, 1981 (billions)	Value of State land		Value of State land grant 1989 prices [3]	
				Year of admission (million)	1980 census (million)		1981 prices [1] (billions)	1989 prices [2] (billions)	Total (billions)	Per person (thousands) [4]
Louisiana	1812	11.441	28.867	.077	4.206	68.239	26.613	49.382	19.564	255.518
Maine	1820	.210	19.848	.298	1.125	24.203	9.439	17.508	.185	.621
Maryland	1788	.210	6.319	.320	4.217	97.101	37.869	70.240	2.334	7.301
Massachusetts	1788	.360	5.084	.379	5.737	120.387	46.951	87.085	6.166	16.280
Michigan	1837	12.113	36.492	.093	9.262	169.511	66.109	122.620	40.702	439.198
Minnesota	1858	16.422	51.205	.150	4.076	114.088	44.494	82.528	26.568	176.343
Mississippi	1817	6.096	30.222	.076	2.521	36.943	14.408	26.724	5.392	71.407
Missouri	1821	7.417	44.248	.067	4.917	85.969	33.528	62.187	10.424	156.550
Montana	1889	5.963	93.271	.143	787	21.471	8.374	15.532	.993	6.944
Nebraska	1867	3.459	49.031	.029	1.589	46.414	18.101	33.575	2.360	82.126
Nevada	1864	2.725	70.264	.016	.800	29.424	11.475	21.285	.825	50.413
New Hampshire	1788	.150	5.768	.142	.921	22.019	8.587	15.928	.414	2.919
New Jersey	1787	.210	4.813	.184	7.365	170.055	66.321	123.013	5.367	29.148
New Mexico	1912	12.705	77.766	.327	1.303	29.347	11.445	21.229	3.468	10.597
New York	1788	.990	30.680	.340	17.558	282.374	110.126	204.262	6.591	19.379
North Carolina	1789	.270	31.482	.394	5.880	117.984	46.014	85.346	.732	1.859
North Dakota	1889	3.264	44.452	.191	.653	17.070	6.657	12.348	.907	4.747
Ohio	1803	2.759	26.122	.042	10.798	219.111	85.453	158.490	16.741	399.394
Oklahoma	1907	3.095	44.087	1.414	3.025	70.155	27.310	50.748	3.563	2.519
Oregon	1859	7.032	61.598	.052	2.633	96.966	37.825	70.157	6.009	152.656
Pennsylvania	1787	.780	28.804	.434	11.865	199.253	77.709	144.134	3.903	8.986
Rhode Island	1790	.120	.677	.069	.947	16.840	6.568	12.182	2.159	31.373
South Carolina	1788	.180	19.374	.249	3.121	54.738	21.348	39.596	.388	1.477
South Dakota	1889	3.436	48.882	.349	.691	21.375	8.336	15.482	1.087	3.113
Tennessee	1796	.300	26.728	.077	4.591	85.998	33.539	62.209	.698	9.037
Texas	1845	.180	168.218	.243	14.226	386.753	150.834	279.766	.299	1.234
Utah	1896	7.502	52.697	.277	1.461	35.528	13.856	25.700	3.659	13.220
Vermont	1791	.150	5.937	.241	.511	12.693	4.950	9.182	.232	.983
Virginia	1788	.300	25.496	.692	5.347	117.336	45.761	84.878	.999	1.444
Washington	1889	3.044	42.694	.357	4.132	130.041	50.716	94.068	6.707	18.775
West Virginia	1863	.150	15.411	.377	1.950	26.275	10.247	19.007	.185	.491
Wisconsin	1848	10.180	35.011	.250	4.705	106.590	41.570	77.104	22.419	89.677
Wyoming	1890	4.353	62.343	.063	.469	13.719	5.350	9.924	.693	11.077
Average total		328.415	2,271.320	10.894	225.899	5,361.760	2,091.086	3.878.548	524.738	48,169

[1] Estimated as 39 percent of real property values, this percentage determined by Manvel [1968].
[2] Adjustments to 1969 prices are based on real historic land appreciation of 4.1 percent (based on data from 1949 to 1967) plus CPI inflation from 1981 to April 1989.
[3] State land values in 1969 prices (estimated from market values of all assessed ordinary real property) times the proportion of the state's land granted.
[4] Value of grant in April 1989 dollars divided by population at time of admission into Union.
[5] Monetary grant was less than $500,000.

These values are inflated from 1981 to 1989 prices using the yearly growth rate of land values over this period. The growth rate in land value is estimated as the sum of the annual inflation rate and the real rate of land appreciation. The CPI inflation rate averaged 4 percent between 1918 and April 1989. The real rate of land appreciation was estimated using a price index of land calculated by Goldsmith for the period from 1949 to 1967.[3]

The value of each state's land grant is estimated by multiplying the value of land for each state by the proportion of the state's land granted by the federal government. The land grants to the states are based on a 1980 GAO Study.[4] Totaling the land grants for all 50 states and dividing by the summed population of each state at its time of admission to the union gives the average value of land grants per person in the mainland United States of $48,169. By multiplying this value by Puerto Rico's population, we arrive at the equivalent value of Puerto Rico's land grant $153.996 billion.

Table II adds total monetary grants [5] (in 1989 prices) to the total value of land grants. The monetary grants are valued at 1989 prices using the CPI. The average value of monetary grants in 1989 dollars per capita based on admission population, was $9. For Puerto Rico this would amount to $29 million based on 1980 Census Population.

TABLE II.—*Equivalent value of land grant for Puerto Rico*

Current population—1980 (millions)	3.197
Average value of land grant per person in mainland United States (thousands)	$48.169
Equivalent value of land grant for Puerto Rico (billions)	$153.996
Average value of land grant plus monetary grant per person in United States (thousands)	$48.178
Equivalent value of land grant plus monetary grant for Puerto Rico (billions)	$154.025

[3] Laurits R. Christensen and Dale W. Jorgenson, "The Measurement of US Real Capital Input, 1929–1967," *Review of Income and Wealth*, Dec. 1969, Series 15(4), p. 299.
[4] General Accounting Office, "Experiences of Past Territories Can Assist Puerto Rico Status Deliberations," Report to the Congress, GGD-80-26, March 7, 1980.
[5] General Accounting Office [1980].

IMPLEMENTATION OF MULTIPLE LISTING OF OPTIONS

● Mr. DIXON. Mr. President, last Thursday, November 16, several of my colleagues discussed multiple listing of options on the Senate floor just prior to consideration of S. 1712, the Securities Acts Amendments of 1989. During that discussion a view was presented that multiple trading should be delayed solely for the purpose of developing and implementing the technology needed for a market integration system.

While I agree that implementing multiple trading without having such a market integration system in place would bring undesirable consequences, I believe that there are other issues which need to be resolved prior to moving toward technological implementation. We first must know whether exchange customers would in fact benefit from a multiple trading system. This question has not been conclusively answered. The General Accounting Office, in fact, determined in its study released October 19 of this year that studies by the Securities and Exchange Commission [SEC] do not prove that multiple listing will result in savings to the public investor.

Without proof of this public benefit, we are asking our exchanges in effect to participate in a very expensive experiment. I call upon the SEC to make a conclusive determination on whether investors will benefit and to conduct a proper cost-benefit analysis of multiple listing. If those inquiries argue for multiple listing, that will be the appropriate time to pursue its technological implementation.●

CONGRESSMAN DAN ROSTENKOWSKI

● Mr. DURENBERGER. Mr. President, in this morning's New York Times, there is a very interesting and informative profile of the chairman of the House Ways and Means Committee, Congressman DAN ROSTENKOWSKI entitled "For the Chairman of a Powerful Committee, the House Is No Longer Home." In the article, Chairman ROSTENKOWSKI is quoted as saying: "I'm a player who hasn't been winning much recently, one who fears the game is changing—and not for the better." I appreciate Chairman ROSTENKOWSKI's commentary on the changing nature of the legislative

process, but I think he may be too hard on himself in assessing his wins and losses.

In many senses, I think Chairman ROSTENKOWSKI has one of the most difficult jobs in Washington. At a time when fiscal responsibility demands a changing mix of revenues and spending cuts, Chairman ROSTENKOWSKI has the unenviable task of having to be the first to propose tax law changes, as well as changes in the Medicare Program. These are always the most politically visible, and most difficult, legislative initiatives and yet nearly every year in this decade that has been Chairman ROSTENKOWSKI's responsibility. How many of his colleagues in either the House or the Senate would be willing to stand up and propose tax law changes in order to meet our deficit reduction responsibilities. And then, how many of them could get a majority of his colleagues to support such changes?

Chairman ROSTENKOWSKI has the dedication and perseverance to see things through and get things done. Would there have been a tax reform bill if Chairman ROSTENKOWSKI had not overcome extraordinary odds and seen it through? I think not. The chairman has had to do battle with the Senate over significant tax law changes in 1982, 1984, 1986, 1987 and even last year in the technical corrections battle in the waning days of the 100th Congress.

All of the members of Finance Committee who sit on House-Senate conferences will tell you that Chairman DAN ROSTENKOWSKI is a formidable negotiator, a man who has the respect of every single Member of the Senate, and all of the members of the House Ways and Means Committee. I do not always agree with Chairman ROSTENKOWSKI, but I have the utmost respect for the tenacity he brings to his job.

Mr. President, I ask that the article in the New York Times be reprinted in the CONGRESSIONAL RECORD.

The article follows:

FOR THE CHAIRMAN OF A POWERFUL COMMITTEE, THE HOUSE IS NO LONGER HOME

(By Susan F. Rasky)

WASHINGTON, November 19.—The insurance company executives who invited the chairman of the House Ways and Means Committee to address them on the subject of budget cuts and tax increases last month are still talking about the speech. Few had ever seen Dan Rostenkowski more discouraged.

"If I sound a little bitter, it's because I feel that way," the Illinois Democrat had told the executives.

"I'm a player who hasn't been winning much recently, one who fears the game is changing—and not for the better."

In a town obsessed with calibrating minute shifts in power, few pastimes are more consuming than watching the mighty stumble. And this year, Mr. Rostenkowski, perhaps the most powerful chairman of the most powerful committee in Congress, has been stumbling.

There was rebellion on taxes, with six of his own Ways and Means Democrats backing a proposal that helped Republicans win approval, in the full House, of a cut in the capital gains tax rate.

For Mr. Rostenkowski's pains in trying to save the program paying for the catastrophic costs of prolonged major illnesses in the elderly, a program he had helped to create last year, there was only humiliation, another defeat on the House floor and the extraordinary spectacle of enraged elderly people chasing him down the main thoroughfare of his Chicago district shouting, "Impeach Rotten-kowski."

And there were lesser indignities: 300 colleagues petitioning him to reverse a long-held position on anti-discrimination tax rules, and House leaders leaving him out of the loop on the way the savings and loan bailout was finally fashioned.

Mr. Rostenkowski said in an interview that it all comes with the territory: the corridor gossip and unflattering headlines proclaiming for much of the autumn that the Ways and Means chairman, the master of the brokered deal and the hero of 1986 tax reform, had lost his standing and influence.

"I don't like it," he said, "but I never thought I had all they gave me anyway."

It was a measured response. But a moment later, coming back to the subject, he was fuming—at his critics, at the press, at what he regards as a mindless budget process that imposes artificial deadlines and automatic spending cuts because nobody in Washington is willing to make the tough choices. He said he would like a little credit for having said "I told you so" and for seeing to it that programs on his watch were spared.

"This committee, as long as I have been chairman, has protected senior citizens, has protected Social Security, Medicare and public welfare," he said, his voice rising. "We don't get headlines for the fact that we protect them, but do you think for one minute that there would have been a social safety net created for those programs that are under the jurisdiction of this committee if Mr. Rostenkowski hadn't seen what was going to be happening in the future years with the Gramm-Rudman budget law?"

At 61 years of age, Dan Rostenkowski has spent half of his life in the House, privately seething as men he considered less able or less deserving rose to the top job of Speaker. Slowly and methodically, he accrued the kind of independent power that comes with raising the money to pay for everybody else's pet programs.

"I never tried to impress anybody with my intellect in the tax area," he said. "I know what compromise is, and I know what good legislation is. As chairman, you know, in trying to fashion things, I try to satisfy as many members of the committee as possible."

But "make-me-an-offer" politics does not rest easily in the modern House, where liberal Democrats as well as conservative Republicans would prefer a more ideological tax chairman. There is, however, a simple arithmetical logic to Mr. Rostenkowski's approach.

Nothing moves in his committee unless there are 19 votes to make it move. The chairman's biggest sin in the capital-gains contest was not lack of ideological purity, but that the Administration and Representative Ed Jenkins, a Georgia Democrat on the panel, made the deals to sew up those 19 votes before Mr. Rostenkowski did.

Among the reasons is that for a while Mr. Rostenkowski publicly entertained the possibility of a capital-gains tax cut as part of a broader 1991 budget deal with his old friend and former Ways and Means colleague, President Bush.

The Ways and Means chairman called it a negotiating gambit; many House Democrats called it hubris, and worse, suggesting that Mr. Rostenkowski had forgotten which party's interests he was supposed to be representing. In the end, even admirers told him that his bargaining with Mr. Bush had shown the Democratic renegades the way off the reservation.

CHICAGO-WARD STYLE

Known to Washington's legions of tax lobbyists as "Rosty," he is "Danny" to a few senior colleagues and "Boss" to his top aides—an old style Chicago pol who runs his committee the way he and his father and grandfather before him ran the ward back home. Indeed, the ward-boss image is one Mr. Rostenkowski cultivates, conferring favors and in return demanding a deference to the established order of things.

"He wants you to ask," said Representative Thomas J. Downey of Suffolk, one of the younger Democrats on the Ways and Means Committee who has learned to. "He wants to be a bully, but he wants you to stand up to him. He tests you a lot."

The physical image helps. Mr. Rostenkowski is 6 feet 2 inches tall, with the shoulders of a football lineman, a gruff, street-wise voice and an expressive face that is invariably photographed in a scowl. Before entering the family business, politics, he was a pitcher, Danny Rosten, for a Philadelphia Athletics farm team.

Sometimes Mr. Rostenkowski shows a more contemplative side. For example, last week at a House dinner honoring the Polish Solidarity leader, Lech Walesa, he wept with what seemed genuine regret as he spoke of the years spent trying to play down his Polishness and to "Anglo-Saxonize" himself. But generally, Mr. Rostenkowski likes to present himself as a hard guy in a hard game.

Representative Michael A. Andrews of Texas, one of the six Democrats on the panel who broke with Mr. Rostenkowski over the capital-gains issue, recalled his struggle to win a coveted seat on the committee in 1986.

"I went to see Rostenkowski for the third time," Mr. Andrews said. "I had the votes of everyone else on the steering and policy committee, there was only one day to go before the appointments were made and he was the only one who wouldn't commit.

"I went in there and he says to me, 'I have no problems with you, I may even vote for you tomorrow.'

"He may vote for me? I was the only one running, for heaven's sake. He never talked to me again until I'd been on the committee a month."

RELAXING AND SWAPPING INSULTS

Part of the Ways and Means initiation rites are dinners at Morton's Restaurant in Georgetown, where Mr. Rostenkowski holds court over the steak and potatoes and martinis. A bronze plaque in the alcove just behind the bar reads "Rosty's Rotunda." It hangs beneath a charcoal sketch of the Ways and Means chairman.

In truth, Mr. Rostenkowski rarely sits at the bar, preferring a table facing the kitchen in the main dining room, where his frequent dining companion is Mr. Jenkins, who led the rebellion on the tax cut.

"Morton's is to him what the gym is to other people," said one committee member

who is part of the entourage from time to time. "It's where he goes to relax. You go and you trade insults and talk about this place."

"This place" is, of course, the House, and long ago, Mr. Rostenkowski and his wife, LaVerne, made their peace about his career and what it would mean for the family.

"My wife came to Washington in 1959," Mr. Rostenkowski said, and we spent three weeks here. We had three children then, and we were looking for a residence."

It soon became clear, he said, that the Congressional schedule conflicted with the school year and with "giving our kids what we wanted, which was a Midwest education."

"My wife looked at the calendar and the travel," he said, "and she said, 'you want to be a Congressman, *you* commute.'"

Mr. Rostenkowski bought a small, and by most descriptions, sterile apartment near Capitol Hill, where he stays on the three nights a week he spends in Washington.

THE HOUSE IS NOT HIS HOUSE

Catch him in a wistful moment and he will talk with surprising candor about retirement, musing that perhaps his time has passed and he would be happy to leave the floor fights and the budget aggravation to the "Democratic vocals" who have inherited his party.

"Wilbur Mills and the chairmen of that era had a lot more time. They didn't have budget dates; they didn't have deadlines," he said. "You could pressure people more in a political vein to support activities.

"Now, members of Congress are independent contractors. They have more narrowed views about whether or not compromise is fair, and now they know if it makes the chairman less powerful, but it makes him work that much harder to get a consensus."

It is a familiar rhapsody of regret to Ways and Means colleagues. "He loves the House of Representatives, but the House he loves is not the House that is," Mr. Downey said. "He remembers when there was less public scrutiny, more camaraderie and fewer of what he calls the blow-dried members. He longs for the days when there was real characters and real courage."

Maybe, but by Mr. Rostenkowski's own account not enough to pack it all in just yet. He still recalls vividly what it was like to work his way up.

7 PRESIDENTS, 5 SPEAKERS

"I was enthusiastic and very popular in Chicago. I came to Washington, and I was the 30th man on what was then the Interstate and Foreign Commerce Committee, a fellow with a ridiculously long name, and I was nothing."

Today, his office in the Rayburn Building is a shrine to a legislative career that spans seven Presidencies and five House Speakers. Its walls are lined with their inscribed photographs, a mounted collection of ballpoint pens from Presidential signing ceremonies, framed copies of important bills—everywhere the trinkets and tokens and mementos of the long climb to recognition.

But he is rarely there. Instead, he is ensconced in the more subdued Ways and Means conference room just off the House chamber on the second floor of the Capitol. It is there that the hard bargaining is done, there that power is measured by the number of reporters and lobbyists who have hovered outside the closed doors for three weeks.●

DWAYNE O. ANDREAS ON EAST-WEST RELATIONS

● Mr. KERRY. Mr. President, recently I had the privilege of listening to a speech delivered by Dwayne O. Andreas, chairman of the board and CEO of Archer Daniels Midland Co., to the Brookings Institute. This speech addressed the economic implications of the recent and dramatic changes taking place in the Soviet Union and the rest of Eastern Europe.

Dwayne Andreas runs a multinational industrial corporation. His actions effect thousands of Americans—from shareholders, to workers, to consumers—and, thus, he must execute those actions knowledgeably and cautiously. So when Dwayne Andreas has something to say, I think that it behooves us to listen.

In his speech to the Brookings Institution, Mr. Andreas expressed very clearly a most urgent priority facing the United States—that of normalizing our relationship with the Soviet Union and moving forward with a concerted policy of establishing an economic relationship with all the nations of Eastern Europe.

Mr. Andreas states: "The Cold War is over", "We need normal relations with the Soviets, not to help Gorbachev or to help Russia dig itself out of the hole its in. We need them to help us and to dig ourselves out of the hole we are in. Gorbachev is throwing us a lifeline. He says we both ought to stop the arms race that's wrecking our economies." Mr. Andreas then goes on to lay out some steps that ought to be taken immediately to facilitate this goal.

It's time that we stopped wasting time and paid attention to the real and drastic implications of the changes in Eastern Europe. As Mr. Andreas so eloquently and convincingly illustrates, these changes represent unprecedented opportunity for the United States. If we don't seize the initiative now, someone else most certainly will.

Mr. President, I ask that the entire text of Dwayne Andreas' remarks be inserted in the RECORD and urge that my colleagues read it and take heed.

The remarks follow:

SPEECH BEFORE BROOKINGS INSTITUTE NATIONAL ISSUES FORUM ON EAST-WEST RELATIONS, WASHINGTON, D.C.

(By Dwayne O. Andreas)

I was wondering about why I was invited to address this group, and I thought about a little story that I really got from Paul Volker. There was a man who went into a bird shop to buy a parrot, and the shopkeeper said, "I have three parrots here. One beautiful one with red plumage, another medium one with green plumage, and a little gray mangy one that doesn't look so good." The customer said, "I am in a hurry, and I have to get it right away. I'll take this big one." The shopkeeper said, "That's $10,000." The buyer said, "Oh my God, how could it be worth $10,000?" "Well, it speaks French, German, and Russian and for that you have to pay a lot of money." He said, "Well I can't take that. I'll take this medium one here." "Well, that one is $15,000." "How come $15,000?" "He speaks Japanese and Chinese. That is very rare." "Well, I've got to have a parrot. I'll take this little mangy one over here." The shopkeeper said, "That is $20,000." "For heaven's sake what does he do?" "As far as I know he doesn't do anything. But these other two address him as Mr. Chairman."

So I am the Chairman of the US-USSR Trade and Economic Council. And Bill Forrester, here who is President, can tell you more about this subject later than I can.

Bill Forrester, Mr. Dearstein, and quite a few others and I were in Moscow two weeks ago to open a Trade Exhibition. One-hundred and forty American companies participated. Most of the big companies were there—Johnson & Johnson, Archer Daniels Midland Company, IBM, AT&T, and General Motors. About an hour before the opening, I got a message that President Gorbachev would like to participate in the ribbon-cutting ceremonies. He came at 4:00 and helped cut the ribbon. He brought with him Mr. Ryzhkov, the Prime Minister. They stayed for 3 hours. For one and half hours, we ushered them around the Trade Fair. They talked with dozens of American executives about joint ventures, trade, and economics. At the end, a dozen of the Directors met in a private room with Mr. Ryzhkov and Mr. Gorbachev for an hour and a half. I tell you that because that is an indication of what hands-on managing people these are, how practical and pragmatic they are, and how interested they are in developing a good business relationship with us.

I first met President Gorbachev in 1984 before he was promoted to General Chairman. I was in the office of one of the conservative Ministers on a Friday afternoon on my way to the airport. He urged me to go back to the hotel, and stay in Moscow. He said, "I just came from a meeting. We are going to support a big change. ("We", means conservatives). Mr. Gorbachev is going to be promoted and take charge of the economy of this country and make tremendous changes, a lot of them along the lines that you Americans have talked to us about over the years." He said, "Dwayne, if you don't meet this man, when you get back here you won't even know this country. That is how many changes he is going to make." So I went back to the hotel, stayed over the weekend, and spent three hours with Mr. Gorbachev on Monday morning. I perceived him right then and there to be an extremist; that is, a man in possession of extreme common sense. A pragmatic and practical gentleman.

This is before, you understand, he became General Secretary.

He said then he would try to make socialism work better by borrowing a few things from market-oriented countries. He indicated that he would unleash market forces and the forces of supply and demand and authorize private farming which he had already recommended to the Politburo three times and had been rejected. He would plan for the organization of cooperatives to conduct the business of millions of farmers and workers. I perceived that he was thinking of an economy something like the democratic socialist economies of Western Europe. That's what his role model is, in my opinion. That will take time—when you have to correct past mistakes, things usually get worse before they get better.

Our media are having a field day predicting Gorbachev's imminent downfall because he has not been able to improve the standard of living in three or four short years. My feeling is that they're all wrong, and he's going to last a long time.

He is learning, as all political people in America have learned long ago, that when you are an officer in an open democracy, the principal adversary is the press. First, you need and must have freedom of the press, but secondly you need a little freedom from the press. That's the learning experience that Gorbachev is going through.

Here is one reason I think he will stay: We have to keep in mind something we already know—"man does not live by bread alone". He has given the Soviet citizens some important freedoms. Freedom to farm, of the press, to worship, to travel and now freedom to vote. These freedoms have revived hope. Whole populations have been known to live on hope for decades. I expect them to give him a few more years to turn things around.

It reminds me of our Great Depression which I remember very, very well. Most of our citizens thought capitalism had failed, and we had lost faith in our system in the depths of the Depression. When Roosevelt was elected, his first years was busy adopting features of socialism to make capitalism work better—quite a number of them. And then for years journalists predicted Roosevelt's demise. Every time there was an election, he got a bigger majority. The reason they predicted it was because unemployment and depression persisted for several years after Roosevelt began to apply new policies. But Roosevelt revived hope and survived until improvements were manifest. He did a lot of it by just promising freedom from fear.

I think Gorbachev has some of the same problems to go through that Roosevelt did.

I believe our national policies should be firmly based in our own self-interest. That's the way other nations operate, including the Soviets. And from every conceivable standpoint—national security, economic, and political—I believe it is very much in our national and self-interest to normalize relations with the East.

If I'm right, we should be rushing to sign agreements with Gorbachev.

But if I'm wrong and Gorbachev is headed for a fall, then we'd better sign those agreements even faster, and try to lock them in (while this window of time is open) into arms and trade deals that are not likely to be reversed.

They have a long record of honoring foreign contracts.

I see Gorbachev as the Messiah of reform. His reforms to date are largely irreversible because they are a rational, pragmatic response to fundamental political and economic needs of his country. Any successor to Gorbachev will have to follow the same policies very much like the ones now being implemented. They are based on common sense, not ideology.

We need normal relations with the Soviets, not to help Gorbachev or to help Russia dig itself out of the hole it's in. We need them to help us and to dig ourselves out of the hole we are in.

Gorbachev is throwing us a lifeline. He says we both ought to stop the arms race that's wrecking our economies. He traveled extensively in the West. Maybe he saw capitalism and decided it was worth saving. One of his comrades made this comment to me, "Capitalism stinks, but I love to get a whiff of it."

Saving our place in the capitalism system requires getting the monkey of runaway defense spending off our back. Only Gorbachev has the power to make that possible—Gorbachev and President Bush. Because we are not likely to do any unilateral disarming.

The New York Times columnist, William Safire, who is anything but a dove when it comes to the Soviets, recently wrote:

I want to quote him exactly, "As the percentage of Soviet GNP spent for arms is forced down, ours is sure to drop, too—say from just under 7 percent of our GNP to 4 percent. That saves $150 billion, the size of our current deficit." That's what our President Bush and Gorbachev have on the table.

Forbes October 30 edition says, "Defense spending will decline steadily", and "Armed Services manpower and Defense Department jobs will fall by 750,000".

The October 29 Chicago Tribune editorializes, "President Bush and Congress should look at compromises that would include the dirty words—taxes and defense cuts."

What they all fail to mention, and what most people forget, is that the savings would be far greater. The $150 billion that Safire refers to is just deficit spending, a one-time appropriation, but it is financed by government borrowing from foreign lenders. A far cry from the good old days when we borrowed from ourselves and didn't worry.

My father once told me that you can figure the true cost of a loan by dividing any interest rate into 72. That will tell you how long it takes the lender to double his money at your expense with compound interest. Try it—it is a simple formula. It works. Compound interest is what we pay because our government is committed to borrow the money for all interest payments as far ahead as the eye can see.

Accordingly, when the Treasury funds a $150 billion deficit with nine per cent bonds, compound interest doubles it every 8 years. Now follow me. Doubling in eight years. $150 billion spent this year. In eight years, that is $300 billion; sixteen years that is $600 billion; and twenty-four years, that is $1.2 trillion—$12 hundred-billion.

It reminds me of another bit of advice I got from my father. In my early life I remember I wanted to buy a $20 horse: "Son", he said, "It's not the cost of the horse—it's the oats he eats."

It makes you wonder why we permit Congress to mandate deficit spending without also appropriating money to cover future interest charges on that spending. The original appropriation, the $150 billion, is just the tip of the iceberg.

That's why thirty-six cents of each income tax dollar goes for interest on the public debt.

It is no secret that about a third of military budget is earmarked for the defense of Japan and Western Europe. They spend a lot less on arms and a lot more on production than we do. The result is that we're losing the war that counts—the war for economic independence.

That is why someone recently said the Cold War is over and Japan won.

If we persist in living it up, pouring dollars abroad which come back like homing pigeons to buy American assets with our self-depreciated dollar, we, of course will ultimately become a colony again.

Over the past seven years, our budget and trade deficits have spun out of control. Our cumulative foreign debt is $700 billion, and it's climbing. Ten years ago they owed us $500 billion, the biggest transfer of wealth in history of the world by far.

There's an old Chinese proverb that says, "If you don't change direction, you'll get where you're headed." We're headed for runaway inflation. If we don't change our direction, we'll wind up like three other very rich countries—Argentina, Brazil, and Australia—whistling in the graveyard of inflation while our debt snowballs.

Australia's huge external debt just led Moody's to downgrade their bonds. As a result, they've got interest rates that are way up in double digits. That's what's in store for us, a few years down the road, if we don't get our house in order.

I believe it was Alan Greenspan who predicted: If we can get rid of the budget deficit, long-term interest rates will fall to four percent. That would knock about $150 billion off of our interest costs, cut $50 billion off the interest costs of the Third World, and make it possible for them to be customers and buy from us again. This is a formula that would save the capitalist system from self destruction.

Normalizing relations with the Soviets can help us cut military spending and balance the budget. And it can help us improve our trade balance by exporting to the East—the last untapped markets in the developed world.

So the vital question today is, who will get the business that any future Soviet regime will do with West?

Our trade rivals right now are beating us to these markets. They are way ahead of us.

When Gorbachev talks of a "common European home", he's really referring to a post-1992 EEC alliance with the Soviets a common market stretching from London to Vladivostok, encompassing a fourth of the globe, a fifth of the world's population, and half the world's GNP.

It's already taking shape.

I don't think it's generally understood here in America just how fast the Europeans are moving to secure their strategic economic interests in the East.

The EEC has signed trade deals with Poland, Hungary, and Czechoslovakia, and it's going to conclude a treaty with the Soviets in just a few weeks. They have already negotiated. They are in a rush—negotiations with the Hungarians began in March, and a complete and comprehensive treaty was signed in September, with unheard of speed.

Poland and Hungary have whispered that they would like to be members of the Common Market. The EFTA group have already gone to Moscow and said we would like to be party to the trade agreement with the EEC.

Seventeen Latin American countries have signed trade treaties with the Soviets.

In an amazingly short period of time, the eastern countries have boosted their trade with the EEC by 20 percent or more, and the Soviets now do more trade with market-oriented countries than they do with their so-called satellites, who used to do almost all of it.

The Japanese aren't looking on trade with the Soviets and Chinese as a spectator sport, either.

They now do about $6 billion in business with the Soviets—twice what we do. But if you disregard the agricultural commodities and refer to value-added products, the Japanese are doing twice times as much business with the Soviets as we are. If you combine Japan's finances productive capacity with the raw materials of the Soviet Union, you might come up with a program that will sat-

isfy the Soviet's hunger for consumer goods—without us.

Unless we move quickly to normalize economic relations with the Soviets and China, we will find ourselves a second-rate power with a Third World debt and a deteriorating living standard.

But we come to the table with some serious handicaps—the legacy of years of politicizing our business relations and antagonizing customers. We've used trade as a weapon to force the Soviets to behave, with predictable results.

Fifteen years ago, when we passed the Jackson-Vanik legislation to get the Soviets to increase emigration, they just responded by shutting their doors even tighter.

We slapped an embargo on grain exports. They just bought their grain elsewhere. We not only lost billions in direct and indirect cost, but gave up huge chunks of market share permanently to Brazil, Canada, Argentina, and the EEC.

To President Reagan's everlasting credit, he healed this self-inflicted wound one month after his inauguration.

We banned exports of 100,000 different items of goods and services—almost all of which the Soviets can buy freely from many other places in the world. Trying to control technology exports in this world is like trying to catch water in a sieve. We've found that out the hard way.

We have made a botch of it, causing hundreds of companies to do business through foreign affiliates or lose out to foreign companies entirely.

One former cabinet member, whom I consider to be one of the most enlightened, estimated to me that these policies have cut $15 billion a year off of our export capabilities in recent years.

There are plenty of other examples of how our Cold War politics inflicts damage on our own economic interests while other countries put their own economic self-interest first.

We could be doing tens of billions of dollars in two-way trade, creating sales and jobs for both countries. Instead, our trade in 1988 was only $3.2 billion, most of it in U.S. agriculture exports. If you subtract them we did less trade with the Soviet Union than we did with Haiti. Less than we did with Trinidad.

In order to export to the Eastern Bloc, we'll have to open our doors to their goods and offer Most Favored Nation status to the Soviet Union as quickly as possible. No one expects them to sell much here, but granting access to our markets will encourage them to buy more from us. You can't do business when you have a "Keep Out" sign over the door. The insult alone is enough to send a potential customer elsewhere to spend his money.

The ECC Commissioners have just recommended an Open Door Policy to Eastern imports. Last week they declared free trade with Poland! Under these circumstances, who do you expect to buy from?

Today, when national security is defined in terms of economic and financial strength, we've got to wipe out our trade deficit. Self-interest demands expansion of our trade with the Soviets, and, for that matter, with China too, and I believe this Administration will help do that. I believe they will help open doors.

President Bush has wide experience and is extraordinarily familiar with international trade and economics. His team—Secretaries Baker, Cheney and Yeutter, and Mr. Skowcroft—are all very knowledgeable about the international scene and its impact on our economy. I believe they will act to strengthen our economic relations with the Soviets. They are a strong team. They work together, and I believe they will get results.

They have already made great strides in arms control and in bilateral and regional issues. I'm sure they know you can't construct a solid house of political and military agreements without a strong foundation of economic and trade agreements.

Let me briefly mention some important steps that ought to be taken right now:

One, let's get rid of laws that stand in the way of expanded U.S.-Soviet trade. Conditions have changed. The Cold War is over. Cold War laws must have change, too.

With emigration from the Soviet Union far above our most urgent requests and a liberalized emigration law in the works, Jackson-Vanik should be a prime candidate for review.

So too are statutes that restrict Export-Import Bank financing and impose export licensing restrictions. Most Favored Nation treatment to the Soviets right now is clearly in our best interest.

Two, align our trade laws with changing world political and economic realities. Among other things, we need to spell out the meaning of "strategic" interests and the principle of contract sanctity so other countries can trust our contracts once again.

Three, we should codify our export licensing procedures. Today, they are expensive, time-consuming impediments to commerce. Licensing should no longer be a political football kicked from one department to another—nor a mechanism to sabotage trade.

Most controlled items could be placed on automatic general license at no risk to national security, and we need to do that as soon as possible.

Four, we must begin serious negotiations on new U.S.-Soviet trade and tax treaties, right now. We are late with this negotiation.

They would provide guarantees against expropriation and accommodate changes in the Soviets' foreign economic practices, such as joint ventures. Substantially all other countries protect their businesses in the USSR by treaty, and we should, too.

Five, we should offer Ex-Im credits and guarantees, as well as O.P.I.C. guarantees.

The Soviets have more credit offered to them from our Western European allies than they are willing to use, and they've got a top credit rating. But very often, in commercial transactions, credit is part of the price. Usually it's the seller who uses credit as a means of inducing the buyer to buy. Eight thousand companies in Russia who have never done foreign business before are now authorized to negotiate with foreigners. Sellers occasionally will find credit profitable and a means to induce a sale.

Six, we need to use export enhancement programs and CCC credits when necessary to keep the U.S. competitive in the world's agricultural markets. We have to sell at world market prices, or we won't sell at all. No buyer will pay us more for wheat, corn, or vegetable oil than our competitors charge.

This is a must. We'll never close our trade deficit unless we export more of our farm products. And we can't export more unless our government uses the same tools and devices other governments are using and treats this consumer like we expect to be treated and like we treat others—the golden rule.

Seven, I'd also suggest that it is very much in our national interest to have the Soviets in GATT, the IMF, and the World Bank.

The closer they are tied to international trade and financial institutions, the greater the stake they'll have in preserving the international economic system. We're far better off binding them to international agreements than looking on from the outside while they cut bilateral deals with other countries.

The Soviets will have to make some basic changes in order to qualify for full membership in these institutions—such as further moves toward a market economy and a viable program for ultimate ruble convertibility.

They have indicated their intention to do this, but it will take some time. They surely can be accorded observer status right now. There are many precedents for that. And it is in our interest that they make the adjustments needed to qualify.

These seven points represent a clear trade policy that advances our economic and national security interests. And every single proposal I have made is already the established policy of our trading partners.

We've finally reached a point where most of us recognize that the U.S. and the Soviet Union have nothing to fight about. Our common interests far outweigh our differences. Cooperation is an economic and national security imperative for both our countries.

Gone are the days when the U.S. was the capitalist devil, and the USSR was the evil empire. Today we both recognize that our real enemies are the common enemies of mankind: nuclear proliferation, chemical weapons, deterioration of the environment, depletion of the earth's energy supplies, world hunger, and tragic loss of the world's topsoil.

The other day in our meeting with President Gorbachev someone asked him, if the military problems are resolved, what other thing could we cooperate on in the near future? His answer was nuclear proliferation, global warming, and space exploration.

Those enemies can be conquered and world peace secured through economic cooperation and trade. In my experience, international trade is one of mankind's most necessary and ennobling activities—the essential building block of peace and prosperity.

The historian Arnold Toynbee once wrote: "Our Age will be remembered not for its horrifying crimes or astonishing inventions, but because it is the first generation since the dawn of history in which mankind has dared to believe it is practical to make the benefits of civilization available to the whole human race."

I believe he was right—and that normal trade and commercial relations with the Soviets will bring us closer to that goal.●

EMERGENCY CHINESE STUDENT RELIEF ACT OF 1989

● Mr. DIXON. Mr. President, I rise in support of H.R. 2712, the Emergency Chinese Student Relief Act of 1989. This legislation is the tangible result of our promise to the brave Chinese students who gave their lives for the cause of democracy that their sacrifices would not be forgotten.

We share the struggle for freedom and democracy with the Chinese people. I will never forget the image of one man, standing in front of a convoy of tanks in Tiananmen Square, who

put his life on the line in order to stop the madness around him. It was a powerful image, Mr. President. That man stood for democracy.

Many of us in this body, myself included responded to the horror in Beijing with legislative responses. I was proud to work with Congresswoman PELOSI and my colleagues in the Senate to fashion a compromise bill that provided real relief. The bill before us today is the result of much discussion and compromise and I congratulate the conferees and the majority and minority leaders for their steady hand and determination to resolve this issue.

On Wednesday we heard the stirring words of Lech Walesa on the dream of democracy which is now in its early stages in Poland. We have fought with the Polish people ever since the post-World War II division of Europe forcibly incorporated Poland within the Soviet sphere of influence.

Just as Lech Walesa stood for democracy, so must we in Congress. We should pass this legislation without delay. I stated on this floor 2 days ago that the United States should put its money where its mouth was in regard to Poland. We did in that instance, and we should here.

I have met with numerous Chinese students. I talked with them at campuses across Illinois. My staff has been in constant contact with the students in Illinois. They are very concerned with the U.S. Congress will turn their back on them. I certainly hope that is not the case.

These outstanding young men and women are the future of China. Their Government fails to see their potential. They would prefer to crush their spirit. But I know they will never succeed. We must never allow the Government to succeed.

It is with great pride that I rise to support this legislation. It provides a reasonable time period for real relief for Chinese students in this country. It corrects some of the deficiencies of the President's original proposal and properly expands them. I had grave reservations about the period of deferred enforced departure [DED] status provided under the President's plan. The Chinese students stayed away from the program in droves. They sought further relief. I believe this bill does just that.

There is a saying I have heard a number of times, Mr. President, that states, "Freedom is not free." The United States was established at great human cost to those who yearned to breath free of British tyranny. The Polish people have endured despite frequent invasions and the imposition of oppressive governments. The Chinese people continue to struggle for their own voice. All of those who advocate freedom, democracy and human rights suffer.

It is therefore all the more important, given this Nation's history, that we recognize with word and deed our commitment to the Chinese people.

I am proud to support this bill, and urge my colleagues to vote in favor of its passage.

I thank my colleagues.●

UNITED STATES SHOULD REASSESS UNESCO POLICY

● Mr. PELL. Mr. President, the U.N. Educational, Scientific, and Cultural Organization [UNESCO] has recently concluded its general conference in Paris. At this conference, UNESCO members adopted a policy statement that satisfies, in almost every respect, the concerns about communication and information policy that led to the United States withdrawal from UNESCO in 1984.

The conference strongly endorsed the concept of a free flow of information and the free expression of ideas—principles that the United States has rightfully urged be incorporated into UNESCO reform. Accordingly, it is time for the United States to reassess its stance on UNESCO, with a view toward rejoining the organization and working for further reform from within the agency.

Arthur Ross and Edward C. Luck recently made an excellent case for a U.S. reassessment of its UNESCO policy. I ask that their article, which appeared in the Christian Science Monitor on October 27, 1989, be printed in the RECORD:

The article follows:

[From the Christian Science Monitor, Oct. 27, 1989]

THE MAN STRUGGLING TO REFORM UNESCO

(By Arthur Ross and Edward C. Luck)

Scarcely two years after being elected, the new director general of UNESCO, Dr. Federico Mayor Zaragosa of Spain, finds himself far out on a limb. Critics from left and right who feel that his reforms of the troubled agency have gone too far or not far enough are busy chipping away at his support. With a critical month-long general conference to decide UNESCO's course now under way, the United States has a much deeper stake than is commonly realized in giving a boost to Dr. Mayor and his reform program.

Five years ago, the US marched out of UNESCO (United Nations Educational, Scientific, and Cultural Organization), followed by Great Britain and Singapore, citing poor management, budgetary excess, and political controversy under former director general Amadou Mahtar M'Bow of Senegal.

Despite substantial opposition from some nonaligned and developing countries, Dr. Mayor was chosen over Mr. M'Bow to chart a new path for UNESCO. From the sidelines, Americans were buoyed by the prospect that UNESCO might regain its long-lost stature as a leading forum for the sharing and dissemination of knowledge in the fields of science, education, culture, and communications.

Though Mayor has not produced any overnight miracles, he has begun to put UNESCO on the right track. He has replaced M'Bow's feudal, highly-centralized management style with a more open, professional system that properly delegates authority to his program managers. Following deep cuts forced by the loss of US and British support and four years of zero budget growth, Mayor is now requesting a modest 2.5 percent real growth in spending. So he has hardly been a spendthrift.

The tide of political controversy has also ebbed markedly in UNESCO, as it has throughout the United Nations system. In an effort to avoid further politicization of the agency, Mayor recently gained the unanimous decision of his governing body to defer until 1991 the Palestine Liberation Organization's application for full membership status in UNESCO.

The issue at the center of the UNESCO debate today, as it was five years ago, involves media and communications. In the late '70s and early '80s, a combination of third-world and socialist states advocated in UNESCO a New World Information and Communication Order (NWICO).

UNESCO has quite properly, and initially with US encouragement, endeavored to help develop a more adequate communications network in the third world. But some states had urged UNESCO to go further—to "balance" the news, suggesting licensing and codes of conduct for journalists. No press restrictions were ever endorsed or acted upon by UNESCO, but the debate itself provoked a great outcry.

The ominous notion of a new information order has died, a relic of an earlier era of North-South acrimony. In his statements and program, Mayor had laid to rest any idea of a new information order, even while seeking to meet the legitimate communications needs of the developing countries. The only thing in dispute is the wording of the eulogy. For with the coming of glasnost in the east and pragmatism in the south, the concept of a "new order" has taken on a different meaning.

So what should the US do? First, the president should act quickly to send a balanced monitoring group drawn from leading professionals in science, education, culture, and communications to Paris to report on the UNESCO general conference, which runs from mid-October to mid-November. This step would give Mayor added leverage by demonstrating the seriousness of American interest in UNESCO reform, while permitting a fuller and higher-level review process.

Second, if Mayor's five-year reform package is substantially adopted by the general conference and if the US monitoring group submits a favorable report, then the US should announce its intention to reenter UNESCO. This would give the US a voice in the implementation of the reforms while protecting its many interests in the agency. Similar recommendations have been made by a bipartisan panel headed by retired Sen. Robert Stafford (R) of Vermont and organized by the United Nations Association of the USA.

By walking out of UNESCO, the US helped spark a far-reaching reform process and a much-needed leadership change. But by remaining outside, we may doom both the prospects for further reform and the man entrusted with the delicate task of transforming the agency without destroying it. To turn our backs on the progress made would be to undermine our interests, our credibility, and our stature as a world leader

in science, education, culture, and communications.●

SOMEONE IS LISTENING

● Mr. KOHL. Mr. President, a little over a week ago, I joined with a handful of my colleagues to vote against the Department of Defense authorization conference report. I did so because I had concluded that the bill did not represent a realistic response to the world in which we live—a world in which the Soviet threat was declining and the internal economic threat to our own stability and strength was increasing. Given those changes, I concluded that the bill authorized too much money and spent that money on the wrong programs.

Over the weekend, the Secretary of Defense announced that he would be calling for real reductions in defense spending over the next 5 years. He had, he said, concluded that changes in the nature of the Soviet threat made it possible to spend less money on the Pentagon. He still wants to spend those funds in the wrong areas, but at least he agrees that spending can be reduced.

I cannot claim that the Secretary read my statement, in fact I rather doubt that he did, but I am delighted that he reached many of the same conclusions that I have. I just hope that the budget he develops accurately reflects those conclusions. I look forward to working with him to implement the conclusions we have both reached.●

AMBASSADOR OUMAROU YOUSSOUFOU

● Mr. SIMON. Mr. President, I would like to take a moment to congratulate Ambassador Oumarou Youssoufou for his dedicated service as Executive Director of the Organization of African Unity to the United Nations. Ambassador Youssoufou recently decided to resign his post and return to his native country, Niger. During the past 9 years, Mr. Youssoufou has traveled throughout the world educating us about Africa's needs and concerns. He has been an eloquent spokesman for all Africans, and has served the Organization of African Unity with distinction. I take this opportunity to both congratulate and thank Ambassador Youssoufou for his humanitarian efforts on behalf of the peoples of Africa.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar 474, Calendar 498, Calendar 512, and two promotions.

Mr. President, I further ask unanimous consent the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid on the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

I further ask unanimous consent that, in addition to Calendar item 512 there be two promotions in the Navy reported today by the Armed Services Committee, Robert D. Knowlton, to be captain, and Edwin M. Moon, to be commander.

The PRESIDING OFFICER. Is there objection? The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I do not object.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NUCLEAR REGULATORY COMMISSION

Forrest J. Remick, of Pennsylvania, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 1994.

COPYRIGHT ROYALTY TRIBUNAL

Cindy Shinga Daub, of Nebraska, to be a Commissioner of the Copyright Royalty Tribunal for a term of seven years from September 27, 1989.

DEPARTMENT OF DEFENSE

Barbara Spyridon Pope, of Missouri, to be an Assistant Secretary of the Navy.

IN THE NAVY

To be commander

Lt. Comdr. Edward M. Moon, U.S. Navy.

To be captain

Comdr. Robert D. Knowlton, CEC, U.S. Navy.

STATEMENT ON THE NOMINATION OF DR. FORREST J. REMICK

Mr. HUMPHREY. Mr. President, this nomination is of great concern to the State of New Hampshire. At present, the Nuclear Regulatory Commission is deliberating the issuance of a full power license for the Seabrook nuclear power station, which is located in my State.

I opposed Dr. Remick's nomination during consideration by the Committee on Environment and Public Works. At the time, I was concerned about a letter Dr. Remick had written to NRC Chairman Kenneth Carr earlier this year regarding Seabrook. Dr. Remick, who was serving as Chairman of the NRC Advisory Committee on Reactor Safeguards, wrote that, "* * * there is reasonable assurance that Seabrook station * * * can be operated at core power level up to 3411 MWT without undue risk to the health and safety of the public."

In my mind at least, this calls into question Dr. Remick's ability to be completely objective with regard to Seabrook. Since his nomination was reported to the full Senate, however, Dr. Remick has committed in writing that he will disqualify himself from voting on contested issues in initial authorization for full power operation of the Seabrook plant.

On this basis, I am prepared to agree to move forward on the Remick nomination.

For the record, recent decisions at the Nuclear Regulatory Commission have raised serious questions in my mind about the ability of that body to discharge its duty to protect the public. While the decisions have involved a somewhat parochial issue—Seabrook—the NRC's processes and tactics should concern every Senator. Put simply, legitimate questions regarding the safety of the public seem increasingly subsumed by an apparent obsession to license Seabrook as quickly as possible.

I have communicated the details of my concerns to the chairmen of the relevant authorizing committees here in the Senate. I have asked for an investigation. I know several other Senators have made a similar request and I hope these requests will be considered favorably. I also hope that these requests might give pause to the members of the Nuclear Regulatory Commission as the Seabrook proceedings continue.

STATEMENT ON THE NOMINATION OF FORREST REMICK

Mr. BURDICK. Mr. President, I support the nomination of Mr. Forrest Remick to be a member of the Nuclear Regulatory Commission. Mr. Remick certainly is qualified for this job. He has spent many years involved in technical and policy issues associated with nuclear power. He is familiar with the NRC and its mission. I look forward to working with him on the issues we will be facing together.

For the record, I would like to note that Mr. Remick has decided to recuse himself from further participation in the Seabrook licensing proceeding because of his prior involvement in that proceeding while working for the Advisory Committee on Reactor Safeguards for the NRC. So that this recusal will be a matter of public record, I ask unanimous consent that Mr. Remick's letter of recusal and a letter from Senator KERRY to Mr. Remick on this matter be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 17, 1989.

Dr. FORREST J. REMICK,
State College, PA.

DEAR DR. REMICK: I want to express to you my appreciation for your very thoughtful consideration on whether or not to recuse yourself from all contested issues associated with the full power licensing of the Seabrook nuclear power plant.

Your recent letter to me and our discussion in my office in which you agreed to disqualify yourself from participating in voting on contested issues relating to a full power license of Seabrook, I know comes after serious deliberation on your part. Our meetings and your letter make it obvious to me that you take this issue very seriously, and for that I am extremely grateful.

I admire your sensitivity regarding the appearance that your prior position as Chairman of the NRC's Advisory Committee on Reactor Safeguards which endorsed a full-power start up of Seabrook, may make it difficult for you to come to the NRC without the perception of a predisposition or prejudgment on issuing a full power license for Seabrook.

As you know, during our meeting I expressed my concern over what "initial authorization" for a full power license means. From our discussion I am satisfied that our mutual understanding is that not only would you be disqualified from voting on issues as they relate to the initial full power license but also you would disqualify yourself from voting on subsequent NRC action arising from the reversal or remand by a court of the initial authorization.

I feel confident that you will bring to this position a responsible and knowledgeable approach in matters relating to issues before the NRC. As I said to you earlier I sincerely hope we can continue our dialogue on nuclear power and safety issues, and very much look forward to working with you in the future.

Sincerely,

JOHN F. KERRY.

STATE COLLEGE, PA,
November 16, 1989.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: This letter is in response to the concerns which you expressed in our meetings of October 24, 1989 and November 15, 1989 relating to my nomination to serve as a member of the Nuclear Regulatory Commission.

As Chairman of the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, I have signed on behalf of the Committee a letter to the Commissioners expressing the Committee's view on emergency planning at the Seabrook Station (Seabrook). That letter was developed on the basis of presentations made to the Committee by interested persons and representatives of cognizant agencies and expresses the collegial and advisory views of the Committee. I do not believe that my participation as a member of the Committee would necessarily disqualify me from acting impartially on Seabrook issues coming to me for action in an adjudicatory context as a Commissioner.

I have no doubt that I could and would act on Seabrook matters as an impartial adjudicator and would make my decision solely on the basis of the adjudicatory record. Nonetheless, I can understand why some members of the public might question whether I would be able to consider open-mindedly the Seabrook issues now pending before the Commission. Consequently, I have reached the conclusion that I should disqualify myself from voting on contested issues in the matter of the initial authorization for full power operation of the Seabrook Station. In reaching my conclusion, I have been particularly sensitive to the possible perception of some members of the public of the need for my disqualification on Seabrook rather than any reality of bias or lack of objectivity on my part.

I have reached this conclusion after consultation with the Nuclear Regulatory Commission's General Counsel.

I appreciate the opportunity to set forth my views on this matter.

Sincerely yours,

FORREST J. REMICK.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NEVADA WILDERNESS ACT

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 974.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 974) entitled "An act to designate certain lands in the State of Nevada as wilderness, and for other purposes," do pass with the following amendments:

(1) Page 3, line 11, strike out [May, 1989,], and insert "October, 1989,".

(2) Page 4, line 23, strike out ["Mike O'Callaghan-Paradise], and insert "Santa Rosa-Paradise".

(3) Page 11, strike out all after line 21, over to and including page 12, line 11, and insert:

SEC. 11. LOW ALTITUDE FLIGHT ACTIVITIES.

Nothing in this Act shall preclude low level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the Alta Toquima, Arc Dome, Currant Mountain or Table Mountain Wilderness areas.

AMENDMENT NO. 1191

(Purpose: To amend S. 974)

Mr. HUMPHREY. Mr. President, I move to concur in the amendment of the House with an amendment which I send to the desk on behalf of Mr. MCCLURE.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY], for Mr. MCCLURE, proposes an amendment numbered 1191.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new subsection 8(e):

"(e) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Nevada designated by this Act. Nothing in this Act, nor in any legislative history accompanying this Act related to reserved Federal water rights, shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made pursuant thereto."

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1191) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCLURE. Mr. President, I urge support of my amendment to S. 974 with respect to federally reserved water rights in order to clarify ambiguities in the legislative history with respect to legislative intent regarding acts other than this act. Simply stated, this amendment makes it clear that neither this act nor any of its legislative history related to Federal reserved water rights are relevant to any other act.

MILITARY OVERFLIGHT OF NEVADA WILDERNESS

Mr. WALLOP. I would like to clarify with you the meaning of section 11 of S. 974. Is it the Senator from Nevada's understanding that the language in that section will preserve the option for future military overflight activities in the Alta Toquima, Arc Dome, Table Mountain, and current mountain wilderness areas?

Mr. REID. Yes.

Mr. WALLOP. In other words, the designation of those four areas as wilderness will not preclude future military overflights?

Mr. REID. Yes.

Mr. WALLOP. In the Senator's opinion then, the absence of specific reference to the Wilderness Act does not detract from the ability of the military to overfly these newly created wilderness areas, should creation of military operations areas be recommended in the special Nevada report.

Mr. REID. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ADDITIONAL AUTHORIZATION FOR CONSTRUCTION OF BUFFALO BILL DAM AND RESERVOIR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1121, Calendar No. 372, a bill to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin Program, Wyoming.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1121) to authorize additional appropriations for the construction of the Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. WALLOP. Mr. President, I am pleased that the Senate has moved this bill to raise the authorization ceiling on Buffalo Bill Dam. The modification to raise the dam by 25 feet is now more than 60 percent complete and swift passage is important to keep this project on schedule and prevent costly delays.

I am particularly proud of this project because several years ago they said it could not be done. The Federal Government, I was told, would not fund such a project even though the benefits would be many and diverse. The naysayers underestimated the State of Wyoming, however. With great foresight and perseverance Wyoming undertook to share the costs of this modification to insure its completion. To-date, Wyoming has committed $52 million to the project and has agreed to a 50/50 share of the costs of replacing the recreational facilities surrounding the reservoir. Since we first authorized this modification in 1982, the State has spent 74 cents for every Federal dollar spent. Because of this willingness to help shoulder the financial load the State will continue to be well-poised to handle its water future.

Along those lines, I would like to make one further comment, Mr. President. There was a last ditch effort to amend this bill with a provision dictating to the State how to control its water. The State of Wyoming is perfectly capable of handling its own water affairs. The Governor, along with his State engineer and game and fish department, works in concert with the Statel legislature and the congressional delegation on water matters. That's how its been done for the last 100 years and, if Wyoming is to continue to control its own destiny, that's how it must continue. I will work to see that happen.

Mr. SIMPSON. Mr. President, I rise to speak only briefly to express my strong appreciation for the support this legislation has received. Buffalo Bill Reservoir is very important to the State of Wyoming and to my home town of Cody. Completion of this project is crucial to Wyoming and crucial to meeting the water needs of all of those who rely on that system, not only just those in Wyoming, but to our neighbors to the East as well.

This project has been on going for some time. In 1982, Congress authorized this project with a ceiling cost of $106.7 million, plus indexing. The project and its cost were based upon the conclusions of feasibility studies made in 1972. Since 1972, the project has changed by many circumstances and has been improved by design.

Because of these changes, the present estimate to complete the project exceeds the 1982 authorized ceiling for appropriations. As this body well knows, there have been a number of economic conditions since the 1972 feasibility study and the 1982 authorization that have effected the cost of completing this vital project. The current estimate is that the previous ceiling will be exceeded by $12.3 million; making the total project cost estimate $128 million.

Additional physical factors have caused the costs to increase. There have been changes in the design of the project as a result of improved flood forecasting techniques, requiring an increase in the amount of flood capacity behind the dam. Also, because of difficulties in site conditions and problems associated with reservoir construction, the planned site for a powerplant had to be moved 4,000 feet downstream.

There will be additional improvements that will be funded by this increase in the cost ceiling. There will be a 3-megawatt power generating unit added to the Shoshone powerplant; also, an addition of a 4.5-megawatt generating unit will increase the generating capability of this project. This will benefit both the Federal Government and the State. Existing park facilities will be inundated when the reservoir is filled; some of the funds in this cost ceiling increase will go to relocating and improving those State park facilities.

Mr. President, this is assuredly not some free ride for the State at the Federal Government's expense. This project has been a true model for Federal-State cost sharing. To be honest, this project may even frighten some other States, because the State of Wyoming has already approved $47 million in cost-sharing for this project—a huge figure—an additional $5 million was authorized this year to help offset the cost changes I have just described. Obviously, the State of Wyoming is meeting its responsibilities for this project in a truly exemplary way.

In addition, I would want this body to note that the State is providing a dollar-for-dollar cost share for relocation of the park facilities that will be inundated by this bureau project and its modifications. The State cost-share is now at $52 million. This is quite a significant contribution from a State with one of the smallest tax bases in the Nation. The total ceiling increase needed to complete the project is $17 million: The State is contributing 35 percent of that money: $6 million.

The changes and modifications are brought about by improved technology and the ability to further improve the project in a manner which will ultimately benefit both the Federal Government and the State. My State of Wyoming is meeting its obligation dollar-for-dollar in a way never even considered by other States. This legislation is also carefully planned: the Bureau of Reclamation has worked very closely with the Wyoming delegation on all aspects of this project and in providing the necessary dollar amounts contained in it.

Swift action on this bill is especially helpful to the national interest because any delays in implementing the final stages of this project could be very costly indeed. By acting now, the Government is saving taxpayer funds.

So I do thank this body for its support of a project that will help Wyoming, that will help my hometown and county and that will greatly assist all of the citizens in our part of the West at a time when water shortages are becoming more serious and critical every year. My colleagues and I, together with the citizenry of the entire State of Wyoming truly appreciate this splendid show of support and concern.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled,

SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR BUFFALO BILL DAM AND RESERVOIR, SHOSHONE PROJECT, PICK-SLOAN MISSOURI BASIN PROGRAM.

Title I of Public Law 97-293 (96 Stat. 1261) is amended as follows:

(1) In the second sentence of section 101, by striking "replacing the existing Shoshone Powerplant," and inserting "constructing power generating facilities with a total installed capacity of 25.5 megawatts,"

(2) In section 102—

(A) by amending the heading to read as follows:

"RECREATIONAL FACILITIES, CONSERVATION, AND FISH AND WILDLIFE";

and

(B) by adding at the end the following: "The construction of recreational facilities in excess of the amount required to replace or relocate existing facilities is authorized, and the costs of such construction shall be borne equally by the United States and the State of Wyoming pursuant to the Federal Water Project Recreation Act.".

(3) In section 106(a)—

(A) by striking "for construction of Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels)" and inserting "for the Federal share of the construction of the Buffalo Bill Dam and Reservoir modifications and recreational facilities the sum of $80,000,000 (October 1988 price levels)"; and

(B) by striking "modifications" and all that follows and inserting "modifications.".

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERSTATE AGREEMENTS TO GOVERN THE MANAGEMENT OF HAZARDOUS WASTE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 216, submitted by Senator SHELBY, concerning the formation by the States of interstate agreements to govern the management of hazardous waste.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 216) expressing the sense of the Senate concerning the formation by the States of interstate agreements to govern the management of hazardous waste.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SHELBY. Mr. President, I rise today to submit a sense of the Senate resolution that would greatly enhance the State's ability to address substantively and responsibly the hazardous waste problem. One of the Nation's most pressing environmental issues of the 1990's is the management of hazardous waste. Each year, the volume of hazardous waste grows as disposal capacity shrinks. The most recent figures kept by the Environmental Protection Agency [EPA] of the amount of hazardous waste generated in the United States are for the year 1985. The total estimate for that year is 245 million tons. How are we going to dispose of this hazardous waste when most States are saying, "not in my backyard?"

There are 17 sites across the country that are approved for the disposal of hazardous waste. The most recent data available from the EPA to determine the total hazardous waste disposed of in the removal program is through March 1, 1989.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the Chem Waste Management Facility in Emelle, AL. That represents 40 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 when the program began, and March 1, 1989.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989, has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

These two facilities are obviously receiving a disproportionate amount of the Nation's hazardous waste. For the record, EPA Region IV is comprised of eight States—Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee. Consequently, if only two facilities in region IV received 57 percent of all the hazardous waste nationwide processed through the Superfund Removal Program, it simply means that hazardous waste has been coming from great distances to be disposed of in region IV.

Mr. President, I say that it is not fair that two facilities in region IV should bear the brunt of actions of generations of consuming Americans. We have all benefited from various industrial processes—the byproducts of which are polluting our water, contaminating our soil, and poisoning our air. We never thought that we would have to pay for these industrial and chemical advances with our health or with the well-being of our children. However, we now realize that we have a hazardous waste disposal problem which may threaten the long-term health and safety of our citizens. There are no easy answers to the problem; however, I believe that there are some who think that making Alabama and South Carolina the Nation's dumping ground is the solution.

This resolution expresses the sense of the Senate regarding the formation by the States of interstate agreements to govern the management of hazardous waste. Each State should have within its borders or by agreement with other States sufficient capacity to safely manage all hazardous waste generated within that State. The resolution is consistent with the Federal Hazardous Waste Program and with State programs within the meaning of section 3006(b) of the Solid Waste Disposal Act (42 U.S.C. 6926(b)) because the resolution encourages each State to develop a comprehensive plan to handle the waste it generates, either individually or in interstate agreements.

In summary, I believe that this sense of the Senate resolution is a step in the right direction toward providing an equitable solution to the hazardous waste disposal problem in the Nation. A resolution that suggests that each State be responsible for the waste it generates focuses the attention needed for the safe and effective management of hazardous waste. I urge my colleages to support this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 216) was agreed to as follows:

S. RES. 216

Resolved, That it is the sense of the Senate that the States should negotiate among themselves and enter into interstate agreements to govern the management of hazardous waste generated within their borders, including agreements for the purpose of accomplishing the objectives of section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE IMMIGRATION NURSING RELIEF ACT

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 398, H.R. 3259, the Immigration Nursing Relief Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3259) to amend the Immigration and Nationality Act to provide adjustment of status without regard to numerical limitations, for certain H-1 nonimmigrant nurses and to establish conditions for the admission, during a 5-year period, of nurses as temporary workers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Nursing Relief Act of 1989".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN H-1 NONIMMIGRANT NURSES.

(a) IN GENERAL.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to the adjustment of status under section 245 of such Act of an immigrant, and the immigrant's accompanying spouse and children—

(1) who, as of September 1, 1989, has the status of a nonimmigrant under paragraph (15)(H)(i) of section 101(a) of such Act to perform services as a registered nurse,

(2) who, for at least 3 years before the date of application for adjustment of status (whether or not before, on, or after, the date of the enactment of this Act), has been employed as a registered nurse in the United States, and

(3) whose continued employment as a registered nurse in the United States meets the standards established for the certification described in section 212(a)(14) of such Act.

The Attorney General shall promulgate regulations to carry out this subsection by not later than 90 days after the date of the enactment of this Act.

(b) TRANSITION.—For purposes of adjustment of status under section 245 of the Immigration and Nationality Act in the case of an alien who, as of December 31, 1989, is present in the United States in the lawful status of a nonimmigrant under section 101(a)(15)(H)(i) of such Act to perform services as a registered nurse, or who is the spouse or child of such an alien, such an alien shall be considered as having continued to maintain lawful status as such a nonimmigrant until the end of the 120-day period beginning on the date the Attorney General promulgates regulations carrying out subsection (a).

(c) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(d) APPLICATION PERIOD.—The alien, and accompanying spouse and children, must apply for such adjustment within the five-year period beginning on the date the Attorney General promulgates regulations required under subsection (a).

SEC. 3. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES DURING 5-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended—

(1) by inserting "(a) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1) and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility for which the alien will perform the services, or (b)" and "(i)", and

(2) by inserting "(other than services as a registered nurse)" after "to perform services".

(b) REQUIREMENTS.—Section 212 of such Act (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

"(m)(1) The qualifications referred to in section 101(a)(15)(i)(a), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

"(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States or Canada;

"(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

"(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

"(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(a), with respect to a facility for which an alien will perform services, is an attestation as to the following:

"(i) There would be a substantial disruption through no fault of the facility in the delivery of health care services of the facility without the services of such an alien or aliens.

"(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

"(iii) The alien will be paid [at] the [prevailing] wage rate for registered nurses similarly employed by the facility.

"(iv) Either (I) the facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses, or (II) the facility is subject to an approved State plan for the recruitment and retention of nurses (described in paragraph (3)).

"(v) There is not a strike or lockout in the course of a labor dispute, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

"(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(a), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to registered nurses employed at the facility through posting in conspicuous locations.

A facility is considered not to meet clause (i) (relating to an attestation of a substantial disruption in delivery of health care services) if the facility, within the previous year, laid off registered nurses. Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of this subsection.

"(B) For purposes of subparagraph (A)(iv)(I), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

"(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

"(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

[*"(iii) Paying registered nurses at wages at a rate above the prevailing wage rate for registered nurses in the geographic area.*]

"(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly trained and employed in the locality.

"(iv) Providing adequate support services to free registered nurses from administrative and other non-nursing duties.

"(v) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv)(I).

"(C) Subject to subparagraph (E), an attestation under subparagraph (A) shall—

"(i) expire at the end of the 1-year period beginning on the date of its filing with the Secretary of Labor, and

"(ii) apply to petitions filed during such 1-year period if the facility states in each such petition that it continues to comnply with the conditions in the attestation.

"(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

"(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Wasington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(a) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

"(ii) The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to.

"(iii) Under such process, the Secretary shall provide within 120 days after the date such complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

"(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least 1 year for nurses to be employed by the facility.

"(v) In addition to the sanctions provided under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the con-

dition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such [additional] amounts of back pay as may be required to comply with such condition.

"(3) The Secretary of Labor shall provide for a process under which a State may submit to the Secretary a plan for the recruitment and retention of United States citizens and immigrants who are authorized to perform nursing services as registered nurses in facilities in the State. Such a plan may include counseling and educating health workers and other individuals concerning the employment opportunities available to registered nurses. The Secretary shall provide, on an annual basis in consultation with the Secretary of Health and Human Services, for the approval or disapproval of such a plan, for purposes of paragraph (2)(A)(iv)(II). Such a plan may not be considered to be approved with respect to the facility unless the plan provides for the taking of significant steps described in paragraph (2)(A)(iv)(I) with respect to registered nurses in the facility.

"(4) The period of admission of an alien under section 101(a)(15)(H)(i)(a) shall be for an initial period of not to exceed 3 years, subject to an extension for a period or periods, not to exceed a total period of admission of 5 years (or a total period of admission of 6 years in the case of extraordinary circumstances, as determined by the Attorney General).

"(5) For purposes of this subsection and section 101(a)(15)(H)(i)(a), the term 'facility' includes an employer who employs registered nurses in a home setting.".

(c) IMPLEMENTATION.—The Secretary of Labor (in consultation with the Secretary of Health and Human Services) shall—

(1) first publish final regulations to carry out section 212(m) of the Immigration and Nationality Act (as added by this section) not later than the first day of the 8th month beginning after the date of the enactment of this Act; and

(2) provide for the appointment (by January 1, 1991) of an advisory group, including representatives of the Secretary, the Secretary of Health and Human Services, the Attorney General, hospitals, and labor organizations representing registered nurses, to advise the Secretary—

(A) concerning the impact of this section on the nursing shortage,

(B) on programs that medical institutions may implement to recruit and retain registered nurses who are United States citizens or immigrants who are authorized to perform nursing services,

(C) on the formulation of State recruitment and retention plans under section 212(m)(3) of the Immigration and Nationality Act, and

(D) on the advisability of extending the amendments made by this section beyond the 5-year period described in subsection (d).

(d) LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO 5-YEAR PERIOD.—The amendments made by the previous provisions of this section shall apply to classification petitions filed for nonimmigrant status only during the 5-year period beginning on the first day of the 9th month beginning after the date of the enactment of this Act.

[(e) PROHIBITION ON CHANGES IN H-1 REGULATIONS.—The Attorney General shall cancel the rulemaking proceeding commenced August 8, 1986 (51 F.R. 28576-28589). Except as required to carry out the amendments made by this section, the Attorney General shall not issue or implement, before October 1, 1992, any proposed or final rule that changes the regulations in effect on August 1, 1989, with respect to nonimmigrants described in section 101(a)(15)(H)(i) of the Immigration and Nationality Act.]

SEC. 4. FRAUD PREVENTION IN SAW PROGRAM.

Section 210(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(a)(3)) is amended by—

(a) inserting "(A)" before "During", and

(b) inserting at the end of such paragraph the following new subparagraph:

"(B) Before any alien becomes eligible for adjustment of status under paragraph (2), the Attorney General may deny adjustment to permanent status and provide for termination of the temporary resident status granted such alien under paragraph (1) if—

"(i) the Attorney General finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation as set out in Section 212(a)(19), or

"(ii) the alien commits an act that (I) makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(2), or (II) is convicted of a felony or three or more misdemeanors committed in the United States."

Section 210(b)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1160) is amended to read as follows:

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application including a determination under subparagraph (a)(3)(B), or for enforcement of paragraph (7)."

SEC. 5. PILOT PROJECTS FOR SECURE DOCUMENTS.

(a) CONSULTATION.—Before June 1, 1991, the Attorney General shall consult with state governments on any proper state initiative to improve the security of state or local documents which would satisfy the requirements of Sec. 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a). The result of such consultations shall be reported, before September 1, 1991, to the Committees on the Judiciary of the Senate and House of Representatives of the United States.

(b) ASSISTANCE FOR STATE INITIATIVES.—After such consultation described in subsection (a), the Attorney General shall make grants to, and enter into contracts with (to such extent or in such amounts as are provided in an appropriation act), the State of California and at least two other States with large immigrant populations to promote any state initiatives to improve the security of State and local documents which would satisfy the requirements of section 274A(b)(1) of the Immigration and Nationality Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $10,000,000 for fiscal year 1992 to carry out subsection (b).

(d) REPORT REQUIRED.—The Attorney General shall report to the Committees on the Judiciary of the Senate and House of Representatives not later than August 1, 1993, on the security of state or local documents which would satisfy the requirements of Section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a), and any improvements in such documents that have occurred as a result of this section.

Mr. KENNEDY. Mr. President, I am pleased to join with my colleagues, Senators SIMPSON and SIMON, in asking for the expeditious consideration of H.R. 3259, the Immigration Nursing Relief Act of 1989.

The United States is faced today with a severe nursing shortage. It is estimated that, in New York City alone, the vacancy rate for registered nurses is 15 percent in hospitals and 25 percent in nursing homes. The shortage threatens the very foundation of health services.

Furthermore, people who are hospitalized today generally require more intensive care services. Yet there are fewer to give this care and those few are overburdened and overworked and underpaid. The shortage has forced some hospitals to close beds and occasionally entire wings.

Fewer Americans have been entering the nursing field. Thus, the health care facilities have to employ nurses from other countries to fill the gaps. These nurses enter on temporary work visas. A large number of nurses working today are foreigners.

Mr. President, it is now time for us to begin to grapple with the issue of foreign nurses. This is what H.R. 3259 does. The bill balances generosity toward foreign nurses already here with stricter procedures for future admissions of foreign nurses.

In order to avoid immediate disruption of health care across the Nation, the bill provides for the adjustment to permanent residence of those foreign registered nurses who were legally in the United States as of September 1, 1989, and who have worked here for 3 years as a registered nurse.

Many foreign nurses in the United States can easily adjust to permanent resident status. However, nurses from the Philippines can not easily adjust because of the lengthy visa backlogs in that country. This has placed these nurses and the hospitals in which they serve in a very tenuous position. The time allowed for these nonimmigrant workers runs out before they are eligible for adjustment and the nurse is forced to leave our country. The Immigration and Naturalization Service, through regulation, and Congress through law, has acted to delay these forced departures. But this is no solution to the problem, only a delaying action. Let us meet this problem directly and adjust the status of those nurses already here who have so willingly served and fulfilled our needs.

The bill provides for a new pilot program for the future admission of any foreign nurses. We must take an active role in the recruiting and retaining of American nurses. Some hospitals already have programs to encourage Americans to enter the field of nursing. The only way to achieve this goal is for all of us to work together. Under

this bill, employers of foreign nurses must attest that these nurses are not discouraging Americans from entering the field. The hospitals must also take positive steps to attract and keep American nurses. Any complaints will be quickly investigated by the Department of Labor. If a facility is in violation, penalties can be assessed.

The list of positive steps provided in the bill is neither inclusive nor exclusive. In other words, the hospitals are not required to take all the steps nor are they limited to only those steps listed. These steps could include training programs, higher salaries, lessening of the clerical duties. Many hospitals are already taking these steps. In fact, as regards salary, we are only including what is already in the regulations. This, these requirement should not be difficult to meet.

Finally, the House bill has been amended by Senator SIMPSON and myself to deal with an urgent, but unrelated, immigration issue—the need to combat fraud that has developed in the Seasonal Agricultural Worker, SAW, Program established by the 1986 immigration reforms; 1.3 millon people applied for legalization as an agricultural worker—three times as many as anticipated. It appears that not all of these applications were genuine. Yet, these persons soon will begin to apply for permanent residency. We should not grant permanent residence to those who have lied on their applications and committed serious fraud. This provision would allow the INS to deny permanent residency if the preponderance of the evidence indicates fraud or if they are criminal aliens. The INS should be given this authority.

In addition, many State and locally issued documents are presented to the U.S. Government in order to gain a benefit. Yet many of these documents have few security features to prevent fraudulent alteration or use. A provision of the bill encourages States to take the initiative to improve the security of their documents.

This bill is a good bill—it is remedial legislation that is urgently needed. The United States is facing a crisis—the rapid deterioration of our health care system due to a lack of nurses. This bill takes significant strides in correcting that situation. Support for the bill comes from all quarters—the nurses, the unions, and the hospitals. I urge my colleagues to join me and Senators SIMPSON and SIMON in this effort to effect a cure to this health care crisis.

Mr. BRADLEY. Mr. President, I am personally very relieved that we were able to pass this bill today. Many areas in New Jersey, particularly the big cities, are facing a severe nursing shortage. New Jersey hospitals have been operating with 17 percent of their registered nurse positions vacant. As a result, they have had to rely heavily on foreign nurses. In Newark, NJ, close to 50 percent of the nurses in the emergency room, intensive care, and other critical care units have H-1 visas. According to one survey, about 10 percent of all positions are filled by foreign nurses. Without this legislation, about 67 percent of these nurses would be subject to deportation, leaving New Jersey hospitals in crisis.

Recognizing that the nursing shortage is not going to go away on its own, many urban hospitals are seriously addressing the problem by offering better wages, improved working conditions, and upgrading licensed practical nurses to registered nurses. Health care providers increasingly are aware that they have to make some fundamental changes in the way they use registered nurses. The measures will help overcome the shortage by making the nursing profession more appealing. Although these efforts are commendable, it will take several years to ameliorate the shortage. In the meantime, we have to rely on qualified foreign nurses to help take care of our sick.

Mr. SIMON. Mr. President, I would like to bring to the attention of the distinguished chairman of the Labor and Human Resources Committee a concern I have that is related to the pending legislation. It is a situation where we need some guidance from the executive branch for possible legislation in the future or some administrative action.

The bill before us contains provisions designed to limit the potential for overreliance on foreign nurses by some of our Nation's hospitals. One such provision would effectively bar hospitals from petitioning for H-1 nurses if the facility, within the previous year, laid off registered nurses. On the whole, that provision is an important one and one that I support. I am concerned, however, about the instances when a hospital may have laid off one or more nurses but offered them comparable registered nurse positions at the same pay which were then declined in favor of severance benefits. In this instance, I am not sure that there should be an absolute bar to the use of needed H-1 nurses.

It would be helpful for the Secretary of Labor to look into this matter. I would ask for the Senator to join me in writing to the Secretary for a report on whether health care facilities faced with this situation ought to be granted an exemption. In particular, it would be important to explore guidelines that the Department could develop as to what would be considered a comparable registered nurse position; whether a hospital would be able to petition for only the number of nurses that declined comparable positions or a higher number; how widespread are such layoffs; and what other eligibility standards might be appropriate to impose in this area. It is my hope that the Secretary could provide us with such a report by May 1, 1990, and consult all interested parties.

Mr. KENNEDY. The Senator from Illinois has raised a valid concern. H.R. 3952 is an important piece of legislation and needs to be passed during this session. It is unfortunate that we could not work out this problem right now. Nonetheless, it is in the interest of all concerned that this matter be addressed and I would join the Senator from Illinois in making that request of the Secretary.

Mr. SIMPSON. Mr. President, I rise in support of H.R. 3259, the Immigration Nursing Relief Act of 1989.

The bill would address significant problems in the areas of: First, nurse shortages; second, documents fraud; and third, employer compliance with antidiscrimination rules.

I. NURSE PROVISIONS

First, the legislation would adjust to permanent residence those foreign nurses who have been in the United States since September 1, 1989, and who have worked as registered nurses for at least 3 years.

While I normally do not favor special immigration benefits for particular occupations, the evidence seems clear that there is a nursing shortage in the United States that requires the presence of foreign nurses.

Let me emphasize that there is only one other industry where the Department of Labor has certified a shortage.

Physical therapists—and thus I would not likely support legislation granting special relief to any other occupations.

In addition, the legislation creates new rules for those medical employers who wish to import temporary foreign nurses in the future.

These new rules would encourage U.S. medical employers to attract U.S. workers before seeking foreign nurses; the rules have been approved by the Senate Labor Committee staff, and I do not object to them.

II. DOCUMENTS FRAUD

Second, the legislation contains an amendment sponsored by Senator KENNEDY and myself at the subcommittee level which would address: First, the problem of fraud in the Special Agricultural Worker [SAW] Program, and second, the problem of fraud in existing documents that are used to satisfy the employment verification requirements of employer sanctions.

We have heard many stories of the apparent widespread fraud in the SAW Program.

While CBO estimated 250,000 persons qualifying for SAW status, and with INS estimating approximately 500,000 beneficiaries—back in 1986—

the actual number of applicants has been 1.3 million.

Some experts believe that the fraud rate could be significantly in excess of 50 percent.

Therefore, this amendment allows the INS to reopen certain approved SAW cases where fraud is expected, and allows INS to rescind the initial status if INS can prove, by a preponderance of the evidence, that the initial application relied on fraudulent documents or information.

This amendment also contains a pilot program which would authorize the Attorney General to make grants to State governments that have projects to make their own docments more secure.

Some experts have noted that the State and local documents that now satisfy the employer sanctions requirement—such as drivers' license and birth certificates—are subject to counterfeiting and fraud.

This amendment will assist the States in making their documents more secure, and I trust it will reduce the number of illegal aliens who receive work authorization based on invalid state or local documents.

I am pleased to notify my colleagues that, not only do all parties in the Senate agree to this amendment, but our colleagues in the House have agreed to it as well.

III. ANTIDISCRIMINATION

I now send an amendment to the desk on behalf of Senator Kennedy, Senator Wilson, and myself, and ask for its immediate consideration.

This amendment would allow two additional uses of the pot of money that the 1986 immigration law created to reimburse States for the costs that they might incur because of the Amnesty Program.

The amendment would allow State legalization impact assistance grants [SLIAG] to be used for: First information or outreach programs for those aliens going through phase II of the Amnesty Program; and second, employer education programs which seek to inform employers of how to avoid unintentional employment discrimination because of a mistaken understanding of the new employer sanctions law.

There has been some suggestion that employer sanctions have caused significant employment discrimination.

The GAO has not reported any such finding to us, and GAO is the arbiter on this issue, but I do not want there to be even the appearance that employer sanctions has caused massive or widespread new employment discrimination.

Therefore, State governments, after consultation with the Office of the Special Counsel for Unfair Immigration-Related Employment Practices, may use SLIAG moneys to further educate U.S. employers.

This amendment has been agreed to by all sides in the Senate, and we have been informed that the House will accept it as well.

IV. LABOR COMMITTEE AMENDMENT

Finally, I send an amendment to the desk which addresses, some of the concerns of the Senate Labor Committee regarding section 3 of H.R. 3259.

This amendment clarifies what the requirements will be for U.S. medical service providers who wish to use H-1 nurses in the future.

The labor issues we resolve with this amendment, which has been cleared by the other side, include: Definition of wage rates at which nurses will be paid, limitations on back pay remedies, and the number of steps a U.S. employer must take to attract U.S. nurses before foreign nurses will be available to that employer.

I thank Senators HATCH and KENNEDY for assisting us in the grisly world of labor law.

V. CONCLUSION

Mr. President, I believe this bill—H.R. 3259—has some substantial immigration law improvements in it, and I commend it to my colleagues and ask for their support of the amendments and the overall bill.

AMENDMENT NO. 1192

Mr. HUMPHREY. Mr. President, I send an amendment to the desk on behalf of Senator SIMPSON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] for Mr. SIMPSON, proposes an amendment numbered 1192.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) On page 7, in clause (iii), strike out "in the locality," and insert in lieu thereof, "in the geographic area";

(2) On page 8, insert at the end of subparagraph (B) the following new sentence:

"Nothing herein shall require a facility to take more than one step, if the facility can demonstrate that taking a second step is not reasonable.";

(3) On page 7, in clause (iii), strike out "trained and";

(4) On page 9, in clause (iii), strike out "120" and insert in lieu thereof, "180"; and

(5) On page 9, in clause (iv), insert after "civil monetary penalties" the following: "in an amount not to exceed $1,000 per violation."

Mr. KENNEDY. Mr. President, I am pleased to join Senator SIMPSON in sponsoring this amendment. When Congress passed the Immigration Reform and Control Act of 1986, under the leadership of its chief sponsor Senator SIMPSON, it made it unlawful in this country to discriminate against persons based on their legal immigration status.

This new basis for discrimination complaints was a response to the potential for a new form of discrimination emerging from the employer sanctions established by the 1986 act. We were presented with the real prospect that certain employers, not wanting to risk the new fines, would turn away "foreign-looking" or "foreign-sounding" job applicants—even though such applicants may in fact be American citizens or legal residents.

We made such actions illegal and we established a special counsel within the Justice Department to handle these particular discrimination complaints.

Mr. President, the Office of the Special Counsel is now up and running and has succeeded in settling or litigating a large number of the complaints it has received.

But a crucial mission which that office has sought to perform has never been funded. And that mission is to broadly inform employers of their new obligations under the law and workers of their right to pursue these new discrimination claims.

For the past 2 years, the Justice Department has requested funding for public education in this area, but we have never seen fit to provide it. So the Office of Special Counsel and the Immigration and Naturalization have commendably pieced together a patchwork program of public education out of the few resources they could muster.

This neglect by Congress to provide the needed funding is beginning to show. The General Accounting Office presented Congress last November with the results of its study of employer compliance with the new law. GAO found widespread ignorance or misunderstanding. For example, one of every six employers in GAO's survey indicated that since passage of the 1986 act they had begun either requiring only foreign-looking persons for work authorization documents or hiring U.S. citizens only—actions which violate the 1986 act.

And other reports, such as from the New York State Inter-Agency Task Force on Immigration Affairs, confirm the GAO finding.

Mr. President, on May 11, the Senator from Wyoming and I wrote to the Attorney General encouraging him to provide additional resources to the Office of Special Counsel for public education. We stated, "Public education is that office's best tool for preventing discrimination."

Mr. President, a second problem which has emerged regarding the implementation of the 1986 act is that there is concern that amnesty applicants may not know that amnesty is a

two-step process. They first receive temporary residence, but after 18 months must apply for permanent residence, or lose their legal immigration status entirely.

The amendment before us makes an important contribution to resolving both of these dilemmas—the need for public education regarding both the antidiscrimination provisions of the 1986 act and the need to apply for permanent residence under the Amnesty Program.

This amendment authorizes States to use the moneys of the State Legalization Impact Assistance Grant Program for this much-needed public education. It has no budgetary impact. It in no way minimizes the obligations of States to provide assistance to amnesty applicants which has already been authorized. It merely provides an additional authorization for States to use SLIAG funds for public education should they so choose.

Mr. President, I believe this provision will further enhance the effectiveness of key programs established by the Immigration Reform and Control Act of 1986 and is worthy of support.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1192) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1193

Mr. HUMPHREY. Mr. President, I send an amendment to the desk on behalf of Senator SIMPSON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] for Mr. SIMPSON, proposes an amendment numbered 1193.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end the following new section:

SEC. 6. ADDITIONAL USES OF STATE LEGALIZATION IMPACT ASSISTANCE GRANT FUNDS.

(a) IN GENERAL.—Section 204(c) of the Immigration Reform and Control Act of 1986 is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting a comma, and

(C) by inserting after subparagraph (C) the following new subparagraphs:

"(D) to make payments for public education and outreach (including the provision of information to individual applicants) to inform temporary resident aliens regarding—

"(i) the requirements of section 210, 210A, and 245A of the Immigration and Nationality Act regarding the adjustment of resident status,

"(ii) sources of assistance for such aliens obtaining the adjustment of status described in clause (i), including educational, informational, referral services, and the rights and responsibilities of such aliens and aliens lawfully admitted for permanent residence,

"(iii) the identification of health, employment, and social services, and

"(iv) the importance of identifying oneself as a temporary resident alien to service providers,

except that nothing in this subparagraph may be construed as authorizing the provision of client counseling or any other service which would assume responsibility for the alien's application for the adjustment of status described in clause (i),"

"(E) (i) subject to clause (ii), to make payments for education and outreach efforts by State agencies regarding unfair discrimination in employment practices based on national origin or citizenship status,

"(ii) except that the State agencies shall not initiate such efforts until after such consultation with the Office of the Special Counsel for Unfair Immigration-Related Employment Practices as is appropriate to ensure, to the maximum extent feasible, a uniform program."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(D) Of the amount allotted to a State with respect to any fiscal year, a State may not use more than—

"(i) 1 percent (or, if greater, $100,000) for payments under paragaph (1)(D), and

"(ii) 1 percent (or, if greater, $100,000) for payments under paragraph (1)(E).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to the use of allotments for fiscal years beginning with fiscal year 1989.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1193) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, for the record, I want to make clear that some of the amendments the Senate is adopting to the nurses provisions of this bill, suggested by Senator HATCH, are not acceptable to me, as I know they are not acceptable to members of the House Committee. Therefore, they will likely require a conference committee with the House, or further modifications this year or next.

However, I am willing to include these provisions at this time—and at this late hour in the session—in order to move forward on this important legislation, and not allow one or two items to delay immediate consideration of this bill with strong bipartisan support.

But in a conference committee, if it comes to that, these issues raised by Senator HATCH will be revisited and, as chairman of the Immigration Subcommittee, I will not support them as now drafted. I simply wanted to make this fact clear for the record.

Our staffs have spent fruitless days in negotiations that appear to have failed, requiring further action by us in the days ahead. But at least we should begin the process now by adopting this legislation as modified, and sending it back to the House.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments, as amended, and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 3259), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS BENEFITS' AMENDMENTS

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 901.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 901) entitled "An act to amend title 38, United States Code, to improve programs for the recruitment and retention of Health-care personnel of the Department of Veterans Affairs, to extend certain expiring programs of that Department, and for other purposes", with the following amendments:

In lieu of the matter proposed to be inserted by said amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This act may be cited as the "Veterans' Benefits Amendments of 1989".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms

of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DEFINITIONS.

(a) TITLE 38, USC.—Section 101(1) is amended to read as follows:

"(1) The terms 'Secretary' and 'Administrator' mean the Secretary of Veterans Affairs, and the terms 'Department' and 'Veterans' Administration' mean the Department of Veterans Affairs.".

(b) THIS ACT.—For purposes of this Act, the term "Secretary" means the Secretary of Veterans Affairs.

TITLE I—COMPENSATION AND PENSION

PART A—COMPENSATION RATE INCREASES

SEC. 101. DISABILITY COMPENSATION.

(a) 4.7 PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$73" in subsection (a) and inserting in lieu thereof "$76";

(2) by striking out "$138" in subsection (b) and inserting in lieu thereof "$144";

(3) by striking out "$210" in subsection (c) and inserting in lieu thereof "$220";

(4) by striking out "$300" in subsection (d) and inserting in lieu thereof "$314";

(5) by striking out "$426" in subsection (e) and inserting in lieu thereof "$446";

(6) by striking out "$537" in subsection (f) and inserting in lieu thereof "$562";

(7) by striking out "$678" in subsection (g) and inserting in lieu thereof "$710";

(8) by striking out "$784" in subsection (h) and inserting in lieu thereof "$821";

(9) by striking out "$883" in subsection (i) and inserting in lieu thereof "$925";

(10) by striking out "$1,468" in subsection (j) and inserting in lieu thereof "$1,537";

(11) in subsection (k)—

(A) by striking out "$63" both places it appears and inserting in lieu thereof "$66"; and

(B) by striking out "$1,825" and "$2,559" and inserting in lieu thereof "$1,911", and "$2,679", respectively.

(12) by striking out "$1,825" in subsection (l) and inserting in lieu thereof "$1,911";

(13) by striking out "$2,012" in subsection (m) and inserting in lieu thereof "$2,107";

(14) by striking out "$2,289" in subsection (n) and inserting in lieu thereof "$2,397";

(15) by striking out "$2,559" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,679";

(16) by striking out "$1,098" and "$1,636" in subsection (r) and inserting in lieu thereof "$1,150" and "$1,713", respectively; and

(17) by striking out "$1,643" in subsection (s) and inserting in lieu thereof "$1,720"; and

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) striking out "$88" in clause (A) and inserting in lieu thereof "$92";

(2) by striking out "$148" and "$46" in clause (B) and inserting in lieu thereof "$155" and "$48", respectively;

(3) by striking out "$61" and "$46" in clause (C) and inserting in lieu thereof "$64" and "$48", respectively;

(4) by striking out "$71" in clause (D) and inserting in lieu thereof "$74";

(5) by striking out "$161" in clause (E) and inserting in lieu thereof "$169"; and

(6) by striking out "$136" in clause (F) and inserting in lieu thereof "$142";

SEC. 103. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out "$395" and inserting in lieu thereof "$414".

SEC. 104. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$564	W-4	$809
E-2	581	O-1	714
E-3	597	O-2	737
E-4	634	O-3	789
E-5	651	O-4	834
E-6	666	O-5	920
E-7	698	O-6	1,038
E-8	737	O-7	1,121
E-9	[1] 770	O-8	1,229
W-1	714	O-9	1,318
W-2	742	O-10	[2] 1,446
W-3	764		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $831.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,550.";

(2) by striking out "$62" in subsection (b) and inserting in lieu thereof "$65";

(3) by striking out "$161" in subsection (c) and inserting in lieu thereof "$169"; and

(4) by striking out "$79" in subsection (d) and inserting in lieu thereof "$83".

SEC. 105. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$271" in clause (1) and inserting in lieu thereof "$284";

(2) by striking out "$391" in clause (2) and inserting in lieu thereof "$409";

(3) by striking out "$505" in clause (3) and inserting in lieu thereof "$529"; and

(4) by striking out "$505" and "$100" in clause (4) and inserting in lieu thereof "$529" and "$105", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$161" in subsection (a) and inserting in lieu thereof "$169".

(2) by striking out "$271" in subsection (b) and inserting in lieu thereof "$284"; and

(3) by striking out "$138" in subsection (c) and inserting in lieu thereof "$144".

SEC. 106. EFFECTIVE DATE FOR RATE INCREASES.

The amendments made by this part shall take effect on December 1, 1989.

PART B—COMPENSATION AND PENSION PROGRAM CHANGES

SEC. 111. LIMITATIONS ON PENSIONS OF CERTAIN VETERANS RECEIVING INSTITUTIONAL CARE.

(a) PAYMENT OF PENSION.—Section 3203(a)(1) is amended—

(1) by striking out "$60" in subparagraphs (A) and (B) and inserting in lieu thereof "$90";

(2) by striking out "second" in subparagraph (A) and inserting in lieu thereof "third";

(3) by striking out "hospital or" each place it appears in subparagraphs (B) and (D).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on February 1, 1990.

SEC. 112. EXPANSION OF CLOTHING ALLOWANCE.

Section 362 is amended—

(1) by striking out "Administrator" the first two places it appears and inserting in lieu thereof "Secretary";

(2) by striking out all after "each veteran" and inserting in lieu thereof "who—

"(1) because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance (including a wheelchair) which the Secretary determines tends to wear out or tear the clothing of the veteran; or

"(2) uses medication which (A) a physician has prescribed for a skin condition which is due to a service-connected disability, and (B) the Secretary determines causes irreparable damage to the veteran's outergarments.".

SEC. 113. REDUCTION IN PERIOD OF MARRIAGE REQUIRED FOR ELIGIBILITY FOR CERTAIN SURVIVOR BENEFITS.

Section 418(c)(1) is amended by striking out "two years" and inserting in lieu thereof "one year".

SEC. 114. TEMPORARY PROGRAM OF VOCATIONAL TRAINING.

(a) REDUCTION IN MAXIMUM AGE OF NEW PENSION RECIPIENTS FOR WHOM VOCATIONAL EVALUATIONS ARE REQUIRED.—Section 524(a) is amended by striking out "50" in paragraphs (1) and (2) and inserting in lieu thereof "45".

(b) PRESERVATION OF DISABILITY RATING.—Section 524 is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

"(c) In the case of a veteran who has been determined to have a permanent and total non-service-connected disability and who, not later than one year after the date the veteran's eligibility for counseling under subsection (b)(3) of this section expires, secures employment within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation (or in a related field which requires reasonably developed skills and the use of some or all of the training or services furnished the veteran under such plan), the evaulation of the veteran as having a permanent and total disability may not be terminated by reason of the veteran's capacity to engage in such employment until the veteran first maintains such employment for a period of not less than 12 consecutive months.".

SEC. 115. DECISIONS AND NOTICES OF DECISIONS.

(a) IN GENERAL.—(1) Chapter 51 is amended by inserting after section 3003 the following new section:

"§ 3004. Decisions and notices of decisions

"(a)(1) In the case of a decision by the Secretary under section 211(a) of this title affecting the provision of benefits to a claimant, the Secretary shall, on timely basis, provide to the claimant (and to the claimant's representative) notice of such decision. The notice shall include an explanation of the procedure for obtaining review of the decision.

"(2) In any case where the Secretary denies a benefit sought, the notice required by paragraph (1) of this subsection shall also include (A) a statement of the reasons for the decision, and (B) a summary of the evidence considered by the Secretary.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3003 the following new item:

"3004. Decisions and notices of decisions.".

(b) EFFECTIVE DATE.—Section 3004 of title 38, United States Code, as added by subsection (a), shall apply with respect to decisions by the Secretary of Veterans Affairs made after January 31, 1990.

TITLE II—HEALTH-CARE PROVISIONS

SEC. 201. EXTENSION OF CERTAIN EXPIRING PROGRAMS.

(a) RESPITE CARE.—Section 620B(c) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(b) STATE HOME GRANT AUTHORITY.—Section 5033(a) is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

(c) HOMELESS VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501) is amended by striking out "September 30, 1989" and inserting in lieu thereof "September 30, 1992".

(d) ANNUAL REPORT ON MEANS TEST FOR FURNISHING NON-SERVICE-CONNECTED HEALTH CARE.—Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 379) is amended by striking out "and 1988" and inserting in lieu thereof ", 1988 and 1989".

(e) UPDATES OF REPORTS UNDER SECTION 110(e) OF PUBLIC LAW 98-528.—(1) Not later than February 1, 1990, the Special Committee on Post-Traumatic Stress Disorder (hereinafter in this subsection referred to as the "Special Committee") established pursuant to section 110(b)(1) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2691) shall submit concurrently to the Secretary of Veterans Affairs and the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this subsection referred to as the "Committees") a report containing information updating the reports submitted by the Secretary under section 110(e) of such Act, together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life.

(2) Not later than 60 days after receiving the report under paragraph (1), the Secretary shall submit to the Committees any comments concerning the report that the Secretary considers appropriate.

SEC. 202. REIMBURSEMENT FOR EMERGENCY CARE OF VOCATIONAL REHABILITATION PARTICIPANTS.

(a) IN GENERAL.—Section 628(a)(2)(D) is amended by striking out "found to be" and all that follows through "rehabilitation training and" and inserting in lieu thereof "(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act.

SEC. 203. APPOINTMENT OF CERTAIN INDIVIDUALS IN HEALTH-CARE POSITIONS.

Section 4106 is amended by adding at the end of the following new subsection:

"(h)(1) The Secretary may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303 and 3328 of such title) an individual who—

"(A) has a recognized degree or certificate from an accredited institution in a health-care profession or occupation; and

"(B) has successfully completed a clinical education program affiliated with the Department.

"(2) In using the authority provided by this subsection, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

SEC. 204. APPROVAL OF SPECIAL RATES OF PAY.

Section 4107(g)(4) is amended—

(1) in the first sentence, by striking out "ninety days prior to" and inserting in lieu thereof "45 days before"; and

(2) by adding at the end the following new sentence: "If, before such effective date, the President approves such increase, the Secretary may advance the effective date to any date not earlier than the date of the President's approval.".

SEC. 205. REVISION IN LIMITATION ON COMPENSATION OF HEALTH-CARE PERSONNEL WHO ARE RETIRED MILITARY PERSONNEL.

(a) EXTENSION TO REGISTERED NURSES.—Section 4107(i) is amended—

(1) by inserting ", and registered nurse positions," after "physician positions"; and

(2) by adding at the end the following new sentence: "The authority of the Secretary under the preceding sentence with respect to registered-nurse positions expires on September 30, 1992.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on the first day of the first pay period beginning on or after the date of the enactment of this Act.

SEC. 206. LEAVE SHARING AND LEAVE BANKS.

(a) IN GENERAL.—Section 4108 is amended by adding at the end the following new subsection:

"(e)(1) The Secretary shall establish a leave transfer program for the benefit of health-care professionals referred to in the matter preceding clause (1) of subsection (a) of this section. The Secretary may also establish a leave bank program for the benefit of such health-care professionals.

"(2) To the maximum extent feasible—

"(A) the leave transfer program shall provide the same or similar requirements and conditions as are provided for the program established by the Director of the Office of Personnel Management under subchapter III of chapter 63 of title 5; and

"(B) any leave bank program established pursuant to paragraph (1) of this subsection shall be consistent with the requirements and conditions provided for agency leave bank programs in subchapter IV of such chapter.

"(3) Participation by a health-care professional in the leave transfer program established pursuant to paragraph (1) of this subsection, and in any leave bank program established pursuant to such paragraph, shall be voluntary. The Secretary may not require any health-care professional to participate in such a program.

"(4)(A) The Secretary and the Director of the Office of Personnel Management may enter into an agreement that permits health-care professionals referred to in paragraph (1) of this subsection to participate in the leave transfer program established by the Director of the Office of Personnel Maangement under subchapter III of chapter 63 of title 5 or in any leave bank program established for other employees of the Department pursuant to subchapter IV of chapter 63 of title 5, or both.

"(B) Participation of such health-care professionals in a leave transfer program or a leave bank program pursuant to an agreement entered into under subparagraph (A) of this paragraph shall be subject to such requirements and conditions as may be prescribed in such agreement.

"(5) The Secretary is not required to establish a leave transfer program for any personnel permitted to participate in a leave transfer program pursuant to an agreement referred to in paragraph (4) of this subsection.".

(b) IMPLEMENTATION.—(1) The Secretary shall implement the programs provided for in subsection (e) of section 4108 of title 38, United States Code (as added by subsection (a) of this section), not later than October 1, 1990.

(2) The authority of the Department of Veterans Affairs under section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, to operate a leave-transfer program for employees subject to section 4108 of title 38, United States Code, is extended until the programs provided for in subsection (e) of such section 4108 (as added by subsection (a) of this section) are implemented, but not later than October 1, 1990.

SEC. 207. HEALTH PROFESSIONAL SCHOLARSHIPS.

(a) APPLICANT PRIORITY AND EQUITABLE ALLOCATION FOR NURSING DEGREE APPLICANTS.—Section 4312(b)(5) is amended to read as follows:

"(5) In selecting applicants for the Scholarship Program, the Secretary—

"(A) shall give priority to applicants who will be entering their final year in a course of training; and

"(B) shall ensure an equitable allocation of scholarships to persons enrolled in the second year of a program leading to an associate degree in nursing.".

(b) IMPLEMENTATION REQUIREMENT.—The Secretary of Veterans Affairs shall provide for the implementation of the amendment made by subsection (a) beginning with scholarships awarded under section 4312 of title 38, United States Code, during 1990.

TITLE III—HOUSING

SEC. 301. SHORT TITLE.

This title may be cited as the "Veterans Home Loan Indemnity and Restructuring Act of 1989".

SEC. 302. ESTABLISHMENT OF GUARANTY AND INDEMNITY FUND.

(a) NEW FUND.—(1) Section 1825 is amended to read as follows:

"§ 1825. Guaranty and Indemnity Fund

"(a) There is hereby established in the Treasury of the United States a revolving fund known as the Guaranty and Indemnity Fund.

"(b) The Guaranty and Indemnity Fund shall be available to the Secretary for all operations carried out with respect to housing loans guaranteed or insured under this chapter that are closed after December 31, 1989, except for operations with respect to loans for any purpose specified in section 1812 of this title, for loans guaranteed under section 1811(g) of this title, and for administrative expenses. For purposes of this subsection, the term 'administrative expenses' shall not include expenses incurred by the Secretary for appraisals performed after December 31, 1989, on a contractual basis in connection with the liquidation of housing loans guaranteed, insured, or made under this chapter.

"(c)(1) All fees collected under section 1829 of this title for loans with respect to which the Guaranty and Indemnity Fund is available shall be credited to such Fund.

"(2) There shall also be credited to the Guaranty and Indemnity Fund—

"(A) for each loan closed during fiscal year 1990 with respect to which the Guaranty and Indemnity Fund is available, an amount equal to 0.375 percent of the original amount of such loan for each of the fiscal years 1991 and 1992;

"(B) for each loan closed after fiscal year 1990 with respect to which the Guaranty and Indemnity Fund is available, an amount equal to 0.25 percent of the original amount of such loan for each of the three fiscal years beginning with the fiscal year in which such loan is closed;

"(C) all collections of principal and interest and the proceeds from the use or sale of property which secured a loan with respect to which the Guaranty and Indemnity Fund is available;

"(D) amounts required to be credited under subsections (a)(3) and (c)(2), including amounts credited pursuant to subsections (a)(4) and (c)(3), of section 1829 of this title;

"(E) fees collected under section 1829(b) of this title with respect to guaranteed or insured loans that are closed after December 31, 1989, and subsequently assumed; and

"(F) all income from the investments described in subsection (d) of this section.

"(d)(1) The Secretary of the Treasury shall invest the portion of the Guaranty and Indemnity Fund that is not required to meet current payments made from such Fund, as determined by the Secretary of Veterans Affairs, in obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

"(2) In making investments under paragraph (1) of this subsection, the Secretary of the Treasury shall select obligations having maturities suitable to the needs of the Guaranty and Indemnity Fund, as determined by the Secretary of Veterans Affairs, and bearing interest at suitable rates, as determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

"(e)(1) Notwithstanding subsection (b) of this section, the Guaranty and Indemnity Fund shall be available to the Secretary, to such extent as is, or in such amounts as are, provided for in appropriation Acts and subject to paragraph (2) of this subsection, for—

"(A) contracts for the performance of supplementary services described in paragraph (2) of section 1824(e) of this title for which the Secretary is otherwise authorized to contract; and

"(B) the acquisition of supplementary equipment described in such paragraph,

(not including services or equipment for which the Guaranty and Indemnity Fund is available under subsection (b) of this section), as the Secretary determines would assist in ensuring the long-term stability and solvency of the Guaranty and Indemnity Fund.

"(2) The Secretary may not in any fiscal year obligate more than a total of $25,000,000 for services or equipment under this subsection and section 1824(e) of this title.".

(2) Section 1824(e)(3) is amended—

(A) by inserting "a total of" before "$25,000,000"; and

(B) by inserting "and section 1825(e) of this title" before the period.

(3)(A) The section heading of section 1824 is amended to read as follows:

"§ 1824. Loan Guaranty Revolving Fund".

(B) The table of sections at the beginning of chapter 37 is amended by striking out the items relating to sections 1824 and 1825 and inserting in lieu thereof the following:

"1824. Loan Guaranty Revolving Fund.
"1825. Guaranty and Indemnity Fund.".

(b) ANNUAL SUBMISSION OF INFORMATION.—(1) Subchapter III of chapter 37 is amended by adding at the end the following new section:

"§ 1834. Annual submission of information on the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund

"(a) In the documents providing detailed information on the budget for the Department of Veterans Affairs that the Secretary submits to the Congress in conjunction with the President's budget submission for each fiscal year pursuant to section 1105 of title 31, United States Code, the Secretary shall include—

"(1) a description of the operations of the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund during the fiscal year preceding the fiscal year in which such budget is submitted; and

"(2) the needs of such funds, if any, for appropriations in—

"(A) the fiscal year in which the budget is submitted; and

"(B) the fiscal year for which the budget is submitted.

"(b) The matters submitted under subsection (a) of this section shall include, with respect to each fund referred to in subsection (a), the following:

"(1) Information and financial data on the operations of the fund during the fiscal year before the fiscal year in which such matters are submitted and estimated financial data and related information on the operation of the fund for—

"(A) the fiscal year of the submission; and

"(B) the fiscal year following the fiscal year of the submission.

"(2) Estimates of the amount of revenues derived by the fund in the fiscal year preceding the fiscal year of the submission, in the fiscal year of the submission, and in the fiscal year following the fiscal year of the submission from each of the following sources:

"(A) Fees collected under section 1829(a) of this title for each category of loan guaranteed, insured, or made under this chapter or collected under section 1829(b) of this title for assumed loans.

"(B) Federal Government contributions made under clauses (A) and (B) of section 1825(c)(2) of this title.

"(C) Federal Government payments under subsections (a)(3) and (c)(2) of section 1829 of this title.

"(D) Investment income.

"(E) Sales of foreclosed properties.

"(F) Loan asset sales.

"(G) Each additional source of revenue.

"(3) Information, for each fiscal year referred to in paragraph (2) of this subsection, regarding the types of dispositions made and anticipated to be made of defaults on loans guaranteed, insured, or made under this chapter, including the cost to the fund, and the numbers, of such types of dispositions.".

(2) The table of sections at the beginning of chapter 37 is amended by inserting after the item relating to section 1833 the following new item:

"1834. Annual submission of information on the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund.".

(c) CONFORMING AMENDMENTS.—Section 1824 is amended—

(1) in subsection (b), by inserting before the period at the end of the first sentence the following: "and the operations carried out in connection with the Guaranty and Indemnity Fund established by section 1825 of this title"; and

(2) in subsection (c)—

(A) by inserting after "title" in clause (2) the following: "for loans closed before January 1, 1990, except that fees collected (A) for all loans made for any purpose specified in section 1812 of this title, or (B) under subsection (b) of such section 1829 for guaranteed or insured loans that are closed before January 1, 1990, and subsequently assumed shall also be deposited in the Fund"; and

(B) by inserting after "under this chapter" in clause (3) the following: '(other than operations for which the Guaranty and Indemnity Fund established under section 1825 of this title is available)".

SEC. 303. LOAN FEE.

(a) IN GENERAL.—Section 1829 is amended to read as follows:

"§ 1829. Loan fee

"(a)(1) Except as provided in subsection (c)(1) of this section, a fee shall be collected from each veteran obtaining a housing loan guaranteed, insured, or made under this chapter, and from each person obtaining a loan under section 1833(a) of this title, and no such loan may be guaranteed, insured, or made under this chapter until the fee payable under this section has been remitted to the Secretary.

"(2) The amount of such fee shall be 1.25 percent of the total loan amount, except that—

"(A) in the case of a loan made under section 1811 or 1833(a) of this title or for any purpose specified in section 1812 of this title, the amount of such fee shall be one percent of the total loan amount;

"(B) in the case of a guaranteed or insured loan for a purchase (except for a purchase referred to in section 1812(a) of this title), or for construction, with respect to which the veteran has made a down payment of 5 percent or more, but less than 10 percent, of the total purchase price or construction

cost, the amount of such fee shall be 0.75 percent of the total loan amount; and

"(C) in the case of a guaranteed or insured loan for a purchase (except for a purchase referred to in section 1812(a) of this title), or for construction, with respect to which the veteran has made a down payment of 10 percent or more of the total purchase price or construction cost, the amount of such fee shall be 0.50 percent of the total loan amount.

"(3) Except as provided in paragraph (4) of this subsection, there shall be credited to the Guaranty and Indemnity fund (in addition to the amount required to be credited to such Fund under section 1825(c)(2)(A) or (B) of this title), on behalf of a veteran who has made a down payment described in paragraph (2)(C) of this subsection, an amount equal to 0.25 percent of the total loan amount for the fiscal year in which the loan is closed and for the following fiscal year.

"(4) Credits to the Guaranty and Indemnity Fund under paragraph (3) of this subsection with respect to loans guaranteed or insured under this chapter that are closed during fiscal year 1990 shall be made in October 1990 and October 1991.

"(5) The amount of the fee to be collected under paragraph (1) of this subsection may be included in the loan and paid from the proceeds thereof.

"(b) Except as provided in subsection (c) of this section, a fee shall be collected from a person assuming a loan to which section 1814 of this title applies. The amount of the fee shall be equal to 0.50 percent of the balance of the loan on the date of the transfer of the property.

"(c)(1) A fee may not be collected under this section from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.

"(2) There shall be credited to the Guaranty and Indemnity Fund (in addition to the amount required to be credited to such Fund under section 1825(c)(2)(A) or (B) of this title and subsection (a)(3) of this section), on behalf of a veteran or surviving spouse described in paragraph (1) of this subsection, an amount equal to the fee that, except for paragraph (1) of this subsection, would be collected from such veteran or surviving spouse.

"(3) Credits to the Guaranty and Indemnity Fund under paragraph (2) of this subsection with respect to loans guaranteed, insured, or made under this chapter that are closed during fiscal year 1990 shall be made in October 1990.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

(c) FEE COLLECTION THROUGH 1989.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall collect fees under section 1829 of title 38, United States Code, through December 31, 1989.

SEC. 304. INDEMNIFICATION AFTER DEFAULT.

(a) IN GENERAL.—Section 1803 is amended by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (2) of this subsection, an individual who pays a fee under section 1829 of this title, or who is exempted under section 1829(c)(1) of this title from paying such fee, with respect to a housing loan guaranteed or insured under this chapter that is closed after December 31, 1989, shall have no liability to the Secretary with respect to the loan for any loss resulting from any default of such individual except in the case of fraud, misrepresentation, or bad faith by such individual in obtaining the loan or in connection with the loan default.

"(2) The exemption from liability provided by paragraph (1) of this subsection shall not apply to—

"(A) an individual from who a fee is collected (or who is exempted from such fee) under section 1829(b) of this title; or

"(B) a loan made for any purpose specified in section 1812 of this title.".

(b) CONFORMING AMENDMENT.—The last sentence of section 1832(a)(1) is amended by striking out "if" and inserting in lieu thereof "Except as provided in section 1803(e) of this title, if".

SEC. 305. SALE OF VENDEE LOANS.

(a) IN GENERAL.—Section 1833 is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), by striking out "Before October 1, 1990," and inserting in lieu thereof "Subject to subparagraph (C) of this paragraph,";

(B) in subparagraph (B), by striking out "occurring before October 1, 1990"; and

(C) in subparagraph (C), by striking out "October 1, 1990," and inserting in lieu thereof "October 1, 1989,";

(2) in subsection (a)(6), by striking out "October 1" and inserting in lieu thereof "December 31"; and

(3) by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the amount received from the sale of any note evidencing a loan secured by real property described in subsection (a)(1) of this section shall be credited, without any reduction and for the fiscal year in which the amount is received, as offsetting collections of—

"(1) the revolving fund for which a fee under section 1829 of this title was collected (or was exempted from being collected) at the time of the original guaranty of the loan that was secured by the same property; or

"(2) in any case in which there was no requirement of (or exemption from) a fee at the time of the original guaranty of the loan that was secured by the same property, the Loan Guaranty Revolving Fund; and the total so credited to any revolving fund for a fiscal year shall offset outlays attributed to such revolving fund during such fiscal year.".

(b) EFFECTIVE DATES.—(1) If, before the date and time of the enactment of this Act, no provision of law has been enacted amending section 1833 of title 38, United States Code, by adding a new subsection (e) with a text substantively identical to the text of the new subsection (e) added to such section 1833 by subsection (a)(3) of this section, the provisions of subsection (a)(1) of this section amending subsection (a)(3) of such section 1833 shall not take effect.

(2) Subsection (e) of section 1833 of such title 38, as added by subsection (a)(3), shall apply with respect to amounts referred to in such subsection (e) received after September 30, 1989.

SEC. 306. INCREASE IN ENTITLEMENT AMOUNT.

(a) INCREASED ENTITLEMENT.—Section 1803(a)(1) is amended—

(1) in subparagraph (A)(i)—

(A) by striking out "or" after the semicolon in subclause (I); and

(B) by striking out subclause (II) and inserting in lieu thereof the following:

"(II) in the case of any loan of more than $45,000, but not more than $56,250, $22,500;

"(III) in the case of any loan of more than $56,250, but not more than $144,000, the lesser of $36,000 or 40 percent of the loan; or

"(IV) in the case of any loan of more than $144,000 for a purpose specified in clause (1), (2), (3), or (6) of section 1810(a) of this title, the lesser of $46,000 or 25 percent of the loan; or"; and

(2) in subparagraph (B), by striking out "$36,000" and inserting in lieu thereof "$36,000, or in the case of a loan described in subparagraph (A)(i)(IV) of this paragraph, $46,000,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply only with respect to loans closed after such date.

SEC. 307. NOTIFICATION REQUIREMENT.

Section 1832(a) is amended by adding at the end the following:

"(5) In the event of default in the payment of any loan guaranteed or insured under this chapter in which a partial payment has been tendered by the veteran concerned and refused by the holder, the holder of the obligation shall notify the Secretary as soon as such payment has been refused. The Secretary may require that any such notification include a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, and the reasons for the holder's refusal.".

SEC. 308. NO-BID FORMULA.

(a) EXCLUSION OF INTEREST COSTS.—Section 1832(c)(1)(C)(ii) is amended by inserting before the period the following: ", excluding any amount attributed to the cost to the Government of borrowing funds".

(b) EXTENSION.—(1) Section 1832(c)(11) of such title is amended by striking out "October 1, 1989" and inserting in lieu thereof "October 1, 1991".

(2) The amendment made by paragraph (1) shall take effect as of October 1, 1989.

SEC. 309. REFINANCING LOANS.

(a) REPEAL OF LIMITATION ON AMOUNT OF REFINANCING LOAN.—Section 1810 is amended by striking out subsection (h).

(b) CONDITIONS FOR GUARANTEEING OR MAKING A REFINANCING LOAN.—Subsection (b) of section 1810 is amended—

(1) in clause (5)—

(A) by inserting "except in the case of a loan described in clause (7) or (8) of this subsection," after "(5)"; and

(B) by striking out "and," at the end;

(2) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new clauses:

"(7) in the case of a loan (other than a loan made for a purpose specified in subsectin (a)(8) of this section) that is made to refinance—

"(A) a construction loan,

"(B) an installment land sales contract, or

"(C) a loan assumed by the veteran that provides for a lower interest rate than the loan being refinanced,

the amount of the loan to be guaranteed or made does not exceed the lesser of—

"(i) the reasonable value of the dwelling or farm residence securing the loan, as determined pursuant to section 1831 of this title; or

"(ii) the sum of the outstanding balance on the loan to be refinanced and the closing costs (including discounts) actually paid by the veteran, as specified by the Secretary in regulations; and

"(8) in the case of a loan to refinance a loan (other than a loan or installment sales contract described in clause (7) of this subsection or a loan made for a purpose specified in subsection (a)(8) of this section), the amount of the loan to be guaranteed or made does not exceed 90 percent of the reasonable value of the dwelling or farm residence securing the loan, as determined pursuant to section 1831 of this title.".

SEC. 310. COMPUTATION OF ENTITLEMENT AMOUNT

Section 1802(b) is amended—

(1) by striking out "or" at the end of clause (1)(B);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (2) the following new clause:

"(3)(A) the loan has been repaid in full; and

"(B) the loan for which the veteran seeks to use entitlement under this chapter is secured by the same property which secured the loan referred to in subparagraph (A) of this paragraph.".

SEC. 311. WAIVER OF INDEBTEDNESS TO THE UNITED STATES.

Section 3102 is amended—

(1) in subsection (b), by striking out "may" and inserting in lieu thereof "shall, except as provided in subsection (c) of this section,"; and

(2) in subsection (c)—

(A) by striking out "The" and all that follows through "thereon)" and inserting in lieu thereof "The recovery of any payment or the collection of any indebtedness (or any interest thereon) may not be waived under this section"; and

(B) by striking out ", material fault, or lack of good faith" and inserting in lieu thereof "or bad faith".

SEC. 312. STUDY OF HOME LOANS TO NATIVE-AMERICAN VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of the Interior shall jointly conduct a study to determine the following:

(1) The extent to which veterans who are Native Americans living on Native-American trust lands participate in the Department of Veterans Affairs home loan guaranty program under chapter 37 of title 38, United States Code.

(2) The level of participation of such veterans in such program, whether such participation is lower than the level of participation of all veterans and, if so, the reasons for the lower level of participation, including any reasons relating to the structure of the home loan guaranty program, the secondary mortgage market, the willingness of lenders to make home loans on trust land, cultural factors, and attitudinal factors.

(3) The legislative, regulatory, and administrative actions necessary, if any, to improve the access of the veterans referred to in paragraph (1) to benefits under chapter 37 of title 38, United States Code.

(4) Whether it would be desirable, feasible, and equitable to utilize the direct home loan authority under section 1811 of title 38, United States Code, to promote increased home ownership among such veterans.

(b) CONSIDERATIONS.—In conducting the study, the Secretaries shall consider—

(1) the concerns and recommendations of the Advisory Committee on Native-American Veterans contained in the reports submitted by that committee pursuant to section 19032(f) of the Veterans' Health-Care Amendments of 1986 (title XIX of Public Law 99-272; 100 Stat. 388);

(2) the experience of the Bureau of Indian Affairs and the Department of Housing and Urban Development in developing and carrying out programs designed to meet the home financing needs of Native Americans; and

(3) any experience of private-sector lending institutions in making loans on trust land.

(c) REPORT.—Not later than June 1, 1990, the Secretaries shall transmit to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under subsection (a).

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "Native-American trust land" means any land that—

(A) is held in trust by the United States for Native Americans;

(B) is subject to restrictions on alienation imposed by the United States on Indian lands;

(C) is owned by a Regional Corporation or a village corporation, as such terms are defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); or

(D) is on any island in the Pacific Ocean if such land is, by cultural tradition, communally-owned land, as determined by the Secretary of Veterans Affairs; and

(2) the term "Native American" means—

(A) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));

(B) a Native Hawaiian, as defined in section 8 of the Native Hawaiian Health Care Act of 1988 (Public Law 100-579; 102 Stat. 2921);

(C) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

(D) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 313. CLARIFYING AND TECHNICAL AMENDMENTS.

(a) CLARIFYING AMENDMENT.—Section 1801(b) is amended by adding at the end the following new paragraph:

"(4) The term 'veteran' also includes an individual serving on active duty.".

(b) TECHNICAL AMENDMENTS.—Title 38 is amended as follows:

(1) Chapters 23, 24, and 37 are amended by striking out "Administrator" and "Administrator's" each place such terms appear (other than in sections 906(e)(2) and 1812(h)(2)(B) and in section 1845(a) the third place "Administrator" appears) and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

(2) Subchapter III of chapter 37 is amended by striking out "Veterans' Administration" and "Veterans' Administration's" each place such terms appear and inserting in lieu thereof "Department of Veterans Affairs" and "Department of Veterans Affairs' ", respectively.

(3) Section 906(e)(2) is amended by striking out "Administrator or the Secretary" and inserting in lieu thereof "Secretary of Veterans Affairs or Secretary of the Army".

(4) Section 1005(a) is amended by inserting "of the Interior" after "Secretary" the second place it appears.

(5) Section 1009(b) is amended by inserting "of the Army" after "Secretary".

(6) Section 1803(c)(1) is amended by inserting "of Housing and Urban Development" after "Secretary" the second place it appears.

(7) Section 1812(h)(2)(B) is amended—

(A) by striking out "Secretary pursuant" and inserting in lieu thereof "Secretary of Housing and Urban Development pursuant"; and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(8) Section 1823(a) is amended by inserting "of the Treasury" after "Secretary" the last place it appears.

(9) Section 1823(d)(2) is amended by inserting "of the Treasury" after "Secretary".

TITLE IV—EDUCATION AND EMPLOYMENT

SEC. 401. SHORT TITLE.

This title may be cited as the "Veterans Education and Employment Amendments of 1989".

SEC. 402. RATES OR REHABILITATION SUBSISTENCE ALLOWANCES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—The table contained in section 1508(b) is amended to read as follows:

"Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional Training:				
Full-time	$333	$413	$486	$35
Three-quarter time	$250	$310	$364	$27
Half-time	$167	$207	$244	$18
Farm cooperative, apprentice, or other on-job training:				
Full-time	$291	$352	$405	$26
Extended evaluation:				
Full-time	$333	$413	$486	$35
Independent living training:				
Full-time	$333	$413	$486	$35
Three-quarter time	$250	$310	$364	$27
Half-time	$167	$207	$244	$18".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 1990.

SEC. 403. RATES OF EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS.

(a) IN GENERAL.—Chapter 35 is amended—

(1) in section 1732(a)(1), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "paid at the monthly rate of $404 for full-time, $304 for three-quarter-time, or $202 for half-time pursuit.";

(2) in section 1732(a)(2), by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "paid at the rate of (A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) $404 per month for a full-time course, whichever is the lesser.";

(3) in section 1732(b), by striking out "$304" and inserting in lieu thereof "$327";

(4) in section 1732(c)(2), by striking out "computed" and all that follows through

the end of the paragraph and inserting in lieu thereof "$327 for full-time, $245 for three-quarter-time, and $163 for half-time pursuit.";

(5) by amending section 1732(c)(3) to read as follows:

"(3) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (a)(2) of this section for less than half-time but more than quarter-time pursuit. If the entire training is to be pursued by independent study, the amount of the eligible person's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which such person is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Secretary of Veterans Affairs, for resident training. An eligible person's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.";

(6) in section 1732(c)(4), by striking out "section 1682(e) of this title" and inserting in lieu thereof "paragraph (3) of this subsection";

(7) in section 1732(e), by inserting before the period the following: ", except that the references therein to the monthly educational assistance allowance prescribed for a veteran with no dependents shall be deemed to refer to the applicable allowance payable to an eligible person under corresponding provisions of this chapter or chapter 36 of this title, as determined by the Secretary of Veterans Affairs";

(8) in section 1733(a)(1), by striking out "'benefits" and all that follows through the end of the paragraph and inserting in lieu thereof "assistance provided an eligible veteran under section 1691(a) (if pursued in a State) of this title and be paid an educational assistance allowance therefor in the manner prescribed by section 1691(b) of this title, except that the corresponding rate provision of this chapter shall apply, as determined by the Secretary of Veterans Affairs, to such pursuit by an eligible person.";

(9) in section 1734(b), by striking out "1786 of this title" and inserting in lieu thereof "1786 (other than subsection (a)(2)) of this title and the period of such spouse's entitlement shall be charged with one month for each $404 which is paid to the spouse as an educational assistance allowance for such course"; and

(10) in section 1742(a), by striking out "$376", "$119" (each place it appears), and "$12.58" and inserting in lieu thereof "$404", "$127", and "$13.46", respectively.

(b) APPRENTICESHIP.—Section 1787(b)(2) is amended by striking out "computed" and all that follows through the end of the paragraph and inserting in lieu thereof "$294 for the first six months, $220 for the second six months, $146 for the third six months, and $73 for the fourth and any succeeding six-month periods of training.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 404. PROVISON FOR PERMANENT PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

Section 1520 is amended—

(1) by striking out subsection (b);

(2) by striking out paragraph (5) of subsection (a);

(3) by redesignating paragraphs (2), (3), (4), (6) and (7) of subsection (a) as subsections (b), (c), (d), (e), and (f), respectively;

(4) in subsection (a)—

(A) by striking out "(1) During fiscal years 1982 through 1989, the" and inserting in lieu thereof "The";

(B) by striking out "paragraph (7) of this subsection" and inserting in lieu thereof "subsection (f) of this section"; and

(C) by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (b) of this section";

(5) in subsection (b), as redesignated by clause (3), by striking out "and who is selected" and all that follows through "subsection";

(6) in subsection (c), as redesignated by clause (3), by striking out "paragraph (2) of this subsection" and inserting in lieu thereof "subsection (b) of this section";

(7) in subsection (e), as redesignated by clause (3), by striking out "of the fiscal years 1982 through 1989" and inserting in lieu thereof "fiscal year"; and

(8) in subsection (f), as redesignated by clause (3)—

(A) by striking out "paragraph " and inserting in lieu thereof "subsection"; and

(B) by striking out "(A)" and "(B)" and inserting in lieu thereof "(1)" and "(2)", respectively.

SEC. 405. VETERANS' AND RESERVISTS' WORK-STUDY PROGRAM.

(a) CRITICAL FOR DETERMINING WORK-STUDY ALLOWANCE.—(1) Section 1685(a) is amended—

(A) in the second sentence, by striking out "Such" and all that follows through "other applicable enrollment period," and inserting in lieu thereof "Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period,";

(B) by striking out the third and fourth sentences;

(C) and inserting "(1)" after "(a)"; and

(D) by adding at the end the following new paragraph:

"(2) For the purposes of paragraph (1) of this subsection, the term 'applicable hourly minimum wage' means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage.".

(2) Section 1685(b) is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a)(1)".

(b) SELECTED RESERVISTS' WORK-STUDY ASSIGNMENTS.—The second sentence of section 1685(a), as amended by subsection (a)(1)(A), is further amended—

(1) in clause (3), by striking out "or" at the end; and

(2) by striking out the period at the end and inserting in lieu thereof ", or (5) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities.".

(c) ELIGIBILITY.—Section 1685(b) is amended—

(1) in the first sentence by striking out "veteran-students who are pursuing" and all that follows through the period and inserting in lieu thereof "individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student."; and

(2) in the last sentence by striking out "the veteran ceases to be" through "the veteran" and inserting in lieu thereof "an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual".

(d) TECHNICAL AMENDMENTS.—(1) Section 1685(b) is amended by striking out "per centum" and inserting in lieu thereof "percent".

(2) Section 1685 is amended—

(A) by striking out "Veteran-students" in subsection (a) and inserting in lieu thereof "Individuals";

(B) by striking out "veteran-students" each place it appears and inserting in lieu thereof "individuals";

(C) by striking out "A veteran-student" in subsection (a) and inserting in lieu thereof "An individual";

(D) by striking out "veteran-student's" in subsection (a) and inserting in lieu thereof "individual's";

(E) by striking out "veterans" in subsection (c) and inserting in lieu thereof "individuals";

(F) by striking out "veteran" each place it appears, other than in subsection (c)(4), and inserting in lieu thereof "individual"; and

(G) by striking out "veteran's" in subsection (c)(2) and inserting in lieu thereof "individual's".

(3) Section 2136(b) of title 10, United States Code, is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

(4)(A) The section heading of section 1685 is amended to read as follows:

"§ 1685. Work-study allowance".

(B) The table of sections at the beginning of chapter 34 is amended by striking out the item for section 1685 and inserting in line thereof the following:

"1685. Work-study allowance."

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 1990, and shall apply to services performed on or after that date.

SEC. 406. WORK-STUDY PROGRAM FOR SURVIVORS AND DEPENDENTS.

(a) IN GENERAL.—(1) Subchapter IV of chapter 35 is amended by inserting after section 1736 the following new section:

"1737. Work-study allowance."

"(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 1685(a) of this title, the services of any eligi-

ble person who is pursuing, in a State, at least a three-quarter-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereafter in this section referred to as 'work-study allowance') in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 1685(a) of this title.

"(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 1685 of this title with regard to individuals pursuing at least three-quarter-time programs of education referred to in subsection (b) of such section.".

(2) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 1736 the following new item:

"1737. Work-study allowance.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 1990.

SEC. 407. EXTENSION AND EXPANSION OF THE VETERANS' READJUSTMENT APPOINTMENT AUTHORITY.

(a) EXTENSION OF AUTHORITY.—(1) Paragraph (2) of section 2014(b) is redesignated as paragraph (4) and is amended by striking out "1989" and inserting in lieu thereof "1993".

(2) Section 2011(2)(B) is amended by inserting before the period the following: "except for purposes of section 2014 of this title".

(b) ELIGIBILITY.—(1) Section 2014(a)(1) is amended by striking out "qualified disabled veterans and veterans of the Vietnam era" and inserting in lieu thereof "certain veterans of the Vietnam era and veterans of the post-Vietnam era who are qualified for such employment and advancement".

(2) Subsection (b) of section 2014 is amended—

(A) in paragraph (1)—

(i) by striking out "veterans of the Vietnam era" and inserting in lieu thereof "veterans referred to in paragraph (2) of this subsection";

(ii) in clause (A), by inserting the following before the semicolon: "or in the case of a veteran referred to in paragraph (2)(A) of this subsection, the level of GS-11 or its equivalent";

(iii) by striking out clause (B) and inserting in lieu thereof the following:

"(B) a veteran referred to in paragraph (2) of this subsection shall be eligible for such an appointment during (i) the four-year period beginning on the date of the veteran's last discharge or release from active duty, or (ii) the two-year period beginning on the date of the enactment of the Veterans Education and Employment Amendments of 1989, whichever ends later;";

(iv) in clause (C), by inserting "referred to in paragraph (2) of this subsection" after "a veteran of the Vietnam era";

(v) by striking out "and" at the end of the clause (C);

(vi) by striking out the period at the end of clause (D) and inserting in lieu thereof "; and"; and

(vii) by adding after clause (D) the following new clauses:

"(E) the requirement of an educational or training program for a veteran receiving such an appointment shall not apply if the veteran has 15 years or more of education; and

"(F) in the case of a veteran who is not a disabled veteran, the veteran may not have completed more than 16 years of education at the time of the veteran's appointment. "; and

(B) by inserting after paragraph (1) the following new paragraphs:

"(2) This subsection applies to—

"(A) a veteran of the Vietnam era who—

"(i) has a service-connected disability; or

"(ii) during such era, served on active duty in the Armed Forces in a campaign or expedition for which a campaign badge has been authorized; and

"(B) a veteran who served on active duty after the Vietnam era.

"(3) For purposes of paragraph (1)(B)(i) of this subsection, the last discharge or release from a period of active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 408. PILOT PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND SERVICES TO MEMBERS OF THE ARMED FORCES SEPARATING FROM THE ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—During the three-year period beginning on January 1, 1990, the Secretary of Labor (hereafter in this section referred to as the "Secretary"), in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, shall conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days before such members are separated from the Armed Forces.

(b) AREAS TO BE COVERED BY THE PROGRAM.—The Secretary shall conduct the pilot program in at least five, but not more than ten, geographically dispersed States in which the Secretary determines that employment and training services to eligible veterans will not be unduly limited by the provision of such services to members of the Armed Forces under the pilot program.

(c) UTILIZATION OF SPECIFIC PERSONNEL.—The Secretary shall utilize disabled veterans' outreach program specialists or local veterans' employment representatives to the maximum extent feasible to furnish employment and training information and services under the pilot program.

(d) REPORT.—Not later than May 1, 1992, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the findings and conclusions reached as a result of such pilot program.

SEC. 409. SECONDARY SCHOOL REQUIREMENTS FOR MONTGOMERY GI BILL ELIGIBILITY.

Sections 1411(a)(2) and 1412(a)(2) are amended—

(1) by inserting "(i)" after "except that"; and

(2) by inserting before "; and" at the end of the first sentence: ", and (ii) an individual described in clause (1)(A) of this subsection may satisfy such requirement by having successfully completed the equivalent of such 12 semester hours before the end of the individual's initial obligated period of active duty".

SEC. 410. PROHIBITION ON RECEIVING CREDIT UNDER TWO PROGRAMS.

Section 1621 is amended by adding at the end the following:

"(f) An individual who serves in the Selected Reserve may not receive credit for such service under both the program established by this chapter and the program established by chapter 106 of title 10 but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited.".

SEC. 411. ACCEPTING SCHOOL CERTIFICATION FOR RENEWAL OF EDUCATIONAL BENEFITS AFTER UNSATISFACTORY PROGRESS.

(a) VETERANS' EDUCATIONAL ASSISTANCE.—Section 1674 is amended by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the veteran—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.".

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 1724 is amended by striking out clauses (1) and (2) and inserting in lieu thereof the following:

"(1) the eligible person will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such eligible person's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the eligible person—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the eligible person's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.".

SEC. 412. UNIFORMITY OF ATTENDANCE REQUIREMENT.

(a) IN GENERAL.—Section 1780(a) is amended—

(1) in clause (1) of the second sentence, by striking out "enrolled in a course" through "1788(a)(7) of this title,";

(2) by striking out clause (2) of the second sentence;

(3) by redesignating clauses (3), (4), and (5) of the second sentence as clauses (2), (3), and (4), respectively;

(4) in the third sentence, by striking out "set forth in clause (1) or (2)" and inserting in lieu thereof "set forth in clause (1)";

(5) in subclause (A) of the third sentence, by striking out ", and such periods" through "subsection"; and

(6) in subclauses (B) and (C) of the third sentence by striking out ", but such periods" through "subsection".

(b) CONFORMING AMENDMENTS.—Section 1674 and section 1724 are each amended by striking out "conduct" in the first sentence and inserting in lieu thereof "attendance, conduct,".

SEC. 413. PROGRAM ADMINISTRATION.

(a) Section 1788 is amended—

(1) in subsection (a), by inserting after "three hours" in clause (C) of the penultimate sentence the following: "(or three 50-minute periods)"; and

(2) in subsection (c), by inserting after "three hours" in the second sentence the following: "(or three 50-minute periods)".

(b) Through July 1, 1990, no provision of law shall preclude the Department of Veterans Affairs, in making determinations of the active-duty or Selected Reserve status, or the character of service, of individuals receiving benefits under chapter 30 or 32 of title 38, United States Code, or chapter 106 of title 10, United States Code, from continuing to use category of information provided by the Department of Defense or Department of Transportation that the Departments of Veterans Affairs was using prior to the date of the enactment of this Act, if the Secretary of Veterans Affairs determines that the information has proven to be sufficiently reliable in making such determinations.

SEC. 414. FUNDING FOR STATE APPROVING AGENCIES FOR TRAINING CURRICULUM DEVELOPMENT.

Section 1774(a) is amended—

(1) in paragraph (2)(A), by striking out "section and for" and inserting in lieu thereof "section, for expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title (except for administrative overhead expenses allocated to such activities), and for"; and

(2) in paragraph (2)(C), by inserting before the period the following: "and the amount of expenses approved by the Secretary that are incurred in carrying out activities described in section 1774A(a)(4) of this title for such period (except for administrative overhead expenses allocated to such activities)".

SEC. 415. PROOF OF SATISFACTORY PURSUIT OF A PROGRAM OF EDUCATION.

(a) WITHHOLDING OF BENEFITS; FORM OF PROOF.—Section 1780(g) is amended by striking out "the Administrator is authorized" in the second sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof "the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of such veteran's or person's program as sufficient proof of the certified matters.".

(b) CONFORMING AMENDMENTS.—Section 1434 is amended—

(1) in subsection (a)(1), by striking out "1780(g),";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 416. REPORTING FEES.

(a) IN GENERAL.—Section 1784 is amended—

(1) in subsection (a)(1), by striking out "chapter 34" and inserting in lieu thereof "chapter 31, 34,";

(2) in subsection (b), by striking out "chapters 34" and inserting in lieu thereof "chapters 31, 34"; and

(3) in subsection (c), by striking out "chapter 34" each place it appears and inserting in lieu thereof "chapter 31, 34,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1990.

SEC. 417. CLOCK-HOUR MEASUREMENT OF CERTAIN UNIT COURSES OR SUBJECTS CREDITABLE TOWARD A STANDARD COLLEGE DEGREE.

Section 1788(e) is amended to read as follows:

"(e)(1) For the purpose of measuring clock hours of attendance or net of instruction under clause (1) or (2), respectively, of subsection (a) of this section for a course—

"(A) which is offered by an institution of higher learning, and

"(B) for which the institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree pursued in residence on a standard quarter- or semester-hour basis,

the number of credit hours (semester or quarter hours) represented by such unit courses or subjects shall, during the semester, quarter, or other applicable portion of the academic year when pursued, be converted to equivalent clock hours, determined as prescribed in paragraph (2) of this subsection. Such equivalent clock hours then shall be combined with actual weekly clock hours of training concurrently pursued, if any, to determine the total clock hours of enrollment.

"(2) For the purpose of determining the clock-hour equivalency described in paragraph (1) of this subsection, the total number of credit hours being pursued will be multiplied by the factor resulting from dividing the number of clock hours which constitute full time under clause (1) or (2) of subsection (a) of this section, as appropriate, by the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution.".

SEC. 418. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN COURSES.

Section 1789(b)(6)(B) is amended by inserting "and members of the Selected Reserve of the Ready Reserve eligible for educational assistance under chapter 106 of title 10;" after "dependents".

SEC. 419. EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS.

Section 3013 is amended—

(1) by striking out "Effective" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, effective"; and

(2) by adding at the end the following new subsection:

"(b) The effective date of an adjustment of benefits under any chapter referred to in subsection (a) of this section, if made on the basis of a certification made by the veteran or person and accepted by the Secretary under section 1780(g) of this title, shall be the date of the change.".

SEC. 420. DETERMINATION OF DELIMITING PERIOD.

(a) MINIMUM REQUIREMENT FOR ACTIVE DUTY SERVICE.—(1) Section 1431 is amended—

(A) by adding at the end the following new subsection:

"(g) For purposes of subsection (a) of this section, an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in subsection (a), by inserting ", and subject to subsection (g)," before "of this section," in the material preceding clause (1).

(2) Section 1632 is amended—

(A) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in paragraph (1), by inserting ", and subject to paragraph (4)," before "of this subsection,".

(3) Section 1662(a) is amended—

(A) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title."; and

(B) in paragraph (1), by striking out "No" and inserting in lieu thereof "Subject to paragraph (4) of this subsection, no".

(b) SPECIAL RULE.—Section 1431(e) is amended—

(1) by striking out "(e) In" and inserting in lieu thereof "(e)(1) Except as provided in paragraph (2) of this subsection, in"; and

(2) by adding at the end the following:

"(2) In the case of an individual to which paragraph (1) of this subsection is applicable and who is described in section 1652(a)(1)(B) of this title, the 10-year period prescribed in subsection (a) of this section shall not be reduced by any period in 1977 before the individual began serving on active duty.".

SEC. 421. INFORMATION TO ASSIST VETERANS RECEIVING EDUCATION BENEFITS.

(a) IN GENERAL.—For the purpose of assisting individuals receiving education benefits from the Department of Veterans' Affairs, the Secretary of Veterans' Affairs shall prepare, and update periodically, a document containing a detailed description of the benefits, limitations, procedures, requirements, and other important aspects of the education programs administered by the Department.

(b) DISTRIBUTION.—The Secretary shall, beginning in fiscal year 1990 but not before

July 1, 1990, distribute copies of such document—

(1) to each individual applying for benefits under an education program administered by the Department of Veterans Affairs and to each such individual at least annually in the years thereafter in which the individual receives such benefits;

(2) to education and training institution officials on at least an annual basis; and

(3) upon request, to other individuals significantly affected by education programs administered by the Secretary, including military education personnel.

(c) FUNDING.—The Secretary shall use funds appropriated to the readjustment benefits account of the Department to carry out this section.

SEC. 422. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) THE MONTGOMERY GI BILL ACTIVE DUTY PROGRAM.—(1) Section 1434 is amended by inserting after subsection (c), as added by section 423(a)(6)(B), the following new subsection:

"(d)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(2) Section 1432 is amended by inserting at the end the following new subsection:

"(f)(1) Notwithstanding subsection (a) of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 1434(d) of this title shall be paid an educational assistance allowance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No educational assistance allowance may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The number of months of entitlement charged in the case of any individual for a program of education described in paragraph (1) of this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such program by the monthly rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), or (c) of section 1415 of this title, as the case may be.".

(b) THE MONTGOMERY GI BILL SELECTED RESERVE PROGRAM.—(1) Section 2136 of title 10, United States Code, is amended by adding the following new subsection:

"(c)(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of title 38) by an individual entitled to educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(2) Section 2131 of such title is amended—

(A) in subsection (b), by striking out "(f)" and inserting in lieu thereof "(g)"; and

(B) by adding at the end the following new subsection:

"(g)(1) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 2136(c) of this title shall be paid an educational assistance allowance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No educational assistance allowance may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each $140 which is paid to that individual as an educational assistance allowance for such program.".

(c) EVALUATION OF PROVIDING ASSISTANCE FOR FLIGHT TRAINING.—(1)(A) The Secretary of Veterans Affairs shall conduct an evaluation of paying educational assistance for flight training under chapter 30 of title 38, United States Code, and chapter 106 of title 10, United States Code.

(B) The evaluation required by subparagraph (A) shall be designed to determine the effectiveness of the provision of educational assistance referred to in such subparagraph in preparing the recipients of such assistance for recognized vocational objectives in the field of aviation.

(2) Not later than January 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation required by paragraph (1). Such report shall include—

(A) information, separately as to payments made under chapter 30 of title 38, United States Code, and payments made under chapter 106 of title 10, United States Code, regarding—

(i) the number of recipients paid educational assistance allowances for flight training;

(ii) the amount of such assistance;

(iii) the amount paid by the recipients for such training;

(iv) the vocational objectives of the recipients; and

(v) the extent to which the training (I) assists the recipients in achieving employment in the field of aviation, or (II) was used only or primarily for recreational or avocational purposes; and

(B) any recommendations for legislation that the Secretary considers appropriate to include in the report.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1990.

SEC. 423. TECHNICAL AND CLERICAL AMENDMENTS.

(a) IN GENERAL.—Title 38 is amended as follows:

(1)(A) Section 1412(a)(1) is amended—

(i) in clause (A)(ii), by striking out "and after completion" and inserting in lieu thereof "and beginning within one year after completion"; and

(ii) in clause (B)(ii), by striking out "and after completion" and inserting in lieu thereof "and beginning within one year after completion".

(B) Section 1412(b)(2) is amended by striking out "Continuity of service" and all that follows through "such clauses" and inserting in lieu thereof "After an individual begins service in the Selected Reserve within one year after completion of the service described in clause (A)(i) or (B)(i) of subsection (a)(1) of this section, the continuity of service of such individual as a member of the Selected Reserve".

(2) Section 1413 is amended—

(A) in subsections (a)(2) and (b), by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)";

(B) in subsection (a)(2), by striking out "1411(a)(1)(B)(ii)(I)" the second place it occurs and inserting in lieu thereof "1411(a)(1)(A)(ii)(I)"; and

(C) in subsection (c)—

(i) by striking out "paragraph (2)" in paragraph (1) and inserting in lieu thereof "paragraphs (2) and (3)"; and

(ii) by adding at the end of such subsection the following:

"(3) Subject to section 1795 of this title and subsection (d) of this section, an individual described in clause (B) or (C)(ii) of section 1418(b)(3) of this title (other than an individual described in paragraph (2) of this subsection) is entitled to the number of months of educational assistance under this chapter that is equal to the number of months the individual has served on continuous active duty after June 30, 1985.".

(3) Section 1417(a)(1)(A)(ii) is amended by striking out "but for" and all that follows through "of this title" and inserting in lieu thereof "but for clause (1)(A)(i) or clause (2)(A) of section 1411(a) or clause (1)(A) (i) or (ii) or clause (2) of section 1412(a) of this title".

(4) Section 1431(f) is amended by striking out ", under this section," in paragraphs (1) and (2) and inserting in lieu thereof ", under section 1413,".

(5)(A) Section 1434(a)(3) is amended by striking out "employment)" and inserting in lieu thereof "employment during and since

the period of such veteran's active military service)".

(B) Section 1641(a)(2) is amended by striking out "employment)" and inserting in lieu thereof "employment during and since the period of such veteran's active military service)".

(6) Section 1434 is amended—

(A) in subsection (a)(1), by inserting "1780(f)," after "1780(c),"; and

(B) by inserting after subsection (b), as redesignated by section 415(b)(3), the following new subsection:

"(c) Payment of educational assistance allowance in the case of an eligible individual pursuing a program of education under this chapter on less than a half-time basis shall be made in a lump-sum amount for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such individual has enrolled in and is pursuing a program at such institution. Such lump-sum payment shall be computed at the rate determined under section 1432(b) of this title.".

(7) Section 1633 is amended by adding at the end the following new subsection:

"(d) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under subsection (c) of this section shall be reduced in the same proportion as the monthly benefit payment payable is reduced under subsection (b) of this section.".

(8)(A) Section 1781(b) is amended by adding at the end the following:

"(5) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).".

(B) Section 1795(a) is amended by adding at the end the following:

"(8) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).".

(9) Section 1790 is amended—

(A) in subsection (a)(2) by striking out "and prepayment";

(B) in subsection (b)(3)(A) by inserting "30," before "32"; and

(C) in subsection (b)(3)(B)—

(i) by striking out "(B)(i)" and inserting in lieu thereof "(B)"; and

(ii) by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii), respectively.

(b) TECHNICAL AMENDMENTS TO CHAPTERS 30, 31, 32, 34, 35, 36, AND 41 CONCERNING THE NEW DEPARTMENT OF VETERANS AFFAIRS.—Title 38 is amended as follows:

(1) Chapters 30, 31, 32, 34, 35, and 36 are amended—

(A) by striking out "Administrator" each place it appears (other than in section 1652(b)) and inserting in lieu thereof "Secretary"; and

(B) By striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(2) Sections 1723(e), 1743(a), 1799(b), 1780(d)(3), 1790(b)(3)(B)(i)(III), 1794, 1796(c), and 1799(d) are amended by striking out "Administrator's" and inserting in lieu thereof "Secretary's".

(3) Section 1402(5) is amended to read as follows:

"(5) The term 'Secretary of Defense' means the Secretary of Defense, except that it means the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

(4) The following sections, as in effect on the day before the date of the enactment of this Act, are amended by inserting "of Defense" after "Secretary":

(A) Sections 1418(a)(3), 1621(c), 1621(e), 1622(a), 1622(d), 1623(b), 1631(a)(2)(C), and 1642.

(B) Sections 1421(a), 1421(b), and 1622(e), the second place "Secretary" appears.

(C) Section 1422(b), the third place "Secretary" appears.

(D) Sections 1436(b), 1622(c), and 1643, each place "Secretary" appears.

(5) Section 1415(c), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by striking out "prescribed by the Secretary," and inserting in lieu thereof "prescribed by the Secretary of Defense,"; and

(B) by inserting "of Defense" after "Secretary" the last place it appears.

(6) Section 1621(b)(1), as in effect on the day before the date of the enactment of this Act, is amended by striking out "(hereinafter" and all that follows through "Secretary")".

(7) Section 1623(d), as in effect on the day before the date of the enactment of this Act, is amended—

(A) by inserting "of Defense" after "Secretary" the first place it occurs; and

(B) by striking out "the Secretary" the second place it appears and inserting in lieu thereof "such Secretary."

(8) Chapter 41 is amended—

(A) by striking out "Administrator" each place it appears (other than in paragraphs (1) and (2) of section 2002A(e) and in section 2010(b)(1)(G)) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

TITLE V—MEMORIAL AFFAIRS

SEC. 501. REIMBURSEMENT FOR COST OF CEMETERY HEADSTONE OR MARKER.

Subsection (d) of section 906 is amended—

(1) by striking out "actual costs incurred by or on behalf of such person in acquiring" in the first sentence and inserting in lieu thereof "cost of acquiring";

(2) by inserting after the first sentence the following: "The cost referred to in the preceding sentence is the cost actually incurred by or on behalf of such person or the cost prepaid by the deceased individual, as the case may be."; and

(3) by striking out "the preceding sentence" and inserting in lieu thereof "this subsection."

SEC. 502. BURIAL OF CREMATED REMAINS IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end the following new section:

"§ 1010. Burial of cremated remains in Arlington National Cemetery

"(a) The Secretary of the Army shall designate an area of appropriate size within Arlington National Cemetery for the unmarked interment, in accordance with such regulations as the Secretary may prescribe, of the ashes of persons eligible for interment in Arlington National Cemetery whose remains were cremated. Such area shall be an area not suitable for the burial of casketed remains.

"(b) The Secretary of the military departments shall make available appropriate forms on which those members of the Armed Forces who so desire may indicate their desire to be buried within the area to be designated under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1010. Burial of cremated remains in Arlington National Cemetery.

SEC. 503. MEMBERSHIP ON AMERICAN BATTLE MONUMENTS COMMISSION.

The first section of the Act entitled "An Act for the creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes" (36 U.S.C. 121), approved March 4, 1923, is amended by striking out "commissioned officers" in the third sentence and inserting in lieu thereof "members."

SEC. 504. GRAVE LINERS.

(a) IN GENERAL.—Subsection (e)(1) of section 906 is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary of Veterans Affairs shall provide a grave liner for each new grave in an open cemetery within the National Cemetery System in which remains are interred in a casket.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interments that occur after January 1, 1990.

SEC. 505. OPERATION OF CERTAIN CEMETERY.

The Secretary of Veterans Affairs shall enter into a contract with the State of Michigan, or the appropriate State agency thereof, under which the Secretary shall, beginning not later than July 1, 1990, operate and maintain the cemetery located in Mackinac Island State Park, Michigan, in accordance with standards applicable to cemeteries in the National Cemetery System.

TITLE VI—MISCELLANEOUS

SEC. 601. EXPANSION OF MULTIYEAR PROCUREMENT AUTHORITY TO INCLUDE NONMEDICAL ITEMS.

(a) EXPANSION OF AUTHORITY.—Section 114 is amended—

(1) in subsection (a), by striking out "for use in Veterans' Administration health-care facilities";

(2) in subsection (b)(2)(A), by striking "health-care"; and

(3) in subsection (e)—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 114. Multiyear procurement".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 is amended to read as follows:

"114. Multiyear procurement.".

SEC. 602. COURT OF VETERANS APPEALS.

(a) JUDICIAL PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS.—(1) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(A) in clause (9), by inserting "United States Court of Veterans Appeals;" after "Appeals;"; and

(B) in clause (10)—

(i) by striking out "or" the first place it appears; and

(ii) by inserting a comma and "or of the United States Court of Veterans Appeals" after "Appeals".

(2) Not later than 30 days after the date of the enactment of this Act, each person who, on that date, is a judge of the United

States Court of Veterans Appeals or a judicial employee of such court and each person who, before that date, has been nominated by the President to be a judge on such court shall file a report containing the information described in section 302(b) of the Ethics in Government Act of 1978 (28 U.S.C. App. 302(b)). Subsections (e), (f), and (g) of section 302 of such Act shall apply to the requirement in the preceding sentence.

(b) AUTHORITY TO ADMINISTER OATHS.—Section 4054 is amended by adding at the end the following new subsection:

"(d) Judges of the Court shall have the authority to administer oaths.".

(c) AUTHORITY TO COMPEL ACTIONS UNREASONABLY DELAYED.—Section 4061(a)(2) is amended by inserting "or unreasonably delayed" after "withheld".

SEC. 603. COLLOCATION AND LEASE PURCHASE.

(a) REGIONAL OFFICES AND MEDICAL CENTERS.—Section 230 is amended by adding at the end the following new subsection:

"(c)(1) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the collocation of at least three regional offices with medical centers of the Department—

"(A) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

"(B) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such collocation.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) (A) or (B) of this subsection.

"(B) Such real property shall be used as the site of a facility—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department for such use and such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of any facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) Each agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate no less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus

"(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6)(A) Subject to subparagraph (c)(i) of this paragraph, the Secretary shall, within 120 days of the date of the enactment of this subsection, issue an invitation for offers with respect to three collocations to be carried out under this subsection. Such invitation shall include, with respect to each such collocation, at least—

"(i) identification of the site to be developed;

"(ii) minimum office space requirements for regional office activities;

"(iii) design criteria of the facility to be constructed;

"(iv) a plan for meeting the security and parking needs for the facility and its occupants and visitors;

"(v) a statement of current and projected rents and other costs for regional office activities;

"(vi) the estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility;

"(vii) a plan for securing appropriate licenses, easements, and rights-of-way; and

"(viii) a list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

"(B) Subject to subparagraph (C)(ii) of this paragraph, the Secretary shall—

"(i) within one year after the date on which the invitation is issued under subparagraph (A) of this paragraph, enter into an agreement to carry out one collocation under this subsection; and

"(ii) within 180 days after entering into the agreement referred to in clause (i) of this subparagraph, enter into agreements to carry out two additional collocations,

unless the Secretary determines that it is not economically feasible for the Department of Veterans' Affairs to undertake them, taking into consideration all of the tangible and intangible benefits associated with such collocations.

"(C) The Secretary shall—

"(i) at least 10 days before the issuance or other publication of the invitation referred to in subparagraph (A) of this paragraph, transmit a copy of such invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(ii) at least 30 days before entering into an agreement under subparagraph (B) of this paragraph, transmit a copy of the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under subparagraph (A) of this paragraph.

"(7) The authority to enter into an agreement under this subsection shall expire on October 1, 1992.".

(b) LEASE-PURCHASE OF CERTAIN MEDICAL CENTERS.—Section 5003 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary may provide for the acquisition of not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements on real property under the jurisdiction of the Department of Veterans Affairs.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party any of the real property described in paragraph (1) of this subsection.

"(B) Such real property shall be used as the site of a facility referred to in paragraph (1) of this subsection—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department of such use and for such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of any facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) Each agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus

"(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6) The authority to enter into an agreement under this subsection—

"(A) shall not take effect until the Secretary has entered into agreements under section 230(c) of this title to carry out at least three collocations; and

"(B) shall expire on October 1, 1993.".

SEC. 604. RATIFICATION.

Any actions of the Secretary of Veterans Affairs in carrying out the provisions of section 620B of title 38, United States Code, section 115 of the Veterans Benefits and Services Act of 1988, section 618 of the Treasury, Postal Service and General Government Appropriations Act, 1989, or section 1829 of such title, by contract or otherwise, during the period beginning on December 1, 1989, and ending on the date of the enactment of this Act are hereby ratified.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to provide a 4.7 percent cost-of-living adjustment in rates of disability compensation for veterans with service-connected disabilities compensation for survivors of veterans dying from service-connected causes and to improve certain veterans health-care, education, housing, and memorial affairs programs; and for other purposes.".

VETERANS' BENEFITS AMENDMENTS OF 1989

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I rise to urge our colleagues to give their unanimous approval to the pending measure, H.R. 901, the proposed Veterans' Benefits Amendments of 1989. This measure, which I will refer to as the compromise agreement, embodies provisions derived from S. 13 as reported by our Committee on September 13 and passed by the Senate on October 4, and various House measures, including H.R. 88, passed by the House on October 2, H.R. 901 as passed by the House on June 27, H.R. 1334 as passed by the House on June 27, H.R. 1358 as passed by the House on October 2, H.R. 1414 as passed by the House on May 27, H.R. 1415 as passed by the House on June 6, H.R. 2486 as passed by the House on July 31, and H.R. 3390 as passed by the House on October 30.

Mr. President, although the compromise agreement contains provisions in many different subject areas derived from the various bills I just mentioned, it is not a comprehensive resolution of the many issues in those bills. During our efforts to reconcile the many differences between the House- and Senate-passed legislation, we reached an impasse over Senate-passed provisions which addressed the issue of compensating veterans in connection with their exposure to agent orange in Vietnam. Because of this impasse, negotiations on other issues—particularly those relating to VA health-care matters—did not go forward for an extended period. Thus, our two Committees were not able to resolve all of the matters between us, and it is only these 70 provisions which are included in the compromise agreement as it comes before the Senate today that were were able to resolve. As to those issues which are not included in this measure—including the agent orange provisions, the many important health provisions, which I will mention in a moment, and provisions in others areas—it is the intention of the two Committees to continue to pursue resolution of these provisions and to develop a further compromise agreement that can be considered in each House as early as possible in the next Session.

Mr. President, because each of the provisions of the compromise agreement is described authoritatively in the explanatory statement developed by the two Committees on Veterans' Affairs which I will insert in the RECORD as part of my remarks today and which the chairman of the House Committee, Mr. MONTGOMERY, inserted in the RECORD during House debate on this measure, I will provide only a summary of those provisions at this point and then discuss certain key elements of the measure.

SUMMARY OF PROVISIONS

Mr. President, the House-Senate compromise agreement consists of six titles: Title I—Compensation and Pension; Title II—Health-Care Provisions; Title III—the proposed "Veterans Home Loan Indemnity and Restructuring Act of 1989"; Title IV—Education and Employment; Title V—Memorial Affairs; and Title VI—Miscellaneous. These titles contain provisions as described below.

TITLE I—COMPENSATION AND PENSION

Title I of the compromise agreement contains, in freestanding provisions and amendments to title 38, United States Code, eight provisions that would:

First, provide for a 4.7-percent COLA, effective December 1, 1989, in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] paid to certain service-connected-disabled veterans' survivors, with the increased rates rounded to the nearest dollar.

Second, eliminate the reduction in monthly pension payments to a veteran receiving VA hospital care who has neither a spouse nor a dependent child.

Third, raise from $60 to $90 the general limit on monthly pension payments to a veteran who has neither a spouse nor a dependent child and is receiving VA nursing-home or domiciliary care for an extended period.

Fourth, extend the period after which the Department must reduce pension payments to a VA domiciliary resident to the end of the third calendar month after the month of admission.

Fifth, expand the clothing allowance to include cases in which a medication prescribed by a physician for a veteran's service-connected skin condition causes irreparable damage the veteran's outergarments.

Sixth, reduce from 2 years to 1 year the period of time a surviving spouse must have been married to a veteran in order to qualify for DIC-equivalent benefits under section 418 of title 38 based on length of marriage.

Seventh, modify the pilot program of vocational training for certain pension recipients so as to, first, lower from "under 50" to "under 45" the age group of new pension recipients subject to mandatory evaluation to determine feasibility of achieving a vocational goal, and second, provide that the evaluation of permanent and total disability of a veteran who, not later than 1 year after the date on which the veteran's eligibility for post-training counseling has expired—which occurs 18 months after the veteran completes a vocational training program—secures employment within the scope of a vocational goal identified in the veteran's rehabilitation plan, or in a related field, would not be terminated by reason of the veteran's capacity to engage in such employment until the veteran has first maintained such employment for 12 consecutive months, thus giving the veteran 2½ years after completing training to try the world of work without automatically losing VA pension eligibility.

Eighth, require the Secretary, in a case in which the Secretary has made a decision affecting benefits, to provide a claimant and the claimant's representative notice of the decision on a timely basis. All notices would be required to include an explanation of the procedure for obtaining review of the decision. In cases in which the decision of the Secretary denies any benefit sought by the claimant, notice would include the reasons for the decision and a summary of the evidence considered.

TITLE II—HEALTH-CARE PROVISIONS

Title II of the compromise agreement contains, in freestanding provisions and amendments to title 38, 11 substantive provisions that would:

First, extend, through September 30, 1992, the Department's authority to furnish respite-care services.

Second, extend, through September 30, 1992, the authorization of appropriations of "such sums as are necessary" for the construction of State Veterans' Homes.

Third, extend, through September 30, 1992, the VA's homeless chronically mentally ill program.

Fourth, extend through September 30, 1990, the requirement that the Secretary submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a detailed report concerning the implementation of changes in eligibility pursuant to Public Law 99-272.

Fifth, require VA's Special Committee on Post-Traumatic Stress Disorder to submit a report by February 1, 1990, updating prior reports on VA efforts to meet the needs of veterans with PTSD.

Sixth, authorize the Secretary to reimburse a service-disabled veteran in a Department vocational rehabilitation program for certain emergency hospital or medical services provided during the time the veteran is receiving post-training employment services.

Seventh, authorize the Secretary, without regard to regular Civil Service procedures, except for those relating to recommendations of Members of Congress and to the preclusion of appointing individuals who have not registered with Selective Service, to appoint in the Department, under title 5, individuals with degrees or certificates in a health-care profession or occupation from accredited institutions who have successfully completed a VA-affiliated educational program.

Eighth, reduce from 90 to 45 days the period, after the Department's

submission of notice of such a proposed increase, for disapproval by the President—or the President's designee—and clarify that the proposed rate may be put into effect immediately upon approval by the President in a shorter period of time.

Ninth, expand, for a 3-year period, the Secretary's authority to make an exception to section 5532 of title 5—relating to reduction in retired pay of retired members of the uniformed services who are employed in the civil service—so as to include RN's.

Tenth, establish for title 38 employees a permanent leave-sharing program, and authorize a leave-bank program, parallel to the program in title 5.

Eleventh, require the Secretary to ensure an equitable allocation of Health Professional Scholarships to persons enrolled in the second year of a program leading to an Associate degree in nursing.

TITLE III—THE PROPOSED "VETERANS HOME LOAN INDEMNITY AND RESTRUCTURING ACT OF 1989"

Title III of the compromise agreement contains, in freestanding provisions and amendments to title 38, 20 provisions that would:

First, establish a new revolving fund, the Guaranty and Indemnity Fund [GIF], to finance the loan guaranty program with respect to loans closed after December 31, 1989.

Second, require the Federal Government to contribute 0.25 percent of the loan amount to the GIF for the fiscal year in which the loan is guaranteed and for each of the next 2 years, except that for loans guaranteed in fiscal year 1990 the Government would contribute 0.375 percent of the loan amount in each of fiscal years 1991 and 1992.

Third, require the Secretary of the Treasury to invest any surplus GIF amounts in Government securities.

Fourth, allow the Secretary to use up to $25 million of the GIF for certain administrative expenses, in the amount and to the extent provided for in appropriation Acts.

Fifth, require VA to include in its annual budget submission to Congress certain information about the current and future operations and financial status of the Loan Guaranty Revolving Fund [LGRF]—which would continue to support all loan guaranties made prior to December 31, 1989—and the new GIF.

Sixth, generally increase the current loan fee from 1 to 1.25 percent but decrease it to 0.75 percent for veterans making a downpayment of 5 percent or more and decrease both the fee and the Government contribution to 0.5 percent for downpayments of 10 percent or more, with the 0.5-percent Government contribution made in two installments of 0.25 percent in the first 2 fiscal years of the loan.

Seventh, continue the current 1-percent fee and liability for vendee loans and manufactured housing and the current 0.5-percent fee and liability for assumed loans.

Eighth, continue the exemption of disabled veterans and their surviving spouses from payment of the loan fee and require the Government to pay the fees for those borrowers beginning January 1, 1990—but defer these payments until October 1991 for loans made in fiscal year 1990.

Ninth, provide that veterans and surviving spouses who have paid—or are exempt from paying—the increased fees are exempted from liability to VA ("indemnified") in the event of foreclosure on a VA-guaranteed loan, except in cases of fraud, misrepresentation, or bad faith.

Tenth, require that all amounts received from recourse and nonrecourse loan asset sales be credited, without reduction, as offsetting collections of the LGRF or the GIF, depending on which fund received the fee for the loan involved.

Eleventh, if a provision substantively identical to the last provision I just described is enacted prior to enactment of this measure—it is pending in H.R. 3299, the proposed Omnibus Budget Reconciliation Act of 1989—restore immediately and extend permanently section 1833(a)(3) of title 38, regarding the sale of vendee loans, including the reporting requirements and the requirement that any sale of vendee loans without recourse produce cash proceeds equal to or greater than the par value of the loans.

Twelfth, provide additional loan guaranty entitlement equal to 25 percent of the loan amount over $144,000 but not exceeding a maximum guaranty of $46,000 for loans over $144,000.

Thirteenth, require that holders of VA-guaranteed loans that refuse a borrower's tender of a portion of the debt due provide VA with notice of the refusal and authorize the Secretary to require that the notification include a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, and the reasons for the lender's refusal.

Fourteenth, extend through FY 1991 the statutory formula, known as the "no-bid" formula, by which VA determines whether it will acquire at foreclosure the property securing a VA-guaranteed loan.

Fifteenth, prohibit VA, in determining the net value of a property for purposes of the no-bid formula, from considering the cost of borrowing the funds necessary to acquire the property.

Sixteenth, eliminate the current 90-percent loan-to-value limitation on VA-guaranteed loans for loans to refinance a construction loan, to replace an installment land sales contract with a traditional deed and mortgage loan, or to refinance a non-VA loan with a VA-guaranteed loan having a lower interest rate.

Seventeenth, restore a veteran's home loan guaranty entitlement upon full payment of an existing VA-guaranteed loan if the veteran will use the restored entitlement to refinance the same home for which the original VA-guaranteed loan was made and the veteran still lives in the home.

Eighteenth, make mandatory, rather than discretionary, the waiver of a veteran's home loan debt if collection of the debt would be against equity and good conscience and there was no fraud, misrepresentation, or bad faith in connection with the claim for waiver.

Nineteenth, require VA and the Department of the Interior jointly to conduct a study to determine whether Native-American, Native-Alaskan, and Pacific-Islander—including Native-Hawaiian—veterans living on trust or communally owned lands experience difficulty in obtaining VA home loan benefits, and, if so, to propose administrative, regulatory, or legislative changes to address the problem.

Twentieth, correct an error in current law that inadvertently omitted servicemembers on active duty from the definition of "veteran" for home-loan purposes and make technical corrections to reflect the new Cabinet-level status of the Department of Veterans Affairs.

TITLE IV—EDUCATION AND EMPLOYMENT

Mr. President, title IV of the compromise agreement contains, in freestanding provisions and amendments to title 38, 21 provisions that would:

First, provide, effective January 1, 1990, a 7.5-percent cost-of-living adjustment in the allowance paid to service-connected-disabled veterans participating in programs of rehabilitation under chapter 31 of title 38.

Second, provide, effective Janaury 1, 1990, a 7.5-percent cost-of-living adjustment in the allowances paid to service-connected-disabled veterans' dependents and survivors pursuing training under chapter 35 of title 38.

Third, make permanent the program of independent living services for service-disabled veterans under chapter 31 of title 38.

Fourth, authorize the Secretary, as of August 1, 1990, to base payments under VA work-study programs on the higher of the Federal minimum wage or the minimum wage of the State in which the work is performed; modify the limit on the aggregate hours of work-study services so as to permit to 25 times the number of weeks in the applicable enrollment period; expand VA work-study eligibility to include individuals training under chapter 106 of title 10, Selected Reserve, and make such individuals' work related to the

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administration of chapter 106 at Department of Defense facilities eligible to be considered work-study service; establish training at a ¾-time-or-higher rate as the cut-off point for work-study eligibility for participants in all VA-administered education programs; and (5) expand, effective August 1, 1990, VA work-study eligibility to include service-connected-disabled veterans' dependents and survivors pursuing education programs under chapter 35 of title 38.

Fifth extend the Veterans' Readjustment Appointment [VRA] authority termination date to December 31, 1993; provide, as of the date of enactment, eligibility for an appointment during the extended period to first, Vietnam-era veterans who have service-connected-disabilities or received a campaign badge during the Vietnam era, and second, post-Vietnam-era veterans, that is, those discharged after May 7, 1975; establish as the VRA-appointment delimiting date the later of first, the end of the 4-year period from the date of the veteran's separation from active duty or second, the end of the 2-year period beginning on the date of enactment; make training mandatory only for appointees with less than 15 years of education; raise, from 14 to 16, the maximum number of years of education which a nondisabled veteran may have attained before losing eligibility to receive a VRA; and raise, from GS-9 to GS-11, the highest general-schedule grade level at which Vietnam-era veterans who are service-disabled or received a campaign badge during the Vietnam era may be appointed with a VRA.

Sixth, require the Secretary of Labor, in cooperation with the Secretary of Defense and the Secretary of Veterans Affairs, to conduct during calendar years 1990 through 1992 a pilot program under which employment and training information services—primarily through Disabled Veterans' Outreach Program Specialists and Local Veterans' Employment Representatives—would be provided to servicemembers within 6 months of separation in no less than 5 and no more than 10 geographically dispersed States in which the Secretary determines that services to veterans would not be unduly limited as a result of the pilot program, and require the Secretary to provide a report on the program by February 1, 1992.

Seventh, permit a Montgomery GI bill [MGIB] active-duty participant who first entered on active duty after June 30, 1985, to meet the secondary-school-diploma requirement by successfully completing the equivalent of 12 semester hours in a program of education leading to a standard college degree before the original ending date of the individual's initial obligated period of active duty.

Eighth, prohibit individuals from receiving entitlement credit under both chapter 32 of title 38, the Post-Vietnam-Era Veterans' Educational Assistance Program, and chapter 106 of title 10, MGIB-Selected Reserve, based on the same period of service.

Ninth, permit VA to accept a school's certification for renewal of an individual's educational benefits following termination for unsatisfactory conduct or progress.

Tenth, eliminate the differences in attendance requirements—absence reporting—which exist between degree and nondegree training; and change the standard for evaluating the training time of VA students enrolled in courses with shop training to require VA to accept a minimum of three 50-minute shop periods—rather than, as under current law, 3 hours—per week as the equivalent of one quarter or semester hour or one standard class session.

Eleventh, provide that funding for the development, by contract, of a national training curriculum for State approving agency [SAA] employees may come from the amounts made available to the SSA's to reimburse them for their expenses incurred in carrying out their responsibilities under chapter 36 of title 38.

Twelfth, provide VA with discretionary authority to require monthly self-certification verifying pursuit of training under any VA education program for all rates of degree and nondegree training.

Thirteenth, include service-connected chapter 31—rehabilitation for service-disabled veterans—participants in the count of those for whom VA pays fees to schools to defray the costs incurred by the schools in making reports and certifications to VA of the enrollment of VA-assisted students.

Fourteenth, for purposes of determining whether a student receiving VA-administered educational assistance is engaged in full-time study, modify the criteria for measuring a non-college-degree course offered by an institution requiring one or more unit courses or subjects creditable toward a college degree by converting the credit hours awarded for the course to equivalent clock hours and combining them with the number of clock hours concurrently pursued, if any, to determine training time.

Fifteenth, modify the criteria for determining the applicability of, and exceptions to, both the "2-year" and "85-15" rules for certain courses provided under contract with the Defense Department so as to take into account individuals training under the MGIB-Selected Reserve Program.

Sixteenth, provide—if VA exercises the discretionary authority to require monthly self-certification, described earlier as the 13 item in this title—that the effective date of an educational benefits adjustment based on a change of a student's course load or other change in aggregate training time would be the date of the change rather than the end of the month in which the change occurs.

Seventeenth, in the case of a period of active duty served after an individual's completion of an initial qualifying active-duty period, provide that the 10-year delimiting date for use of educational assistance benefits under chapters 30, 32, or 34 generally would commence from the last discharge form active duty of at least 90 continuous days.

Eighteenth, require the Secretary to first, prepare and update periodically a document detailing the benefits, limitations, requirements, and other aspects of VA education programs; second, distribute annually, beginning in fiscal year 1990, copies of the document to each individual receiving VA-administered education benefits, college and university officials, and others significantly affected by VA education programs; and third, use funds appropriated to VA's readjustment benefits account to carry out this provision.

Nineteenth, during fiscal years 1991 through 1994, first, permit MGIB participants to pursue flight training necessary for a vocational objective in the field of aviation for which an educational assistance allowance; second, provide for the MGIB flight-training benefit to be equal to 60 percent of the established charges for tuition and fees—other than tuition and fees charged for or attributable to solo flying hours; third, require that an independent evaluation be conducted of whether flight training is being well-used by veterans for vocational training purposes and that a report on the evaluation be submitted by January 31, 1994.

Twentieth, extend the death benefit for certain survivors of MGIB participants to include certain survivors of MGIB participants who die on active duty prior to establishing GI Bill eligibility through receipt of a high school diploma or the equivalent.

Twenty-first, postpone for 6 months, until July 1, 1990, the applicability to VA's administration of the MGIB and VEAP certain conditions on the use of computerized data in making determinations of continuing eligibility.

TITLE V—MEMORIAL AFFAIRS

Title V of the compromise agreement contains, in freestanding provisions and amendments to title 38, five substantive provisions that would:

First, permit payment of the VA headstone or marker allowance to the estate of a deceased veteran who purchased a headstone or marker prior to death.

Second, direct the Secretary of the Army, who administers the Arlington

National Cemetery, to set aside an appropriate area in Arlington National Cemetery—not suitable for the burial of casketed remains—for the unmarked interment of the cremated remains of persons eligible for interment in that cemetery and require the Secretaries of the military departments to make available appropriate forms for those who wish to indicate their desire to be buried in accordance with this provision.

Third, authorize the appointment of enlisted members of the Armed Forces as members of the American Battle Monuments Commission.

Fourth, require, effective January 1, 1990, that graveliners be used for each new grave in open national cemeteries.

Fifth, require the Secretary to enter into a contract with the State of Michigan under which VA would operate and maintain the Fort Mackinac post cemetery located in Mackinac Island State Park.

TITLE VI—MISCELLANEOUS

Title VI of the compromise agreement contains, in freestanding provisions and amendments to title 38, five substantive provisions that would:

First, expand the Department's multiyear procurement authority to include the purchase of non-health-care supplies and services.

Second, amend section 308 of the Ethics in Government Act to add the U.S. Court of Veterans Appeals to the list of courts covered by that law.

Third, amend section 4054 of title 38 to authorize judges of the Court of Veterans Appeals to administer oaths.

Fourth, amend section 4061(a)(2) of title 38 to authorize the Court to compel actions of the Secretary of Veterans Affairs that are unreasonably delayed.

Fifth, require the Secretary to provide for the collocation of at least three, and not more than seven, regional offices with medical centers on real property under VA jurisdiction at such medical centers or on property that is adjacent to such medical centers and under the jurisdiction of the Department as a result of being conveyed to VA; permit the Secretary to lease, with or without compensation and for a period not to exceed 35 years, real property to be used for the site of a facility, first, constructed and owned by the lessee of such property, and second, leased to VA for use as office space for the regional office concerned and other appropriate activities as determined by the Secretary; permit the Secretary to enter into a lease for use as office space for the regional office concerned for not more than 35 years, with any such lease to include a provision that ownership of such facility shall vest in VA at the end of the lease; permit the Secretary to sublease space in such a facility to another party at a rate not less than the rental rate paid by the Secretary for space at the facility, plus the amount the Secretary pays for the costs of administering such facility which are attributable to such space; require the Secretary to use the receipts of any payment for the lease of real property—for construction of regional office space—for VA's payment of the lease of the facility; require the Secretary to issue, within 120 days of the date of enactment, an invitation for offers with respect to the three collocations; require the Secretary to enter into, first, within 1 year after the date on which an invitation for offer is issued, an agreement to carry out one collocation, and second, within 180 days after entering into the first agreement, enter into agreements to carry out two additional collocations, unless the Secretary determines that it is not economically feasible for VA to undertake them; require the Secretary to provide to the Senate and House Committees on Veterans' Affairs copies of the issuance or other publication of the request within 10 days of such issuance or request; provide the Secretary with authority to acquire not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements, but only after such time as agreements for the lease-purchase of at least 3 regional offices are concluded; provide that the obligation of the United States to make payments under the agreement to lease a facility is subject to the availability of appropriations for that purpose; and terminate the Secretary's authority to enter into an agreement under this provision on October 1, 1993.

COMPENSATION AND PENSION PROVISIONS

Compensation COLA

Mr. President, I am pleased that sections 101-106 of the compromise agreement would provide a full 4.7-percent cost-of-living adjustment [COLA] in the rates of VA service-connected disability compensation and dependency and indemnity compensation [DIC].

Certain differences between the House and Senate on the omnibus legislation delayed this important legislation. However, we now are moving quickly to secure action on the COLA in both Houses before adjournment. These efforts are a continuing part of my strong commitment to meeting the needs of the 2.2 million veterans with service-connected disabilities and the 345,000 survivors of those who have made the ultimate sacrifice. The COLA will ensure that the value of these very important benefits is not eroded.

I regret that the delays we have encountered have affected the first payment, in January—but not the total amount—of this year's 1990 COLA. I am advised by VA that, because of the 5-week lead time required by VA to program its computers to include the COLA in beneficiaries' monthly checks, compensation and DIC recipients will receive in February lump-sum payments for the January COLA, along with their fully increased February checks.

Pension payments to hospitalized veterans

Mr. President, section 111 contains an important provision for hospitalized VA pension recipients. Under current law, veterans with no spouse or dependent child who are being furnished hospital care by VA generally must have those benefits reduced to no more than $60 after the third month following the month of their admission.

The rationale for the reduction was that, because the Government, by supplying medical care, food, and shelter, already provides for the basic needs of the veteran, a full needs-based pension would duplicate the support that the veteran receives while he or she remains hospitalized for an extended time.

In many cases, however, veterans retain significant financial responsibilities while they are hospitalized. For those later released from the hospital, the reduction in benefits can make the difference between being able to return to an independent life or being overwhelmed by financial obligations that mounted during the hospital stay. Usually, the largest continuing expense is rent. By definition, veterans receiving needs-based VA pensions lack any significant financial resources and thus are unlikely to have sufficient income or assets—aside from their pensions—from which to pay their rent. Without their pension payments, they often are forced to give up their living situations. They also lack the resources upon their release from the hospital to pay a security deposit and advance rent required for a new apartment or to meet other financial obligations that continued during their hospitalization.

Mr. President, the compromise agreement on this point blends together the House and Senate provisions. First, it would eliminate entirely, effective February 1, 1990, the reduction in pension payments to hospitalized veterans. This would help these veterans retain the ability to return to independent living after a long hospitalization.

This provision would not apply to veterans residing in VA nursing homes because those who do not receive primary rehabilitative services are less likely to return to independence.

Second, Mr. President, section 111 would extend from 2 months to 3 months the period after which pension payments are reduced for a VA domiciliary resident. This extension would make the limits on pension payments to domiciliary residents the

same as existing limits on payments to nursing home residents.

Third, Mr. President, the compromise would provide an increase from $60 to $90 the amount to which benefits are reduced for veterans receiving nursing-home or domiciliary care from VA. The current $60 limitation has not been increased since 1979. Although I would have preferred the Senate-passed increase to $105, I am pleased we were able to reach an agreement to raise the amount somewhat.

HEALTH CARE PROVISIONS

Mr. President, as I noted earlier, I am greatly disappointed that we were unable to reach agreements with the House on many of the provisions passed by the Senate on October 4 in S. 13—especially those dealing with VA health care matters. Among the many important health care issues that we were not able to resolve and which, therefore, are not in this measure are health care personnel provisions—for example, competitive pay for nurses and other health care professionals, provisions designed to resolve the impasse between VA and unions representing VA health care employees appointed under title 38, additional pay for head nurses, increased overtime pay for nurses, and increased limitations on special pay rates—and other health care provisions such as an extension and expansion of preventive health care services and services to overcome service-connected disabilities affecting procreation as well as certain important provisions in the mental-health area which would have established priority-care treatment for veterans suffering from posttraumatic stress disorder [PTSD], expanded eligibility for readjustment counseling, authorized VA to conduct a 5-year, two-part compensated-work-therapy and therapeutic-residence pilot program, and required VA to establish centers of excellence for the study and conduct of mental illness research, education, and clinical activities.

I am pleased, however, that we were able to agree on a few provisions in the mental health area, including an extension of VA's Homeless Chronically Mentally Ill Program [HCMI] and a requirement for a report from VA's Special Committee on PTSD updating prior reports on VA's efforts to address the needs of veterans suffering from PTSD.

PTSD Committee report: The Special Committee on PTSD was established by Public Law 98-528, the Veterans' Health Care Act of 1984, with a mandate to "assess, and carry out a continuing assessment of, the capacity of the [Department of Veterans Affairs] to provide diagnostic and treatment services for PTSD to veterans eligible for health care furnished by the [Department]." In order to ensure that the Special Committee on PTSD continues its valuable reviews and evaluations, the compromise agreement would require the special committee to submit a report concurrently to the Secretary and the two Veterans' Affairs Committees on or before February 1, 1990. This report would update five previously submitted VA reports on the Department's efforts in this vital area.

HCMI Program: The VA HCMI Program, which was first authorized in 1987, is a community-based program that combines aggressive outreach to find homeless veterans suffering from chronic mental illness disabilities and then to furnish these veterans with health care services, intensive case management, and time-limited care in non-VA residential treatment centers. In view of the program's encouraging results—VA reports that through August 1989 the program has contacted and done clinical assessments on 19,654 homeless veterans and has been able to place almost one quarter of these veterans—4,390—in residential-treatment programs—and the large numbers of veterans among the homeless population, the compromise agreement would extend this vital program through September 30, 1992.

Respite care: In addition, I am pleased that we were able to agree on a few general-health provisions, including an extension—section 201(a)—until September 30, 1992, of VA's respite-care program. Respite care is, in essence, a quality of life issue. Its ultimate goal is to help maintain individuals with serious chronic illnesses in their homes as long as possible before having to resort to institutional care. It is widely agreed that, where medically feasible, maintaining a person at home is a far more efficient and cost-effective way to meet his or her health care needs. Respite care aims to provide the primary caretaker with a break from the overwhelming responsibilities of caring for a chronically ill person and thus to make the caregiver more likely to be able to provide services for a longer period of time. I am pleased that this important program will continue through fiscal year 1992.

Leave Sharing: The compromise agreement—section 206—also includes a provision which allows VA to continue a program of leave sharing for those health care employees—primarily physicians, nurses, and dentists—hired under the authority of title 38. Leave sharing is a very helpful and humane means of assisting employees during periods of medical emergencies. Leave sharing also provides an economical mechanism to help VA recruit and retain employees. Currently, there is a 5-year leave-sharing program underway which allows Federal employees appointed under title 5 to transfer their leave to other employees. This authority, however, does not apply to VA employees appointed under title 38. As to those employees, the only authority for such a program is a more limited one which expires on November 30, 1989. The compromise agreement would direct the Secretary to carry out on a permanent basis a leave-sharing program for title 38 employees which parallels the title 5 program and authorizes VA to carry out a leave-bank program.

Other provisions in the compromise agreement would help VA to recruit and retain qualified health-care personnel. Section 204 would reduce the time between submission of a special pay request to the Office of Personnel Management and its implementation, section 207 would require that there be an equitable number of health professional scholarships granted to persons enrolled in associate degree nursing programs, and section 205 would allow the Secretary to hire certain retired military personnel to meet special or emergency employment needs without affecting those persons' retired or retainer pay.

Mr. President, I note that H.R. 901 as passed by the Senate included provisions designed to address VA labor-management relations involving title 38 employees. It is my belief that there is a significant need for legislation in this area so as to improve the overall work environment and morale in the VA health-care system and to make VA employment an attractive option for health-care personnel. I will continue in the next session with my ongoing efforts to find a resolution to the current problems in this area, working closely with those inside and outside VA who are concerned about this issue.

Finally, Mr. President, I note my regret that we were not able to work out the differences between the Senate and House provisions relating to pay for VA nurses. I hope that we can address this issue early in the early session as well. I also plan to introduce a comprehensive physician pay package in the next session. A present, VA is not able to recruit or retain enough qualified health-care professionals, because other health-care facilities offer better pay, fewer hours, or better benefits and working conditions. The integrity of the VA health-care system rests on the quality of the people providing the care, and I am committed to seeing that VA remains able to provide good quality care to veterans.

HOME LOAN GUARANTY IMPROVEMENTS

Mr. President, title III of the compromise agreement contains important provisions designed to improve the VA home loan program to enhance its value to veterans, maintain its solvency, and reduce its dependence on taxpayers' funds—all without compromising basic program goals.

The provisions of this title represent a compromise between H.R. 1415 as passed by the House on June 6, 1989, and title IV of S. 13 as incorporated into H.R. 901 and passed by the Senate on October 3, 1989. Title IV of S. 13, in turn, was derived from S. 1158, which I introduced on June 9, 1989, and certain provisions of S. 898, a bill I introduced at the request of the administration on May 2, 1989.

Mr. President, I note that H.R. 1415 was introduced on March 15, 1989, by Representative HARLEY O. STAGGERS, who chairs the House Veterans' Affairs Subcommittee on Housing and Memorial Affairs and was derived from H.R. 5221, a bill authored by Representative MARCY KAPTUR in the 100th Congress and passed by the House late last year.

Mr. President, I am pleased that the compromise agreement preserves the fundamental features of title IV of S. 13 as reported by the committee and passed by the Senate, which the Congressional Budget Office estimated would ensure the solvency of the VA home loan program through the 1990's.

GUARANTY AND INDEMNITY FUND

The compromise would create a new fund, known as the guaranty and indemnity fund, with significant differences from the current loan guaranty revolving fund. For example, any surplus collections in the new fund would be retained and invested for the benefit of the home-loan program, rather than being deposited into the general Treasury as current law requires.

LOAN FEE

The legislation also would raise the basic loan fee from 1 percent of the loan amount to 1.25 percent but, in return, generally release participants from liability to VA for guaranty payments VA makes when a lender forecloses on a home due to the borrower's default. Indemnification will eliminate the financial and emotional hardship veterans suffer under the cloud of debt created when VA pays a guaranty claim on their behalf. Yet indemnification costs taxpayers little because VA historically collects only about 6 percent of home-loan debts.

GOVERNMENT CONTRIBUTION

The legislation would require the Government to contribute 0.75 percent of each new loan to the new fund over 3 years—0.5 percent over 2 years if the borrower has made a downpayment of at least 10 percent. The compromise agreement would continue the current law principle of exempting disabled veterans and surviving spouses from loan fees, but would incorporate the Senate provision that recognizes the actual costs of these borrowers' loans by requiring the Government to pay the fees on behalf of the exempted borrowers. I believe this pay-as-you-go Government support, in ensuring the solvency of the program, is a great improvement over the current practice of relying on large, unplanned deficit appropriations each year.

FEE REDUCTION FOR DOWNPAYMENT

Mr. President, the compromise agreement would promote downpayments by reducing the basic fee to 0.75 percent of the loan for 5-percent downpayments and, under a provision adapted from the Senate bill, reducing the fee and the Government contribution to 0.5 percent for 10-percent downpayments.

Vendee loans: The compromise agreement would require the Office of Management and Budget and Congressional Budget Office to treat the sale of vendee loans either with recourse or without recourse in the same manner for budget scorekeeping purposes. If, as I expect to occur in H.R. 3299, the fiscal year 1990 reconciliation bill containing this scorekeeping-parity provision has been enacted before the pending measure is signed into law, the compromise agreement would reimpose provisions in current law that permit VA to sell vendee loans without recourse only if VA receives proceeds equal to the remaining balance (par value) of the loans. This requirement effectively prohibits without-recourse sales.

INCREASED GUARANTY ENTITLEMENT

Mr. President, I am especially pleased that the compromise agreement includes a modified version of a Senate provision I authored to help restore benefits to those veterans who have been priced out of using their VA home-loan entitlements in high-cost real estate markets. This provision would provide limited, additional entitlement for higher value loans.

All across the country there are signs that the traditional American dream of homeownership is no longer achievable for many.

In my own State of California, skyrocketing housing costs are putting homeownership increasingly beyond the reach of most residents. Since 1980, the percentage of California residents who are homeowners has fallen from about 60 percent to only about 50 percent.

These are not empty statistics. They represent hundreds of thousands of hard-working families, not only in California but in other States, whose dreams are being frustrated. They are firefighters and police officers, teachers and store managers, office workers and factory workers. They are often families with a husband and wife both working, sometimes with one or both holding down more than one job and with a pretty good income.

But many of these families, while they can afford monthly mortgage payments on a home of their own, cannot buy that home because their high rental costs keep them from saving enough for a downpayment.

VA-guaranteed loans provide real help. They eliminate the up-front cash requirements to purchase a home and make it easier to get a 30-year, fixed-rate mortgage with affordable interest costs.

But there is one big problem. The current effective limit on VA-guaranteed loans is making this important veterans' benefit useless in many areas—particularly for moderate- and middle-income veterans or those with large families.

The secondary mortgage market generally will purchase VA loans only if the guaranty covers at least 25 percent of the loan amount. Since the maximum VA guaranty is $36,000, that means the effective maximum loan is $144,000. That does not sound very low, but there are no homes available at that price in many parts of the country.

The result is unfair, and often bizarre. For example, the sharply declining real estate markets in oil-producing States has made VA-guaranteed loans available to more and more veterans in Oklahoma, Colorado, and Texas. But in my State and in other States with strong housing markets, VA loans are in sharp decline. That makes no sense.

The compromise agreement provides a fair and reasonable solution by providing additional guaranty for higher value loans. Under the value standards of the secondary mortgage market, the new limit would be $184,000. Anyone familiar with home prices in certain parts of the country knows the startling reality that a $184,000 loan will finance only the most modest home for a veteran and his or her family. In my own State of California, the median home price is $265,700 in the San Francisco area; $247,600 in Anaheim/Santa Ana; and $218,000 in Los Angeles. And high prices are not limited to California. The median home price in Boston is $188,600; in New York, it is $185,200; in Hartford, CT, it is $165,100; and in New Haven, CT, it is $156,100.

Mr. President, in addition to restoring fairness to our Nation's veterans, this is a fiscally sound provision.

The Comptroller General testified in September before the Senate Subcommittee on Housing and Urban Affairs—which I also chair—that a GAO study of FHA loan data indicates that "higher valued mortgages * * * tend to have lower claim rates." Thus, including some higher value loans would decrease the average default rate of VA's loan portfolio and actually improve the solvency of the VA loan program—providing more fee income without a proportionate increase in guaranty liability.

This provision will help spread VA's risk more safely across an appropriate cross-section of borrowers and a more

diverse selection of markets. The need for higher value loans is concentrated in the strongest housing markets—such as those I have just described. These steadily increasing home values produce very few defaults. Yet, the current limits on VA-guaranteed loans are forcing VA out of the strongest housing markets in the country.

In a financial audit of FHA, the accounting firm of Price Waterhouse warned that loan limits in that Federal housing program would increasingly limit such loans to more risky borrowers. Similar concerns apply to VA if the effective limit on VA-guaranteed loans remains stagnant. The benefits for this provision will go not just to veterans in high-cost areas, but to veterans in every State—who will benefit from a stronger VA loan program.

INDEBTEDNESS WAIVERS

Mr. President, under the new program proposed in title III, veterans generally would be indemnified against liability to VA for guaranty payments VA makes on loans closed after December 31, 1989. This will make the debt-waiver provisions in current law almost superfluous for new loans. But for loans closed before that date, veterans will remain generally liable to VA. Current law authorizes VA to waive that liability if collection of the debt is "against equity and good conscience" and there was no fraud, misrepresentation, or bad faith in connection with the claim for waiver.

The compromise agreement includes a provision to modify section 3102 of title 38 to make such debt waivers mandatory, rather than discretionary, if the veteran meets the "equity and good conscience" test. Current law prohibits waivers in cases involving "fraud, misrepresentation, material fault, or lack of good faith" in obtaining the waiver; the compromise agreement would modify this list to include only "fraud, misrepresentation, or bad faith." The committees deleted "material fault" because it is subsumed within the other terms and used the term "bad faith" to require a higher standard of culpability in order to deny a waiver. The committees were careful to indicate in the joint explanatory statement that VA may not waive these debts when a borrower simply "walks away" from a loan that he or she is able to pay.

I hope this provision injects greater realism into VA's waiver adjudication process.

Mr. President, title III of the compromise agreement represents a major, far-reaching improvement in the VA home-loan program. With the benefit of the innovative changes brought about by this measure, veterans will once again be able to rely on a home-loan benefit that can keep up with the times, adequately address the complexities of the marketplace, and help veterans to realize the American dream of homeownership.

EDUCATION AND EMPLOYMENT PROVISIONS

Mr. President, title IV of the compromise agreement contains a number of provisions which improve and, in some cases extend, the various education, employment, and training programs administered by the Departments of Veterans Affairs and Labor. These provisions, I believe, will make significant improvements in veterans' programs, and I would like to make particular mention of four of them today.

Cost-of-living adjustment in rehabilitation subsistence allowances paid to service-connected-disabled veterans: The compromise agreement would, effective January 1, 1990, provide for a 7.5 percent increase in the rates of the subsistence allowance paid under chapter 31 of title 38 to veterans with service-connected disabilities who are participating in VA programs of rehabilitation.

Under the chapter 31 program, veterans who have compensable service-connected disabilities and employment handicaps are provided with programs of vocational rehabilitation and with such other rehabilitation services as are needed to restore their abilities to function as independently as possible in their communities. VA estimates that 23,200 disabled veterans will use chapter 31 benefits in fiscal year 1990. While participating in a program of rehabilitation and for 2 months following their being rehabilitated to the point of employability, chapter 31 participants receive a subsistence allowance, currently $310 per month for a veteran without dependents, in order to assist with expenses such as transportation, food, and housing.

Disabled veterans in vocational rehabilitation programs, require a COLA in their subsistence allowances in order to offset the increased costs of subsistence and transportation. The Congress last increased the allowance under chapter 31 effective October 1, 1984, through the enactment of Public Law 98-543. According to data from the Bureau of Labor Statistics, the Consumer Price Index [CPI] rose 13.8 percent from the end of 1984 through December 1988.

Section 301 of S. 13 as introduced by me on January 25, 1989, called for a 13.8-percent COLA to reflect the cost-of-living increase indicated by the CPI figures. In recognition of the need for fiscal austerity, the Senate committee voted to include a COLA of 9.5 percent in S. 13 as reported to the Senate on September 13, 1989. At that time, I noted my disappointment that the 9.5-percent increase in chapter 31 rates contained in the committee bill would not fully account for the CPI increase or take into account the estimated 4- to 5-percent increase in inflation expected to occur this calendar year.

In view of the rising costs faced by recipients of this allowance, and notwithstanding my disappointment that the House would not agree to the full Senate proposal, the 7.5-percent-increase included in the compromise agreement more than meets us half way and is more than fully justified to maintain financial support for individuals whose readjustments following service-connected injury are primarily dependent on further education and training.

Cost-of-living-adjustment in educational assistance allowances for survivors and dependents of certain service-disabled veterans: Section 403 of the compromise agreement would provide, effective January 1, 1990, for a 7.5-percent increase in the rates of the educational assistance allowance paid to certain dependents and survivors of service-disabled veterans training under the chapter 35 survivors' and dependents' educational assistance program.

This program provides benefits to the children—generally those between 18 and 26 years old—and spouses of veterans who died of service-connected disabilities or who have service-connected disabilities rated permanent and total and of certain service members who are prisoners of war or are missing in action. In addition, dependents of service persons missing in action or interned by a hostile foreign government for more than 90 days are also eligible under this program. Currently, the monthly rate for full-time institutional training is $376, which assists in defraying the costs of tuition, fees, transportation, books, room, board, and other items of subsistence. VA estimates that 41,900 individuals will pursue an educational program under chapter 35 in fiscal year 1990.

Survivors and dependents of service-connected disabled veterans using chapter 35 educational assistance today are faced with greatly increased expenses. The Department of Education reports that the costs of tuition, fees, room, and board associated with higher education have risen dramatically. From 1984 through 1988, the cost of higher education increased 18 percent for public colleges and universities and 28 percent for private institutions.

Section 103 of S. 13, which I introduced on January 25, 1989, would have provided for an increase of 13.8 percent in the chapter 31 subsistence allowance to reflect the cost-of-living increases indicated by the cost-of-education and CPI figures noted above. In view of the rapidly rising costs associated with higher education, but in recognition of the need for fiscal austerity, a 9.5-percent increase was included in section 302 of S. 13 as reported by the Senate committee on September 13, 1989.

Again, notwithstanding my disappointment that the House could not accept a chapter 35 COLA at that higher level, I am pleased with the inclusion in today's compromise agreement of the more-than-fully justified 7.5-percent COLA aimed at maintaining financial support for those whose readjustments following the death of a spouse or parent is dependent on further education and training.

BENEFITS ADMINISTRATION

Mr. President, I am pleased that we were able to include in the compromise a provision authorizing a 6-month postponement, from January 1 to July 1, 1990, of the applicability of the provisions of the Computer Matching and Privacy Protection Act (Public Law 100-508) to the administration of certain educational assistance programs. Those programs are the Montgomery GI bill—including both Selected Reserve and Active-Duty components under chapter 106 of title 10, United States Code, and chapter 30 of title 38, respectively—and the Post-Vietnam Era Educational Assistance Program under chapter 32 of title 38.

At present, the continuing eligibility of participants in those programs who are using education benefits while still serving in the Reserves or on active duty is periodically checked through a Defense Department computer match of DOD personnel data with VA beneficiary data for these programs. Where the DOD data reflect changes rendering an individual ineligible, such as termination of Reserve status, the benefits are terminated.

As of January 1, 1990, Public Law 100-508 will require independent verification of the ineligibility data provided by DOD before benefits may be terminated. According to VA, that will require substantial staff time and paper transactions to back up the computer-matching operation. Information provided by VA to the committee indicates that implementation would, in the first full year, require 27 full-time-employee equivalents and result in overpayments of about $1.5 million. Most importantly, taking into account the already too thinly stretched VA administrative staff, the reduced efficiency in program operations could have a substantial adverse impact on this and other areas of the administration of veterans' benefits.

The provision in the compromise bill would make a 6-month reprieve possible and thus give VA the opportunity to seek a further extension or a permanent exemption. The Governmental Affairs Committee has given this provision its clearance, for which I am very grateful, and will, I am advised, give full and expeditious consideration to any legislative remedy proposed by the administration in this regard during the extension period.

EXTENSION OF VETERANS READJUSTMENT AUTHORITY

I am very pleased that the compromise agreement includes a provision to: First, extend the veterans' readjustment appointment [VRA] authority termination date from December 31, 1989, to December 31, 1993; second, provide, as of the date of enactment, eligibility for an appointment during the extended period to (a) Vietnam-era veterans who are service disabled or received a campaign badge during the Vietnam era, and (b) post-Vietnam-era veterans; that is, those discharged after May 7, 1975; third, limit the period during which a particular appointment may be made by requiring that the veteran receive an appointment by the later of (a) the end of the 4-year period from the date of his or her separation or (b) the end of the 2-year period beginning on the date of enactment; fourth, require training only for those appointees with 14 years of education or less; fifth, raise, from 14 to 16, the maximum years of education which a nondisabled veteran may have attained before losing eligibility to receive a VRA; and sixth, raise, from GS-9 to GS-11, the highest general schedule grade level position to which Vietnam-era veterans who are service disabled or receive a campaign badge during the Vietnam era may be appointed with a VRA.

As I explained in my January 25, 1989, statement upon introduction of S. 13—CONGRESSIONAL RECORD, January 25, 1989, S234)—because of the continuing difficulties that service-disabled Vietnam-era veterans and Vietnam-era veterans who served in the Vietnam theater of operations are experiencing in the job market, I do not believe Congress should allow the veterans' readjustment appointment authority to expire for these groups. On the basis of that view, I initially proposed a 2-year VRA extension targeted specifically to disabled and theater veterans of the Vietnam-era. In response to the 7.7-percent unemployment rate among post-Vietnam-era veterans ages 20 to 29, and because of the continuing employment problems confronting seriously disabled veterans of all wars, Senator MURKOWSKI and I then blended the approaches in section 113 of S. 13 and his bill, S. 1279, and developed the provision extending VRA eligibility on a time-limited basis to veterans in these groups as well and limiting a veteran to one use of a VRA appointment after the date of enactment. I am pleased that we have produced a fair and effective amalgamate of the House and Senate provisions.

Pilot program to furnish employment and training information and services to members of the Armed Forces prior to separation: Mr. President, I am very pleased to note that the compromise agreement contains a provision I authored to authorize the Secretary of Labor, during fiscal years 1990-92, to conduct a pilot program under which Disabled Veterans' Outreach Program specialists [DVOP's] and Local Veterans' Employment Representatives [LVER's] would participate in providing employment and training information services to members of the Armed Forces within 180 days before their separation from active duty. The program would involve not less than 5 nor more than 10 geographically dispersed States in which the Secretary of Labor determines that services to veterans would not be unduly limited as a result of the pilot program.

This provision is based on the interest shown by certain State employment security agencies, the Veterans' Employment and Training Service of the Department of Labor, the military services, and veterans' service organizations, especially the Disabled American Veterans, in providing assistance to separating service members—who are about to become veterans—and the general need for a more innovative approach to assisting in service members' transition from military life into meaningful civilian careers.

According to the Bureau of Labor Statistics, the unemployment rate for veterans in the 20-to-29 age group—the category in which the majority of separating veterans fall—was 7.7 percent as of October 15, 1989. Moreover, it is widely anticipated that the Nation will confront a shortage in the supply of skilled workers in the civilian work force in the late 1990's. These factors serve to justify the increased emphasis on matching peacetime military job skills to private industry and public-sector needs which is the object of this provision.

Mr. President, I am proud that California's highly successful Career Awareness Program [CAP] has proven to be a highly successful model in the development of the preseparation employment and training services pilot program envisioned in this provision. As I explained in the Individual Views accompanying the Senate committee's report on S. 13—Report No. 101-126, September 13, 1989, page 236—the success of the California program since its inception in 1978 has demonstrated the value of efforts to assist separating veterans in finding and attaining employment and training and served as the basis for my development of this provision. Senator GRAHAM has been very helpful in our efforts to put this program together.

Mr. President, I regret that we were not able to reach, up to this point in time, agreement on a provision similar to one which I introduced last year in S. 2382 and later included in section 336 of S. 2011 to make service academy

and 1977 and 1978 Senior Reserve Officer Training Corps [SROTC] members eligible for Vietnam-era GI bill benefits. My October 18, 1988, floor statement on S. 2011—CONGRESSIONAL RECORD, S16540—provides an extensive discussion of my views on this issue.

Public Law 94-502 established the post-Vietnam era Veterans Educational Assistance Program [VEAP] in chapter 32 of title 38 while extending chapter 34 eligibility to those who entered active duty after December 31, 1976, if they had previously contracted with the Armed Forces to enter on active duty and were enlisted in or assigned to a reserve component before January 1, 1977, and entered on active duty within 12 months after that date. However, 1977 and 1978 service academy graduates—all of whom had entered upon their commitments at a time when chapter 34 eligibility was available to them—and 1978 SROTC graduates did not meet the above criteria for chapter 34 eligibility that I just described. Our measure of last year was designed to provide redress to them by extending chapter 34 eligibility to those 1977 and 1978 service academy graduates who demonstrated—as evidenced by their participation in VEAP—an interest in earning education benefits during their service. I regret that we were unable to come to an agreement with our colleagues in the House at that time.

This year, the House passed a similar measure. It would: First, extend chapter 34 eligibility to all 1977 and 1978 academy graduates; second, refund to such graduates any amount of their unused contributions to the VEAP account; and third, pay to those graduates who received educational assistance under VEAP an amount equal to the amount by which chapter 34 benefits for the program pursued exceed the assistance received under chapter 32 for that program. However, the House did not include the VEAP restriction contained in the 1988 Senate-passed legislation.

In an effort to forge a compromise, I proposed an alternative that would have extended chapter 34 eligibility not only to 1977 and 1978 academy graduates who participated in VEAP, but also to any such graduate who, as determined by the Secretary, otherwise demonstrated during active service an interest in earning chapter 34 education benefits by reason of such service. As I proposed this alternative, it would have included, for example, an active-duty service member who was advised by a military legal officer that enrollment in VEAP would serve to preclude any future chapter 34 eligibility. Unfortunately, I was unable to secure agreement to this proposal in the current timeframe, but I will continue to pursue it.

CLAIMS ADJUDICATION NOTICES

Mr. President, the compromise agreement contains a provision to improve the notices that VA sends out to claimants for benefits.

For several years, I have been very concerned about the adequacy and fairness of the notices that VA provides claimants. Two years ago, after receiving disturbing reports from veterans and veterans service organizations and in connection with our committee's joint hearing with the House Veterans' Affairs Committee on matters relating to the NARS litigation, Congressman DON EDWARDS, the senior Democratic member of the House committee, and I requested the General Accounting Office [GAO] to examine VA's processing of claims for benefits. On June 22 of this year, GAO issued a report, entitled "Improvements Needed in Processing Disability Claims" (GAO/HRD 89-24), which found serious problems with VA's processing of claims. The most significant problem identified by GAO was the quality of the notices that VA provides to claimants. GAO found that the notices were often unclear and not informative and did not provide claimants with sufficient information to make an informed decision as to whether or not to accept or appeal decisions on their claims.

To remedy this problem, I introduced legislation, passed by the Senate on October 3 as section 703 of S. 13. The compromise agreement includes a provision, section 115, which is derived from that legislation. This provision would require VA, every time it makes a decision which affects benefits, to notify the claimant of the decision and provide an explanation of how the decision may be appealed. In cases where the decision of VA has denied a claim for benefits, the notice that is provided to a claimant would be required to contain the reasons for the decision and a summary of the evidence that was considered in making the decision. In cases in which a veteran has sought a specific level of benefits or disability rating and been awarded less than that sought, VA would be required to provide the more complete notice which includes the reasons for the decision and a summary of the evidence.

The language in the compromise agreement leaves open the question of whether this requirement of notice of reasons and summary of evidence applies where a claim has been granted to some extent and the type of disability involved might result in a greater award, but the veteran has not specifically sought a particular rating. One example would involve the case of a veteran seeking disability compensation for arthritis who is granted service connection and a rating of 20 percent. Awards for arthritis may include total disability but the compromise, while clearly intended to apply to partial denials, does not on its face make clear whether the grant of a 20-percent rating in such circumstances is such a partial denial. I intend to continue a dialog with VA on this issue and will maintain active oversight on the Secretary's decisions in implementing the provision with respect to this issue.

This provision specifies what information would be required to be provided in notices sent to VA claimants. Obviously, how clearly that information is conveyed will be of utmost importance to them. GAO found in its June 22 report that VA notices "often stated only that the claims were denied because service connection was not found." Such conclusory statements are of little help to a claimant who is trying to understand the decision and would not meet the requirements of this provision.

It is also expected that under the compromise agreement VA notices would provide specific, detailed discussion of the Department's evaluation of the evidence and how that evidence may have failed to meet specific elements necessary to secure the benefit sought. It is further expected that notices provided by VA under this provision be clearly written, in clearly understandable language so as to enhance claimants' ability to appreciate VA response to the contentions and supporting evidence in their claims.

This provision has strong support among the veterans service organizations and I thank them for their commitment to the goal of full and fair disclosure by VA. I am sure that we will all be monitoring carefully VA's implementation of this new directive.

For injured or disabled veterans the benefits that VA provides are essential. I believe strongly that, in order for the system of providing benefits to work properly, VA must explain its decisions on veterans' claims in a way that those affected understand all the reasons why the decision was made and are given enough information to decide whether or not to pursue their claims further. It is always important for the Government to explain clearly its activities which have an impact on the citizens it represents. In the case of veterans, who have served their country honorably and sometimes received serious injuries in the process, I think it especially important that they be made aware, in clear and understandable language, that their claims have been thoroughly reviewed and that the Government has made a fair decision. I am, therefore, especially pleased that this provision has been included in the compromise agreement.

COURT OF VETERANS APPEALS

Mr. President, included in the compromise agreement are three provisions from the Senate bill relating to

the new U.S. Court of Veterans Appeals.

Scope of powers: The first provision would amend section 4061(a)(2) of title 38, relating to the scope of the court's powers, so as expressly to authorize the court to compel actions that have been "unreasonably delayed," as well as, under current law, to compel actions that have been "unlawfully withheld." This change would parallel the comparable judicial-review provision in the Administrative Procedure Act, section 706(1) of title 5, United States Code. This provision was requested by Chief Judge Frank Q. Nebeker in a letter of September 18, 1989.

Oaths: The second provision, also requested by Chief Judge Nebeker in the letter noted above, would empower judges of the court to administer oaths, a power given to the Court of Military Appeals, 10 U.S.C. 936, and the Tax Court, 26 U.S.C. 7456, the most clearly analogous courts.

Financial disclosure statements: Finally, Mr. President, the third provision would amend section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308), which sets forth the financial disclosure requirements generally applicable to Federal judges and to Federal court employees who either perform adjudicatory functions or are paid at or above the minimum rate for grade GS-16, to add the Court of Veterans Appeals to the courts covered by that law. This provision would make judges and employees of the U.S. Court of Veterans Appeals comparable to those of the Tax Court and the Court of Military Appeals for these purposes.

REGIONAL OFFICE COLLOCATIONS

Mr. President, I am pleased that the compromise agreement contains a provision that would: First, provide for the collocation—possibly through lease-purchase arrangements—of at least three, and not more than seven, VA regional offices with VA medical centers on VA property at or adjacent to the centers; and second, provide the Secretary with authority to acquire not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements.

This provision is essentially the provision passed by the House with the addition of the provision I just described as the second item. We also made a number of modifications in response to VA suggestions.

Mr. President, I wish to emphasize that my agreement to this provision is founded on the understanding, based on discussions with VA's general counsel, that the Davis-Bacon Act would apply fully to the construction of the facilities involved. In this regard, I note a July 19, 1989, opinion of the Acting Comptroller General (B-234896) that a lease-purchase agreement for the construction of a building for the use of the Federal judiciary—which in material respects is the same as the lease-purchases provided for in this legislation—is subject to the Davis-Bacon Act. In reaching that conclusion the Acting Comptroller General applied three criteria: First, "the contract must be for the construction of a public building or public work of the United States;" second, "the United States must be a party to the contract;" and third, "the contract [must] be for over $2,000." Clearly, all three of these conditions would be met in the case of the lease-purchase arrangements provided for in the compromise agreement. I intend to monitor carefully the implementation of this provision to ensure that the Davis-Bacon provisions are fully applied.

Mr. President, I ask unanimous consent that a copy of the Comptroller General's opinion be printed in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, July 19, 1989.

Hon. ROBERT M. WHITE,
Architect of the Capitol,
Washington, DC.

DEAR MR. WHITE: This is in response to your letter of March 17, 1989, requesting our opinion on whether the Davis-Bacon Act is applicable to construction of the building authorized by the Judiciary Office Building Development Act. As explained below, we conclude that construction of the building is subject to the requirement of the Davis-Bacon Act that workers be paid no less than the prevailing local wage.

The Judiciary Building Act authorizes the architect to enter into a "development agreement" with a private party, for the desiring and construction of a building primarily for use of the judicial branch of the government, on a specific federally owned site. The act requires the development agreement to provide that construction of the building will be at no cost to the United States, and that title to the site will remain in the United States. Judiciary Building Act, § 3(b)(2).

The Judiciary Building Act also directs the Architect, before entering into the development agreement, to enter into a lease for the building with the person selected as the developer. Id. § 4(a). The lease must provide that title to the building will pass to the United States at the end of the lease term, which is to be no more than 30 years. The rent is to be set at an amount sufficient to amortize the development costs of the building over the term of the lease. Id. § 4(b). During the lease term, the government will be responsible for care and maintenance of the building and grounds. Id. § 5(a).

The Davis-Bacon Act provides that contracts in excess of $2,000, to which the United States is a party, for the construction of "public buildings of public works of the United States," must provide for minimum wages to workers based on prevailing local wages. 40 U.S.C. § 276a(a) (1982). The question presented is whether the Davis-Bacon Act applies to the arrangement authorized by the Judiciary Building Act.

Of the three conditions that must be met in order to conclude that a contract is subject to the Davis-Bacon Act, two must be discussed here. (The third condition in the statute, clearly met in this case, is that the contract be for over $2000.) First, the contract must be for the construction of a public building or public work of the United States and, second, the United States must be a party to the contract. For the reasons set forth below, we believe that both conditions are met in this case.

With respect to the first condition, although the building will be built by a private entity and will temporarily be the property of that entity, we believe it is nevertheless a "public building or public work of the United States." The terms "public buildings" and "public works" are not defined in the Davis-Bacon Act. They are, however, defined in regulations issued by the Secretary of Labor. The definition promulgated by the Secretary is entitled to great weight, representing as it does the interpretation of the law by the official primarily charged with enforcement of the act.

The regulation provides as follows:

"The term 'public building' or 'public work' includes building or work, the construction, prosecution, completion, or repair of which . . . is carried on directly by authority of or with funds of a Federal agency to serve the interest of the general public regardless of whether the title thereof is in a Federal agency." 29 C.F.R. § 5.2(k) (1988).

We think that this project falls within the definition in the regulation of a public building or public work. The project is intended to serve the interest of the general public just as is any other building which will house government activities. The construction of the building will be carried on "directly by authority of a Federal agency," both in that the Architect is directed by the statute to arrange for contruction of the building, and in that the private developer would not be putting up a building on federal land without the authority of a federal agency.[1] Finally, as the regulatory definition makes clear ("regardless of whether the title thereof is in a Federal agency") the fact that title will not be vested in the government until the end of the lease term does not place the building outside the definition.[2]

This conclusion is consistent with our decision in 34 Comp. Gen. 697 (1955), where we held that construction by a private party of a building for use by a federal department, under a "lease-purchase agreement" with the United States similar to the one authorized by the Judiciary Building Act,

[1] Indeed, one might argue that the work will in substance be carried on with funds of a federal agency. The Congressional Budget Office, in reporting on the cost of this plan, viewed the arrangement between the government and the developer as in substance a loan by the developer to the government for construction of the building, to be repaid in installments denominated as rent. S. Rep. No. 358, 100th Cong., 2nd Sess. 11 (1988). It seems clear that the developer assumes little if any of the financial risk which would be expected if the project were truly private: the developer is guaranteed to recover his construction costs, and is not responsible for maintenance costs.

[2] The Supreme Court reached a conclusion in *United States* v. *Irwin*, 316 U.S. 23, 29 (1942), which supports this result. In discussing the meaning of "public work" in the Miller Act, a statute similar in many respects to the Davis-Bacon Act, the Court held, in language which seems equally applicable to the Davis-Bacon Act, that the term "public work" is not limited to buildings or works to which the United States has title.

was covered under the Davis-Bacon Act. In that case, as here, we concluded that buildings constructed under such an arrangement were "public buildings" within the meaning of the act, even though title to the buildings would not pass to the United States until the end of the lease term.

We believe that the other condition for a contract to be subject to the Davis-Bacon Act—that the United States to be a party to the contract—is also met in this case.

Three separate contracts are involved here: the development agreement between the United States and a developer; the contract between the developer and a builder for the construction of the building; and the lease of the completed building from the developer by the United States. The United States is not a party to the contract for construction of the building. The United States is, however, a party to both the development agreement and the lease, and together these two contracts provide the basis for the construction contract between the developer and a contractor: the developer, it seems clear, would not agree to put up the building on government property and relinquish title to it at the end of the lease term without the kind of commitments made by the government in the other agreements.

Essentially the same circumstances were present in 34 Comp. Gen. 697. In that decision, we concluded that the condition that the United States be a party to the contract was met.

"[A] bidder agrees to execute a ground lease as lessee of Government-owned land, erect certain buildings on the land for the use of [a government department] and, upon completion of the buildings, execute a lease-purchase agreement which will provide for the vesting of title in the Government at or before the expiration of the leasehold term. Considering these agreements together, it reasonably may be assumed that the contracts are agreements for construction of buildings to which the United States is a party and that the leasing of the buildings is only incidental to the construction." 34 Comp. Gen. at 701.

As with the buildings in 34 Comp. Gen. 697, the building constructed under the Judiciary Building Act is to be leased for a certain period of time, at the end of which title will vest in the United States. While the construction will be completed by a private builder with private funds, the cost of construction is eventually paid from appropriated funds, through rent paid to the developer, and all maintenance costs are to be paid by the government.

Taken together, the agreements form a unity in the sense that none would have existed without the others. That unity amounts in sustance to the government causing and paying for the construction of a building for its use, even though it acquisition of title to the building will be delayed, and even though the construction will be performed through the agency of the developer.

The same thing we said in a later decision about the situation in 34 Comp. Gen. 697 may be said of this case:

"[D]ue to a binding agreement to acquire the improvements with public funds [through lease payments], the construction actually was being purchased by the Government." 42 Comp. Gen. 48, 49 (1962).

We believe that these circumstances warrant the conclusion that the United States should be treated, for purposes of the Davis-Bacon Act, as a party to a contract for construction of a building. That conclusion recognizes the substance of the transactions.

Accordingly, in our judment, the three conditions necessary for a contract to be subject to the Davis-Bacon Act are met and the act is applicable to the construction of the Judiciary Office Building. I hope this fully responds to your inquiry.

Sincerely yours,

MILTON J. SOCOLAR,
Acting Comptroller General
of the United States.

CONCLUSION

Mr. CRANSTON. Mr. President, in closing I want to express my deep appreciation to the distinguished chairman and ranking minority member of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, as well as the ranking minority member of the Senate Committee, Mr. MURKOWSKI, for their cooperation and many courtesies on this measure.

Mr. President, it has been a pleasure to work with Senator MURKOWSKI and all the members of the Senate Committee in the development of this legislation. I want to note the contributions of, and express my deep gratitude to, the committee staff members who have worked on this legislation—on the minority staff, Lisa Moore, who will shortly be leaving the Senate staff and who will be much missed, Chris Yoder, Laura Stepovich, Todd Mullins, Vic Reston, and Al Ptak; Roy Smith, who so ably provides editorial support to the committee; and, on the majority staff, Darryl Kehrer, who will be leaving the committee staff next month after a distinguished 3-year tenure as a professional staff member with primary responsibility for veterans' education and employment matters and medical construction issues, Michael Cogan, Thomas Tighe, Sandi Isaacson, and Elizabeth Buechler, who left the committee staff in September and July, respectively, Erin McGrath, Jodi Epstein, Mike Cuddy, Brett Hansard, Charlotte Hughes, Sharon Blackman, Pam Winaker, Claudia Kashin, Bill Brew, Ed Scott, and Jon Steinberg.

I also wish to note as always the fine work of the staff of the House Committee on Veterans' Affairs—Vic Raymond, Charlie Peckarsky, Arnold Moon, John Brizzi, Jill Cochran, Gloria Royce, Mike Durishin, Greg Matton, Carl Commenator, Kingston Smith, Pat Ryan, and Mack Fleming—in working with us to reach the final agreement on this measure.

Finally, as always, we are deeply indebted to Bob Cover, Joe Womack, and Greg Scott of the legislative counsels' offices for their fine work.

Mr. President, I also want to thank all members of the committee for their consistent support, assistance, and many contributions and active participation in committee activities as we have gone through the legislative process this year leading up to the development of the committee bill.

Mr. President, I am disappointed that the compromise agreement does not contain many of the provisions in S. 13 as passed by the Senate in H.R. 901. However, I am pleased that, through the enactment of this truly bipartisan measure, we will be able to provide a COLA for service-connected disability compensation and D.I.C., and enact a major reform of VA's Home Loan Program and numerous improvements in the education and employment areas as well as help to provide needed safeguards for and improvements in VA benefits and other programs.

Mr. President, I urge the Senate to give its unanimous approval to the pending compromise agreement.

Mr. President, I ask unanimous consent that the explanatory statement on the provisions of the compromise agreement, which I mentioned earlier, be reprinted at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON THE COMPROMISE AGREEMENT ON H.R. 901 AS AMENDED, THE "VETERANS BENEFITS AMENDMENTS OF 1989"

This document explains the provisions of various measures (listed below) passed by the Senate and House of Representatives on which the Senate and House Committees on Veterans' Affairs have reached agreement, and which will be offered as a proposed House substitute amendment to H.R. 901, and of the provisions of that agreement. There remain many issues outstanding with respect to health-care, health-personnel, and other matters covered in the measures listed below which the Committees plan to resolve in the next Session of this Congress and which thus are not described in this document. Any provision not described in this document is thus still a matter for resolution by the Committees next Session.

The differences between these various measures with respect to the provisions in the compromise agreement and the provisions of the compromise agreement itself are noted below, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

The measures referred to above are as follows:

H.R. 1414, a bill to provide for appointment of enlisted members to the American Battle Monuments Commission, as passed by the House on May 23, 1989.

H.R. 1415, the proposed "Veterans' Home Loan Mortgage Indemnity Act of 1989", as passed by the House on June 6, 1989.

H.R. 901, the proposed "Veterans' Health-Care Programs Amendments of 1989", as passed by the House on June 27, 1989.

H.R. 1199, the proposed "Veterans Nurse Pay Act of 1989", as passed by the House on June 27, 1989.

H.R. 1334, a bill to remove the limit on pension paid to certain hospitalized veterans and reduce the marriage period required for certain survivors' benefits, as passed by the House on June 27, 1989.

H.R. 2486, the proposed "Veterans Recruitment Authority Act of 1989", as passed by the House on July 31, 1989.

H.R. 88, a bill to require setting aside an area in Arlington National Cemetery for un-

marked burials of cremated remains, as passed by the House on October 2, 1989.

H.R. 1335, the proposed "Veterans' Compensation Amendments of 1989", as passed by the House on October 2, 1989.

H.R. 1358, a bill to modify the Montgomery GI Bill, as passed by the House on October 2, 1989.

H.R. 3199, the proposed "Veterans Health Professionals Educational Amendments of 1989", as passed by the House on October 30, 1989.

H.R. 3390, a bill to modify veterans education programs, as passed by the House on October 30, 1989.

S. 13, the proposed "Veterans Benefits and Health Care Act of 1989", as reported by the Senate Committee on September 13, 1989, and amended by the Senate on October 3, 1989, the text of which was passed by the Senate on October 3 as a substitute for the text of H.R. 901.

The foregoing House-passed bills are referred to simply by bill number, and the text of S. 13 as passed in H.R. 901 is referred to as the "Senate bill".

TITLE I—COMPENSATION AND PENSION

COMPENSATION RATE INCREASES

Current law: Under chapter 11 of title 38, United States Code, the Department of Veterans Affairs pays monthly cash benefits to veterans who have service-connected disabilities. The amounts paid depend on the nature of the veteran's disability or combination of disabilities and the extent to which the disability impairs earning capacity. Special monthly rates are payable to totally disabled veterans within certain specific, severe disabilities and combinations of disabilities. A veteran whose disability is rated 30 percent or more also receives additional compensation for a spouse, children, and dependent parents. Section 314(k) provides additional disability compensation for the loss or loss of use of certain organs or limbs.

Under chapter 13 of title 38, the Department pays dependency and indemnity compensation (DIC) to survivors of servicemembers or veterans who died on or after January 1, 1957, from a disease or injury incurred or aggravated during active service. Surviving spouses receive DIC at rates based on (1) the pay grade (service rank) of the deceased veteran, (2) whether the surviving spouse is so disabled as to be housebound or in need of regular aid and attendance, and (3) the number of surviving children. When there is no surviving spouse, DIC is paid to surviving children.

House bill: Sections 2 through 7 of H.R. 1335 would provide for a 4.9-percent cost-of-living adjustment (COLA), effective December 1, 1989, in the rates of disability compensation and DIC, with each increase rounded down to the next whole dollar. The House bill also would increase by that percentage the statutory award paid under section 314(k) of title 38.

Senate bill: Section 101 would, effective December 1, 1989, require the Secretary to increase the disability compensation and DIC rates, effective December 1, 1989, by the same percentage as the Social Security COLA that will take effect on that date. The Senate bill would also increase the section 314(k) award by the same percentage effective August 1, 1990.

The increases would be rounded down to the next whole dollar for veterans with 10- and 20-percent disability ratings and rounded to the nearest dollar for veterans with disabilities of 30-percent or higher and for veterans receiving statutory fees.

Social Security COLA: Following House passage of H.R. 1335 and Senate passage of H.R. 901, it was announced that Social Security recipients would receive a 4.7-percent COLA.

Compromise agreement: Sections 101 through 105 provide for a 4.7-percent COLA, effective December 1, 1989, with all increases rounded to the nearest whole dollar.

LIMITATIONS ON PENSIONS OF CERTAIN VETERANS RECEIVING INSTITUTIONAL CARE

Current law: Section 3203(a)(1)(B) of title 38 limits the pension that the Department pays to a veteran who has neither spouse nor dependent child and is being furnished hospital or nursing home care by the Department for extended periods. After the end of the third full calendar month following the month of admission to a hospital or nursing home, the veteran's pension generally may not exceed $60 per month. Under section 3203(a)(1)(D), the veteran's pension would be continued without reduction for up to three more months if the Secretary determines that the primary purpose of furnishing care is to provide a prescribed program of rehabilitation services designed to restore the veteran's ability to function within his or her family or community. Further extensions are provided if the Secretary determines that rehabilitation continues to be necessary and remains the primary purpose of the veteran's hospital or nursing home care.

As to a veteran who resides in a domiciliary and has no spouse or dependent child, section 3203(a)(1)(A) limits the amount of pension paid after the end of the second full calendar month following the month of the veteran's admission to the domiciliary to no more than $60 per month.

House bill: Section 1 of H.R. 1334 would eliminate the reduction in pension payments to hospitalized veterans having neither spouse nor child.

Senate bill. Section 103(a) would extend from three to eight months the period of hospitalization permitted before a veteran's pension benefits are reduced. In addition, the Secretary would be authorized to grant extensions for no more than two additional two-month periods if the Chief Medical Director determines that the veteran is likely to be released within a reasonable short period of time. Section 103(b) also would increase from $60 to $105 the amount to which benefits are limited for veterans receiving hospital, nursing-home, and domiciliary care from the Department for periods beyond those prescribed in section 3203(a)(1).

Compromise agreement: Section 111 would, effective February 1, 1990, (1) eliminate the reduction in pension payments under section 3203(a)(1)(B) to veterans furnished hospital care; (2) increase to $90 the amount to which benefits are limited for veterans receiving nursinghome or domiciliary care from the Department for periods beyond those prescribed in section 3203(a)(1); and (3) extend the period after which the Department must reduce pension payments to a domiciliary resident to the end of the third calendar month following the month of admission.

EXPANSION OF CLOTHING ALLOWANCE

Current law: Section 362 of title 38 provides an annual clothing allowance ($414 as proposed to be increased by section 101 of the compromise agreement) to a veteran who, because of a service-connected disability, uses a prosthetic or orthopedic appliance (including a wheelchair) that tends to wear out or tear the veteran's clothing.

Senate bill. Section 102 would expand this allowance to include cases in which the Secretary determines that medication prescribed for a veteran's service-connected skin condition stains or otherwise damages the veteran's clothing.

House bill: No provision.

Compromise agreement: Section 112 would expand the clothing allowance to include cases in which a veteran used medication which (1) a physician has prescribed for a service-connected skin medication condition, and (2) the Secretary determines causes irreparable damage to the veteran's outergarments.

The Committees do not intend the term "irreparable damage" to include stains that are removable through regular laundering or dry cleaning. The term "outergarments" is intended to exclude cases in which damage is done only to underwear.

REDUCTION IN PERIOD OF MARRIAGE REQUIRED FOR ELIGIBILITY FOR CERTAIN SURVIVORS BENEFITS

Current law: Section 418 of title 38 provides for the payment of DIC-equivalent benefits to the surviving spouses or children of certain veterans who die of non-service-connected causes while receiving or being entitled to receive compensation for a service-connected disability rated totally disabling. The veteran's disability must have been continuously rated totally disabling for either (1) a period of 10 or more years, or (2) at least five years from the date of release from active duty. For a surviving spouse to be eligible, he or she must have been married to the veteran for at least two years immediately preceding the veteran's death.

House bill: Section 2 of H.R. 1334 reduces from two years to one year the period of time a surviving spouse must have been married to qualify for DIC-equivalent benefits under section 418 of title 38.

Senate bill: No provision.

Compromise agreement: Section 113 contains the House provision.

VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS

Current law: Section 521 of title 38 provides for VA payment of need-based pension benefits to wartime veterans who have non-service-connected disabilities rated permanently and totally disabling or who are over age 65. Section 524 provides that a veteran under age 50 who receives an award of non-service-connected disability pension between February 1, 1958, and January 1, 1992, is required to undergo evaluation of the veteran's potential for vocational rehabilitation and the penalty for refusal of such evaluation is the suspension of the veteran's pension. If it is determined that pursuit of a vocational goal is feasible for the veteran, he or she is entitled to be provided with a vocational training program to enable the veteran to prepare for, gain, and maintain employment. Participation in vocational training is entirely voluntary. A veteran who is 50 or older is not required to undergo evaluation.

Senate bill: Section 303 would make participation in the temporary program of vocational evaluations and training voluntary for all new pension recipients by eliminating the requirement that veterans under age 50 participate in a vocational evaluation. It would also establish trial-work periods for participants in the program by providing

that the pension paid to a vocational training participant who secures employment within the scope of the participant's rehabilitation plan, or in a related field which requires reasonably developed skills and the use of some of the training or services furnished under the plan, shall not be terminated by reason of either the participant's capacity to engage in employment or the income received from employment unless the veteran maintains that employment for twelve consecutive months.

House bill: No provision.

Compromise agreement: Section 114 would (1) lower from "under 50" to "under 45" the age group of new pension recipient subject to mandatory vocational evaluation; and (2) provide that the permanent and total disability evaluation of the veteran receiving training under this section may not be terminated by reason of the veteran's employment until the veteran has maintained such employment for 12 consecutive months if (A) the employment was secured for counseling under section 524(b)(3) has expired, and (B) the employment was within the scope of a vocational goal identified in the veteran's individualized written plan of vocational rehabilitation, or in a related field, and requires the use of the training or services furnished the veteran under such plan.

DECISIONS AND NOTICES OF DECISIONS

Current law: No statutory provisions specify what notice a claimant of a Department of Veterans Affairs benefit must be given of the disposition of the claim at the regional-office level. However, section 3.103(e) of title 38, Code of Federal Regulations, states:

"The claimant will be notified of any decision affecting the payment of benefits or granting relief. Notice will include the reason for the decision and the date it will be effectuated as well as the right to a hearing. * * * The notification will also advise the claimant of his right to initiate an appeal by filing a Notice of Disagreement which will entitle him to a Statement of the [c]ase for his assistance in perfecting his appeal. Further, the notice will advise him of the periods in which an appeal must be initiated and perfected. * * *

Senate bill: Section 703 would amend chapter 71 of title 38 by adding a new section 4011 to require the Secretary (or Chairman of the Board of Veterans' Appeals (BVA) as to BVA decisions), at each procedural stage relating to the disposition of a claim for benefits, to provide to the claimant and the claimant's authorized representative, if any, written notice of the procedural rights of the claimant and the rationale for the decision, including a summary of the evidence (or lack of evidence) supporting the decision.

House bill: No House provision.

Compromise agreement: Section 115 of the compromise agreement would require the Secretary, in a case in which the Secretary has made a decision affecting the provision of benefits, to provide the claimant and the claimant's representative notice of the decision on a timely basis. All notices would be required to include an explanation of the procedure for obtaining review of the decision. In cases in which the decision of the Secretary denies any benefit sought by the claimant, the notice would also be required to include the reasons for the decision and a summary of the evidence considered.

The Committees intend that the reference to denial of "a benefit sought" includes a claim that is partially denied. (For example, a partial denial would include a situation in which a claimant seeks a specific level of benefits or a specific rating but is awarded a lesser benefit or rating.) It is further intended that the requirement to provide "reasons for the decision" would not be met by such terms as "service connection not found" or other such conclusory statements.

TITLE II—HEALTH CARE

RESPITE CARE

Current law: Section 620B of title 38 authorizes the Secretary to furnish respite care services to a veteran who is eligible to receive care under section 610 of title 38. "Respite care" is defined as hospital or nursing home care which is of limited duration, is furnished in a VA facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home, and is furnished for the purpose of helping the veteran to continue residing primarily at home. Section 201(b) of Public Law 99-576 requires the Secretary to submit a report, not later than February 1, 1989, to the Committees on Veterans' Affairs on the Secretary's evaluation of the health efficacy and cost-effectiveness of furnishing respite care. Respite care authority was extended by Public Law 101-110 through November 30, 1989.

House bill: Section 201(a) of H.R. 901 would make permanent the Secretary's authority to provide respite care to certain chronically ill veterans.

Senate bill: Section 215 would extend through September 30, 1991, VA's authority to furnish respite-care services and would extend for one year, to February 1, 1990, the due date for the report evaluating the furnishing of such care.

Compromise agreement: Section 201(a) would extend through September 30, 1992, the Department's authority to furnish respite-care services.

STATE HOME GRANT AUTHORITY

Current law: Section 5033(a) of title 38 authorizes, through September 30, 1990, the appropriation of such sums as are necessary for the Department to carry out its program of grants to the states for the purpose of construction of State Veterans' Homes.

House bill: Section 210(b) of H.R. 901 would extend until September 30, 1992, the authorization of "such sums" appropriations for this program.

Senate bill: Section 218 is substantively identical to the House provision.

Compromise agreement: Section 201(b) would extend through September 30, 1992, the authorization of appropriations of "such sums as are necessary" for this program.

HOMELESS VETERANS

Current law: Section 115 of Public Law 100-322 requires the Department of Veterans Affairs to conduct a pilot program, originally through September 30, 1989, to provide care, treatment, and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless chronically mentally ill veterans who are eligible for care under section 610(a)(1) of title 38. This authority was extended by Public Law 101-110 through November 30, 1989.

House bill: Section 201(c) of H.R. 901 would extend the program through September 30, 1992.

Senate bill: Section 203 would (1) remove the pilot program designation of the Department's homeless chronically mentally ill program; (2) place the program in title 38 and extend the program through September 30, 1992; and (3) expand eligibility to include (a) veterans with service-connected chronic mental illnesses, (b) veterans who have a service-connected disability rated at 50 percent or more and who have chronic mental illnesses, and (c) veterans being furnished hospital or nursing home care by the Secretary for chronic mental illnesses.

Compromise agreement: Section 201(c) would extend the pilot program through September 30, 1992.

ANNUAL REPORT ON MEANS TEST FOR FURNISHING NON-SERVICE-CONNECTED HEALTH CARE

Current law: Section 19011(e)(1) of Public Law 99-272 requires the Secretary to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a detailed report for each of fiscal years 1986, 1987, and 1988 concerning the furnishing of health-care services and the implementation of changes in eligibility pursuant to that law.

House bill: Section 201(d) of H.R. 901 would extend through September 30, 1992, the requirement for such reports.

Senate bill: No provision.

Compromise agreement: Section 201(d) would extend the requirement for such reports through fiscal year 1989.

UPDATES ON REPORTS UNDER SECTION 110(E) OF PUBLIC LAW 98-528

Current law: Under section 110(b) of the Veterans' Health Care Act of 1984 (Public Law 98-528), the Secretary is required to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives annual reports regarding the Department's efforts regarding PTSD and to include in such reports the views of the Department's Special Committee on PTSD. The annual reports are required to be submitted no later than February 1 of 1986, 1987, 1988, and 1989.

House bill: Section 201(e) of H.R. 901 would extend for three years the reporting requirements of the Secretary.

Senate bill: Section 205 would extend for three years the reporting requirements but require that the reports be made directly by the Department's Special Committee on PTSD and require the reports to be submitted concurrently to the Department and the Committees on Veterans' Affairs.

Compromise agreement: Section 201(e) would require the Special Committee to submit a report, concurrently to the Department and the Committees on Veterans' Affairs, by February 1, 1990.

REIMBURSEMENT FOR EMERGENCY CARE OF VOCATIONAL REHABILITATION PARTICIPANTS

Current law: Section 628(a)(2)(D) of title 38 authorizes the Secretary to reimburse certain veterans for costs of services furnished by non-VA sources. Specifically, this section authorizes reimbursement of a veteran entitled to hospital care or medical services for the reasonable value of such care or services when such care or services were rendered by a non-VA source to a veteran if the veteran (1) is in need of vocational rehabilitation under chapter 31 of title 38 and for whom an objective had been selected or (2) is pursuing a course of vocational rehabilitation training and is medically determined to have been in need of care or treatment to make possible the veteran's entrance into a course of training, or to prevent interruption of a course of training, or to hasten the return to a course of training

which was interrupted because of such illness, injury, or dental condition.

Senate bill: Section 221 would authorize the Secretary also to reimburse a service-disabled veteran in a Department vocational rehabilitation program for certain emergency hospital or medical services provided during the time the veteran is receiving post-training employment services.

House bill: No provision.

Compromise agreement: Section 202 contains the Senate provision.

APPOINTMENT OF CERTAIN INDIVIDUALS IN HEALTH-CARE POSITIONS

Current law: Subchapter I of chapter 33 of title 5, United States Code, establishes the competitive service within the Civil Service and generally sets forth the procedures for examination, selection, and appointment, including provisions relating to a prohibition on considering recommendations of members of Congress in connection with the appointment of an individual, preference in hiring for certain veterans, and preclusion of appointing individuals who have not registered with the Selective Service.

House bill: Section 105 of H.R. 901 would authorize the Secretary, without regard to regular Civil Service procedures, except for those relating to recommendations of members of Congress and to the preclusion of appointing individuals who have not registered with Selective Service, to appoint in VA, under title 5, individuals with degrees or certificates in a health-care profession or occupation from accredited institutions who have successfully completed a VA-affiliated education program. In making such appointments, the Secretary would be required to apply the principles of veterans preference from subchapter I of chapter 33 of title 5.

Senate bill: Section 252 would (1) authorize the Secretary, without regard to regular Civil Service procedures, to appoint in VA, under title 5, individuals with degrees or certificates in a health-care profession or occupation from accredited institutions who, within one year before their appointments to the competitive service, have successfully completed a VA-affiliated education program; and (2) provide such authorization only upon the recommendation of the Chief Medical Director. In making such appointments, the Secretary would be required to apply the principles of veterans preferences from subchapter I of chapter 33 of title 5.

Compromise agreement: Section 203 contains the House provision.

APPROVAL OF SPECIAL RATES OF PAY

Current law: Section 4107(g)(4) of title 38 requires the Secretary, not less than ninety days prior to the effective date of a proposed increase in rates of pay for certain VA health-care employees hired in VHS&RA under title 5, United States Code, to notify the President of the Secretary's intention to provide such an increase in pay. If, prior to such effective date, the President (or the President's designee) disapproves such an increase and provides the appropriate committees of the Congress with a written statement of the reasons for such disapproval, such proposed increase may not take effect.

Senate bill: Section 257(b) would (1) reduce from 90 to 45 days the period, after the Department's submission of notice of such a proposed increase, for disapproval by the President (or the President's designee), and (2) clarify that the proposed rate may be put into effect immediately upon approval by the President in a shorter period.

House bill: No provision.

Compromise agreement: Section 204 contains the Senate provision.

REVISION IN LIMITATION ON COMPENSATION OF HEALTH-CARE PERSONNEL AND WHO ARE RETIRED MILITARY PERSONNEL

Current law: Section 4107(i) of title 38 authorizes the Secretary to make exceptions to the restrictions in subsections (a), (b), and (c) of section 5532 of title 5, United States Code (relating to reduction in retired pay of retired members of the uniformed services who are employed in the civil service) if necessary to meet special or emergency employment needs which result from a severe shortage of well-qualified candidates in physician positions that otherwise cannot be readily met.

House bill: Section 103 of H.R. 901, would, for the three-year period beginning with the first pay period beginning on or after the date of enactment, expand the Secretary's authority to make an exception to the title 5 provision to include RNs.

Senate bill: Section 258 would expand the Secretary's authority to make an exception to the title 5 provision so as to include other VHS&RA employees.

Compromise agreement: Section 205 contains the House provision.

LEAVE SHARING AND LEAVE BANKS

Current law: Public Law 100-566, enacted on October 31, 1988, added new subchapters III and IV to chapter 63 of title 5, United States Code, under which the Office of Personnel Management is required to establish a five-year leave-sharing program (through FY 1993), including leave transfers and leave "banks", pursuant to which federal employees appointed under title 5 could transfer leave to other such employees in connection with medical emergencies. This authority does not apply to Department employees appointed in VHS&RA under title 38. As to those employees, the only authority for leave sharing is a more limited, fiscal year 1989 authority enacted in Public Law 100-440. This authority was extended through November 30, 1989, by Public Law 101-110.

House bill: Section 106 of H.R. 901 would, for five years effective October 1, 1989, authorize the Secretary to carry out a leave-sharing program, including both leave transfer and leave banks, consistent with leave-sharing programs authorized in subchapters III and IV of chapter 63 of title 5, in the case of title 38 employees who have medical emergencies.

Senate bill: Section 262 would, for five years beginning no later than October 1, 1990, (1) require the Secretary to conduct a leave-transfer program to be used in the case of medical emergencies of Department employees, and (2) authorize the Secretary to establish and conduct a leave-bank program consistent with such programs authorized in subchapter IV of chapter 63 of title 5 in the case of medical emergencies of title 38 employees.

Compromise agreement: Section 206 would require the Secretary to conduct a leave transfer program and authorize the Secretary to establish and conduct a leave bank program for title 38 employees consistent with such programs authorized in subchapters III and IV of chapter 63, title 5, United States Code, beginning not later than October 1, 1990. The leave-sharing authority for these employees under Public Law 100-440 would remain in effect until the new program is implemented.

HEALTH PROFESSIONAL SCHOLARSHIPS

Current law: Section 4312(b)(5) of title 38, requires the Secretary, in selecting applicants for the Department's Health Professional Scholarship Program, to give priority to the applications of individuals who will be entering their final year in a course of training.

Senate bill: Section 266 would require the Secretary, in giving such priority, to ensure an equitable allocation of scholarships to persons enrolled in the second year of a program leading to an Associate degree in nursing.

House bill: No provision.

Compromise agreement: Section 207 contains the Senate provision.

The Committees note that no scholarships have been allocated to persons enrolled in programs leading to an associate degree in nursing. The Committees intend that an equitable number of such scholarships (as compared to the total number awarded) be allocated to individuals seeking such an associate degree.

TITLE III—HOME LOAN

ESTABLISHMENT OF GUARANTY AND INDEMNITY FUND

Current law: Under section 1824 of title 38, United States Code, the Loan Guaranty Revolving Fund (LGRF) finances operations of the Department of Veterans Affairs loan guaranty program. LGRF receipts primarily consist of fees on guaranteed home loans, income from the sale of properties the Department acquired after foreclosure of a guaranteed loan and from the sale of loans the Department makes to purchasers of Department-acquired properties (vendee loans), interest on vendee loans, and appropriations. LGRF expenditures consist primarily of payments of claims on VA guaranties and the payment of costs of acquiring homes upon foreclosure and of certain administrative expenses. Any LGRF amounts that the Secretary of Veterans Affairs determines exceed the needs of the program must be transferred to the Treasury.

House bill: Section 2(a) of H.R. 1415 would (1) add to title 38 a new section 1824A to establish the Veterans' Mortgage Indemnity Fund (VMIF), a new revolving fund to replace the LGRF with respect to loans guaranteed after September 30, 1989; (2) for each loan guaranteed after that date, require the Federal Government to contribute 0.25 percent of the loan amount for the fiscal year in which the loan is guaranteed and for each of the next two fiscal years; and (3) require the Secretary of the Treasury to invest in government securities all VMIF amounts that the Secretary of Veterans Affairs determines exceed the needs of the home-loan guaranty program.

Senate bill: Section 401 would (1) add a new section 1824A substantively identical to the House provision, except that the new revolving fund would be called the Home Loan Guaranty Fund (HLGF) and the Government contributions for loans made in FY 1990 would be paid in FYs 1991, 1992, and 1993; and (2) add to title 38 a new section 1834 to require the Department to include in its annual budget submission to Congress certain information about the current and future operations and financial status of both the LGRF and HLGF.

Compromise agreement: Section 302 would replace the text of section 1825 of title 38 (discussed under "Clarifying and Technical Amendments", below) with provisions that would (1) establish a new revolving fund, called the Guaranty and Indemni-

ty Fund (GIF), to replace the LGRF with respect to loans closed after December 31, 1989; and (2) for each loan closed after that date, require the Government to contribute 0.25 percent of the loan amount for the fiscal year in which the loan is guaranteed and for the next two fiscal years, except that the Government contributions for loans made in FY 1990 would be paid in two equal 0.375-percent installments in FYs 1991 and 1992. Section 302 also would add to title 38 a new section 1834 imposing the information-reporting requirements of the Senate bill.

The Committees intend that the "information and financial data" required by new subsection 1834(b)(1) include costs of operation, fund balances, and property inventory and sales related to the LGRF and the GIF and that the information submitted pursuant to the reporting requirements (1) include breakdowns of the number and costs of default terminations according to the manner of their disposition—such as property acquisition, no-bid, third-party upset, or deed in lieu of foreclosure—and whether the loans had been assumed; and (2) separately identify costs and receipts associated with loans for manufactured and conventional housing.

LOAN FEE

Current law: Until October 1, 1989, section 1829 of title 38 generally required a 1-percent fee to be paid for loans guaranteed, made, or insured by the Department and for vendee loans (extensions of credit from the Department to finance an individual's purchase of a home the Department acquired upon foreclosure of a loan it had guaranteed), and a 0.5-percent fee to be paid for assumptions of guaranteed loans. Veterans with compensable service-connected disabilities and surviving spouses of those who died from a service-connected disability are exempt from the fees. Public Law 101-110, enacted October 6, 1989, extended to loans closed before December 1, 1989, the Department's authority to collect the fees. Section 1812(c)(5) of title 38 requires a downpayment of at least 5 percent for loans to purchase manufactured housing.

House bill: Section 2(b) of H.R. 1415 would, effective for loans closed after September 30, 1989 (1) generally increase the loan fee to 1.25 percent but reduce the fee to 0.75 percent if the borrower makes a downpayment of 5 percent or more; (2) continue the curent 1-percent fee for vendee loans; and (3) continue the current 0.5-percent fee for assumptions.

Senate bill: Section 402 contains provisions substantively identical to the House provisions, except that (1) the loan fee would be reduced to 0.5 percent if the borrower makes a downpayment of 10 percent or more; (2) for guaranteed loans for manufactured housing, the fee would be reduced to 0.75 percent for downpayments of 10 percent or more; (3) the fee for assumptions after September 30, 1989, would be increased to 0.75 percent; (4) for exempt borrowers, the Government would be required to pay an amount equal to the fee that the exempt borrower otherwise would have paid; (5) the Secretary, upon making a determination that the revolving fund would become insolvent in the upcoming 24 months, would be authorized to raise all fees uniformly to no more than 20 percent above the statutory fees; and (6) if the fees had been increased and the Secretary determined that an increased amount were not necessary for the solvency of the fund, the Secretary would be authorized to reduce the fees to no less than the statutory fees. The Government payments of amounts equal to fees that would be exempted from payment in FY 1990 would be made in October 1990.

Compromise agreement: Section 303 would, effective with respect to loans closed after December 31, 1989: (1) raise the basic loan fee to 1.25 percent and reduce it to 0.75 percent if the borrower makes a downpayment of 5 percent or more; (2) reduce both the fee and the Government contribution (described above in the item entitled "Establishment of Guaranty and Indemnity Fund; Government Contributions") to 0.5 percent if the borrower makes a downpayment of 10 percent or more; (3) in the case of such a downpayment, provide for the 0.5-percent Government contribution generally to be made in 0.25-percent installments in each of the first two fiscal years of the loan; and (4) require Government payment of an amount equal to the fee that an exempt borrower is excused from paying. The fees for direct loans, manufactured housing loans, and vendee loans would remain at 1 percent and continue to be deposited in the appropriate fund (the DLRF for direct loans, the LGRF for manufactured housing loans, and either the LGRF or GIF for vendee loans). In the cases of loans closed in FY 1990, both the Government contributions and the Government payments in lieu of the fees that exempt borrowers otherwise would have paid or would be paid in October 1990.

INDEMNIFICATION AFTER DEFAULT

Current law: Section 1832 of title 38 provides that, when the Department of Veterans Affairs pays the guaranty on a loan, it is subrogated to the rights of the holder of the loan to the extent of the guaranty payment. The veteran to whom the loan was made thus generally is liable to the Department for the amount of that payment. If the veteran sells the home to a buyer who agrees to assume the loan, the veteran may apply under section 1813 or 1814, based on the creditworthiness of the assumptor, to be released from liability to the Department. Also, the veteran's liability to the Department may be waived under section 3102(b) if the Secretary determines, on a case-by-case basis, that collection of the debt "would be against equity and good conscience".

House bill: Section 2(c) of H.R. 1415, effective with respect to loans made after September 30, 1989, would indemnify against liability to the Department veterans who default on guaranteed loans except in the case of fraud, misrepresentation, or bad faith by the veteran in obtaining the loan or in connection with the loan default.

Senate bill: Section 403 is substantively identical to the House bill, except that (1) those who default for reasons within their control also would not be indemnified; and (2) assumptors would be indemnified.

Compromise agreement: Section 304 contains the House provision.

The Committees direct the Secretary to ensure that the Department's loan forms make clear that indemnification is not assumable.

The Committees intend that a borrower's abandonment of a mortgage despite having the financial ability to make the mortgage payments be considered "bad faith" in connection with the default and that "misrepresentation" include only a material misrepresentation.

SALE OF VENDEE LOANS

Current law: Section 1833(a)(3) of title 38 allows the Department to sell vendee loans without recourse only if it receives at least the unpaid balance ("par value") of the loan. Section 1833(a)(6) sets an expiration date of October 1, 1990, for that provision and for other provisions of section 1833(a) that (1) establish limits on the proportions of the sales of homes acquired by the Department upon foreclosure that may be made for cash and may be financed with vendee loans; (2) generally require a 5-percent downpayment on vendee loans; (3) allow additional vendee-loan financing for the costs of rehabilitating the property; and (4) allow below-market interest rates on vendee loans.

In 1987, the Office of Management and Budget, and later the Congressional Budget Office, adopted a new approach to counting, for budget purposes, the proceeds of with-recourse sales of vendee loans. Instead of counting the proceeds of with-recourse sales as offsetting collections of the LGRF, OMB and CBO now consider those sales as the equivalent of a loan from the purchaser to the Government. Loans sold without recourse continue to be counted as offsetting collections.

House bill: Section 3 of H.R. 1415 would, effective October 1, 1989, (1) allow the sale of vendee loans with or without recourse only if the cash proceeds of the sale are equal to at least 90 percent of par value; and (2) reverse the current OMB and CBO rules for counting the proceeds of certain with-recourse sales by requiring that (A) the proceeds from such sales be credited as offsetting collections of either the LGRF or the new VMIF, depending on which fund received the fee for the original guaranteed loan secured by the same property securing the vendee loan sold; (B) the crediting be made without reduction and for the fiscal year in which the amount involved was received; and (C) all amounts so credited offset outlays of the respective fund during the fiscal year in question.

Senate bill: Section 404 would extend for one year, through fiscal year 1990, the provisions of section 1883(a)(3) of title 38 as they applied to vendee loan sales prior to October 1, 1989. Section 404 of S. 13 as reported also contained provisions substantively identical to the House scorekeeping provisions with language added to supercede explicitly the Balanced Budget and Emergency Deficit Control Act of 1985 and the Congressional Budget and Impoundment Control Act of 1974, under which the current scorekeeping conventions were adopted. This provision was deleted during Senate floor consideration of S. 13 on October 3 in order to avoid possible procedural delays in considering that omnibus bill, which was passed that day.

Compromise agreement: Section 305 contingently would nullify a provision, if it is enacted in H.R. 3299 (the Omnibus Budget Reconciliation Act of 1989), postponing until October 1, 1990, the effective date of the provision in section 1833(a)(3) of title 38 which allows the Department to sell vendee loans without recourse only if the proceeds are at least equal to par value. This nullification of the postponement would take effect only if the scorekeeping provision described in item (2) of the House bill is enacted before the enactment of the compromise agreement—which the Committees expect to occur in H.R. 3299. In addition, section 305 would enact such a scorekeeping provision, in case it is not enacted in H.R. 3299. (The Senate-passed provision in section 404 is contained in section 9002 of the conference report on H.R. 3299.)

INCREASE IN ENTITLEMENT AMOUNT

Current law: Section 1803(a)(1) of title 38 provides a guaranty equal to (1) 50 percent of the loan amount for loans of up to $45,000; or (2) 40 percent of the loan amount for loans of more than $45,000, but not less than $22,500 or more than $36,000. The maximum guaranty to which a veteran is entitled is $36,000, reduced by the amount of entitlement previously used by the veteran and not restored. Under the credit standards established by the secondary mortgage market, the maximum amount of the loan that a veteran can obtain with the maximum $36,000 guaranty is $144,000.

Senate bill: Section 405 would allow a veteran to acquire up to $5,000 of additional guaranty for a loan by paying a 0.1-percent fee (in addition to the 1.25-percent fee on the amount of the loan) for each additional $1,000. The total of the guaranty and any downpayment could not exceed 25 percent of the purchase price unless the Secretary grants a waiver of this requirement. The fee for additional guaranty could be financed as part of the loan.

House bill: No provision.

Compromise agreement: Section 306 would, effective on the date of enactment, provide additional guaranty entitlement for loans that exceed $144,000, equal to 25 percent of the loan amount over $144,000, up to a total guaranty of $46,000. No fee would be charged in addition to the 1.25-percent fee on the total amount of the loan.

NOTIFICATION REQUIREMENT

Current law: Section 1832(a) of title 38 requires lenders to notify the Department when a veteran defaults on a guaranteed loan. Upon receiving notice of the default, the Department is required to provide the defaulting veteran with information and, where feasible, counseling about alternatives to foreclosure and the effects of foreclosure on the liabilities of the Department and the veteran, except where the Secretary determines that the lender has a demonstrated record of providing the same information in a timely and accurate manner.

House bill: Section 7 of H.R. 1415 would require a lender (1) to notify the Department when the lender refuses a borrower's tender of a partial payment of the amount in arrears; and (2) to include in the notice a statement of the circumstances of the default and the reasons for the lender's refusal.

Senate bill: Section 406(a) would authorize the Secretary to require a lender (1) to notify the Department immediately after a lender refuses a borrower's tender of a significant portion of the amount due; and (2) to include in the notice a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, the reasons for the holder's refusal, and such other information as the Secretary determines is necessary to service defaulted loans.

Compromise agreement: Section 307 would, effective on the date of enactment (1) require a lender to notify the Secretary when the lender refuses a borrower's tender of a partial payment; (2) and authorize the Secretary to require a statement of the circumstances of the default, the amount tendered, the amount of the indebtedness on the date of the tender, and the reasons for the lender's refusal.

NO-BID FORMULA

Current law: Section 1832(c) of title 38 requires the Department, in making determination whether to acquire the property upon foreclosure or pay the amount of the guaranty, to compare the net cost of acquiring the property and reselling it with the cost of simply paying the guaranty amount. In making this comparison, the Department is required to determine the net value of the property, which is "the amount equal to (i) the fair market value of the property, minus (ii) the total of the amounts which the [Secretary] . . . estimates the [Secretary] . . . would incur (if the [Secretary] . . . were to acquire and dispose of the property) for property taxes, assessments, liens, property maintenance, property improvement, administration, resale, and other costs resulting from the acquisition and disposition of the property." Under section 1832(a), if the net value of the property is not greater than the amount of the indebtedness minus the guaranty, the Department must pay the guaranty and not acquire the property, an alternative known as a "no-bid." If the net value exceeds the amount of the indebtedness minus the guaranty, the Department generally is required to pay the holder of the loan the amount of the indebtedness and to acquire the property. Section 1832(c) does not expressly authorize including in the calculation the Government's costs of borrowing funds to acquire the property. Section 1832(c) expired on October 1, 1989. The Department has continued, as a matter within its discretion, to apply the no-bid formula in the expired provision.

House bill: Section 6 of H.R. 1415 would (1) prohibit the Department from considering any cost of borrowing funds in determining net value; and (2) extend the "no-bid formula" by two years, through FY 1991.

Senate bill: Section 406 would (1) prohibit the Department from considering the cost of borrowing funds in determining net value, except to the extent of one-half of the amount by which the cost of borrowing the funds necessary to acquire the property exceeds the cost of borrowing the funds necessary to pay the guaranty; and (2) extend the no-bid formula through FY 1991.

Compromise agreement: Section 308 contains the House provision.

REFINANCING LOANS

Current law: Section 1810(h) of title 38 limits the amount of a guaranteed loan to refinance a mortgage or other lien on a veteran's current home to no more than 90 percent of the appraised value of the home.

Senate bill: Section 407 would exempt from the 90-percent loan-to-value limit those loans made to refinance a construction loan, to replace an installment land sales contract with a traditional deed and mortgage loan, or to refinance a conventional or FHA-insured loan with a lower-rate Department of Veterans Affairs guaranteed loan. These refinancing loans could not exceed the lesser of the home's reasonable value or the sum of the outstanding balance on the existing loan plus closing costs.

House bill: No provision.

Compromise agreement: Section 309 contains the Senate provision.

This provision was derived from S. 898, legislation introduced at the request of the administration in a transmittal of proposed legislation from the Secretary of Veterans Affairs dated April 17. In the future, the Committees will consider legislation proposed by the Administration only if transmitted to the Senate and House prior to April 1. The Committees have considered this and other provisions from S. 898, despite the late transmittal date, only because the Secretary was not appointed until March of this year.

COMPUTATION OF ENTITLEMENT AMOUNT

Current law: Section 1802(b) of title 38 generally requires that a veteran who has repaid a guaranteed loan must dispose of the property that secured the loan before the veteran's loan-guaranty entitlement is restored.

House bill: Section 4 of H.R. 1415 would eliminate the requirement to dispose of the property and would restore the veteran's entitlement upon repayment of the loan.

Senate bill: No provision.

Compromise agreement: Section 310 would restore entitlement to veterans who have repaid the original guaranteed loan but not yet disposed of the property as long as the restored entitlement is to be used for a loan secured by the same property that secured the original loan.

WAIVER OF INDEBTEDNESS TO THE UNITED STATES

Current law: Section 3102(b) of title 38 allows the Secretary to waive a veteran's home-loan indebtedness to the Department where the Secretary "determines that collection of such indebtedness would be against equity and good conscience." Section 3102(c) prohibits the Secretary from exercising the authority to waive either home-loan debts or non-home-loan debts in cases involving "fraud, misrepresentation, material fault, or lack of good faith".

House bill: Section 5 of H.R. 1415 would (1) prohibit waiver determinations based on solely the balancing of fault or whether the debtor might be able to repay the debt in the future; and (2) repeal the requirement for the denial of waivers in cases of "misrepresentation, material fault, or lack of good faith".

Senate bill: No provision.

Compromise agreement: Section 311 would, effective upon enactment, (1) generally make mandatory the granting of waivers of home-loan debts if collection of the debt would be against equity and good conscience; and (2) prohibit waiver in cases involving "fraud, misrepresentation, or bad faith."

The Committees intend that a borrower's abandonment of a mortgage despite having the financial ability to make the mortgage payments be considered "bad faith" in connection with the default and that "misrepresentation" include only a material misrepresentation.

STUDY OF HOME LOANS TO NATIVE-AMERICAN VETERANS

Senate bill: Section 603 would require the Secretary (1) to conduct—and submit to the Committees by March 1, 1990, a report on the results of—a study to determine (A) whether Native-American, Native-Alaskan, and Pacific-Islander (including Native-Hawaiian) veterans living on trust or other communally-owned lands participate in the Department-guaranteed home loan program at a disproportionately low rate, (B) if so, why, (C) what administrative, regulatory, or legislative measures are necessary to address any inequities, and (D) whether the Department's direct-loan authority should be used to promote increased home ownership among such veterans; and (2) in conducting the study, to consider the experiences of the Department of Housing and Urban Development and the Bureau of Indian Affairs.

House bill: No provision.

Compromise agreement: Section 312 contains the Senate provisions, modified to require (1) that the study be conducted and

the report be submitted jointly by the Secretaries of Veterans Affairs and of the Interior; (2) that the study examine any effects of the secondary mortgage market and the willingness of lenders to make home loans on trust land; (3) that the Secretaries take into account any experience of private lenders in making home loans on trust lands; and (4) that the report be submitted not later than June 1, 1990.

The Committees note that the legislative, administrative, or regulatory actions recommended by the Secretaries may concern any laws or policies, not just those directly related to benefits administered by the Department of Veterans Affairs.

CLARIFYING AND TECHNICAL AMENDMENTS

Current law: Section 1802(a)(2)(C)(ii) of title 38 grants eligibility for guaranteed home loans to "veterans" who have served on active duty for more than 180 days and continue on active duty without a break in service. Section 101(2), however, defines "veteran" as a person who served on active duty "and who was discharged or released therefrom under conditions other than dishonorable."

Section 1825 of title 38 ostensibly grants home-loan entitlement to servicemembers who are hospitalized pending final discharge from active duty if the person is otherwise qualified, but the section duplicates other eligibility provisions.

Section 10 of the Department of Veterans Affairs Act (Public Law 100-527) provides that references to the Veterans' Administration or the Administrator of Veterans' Affairs shall be deemed to refer to the Department of Veterans Affairs or the Secretary of Veterans Affairs, respectively. However, that Act did not actually amend title 38 to accomplish the revisions.

Senate bill: Section 409 would clarify that servicemembers on active duty for more than 180 days are "veterans" for purposes of eligibility for home loans guaranteed, insured, or made by the Department.

This section would supersede current section 1825 of title 38.

House bill: No provision.

Compromise agreement: Section 313 contains (1) the Senate provision; and (2) technical amendments to chapters 23, 24, and 37 of title 38 to reflect the elevation of the Veterans' Administration to Cabinet-level status as the Department of Veterans Affairs.

TITLE IV—EDUCATION AND EMPLOYMENT

REHABILITATION SUBSISTENCE ALLOWANCES FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Current law: Section 1508(b) of title 38, United States Code, provides the various rates—currently, for example, $310 per month for a veteran pursuing a full-time institutional program—of the rehabilitation subsistence allowance paid to a veteran who is participating in the Department of Veterans Affairs program, under chapter 31 of title 38, of rehabilitation for veterans with service-connected disabilities. Automatic cost-of-living adjustments to these rates are not provided for in current law. Congress last enacted an increase to those rates effective October 1, 1984, in Public Law 98-543.

House bill: Section 5 of H.R. 1358 would provide for a 5-percent COLA, effective January 1, 1990.

Senate bill: Section 301 would provide for a 9.5-percent COLA to chapter 31 rates, effective January 1, 1990.

Compromise agreement: Section 402 would provide for a 7.5-percent increase, effective January 1, 1990.

EDUCATIONAL ASSISTANCE FOR SURVIVORS AND DEPENDENTS

Current law: Section 1732 of title 38 (by cross-reference to the educational assistance rates paid under section 1682 to Vietnam-era GI Bill participants) provides the various rates—currently, for example, $376 per month for a surviving spouse pursuing a full-time institutional program—at which educational assistance allowances are paid under chapter 35 of title 38 to survivors of veterans who died of service-connected disabilities and the dependents of those who have service-connected disabilities rated permanent and total and of certain servicemembers who are prisoners of war or are missing in action. Automatic COLAs to these rates are not provided for in current law.

House bill: Section 6 of H.R. 1358 would provide for a 5-percent COLA, effective January 1, 1990.

Senate bill: Section 302 would provide for a 9.5-percent COLA, effective January 1, 1990.

Compromise agreement: Section 403 would provide for a 7.5-percent COLA, effective January 1, 1990.

PROVISION FOR PERMANENT PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE

Current law: Section 1520 of title 38 authorizes the Secretary of Veterans Affairs to provide, through September 30, 1989, a program of independent living services and assistance to veterans with service-connected disabilities for whom it is determined that the achievement of a vocational goal is not currently feasible.

Senate bill: Section 304 would eliminate the September 30, 1989, termination date, thereby making the program permanent.

House bill: No provision.

Compromise agreement: Section 404 contains the Senate provision.

VETERANS' AND RESERVISTS' WORK-STUDY PROGRAM

A. Criteria for Determining Work-Study Allowance

Current law: Under section 1685 of title 38, the Department administers a work-study program for veteran-students pursuing full-time programs of rehabilitation, education, or training under chapter 30 (Montgomery GI Bill—Active Duty), 31 (rehabilitation for certain veterans with service-connected disabilities), 32 (Post-Vietnam Era Educational Assistance Program), and 34 (Vietnam-Era GI Bill) of title 38. Participating students receive a work-study allowance in exchange for services performed in connection with Department activities. Participants currently are paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 (the Federal minimum wage) times 250, or $625, whichever is higher, in exchange for a performance of work-study services aggregating 250 hours during a semester or other applicable enrollment period. The work-study allowance for veteran-student services totaling less than 250 hours is determined by multiplying the number of hours of work performed times either the hourly Federal minimum-wage rate in effect or $2.50, whichever is higher.

Senate bill: Section 305(a) would require the Secretary to base work-study-allowance payments for services performed after July 31, 1990, on the higher of the Federal hourly minimum wage or the hourly minimum wage of the State in which the services are performed.

House bill: Section 3(a) of H.R. 3390 would, effective January 1, 1990, (1) conform the formulation in section 1685(a) of the rate of payment of the work-study allowance to the Department's interpretation of that provision (as stated in the above description of section 1685 of current law), and (2) provide that payment may be made for not more than 20 hours of work per week rather than for a maximum of 250 hours per semester as under current law.

Compromise agreement: Section 405(a) would (1) provide that hours of veteran-student services to be performed shall be the amount equal to 25 times the number of weeks in the applicable enrollment period; (2) authorize the Secretary, effective August 1, 1990, to base work-study-allowance payments on the higher of the Federal minimum wage or the minimum wage of the State in which the work is performed; and (3) change the names of the program from Veteran-Student Services to Work-Study Allowance.

The Committees expect that the Department will pay the State minimum wage where the State wage is higher and where necessary to compete in the marketplace.

B. Selected Reservists' Work-Study Assignments

Current law: Under section 1685 of title 38, individuals training under chapter 106 of title 10 (Montgomery GI Bill for members of the Selected Reserve) are not eligible to participate in the work-study program and the authorized assignments do not include activities related to the administration of chapter 106.

Senate bill: Section 305(b) would expand the work-study program to include Selected Reserve members pursuing a full-time program under chapter 106 who perform work related to the administration of chapter 106 at Department of Defense facilities.

House bill: No provision.

Compromise agreement: Section 405(b) would authorize, for purposes of work study in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities.

C. Eligibility

Current law: Section 1685(b) of title 38 provides work-study eligibility to participants who are pursuing full-time programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34.

Senate bill: Section 305(c) would, effective August 1, 1990, make eligible for work-study benefits (1) service-disabled veterans pursuing training or attending school at a half-time-or-higher rate under chapter 31, and (2) veterans with service-connected disabilities rated at 30 percent or more who are pursuing a program of education under chapter 30, 32, or 34. Further, section 306 would expand, effective August 1, 1990, eligibility for VA's work-study program to include survivors and dependents pursuing an education program on a full-time basis under chapter 35.

House bill: Section 3(b) of H.R. 3390 would expand work-study eligibility, effective January 1, 1990, to individuals who are pursuing at least half-time programs of rehabilitation, education, or training under chapter 30, 31, 32, 34, or 35.

Compromise agreement: Section 405(c) would provide that individuals pursuing at

least ¾-time programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of title 38 and chapter 106 of title 10 are eligible for work-study participation, effective May 1, 1990.

WORK-STUDY PROGRAM FOR SURVIVORS AND DEPENDENTS

Current law: Service-connected-disabled veterans' survivors and dependents pursuing education programs under chaper 35 of title 38 are currently ineligible for work-study benefits.

Senate bill: Section 306 would, effective August 1, 1990, expand eligibility for the Department's work-study program to include service-connected-disabled veterans' dependents and survivors pursuing education programs under chapter 35.

House bill: No provision.

Compromise agreement: Section 406 contains the Senate provision with an amendment limiting the provision's applicability to chapter 35 students who are pursuing an education program at the rate of ¾-time or higher, effective May 1, 1990.

EXTENSION AND EXPANSION OF THE VETERANS' READJUSTMENT APPOINTMENT (VRA) AUTHORITY

Current law: The VRA authority was created in 1970 by Executive Order 11521 and is derived from the earlier "Vietnam-Era Transitional Appointment" authority created in 1968 by Executive Order 11397. The VRA authority has been revised and codified in section 2014 of title 38. The statutory appointment authority expires on December 31, 1989. Under section 2014, certain Vietnam-era and service-disabled Vietnam-era veterans may be given excepted appointments in the federal civil service, i.e., may be hired non-competitively. A veteran who receives a VRA must be provided with a program combining education or training with the opportunity for a regular career appointment. A veteran who satisfactorily completes two years of substantially continuous service under a VRA and an education or training program may be converted to career-conditional employment and automatically acquires a competitive status for civil service purposes.

EXTENSION OF TERMINATION DATE

Current law: Appointments may not be made under section 2014 after December 31, 1989.

House bill: Section 2 of H.R. 2486 would eliminate the December 31, 1989, termination date and thus make the VRA authority permanent.

Senate bill: Section 308 would extend the termination date to December 31, 1991.

Compromise agreement: Section 407(a) would extend the VRA termination date to December 31, 1993.

Eligibility

Current law: Vietnam-era veterans who are not entitled to service-connected disability compensation and who have no more than 14 years of education, and all Vietnam-era veterans, regardless of the educational level achieved, who have compensable disabilities or were discharged for service-connected disabilities are eligible for VRAs up to and including the GS-9 level or its equivalent.

House bill: Section 2 of H.R. 2486 would (1) provide eligibility to veterans of the Vietnam era and veterans who first became members of the Armed Forces or first entered on active duty after January 1, 1977; (2) provide VRA eligibility without regard to the number of years of education completed by the veteran; and (3) require that veterans who are entitled to service-connected disability compensation or were discharged for a service-connected disability be given a preference for a VRA appointment over other veterans.

Senate bill: Section 308 would (1) provide eligibility during the two-year extended period to (A) Vietnam-era veterans who are service-disabled or served on active duty in the Vietnam theater of operations, (B) any veteran with a service-connected disability rated at 30 percent or more, and (C) veterans who served on active duty after the Vietnam era; and (2) permit a veteran to receive only one appointment after the date of enactment.

Compromise agreement: Section 407(b) would, as of the date of enactment, provide eligibility during the extended period to (1) Vietnam-era veterans who are service-disabled or received a campaign badge during the Vietnam era (including a campaign badge for service in the Dominican Republic, Korea, and Cambodia); (2) post-Vietnam-era veterans (i.e., those discharged after May 5, 1975); and (3) eligible non-disabled veterans who have completed not more than 16 years of education at the time of appointment.

The Committees note that section 3112 of title 5, United States Code, provides authority for non-competitive appointments of all veterans with service-connected disabilities rated at 30 percent or higher. Federal Government employment and advancement opportunities for such veterans is promoted through the Disabled Veterans Affirmative Action Program, and a service-disabled veteran who has completed a chapter 31 program of rehabilitation is eligible for a non-competitive appointment.

GRADE LEVEL RESTRICTION

Current law: A VRA may not be made above the GS-9 level or the equivalent.

House bill: Section 2 of H.R. 2486 would provide that a VRA may be made to a position at any grade level in the competitive service.

Senate bill: No provision.

Compromise agreement: Section 407(b) would raise the grade-level restriction from GS-9 to GS-11 for a Vietnam-era veteran who is service-disabled or who earned a campaign badge during the Vietnam era.

ELIGIBILITY PERIOD

Current law: A veteran of the Vietnam era is eligible for a VRA without any time limitation based on the date of separation from active duty.

House bill: Section 2 of H.R. 2486 would provide that (1) a Vietnam-era veteran, a service-connected-disabled veteran, and a veteran who served in a campaign or expedition for which a campaign badge has been authorized shall be eligible for a VRA without any time limitation; and (2) a veteran who first became a member of the Armed Forces or first entered on active duty after January 1, 1977, may receive an appointment only within the 5-year period following (A) the date of the veteran's last discharge or release from active duty, or (B) the date of enactment, whichever is later.

Senate bill: Section 308 would limit the period during which a veteran may receive an appointment to the later of (1) the end of the 4-year period from date of separation, or (2) the end of the 2-year period beginning on the date of enactment.

Compromise agreement: Section 407(b) contains the Senate provision.

TRAINING FOR VRA APPOINTEES/CONVERSION TO CAREER-CONDITIONAL APPOINTMENT

Current law: A VRA appointee must satisfactorily complete both an education or training program and a period of substantially continuous service measuring at least 2 years before being eligible for conversion to career-conditional status in the competitive service.

House bill: Section 2 of H.R. 2486 would provide that any veteran receiving a VRA (1) is to receive training or education to the extent, if any, considered appropriate by the agency involved, and (2) upon successful completion of any prescribed probationary period established by the employing agency, would acquire competitive status.

Senate bill: No provision.

Compromise agreement: Section 407(b) would require education or training only for those appointees with fewer than 15 years of education.

PILOT PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND SERVICES TO SEPARATING MEMBERS OF THE ARMED FORCES

Current law: Chapter 41 of title 38 authorizes Disabled Veterans' Outreach Program Specialists (DVOPs) and Local Veterans' Employment Representatives (LVERs) to furnish job and job-training counseling, employment placement, and job training placement services to eligible veterans and persons.

House bill: Section 309 would require, effective October 1, 1989, the Secretary of Labor, during fiscal years 1990 through 1992, to conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days before they are separated from the Armed Forces. The pilot program would be conducted in not more than five geographically-dispersed States in which the Secretary of Labor determines that services to veterans would not be unduly limited as a result of the pilot program, with the Secretary to provide a report on the experience under the pilot program by February 1, 1992. In carrying out the program, the Secretary would be required to utilize Disabled Veterans' Outreach Program Specialists or Local Veterans' Employment Representatives to the maximum extent feasible to furnish services under the pilot program.

House bill: No provision.

Compromise agreement: Section 408 contains the Senate provision with amendments (1) requiring that (A) the pilot program be conducted in not less than five and not more than ten States meeting the requirements in the Senate provision, and (B) the Secretary of Labor to conduct the pilot program in cooperation with the Secretary of Defense and the Secretary of Veterans Affairs; (2) changing the program period from fiscal years 1990 through 1992 to calendar years 1990 through 1992; and (3) postponing the deadline for the Secretary's report to May 1, 1992.

The Committees intend that (1) at the majority of sites in the pilot program individual State Employment Security Agencies (SESAs which are participating in the pilot program be given discretion to use college faculty and service officers of veterans' service organizations in addition to DVOPs and LVERs in the conduct of the program, (2) the Secretary take into account the benefits of not outstationing DVOPs and LVERs, as demonstrated by the Career Awareness Program of the California Employment Development Department, the U.S. Navy, and the

Disabled American Veterans, Department of California, Rehabilitation Foundation, as compared to the apparent disadvantages of outstationing used in other projects of this type, (3) the Secretary draw liberally from the experiences of CAP in conducting the pilot program, (4) the Secretary's February 1, 1992, report on the experience under the pilot program address, among other issues, job placement rates and unemployment costs avoided, and contain a rigorous review of the strengths and weakness of the pilot program, and (5) in providing any funding to be provided to individual SESAs for preseparation employment and training programs for servicemembers, the Secretary of Labor give special consideration to those States which have developed such programs through their own initiative.

Further, the Committees intend that (1) the pilot program be administered through a line-management official in the Veterans' Employment and Training Service (VETS) rather than by the immediate staff of the Assistant Secretary for Veterans' Employment and Training, and (2) in case any individual is detailed to the Labor Department from other Federal agencies or Departments to assist in the pilot program, such individual should be assigned to the line-management official in VETS responsible for administering the program.

SECONDARY SCHOOL REQUIREMENT FOR MONTGOMERY GI BILL ELIGIBILITY

Current law: Sections 1411(a)(2) and 1412(a)(2) of title 38 require that, to be considered eligible for the Montgomery GI Bill (MGIB) (Active Duty), a servicemember must have earned a secondary school diploma or an "equivalency certificate" before completing his or her initial tour of active duty. Section 2132(a)(2) of title 10 requires that, for a member of the Selected Reserve to earn MGIB (Selected Reserve) eligibility, he or she must earn a diploma or equivalency certificate before completing active duty for training. The term "equivalency certificate" has been used in title 38 (in section 1691) since 1970 and has been interpreted to mean a general education diploma (GED).

House bill: Section 3 of H.R. 1358 would permit chapter 30 participants to meet the secondary-school-diploma requirement by successfully completing the equivalent of 12 semester hours in a program of education leading to a standard college degree before the end of the individual's initial obligated period of active duty.

Senate bill: Section 310 would authorize the Secretary of Defense to prescribe regulations under which the Secretaries of the service branches may determine what constitutes an acceptable secondary school equivalent as a prerequisite for MGIB eligibility—both Active Duty and Selected Reserve.

Compromise agreement: Section 409 contains the House provision.

PROHIBITION ON RECEIVING CREDIT UNDER TWO PROGRAMS

Current law: As a result of an inadvertent drafting error, section 1621 of title 38 does not prohibit an individual from earning dual entitlement to educational assistance under chapter 32 of title 38 (the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP)) and chapter 106 of title 10 (MGIB—Selected Reserve) based on the same period of service.

House bill: Section 2 of H.R. 1358 would prohibit individuals from receiving entitlement credit under both chapter 32 of title 38 and chapter 106 of title 10 for the same period of service.

Senate bill: Section 311 is substantively identical to the House provision.

Compromise agreement: Section 410 contains this provision.

ACCEPTING SCHOOL CERTIFICATION FOR RENEWAL OF BENEFITS AFTER UNSATISFACTORY PROGRESS

Current law: Section 1674 of title 38 permits the Secretary to resume payment of education benefits to a veteran following a termination based on unsatisfactory conduct or progress, if the Secretary finds that the cause of the unsatisfactory conduct or progress has been removed and that the veteran's program of education is suitable to the veteran's aptitudes, interests, and abilities.

Senate bill: Section 312 would permit the Secretary to renew the payment of the benefits if the Secretary finds that the veteran will be resuming enrollment at the same education institution in the same program of education and the institution has approved the veteran's reenrollment and certified it to the Department of Veterans Affairs. In the case of a proposed change of either educational institution or program of education by the veteran, the Secretary would be permitted to renew payment of the benefits if (1) the cause of the unsatisfactory conduct or progress has been removed; (2) the program proposed to be pursued is suitable to the veterans' aptitudes, interests, and abilities; and (3) when a proposed change of program is involved, the change meets the requirements for approval under section 1791 of title 38.

House bill: Section 4 of H.R. 3390 is substantively identical to the Senate provision.

Compromise agreement: Section 411 contains this provision.

REMOVAL OF ATTENDANCE REQUIREMENTS DISTINCTIONS BETWEEN DEGREE AND NONCOLLEGE DEGREE TRAINING

Current law: Sections 1674, 1724, 1775(b), and 1780(a) of title 38 and implementing regulations include a variety of distinctions in the treatment of courses which lead to a standard college degree and courses which do not, including requirements dealing with daily attendance reporting, as set forth in Department of Veterans Affairs regulations (38 CFR 21), and requirements related to standards of academic progress for courses which do not lead to a standard college degree.

According to the Department's regulations (38 C.F.R. 21.4203), educational institutions which have Department-assisted students enrolled in courses which lead to a standard college degree are not required to submit monthly certifications for such students. Rather, such students enrolled in a standard college-degree program certify once a year or term as to attendance. Individuals pursuing non-standard-college-degree programs, on the other hand, are required to certify their absences to the Department on a monthly basis.

Senate bill: Section 313 would—

(1) amend the "standards of academic progress" requirements under sections 1674 and 1724 of title 38 to require that educational assistance be discontinued in the case of a veteran or eligible person who fails to meet the regularly prescribed standards and practices of the educational institution with regard to attendance, progress, and conduct;

(2) amend section 1775(b) to require that, as a condition of approval of accredited courses of an educational institution, a State approving agency must find that adequate records are kept by the institution to show the progress of each eligible person or veteran and that the records must include at a minimum the requirements under section 1776(c)(7) (except for attendance if the institution does not impose minimum attendance standards) in connection with the institution's policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; and

(3) amend section 1780(a) to eliminate the prohibition against the payment of educational assistance to those enrolled in a non-college-degree program or course for any day of absence in excess of 30 days in any 12-month period.

House bill: Section 5 of H.R. 3390 would amend section 1780(a) of title 38 by eliminating the bar to payment of educational assistance or subsistence allowances to an individual enrolled in certain courses not leading to a standard college degree for any day of absence in excess of 30 days in a 12-month period; providing, instead, that no such payment shall be made to a person who is not pursuing his or her course in accordance with the regularly prescribed policies and regulations of the educational institution and of the Secretary, and with the requirements of title 38 education program provisions. This provision further would make conforming amendments to sections 1674 and 1724 to clarify that the Department shall discontinue educational assistance allowances to an individual based not only on his or her unsatisfactory conduct or progress but, also, on his or her unsatisfactory attendance as determined in accordance with the regularly established standards and practices of the educational institution involved.

Compromise agreement: Section 412 contains the House provision.

PROGRAM ADMINISTRATION

Current law: Section 1788 of title 38, relating to the measurement of courses for purposes of determining the rate (e.g., full-time or half-time) at which educational assistance is to be paid, provides that a student participating in a program not leading to a standard college degree and enrolled in a course involving shop instruction must attend three hours of shop training per week in order to obtain the training-time equivalent of one quarter or semester hour or one standard class session.

House bill: Section 6 of H.R. 3390 would change the standard for evaluating the training time of students enrolled in courses with shop training so that a minimum of three 50-minute shop periods per week would be the equivalent of one quarter or semester hour or one standard class session.

Senate bill: No provision.

Compromise agreement: Section 413 contains the House provision with an amendment providing for the continuation for six months of the Department's current effort to avoid overpayments resulting from changes of military status of educational assistance recipients under chapter 106 of title 10 and chapter 30 and 32 of title 38.

FUNDING FOR STATE APPROVING AGENCIES FOR TRAINING CURRICULUM DEVELOPMENT

Current law: Under section 1774 of title 38, the Department of Veterans Affairs enters into contracts with State approving agencies (SAAs) under which the Department provides them with reimbursement (up to an aggregate total of $12 million in any fiscal year) for their reasonable and necessary expenses of (1) ascertaining the qualifications of educational institutions for furnishing courses of education to eligible

persons or veterans under Department-administered programs and the supervision of these educational institutions, and (2) furnishing, at the request of the Secretary, any other services in connection with those programs. Section 1774A(a)(4) of title 38 requires the Secretary to cooperate with the SAAs in developing and implementing a uniform national curriculum, to the extent practicable, for training new SSA employees and for continuing the training of their employers and to sponsor with the SAAs the training and continued training.

House bill: Section 7 of H.R. 1358 would amend section 1774(a) to provide for the use of readjustment benefit account funds to carry out activities in connection with SAAs pursuant to section 1774A. Such activities would include, but not be limited to, the development and implementation of a national training curriculum for SAA employees.

Senate bill: Section 314 would provide that, effective October 1, 1989, FY 1990 funding that the Secretary provides to SAAs for their expenses in carrying out their duties may be used for expenses incurred in carrying out activities in connection with section 1774A(a)(4) of title 38 (except for administrative overhead expenses allocated to such activities).

Compromise agreement: Section 414 contains the Senate provision.

PROOF OF SATISFACTORY PURSUIT OF A PROGRAM OF EDUCATION

Current law: Section 1784(a)(1) of title 38 requires educational institutions as well as individuals training under chapter 34 (Vietnam Era GI Bill Program) or 35 (Survivors' and Dependents' Educational Assistance Program) to report without delay enrollments, terminations, and interruptions of educational pursuit, including changes in enrollment status such as discontinuance of a course. By Department of Veterans Affairs regulation (38 CFR 21.4203, "Report/requirements"; 38 CFR 21.4204, "Periodic certifications"; and 38 CFR 21.4205, "Absences"), this reporting requirement is applied differently to individuals enrolled in various types of educational and training programs and at degree-granting versus non-degree-granting institutions.

Section 1434(b) of title 38 provides that the Secretary may withhold payment of chapter 30 (Montgomery GI Bill (MGIB)) educational assistance benefits to students pending receipt of the necessary reports and proof of enrollment in and satisfactory pursuit of a program. Under this provision, the Department requires MGIB (Active Duty) participants to provide monthly self-certifications verifying pursuit of training as a prerequisite to payment of benefits.

Senate bill: Section 315 would provide that the Secretary may (1) withhold educational and rehabilitation allowances under any Department-administered program until the required proof of enrollment and pursuit is received and the amount of payment is appropriately adjusted; and (2) accept the veteran's or eligible person's monthly certification of enrollment in and satisfactory pursuit of his or her program as sufficent proof of the certified matters.

House bill: No provision.

Compromise agreement: Section 415 contains the Senate provision.

REPORTING FEES

Current law: Under section 1784(c) of title 38, the Department annually pays reporting fees to educational institutions and training establishments. This fee is intended to help defray the costs associated with the schools' processing of various reports and certifications required to be submitted to the Department on the enrollment of students receiving Department assistance under all Department-administered programs other than chapter 31 (rehabilitation programs for certain service-disabled veterans). Educational institutions are required to report promptly the entrance, re-entrance, change in hours of credit or attendance, interruption, and termination as to each Department-assisted student. In addition, schools must verify the enrollment of, and delivery of benefit checks to, each veteran or eligible person receiving advance payment.

The annual reporting fee paid to a school is computed by multiplying the number of Department beneficiaries training at the school by $7 (or $11 in the case of individuals on whose behalf an advance payment of benefits is sent to the school) who are enrolled at the school on each October 31.

Senate bill: Section 316 would amend section 1784 of title 38 to include veterans pursuing chapter 31 training in the count of those on whose behalf VA pays schools a fee to defray the costs they incur in providing VA with mandatory reports and certifications regarding the enrollment of VA-assisted students.

House bill: Section 2 of H.R. 3390 is substantively identical to the Senate provision.

Compromise agreement: Section 416 contains this provision.

CLOCK-HOUR MEASUREMENT OF CERTAIN UNIT COURSES OR SUBJECTS CREDITABLE TOWARD A STANDARD COLLEGE DEGREE

Current law: Section 1788(e) of title 38 sets forth a method for determining full-time pursuit of a course not leading to a standard college degree that is offered by an institution of higher learning and for which the institution requires one or more unit courses or subjects creditable toward a standard college degree. The prescribed method provides for reducing the number of clock hours otherwise required for considering a non-degree as full-time study by the percentage which the number of credit hours (represented by such unit courses or subjects) being pursued is of the number of credits required for a full-time college-degree course (under section 1788(a)(4)).

Senate bill: Section 317 would revise the method for measuring pursuit of such a non-degree course so that the number of college credit hours would be converted to equivalent clock hours, which then would be combined with the actual number of clock hours being concurrently pursued, if any, to determine training time under the clock-hour measurement standards.

House bill: Section 7 of H.R. 3390 is substantively identical to the Senate provision.

Compromise agreement: Section 417 contains this provision.

DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN COURSES

Current law: Section 1789 of title 38 sets forth the "two-year" rule, under which the Secretary may not approve the enrollment of veterans and other eligible persons in certain courses that have not been in operation for at least two years. Section 1673(d) of title 38 sets forth the "85-15" rule, under which veterans and other eligible persons generally may not be paid educational assistance for enrollment in any course in which more than 85 percent of the enrollees have all or part of their tuition, fees, or other charges paid to or for them by the Department or by the educational institution. These rules do not apply to courses offered by an educational institution under contract with the Department of Defense (DOD) that are given on or near a military base, are available only to active-duty military personnel or their dependents, or both, and have been approved by the State approving agency of the State in which the base is located.

Senate bill: Section 318 would amend section 1789(b)(6)(B) of title 38 to modify the exemption for a course offered under DOD contract on or near a military base so as to include individuals training under chapter 106 of title 10 (MGIB-Selected Reserve) among those to whom an exempt course may be available.

House bill: No provision.

Compromise agreement: Section 418 contains the Senate provision.

EFFECTIVE DATE OF ADJUSTMENTS OF EDUCATIONAL BENEFITS

Current law: Section 1784 of title 38 requires veterans and other individuals training under Department-administered education programs and the educational institutions involved to report to the Department, without delay, enrollments, terminations, and interruptions of educational pursuit, including changes in enrollment status such as discontinuance of a course. In the case of veterans enrolled in degree programs, the school is required by Department regulation (38 CFR 21.4203) to have in place a procedure for monitoring student pursuit that enables a school to report a change in a student's enrollment up to 30 days after the date on which the change occurs. Failure to report changes in a timely manner may result in liability for overpayments for both the institution and the student. In the case of degree-level training, reductions in benefits based on changes in the rate of pursuit—for example, a reduction from full-time benefits to three-quarter time benefits in the case of a veteran who discontinues a course and drops from 12 hours to 9 hours of pursuit—are effective at the end of the month in which the change occurs.

Senate bill: Section 320 would amend section 3013 of title 38 to provide that, in the case of programs as to which the Department exercises the discretionary authority to require monthly self-certifications—authority proposed in section 415 of the compromise agreement (discussed above)—the effective date of an educational benefits adjustment based on a change of a student's course load or other change in aggregate training time would be the date of the change rather than the end of the month in which the change occurs.

House bill: No provision.

Compromise agreement: Section 419 contains the Senate provision.

DETERMINATION OF DELIMITING PERIOD

Current law: Chapters 30, 32, and 34 of title 38 contain certain service requirements for the initial period of active duty under which the individual earns program eligibility. For those who remain on active duty following copletion of the initial qualifying period of service or who have more than one period of active duty, the 10-year delimiting period for use of education benefits is computed based on the last date of discharge or release from active duty. Under current law, no minimum length of service is required in order to establish a new delimiting period based on a period of active duty which follows the initial qualifying active duty period.

House bill: Section 1 of H.R. 1358 would provide that the 10-year delimiting period

for use of educational assistance benefits under chapters 30, 32, and 34 of title 38 would begin on the date of the last discharge or release from active-duty periods of at least 90 continuous days unless the individual is discharged or released for a service-connected disability, for a medical condition which pre-existed such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force. This limitation would apply only to an active-duty period served subsequent to completion of an individual's initial qualifying active-duty period.

Senate bill: No provision.

Compromise agreement: Section 420 contains the House provision.

INFORMATION TO ASSIST VETERANS RECEIVING DEPARTMENT-ADMINISTERED EDUCATION BENEFITS

House bill: Section 1 of H.R. 3390 would require the Secretary, for the purpose of assisting individuals receiving Department-administered education benefits, to (1) prepare and update periodically a detailed document describing the benefits, limitations, procedures, requirements, and other important aspects of Department education programs; (2) distribute copies of the document (A) on an annual basis to each individual applying for and receiving benefits, (B) on at least an annual basis to education and training institution officials, and (C) upon request to others significantly affected by Department education programs, including military education personnel; and (3) use funds appropriated to the Department's readjustment benefits account to carry out this provision.

Senate bill: No provision.

Compromise agreement: Section 421 contains the House provision.

EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING

Current law: Section 1673 of title 38 prohibits the use of Department-administered education benefits for any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree.

Senate bill: Section 322 would amend sections 1432 and 1434 of title 38 and sections 2131 and 2136 of title 10 to establish, effective September 30, 1990, a four-year program under which Montgomery GI Bill benefits may be used for flight training if (1) the training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation; (2) the individual possesses a valid private pilot's license and meets the medical requirements necessary for a commercial license; and (3) the flight school courses meet Federal Aviation Administration (FAA) standards for such courses and are approved by the FAA and the State approving agency. This provision would be effective September 30, 1990, and would not apply to a course of flight training that commences after September 30, 1994.

The educational assistance allowance would be paid in the amont equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly-circumstanced nonveterans enrolled in the same flight course are required to pay. In the case of an individual training under chapter 30 of title 38, the number of months of entitlement charged would be computed by dividing the total amount of educational assistance paid for flight training by the participant's normal monthly rate of educational assistance; in the case of an individual training under chapter 106 of title 10, one month of entitlement would be charged for each $140 of educational assistance paid for flight training.

The Secretary would be required to conduct—and by January 31, 1994, submit to the Committees a report on—an evaluation of the effectiveness of paying flight-training benefits in preparing veterans for employment in the field of aviation.

House bill: No provision.

Compromise agreement: Section 422 contains the Senate provision.

VARIOUS TECHNICAL AND CLERICAL AMENDMENTS

Half-time training under chapter 30

Current law: Section 1434(a) of title 38 makes certain provisions of chapter 36 (Administration of Educational Benefits) applicable to the administration of the chapter 30 program. As a result of an oversight, the application to chapter 30 of such provision, section 1780(f)—which deals with computing chapters 34 and 35 benefits for less-than-half-time training—results in paying chapter 30 part-time participants at chapters 34 and 35 rates rather than chapter 30 rates.

House bill: Section 8 of H.R. 3390 would make section 1780(f) inapplicable to the chapter 30 program and add a new subsection (c) to section 1434 to provide for the same method of payment to be used for less-than-half-time training as under chapters 34 and 35 but for payment to be made at chapter 30 rates.

Senate bill: Section 321 contains the same provision.

Compromise agreement: Section 423(a) contains this provision.

Entitlement charge under chapter 32

Current law: Title 38 is silent on the appropriate reduction to be made in chapter 32 entitlement when a veteran pursuing an apprenticeship or other on-job training program under chapter 32 works less than 120 hours in a month.

Senate bill: Section 321(b) would amend section 1633 of title 38 to provide for a proportionately reduced charge to entitlement when a veteran pursuing apprenticeship or other on-job training under chapter 32 receives a reduced monthly allowance because of having worked less than 120 hours in a month.

House bill: Section 8 of H.R. 3390 contains the same provision.

Compromise agreement: Section 423(a) contains this provision.

Administration of educational benefits

Current law: Under section 1790(a)(2) of title 38, the Secretary may disapprove educational institutions for the enrollment of eligible veterans or eligible persons when the institution has a policy or practice that has the effect of denying them the benefit of the prepayment of allowances—that is, payment of an educational assistance allowance for a month of pursuit prior to the actual month of such pursuit. However, the Department no longer prepays monthly educational benefits. Instead, the allowance is paid following the month of pursuit.

Section 1790(b)(3)(A) provides that the Department may suspend all Department-administered educational benefits in the case of a school that has violated one or more of the recordkeeping or reporting requirements in chapter 32, 34, 35, or 36. However, there is no express provision which would permit the Department to suspend benefits if an institution violated these same requirements under chapter 30. Thus, the Department may suspend benefits under chapter 30 for violations of the recordkeeping or reporting requirements in other chapters, but not for violations of those in chapter 30 itself.

Senate bill: Section 321(c) would (1) amend section 1790(a)(2) to delete the outdated reference to the prepayment of monthly educational assistance allowances, and (2) amend section 1790(b)(3)(A) to authorize suspensions for violation of chapter 30 recordkeeping and reporting requirements.

House bill: No provision.

Compromise agreement: Section 423(a) contains the Senate provision.

Deadline for initiation of Selected Reserve service under chapter 30

Current law: Section 1412 of title 38 requires that a chapter 30 participant earning entitlement through two years of active duty and four years of service in the Selected Reserve begin the 4-year continuous Selected Reserve portion of the program after completion of the requisite active-duty period.

House bill: Section 8 of H.R. 1358 would provide that a participant has one year following separation from active duty to start the four-year continuous Selected Reserve portion of the program.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Entitlement for "open period" enrollees under chapter 30

Current law: Section 1418 of title 38 established a seven-month "open period" (December 1988–June 1989), during which certain service members who opted out of chapter 30 participation at the time of entering on active duty would have an opportunity to withdraw their earlier elections not to participate.

House bill: Section 8 of H.R. 1358 would amend section 1413(c) of title 38 to provide that those who become chapter 30 participants during the open period but who, because of service-connected disability, pre-existing medical condition, hardship, or reduction in force, are discharged before completing the requisite period of active duty are entitled to one month of chapter 30 assistance for each month of continuous active duty.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Extension of Montgomery GI bill death benefit to include survivors of non-high-school graduates

Current law: Section 1417 of title 38 requires the Secretary, effective July 1, 1985, to provide a death benefit to certain survivors of a chapter 30 MGIB participant who is eligible for MGIB benefits and who dies from a service-connected cause while serving on active duty. The death benefit is equal to the total amount of the deceased participant's pay reductions minus the amount of educational assistance that the participant had received.

House bill: Section 8 of H.R. 1358 would extend the death benefit to include certain survivors of MGIB participants who die on active duty prior to establishing MGIB eligibility through the attainment of a high school diploma or the equivalent.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Reference to chapter 109 of title 10

Current law: Section 1433(b) of title 38 employs an outdated reference to "section

902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note)" in providing that service counted for purposes of repayment of an education loan under that section may not also be counted for purposes of entitlement to educational assistance under chapter 30.

House bill: Section 8 of H.R. 1358 would replace the outdated citation with a reference to chapter 109 of title 10.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Refresher training under chapters 30 and 32

Current law: Under section 1671 of title 38, veterans and eligible persons may not be paid educational benefits for pursuit of a program of education if they are already qualified for the objective of the program. However, sections 1434(a)(3) and 1641(a)(2) allow benefits under chapters 30 and 32, respectively, to be paid for "refresher" courses, which include courses to update the individual's knowledge and skills or to provide instruction in technological advances.

House bill: Section 8 of H.R. 1358 would clarify that the reference to technological advances for which refresher training may be pursued under chapters 30 and 32 is to advances made during and since the period of the veteran's service on active duty.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Inclusion of Omnibus Diplomatic Security and Anti-Terrorism Act of 1986

Current law: Section 1781(b) of title 38 generally prohibits the concurrent receipt of educational benefits under two or more provisions of law administered by the Department, and section 1795(a) generally limits to 48 months (or the part-time equivalent thereof) the aggregate period for which any person may receive Department-administered educational assistance.

House bill: Section 8 of H.R. 1358 would add references to the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 in sections 1781(b) and 1795(a) of title 38.

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

Clarification and extension of chapter 30 entitlement upon expiration

Current law: Section 1661(b) of title 38 provides for an individual's entitlement under chapter 34 to be extended to the end of a quarter or semester when entitlement would otherwise expire during the quarter or semester or, if the individual is enrolled in an institution not operated on the quarter or semester system, to the end of a course or for 12 weeks, whichever is the lesser period, when entitlement would expire after completion of the majority of the course. Current law provides for no such entitlement-extension authority with respect to students enrolled under chapter 30 of title 38.

House bill: Section 8 of H.R. 1358 would include chapter 30 participants among those eligible to receive extensions of entitlement in the same way as is currently reserved for chapter 34 participants in section 1661(b).

Senate bill: No provision.

Compromise agreement: Section 423(a) contains the House provision.

WITHDRAWAL FROM COURSE UNDER MITIGATING CIRCUMSTANCES

Current law: Section 1780(a)(4) of title 38 permits a student who is using VA education benefits a one-time opportunity to withdraw from a course or courses not exceeding 6 semester hours or the equivalent without being required to repay benefits retroactive to the beginning of the term. Where the withdrawal is from a course or courses exceeding 6 semester hours or is the second or subsequent withdrawal, the individual must either demonstrate that mitigating circumstances are involved in the withdrawal or be charged with an overpayment retroactive to the beginning of the term.

Senate bill: Section 307 would provide that mitigating circumstances include difficulties beyond the control of the eligible student in making or changing child-care arrangements that are necessary for the student to pursue training.

House bill: No provision.

Compromise agreement: No provision.

The Secretary has stated in the Department's Interim Report on Veteran's Education Policy that he will address this issue through regulatory change. The Committees urge that such regulation require that child-care difficulties be included as a "mitigating circumstance" and intend to reconsider the Senate provision in the event that such a regulatory change does not materialize.

TITLE V—MEMORIAL AFFAIRS

REIMBURSEMENT FOR COST OF CEMETERY HEADSTONE OR MARKER

Current law: Section 906 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to reimburse the person entitled to request the headstone or marker for the actual costs incurred by or on behalf of that person in acquiring a headstone or marker for placement in any cemetery other than a national cemetery in connection with the burial or memorialization of a deceased individual who is eligible for burial in a national cemetery. The amount of the reimbursement may not be in excess of the average actual cost that VA pays for headstones and markers.

House bill: No provision.

Senate bill: Section 501 would permit payment of the headstone or marker allowance to the estate of a deceased veteran who purchased a headstone or marker prior to death.

Compromise agreement: Section 510 contains the Senate provision.

BURIAL OF CREMATED REMAINS IN ARLINGTON NATIONAL CEMETERY

House bill: H.R. 88 would direct the Secretary of the Army, who administers the Arlington National Cemetery, to set aside an appropriate area in Arlington National Cemetery (not suitable for the burial of casketed remains) for the unmarked interment of the cremated remains of persons eligible for interment in that cemetery. Secretaries of the military departments would be required to make available appropriate forms for those who wish to be buried in accordance with this provision.

Senate bill: Section 502 is substantively identical to the House provision.

Compromise agreement: Section 502 contains the House provision.

MEMBERSHIP ON AMERICAN BATTLE MONUMENTS COMMISSION

Current law: Section 121 of title 36, United States Code, provides for the appointment of commissioned officers of the Armed Forces as members of the Commission.

House bill: Section 1 of H.R. 1414 would authorize the appointment of enlisted members of the Armed Forces as members of the Commission.

Senate bill: No provision.

Compromise agreement: Section 503 contains the House provision.

GRAVE LINERS

Current law: Section 906(e) of title 38 authorizes the Secretary to provide a grave liner for any grave in a cemetery within the National Cemetery System in which remains are interred in a casket.

House bill: Section 2 of H.R. 1414 would require the Secretary, effective October 1, 1989, to provide a grave liner for each grave in a cemetery within the National Cemetery System if the cemetery (1) was established on or after January 1, 1987; or (2) had over 200 interments during the year preceding the year in which the grave liner is to be provided.

Senate bill: No provision.

Compromise agreement: Section 504 would require, effective January 1, 1990, that graveliners be used for each new grave in open national cemeteries.

OPERATION OF CERTAIN CEMETERY

House bill: Section 3 of H.R. 1414 would require the Secretary to enter into a contract with the State of Michigan under which the Department would operate and maintain the Fort Mackinac post cemetery located in Mackinac Island State Park.

Senate bill: No provision.

Compromise agreement: Section 505 contains the House provision.

In view of the low one-time cost and recurring costs of only $8–10 thousand a year and the factor that the Mackinac cemetery was initially part of the Federal National Park System, the Committees believe Federal maintenance of the cemetery is an appropriate way of commemorating those veterans buried there. The Committees do not consider this arrangement to be a precedent for legislation that would require VA to assume management of state cemeteries.

TITLE VI—MISCELLANEOUS

EXPANSION OF MULTIYEAR PROCUREMENT AUTHORITY TO INCLUDE NONMEDICAL ITEMS

Current law: Section 114 of title 38 currently authorizes the Department, under certain circumstances, to use multi-year contracts for the procurement of certain supplies and services used in its health-care facilities.

Senate bill: Section 702 of the Committee bill would expand the Department's multiyear procurement authority to include the purchase of non-health-care supplies and services.

House bill: No provision.

Compromise agreement: Section 601 contains the Senate provision.

The Committees intend that, within 18 months after enactment, the Secretary provide a letter-report to the Committees on the extent to which the Secretary has used this authority and economies and efficiencies gained from it in regard to (a) bid prices, (b) contract administration, and (c) increased quality of service from contractors.

COURT OF VETERANS APPEALS

JUDICIAL PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Current law: Title III of the Ethics in Government Act of 1978 (sections 301–09 of title 28 Appendix, United States Code) sets forth the financial disclosure requirements generally applicable to Federal judges and to Federal court employees who either perform adjudicatory functions or are paid at or above the minimum rate for grade GS–16.

The requirement of this Act apply to judges of the Court of Claims, the Court of International Trade, the Tax Court, and the United States Court of Military Appeals, and to judicial employees of the Tax Court and the Court of Military Appeals.

Senate bill: Section 705(b) would amend section 308 of the Ethics in Government Act, to add the United States Court of Veterans Appeals to the list of courts covered by that law.

House bill: No provision.

Compromise agreement: Section 602(a) contains the Senate provision.

AUTHORITY TO ADMINISTER OATHS

Current law: Chapter 72 of title 38, which established the Court of Veterans Appeals, does not specifically authorize judges of the Court of Veterans Appeals to administer oaths. However, judges in other Article I courts such as the Tax Court (26 United States Code, section 7456) and the Court of Military Appeals (title 10, United States Code, section 936) are specifically authorized by statute to administer oaths.

Senate bill: Section 705(c) would amend section 4054 of title 38 to authorize judges of the Court to administer oaths.

House bill: No provision.

Compromise agreement: Section 602(b) contains the Senate provision.

AUTHORITY TO COMPEL ACTIONS UNREASONABLY DELAYED

Current Law: Section 4061(a)(2) of title 38 authorizes the Court of Veterans Appeals to "compel action of the Secretary . . . unlawfully withheld." The Adjudication Procedures Act (title 5, United States Code, section 706) authorizes U.S. courts to compel both action unlawfully withheld and action unreasonably delayed.

Senate bill: Section 705(d) would amend section 4061(a)(2) of title 38 to authorize the Court to compel actions of the Secretary unreasonably delayed.

House bill: No provision.

Compromise agreement: Section 602(c) contains the Senate provision.

COLLOCATION OF REGIONAL OFFICES WITH MEDICAL CENTERS

Current Law: Section 230 of title 38 provides that the Department's Central Office must be located in the District of Columbia and authorizes the Secretary to establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary deems necessary.

House bill: Section 8 of H.R. 1335 would require the Secertary to take action to collocate at least three, but not more than seven, Department regional offices with Department medical centers on the sites occupied by the medical centers or on adjacent property under the jurisdiction of the Department. This provision would authorize the Secretary, in accomplishing the collocations (1) to lease property on medical center grounds or property adjacent to medical centers under the jurisdiction of the Department to private parties for up to 35 years; (2) to enter into lease agreements for new office facilities to be constructed on the leased property by the private parties, with any such lease to be limited to 35 years and required to contain a provision stating that ownership of the facility would vest in the United States at the end of the lease term; and (3) to sublease portions of the facility to other parties at a rate not less than the rate provided in the facility lease agreement, with amounts received by the Secretary required to be used to defray the cost of the lease of the facility. The Secretary's authority to enter into such an agreement would expire on October 1, 1992.

The Secretary would be required to issue, within 90 days after enactment, a request for proposals for three collocations, and, within one year after issuance of the request, unless the Secretary determines that the collocations are not economically feasible, the Secretary would be required to enter into an agreement to carry them out. The House and Senate Committees on Veterans' Affairs would be provided with copies of the request for proposals and the agreement for the collocation project at least 30 days before the issuance of the request or the contract is entered into, as the case may be.

Senate bill: No provision.

Compromise agreement: Section 603 contains this provision with amendments providing that (1) each agreement to lease a facility shall include a provision that the obligation of the United States to make payments under the lease is subject to the availability of appropriations for that purpose; (2) the Secretary would be required to issue, within 120 days after the date of enactment an invitation for offers with respect three collocations, and, within one year after issuance of the invitation, unless the Secretary determines that the co-locations are not economically feasible, enter into an agreement to carry out one co-location, and, within 180 days after entering into the first agreement, enter into agreements to carry out two additional collocations; (3) the House and Senate Committees on Veterans' Affairs would be provided with at least 10 days advance notice of the invitation; and (4) the Secretary would be provided with similar authority to acquire not more than three facilities for the provision of outpatient services or nursing home care through lease-purchase arrangements. The authority to enter into an agreement for such a facility would not take effect until the Secretary has entered into agreements to carry out at least three collocations and would expire on October 1, 1993.

COURT OF VETERANS APPEALS EXCLUSIVE JURISDICTION

Current law: Section 775 of title 38 provides United States district courts with "original jurisdiction of any civil action or claim against the United States founded upon [subchapter III of chapter 19 of title 38]", which relates to Servicemen's Group Life Insurance and Veterans' Government Life Insurance, and section 784(a) confers jurisdiction on U.S. district courts to "hear and determine" controversies involving National Service Life Insurance or United States Government Life Insurance claims. Section 1820 provides that the Secretary may sue or be sued "in any court of competent jurisdiction, State or Federal", with respect to "matters arising by reason of [chapter 37]", relating to the Department's home loan guaranty program. However, under section 4052(a) of title 38, the United States Court of Veterans Appeals has exclusive jurisdiction to review decisions of the Board of Veterans' Appeals (BVA). Under section 402 of the Veterans' Judicial Review Act (division A of Public Law 100-687), the provisions of section 4052(a) apply with respect to cases in which the notice of disagreement (the first step in taking an appeal to the BVA) is filed after November 17, 1988.

Senate bill: Section 705(a) would postpone the effective date of the grant of exclusive jurisdiction to the Court of Veterans Appeals with respect to BVA decisions in insurance and home loan matters by providing that the jurisdiction of the Court to review BVA decisions with respect to a matter covered by section 775 or 784, or arising under chapter 37, of title 38 shall not be exclusive in cases in which a notice of disagreement is filed before the end of the 30-day period beginning on the date of enactment.

House bill: No provision.

Compromise agreement: No provision.

The committees note that the effect of the Judicial Review Act is that once the BVA has rendered a decision on a claim—including claims relating to insurance and home loan matters—the claimant may not obtain review of that decision in a court other than the Court of Veterans Appeals. However, it is the committees' understanding that under current law, prior to a final decision by the BVA in an insurance or home loan case, a claimant would be able to withdraw the case from the BVA and pursue the claim in a U.S. district court.

Mr. MURKOWSKI. Mr. President, I rise in support of H.R. 901 as further amended by the House. This legislation makes major improvements in veterans' benefits and once again demonstrates that no nation provides a better package of benefits than the United States for those who have served in uniform.

Mr. President, I regret that we were unable to reach agreement on the majority of the health provisions. There are many important provisions contained in the House and Senate-passed bills. I look forward to working with my colleagues on these measures next year.

I am pleased that the compromise bill extends certain VA health-care programs which will expire on November 30, 1989. I further am pleased that we were able to include several provisions requested by the Department of Veterans Affairs. I would suggest that my colleagues consult the joint explanatory statement for specifics regarding the health-care provisions.

DISABILITY BENEFITS

This bill would provide a 4.7-percent COLA to the recipients of disability compensation paid to veterans who have injuries or illnesses which were incurred or aggravated while they were on active duty. The same increase would also be provided to the survivors or veterans who died while on active duty or due to a service-connected cause. The Congress may have no obligation more pressing than to ensure that disabled veterans receive compensation protected from diminution due to inflation. This bill meets that obligation.

The bill includes a provision that would require VA to provide claimants with a clear statement of decisions reached on their claims. In those cases where VA must deny a claim, VA would be required to provide a statement describing the evidence considered and the reasons for the decision.

We must recognize that VA adjudicates massive numbers of claims and

that complete notice is a time consuming process. Implementation of this provision may result in an increase in the already unacceptable length of time required to reach many benefits decisions. On the other hand, the record is clear that many VA letters to claimants serve to obscure more than they serve to enlighten.

We need not rely on the reports of our staff performing constituent service for justification of this provision. In June 1989, GAO published a study, "Improvements needed in processing disability claims," which documents the extent to which VA letters to veterans fail to provide even the most basic information needed to understand the decision and the reason it was reached. As an aside, I would also note that the same study did not substantiate claims that VA had organized its claims adjudication process and standards in such a way as to disadvantage veterans.

HOME LOAN GUARANTY

Title III of the bill would restructure the veterans' housing program. The old program would end and the old revolving fund through which it operated would remain in existence only for the purpose of honoring VA's commitments for loans made under the old program.

A new fund, the guaranty and indemnity fund would be established for the operation of the new program. In most respects the new program will be similar to the old one. There are, however, some notable exceptions.

The loan origination fee would be reduced for veterans making a downpayment. This is a notable change which should benefit both veterans and the public. Once veterans have some equity in their homes, the home and the loan that financed it, become more valuable to them. At the same time, this equity will provide a small cushion to VA in the event of default. This provision would result in some sharing of the risk as well as the benefit of this program.

Veterans will be indemnified from having to repay the VA in the event VA loses money in honoring its guaranty to the lender. This means VA will no longer be placed in the role of debt collector attempting to collect large debts from veterans who have already lost their homes. As a practical matter, VA has not been very successful in collecting loan guaranty debts except in the case of veterans who receive VA disability benefits which can be applied to the debt. In a related provision, in those cases where a debt exists under the old program, VA would be required to waive collection of the debt if collection would be against equity and good conscience—unless there has been fraud, misrepresentation, or bad faith. This provision should provide some relief to veterans with debts arising out of operation of the old loan guaranty program.

Mr. President, the program restructuring which would be provided by this bill will accomplish many things. But, it does not address the allocation of risk between program participants nor does it address the causes of program losses. In fact, by requiring Federal payments to the new guaranty and indemnity fund [GIF] for each loan made; by requiring Federal payments—in lieu of the funding fee normally paid by veterans—to the GIF for loans financing homes purchased by veterans with a service-connected disability; by requiring the Treasury to pay interest to the GIF for GIF fund balances invested in Treasury securities, this bill establishes an ongoing stream of supplemental income for the fund which will delay the day when VA must come to the Congress to request additional appropriations. Private consultants estimated a program with many of the same characteristics would remain solvent until the mid-1990's. CBO estimates the program won't need additional appropriated funds until the turn of the century.

In short, the new program is not self supporting and it is only a matter of time until it will require additional appropriations. And, of course, the old program will also continue to require whatever appropriations are needed to provide the means to honor VA's obligations to lenders. We can take pride in the improvements made by this bill, but we must remember that we have carried forward or not addressed many of the reasons this formerly self supporting program has become vulnerable to substantial losses.

EDUCATION BENEFITS

The bill would increase the subsistence allowance for veterans receiving vocational rehabilitation and for dependents and survivors of veterans who die on active duty, die due to a service-connected cause or have a permanent and total service-connected disability. These benefits are an important part of our commitment to those who die or become disabled while on active duty and I am pleased we have been able to increase their usefulness by increasing the monthly rates.

I am also pleased this legislation will again extend the Veterans' Readjustment Act. This direct hiring authority is an important benefit to veterans because it assists them in obtaining Federal employment. It is an important benefit to the Federal Government because it assists agencies in hiring employees with a demonstrated ability to accomplish difficult tasks under difficult circumstances. Veterans have proven their worth in the service and the taxpayers benefit when veterans continue their service to their country in civil service employment.

This extension of VRA marks a milestone in employment benefits. I am pleased it includes a principle derived from S. 1279 which I introduced on June 23, 1989. For the first time VRA will be able to assist the readjustment and employment of recently separated veterans.

Mr. President, H.R. 901 also incldues the provisions of an amendment offered by the Senator from South Dakota, Senator DASCHLE, and myself which wold provide Montgomery GI bill education benefits for training leading to the objective of professional pilot. The benefits provided by this provision differ in an important respect from training provided under prior programs. Under this provision benefits will not be payable for solo practice or cross country flights. This change eliminates one of the major sources of abuse of flight training under prior education programs.

CONCLUSION

Mr. President, in concluding I wish to thank the chairman of the committee, Senator ALAN CRANSTON and the other members of the committee and their staffs.

I also thank the outstanding efforts of the majority and minority staffs of the committee for their hard work on this bill. In particular, I wish to acknowledge the work of my most dedicated staff including my chief counsel and staff director Alan Ptak, Vic Reston, Chris Yoder, Lisa Moore, Laura Stepovich, Tracy Gourd, Todd Mullins, and Janet Klinger.

I further recognize the work of the majority staff including Bob Baney, Sharon Blackman, Bill Brew, Michael Cogan, Mike Cuddy, Jodi Epstein, Sarah Graham, Brett Hansard, Charlotte Hughes, Claudia Kashin, Darryl Kehrer, Erin McGrath, Joan Orgon, Ed Scott, Susan Thaul, Thomas Tighe, Pamela Winaker, and the majority chief counsel and staff director Jon Steinberg, and our fine printers Roy Smith and Charlie Carter.

I appreciate the commitment to veterans on the part of Chairman MONTGOMERY and ranking minority member STUMP and the other members of the House Committee on Veterans' Affairs. This legislation documents both their commitment and their hard work.

I would also like to take this opportunity to express my thanks to the majority and minority staffs of the House Veterans' Affairs Committee for their work on this bill. In particular, the minority chief counsel and staff director Carl Commonator and his staff including Tina Alvarado, Anna-Marie DiPasquale, Patricia Donohue, Sue Forrest and Kingston Smith; the majority chief counsel and staff director Mack Fleming and his staff including Al Bemis, John Brissi, Kathy Brown, Arlene Burnett, Ralph

Casteel, Jill Cochran, Barbara Daniel, Charles Michael Durishin, Bob Grant, Jim Holley, Beth Kilker, Mary McDermott, Greg Matton, Lee Ann Mayo, Arnold Moon, Pam Parker, Charlie Peckarsky, Vic Raymond, Jean Richardson, Gloria Royce, Pat Ryan, Deborah Smith, Candis Sniffen, Jeremiah Tan and Patricia Tippett, and their fine subcommittee staff members Pete Dougherty, Glenda Kendrick, Dennis King, and Timothy Sechrist.

Mr. THURMOND. Mr. President, I rise today in support of H.R. 901, the Veterans Benefits Amendments of 1989. This legislation represents a summary of the work of the House and Senate Veterans' Affairs Committees over the past year. Earlier this year the Senate Veterans' Affairs Committee held several hearings dealing with general health care, nursing home care, the home loan program, disability compensation and pensions, education and vocational rehabilitation benefits, and several other veterans-related matters. The House of Representatives held similar hearings during the year.

On October 3, 1989, the Senate passed S. 13, the Veterans Benefits and Health Care Act of 1989. That legislation included a cost-of-living adjustment effective December 1, 1989, for service-connected disability compensation recipients. The amount of the adjustment is 4.7 percent. The legislation also included a cost-of-living-adjustment for pension recipients; it extended the State nursing home construction grants' program; it expanded assistance for homeless, chronically mentally ill veterans; it mofified the home loan program; and it made several refinements and modifications to existing health care programs. Many of the provisions contained in that legislation have been incorporated into the compromise package before the Senate today.

Mr. President, I am pleased to offer my strong support to this legislation, and urge its adoption.

Mr. REID. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTLEMENT OF CLAIMS FOR DAMAGES RESULTING FROM LAW ENFORCEMENT ACTIVITIES OF THE DEPARTMENT OF JUSTICE

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 972.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 972) entitled "An act to amend section 3724 of title 31, United States Code, to increase the authority of the Attorney General to settle claims for damages resulting from law enforcement activities of the Department of Justice", with the following amendment:

In lieu of the matter proposed to be inserted by said amendment, insert:

SECTION 1. AUTHORITY TO SETTLE CLAIMS.

(a) INCREASED AUTHORITY.—Section 3724 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "$500" and inserting in lieu thereof "$50,000"; and

(B) by striking out "the Director" and all that follows through "Investigation" and inserting in lieu thereof "an investigative or law enforcement officer as defined in section 2680(h) of title 28 who is employed by the Department of Justice"; and

(2) in subsection (b) by striking out "The Attorney General" in the first sentence and all that follows through "The" in the second sentence and inserting in lieu thereof the following: "The Attorney General shall report annually to the Congress on all settlements made under this section. With respect to each such settlement, the".

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 3724 of title 31, United States Code, is amended to read as follows:

"§ 3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice".

(2) The item relating to section 3724 in the table of sections at the beginning of chapter 37 of title 31, United States Code, is amended to read as follows:

"3724. Claims for damages caused by investigative or law enforcement officers of the Department of Justice.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to—

(1) any claim arising on or after the date of the enactment of this Act,

(2) any claim pending on such date, and

(3) any claim arising before such date which has not been settled if the time for presenting the claim to the Attorney General under the last sentence of section 3724(a) of title 31, United States Code, has not expired.

Mr. REID. I move that the Senate concur in the amendment of the House to the amendment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE RESOLUTION 202, HOUSE CONCURRENT RESOLUTIONS 167, 168, 169, 170, AND 193

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged en bloc from further consideration of the following: Senate Resolution 202, House Concurrent Resolution 167, House Concurrent Resolution 168, House Concurrent Resolution 169, House Concurrent Resolution 170, House Concurrent Resolution 193, and that the Senate proceed to their immediate consideration en bloc; that the resolution be agreed to en bloc; that the motion to reconsider the adoption of the resolutions be laid on the table en bloc.

I further ask unanimous consent that the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolutions (H. Con. Res. 167, H. Con. Res. 168, H. Con Res. 169, H. Con. Res. 170, and H. Con Res. 193) were agreed to.

Senate Resolution 202 is as follows:

S. RES. 202

Resolved, That there be printed for the use of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs three hundred additional copies of its hearing of the One Hundredth Congress entitled "Organized Crime: 25 Years After Valachi"; and that there be printed for the use of the committee such additional copies not to exceed the cost of $1,200.

MINNESOTA PUBLIC LANDS IMPROVEMENT ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 405, H.R. 2783, the Minnesota public lands management bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2783) to improve the management of certain public lands in the State of Minnesota.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minnesota Public Lands Improvement Act of 1989".

SEC. 2. FINDING AND PURPOSES.

(a) FINDINGS.—Congress hereby finds and declares that—

(1) within the State of Minnesota there are a number of small scattered islands and upland tracts that are in Federal ownership and under the jurisdiction of the Bureau of Land Management;

(2) the public interest would be best served if these Federal islands and upland tracts continue to be managed for public recreation; preservation of open space; and for the protection of their fish, wildlife, and plants and their scientific, historic, cultural, geologic, and other resources and values;

(3) many such islands and upland tracts are not suitable for inclusion in the National Park System, National Forest System, National Wildlife Reguge System, or other Federal conservation system or for efficient management by the Bureau of Land Management;

(4) the State of Minnesota is prepared and willing to undertake to manage such islands and upland tracts for such purposes and subject to appropriate conditions, but existing mechanisms for enabling the State to undertake such management are cumbersome and inefficient as applied to such small, scattered islands and tracts;

(5) elsewhere in Minnesota there are upatented lands which for many years have been in the possession of parties other than the United States but the title to which is clouded because of claims arising under public land laws or otherwise involving possible Federal residual interests;

(6) existing authorities for Federal resolution of such conflicts, and for removal of such clouds on title, are often not well suited for efficient, expeditious action that appropriately protects the interests of all parties, including the United States; and

(7) legislation to facilitate appropriate management by the State of Minnesota of such islands and upland tracts and to facilitate resolution of such claims and removal of such clouds would be in the public interest.

(b) PURPOSES.—This Act is intended to provide for better management of public lands located in the State of Minnesota by—

(1) transferring certain specified unclaimed islands and uplands and certain other public lands to such State for purposes of public recreation, protection of fish, wildlife, and plants, and the protection of resources and values; and

(2) authorizing the Secretary of the Interior to resolve claims to certain other public lands in Minnesota and to transfer such lands to claimants thereof on terms that recognize the equities of such claimants in such lands. ge dm1:a20No6.611

SEC. 3. DEFINITIONS.

As used in this Act—

(a) the term "listed uplands and islands" means those public lands located in the State of Minnesota which are specified in the list containing the legal description of such lands and entitled "Minnesota Uplands and Islands Appropriate for State Management" dated November 1989, on filed in the Office of the Secretary of the Interior, except for any lands to which Indian title has not been extinguished;

(b) the term "public lands" means Federally owned lands or interests therein administered by the Bureau of Land Management;

(c) The term "claim" means a good faith assertion by a party other than the United States that—

(1) such party has title to a parcel or tract of land, or

(2) the parcel or tract of land is held in trust by the United States for the benefit of an Indian tribe or an individual member of an Indian tribe;

(d) the term "Recreation and Public Purposes Act" means the Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.);

(e) the term "Secretary" means the Secretary of the Interior; and

(f) the term "State" means the State of Minnesota.

SEC. 4. GRANT TO STATE.

(a) UNCLAIMED AREAS.—Effective one year after the date of enactment of this Act and subject to its terms and conditions, the right, title and interest of the United States in and to all listed uplands and islands, surveyed and unsurveyed, in Lake Superior, inland lakes and rivers, and other bodies of water within the State which as of one hundred and eighty days after the date of enactment of this Act were not subject to any claim identified on the records of, or filed with the Bureau of Land Management, are hereby grantd to the State.

(b) CLAIMED AREAS.—Any listed uplands and islands which are subject to a claim identified on the records of, or filed with the Bureau of Land Management as of one hundred and eighty days after the date of enactment of this Act, may be sold by the Secretary to the claimant or claimants thereof under section 5 of this Act. No later than one year after the date of enactment of this Act, the Secretary shall notify such claimant or claimants concerning the Secretary's authority for such sales. The right, title, or interest of the United States in and to any such listed uplands and islands not purchased by such claimant or claimants within ten years after the date of enactment of this Act shall be transferred by the Secretary to the State under and subject to this Act at the end of such ten years, and any claim to any such listed uplands and islands by any party other than the State shall not thereafter be enforceable in any court of the United States, subject to the following exceptions:

(1) The ten day period shall be tolled during pendency of any administration appellate review of a decision by the Bureau of Land Management or of any judicial review of a final decision by the Secretary and

(2) The Secretary may transfer lands to the State earlier than ten years if a claim for said lands has been rejected or disallowed for any reason, or forfeited by the claimant.

(c) PRIOR TRANSFERS—

(1) Title to the surface estate in all public lands which on the date of enactment of this Act was subject to leases issued under the authority of the Recreation and Public Purposes Act to the State, its departments, agencies, and bureaus, shall be deemed to have been granted to and vested in the State under this Act on such date and shall thereafter be exempt from the requirements of the regulations of the Department of the Interior governing leases under the Recreation and Public Purposes Act, but shall be subject to the provisions of this Act.

Upon reversion and acceptance of public land in Minnesota which prior to the date of enactment of this Act was leased or patented under the Recreation and Public Purposes Act to entities other than the State, its departments, agencies and bureaus, and upon request of the State, the surface estate in such lands shall be transferred by the Secretary to the State pursuant to and subject to the provisions of this Act.

(3) If, in order to bring lands under the provisions of this Act, the State notifies the Secretary that the State desires to relinquish to the United States the right, title, and interest of the State in and to any lands which prior to the date of enactment of this Act were patented to the State (or to any department, agency, or bureau of the State) under the authority of the Recreation and Public Purposes Act, the Secretary shall accept such relinquishment and shall transfer such lands to the State under and subject to the provisions of this Act. Such transfer shall be effective at the same time that the State's relinquishment is effective.

SEC. 5. RESOLUTION OF CLAIMS.

(a) SALES.—In accordance with the provisions of this section, the Secretary is authorized to sell and issue a patent to a tract of public land located in Minnesota to applicant for such sale where the Secretary determines that—

(1) such tract does not exceed 1,500 acres and, because of its location or other characteristics, is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency, and

(2) such sale would not be inconsistent with land use plans, if any, developed in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) PRICE ADJUSTMENTS.—Notwithstanding any other provision of law, following adjudication of any claims the Secretary may, at the Secretary's discretion, convey land pursuant to this section at fair market value, less equities presented by an applicant for such conveyance and less the value of any improvements that the applicant or the applicant's predecessors in interest have placed on the land. Such equities may include (but are not limited to)—

(1) the amount paid for the land by the applicant;

(2) longevity of applicant's claim;

(3) taxes paid on the land; and

(4) other equities as the Secretary may determine relevant.

(c) DESCRIPTIONS.—Any tract of public land conveyed pursuant to this section shall be described in accordance with the Public Land Survey System as reflected on the approved Federal plat of survey. Where a tract does not conform to an existing survey plat, the Secretary may either—

(1) convey title to a trustee, qualified under the laws of the State to act as a trustee and acceptable to the Secretary, acting on behalf of more than one applicant to whom such trustee shall be required to transfer such tract, in order to conform the legal description to such plat; or

(2) require an applicant to reimburse the United States for the cost of preparing a plat of survey. No cost incurred by a trustee in implementing this subsection shall be borne by the United States.

(d) APPLICABILITY AND PROCEDURE.—

(1) This section shall apply only to tracts specified in subsection 4(b) of this Act, and only if the Secretary has determined such claims to be sufficiently meritorious as to be appropriate for exercise of the Secretary's discretionary authority under this section.

(2) No sale under this section shall take place before thrity days after the Secretary has published in a newspaper of general circulation in the county where a tract proposed for sale is located a notice of the Secretary's determination that such tract is eligible for sale under this section and that the Secretary intends to offer such tract for sale. Such notice shall indicate the size and

general location of the tract and the name or names of the claimant or claimants to whom the Secretary intends to sell such tract.

SEC. 6. RESERVATIONS AND CONDITIONS.

(a) MINERAL RESERVATION.—All lands granted by, and any patent or document of conveyance or other issued pursuant to, this Act shall be subject to the reservation to the United States of all minerals in the lands granted, conveyed, or otherwise transferred, together with the right to prospect for, mine and remove the minerals under applicable law and such regulations as the Secretary may prescribe, except that in the case of sales under section 5 of this Act the Secretary may convey the minerals together with the surface in accordance with section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

(b) OTHER CONDITIONS.—

(1) The lands granted or otherwise transferred to the State under this Act shall not be conveyed or otherwise transferred by the State to any person or entity other than the United States or a political subdivision of the State.

(2) The lands granted or otherwise transferred to the State under this Act shall be used only for purposes of—

(A) publid recreation;

(B) protection of fish and wildlife (including habitat) and plants; or

(C) the protection of the scenic, scientific, historic, cultural, geologic, and other resources and values of such lands.

(3)(A) If the state attempts to convey or otherwise transfer title to any part of the lands granted or otherwise transferred to the State under this Act to any person or entity other than the United States or a political subdivision of the State, all right, title, and interest in and to all such lands so granted or otherwise transferred to the State, together with all improvements thereon, shall revert to the United States.

(B) If any political subdivision of the State attempts to convey or otherwise transfer title to any part of any lands granted or otherwise transferred to the State under this Act (and conveyed or otherwise transferred to such subdivision by the State) to any person or entity other than the State, all right, title, and interest in and to all such lands so conveyed or otherwise transferred to such subdivision, together with all improvements thereon, shall revert to the United States.

(4)(A) If any part of the lands granted or otherwise transferred to the State under this Act (and not further conveyed or otherwise transferred by the State to a political subdivision thereof) are used for any purpose incompatible with the purposes specified in paragraph (2) of this subsection, all right, title, and interest in and to all such lands in the ownership of the State, together with all improvements thereon, shall revert to the United States.

(B) If any of the lands granted or otherwise transferred to the State under this Act are conveyed or otherwise transferred by the State to a political subdivision of the State, use of part of any such lands for any purpose incompatible with the purposes specified in paragraph (2) of this subsection shall cause all right, title, and interest in and to all such lands so conveyed or otherwise transferred to such political subdivision, together with all improvements thereon, to revert to the United States.

(5)(A) If any land, or portion thereof, granted or otherwise conveyed to the State or political subdivision of the State shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601), or if such lands, or portion thereof, has been used for purposes that the Secretary finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstances, revert to the United States.

(B) In the event lands granted or conveyed to the State or political subdivision of the State shall be used for purposes that the Secretary finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State or political subdivision of the State shall be liable to pay to the Secretary, on behalf of the United States, the fair market value of the land, including the value of any improvements thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary pursuant to this subparagraph shall be retained by the Secretary and used, subject to appropriations, for the management of public lands and shall remain available until expended.

SEC. 7. NOTICE AND ENFORCEMENT.

(a) PUBLIC NOTICE.—

(1) As soon as practicable after the date of enactment of this Act, the Secretary, in consultation with appropriate officials of the State, shall take steps to notify residents of the State as to the nature and location of the listed uplands and islands to be granted or otherwise transferred to the State under this Act.

(2)(A) The State, or a political subdivision thereof, shall provide notice in writing to the Secretary with regard to any conveyance or other transfer by the State to a political subdivision thereof of any of the lands granted or otherwise transferred to the State under this Act. In the event that such notice is not received within one year after any such conveyance or transfer, such conveyance or transfer by the State shall be void ab initio and all right, title, and interest in and to the land covered by such attempted conveyance or transfer shall revert to the United States.

(B) No later than five years after the date of enactment of this Act, and every five years thereafter, the State shall submit to the Secretary a report as to the present ownership, management, and use of the lands granted or otherwise transferred to the State pursuant to this Act.

(3) The Secretary shall maintain in the appropriate office of the Bureau of Land Management a current listing of the lands granted or otherwise transferred to the State under this Act, including a record of which, if any, of such lands have been conveyed or otherwise transferred by the State to a political subdivision thereof.

(b) ENFORCEMENT.—

(1) Any person may submit to the Secretary a complaint alleging that the State or a political subdivision thereof has failed to comply with the requirements of this Act or that actions have occurred which have had the effect of causing the reversion to the United States of some or all of the lands granted or otherwise transferred to the State under this Act.

(2) In the event that the Secretary determines that a complaint received under this subsection is supported by evidence sufficient to warrant further investigation, the Secretary shall investigate the matter.

(3) If, as a result of an investigation under paragraph (2) or for any other reason, the Secretary determines that title to some or all of the lands granted or otherwise transferred to the State under this Act has reverted to the United States pursuant to this Act, the Secretary shall take all necessary steps to enforce such reversion and to stop use of any part of such lands for any purpose incompatible with the purposes specified in subsection 6(b)(2) of this Act.

(4) Any lands which may revert to the United States under this Act shall be retained and managed by the Secretary for the purposes specified in subsection 6(b)(2) of this Act.

SEC. 8. HUNTING AND FISHING.

Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Minnesota with respect to fish and wildlife (including the regulation of hunting, fishing, and trapping) in any lands granted or otherwise transferred to the State under this Act.

SEC. 9. CONFORMING AMENDMENT.

(a) Subsection 3(d) of the Michigan Public Lands Improvement Act of 1988 (Public Law 100-537) is hereby amended by striking the period at the end of paragraph (1) of such subsection and by inserting in lieu thereof, ", and only if the Secretary has determined such claims to be sufficiently meritorious as to be appropriate for exercise of the Secretary's discretionary authority under this section.".

(b) Subsection 4(b) of the Michigan Public Lands Improvement Act of 1988 (Public Law 100-537) is amended—

(1) by inserting "the United States or" after "any person or entity other than" in paragraph (1); and

(2) by inserting "the United States or" after "any person or entity other than" in subparagraph (3)(A).

SEC. 10. LICENSING OF URANIUM ENRICHMENT FACILITIES.

The Atomic Energy Act of 1954, as amended, is further amended:

(a) By adding before the period at the end of the definition of the term "production facility" in section 11v. a colon and the following: "Provided, however, That as the term is used in chapters 10 and 16 of this Act, other than with respect to export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefore, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(b) By striking the period at the end of section 161b. and adding the following: "; in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235;";

(c) By striking the phrase "section 103 or 104" in section 41a. (2) and inserting in lieu thereof "this title"; and

(d) In section 236 by striking the word "or" following paragraph (2) and adding after paragraph (3) "or (4) any uranium enrichment facility licensed by the Commission";

(e) In section 274c. by adding the following before the semicolon at the end of subparagraph (1) the following: "or any uranium enrichment facility".

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2783), as amended, was passed.

Mr. REID. I move to reconsider the vote.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PEMIGEWASSET WILD AND SCENIC RIVERS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 400, S. 1524.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1524) to amend the Wild and Scenic Rivers Act of 1968 by designating segments of the Pemigewasset River in the State of New Hampshire for study as a national wild and scenic river.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1194

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. JOHNSTON, proposes an amendment numbered 1194.

Mr. REID. Mr. President, I asked unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 5, strike "( )" and insert in lieu thereof "(107)".

On page 2, line 12, strike "1276(b)) is" and insert in lieu thereof "1276(b)), as amended, is further".

On page 2, line 14, strike "( )" and insert in lieu thereof "(9)".

On page 2, line 17, strike "the Pemigewasset River Study Act of 1989." and insert in lieu thereof "this paragraph.".

On page 2, line 18, strike all of section 4 and insert in lieu thereof:

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

On page 2, lines 8 and 9, strike "Route 104 Bridge in New Hampton;" and insert in lieu thereof "backwater of the Ayers Island Dam;".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I would like to take this opportunity to thank the chairman of the Energy Subcommittee on Public Lands, National Parks and Forests, the senior Senator from Arkansas, Senator BUMPERS, for the generous support which he has given to river protection efforts in my State. I would also like to thank the Energy Committee Chairman, Senator JOHNSTON, and ranking member, Senator MCCLURE, for their efforts in allowing expedited consideration of this measure.

Under the legislation we are considering today (S. 1524) the Pemigewasset River in New Hampshire would be designated for study under the Wild and Scenic Rivers Act. The area to be studied would comprise two segments; the first segment runs from Profile Lake downstream to the southern boundary of the Franconia Notch State Park, and the second segment runs from the northern Thornton town line downstream to the backwater of the Ayers Island Dam.

Prior to my introduction of this legislation, concerns were raised about the effect which this bill, if enacted, might have on plans to expand the Loon Mountain ski area in Lincoln, NH. While this ski area does not border on the study area, it does lie on a tributary to the Pemigewasset. In response to these concerns, I wrote to Interior Secretary Manuel Lujan, Jr. asking that he clarify the effect which a wild and scenic study would have on this facility.

On June 27, 1989, Secretary Lujan wrote me stating that, "We see no reason why wild and scenic study authorization, in and of itself, should affect possible expansion of the Loon Mountain ski area, or the timing of such a potential project." In a memo accompanying this letter, the National Park Service stated that the only way an authorized wild and scenic river study would affect the proposed Loon Mountain ski expansion would be if there was an "unmitigated adverse impact on natural values of the river in the authorized study segment." After having reviewed the draft environmental impact statement for the ski area expansion, the Park Service concluded that "through appropriate mitigation measures (minimum releases) downstream adverse impacts can be avoided."

This legislation is an important step in ensuring the natural and historic preservation of this resource, and I urge support for this measure.

Mr. RUDMAN. Mr. President, I rise today in support of S. 1524, the Pemigewasset River Study Act of 1989. Senate approval of this bill will be a major step in the direction of long-term protection for this remarkable river resource, which originates in the heart of the majestic White Mountains and flows south through the scenic New Hampshire countryside. Passage of S. 1524 will be a victory for the Pemigewasset River Council and all the communities along the river who, for years, have been struggling to protect it from adverse development. They are to be commended for their efforts.

I want to thank the Senate Energy and Natural Resources Committee for taking rapid action on this measure. I would also like to express my appreciation for the work of the chairman and ranking member of the Subcommittee on Public Lands, Senators BUMPERS and WALLOP.

Mr. President, the State of New Hampshire is known for its commitment to the preservation of our natural resources. S. 1524 is an excellent example of this commitment. I am proud to be a part of this effort and I urge my colleagues to support this measure.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pemigewasset River Study Act of 1989".

SEC. 2. STUDY RIVER DESIGNATION.

Section 5(a) of the Wild and Scienic Rivers Act (16 U.S.C. 1276(a)) as amended, is further amended by adding the following new paragraph at the end thereof:

"(107) PEMIGEWASSET, NEW HAMPSHIRE.—The segments from Profile Lake downstream to the southern boundary of the Franconia Notice State Park and from the northern Thornton town-line downstream to the backwater of the Ayers Island Dam; by the Secretary of the Interior.".

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)), as amended, is further amended by adding the following new paragraph:

"(9) The study of the Pemigewasset River, New Hampshire, shall be completed and the report thereon submitted not later than three years after the date of enactment of this paragraph.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such suns as may be necessary to carry out the purposes of this Act.

Mr. REID. I move to reconsider the vote.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING THE GOVERNMENT OF HONG KONG

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 211, a resolution commending the Government of Hong Kong, submitted earlier today by Senators ADAMS, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 211) commending the Government of Hong Kong on its commitment to halting software piracy.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 211

Whereas the International Trade Commission has found that U.S. computer hardware and software firms have lost more than $4 billion in foreign sales in one year due to illegal piracy of their products;

Whereas the illegal piracy of computer programs threatens the continued development of software industries throughout the world and the availability of new and better products for computer users;

Whereas the Customs Investigations Branch of the Customs and Excise Department of the Government of Hong Kong announced a major antipiracy action against software theft on November 15, 1989;

Whereas this action included the seizure of 109,437 suspected pirated manuals, as well as computers, printing films, and pirated diskettes;

Whereas many of these seized materials are copies of software and manuals of leading American software companies. Now therefore be it

Resolved, That the Senate of the United States—

(1) Commends the Government of Hong Kong on its commitment to halting software piracy;

(2) Congratulates the Customs and Excise Department for its successful substantial antipiracy action; and

(3) Expresses its hope that copyright agencies around the world will follow the leading software enforcement example set by the people and Government of Hong Kong.

Mr. REID. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERNATIONAL YEAR OF BIBLE READING

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 164.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 164) entitled "Joint resolution designating 1990 as the 'International Year of Bible Reading,'" do pass with the following amendments:

(1) Page 1, in the first whereas clause beginning on that page, strike ", the Word of God,".

(2) Page 1, in the first whereas clause beginning on that page, strike "People" and insert "people".

(3) Page 1, in the second whereas clause beginning on that page, strike "religious convictions springing from the Holy Scriptures" and insert "values springing from the Bible".

(4) Page 2, in the first whereas clause beginning on that page, strike "clearly".

(5) Page 2, in the first whereas clause beginning on that page, strike "Holy Scriptures" and insert "Bible".

(6) Page 2, in the first whereas clause beginning on that page, strike "individuals, families, and societies;" and insert "individuals and of families; and".

(7) Page 2, line 6, strike "need for" and all that follows through line 2 on page 3 and insert: "value of the study of the Bible".

Mr. REID. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to motion.

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENTS BY THE MAJORITY LEADER AND THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican Leader, after consultation with the chairman and ranking minority member of the Finance Committee, pursuant to provisions of Public Law 100-485, announces the appointment of the following individuals to the Commission on Interstate Child Support:

The Senator from New Jersey, Mr. BRADLEY;

J.B. McReynolds, of Texas;

Judge Battle Robinson, of Delaware; and

Beth Mason, of Oregon.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, we have reached agreement with respect to the reconciliation bill, and the agreement will shortly be described by the appropriate members, majority and minority, of the Budget Committees from both Houses. The agreement follows very lengthy discussions over the past several days. It is the product of effort by many persons, including the distinguished Republican leader, myself, and several members of both parties in both Houses. It is a very strong, effective deficit reduction package. I hope and expect that it will have the support of the President.

The House will take the reconciliation bill up in the morning. It will probably not be here in the Senate until noon or shortly thereafter. There is no agreement with respect to the substance of catastrophic. The House will take the measure up following reconciliation, and that should be back in the Senate for action during the afternoon.

Accordingly, it is my intention that the Senate, when it completes its business this morning, will stand in recess until noon today, that there will be a half-hour for morning business prior to the party caucuses, and that the party caucus lunches will be held from 12:30 to 2:15 p.m. At 2:15, it is my expectation that we will take up the reconciliation legislation. Following action on that, we will take up the catastrophic measure, and we hope to be able to complete action on that during the day tomorrow. There will be other measures that we will be considering tomorrow as well. So Senators should be prepared for the possibility of votes following the caucuses when we return to session at 2:15.

I remain determined to complete action prior to the Thanksgiving recess so we can adjourn sine die and have Senators be with their families over Thanksgiving. Mr. President, with that, before going any further, I yield to the distinguished Republican leader and invite any comment he may have in this regard.

Mr. DOLE. Mr. President, if the majority leader will yield, he has correctly stated we have reached an agreement in principle. It will be necessary to check the drafts. We have indicated that OMB would like to look at some of the Social Security changes. I think it is safe to say that if you look at the CBO numbers, it is about an $18 billion number package. If you look at adjustment numbers, it is $14.5 billion package. It includes about $4.5 billion in sequester, and it would seem to me, listening to those who are intimately involved in the budget process on a day-to-day basis, that this is a good package. I have been told by that Budget Director and the Treasury Secretary that the White House will support this package, and it is going to be very necessary that they do that.

We are having our policy luncheons tomorrow, and that will be an opportunity for us to explain it in full to our members so that we will ease final disposition when reconciliation comes to the Senate.

So I congratulate the majority leader; the Speaker, the majority leader on the House side; the Republican leader, Congressman MICHEL; the members of the Budget Committees, Senator SASSER, Senator DOMENICI, Congressman FRANZEL, and Congressman PANETTA, and members of their staffs and all the other staff members who have been working on this reconciliation package.

In fact, I am advised that the sequester savings is really about $4.75 billion, if you include all the Medicare sequester. So I believe, by working together on a bipartisan basis, we have done an excellent job.

I am prepared to do all we can to support the package. I think this will mean that we can take final action and leave here knowing we are not threatened with a veto or anything of that kind. So again I congratulate the majority leader. And I note also the distinguished Senator from Texas, Senator BENTSEN; the distinguished Senator from Oregon, Senator PACKWOOD; Chairman ROSTENKOWSKI and Congressman ARCHER on the other side on Ways and Means.

So I urge my colleagues again to take a careful look at the catastrophic package that the chairman of the Finance Committee and Senator PACKWOOD will put together tomorrow morning. I still believe that we should salvage the catastrophic coverage. I hope that we can maintain a majority on the Senate side and that the House can be persuaded, rather than vote for the outright repeal, to salvage some portions of the package to protect those who are maybe the sickest, the oldest, and the poorest in the America. I thank the majority leader.

Mr. MITCHELL. Mr. President, I thank my distinguished colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon today, Tuesday, November 21, and that, following the time reserved for the two leaders, there be a period for morning business until 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the Senate stand in recess from 12:30 p.m. to 2:15 p.m. today for the party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEED TO RECONCILIATION CONFERENCE REPORT ANYTIME AFTER 2:15 P.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to proceed to the reconciliation conference report at any time after 2:15 p.m. on Tuesday, November 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, NOVEMBER 21, 1989

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess, under the previous order, until 12 noon today, Tuesday, November 21.

There being no objection, the Senate, at 12:47 a.m., recessed until Tuesday, November 21, 1989, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate November 20, 1989:

DEPARTMENT OF STATE

DAVID C. FIELDS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

HENRIETTA HUGENTOBLER HOLSMAN, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE MAE NEAL PEDEN, RESIGNED.

COMMUNICATIONS SATELLITE CORPORATION

JAMES B. EDWARDS, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1990, VICE MICHAEL A. MCMANUS, JR., TERM EXPIRED.

DEPARTMENT OF THE TREASURY

PETER K. NUNEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE SALVATORE R. MARTOCHE, RESIGNED.

FEDERAL MARITIME COMMISSION

WILLIAM D. HATHAWAY, OF MAINE, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1993, VICE THOMAS F. MOAKLEY, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20, 1989:

NUCLEAR REGULATORY COMMISSION

FORREST J. REMICK, OF PENNSYLVANIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 1994.

DEPARTMENT OF DEFENSE

BARBARA SPYRIDON POPE, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COPYRIGHT ROYALTY TRIBUNAL

CINDY SHINGA DAUB, OF NEBRASKA, TO BE A COMMISSIONER OF THE COPYRIGHT ROYALTY TRIBUNAL FOR A TERM OF 7 YEARS FROM SEPTEMBER 27, 1989.

NAVY

THE FOLLOWING NAMED COMMANDER FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be captain

COMDR. ROBERT D. KNOWLTON, CEC, U.S. NAVY, [redacted]/5104.

THE FOLLOWING NAMED LIEUTENANT COMMANDER FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

To be commander

LT. CMDR. EDWARD M. MOON, U.S. NAVY, [redacted]/6130.

WITHDRAWAL

Executive message received November 20, 1989, withdrawing from further Senate consideration the following nomination:

COMMUNICATIONS SATELLITE CORPORATION

James B. Edwards, of South Carolina, to be Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1992, vice Michael A. McManus, Jr., which was sent to the Senate on November 17, 1989.

EXTENSIONS OF REMARKS

RECOGNITION OF RICHARD J. SULLIVAN AND DOROTHY A. BEAM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ANDERSON. Mr. Speaker, I include the transcript of proceedings of the special meeting of the Committee on Public Works and Transportation held November 19, 1989:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Sunday, November 19, 1989

The Committee met, pursuant to call, at 3:20 p.m., in Room 2167, Rayburn House Office Building, Hon. Glenn M. Anderson (Chairman of the Committee) presiding.

Present: Representatives Anderson, Roe, Mineta, Oberstar, Nowak, Applegate, Lewis, Clement, Payne, Costello, Pallone, Jones, Parker, Geren, Sangmeister, Hammerschmidt, Stangeland, Molinari, and Inhofe.

The CHAIRMAN. The meeting of the Committee will come to order.

Today's special meeting of the Committee has been called to honor two very special people: Dick Sullivan and Dottie Beam.

In recognition of their countless contributions to the Committee, Congress and the Nation as a whole, we have gathered here to adopt a committee resolution, a copy of which is before each Member.

At the outset, therefore, I ask unanimous consent that the Committee proceed to immediate consideration of the resolution to express the Committee's appreciation and gratitude to Richard J. Sullivan and Dorothy A. Beam for their devoted and superb service to their country and the House of Representatives.

Is there objection?

Hearing none, so ordered.

I have a little statement I would like to make.

I have called this special meeting of the Committee on Public Works and Transportation so that we may pay tribute to Dick Sullivan, who has contributed much to our Committee during his 33 years as chief counsel.

It is important to note that Dick already had 12 years on the Committee working on the important infrastructure issues such as highways, water resources, clean water, and economic development before any Member of this Committee now serving arrived in Congress.

It is particularly fitting that we have a special meeting of the Committee at this time devoted solely to approving a committee resolution remembering Dick Sullivan's role at the Public Works Committee.

These last days of the session, with the late hours, the frenzied Floor schedule and the rush for adjournment, were the time in which Dick Sullivan was always working to get our Public Works bills passed.

A gradaute of Fordham College and Law School, Dick Sullivan left his law practice in the Bronx in 1957 to take a temporary job with the Committee working for Representative Buckley from New York.

He continued as Chief Counsel then until October 31 when he retired, perhaps the longest tenure any individual has held that position.

His retirement comes after 33 years of service to the people of the United States. It has been a career devoted to work on behalf of the infrastructure, economic development and environment.

Dick has certainly earned his retirement after 33 years of service to the American public. He has come a long way from the streets of the Bronx and he deserves this Committee resolution thanking him for those years.

That is not all there is to the resolution. Anyone who knows Dick and the work he has done on the Committee also knows is long-time Executive Assistant, Dorothy Beam, who has also decided to retire from the Committee.

Dottie Beam, who came to Washington from Youngstown, Ohio, has been a Capitol Hill employee for more than 48 years—as long as any Member of the House has been here.

That is an outstanding accomplishment and she deserves the highest praise.

It was Dottie's work behind the scenes for many years on the little things that enabled the Committee to get its work done.

Dottie always did them well and she was usually one step or more ahead of the rest of us.

Besides doing here job right, Dottie always did it with unfailing good humor and concern for everyone around here.

She has always been a ray of sunshine in the office, even at the most difficult times.

In 48 years on the Hill, you can bet there were a lot of difficult times.

Dottie's retirement is truly a loss to the Committee. This resolution is our way of saying thank you for a job well done for more than 48 years.

The Chair now recognizes the distinguished gentleman from New Jersey, Bob Roe.

Mr. ROE. Thank you, Mr. Chairman for the recognition, and also to you for calling the meeting today honoring Dick and Dottie.

I remember when I first came here 20 years ago that the first major bill that I worked on with them was the Clean Water Bill, and for the members of the staff and members of the Committee, the program was a lot different then and I remember under those old rules, and you remember that, too, that the rule used to be that the Speaker decided where the bill would go.

As I recall, there were 17 different committees and subcommittees with some authority where the clean water issue was involved, and the Speaker at that time made the statement that he decided that it would be best if the Public Works Committee handled that particular bill, and under the old rules, we took that bill over and handled that bill and it took many, many months to get it approved.

Out of that, I learned something about Dick and Dotty. I think they are a great team.

Looking around the room to our Members and members of the staff who knew them all so well, running a Government, if I cannot be faulted for beng pedantic, it is not just the idea of working hard around here.

The team work is essential to getting anything achieved, particularly when you take a bill and start it from an embryonic idea, put thought together and start to hammer out major policy for the country.

I think that one of the great attributes and ability of that team of Sullivan and Beam was to be in any corner of the Hill working legislation through the process to get the work achieved.

I found them to be very capable people, very dear friends over the years.

In fact, as much as we are involved in our homes when we go back to our representatives States and districts, and staff goes back home, there is a familial representation, I think, that comes together and communion to all the Members that are on a committee who have worked together and hammered out the policy of this country.

I know, God rest his soul, when Jimmy Howard was alive, if I may make an observation, that Dick Sullivan and Dottie, and Jim Howard and a lot of us worked throughout the Nation for two or three years hammering together a major program for the infrastructure of the Nation.

I have been here 21 years—from my point of view serving on Public Works has not only been a great honor, but the feeling that we are literally building this country and everything that happens in the United States in some way or another in this Committee affects every citizen of this country.

So I am highly honored to join with everybody today in this particular recognition of both Dick and Dottie.

I guess Dottie must be the most senior staff person on the Hill, bar none.

So congratulations to all of them. Congratulations to all of you and congratulations to us for recognizing the effort that somebody does.

Let me close on one point. I think it is kind of neat in a way when you are least recognized that you did something for the country, and I think that when you look at the resolution and the test of the resolution, we are complimenting people for having achieved probably the highest goal that anyone of us can achieve, doing something for our country.

So congratulations to you, Mr. Chairman, and I join wholeheartedly in participating today honoring these two great Americans.

The CHAIRMAN. Mr. Hammerschmidt?

Mr. HAMMERSCHMIDT. Thank you, Mr. Chairman.

I am very pleased to join in strong support for this resolution expressing our appreciation to Dick Sullivan and Dottie Beam for their long and faithful service to this committee, the House, and the Nation.

Since Dick and Dottie have a combined service to the committee of an amazing 64 years, I feel that this resolution reflects not only the feeling of those of us gathered here today, but also the gratitude of the many members who preceded us on this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

committee and who also benefit from the good work of Dick and Dottie.

We certainly know that many members of this committee, past and present, have contributed to the building and rebuilding of our Nation's vital infrastructure. And for more than three decades, Dick Sullivan has played the key operational role in all that we have done in that regard.

From start to finish, Dick Sullivan never changed his effective style, which combined an incredible knowledge of the system with an unwaivering respect for all members of this committee and this body, without regard for party or ideology.

Throughout his amazing career of public service, Dick has also demonstrated his great humanity and is love for this institution and those who labor to keep it strong and responsive to the needs of the people we serve.

Dick Sullivan has helped me on more occasions than I can begin to recount. I have always felt extremely fortunate to be able to call on one who has so thoroughly mastered the legislative process and knows on a first name basis virtually all of those who contribute to that process. And more importantly, he has always gladly shared his vast knowledge with any member who sought his counsel.

In my judgment, the greatest tribute that we can pay Dick and Dottie is to continue our tradition of bipartisanship and effectiveness, and I believe that we will do just that.

In the meantime, we will not forget what Dick Sullivan and Dottie Beam have done, and this resolution is just a small but significant way of expressing our gratitude.

I cherish their friendship and wish them both the very best in all of their future endeavors.

Thank you, Mr. Chairman.

Mr. CHAIRMAN. Mr. Mineta?

Mr. MINETA. I want to associate myself with the remarks of Mr. Roe and Mr. Hammerschmidt. It is hard to imagine that I first met Dick Sullivan in 1968 when I was a member of the city council in San Jose and came before the Public Works Committee and the staff here to work on some things that were being considered in legislation. So it just really is hard to see both Dick and Dottie leave at this point, but it is a well deserved rest for both of them and we, at least I, wish them good health and good speed.

Thank you, Mr. Chairman.

Mr. CHAIRMAN. Further comments?

Mr. Stangeland?

Mr. STANGELAND. Thank you, Mr. Chairman.

I wanted to commend you and the democratic leadership and Mr. Hammerschmidt for bringing this resolution to us. I have served here 13 years. I am going to miss Dick Sullivan, not only for his expertise in the issues that we handled, but I think in no small measure he was responsible for a great deal of the bipartisanship that we have.

Anytime that I had a problem or concern, I could go in and visit with Dick as well as I could go in and visit with the chief counsel or chief of staff of the Republican side and get good advice.

I associate myself with the remarks of the previous speakers, but also Dick Sullivan was a lot of fun. He lived and enjoyed life, and it was fun to be with him, whether it be singing at a piano bar or whatever.

I love to sing and we sang together. He loved to sing Irish, and while this Norwegian isn't a real good Irishmen, I can sing some Irish, and we just had a great time. He will be missed.

A tremendous record of service for both Dick and Dotty. They will be missed, but time passes on. I know they are going to be around, they are still going to be friends of mine and I hope they are friends of yours, and I hope that the example that they set to this committee and to this staff will be carried on, and I am sure it will, where we continue to be a bipartisan committee working for the betterment of the country through the various infrastructure concerns that we have.

I just rise in wholeheartedly strong support of this resolution honoring two great members of the House and two great members of this country.

Thank you.

The CHAIRMAN. Mr. Oberstar?

Mr. OBERSTAR. Thank you, Mr. Chairman.

All too often service of members of the staff goes unnoticed, though appreciated, and unremarked, though important to those who are close to the scene.

I think it is a tribute to you that you have taken this time, that you took time on the House Floor, both you and Mr. Hammerschmidt, to bring the committee together to pay tribute to Dick and Dottie.

It is fitting after years of service, time given to the public trust, that those who worked closest with and were beneficiaries of his counsel and Dottie's devoted and dedicated service, they should receive the appreciation of the committee.

I would ask unanimous consent to include in the transcript of these proceedings the remarks I delivered on the House Floor, because I think spontaneously I said better than I can say at this point, and I think that was as comprehensive a tribute that I could pay Dick given our years of work together for nearly 26 years on this committee.

The CHAIRMAN. You heard the unanimous consent request.

Is there objection?

So ordered.

The CHAIRMAN. Mr. Clement?

Mr. CLEMENT. Both of them from the first day I came to Congress extended me every courtesy. You wonder when you come to Congress being a new member how you will be treated, knowing that seniority and tenure are rather important around here but they extended me every courtesy. I appreciate it very much and I wish them well in the future.

The CHAIRMAN. Mr. Nowak?

Mr. NOWAK. Let me add a few remarks about Dick and Dottie. Certainly the remarks which were spoken earlier I think we would all associate ourselves with.

Dick was a great optimist and certainly showed from everything he did, not only in his public duties here, but in his private life as well, they both have been great examples for service and membership on committees in this House.

When you look at the life of Dick Sullivan, he was like many members, he never did forget where he came from, and I think that rendition that he used today of the sidewalks of New York, which was mentioned in the resolution, really captures some of that essence.

Coming from New York myself, although on the other side of the state, I can't help but believe that Dick Sullivan served as well as any New York member ever served and he was certainly and will be long remembered as one of New York's finest.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Pallone?

Mr. PALLONE. I just want to add to this tribute to Dick Sullivan and Dottie Beam. I first met them through Congressman Howard when I was a City Councilman, and they encouraged me to run for higher office, first as a State Senator and then subsequently as a Congressperson, and they were particularly helpful not only to me but to the Howard family during the time when Congressman Howard died and at the funeral thereafter.

I owe a debt of gratitude for their encouragement of my aspirations to join Congress and help in trying times, so I want to join in this resolution.

The CHAIRMAN. Mr. Applegate?

Mr. APPLEGATE. Let me say this, I came here nearly 13 years ago, and I really appreciated getting a chance to meet with Dick Sullivan, him taking me by the hand and explaining a few things that you should know when you come into the halls of Congress, and particularly into the Public Works Committee, and I just had so great a respect for him and for Dottie both, for all that they have done, as was pointed out, not just for the Public Works Committee, the members, but for the country, because they did something for the country, as Bob Roe had stated.

Of course, nobody probably knew him too much better than maybe Jim Oberstar, who worked with him as a staffer in which, when Jim was a staffer, helped to write EDA and ARC legislation, and Dick was involved with all of that, as well as clean water legislation and infrastructure legislation and a lot of other things, and programs that developed since I came here.

I certainly wish both of them well, and I know that they will do well, and God speed and good health to the both of them for many years to come. I certainly give strong support to the resolution.

The CHAIRMAN. Mr. Jones?

Mr. JONES. Thank you, Mr. Chairman.

Mr. Chairman, I was fortunate enough to be assigned to this committee. Former Congressman Elliott Levitas from the Fourth District of Georgia, who served on this committee for many years, called me and said, "You need to get to know Dick Sullivan." The occasion occurred when I had an amendment I was considering, I went to see Dick, and he straightened me out in a hurry on how to proceed with the amendment, but we went through the entire line-up of the 1927 New York Yankees, we talked about a number of great heavyweight fights, sang a lot of show tunes and talked about theater.

And he capped it off, when I said I had gone to the University of North Carolina, naming the 1957 University of North Carolina national championship basketball team and were all from New York. I left there with an education, and I left there with a friend, and it is one of the things that I will treasure about this experience this year and this Congress, and Dick Sullivan and Dottie Beam have been such a tremendous help to me starting out, and those are the things you never forget, and I will never forget them.

Thank you.

The CHAIRMAN. Mr. Lewis?

Mr. LEWIS. Thank you.

Mr. Chairman, I want to thank you for bringing this resolution before us. When I first came here almost three years ago to serve on this committee, Dick Sullivan befriended me. He told me in so many words that he knew I had a difficult time getting here, that I had a very difficult campaign.

I think as we recognize and pay tribute to Dick Sullivan, we should also recognize that his job was more than a 9 to 5 job with this committee over the years. He was a great volunteer. He was very active in fighting for more funding for cancer research. I am going to miss him because he was a friend.

As we drink water, we will think about Dick Sullivan to help improve our quality of drinking water and clean up our water system. As we travel down the highways of America, we will think about how he helped improve the highway system.

As we travel through the airports, he helped to make aviation safety somewhat better. We are going to miss him in this committee and I don't know what this Public Works Committee is going to be like in the days to come without seeing Dick Sullivan and Dorothy Beam here, but I am sure that the able staff that we have will be able to carry on.

Thank you, Mr. Chairman.

The CHAIRMAN. For the purpose of a motion, the Chair again recognizes the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I move that the committee resolution be approved and adopted.

The CHAIRMAN. You have heard the motion. The question is on the motion. All those in favor, signify by saying aye.

Opposed, no.

The ayes have it.

The gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I ask unanimous consent that the chairman transmit to the House the proceedings of today's session for inclusion in the official record of the House of Repesentatives.

The CHAIRMAN. Is there objection? Hearing none, so ordered.

The gentleman from California.

Mr. MINETA. Mr. Chairman, I ask unanimous consent that the resolution just adopted be printed, framed and transmitted to the honorees therein.

The CHAIRMAN. Is there objection? Hearing none, so ordered.

I thank all members for their participation in today's session.

[The resolution adopted follows:]

RESOLUTION OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

(November 19, 1989)

Whereas Richard J. Sullivan has served as an outstanding Chief Counsel of the Committee on Public Works and Transportation for 33 years;

Whereas Dorothy A. Beam has served as an exemplary Executive Staff Assistant to the Committee on Public Works and Transportation for 31 years and has served the House of Representatives for 48 years;

Whereas Richard J. Sullivan also served his country during World War II in the United States Army in North Africa and Europe earning 8 battle stars;

Whereas the combined efforts of Richard J. Sullivan and Dorothy A. Beam have touched all Americans through their invaluable work on legislation establishing the Interstate Highway System improving the water we drink, and countless other meritorious public works projects;

Whereas Richard J. Sullivan and Dorothy A. Beam have served the House of Representatives with competence, selfless dedication, and unfailing loyalty; and

Whereas Richard J. Sullivan's rendition of "The Sidewalks of New York" will be sorely missed in the Halls of Congress but will not be forgotten: Now, therefore, be it

Resolved, That the Committee on Public Works and Transportation expresses its appreciation and gratitude to Richard J. Sullivan and Dorothy A. Beam for their devoted and superb service to their country and the House of Representatives.

A TRIBUTE TO BOB OLDFIELD, PRESERVING THE INTEGRITY OF AMERICAN IDEALISM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DONNELLY. Mr. Speaker, I rise today to honor and salute one of my constituents; Mr. Robert (Bob) Chandler Oldfield of Milton, MA. Bob Oldfield was born and raised in Milton. Mr. Oldfield has owned and operated the Thayer Nursery since 1963. He keeps the agricultural tradition alive today.

Bob Oldfield graduated from Milton High School in 1950. He went on to study animal husbandry at the Stockbridge School of Agriculture. From Stockbridge, Bob continued his studies for the next 4 years at the University of Maine's School of Agriculture. While attending the University of Maine, Bob participated in the school's ROTC training program.

Fresh out of college with degree in hand, Bob was invited to join the U.S. Armed Forces. Robert Oldfield became a first lieutenant in the 82d Airborne Artillery Division. Bob's tour of duty in the armed services included 14 parachute drops while stationed in Germany. Lieutenant Oldfield was honorably discharged with the distinction of having never received a demerit.

Following Bob's distinguished service to our country, he continued his quest for the American dream. Working at everything from laboratory technician to an agricultural products salesman, Bob always kept his sights focused on one day owning his own farm.

Finally, in 1963 Bob was able to purchase the Thayer homestead and farm, which has been in the site of farming and agricultural activity since 1871. For the next 25 years Bob worked diligently to make the nursery a successful business, providing quality and friendly service to the Milton community.

Beyond his love for agriculture, Bob has a genuine concern for the youth of Milton. He has served as a member of the town school committee for 8 years and chaired the committee twice.

Bob Oldfield's dedication and tenacity as a community leader, patriot, proprietor, and family man embody the integrity of American idealism.

A SALUTE TO DORIS R. GIESE, SECRETARY TO THE SPECIAL AGENT IN CHARGE, CLEVELAND DIVISION, FBI

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. STOKES. Mr. Speaker, I am proud to salute Ms. Doris R. Giese, secretary to the Special Agent in Charge of the Cleveland Division, Federal Bureau of Investigation [FBI]. Ms. Giese has served as an invaluable employee of the Cleveland Division of the FBI for the past 46 years.

Ms. Giese began her service on June 19, 1943, as a stenographer for the Cleveland FBI office. She has worked as a stenographer, supervisor's secretary, and secretary to the Assistant Special Agent in Charge. On June 21, 1953, Ms. Giese was appointed to the position of secretary to the Special Agent in Charge. She has held this position for the past 36 years and has provided invaluable assistance to 14 Special Agents in Charge who have been assigned to Cleveland since that time. In all, Ms. Giese has served over 21 different Special Agents in Charge and 4 different FBI Directors including J. Edgar Hoover.

Ms. Giese is a native of Cleveland and graduated from West Technical High School. She attended Cleveland College of Western University—currently Western Reserve University. In addition to her exemplary service and devotion to the FBI, she is an avid Cleveland Indians and Ohio State Buckeye fan. She enjoys the theater, the Cleveland Orchestra, gardening, bridge, photography, travel, and is very active in voluntary church activities.

Mr. Speaker, I take great pride in saluting Ms. Giese today. She is truly an exceptional and valued employee of the FBI. The citizens of Ohio and the Nation have benefited greatly from her extraordinary contributions.

A CONTRIBUTION BY W.S. "BABE" HOWARD

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. TANNER. Mr. Speaker, I rise today to bring to the attention of our colleagues Mr. W.S. "Babe" Howard, a man who has made significant contributions throughout his life to his hometown of Millington, TN.

He is a successful businessman who owns and operates the Millington Telephone Co., who devotes untold hours to charitable and civic causes, and who has served his community as a local public official. Babe Howard has always had dreams. The fulfillment of one of those dreams is also one of his greatest community contributions.

In 1981, long before Hollywood produced the movie "Field of Dreams," Babe built a baseball park for Millington. It wasn't just any baseball field. It was field he hoped would at-

tract the American Legion World Series. It did, and it attracted much more.

Since its construction, the field has become the headquarters for the U.S. Olympic baseball team. Because of its international reputation, it has attracted amateur teams from countries around the world including the Soviet Union, Cuba, Taiwan, Japan, Canada, Australia, and Mexico. It has become a mandatory stop on the international amateur baseball circuit. Next years, it will host the first baseball game between the Naval Academy and the Air Force Academy.

Babe Howard's commitment to this endeavor was simply his way of trying to make a contribution to his hometown, which he will readily admit has been good to him. But Babe Howard could have simply set up a rudimentary baseball field and turned it over to the city. Instead, he devoted a great deal of personal energy and personal wealth to not only building a first-class facility but to attracting a level of competition that truly made Millington a baseball capital.

Babe Howard is one of those rare people who feels a sense of pride in this community and commits himself to demonstrating that pride to the rest of the world. I would like to request that a recent article about his endeavors from the Memphis Commercial Appeal be inserted in the RECORD.

MILLINGTON RESIDENT BUILT OWN "FIELD OF DREAMS"

(By Jim Terrell)

W. S. "Babe" Howard, 63, of Millington, went actor Kevin Costner one better.

In last summer's baseball fantasy movie, *Field of Dreams,* Costner starred as an Iowa farmer who followed a voice that told him to turn his cornfields into a field where ghosts of baseball legends would come to play, Build, a field and they will come, the voice told him.

Howard, president of Millington Telephone Co., built $1.5 million Legion Field in a cotton field in 1981 to attract the American Legion World Tournament.

And his field, which hosted the Legion tournament last year, has made Millington an international capital for ameteur baseball.

Howard, who hasn't seen the movie, says he didn't hear voices telling him to build a field. But the amateur teams came, anyway, from Russia, Cuba, Korea, Japan, Taiwan, Canada, Australia and Mexico.

The U.S. Olympic baseball team has made his Millington facility its headquarters. And in March, the field will host, the first baseball game between the Air Force and Navy academies.

"The same people that put in the Rose Bowl lights put in our lights," said, Howard, who is a member of American Legion Post No. 1 and the Lions Club. "The field is second to none."

Baseball is the No. 1 sport in Millington, with about 700 youngsters in the program, and the Memphis Naval Air Station at Millington has joined in hosting visiting baseball teams.

"This is where I've made my money, so this is where I should spend my money," says Howard, who with his wife Ann has four children and six grandchildren. "The town's been good to me, I really owe the town a lot."

Howard has helped improve life for the poor in Memphis, donating his company's facilities and equipment since 1986 for the Christmas food basket telephone hotline operated by Navy wives from Milling on.

SOUTH FLORIDA'S WORST NIGHTMARE: AN OILSPILL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FASCELL. Mr. Speaker, I would like to share with our colleagues excerpts of an article by David Villano which appeared in South Florida magazine on "the awful truth about a disaster waiting to happen, and why no one will be able to do anything about it." This article underscores my strong opposition to offshore drilling in Florida and the need to reform our current policies and regulations governing commercial shipping and tanker traffic through the Florida Keys area. We have been fortunate that we have not had a serious accident in Florida, but we have had more than our fair share of near misses.

It is incomprehensible to me that we continue to endanger the precious resource of a living coral reef system, especially when it is the only one in North America. This country has an outstanding tradition of preserving our Nation's natural treasures. For those of our colleagues who still wonder why Florida continually asks for strong environmental protection for this area, I invite you to visit the Florida Keys. In the meantime, I commend your attention to the excerpts of David Villano's article:

OILSPILL

The wind howls from the north, kicking up eight-foot seas in the narrow passage between the Florida Keys and Cuba known as the Straits of Florida. The ship rocks slowly in the moonlight, burdened by its 50,000-ton load of heavy crude oil destined for a Gulf port refinery. Shortly after midnight, the groggy crew is awakened by a bunk-rattling jolt and a long screech from the ship's hull. The crew scrambles on deck. The ship, just a few thousand yards off course, is lodged on a shallow reef. The oil has already begun to flow.

At dawn, first light reveals the horror. Thick, syrupy oil glistens. The ocean currents inexorably carry it northward to the Florida Keys and South Florida's beaches, and onward with the Gulfstream, up the Florida coast—a 50-mile band of black death for anything in its path. Welcome to South Florida's worst nightmare.

When the Exxon Valdez supertanker ran aground last March, spilling 11 million gallons of crude oil into Alaska's fragile Prince William Sound, shock waves quickly washed up on Florida's shores. Image-conscious politicans, tourist-happy government officials and a cadre of environmentalists used the catastrophe—the nation's worst oil spill—to force Congress to extend its moratorium on off-shore oil drilling in FLorida waters. Florida could ill afford the environmental and economic losses brought on by an oil spill, they argued, be it from a tanker or an offshore drilling rig.

The effort paid off. Well-organized grassroots opposition sounded a chorus of "No Valdez in the Keys." They rallied bipartisan support of Gov. Bob Martinez and virtually all of the Florida Congressional delegation, and Congress extended its off-shore drilling ban until November 1990. Some opponents of off-shore drilling believe a permanent ban is now imminent.

But the threat of a catastrophic oil spill off Florida's ecologically sensitive and tourist-oriented coastline is still very present. In fact, some environmental leaders are worried that the victory in Washington could lead to complacency as to a real danger: the dozens of oil tankers that cruise Florida's coastline every day.

After all, it was a 987-foot supertanker that ran agound in Alaska. And although tankers the size of the Exxon Valdez rarely ply Florida waters, the danger of a tanker accident is demonstrably worse off the Florida Keys and South Florida coast than off Alaska. Tricky currents, shallow reefs, heavy tanker and freighter traffic, inadequately equipped ships and inexperienced crew members add up to a time bomb waiting to explode.

Not only could a Valdez-type accident occur in Florida waters, say oil-spill officials, but it's a wonder that one hasn't already happened. And what's worse is the sobering fact that for all our technological wonder and ability to prepare for the worst—as demonstrated in Alaska—we are no match for the power of nature. The battle could well be lost before we were able to clean the first oil-coated egret.

We've seen in recent history that the containment of a major oil spill can not be done in certain situations, in fact in many situations," says Jim Sanders, superintendent of Biscayne National Park in southern Biscayne Bay. "If you look at the Valdez spill, you'll see that all the plans that were sanctioned and approved by everyone did not work, and the oil went ashore. If a spill occurred down here near the park, it would be almost impossible with the currents of the Gulfstream to contain the spill, and we would be extremely vulnerable. The effects would be devastating to our (environmental) resources."

Some South Floridians may not be fazed by all this. More will be surprised, however, by the acknowledged shortcomings of the state's ability to handle such a disaster. Even more shocking is the reluctant realization that under many conditions, no readiness plan, no amount of money and no technology is a match for a major spill into South Florida's delicate waters.

Just how vulnerable are we to tanker spills? According to data provided by the South Florida Regional Planning Council, 38 oil tankers operate within the Florida Straits every day, each carrying an average of 10.6 million gallons of oil. Approximately 45 percent of this oil is crude (unrefined oil) and 55 percent is "product," including diesel oil, gasoline, bunker fuel and others. Other sources estimate the total volume of crude oil and petroleum products transiting the Florida Straits at 12 billion gallons annually.

Another planning council study indicates that most tankers in the Florida Straits are "smaller" vessels (less than 50,000 tons). This fact "Is significant because smaller vessels experience a greater number and percentage of oil spills than larger vessels, which means that [Florida] Straits traffic poses a relatively high spill risk," concluded the council in its most recent Outer Continental Shelf Facility Siting Study.

If a spill were to occur, the study identified four "hazard" areas where vessel traffic is heaviest: just outside three major ports—Miami, Port Everglades in Fort Lauderdale, and West Palm Beach. The fourth area is 14

miles south of the Dry Tortugas. This area is characterized as a "mixing bowl," or converging area for most Florida Straits traffic.

But a spill can occur anywhere. "Anywhere there are two ships, there is the threat of an accident," says the U.S. Coast Guard's Lynne Mountcastle, who is currently assigned to revising the state's oil-spill contingency plans. "And in South Florida, with the reefs close to shore, anything can happen."

Besides, groundings—not collisions or rammings—are the primary cause of tanker spills. It only takes one ship and one small spot of shallow water to run aground.

But it doesn't take 11 million gallons to devastate a coast line. Depending on the location of the spill, time of day, weather, ocean currents and other factors, even a spill of just a few thousand gallons can foul a beach and kill sensitive coral reefs and mangrove areas.

In fact, a spill near a mangrove shoreline or near a living coral reef almost guarantees disaster. If the oil reaches the mangroves (which account for much of the Keys' and South Florida coastline), cleanup is impossible. Period. The mangrove community will die.

"There is no known technology to clean mangroves," says Sanders of Biscayne National Park. "You can't go in there with a steam cleaner like they're using on the rocks in Alaska. And because mangroves breathe through roots, the oil would slowly be ingested into its system and kill the plant. It would be devastating."

South Florida's coral reefs, which attract thousands of divers and sport fishermen each year, would suffer a similar fate. Sanders says even oil that remains on the ocean surface will kill coral. Oil releases toxic elements that sinks below the slick, poisoning the highly sensitive and complex coral and its environment. As with the mangroves, there is no cleanup technology for oil-damaged coral. Total loss. (Beach clean up is relatively easy and inexpensive. Large machines drive over and scoop the washed-up oil. Nearly all publicly and privately operated tourist beaches in South Florida have access to the machines.)

Experts point to a 1986 spill of more than 2.1 million gallons of crude oil in a complex region of mangroves, coral and sea grasses off the Panamanian coast. A study funded by the Smithsonian Institution documented for the first time the impact of a major spill in a tropical coastal habitat. The study found "severe" mortality of mangrove, sea grass, coral and intertidal communities. "Plants and animals died whenever they came in contact with oil," the study concluded.

The Panama spill lingered for nearly six days before heavy winds blew it out to sea. A spill this size would almost certainly be handled differently in Florida. As do all coastal states, Florida has an Oil Spill Contingency Plan that explicitly details the cleanup procedure. It also clearly explains the levels of authority and responsibilities of the spiller and the various state and federal agencies.

A variety of complex variables help officials decide whether to attempt a cleanup and how to go about it. Officials as well as critics admit that "luck" is the largest variable of all. "Cleanups are very subjected to the weather and the elements," explains Dale Hutchinson, the Coast Guard's chief of port operations. "We would look at the amount of oil, type of oil, weather conditions, time of day, time of week, location of the spill, proximity to sensitive areas, availability of [cleanup] resources, the tide, the current. How effective will a cleanup be? Well, that's the million-dollar question."

Regardless of the ultimate success or failure, an oil spill cleanup is generally a three-step process. The first step is containment of the oil. This is generally done with "booms"—bits of buoyant, flexible material that are placed in the water and connected in a fence-like construction to "corral" the oil spill. The second step is to remove the oil from the water. Generally, this is done with "skimmers," vacuuming barges that are towed behind a boat. Disposable sponges and other absorbent material also can be used to pick up the oil. The final step, if necessary, is to clean wildlife and coastline. Oil can sometimes be removed successfully from birds and other air-breathing animals.

Cleanups of sensitive coastlines are possible in South Florida, but these areas often are left to heal themselves. Explains Mountcastle: "If oil gets into a mangrove or tial flat area, it can be mixed into the first layer of soil, it can cling to the vegetation, so sometimes it is more damaging to go into those areas and attempt to clean it than it is to let Mother Nature slowly degrade the oil."

Everyone agrees that the first step, containment, is the key to effectively responding to an oil spill—regardless of size. The more you can keep it together, the easier it will be to clean up. The Valdez cleanup crews failed to contain the spill in the first hours. Within a few days, the spill encompassed an unmanageable 1,000 square miles of water.

But surprisingly, the problems of rapid containment often are logistic and economic as much as they are technological. Offshore spills far from land, where seas are rough and currents often tricky, can be virtually impossible to contain. But even containment efforts close to shore in calm conditions can fail because of inadequate supplies of booms and skimmers. The Valdez incident is the perfect example.

The environmental catastrophe of the Valdez spill resulted from a "slow and inadequate response," according to Don Duden, the Flordia Department of Natural Resources' assistant executive director. Duden was a member of the threeman delegation sent to Alaska by Gov. Martinez to review the cleanup efforts. He is now assessing Florida's oil-spill response capabilities.

"They simply did not have enough resources, booms and skimmers, on hand and in the water quickly enough," explains Duden. "They didn't even have all they needed three weeks later. They just didn't have enough manpower and enough equipment, and they just didn't move quickly enough.

"I can't say there wasn't a good contingency plan on paper. I just don't know. But they certainly could have had a much better response. Without question . . . I can assure you, they could have done better."

Unfortunately, he admits candidly, we couldn't do much if a Valdez-type accident occurred anytime soon in Florida waters. "I don't mind telling you that we are not prepared in the state of Florida for 11 million gallons. We just aren't. And I don't think we ever attempted to be."

Critics say it doesn't matter. A successful cleanup—as with June's Rhode Island spill and the Houston ship channelspill—is a matter of luck. We're kidding ourselves (or being misled by the oil industry, believe some environmental leaders) if we think more money and more equipment will prepare us for a major spill. Port spills, in calm conditions are often manageable, but battling a major spill at sea may be an exercise in futility.

"Contingency plans? They're fictional. They don't exist. There is no such thing as a contingency plan for a major spill at sea," says Captain Ed Davidson, former president of the Florida Keys Audubon Society and a 22-year veteran of commercial navigation in the Florida Keys.

"The people who develop these [contingency] plans have no idea what operating conditions are like in the Florida Keys. When you're out in the Gulfstream with the winds blowing out of the North or Northeast, which is about a third of the time overall, you have eight- to 12-foot seas, and the currents in some areas can be going in several directions. Now there is no containment equipment in the world capable of operating under those conditions. It doesn't exist and it likely never will."

Davidson's view is supported in a statement given last July by Richard S. Golob to the U.S. House of Representatives Subcommittee on Water, Power and Offshore Energy Resources. Golob is an environmental consultant, publisher of the bi-weekly newsletter "Oil Pollution Bulletin," and a widely recognized export on off-shore oil pollution. According to Golob, "The problem of oil spill cleanup equipment is, however, the problem with any technology: it has limitations. Booms and skimming devices operate most effectively in calm seas, minimal currents and light winds. As the seas, currents, and winds increase in magnitude, the equipment becomes less and less effective until it reaches its operating limit." Golob concludes humbly. "Based on our analysis of historical events, when a catastrophic spill has not caused massive environmental damage, it does not mean that the spill response was especially effective in recovering the spilled oil at sea. Rather, it simply means that the forces of nature have been kind to us."

The Coast Guard's Hutchinson agrees: "There have been no new leaps and bounds or no new inroads in cleanup technology. We're using the same technology as 10 years ago." Hutchinson believes the lack of recent technological developments is a result of very little "market demand" for new products. There is no financial incentive to find alternative solutions to cleanup problems.

The solutions to South Florida's pending crisis is simple: keep the oil from leaving the oil tanker, a task proverbially easier said than done. But there are a number of suggestions. Golob recommends developing viscosity-enhancing chemicals and other technologies that will help prevent the oil from flowing out of ruptured tankers. He also recommends improved tanker safety and more rapid and efficient response with the existing cleanup equipment.

Davidson steadfastly maintains that prevention, not better response to a spill, is the only answer. In particular, he points to poorly equipped and poorly operated foreign registry ships that are not always subject to the strict requirements of U.S.-registered ships. "Many of these Third-World registered ships are like a mini-United Nations. They'll have a German first officer, a Chinese cook, an Indonesian crew, a navigator from Sumatra, and no one can talk to one another. And many of these ships that are plying just thousands of yards from shallow coral reefs have inadequate navigational equipment."

While Davidson's characterization portrays freighters and their crews, Biscayne National Park's Sanders says that it sometimes applies to tankers and their crews. Sanders says in the past five years, three freighters have run aground within the park's boundaries. "If either of these ships had been a tanker instead of a freighter," he adds, "we would have been in big trouble. We've been awfully lucky so far."

Davidson has a simple suggestion: "We should say "if you're going to operate in U.S. territorial waters you must have crews with the following qualifications, you must have navigational equipment of the following types and capabilities, and if you don't have them, you are creating a threat to the resources of the United States and therefore you are subject to the appropriate fines and penalties."

Meanwhile, Gov. Martinez has asked the Coast Guard to consider new navigational requirements to force tankers and freighters farther off Florida's coastline. U.S. Interior Secretary Manuel Lujan has suggested the increased use of "floating ports" to limit tanker activity near congested ports on land. The plan, however, has been criticized by both industry and environmental leaders as a panacea with little practical benefit.

Perhap there is no feasible answer to the threat of oil spills in South Florida waters. AS long as crude oil and oil products are tansported by tanker, we'll live with the danger of them spilling into our fragile waters.

Davidson paints this picture: "If you have an oil spill north of Key West, and if you have at the same time a northern front, that ship's going through Rebecca Straits [between the Marquesas and the Dry Tortugas], where the seas will be breaking in different directions. You're going to have mixing of the oil, so you'll have deeper penetration in the water. Then it will blow up and head toward Miami Beach. And at various times, the Gulfstream is not a linear flow, but it has swirls, which are going to bring the oil over the reef and kill it. And then it will get in Hawks Channel and start to head back toward Key West. Then it may come back again. And again. It will be this horrible circulating mess, and there will be absolutely nothing we can do about it. There is no cleanup. Nothing."

INTRODUCTION OF THE FIRE FIGHTERS EQUITY ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. OAKAR. Mr. Speaker, today I am introducing legislation to address the enormous problem of inequity that is evident in the current structure of the pay system for our Nation's Federal Firefighters. There are several other bills that have been introduced in the 101st Congress that address some or all of these concerns and I am pleased that some of the problems of firefighters are gaining attention. However, I am introducing this bill today because Federal firefighters have some unique concerns and the full scope of their concerns must be put on the table as we comprehensively deal with the problem of pay inequity facing all Americans in the Federal public service.

Federal firefighters currently work regular biweekly periods of 144 hours. Other Federal employees work 80 hours during the same period. A normal biweekly work period for firefighters under the Fair Labor Standards Act has been administratively recognized as consisting of 108 hours. The provisions of this bill would utilize the FLSA standard of a normal biweekly work period of 108 hours. Firefighters receive the same pay for working 144 hours in a biweekly period as all other Federal employees who work 80 hours in a biweekly period. This is unjust and inequitable.

Mr. Speaker, regular Federal employees who work in excess of 40 hours per week are entitled to overtime at the rate of 1½ times their regular hourly rate of pay. Firefighters who work in excess of 108 hours in a biweekly pay period are entitled to receive overtime at 1½ times their hourly rate. The hourly wage of nonfire fighters is determined by dividing the annual salary by the 2,080 hours in a work year. The hourly wage for firefighters is determined in a totally different fashion. It finds the basic hourly rate of pay by taking the nonfire fighter's biweekly salary plus the biweekly amount of premium pay and divides that sum by the 144 hours scheduled in each pay period. Therefore, a regular GS–3 employee receives $9.05 for each hour worked over 40 in a work week while a GS–3 firefighter receives $6.29 for each hour worked over 108 hours in a biweekly pay period. This too is unfair. The bill I am introducing today would require the hourly rate for all employees to be determined in the same manner.

Mr. Speaker, this legislation I am introducing also would require premium pay computations to reflect the firefighters' regular biweekly work period of 108 hours. Additionally, the Office of Personnel Management has prescribed regulations which provide a salary differential to be paid to employees whose duties expose them to certain hazardous conditions. Ironically, such provisions do not apply to employees such as firefighters and others whose duties normally involve hazards. Mr. Speaker, firefighters at the NASA Lewis facility in my district, are faced with the constant direct threat of exposure to extremely deadly materials. In those instances where firefighters are exposed to chemicals or biological agents, it is unfair and inequitable to deny them hazardous duty pay. The Firefighters Equity Act would require such payment.

Finally, the Firefighters Equity Act of 1989 ensures that all firefighters, like everyone else employed by the Federal Government, receive additional service credit under the Civil Service Retirement Act for regularly scheduled hours beyond 2,080 per year.

Mr. Speaker, as a senior member of the Post Office and Civil Service Committee, I know we are committed to address in the near future, the need for comprehensive pay reform for all Federal employees. Federal firefighters, as I have said, have a unique set of problems in this respect. As a part of that reform process, the special concerns of fire fighters addressed in my legislation must also be resolved.

HONORING THE RETIREMENT OF R. IRENE CLARKE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a very special woman who has brought a great deal of happiness into the lives of so many people. I am speaking of R. Irene Clarke who is retiring as administrative assistant in the Civil Engineering Department at the University of Massachusetts in Amherst.

The University of Massachusetts Civil Engineering Department has been chaired by four people since 1965 and Irene has been the top assistant for three of them. The present department head, Dr. William H. Highter, is quick to praise Irene for her dependable and loyal assistance.

But Irene's most important quality is her sense of humor. She has that unique ability to make people smile when they are down. Irene, no matter what the situation, and can always find some good in it. Mr. Speaker, such qualities are rare in an individual.

On December 1 her coworkers, friends, and family will gather together to congratulate Irene on her long and rewarding career. Irene's two children, Bryan and Mimi, and her two grandchildren, Jake and Katherine, will then have the opportunity to personally express their deep appreciation for many dedicated years Irene has devoted to the Civil Engineering Department at the University of Massachusetts.

After this joyous occasion, Irene will be able to devote her time to following the Boston Red Sox, and writing letters to their general manager, with whom, because of her frequent correspondence, she is on a first name basis. Hopefully her full-time devotion to the Red Sox will be enough to kick them home to a World Series victory.

But baseball is not her only interest. Irene will start tracing her genealogy and volunteer her time to local oragnizations. Previously she was willing to give of her time to the Hampshire County Jail and the Belchertown State School.

Mr. Speaker, I salute R. Irene Clarke. Her accomplishments, spurred by her compassion and dedication have touched so many lives. This is why I have called Irene Clarke to the attention of my colleagues—and why I say thank you, Irene, for a job well done.

WHAT WILL WE TELL OUR CHILDREN?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. PORTER. Mr. Speaker, the press can evoke many emotions in Members of the House. It can anger us, inform us, make us laugh, make us cry, and occasionally it can even make us think a little bit. But only on rare occasions can it make us step back from

our everyday legislative routine and search our souls for answers beyond the next appropriations bill or the coming election. I am enclosing one of these rare pieces of text with the hope that every Member will read it and ask themselves "What legacy is my work in Congress going to leave?" and "How will future generations view me years from now?"

Frankly, taken as a whole, I think we have good reason to fear truthful answers to these questions. I think it very unlikely that future generations will hold us in much regard while they are paying exorbitant taxes to service the massive national debt that we created and watching the Social Security system go bankrupt because we consumed the trust fund as fast as it was collected rather than saving it.

I hope this article will get us all thinking about our children and grandchildren and what our actions today will mean for their lives tomorrow. Our present course of action is leaving us with no real response to the question "What did you do Daddy—or Mommy—when America was mortgaging my future?"

[From the Chicago Tribune, Nov. 8, 1989]

WHAT WILL WE TELL OUR CHILDREN?

(By Matthew Miller)

With the usual hand-wringing, obfuscation and denial, Congress is about to close out the 1980s by raising the government's debt ceiling to about $3 trillion, an astounding figure. Just paying interest on this sum will consume 15 percent of our federal budget. Before long, an angry generation chafing beneath these debts will demand to know how it happened.

What will we tell them?

There'll be a lot of explaining to do. How will we account for our collective indifference during these few short years when America tripled its national debt and somersaulted from being the world's largest lender to its largest borrower?

How will we explain that we failed to fight this recklessness by taking to the streets, but instead rewarded its chief architect with a landslide reelection in 1984, and anointed as his successor last year a man who promised more of the same?

When they ask why democracy is special, who will defend to our children a system of government that produced not a single member of Congress—not one in 535—willing to risk his career by speaking honestly and persistently about the debt?

Who will apologize for a generation of leaders—Democrats and Republicans alike—so smitten with their posts that even the propsect of history's judgment could not scare them into doing their jobs?

How will we tell our kids that when America needed a Churchill, what we got was a Gramm-Rudman?

We'll be lucky if the questions stop there. But what if our kids are smart enough to know that blaming the leaders we elected is too easy? If they ask, "What did you do, Daddy, when America was mortgaging my future?" what will we say then?

That we weren't interested in politics? That we didn't understand that racking up debts for our children to pay wasn't right? That some "experts" on TV said it would all work out, so we decided not to worry? When it's a matter of admitting we were either stupid or irresponsible, what will we pick?

No, after all the fingers have been pointed and our children are still waiting for the truth, we'll finally confess that America slept while so much was lost, because it's easier to sleep. The only thing now certain is that our children won't have that luxury.

Aren't we ashamed?

TECHNOLOGICAL TRANSFERS WITH THE SOVIET UNION

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. McEWEN. Mr. Speaker, I would like to call attention to a timely article regarding technological transfers with the Soviet Union. While the economic benefits from trade with the Soviet Union would clearly benefit the business of America, Mr. Sluhan remarks that such endeavors would be harmful in the long run:

TRADING LIBERTY FOR PROFIT WITH THE U.S.S.R.

(By Clyde A. Sluhan)

From the time our country was founded we have been embroiled in many wars, always motivated by the belief that we were fighting for the preservation of liberty and democracy, either for ourselves or for others.

Many of those wars were fought to combat Communism, which is first of all an atheistic system, and, as practiced, an armed dictatorship. It is a system based on hate, envy, and suppression—in short, a system rooted in anything but liberty. It is a system sworn to hang the United States with a rope that was purchased on credit extended by ourselves.

Even knowing this, though, we set aside our differences that drive us to war and rationalize our way into trading partnerships with the enemy.

For years there have been those in this country who are so greedy to "make a buck" that they couldn't care less that their profits are being made off people who not only do not believe in freedom, but also suppress it wherever and whenever they can.

To many minds Americans who trade with Russia are traitors to the memory of our forefathers, to the principle of liberty, and to those Americans who have sacrificed their lives to preserve it.

FANTASY WORLD

Joseph Stalin stated after World War II that two-thirds of Soviet technology since the Russian Revolution had been obtained from the U.S. That is a trend that continues today, under the rationalization that through trade, our enemies will mellow.

Stalin's own words undermine such rationalization: "With a diplomat, words must diverge from acts—what kind of a diplomat would he otherwise be? Worlds are one thing and acts are something different. Good words are masks for bad deeds. A sincere diplomat would equal dry water, wooden iron."

It is interesting to note how so many of the so-called intelligentsia, occupying prominent positions in the entertainment, media, and educational fields, live in a fantasy world and continue to ignore the obvious. They push aside the tragic events in Poland, Hungary, Czechoslovakia, Afghanistan—the relentless creeping colonialism of the Soviet system and the ruthless suppression of its people.

They even seem to ignore those who escape the clutches of the iron curtain mentality.

Armando Valladares spent 22 years in Castro's prisons. His book Against All Hope proves that Castro's "heaven" in Cuba is a myth, and in reality is a hellish nightmare for those who do not belong to the ruling elite.

As George F. Will, columnist, wrote in reviewing the book: "It will drive a stake through whatever remains of the romance between Castro and the 'literary left.' It is axiomatic that there are some ideas so grotesquely false and morally frivolous that only intellectuals will believe them. But Valladares' unsparing book. . . will make it impossible for even the literary left to consider Castro an exception to the rule that Communist regimes rest on barbarism."

Then there are the warnings from Aleksandr Solzhenitsyn, penned in America, We Beg You To Interfere: "The whole existence of our slave owners from the beginning to end relies on Western economic assistance. . . The forces of the entire Soviet economy are concentrated on war. So, indirectly you are helping them to rearm. You're helping the Soviet police state. Let us stop selling to it and giving it loans. If the Communist bloc is all that powerful, then let it stand on its own feet for ten or 15 years."

WALL OF RESOLVE

In The Choice We Face Mr. Solzhenitsyn further writes: "Communism stops only when it encounters a wall, even if it is a wall of resolve. The West cannot now avoid erecting such a wall. . . The present generation of Westerners will have to make a stand on the road upon which its predecessors have so thoughtlessly retreated for 60 years."

I agree with Mr. Solzhenitsyn that the non-Communist countries should not help the inefficient Communist nations by trading with them or extending any trade credit. The more that we do, the more we intensify their suppression of the people they conquer. It would seem to me that in this year, marking the 100th anniversary of the Statue of Liberty, we should think of the liberty of all people and do nothing to support Communist regimes.

There are those who rationalize their trading with the Russians by saying: "If we don't supply them with goods, other countries will." But the bottom line is that Russians want U.S. goods and new technologies because they are the best.

I contend that if we continue to view the Russians as legitimate trading partners we are traitors to the liberty which our forefathers believed in and for which many Americans have died. How any of our companies are willing to sell to the Russians after knowing of their utter disregard for life as demonstrated in the Korean airline "shootdown," the Chernobyl incident, and the murderous actions in Afghanistan is beyond me.

In so doing we are not only betraying the ideal of liberty we hold so dear in these United States, but we also are indeed hanging ourselves with our own rope.

A TRIBUTE TO JAMES A. HINKLE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FAUNTROY. Mr. Speaker, I rise to salute a fellow Washingtonian who has made noteworthy contributions to the life and welfare of the citizens of Washington, DC, in his more than 30 years of public service.

Mr. James A. Hinkle was born in Washington, DC, completed his formal education in the District of Columbia public schools, and completed his undergraduate studies in the field of recreation and physical education at the University of Maryland, with a bachelor of arts degree. He holds a master's degree in education from Federal City College and a doctorate in public administration from Union University, and has served the D.C. Department of Recreation and Parks for more than three decades.

In addition, Mr. Speaker, James A. Hinkle served in numerous capacities with the D.C. Department of Recreation and Parks such as recreation specialist, roving leader, chief of the Before and After School Care Program, chief executive assistant, deputy assistant, and more recently, administrator of the Special Programs Administration. He has also served as an associate professor with the University of the District of Columbia—formerly Federal City College—and instructed college students pursuing degrees in the school of health, physical education and recreation.

James A. Hinkle is a member and past vice palmar of Kappa Alpha Psi fraternity, a managing director of the United States Youth Games, a member of board of directors of the Northwest Settlement House, a member of the Mayor's Committee on Disabled Persons, a member of the St. Augustine's Catholic Church Pastoral Council, a member of the D.C. chapter of the Black Public Administrators, a member of the Roundtable Associates, a life member of the National Association of Recreation and Parks, an adviser of the D.C. Council of Senior Citizens, a member of the Knights of Columbus, a member of the Pigskin Club Awards Selection Committee, a member of the University of Maryland Alumni Association, and a past member of the board of directors of the Southeast Settlement House.

His energy and dedication has been boundless. He established the Cycling and Safety Branch of the D.C. Department of Recreation and Parks, established the Fun-in-the-Sun Youth Program at the D.C. Department of Recreation and Parks, served as coordinator for the Mayor's official delegation to Beijing, China for the United States Baby Cup Soccer Team, coordinator for the first annual Freedom Bowl, served as coordinator of the District of Columbia's Senior Olympic Games, wrote and published the operations manual for the United States Youth Games.

Moreover, Mr. Speaker, James A. Hinkle was instrumental in the planning of the D.C. Therapeutic Recreation Center and the Fort Stevens Senior Citizens Center, and was selected Man of the Year for outstanding service in the field of recreation in 1987 by the Kappa Alpha Psi fraternity. He also was honored for his outstanding contributions to the parent advisory board of the D.C. Department of Recreation and Parks.

Mr. Speaker, James A. Hinkle is truly a gentleman of distinction who has labored unselfishly to make a difference in the lives of others through the creative use of recreation, education, and sports. He is worthy of honor and deserves recognition for the many contributions he has made.

THE MINNESOTA FAMILY INVESTMENT PLAN

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. PENNY. Mr. Speaker, today I am introducing a bill that would allow the State of Minnesota to pursue the food stamp portion of a demonstration project in family financial assistance that could set a significant precedent for the delivery of such assistance.

Minnesota has a long history of innovative leadership with regard to improving the economic and social well-being of its people. Accordingly, the Minnesota Commission on Welfare Reform was formed in 1986 to analyze the effectiveness of the current welfare system in Minnesota. The commission's report is the basis for the welfare reform initiative, the Minnesota Family Investment Plan [MFIP], which our State is now pursuing. Minnesota considers the Family Support Act of 1988 as a significant initial step toward true welfare reform and sees the MFIP as an enhancement to that reform.

MFIP seeks to go beyond the reforms already enacted by Congress with a simplified welfare system that would consolidate AFDC and food stamps into one cash grant for families. In order to do that, the State is seeking authority for a demonstration project similar to that granted the State of Washington in Public Law 100–485. The demonstration would involve approximately 10 percent of the Minnesota welfare caseload, with 3,000 cases from an urban test site and 3,000 cases from a cluster of rural counties. The demonstration is guaranteed as revenue neutral to the Federal Government since the Minnesota Legislature has passed legislation recognizing that the State will pay all costs above what would normally be expected to be the Federal cost.

I believe that the Minnesota Department of Human Services has done a creditable job in developing the demonstration program and in anticipating problems and pitfalls that might be encountered. They have sought the advice of consumer advocacy groups and have been willing to adapt the proposal to those needs as well as to administrative and legislative concerns. Allowing Minnesota to move forward with this demonstration would be a constructive step in accomplishing the goals of family self-sufficiency and administrative simplicity that could be the keystone of future assistance programs. It would also provide further evidence of Federal-State cooperation in improving services to all citizens.

The MFIP proposal has had the strong support of the Minnesota congressional delegation, Gov. Rudy Perpich, commissioner of human services, Ann Wynia, and her predecessor Sandra Gardebring. Legislation enabling the State to pursue the AFDC portions of the MFIP, which are under the jurisdiction of the Ways and Means and Energy and Commerce Committees, has been moving on a separate track.

On July 11, the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition held a hearing on the food stamp portion of this initiative where testimony was heard from the State of Minnesota, advocacy groups, and the Department of Agriculture. I am grateful to subcommittee chairman CHARLES HATCHER and ranking minority member BILL EMERSON for their assistance in moving this legislation forward. The legislation as proposed today is the product of nearly 6 months of determined effort by agriculture staff of both the majority and minority to achieve the necessary consensus among the concerned parties. It effectively meshes the concerns of the advocacy groups with the program needs of the Minnesota plan. I would also extend my appreciation to Chairman DE LA GARZA and ranking minority member Mr. MADIGAN.

I am hopeful that it will be possible for the House to consider this legislation expeditiously and that it will receive the support of my colleagues. I ask that the complete text of the bill appear in the CONGRESSIONAL RECORD immediately following my remarks on this legislation.

CHEHALIS RIVER BASIN FISHERY RESOURCES STUDY AND RESTORATION ACT OF 1989

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SWIFT. Mr. Speaker, today along with my colleague, Mrs. UNSOELD, I am introducing legislation aimed at ultimately restoring the historic fishery resources in the Chehalis River Basin of Washington State.

The Chehalis River Basin is located in the westernmost part of Washington State, extending north into the Olympic Peninsula. The basin includes approximately nearly 3,400 miles of rivers and streams which flow into the Pacific Ocean through Grays Harbor, a major west coast estuarine system. Historically, the basin produced large runs of anadromous species, including chinook, coho, and chum salmon and a variety of trout. Fish originating in the basin support important recreational, commercial, and Indian fisheries off Washington, Canada, and Alaska and within the basin. However, those fisheries are considerably below their historic levels and the decline has brought adverse economic and environmental consequences.

For the past decade, a diverse gathering of interested parties have been trying to understand the reasons for the decline of the fisheries. A series of studies have been undertaken locally; however, these studies have been of limited scope. What is needed is a broad, comprehensive analysis of fishery resources

and habitats upon which an integrated fishery enhancement plan can be based.

With our legislation, we intend to put in motion a series of actions which we hope will lead to a coordinated effort on the part of the interested Federal, State, tribal, and private interests to restore the historic Chehalis River Basin fisheries. Ultimately, long-term solutions will be needed to correct the practices which have caused the fisheries to decline. However, this legislation can be the first step of the process toward a revitalized fishery.

I commend Mrs. UNSOELD for the leadership she has shown on this project and am happy to join in her effort.

CHEHALIS RIVER BASIN FISHERY RESOURCE STUDY AND RESTORATION ACT

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mrs. UNSOELD. Mr. Speaker, today Representative AL SWIFT and I are introducing legislation to study and restore the fishery resources in Washington's Chehalis River Basin.

The Chehalis River Basin, which has approximately 1,400 separate rivers and streams totaling nearly 3,400 miles in length, has historically produced large runs of anadromous fish, including chinook, coho, and chum salmon, steelhead, cutthroat, sturgeon, and shad, as well as resident trout. These fish runs, however, have drastically declined in recent years.

For the past decade recreational and commercial fishing interests, industry, public utilities, and local and State governments in the region, have been trying to determine the causes of the declines in Chehalis River fish runs. These local efforts indicate the serious environmental and economic consequences of the fishery losses, and some progress has been made in identifying specific causes. However, there has yet to be a coordinated and comprehensive approach to studying and resolving the problem.

The legislation we are introducing today is intended to do just that. It authorizes in 3-year, $2 million program to be conducted by the U.S. Fish and Wildlife Service. The State of Washington, the Indian tribes, and local entities would participate in the program and contribute one-third of the program costs. This partnership in the program will help ensure a comprehensive and coordinated approach to the problem as well as cost-effective use of public funds.

The act consists of two parts. First, it calls for a review of existing studies to identify data needs. This would include information obtained from the coho survival study headed by the Washington Department of Fisheries and the watershed planning process by the Federal, State, and tribal fishery resource managers. Second, the bill directs officials participating in the program to conduct further studies needed to develop short- and long-term goals for restoring and conserving fishery resources within the basin. Both the study findings and the restoration actions are to be submitted to Congress by October 1, 1992.

Mr. Speaker, to protect our fishery resources from further degradation, and to begin the task of restoring them to their former status Federal, State, tribal, and local authorities must come together and combine their resources. This bill seeks to establish such a team effort and provides for local officials and groups such as the Grays Harbor Fisheries Enhancement Task Force to be actively involved. This task force, which is composed of commercial and recreational fishing interests, as well as government officials, has worked cooperatively for salmon and steelhead enhancement for the past 9 years. The experience that they have gained through these efforts will make a valuable contribution to this restoration program.

Mr. Speaker, the Chehalis River Basin Fishery Resource Study and Restoration Act provides a historic opportunity to restore the once-great fish runs to this large and potentially productive river system. By creating a Federal-State-local partnership, the act would pull together the elements necessary for a comprehensive, coordinated, and cost-effective study and restoration program.

DR. SHELDON HACKNEY, PRESIDENT OF THE UNIVERSITY OF PENNSYLVANIA, ADDRESSES THE NAACP LEGAL DEFENSE AND EDUCATION FUND

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GRAY. Mr. Speaker, I rise today to bring to the attention of the Members remarks made by Dr. Sheldon Hackney, president of the University of Pennsylvania. On November 3, 1989, Dr. Hackney spoke before the legal defense and education fund union league of the National Association for the Advancement of Colored people [NAACP]. He addressed the issue of the current state of our society and what constructive policy directions exist for our future. I hope that the Members will find his remarks as insightful and timely as I did.

REMARKS OF DR. SHELDON HACKNEY

These are tremendously exhilarating times in which we are living.

Mikhail Gorbachev has captured the imagination of the world with his extraordinary attempt to transform a centralized bureaucratic economy into something like a market economy and to introduce freedom of expression and even some democratic practices into a closely controlled society. Nationalities within the Soviet Union are asserting themselves as never before. Eastern Europe, once firmly under the control of Moscow, is now composed of countries finding different roads to socialism amidst an unprecedented outpouring of popular sentiment. The market revolution in China went so far, stimulating such strong demands for personal freedom, that Mr. Deng and his cohorts finally decided they could not tolerate the forces of democracy that their own policies had unleashed. Europe is pulling itself into a new economic entity with unknown consequences. South America has banished most of its Caudillos. Elsewhere in the trouble spots of the world, there are glimmers of hope in South Africa, Lebanon, and until yesterday Central America.

The dramatic reorientation of the Communist World has even led George Fukuyama to declare an end to history, a concept that leaves me, as an historian, scratching my head. As nonsensical as the term is, however, it accurately reflects a feeling of vindication—even victory—on the part of American conservatives who have seen world Communism as the Great Satan of the post World War II world and have believed that contemporary history has been driven by the friction between East and West and a competition between Moscow and Washington for the hearts, minds, and natural resources of the Third World. Without that structure of conflict to provide meaning to public life, they seem to say, we have reached an era without an Hegelian synthesis that does not become a thesis, that in turn invites an antithesis, a veritable secular millenium.

As profoundly as this reading of the situation misunderstands the nature of history and the nature of international relations, it is a feeling that may also be shared by the sort of muscular American liberalism that defined itself abroad as a pragmatic pursuit of American national interest. Anti-Communism was the last prop under the old Roosevelt-Kennedy-Johnson brand of liberalism, a coalition of forces for whom poverty was the enemy and whose battle plan was a kind of economic populism realized through a massive set of federal government programs. This approach has been in disrepute since the War on Poverty in the Sixties seemed to fail, and it has been savaged by the left and the right in recent years. As a result of all of this, liberalism has been left in disarray.

Since the mid-1970's, conservatism in its libertarian and free-market guise has been in the ascendancy, with a brief time out during the Carter years for a try at a combination of fiscal restraint and social progressivism. That may have been a winning theory, but it got thrown out with the bath water in the aftermath of the hostage crisis and the Hamlet-like presidency. Generally, however, most of the new theoretical notions about government, and most of the new departures in practice (e.g. supply-side economics) for the past 15 years have come from right of center.

Now, one might be able to make an argument that the idea of a post-historical, conflict free society applies to our domestic life as well as to foreign affairs. It is true, for instance, that the Civil Rights Movement of the 1960's was successful. Black purchasing power now exceeds $200 billion per year, more than the gross national product of many entire nations. Per capita income among African-Americans is at an all-time high. The number of elected officials who are black has increased by 350 percent since 1970, and the income gap between black and white college graduates, and between black and white two-parent families, is shrinking.

No one would suggest, of course, that racism has been expunged from America, or that there is not plenty left to accomplish in the area of voting rights, access to quality education and decent housing, and the elimination of racial discrimination in the work place, but it is evident that opportunity for middle class African-Americans is a reality as never before.

Sadly, the Dickensian pronouncement applies here: "it was the best of times; it was the worst of times." Frankly, friends, we've

got trouble right here in River City—and I mean this river city on the Delaware. You have merely to walk around the city with your eyes open to realize that a vast number of our fellow citizens have been left out of the promise of American life. If you read the paper, you can not avoid knowing about the depressing cycle of poverty, the decaying of family ties and the destruction of whole neighborhoods by drugs and the crime it spawns, children having children for whom they cannot care, babies born toxic with alcohol or drugs, AIDS, homelessness and human despair.

Twenty percent of our children nationally are growing up in poverty. Half of all black children grow up in poverty. The poverty rate has crept up from 11.4 percent to 13.1 percent over the past decade, which perhaps can be seen as only a modest retrogression, but one third of all black and hispanic families have incomes below the poverty line. Unemployment rates for blacks and hispanics are two and a half times those for whites. Life expectancy for African Americans is falling; infant mortality is actually rising. Three times as many black and hispanic high school seniors score below 400 on the SAT exam as do white students. African Americans are twice as likely as whites to be victims of crimes. Thirty-seven million Americans have no health insurance, and members of minority groups are disproportionately unprotected.

Folks, our society is not working very well. As the Commission on Minority Participation in Education and American Life reported recently, "America is moving backward—not forward—in its effort to achieve the full participation of minority citizens in the life and prosperity of the nation."

The apparent paradox of simultaneously good and bad statistics about life in these United States is explained by the fact of the increasing disparity in incomes, the growing chasm between the rich and the poor. A great deal of this is the result of public policy over the past decade, as there has been a conscious cutback in social programs funded by the federal government, but a large share is the result of fundamental forces, as is suggested by the fact that the disparity in incomes began to grow in the late 1960s and continued to grow through various cycles of public policy. That growth reflects the changing nature of the economy, as we have shifted from a manufacturing base to services and high-tech industries. Part also stems from the changing structure of the population, as it contains more elderly people, more children, more recent immigrants without the skills to contribute fully to the economy, and more dependent people of various kinds. The rapidity of change and the fractionalization of society constitute a serious challenge to our political system.

One response has been primarily diversionary. It is to focus on controversial and religiously resonant questions rather than on the heart of the problems facing us. Thus we find much of the public discourse filled with arguments about flag burning, pornography, prayers in schools, crime in the streets (remember Willie Horton?), and drugs (just say no!).

Putting prayers in the schools will not lift one child out of poverty or teach one illiterate adult how to read. Sanctifying the flag will not reform a single addict or save one low birthweight baby.

Now, some such questions, for instance abortion, are fundamentally important as matters of individual rights, and how they are decided has tremendous implications for human wellbeing—but they still do not get at the galaxy of symptoms that indicate that the patient is not doing well.

Another, healthier, response to the challenges of our current condition is the business community's pragmatic response. It has surveyed the demographic terrain between now and the year 2000 and discovered that if something is not done there will not be enough minimally qualified new workers to staff the economy in the early part of the 21st century. If our workforce fails, we will fail in the increasingly competitive global marketplace. Their solution is to reform the schools.

The school reform movement has been in full cry for half a dozen years, and it needs to run at least another half dozen years at full speed. Schools are crucial, of course, but schools are not the problem. Schools are not failing. Families and neighborhoods are failing. Schools, as they are currently constituted and funded, simply can not overcome the impediments to learning and growing that the child encounters at home and in the neighborhood.What is needed is a broad-scale and coordinated social policy that supports and creates institutions to do some of those things that families, neighborhoods, and voluntary associations once did but now, in these troubled and more complex times, do imperfectly or not at all. This policy will worry less about the supposed distribution of power among groups, especially among economic classes, and more about insuring that every individual can be a full participant in the life of the community and nation, and about supporting those among us who cannot fend for themselves.

If I were King or Czar, the cornerstone of my policy would be a heavy investment in early childhood care and education. We are losing whole generations of children before schools even have a chance of rescuing them from a life of degradation on the streets. One might begin by fully funding Head Start. We know that works. Quality day care should be available to all who want and need it. We must insure more developmental stimulation and health care and proper nutrition for children from birth to kindergarten. Community schools should be places where multiple coordinated family-support services might be available. Elder care is a crisis in the making, but national youth service is an opportunity to accomplish much civic betterment in communities and at the same time provide an educational and common national experience for everyone no matter how rich or poor, how able or willing.

Things easily can be done to encourage the voluntary sector, and to make job training and job counselling more available. Needless to say, we also need to maintain our global lead in higher education and research and development.

The agenda is large, as these examples suggest, but it is neither mysterious nor impractical. Expensive, yes. Long-term, yes. But it must be done.

I understand the budgetary constraints under which we must work, and I understand the difficulty posed by the fact that the problems are mostly in the cities and that the tax base and the votes are located outside the cities. Nevertheless, the human needs are so great that we must find a way to creat the political will to act. We must call Americans to their higher purpose; we must ask them to turn their backs on the self-indulgence of affluent materialism as well as of narcotic self-destruction; we must ask our fellow citizens to take responsibility for themselves and for their neighbors.

If we start on this agenda in good spirit and high hope, soon the answer to the question of what holds us together in this pluralistic society against the centrifugal forces that now have us in their grip will not be a fearful assertion of diversionary symbols, but the reaffirmation of the best values in the American tradition. Those values are based on a view of America as the land of opportunity open to all who are willing to work at it, as a society that constantly expands its definition of itself to include formerly neglected groups, as a nation that is always in the process of perfecting its sense of equal justice and democracy.

Most of all, we must be held together by a civic commitment to each other, an understanding that each of our fates is bound up with the fates of the least fortunate among us, that the only satisfying individualism is realized through one's feeling of contributiong to the welfare of society and of humanity at large.

This is a large, and perhaps a long, task, but it is urgent. I do not know whether the L-Word lives, whether it is out there like Snow White waiting to be revived by a kiss from a handsome prince. I do see a lot of handsome princes stalking the political hustings with their lips all puckered, but the magic has not happened so far. I know, however, that we need some appropriate vision of a possible future that can inspire our effort. It needs to be expressed in language that features ideals such as service, civility, responsibility, duty, dedication, and caring, and that links those ideals to a coherent plan of action.

Though I sometimes feel despair at our prospects, there are also a lot of encouraging signs. There is a stirring of interest on college campuses in public service and voluntarism that leads me to hope that the tide of public indifference is turning.

More especially, we can take inspiration from the Legal Defense Fund. It is still at work doing its part to make America the model democracy we all want it to be. Let's do our part, too.

MORE SUPPORT FOR THE NATIONAL EARTHQUAKE DAMAGE PREVENTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. STARK. Mr. Speaker, Congressmen DELLUMS of California and FORD of Tennessee are joining Representatives LANTOS, BOXER, ROYBAL, PELOSI, and I in sponsoring the National Earthquake Damage Prevention Act, H.R. 3624.

This bill, described in the November 8 RECORD on page H8170, requires the establishment of building standards so as to reduce the damage and loss of life in major earthquakes—earthquakes which are certain to strike both in the East and the West in the next few decades. The bill then uses the Tax Code to make sure that the new standards are used in new structures. It does this by denying the use of tax exempt bonds and deductions for interest and depreciation on new

structures built after 1996 which do not meet the new standards.

Don't kid yourselves into thinking that earthquakes are just a California problem. The fact is that many areas should expect major quakes, especially the East. According to the Washington Post:

Geologists project that there is a 100 percent probability of a destructive quake hitting somewhere in the eastern United States before the year 2010, and an 86 percent to 97 percent probability of a quake, at least 6.3 on the Richter scale, hitting New Madrid again before 2035.

The magnitude of damage and loss of life expected even outside of California is tremendous. According to David W. Cheney, analyst in science and technology for the Congressional Research Service:

Of special concern is the Wasatch fault near which 85% of Utah's population lives. The combination of relatively large quakes, large population, and relatively weak buildings has led to estimates of extensive losses from some earthquakes on this fault, ranging from $800 million for a magnitude 5.5 shock on the Provo section of the fault to $5 billion for a magnitude 7.5 shock on the Salt Lake segment of the fault.

According to U.S. News & World Report:

A 1985 study by the Federal Emergency Management Agency found that a magnitude 7.6 quake in the East would cause 2,500 deaths, collapse 3,000 structures, cause $25 billion in damages and displace a quarter of a million people in Memphis alone if it struck during a working day.

Major quakes have plagued areas outside California for years. According to David W. Cheney, analyst in science and technology for the Congressional Research Service, a 6.8 magnitude quake hit Charleston, SC, in 1886, a 8.4–9.2 quake hit Anchorage, AK, in 1964, a 6.5 quake in Seattle, WA, in 1965, a 7.0 quake in Olympia, WA, in 1949, and three 8.6–8.8 quakes in New Madrid, MO, in 1811–12. The Memphis quake was described in the Los Angeles Times:

The quakes—estimated to have been between 8.6 and 8.9 magnitude—packed such force that they briefly reversed the course of the Mississippi, created a major new lake that still exists, rang church bells in Boston and knocked down construction scaffolding around the capitol in Washington. The tremors could be felt over 1 million square miles.

Lack of preparation could have devastating consequences according to the Los Angeles Times:

"There's no memory of a big quake here, that's the problem," said Jeff Crenshaw, director of the Memphis-Shelby County Emergency Management Agency. "Our problem is that we don't have them often enough for us to know what to do." As a result, a quake in Memphis like the one that recently hit the Bay Area could lead to greater loss of life, because people don't know what to do and buildings haven't been reinforced. In addition, the damage here would extend over a larger region, because of the Mississippi River Valley's soft soil, which transmits seismic energy more easily than does the thick rock just below the surface in California.

The urgency of the earthquake problem was best illustrated in the Washington Post:

"Let's face it: There were senators here awakened not just two years ago (by shock waves) from an earthquake in Quebec. I think that's a warning signal that we shouldn't feel immune to what we're seeing in San Francisco," said Randy Updike, deputy of the USGS' Earthquake Hazards Division.

It is clear that we have a serious national problem that we are not properly preparing for. The National Earthquake Preparedness Act makes sure that the nation's newer structures will be better prepared to withstand major earthquakes. I urge every Representative, especially those from the East, to support H.R. 3624.

CONGRATULATIONS TO GENE BURD, PRESIDENT OF THE RANCHO LOS CERRITOS BOARD OF REALTORS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and member of the real estate community, Gene Burd of the Rancho Los Cerritos Board of Realtors.

Mr. Burd has been an active member of the Rancho Los Cerritos board for over 14 years. He served in 1989 as president, as treasurer in 1988, and has been a director on the board the past 3 years. He also has served on numerous committee assignments the last 7 years. He was chairman of the budget and finance committee in 1988, chairman of the realtor consumer protection committee in 1987, vice chairman of the orientation committee in 1983, and a member of the grievance committee.

Under the leadership of Mr. Burd, the Rancho Los Cerritos Board of Realtors has stood as a beacon of professional and ethical standards among member realtors. His enthusiasm and love of work have increased the board's participation in community services while at the same time promoting the institution of property and home ownership.

Because of Mr. Burd's inspirational leadership and diligent efforts to serve his fellow citizen's the Rancho Los Cerritos Board was able to successfully undertake several key community projects designed to enhance the quality of life within the cities served by the board. One such project was the Christmas Cantree Program. Behind Mr. Burd's guidance the National Association of Realtors, in cooperation with the Salvation Army, will encourage each member office to build a Christmas tree made of canned goods, with all cantrees going to the Salvation Army at Christmas time for distribution to needy families.

Another board project is the "Safety through Songs" program. This program will combine visual and audio aids to teach children basic safety tips which will help them avoid danger. The program will be presented by realtors to kindergarten and first grade students at local elementary schools. This program has been praised by California Gov. George Deukmajian, attorney general, John Van deKamp, and State superintendent of public instruction, Bill Honig, and the Los Angeles County Sheriff's Department.

Gene Burd's capacity for leadership has always been recognized by his peers. Not only has he served in numerous positions with the Rancho Los Cerritos Board of Realtors, but he has also been a State director for the California Association of Realtors since 1987, and served as a delegate of the National Association of Realtors. During this time, Mr. Burd has traveled throughout the State of California and the Nation to all of the California Association of Realtors and National Association of Realtors conventions and quarterly director's meetings. He has been tireless in the execution of his duties by attending all 22d district meetings for the past 3 years, and also by serving in 1987 as the 22d district chairman of the real estate finance committee.

December 6, 1989, will bring to a close Mr. Burd's successful year as president of the Rancho Los Cerritos Board of Realtors, and highlight his long and distinguished career in the real estate field.

My wife Lee, joins me in extending our congratulations to Gene Burd. He is truly a remarkable individual. He is a man who has devoted much of his talent to enriching the lives of others. On behalf of the entire community, we wish Gene Burd all the best in the years to come.

INTRODUCTION OF LEGISLATION PROVIDING A GRADUATED EXEMPTION FROM THE SOCIAL SECURITY PUBLIC PENSION OFFSET

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to mitigate the effect of the Social Security public pension offset for lower income and middle-class Social Security beneficiaries.

Mr. Speaker, under present law, the spouse of a Social Security beneficiary is generally entitled to one-half of that beneficiary's benefit if that amount is larger than the amount he or she would otherwise receive on their own earnings record. However, if the individual receiving the reduced Social Security benefit also receives a pension from employment with the Federal Government or a State or local government, the Social Security benefit is further reduced by two-thirds of the governmental pension.

For example, John and Jane Doe are married. John Doe receives a Social Security benefit of $600 per month. Jane Doe was an employee of the Federal Government and earns a monthly pension of $400 per month. Jane is entitled to one-half of John's Social Security benefit, of $300. However, because of a public pension offset, her Social Security benefit is reduced by two-thirds of her Federal annuity or $266. Consequently, she receives a Social Security benefit of only $34.

This change in the law was made by the 1983 Social Security Act Amendments. Re-

cently, however, some unfair results of this law have been called to my attention by one of my constituents. This constituent is a school crossing guard, and her Social Security benefit has been drastically reduced as a result of the public pension offset. However, my constituent also receives a very small pension from the State of Massachusetts. Her total combined benefits are just under $300 per month.

Whereas I am in general agreement with the policy behind the 1983 amendments, I am concerned about the provision's effect on lower income and middle-income elderly. The rigid rule that is currently in the statute leads to unfair results for these beneficiaries. Special consideration should be shown to these individuals.

Therefore, my bill attempts to mitigate the effect of the public pension offset. Under my bill, the public pension offset would not apply at all to individuals whose combined Social Security benefit and public pension is less than $300. In the case of individuals whose combined benefits are less than $600, the reduction would be only one-third rather than two-thirds as under present law. Present law would continue to apply to individuals with combined benefits of $600 or over.

I am introducing this legislation today, before this session of Congress adjourns, so that my colleagues can have an opportunity to examine it. Next year, I plan to work in the Committee on Ways and Means to pursue this proposal further, and I urge my colleagues' support.

HOMESTEADING BILL WOULD HURT, NOT HELP

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. STOKES. Mr. Speaker, study after study has shown that in the area of housing, our Nation is becoming a nation of those who have and those who have not. The Select Committee on Youth and Families projects that by the year 2003, 18 million poor people will be without housing.

A number of initiatives are being considered by the Congress to address this issue. Unfortunately, some of the proposals would do more harm than good. Take for instance the urban homesteading bill which would permit tenant groups to buy public housing. This proposal, in fact, would contribute greatly to the dilution of the public housing stock.

Our colleague, BILL CLAY, a leading advocate in the area of housing, has pointed out that this measure would allow the Federal Government to retreat on its commitment to housing for the poor. A recent editorial in the St. Louis Post Dispatch addresses his concerns. I am pleased to bring this editorial to the attention of my colleagues.

[From the St. Louis Post-Dispatch, Oct. 30, 1989]

HOMESTEADING BILL WOULD HURT, NOT HELP

The interest that Sen. Christopher S. Bond of Missouri has shown in the problems of housing for the needy is commendable, but his urban homesteading measure would be disastrous for those he seeks to help. As Rep. William L. Clay notes, Mr. Bond's measure would trigger a federal retreat on its commitment to provide housing for the needy.

The homesteading proposal would make permanent a pilot project that lets tenant groups buy public housing. The real drawback is a provision to ease current rules that say the federal government must replace each unit it sells to tenant groups. Under Mr. Bond's bill, even a Section 8 certificate could be counted as a replacement "unit," as could low- and moderate-income units built by state and local governments and nonprofit groups.

A Section 8 certificate is just that: a piece of paper, not a housing unit. It gives the holder the right to rent an apartment, with the federal government paying roughly 70 percent of the rent. The trouble is that the government isn't likely to issue enough Section 8 certificates to compensate for units that would be sold. Nor would the number of units built through state-issued tax-exempt bonds compensate for this loss. The Section 8 certificates and state-financed housing are needed to make up for the already acute general shortage of housing for the poor—reason enough why they shouldn't be counted as public housing replacement units.

This bill could demolish public housing quicker than the dynamite that toppled Pruitt-Igoe, at a time when too many Americans are homeless or in substandard housing or earn too little to rent existing units. Mr. Bond's plan is clearly unacceptable.

Instead of setting the stage for the demise of public housing, Mr. Bond ought to push for federal funds to renovate more vacant and vandalized public housing stock. He also should amend the homesteading bill so the federal government can't walk away from its responsibility for housing the poor.

UNFAIR RATING

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. TANNER. Mr. Speaker, the Places Rated Almanac was recently released purportedly giving its version of the best places to live in this great and diverse Nation. Quite frankly, the low rating given to Jackson, TN, is unjustified. The authors of this publication cited Jackson as the 322d best place to live in this Nation.

In my opinion, a rating this low for Jackson is an affront to not only the people who call Jackson home, but to all the people of the Eighth District of Tennessee who know it to be a cultural, business, educational, and medical center for the counties around it.

None of us take delight in expressing preference for one city over another to the detriment of another. Each city, each region, each State in this country has its own strengths and attractions. Jackson, TN and its surrounding areas is no exception.

It deserves to be considered as one American city among thousands which has its own personality, its own tradition, and its own attractions which make its citizens proud to call it their hometown.

THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ACT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FASCELL. Mr. Speaker, I rise to call our colleagues' attention to legislation that Chairman WALTER JONES and I have introduced to preserve and protect the only living coral reef in North America. The Florida Keys National Marine Sanctuary Act creates a National Marine Sanctuary that would stretch from the Key Largo National Marine Sanctuary to the Dry Tortugas and the Fort Jefferson National Monument. Throughout this area there are an extensive series of live-bottom coral communities which support and sustain a very complex and unique ecosystem. I have long argued for the preservation of the coral reefs; this bill offers such protection.

Our Nation has been shocked and outraged by a series of oilspills, particularly the tragedy in Prince William Sound. Floridians share the national concern over such incidents, but our attention has recently been directed to three vessel groundings on the coral reefs of the Florida Keys. Two of these incidents have occurred in the Key Largo National Marine Sanctuary; the other within the boundaries of the Fort Jefferson National Monument. These three accidents occurred within 17 days of each other, and each literally destroyed several acres of living coral.

While any grounding is a tragedy, the reality of the situation is that we were fortunate that these accidents took place in federally protected waters because the Federal Government has the authority to assess fines and penalties and the legal avenues to pursue lawsuits for damages. Had these incidents occurred in waters that are not protected, it is possible that there would be no legal avenues to collect damages.

Because there are no existing formal commercial shipping lanes in the area, this measure seeks to address the problem of vessels hugging the reefs as they navigate their course. While the Florida Keys National Marine Sanctuary Act will not create shipping lanes, it does create a 2-nautical-mile buffer zone from areas within the sanctuary designated as "areas of special ecological significance and areas of special navigational hazard." Millions of people have enjoyed the scenic beauty of the marine resources that the Florida Keys have to offer, but we have been remiss in not providing the protection the coral reefs deserve. The Florida Keys National Marine Sanctuary Act sets aside the extensive Florida Reef Tract, manages it as a marine resource, and provides the commercial shipping industry with a reasonable set of guidelines to negotiate the Straits of Florida.

Negligence may have played a role in the recent groundings in the Florida Keys, but it is not fair to place sole blame on the skippers of these ships for trying to negotiate a legal course. No captain wants to run aground, but if there are no established routes he will choose the shortest possible route. For the Florida Keys, that means ships hugging, and

thus endangering, the coral reefs that populate the area. These guidelines will give the ship captains a safe and reasonable course and, more importantly, protect the reefs from unnecessary man-made damage.

We recognized the importance of these habitats when we created the Key Largo and Looe Key National Marine Sanctuaries, the Fort Jefferson National Monument and the Biscayne National Park, all of which contain live-bottom coral communities. With this act, we are recognizing the ecological importance of the entire coral reef tract and the need to protect it. This is an appropriate response to the desire to preserve sensitive environments and to establish safer commercial shipping standards. It is a fair balance between the need to protect this unique and rare ecosystem, rivaled only by rain forests for their biological diversity, and address the legitimate needs of an important industry. I urge our colleagues to support the Florida Keys National Marine Sanctuary Act.

MERCEDES COTNER, A GREAT PUBLIC SERVANT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. OAKAR. Mr. Speaker, I rise today to pay tribute to the grand dame of Cleveland politics and public service, Mrs. Mercedes Cotner, who celebrated her retirement from Cleveland City Hall on Friday, April 28, 1989.

Merce Cotner started in politics at the grassroots level as councilwoman of Ward 2 in 1954. She steadily climbed the ladder to her most recent position as city clerk, clerk of council, Cleveland, OH.

For the past 25 years, Merce has made many administrative decisions which have had a positive and lasting effect on the Cleveland community. She is deeply admired and respected by all who serve in the council chambers, the business community, and, perhaps most importantly, the residents who confide in her, seeking the benefit of her many years of experience.

In paying tribute to Mrs. Cotner, her colleagues, past and present, and the Cleveland Council have honored her as their "political mentor, peacemaker, and stabilizing force." Her dedication and service to the legislative body in the city of Cleveland has been exceptional.

Since assuming her role as clerk of city council in January 1964, Merce has served honorably with six mayors and four council presidents. While serving as vice chair of the Cuyahoga County Democratic Party, Merce was nominated by the party as the first woman candidate for Mayor of Cleveland. She is the former secretary of the Federated Women of Ohio and an active member of the Democratic Executive Committee. Merce served as a member of the regional transit authority.

Mercedes has been the recipient of numerous awards for her civic contributions, some of which are: 1973 Boss of the Year Award, 1974 Woman of the Year Award by the Cuyahoga County Democratic Club, 1974 Service Award for Ward 21, 1980 Service Award from the Cuyahoga County Women's Political Caucus, 1985 Cleveland State University's Tribute to Public Service Award, 1985 inducted into the Ohio Women's Hall of Fame. Merce has been able to maintain her grassroots qualities by serving as a member and officer in many civic organizations and she continues to be a devoted member of her parish, St. Ignatius.

Heavy community involvement for the past 25 years did not prevent Merce from devoting her energies to her family. She was a loving wife to her late husband, "Pink," a tender, giving, concerned mother of two sons, Gerald (deceased) and Judge Timothy Cotner. Today, she remains the matriarch of this close knit family of sons, daughters-in-law, grandchildren, and great grandchildren

It is my pleasure to join with others in the Greater Cleveland community whom she considers members of her civic family in wishing Merce many, many more years of service to our family on projects near and dear to her, and to add my personal thanks and best wishes to the grand dame of Cleveland who has been a role model for all of us.

HONORING THE RETIREMENT OF ARCHIE J. DeANGELUS OF DALTON, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to Archie DeAngelus who, after serving 33 years with the Dalton Community Recreation Association is retiring. Mr. DeAngelus has exemplified the ideals of commitment and dedication throughout his 33 years at the association.

Mr. DeAngelus dedication to the Berkshires is exhibited in the numerous positions he has so selflessy volunteered for throughout his lifetime. His career in recreation began in 1957 when Archie became the director of the Dalton Youth Center. He then moved on to the position of director at the Community Recreation Association in 1962, a title he still holds today.

Archie's commitment to the community goes far beyond his work at the Recreation Association, Mr. Speaker. Aside from his role as director at the association, Archie has worked tirelessly with the youth of Berkshire County. Through the years he has boasted such titles as president of the Dalton Camp Fire Girls, president of the Dalton, Windsor, Hinsdale Little League, Dalton Babe Ruth League and director of the Neighborhood Youth Corps. Archie has put his all into these organizations much to the pleasure of both parents and children alike. They have rewarded him time and time again with such awards as the Red Cross Certificate of Appreciation, the Babe Ruth Special Award for Outstanding Service and the Paul Harris Fellowship which is the highest award given by the Rotary Club to name just a few.

Mr. Speaker, although Archie DeAngelus is retiring as the director of the Dalton Community Recreation Association, he will never retire from helping both young and old alike. While assisting in already established programs, Archie has added to his hectic schedule by initiating such activities as synchronized swimming, bowling for special needs and nutrition programs for the elderly.

I salute Archie DeAngelus. His accomplishments, spurred by his love and dedication for humanity are impressive. His absence will be a loss to all who have learned from him and benefited from his hard work and abundant energy. I wish him a long and happy retirement.

PETITION FOR HOSTAGES HELD IN LEBANON

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. PORTER. Mr. Speaker, I am pleased to place in the RECORD a copy of the petition for world habeas corpus for hostages held in Lebanon. The petition was filed at the United Nations on November 2, 1989. It was sent to me by Prof. Luis Kutner of Chicago, who chairs the Commission for International Due Process of Law and its Committee on World Habeas Corpus. I applaud Professor Kutner's commitment to garnering the international community in support of those in Lebanon still ruthlessly and illegally held against their will. I commend the petition to all Members.

[In the United Nations General Assembly, Economic and Social Council, Human Rights Commission, the Secretary General]

UNITED NATIONS, EX REL., TERRY ANDERSON, THOMAS SUTHERLAND, TERRY WAITE, ROBERT POLHILL, JESSE TURNER, ALANN STEEN, JOSEPH CICIPPIO, EDWARD TRACY, BRIAN KEENAN, JACK MANN, JOHN MCCARTHY, ALBERTO MOLINARI, FRANK REED, HEINRICH STRUEBIG, THOMAS KEMPTNER, ON BEHALF OF THEMSELVES AND OTHERS, PETITIONERS, *vs.* THE ISLAMIC REPUBLIC OF IRAN, THE SYRIAN ARAB REPUBLIC, RESPONDENTS

Petition of Terry Anderson, et al., on Behalf of Themselves and Others for a United Nations Writ of Habeas Corpus and Declaratory Relief

To: The Secretary General of the United Nations, the Members of the General Assembly, the Economic and Social Council and the Commission on Human Rights

PETITION OF TERRY ANDERSON AND OTHERS ON BEHALF OF THEMSELVES AND OTHERS FOR A UNITED NATIONS WRIT OF HABEAS CORPUS AND DECLARATORY RELIEF

The Petitioners herein, American, British, Irish, Italian and West German nationals, invoke the jurisdiction of the United Nations and its organs by virtue of the provisions of the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture, and the International Convention Against the Taking of Hostages, and file this petition on their own behalf and on behalf of an unknown number of others being held hostage in the Middle East, praying for release from their various places of captivity; safe

passage from their captivity to their homelands; cessation of torture and arbitrary executions and threats thereof.

I. GROUNDS FOR WORLD HABEAS CORPUS

1. That petitioner Terry Anderson, a United States national, had served as chief correspondent for the news organization Associated Press, until he was abducted on 16 March 1985 in West Beirut, Lebanon. Subsequent to his abduction a group identifying itself as the Islamic Jihad claimed responsibility for his kidnapping. In 1988 the group released a videotape showing the petitioner in an obviously distressed state.

2. That petitioner Thomas Sutherland, a United States national, was an officer of the American University of Beirut, was abducted on 9 June 1985 while en route from the Beirut airport to the University. A group identifying itself as Islamic Jihad claimed responsibility for the kidnapping.

3. That petitioner Terry Waite, a United Kingdom national, was an envoy of the Anglican church in Lebanon on a mission to negotiate with the group Islamic Jihad for the release of other hostages. He disappeared on 20 January 1987 after leaving his hotel in West Beirut to meet with said group. His captors have yet to publicly identify themselves.

4. That petitioner Robert Polhill, a United States national, was a professor at the Beirut University College, and was abducted on 24 January 1987 while in the company of petitioners Turner and Steen while on the university campus. A group identifying itself as the Islamic Jihad for the Liberation of Palestine claimed responsibility for the abduction.

5. That petitioner Jesse Turner, a United States national and a visiting professor at Beirut University College, was abducted on 24 January 1987 as described in paragraph (4) above.

6. That petitioner Alann Steen, a United States national and a professor at Beirut University College, was abducted on 24 January 1987 as described in paragraph (4) above.

7. That petitioner Joseph Cicippio, a United States national and an employee of the American University of Beirut, was kidnaped on 12 September 1986 in West Beirut. In August 1989 a group identifying itself as the Revolutionary Justice Organization threatened to execute petitioner after releasing a videotape of him as a captive.

8. That petitioner Edward Tracy, a United States national, was abducted on or about 19 October 1986 in or near West Beirut. An organization identifying itself as the Revolutionary Justice Organization announced it had abducted him. Such organization has also refused to permit petitioner to receive correspondence from his family.

9. That petitioner Brian Keenan, a national of the Republic of Ireland and the United Kingdom, was abducted on 11 April 1986 in West Beirut. His captors have not identified themselves.

10. That petitioner Jack Mann, a seventy-five-year-old national of the United Kingdom, was abducted on 12 May 1989 in West Beirut. Soon after his abduction a group identifying itself as the Cells of Armed Struggle announced that it had abducted a Briton. In September 1989 a relative was informed that petitioner Mann had died while a prisoner.

11. That petitioner John McCarthy, a United Kingdom national, a television journalist, was abducted on 17 April 1986 in West Beirut. His captors are believed to be an organization identified as the Revolutionary Commando Cells.

12. That petitioner Alberto Molinari, a national of Italy, disappeared in West Beirut on 11 September 1985. His captors have not been identified.

13. That petitioner Frank Reed, a United States national and director of the Lebanese International School, was abducted on 9 September 1986 in West Beirut. A group identifying itself as the Arab Revolutionary Cells—Omar Mokhtar Brigade claimed responsibility for the abduction, but the United States Department of State has identified his captors as the Islamic Jihad.

14. That petitioner Heinrich Struebig, a West German national, a relief worker, was abducted on 16 May 1989 in southern Lebanon along with petitioner Kemptner. His captors have not been identified.

15. That petitioner Thomas Kemptner, a West German national was abducted on 16 May 1989 as described in paragraph 14.

16. That other unknown hostages are perhaps being held captive by the organizations identified in paragraphs 1 though 15 or by other organizations associated with those so identified.

17. That due to the conditions persisting in the nation of Lebanon, the government of the state of Lebanon has been unable to secure the release of such hostages through legal, political, military or other means.

18. That due to the circumstances noted in paragraph (17), petitioners have no realistic access to municipal remedies and that those remedies should be considered exhausted.

19. That due to the circumstances enumerated in paragraphs 1 through 18, it is evident that a consistent pattern of gross violations of human rights persists regarding the taking of hostages in Lebanon and part of the Middle East.

II. FACTS

20. The following facts establish the responsibility of Respondents for the gross violations of Petitioners' human rights described above.

21. The state of Lebanon has experienced a civil war for the past fifteen years. As a result the Lebanese central government has been unable to exercise effective authority in most of the country. Instead effective authority is in the hands of various domestic groups fighting for control of Lebanon and their various foreign allies.

22. The army of the respondent Syrian Arab Republic has occupied large areas of eastern Lebanon. The army had entered Lebanon as a peace-keeping force but has refused to leave and has become involved to varying degrees in the factional fighting. Over the last few years, through the presence of its army, the respondent Syrian Arab Republic has gained considerable influence over those factions it has come to support. It is some of those factions that have participated in the hostage-taking described in paragraphs 1 though 19. These groups operate within the Syrian sphere of influence in Lebanon.

23. That the respondent Islamic Republic of Iran has provided financial, military, logistic, political and moral support to the groups that have taken hostages. Such support has given the Islamic Republic of Iran control over some of these groups and considerable influence over others. Evidence of such influence is to be established from the following facts.

24. The organization Hizbollah, or the Party of God, constitutes the core of the hostage-taking groups. Islamic Jihad, Revolutionary Justice Organization, Islamic Jihad for the Liberation of Palestine and the Arab Revolutionary Cells are all directly related to and controlled by Hizbollah. Hizbollah, formed in 1983, was inspired by the late Iranian leader the Ayatollah Khomeini, and its goal was to form a revolutionary government in Lebanon similar to the Islamic Republic of Iran. Iranian Revolutionary Guards have been stationed at Hizbollah headquarters. Hizbollah has maintained a close relationship with Iranian Interior Minister Ali Akbar Mohtashemi, who pledged to avenge the recent Israeli kidnapping of Hizbollah leader Sheik Abdel Kareem Obeid. Hizbollah organizations responded by announcing the execution of hostage William Higgins, a United States national serving the United Nations in Lebanon.

25. That respondent Islamic Republic of Iran is aware of its control and influence of the Hizbollah organizations, as evidenced by recent statements by Iranian President Ali Akbar Hashemi Rafsanjani that he would use his influence to release the hostages if the United States were to agree to release Iranian assets frozen by former United States President Jimmy Carter.

III. JURISDICTION

26. The organs and agencies of the United Nations, including the Secretary General, the General Assembly and the Human Rights Commission have the jurisdiction to receive and hear this petition and to provide the relief requested.

27. That the organs of the United Nations are endowed with explicit and inherent powers to assume jurisdiction of cases of the kind presented in this petition is reflected in the Charter of the United Nations. Chapter I, article 1(1) of the Charter obligates the United Nations and its members to "maintain international peace and security." Such peace and security are threatened by many acts short of open interstate war. The volatile situation in Lebanon is compounded by the tensions that are produced by the hostage situation. Israel has recently kidnapped a Hizbollah leader, Iran has promised revenge, and the United States has moved war ships into the area. Such a situation clearly threatens international peace and security, not to mention the domestic peace and security of all Lebanese citizens faced with the ongoing civil war.

28. Chapter 1, article 1 (3) of the U.N. Charter obligates the United Nations and the member states to encourage "respect for human rights and fundamental freedoms". It is clear that the taking and holding of hostages is a violation of not only the letter, but the very spirit of international law as evidenced in instruments such as the Universal Declaration of Human Rights (G.A. Res. 217A(III), U.N. Doc. A/180, at 71 (1948)), the International Covenant on Civil and Political Rights (G.A. Res. 2200 (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), the International Convention Against the Taking of Hostages (G.A. Res. 34/146 (1979)).

29. The Secretary General is given specific authority to forward requests to the Security Council pursuant to Chapter XV, article 99 of the United Nations Charter.

30. The General Assembly is authorized to act under Chapter IV, article 22 of the United Nations Charter to establish an ad hoc tribunal empowered to grant the relief requested. Given the circumstances detailed in this petition such a tribunal would be justified and necessary to carry out the very principles and purposes for which the

United Nations was established: to ensure peace and security and to guarantee the protection of fundamental human rights.

31. That member-states would be obligated to comply with the determination of United Nations organs empowered to act on this petition is made clear in the Charter, in Chapter I, article 1(2) which resolves that members will "take other appropriate measures to strengthen universal peace." Therefore when an organ of the United Nations determines measures are appropriate, including the relief requested in this petition, member-states are thereby obligated to take such measures. Chapter I, article 2(2) states:

"All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter."

Chapter I, article 2(5) states:

"All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action."

32. That both respondents, Islamic Republic of Iran and Syrian Arab Republic, are members of the United Nations and thereby would be obligated to act in compliance with any determination of United Nations organs concerning this matter.

33. The General Assembly has the inherent power to create methods and instrumentalities to carry out the objects and purposes of the United Nations Charter, the Universal Declaration of Human Rights and other instruments of international law. The Secretary General, acting as an agent of the General Assembly, also possesses inherent powers to carry out these principles.

IV. COMPETENCE

34. That under the human rights provisions of the United Nations Charter and the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Convention Against Torture, and the International Convention Against the Taking of Hostages, Petitioners are proper parties to invoke the jurisdiction of the United Nations in requesting a Writ of World Habeas Corpus on their own behalf in order to be released from their illegal captivity.

35. That respondents Islamic Republic of Iran and Syrian Arab Republic are signatories to the United Nations Charter, and the International Covenant on Civil and Political Rights and are thereby obligated to comply with the terms of such instruments.

36. That the taking of hostages is a recognized violation of international law has been proclaimed specifically by the General Assembly in the International Convention Against the Taking of Hostages, and by clear implication in the Universal Declaration of Human Rights and the Convention Against Torture. That respondents, as members of the international community of nations, are therefore obligated to comply with accepted norms of international law. The norm against the taking of hostages allows no derogation for any reason whatsoever.

37. That respondents Islamic Republic of Iran and Syrian Arab Republic have willfully and maliciously violated their international obligations under international law by promoting and assisting in the abduction of petitioners, and in their continued refusal to unconditionally release petitioners and guarantee their safe passage to their homelands.

38. That petitioners, individually and as a class, engaged in no activity that threatened the security of respondents Islamic Republic of Iran and Syrian Arab Republic, nor threatened the military forces of respondents present legally or illegally in Lebanon.

39. That petitioners at the time of their abduction were exercising rights guaranteed under the United Nations Charter, International Covenant on Civil and Political Rights and Universal Declaration of Human Rights, including their rights to free movement, association and free speech.

40. That the actions of respondents merit the creation of an ad hoc tribunal to issue a Writ of World Habeas Corpus.

41. That the actions of respondents and others merit the creation of an ad hoc tribunal to investigate and punish those responsible for the abduction of petitioners and to compel the payment of compensation from respondents and others to petitioners for the violation of their fundamental human rights.

42. That the action of respondents and their continued refusal to immediately and unconditionally release petitioners merits the imposition of sanctions by competent organs of the United Nations.

V. CONTENTIONS

43. That petitioners were all legally within the state of Lebanon, residing and working therein and in compliance with international law and the laws of the state of Lebanon.

44. That petitioners were neither charged with nor guilty of any crime recognizable under international law, nor the domestic laws of Lebanon, Iran or Syria.

45. That petitioners have not been afforded any hearing nor any of the other requirements of due process guaranteed under international human rights law. Petitioners have not been afforded legal counsel, nor have they been permitted to communicate with their family or others, nor with diplomatic representatives from their respective nations.

46. That petitioners have thus been denied their human rights to be free from arbitrary arrest and imprisonment and other rights. Specifically, those rights guaranteed under the Universal Declaration of Human Rights that are violated include the right to life, liberty, and security of the person (art. 3); not to be subject to torture or to cruel inhuman or degrading treatment or punishment (art. 4); to an effective remedy by competent national tribunals for acts violating fundamental rights (art. 8); not to be subject to arbitrary arrest, detention or exile (art. 9); to an independent, fair and public hearing (art. 10); not to be subjected to arbitrary interference with their privacy, family, home or correspondence, nor to attacks upon their honor and reputation (art. 12); to leave any country (art. 13); to freedom of thought, conscience and religion (art. 18); to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (art. 19).

47. That similar rights are protected under the International Covenant on Civil and Political Rights, in articles 6, 7, 9, 10, 12 and 14.

48. That respondents are both members of the United Nations and signatory to the International Covenant on Civil and Political Rights and are therefore obligated to respect the provisions of these documents, in good faith, and to cooperate with other nations and the United Nations in securing respect for human rights throughout the world.

49. That respondents have been directly involved in and encouraged others in acts of hostage taking, which constitutes a threat to world peace and security.

50. That petitioners have no available remedy at law or equity to secure their release from illegal detention and to guarantee their protection from arbitrary execution.

51. That petitioners' only available remedy is a Writ of World Habeas Corpus administered through an Ad Hoc Committee-Tribunal of the United Nations pursuant to a Resolution by the Human Rights Commission calling upon the General Assembly to adopt World Habeas Corpus as the only effective way to implement International Human Rights Law as embodied in the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; alternatively the Secretary General may either appoint such an Ad Hoc Commission authorized to make findings and issue a Writ of World Habeas Corpus or the Secretary General may convene the Security Council to order the establishment of a commission which may either issue a Writ of World Habeas Corpus or report back to the Security Council, which may then act by issuing a writ through a Security Council Resolution or provide for other remedial and declaratory action.

52. That such a tribunal or commission or the Security Council determine that respondents Islamic Republic of Iran and Syrian Arab Republic have violated their international obligations under the United Nations Charter and other international instruments, and that pursuant to Chapter I, article 6 of the Charter, the Security Council and General Assembly and other United Nations organs be called upon not to recognize the credentials of respondents' delegates.

53. That an Ad Hoc Criminal Law Tribunal be established to determine the criminal liability of officers, officials and representatives of respondent governments, adjudge the acts of respondent governments as cruel, inhumane and violative of international law, and impose appropriate punishment upon individuals in accordance with their guilt.

54. That an appropriate organ of the United Nations Determine and award a fair amount of compensation to be awarded to petitioners and their families from respondents in an attempt to compensate petitioners for suffering arbitrary and extreme deprivation of fundamental human rights.

VI. ARGUMENTS

55. That among the foremost purposes of the United Nations must be preservation of international peace and security and the encouragement of global human rights. Both of these issues are implicated in the case of the hostages who are petitioners in this case: therefore this case is properly before the United Nations and its organs.

56. Chapter IX, article 55 of the Charter is concerned with encouraging economic and social cooperation in order to create the prerequisites necessary for peaceful and friendly relations among nations. Article 55 declares that the United Nations shall promote "universal respect for and observance of, human rights and fundamental freedoms for all. . . ." The United Nations and its member states, including respondents, are obligated to observe all norms of interna-

tional law, including those concerned with human rights.

57. Even a situation where a nation violates the rights of its own citizens has become a proper subject of international law. However, implications for international law have always been considered serious when alleged violations of human rights involve actions by one nation against the nationals of another nation.

Not only does the violation of human rights make hostage-taking an international issue, but the threat presented to international peace and security demands action by the United Nations. The people of the world have created the United Nations to guarantee international peace and security. When the United Nations fails to act in such situations it ignores its unique responsibility under the United Nations Charter to coordinate collective action to maintain international peace and security.

58. Respondents Islamic Republic of Iran and Syrian Arab Republic have systematically deprived petitioners and others of their human rights through support of the groups that have taken the hostages and prevented the duly constituted government of Lebanon from operating to secure petitioners' rights. The United Nations must take constructive notice of the control that respondents have exercised over the groups such as Hizbollah, as well as the influence respondents have had on specific events, such as the taking, release and treatment of hostages. The United Nations is obligated to look behind formal legal structures when human rights and international security are threatened by acts taken by groups that have been constituted informally to carry out national foreign policy goals.

59. The United Nations has been entrusted by the peoples of the world to achieve specified objectives including the maintenance of international peace and security and the encouragement of respect for fundamental human rights. When an objective is declared, particularly in an organic instrument, it is fundamental that coordinate authority to achieve those objectives must also be implied. The fact that Hizbollah is not a formal member of the United Nations or associated with any of its organs does not prevent the United Nations or any of its competent organs from exercising jurisdiction over such organizations, particularly when they are associated with and responsible to state members of the United Nations.

60. The United Nations must also take notice of the fact that other groups holding hostages are in fact controlled and coordinated by Hizbollah and therefore ultimately responsible to respondents Islamic Republic of Iran and Syrian Arab Republic.

61. Human rights may most effectively be achieved by adoption by the United Nations of the Writ of World Habeas Corpus. The Writ, derived from English common law, has proved a rampart against tyranny by providing the individual an effective means of judicial protection from all forms of arbitrary arrest and detention. The proposal to establish a system of regional and world courts of World Habeas Corpus to internationalize the writ has received the endorsement of legal scholars and jurists throughout the world as well as of the American Bar Association.

62. World Habeas Corpus if adopted by the United Nations will provide an effective means for implementing International Human Rights Law. It would protect an individual's liberty by providing him with a direct international remedy after having exhausted all local remedies. It would protect human life, liberty and dignity.

63. The United Nations Writ of World Habeas Corpus served upon respondents would command compliance under threat of the coercive power of the Security Council and the General Assembly. At the very least, such a writ would expose to world public opinion that respondents are responsible for the violation of due process of law.

VII. PRAYER FOR RELIEF

64. Petitioners pray for the formation of an Ad Hoc Commission to function as an Ad Hoc Tribunal to be convened by resolution of the Human Rights Commission, the General Assembly, the Security Council, or by directive of the Secretariat or any other competent organ or agency of the United Nations to hear the complaint of petitioners and to investigate and adjudicate the allegations of arbitrary detention of petitioners by respondents, and to order their immediate release.

65. Petitioners also pray for declaratory relief calling for due compensation to be paid to petitioners and their families for causing physical and mental injury caused by respondents' actions.

66. Petitioners pray that the Tribunal be authorized to function as an International Criminal Law Tribunal to try officers and agents of respondents under international criminal law.

67. That proper sanctions be taken against respondents Islamic Republic of Iran and Syrian Arab Republic for any refusal to comply with any of the orders or decisions that the Tribunal or any organ makes in relation to this matter.

68. That the United Nations authorize a full investigation of the matters presented in this petition and subsequently authorize a complete and public disclosure of all evidence and findings of fact at the conclusion of such investigation.

Respectfully submitted,

LUIS KUTNER,
Chairman, Commission for International Due Process of Law.

Prof. VED P. NANDA,
Counsel, University of Denver Law Center.

SOME REASONS FOR "WILDING"

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. McEWEN. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article written by Susan Baker and Tipper Gore, founders of Parents' Music Resource Center. The article discusses the affects of the entertainment industry on the development of values and social morality in the youth of our Nation. I would ask that the article appear in its entirety.

SOME REASONS FOR "WILDING"

(By Susan Baker and Tipper Gore)

"Wilding." It's a new word in the vocabulary of teenage violence. The crime that made it the stuff of headlines is so heinous, the details so lurid as to make them almost beyond the understanding of any sane human being.

When it was over, a 28-year-old woman, an investment banker out for a jog, was left brutally beaten, knifed and raped by teenagers. She was found near an isolated road in New York's Central Park, covered with mud, almost dead from brain damage, loss of blood and exposure.

"It was fun," one of her suspected teenage attackers, all between 14 and 17 years old, told the Manhattan district attorney's office. In the lockup, they were nonchalantly whistling at a policewoman and singing a high-on-the-charts rap song about casual sex: "Wild Thing."

Maybe it's the savagery, the remorseless brutality that brought the national attention to this crime. We all heard about this one, either directly or from a friend or family member who would end the story within an "I can't believe it."

Believe it. Because it's happening elsewhere too.

In 1987, in Brooklyn, N.Y., three teenagers methodically set fire to a homeless couple. When at first rubbing alcohol wouldn't ignite the couple, they went to a local service station for gasoline. It worked.

In 1988, in rural Missouri, three teenagers killed a friend—partly out of curiosity! They just wanted to know what it would feel like to kill someone. One of the teenagers claimed the fascination with death began with heavy-metal music. When the victim asked "Why?" over and over as his friends brutally attacked with baseball bats, the answer was "Because it's fun."

In 1988 a record 406 people died in the county of Los Angeles alone in teen-gang-related attacks. One victim who survived was a pregnant woman who was shot, allegedly by a 16-year-old as a gang initiation rite.

This is truly a "generation at risk." Indeed, the statistics reflect its pain and confusion:

The three leading causes of death among adolescents are drug-and alcohol-related accidents, suicide and homicide.

Every year 1 million teenagers run away from home.

Every year 1 million teenagers get pregnant.

Every year over half a million—600,000 teenagers—attempt suicide; 5,000 succeed.

Alcohol and drug abuse are so prevalent among the young that a *Weekly Reader* survey recently reported that 10-year-olds often feel pressure to try alcohol and crack.

According to the Department of Education, 81 percent of the victims of violent crime are preteens and teenagers, 19 or younger. For the first time, teenagers have topped adults in the percentages of serious crimes committed per capita.

There are many complex reasons for this sad litany. Divorce and working parents strain the family's ability to cope. Latchkey kids are the rule more than the exception. Our schools and neighborhood have become open-air drug markets. But it is not enough to excuse these children as products of a bad environment.

As a society, we must take full responsibility. Our music, movies and television are filled with images of sexual violence and killing. The message to our kids is: it's OK to enjoy brutality and suffering: "It's fun."

The American Academy of Pediatrics released a national policy statement on the impact of rock lyrics and music videos on adolescents last November. In it, they noted that some lyrics communicate potentially harmful health messages in a culture beset with drug abuse, teenage pregnancy, AIDS and other sexually transmitted diseases.

The No. 2 album in the country this week is "GN'R Lies" from the very popular group, Guns N' Roses. This band is a favor-

ite of sixth through 12th graders. It contains the following lyrics: "I used to love her but I had to kill her, I had to put her six feet under, and I can still hear her complain."

Teen "slasher" films, featuring scenes of graphic, sadistic violence against women are so popular that characters like Jason from "Friday the 13th" and Freddie from "Nightmare on Elm Street" are considered cult heroes, and now there are spinoff television shows.

As parents, it is our responsibility to teach our children to make wise decisions. This responsibility is not only to feed and clothe their bodies, but also to feed and nurture their spirits, their minds, their values. The moral crisis facing our nation's youth requires that we *all* share the responsibility, parents and the entertainment industry.

Too often, those who produce this violence evade any discussion of their own responsibility by pretending the entire debate begins and ends with the First Amendment. We are strong advocates of its protections of free speech and free expression. We do not and have not advocated or supported restrictions on those rights; we have never proposed government action. What we are advocating and what we have worked hard to encourage, is responsibility.

For example, producers and songwriters don't consider putting out songs, movies or videos that would portray racism in a positive way. They could. The First Amendment provides that freedom. But they don't. In part, perhaps it's because they think those products wouldn't sell. But in part, they recognize it would be irresponsible. Why is there no similar reticence when the issue is glorifying violence, generally against women?

The same sense of responsibility should be brought to a marketplace so saturated with violence that it legitimizes it for our children. It's time to stop the spilling of blood both as "entertainment" and in real life.

A TRIBUTE TO LARRY P. POLANSKY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FAUNTROY. Mr. Speaker, we rise in tribute to Attorney Larry P. Polansky, who has served as administrator of the District of Columbia courts for the past 10 years.

On Monday, December 4, the Larry Polansky Retirement Committee will host a retirement celebration for Attorney Polansky, honoring his decade of exemplary service to the people of the District of Columbia. The celebration will be held in the Officers' Club at Andrews Air Force Base, between the hours of 6 and 10 p.m.

During his tenure, Larry has been responsible for insuring the smooth and efficient functioning of a 51-member trial court, a 9-member court of appeals and a nonjudicial staff of 1,300.

Over the years, we have been impressed by Larry's ability to handle delicate matters. He is truly a diplomat's diplomat. With quiet strength, he not only manages the resources of the court, but he effectively interfaces with the local and Federal Government, patiently steering court budgets and legislation through a unique and sometimes murky process. He commands the respect of members and staff who have had the pleasure of working with him.

Larry's successful tenure can be attributed to the fact that he brought to the D.C. court system a rich background and a wealth of experience. From 1976 through 1978, he served as the deputy State court administrator for the State of Pennsylvania. Before that, he served as chief deputy court administrator for operations and services with the Philadelphia Court of Common Pleas.

Larry is more than an administrator. He has taught, lectured, consulted, published and involved himself in a range of other activities which distinguish him among other court professionals. Among those activities are his service as president of the Conference of State Court Administrators and as a member of its board of directors. In addition, he was appointed by the President of the United States to serve as a member of the Board of the State Justice Institute, and in turn was elected treasurer of that body.

Mr. Speaker, Attorney Larry Polansky's retirement, while framed as a celebration, will really be an occasion of mixed emotions. All of us are pleased that he has served and served well and fully deserves recognition in light of his imminent departure. On the other hand, he will be difficult to replace.

The District of Columbia court system is far better because Attorney Larry Polansky gave his best for that system and for the people of the District of Columbia.

BIPARTISAN BUDGET AGREEMENT

HON. TIMONTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. PENNY. Mr. Speaker, the bipartisan budget agreement agreed to at the start of the year was full of budget gimmickry and the original reconciliation bill was loaded up with goodies. We now discover that the appropriation bills to date are over the 302 allocations as set by the budget resolution.

By one estimate, appropriations are $1.5 billion over the fiscal year 1990 302 levels in budget authority and $1.1 billion over the 302 allocation for budget outlays. I find it deplorable that we cannot stay within the relatively easy budget targets agreed to earlier this year by the President and the congressional leadership. Mr. Speaker, the appropriations process as it is playing itself out this year is a sham and must be reformed. It's time to go to a system of pay-as-you budgeting as I have proposed in H.R. 1262.

It's also time to call on President Bush and the bipartisan leadership to agree to a more realistic and long-term plan for addressing the budget deficit.

In the meantime, however, let's at least hold out hope that the reconciliation conference report produces some budget savings and shrinks the deficit.

ONLY FOOLS RUSH IN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SOLOMON. Mr. Speaker, the criticism by some of my Democratic colleagues of the President's reaction to occurrences in Berlin and elsewhere in the Soviet bloc reminds me of the popular song entitled, "Only Fools Rush In." I commend the President for not interfering with democratic movements within the Soviet bloc and remind him in his dealings with Mikhail Gorbachev of yet another song. This one is entitled, "Time Is On My Side".

I wish to insert into the RECORD today an Op Ed from the Wall Street Journal entitled "It's Too Early to Relax Technology Curbs for East Bloc." In cautioning against moving too quickly in loosening export controls over militarily critical technologies the author points out that there are other meaningful ways to demonstrate support for democratic movements. At this point providing the Soviets with technology which would be used to design and manufacture best available weaponry should not be on the list:

IT'S TOO EARLY TO RELAX TECHNOLOGY CURBS FOR EAST BLOC

(By Kenneth R. Timmerman)

For the West Germans, the Coordinating Committee on Multilateral Export Controls (COCOM) is "outdated." for the Italians, the stragetic export controls the West has enforced for the past 40 years, by virtue of lists drawn up at COCOM, need substantial revision. For many in the U.S., especially in the machine-tool industry, the COCOM controls have meant significant sacrifices, lost opportunities and reduced market share. A 1987 report by the League of Concerned Scientists estimates that high-technology export controls cost U.S. businesses as much as $9 billion every year in lost sales.

In Mikhail Gorbachev's view, as expressed before the European Parliament in Strasbourg on July 6, COCOM should be "dismantled" so West and East can join together into a common European home. West Europeans also lobbied heavily for changes in COCOM rules, in the weeks leading up to the Oct. 25–26 high-level meeting in Paris of the 17-member COCOM. West Germany's foreign minister, Hans-Dietrich Genscher, told a radio audience in Bonn that Western nations "have to assist the reform-oriented countries via comprehensive cooperation" and "transfer of technology." That required a review of the lists of high-technology goods barred from export to communist countries.

Furthermore, Italian President Francesco Cossiga said in Washington on Oct. 12 that the West should "review and reconsider" the restrictions on high-tech sales to Poland, Hungary and other Soviet-bloc countries. Italy's foreign minister, Gianni de Michelis, added that Polish and Hungarian industries must have access to up-to-date machine tools and technology or be relegated to "second-class" status. But while Mr. Genscher and the Italians were playing to the grandstands, another message was being quietly delivered by the back door.

It was that message the COCOM delegates heard when they met in Paris and agreed on measures to strengthen enforce-

ment of controls. In the coming months, COCOM will set specific performance standards for strategic export controls to which all members are expected to adhere. The aim, COCOM delegates said, is to make "the fence outside of Europe stronger" by the end of 1992 when trade barriers inside Europe go down.

In the 1970's, when detente sparked a dramatic upsurge in high-technology transfer agreements with the U.S.S.R., Western manufacturers, selling to eminently "civilian" foreign-trade organizations such as V/O Technopromimport fueled the most remarkable modernization of the Soviet military-industrial manufacturing base since World War II. Sophisticated Western and Japanese machine tools were sold to the Baltic Shipyards in Leningrad, which turned out a whole new generation of silent nuclear attack submarines. These contracts led by Toshiba in Japan, Kongsberg in Norway and Forest-Line in France will cost the U.S taxpayer as much as $30 billion, according to former Navy Secretary John Lehman if the U.S. is to maintain a credible deterrent. Thanks to Western technology, Soviet submarines can now approach to within 10 nautical miles of the U.S. coastline undetected, instead of 200 miles as before.

In early October, the State Department's senior representative for strategic trade, Ambassador Allan Wendt, and the newly appointed head of the Defense Technology Security Agency, William Rudman, toured European capitals to present dramatic new figures on illicit machine-tool deals with the Soviet bloc. Since 1983, they said, European COCOM nations and Japan had delivered 6,000 COCOM-embargoed machine tools to the U.S.S.R., and nearly all of them were funneled directly to projects run by the Soviet Military Industrial Commission.

Half of the 6,000 machines were West German, Japan, Italy, Britain and France were also major violators. The most recent case (and this is how the "6,000 machine tools report" came to be identified to the public) concerned deliveries of sophisticated machine tools made by Olivetti in Italy to a Soviet aeronautics factory, where they were used to help build the Yak 41 fighter-bomber. On this basis, the U.S. told other COCOM members it was willing to agree to significant streamlining of the COCOM lists, "but only if everyone else agreed to better enforcement."

Furthermore, as the most recent edition of the Pentagon's annual estimate of Soviet Military Power revealed, Soviet military spending has continued to rise in real terms by 3 percent since 1985, when Mr. Gorbachev took over as general secretary of the Soviet Communist Party. During this time, the Soviet military has completed the modernization of its entire ballistic-missile fleet, including two new categories of ICBMs, the SS-24 and SS-25. It has introduced new classes of nuclear-powered ballistic-missile submarines, new fighters, new tactical missiles, and is working on a new generation of tanks. New Soviet weapons are regularly designed on Western computers, built with Western machine tools and driven by Western computer chips that have slipped through the COCOM net.

Warsaw Pact high-technology purchases in the West have primarily served the military, and not the consumer. Even today, when the Soviets are clamoring for more highly sophisticated computer-driven machine tools, bubble memories and gallium arsenide computer chips, 60 percent of the apartment fires in Moscow are caused by the explosion of Soviet-built television sets. Maintaining the COCOM restrictions may require a certain economic sacrifice on the part of Western manufacturers, but dropping them would require an even greater sacrifice in terms of Western security.

COCOM seeks to determine "what needs to be controlled on strategic grounds, no more, no less," Mr. Wendt said in a July interview. "There is ample room for trade with the Warsaw Pact outside of COCOM-controlled goods." Take the case of Poland and Hungary. In recent discussions with the European Community, these nations have not been asking for strategic technologies at all. Instead, they have been asking for basic agricultural equipment—such as second-hand tractors!

Besides, COCOM nations have been able to apply licenses for many high-technology sales to Poland and Hungary all along. Since May, the U.S. has even lifted its "no exceptions" policy toward the U.S.S.R., in force since the Soviet invasion of Afghanistan in 1979.

Talk about dissolving COCOM, or doing away with COCOM scrutiny of high-tech sales to the communist bloc, simply misses the point. The reformers within the Warsaw Pact don't need the type of technology COCOM controls; only the Warsaw Pact military has such needs. Further relaxing strategic export controls, even toward countries such as Poland and Hungary, will send the wrong message. These controls exist because the Warsaw Pact exists as a military alliance and because pact nations continue to divert some 60 percent of their industrial base to military production. Change these basic equations, and there will be plenty of time to reconsider COCOM controls. But to drop the controls beforehand would serve only to strengthen the military and discourage reform.

INTRODUCTION OF THE GUN-FREE SCHOOL ZONES ACT OF 1990

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FEIGHAN. Mr. Speaker, nothing shocks the conscience of the Nation more than stories of a schoolroom shattered by gunshots. We see pictures of terrified children, frightened parents, and horrified teachers. In May 1988, Laurie Dann walked into a Winnetka, IL school and shot six students, killing 8-year-old Nicky Corwin. In January 1989, Patrick Purdy walked into a school playground in Stockton, CA and opened fire with a rapid-fire AK-47, killing 5 students, injuring 30 others. Just 2 months ago in McKee, KY a 17-year old high school student held 11 classmates hostage for over 7 hours. And last week at a Bronx high school, during a break between classes, a 17-year old student was shot and killed in the school cafeteria.

The National School Safety Center estimates that 135,000 students carried handguns to school daily in 1987 and another 270,000 carried handguns to school at least once. The National Education Association [NEA] has found that some 282,000 students are physically attacked in secondary schools each month. The NEA also found that in urban areas children skip school because of fear. About 8 percent of junior and senior high school students missed at least 1 day of school a month last year because they were afraid to go to school. And they have good reason.

P.S. 95 in Brooklyn, NY now teaches its kindergartners how to handle an encounter with a gunman. Schools in Los Angeles, Long Beach, and Oakland, CA have scheduled "Yellow Code Alerts" for grades beginning with kindergarten. These drills teach children to fall to the floor the minute gunfire occurs in their schools. In Long Beach, Lindbergh Junior High was forced to construct a 900-foot-long, 10-foot-high concrete wall to protect its students from gunfire near the school. Even in Beirut or Belfast this would be startling and tragic. But this is happening here in the United States, a Nation at peace.

That is why I am today introducing legislation to create gun-free school Zones. This bill is the first legislative proposal to address the devastating tide of firearm violence in our Nation's schools. My bill would make it illegal to bring a gun within 1,000 feet of an elementary or secondary school. A further penalty is created for those who shoot their gun within those areas. The bill carefully exempts guns used in school-approved programs, by government officers, and unloaded guns that are locked in cars. As with the Drug Free Schools and Communities Act of 1986, it recognizes the need for schools to remain safe havens, areas where our children can feel safe and secure. In addition, the bill covers not just the school building, but a zone extending 1,000 feet beyond the school, excepting private property. This provision addresses the concerns students constantly raise about the violence that takes place just beyond school property, an area that currently serves as a haven for drug-dealers and other criminals—and a terror zone for kids.

We must also consider our Nation's teachers. These dedicated professionals work long hours with low pay at one of the most important jobs in the country: education of our children. The NEA has found that over 5,000 secondary school teachers are physically attacked at school every month. Eliminating guns from schools will, at least, protect teachers from the most lethal form of violence. And because guns and drugs often are found in close proximity, eliminating guns will contribute to the war against drugs.

I would like to thank my colleagues Representatives STARK, HOYER, GRAY, FAWELL, SMITH (Florida), SAIKI, BERMAN, MAZZOLI, and FAZIO for cosponsoring this measure. I would also like to thank NEA, the Council of Great City Schools, and the American Association of School Administrators for endorsing my bill. Mr. Speaker, this is American Education Week. In honor of the teachers, principals, other school employees, but most especially for our country's 40 million public school children, I call on my colleagues to join me and free our schools from guns. Thank you.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun-Free School Zones Act of 1990".

SEC. 2. PROHIBITIONS AGAINST POSSESSION OR DISCHARGE OF A FIREARM IN A PUBLIC SCHOOL ZONE.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(q)(1)(A) It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a public school zone.

"(B) Subparagraph (A) shall not apply to the possession of a firearm—

"(i) on private property;

"(ii) if the individual possessing the firearm is licensed to do so by the State in which the public school zone is located or a political subdivision of the State, and the law of the State or political subdivision requires that, before an individual obtain such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;

"(iii) which is—

"(I) not loaded; and

"(II) in a locked container, or a locked firearms rack, which is in a motor vehicle;

"(iv) by an individual for use in a program approved by a public school in the public school zone; or

"(v) by an individual in accordance with a contract entered into between a public school in the public school zone and the individual or an employer of the individual.

"(2)(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a public school zone.

"(B) Subparagraph (A) shall not apply to the discharge of a firearm—

"(i) on private property;

"(ii) as part of a program approved by a public school in the public zone, by an individual who is participating in the program; or

"(iii) by an individual in accordance with a contract entered into between a public school in the public school zone and the individual or an employer of the individual.".

(b) DEFINITIONS.—Section 921(a) of such title is amended by adding at the end the following:

"(25) The term 'public school zone' means—

"(A) in, or on the grounds of, a public school; or

"(B) within a distance of 1,000 feet from the grounds of a public school.

"(26) The term 'public school' means a public school which provides elementary or secondary education, as determined under State law.

"(27) The term 'motor vehicle' has the meaning given such term in section 10102 of title 49, United States Code.".

(c) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

"(4) Whoever violates section 922(q) shall be fined not more than $5,000, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, the term of imprisonment imposed under this paragraph shall not run concurrently with any other term of imprisonment imposd under any other provision of law.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to conduct engaged in after the end of the 60-day period beginning on the date of the enactment of this Act.

CRATERS OF THE MOON NATIONAL PARK

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. STALLINGS. Mr. Speaker, today, I am introducing legislation which will designate Craters of the Moon National Monument in southeastern Idaho as our State's first national park. The bill also will create the Great Rift National Preserve. Currently, there are 50 parks and 14 preserves in the National Park System.

My proposal creates two new units of the National Park System. First, the bill designates 373,785 acres as Craters of the Moon National Park. Second, it designates 123,040 acres as the Great Rift National Preserve. The acreage figures in my bill are only estimates. The maps are being prepared and will be available for distribution shortly.

After many months of discussion and hard work, a legislative proposal has been put together. This bill represents a landmark day for the citizens of Idaho. The State of Idaho has been blessed with outstanding recreational areas, a rich outdoor heritage, and many scenic wonders. However, for all of the great public lands we enjoy, Idaho does not have a national park.

The public lands included in my proposal are currently administered by the National Park Service and the Bureau of Land Management. I believe most of the State lands have been exchanged. My proposal also represents an attempt to exclude most of the private land.

THE AREA IS NATIONALLY SIGNIFICANT

This legislation will protect and preserve a unique landscape and ecosystem in Idaho which contains outstanding volcanic features and nationally significant resources. Designation of Craters of the Moon National Park and the Great Rift National Preserve would help safeguard one of the Nation's extraordinary places for the benefit and enjoyment of the American people and future generations.

To be eligible for favorable consideration as a unit of the National Park System, an area first must be nationally significant. Craters of the Moon and the Great Rift certainly meet this test. The two areas offer outstanding examples of a particular type of resource. Both the Craters and Great Rift possess exceptional value or quality in illustrating or interpreting the natural or cultural themes of our Nation's heritage.

The park and preserve further offer excellent opportunities for recreation, public enjoyment, and scientific study. And finally, it retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

GRAZING

My proposal provides that grazing is to continue in both the park and preseve subject to regulations imposed by the Secretary of the Interior to ensure proper rangeland management practices. The bill also provides for voluntary exchange of grazing privileges and for the maintenance of water improvements.

Since grazing is an integral part of the traditional land use and history of the area, I believe it should be allowed to continue to the same extent as it is today. This legislation recognizes the historical significance of livestock grazing in the development of the western United States.

Today, grazing is the major use of public land in the area. It is controlled by the allotment system. Livestock operations also represent one of the major economic activities in the area. According to the BLM, approximately 30,000 sheep are trailed through the sagebrush grassland between the Craters of the Moon and Wapi lava flows in the spring and fall.

OTHER MANAGEMENT PROVISIONS

Hunting will be permitted in the preserve in accordance with appropriate Federal and State laws and under regulations of the Idaho Department of Fish and Game.

The legislation also provides for acquisition of land within the boundaries of the park and preserve. It stipulates, however, that land may not be acquired without the consent of the owner. Boundaries have been drawn to exclude most private land.

SPECIAL THANKS TO CRATERS GROUP

This legislative proposal is the result of hard work and a dedicated effort from many Idahoans. I would like to express my personal appreciation to a special group called Craters of the Moon Development, Inc. This group played an instrumental role in putting together this proposal and building public support for the idea.

Without this group's strong support of and personal commitment to this concept, it would have been very difficult to draft a bill. This organization provided needed guidance and direction during our discussions, and they deserve special thanks.

THE PROPOSAL ENJOYS PUBLIC SUPPORT

Over the past 2 years, I have held several town meetings in Idaho to discuss the park proposal with concerned citizens and community leaders. The idea to designate a Craters of the Moon National Park has generated tremendous interest, enthusiasm, and support throughout Idaho. The proposal has a great deal of merit, and the area is worthy of such designation. It is one of my top congressional priorities.

The Idaho State Legislature, Gov. Cecil Andrus, chamber of commerce organizations, community leaders, and many others all have endorsed the concept of a national park for this remarkable area.

UNDISCOVERED TREASURE

Virtually unknown until 1921, this extraordinary area was set aside as a national monument by President Calvin Coolidge on May 2, 1924. In 1970, 43,243 acres were set aside as the Craters of the Moon National Wilderness. Today, the national monument and wilderness embrace 53,545 acres.

Since that time, millions of people from the world over have visited this fascinating area. Some come for just a single, short visit; others

return time after time, never ceasing to be amazed by the geologic story to be told there.

The Craters of the Moon was designated a national monument at a time when not much distinction was made between a national park and a national monument. It is not unusual for a national monument to be later designated a national park. Recent examples of changes include Bryce Canyon, Capitol Reef, and Arches. All three of these Utah parks were first established as national monuments.

The Craters of the Moon area is relatively close to such national travel designation points as Yellowstone National Park, Grand Teton National Park, the Sawtooth National Recreation Area, and the Sun Valley ski resort. Many visitors pass through Idaho on their way to these areas and make up an important segment of the State's tourism.

Yet, Craters of the Moon remains one of Idaho's undiscovered places. Idaho has no national park of its own to attract travelers to the area. Designation of the Craters of the Moon as a national park would bring well-deserved recognition to this Idaho landmark and provide the American people with a quality and unique outdoor experience.

Recreation and tourism are a vital, growing part of our State economy. A national park and preserve could attract thousands of visitors each year and help stimulate the economy of many Idaho communities.

CRATERS OF THE MOON

The Craters of the Moon National Monument comprises the most diverse and geologically recent part of a vast lava field that covers hundreds of square miles on the Snake River plain. The dark lava flows and smooth cones dominate the landscape, relieved only by patches of grasslands and stands of limber pine.

The monument contains examples of most of the volcanic features found in the Great Rift area, and is noted for the variety of cinder crags, jagged and smooth lava flows, cones and domes, and lava tubes. The searing heat of the lava fields can be escaped in the lava caves, some containing permanent ice. The area is truly a study in contrasts.

BIG SOUTHERN BUTTE/CRYSTAL ICE CAVES

In addition to the current monument area, two special landmarks would be included as part of the national park. The Big Southern Butte and Crystal Ice Caves are interesting features of regional and local significance.

The 5,800-acre Big Southern Butte, a natural landmark, is the most prominent feature in the eastern Snake River Plain, rising over 2,000 feet above the surrounding plain. It is a rhyolitic dome about 300,000 years old and possesses an almost undisturbed area of native vegetation and offers spectacular views of the area.

Big Southern Butte is geologically intriguing because it represents a different type of volcanism and is much older than the nearby basaltic flows of the Great Rift system. The butte is significant as a natural and cultural resource serving as a landmark for pioneers following the Oregon Trail.

Crystal Ice Cave, southeast of the monument, is 150 feet below the surface within the Great Rift in the Kings Bowl lava field. The area also is nationally significant because it is a fissure cave rather than a tube cave.

GREAT RIFT NATIONAL PRESERVE

My legislation designates 123,040 acres as the Great Rift National Preserve. A national preserve is one of several titles given to a variety of units in the naitonal park system. This category is established primarily for the protection of certain resources. Activities such as hunting, fishing, and grazing may be permitted if they do not jeopardize the natural values of the area.

The heart of the preserve is the Great Rift system. At 65 miles, this is the longest volcanic rift zone in the continental United States and the deepest known open volcanic rift zone on Earth. This portion of the Great Rift system is truly of national significance.

Major portions of the Great Rift system have been recommended by BLM for wilderness. Under my proposal, these wilderness study areas located within the park and preserve will continue to be managed by the National Park Service so as to maintain their potential for inclusion in the National Wilderness Preservation System.

IDAHO'S STATEHOOD CENTENNIAL

Idaho's statehood centennial celebration will take place in 1990. I can think of no better way to honor the State's first 100 years than through creation of its first national park and protection of our rich natural heritage.

Many Idahoans live in our great State because of its special way of life. Designation of the Craters of the Moon National Park and Great Rift National Preserve would help safeguard one of the nation's extraordinary places for the enjoyment of present and future generations.

Mr. Speaker, with the introduction of this bill, the debate and discussion over this proposal will begin. I recognize that there will be many comments regarding this legislation, and I certainly welcome the views of all Idahoans. Furthermore, a successful effort may require change and compromise.

I remain convinced, however, that this measure is a good proposal with solid citizen support. Mr. Speaker, I urge my colleagues to consponsor this bill and I look forward to its early consideration by the House.

EMPLOYERS SEE NEED FOR DRUG ABUSE TREATMENT PROGRAMS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a recent New York Times article discussing how employers are realizing the importance of providing drug and alcohol treatment programs for their employees. It is estimated that drug and alcohol abuse cost employees over $100 billion a year due to lost productivity, increased accidents, health problems and absenteeism. Getting addicted employees into treatment is an essential part of ridding the work environment of drugs and increasing the competitiveness of American industry.

I have introduced legislation to require that health insurance cover drug and alcohol abuse treatment. This approach not only increases access to treatment by covering the cost, it also helps remove some of the stigma associated with addiction. It is also a cost-efficient approach. Studies have shown that, on average, the cost of drug or alcohol treatment is recovered in just 2 to 3 years after treatment because of savings in other health care costs.

Companies who have addressed drug and alcohol abuse treatment aggressively have reaped tremendous benefits. For example, General Motors and the United Auto Workers set up a comprehensive treatment plan in 1985, and the next year they found that lost time was down by 40 percent, payments for sickness and accidents fell by 60 percent, and grievance proceedings and job accidents were cut by half.

The war on drugs is a three front war: prevention, law enforcement, and treatment. We cannot possibly win this war if we ignore the treatment component. I am encouraged that American businesses are realizing the importance of drug and alcohol abuse treatment.

The article follows:

[From the New York Times, Nov. 13, 1989]

MORE AID FOR ADDICTS ON THE JOB—COMPANIES ANGERED BY COSTS OF ABUSE

(By Milt Freudenheim)

Hundreds of American employers, angry and frustrated about drug-related losses in productivity, accidents, absenteeism and surging medical expenses, have begun offering counseling programs to addicted employees in recent months in an intensified campaign against drug abuse in the workplace.

"The number of chronic abusers and addicts is at record levels, both in the workplace and outside," said Mark A. de Bernardo, director of labor law at the United States Chamber of Commerce. Government and industry experts say drug and alcohol abuse is costing the employers more than $100 billion a year.

Employers and Government experts say that many drug abusers also have problems with alcohol, which remains the most serious substance-abuse problem. Counseling programs typically offer help with both drugs and alcohol.

JOINT EFFORTS BY CORPORATIONS

Many of the small and medium-sized companies, which make up 99 percent of the nation's employers, have recently overcome their earlier reluctance to confront drug abuse problems and are joining in the campaign.

In California, Florida, Texas, Michigan, Washington and at least six other states, large corporations have recently formed groups that share information and resources to help deal with the problem. And they are helping smaller companies start anti-drug operations.

"There's been a phenomenal growth rate in the number of companies offering employee-assistance service in the last year, as a result of employer's concerns about substance abuse," said J. Michael Walsh, director of workplace initiatives for the National Institute on Drug Abuse, a Federal agency.

For example, 80 companies signed contracts to purchase therapy programs for alcohol and drug abuse in the last year from Human Affairs international, a unit of the Aetna Life and Casualty Company, which supplies employee-assistance services to

both large and small employers. And thousands of companies that have Federal contracts are now required to adopt anti-drug policies, under provisions of the Drug-Free Workplace Act, which went into effect on March 18.

The assistance programs, which are often coupled with company drug-testing policies, are now available to more than 26 million workers—three times as many as five years ago, when the crack form of cocaine emerged as a major problem.

Nationwide, an estimated 20 million American jobs are now held by people who use illicit drugs like marijuana, amphetamines, cocaine and crack, a smokable form of cocaine.

Company counselors say they are encountering a growing number of employees and their relatives who are using alcohol, crack and other drugs in combination, and they report that they are having difficulty keeping pace with such multiple addictions, which they say are the biggest killer. But despite these new problems, industry leaders feel they have important assets in offering therapy.

"The workplace is an easier place to deal with drugs than any place else," said James E. Burke, chairman of the strategic planning committee of the board of Johnson & Johnson, the medical products company. "You have more control, and you can build a supportive environment, which is sometimes difficult to do in the community."

Richard Lesher, president of the United States Chamber of Commerce, said: "Employers have the most effective weapon in the war on drugs, the paycheck. If you and I believe that our jobs are contingent on our being drug-free, it creates a powerful incentive."

THE SEARCH FOR ANSWERS

"We are really dealing with problems of work performance, which also include marital and family problems, stress and emotional problems," said Ron Finch, employee-assistance director at BellSouth, the telephone company based in Atlanta. "A lot of drug and alcohol abusers are trying to medicate themselves."

The big Detroit automobile makers and many other large employers are providing in space hundreds of plants and offices across the country for Alcoholics Anonymous and Narcotics Anonymous meetings, which serve employees, their relatives and people from nearby communities.

"I try to attend at lest two Narcotics Anonymous meetings a week," said R. Craig Redner, a 39-year-old food-catering salesman in Novi, Mich., a Detroit suburb. He said that he had been addicted for years, first to heroin and later crack, and that his employer had helped him to stop using drugs.

"Our goal is not to find people and kick them out; that merely dumps people on society," said John F. Maciarz, a General Motors Corporation spokesman. "Our major objective is to turn them back into the successes they once were."

Mr. Redner said: "The final two weeks, I was actually free-basting on the job. My boss at Gary's Catering said if I didn't get help, he would let me go." Mr. Redner was hospitalized for two weeks, which his company's health plan paid for.

"They hired me back the day I got out," he said. He continued with "one-on-one therapy" for seven months. Since then, Mr. Redner said, "I have been straight for a year and nine months."

NEW JERSEY-NEW YORK EFFORTS

In one of many regional programs in which corporations are cooperating in attacking drug problems, business executives will meet on Thursday to discuss anti-drug strategies under the auspices of the New York Business Group on Health and the New Jersey Business and Industry Association in Ridgewood, NJ.

Thousands of executives have attended a variety of drug conferences this fall organized by Hoffmann-La Roche Inc., the Swiss-owned pharmaceutical concern, and other sponsors. Irwin Lerner, president and chief executive of Hoffman-La Roche, said the goal was to "sensitize business organizations around the country" to bring the campaign back to local areas.

Mr. Burke, who recently retired as chief executive of Johnson & Johnson, heads another cooperative program. It has created hundreds of anti-drug messages that have been broadcast free or published without charge in newspapers and magazines. The broadcast time and ads, if purchased, would have cost $310 million.

General Motors and the United Automobile Workers union are sponsoring a 13-week television series on television station WBKD in Detroit in which recovering alcoholics and drug abusers like Mr. Redner tell their stories.

As drug abuse has spread, executives increasingly have had to deal with colleagues and relatives in need of help. "We got into drug testing when it was determined that the chief executive's driver was using drugs," the employee-assistance director at one company said.

Bruce Liebert, 38 years old, a self-employed aquarium sales and maintenance man in Houston, said his wife's insurance at her job at the Exxon Corporation had paid for treatment at Spring Shadows, a Houston drug program, for his longtime cocaine addiction.

"After 18 months, I went off on another binge and shot coke for, like, a day and a half," he said. "The end was a few mornings after I ended up on the steps of my church, totally devastated."

Mr. Liebert said the church sent him to Canaan Land, a treatment center in Alabama. Since then, he said, he has been free of drugs for two years. "Now the whole thing that keeps me straight is helping people," he explained. "I was asked to speak at Exxon to the executives. It's a problem with everybody, not just down in the ghetto."

"Corporations can easily spend more for drug treatment than cancer, AIDS or open heart surgery," said Otto Jones, president of Human Affairs International in Murray, Utah, which provides employee-assistance services to insurers and employers that cover five million people.

"Drug users will incur 300 percent more medical costs, on average, than the rest of a company's employees," he said. "The users lose twice as much work as the average employee and are five times more likely to be involved in accidents off the job."

Spending on employee health care has been increasing by 15 percent a year for the last 12 years.

"The high-cost case is often the child of an executive in a dual-career family who is institutionalized for more than a year," Mr. Jones continued. "The parents just wanted to put them someplace, and often the institutions got them on other kinds of drugs just to manage them."

When experienced workers are in short supply, providing help takes on an added economic rationale. "With the workplace pool of potential employees shrinking, it makes real clear sense to try to rehabilitate them," said Jack Rose, an employee-assistance administrator with the Lockheed Corporation in Burbank, Calif.

Testing for drugs has become an important part of the program at many American corporations, and experts say thousands more will soon be testing as they comply with the new Drug-Free Workplace law. According to a Labor Department survey last year, 17 million people worked for employers in the private sector that test for drugs.

Johnson & Johnson, like many large companies, tests all job applicants for drugs. "Companies put the message out there: 'Don't apply!'" said Helen Axel, executive director of human resources research, at the Conference Board, a business research group in New York.

Employees may be tested if they are involved in accidents or other unusual behavior. At Johnson & Johnson, people in high-risk jobs are tested without advance notice, several times a year. Those identified as drug users are directed to the company's assistance program, which is tied in with counseling to cope with psychological stress and to promote physical fitness.

UNIONS OPPOSE COERCION

Labor unions generally support employer drug counseling and therapy programs. But the A.F.L.-C.I.O. and many member unions oppose coercion in drug programs and oppose testing as a violation of privacy.

"Job loss is an effective deterrent; but the threat of job loss should be restricted to failure to perform the job," said Noel Beasley, a vice president in Chicago with the Amalgamated Clothing and Textile Workers Union. Drug testing, he added, reduces the incentive for people to enter rehabilitation voluntarily.

Mr. Rose at Lockheed said a record of having offered assistance was important in defending lawsuits claiming "unlawful" dismissals in states like California.

The Supreme Court recently upheld the legality of testing railway employees after accidents and the legality of pre-employment testing for Federal customs agents. Challenges to random drug testing of employees are making their way through the courts.

EARL R. HOOVER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. OAKAR. Mr. Speaker, I would like to take this opportunity to express the sorrow and sense of loss which we in northeast Ohio have experienced following the death of Earl R. Hoover.

A Cuyahoga County Common Pleas judge for 18 years, Judge Hoover made several landmark decisions. Among them an opinion of a dance studio contract case that has become precedent and is cited in Federal and State court cases and is taught in business law courses.

Mr. Hoover held a lifelong interest in historical research and writing. His favorite topic

was the Civil War, once devoting 8 months researching the impact of music on the Civil War in the Library of Congress. Mr. Hoover also made a hobby of public speaking, having delivered over 5,000 speeches throughout the United States over a period of 40 years. Among his many subjects were the Civil War, the history and accomplishments of the Western Reserve, and famous Americans, mostly Ohioans.

In 1977, Mr. Hoover wrote "Cradle of Greatness; National and World Achievements of Ohio's Western Reserve". The book, twice a sellout with 17,500 copies having been sold, is now considered a collectors item.

In 1981, Mr. Hoover received the Good Citizenship Award of the Sons of the American Revolution. He also received the Otterbein Alumni Association's Distinguished Alumni Award in 1970, served on the board of the Western Reserve and Shaker Historical societies, and was a trustee of Otterbein College.

I would like to close with a quote that clearly states how Mr. Hoover spent his life:

I like to see a man proud of the place in which he lives. I like to see a man live in it so that his place will be proud of him.—Abraham Lincoln.

HONORING THE RETIREMENT OF ERNEST H. PATNODE FROM THE MASSACHUSETTS STATE POLICE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CONTE. Mr. Speaker, I rise today to offer my congratulations to Ernest H. Patnode who is retiring from the Massachusetts State Police after 22 years of meritorious and dedicated service.

Ernest's praiseworthy career has seen him investigate crimes, patrol the roads, and protect the rights of citizens. Certainly the residents of western Massachusetts and the people who have passed through that area have been well served by Ernest Patnode.

His work as a police officer amounted to a lifetime of dedication to the laws of the Commonwealth. Ernie, as he is known to his many friends, entered the State Police academy during October 1967 and graduated as a state trooper 3 months later. As a trooper, he served with both great distinction and honor. In 1976, Ernie was commended for his outstanding police peformance in the arrest of a notorious armed robber; and in 1979, he was commended for his part in an exhaustive yearlong investigation that lead to the arrest and prosecution of four assailants.

Prior to entering the academy, he had served for 3 years with the Greenfield Police Department. Ernie then began his career as a protector of Massachusetts' laws as a young man of 23 which marks this occasion as a celebration of Ernest Patnode's having faithfully executed the duties of an officer of the law for a quarter century.

Mr. Speaker, it is not just my opinion or the feelings of Ernie Patnode's peers that cause me to remark about the great dedication and skill which Ernest has brought to the force. His superior officers have duly noted his outstanding law enforcement skills evidenced by his many promotions. Ernest retired with a rank of lieutenant.

But to say that Ernie is retiring is not entirely true. While he is leaving his noted career as an officer of the law, he is beginning anew at the Friendly Ice Cream Corp. Friendly's has hired Ernie as the head of security for its franchises along the eastern seaboard.

Although these new duties will cause him to spend time away from home, I know that his supportive family, including his wife, Judith, and his two beautiful children, Marc and Tami, will continue to show Ernie the loving support that they always have.

Ernest Patnode represents all the best in the world of criminology. He has served the citizens of western Massachusetts selflessly. I wish him the best of luck in all of his future endeavors.

BACKSLIDING ON NERVE GAS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. PORTER. Mr. Speaker, today's Washington Post carries an excellent article written by our colleague, DANTE FASCELL, the chairman of the House Foreign Affairs Committee, on steps our Government must take to secure an international treaty banning chemical weapons. President Bush has shown steadfast leadership in pursuing an international agreement on chemical weapons, as his historic U.N. speech this fall demonstrated. Chairman FASCELL forcefully illustrates the counterproductive effects that a decision to produce chemical weapons after a treaty enters into force would have on current negotiations. He correctly writes that such a decision would simply kill any hope for completing a treaty. It is a message that the administration should heed, and I commend the article to all Members.

[From the Washington Post, Nov. 20, 1989]

BACKSLIDING ON NERVE GAS

President Bush's commitment to a total ban on chemical weapons is commendable and supported by an overwhelming bipartisan majority in Congress. Unfortunately, as frequently happens in Washington, a strong leadership initiative is accompanied by bureaucratic infighting and policy underbrush which needs to be cleared away.

Immediately following Bush's speech at the U.N., Washington's policy underworld began elaborating on the president's simple desire for a worldwide ban on chemical weapons with a contradictory explanation that binary nerve gas weapon production must continue even after achievement of a worldwide ban. Adverse reaction to this policy "elaboration" has been swift and strong from foreign governments, Congress and independent arms control experts.

A policy of continued U.S. production of new binary nerve gas weapons spells trouble for Bush's own objective. It places all the positive features of his U.N. speech at risk. It unwittingly legitimizes the very thing he wants to stop, chemical weapons proliferation. It is also a violation of the treaty that vice president Bush presented in 1984 and the current draft treaty in Geneva, both of which call for an immediate cessation in chemical weapons production.

This policy of continuing binary nerve gas weapons production will not only provoke cries of U.S. hyprocrisy, but worse yet, it will provide other countries an easy rationale for pushing ahead with their own chemical weapons production. The very crucial antiproliferation dynamic the president has attempted to fire up by his U.N. proposal for a bilateral chemical weapons destruction schedule would self-destruct. The appeal of the president's bilateral destruction proposal is the superpower message on chemical weapons; we, the superpowers, have them, we will destroy them, we want a global ban as soon as possible, and we expect other countries to follow our example. A U.S. policy of continued new chemical weapons productions undercuts this superpower leverage.

The dangerous risk is that such a change in U.S. policy, pursuing new chemical weapons production, could create a proliferation nightmare. Why should the United States be the only country allowed to continue production while the rest of the world can only destroy its chemical weapons? That's the question the other 20-odd states with chemical weapons will ask. New states may rush to get into production before a treaty, assuming that they can keep on producing after one. Such a policy jeopardizes the superpower destruction plan and poses a provocative challenge to the Soviets to break their * * *.

U.S. priorities should clearly stress accelerated destruction, development of verification capabilities and chemical weapons arms control, not new chemical weapons production.

A SALUTE TO THE COMMISSIONED OFFICERS IN THE D.C. ARMY GUARD

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FAUNTROY. Mr. Speaker, I rise to honor and salute the following newly commissioned officers in the D.C. Army National Guard.

The D.C. Army National Guard has served the District of Columbia and this Nation well with its outstanding commitment to excellence and service to the community. These fine young officers have successfully completed 16 months of intense physical, technical, and tactical training at the D.C. Military Academy to prepare them for their commissions. The D.C. Military Academy has continued, in its 82-year tradition, in producing high quality young officers that we can all be very proud of.

I know you will join me in wishing them well in the service to the District of Columbia and to the Nation. Listed below are the names and addresses of the officers who were graduated and commissioned as second lieutenants through the D.C. National Guard Officer Candidate School:

COMMISSIONED OFFICERS

Joe L. Cherry, Jr., 3402 Carlyn Springs Road, No. 104 Falls Church, Virginia 22041.

Byron Day, 453 Q Street, N.W., Washington, D.C. 20011.

Marc S. Hollander, 908 Riva Ridge Drive, Great Falls, Virginia 22066.

Barron Johnson, 636 Audrey Lane, Apt. 102, Oxon Hill, Maryland 20745.

Emanuel Payton, 3123 Warder Street, N.W., Apt. B2, Washington, D.C. 20010.

George Ratliff, 513 13th Street, N.E., Apt. No. 9, Washington, D.C. 2002.

Kevin M. Smith, 211 Post Oak Court, Landover, Maryland 20785.

Dan Stanford, 6933 Lafayette Park Drive, Annandale, Virginia 22003-3225.

STATEMENT BY THE HONORABLE CHRISTOPHER H. SMITH

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. HYDE. Mr. Speaker, today the United Nations General Assembly will adopt the Convention on the Rights of the Child. Our colleague, Representative CHRISTOPHER SMITH, is the U.S.' alternative representative to the 44th Session of the United Nations General Assembly. I wish to commend to my colleagues the following excellent statement by Representative SMITH.

STATEMENT BY THE HON. CHRISTOPHER H. SMITH

Thank you very much, Mr. Chairman. After ten years of constructive dialogue, seemingly endless consultations and finally an agreement, the Commission on Human Rights has presented the Convention on the Rights of the Child to the United Nations General Assembly for adoption. The United States participated actively in the drafting of the Convention. We believe that it represents a notable step forward in the needed promotion and protection of the rights of children. Although the Convention is far from perfect—no agreement ever is—the United States strongly believes in the enumerated commitments and goals of the Convention, and it is our hope that the General Assembly will adopt the text without change.

Mr. Chairman, the Government of Poland deserves much of the credit for the conclusion of this Convention. The version we have before us today represents many years of debate and revisions to the Government of Poland's first draft; but if it were not for that initial effort over ten years ago, we might not be considering adoption of a Convention on the Rights of the Child during the forty-fourth session of the General Assembly. We must also make special mention of Professor Adam Lopatka of Poland, who served with distinction as Chairman of the working group established to draft the Convention.

Mr. Chairman, the United States also recognizes the valuable contribution made by many non-governmental organizations during the drafting process. The promotion of human rights standards inevitably creates a certain tension between what might be best in an ideal world and what governments are prepared to accept today. Although in the end it is governments that are bound to uphold human rights standards, the participation of non-governmental organizations in the drafting of these conventions—and in the United Nations generally—serves to push us to higher standards over and above our parochial interests. In addition, it prevents us from being content to settle for the lowest common denominator.

The Convention on the Rights of the Child grapples with many difficult issues and rests on several hard-fought compromises. A number of these compromises were necessitated by the differing cultural, legal, and religious views of the unique relationship between the rights of the child, the rights and responsibilities of parents, and the state's obligations of legal and moral protection. Other concessions were necessary on other matters. My government, like many others, is not completely satisfied with some of these compromises. But because we recognize the importance and desirability of adopting the Convention without further delay, we do not wish to reopen negotiation on any part of the text.

For the record, Mr. Chairman, I would like to make a brief statement of my government's views on several aspects of the Convention.

PROTECTION OF THE UNBORN

The United States fully supports the inclusion within the Preamble of the Convention language from the 1959 Declaration of the Rights of the Child confirming that "the child, be reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

Children—born and unborn—are precious and extremely vulnerable. Governments have a duty and sacred obligation to protect these children to the maximum extent possible.

Birth is an event which happens to each of us. The most tender, formative nine months prior to this great event will forecast the healthiness of the child after birth. One of the most positive protections for a healthy childhood—after life itself—is proper prenatal care.

We in the United States are just now fully recognizing the positive effects of basic maternal and prenatal care. This does not demand elaborate, expensive medical facilities; the basics cost little but are extremely effective. For instance, sound nutritional education and tetanus toxoid inoculation for mothers produce resounding positive effects. Neonatal tetanus is the single most important identifiable cause of infant morality in the developing world. Mr. Chairman, this threat can be wiped out if the child inherits the benefits of his or her mother's tetanus inoculation.

The United States Agency for International Development has launched a new project for maternal and neonatal health and nutrition in developing countries. Comprehensive research and experience, domestically and internationally—through organizations such as the World Health Organization—have proven that proper prenatal and neonatal care spell the difference between a healthy or health-threatened mother, and between a strong or vulnerable child. Healthy babies, right from the start, will help provide brighter futures for all of our children, who represent our own future and our legacy for the next generation.

RELIGIOUS RIGHTS AND FREEDOM OF CONSCIENCE

My Government concurs fully and is pleased that the Convention reaffirms "the right of the child to freedom of thought, conscience and religion." The international community has long agreed that all people, including children, must be guaranteed religious rights. As early as 1948, when the General Assembly adopted the Universal Declaration of Human Rights (the one document which was deposited with the United Nations Charter in the cornerstone of this building), the General Assembly declared that "Everyone"—and I wish to emphasize the word everyone—"has the right to freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance" (Article 18).

Although parents or guardians must of course offer guidance and assist young children in the exercise of their right to freedom of conscience, we must recognize that this inherent and inalienable right of religious freedom is a precious right of each individual, including children. If possible, the United States would have wished for a stronger reaffirmation of this in the Convention.

In particular, Mr. Chairman, we would have liked to specify that children continue to have such supplementary rights as the freedom to have or to change a religion, the right to worship according to their beliefs alone or with others and the right to teach, learn, and practice their religion in public and in private. The Universal Declaration on Human Rights and other international instruments include reference to such supplementary rights, and the United States continues to believe that they apply to everyone, including children.

FUNDING

The United States firmly believes that the costs of the Committee on the Rights of the Child that will be established by the Convention should be borne exclusively by the State that ratify the Convention. In our vew, Mr. Chairman, the Committee established by the Convention is not a United Nations body, but an instrument of the States Parties to the Convention. Only those States may nominate and elect members of the Committee; only those States submit reports to it. Moreover, the Convention will enter into force when only twenty States have ratified it. We believe that it would be inappropriate for the entire membership of the United Nations to bear the expenses of a body created to serve so small a number of states, at least initially.

In any event, United Nations financing is no guarantee of full financing for committees such as this one. In times of budgetary constaint, the Members of the United Nations can and very well may decide which functions the Committee will have to forgo. The United States believes that state-party financing is more likely to preserve the independence of the Committee on the Rights of the Child, for that financing method would give the Committee complete power to decide how to use its funds.

FAMILY REUNIFICATION

We are particularly concerned about the reunification of families, so that children and parents can live together. Families have been torn apart by wars, restrictive borders, and indiscriminate limits on emigration rights. This disruption in cohesive family ties is especially detrimental to the lives of children, who are generally the ones who suffer the most from forced separations. The Convention obligates the states parties to address reunification applications by children or their parents "in a positive, humane and expeditious manner." This is an easily obtainable goal, and governments should not have difficulty in doing this.

ABUSE AND NEGLECT

The prevention of physical and mental abuse against children demands constant vigilance, a moral and ethical consciousness throughout our society—from government agencies, to churches, synagogues and mosques, to local community awareness efforts, to neighbors and families. The scourge of child abuse—whether physical or sexual abuse, whether negligence, neglect, or other forms of exploitation—is all too prevalent throughout the world. Governments must be committed to providing legal and administrative protection to children, as well as supporting social and educational programs that help prevent this gross scourge which has infected many of our communities.

ADOPTION

With the strong and active encouragement of President Bush, the United States Government has promoted the adoption of children by loving and caring families. Through legal safeguards and constructive adopting agencies, governments can help ensure that eligible children or orphaned children enjoy the love and nurture of a family. As an example of how a government can promote adoption, President Bush is scheduled to sign into law a bill which will designate the last week of this month as "National Adoption Week" in the United States.

This initiative of the Congress and the President of the United States will help bring attention to the rewards of adoption, both for children and for parents. A specific commemorative week will help promote legal adoption, and it will call special attention to the needs of children with mental and physical handicaps who do not have a family to care for their special requirements. This brings to mind Article 23 of the Convention, which deals with disabled children.

DISABLED CHILDREN

The United States is keenly aware of the special needs of mentally or physically disabled children, and we fully support the Convention's call for a "full and decent life" for these children.

The world has come a long way from the days when the handicapped were locked away far from the support base of their family and the loving care of those who are able to help rehabilitate, train, and educate these children with special needs. Recognition of the rights of the handicapped has been slow. We hope that there will be a strong commitment to this particular goal in helping ensure that children with special needs receive proper guidance, so that they may "achieve the fullest possible social integration and individual development."

CONCLUSION

As I made clear at the outset, the United States is satisfied that the working group which drafted the Convention on the Rights of the Child made such progress and achieved consensus on all substantive issues. We sincerely hope that the General Assembly will adopt the Convention without a vote and without changing any of the text.

The United States does believe, however, that we must view the Convention in a sober, realistic light. It is not a perfect document and its entry into force will not solve all problems and all threats for all children. Only by recognizing this can the international community work together to make the best possible use of the Convention. Necessary protection for our societies' vulnerable and helpless will ultimately have to be demanded by the moral commitment of men and women throughout the world, and will have to be guaranteed by Member States.

To borrow from the teachings recorded in the Book of Luke, "he who is the least among you—he is the greatest." Our children are the greatest hope among our generation. They deserve our protection, our loving care, and the opportunity to achieve their best with their talents. The adoption of the Convention on the Rights of the Child will serve as a starting point—a launching pad—for improving the status and situation of all children of all nationalities, creeds, and social status. Thank you, Mr. Chairman.

POLLY BACA'S BACK

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mrs. SCHROEDER. Mr. Speaker, I would like to share with my colleagues an October 25, 1989, Denver Post profile on former DNC vice chair Polly Baca, who has recently been appointed executive director of the Colorado Institute for Hispanic Education and Economic Development.

POLLY BACA CLEARS PATHS TO HISPANIC ACHIEVEMENT

(By Richard Johnson)

Polly Baca is back. (She wasn't really away.) And she intends to make sure that Colorado's rapidly growing Hispanic population has better access to educational and economic opportunities.

The former state legislator, national political strategist and successful businesswoman took office Oct. 2 as executive director of the Denver-based Colorado Institute for Hispanic Education and Economic Development.

"I face a tremendous challenge," said Baca. "I'm totally invigorated."

Incorporated in 1987, the institute is designed to analyze public policies and their impact of the state's Hispanics. Additionally, the agency develops cadres of Hispanic leaders and trains them in gaining and using power to influence policy.

The institute's annual operating budget—$90,000 this fiscal year—is contributed by the University of Colorado at Denver, Metropolitan State College and the Community College of Denver. Grants are sought from foundations and corporations for specific projects.

According to Baca, the Hispanic population in Colorado is increasing five times faster than Anglos. Yet they lag behind Anglos and other ethnic groups in education and income.

"We want to find ways to create more jobs for Hispanics and to support Hispanics' going into private business and the corporate world," Baca said.

Dr. Byron McClenney, CCD president, helped establish the institute and is a member of its board of directors. He said he believes "it is essential to integrate" Hispanics into the mainstream.

"In founding the institute," he said, "we were motivated by a realization of what's going on in Colorado. Hispanics have a family income very low in comparison with that of Anglos. Their educational attainments are lower (than Anglos'), and they have a higher school dropout rate.

"Couple that with the realization that Hispanics are the fastest-growing segment of the population, and it becomes apparent that Hispanics must have access to quality education and economic development."

McClenney said that the state's Hispanic population, without education and economic oppportunities, can't provide the skilled workers needed by corporations.

Moreover, he said, insuring Hispanics' access to the system is "morally correct."

As a former Democratic state representative and senator who headed a regional election campaign for former President Jimmy Carter, Baca understands the political system and knows how to acquire and use power.

She was hired to head the institute partly because she can pick up the phone and get through to big shots—in the public and private sectors—across the nation.

"She has a nice mix of skills," said McClenney. "She is charming and courteous, but she can be tough. If service in the state Senate doesn't toughen you up, I don't know what will."

Baca, smiling, said she "sometimes had to use a confrontational style on specific issues in the Colorado Senate, but all my life I've had a tendency to be a negotiator."

Baca succeeds Dr. Ray Sandoval, the institute's first executive director.

Last May, the institute graduated about 30 Hispanic men and women from its leadership-development program. They will gather for a reunion Nov. 3 and some will have a role in the selection and training of new participants.

The next leadership program—called Visión Hispanica II—will begin with a reception Jan. 25. Four-hour classes each Friday for 15 weeks will begin Jan. 26.

Baca and an 11-member committee will select participants. Each trainee will pay a $650 fee, but those who need financial aid may be able to get scholarships. The institute's faculty will be made up mostly of volunteers from business, the media, and politics and government.

Additionally, the institute will sponsor symposiums in "an emerging role as a think tank."

Baca, who is divorced, lives in Thorton with her children, Monica and Miguel Barragan. She served in the Colorado General Assembly from Adams County from 1975 through 1986. In 1985, she chaired the Senate Democratic Caucus.

Since 1986, Baca has operated Sierra Baca Systems, a consulting firm specializing in policy analysis and program development. "I was traveling so much of the time," she said, "that many people thought (erroneously) I had moved away from Colorado."

After her appointment to the institute, Baca became inactive in Sierra Baca Systems, which is headed by a sister, Bettie Baca Rodriguez of Boston. Another sister, Fernie Baca, is UCD's assistant vice chancellor for research.

HONORING CONGREGATION MACHANE CHODOSH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ACKERMAN. Mr. Speaker, I rise today to pay special tribute to one of the most important and thriving religious centers in the Forest Hills area, Congregation Machane Chodosh. On November 19 the congregation celebrated its 50th anniversary commemorating over half a century of religious and communal service to central Queens with a banquet at Terrace on the Park in Flushing Meadows.

In its 50-year existence the synagogue has influenced every facet of the local Jewish community. Last year, leaders of the congregation met with local police to discuss methods in improving community safety. It has also embarked on an outreach program to bring the unaffiliated into the congregation. As part of their effort to encourage new participation in their synagogue, the congregation has constructed an elevator for the elderly and handicapped.

The congregation constantly tries to educate the members of its community in its ancient tradition. Instructional programs serve this purpose, especially courses in Jewish law and customs, and modern Hebrew. As a religious center founded by survivors of the Holocaust and refugees from Nazi Germany, the congregation feels a special affinity with survivors and victims of those horrendous events. Last year, the congregation along with other synagogues in the area, held a community wide observance of the 50th anniversary of Kristallnacht, which was attended by over 1,000 people.

The congregation's contributions have not been limited to the local sphere, however. The synagogue has also been extremely active in assisting Jews worldwide. As a strong supporter of Israel, the synagogue has in recent years donated an ambulance and planted over 20,000 trees in Israel.

In a religious center that has prospered and grown as much as Congregation Machane Chodosh, it is almost inevitable that a major reason for its success is due to the contribution of its leaders. A number of individuals have played important roles in developing Congregation Machane Chodosh into the thriving community of 500 people it is today. One such individual is Sol Wachenheimer, president for many years and one who presided over the synagogue when it was undergoing construction. Another individual who has truly left his imprint upon the synagogue is Rabbi Manfred Gans, a scholar, teacher, and counselor to his congregation for the past 39 years. Some others who have made significant contributions to the synagogue over the years are: Mr. Herbert Jaffe, present president of the synagogue, Erick Liebenstein, present copresident and Mr. Samuel Bloom, who is chairman of the golden jubilee.

Mr. Speaker, in a time when religion and morals seem to be increasingly ignored, it is a pleasure to witness a religious center prosper as Congregation Machane Chodosh has in the last 50 years. Mr. Speaker, I ask my colleagues to join me in congratulating Congregation Machane Chodosh on its golden jubilee and to wish it as much success its second half century as it it enjoyed in its first.

INTRODUCTION FOR SPEECH BY CONGRESSMAN ROBERT TORRICELLI

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SOLARZ. Mr. Speaker, on the historic evening of November 9, when East German officials announced the opening of the Berlin Wall, my good friend from New Jersey, Congressman TORRICELLI, was giving a speech to the board of directors of the 20th Century Fund in New York on the fast-moving developments in Europe.

Congressman TORRICELLI's analysis of the role West Germany is likely to play in the evolving new European order, and the economic challenges a unified Germany would pose to the United States, make excellent reading. Members of Congress who have been fascinated by recent events in Europe will find Congressman TORRICELLI's speech insightful and thought-provoking. I would like to submit it for the RECORD.

GERMANY—THE NEW ECONOMIC CHALLENGE

(A speech by Congressman Robert G. Torricelli)

A month ago a speech on Europe could have been titled "Europe, Germany and the next Century." We aren't talking about the next century anymore; we are talking about tomorrow. Things are moving so fast it's almost impossible to provide an accurate analysis.

Dramatic as recent events have been, fundamental changes have been taking place for the past several years. History doesn't change in a few days, a few years or a few months. Fundamentals must have changed. Sometimes we simply overlook them.

Americans were surprised when they turned on their televisions the evening of November 9th and saw people walking and celebrating atop the Berlin Wall. But the seeds of change had long been there, sown in the ferile ground of the dynamic West German economy. Before the Berlin Wall crumbled, we saw Europe only in terms of 1992 and the consolidation of the EC. In discussions about global economic challenges, the focus was solely on Japan.

The importance of economic developments in Europe has been building for years. However, they were slow to be recognized and were overshadowed by seemingly more dramatic changes along the Pacific Rim. The changes in Europe have been driven by a re-emergence of West German economic power and the rise of West German technology. As we were watching issues in other places and thinking about other things, our vision of West Germany remained fixed by images of the Berlin airlift and a divided, weakened country. That vision has been transformed before our eyes. West Germany now has nearly a $1.5-trillion economy, the third-largest market economy in the world.

Most Americans would be surprised to learn that the greatest exporting nation in the world is not Japan, but Germany—having surpassed its competitors both East and West. West Germany has a trade surplus of $77 billion, and is passing Taiwan as the country with the world's greatest accumulation of foreign currency reserves.

West Germany in 1989 presents an entirely new set of facts. We have recently begun to take notice. New patterns are developing in the political and economic relationship between the U.S. and West Germany. The British and the French have maintained their traditional roles of debating about how the European Community would be structured—its cental bank, currency, trade policy and other points—but the balance of power seems to be shifting to Bonn.

The debate over modernizing NATO's nuclear forces in Germany provides an instructive example of West Germany's increasing weight. As the debate shifted from Pershing to Lance missiles, the feeling in Washington was that, once again, the Europeans would express their concerns and an accord would eventually be reached. But there wasn't a European position anymore, there was a German position. The Germans wanted to be treated as an equal. They were not going to accept Lance missiles, even if every other member in the alliance wanted them, because they were going to be put on German soil. The projected Lance modernization confirmed German fears that a nuclear war would be centered on their territory. The West German government felt that accepting the new missiles was not a sacrifice they alone should be asked to make.

There was also a clear German desire that, in international organizations, they receive voting power commensurate with their economic strength. On that basis, the Japanese were taking the lead in the International Monetary Fund and the World Bank. If the Japanese formula was accepted, West Germany's power in these organizations would be greater than the French and the British.

We think of the EC as a great combination of states. In fact, its structure is similar to that which analysts ascribe to OPEC. OPEC in many ways functions as a cover for Saudi policy. Germany, in turn, may soon occupy the same position in the EC. Given West Germany's predominant ecomomic position, and the remarkable opportunities available to it because of events in the Soviet Union, its ascendancy is clear.

The mix of mounting West German economic power, new feelings of self-confidence, a generational shift in power, and the opening provided by the Soviet Union gives us a set of facts which raise some very interesting questions.

This is not to suggest that the United States can, in any fundamental ways, really direct these issues. The economic determinants of this are largely in place. We can, and should, however, make our interests known and take advantage of this changing Europe as best we can.

What is not sufficiently understood, is how well West Germany is itself positioned to take advantage of the fluid European situation. First, there is an enormous economic opportunity opening up for West Germany that is not being sufficiently discussed. People in Washington and New York are talking about the West German role in the EC, acknowledging that Germany will provide a quarter of its economic power and will be making decisions for the EC in the 1990's. But that misses a crucial point: the growing German role in Eastern Europe. What happens now that the Soviets are reducing their financial responsibility for

Eastern Europe? Gas may not flow at the same prices, currencies may not be supported, products may not be purchased, and aid may not be provided. An enormous and historic vacuum has been created unlike anything we have seen since the end of the war. An entire sphere of influence is now open.

This is not to suggest that strong Soviet interests won't remain, including a military presence. But somebody is going to make up the economic difference. Consider what happened when China was opened during the Carter Administration. That policy was determined by American diplomatric and military security needs, but it opened the world's largest potential market. At the time, we failed to anticipate that the Japanese would take advantage of this new market.

A similar situation is now taking place in Eastern Europe. A market with a combined economy of nearly $1 trillion is now opening up in the Eastern European states, and that may be expanding into the Soviet Union. This isn't simply a question of what will happen, but how much has already happened. German exports to Poland are $1.6 billion, compared to the United States' $304 million; Germany exports to Hungary are $1.5 billion, U.S. exports to Hungary are $78 million; German exports to Czechoslovakia are $1.5 billion, those of the U.S. are $55 million. The West German economic sphere of influence has now opened in Eastern Europe.

U.S. policy provides an interesting contrast. In Congress, we are debating U.S. aid to Poland and Hungary. The most generous package provides about $800 million for Poland. The President has suggested $200 million. But this year alone West Germany has committed $1.6 billion in aid to Poland and more than $2.5 billion to East Germany this year.

West Germany, therefore, has not only taken control of new markets, it has provided substantial aid to the countries in those markets. In addition, it has begun to integrate Western and Eastern infrastructures. Almost unnoticed a few months ago, the electric power grids of West Germany, East Germany, and Czechoslovakia partially joined. In the next few years, natural gas for homes and factories will flow through West Germany. These factors assure that West Germany is extremely well-placed to capture an obvious and enormous market.

The question then becomes, what of German reunification? Issues here are moving very quickly. A few months ago, the question of German unification was largely one raised by conservatives in Bavaria. It was a Franz-Josef-Strauss issue rarely raised in other circles. But very recently it was raised by West Germany Chancellor Helmut Kohl, and it is now being widely discussed—for obvious reasons.

In the last year, between one and a half and two percent of the East German population has gone to West Germany. But those are only the latest figures. The year before, 100,000 people left for West Germany. No matter what policy the East Germans have taken—the regressiveness of last year or the openness of the last few days—there's been an enormous exodus that, while creating strains for the West Germans, has also produced leverage for them. The West Germans, who by constitution and law guarantee citizenship to East Germans and endorse the concept of one people, have begun to exercise that leverage, placing conditions on increases in economic assistance to East Germany. New aid is now dependent on East German movement toward both a free market and a pluralistic political system.

There is, in reality, only one reason for two German states. The separation is a political anomaly. There is no natural division. It rests solely on a distinction based on two different forms of government. Therefore, as East Germany reforms its government to reflect the democratic principles of the West, that distinction will begin to disappear. West Germany now has the economic leverage to hasten that process.

The East German economy grew at 1.8 percent last year. This year it will not grow at all. Jobs will remain unfilled. In the first 10 months of this year the number of people who fled East Germany could double. No one can predict where this is leading, for the Wall now has people going over it, around it and through it. The most immediate prospect is that the very reason for two separate states will disappear—but for one factor.

The two states remain on opposite sides of the two great European military alliances. Circumstances are changing rapidly here as well, however. This is not simply a question of Mikhail Gorbachev's initiatives or his statements of unilateral withdrawal of Soviet troops. Soviet disapproval of future political changes in East Germany and relations between West and East will be tempered by the Soviet's ability to support its troops in East Germany. With a Solidarity government governing Poland, Hungary moving forward as a republic, and increasing Soviet pressure for reform in Czechoslovakia, reversing this process is not going to be very easy.

Finally, German economic influence has spread beyond Eastern Europe. West Germany has a $6-billion, one-way relationship with the Soviet Union. West Germany provides the U.S.S.R. with its largest Western trading partner, its principal access to Western technology, its biggest provider of industrial credits—more than every other Western nation combined—and its largest Western investor.

West Germany can use this leverage to promote reunification and to reverse political attitudes in Moscow. The leverage that Germany has is not simply on East Germany alone. It is far greater.

If this analysis is correct, and a new German state evolves, it is worth looking at the geopolitical consequences, and what a reunified German state would look like. It would have a population of 80 million people, 25 percent of the population of the European Economic Community, far and away its largest member. Its economy would probably reach $1.75 trillion within a year, easily the third largest market economy in the world with 30 percent of all economic production in the European Community.

If current force levels are combined, this new Germany could have an army of 670,000 troops, 870 combat aircraft, and nearly 7,000 tanks. In the current atmosphere, many of these figures would probably be reduced. But, nevertheless, this would make a reunited Germany by far the predominant military force on the Continent.

The clear result of these trends is an even greater German domination in the economic community than is experienced today. That in itself is neither good nor bad. But this scenario presupposes that Germany reunifies, if it does, within the European Community and within the western defense community.

These are two important assumptions from the American perspective. We would hope reunification would take place in a scenario in which East Germany gains an associate membership in the EC and then joins the European family after 1992 as part of a larger unit. These are among the scenarios one hears in the State Department today. And for American purposes they work very well—a larger Germany firmly rooted in the West, part of a larger, not necessarily German, unit. The effect of this would be simply rolling NATO and EC borders Eastward. That is not an impossible scenario, but it's not the only one.

In Bavaria, the CSU advocates something different. Rejecting the treaty reached with Poland in 1970, they assert a right to a German state that is united and not necessarily bound by the current eastern border of East Germany. What some are envisioning is a combined Germany in one state, or perhaps a confederation, that allows some distinction in systems but nevertheless is a combined sovereign entity. The price for Soviet acquiescence to this in the short term may be neutrality, and may entail combining the European Community with an Eastern counterpart into a larger European whole.

The result of this last scenario on NATO would be fatal, if it results in a neutral Germany, since there would no longer be a front line. The effect on the European Community, if one accepts the analysis presented here, is to change fundamentally the power structures in Europe.

So we could have the transformation of the European Community into a total European union, based on a stable political order—not a variety of competing political states, but a clear leader with a variety of associated states in an informal arrangement committed to Western defense and, most importantly perhaps from an American perspective, transferring the Soviet problem from an American problem to a European/German problem. Wherever it goes it will be theirs to worry about.

Or, there could emerge a German state which is neutral but unified, having developed its own sphere in Eastern Europe. Such a state could see itself as a central power and may not accept the postwar borders—that have governed Europe for forty years, leading it to ask Western powers for a formal treaty to conclude the war and to set borders—something which was never done. Either could occur.

It is interesting to note the variety of questions that these issues provoke. Do borders move to meet people or do people move to meet borders? What of the millions of Germans who live in areas now that are designated as the Soviet Union? What of the several million ethnic Germans living within the borders of Czechoslovakia or Poland. All of this obviously raises far more questions than answers, but that is typical of this year.

In fact, 1989 will long be remembered as one of the most extraordinary years of this century. It will certainly join others, 1918 and 1945 come to mind, which have been marked by historical and geopolitical changes, years during which maps were redrawn and history was changed. As suggested earlier, there isn't a great deal about these changes that the United States can fundamentally alter. Decisions made in Moscow will probably be more important than decisions made in Washington, and decisions made in Bonn will perhaps be more important than decisions made in either.

But these decisions will redefine the world in which the United States operates and will dramatically change the challenges we face, both militarily, and, perhaps even more fundamentally, economically.

In these changed circumstances, the United States has a basic choice to make. Germany will provide a challenge for the American economy and future equal to the Japanese challenge. The West Germans are saving money at four times the rate of Americans, and their students are testing among the third or fourth highest in the world, while American students rank eighteenth. Germany has decided upon a structure of government and private industry, a trade policy, and a philosophy of export promotion that have served it well. Germany might now be on the road to having the one advantage that they have not possessed in the past: a market, or potential market, as large or larger than that of the United States.

The issue for Americans is to understand the challenge of the multipolar economic competition in the next century and meet it. Someone recently said that the Second World War was really no more than an interruption of the economic ascendancy of the Japanese and the Germans. That is proving to be true.

THE DEPOSITOR PROTECTION AND ABUSE PREVENTION ACT OF 1989

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SCHUMER. Mr. Speaker, in one of the most tragic aspects of the Lincoln case, unsuspecting depositors were ripped off by an unscrupulous financial pirate, their life savings wiped out. This fiasco makes it clear that, under current law, the individual investor does not have enough protection against underhanded offerings of uninsured investments.

The fact that Lincoln and ACC could comply with the narrow letter of the law and still be able to bilk hundreds of senior citizens of their savings for retirement makes it clear that the law must be changed. Unfortunately, the Lincoln tragedy is not unique. Although not as destructive, there have been situations similar to that of Lincoln in the past—and the potential for future abuse is obvious.

The complexity of today's financial world makes it even more important to draw lines of distinction. Insured banks and S&L's should not be in the business of foisting their debt on the backs of unsuspecting customers. Banks and S&L's enjoy an aura of trust because of the privilege of deposit insurance; and with that trust comes a responsibility to their depositors. Rather than continue to take chances that banks and S&L's will decide to treat their customers fairly, we ought to inject a dose of preventive medicine.

This legislation ensures that banks and thrifts will not take advantage of their depositors' trust. He or she will no longer have any doubts that the money they have invested is fully insured and we will not be faced with a repetition of this disaster.

THE DEPOSITOR PROTECTION AND ABUSE PREVENTION ACT OF 1989 INTRODUCED BY CONGRESSMAN CHARLES E. SCHUMER (D-NY)

SUMMARY

This Act would change the law to make a repetition of one of the most tragic aspects of the Lincoln fiasco (the sale of junk bonds to unsuspecting depositors) impossible. It would prohibit the sale in a branch of an insured bank or S&L of any debt or stock in any affiliate, including the holding company as in the case of Lincoln, of the bank or thrift. It would also give the regulators the explicit authority and mandate to protect depositors from potential fraud if they determine that an uninsured product being offered by the bank or S&L itself could be confused by a retail customer for an insured deposit.

BACKGROUND AND THE NEED FOR LEGISLATION

In 1988, Lincoln Savings and Loan allowed subordinated debt of its parent company (American Continental Corporation) to be sold to customers at its retail branches. Testimony before the House Banking Committee proved that many of these customers were misled by ACC employees into believing that the junk bonds they were purchasing were insured by the Federal government. In some other cases, ACC apparently did comply with the law and gave the depositors a copy of the prospectus (which indicated that the securities were not insured). But, because of the aura of trust associated with an insured bank or thrift, these unsophisticated investors were confused.

The fact that Lincoln and ACC could comply with the narrow letter of the law and still be able to bilk hundreds of senior citizens of their savings for retirement makes it clear that the law must be changed. As Securities and Exchange Commission Chairman Richard Breeden stated in a recent hearing before the Banking Committee:

"There is no doubt that the mode of distribution in this case had the potential to give Lincoln customers the impression that they were making insured investments. The trust that individuals place in a federally insured bank or S&L makes it likely that such confusion will occur, therefore creating the opportunity to exploit an unsuspecting customer."

Mr. Breeden went on to conclude that other banks and thrifts be prohibited from copying the allegedly fraudulent salesmanship of Lincoln:

"The most direct and obvious solution to this problem would be to prohibit specifically the sale of the securities of a depository institution or its affiliate on the premises of the insured bank or thrift institution. This prohibition could be accomplished either by bank or thrift regulators or, if necessary if they don't take action, by new legislation."

In the 8 months since Lincoln was seized the thrift regulators have done nothing to prohibit a repetition of Lincoln's actions, so the time has come for legislative action. Moreover, the Lincoln situation is not the first instance of the sale of uninsured investments to misinformed depositors.

During the conference of FIRREA, I attempted to offer this provision as an amendment but was unsuccessful. I hope that, given the public attention which has been focused on the issue as a result of these hearings, this time we will be successful.

SECTION-BY-SECTION ANALYSIS

Section 1. This section establishes the name for the Act as the "Depositor Protection and Abuse Prevention Act of 1989".

Section 2. This section amends Section 18 of the Federal Deposit Insurance Act by adding a new subsection (o):

Paragraph (1) of subsection (o) prohibits an insured bank or thrift from permitting the sale of any evidence of indebtedness in or ownership interest in any affiliate of the insured institution. This prohibition would apply only to sales or offers to sell made in retail branch offices of insured institutions where the potential for confusion on the part of retail customers as to the insured.

Paragraph (2) provides to the appropriate Federal banking regulatory agencies discretionary authority to prohibit, limit or condition the sale or offer to sell by an insured institution of any evidence of indebtedness of or ownership interest in the insured institution itself. The appropriate regulatory agency is authorized to take any action, by generally applicable regulation or by institution-specific order, it deems appropriate if it determines that the instrument to be sold is likely to be confused by the general public with an insured deposit. Any action taken by the appropriate regulatory agency may take action with respect to specific instruments or to classes of instruments.

Paragraph (3) establishes an exception to the restrictions and prohibitions of paragraphs (1) and (2) on sales and offers to sell. Under this exception, insured institutions are allowed to sell or offer to sell any deposit in any insured institution. This exception also authorizes an insured institution to sell or offer or offer to sell any evidence of indebtedness which serves as a means of payment for a third party, such as a traveler's check, cashier's check, teller's check, certified check, or money order.

FOR THE ALREADY BORN, THERE IS NO RIGHT TO LIFE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. EDWARDS of California. Mr. Speaker, there are times when an author discourses on an issue so thoughtfully, with such clarity of mind, that it startles the reader into a fresh look at what may have become a familiar subject.

Ms. Joanne Jacobs, a gifted writer and columnist with my hometown paper the San Jose Mercury News, achieved this in her November 6 article entitled "For the Already-Born, There Is no Right to Life."

I believe this column deserves the widest possible audience. I submit it for the RECORD today, and I urge my colleagues to read it carefully. You, too, may be startled into rethinking a familiar subject.

[From the San Jose Mercury News, Nov. 6, 1989]

FOR THE ALREADY-BORN, THERE IS NO RIGHT TO LIFE

(By Joanne Jacobs)

OK, let's put life first.

If John's bone marrow can save Mary's life, make him hand it over. Her life is more

important than his convenience and comfort. Why should he have a choice?

If one of his two kidneys is what she needs, make him hand it over. The risk that he'll die as a result of the transplant is much lower than the risk that she'll die without it. Put life first.

If John dies, and Mary needs a new heart, don't let his family block the transplant just because it conflicts with their beliefs or desires. Life comes first.

Of course, if John is deliberately killed, then the transplant is off, and Mary dies too. Using the organs of a murdered person would endorse murder and encourage disrespect for human life. In the balance between John and Mary, John's life comes first. Even if he's dead.

I'm trying. I'm really trying to understand the pro-lifers. They think the unborn—from the fertilized-egg-person on up—is a human being with the same rights as a born person, and abortion is murder. OK. But why does the fetus have more rights than people?

Why does it have more rights over the woman who carries it, at a small but real risk to her health and life, than Mary has over John?

Why is it OK to make a woman go through nine months of pregnancy and hours of painful childbirth for the sake of human life, but it's not OK to make men go through so much as a blood transfusion—10 minutes, one needle prick and a cup of orange juice thrown in free—for the sake of human life?

I know most pregnant women are guilty of voluntary sex, thereby forfeiting their rights to control their bodies.

But suppose John is guilty of punching out Mary's kidneys. Would any judge—could any judge—order him to give her one of his? The law could put John's body in jail for the assault, but couldn't mess with his innards. His right to control his body would come before her right to life, because, essentially, there is no right to life, only a right to be left alone.

And a fetus' right to be left alone is in conflict with the woman's right to be left alone, so somebody's got to decide whose life, liberty and happiness comes first, usually a middle-aged, white man who hasn't the faintest idea what it is like to be pregnant, to give birth or to give up a baby for adoption, much less what it's like to have an abortion.

I've seen a lot of these guys on television lately: George Bush vetoing a bill that would fund abortions for poor women made pregnant by rape or incest (that is, rape by a family member); Bush vetoing the District of Columbia's budget to prevent funding for poor women's abortions; Pennsylvania and Florida legislators voting on abortion restrictions, an administration official banning federally funded research on fetal tissue on grounds it encourages more abortions.

At least the fetal research ban affects men's lives as well as women's. Scientists believe there's hope for Parkinson's Disease sufferers, diabetics, perhaps those with Alzheimer's disease and other deadly diseases, if fetal research continues.

James Mason, an assistant secretary of Health and Human Services, announced this week that, despite an advisory committee's recommendations, the ban on such research would continue forevermore.

"You would create a situation where you're trading off the important lives of people who are suffering from diabetes, Parkinson's or other disease for this unborn baby with his or her rights as well," Mason said. He decided the unborn's life comes first.

However successful fetal research might be, there's no abortion shortage in America. And only a man could think women would be more likely to choose abortion if they knew the fetus would be cut up and transplanted.

So this pro-life decision protects, call it the dignity, of aborted fetuses at the expense of the lives of human beings.

Next on the pro-life hit list is a modest $15 million contribution to the U.N. Fund for Population Activities, which the United States has boycotted for five years.

Bush is expected to veto the $14 billion foreign aid bill to prevent any money going for coerced abortions in China, despite the fact that the Senate language forbids any U.S. money going to China, and despite the fact that the U.N. program doesn't fund abortions in China or anywhere else.

Every year, at least half a million women die from pregnancy-related causes in Asia, Africa and Latin America, and the true figure may be a million.

The babies die too. Of malnourished women who became pregnant in Bangladesh in 1987, only 57 percent had a live baby a year later. Some 20 percent to 45 percent of Third World women of child-bearing age are malnourished; in India, poor women gain an average of 3.3 pounds during pregnancy.

Girls are more likely to die of hunger and disease than boys, because parents give priority to males. There's just not enough food to go around—or clean water to drink, or trees to cut down for firewood, or doctors or teachers. There's no right to life for the born.

In the absence of birth control aid, the population control mechanism of Asia, Africa and Latin America is not abortion. It's malnutrition.

Let the mothers die in pregnancy and childbirth. Let the children die in infancy. Let the sick die from diseases that might have been treated. Just don't spend a penny that might indirectly support abortion.

That's the pro-life position, as I understand it. But then, I'm a woman.

NINA YORK TO HELP HUGO VICTIMS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DE LUGO. Mr. Speaker, I bring to your attention the remarkable work of my constituent, Nina York. Nina has done a great job in organizing the Virgin Islands Christmas Seal campaign for years, and I commend her for it. This year, she will donate the proceeds from the Virgin Islands Christmas Seal Campaign to the victims of Hurricane Hugo in the U.S. Virgin Islands.

The following article appeared in the Virgin Islands Daily News and it is worthy of Congress' attention.

SEALS BENEFIT HUGO VICTIMS

(By Barry Bowe)

Hurricane Hugo almost put a stop to the issuance of the 1989 Virgin Islands Christmas Seal, but sheer determination and a sense of obligation to the cause enabled St. Croix resident Nina York, originator of the seals, to bring the project to reality once more.

Despite the challenge of having to communicate last-minute instructions and changes from an island without power and telephone service to New York where this year's issue was printed, the seals are now available locally in gift and stationery shops and other outlets displaying the Virgin Islands Christmas Seal poster.

The topic of this year's seals is "Historic Churches of our Islands." Each sheet displays views of 12 historic Virgin Islands churches: Holy Trinity Lutheran, Friedensthal Moravian, St. Paul's Anglican, Holy Cross Catholic, St John's Anglican, Lord God of Sabaoth Lutheran, St. Patrick's Catholic, and Friedensfeld Moravian, all on St. Croix; Dutch Reformed, All Saints Anglican and Frederick Lutheran, all on St. Thomas; and Emmaus Moravian on St. John.

The church drawings, by Christiansted architect William Taylor, are from the book "Historic Churches of the Virgin Islands," which he and William Chapman published in 1986.

The remainder of the 6½-by-7-inch sheet of stamps was designed by New York computer-graphics artist Michael Crumpton, who is Nina York's son. Working with a Macintosh IIX computer and using Pagemaker and Adobe illustrator programs, he screened in the Taylor drawings, surrounding them with stylished palm fronds and ribbons for the text.

The sheet also features three larger stamps at the bottom. On the left is a depiction of the old coat of arms of the Danish West Indies, displaying three tiny islands, each with a palm tree, set in the tropical sea with a golden sun shining from the upper right corner.

The center stamp includes a rendition of the extremely rare 1907 first-issue Danish West Indies Christmas Seal, carrying the portrait of Queen Louise of Denmark surrounded by palm fronds. This stamp was included this year to celebrate the 86th anniversary of Queen Louise Home for Children. The last stamp on the right features the U.S. Virgin Islands flag. The sheet has a deep blue background and gold on the lettering and palm fronds.

As shown at the bottom left part of the sheet, these seals were created to benefit the victims of Hurricane Hugo.

Nina York reports a tremendous advance interest in this year's issue among Danish collectors and Danish friends of the Virgin Islands (the fund now has an agency in Denmark). As usual, the seals also will be available framed and cardboard-mounted as attractive gifts for island residents and for off-island friends and relatives.

Seals from 1987 and 1988 are available to collectors who might have had Hugo damage to theirs. For details, call Nina York at 773-7017.

HEALTH CARE COSTS CONTINUE TO EXPLODE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DANNEMEYER. Mr. Speaker, I have enclosed an article from the November 6, 1989, issue of the American Hospital Association

News which reports the most recent increase in the cost of hospital expenses in the first 6 months of 1989. As the chart shows, total hospital expenses have jumped 10.4 percent during this period after having increased by 10.1 percent in the previous year.

While hospital costs have skyrocketed, hospital admissions have been steadily decreasing—by almost 1 percent in 1989 and by 0.3 percent in the first 6 months of 1989. Clearly, the productivity of our health care system continues to decline.

I urge my colleagues to ponder the long-term consequences of a deteriorating health care system. Additional increments of governmental involvement, more bureaucrats, and expansive new programs are not the answer. We need to invigorate the private market for health care and remove the governmentally imposed obstacles to efficiency. This will require that we take a long, hard look at: First, our tort system, which forces physicians to practice defensive medicine; second, the Tax Code, which encourages first-dollar health insurance coverage and overutilization of health services; and third, the proliferation of State insurance mandates, which have prevented millions of working Americans from obtaining affordable health insurance tailored to meet their and their families' needs.

GROWTH RATE OF HOSPITAL EXPENSES ROSE IN FIRST HALF OF 1989

Pressured by higher labor costs, the growth rate of hospitals' expenses accelerated slightly in the first half of 1989, according to AHA data.

Hospital expenses rose 10.4 percent in the first six months of 1989, up from a 10.1 percent increase in the same period last year, according to "Economic Trends," a quarterly report based on the AHA's National Hospital Panel Survey.

Benefits costs for hospital employees grew at a 14.6 percent annual rate during the first half of 1989, up sharply from a 10 percent rate of increase for the same period last year.

However, an 11.2 percent increase in hospital revenues offset rising hospital expenses. Inpatient revenues grew at a 9.2 percent annual rate during the first half of 1989, compared with a 7.7 percent rate of growth in the first six months of 1988.

Following a historical pattern of decreasing patient margins throughout the year, the net patient margin fell to 1 percent for the first half of 1989, down from the level of 1.9 percent reported in the first quarter of this year.

Meanwhile, a 2 percent decline in admissions among patients under the age of 65 contributed to a steeper rate of decline in overall admissions in the first half of the year, according to the report.

Total hospital admissions fell 0.9 percent in the first half of 1989, compared with a 0.3 percent dip in the same period last year.

In addition, the rate of increase for outpatient services slowed during the first six months of 1989 as outpatient visits climbed 4.6 percent, compared with a 7.1 percent increase in the first half of 1988.

GROWTH RATE IN HOSPITAL-PERFORMANCE INDICATORS

[In percent]

	1st half, 1987–88	1st half, 1988–89
Total, hospital expenses	10.1	10.4
Labor expenses	9.6	10.7
Inpatient expenses per admission	8.4	9.8
Admissions	—.3	—.9
Outpatient visits	7.1	4.6
Average lengths of stay	0	.3

Source: AHA National Hospital Panel Survey, 1989.

TERRORISM AGAINST TERRORISTS: ABU NIDAL CLEANS HOUSE

HON. WM. S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. BROOMFIELD. Mr. Speaker, the atrocities of terrorists against the innocent of the world have shocked all of us over the years. Few of us realize that terrorists also terrorize each other. The horrible murders recently committed by Abu Nidal in Libya against members of his own Fatah Revolutionary Council stagger the imagination. This bloodletting underlines the criminal and irrational nature of terrorist activity. Equally disconcerting is the fact that Libya, a nation that is trying to improve its international image, welcomes the presence and condones the activities of terrorist groups. If Colonel Qaddafi is to gain any credibility in the world, he should start by cleaning house in Libya. He should arrest Abu Nidal and his band of murderers and turn them over to the nations of the world whose citizens have suffered and died in their savage terrorist operations.

With these concerns in mind, I commend the following New York Times article about Abu Nidal to my colleagues in the Congress.

[From the New York Times, Nov. 12, 1989]

ARABS SAY DEADLY POWER STRUGGLE HAS SPLIT ABU NIDAL TERROR GROUP

(By Youssef M. Ibrahim)

PARIS, Nov. 11.—The Abu Nidal terrorist organization has been ripped by a murderous internal power struggle in which more than 150 members of the group, including more than 20 of its leaders, have been killed, according to dissident senior leaders of the group, officials of the Palestine Liberation Organization and Arab diplomats.

The Abu Nidal group, called the Fatah Revolutionary Council, has its headquarters in Libya, where much of the killing took place. The group is responsibile for several of the most heinous acts of terrorism, including the killing of 21 people in the bombing of a synagogue in Istanbul in 1986. The group is vehemently opposed to the P.L.O. leadership of Yasir Arafat, and broke from the organization in 1973.

Several separate reports by senior dissidents who left the group this year have been submitted to the top leadership of the P.L.O. and to the Libyan leader, Muammar el-Qaddafi.

Copies of the reports were made available by senior P.L.O. officials in Tunis and Arab officials here. They were written by Abdulrahman Issa and Atef Abu Bakr, both former members of the Abu Nidal group's 10-man politburo, and the widow of the group's second-in-command, Sobhia Murad.

BODIES BURIED IN CEMENT

According to Mr. Issa's report to the P.L.O., virtually all the top leaders killed were "lured to Abu Nidal's house near Tripoli on the pretext of discussing policy matters, taken by surprise and killed in the house."

"Then, they were buried right there," he said. "Abu Nidal and his hirelings poured the cement over their bodies themselves."

Mrs. Murad has accused Abu Nidal, the nom de guerre of Sabry al-Banna, of shooting her husband and burying him in the backyard of his home in Tripoli.

Other Arab associates corroborate the account, saying the body of Mr. Murad was covered in concrete and buried at the Fatah Revolutionary Council's camp near Tripoli. At the camp, Abu Nidal built a new room for his house on top of the spot where two other senior commanders were buried in concrete after being killed by him late last year.

P.L.O. officials say at least 22 leading members of the group and as many as 150 foot soldiers have been executed.

Dozens of other Abu Nidal operatives have also been killed this year and last year in Lebanon at the terrorist leader's command, dissidents say. Abu Nidal's motive, they say, is to insure absolute control over the group's estimated 500 to 1,000 guerrillas and its considerable financial resources, estimated by intelligence officials at tens of millions of dollars.

In September, the group said it had "executed" as many as 300 "agents and spies" of the Israeli intelligence service to "cleanse" the Palestinian movement in Lebanon and inside the Israeli-occupied territories, the West Bank and Gaza.

The dissidents' reports offer a rare insight into the workings of the most violent terror group and its extensive command structure in Libya and Lebanon, with important contacts in almost every Arab country. The testimony confirms the Fatah Revolutionary Council's responsibility for many of the acts of terror attributed to it in a special report by the State Department last year.

SHARP ARGUMENT OVER TERROR

According to the reports, the conflict within the group was instigated by the P.L.O. Some of its officials argued that terrorist activities advocated by Abu Nidal were harming the Palestinian cause, and they preferred to pursue their goals through political means.

The anti-terrorist argument sharpened after the uprising of Palestinians in the West Bank and Gaza started against Israeli occupation almost two years ago, according to various Arab experts.

Dissidents within the Abu Nidal organization began to object to the random violence, particularly the hijacking two years ago of a pleasure boat cruising off the coast of Lebanon and two attacks last year, one against a Greek pleasure boat carrying tourists in the Mediterranean and another against the country club in Khartoum.

Abu Nidal responded by saying that many of those he ordered killed were agents of the P.L.O., which he detests. In a statement issued Sept. 4 to justify all the killings, he listed the affiliation of some victims, saying they were agents of the intelligence services of Israel, Egypt, Jordan, Iraq, Britain, the United States and West Germany.

Above all, he singled out Saleh Khalef, the second in command after Yasir Arafat,

whom he accused of plotting to plant dissension within the Abu Nidal group.

ARAFAT SUPPORTERS ARE DELIGHTED

The struggle has disrupted the group and delighted the pro-Arafat faction of the P.L.O., which considers the Abu Nidal organization to be "a most dangerous nuisance," as a senior P.L.O. official called it.

Colonel Qaddafi has become impatient with the infighting within the Abu Nidal group and this week he appears to have ordered his security forces to tighten its control. The Arab press in Tripoli reported that three assistants of Abu Nidal were arrested.

In a recent inverview with an Egyptian magazine, Al Mussawar, Colonel Qaddafi said he was "disappointed" with the activities of some terrorist groups he had sponsored, without making any direct reference to Abu Nidal.

The Fatah Revolutionary Council was formed in 1974 under the leadership of Abu Nidal, a official of the P.L.O. who turned against Mr. Arafat. Since 1981, the group has conducted 34 documented terror attacks on Jews, Palestinians and others who have advocated peace with Israel.

"MOST DANGEROUS" GROUP

Arab officials and the Abu Nidal dissidents said the group continues to be active in Libya and Beirut. It has its main training bases in Tripoli. A publication on terror group issued by the State Department last year identifies the Abu Nidal organization as "the most dangerous terrorist organization in existence, and its area of operations is one of the most extensive."

The reports by the dissidents draw a sinister profile of the 52-year-old Abu Nidal, who was born in Jaffa, in what was once Arab Palestine. Abu Nidal joined Mr. Arafat when he founded his Al Fatah guerrilla movement in 1967 and broke with the P.L.O. leader in 1973.

Abu Nidal appears to be a man who trusts no one, keeps his movements secret and has never hesitated to kill some of his closest associates, including his brother-in-law and other relatives, because of the slightest doubts about their loyalty.

Mr. Issa, who had been a member of the Abu Nidal group's 27-man central committee, described him as a "living example of a schizophrenia."

DEATH THREAT FOR ARAFAT

Abu Nidal has vowed to kill Mr. Arafat because of his expressed willingness to make peace with Israel. In turn, Mr. Arafat's movement has sentenced Abu Nidal to death for crimes against the Palestinian people.

In another report, Mr. Bakr, another former member of the central committee and the political bureau of the Fatah Revolutionary Council, asserts that a "horrible massacre was carried out at the Asswani training camp" in Libya where "tens of bodies have been buried in cement here and there including those of Haj Abu Mousa, a member of the central committee, and the F.R.C.'s most senior military commander, and Hussam Yusef the commander of the Tripoli guerilla training camp."

This kill, the reports said, was followed by "similar massacres in our training camps in Lebanon that liquidated most of the central committee members."

SEVERAL DISCLOSURES

The Arab documents disclose numerous things about Abu Nidal's organization:

The group keeps senior representatives in several Arab countries, including Kuwait, Algeria, Syria and Iraq, and has contacts with militant elements in almost every Arab country. Some of its chief organizers travel to other Arab countries like Sudan to organize terrorist activities.

According to a 22-page report by Mr. Issa, "Up until Oct. 18, 1989, Abu Nidal ordered the execution in Libya of 156 of our fighters in the training camps or in other command centers in Libya alone." Many were buried in places where buildings were eventually erected. Abu Nidal's closest accomplice in the murderous campaign is the secretary of the central committee, married to his niece, and identified as Amgad Atta. But among those killed were his own brother-in-law, Hussein Al Bitarm and his nephew.

The movement has created ties with the most extreme elements in virtually every Arab country, including such well-known Lebanese militants as Walid Jumblatt, the Druze Muslim militia leader, and Sheik Mohammed Hussein Fadlallah, a spiritual leader of the pro-Iranian Hezbollah. Prominent militants in Syria, Egypt, Iraq, Sudan, Tunis, Algeria, Morocco, Kuwait and South Yemen were also listed as having contacts with Abu Nidal.

A senior P.L.O. official who asked not to be identified did not hide the organization's pleasure that the killings were destabilizing the Abu Nidal group. But he warned that the organization was still capable of mounting "totally crazy operations, perhaps even worse than anything we have yet seen."

MR. PRESIDENT, YOU HAVE AN OPPORTUNITY TO REWRITE HISTORY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MRAZEK. Mr. Speaker, Haynes Johnson's commentary in Friday's Washington Post deserves a careful reading by the President and every Member of Congress. The subject Mr. Johnson raised, the need for a national security strategy that reflects the world of the 1990's and 21st century, deserves wider debate, consideration, and ultimately action on the part of the one person who can make it all happen: the President of the United States.

As the events of the last several years indicate, we are living through historic times. The question then becomes: Will the United States merely become a spectator Nation or will we actually play a fundamental role in creating new history, a new future worthy of support by all people and nations?

As Mr. Johnson pointed out, President Mikhail Gorbachev laid out his plan nearly 1 year ago. His address before the United Nations was aimed at influencing world opinion, not merely U.S. views on foreign policy and national security. As of today, the United States has still not properly responded to President Gorbachev's speech.

When President Bush and President Gorbachev meet next month they will compete once again for world influence, a fact of life that will continue regardless if the cold war is over or not for the foreseeable future. In this era of historic developments, as Mr. Johnson eloquently stated, "This is no time for hesitation. History treats harshly those who miss moments of opportunity."

If history is a guide to possible solutions as nations move from one historic era to another, I would like to suggest to the President and my colleagues one avenue to explore. It may hold the key in terms of whether or not the United States will help shape the global realignment now taking place.

During World War II, there occurred a new leap into the field of atomic weaponry. In order to create this new dimension of U.S. military and foreign policy, President Roosevelt established the Manhattan Project. This institutional arrangement, totally independent of those organizations and individuals prosecuting World War II, brought together the Nation's best minds in an attempt to achieve a breakthrough many thought impossible. As we all know, history was made and the world was literally transformed overnight.

In today's changing security environment, the Manhattan Project is a worthy model to emulate and may hold the solution for President Bush as he guides our Nation through these times of historic changes and challenges. The established national security and foreign policy institutions in our Government are already overburdened by many day-to-day crises. They are prosecuting our Nation's defensive strategy, a vital and necessary part of any operational security strategy.

Equally important will be the formulation of an offensive strategy in which our Nation's assets—military, economic, technological, natural resource, moral and so forth—are brought together in order to create a new whole. This complementary security framework must ultimately, after many years, figure our a way in which the security of all nations can be ensured.

This feat may seem improbable, if not impossible to most Members of Congress. And yet, it was not all that long ago that heavier-than-air flight by human beings, atomic weaponry, and manned space flight were thought to be equally impossible. Moreover, those transnational security concerns such as the environmental climate change, economic development, energy and natural resource usage, international terrorism, and the the proliferation of nuclear weapons, ballistic missiles, and chemical weapons technology suggest that we must begin contempting how such barriers can be transcended.

In my opinion, the person most qualified to serve the President and direct this new experiment in security strategy should be Adm. William Crowe, former Chairman of the Joint Chiefs of Staff. No other person has the unique qualifications of bringing together the perspective and training of a military strategist and expert in international affairs. Perhaps this new institution can be called the Global Security Council.

Therefore, I encourage all Members and their staffs to read Haynes Johnson's commentary. It is an excellent analysis of the security challenges facing our Nations now and into the 21st century. If nothing else, I hope Mr. Johnson's article sparks the necessary pro/con creative discusison that can lead to a solution along the lines I described above.

[From the Washington Post, Nov. 17, 1989]

NO TIME FOR THE SLOWS

(By Haynes Johnson)

President Bush has been taking a pasting for his diffident, begrudging, initial reaction to the great events in Berlin and Eastern Europe. Similiar criticisms have been leveled at him repeatedly throughout his first year in office.

Collectively, they add up to the kind of complaint that a frustrated President Lincoln expressed about his unduly wary Union Army commander, Gen. George B. McClellan, the self-styled "Little Napoleon." After yet another instance of McClellan being late to commit his vastly superior forces to battle with the Confederates, Lincoln remarked angrily of the general: "He's got the slows."

Something similar can be said about Bush.

The president has been faulted for his belated or tentative response to the oil spill in Alaska last spring, the dramatic scenes in Tiananmen Square, to fashioning effective initiatives on education, the environment, the drug problem and to the recent debacle in Panama.

In the aftermath of the failed coup attempt there, critics complained that it had exposed an astonishing failure. Despite Bush's public encouragement of Panamanians to overthrow Gen. Manuel Antonio Noriega, it turned out that the United States did not appear to have a contingency plan to implement when an actual coup attempt was under way.

Now critics again are lashing the president for what they say is an even greater U.S. failure, one with infinitely more important historical stakes. That is: After nearly half a century of committing its national treasure and resources to fighting the Cold War, the United States does not seem to know how to respond to the day when it apparently has won. We have a plan for war. We do not have a plan for peace.

All of these criticisms have merit, and they suggest a troubling pattern in the Bush presidency. But it's much easier to criticize than to devise courses of action. Thus, when pressed, some of those who have criticized Bush recently were forced to admit that they don't know what he should, or could, do differently. Some have conceded that he's probably doing as well as anyone could expect. In other words, he's playing an exceedingly delicate world moment correctly.

Certainly, the president deserves credit for not going off half-cocked. His is not a reckless presidency and Bush, happily, is not given to superheated rhetoric, martial or political. Amid volatile conditions that promise to reshape international relationships profoundly, Bush and such senior officials as Secretary of State James A. Baker III have consistently and wisely refrained from seeming to take advantage of obvious weaknesses within the Soviet sphere. No cheap crowing, no unseemly cries of victory from them and, for that, the country should be grateful.

In Bush's defense, too, is the fact that few people could have anticipated the extraordinary developments that have held the world in thrall this autumn. Who could have predicted that the tide of democracy and the impulse for freedom would move so rapidly and inexorably within the Soviet empire? Who could have foreseen that communist governments would topple inside the iron frame of that system? Who would have been so bold as to suggest that the most forbidding and symbolic Cold War creation, the Berlin Wall itself, would be breached?

Surprise there may be at the pace of change, but there should be none about the *opportunities* for change that existed even before Bush was inaugurated.

Nearly a year has passed since Soviet President Mikhail Gorbachev delivered his remarkable U.N. speech proposing to change the conditions of the Cold War and redefine international relationships through a "new world order."

In it, he called for new methods of international cooperation "to put an end to the era of wars, confrontation and regional conflicts, to aggressions against nature, to the terror of hunger and poverty as well as political terrorism." He presented this visionary approach, the most notable since President Woodrow Wilson, in a non-ideological manner.

Events these past 12 months have shown that Gorbachev's words deserve to be taken seriously. A year later, the world still awaits an American response to such questions of consuming global interest as disarmament, environmental degradation, terrorism, nuclear proliferation and population control.

This is no time for hesitation. History treats harshly those who miss moments of opportunity. If no proper American response is provided soon, the United States stands in danger of losing predominance and being dragged into the 21st century.

BUILT-RITE AWARD COMMENDS LABOR, MANAGEMENT AND GOVERNMENT TEAMWORK

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. COUGHLIN. Mr. Speaker, it is a pleasure to bring to the attention of the House an award which was recently given to Ciba-Geigy Corp., 7 contractors, and 12 construction unions in honor of the exemplary labor-management teamwork and performance on the Tyson's Superfund site in Montgomery County, PA. The site is an abandoned landfill which had been used for more than 10 years as a dumping ground for chemical wastes.

The award was given by Built-Rite, a program developed and implemented by the Philadelphia Area Labor-Management Committee to foster a cooperative alliance of builders, unions, and owners in the Delaware Valley. Built-Rite's goal is to increase worksite safety, efficiency, and quality performance on construction projects.

Using the Built-Rite model of teamwork and cooperation between unions, contractors, and construction users, a good system of communications and working relationships was established at the Tyson's site. This effective working environment ensured not only a safe worksite, but also guaranteed a smooth-running, on-schedule project.

The $15 million Superfund construction project took 130 days to complete. The work involved drilling 100 vacuum extraction wells and the installation of pipes and pumps that will remove toxic chemicals from the soil. The work lauded by the award represents the preliminary work at this site. Long-term cleanup is expected to take several more years.

The chemicals being removed at the Tyson's site remain from the period between 1960–1970, when the site was used as a disposal area for septic and industrial wastes. For part of that 10-year period, Ciba-Geigy—through a third-party disposal company—was one of several companies that used the Tyson's site to dispose of chemical wastes. Ciba-Geigy, along with these other companies, has worked closely with the Environmental Protection Agency on site studies, and is actively involved in the cleanup of the Tyson's site.

The work at this Superfund site should serve as an example for the progress we can make through labor, management, and government teamwork. It can serve as a model for other construction projects throughout the Nation.

At this time, I would like to include in the RECORD an article about the award which appeared in one of my district's newpapers.

[The Times Herald, Oct. 21, 1989]

LABOR, MANAGEMENT, AND GOVERNMENT TEAMWORK PAYS OFF

(By Rosemary Wuenschel)

Using two multimillion-dollar construction projects in Montgomery County as models, Gov. Robert P. Casey yesterday said that labor, management and business can work together.

The $17 million pre-cleanup work at Tyson's Dump, an Upper Merion Township toxic waste site, and the $3.2 billion job to build a second nuclear reactor in Limerick Township were singled out by the governor during an awards luncheon yesterday at the Airport Hilton in Philadelphia.

The luncheon, attended by some 200 contractors, union leaders, corporate executives and government officials, was sponsored by the Built-Rite, a program of the Philadelphia Area Labor Management committee aimed at increasing worksite safety, efficiency and quality production on construction projects.

Ciba-Geigy Corp., a New York-based chemical and pharmaceutical manufacturer which headed the Upper Merion project, and the Philadelphia Electric Co. (PE), owner of the Limerick nuclear power plant, were recognized for efficiency and safety, respectively.

In both cases, Built-Rite, which brings together unions, contractors and owners for regular forums, was credited with ensuring that the work was done on time, under budget and safely, according to James Martin, the program's executive director.

"We are instituting labor management cooperatives because it works; it is better for the workers and better for the bottom line," Casey said. "If you can do it at a Superfund site where workers are surrounded by hazardous waste, you can do it under any conditions, anywhere."

The three-year-old labor/management program presented its first award for construction excellence to Ciba-Geigy, seven contractors and 12 construction unions that prepared Tyson's Dump for decontamination.

Tyson's Dump, which is off Brownlie Road and near Chelsea Drive, was used as a landfill for septic tank, chemical and industrial wastes for 10 years. In 1983 it was added to the National Priorities List of toxic waste sites eligible for federal Superfund money. Later it was ranked the 25th most hazardous waste site in the country by the

U.S. Environmental Protection Agency (EPA).

Before any decontamination work could begin at the site, almost 100 wells had to be dug and a 4,900-square-foot building housing the cleanup equipment had to be built. The four-month project was completed last November on schedule despite many weather problems, said Ciba-Geigy environmental projects manager Karline Tierney.

A vacuum extraction system has been installed at the site, and the cleanup process is scheduled to be completed by the end of next fall, according to Tierney.

"Though we are slightly behind schedule with the actual cleanup, the construction process was completely on schedule," Tierney said. "It was ready-made situation for high construction-worker turnover, but only less than five out of 130 workers quit the job."

The Tyson's project is one of more than 25 area worksites where Built-Rite methods of communication and problem-solving have been used.

"Labor strife at these major projects was eliminated through communication," Built-Rite spokeswoman Naomi Alper said. She explained that in projects such as the Tyson's and Limerick jobs, there is no room for error.

In Limerick, construction of the Unit 2 reactor and office building required the coordinated efforts of more than 2,700 workers.

Faced with a cost cap of $3.2 billion imposed by the state Public Utilities Commission, PE came in $300 million under budget and finished eight months ahead of schedule, according to Tom Gotzis, manager of the installation division at PE.

"It took six months for us to get to know each other but, once we felt comfortable through the forums we could work together better" Gotzis said. "I really came to understand the other sides and what their problems and concerns were."

The Built-Rite program begins with a weekly forum between workers and owners. As the job progresses, the need for meetings diminishes and the sessions are scheduled each month.

The 41-month Limerick project, which ran eight consecutive one-million man-hour periods without a worker losing time for an accident, was recognized for safety in an unprecedented award presented at the luncheon by the Occupational Safety and Health Administration (OSHA). Chevron's Philadelphia refinery also received the honor.

Out of the cooperative program at Limerick also came a drug and alcohol policy that has become a model for the entire construction industry, according to Martin.

"During one of our discussion sessions, we found out that it was a safety concern among the workers," Gotzis said. "The craftsmen said they did not want any druggies working next to them."

The policy, which prohibits all workers from being under the influence of or using drugs or alcohol on the job site, includes a provision for a drug test and, if the test is positive, immediate dismissal.

CREATING A GOVERNING MAJORITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GINGRICH. Mr. Speaker, the conservative movement in America has been known primarily as an opposition movement. It has opposed big government; it has opposed communism; it has opposed the left. But, opposition is not enough to build and lead a governing majority party. In a recent article, Ed Feulner, president of the Heritage Foundation noted that "Everyone knows what we're against. We now need to do a better job of working for what we support." I agree.

In an age of change, there will be many problems to solve. While the left continues to talk about raising taxes, creating more bureaucracy, imposing greater regulation, those who support the conservative movement know there is a better vision for the future. Mr. Feulner correctly notes conservatives have the ideas, they simply need to find the resolve to implement them. I commend his article to the attention of my colleagues.

[From the New York Times, Oct. 17, 1989]

CONSERVATISM: THE AGONY OF VICTORY

(By Edwin Feulner)

The conservative cause to which I've devoted the last 25 years of my life is said to be cracking up, burning out or, at the very least, running out of steam. And its's conservatives who are saying so. But I wouldn't bet the family farm on the demise of conservatism.

The critics are of two minds—those who say we've won and those who say we can't.

In the first school are those who despair that there isn't much left to talk about. The debate is over. Who admits to being for big government and high taxes anymore? When's the last time you heard even a pointy-headed liberal sing the praises of Third World socialism? We have so captured the moral and intellectual imagination of the world that some have even declared ideological conflict passé: "endism," is what they call it.

If all that's true, others wonder what old cold warriors are supposed to do now that Marxism is on the run even in the Soviet Union. Declare victory and go home?

Is it time, as foreign policy analyst at another conservative think tank put it recently, to abandon foreign affairs and take up the history of jazz? Is it time to declare victory in the war of ideas?

In the second school are those who appear ready to declare defeat and go home. You can never reduce the size of government, they say, because Congress uses the power of the purse to get re-elected, handing out goodies even if there's no money to pay for them. It's time to give up, they say, we've won all the battles but lost the war.

Has conservatism, the major political force of the 1980's, really come to this? Not yet. But the danger signs are unmistakable.

The 1990's will demand not only new policies form conservatives—and worry not, we have plenty of those to offer—but also a new attitude toward public service. It is here that conservatives have a real problem.

In the concluding lines of his biography of William F. Buckley Jr., John Judis writes, "With Reagan gone . . . conservatives . . . will once again become the target for liberal barbs. Buckley could find himself in a familiar role—as a member of an embattled minority standing athwart history and yelling stop."

Some conservatives seem to like it that way. It livens up their lives without imposing any of the irritating responsibilities of power. But if conservatives are serious about changing public policy in fundamental ways, they must stop acting as if nothing has changed since the days when they were jeering Jimmy Carter and company from the back of the balcony.

I'm assuming, of course, that our ultimate goal is to see our ideas have impact beyond op-ed pages, journals and talk shows. In those arenas, we've more than held our own.

But liberalism still reigns in Congress: Just compare the level of Federal spending today with the level in 1981, when Ronald Reagan came to Washington vowing to get government off our backs.

Completing the revolution Mr. Reagan began requires a serious commitment from conservatives willing to take on the less glamorous task of governmnent and grassroots politics: political organizing, providing constituent services, recruiting candidates for local office. writing legislation and working with, and within, the bureaucracy to implement change. Like George Bush, perhaps, we must dare to be dull.

We must also move from nay saying to yea saying. Sure, communism (Gorbomania notwithstanding) and the welfare state are still there to kick around. The question is: Do we get energized only by polemics?

Are we so far out of our element without something to attack that we prefer self-flaggelation to policy formulation, as recent bickerings among cultural conservatives, neoconservatives, traditional conservatives and New Rightists would seem to indicate?

In the 1990s, conservatives can't be content to be defined merely by how well we discredit our enemies. Everyone knows what we're against. We now need to do a better job of working for what we support or we'll be no better than the 1960's radical who said that his primary goal in life was to dance on the ashes of the "establishment."

The difficult truth is that the skills needed to govern, build political coalitions and change policy are less polemical than diplomatic, and diplomacy requires more patience and persistance than many conservatives seems able to muster. Unless this changes soon, we'll squander our chance to forge a governing coalition that could rival the New Deal coalition.

To create such a majority will require reaching beyond the present union of foreign policy hardliners, economic libertarians and social issue conservatives to those left behind by the Great Society and not yet reached by the Reagan economic recovery—blacks and Hispanics in the inner cities.

If we fail to build such a governing majority, we can go back to the great fun of being an embattled minority and stop pretending that we're fit to govern the country.

Conservatives must move from stop to go, from making points to making change, from visions of a better society to translating the visions into reality. The thrill may be gone, but with our most important work staring us in the face, it's time to stand and deliver, not walk away.

ROBERT SWEET: 1990 PENNSYLVANIA BUSINESSPERSON OF THE YEAR

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SHUSTER. Mr. Speaker, I am proud to call the attention of this great body to a man of great stature, Mr. Robert Sweet of Bedford County, PA. Bob has recently been chosen as the 1990 Businessperson of the Year by the Pennsylvania Future Business Leaders of America. No one could be more deserving of this great honor. He was nominated for this award by the Chestnut Ridge High School chapter of the FBLA because of his unfailing attempts to be of service whenever needed. In 1973, Bob started Creative Pultrusions with only six employees. It is now the largest independent pultrusion company in the United States, and employs approximately 200 employees. There are many success-in-business stories, but Bob attributes his success to the respect he pays those who work for him. Bob's secret is that his trust in his employees is repaid to him through increased motivation and pride in the work product.

Bob Sweet is the embodiment of the American principle of giving back to the community. He currently serves on the Chestnut Ridge School Board, the Memorial Hospital of Bedford County Board, the Bedford County Airport Authority, the Industrial Development Authority, and he is chairman of the Bedford County United Way Fund Drive.

I know I am joined by Bob's family, friends, and fellow community members in expressing our gratitude to him for the excellent example he is setting for future business leaders. I extend my heartiest congratulations to him on this well-deserved honor.

THE RURAL TELECOMMUNICATIONS IMPROVEMENTS ACT OF 1989

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. WISE. Mr. Speaker, due in large part to the telephone loan programs of the Rural Electrification Administration and the Rural Telephone Bank, most rural Americans today enjoy basic telephone service at affordable rates.

But basic telephone service is no longer sufficient to meet the needs of rural America. We are in an era where service industries are rapidly replacing agriculture, manufacturing, and mining as the mainstays of the rural economy. Rural America is struggling to emerge from a period of economic decline. In order for rural businesses to survive, they must have access to computer modems, fax machines, and other advanced telecommunications technologies that urban businesses have come to find essential.

For many in rural America, such access is only feasible with the continued assistance of the REA and RTB programs. My bill would amend the Rural Electrification Act of 1936 to ensure that REA and RTB are responsive to the envolving telecommunications needs of rural telephone subscribers.

The legislation would clarify that recent technological developments such as fiber-optic cable and data transmission are included in the definition of telephone service for which REA and RTB loans can be made. The bill would also allow qualified rural telephone borrowers to invest a certain percentage of their own capital for rural development purposes.

At the same time, the legislation would ensure that the REA and RTB telephone programs operate in the manner that Congress intended. Under the bill, RTB would become subject to the open meeting requirements of the Sunshine Act. REA would become subject to the notice and comment requirements of the Administrative Procedure Act. Interest rate overcharges on past RTB loans would be corrected prospectively. And both REA and RTB would be required to lend the full amount authorized by Congress, subject to qualified demand.

The Rural Telecommunications Improvements Act of 1989 would facilitate the advancement of rural telecommunications. Passage of the bill would be a major step toward the development of our rural economy and the improvement of the quality of rural American life.

EXPORT 89

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SISISKY. Mr. Speaker, today I want to report on an event organized by dedicated people to assist small businesses to enter the sometimes mysterious world of exporting. A few weeks ago, Export 89—The American-European Small Business Trade Congress took place in Frankfurt, Germany. This first time event organized specifically for small business was jointly sponsored by the Department of Commerce, the Frankfurt Exhibition Center in Frankfurt, Germany, and the Small Business private sector communities in both the United States and Europe. The Congress included an American Trade Fair, a European Trade Fair, a Business Opportunities Exchange, an Export Seminar Program, and a Trade Policy Symposium.

Export 89 had three objectives: Provide new business contacts and strengthen existing ones; provide a showcase to sell products or services; and provide a forum to discuss policy issues. I was pleased to hear of the success of the conference.

I want to take this opportunity to express my personal thanks to Congressman RON MAZZOLI for attending Export 89 and representing my Small Business Subcommittee on Exports and Tax Policy. I greatly appreciate his willingness to attend the conference on such short notice and at great personal inconvenience.

Even though Export 89 was a first of its kind event, there were successes for many of the participants that were beyond their expectations. Let me cite just a few examples for you:

The Vixen Hill Manufacturing Co. of Elverson, PA, makes gazebos. They met the representative of the largest importer of western red cedar products in central Europe and have already received a proposal to distribute their product in Germany and Austria. In fact, they even sold and delivered the gazebo they used in the show.

Durastill Export, Inc. of South Weymouth, MA, makers of water purification equipment, reported they had so many prospects, they were going to return to Germany soon.

Training 'n' technology of Tempe, AZ, creators of "Factory in a Box," went to Export 89 to target developing countries to identify potential agents and consultants for their product. Not only did they find agents but they made actual direct sales. They have appointments with people from Yugoslavia, Soviet Georgia, and Poland.

Adaptive Microsystems, Inc. of Milwaukee, WI, will begin working with a German distributor as a result of a contact of Export 89.

And finally, the Office of International Business of the District of Columbia represented nine companies at Export 89. They report potential customers for all nine companies.

What all the above success stories have in common, is that old spirit of the Yankee trader. They took advantage of the opportunities of Export 89, and once there they aggressively pursued their customers.

In addition to the successes of the trade show, the Conference drew up several proposals for increasing trade between the United States and the European Community. Those proposals will be the subject of a future hearing by our subcommittee.

Mr. Speaker, small businesses form the most innovative and rapidly expanding sector of our economy. We should be encouraged by recent reports that show small- and medium-sized enterprises are entering the export market in increasing numbers. Unfortunately, many small businesses that have goods and services that could compete in the global economy are hesitant to do so. The large domestic market within the United States may obscure the fact that our small businesses are already competing in a global market by virtue of their foreign competition at home. However, small businesses are generally specialized and therefore have limited domestic markets; export opportunities in foreign markets offer a chance for further expansion for these businesses. Events such as Export 89 are an example of how government and private enterprise can work together to assist small businesses and do something about the enormous trade imbalance that continues to plague us.

GENERAL TEMPLE RETIRES AFTER 42 YEARS OF MILITARY SERVICE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MONTGOMERY. Mr. Speaker, as Lt. Gen. Herbert R. Temple, Jr., retires from a career spanning over 42 years of distinguished military service, he leaves an indelible mark on the Guard institution to which he has dedicated his life.

General Temple began his military career as a private in the 160th Infantry Regiment, 40th Infantry Division, California National Guard on June 2, 1947. He was called to active duty for the Korean war where he served as a noncommissioned officer with the Army's 5th Regimental combat team, 24th Infantry Division. It was in Korea that he learned the importance of peacetime training and readiness to the success of armies in battle. Following the courage of his convictions, General Temple sought to change the nature and character of the Guard—from a poorly trained, poorly equipped backup force to the fully modernized, expertly trained military organization that it is today.

Throughout his long and illustrious military career, General Temple has made professionalization of the National Guard his highest priority. Serving in a series of assignments in the California National Guard, General Temple demonstrated expert leadership and management skills which would eventually lead him to the National Guard's highest rank of lieutenant general and chief of the National Guard Bureau in Washington, DC.

As chief of the National Guard Bureau, General Temple saw the Guard through one of the most dynamic and turbulent periods in its 353 year history. General Temple envisioned a National Guard fully compatible with its active component counterparts—compatable in terms of equipment, personnel, training and readiness. Along with his insistence on expanded resourcing for Guard units, General Temple pushed relentlessly for increased training and education for individual guardsmen, cognizant of the importance for guardmembers to be both physically and mentally prepared for the unique challenges of the 21st century.

Under General Temple's leadership the National Guard aggressively pursued training excellence. An ambitious overseas training program conceived in the mid-1970's flourished in the 1980's taking guardmembers to exciting and challenging training environments in Europe, Asia, Africa, the Caribbean, Central and South America. As a direct result of his initiatives, today it is commonplace to find guardmembers training on virtually every continent in every theater of U.S. military operations throughout the world.

Gen. Herbert R. Temple, Jr., is truly a leader of vision. He has followed a dream while transforming the Guard into an effective, respected first line defense force. General Temple never lost sight of that dream and because of his efforts, today it is a reality for the over half million men and women serving in the Nation's National Guard.

SALUTE TO NANCY SIRACUSA OF PARAMUS, NJ, RECIPIENT OF THE WOMAN OF ACHIEVEMENT AWARD OF THE ITALIAN SOCIETIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding journalist and civic leader from my home State of New Jersey who has made an enormous contribution to her community on a continuing basis for more than a quarter century.

I am speaking of Mrs. Nancy Siracusa of Paramus, NJ, who recently retired as the food editor and restaurant reviewer for the Hudson Dispatch newspaper. For her numerous contributions to her profession and her community, Mrs. Siracusa will be honored with the Woman of Achievement Award by the Federation of Italian Societies at its 20th annual dinner dance on December 1, 1989, at the Princess in Lodi, NJ.

Mr. Speaker, for the RECORD, I would like to insert a comprehensive biography of Mrs. Siracusa as compiled by the Federation of Italian Societies of Paterson, NJ:

Nancy Siracusa, Food Editor and Restaurant Reviewer for Hudson Dispatch for 25 years, is being honored by the North Jersey Federation of Italian Societies for her many years of civic service and achievement, especially with UNICO and other Italian-American organizations.

Mrs. Siracusa started as Cliffside Park correspondent in 1964 covering social news, Parent-Teacher Association meetings, and similar events. Because Siracusa was a well-known cook, she often was given food stories to cover, so she was in the right place at the right time when the food editor of more than 20 years retired.

At first, Mrs. Siracusa was responsible for only a single food page. She learned layout and gradually changed the concept of the page, running stories about many celebrities, including Perry Como, Annette Funicello and opera singer Licia Albanese. Gradually, her workload increased with the addition of a second Wednesday food page, a Saturday food page and restaurant reviews. Then in 1978 came one of the most popular features of the paper, the question-and-answer Food Forum.

"I have made so many friends doing research for the Food Forum, I'm grateful to Richard Vezza, our publisher, who was then the editor, for thinking up the Food Forum. He wanted it more as a 'what to do with leftovers' feature, but the readers started asking about long-forgotten and lost recipes, and that is the concept we remained with," Siracusa stated.

In 1976, she was asked to lead The Hudson Dispatch adventurers—and later The News of Paterson Adventurers—on trips to different parts of the world. These later became Nancy Siracusa's Gourmet Travelers tours. In 1978, Siracusa also became The News Food Editor and Restaurant Reviewer.

It was in 1985 that she introduced another popular feature, the Chef of the Week. She selected the most innovative and imaginative chefs to interview and reveal their most treasured secrets—their favorite recipes to share with the readers.

She is also proud of nutrition writing awards. She has earned two national awards, one for a story entitled, "There Is a Milk Just for You," and another for a three-part series on "Kids and Nutrition." She was given a plaque by Rutgers University and Rep. Frank J. Guarini, Jersey City, for her nutrition writing.

Mrs. Siracusa has won awards from the North Jersey Press Club for headline writing, and the New Jersey Newspaper Women for feature writing. She also has amassed many honors from civic organizations. She has been honored as a Woman of Achievement by the Palisades Business and Professional Women's Club; Woman of the Year by the Cliffside Park Ladies of UNICO; and Woman of the Year by the Palisades Park Chapter of UNICO National.

She is the only woman to be named Citizen of the Year by the North Hudson Chapter of UNICO. She received the Guardian Angel Award from the Central Bergen Business and Professional Women's Club and the Woman of Accomplishment Award from the South Bergen Business and Professional Women's Club.

Mrs. Siracusa recently was notified by Tiziano Guareschi, Italian Vice Consul in Newark, that she will be knighted by the Italian government later this year.

Her lifelong devotion to charitable work goes back to her childhood, when she won awards for selling chances and cards for Madonna School in Fort Lee. She was volunteered for the Girl Scouts, Boy Scouts, American Cancer Society and American Heart Association.

She is a past president of the Leonardo da Vinci Society of Bergen County and the New Jersey Federation of Business and Professional Women's Clubs. She was a charter president of the Palisades BPW and the New Jersey Press Women. She also is a past president of the Bergen County Boys Towns of Italy Committee and Hackensack Ladies of UNICO and now is president of Pellegrina and Ceramida Women's Auxiliary.

In 1973-74, Mrs. Siracusa hosted the "Italian Heritage Hour" on North Bergen Cable TV. The American Mother's Day Committee selected her as New Jersey Merit Mother of the year in 1973.

She and her husband Joseph, also a cook, live in Paramus. They are the parents of Frank, a senior pharmaceutical medical representative for Searle Pharmaceuticals, who lives in Elmwood Park. Siracusa's pride and joy is her 7-year-old granddaughter, Kimberly, who has "the greatest taste buds" and has accompanied her grandmother and parents many times to restaurants, and has been known to critique a restaurant on her own.

On June 4th of this year, Nancy retired from the Dispatch, but promises to keep busy. "I will still continue with my gourmet tours and my charity work, and I will have more time to spend on writing that cookbook we've been talking about.

"I will continue teaching cooking. I will continue to help out with wedding, engagement, birthday and shower plans when asked, and if time permits, go back to teaching public speaking."

Siracusa has taught public speaking for clubs at the Teaneck School of Nursing and the Secaucus Adult School. She added that

she is proud to have taught three generations of readers to cook.

Mr. Speaker, I appreciate the opportunity to present a brief profile of an individual who has truly made a difference through her contributions to her profession, her community and her family, and who has truly made her State and our Nation a better place to live, Mrs. Nancy Siracu, recipient of the Woman of Achievement Award by the Federation of Italian Societies.

TEENAGE PREGNANCY AND TOO EARLY CHILD-REARING: PUBLIC COSTS, PERSONAL CONSEQUENCES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MILLER of California. Mr. Speaker, I would like to call my colleagues' attention to a report recently released by the Center for Population Options detailing the high public costs of teenage pregnancy. According to this report, the Federal Government spent nearly $20 billion in 1988 alone on all families started by a teen birth.

The $20 billion represents an increase of about half a billion dollars since 1987. And, by all indications, the number will continue to grow.

These expenditures, which include money distributed through AFDC, food stamps and Medicaid, clearly demonstrate the link between teenage pregnancy and economic dependence on the Government. According to the report, for each year a birth is delayed—until age 20—the chance that the family will live below poverty reduces by 22 percent. The proof is in the pudding: More than 50 percent of al AFDC recipients had their first child in their teens.

According to experts, the tendency toward poverty can primarily be attributed to the negative effect of teenage pregnancy on education: teenage pregnancy is the leading cause for females dropping out of school. Also contributing to the increased likelihood of economic dependence is the higher average number of children (3.2) in families begun by teenagers before they are 18 years old.

As serious as the problem is today, try to imagine the potential impact of restricted abortions for teenagers—which may be likely if Pennsylvania is any indication. According to the Center for Population Option, as many as 400,000 more babies would be born to teenage girls, doubling the current total, if abortion is restricted. Many of these families may enter the cycle of poverty and economic dependence typical to too early childbearing.

Moreover, because teenage girls are less likely to obtain prenatal care in the first trimester, many of their babies are born with low birth weight or other health problems. This leads to unmeasured additional hospital costs—not to mention an increased infant mortality rate.

Perhaps more significant and potentially tragic is the possible impact of the spread of AIDS among adolescents. Experts believe that teenagers are exceptionally vulnerable to the deadly disease and are steadily becoming its next victims. Although the percentage of adolescents with AIDS is now low, the number of infected adults 20 to 24 years old is accelerating. The permeation of AIDS into the heterosexual community has frightening implications for our next generation.

What will it take to convince this country that teenage pregnancy is a serious and costly problem in need of Government attention? Another billion dollars in Government expenditures, another 500 teenage girls with slashed hopes, another 100 babies with AIDS?

As the report outlines, the financial costs of teenage pregnancy are great. It is also clear that the human costs are extraordinary when the opportunities lost and lives destroyed are finally totaled.

According to the report, over 1 million teenagers become pregnant each year in the United States and 75 percent of these pregnancies are unintentional. Through increased support for sex education, family planning and teenage pregnancy prevention programs, we can prevent that mistake.

PRESIDENT'S ENVIRONMENTAL YOUTH AWARD

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DAVIS. Mr. Speaker, I would like to take this time to congratulate a group of fifth graders from Marquette, MI, for receiving the President's Environmental Youth Award.

On November 15, students from the Vandenboom Elementary School received this award from President Bush for their outstanding efforts in saving a stand of ancient Estivant pines in northern Michigan.

Last year, as fourth graders, these students organized efforts to help raise $241,000 to purchase the Estivant pines, a stand of virgin timber thought to be approximately 500 years old.

When the Vandenboom fourth graders learned that a stand of Estivant pines was in danger of being cut down, they committed to helping the Michigan Nature Association raise funds necessary to purchase an 80-acre area at the northernmost tip of Michigan on which the Estivant pines had grown.

The students set up a public meeting to inform the community about the Estivant pines. They contacted local television stations, radio stations, and newspapers to help let the public know of their fundraising efforts. They also enlisted the help of their fellow grade schools to help them raise money to save the trees.

The Vandenboom students exhibited exceptional organizational skills and initiative, but most importantly, they have shown a tremendous amount of concern for the state of our environment. The pines they saved will now remain standing for the enjoyment of many future generations.

I am extremely proud that these students were chosen to receive the Presidential Youth Award. Receiving this award was very exciting for these students, but I am sure they will find the most satisfaction in visiting the Estivant pines in northern Michigan and knowing they are responsible for their continued existence.

THREATENED AND ENDANGERED SPECIES

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CRAIG. Mr. Speaker, today I am introducing legislation to amend the Threatened and Endangered Species Act to provide for public participation before a species is proposed for listing as threatened or endangered. This legislation will assure that the entire listing process, by which the U.S. Fish and Wildlife Service decides if a species warrants protection under the Threatened and Endangered Species Act, is an open public process.

The Threatened and Endangered Species Act (16 U.S.C. 1533) allows any person to file a petition to protect a species under the terms of the act. Under the act the U.S. Fish and Wildlife Service then reviews pertinent data and either makes a proposed listing decision or rejects the petition. Following notice in the Federal Register, the Service then evaluates data and public comment and makes a final listing decision. Currently, the process up to the point of proposed listing is not mandated to be an open public process. My legislation would require that prior to a proposed listing anyone could submit data relevant to a proposed listing and there be an opportunity for people that have divergent data to review and comment on all data. This review and cross examination of data would take place before an administrative law judge. My legislation will assure all data that pertains to a species is considered by the U.S. Fish and Wildlife Service prior to make a listing proposal.

The importance of assuring that all data is considered prior to a proposal to list a species is evident when the relationship of proposed listing to final listing is considered. The history of the Threatened and Endangered Species Act shows that all species that have been proposed for listing have been finally listed. This indicates that in reality a proposal to list is the same as a final listing decision. It is thus crucial that all possible information be considered prior to a proposed listing decision being made.

Finally, my legislation requires that ongoing land management practices not be altered until there is a final proposal to list a species. Currently, land uses and people's livelihoods can be completely disrupted by only the petitioning to list a species. Consequences such as these should not even be considered until there is a final determination as to the status of species under the Threatened and Endangered Species Act.

NATIONAL ALZHEIMER'S DISEASE MONTH

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DWYER of New Jersey. Mr. Speaker, recently, Congress designated the month of November as National Alzheimer's Disease Month. This is the seventh year that November has been selected to commemorate research into this debilitating disease and treatment of those who suffer from it.

Alzheimer's disease causes a deterioration of cells throughout the brain. Portions of the brain are damaged and collect deposits of dead cells called plaque. Also, nerve fibers become tangled. This disruption in brain activity causes far more than a loss of short-term memory, which is the chief symptom of the disease. Most Alzheimer's sufferers experience difficulty in accomplishing their usual daily activities. They may have trouble interacting with other people and often undergo personality changes.

Physicians divide Alzheimer's disease into three stages—early, middle, and later. In the onset of the disease, sufferers often experience difficulty in keeping house, driving, socializing, reading, and other familiar activities in their day-to-day lives. In the middle stages of the disease, it becomes more clear that the patient is suffering something more severe than simple absent-mindedness. Patients begin to have difficulty speaking and may also develop more erratic changes in mood or develop other behavioral problems. In the later stages of the disease, independent living becomes impossible. At this point, the patients feel confused, frustrated, anxious, and even frightened that they are losing their capabilities.

Although people have suffered from this disorder for centuries, Alzheimer's disease was not determined to be a unique pathology until 1906. At that time, Dr. Louis Alzheimer, a German pathologist, first saw the characteristic damage to brain tissue in autopsy tissue from people who had suffered dementia. However, the puzzling nature of the disease continues to present difficulties to physicians trying to make a diagnosis, when the disease is in its earlier stages.

According to a study published by the Journal of the American Medical Association on November 10, the prevalence of Alzheimer's disease and related dementias in the United States is far greater than previously reported. Researchers at the National Institute on Aging [NIA] now estimate that nearly 4 million Americans suffer from Alzheimer's disease alone, a significant increase over the previous estimate of 2.5 million. This number is higher than previous estimates of all types of age-related dementias combined. In addition, nearly 47 percent of all elderly people over the age of 85, our fastest growing population, suffer from Alzheimer's.

As you well know, this country is aging at a rapid rate. In the next few decades the graying of America will mean that the percentage of Americans over the age of 65 will rise dramatically. This changing face of our country makes finding a cure or at least an effective treatment for Alzheimer's imperative.

Public Law 99-660 established the advisory panel on Alzheimer's disease to assist the Secretary of the Department of Health and Human Services to identify priorities and emerging issues in Alzheimer's research and treatment. This panel makes yearly reports to Congress on the status of Alzheimer's disease, what it costs this country annually to combat this disease, and kind of Federal commitment is necessary to fight the disease effectively.

On April 6, the Labor, Health and Human Services, and Education Subcommittee heard testimony from the NIA and learned of the recommendations made by the advisory panel on Alzheimer's diseases. Dr. T. Franklin Williams, Director of the NIA, testified that this country spends an astounding $80 billion to treat Alzheimer's. To this end, the panel recommended that the Federal research budget for biomedical research in Alzheimer's and related dementias be significantly increased to $300 million per year. This is a great deal of money for sure, but not when it is compared against the economic and emotional costs which Alzheimer's and other age-related dementias exact on this country each year.

An increase in funding could be used to increase funding for the Alzheimer's Disease Research Centers. In addition, money is needed to conduct clinical trials of 12 to 15 new drugs, which could effectively treat the symptoms of Alzheimer's.

It is my hope that the recent report on scope of this dreaded public health risk will induce public and privately resources to make a strong commitment to eradicate this disease.

INTRODUCTION OF A BILL TO CREATE A COMMISSION TO STUDY REPARATION PROPOSALS FOR AFRICAN AMERICANS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CONYERS. Mr. Speaker, this legislation establishes a commission to examine the institution of slavery, study the impact of subsequent and continuing discrimination against African Americans, and make recommendations to Congress on whether some remedy should be made to the descendants of slaves.

In developing this legislation, I have met with the representatives of key organizations interested in this matter, and virtually all of them support the need for further study of this issue by a commission. Particularly important in this area is Mr. Ray Jenkins of Detroit, MI, who has championed the subject of reparations for the past 20 years, and Massachusetts State Senator William Owens whose own legislation has been the subject of several hearings. Also the Detroit City Council earlier this year passed a resolution endorsing the concept of reparations by means of a Federal educational trust fund. There are also outstanding in the public domain a wide variety of other plans dealing with this subject matter.

The congressional commission would consist of seven members: Three appointed by the President, three by the Speaker of the House of Representatives, and one by the President pro tempore of the Senate.

The Commission would follow the model of the recently enacted reparations for Asian Americans who were interned during World War II. That effort began with the enactment in 1980 of a law establishing a commission to make recommendations to Congress, and provided a forum to evaluate and consider the amount and form of reparations and who would be eligible for them.

The Commission would document and assess the harm to both African Americans and to all Americans resulting directly and indirectly from the institution of slavery, not only during that time in which it was legal and government sanctioned, but during the period of deconstruction and resegregation to the present day. The purpose of the Commission is not only to recommend methods of recompense for the descendants of slaves, but that in so doing it further contributes to the amelioration or the elimination of racial discrimination in America.

SUPER SAVINGS BOND ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. KAPTUR. Mr. Speaker, today I am introducing the Super Savings Bond Act, legislation to increase national saving and reduce Federal debt owed to foreign creditors.

The U.S. savings rate has dropped from over 7 percent of national income in the 1970's to barely 3 percent of national income in the 1980's. The United States saves less than any other Western nation. The United States savings rate is one-quarter of Japan's savings rate and less than half of the savings rates of Canada, the United Kingdom, France, and most other European nations.

National dissavings is manifested in America's large, nonsustainable budget and trade deficits. The economic independence of America is being threatened as individuals, corporations, and the Federal Government live beyond their means. As long as this trend continues, the mortgaging of America to foreign interests—its real estate, factories, banks, technology—will continue.

The Super Savings Bond Act will create super savings bonds [SSB's] to encourage saving among working men and women. SSB's will be sold only through a payroll deduction system to encourage a regular pattern of savings. SSB's will be sold in small denominations ranging from $50 to $500 in face value.

SSB's will yield 97 percent of the 5-year Treasury bond rate after being held for 5 years, an increase over the rate currently offered on savings bonds, which is the greater of 6 or 85 percent of the 5-year Treasury constant maturity yield.

Currently, over 47,500 companies have payroll deduction plans for the purchase of savings bonds available to their employees. In

1988, 6.6 million employees saved through this system, purchasing over 69 million individual bonds totaling over $3 billion. By offering an interest rate that is 97 percent of the market rate, I believe we will attract millions of new savers to purchase SSB's through the existing payroll deduction system.

It is vitally important to enlist working men and women in the reclaiming of America. Currently, the economy is fueled by institutional investors. Control of the economy has effectively been transferred from Main Street to Wall Street. This legislation sends a clear message to individuals that the Nation puts individual investors on par with institutional investors.

As savings among individuals increase, the purchasing of the Nation's debt by foreign investors will decrease. Currently, savings bonds account for 6 percent of the Federal debt while foreign investors own 19 percent of the Federal debt. This legislation will put the Nation's debt back into domestic hands. As the cochair of the Congressional Competitiveness Caucus, I know that it is critical to generate domestic investment for education, research, technology, and infrastructure.

I am pleased that many of my distinguished colleagues have joined me as original cosponsors of the Super Savings Bond Act. I hope that Congress will move quickly to pass this legislation and make it one part of a national campaign to increase personal, corporate, and Government savings. SSB's will instill a savings ethic among individuals which will help the Nation regain its economic independence.

TULOSO-MIDWAY SCHOOL DISTRICT CELEBRATES THEIR 50TH ANNIVERSARY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ORTIZ. Mr. Speaker, it is my great pleasure to rise today to pay tribute to the Tuloso-Midway School District as they celebrate their 50th anniversary as a school district.

It is my privilege to recognize Tuloso-Midway at this very exciting time. From the beginning, this school district was faced with the challenges of establishing a system that works. Over the past 50 years, Tuloso-Midway has grown and expanded into a very fine institution of learning. Today schools are faced with even greater challenges that come with the changing times such as the temptation of drugs and higher dropout rates. Tuloso-Midway has risen to the occasion with dedication and determination to produce the best students possible.

The Tuloso-Midway Independent School District has a faculty whose commitment and high standards of education are something to be extremely proud of. Tuloso-Midway has a full day early childhood program, alternative education center for at-risk students and a gifted and talented program. The elementary has an innovative science program where students learn through hands-on methods. With accomplishments such as these, I join in celebration with the Tuloso-Midway Independent School District and know that it will charge ahead to another successful 50 years of service.

I know that my colleagues will join me in applauding the Tuloso-Midway Independent School District on its 50th anniversary and for its continuing commitment to excellence in education.

LEGISLATION PROHIBITING THE PAYMENT OF PROGRAM CROP BENEFITS TO FOREIGN OWNERS OF U.S. CROPLAND

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CAMPBELL of Colorado. Mr. Speaker, today I am introducing legislation which seeks to extend a provision in current law prohibiting the payment of farm program benefits to foreign owners of U.S. cropland.

For a number of years, a significant amount of money was paid to foreign owners of U.S. cropland.

For instance, in crop year 1985, the last year for which figures are available, total farm payments to foreign owners of U.S. cropland were $7.73 million.

In my State alone, 56 foreign owners were paid over half a million dollars total in deficiency and diversion payments.

To those of us who have watched the agriculture budget steadily dwindle in the face of budget cuts, these figures are cause for great concern.

In fact, since fiscal year 1982 farmers have accepted more than $30 billion in spending reductions.

Although there is currently a prohibition on payment of farm program benefits to foreign owners of U.S. cropland, this prohibition is due to expire in 1990.

When small family farmers in the United States are feeling the pinch of Federal budget cuts, it does not seem right to begin subsidizing foreign corporations farming on U.S. soil.

For this reason I am introducing legislation to make permanent the prohibition on payments to foreigners of any type of production adjustment payments, price support program loans, or other farm program payments.

This legislation will send a strong message to small farmers across America that Congress' commitment is to the survival of family farms, not foreign tax shelters.

In closing, I urge all of my fellow Members to join me in this effort, and I look forward to your cosponsorship of this measure.

CALIFORNIA CULINARY ACADEMY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. PELOSI. Mr. Speaker, I rise today to share with my colleagues news of the valuable contributions now being made in the area of career education by the California Culinary Academy of San Francisco.

Since its founding in 1977, the academy has earned a justified reputation for providing exceptional training in the cooking arts. Recently, the academy achieved the distinction of being accredited by the American Culinary Federation's Educational Institute. Mary Peterson, director of the ACFEL Accrediting Commission, applauded the academy's administration and staff who have passed a rigorous self and peer evaluation team test.

At the prestigious 14th Culinary Arts Exhibit of the Pacific Coast Chef's Association Competition this fall California Culinary Academy earned top honors in two of the eight categories of competition. The four member team of Didier Dessemond, Leo Koellner, Michael Rech, and Bo Friberg won the gold medal in Grand Buffet—Food, while Chef Michael DeMaria earned the gold medal in the Individual Cold Food Platters category. Chef DeMaria was further honored with the overall Grand Prize for the competition.

The California Culinary Academy is headquartered in historic California Hall at 625 Polk Street in San Francisco. The academy's 425 students learn in six state-of-the-art teaching kitchens, as well as a butchery, bakery, and numerous class and lecture rooms. A new library was opened in October 1989.

The general public now partakes of the students' fare at three popular restaurants housed at the academy. There are also private dining rooms, a cocktail lounge, banquet facilities, and a retail shop.

Emphasis during the intensive 16-month program is on developing a true professional attitude in the chefs who learn the importance of preparing foods that maximize nutritional values. Dr. Thomas A. Bloom, president of the academy, expressed recently, "Our curriculum emphasizes that nutrition is not an alternative, but an integral part of all cooking. The challenge is always to create delicious food items that are also heart healthy."

To serve a broader student populace, plans are now underway to open a second California Culinary Academy campus in Los Angeles. In addition, the academy has embarked on an ambitious program to provide continuing career education in the culinary arts. Under the direction of nationally recognized foodservice educator Brother Herman E. Zaccarelli, the academy will offer professional correspondence course training for individuals who want to stay abreast of developments in their field and advance their careers. The academy will also serve as a national resource center, offering quality publications on a wide range of topics to individuals in the field.

With our population on the move as never before, and the demands placed on the foodservice industry to provide quality service by skilled professionals at a reasonable cost at an all-time high, it is entirely appropriate that we recognize the dynamic and imaginative efforts being made by the dedicated educators at the California Culinary Academy to help provide our Nation with the trained chefs we so urgently need.

CARNEGIE REPORT ON TRIBAL COLLEGES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. WILLIAMS. Mr. Speaker, on October 12, 1989, "A Special Report, Tribal Colleges," was released by the Carnegie Foundation for the Advancement of Teaching.

The foreword, by Ernest L. Bower, states:

People cannot be torn from their cultural roots without harm. To the extent that we fail to assist Native Americans, through their own institutions, to reclaim their past and secure their future, we are compounding the costly errors of the past.

The report substantiates:

Individuals firmly rooted in their own heritage can participate with more confidence in the complex world around them.

Often tribal colleges are the bridge between the Indian and Anglo worlds.

After 2 years of study, the Carnegie Foundation reports that at the 24 tribal colleges, salaries are low; libraries are underfunded; and administrators struggle with budget constraints.

Despite these problems, these community institutions offer a conventional collegiate curriculum; help prepare students to transfer to 4-years institutions; generally enroll older students—most of whom are women, and very frequently are the first in their families to attend college. Tribal colleges often serve as reentering institutions for those who may have previously dropped out.

Data contained within the report tell us that the 24 institutions have a full-time equivalent enrollment of more than 4,400 students and serve more than 10,000 Native American individuals. This is a dramatic growth since 1981, when 1,689 students were enrolled. Tribal colleges establish an environment that encourages participation and builds self-confidence in students who have come to view failure as the norm; 90 percent of native Americans who enter 4 year colleges as freshman evantually drop out.

Half of the 24 colleges are fully accredited and 8 others are candidates for accreditation. This is a long way in a relatively short period of time since the creation of the first tribal college in 1968 at Navajo. In addition to the 24 tribal colleges, in recent years at least 85 non-Indian colleges and universities have organized Indian studies programs.

The greatest challenge is the persistent search for funding. Most of the Nation's community colleges are supported through local tax dollars. For tribal colleges, there is no local tax base. In 1980, $5 million was appropriated in the Congress, amounting to $3,000 per student. In 1989, the appropriation was $8.5 million, but the amount per student dropped to $1,900.

Specific recommendations of the report include:

First, full funding;

Second, improvement in libraries, laboratories and classroom facilities;

Third, strengthening the connections between tribal colleges and non-Indian higher education;

Fourth, increasing the linkage of tribal colleges to their communities;

Fifth, expanding the important role of preserving the languages, history, and cultures of the tribes;

Sixth, more support from State governments;

Seventh, establishing a comprehensive program for faculty development;

Eighth, the support of foundations for the tribal college Institute which is designed to strengthen administrative leadership in Indian higher education;

Ninth, strengthening the national awareness and advocacy programs for tribal colleges; and

Tenth, support for the tribal college endowment for long-term stability.

As we look at reauthorization of the Tribally Community College Assistance Act and yearly appropriations, I urge my colleagues to reflect on this excellent report. Copies are available from Princeton University Press, 3175 Princeton Pike, Lawrenceville, NJ 08648.

WE NEED A NEW DIRECTION IN EL SALVADOR

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DOWNEY. Mr. Speaker, with his veto of the foreign aid bill, the President has handed the Congress the opportunity to take a much-needed look at our Nation's continued military assistance to El Salvador.

Like many of my colleagues, I was initially anxious to give the elected government in San Salvador the chance to prove that it was committed to the spread of democracy, tolerance, and human rights in El Salvador. Most of us held high hopes, and a high regard, for the efforts of former President Duarte. Many were also willing to give the new President, Mr. Cristiani, a similar chance to prove himself. A complete cutoff of American military aid to El Salvador did not, at that time, seem prudent.

However, the times have changed, my colleagues. The recent brutal and cowardly murder of six Jesuit priests in San Salvador should prove to us, once and for all, that we are not dealing with the norms of common and humane behavior in this tormented nation. Business with El Salvador is now anything but usual. We can no longer pretend that things are proceeding according to some kind of Cristiani plan.

Arguments will be made that any adjustment to our military aid to San Salvador will be seen as a reward to FMLN rebel forces for their brutal assaults. I do not want to send that message. However, we cannot let this moment go by without expressing our outrage to the Cristiani government. Time and again we have sent President Cristiani telegrams expressing the anger and concern of the Congress at continued violence in El Salvador. We have asked our Ambassador to relay to the Cristiani government the frustration and diminishing patience of the American people with the continued abuses of human rights in that country. But violence has been met with more violence.

Our message has not gotten across. So I ask my colleagues, When and how will we say enough is enough?" Maybe it is time that we start to talk with our money.

SAM INGRAM LEAVES MTSU ON FIRMEST FOUNDATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GORDON. Mr. Speaker, Middle Tennessee State University, my alma mater, has grown steadily over the past 11 years both in its size and its reputation as a top institution of higher education.

The person most responsible for these advances is the president of the university, Dr. Sam Ingram. Unfortunately for the students, faculty, staff, and alumni of MTSU, Dr. Ingram has decided to pass the presidential torch to someone else.

Dr. Ingram has helped build the exceedingly well qualified faculty the university currently enjoys, and he has continued to attract a high-quality student body.

Among the fine programs that have achieved national prominence under Dr. Ingram's tutelage are the Aerospace and Mass Communications schools. These are just two of the many subject areas offered by MTSU, which has become a university capable of graduating well-educated students in just about any field. One MTSU graduate, Dr. James Buchanan, won the Nobel Prize for economics.

During Dr. Ingram's presidency, the innovative chairs of excellence programs were established, including chairs in finance, insurance, dyslexic studies, manufacturing excellence, free enterprise, first amendment studies, health services, and nursing.

In addition, two centers of excellence are flourishing, in the areas of historic preservation as well as proper music and the recording arts and sciences.

These all have contributed to the reputation for academic excellence MTSU enjoys.

At the same time, Dr. Ingram has encouraged a vigorous program of sports and other extracurricular activities, including several nationally successful intercollegiate teams.

Dr. Ingram previously served as MTSU's dean of education, as professor of educational administration at Memphis State University, and as president of Motlow State Community College in Tullahoma, TN.

As MTSU moves into the nineties, I am sure that Dr. Ingram's legacy will be one of continued progress. My alma mater is pointed in the right direction, and the future is bright.

I want to wish this fine educator the best of luck in his future endeavors. On behalf of Tennessee, the United States, and MTSU supporters everywhere, I want to say thank you for a job well done.

THE VISION OF MANUEL ACOSTA WILL NEVER BE FORGOTTEN

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to pay tribute to one of the foremost southwestern and Hispanic artists in the country and one of my constituents. Manuel G. Acosta, who died recently. He was one of the most renowned and beloved residents in my city, and there is no doubt that his death leaves a vacuum in our community and in the world of art that will never be filled. He has been praised as the finest southwestern artist of the 20th century, one who painted the barrio with the intensity and knowledge to bring worldwide acclaim to his work.

An El Paso native, Mr. Acosta lived in the barrios of my city until his death. His paintings reflected life there perhaps more accurately and with more significance because it was his life. He was the product of the community in which he lived, an immigrant from Mexico who rose from poverty to become a nationally recognized artist. More than most, he understood what it meant to be a Mexican-American living in the Southwest, and his particular genius was the expression of that experience on canvas.

His paintings centered around five main themes: The Mexican revolution, people, young children, bullfighters, and flowers and fantasies. To limit his skill and vision to that of an ethnic artist, however, would be a tragic mistake. Although his context was the Mexican-American community, his vision was universal. It went to the core of the human experience in this most imperfect world of ours. It touched on hope, on faith, on life and death and the world that lies beyond.

Several years ago, I hosted an exhibit of the art of Manuel Acosta in the House of Representatives. No other showing, to my knowledge, produced such an outpouring of calls, letters, and personal visits to my office to express the viewers' excitement and gratitude for such an impressive collection. Most people who saw the exhibit had never been to the Southwest, and they marveled at Mr. Acosta's dazzling technical skill as well as his vision.

I hope that Manuel Acosta's life and his work will serve as an inspiration not only to El Pasoans who have treasured his work for many years, but for all Americans, Hispanic and otherwise, throughout the United States.

INDIAN HERITAGE WEEK

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DICKS. Mr. Speaker, I rise today in support of Senate Joint Resolution 218, a joint resolution which designates the week of December 3 through December 9, 1989 as Indian Heritage Week. I believe passage of this resolution represents an ideal way for the Congress and the Nation to pay tribute to the diverse cultural heritage of Native Americans. It has been introduced by Senator DANIEL K. INOUYE, chairman of the Senate Select Committee on Indian Affairs, who has been tireless in his efforts to preserve Native American culture and assist in the development of Native American communities here in the United States. Senator INOUYE's leadership has been particularly beneficial for tribes in Washington State, where he has taken a personal interest in resolving some of the issues that have long divided the Indian and non-Indian populations. In particular, Senator INOUYE was instrumental in the development and in the passage of a landmark settlement package that resolves the Puyallup Indian Tribe's claims to lands in and around the Port of Tacoma. His concern for the future of this small but important tribe in Washington State is typical of his approach to Indian cultural heritage throughout the United States. I am proud to support the Senator's effort, Senate Joint Resolution 218, and proud of all of his work on behalf of Native Americans.

CALIFORNIA'S TEACHER OF THE YEAR

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. LOWERY of California. Mr. Speaker, I rise today to honor a woman of outstanding character and resolve, someone who has broken through the barriers of teenage resistance to inspire a love of learning.

I am speaking of Ms. Janis Gabay, a distinguished English literature teacher from Junipero Serra High School in the community of Tierrasanta in San Diego, CA. Ms. Gabay has been recognized with the highest honor of the California Department of Education—Teacher of the Year. She was presented with this award on November 2, by the Superintendent of Public Instruction for the State, Bill Honig.

Ms. Gabay is herself the product of the San Diego school system and actually taught for her first 7 years at her alma mater, Madison High School. She said of her teaching, "It's a great honor, more than that, it's an exceptional privilege. The heart of everything is in the classroom. There is a pulse in a classroom that you don't find anywhere else in education. We're molding human beings. It's exciting. It's exhilarating."

Ms. Gabay has given truth to her statements, as she has continued to teach English literature to 10th graders and gifted seniors at Serra over the past decade. She has been able to inspire in her students a love of literature in a decade of video. "I see my primary task as bringing out abilities and talents that students may not even know they have. To accept simple competence defeats the purposes of education," she told a news reporter.

Mr. Speaker, Ms. Gabay brings the students to the classics and they come away enriched. Please join me in paying a very special tribute to a woman who represents the word "teacher" in all of its eloquence.

BRIAN EVANS WON FIFTH PLACE IN INTERNATIONAL SKILL OLYMPICS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. BROWN of California. Mr. Speaker, it is my great privilege and honor to salute Mr. Brian Evans of Fontana, CA. Mr. Evans, a 1988 graduate of Fontana High School, recently won fifth place in the International Skill Olympics.

The 30th International Skill Olympics were held in Birmingham, England from August 19–31, 1989. Brian Evans represented the United States in the machinists division. He competed against numerical control machinists from 20 other nations. The competition included exercises in metric computation, computer aided manufacturing skills, part programming, machine application and math computation. Evans placed fifth in the international competition, with a total of 511 points out of a possible 550. The competition was tough—with only 11 points separating the top five scores. Prime Minister Margaret Thatcher presented Brian Evans with his award at the closing ceremonies on September 3.

The Fontana High School, in Fontana, CA, has a superb machine and numerical control program which has successfully prepared other students for international competitions. In fact, Brian Evans is the fourth student from the school to participate in the International Skill Olympics. Bill Clarke, a member of the school's Industrial Technology Department, trained these students for the competitions. Brian Evans was sponsored by the National Vocational Industrial Clubs of America [VICA] and General Dynamics in Pomona, where he now works.

As Congress debates how to improve U.S. competitiveness in the global market, one of the issues we discuss is the need for more skilled workers and better education programs. Brian Evans and the Fontana High School has shown us that through hard work, dedication, and excellent training, we can achieve a competitive edge.

I urge my colleagues to join me in commending Brian Evans for his outstanding achievement while representing the United States at the International Skill Olympics.

TRIBUTE TO JAMES CALHOUN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. James Calhoun who was inducted in the Austintown Township Hall of Fame on October 28, 1989. Mr. Calhoun has devoted many hours of service to our community and country and deserves our gratitude.

James Calhoun was raised in Struther, OH and in 1946 graduated from Struthers High School. After his graduation he joined the

Army where he served 5 years. While in the Army he achieved the rank of technical sergeant in the Signal Corp.

Upon his honorable discharge from the Army, Mr. Calhoun began working at Republic Steel later to become LTV Steel. He was employed by the company for 29 years, 18 of which he was the superintendent of transportation for the Mahoning Valley District. Mr. Calhoun and his wife, Margaret, have lived in Austintown for 32 years where they raised four sons, Jim, Brian, Mike, and Patrick.

Mr. Calhoun has been very involved with the children of the Austintown community. He has been especially active with the Austintown Little Falcon Midget Football Team. He has been a part of the organization for 23 years and has worked with between 1,500 and 2,000 boys. During his time with the Little Falcons, the team has won 18 championships.

Mr. Speaker, I would like to take this opportunity to congratulate James Calhoun on his induction to the Austintown Hall of Fame. He is a truly caring person who has contributed a great deal to the youth of our community. I am proud to represent such an exceptional individual.

A TRIBUTE TO LOIS HODDY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SCHUETTE. Mr. Speaker, it is with admiration and respect that I rise today to pay tribute to Lois Hoddy of Owosso, MI, who is being recognized for her many years of community service on November 30, 1989.

Lois has been active in the YMCA of Shiawassee County since 1979, and has served on its board of directors. She was instrumental in updating the accounting procedures of the organization.

Lois has performed with the Owosso Musical group for more than 20 years, and has been a member of Zonta, a women's community service group, since 1955. She has served on Zonta's finance, service, and public affairs committees.

Lois has been involved with the foreign exchange student program, and has hosted several exchange students in her home. She has also been instrumental in organizing a Senior Citizen Drop-In Center, arranging for blind children to go to camp, establishing an annual Owosso High School scholarship fund, and providing support for the community food kitchen.

In 1982, Lois Hoddy was nominated for the Michigan Citizen of the Year award. She was the recipient of the Athena Award for outstanding woman of the year that same year. Lois and her husband, George Hoddy, who were married in 1947, have six adopted children.

Mr. Speaker, it is an honor for me to draw to the attention of my colleagues Mrs. Lois Hoddy, who is being recognized for her many years of service to her community.

EVERY ROSE HAS ITS THORN

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. BALLENGER. Mr. Speaker, I reluctantly supported the 1989 Government Reform Act, which passed the House on November 16, 1989 because in addition to badly needed ethics reforms, it contains a pay increase for Members of Congress. The bill provides a compounded 7.7-percent cost-of-living adjustment [COLA] for Members of Congress for fiscal years 1989 and 1990, and a pay raise of an additional 25 percent in fiscal year 1991. I had hoped that the ethics reform package and the pay raise proposal would be considered separately. Unfortunately, that was not the case. If it had been, I would have voted for the ethics package and against the pay raise.

I held my nose and voted for the overall package because I sincerely believe we need ethics reforms. The ban on honoraria, the limit on gifts and travel, and the banning of the grandfather clause are all important steps on the road to reform, and to cleaning up the image of the House.

I hope the inclusion of a pay increase will not diminish the positive aspects of the legislation. We should commit ourselves to earning our pay, and use this opportunity as incentive to get our House in order. Let's prove to the American public that this body is worth it.

TRIBUTE TO DON DENI

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CARR. Mr. Speaker, today I honor a friend who will retire this month after many years of service in my congressional office. Don Deni, a name that is spoken with affection by so many of his friends in the Michigan communities of Waterford and Pontiac, will retire after serving as a member of my personal staff for 7 years.

Those of us who have had the pleasure to share these years with Don will miss his daily doses of special insight and wisdom, his quiet reassurance in difficult times, and his ability to lighten even the most trying of circumstances. His laughter and his political anecdotes are legendary, and he should be forewarned that he will be called on from time to time in the future to refresh our memories with these stories of old electoral battles.

This is, in fact, Don's second retirement. A businessman for over 35 years he cultivated a reputation as a friend to hundreds of neighbors as the proprietor with his brothers of several grocery establishments. Don is a supporter of many charities and a special adviser for many State campaigns as well as a veteran of the Army Air Corps in the Second World War.

To say I am sorry to see Don leave would be an understatement. But while I am bidding farewell to a friend today, his family and hobbies will be gaining his undivided attention. Don's wife Mary and the families of his children Vince and Joey will be blessed with his full concentration.

Thank you for allowing me the opportunity today to say thank you to a friend and a dedicated servant of so many over the years, Don Deni. I wish him the best as he begins his retirement.

H.R. 3491, THE LONG-TERM CARE INSURANCE FOR THE ELDERLY ACT OF 1989

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ROWLAND of Georgia. Mr. Speaker, planning for the future is vital in today's fast-paced world. This is even more crucial when we consider the skyrocketing costs of health care. With this in mind, I have introduced H.R. 3491, a bill to encourage individuals to purchase long-term care insurance.

H.R. 3491 would allow certain individuals 59½ years of age and over to withdraw funds, tax free, from Individual Retirement Accounts [IRA's] if the funds are applied to the purchase of long-term care insurance policies. Insurance could be purchased for the IRA beneficiary or his or her spouse, if also 59½ years of age.

The bill includes income limitations to provide the maximum benefit to those making under $45,000 per year. A graduated scale phases out the tax benefit, disqualifying those who make over $100,000.

Concern has been voiced with regard to the quality of coverage under policies designed for long-term care. For this reason, H.R. 3941 would additionally require the Secretary of Health and Human Services to submit to the Congress a proposal for regulating long-term care insurance policies to provide for the application of minimum standards and requirements.

Mr. Speaker, the latest figures from the Health Care Financing Administration show that total expenditures in the United States for nursing home care reached $40.6 billion in 1987. This amount represents an approximate even split between public and private funds. Of the private funds, almost the entire amount came from direct out-of-pocket payments by individuals (average annual nursing home care costs about $25,000). Only about $400 million was provided by private insurance.

These payments can be devastating for elderly persons and their families. The tax benefit established by H.R. 3941 would assist these individuals in purchasing insurance coverage for nursing home care and also for in-home care.

We need to provide incentives to encourage Americans to plan for care that they may need in their later years. The Long-Term Care Insurance for the Elderly Act of 1989, would help facilitate this important objective and shift some of the weight of long-term care financing from government programs to the private sector. I urge my colleagues to support this legislation.

EMERGENCY RELIEF FOR VEGETABLE PROCESSORS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. SLAUGHTER of New York. Mr. Speaker, I have introduced legislation today that would help to alleviate the economic damage done to vegetable processors by last year's drought and this spring's heavy rains in the Northeast. My bill would suspend the duty on green beans and sweet corn for 4 months to allow food processors to obtain the products needed to maintain their production levels.

This bill seeks to address a one-time emergency situation. Areas of the 30th District were declared disaster areas by the Department of Agriculture and production of these vegetables was reduced dramatically. In combination with the 1988 drought, these heavy rains made it impossible for food processors to obtain the necessary level of sweet corn and green beans.

COMMUNITY SERVICES PLANNING COUNCIL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to the staff and volunteers of the Community Services Planning Council and to congratulate the council on 50 years of outstanding service to the Sacramento community.

The Community Services Planning Council is a citizen-based nonprofit organization dedicated to improving the quality of life for people in the greater Sacramento area. The council was established in 1939 to serve as an independent forum where Sacramento area residents, Government representatives, and human service professionals could meet and work cooperatively to address important human needs. Over the past 50 years, the planning council has successfully implemented this public-private partnership to reduce and prevent health and human service problems in the community. Through their efforts, numerous agencies ranging from the Family Service Agency to the California State University Graduate School of Social Work have been established to meet the needs of our community.

On November 17, the council will highlight its 50th anniversary with a conference appropriately entitled "People Helping People." Business, community, and human service leaders will meet in an all day forum to develop strategies to address the implications raised in a recent council report entitled "Focus 90: Community Challenges for the Next Decade." This conference will not only assist our community leaders in understanding the present needs of our community, but, more importantly, mobilize this leadership to focus its activities and resources on emerging issues.

Mr. Speaker, I commend the leadership of executive director Nancy Findeisen and the entire staff and volunteers associated with the Community Services Planning Council for their commitment to serving the people of my home district with dedication and professionalism. On behalf of the city and county of Sacramento, I congratulate the council and thank them for 50 years of outstanding service. I know that their tradition of excellence will continue to provide the Sacramento community with the highest quality of human services possible through the next century.

BEN CARDIN'S 25TH WEDDING ANNIVERSARY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SMITH of Florida. Mr. Speaker, tomorrow is the 25th wedding anniversary of our colleague BEN CARDIN and his wife Myrna, and Iwould like to take this opportunity to wish them both all of the best.

BEN and Myrna met each other in kindergarten and have been together virtually ever since, except for the time when BEN had to steal her away from his best friend who was dating her at the time. Although they went to different high schools and different colleges, they got together to have two children and to successful careers as citizens dedicated to the advancement of the State of Maryland.

BEN has had an outstanding career in public service. After receiving his law degree from the University of Maryland in 1967, he was elected at the age of 23 to the Maryland House of Delegates. After establishing himself as a State finance expert, he was appointed as the chairman of the Ways and Means Committee in 1975, and 4 years later he became the youngest speaker in the history of the State of Maryland. Myrna, as socially conscious as BEN, is a fundraiser for the Park School in Baltimore, and is involved in other social work projects in Baltimore and throughout Maryland.

The CARDIN'S have two children, Debbie and Michael. Debbie, a junior at Tufts, is spending her junior year abroad studying in Paris, and Michael, after graduating from Wesleyan, is currently seeking his fortune as a journalist.

An avid skier and lover of the outdoors, BEN broke his leg skiing a few years ago, which no doubt reaffirmed Myrna's suspicion that skiing holidays are better spent in the lodge. When I asked BEN'S staff to relate a few anecdotes about BEN and Myrna, all they could say was, "They are just the two nicest people you will ever meet." But this merely confirmed what we in the U.S. House of Representatives already knew. Congratulations on your 25th wedding anniversary BEN and Myrna. We are happy to be a part of your extended family.

AMERICA'S FLAG

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mrs. ROS-LEHTINEN. Mr. Speaker, Mr. Roberto Sardon, a young man from Miami, FL, wrote the following words on our great national symbol:

AMERICA'S FLAG

Red, white, and blue
Standing for freedom, justice, democracy
Honored by many, disgraced by few
It should be a crime for one to burn you.

Mr. Sardon's poem, poignant in its simplicity, expresses what so many other Americans feel—an undying and inexhaustible love of our great and free Nation, and supreme respect for all which symobolizes that love in our hearts.

As we prepare to go home for the Thanksgiving holiday, I hope that we will reflect on all of the wondrous gifts that have been bestowed on us as Americans and that we will always be ready, as Mr. Sardon has shown in his short poem, to be able to stand up for what we believe. I congratulate all the young people of our country who feel a rising wave of patriotism once again. May it continue.

LEGISLATION TO FACILITATE UNDERCOVER "STING" OPERATIONS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GEKAS. Mr. Speaker, I have today introduced legislation at the request of the Department of Justice that will facilitate law enforcement in undercover "sting" operations involving traffickers and receivers of stolen and counterfeited property.

Currently, several Federal statutes exist that punish persons who traffic in or receive stolen and counterfeited goods, but the law enforcement in these crimes is complicated by the fact that such statutes require proof that the defendant knew that the property was stolen or counterfeited. As a result, law enforcement officers cannot merely represent to a suspected "fence"—a dealer in stolen goods—that an item is stolen—it must actually have been stolen. Some cases have even been lost because items that were in fact stolen were subsequently recovered by authorities prior to arranging a controlled delivery to the fence, which some courts have ruled erases the stolen status of the goods.

In the Anti-Drug Abuse Act of 1988, Congress faced a similar problem with respect to money laundering investigations by creating an offense of engaging in a financial transaction with money represented as having been the proceeds of unlawful activity, even though it may not have been. This bill builds upon that approach.

Clearly, an individual who willingly received property that is represented as stolen is

equally as culpable as one who receives property that in fact has been stolen and many States have already recognized this fact. This legislation should help law enforcement where society sorely needs help and that is taking the profit out of crime.

The text of the bill and an analysis follow:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHAPTER 1 AMENDMENT.

Chapter 1 of title 18, United States Code, is amended by adding at the end thereof a new section, as follows:

"§ 20. Stolen or counterfeit nature of property for certain crimes defined

"(a) Wherever in this title it is an element of an offense that—

"(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

"(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

"(b) For purposes of this section, the term "official representation" means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.".

SEC. 2. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"21. Stolen or counterfeit nature of property for certain crimes defined.".

ANALYSIS

The purpose of this proposed bill is to authorize the use of officially sanctioned undercover operations to combat crimes of trafficking in or receiving stolen or counterfeited property. Many statutes exist in title 18 of the United States Code punishing such offenses but nearly all are worded so as to require that the defendant take action with respect to or receive the property "knowing" it to be of the prohibited character (i.e. knowing that it was stolen, unlawfully converted, forged, counterfeited, etc.). For example, 18 U.S.C. 2314 makes it an offense to transport any goods in interstate or foreign commerce "knowing the same to have been stolen, converted or taken by fraud"; the companion statute, 18 U.S.C. 2315, proscribes the receipt of goods that have moved in interstate or foreign commerce "knowing the same to have been stolen, unlawfully converted, or taken". Another frequently prosecuted statute, 18 U.S.C. 659, punishes the receipt of stolen or embezzled property from an interstate shipment "knowing the same to have been embezzled or stolen".

These requirements, as construed by the courts in the light of English common law doctrines and principles of strict statutory interpretation under which the original common law meaning of an offense is deemed to have been intended by Congress unless expressly modified, have significantly hampered undercover investigations designed to identify, and apprehend in the act of receiving, professional "fences" and others who trade in stolen or counterfeited property. The problem arises from the common law rule that one cannot be convicted of receiving stolen property if, before the stolen goods reach the receiver, the stolen property has been recovered by the owner *or his agent.* See, e.g., *Regina* v. *Schmidt,* L.R. 1 Cr.Cas.Res. 15 (1866); *Regina* v. *Dolan,* Eng. Law & Eg. 533 (1855). Recovery by a law enforcement officer, or a security officer for the carrier from which the property was stolen, is deemed by the courts to be recovery by an agent of the owner, since in each instance the recovering authority is held to have an obligation to return the property to the owner and thus is considered to hold the property in trust for the true owner. For example, in *United States* v. *Cawley,* 255 F.2d 388 (3d Cir. 1958) and *United States* v. *Monasterski,* 567 F.2d 677 (6th Cir. 1977), thieves were arrested with stolen property and their cooperation secured in completing the delivery to a third party. In *Cawley,* postal inspectors had taken the stolen packages to the post office and checked their contents before turning them over to the cooperating thieves for delivery to the defendant-receiver; in *Monasterski,* Conrail police and F.B.I. agents marked stolen tires and placed them in a van they had supplied for delivery to the receiver. In both cases, the convictions of the receiver were reversed on appeal, because the courts concluded, on the facts presented, that the government had "recovered" the stolen property and therefore that it had lost its stolen character before being delivered to the receiver. Where, on the other hand, the courts have concluded that the government's discovery of and actions with respect to the stolen property before delivery to the receiver did not constitute a "recovery" of the property on behalf of the owner but rather a form of surveillance, the courts have distinguished the common law rule and sustained undercover investigations leading to convictions of receivers. Frequently, the courts have seemed to strain to reach this result. For example, in *United States* v. *Egger,* 470 F.2d 1179 (9th Cir. 1972), the court affirmed a conviction under 18 U.S.C. 2113(c) for receiving money stolen from a bank notwithstanding the fact that the F.B.I., with the cooperation of one of the thieves who had been apprehended, recovered the money (which had been hidden), recorded the serial numbers of the currency, and accompanied the thief as he delivered it to the receiver. In *United States* v. *Muzii,* 676 F.2d 919 (2d Cir.), cert. denied, 459 U.S. 863 (1982), the court upheld convictions under 18 U.S.C. 659 for receiving stolen goods where undercover New York City police and federal customs agents held themselves out as owners of a trucking company as a device to discover airport cargo thefts. On two occasions, thieves stored stolen goods in the trucking company warehouse before delivering them to buyers. The court found that the brief custody of the goods by the undercover law enforcement agents did not amount to a "recovery" of the property but rather merely facilitated surveillance of the unlawful transaction. See also, *United States* v. *Johnson,* 767 F.2d 1259 (8th Cir. 1985) (investigative diversion of stolen car to F.B.I. agent for purposes of inspection and identification while it was moving in interstate commerce did not cause vehicle to lose its stolen character).

By way of final example, in *United States* v. *Dove,* 629 F.2d 325 (4th Cir. 1980), the F.B.I. established an undercover used car lot operated by an informant to investigate dealing in stolen vehicles. The informant, using F.B.I. funds, purchased a stolen car which remained on the lot for a month before being sold to the defendant. On another occasion, the informant assisted a thief in driving stolen bulldozers onto trailers. The court found that the car had lost its stolen character as a result of its being in the exclusive possession of the F.B.I. for a month on the lot; but the court found that the actions of the informant in assisting the driving of the stolen bulldozers did not deprive those vehicles of their stolen status since there was no intent to recover them for the true owners.

It is apparent from the above illustrations that the current state of case law with regard to the permissible conduct of undercover investigations involving stolen property causes serious practical problems. No "bright line" type of rule exists and some of the results reached in the above-cited cases cannot reasonably be reconciled. Investigators and supervising prosecutors are thus forced to make difficult judgments about the manner in which undercover operations are carried out, in which what appears to be a sensible, temporary taking of custody for investigative purposes of a stolen article may, through application of the rule involving the "recovery" of property by the authorities, cause the defendant-receiver to prevail at trial, notwithstanding that the receiver is culpable and believes that the property is stolen.

Moreover, while the fact that law enforcement officials must make hard decisions is not novel or in itself a sufficient reason to question the rule of law that requires those decisions, in this instance the rule serves only to protect the guilty without a corresponding social benefit. The Sixth Circuit in the *Monasterski* case, *supra,* went out of its way, while feeling compelled on the basis of precedent to reverse the defendant's conviction, to point to Congress and legislation as an avenue by which the situation might be redressed. The court stated (567 F.2d, at 683):

"We are very sympathetic to the Government's desire to apprehend fences. Their social disutility is notorious. * * * We fully realize that the beneficiaries of the rule espoused here likely have the precise culpable state of mind required for conviction of receiving stolen goods. * * * [However, it] is one of the most fundamental postulates of our criminal justice system that conviction can only result from a violation of clearly defined standards of conduct. We must apply this principle evenhandedly and not be swayed by our attitudes about the moral culpability of a particular defendant. It is the function of legislatures, not courts, to condemn certain conduct. Petitions, to punish reprehensible conduct must be addressed to the Congress and not this Court. * * *"

The court later in its opinion again observed that the government, as one alternative open to it, could request Congress to pass "a statute clearly drawn to encompass the disfavored activity", and it cited as an example a Colorado statute that made it a crime to receive property that the receiver believes is stolen (567 F.2d, at 684).

That a person receiving property he or she believes to be stolen should escape punishment because of the government's intervention and temporary custody of the property for legitimate investigative reasons is not a salutary result. Professional traffickers in stolen or counterfeited property, or fences as they are commonly known, are a

major problem in our society, and undercover operations are almost the only means of successfully developing prosecutable cases against them. To limit the kinds of undercover activities that may be engaged in on the basis of whether the government has "recovered" previously stolen property or not ultimately makes little sense. Indeed, several courts have noted the apparent anomaly that, if a conspiracy charge can be maintained, the stolen or not stolen status of the property becomes irrelevant, since a conspiracy does not require proof that the property was stolen, but only that the defendant believed it to be such. See, e.g., *United States* v. *Petit*, 841 F.2d 1546, 1550-51 (11th Cir. 1988); *United States* v. *Muzii*, *supra*, 676 F.2d, at 922-3n.9; *United States* v. *Monasterski*, *supra*, 567 F.2d, at 684. Moreover, the solution to the problem ought not logically to be limited to situations in which property has in fact been stolen and the government intervenes prior to its controlled delivery to the receiver. The same undercover techniques should be able to be utilized against suspected fences with respect to property that has never been stolen but is represented to be of stolen character.

Congress has to some extent responded to the *Monasterski* court's invitation to address this problem. In the federal criminal code reform bills considered at length in the 96th and 97th Congresses, both the House and the Senate Judiciary Committees approved formulations of general trafficking in and receiving stolen property offenses (and/or attempts to commit those offenses) that, either by virtue of the definition of the requisite mental state as including a state of mind involving a "belief" that a circumstance exists, or by the provision of a general attempt offense in which impossibility as a defense was negated, would have uniformly reached situations in which a defendant transports, distributes, or receives property believed to be stolen, See S.1630 (97th Cong., §§ 1001(c), 1732, 1733) and S. Rep. No. 97-307, pp. 730-739 (1981); H.R. 1647 (97th Cong., §§ 301, 2532, 2533). Moreover, in the recently enacted Anti-Drug Abuse Act of 1988 (Public Law 100-690), Congress effected a similar amendment (§ 6465) to the money laundering statute, 18 U.S.C. 1956, designed to permit prosecutions on the basis of undercover operations involving money that is not in fact the proceeds of unlawful activity but is represented by law enforcement officials or persons acting at their direction to be such proceeds. Congress, in approving this proposal, recognized the difficulty of successfully investigating secretive money laundering activities and the necessity of authorizing undercover operations using legitimate funds supplied by the government to do so. A similar need, as discussed above, exists with respect to traffickers, in and receivers of stolen and counterfeited goods.

The particular amendment proposed here is modeled on the approach taken by Congress with respect to the money laundering statute, rather than the approach in prior criminal code reform bills of defining "knowing" to include "belief" or of providing a general attempt offense and negating the impossibility defense. While either type of amendment would be effective from a prosecutive standpoint, appropriately greater protections exist under the formulation here proposed, since it requires that the defendant's belief in the stolen, counterfeited, or other prohibited character of the property follow or be based upon a representation of a federal law enforcement officer or person acting at his discretion or approval. This guards against scenarios in which disgruntled citizens or would be "bounty hunters" may seek to induce acts of criminality on the part of other persons, outside the context of a legitimate law enforcement investigation. While undercover activities controlled and supervised by government officials are necessary to ferret out certain kinds of crimes, such operations ought not to be undertaken by private individuals acting independently. A change in the law that permitted conviction of thieves and fences on the basis solely of their "belief" that property was stolen could encourage rogue actions by private citizens; the approach taken by the proposed statute, by contrast, insures that such sensitive representations are authorized by a federal law enforcement officer—a term defined in 18 U.S.C. 115 to include both investigative and prosecutive officials.

The proposed amendment would add a new section 21 to title 18 and would cover any offense in that title that includes as an element that property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated and that the defendant knew the property to be of such character. The principal offenses encompassed are 18 U.S.C. 331 (uttering altered coins), 483 (uttering counterfeit foreign bank notes), 485 (uttering counterfeit coins), 493-498 (uttering or using various bonds, writings, and certificates), 500 (trafficking in or receiving stolen or counterfeited money orders), 641 (receipt of stolen or converted United States property), 659 (theft and receipt of property stolen from an interstate or foreign shipment), 662 (receipt of stolen property within the special maritimate and territorial jurisdiction), 842 (receipt and transportation of stolen explosives), 922 (receipt and transportation of stolen firearms and ammunition), 1028 (possessing counterfeit access devices), 1163 (receipt of stolen Indian tribal funds), 1546 (use of forged visas), 1660 (receipt of property taken by robbers), 1708 (receipt of stolen mail), 2113 (transportation of stolen vehicles), 2313 (receipt of stolen vehicles), 2314 (transportation in commerce of stolen or counterfeited goods), 2315 (receipt of stolen or counterfeited goods moving in commerce), 2316 (transportation in commerce of stolen livestock), 2317 (receipt of stolen livestock moving in commerce) and 2321 (trafficking in motor vehicles or vehicle parts with altered or obliterated identification numbers).

PERSONAL EXPLANATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GARCIA. Mr. Speaker, due to other engagements in my home district I was unable to vote in the House from November 1 through November 15. Had I been in Congress I would have voted in the following manner:

H.R. 2710, roll No. 324—"yea."
H.R. 3443, roll No. 328—"yea."
H.R. 1465, roll No. 329—"yea."
H.R. 2459, roll No. 335—"yea."
H.R. 2461, roll No. 343—"nay."
H.R. 1465, roll No. 345—"yea."
H.R. 3614, roll No. 346—"yea."
H.R. 3550, roll No. 347—"yea."
H.R. 2939, roll No. 350—"yea."
H.R. 3532, roll No. 354—"yea."
H.R. 3610, roll No. 355—"yea."
House Joint Resolution 435, roll No. 356—"yea."

CHARLES F. OLSON HONORED AS CITIZEN OF THE YEAR

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a member of my community who was recognized this week for nearly a decade and a half of volunteer efforts in the Odenton, MD, area. Charles F. Olson, president and chairman of the board of the Odenton Volunteer Fire Co., was honored this week as the Greater Odenton Improvement Association's Citizen of the Year.

Chuck has been president of the fire company for more than 14 years, devoting himself to the improvement of the organization and increasing the fire company's ability to serve the public. During his tenure the fire company has obtained new fire engines, utility and ladder trucks, new paramedic units, and a new ambulance. In addition, Chuck has supervised the organization's administrative duties, fundraising, budgeting, and public relations.

Moreover, Chuck is a dedicated firefighter and a longtime employee of the Department of Defense. I commend the Greater Odenton Improvement Association's selection for this year's award and hope my colleagues will join me in congratulating Chuck on his many years of achievement.

A WONDERFUL THANKSGIVING TRADITION LIVES

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FAUNTROY. Mr. Speaker, every year for the past 4 years our friends from the Republic of China have brought warmth and happiness to hundreds of families in the Nation's Capital during the Thanksgiving holiday, by providing turkeys to those families to ensure that turkey dinners will be on their Thanksgiving dinner table.

It is especially delightful to learn this year that the Coordination Council for North American Affairs' representative, Mou-Shih Ding, has again supported that tradition by contributing 200 turkeys to families who otherwise would not have the traditional turkey during their Thanksgiving dinner. Over the years, people of this city have always reserved a special corner in their heart for the people of Taiwan, Republic of China. I personally find it most gratifying to again learn that our friends from Taiwan remember the poor during this special time of giving. I want to take this opportunity to specially commend CCNAA for such a generous contribution and our friend-

ship will flourish during the years to come. During this holiday of giving it is especially enlightening to find that there are true givers.

IN RECOGNITION OF THE CONTRIBUTIONS MADE BY PRIVATE CORPORATIONS TO DISASTER RELIEF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. PELOSI. Mr. Speaker, a month ago last Friday, northern California was struck by the worst earthquake it has experienced in over 80 years. Much has already been said on the floor about the tremendous kindness of the countless individuals who responded with both their time and pocketbooks to this disaster, and the quick reaction of Congress and Federal agencies to meeting the needs of those affected by the quake.

Today I call special attention to to the notable generosity which many private corporations have shown to the victims of the northern California earthquake and Hurricane Hugo. When these disasters occurred, corporate support provided the essential foundation for sustaining relief efforts in devastated areas. To get some idea of the importance of this assistance, one need only point to the 33 shelters housing more than 5,000 people which the Red Cross operated at the peak of its activities in northern California.

Several corporations deserve special recognition for their contributions to the Red Cross and other relief funds, among them Chevron, Sony, Pacific Gas & Electric, Anheuser-Busch, General Motors, Toyota, Burger King, Huyandai, IBM, and the Rolling Stones. Over 60 companies have presented individual gifts ranging up to and above $250,000.

The United Way's earthquake relief efforts have been bolstered by a $1 million contribution from the National Football League charities, and a $250,000 gift from Edward J. Debartolo, Jr., owner of the San Francisco 49ers. An additional $25,000 has been contributed by the 49ers', players.

I would like to call attention to a $1 million donation to the American Red Cross' Disaster Relief Fund made by Hanson Industries, the United States-based subsidiary of Hanson, PLC, of London. The chairman of Hanson Industries, Sir Gordon White, noted that he hopes his company's gift will, in some modest way, repay America for its unbounded generosity; a spirit epitomized by the the United States role in rebuilding Europe at the end of World War II.

Without the contributions of these companies and individuals, and the volunteer spirit displayed by northern Californians after the earthquake, the success of short-term response efforts by groups like the Red Cross and United Way might not have been possible. These organizations and the many unrecognized individuals who responded to the crisis have played their part. It is now up to the Congress to ensure that northern California's recovery has sufficient resources, and that the work of Federal agencies is completed.

JOHN DATENA AND BILL WALTERS: STEWARDS OF INDIANA'S PUBLIC LANDS

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. JONTZ. Mr. Speaker, I rise today to honor two gentlemen, both personal friends, who have long served the people of Indiana as stewards of our State's public lands. John Datena is retiring after 16 years as State forester and 39 years of service to the State of Indiana in its division of forestry. William Walters will soon join the offices of the National Park Service here in Washington after completing over 22 years with the Indiana Department of Natural Resources, the last 12 of which he has held the position as director of State parks.

Both Bill Walters and John Datena have made a career of sharing their love of the outdoors and their concern for the protection and wise use of our public lands with the people of Indiana.

John Datena received his bachelor's degree in forest production from Purdue University in 1950. Upon graduation he went to work as a property manager for the Indiana Department of Conservation, Division of Forestry. Several years later, John became a District Farm Forester where he worked with private forestland owners and managed state forests.

In 1953, John was named Indiana's first watershed forester and managed the Flat Creek Watershed in Pike County. After another tour as a district forester, John was promoted to the position of CFM supervisor in 1969 and moved to the department of Natural Resources central offices in Indianapolis. In 1973 he was appointed State forester and held that position until his retirement this year. He is the longest serving State forester in Indiana's history.

During John's tenure as State forester, Indiana's hardwood forest lands increased 1 million acres, from 3.5 million to 4.5 million, making Indiana the country's fifth largest hardwood producer. Now that he is retired, he will have a greater opportunity to practice what he preaches on his own 100 acres of hardwoods and Christmas trees.

When Bill Walters first came to Indiana's Department of Natural Resources in 1967, he held a bachelor's degree in recreation from the University of Illinois, where he had been graduated with high honors in 1964. Bill served as the administrator of the Land and Water Conservation Fund Program, and was then promoted to the position of assistant director of the Division of State Parks. Less than a year later, Bill was named director of the Division of Outdoor Recreation, at the same time earning a master's degree in park administration from the University of Illinois along the way.

During his 8 years as director of outdoor recreation, Bill established the State Heritage Program which identifies and protects unique natural resources in the State, created the State Natural Streams Program, and instituted the State Trails Program. All of these accomplishments brought Hoosiers closer to their environment while preserving the land's natural beauty and resources.

In 1977, Governor Otis Bowen named Bill as the new director of State parks. For the last 12 years, Bill has directed the management of the Hoosier State's 19 State parks, covering 57,500 acres. In the average year, our parks are visited by more than 9 million people from around the State and the Nation.

This Wednesday, November 22, will be Bill Walters' last day as Indiana's Director of State Parks. But he will not have long to rest. On Monday, November 27, he begins his new responsibilities with the National Park Service.

Mr. Speaker, my acquaintance with John Datena dates back to 1974 when I began my 12 years of service in the Indiana General Assembly. As a member of the natural resources committees in both the House and Senate, I had frequent occasion to work with John and gained a deep respect for his professional dedication. In these past 3 years, as a member of the Forests, Family Farms, and Energy Subcommittee of the House Agriculture Committee, my responsibilities in Congress have brought me in contact with John often, and he has been of extraordinary assistance.

My association with Bill Walters extends back even further. As a high school student, I was fortunate to be employed by the Division of State Parks as a seasonal naturalist, and to work for Mr. Walters who was responsible as deputy director of the division for its interpretation program. I remember very well the summer morning when, sharing a ride with Bill downtown from my northside Indianapolis home, he asked me, "Jim, have you ever given any thought to a career in government service?" I laughed and told him at the time that, no, what I really wanted to do was be a naturalist. But there is no question in my mind that the example he set as a capable public servant was a positive influence on my eventual decisions to enter political life. Bill Walters represented to me then, and always has, what a professional natural resources manager should be.

Both Bill Walters and John Datena can take pride in the fact that during their years of service, Indiana's forests and parks have become better utilized, better managed, and more loved by the people of Indiana. Theirs is a legacy which will be enjoyed by generations of Hoosiers to come.

RETIREMENT OF LOUIS HEIMBACH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GILMAN. Mr. Speaker, December 31 will be the last day in office of an outstanding public servant in New York's mid-Hudson Valley.

Louis Heimbach was first elected county executive of Orange County, NY, in 1977. During the intervening 12 years, our county experienced an unprecendented burst of growth. The Census Bureau tells us that Orange County is the fastest growing county in the

Northeast, and one of the fastest growing in the Nation. Throughout this period of growth, Lou Heimbach presided over our county with grace and excellence, meeting the challenges of Orange County's expansion with vigor and foresight.

When Lou Heimbach was elected to the first of his three terms as county executive 12 years ago, he brought to the office a well-rounded background. A graduate of the Middletown school system and of Cornell University—both undergraduate and graduate degrees—Lou is a veteran of the U.S. Air Force. He was a farmer prior to serving three terms as supervisor of the town of Wallkill.

Lou served as chairman of the Hudson Valley Economic Development District Board, which is the economic development arm of the Hudson Valley Regional Council, a seven-county consortium that deals with problems of municipal government on a regional basis. He was also a member of the Stewart Airport Commission and served a major role in developing that great asset for our region. He was a member of the Orange County Economic Development Committee and serves on numerous other local advisory councils and commissions.

Lou Heimbach also served as president of the New York State County Executives Association, and was vice chairman of the New York State Association of Regional Planning and Development Organization. He also served as a member of the New York State Civil Service Commission Local Personnel Management Advisory Council and was the chairman of the New York State Association of Counties Blue Ribbon Task Force on Physically Handicapped Children.

On the national level, Lou Heimbach has also left his mark. He is past president of the National Association of County Executives and is a member of the board of directors, and also served as vice president of the National Conference of Republican County Officials. He is a senior member of the National Association of Counties Human Services Steering Committee and served on that organization's board of directors.

Lou is an old-fashioned "joiner," who has been active in a large number of organizations in Orange County, including the town of Wallkill Kiwanis and the Orange County Heart Association. He was chairman of the Orange County Chamber of Commerce Rail Task Force, and is a former president of the Orange County Association of Supervisors and Mayors.

Mr. Speaker, the citizenry of Orange County was shocked and saddened last spring when Lou Heimbach announced that he would not seek a fourth term in office. However, we appreciate that he has certainly earned a respite after his many years of hard work and dedication to public service. We were subsequently pleased to learn that Lou has accepted a position with the Sterling Forest Development Corp. after he leaves office. Accordingly, his expertise and dedication to our community will not be lost to our region after he leaves office.

To Lou, to his wife Catherine, and to their sons David and Jonathan, we wish the best of luck. Lou Heimbach has been the personification of excellence in public service.

Mr. Speaker, I invite all of our colleagues to join with me in saluting retiring County Executive Louis Heimbach.

A CONGRESSIONAL SALUTE TO LEONARD SHANE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ANDERSON. Mr. Speaker, it is a great pleasure to rise before you today to pay tribute to an outstanding individual and a very close personal friend. On January 21, 1990, at the Beverly Hills Hotel, Mr. Leonard Shane will be awarded an honorary doctor of philosophy degree by Ben-Gurion University of the Negev, in Israel. This occasion gives me the opportunity to express my sincere appreciation for his lifelong commitment to the community, the Ben-Gurion University, and his many years of friendship to me personally.

Born in Chicago and educated in the Chicago School System, the University of Chicago, and the Illinois Institute of Technology, Leonard Shane has been a valued resident of California since 1948. Currently living in Newport Beach, Leonard has focused his professional endeavors on activities related to financial institutions. He is the past chairman of the U.S. League of Savings Institutions, the 3,500-member national trade association for savings and loan associations and other thrift organizations, and is immediate past chairman of the League's Legislative Committee. In addition, he is also past chairman of the California League of Savings Institutions, the statewide trade association of the industry.

Aside from his professional accomplishments in the financial arena, Leonard is a self-proclaimed home ownership activist. He believes that the national priority for home ownership and housing in the private sector must not only be continued, but must be extended for social, as well as economic reasons. Moreover, he feels that a family with a home, a stake in a home, or an aspiration for a home that they can own, constitutes a stronger force for freedom and democracy than the family with neither home ownership nor hope for home ownership.

Also active in social and civic organizations, as well as trade associations, Shane holds over 300 awards and citations. Between one-third and one-half of his time is given to civic and charitable activities. He has served as president of the Los Angeles Recreation and Park Commission, as member of an Orange County local school board, and president of the Jewish Federation of Orange County. He holds the Ben-Gurion Medal from the State of Israel, the Humanitarian Award for the National Conference of Christians and Jews, and the Outstanding Business Leader's Award from Northwood Institute. For the last 10 years, he has averaged over 50 speeches a year, and has been a guest speaker at events in 47 of the 50 States and a number of nations overseas.

With respect to my personal involvement with Leonard Shane, our relationship spans a period of over 40 years. It was in the 1940's when I first met Leonard while walking door to door during one of my campaigns. Since that time, he has been of tremendous assistance to me in both politics and business. He is one individual that my family and I have always been able to count on. For this, I am eternally grateful.

My wife, Lee, and my son, Evan, join me in extending our congratulations to this caring and giving individual. Leonard Shane is truly a remarkable individual who has devoted his talents and energies to enriching the lives of so many other people. We wish Leonard, his wife Marge, their children; Bill, Shelly, Judy, Marsha, and their families, all the best in the years to come.

EXPEDITED RESCISSION BILL

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. OWENS of Utah. Mr. Speaker, phrases like "fiscal responsibility," and "tough choices" abound in Congress. As time goes on and this Nation's debt ceiling reaches further into the trillions, the only bargain to be found is the rhetoric. Talk is cheap.

Unfortunately, Gramm-Rudman-Hollings has inspired more creativity in accounting gimmicks and 1-year savings than real budget discipline. Just look at the numbers. The deficits have actually been increasing—from $150 billion in fiscal year 1987 to more than $161 billion in fiscal year 1989.

Process is not the problem; courage is. However, in the absence of courage, and faced with a deficit which will cripple our children, the only alternative is to hone the process and keep our feet to the fire.

Mr. Speaker, I rise today to introduce, along with eight of my colleagues, bipartisan legislation which improves an existing mechanism for cutting spending. This expedited rescission bill takes the President's authority to submit a spending cut proposal on appropriations bills and forces Congress to respond one way or the other within 20 days. There's no way out. The President must submit a rescission message and Congress must act on it. There's no room in this bill for accounting gimmicks. It forces the tough choices.

GILMER T. CARTER LEADS WORLD WAR I VETERANS

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. NEAL of North Carolina. Mr. Speaker, in my hometown of Winston-Salem, NC, we are extremely proud that one of our neighbors, Gilmer T. Carter, is serving this year as national commander of the Veterans of World War I.

Commander Carter, at age 93, is providing dedicated and energetic leadership for our Nation's oldest active veterans' organization. Of more than 4.7 million Americans who participated in World War I, about 100,000 are

alive today. Their ages range from 86 to 110; their average age is 94.

We owe a special debt to these good people who defended our freedom so long ago. With their experience, wisdom, and patriotism, our World War I veterans are a great resource. It is a privilege to have with us so many men and women with vivid memories of great battles like the Argonne, Chateau Thierry, and Verdun, people who have experienced and observed nearly all of the 20th century.

Gilmer Carter enlisted in the U.S. Army on January 29, 1915, and was sent to the Panama Canal Zone. In November 1918, he was on a troop ship headed for France when the Armistice ending the war was signed. "It was the best news I'd ever heard," Mr. Carter recalls. His ship was detoured to New Orleans.

Mr. Carter served 8½ years in the Army and helped to establish the first radar battery. Afterward, in civilian life, he was part owner and general manager of a newspaper in Radford, VA.

Gilmer Carter is a member of the NC Veterans Affairs Committee, the NC Veterans Council, and Governor Jim Martin's "Jobs for Veterans" Committee. In October 1987, Governor Martin asked Mr. Carter to represent him at the dedication of our State's portion of the Medal of Honor Grove at Freedoms Foundation, Valley Forge, PA. In June 1987, Mr. Carter was one of the World War I veterans honored in Paris, France.

Mr. Carter has also been active in community affairs. A Boy Scout leader for 41 years, he was awarded the Silver Beaver Award, the highest honor given to adult scouts.

Mr. Speaker, we are proud of Commander Carter, and we wish him well as he works on behalf of all veterans and helps us keep the flame of memory alive.

On November 11, 1989, the Veterans of World War I were the host organization for the annual Veterans' Day observance at Arlington National Cemetery. Mr. Speaker, I ask that Commander Carter's welcoming remarks at that event be published in the RECORD for the benefit of our colleagues.

Commander Carter's remarks follow:

Distinguished Guests, Veteran Leaders, Family and Friends, Ladies and Gentlemen, and to all the Doughboys and Buddies across this nation:

It is my privilege and great honor to greet you on behalf of the Officers and Members of the Veterans of World War One of the United States of America.

By virtue of having something in common, we have gathered here in this magnificent amphitheater, to pay our respect to the memories of those men and women of all ages who have served in America's armed forces.

Seventy-one years ago on this day, an Armistice ended the First Great War. Our Republic due to the courage of our American men and women, emerged from that conflict with an international reputation, a reputation which told the world, "we will sacrifice, we will pay whatever the price may be to keep our free heritage." When our iron Commander, General Black Jack Pershing, arrived in Europe he displayed to the late coming military forces, a patriot firmly convinced of the justice of the American cause. He believed not in luck as much as reaching goals through steady, disciplined common effort.

Since the end of World War 1, writers have tried to recapture for movies and books, the emotions when the guns stopped. But only those who were there that morning and lived it, can recall, the order to stop firing being passed on, men standing mute, guns still in hand in case this was a joke being played on war-weary troops. The waiting seemed endless . . . then the cries, screams, tears, laughter and wild cheering, both sides walking cautiously into the open. On the 11th hour of the 11th day of the 11th month, the fighting in "the war to end all wars" was ended.

November 11, Veterans Day; a day that shall forever be remembered in the hearts of World War 1 veterans as Armistice Day.

We hope your participation with us in this ceremony and the 3 o'clock program at the grave side of General Pershing today, will enhance your feeling of patriotism and pride in being an AMERICAN.

THE BIOLOGICAL DEFENSE RESEARCH REPORTING ACT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues a public safety matter of importance to all Americans. Across our Nation over 100 public and private laboratories are conducting research, on behalf of the Department of Defense, with the most infectious and pathogenic organisms known to man. The list of organisms being worked with includes Anthrax, Bubonic Plaque, Q Fever, Crimean-Congo Hemorrhagic Fever, and host of other lethal organisms. The necessity of developing vaccines for the diseases these organisms inflict is not being brought into question, the safety surrounding this research is.

Under present law, laboratories contracting to do biological defense research for the Department of Defense are not required to inform fire department, police or hospital officials, whose jurisdiction they are within, as to the nature of their work. Local emergency response personnel have been left in the dark about biological defense research projects. The potential danger of this situation to those living around facilities involved in biological defense research cannot be overstated. When the authorities designated to assist and protect a communty in times of emergency are unprepared, the safety of the community is in jeopardy.

As a remedy to this situation, I am introducing the Biological Defense Research Reporting Act. This legislation is designed to notify and inform those responsible for protecting our citizens as to the procedures and precautions required in the event a harmful biological agent were to escape from the confines of a biological defense research facility. The emergency protocol required by the Biological Defense Research Reporting Act will contain no classified material and will be subject to review by the Secretary of Defense prior to being issued. I include for the record a copy of the Biological Defense Research Reporting Act.

The need to protect our citizens has been the impetus for conducting biological defense research; let it also be the impetus for regulating biological defense research. I urge my colleagues and all those interested in public safety to support the Biological Defense Research Reporting Act.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biological Defense Research Reporting Act".

SEC. 2. NOTIFICATION AND REPORTING FOR RESEARCH FACILITIES.

(a) ESTABLISHMENT OF REPORTING SYSTEM.—Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2370. Reporting for biological defense research facilities

"(a) NOTIFICATION.—Not later than 90 days after the date of the enactment of the Biological Defense Research Reporting Act, the Secretary shall notify each biological defense research facility in writing of the requirements of this section. Each contract entered into by the Secretary with such a facility after such date of enactment shall include a provision requiring compliance with this section.

"(b) DISCLOSURE.—Not later than 60 days after notification from the Secretary under subsection (a) (or, if later, 60 days after a biological defense research facility begins conducting research for the Department of Defense), each biological defense research facility operator shall notify each police and fire department with jurisdiction over the facility, and the hospital with the closest proximity to the facility, regarding the existence of research efforts conducted with biological agents requiring biosafety levels II, III, or IV.

"(c) ANNUAL REPORT.—Not later than April 1 of each year, each biological defense research facility operator shall submit to the Secretary an annual report. Each annual report shall include the following:

"(1) A list of unclassified biological agents requiring biosafety levels of II, III, or IV.

"(2) The biosafety level for each unclassified biological agent.

"(3) The location of each unclassified agent within the facility.

"(4) The methods and procedures to be followed by facility operators to respond to the release of biological agents, including the following:

"(A) Procedures providing effective and timely notice to each police and fire department with jurisdiction over the facility and to the hospital with the closest proximity to the facility that a release his occurred.

"(B) A description of emergency equipment and identification of persons responsible for the equipment.

"(C) Evacuation plans for the facility.

"(d) REVIEW BY SECRETARY.—The Secretary shall review each annual report not later than 60 days after receipt of the annual report.

"(e) APPROVAL BY SECRETARY.—Each annual report that, in the discretion of the Secretary, complies with the requirements under subsection (c) shall be approved by the Secretary. Each approved annual report shall be sent to the biological research facil-

ity not later than 90 days after receipt by the Secretary.

"(f) SUBSEQUENT NOTICE.—Not later than 30 days after receipt of the approved annual report from the Secretary, the biological defense research facility shall send the approved annual report to each police and fire department with jurisdiction over the facility and the hospital with the closest proximity to the facility.

"(g) MEETINGS.—Not later than 90 days after receipt of the approved annual report from the Secretary, the biological defense research facility shall request in writing to meet with representatives from each police and fire department with jurisdiction over the facility and the hospital with the closest proximity to the facility.

"(h) PERFORMANCE REQUIREMENT.—The Secretary may cancel or decline to renew a contract with a biological defense research facility if the Secretary determines that the biological defense research facility has not complied with the requirements in subsections (c), (f), and (g).

"(i) DEFINITIONS.—For purposes of this section:

"(i) The term 'biological agents' means living organisms, whatever their form, or infective materials derived from them which are intended to cause disease or death in people, animals, and plants, and which depend on the ability to multiply in the person, animal, or plant attacked.

"(2) The term 'biological defense research facility' means any private laboratory under contract or agreement with the Department of Defense that conducts biological defense research.

"(3) The term 'biosafety level' means the applicable biosafety level described in the publication entitled 'Biosafety in Microbiological and Biomedical Laboratories' published by the Department of Health and Human Services (HHS Publication No. NIH 88-8395, 2d edition, May 1988).

"(4) The term 'release' means the intentional or unintentional escape of a biological agent requiring a biosafety level of II, III, or IV outside the confines of biological defense research facility.

"(5) The term 'research' means research, storage, development, testing, and evaluation.

"(6) The term 'Secretary' means the Secretary of Defense.

"(j) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 139 of title 10, United States Code, is amended by adding at the end the following new item:

"2370. Reporting for biological defense research facilities.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply after December 31, 1990.

H.R. 3747, MEDICARE REIMBURSEMENT OF HOSPITALS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3747, legislation which I am cosponsoring to address the differences in Medicare reimbursements received by rural and urban hospitals.

And I would like to commend the gentleman from Arkansas [Mr. ALEXANDER] for introducing this important legislation.

H.R. 3747 would direct the Secretary of Health and Human Services to conduct a study of the actual operating costs among large urban, other urban, and rural hospitals.

The statistics speak for themselves: 63 percent of rural hospitals lose money on Medicare patients, 54 percent of urban hospitals make a profit on Medicare.

Rural and small urban community residents traditionally have lower average incomes than large urban residents. Therefore, these smaller hospitals rely heavily upon Medicare reimbursement.

This study would provide the prospective payment assessment commission with the data and facts which it needs in order to make an informed and well founded decision with regard to Medicare reimbursement of hospitals.

Mr. Speaker, I urge my colleagues to join today in support of this vital bill.

"ICE"

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. LEVINE of California. Mr. Speaker, as our Nation is still struggles to cope with the epidemic of crack cocaine and its wake of addiction, violence, and human misery, "ice", a new and far more destructive drug has started to appear in our cities. Ice, a form of smokable speed, is more deadly and addictive even than crack. Ice users are especially known for episodes of violence and paranoia.

To head off this deadly epidemic before it takes its toll in crime and violence on our streets and in our schools, I am introducing, along with my distinguished colleagues, the chairman of the select committee on Narcotics, Mr. RANGEL, and the ranking minority member, Mr. COUGHLIN, Mr. LEWIS of Florida, and my colleagues from California, Mr. ROYBAL and Mr. BERMAN, legislation to increase the criminal penalties for drug dealers who traffic in ice.

Ice is a crystal form of methamphetamine or "speed." It is far more pure, and consequently more powerful, than most speed previously available on the street. Ice is sold in small crystal rocks, which are smoke in a pipe. The ice high can last from 4 to 12 hours.

I am very concerned about the extreme level of violence reported with ice abuse. Action under ice-induced paranoia and schizophrenia, abusers can become extremely distrustful, quickly resorting to violence when they feel threatened. Medical personnel report that ice users are more belligerent, need to be placed in restraints more frequently, and require more guards to restrain them. As another indication of the Drug-induced paranoia and level of potential violence, law enforcement reports of drug busts indicate that ice users are frequently heavily armed with assault rifles including AK–47 and uzis, sawed-off shot guns, and even grenades. Additionally, an ice epidemic would likely result in increased gang violence as ice traffickers compete with crack dealers for the same market.

A powerful stimulant to the central nervous system, ice use is truly a form of Russian roulette. Emergency rooms report that ice users suffer from heart attacks and irregular heartbeat, strokes, convulsions, seizures, and extreme body temperature increases which can result in kidney failure. Additionally, ice abuse results in paranoia, depression, hallucinations, delusions, and schizophrenia. Especially alarming, according to early reports, these symptoms do not always clear up when ice abuse is halted. Symptoms may persist for months, and in some case ice abuse apparently causes permanent psychosis.

I am very concerned about the allure of this dangerous drug. In just 3 years ice has become the most frequently abused drug in Hawaii. Because of the longer high, ice is considered a poor man's cocaine and is especially popular among teen-agers and blue-collar workers. Since ice can be manufactured domestically, the price will actually drop as more methamphetamine lab operators manufacture ice, further increasing its availability and popularity.

The method of ice use further contributes to its allure. Since ice is smoked, individuals adverse to using needles are willing to try it. Finally, there has been a shocking misrepresentation that although crack is dangerous, ice is a safe drug. Some workers believe that ice will make them work better and longer.

A serious problem associated with Methamphetamine, and now ice manufacture, is the disposal of toxic chemical byproducts by methamphetamine lab operators. Approximately 2 gallons of toxic chemicals result from the manufature of 1 gallon of methamphetamine. Lab operators frequently often risk contaminating ground water by pouring these toxic byproducts down the drain. Law enforcement officers have been hospitalized after exposure to the dangerous chemicals during methamphetamine lab busts, and, in a case in Riverside, CA, chidren were hospitalized after playing in the yard where the previous tenant, a methamphetamine lab operator, had buried the toxic byproducts.

Right now, we still have a chance to halt this deadly drug before a new drug epidemic leaves the Nation reeling. The legislation my colleagues and I are introducing today establishes a minimum sentence of 10 years upon first conviction if death or serious bodily injury result from trafficking in 50 grams or more of smokable methamphetamine, 20 years minimum sentence after a previous drug felony conviction, and life imprisonment without release if two previous felony convictions have occurred. This brings the penalties for ice trafficking up to the same standard for conviction of trafficking of 50 grams of crack.

Now is the time to impose tough penalties for the sale and manufacture of ice, before we are in the throes of another drug epidemic. Let drug traffickers beware, we will not stand by helplessly while our children are corrupted by another wave of violence, misery and death.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of

American in Congress assembled, That section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A))is amended—

(1) in clause (vii), by striking out "or" after the semicolon at the end;

(2) in clause (viii), by inserting "or" after the semicolon at the end; and

(3) by inserting after clause (viii) the following new clause:

"(ix) 50 grams or more of smokable crystal methamphetamine, its salts, isomers, or salts of its isomers;".

ARREST HUNGER PROGRAM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Ms. PELOSI. Mr. Speaker, I rise today to share with my colleagues the valuable contributions being made by the Arrest Hunger Program in San Francisco.

The Arrest Hunger Program is a unique community partnership which collects and distributes food to those in need throughout the San Francisco Bay area. This organization uses the credibility and resources of volunteer off-duty police officers to accomplish much of its work.

The primary objective of the program is to provide significant amounts of food for the needy on a regular basis. The success of the Arrest Hunger organization can be attributed to its beginnings in October 1985. Donations came principally from collections at neighborhood Safeway Stores and from a special canned ham donation sponsored by the San Francisco 49ers at a Sunday football game. Over 650 volunteers participated and the costs were covered entirely by donations.

Arrest Hunger's effectiveness stems from its continuity and depth; it remains inclusive, not exclusive. Over 50 bay area agencies/nonprofit organizations have been involved in the past 4 years.

Most recently, Arrest Hunger joined forces with the Teamsters Union to provide relief to victims of the October 17, 1989, northern California earthquake. Volunteers provided assistance to local agencies such as San Francisco's Glide Memorial Church and families located under the Cypress Freeway collapse. Attention was also focused to other areas devastated by the earthquake. Responding to desperate appeals from Watsonville for baby food and diapers, two semitrucks were dispatched full of food and other emergency aids.

The goals of Arrest Hunger are to support the operation of local food agencies, food pantries, and feeding programs in the San Francisco Bay area and providing opportunities for individuals, corporations, and social service agencies to complement the core of law enforcement volunteers in accomplishments. It involves the recipients of food baskets as volunteers in subsequent Arrest Hunger projects so they have a sense of involvement and they strive to increase public awareness of hunger issues.

They also provide positive community exposure and experiences for the local police and for local business sponsors through publicity and special recognition of their efforts and to create a successful program which can be easily replicated in other communities without the need for complex technical assistance or significant outside funding.

Arrest Hunger is an exemplary program that not only serves the needy and hungry people of the San Franicso Bay area but also stimulates a greater awareness of the problem of hunger in our community.

ROY CROCKETT: CONSERVATIONIST

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. JONTZ. Mr. Speaker, I rise today to commemorate the life of Roy Crockett, a conservationist, a leader, and a friend. Roy and I worked together on conservation and environmental issues in Indiana for nearly 20 years. His concern for future generations extended not only to his preservation of natural areas but to his efforts to establish environmental education programs for children. I ask unanimous consent that the following editorial from the October 11, 1989 edition of the Marion (Indiana) Chronicle Tribune, be included in the extension of my remarks.

[From the Marion (Ind.) Chronicle—Tribune, Oct. 11, 1989]

ROY CROCKETT: CONSERVATIONIST

Roy B. Crockett was one of Indiana's leading conservationists, and his primary concern was people pollution.

When Crockett was elected national president of the Izaak Walton League of America in 1970, he was determined to change the League's image as a group of hunters and fishermen.

"We're becoming polluted with people, and we're going to have to control population or we could get into mass starvation," Crockett warned in 1970.

"The problems of man are similar to wildlife in that we can only sustain certain numbers with what we have. We can only house, clothe and properly feed a specific number of people . . . From another point of view, all pollution of nature gets back to humans and the League has always been concerned with this."

Crockett went on to serve three consecutive terms as national president of the 55,000-member League. He also served as state president of the organization for three years.

Crockett was a force behind preserving two natural areas in Indiana. As president of the Indiana division of the Izaak Walton League, he was an advocate for establishing the Indiana Dunes National Lakeshore. He also successfully fought a plan by the U.S. Army Corps of Engineers to build a dam in the Big Walnut Valley, about 25 miles west of Indianapolis.

Locally, Crockett was active on a committee in the mid-1970's to purchase Asherwood for use as an outdoor environmental laboratory for students in the Marion Community Schools.

In 1966, Crockett was named Indiana Conservationist of the Year by the Indiana Conservation Council.

Roy Crockett died early Friday after returning to his Marion home from jogging. He was 61.

Crockett once said that he was not given to marching and waving signs in pursuit of his goals, but he didn't have to be. He left his mark for future generations by working quietly, but effectively, through established channels.

HONORING MAYOR LEO W. KING, CITY OF BALDWIN PARK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. TORRES. Mr. Speaker, I rise today to recognize a very special individual, Mr. Leo King, mayor of the city of Baldwin Park. Leo is retiring from the city council and will be honored at a special luncheon on Friday, December 1, 1989.

Leo King served on the Baldwin Park City Council as councilman for 15 years and has presently completed his third year as the elected mayor of the city.

Leo was born in Los Angeles, CA, where he attended local schools. He attended the Oklahoma School of Technology and is a registered professional engineer. In Oklahoma, he met and married the former Mary Ann Kranz and together they have three daughters, Kathleen Marie Samples, Terrie Lee Dell, and Leah Costello. They have four grandchildren.

Mayor King has spent many years in public life. Five and one-half years on the Baldwin Park Planning Commission where he served as chairman and vice chairman. He served 5 years as a member of the State Coastal Commission, 1 year as its vice chairman. In January of this year, he was elected to the Board of the Air Quality Management District where he represents four counties and 13 million people. He is the immediate past board member of the State Board of Registration for Geologists and Geophysicists, past president of the East San Gabriel Valley Planning Committee, and he has served as treasurer for the League of California Cities.

Mr. Speaker, on December 1, 1989, the city of Baldwin Park and the League of California Cities will honor Leo King for his tremendous contributions to the residents of this community. I ask my colleagues to join me in saluting my friend and adviser, Leo King for his outstanding record of service to the people of southern California and to the community of Baldwin Park.

JOHN S. BURKE CATHOLIC HIGH SCHOOL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GILMAN. Mr. Speaker, the John S. Burke Catholic High School will soon be celebrating the 25th anniversary of its beautiful campus on Fletcher Street in Goshen, NY. On December 8, the Feast of the Immaculate

Conception, Rev. Hugh McManus, Cardinal O'Conner's vicar for education, will celebrate a mass of thanksgiving for the faculty, staff, and student body. It is especially appropriate that solemn ceremonies will mark this occasion, for this month is also the 100th anniversary of the birth of John S. Burke.

In keeping with the long tradition of Catholic education in the Archdiocese of New York, Burke Catholic has made a continuous effort to train its students in the recognition of their civic and religious responsibilities. By constant adaptation to the needs of the students in these times, the school hopes to maintain its place in the community of which it is a part and to perpetuate the tradition of service which was characterized the school since it was founded.

At the time the school moved to its current building in 1964, it was renamed in honor of John Stephen Burke, an outstanding layman who did much to promote the cause of Catholic education. John Burke was born on November 6, 1889, in Norwich, CT. A graduate of Yale University, Mr. Burke became president of B. Altman & Co. in 1931. He dedicated most of his life to service to his fellow man, serving as a trustee of Catholic Charities, as president of the Altman and Friedsam Foundations, and as chairman of Cardinal Spellman's Committee of the Laity of New York Charities.

Mr. Burke sought no personal publicity for the millions of dollars he provided to those in need through these charities. In 1938, he was made a Papal Chamberlain of the Cape and Sword by Pope Pius XI, and was also a Knight of Malta. He was awarded honorary degrees by Fordham, Manhattan, Notre Dame, Providence, Holy Cross, St. Bonaventure, and St. John's Universities. At the time of his demise on April 27, 1962, he was beloved for his good works as well as for his gracious, kindly, and charming personality.

It was extremely appropriate that the school be renamed in honor of this fantastic benefactor when the new building was dedicated on December 7, 1964, by the late Francis Cardinal Spellman.

The school itself has its roots back in 1899, when it was accredited—as St. John's Academic School—by the New York State Board of Regents. Both before and since its renaming as John Burke, it has enjoyed a reputation far and wide for academic excellence. The school offers a diversified and comprehensive educational experience which encourages a spirit of inquiry and independent judgment. The curriculum is designed to assist the students in the recognition and development of their natural abilities.

The total program fosters an appreciation of the American heritage while recognizing the needs and contributions of all peoples and nations. Active participation as citizens in a free democratic society is stressed. The students are brought to a greater realization of and respect for their own rights and the rights of others.

John S. Burke Catholic High School has had significant growth since 1964. A major addition was opened in the spring of 1983 by the late Terance Cardinal Cooke. Today, some 500 young men and women learn and grow at John S. Burke.

Mr. Speaker, I invite all of our colleagues to join in congratulating John S. Burke Catholic High School on the celebration of the 25th anniversary of their new building, and on the 100th anniversary of the birth of John S. Burke. The parents, faculty, administration, and student body of this fine institution work together to develop both intellectually and spiritually. I am proud to represent John S. Burke Catholic High School as a part of our 22d Congressional District of New York.

A CONGRESSIONAL SALUTE TO CPL. MARC COBB AND OFFICER DANIEL BARBER OF THE LONG BEACH, CALIFORNIA POLICE DEPARTMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ANDERSON. Mr. Speaker, today I rise in tribute to the accomplishments of two officers representing Long Beach in the 1989 National Police Shooting Championships, Cpl. Marc Cobb and Officer Daniel Barber. Against national competition of the highest caliber, these two men took the top honors at the event. I stand in praise of their skill and accomplishments. These two men represent the highest ideals of marksmenship.

Between September 25th and the 28th, this prestigious shooting competition was held in Jackson, MS. The matches were sponsored by the National Rifle Association and were conducted by the city of Jackson Police Department at its new firing range. There were approximately 760 shooters from over 100 agencies nationwide who competed in the 28th annual event.

Individual championships were based on the aggregate score of 5 matches consisting of 150 total shots fired from 7, 15, 25, and 50 yards. The shooters fired from a variety of positions and within strict time limitations. In this competition, Marc Cobb fired an amazing 1,495 with 107 x's out of a possible 1,500 points. This remarkable score earned him the title of 1989 National Police Shooting Champion. His score was the fifth highest total ever to be fired at the national champsionships. His Long Beach teammate, Dan Barbar, followed him with a score of 1,491, earning him 10th place in the overall championship and giving him 2d place honors in the municipal category. Mr. Cobb continued his success with a third place finish overall in the service revolver match.

Cobb and Barber then teamed up to successfully defend their national title in the two-person team title, won last year in Des Moines, IA. Marc Cobb fired a 598–44x while Dan Barber fired a 594–37x for an aggregate of 1,192–81x, out of a possible 1,200. The nearest competition was a distant 1,188 points. Not stopping there, Cobb and Barber took on one Canadian and one British team for the World Two-Person Title, won by Long Beach the previous year. Firing a 594 and a 596 respectively, Cobb and Barber successfully defended this honor as well. The individual and combined feats of these two men would seem an unparalled record of skill.

Finally I offer my hearty congratulations to the rest of the Long Beach team: Brian Hauptmann, with a third place overall in the service revolver match, Greg Allison, with a third place finish in the semi-automatic match, and to Darrin Davenport and Gary Robertson for their fine showings. My wife Lee and I, as well as the entire city of Long Beach, honor you all. Your performances are a tribute to the entire Long Beach police force. We extend our most sincere congratulations to you on your magnificent accomplishments.

ENHANCED COMMONWEALTH STATUS FOR PUERTO RICO BACKED BY STATE DEMOCRATIC CHAIRS

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FUSTER. Mr. Speaker, as I have pointed out to my colleagues many times in recent months, Congress is moving along the path of approving legislation for the holding of a political status plebiscite in Puerto Rico in 1991 among the choices of statehood, independence, or an enhancement of the existing commonwealth status, which I favor.

This issue is a very crucial one, Mr. Speaker. The Senate Energy and Natural Resources Committee has already marked up a plebiscite bill, and further hearings on that legislation were held in recent weeks by the Senate Agriculture Committee and the Senate Finance Committee. The House Interior and Insular Affairs Committee has indicated that it will hold hearings some time next year, after the recess. Then, hopefully, the full House and Senate will approve the bill later next year so that a plebiscite could be held in the summer of 1991.

To that end, Mr. Speaker, the Association of State Democratic Chairs, which met in San Juan last weekend, approved a resolution which noted the importance of the plebescite and, importantly, came out in favor of the enhanced commonwealth option. This was an important policy statement, Mr. Speaker, and I would now like to share that full resolution with my colleagues.

ASSOCIATION OF STATE DEMOCRATIC CHAIRS RESOLUTION

STATEMENT OF PURPOSE

1. Cognizant of the long history of discussion of the relationship between the United States and Puerto Rico;

2. Aware of the efforts currently under way for a status referendum to be held in the Summer of 1991, and the adoption of federal legislation assuring the implementation of the will of the people;

3. Strongly supporting the proposed status referendum to be held in the Summer of 1991, as agreed by all the political parties in Puerto Rico;

4. Committed, as the leadership of the Democratic Party, to strengthening the democratic process and extending full social justice to all U.S. citizens, including the 3.3

million U.S. citizens of the Commonwealth of Puerto Rico;

5. Reaffirming our strong conviction of the desirability of enhancing the Commonwealth of Puerto Rico with greater autonomy within its permanent relationship with the United States in order fully to achieve the economic, social and political goals of its people, as expressed in the 1988 Platform of the National Democratic Party;

Be it resolved that: First, the Association of State Democratic Chairs strongly supports the ongoing process designed to enable the people of Puerto Rico to decide on their future political destiny through a referendum to be held in the Summer of 1991, with adequate mechanisms of implementation of the will of the people.

Second, it is this Association's firm belief that for the purpose to be fair and equitable, the three options presented to the people of Puerto Rico must be balanced, and clearly defined.

Third, we reiterate that this process should enable the people of Puerto Rico to choose an enhanced Commonwealth status, with greater autonomy in its permanent relationship with the United States, to achieve the economic, social and political goals of its people, with just and fair participation in federal social programs, that would do justice to the people of Puerto Rico and assure them the basic safety net that all American citizens should have.

Fourth, we reiterate our support for incorporating into the status referendum bill provisions designed to enhance the Commonwealth status with greater autonomy within its permanent relationship with the United States and to assure its needy citizens a full and fair participation in the federal social programs that constitute our society's basic safety net.

SALUTE TO MICHAEL BRISEBOIS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SMITH of Florida. Mr. Speaker, I know there are often complaints about mail service, but I feel compelled to call your attention to a unique act of bravery that occurred in my district. Michael Brisebois of Sunrise, FL, while serving as a postman in a Hollywood neighborhood, risked his life to save Joe Harris from a house on fire.

With so much hostility in the world, it is refreshing and reassuring that people will go above and beyond what is expected of them to help others. Those who risk so much should be an inspiration to us all.

At the end of my remarks I am appending an article from the Miami Herald which recounts Mr. Brisebois' heroism. I ask you to join me in a salute to Michael Brisebois, a man whose courage deserves this country's admiration.

The article follows:

FIRST-CLASS HERO: POSTMAN SAVES LIFE

(By Curtis Morgan)

HOLLYWOOD.—Joe Harris, napping on a quiet Monday afternoon in his Hollywood home, first thought the voice was a dream, then maybe a joke.

But it was real and the voice yielding. "Joe, c'mon get out of there! The house is afire!" was urgent.

Harris blinked awake to find his postman, Michael Brisebois, at the bedroom door. Brisebois had rushed into the burning home when Harris didn't respond to frantic pounding at the front door. The two quickly scrambled to safety while an attic fire began to spread and shoot smoke and flames from roof ventilators.

"I'll never forget his voice, no sirree," Harris, 85, said while Hollywood firefighters cleaned up after dousing the blaze at his 4901 W. Park Road home. "I surely owe him."

"I just did what I had to do," said Brisebois, 35, who for three years had delivered Harris' mail and often chatted with the avid golfer who is the retired owner of a tree-trimming company.

"You always watch out for your elderly patrons," said Brisebois, who lives in Sunrise. "It becomes like family on the route."

Hollywood Fire Inspector Thomas Bradford credited Brisebois' quick actions with averting what could have been a far worse fire. Attic blazes are among the hardest to battle because there is so little room to operate in tight crawl spaces, but firefighters got to this one early and had it out in 15 minutes.

There was light smoke damage to the inside of the stucco-and-brick home.

Neither Brisebois or Harris was hurt.

Brisebois quickly headed back to his U.S. Postal Service office, 5771 Johnson St., smelling of smoke and gushing the story as an excuse for being 15 minutes late, said his supervisor, Kristine Gay.

"Sometime they get touchy on overtime," Brisebois joked. "I just wanted to cover myself."

Investigators hadn't determined the cause of the fire, but Bradford said overstuffed or carelessly packed attics can cause trouble. Sometimes boxes are stacked on or near wiring and, in rare cases, there can be such little circulation and such high heat during a sweltering day that material can spontaneously ignite.

Harris, recovering from recent cataract surgery, said his sister, who was spending the summer in Franklin, N.C., kept the attic full of items she had collected.

"She has so much damn junk in there, I don't know what it is," he said.

By Monday evening, Harris was ready to forget the fire and get back to what he does best—golf.

AGING AIRCRAFT SAFETY ACT OF 1989

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. OBERSTAR. Mr. Speaker, today the gentleman from Pennsylvania [Mr. CLINGER] and I will introduce the Aging Aircraft Safety Act of 1989, which would require the Federal Aviation Administration to establish a heightened, more intensive review of aircraft as they reach and surpass their economic design lives. This bill will be one of the early priorities of the Public Works and Transportation Subcommittee on Aviation when Congress reconvenes next year.

The legislation arises out of several years of intensive review by both the Subcommittee on Aviation and the Subcommittee on Investigations and Oversight, which I have chaired, on oversight of the FAA's maintenance program, specifically maintenance of aging aircraft.

The legislation I have introduced directs the FAA to initiate a rulemaking to require a special inspection of aircraft focused on aging aircraft issues. This special inspection would take place during the last year of the economic design life of the aircraft. This will ensure that all necessary actions have been taken to safely operate the aircraft beyond its economic design life.

The bill would require the FAA to propose a rule within 6 months of enactment. This will give the FAA time to develop regulations, and then to publish them to assure full public participation and input into the process.

It would also put the burden on the carrier to comply with the new rule, in order for the aircraft to be permitted to continue to fly.

The purpose of the legislation is to foster a higher level of visibility and public accountability by the air carriers, who have the first line responsibility for maintenance, especially of aging aircraft.

I want to assure all concerned that the Subcommittee on Aviation will follow with keen interest the progress and product of the resulting rulemaking.

The Aging Aircraft Safety Act will, if enacted and properly implemented, respond to the public's very real concern for the safety of aging aircraft. Americans will thus be able to fly with added confidence that older aircraft have been given an extra, intensive inspection, with particular attention to the specific problems common to aging aircraft, and that each of these airplanes is as safe as human beings can make it.

For our colleagues reference and information, I provide here a section-by-section description:

SECTION-BY-SECTION DESCRIPTION

Section 1 provides a short title, the "Aging Aircraft Safety Act of 1989."

Section 2 directs the Federal Aviation Administration to initiate a rulemaking proceeding within 180 days to:

(1) Require the Administrator to conduct (A) an inspection of each air carrier aircraft during the last year of its economic design life or, in the case of aircraft which are already beyond their design life, within one year of the issuance of regulations and (B) a review of maintenance records for such aircraft for the purpose of determining the adequacy of inspections and maintenance.

(2) Require air carriers as part of the inspection to demonstrate that maintenance on age-sensitive structure, parts and components has been adequate and timely to ensure the highest degree of safety beyond the economic design life.

(3) Establish administrative procedures to be followed during the inspection.

(4) Require air carriers to make records available for the inspection.

(5) Establish a continuing program for reviewing and evaluating the aircraft periodically after the aircraft has exceeded the economic design life.

(6) Establish methods for determining the economic design life of aircraft.

Section 3 requires for the FAA Administrator to suspend airworthiness certificates on the last day of an aircraft's economic design life, unless the Administrator determines, after the inspection described in Sec-

tion 2, that the aircraft is safe to be continued to be used to provide air transportation.

THE UNITED STATES SHOULD INCLUDE FUNDING FOR THE UNITED NATIONS POPULATION FUND

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MOODY. Mr. Speaker, I am voting against the rule to the foreign operations bill because of the elimination of the Mikulski amendment. The Mikulski amendment would have required $15 million of the fiscal year 1990 appropriation for population to be made available to the United Nations Population Fund [UNFPA]. The amendment stipulated that none of the United States funds may be used in China.

It deeply troubles me that after a majority in both the House and the Senate agreed to funding for the UNFPA our President vetoes this bill on these grounds. We sent the President a carefully crafted place of legislation that clearly stated that no money would be used for China. We even included further explicit language regarding abortion—stating that if any of the U.S. contribution is used for abortion related activities anywhere the UNFPA has to return the U.S. contribution. The UNFPA does not and has never supported abortion as a method of family planning in any of its programs. Clearly this was not an issue of China or abortion as the administration tried to paint it.

The UNFPA provides valuable assistance with maternal and child health care and voluntary family planning. These are efforts that save lives. There are so many women who want the ability to control their family size and space their children, but have no access to contraceptives. People in developing nations are struggling with rapid population growth—fighting for already inadequate resources.

By denying this aid we won't be hurting China, but we will hurt the many nations that do not currently receive any United States assistance with voluntary family planning.

I cannot have it on my conscience that today we are denying crucial assistance to the poor women and children in developing nations and that is why I am voting against this rule. Many people will suffer and even die without these vital funds.

HOW MUCH DOES IT REALLY COST TO RUN A HOSPITAL?

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ALEXANDER. Mr. Speaker, how much does it really cost to run a hospital?

More importantly, does it really cost more to run a hospital in northeast Washington, DC than it does in northeast Arkansas?

I don't know the answers to those questions, but I do know that the difference in Medicare reimbursements received by rural and urban hospitals threatens the quality of health care in northeast Arkansas and in rural areas all across the country.

According to the American Hospital Association, 63 percent of rural hospitals lose money on Medicare patients. By comparison, 54 percent of urban hospitals make a profit on Medicare.

Common sense tells us that if you run a hospital, and you continually lose money on the majority of your patients, you are eventually going to be out of business.

Indeed, the lights are going out and the doors are being shut at hospitals all over the heartland of America. The American Hospital Association says that in 1988, 81 community hospitals closed. That was an all-time record—43 of those 81 were in rural areas, and 2 of the 43 were in the First Congressional District of Arkansas.

Without a change in Medicare laws, the problem will only get worse. The Senate Aging Committee recently published a study predicting that in the next few years, we may lose as many as 600 rural hospitals. And, a recent Touche Ross survey of hospital administrators indicated that 48 percent of small hospitals' administrators expected their facilities to fail within 5 years.

If we are to preserve health care facilities for rural America, the Medicare rural/urban payment differential must be eliminated.

Why does it even exist in the first place?

In 1983, when Congress created the prospective payment system, or PPS, it relied on studies that purported to show that the cost of medical care is lower in rural hospitals than in urban ones.

What was not taken into sufficient consideration is that Medicare reimbursements are much more important to the financial survival of rural hospitals because rural patients are likely to be older, poorer, and sicker than their urban counterparts.

In fairness, the Social Security Amendments of 1983 and subsequent laws required the Secretary of Health and Human Services to study and report on a number of issues regarding geographic differences in the prospective payment system.

This report was submitted to Congress in December 1987. However, it relied on hospital cost data generated between 1980 and 1984.

In 1987, Congess required the Secretary to implement a sophisticated new cost reporting system for PPS hospitals. The statute called for the new system to be implemented by this year.

The legislation I propose today calls on the Secretary to use data from this new system to re-examine the question of how much it costs to run a hospital.

Here is how the bill would work:

The Secretary of Health and Human Services would analyze cost data already provided by hospitals under current law, and would determine the differences in actual operating costs among rural, large urban, and other urban hospitals.

The Secretary's analysis would have to take into account differences among the three categories of hospitals regarding factors such as the percentage of Medicare patients in the hospitals' total case mix and the severity of illness among Medicare patients.

Not later then October 1, 1990, the Secretary would report his findings to the Ways and Means Committee, the Senate Finance Committee, and the Prospective Payment Assessment Commission, or PROPAC.

By April 1, 1991, the PROPAC would provide its evaluation of the Secretary's analysis to the Ways and Means and Finance Committee.

The committees of jurisdiction could then use the study's findings as the basis of legislation to reform the reimbursement system.

Additionally, my bill would allow Members of Congress to request that the Secretary provide data on specific hospitals in their districts. The data would include comparisons of the hospital's actual operating costs and Medicare reimbursements with State and national averages for rural, large urban, and other urban hospitals.

This provision would assist Members in performing casework on behalf of hospitals in their districts pending the outcome of legislation to eliminate the reimbursement differential.

I say again: if the health care infrastructure of rural America is to be preserved, the Medicare rural/urban differential must be eliminated.

However, any legislation to do so must be carefully and prudently considered. Those of us who support rural hospitals can best make our case when all the facts are in.

It is therefore imperative that Congress and the administration have sound, reliable information on which to base decisions about future changes in the Medicare reimbursement law.

My bill is designed to provide that information. I urge all Members to support it.

LOCAL RECYCLING EFFORT IN UTAH

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. OWENS of Utah. Mr. Speaker, I am delighted to rise today to pay tribute to a local recycling effort with national implications in Bountiful, UT. As the solid waste crisis mounts throughout our Nation, it is becoming increasingly clear that recycling is an idea whose time has finally come. Federal, State, and local efforts like this one are critically important to the success of recycling and I want to congratulate Celestia Brunsdale of Bountiful on the successful culmination of what the Salt Lake City's Deseret News called a one-woman crusade. Her efforts to initiate the first citywide recycling program in the State of Utah were truly extraordinary.

The Bountiful Multi-Material Recycling Program has established dozens of dropoff points for paper, plastic, glass, and aluminum. They have negotiated agreements with recycling companies, and decicated the program's proceeds to the Bountiful Beautification Fund. For our part, we need to give Federal support to these front-line combatants in the war against

solid waste by helping to establish reliable markets and recycling for our waste on the Federal level.

Celestia and the Bountiful Multi-Material Recycling Program are helping us become a nation of citizen recyclers as we take the big step away from our status as the most profligate society on Earth toward cleaner air, less garbage, greener forests, and a truly sustainable society. I commend the Bountiful Recycling Program and Mrs. Brunsdale for their visionary effort.

[From the Deseret News, Nov. 16-17, 1989]

UTAHNS NEED TO RECYLCLE MORE

America has become a throw-away society. That kind of lifestyle offers certain conveniences, but it also produces huge amounts of garbage that has to be buried, burned or otherwise disposed of.

Burning is difficult and creates air pollution. Landfills are filling up and new sites are hard to find. Yet the waste keeps coming. The New York garbage scow that sailed the Atlantic for months trying to find someplace to dump its load is only the most notorious example.

The one answer that not only reduces the amount of trash but makes it useful as well, is recycling. Glass, metal, paper and some plastics can be recycled for further use. More and more states are passing laws that require certain trash to be saved and recycled.

Unfortunately, Utah does not have any such laws and few recycling programs are offered by cities or counties. There are a few private outlets that accept paper, aluminum cans, and other special items, but few Utahns save those things and turn them in.

Celestia Brunsdale of Bountiful, recognizing this lack, went on a one-woman crusade to get her community to sponsor a recycling program. This week, Bountiful opened a number of drop sites where residents can leave glass bottles, plastic containers, aluminum cans and newspapers.

Brunsdale is to be congratulated for her campaign. Other communities and the state need to follow Bountiful's example. As Utah continues to grow and fill its urban areas with people, more attention must be paid to reducing trash and saving more resources. Recycling is an excellent way to accomplish both.

[From the Deseret News, Nov. 15-16, 1989]

BOUNTIFUL WOMAN HELPS TO CLEAN UP A WASTEFUL IMAGE

(By Joel Campbell)

BOUNTIFUL.—Celestia Brunsdale was reading the Deseret News last March when a headline she saw disturbed her—"Utah is ranked 48th in protecting environment."

She read on and discovered that one of the reasons Renew America, a think tank based in Washington, D.C., rated Utah so low was that there were few recycling programs. She set out to change all that, at least in her city.

Monday, Brunsdale was all smiles as officials deposited newspapers, plastic and glass bottles, and aluminum cans in a bin in a parking lot at City Hall to kick off one of the first city-sponsored recycling programs in Utah. Salt Lake City has a curb-side newspaper recycling program.

"When I read that (article) I said I am going to do something about Utah's image. I'm going to change this image if it takes me doing it all alone," said Brunsdale. "I want to be known in 30 years for more than a clean house."

The registered nurse said she was prompted to ask for help from government officials, local recycling companies and form a voluntary recycling committee because of a successful program in her home state of Illinois.

"My mother sent me some articles from Arlington Heights, Ill., where there is 88 percent voluntary recycling. I said why not Bountiful, Utah?" she said.

Brunsdale, who said she is ready to tote around a slide presentation to church and school groups to teach about recycling, said recycling will take a change in attitude. It will also take time to get people used to separating their trash.

"It took me eight weeks before I was able to recycle 50 percent of our waste," she said.

Mayor Dean Stahle praised the new program as a way to help extend the life of the city's landfill located in West Bountiful and praised the way the money raised at city-sponsored recycling sites will benefit the city's beautification fund. A list of recycling centers was recently sent out in the city's power billings.

City-sponsored sites include: Bountiful Recreation Center, 150 W. 600 North; Fred Meyer store, 555 S. 200 West and Five Points Mall, 1610 S. Main. At the City Center site, 790 S. 100 East, the city and the Golden Years Senior Citizens center will split the proceeds.

Donations at 12 other recycling sites are also encouraged and will continue to be used to benefit youth programs, Boy Scouting and schools.

Residents are asked to recycle rinsed glass bottles, milk and water jugs, bleach bottles, liquid soap containers, 2-liter pop bottles and shampoo bottles. Crushed aluminum cans and newspapers are on the list of things to save. People are asked to keep magazines, phone books and mail out of newspaper bins.

"Voluntary recycling not only helps extend landfill capacity but preserves our natural resources, saves energy and protects the environment," Stahle said.

Rep. Frank R. Pignanelli, D-Salt Lake, said that Utah communities need to take a lead in recycling. He said that he will propose a bill in the upcoming legislative session that would require that communities recycle 25 percent of their waste by 1992.

He said he wants to help create a market for recycled products by requiring state government to use recycled products. He said that he also wants to propose tax exemptions for purchases of recycling equipment.

Rusty Lundberg, with the Utah Health Department's Bureau of Solid and Hazardous waste, said he hoped more voluntary efforts could help the state's rapidly-filling landfills.

Scott Kearin, an aide to Rep. Wayne Owens, D-Utah, said he believed recycling was indicative of Utah's pioneer heritage to use and reuse.

Owens has recently introduced legislation that would require all branches of the federal government to recycle paper, plastic, aluminum and glass, he said.

WEST BANK SCHOOL CLOSURES

HON. HOWARD C. NIELSON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. NIELSON of Utah. Mr. Speaker, over the past 3 years since the beginning of the Palestinian intifadah, young children on the West Bank have been denied the fundamental rights to an education that we all take for granted. Congress has been increasingly concerned over these school closures. The House recently passed an amendment to the foreign operations appropriations bill expressing the sense of Congress that:

First, all schools on the West Bank would be opened and would remain open.

Second, the schools would not be used for political purposes.

Third, the schools would be respected as places of learning.

The Senate passed a similar version, introduced by Senator CHAFEE, that was attached to the State Department authorization bill and the Senate subsequently agreed to the House language.

Although we were encouraged that the Israeli Government moved to reopen the schools in response to international pressure last summer, reports have continued to surface of schools closing for apparently political reasons.

This year, the schools have only been open for 60 days out of the normal 180-day school year. And now the Israeli Government recently announced that all 1,200 schools will be shut down from November 13 to January 10, 10 days before the Palestinian schools normally break for the winter holidays.

The early closure coincides with several Palestinian holidays and appears to be an effort by the Israeli Government to assert its authority and quash Palestinian morale. If the Government's desire is truly to prevent disturbances, reason dictates that children would be better off kept busy in school, than left idle in the streets.

It is unjust for an entire generation of Palestinian children to be punished for the actions of a few, and it is contrary to the Geneva Convention. According to the Geneva Convention it is the duty of an occupying power to facilitate the proper working of all institutions devoted to the care and education of all children. The convention also prohibits the use of collective punishment.

The State Department has informed us that they have urged the Israeli Government to adopt a case-by-case approach to disturbances and the authorities have agreed to adopt this approach. However these new blanket closure orders suggest a return to the former oppressive policies that have seriously impaired the educational development of a generation of Palestinian children.

For example, we've heard from the Friends Boy's School in Ramallah that Israeli authorities have renewed the order prohibiting the distribution of homework, making it a crime for a child to bring a worksheet home from school.

In addition, we've heard reports that the army is apparently provoking incidents and interfering with instruction. In an effort to avoid provocations, Palestinian teachers have requested that the army not be present during school hours. Unfortunately reports indicate that the schools are not being respected by the army as places of learning, but rather are being violated in efforts to harass and intimidate children.

According to a translation from the Hebrew Press by Israel Shahak of the Israeli Human Rights League, a group of Israeli educators who meet periodically with educators on the West Bank—for professional and humanitarian reasons—recently heard some of the following complaints concerning the soldier's behavior.

Teachers complain that soldiers have been harassing and intimidating the children traveling to and from the schools and during studies.

One of the teachers from the United Nations relief and works agency said,

I have the impression that the Israeli army intends to close the schools in the West Bank again. Otherwise I cannot explain the provocations which the soldiers commit against our students during studies, and before and after them. * * * the very presence of the army near the school causes excitement and tension among the pupils. These children are 5 to 12 years old, to whom the army causes fear and distracts them from the material they are studying.

According to teachers, patrolling soldiers frighten the children who huddle in the hallways and corners of the school when they see them.

On Thursday, August 10. Soldiers fired rubber bullets at pupils in the boy's school in the refugee camp and wounded five children. The reason? Pupils who had come early for the 2d shift of classes were merely waiting outside of class for the period to begin. One soldier entered a classroom and made obscene threats to the children. Another soldier entered a classroom and kicked over a table.

Explains one teacher,

They carry out intentional provocations so that there will be good excuses to close the schools again. Otherwise, how do you explain the fact that the army roams around the schools. Don't they know that it is a provocation? Don't they know that it affects the pupils? * * * We need to teach the first grade pupils how to read in four months while every day the army distracts them again.

In the face of these provocations some students are still showing a tremendous determination to learn. Abdul Karim, a third grade pupil at the boy's school—one of the boys wounded by a rubber bullet, said of his experience,

There are kids at school who run home when the soldiers come. I don't. When I grow up I want to be a teacher. Learning is the most important thing and the best is to be a math teacher. You can learn to solve problems. Certainly there will be a Palestinian state and I will educate for peace.

A 13-year-old sixth grade pupil named Firaz, who was also wounded by a rubber bullet that day, said,

When they started shooting rubber bullets at us I wanted to throw stones at them in order to defend our school. I didn't. I was wounded in my leg. We were told to restrain ourselves and not throw stones so that they won't close down our school. I don't want them to close the school. I don't want to be ignorant.

The Jerusalem Press reported that on September 20, 1989, in Bethlehem, a unit of the Israeli Army dressed in civilian clothes raided two Al-Khodr Schools, beat students, and rounded up about 20 schoolchildren, many under the age of 10. The children were also exposed to tear gas.

On Monday, November 6, 1989, the Jerusalem Press also reported that Israeli soldiers shot a student inside Al-Rashidin School as he and his fellow students were taking final exams. The student was seriously wounded and taken to Alia Hospital. Soldiers were also reported to have assaulted the students of Prince Mohammad school as they were taking their final exams.

Previous closures have put incredible pressure on teachers to make up for lost time. The number of first grade pupils who need to be taught the basics of reading and writing has increased in proportions that have been almost impossible for the school systems to absorb. It makes no sense to close the schools now when every day of class is precious.

The continuation of a proper education for young children, I believe, is a critical first step to reaching peace in the region.

IN SUPPORT OF ETHICS-SALARY PACKAGE

SPEECH OF

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SCHEUER. Mr. Speaker, regarding the ethics-salary package passed by the House last Thursday, Fred Wertheimer, president of Common Cause stated, "The sweeping ethics reform package establishes the principle that public officials should be paid by the public only, and not by public interests." The bill bans speech honoraria for personal gain immediately for the House and for the rest of Government.

"Today's vote represents a historic breakthrough for the House of Representatives as an institution," Wertheimer stated. "The House action could well spell the beginning of the end of the anything goes ethics era that has dominated Washington during the 1980's. It was a great day for the House," added Wertheimer. "The ethics package poses a critical test of whether Members of Congress are serious about cleaning up what has become a nationally recognized ethics test on Capitol Hill," according to Common Cause.

Mr. Speaker, I also supported the pay raise because it restores salaries for top Government officials to a level appropriate for those who lead and govern our Nation. The executive branch should be able to employ premier scientists who can serve their country without burdening their families with financial hardships. The judicial branch should be able to employ a Federal judge, with years of wisdom and experience on the bench, at a salary higher than an attorney currently makes in the private sector immediately when he or she graduates from law school.

I commend House Speaker TOM FOLEY and Minority Leader ROBERT MICHEL who put the full weight and prestige of their offices behind the pay raise in a show of bipartisan leadership. As the bill went to the floor of the House, few spoke against it, and rhetoric was muted. Those who did vote against the bill were cited for political cowardice and listed on "The Dishonor Roll" of Roll Call, the bipartisan publication of Capitol Hill activities, which labeled passage of the bill "an ethics triumph."

Mr. Speaker, there are some issues on which I have a difficult time deciding how to vote because the pros and cons seem evenly divided. This was not one of them; it was not even close. I am proud that virtually every member of the New York City delegation had the courage to vote for this bill, knowing that their principled position could be vulnerable to unscrupulous demagogy.

The ethics reforms in the bill end the corrupting honoraria system and the ability of private interests to provide direct payments for personal use to Members of Congress who make decisions affecting their legislative interests. The ethics package would: Limit outside earned income; establish for the first time tighter rules on lobbying by former top officials, including Members of Congress; and establish new rules for financial disclosure, conflict of interest, travel and gifts, including the first limits on gifts for all Federal employees.

The pay raise for Members of Congress is both justified and necessary for many reasons, but one in particular which makes the increase absolutely essential—that is the high priority of maintaining the institution of the U.S. Congress as a body that is truly representative of the American people.

If the salaries of Members of Congress continue to deteriorate in terms of purchasing power, eventually only the very rich will be able to afford to serve in Congress. A representative democracy ceases to function as such when its elected representatives are not of the people, but only of its small wealthy elite.

In the last 20 years, congressional salaries have decreased by more than a third, in real terms. In 1970, we made $42,500. Today, in constant dollars, congressional pay is worth only $28,004, due to the ravages of inflation.

The salaries of other top Federal employees are tied to Congress', so they, too, are feeling great pressure to leave Government to attain a more appropriate standard of living. Judges, scientists, top Federal administrators, all know they can command two or even three times their Government salaries by working in the private sector. That's why top staff of the National Institutes of Health, the Department of Health and Human Services, the Justice Department, and other Government agencies are leaving in droves.

Mr. Speaker, I support the ethics-salary package because we need to stop this brain drain now. The small increased cost to the Government is nothing compared to the long-term cost to the Nation if we lose our most talented Federal employees and Federal judges.

TRIBUTE TO MICHAEL JUPP

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MILLER of California. Mr. Speaker, I rise in remembrance of Michael Jupp, who passed away this weekend.

Mike was a distinguished crusader for children's rights. He was the original executive director of Defense for Children International—USA, the U.S. branch of an international organization dedicated to promoting human rights for children. Most recently, he had devoted his efforts to the development and promotion of the U.N. Convention on the Rights of the Child, a far-reaching and historic treaty which will grant to children around the world many basic human rights.

As the head of DCI and as the chairman of the United Nations' Non-Governmental Organization Working Group on the U.N. Convention, Mike was tireless in his efforts to make the treaty as powerful and as comprehensive as possible. It was a tribute to Mike's work, it is also a sad irony of timing, that the U.N. General Assembly unanimously adopted that landmark treaty this morning, 2 days after his death.

Mike's work on behalf of children also included a book on children living under apartheid. His book led to the founding of a legal clinic for children in South Africa.

With Mike's death, the children of the world have lost a vigorous advocate. Those of us who shared his vision have lost an esteemed colleague. Our greatest tribute to him would be to redouble our efforts to ensure that all our children—all over the world—have the opportunity to grow up healthy, safe, and well educated.

THE MOORLAND-SPINGARN RESEARCH CENTER CELEBRATES ITS 75TH YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FAUNTROY. Mr. Speaker, recognized as one of the world's largest and most comprehensive repositories for the documentation of the history and culture of people of African descent, the Moorland-Spingarn Research Center annually serves thousands of scholars, community patrons, and students from across the globe. As one of Howard University's major research facilities, the MSRC collects, preserves, organizes, and makes available for research a multitude of resources on black history. Included among the center's holdings are books, periodicals, dissertations, theses, yearbooks, reports, pamphlets, newsclippings, programs, letters, diaries, manuscripts, organizational records, photographs, slides, posters, maps, oral memoirs, sheet music, sound recordings, films, and artifacts.

December 18, 1989, marks the 75th anniversary of the founding of this prestigious collection. It was on this day in 1914 that Dr. Jesse E. Moorland (1863–1940), Howard alumnus and board of trustee member, announced the gift of his personal library to Howard University. In recognition of the significance of this donation, the university board of trustees established "The Moorland Foundation, a Library of Negro Life." In 1946 the university purchased the private library of Arthur B. Spingarn (1878–1971), civil rights attorney and president of the NAACP for 25 years. The Spingarn library totaled 30,000 items with materials in over 20 African languages. In 1973 the Moorland-Spingarn collection was reorganized into the Moorland-Spingarn Research Center. The new structure is comprised of a library division, manuscript division, Howard University Museum, Howard University Archives, administrative office, and photography and photoduplication laboratories.

From the initial gift of 3,000 items the collection has grown to include 150,000 books, hundreds of titles of periodicals, 200 titles of black newspapers from throughout the world, 400 collections of personal papers and organizational records, 2,000 cubic feet of Howard University records, over 50,000 photographs and other illustrative items, 10,000 sound recordings, 4,000 pieces of sheet music, 1,000 oral interviews, and hundreds of artifacts and items of Pan-Africana. Noteworthy among the center's holdings are monographs dating as early as 1573; the Henry Baker compilation of patents of black inventions; numerous published slave narratives; the Benjamin Banneker almanacs; the personal papers of Paul and Eslanda Robeson, Mary Church Terrell, Charles C. Diggs, Jr., J.E. Kwegyir Aggrey, Kwame Nkrumah, Charles R. Drew, Patricia Roberts Harris, and Benjamin E. Mays; the organizational records of the Alpha Kappa Alpha Sorority, the Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, the Congressional Black Caucus, and TransAfrica; and photographs by Carl Van Vechten, Griffith Davis, and Clifton Cabell.

Managing this collection is a staff of 45 professionally trained and dedicated librarians, archivists, historians, technicians, clerk typists and secretaries. Noted for its extensive collection of research materials, its outstanding reference assistance, and its high quality of photographic and photoduplication services, the center further serves the community by sharing its staff's expertise to advise, train, and lecture on the history, value, procedures, and theories related to the collection, cataloging, and preservation of historical materials.

CONGRATULATIONS TO THE FOSTER GRANDPARENT PROGRAM OF ROCKLAND COUNTY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GILMAN. Mr. Speaker, as our Nation again prepares to celebrate the Thanksgiving holiday season, let us especially note a worthy program for which we should all be thankful.

When the Foster Grandparent Program was first conceived back in the late 1960's, many in our society and in the Government said "it can't be done." Many thought that our senior citizens could not be encouraged to devote their time to helping young people. Many thought that our troubled youth would not take the time to learn from and respect the elderly.

They were proven wrong.

Today, many foster grandparent programs throughout all 50 States bring together the wisdom of experience with the needs of our youth. The Foster Grandparent Program is unique in being one of the only voluntary organizations in which both sides mutually benefit.

Mr. Speaker, I am especially proud of the Foster Grandparents of Rockland County, NY, which was founded 21 years ago as the first program of its kind in all of New York State. The program provides older persons with an opportunity to enhance their own self esteem, and socialization with peers and staff keep them active and involved in the mainstream of life. Most of all, this opportunity to give of themselves to others underscores their humanity.

Today, the 80 foster grandparents in Rockland County provide about 80,000 hours of one-to-one supported service to 380 children with special needs.

The volunteers in Rockland County volunteer 4 hours per day, 5 days a week, at some 22 health and education related settings throughout Rockland County. They provide warmth, compassion, love, and understanding to children with developmental, emotional, physical, and cultural disabilities. In 1989, a program began to assist teenage mothers and their children. The foster grandparents provide natural parenting skills to young mothers and child care for the infants and toddlers. They assist all children with building their self image and esteem. They provide their special touch of love to children who might have very limited positive contact with a mature adult because of single parent families and loss of extended families.

Mr. Speaker, the Foster Grandparent Program provides persons who were unable to attain grandparent status naturally with an opportunity to share their love, patience and themselves with children with special needs. These older Americans have, over the years, made a difference in a child's life while significantly improving the quality of their own lives by reaching out to others.

Mr. Speaker, the Foster Grandparent Program in Rockland County is especially fortunate to have the sterling services of an outstanding director, Betty Meisler. Under her leadership, the Foster Grandparent Program has not only become a model for other foster grandparent programs across the Nation; it has also become a prototype for other community-based programs in Rockland, especially those faced with deinstitutionalization in the early 1980's. In many ways, the success of the Rockland County Program is a tribute to the personal dedication and determination of Betty Meisler.

Mr. Speaker, this Thanksgiving Day, let us all thank our Foster Grandparents Program of the Rockland County Council for Senior Citizens, Inc., and in my 22d Congressional District of New York, I salute the foster grandparents.

THE AIRPORT CAPACITY EXPANSION FINANCING ACT OF 1989

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SKAGGS. Mr. Speaker, today I'm introducing a bill to authorize a federally guaranteed loan program to help fund major airport projects that expand national air capacity.

We have a good program in place for financing airport projects—the Airport and Airways Trust Fund. But it's not working as well as it was intended to. Why? Because the $6 billion surplus that has accumulated in the trust fund is being held hostage to Gramm-Rudman targets. Billions of dollars—raised from aviation users, and earmarked solely for aviation purposes—sit idly, to mask the size of our enormous Federal budget deficit, while critically needed airport projects and improvements are delayed or abandoned.

The best solution? Free up trust fund money and spend it on the many important airport projects around our Nation that now compete for limited funding. But short of that, we've got to look for alternative ways to finance additional air capacity. My bill is one way we can do that.

The Airport Capacity Expansion Financing Act of 1989 would authorize the Secretary of Transportation to establish a Federal guarantee program, using the aviation trust fund as a backup to cover any liability in the unlikely event of a default. This approach would allow us to make use of the trust fund's surplus without spending it up front—or in all likelihood, making any outlays at all. The Federal guarantee would serve to reduce the interest rates that State and local governments pay on bonds issued to finance major aviation projects. This could cut millions of dollars off the overall cost of these projects and do so at a minimal cost to the Federal Government. Obviously, the guarantee would also make the financial community more receptive to underwriting these bond issues generally.

Mr. Speaker, at this time, I'd like to insert a summary of my bill for the RECORD.

SUMMARY OF THE AIRPORT CAPACITY EXPANSION FINANCING ACT

This bill would help fund critically needed airport capacity expansion projects by making available federal guarantees for bonds or other securities issued to finance such projects. The guarantees would make airport construction bonds more attractive in the market, while saving airport authorities up to one percent in interest, or $1 million a year on a $100 million runway project.

GUARANTEE AUTHORITY

The Secretary of Transportation would be authorized to guarantee the repayment of any loan, bond, or other security issued by a public agency to finance any major airport project which the Secretary determines will significantly enhance national aviation capacity.

REGULATIONS

The Secretary would have authority to issue regulations necessary to carry out the objectives of the program, including the establishment of criteria for projects qualifying for assistance.

ADVISORY COMMITTEE

The Secretary would be directed to appoint an advisory committee, composed of representatives of the aviation industry, airport operators, State and local governments, and other specially qualified individuals, to provide advice and recommendations concerning the loan program's regulations and implementation.

FUNDING

Any federal pay-out due to default on a guaranteed security would be paid from the aviation trust fund; absent such future default, no outlays are involved for Gramm-Rudman scoring purposes. The total balance of guaranteed securities would be capped at $6 billion.

FEES AND CHARGES

The Secretary would be authorized to collect a reasonable fee from the issuer of any security to cover the administrative costs of running the loan guarantee program.

TAX-EXEMPT STATUS

Otherwise tax-exempt securities would remain exempt notwithstanding the federal guarantee.

INTRODUCTION OF THE UNIFORMED SERVICES FORMER SPOUSES EQUITY ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mrs. SCHROEDER. Mr. Speaker, today I am introducing the Uniformed Services Former Spouses Equity Act. The purpose of this legislation is to assure equity with regard to the division of military benefits and to respond to the Supreme Court's May 10, 1989, decision in Mansell versus Mansell.

The Supreme Court's decision, that State courts cannot divide veteran's disability benefits, disregards the intent of the Former Spouses Protection Act. The bill I am introducing today, the Equity Act, reaffirms State authority to issue, consistent with State law, divorce decrees affecting military pensions. State courts, therefore, would be able to characterize waived retirement pay as property divisible upon divorce.

Justice O'Connor called upon Congress to correct the Court's decision. In her dissent in Mansell, O'Connor said, "It is now once again up to Congress to address the inequity created by the Court * * *." She added, "The harsh reality of this holding is that former spouses like Gaye Mansell can, without their consent, be denied a fair share of their ex-spouse's military pension simply because he elects to increase his after-tax income by converting a portion of that pension into disability benefits."

The Equity Act allows for the division of the full retired pay rather than "disposable" pay, thus restoring State court authority to divide the full retired pay and protecting the spouse from financial ruin. It also allows for the division of retired pay before Federal, State, and local taxes are withheld.

The Equity Act is similar to H.R. 2365, legislation I introduced in the 99th Congress. It establishes a pro rata division of the retired pay of a member of the uniformed services if there is no court order or spousal agreement and the couple was married at least 10 years. This is the same formula Congress used in passing former spouse laws governing foreign service and CIA employees. The presumption of a pro rata division protects the former spouse from the possibility of a court's failure to consider military retired pay. It does not, however, tie the court's hands in awarding a settlement. It sets a guideline. A spouse's contribution to the marriage ought to be recognized in the event that there is no court order or spousal agreement.

The Equity Act eliminates the requirement that a former spouse must be married 10 years of a member's 10 year career for the former spouse to receive a court-ordered portion of the retired pay. This restriction has long impeded prompt payment of court ordered settlements. By eliminating this restriction, military spouses will join civil service, foreign service, and CIA spouses who already receive court-ordered direct payments.

The Equity Act also allows former spouses to be reinstated under the survivor benefit plan [SBP] as the beneficiary if the retiree is paying into the plan but does not have a beneficiary. This conforms with former spouse coverage under the Federal employees' retirement system.

In addition, the Equity Act allows certain former spouse to receive the SBP annuity if the member died before November 14, 1986, and did not have a beneficiary at the time of the member's death. Eligible spouses must have been married for at least 10 years during the member's service and have been the qualified spouse at the time the member became entitled to retired pay.

The Equity Act also provides commissary and exchange benefits to so-called 20–20–15 former spouses.

This bill is one more step in the long walk toward equity for former spouses. The Supreme Court's Mansell ruling means that, under certain circumstances, a spouse can be left destitute after years or decades of marriage. This is wrong. Spouses contribute to their marriage and to the military. The Uniformed Services Former Spouses Equity Act recognizes the spouse's contribution and corrects an injustice rendered by the Supreme Court.

THE INDIVIDUAL INVESTOR FAIRNESS ACT OF 1989

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. WYDEN. Mr. Speaker, I would like to bring to the attention of my colleagues legislation I introduced earlier this month to restore a measure of fairness to the Nation's securities markets for individual investors. My bill, H.R. 3608, the Individual Investor Fairness Act, would shorten to 5 days the period that corporate insiders have to report securities transactions in their own companies.

October 13th's 190 point stock market plunge reignited debate over the causes and effects of extreme market volatility. It seems

clear to me that the main victims of this volatility are individual investors. These investors left the market in droves after the October 1987 crash, and were just beginning to return before last month's debacle.

Until recent years, the stock market was a place where individuals could invest their hard-earned savings and watch them grow steadily until retirement. In return, small investors played a vital role in our capital markets. They provided much-needed liquidity. They invested for the long term. And they brought stability to the markets by countering the herd mentality of program traders and institutional investors.

At an October 25 hearing on market reform legislation before the Telecommunications and Finance Subcommittee, I asked Richard Breeden, the new Securities and Exchange Commission chairman, to consider steps that could be taken to restore the confidence of individual investors in the stock market. I believe the Individual Investor Fairness Act is a step in the right direction, and I hope the SEC will join me in support of this legislation.

The 1934 Securities Exchange Act requires officers, directors, and principal stockholders to report to the SEC and the appropriate securities exchange when they buy or sell securities in their own company. Many individual investors say this insider trading information is one of the few remaining tools for making successful investment decisions. This is particularly true in a market dominated by institutional investors, who have the advantage of more information, lower transaction fees and, in some cases, direct access to exchange computers.

Current law requires corporate insiders to report their securities transactions within 10 days of the close of a calendar month in which there has been a change in ownership. As a result, up to 40 days can go by before these transactions must be reported. In these days of rapid market swings and instantaneous information flows, this just isn't quick enough.

My legislation would require reporting of insider securities transactions within 5 days of a change in ownership. The bill would also require individuals to report their securities holdings in a company within 5 days of becoming an officer, director or principal stockholder of that company. Under current law, the time period is 10 days.

Mr. Speaker, I believe that the Individual Investor Fairness Act will help restore small investor confidence in the Nation's securities markets.

I'm pleased to note that Representative JOHN DINGELL, chairman of the Energy and Commerce Committee, and Representative EDWARD MARKEY, chairman of the Subcommittee on Telecommunications and Finance, have joined me as original cosponsors of this bill. I would urge my colleagues to join us in support of this legislation.

TRIBUTE TO JESS ROAN

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. SARPALIUS. Mr. Speaker, for as long as I have been in public service, I have preached about the value of vocational education. It has been, and must continue to be, a vital part of our education system.

A good vocational program serves two major purposes. It teaches those students who don't want to go to college a skill that will serve them throughout life. For those who are college bound, it teaches leadership, business and personal skills not always found in other classes.

That's why I think vocational teachers are heroes. They understand the extraordinary value of giving a student a simple, basic skill with which that student can earn a living. Today, I would like to take a minute of the House's time to tell you about someone in my district who is fighting every day to improve his students' lives.

His name is Jess Roan, and he is a drafting teacher at Caprock High School. If I ended my description there, I would have told you all you needed to know about why I admire Jess Roan. But believe me, Members, there is more. Much more.

Jess' commitment to his students doesn't end when the bell rings marking the end of another school day. Jess is deeply involved in helping students with extracurricular activities that supplement their classroom education.

He founded the Caprock Industrial Arts Club in 1964, the first club of its kind in the Texas Panhandle. He has nurtured its growth, and it has earned a four-star rating each of the last 6 years. That, my friends, is one of the highest honors a club of its kind can receive. It might also be noted that Caprock Chapter 71 of the Technology Students Association was honored this summer as the largest chapter in the entire Nation and that Jess' son, Mark, stands a chance of becoming the first TSA officer ever from the Amarillo Independent School District.

As if all this weren't enough, Jess is every bit as active in his church as he is at his school. He has been a deacon of Temple Baptist Church for 20 years, has taught a young couples' class there for 22 years and is a member of the Gideons. Throw in his work coaching and umpiring YMCA baseball in Amarillo, and you have a man who is truly committed to his community.

I had a strong desire to say all this about Jess back on October 25, when he turned 50, but I decided he might not want me to devote all my energies to talking about him celebrating such a momentous birthday. So, I restrained myself. But, I didn't want to let us adjourn without calling his many achievements to your attention, for he truly is a man to admire.

TRIBUTE TO SAM AUSPITZ

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Sam Auspitz, founder of Famous Deli, at Fourth and Bainbridge Streets in my district in Philadelphia, and a personal friend of mine.

Sam died on Wednesday, October 15, at the age of 83. I know Philadelphia will sorely miss him.

Sam built the Famous Deli into a Philadelphia institution, as important as the soft pretzel or the cheese steak. Famous was so famous that it has become almost as important a tourist attraction as the Liberty Bell and the Betsy Ross House. It's a neighborhood place known for its famous food and famous customers. As the Philadelphia Inquirer said, Sam's Famous was the kind of place you could expect to find a man like Attorney General Dick Thornburgh or Vice President Walter Mondale eating one of his succulent corn beef specials or smoked fish heaped on a large, hot bagel.

Over the years, while the neighborhood and Philadelphia changed, Sam Auspitz and Famous Deli remained the same. Generations grew up with Famous Deli and now look back with fond memories for the place and its founder, generations who grew up on his sweet kugel, hot, fresh knishes, delicate cheese blintzes and masterfully cooked roast beef. I joined Sam and his son David for breakfast on many Sunday mornings—somehow, from now on, Sunday mornings won't be the same.

Sam Auspitz was an immigrant, born in Hungary, who at age 16 took $300 in savings and opened his first deli. Famous Deli touched many neighborhoods in the city. While he never was a rich man, Sam enriched the lives of his family and friends. His contribution to the varied culture of his city is difficult to measure.

Mr. Speaker, I take this opportunity to salute Sam Auspitz. I know that neither I nor the city of Philadelphia will soon forget him.

AN OASIS FOR LITERACY

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. GEPHARDT. Mr. Speaker, I want to bring to the attention of the House an innovative pilot program in my district that has been launched recently to combat the problem of illiteracy. This program seeks to address the needs of children who need additional help with reading.

The program, in which older adult volunteers tutor children with underdeveloped reading skills, is a combined effort between the Older Adult Service and Information System [OASIS] and the Anheuser-Busch Foundation.

This unique program, expected eventually to be used across the country by OASIS, is beginning in nine elementary schools in the St. Louis area along with the Girls' Club of St. Louis-Sidney Street Branch and the Mathews-Dickey Boys' Club.

OASIS is a national nonprofit organization with 85,000 active members served at 22 centers in 17 cities. In St. Louis, three centers serve 25,000 members. The groups' goals are to improve the quality of life for older adults through educational, cultural and wellness activities, and to provide opportunities and training for volunteer service.

The OASIS Intergenerational Tutoring Program matches volunteers from St. Louis' OASIS program with 6- to 9-year-old students. Volunteers, who are enrolled in special training sessions, work with one to three children in schools or at the club locations during or after school. After evaluation of results and necessary revision, the program is planned for implementation by other OASIS centers across the Nation.

Our competitiveness as a nation depends on greatly improving the education of our children. This program applies an important resource—older adults who have the time, energy and desire to contribute to society. These older adults represent an enormous national resource that can be tapped to help children who need individual attention to develop reading skills.

This tutoring program represents one type of partnership among the business community, the nonprofit sector, and the schools that is important for successful education. It is an example of the type of new ideas we must implement to meet the challenges we face.

TRIBUTE TO STEVE G. GEORGIOU

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Steve G. Georgiou, of Clinton Township, MI. Mr. Georgiou is being honored by the Daughters of Isabella Queen of the Skies Circle, Mount Clemens.

Born in a little house in Ferndale, MI, on Christmas Eve, 1935, Mr. Georgiou was the youngest of three children. In the American tradition, he grew up as the sons of immigrants. His mother immigrated at the age of 12 from Samso, Greece. His father came from the Island of Cyprus at the age of 21.

As Mr. Georgiou grew up in Ferndale and attended Pershing High School, he was determined he would go to college and had hopes of becoming a doctor. After much hard work and dedication, Mr. Georgiou graduated from the Wayne State University College of Medicine.

Mr. Georgiou served an internship at Hurley Hospital in Flint, MI, 3 years residency at Detroit Receiving Hospital and a 2½-year tour with the U.S. Navy before moving to Macomb County. Once in Macomb County, Mr. Georgiou became a member of St. Johns Greek Orthodox Church and began practicing medicine in Warren. Mr. Georgiou now practices exclusively in Mount Clemens. He has been on the staff of St. Joseph Hospital for 19 years and shows no signs of slowing down.

Mr. Georgiou has been a guiding presence in the medical community. He has served as Treasurer for the Macomb County Medical Society for 14 years. He also is a member of the Michigan State Medical Society and the American Society of Internal Medicine. Mr. Georgiou currently serves as chairman of the Nurse/Physician Liaison Committee and secretary of the Executive Committee for the medical staff at St. Joseph Hospital.

His deep involvement in his church, community and profession has earned him the respect of his colleagues and fellow citizens as a man of unselfish integrity. Everywhere Mr. Georgiou has served, he has been a hard worker who gets the job done. Mr. Georgiou's contribution to the medical community and to his fellow citizens will be enduring.

TRIBUTE TO JOHN E. ROSS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. WOLPE. Mr. Speaker, I want to pay tribute to a constituent and very special friend, Mr. John E. Ross, the public safety chief for the city of Kalamazoo, MI. On November 30, John will be honored by his friends and colleagues as he retires from over two decades of distinguished public service.

John began his career as a police officer for the city of Kalamazoo in 1965. He served his community in a number of capacities, including assistant city manager, chief of police for the city of Kalamazoo, until 1982 when he was selected to serve the city of Kalamazoo as chief of public safety—the position from which he is now retiring. His contributions, however, has not been limited to government service alone.

John has committed both time and energy to a vast array of community and professional organizations, including Families In Action; the Kalamazoo Exchange Club; the Plainwell Civic Association; the Plainwell Planning Commission; the Kalamazoo Rotary Club; the National Criminal Justice Institute, the Police Executive Research Forum; the International Association of Chiefs of Police; the International Association of Fire Chiefs; Law Enforcement Training Program at Western Michigan University, Kalamazoo Valley Community College, and Nazareth College; and the Kalamazoo Mangement Association. His leadership, has drive, his determination and commitment are all qualities to be honored and emulated.

Mr. Speaker, over the years John Ross has distinguished himself as a dedicated public servant and exemplary citizen. The care and concern that have always been present in his approach to local problems have endeared him to those he has served. The integrity and pragmatism with which he has conducted his duties as a police officer assistant city manager, chief of police, and chief of public safety, have earned him the respect and admiration of all who have been privileged to work with him. No one could have served as a more effective advocate for the people and community of Kalmazoo.

It has been a joy to work with John Ross this past several years, and I shall miss his presence in city hall. I want to congratulate him upon his retirement and to wish him and his family much happiness in the years ahead.

INTRODUCING H.R. 3752 THE SENIOR BIOMEDICAL SERVICE ACT OF 1989

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. CONTE. Mr. Speaker, I rise to introduce H.R. 3752, the Senior Biomedical Service Act of 1989. As ranking minority member of the House Appropriations Committee and the subcommittee on the Departments of Labor, Health and Human Services, Education and related agencies, I am deeply concerned about the current brain drain among our senior scientists and physicians at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration. As compensation packages outside of Government continue to accelerate, NIH and ADAMHA are experiencing severe difficulties in recruiting and retaining senior investigators.

Let me share with you some sobering statistics concerning senior-level biomedical recruitment, retention and pay:

NIH physicians currently in the senior executive service are paid an average of 49 percent less than their counterparts in American medical schools.

Other NIH doctoral scientists average 19 percent less in pay than comparable scientists in research intensive universities.

When NIH conducted a survey of employment offers made to its scientific staff, it made the following discoveries:

First, 61 percent of the physicians reported they had received offers ranging from $100,000 to $500,000.

Second, 47 percent of the Ph.D scientists reported they had received offers at least $10,000 more than their current NIH earnings.

Third, 83 percent of the senior-level NIH physicians received offers averaging $166,000 or approximately twice their current compensation.

Fourth, 66 percent of the other senior-level doctoral scientists received offers averaging $105,000 or approximately 50 percent more than their current salary.

In the last 10 years NIH has not been able to recruit a single senior research scientist from outside the Government into the senior executive service.

NIH has experienced a net loss of 28 percent of the intramural research scientists in the senior executive service.

A large number of NIH SES members are close to retirement: nearly 60 percent of the NIH intramural SES scientists are eligible to retire now. An additional 18 percent will be eligible for retirement within the next 5 years. Furthermore, 50 percent of the NIH SES ad-

ministrators and scientific managers will be eligible for retirement within the next 5 years.

All of these facts add up to a serious threat to NIH's world preeminence in biomedical research. We must take positive steps to assure our scientific community that we are committed to training the best and brightest physicians and scientists.

My bill establishes a senior biomedical research service within the Public Health Service whose members shall receive improved compensation, retirement, annual leave, and tax benefits. The bill provides for a basic salary not less than the minimum rate payable for GS-15 of the General Schedule and not more than the mean compensation paid to physician chairmen of clinical science departments of U.S. medical schools, as reported annually by the Association of American Medical Colleges. Members of the SBRS would also be able to accumulate annual leave time and be able to transfer their retirement plans from a previous institution.

These provisions in the bill would give NIH and ADAMHA maximum flexibility to put together compensation packages competitive with outside institutions and thereby improve NIH's recruitment and retention efforts. As vacancies occur, extensive competitive recruitment should not be required, commitments could be made quicker, and positions can be filled within a much shorter time period.

As we head into the 1990's, we are on the threshold of critical breakthroughs in understanding and treating many debilitating diseases, including Alzheimer's disease, Huntington's disease, cystic fibrosis, and many others. This summer President Bush signed into law my decade of the brain initiative, which is a clarion call to our doctors and scientists to seek the cures to neurological and mental illnesses. The senior biomedical research service will be a vital component of building a dynamic and creative NIH and ADAMHA. This bill will strengthen and sustain our corps of dedicated bioscientists and give them our vote of confidence.

INTRODUCTION OF THE STEWART B. McKINNEY HOMELESS ASSISTANCE ACT OF 1990

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. VENTO. Mr. Speaker, today I am introducing legislation to reauthorize the Stewart B. McKinney Homeless Assistance Act. I have been joined by over 60 of my colleagues in this endeavor that will get a fast and effective start on McKinney reauthorization in the second session of Congress in 1990.

As the decade of the mineties approaches, it is my hope that we are approaching a time when homelessness in America will be greatly diminished. It is my hope that as America commemorates the holidays this year, renewed concerns will be manifested in the political and social will to make the McKinney Homeless Assistance Act unnecessary, some day.

Homelessness has improved little since the enactment of the McKinney Act in 1987. We don't need to plant homeless people in LaFayette Park across from the White House to give a speech about homelessness or introduce the latest homeless initiative. They are there, around the clock, throughout the year. These homeless people across this Nation represent the human tragedy that numbers in the millions. A tragedy that continues—a tragedy that requires Congress to act through the McKinney Act to assist the children; the sick; the veterans; the unemployed; the mentally ill; the often forgotten citizens of these United States.

The Stewart B. McKinney Homeless Assistance Amendments Act is a new 2-year authorization of the programs embodied in McKinney that provide comprehensive homeless assistance that includes grants for emergency shelter and transitional housing; job training and educational services; health care, mental health and substance abuse services; and emergency food and shelter. These programs provide for both the immediate emergency needs and the chronic problems of homelessness. The new McKinney Act will increase authorizations for these vital and proven programs by 5 percent in each fiscal year, bringing authorizations for fiscal year 1991 to $690.7 million and fiscal year 1992 to $722.7 million.

Mr. Speaker, over the course of its short lifespan, the McKinney Act has brought hope to so many lives. It has made available Federal funding for projects that may never have gotten off the ground, both in my State and across the Nation. I urge my colleagues to join in cosponsoring and supporting this legislation and to work for its' successful passage early next year.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Stewart B. McKinney Homeless Assistance Amendments Act of 1990".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. Budget compliance.

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

Sec. 201. Technical amendment.
Sec. 202. Authorization of appropriations.
Sec. 203. Extension of Interagency Council.

TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

Sec. 301. Authorization of appropriations.

TITLE IV—HOUSING ASSISTANCE

Sec. 401. Emergency shelter grants program.
Sec. 402. Supportive housing demonstration program.
Sec. 403. Supplemental assistance for facilities to assist the homeless.
Sec. 404. Section 8 assistance for single room occupancy dwellings.

TITLE V—HEALTH CARE FOR THE HOMELESS

Subtitle A—Categorical Grants for Primary Health Services and Substance Abuse Services

Sec. 501. Authorization of appropriations.

Subtitle B—Block Grant for Community Mental Health Services

Sec. 511. Requirement of allotment for States.
Sec. 512. Authorization of appropriations.

Subtitle C—Authorization of Appropriations for Community Demonstration Projects

Sec. 521. Mental health services for homeless individuals with chronic mental illness.
Sec. 522. Alcohol and drug abuse treatment of homeless individuals.

TITLE VI—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

Sec. 601. Adult education for the homeless.
Sec. 602. Education for homeless children and youth.
Sec. 603. Job training for the homeless.
Sec. 604. Emergency community services homeless grant program.

TITLE VII—VETERANS PROGRAMS

Sec. 701. Medical programs.

TITLE I—GENERAL PROVISIONS

SEC. 101. BUDGET COMPLIANCE.

(a) IN GENERAL.—This Act and the amendments made by this Act may not be construed to provide for new budget authority, budget outlays, or new entitlement authority, for fiscal year 1991 or 1992 in excess of the appropriate aggregate levels established by the concurrent resolution on the budget for such year for the programs authorized by this Act and the amendments made by this Act.

(b) DEFINITIONS.—For purposes of this section, the terms "budget authority", "budget outlays", "concurrent resolution on the budget", and "entitlement authority" have the meanings given such terms in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622).

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

SEC. 201. TECHNICAL AMENDMENT.

Section 202(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(a)) is amended—

(1) by striking paragraphs (15);

(2) by redesignating paragraphs (11), (12), (13), and (14) as paragraphs (12), (13), (14), and (15), respectively; and

(3) by inserting after paragraph (10) the following new paragraph:

"(11) The Secretary of Veterans Affairs, or the designee of the Secretary.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,260,000 for fiscal year 1991 and $1,323,000 for fiscal year 1992.".

SEC. 203. EXTENSION OF INTERAGENCY COUNCIL.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1990" and inserting "October 1, 1992".

TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $140,700,000 for fiscal year 1991 and $147,735,000 for fiscal year 1993.".

TITLE IV—HOUSING ASSISTANCE

SEC. 401. EMERGENCY SHELTER GRANTS PROGRAM.

Section 417 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11377) is amended to read as follows:

"SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $131,250,000 for fiscal year 1991 and $137,812,500 for fiscal year 1992.".

SEC. 402. SUPPORTIVE HOUSING DEMONSTRATION PROGRAM.

Section 428(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11388(a)) is amended to read as follows:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $110,250,000 for fiscal year 1991 and $115,762,500 for fiscal year 1992.".

SEC. 403. SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS.

The first sentence of section 434 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11394) is amended to read as follows: "There are authorized to be appropriated to carry out this subtitle $11,550,000 for fiscal year 1991 and $12,127,500 for fiscal year 1992.".

SEC. 404. SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.

Section 441(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401(a)) is amended to read as follows:

"(a) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $52,500,000 on or after October 1, 1990, and by $55,125,000 on or after October 1, 1991.".

TITLE V—HEALTH CARE FOR THE HOMELESS

Subtitle A—Categorical Grants for Primary Health Services and Substance Abuse Services

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended—

(1) by striking "$61,200,000" and all that follows through "1990, and "; and

(2) by striking the period at the end and inserting the following: "and $69,510,000 for fiscal year 1992.".

Subtitle B—Block Grant for Community Mental Health Services

SEC. 511. REQUIREMENT OF ALLOTMENT FOR STATES.

Section 521(a) of the Public Health Service Act (42 U.S.C. 290cc-21(a)) is amended by striking "1991" and inserting "1992".

SEC. 512. AUTHORIZATION OF APPROPRIATIONS.

Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc-35(a)) is amended—

(1) by striking "$35,000,000 for each of the fiscal years 1989 and 1990 and"; and

(2) by striking the period at the end and inserting the following: "and $36,750,000 for fiscal year 1992.".

Subtitle C—Authorization of Appropriations for Community Demonstration Projects

SEC. 521. MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS WITH CHRONIC MENTAL ILLNESS.

The first sentence of section 612(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa-3 note) is amended—

(1) by striking "$11,000,000" and all that follows through "1990, and"; and

(2) by striking the comma after "1991" and inserting the following: "and $12,075,000 for fiscal year 1992,".

SEC. 522. ALCOHOL AND DRUG ABUSE TREATMENT OF HOMELESS INDIVIDUALS.

Section 513(b) of the Public Health Service Act (42 U.S.C. 290bb-2(b)) is amended—

(1) by striking "$14,000,000" and all that follows through "1990, and"; and

(2) by striking the period at the end and inserting the following: "and $17,850,000 for fiscal year 1992.".

TITLE VI—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

SEC. 601. ADULT EDUCATION FOR THE HOMELESS.

Section 702(c)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421(c)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated $10,500,000 for fiscal year 1991 and $11,025,000 for fiscal year 1992 for the adult literacy and basic skills remediation programs authorized by this section.".

SEC. 602. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

(a) GRANTS FOR STATE ACTIVITIES.—Section 722(g)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432(g)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out this section $5,250,000 for fiscal year 1991 and $5,512,000 for fiscal year 1992.".

(b) EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION.—Section 723(f) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11433(f)) is amended to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,626,000 for fiscal year 1991 and $2,756,250 for fiscal year 1992.".

SEC. 603. JOB TRAINING FOR THE HOMELESS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 739(a)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449(a)(1)) is amended to read as follows:

"(1) There are authorized to be appropriated to carry out this subtitle the following amounts:

"(A) $13,650,000 for fiscal year 1991, of which $2,310,000 shall be available only to carry out section 738.

"(B) $14,332,500 for fiscal year 1992, of which $2,425,500 shall be available only to carry out section 738.

(b) TERMINATION.—Section 741 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11450) is amended by striking "October 1, 1990" and inserting "October 1, 1992".

SEC. 604. EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM.

Section 754 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11464) is amended to read as follows:

SEC. 754. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $50,000,000 for fiscal year 1991 and $50,000,000 for fiscal year 1992.".

TITLE VIII—VETERANS PROGRAMS

SEC. 701. MEDICAL PROGRAMS.

Section 801(a) of the Stewart B. McKinney Homeless Assistance Amendments Acts of 1988 (Public Law 100-628; 102 Stat. 3257) is amended to read as follows:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Veterans Affairs $31,500,000 for fiscal year 1991 and $33,075,000 for fiscal year 1992 for the medical care of veterans by the Department. Any amount appropriated under this subsection shall be in addition to any funds appropriated pursuant to any other authorization (whether definite or indefinite) of appropriations for fiscal years 1991 and 1992.".

CONGRATULATIONS ON WARNER-SONY SETTLEMENT

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. TORRICELLI. Mr. Speaker, on November 16, Sony Corp. and Warner Communications, Inc., reached a settlement of Warner's $1 billion complaint against Sony for hiring two producers who were under exclusive contract to Warner. This is a settlement that people should take note of, and both firms deserve praise for the highly cooperative agreement.

Under the settlement, which could be worth $400 million to $600 million to Warner, Warner will receive a 50-percent interest in the Columbia House unit of CBS Records. Warner will also obtain cable distribution rights for all theatrical and made-for-TV movies and miniseries produced by Columbia and Columbia will trade its 35 percent interest in Burbank Studios for the MGM Studios lot owned by Warner.

Warner's settlement of its complaint against Sony should be a model for the United States and U.S. businesses in dealing with foreign investors. It's about time an American company stood up for its rights and got something back from the foreign invasion in American business. All but two of the major American record companies are now owned by foreign interests. Since Sony's purchase of CBS Records 2 years ago, Sony has also owned the CBS Records unit Columbia House, the largest direct marketer of records, tapes, and video cassettes. The settlement will result in the returning of half of the company's profits to an American company and its shareholders.

Both companies have stated that the settlement provides them with excellent opportunities. We should congratulate Warner and Sony for ending an acrimonious legal battle amicably. The two companies have emerged as long term partners, whose future success in some businesses will be closely tied to each other.

American entertainment products have for many years been one of our chief exports to the rest of the world. As foreign interests extend their investments into American media

companies, American business needs to stand up for itself. We ought to encourage joint ventures like the Sony settlement as a way to foster opportunities for American business.

CONNECTICUT ENDING HUNGER WEEK

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, I would like to take this moment to praise the citizens of my home State of Connecticut and the Hand-to-Hand organization for creating Connecticut Ending Hunger Week.

From November 17 through November 26, Connecticut hunger organizations will join eight other States in working to raise donation for the Connecticut Ending Hunger Fund which will aid the continuing effort to end hunger and homelessness. The hunger epidemic not only exists in poverty stricken nations but exists in our cities and on our streets. Clearly, more must be done to relieve the hungry and homeless in our Nation and I am proud to see Connecticut volunteers taking the lead in what I hope will become a nationwide campaign to aid the disadvantaged in America.

I commend those working to make Connecticut Ending Hunger Week a success. It is through cooperative efforts such as this that we can put an end to hunger and homelessness and build a better America.

EXCITING ADVANCES IN FIBER OPTICS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. COOPER. Mr. Speaker, it seems like telecommunications technology is continuing to advance by leaps and bounds. In the past few weeks, several great companies announced exciting new fiber optics equipment packages that dwarf what we thought was possible with fiber optics before.

I'm particularly proud of Northern Telecom, Inc., which is based in Nashville, TN. Northern is one of the world's leading high-technology companies. For more than a dozen years, Tennesseans have been making major contributions to this company's leadership role in the development of communications technology and equipment.

At a press conference in Washington, DC, on October 12, Northern Telecom introduced its new series of optical fiber products. These exciting new products should make it economically feasible to extend optical fiber further into our Nation's telecommunications network and closer to the front doors of our homes. By this I mean that Northern is bringing the cost of fiber technology down within range of the cost of copper wire so that it will make sense to use it in residential's neighborhoods. This is terrific news for American consumers.

These new products should have a major impact in advancing fiber optic communication. Starting now, high costs shouldn't get in the way of telephone companies and businesses using fiber optics more in their communications networks.

And the benefits of fiber optics are vast. Think of these possibilities:

Sending any type of information—telephone, television or high speed data—over the same lines in the network;

Linking together local networks of different companies without special hardware, lines or private networks;

Sensing problems and automatically repairing them or rerouting TV signals or phone calls around them—and, I mean, even around cut lines or broken computer switches;

A whole range of interactive multimedia applications, including dial-up video libraries, interactive education, multiple-player video games, music on demand, and many more.

The announcements included a family of fiber optic transmission and distribution products, enhancements to the company's DMS supernodes—high-powered computerized switches—and commitments for other products and features to be introduced later.

An important aspect of Northern's announcement was that they committed to use "synchronous optical network [Sonet] standards. Sonet is a series of technical standards for handling optical signals that has been agreed upon by international telecommunications companies. Since Northern Telecom has incorporated these standards, its products will be able to communicate with equipment from any manufacturer that follows the same standard.

I hope these products will help spread the benefits of fiber optics to all parts of the country, both urban and rural. The rural areas of Tennessee are certainly eager to participate in every part of the telecommunications revolution.

EXTEND THE LOW-INCOME HOUSING TAX CREDIT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MAZZOLI. Mr. Speaker, I am pleased that the conferees working on the fiscal year 1990 budget reconciliation bill have included a provision in their compromise agreement to extend the income tax credit for owners of newly constructed or rehabilitated property used to provide housing for low-income residents. This exclusion will otherwise expire at the end of this calendar year.

As recently as this morning, I spoke with Jerry Abramson, mayor of Louisville, KY—which I am privileged to represent in Congress who outlined the importance of this tax credit to our city—and to the Nation—in efforts to increase the stock of low-income housing.

At a time when our Nation is faced with so many homeless families and individuals, I believe that it is important to encourage housing activities in whatever way possible. Since the low-income housing tax credit is one of the few remaining incentives for the development of low-income housing projects, I would encourage my colleagues to join me in supporting its extension.

TANKERS FULL OF TROUBLE

HON. JAMES A McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. McDERMOTT. Mr. Speaker, recently this House passed landmark legislation to help protect our coastal waters from oilspills. As it passed the House, H.R. 1465 can give us greater confidence in the safety of tanker and barge traffic, and in our ability to clean up spills that may occur and hold the oil industry responsible for clean up costs and damages. Although this House made a serious mistake in reversing itself on the negligence standard, we can take pride in our progress toward resolving at least two major issues: The ability of States to maintain their own liability laws, and the requirement of double hulls on tankers and barges carrying oil in American waters.

But let us also consider the work that remains to be done in assuring tanker safety. Last week, the Seattle Times published an outstanding series of articles by Eric Nalder entitled "Tankers Full of Trouble." These articles are based on Mr. Nalder's recent trip from Valdez, AK to Cherry Point, WA aboard the *Arco Anchorage,* one of the world's largest and most modern tankers. Arco was the only oil company willing to allow media representatives on a voyage, and I commend its openness.

In describing the voyage, and the problems and controversies that continue to plague tanker traffic in Puget Sound, Prince William Sound, and our other harbors and coasts, Mr. Nalder shares his years of experience as a reporter and his extensive research on tanker safety. The second article of the series, which appeared on November 14, deals with the issue of tanker design, particularly double hulls. I want to share this article in particular with my colleagues, and I hope they will join me in continuing our efforts to improve tanker safety and the protection of our coastal waters.

[From the Seattle Times, Nov. 14, 1989]

TANKERS FULL OF TROUBLE—BOTTOM LINE: SAFETY RUNS SKIN DEEP

(By Eric Nalder)

Aboard the Arco Anchorage—Each time it cruises into Washington's strait of Juan de Fuca, this ship offers up a testimonial on the value of double-layered bottoms on oil tankers.

Each time the Japanese tanker Matsukaze enters these waters, it provides the "Amen."

Together, the two ships make a compelling case for a proposal that all newly constructed tankers be required to have double bottoms.

Each ship went aground on the north shore of Washington's Olympic Peninsula in separate accidents within the past five years. The accidents occurred only 17 miles

apart, and the damage to the two tankers was remarkably similar: In each case, a large rock gouged the ship's steel bottom, cracking it open.

But the outcomes of the two accidents were startlingly different:

The Arco Anchorage, which was traveling at less than 2 knots when it drifted aground in 1985, spilled 239,000 gallons of crude oil into the harbor at Port Angeles—the largest spill in Washington state history.

The Matsukaze, which hit a nearby beach violently at 14 knots in 1988, lost not a drop of its cargo of oil.

Why the difference?

The Matsukaze has a double bottom. The Arco Anchorage does not.

All that separates oil from ocean for the Arco Anchorage is a layer of high-strength steel about an inch and a half thick. On the smaller Matsukaze, conversely, the cargo is contained by one layer of steel, then a space of about 10 feet, then another steel layer.

The Arco Anchorage is 120,000 deadweight tons, while the Matsukaze is 16,000, but size made no difference in the outcome of the groundings.

The Arco Anchorage's toll: $13 million for cleanup, $500,000 in ship repairs and as many as 4,000 dead birds.

The Matsukaze's: A $213,000 repair bill.

Indeed, strong support for double bottoms.

So what happened as a result?

For years, virtually nothing.

The Coast Guard investigation of the Arco Anchorage spill mentioned just once, in parentheses, that the ship does not have a double bottom. No conclusions were drawn. And no Coast Guard report highlighted how a double bottom made a difference in these two accidents.

The National Transportation Safety Board did not even study the groundings because the damage to each ship was below the $500,000 threshold for an NTSB investigation.

And Congress, which holds the authority to require double hulls on U.S. ships, continued to submit to the powerful oil-industry lobby, making no changes in the law.

This summer—only after the grounding of the tanker Exxon Valdez, the largest spill in U.S. history—did Congress finally begin to address the need for double bottoms. However, even now, many predict that the oil lobby will succeed in killing or watering down any requirements.

The House last week passed a version of an oil-safety bill that would require all tankers that come into U.S. ports to have double bottoms within seven years and double hulls within 15 years. But the Senate had earlier voted down such a provision, and most observers expect the requirement will not survive in the bill that emerges from the House-Senate conference committee early next year.

Instead, according to Rep. Norm Dicks, D-Bremerton, what is likely is a provision that given the Coast Guard and the Department of Transportation six months to a year to study the issue and if they choose, to make a case that double bottoms and hulls are unnecessary.

MORE EVIDENCE

Not that the issue hasn't been studied before. Other reports that have gathered dust since the 1970s bolster the case made by the Arco Anchorage and Matsukaze groundings:

A 1972 Coast Guard report says double bottoms would have prevented spills in 12 of 13 analyzed tanker accidents. A double bottom less than half the thickness of the Matsukaze's would have stopped oil from spilling in all 12 cases; in fact, nine tanker bottoms were penetrated only 1½ feet or less.

A 1973 Coast Guard report says standard double bottoms would have prevented spills in 27 of the 30 U.S. tanker groundings between 1969 and 1973. A total of 3 million gallons of oil and fuel spilled in those 27 groundings.

A 1974 study done by Battelle Laboratories for the Coast Guard says barges with double bottoms or double sides were punctured all the way through in only 14 of 268 accidents (5 percent), while single-hulled barges were punctured 295 of 311 times (95 percent). The study says double hulls, which have double bottoms and double sides, would have a "significant and dramatic" ability to prevent oil-barge spills.

A 1974 NTSB investigation of the March 1973 grounding of the tanker Hillyer Brown at Cold Bay, Alaska, says a double bottom would have prevented the 200,000-gallon spill. The report concluded that double bottoms would prevent spills in minor groundings and reduce the size of spills in more severe cases.

"Almost without exception, if a ship has a double bottom, you don't have a spill, and if it doesn't have a double bottom, you do. It doesn't take Dick Tracy to figure that out," says Seattle Coast Guard investigator Lt. Cmdr. Larry Lockwood.

What was the result of these studies?

The Coast Guard replied to the NTSB report on the Hillyer Brown, saying it concurred with the conclusion that double bottoms seem to prevent spills.

But no major studies of double- and single-bottom accidents were done from that point on, and by 1978, a double-bottom requirement had been defeated in international negotiations. Today, nowhere in the world are oil tankers or oil barges required to have double bottoms.

Consequently, only 419 of the world's 3,500 oil tankers—about 12 percent—have full or nearly full double bottoms.

In addition, most tankers that carry combinations of oil and other products such as chemicals and grain have full or partial double bottoms.

Only two of the 19 tankers that regularly visit Washington waters have full or nearly full double bottoms. Only 41 of the 211 (19 percent) tankers that visited the state at least once in the past two years have them.

Arthur McKenzie, a tanker consultant who has studied the issue for decades, says emphatically that no other single improvement would do as much to curb spills as a requirement for double hulls on all newly constructed tankers.

McKenzie wants double hulls, rather than double bottoms, because they have double sides that will protect a ship's flanks from collisions. They cost more, because a double side must be very deep to absorb the violent force of a ship collision.

"Most owners wouldn't build them that way unless they were damned sure they were going to be required," McKenzie said.

OTHER SHIPS HAVE THEM

While tanker builders have shunned double bottoms, most other ships have them.

Freighters have double bottoms to provide spaces for ballast water, which is loaded into a ship to keep the propeller in the water and the ship stable after cargo has been unloaded. Tankers have ballast tanks next to cargo tanks, and in some cases cargo tanks are used for ballast water.

Laws and international treaties require tankers carrying hazardous chemicals, liquid natural gas and propane to have full double bottoms and huge double sides to help contain their poisonous and explosive cargoes.

Why not a similar requirement for tankers carrying crude oil, another poisonous and explosive substance?

Retired Coast Guard Rear Adm. William Benkert, a participant in international conventions on the subject, explains it thus:

"Chemicals are harmful to human beings. We have not seen fit to approach crude oil, or other types of petroleum products, in the same vein because the risk isn't there for people. The risk might be there from a pollution sense, killing some fish and others, and I can say from a cosmetic sense. But certainly that doesn't have the same effect as a spill of chlorine."

Benkert headed a U.S. Coast Guard delegation that failed to persuade an international convention to approve a double bottom requirement for tankers in 1978. The oil industry defeated all efforts in the 1970s to require double bottoms, and the issue remained dormant until this year with the Exxon Valdez spill.

Meanwhile, the oil industry has its own studies to counter the double-bottom clamor. One report done for the shipbuilding division of the Bethlehem Steel Corp. in 1973 said double bottoms would be effective in only 37 percent of oil spills.

Here are some of the issues raised by the oil industry in opposition to a double-bottom requirement:

Salvage. Many in the industry insist that flooded double bottoms make ships more difficult to salvage. The contention is that when a double bottom is split open, it will fill with water—which weighs more than oil—and make the ship much heavier.

Tom Wyman, a spokesman for Chevron Shipping Co., says oil companies worry that a stranded double-bottom tanker with its broken bottom full of sea water might be too heavy to move, leaving the ship exposed to wind or waves for days while salvagers figure out how to rescue it. It could sink and lives would be lost he says.

Federal studies indicate that worry is probably misplaced. The NTSB in 1974 said technology has overcome all salvage difficulties that might be presented by double bottoms. A 1977 U.S. Maritime Administration study of groundings found that no ships with double bottoms sank.

Capt. Charles Bartholomew, supervisor of Navy salvage, says that while a double bottom might create some challenges to salvagers, "there should be no special problems that a capable salvage engineer could not solve."

In fact, J.H. "Mick" Leitz, a Portland salvage contractor who refloated both the bouble-bottomed Matsukaze and the single-bottomed Exxon Valdez, says "in most cases a double bottom would make a ship easier to salvage."

Instability. The oil industry argues that a flooded double bottom can make a ship less stable and in some cases—such as that of the Exxon Valdez, which was stuck on a rock—could cause a ship to tip over.

Here, Leitz, one of the world's foremost salvage experts, agrees with the industry people. He speculates that a flooded double bottom on the Exxon Valdez could have caused it to slide off its perch. Then, he says, it likely would have spilled more of its

remaining cargo of 42 million gallons of crude oil.

"The real ticking time bomb up there wasn't what had already spilled out of the ship. The real ticking time bomb was what was still sitting there in the ship." Leitz says. "If it had had double bottoms, it would have probably made the situation a lot more serious."

However, a Coast Guard study released to Congress in May says that with a double bottom, the Exxon Valdez might have spilled 25 percent to 60 percent less oil.

Coast Guard Vice Adm. Clyde Robbins, coordinator of the cleanup, buys that assessment.

"To my way of thinking, this spill would have been a lot less if the vessel had had a double bottom" Robbins says. "I can't believe all the tanks would have been breached."

A 1975 Office of Technology Assessment report says single-bottom ships sink at a higher rate than double-bottom ships.

Fire danger. Leitz says a tanker's inner tanks might crack and drip crude oil into the void between the ship's first and second bottoms. Fumes could collect there and explode. Salvagers, while cutting into a damaged ship, also could touch off an explosion in a double-bottom space contaminated with fumes.

The 1975 Office of Technology Assessment report also addressed that question. It says double bottoms wouldn't be much different from ballast tanks, which are already in use in tankers. Ballast tanks are next to oil tanks and are empty when the oil tanks are full, so they, too, could be explosive if oil leaked into them.

In fact, the ballast tanks have more sources of ignition inside—pumps and cleaning nozzles—than double bottoms do.

Crew convenience. Tanker crews generally hate double bottoms because they have to crawl around inside them to do inspections. The complaint is rarely made public, but it may be one of the keys to the argument against double bottoms.

On some ships, the space between the bottoms is so small a crew member cannot stand inside it, and must crawl through a maze of small holes to get through it. The holes provide the only access through the wide steel rafters that form a ship's frame.

Crew members carry lights and sometimes wear breathing masks, but if they get lost or drop the light, they are in serious trouble. And all the time, they are underneath 90 feet of crude oil. A leak above them could result in explosive and deadly fumes.

Entering a double bottom is a nightmare, says Jeff Portillo, the Arco Anchorage's chief mate.

"The only time you can get in to inspect them is when they are empty, and the only time they are empty is when we are fully loaded with crude oil," he said.

"The guy that advocates double bottoms hasn't hunkered his way through them," says Paul Preziose, chief engineer on the Arco Anchorage.

Cost. Although many in the oil industry deny it, cost has been a major issue in the debate.

Wyman, the Chevron spokesman, insists that oil companies wouldn't resist paying more for double bottoms if they substantially enhanced safety.

"An increased shipbuilding cost of 8 percent or more, that's not going to break a company, particularly if it allows us to sleep more easily at night," he says.

But most experts disagree with that characterization.

Estimates of the increased cost of building a tanker with a two-layered exterior range from 5 percent to 30 percent, depending on the tanker's size, where it is built and whether it has a double bottom or a full double hull.

Edward Deakin, director of the Institute of Petroleum Accounting at the University of North Texas, says oil companies do worry about the added costs—even though transportation of oil is only a small part of consumers' price at the pump. Taxes and oilfield development account for much more of that pump price.

"Still, any time you tack even a few pennies onto the price of a barrel of oil, you are adding billions to an oil company's costs," Deakin says. "So they are tempted to cut the cost of tanker operations all the time."

Besides the manufacturing costs, double bottoms and double sides reduce the cargo-carrying capacity of tankers, cutting further into the bottom line.

SINGLE BOTTOMS SAIL ON

Clearly, the industry's arguments are debatable. Yet—bolstered by millions of dollars in political contributions—they've been enough to stave off all efforts to require double bottoms.

Meanwhile, the single-bottomed Arco Anchorage makes its voyage every eight days into the Strait of Juan de Fuca, sailing past the place where it spilled enough oil to fill 28 tanker trucks.

Some days, when the refinery dock at Cherry Point is too busy and the ship has to wait, it pulls into Port Angeles Harbor as it did on the day of the spill.

There are still reminders in the harbor, the most noticeable being the 10,000 feet of oil-containment booms ready to go. The cleanup of the '85 spill was delayed for several hours because there weren't enough booms.

Larry Glenn, the city's fire chief, remembers the hellish day as if it were yesterday. He says Arco eventually did an excellent job cleaning up the oil, but he has one wish:

"I think double bottoms are a necessity. The only thing that keeps double bottoms from occurring is the cost."

Looking out his window at the bay, Glenn reflects on the fact that he and others were helpless against the spreading slick. He can only wonder at one more than 40 times larger, such as the Exxon Valdez disaster.

The fire chief says that as he looks out at the single-bottomed oil tankers sailing by every day, he thinks of a big bear.

"A bear is safe out there in a natural area," he says. "But once it gets into your front room, it's not so much fun."

TRIBUTE TO FRANCIS H. HIGNEY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to Mr. Francis H. Higney who served in the Providence Fire Department for 22-years. He was honored recently on November 9, 1989, when the day was declared Francis Henry Higney Day in Providence.

Mr. Higney served as a firefighter from 1934 to 1956, working on the ladder company's number one truck. He was known for his bravery and leadership in emergencies as well as his pigeon stew. Described by a colleague as "one heck of a firefighter," Mr. Higney was respected widely by his peers.

I would like to thank Mr. Higney for his years of service to the city of Providence. His dedication and loyalty are a tribute to his love for fellow man. I hope that others will follow in the example set by Mr. Higney and always ask what they can do to help others.

ANGOLAN PEACE PROCESS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. RICHARDSON. Mr. Speaker, today I rise to discuss the latest developments in the Angolan peace process. Several weeks ago I spoke before this body about the breakdown in negotiations and placed the blame on Dr. Savimbi's UNITA party.

We now have good news to report about the prospects for peace in Angola. After in-depth discussions with President Mobutu of Zaire and U.S. Assistant Secretary for Africa Herbert Cohen, Dr. Savimbi has agreed to re-enter the negotiating process. In fact, President Mobutu and Dr. Savimbi reached an agreement for a formal cease-fire between the MPLA and UNITA forces. A cease-fire will hopefully end the military option once and for all.

The only remaining step toward the signing of a cease-fire agreement and restarting negotiations is the approval of the MPLA regime. I am confident and optimistic that the MPLA officals will agree to these important steps and commence the peace talks once again to end this 14 year civil war.

the MPLA and UNITA need to resolve their differences and create a government of national reconciliation. Once national reconciliation is achieved, the Angolan people can have free and fair elections like the one just held in neighboring Namibia. We are living in an amazing era of history with communism dying and democracy being born in Poland, Hungary, and now East Germany. Angolans also deserve the chance to live in a free society.

I believe I am one of the few Members of this body that has visited the MPLA in Luanda and UNITA headquarters in Jamba. Both sides understand that Angola has the potential to be a prosperous and thriving nation.

Congress continually needs to encourage the two parties to resolve their differences through negotiations, not war. I hope my colleagues will join me in supporting a cease-fire agreement and urging the two parties to resume the crucial peace negotiations.

GLOBAL WARMING AND COOLING

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. DELLUMS. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues

the following discussion draft of a legislative initiative which would address an important environmental issue of our time. The issue of global warming and cooling is a topic which deserves serious attention by the U.S. House of Representatives. I invite you to study this proposal and forward your comments to me.

The material follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Climate Stabilization and Earth Regeneration Act of 1989".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Climate stabilization program.
Sec. 5. Organization.
Sec. 6. Distribution of responsibility.
Sec. 7. Crisis management.
Sec. 8. Evaluation.
Sec. 9. Funding.

SEC. 2. FINDINGS.

(a) ACCELERATING PLANETARY CLIMATE CONDITIONS.—(1) The Congress finds that human technological activity is accelerating the rate of carbon dioxide buildup in the atmosphere. This buildup is speeding up a shift of global climate toward increasingly extreme and variable weather conditions, such as heat, drought, and freezing, caused by excessive greenhouse effect. If this shift continues, destruction of lives and property and, according to geological evidence on past glacial periods, transition past the point of no return into a glacial period will follow. It is the consensus of a majority of workers in the field of ecology that we are now in a period of ecological destabilization that, given the time and effort needed to stabilize climatic conditions, constitutes an ecological emergency.

(2) For purposes of paragraph (1)—

(A) the term "destruction of lives and property" refers to the world-wide effects a carbon dioxide-induced climate shift is having upon agriculture and the technology base; and

(B) the term "point of no return" refers to the point past which the shift of climate into a glaciation cycle with conditions of planetary glaciation lasting approximately 70,000 to 110,000 years is no longer humanly controllable.

(b) PROGRAM NECESSITY.—(1) The Congress also finds that, because the earth is already into the transition into a glacial period, and that soil, forest and climatic changes are already occurring (such as abnormal weather patterns), a coordinated, international, emergency climate—stabilization program is imperative. This program should reduce (from the present 350 parts per million to 280 ppm or less) atmospheric carbon dioxide to levels low enough to prevent transition into a glacial period. Climate stabilization is to be accomplished through a program of ecosystem regeneration which re-establishes balance between atmospheric carbon dioxide and other gases which interact to influence atmospheric conditions. The primary means to reestablish this balance is large-scale soil remineralization, which supports the regeneration of planetary vegetation and significant natural carbon sinks, which removes atmospheric carbon-dioxide. Additional and essential means of climate stabilization include reforestation, saving swamps and estuaries, and rapid and extensive reduction of fossil fuel consumption through conservation and development of alternative energy technology.

(2) For purposes of paragraph (1)—

(A) the term "soil remineralization" means adding rock dust, with appropriate proportions of minerals and trace minerals, to the soil to support the growth of microorganisms and plant life that transforms atmospheric carbon dioxide to carbon and oxygen; and

(B) the term "program of ecosystem regeneration" means a program of sufficient magnitude and of such timing as to permit climate stabilization before climate conditions preclude action. This includes major reductions in activities that produce carbon dioxide such as fossil fuel consumption; and in activities that impair natural mechanisms for removing carbon dioxide from the natural mechanisms for removing carbon dioxide from the atmosphere, such as forestry practices that reduce forest acreage beyond minimal requirements for fuel and building materials. It also involves replacing improper agricultural practices that deplete the soil, such as use of petrochemical fertilizers, pesticides and herbicides, with methods of sustainable agriculture that enhance soil fertility.

(c) TIME PERIOD TO ACCOMPLISH OBJECTIVES.—The Congress also finds that the key time period for accomplishing the purposes of this Act is 10 to 15 years, with implementation to begin as soon as possible.

SEC. 3. PURPOSES.

The purpose of this Act is to establish a process whereby the Congress and the President of the United States shall cooperate in a national and international program to—

(1) reduce heat, drought, and subsequent famine and forest fires, tornadoes, and to decrease the freezing extremes, snow buildup, flooding, cloud cover, and storms in the winter;

(2) promote regeneration of the earth through reforestation, soil and ocean remineralization, conservation, and alternative energy technology development; and

(3) assist in climate stablization by reducing atmospheric carbon dioxide and thereby reduce the warming and cooling extremes.

SEC. 4. CLIMATE STABILIZATION PROGRAM.

(a) IN GENERAL.—The President shall, within 270 days from the date of the enactment of this Act, promulgate a regulation providing for a climatic stabilization program to be coordinated by the Board established by section 5(b) and other appropriate Federal agencies, as determined by the President. The President shall begin and continue the implementation of the program to the extent funds are appropriated for such purpose or are available in the Fund established by section 9(a).

(b) OBTAINING INFORMATION.—(1) The regulation promulgated under subsection (a) shall provide for information development and processing centers which shall cooperate with international agencies concerning data outside the United States and shall develop and process data about world climatic conditions, including the following:

(A) Snow cover, depth and volume of snow.

(B) Sea ice, arctic and antarctic.

(C) Land surface air temperature.

(D) Rural surface air temperature.

(E) Sea surface temperature.

(F) Troposphere temperature.

(G) Stratospheric air temperature.

(H) Cloud cover and optical characteristics.

(I) Precipitation.

(J) Mapping of soil mineral quality as it bears on forest and crop conditions.

(K) Desertification.

(L) Trends in land use, including forests, swamp cover, marsh lands, and wetlands.

(M) Forest fires and dying forests.

(N) Phytoplankton in ocean areas, nutrient requirements and potential increase in phytoplankton from nutrient supplementation.

(O) Losses due to environmental conditions, including record heat spells, drought, storms with heavy rain and wind, flood, landslides, tornadoes and hurricanes, record cold conditions, abnormal frost and freezing conditions, blizzards, snowstorms, snow and ice buildup, shorter growing seasons, forests dying, forest fires, forest and agricultural insect infestation, acid rain, lake damage, earthquakes, and volcanic action.

(2) The information development and processing centers shall assess and publish information on developing climate conditions, and their effects upon life on earth, in the following ways:

(A) Data shall be used to track and analyze the losses of food crops, utilities, buildings, roads, trees, production facilities of all types, human life, and elements of the technological infrastructure, including the magnitude of such losses over the 10 years immediately preceding the date of the enactment of this Act.

(B) When volcanic eruptions occur, the contribution of volcanic ash to soil remineralization shall be reviewed by an appropriate interagency force.

(C) The magnitude and rate of future breakdown of technological systems due to climate shift shall be estimated on a periodic basis.

(c) OVERALL PLAN.—The regulation promulgated under subsection (a) shall include a plan for the implementation of the climate stabilization program that provides for—

(1) participation at city, county, and State levels, through councils described in section 5(c), and at national and international levels;

(2) preliminary Federal, State, and local plans to be developed and implemented as soon as practicable;

(3) goals for the United States, including those that will determine the—

(A) quantity and quality of rock dust and other amendments to be applied to soil for at least five years of forest or crop growth;

(B) land area to be covered by application of rock dust; and

(C) priorities for areas to be treated with rock dust to gain the greatest benefit;

(4) description of international, national, State, and local policies that will support the climate stabilization program;

(5) international cooperation to maximize the primary activities of soil, forest, and energy work and reduction of atmospheric carbon dioxide, including—

(A) preferential support of countries where forests can be developed the fastest; and

(B) assistance for other countries in meeting their tree planting objectives;

(6) planning and coordination of Federal actions through appropriate agencies for the purpose of stabilizing climate conditions by—

(A) immediately initiating emergency projects until more permanent programs are established;

(B) establishing a national "CO_2 Budget," which shall include (i) current annual rates of carbon dioxide increase or decrease by

source, and (ii) plans for reductions for each of the next 5 years;

(C) redeveloping and expanding forests, swamps, marsh lands, and wetlands;

(D) preparing estimates for additional net growth of existing remineralized forests and of newly planted forest areas;

(E) developing, enhancing, and mass-producing remineralization technology, including equipment to manufacture rock dust and equipment to apply it to the soil;

(F) participating in international research, investigating environmental implications, and expanding plans for ocean phytoplankton, where addition of particular nutrients in specific areas will produce rapid increase in phytoplankton and thereby add significantly to reduction of global atmospheric carbon dioxide; and

(G) implementing changes in industry, transportation, energy technology, and agriculture that support the program;

(7) the enlistment of cooperation and participation by both the public and private sectors at city, county, State, and Federal levels as provided for in sections 5 and 6 in ways that will maximize—

(A) employment efforts in a manner that will provide full employment (with support services such as food, housing, health and childcare, and education) of the Nation's work force in a climate of international cooperation as this effort becomes a central theme of the Nation's productive activity until there is a restoration of earth-atmosphere balance; and

(B) cooperative enterprises to provide the rock grinding equipment necessary to produce sufficient rock dust for the purposes described in paragraph (3);

(8) the curtailment of counterproductive technological practices, including—

(A) the reduction of fossil fuels (including current oil wells and coal burning facilities) through conservation and development of alternative energy technology other than nuclear sources;

(B) the elimination of fossil fuel development projects, such as off-shore drilling for oil and further development in Alaska;

(C) limitation on the cutting of trees for timber, fuel, and other agricultural, industrial, or residential purposes; and

(D) the reduction in the use of toxic and radioactive materials that are harmful to living tissue;

(9) support for ecoologically sound technology and practices, including funding for—

(A) agricultural technology that supports remineralization and energy technology that improves the efficiency with which petrochemical fuels are used or develops an alternative, ecologically sound energy technology the waste products of which are recyclable by the escosystem and whose ecological effects are within the tolerances of the ecosystem for supporting life native to this geological period;

(B) development of altenative, bengin energy technology such as cost- and energy-efficient solar thermal electric plants in lieu of coal, oil, or nuclear plants; and

(C) more fitting waste management policies, such as the composting of urban solid waste and the depositing of this material back into the soil in the region in which it is generated, or as close as possible;

(10) the socioeconomic requirements of the program, including—

(A) training and retraining people to be employed on soil, forest, and energy projects; and

(B) maintaining the stability of local communities so that people working on the program can continue to reside in the locale in which they were residing before beginning such work; and

(11) the implementing of Article 2.3, and 2.4 of the Charter of the United Nations (requiring the settlement of international disputes by peaceful means) and Articles 55 and 56 of such Charter (promoting higher standards of living, full employment, and conditions of economic and social progress and development).

SEC. 5. ORGANIZATION.

(a) CONGRESSIONAL COMMITTEES.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall take steps to establish, through the rulemaking procedures of the Senate and the House, a Joint Committee on Climate Stabilization for the purpose of carrying out oversight activities with respect to the climate stabilization program established pursuant to this Act.

(b) ESTABLISHMENT OF FEDERAL COUNCIL.—(1) The Council on Climate Stabilization and Earth Regeneration is hereby established as an independent Federal agency responsible directly to the President.

(2) The President shall appoint 24 members to the Council, with the advise and consent of the Senate, from various political, labor, business, ethnic, environmental, scientific, and other backgrounds to assure the proper implementation of the program carried out under this Act.

(3) The Board shall review and report directly to the President concerning the implementation of the program carried out under this Act, especially with respect to ensuring the participation and coordination of Federal agencies.

(4) Members of the Board shall serve for a term of six years, except that one-half of the members first appointed to the Board shall serve terms of four years.

(5) The Chairman shall be appointed by the president, with the advice and consent of the Senate, and such Chairman shall serve a term of four years.

(6) The President shall provide for sufficient staffing for the Board.

(c) STATE AND LOCAL COUNCILS.—(1) The President and the Council established by subsection (b) shall take steps to assure the establishment of councils at the State and local levels of government to assure implementation of the climate stabilization program at those levels through the participation of State and local governments, trade unions, industry, and other citizen groups in an interdisciplinary manner.

(2) Each such council shall be responsible for the implementation of the climate stabilization program at the level of government at which it is established and, in such implementation, for utilization of the CO/2 budget process described in section 4(c)(6)(B).

(3) These State and local councils shall prepare measures to prevent or minimize technological damage and to maintain the technological and agricultural infrastructure. They shall also estimate, monitor, and report the effects of climate change on technological systems, including utilities, transportation, communication, industry.

SEC. 6. DISTRIBUTION OF RESPONSIBILITY.

The President shall provide, in the regulation promulgated under section 4(a), for maximum participation and cooperation at the international, Federal, State, and local levels of government, including—

(1) The development and implementation of plans at each level by the councils established under section 5(c) with appropriate cooperation among the councils at each level within a State;

(2) Federal agencies, under the direction of the Council established in section 5(b), being responsible for reviewing, coordinating, and providing assistance with respect to each State plan resulting from the cooperation of the councils at the various levels in a State;

(3) designation of proper procedure for the management of funds at each level;

(4) private participation through the manufacture and installation of cost- and energy-efficient solar thermal electric power facilities that displace carbon dioxide producing facilities;

(5) widespread public participation; and

(6) extensive cooperation with international organizations.

SEC. 7. CRISIS MANAGEMENT.

The President shall provide, in the regulation promulgated under section 4(a), for a unified crisis management operation through coordinated international, Federal, State, and local interdisciplinary activity designed to minimize damage from, and to maintain agricultural and industrial production under, changing atmospheric conditions that cause natural disasters.

SEC. 8. EVALUATION.

The President shall provide, in the regulation promulgated under section 4(a), for extensive and ongoing evaluation of the climate stabilization program established under this Act, including—

(1) evaluation conducted by the Council created by section 5(b) and the State and local councils created pursuant to section 5(c) of the decrease in carbon dioxide achieved by reforestation, soil improvement, energy conservation, and alternative energy resources;

(2) inclusion in each environmental impact statement made under the National Environmental Policy Act of an estimate of the proposed project on the carbon dioxide levels annually; and

(3) compliance with national and international laws and agreements affecting ecology standards.

SEC. 9. FUNDING.

(a) TAX REVENUES.—

(1) Imposition of corporate tax surcharge.—

(a) IN GENERAL.—

Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART IX.—CORPORATE TAX SURCHARGE

"Sec. 60. Corporate tax surcharge.

"SEC. 60. CORPORATE TAX SURCHARGE.

"(a) IMPOSITION OF TAX.—In addition to the other taxes imposed by this chapter, there is hereby imposed on the income of every corporation for each surtax year a tax equal to 5 percent of the tax imposed by this chapter (determined without regard to this section) for such surtax year.

"(b) SURTAX YEAR AND PERIOD.—For purposes of this section—

"(1) SURTAX YEAR.—The term 'surtax year' means any taxable year beginning or ending during a surtax period.

"(2) SURTAX PERIOD.—The term 'surtax period' means the period beginning on January 1, 1990, and ending on December 31, 1994.

"(c) NO CREDITS AGAINST TAX.—The tax imposed by this section shall not be treated as a tax imposed by this chapter for purposes of determining any credit allowable

under subpart A, B, or D of part IV of this subchapter or under section 936.

"(d) SPECIAL RULES.—

"(1) SPECIAL RULES WHERE ENTIRE TAXABLE YEAR NOT WITHIN SURTAX PERIOD.—In the case of any surtax year any portion of which is not within a surtax period, the amount of the tax imposed by subsection (a) shall be an amount equal to the amount of the tax which would be imposed by subsection (a) for the surtax year (determined without regard to this paragraph) multiplied by a fraction—

"(A) the numerator of which is the number of days in the surtax year which are within the surtax period, and

"(B) the denominator of which is the number of days in the entire surtax year.

"(2) SECTION 15 NOT TO APPLY.—Section 15 shall not apply to the tax imposed by this section.

"(e) ESTIMATED TAX.—For purposes of applying section 6655 (relating to estimated tax for corporations) with respect to any installment which is required to take into account the tax imposed by this section, section 6655(d)(1)(B)(ii) shall not apply.

"(f) ADMINISTRATIVE PROVISIONS.—For purposes of this title, to the extent the tax imposed by this section is attributable (under regulations prescribed by the Secretary) to a tax imposed by another section of this chapter, such tax shall be deemed to be imposed by such other section."

(B) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"PART IX. CORPORATE TAX SURCHARGE."

"(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years ending after December 31, 1989.

(2) CLIMATE STABILIZATION TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of such Code (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. CLIMATE STABILIZATION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Climate Stabilization Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Climate Stabilization Trust Fund the amount determined by the Secretary to be equivalent to the taxes received in the Treasury under section 60 (relating to corporate tax surcharge).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Climate Stabilization Trust Fund shall be available, as provided in appropriate Act, to carry out the Emergency Climate Stabilization and Earth Regeneration Act of 1989."

(B) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end thereof the following new item:

"Sec. 9511. Climate Stabilization Trust Fund."

(b) STATE AND LOCAL FUNDING.—Eighty percent of the funding for any project carried out under this Act shall be from Federal sources. The remainder of the funding for any such project shall be divided equally between State and local governments.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

THE CREDIT REPORTING REFORM ACT OF 1989

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 20, 1989

Mr. RINALDO. Mr. Speaker, yesterday I introduced the Credit Reporting Reform Act of 1989, which will update the Fair Credit Reporting Act.

Recently, a Business Week reporter examined the credit files of Vice President Dan Quayle and one of our House colleagues. The Washington Post reports that a woman's unlisted phone number was taken from her credit records by a man who wanted to date her. Business Week also reports that a long distance phone company used a potential customer's phone records to try to sell her their service. It further reports that a major issuer of credit cards examined a customer's checking account and cut off his account because it believed that he did not have enough money to pay a bill that they had not even issued yet.

All of us have had our credit records checked without our knowledge or consent. The bank that offers a consumer a preapproved line of credit has examined his credit file before writing to him. A company can request a mailing list of all Union County, NJ residents with incomes of over $50,000, unused credit lines of at least $10,000 on existing credit cards, who already have certain local department store credit cards, and who have two or more children. That company could be a bank, a realtor specializing in timeshare vacation homes, or a mail-order clothing retailer.

To make matters worse, not only is there no guarantee that this information is accurate, but it can also be very difficult to correct errors a consumer finds out about. Thus, a consumer who applies for a mortgage, and finds that his credit record includes overdue accounts from department stores in cities he has never visited, may find that it takes months to correct his credit history. If he corrects one set of records, he may find that there are two other major credit reporting companies, and an equal amount of work may be required to clear his record with these companies.

Finally, a consumer may apply for a mortgage and find that his credit record includes one account which reported a delinquency several years ago. Regardless of whether this is justified or not, the consumer might be totally unaware, because there is no requirement that he be notified that he has been reported to a credit bureau.

These activities are supposed to be regulated by the Fair Credit Reporting Act. However, it has not been revised for almost 20 years and it has huge loopholes. The advent of computers has made collecting and manipulating credit records very easy. Since there are minimal restrictions on what these records can be used for, a credit bureau's imagination is the only real limit on what it can do with the information.

Mr. Speaker, credit records are more than just idle numbers. They are a consumer's reputation. By using this information, all sorts of information about his or her personal habits, buying practices, lifestyle, et cetera can be determined. It is one thing for this information to be collected and used with the permission and knowledge of a consumer, but it is quite another for this to be done secretly and behind his or her back.

My legislation includes the following specific reforms:

I. DISCLOSURES TO CONSUMERS

Requires creditors to inform consumers in writing at the beginning of a credit relationship what information will be forwarded to a credit bureau in the event of late payments, et cetera.

Requires the creditor to inform consumers when they have been reported to a credit bureau by placing a notation on their next account statement.

Requires credit bureaus to provide consumers on demand with a free copy of their credit record. Consumers will then be able to check the accuracy of their records. This will also eliminate a provision that allows credit bureaus to provide only the "nature and substance" of the report instead of an actual copy.

Expands disclosure that a credit report has been used to one that requires disclosure for any transaction where credit reports are used.

Requires that all disclosures that a consumer has been denied a transaction based on credit records be in writing, and include a copy of the credit report, a notice of rights under the FCRA, and the names of all three major credit reporting bureaus.

II. ALLOWABLE USES OF CREDIT INFORMATION

Changes the current "legitimate business needs" criteria for requesting a credit report to language that allows it to be only used for transactions initiated by the consumer. This change will eliminate using credit records for prospective credit solicitations, marketing plans, mailing lists, et cetera.

Allows businesses to receive credit information only while a business relationship with a consumer exists.

III. INFORMATION THAT CAN BE COLLECTED

Changes the current provision that allows information to be collected on "credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living" to factual information on payment records and financial and legal information.

Changes the current provision that requires all information to be kept up to 7 years to a sliding scale that would retain serious credit problems up to 7 years, but require less serious problems to be purged from a record earlier.

IV. ACCURACY OF INFORMATION

Mandates an FTC study to recommend procedures for credit bureaus to reach the maximum possible accuracy in the information that they collect.

Requires that any information contested by the consumer is to be reinvestigated within 30 days. Currently, there is no requirement to ensure a timely correction.

Requires that inaccurate information is to be corrected on both future reports and on reports issued within the past year. Currently,

corrected reports are sent only at the request of the consumer.

V. ENFORCEMENT CHANGES

Grants the FTC civil enforcement authority over all parts of the FCRA. Currently the FTC only has the ability to seek criminal penalties or cease and desist orders against violators. This change would allow the FTC to impose civil penalties against violators. Civil penalties are more of a deterrent than cease and desist orders, but do not clog up Federal courts with relatively minor cases.

Grants the FTC rulemaking authority to interpret the law. This would allow them to keep pace with a rapidly changing industry without requiring constant changes in the law. Currently, FTC does not have this authority.

Extends all consumer protections and regulations to third-party providers of consumer credit information, including superbureaus and clearinghouses.

Requires all credit bureaus including third-party providers to register with the relevant enforcement agency in their area and with the FTC. This will help to limit operators who move from place to place running businesses that skirt or violate the law.

The following article from Business Week, dated September 4, 1989, illustrates the extent to which individual privacy can be invaded by credit reporting companies.

IS NOTHING PRIVATE? COMPUTERS HOLD LOTS OF DATA ON YOU—AND THERE ARE FEW LIMITS ON ITS USE

Last spring, the long arm of American Express Co. reached out and grabbed Ray Parrish. After getting his credit card in January, the 22-year-old New Yorker promptly paid bills of $331 and $204.39 in February and March. Then he got a surprising call. His credit privileges were being suspended, an American Express clerk informed him, because his checking account showed too small a balance to pay his April charge of $596. A contrite American Express now says it should have asked before peeking, and it reinstated Parrish after he paid his bill from his savings and cash on hand. But that was beside the point. "I felt violated," says Parrish, who has kept his card because he needs it. "When I gave them my bank account number, I never thought they would use it to routinely look over my shoulder."

Well, Ray Parrish, welcome to the Information Age. Over the past couple of decades, computers have collected a vast store of data on average people. Like Parrish, who have American Express the right to snoop when he signed its credit card application, everyone has parted with the most private details in applying for mortgages, drivers' licenses, even telephone service. Few people realize that this information is largely unprotected by rules, laws, or codes of ethics. Instead, it is free to be pored over, analyzed, and sold and perhaps paired with other data to draw an intimate profile based on a person's daily habits. Says Robert Ellis Smith, editor of the Washington (D.C.) newsletter Privacy Journal: "For very little cost, anybody can learn anything about anybody."

Much of this information begins its journey at one of the three leading credit bureaus, the companies that verify for lenders the creditworthiness of prospective borrowers. Between them, TRW in Orange (Calif.), Equifax in Atlanta, and Trans Union Credit Information in Chicago have 400 million records on 160 million individuals. All guard their information. It's hard to steal. But it's easy to buy. The credit bureaus themselves sell at least 300 variations of it, broken down by such categories as sex, age, and income. They sell lists of people they think may go bankrupt and then sell consumers who worry about being on such lists their own credit reports. Beyond that, they supply so-called superbureaus, a second tier of perhaps 200 credit agencies that generally serve small customers ignored by the Big Three. And by reputation, at least, the superbureaus tend to sell to almost anyone.

To test that, one of Business Week's editors signed up with two superbureaus, identifying himself as an editor at McGraw-Hill Inc. He told one fib: that he might be hiring an employee or two and would need their credit reports. Afer a perfunctory check, both bureaus gave him carte blanche—and revealed the surprising breadth of their files. Provided with just the names and addresses of two of his colleagues, one superbureau produced their credit reports—including their Social Security numbers that the editor didn't have—for $20 apiece. The superbureau manager warned that one colleague's mortgage was ominously large, then offered to fax the reports.

The second arrangement was more openended. For a $500 initial fee, the editor got access via his home computer to the superbureau's data base. Free to explore, he again checked on his colleagues, at about $15 per report. Then, he ran two names whose prominence might have set off alarms if the credit agency audited the use of its files. One was Representative Richard J. Durbin (D-Ill.), the other Dan Quayle.

WE HELP

There were no alarms. A request for plain Dan Quayle at an Indiana address listed in an old Who's Who in the Midwest turned up an "a.k.a. J. Danforth Quayle" with a Washington-area address. There was nothing juicy. The Vice-President charges more at Sears, Roebuck & Co. than at Brooks Brothers. He has a big mortgage. His credit card number at D.C. area Merchants Bank is. . . . Sixteen digits long. But Quayle is not amused. "We find the invasion-of-privacy aspect of the credit situation disturbing," says a spokesman. "Further controls should be considered."

As the credit bureaus point out, there are plenty of legitimate uses for financial histories—especially now. With individual bankruptcies rising 25% annually, to about 80,000 this year, and with about 4% of all consumers not paying credit card and mortgage bills, lenders are becoming more wary. "The better we get, the more we help them reduce losses," says Richard D. C. Whilden, executive vice-president and general manager of TRW Information Systems Group. James O. Perkins, president of the credit bureau division at Equifax, adds that when Equifax projects an individual's bankruptcy, based on up to 40 factors such as his payment history and how fast he's running through lines of credit, "lenders are usually surprised." But about 90% of the time, he adds, Equifax is right.

For marketers, moreover, the credit bureaus are "a remarkable asset," says William L. Edwards, an analyst for Volpe, Covington & Welty, an investment company in San Francisco. "They have files on nearly every consumer in the largest consumer market in the free world." As much, as $2 billion will be spent this year finding the right people to pitch products to. And in a wasteland of inaccurate lists, says Denison Hatch, editor of the newsletter Who's Mailing What, "the credit bureaus are offering up-to-date, technologically driven information." Now, it's possible to buy the names of Hispanics who earn $500,000 a year and have $10,000 available on their credit cards. Or the names of every person within a 50-mile radius of Dallas with $1 million in the bank. With few exceptions, selling such information is perfectly legal. And profitable. The credit bureaus' margins before taxes from this end of the business run about 25%.

But should credit information be as easy to buy as knickknacks at a weekend bazaar? If all that results is more junk mail, it's hard to find fault. But what if the consequences are greater? It's just a short step to "behavorial manipulation," says George B. Trubow, a privacy expert and professor at John Marshall Law School in Chicago. And there are other nagging issues.

The information the credit bureaus end up with usually has been provided for a specific use—in American Express' case, to help customers establish a credit record. "It's disturbing to see companies' repackage and sell it without approval, says Jonathan Linen, president of the Direct Marketing Group at American Express, since that tells competitors who his best customers are. And when individuals "find out what's going on," adds Ken McEldowney, director of San Francisco-based Consumer Action, "they are appalled."

Karen Hochman certainly was. Last fall, she told a caller trying to sell long-distance service from ITT that she doesn't make many out-of-town calls. "I'm surprised to hear you say that," she recalls him saying. "I see from your phone records that you frequently call Newark, Delaware, and Stamford, Conn." A spokesman says ITT "has very little control" over the 13 telemarketing companies working for it. But that's no comfort to Hochman, a direct-mail consultant in New York. "I was shocked, scared, and paranoid," she recalls. "If people are able to find out who I call, what else could they find out about me?"

Like viruses and hackers, it's a modern dilemma. "Computers have outstripped our ability and that of our laws to safeguard privacy," says David F. Linowes, a University of Illinois professor. He chaired the 1977 U.S. Privacy Protection Commission, which warned that use of computers for collecting and sharing personal information was getting out of hand. Indeed, with the cost of computing dropping rapidly and data flowing more freely, it won't be long, say privacy advocates, before practically anyone can do it. That will worsen a problem already noted by Priscilla Regan, chief researcher at Congress' Office of Technology Assessment (OTA): Most citizens have little idea what files on them exist, and it's "nearly impossible for individuals to learn how these records are being used."

"MELTDOWN"

At least 10 federal laws ostensibly protect individual privacy. But most of them are weakened by fist-size loopholes. During the Reagan Presidency, moreover, the Federal Trade Commission, which oversees the credit bureaus, suffered what some staffers call a "regulatory meltdown" that left the Fair Credit Reporting Act (FCRA) of 1970 unattended. With a flat budget for eight years—a decline if adjusted for inflation—"the agency can hardly survive," says Albert A. Foer, an FTC staffer in the Ford and Carter Administrations and now chief executives at Melart Jewelers Inc. in Washington. The FTC's Credit Practices Group, the

FCRA watchdog, has lost nine of its 42 staffers.

This isn't especially surprising, given the government's own record as a snoop. That started on a large scale in 1977, the year that Joseph A. Califano Jr. decided to make the Health, Education & Welfare Dept. more efficient. Califano's idea was to compare thousands of files of welfare recipients with government payroll records—and root out double-dippers. This meant bending the 1974 Privacy Act, which prohibits federal agencies from sharing information without an individual's consent. But Califano insists it was worth it. He claimed millions in savings, which "kept Great Society programs from being cut."

The assertion of great savings has been widely disputed. Doubters cite the case involving a nurse who, at 32, was forced to quit her job in Washington, D.C., and go on welfare after she contracted cervical cancer in 1977. Months later, with the cancer under control, she returned to work and tried, unsuccessfully, to have her welfare payments stopped. Then, in September, 1978, she was caught in one of Califano's Project Match stings. She was indicted with 15 others who allegedly stole an average of $6,000 each by accepting welfare while holding a job.

In the end, the nurse and three others were cleared, four people pleaded guilty to misdemeanors, and six to felonies. The most repaid by any of them was $2,000. "When you consider the court-appointed attorney's fees, the salaries of those doing follow-up investigations, and the cost of court time," says Evan Hendrix, editor of the newsletter Privacy Times, "this was not a very cost-effective match." As recently as 1986, a General Accounting Office study of a few dozen data-matching projects reached a similar conclusion. In particular, it lambasted savings estimates, saying that agencies weren't able to detail the costs they incurred to generate the benefits.

By then, however, computer matching had "become an industry in Washington," says an aide at the House Government Operations Committee. In 1984, the last time OTA did an audit, government agencies were computer-matching more than 2 billion records in 110 programs. Some matches seem frivolous: The Selective Service Administration has compared its files with birthday party lists kept by some chains of ice cream parlors, looking for 18-year-olds who haven't registered.

But most matches are serious. The Credit Alert System at the Housing & Urban Development Dept., for instance, lets banks check HUD records to see if mortgage applicants are in default on Federal Housing Administration loans. Washington also shares with the credit bureaus files on people who owe the government money. And until the Social Security Administration dropped the practice this year, it had for 10 years let companies such as Citibank, TRW, and Chilton Corp. compare their files against the SSA's to ensure the accuracy of Social Security numbers on credit records. TRW was about to run 140 million such matches when Senator David H. Pryor (D-Ark.) complained during hearings last April, calling it "the largest breach of privacy in [SSA] history."

The Federal Bureau of Investigation generated similar reactions in 1987, when it proposed a modernization of its information system, the National Crime Information Center (NCIC). Among other things, the project, known as NCIC 2000, would have linked FBI criminal data banks with computerized records at airline reservation systems, car rental companies, creditors, credit bureaus, insurance companies, and phone companies. Moreover, NCIC 2000 would have cross-matched government data banks at the Internal Revenue Service, the Social Security Administration, and the Immigration & Naturalization Service.

POLICE STATE?

NCIC 2000 raised many civil-liberties questions—including the specter of a police state. So, Representative Don Edwards (D-Calif.), whose House Judiciary subcommittee on civil and constitutional rights oversees the FBI's data-base efforts, asked the American Civil Liberties Union, among others, to comment. Based on the ensuing criticism, the FBI's plans were toned down, though a source who watches the agency says "there are other efforts under way that deserve attention." For example, he claims that the FBI is collecting financial records of individuals, including brokerage-house orders and electronic-funds transfers between banks, through electronic surveillance of data transmissions over phone lines. Now, the Edwards panel has asked the FBI to tell it if this is happening.

Two decades ago, the credit bureaus themselves saw the potential for abuse in the data they gathered. They were so stingy with it, in fact, that not until the FCRA was passed were individuals given the right to see their own files. TRW's code of ethics at the time declared that "credit information shall be treated by both TRW Credit Data and its subscribers as confidential. Lists of names shall not be compiled . . . for sale." Today, TRW's absolute rules have been replaced by a more flexible Privacy Review Board. And the company sells lots of lists.

What happened? "The marketplace changed," says Edward A. Barbieri, a TRW vice-president and general manager of TRW's credit-data services division. Now just banks, but direct marketers, retailers, and even charities were ravenous for information. Rising costs for postage, paper, and in-person sales calls were one reason. So was the potential for better-focused sales calls.

"GREAT OPPORTUNITY"

Credit bureaus get more of their information automatically. At least once each month, the nation's banks and retailers, among others, give the bureaus computer tapes or electronic files detailing the purchasing and payment activities of nearly every consumer in the U.S. Dotting these files are mortgage and credit-card payments and balances, income, family makeup, employment histories, driving records, bank balances, descriptions of legal tangles, and Social Security numbers—good raw material for fashioning new products. "It's a great opportunity for us," says John A. Baker, senior vice-president for marketing services at Equifax. "We don't have to do a lot to grow fast."

Last year, Equifax' operating income from sales of credit and marketing data rose 17%, to $61.5 million, on an equal increase in revenues, to $259 million. Those operations contributed 35% of Equifax' overall revenues but 75% of its profits. Credit and marketing revenues of $335 million at TRW and $300 million at Trans Union were each up about 10% last year.

The credit bureaus have two strategies for keeping the growth going. One is acquisitions. In less than five years, TRW has brought 33 other credit agencies, including last year's $330 million purchase of Chilton, which added 140 million files to TRW's computers. Equifax has put nearly 104 smaller credit bureaus on its network. Trans Union has brought abroad 23 and opened offices in 25 new markets. Together, the number of credit bureaus controlled by the Big Three has doubled during the 1980s to more than 200, giving them data on more than 90% of the U.S. adult population. This helps with the other growth strategy. Selling new products developed by repackaging credit-bureau data. Technology analyst Louis Giglio at Bear, Stearns & Co. says this can produce net margins of more than 30% on the incremental revenues.

It's in stretching for new products that the credit bureaus may stimulate controversy. In the past, they were uncomfortable selling to just anyone thing approaching the all-inclusive credit reports that banks get. Instead, they would sell lists of names that fell within the parameters that a retailer, for instance provided: men between 40 and 45 with incomes of $100,000.

CROSSING THE LINE?

Then, last year, TRW developed the Financial Lifestyle Database. For as little as 10¢ per name, any customer—mail-order house, phone solicitor, or fringe political group—can buy names, addresses, and phone numbers of people categorized by their income whether they have credit cards, and how much credit they have available. This product raised eyebrows even in the industry. "It gets too close to the credit report," says Baker at Equifax. Equifax sells lists based on credit records but categorizes people more generally, by above-average, average, or below-average credit activity. TRW says that Equifax is just splitting hairs.

There is also criticism of a product called Hawk, a Trans Union offering that weeds out frauds. It runs names submitted for credit approval against a data base of phony addresses, Social Security numbers, and telephone numbers gathered from check-cashing offices, mail drops, telephone-answering services, government agencies, and credit reports. *Privacy Journal* editor Smith claims that if Hawk gives an incorrect assessment, an underserved cloud of suspicion could hover over an innocent person. But Trans Union President and CEO Allen J. Flitcraft dismisses these concerns. "A huge percentage [of Hawk] is accurate," he says.

Even when there's no controversy, credit-bureau products are getting more precise. Last year, Equifax paid $21 million for National Decision Systems, which sells computerized breakdowns of neighborhoods and towns with profiles of the residents' spending habits. It derives this from census data and surveys, among other sources. National plans to incorporate Equifax' credit data into its data base. And that "will take us down to the level of offering information on the habits of individual households," says Richard Abraham, National's financial services marketing director. Marketers no longer will think of two neighbors as similar because their houses are and each has two kids. National will know that one heavily uses his five Visa cards and the other has none.

Where all this will end is hard to tell. With few laws restraining the credit bureaus, critics pick at a few controversial practices. For instance, the FTC is now mustering an attack against prescreening, in which a company selling a product or offering a credit card gets a credit bureau to identify the best candidates on a list of potential customers. "Consumers don't understand that for each ad stuffing their mail-

box, a company without their knowledge or permission has asked a credit bureau to review their file," says Anita Boomstein, a New York lawyer who specializes in banking and consumer financial services.

LOBBYING MACHINES

Over the years, an FTC rule that a marketer must make an offer of credit to everyone who survives a prescreen has been watered down by staff decisions. Now, the agency wants to turn back the clock. The Big Three have objected that prescreening is working just fine—and they've cranked up their lobbying machines. "The credit bureaus tend to know their local congressmen very well," says Kenneth McLean, who as a aide to former Senator William Proxmire crossed swords with them and lost over efforts to limit their activities. Thus, consumer activists fear that when the five-member FTC rules this fall, prescreening will survive unchanged.

There's little chance of restraining the superbureaus either. The Big Three whisper that they would like them shut down. But their hands are tied, they say. "We're especially vulnerable to antitrust complaints," says Equifax' Baker, "when we refuse to allow smaller companies to subscribe to our services." The FTC will be of little help. "We're very concerned about the superbureaus," says Jean L. Noonan, the agency's associate director for credit practices. "I've heard allegations that they're far too lax." But she concedes that the FTC lacks the investigative muscle to prove it.

That might change with George Bush in the White House—or it might not. Last month, Henrietta F. Guiton, director of the President's Council on Consumer affairs, convened credit-industry leaders, consumer and civil-liberties activists, and congressional staffers to discuss if privacy is being abused by the sale of information. Afterward, Guiton said: "There's a problem here, because consumers don't want information about them used for any other purpose than the one it was collected for." But she's unsure how she'll advise the President.

New laws could stop the snoops—but not unless the public is aroused. And for now, it is apathetic. Robert H. Courtney Jr., a computer-security expert, discovered this some years ago. Then a manager at IBM, Courtney sent researchers out to a New York street to ask passers-by if they thought modern technology was invading privacy. "Nearly 90% said yes," says Courtney. The next day, on the same street, his group offered a credit card with a favorable interest rate. The application asked for a Social Security number, information about other credit cards, and bank-account numbers and balances. "About 90% of the people filled it out without hesitating," says Courtney, "leaving no spaces blank." The message is hard to ignore: If people feel that nothing is private, then probably nothing is.

By Jeffrey Rothfeder in New York, with Stephen Phillips in Orange, Calif., Dean Foust in Atlanta, Wanda Cantrell in Chicago, Paula Dwyer in Washington, and Michele Galen in New York.

THE RIGHT TO PRIVACY: THERE'S MORE LOOPHOLE THAN LAW

His bank cost Theodore Cizik his job. In 1983, the former controller at a New Jersey company sided with his employer in a dispute with Midlontic National Bank/North—just after he applied for his own loan there. When Cizik wouldn't budge, he claims, the bank got even. It told Cizik's boss that he had a Rolls-Royce and Mercedes—assets he had wanted kept secret but had listed on his loan application—and the bank suggested that he had been moonlighting. Fired from his $45,000 job on that pretext, he says, Cizik sued the bank, and ultimately settled out of court.

Cizik's case highlights a startling fact: Almost no information is private. Only rarely, moreover, can individuals find out that information on them is being used. With about 10 privacy laws on the books, how can that be? The laws are narrow, and full of holes.

"BORK BILL"

The Fair Credit Reporting Act of 1970 is a case in point. It sounds good. It gives individuals the right to see and correct their credit reports and limits the rights of others to look at them. But it has five exceptions, including a big one: Anyone with a "legitimate business need" can peek. Legitimate isn't defined.

Then there's the Right to Financial Privacy Act of 1978. It forbids the government to rummage through bank-accounts records withour following set procedures. But it excludes state agencies, including law enforcement officials, as well as private employers. And more exceptions are tacked on every year. Says John Byrne, the federal legislative counsel for the American Bankers Assn.: "There's not a lot to this act anymore."

The best protection, in fact, is for customers of video stores. In 1987, a Washington (D.C.) weekly, The City Paper, published a list of videotape titles borrowed by Robert H. Bork, then a U.S. Supreme Court nominee. Outraged, lawmakers passed the Video Privacy Protection Act of 1988. Called the Bork Bill, it bars retailers from selling or disclosing video rental records without a customer's permission or a court order. While this is a breakthrough of sorts, privacy advocates say it's silly to pass such laws when medical and insurance records remain unprotected. Others find it ironic that the government itself continues to reveal more than anyone else.

For instance, the Privacy Act of 1974 was supposed to bar federal agencies from sharing information on U.S. citizens, a practice called matching. But it's O.K. to share information if the disclosure is consistent with the purpose for which the stuff was collected. That's called the routine use exception. In 1977, Health, Education & Welfare Secretary Joseph A. Califano Jr. crafted the exception to help root out welfare cheats by letting HEW review federal payroll records. His reasoning: Efficiency is a goal of all federal agencies. So they can share data to ensure it.

WATCHING WATCHERS

Today matching remains alive and well. When Congress passed last year's Computer Matching & Privacy Protection Act, which regulates the way federal agencies verify eligibility for benefits or recoup delinquent debts, it gave the government explicit permission to perform frequent matches. It tossed a bone to the subjects of matches. Before their benefits can be cut off, an agency needs two pieces of proof for its findings. And it has to notify individuals who are under suspicion.

Every bit helps, of course, but reformers want more. George B. Trubow, the former general counsel to the White House Right to Privacy Committee, wants a federal data protection agency to "watch the watchers." David F. Linowes goes further. The former chairman of the U.S. Privacy Protection Commission, which was set up by the Privacy act, is in favor of rules without exceptions. And he would give individuals $10,000 in punitive damages every time an abuse occurs. An interesting idea. But not one that Congress is likely to buy soon—at least not outside of video stores.

By Michele Galen, with Jeffrey Rothfeder, in New York.

THE MAJOR LAWS ON PRIVACY

Fair Credit Reporting Act (1970). Bars credit agencies from sharing credit information with anyone but authorized customers. Gives consumers the right to review their credit records and be notified of credit investigations for insurance and employment.

But the law lets credit agencies share information with anyone it reasonably believes has a "legitimate business need"

Privacy Act (1974). Bars federal agencies from letting information they collect for one purpose be used for a different purpose.

The law's exceptions let agencies share data anyway

Right to Financial Privacy Act (1978). Sets strict procedures when federal agencies want to rummage through customer records in banks.

But the law doesn't cover state and local governments. And a growing list of exceptions let the FBI and U.S. attorneys grab files.

Video Privacy Protection Act (1988). Prevents retailers from disclosing video-rental records without the customers' consent or a court order. It also forbids the sale of the records.

Privacy supporters want the same rules for medical and insurance files.

Computer Matching and Privacy Protection Act (1988). Regulates computer matching of federal data for verifying eligibility for federal benefits programs or for recouping delinquent debts. Requires the goverment to give individuals a chance to respond before taking adverse action.

Limited in scope, the law leaves many potential matches unaffected, including those done for law enforcement and tax purposes.

THE SCOOP ON SNOOPING: IT'S A CINCH

The stories are everywhere: A real estate agent gives a good client a couple of credit reports. A banker checks on a potential tenant for a friend. How hard is it, I wondered, to get into the credit files of someone else even someone I've never met? The answer: not hard at all.

I decided not to test the Big Three credit bureaus—TRW, Equifax, and Trans Union. They're the most secure, and they probably knew me as a reporter. A better bet seemed to be small credit agencies, called superbureaus, that buy and resell information from the Big Three and other sources and are often accused of being leaky. They're in the yellow pages under Credit agencies. And they advertise in magazines written for private eyes and spooks.

Identifyng myself as a McGraw-HIll Inc. editor who might be hiring someone, I spoke to nearly a dozen superbureaus before settling on two. One, on the East Coast, ran searches for me. I gave a name, I got a report. I had to speak with someone by phone to do it, which dissuaded me from checking on, say, Elizabeth Taylor. But any ordinary names—I used two colleagues'—would have worked. I signed a form required by the Fair Credit Reporting Act, declaring myself a customer authorized to buy credit

reports. My signature was accepted by fax, which isn't legally binding.

Another superbureau was more enticing. Its promotional literature listed a dozen services, from "instant nationwide tracing of Social Security numbers" to "over 250 million credit- and driver-history files on individuals." And I could get it all, using my own personal computer, for one low sign-up fee of $500. I paid with my personal credit card.

This company made me send in a written application—a heartening sign. Except that no one read it, apparently. Asked for a McGraw-Hill federal identification number—the corporate equivalent of a Social Security number—I made up two different ones on the same form. Asked for McGraw-Hill's bank-account locations, credit references, and the company's correspondence with the federal government, I said we couldn't disclose those. I was told to submit the application anyway, leaving spaces blank as necessary.

Maybe the blanks aroused suspicion—an investigator would be by to see me, I was told. The jig was up, I thought. My office is too small and plain for a big shot. And at work, I don't even have the personal computer needed to use the superbureau's service—just a terminal on a network.

But there was no need to worry. We met in the foyer, and the questions were easy. When was the building built? Did McGraw-Hill own or lease it? I didn't know, but, I guessed. The last requirement was a photograph of the place. Just like the one to the left, without me.

At home, from my own PC, I found the superbureau's menu a snoop's delight. Besides credit files—including credit-card numbers—there were Social Security numbers and addresses. And driving records. And credit reports on thousands of businesses.

I learned about loopholes, too. If I wanted reports for employment purposes, the subjects would have to be notified in accordance with federal law. "Can I get around this?" I asked. "When you go on-line," said my super-bureau contact, "just ask for 'credit reports' as opposed to 'employment-purpose credit reports.' Then no one will have to know anything."

I'm out of the snooping business now, especially since this article blows my cover. It was fun while it lasted, but here is the sobering thought: If I can do all this, anyone can. And maybe the next time, the target will be me.

By Jeffrey Rothfeder in New York.

NEVER MIND YOUR NUMBER—THEY'VE GOT YOUR NAME

Trapped—that's what most Americans are when it comes to ending up in credit reports and a variety of other data bases. There are avoidance schemes, such as guarding your Social Security number. But only one strategy really works: Pay cash. Avoid credit. Don't sign up for government programs. Walk, don't drive. Live under a rock. In short, for most ordinary people, there is no way out.

Early on, the Social Security number was the culprit—the tag for information on individuals. Originally, citizens had to disclose their number only when dealing with the Social Security Administration. But by the early 1960s, the Internal Revenue Service and other government agencies could demand the number for use in their identification systems. By the mid-1970s, states could ask for it on driver's license applications. Soon, universities, banks, and employers used it for identification, too. About then, the credit bureaus were converting to computers. And the Social Security number was a handy way to index their files.

The bureaus still use it a lot. Consumers usually can't borrow wads of money without providing the number and having their spending habits checked. But increasingly, the Social Security number is just a convenient aid. Americans apply for credit so often, and use their credit so much, that credit reports are updated monthly. The news that you paid on time pops up with your name and address attached. And the frequency of this makes the reports as good a tool as any number for keeping track of you.

Consumers will feel the effect as the credit bureaus develop new products. As they try to grow, one of their goals is to sell more data on lifestyles in addition to credit reports. They buy subscription lists, census records, real estate and insurance information, and marketing surveys. Mail-order pharmacies provide lists of their regular customers and the vitamins and drugs they use. Even charities sometimes give out lists of their best contributors. None of these records has a Social Security number attached. But every one has a name and address. Now things have come full circle: Provide someone's name, and the credit bureau will come up with the Social Security number that goes with it.

The ease of tracking people by name may help the concept of targeted marketing, new in the past few years, to blossom in the future. Already, it's possible to produce crude profiles predicting what goods individuals may buy and where—at the mall or at local shops. The next step, as the technique is refined, is to anticipate what products a family will be ready for next—from shoes to vacations or mini-vans—and try to influence even earlier the way decisions are made. In 1984, the George Orwell classic, Big Brother was a political dictator. In 21st century America, he may be a marketing whiz.

By Stephen Phillips in Cleveland.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 21, 1989, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 29

9:30 a.m.
Governmental Affairs
To hold hearings on the General Accounting Office's response to inadequate management controls.
SD-342

DECEMBER 5

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Department of Energy's implementation of the civilian nuclear waste program.
SD-366